

In the political arena you can expect that some factions will engage in 'dirty politics'. Pauline Hanson, one of Australia's leading politicians, found out about dirty politics the hard way when influential figures orchestrated her wrongfully prosecution and conviction of non-existent crimes.

The political rise of Pauline Hanson

Pauline Hanson began her political career in March 1996, when she won a convincing victory and was elected as the Independent member of the federal House of Representatives for Oxley, a suburb of Brisbane, in the Australian state of Queensland. She successfully made the transition from the 'fish and chip shop lady' to one of Australia's leading politicians. Hanson almost immediately climbed the political ladder and gained television notoriety. She became the media's 'best friend' and at times received more attention than all of Australia's other politicians combined. Hanson's appeal to the media was not just because of her working class background and that she was an attractive and dynamic woman, it was also the result of the controversial views that she held. The issues that received the greatest degree of publicity revolved around race, culture and welfare in Australian society. Hanson argued that she was a typical 'Aussie battler' and that the government of Prime Minister John Howard was no longer in touch with the average Australian.

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After Fingleton's settlement was announced, Fingleton's lawyer, Matt Woods stated, "The payment to her is some recognition of the injustice she has suffered. However, no amount of money could make up for what my client and her husband have been through."⁵

Footnotes and sources:

1 In addition to their regular duties, a Co-ordinating Magistrate allocates the work of the Magistrates Court, for which they are paid an additional \$2,000 per year.

2 *Fingleton v The Queen* [2005] HCA 34 (23 June 2005), ¶42. The Court ruling recognized that a magistrate's protection from criminal liability for administrative actions was a companion to the principle enunciated in Section 30 of the Code that, "a magistrate is not criminally responsible for anything done by the magistrate in the exercise of the magistrate's judicial functions, although the act done is in excess of the magistrate's judicial authority." *Id.* at ¶ 42.

3 Fingleton Given \$475,000 And Job Back On Bench, Rosemary Odgers and Louise Crossen, *The Courier-Mail*, Brisbane, September 2, 2005.

4 Payout denied to former One Nation leader, *The Australian*, October 27, 2005.

5 Fingleton Given \$475,000 And Job Back On Bench, *supra*.

Additional sources:

R. v. Fingleton [2003] QCA 266 (26 June 2003)
Australia's Hanson Free From Jail, *BBC News*,
November 6, 2003.

'Aussie Battler' Pauline Hanson Exonerated Of Fraud

By Serena Nicholls

Hanson also spoke out against Australia's promotion of multiculturalism and the government funding that was allocated for Ab-origines. In Hanson's maiden speech she stated that she "...did not believe that the colour of your skin determines whether you are disadvantaged," and that "...most Australians want our immigration policy radically reviewed and that of multiculturalism abolished. I believe that we are in danger of being swamped by Asians."¹ In accordance with this view, Hanson believed that the solution to Australia's 'race' issue was to return to a "white" Australia. These views were widely reported around Australia and the Asia Pacific region. This in turn placed immense pressure on Prime Minister Howard.

Initially, Howard argued strongly for Hanson's right to free speech, regardless of its perceived racial content. Howard received strong criticism over his actions, or lack thereof. Many Australians urged Howard to make a public statement explaining that Hanson's views did not represent mainstream Australia. This was necessary because many Australians were concerned that Hanson's views would negatively impact the perception of Australia and ultimately its tourism. When Howard refused to publicly refute Hanson's views there was a public uproar. Howard was repeatedly criticized by the media as being impotent and incompetent. Some even referred to Hanson as the tiger that Howard could not control.² Emotions ran high with many arguing that Howard's failure to refute Hanson's views was because he identified with her policies.

The media interest in Hanson began to slowly fade until April 1997, when she co-founded the One Nation Party. Hanson once again became prominent in newspaper headlines. The unexpected phenomenon was Australia's response to her. It seemed a significant segment of Queensland's electorate was prepared to identify with Hanson's policies. Fourteen months later, Hanson's One Nation Party took 11 out of the 88 seats in the state parliament.³ Many suggested the main reason for this phenomenon was Hanson appealed to Australians who couldn't understand why their lives were so tough, while foreigners were perceived to have it easy.

