

Australia:

Jailing of One Nation leaders sets anti-democratic precedent

Mike Head, Linda Tenenbaum
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Last week's conviction and jailing in Australia of two leaders of a rightwing populist party on trumped-up charges of fraud has set a dangerous precedent for use against any political movement considered a threat to the parliamentary order. After a protracted political and legal witchhunt, secretly orchestrated at the highest levels of the Australian government, the criminal law has been manipulated to trample over basic democratic rights and imprison the founders of an opposition party.

Former MP Pauline Hanson and a co-founder of her One Nation Party, David Ettridge, were each sentenced to three years' jail without parole under the Queensland Criminal Code. As a result, both are barred for life from standing for parliament. Their alleged crime arose from registering Pauline Hanson's One Nation as a party under that state's electoral laws in December 1997. They were accused of supplying the names and addresses of 500 members whom a court later ruled to be merely supporters.

Brisbane District Court Chief Judge Patsy Wolfe admitted that neither Hanson nor Ettridge had obtained any financial or personal benefit from the party's registration. She specifically referred to the fact that Hanson had organised a public appeal to repay all the electoral funding paid to One Nation. Yet, the two were convicted, under the extremely vague wording of the Criminal Code's Section 408C, of "dishonestly gaining a benefit or advantage".

The only "advantage" accruing to Hanson and Ettridge was acquiring the right to contest parliamentary elections under a party name and to claim reimbursement for electoral expenses. Forming a political party and standing for election under its banner are basic democratic rights that should be freely available to all. They have been transformed into a "benefit or advantage" because of anti-democratic electoral laws adopted in the early 1990s, specifically aimed at erecting almost insurmountable barriers to ordinary people challenging the major parties. Not only that, the conviction of Hanson and Ettridge signifies that any, even technical, breach of these anti-democratic laws now constitutes a crime—the very antithesis of democracy.

In handing down the sentences, Wolfe revealed the highly political basis of the entire proceedings. She declared that lengthy jail terms were necessary because the pair had undermined the political system. "The crimes you have committed affect the confidence of people in the electoral process," Wolfe stated.

The outcome has caused a general furore and sent shockwaves through the media and political establishment. But in the welter of recriminations and attempts by leading politicians to disassociate themselves from the jailings, there has been no examination of how and why the pair has been railroaded to jail.

Hanson, Ettridge and a third collaborator, David Oldfield, established Pauline Hanson's One Nation following Hanson's unexpected election to

federal parliament in 1996. In that year, the Labor government was defeated in a landslide, a result of the anger and resentment generated by 13 years of attacks on jobs, wages and living standards. Hanson, a disendorsed ex-Liberal, won a previously safe Labor seat by presenting herself as an anti-establishment candidate, making populist appeals to anti-Asian and anti-Aboriginal racism. She opposed immigration, advocated Australian nationalism, tariff protection and draconian "law and order" measures as the solution to declining living standards and growing social inequality.

Howard's Liberal-National coalition won office by appealing to ordinary "battlers" but rapidly set about deepening Labor's assault. His government's first budget slashed social spending, provoking widespread hostility. In its aftermath both Howard and the media began giving prominence to Hanson's reactionary views, which blamed the deepening social crisis on Aborigines and immigrants and served to shift official politics to the right. During the next two years she was afforded celebrity status.

It was in this context that Hanson, buoyed by her new-found fame and as a sitting MP, registered Pauline Hanson's One Nation as a federal party. In October 1997 she also lodged 1,000 members' names—twice the legal requirement—to register the party in the north-eastern state of Queensland. The Queensland Electoral Commissioner Des O'Shea verified that a high proportion of those on the list were genuine, checked the party constitution and granted the registration, without receiving any objections, in early December 1997.

Following the Queensland state elections in June 1998, however, the official response to Hanson shifted abruptly. In the elections, One Nation attracted nearly 25 percent of the vote, throwing Australian politics into turmoil. The party won 11 seats in the state parliament, outpolled the Liberal and National parties and helped oust the Borbidge Coalition government.

In ruling circles there were fears that if replicated in the federal election due later that year, the results would be profoundly destabilising. A breakaway party could potentially control the Senate and even take seats in the House of Representatives, undermining the two-party system. The Howard government had its own specific concerns: One Nation threatened to destroy its electoral base, just as it had savaged that of the Borbidge government.

Almost immediately, a full-scale propaganda campaign commenced throughout the media. Journalists who had uncritically reported Hanson's every utterance began to expose One Nation's seamier aspects: its links to neo-Nazi and ultra-right wing outfits, its dictatorial organisational structure and its grubby disputes over election expenses and finances. They located or procured party dissidents and sensationalised their grievances.

