

Australia: Anti-democratic election laws behind trial of right-wing politicians

The Editorial Board
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The recent decision to place right-wing Australian politician Pauline Hanson and a co-founder of her One Nation Party, David Ettridge on trial on electoral fraud charges highlights the anti-democratic character of electoral laws passed over the past decade to make it increasingly difficult to register new political parties and challenge the major parties.

The Hanson case demonstrates how the electoral laws—which require parties without representatives in parliament to publicly disclose the names and addresses of their members and financial supporters—can be used to lay the basis for serious criminal charges against any party regarded as a threat to the political establishment.

Hanson and Ettridge have been charged under fraud provisions of the Queensland Criminal Code, with obtaining “benefits” by deception in registering Pauline Hanson’s One Nation as a political party in that state in 1997. Hanson also faces charges of wrongfully claiming about \$450,000 in election funding on the basis of the false registration.

On May 27, Brisbane magistrate Michael Halliday committed the pair to stand trial at a date yet to be fixed. If convicted, they could be jailed for many years—in Hanson’s case for up to 25 years—and disbarred from standing for elections for life.

The charges have been triggered by the state’s Electoral Act, which requires new parties to hand over the names and addresses of 500 members and make them available for public inspection. While more than 1,000 signatories endorsed One Nation’s registration application, a Queensland Supreme Court judge ruled in August 1999 that they were not genuine party members, paving the way for the current prosecution.

Justice Rosalyn Atkinson declared that One Nation’s registration had been “induced by fraud and misrepresentation” because the signatories on the list submitted to the Queensland Electoral Commission were merely members of the Pauline Hanson Support Movement and its successor, Pauline Hanson’s One Nation Members Inc. Under the constitution of Pauline Hanson’s One Nation, already registered as a federal party, Hanson, Ettridge and another founder, David Oldfield, were its only three members.

While this autocratic set-up, designed to concentrate all decision-making in the hands of the One Nation troika, opened the way for Atkinson’s judgement, there was no dispute that the signatories regarded themselves as party members for the purpose of registering One Nation to contest Queensland state elections. The state Electoral Commission had itself checked and authenticated

their membership claims, verifying 97 percent as genuine.

Because Atkinson’s judgment was issued more than a year after One Nation had been registered, the state Electoral Commission could not bring a prosecution under the Queensland Electoral Act, which provides for fines of \$1,500 or six months jail. Instead, Electoral Commissioner Des O’Shea asked the state’s Crown Law Officer to refer the matter to the Police Commissioner for investigation under the more draconian fraud provisions of the Criminal Code.

The decision to prosecute Hanson and Ettridge has nothing to do with opposition to One Nation’s policies, which have been adopted, in large part, by the major parties. Last November’s federal election campaign was dominated by bipartisan agreement on two of Hanson’s central demands—the barring of entry to refugees and the use of the military to repel their boats.

While Hanson based herself on “White Australia” nationalism, her support was a distorted expression of far wider social discontent and political alienation. The concern in ruling circles was that by presenting herself as an anti-establishment figure she tapped into the disgust and resentment felt by millions of rural, small business and working people toward both the traditional ruling parties—Labor and Liberal-National. Particularly in poorer country areas, her demagogic attacks on globalisation, free trade and the banks struck a chord with small business people and farmers facing ruin.

After Howard’s election in 1996, under conditions of growing social inequality, deteriorating living conditions for working people and increasing social tensions, her movement became a means of diverting political disaffection with the major parties in a nationalist and xenophobic direction. Newspaper pundits, TV news and current affairs commentators and talk-back radio hosts gave credence to her bigoted views, while Prime Minister Howard declared them to be “an accurate reflection of what people feel”.

By 1998, however, Hanson’s populist appeal began to spiral out of control. In the Queensland elections of June that year, One Nation won an unprecedented 23 percent of the vote and 11 parliamentary seats, threatening to destabilise the political system. According to poll predictions for that year’s federal election, her party was headed for control of the balance of power in the Senate.

Almost overnight, the mass media and mainstream politicians started to air allegations of deceptive and dictatorial methods inside One Nation. Encouraged and financially assisted by leading Liberal and National Party figures, an unsuccessful One Nation

candidate, Terry Sharples sued Hanson over reimbursement of his campaign expenses. Sharples' complaint became the vehicle for a full-scale legal and media assault on One Nation.

