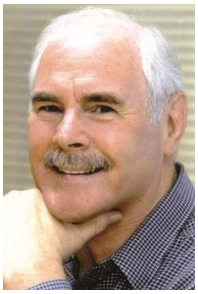
ABOVE THE LAW

AN ALARMING, FRESH INVESTIGATION INTO A COLD CASE

EXPOSING THE POLITICALLY DRIVEN, CRIMINAL AND DELIBERATE PERSECUTION AND PROSECUTION OF TWO INNOCENT PEOPLE BY A TYRANNICAL GOVERNMENT.



By David Ettridge

Co-Founder, One Nation Political Party.

In June 1998, the One Nation Party had a stunning success in the Queensland State Election.

Voter support for One Nation was very strong and the party won the second largest block of primary votes. This upset the long-held power held by the 'Establishment Parties' when One Nation also won 11 of the seats in the Queensland Parliament.

There was trouble ahead.

One of the One Nation Party's unfairly treated candidates, a Terry Sharples, incorrectly believed that the One Nation registration application to the Electoral Commission of Queensland, made in December 1997, was fraudulent and based upon the party supplying the names of 500 persons who were not actually members of the party, but were members of an associated entity of the party named The Pauline Hanson Support Movement.

This was a completely false allegation, but it excited One Nation's opponents who seized the opportunity to use it to attack this audacious political newcomer. In Queensland, the separation of powers between the State Government, Crown Law and Courts was seriously compromised. After years of holding Government, the Labor Party as the long-installed State Government owned the game, playing field and the referees. It made them very cocky and perhaps they thought they were immune to being investigated and charged for their criminal wrongdoings.

The State Premier admitted in August 1999 that following the outstanding success of the One Nation party in the June 1998 election, that he and others at that time intended to destroy the One Nation party. Too many people had been appointed to high places for their deliberate, malicious, conspired and premeditated attack to fail. Laws were broken. Human rights ignored.

Legislation was adjusted and applied retrospectively to cause maximum damage to two of the co-founders of the One Nation party.

ABOVE THE LAW examines what was a deliberate and malicious perversion of justice which ignored the evidence, accepted perjury, ignored Queensland legislation, our human rights and our innocence as the expensive attendance in multiple courts defending this false allegation drew bad publicity and reputation damage for me and the One Nation party over a 5 year period.

In the period 1998 to 2003, the Queensland Labor Government attempted to deny 439,171 of its citizens the right to vote for a political party of their choice.

ABOVE THE LAW is the exposure of their deliberate, premeditated conspiracy to pervert justice.

An individual who has no respect for, nor compliance with the laws that are made to maintain a lawful and orderly society is usually described in our courts of justice as a criminal.

When criminal behaviour is committed by an elected Government who deliberately disrespect the very laws they create for the people, we call it tyranny.

Such a government, by their actions, and by acting above the laws they create for society, are unfit to govern, and, as cheats and criminals, are unfit to have control of public money.

As a political organization, the Labor Government of Queensland in 1998 to 2003 had seriously misused their power and lost the trust and respect so necessary for leadership of the people they govern. The Labor Government of today has also shown no respect for my rights nor the law when the wrong doings of their predecessors is detailed and placed before them to support a claim for compensation. In fact, they continue to pervert the course of justice by denying me justice for the extensive damage delivered by the corrupt processes of their senior public servants and courts in 2001-2003.

On each occasion when I have sought to claim compensation for my losses incurred in defending my innocence in the greatest miscarriage of justice in Queensland's recent memory, the Labor Government of Queensland has handed my submissions, one in 2003 and another more recently, to the now exposed as politically corrupt CMC or CCC. The Government have sought absolution for their offences by asking the CMC (Crime and Misconduct Commission) and renamed CCC (Crime and Corruption Commission) to assess my claims and the more than 100 wrong-doings I have discovered in procedure and breaches of law that can only be described as being deliberate. On both occasions the CMC/CCC has subserviently responded to their masters and denied me justice by absolving the Government of any wrongdoing. This has been yet another act that is a perversion of justice because the CMC/CCC is NOT A COURT OF LAW - they say so on their website - and they do not have the authority to overrule the judgement made of my innocence by the Qld Court-of-Appeal, the highest court in Queensland.

Even when I have pointed out this glaring contradiction to the Qld State Premiers office, I receive a rebuttal. No one in the CMC/CCC has the authority to make such a decision which is not subjected to the rigors of examination that take place in a court of law. Only a court of law can do that and yet, the Queensland Government has relied upon this glaring error and arrogant attempt to avoid their responsibility. It is all the Labor Government has to hide behind as they pray that I will go away.

I hope you will enjoy reading my book and the alarming revelations it contains.

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CHAPTER 1

Queensland's criminal justice system turns on itself.

In 2002, Queensland's Chief Magistrate Dianne Fingleton became the subject of an internally driven miscarriage of justice. Ms. Fingleton was found to be guilty of an offence and sentenced to 6 months imprisonment which she served.

After her release from prison, she sought justice from the High Court of Australia and I report below what was said by Australia's most senior Judge because there are strong similarities to what I faced in my experience with Queensland's corrupted excuse for a justice system.

On the 23rd of June 2005, Justice Gleason of the High Court handed down the court's unanimous 6-0 decision in Dianne Fingleton's favour.

He said that Ms. Fingleton should never have been 'investigated, charged, convicted or sentenced'.

'….there was no fact in issue requiring the decision of a jury'

High Court Justice McHugh said Ms. Fingleton had 'suffered huge public disgrace, and that 'it would be hard to imagine a stronger case of a miscarriage of justice'

The above circumstances are identical to mine, however, the list of wrongdoings against me by the Justice system far exceed those applied to incriminating Di Fingleton. I was hunted relentlessly for punishment.

Ms. Fingleton rightfully sought and was awarded a compensation payment from the Queensland Government. Her experience with a system she worked in was a shocking experience with justice being deliberately miscarried. My efforts to seek compensation for huge losses have been denied on each of the occasions when it has been sought. Even when presented with evidence of mistakes, all being deliberate actions that broke laws and human rights breaches, I have not received fair treatment.

As you read ABOVE THE LAW, which presents my own account of a corrupt Queensland Justice system you might agree that indemnity can only be the reason so many actors within it played their roles without regard for the law or any personal consequences. Political interference in the Justice community in Brisbane was deeply entrenched - and was certainly practiced against me in 1998 -2003.

Precedent had been clearly established in Queensland for compensation for Cornelia Rau, Doctor Haneef and now Di Fingleton. The Attorney General claims there is no process for allowing me compensation.

CHAPTER 2.

From the author.

I was born into a first world democratic country with laws that control a modern first world society. For the greater part of my life Australia was a place of security, quality of life, trust and respect for honest Governments. A country where our freedom allowed us the right to hold and express opinions that may be critical of the honesty and integrity of our elected Governments.

We expect that the people we elect to government will be people who are honorable and honest, have integrity and conduct themselves lawfully. We expect the courts to do the same.

In **ABOVE THE LAW** I write about, and reveal, alarming abuses of authority practiced by Australia's two major political parties, both of whom occupied control of Australia in either State or Federal Government in the period 1998 - 2003.

Our governments would prefer that its citizens remain naively obedient and passive as they make decisions that affect our lives. In 2021 it is abundantly clear that Our Federal and State Governments are no longer independent as their subservience to agendas imposed upon them by the United Nations are driving us toward becoming a socialist society, and our elected Governments have subserviently complied with forthcoming global changes that will dramatically change our lives. We fear that wealthy lobbyists and minorities are a destabilizing influence.

My commitment to be a co-founder of the new One Nation Party in 1996, was mostly brought about by the disastrous U.N. Globalization agenda. That dangerous policy was having a powerful effect on Australia's economy, independence and social stability as post-World War 2 Australians discovered for the first-time, loss of jobs and industries that had abundantly underwritten our countries wealth, prosperity, and spirit. Globalization led to the natives becoming restless. A rapidly growing mood of defiance led to the formation of a new political party that promised change - change that registered in some polls to be supported by up to 90% of those polled. This new party, the Pauline Hanson's One Nation party was seen as a serious threat to Australia's two major political parties.

Democracy it seemed was acceptable as long as we didn't engage in it, and it worked best as long as we accepted that our government knew what was good for us. It became clear that our government was managing Australia as a subservient, de facto agent of the United Nations, an organization comprised of the governments of 195 Countries. This giant committee of unelected, diverse, culturally, and economically different members had been making decisions that had a profound and controlling effect on all of its member nations. The solutions that the U.N. applied to remedy a problem in a 3rd world country were likely to be adopted by all member Nations in an unnecessary display of unity.

Formed after World War 2, the United Nations was accepted at the time as a unifying and peace keeping solution to a world still suffering the effects of a major and greatly destructive world war. As we reflect in 2021 on that comforting hope in 1945 for world peace, the number of wars engaged in globally since 1945 amounts to 283. That disastrous figure is a clear indicator that the U.N. delivers all the unsurprising dysfunctions of a committee and is an abject and expensive failure. It has no useful contribution to make toward Australia's future.

It would appear that Australia's democratic system of voting for a government to have control of our Nation has largely been illusionary as our elected Governments, both LNP and Labor have subserviently outsourced their responsibilities to the whim and votes of member nations of the U.N., many of whom have a predatory interest in Australia's land and extensive resources.

Australia is vastly outnumbered with one vote in the U.N. and such inequity is unacceptable for the conflict it presents to Australia's sovereignty, independence and security.

194 Countries can outvote us, and with the threat of a well exposed plan to create a New World Order, and the equally disastrous Global Reset, the U.N. will eventually become Australia's Government, changing our security, economy, population numbers and standard of living forever.

Similar and even more bizarre threats have emerged in a body known as the **World Economic Forum** which promises their dream of a global 'reset' which is a way to describe applying socialism and communism to the world. The WEF socialists believe that people who own property should surrender it to this reset concept where everyone shares what they worked for with other people who didn't earn it, and the government will give us all enough money to live on. It is a broader application of being forced to adopt welfare when you have worked all of your life to avoid it.

Politics is the biggest game in town and when one takes a position in it you become a member of one of the many 'tribes' that classify you as a friend or foe of the establishment. My decision as a co-founder of a new political force in Australia set me on a course to being a foe.

Australians may democratically create political parties as long as they are not very successful. This is the mistake made by One Nation.

Perhaps the extent to which One Nation was considered a threat to the long-held control of the Labor and Liberal parties, both of whom are deeply committed to surrender Australia's management to the U.N. agenda's, was revealed when U.S. Secretary of State Madelaine Albright was being interviewed on the Australia's ABC radio around 1997/8 and she said that the rise and success of the One Nation Party was not welcomed by the U.S.

My role as a co-founder of the ONE NATION party made me a target. City Hall had me in their sights for punishment, and it cost me my income, my reputation and the family home. This book is the revelation of a shocking, clumsy, illegal, and malicious attack undertaken in Queensland that put me in prison - but not for as long as my attackers would have liked.

A collaboration between Australia's two major political parties resulted in abuse of the law, perverting justice, criminal behavior, denial of natural justice and a complete disregard for fairness and law by Queensland's Labor Party government. It ultimately led to loss of freedom for me and Pauline Hanson, two of the One Nation Party's founders.

CHAPTER 3.

A COLD CASE

ABOVE THE LAW is the result of careful forensic research and examination of a cold case.

It exposes fresh evidence about alarming and tyrannical political and legal interference in the justice system of Queensland by Queensland's incumbent Labor government and its Premier Peter Beattie.

My research reveals alarming facts about our prosecution and way courts mishandled the process.

My alleged crime wasn't an offence against the Electoral Act of Queensland as was confirmed by Justice Ambrose when he deliberated over the allegation that Pauline Hanson and I had committed fraud against the Electoral Commission by using false names for the party's 1997 Queensland registration. Years later, following a lengthy investigation the Police advised the Crown Law office a conviction was unlikely.

The false allegation that found its way into a Queensland court was brought by a former One Nation candidate against the Electoral Commissioner and the One Nation Party.

This first test of the allegation that we had defrauded the Queensland Electoral Commissioner was dismissed by Justice Ambrose. In that very first court examination, the allegations were shown to be false and highly speculative. Some powerful, and some curious facts also emerged during that court hearing.

The Electoral Commissioner, the person who it was alleged had been defrauded by One Nation attaching a false list of member names to their application to register the Party in Queensland claimed that he had not been defrauded and the registration process had been and was valid. The Crown's barrister who represented the Electoral Commissioner in that 1998 court strongly agreed – and yet this manifestly false claim found its way into 4 more courts.

In its final stages, in the criminal jurisdiction of the District Court of Brisbane, the CROWN who had in 1998 argued that no offence had occurred was arguing the opposite and urging a court and Jury to believe we had defrauded the Electoral Commissioner who said he hadn't been defrauded!

Such an alarming escalation of a false allegation can only be described as being deliberate. The first Judge had dismissed the allegation in 1998 and a very thorough Police investigation declared that a conviction was unlikely. In fact, one Police detective involved in that enquiry assured me the report had clearly claimed no offence had been committed. As I look back, it is clear that a serious crime had been committed, but not by me. The crime committed was the perversion of Justice and Natural Law rights committed by the Queensland Government and several highly placed public servants within the Qld Justice system. It was criminal behaviour by them that drove this abuse of the legal process forward.

I reveal some alarming contradictions and allegations in this very shameful period of Queensland's judicial history between 1998 - 2003.

CHAPTER 4.

Justice will not be served until those who are unaffected are as outraged as those who are.

Benjamin Franklin

In 2001 I was charged with an offence I did not commit. As my research confirms, it wasn't even an offence.

On the day the media delivered their story to the public, Pauline Hanson, my co-accused had publicly declared that I would not be receiving access to Party indemnity funds for legal representation as required in the party's constitution. This denial left me with the only remaining option which was to defend myself. Costs of a criminal lawyer conducting my defence was assessed at around $200,000 plus. Pauline had all of her costs met by the Party.

Fortunately, in the face of such a risk having serious consequences, it proved to be the right decision. The extent to which lawyers had failed in defending the Party up to this stage was a staggering and expensive lesson.

I had never before stood in a court and conducted a self-funded defence for a criminal charge.

I was defending the charges in a joint trial with a co-accused who had an experienced criminal lawyer representing her defence, and all of her costs paid by the One Nation Party.

It was the clearly detailed and VALID defence submissions that I presented to the court that were upheld by the Court of Appeal when they quashed our sentences and released us from prison. It is my opinion that the Queensland Court-of-Appeal and Justice Ambrose were the only people who acted lawfully and with integrity in this lengthy prosecution.

If you are ever charged with a serious offence, may I provide some valuable advice.

If your charges are likely to attract media attention, political or other forms of prejudice, public reaction, or if the media have been repeatedly attacking you for years, do not accept a trial by Jury.

The Jury members are likely to have judged you before the trial starts and will bring to the court their prejudice. They are likely to influence other jurors, and cast their vote depending on their politics, religion, whether they like your appearance or if they have been contaminated by media reports that will not assist to defend your innocence. In my case the majority of the jury was statistically unlikely to have ever voted for the One Nation Party so political prejudice was a further reason a jury was a bad idea.

Juries typically also get confused by the law and court procedure.

I realised after the unexpected jury verdict in our 2003 trial that the Jury was a secret weapon used against us, and the experienced criminal lawyer who shared the defence table with me and who acted for Pauline Hanson should have known better than to accept a jury trial on such a high-profile, long publicized case where jurors already knew we had been found to be guilty in a previous civil court.

As you read further, I reveal what contributed to the shocking error of that guilty ruling by the Judge in that second court.

I have written **ABOVE THE LAW** to expose an astonishing log of errors and criminal actions by the Queensland judicial system.

CHAPTER 5.

Fresh eyes on the process.

Between 2018 and 2021, I commenced a review of the abundance of files and court transcripts that covered those years of my political and judicial persecution. 23 years later, my reputation is still damaged and defamed by the search engines of the Internet.

Defamation is the enduring reality of this deliberate perversion of justice, which to this day has had no adverse consequences for its perpetrators.

I made fresh discoveries, and the more I researched, the greater the quantum of evidence collected confirmed that I had been the victim of an astonishing failure of my human rights, procedural fairness and natural justice, all undertaken with targeted prejudice. My research also reveals the criminal offences of persons on the Government payroll who breached their oaths of office and code of conduct.

Evidence mounted of the injustice having been driven by the Queensland Government through its peer legal agency, Crown Law.

This matter started with a dis-endorsed One Nation candidate named Terry Sharples alleging that the names used to register the One Nation Party in Queensland in 1997 were not members of the One Nation party but were members of an associated body of the party known as The Pauline Hanson Support Movement. Terry declared that the Electoral Commissioner had been defrauded. Terry's allegation was wrong, and his evidence did not support his claim when compared with the actual evidence, but he attracted political support for his belief from opponents of the One Nation Party.

Looking at my discoveries with fresh eyes, as one does in reviewing a cold case, I have uncovered alarming new evidence that was perhaps overlooked during the time pressures of that experience. It was like playing football when your eyes are focused on the football and activity around the field is not noticed. Items buried in court transcripts or evidence files and perhaps seemingly insignificant, but still sitting in plain view were overlooked or ignored by all attending and preceding lawyers retained in defending the One Nation Party in the earlier court cases.

It was a damaging breach for my defence that disclosures I had made of our innocence in earlier courts did not reach the eyes and ears of the Jury in the District Court. Many seriously important defence arguments were lost as the final court started with the Judge declaring that we would be in contempt if we made any reference to the proceedings of the prior courts. This included 2 civil courts, a committal court and a pretrial court where a great deal of defence material I lodged had already established our innocence. As it turned out it was my defence submission in the pretrial court that was upheld by the Court-of-Appeal which won the case and released us both from prison, but the Jury never saw or heard that defence argument, although the Crown's prosecuting barrister and Pauline's lawyer were both provided with copies of it.

I now see that powerful demand made by the Chief Judge of the District Court as denying us all of the defence evidence that needed to be exposed for the Juries consideration. It was wrong and a clear perversion of justice.

Why for example could any Judge who heard this matter not have dealt with it as follows?

'Mr Sharple's, you bring an allegation to this court claiming a list of names you tendered as evidence was used to defraud the Electoral Commission and that your list of names is the list lodged with the application to register the One Nation Party in Queensland. I have seen the genuine list attached to that application for registration of the One Nation Party and I can assure you that your allegation is completely false, Case dismissed with costs against you'.

It should have been that simple, and it would have had nowhere else to go. As I conducted further research, I discovered that persons who had joined the Pauline Hanson Support Movement were in the definition section of the Electoral Act accepted as being members of the One Nation Party. That fact alone rendered Mr. Sharple's case to be unwinnable, but he won it in court number 2.

The One Nation Party had become a serious political threat and plotting and scheming was under way to deliver a destructive consequence for the One Nation Party.

Deliberate abuse of power and Government resources was employed in an attack on Pauline Hanson's and my own human and legal rights by a powerful and influential opponent who had the intent, means, motive and determination to attack us.

We were, after all, founders of a new and vote winning political party that threatened to be a constant threat to their dominance of the biggest game in town.

ABOVE THE LAW presents an extensive mosaic of information that implicates the Queensland Government in tyrannical behaviour more suited to a third world dictatorship as they delivered what might be the gravest and most disturbing abuse of authority and miscarriage of justice in Australia's modern history.

The Liberal Party which was at the time, the prevailing Federal Government of Australia, had a small and short-lived part in initiating this assault on justice. Through their representative Tony Abbott M.P. the Liberals co-erced their political friends for slush-funding and they gathered a pro-bono legal team to test Terry Sharple's claim in the civil court. Their first encounter resulted in the trial judge dismissing the allegations as being highly speculative. As it turned out, this first trial provided some powerful evidence of our innocence and legal reasons why there was no basis for any case against us.

The result of that first civil trial in the court of Justice Brian Ambrose was enough for the Tony Abbott legal team to back off.

It was left to be pursued by the former One Nation Candidate Terry Sharple's to run this alone. He did so in the belief that the Liberals were still going to fund his campaign through their slush fund, which to some degree they did, as slush fund money met some of the witness costs involved.

When Mr. Sharple's lost his support from Liberal M.P Tony Abbott, Terry soon discovered there were other more powerful political friends willing to assist.

CHAPTER 6.

Corruption exposed.

I am not a lawyer, however I can solve problems and notice errors in procedure. I may speculate with confidence that no court in Australia is likely to accept a Plaintiff's allegations of a serious crime without the allegation having **credible supporting evidence**.

Pauline Hanson and I were alleged by Terry Sharple's, a former One Nation Party candidate of applying to register the One Nation Party in Queensland by providing a false list of names of people who were not members of the Party but were members of the Pauline Hanson Support Movement, an associated entity of the Party. I refer to this list in this book as 'the false list'.

The first hearing of the Sharple's allegation occurred in the court of Justice Ambrose in July 1998. Curiously, it occurred without the actual list of names used to register the Party being adduced into evidence for examination. The Sharples alleged list and the genuine list were never in evidence and consequently they were never compared. Only the false Sharple's list was presented to the court.

In preparation for this trial the office of CROWN Law refused in 'discovery' to provide a copy of the actual list of member names used to register the One Nation party. They claimed it was confidential. This failure to disclose made the task of Sharple's lawyer much harder because he did not know if his evidence was true or false unless he could compare the two lists. This is of course quite unorthodox because the Judge was left to comment, as he did well, on the legislative reasons why the One Nation registration was valid regardless of which list of names was used. The legislation defined members of the Support Movement as contained in the Sharple's list as being acceptable for the registration process, although we did not use such a list.

The only list produced to the court was the Sharple's list. I know this because I obtained a copy of it from the court file of those proceedings from the Court Registrar's office. I allege that the refusal by the CROWN to tender the actual genuine list allowed this matter to remain open so it could progress to another court for adjudication although it never should have. Being tried in a court twice for the same offence is called **double jeopardy** and double jeopardy is an offence under the Queensland criminal code.

The genuine list of members names attached to the application to register the One Nation party certainly was not introduced into evidence for comparison. This raises the interesting question: How can the court determine the falseness of the allegation without examining, comparing and ruling on the primary evidence?

There is no reference of the Sharple's false list in Justice Ambrose's rulings. Justice Ambrose dismissed the action on the basis of witness confusion, contradictory witness statements, extreme speculation and

the sections of the Electoral Act that supported the legitimacy of the Party's compliance with the Electoral Act. Those were very strong and well-made points for establishing our innocence.

1. I still cannot see how there was any genuine basis for a second court presided over by Justice Roslyn Atkinson to examine the Sharple's allegation, and to do so was to try us twice for the same allegations which was a breach of the Qld criminal code.
2. It is clear that the end game and driving force behind this miscarriage of justice was to seek a court ruling of our guilt, after all that is what they needed to prevent Pauline Hanson from holding a seat in Parliament.
3. Sharple's was encouraged by a new witness coming forward – he was a person who was later described in the final District court by the Crown Barrister, a Police witness and the trial Judge as not being a witness of truth. He wasn't by his own admission 2 years later when he swore a Statutory Declaration to the effect that he had given false evidence to the Atkinson court. Again, I can allege that those 3 persons were expecting that person to be called in the District Court trial for the defence, and they were preparing for him to be declared unreliable.
4. However, his perjury was welcomed in the courtroom of the Labor Government appointed judge Justice Roslyn Atkinson who in spite of some declared reservations, accepted the perjury of that witness when she ruled that the Sharple's list was in fact the list of names attached to the application to register the One Nation Party in Queensland. Of course, it was not, and even if it had been, the electoral act accepted and defined members of associated entities to be members of the Party.

This suspicion of the Sharple's list being deliberately buried arises because in neither of those two civil courts was the co-accused, the Queensland Electoral Commissioner being represented by Crown Law, ever asked to identify the Sharple's false list and specifically to declare if it **was or *was not*** the list of names attached to the application to register the party. Since that list was the primary forensic evidence to support the charges against us that single action would have accomplished the following;

1. At no stage did the Crown's Barrister seek to defend his client (The Electoral Commission/er) in the Atkinson court by declaring that the Sharple's list was **not** the list attached to the party's application for registration, and **he would have known this to be the case**. More alarming information on this subject emerges further into this book.
2. At no stage did the One Nation Party's lawyers declare that the two lists did not match because to do so would have required both lists to be placed into evidence and the Crown did not want that comparison to be made. I suspect that the CROWN by now had more sinister plans and just did not want the list comparison to be made or their attack was dead in the water.
3. Any simple forensic comparison of the Sharple's list of names would have resulted in the Sharple's list being declared to be false.
4. It would have been very possible for any comparison to have been made which complied with the Electoral Act requirement that member names remain confidential. The prevailing Judge could have made that comparison and ruled upon it. In fact, the genuine list of member names **was** revealed in our 2003 trial in the files of Police evidence.

5. It would have immediately destroyed Sharple's action against the party and any further actions and the much-needed media damage that surrounded our case.
6. That false list and the allegations asserted to support it would have been dealt with. Sharple's list was the only item keeping this abuse of authority in the courts and it is obvious that this false primary evidence had to be protected so this matter could advance toward other courts.
7. The legislated protection of the names of members of a political party worked in the Governments favour because it prevented a comparison of Sharple's list with the genuine list. I am sure that the legislators who set this rule in the Act were not anticipating the secrecy of such names when they were required in a court case. The Government and its agents in the Crown and D.P.P. were greatly assisted by this legislative requirement.
8. HOWEVER, it is interesting that in the 2003 criminal trial the genuine list of names **WAS** revealed and issued to me and the lawyers at the bar table. Justice Ambrose in his 1998 ruling noted that Sharple's had asked the court for a copy of the genuine list of names which had been denied to Sharple's lawyers by the Crown Law office. Without it Sharple's was flying in the dark.
9. Had the ***genuine list*** of names been entered into evidence Sharples would not have needed to ask for it as revealed in Justice Ambrose's ruling comments.
5. Justice Ambrose does not make any reference to the ***false list*** of names in his deliberations, and it seems that the primary evidence to support Sharple's claim should have been considered and ruled upon.
6. Had both lists been entered into evidence Justice Ambrose would have had an easy job to compare those two lists and to simply say 'The Sharple's list is not the list provided to the Electoral Commission'.
7. Justice Ambrose dealt with his rejection of the Sharple's allegation by focusing on the several and strong legislative reasons that made Sharple's false list as evidence irrelevant. The Sharple's allegation was defeated on legislative grounds alone, base upon members of the Pauline Hanson Support Movement being defined in the Electoral Act as being members of an associated entity of the party, and that the party qualified for registration as a Parliamentary Party in Qld.
8. Justice Ambrose to his credit did reveal a number of reasons within the Electoral Act to support why the One Nation Party had not committed any offence against the Electoral Act nor fraud against the Electoral Commission.
9. Is it even feasible that any court could be conducted without the primary evidence being revealed and forensically examined?
10. The preceding comments suggest that all parties to this court hearing wanted to avoid having the Sharple's list compared to the genuine list. Why? Because to do so was the end of the game.

The EXCLUSION of this vital primary evidence, evidence that should have been exposed for its falsity arouses serious suspicions that this was the first stage of concealment that if exposed would have collapsed the case against us.

This was the beginning of a carefully conspired cover up which I allege was necessary to ensure that those two documents were never placed side by side in a court for comparison, and it never happened. Certainly, the Crown's case was based upon the Sharple's claim and the false list and yet it had disappeared by the time the case reached the 2003 District Court and the Jury never saw the Sharple's list or they would have been better informed.

In his rulings, Justice Ambrose dismissed the Sharples action, and rejected the false allegations made. He cited legislation and contradictory and unreliable witness testimony as his justification. He never at any stage commented upon or declared that the Sharple's list was false. This failing was to the benefit of court number 2. Justice Ambrose applied several legislative sections of the Electoral Act to support his acquittal of the matter. The following defence points were made in his final judgement to make our innocence quite clear.

1. The One Nation Party was already a federally registered **parliamentary party** under the provisions of the Federal Act and the same opportunity existed under the Queensland Act which allowed a parliamentary Party registration based upon the party having just ONE member who was a sitting M.P. which Pauline Hanson was.
2. The members on the One Nation Party's list submitted to the Electoral Commission were already members of the Federal Party and were simply used to register the Queensland Division of the Federally Registered Party.
3. Under the definitions section of the Electoral Act members of associated entities of the registered party were defined as being acceptable as members (Had we done that, which is what Sharple's falsely alleged).

In Justice Ambrose's court, the Crown's barrister acting for the Electoral Commission, rejected all claims by Sharple's, and the Electoral Commissioner himself also made it clear he had not been defrauded.

The Electoral Commissioner, when in the witness box was not shown the Sharple's list to gain evidence of his response to it being the list that was attached to the party's application to register. How do I know that? Because I showed the false list to him 5 years later in the 2003 trial, and he said he had never seen it before. This was a critically forensic document.

With the dismissal of the Sharple's action in the court of Justice Ambrose, it would appear that the case against us was over, and yet it wasn't. Further in this book I reveal other aspects of this court process that are quite alarming because they required judicial deception and laws to be breached to succeed.

Justice Ambrose strongly supported our innocence on the basis that an offence had NOT been proven. He ruled the allegations made against the One Nation Party to be speculative in the extreme. He couldn't have made it any clearer that we had no case to answer. **His judgement was that there was insufficient evidence to support the claim made by Sharple's and yet that competing evidence was in his court and so easily available to compel his ruling. I know that because Justice Ambrose declared that the genuine list be sealed and in future could not be examined without a court order.**

Justice Ambrose pointed to several parts of the Electoral Act which defeated Sharple's claims. Not the least of them being in the membership definitions section which said ***persons who were members of an entity associated with the parent Party were under the Act considered to be members of the party***, this being the same claim I made in a later court – a claim which was upheld by the Court of Appeal in the 2003 trial when we were released from prison.

Terry Sharple's belief was perhaps genuinely held by him but nonetheless it was a false belief.

Terry ran his allegation through two Qld Courts claiming that the Electoral Commissioner had been deceived into accepting the false list of names for registration and should not have done so. Terry's allegation was later expanded into being that the One Nation Party did this because they had no genuine members – an allegation defeated by the definition of a party member in the Electoral Act. and evidence given in the later courts.

In an astonishing conflict of facts, the Crown ran their case against me and Pauline in the criminal court of the basis that there were only 3 genuine members of the party, being Pauline, me and David Oldfield, the 3 co-founders. Using this argument was just dumb because it contradicted the basis for the Atkinson courts judgement that the party did have members who were members of the Support Movement. This is all looney tunes law. At the appeal court stage in late 2003 the same Crown barrister had reverted to saying that we had used support movement member names. He contradicted his original claim.

In further contradiction of the Crown allegation that there were only 3 members of the party was the genuine list of member names given to the Queensland Electoral Commission and included as **Exhibit 17A** of the District Court trial. This exhibit was introduced by the Police in their log of documents, and it stood as a direct rebuttal of the grounds for the trial we were defending. It also contradicted the ruling of Justice Atkinson in court #2.

The Jury heard and saw further evidence of membership in cross examination of witnesses who were shown their application for membership, receipts and membership cards, which all amounted to membership being created under contract law. I presented evidence of bank statements showing income defined as Membership income, receipts issued to members, membership cards issued to members, evidence of a National AGM of members, members attending branch meetings, Support Movement income listed in Annual Returns to the Australian Electoral Commission which was audited each year. The Party's accountant and staff also gave evidence to support that the party had thousands of members. The Police brief of evidence had been handed to all parties involved.

After the second court trial in 1999 the Government, through the Crown Law office took over the prosecution of this baseless allegation because there was one thing the Qld Government wanted and they had not accomplished in the two civil courts. They wanted Hanson neutralized and out of Politics.

EVIDENCE is the most critical element to support either guilt or innocence against any allegation. At every stage in this comedy of errors, the genuine list and the false list were never compared in any of the 5 examinations of this farce in any Queensland court.

The side benefits to the Government were that the longer the allegation of criminal behaviour could be used to smear the One Nation Party's reputation, the more money it would cost the party in defending multiple court actions and a win could be scored on two fronts – that we were dishonest which would prejudice a jury and the party would become insolvent after meeting all of its legal defence costs.

The failure to compare the evidence leads to only one conclusion, which is that there was a deliberate, malicious and intended effort made to destroy the One Nation Party which is exactly what Premier Peter Beattie had said he intended to do.

I suggest that such an intent could only have occurred if attending lawyers were either incompetent or had sold us out. The Party's lawyers and the Crown Law office failed to apply Natural Justice, orthodox process, fairness, truth and Justice. They were heavily criticized by the 2003 Court-of-Appeal judges.

As Justice Ambrose had said in his final ruling the party was entitled under the Electoral Act to be registered as a Parliamentary Party. This type of registration required only a single member who was a sitting Member of Parliament which Pauline was at that time.

CHAPTER 7.

THE DISCOVERY PROCESS:

In order for Mr Sharple's allegation to have been brought before the civil court of Justice Ambrose in 1998, Mr. Sharple's lawyers would have provided a copy of the Sharple's false list of names to both the Crown and to One Nation's lawyers as the primary supporting evidence for the action. Both the Crown and One Nations lawyers MUST have seen the obvious falseness of the evidence. It was a mish-mass of pages of names from all over Australia, whereas the genuine list contained only members resident in Queensland. There were multiple differences in the two lists including the price paid for party membership. BUT, to their discredit, neither the Crown nor the One Nation lawyers raised that obvious defence in the court.

The party was represented in the Atkinson court by a QC, a barrister and a legal firm – all at great expense and all failing us dramatically to provide any credible defence to win such a winnable case.

At that first 1998 trial in the court of Justice Ambrose, the Crown had defended the Electoral Commissioner of Queensland as their client and had access to the genuine list of names used to register the party – a list that was denied to Sharple's lawyers in the discovery process. Without that document Sharple's lawyers entered that court without critical evidence to prosecute their case, or as would have been the case, to enter the court knowing their action was based upon a false allegation.

It is not credible to accept that in the court of Justice Ambrose the CROWN barrister had not made a comparison of the two competing lists of names. The CROWN would have and should have known the Sharple's list and allegation was false. They also should have read how the Electoral Act defined a member of a political party to realise that the trial was a waste of court time.

The Crown went from arguing in 1998 we were innocent of defrauding the Electoral Commission to becoming the instigator of criminal charges based on saying in 2001 that we did defraud the electoral commissioner, although in 1998 the Commissioner said we had not.

At this stage in 2001 we had the accumulation of factors that amounted to any court action being a miscarriage of justice, with false evidence, admitted witness perjury, double jeopardy, a police report declaring that we were unlikely to be found to be guilty and two civil courts delivering contradictory rulings. Court number 3 got even sillier when the Police introduced as evidence EXHIBIT 17A being the genuine list of names used for party registration and it directly CONTRADICTED the guilty ruling made by Justice Atkinson. It also contradicted the allegation which started this farce which is the list of names tendered to the court by Terry Sharple's.

CHAPTER 8

Civil COURT number 2.

In August of 1999 a second civil court, presided over by Justice Roslyn Atkinson **heard the same allegations** brought to her court by Mr. Sharple's and the same alleged false list of names was again used as supporting evidence to justify the court's consideration of the Sharple's claim. This is an extremely important and critical factor. How was a second trial allowed to occur? The Crown Barrister and the Electoral Commissioner had given evidence of no fraud committed and Justice Ambrose had made rulings that made it absolutely clear that no fraud had been established by any evidence adduced in his court and that a Parliamentary Party registration was available to the One Nation Party had it chosen to apply for it instead of using a list of its members names.

The Electoral Commission was for the second time accused by Sharple's of improperly mishandling the process for registration, a claim again denied in evidence given by the Crown and the Electoral Commissioner. The Crown and the Commissioner had already given irrefutable evidence in the Ambrose Court that due process had been strictly followed and no fraud offence had occurred.

The matter was judged and dealt with by Justice Ambrose.

The Queensland Criminal Code Act prohibits anyone being tried TWICE for the same offence under the DOUBLE JEOPARDY rules contained in the Queensland Criminal code and yet here in the Justice Atkinson Court they were doing just that – breaking their own laws by allowing a second trial when the allegations had been heard and judged by Justice Ambrose one year before.

On a global level my Human Rights are deeply enshrined in the United Nations Human Rights covenants and at the time my human rights were being breached in Queensland. Australia was a signature to those U.N. covenants and Australia was the chair of the U.N. controlling body at the time the Queensland judicial authorities were breaching those rights. The Qld Government have their own Human Rights Act which was also ignored.

In the Atkinson court the Electoral Commission was again represented by a barrister provided by the Crown Law office. As it turned out, he was the same barrister who acted for the Crown in the final District Court criminal trial in 2003. This indicates that he should have had strong knowledge of the matter and the falseness of the evidence placed in that second civil court. He admitted it in the District Court in 2003 when he made a point of declaring that the key witness in the Atkinson court was 'not a witness of truth'. His declaration was agreed by the Chief Judge and the Police witness. It does not sit well that this barrister would accept a third attack on the One Nation party when he must have known it was a miscarriage of justice and a further offence by the Crown of the Double Jeopardy law.

He was there when Justice Atkinson ruled the Sharple's list to be the list of names used for party registration and he had a copy of the genuine list in that courtroom which he told court number 3 was

the genuine list attached to his clients witness statement and yet in the Atkinson court he never presented that genuine list into evidence. He must have known the District Court of Justice Atkinson was based upon false evidence and perjury.

There is an astonishing stage in this comedy I write about in a further chapter.

In preparing for his representation of the Electoral Commissioner in trial #2, who was listed as a defendant by Sharple's, one would expect that the Crown barrister would have been obliged to read what occurred in the first trial. In so doing it can be safely assumed that this barrister would have or should have made the comparison of the two lists, after all, the Crown had both of them. Plus, there were the very strong legislative observations made by Justice Ambrose. The Crown's prosecutor must have known that the Sharple's list was not the list presented to the Electoral Commissioner for registration of the One Nation Party in 1997, nor was there a case to answer on legislative grounds.

Following that essential comparison of the critical evidence he should have declared the trial to be unwinnable without reliable evidence to sustain a guilty verdict. But he did not. Why? Keep reading.

In 2003 that same barrister revealed in our District Court trial that the **genuine** list of names had been attached to the Electoral Commissioners witness statement in that second trial in the court of Justice Roslyn Atkinson. His admission reveals that the Crown knew or should have known that the Sharple's evidence placed in the Atkinson court was based upon Sharple's false evidence, and yet the Crown remained silent. His reading of Justice Ambrose's decision would also have confirmed our innocence. The Crown is an agency of Government. Had ne not read the Police Report?

There was a critical moment in this Atkinson court where the Electoral Commissioner was being cross examined in the witness box, and the opportunity arose where the Genuine list of names was required for his examination and response. The transcript shows that the critical evidence document was not in the court. This was an outrageous circumstance and one that is contradicted by the CROWN prosecutor who said years later in our 2003 trial that the document being sought was attached to the Electoral Commissioners witness statement! Why did he not declare that the relevant document was in the court and offer it as an exhibit?

Even more astonishing is this, **Justice Atkinson in her ruling found that the false list was the list used to register the One Nation party** and she ruled that Hanson and I were guilty and had acted to defraud the Queensland Electoral Commissioner. The Crown's Barrister MUST have known her ruling was wrong. He had the evidence that contradicted the Judge's ruling, but he remained silent.

The media at the time bombarded the public with the news that we had committed fraud.

The other outrageous contradiction was that Justice Atkinson found that the Electoral Commission had conducted its processing of the One Nation Party application in accordance with the Legislated procedure and she dismissed allegations of any wrong -doing against the Commission. In doing so Justice Atkinson was also inadvertently declaring that the Commission was NOT defrauded because

their processing of the One Nation application had been conducted properly and it passed all of the required stages to gain approval. Her decision in favor of the Electoral Commission had supported our innocence. We were being tried for defrauding the Electoral Commission who the Judge was now saying was not deceived but we were still guilty of defrauding the Commission.

My cold case research has aroused suspicion that political interference had been working against the One Nation Party's innocence and our right to natural justice. Justice Ambrose had strongly dismissed the same action in his court with multiple legal reasons why the Party was entitled to registration under other circumstances beside the members list, and the CROWN knew it.

The Crown's barrister in the Ambrose court had claimed the Electoral Commissioner had not been defrauded. The Commissioner also declared he had not been defrauded. The legal characteristics of fraud and contract law also were not breached as the Commission did not rely on any representations made by the Party.

Political pressure was driving this deliberate perversion of justice.

In handing down a guilty decision, Justice Atkinson ruled that Ettridge and Hanson had defrauded the Electoral Commission. Her ruling was that the One Nation Party was to be **deregistered** and that an electoral funding payment of $502,000 made in 1998 to the One Nation party after the June 1998 State election must be returned to the Qld Electoral Commission.

An Appeal followed which 'perfected' the ruling of Justice Atkinson. They had it all sewn up as the saying goes. **This 'perfected' ruling now had legitimized false evidence which at a later date became a factor which led to the Director of Public Prosecutions justifying her decision to charge us with fraud.**

This was a trial where the allegations were judged, offenders identified, and penalties issued. I make this point for a reason to be explained later.

After the Atkinson rulings, the Police were called in to investigate. This was to be the start of phase 3 which revealed the true reason why so much corruption of the process was in play. The Queensland Government wanted to incriminate Pauline Hanson with a serious criminal penalty so she was ineligible under the Constitution of the Commonwealth of Australia to run for any Parliamentary seat again. There was no other reason to do it, the Government had their guilty verdict and a huge financial blow had been dealt to the One Nation party. But, there was one big problem lying ahead.

I learned of the Police investigation when a team of Police officers arrived by surprise in a raid on the party's Sydney and Ipswich offices. It was a big media story which indicated to viewers of the 6 o'clock news that the One Nation party was guilty of something or why else would they be raided? It added to the damage. Innocent people don't get their offices raided and our political opponents knew that perception is what drives people's beliefs. This was prejudicing Australians and a future Jury to a belief that the One Nation party was likely to be acting illegally.

In 2001, Pauline Hanson and I were charged with the criminal offence of defrauding the Electoral Commission, a 'crime' for which in 1999 we had already been found guilty, as bizarre as that verdict was.

The criminal trial occurred in 3 stages as the Crown tested their prosecution with some dubious witnesses, most of whom were soundly discredited in the Committal hearing and never seen again.

After we were charged, I relied upon my legal costs being met under the One Nation Party's indemnity provision that I co-authored with Hanson and Oldfield to protect us for an occasion like this. I was in the U.K. at the time we were charged, and I returned to Sydney to read in the Australian Newspaper that Pauline had declared that I would not receive any money from the party for my legal defence. I sought estimates from Qld based lawyers and decided to do it myself. All of Pauline's costs were paid by the Party.

Few people would have several hundred thousand dollars sitting around for a court case, and I needed to mortgage my family home to get sufficient money to fund my costs of living and the costs of what turned out to be 2 years of spasmodic attendances at court appearances in Queensland.

It was to be my first experience defending myself in a court. The committal curiously found that there was a case to answer when it should not have, again without the Sharple's false list making an appearance as evidence, and in a huge legal disaster for the Crown and the D.P.P., something I did not connect at the time, the genuine list of names appeared as EXHIBIT 17A in the Crowns case against us.

The CROWN in 2002 had introduced evidence in the Committal court that CONTRADICTED the verdict of Justice Roslyn Atkinson in 1999.

With this new evidence surfacing and the Sharple's false list never being mentioned again, we had a massive miscarriage of justice exposed.

As I reflect on this, I cannot understand that Hanson's lawyer and I did not see this huge error. No one noticed it. It was in the committal hearing that the question of the list of member names attached to the application to register the party in Queensland was brought to the attention of Police detective Sergeant Newton. We were facing a charge that we had used support movement members names to register the Party. I asked him to look at the genuine list (Exhibit 17A) to see if there were any $5 support movement member names on the list used for the application to register. He confirmed there were none. At that stage the case against us was won and the basis for our trial was exposed to be false but Judge Halliday did not call a mistrial or dismiss the matter.

Astonishingly, Judge Halliday ruled that he had seen enough evidence to let the matter proceed to the next stage in the courts which was a pre-trial examination in the Court of Justice Brian Hoath.

It is on occasions like a committal and pre-trial that trial evidence and witnesses are tested. It was also an occasion when 'discovery' should take place, discovery being that each side reveals their evidence for consideration and rebuttal.

For the District Court criminal trial I was provided with several document folders containing copies of general articles of evidence, most of it familiar. In my opinion it was 'packed' with irrelevant documents to give the Jury the impression that a lot of evidence meant a lot of guilt. It was likely psychological programming for the Jury.

It was in these folders that the Police Report I later learned of was conspicuously missing, and at this stage I didn't know the Police Report even existed or it would have played a huge part in establishing our defence. That report was never mentioned nor revealed. I found out why later.

This trial with a Jury resulted in both of us being found guilty and we were sentenced to prison for 3 years with no parole period.

That such a keystone cops shambles and deception could have travelled so far within this corrupted court system is still unbelievable, but hearing the Jury declare 'Guilty' and the Judge say '3 years in prison' still resonates in my memory. This pre-amble is necessary to lay the foundation for all of what transpired because in hindsight, it was farcical and could never be described as the result of a functioning justice system.

You will read in this book about the process we dealt with and who did what and why.

Would some perjury be useful?

1. In the Justice Ambrose Court Terry Sharple's committed perjury.
2. The late former party member Ted Briggs delivered evidence that was considered false by the judge, in part because it was contradicted by the written evidence he presented and because his testimony contradicted what Sharple's had told the court.
3. In the Justice Atkinson court Andrew Carne committed perjury, later admitted it and recanted his testimony in a sworn Affidavit.
4. In another astonishing event, Terry Sharple's applied for a mistrial of the Atkinson judgement when he too declared the Atkinson trial to have been won by **Perjury, deliberate with-holding of evidence, conspiracy and fraud.**
5. At some stage before we were charged, the Police TWICE submitted their lengthy report to the Crown Law office declaring that a conviction was unlikely. Police believed there was no case to answer.
6. These 5 things all occurred prior to us being charged and as was revealed in the Crown prosecutors submission to the Court-of-Appeal in late 2003 - he still believed the Crown case was based upon us using the false list of names presented by Terry Sharples! The support movement member list would, under the definitions section of the electoral Act have been acceptable as members.

The driving force for this miscarriage of justice had nothing to do with innocence, law or truth. It was it seems to create a new world record for incompetence and perverting the course of justice against two innocent people.

Justice was perverted in this huge criminal conspiracy and the force behind it all was indicated by the investigating Police at the time they gathered witness statements. That same culprit had admitted in 1999 that he had promised to 'get' rid of One Nation. His name is Peter Beattie, State Premier at the time, and he made his own admissions for his offence.

We faced an astonishing abuse of power and tyranny and it lasted for 5 years. Throughout the final 2 years of this shocking exercise in criminal abuse, I conducted my own defence and was at the front line of the battle. I wish I had known then what my research has revealed for this book.

It was my submissions of innocence that ultimately won the day. There was an agenda in play, and I can now reveal the who, how and why.

Summary of the post-trial submission points made by Peter Lyons QC representing One Nation after the civil trial conducted by Justice Atkinson in the matter Terry Patrick Sharples Vs Desmond O'Shea (Qld Electoral Commissioner) and Pauline Hanson.

1. Sharple's brought extensive evidence that had no relevance to his pleadings. This evidence should not have been allowed.
2. Sharple's had during the trial shifted his entire focus to claiming that the names submitted were actually members of the support movement.
3. Sharple's claimed in his pleadings that we had attempted to register a new party which he called 'The Queensland Party' which he claimed had no members.
4. Sharple's did not (although agreed that he could by the court) amend his pleadings.
5. Sharple's sought to object to the party's registration in Queensland when in fact the time period allowed for such objections had expired 15 months before his attempt. The Electoral Act does not allow for the type of action brought by Sharple's.
6. Discrepancies in testimony of Sharple's witnesses was rampant. Admitted perjury and verbal contradiction of actual evidence is constant.
7. Claims were made under oath of matters that were impossible to have occurred at the times that Sharple's witnesses claimed they did.
8. Claims were made under oath that the list of members names submitted for the registration were produced by either Andrew Carne or Ted Briggs. Both were false as clearly identified by the actual document accepted by the Electoral Commission.
9. The constant contradictions and perjury were overlooked by the Judge in her final judgement.
10. Sharple's claimed falsely that the Queensland registration did not have a constitution, a constitution being a document that was essential for the lodging application for registration.

11. Throughout the trial our legal team sought to limit evidence to the pleadings but were overruled.
12. The wide contradiction of testimony provided by Sharple's witnesses was comical. 'The party had only one member'. 'The party had no members'. 'There is a party but members do not belong to it.' 'Members are only a part of a supporters group'. 'The party was really a company'.
13. Very little of the evidence gave any support to Sharple's original pleadings.
14. There were copious amounts of documents that showed the differences between the Support Movement and the Party, but almost all of Sharple's witnesses testified as if rehearsed, say that they had joined the Support Movement and not the Party although their original Party application for membership documents in their own handwriting and receipts for membership were produced to contradict their testimony.
15. When analyzed, the sworn testimony of almost all of Sharple's witnesses is found to be either confused or untruthful in all or part or all of it.
16. In cross examination, Sharple's admitted his perjury in a previous court appearance on this same matter.
17. Ted Briggs was also exposed for perjury during cross examination.
18. Chris Bramwell gave testimony which was inconsistent with the evidence.
19. David Graham's testimony contradicted Andrew Carne's testimony.
20. Peter Archer gave testimony which was inconsistent with the evidence and his sworn affidavit.
21. Brian McDermott gave testimony which was inconsistent with evidence and he contradicted his own testimony. **Note: None of the above witnesses from points 15 – 21 including Sharples, all of whom were ultimately relied upon – with reservations by Justice Atkinson - were called to the District Court trial, which indicates that The Crown knew they were completely unreliable.**
22. Andrew Carne swore that Ettridge and Oldfield had on separate occasions drawn an identical schematic of the party structure for him in June 1997 which included reference to the company 'Pauline Hanson's One Nation Limited'. The problem with Carne's testimony is that the company had not been created with ASIC until September 1997 so it could not have been part of Carne's claimed structure.
23. Carne also claimed to have printed the full national membership database containing the names of members throughout Australia which was used to register the party in Queensland. He swore that he did this sometime between July and September 1997. The list held by the Electoral Commission of Queensland was dated 13th October 1997 and only contained the names of party members resident in Queensland**. ** In the final District Court trial, the party's staff member Claire Wright, who managed the membership database testified that she had prepared the list of member names used for the application to register in Queensland.**
24. There is very strong, lengthy and undeniable support for the argument that Sharple's had no standing to bring this action against the One Nation Party.
25. Sharple's was never a member of the One Nation Party because his cheque for his membership fee was dishonored when presented to his bank.
26. In clause 193 of Peter Lyons submission, he refers to politically motivated action designed to deny One Nation of its legal right to receive electoral funding from the Electoral Commission of Queensland. He also points to One Nation's right having been prejudiced and treatment of the defendant to have been unfair.

There are a number of items in the above list that could have been easily rectified to have avoided a guilty verdict. All of the necessary defence of innocence points, being contract law, and definitions contained within the Electoral Act were never raised by our legal team.

Claire Wright could have been called as a witness. Our esteemed legal representation had decided not to run a defence against Sharple's allegations because Lyons QC said he had strayed too far from his pleadings. This course of action handed a gift to Justice Atkinson who without rebuttal from the defendant simply found against us.

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Sharple's had received indemnity for his costs for legal action against One Nation by Tony Abbott M.P. It was both the financial and intellectual assistance afforded by Abbott that had encouraged Sharple's to move forward with two separate legal actions. The first in June 1998 heard by and dismissed by Justice Brian Ambrose, and the second in August 1999 presided over by Judge Roslyn Atkinson, a person with a deep involvement in the Queensland Labor Party and a person declared by the Queensland Bar Association to not have sufficient experience to hold the position of a Supreme Court Judge.

It was also at this time in June 1998 of Abbott introducing Sharple's to Brisbane based lawyers Paul Everingham & Co that the focus of the action differed from the one Sharple's wanted.

Sharple's wanted One Nation to be deregistered and Abbott sought to challenge One Nation's right to receive any electoral funding in a move that would starve One Nation of campaign funds for the October 1998 Federal Election. There are many statements of admission made by Abbott of his illegal role and breaches of law that he is yet to confront.

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TRY TO UNDERSTAND THIS CONUNDRUM:

The Atkinson court in 1999 passed a judgement that Hanson and I had defrauded the Qld Electoral Commission. This ignored the evidence given in Justice Ambrose's court that the Commission and their Crown law barrister said the Commission was NOT DEFRAUDED.

The Atkinson trial was lost by the One Nation Parties lawyers who had a winnable case and the manifestly incorrect Atkinson judgement was 'perfected' by the court of appeal ruling that her trial and judgement was valid. This suddenly meant that the Sharples false list of names was now deemed to be the genuine list of names lodged with the party's application for registration which it was not.

The D.P.P., in justifying their charges against us, said they relied upon the two stages of the Atkinson trial and our guilt having been established by those two courts.

So, when the 2003 District Court examined the charges against us, the genuine list of member names used to register the One Nation Party in 1997 was introduced as an evidence EXHIBIT 17A for the first time. This single act contradicted the ruling of Justice Atkinson's Court and it has never been corrected. Was this the reason Chief Judge Patsy Wolfe demanded that no mention of any previous court be made in her courtroom? Such a disclosure would mean that the Patsy Wolfe court was a mistrial from the beginning and an expensive waste of time and money. We cannot have both the massive contradiction that the genuine and the false list of names are BOTH the genuine list!

I was sentenced to 3 years in prison and actually spent 11 weeks incarcerated when the court of appeal acted with judicial integrity and quashed the conviction.

CHAPTER 9.

Reviewing the ethics.

NATURAL JUSTICE.

The bias rule of natural justice is not only concerned with conflict of interest: it also requires that a decision maker be impartial and free of actual or apparent bias. 'Actual bias' means that the decision maker has a predisposition to decide the matter otherwise than with an impartial and unprejudiced mind.

When the separation of powers doctrine is ignored by our Governments the first victim is going to be Natural Justice. How can a Judge or juror who may have long-held political differences to my own be able to claim impartial judgement? When every person, apart from the jury, is driving the case against me is on the payroll of the State Government who are represented by the Crown as the Plaintiff, then what chance is there of bias, prejudice and expectations of the Plaintiff **not** being a factor that denies justice? My research shows it was, although this serious conflict was never to my recollection discussed or considered during the trial.

How can a judge who was appointed by the Government deal with a matter in their court when their judgement might have a powerful effect upon the very existence of their appointor?

Permission for the following extract is from an article on the subject by

Matthew Groves, Alfred Deakin Professor, Law School, Deakin University.

EXCLUSION OF THE RULES OF NATURAL JUSTICE

Natural justice is a common law doctrine that provides important procedural rights in administrative decision-making. The doctrine now has a wide application and is presumed by the courts to apply to the exercise of virtually all statutory powers. But the courts have also accepted that natural justice can be excluded by legislation that is expressed in sufficiently clear terms. This article explains how the courts have made it increasingly difficult for parliaments to exclude natural justice and the principles that apply to its legislative exclusion. It is argued that the interpretive principles applied to legislation which purports to exclude natural justice are so strict that it is very difficult for parliaments to succeed in any attempt to exclude the doctrine.

Natural Justice is vitally focused on the process rather than the decision.

My research and now being aware of the above, causes me to doubt that the Justice System in Queensland had acted in accord with the deeply relevant doctrine of Natural Justice.

At every stage of my prosecution the allegation against me was placed in the hands of people who had been appointed in conflict with the Separation of Powers doctrine. Accordingly, it is very difficult to accept that the accusations and evidence against me were properly examined as was ultimately proven with the quashing of my conviction by the Court Of Appeal.

N**atural justice** implies and indeed demands fairness, reasonableness, equity and equality. It represents higher procedural principles developed by judges, which shall be followed by the **judicial**, quasi-**judicial** and administrative bodies in making a decision affecting the rights or status of an individual.

CHAPTER 10.

Ignoring our human rights.

tyrannical

adjective

exercising power in a cruel or arbitrary way.

'a tyrannical government'

synonyms: **dictatorial**, despotic, **autocratic**, oppressive, repressive, fascistic, tyrannous, totalitarian, **undemocratic, anti-democratic**, illiberal, **authoritarian**, **domineering**, **dominating, overbearing, high-handed, imperious, bullying, harsh** and **ruthless**.

The above is the dictionary description of a tyrannical government. I have taken the liberty of emphasizing some of the characteristics of that definition because in my opinion I allege they applied to the Beattie Government of Queensland in between 1998 and 2003.

History and the facts of that era reveal that democracy and the legal rights of two innocent people were deliberately abandoned when they were charged with a demonstrably false criminal offence and sentenced to imprisonment for 3 years.

Acting in a tyrannical manner, the Queensland Government at that time applied **retrospective** law in a wide-ranging conspiracy to destroy a legally structured and legally registered political opponent.

Only the State Government had the authority to apply retrospective law when they made the decision to punish us by applying heavier penalties 3.5 years after our alleged offence had occurred. That offence against the Electoral Act Qld (had we committed it) in 1997 had a penalty of 6 months imprisonment or a $1,500 fine.

On the 19th of August 1999, the Queensland newspaper, 'The Courier Mail', ran a story which revealed that the Queensland Labor Party's Attorney General Matt Foley had said that our offence which followed the civil court's guilty verdict attracted a 6 month's jail term or a $1,500 fine.

In 2003, breaching Natural Justice, Human rights and my right to a fair, unbiased and transparent process, the District Court applied a prison term of 3 years with no parole period.

This penalty was applied 3.5 years after the alleged offence, and after 4 court trials, the first of which had declared that no offence of fraud had occurred.

The 5th court in 2003 was convened after a detailed police report advised the CROWN LAW OFFICE that a conviction was unlikely. Abuse of the courts was the final weapon of choice in a turf war for votes by the Queensland Government. It was a shameful travesty of justice.

The State Government wanted more than a conviction. They wanted to destroy us.

What was a civil offence had been reset as a criminal offence which allowed the tyrants in charge to apply penalties with far harsher consequences than were ever intended by legislators who compiled the Electoral Act. It was done for a clear reason, to ensure Pauline Hanson could never stand for a seat in an Australian Parliament again. With a criminal penalty of above 12 months imprisonment Pauline would not qualify. I know this because the State Premier at the time admitted it was his intention to do so when he said **'I gave a commitment that by the end of this term we would get rid of One Nation and we have'.**

The State Premier may not have realised when he boasted his criminal intent that he was planning to illegally deny well over 439,121 Queensland voters their democratic and legal right to vote in a free country. This was an offence against democracy, Human Rights and the Electoral Act.

The Qld Government changed the penalty provisions of the Electoral Act to those of the Qld criminal code and applied them **retrospectively** as a means of punishing us as the founders of a new and very successful political party. It all sounds very 3rd World, reminiscent of the many dictators that have been recorded in history over the past 100 years, but this was happening in modern Australia in contradiction of the deeply enshrined democratic rights contained within the Electoral Act of Queensland.

Australia is a modern, free, first world democracy, and yet in the period between 1998 and 2003, two senior Australian politicians acted without regard for law, justice or human rights to **deliberately prosecute two innocent people for an offence which did not occur**.

These two politicians placed their political objectives above the law as they used their authority and resources to drive their political opponents through a Government corrupted court system that was being abused for the sole purpose of destroying an emerging political competitor.

Both of the political, high office bearing instigators drew their colleagues as accomplices into their crimes as they ignored the laws of Queensland when they committed the serious criminal offence of perverting the course of justice. They ultimately damaged public respect for the reputation of Justice in Queensland.

To opportunistically abandon the integrity of the laws written to responsibly manage the behaviour of a modern society is to weaken that society's respect for such laws. Laws cannot be selectively used by people in power to assert their personal subjective will against the rights of the people they purport to govern. When it occurs, it can be rightly described as 'tyranny'. The Human Rights Act 2019 was passed in Queensland to describe what Human Rights protection was needed for Queensland citizens. It serves my purposes to be evidence that the Queensland Government knows what Human Rights are and they are likely based upon the U.N. covenants of 1976.

Of special interest are;

1. **Rights in criminal proceedings**. Critical evidence was not shown to me - a lengthy Police Report declaring our innocence was destroyed and not revealed in the discovery phase, Crown Law knew the charge was false and the evidence they had held for years proved it was a false allegation and yet Crown Law initiated my trial after arguing in the first courtroom test that no fraud had occurred. The first court trial ruled against the plaintiff and declared the allegation

against us was speculative in the extreme. That ruling should have been final and the case had no right to appear in any future court.

2. **Right not to be tried or punished more than once**. The Criminal Code of Queensland contains legislation against double jeopardy trials. My matter was brought to 3 different court jurisdictions all making the same false claim of defrauding the Electoral Commission when the Commission had testified in the first trial that the Commission had not been defrauded.
3. **Retrospective Criminal Law**. This was a disgraceful and desperate abuse of authority used against us to apply increased penalties so we could be imprisoned for up to 7 years. We were sentenced to 3 years imprisonment when the punishment, had we been guilty, was 6 months imprisonment.

The above relatively recent Human Rights declarations were made by the current Queensland Labor Government, the same government that is flatly denying me any compensation when all of the above 3 covenants were breached to pervert justice.

Queensland's 2019 Human Rights Act serves to also show that the current Queensland Government know that the State Government at the time I was charged and sentenced had totally ignored the Human Rights contained in the United Nations Human Rights covenants made in 1976.

The perpetrators have never faced justice for their criminal actions.

CHAPTER 11.

Major reaction to the U.N's globalization agenda.

In 1996 Australians were concerned about the effects of globalization.

Their frustration focused on both the Labor and Liberal parties, being the major duopoly of parties in Australia that had encouraged the transfer of Australian wealth, jobs, skills and prosperity to other countries. Long established Australian Industries were closing, and families were struggling as their jobs were transferred overseas. It was causing a quiet revolution amongst many voters.

Emerging out of this period of voter discontent was a new political party led by Pauline Hanson, a Queensland based Member of Parliament with whom David Oldfield and I co-founded The Pauline Hanson's One Nation Party.

1. This new party was registered federally with the Australian Electoral Commission in March of 1997. It was Federally registered as a 'Parliamentary Party' because such a registration required only the name of a current member of any Parliament in Australia for its registration.

The One Nation party became a threatening target for the major parties who were unwilling to share their long dominated electoral territory with this bold and audacious newcomer.

All political parties attract activists, and we were aware that some of our members were planted in our ranks to gather information and to be used when opportunities arose to destabilise our growth. Some were later activated to deliver perjury in the courts.

Many of the One Nation Party's rapidly growing membership base were eager for change. People who had never joined a political party before joined us. The One Nation Party was a regular feature in the media from 1997 onward as efforts were made to discredit this most successful of several small parties that had been created over the years to offer an alternate voting choice.

It was the combination of timing and growing voter disillusion and discontent that fuelled the rapid growth of the One Nation party. Politically these were very exciting times, but the stakes were high and risks were present for anyone launching opposition to the long held political control of Australia.

In 2003, Pauline Hanson and I were charged with a politically expedient non-offence. We were judged in very controversial circumstances and in a surprise result from a prejudiced and poorly briefed Jury, were found to be guilty and then also controversially sentenced to 3 years imprisonment for an offence we did not commit. A plan was underway in a conspiracy to destroy the One Nation Party and to deliberately deny voters their lawful right to vote democratically for a Party of their choice.

There were far too many failures of the judicial procedures that led to our guilty verdict. This book exposes them. The Queensland State Government was firmly set on a course to apply their resources in a deliberate effort to discredit and destroy us. They had the motive, means and opportunity to do so.

Australia's leaders have always stood on the global stage and proclaimed the virtues of Australia's great democracy, but as we were to discover in the Queensland courtrooms which our opponents influenced, there were many dangerous factors in their slippery house of cards.

- Breaching of the 'separation of powers' rules that were ignored as State and Federal Governments stacked the courts and public service with their obliging colleagues.
- The use of tyrannical and improper 'retrospective penalty legislation'
- Pre -conditioning political prejudice which was used by the media to contaminate the public and the jury to our guilt. Clearly, jury selection was never going to produce a full jury of people who were politically neutral or who had voted for us.
- Destroying critical evidence of our innocence being the lengthy Police report.
- Ignoring previous court rulings.
- Legitimising false evidence.
- Failing to consider all correspondence in my defence and ignoring the submission made to Justice Hoath.
- Ignoring our rights under the Natural Justice doctrine.
- Use of Double Jeopardy.

In the 1998 Queensland State election the results clearly indicate the potential problem that the One Nation Party represented to the Labor and Liberal Parties. Having won 24.7% of the votes, and with a Federal election just months away the campaign to destroy us was set in motion.

	Primary Votes	Seats won
Labor Party	752,374	44
One Nation Party	439,121	11
Liberal Party	311,514	9
Nationals.	293,839	23

CHAPTER 12.

Intentional attack on natural justice.

Retrospective legislation is for any Government the most reprehensible, unfair, and unjust abuse of law and their authority. Especially when it is used with malicious and specific precision to deny human rights and to remove certainty of law for its citizens. The net of retrospective legislation caught more than just me and Hanson, it contributed to the destruction of a lawfully created political party and it denied hundreds of thousands of voters a choice for their votes. It was manifestly wrong and illegal.

Generally, my research and writing in this book is focused on my own experience in the courts and prosecution process. My co-accused had been an observer, fully represented by a lawyer throughout our shared experience, whereas I was a self-represented player on the front line. Being so provided me with a deeper involvement in what was taking place in that court.

I was surprised to discover in an internet search that Australia is the only country in the world that allows retrospective legislation. We all feel secure in knowing that we live in a democracy, but how can we conduct our lives lawfully when the law can be changed years after an event to incriminate us? And in my case the people who did that were the Queensland Government led by its Premier Peter Beattie.

The following information is extracted from a letter dated 14th August 2015 between the Australian Law Council and a Federal Government Parliamentary committee. It is lengthy correspondence, and my point is made by selecting a limited number of sections of that correspondence that applied to my own prosecution and human rights.

4. The Law Council is opposed in principle to the enactment of legislation with retrospective effect, particularly in cases that create retroactive criminal offences or which impose additional punishment for past offences.

5. The objection can be traced to principles enshrined in the rule of law. Acts by the legislature which are inconsistent with the rule of law have a tendency to undermine the very democratic values upon which the rule of law is based.

6. Such objection has informed the approach of courts to the interpretation of statutes, such that courts will not readily interpret a statute as having retrospective effect unless the intention of the legislature to do so is clear. Australian Citizenship Amendment (Allegiance to Australia) Bill 2015 Page 2 7. The High Court has cautioned against retrospective legislation that may interfere with vested rights or make unlawful conduct which was lawful when done.1 Indeed, the presumption against retrospective statutory construction is based on 'the presumption that the Legislature does not intend what is unjust'.2 8.

6 The High Court cited Bennion on Statutory Interpretation: A person cannot rely on ignorance of the law and is required to obey the law. It follows that he or she should be able to trust the law and that it should be predictable. A law that is altered retrospectively cannot be predicted. If the alteration is substantive it is therefore likely to be unjust. It is presumed that Parliament does not intend to act unjustly.

7 10. Another justification provided for the principle against retrospectivity has been that it protects a public interest. In Polyukhovich v The Commonwealth (1991) 172 CLR 501, Toohey J stated: Prohibition against retroactive laws protects a particular accused against potentially capricious state action. But the principle also represents a protection of a public interest. This is so, first, in the sense that every individual is, by the principle, assured that no future retribution by society can occur except by reference to rules presently known; and secondly, it serves to promote a just society by encouraging a climate of security and humanity. the High Court held that a bill of attainder would contravene Ch III of the Constitution which requires judicial powers to be exercised by courts, and not the legislature. An ex post facto law includes one that changes the punishment, and inflicts a greater punishment, than the law annexed to the crime, when committed.16 It may also be considered in certain circumstances to contravene Ch III of the Constitution. For example, in Polyukhovich, Mason CJ, held: The application of the [separation of powers] doctrine depends upon the legislature adjudging the guilt of a specific individual or specific individuals or imposing punishment upon them

I will reveal later why the Queensland Government had to run our persecution through to its criminal trial level in the District court. The following information gives you a clue.

On the 19th of August 1999, the Queensland newspaper '*The Courier Mail*' ran a story which revealed that the Queensland Labor Party's Attorney General Matt Foley had said that our offence which followed the civil court's guilty verdict attracted a 6 months jail term or a $1,500 fine. That penalty just wasn't enough.

In 2003, the penalty applied to our alleged offence was a 3 year prison sentence with no parole period.

When applied by the District Court in November 2003, it spelled the end of Pauline Hanson's political career.

CHAPTER 13.

No justice for us.