Although Hanson and the One Nation Party had widespread support, many demonstrators

condemned her policies and labeled her a racist. Opposition was at its peak when Hanson successfully applied for an injunction to prevent a network from playing a song with lyrics describing her as a male homosexual, a prostitute and a member of the Ku Klux Klan. Regardless of the demonstrations, Hanson remained an influential political figure and a potential threat to the Howard government.

The views expressed by Hanson and her One Nation Party greatly impacted Australia's political arena. Some politicians begrudged Hanson for her immediate success in an arena that often takes years to accomplish. Therefore, what happened next was both satisfying for some people and reprehensible for others.

The demise of Pauline Hanson

The Howard government publicly turned against Hanson after One Nation received almost one-quarter of the vote in the June 1998 Queensland election and won eleven seats in Legislative Assembly. In particular, Howard questioned the party's organizational practices and election finances. Hanson responded to these claims by threatening to mount a campaign to devastate the Howard government at the next election. Howard's right-hand-man, Tony Abbot proceeded to surreptitiously campaign against Hanson by soliciting others to commence litigation against One Nation.⁴ This campaign to undermine Hanson enabled the Howard government to narrowly survive the federal election and remain in power. Hanson also lost her legislative seat. One Nation began to lose momentum and was no longer considered a political threat.

Then in 2001, One Nation dramatically resurfaced by winning nearly 10% of the seats in Queensland's state election. That was a blow to the Howard government, and sent the message that Hanson and One Nation were forces to be reckoned with that weren't going away.

Four months after that election, the Queensland police issued a summons against Hanson to face fraud charges. This assisted in the investigation against Hanson and resulted in her prosecution (One Nation co-founder David Ettridge was also prosecuted). The Department of Public Prosecutions alleged that Hanson falsely registered One Nation by submitting the names of 500 supporters instead of party members. On the 20th of August 2003, a jury found Hanson guilty. Hanson defiantly exclaimed, "Rubbish, I'm not guilty ... it's a joke."⁵

She was then sentenced to three years imprisonment without the possibility of parole. Judge Wolfe stated the sentence was appropriate because Hanson had undermined Aus-

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tralian politics: "The crimes you have committed affect the confidence of the people in the electorate process."⁶ Hanson's co-defendant Ettridge was also found guilty and sentenced to three years imprisonment. Both defendants were immediately taken into custody and began serving their sentences.

Hanson's exoneration

Hanson appealed her conviction. The main basis for her appeal was that the prosecution failed to establish beyond a reasonable doubt that the persons named on the registration were not members of the One Nation Party.⁷ On the 6th of November 2003, the Court of Appeal took one day to find that Hanson had in fact submitted the names of 500 party members, and therefore there was no legal basis for



her conviction. Although the Court quashed Hanson's conviction, it emphasized that the process leading to her conviction was lawful. The court explained

Hanson's wrongful conviction was the result of her inexperienced legal counsel and the prosecutor's presentation of the case. The court also quashed Ettridge's conviction. Hanson and Ettridge were released after three months of wrongful imprisonment.

Hanson denied compensation

In quashing Hanson's conviction the Court emphasized that she would be ineligible for ex gratia compensation for her three months of wrongful imprisonment.⁸ This was based on the argument that "it should be understood that result [quashing Hanson's conviction] will not mean the process has to this point been unlawful. While the appellants' experience will in that event have been insupportably painful, they will have endured the consequence of adjudication through due process in accordance with what is compendiously termed the rule of law."⁹ This was upheld when Hanson's quest for compensation was denied by Queensland's Attorney General in October 2005. This decision came after ex gratia compensation was granted to Australian Chief Magistrate Di Fingleton in September 2005, three months after her June 2003, conviction for threatening another magistrate was quashed. (See, "Magistrate Awarded \$348,000 And New Job After Conviction Tossed," in this issue of *Justice: Denied*.) Thus, Hanson did not receive any compensation after having

her rights violated, losing her freedom and having the door closed on her political career.