Sharples launched a civil action in the state Supreme Court seeking a review of One Nation's registration. His initial solicitor was former Northern Territory Chief Minister Paul Everingham, a leading light in the federal Liberal Party. During the case, evidence was presented revealing that federal government cabinet member Tony Abbott had financially backed Sharples.

Hanson and Ettridge appealed against Atkinson's verdict, but in January 2000, just as three Supreme Court judges were due to hand down their decision on the appeal, police in two states conducted highly-publicised raids on One Nation offices, carrying off boxes of documents and computer hard disks, ostensibly seeking criminal evidence against the accused pair.

After further hearings in February 2000, the appellate court upheld Atkinson's ruling. In the same month, O'Shea escalated the legal assault by taking Hanson and Ettridge to court, making them personally liable to repay \$450,000 in electoral funding granted to One Nation on the basis of the number of votes it won.

Despite being written off by the media as a spent force, Hanson successfully issued a public appeal to pay her share of the money demanded by the Electoral Commission. In February 2001, One Nation again caused consternation in official circles, when it obtained nearly 10 percent of the vote in the West Australian and Queensland state elections, and close to 20 percent in rural areas, contributing toward crushing defeats for the conservative parties. Hanson barely campaigned in the elections and issued no policies; she simply appealed to widespread hostility to the major parties by calling on voters to reject all incumbents.

Not long after, it seems, the decision was made to prosecute Hanson and Ettridge. Again, the timing was revealing. Police served summonses last July, a full 18 months after the January 2000 raids, and just four months before the November federal election, in which Hanson was standing for the Senate.

The recent committal hearing raised further questions about high-level political involvement. Prosecution witnesses spoke of meetings with not only Abbott, but also National Party Senate leader Ron Boswell and former Senator Bill O'Chee. Two witnesses, a married couple, admitted having Abbott at their home and receiving a phone call from former National Party leader Tim Fischer. It was revealed that Abbott had written to Queensland Electoral Commissioner O'Shea several times, urging him to lay charges.

The move to jail Hanson and Ettridge is a graphic example of the anti-democratic character of the electoral laws. Facing the fracturing of their bases of support, Labor and Coalition governments have, over the past decade, made it virtually impossible for ordinary people—without access to large funds and staff—to form new parties and contest elections. Queensland's requirements, including the lodging of 500 members' names and addresses, are typical.

In neighbouring NSW, the parliamentary parties—Labor, Liberal, National, Democrats and Greens—combined to push through similar laws following a 1999 election in which support for minor parties and independents rose to nearly 35 percent in the upper

house. To register, parties not represented in parliament now have to pay \$2,000, submit signed membership forms from 750 people and update their lists annually. This is on top of hefty fees to stand candidates in elections.

These laws open up every aspect of a party's organisation to official surveillance and interference. In the first place, the registration applications, complete with names and addresses, are open to the public, leaving party members exposed to victimisation and harassment. While the electoral authorities are barred from actually handing over the lists to intelligence and other government agencies, the records are available for any undercover security operative to inspect.

Secondly, the laws provide for state funding of political parties, both to prop up the flagging finances of the old parties and to give the authorities broad powers to pry into the affairs of new parties. Under the federal Electoral Act, whether registered parties apply for funding or not, they must file extensive annual returns, right down to the local branch level, and publicly name their financial contributors.

In the guise of checking financial returns, the Electoral Commission can obtain search and seizure orders, demand the production of documents, and require evidence to be given under oath. It can ask for a detailed timetable of a party's activities and by scheduling inspections and audit meetings, constantly monitor and disrupt these activities.

These provisions are part of a broader assault on democratic rights. Late last month, Labor joined hands with the Howard government to pass, with only cosmetic amendments, far-reaching "anti-terrorist" legislation, which will enable the authorities to charge participants in many basic forms of political dissent and protest with committing "terrorist acts," punishable by life imprisonment. Political parties accused of supporting terrorism can be outlawed, their funds frozen and their members jailed. Further legislation is scheduled for August to allow ASIO, the secret police, to detain people without charge for interrogation.

Taken together, these measures are the response of a political establishment that has no answer whatsoever to the growing social chasm between rich and poor. One Nation, a right-wing anti-working class outfit, has been chosen as the first target. But as social tensions continue to mount, the attack on Hanson and Ettridge will be used as a precedent for suppressing movements that advance a genuine, progressive alternative to the current economic and social order.



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