ABOVE THE LAW is for the Queensland Labor Government an embarrassing and disgraceful exposure of their abuse of sacrosanct laws, and for its perpetrators, a disastrous revelation of their mostly criminal actions between 1998 and 2003.

During this period of history, the Queensland Government with its Premier Peter Beattie in charge, faced allegations based upon the questionable legal process applied against us. The Qld Governments involvement was revealed in Police declarations that the Government was driving the prosecution they were investigating.

The Beattie Government is alleged to have acted unlawfully through its senior appointees in public service Judicial positions in what was a corruption of the independence required for the justice system to function independently. The failure to ensure separation of powers was a live threat in the system, and a threat to democracy which showed no regard for the legal and human rights of two innocent people.

The Courier Mail newspaper in Queensland ran a powerful story criticizing the political interference of the States Department of Public Prosecutions at the time the DPP was improperly driving our prosecution. More detail on that later.

In 2001 Pauline Hanson and I were charged with a criminal offence. It was unsustainable as history has shown; launched with false allegations that were created by a former One Nation Party candidate after he was dis-endorsed and Pauline Hanson had unfairly refused to reimburse his election campaign costs.

That candidate's response was to make a false claim to the courts that the One Nation Party had improperly obtained its registration in Queensland by falsely claiming to have the 500 members required for its Qld registration and subsequent right to compete in the June 1998 Qld State election.

The June 1998 Queensland State election at which the One Nation Party had won 11 seats in the Queensland Parliament, signaled that the One Nation party had become a grave threat to the Labor and Liberal Parties. On that historic evening as the election results were being calculated at the tally room in Brisbane, the greatest fear that the two major parties in Australia had was emerging before them.

The false allegation made by the former One Nation candidate attracted the attention of the Liberal and Labor parties and it provided a basis for their collusion in damaging court actions.

The media thrived by feeding the public with sensational and prejudicial reports which were designed to emphasise our guilt. The false allegation was, as evidence, never validated in any court for its truth. It failed at its first court examination, and yet in spite of its falseness, survived 3 additional court examinations and one civil court-of-Appeal validation.

That it survived and prospered in four Queensland courts between 1999 and 2003, aroused suspicion of political interference – interference that was surprisingly confirmed by the Police and admitted by the Premier Peter Beattie.

CHAPTER 14.

A flexible justice system.

'If there is one thing that every parliament must do, it is to maintain its integrity. No parliament will retain the confidence of the people if it loses its integrity'

The **Hon. JP BLEIJIE** (Kawana—LNP), Attorney-General and Minister for Justice. Qld.

Five separate and relentless court actions drove this miscarriage of justice forward as it sought the outcome desired by the Qld Government. The prosecution wasted money, court time, ignored evidence of our innocence, and exposed serious abuses of authority and resources by Senior public officials.

The written legislation was inconvenient and was ignored.

Court Number 1, Justice Ambrose, 21st August 1998:

This court hearing provided the critical evidence of our innocence and the ruling of the Judge offers many reasons why there was clearly no justification for taking the prosecution further.

One matter of considerable interest is that Terry Sharples had joined the Electoral Commissioner as a defendant in this court action. He went after the One Nation party and the Electoral commission. This was later to become a fault line in his strategy as in doing so this created several flaws that assisted our defence.

The Electoral Commissioner was defended in the court of Justice Ambrose by counsel provided by Crown Law.

I specially make this point because Crown Law play a shameful role in denying my innocence and it becomes clear from reading the judgement of Justice Ambrose that CROWN LAW, who represented the Commissioner in both the first and second civil courts and judicial test of this lie, knew that there was no basis for the prosecution to exist, let alone to advance to a second court and the criminal jurisdiction of the District Court.

The evidence exposed in Justice Ambrose's rulings when he dismissed this allegation by Terry Sharple's should have been final.

Justice Ambrose ran an honest examination of the matter before his court. It was the second court experience where we discovered how the legal process can be allegedly corrupted to serve the agenda of the Labor government. The courts after the Ambrose court were filled with perjury and confusion.

This first court examination of the false claim made by former One Nation candidate Terry Sharple's failed. Tony Abbott, a Liberal Party M.P. had provided legal and financial assistance to allow this first

court action to be taken. In so doing, Tony Abbott compromised the Federal Government in his lobbying to the Electoral Commissioner by using correspondence written on Government letterhead. Abbott's lobbying had inadvertently joined the current Liberal Government in his actions.

Abbott's written allegation to the Electoral Commissioner claimed fraudulent party registration by One Nation and his correspondence was based upon the claim the One Nation Party had submitted a list of names of persons who were not party members but were actually members of the Pauline Hanson Support Movement. This was patently false, and one might expect that Abbott, being a lawyer, might have read the definitions section of membership in the Qld Electoral Act before making his baseless allegation. What Abbott alleged was not an offence.

Under the definitions section of the Electoral Act, Support Movement members are clearly defined as being eligible to be accepted as being members of the party – had we done so – but we did **not** use support movement members names because we had plenty of genuine Party members names for the registration application. It seems that the Electoral Commissioner was a better lawyer than Abbott because he rejected Abbott's false argument.

This first court action also represented a conflict of motives between Tony Abbott and Terry Sharple's.

Tony Abbott's motive in supporting this action with legal assistance and any necessary financial protection for Sharple's was to prevent the One Nation party from receiving any electoral funding which would have strengthened One Nation's financial ability to fund a strong federal election campaign in October of 1998, just a few month's in the future. Abbott emphasized this in his letter to the Electoral Commissioner.

Terry Sharple's had a different motive, he wanted the party deregistered.

Justice Ambrose did not accept that the evidence adduced by Sharple's had any merit to provide Abbott or Sharple's with what they wanted. It also did not assist Mr. Sharple's credibility as a witness when he perjured himself in denying he had received an indemnity for costs from Tony Abbott's misnamed 'Australians for honest politics' slush fund.

Nor do the following comments by Justice Ambrose, a respected and experienced Judge provide any doubt or support for the prosecution to have advanced to a second court, and if anyone should have known that fact, it was the Crown Law's counsel who argued strongly for the fact that the Electoral Commission had not been deceived or defrauded.

The following are some of the comments made by Justice Ambrose in his ruling when dismissing the Sharple's action in his court.

- *'this sort of evidence is quite insufficient to support the allegation of fraud to the degree necessary to justify the granting of the interlocutory injunction which Mr. Sharple seeks'.*
- *'…**The Commission concluded that that at least 514 of the persons listed as members of the party were indeed members of that party'.** (The Commission means the Electoral Commission).*
- *Re the allegations made by Sharple's to the court Justice Ambrose said. .**'it is speculative in the extreme** and seems to be based only upon hearsay material…'*
- *In reference to a letter Sharple's had sent to the Electoral Commissioner, Sharple's received this reply from the Electoral Commission…'Careful consideration has been applied to the issues you have raised. However, **I am satisfied that the registration was made in accordance with the provisions of the Act'.***
- *'…my mind casts real doubt upon the weight to be given to evidence upon which Mr Sharple's relies to support his present application.' (Justice Ambrose).*
- *In the Electoral Commissioners reply to a letter from Tony Abbott M.P….'**..I am satisfied that registration was made in accordance with the provisions of the Act and remains current'**.*
- ***'While undoubtedly the issue raised by the plaintiff may properly be describes as a serious issue, in my view the evidence called to show the existence of that as a triable issue is unpersuasive.'***
- ***Justice Ambrose also commented on the Crown Law's legal counsel statement that weighed against Sharple's for 'trying to use this court for the purpose of undertaking a broad range inquiry in relation to whether or not the One Nation Party was fraudulently registered' is well based. (This statement is also very interesting because it clearly shows Crown Law is strongly criticising Sharple's actions and his baseless application in the court. Crown law were in the Ambrose Court defending the Commissioner from the falseness of the Sharple's allegations. (A few years later it was a different Crown Law barrister in the criminal court arguing against One Nation's innocence. In doing so, Crown Law had contradicted itself).***
- ***'In my view it is strongly arguable that the plaintiff's action is ill-conceived in any event'.***
- *'..**the Commissioner has not been satisfied on reasonable grounds that the registration was obtained by fraud'.***
- ***What else could have been said to declare our innocence?***

The above comments could have been made by all of the subsequent judges who heard this action, but they were not.

Years later, and in what could be said was the final declaration of my innocence occurred on 14th of May 2004. When responding to, and rejecting an attempt by Terry Sharple's to attack the Crime and Misconduct Commission, the Qld Chief Justice Paul DeJersey in his Judgment stated;

'The Commission declined to proceed on the (Sharples) complaint on the basis that it had failed to raise any reasonable suspicion of official misconduct. That was based in Mr O'Shea having formed the view, which the Commission implicitly accepted as reasonable and open, that the application for registration was valid… Since the registration was applied for in 1997, Mr O'Shea's belief that the registration application was valid flows back to the date it was lodged and precedes all court actions since that have attempted to declare it was invalid'

The above is the most powerful declaration of my innocence and now becomes a problem for CROWN LAW who knew this from their very first appearance in the court of Justice Ambrose.

The above may also be alleged to be the second sign, both having come from Chief Justice de Jersey's Court-of-Appeal, of a push back against what was widely believed to be too much political intervention in the Judiciary.

I raised the above court of appeal statement with the Queensland Attorney General in correspondence when seeking compensation for my losses and damages. That particular transcript was clearly so damaging to the State Government it was deleted from the Queensland records. Deleting records that incriminate the State Government is a popular form of denial and protection undertaken by the State Labor Governments. First they destroyed the Police Report and now the comments by the Chief Justice.

Here is another interesting part of the above:

I have highlighted the above statements made by Judge Ambrose that strongly support the One Nation party's innocence. In protecting their client, CROWN LAW has very effectively provided defence for the innocence of the One Nation Party. The Crown Law office who years later brought the District Court criminal case against the One Nation Party with their subsidiary organization the DPP, have created an indefensible contradiction for themselves.

Crown Law also introduced evidence in the 2003 trial which contradicted the verdict of Justice Atkinson in the 1999 civil court judgement. Justice Atkinson had ruled the Sharple's list to be the list attached to the registration of the One Nation Party in 1997. In 2003 Crown Law provided for the very first time it had ever appeared in a court the genuine list, and this made a mockery of Justice Atkinsons ruling.

Justice Ambrose also makes this important point. He says that Crown Law - as counsel for Des O'Shea the Electoral Commissioner - held a copy of the original list of names used to register the One Nation Party. This is important because it shows that Crown Law's counsel had been able to compare the false Sharple's list in the Ambrose Court with the genuine list at the very first court test.

No one will believe that Crown Law's counsel <u>did not</u> compare the primary evidence adduced in the court by Sharple's with the actual list of names held by their client and used for registration. The comparison would reveal the Sharple's allegation to be manifestly false. This makes the Crowns future position in a series of court trials hard to explain unless they had acted under political pressure or extreme incompetence.

- **In the Justice Ambrose trial, the Crown, acting for the Electoral Commissioner, together with the Electoral Commissioner, being the person who it was alleged we had defrauded, both denied being defrauded. This was Sharple's case beaten at its first test. Together the Crown and the Commissioner strongly asserted that the electoral commissions registration process and examination was reliable, thorough and valid. That process was contained in the Electoral Act and the Commission was required to follow that legislation. This means that the Sharple's**

accusation was at all times a wildly speculative nonsense and no one had been defrauded. Why were we charged in 2001?

- **It must have been very difficult for The Crown, especially after the Police report told them we were innocent, to drive criminal charges against me and Hanson in 2002/3 on the grounds that the Crown now strongly believed we were guilty of an offence they had previously said did not actually occur. By now the Crown had changed their attack to being that the party had only 3 members – Ettridge, Hanson and Oldfield – a view based upon hearsay and speculation and one which ignored Justice Ambrose's rulings, contract law and member definitions of the Electoral Act.**
- **The ruling in another Sharple's attack in 2004 against the Crime and Misconduct Commission resulted in further reinforcement of our innocence by the Chief Justice De Jersey when he said 'Since the registration was applied for in 1997, Mr. O'Shea's belief that the registration was valid flows back to the date it was lodged and precedes all court actions since that have attempted to prove it was invalid. Wow! This alone should justify all my efforts to prove my innocence and to qualify for compensation for the wrong doings of the State Government.**

If natural justice was being respected, I cannot understand how a modern justice system would charge me with defrauding the Queensland Electoral Commissioner when he had denied he was ever defrauded. There is an explanation for this when you get to read the role Premier Peter Beattie played in this soap opera.

In preparing to defend their client Des O'Shea in the 1998 Ambrose trial we can reasonably speculate that the first function of the Crown's legal counsel would have been to forensically examine and compare if the evidence tabled by Sharple's to support his allegations had any credit. It would be highly curious if the Crown Law counsel did not make that essential comparison and following the discovery that the Sharple's evidence was false, why would the Crown's counsel not advise the court that the Sharple's evidence was false. Why did they not put that statement on record, to be recorded on the transcript? That point does not find an explanation on the transcript of Justice Ambrose final judgment. It would have been very helpful if the court had been told that the Sharple's list was NOT the list received by the Electoral Commission for the One Nation Party registration.

It also adds to my suspicion that Crown Law had been far too obliging in assisting Sharple's and Abbott's lawyers in advancing this allegation as evidenced by statements made in writing to Abbott's lawyers of what I suspect are unorthodox and prejudicial favors to assist our prosecution. In one letter they provided Sharple's lawyers with after-hours/weekend contact information, an act that I suspect is unusual and would surprise most lawyers, plus they arranged that the Court office would remain open to accept after hours evidence from Sharple's lawyers on a Friday afternoon when one would expect most public servants would be keen to shut the doors and go home at the normal closing hour. Those two instances, provided in writing on Crown Law letter head show the extent of collusion and a display of a conflict of interest which was taking place against the One Nation party's interest.

Crown Law, although making statements in the court that defended their client were behind the scenes working against the One Nation party.

Crown law were in-between a rock and a hard place because their client, the electoral commissioner, had been accused by Sharple's of failing to properly exercise his responsibility in allowing the One Nation registration to be accepted. **In making their clients defence, namely that their client had exercised his responsibilities correctly according to law, Crown Law were also declaring that the One Nation Party's application was correctly evaluated and was entirely correct. Crown Law was saying their client had not been defrauded.** This position makes a mockery of Crown Law's subordinate agency the Department of Public Prosecution charging us in 2001 and then taking us to court again in 2003-2004 to assert that we were guilty when Crown Law and the Electoral Commissioner had said we were not. Support for our innocence was also contained in the destroyed Police Report to Crown Law which first surfaced well before we were charged.

Crown law might also have been aware of the perjury committed by Sharple's when Crown Law were dealing with Tony Abbott's political friends in the Paul Everingham law office – the same office to which Crown Law were being so obliging when they offered after hours favours.

The question that resulted in Sharple's perjured answer was about the agreement made by Abbott and Sharple's and because it was raised in the court it may have been tendered into evidence or found in discovery.

This does not sit well for a plaintiff's credit for lying under oath when Sharple's denied he was being financed by Abbott. Crown Law knew Sharple's was being represented by Abbott's Liberal Party mate Paul Everingham on a pro bono basis. Crown law had exchanged correspondence with Everingham's office on this matter. Abbott had written to their client. It should follow that all testimony made in the court by the plaintiff after the offence of perjury has been committed should have been treated as being unreliable. Sharple's had two reports made to Police regarding his perjury, both of which were ignored. Perjury is a very serious jailable offence.

Justice Ambrose has provided some extremely powerful comments.

1. His court has established in the comments listed on transcript pages 13. 14 and 15 that Des O'Shea - the Electoral Commissioner - was absolutely clear his examination process of members as required by the Electoral Act was undertaken diligently and lawfully, and,
2. The Electoral Commissioner was not defrauded by the documents submitted by the One Nation Party.

None of the above provides any justification for court time to be wasted. It also reminds us of the likely intervention of The State Premier to avoid any failure of getting a result from court number 2. In fact, much effort and corruption <u>was</u> employed in presenting the Sharple's allegations to the civil court of Justice Roslyn Atkinson. I know this because Sharple's later admitted it himself in a rejected court application for a mistrial. So did his key witness who admitted his perjury but was never charged for it, and yet that failed trial and its false decision still stands today.

Sharple's commits perjury.

A. Another very serious fact revealed in the court of Justice Ambrose was the question of Tony Abbott's promise in writing to indemnify Sharple's against any cost orders if his court attempts failed.

B. To his discredit, in cross examination Sharple's denied under oath that any indemnity was given. The Abbott indemnity letter was dated July 11th 1998, and this hearing with Justice Ambrose commenced on 21st of August 1998, just one month later. Quite clearly Terry Sharple's had perjured himself with his evidence. This rendered Sharple's to being exposed as a liar, or as the courts say 'to not be a witness of truth' and discredits any future testimony Terry would make in any court. Terry has never been charged for that serious offence in spite of two attempts to have him charged.
C. Again, to overlook a serious perjury offence also confirms suspicion and suggestions that Terry had been a useful player in the process of destroying the One Nation Party, so he was tolerated and protected from prosecution. Being a perjurer should have placed a cloud over any of Sharple's allegations, especially when they are the same allegations that had already failed in the Ambrose court.

The unanswered question: Why is there NO reference in any of the Justice Ambrose transcripts to his court examining, testing and disclosing that the Sharple's list of names was ever in that court and was false? Where is the missing reference in the transcript to the Sharple's list being examined in witness cross examination? It was after all the reason the court was in session.

Why did Justice Ambrose focus strongly upon, and limit his judgement on the several legislative reasons why the One Nation Party's registration was valid and yet did not make any claim or reference to the false list of member names this court was called to examine?

Both lists of names should have been entered into evidence and because they were the principal reason the court had been initiated and yet they were being ignored?

It is my opinion that this was the first evidence of The Crown protecting critical evidence so they could justify taking this abuse of process to a second court.

The following 2 pages are copies of transcript pages from the Justice Ambrose rulings.

Justice Ambrose makes his opinion very clear when he rules as identified by the marked sections of the following two pages.

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consider whether any undertaking that might be required of him ought be secured (perhaps ultimately by that indemnifier) to the extent of say $100,000 which was a figure asserted to be the damage likely to be suffered should the second defendant be held out of funds for a very significant period of time to which prima facie the electoral candidates of Pauline Hanson's One Nation were entitled.

It is interesting to note that according to Mr Briggs he made the application for registration of the Pauline Hanson One Nation and provided 700 names and addresses of persons who were members of the non-party association. He says he did that when he submitted the application for registration of the Pauline Hanson One Nation Party. On the other hand, Mr Sharples says not that any specific person submitted names and addresses to the Commission but that:

"the names and addresses of the 530 members of the association were annexed to or accompanied the constitution of the party when the application for registration of the party as a political party was submitted to the Electoral Commission."

I am of the view that this sort of evidence is quite insufficient to support the allegation of fraud to the degree necessary to justify the granting of the interlocutory injunction which Mr Sharples seeks.

First of all the evidence of Mr Briggs was that he submitted the application for registration of the party which was accompanied by the names and addresses of 700 members of the association. Mr Sharples however, while not saying who submitted the constitution of the party when the application for its registration was made says that the names and addresses of "the 530 members of the association" were annexed. Moreover he affirms again on my reading of his affidavit that the Pauline Hanson Support Movement Inc. had only 530 members.

The arguments and contentions advanced in the letters from Mr Abbott to which I have referred seem to be directed more to deficiencies in the constitution of the party submitted for registration and their effect on the assertion that there were 500 members of that party than they are to the inconsistent assertions made by Mr Briggs and Mr Sharples that in fact none of the names and addresses of members of the party submitted by Ms Hanson on 15 October 1998 were in fact those of members of that party at all but were all members of her support association with respect to the next Federal election and were unaware that it was asserted that they were members of Pauline Hanson One Nation political party.

The argument advanced by Mr Sharples that the replies received from 97% of the persons whose names and addresses were on the list and were contacted by the first defendant may have been composed in error or perhaps as the result of being misled by the form of the inquiry which they answered affirming that they were members of that party seems to amount to a minor variation of one of the arguments advanced by Mr Abbott in his letter to the first defendant of 6 July 1998 where as I have indicated he observed:-

"Under the Act a party is required to have 500 members. I accept that One Nation provided the names of 500 electors who **thought** they were members - but strongly submit that they could not really have been members under the One Nation constitution."

While undoubtedly the issue raised by the plaintiff may properly be described as "a serious issue", in my view the evidence called to show the existence of that as a triable issue is unpersuasive. I am unpersuaded by the affidavits of Mr Briggs and Mr Sharples which are mutually inconsistent in significant respects and which are both contradicted by the evidence called on behalf of the first defendant as to who applied for registration and when, and as to the investigations and searches made before registration was effected to ensure that the party sought to be registered had

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at least 500 members in Queensland who were electors entitled to vote under the *Electoral Act* that there is established an even arguable, much less prima facie case to support the assertion of misrepresentation and fraud made. The legal arguments advanced by Mr Abbott to the first defendant have not been relied upon by Mr Sharples as a basis for the relief he seeks or indeed as the basis for an interlocutory injunction pending the determination of his application for declarations etc.

Under s.75(2)(d) of the *Electoral Act* it is clear that at least subsequent to the election in June 1998 the party was a Queensland parliamentary party within the definition of s.3. Whatever may have been the position prior to the election, after eleven members of that party had been elected to Parliament, it seems to me that it would be very difficult to assert that subsequent to the election, the party was not a Queensland parliamentary party - whether or not it then had at least 500 members who were electors.

In my view under s.75(2) it would be at the time of contemplated cancellation of the registration of a political party, that the Commission would be obliged to consider whether or not the party was then a Queensland parliamentary party as defined under s.3.

Perhaps it is for this reason that the plaintiff seeks a declaration that the initial registration was obtained by fraud or misrepresentation under s.75(2)(d).

In my view there is something to be said for the contention of the second defendant that the assertions and allegations concerning registration being procured by fraud and misrepresentation are founded upon what on the face of the material is mere speculation. There is no onus upon the defendants in this case in seeking to resist the grant of an interlocutory injunction to call evidence from 500 persons to show that they were at the material time members of the political party. The onus is on the plaintiff to place evidence before the Court which on its face appears arguably reliable and which if acted upon would demonstrate that not merely at the time of registration did Pauline Hanson's One Nation have less than 500 members but that she or other persons associated with the registration knew that the party had less than 500 members and intentionally misled the Commission by providing the names and addresses of more than 500 persons as members when they knew that they were not members. Indeed Mr Briggs gave evidence to this effect.

The unlikelihood of such a course being adopted - particularly when it must have been known to the applicant for registration that the Commission required a list of the names and addresses, presumably to enable it to check to ensure that the persons named were members of the party - requires in my view, admissible persuasive evidence of the sort which has just not been produced by the plaintiff to establish that there exists a serious issue of fraud or misrepresentation to be tried. Particularly is this so in the light of the evidence from the Commission that 97% of the 250 persons named in that list affirmed that they were indeed members of the political party in question.

In my view even assuming that there exists a serious issue raised by reason only of the relief claimed on the Writ of Summons (no Statement of Claim has yet been delivered setting forth any facts to support the proposition that there was fraud or misrepresentation involved in achieving registration of the party), the plaintiff must show that the balance of convenience requires the grant of an interlocutory injunction.

The plaintiff submitted that while he might not yet have "hard evidence" to support his allegations of fraud and misrepresentation if he could get access to the list of members attached to the application for registration lodged with the second defendant on 15 October 1997 he could carry out investigations himself and attempt to obtain such evidence. In my view the observation of counsel for the first defendant that the plaintiff is:

CHAPTER 15.

Legislation was correctly administered.

A person claiming they have been defrauded must show that they had relied upon and acted upon any statements or representations made by the accused defrauder. This is why we hear the words 'due diligence' in legal cases where a buyer or investor should make their own enquiries in regard to any information offered to them.

The former Electoral Commissioner, Des O'Shea, is a lawyer of long experience and in his correspondence to Sharple's and Abbott he made himself very clear in regard to the processes undertaken to make his independent enquiries which he was required to undertake under the Electoral Act Qld.

Mr O'Shea made it very clear that he had not relied upon One Nations claim to have 500 members, he was obliged to confirm that representation. He did so by following a validation process in the Electoral Act – a process the ECQ had undertaken for every political party that applied for registration. Therefore, It cannot be said that he had been defrauded by the documents lodged by the One Nation Party.

The Electoral Commission did not rely upon any representations made by the One Nation Party, meaning no fraud could have been committed. Des O'Shea followed the correct procedure when independently contacting people on that submitted list and assessing if the Party had 500 members.

The statements revealed in Justice Ambrose's rulings do not support Sharple's false allegation, nor did they justify Sharple's bringing his false declarations to a second court after his first attempt was dismissed as being highly speculative.

The Queensland criminal code prevents under the legal doctrine **DOUBLE JEOPARDY** for anyone to be tried twice for the same offence. We were tried 3 times – twice in the civil courts and again in the 3 separate stages of the criminal courts.

Sharple's only comfort in doing so was his written 'indemnity' that he believed would protect him from a 'costs' order against him if his efforts failed. Sharple's told me that he sought from Tony Abbott a costs protection notation on the 'indemnity' letter of the typed words 'Action means Supreme Court Writ 6318/1998'. This notation was signed and witnessed by Tony Abbott.

From Abbott's perspective it can be assumed that the continuing bad press for the One Nation party was good value for the Federal Liberal Government who were to face electors just months after Justice Ambrose dismissed Sharple's action in his court.

Terry Sharples believed the above special notation exonerated him from financial responsibility for his malicious abuse of court time. It is likely that by now the Queensland Labor Government was well involved on the sidelines as the allegations against One Nation were progressing in their court system.

CHAPTER 16.

Bar needs to be lowered.

I allege that by now the result of the Ambrose decision was not well accepted by the State Government who wanted to play this opportunity out to a different conclusion. After all, it was the only opportunity they had to destroy a serious threat from a new political party that showed they could win votes **and** seats in the Qld Parliament. As we discovered on the day of the Atkinson judgement in August of 1999, Premier Peter Beattie had admitted in Parliament and in the open media he was committed to 'get rid of One Nation'.

To test the Sharple's allegations in the civil court of Justice Roslyn Atkinson provided his second chance to incriminate the One Nation Party.

By now I suspect the State Government would have been applying pressure on the judicial authorities to win the Atkinson trial at all costs.

It was well known in Brisbane's legal community that Justice Atkinson was a Labor lawyer, as they are described in Queensland. I was told she had an intimate association with the Labor party which would normally have required her to recuse herself from hearing the case because of her perceived prejudice and conflict of interests, but when it was a case made against a new political threat, one might think or allege that her choice as the judge may have been a strategic consideration to ensure that it went the way the Government wanted.

When Justice Atkinson was appointed to the bench in Brisbane an article in the Courier Mail newspaper declared that her peers believed her appointment was premature and that Justice Atkinson did not have the necessary and essential legal experience required to be a Supreme Court Judge.

Terry Sharple's later told me that he had wanted a Jury trial but was swayed by his barrister's advice that the presiding judge was to his advantage.

Many television court dramas regularly reveal political interference and how the cards are stacked against an accused by the politicians – if the court cases are political in nature.

The British drama 'Judge John Deed' and the Australian ABC TV drama 'RAKE' also focused most of their stories on political interference, so television viewers of these shows are accustomed to seeing how court outcomes can be politically manipulated.

We know the 'fix was on' as they say, because 3 years later around October 2002, the investigating Police detectives were very casual about revealing the **'high-level political pressure'** they were under to **'get Hanson'.** Several witnesses interviewed by the Police have corroborated in sworn AFFIDAVITS each other's experience with the similar comments made by investigating detectives to that effect.

CHAPTER 17.

A bad day for the Premier.

Police detectives were dispatched to Sydney to find evidence that would assist the 2002/3 criminal trial in the court of Chief Judge Patsy Wolfe.

The general tone of discussion by those detectives between those detectives and the witnesses they were interviewing indicated their reluctance for their task. Their 'loose' comments captured in sworn AFFIDAVITS by the very witnesses they interviewed are revealing.

1. In the Sworn Affidavit of Brian Burston he says at point 7 of his AFFIDAVIT dated December 3rd, 2003 – 'On or about October 2002, Queensland Fraud Squad detective Chris Floyd said to me, in Parliament House Sydney, words to the effect 'They are out to stop her (Hanson) from ever running again (for Parliament).
2. In the sworn Statement by Joanne May. At point 3: 'In a conversation I had with him, he told me that the Police were under pressure from the Beattie Government to get a conviction from their investigation'.
3. In the Affidavit from former One Nation State Director Allan Doak, he says about his conversation with Det Sgt Graham Newton: at point 7. Sergeant Newton said 'We are just following orders'. Then at Point 8. 'I then asked Det Sgt Newton 'Why would the Police Commissioner issue such an order to which Det Sgt Newton replied 'The order came from much higher up than that'.
4. In a conversation with Police Detective Gifford, the One Nation Party's membership co-ordinator from the Manly Office, Stephen Menagh said under oath and on transcript….'This is just a political witch hunt' and the Policeman said to me 'Well, it looks that way'.
5. Sydney property developer Michael Kordek swore his AFFIDAVIT on 3rd December 2003 in which he said at point 10 in reference to the last day of the criminal trial '…I asked Detective Sergeant Graham Newton and Constable Chris Floyd, now that all the material had been presented and the summaries concluded, how did they feel would be the jury's verdict. They both said that obviously the Jury should come back with a not guilty verdict. Both Det Sgt Newton and Constable Floyd said that David Ettridge and Pauline Hanson were innocent of the charges' These two Detectives were implicitly involved in the Police investigation and their comments to Michael Kordek support my belief that the missing Police report undertaken for the Crown clearly exonerated us both from wrong-doing.

In fact, the several sworn witness statements have also shown that the Police had corroborated each other's statements that the State Government had been involved in political interference.

The Beattie Government had no genuine case to make against the Party's registration. The continuing court activity could only have advanced improperly toward its ultimate goal – A conviction against Pauline Hanson to prevent her from re-entering Parliament.

Political pressure drove the attack, and this point was well made by Police.

Justice Ambrose rejected the allegations and evidence presented to his court. It should have been over.

How did it get from Justice Ambrose's rejection of the Sharple's allegations to the 3 year prison sentences handed down in the District Court by Judge Patsy Wolfe?

The same false membership allegation was used to drive their false prosecution, and the same Crown Law counsel had been previously involved in the civil trial of Justice Atkinson. He was also the Crown's counsel years later in the committal hearing which dispensed with most of the weak and perjuring ex party members who were prepared to say anything under oath.

This Is the simplest way to describe this silliness. How can Terry Sharples be claiming in the second court of Justice Roslyn Atkinson that the Electoral Commissioner had been defrauded by the One Nation Party application when the Electoral Commissioner and his counsel from Crown Law had already made it very clear in a previous court that the Commissioner had NOT been defrauded?

In Judge Ambrose's court, Des O'Shea and the Crown Law counsel went to great lengths to state that the Electoral Commissions examination of the application was valid and lawful, and of course the One Nation party had no part in that process, so how could the Commissioner have been defrauded.

However, now Justice Atkinson is saying that he was defrauded, and she based her ruling largely on a key witness who recanted his evidence with a sworn affidavit dated 18th February 2000 which admitted his perjury in her court.

The result delivered by Justice Atkinson was what the State Government wanted, and Peter Beattie could barely contain his excitement when he announced her verdict to the Parliament. It was the Atkinson judgement that triggered Premier Peter Beattie in his moment of excitement of his win, to make his astonishing admission of being the driving force behind the prosecution.

Plus, how can two separate courts examine the same evidence with the second judge making a decision that is contrary to that of the first judge? The Electoral Commissioner sworn evidence he had not been defrauded by the One Nation party application. His statement was supported by the barrister acting for Crown Law.

To his credit Justice Ambrose made repeated references to the Electoral Act to support the reasoning of his decisions, and this was logical examination that became absent from any future court assessment of this false prosecution.

It was the Electoral Act that it is claimed was breached so it would appear to be a necessity that discussion prevailed in the courts about the appropriate sections of that legislation, but in my period of self-representation in the District Court I was the only person who raised what the Electoral Act said.

Those sections of the Act were just waiting to be ventilated in our defence, but to do so was fraught with contradiction and risk, so the prosecutors avoided any reference to the Act.

CHAPTER 18.

Second trial infected by perjury.

12 months after Justice Ambrose, the Electoral Commissioner and The Crown had completely discredited the substance of this farcical waste of court time, and the person who it was alleged had been defrauded said he hadn't been, the nonsense re-emerged in the civil court of Justice Roslyn Atkinson in August of 1999.

This trial was again initiated by a freshly excited Terry Sharple's who with Tony Abbott's promise of indemnity for possible loss of the action and subsequent court costs being promised by Abbott, a fact Sharples claims is confirmed by Abbott noting the numbered court action on Abbott's letter of indemnity, Sharple's retained a barrister and one or two new witnesses. One of them, named Andrew Carne, claimed he had been coached to give a false account of his experiences to the court. At this period of his life, Andrew Carne was separated from his wife and sharing accommodation with Hanson's former advisor John Pasquarelli in Melbourne. Pasquarelli had become both friend and foe to Hanson since his dismissal from Hanson's staff.

Carne told me that visitors to Pasquarelli's home during Carne's house sharing period were Tony Abbott and former Labor Senator Graham Richardson.

On the 16th day of February 2000, Andrew Carne swore an affidavit and made his admissions to a board room full of media and journalists in the Brisbane offices of Watkins, Stokes and Templeton, acting for One Nation. The media never published any of this information claiming it was sub judicia while the action was still in the court.

Retracting the testimony he gave at the Atkinson trial, Carne admitted he had given false and confused evidence. He also later admitted he had been promised a job by Tony Abbott. That fact alone was a problem for both Carne and Abbott if declared in court and under oath, because to influence a witness in such a manner is a criminal offence.

As fresh eyes were starting to connect a sequence of facts, it became clear that The CROWN Law office had more than a passing involvement in this case, and I allege it was an involvement driven under political pressure. My allegation is supported by the admissions later revealed by Premier Peter Beattie whose influence was easily applied to senior officers of the Crown Law office.

In this second trial which considered the already discredited and ruled upon allegation made by Sharple's, and under the care of Justice Atkinson, Crown Law also defended the same allegations made by Sharple's against the Electoral Commissioner as were made by Sharple's in the court of Justice Ambrose. Their client for the second time was the Electoral Commissioner Des O'Shea.

At the end of this Atkinson court case Des O'Shea was found to be not guilty of any failure of performance in his office. This judgement alone also carried the implication that Des O'Shea had correctly processed the One Nation application to register, and in so doing he had acted correctly without being defrauded. And yet, the same court claimed in its ruling that the One Nation registration had defrauded Des O'Shea. Where were our lawyers when that serious and obvious contradiction went above their heads?

Of great interest is that Crown Law had arrived in this second court with the **genuine list** of names used to register the One Nation Party in Qld. It was evidence that clearly contradicted the falsity of the allegations made against the One Nation Party by Sharples, however when it would have been appropriate for the Crowns barrister to disclose that genuine list, the Crowns barrister did not do so. the Crown law barrister never revealed that he had the genuine list of names attached to his clients witness statement. It was critical evidence of our innocence and stood in stark contradiction of the false evidence being offered to Justice Atkinsons court.

With CROWN Law bringing that genuine list to this second court they also contradicted their denial of that same list of names when Abbott's and Sharple's lawyers sought it for the Justice Ambrose trial.

Plus, what happened to all of the powerful legislative reasons advanced by Justice Ambrose when he ruled against the Sharple's list on legislation alone when he declared that the One Nation party was entitled to be registered in Queensland?

The transcript of the Atkinson court proceedings reveals a point in that court when it would have been appropriate for the Crown to do so - when their client Des O'Shea was in the witness box and the question of the genuine list arose. It was claimed that the genuine list was **NOT** in the court and yet we later learned in 2003 court proceedings that it was attached to Des O'Shea's witness statement. Plus, how could Des O'Shea and the Crown Law barrister be now saying anything to this court that contradicted their strong denials in the Justice Ambrose court that they had not been defrauded. Also, if that genuine list was now in the Atkinson court and available as an attachment to Des O'Shea's witness statement, how could the Judge rule that the Sharple's list WAS the list used to register the party when the evidence that contradicted her ruling was in the court?

To have done it would have caused the end of that trial. More later.

You must be wondering why Crown Law would be wasting their time when it had been made patently clear in the Justice Ambrose rulings that Des O'Shea and the CROWN had said the Electoral Commissioner had not been defrauded.

So, why did Crown Law and the Court accept this second court examination after it had already been dealt with? Surely to do so is unorthodox and suspicious, unless it was done so under pressure from the Beattie Government as we discover in future pages of **ABOVE THE LAW**.

The Government wanted this farce to reach a conclusion it had not yet reached but in order to reach that stage, the case had to be retried in a criminal court.

By this time Sharple's had met his new star witness and perjurer who had become a friend of Tony Abbott's. Carne proceeded to do his worst at the trial. Under forensic examination much of Carne's evidence was either confused, exaggerated or false. This was the period when Carne claims he was offered an IT job with Abbott and that Sharple's had kept him up all night being coached to perjure himself.

Later, this trial became an even bigger farce. Keep reading.

I need to point out that Des O'Shea, the Electoral Commissioner is an experienced lawyer.

Mr. O'Shea had repeatedly in the Ambrose court made the point that the One Nation Party registration is valid.

This is sworn evidence in a court, captured on the transcript.

Des O'Shea was represented by Crown Law, who in this court and later courts remain silent about how unreliable the membership evidence adduced by Sharple's was.

As this perversion of Justice moved further up the chain to a THIRD trial in the criminal court, our prosecution was amazingly now INITIATED by the Crown Law office who should by now have seen just how weak the case against us was. There is no doubt that from the beginning Crown Law KNEW or should have known that the Sharple's list was false.

The Crown Law behaviour at this stage is very self-incriminating and shameful. Surely there cannot be a credible excuse for them arguing that the One Nation registration was valid in the first court, and accepting the ruling by the Judge in the second court that the Commission had acted correctly when assessing the One Nation application to being the provocateur in the final court alleging the One Nation was improper and had defrauded their client.

According to a media article in the Qld COURIER MAIL, political influence was being exerted on the office of the DPP at this time. The DPP is a part of Crown Law.

The Crown Law barrister had his job made harder for his need to overcome the contradictions already on the public record in the Ambrose court.

Like most people who retain lawyers to defend their innocence in the courts, I relied on the lawyers and did not attend any of the proceedings in Justice Ambrose court nor in the court of Justice Atkinson where One Nation was represented by a law firm, a barrister and a QC.

The Ambrose trial was managed by the One Nation Party's lawyers. I had never read the transcript until I started my research and what I found is alarming for what was being ignored and not argued by our lawyers in both trials.

As the 5th District Court trial in 2003 was near its end, I made a handwritten note on a set of transcript pages about something the Crowns Barrister had said in the closing stages of the trial.

He said 'We should never have run this case' I dated my note 15/08/03.

It was also clear from comments made by the investigating detectives who attended the court each day when they said to One Nation supporter Michael Kordek about the Jury 'The Jury should come back with a not guilty verdict'.

CHAPTER 19.

A problem with Estoppel.

Estoppel is a legal principle that prevents someone from arguing something or asserting a right that contradicts what they previously said or agreed to by law. It is meant to prevent people from being unjustly wronged by the inconsistencies of another person's words or actions.

The Crown Law office failed to respect Estoppel when they became the Plaintiff in the District Court action against us in 2003.

Chief District Court Judge Patsy Wolfe insisted that no reference was to be made in her court on any previous court activity. This effectively contradicted the purpose of Estoppel because it denied to defence evidence given or shown in our favour in the civil court, Atkinson court, committal court and pre-trial court of Judge Hoath !!

The above definition can be applied to the Justice Ambrose ruling. I have been told such a claim for estoppel should be made at the time the estoppel occurs. However, commonsense suggests that if something is said by a Judge or a witness in a court, those statements should have weight when relied upon at a later time. Time should not diminish the truth of what was said and recorded on a transcript.

Evidence doesn't have a use-by date. DNA can be used decades after a crime was committed. It should remain as reliable evidence at a later date. This was another failure by the party's lawyers.

The Sharple's claim was dismissed in the court of Justice Ambrose and the denial of having been defrauded made by the Crown barrister and the Electoral Commissioner aroused strong comments from the Judge. These all had the values required to have triggered an estoppel. Armed with reliable and clear evidence and a judgement from the Ambrose court, we discover another estoppel type circumstance emerging from the court of Justice Atkinson who declared in her judgement that the false Sharple's list was in FACT the true list used to defraud the Electoral Commissioner.

This judgement is in contradiction of Justice Ambrose's ruling when in the first test of the Sharple's allegations, Justice Ambrose and the Crown Barrister acting for the Electoral Commissioner had argued that the Electoral Commissioner had not been defrauded. The Electoral Commissioner also said he had not been defrauded, and yet in conflict with those above statements, Justice Atkinson ruled when she accepted the spin and perjury of the Sharple's witnesses in her court, that the Commissioner had been defrauded. Justice Atkinson also found that the Queensland registration was made using the false Sharple's list of names which was so clearly the wrong conclusion. That decision by Justice Atkinson was abundantly contradicted and made when the Crown brought the genuine list of names used in the One Nation Party's registration to the 2002/3 courts.

By accepting the wrong list of names, I claim that Justice Atkinson had suddenly conferred on the Sharple's list credibility it previously did not have and was not entitled to have. Justice Atkinson's 1999 ruling created a potential problem for the Crown barrister in the District court trial in 2003. The Justice Ambrose ruling should have carried the weight of protection under Estoppel.

It was a serious problem for the District Court to claim we had defrauded the Electoral Commission when the evidence placed into the District Court by the Police was the first time that genuine list had appeared in a court. The list tendered as EXHIBIT 17A also confirmed that there were genuine members of the One Nation Party because the Police had tabled them.

Justice Atkinson's decision did not make the false list the correct list, which its appearance in the District Court confirmed, nor did it alter the fact that Des O'Shea had said he had NOT been defrauded.

So, when the 2003 Criminal Court commenced, the primary evidence to assert my guilt should have been the now 'legitimised' Sharples false list of member names, but it was not. In the 2003 trial the Crown ran on the correct and genuine list of names which contradicted the Atkinson ruling and exposed the Atkinson ruling and its consequences to be wrong.

I was curious when the 2003 criminal trial commenced to hear Chief Judge Patsy Wolfe go to extreme lengths to demand that not one word of previous trials was to be made in her court. Now as I look back, I can allege that the Crown and the court might have seen the contradiction between the rulings of the two previous courts. I also wonder why Hanson's lawyer did not see this glaring contradiction at the time. He was described in the media as a highly experienced criminal lawyer. I commented in my earlier book 'Consider Your Verdict' that Hanson's lawyer had shown serious deficiencies in his handling of her defence and at the time of our criminal trial, he, as a screenwriter, was preoccupied with a movie just released and based upon one of his books.

In using the genuine list of names in the District Court trial, CROWN LAW had entered into evidence EXHIBIT 17A which was the genuine list of One Nation member names used to register the party. It was the first time it had surfaced in any of the courts. In so doing, CROWN LAW had revealed that Justice Atkinsons ruling was false.

This very fact is enough to warrant a mistrial in the Atkinson court, and to demand a refund of the $502,000 electoral funding which Justice Atkinson ruled was to be repaid to the Electoral Commission.

For the Sharples false list of names to have not been used in court number 3 leaves the CROWN prosecutor with the following problems:

1. Was Justice Atkinsons guilty judgement wrong? Yes, it was.
2. Did the Atkinson Judgement and its consequences need to be declared a Mistrial? Yes, it does.
3. Was trial number 3 now underway in the District Court of Chief Judge Patsy Wolfe based on the wrong list of names and therefore it too should have been a mistrial. Yes, if Justice Atkinson's judgement is to stand it does.
4. The Crown cannot have it both ways, the truth cannot vest in two different lists and the Crown were parties in all of the trials.
5. If the 2003 District Court evidence has now shown the Atkinson judgement and penalties to have been based upon the wrong evidence, which **IS** what happened and has been confirmed,

then the Atkinson penalty of $502,000 must be refunded and all costs of that trial reimbursed to the One Nation Party. All records publicly available in internet search engines should be expunged to stop the 22 years of defamation it caused to my reputation.

In the 2003 District Court the genuine list of names appeared in the Police files of evidence.

The anti - One Nation people in the justice system, led by Peter Beattie had deliberately conducted a malicious and false prosecution in spite of the correspondence I submitted at many stages of this persecution.

It was a deliberate and criminal perversion of Justice by the most senior members of the Queensland departments of justice.

Here is the problem now being faced by Judge Wolfe.

Justice Atkinson has declared the Sharple's list to have been the list used to defraud the electoral Commissioner and her judgement was 'perfected' by the Court-of-Appeal.

In the 5th Court in 2003, the GENUINE list finally surfaced as **EXHIBIT 17A**, contained in the Police brief of evidence, as being the genuine list used for party registration and there is no mention of the Sharple's list during the conduct of the 2003 court, although some surprising exchanges between the Judge and the Crown Barrister completely discredit the principal witness for Sharples in the Atkinson court.

We were in the equivalent of a circus of dysfunction where, if I may use the following and highly flippant analogies…..

1. The first court dismissed the action saying the action was highly speculative.
2. The second court said offence was committed with a knife.
3. The third court said the offence committed with a gun.

By accepting the genuine list, EXHIBIT 17A, as truthful evidence in the court of Chief Judge Patsy Wolfe, The CROWN who had brought the charges to the court had declared the Atkinson judgement to be based on the wrong evidence. A mistrial should have been retrospectively declared. The Queensland Government likes to act retrospectively, but not if they become the victims of their own tyranny.

The following is a quick summary of the events.

1. Sharple's claims the party was registered using the names of Support Movement members. His claim was not true, nor was it an offence under the Electoral Act and it was dismissed by Justice Ambrose.
2. At the Ambrose court the Electoral Commissioner and his Crown Law counsel are adamant that the Electoral Commissioner was not defrauded by the One Nation party application. That rejection of Sharple's claim in the court was made very strongly.

3. In preparation for the Ambrose court trial, the CROWN refused to reveal under the standard courtesy of evidence 'discovery', the genuine One Nation Member list. The member list was the essential primary reason for the court's consideration. To have done so would have revealed the false nature of the Sharple's list and the trial would likely have not proceeded. At this stage I allege that the Crown knew that the Sharple's claim was false because they had access to both lists and were able to make the comparison. That opportunity was denied to the lawyers acting for Sharple's.
4. Justice Ambrose dismissed the case largely upon the evidence of the alleged victim, the Electoral Commissioner, and his counsel Crown Law, that **he had not been defrauded**.
5. The second trial commenced with the Sharple's allegation being the same as the one that was dismissed by the previous court. **With the help of witness perjury, and false evidence, the second court made the surprising ruling that the Sharple's list was the list used to register the party**. Clearly it was not, and the CROWN Barrister who attended at that second trial admitted in 2003 that the **genuine and original list** of names used for One Nation Party registration was attached to their clients witness statement in the Atkinson court. Why was that fact never used to challenge the decision of the Judge? It could easily have provided the basis for the Court of Appeal Judges to over-turn Justice Atkinson's decision. It is highly compromising for the Crown and suggests they took part in conspiring to withhold highly relevant evidence, and I further allege is the second sign of the CROWN LAW office's politically influenced interference. Read the next paragraph.
6. The availability to the court of the genuine list of names was not disclosed when the electoral Commissioner Des O'Shea was giving evidence in court number 2. At that stage of the trial the transcript reveals that the evidence was called for but after some degree of effort to find it, the declaration was made that it was not in the court. **How could the principal evidence that was being examined in that court not be there?** This is impossible to accept, and I allege it to be a deliberate oversight by the Crown to prevent exposure of the false Sharple's allegation. This mistake or deliberate tactic made it possible for Justice Atkinson's astonishing ruling that the false Sharple's list was the one used to register the One Nation Party. Her error was further strengthened after the court-of-appeal 'perfected' her ruling. To a large degree the error of the Atkinson ruling was used to justify the charges for our criminal trial.
7. In support of her ruling, Justice Atkinson declared that $502,000 in electoral funding had to be repaid to the Electoral Commission and the One Nation party was to be deregistered.
8. So, we may all wonder, why was this matter, already dealt with and punished, allowed to be brought to the District Court for a 3rd attempt to inflict greater punishment? The answer is because the Premier had promised to destroy the One Nation Party. How do I know this? Because Premier Beattie said so.
9. After the Atkinson trial and punishment had been handed down we might have expected the matter to be over, but it wasn't, and the reason is the State Government now wanted Hanson to be eliminated from being eligible to stand for a parliamentary seat again. In order to accomplish that objective, Pauline Hanson needed to be convicted of a criminal charge that carried a penalty in excess of 12 months imprisonment. That is the only logical explanation for the 3rd trial of the matter. It was deliberate, politically motivated, prejudiced, and an illegal abuse of the Queensland courts for political advantage.

10. The Police were asked to investigate. They did, and they reported that a conviction was unlikely. It should have stopped there. When a copy of that Police Report was sought by me under FOI it was destroyed.
11. In bringing this prosecution to the District Court the CROWN had a big problem. The Crown was running their case using the genuine list of One Nation members as evidence. That exhibit 17A was in direct contradiction of the decision of the previous Atkinson civil court. A serious oversight by the Crown.
12. The other problem was that the penalty for the alleged offence as stated in the Electoral Act of Qld was 6 months in prison or a $1,500 fine. The State Government, less interested in achieving a conviction which they already had, was to pursue a conviction that would disqualify Hanson from holding a seat in Parliament. They changed the penalty with fresh legislation years after the alleged offence had occurred and brought out their RETROSPECTIVE LAW card and applied a far more severe penalty 3.5 years after the alleged offence had occurred, and after the Attorney General of that period had already declared the lower penalty was the legislated punishment.
13. In the District court, the Police file of evidence did not include the false Sharple's list of names, it introduced for the first time the genuine list of names as **EXHIBIT 17A**. The Crown's new argument, specially manufactured for their prosecution in the District Court, was to allege that all the people on the genuine list were 'duped' into believing they were admitted to membership. That argument was defeated by the 'contract law' argument I had placed before Judge Hoath in the pre-trial court.
14. The Contract Law defence was an infallible defence argument which had been made by me in a pre-trial submission to Judge Brian Hoath. It was an argument he failed to rule on, and it remained open for the court of appeal to make the judgement they did in November 2003. The question on my mind is, why overlook such an obvious point of law? I had also argued that the Electoral Act defined a PARTY member as anyone in any associated entity under the party's control which is what the Support Movement was. Both of those defence arguments were accepted by the Court-of-Appeal when we were released from prison. Had Judge Hoath correctly ruled on them the prosecution would have been over in early 2003. In my opinion the Judge's failure to rule at that early stage had perverted the course of Justice.
15. **To run their prosecution in the District Court, the CROWN Law prosecutor had to …**
    A. ignore the previous testimony of the Electoral Commissioner,
    B. Ignore claims of no offence made by the Crown Law counsel in Justice Ambrose's court,
    C. Ignore the judgement and comments made by Justice Ambrose,
    D. Ignore the rule of Contract Law.
    E. Ignore the member definition contained in the Electoral Act.
    E. Ignore the double jeopardy laws.
    F. Ignore the Police Report of a conviction being unlikely.
    G. Ignore what by now what a patently obvious false judgement made by Justice Atkinson which had become exposed by the newly introduced EXHIBIT 17A – the genuine list of member names which had so far eluded examination.
16. In this very serious 2003 criminal court stage of our prosecution, we have the Crown Prosecutor running a prosecution claiming that the party had no members and, in clear contradiction of that position he adduced into the court the actual list of member names attached to the party's

application for its registration in Queensland. More than 500 of those persons were written to and had confirmed their valid membership with the One Nation Party.

17. The Crown Prosecutor was the same person who failed to present the correct list of names to the Atkinson Court and even at the stage of submitting his argument to the Court-of-Appeal he was still completely lost in his control of the facts by arguing that the party had falsely used Support Movement member names when applying for registration in Qld, a fact that had from the very first Ambrose court been denied by the Crown and the Electoral Commissioner.
18. The CROWN had presented in the District court the genuine list of names of members that had been checked and validated by the Electoral Commissioner who had declared those persons to be genuine members of the One Nation Party.
19. All of this occurred after the Police investigation said it was unlikely the Crown could get a conviction. That Police report was destroyed after I sought it under the freedom of information process.
20. **The 2003 criminal court trial gave me the opportunity to show the former electoral Commissioner and now witness, Des O'Shea, the Sharple's list of names accepted by Justice Atkinson as being the list used to defraud him. He said he had never seen it before. Was the Crown prosecutor listening to that evidence?**

CHAPTER 20

The problem called Double Jeopardy.

Another interesting issue that emerged from my research is the question of Double Jeopardy, which is contained in the Queensland Criminal Code, Double Jeopardy Act.

I concluded that the intention of double jeopardy is to provide protection against persecution and abuse of authority for an accused person who has already had their day in court.

The action against One Nation was tried in 2 civil courts, a committal court, a pre-trial court and then by The District Court – a total of 5 courts – 4 of them AFTER the first court had dismissed the action. During this prolonged process party funds were being reduced and media coverage increased, a problem we faced which clearly pre-conditioned the Jury to the prejudicial belief we were guilty. It also added to the damage caused to my reputation.

The Government had a persecution agenda, and it was to impose a sentence far greater than the one provided in the Electoral Act. Every aspect of this case that drove the prosecution by the Queensland State Government was a denial of Natural Justice.

Double Jeopardy is described as being when someone is committed to trial twice for the same offence.

I have copied and pasted the following extracts from an article by **Queensland lawyer Andy Bazzi**. You can Google his article on Double Jeopardy.

There is a common-law maxim that no man is to be brought into jeopardy for the same offence more than once. This maxim is captured by Section 17 of the Queensland Criminal Code 1899, which creates the defence of double jeopardy. That section reads:

"It is a defence to a charge of any offence to show that the accused person has already been tried, and convicted or acquitted upon an indictment on which the person might have been convicted of the offence with which the person is charged, or has already been acquitted upon indictment, or has already been convicted, of an offence of which the person might be convicted upon the indictment or complaint on which the person is charged."

Autrefois acquit

Roughly translated as "formerly acquitted", the principle of autrefois acquit precludes a prosecuting authority from bringing a charge relating to an alleged offence that a person has already been acquitted on.

In Davern v Messel (1984), Gibbs CJ outlines the rationale behind the principle of autrefois acquit as follows:

"The purpose of the rule is of course to ensure fairness to the accused. It would obviously be oppressive and unfair if a prosecutor, disappointed with an acquittal, could secure a retrial of the accused person on the same evidence, perhaps before what the prosecutor 'considered to be a more perspicacious jury or tougher judge'. It might not be quite so obvious that it would be unfair to put an

accused upon his trial again if fresh evidence, cogent and conclusive of his guilt, came to light after his earlier acquittal, but in such a case the fact that an unscrupulous prosecutor might manufacture evidence to fill the gaps disclosed at the first trial, and the burden that would in any case be placed on an accused who was called upon repeatedly to defend himself, provide good reasons for what is undoubtedly the law, that in such a case also the acquittal is final.

When the prosecution seeks to appeal from an acquittal, the rule against double jeopardy has an indirect application… The view has been taken that the common law rule against double jeopardy would be infringed by allowing an appeal from an acquittal, since the rule requires than an acquittal be treated as final."

Autrefois convict

The principle of autrefois convict (formerly convicted) precludes the Crown from re-asserting an allegation on which an accused has already been convicted, and a court has passed sentence.

The following extract from the above says…

Roughly translated as "formerly acquitted", the principle of autrefois acquit precludes a prosecuting authority from bringing a charge relating to an alleged offence that a person has already been acquitted on.

The very first trial in the court of Justice Ambrose resulted in an acquittal.

The Act says It is interesting to consider the reasons which required the Act to be created. It recognizes that repeat trials could be used to punish an accused person unfairly. I believe that is what occurred in our case. Our very first trial with Justice Ambrose should have stood as an acceptable trial which delivered a not guilty result. The person it was claimed we defrauded and his Crown Law counsel said he had not been defrauded.

Added to the rules around double jeopardy is also the consideration of Estopell, referred to earlier. Both are laws offering protection from prior evidence and rulings to people accused of illegal conduct.

The Double Jeopardy Act talks about an inadmissible double jeopardy trial applying only when someone has been acquitted which is what occurred in the very first civil court examination by Justice Ambrose.

The Act also refers to having application only to serious offences that carry 25 years or life terms of punishment, neither of which applied to me. Surely Justice is Justice and it should not discriminate against people who in a modern democracy are entitled to Natural Justice.

The party was drawn into 2 civil court hearings – one dismissed and the second found to be guilty – then the matter went to a committal hearing, a pre-trial examination and a criminal court where the criminal court falsely arrived at a guilty verdict which was overturned with a Court of Appeal overturning the conviction and quashing the sentence. That amounts to 6 different courts with massive financial costs.

The judgement contradictions of the successive courts is what attracted me to look at Double Jeopardy.

The costs of defending oneself in any court is prohibitive for most people.

The One Nation Party met the costs of the first two civil court actions, however, I personally faced the costs of the Committal, Pre Trial and Actual trial and estimate it cost me well in excess of $200,000. It also cost me my reputation, home mortgage borrowings to meet my cost of living for two years and lost opportunities after my release from prison in November 2003.

My successful Appeal was very generously funded by justice fighter, the amazing and late Sydney based property developer Michael Kordek at a cost of around $300,000.

This ultimately successful defence of Five very deliberate and repeated attempts to prosecute the same offence and to extract as much damage as possible was defended at an estimated total cost of approximately $1,200,000 – over the 5 trials. This includes One Nation party defence costs.

Defending a false allegation in the courts is a huge financial punishment even when the accused is innocent. If you don't have the money and resources to defend charges you are likely to lose.

Imagine how the cost of justice could cost your family home which represents a lifetime of savings and hard work. It cost me my family home.

The 2nd to the 5th courts were functioning on admitted perjury, malice, hearsay, false evidence and without any reference to the Electoral Act which provided clear support for my innocence.

CHAPTER 21.

Exposing a badly executed plan.

Following the first test in the court of Justice Ambrose, Terry Sharple's, believing he still had Tony Abbott's indemnity against costs, brought his battle-damaged allegations to a second civil court.

The Crown appeared in this trial and again defended the same accusations by Sharple's that the Electoral Commissioner had failed in accepting the One Nation party's registration. This was a waste of court time since Justice Ambrose had dealt with it and accepted no fraud had occurred.

The very argument the Atkinson court was hearing should have been deflected with the estoppel already created by Justice Ambrose's court, so under what breach of process was it allowed to occur?

Justice Ambrose had accepted that the Electoral Commissioner had acted properly and according to the requirements of the Electoral Act. Justice Ambrose dealt Sharple's a damaging blow by saying **Sharple's had an 'ill-conceived and highly speculative allegation'** and yet here was a court ready to run it again.

Karma can invade a process from time to time, and it was working against Crown Law on this occasion. In an accidental research discovery, evidence emerged that implicates Crown Law in failing to properly declare essential evidence when it was critical for that evidence to be considered by the Atkinson court. It amounts to Crown law assisting in perverting the course of justice.

It is worth noting that the Qld Justice Department has 3 components. It is headed by Crown Law, then the D.P.P. and the Crime and Misconduct Commission as subordinated entities.

In the court of Justice Atkinson, Sharple's had again directed his allegations against both the Electoral Commissioner and the One Nation party.

CONSIDER THIS DYSFUNCTION OF THE QUEENSLAND JUSTICE SYSTEM:

1. **Justice Ambrose, The Crown Barrister and the Electoral Commissioner said he had not been defrauded.**
2. **At the close of the trial, Justice Atkinson ruled and agreed that the Commissioner had acted properly which confirms what the Commissioner had said in the Ambrose court, that he had not acted improperly nor had he been defrauded. The very act of the Commission 'acting properly' embraces and confirms the innocence of the One Nation Party.**
3. **Justice Atkinson then ruled that Ettridge and Hanson had defrauded the Electoral Commissioner and she issued serious penalties. The two rulings defeat each other in contradiction.**
4. **Then in 2003 the CROWN introduced the genuine list, EXHIBIT 17A into evidence – a list already established by the CROWN and the Electoral Commissioner as having not defrauded him, and argued in the District Court that the list was false and that it had defrauded the Commissioner because the people on it were not actually members, although they all said they were, and had receipts, member cards, attended meetings, and were on a list containing only names of Queensland members. These facts being the necessary components of contract law.**

We were now in fantasyland.

And yet the One Nation Party which is accused of defrauding the Electoral Commissioner could not have done so if the Electoral Commission had acted according to law as it did, and was ruled to be so by Justice Ambrose. The Commission had followed procedure set down in the Electoral Act and they independently confirmed the members were indeed members. The Commission did NOT rely upon any representations made by the One Nation party, the Commission made their independent enquiries about the members in a legislated due diligence process. Remember that the Justice Ambrose court action was not initiated by the Electoral Commission. They were completely satisfied that they had not been defrauded. This court action had been initiated by Terry Sharple's and Abbott.

The first and second court rulings were contradictory.

It can be reduced to this simple explanation….

1. the person who had been accused of being defrauded was not actually defrauded because he acted in accordance with the law and had stated in sworn evidence that the party registration was valid,
2. However, the CROWN now allege the people falsely accused of defrauding him, Ettridge and Hanson, were guilty of doing so, although he wasn't defrauded. How clever are the lawyers in Crown Law to solve one problem by creating a bigger one, which they carried into the District court. Of course, we must never forget what pressure they were under to go for the kill shot, and they had very little to work with to assist their prosecution. They did however have an inexperienced Labor appointed judge who might have carried into that courtroom a conflict of interests. It was her peers who rushed to the media when she was appointed to warn that she did not have the depth of experience to be a judge in the Supreme Court of Queensland. Terry Sharple's barrister knew that and was very pleased that the case fell into her court room.

In the ruling against the One Nation Party, Justice Atkinson had claimed that we had presented a false list of members with the application to register the party. These were people who 'thought' they were members it was now asserted. Such a change of position ignored contract law, an infallible point I made in the District Court.

A new allegation had now been invented by The CROWN to keep this persecution alive in their courts.

The CROWN claimed that those members who had been contacted by the Electoral Commission had been fooled into believing they had been accepted as members of the One Nation Party. To accept that argument we must ignore **Contract Law**, which it seems the CROWN's prosecutor, the Judge, One Nations retained QC, Barrister and the Legal firm who represented One Nation it would seem, knew nothing of.

Justice Atkinson ruled that the list presented for party registration was false and that the false list presented to the court by Mr. Sharple's was in fact the actual list presented for party registration.

Making this even worse for Crown Law was more evidence exposed in the transcript of the 2003 Criminal trial when the Crown's barrister admitted that Des O'Shea, the Electoral Commissioner had the genuine list of names provided to him by the One Nation Party attached to his witness statement

in Justice Atkinson court. That list contradicted the Judges final ruling but never surfaced to challenge the falseness of her ruling.

Crown Law who brought the criminal prosecution against me in 2002/2003 were defending the Electoral Commissioner in 1998 and 1999 by strongly arguing in those 2 courts that their client had NOT been defrauded. In the second court of Justice Atkinson the Crown were emphasizing that their client acted in accord with the Qld Electoral Act. In so doing, their defence of the Commissioner made it clear that he had not relied on any representations made by the One Nation Party, he conducted his own independent evaluation as required under the Act, and in so doing was not misled by the One Nation Party. Of course, history has shown that the Commissioner was never defrauded as the final word from the Court of Appeal in November 2003 carried the truth into this matter.

Crown Law was saying in 1998 that there was a valid registration of the One Nation party, and one year later in Justice Atkinsons court continued to argue that their client had acted properly and in accordance with the Electoral Act. The great puzzle is this. Crown Law's barrister brought to the Atkinson court the genuine list of names of One Nation members and failed to present it for the Electoral Commissioner to validate its authenticity when it was required he do so. How do I know that? Crown Law's barrister said so in the 2003 District court trial!

And, Crown law pretend to be the Justice Department of Queensland.

The second attempt in 1999 to find 'Pauline Hanson and all members of the One Nation Party' guilty of fraud was a strange way to describe the defendants in this trial.

The false trial in the Atkinson court was won by Sharple's and following his win Sharple's and 2 years later he lodged documents in the Court seeking a mistrial on the grounds of false evidence, perjury and withholding of evidence. I told you earlier this was a comedy and a farcical embarrassment. It was perhaps the greatest evidence of a dysfunctional committee made up of amateurs pretending to be the bastian of law in Queensland.

Sharple's principal witness, Andrew Carne, later recanted his evidence in a sworn Affidavit. He claimed he had been pressured, coached and intimidated to give the evidence he had given to the court.

Summary:

- The Atkinson court never did enter into evidence the genuine list. When it was required for identification by the Electoral Commissioner it was mysteriously not in the court. I allege this was a deliberate action to allow the court to arrive at its false judgement. I showed the Sharple's false list to the Electoral Commissioner in 2003 and he stated he had never seen it before, and yet Justice Atkinson had ruled in 1999 that it was the list submitted for registration.
- The 1999 civil court contradicted the 1998 court decision.
- The Sharple's false list of names submitted as evidence of a fraud having been committed against the Electoral Commission was never forensically identified or denied by anyone in the Electoral Commission as being the actual document submitted to the Electoral Commission for the commission of the alleged offence and yet the presiding Judge in her ruling said it was.
- The false list of names failed any orthodox test required to establish its credibility and yet the allegations the court was considering were based upon that evidence. It was accepted by Justice

Atkinson as being the actual list of names used to defraud the Commission without the electoral Commissioner ever identifying it as being genuine. Clearly it was not.

The false Sharples list and the major error of judgement by Justice Atkinson was revealed by CROWN LAW, the Police and the DPP in the 2003 criminal trial. The genuine list of member names attached to the One Nation party's registration documents was identified as EXHIBIT 17A in the criminal court trial. **IT WAS NOT THE LIST CLAIMED BY JUSTICE ATKINSON TO BE THE LIST PRESENTED TO THE ELECTORAL COMMISSIONER FOR THE ONE NATION PARTY's REGISTRATION.**

By its very inclusion in the bundle of evidence provided to the Jury in the District Court by Police it was validated as being the genuine membership list submitted to the Electoral Commission by the One Nation party. **EXHIBIT 17A was submitted by the Crown as the actual list submitted for the party's registration and in so doing the Crown had provided the evidence that exposed the Atkinson judgement to have been manifestly false.** The CROWN also revealed by showing exhibit 17A to the 2003 criminal court that they had at all times known during this 5 court prosecution that Exhibit 17A was genuine and the allegations in each civil court against the One Nation party were false. They had said so in 1998 and had attached this genuine list to their clients witness statement in that 1999 trial.

So, with such a massive contradiction on their shoulders how did they suddenly become the instigator of a criminal charge in 2003 that totally contradicted their previous positions? Crown Law sought a police report which declared a conviction was unlikely. That didn't help the State Premiers abuse of process.

The ramifications of Justice Atkinsons error demands the declaration of a mistrial and the return of the $502,000 penalty imposed to the One Nation Party and costs.

It also becomes an embarrassment for the former State Premier Peter Beattie who so brashly took the credit when he announced the guilty verdict of Justice Atkinson. Mr. Beattie was so excited by the courts decision he implicated himself as the architect of this conspiracy-driven prosecution that lasted 5 years.

The principal witness in the 1999 civil court was described by the Police, Chief Judge Patsy Wolfe, the Crown's barrister and the Court-of-Appeal as not being a witness of truth. He wasn't. That witness later agreed with them when he recanted his evidence in a sworn affidavit where he admitted his false evidence. He had been promised a job by Tony Abbott M.P. which puts Tony Abbott in an awkward position for witness interference.

In Justice Atkinson's judgement, she **ruled for** the Electoral Commission to deregister the One Nation party and for the One Nation Party to reimburse the Electoral Commission the $502,000 paid in One Nation Electoral funding claims. That money must be returned to the party together with the costs of attending the 1999 and 2002/3 courts.

CHAPTER 22.

Damaging raids and bad press.

THE QLD POLICE REPORT:

Prior to being charged with a criminal offence the Queensland fraud squad had raided, examined and removed every relevant file from the Party's Sydney and Ipswich offices. A lengthy Police report using the name Operation Tier followed which advised Crown Law a conviction was unlikely, and yet the circus continued with a committal hearing and a District Court criminal trial. I was told by a member of the Qld Detectives that the report was very clear on the fact that we were not guilty.

The recommendation of the Police report was ignored and the Police were asked to review and resubmit it. Clearly the Crown wanted a different answer to the one presented by that report. The second report confirmed the first.