It was at this point, in early July 1998, that Howard's closest protégé, Workplace Relations Minister Tony Abbott, began to agitate for the deregistration of One Nation—not only in Queensland but federally.

The Howard government was unable and unwilling to oppose Hanson politically because it had no disagreement with her policies. But as soon as One Nation became a threat to the government's social base and to the stability of the two-party system itself, Howard and his backers launched a two-fold bid to destroy it.

On the one hand, the government set about implementing One Nation's agenda in order to win back the constituency that had shifted to it, notably small business and rural voters—traditional Liberal and National party supporters—who had become disaffected with the government's program. Howard has adopted virtually all of Hanson's policies: refugee rights have been torn to shreds, democratic rights attacked, welfare programs slashed and Aboriginal funding cut.

On the other, Howard and his ministers, assisted by the Queensland Labor government, utilised secret corporate slush funds, dirty tricks, the police and the courts in a series of legal actions, and ultimately criminal prosecutions, in an attempt to eliminate One Nation as a political rival.

The immediate mechanism for the legal witchhunt was the 1992 Queensland Electoral Act. Similar legislation was introduced federally and in other Australian states in the early 1990s to shore up the crumbling two-party system. During the second half of the 1980s, the proportion of votes going to Independents and minor parties rose steadily amid mounting discontent with both major parties. In 1987, the Hawke Labor government clung to office only by obtaining the second preference votes of minor parties and barely survived the 1990 election, polling a near-record low of less than 40 percent in first preference votes.

The electoral laws serve to augment the flagging finances of the old parties—Labor and the Liberal-National Coalition received \$32 million for the 2001 federal election—while handing the authorities vast powers to pry and interfere in the affairs of new parties. Established parties with sitting MPs are automatically entitled to registration, and therefore state funding for election campaigns.

But parties not represented in parliament must pay hefty fees and submit lists of names and addresses of hundreds of members, opening them up to constant government and intelligence surveillance. Even if they do not apply for funding, new parties are required to file extensive annual returns, supply other documents or information demanded by authorities, publicly name their financial contributors and submit to invasive inspections—or face the prospect of police raids and prosecution.

Tony Abbott telegraphed his intention to fight for the deregistration of One Nation in a speech to parliament on July 2. One Nation was “not a validly registered political party,” he declared, but “a couple of political and financial brigands trying to hoodwink decent patriotic Australians”.

Abbott began criss-crossing the country, meeting numerous disgruntled ex-One Nation members to solicit litigation. Liberal Party state president Paul Everingham, National Party leader Tim Fischer, National Party Senate leader Ron Boswell and Senator Bill O'Chee were all involved. Ultimately, Abbott recruited a former One Nation candidate, Gold Coast accountant Terry Sharples, to spearhead a deregistration case, personally guaranteeing to pay Sharples' costs.

After repeated public denials, Abbott this week admitted working with an ex-state Liberal leader, Peter Coleman—who is also Treasurer Peter Costello's father-in-law—and a former Labor federal minister, John Wheeldon, to set up a secret slush fund of at least \$100,000 to finance legal bids to de-register the party. Abbott refused to name the donors to the cynically named “Australians for Honest Politics” fund, who are known to include Harold Clough, one of Australia's wealthiest businessmen.

Abbott recalled the alarm felt in ruling circles at One Nation's damaging potential. “It was necessary to make an alliance with some

pretty unusual people to stop a very serious threat to the social cohesion of the country,” he declared. “I mean, how else were we going to stop One Nation at the time?” This was nothing short of a direct admission that neither the government nor the opposition Labor party were prepared to fight Hanson's politically. They felt obliged to resort to other, less public, measures.

In a column in Murdoch's *Australian* on August 28, Coleman sprang to Abbott's defence, making explicit the politics behind the Howard government's two-pronged attack. “I saw One Nation as a threat not so much to civilisation as to the Coalition. It had brought down the Borbidge government in Queensland and was defeating Coalition MPs and candidates all over the country... We all thought that public and violent denunciation of One Nation as a Nazi party would only inflame and encourage its supporters, who knew that this was a ridiculous libel. We preferred a less confrontational, more oblique approach.”

Abbott has claimed that Howard knew nothing about the destabilisation campaign, attempting to deflect criticism away from the prime minister by taking full responsibility for the undercover operation against Hanson. But this is completely implausible. Abbott publicly announced his intentions in parliament on July 2. In any case, how could a government leader spend weeks engaged in such activity without the prime minister's knowledge and consent?

Howard was this week forced to admit that he was, indeed, aware of Abbott's fund, but sought to fudge the details. Initially, he insisted that he knew nothing about the fund until after the November 1998 federal election. Later, under media questioning, he backtracked, replying “I can't tell you exactly when.”