Political motivation behind Hanson's false prosecution whitewashed

An investigation into Hanson's prosecution was conducted by the Crime and Misconduct Commission (CMC). In January 2004, the CMC issued a report which concluded that "...no misconduct or other impropriety has been shown to have been associated with the conduct of the litigation concerning the founders of the political party 'One Nation', Pauline Hanson and David Ettridge, or with the police investigations leading to their prosecution."¹⁰ The CMC also concluded that there was no evidence that suggested improper influence on the proceedings or the involvement of Tony Abbott and the Howard government.

It is reasonable to surmise that both the Court of Appeals and the CMC white-washed the political motivation underlying Hanson's false prosecution. It seems more than coincidental that Hanson was convicted four months prior to the next federal election, in which she was standing as a candidate for the Senate and One Nation had significant public support. Obviously, Hanson would be prohibited from all political activity for the duration of her sentence and One Nation would flounder with its leader jailed. It likewise doesn't seem coincidental that the Howard government began to publicly campaign against Hanson and the One Nation Party immediately prior to her being investigated for fraud. The Howard government was concerned with the probable impact of One Nation at the next election. In particular, Howard was concerned that a loss of seats would result in a reduction of his party's power. All indications are that Howard united with other influential persons to eliminate Hanson because she was a political threat, and that the chronology of events leading to her demise was calculated.

While many Australians questioned the legality and length of Hanson's imprisonment, the Howard government supported it. The decision to pursue Hanson for what were in fact bogus fraud charges was successful in not only preventing her from running for the Senate in the next election, but it was also successful in forcing her to reassess her career goals. Shortly after Hanson was released from prison she vowed never to return to politics. Thus the elimination of a potent challenger to Howard's political power was accomplished without having to do so at the ballot box.

Hanson's wrongful conviction sets a dangerous precedent

Regardless of how one views the economic

A year after her conviction was quashed and she was released from prison, Pauline Hanson was a finalist in Australia's *Dancing With The Stars* in late 2004.



and social policies of Pauline Hanson, she was a victim of political and legal hounding. The only thing she was guilty of was thinking the Howard government would idly stand back and allow their power to be weakened by her and the One Nation Party.

The misuse of the criminal law to secure Hanson's wrongful conviction sets an extremely dangerous precedent. The "vendetta" type dirty legal tactics used to eliminate Hanson serves as a warning to any political upstart. It is now known that a person or group with a vendetta can use their position to influence the investigation, prosecution and possible conviction of an innocent politician. Contrary to the judge's admonishment of Hanson at her sentencing, it is not Hanson who undermined the electoral process but the Howard government.

These political tactics are appalling. Australians, as well as voters in all democratic countries, deserve the right to go to the ballot polls with the confidence that there has been no extra-legal interference with their choice of candidates. This is a basic democratic right that should not be violated.

Endnotes and Sources:

- 1 McNamara, Lawrence (1998) 'The Things You Need: Racial Hatred, Pauline Hanson and the Limits of the Law' 2 Southern Cross University Law Review 92.
- 2 Probyn, Fiona (1999) 'That Woman', Pauline Hanson and Cultural Crisis' 14(29) Australian Feminist Studies 161.
- 3 McNamara, Lawrence (1998) 'The Things You Need: Racial Hatred, Pauline Hanson and the Limits of the Law' 2 Southern Cross University Law Review 92.
- 4 Head, Michael (2003) 'The Jailing of Pauline Hanson: A Victory for Democracy?' 28(6) Alternative Law Journal 264.
- 5 Hanson and Ettridge jailed for three years, *Sydney Morning Herald*, August 20, 2003.
- 6 *R v Ettridge and Hanson*, District Court of Queensland, 20 August 2003.
- 7 *R v Hanson; R v Ettridge* [2003] QCA 488.
- 8 Queensland doesn't have a wrongful conviction compensation statute, so the government must either grant an exonerated person an ex gratia payment, which is a payment made without the state recognizing any liability or legal obligation, or the person must file a common law suit for damages.
- 9 *R v Hanson; R v Ettridge* [2003] QCA 488. (De Jersey CJ).
- 10 Crime and Misconduct Commission (2004) 'CMC Report into Hanson-Ettridge Prosecution', Media Release, 23 January 2004.