A small group of DPP led people sat around a table and decided that we were to be charged. The Police report was never revealed to the defence in a process known as 'discovery' and was **destroyed** when I discovered it existed, and after I had asked 3 times for a copy under freedom of information.

The CROWN brought criminal charges against me and Hanson in 2001 after;

1. **Two contradicting judgements in the civil courts and,**
2. **The Crown Law counsel established in the civil court of Justice Ambrose that we had not defrauded the Electoral commissioner,**
3. **That the person it is said was defrauded, a lawyer by profession and the Electoral Commissioner, also declared that he had not been defrauded,**
4. **Two Police reports saying a conviction was unlikely,**
5. **A sworn retraction of his perjured evidence statement by the 'star' witness in the Atkinson court dated February 2000, 1 year before we were charged.**
6. **An application by Terry Sharples to the court seeking a mistrial in the Atkinson court because the action he brought against the One Nation Party was contaminated with false evidence, perjury, withholding of evidence and conspiracy.**

Is there anyone reading this who believes the above is normal, and could be described as procedural fairness and natural justice?

Does anyone think that the above summary would suggest that there was any basis for us to be charged at all?

Does anybody think this was not a prosecution but a conspired persecution driven by political tyranny?

CHAPTER 23

Serious errors discovered.

THE COMMITTAL Hearing – court attendance number 3:

This court was concerned with pre-testing the strength of the Crowns case and our defence. I refer elsewhere to my case winning defence argument that Party membership was created under the legal principles of Contract Law. Every first-year law student knows about contract law.

The Contract Law defence was put to the Committal judge and was ignored when Judge Halliday handed down his recommendation that we go to a full trial in the District Court.

In this court the Crown's case and spin had moved away from the Sharple's false list of names, to whether party members had been misled about being One Nation Party members – that being an argument defeated by the contract law defence.

If the CROWN had reacted properly to what was said in the committal hearing about party membership having been created under contract law, this persecution should not have gone past the committal stage. The infallible contract law evidence that defeated the Crowns new argument about membership was ignored by Judge Halliday but it was NOT ignored by the Court-of-Appeal in November 2003 when they dismissed our conviction and released us from prison. The committal court failure amounted to perverting the course of justice.

Two very important aspects of the Crowns case against us were destroyed during cross examination in the Committal hearing.

1. The Crown argued that a letter I had written to the Ipswich branch President Daryll Kelly was evidence that incriminated me as an admission that there were no members of the party. The Police produced a forensic witness – a Police officer from Sydney – to emphasize this fact but it didn't go very well for them.
2. In cross examination by me I established that what we called 'The Kelly letter' was found on my personal computer in the party's Many head office. We also established that the letter had been written and printed, it would have been printed on party letterhead and it would have carried my signature. Next I asked what other information was made by his forensic examination of that computer file. He said the letter had been edited at a later date and never printed again. This confirmed that the letter the Crown was seeking to use was in fact NOT the original letter being offered to the court to incriminate me. It failed the evidence tests. Anyone could have altered that original file by changing just one word to make it the damaging evidence they needed. Consider this…If the letter had said **I did not** kill the cat, then by removing just one word – the word not – that evidence became **I did kill the cat**. The forensic expert agreed that the file was clearly not acceptable evidence, and yet the Crown retained it to be used in the District Court

trial and we had been aggressively warned by the Judge in trial number 5 that we could not conduct defence based upon any previous exchanges with witness or other evidence.

3. Detective Sergeant Graham Newton a Police officer who had been involved in the very important Police report that decaled no conviction was likely – was now a witness encouraging the opposite view that we were guilty. In my cross examination of Sergeant Newton, and remember that this case was based upon the Crown arguing that the party registration had been lodged using the names of persons who paid $5 for membership of the Pauline Hanson Support Movement, I showed him the actual list used for the party's registration and asked him if he could see any names who had paid $5 for their membership. Of course there were none and with other defence issues raised by me – The contract law, the Kelly Letter, and now the fault of membership fees- the circus kept going. A jury never heard any of this critical defence evidence.
4. The Government and their servants were determined to win by hook or by crook and integrity and honest evidence was to be excluded as they conduct this disgraceful and deliberate perversion of justice.

Court number 4, Pre trial examination by Judge Brian Hoath: Following my attendance at this court for perhaps 2-3 days I lodged a lengthy submission to Judge Hoath and included many defence facts that created a ton of reasonable doubt. The two strongest and absolutely infallible points were NOT ruled upon by Judge Hoath in his rulings of my submission.

One was the contract law argument and the other was quoting the definition of an eligible member of a political party as defined in the Electoral Act which defined a party member as anyone who had joined an associated body controlled by the Party which the Pauline Hanson Support movement was.

Those two points were upheld in November 2003 by the Court of Appeal when my conviction was quashed and I was released from prison. Judge Hoaths failure on those two powerful defence arguments left him open to being accused of perverting the course of justice. Or was it perhaps a statement of his disgust at what was so offensive to any genuine Judge with integrity? By recusing himself he perhaps was declaring to the State Government that he wanted no part of this kangaroo court prosecution. The following is the submission which summarizes everything that was required for Judge Hoath to dismiss this waste of court time. Judge for yourself.

MY SUBMISSION TO JUDGE HOATH.

Background:

1.0. The Crown alleges that on the 15th day of October 1997, Pauline Hanson attended at the offices of the Queensland Electoral Commission in Brisbane and filed an application to register Pauline Hanson's One Nation as a political party in Queensland. The application was made pursuant to the Electoral Act 1992 and specifically section 70 of that Act.

1.1. Section 70 of the Electoral Act 1992 (Queensland) (The Act) has two provisions under which applications can be lodged to register a political party. Section 70 (4)(d) provides for registration of a Parliamentary Party and section 70 (4)(e) provides for registration of a party with 500 members.

2.0 The application form provided by the Qld Electoral Commission for the registration process does not contain any provision whereby an applicant may select which section of the act under which they seek registration. That decision is presumably made by the Electoral Commission after they consider the applicants eligibility against section 70(4) of the Act.

2.1. If the Commission had considered section 70 (4) (d) they may have concluded that Pauline Lee Hanson qualified under the Act to apply for registration as a Parliamentary Party.

Pauline Hanson was a sitting Member of the Federal Parliament and under the Act definitions, a Parliamentary Party may be registered if the party has 1 member who is a member of an Australian Parliament.

2.2. Any question about Pauline Hanson's eligibility to have applied for registration as a Parliamentary Party is further improved when one looks at the Federal Act which also says that only 1 member of an applicant party needs to be a member of an Australian Parliament in order to register a Parliamentary Party. Pauline Hanson qualified.

2.3. That argument is further enhanced when one reads section 70 (4) of the Act which uses the word 'and' between each clause. It does not use the word 'or'. Whoever drafted the Act must have required compliance with both (d) and (e). Each applicant needed both a Parliamentary Member plus 500 members. The Act does not say 'and/or', just 'and'. This implies that compliance with the sections (d) and (e) is mandatory, rather than optional. The use of the word 'and' is used between each clause of s 70 (4), with the undoubted requirement that compliance is required with every one of (a) to (g).

2.4. This further strengthens the argument that members of the Electoral Commission staff were required to check if applicants complied withs 70 (4) (d) and (e), and must have concluded that in fact the application lodged by, and signed by Pauline

Hanson, a person well known to the Commission to be the leader of the party and a current sitting Member of Parliament, did comply with both sections - 70(4) and (d) of the act.

2.5. Any debate over whether Pauline Hanson qualified under the Electoral Act Qld 1992 is over-ridden when one looks at the legislative discrepancies which exist between the State and Federal Electoral Acts. In such circumstances section 109 of the constitution provides that the Federal Law prevails. This means that Pauline Hanson and David Ettridge cannot be charged with a criminal offence for something that was available to them legally. They have no case to answer.

2.6. The questions of law as put in prior clauses 2.2 and 2.5 of this submission are the subject of an application to the High Court of Australia - file number B86 of 2002. A court hearing date is yet to be advised.

3.0. The defence argues, and the evidence irrefutably supports the defence assertion that at all times the names given to Desmond O'Shea were in fact the names of persons admitted to the Membership Register of Pauline Hanson's One Nation, a federally registered political party. Under the Australian Electoral Act the party was required to maintain a register of members. The registration of Pauline Hanson's One Nation federally has never been challenged since it was entered onto the Federal Register of political parties on June 26th 1997.

3.1. The persons whose names were supplied to the Qld Electoral Commissioner are all persons who were entered onto Pauline Hanson's One Nations membership register; they resided in Queensland and their names were used to register a Qld Division of the Federal Party for State Electoral purposes.

3.2. Also, as required under the Australian Electoral Act, the party was audited annually by auditors from the Australian Electoral Commission who examined the parties financial records. Those financial returns to the AEC clearly described party income as 'membership fees'. Membership fees provided the bulk of the party's revenue. Annual returns to the AEC and the ATO described income as membership fees. All party financial records were prepared by an independent and arms length accountant who was not a member of the party.

4.0. All party membership applications were directed to and administered by the party's staff at its Manly NSW office. This process included -

(a) Receipt of new-member applications on a Pauline Hanson's One Nation (PHON) Membership Application form, NOT on a support movement application which was a different form, lodged at branch level, where PHON forms could only be processed at the party's head office,

(b) entry of membership payments into a daily cash book,

(c) banking of membership fees into the party's ANZ bank account,

(d) issue of a PHON numbered receipt,

(e) issue of a numbered PHON membership card,

(f) entry as required by law into the party's membership register.

4.1. Evidence of all banking into the party's ANZ account is also available to support the defence that membership fees were correctly banked in the party's bank account.

5.0. The Crown is alleging that persons who joined the party mistakenly thought they were joining the party, and in fact had somehow been deviously admitted into membership of an associated entity named the Pauline Hanson Support Movement.

5.1. Such an allegation has no factual evidence in its support, and stretches credibility when membership of the Party cost between $20.00 and $50.00 while membership of the Support Movement cost a fixed single price of $5.00. The fees are quite distinguished in their difference. Several other factors also distinguished the differences.

5.2. The Crown is alleging that the names supplied to the Qld Electoral Commission were in fact the names of persons who were members of the $5.00 Support Movement, however the Committal Hearing heard from Sergeant Newton of the Fraud Squad that in fact no $5.00 member names were on the list given to register the Party. Desmond O'Shea in his cross examination also made the same declaration to the court.

5.3. The Crown is relying on verbal testimony from a group of their witnesses who have in common either their dismissal from the party or their dedication over many years to destroying the party. Those witnesses were soundly discredited in the committal

hearing when their testimony was contradicted by hard evidence which demonstrated those Crown witnesses were either lying or were confused. The way the party was structured has given rise to various accounts, beliefs and confusion. As a parliamentary party, registered with the Australian Electoral Commission, the party required only one member - sitting M.P. Pauline Hanson. There were 3 founding members who sat on the party's first management committee and 3 directors of Pauline Hanson's One Nation Limited, the service Company to the party. Most of the witnesses have used these facts to present distorted evidence of membership statements attributed to either Hanson, Ettridge or Oldfield. The Crown witnesses variously asserted in court that the party had Only 1 member, 3 members or no members. Much of this confusion was put before Justice Atkinson. In an environment where this witness confusion is defended and explained, and then compared to factual evidence, the Crowns witnesses will not be convincing.

6.0. The Crown is also relying on evidence of a kind that can be characterised as deliberate misinformation that was selectively used by the party in defence against its enemies, some of whom had become party members and now Crown witnesses, and also by the party's enemies against the party. All of this type of evidence is unreliable, irrelevant, confusing and will fail as either hearsay or under the best evidence rule.

The charge:

David Ettridge is charged with...

'That on or about the 4th day of December 1997 David William Ettridge dishonestly induced Desmond James O'Shea to register an organisation known as Pauline Hanson's One Nation as a political party under the Electoral Act 1992 (Queensland) that Desmond James O'Shea was lawfully entitled to abstain from doing.'

Ettridge entered a plea of not guilty.

7.0. First, the question must be asked, why would David Ettridge have needed to induce Desmond O'Shea? What was his **motive or benefit** to do so? The party, Pauline Hanson's One Nation was already registered Federally and the party was simply seeking to register a Queensland Division of the Federally registered party. David Ettridge had nothing personal to gain from the Queensland registration. There was no benefit to Ettridge;

(a) He was not nominated as an office bearer in the application in question.

(b) He was never a candidate seeking election in Queensland for the party

..(c) He never had any receipt of, or control over electoral funding which resulted from the registration. That electoral funding remained in Queensland under the control of the party's Queensland Election Campaign Committee - a group who were fiercely Territorial and who resented Ettridge's administration and authority within Qld.

(e) Ettridge was excluded from any involvement in the running of the party's election campaign affairs in Queensland, as these matters were managed by David Oldfield and the Campaign Committee.

(f) There was no advantage personally to Ettridge and he had no ***motive***. He simply continued, as National Director and the Federal Secretary to administer and build the party's structure throughout Australia so the party could contest State elections.

(g) It is ridiculous to say that the Federal Party is legitimate, but its Queensland Division is illegitimate.

(h) It is equally ridiculous to say the party's members only became illegitimate when their names were used to apply for registration of the Queensland Division of the party.

7.1. It is absurd to say that David Ettridge influenced or induced the Qld Electoral Commissioner, a person who is an astute Lawyer, a senior public servant and an experienced, long term Public Service administrator to do something he did not have to do, and then seek to blame Ettridge when Desmond O'Shea, and no one else, had the responsibility to make the decision he did.. To claim inducement suggests that some improper offer was made to Desmond O'Shea such as a bribe, or that Desmond O'Shea was even receptive to some inducement. The very registration of PHON in Qld attracted a great deal of media and public interest at the time and one

can reasonably assume Mr O'Shea was being very careful about how he processed that PHON application.

7.2. David Ettridge has no influence over the conduct of the Qld Electoral Office and there is no evidence to say he has or ever attempted to do so. There is no evidence that says David Ettridge harassed or attempted to influence Desmond O'Shea or any of his staff.

7.3. David Ettridge gave Pauline Hanson a list of names of persons who were on the Party's membership register, and Pauline Hanson attached that list to the application she had requested from the QEC and which she personally completed and lodged.

7.4. In response to a request by Desmond O'Shea, David Ettridge prepared an amended and replacement front page to the party's constitution, and sent that directly to Desmond O'Shea. Ettridge did not attempt to influence Desmond O'Shea or any of his staff to corrupt their duties or administration of the Electoral Act 1992 or any aspect of the registration process.

7.5. There was no other communication between Ettridge and O'Shea in relation to the application lodged by Hanson apart from separate and limited contact in relation to a fraudulent application for the registration of the name One Nation Qld which was lodged by dissidents of the party. One of whom (Bell) features in Crown evidence later in this submission.

7.6. The Qld Electoral Commission follow legislated procedures for administering the Electoral Act 1992. One of those procedures is to advertise that an application for party

registration has been received and call for objections. This was done and no objections were received.

7.7. The Commission staff also write to a sample of people who have been listed as being members of the party. Those people are asked to respond by completing a form and sending it back to the Commission. The Commission received the highest level of positive responses they have ever experienced from members of any political party, and correctly concluded that PHON did in fact have the 500 members it was required to have under the Act.

7.8. Consequently Desmond O'Shea caused the party Pauline Hanson's One Nation to be admitted to the Qld register of political parties. O'Shea did so because the members confirmed they were members of the party, not because of any representations made to him, or any inducement by Ettridge or Hanson. O'Shea was satisfied his independent audit confirmed the membership claimed in the application.

Membership contract:

8.0. Not surprisingly, the members written to by the Qld Electoral Commission confirmed their membership of the party - they had submitted their application to join PHON, paid their membership fees, received membership cards, membership numbers, membership fee receipts, correspondence from the party welcoming them as members, they had attended meetings of members. Those persons wanted to be members of the party as much as the party wanted members.

8.1. We had the elements of a contract - an application (offer), consideration paid and the offer accepted. There is *nothing* more the party could have done to evidence their contract of membership with each applicant.

Terry Sharple's and the depth of the conspiracy:

9.0. In 1998, a disaffected former PRON candidate, Terry Patrick Sharples, made it known to the media he was going to challenge in the courts the validity of the registration of PHON in Qld. This attracted the attention of Liberal M.P. Tony Abbott and a series of meetings took place at which Abbott assisted Sharple's to conduct litigation against PHON. Abbott provided access to lawyers who were paid by Abbott and in order to ensure that Sharple's (who had just lost an application before Justice Ambrose) would put his case again before the Qld Supreme Court, Abbott gave Sharple's a written indemnity against costs, without which Sharple's would not have brought his litigation to court.

9.1. Abbott's motive for indemnifying Sharple's in this 2"d round of litigation - was singular - to prevent any State Electoral Funding reaching PHON before a federal election which was held in October 1998, just months away. Justice Ambrose, quite correctly identified Abbott's motives as being politically motivated as did Desmond O'Shea who had also received strongly worded letters from Abbott in which were poorly disguised attempts motivated by Abbott's determination to stop PHON funding.

10.2. Justice Roslyn Atkinson heard the Sharple's case in the Supreme Court and when the plaintiffs case had been put to the court, Peter Lyons QC for Hanson declared that the Sharple's case had strayed so far from its original pleadings that there was no case to be defended. In the absence of a defence, Justice Atkinson in a bizarre judgement accepted as truthful, verbal testimony that had aroused much controversy during the trial because that verbal testimony was contradicted by hard evidence. Justice Atkinson concluded that in the absence of rebuttal evidence she would accept the evidence put to her in court. Based upon the perjured evidence she heard, Justice Atkinson concluded that the party PHON had only one member - Pauline Hanson. This decision was all the political persecutors needed to swing the Police into action in what was a very poor and shallow Police investigation in the lead up to criminal charges being laid.

10.3. Of course, if the party did in fact have only one member, being Pauline Hanson, this would have been enough to meet the requirements of section 70 (4)(d) of the Act but nowhere in her judgement did Roslyn Atkinson even mention or consider section 70 (4) (d) or its potential to be applicable.

10.4. Sharple's star witness in the Atkinson trial attempted to recant his evidence right up until he realised he might go to jail, and Sharple's himself lodged an application before the Supreme Court seeking a mistrial on the grounds of perjury, withholding of evidence, conspiracy and fraud. The fact that the successful plaintiff did not accept the decision or integrity of Justice Atkinson's court presents another hurdle for the D.P.P.

when they attempt to present a case without reasonable doubt. Mr Sharple's will make an interesting witness for the defence.

Political pressure and interference.

11.0. Defence witnesses will be put in front of the jury and they will say that during Police investigations, 3 of the fraud squad detectives said they were under 'enormous political pressure to bring charges'. One of them went further and said the pressure was coming from way above police ranks.

11.1. A submission has been placed before the Crime and Misconduct Commission alleging political pressure and misconduct by Police, Justice Atkinson, the D.P.P. and others in this case.

11.2. Various people have been offered inducements to speak against and act against PHON in the media and this evidence will be placed before the court.

11.3. Evidence, both testimonial and documentary, of Tony Abbott's political interference and abuse of the court process for political purposes will be placed before the court including evidence from a lawyer formally employed by Paul Everingham's Office - the lawyer who managed the conduct of their client Sharple's case.

11.4. PHON had a startling success in the 1998 Qld State Election with 22.69% and 439,121 primary votes. PHON won 11 seats in Parliament. It was this success that

threatened the major parties in a Federal Election year and provided a powerful motive for a conspiracy to destroy Hanson and the One Nation Party. Many people driven by political motives played a part. A jury will be left in no doubt as to the extent of the conspiracy and depth of interference evident in this case.

The Crown's argument:

12.0. The Crown says that the list of names given to Des O'Shea were all persons admitted to membership of the Support Movement.

12.1. The Support Movement was - when it existed - an associated entity of the party - as defined under the Australian Electoral Act. The Support Movement was under the control of the party. The Support movement ceased taking members from October 4thy 1997.

12.2 The Electoral Act 1992 (Queensland) defines a **member of a political party** thus -

'A member of a political party means a person who is a member of the political party or a related political party.' This means members of the Support Movement were considered to be under this definition, members of the party. This definition alone defeats the Crown's case.

12.3. **Related Political party** is defined in the Electoral Act 1992 Qld as -

'Political parties are related political parties if:

(a) 1 is a part of the other; or

(b) both are parts of the same political party.'

Quite clearly under this definition the support movement was a part of the parent PHON, and was entirely controlled by the parent by a licensing agreement and authority to use the names Pauline Hanson and One Nation.

Only people who were members of the party could hold office in any branches, and this requirement also gave the party additional control over the Support Movement.

12.4. The Federal Act describes related political parties as **'associated entities'** and the Pauline Hanson Support Movement was treated as an **'associated entity'** in the annual reporting of party returns to the Australian Electoral Commission. The income of the Support Movement was included in the Annual return of the party and the Support movement was subject to annual audit by auditors of the AEC, as was the party. The Support Movement cannot be argued by the Crown to be a separate, unrelated organisation, when the Electoral Act Qld 1992 clearly treats members of a related political party as members of the party.

Application to exclude evidence :

The Townsville Videotape. Exhibit 72 in the Police brief of evidence.

This tape was recorded at a meeting in Townsville on November 11th 1997, at a meeting attended by Ettridge and Hanson.

13.0 The Crown seeks to rely on the above videotape which is inadmissible for the following reasons:

(a) The videotape is not an original.

(b) The videotape has been tampered with.

(c) The videotape has 10 deliberate edit breaks in the Police 3rd generation copy.

(d) The videotape is not a complete, accurate or continuous record.

(e) The tape contains out-of-court statements.

(f) The Crown seek to use the tape to prove the truth of the statements attributed to Ettridge, and yet the Crown has adduced factual evidence which contradicts the statements made by Ettridge.

(g) The tape contains unreliable evidence that would require a s165 warning.

(h) The probative value of the tape is outweighed by its prejudicial value.

(i) The two events i.e. the events related to the charge and the events in Townsville are separate, distinguished events and are unrelated.

g) The tape records an event that took place 3 weeks after the application to register the party with Desmond O'Shea was lodged. The Townsville meeting was not known to O'Shea and played no part in influencing his decision to register the party.

(k) The statements made to Bell are not related to the charge. Ettridge has not been charged with inducing Bell.

(1) The contents of the tape are in breach of the Evidence rule which seeks to prevent the admission of unreliable, confusing, prejudicial or irrelevant evidence.

(m) The statements in the tape are covered by the hearsay rule. 'An assertion other than one made by a witness while testifying in the proceedings is inadmissible as evidence of any fact asserted'.

(n) The statements in the tape breach the uniform evidence Act 1995.

S 59.(1) (o) The statements in the tape fail the relevance test.

(p) Bell's court evidence on the tape: 1. Bell claimed that the tape is an original and 2. that a break in the tape was caused by a flat battery. Both claims are false.

(q) Bell had the tape for 42 months and gave it to the Police with 10 edit breaks.

Sydney Noel testified that he had lost the original and had given a copy to Bell and that Noel had never edited the tape.

(r) No evidence was introduced into the court, nor is it contained in the Police brief of evidence of the videotape ever having been logged into the Police evidence exhibit register at any stage.

I challenge the authenticity of exhibit 72, the Townsville videotape adduced as evidence by the Crown at the committal hearing. It is not an original nor is it a true copy of the original. It is not relevant, it is not reliable, its prejudicial value outweighs its probative value, it contains hearsay, the events are not distinguished, and it breaches other evidence rules.

Application to exclude Police brief exhibit 142. The 'Kelly Letter:

14.0 The letter I refer to was exhibited in the Police brief as exhibit 142. It has been introduced as evidence in two Queensland court actions against One Nation.

I challenge the authenticityof the 'Kelly Letter 'as evidence It is not an original, nor is it a copy of an original. Its use in the court will breach a number of evidence rules.

14.1. Under cross examination, in two court appearances, Darryl Kelly has never said it is the letter he received from Ettridge. Quite clearly, it could not have been.

14.2. In cross examination at the Sharpie's civil hearing Kelly said 'Hey its not signed, it could be computer modified, enhanced or anything. "I don't know if this is the letter' .... **'This is *not* the letter that I received** but it may be a draft or something or may be similar to the one I got, but I don't know whether it's the same'.

14.3. On page 1609 of the transcript at the committal hearing in Brisbane Kelly said 'but I Can't say that this is the letter I received.'

The Kelly letter fails the best evidence rule. It is clearly **unreliable evidence.**

The Crown's case is vexatious and an abuse of the courts

15.0. The Crown failed to make its case for which the original charges were laid.

Those charges related to Desmond James O'Shea being defrauded which the Crown cannot prove. They altered the charges and now are seeking to assert that it was the party members who were deceived into believing they were party members. This re• positioning is in spite of no complaints ever having been made by any party member to that effect. There is evidence that any party member who sought to cancel their membership was refunded their fees. The Crown now wants to make a case that the party members were members of the support movement and presumably this is where Desmond O'Shea was 'induced'. There is absolutely no evidence to support such an allegation, but substantial evidence to defend such an allegation.

15.1. The Crown are seeking to run a weak and unsustainable argument which is contradicted by all evidence. They may be under political pressure to continue no matter how weak their case because the real purpose of this action is to discredit Pauline Hanson and the party One Nation, to deplete its financial resources, to destroy the party's reputation and damage its support from the electorate.

15.2. According to the definition of **'member** 'contained in the Electoral Act 1992 Qld, and the definition of a **related political party** claims by the Crown, even if they were true, that party members were actually members of the Support Movement would not breach the Act, and would not constitute inducement of Desmond O'Shea.

15.3. The Crown's case has run out of natural life, it is irresponsible and the Crown have ignored every piece of evidence and every witness that contradicts and discredits their case. The continuance of this case is an abuse of the court process by a politically pressured and demonstrably incompetent D.P.P. and Police.

15.4. The Crown have changed the charges against me as they attempt to maneuver themselves into a position where they think they can either spin a distortion of the facts with support from discredited witnesses or limit their predictable humiliation.

15.5. The Crowns witnesses are proven to be either courtroom time wasters or unreliable and proven liars.

15.6. The evidence the Crown has adduced contradicts the case they are seeking to make.

It is highly unlikely that any jury will believe the Crown can make a case beyond reasonable doubt, as this case is saturated with reasonable doubt. I believe the Crowns case against me is non existent and is vexatious and politically motivated. It is time the courts refused to allow this political persecution to take up valuable court time and continue to waste Police resources and taxpayers money.

Ends.

I need to point out that at this stage of proceedings I had no idea that a police investigation declaring that a conviction was unlikely had been produced twice to Crown Law. The D.P.P. is a division of Crown Law, operating out of the same building, and it is easier to believe that there is a tooth fairy than it is to believe that the D.P.P. did not know about the very negative Police report which was later destroyed. This was a high profile well publicised attack on One Nation. The D.P.P. should have been very well aware of all correspondence and reports related to it.

COURT number 5. Chief Judge Patsy Wolfe;

At the outset of this district court trial, The Chief Judge made it very clear that she did not want any reference to the civil court of Justice Roslyn Atkinson or any other preceding court. We may, I believe, looking back on this fiasco, assume that Judge Wolfe knew that Justice Atkinson had erred in her ruling. Justice Atkinson's error must never be raised in front of a Jury for several reasons:

1. It was wrong and it contradicted the genuine list of party members names which was fresh and primary evidence used in Judge Wolfe's court. As it evolved, I was found to be guilty in two different courts of two completely different primary pieces of evidence, neither of which contradicted the Electoral Act. It was a shameful display of incompetence by the courts.
2. The introduction of EXHIBIT 17A in court 5 was inevitable and would lead to claims for a mistrial in the Atkinson court.
3. Any such disclosure would discredit the integrity of the matter being heard and would be a huge embarrassment to Chief Judge Patsy Wolfe if the errors of previous courts were revealed which would damage the case and discredit her court. Those errors would have been difficult for a Jury to reconcile for a guilty verdict.
4. The Queensland Government would need to repay the $502,000 which the Party had been forced to repay the Electoral Commission of Queensland.
5. The Jury which was about to be sworn in would have been ever further prejudiced if the civil court's guilty verdict had been raised in the District Court. This if course made the assumption

that the Jury members were unaware of such a highly publicized event and excessive media reminders about that false decision. There had been hundreds of media stories about our time in those 5 courts. Few people in Queensland were likely to be unaware of the Atkinson guilty verdict.

Chief Judge Wolfe's court was to be focused upon evidence adduced in her court. This strongly delivered ruling meant a breach would be treated as 'contempt'. It also prevented any questions about the standard of law and justice practiced in that preceding civil court.

The Sharple's false list was never introduced into evidence in Judge Wolfe's court until I discretely did so when cross examining the Electoral Commissioner.

I pretended to have mistakenly handed him a document which was the false Sharple's list of names ruled by Justice Atkinson to have been the list of names used to defraud the Electoral Commission, and it was to be the very first time Des O'Shea had been asked to respond to its authenticity.

Predictably, Mr O'Shea said he had never seen that document before. That evidence alone required the declaration of a mistrial for the Atkinson judgement.

Judge Wolfe had denied us all argument of the strengths and failures delivered in the previous courts. In the fifth trial in the District Court of Chief Judge Patsy Wolfe the Police presented the genuine list of One Nation member names submitted for party registration as EXHIBIT 17A.

As irrefutable evidence, EXHIBIT 17A contradicted the previous allegations made in courts 1 and two, and this fresh evidence confirmed that the guilty judgement in the second trial, held in the 1999 civil court of Justice Roslyn Atkinson was wrong and her decision had legitimised false evidence.

The longer we could be paraded through their courts the greater was the damage to our credibility, finances and reputation. Our public humiliation was regularly taking up space and time in the news media as we were providing our political opponents with a daily serve of our misfortune.

How could we hope in 2003 to find anyone in Queensland who was not exposed to a guilty verdict and expect to find a jury that was not already prejudiced to our guilt? Hundreds of media articles had been published that reinforced the public's belief that we were guilty. The jury was only selected at the 3rd stage of the Justice Wolfe's court period of our trial. They were not privy to the procession of discredited liars who perjured themselves in the Committal court and nor were the Jury exposed to the powerful defence arguments and evidence in the pre-trial court of Judge Hoath. It was the evidence I introduced into Judge Hoath's court that had us released by the Court-of-Appeal decision in November 2003 and the jury was not exposed to it! Could all of this be pre-planned or just a lucky accident for the Labor Government?

The Jurors for example did not see anything about a NSW Police forensic experts witness testimony in the committal court when that Police officer agreed that a letter said to be written by me to the party's Ipswich branch had been edited after it had been written and faxed and was therefore unreliable as evidence. That evidence was allowed to be raised in following courts for whatever damage it might cause.

CHAPTER 24.

Star chamber ignores evidence.

Prior to us being charged in 2001, Crown Law assembled a small group of think-tank attendees who, after the Police report had declared a conviction was unlikely, decided that a heavily and selectively edited videotape, which is also ineligible evidence in a court, was enough to advance criminal charges against us. There was no justifiable reason for a video to have been edited approximately 10 times to exclude and remove what should have been an unbroken flow of discussion. Sections of the recording were out of context and disconnected to discussion that occurred on either side of the editing.

In my administration as the party's National Director, I had created a strong culture of defending the party from agitators and troublemakers. We had a list of names of people who we treated with suspicion and all of them were on the edge of being expelled as members. One of these small cells of troublemakers was in Townsville. They had been involved in improperly attempting to register the One Nation party in Queensland, an action I stopped.

Pauline and I attended a meeting in Townsville as a form of settling the discontent created by that small group of members in the Townsville branch.

I had for some time been ensuring that the Party would make it to its first electoral test in Queensland by protecting the party from the agitators, many of whom were or could have been easily planted in the membership by our competitors and others who just did not understand the structure of the party.

The One Nation Party structure was a completely orthodox structure of ASIC entities, but to people with little commercial experience it might have been confusing and therefore regarded suspiciously. It was a protection strategy which frustrated the activists within the party. I regarded their confusion as a necessary defence strategy with the same purpose as giving someone at the pub your false address when you suspect they are a burglar or quoting a false PIN number when someone is asking curious questions about your credit card. Protecting yourself when people act suspiciously is not a crime.

It seems that the Crown Law think tank thought it was. Out-of-court statements are not made under oath and are usually excluded from carrying weight in a court.

There were distinct elements to the structure of the One Nation Party.

1. **The Federally Registered party** Pauline Hanson's One Nation. Registered as a Parliamentary Party with only one member required for that type of registration. The single member was Pauline Hanson MP, Member for Oxley. All subsequent members were compiled on a member database which was held in an entity named Pauline Hanson's One Nation Members Limited.
2. **Pauline Hanson's One Nation Limited**. A legal construction offered by ASIC that provided limited liability for members of the party as it did for members of any football club or tennis club. This form of corporate structure required 5 persons as directors.
3. **The Pauline Hanson Support Movement,** an associated entity under the party's control.
4. **A Parliamentary Party** existed within the parliament. It was a structure that comprised all elected members of Parliament for the party. Being a 'Parliamentary Party' simply meant that our elected M.P's could qualify for greater resources within Parliament.

5. **The National Executive.** 3 persons being Hanson, Ettridge and Oldfield until 1999 when additional members were added at the party s first AGM.

The above sent the conspiracy theorists into a wave of confusion. They couldn't understand the above and their confusion rampantly drove their desire to 'expose' a structure they couldn't comprehend. At the Townsville meeting questions of a probing, information gathering nature were put and answered by me. Because the questions were put by persons unfamiliar with the above structures, the answers also confused them. On that basis the persons asking the questions were further convinced they were not genuine members. They were of course admitted to membership under contract law.

I have dealt 3 times in my life with court actions based upon contract law. The think tank attendees were Police and Lawyers who would certainly have known about contract law but had their minds elsewhere as they searched for a justification to prosecute.

The following extract is copied and pasted from the 2004 Crime and Misconduct Commission report and makes strong legal points against the outcome of the think tank attendees.

……..

In the event, to a large extent, the subsequent criminal trial (and the earlier civil trial) were run on the basis that a broad and general view, looking at all the circumstances, should be taken in deciding whether there were 500 members on the list. This perhaps resulted from difficulty in isolating from one another two distinct but interconnected questions: What was the true legal position, whatever anyone thought or asserted, as to the claimed 500 members? Did the accused dishonestly represent what they believed to be the position as to membership when applying to Mr O'Shea?

There was a difficulty with relying on what was said at the Townsville meeting to establish the legal position of members, in that the last application for membership made by a person included on the list presented to Mr O'Shea was dated 1 October 1997, well before the Townsville meeting.

As a point of contract law, statements made to people after they join an organisation can have no effect on any rights they had attained as members, unless they knew of, and agreed to, those statements. Ms Hanson and Mr Ettridge could not unilaterally alter the contract of membership. Therefore, the statements made at that meeting could only be used as admissions in relation to the element of dishonesty, not whether there were or were not 500 members.

Therein lay the essence of the Crown's difficulty in attempting to prove its case. Although Ms Hanson and Mr Ettridge said at the Townsville meeting that there were no members of the party other than themselves and Mr Oldfield, this was inconsistent with what Mr O'Shea was told. Either one or the other of the statements was untrue and the Crown had to prove, beyond a reasonable doubt, that it was the list provided to Mr O'Shea that was false in order to establish the offence of fraud. It was not enough to prove that what Mr O'Shea was told was not what Ms Hanson or Mr Ettridge believed. (My comment: It should noted that any claim of 3 members was ONLY made in relation to the members of the party's National Executive).

To return to the meeting of 28 June 2001, the minutes disclose that a decision to prosecute Ms Hanson and Mr Ettridge on the basis of fraud against Mr O'Shea was made at that meeting and

an advice was sent by the QPS to the Minister of Police accordingly. The prosecution was launched shortly afterwards, on 5 July 2001.

In her submission to the CMC, the DPP stated that, following a briefing from the QPS, both she and the Deputy DPP formed the view that there was sufficient evidence to justify charging Ms Hanson and Mr Ettridge. The following is an extract from her submission:

… In those earlier proceedings Atkinson J had indicated that there had been civil fraud in relation to the payment of monies under the Electoral Act. The central finding was that there were in fact only three members of the political party. Her Honour's decision was upheld by the Court of Appeal. Therefore at the time of my decision there was a determination by four judges of the Supreme Court, which I anticipated would be followed.

Although the standard of proof is different, the inference of fact as to membership was common to both the civil and criminal cases …

Ms Clare stated that the case was subsequently briefed to consultant Crown Prosecutor Mr Brendan Campbell (mentioned above), and that he advised that the case was strong against each accused and that the evidence of dishonesty was more cogent than that led in the civil trial before Justice Atkinson. Mr Campbell has had considerable experience in the criminal courts since his admission in 1985.

Although Ms Clare had no knowledge of either Detective Sergeant McNeill's or Mr Wagner's recommendations against prosecution, she said that such knowledge would not have removed the need for an independent evaluation of the case once the matter came to her office. She further stated that whenever she is considering the exercise of her prosecutorial discretion she will consider issues raised by police, but is not constrained by police opinion.

Mr Campbell told the CMC that he was first briefed about the matter on 11 July 2001. He confirmed that he considered the case was strong and, like Ms Clare, relied upon the civil judgment in the Court of Appeal concerning the issue of membership. He was certain that he did not receive Detective Sergeant McNeil's or Mr Wagner's advice, and was only provided with Ms Loder's lengthy analysis. He did not prepare a written advice, and explained that he was briefed to prosecute, not to give an opinion. Mr Campbell stated that, as a matter of course, if when considering the matter he had formed the view that the evidence was insufficient to establish the case, he would have provided written advice to that effect.

It does not appear that Ms Clare considered the possibility of obtaining outside advice from, for example, a barrister in private practice, as to whether the charges intended to be laid were soundly based. Nor does the file of the DPP contain any written internal analysis of the issues in the prosecution and how the Crown would discharge its onus in relation to them, in particular with respect to the membership issue.

The Commission is of the view that, because the case was likely to generate public and political controversy, it might have been prudent to obtain outside written advice, or at least to produce a written internal advice prepared by an officer under the control of the DPP. That would have provided some additional protection both for the accused and the ODDP.

In response to this observation Ms Clare submitted that many of the cases that she dealt with could be classified as significant and controversial. She stated that it would be an extremely rare case in which advice was sought from outside the ODPP such as, for example, where a substantial aspect hinged on another area of expertise such as constitutional law. She indicated that seeking external advice on matters within the expertise of officers within the ODPP would not be a prudent allocation of scarce resources.

The DPP was of the view that any external advice sought prior to the conviction would have been influenced by the Court of Appeal judgment in the civil case of Sharples v. O'Shea and a decision not to proceed would have been difficult to defend in light of that authority. Ms Clare explained that it was not the practice of her office to provide internal written advice, unless there was some doubt about the strength of the case; but, in any event, prosecution policy requires an ongoing assessment of the evidence as to the appropriate charge, requisitions for further investigation and the proper course for the prosecution.

The absence of such a written advice by no means indicates any sort of misconduct — there was no legal or administrative requirement that one should be obtained and the matter was within the discretion of the DPP, as the person responsible for all the activities of the office.

Both the DPP and the Crown Prosecutor denied that any political pressure had been applied to the prosecution. There is no evidence that there was.

……

The above confirms the DPP's reliability on the farcical but undeclared mistrial held in Justice Atkinson's court. There is NO reference to the proceedings of the Justice Ambrose court which were critical. The DPP chose to rely upon an illegal double jeopardy court that was riddled with confusion and perjury. I know that to be absolutely true because Terry Sharple's sought a mistrial I find most of the above highly confusing and it excludes any mention of the Electoral Act as it wanders around confused reliance on the Atkinson case which at this stage was totally unreliable and had been exposed by Terry Sharple's to have been won by perjury and false evidence when he sought a mistrial of it. The above comments and denials from the head of the D.P.P. are poorly supported excuses relying on errors made in a civil court which Leanne Clare knows are set at a lower standard than is required in a criminal court. The fact that the 'think thank' allowed this to proceed with their combined legal experience speaks very poorly for their reputations. Their decision was negligent because I can unravel this farce and describe its many flaws, but they couldn't.

Ms. Clare must have known that Crown Law had the genuine list of names and that Atkinson J had had made a huge mistake in her ruling. For the DPP to not know of the negative Police report speaks poorly for the communication withing the Crown law structure of just 3 entities. Ours was a very highly profiled legal case and greater care was required to advance with certainty on what they could prove in a court. History shows just how wrong this group of think tankers were.

I had delivered pages of claims and evidence directly to Leanne Clare's office – some of which is in a future Chapter - and all of it provided strong evidence of our innocence and yet the CMC reviews the think tankers actions to give them credit which they did not deserve.

As we already know from the investigating Police Detectives, they were all under political pressure to make this prosecution 'stick'. I allege Premier Beattie wanted to disqualify Hanson from sitting in any Parliament again and his people were required to make it happen. Why, after the Police had twice said a conviction was unlikely did the Crown seek a 3rd opinion from Police? Was the Crown going to keep asking until they found a Police officer with sufficient authority, and insufficient legal experience to over-ride what the lengthy Police investigation had recommended?

What the above extract from the Crime and Misconduct Commission amounts to is that the DPP could not be certain of a prosecution which is what the Police had said.

All of the many errors I have identified in the Atkinson trial, being the false list of names, which was never forensically identified, the Electoral Commissioners Crown Law defenders knowing he had not been defrauded by the fact that Crown Law had the genuine evidence in the court and never raised it in a declaration that would have caused a mistrial. Did NONE of this resonate with the experts? Contract law and the advice contained in the Police Report was conveniently side stepped. I have never believed that the Police Report was never shown to the D.P.P.

The fact that the Police Report was never revealed to the defence in the discovery process strongly suggests it was a document more for the benefit of the defence than the prosecution which is why it was destroyed. Its destruction strongly suggests it contained recommendations that would embarrass the DPP who were at that time accused publicly in the Courier Mail newspaper for being too strongly influenced politically by the State Government and for having a high staff turnover.

The DPP was also criticised by the Court-of-Appeal Judges for its poor standard of legal performance.

Attempts by the CMC to sanitise wrong doings of their justice department colleagues are unacceptable. When laws are broken only a court of law can pass judgement of right or wrong.

Leanne Clare from the D.P.P. admitted she had relied upon the Atkinson judgement

If this wasn't a serious conspiracy to 'fit us up' as they say, why was the critical evidence contained in the Police Report destroyed?

Why was the charge laid against us a criminal charge and not a civil charge? They had a very good reason for that, explained later.

What happened to double jeopardy law being respected? What happened to Estopple being applied?

We had in this DPP Star chamber a group of people acting like a court and making decisions that over-rode decisions made by Judges in courts. The evidence of a malicious prosecution is also confirmed by the Qld Government changing the penalty provisions using retrospective legislation.

Why were the rulings and strong legislative evidence of our innocence in the Justice Ambrose court ignored?

There are far too many unorthodox stages in this prosecution for it to be anything but a major conspiracy to pervert the course of justice.

Out-of-court statements used out-of-context, and the greatly flawed Atkinson court decision and its subsequent 'perfection' in the Appeal court judgement were not enough for charges and the serious waste of 5 weeks of court time.

You have already read in **ABOVE THE LAW** how false the Atkinson trial was for laying a foundation for future prosecution and as such it could not have been relied upon in a criminal court. Chief Judge Patsy Wolfe knew it.

The reference to the One Nation party having just 3 members was clearly a mistaken conclusion base on Hanson, Ettridge and Oldfield being the 3 person National Executive of the party.

Just 3 months after we were charged by the DPP in July 2001, and 2 years before we attended court to defend criminal charges, Terry Sharples on October 15th 2001 applied to the Supreme Court for a Mistrial of the Atkinson court decision on the basis of perjury, false evidence and withholding of evidence.

On 18th February 2000, 17months before we were charged by the DPP, Sharple's primary witness swore an AFFIDAVIT saying he had lied to the Atkinson court because he had been bullied, intimidated and coached into giving false evidence to the Atkinson court. This should have alerted the DPP to the weaknesses of applying the Atkinson trial result as justification for a criminal trial.

Are we to believe that Crown Law and the head of the D.P.P. Leanne Clare knew nothing of these two significant events? None of the above two paragraphs will provide any comfort to the former head of the DPP, Leanne Clare.

CHAPTER 25.

Saved by the Court of Appeal.

- In the final days of the District court's proceedings these words were spoken by chief Judge Patsy Wolfe **'Well, Mr. Campbell, he was the only witness you have brought to this court that we could stomach'.** Chief Judge Patsy Wolfe speaking to Crown barrister Brendan Campbell during my 2003 criminal trial. The Crowns case relied upon the unreliable.

- One of the documents used by the Crown to establish my guilt was a letter I had sent to the President of the party's Ipswich branch. This letter had been used as evidence in the Civil court of Justice Atkinson without it being questioned by the party's lawyers. It had been extracted from my personal computer at the Manly Office. More was revealed in the committal hearing some years later when a Police forensic expert had flown from Sydney to give evidence. Under my cross examination I had him confirm the following: The document had been created and then printed. After printing, that **original** letter was **faxed** to the Ipswich branch. Many months later, at a time that coincided with Sharple's key witness Andrew Carne - the 'not-a-witness' of truth person who had been a trusted member of the party and a self-professed computer expert, had arrived at the Manly office to conduct what he called a servicing of the party's computers.

- Left alone to conduct his services, it was alleged by me to the Police IT expert that Andrew Carne had edited the letter I had sent to the Ipswich branch president. My allegation to the Police expert was based upon the computers log of activity on that file which showed that AFTER the letter I wrote had been written and printed it had been edited by Carne, but never printed again. So, this proved that the evidence on my computer had been altered to incriminate me and was unreliable because it was not the original letter on letterhead and with my signature. It was a copy of an altered file. The date of the editing occurred months after the original had been faxed to Ipswich. The letter being used as evidence was a fake and it was accepted in the court.

- The Police forensic witness agreed that my conclusion was correct and the letter they had produced as evidence was not the original letter but the edited letter. This however did not prevent the Crown from using that same letter in the criminal court. The evidence used by the Crown failed all tests of its credibility. It was not an original document, it did not have a letterhead or a signature and it did not show any fax stamp on its surface to evidence that it had been faxed. However, it met the standard required by the Crown as evidence to prosecute me.

- After the State Government went into shock at the court-of-Appeals decision to release us and to quash our convictions, they called upon the Crime and Misconduct Commission to examine what had occurred. It was clearly a housekeeping cover up exercise that started very poorly with the following sentence in their letter calling for my submission…

'The CMC is not of course concerned to reach any conclusions about the facts of these cases, nor to venture any opinion as to whether any particular decision given in the course of the litigation was legally or factually correct'. Clearly the CMC has a sense of humour. Their role in investigating this farce was used as spin by the Beattie Government to give the impression to the public that a genuine investigation was undertaken. The CMC's final report exonerated every person that I had claimed in my 227 page submission, with appropriate evidence attached, to have had an involvement in this perversion of justice. There were some issues in the CMC report that are useful, one of them being the confirmation of the Police report that declared a conviction was unlikely. I also realized many years later that the CMC had no authority at all to exonerate and absolve anyone who had committed a criminal offence, and there were around 7 people who did that, because ONLY a court of law can do that. The CMC was not a court of law. The CCC in 2022 was exposed for being politically corrupted when its Commissioner resigned. No State Government should have any body that can examine allegations of that state governments corruption. Even in 2021 the need for a Federal ICAC has been voted down. This is not a display of honest Government but of one that has too much to hide.

- **ABOVE THE LAW** had to be written. Australia is a first world country, proud of its standards for human rights and natural Justice, and yet in the hands of politicians and subservient Public Servants it all fails. There is too much incriminating doubt, and too much evidence of a malicious and deliberate abuse of power within a corrupted political and Judicial System. Later I reveal an astonishing abuse of authority where the State Premier abused his power and ignored the separation of powers rules that are designed to protect us from exactly what occurred in my trial. I know this because he admitted it. The courts are not any politicians resource to destroy, defame and imprison his or her political opponents. Clearly the separation of powers doctrine had become very fuzzy in Queensland during Peter Beattie's term of office.

- The following is an extract of part of a statement in a recent 2020 Royal Commission enquiry by esteemed and highly respected Queensland Judge The Hon. Margaret McMurdo, who presided over a Royal Commission report on integrity of the Victorian Police and Judicial system. (I have added the emphasis).

  ".....During the Commission's inquiry, two of Ms. Gobbo's former clients had their convictions overturned. Both had been deprived of their liberty, spending many years in prison after unfair trials. Numerous other people are seeking to appeal their convictions. **There have been many court proceedings and inquiries, at great public expense, and there are likely to be more. These events have put at risk the integrity of the criminal justice system, harmed the reputation of the legal profession, and diminished public confidence in Victoria Police.**

  Margaret McMurdo's statement could have been made about my own experience with the Queensland legal system. In the Judgement of the Court of Appeal in R vs Ettridge [2003] QCA 488, the judges made the following observations and comments. Of special interest is the criticism of the Crown Law office and DPP legal competence at point 40 and 41 below.

- [34] The appellant Ettridge raised, at an early stage, the question whether or not the support movement was "part of the same organization" as the political party (on 9 16 January 2003, at

pp 131-2 and on 6 June 2003 at p 202). It was in my view a live issue which, having been raised, should have been left for the consideration of the jury, such that the absence of any reference to the point in the summing up amounts to a substantial deficiency. This would have warranted the quashing of the convictions and retrials.

- [40] Members of the public will undoubtedly however query why the crystallization of the appellants' current position need have awaited a lengthy trial – approximately five weeks, and then an appeal. There is no easy answer to that question, although reference may be made to the extent, and level, of the involvement of lawyers throughout. Although I do not say this critically of Ms Hanson's representation, it is my view that had both appellants been represented by experienced trial counsel throughout, the relevance of all of the evidence would more likely have been addressed with appropriate precision.
- [41] **The case will in my view provide a further illustration of the need for a properly resourced, highly talented, top level team of prosecutors within or available to the Office of the Director of Public Prosecutions**. In this complex case, which resulted in a trial of that length, and the consumption of vast public resources, **highly talented lawyers of broad common law experience should desirably have been engaged from the outset in the preparation and then presentation of the Crown case.** I do not raise this critically of the prosecutors who were involved: my observation relates to the resourcing of the Office. Had that been done, the present difficulty may well have been avoided.

……

The following pages are copies of my court-of-appeal winning defence arguments made to Judge Hoath in a lengthy pre-trial defence submission dated November 27th 2002.

In the first page, I argue the case for CONTRACT LAW, an argument he failed to rule on.

BOTH of my defence arguments were upheld by the Court-of-Appeal after Judge Hoath had curiously failed to rule on them.

It was a critical moment in this dishonest abuse of the justice process and stands as powerful evidence that we were on a pathway to our prison sentences long before they were handed down.

The next pages cover membership under the Electoral Act and a reference to the corrupted false evidence from a Townsville meeting.

7.7. The Commission staff also write to a sample of people who have been listed as being members of the party. Those people are asked to respond by completing a form and sending it back to the Commission. The Commission received the highest level of positive responses they have ever experienced from members of any political party, and correctly concluded that PHON did in fact have the 500 members it was required to have under the Act.

7.8. Consequently Desmond O'Shea caused the party Pauline Hanson's One Nation to be admitted to the Qld register of political parties. O'Shea did so because the members confirmed they were members of the party, not because of any representations made to him, or any inducement by Ettridge or Hanson. O'Shea was satisfied his independent audit confirmed the membership claimed in the application.

Membership contract:

8.0. Not surprisingly, the members written to by the Qld Electoral Commission confirmed their membership of the party - they had submitted their application to join PHON, paid their membership fees, received membership cards, membership numbers, membership fee receipts, correspondence from the party welcoming them as members, they had attended meetings of members. Those persons wanted to be members of the party as much as the party wanted members.

8.1. We had the elements of a contract - an application (offer), consideration paid and the offer accepted. There is *nothing* more the party could have done to evidence their contract of membership with each applicant.

Terry Sharple's and the depth of the conspiracy:

9.0. In 1998, a disaffected former PHON candidate, Terry Patrick Sharples, made it known to the media he was going to challenge in the courts the validity of the registration of

11.4. PHON had a startling success in the 1998 Qld State Election with 22.69% and 439,121 primary votes. PHON won 11 seats in Parliament. It was this success that threatened the major parties in a Federal Election year and provided a powerful motive for a conspiracy to destroy Hanson and the One Nation Party. Many people driven by political motives played a part. A jury will be left in no doubt as to the extent of the conspiracy and depth of interference evident in this case.

The Crown's argument:

12.0. The Crown says that the list of names given to Des O'Shea were all persons admitted to membership of the Support Movement.

12.1. The Support Movement was - when it existed - an associated entity of the party - as defined under the Australian Electoral Act. The Support Movement was under the control of the party. The Support movement ceased taking members from October 4th 1997.

12.2 The Electoral Act 1992 (Queensland) defines a **member of a political party** thus - 'A member of a political party means a person who is a member of the political party or a related political party.' This means members of the Support Movement were Considered to be under this definition, members of the party. This definition alone defeats the Crown's case.

12.3. **Related Political party** is defined in the Electoral Act 1992 Qld as -

'Political parties are related political parties if :

(a) 1 is a part of the other; or

(b) both are parts of the same political party.'

Quite clearly under this definition the support movement was a part of the parent PHON, and was entirely controlled by the parent by a licensing agreement and

authority to use the names Pauline Hanson and One Nation.

Only people who were members of the party could hold office in any branches, and this requirement also gave the party additional control over the Support Movement.

12.4. The Federal Act describes related political parties as **'associated entities'** and the Pauline Hanson Support Movement was treated as an **'associated entity'** in the annual reporting of party returns to the Australian Electoral Commission. The income of the Support Movement was included in the Annual return of the party and the Support movement was subject to annual audit by auditors of the AEC, as was the party. The Support Movement cannot be argued by the Crown to be a separate, unrelated organisation, when the Electoral Act Qld 1992 clearly treats members of a related political party as members of the party.

Application to exclude evidence :

The Townsville Videotape. Exhibit 72 in the Police brief of evidence.

This tape was recorded at a meeting in Townsville on November 7th 1997, at a meeting attended by Ettridge and Hanson.

13.0 The Crown seeks to rely on the above videotape which is inadmissible for the following reasons:

(a) The videotape is not an original.

(b) The videotape has been tampered with.

(c) The videotape has 10 deliberate edit breaks in the Police 3rd generation copy.

(d) The videotape is not a complete, accurate or continuous record.

(e) The tape contains out-of-court statements.

(f) The Crown seek to use the tape to prove the truth of the statements attributed to Ettridge, and yet the Crown has adduced factual evidence which contradicts the statements made by Ettridge.

In future pages of **ABOVE THE LAW**, are some devastating comments made by highly awarded Brisbane based investigative journalist Hedley Thomas that are damning criticisms of the DPP during this period of my experience with them. I had no doubt at every stage that the DPP and Crown Law were acting deliberately to deny my innocence as correspondence I sent to them was ignored.

Also exposed further into **ABOVE THE LAW** is evidence that the investigating Police Detectives were unimpressed with the pressure they were under to 'get Hanson' – a pressure applied 'from the very top'. By his own admission, that was from Premier Beattie.

There are many examples in this book that confirm either unorthodox or corrupt behavior of the Queensland Justice System.

Readers will see my examination of many practices that have impacted upon my search for justice, and each of them when analyzed reflect the poor standards of competence, acceptance of lies, out-of-court statements, false evidence and criminal interference by politicians. To that list we can add cover ups of the truth by the courts and bodies like the DPP and the Crime and Misconduct Commission. (The CMC).

The CMC in Queensland was created to provide a safety net for people who were badly or unfairly treated by the Queensland Justice system. My experience with the CMC and their renamed CCC (Crime and Corruption Commission) do not reflect well on their integrity as the public watchdogs of justice.

In my experience the Crown Law office, the DPP and the courts who managed my prosecution are exposed to be corrupt because they ignored every attempt I made to stop this persecution. They failed to respect their codes of conduct, natural Justice and to act impartially when required to do so. I had at all times believed that my prosecution was driven by political pressure which was the only explanation for the corruption of this so easily exposed false prosecution.

The governing Labor Party of Queensland are simply liars when a matter like mine confronts them. It becomes a case of requiring them to investigate themselves and they won't do it.

CHAPTER 26.

Housekeeping required to save face.

The CMC – Crime and Misconduct Commission - is a body connected to Crown Law and expected to keep the system honest, but when it exists in a subordinate role to Queensland's CROWN LAW office, together with its classmate the DPP, we need to tell Houston that we have a problem.

Throughout my research the CROWN Law office stands as being the office of Justice that from the very beginning had left a trail of their knowledge of, and involvement in very poorly prosecuting this shambolic prosecution on behalf of the State Government.

When they could have stopped it, they did not. Documents I possess indicate that Crown Law was silent when they needed to speak, failed to provide assistance, or simply maintained the prosecution when they knew the basis of the prosecution was false and in so doing Crown Law and its subsidiaries assisted in perverting the course of justice.

Evidence I have researched confirms that the Crown Law office was implicitly involved at every stage of my experience with the Queensland Court system. The evidence cannot be explained any other way and the only reason, I allege, is their subservience to political pressure.

Crown Law knew the One Nation Party's registration was valid from the beginning. They had access to both lists of names and a comparison would have shown the Sharple's list was false. How could they not have compared the evidence? What lawyer goes to court without comparing the evidence? How do they create a prosecuting or defence strategy if they don't study the critical evidence? The One Nation party and I were innocent from the outset.

When the Beattie Government called for a CMC investigation into my prosecution and incarceration, the CMC were placed in a position where they were required to conduct an investigation into the actions of their colleagues. Their colleagues had acted CRIMINALLY and as such stood outside of the CMC's authority. The CMC had no authority within their charter to conduct such a review. My allegations should have been the basis for a fresh examination in a COURTROOM with penalties applied. Without fear of penalties being applied public servants can be easily corrupted into breaking the law to suit the prevailing State Government.

The CMC is a subordinate division of the Crown Law office. In the CMC's guilt cleansing, final housekeeping report, they unsurprisingly declared that none of their colleagues accused by me of misconduct had done anything wrong. Evidence to the contrary was ignored or very improperly and unprofessionally investigated. For example, the Police detectives who were accused of claiming political pressure were simply asked if they did so and those detectives said 'No'. They were not sworn in or asked under oath to respond, and yet their several accusers completed courtroom standard evidence in sworn Affidavits of their claims.

The CMC, as they had stated in their very first request for my submission, had no intention of doing their job correctly.

The CMC made excuses for Peter Beattie, the Queensland Premier when they brushed aside Premier Beattie's incriminating statements captured in Hansard and separately on Beattie's Television interview with the ABC's 7.30 Report.

The CMC went too far when they <u>substituted words</u> to deflect guilt from the Premier when the CMC offered some less incriminating words they said Mr. Beattie had intended to say! That alone was an absurd, totally unacceptable standard of investigation which reflects, as I claim, very badly on the CMC as a judicial investigative body.

Overall, the CMC investigation was tragic as they scrambled to make excuses for every mistake exposed in my 227 page submission to them. None of the CMC's denials of my allegations would have been admissible in a court room.

With that bit of CMC housekeeping concluded I am sure the Crown Law office and their political masters wished they would never hear from me or of this disaster again.

After my release from prison the Government had to deal with a Nation-wide public belief that Hanson and I were victims of a political witch hunt.

Following the quashing of our conviction by the Court-of-Appeal in November 2003 the Queensland Government was placed under a dark cloud of suspicion about the role they and their judicial system played in our persecution. I am not alone in criticising the Government bodies and judicial process that delivered my incarceration in August of 2003. After all, they had all just played a part in Mr. Beattie's promised and premeditated plan to destroy the One Nation party. It could only be accomplished by perverting the course of justice

The Queensland Government needed to deflect their guilt, urged to do so by damaging National media and public suspicion of their involvement in interfering in the Court process. The Beattie Government's response was to call in the housekeepers at the CMC to provide some shallow sanitising of the events together while becoming a scapegoat for the Beattie Government as all criticism could be deflected to the CMC who had become the final arbiter on the subject. They were wrong of course because **ABOVE THE LAW** will be seen to set that benchmark.

It was clearly a matter that required thorough examination and I prepared a lengthy submission to the CMC which I submitted on December 4th 2003, just 4 weeks after my release from prison. Apart from Justice Ambrose, the 2003 Court-of-Appeal had at this stage been the only body that showed integrity from a Qld judicial body. I believe they were sending a message to Beattie to not interfere in the law.

The CMC responded with a clumsy, self-serving and pompous cover-up of my allegations, designed to protect the persons responsible for perverting the course of justice.

My submission reflected what I knew at the time, but since that date I have researched and discovered other evidence of the criminal failure of the politically contaminated justice system in Queensland. **In a second court of appeal ruling in 2004 which considered claims made by Terry Sharple's that the CMC and the Electoral Commissioner had both acted improperly**, **Sharple's claims were denied and in support of the denial by the Chief Justice Paul De Jersey, we discover that Chief Justice Paul De Jersey**

declared that the registration of the One Nation party in Queensland had at all times since its registration been VALID.

Just for a moment reconsider what Margaret McMurdo said in her Royal Commission statement about integrity.

There have been many court proceedings and inquiries, at great public expense, and there are likely to be more. These events have put at risk the integrity of the criminal justice system, harmed the reputation of the legal profession, and diminished public confidence in Victoria Police.

She may well have said the same thing about justice in her native Queensland.

The Sharple's ruling by Chief Justice Paul de Jersey in 2004 finally closes the debate. Everything Crown law and the legal system did to the One Nation party and to me over 6 years was unjustified and unlawful, and no under the carpet sweeping by the arrogant CMC statement was going to remedy the truth and disgrace of this piece of political history. The Crown Law office and their colleagues at the CMC, a division of Crown Law, knew from the very beginning that I was innocent.

When I drew attention to the Chief Justice's above comment, the transcript that contained it was removed from the internet.

THE CMC REPORT: Appropriate extracts.

Conclusions: The Commission is of the opinion that no misconduct or other impropriety has been shown to have been associated with the conduct of the litigation concerning Ms Hanson and Mr Ettridge, or with the police investigations leading to the prosecution. The Commission also found no evidence of political pressure or other improper influence or impropriety. The Commission found nothing to show a failure to accord due process, in accordance with the rule of law, to Ms Hanson and Mr Ettridge. In particular, the involvement of Tony Abbott in events leading up to the institution of proceedings to deregister the party did not produce or constitute a failure of due process. Allegations were also made that the Premier had somehow been involved in the prosecution of Ms Hanson and Mr Ettridge. The Commission found no evidence to support those allegations. The following report attempts to clarify important points relating to the litigation and details the reasons for the Commission's findings.

The police investigation The matter was attended to by the police, with varying degrees of intensity, from August 1999 to July 2001, when a prosecution was launched. This gap of nearly two years suggests that the matter was not pursued with undue haste, or with a consciousness that there was pressure for a prosecution to be launched. The CMC examined the police files thoroughly. Significant events are as follows: • On 22 August 2000 Detective Sergeant G. McNeill provided a report reviewing at length the evidence that had been assembled up to that point. The most important part of that report was the conclusion that an element of the offence being looked into — namely proof beyond reasonable doubt that there were not 500 names on the list submitted by Ms Hanson to Mr O'Shea — was unlikely to be established (paragraphs 209, 212). Detective Sergeant McNeill recommended that no further action be taken and that the investigation be finalised. • A further report, very much briefer but reaching the same conclusion, was made on 25 August 2000 by Mr J. Wagner, a lawyer in the employ of the Police Service.

The CMC response to Tony Abbott's part in this:

Mr Abbott's activities gave financial support to Mr Sharples's successful attempt to establish that the registration of Pauline Hanson's One Nation was procured by fraud. The Commission has not been supplied with any evidence to contradict the substance of Mr Abbott's account of these events. It seems clear that eventually Messrs Abbott and Sharples fell out, but the Commission does not think it necessary to discuss the details of that disagreement. Nor is any opinion here expressed as to whether, as has been suggested, what Mr Abbott did by promoting litigation against Ms Hanson amounted to one or both of the two civil wrongs called maintenance and champerty. That assertion, whether or not it is legally correct, has no connection with the question whether Ms Hanson was accorded due process — that depends on the nature of the court proceedings in which she was involved and whether they were instituted and conducted fairly and with due regard to her rights. Clearly, Mr Abbott's conduct could not amount to misconduct within the meaning of the Crime and Misconduct Act 2001. In conclusion, the Commission has not found evidence that Mr Abbott's involvement in the case extended beyond what is already on the public record and was disclosed to the Australian Electoral Commission in 1998. His involvement in the matter ceased prior to the decision by Judge Atkinson to have Pauline Hanson's One Nation deregistered and approximately three years' before any criminal charges were instituted against Ms Hanson and Mr Ettridge.

The CMC's response to the allegations of the role played by Peter Beattie: (My emphasis in bold)

'Part of Mr Ettridge's submission suggested that the Premier had made a statement in parliament admitting some impropriety in relation to the legal proceedings. Mr Ettridge pointed out that in parliament on 18 August 1999 the Premier had said: 'I gave a commitment by the end of this term we would get rid of One Nation and we have. They have gone.' The Commission drew this to the Premier's attention and invited him to advance an explanation if he felt able to do so consistent with parliamentary privilege. The Premier, in a letter dated 8 December 2003, replied that the One Nation members in parliament on 18 August 1999 'were so alarmed by the possible ramification of the ruling on their legitimacy as members of parliament that all of them rushed from the chamber to find out more about the ruling'. This was apparently in response to news that had reached parliament about the decision of Justice Atkinson that the party was not validly registered. The Premier has pointed out that members observing the One Nation reaction interjected, 'They've all gone'. (1) **The Premier responded with what he described as a quip: 'I did not know that I could clear the back of this House so quickly by rising to my feet. I gave a commitment that by the end of this term we would get rid of One Nation and we have. They have gone.' The Premier said that this was meant to suggest that his speech had had the effect of causing One Nation members to flee the chamber' The Commission is satisfied that the Premier did not intend to say that his government had been responsible for the decision given by Justice Atkinson.** The only government involvement in that case was the presence of Mr O'Shea as a defendant resisting Mr Sharples's action and defending his own decision to refuse to deregister Pauline Hanson's One Nation as a party. (2) That is, the government was funding litigation in the Supreme Court to maintain the registration of Pauline Hanson's One Nation.

My response to the above (1) is ;

The CMC revealed their bias by focusing their response to my submission by ignoring what Premier Beattie also said outside the Parliament to the ABC's 7.30 report. The CMC found it easier to focus on Mr Beattie's Parliament statement which is clearly an incriminating admission of his leading role in the perversion of justice that occurred. 'The Commission is satisfied that the Premier did not intend to say' in his defence. Mr Beattie did make the following statement 'I gave a commitment that by the end of this term we would get rid of One Nation, and we have. They have gone'.

It isn't a surprise that the One Nation Parliamentary members would have been very keen to return to their offices to discover what the Supreme Court had decided, because at this stage Mr Beattie had not declared what the court's decision actually was. I allege that when Mr Beattie made his statement he was declaring that 'they have gone' was a reference to his earlier dated promise to get rid of all of them from their elected positions in the Parliament.

My response to the above point (2).

That point being, the government was funding litigation in the Supreme Court to maintain the registration of Pauline Hanson's One Nation.

I disagree with Mr Beattie's characterization of what the Government was doing in the court of Justice Atkinson. They were there because the Electoral Commissioner was listed as a defendant. Crown law represented the Electoral Commissioner and committed another incriminating error when they failed to contest the judge's decision with evidence they had which rendered Justice Atkinson's ruling to be a grave error. Remember that in 2004 the Chief Justice Paul DeJersey said that the CMC and the ECQ knew that the One Nation registration was valid in 1997. This court sat in August 1999. This same statement was made by Des O'Shea and the Crown barrister in the civil court of Justice Brian Ambrose in July 1998.

The Electoral Commissioner was a defendant against a claim Terry Sharple's had made that Des O'Shea had failed in his acceptance of the One Nation party's application for registration, and, Mr O'Shea was being defended in that court by barrister Brendan Campbell, who several years later admitted on a transcript in Patsy Wolfe's court that the genuine list of names used to register the One Nation party was attached to their client Des O'Shea's witness statement. The Atkinson trial was run on Terry Sharple's false allegation that a DIFFERENT and false list of names was used to register the One Nation Party, and that is the basis of the eventual ruling given by Justice Atkinson. **The Crown had the evidence** to show that Justice Atkinson's decision was wrong and the evidence the Crown had was the actual list of names used for registration, which contradicted the evidence Sharple's presented to the court, and yet Brendan Campbell did not reveal that evidence to correct Justice Atkinson's major error. This is very unorthodox and improper practice by Brendan Campbell and adds to my allegations of a conspiracy to fulfill the promise made so publicly by Peter Beattie.

