

The Misrepresentation of the People Act

A

Bill

to

*Ensure honesty, transparency and accountability from
the representatives of the People and their employees.*

The obligation for honesty and transparency in matters of government by those elected to represent the People and their employees is absolute. They act on behalf of the People, their sovereignty flows from the people and is conditional upon such honesty and transparency.

s.1 Where an elected representative of the people or an agent employed on their behalf recklessly or with intent to deceive, publishes or causes to be published in their employment in office, a statement or account which to their knowledge is or may be misleading, false or deceptive in a material particular, they shall be guilty of an offence under this Act.

s.2 It shall be an offence under this Act for a representative of the people, or agent employed on their behalf to –

(1) Publish a statement, promise or forecast which he knows to be misleading, false or deceptive in a material particular, or

(2) Dishonestly conceal any material facts whether in connection with a statement, promise or forecast published by him, or

(3) Recklessly publish (dishonestly or otherwise) a statement, promise or forecast which is misleading, false or deceptive in a material manner.

s.3 It shall be a defence for any person charged with an offence under section 2 of this Act to show that at the time of the offence he -

(1) did not know, or could not have been reasonably expected to know that his act or conduct would create an impression that was false or misleading, or

(2) had no part in causing or permitting the publication of the statement or any part thereof, or

(3) could not reasonably be expected to have known that the statement to which the charge relates was inaccurate or misleading, or

(4) took all due care to ensure the accuracy of the statement, or

(5) acted in the interest of National Security.

s.4 It shall be a defence under this Act to provide full and frank disclosure in relation to the misleading, dishonest or reckless act. Disclosure under this section shall limit the potential liability under this Act to disqualification from holding public office. Such disclosure shall be provided (as a public document) within a reasonable time of becoming aware of the misleading, dishonest or reckless act.

s.5 Where a person causes any wasteful employment by knowingly making to a person a false report tending to show an offence has been committed, or tending to show he has information material to any police enquiry, he shall be liable for this offence on indictment only.

s.6 A person guilty of an offence of misrepresenting the people under this Act shall be liable upon summary conviction and or indictment and or be disqualified forthwith from standing as an elected representative of the people or their agent.