Aided by the rifts, resignations and expulsions wracking One Nation, Howard's government narrowly survived that election, despite polling fewer votes than Labor, while Hanson lost her seat. One Nation still obtained a million votes, but only one of its candidates, Heather Hill, won a Senate seat. As part of the ongoing destabilisation campaign, One Nation defectors challenged Hill's election in the High Court. The court stripped Hill of her seat in June 1999 on the reactionary and legally dubious ground that she held dual Australian-British citizenship.

The main focus remained the deregistration case mounted by Sharples. In August 1999, Queensland Supreme Court Justice Rosalyn Atkinson upheld Sharples' claim that One Nation's registration had been “induced by fraud and misrepresentation”. There was no doubt that the 1,000 people whose names were lodged by Hanson and Ettridge regarded themselves as One Nation members and supported its registration. In effect, Atkinson overrode their democratic rights by declaring that because of its autocratic structure, One Nation technically had only three members: Hanson, Ettridge and fellow founder, David Oldfield.

Under the state Electoral Act, wrongly registering a party is punishable by six months' jail or a \$1,500 fine, but the time limit for prosecuting under that Act had passed. Instead of dropping the matter, Commissioner O'Shea made an unprecedented decision to call on the state's Crown Law Officer to refer it to the police for investigation under the far more serious fraud provisions of the Criminal Code.

Four months later, in January 2000, large-scale police raids were conducted against One Nation offices in Ipswich, near Brisbane, and Sydney. Police tipped off the media in advance, ensuring that pictures of the raids were splashed all over the tabloid press. Mounted on the pretext of investigating the case against the One Nation leaders, the raids were timed to occur just before a three-member Supreme Court panel handed down its judgment on an appeal lodged against Atkinson's ruling.

After further hearings in February 2000, the appellate court also ruled against One Nation. In the same month, O'Shea escalated the legal assault by taking Hanson and Ettridge to court to make them personally liable to repay nearly \$500,000 in electoral funding that One Nation had received, even though the money had already been spent on election expenses.

The next turning point came with the February 2001 state elections in Western Australia and Queensland. After being written off by the media as a spent force, Hanson again shocked official circles by winning nearly 10 percent of the vote, and close to 20 percent in rural areas, contributing toward crushing defeats for Howard's Coalition parties. She advanced no program or policies and barely campaigned. But her call to place all incumbent candidates last on the ballot paper resonated with alienated voters and became devastatingly effective.

The decision to prosecute Hanson and Ettridge followed soon after. The Queensland police issued the fraud summonses in July 2001, a full 18 months after the Ipswich and Sydney raids, and just four months before the next federal election, in which Hanson was standing for the Senate.

Howard's government had been reeling under the impact of public hostility to its introduction of a highly regressive consumption tax and part-privatisation of the telecommunications giant Telstra. In the campaign for the election, Howard ramped up his implementation of Hanson's agenda, desperately seeking to appeal to her constituency. Supported by Labor, his government mobilised the armed forces to repel refugee boats, a policy first advocated by Hanson, and seized upon the September 11 terrorist attacks in the United States to declare the necessity for draconian inroads into basic democratic rights.

In this charged political atmosphere, in late November 2001, Queensland Police raided the electorate office of One Nation's remaining federal Senator, Len Harris, seizing documents and computer files, allegedly as part of their investigation into Hanson and Ettridge. A Senate privileges committee report, only released last week on the day the pair was jailed, found that the seizures were illegal because none of the 74,098 pages confiscated by police were related to election reimbursement expenses.

In May 2002, just two days before a Brisbane magistrate committed Hanson and Ettridge for trial, the police further blackened their names by charging Hanson with dishonestly spending \$17,000 from the fighting fund set up to pay back the Queensland Electoral Commission. This charge, which the authorities knew to be groundless, was promptly dropped three days after Hanson and Ettridge were imprisoned, with Crown prosecutors admitting they had no case. As Hanson's lawyer, Chris Nyst, protested, the charge served to publicly paint Hanson as a cheat, liar and fraud in the leadup to her trial.

Hanson and Ettridge have appealed against their convictions, citing "interference by political identities of power and influence." There is no question but that the convictions should be quashed and the two should be immediately released.

But the five-year offensive against One Nation raises wider political questions. Both major parties have come together, using secret corporate funds, the police, the courts, the electoral laws and the media, to eliminate a political formation that had become a danger to them and to the stability of the current political order. They had no fundamental differences with Hanson's policies, but spared no effort to destroy her party.

The *World Socialist Web Site* and the Socialist Equality Party have profound and fundamental political differences with Hanson, Ettridge and One Nation—and everything they represent. But there are fundamental issues at stake. The operation against them constitutes a warning of the ruthless, underhanded and anti-democratic methods being honed for use against parties which, unlike Hanson's, advance a genuine and progressive alternative to the entire political establishment and to the capitalist profit system itself.



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