Years later in 2003, and in the court of Chief Judge Patsy Wolfe, Brendan Campbell also made the astonishing admission that the main witness that influenced Justice Atkinson decision was not a witness of truth. Judge Wolfe agreed with him. The Police also supported the same fact. That witness, Andrew Carne later admitted in a sworn affidavit that he had lied to the court of Justice Atkinson. The whole trial was riddled with falseness. How could such a farce survive if it wasn't a conspired plan undertaken with implied immunity to consequences for the offenders?

How did Qld Premier Peter Beattie know at the commencement of the Parliamentary term in June 1998 that he was going to get rid of One Nation Party M.P's in August of 1999 unless he had devised a plan to do so?

That is what the CMC were expected to sanitize. 14 months had elapsed between Mr Beattie's declaration that he intended to commit a criminal act by removing lawful, democratically elected Members of Parliament. Mr Beattie could not have delivered on his commitment without assistance

from Crown Law, the DPP, Police and the Judges. The support provided by those bodies is identified as follows:

1. **Crown law** refused in discovery to give Tony Abbott's and Terry Sharple's lawyers the actual and correct list of names used to register the One Nation party. Why? Because to have done so would have shown the Sharples list to be false and there would be no basis for their prosecution to advance in the courts. Crown Law aided and abetted the commission of an offence, being the misuse of court resources to conduct a false trial. Judge Brian Ambrose had made that clear in his rulings.
2. **The DPP** were already exposed by the Courier Mail for being corrupted by political interference and its head Leanne Clare ignored all defence argument I sent to her seeking that the trial be abandoned. If the DPP were functioning independently and without political pressure they would never have taken the claims to court. By ignoring my efforts for justice, the DPP became a party to the persecution and my allegation that they had perverted the course of Justice. The DPP then retained the prosecuting barrister Brendan Campbell who KNEW in 1999 when he defended Des O'Shea in Justice Atkinsons court that the Sharple's list and claims made to that Atkinson court were false, and yet he accepted and ran the 2003 brief knowing the prosecution was falsely based, and with no credible, forensically confirmed evidence. In Fact, in 2003 it was Brendan Campbell as the Crown's court advocate who presented to the court and the jury the genuine list of names submitted by the One Nation party for registration and identified in exhibits lists as EXHIBIT 17A in the court of Judge Patsy Wolfe. And yet in the civil court of Roslyn Atkinson Mr Campbell remained silent when his client the electoral Commissioner was sworn in, and under cross examination the question of the evidence arose and counsel said the evidence (the list of names) was not in the court. Mr Campbell is now saying it was attached to his clients witness statement which must have been in that court. In remaining silent, Mr Campbell allowed a different list, being the Sharple's false list to pass without being compared to the actual list used for registration. By this stage of proceedings Mr Campbell and the DPP would have and or should have been aware of the very lengthy Police report that declared there was no case to answer. That report had been confirmed twice by Police as saying a conviction was unlikely, yet Campbell says to the CMC that he believed there was a strong case to present to the court. The only explanation for its progress is because pressure was likely being applied by someone in a high place on the tree of authority. Mr Beattie by his own admission. How do I know that ? Because the investigating Police detectives said so, and Mr Beattie admitted it himself on television when he reminded viewers when he said '**I gave a commitment that by the end of this term we would get rid of One Nation and we have. They have gone'**. Premiers cannot make such wildly criminal claims which are an offence within the Electoral Act while also being a breach of the separation of powers. Elected members of Parliament are free in our democracy to run their full terms, and even if the One Nation Party had cheated the registration process those elected members were still for several reasons secure in their elected positions because none of them had or were accused of committing an offence. Mr Beatties admission was very reckless.
3. **The Judges;** There will always be a mystery surrounding my pre-trial submission of innocence given to Judge Brian Hoath. Judge Hoath ignored two of my strongest submission points, both capable of causing the trial to cease, as they did when accepted by the Court-of-Appeal when they quashed our sentences. Both of those ignored defence arguments I presented to Judge Hoath were accepted by the Court of appeal as such clear evidence of our innocence that the court of appeal overturned our conviction and released us from 3 year prison terms. Doesn't this suggest that Brian Hoath acted improperly, and by ignoring my submission which clearly showed

my innocence he allowed this malicious prosecution to progress to a full trial, with improper penalties and excessive incarceration? I allege that Brian Hoath committed the offence of perverting the course of justice, and this act by him may have been because of political pressure – and if it was, the only person with sufficient power to influence a judge was by his own admission the Premier, Peter Beattie. With regard to Chief Judge Patsy Wolfe, she erred in many ways and was criticized by the Court of appeal justices for several mistakes that prevented a fair trial.

ADDING to the allegation that my trial and persecution was politically driven when there was no basis for it, is that this false claim of my guilt was repeatedly conducted in the courtrooms of…Brian Ambrose, Roslyn Atkinson, Justice Halliday, Brian Hoath and Chief Judge,

Patsy Wolfe.

A very senior Counsel in Brisbane had the following to say about the research needed for the Contract Law argument to be used in defence. I have deliberately protected the names of the two people involved.

'Mr X turned up one day at my chambers without warning and wanted to 'borrow' 5 minutes of my time. We had a chat about the application of contract law to political parties and I also found him the name of a leading Queensland case about the relevance of subsequent conduct in determining the terms of a contract. When the Court of Appeals judgement was handed down, I was delighted to find the name of the case I had given to Mr X in paragraph 21 of the Chief Justice's reasons.

So, my contribution was no big deal and most lawyers could have done a simple research exercise.'

My point in adding the above is to emphasise that no serious research – even of the simplest nature- was ever conducted to show how impossibly wrong the case against me was. That it survived multiple courts raises the question of it being driven by improper prejudicial and criminal influences.

This was a serious breach of Natural Justice and my human rights, to be charged, tried, imprisoned and to receive a penalty manifestly greater than was specified in the Electoral Act at the time of the alleged offence.

These things cannot be oversights. They cannot be accidental. They are deliberate and actioned to achieve a malicious and pre-determined outcome.

Retrospective legislation is the worst kind of abuse of authority when applied so maliciously to a political opponent. It breaches natural justice and human rights. It leads to a loss of respect for the judicial system and the democratic expectations of the public.

An alarming fact is that the CMC later renamed as the CCC did not at any time have any authority to revisit decisions made by any judges and especially the 3 highest Judges of the court of Appeal. In my two attempts to obtain a compensation payment from the Qld Government they passed my submission to the CMC and CCC who absolved the Government of all and any wrongdoing. They had no authority to overrule decisions of the Court=of-Appeal to excuse the State Government of criminal offences.

CHAPTER 27.

The Premier admits his guilt.

Every major project needs an architect. Someone with the authority to control and drive a highly sensitive conspiracy forward and to be powerful enough to have no one to answer to. As the Police had said, it went to the top of the food chain. I cannot be accused of defaming someone who has admitted he planned a criminal offence.

Enter Queensland Premier Peter Beattie.

What did Premier Beattie say on the ABC 7.30 Report on the same day that Justice Roslyn Atkinson, his Government's appointed Judge, gave her ruling that the One Nation Party had committed fraud? Mr Beattie made the following comment without the protection of Parliamentary privilege.

'After the election, there were 11, then there were ten, then there were five, and today there are none. That's the way we are. In terms of entitlements – I did say, by the way, we'd get rid of One Nation. We expected it would take the full term'.

Note that the above statement is largely about things that occurred previous to the court's ruling and his words are in past tense which contradicts what the CMC report said about Mr Beattie having referred to the One Nation M.P's leaving their seats in Parliament on the announcement of the Judge's ruling.

How did Peter Beattie know that he was going to get rid of the One Nation party members at the beginning of the Parliamentary term unless he had a determination to do so? And, how fortunate is it that Terry Sharple's arrived with his false allegation about membership. Remember too that Sharple's revealed his actions just a few weeks after the election of the 11 One Nation M.P's. What coincided with the Sharple's declaration and court action is that Sharple's had included as a co-accused person, the Electoral Commissioner. This brought Crown Law into the game at its first encounter in Justice Ambrose's court and it was Crown Law that refused in 'discovery' to give Sharple's lawyers the actual list of names used by One Nation for its registration. Without that list Sharple's lawyers were flying blind on false evidence. Crown Law as I have already said would have had both the real list and the false list. This placed Crown Law in a position where they knew in July 1998 that the Sharples allegations were false.

Mr Beattie included himself in that incriminating statement when he admitted that he and others entered into an unlawful, premeditated conspiracy that drew a number of influential persons into that conspiracy to remove democratically elected members from the Queensland Parliament. They were collectively committed to deny 439,121 voters their democratic right to vote for a party of their choice.

Others were collectively required to play their parts and misuse their power and their resources to pervert the course of justice.

Part of the CMC's position taken to protect Mr Beattie and deflect his casually admitted guilt, was to avoid reference to his incriminating televised statement. Premier Beattie's admission was made in a National television interview and cannot be connected to the CMC's cover up claim that Mr Beattie was referring to One Nation members fleeing the chamber. Mr Beattie was clearly telling ABC television viewers that he had a pre-meditated plan to destroy a political opponent and he had conducted that plan deliberately. There were no 'fleeing' One Nation members around him when he gave the ABC their interview.

The following is my analysis of Mr Beattie's admission which makes the CMC's interpretation of his admission in their 2004 report completely unacceptable.

Mr Beattie said..

'I did say, by the way, that we'd get rid of One Nation' These words are a reference in the past tense and at an earlier date than the court judgement. Mr Beattie's words are clear, and in direct contradiction to the CMC's claim that the Premier was referring to the One Nation M.P's leaving the parliamentary chamber in August 1999.

Mr Beattie was talking about getting rid of the lawfully established ONE NATION PARTY, not just its elected members in the Parliament.

'We expected it would take the full term'. These words are also in the past tense. Mr Beattie is clearly recalling a statement he and others in his conspiracy had made on an earlier occasion. The use of the word 'we' in his admission also implicates others in his conspiracy.

Mr Beattie had Motive, means and opportunity to commit his crime.

I allege that Mr Beattie drew persons who had been appointed to positions of authority in the Judicial system into what is alleged to be actions that were likely considered to be protected by an implied immunity, as each participating public servant breached the law, their code of conduct, human rights and Natural Justice.

Anyone who conspires to run false criminal actions in a court to improperly remove a democratically elected member of parliament is not acting legally. In a democracy the election of representatives in Parliament is sacrosanct and is not open for false criminal actions that remove their legitimate right to sit in Parliament as a representative of their electorate.

In conclusion, and by no means all that I have to defend my allegations, is that in 2004 the Court of Appeal led by the former Chief Justice de Jersey ruled that the One Nation Party registration had been valid from the day it was accepted for registration in 1997. That statement is in addition to the Court of Appeal ruling in November 2003 which quashed my conviction and is the clearest evidence from the highest Court in Queensland that the whole case brought against me was improper, unsupportable in law, malicious and seriously illegal on multiple levels.

Elected Governments have a duty to act according to law, not above it, and to respect and adhere to the codes of ethics and sworn obedience to rules they set for themselves, and to meet the highest standards of fairness in the manner with which they treat the citizens to whom they are responsible. It has long

been said that power corrupts and after an extended period in Government the Queensland Labor Party displayed astonishing arrogance and set new benchmarks for corruption when dealing with a political opponent in a court and judicial system they controlled.

In ABOVE THE LAW I reveal that in 1998, when confronted with a threat to their political dominance of the State of Queensland by a new Political Party - The Pauline Hanson's One Nation Party – the Labor Government of Queensland acted with malicious intent, extreme prejudice and with a conflict of interest which they delivered through their appointed heads of key Government Departments in Crown Law and its subsidiary bodies. The courts failed to provide procedural fairness and natural justice.

I allege that evidence provided in ABOVE THE LAW suggests a conspiracy to pressure agents of the Queensland Government to pervert justice and it includes the Premier, senior public servants and at least one or more judges.

Perhaps the greatest injustice we could witness in any democratic society is for that society's Justice system to deliberately imprison anyone who is innocent. To deny that person their freedom to serve a dishonest political objective is criminal behaviour of the worst and most evil kind when judged against any reasonable standard.

It might be appropriate to start with the Queensland code of conduct for all public servants. This sets the benchmark for ethics, standards and rules for all levels of Public Servants. If you are on the Governments payroll, you are a public servant. I would expect that any public servant who breaches this code should be dismissed and then charged if an offence has occurred. In fact, Queensland's CRIME and MISCONDUCT COMMISSION (Now renamed as the Crime and Corruption Commission) was created to investigate any breaches of public service codes. They too, as a subsidiary body to the office of Queensland's Crown Law earned my criticism for their failure to act independently on two occasions when considering my submissions to them seeking justice.

As you read this book, you can reflect on the following oaths taken by senior Public Servants and compare their actions with their respect for the relevant codes under which they served.

ABOVE THE LAW provides evidence of behavior that breaches the following code.

The Qld Public Service Code of Conduct

The Code of Conduct was developed to strengthen the integrity and accountability of the Queensland public service, and to :

- Demonstrate the government's commitment to the highest levels of integrity and accountability.
- Reflect the principles and values underlying good public administration.
- Identify consistent standards of conduct for all employees.
- Provide a framework for ethical culture.
- Clarify for the public what they, and we, as employees of the Queensland public sector, expect of ourselves, our colleagues and our organisation.

The code contains the ethics, principles and values prescribed in the *Public Sector Ethics Act 1994*:

- integrity and impartiality
- promoting the public good
- commitment to the system of government
- accountability and transparency.

As well as the Code, we will comply with all relevant:

- legislation
- awards and agreements
- whole-of-government directives, policies, circulars, and standards.

ABOVE THE LAW will allege that when faced with judging a political opponent in their courts, the code of conduct was arbitrarily ignored and revealed prejudice that favoured the State Government of Queensland.

CHAPTER 28.

Background.

In 2018 through to 2022, I reviewed my abundance of files and court transcripts that covered many years of my own political and judicial persecution. 21 years later my reputation remains damaged and defamed by a dishonest perversion of justice, which has to this day had no adverse consequences for its perpetrators.

It started in mid-1998 and my research reveals fresh evidence of my own and Pauline Hanson's unlawful, malicious and tyrannically imposed 3-year terms of imprisonment handed down on August 21st 2003.

It all amounted to revealing a deliberate abuse of power and the attack on my own and Pauline Hanson's civil and legal human rights - the same rights expected by all Queenslanders. My research reveals that law and Justice in Queensland at that time was being treated as a tool of punishment being flexible and discretionary, especially when it was being applied to political opponents of the prevailing Government.

ABOVE THE LAW presents an extensive mosaic of information that implicates the Queensland Government in what might arguably be the gravest and most disturbing miscarriage of Justice in Australia's modern history. What made it even more concerning was the role played by our Nation's Federal Government – the Liberal Party of Australia - through its representative Tony Abbott M.P. I draw the Liberal Party into this, rather than to isolate Tony Abbott, because Tony Abbott made the mistake of lobbying the Queensland Electoral Commissioner by using Parliamentary letterhead for his correspondence. He did this of course to add weight to his authority to enter the conversation. The One Nation party had just given a thrashing to the Liberal Party in the June 1998 State election and this gave Abbott the imperative to put a stop to any further LIBERAL losses in a Federal Election in October, which was just months ahead.

Finally, the normally competing Labor and Liberal parties had agreed and conspired on one thing – their destruction of a political threat to their alternating control of power in Australia. When both major parties break the laws we depend upon for democracy and civil obedience, who can we turn to when seeking impartial and Natural justice?

Collectively, the offence committed by so many senior Public servants in high places was the very serious criminal offence of ***perverting the course of justice***.

CRIMINAL CODE 1899 - SECT 140

Attempting to pervert justice

140 Attempting to pervert justice

(1) A person who attempts to obstruct, prevent, pervert, or defeat the course of justice is guilty of a crime.
Penalty—
Maximum penalty—7 years imprisonment.

(2) The *Penalties and Sentences Act 1992* , *section 161Q* states a circumstance of aggravation for an offence against this section.

(3) An indictment charging an offence against this section with the circumstance of aggravation stated in the *Penalties and Sentences Act 1992* , *section 161Q* may not be presented without the consent of a Crown Law Officer.

Using its own Justice system, corrupted by placing many political allies as appointees which broke the required separation of powers rules, the Queensland Beattie Government had, as the principle protagonist, led an attack against upholding the very integrity of a democratic process so deeply enshrined in Queensland law and the Commonwealth Constitution.

ABOVE THE LAW presents the detail and facts to support my allegations. You decide.

CHAPTER 29.

Where the problem started.

Pauline's fans and supporters may not like this chapter. I believe it is necessary to reveal that the destruction of the One Nation Party was greatly assisted by Pauline Hanson.

After you read this chapter you might agree. What I include and reveal is a shared experience of her by others and not just my own experience.

In the late 1990's, after 2 years of intense party-building which added an impressive National platform of 17,500 members and 350 branches, the fledgling and audacious Pauline Hanson's One Nation Party, self-described as the voice of the people, was ready to enter its first electoral test in Queensland in June 1998.

We had money in the bank and excitement in our expectations.

I have in previous writings described One Nation members and supporters as 'ordinary Australians' but they were much more than that, they were 'extraordinary and patriotic Australians' taken to their frustration and tolerance by unpopular decisions made by our alternating Labor and Liberal Governments who were obediently committed to whatever plans emerged from the United Nations.

The Labor and Liberal Parties had signed up in 1975 for the U.N.'s self-destructive **globalization** agenda which anyone could have foreseen was to be a danger to Australia's industries, jobs, skills and the immediate and long term economy and security of our country. This Globalisation agenda had become a major catalyst in the changing mood of Australians. Voters were searching for a way to punish the two major parties. People who had never joined a political party were rushing to join One Nation.

One Nation Party members were all very positive in 1998 and sensed their party had struck a chord with Australia's voters. The confirmation and extent of that feeling was realized on election night when we attended the polling results in Brisbane. Seats were falling to the One Nation Party and everything we believed and had worked so hard to achieve was emerging on a tally board, much to the horror of the Labor and Liberal Parties.

The One Nation Party's success was always going to incite a reaction from our political competitors, and it was Pauline who provided the basis for what was to be 5 years of costs and damage to the party.

It arrived as an act of revenge by a former candidate. With political and financial support initially from the Liberal Party's Tony Abbott M.P. and his 'fund for honest politics' a false allegation was tested in the Queensland court of Justice Brian Ambrose. The substance of that false claim quickly attracted the attention of the Labor Party.

The false allegation was initially driven by malice and was the consequence of the unfair dis-endorsement of a One Nation party candidate named Terry Sharples and a refusal by Pauline Hanson to pay him his entitled campaign reimbursement costs. The refusal to pay him $11,500 cost the party well over a million dollars in legal costs and sent Pauline and me to prison as a dirty tricks campaign was initiated.

This was at the time unknown to me, because although I was the party's National Director and Federal Secretary based in Sydney, Pauline Hanson as Party President and the sitting M.P. for Oxley at the time had regarded Queensland as her territory and I was discretely excluded from participating in the conduct of that Queensland State election of 1998. I had been told to leave the Queensland Electoral Campaign team to manage their own State campaign.

My job had been to build the party's by now extensive national resources and to market the party, brand it and create branches, support and members. At that time, it was a job well done by a passionate team of head office staff members, and volunteers around Australia. We had approximately 17,500 members and 350 branches, all accomplished in 2 years. It was a structure that matched that of the Liberal and Labor opponents. We felt we had enough people on the ground to successfully resource State and Federal elections.

In recruiting a candidate named Terry Sharples to be the party's candidate for Burleigh, near Tweed Heads, a contract had been entered into between Terry and the Queensland division of the party. It was signed off by a Paul Trewartha who held an office bearer position in Qld. Paul was also an active influence in the Qld Division's Campaign Committee. The agreement provided that Terry Sharples would have the only and final say to decide where preferences would be allocated in the Burleigh electorate. It was a legal and enforceable contract.

Just days before the election, Terry's right to distribute preferences in accordance with his contracted agreement was denied by the campaign committee. This decision angered Terry and it was a pointless and unnecessary conflict because at that stage Terry had not allocated any preferences and did not attempt to do so. For Terry it was a matter of principle. Terry completed his campaigning and spent $11,500 of his own money on advertising and campaign costs. Terry's dis-endorsement was a foolish, unnecessary decision and it created pointless future costs and conflict.

The decision to not pay him was even worse as it inflamed what would have been a forgotten issue had Terry been paid. As was seen from by the inner circle of party management Pauline could regularly act temperamentally and give no consideration to being fair or to act with integrity. In this case she had stolen Terry's rightful compensation for his electoral campaign costs and reimbursement.

After the election, Terry lodged his claim for his costs reimbursement. At first Terry sought to make his claim directly with the Electoral Commission and was told he could only do so through the One Nation Party. Terry contacted the One Nation Campaign Managers who agreed to accept his receipts and claim for compensation and to add Terry's claim to the bundle of claims for other candidates being lodged by the Party with the Electoral Commission.

Terry's claim for $11,500 was accepted by the Electoral Commission of Qld and payment for him was included in the electoral funding reimbursement forwarded to the Party.

It is important to note that this was **public money** – properly due to Terry and the Party was acting as the disbursing agent for all eligible candidates who had claimed reimbursement under electoral legislation. Terry's legal contract required the One Nation Party to refund his expenses in accordance with the terms expressed in his contract.

When a cheque to pay Terry Sharple's claim was drawn, Pauline Hanson, and only Pauline Hanson demanded that Terry NOT BE PAID. **Terry has never been repaid.** This not only was a clear breach of Terry's contract, but it was the misappropriation of Terry's entitled re-imbursement.

In Pauline's own history with the Liberal Party of Qld, she too had been dis-endorsed and had problems seeking fair financial treatment so we might have reason to expect that she would be very aware of how unfair this matter was for Terry.

Pauline's denial of Terry Sharple's reimbursement started the destruction of the One Nation Party just when it had shown its potential to become a serious political force in Australia.

You might understand why Terry Sharple's was angry and why he sought revenge. The result was very unfortunate for the Party and for me.

As the next few years passed, Pauline Hanson's One Nation Party suffered extensive damage self-inflicted by Pauline alone, who was at the time a sitting Member of Parliament and the Party's National President.

Ironically, in a book written by her former advisor, John Pasquarelli, he claims to have said ***'I told Hanson to stand in front of a mirror if she wanted to see who would ultimately destroy her'.***

In **2018** Sharple's lodged a Police Report seeking an investigation into the denial of his reimbursement which he characterized as theft. Some investigation was conducted but ultimately the Qld Police did very little including a failure to interview all the witnesses who could contribute to their enquiries. The Police failure is strange because the report to Police contained all the documented evidence they needed to charge Pauline. Often scant Police time and resources are focused only on major crimes which Sharple's claim may have excluded Terry's claim from Police examination.

I have wondered why the Police didn't act on such a clearly evidenced allegation.

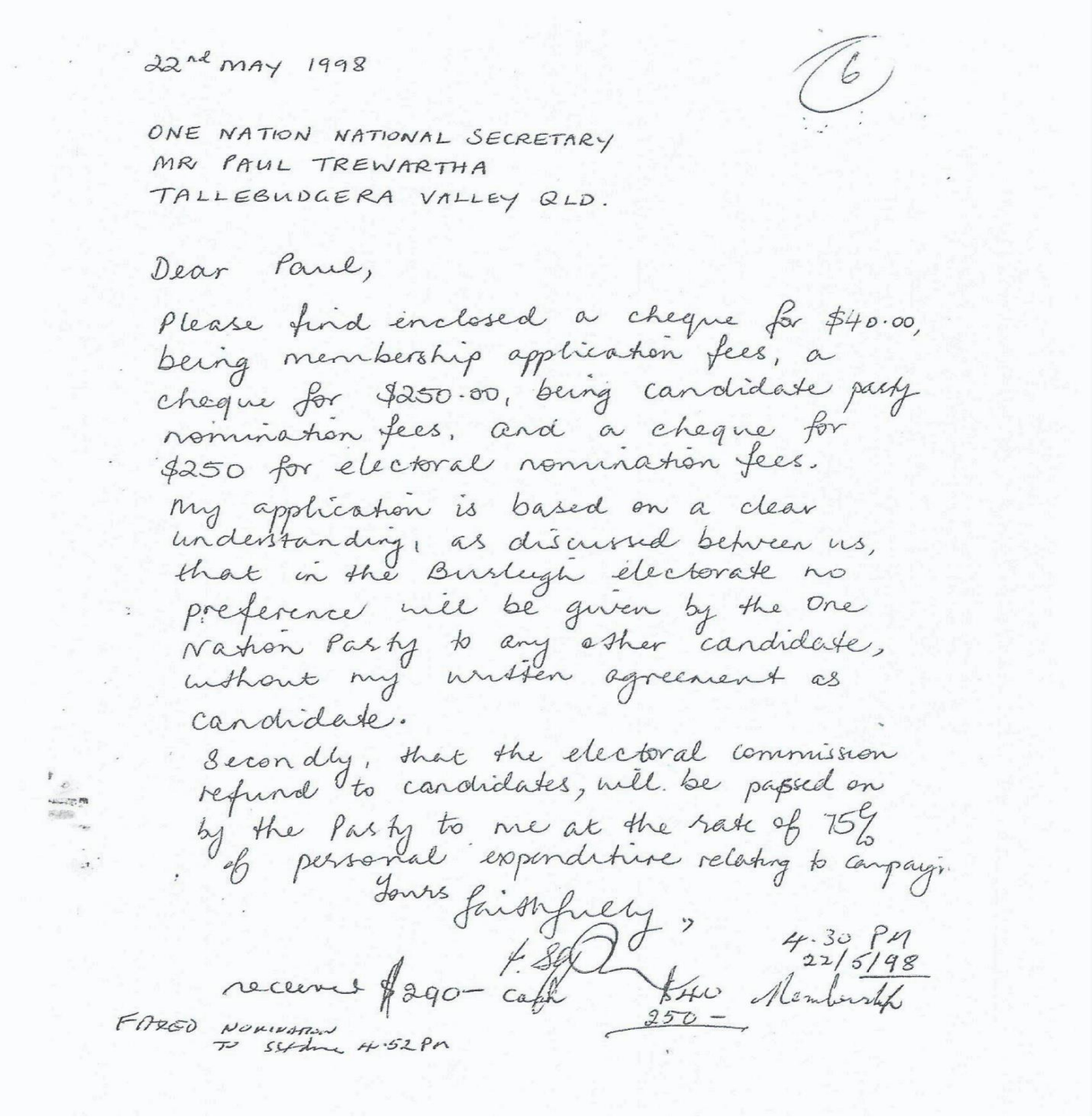
Today, I suspect it might be because to place the Sharple's claim in a court room might have led to many of the allegations and issues against the Beattie Government presented in this book being re-opened for examination in a court. It could become a seriously damaging can of worms for the Queensland Government.

Pauline had handed our political opponent's grounds for the next several years of media attacks, loss of the party's reputation, high legal costs, court appearances and finally my own and Pauline's false imprisonment. Estimated legal costs for the Party that resulted from this amounted to well over $1 million, plus there are other damages well in excess of that figure.

With a Federal Election just months away in October 1998, the timing for the One Nation Party couldn't have been worse. Pauline had handed the Labor and Liberal Parties an opportunity they enthusiastically seized to inflict maximum damage.

As a member of the National Executive this destructive Sharples episode that inflicted damage after years of party building was conducted without my knowledge.

The next page shows the agreement Terry Sharple's had created with the One Nation Party.



22nd MAY 1998

6

ONE NATION NATIONAL SECRETARY
MR PAUL TREWARTHA
TALLEBUDGERA VALLEY QLD.

Dear Paul,

Please find enclosed a cheque for $40.00, being membership application fees, a cheque for $250.00, being candidate party nomination fees, and a cheque for $250 for electoral nomination fees.

My application is based on a clear understanding, as discussed between us, that in the Burleigh electorate no preference will be given by the One Nation Party to any other candidate, without my written agreement as candidate.

Secondly, that the electoral commission refund to candidates, will be passed on by the Party to me at the rate of 75% of personal expenditure relating to campaign.

Yours faithfully

4.30 PM
22/5/98

received $290- cash $40 Membership
250-

FAXED NOMINATION
TO SHARPLES 4.52 PM

A legally enforceable contract requires 3 things:

1. An offer
2. Acceptance
3. Consideration – being money changing hands. There is doubt about whether Terrys cheque bounced or was as I have been told, was never actually banked. Sharple's offered it in good faith believing it would be banked.

All 3 of the above requirements were clearly contained in the handwritten contractual agreement between One Nation and Terry Sharples.

CHAPTER 30

At all stages the party had members.

In our **2003 criminal court trial**, evidence was given of the truth of the party's member list by the staff member who had been responsible for the membership database at the Party's Manly NSW office. The same list was admitted into evidence by the Police as EXHIBIT 17A and its integrity as evidence was also declared by the former Electoral Commissioner, the very person it was claimed had been defrauded by it. None of this could possibly have led to us being charged and imprisoned because its very existence contradicted the charges, and yet it did. The list was admitted into evidence by the Police who had investigated the truth of this document as being the list submitted for the party's registration.

The One Nation Party was already a **Federally** registered political party under the registration procedure that required only a sitting Member of Parliament – in this case, Pauline Hanson, to be eligible for registration. Our Queensland registration was simply to register a **Queensland Division** of the already registered federal party.

A reading of the Electoral Act Qld would lead to the conclusion that on her own, Pauline's name would have been sufficient to obtain registration under what is called a Parliamentary Party registration, and this observation was made by Justice Brian Ambrose, the first Judge to hear the false claims aired in his courtroom. However, the star chamber and Crown Lawyers couldn't see that and it seems none of them ever bothered to see what the Electroal Act had to say about registering a new party.

When lodging the application, it was decided to provide a list of 1100 names of Queensland resident members. We had nothing to hide, and those members were genuine. It never occurred at the time that in the future someone was going to challenge the truth of that list. If I may offer this flippant suggestion, what transpired thereafter was as absurd as being arrested, charged and imprisoned for breaking into your own home.

The Queensland registration of the Pauline Hanson's One Nation Party was required so the Party could stand candidates in the June 1998 Qld State Election. The Party's registration papers were lodged on October 15th, 1997. Party member names were submitted with the registration documents as evidence that the Party had the required 500 members who were elector's resident in Queensland. We also knew that the Commission was required by the Electoral Act to write to a sample number of the people whose names were on that list to verify their membership. The Commission did that and were completely satisfied with the integrity of the list supplied.

The charges laid against us in 2001 had their basis in fraud being committed by deceiving the electoral Commissioner with a list of names of persons who were not members of the Party but members of the party's support movement. If we had done that, the Electoral Act said that was also acceptable because members of any associated entity of the party were defined as being members of the party, had we done so. The Qld Court-of-Appeal agreed with that position.

I should re-emphasize that to commit Fraud against another person or entity that person or entity must have relied upon any representations you have made to them. In relation to this, the Electoral

Commission had an investigation protocol they were required to perform under the Electoral Act to validate party membership, and it resulted in the ECQ independently confirming that our representation was truthful. They wrote to a significant sample of people whose names were on that submitted membership list and those persons satisfied the ECQ that the people contacted were in fact members. The responders confirmed that they had receipts for membership, numbered membership cards, and they attended meetings of members.

The Qld Electoral Commission received a very high level of response from responders who confirmed that they were members of the Party. The party was subsequently registered on December 4th 1997.

The ECQ did not rely upon our representations of the validity of our submitted membership list – such a reliance being an essential element of the offence of fraud – they conducted their own assessment which eliminated all claims of the ECQ being de-frauded.

A pre- trial submission of membership having been created under both contract law and the membership definition under the Electoral Act was put by me in my defence at the 2002/2003 criminal pre-trial conducted by Judge Brian Hoath. I correctly claimed that the One Nation Party had entered into legal and binding contracts of membership with its members. All the elements of contract law were claimed. Contract law overrode all of the confusion placed before the court by former members and the CROWN. The Court-of-Appeal in 2003 agreed with me when they released us from prison and quashed our sentences and overturned our convictions.

This is where it gets interesting. In Judge Hoath's rulings on my submission, he had failed to rule on my contract-of-membership submission, and also on the second defence point I made regarding the definition of a member as contained in the Electoral Act. Had Judge Hoath ruled he would have had no choice but to dismiss the action in his court. However, he did not.

The question arises, to the discredit of Judge Hoath, as to why or what caused him, as an experienced judge to respond to every other submission I made in that pre-trial document **EXCEPT** the two powerful points he should have. **This curiously suspicious oversight was not discovered until my court-of-appeal lawyers got involved, and it resulted in our release from prison. We had endured approximately 18 months of court attendances – at different times over the period – and spent vast sums of money defending a malicious and false charge, with the negative publicity, defamation and imprisonment and none of the lawyers ever raised or demanded justice on the basis of those two questions.**

I need to emphasise that I copied the Crown and Hanson's lawyer on my defence submission to Judge Hoath. This exposes both of them to the question 'Why did they not see the truth of my submission and respond to it?

The DPP and Crown Law were the dominant legal authority in this case and they erred by ignoring my submission and in so doing committed the serious criminal offence known as 'perverting the course of justice'.

CHAPTER 31

The Sharple's era.

Former One Nation candidate, Terry Sharple's found a colleague or two and together they worked to advance a baseless and completely false accusation that only survived because of the desperate desire our major political opponents had to destroy the One Nation Party's future success.

There were several stages at which this persecution and prosecution should have stopped.

Perhaps the strongest one – and an early stage warning that should have stopped any further action – was Justice Ambrose writing the following observations in his judgement….

"Charge 1. Charged conjointly with Pauline Lee Hanson. That on the 4th day of December 1997 at Brisbane in the State of Queensland Pauline Lee Hanson and David William Ettridge dishonestly gained a benefit or advantage namely the registration of an organisation known as Pauline Hanson`s One Nation as a political party under the Electoral Act 1992 (Qld) for themselves."

Then looking at the Queensland "Electoral Act 1992 – sect 3 in the definitions 3.

In this Act –

"parliamentary party" means a political party of which at least 1 member is a member of an Australian parliament.

"registrable political party" means a political party that—

- ***(a) either—***
  - ***(i) is a parliamentary party; or***
  - ***(ii) has at least 500 members who are electors; and***
- ***(b) is established on the basis of a written constitution (however described) that sets out the aims of the party ".***

<u>There is no doubt</u> that with Pauline Lee Hanson being the elected Federal Member for Oxley that they were a parliamentary party.

(My emphasis above)

(Note: The Pauline Hanson's One Nation Party was already registered Federally with the AEC as a Parliamentary Party with Pauline as its only member for the purposes of its Federal registration and we could have applied as a parliamentary registration without supplying member names).

Justice Brian Ambrose repeated the following when he delivered his judgement on the 1998 action taken by Terry Sharple's …

In Sharples v O'Shea & Anor [1998] QSC 171 (31 August 1998), an Interlocutory injunction before Mr Justice Ambrose was created (internet version) …

"the party was a Queensland parliamentary party within the definition of s.3. Whatever may have been the position prior to the election, after eleven members of that party had been elected to Parliament, it seems to me that it would be very difficult to assert that subsequent to the election, the party was not a Queensland parliamentary party – whether or not it then had at least 500 members who were electors."

Pauline Hanson`s One Nation was a registrable political party within the definition of section 3 of the Queensland Electoral Act 1992.

It is interesting that Justice Ambrose referred to '*eleven members of the party*' in his rulings. To his great credit Justice Ambrose seems to be the only Judge who bothered to read what the Electoral Act had to say about eligibility for registration. This eligibility ruling removed all need to consider the allegation that the party had no members or that the members offered were members of an associated organization under the control of the Party.

In all of his comments, Justice Ambrose had created an ESTOPELL which was ignored in the subsequent advance of this false prosecution.

Justice Ambrose's correct judgement appears to have evaporated when this matter was considered by all subsequent judges and lawyers in this malicious prosecution and perversion of justice. Any subsequent charges and court attendances should never have occurred, except that they served to damage the One Nation Party's reputation and drain the One Nation Party's money which was to deny funding for the upcoming October Federal election.

A huge conflict of interests existed.

I can't resist saying 'You get the best Justice money can buy'. It may well be a justice system that works for non-political cases, but when a case is to be defended by a political opponent of the Government in courts improperly controlled by the Government in a breach of the separation of powers doctrine and where a conflict of interests does exist, such cases should be heard in impartial courts in another State or country. When a Government appoints highly paid career public servants to very influential jobs, to some degree the appointees are beholding to the Government that appointed them, and for which those appointees usually have political allegiance. It is not surprising when appointees have been political colleagues with the prevailing government that they might have felt a need to protect their party of choice from attack.

The rule of 'separation of powers' must also be breached when a Government has carefully appointed their 'chosen ones' to the bench or to high office in the Public Service.

The ethics, code of conduct and personal conflict that political appointees faced was clearly evident when such appointees were facing a political opponent of their employers.

They were also, as appointees, almost certain to have been Labor members and voters, which introduced a powerful conflict of interests. It raises a doubt that procedural fairness and natural justice was ever available to us.

The prosecution that followed breached legal orthodoxy. It advanced when it should not have under the decisions of Judges appointed by the Government.

To their credit, the Police who had conducted their own investigation had declared the prosecution 'unlikely to result in a conviction'. Those are code words for 'Not guilty'.

A small group of Queensland detectives visited Sydney to talk to potential witnesses. Those detectives were uneasy about their investigation and were acting against their personal ethics by complaining, when gathering witness statements, that they were under political pressure to 'get Hanson'. Such pressure must implicate Premier Beattie as you will read further into these pages because no one below his rank would dare to commit such a brazen breach of law and their code of conduct. Plus, it was the State Premier Peter Beattie who publicly admitted that he had intended to get rid of One Nation.

Technically, I did nothing to require that I be charged. It turned out being their biggest mistake. Had I not been charged, my defence arguments in trial submissions would never have given the 2003 Court-of-Appeal a basis for releasing us from our 3 years of imprisonment and Pauline and I would have served those 3 years incarcerated.

My only contribution was that I had authorized the printing and supply of the list of Queensland member names from the party's database for the lodgement application to the Electoral Commission – a list of names that was clear evidence that the party did have members, and a list independently validated by the Electoral Commission, accepted by the Police and during the trial validated as being genuine by the parties staff member in our head office who managed the membership register.

The application for the registration with the Electoral Commission of Qld was lodged by Pauline, and the Qld Divisions party secretary, the other office bearer of the Queensland registered party both being Queensland residents.

I was not included in the application by name and gained no financial 'advantage' as claimed by the criminal charges laid against me – however, I had shown that I could lead a team to create a large and well-resourced Nation-wide party structure; an accomplishment not achieved by several small parties in the past. That is why I believe they decided to punish me.

A serious flaw in the Queensland Governments prosecution process had been established-by-admission from the top of the chain of authority - the Premier himself - as in 1999 he let the cat out of the bag.

Most, if not all of the players in this circus were appointed by the very Labor Government that sought to incriminate us. They were all likely to be Labor party members or sympathisers with strong conflicts of interest which rendered them to be totally unsuitable to be involved in our prosecution – and yet when you see what they had to do to get a win, perhaps it can be said they were the right people for the job.

The effect of Pauline Hanson's single act of spite filled self-harm in 1998 against Terry Sharples was to linger in the public domain for years as it caused negative media and extensive damage to the Party and to my standing, public reputation and financial security.

Legal activity commenced in the Queensland courts in 1998 and with the help of some seriously inept actions and incompetence by lawyers and judges created a long-term crusade of attack against me and the party.

I am well aware that sometimes I should include my co-accused in references but when this drama started she abandoned me and hired a well know criminal lawyer at party expense who occasionally made in court statements in her defence that were designed to deflect blame to me. I reflect on that wondering if he ever had a real grasp on the weakness of the charges we were facing. Added to my attitude is that Pauline has ignored making right the wrong of the substantial unpaid indemnity to which I am entitled. So, if Pauline wants to explain what happened in the malicious prosecution we endured she can write her own book. In her first speech as a Senator Pauline thanked her two sisters for getting her out of prison! I have never understood that logic. That is the kind of ill-informed misunderstanding and lack of appreciation often dispensed by her that is unfair and annoying.

The years of carefully delivered and damaging media created an environment that is explained by the old saying 'mud-sticks'. It played into the Governments hands and their plan to convince Australians that a completely false lie was true. The Australian media played their role in the spin and propaganda they spewed for years. Media in Australia give me the impression that they are mostly pawns of the State and do what their masters tell them.

It resulted in August of 2003 with both of us being convicted and incarcerated for a 3 year term for an offence that was **not an offence** under the legislation, and one we did not commit. It was also an offence that carried a jail term of 6 months under the Electoral Act penalty provisions – had we been guilty. The Queensland Attorney General made that statement to the media at the time, 6 months however wasn't enough to disqualify Pauline from running for a seat in parliament.

It was, with the assistance of the State Government, their appointed senior public servants, the media, ignorance of respective legislation and a cast of perjurers and incompetent lawyers that this farce advanced to this very serious stage.

It was however no accident as my research confirms. It was a manifestly improper and criminal abuse of authority, led as the evidence and admissions will show, by Peter Beattie the Queensland Premier at that time assisted by incompetent lawyers and Justice Department officials.

For the 1988 and 1999 period it was a legal matter which had been handed to the party's lawyers to deal with and I had never fully read a transcript of early court hearings believing we were in good hands, until I commenced my research for this book. Neither had the party's lawyers read any earlier court transcripts it would seem, because the flaws in Terry Sharple's case were contained in transcripts and commonsense. Sometimes just one or two paragraphs in transcripts exposed the faults. Our valid defence and innocence against all subsequent trials was clearly presented by Justice Ambrose in his comments and rulings in 1998. The very poor standard of legal defence we obtained was commented upon by the court-of-appeal judges.

Mr. Sharples allegation was aired in two Queensland civil courts and eventually to 3 court hearings in the District Court.

Sharple's alleged that **his list** of Support Movement member names was **the list** used to falsely register the party in Queensland. This allegation was untrue and so very easy to disprove, but at that time no one conducted in a courtroom the simplest remedy, being to make and record ON THE TRANSCRIPT a **comparison** of the two lists. At this stage in the history of this matter, the Party relied on its lawyers to defend this ridiculous allegation. They all failed us.

Crown Law managed to keep the comparison of the two competing lists out of consideration at both of the civil trials. The two lists were never compared. It is a breathtaking display of incompetence and can only be concluded as being a deliberate miscarriage of justice.

This changed when I became self-represented and exposed the truth in my cross examination of the former Electoral Commissioner at the criminal trial in August of 2003. The transcript of my cross examination shows that I presented former Electoral Commissioner Des O'Shea with the list of names alleged by Terry Sharples to be the list used to register the Party in 1997, and he said he had never seen it before. He confirmed it was not the list submitted for registration.

The whole case had been built around this lie and no lawyer had ever done what I did, although one competent lawyer, David Frank, acting for Abbott and Sharple's in the early stages attempted to make that list comparison but was denied access to the genuine list by Crown Law, and it would now seem, the party's own lawyers could have easily shown him a copy of that list in the discovery phase. But, as anyone who has been in a court will know, lawyers charge by the hour and quick resolutions don't make them much money.

Alternately, the Sharple's lie could have been defeated with a simple reading of the Qld Electoral Act 1992 which is what Justice Ambrose did. Part 6 of the Act provides the following definition of a party member. **'Members of a political party means a person who is a member of the political party or a related political party.'** Which is what the Support Movement was. A 'party' does not have to be registered to be a party. Same as a car is still a car if it is not registered. A political Party only needs registration to compete in elections so it can claim electoral funding.

Part 6 also defines a related political party as,

'Related Political parties:

> For the purposes of this Act, 2 Political parties are related political parties if,
> (a) One is part of the other; and
> (b) Both are parts of the same Political Party'

In One Nation's case that included the Support Movement, so there was no legal merit in Terry's allegation. No court time should have been devoted to what was so easily disproved to be a lie.

Income from the Support Movement had been included in annual returns lodged with the Australian Electoral Commission showing that the Support Movement was under the control of the One Nation party.

Amazingly, not one QC, Barrister, lawyer or judge ever raised this legislated definition as a defence to the Sharple's allegation. Hundreds of thousands of dollars were paid to lawyers who failed to defend this nonsense.

I was forced to run my own defence because Hanson had denied me my 'indemnity' support from the Party. Pauline stubbornly refused to allow the Party to pay for my legal, cost of living and travel costs as required in the One Nation party constitution, so like Terry Sharple's I also experienced her ruthless and unfair denial of my entitlement under the indemnity provisions of the One Nation Party constitution.

Ironically having sought and rejected expensive quotes from legal firms to handle my defence I conducted my own defence. It was worth it.

My research revealed very easily the Electoral Acts legal definition of a 'member' of a party and I provided that defence argument to several people in the Brisbane legal fraternity. I also presented that point and the membership by contract point in my written pre-trial submission in early 2003 to the presiding pre-trial Judge Brian Hoath. It was completely ignored by him in his written rulings in his 11 pages of 'ORDERS' and never ruled on in his response to my submission. It was never ruled upon by the next Judge either who took over the matter. Brian Hoath curiously recused himself from the case.

This left my defence arguments in the wilderness, because if pre-trial Judge Brian Hoath had ruled in agreement with that argument it should have shut the trial down immediately. I suspect in Judge Hoath's defence that his ethics and integrity would not allow him to carry the farce any further, **but his failure to rule may have rendered him exposed to having perverted the course of justice.** How could that not be deliberate? This also raises another very serious flaw that does not bode well for the Queensland Government or for the Judiciary if a Judge can be selective about what defence arguments he or she accepts and rules upon.

The 3 investigating Police Detectives had said they were under political pressure from the top.

The State Governments motive was obvious – they needed to destroy a democratic and lawfully registered political party. That objective for the Government that was a criminal offence.

When a Government ignores the 'Separation of Powers' rule and corrupts its judicial and public service system with their carefully chosen appointees, it is obvious that there are no separation of powers, and those appointees are exposed to the criticism that they have breached their 'conflict of interest' code and obligations while they perform their jobs to suit their masters. Such a politically influenced system can be used to attack the Governments enemies, and also, to protect their friends. It is why the separation of powers between a Government and the courts is so important in a democracy.

The Liberal party was the prevailing **Federal** Government at that time and were terrified of the threat posed by the One Nation party at the upcoming Federal Election due in October 1998. WE had just won 11 seats that were likely Liberal seats in Queensland. The Liberals I recall were reduc3ed to 5 seats in the parliament.

At an early stage of this process, Crown Law had broken from protocol by making themselves available after-hours and on weekends to provide assistance to the legal firm recruited by Tony Abbott to assist Terry Sharple's. In so doing they also broke their code of conduct and conflict of interest's obligations. At that same time, the Clerk of the Brisbane Court also was compromised when allowing himself to be available for late, after hours lodgement and acceptance of documents that assisted Sharple's and Abbott to advantage.

To any thinking person, the fact that two public servants in the Justice system would breach their code of conduct and create a conflict of interest's offence adds to the suspicion that the Premier and/or the State Government were pulling their strings or they believed they were indemnified against consequences.

Evidence you will see in ABOVE THE LAW reveals that several senior public servants, all State Government appointees, had breached their code of conduct.

I recently discovered that the serious crime of perverting the course of justice by a public servant requires charges for that offence to be initiated by the Attorney General.

The above allegations have their basis in the errors and unfair malpractice that followed which could only have been deliberate, the only other excuse would be that these people were incompetent and as such should not have held such high positions in the Justice system. I prefer to agree with the Courier Mail journalist Hedley Thomas who wrote of strong political interference in the office of the D.P.P.

His comments are strongly supported by claims made repeatedly by 3 Police Detectives who declared that they were under top level political pressure to get Hanson – such statements being made when gathering witness statements. What the Police said is consistent with the Queensland Premiers own words – that he promised to get rid of One Nation. The stage was being set and a lynch mob culture with an unspoken approval with suspected indemnity was developing. The investigating Police Detectives had separately corroborated each other's comments at different times to different people.

To advance his actions against One Nation, Terry Sharple's had found an ally in Tony Abbott M.P. of the Liberal Party, and Tony Abbott raised money and legal support to run Terrys absurdly indefensible allegation through the courts.

At all times the damaging P.R. consequences of this legal debacle were being trumpeted daily in newspapers, on 6 o'clock news bulletins and on radio news around Australia, collectively delivering extensive damage nationally to the One Nation Party's credibility. The way the articles were presented predisposed the public to accept that we were guilty of fraud.

The most relevant group being influenced by the negative media stories were the Jury at the criminal trial. The Jury's decision came as a shock to everyone in that court including the Police who attended.

The media should have been gagged for the duration of the trial because Jurors were exposed to the biased media spin on what transpired in the court each day. The media became a de facto member of the Jury as they used their position to influence the Jury.

One attending reporter told me her daily story submissions to Queensland's Courier Mail were heavily edited. This ensured a repetitive and negative message.

Heavy media speculation had been running between 1998 to 2003, 6 years of prejudice. The general public were being conditioned to believe we were guilty long before jurors were selected from the public jury pool.

Judge Brian Ambrose had said in 1998 all that needed to be said to stop this process. His accurate judgement was ignored. Lawyers retained by the One Nation party should have read and picked up on strong defence material however, it seems they did not. It was also clear that both the Crown's barrister and Pauline's lawyer were not reading my pre-trial submissions – OR – if they did, they chose not to support the key points I had made in my defence.

The authorities clung to this opportunity to destroy a threatening competitor and it is hardly credible to believe that Queensland's legal profession were unable to see the falsity in the case they deliberately exploited for their fees.

In August 1999, the Supreme Court's Justice Atkinson, a recent Labor Party appointee to the Bench, and a member of what are called 'Labor Lawyers' in Qld was publicly criticized by the Qld Bar Association as

being a person without the necessary experience to be appointed as a Supreme Court Judge. That is strong criticism from her peers. Justice Atkinson was given the task of managing a trial against the Labor Party's greatest threat. Having Justice Atkinson placed in charge of this civil case was a huge conflict of interests.

Unsurprisingly, following a highly incompetent hearing in her court she found that the Pauline Hanson's One Nation party had in fact been fraudulently registered using the **false Terry Sharple's list of names** of Support Movement members. It was a breathtaking error because even if we had done so it was not illegal. The One Nation party's QC who handled our defence in the Atkinson trial decided not to defend it and his reason for that was to say that Sharple's barrister had strayed from his pleadings. At the time he said that, I thought it was a competent legal point but it carried no weight in that court, nor with the court-of-appeal in 1999 that had the final word.

I remember reading a 98 point submission by our QC which listed errors in Atkinsons judgement but my recollection also is that not one of them relied upon contract law for membership nor the Electoral Acts definition of membership which were the ultimate basis for proving our innocence.

Justice Atkinson delivered her judgement with declared reservations about the honesty of evidence adduced in witness testimony. Justice Atkinson's decision erroneously declared that Ettridge and Hanson had defrauded the ECQ which in 1998 the Electoral Commissioner and his Crown Law barrister said had not occurred – that no fraud had occurred. Justice Atkinson's erroneous judgement was tested in the 1999 court of appeal, and as they say, 'perfected'.

An appeal can only consider matters and evidence adduced during the court proceedings. If a major defence argument was not raised in the court, it could not be a reason for the appeals court to declare a mistrial.

This Atkinson hearing was in my opinion a huge display of incompetence by the One Nation legal defence team of a lawyer, a barrister and a QC.

Our defending QC was, a year or so later, appointed to the bench as a Judge. The head of the DPP was also appointed as a Judge in the courts.

I still live with the consequences of that false judgement which is easily discovered on Google searches. It remains 22 years later as a damaging statement of my integrity.

Not one of the multiple and valid legal defence points I had raised in my own defence in 2003 was aired or used in court by our 3 person legal representatives in 1999. I also reveal in ABOVE THE LAW a monumental error by the One Nation party's legal team in the Atkinson trial which lost us the case and resulted in continuing legal fees.

This error was one of the occasions which should have resulted in the trial stopping. When it did not, what followed is called 'perverting the course of justice'- a very serious offence. It was a game changer that cannot now be used except to show how we were sitting ducks in a judicial system of mates and colleagues who raked in fees while practising the poorest standard of legal skills imaginable. A lot like a fixed outcome in a horse race.

The Crown had been handed a false judgement in the 1999 civil court of Justice Atkinson which these senior Public Service lawyers of the Crown Law Office relied upon to take this malicious prosecution to a criminal level, well after the Police had told them it was unlikely to record a conviction. What the Police hadn't factored into their report was a 'fix'.

CALL FOR A RE-TRIAL.

The next bizarre episode of this backwater justice system emerged shortly after Justice Atkinsons judgement was handed down, when the instigator, Terry Sharple's on the 1st of October 2000 filed an application to the Supreme Court in Brisbane to set Justice Atkinson's judgement aside.

Terry lodged documents in the Brisbane Court registry which **called for a re-trial** on the grounds that the Atkinson trial decision was **'obtained by fraud, deliberate withholding of evidence, conspiracy and perjured evidence'**.

It was an astonishing turn of events, rarely seen in any serious court actions. Terry's application for a retrial was predictably rejected, although there is no doubt it entertained our detractors and added to the bizarre history of the many court room attacks against us.

In 2003 another astonishing event arose which added to my allegation of another occasion proving Justice Atkinson's findings were totally wrong. The bombshell was delivered in 2003 by Andrew Carne who was Terry Sharple's star witness against the One Nation Party. It seems that Andrew's conscience got to him and he announced that he had perjured himself at the Atkinson trial.

CHAPTER 32

One Nation Party ordered to repay the ECQ $502,000.

As a result of the Atkinson decision, the court ordered that the electoral payment to the One Nation Party of the Qld electoral campaign refunds was gained as a result of defrauding the Electoral Commissioner.

This electoral payment was paid to the Party for candidate election Campaign costs claimed for the June 1998 State Election and the order from Justice Atkinson was for it to be returned to the electoral commission – an amount of $502,000.

75% of that money had been paid to candidates entitled to receive it while the party under its agreement with candidates retained 25%. This ruling placed a highly unfair burden on the Party.

A public appeal was commenced to raise the money needed for the refund. The Court of Appeal quashing of our conviction years later in 2003 should have been sufficient reason for that decision to be overturned but the $502,000 has never been refunded.

Prior to us being charged, a swarm of Police arrived at the One Nation Party's Manly NSW office and at the Party's Ipswich Qld office in a well-attended-by-media raid. It was another example of creating bad press for the party.

One Nation offices were raided by Police looking for evidence to support the Governments fantasy and even if none was found, which is what actually happened, the mere suggestion of a Police raid created more damaging publicity. The media were alerted to be there, and they were there long before the Police arrived. The 6.00 o'clock news did the rest.

After a lengthy police investigation, which we must assume was detailed and thorough, because of the time devoted to it, together with the evidence taken in those Police raids, their efforts resulted in **the Police providing the Crown Law office with their report which advised Crown Law that a conviction was unlikely**. This is a critical element in support of my claims that the process had been corrupt. The Police report was clear advice telling the Crown Law Office that we were innocent.

If the Police had conducted their investigation thoroughly, they could not have come to any other conclusion. The CMC report of 2004 suggests that the Police Report was a lengthy document.

The Police report is likely to have provided Crown Law with many reasons to accept the Police recommendation but they did not. Those reasons may well have been the same as the many that I submitted to Justice Brian Hoath, the Queensland Attorney General, the appointed heads of Crown Law and the D.P.P. in 2003.

I was told by a Police Detective that the report completely exonerated us from any guilt. He said the report had advised Crown Law we were completely innocent.

It is also very suspicious behaviour that the Crown Law office would proceed against the advice of the investigating Police. It is highly likely the Police Report would have added very clear reasons why to

proceed with charging us was leaving the Crown open to claims that they were perverting the course of justice.

That Police Report was dynamite and incriminating. It had to be **DESTROYED**, and it was destroyed - another criminal act that requires explanation. WHO authorized its destruction and why? What kind of fair and democratic country does that? It is the behaviour we associate with tyrants in the 3rd world.

Australia was the Chair of the U.N. Human Rights body at that time.

The further I have analyzed the documents and allowed my mind to process what I read, the more incriminating it gets for the Premier and all involved.

The Police Report must have given the reasons in writing and with evidence why an offence had not been committed and why a trial would fail. The Police MUST HAVE been required to state why they formed their conclusion and what reasons they had for that conclusion. If the Police had only given the 2 reasons I provided to Judge Hoath which were upheld by the Court-of-Appeal, it was enough to require the Crown to abandon their criminal charges against me and Pauline.

There is only one reason why that report HAD TO BE DESTROYED and it is because it was evidence that the Crown had ignored which showed our innocence and perverted the course of Justice.

The Police Report denied the Crown Law office the justification they needed to proceed to charge and try the accused in a court and yet they did.

After the Jury had retired to consider its verdict in August 2003, two detectives attending the daily court sessions told the late Sydney based property developer Michael Kordek that the Jury would find us to be innocent, and that they were likely to quit the Police force because of their concern of the improper irregularities applied in our prosecution. I know that one of them did. These were two of the detectives who told witnesses they were under political pressure to get Hanson.

The Police report was a critical document that established our innocence and we should have been supplied with a copy during discovery. Its destruction adds enormously to the wrong-doing of the DPP and Crown Law. It must have been so incriminating to the actions taken by Crown Law that it had to be destroyed.

It is standard protocol to 'discover' all evidence to the other side, discovery being the exchange of documents so each party can prepare to defend or challenge all evidence to be adduced in the court.

Being unaware of the Police reports existence during pre-trial and during the trial, it was never brought into evidence to support our innocence. It was, in my opinion a most dangerous document for the State Government and its appointees in Crown Law. It is also a document the Court-of-Appeal did not see and the Judges of that court would not have known of its existence.

In late 2019, I asked the Queensland Attorney General for a copy of that report and the name or names of the persons who authorized its destruction. Of course, no such response was received. I also sent a request to the Police Freedom of Information officer who advised the report had been destroyed.

It is more than a co-incidence that the destruction of that report occurred just days after I had submitted a 227 page submission to the Crime and Misconduct Commission, a submission I am sure that aroused their concern.

This book is the result of my research and some fortunate access to documents never intended to be provided to me.

Only one powerful authority in Queensland – the State Government and its Premier - had the motive, means, opportunity and resources to carry this injustice through the Queensland courts.

The State Labor Government had long been in charge of Queensland at this time, and as you read more of this book you will see how senior Public Service heads of the JUSTICE department acted in a manner that suggests their illegal management of a malicious action.

I was extremely active with correspondence that lobbied key people in the Justice system in a never-ending campaign to have the trial dropped. Evidence of my lobbying was contained in the EVIDENCE FILE delivered in my submission to the CMC, media and some Government Departments in early 2004. The Queensland based CMC denied every allegation I had made in spite of my allegations being supported with sworn Affidavits and documentary evidence.

As I write this in 2019 and add to it in an edit in 2022 I have been compelled to write to the current Attorney General of Queensland at the time, The Hon Yvette D'Ath, advising her of fresh evidence. In my correspondence to her I accuse too many highly placed people of the very serious crime of **perverting the course of Justice**.

My correspondence was replied to with a not completely unexpected denial of my claims. She also denied any compensation although I had provided some very incriminating fresh evidence.

I have added the exchange of correspondence in this book for you to judge.

The big problem facing people who have been a victim of a grave injustice, with extensive losses, is that Public Servants have no stake in the matters they adjudicate. There are no consequences for them. It doesn't cost them their reputations, homes or income as they treat complaints like mine with complete indifference.

It is typical of how Government's work. They spend and waste taxpayers money without personal consequences.

The Queensland Premier of that period, Peter Beattie, made some amazing declarations in statements that can only be interpreted to be admissions of his own part in driving this abuse of justice. His clear statements can ONLY be understood to support allegations that he influenced or placed improper pressure upon subordinates including the appointed heads of the Justice Department.

The Legal system in Brisbane is a mutual admiration society of people who know each other well and the lawyers and Judges attend the same functions and celebrations when one of them is awarded for their services. It would be naïve of me to expect them to turn on each other and that is a huge obstacle. At this stage I can say with confidence that none of those actors in my matter are very smart. They left too many discoverable mistakes in their wake.

Ultimately, without any competent help from expensive lawyers and Government appointed Judges, Pauline Hanson and I were found to be guilty of a non-crime and sent to prison for 3 years with no set parole period when the relevant penalties section of the Electoral Act had set a penalty of maximum 6 months imprisonment for the alleged offence – had it been actually committed.

On November 6th 2003, after 11 weeks in prison, the Queensland court-of-appeal brought this malicious and criminal farce to an end when they quashed the courts verdict and overturned the sentences. The Judges of the Court-of-Appeal also criticized the legal standard displayed by the court and all attending lawyers. This included the Crown's prosecutor and Pauline's lawyer.

The cost of the lawyers acting for me while I was in prison in my court-of-appeal action, was met by Michael Kordek. I had the best legal team in Australia being Brisbane lawyer and now Barrister Andrew Boe, and leading Senior Counsel Bret Walker. Michael Kordek was a constant attendee at our 5 week trial and he sat quietly watching and making notes. Michael spent around $300,000 in my appeal process, an act that he told me he did to also get Pauline released from her sentence. Michael supported me because Pauline had the financial support of the One Nation Party which she had denied to assist me.

Andrew Boe and Bret Walker were a highly ethical and brilliantly competent team. They restored my faith in the law and justice that had previously been denied.

The **principal** basis for our release from prison and to have our sentences quashed was the pre-trial submission I made to Judge Brian Hoath which was not ruled upon. Pauline's lawyer did not provide any winning basis for an appeal to succeed.

Michael Kordek was an amazing strength and a generous and decent person without whom Pauline and I would have spent 3 years of our lives in prison. The two most impressive fighters for our innocence - Andrew Boe and Bret Walker SC – who at all times displayed their legal brilliance and integrity, were held in the highest regard by the Brisbane courts.

I firmly believe that having their representation was a major factor in having my pre-trial defence submission arguments heard and in winning our release. At a post-prison dinner in Sydney, when I thanked Bret Walker for his win, he assured me that it was my submission points made in pre-trial to Judge Brian Hoath that had won the appeal.

For years, exposure of this institutionalized crime has remained neglected and the guilty have prospered.

However, Justice is yet to be delivered. It is time for the real culprits to pay their price in this shame filled episode of Qld judicial history, if it is to ever be revisited and examined.

CHAPTER 33

Premier Peter Beattie's role.

The following is a quote from Peter Beattie, Premier of Queensland, on the day the civil court of Justice Atkinson declared we had defrauded the Qld Electoral Commission… Taken from Hansard, August 18th 1999 with the emphasis being mine……

'I gave a commitment that by the end of this term we would get rid of One Nation and we have.'

Mr. Beattie was including others and specifically referring to a decision made by a Labor Party appointed Judge made on that same day. His use of the word 'we' must be inclusive of his appointed Judge because she made the decision, and is the only person who had authority to judge the matter and deliver the decision to which he referred. 'Others' includes the heads of Crown Law and the DPP, most of whom I have already alleged were guilty of perverting the course of justice.

And Mr. Beattie again on the 7.30 Report ABC TV. August 18th 1999.

'I did say by the way, that we'd get rid of One Nation'

Mr. Beattie's statements ARE AN ASTONISHING ADMISSION OF HIS GUILT. His words were not an isolated act of carelessness. The Premier was elated and cocky in his delight at the outcome. He repeated his self-incriminating words in two separate forums.

His words corroborate each other and are evidence of his **intent**. He also had the **opportunity** and the **means** to deliver his stated claim. It is clear that Mr. Beattie intended to destroy the One Nation party and he had the means at his disposal to do so. In so doing it is possible that like-minded public service heads had perhaps assisted under a form of assurance of indemnity by the Premier?

Mr. Beattie told the CMC that his words referred to the news he had received from the court which caused the One Nation M.P's to flee the Parliamentary chamber, but that doesn't make sense. Mr Beattie's admissions were all in the past tense. **The CMC advanced the preposterous excuse for Mr Beattie that 'He had intended to say….' other words that were less incriminating. It is farcical that the CMC attempted a cover up of a clearly expressed admission by the only person who had the authority to drive this criminal activity forward.**

Would it be easier to accept if expressed differently in the imaginary manner below….

Mr. Beattie said he would rob a bank, and it was known he had people who he had placed in employment in the bank who would assist him. After the bank was robbed Mr. Beattie declared that he had undertaken his promised commitment to rob the bank. **'I did say, by the way, that I would rob that**

bank'. Mr. Beattie made his admission on National television and celebrated his crime late into the night. (Has Mr. Beattie compromised his appointed co-conspirators, possibly one or more, including the Judge who delivered the bizarre verdict). Mr. Beattie wanted, and had forecast his premeditated intention when he said, **'I gave a commitment that by the end of this term we would rob that bank and we have'.** Is anyone in doubt that Mr. Beattie robbed a bank and by saying 'we', he had clearly implicated others as his accomplices?

'If there is one thing that every parliament must do, it is to maintain its integrity. No parliament will retain the confidence of the people if it loses its integrity'

The **Hon. JP BLEIJIE** (Kawana—LNP) Attorney-General and Minister for Justice.

The Qld legal system is so populated by political appointees, is it actually possible that independent judicial assessment can be obtained?

Our trials were infected with a conflict of interest.

Is it possible for any competent modern court, as it did in 1998-2003 in Queensland, to accrue so many errors unless the matter was infected with corrupt intent?

I allege that there was clear and covert political interference from the Executive Government, both Federal and State and the Justice system was being used as an instrument to criminalize two innocent people for political advantage. It also damaged the public's respect for human rights, law, justice and democracy.

My dedication to researching the finer details of this matter were simple:

I wanted justice for a grave abuse of process and the Queensland Governments deliberate action that caused damage to my commercial life and reputation.

I commenced a lengthy written exchange over a 12 month period with the Attorney General of Queensland at the time, Yvette D'Ath, and later directly with the present Queensland Premiers Office and the Queensland Cabinet members. I wanted them all to know about my issue.

Predictably, because they had done it before, the current Premier Annastacia Palaszczuk deferred examination of my extensive revelations of Government corruption to the current CCC, who I have already established had no authority to investigate nor absolve anyone who commits any crime. But, this is the way it happens when you spend too much time in the Queensland sunshine, you turn to the only life raft you have, the CCC. Unsurprisingly, the CCC said none of their closest friends and colleagues had done anything wrong and they held a special cocktail party to celebrate their arrogance well into the night.

Avoiding responsibility is a craft well practiced by cowards and what I call 'blamers' – people who blame others for their own failings. They seek to outsource all controversial issues, so they have a patsy to take the heat away from them if any issue attracts criticism.

The next pages on this book reveal my efforts with correspondence to seek an ex-gratia settlement with the Queensland Government.

My claims, which exposed evidence that damages many people in the Government system were denied.

I produced sound evidence that should require the declaration of a mistrial of the 1999 Atkinson court and a refund of the $502,000 repaid following Justice Atkinsons ruling. A strong legal challenge by the One Nation Party might also recover all legal costs but my offer to Pauline Hanson to work with me using the evidence I discovered in a legal action was ignored.

The next chapter features 17 pages that list my summary of errors in the management of this case.

CHAPTER 34

Correspondence to the Qld Attorney General

THE POLITICAL PROSECUTION OF DAVID ETTRIDGE AND PAULINE HANSON.

The following 86 allegations require a full Federal ICAC investigation when such a body is formed or a Royal Commission enquiry.

PART 1. The civil trial.

