

Australian court throws out allegations against former parliamentary speaker

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The Federal Court yesterday dismissed accusations of alleged sexual harassment against the former speaker of the House of Representatives, Peter Slipper. In an extraordinarily strongly-worded ruling, Justice Steven Rares concluded that James Ashby, Slipper's former staffer, had instigated the harassment allegations while conspiring with several people, including Liberal National Party (LNP) powerbroker in Queensland, Mal Brough. Rares ruled that the case amounted to a politically motivated abuse of judicial process and ordered Ashby to pay Slipper's legal costs.

The entire sordid affair points to the debased character of official politics in Australia. Neither the minority Labor government nor the opposition Liberal-National coalition can openly discuss the agenda to which they are committed—above all, a ramping up of US and European style austerity measures aimed at bolstering the “international competitiveness” of Australian capitalism by driving down the living standards of the working class. In this context, the political crisis has assumed bizarre forms, featuring numerous scandal allegations, vitriolic personal attacks and backroom manoeuvres.

Peter Slipper defected from the opposition coalition in November last year when he accepted the post of parliamentary speaker. Despite the obvious risks in promoting a figure against whom previous allegations had been made and who was likely to be disendorsed as the LNP candidate in his Queensland electorate, Gillard was desperate to shore up her fragile minority government by gaining an extra parliamentary vote. Sections of the media responded to Slipper's defection by urging the Labor government to step up its pro-business program, with the *Australian Financial Review* insisting that Gillard's “stronger grip on power should stiffen its resolve” on various issues, including the need for “quality spending cuts.”

In April, however, Ashby filed a legal case alleging sexual harassment and also claiming that Slipper had falsified parliamentary travel expense claims. Slipper denied the allegations, but stood down as speaker while the case was being heard, again placing the government on a parliamentary knife-edge. In October, he formally resigned as speaker after Ashby's legal action resulted in the release of sexually explicit mobile phone text messages that Slipper had sent to his staffer.

Now the Federal Court has confirmed that Ashby's sexual harassment claim was a calculated dirty tricks operation. It was aimed firstly at damaging, if not ousting, the Gillard government, and secondly at promoting the political careers of those involved in the campaign against Slipper.

Ashby, a young man with close connections to senior LNP figures in Queensland, became Slipper's parliamentary staffer in December 2011. Justice Rares was dismissive of the suggestion that Ashby had been sexually harassed by his employer. The extensive list of mobile phone text messages exchanged between the pair demonstrated that each had sent consensual and suggestive messages to each other, with Ashby frequently leading the exchanges. The parliamentary staffer's discussion with his friends, Rares added, “are redolent of Mr Ashby having a purely political intention to use his text exchanges with Mr Slipper to damage him and assist his political opponents, rather than of Mr Ashby being in any way emotionally traumatised or even upset.”

Moreover, even after the alleged harassment, Ashby had offered to accompany Slipper on a month-long official visit to Europe, paying his own way.

In March, Ashby launched a court action against Slipper, instead of following numerous alternative means of issuing a sexual harassment complaint, such as through internal Departmental procedures, or Fair Work Australia, or the Human Rights Commission.

Ashby's decision coincided with the sweeping election victory of the LNP in the Queensland state election. Ashby and another staffer, Karen Doane, planned to bring down Slipper as a means of securing lucrative posts working for Queensland parliamentarians. They even helped each other with their résumés while Ashby prepared his legal case. Doane also probed the possibility that she could work for Clive Palmer, billionaire mining magnate and leading LNP donor.

Justice Rares did not name any current Liberal MP in his judgment but it beggars belief that top Liberal Party figures were not intimately involved in the move to weaken the government. From March, for instance, Mal Brough, previously a minister and "rising star" in John Howard's 1996-2007 federal government was in contact with Ashby. Brough lost his seat in the 2007 election, but plans to return to parliament by challenging Slipper for his electoral seat next year. Ashby began supplying Brough with details of Slipper's travel expenses documents, which Brough then forwarded to Steve Lewis, a Murdoch journalist. Lewis later corresponded with Ashby, sending him a text message referring to Slipper: "We'll get him!!"

Brough also introduced Ashby to the lawyers who took on the case, led by Michael Harmer of workplace law firm Harmers Lawyers. Justice Rares condemned Harmer in the sharpest terms. The judge noted that Ashby's lawyers had initially submitted, together with the sexual harassment allegations, charges relating to alleged misuse of taxi charge (Cabcharge) dockets and also an alleged episode involving a consensual relationship between Slipper and another man in 2003. Harmer subsequently withdrew both these matters from the legal claim, but only after they received extensive coverage in the media that was damaging to Slipper's reputation.

When the Federal Court claim was first submitted, it was done with an eye to inflicting the maximum possible damage on Slipper and the government. The Murdoch press was provided with advance notice, while Slipper was overseas and only learned of the allegations when journalists ambushed him at Los Angeles airport. Either Ashby or Doane had leaked his itinerary to the media.

Justice Rares said both the 2003 episode and the Cabcharge allegations "were calculated to embarrass, demean and humiliate Mr Slipper in a very public way... They were irrelevant to any claim Mr Ashby might have had and were ... scandalous, oppressive and vexatious and an

abuse of Mr Harmer's professional obligations to the Court as a lawyer."

The judge concluded that "the evidence established that there was a combination involving Mr Ashby, Ms Doane and Mr Brough," and: "Accordingly, I am satisfied that the exceptional situation that enlivens the Court's power to dismiss (or stay) proceedings as an abuse has been proved to the heavy standard required... To allow these proceedings to remain in the Court would bring the administration of justice into disrepute among right-thinking people and would be manifestly unfair to Mr Slipper."

Opposition leader Tony Abbott is now under pressure to explain what role, if any, he played in the affair. The opposition leader was already facing strident demands from within ruling circles to outline a credible pro-business austerity agenda, after his attempt to force Gillard out of office through union corruption allegations failed last month. (See: "Australian opposition leader under pressure after accusing PM of criminality")

Abbott's senior colleagues, including the coalition's leader in House of Representatives Christopher Pyne, reportedly made "informal contact" with Ashby earlier this year. The *Australian Financial Review's* Phillip Coorey noted that National Party MP Barnaby Joyce had previously been "hauled over the coals" by Abbott for criticising Brough for his involvement. Given the debauched character of official politics, the Ashby affair could yet provide the pretext for Abbott's removal if key sections within the corporate elite decide to back an alternative opposition leader ahead of next year's federal election.



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