Australia:

Police raids on ultra-right party set dangerous precedent

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Extensive police raids on the offices of the ultra-right wing One Nation Party in two states have passed largely without comment from any of Australia's civil liberties organisations, let alone the press. Yet they represent a significant intervention by the state into the internal affairs of a political party and establish a dangerous precedent for the future.

On January 20, simultaneous raids were conducted at One Nation's national office in the Sydney suburb of Manly and its Queensland office in Ipswich, near Brisbane. Fourteen NSW and six Queensland police officers spent seven hours searching both premises, downloading computer files and seizing documents. About 20 boxes containing hundreds of computer files, correspondence, financial records and other material were removed from the Manly headquarters, while officers seized the hard-drives of all the computers in the Ipswich office.

News crews were apparently tipped off in advance, assembling outside the offices an hour earlier and subsequently filing reports that were splashed across the print and electronic media.

The raids amounted to a fishing expedition on the part of Queensland's Police Fraud Squad (PFS) to try and find evidence of criminal fraud against One Nation's leadership—Pauline Hanson, national director David Ettridge and NSW upper house MP David Oldfield. They formed part of Operation Tier, instigated by the PFS last year in the wake of a Queensland Supreme Court judgment that One Nation's registration as a political party in that state was "induced by fraud and misrepresentation".

In a highly political ruling, Queensland Supreme Court Justice Rosalyn Atkinson declared last August that One Nation was "completely controlled" by Hanson, Ettridge and Oldfield, who knew the party did not have the 500 members required to register a political party with the state's Electoral Commission. The 500 names were fraudulently submitted, she ruled, because the three leaders were in fact One Nation's only members.

There was no dispute that the 500 people whose names were submitted had been checked by the Electoral Commission and considered themselves members of One Nation. Technically speaking, however, Hanson, Ettridge and Oldfield were the party's only members—the result of an undemocratic legal and financial structure that they had adopted to prevent any internal opposition to their leadership. The 500 signatories—in most cases unbeknownst to themselves—were in fact members of the Pauline Hanson Support Movement and its successor, Pauline Hanson's One Nation Members Inc. This information was seized upon by Atkinson to rule that the party's registration was thus invalid.

The Supreme Court challenge was mounted by a disgruntled former One Nation election candidate, Gold Coast accountant Terry Sharples, with the support of key figures in the political establishment. In the June 1998 Queensland state election One Nation fielded dozens of candidates, winning an unprecedented 23 percent of the vote and 11 seats in state parliament. Sharples, however, was unsuccessful. After the poll, he demanded reimbursement from One Nation for his campaign expenses. From an original claim for funds, his case became a vehicle for a full-scale legal and media assault on the party. His initial solicitor was Paul Everingham, a leading light in the Liberal Party and former chief minister of the Northern Territory. During the case evidence came to light that Sharples had been financially backed by Tony Abbott, the Howard government's Employment Minister.

As a result of Atkinson's ruling, Hanson, Ettridge and Oldfield are personally liable to repay the $450,000 in state electoral funding that One Nation received.

Under the Queensland Electoral Act, electoral fraud is also punishable by six months' jail or a $1,500 fine. However, because Atkinson's judgment came more than one year after One Nation had registered as a political party, the electoral commission was unable to bring a prosecution. Accordingly, state Electoral Commissioner Des O'Shea called on the state's Crown Law Officer to refer the matter to the Police Commissioner for investigation under the fraud provisions of the Criminal Code.

The police raids were timed to occur just before a three-member Supreme Court panel was due to hand down its judgment on an appeal lodged by One Nation's leaders against Atkinson's original ruling. The appellate court heard the appeal

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last October and a decision is due this month.

While police spokesmen argued that Operation Tier concerned possible criminal charges, not just offences under Queensland's electoral legislation, and therefore had nothing to do with the appeal, the raids are clearly highly prejudicial to its outcome. If the appeal fails, One Nation may also face deregistration at the federal level and in New South Wales. That would make its leadership liable to repay the estimated $5 million the party received as a result of the votes it won in the October 1998 federal elections and the 1999 NSW state election.

Moreover, if charged under criminal law, One Nation's leaders face possible jail, heavy fines and life-long disbarment from parliament.

The Supreme Court's decision underscores the highly political character of the electoral laws in Queensland as well as in other states. The requirement of 500 members—an entirely arbitrary figure—is specifically designed to place substantial barriers in the way of any challenge to the mainstream parties. It also provides the state with a permanent rationale for prying into the status of a member or the membership as a whole of any registered party.

Moreover, state electoral funding, which is calculated according to how many votes are received, is dependant upon a party being registered. Internal disputes over funds can thus be used to trigger an official investigation into a party's membership and affairs.

That is precisely what happened in this case. The Supreme Court seized upon Terry Sharples' grievances concerning One Nation's anti-democratic structure—a matter for its membership, not the judiciary—to rob it of the right to participate in parliamentary elections. The police then used the court's ruling to justify launching criminal proceedings.

Had powerful forces not decided to come in behind Sharples, his gripes would have evaporated into thin air. No-one would have ever heard of him. The media and layers of the ruling elite decided to use his case to pursue their agenda of destroying One Nation.

The full significance of the police raids can only be grasped in the context of the rise, decline and fall of the One Nation phenomenon.

In 1996 Pauline Hanson, the party's founder, was picked up and promoted by the ruling class as part of an effort to shift official politics sharply to the right. Hanson was accorded celebrity status and her bigoted, racist and xenophobic views given saturation media coverage.

Pauline Hanson's One Nation was launched with political and financial assistance from layers within the Liberal party's right wing. Initially, under conditions of growing social inequality and mounting social tensions particularly in rural and regional areas, the organisation attracted a motley array of disaffected and confused members of the major parties, neo-fascists and self-seeking political careerists. Intended as a lightning rod to divert social discontent into a right-wing direction it soon began to get out of control.

The volatility of the situation, and the extent of popular discontent with the major parties exploded onto the surface in the 1998 Queensland elections. One Nation's 23 percent vote and 11 parliamentary seats rocked the political establishment to its foundation. From being pampered and promoted Hanson and her entourage found themselves out in the cold. Before the elections, no objections had been aired about the party's constitution or its autocratic structure. Having become a threat to parliamentary stability, One Nation rapidly became the subject of intense scrutiny and censure.

No-one should be under any illusions about the motivations guiding this about-face in official circles. The very layers now leading the opposition to One Nation are the ones who helped set it up. Moreover many of One Nation's policies have been taken on board by all the major parties, including increasingly punitive measures against refugees, cuts to immigration intakes, the introduction of "work-for-the-dole", the scrapping of welfare rights and the undermining of Aboriginal social programs.

In his resignation as One Nation's national director on the weekend before the police raids, David Ettridge admitted as much when he declared that he felt his work had been completed. One Nation had given the political establishment a "wake-up call," he said, forcing them to adjust their policies.

The police raids, under the auspices of a criminal investigation, have become the means by which One Nation is being removed from the political arena. While initially aimed against an extreme right wing outfit, the whole modus operandi that has been set in motion—a complaint, followed by court action and then criminal investigation—constitutes a dangerous precedent for use against any party considered to be a threat to the existing order.

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