1. **The civil trial was commenced when former party candidate Terry Sharples made a completely false and speculative claim that the One Nation party had used the names of Pauline Hanson Support movement members to illegally register the One Nation party in Queensland. It was alleged that in so doing Hanson and I had defrauded the Electoral Commission of Queensland. Based upon a range of confused theories, a few party members believed that the party had either 1 member, 3 members or no members. This confused belief was finally cleared up years later by the Brisbane Court of Appeal in November 2003.**
2. **In July 1998, just weeks after the huge win One Nation had returned in the June 1998 Qld State election, Terry Sharple's had found an ally in Liberal M.P. Tony Abbott. Abbott had his own reasons for wishing to discretely assist Sharple's. Abbott did not want One Nation to repeat its success in the October 1998 Federal election which was just a few months away. Committing the offence in Queensland known as 'Maintenance and Champerty' Abbott provided Sharple's with free legal services through a firm owned by Paul Everingham, a former Liberal Party President. The task of carriage of the action was given to lawyer David J Frank in Everingham's Brisbane office.**
3. **Abbott's support for Sharple's in fact required that Abbott breach a number of electoral and criminal laws. I sent a large file of evidence of Abbott's legal breaches to the Australian Federal Police but at the time which was just before Abbott was to become Australia's next Prime Minister, the AFP declared that a conviction was unlikely. This, in spite of the detail, evidence and admissions by Abbott that I had provided the AFP. It was a case gifted to them with all the research done. Their response served to confirm that people in high places are above the laws they enact for the rest of us.**
4. **It is my suspicion that Pauline Hanson enjoys similar protection.**

5. **David Frank is a lawyer who in 1998 worked in the Brisbane office of Paul Everingham & Co. I regard David Frank as being of the highest integrity and he acted correctly and efficiently in his handling of this highly political case. David Frank was acting for two clients in this matter and each had different agenda's. Abbott wanted to prevent the One Nation party from receiving any electoral funding and Sharple's wanted the party struck off the registered party's list with the ECQ.**
6. **David Frank wrote to Crown Law on July 20th 1998 seeking the most obvious and sensible confirmation of evidence. He asked for a copy, accepting and offering conditional undertakings for supply of that evidence, of the ACTUAL LIST of names provided to register the One Nation party in Queensland. His request, which was agreed to by the One Nation party lawyers was refused by Crown Law. That rejection arouses suspicion that at this stage the Queensland Government executive, and specifically the Premier, may have wanted to see this prosecution survive. If Crown Law had released the list of names it would be clear that Sharple's had a false allegation and no offence had been committed. Game over.**
7. **If the two lists were to be compared the falsity of Sharple's allegation would be revealed and the opportunity to conduct a malicious prosecution in the Queensland courts would be lost. It is possible to speculate that this might have been the first indication of political interference, because had Crown Law provided that evidence Sharple's case would have been dead in the water. It raises the suspicion that Crown Law, acting as agents for the Qld State Government did not want that evidence revealed. This same suspicion arose in the civil courtroom of Justice Atkinson some months later. More on that later. To have provided the true list of names would have finished the planned attack on the One Nation Party. It could be said that destroying the One Nation Party's reputation and voter support was one thing Labor and Liberal Party's agreed on. Support for court action was driven by and funded by Tony Abbott, and was intended to deny the One Nation party its entitled electoral funding. With a Federal Election just months away Abbott's publicly stated intention was to deny the One Nation party liquidity to fight that October 1998 Federal Election. The initial attempt by Abbott failed but was far from being over. It resurfaced again in 1999 in the civil court of new-to-the-bench Justice Atkinson.**
8. **Sharple's FIRST attempt to damage the One Nation Party together with the support of Tony Abbott M.P. who I allege acted on behalf of the Federal Liberal party was heard in the court of Justice Ambrose.**
9. **Abbott had provided Sharple's with a hand-written indemnity against financial losses incurred by Sharples. Abbott breached the civil tort of Maintenance and Champerty, an offence in Queensland that punished people who had no 'standing' or right to conduct legal actions against others. Abbott did so using Sharples totally false accusation to cause damage to the One Nation party. His own counsel advised him against it. Abbott had broken several criminal laws and has publicly admitted his conduct was poor but said he would do it again. Included in Abbott's support was his creation of a trust to which mainly Liberal supporters paid donations to meet the legal costs of attacking the One Nation Party.**

10. **The civil and criminal trials were both based upon an easily exposed lie.**
11. **The Sharples allegation was false, and easily exposed to be false at any time, had anyone wished to do so. David Franks, the lawyer employed by Paul Everingham & Co who was tasked with managing the court action against the One Nation party was the only lawyer who attempted to apply that obvious and logical test. Simply compare the list of names Sharples had claimed was used to register the party with the real list that was used. The falsity of the Sharples allegation would be revealed immediately. As you will read further on, that comparison was suspiciously avoided in the civil court of Justice Atkinson. I allege that by so doing another case of perverting the course of justice occurred.**
12. **Curiously, David Franks attempt to make a comparison of the two lists of names was blocked by Crown Law, who declared that he would not be provided with the discovery of vital evidence. This Crown Law request, which was sought under very specific secrecy undertakings AND full agreement by the One Nation Party lawyers was denied by Crown Law. We might speculate that had it not been a political matter, Crown Law might have been keen to avoid the waste of time within their court system with such an easy compliance. It could be alleged that as a Government Department, under the leadership of a Government appointee, there was no enthusiasm to have this opportunity to attack the One Nation Party stopped. Discovering that Sharple's claim was false was not on the State Governments agenda. Sharples claim was all they had, and it could be alleged that the Crown Law office was instructed to keep it in play. The courts would do the rest. Further written evidence emerged to suggest that Crown Law had become a part of an unorthodox conspiracy to destroy the One Nation party. We can also speculate that the One Nation lawyers could have provided that list of names to Abbott's lawyer David Frank. It would have brought the process to a close. That failure invites suspicion of the motive of the party's lawyers**
13. **We could also speculate that the One Nation Party membership list lodged with the ECQ could have been provided to David Franks by the One Nation Party lawyers but suspiciously it was not. Further speculation could be described as follows. Defending the One Nation party was a trophy case and it potentially had a long life in the courts. You may agree that such cases are prized by legal firms. There is no incentive to dispose of them quickly, nor, as hindsight indicates, efficiently.**
14. **The very FIRST court test of this farce was heard by Justice Ambrose on the 14th August 1998, shortly after the Qld State election of June 1998. It didn't fare well for Sharple's or Abbott as Justice Ambrose rejected Sharples claim as being 'highly speculative'. Justice Ambrose went further by claiming that subsequent to the state election, One Nation candidates were now Members of the Queensland legislature, and the One Nation Party was likely to qualify as a legitimate registration as a 'Parliamentary Party' - which it already was Federally.**
15. **Undaunted, and still encouraged by his belief he had Tony Abbott's moral and financial support, Sharple's re-introduced his claim in 1999 in the Supreme Court under the carriage of Justice Roslyn Atkinson.**

16. **Justice Atkinson was, in the Brisbane legal fraternity, described as being a 'Labor lawyer'. I have been told that Justice Atkinson had very close and long-term links to the top level of the ruling Labor Government. That alone should have raised the question of her having a 'conflict of interest' and should have made her ineligible to hear our case. Perceived political bias must have been an obvious influencing factor that rendered her unsuitable to judge this matter. Justice Atkinson's carriage of this falsely based action could be described as the strongest opportunity the Beattie Labor Government had devised in inflicting damage against a political opponent. I was told this was Justice Atkinson's first trial and it was of special interest because the Courier Mail newspaper at the time of her appointment to the Bar said that the Queensland Bar Association had been very critical of her experience and competence to be appointed as a Supreme Court Judge. It seems her appointors thought differently.**
17. **Is it reasonable to allege that she was entirely unsuitable for that task? To judge a political opponent of the very Government that had appointed her to the bench?**
18. **Was Justice Atkinson's inexperience what led her to the flawed decision that a list of names of members of the Pauline Hanson's Support Movement were falsely and fraudulently submitted to the Electoral Commission of Qld for the party's registration? Her judgement ignored Queensland Electoral legislation and other legislation in what was a trial infected with error and perjury. That very judgement had no integrity and was defeated by the definition of a 'party member' as described in the Qld Electoral Act and the clearly described features of how membership in the One Nation Party was obtained by the well-known features of basic contract law.**
19. **In support of the Party having the requisite number of members, there were multiple records of the One Nation Party's documented lodgements to the Australian Electoral Commission that included financial reports of the Pauline Hanson Support Movement members, a fact that made those support movement members, members of the parent party under Qld law. The party's annual AEC audits confirmed the party had many thousands of members. These were obvious things Justice Atkinson never saw or considered in what must have been a very shallow trial. With a court room filled with so called experienced legal minds was anyone paying attention? Were they all prepared to allow this miscarriage of justice to survive? The party's legal team in our defence was a huge and expensive failure. Of course, that failure led to another expensive attendance at the Court of Appeal. In a 90 point submission made by the attending QC at the Atkinson trial, and acting for the One Nation party, not one point made covered membership by contract, Support movement members accepted by electoral law or any attempt to show that the Sharple's member list was a lie.**
20. **In a trial of astonishing faults and errors, the <u>key evidence</u> it was alleged to have been the basis for the trial – the defrauding of the Electoral Commission - was <u>NOT IN THE COURT</u> when the Electoral Commissioner Des O'Shea was being cross examined. When reference was made to the list of names alleged to have defrauded the ECQ, it was not available. Instead of adjourning the trial and seeking to bring the 'missing' evidence to court for identification, the court simply proceeded without that strategically essential verification. This highly suspicious and major fault in the party's**

defence, allowed Justice Atkinson to declare that the false list of names alleged by Sharples was in fact the actual list submitted to the ECQ. - when it was not. Her judgement was totally wrong, and whether by design or accident, her false decision was perfected by a Court-of-Appeal judgement some weeks later. The One Nation Legal team failed totally.

21. **Another bizarre act, lodged in the Brisbane Supreme Court on the 1st day of October 2000 by Terry Sharple's, was when he lodged a mistrial application which sought to have Justice Atkinson's trial declared to be a MISTRIAL. This was AFTER he had WON the judgement in his favour. In his mistrial application to the court, Sharples claimed; 'That all orders of the court pursuant to UCPR rule 667 in the above matter and all associated appeals be set aside and a retrial be ordered as the same were obtained by fraud, deliberate withholding of evidence, conspiracy and perjured evidence'. PLUS, Sharples also claimed that he was the 'subject of institutionalized bias by the Crown of Queensland and by members of the judiciary for political purpose'. he wanted a mistrial to be declared. His request was denied.**
22. **Terry Sharple's 'star' witness in the August 18, 1999 civil trial - and a witness relied upon by the Judge - recanted his evidence and swore an Affidavit to that effect dated February 2000, years after the court's adverse verdict. He admitted he had been intimidated, threatened, coached on what to say, had his witness statement written for him and that his evidence was false. There were no consequences against him following his bizarre admission of perjury. Nothing happened as a result of his retraction. The state had what it wanted. I attended a press conference in Brisbane where this witness declared the above to a significant number of media who claimed they could not report it because it was sub-judice, a term describing evidence that was made publicly when a relevant matter was in consideration with a court.**
23. **In this shallow victory in Justice Atkinson's court, Sharple's had his first win and it was perfected by the Court of Appeal that followed. It remains today as a decision so flawed that it should raise eyebrows amongst law students and legal practitioners, but it happened, and the guilty parties were, in my opinion, all of the lawyers who had failed miserably to conduct themselves competently.**
24. **I raised the trial-winning defence points in my pre-trial submission's years later in 2003 in the court of Judge Brian Hoath. He failed to rule on them - a decision that allowed this farce to continue to a full trial and our false imprisonment. In November 2003 the court-of-appeal agreed with my pre trial submission points made to Justice Hoath when they quashed our criminal convictions and we were finally released from 11 weeks of incarceration. That court-of-Appeal decision in November 2003 finally revealed the disgraceful way our innocence was ignored up to that point.**
25. **In a file of evidence submitted in 2004 to the Queensland Crime and Misconduct Commission I provided a log of correspondence I had sent to Crown Law and the head of the Qld DPP which supported our innocence and which should have brought this persecution to a close. It never did. All of my defence files and letters are in the EVIDENCE file on this website.**

26. The court of appeal in 2003 agreed that no offence was ever committed and acknowledged that it was my pre-trial submission that had not been properly dealt with by Judge Hoath.

27. One Nation's legal team - a lawyer, a Barrister and a QC handled our 'defence' very badly in the Atkinson trial and decided not to respond to any of the allegations aired in the court. The controlling QC for our defence believed that Sharple's had failed to make a case so they arrogantly decided not to defend our innocence. This played straight into the hands of the court.

28. The flawed judgement from Justice Atkinson in 1999 provided the Beattie Government, the puppet masters of the Judicial system in Qld at that time, with a basis to take the matter further. A lengthy Police enquiry followed in August 1999 with well publicised raids on the One Nation party offices in Sydney and Ipswich. The media were alerted well in advance to add to the damage to our personal reputations and to maximise public damage.

29. Not at any stage were the critical defence points of Party membership being created under contract law, the Qld Electoral Act definition of a member of a political party, One Nation's extensive membership database, Annual Reports and audits of the Party's submissions to the Australian Electoral Commission where all income was shown as being from membership fees ever raised or considered in our defence.

30. Following the raids on the One Nation offices in Manly and Ipswich, TWO POLICE INVESTIGATIONS were provided to the Crown and based upon those investigation; the police DECLARED A CONVICTION TO BE UNLIKELY. It can be expected that the report gave reasons, based on the law to justify why the prosecution should have stopped. (The Crown sought a second report which confirmed the conclusion of report #1.).

31. Dissatisfied with the 2 Police reports and their recommendation, the Crown then sought a 3rd report which was assessed and delivered by a Keystone Cops style star chamber of incompetence that concluded, again without any consideration being given to the law, the prior Police Reports, contract law and especially the Electoral Act, that we should be charged. Giving undeserved weight to irrelevant, unreliable and I allege inadmissible out-of-court, unsworn statements, that group ignored all legislation and available evidence to serve their masters – the Queensland Government – and to encourage charges to be laid against us. This group committed the offence of perverting the course of Justice.

32. The Queensland Electoral Act contradicted the false charges we faced which were exposed in my written pre-trial submission to District Court Judge Brian Hoath in early 2003. The Act allowed members of the Pauline Hanson Support Group to be considered as members of the party. I stress that no such support group names were submitted, but had we done so there was no offence under the Electoral Act.

33. At clause 8.0 and 8.1 of my pretrial submission which is contained in the EVIDENCE FILE, I described 'Contract Law' and how the public who sought membership of the One Nation party were admitted as party members under the 3 steps that constitute contract law. Then, at clauses 12.0 to 12.4, I describe in detail the definition of

member contained in the Electoral Act Qld. Judge Hoath should have called the trial to a halt as soon as he read those arguments, but he did not.

34. **On January 20th 2003, Judge Hoath issued his 11 pages of orders that rejected my defence arguments. Curiously he never returned to continue hearing the case. This suggested to me during this period of reflection, that he was not allowing himself to be used in this politically driven persecution What stands out from Judge Hoath's orders is this - examination of his 11 pages of orders reveals he had completely ignored my powerful defence arguments that were later upheld in November 2003 by the Court-of-Appeal. He did Not rule on them which left them 'live' and later ignored in the subsequent trial.**
35. **Why did Judge Hoath sign off on his responsibility and examination of my pre-trial submission by deliberately excluding comment on the Electoral Act and Contract law. We were innocent, and those two arguments confirmed our innocence of the charges. I now believe the trial should have stopped with my pre-trial submission and by not ruling on my two points of defence – contract Law and Member definition – Judge Hoath perverted the course of Justice. How else can we explain why he delivered responses in great detail to the Crowns irrelevant and unreliable evidence, when he did not make orders on the two most important points I raised. This suggests to me that Judge Hoath could not rule on those points because to do so either brought an end to the political persecution OR it forced him to speak against those defence points. Had he done that his ruling would have damaged his reputation and been very much to his discredit, so by ignoring those defence points Judge Hoath was allowing the case to continue – which in fact means he had given his support to that happening. Judge Hoath was never seen again, another oddity which suggested to me that he wanted no part of this disgraceful attack.**
36. **The transcript of the ORDER issued by Justice Hoath describes at page 2, lines 10-30 'The Crown alleges that Hanson and Ettridge dishonestly induced the Electoral Commission to register Pauline Hanson's One Nation as a political party by submitting an application claiming that the party had 500 members when, in fact, the Crown alleges that those persons were not members of the Political party but were members of a support movement'. In my pre-trial submission I had submitted the defence – upheld by the Court-of-Appeal - that the Electoral Act Qld definition of a 'member' of any party accepted that members of the Support movement WERE acceptable as members of the party. I stress that we did not need to use support movement members for registration purposes, we had over 1,100 Party members. The list of member names provided to the Electoral Commission was of genuine members and the membership definition contained within the Electoral Act defeated the Crowns allegations against us.**
37. **Has Justice Hoath compromised himself and in so doing also perverted the course of Justice?**
38. **Why would he specifically comment on every other issue I raised in defence and ignore the two most important arguments of our innocence?**
39. **The above points provide a serious criticism of Judge Hoath's carriage of this matter.**

40. **When I submitted my pre-trial defence to Judge Hoath's court I also copied the Crowns Barrister Brendan Campbell and Hanson's lawyer Chris Nyst. This means the two case-winning defence arguments were known to the Judge and to the Crown's Barrister and Pauline's defence lawyer. NONE of them picked up and ran with this critical defence of our innocence. <u>In so doing I allege that all three perverted the course of justice whether by neglect or design.</u>**
41. **Why did Detective Sergeant Graham Newton who was involved with the 2 police investigations and well aware of their contents which declared that our conviction was unlikely, and provided the reasons why, sit in the witness box and give evidence that he knew was intended to convince a jury we were guilty – at one stage declaring under oath that we had acted criminally! The proof of his alleged perjury lies in the contents of the first Police Report provided to the Crown. If that Police report identified the contract law defence and the electoral Act defence, then Sgt Newton knew nothing else that was said or done mattered. He also contradicted his sworn evidence when he spoke with a party supporter outside the court at the conclusion of the trial and before the verdict was handed down – more on that in the following para. It shouldn't surprise anyone that Detective Sergeant Newton gave supporting evidence for the Crown, because that is what the Police do, they support the prosecution or they wouldn't be in the court. Det. Sgt. Newton was one of the detectives who admitted that they were under pressure to get Hanson. Their jobs are likely to have depended on it.**
42. **In the sworn Affidavit dated 3rd December 2003 of Michael Kordek, a man who attended the court on a daily basis to observe and make notes, Mr. Kordek said at page 2, point #10 of his Affidavit the following….'On the morning of Wednesday August 20th 2003, prior to the resumption of the court proceedings, I asked Detective Sergeant Graham Newton and constable Chris Floyd, 'now that all the material had been presented and the summaries concluded, what did they feel would be the Jury's verdict. They both said that obviously the jury should come back with a not guilty verdict. Both Detective Sergeant Graham Newton and constable Chris Floyd said that David Ettridge and Pauline Hanson were innocent of the charges'. This further compromises Det Sgt Newtons evidence when he said in his evidence that he believed we had acted criminally. Their comment to Michael Kordek also supports my suspicion that Newton's and Floyd's involvement in the Police Report given to the Crown had strong reasons to support our innocence. Without seeing the contents of that Police Report that we can only speculate that it supported our innocence. It is my belief that the Police Report was a bombshell and is why the Police Report was destroyed after I had asked twice for a copy of it. Both times I was told the Police Minister had denied its release under Freedom of Information. It was on my 3rd request for a copy that I was told it had been destroyed.**
43. **The police report which clearly gave no support for charges to be laid, was ignored and in July 2001 we were charged by the DPP.**
44. **What did that police report say that did not give support and comfort to the DPP and the crown law office? Clearly it gave them reasons why they should not have**

proceeded to charge us to get an 'unlikely conviction'. The police report was a document the Crown did not want anyone to see.

45. **The police report was critical evidence which was destroyed within months of our 2003 trial. The destruction of the police report was a very serious act. It was destruction of evidence that would have harmed the Crown's charges and trial. The November Court-of-Appeal quashing of our conviction and sentences was supported by the Appeal Judges offering damning criticism of the trial and legal standard practiced at our trial by the Judge, the Crown law office, the D.P.P. and the Crowns barrister which was contained in the court-of-appeal's 2003 decision.**
46. **What did the police report contain that would compromise the D.P.P. and perhaps incriminate the D.P.P's senior officers decision to charge and send us to trial?**
47. **CLEARLY, THE POLICE REPORT HAD TO BE DESTROYED. ONLY A REPORT THAT CONFLICTED WITH THE DECISION TO CHARGE US AND WAS DAMAGING TO THE CROWN WOULD HAVE BEEN DESTROYED. I suspect the police report which took 18 months of police investigative time is likely to have presented the Crown with reasons similar to those I provided to Judge Hoath in 2003 to establish our innocence.**
48. **Who illegally authorised the destruction of this critical police report and why? was a criminal offence committed by that person? Queensland's past legal history, in a matter known as the Heiner Affair, contained an identical example of critical and incriminating evidence being destroyed, in the Heiner case that destruction of documents having been approved by the cabinet. This government had form.**
49. **Why did the Beattie government's police minister twice declare that I could not have a copy of the police report following my Freedom of Information requests? My 3rd attempt to gain the Police Report received a lengthy letter attempting to justify why the documentary evidence had been destroyed.**
50. **The police investigation and what must have been their apparent declaration of our innocence was evidence never discovered to the defence or revealed in our defence to the jury before or during the trial. It was critical defence evidence that likely would have led to our acquittal at trial. The political agenda was to bring about the destruction of the One Nation party. The electoral Act in Qld declares any such attempt to be illegal and with serious penalties.**
51. **Would the police report have identified and revealed the reasons why we should never have been charged? As a lay litigant I found those reasons during my own investigations and the police are also certainly likely to have found them. Why didn't the DPP's team of lawyers find them? The DPP's lawyers were criticised by the Court of Appeal for their poor standard of legal performance.**
52. **The first Police report rejected the prospect of success of a prosecution. The Police had done their job, but gave the State Governments agents the wrong answer. The Police were told to go back and reconsider their advice. The Police did that and provided a second report confirming their first report. This was also a wrong answer and the Government's agents in the Crown Law office sought a 3rd investigation. Is this starting to sound like persecution? Did the State Government have no confidence in their Police force? The Police set up a small committee to see how they could give**

Crown Law the answer the Government wanted – and that answer was also wrong but it allowed the Crown to act to the Executives demands and to damage a political opponent of the Government. How can people in high places use the judicial system to ruin their enemies and get away with it?

53. **Are we to believe that no lawyer or judge ever looked at the Queensland Electoral Act to see the definition of what constituted being a member of a political party under the Electoral Act? If any of them did, and they ignored it, and allowed the prosecution to remain in their courts, they were committing the offence of perverting the course of justice.**
54. **In 2003 when being cross examined by me, the former Electoral Commissioner Des O'Shea was shown the Sharple's list of names Justice Atkinson said was submitted to the ECQ for party registration, and he said he had never seen it before. This was critical evidence of the lie the prosecution was based upon. It was also the very first time a sworn witness – the Qld Electoral Commissioner, the very person we had been accused of defrauding - had discredited the case against us. It was the very first denial of the Sharple's fantasy. It should have had the potential to have the trial stopped.**
55. **I said nothing in the court after hearing that witness say what I wanted to capture on the court transcript. I knew that court transcripts can be altered or sections removed. The next morning, I was at the court transcript office early to get my hands on this critical fresh evidence. I submitted a transcript of that cross examination the next day to the DPP and they rejected it. I lodged an application with the court to have that new evidence assessed in a fresh trial. Judge Patsy Wolfe refused to allow this fresh evidence to stop the trial in her court, and yet the DPP was relying on the Atkinson Judgement to underwrite their prosecution against us. This was yet another example of political prejudice being applied against our ability to receive a fair trial in Queensland, and it was another example of further perversion of Justice.**
56. **The Crown relied on the farcical decision of the civil trial in 1999 to justify a lengthy police investigation and to support their determination to charge us. The DPP wasted court time and resources on a sham criminal trial. They were criticised for this by the court-of-appeal judges. None of this bizarre behavior by the Qld Judicial agencies is to its credit.**
57. **The charges laid against the us were not an offence under the electoral act, (or any other act) yet no court or lawyer ever made that simple observation. Were the lawyers all so incompetent or were there powerful forces interfering in their performance as sworn officers of the court? Were those forces the state government as the police had said to several witnesses? I have sworn affidavits from persons interviewed by Police who claim the Police admitted Political pressure. They are in the EVIDENCE FILE. Was the State Premier Peter Beattie guilty of perverting the course of Justice as his widely publicized admissions imply? Was even political prejudice also a factor?**
58. **The trial judge and lawyer's performances in our 2003 trial were rightly criticised by the Court-of-Appeal. My contribution was noted by the court of appeal.**

59. **The Justice Department as agents and appointees of the state government co-operated with a false civil prosecution in 1999 and again in 2003. in so doing they implicated the Govt.**
60. **The Govt appointed head of the DPP, Ms Leanne Clare ignored repeated defence evidence and in so doing perverted the course of justice. I prepared a 227 page document of correspondence and evidence to support my innocence. All ignored by the Crowns agents. They all ignored their sworn codes of conduct.**
61. **The DPP rejected critical fresh evidence gained under oath during our 2003 trial which I provided to them. This fresh evidence was the admission under oath by the former Electoral Commissioner that he had never seen the list of names that Sharple's and the Crown relied upon to assert his being defrauded.**
62. **The DPP ignored legislation that supported our innocence which I provided to them.**
63. **The 2003 trial process was criticised by the Court-of-Appeal for oversights and procedural failings.**
64. **Former Judge Brian Hoath needs to be asked why he recused himself and is exposed to being accused on perverting the course of Justice when he did not act on my defence submission.**
65. **Why was I never interviewed by police? Had police done so, it would have prevented any confusion or misunderstanding of any party structure or facts. Was it not in the interest of the Police brief to find valid defence information. People who could have provided it were not interviewed – me, staff members and the Party's accountant.**
66. **Why was the One Nation Party's staff member who managed the party's national membership database, and whose evidence in court established the integrity of the member list she maintained never interviewed by police?**
67. **Why was the party's long-term accountant Ron Targett who independently prepared all the annual reports to the Australian Electoral Commission and who was a trustee of the electoral funding the party received in late 1998 not interviewed?**
68. **There was a consistent absence of Police interviews of people who could have provided evidence that would have been too strongly in support of facts that proved our innocence.**
69. **Why didn't the DPP and the investigating police look at the party's banking records and the Australian Electoral Commission annual returns and annual audits by the AEC to see that all income was shown as 'membership income'?**
70. **Surprisingly, the Police provided in their brief of evidence a full list of Party members domiciled in Queensland. This was the list supplied to support the Party's Queensland registration. This was the very document that should have surfaced in Justice Atkinsons trial and on its own proved our innocence. We were in a court defending claims the Party had no members and yet the Police had provided that list of Queensland members to contradict the false allegation relied upon by the Crown to run its case against us. I spent a lot of my cross examination of witnesses trying to impress on the jury that the party did have members. I repeatedly showed applications, member cards, receipts for their payment of member fees.**

71. **Evidence of party membership was heavily present in the party's filing cabinets. Members had cards, member numbers, receipts, correspondence, they attended AGM's as members and yet the crowns case was that there were no members. The crown relied upon that lie, as gifted to them by the farcical 1999 civil case, to waste huge amounts of time and money to attack One Nation in their courts.**
72. **The poor standard of lawyers working in the DPP were criticised by the court-of-appeal, a criticism that also applied to the head of the DPP.**
73. **Senior public servants deliberately breached their code of conduct and exposed themselves to claims they had a conflict of interests.**
74. **The same senior public servants committed the criminal offence of perverting the course of justice because they should never have commenced the trial and should have stopped it when I lodged my pre-trial defence to Judge Brian Hoath. copies of my defence submission to Judge Hoath were given to the DPP's prosecutor and Pauline's lawyer.**
75. **In a previous court action initiated by Sharples and Abbott, Justice Ambrose had declared Sharple's case to be 'highly speculative' when he rejected it in his civil court.**
76. **My defence submissions were upheld by the court of appeal and are likely to be why the pre-trial Judge Brian Hoath recused himself. it is likely that he, as his colleague Justice Ambrose had done, could easily see the law was not breached. they may have been the only participants in this persecution who actually read the electoral act and knew about the membership definition in it and contract law as it applied to party membership.**
77. **The QLD Crime and Misconduct Commission (CMC) in 2003, another state Government body saturated with political appointees, when calling for submissions about our 2003 trial admitted they had no intention of conducting a serious investigation into my post trial allegations. The CMC cover up was an obvious and embarrassing whitewashing and housekeeping exercise conducted by appointees of the state government. Their incompetent report gave the government a basis to declare that all aspects of the cover up had been independently and fairly assessed without any fault being discovered. this was another disgraceful abuse of the justice system for political purposes.**
78. **In 2019 the Qld Crime and Corruption Commission, a renamed CMC, <u>refused</u> to investigate my renewed submission based upon the fresh evidence I provided to them of senior public officials perverting the course of justice. In 1998 the Qld Premier, Peter Beattie, admitted his intent to destroy a lawfully registered political opponent when he took credit for a supreme court judges finding. In so doing, his admission opens a new basis for investigation and the premier has allegedly breached the Queensland Criminal Code and Electoral Act.**
79. **3 Detectives conducting witness interviews admit being under political pressure to 'get Hanson'. They corroborated each other's statements.**
80. **This matter was a deliberate and illegal misuse of justice dept. resources to attack a political opponent.**

81. **My many valid defence submissions in pre-trial were ignored, and later upheld by the appeal court. In a fair and unbiassed trial process my submissions would have brought the misuse of the court to a close.**
82. **This trial and prosecution stands as a huge conspiracy of deliberate and illegal abuse of the justice system.**
83. **No government appointees or members of Parliament have ever been charged for their roles in serious breaches of the law.**
84. **The court-of-appeal judges only considered the trial transcripts and submissions. they did not have before them the police report which was never revealed in the trial process, nor did they have any defence correspondence I sent to the DPP, the Attorney General and the Crown Law office protesting my innocence during the trial period when the trial should have been stopped. That evidence alone would have opened a raft of questions regarding the improper and deliberate abuse being perpetrated by heads of the government justice agencies.**
85. **In 2004 I sent the CMC a 227 page submission full of allegations which were supported by evidence. they did not accept any of my allegations nor did they properly investigate the many claims of guilty actions I reported which were supported by evidence and admissions of the guilty persons. THE CRIME AND MISCONDUCT COMMISSION REPORT WAS A NONSENSE WHICH WHITEWASHED EVERY CLAIM I MADE TO THEM.**
86. **Prior to our joint criminal trial we presented ourselves at a committal hearing. The Crown might have been surprised at the standard of my cross examination of witnesses as I exposed several of them as perjurers. Their next move was to seek a court order that I was to be gagged and denied my right to speak to media. This limitation extended until the end of the district court trial 2 years later. I was denied my rights to free speech.**

Did two of Queensland's most senior legal officers in 2001 pervert the course of Justice?

Did THREE presiding Judges at COMMITTAL AND TRIAL also ignore the legislation and evidence?

Did prejudice, political pressure and the deliberate abandonment of legislated responsibilities and codes of practice infect the highest offices of Queensland's Judicial agencies?

The evidence in JUSTICE DENIED suggests they did, and in so doing the serious crime of perverting the course of justice was committed in breach of their code of conduct and the Qld criminal code.

Why was the Police report that declared that a conviction was unlikely ignored?

Why was that Police report, which has never been shown to the accused or their lawyers destroyed? Why did the Police destroy critical evidence and WHO authorized that

destruction? That critical evidence advised the DPP at an early stage of the innocence of the two people who they subsequently charged.

Why did the Crime and Corruption Commission, a body of the Qld Department of Justice, and meant to be independent, <u>REFUSE in 2019 to investigate fresh evidence</u> that required them to investigate allegations of political corruption and criminal behavior by senior public servants who were appointed to their jobs by the State Government, and who became agents of the State Government in this abuse of justice?

Why did one Judge who presided over the pre-trial hearings walk away? Did he recuse himself because he wanted no part in this politically driven corruption?

Leanne Clare was at the time the Director of the Department of Public Prosecutions. I alleged in my book 'Consider Your Verdict' that she had acted improperly in charging us with criminal offences after I had provided her with many communications that showed her that Pauline and I were innocent. I raised allegations that were validated by the court-of-appeal in 2003, and she should have refused to allow the trial to continue. Her integrity and reputation had to be preserved if she was to remain as the States benchmark of impeccable justice. Why did Leanne Clare fail at multiple tests of her judgement and integrity when she refused to throw this case out of court? Each time she failed to do so she committed the serious criminal offence of perverting the course of justice.

<u>Who said she failed? 3 SENIOR JUDGES of The Court-of-Appeal said so.</u>

Leanne Clare should not be committing serious offences herself while sitting in judgement of other people for their alleged crimes. Leanne Clare today sits in Judgement of matters that appear before her as a Judge in the Queensland Supreme Court.

Dr Ken Levy, Head of Crown Law, died in January 2016.

I allege that;

1. **Judge Brian Hoath,**
2. **Judge Patsy Wolfe,**
3. **Justice Roslyn Atkinson,**
4. **Barrister Brendan Campbell,**
5. **Attorney General Rod Welford,**
6. **Former Premier Peter Beattie, and**
7. **Leanne Clare head of the DPP, and**
8. **Tony Abbott.**

May have committed the offence of perverting the course of justice with their failure to act according to law and their codes of conduct, and failure to apply and administer the Electoral Act and basic law, and in so doing each became accomplices in this crime.

CRIMINAL CODE 1899 - SECT 140

Attempting to pervert justice

140 Attempting to pervert justice

(1) A person who attempts to obstruct, prevent, pervert, or defeat the course of justice is guilty of a crime.

Penalty—

Maximum penalty—7 years imprisonment.

(2) The *Penalties and Sentences Act 1992* , *section 161Q* states a circumstance of aggravation for an offence against this section.

(3) An indictment charging an offence against this section with the circumstance of aggravation stated in the *Penalties and Sentences Act 1992* , *section 161Q* may not be presented without the consent of a Crown Law Officer.

Point 3 above is amusing in my circumstances.

The doctrine of 'separation of powers'.

In a democracy, the government must maintain separation from its agencies, such as Police and the courts. Those Public service departments are not to be used by a Government to attack or destroy political opponents as they were in our case. If those two departments can be corruptly applied to meet the incumbent Governments political agenda, then it can be said that the Electoral Commission can also be compromised and be used to interfere with vote counting at elections. All Government agencies must have independence without political interference, and when they have their independence pressured by the incumbent Government, the offending Govt Ministers must be dealt with severely. The following is taken from Hansard and emphasizes the need for all Governments to act democratically and with impartiality.

Copied from the FEDERAL Government's Attorney Generals position on corruption in Australia.

Corruption could be viewed as one end of a continuum of other undesirable behaviours, including maladministration and improper conduct. Identifying maladministration and improper behaviour is important as these types of behaviour may indicate an increased risk of corruption, or may lead to the development of a corrupt culture. At the other end of the continuum is the highest standard of ethical behaviour. The table below is indicative of how particular types of behaviour might be categorised but it is not intended to be definitive.

Maladministration refers to the making of an official decision in a manner which is inefficient, incompetent, contrary to law, arbitrary, unreasonable, without proper justification, lacking in procedural fairness, or made without due consideration of the merits of the matter. Maladministration may breach the APS Code of Conduct.

Improper behaviour can include inappropriate personal behaviour, misuse of government systems or misuse of government resources. Improper behaviour may also breach the APS Code of Conduct.

Highest Standards of Ethical Behaviour

- Acting with honesty
- Managing resources appropriately
- Using powers responsibly
- Explaining reasons for decisions
- Striving to do things in the best possible way

3. REPRESENTATIVE DEMOCRACY

Australia has a strong federal and democratic system of 'representative government'— that is, government by representatives of the people who are chosen by the people. This fundamental principle is enshrined in the Australian Constitution and, together with independent and impartial courts and non-partisan public services, provides a strong foundation upon which anti-corruption measures can be built.

Respect for the rule of law, accountability and having the highest ethical standards are the foundations of any democracy and provide the grounding for a society that is resilient to corruption. Indeed, the Australian public rightly expects high standards of behaviour and a high level of performance from their government, public institutions and the business sector.

Our federal system of government has developed a comprehensive anti-corruption system of checks and balances for both the public and private sectors. Continuing to ensure all elements of this system are appropriate and functioning effectively is critical to the success of these efforts. This includes ensuring laws are appropriate and effectively enforced, ensuring the correct institutions and frameworks are in place, working in partnership across all sectors to ensure our efforts are coordinated, continuing to educate and innovate on anti-corruption measures and ensuring continued political commitment to combating corruption.

Hon. JP BLEIJIE (Kawana—LNP) (Attorney-General and Minister for Justice) (2.05 pm): If there is one thing that every parliament must do, it is to maintain its integrity. No parliament will retain the confidence of the people if it loses its integrity. I am not the first person to say this, and I expect I will not be the last. Certainly, I am not the only Australian parliamentarian to share this view.

Addressing the University of Melbourne in December 2012, former Labor minister Senator John

Faulkner hit the nail on the head when he said—

'Politics and parliament are seen by too many as inimical to integrity. There is a cynicism about politicians and their motives, not only here in Australia, but in many Western democracies.

This cynicism is corrosive of democracy because it undermines the contract between elector and elected ...'

The following is Premier Beattie's declaration of the terms of reference for the CMC enquiry from Hansard. The Motion was largely in response to the criticism of the Court-of-Appeal comments that were critical of the justice process involved in our trial.

NOTICE OF MOTION

Ms P. Hanson; Mr D. Ettridge

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade) (9.35 a.m.): I

give notice that I will move—

That this Parliament refers to the Crime and Misconduct Commission for consideration and advice—

1. Comments regarding the Queensland justice system in the judgment of the Court of Appeal in the cases of Pauline Hanson and David Ettridge, in particular—

(39)"it should be understood that the result (the release of the appellants) 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.

(40) ..."it is my view that had both appellants been represented by experienced trial counsel throughout, the relevance of all of the evidence would more likely have been addressed with appropriate precision.

(41) the case will in my view provide a further illustration of the need for a properly resourced, highly talented, top level team of prosecutors within or available to the Office of the Director of Public Prosecutions. In this complex case, which resulted in a trial of that length, and the consumption of vast public resources, **highly talented lawyers of broad common law experience should desirably have been engaged from the outset in the preparation and then presentation of the Crown case. ... had that been done, the present difficulty may well have been avoided."**

2. The involvement of federal minister, Tony Abbott, and others in the original legal action against Pauline Hanson and David Ettridge.

3. Submissions from any interested party in relation to these matters.

Further, this parliament calls on the Australian Electoral Commission to ensure that donors to the fund established by Tony Abbott are fully disclosed in the public arena.

Point (41) above which I have highlighted for emphasis, is the Court of Appeals way of politely telling the DPP and Ken Levy's office that they should never have charged us. How else could it be interpreted? The Court of Appeal judges needed to be careful to deliver their rebuke without opening the can of worms I am opening.

My fresh evidence is clear – the process had been totally unlawful, at each stage. The CMC added to the failure to provide justice by also delivering a farcical report that exonerated every person who had broken the law or given evidence of them being under political pressure.

Point (39) in the Court-of-appeal judgement was included to signal to the CMC, a body of the government run by the Government appointees, that they should not be looking for 'unlawful' activity. 'It should be understood that the result (the release of the appellants) will not mean the process has to this point been unlawful' are words that send a clear message to the Governments appointees at the CMC.

The extensive efforts I made outside of the court room to various officers of Crown Law, to protest my innocence were not seen by the court of appeal judges, they also had no knowledge of the Police report so they can be exempted from knowing the real depth of the unlawful and corrupt practices of the Crown in this trial.

The serious issue of a range of people perverting the course of justice was never examined by any judicial body and it is time it should be. At every stage when a judge or public servant had an opportunity to declare this persecution should be stopped, and they did not, they allowed it to continue, and that was an act of perverting the course of justice.

…….

I received a response from Attorney General D'Ath advising that their consideration of my allegations revealed no wrong-doing by the DPP. So, I maintained my research and wrote to her again. See my response in a further Chapter. It is likely that she wishes I hadn't kept investigating because I found quite a lot more evidence to support my claim.

P.S. Please excuse what are repetitive elements of this book. Many people will not read it in one sitting and it seemed that I should repeat some information to refresh memories, a bit like a lengthy serialized Television drama where each new chapter of the show refreshes the viewers memory to put everything back in perspective.

CHAPTER 35

The evidence just keeps emerging.

A very serious injustice occurred in 2001 when David Ettridge and Pauline Hanson were charged with a crime they did not commit, and, the charge sheet listed an offence that a simple examination of the Electoral Act showed was not an offence under the Electoral Act Qld.

The criminal offence we were charged with wasn't a crime!

To add a dash of comedy, the letter I received from the Crime and Misconduct Commission dated 18th November 2003 (CMC) says the following:

'The CMC is not of course concerned to reach conclusions about the facts of these cases, nor to venture any opinion as to whether any particular decision given in the course of the litigation was legally and factually correct'

The CMC's only intention was to absolve the real culprits – the State Government and its appointed agents and to make things worse, they are not a court and have no authority to exonerate anyone who commits a crime. As a Government whitewashing outfit, they had a lot of experience protecting their political colleagues.

The CHARGE:

COMPLAINT – Sworn and SUMMONS.

THE COMPLAINT of Kenneth James Webster Detective Inspector of Police of Major Fraud Investigation Group Queensland Police in the State of Queensland made this 5th day of July 2001

CHARGE 1

CHARGED CONJOINTLY WITH DAVID WILLIAM ETTRIDGE That on the 4th day of December1997at Brisbane in the State of Queensland Pauline Lee Hanson and David William Ettridge dishonestly gained a benefit or advantage namely the registration of an organization known as Pauline Hanson's One Nation as a political party under the Electoral Act 1992 (Qld) for themselves.

……..

The above charge **contradicts** the advice Police gave the Crown Law office after their lengthy investigation when they advised the Crown Law office that a conviction was unlikely. It was a blatant offence against the separation of powers doctrine that protects citizens from corrupt Governments.

For most of the time when this prosecution ran through the civil courts, I had taken the view that the law was a mysterious intellectual maze and I should sit back and let the lawyers defend our innocence. I now am convinced that the attending lawyers did a very poor job for us and an excellent job for the Queensland Government. I can only repeat that few lawyers are going to gain wealth from cases that are resolved at their first hearing which is what should have happened if our lawyers had done their job.

I had always believed that if something is vitally important, you should do it yourself and not rely on people who have little or no equity in the matter. I became a self-litigant and defended myself. Ultimately, I, and no one else won this case at the Appeal. I was told this by Bret Walker SC.

As a self-represented person in that court, I discovered very quickly the defence arguments that would and should have brought this farce to a close. If I can do it, and the Police likely also did, and certainly should have – plus the many DPP and Crown lawyers should also have been able to.

This is what the Crown based their allegations of our guilt on.

1. **That there were only three members of the actual political party, being Ettridge, Hanson and Oldfield.** Easily proven to be a false assumption. I argued that all membership was created under contract law – offer, acceptance and consideration. The party had thousands of members. The Court of Appeal agreed with me.
2. **And two, the Crown said, falsely, that when the list of names of party members was lodged with the Electoral Commission for Party registration in Queensland, that Hanson and Ettridge provided a list of names of persons who were actually members of the Pauline Hanson Support Movement – a voluntary body of the party which charged a membership fee of $5 to join.** For the Crown to have said this is astonishing because The Crown had full access to the most critical document that contradicted their statement – our actual application. They could have compared the List Terry Sharples had claimed was used for registration against the actual list that was submitted to see **they were two different lists and the fees charged for their respective membership were clearly different**. Why would the CROWN LAW office not have checked the evidence? It is so fundamental to legal practice. It is like being charged with shooting someone when it was a stabbing by knife. A forensic evidence check would have brought this false prosecution to an immediate close.
3. It is now patently obvious that at the early civil trials stage the Crown and the D.P.P. DID NOT want to present any evidence that proved our innocence and made a mockery of their prosecution. I refer to the destroyed Police report and the genuine list of names used to register the party.

Even if the Crowns very broadly stated charge sheet allegation was true, their charges were based upon the false claim that $5 Support Movement members names were submitted for party registration. The Crown should have read the definitions section of the Electoral Act Qld. That Electoral Act 1992 (Qld) says this –

‘**definition of members of the party’ …** ‘Anyone who joins an associated entity of the Party which was under the control of the Party’. This made members of the Support Movement members of the party by

definition. This alone defeated the Crowns case. I made that argument in pre-trial and in repeat correspondence to the DPP. It was ignored and denied.

At EVERY STAGE of this politically driven farce of 'Perverting the course of Justice' I delivered clear and infallible evidence of our innocence and it was ignored. In ignoring my defence the person ignoring it was rendered to be perverting the course of justice. We can be sure that the Attorney General, lawyers, Judges and heads of Crown Law departments would know they had broken the law and breached their oaths of office and conduct.

The Party membership data base was maintained at the One Nation Party's Sydney office and it only contained names and fees paid for full memberships. Our head office had never maintained a support movement membership data base. This was so easily identified by comparing the two lists which was never done in any of the 5 courts that heard this matter, and specifically by comparing on each list the value of the membership fee. **It was the party membership list that the Police took away from the party's Manly NSW office after they raided our office seeking evidence. The ONLY evidence they could collect supported our innocence. It was that very list of members names that was placed in evidence at our final District Court trial by the Police. The first time the genuine list had appeared.**

I was never interviewed by the investigating Police to test their curiosity on any issues.

During the committal hearing which gave the Crown a chance to test their fantasy, I cross examined Detective Sergeant Newton, a member of the same fraud squad that conducted the Police investigation which declared that a conviction was unlikely.

I asked Sergeant Newton to identify the list of names that had been submitted to the Electoral Commission for the party's registration. He identified the true list of names. I then asked him if he knew that Support Movement membership was at a cost of $5 and he agreed that was his understanding. I then asked him to run his eyes over that list in his hands which was submitted to the Electoral Commission for party registration and see if any of the figures in the far-right column of that list showed any $5 fees. It became clear and to his surprise that my completely unexpected question forced him to confirm to the court that there were no $5 fees listed. I asked him if that meant that the fee column was showing only persons who had paid the higher membership fee which was only for membership of the Party. He had to agree it was likely. **The committal hearing should have closed the prosecution on that evidence alone. That witness testimony rendered the charge we were defending to be baseless.**

Detective Sergeant Newtons evidence was clearly in direct conflict with the POLICE charges.

So – who had the authority to decide that charges should be laid when the Police suggested there was no likelihood of a win?

After a lengthy Police investigation, The Crowns Department of Justice headed at that time by the late **Dr Ken Levy was advised by the Police that a conviction was unlikely**. This damning evidence appeared in a CMC report – the only time it was ever confirmed to have existed. **For the Crown to proceed and to ignore the Police report is astonishing, the charge failed against a test within the Crown's charter that**

requires the Crown to consider that a prosecution should not proceed if there is no reasonable prospect of a conviction before a reasonable jury or Magistrate.

That was all ignored. But the Crown still needed some help to win their false charges in court, and the clue to where that help came from was announced by the Court of Appeal Judges who criticised the standard of legal representation and the Judges performance in our final District Court trial.

To charge and then draw two innocent people into court after the Police indicated it should fail is very unusual and is specifically against judicial commonsense and policy. Limited Judicial resources are always carefully applied only to serious, winnable cases. The Police, as a matter of efficient application of their limited resources will not proceed on many cases placed before them.

As you absorb the many revelations in this book, you will see why this abuse of authority was so malicious and improper and that it breached almost every law and code of conduct set for public servants.

Of course, and I refer to this elsewhere in JUSTICE DENIED, the jury was already pre-disposed to the belief that we were guilty. The media had, in hundreds of newspaper, radio and television exposures told them so. Plus, and this is so especially prejudicial in a criminal case involving a Political prosecution. Mathematically, 77% of the Jurors did not vote for One Nation and their political prejudice worked against us. We could never get a fair Jury trial. Our prosecution was completely surrounded by political prejudice.

Each witness I cross examined was shown their own membership application, receipt and copy of their membership number and other evidence of membership to impress upon the Jury that memberships did exist. However, in a political matter the elephant in the room was the deeply entrenched prejudice of most or all jury members, a fact the Crown must have relied upon**.**

I was at all times available but never interviewed by the Police prior to being charged. If such an interview had occurred, I could have provided additional evidence and information to prevent the Crown's charges proceeding – of course that isn't what the State Government wanted which is why the Police did not interview me. I believe that must have been a deliberate oversight because political pressure was at work as the Police confirmed to those people they did interview. The original investigating detectives revealed that they were under heavy political pressure to bring a conviction against Hanson.

In hindsight, I guess it would not have mattered if Police had interviewed me because they gave The Crown a report that advised against charges.

A media report dated May 16th 2013 claims that Dr Levy was forced to step down as Department of Justice Director-General after Pauline Hanson's conviction for electoral fraud was quashed and the Director of Public Prosecutions was heavily criticized by the Court of Appeal judges.

The Front Page of The Canberra Times carried a headline after our release from prison. It said 'The Forgotten Man' - in a reference to me. Interesting, because the majority of media after our release focused on Pauline Hanson, as if she was alone in this real-life drama.

Her incarceration strengthened her support as someone who had been badly treated and it likely laid the groundwork for a sympathetic vote base when she stood for future elections, all of which gathered more than enough votes to earn Pauline large sums of electoral funding payments.

The One Nation party had morphed from being a genuine party to a fan club and eventually to becoming a business fully under Pauline's control that earned her vast amounts of money in electoral funding.

This flaw in the electoral system gathered a strong reaction by opposing members of Parliament but apart from their bluster and some debate in Parliament it seems the act did not change. It continues today and Pauline is all the wealthier for it.

CHAPTER 36

CROWN LAW – OPEN ALL HOURS???

I prepared a 227 page document I call the evidence file. It is too lengthy to add in its entirety in this book, but I will add some relevant pages.

At Page 54 of the EVIDENCE FILE, which contains an extensive log of correspondence and evidence, you might be as surprised as I was, to see that when given the opportunity to persecute a political opponent of the State Government, the people at Crown Law will ignore their CODE OF CONDUCT FOR PUBLIC SERVANTS and their judicial independence in order to apply the resorces of their office to assist a false and fabricated prosecution. Staff at Crown Law will make themselves and their office available to you for 24 hours a day including weekends. This letter alone shows a shocking bias and prejudice from Ken Levy's department that is in direct conflict with their code of conduct and it strengthens suspicion about their role in this matter. It further incriminates the head of the Department of Justice the late Dr Levy who as its head must accept responsibility.

One thing the late Dr Levy could not have denied is his receipt of a 48-page document protesting my innocence which I hand delivered to his office on September 26th 2002. That report contained **clear evidence** that exonerated me of the charges and it should have brought my trial to a close.

It is likely that public servants who participate in alleged dubious activity prefer to keep their slate clean and not confirm being in receipt of documents like the one I delivered to Ken Levy and others including Leanne Clare, who often did not acknowledge all of my correspondence that covered evidence that weighed against their prosecution. If ever questioned, they just declare that my correspondence was never received. I didn't take that chance which is why I hand delivered my 48 page submission and was assured that it would be given to all of them.

Those documents which were delivered 12 months before my trial contained the trial winning defence arguments that should have caused the case to be dismissed. It wasn't, and therein lies a serious problem for the former Director of the DPP, Leanne Clare.

The Court of Appeal Judges agreed with and upheld my submissions to Leanne Clare and Dr Levy when the court of appeal quashed our sentences.

It took several years for this farcical injustice which started in 1998 to reach the consideration of the Queensland Court-of-Appeal who in November 2003 brought this abuse of authority to a close by quashing the conviction and 3 years prison sentences so prejudicially and maliciously processed through the Queensland courts. It was at the time a very embarrassing indictment of the DPP, the Department of Justice, the judges, lawyers and Crown officers who allowed and drove this injustice. It could be described as a conspiracy – which is also a serious criminal offence.

It could be said that the Police Report delivered to Crown Law at the start of this process was so damaging to the Justice Department that it had to be destroyed.

This letter reveals the willingness of Crown Law to assist.

17:00 CROWN SOLICITOR 07 32396382 NO.961 P.2/2

54
5

DTFS

Your ref: PAE,bc
Our ref: ELE041/
Contact: Joanne Daniels
Direct ph: 323 96433
Direct fax: 323 96382

CROWN LAW

10 July 1998

Mr. Paul Everingham
Paul Everingham & Co.
Lawyers and Business Advisers
GPO Box 2812
BRISBANE QLD 4001

Dear Mr. Everingham

Pauline Hanson's One Nation Party

I refer to your letter dated 10 July 1998 addressed to the Queensland Electoral Commission.

I wish to advise that I act on behalf of the Queensland Electoral Commission in relation to the above matter. Ms. Daniels of this office will be responsible for the matter and can be contacted over the weekend on:

1. Office: 3239 [illegible]
2. Mobile: 041 231 [illegible]

Should any documents be required to be served on behalf of your client, Ms. Daniels will be available to accept service on behalf of the Commission at the office of the Crown Solicitor. In view of the forthcoming weekend would you kindly telephone Ms. Daniels if you wish to serve material prior to Monday.

Yours faithfully

B T DUNPHY
Crown Solicitor

This next letter reveals that David Franks tried to obtain the genuine evidence which was denied.

12 61

"DJF 11"

Everingham & Co.
Lawyers and Business Advisors
Ground Floor
395 Ann Street
Brisbane Q 4000
GPO Box 2872
Brisbane Qld 4001
Ph: (07) 3229 3188
Fax: (07) 3220 1222
And at
140 Morayfield Road
Caboolture

Our ref: David Frank.bc.980104
Your ref: SOL.ELE041/DAJ

20 July 1998

Attention: Joanne Daniels

Crown Law

Facsimile 323 96382

Dear Ms Daniels

Pauline Hanson's One Nation

We refer you to your facsimile transmission of 17 July 1998 and to our conversation of 20 July 1998.

We submit that the Plaintiffs are entitled to a copy of the membership list which accompanied the Application of Pauline Hanson's One Nation to be registered as a political party.

One of the principal issues in the matter before the Supreme Court revolves around the allegation that the membership list of a different incorporated entity was submitted as the membership of another organisation in its application to your client to be registered as a political party under Part 5 of the *Electoral Act*.

It is our submission that annexing that list of members to an affidavit for the eyes of the presiding Judge will place the Plaintiffs at a severe disadvantage by concealing relevant material and evidence.

The Plaintiffs and their legal advisors will be prepared to provide an undertaking that the subject list will not be used for any other purposes and that it will be destroyed or returned to the Defendant at the request of the Defendant.

If this position is not accepted, then the Plaintiffs will be claiming costs for any delay in the hearing of the action by your client failing to product the list to us in the first instance or annexing it to affidavit material submitted by you to the court and omitting that list from any copy of the affidavit material served upon us.

Yours faithfully
PAUL EVERINGHAM & CO
per:

David J Frank

\barb\980104.2007

This disclosure by Crown Law would have brought the Sharple's action to a stop.

When a serious matter is to be tried in a court, discovery provides the defence team with the evidence that supports the prosecutors charges and must be disclosed.

David Franks gave all the correct undertakings in order to make his own assessment of the validity of Sharple's claim and it was denied. How can any lawyer prepare to prosecute a case without access to the evidence being revealed and forensically validated?

Crown Law had no resistance to revealing the genuine list of names submitted for registration in the District court of 2002/3. And of course no reference was ever made to the Sharple's list in the District Court.

The failure of Crown Law in this discovery phase clearly incriminates them because Crown Law did have access to both the real list and the fake list. By revealing the real list of names they would be revealing that the Sharple's allegations were clearly false and therefore the court should not be wasting its time.

Surely the Sharples list was to be tabled as evidence in the court so why deny its comparison with the genuine list unless the Crown was being deliberately deceptive.

CHAPTER 37

The DPP failed its responsibility.

ABOVE THE LAW exposes far too many improper abuses of authority by many of the most senior persons in the Queensland justice system.

To discover how Justice was denied and by whom, consider the following which is fresh evidence in my long-term search for justice.

I have already revealed two very senior persons who acted against their authority when they ignored the policy of their departments. It resulted in them deliberately perverting the course of justice.

I will now examine them separately and reveal how they failed in their duty.

The Director of Public Prosecutions represents the community. The community's interest is that the guilty be brought to justice and that the innocent not be wrongly charged or convicted.

The following points have been extracted from the legislated code of requirements for the Qld D.P.P. In every example shown below the D.P.P. failed. My comments in bold type show as 'A' for Answer

1. The office of the Department of Public Prosecutions has a duty to be fair. Natural Justice requires it. Legislation establishes the rules.
2. The duty of a prosecutor is to act fairly and impartially, to assist the court to arrive at the truth.
3. A prosecutor must not advance any argument that does not carry weight in his or her mind or try to shut out any legal evidence that would be important to the interests of the person accused. **'A': The DPP ignored or rejected all defence submissions I made including the 48 page document I provided to the Director of the DPP. The DPP ignored the Police report.**
4. If the decision to prosecute is not in the interests of the public that a prosecution should be initiated or continued, then it should not be pursued. **'A' So why did the DPP ignore the Police report? Democracy is in the interest of the public. Truth is in the interests of the public. The legislation is in the interests of the public. Revelations and submissions of innocence is in the interest of the public.**
5. A prosecution should not proceed if there is no reasonable prospect of conviction before a reasonable jury (or magistrate). **'A': That is exactly what the independent Police Report urged. 'A conviction is unlikely'.**
6. The admissibility of evidence**: 'A': Evidence that had been clearly discredited in the Committal hearing was allowed to be placed before the Jury.**
7. IMPARTIALITY: A decision to prosecute, or not to prosecute must be based upon the evidence, the law and these guidelines. It must never be influenced by (a) sex, race, religion **or political views**. (c) **possible political advantage or disadvantage to the Government or any political group or party.**

In all of the above criteria, I allege that Leanne Clare, the Director of the DPP failed.

In doing so she should be investigated by the Police for her decisions which breached her code of conduct and it is alleged she committed the serious crime of perverting the course against two innocent people.

Leanne Clare was a part of the star chamber that decided charges should proceed.

She claimed she had never been aware of the Police Report and yet two members of the Qld Police Department were in that star chamber. Ours was a very high profile case at the time and the two Police representatives in it must have been aware of the Police Report.

Today, Leanne Clare sits as a Judge in the District Court in Brisbane.

CHAPTER 38

The Court of Appeal delivers Justice.

After a lengthy and confusing 5-week trial, two innocent people left the courtroom of Justice Wolfe on August 20th, 2003 as 'prisoners' who had just been sentenced to 3 years in prison for an offence identified in the Electoral Act as carrying a maximum sentence of 6 months imprisonment.

The two 'prisoners' were Co-Founders of the Pauline Hanson's One Nation party, Australia's newest and fastest growing conservative political party.

Their human rights had been ignored as a retrospective alteration to the law was applied to them 5 years after their alleged offence – a law that increased the penalty for their alleged offence from 6 months to 7 years.

A massive reaction from a very suspicious and cynical public over our heavy sentences and imprisonment turned against the establishment forces that drove this highly improper action.

When the instigators realized the damage they had aroused for their clumsy and illegal attack, the Court of Appeal delivered some real justice by quashing the convictions and overturning the sentences. This happened 11 weeks after we were imprisoned.

Pauline and I were released to a national outcry of public delight as the media commentators commenced weeks of discussion about the audacity of this obvious abuse of authority. The media, always sensitive to any movement in their audience numbers were now adding some carefully delivered support.

The fraud charges against us were not initiated by the Queensland Electoral Commission, the people who the Crown claimed had been defrauded. No, the Electoral Commission had been quite happy with their administration of the party's application to register and as the ECQ followed due process, and had said so in court. Everything they did met the set criteria for accepting the party's registration. The Electoral Commissioner had made that point very strongly in the court of Justice Brian Ambrose.

There were other people who wanted these multiple court actions to damage us.

Why? Because running a State or the country is the biggest game in town and those who had their snouts in the trough were not going to surrender to this new political party of the people that wanted to take their jobs. The risk of that happening had been clearly established in the Queensland June 1998 State election, held just weeks before, when One Nation had won 11 seats in the Queensland Parliament.

Madelaine Albright, who was the United States Secretary of State between 1997 and 2001 under U.S. President Bill Clinton's administration warned in an ABC radio interview that the new One Nation Party was not welcome.

Her comments revealed the extent to which Australia's destiny is being watched and influenced externally.

Australia's Sovereignty was and continues to be at risk of overseas interference unless the 'people' of our Nation could regain control over Australia's Parliament to prevent Australia's future from being controlled by the United Nations and their planned One World Government.

A new political 'party of the people' – The One Nation Party, was gathering support and had in Queensland demonstrated the weight of its threat to the alternating governments of the major parties.

Australia was facing a Federal Election in October of 1998 and the June 1998 Queensland election result showed that the usually apathetic Australian voters wanted change.

As we go about our business each day we live in a false belief that the elected Members of Parliament are attending to our best interests.

Many new M.P's may start with noble intent but are soon seduced with self-importance caused by their special treatment and privileges. Plus, another mind-bending factor is a degree of celebrity and the high income that comes with their new-found status.

The initial concern of new Parliamentary members who had been elected based upon promising popular change to Government policy, quickly turns to them becoming obsessed with retaining their jobs.

After they have tasted their almost celebrity treatment, so many of them who have risen from suburban obscurity will be easily led to accepting different values if their jobs depend on it. They quickly learn to do what they are told. What this amounts to is a vote for a party leads to your local Member doing what he/she is told by the Party leadership. So, if any lobbying or corruption is at work, it only needs to be applied to the few who lead the major parties. The many M.P's they lead will simply follow party policy or lose their jobs to someone who will. Principles are not factored into the equation. It is ONLY about retaining their jobs.

I suspect that most people will put their own survival and interests first when tested, and, that particular human weakness may well provide an explanation why the Court-of-Appeal's criticism of the quality of legal performance in our trial contributed to our trial ending so badly. The attending trial lawyers may also have been thinking about their future careers AFTER we had been long forgotten.

Lawyers live in a professional world of legal mystery and they practice their professions in an environment that pays them well, and from which their careers and long-term earnings might induce them to be expedient when called upon to do so.

As I reflect upon an earlier civil court examination of the allegations against us, it all seems so obviously easy for our lawyers to have had the matter won at the first encounter. It was a simple case to have defended but what happened in that court was alarming for the failure of so many of Brisbane's experienced legal practitioners.

The key witness in the early civil court was the Qld Electoral Commissioner, the very person who it was claimed had been defrauded and he was never shown in his court attendance the false list of names alleged to be the basis for the charges of fraud perpetrated against him and the Electoral Commission. This was the critical time for the Commissioner to identify the list and reject it as being false.

The list of names used to register the party was the reason they were all in court, and it was essential for our defence team to win that single point to win the case. It didn't happen.

I had been kept out of the court in the civil trial in 1998. I had been asked to sit in a small room adjacent to the courtroom and told to wait in case consultation with me was necessary. The party's legal team would occasionally come out and ask me a question. I sat there for approximately two very long weeks as the party's money was depleted paying legal fees. When professionals sell their time by the hour, why win the case on the first day?

Upon reflection, and with refreshed consideration, it could be said that either a deliberate abuse of judicial process was perpetrated, or we were experiencing the poorest amateur standard of legal representation available.

The total players in that 1998 court were the presiding judge, a QC, two barristers and a legal firm.

We were found to be guilty by the presiding civil court judge.

To have devoted two weeks in court and have it result in that decision was a shock, but it was not until several years later when I represented myself defending the criminal charge version of the same offence, did I read the court transcript to see that what had occurred in that courtroom could in my assessment be described as a deliberate neglect of process, a theater of perjury and a sham of incompetence.

While Mr O'Shea was in that witness box, the Electoral Commissioner could have easily told the court that the Terry Sharple's list was NOT the list submitted to register the One Nation party in Queensland.

Suspiciously, the transcript says that no one in the court had that document with them for identification - it was declared to not be in the court. Instead of seeking it, which would have produced an honest result, the court just kept moving forward without that crucial evidence. That critical evidence, the very basis for the trial, was NOT IN THE COURT for identification. Think about that.

Added to my suspicion is that 4 years later in the court of Chief Judge Patsy Wolfe in 2003, the Crown Prosecutor Brendan Campbell surprised me when he said that in the 1999 trial the genuine list of members names was attached to the Electoral Commissioners witness statement. This serious corruption of the trial described above was allowed to stand without correction by the Crown or One Nation's legal team.

The 1999 civil court Judge's decision sold a lot of newspapers and planted the seeds of damage we would not experience again until we faced the criminal court some years later in 2003.

One of the key witnesses in that civil hearing was Andrew Carne, and described several years later by the Crown barrister and the presiding judge in our 2003 criminal trial as not being a witness of truth. He wasn't, he told us so in 2001, in a sworn Affidavit when he admitted his perjury. Justice Atkinson had declared her reservations about his critical evidence in her court when she arrived at the guilty option. But his false evidence was accepted.

It has become quite clear over time that the trials of 1999 and 2003 were ever about delivering justice, **it was always about delivering a political outcome**. We had already been found to be guilty in the Atkinson court in 1999.

The Court of Appeal judges in November 2003 also found it necessary to point to the errors of truth in Andrew Carne's witness evidence, however our opponents needed lies to win and lies were freely provided.

Years after that 1999 decision the person described as 'not being a witness of truth' Andrew Carne, sat remorsefully in a press conference with Brisbane media and admitted his evidence was confused and unreliable. The media did not report one word of it because the case was in a state called sub judicia, pending an appeal.

However false, the allegation that brought the matter to court had been enough to allow the One Nation Party's political opponents to seize upon this falsehood and to devour the party's money and integrity in one of their courtrooms. I speak about the various players in detail further in my submission documents lodged with the Crime and Misconduct Commission.

I also ran the following argument in 2002 to a Federal Court judge that The Supreme Law of Australia is the Constitution of the Commonwealth of Australia, and at section 109 Australia's Constitution stated…

109. Inconsistency of laws

When a law of a State is inconsistent with a law of the Commonwealth, the latter shall prevail, and the former shall, to the extent of the inconsistency, be invalid.

The above section 109 supported our Queensland registration because the One Nation party was already a Federally registered political party with the Australian Electoral Commission. All we attempted to do in Queensland was to register a State Division of the existing Federally registered party. That alone should have won our case, but the Federal Court Judge rejected that argument. That Judge entered the court that day with his rejection already prepared, before he had heard my defence and evidence. I am quite sure that he considered my attendance at court to be an impertinence and nuisance. His contempt was evident in his language and impatient rejection of my appeal.

In correspondence I hold, and received after we were released from prison, the question of contract law was commented upon by a leading Brisbane Barrister at that time. He is now a Supreme Court Judge.

*I Have quoted it earlier in this book and **It is worth repeating**…I quote directly from it below. It would be improper to identify the esteemed writer and the other person he refers to.*

'Mr X turned up one day at my Chambers without warning and asked to "borrow" five minutes of my time. We had a chat about the application of contract law to political parties (I was recently in a court case involving a fight about a Liberal Party preselection!) and also I found him the name of a leading Queensland case about the relevance of subsequent conduct in determining the terms of a contract. When the Court of Appeal's judgment was handed down, I was delighted to find the name of the case that I had given to Mr X in paragraph 21 of the Chief Justice's reasons.

Then he said…
So, my contribution was no big deal, and most lawyers could have done such a simple research exercise'

……..

My point, in quoting his comment is that this barrister pointed to one of the correct defence arguments and correctly described the research as being a **'simple exercise.'**

The Crown's lawyers, and One Nations lawyers it seems, were unable or unwilling to do this.

There was another obvious step that was never taken in a court by any of the lawyers. NONE of them sought to COMPARE in court the two lists of names!

Had we been facing a murder charge from using a hand-gun, the court would have focused on detailed forensics and having witnesses identify and confirm the weapon. In that 1999 civil court we received the equivalent of a Nobel prize for negligence when the allegedly inexperienced Judge found that the false list of names **was** the list attached to the party's application to register. That is the same as being found guilty of murdering someone with a gun when the victim had been extinguished with a knife.

I succeeded in having the electoral Commissioner confirm in cross examination in the 2003 trial that the Sharple's list was false.

The Electoral Commissioners witness testimony had discredited all of the previous court actions.

The allegations had always been based upon this lie and so much money and time was lost as the One Nation Party's reputation and support was damaged.

This allegation should never have gone to court and, its dismissal so convincingly in the first court of Justice Ambrose should have been the end of the matter. Yet, it continued. Why? Because it was all they had.

In a careful and forensic examination of the court events by my honest and enormously capable 'Appeal' team of Andrew Boe and Bret Walker S.C., my fortunes began to rise as these two brilliantly competent legal minds worked their way through the trial process. A range of weaknesses in the court process were revealed and ventilated during the bail application processes that took place prior to the Court of Appeal. The presiding Judge in our 2003 criminal trial was revealed for failing to properly present all the appropriate summing up information for consideration in her final address to the jury.

How this farce survived for 5 weeks in the criminal court and was found against us can only be explained by a comment in the court of appeal judgement in November 2003 when Chief Justice Paul DeJersey said:

'Members of the public will undoubtedly however query why the crystallization of the appellants' current position need have awaited a lengthy trial – approximately five weeks, and then an appeal. There is no easy answer to that question, although reference may be made to the extent, and level, of the involvement of lawyers throughout. Although I do not say this critically of Ms Hanson's representation, it is my view that had both appellants been represented by experienced trial counsel throughout, the relevance of all of the evidence would more likely have been addressed with appropriate precision.

The case will in my view provide a further illustration of the need for a properly resourced, highly talented, top level team of prosecutors within or available to the Office of the Director of Public Prosecutions. In this complex case, which resulted in a trial of that length, and the

consumption of vast public resources, highly talented lawyers of broad common law experience should desirably have been engaged from the outset in the preparation and then presentation of the Crown case. I do not raise this critically of the prosecutors who were involved: my observation relates to the resourcing of the Office. Had that been done, the present difficulty may well have been avoided'.

I guess if you read between the lines, the Chief Justice was being very polite about the incompetence of all the lawyers, including the Judge.

What really saved us and provided the court of appeal Judges with the breaches of process and the justification they needed to support our acquittal and release from prison was the pre-trial submissions I had made. My two submissions were both used by the Court of Appeal as the reasons why we should never have been charged. It finally delivered a result that confirmed my lifetime belief that the Good Guys always win.

There was a massive public reaction to us being found guilty in what was widely perceived to be a politically driven and malicious prosecution that required the blind eye of the lawyers and the courts, and an equally pleasing public reaction after were released.

Reference was also made in the Court of Appeal judgement to my own court activity saying that I had demonstrated a particularly high standard of presentation for a person who was self-represented. That was an understatement because I won the case. None of the 'my learned friend' lawyers did.

I attended a dinner in Sydney a few days after my release from prison and I sat next to Senior Counsel Bret Walker who had argued my appeal. I thanked him for getting us out of prison and he assured me that it was my defence arguments, which had been ignored by the court that had won the case.

In responding to the public and media shock, the Queensland Premier, Peter Beattie, called for an investigation by the Qld CRIME and MISCONDUCT COMMISSION (CMC) presenting them with a request to conduct an enquiry within very narrow terms of reference. If I may be cynical, those terms were pretty much to not investigate the matter very seriously, and the CMC obliged.

If ever the CMC were needed to conduct some housekeeping for the Government, this was the time.

As I read my CMC submission so many years later, I came to the view that it was a very detailed account of what happened, and it would be of interest to many people who are suspicious of our Governments and their suspected manipulation of resources under their control.

Former Qld Premier Beattie's call on the CMC, was for the CMC to produce not a serious enquiry that would ever result in Justice, but a whitewashing step to absolve the State Government. The CMC were confined by the narrow 'terms of reference'. A serious enquiry would have placed many of the public servants and others in courtrooms charged with being co-conspirators to perverting the course of justice and the huge waste of resources and public money referred to by Chief Justice Paul DeJersey.

My CMC submission included copies of my correspondence to many people and how I supported my innocence with evidence. I know that evidence was infallible because the Court of Appeal Judges accepted it.

Those people I wrote to were at the top end of the Queensland judicial system and should have intervened. None did. Their silence suggests they were not independent and perhaps they were prevented from doing so, but one would expect that the internal jungle drums of the Qld Parliament were beating loudly.

One surprising revelation for me after a trying 5 weeks in court was to discover on my first day in Wolston Correctional Centre an inmate - a former member of the Qld fraud squad - who had been involved in the investigation of the One Nation party, and he told me the Police had advised the Crown that we had no case to answer. That information was confirmed in the detailed CMC report. It was never revealed to me in any discovery process and the Jury never heard it.

Pauline and I were always completely innocent of the charges, but the turf war for political control of a country is the biggest game in town and the other players didn't want us on their playing field.

While this injustice raged in the Queensland courts and the media, another injustice had threatened my financial security.

My fight for justice was fought alone.

As the co-founder and holder of several key office bearer positions in the Pauline Hanson's One Nation Party, I was abandoned from the outset by Pauline Hanson.

She left prison with me late in the afternoon on November 6th 2003 after having denied me financial support as required by the member approved indemnity provisions contained in the constitution of the One Nation party.

Indemnity against personal liabilities was a safety net all office bearers relied upon for circumstances like those I faced. From the outset I was denied financial support and I decided that my best option was to conduct my defence without legal representation. Legal estimates were running around the $200,000 level, and it was money I didn't have at hand.

I had to heavily mortgage my family home to raise my cost-of-living and court attendance costs expenses for the 2 year court ordeal. The NSW branch kindly assisted me with a $10,000 support payment which confirmed their belief that indemnity was due to me.

Overall, my costs grew to well over $200,000. In years ahead, the damage to my finances plagued me as my reputation was badly damaged which limited my ability to earn an income.

Ultimately it cost my wife and me our family home which today has appreciated in value by over $2 million, but to its new owner, not us.

During this 2-year period Pauline Hanson had all of her costs met by the party and from public support. The only concession I received from her was to release a small amount of financial support in the early days of the committal hearing that preceded the criminal trial. That act alone was an admission by the party of my entitlement to indemnity. Her failure to approve and meet all of my costs under indemnity is

best explained in the Police report I lodged against Pauline's breach of fiduciary responsibility over the One Nation Party members money. Her failure to advance full immunity was a criminal offence. She did to me what she did to Terry Sharple's and on that occasion it cost the party in excess of $1 million.

Around 2004 when Pauline had left the Party I contacted the Party's National Executive and lodged a claim with them. There was agreement of my entitlement to be paid but they claimed they had no money to pay. Although I had a lawyer handling that communication, and their lawyer agreed indemnity was due to me, I did not pursue those executive members because it would have placed a disastrous penalty on people who did not breach the parties constitution.

After the 2016 federal election when I heard on my car radio that One Nation was about to receive $1.8 million in Federal electoral funding, I phoned Pauline. Her line was engaged so I left the following message. 'Hi Pauline, I just heard that the party will receive $1.8 million in electoral funding. I would be grateful for having my long overdue legal costs under the indemnity claim paid, thanks, David'. Two days later I received a letter from Pauline's lawyer demanding that I make no further contact with his client.

I have not spoken with her since, although I have tried since to get fairness in the matter without success.

After Pauline was elected to the Senate in 2016, in her first speech to the Senate she thanked her two sisters for their dedicated support and for getting her released from prison. Pauline's sisters had nothing to do with our release, only the court of appeal could have made that decision and ONLY because there had been a failure of process during the trial. What her comment revealed is Pauline's total lack of comprehension for the legal procedure and gratitude for what had taken place and my role in it.

My 227 page detailed 2004 report to the CMC is too large to include in this book, but some parts will be placed after the last chapters.

In contrast to Pauline's belief that we had been treated ruthlessly by the State and Federal governments, to my knowledge, Pauline has never made any attempt in her 6 years in the Senate, many of them as a team of 4 Senators with influence, to seek any enquiry or compensation for our disgraceful and illegal treatment. I find this to be another curious element in this period of injustice. Was she compensated in secret? That question often occurred to me.

The Head of Crown Law at the time, Dr Ken Levy was the subject of a media article in which the article says 'Dr Levy was forced to step down as Department of Justice Director-General after Pauline Hanson's conviction for electoral fraud was quashed and the Director of Public Prosecutions heavily criticized.' This is a very damning accusation of the late Ken Levy and Leanne Clare, two very influential heads of the Queensland Justice system. Clearly, they had failed, and the criticism levelled at them both was further evidence of the miscarriage and the perverting of the course of Justice we faced.

Chapter 39

Queensland's CMC and CCC become an accomplice to the crime of perverting justice.

The Queensland Police conducted 'Operation Tier' over a period of many months and advised the Crown Law office that no crime had been committed. The Police were asked to review their investigation and the Police again repeated that a conviction was unlikely. The Police had studied and examined all available One Nation files, electoral laws and criminal codes to reach that conclusion.

In November 2003 the 3 most senior Judges in Queensland acting in unison as the Court-of-Appeal declared that no offence had been committed.

Justice Ambrose in his civil court ruled that Terry Sharple's original claim to be speculative in the extreme which was supported by the evidence of Crown Law in that court and the Electroal Commissioner who also declared he had not been defrauded.

With that collective weight of evidence it should have been quite clear that I was innocent.

So, who in the Crime and Misconduct Commission and who in the same outfit later renamed the Crime and Corruption Commission had the authority to over-rule all of the preceding authorities? The answer is that <u>NO-ONE</u> except a court of law had that authority and yet that authority had been used TWICE by the State Government to excuse and absolve themselves of all wrong-doing when they denied me compensation.

Crimes were committed by the Government, and offences committed by public servants against a range of electoral and criminal codes.

It is quite audacious and arrogant for the CMC/CCC to presume that they had any legal right to overrule Queenslands highest court and to determine the legal state of my innocence which had already been determined by the Police, the civil court, the Electoral Commissioner and Court-of-Appeal and yet TWICE they were called upon to do just that by the State Government.

What was provided to absolve the State Government from its conspiracy of criminal actions was simply a worthless 'opinion' delivered by a lawyer from the CMC or CCC.

The following paragraphs are extracted from my detailed submission to the 2022 Fitzgerald inquiry on the CCC.

…….

The Court of Appeal Judges delivered strong criticism of the management of the case and standard of legal performance that was brought against me. The Court-of-Appeal made its rulings without knowing that the charges that were brought by the Crown were made….

(a) After TWO Police Report had advised the Crown Law office that a conviction was unlikely, and

(b) After the first civil Court that examined this matter in 1998 had accepted evidence from the Crown Law Barrister and their client the Electoral Commissioner that there had been no fraud committed and that the Electoral Commission was totally satisfied the One Nation Party registration was valid.

The Police Report delivered to Crown Law had found no basis for me being charged and recommended that no further action be taken. The negative Police Report was NOT discovered to the defence prior to or during the trial. It was such a damaging investigation for Crown Law and the D.P.P. that when I sought that Police report under Freedom of Information after my release from prison, I was told it had been destroyed.

The attempts to prosecute me were deviously conducted and very heavily politically motivated. The political prejudice existed at every stage of the prosecution and is also likely to have strongly existed within the Jury. My research has revealed far too many characteristics of corruption all of which confirm it was a conspired and premeditated perversion of justice.

In spite of all my efforts to seek compensation for the extensive damages I suffered to reputation, livelihood and loss of valuable assets the State Government has never accepted any responsibility for their criminally conducted 'fit up' and now I discover that the excuse they tendered to absolve themselves was worthless.

I now claim that the CCC is as much guilty of perverting the course of justice because they failed to act judiciously, independently, within their charter and without prejudice. Had my case been anything but a political matter it would never have been an issue that required the CMC/CCC opinion.

What I also have discovered is that the CMC/CCC is not empowered to decide if anyone is guilty or innocent, they can only investigate and then deliver an 'opinion' without being confined to the stringent protocols of a court of law.

The Qld State Government has been presenting the worthless 'opinion' of the CMC/CCC as its only defence to avoid paying me compensation and also as if the CCC opinion carries the weight of a court. The following is from the CCC website.

Limits of our powers.

The CCC is not a court. Even when it investigates a matter, it cannot determine guilt or discipline anyone. Police officers seconded to the CCC can charge people in both crime and corruption investigations before the matters are progressed by prosecuting authorities including police prosecutions and the Office of the Director of Public Prosecutions (ODPP).

The limits described above reveal how absurd it was to ask the CMC/CCC to investigate the Governments crime. All the CMC/CCC could do is present an opinion to the Police who had already investigated the available evidence before I was charged and had already told Crown Law that no offence had occurred. The only crime was in the prosecution being pursued with malice after the Police said a conviction was unlikely.

The final word rested with the court-of-appeal who in November 2003 had delivered a final and very clear statement of my innocence.

The opinion of the CMC/CCC became totally irrelevant and was falsely used to deflect Government guilt.

This reveals that the State Government today remains totally untested for the criminal actions I have accused them of and the CCC have NOT absolved the Government of wrongdoing.

The Qld State Government have now used the CMC/CCC to cover their crimes on two occasions.

I now know that my allegations have never been properly judged and defended in a court of law and they remain open for independent enquiry in a court.

An enquiry was recently announced into the CCC's corrupt dealing of another politically based matter where the Qld Logan City councilors were subjected to accusations of impropriety without any evidence to support such an enquiry. But, at a time when a Local Government election is underway, to discredit the sitting councilors with false claims of corruption created a useful and damaging environment for voters.

Also, after it became known that there was no evidence, the head of the CCC chose to resign which added fuel to the suspicions of Government interference.

The State Government announced an inquiry into the CCC, perhaps with tight terms of reference, and I have forwarded my own complaints regarding the Government and the CCC to that inquiry. They may not accept it, but nothing ventured, nothing gained. My hopes are for an honest assessment of all of the evidence I have collected from my research.

I speculate that the latest CCC problem in the Logan matter might be a tipping point where eventually the Qld Government will find a stubborn public servant who will refuse to be drawn into breaking the law for his or her political masters. To do so makes them an accomplice to the crimes of their influencing masters.

Clearly there **was wrong-doing in the Logan matter, and it was deliberate**.

Back to my case. Police detectives who visited Sydney to interview One Nation staff all made corroborating statements that they were under pressure form the highest level to 'get Hanson'. The One Nation staff members provided sworn affidavits to that affect.

The CMC became embroiled as housekeepers to a conspiracy to absolve the wrong doers with a worthless opinion that protected the Government in a gigantic 'spin' exercise that fooled the public into believing a proper inquiry was underway.

All the CMC/CCC were capable of doing was to refer an opinion to the Police who had already investigated the available evidence and had already told Crown Law that no offence had occurred. The Office of the Director of Public Prosecutions was implicitly involved in perverting the course of justice and as a main player hardly likely to be called in to provide an independent and unbiassed opinion. **The final word at all times rested with the court-of-appeal who had delivered a clear statement of my innocence. The opinion of the CMC/CCC is totally irrelevant as an excuse to refuse to pay me compensation for my losses.**

If anything, the CCC opinion adds weight to the corruption of authority that has been used against me and my lawful rights to demand compensation. I now can add the CCC to the list of authorities that have perverted the course of justice.

In the first letter I received from the CMC dated 18 November 2003 seeking my submission to their enquiry the writer said at paragraph 3 ….

'The CMC is not of course concerned to reach conclusions about the facts of these cases nor to venture an opinion as to whether the particular decision given in the course of the litigation was legally and factually correct'. (Refer page 210 Attached Evidence file.)

This was just another example of an arrogant, corrupted Public Service entity that was not going to do its job impartially or without prejudice and they have admitted it before they received my submission.

Following their very dubious enquiry, one that would never have survived the rigors of a court of law for its failings, the first CMC report dismissed all wrong-doing by all parties concerned. However, it did contain some interesting information, one of which was to confirm the existence of the pre-trial Police Report which said we were innocent, **and which was so damning it was later destroyed** - another act that evidenced the depth of the perversion of justice the State Government would conduct to protect themselves.

The Court of Appeal provided the final word on my innocence and no CCC solicitor has the authority to change that. I was innocent and the plaintiffs at each court were guilty of prosecuting me without cause. The Governments agents have been caught breaking several laws and they need to repair and compensate for the damage their criminal behaviour has caused me.

When attempting to cover up a crime the CCC become accomplices to that crime and they also perverted the course of justice.

The action against me was not accidental. It was conspired, deliberate, willful and criminal.

Alarmingly, the CCC lawyers' decision that exonerated all serious offenders in my prosecution would render the Court of Appeal Judges decision and their comments to be irrelevant.

Mr. MacSporran's resignation suggests his guilt of the failure of the CCC under his watch and it damages the integrity, confidence in and independence of CMC/CCC decisions especially in my own case and more recently the CCC actions against the Logan Councilor's.

The recent announcement of former CCC Commissioner Alan McSporran's resignation exposes that the CCC can act corruptly when dealing with political matters and Mr. McSporran's resignation is evidence of a politically infected CCCs.

I attached more than enough documents and evidence to the CCC Inquiry to confirm that I was innocent at all times and was falsely charged, discredited and financially damaged by the criminal actions of the many players acting for the State Government.

CHAPTER 40

Additional defence information to the Qld Attorney General.

The following pages are the correspondence I sent to the Attorney General of Queensland.

I was advised following its receipt that it was being forwarded to Crown Law for advice.

This suggested to me that they were finally, after 17 years of seeking justice in this matter, taking my claim seriously.

The Hon. Yvette D'Arth M.P.

Attorney General,

Queensland Parliament.

Re: Crown Vs Ettridge and Hanson 2001-2003.

Dear Minister D'Arth,

In 1998 one of the greatest miscarriages of justice in Queensland's history commenced when two innocent people were charged with a non-offence. Those charges would not have survived past the first court examination had the charged persons not been the leaders of a new political party that had just won 11 seats in the Queensland Parliament. The false charges were progressed through several courts and the simplicity of establishing the innocence of the two charged individuals had escaped the lawyers and even some of the Judges. Political interference was always suspected.

I have recently completed a detailed analysis of that deliberate miscarriage of justice and have forwarded a very thorough submission to the **CCC** for their investigation. Only one authority had the influence to push those false charges through the courts and according to the investigating Police detectives, and my research, that authority was the Beattie State Government.

My **CCC** submission contains substantial evidence of criminal prejudice by senior Government officials with the first sign of State Government influence, when acting as an accomplice to my prosecution, as far back as 1998. The irrefutable evidence for such a claim is contained in my **CCC** submission attached.

In November 2003, I was released 11 weeks into a 3-year prison term for a conviction of a non-offence.

In overturning the conviction and quashing the sentences, the Court-of-Appeal condemned almost every legal participant for this miscarriage of justice. The office of The Crown and the D.P.P. received the principal share of criticism for a very badly administered prosecution and court process.

Public sentiment was, accurately in my opinion, that the Beattie Government were guilty of driving our prosecution. To counter that perception, the Beattie Government called for a CMC enquiry into the false

prosecution, however, the CMC had no intention from the outset of conducting a serious investigation and they admitted it by saying in correspondence to me …….

'The CMC is not of course concerned to reach conclusions about the facts of these cases, nor to venture any opinion as to whether any particular decision given in the course of litigation was legally and factually correct'.

The above statement declares that the CMC had no intention of conducting a credible investigation and the statement is quite astonishing for its arrogance. Consistent with their statement, they delivered a report that excused every single person who committed breaches which were detailed and evidenced in my submission.

The CMC was an entity especially established to independently investigate crime and misconduct and deliver justice to the innocent. Their statement also draws the CMC enquiry into the same net as other public servants who sought to abuse their authority by not doing their job independently or judiciously.

The CMC report of January 2004 reliably absolved every person who was identified in my submission.

I have alleged in my **CCC** submission that the failure of the CMC to deliver any charges or criticism of any of the Qld Public Service persons, and Tony Abbott, who I alleged had broken a number of laws, joined the CMC as another State Government institution guilty of perverting the course of Justice.

The people I have identified to the **CCC** for special investigation for **perverting the course of justice** when provided with evidence that should have caused them to cease our prosecution when they did not are …

1. Former Attorney General Rod Welford.
2. The Late Dr Ken Levy.
3. The former Director of the DPP, Leanne Clare.
4. Brendan Campbell, Crown prosecutor.
5. Sharon Loder, currently attached to the CCC,
6. Chief Judge Patsy Wolfe who was criticized by the Court of Appeal,
7. The former CMC Chairperson Brendan Butler SC. The author of the CMC statement placed above. I read that statement as his commitment to not seek justice.
8. Tony Abbott, former M.P. My original CMC submission contains extensive evidence and admissions by Abbott of his guilt.

One thing all of these people above had in common was they were all employees of the State or Federal Governments. They acted as agents of their respective employers in their various roles in our prosecution.

Investigating detectives from the QPS declared to a number of people when collecting their witness statements that Police were under pressure to convict Pauline Hanson, and that the pressure was coming from the highest level. The 4 detectives corroborated each-others statements at 4 different times and locations to 4 different people. The witnesses they interviewed also corroborate each-others evidence and have sworn Statutory Declarations to that effect.

My submission also refers to seriously incriminating statements made by Premier Beattie that were very incompetently and creatively excused by the CMC in 2004.

I claim that my prosecution was not an accident, but a deliberate abuse of authority and I respectfully seek compensation. I believe I was the victim of a deliberate abuse of power and the extensive evidence contained on the attached 2003 CMC folder, and duplicated on the enclosed computer disc reveals the extent I went to in declaring my innocence.

My claim of State Government culpability through the Premier and actions of appointees and other public service agents is supported by the evidence contained in the attached **CCC** submission.

From 1998, when Tony Abbott sponsored Terry Sharple's in attempting to incriminate the One Nation Party with false information, accomplice behavior from The Crown Law office was exposed when Crown Law offered special co-operation for that false action. Special favours were also provided by the registrar of the Court – these two Government departments – both parts of the **Justice** system - each provided unorthodox support in assisting Abbott and Sharples to advance their false claims. This clearly implicated the State Government as did statements made by the Premier, Mr Beattie at the time.

Courier Mail journalist Hedley Thomas wrote an alarming critique of the DPP at that time describing the extent of political interference being applied to the DPP which covered the period our us being charged with the non-offence.

A former Director of the DPP, Des Sturgess QC described endemic political interference in the DPP and called the office of the DPP a 'play-thing' of the State Government.

A conspiracy to pervert justice was widely practiced against two people who were entirely innocent as was declared by me at all times and agreed to by the Court of Appeal in November 2003. The prosecution should never have occurred.

As an innocent person who was deeply affected by this alarming abuse of authority, I have suffered huge financial losses over a prolonged period of time – 21 years. In just one example, my family home in Sydney which I was forced to sell after being released from prison has today grown in value by $1 million but I no longer have that capital gain as security for my retirement.

As a small business entrepreneur, my reputation was destroyed in 1999 when Sharple's and Abbott's false claims were tested in a court room infected with perjury and prejudice. Google searches from that time onward claim I was convicted of fraud, and such claims publicly repel people with whom I would otherwise be able to conduct business. Long term damage has been humiliating and denied me justice.

After my release from prison, Pauline Hanson refused to pay my 2 years of costs which were One Nation Party indemnified, and I bore all my two years of costs of living, my savings, scant income, court attendance and interstate travel costs while increasing my house mortgage and borrowings. These were costs avoided by Hanson who was, at all times, fully supported by the One Nation party with her funding.

I seek justice in the form of compensation for me and not for my co-accused whose deceit caused this long-term disaster. She should not profit from her alleged criminal act which I have reported to the QPS.

My current **CCC** submission contains evidence of decisions that perverted the course of justice by Government appointees and Public Servants that strongly implicates the Beattie Government as being the driving authority of this miscarriage of Justice.

In my **CCC** submission, I call for a number of the senior Public Servants involved in allowing my prosecution to advance, to be investigated for the serious criminal offence of **perverting the course of Justice.**

The point beyond which my criminal prosecution should not have passed was with Judge Brian Hoath in late 2002. The validity of my pre-trial defence arguments asserting my innocence made to Judge Hoath, and copied to the Crown Prosecutor Brendan Campbell and through him to the DPP, were upheld by the Court of Appeal and it was at that defining moment in the prosecution that my innocence was clearly established and the prosecution should have stopped.

However, it did not. At that critical stage of the prosecution, everyone in a position to stop the prosecution who did not do so committed the offence of perverting the course of justice.

I welcome contact from your office regarding my claim for ex-gratia compensation, conditional if necessary, so that justice may finally be served.

Yours sincerely,

D. Ettridge.

The Queensland State Govt has been repeatedly implicated in the prosecution and persecution of Ettridge and Hanson in every stage and aspect of this perversion of Justice.

The following is a summary of evidence of the State Governments participation in my prosecution:

1. I have 3 times been refused a copy of the Police Report presented to Crown Law. This report was not discovered pre-trial, nor since. The highly secretive Police Report must be very incriminating for the Crown Law office or they would have released it as discovery during the conduct of the prosecution – if it had supported the prosecution. That Police report is likely to contain supporting evidence of my innocence which was known to the Crown and the DPP well before I was charged. I expect that Police report will be an explosive document that contains references to law that would have led the Police to conclude a conviction was unlikely. The fault lies again with the State. My FOI attempts to seek a copy have failed. I was told by QPS that the denial came from the Beattie Governments Police Minister each time I asked for it. It was clear that they did not want me to see it, and that arouses suspicion of its incriminating content that would embarrass Crown Law and the DPP. It no doubt provides all the reasons why we should never have been charged and will confirm the grave injustice for which I seek compensation.
2. I respectfully request your office to forward a copy of that QPS report to me please. Its denial continues to support my belief that my prosecution was a malicious perversion of justice right from the start. The QPS advised that a conviction was unlikely. I need to know why.
3. Copies of correspondence between the Paul Everingham & Co law firm and **Crown Law** implicate Crown law (A State Government department) in assisting Tony Abbott (Everingham's client) in an unorthodox prosecution and collusion from Crown Law. I allege such a collusion implicates the State government through its agency in deliberate collusion in this miscarriage of

justice. Why would Crown law officers wish to offer their private time on a weekend to assist Everingham's to prosecute the One Nation party? The enclosed report to the CMC dated December 4th 2003 contains many pages of evidence that support my claims.

4. At this same period of time, the **Brisbane Court registry** agreed to remain open on that late Friday afternoon to receive out-of-hours documents from Everingham's Law firm. Why would a court registrar do that? Normal closing time at the court registry was 4.30pm – however the registrar accepted Everingham's documents at 6.00pm on a Friday evening. The evidence for this is in the original **CMC** report. The Court registrar agreed to remain open on a FRIDAY afternoon after normal business hours to wait and accept documents that Everingham's wanted to serve the following Monday. This information is contained in the sworn affidavit of David Franks, the lawyer who carried this matter when employed at Paul Everingham & Co in 1998.
5. In an interview on the ABC's 7.30 report, on August 18th, 1999 - the same day that Justice Atkinson's decision against One Nation was handed down, Premier Beattie declared **'I did say, by the way that we would get rid of One Nation. We expected it would take the full term'**.
6. In Hansard of the same day Mr Beattie also said **'I gave a commitment that by the end of this term we would get rid of One Nation and we have'** This is a very incriminating statement from Mr Beattie because he declared he had a premeditated intent and plan. He also publicly admitted that he committed an offence in collaboration and conspiracy with others – the **we** in his statement. He also made that statement in a manner that could suggest that he was assisted by a Supreme Court Judge. Did he mean Justice Atkinson, his Governments appointee who was criticised by the Qld Bar Association when appointed as not possessing the experience or skills to hold such a position?
7. Premier Beattie's comments clearly incriminate him as fulfilling a promise he had made. It reveals that he had motive, means, authority and opportunity to initiate the charging and the passage of a trial that has been shown to be false. The Police Detectives declared the pressure on them was from the top. I allege that Mr. Beattie committed an offence against the Electoral Act and the Criminal Code. The accumulation of this evidence also adds to the growing matrix of evidence that our prosecution was at all stages being driven by the Premier, just as indicated by the Police Detectives. Are we to believe that officers of the law in Queensland, Detectives of experience and rank, are not to be believed when they make such claims?
8. During the gathering of witness statements from various people in Sydney, the QPS detectives each admitted that their investigation was under great political pressure. **They individually corroborated each-others admissions.**
9. 4 witnesses have provided sworn evidence of those Police admissions. These are detectives making the allegations and as such carry weight. All said it at different times.
10. Hedley Thomas, an investigative journalist for the Courier Mail, in an article on 13th of October 2001, just months after we were falsely charged said of the DPP - 'Miscarriages of Justice and the abandonment or failure of prosecutions that should have succeeded will be increasingly commonplace'. Referring to the Brisbane office of the DPP, Thomas said 'It is no secret that this office is facing a serious crisis'. He also says 'In the past two years more than 20 Crown prosecutors, demoralized over serious management and resourcing issues, have walked out. Most have not been replaced.', and 'legal figures point to a politicization of the Office of the DPP as one of the fundamental problems. I suggest that this politicization must be coming from the Premier. Surely no one of lower rank would dare to, nor have the authority to do it.
11. In the CJC's August 2001 report ***– Funding Justice, District Court Judges, The Bar Association and Crown Prosecutors,*** expressed concern at the 'juniorisation of the office of the DPP,

described as ‘a reflection on a completely inadequate system’. This statement was made just weeks after we were charged. It adds to my concern, as expressed in the **CCC** report, that incompetence played a part in my false prosecution. The report went on – Chief Justice of the District Court Patsy Wolfe, is concerned that, detrimentally, ‘the defence is unable to hold any meaningful pre-trial discussions with the junior lawyers who represent the Office of the DPP’ then Hedley Thomas says ‘But those closer to the core believe it is too late. ‘The office is so badly in crisis that it cannot be fixed,’ said one. This was said in 2001 - we were charged in July 2001.

12. Did the Beattie Government ever deny any of the allegations in the Hedley Thomas article? One might expect the target of such profound criticism to wish to defend the DPP’s reputation against the allegations.
13. You might appreciate my serious concern. The enclosed CMC folder reveals the extensive lobbying I made to profess my innocence. I have already expressed repeatedly in my efforts to seek Justice, that it was a politicised, broken, inadequate DPP that decided to falsely charge and prosecute me for a non-offence. I am the loser on many levels for a malicious and determined attack on my freedom and reputation. I appear to be the sole victim of extensive losses incurred for the deliberate failure of a number of Qld Government Departments.
14. It seems that in the aftermath of the CMC ‘investigation’ its manifestly inadequate findings were just accepted. The CMC avoided serious criticism when they delivered a completely incompetent investigation of my prosecution. So too did the people in authority who allowed the injustice to pass unchallenged for its failures. The CMC produced a report of astonishing fiction, perhaps for the same reasons why the court of appeal accused the DPP of being dysfunctional. The CMC did not investigate anyone appropriately or with any investigative precision. The CMC report is of no consequence except to stand as evidence of it being another cover-up designed to protect the State Government. The CMC declared before I forwarded my very detailed submission to them that they were not going to investigate correctly and in that regard they succeeded. Their report is a disgrace, and only adds to the broadly inadequate justice that was being practiced in Queensland at the time I encountered it.
15. All of my research and extensive evidence contained in the attached pages requires full investigation. It will quickly lead any reviewer to the conclusion that the Qld State Government abused its authority and willfully attacked a political competitor through its judicial resources.

Is it reasonable to ask - am I to be the only person in this shadowy exercise that is to face huge financial and other damages? - Loss of my freedom and a life-time of past and future humiliation for the incompetence, inexperience and deliberate political and judicial interference in my prosecution? I was at all times innocent. Must it all fall on me or may I finally request that I receive justice?

Queensland Government

Honourable Yvette D'Ath MP
Attorney-General and Minister for Justice
Leader of the House

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In reply please quote: 591343/1, 5163442
30 MAR 2020

Mr David Ettridge
c/- Lot 101 Old Main South Road
ALDINGA SA 5173
davett@bigpond.com

Dear Mr Ettridge

Thank you for your letters dated 19 August and 23 September 2019 and your emails dated 18 and 30 September, 3 October and 16 December 2019 and 11 January, 3 and 5 February 2020 regarding your request for compensation from the State in relation to your conviction and subsequent acquittal of fraud allegations. I have also received a copy of your email to the Crown Solicitor's office dated 18 November 2019.

I have considered the circumstances surrounding your prosecution and ultimate acquittal, and your claim for ex-gratia payment to determine whether there are any grounds upon which an ex-gratia payment of compensation should be made.

I am not satisfied that the investigating police or the prosecuting authority, the Office of the Director of Public Prosecutions, were guilty of any wrong-doing in the investigation and prosecution of your case.

I am not satisfied that there are any other exceptional circumstances in your case which might justify the making of an ex-gratia payment to you.

I am of the opinion that no proper basis exists for the making of an ex-gratia payment in this instance. I am, therefore, not prepared to make any recommendation that an ex-gratia payment should be made to you.

You advise the Crime and Corruption Commission (the Commission) wrote to you declining to investigate the matters raised in your submission. The Commission is an independent statutory office tasked with combating and reducing the incidence of major crime and reducing the incidence of corruption in the public sector. As such, it would be inappropriate for me, as Attorney-General, to comment on the decisions of the Commission.

I trust this information is of assistance.

Yours sincerely

I make the following points about this correspondence from the Queensland Attorney General;

1. The claim made by The Attorney General in paragraph 3 of her letter uses broadly convenient language that ignores the most important breaches of process in my malicious prosecution.
2. The paragraph she uses to defer any blame *is **'I am not satisfied that the investigating Police or the prosecuting authority, the office of the Director of Public prosecution, were guilty of any wrong doing in the investigation and prosecution of your case.'***
3. **This is what the Court-of-Appeal Judges said about the DPP at point 41 of their ruling;** ***'The case will in my view provide a further illustration of the need for a properly resourced, highly-talented, top level team of prosecutors within or available to the Office of the Director of Public Prosecutions. In this complex case, which resulted in a trial of that length, and the consumption of vast public resources, highly talented lawyers of broad common law experience should desirably have been engaged from the outset in the preparation and then presentation of the Crown case. I do not raise this critically of the prosecutors who were involved: my observation relates to the resourcing of the Office. Had that been done, the present difficulty may well have been avoided'.*** In direct contrast to the faith Attorney General D'Ath has expressed in the D.P.P. this comment by the Court-of-Appeal is **highly critical of the D.P.P.** It amounts to a declaration of their incompetence, so is that a wrong-doing by the D.P.P. appropriately used by The Attorney General to defend the D.P.P.? It certainly led to a grave miscarriage of Justice against me. As you read my examination of events you must conclude that this prosecution was a farce that should have stopped if the D.P.P. had COMPARED the false list of names accepted by Justice Atkinson in her findings with the genuine list of names. Justice Atkinson had the opportunity to do so when the Electoral Commissioner sat in the witness box in her court. She failed to exercise that process. Was it deliberate or incompetent? For the D.P.P. to have not simply made that comparisonindependently - or, if it was made – to cling to Justice Atkinsons totally faulty judgement led to a perversion of the course of justice.

The Court-*of-Appeal judge McMurdo P. also made the following and damaging statement about the perjury committed by Andrew Carne at the civil trial, perjury Carne later admitted.* The underlined emphasis is mine to show that the D.P.P. relied upon the sham civil trial to justify charging us. ***At line [47] The respondent (the D.P.P.) contends that statements by the appellants and David Oldfield, who jointly constituted the all-powerful Management Committee under the party's Constitution, that they were the only members of the political party and that other "members" were members only of the support group, were admissible to show that the names on the list given to the Electoral Commissioner were not in fact members of the political party, relying on observations of this Court in* Sharples v O'Shea and Hanson.** [1]

(The points made above at line 47 rely on totally false claims made to support our prosecution and totally ignore the Legislation which Justice Ambrose had recited in his judgement and all the other errors in this deliberate persecution.)

At line [48] It is self-evident that the* Sharples *case turned on different evidence than this case and that the lower civil standard of proof applied. The evidence of Andrew Carne was significant in the reasoning of the primary judge in* Sharples*:[2] Carne's undisputed evidence, referred to by the primary judge and set out in para [24] of these reasons, was capable of supporting the inference that the list of names Ettridge provided to Hanson for the Electoral Commissioner was not a list of members of the party. This evidence, combined with the terms of the party's Constitution and the admissions said to have been made by the Management Committee, which had exclusive power to admit members to the political party,[3] in the absence of any contrary evidence from members of the Management Committee, was capable of establishing on the balance of probabilities that the list of members was not a list of members of the political party, Pauline Hanson's One Nation.

The worst thing they could say about the reliability of evidence given by Andrew Carne, Sharple's primary witness at the civil trial conducted by Justice Atkinson arrives at para [49] and was said at my Criminal trial;

The evidence in my criminal trial differed from that in *Sharples v O'Shea (the Electoral Commissioner)*. Significantly, Mr Carne was not called to give evidence, apparently because, **the investigating police officer assessed him as having absolutely no credit**. In fact, Detective Sgt Graham Newton had an exchange where Sgt Newton made the above statement in court and Newton's statement was agreed to by the Chief Judge Patsy Wolfe. This is a monumental declaration because in the civil case, which was used to underwrite the need for the D.P.P. to charge us criminally, Andrew Carne's evidence was all they had and it was used to find us guilty. On the 16th day of February 2000, Andrew Carne remorsefully signed a sworn AFFIDAVIT that admitted he had lied to the civil court. The significance of Carnes retraction is that it occurred 16 months before we were charged by the D.P.P. so the DPP should never have relied upon the corrupted finding of the civil court to justify their charges. It is also well established in law that civil courts function on lower levels of evidence.

Yvette D'Ath states that the DPP were not guilty of any wrong-doing in my prosecution. Is her decision also based upon scant knowledge of the matter or is she doing what is expected of her and denying anything that could lead to senior members of the Queensland Justice system being charged with perverting the course of justice?

McMurdo P. continued at point 50 of her judgement.

[50] Unlike in *Sharples*, the evidence in the appellants' trial established that those named in the list provided by Hanson to the Electoral Commissioner applied to join the political party with the required subscription, which was accepted and banked; a membership card then issued and their names were entered on a computerised data base of members. Over 500 names of Queensland residents were selected by postcode and printed out as the list provided by Ettridge to Hanson for the Electoral Commissioner. Despite some confusing material in the starter kits, this evidence was undisputed and supported the inference that the people named in the list were members of the political party rather than the support group. In the absence of contradictory evidence, that evidence was sufficient to objectively establish their membership.

This part of the court-of-Appeal judgement completely overcomes all the perjury and incompetence that underwrote this malicious prosecution and it is to the D.P.P's shame. It does not avoid the D.P.P. of wrong-doing when all other errors and discrepancies already presented in my document are considered. The Crown and DPP were at all times focused on ignoring facts known to them as they sought false information to support their action against me and at all times they avoided the simplest way to see if Sharple's allegation was true – they only ever needed to compare the list of names Sharple's based his action upon and compared it to the true list provided to the Electoral Commission for Party registration.

Also, the registration in Queensland was to register a DIVISION of the already registered Federal party which all members had joined. It wasn't a new party being registered but an existing party. There are so many reasons to support that the DPP acted with intent and deliberately to bring about a malicious prosecution. Not even the lawyers they employed could have been so incompetent that they could not have examined the merits of their proposed action just like I did. I am not a lawyer or a barrister but I can deduce a logical examination of facts, which the DPP did not.

This is what the Court-of-Appeal said about my self-representation;

4. To her great credit Bronwyn Bishop said of this trial and its result;

Former Federal Minister and now senior backbencher, Ms Bronwyn Bishop, was reported as likening the prosecution of this matter to something one would expect in Zimbabwe under the regime of the tyrant, Robert Mugabe:
"It's gone beyond just political argy-bargy of political opponents … I've been very critical of her and her party, but this is something that is above and beyond that political argument – this is someone who has been sent to jail because she spoke her views and that is not acceptable in this country. Very simply, for the first time in Australia, we now have a political prisoner and I find that totally unacceptable … in a country where freedom of speech and freedom to act as a political individual is sacrosanct."

Does Bronwyn Bishop's statement suggest credit to the DPP? What does 'wrong-doing' actually mean in Queensland?

5. The Court-of-Appeal Judges did not offer any negative observation or criticism about the Police, so the reference to the Police in Attorney General D'Ath's letter is simply a diversionary tactic. It leaves us to consider the part the D.P.P. played in this abuse of process. In fact, I had not suggested blame lay with the Police, it was the Police who **TWICE** advised the Crown that the case had no merit to succeed. Attorney General D'Ath's opinion as stated above is in direct conflict with the opinion of the 3 Judges of the Court-of-Appeal who were highly critical of the DPP and considered the prosecution was so flawed that they quashed the sentence. How much stronger could that superior court have been in sheeting blame on to the Crown and the office of the DPP? The Court-of-Appeal were very clear about blaming the office of the DPP for their poor conduct of my trial. overturned it and I was released from 11 weeks of a 3 year sentence.
6. I was at all times completely innocent of the charges against me.
7. The very first two Police reports advised the Crown Law department before charges were laid that a prosecution was unlikely. Such a report would have included all the reasons why the Police had come to this conclusion, for the Police to have arrived at their conclusion it is certain that the information given to Crown Law in those two Police reports was evidence in my favour of being innocent. The Police were certainly not guilty of perverting the course of Justice. It was Judge Hoath who failed in his handling and it is difficult to believe that the two case winning defence arguments were simply 'overlooked' by him.
8. The DPP were certainly guilty of deliberate wrong-doing. They had ignored at all times prior to my sentencing to respond to the many documents and defence points that were made to them in the pre-trial period when the matter should have been dropped. This INCLUDED receiving copies of Judge Hoath's incomplete rulings. This was a very high profile case – perhaps the highest for years, and all eyes at the DPP must have been on it.
9. I know my defence was strong and impregnable because the Court-of-Appeal said so when they quashed my conviction. The quashing is the strongest possible evidence of my innocence, an innocence that did not occur halfway through the trial but was my innocence at every material time in the process, well before I was charged.

10. The Attorney General s reply deflects my infallible claim, supported by the Court-Of-Appeal that the fault started with Judge Brian Hoath who ignored my defence submission in the pre trial stage and when HE SHOULD have dismissed the matter before I ever went to prison. Judge Hoath's failure to act on my defence submission places him directly at fault, plus his rulings were copied to the barrister acting for the Crown who should have read Judge Hoaths rulings and noticed the absence of a ruling on my key points who also becomes drawn into being guilty of a wrong-doing as was Judge Hoath. This completely ignores the failure by Judge Brian Hoath to rule on my two points of law, both very basic, that under common Contract Law, AND, the actual legislation of the Electoral Act Qld which defined members of a Political party.
11. The strength of those two ignored rulings became the basis for my acquittal, when the Court-of-Appeal quashed the verdict and overturned the sentence imposed. THAT is the point where the matter failed sentence and .
12. There is no detailed or legal information offered to support the generalized basis for rejection. Nothing to say that for various reasons my claims are invalid.
13. The letter ignores each of the 85 astonishing allegations I gave that show where my correspondence of my innocence to the DPP was ignored in my defence. The letter offers a vague rejection of every one of the 85 points I made of unorthodox process.
14. The letter ignores the absence of a ruling on my pre-trial submission made before Judge Brian Hoath where this criminal trial should have stopped.
15. The arguments I provided for Judge Hoath to consider in my defence were so VALID they were upheld by the court-of-Appeal – 3 of the senior Judges in the Queensland Court system OVERTURNED my conviction on those very 2 points. How often can a Judge ignore the very defence points that win a case?
16. In Attorney General D'Ath's letter she trivializes the seriousness of that huge error of NOT RULING on my defence points by excluding it as 'exceptional'. That mistake made by Judge Hoath perverted the course of justice and allowed the trial to continue. That's 'exceptional'. The DPP's barrister received copies of Judge Hoath's rulings and should have notice my arguments were correct and were ignored by Judge Hoath. He too should have advised his masters in Crown law that the case could not stand.
17. The not-guilty decision by the court-of-appeal was based upon Judge Hoath's error which was copied at the time to the Crowns barrister who prosecuted the trial for the DPP. It was ignored by the DPP's barrister perhaps for its inconvenience to the agenda being pursued by the Crown. and now we have the arrogant failure by the Attorney General to show respect for the wisdom of the Court-Of-Appeal Judges by saying that 'no exceptional circumstances' exist for compensation. How about 'Your guys deliberately acted criminally to prosecute me?' Was the decision to quash my sentence not enough for the Attorney General to describe as an exceptional circumstance and a valid reason to compensate? I was NEVER GUILTY.
18. The admissions by the Premier of his determination to get rid of One Nation were admissions made of his allegedly illegal influence in driving the case forward.
19. The whole legal circus was an exceptional circumstance of a dishonest, incompetent and deliberate attempts to pervert the course of Justice – and don't just take my word for it - they were soundly criticized for their incompetence by the Court-of-Appeal judges.

20. The Attorney General carefully limits her rejection on the basis of no fault by the Police and the DPP when in fact the mistakes cover many more people than just the Police and the DPP. Once again, just as Judge Hoath excluded facts from his ruling, so does the Attorney General.
21. Police had declared in 2 reports that the case had no merit. The Director of the D.P.P. would have been aware of the rulings made by Judge Hoath at the time, via the DPP's Barrister who was mismanaging the case for them – he too was criticized by the Court of Appeal. Is that not exceptional?? Or does that happen all the time in Queensland. The DPP's barrister would have and indeed should have noticed like I did that Judge Hoath had created a huge error in his rulings in NOT ruling on the strongest possible defence points of law that I had presented for his judgement. Those missing rulings were the very reason I had my sentence quashed. My appeal team saw it on their first reading of the transcripts.
22. It seems that 'exceptional circumstances' just do not exist in the Queensland justice system even when they are exceptional. This rejection is a typical fob-off by a guilty Government's excuse maker, as is the CCC a whitewashing cover up unit of the Qld Government.
23. If I want to take it further in a court system already shown to be incompetent or dishonest, then I do so at further financial risk. I don't have any more family homes to sell to pay for it.
24. The Government don't care because they own the courts, and such a case would be placed in front of one of their appointees and they will fight it with taxpayers money until I am exhausted of will, energy and money to seek justice. How can anyone fight a State Government through their own court system which has been constructed to exclude separation of powers.

CHAPTER 41

More Correspondence to the Attorney General.

The following is how I responded to the Attorney General's rejection of my previous submission. I focused on her assertion that the D.P.P. had not committed any wrong-doing. It proved to be an embarrassing exposure for the D.P.P. as I dissected their performance. I started my letter by quoting from a 2004 Court-of-Appeal dismissal of yet another action taken by Terry Sharple's against the CMC and the Electoral Commissioner. The Court-of-Appeal for the second time reinforced their rejection of any error in administering the One Nation Party's 1996 application for registration. Again, **the Court of Appeal confirmed the registration was valid.** The clear validity of the registration overcomes EVERY argument brough to the courts in the prosecution of this matter.

David Ettridge

Email: (removed)

August 10th 2020.

The Hon. Yvette D'Ath,

Queensland Attorney General.

Re : Your correspondence dated 30th March 2020.

An open letter.

Dear Minister D'Ath,

I acknowledge your correspondence of the above date.

2004: Mr O'Shea having formed the view, which the Commission implicitly accepted as reasonable and open, that the application for registration was valid.

‘If there is one thing that every parliament must do, it is to maintain its integrity. No parliament will retain the confidence of the people if it loses its integrity’

The **Hon. JP BLEIJIE** (Kawana—LNP) Attorney-General and Minister for Justice. Qld.

My previous correspondence and extensive evidence contained within it, provided both to you and the CCC an abundance of fresh evidence and perspective on what I allege was a malicious and deliberate abuse of justice revealed by the admission of former Premier Peter Beattie.

It is alleged that the DPP had a history of being subjected to political interference.

As I review your denial of my compensation, my research has raised even more instances of fresh and powerful evidence of wrong-doing by the Queensland DPP. Many questions and evidence not considered before, and I characterize what occurred to me as an alarming conspiracy of a nature rarely seen by judicial authorities in a modern 1st world country. There are now additional, and far too many questions that require consideration and which compel justice through compensation.

Your denial of my claim for compensation was anticipated, as you seek to protect people who seriously breached their codes of conduct, and who left a trail of evidence of their wrong-doing. However, those officers of the Court and Public servants did ignore on every occasion when I sought justice, to ignore my innocence, and they resolutely committed themselves to the continuance of the false prosecution I endured which maintains for me a lifetime of unfair consequences.

Your denial of a settlement in this matter adds to the injustice I have endured, and it does not reflect any credit on the integrity of your Government.

I maintain, and provide additional proof that the DPP is not innocent of wrong doing and was intrinsically involved in a failed attempt to incriminate me and to cause me great loss of reputation, income and valuable assets, all based upon an easily discovered lie presented to the lower courts by a Mr. Ted Briggs and Terry Sharples.

Although the DPP’s win in the courts was temporary, the damage I faced continues to cost me 17 years after the event.

The many efforts I made seeking the DPP’s intervention and cessation of what was a conspiracy to incriminate and neutralize me as a political opponent of the State Government were at all times rejected. The truth of my claims of innocence were finally validated by the Court-of-Appeal.

The perpetrators of this prosecution have now become the criminals, and my efforts to ensure they face the consequences of their crimes will continue until I receive a fair treatment for their deliberate and prejudicial offences.

Their indifference to my claims of innocence amounts to conspiring to pervert the course of Justice and the search for justice is now turning on them. The court of public opinion is an option I must consider next to expose this breathtaking crime. I have compiled my research into a book which I propose to make public in the very near future.

Your assertion that the DPP committed no wrong-doing is challenged by the irrefutable and alarming fresh evidence contained in this correspondence, supported by some scathing comments against the

DPP made by judges in the 2003 Court of Appeal ruling, Chief Judge Patsy Wolfe and the media. The DPP's failure is indefensible.

The learned Court-of-Appeal Judges took a very strong alternate view of the standards and capability of the DPP to the one that you have taken in giving the DPP your support and protection.

The comments by senior Judges adds to the weight of justification for my compensation.

Unlike many people who over time must have become victims of the DPP's chronic dysfunction as detailed below, I will not accept the injustice and I will continue to seek reparation for the damage the DPP and others in the Qld justice system have dealt to my life and reputation;

a. In 2003 the DPP was exposed by Journalist Hedley Thomas as being subjected to political interference.
b. The senior Court-of-Appeal judge Murdoch P declared that the DPP was poorly resourced for their task.
c. Chief Judge Patsy Wolfe who also came under Court-of-Appeal criticism for her handling of my prosecution and Judge Wolfe also had declared in a District Court Annual Report that the DPP was resourced with low standard lawyers who made it very difficult for experienced lawyers to connect with the DPP intellectually.
d. THE AUSTRALIAN newspaper senior journalist Hedley Thomas wrote about strong and constant political interference in the DPP in 2003, which by co-incidence was the same time I faced the DPP's incompetence.
e. The Police Detectives conducting witness interviews in Sydney revealed in corroborating statements that it was Political interference driving their investigation which explains why the DPP continued to prosecute even after the Police advised there was no prospect of the charges securing a prosecution.
f. On the day the Jury delivered my guilty verdict the attending Police Detectives were convinced the jury would find us not guilty. (See AFFIDAVIT of Michael Kordek.)
g. As Labor Party appointees were loaded into control of the DPP, political prejudice was always going to create a conflict of interests and work against fairness as was shown to be the case, not just with the DPP but also with a Jury infected with their own political prejudice and negative media .
h. Standard co-operative procedural practices such as **disclosure** were denied twice by the Crown and one Judge. How can any defendant prepare a defence when the Crown is working against proper disclosure of the evidence they, or others rely on to run a defence? In my case the Crown's failure occurred as follows:
    a. Failure to provide and to disclose the 2 Police reports.
    b. Failure to deliver to lawyer David Franks, acting for Terry Sharples, the list of One Nation member names attached to the One Nation party's application to register in Qld. This was the absolutely critical defence document that proved Sharples claims to be a lie.
    c. Also compromised by supporting evidence is the Crown, and the Court Registry who by this stage were already exposed by their enthusiasm to be 'open all hours' to assist when they were in a position to know that the Sharples claim was false, and yet they assisted its prosecution, as evidenced in early correspondence to Sharple's lawyer.
    d. Although the Crown refused to provide under the disclosure procedures a copy of the Genuine list of member names to Sharple's lawyer, so a comparison of the lists could be and

should have been made, I also discovered that Crown witness Des O'Shea, had provided the Atkinson civil court in 1999 with a witness statement to which was attached a copy of the genuine One Nation members names used to register the party. Although that factually correct document was in her Court, Justice Atkinson in her ruling declared that the false Sharple's provided list was the list attached to the party's registration application. The evidence that contradicted her ruling was in the court record.

e. During the civil trial, Justice Atkinson allowed the critical opportunity to pass when the Electoral Commissioner, who the court action claimed had been defrauded, did not identify the falsity of the Sharples list because the transcript claims the critical member list was NOT IN THE COURT. It was. I have discovered it was attached to his witness statement. I allege this was clearly a tactic to avoid comparing the Sharple's list with the genuine list, and to avoid having the Electoral Commissioner identify the genuine list.
f. Evidence has emerged that in 2004, Des O'Shea was defending himself against claims initiated by Sharple's to a question by saying **'the One Nation registration was at all times valid'**. This was an astonishing admission, never made during my two court actions. It was a little late to assist me because I had already been falsely imprisoned, however Des O'Shea's statement confirms the falsity over 5 years of the prosecution and public humiliation I endured.

At the time of my imprisonment there was a huge public reaction against the prison sentence imposed and comments were offered to the media from the Prime Minister and other people against what occurred. Very few supported the decision of chief Judge Patsy Wolfe and all saw it as a politically driven attack. My book will make it quite clear to readers that this was the most serious abuse of authority in Australia's judicial history.

It is an issue that will not go away while the injustice remains live. In addition to my book I will be seeking a television special documentary describing the injustice I experienced and hope it will be of interest as factual legal history for the public and law students. With all the alarming discoveries I have made with my research I believe it is a political thriller and similar to the Lindy Chamberlain and Peter Falconio stories that have become intriguing folk lore stories that fascinate the Public. Mine can become a benchmark example displaying the need for separation of powers to be more than just an optional fantasy for dishonest politicians.

Your colleagues played the game and ultimately lost. If there is any integrity left in the Queensland Labor Government, I encourage you to read the disclosures within this correspondence and re-consider my claim for ex gratia compensation. If I haven't received your response in the next few weeks I expect the media will be asking for it. It is your governments obligation to dispense fair justice if you wish to retain the public respect as a Government. Continual denial of fairness and compensation will drive my campaign for justice.

Of all the reasons you offered as justification to not compensate me, the D.P.P.'s innocence was the weakest you could have chosen, as I have every relevant document and transcript of evidence to support my allegations of a politically driven and malicious prosecution by the DPP. All of it contradicts your assertion of the DPP being without Wrong-Doing, and my fresh evidence is contained in this correspondence.

It was your drawing my attention to the DPP that has opened up a fresh line of examination about certain aspects of my trial that reflect very badly on the DPP.

I know that I will be fighting a culture of protectionism. People who may have been indemnified for their part in this crime. The evidence I have in my possession arms me well to pursue such a contest.

The denial by the CMC of what are powerful and indefensible admissions by the former Premier place Mr. Beattie in centre stage. He admitted his determination to conduct this persecution; the Police detectives blamed him and the evidence suggests everyone who should have known better was acting to fulfill Mr. Beattie's promise to get rid of One Nation.

With the depth and range of fresh evidence I provided in my earlier correspondence together with what is contained in this letter, my creative, investigative mind has added a number of strong and compelling additional evidence to expose the DPP of perverting the course of justice.

It is very disappointing for my previous submission to have been so casually rejected. It suggests to me that you have no plausible defence for my allegations which encourages me to keep pursuing justice in this matter with facts and evidence.

Your response is not dissimilar to that I received from the CMC when in 2004 my 227 page submission was denied with great indifference to its factual integrity, strength and detail. In their rejection, the CMC even made excuses for the Premiers outrageous public admissions of his guilt when they clumsily provided to me, in defence of the Premier, suggested words that Mr. Beattie 'had intended to say' rather than the incriminating words he actually used. How often does a justice system defend people with suggestions of such absurdity?

Like other Australians that have a natural expectation that the best team will win, I, like the crowd at a sporting event will fight against unfair decisions of the umpire that hand the win to the team that cheated. In this correspondence I submit to you **fresh evidence** to rebut the two reasons you offer for rejecting my claim for compensation.

In Paragraph 3 of your letter you said

'I am not satisfied that the investigating Police or the prosecuting authority, the office of the Director of Public Prosecution, were guilty of any wrongdoing in the investigation and prosecution of your case'.

In response I say:

1. There was never a case to answer. The Police said so in their 2 reports to the Crown, and the very person it was alleged we had defrauded also said so in 2004. Des O'Shea, the electoral Commissioner at the time we lodged the application to register said in 2004 **'The One Nation application was always valid'**. Its prosecution was a deliberate abuse of authority in a criminal conspiracy that involved several very senior people in Qld.
2. David Franks, the lawyer acting for Sharples in the earliest civil hearing knew that the matter could be easily resolved by comparing the list of names to see which one was actually attached to the application to register the One Nation party in Queensland. He sought in 1998 to get the answer to that question from Crown Law without success. In spite of Mr. Franks offering protective undertakings the Crown rejected the disclosure of evidence that was so important to seeking justice in this matter. I allege that the Crown knew the Sharples list and the allegation of

its false use by the One Nation party was completely unsupportable in a court and for this reason did not want the civil court activity to be stopped. To not compare those two lists was a priority for the Sharple's litigation to survive, and for those two contradictory pieces of critical evidence to never be compared in a court room, something the DPP managed to accomplish in two trials.

3. The Police are not the target of my complaint because they acted correctly and lawfully when they advised the Crown Law Office that a conviction was unlikely. No doubt, this did not sit well with the declaration made by Premier Beattie 'to get One Nation'. I think it is reasonable to make the assumption that it was a politically expedient opportunity to attack the One Nation leaders because after TWO Police reports said a conviction was unlikely, the Police were asked to provide a 3rd report that was expected to give a different answer, and one acceptable to the State Government. This alone is a very strange way to manage the integrity of justice and suggests interference and prejudice. A conflict of interests was in play at each stage of our prosecution and I continue to allege it was driven by Political pressure.
4. To avoid political interference in judicial matters is why the separation of powers were placed in the Commonwealth Constitution, to prevent any elected Government from stacking the justice system to act to the Governments advantage. I confidently make my allegation against Government interference because 3 Police Detectives in corroborated statements told different witnesses they were under the highest-level political pressure to 'get Hanson'. That alone is also a very strange thing for 3 detectives to volunteer to witnesses except to express their frustration at being used to improperly incriminate the innocent.
5. If intelligent logic is applied, the Police reports #1 and #2 did not support the Crowns lust for charging me or those Police reports would have been a central part of the evidence used for establishing my guilt. They would have played a strong role in supporting the evidence for a prosecution. By ignoring the 2 Police reports the DPP were acknowledging that the content of those reports did not assist their desire to prosecute **WRONG-DOING # 1.**
6. The **DESTRUCTION** of those 2 Police reports after the damaging Court-of-Appeal criticism of the DPP adds to the strong suspicion offered above. I also note that the judges of the Court-of-Appeal had no knowledge of the 2 Police Reports because those reports were not admitted as evidence in my trial. What should have been primary evidence in my criminal trial was never revealed in pre-trial evidence disclosure. Those police reports were destroyed just weeks after the Court-of-Appeal offered its strong criticism of the DPP in my prosecution. It establishes very damning behaviour by the DPP. Such an act is highly unorthodox and improper and it required influence and immunity from a very senior authority. It stands today as a statement of the guilt of the DPP. This is **WRONG DOING # 2**.
7. The destruction of the police reports was always going to set off alarm bells for the integrity of the prosecution case brought against me. What was the purpose of the destruction except that the contents did not support charges being laid? The Police said 'a successful prosecution was unlikely'. To ignore the Police incriminated the DPP. This evidence destruction is the first warning to me that the DPP did not have a supportable case for trial. To win this case would require improper behaviour from presiding Judicial authorities and there is evidence that such behaviour occurred.
8. In the 2004 CMC report, reference was made to the Police Report at page 6. They said 'The most important part of that report was the conclusion that an element of the offence being looked into – namely proof beyond reasonable doubt that there were not 500 (member) names

on the list submitted by Ms. Hanson to Mr.O'Shea – was unlikely to be established (paragraphs 209, 212) Detective Sergeant McNeil recommended that no further action be taken and the investigation be finalized.' How much clearer could it be that the Police knew there was no basis for a prosecution.

9. The Police almost certainly would have provided a report that contained all of the reasons why they believed a trial would fail. In the reference above we can see that there were at least 209 paragraphs in that Police report, which makes it a lengthy report, and we know that the CMC had a copy of it. For the DPP/Crown Law office to ignore that Police Advice must be regarded as being alarming, unusual and highly suspicious. I know of several Police detectives involved in the investigation, one of whom has made it very clear to me that the police report said I was innocent and there was no case to answer. I welcome any future courtroom examination where I can call Police witnesses who will speak of the contents within that Police report.

10. It is also clear that the allegation of the offence was at all times a simple matter to resolve, but that action was not it seems ever undertaken – **or, was it? That simple action was to COMPARE the Terry Sharples false list of names Justice Atkinson judged to have been attached to the One Nation party's registration documents with the actual list that WAS attached**. At each stage when that could have been done it was not.
11. **In preparing for my 2002/3 criminal trial The DPP had access to BOTH lists**, and they chose to run their case using the correct list. By this stage the DPP had abandoned the Sharple's lie and had decided to change their attack on me by falsely claiming that I knew that the members names on that list were not members. I dealt with that lie in pre-trial and it was ignored to allow the trial to continue. It was all the Crown had and they were clinging to it. You will read toward the end of this letter a serious contradiction of the charge against me made by the Crown prosecutor.
12. So, why was there any need to run a second trial? The DPP already had the 1999 Atkinson civil case which found against the One Nation Party but what they did not have was a criminal conviction that would disqualify Pauline Hanson from ever returning to State or Federal Parliament.
13. Evidence shows that the Crown had both lists – the False list offered by Sharple's and the correct list which the Crown had attached to Des O'Shea's witness statement in the civil trial. If the DPP had compared the lists in their possession, they would have discovered that Justice Atkinson handed down the wrong decision. The DPP then had a serious problem. They had made a discovery that should have led to a 1999 civil court mistrial, but now they could not reliably use the Atkinson Judgement in their District court criminal trial – and, that is, I allege exactly what happened.
14. **The DPP ALTERNATIVE** – I suggest the DPP **did** compare the lists and saw that Justice Atkinson had made a huge mistake and had delivered a wrong judgement – a monumental error. Such a discovery would have presented a huge risk for the DPP to continue the prosecution on that flawed-list evidence.
15. The DPP were under political pressure to get a result that favoured the State Government – 3 Police detectives had said so. My allegations that follow suggest a conspiracy of serious proportions took place between people who failed to adhere to their sworn oaths of office. The DPP's actions suggest that they decided to cling to their trial with a change of tactics and did not rely on the Atkinson decision to advance their case. In so doing, in my opinion, such a strategy confirms that the DPP knew that the Atkinson civil Judgement was wrong and reliance upon it

and attention drawn to it was best avoided. To provide a fresh courtroom prosecution that allowed any further examination of the Atkinson trial in the District Court represented a huge risk to reversing a conviction that had already caused a great deal of damage to the One Nation party and me.

16. At that time, 2001 onward, the DPP and the State Government had the Atkinson decision they wanted; and were not prepared to run any risk of it being open to be discredited, so it was best left off the table. The DPP needed to re-invent how they approached prosecuting the charges against me in 2002/3.
17. I allege the DPP did the following;

    a. In the criminal trial there was NO MENTON of Terry Sharples and his false list of names. Why? Because it could be easily disproven with evidence that contradicted that claim.
    b. It became essential that the Atkinson decision must NOT be examined or exposed to be examined.
    c. All 3 of us at the table in Judge Patsy Wolfe's court on the very first day were warned by Judge Wolfe that no reference of the Atkinson trial was to be aired in her courtroom. I suggest this prevented opportunity for any discredit of the flawed Atkinson Judgement which would also have reflected badly on the current prosecution, especially in front of media and the jury.
    d. Sharple's was not called as a Crown Witness.
    e. Andrew Carne, the star witness and perjurer who even Justice Atkinson struggled to believe was not called as a witness. Other former witnesses who had not been useful to the DPP were also not called. By this date Carne had recanted his evidence in the Atkinson trial so he was a huge risk as a defence witness.
    f. During witness testimony given by Det. Sgt Graham Newton, in Judge Wolfe's court Andrew Carne was declared by Sgt Newton and accepted by Judge Wolfe to not be a witness of truth. The effort to discredit Carne was curious because he was not being called as a witness and it was an unsolicited reference to the Atkinson civil trial. However, by discrediting Carne the Judge and Sgt Newton had also inflicted damage on Justice Atkinson's decision which had relied upon Carne's testimony. Justice Atkinson had accepted Carne's perjury. Remember that Premier Beattie said on the day of Justice Atkinsons error filled judgement 'I told you **we** would get rid of One Nation and **we** have'. Sgt Newton may also have been anticipating that I might call Carne because in 2001 Carne had sworn an affidavit declaring that his witness testimony in the Atkinson trial was mostly false. It was perjured evidence. I speculate that Sgt Newton and Chief Judge Patsy Wolfe may have been preparing the ground to reject Carne as a reliable witness for my defence, <u>if</u> he was called and that Carne would possibly discredit the Atkinson trial.
    g. There was NO mention in the criminal trial of, or evidence produced of the false Sharple's list of names and how it led to a civil court decision that had declared my guilt in 1999.
    h. In the District Court trial of 2003 there was no evidence presented about the Sharples allegation that Hanson and I substituted One Nation Support Movement members names for the party's Qld registration. The absence of this also adds weight to my belief that the DPP knew the Atkinson trial was a sham. Alleged **<u>DPP WRONG DOING # 3.</u>**
    i. Every element of the Atkinson trial that led to her wrong judgement was EXCLUDED because it was likely to be challenged against the interests of the Crown.

j. In Judge Patsy Wolfe's Courtroom, her very early warning to the defence and prosecutor was that absolutely no reference could be made in her court of the civil action in Justice Atkinsons court. This statement at the time I found to be curious but only after all these years have I now strong suspicions why Judge Wolfe made it.
k. My trial had become the result of a major CONSPIRACY amongst Government and the Public Service members of the Justice Department. They conspired to drive a malicious prosecution. Justice was being perverted.
l. In the PRE-TRIAL stage. I provided irrefutable evidence of my innocence to Judge Hoath in my pre-trial submission. Supporting my new theory of a conspiracy, it was now making some sense as to why Judge Hoath did not rule on the following two case winning defence points

    a. One Nation membership was created under contract law and,
    b. The Qld Electoral Act legislation defined a party member in a manner that allowed for support movement members to be accepted as members of the party for registration purposes, (If, in fact, we had used their names for registration purposes). If Judge Hoath had ruled in favour of my submissions the Crown had lost their case in pre-trial.
    c. Judge Hoath ruled against all the defence points I presented to him EXCEPT the two important ones – the two points the Court-of-Appeal used to quash my conviction. **THE DPP SHOULD HAVE SEEN HIS ERROR and been alerted to examine the truth in the two key points I had submitted to Judge Hoath. I copied the DPP on my submissions to Judge Hoath and they would also have received a copy of his incomplete rulings. <u>This is a serious WRONG DOING # 4.</u>**

m. I remind you that Judge Hoath recused himself from the trial process immediately following his incomplete rulings. I never saw him again and that incident alone casts serious doubt on the integrity of how this prosecution was being conducted. Judge Hoath's disappearance gives the impression he wanted no part in what followed. The case was given to the management of chief Judge Patsy Wolfe.
n. Judge Brian Hoath had been appointed to the bench on 4th February 1991, and was appointed by the Wayne Goss led Labor Government.
o. Justice Roslyn Atkinson was deeply involved in the Qld Labor party and was appointed to the court as a Judge in 1998 by Premier Peter Beattie.
p. **The Crowns approach to criminalizing me was re-invented for the 2002/3 trial. Why? I allege it was because the DPP knew the Atkinson judgement was a huge error, because the Sharples list was NOT the list of names submitted by the party for its Qld registration.** For this very reason the criminal trial could not be risked on the same claim and evidence. The DPP also knew that my pre-trial defence points about membership being created by contract law and that members of an associated entity – in this case – the Pauline Hanson Support movement were in the Electoral Act defined as members of the party. With those two submitted points I had the case won. Another problem for the DPP.
q. I further allege that when this became clear to the DPP, they altered their claim to being that although there were 1100 names on the list attached to the registration of the One Nation party, the National management committee knew that those people were not actually members. They attempted to support that fantasy by introducing in-admissable evidence that was hearsay and out-of-court statements made to confuse a group of party

breakaways who were known to me as seeking to register the party in Qld to be under their own control. I always knew that some members were confused by the party's structure which they believed was unusual. It wasn't, but when they sought information I misled them in a game that frustrated their efforts to cause damage to the party. Out of court statements are similar to a fisherman misleading his mates at the pub about the size of the fish he had caught. Only statements that are sworn are valid in court. The court should not have allowed those out of court statements but it was all they had.

r. The DPP continued throughout the 2 years of my defence efforts to deny every single attempt I made to stop the prosecution. **WRONG DOING # 5**.

s. The DPP credit was very damaged when the Court-of-Appeal was strongly critical of the DPP's performance in this trial. The DPP should have known all of my submissions to them were correct and for this reason I allege that the DPP acted to pervert the course of justice through my trial. **WRONG-DOING # 6.**

t. When I lodged my defence argument with Judge Hoath I copied the DPP on my pre-trial submission, so the DPP knew I was on the right trail to destroy their prosecution, and perhaps up until that point the DPP may have felt secure about maintaining the same lie used by Sharples that Justice Atkinson accepted. However with two strong unresolved defence submissions unaddressed, the DPP now had a big problem and needed a new strategy that did not require any reference to Sharples and Judge Atkinson's trial. Their case in 2002/3 was focused now on saying the same thing the Atkinson trial said about the electoral commission being defrauded but based upon a different claim. The criminal trial was no longer based upon the alleged substitution of the names of Pauline Hanson Support Movement members, but on a fresh allegation that the party had no members at all except for Hanson Ettridge and Oldfield. This was also false and indefensible, but it was all the DPP had.

u. This fresh invention required a different group of confused party members to deny their obvious membership of the party. The Sharples witnesses were never seen again and the majority of the committal hearing witnesses had been severely discredited, also not to be seen again. These facts also support my claim that the DPP was struggling to build a sound case for their lie. The DPP now required One Nation members who had dementia. Each of the Crowns witnesses were current or former members of the party. Their names were all located upon the membership list introduced by the Police into the court as Exhibit 17A. It turned out to be a waste of court time and a great expense to the Queensland taxpayers, because the DPP's deception of their false and malicious Criminal trial fell now upon Judge Hoath's overlooked and missing ruling's not being noticed, to survive. The obvious defence of my innocence was to be successfully raised in the court of appeal.

v. It is simply astonishing to look back on the shallow and baseless abuse of authority and wonder how so many so-called experienced lawyers allowed it to progress. As I read transcripts of the absolute waffle that passed between witnesses and lawyers in that court it is not surprising that the jury was confused. They were being bombarded each day with confusing messages designed to suggest there was some substance to this trial when it was a sham.

w. My contract law and definition in the Electroal Act points of defence were immediately recognized by my Appeal team of Barrister Andrew Boe and Bret Walker SC and when raised with the Court-of-Appeal those two points won the appeal. All the posturing I saw in

Patsy Wolfe's court was reduced to infantile legal-fee-building nonsense and it was game over with my acquittal, sentence overturned and my release from prison. Even as I write this 17 years later it appears to have been the clumsiest and most deliberate abuse of authority by the DPP and certainly not accidental.

WRONG DOING # 7.

x. It seems so amateurish as I look back on this farce. The DPP must have known from the beginning that we were innocent, perhaps from the Police reports and all they ever had to do was compare the two distinctly different lists.

y. Had some powerful influence entered Judge Hoath's Chambers to cause him to overlook such an important ruling on my defence? I suggest that Judge Hoath saw the truth of the party's memberships, because he recused himself from any further role in this false prosecution. I allege that none of this was accidental. All of them could not be so incompetent as to not submit the membership list to a high degree of forensic scrutiny. It amounts to being a conspiracy with the intention of perverting the course of justice.

z. My criminal trial prosecution was now focused upon defending a baseless claim that there were no members of the party at all. This invention by the DPP ignored the evidence of so many facts such as formation of a National Executive, State Executives, all candidates being required to be members of the party, member cards, receipts for membership, banking, AGM's at National and State level, reporting to the Australian Electoral Commission and their annual audits of the Party's banking and other matters that confirmed a genuine party structure.

aa. Every political party has groups of members who cause a nuisance. The Crown relied upon them, and some in-admissible out-of-court comments to drive their claim. There were some members who thought they were not members of the One Nation party and yet all the documentation contradicted their allegations.

bb. I look back and wish I had noticed Judge Hoath's oversight at the time, but why didn't Hanson's Lawyer see it? Why didn't the Crowns barrister see it? Why didn't the Judge see it? This DPP oversight, deliberate or from incompetence is **DPP WRONG DOING # 8.**

So, we now had four serious omissions from this trial.

1. The Police Reports advising a conviction was unlikely.
2. Judge Hoath's missing ruling. An error with major consequences.
3. When Judge's give rulings, the documents are shared between the Judge and all prosecuting and defending parties so Hanson's lawyer and the Crown prosecutor and therefore the DPP should have seen and responded to Judge Hoath's critical oversight. However, did any of them see it? none of them acted on it and it allowed this malicious trial to continue - and that is highly suspicious. **DPP WRONG DOING # 9**
4. Destruction of the missing Police reports. **WRONG DOING # 10.**

cc. The Crown in our criminal trial had now **accepted the real/actual list of names that were used to register the One Nation Party in Queensland** – because it was included in our trial documents as Exhibit 17A.

a. In accepting that list, exhibit 17A, **the DPP had also made a lie of the Atkinson Judgement which claimed a completely different list was used to register the party.** This gives cause to declare an Atkinson mistrial and a refund of the $502,000 which the

One Nation Party had raised to repay the Qld Electoral Commission. **DPP WRONG DOING # 11.**

b. Exhibit 17A also confirms my allegation that the DPP always knew the Sharples list provided at the Atkinson trial was false. The Crown must have known because in that trial the Crown was defending the Electoral Commissioner as a defendant against accusations by Sharple's that the Electoral Commission had falsely registered the party. The Electoral Commissioner Des O'Shea had provided that court with his witness statement and attached to it was the genuine list of names accepted to register the Party. This occurred in 1999.

c. **In the criminal trial of 2003, the following exchange is recorded in the transcript of 23rd July 2003. It refers to the civil trial judgement of Justice Roslyn Atkinson and confirms that her judgement was totally wrong and totally contradicted by evidence she had in her court.** This short exchange between Crown prosecutor Campbell and Chief Judge Patsy Wolfe, is fresh evidence and destroys any hope of the Crown protecting the Atkinson Judgement. A mistrial is the only justice available now and all consequences that resulted from her flawed judgement must be overturned, including the return of the $502,000 of electoral funding raised by a public appeal under a court order to the Electoral Commission.

a. In this FRESH evidence, and in the absence of the jury, Crown Prosecutor Campbell says at page 660 of the court transcript, middle of page, in response to conversation with Chief Judge Patsy Wolfe: 'Your Honour, just perhaps for the record, in case there is any doubt at a later time, the exhibit which is now **Exhibit 17A** in this proceeding was tendered in the civil action and was **attached to the AFFIDAVIT of Mr. O'Shea** and also referred to in the Affidavit of Mr. Schultz, both of whom swore Affidavits.' **EXHIBIT 17A** is a list of the actual One Nation member names that was attached to the application to register the party in 1997.

b. Exhibit 17A is the very essence of the claim of fraud against the party and me in that court. It contradicted the Sharples claims and also made a mockery of her final ruling against the party. This statement, captured on the transcript by the Crown Prosecutor who acted for the Electoral Commission in the Sharples action is all the evidence needed to call a mistrial of the civil matter and a return of the $502,000. I have already noted that former Commissioner O'Shea told a court that the One Nation registration was valid at all times. **Another DPP WRONG DOING!**

d. This statement by Crown Barrister Campbell has serious consequences for the flawed Atkinson civil trial.

e. This is what Justice Atkinson said in her final 'guilty' judgement about the membership list attached to the application to register the One Nation party in Queensland…. (and I have removed unnecessary words to distill her statement to the relevant facts.
'Mr Briggs held a key position which suggests he was likely to be knowledgeable about the organisation and its structure. Mr. Briggs said a list of names had been given to him by a Jim Stewart who told him he had been sent them by Mr. Ettridge to assist in an application to register a Queensland political party. There is objective evidence

that this list, containing names of members from throughout Australia, was faxed from the National office of Pauline Hanson's One Nation on 21 July 1997. This list is consistent with, and therefore adds credence to the evidence given as to this list both by Mr. Carne and Mr. Briggs. It would appear that the list given to the commissioner does contain the names of Queensland members who are found in the list of Australia-wide members faxed from the Manly office on 21 July 1997, <u>and that this list is the same as that produced to the Commissioner'</u>. <u>NO IT WASN'T.</u>

f. We now know from Mr. Campbell's statement that the genuine list was already in the court when she made her flawed judgement. Justice Atkinson's judgement ignores the witness statement made by Des O'Shea the Electoral Commissioner who it was alleged had been defrauded by the One Nation Party's application and use of a false list of support movement members names.

g. **A mistrial was later called by Sharples but rejected**. The Atkinson trial was a comedy of errors and dysfunction.

h. **Andrew Carne later recanted his sworn testimony which was relied upon by Justice Atkinson.**

i. In accepting the genuine list of names for the 2001 charges and my 2003 trial the DPP needed to invent a **different way** to prosecute their criminal case in order that they covered up any focus on the discredited Sharples list, and the false judgement provided by Justice Atkinson. The prosecution now argued that none of the people on that list – **Exhibit 17A** in my trial, were actually members but 'thought' they were. This argument could only survive because Judge Hoath had failed to rule on the membership arguments I provided in my pre-trial defence and I allege this may well be the reason Judge Hoath **did not** rule on my defence. The DPP must have known about, or may I even allege, conspired to ensure that their criminal case could not be undone by Judge Hoath ruling on 'membership under contract law' and either conspired to bring that to effect or influenced Judge Hoath to comply. **<u>VERY SERIOUS WRONG DOING # 12.</u>**

18. The Atkinson decision was never mentioned before a jury in the District court criminal trial. If the Crown had confidence in that civil court decision as evidence of my guilt it would have played a significant part in establishing a reason for my prosecution, but the DPP did not. **The DPP's change of strategy can be assessed as confirming the DPP's view that the Atkinson Judgement was a serious error and a mistrial**. As such it is a failure to maintain a high standard of justice in Qld and is another **<u>DPP WRONG DOING # 13</u>**.
19. An impartial public prosecutor would have recoiled from knowing a serious error occurred in a lower court and surely, if political prejudice had not been a factor, would have been obligated to correct it. Because mine was a political matter, I allege, the DPP is guilty of conducting a conspired and prejudicial political prosecution. No steps were ever taken by the DPP to act impartially and with integrity. **<u>WRONG DOING # 14.</u>**
20. The State Government and the DPP did not wish to abandon this rare opportunity to destroy a vote winning political opponent of the State Government. How do I know? **Premier Peter Beattie told us so when he said 'I did say, by the way, we'd get rid of One Nation. We expected it would take the full term'.**
21. The one thing Peter Beattie did not get from the Atkinson trial was a better than 12 months prison sentence which would have disqualified Hanson from seeking a seat in Parliament.

22. **I suspect and allege that the DPP pursued the criminal trial in order that Pauline Hanson would receive a prison sentence greater than 12 months and be denied the right to stand for Parliament again.**
23. A Queensland Media report written in 2003 by 'THE AUSTRALIAN' newspaper journalist Hedley Thomas, was scathing of the DPP's management, culture of instability, subservience to the Beattie Government, political interference with the DPP and the constant revolving door of lawyers leaving the DPP. The Court-of-Appeal agreed with the very poor resourcing of the office of the DPP and made comments about it. Information such as that revealed by Hedley Thomas does not give anyone charged with an offence by the DPP any confidence. As a Government body with the authority to imprison people the State Government fails to manage this important public service office with experienced and qualified people.
24. Your rejection of my claim for an ex gratia settlement expects me to accept that this same highly criticised DPP is beyond WRONG-DOING. I disagree. It seems to me that wrong-doing was the benchmark set for performance by the DPP in my malicious prosecution. **WRONG-DOING # 15**.
25. I am encouraged by your correspondence to believe the DPP was faultless and competent in their integrity and ability to conduct an honest, fair and complex legal trial? HOWEVER, that is not what one judge in the court-of-appeal thought. McMurdo P made comments that support several of the statements made by journalist Hedley Thomas when she made some very strong and negative statements about the standards of the DPP. When the court-of-appeal make disparaging remarks about the DPP, I don't have to. Unfortunately, it greatly weakens your position when you rely upon the DPP to deny me compensation.
26. In a corroborating statement, and one unrelated to my case, strong criticism of the DPP came from the Chief Judge Patsy Wolfe of the District Court. In Judge Wolfe's annual report of The District Court her condemnation of the DPP's standard of competence was clear when she said senior Judges could not communicate intellectually with the poor standard of lawyers employed at the DPP. This amounts to three different people who delivered strong condemnation of the DPP.
27. **PLEASE CONSIDER THE FOLLOWING** accumulation of occurrences and suspicions.

    a. When the 2002/3 District court case was conducted, the crucial element of the civil court's judgement and claim, the Sharple's list, for which I was improperly found to be guilty, was completely absent from the Criminal trial. That absence was by direction of the prevailing Chief Judge Patsy Wolfe. This is evidence of no-confidence in the civil trial by Judge Patsy Wolfe.
    b. Its absence absolutely confirms my suspicion that the DPP knew the civil decision was wrong and not supported by the evidence. In so doing the DPP unofficially declared that the Atkinson trial was a mistrial. It was, but 17 years later after widespread National Media coverage, I remain defamed and on the public record as being guilty of a fraud offence I did not commit.
    c. The very first warning Judge Patsy Wolfe gave all of us at the District Court trial was to not raise or mention anything about the Civil trial. It was a cover up of course of the existence of false evidence that found two people guilty of an imaginary crime.
    d. I believe this is because the DPP did not want any evidence or cross examination to follow in the District court that would cause an Atkinson Court retrial or a reversal of Justice Atkinsons Guilty Judgement.

e. To have discredited the Atkinson judgement would also have required the Electoral Commission to return to the One Nation Party the $502,000 that was raised in a public appeal and repaid to the ECQ on a court order justified by the adverse Atkinson judgement.
f. Terry Sharples applied to the Brisbane Supreme Court on 15th October 2001 and sought to have the Atkinson trial declared a mistrial with claims of fraud, withholding of evidence, conspiracy and perjured evidence. Those claims are not a sound basis for the Crown to rely upon for their 2001 criminal charges. Sharple's call for a mistrial well preceded the 2002/3 trial I was subjected to.
g. It got worse for Justice Atkinson when Andrew Carne on 18th February 2000, armed with a sworn AFFIDAVIT at a specially convened MEDIA conference declared that he had given perjured evidence when he was a witness at the Atkinson trial. He has never been brought to account. I have a copy of his sworn AFFIDAVIT in which he makes a log of amazing claims.
h. The Sharples and Carne retractions were known to the DPP in 2001 prior to my being charged and do not provide a strong basis for the DPP to charge me for the same offence. Judge Patsy Wolfe did not want that information raised in her court. One problem we faced is that the Jury are likely to have known about the previous finding of guilty in that civil trial, and it prejudiced the fairness of my trial. 80% of the Jurors were also voters for other political partys, which added even more prejudice. **DPP WRONG DOING # 15.**
i. The CROWN in 2003 did not introduce any thread of prosecution evidence based upon Atkinson's judgement nor mention the existence of an alleged list of falsely offered One Nation Support Movement members - and yet the civil trial verdict was declared a win on that basis. If the DPP had any confidence in that Civil court judgement the first thing the Crown would have done is use it as the foundation for their case. However, the DPP knew it was a dangerous risk they shouldn't take. Is this fair Justice? **DPP WRONG DOING # 16.**
j. **Consider this**. In a startling example of being between a rock and a hard place, the DPP produced the real list of names in my trial, EXHIBIT 17A, but, this is the very list that Justice Atkinson had ruled in her verdict was a **false list**, so did the DPP and chief Judge Patsy Wolfe rely in my trial on convicting me with false evidence? 3 years in prison on false evidence which was determined to be so by Justice Atkinson with her judgement perfected by the court-of-appeal in 1999!! **DPP WRONG DOING # 17.**
k. The DPP had a serious problem with the integrity of that list of names. One court said it was false and not given to the Electoral Commission and the next court said it was the genuine list given to the Electoral Commission, but claimed the names on it were people deceived into thinking they were members. Am I being reasonable if I allege that for the DPP to have done that, is a public declaration that Justice Atkinsons verdict was wrong, or that their own case was based on false evidence? **DPP WRONG DOING # 18.**
l. Fresh examination of the Atkinson trial reveals that the CROWN had defended their client the Electoral Commission of Qld with a witness statement from the Electoral Commissioner, Mr. O'Shea, the very person it is alleged we defrauded with an alleged false list of names. Attached to Des O'Shea's witness statement was the genuine list of names used to register the One Nation party which contradicted the false allegations being examined in that court and the Judges final ruling of the party's guilt. There was only ONE genuine list of names and it was now attached to Des O'Shea's witness statement. Its very existence in Justice Atkinson's court was a sufficient reason for the CROWN prosecutor at that trial to declare his evidence to risk the trial becoming a potential mistrial. The Crown prosecutor must have

known that the Sharple's list was false so what breaches of his sworn ethics did he commit by remaining silent on what he knew? Des O'Shea's evidence in the form of his witness statement defeated the basis for the Atkinson trial all on its own. The court had been called together to consider and rule upon the claim made by Sharple's that Hanson and I had offered Des O'Shea a false list of names. A very simple claim requiring just a comparison of the two documents. The reason no one did that is because they were not considering Justice at that court but the persecution of two innocent people. It was a low point for justice in Queensland and it was going to get a lot lower in 2003. To have not done that reflects on the court's dysfunction in a deliberate mistrial and an injustice of mammoth proportions.

DPP WRONG DOING # 19.

m. In May 2002, I faced the committal hearing presided over by Judge Halliday, which preceded the pre-trial examination with Judge Hoath in late 2002. At the committal hearing, and for the first time, the genuine list of party members names surfaced as evidence included in the Police brief of evidence. I remind you that the Sharples allegation at the Atkinson trial had been that the registration of the Party in Qld was effected by using the names of Pauline Hanson Support Movement members who paid $5 each for membership of that entity. The list now shown as **EXHIBIT 17A** in the Police brief of evidence was the genuine list submitted to the Electoral Commission. In cross examination I asked Detective Sgt Newton if he could examine that list and tell me if there were any $5 membership payments showing on it. He agreed there were not. This he agreed, appeared to confirm that no $5 members of the Support Movement were on that list. Det Sgt Newtons response confirmed the list to be of full-fee paying members of the party. **EXHIBIT 17A and Sgt Newton's testimony also contradicted Justice Atkinson's decision.**

n. Back to the Criminal trial – after the Jury retired to consider their verdict. In the Sworn Affidavit of Michael Kordek, a supporter who attended most days of the Patsy Wolfe trial, Mr. Kordek says at paragraph 10, page 2, 'On the morning of Wednesday 20th August 2003, I asked Det Sgt Graham Newton and Constable Chris Floyd , now that all the material had been presented and the summaries concluded, what did they feel would be the Jury's verdict. They both said that obviously the Jury should come back with a not guilty verdict. Both Det Sgt Newton and Chris Floyd said that David Ettridge and Pauline Hanson were innocent of the charges'. This can be said to corroborate my allegation that the 2 destroyed Police Reports the Police provided to the Crown said the same thing. Det Sgt Newton was deeply involved in Operation Tier which was the code name for the investigation the Police conducted of our alleged fraud.

o. NO forensic evidence of any kind was tabled by the Crown to support their original charge that I had defrauded the Electoral Commissioner. No evidence was adduced to show that 'I knew' the member list was false, because the genuine list was now in evidence in Patsy Wolfe's court room its authenticity is no longer in doubt that it was the actual list supplied to Des O'Shea, BUT, where is the evidence in her court room that I knew there were no members. How can a court convict on what they suspect I knew or think? If there was any supporting evidence for that fantasy the Police report is likely to be where it would be located and if there had been, the Crown would have taken that Police evidence and used it, but they did not. This raises the question – If there was no evidence that I knew the list was false, why was I charged? At the least, the allegation against me now was that I had provided EXHIBIT 17A, the genuine list of names from the party's Manly office to Hanson so

Hanson could attach those names to the application to register the party in Qld. One might expect that the Police would have sought to confirm any suspicions they may have had about the integrity of that list by interviewing Claire Wright who managed and maintained that membership register for the Party but they did not. Claire was a witness in the trial, and she gave that critical evidence of the list being genuine to the court.

p. I was charged because the Crown claimed that **I knew** the List of names being EXHIBIT 17A was a list of names of persons who were not members of the One Nation Party, however, no genuine evidence ever emerged to sustain that false belief. Only one person in the party's office was interviewed. He attended to issuing the membership documents, receipts for payment etc that were forwarded to 'the alleged non-existent members' after Claire Wright had entered their details on the member database. Every logical and credible management procedure was followed in the stages of receiving membership applications to the applicants receiving their receipts and member cards. There was no other way to process it. The party's banking records and accounting reports all described member income as being member income. The annual AEC audits never raised any doubts about memberships. It is likely that this conclusion was included in the 2 Police Reports that were provided to the Crown and later destroyed. In any event, the Crown did not present any forensic examination or evidence gathered by Police to suggest I 'knew' members were not members. Without evidence of guilt from reliable sources and facts the Crown preferred out of court statements and confusion to send me to prison for 3 years.
q. In our criminal trial, the DPP relied on very confusing evidence from people who were prepared to deny they were party members based upon their confusion or their determination to damage the Party.
r. The DPP offered as evidence out-of-court statements and a heavily edited video tape of evidence to support their dishonest prosecution.
s. The only real forensics required in the criminal trial was to have the DPP show the court and the Jury that their case was based on the allegation that the One Nation Party registration was accomplished by attaching the names of people who did not qualify as being members of the Party as required under the Act. Simple. They did not need weeks of confusing misunderstandings by current or former members of the party giving their versions of their confusion. The real purpose of doing that was to transfer doubt to the Jury when what was required was factual evidence and law which the DPP did not want introduced because it did not serve their prosecution. My trial only required a statement from the Electoral Commissioner to say that one of those lists was genuine and the other a fake, and as my research has discovered the Crown had that information in 1999.
t. I conducted the essential list comparison test in the Criminal trial when Des O'Shea, the Electoral Commissioner confirmed under cross examination that EXHIBIT 17A was the list of names received by the Electoral Commission. I also questioned Mr. O'Shea on the tests the Electoral Commission conducted to validate claims of party membership which the Commission conducted. He described that the Commission independently sought their own confirmation of membership by writing to people on the list and asking them if they were members. The Commission DID NOT RELY on our claim that the list contained members names, the commission staff independently checked for themselves. This independent checking relieved us of any claim of fraud, because to have committed Fraud the Electoral Commission must have relied upon our representation that the party had members. They

did not rely on that. This confirmed the guilt by fraud judgment in the civil and criminal courts to be wrong.

u. Based upon other evidence in this communication, it is very clear that the DPP knew that **EXHIBIT 17A** was the list of names attached to the One Nation party's application way back in 1999 when Des O'Shea attached EXHIBIT 17A to his sworn AFFIDAVIT in the civil trial. The DPP had access to both lists, the genuine list and the false Sharple's list and they would have discovered that the civil court was a sham of errors and the list of names alleged by Terry Sharple's was a fantasy. A DPP with integrity would have at that discovery abandoned their attempts to incriminate two innocent people, but instead, the DPP relied on the mistake of Justice Atkinson. **DPP WRONG-DOING # 19.**

v. Atkinson's civil decision didn't go far enough for the Premier, who had promised to get rid of the One Nation party. Premier Beattie wanted at the least 12 month prison terms to deny Hanson the right to re-enter Parliament, so the DPP conspired to re-invent the charges and claim they were people who thought they were members but were not. Even if we had attempted to create a fake membership register, all persons who had paid to join were joined under the powerful provisions of contract law and there was no case against us. The Court of Appeal agreed and quashed my sentence and overturned my conviction. How could the DPP not know that contract law exists in almost every transaction in commerce?

w. Did Judge Hoath not know about contract law – and how it extinguished the very allegations of the DPP's case against me? It speaks suspiciously and poorly of him that he did not rule on those two critical points I raised. It may draw Judge Hoath into being accused of being a player in a conspiracy with the State and the DPP to pervert the course of Justice.

x. Had Judge Hoath forgotten his Oath of Allegiance as a Judge? He swore this ….'I will at all times and in all things do equal justice to all persons and to discharge the duties and responsibilities of the office according to law to the best of my knowledge and ability without fear, favour or affection'

y. Why did the Crown's prosecuting barrister also **not accept my defence and respond on TWO occasion when the question of membership by contract law was raised?** Once in committal and then in the pre trial submission to Judge Hoath. The fact that two Judges, Hanson's lawyer and the Crown barrister did not react to my two defence points, BOTH points accepted by the Court-of-Appeal when they quashed the sentence is a gross dereliction of their responsibility. **DPP WRONG DOING # 19.**

z. The DPP resolved to conduct their prosecution on the basis that the members list offered for registration was actually a list of people who 'THOUGHT' they were members but were not. That might have worked if I had not given pre-trial defence argument based upon contract law. It didn't matter what any member might have thought, they were at all times members protected in their contract of membership under contract law. **WRONG DOING # 20**

aa. Why didn't the experienced criminal lawyer representing Hanson not intervene and assist my defence argument for his client? I had a discussion with him during the committal phase where I suggested that even if we had tried to exclude members, they had a right the assert their membership because they had applied for and paid for it. I was at the time reciting contract law. I gave Hanson's lawyer the solution which he did briefly mention at the committal stage but neither he nor Judge Halliday pursued it, although both of them and the Crown's prosecuting barrister must have known I was right.

bb. I wrote to your predecessor Rod Welford and to Leanne Clare and advised them on September 26th 2002 of Justice Atkinsons faulty judgement and my grounds for my claim. I also advised of a fault in the Electoral Act that gave rise for the prosecution to be dropped. It wasn't. Unsafe legislation creates a doubt when it is relied upon. **This is WRONG DOING # 21.** This occurred One Year before the district court trial. I received a response from Leanne Clare that refused my claim for the trial to stop.

cc. I had in the course of the Criminal trial gathered testimony from the electoral Commissioner that for the very first time had given him an opportunity to see the false list of names Sharples had alleged was used to register the One Nation party in 1997. The Commissioner said he had never seen it before, and this alone for the first time in a courtroom defeated the decision made by Justice Atkinson. I wrote to Leanne Clare on this Fresh Evidence and again was rejected. This is **WRONG DOING # 22.**

dd. The fresh evidence I had discovered in my cross examination of the Electoral Commissioner that confirmed Atkinson's error was gathered very discreetly when I offered Des O'Shea a document for validation by him and he said he had never seen it before. The document was marked as A3, it was the false List of names Terry Sharple's had presented to the Atkinson Court. I wanted Des O'Shea's testimony to be recorded on the court transcript. There are too many court transcripts that are altered after the fact. I collected the transcript the next morning and commenced to apply to the Court Registrar for a date to have my new evidence heard. Judge Wolfe was irritated when I asked her to stop the current trial until I had my fresh evidence heard in another court. It was rejected but I still had the transcript I wanted. DPP **WRONG DOING # 23**

ee. The Electoral Commissioner Des O'Shea had given evidence that he had never seen the Sharple's list before nor was it the list attached to register the One Nation party in Queensland. The DPP's case was finished at that moment in time. The very essence of the DPP's charges was declared to be fraudulent against my interests. Subsequently, I was sent to prison for 3 years for an offence Des O'Shea testified had never happened. I called upon Judge Patsy Wolfe to declare the trial lost and she refused. Leanne Clare refused to accept this amazing revelation and weakness in their case. At that point all 3 persons involved, the then Attorney General Welford, DPP head Leanne Clare and Patsy Wolfe perverted the course of justice. This was **WRONG DOING # 24.**

ff. **I now believe that when I extracted Des O'Shea's long awaited rejection of the false Sharple's evidence, and I submitted it to Attorney General Rod Welford and the DPP's Leanne Clare, it didn't concern them because they already knew the Sharple's list was false. That is why the DPP had changed course and run my prosecution on the grounds that there were NO members of the Party – a position that was contradicted by prosecutor Campbell in his submission to the Court of Appeal in 2003. This revelation also now works against the Atkinson Judgement because the DPP can't have it both ways. The Atkinson judgement led to a court order that demanded that the 1998 electoral reimbursement of $502,000 to the One Nation Party must be repaid to the ECQ. Now, with this new evidence that the Atkinsons Judgement was an error, the Atkinson trial must be declared to have been a mistrial and the ECQ must return the $502,000 to the One Nation party.**

28. On the following **5 occasions** I sent correspondence that supported my innocence to Leanne Clare of the DPP. Every time my correspondence was rejected or ignored it amounts to a failure

of Leanne Clare to honor her oath of office: Consider the following issues raised in correspondence to the DPP;

a. August 27th 2002. I defined the well-known characteristics of fraud, being – that the person defrauded must rely on representations you have made that they accepted. In our case the Electoral Commission did not rely on the list we gave being as being accurate and an independent due diligence process was undertaken to write to a number of people on that list for confirmation of their membership. Plus, as I later discovered, the Crown attached the list we supplied as the true list to Des O'Shea's witness statement in that infamous civil trial. Des O'Shea later in 2004 told the Chief Justice Paul DeJersey that the One Nation party registration was at all times valid.
b. September 18th 2002. I quoted the definition of a political party 'member' from the Qld Electoral Act. This definition included persons who paid $5 to join the support movement.
c. September 26th 2002. I hand delivered a 16-page document that clearly presented to all senior law officers in Qld a range of legal points in my defence. I did not include Leanne Clare in that distribution, because it was in part critical of her. A copy was delivered to the late Ken Levy, Leanne Clare's boss, and I was advised in a written response from the Police Commissioner that he had forwarded a copy to Leanne Clare. That lengthy document covered a range of issues and it was ignored by all except the Police Commissioner.
d. July 25th 2003. Correspondence sent to Attorney General Welford and Leanne Clare advising that fresh evidence I obtained from Des O'Shea required the decision of Justice Atkinson be set aside based upon my cross examination of the Electoral Commissioner where he denied ever seeing the list of names claimed by Justice Atkinson to have been attached to the One Nation Party's application for registration. In his testimony former Commissioner Des O'Shea stated the Sharples list **WAS NOT** the list of names attached to the One Nation application to register. This fresh evidence completely exposed Justice Atkinsons error in her ruling. It also destroyed the basis for the D.P.P. conducting a criminal prosecution for a different reason I will describe later in this document.
e. 28th July 2003. Leanne Clare responded in writing with a rejection of my fresh evidence. This was another stage at which she perverted the course of justice. **DPP WRONG-DOING # 25**

29. Subsequent to my call for the prosecution to be abandoned**, the District Court trial under the management of chief judge Patsy Wolfe which was based upon an exposed lie, found me guilty of the non-offence**. It is ludicrous that such an easily exposed conspiracy was entertained by a court for as long as it was, and it shames the reputation of Queensland Law and the State Government. The only logical explanation must be that it was politically driven as declared by several Police Detectives and the Premier himself.
30. In my criminal trial, I faced a charge of defrauding the Electoral Commissioner of Queensland by being charged as follows; **'That on the 4th day of December 1997 at Brisbane in the State of Queensland Pauline Lee Hanson and David William Ettridge dishonestly gained a benefit or advantage, namely the registration of an organization known as Pauline Hanson's One Nation as a political party under the Electoral Act 1992 (Queensland) for themselves'**. I quote this because what is not specified in this vaguely worded charge is exactly what the offence was.

    (a) How was I to know what un-specified offence I was defending?
    (b) Was it the same one Justice Atkinson dealt so poorly with – the sharples false list, or,

(c) Was it that the Crown believed the party had no members in spite of all the defence submissions I had made on that subject to the DPP, and the evidence of membership adduced at the trial including those made to Judge Hoath and the court witness statement of Claire Wright who spoke in positive terms of the integrity of the membership database.
(d) There is also what prosecutor Campbell knew of the points made in the Police reports which we do not know, and which may contradict what was said or adduced at the trial.

I do know that Judge Wolfe made it absolutely clear that we were NOT to raise any subject matter from the Atkinson civil trial and here was prosecutor Campbell doing just that. Does it reveal that Campbell thought his claim of The alleged offence was, as I discovered later not the same as the one Sharple's ran in his Atkinson civil court, but a variation of the claim made in the civil court. In my trial the DPP alleged the list provided to the Electoral Commission contained names, NOT of members of the Support Movement but Persons who were never admitted into the party membership. It was Justice Atkinson's hopelessly flawed judgement that was used to justify the criminal, Government-driven persecution against me.

31. The above charge was described by the Crowns prosecutor when in his submission to the Court-of-Appeal dated 29th October 2003 he said at page 3, para **(e) 'The jury had accepted that the applicants, as members of the National Management Committee of the party, knew that the list of persons handed to the Queensland Electoral Commission was a list of members of the support movement and not a list of members of the political party'**. This is astonishing for it is contradicted by the very clear Electoral Act legislation that defines a member of a party as being a member of any entity controlled by the party – had we actually done that. The statement by Prosecutor Campbell relates to allegations aired in the Sharple's/Atkinson trial. He presents an argument that Judge Wolfe said we must not raise, and therefore did not raise or defend, and yet Mr. Campbell has raised it when it is clear it had no currency in law at all as a basis for claiming I had committed an offence. **The Crowns case was that we had deceived the party's members and that there were no members** – a point well lost to the Crown at various stages of the trial. Prosecutor Campbell must have forgotten the earlier statement by Sgt Newton in the committal hearing that there were no support movement members on the list of names presented to the Electoral Commissioner. He must have forgotten that he acted for the Crown in the Atkinson trial and knew then that the Sharples claim was a fallacy, or was Campbell's mind still lost in the lies of Andrew Carne and others at the Atkinson trial? How could he have reverted to such a point when it was, as I wrote to the DPP, acceptable for members of the support movement to be accepted as members of the party for registration purposes. This is just another display of the clumsy desperate position the Crown had created for themselves when attempting to conduct a case based upon lies. **DPP WRONG DOING # 26.**
32. THE CONDUCT OF THE CROWN's CRIMINAL TRIAL exposes questions that need to be asked and answered.
    a. If Justice Atkinsons judgement was correct, why did the CROWN not run my criminal trial on the basis of her decision? Which is…that I was found to be guilty when I had supplied a list of names for the One Nation party's Queensland registration, and that I knew the list I supplied was a false list containing names of support movement members. At this stage plenty of evidence had been heard to discredit that allegation.

b. If my guilt had been established by Justice Atkinson's ruling, why was there a need for a second trial? Answer: The State Government wanted a 12 month or more custodial sentence to eliminate Pauline Hanson from ever becoming a member of parliament again.

c. Standing in contradiction to evidence accepted in Justice Atkinson's court – was the Electoral Commissioners witness statement which had attached to it a copy of the actual list of One Nation Party members attached to the party's registration application – A comparison of the lists would completely reveal the lies of the Sharple's allegation. Justice Atkinson preferred a different and false list offered to the court by Terry Sharple's when she declared the Sharple's list was the actual list used for party registration, when in fact it wasn't and **the evidence of her error was in the court**. Quite a conundrum for the State Labor Government, and diversionary tactics were required for the Patsy Wolfe trial.

d. Why was the Sharples list of names NEVER introduced into evidence in the Criminal court of Patsy Wolfe? Answer; Because the DPP knew it was a false list. Any attention focused on that list would ruin their case, so why did prosecutor Campbell even raise to the court-of-appeal the false allegation made by Sharple's because by this time, Sharple's himself had applied to the court for a mistrial of the case he won in Justice Atkinson's court, and Carne had recanted his perjured evidence.

e. The second and much more serious consequence of Prosecutor Campbell revealing his clearly described basis for the charges the Jury heard against me us is that it revealed, **alarmingly,** that I had been tried TWICE for the same offence. Read more about this shocking question at page 34.

f. The False list alleged by Sharple's, would, had it been introduced into evidence in the criminal trial, be revealed to be a clumsy collection of names and pages which in every examination should have been obvious for its lack of conformity and legitimacy. It was a position the DPP did not wish to face where any attempt to validate the Sharple's list would have shown it to be false. It had no credit as a basis for running a second trial.

g. The Sharple's list and its absence from the District Court criminal trial reveals to me, and I allege, that **the Crown knew it was false**, and they did not want it to become an issue exposed to investigation at my trial.

h. At the date of my trial, Andrew Carne had already admitted his perjury and statements about his involvement in procuring that list of names when he recanted his evidence given at the Atkinson court, and Sharples had also sought the Atkinson trial to be declared a mistrial. Prosecutor **Campbell also knew the Sharple's list to be false** because he had attended the Atkinson court representing Electoral Commissioner Des O'Shea who had attached the genuine list of names to his witness statement. Adding to the gravity of the lies endemic to these two trials, So, **WHY would Mr Campbell wish to now make an outrageous claim to the court-of-appeal that completely contradicts his knowledge about that particular evidence.??** If my allegation is correct, by pursuing a baseless claim in the District Court the Crown is now faced with my allegation that they also perverted the course of justice, and acted without reason or justification in conducting a false trial which had the sole purpose of destroying a political opponent. **WRONG-DOING # 26.**

i. **The DPP instead attempted to run their case by seeking to discredit the genuine list of member names being exhibit 17A, the very same list the Crown had attached to Des O'Shea's witness statement in the Atkinson trial as the genuine list of names**, and here in the District Court the same Crown prosecutor was attempting to claim it was a false list and

the names on it were not members. In his previous encounter with Justice Atkinson it was a genuine list. Was I facing lies or dysfunctional confusion at every level of defending my innocence? Again, I am pleased to repeat what Des Shea said about the party's registration legitimacy in a hearing before Chief Justice DeJersey in 2004 –
'**Mr O'Shea having formed the view, which the Commission implicitly accepted as reasonable and open, that the application for registration was valid'**. I allege that **Prosecutor Campbell is misleading the judges of the court of Appeal by claiming discredited evidence was genuine.** This is serious and desperate behaviour by Mr. Campbell. **Serious WRONG-DOING by DPP # 27.**

j. By attaching the correct list of membership names **EXHIBIT 17A** to the Police evidence folder provided to the Jury, the Police had immediately contradicted and made a mockery of the final judgement of Justice Atkinson who had accepted the Sharple's list as being the one used to defraud the Commissioner. **This alone exonerated me from guilt. It was clear that my part in this so-called crime was to have authorized the printing of the Queensland residents of an existing, legitimate, federally registered party's National database so it could be attached to the application to register.** It was the electoral Commissions job to validate that list for its accuracy which they did. When someone makes their own enquiries about your representations, and they then rely not on any representations you have made, but on their own enquiries, you cannot be charged with or be accused of committing fraud – unless it is the Qld Justice system fitting you up. **DPP WRONG DOING # 28.**
k. I say that the CROWN knew the Sharple's list was false at a very early stage, **before the Atkinson civil trial**, because the Crown acted for the Electoral Commission and had attached the real list of names to the Commissioners witness statement in preparation for the Atkinson trial, and in so doing, would have had access to the false list of names Sharple's had introduced to that court. Any examination would immediately reveal obvious differences to show the lists were not the same. Everything after that was falsely used to drive a malicious prosecution, driven by a political need to incriminate Pauline Hanson.
l. At all costs, the DPP did not want to reveal the farcical error of Justice Atkinson because it had served its purpose of destroying my public reputation, the party's, Hanson's and the return of $502,000 of electoral funding to the Electoral Commission. The Government did not want that mess to unravel. **WRONG DOING # 29**.

33. **Why was there even a need to have a second trial?** We had been found to be guilty and punishments delivered by Justice Atkinson. The One Nation Party had been deregistered from Atkinsons judgement, met huge legal costs, and $502,000 had to be repaid to the Electoral Commission. They were punishing consequences for being found guilty of a non-offence. What was the point of wasting weeks of expensive court time and legal costs when we had been already found to be guilty. I expose later what I believe to be the DPPs ulterior motive for running a second trial. DPP **WRONG-DOING # 30.**
34. **The destruction of the Police Report was a clear and alarming act to hide the truth.** The Police report can, because of its destruction, be now assumed to have been strongly against providing any justification to charge me for an offence I did not commit, and an offence that did not exist.
35. If the Crown law office had in the discovery procedure provided Sharple's lawyer David Franks with the list of names used to register the One Nation party this false, long and expensive waste of money and resources would have stalled at the beginning, and for this compelling reason the

DPP stands charged with perverting the course of Justice with deliberate intent. **WRONG DOING # 31.**

36. **The charges and the whole basis of the prosecution was centered around a claim that a false list of names had been tendered to the Electoral Commission for Party registration when it had not. The serious wrong-doing by the DPP was to never conduct any examination of the documents that were the basis for the prosecution they ran.** The simplest forensic examination was to compare the Sharples list of names alleged to have been attached to the registration documents to the list of names **that were** in fact attached to the registration documents. Such an examination would have been done for any number of offences to confirm the evidence is strong. If it was done, it incriminates the DPP of deliberately conducting a perversion of justice. The Crown already **had this information** and it is hard to believe such a comparison was not made, and deliberately overlooked. We could have avoided a committal hearing, a pre-trial hearing and a 5-week trial which wasted expensive District Court time. **THIS IS A SERIOUS WRONG-DOING # 32 by the DPP.**
37. At the committal hearing in May 2002, Police detective Sgt Graham Newton was cross examined by me. I showed him the list of names that was included in the brief of evidence documents provided by Police. I asked Sgt Newton if he understood that Support movement members paid a joining fee of $5 and party members paid a higher fee from $20 upwards. He agreed that was his understanding. I then asked him to scan through the list he held (EXHIBIT 17A) to see if there were any $5 membership fees listed. He did so and after a few minutes declared that there were no $5 members on the list. I asked him if that meant that the Electoral Commissioner was not deceived, and he agreed it appeared to be. The DPP's barrister was watching this cross examination, and he must have realized the threat posed by Sgt Newtons testimony to the Crown's case against me. This was a key moment following which the DPP should have withdrawn their charges. **They did not**. Curiously Judge Halliday allowed the matter to proceed to the District Court trial. I also add that the Crown prosecutor knew in 1999, 2 years prior to the committal, that the Electoral Commissioner had no issue with the names presented for registration. **This was WRONG-DOING # 33 by the DPP.**
38. The civil trial conducted under the care of Justice Atkinson in 1999 was a farcical exercise which once again showed a complete failure by the Judge and Sharple's prosecution to establish the truth of their claim. When the Electoral Commissioner Des O'Shea was sworn in and being cross examined the question arose of the list of names attached to the One Nation Party's application to register. **Astonishingly that critically important list lodged with Des O'Shea's office was claimed to NOT BE IN THE COURT.** The whole trial was centred around that critical evidence and its absence in the court is well beyond being suspicious. It was a deliberate act to avoid it being discredited. Where was Des O'Shea's witness statement for example with the list attached to it? In fact, the Sharple's list of names, gained benefit from the absence of the real list from the court. This was very suspicious and improper behaviour.
39. Knowing that any evidence presented at a civil trial is regarded as being not necessarily strong enough for a criminal trial, the DPP had a clear and essential responsibility to re-examine that evidence and confirm for themselves that it was strong enough to support their criminal charges against me. It emerged as **EXHIBIT 17A**, the genuine One Nation member list included in the Police File of evidence. EXHIBIT 17A also stood as proof evidence that totally contradicted the guilty decision Justice Atkinson when she declared that the Sharple's list was the list attached to register the One Nation party in 1997. By adducing EXHIBIT 17A to the criminal court, the DPP

were destroying the judgement of Justice Atkinson and the DPP and the Crown had a duty to correct judicial errors including those perfected by the court of appeal. **WRONG DOING # 34 by the DPP.**

40. In her summing up Justice Atkinson stated her concern at the reliability of evidence given in her court by Ted Briggs and Andrew Carne. Carne later, in February 2000 - More than a year before the Crown charged me - recanted his evidence in a sworn Affidavit. The Police were well-aware of Carne and described him as 'not being a witness of truth' in the District Court trial. It was my understanding that the DPP had relied on the Atkinson hearings guilty decision to underwrite justification for their own charge in 2001. Sergeant Newton was a key witness for the prosecution because he was involved in the gathering of One Nation evidence in Police raids on the party offices. So, the DPP must have also known that Andrew Carne was totally unreliable.
41. In your correspondence dated 30 March 2020 you rely on your refusal to compensate me by saying there are 'no exceptional circumstances' to justify an ex gratia compensation. Your words use broadly convenient language that ignores the most important breaches of process in my malicious prosecution. You deny my claim for compensation on the following grounds ***'I am not satisfied that the investigating Police or the prosecuting authority, the office of the Director of Public prosecutions , were guilty of any wrong doing in the investigation and prosecution of your case.'*** I respectfully suggest that your opinion sits well below that of the State's top 3 learned Court-of-Appeal judges, one of whom had this to say about the DPP.
Court-of-Appeal Judge McMurdo said about the DPP at point 41 of her ruling in my Appeal;
'The case will in my view provide a further illustration of the need for a properly resourced, highly-talented, top level team of prosecutors within or available to the Office of the Director of Public Prosecutions. In this complex case, which resulted in a trial of that length, and the consumption of vast public resources, highly talented lawyers of broad common law experience should desirably have been engaged from the outset in the preparation and then presentation of the Crown case. I do not raise this critically of the prosecutors who were involved: my observation relates to the resourcing of the Office. Had that been done, the present difficulty may well have been avoided'. In direct contrast to the faith and confidence you have expressed in the D.P.P. this comment by the Court-of-Appeal is **highly critical of the D.P.P.** It amounts to a declaration of the DPP's alarming incompetence, and it stands as **WRONG-DOING # 35.**

A. The above statement uses the words 'highly talented' this means the DPP's people were not in her view 'highly talented'.
B. 'Top level team' - Again McMurdo P detracts from the standard of performance by the DPP's barrister in my trial. She would not have raised her criticism if the Crowns prosecutor's performance at my trial was 'highly talented'.
C. 'Highly talented lawyers of broad common law experience should have been engaged' This statement again speaks poorly of the standard of legal skill delivered by the DPP in my trial.
D. 'I do not raise this critically of the prosecutors who were involved' But McMurdo P did raise it and only raised it because she needed to say it. She was critical of the attending prosecutor. The prosecutor was wrong and should have reacted to all of my attempts to have him consider the evidence I urged them to accept, but of course I allege that their brief was to find me guilty. It would have been of no value to the State Government if my

innocence had been established, it would have backfired on the Labor Government which is why I cannot get compensation or Justice from them, only unsupportable excuses to maintain the cover-up.

E. Had such prosecutors who possessed the appropriate skill and talent been prosecuting and if they had responded to the many stages where my innocence was presented to them with supporting evidence it is likely that I would never have faced being charged or imprisoned. That amounts to 'reasonable doubt'.

F. The attending prosecutor, Mr Campbell finally confirmed his poor standard of legal skill by putting a false submission to the court of appeal judges.

42. The Court-*of-Appeal judge McMurdo P. also made the following and damaging statement about the perjury committed by Andrew Carne at the civil trial, perjury Carne later admitted.* The underlined and bold emphasis is mine to confirm that in the last words of the underlined statement, the D.P.P. HAD relied upon the sham civil trial to justify charging me. '***At line [47] The respondent (the D.P.P.) contends that statements by the appellants and David Oldfield, who jointly constituted the all-powerful Management Committee under the party's Constitution, that they were the only members of the political party and that other "members" were members only of the support group, were admissible to show that the names on the list given to the Electoral Commissioner were not in fact members of the political party, relying on observations of this Court in Sharples v O'Shea and Hanson.***[1] This observation by McMurdo P is wrong because we already know that the true list was attached to O'Shea's witness statement in that 1999 civil trial., and the Crown attached it.

43. The above paragraph also revisits the Atkinson trial by declaring that the Patsy Wolfe trial was relying on the dysfunctional Atkinson trial. This assessment by McMurdo P recites false allegations that were the basis of Sharple's claims to the Court of Justice Atkinson and was better left unsaid, because it confirms that the DPP did rely on the false judgement of Justice Atkinson. I have already spoken of the existence of genuine evidence attached to Des O'Shea's witness statement that contradicts what McMurdo P has said and the decision of Justice Atkinson. The above underlined statement repeats the false allegations and evidence that was endemic to the Atkinson trial.

44. The above para is another reference to the DPP being reliant upon the findings of the flawed Atkinson judgement in a civil court and it is a DPP **WRONG-DOING # 36**.

45. This might be a good time to ask this question. **WHY DID THE DPP CONDUCT A THIRD TRIAL TO CONVICT ME AND HANSON** when the GUILTY decision of Justice Atkinson had already done that and with significant penalties, being the de-registration of the party and a $502,000 fine? I have said earlier that the DPP had re-invented their charges to allege that there were members of the One Nation Party but that they were not actually admitted to membership. **If the Crown had run the same argument as was placed before Justice Atkinson, we would have been defending a list substitution defence and it would have required evidence from all of the perjurers assembled by Terry Sharple's for the civil trial.** I have discovered a strong and curious contradiction in Crown

Prosecutor Campbell's submission to the Court of Appeal dated 29th October 2003 where on Page 3, clause 10 (e) Campbell says ….. **'The Jury had accepted that the applicants, as members of the National Management Committee of the party, knew that the list of persons handed to the QUEENSLAND Electoral Commission was a list of members of the support movement and not a list of members of the political party'.** How did the jury 'know' what I 'knew'? Where is any evidence that I made such an admission to the court and the jury? Can Jury's now just form opinions unsupported by evidence? Where was a witness statement where I made such an admission? **Prosecutor Campbell's statement is very wrong because no evidence was raised or introduced in the Criminal court about a Sharple's false list or any evidence adduced to support Campbell's claim to the Court of Appeal on his knowledge of what the Jury 'knew'**. The Jurors had a brief-of-evidence folder that showed **EXHIBIT 17A** which was the correct list of names. Debate about the support movement was not the main topic. In any case that very question had been made in Justice Atkinsons court and ruled on by her, so it would seem we could not be defending the same allegation again when we had already been declared to be guilty. Allegations pertaining to the civil matter in the criminal proceedings was expressly denied at the outset by Chief Judge Patsy Wolfe. All argument about the support movement list was closed for debate, and, was not the focus in the court of Chief Judge Patsy Wolfe. **DPP WRONG DOING # 37.**

46. The DPP KNOW that the burden of proof for claims made for evidence in a lower court are less than are required for a criminal court and it is the responsibility of the prosecution to win a trial they bring to court. The DPP should have conducted their own forensic examination of the party's membership list (just like the ECQ did) as previously described in previous points. I am certain that the Police did. I have already said that Des O'Shea's witness statement in the Atkinson court had the actual and genuine list of members attached to it. That question was clearly resolved, and the Crown represented Des O'Shea at the Atkinson trial, so why is prosecutor Campbell raising evidence to the court of appeal known to the Crown to have been completely discredited to support his false prosecution? Was the prosecutor now wishing to rely on a judgement influenced by the 'not a witness of truth' Andrew Carne - who the same prosecutor had discussed with the trial judge. Was the DPP now relying on Carnes lies? – the 'Not a witness of truth' as stated by Det. Sgt Newton

McMurdo P went on - my highlighting; ***At line [48] It is self-evident that the Sharples case turned on different evidence than this case and that the lower civil standard of proof applied. The evidence of Andrew Carne was significant in the reasoning of the primary judge in Sharples:[2] Carne's undisputed evidence, referred to by the primary judge and set out in para [24] of these reasons, was capable of supporting the inference that the list of names Ettridge***

<u>provided to Hanson for the Electoral Commissioner was not a list of members of the party</u>. This evidence, combined with the terms of the party's Constitution and the admissions said to have been made by the Management Committee, which had exclusive power to admit members to the political party,[3] in the absence of any contrary evidence from members of the Management Committee, was capable of establishing on the balance of probabilities that the list of members was not a list of members of the political party, Pauline Hanson's One Nation.

Why is McMurdo P even raising details of unreliable proceedings in another court? None of what she said was evidence presented to the Jury in Patsy Wolfe's court. The court of Appeal is confined to evidence presented in the Patsy Wolfe court. This statement above completely ignores the evidence of Claire Wright who testified at the court that the list was of members of the party.

(With respect to Appeal Judge McMurdo P, Her Honour was likely to be completely unaware of the astonishing failure in the lower civil court to have the false list of names examined for authenticity by the Electoral Commissioner while being cross examined. That was not her task in this appeal. None of the civil court transcripts should have been included in her consideration. McMurdo P may not have known that Sharple's sought a mistrial and that Carne had recanted his evidence, because the court of appeal should only be considering the evidence presented to Patsy Wolfe and the Jury because none of the civil evidence and defence was ever placed before the Jury).

The prosecutions evidence in my criminal trial differed from that in *Sharples v O'Shea (the Electoral Commissioner)*. Significantly, Mr. Carne was not called to give evidence, apparently because, **<u>the investigating police officer assessed him as having absolutely no credit</u>**. In fact, Detective Sgt Graham Newton had an exchange with the trial judge where Sgt Newton made the above statement in court and Newton's statement was agreed to by the Chief Judge Patsy Wolfe. I thought at the time that Judge Wolfe's comment about Carne was curious, because I wondered how she knew anything about Carne to have decided he was not a witness of truth. I later considered this exchange to be creating a basis to reject Carne as a witness had I decided to call him. This was a very interesting declaration because in the civil case, which was used to underwrite the need for the D.P.P. to charge us criminally, Andrew Carne's evidence was all they had and it was used to find us guilty. On the 16th day of February 2000, Andrew Carne remorsefully signed a sworn AFFIDAVIT that admitted he had lied to Justice Atkinson's civil court. **The significance of Carnes retraction is that it occurred 16 months before we were charged by the D.P.P.** so the DPP should never have relied upon the corrupted finding of the civil court to justify their charges. It is also well established in law that civil courts function on lower levels of evidence.

McMurdo P. continued at point 50 of her judgement.

[50] Unlike in *Sharples*, the evidence in the appellants' trial established that those named in the list provided by Hanson to the Electoral Commissioner applied to join the political party with the required subscription, which was accepted and banked; a membership card then issued and their names were entered on a computerised data base of members. Over 500 names of Queensland residents were selected by postcode and printed out as the list provided by Ettridge to Hanson for the Electoral Commissioner. Despite some confusing material in the starter kits, this evidence was undisputed and supported the inference that the people named in the list were members of the political party rather than the support group. In the absence of contradictory evidence, that evidence was sufficient to objectively establish their membership.

> This part of the court-of-Appeal judgement accepts that I was NOT GUILTY and is in my favour. Why was I there defending anything? It completely neutralises all the perjury and incompetence that underwrote this malicious prosecution and it is to the D.P.P's shame. It does not excuse the D.P.P. of wrong-doing when all other errors and discrepancies already presented in my document are considered. The Crown and DPP were at all times focused on ignoring facts known to them as they sought false information to support their action against me and at all times they avoided the simplest way to see if Sharple's allegation was true – they only ever needed to compare the list of names Sharple's based his action upon and compared it to the true list provided to the Electoral Commission for Party registration. I allege that the Crown did that in 1998.
>
> Also, the registration in Queensland was to register a DIVISION of the already registered Federal party which all members had joined. It wasn't a new party being registered but an existing party. There are so many reasons that support that the DPP acted with deliberate intent to conduct a malicious and improper prosecution. It was in its entirety a perversion of Justice by all concerned. Not even the lawyers they employed could have been so incompetent that they could not have examined the merits of their proposed action just like I did. I am not a lawyer, but I can conduct a logical examination of facts, which the DPP did not.
>
> This is what The Hon Bronwyn Bishop MP said..

Former Federal Minister and now senior backbencher, Ms. Bronwyn Bishop, was reported as likening the prosecution of this matter to something one would expect in Zimbabwe under the regime of the tyrant, RobertMugabe:

"It's gone beyond just political argy-bargy of political opponents … I've been very critical of her and her party, but this is something that is above and beyond that political argument – this is someone who has been sent to jail because she spoke her views and that is not acceptable in this country. Very simply, for

the first time in Australia, we now have a political prisoner and I find that totally unacceptable … in a country where freedom of speech and freedom to act as a political individual is sacrosanct."

1. The Court-of-Appeal Judges did not offer any negative observation or criticism about the Police, and the now destroyed Police Reports stand to the credit of the investigation conducted by the Police, so the reference to the Police in your reply to me has no relevance. All blame falls upon the DPP who committed a long list of wrong-doings in this prosecution.
2. It leaves us to consider the part the D.P.P. played in this abuse of process. In fact, I had not suggested blame lay with the Police, it was the Police who **TWICE** advised the Crown that the case had no merit to succeed. **You, as Attorney General offered an opinion in your response to me which is in direct conflict with the opinion of the 3 Judges of the Court-of-Appeal who were highly critical of the DPP and considered the prosecution was so flawed that they quashed the conviction.** How much stronger could that superior court have been in sheeting blame on to the Crown and the office of the DPP? The Court-of-Appeal were very clear about blaming the office of the DPP for their poor conduct of my trial. They overturned it and I was released from 11 weeks of a 3 year sentence of incarceration.
3. I was at all times completely innocent of the charges against me and there was an abundance of evidence to support my innocence. I was charged for giving a member list to Pauline to register the Party in Qld. That list was accepted by the Police and the Crown as being genuine. Des O'Shea also said it was genuine, so why was I even there?
4. The very first two Police reports advised the Crown Law department before charges were laid that a prosecution was unlikely. Such a report would have included all the reasons why the Police had come to this conclusion, for the Police to have arrived at their conclusion it is certain that the assessment given to Crown Law in those two Police reports was evidence in favour of my innocence. The Police were certainly not guilty of perverting the course of Justice. It was Judge Hoath who failed in his handling of my pre-trial defence submission and it is difficult to believe that my two, case winning defence arguments were simply 'overlooked' by him. The oversight was far too convenient for the DPP and the Premier.
5. The DPP were certainly guilty of deliberate wrong-doing. They had ignored at all times prior to my sentencing to respond to the many documents and defence points that were provided to them in the pre-trial period when the matter should have been dropped. This INCLUDED receiving copies of Judge Hoath's incomplete rulings. This was a very high profile case – perhaps the highest in Australia for years, and all eyes at the DPP must have been on it. Daily briefings of progress must have been delivered to the head of the DPP and I suggest, to the office of the Attorney General.
6. I know my defence was strong and impregnable because the Court-of-Appeal said so when they quashed my conviction. The quashing is the strongest possible evidence of my innocence, an innocence that did not occur halfway through the trial, but was my innocence at every material time in the process, including well before I was charged.
7. I maintain my infallible claim, that the failure by Judge Brian Hoath who ignored my defence submission in the pre-trial stage allowed this prosecution to flourish without the strongest defence evidence being placed into the court. Judge Hoath's rulings were copied to the barrister

acting for the Crown and he should have read Judge Hoath's rulings and noticed the absence of a ruling on my key points of defence.

8. The strength of those two ignored rulings became the basis for my acquittal.
9. There is no detailed or legal information offered by you as Attorney General to support your generalized reason for rejecting compensation. No detailed response to anything I submitted for your consideration. I would appreciate some specific detail to allow me to respond.
10. Your letter ignores each of the 85 allegations I gave in my earlier correspondence that explain my innocence to the DPP.
11. Your letter ignores the absence of a ruling on my pre-trial submission made before Judge Brian Hoath where this criminal trial should have stopped.
12. The arguments I provided for Judge Hoath to consider in my defence were so VALID they were upheld by the court-of-Appeal but ignored by your correspondence in reply.
13. In your reply letter you trivialize the seriousness of all of my allegations by saying ' I am not satisfied that there are any other exceptional circumstances in your case which might justify the making of an ex gratia payment to you'. I respectfully suggest that what is 'exceptional' is that I could have discovered a combined log of 85, plus approximately 38 more 'wrong-doings' in this letter, some of them very serious and worthy of examination by higher authorities and all are allegations of unorthodox or criminal failures by the DPP or others. Is that not exceptional?
14. The not-guilty decision by the court-of-appeal did not mention Judge Hoath's error.
15. Your reply to me shows a disregard for the respect and seniority due to the Court-Of-Appeal Judges by saying that 'no exceptional circumstances' exist for compensation. Was the decision to quash my sentence and overturn my conviction not enough for the Attorney General to describe as an 'exceptional circumstance' and a valid reason to compensate? I was at all times innocent and my research keeps uncovering additional evidence of my innocence while at the same time adding to the heavy weight of improper behaviour by the DPP.
16. The admissions by the Premier of his determination to get rid of One Nation were admissions made of his allegedly illegal influence in driving the case forward. The Premier could only seek to influence other people to conduct his desire to 'get rid of One Nation' That is also an incriminating factor not presented to the Judges in the Court-of-Appeal.
17. **The whole legal process was an exceptional circumstance** of a dishonest, incompetent and deliberate attempt to pervert the course of Justice – and don't just take my word for it – the participating lawyers at my trial were soundly criticized for their incompetence by the Court-of-Appeal judges.
18. You carefully limit your rejection of compensation on the basis of no fault by the Police and the DPP when in fact the mistakes cover many more participants than just the Police and the DPP. Once again, just as Judge Hoath excluded facts from his ruling, so does your reply to me.
19. Police had declared in 2 reports that the case had no merit. The Director of the D.P.P. would have been aware of the rulings made by Judge Hoath at the time, via the DPP's Barrister who was prosecuting the case for them – the DPP's barrister was criticized by the Court of Appeal. Is that not exceptional? The DPP's barrister would have and indeed should have noticed like I did that Judge Hoath had created a huge error in his rulings in NOT ruling on the strongest possible defence points of law that I had presented for his judgement. Those missing rulings were the very reason I had my sentence quashed. My appeal team saw it on their first reading of the transcripts.

20. It seems that ‘exceptional circumstances’ just do not exist in the Queensland justice system even when they are exceptional. This rejection is a typical fob-off by a guilty Government’s excuse maker, as is the CCC a whitewashing cover-up unit of the Qld Government.
21. If I want to take this matter further in a higher court system or Federal ICAC then I will. I will need to limit my financial costs - I don’t have any more family homes to sell to pay for it.
22. The Queensland Government owns the courts, and such a case would be placed in front of one of your appointees and they will fight it with taxpayers money until I am exhausted of will, energy and funds to seek justice. How can anyone fight a State Government through the Governments own court system which has been constructed to exclude separation of powers. The best place for such a conflict is the court of public opinion.

Written or documentary evidence - disclosure

Any relevant written or documentary evidence in the form of reports, photos or witness statements will normally be provided to the other side before the hearing. The time for providing this evidence will usually be ordered by the court. The process in which each party is required to make any relevant documents it has in its possession available to the other party is called "discovery".

The evidence Act at s5 says:

Meaning of document purporting to be of certain character etc. For the purposes of this Act a document, including any instrument or part of an instrument, purports— (a) to be of a certain character; or (b) to have been produced or authenticated at a certain time, in a certain manner, by a certain person or body, or by a person having a certain qualification or occupying a certain office; or (c) any other matter whatever; if the document expressly or impliedly represents that matter or a court can assume that matter from the contents of the document or otherwise.

On the 17th of July 1998 David Franks received a reply from Crown Law signed by B.T. Dunphy, Crown Solicitor who denied David Franks request with the following reply:

‘The list of persons submitted with the application to register is specifically excluded from the register of political parties by virtue of *s72(2) of the Electoral Act 1992 (Qld). And is treated as confidential information. Therefore, I do not intend to provide a copy of the list of members submitted with the application.’*

David Franks tried again on 20th July 1998 in a letter to Joanne Daniels of Crown Law. I quote relevant paragraphs of David Franks letter.

‘We submit that the plaintiffs are entitled to a copy of the membership list which accompanied the application of Pauline Hanson’s One Nation to be registered as a political party.

One of the principal issues in the matter before the Supreme Court revolves around the allegation that the membership list of a different incorporate entity was submitted as the membership of another organization in its application to your client to be registered as a political party under part 5 of The Electoral Act.

It is our submission that annexing that list of members to an affidavit for the eyes of the presiding Judge will place the plaintiffs at a severe disadvantage by concealing relevant material and evidence. The plaintiffs and their legal advisors will be prepared to provide an undertaking that the subject list will not be used for any other purpose and that it will be destroyed or returned to the defendant at the request of the Defendant.'

The refusal by Crown Law to release the critical membership document made it impossible for the acting lawyer to verify the accuracy of the claim he wished to prosecute against the One Nation Party. That inability had powerful benefits for the Crown. Had David Franks been able to make that comparison the potential to destroy the One Nation party was gone.

Indulge me in the following speculation:

David Franks request was not unusual, it was standard discovery procedure for lawyers to exchange evidence and see evidence that was being held by the other party's in a court case.

However, it would not be in the State Governments interests to lose this rare opportunity to beat a competing political opponent.

This was the first opportunity to compare the two lists of names and the CROWN did not wish to do so. The Premier was by now aware of this and was later to **say 'I did say, by the way, we'd get rid of One Nation. We expected it to take the full term'.** The Sharple's claims against the One Nation Party would have been spreading through the Parliamentary offices like wildfire. I suggest that the Premier was aware of David Franks request and the Crown must have had at least one lawyer who checked if there was any truth in the Sharple's claim. When they discovered there wasn't, it led to the Crown Law officers denying the 'discovery' of the critical document.

The One Nation party had only just won 11 seats in the Qld Parliament and 23% of the votes. Here was a chance to **'get rid of them'** and I allege that is what occurred. In all criminal cases evidence is checked and rechecked. This list of names was THE critical document to support an amazing claim that could destroy the One Nation party in a Queensland court.

The opportunity to show that some type of fraud had been committed was of huge interest to the Government and the Premier. This was a political opportunity that could not be resisted.

I allege that the Crown Law office knew that such a comparison would bring the Sharple's Supreme Court action to a halt. The State Government's objective as confirmed by the Qld Premier was to get rid of One Nation and I suspect this was a step in ensuring the hearing would go ahead without such a comparison. Even if it failed somehow it was negative publicity that was not in the best interests of the One Nation Party.

I recently discovered that the Crown acted for the Electoral Commission in that Sharples case and what supports my allegation of improper process is that the Crown attached the correct list of One Nation Members names to the Witness Statement of their client Des O'Shea, the Electroal Commissioner. The genuine list of names used to register the One Nation Party in Qld was in Justice Atkinsons court and it seems it was never a part of proving the Sharple's claim was false. That same, now validated as genuine, list became EXHIBIT 17A in the Criminal trial.

Unorthodox process was also exhibited during that civil court hearing when the transcript records that the critical membership document was not in the court for identification by the Electoral Commissioner. No one sought to obtain it and with this astonishing failure of process, the deception had gained life for another day. Crown law had been acting for their client the Electoral Commission of Queensland and they settled the Commissioners witness statement to which was attached at the trial a copy of the genuine list of One Nation member names. That list of names was critical evidence but it was not mentioned in the Atkinson trial. This adds to my belief that Crown Law were in 1998 implicitly involved in a conspiracy to pervert the course of justice by;

1. Making their staff accessible over the weekend to assist Sharple's lawyer in this false prosecution, and
2. Ensuring that the court registry would accept documents well after hours,
3. The Crown Law office refusal to provide the essential document in the discovery process that showed the Sharples action was a lie.
4. And, ensuring that the critical, true document was not in the court for the Electoral Commissioner to make the identification. It just cannot be accidental. Those contrived failures all support each other in avoiding the identification of the true list of names.
5. The Sharples prosecution sailed through a court hearing without having the real document revealed.

Mr. Franks had taken the most obvious and logical step to compare the list of names his client Sharples had alleged was attached to the actual list of names attached to the party's application to register. See copy of his letter in the **EVIDENCE FILE page 56.**

Crown law responded by denying disclosure of the documents – see **page 59 in the EVIDENCE FILE**.

Double Jeopardy provisions apply

Criminal code ignored by DPP - WRONG DOING # 35.

CRIMINAL CODE 1899 - SECT 17

Former conviction or acquittal

17 Former conviction or acquittal

I claim I had incurred a former conviction on the same charges in Sharples v Desmond J O'Shea and Pauline Lee Hanson as representative of herself and all members of Pauline Hanson's One Nation in March 1999 in the civil court of Justice Roslyn Atkinson when she ruled against Pauline Lee Hanson and all members of the Pauline Hanson's One Nation party. Justice Atkinsons ruling was based upon the same charges and prosecution strategy as was applied to the second trial in 2003 held in Chief Judge Patsy Wolfe's court.

I was an originating co -founder and National Executive member of the Pauline Hanson's One Nation Party, at the time of that trial and was named in the final judgement and many times during

the process of the Atkinson trial, and subjected to a range of accusations in the course of the Atkinson trial. I was publicly declared to have committed fraud against the Electoral Commission together with Ms. Hanson.

I claim that the charges in both courts were the same as confirmed in the following evidence.

In the Court of Appeal submission dated 29th October 2003 made by Crown prosecutors A.J. Rafter and B. G. Campbell, at page 3 sub para (e) they state;

'The Jury had accepted that the applicants, as members of the National Management Committee of the party, knew that the list of persons handed to the Queensland Electoral Commission was a list of members of the support movement and not a list of members of the political party'.

This claim confirms that the District Court criminal trial was for the same charge/allegation as had already been heard and ruled upon by Justice Roslyn Atkinson.

Because a guilty verdict had already been delivered by the Court of Justice Roslyn Atkinson, the DPP and the Crown had committed a breach of the CRIMINAL CODE 1899 s 17. The offence of Double Jeopardy.

The above claim by the Crown prosecutors was made prior to the final rulings made by the learned Judges in the Court of Appeal who said at page 5, paragraph (15).

'Applying orthodox contract theory, the aggregation of those objective circumstances suggests strongly that the applicant offered to join the political party, which then communicated its acceptance of the offer by the provision of the membership card. Then at paragraph (16);

'On 24 May 1997, the National Management Committee of the Pauline Hanson Support Movement had resolved in these terms: Two levels of membership

1. **One Nation members have full voting rights.**
2. **Pauline Hanson' One Nation supporters have all rights of membership other than voting rights.**

The Crown contention at the trial was that both of these species of membership concerned membership within the support movement: how it was asked could the support movement be making determinations upon membership issues in relation to the political party? Certainly, the voting rights of the 'One Nation members' being those in contention here – must be read as rights exercisable within the support movement, not the political party. The second tier members, the 'Pauline Hanson One Nation supporters', paid only $5 membership fees, and lacked voting rights. The membership cards issued to those second tier members, processed through the support movement branches unlike the higher level applications which were processed through the political party head office, were also distinguishable in presentation from the cards issued to 'One Nation members'.

Subsequent paragraphs of the Court-of-Appeal ruling up until paragraph (20) add more weight to the efforts made by the Crown to confuse and distort the objective facts of this false prosecution and my innocence.

It is a defence to a charge of any offence to show that the accused person has already been tried, and convicted or acquitted upon an indictment on which the person might have been convicted of the offence with which the person is charged, or has already been acquitted upon indictment, or has already been convicted, of an offence of which the person might be convicted upon the indictment or complaint on which the person is charged. The result of the first trial delivered a guilty verdict and the court-of-appeal that followed perfected Justice Atkinsons guilty ruling.

The first trial that was heard, judged, unsuccessfully appealed and punishments delivered was **Sharples v Desmond J O'Shea and Pauline Lee Hanson as representative of herself and all members of Pauline Hanson's One Nation.** The matter came before justice Atkinson on 25th March 1999.

The title of that Atkinson trial is curious for its contradiction. It was a charge intended to assert there were no members of the Pauline Hanson's One Nation Party and yet Pauline Lee Hanson was described as representative of herself and all members of Pauline Hanson's One Nation. It must be said that I was clearly a founding member and clearly alleged to be one of the three management members of the party in the procedure therefore it cannot be said that I was excluded and that trial did not include or involve me.

In Justice Atkinsons judgement she clearly identified me as being guilty of the charges she heard in her court when she declared that I had with Hanson induced the party's registration by fraud and misrepresentation. The following is the what Justice Atkinson said .....

'Atkinson J found. 'At the time of seeking and being granted registration, therefore, the political party known as Pauline Hanson's One Nation did not have 500 members although the evidence shows it had more than 500 people who believed they were members. Ms. Hanson, Mr. Ettridge and Mr. Oldfield knew that the political party did not have 500 members and knew therefore that that it was not entitled to registration.' The Application to register 'was made either knowing it was false and untrue or recklessly not caring whether it was true or false.' 'Those members of the management committee involved in the application for registration, being **Ms. Hanson and Mr. Ettridge, must have known that Pauline Hanson's One Nation had no members except themselves and Mr. Oldfield and so they induced the registration by their fraud and misrepresentation**.' ' An administrative decision can be set aside on the basis that it was induced by fraud and misrepresentation and had the true facts been known it would not have been made'; 'consequently the registration should be set aside'.

I rely entirely upon the matter heard in Justice Atkinsons trial dated 25th March 1999 as being the FIRST TRIAL and a TRIAL THAT FOUND ME GUILTY of an offence. Therefore, the law of Double Jeopardy applies. The second trial had no right in law to have been undertaken, as by the definition of double jeopardy requires that a double trial can only commence if in the first trial an acquittal resulted, and that fresh evidence that must lead to a prison term of 25 years or more for murder or rape trials as a pre requisite for a second trial.

The damages this injustice caused me and my family were excessive, including incarceration and heavy losses of assets including our family home and my income for many years as my reputation was greatly damaged.

In trial #1, the claim against me is that my offence was in supplying the list of names from the party's Manly office in Sydney. This line in Justice Atkinsons judgement says…'Mr. Briggs said a list of names had been given to him by Jim Stewart, the South Brisbane area co-ordinator for Pauline Hanson Support Movement Inc, who told him he had been sent them by Mr. Ettridge to assist in the registration of a Queensland political party'.

In the course of the Atkinson trial my name was connected to a number of witness testimonies as having supplied documents or statements that were relied upon to incriminate me. They were in later court examinations shown to be completely false claims.

Thanks to Andy Bazzi of www.gotocourt.com.au for the following two pieces of information…..

1. There is a common-law maxim that no man is to be brought into jeopardy for the same offence more than once. This maxim is captured by Section 17 of the Queensland Criminal Code 1899, which creates the defence of double jeopardy.
2. Autrefois convict
   The principle of autrefois convict (formerly convicted) precludes the Crown from re-asserting an allegation on which an accused has already been convicted, and a court has passed sentence.

NO LEGAL BASIS FOR 3rd TRIAL IN THE DISTRICT COURT:

The Act only allows a second trial on the grounds of an acquittal having been the result and fresh evidence that could lead to a conviction **IF** the fresh evidence would convict on a MURDER or RAPE or any offence that would receive a 25 year or greater jail term. Clearly my non-offence did not provide any basis for a Double Jeopardy second trial. My alleged offence was not a murder or rape and did not qualify for a second trial. I was drawn to this farce by authorising the printing of the party's genuine Queensland member database.

My suspicion is that the first trial failed to convict Pauline Hanson with a conviction of 12 months or greater prison sentence which would have disqualified Pauline Hanson from entering State or Federal Parliament again. I allege that the exclusion of Hanson in Politics was the aim of the State Government and they faced the problem of how they might bring that about. This is why I believe the second trial was needed.

The Law

The term "double jeopardy" refers to the principle that a person cannot be charged with an offence for which he has already been convicted or acquitted. Contradicting an earlier verdict by preferring a different charge, such as perjury, is also encompassed by the double jeopardy principle; see the High Court decision in *The Queen v Raymond John Carroll* [2002] HCA 55 (5 December 2002). T

The double jeopardy rule has long been regarded as a fundamental principle of the criminal law. The principles underpinning the double jeopardy rules include that a person should not be harassed by

multiple prosecutions about the same issue, the need for finality in proceedings, the sanctity of a jury verdict, the prevention of wrongful conviction and the need to encourage efficient investigations.

31. In the court action undertaken in Sharples v The Electoral Commission Qld and Pauline Lee Hanson as representative of herself and all members of Pauline Hanson's One Nation in 1999, Justice Atkinson found the charges proved and declared that Pauline Hanson and I were guilty of defrauding the Electoral Commission when the One Nation Party sought registration in 1997.

The penalty was applied as;

a. The deregistration of the party, and
b. Financial penalty: the repayment to the Electoral Commission of Queensland of all electoral funding in the amount of $502,000. This was a significant financial penalty.
c. The matter went to Appeal and was 'perfected' by the Court-of-Appeal dismissing the appeal.
d. It cannot be claimed that what we underwent was not a trial based upon the allegations that Hanson and I attempted to defraud the Electoral Commission. Those words are clearly used in Justice Atkinsons ruling om page 37.
e. The points above and Justice Atkinson's ruling clearly evidence that Hanson and I were publicly declared to have defrauded the ECQ and that allegation and conviction continues to be the public humiliation I continue to suffer 21 years later.
f. The Atkinson trial cannot be declared to be outside of the Double Jeopardy provisions which were in force at the time. It contains all of the elements and characteristics of a trial conducted in a Queensland court that found against me.
g. On the above basis, the instigation of the DPP's campaign to charge us and commit us to a retrial is clearly invalid and an offence committed by the DPP that breached s17 of the Criminal Code.
h. This adds to the extreme prejudice that was unlawfully and unfairly applied to me in the malicious prosecution that was initiated by the Crown in 2001 and onward despite my multiple protestations of my innocence.
i. The Double jeopardy discovery now significantly reduces your attempts to deny me compensation, and in my opinion significantly increases my claim for compensation and the quantum of ex gratia payment to compensate me for the DPP's breach of the Criminal code that occurred.
j. At all times it seems that my being charged and prosecuted relied on no one challenging the legality of the DPP's actions. The Double Jeopardy offence may well be the biggest error made in this malicious prosecution.

DPP acted maliciously and deliberately.

The DPP wasted approximately 7 weeks of court time prosecuting a claim that they should have known was false.

a. The first indication that the Sharples list was known by the Crown to be false was when the Crown refused to give a copy of the real list in discovery to David Franks, Sharples Lawyer in 1998.
b. The next time the Crown/DPP knew the Sharple's list was false was at the Atkinson trial when the Crown, defending Des O'Shea the Electoral Commissioner, attached to the Electoral Commissioners witness statement a true copy of the list of One Nation party member names. This was the same true list of member names submitted to the ECQ for the party's registration. This list became known as **EXHIBIT 17A** in the final court of Patsy Wolfe and was the genuine list.
c. The next stage when the DPP's strategy of re-inventing the way they planned to prosecute their false trial against me was at the Committal when Hanson's lawyer Chris Nyst, responding to my suggestion whilst driving to the court ***that if*** we had actually denied memberships what could members do to assert that they were members and we talked then about contract law. That should have been a strong warning to the DPP that their claim that there were no members was very fragile.
d. **In 1999** the One Nation Party had its first National AGM, held at the Rooty Hill RSL club in Sydney. At that AGM approx. 1500 members attended, and more than 1,000 sent proxies. At this AGM the existing National Executive of Hanson, Ettridge and Oldfield stood down and were re-elected unopposed by the members. The members also voted to add two additional members to the National Executive, and they were also elected. The 3 became 5.
e. On the same day the One Nation Party's new constitution was presented to the members and they voted to accept it. Copies had been circulated prior to the AGM. Members had to produce their membership cards to gain entry to the AGM. I don't know what else we could have done to assert that the Party had members, this was all based upon members exercising their rights and voting on matters that affected their party. It was also around this time that the Support Movement was being wound up. The Support Movement was an unnecessary part of our structure and an entity we inherited which had no further use within the party's future business model.
f. The Next stage was when I made a clear and strong defence submission to Judge Hoath on membership law that made the Crowns criminal prosecution against us redundant. I allege Judge Hoath must have known my claim about contract law was going to lose the prosecution's case, so he mysteriously did not rule on that point, and then he recused himself it appears. But, it was another serious WRONG DOING and warning to the DPP that their case was weak and going to be exposed.
g. All correspondence I submitted to Leanne Clare of the DPP was ignored or rejected.
h. Judge Hoath's failure to rule on the contract law and the definition of a member contained in the Electoral Act was his way of agreeing with my defence submission – his silence being agreement. His reputation would have been damaged badly if he had ruled against such an obvious and powerful defence argument. Judge Hoath's error was picked up immediately by my appeal lawyers and the case was lost to the Crown at the Appeal.
i. The Atkinson trial was intended to prove that the Electoral Commissioner had been defrauded by Ettridge and Hanson by them attaching a list it was alleged they knew to be false to the application to register the One Nation Party in Queensland. It wasn't false at any stage, and YET the Electoral Commissioner who gave evidence in that same 1999 court process attached to his witness statement PROOF that the One Nation Party had members and this repudiated the

charges and the ruling that issued from Justice Atkinson's trial to be wrong. How do these things get past experienced prosecutors and defence lawyers unless they are complicit in a conspiracy to pervert justice? There is also the amazing failure during Des O'Shea's testimony where the true list of One Nation member names was claimed to not be in the court. Do you really believe all this? **Very serious WRONG-DOING #38.**

More contradicting and astounding FRESH evidence.

The following transcript contains a clear and unambiguous declaration by the former Electoral Commissioner Des O'Shea that the application to register the One Nation Party in Queensland in 1997 **was valid**. I have highlighted the relevant sections that capture Mr O'Shea's evidence. **This document also claims the CMC also agreed that the application to register the One Nation party was valid**. There was only one application to register in question, made in 1997 so it appears with this document that the whole devious, malicious and criminal procedure is now gaining support for its original integrity from the CMC, The Electoral Commission, the Court-of-Appeal and all the evidence I have gathered to support my claim for wrongful imprisonment and damages.

SUPREME COURT OF QUEENSLAND

CIVIL JURISDICTION

de JERSEY CJ

No 2696 of 2004

TERRY PATRICK SHARPLES — Applicant
And
CHAIRPERSON, CRIME & MISCONDUCT COMMISSION BRENDAN BUTLER QC — First Respondent
And
CRIME AND MISCONDUCT COMMISSION (QLD) — Second Respondent

BRISBANE

DATE 14/05/2004

JUDGMENT

HIS HONOUR: Mr Sharples seeks review under the Judicial Review Act 1991 of certain decisions of the Crime and Misconduct Commission. The Crime and Misconduct Commission seeks the dismissal of that application under section 48 of the Judicial Review Act on the grounds specified in that provision. Mr Sharples has applied under section 49 of the Act for an order that the Commission indemnify him in respect of his costs of the judicial review application. The Crime and Misconduct Commission seeks the dismissal of that application for costs.

Mr Sharples made three complaints to the Commission in February this year, none of which the Commission sustained. **The first was that the then Electoral Commissioner, Mr O'Shea, was made aware**

by Ms Leach of factual matters suggesting the ineligibility for registration of Pauline Hanson's One Nation Party prior to the 1998 State election, yet failed to take action to deregister the party and refund electoral expenses directly to the candidates. This amounted to a complaint of official misconduct against Mr O'Shea.

The Commission declined to proceed on the complaint on the basis that it failed to raise any reasonable suspicion of official misconduct. That was based in Mr O'Shea having formed the view, which the Commission implicitly accepted as reasonable and open, that the application for registration was valid notwithstanding Ms Leach's experience, and that Mr O'Shea's approach, with the benefit of hindsight, derived support from the decision of the Court of Appeal delivered subsequently in the criminal proceedings in relation to Ms Hanson and Mr Ettridge.

Since the registration was applied for in 1997, Mr O'Shea's belief that the registration application was valid flows back to the date it was lodged and precedes all court actions since that have attempted to declare it was invalid.

(All above underlining and bold type emphasis is mine)

The above paragraph is a very powerful statement that supports my innocence. And it makes a mockery of the prosecution process when the very person it was alleged had been defrauded, Mr O'Shea, also being an experience lawyer, made it clear in his defence that the party had NEVER been in breach of any Qld laws regarding its registration.

I find this greatly disturbing in this matter that the Chief Justice and the CMC are now defending the fact that the One Nation Party's application to register in Qld was valid. We always said it was. The DPP wasted huge amounts of resources, time and money on this monumental and malicious judicial disaster all driven by political prejudice and lies.

I ask for you to reconsider with some urgency my request that you provide me an ex-gratia settlement for the massive damage you have caused me and my family with loss of income, loss of reputation, loss of our family home, extensive long-term defamation that will last my lifetime and National public humiliation and defamation.

Yours sincerely,

David Ettridge

D. Ettridge

CHAPTER 42

Pleading my innocence.

Since this farcical attack on me commenced I have gathered a lot of evidence that shows how poorly my attempts to cause it to stop were dealt with by the Queensland judicial system.

There are too many to include in this book, however I have summarized many that are useful. Much of what is included on the following pages was part of my 227 page submission to the Crime and Misconduct Commission in late 2003. The others are bits and pieces of information that contributes to the exposure of this perversion of justice.

At my criminal trial the same Police detectives who prepared a report claiming I was innocent were enthusiastically giving evidence of my guilt.

In the 4 court examinations only the first by a member of the Justice System - Justice Ambrose - made any reference to the Electoral Act which stood in contradiction to the false charges and claims being defended.

I relied on the Electoral Act in my defence arguments and submitted them to Judge Brian Hoath.

It was the section of that Act which defined a party member that rendered the allegations and charge to be false.

The membership by contract defence was discussed by me with Hanson's lawyer as we drove together to attend the committal hearing, that hearing is designed to establish if there is a case to answer.

I had some experience with contract law in my commercial past and I suggested to that experienced lawyer that the party had established membership under contract law. He agreed and I suggested that he as an experienced lawyer should raise the contract subject in that committal hearing.

The following is what Hanson's lawyer said to Judge Halliday who presided over the committal process. **'… As a matter of law – as a matter of contract law these people were offering money to enter into an agreement to become members of the party as the evidence discloses many of them did. They completed application forms, they paid money over. But here we have a situation of people offering their money, seeking to become members, and that's accepted. There were monies accepted and they're given a receipt and significantly all of the members – the membership applications start as at April 11th 1997 when the party is said to be set up'**

The above was enough to cause the process to stop. The most powerful point of law had been made and it rejected the Crowns claims in that committal hearing that there were no members, only people who thought they were members. This same argument put by me to the pre-trial Judge Hoath was upheld by the court of appeal and resulted in our release from prison and our conviction being quashed.

I also stress that Hanson's lawyer never raised this argument again, which I believe he should have in defending his client.

During my cross examination of Detective Sergeant Newton, an officer who had been involved in the preparation of the Police report that the Crown rejected, I discussed the list of names which became EXHIBIT 17A in the criminal trial. That list of members was absurdly presented to the court as evidence the party had no members, only people who were deceived into thinking they were members!

At this stage the suggestion of a substitution of a Support Movement list of names was still fresh.

Sergeant Newton had the member list EXHIBIT 17A in his hand. This was the list that was presented to the court to support the Crown's case that support movement members were submitted to the Electoral Commission. I asked if he was aware that people who had become members of the Pauline Hanson support movement had paid $5 as a membership fee. He agreed. I asked him if he knew that full party membership started at $20 and upwards. He agreed he knew that. I asked him if the list he held in his hand was the evidence of support movement members names being submitted to the Electoral Commission for the One Nation party registration. He agreed. I then asked him to run his eyes over the list he was holding and to let the court know if there were any $5 support movement memberships registered on the EXHIBIT 17A list. He was caught by surprise and went from page to page and finally admitted that there were no $5 members listed on the Exhibit. Again, that was a strategic moment when the court should have stopped but it did not. Sgt Newtons evidence had discredited the very basis of the Crowns case. Don't forget that Sergeant Newton was in a difficult position. He knew we were innocent because that's what the Police report he co-investigated had told the Crown. Sergeant Newton was also one of the Detectives who interviewed witnesses in Sydney when he and his colleagues admitted they were under political pressure to 'get Hanson'.

Sergeant Newton's evidence was also supportive of the membership-by-contract defence because he had given evidence that confirmed membership had been requested, accepted and paid for, which are the essential elements of a contract.

Sergeant Newton was one detective who told Michael Kordek that he would quit the Police force over his objection to the way we were treated.

Following my self-representation at the Committal hearing I was very confident about the judges expected judgement. I made my confidence too overtly and ended up having an order placed by the court removing my right to speak to any media or party members about the course of events in the trial.

On the 19th of August 1999, the Queensland newspaper The Courier Mail ran a story which said that the Attorney General Matt Foley had said that our offence which followed the civil court's guilty verdict attracted a 6 month jail term or a $1,500 fine.

This is what Australian Law says about courts applying retrospective penalties.

In section 158 of the Queensland electoral Act it says 'No one may hinder or interfere with the free exercise or performance by another person, of any right or duty under this Act that relates to an election.'

Section 78 of the Queensland criminal code says any person who by violence, or by threats or intimidation of any kind, hinders or interferes with the free exercise of any political right by another person, is guilty of a misdemeanor, and is liable to imprisonment for 2 years.

In a breach of the Electoral Act, the civil action was allowed to be heard in a court 14 months after the time limit for such a challenge as provided in the Electoral Act.

In a story in the Courier Mail dated 23rd June 2000 the following was said… 'The office of the Director of Public Prosecutions has come under repeated attacks over poor resourcing, a series of senior resignations and claims of political interference'.

Fraud only applies when some relies on what you say or claim and acts on it. The Electoral Commissioner is a lawyer and he did not rely upon any representations made by Hanson when she lodged the documents to register the One Nation party in Qld. The Commission wrote to a large sample of persons named on the submitted list. 97% of those persons written to replied in the affirmative that they were members. This process removes any allegation of fraud because the Commissioner did not rely upon our representations.

CHAPTER 43

TONY ABBOTT's involvement.

I need to ventilate the origins of this long drawn-out persecution.

It is true that Tony Abbott M.P. leapt into this opportunity to attack the One Nation Party.

He provided the money and legal resources to assist Sharple's claim that the electoral commissioner had been defrauded. Abbott's original lawyer, David Frank from the Brisbane office of Paul Everingham & Co did his best to establish if the Sharple's claim was sustainable in the court.

David Franks had his request for a copy of the list of names submitted for party registration refused by Crown Law.

This was the first evidence of the Queensland's Crown Law office offering what I consider to be unorthodox denial of critical evidence. It also created a block in David Frank's ability to verify the truth of the Sharple's list of names. So, without the discovery of the genuine list of names attached to the application to register the One Nation party which I believe the Crown Law office should have provided, if for no other reason than to avoid the waste and misuse of valuable court time, the matter went ahead in the civil court of Justice Brian Ambrose.

As we discovered, a careful manipulation of the events kept the false evidence offered by Sharple's out of the way so the prosecution of the One Nation Party could continue. This is where Justice was perverted. If that list comparison had been made by CROWN LAW at the outset for David Franks consideration, Mr. Franks would have seen the falseness of the action and the matter would never have made its way into the court. I need to state that if David Franks had read the Electoral Act he would have seen that the list Sharple's had provided was acceptable under that Act and it rendered Sharple's court action to be false.

In 2013 I was keen to bring Tony Abbott to justice and I sent the following press Release to the media.

Media Release

Is Tony Abbott above the Law?

18th March 2013

'I am greatly concerned that Tony Abbott, a man who had such little regard back in 1998, for the law and the democratic rights of Australians, could become Australia's next Prime Minister' said former One Nation Party co-founder David Ettridge today.

'Mr Abbott acted unlawfully in a number of ways in 1998 when he assisted and encouraged false and malicious litigation against the One Nation Party in the Queensland courts. The consequences of his

unlawful maintenance of that unfounded litigation resulted in extensive damages that affected my reputation and financial position greatly' Ettridge said.

'The false claims that were assisted by the Abbott sponsored litigation were baseless and were never an offence under the Queensland Electoral Act, yet in an effort to pervert and ultimately miscarry the course of Justice, Mr Abbott recruited lawyers, a QC and a Barrister to propel those false claims through the courts' Ettridge added.

'It was a few years later that a thorough investigation by the Queensland Major Fraud Squad advised the Qld DPP that no offence had been committed and recommended the matter be dropped. In 2003 the Qld Appeal Court also rejected the basis upon which Abbott's allegations relied' Ettridge claimed. 'Mr Abbott was improperly relying on a false claim for political advantage' Ettridge said.

'I will be filing a claim against Tony Abbott in the Brisbane Supreme Court seeking damages in excess of $1.5 million.' 'I will also be asking the court to compel Mr Abbott to release the names of the people who contributed to Mr Abbott's 'Australians for Honest Politics Trust', so the trust can be fully examined for whatever contribution it made to any unlawful activity at that time'. Mr Ettridge added. 'I will be alleging that those donors became co-conspirators in Mr Abbott's unlawful actions and must also be held accountable. Creating slush funds for deliberate and unlawful political purposes is a very unhealthy attack on our democratic system' Ettridge claimed.

'Mr Abbott has closely guarded and never released details of this slush fund and was treated very lightly at the time by the Australian Electoral Commission who never pursued him to reveal such information. The slush fund was quite obviously an associated entity of the Liberal Party and its conduct was limited to only attacking the One Nation Party, thus providing a benefit to the Liberal Party' Ettridge said.

'It also is possible that corruption could have existed between Mr Abbott and those trust donors who could have received or expected favours from the Howard Liberal Government at the time. Until a full public disclosure and examination occurs, the question of corruption remains a possibility. Why would donors provide Mr Abbott with funding for unlawful purposes without an expectation of a return favour?' Ettridge said. 'A full disclosure will allow an examination of that possible corruption to be excluded' Ettridge said.

'My claims in the Brisbane Supreme Court will include that Mr Abbott and his Trust donors acted unlawfully and amongst other things,

1. Committed the offence of **maintenance**.
2. **Perverted the course of Justice** by assisting and financing court litigation of an allegation that wasn't an offence under the Electoral Act. (An obvious fact that escaped the notice of his lawyers at the time).
3. Committed other offences against the **Electoral Act Qld 1994**.
4. Committed offences against the **Qld Crimes Act**.
5. That Mr Abbott committed the offence of **Misfeasance in Public Office**.
6. Mr Abbott used Federal Government stationery for all of his related correspondence and in so doing **made his unlawful activity official Government business**.

7. Mr Abbott may have also funded his multiple trips to Queensland in that period while committing the offence of **misusing public funds**. The current Government needs to investigate that possibility.
8. It also remains possible that **Mr Abbott acted with some immunity** against consequences and prosecution from the Howard Government at the time and that his vigilante style behaviour was overlooked for the political advantage it provided to the Liberal Party. The Liberals were the biggest vote losers following the success of the One Nation Party in the June 1998 Qld State Election. (One Nation 439,121 votes, Liberals 311,514 votes) The Liberals stood to face a similar loss in the 1998 Federal Election. It goes to motive' Mr Ettridge added.
9. Mr Abbott's attempts to destroy a lawfully registered political opponent were an act that showed **contempt for the democratic process** and the Electoral Laws that exist to guarantee Australians their **right to have voter choice**.

'Most of these allegations are very serious breaches of Australian law' Mr Ettridge claimed.

'The time has come for Mr Abbott to be cleared of any doubt that he may have broken any laws before he seeks to be our next Prime Minister.' Mr Ettridge said. 'If my claims are found by the court to be true then Mr Abbott may need to step aside and avoid bringing any embarrassment to the highest public office in Australia'.

'As a direct result of Mr Abbott's provision of resources to advance this false allegation by Terry Sharple's, actions, Pauline Hanson and I became embroiled in a perversion of justice that led to a process of our being falsely charged and ultimately imprisonment.'

'I have experienced considerable damages to my finances and reputation as a result of Mr Abbott's actions in 1998 and beyond, and I will seek to have the court assess the quantum of damages and order Mr Abbott and his Australians for Honest Politics Trust donors to pay that compensation'. 'Mr Abbott has never faced genuine adjudication of the many issues I will raise in court' Ettridge said.

'For Mr Abbott, this is Karma and I expect to be inundated by Lawyers offering their services pro bono so I receive Justice in this matter' Ettridge said.

'I expect my application to the court to succeed because Mr Abbott has fortunately on many occasions been so secure in his immunity that he repeatedly admitted doing exactly what I am seeking the court to find him guilty of' Ettridge concluded.

David Ettridge

<u>Quote:</u> Tony Abbott on the Jailing of Pauline Hanson.

'All my doing, for better or for worse. It has Tony Abbott's fingerprints on it, and no one else's'

My NOTE:

I did attend the Brisbane courts to advance this matter against Tony Abbott but it became obvious that he had an army of pro-bono Q.C,'s, barristers and lawyers ready to draw the court battle out.

They could win with their deeper pockets and access to much better connections and resources than mine. I learned a long time ago to walk away from fights you cannot win.

The following document is my 3 page submission to the Brisbane Court registry for a hearing on the fresh evidence obtained during my cross examination of Electoral Commissioner Des O'Shea. After lodging this document with the court registry I sought leave from Chief Judge Patsy Wolfe to attend the proposed hearing, however she refused to break the progress of her court for me to have this fresh evidence heard. It never was, because on the 21st August I was imprisoned and the matter was dropped. This evidence revealed that the Atkinson trial was a farce and to have it won in the court would have impacted badly on the criminal trial.

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IN THE SUPREME COURT OF QUEENSLAND **6318 of 1998**
BRISBANE REGISTRY **Form 9**

Plaintiff **TERRY PATRICK SHARPLES**

AND

First Defendant **DESMOND JAMES O'SHEA**

AND

Second Defendant **PAULINE LEE HANSON** as representative of herself
And all members of Pauline Hanson's One Nation.

APPLICATION

TAKE NOTICE that the applicant David William Ettridge is applying to the court for the following orders -

1. That all orders of the court pursuant to UCPR rule 667 in the above matter and all associated appeals be set aside as those orders were based upon false evidence and perjury associated with that evidence. Also, the applicant, Pauline Hanson's One Nation qualified for registration under section 70 (2) of the Queensland Electoral Act 1992.

2. The decision of the Honourable Justice Atkinson was arrived at by being misled by witnesses Andrew Carne and Edward Charles Briggs and by considering false evidence which they produced to the court which is attached to the affidavit of D. Ettridge and marked as Court of Appeal document **Exhibit 'A3'** (originally attached as an exhibit to the affidavit of Edward Charles Briggs).

3. The **exhibit A3** of Edward Charles Briggs was the only National list of party member names bearing the date stamp of 21/7/97 referred to by Edward Charles Briggs and Andrew Carne in evidence at the civil hearing 6318 of 1998 and it is the same list bearing the same date and characteristics referred to by Her Honour Justice Atkinson in her judgement at point 81, page 29 in the matter Sharples Vs O'Shea and Anor [1999] QSC (18th August 1999). No other list of member names was identified or mentioned by her Honour in her judgement nor did her judgement refer to any testimony of any other witness regarding the true list which had been shown and discussed in the court. Her Honour preferred to accept the testimony of Messrs Carne and Briggs.

4. The true list of names which Pauline Lee Hanson supplied with the application to register with the Queensland Electoral Commission was never produced in Justice Atkinson's court for identification by the Qld Electoral Commissioner, Desmond James O'Shea..

SUPREME COURT OFFICE BRISBANE

Application filed by the second defendant.

D.W.Ettridge
9 Towarri Place, Belrose NSW 2085
Phone: 0417 049 285

10. On 22/07/03 during Cross examination of Desmond James O'Shea by David Ettridge in criminal proceedings in the Brisbane District Court of Her Honour Judge Wolfe, Desmond James O'Shea was shown attached **exhibit A3** of Edward Charles Briggs and asked if it was the list of names attached to the application made by Pauline Hanson and the One Nation Party for registration. He answered 'I couldn't say that either, I don't know'.
Mr O'Shea was then shown the true list of names attached to the application made by Pauline Hanson to the Qld Electoral Commission on October 15th 1997, and marked as EXHIBIT 17a. in the District court. He agreed that the list of names marked EXHIBIT 17a was in fact the correct list of names attached to the application. **Attached to the affidavit of D. Ettridge and marked as Exhibit '17a'**

11. When taken back to the list marked **exhibit A3** of Edward Charles Briggs, Mr O'Shea was asked 'That is not the one attached to Pauline Hanson's...and he answered 'I cant recall ever seeing that before'. This cross examination can be found at pages 512, line 40 and at page 513 lines 1 to 20. They are distinctly different lists. The Briggs list contains member names from each state of Australia and is dated 21/7/97 and the True list supplied by Pauline Hanson, contains only names of members resident in Queensland and bears a print date of 13/10/97.

12. When the Queensland Electoral Act 1992 is examined, section 70, (2) makes it perfectly clear that the party qualified for registration as a 'registrable' political party. The Pauline Hanson's One Nation Party was a registered Federal Parliamentary Party and therefore met all of the legislative requirements of section 70 (2) of the Act. There was never any case to answer. Her Honour Justice Atkinson did not at any stage of her hearing examine and consider section 70 (2) of the Act.

This application will be heard by the court

On 30 July 2003 At 10:00 am

Filed in the registry on [illegible] 2003

for the Registrar

If you wish to oppose this application or to argue that any different order should be made you must appear before the court in person or by your lawyer and you shall be heard. If you do not appear at the hearing the orders sought may be made without further notice to you..

Filed by the applicant

David William Ettridge
9 Towarri Place, Belrose NSW 2085

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On the hearing of the application the applicant intends to rely on the following affidavits -

1. The Affidavit of David William Ettridge. (Attached)

If you intend on the hearing to rely on any affidavits they must be filed and served at the applicants address for service prior to the hearing date in accordance with the Uniformed Civil Procedure Rules (Qld).

If you object that these proceedings have not been commenced in the correct district of the Court, you must apply to the Court for dismissal of the proceedings.

THE APPLICANT ESTIMATES THE HEARING SHOULD BE ALLOCATED 90 Minutes.

Particulars of the Applicant:

Name : David William Ettridge

Residential Address : , Belrose NSW 2085.

Address for Service : , Belrose NSW 2085.

Telephone: (02)

Signed: D. Ettridge

Description : Applicant

This application is to be served on:

1. Terry Patrick Sharples,
   45 Charles Street,
   Tweed Heads NSW 2485.

2. Crown Law,
   State Law Building,
   Cnr Ann and George Streets,
   Brisbane Qld 4000. On behalf of First respondent.

3. Pauline Lee Hanson.

Dated: 25th July 2003.

SUPREME COURT OFFICE BRISBANE

Filed by the applicant:

David William Ettridge
, Belrose NSW 2085
Phone: 0417

CHAPTER 44

Margo Kingston on Abbott.

The following article has been edited to remove parts that are not relevant subject matter.

Tony Abbott and his slushy character question

When prominent Australian investigative journalist Margo Kingston heard Tony Abbott say the AWU slush fund issue was all about Julia Gillard's character, she couldn't have been more surprised.

A QUESTION of character?

My mouth fell open when I heard Abbott's final flourish in Thursday's speech denouncing Gillard as unfit for office. I remembered, suddenly, vividly, Tony Abbott's very own slush fund. Could he too have forgotten?

In 1998, Abbott privately agreed to bankroll Terry Sharples, a disaffected One Nation member, to take legal action against Pauline Hanson.

Less than 2 weeks later, he categorically denied to the ABC that he had done so, and 18 months later he repeated the lie, this time to the *Sydney Morning Herald*'s Deborah Snow. But when she confronted him with his signed personal guarantee, he said that:

'…misleading the ABC is not quite the same as misleading the Parliament as a political crime'.

He then created a slush fund he called Australians for Honest Politics and raised $100,000 for it from 12 people he declined to name. The fund began bankrolling more court actions against Hanson and her party.

And there it rested, his lies largely unknown to the public, until court proceedings by Sharples he'd helped kick-start finally resulted in her being jailed.

The overwhelming majority of Australians, like her or hate her, hated that, blamed Abbott for setting the legal wheels in motion, and wanted to know the details.

In a famous interview, Kerry O'Brien demolished Abbott's facade of misunderstood nice and proved to a much bigger audience that he was a serial liar.

But there's more!

The *Sydney Morning Herald*'s Mike Seccombe then reported that, in 1998, the Australian Electoral Commission asked Abbott to disclose his donors, as required by law.

He refused, telling the Commission that before seeking donations:

'I spoke with one of Australia's leading electoral lawyers who assured me that the trust would not be covered by disclosure provisions.'

The AEC took him at his word and closed the file until forced to reopen it in 2003.

Abbott had lied again!

When I asked him on September 2003 why he took legal advice on secrecy before soliciting for donations, he said:

'I didn't take legal advice on disclosure till after I got the AEC's letter. I sought legal advice and got oral advice from a senior lawyer.'

In other words, he lied to the AEC.

Some would say that amounts to a criminal act under Section 137.1 of the Commonwealth Criminal Code (1992): the crime of providing materially false or misleading information in compliance with a law of the Commonwealth.

Me, I'd give him the benefit of the doubt.

Except that in a later written statement to me, Abbott revealed that his lawyers had not even been briefed with the Trust document before giving advice, and refused to even name the lawyer. Not only that, he told me he wouldn't disclose the donors because

'….there are some things the public has no particular right to know.'

Much later, the Electoral Commission decided that Abbott did have an obligation to disclose his donors. Unfortunately, by this time, they could not legally compel Abbott to do so, because the Statute of Limitations has expired. So they asked him nicely. But he refused.

CHAPTER 45.

Abbott untouchable? He admitted his guilt.

Media Release

12th August 2013.

Is Tony Abbott above the Law?

In 1998 Mr Abbott used his position as a Member of Parliament to unlawfully attack the democratic process in Australia. Mr Abbott broke a number of laws that are designed to provide a strong and legal democratic system for Australians.

In concert with other people, Mr Abbott committed a number of offences.

1. Maintenance – this tort remains an offence in Queensland.
2. Conspiracy with others to commit offences against the Crimes Act 1995 and the Electoral Act 1994 Qld.
3. Malicious prosecution of a non-offence in collaboration with lawyers and others.
4. Creating an unlawful association – 'the Australians for honest politics trust' – to commit unlawful acts in an anti-democratic conspiracy with like-minded people.
5. Misfeasance in public office. Improperly using Government letterhead and his influence in a senior position in the Liberal party Federal Government to intimidate and strengthen his allegations.
6. Offering a bribe to a witness.

The One Nation Party, Pauline Hanson and David Ettridge ultimately became victims of Mr Abbott's actions which set on course a series of legal abuses that resulted in the false imprisonment of Ettridge and Hanson in August 2003. After 3 months of a 3 year term they were released with their sentences overturned and their convictions quashed. The Qld Court of Appeal had finally put an end to years of political persecution and abuses of the law. In late 2003 Ettridge lodged lengthy submissions to the Australian Crime Commission, The AFP and the Qld CMC calling for a full investigation into a number of alleged breaches of the law by Mr Abbott. These Government bodies all failed to properly conduct investigations into Mr Ettridge' s claims. So, in this election period, is Mr Abbott a suitable person to run for the office of Prime Minister of Australia? Mr Ettridge asks. 'Is Mr Abbott above the laws that the rest of us are expected to respect?' He added.

The following are offences committed by Mr Abbott and others.

Offences committed under the Criminal Code Act 1995.

Division 5 – Fault elements.

5.2. Intention.

Section 5 (1) Mr Abbott intended to engage in the conduct. He has admitted his intention and involvement repeatedly. Said he would do it again. There are dozens of admissions by Mr Abbott that he did commit the offences claimed by Ettridge, but not one law enforcement agency has charged him.

> By his admissions, Mr Abbott implicates himself in the committing of offences under the **Crimes Act Section 28**, the **Electoral Act Qld section 157, Improperly influencing the Commissioner**. Mr Abbott admits he did and would again act to breach Electoral laws, human rights and anti-discrimination laws.

The offence by Mr Abbott under the Crimes Act section 28 and the Electoral Act 1994 Qld.

Improperly interfering in the performance of the Electoral Commission in Queensland.

This offence occurred in in **August 2011** when the One Nation party had re-applied for registration in Queensland. A delegation of 4 One Nation Officials attended a meeting at the office of the Qld Electoral Commission.

In a conversation at the Qld Electoral Office, a senior QEC officer, told the 4 attending One Nation Officials, that Tony Abbott, Leader of the Opposition had telephoned him and asked him to reject the current One Nation application. This is also the offence of misfeasance in Public Office where Mr Abbott attempted to influence and intimidate a public servant.

The Australians for Honest Politics Trust was an unlawful association.

In correspondence dated October 20th 1998, addressed to Roger Wills of the Australian Electoral Commission, Mr Abbott admits he is a trustee of the above trust and he provides information regarding the trust.

Mr Abbott and the donors to the Australians for Honest Politics Trust shared a single motive. They each wanted to protect the Liberal Party and in so doing they shared a common intent to attack and destroy the Pauline Hanson's One Nation Party.

To do so was to breach a number of laws contained in the Electoral Act 1994 Qld and the Crimes Act. These laws have been written to guarantee Australian citizens a strong and fair democracy. Australia is not the province of a two party system. If voters want change they can and must be free to vote for it. To interfere with that right is a serious offence, especially for a legislator and highly ranked Member of Parliament.

Mr Abbott and his co-conspirators breached discrimination laws, Electoral laws and Crimes Act laws. They acted without regard for the legal rights of Australian voters to vote as they choose.

Offence against the CRIMES ACT 1914 – section 28.

Any person who, by violence or by threats or intimidation of any kind, hinders or interferes with the free exercise or performance, by any other person, of any political right or duty, shall be guilty of an offence. Penalty: Imprisonment for 3 years.

Mr Abbott plotted with others to conduct unlawful interference in the rights of 439,000 voters in Queensland who voted for the One Nation party. He also attempted to destroy the registration, reputation, finances and public standing of the One Nation party and the rights of almost 1 million people who voted for the One Nation party in the October 1998 federal election. See sections 157, 158 168 of the Electoral Act 1994 Qld.

They committed an extremely serious and illegal attack on democracy in Australia.

The Liberals have previous form for identical interference when they did the same thing to the WA Democrats.

Corruption of a Public Official?

Mr Abbott seriously compromised his public office when he went on a campaign to seek financial contributions from friends and colleagues for application on anti-democratic and unlawful pursuits. He should have known better and his behaviour throws doubt on his suitability to hold public office.

The donors to the Australians for Honest Politics Trust ALSO have compromised Mr Abbott. Because he accepted money from them there exists a possibility that those donors will expect favours from an elected official of the Government. A senior Member of Parliament should not place themselves in a position where they can be compromised and potentially corrupted.

Why would someone make a decision to make a sizeable donation for nefarious purposes, unless they wished to create an obligation between themselves and Mr Abbott, a favour owed that can be called up in the future. Or, did they donate just so they could have more influence from a member of Parliament that would benefit them in the future. However we look at this, Mr Abbott deliberately exposed himself to being accused of corruption.

Mr Abbott has at all times refused to identify the donors. He is hiding something – another very strong reason for the donors to be investigated and identified. Their names are not listed in his pecuniary interests as an MP. If they have given Mr Abbott money he should have listed them and the amounts they gave him.

Have any favours already been given? Will Mr Abbott, if he becomes Prime Minister be corrupted by calls of favours owed? Will this mean our highest ranked member of the Australian parliament might enetr that position as a corrupted and compromised person?

The AFP must investigate who those donors are, how much they donated, were any Government favours expected or returned, exactly what was the Trust money spent on. Was it used for any improper purpose?

5.4. Recklessness. Sections (a) and (b).

Mr Abbott has acted recklessly as a member of parliament when he commenced his maintenance and interference in litigating against the One Nation party in Qld.

Mr Abbott advanced his maintenance based upon completely speculative claims made by the late Ted Briggs who was quite unreliable, and by Terry Sharples who was fanatical about getting even with the One Nation Party.

The fanciful allegation that Mr Briggs and Mr Sharples put to Mr Abbott and his lawyers was highly speculative and completely unsupported by reliable evidence. Abbott's lawyers knew that, which is why attempts were made to get a copy of the list of names attached to the One Nation application to register in Qld for comparing with the list Briggs gave them. That list was denied by Crown law for privacy reasons.

Abbott and his lawyers proceeded with reckless indifference to the factual strength and integrity of the case they maintained. Their fears were founded, when the decision of Ambrose J was handed down in August 1998, (a month after Mr Abbott had given Sharples his July 11th letter of guarantee) and Justice Ambrose said the evidence provided was speculative in the extreme.

5.5 Negligence. A person is negligent with respect to a physical element of an offence if his or her conduct involves.

(a) falling short of the standard of care that a reasonable person would exercise, and

(b) Such a high risk that the physical element exists or will exist.

Mr Abbott and his lawyers should not have proceeded with their support for the Briggs/Sharples litigation. They acted unreasonably, recklessly and without due care.

They proceeded with a zero chance that the allegation they supported would succeed. A reasonable person might have needed an 80-100% chance. I say zero because the electoral act definition of what a member is defeated their case plus the contract law defence also beat their case. The denied membership list for comparison also beat their case.

Had the Abbott sponsored Lawyers read the Electoral Act 1994 Qld, they would have seen what the definitions section said about party membership, this member definition defeated the speculative allegation put forward by Briggs and Sharples. Abbott's lawyers should have also known about the One Nation membership being created under contract law.

Division 11. Attempt.

Section 1. 'A person who attempts to commit an offence is guilty of the offence of attempting to commit that offence and is punishable as if the offence had been committed'

Mr Abbott has admitted his offence of maintenance and forming the Australians for Honest Politics Trust.

The allegations of misfeasance in public office and attempted bribery of a witness are supported by strong evidence.

Section (2), 'The persons conduct must be more than just preparatory to the commission of the offence'. Mr Abbott made deliberate and repeated trips to Brisbane to meet with Sharples and lawyers to advance litigation against One Nation in Qld. He gave Sharples his handwritten guarantee to encourage Sharples to continue his 'speculative' litigation.

Mr Abbott deliberately sought donors to an unlawful association - members of which shared in the mutual aim to destroy the legitimate One nation party. They conspired to commit this offence.

Section (3). 'Intention and knowledge of the offence' Mr Abbott and his donors to the Trust-for-unlawful-purposes were motivated by the need to protect the Liberal party and to destroy the One Nation party. It is ridiculous to suggest that Mr Abbott raised $100,000 in a few weeks without telling those donors what he intended to do with their donations.

Section (4)(b). 'the person actually committed the offence attempted'.

Mr Abbott rallied lawyers, established the Australians for Honest Politics Trust, funding for that Trust, guaranteed Sharples against costs and offered a bribe to a witness. He sponsored several court actions against the One Nation Party.

11.2 Complicity and common purpose. Section (1), (a), (b); (b) (3)

'A person who aids, abets, counsels or procures the commission of an offence by another person is taken to have committed that offence and is punishable accordingly'

Sharples, Briggs, Paul Everingham & Co, Anthony Morris QC, Tony Miles, Harold Clough from WA, Peter Coleman, Trevor Kennedy and all persons who donated to the Australians for Honest Politics Trust were all enthusiastic co-conspirators in Mr Abbotts unlawful actions.

11.2A Joint commission. (a), (i), (ii), (2)(a), (3)(4) (5) (a) and (b)

A person and at least one other party enter into an agreement to commit an offence.

All of the parties named in 11.2 above fall within this definition.

11.5 Conspiracy. Sections (1), 2 (a) (b) and (c)

'A person who conspires with another person to commit an offence punishable by imprisonment for more than 12 months, or by a fine of 200 penalty points or more, is guilty of the offence of conspiracy to commit that offence and is punishable as if the offence to which the conspiracy relates had been committed'

The donors to the Australians for honest politics Trust entered into an agreement with Mr Abbott as described above. Those persons are Trevor Kennedy, Harold Clough, Peter Coleman and others unknown who need to be identified and charged.

ABBOTT's MOTIVE and BACKGROUND information:

The 1998 electoral success of Pauline Hanson's One Nation Party (PHON) in Queensland almost wiped out the Liberals as a political force in Qld. They were reduced to 9 seats in parliament. One Nation had 11. This caused great concern within the Liberal Party hierarchy and it can be confirmed by statements made by Mr Abbott that he was highly motivated to destroy the One Nation Party

1. Following the 1998 Qld State election, 2 people, Terry Sharples and the late Ted Briggs, both disaffected former members of the PHON Party emerged with allegations that the PHON party had been fraudulently registered in Queensland.
2. Sharples and Briggs concocted the allegation that there were actually no members of the PHON Party and in fact all persons who believed they had joined the PHON Party had been admitted to the membership list of the Support Movement. They claimed the party had no members and therefore the list of member names supplied to the Qld Electoral Commission for the PHON Party's registration was false because the list was of members of the Pauline Hanson Support movement. This allegation was false, however, had it been true the definition section of the Electoral Act 1994 Qld defined members of the support movement as being members of the party. Any quick reading of the Act would have shown anyone that the Briggs/Sharples allegation was without merit.
3. Ted Briggs claimed he had the actual list of names of the Support Movement members that was submitted by Ettridge and Hanson for the party's Qld registration. This was also completely false. However Abbott and his lawyers acted upon it.
4. The Briggs allegation was so easily proven to be false when his list of names was compared to the actual list held by the Qld Electoral Commission. In Fact when Des O'Shea the Electoral Commissioner at the time was shown by Ettridge in cross examination the Briggs/Sharples list when he was a witness in Ettridge's criminal trial, Mr O'Shea confirmed he had never seen it before and that it was not the list used to register the One Nation party in Qld. This evidence contradicted the Atkinson civil court decision sponsored by Abbott.
5. Shortly after the June 1998 Qld State Election the Sharples/Briggs allegation reached the ears of Tony Abbott who saw in that allegation an opportunity to intermeddle and to encourage and maintain Mr Sharples litigation whilst committing the tort offence of maintenance which is still an offence in Queensland.
6. Further, if Sharples, Briggs, Abbott or their lawyers had read the Electoral Act 1994 Qld they would have discovered that even if what they alleged had been done, it was not an offence under the Act because the Qld Act defined 'members' of the Support Group as being members of the Party.
7. In offering his financial and legal support to Mr Sharples, Mr Abbott was committing an offence still alive in Queensland, the Tort of Maintenance.
8. Mr Abbott conspired with Ted Briggs, Terry Sharples, Paul Everingham, Anthony Morris QC and Barristers Miles and Atkinson to commit the offence of maintenance. They did so with reckless disregard for their actions having any legal or basis of truth for such an action. The action was malicious and driven by political prejudice and opportunity.
9. According to the transcript of evidence Sharples gave in the Supreme Court hearing before Justice Ambrose, Justice Ambrose reported….."In cross examination Mr Sharples said that Mr

Abbott made contact with him by telephone at the end of June 1998 seeking information on what had transpired between myself (Sharples) and David Oldfield and One Nation". Sharples swore that it was Mr Abbott who actually referred him to Paul Everingham who was the solicitor who in fact issued the Writ of Summons in an action on 10 July 1998 and brought the application for a successful injunction on 13 and 27 July 1998. This referral is confirmed by the David Frank Affidavit.

10. The injunction applied for was successful and it resulted in denial of election reimbursements claimed by the PHON party for its June election campaigning costs.
11. Mr Abbott was motivated by the need to provide the Liberal Party with advantage so the PHON party would be limited from successfully repeating its Queensland electoral success at the October 1998 Federal election.
12. The Liberal Party would be greatly advantaged both financially (as a result of electoral funding entitlements) and by voter support if the PHON Party had its ability to fund Federal Campaign advertising limited.
13. Additional damage to the PHON Party was created in the media by very heavy and negative media publicity which resulted in reduced voter confidence in and support for the PHON party.
14. The litigation undertaken by Sharples, **(Sharples vs O'Shea and Anor (1998) QSC 171 (31 August 1998) C.A. No 6318 of 1998),** was described by the presiding Justice Ambrose as 'speculative in the extreme'.
15. Mr Sharples was afraid of cost orders being awarded against him and he sought from the first defendant a 'guarantee' that he would not be facing such costs. On July 11th 1998, Tony Abbott provided Mr Sharples with a handwritten letter of guarantee. In it he specifies that the first defendant wanted to 'stop the Oldfield/Ettridge juggernaut'.

MEANS and OPPORTUNITY:

Mr Abbott arranged legal assistance to assist Mr Sharples. That assistance was provided by Paul Everingham & Co of Brisbane and the conduct of that litigation was in the hands of Everingham's Brisbane based employee, lawyer David Franks.

Brisbane Based QC Tony Morris and several barristers also were provided to advance the false claims made by Sharples and Briggs.

The legal team employed by Tony Abbott failed in their responsibility to ensure that the case they were advancing through the court had merit. It did not. In the sworn affidavit of David Franks he has supplied evidence that Paul Everingham & CO tried to compare the list of names provided to them by Briggs and Sharples. There was an exchange of correspondence between Paul Everingham's office and Crown Law where Everingham's wanted a copy of the list of names attached to the application to register the PHON Party. This request was an indication that they knew they needed it to check against the Briggs list. Crown law refused to provide it on privacy grounds and Everingham's proceeded recklessly without examining the evidence or knowing or caring if their litigation was sound.

They proceeded without considering the possibility of the Plaintiffs innocence.

The litigation sponsored and maintained by Mr Abbott was a malicious prosecution which had extensive and damaging consequences for Ettridge, Hanson and the One Nation party.

Tony Abbott and the lawyers he arranged acted with reckless indifference to how their litigation would impact on the lawful rights of voters, the electoral Act 1994 Qld and the legally protected democratic process expected by all Australian voters. This is an offence against the Electoral Act 1994 Qld sections 157, 158, 168.

Mr Abbott and his lawyers who must have sought his approval and instructions acted without consideration for the legally guaranteed rights of voter choice for 439,121 Queensland electors who wished to cast their vote for the PHON party.

Sharples lied under oath when he later claimed that he had not received any written guarantee from Abbott. Mr Sharples set the bar very low for his own evidence and that of the witnesses he recruited and schooled for the Atkinson trial. Justice Atkinson commented negatively on the reliability of the witnesses.

False and malicious prosecution.

(a) Without properly examining and researching the evidence, and without considering the possibility of the innocence of the principals of the PHON party, or that Mr Sharples and Mr Briggs allegations could be vexatious, Abbott and Paul Everingham & Co provided legal assistance to propel a malicious prosecution against the One Nation Party. Because he was employed by the One Nation Party Ettridge incurred heavy costs in his defence. A sequence of court actions started in approximately July 1998 by Abbott and Sharple's and ultimately resulted in

- the loss of the Ettridge's employment and subsequent income,
- widely publicised claims of Ettridge's alleged fraudulent behaviour,
- Ettridge's imprisonment and
- severe damage to Ettridge's reputation as the defamation continues to damage his reputation 23 years later as discovered on internet searches.

(b) Mr Abbott offered a bribe to a witness – Andrew Carne - who gave evidence against the PHON party in a hearing before Justice Atkinson in August 1999. This hearing resulted in an order from Justice Atkinson that the PHON party should be de-registered. The same witness was flown at Abbott's expense from Melbourne to Sydney to meet with lawyers and to record an interview with Channel 9's 60 Minutes programme (which was never broadcast). That witness claims he was promised a job in I.T. by Mr Abbott for his co-operation - a job that was never provided. Carne later recanted his evidence.

(c) The Atkinson decision resulted in the PHON Party's deregistration in Qld and NSW with extensive losses by the PHON party in 1999.

(d) The Atkinson decision was used by the Queensland DPP to justify the laying of fraud charges against Ettridge and Hanson. For Ettridge who lived in Sydney, this led to approximately 2 years of attending hearings and finding the funds needed to travel from NSW to Brisbane for attendances. During this time Ettridge lost income and met the cost of attendances by increasing the mortgage on his home.

(e) In further damage to Ettridge - he was found to be guilty of a criminal offence and sentenced to 3 years imprisonment, a profoundly unjust sentence that was quashed and overturned on Appeal. The

conduct of the criminal trial was criticised for its failure on a number of fronts. This very highly publicised event has caused severe damage to Ettridge's reputation, damage so easily discovered on the search engine Google, and therefore upon the plaintiff's ability to conduct his previous business activity.

(f) Ettridge was denied his freedom for 11 weeks in a highly publicised imprisonment.

(g) Mr Abbott wrote letters to the Australian Electoral Commission in the ACT and the Commissioner of the Electoral Commission in Queensland on Government letterhead which made his communication an Official Government communication. In those letters Mr Abbott sought an action response from both Electoral Commissions that would favour him.

(h) In a repeat of Abbott's misfeasance in Public Office and while he was the current Leader of the Opposition, Abbott sought by telephone call to influence an officer of the Electoral Commission of Queensland by asking that official to reject the re-registration made by the One Nation party in August 2011.

(i) Evidence of Tony Abbott's maintenance is provided as a letter in Mr Abbotts handwriting, addressed to Mr Sharples in which he offers his personal financial guarantee that Mr Sharples "will not be further out of pocket" for his court actions against One Nation.

Fairfax Journalist Deborah Snow revealed admissions made by Mr Abbott to her for her Sydney Morning Herald article about Mr Abbott dated March 11th 2000. In particular,

- On signing the Sharple's guarantee/indemnity shown as **EXHIBIT 12,** Mr Abbott said "obviously in hindsight I shouldn't have done it but if I had my time again and 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, well, I would do it. I mean, how else were we going to stop One Nation at that time" Mr Abbott says "we". I submit he was speaking for the Liberal party.
- "Look, I really want to stress, the anti-One Nation thing was all my doing. Were any senior Liberal Party people involved? No. Were any junior Liberal Party people involved? Well, apart from me, no. Was I doing this because the Liberal Party had told me to do it? No. Did I get any encouragement from the Liberal Party after I'd been doing it? No. Has anyone in the Liberal Party ever said to me, well Tony, thank god you did that? No. All my doing, for better or for worse. It has got Tony Abbott's fingerprints on it and no one else's" Abbott admitted to a raft of serious offences.

Mr Abbott conducted an interview with the Sydney Morning Herald which was published on August 30 2003 in which Mr Abbott makes the following admission …

- "I had secured the agreement of a donor to provide up to $10,000 if necessary to cover any costs award against Sharples" and, "Obviously in hindsight I shouldn't have done it ... but I don't at all regret my role in trying to make sure that One Nation was not only stopped but ultimately buried".

The following admissions are also made by Mr Abbott during the same interview which commits Mr Abbott to breaches of the Electoral Act and Crimes Act. It also breaches anti-discrimination laws when Mr Abbott goes on to say …

- "Well, I mean, how else were we going to stop One Nation at the time?" Then,
- in a reference to the Australians for Honest Politics Trust Mr Abbott says "We got about $100,000, used it to fund the Hazleton action" This is an admission of a separate maintenance action that did not include Mr Sharples where Mr Abbott assisted Pauline Hanson's former secretary Barbara Hazleton to also bring falsely based litigation against the One Nation party in 1998. That attempt failed with costs awarded against Hazleton which were paid by Mr Abbott's AFHPTrust.

Discrimination: Queensland Anti-Discrimination Act , Part 2, section S7(j) and 5 (a) and (b) which is meant to prevent anyone from discriminating against another for their Political beliefs.

A DVD of an interview aired on Channel 7's Sunrise programme on August 31st, 2003.

This interview provides the following admissions:

- "Certainly the actions I tried to promote were civil actions to expose the fundamentally undemocratic nature of One Nation. It was a Company with 3 directors. It wasn't a party with 500 members'' (All of those claims are false.)
- Mr Abbott speaks freely with journalist Glenn Milne about the Australians for Honest Politics Trust which Mr Abbott has already accepted in the interview he had set up.
- Mr Abbott confirms that Trevor Kennedy, and Harold Clough put money into the Australians for Honest Politics Trust. "If I'm required to say it I will say, but certainly Harold Clough and Trevor Kennedy have said "look we put money in. We were happy to put money in. We thought it was important in the National interest". Then Abbott continues "I think it was important in the National interest to do it back then. Frankly, if the same circumstances arose again, I'll do much the same thing"
- "There were any number of people who were demanding hysterically that the Government do something about One Nation. I did something about One Nation and they're unhappy"
- Glenn Milne: "Mr Abbott, you say you were out there trying to destroy One Nation": Mr Abbott replies "I was trying to point out the real nature of One Nation**, which I think was, in the end, the most effective way of undermining its electoral appeal**".

Mr Abbott deliberately crusaded, and acted recklessly with false and unproven information to have a lawfully registered political party drawn into defending malicious and false court actions so it would be unfairly discredited, made insolvent and removed as a political option for Australian voters.

EXHIBIT 13 Mr Abbott's maintenance in the form of legal and financial assistance allowed Mr Sharples to bring his allegations before Justice Ambrose in the Brisbane Supreme Court in August 1998. In his Judgement of that matter, Sharples v O'Shea and Anor (1998) QSC 171 (31 August 1998), In his decision which was against Sharple's, Justice Ambrose made the following comments;

- "An inference which in my view can be drawn from the material to which I have referred is that Mr Abbott, a member of the Federal Parliament and Parliamentary Secretary to one of the Ministers in that Parliament was closely associated with, if not directly involved in, the institution of the current proceedings." See page 13, 2nd last paragraph of his Judgement.
- "One might readily infer that Mr Abbott was as much motivated by party political considerations relating to the next Federal election as he was in the Queensland Electoral Commission inquiring into assertions of misrepresentation and fraud "because of the public interest in the matter". See para 2 page 14.
- A letter Sharple's had written to the Electoral Commissioner with information provided also by Ted Briggs, was described by Justice Ambrose as being "speculative in the extreme". Page 6, paras 3 & 4. Mr Abbott and the most senior of his legal team should have come to the same conclusion as Justice Ambrose prior to undertaking their sponsored litigation.

Justice Ambrose Judgement Sharples v O'Shea and Anor (1998) QSC 171 (31 August 1998)

Misfeasance in Public Office with malicious intent.

Misfeasance in public office is a tort involving the malicious exercise of power by public officers and allows people who suffer loss or harm as a result to recover damages.

The following details Mr Abbott's misfeasance.

(a) 'Parliament of Australia' 'House of representatives' stationery should only be used for **official Government business**. It must not be used to provide unauthorised or unofficial authority for any Public Servant who may wish to act as a vigilante to conduct their own private and unlawful crusades. Mr Abbott used Government Letterhead to add legitimacy and weight to his communication with various public servants see **EXHIBITS 14, 15, 16**

(b) The reason Mr Abbott used Government stationery can only be for adding 'official' status and to intimidate lesser ranked public servants. In receiving such correspondence the Qld Electoral Commissioner would have been under the impression that Mr Abbott was conducting official Federal Government business and could be expected to be intimidated by it. The alternative explanation for Mr Abbott's use of Government Stationery can only be that he was acting with the knowledge and authority of the Liberal Government to conduct his maintenance of the Sharples litigation.

(c) The majority decision in the High Court decision of **Northern Territory v Mengel,** makes it clear that damages are not recoverable unless there is a finding of "malice". The majority held "there is no liability

unless either there is an intention to cause harm or the officer concerned knowingly acts in excess of his or her power." Justice Deane added that "malice" would exist where the official in question acts with "reckless indifference or deliberate blindness to that invalidity or lack of power and that like ly injury". This describes Mr Abbott's actions accurately.

(d) Mr Abbott should have independently researched and satisfied himself of the validity of the allegations made by Mr Sharples. It appears Mr Abbott simply took advantage of the litigation because it was conveniently available for his involvement and maintenance, plus it was attracting a great deal of negative media publicity for the One Nation Party at the time.

(e) In the Affidavit of lawyer David Franks **EXHIBIT 7**, at clause 18 page 4, Sharples instructed David Franks to forward documents to the media. The damaging media campaign was a high priority and added to the defamation and malice of this false litigation. Mr Abbott's Malice is clear when he applied himself so aggressively to attacking the One Nation Party without undertaking any due diligence to establish if the Sharples action had merit. Mr Abbott may also have been partly driven by revenge against David Oldfield, a former staffer who left his employment to become a political advisor and National Executive member of the One Nation party.

(f) It is clear from the choice of words Mr Abbott chose in **EXHIBIT 12 -** his indemnity to Sharples - that Mr Abbott provided the curious description of his target for Sharples litigation as 'The Oldfield/Ettridge Juggernaut' rather than to say 'Pauline Hanson's One Nation Party'. This suggests that he had a vengeful motive against David Oldfield and the Plaintiff which indicates a personal malice.

Misfeasance in Public Office.

Had all of Mr Abbott's correspondence been on plain white paper or on his personal letterhead, and if he had not been a well-known member of the Liberal Government, he would not have had the same influence and consequently the level of response he received from a number of public servants.

Mr Abbott deliberately used his elevated status and Government letterhead to influence lesser ranked public servants.

Mr Abbott must have known that his use of Government letterhead ensured his correspondence would receive greater attention than if he had not done so. Mr Abbott was on a crusade against the One Nation party and he had just one chance to accomplish a maximum outcome. He delivered his messages with the highest level of influence he could.

To any public servant a letter from the Government that employs them and can affect their career prospects must be intimidating. Mr Abbott used his office and status to exert improper influence and in so doing he committed the offence of misfeasance in Public Office. He attempted to exert greater influence over the the Electroal Commissioners actions and responses than could a private citizen.

Misfeasance in public office needs to have most or all of the following characteristics:

(1) An in-valid or unauthorised act. (If it was authorised it joins the Liberal party to his offences).

(2) Done maliciously.

(3) By a public officer

(4) In the purported discharge of his public duties; (The use of Government letterhead gave his actions official status).

(5) Which caused loss or harm to the plaintiff.

(h) Mr Abbott has claimed he was acting with independence of the Government and the Liberal party and yet his actions are likely to have benefitted both of those entities. His use of Government letterhead contradicts such statements.

(i) In his conduct of misfeasance Mr Abbott used his senior status as a Member of Parliament, and as Parliamentary Secretary to the Minister for Employment, Education, Training and Youth Affairs to provide intimidation against the Electoral Commissioner of Queensland and employees of the AEC.

(j) Mr Abbott also implicated and joined the Liberal Party Parliament of Australia into his illegal crusade by using Federal Parliamentary Letterhead, with the intention that such correspondence would add weight to the unfounded and false allegations Mr Abbott and Mr Sharples made against the One Nation Party which affected the Plaintiff.

(k) Mr. Abbott's first letter on July 3rd 1998 to the Qld Electoral Commissioner was dealt with by the Qld Electoral Commissioner rejecting Mr Abbott's claims and allegations. This caused Mr. Abbott to write again, and to make a telephone call to assert his position, just 4 days later with stronger assertions to advance his intended damage against the Pauline Hanson's One Nation Party.

(l) Mr. Abbott's allegations were;

1. An abuse of his position,

2. An abuse of existing Queensland Legislation that contradicted his attempts to incriminate us,

3. An intrusion into another political party's affairs and an attempt to intimidate Public Servants whilst creating the impression he was acting on behalf of the Federal Government.

4. **Mr. Abbott's actions were malicious.** He has said publicly that if necessary he would do it again. In addition Mr Abbott's motive for his actions was the threat represented by the success of the One Nation Party's voter support which resulted in reducing the Liberal Party to 9 seats in the Qld Parliament. If the Queensland result was duplicated at the October 1998 Federal Election, the loss of income to the Liberal party from reduced Electoral Funding would be a grave cost to the Liberal party. This alone was a powerful motive for Mr Abbott's actions. Revenge and survival would have provided great motivation and malice for Mr Abbott's overzealous commitment to damage and destroy a competitive and lawfully registered political opponent.

5. **Mr. Abbott's actions clearly amount to Misfeasance in Public Office. His actions were not in the discharge of his public duties.**

The dictionary definition of malice is 'an intentional wrongdoing'.

(m) Mr Abbott also wrote to Public servants in the Australian Electoral Commission in the A.C.T. **seeking to avoid** any investigation or disclosure into the Australians for Honest Politics Trust, of which Mr Abbott was a founder and trustee. Clearly any public servant would have been intimidated by Mr Abbott's status as a high profile and senior Member of Parliament. Mr Abbott should have used personal stationery.

(n) Mr Abbott also made the following and incriminating admissions in an interview with Deborah Snow of Fairfax Media on September 24th 2002 about his involvement with Terry Sharples. **'Obviously in hindsight I shouldn't have done it, but if I had my time again and 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, well, I would do it. I mean, how else were we going to stop One Nation at the time?**' This statement by Abbott is an admission that he knows he acted improperly, with malice, determination and with no remorse. It is also interesting that no media reports ever emerged to suggest that the Prime Minister at the time, The Hon. John Howard, ever sought to have Mr Abbott cease his covert activities.

Malicious prosecution.

Mr Abbott procured the services of Paul Everingham & Co, lawyers, to assist in legal action/s against the One Nation Party. In addition, 2 Barristers and a QC were also retained in the advancing of the litigation initiated by lay litigant Terry Sharples.

(a) Mr Abbotts legal team, it would seem, never did correctly research their case by reading the Electoral Act 1992 Qld or they would have seen that the allegations they were seeking to litigate were not actually an offence. They continued to proceed with reckless indifference to abuse the court's time, the law and to ignore the prospect that the plaintiffs might be innocent.

(b) The allegation that Mr Sharples and his associate, the late Ted Briggs based their litigation upon was the entirely false and speculative belief by them and introduced by Briggs, that the registration of Pauline Hanson's One Nation party (PHON) in Queensland was based upon the application to register being fraudulent because the application included a member list of Pauline Hanson Support group members who were not members of PHON. It did not, and this vital fact was never checked for its accuracy before litigation was conducted.

(c) Even if Mr Briggs claim had been correct it was NOT an offence against the Electoral Act 1992 Qld. The definitions section of the Electoral Act 1992 Qld describes Party members as follows:

'Member' of a political party means a person who is a member of the political party or a related political party'

'Related political party' has the meaning given by section 6

Related Political parties

6. For the purposes of this Act, 2 political parties are related if-

(a) One is a part of the other; or

(b) Both are parts of the same political party'

ATTACHED EXHIBIT 19 Copy of definitions section of the Electoral Act Qld 1914. See pages 97, 100, 101, 106. The Briggs and Sharples allegation was at all times false.

(d) Correspondence between Paul Everingham & Co addressed to Joanne Daniels of Crown Law dated 15th July 1998 at point (1) seeks a copy of the list of names submitted for the registration of PHON. **EXHIBIT 11**

(e) Return correspondence received by Paul Everingham & Co from Crown Law dated 17th July 1998 denies Paul Everingham and Co's request for that list of names citing s.72(2) of the Electoral Act as that list is confidential. **EXHIBIT 11.**

- The denial of that information resulted in Paul Everingham & Co and their client Tony Abbott not having any evidence to support the false allegation made by Sharples and Briggs upon which their whole litigation was based.
- Paul Everingham & Co, Tony Abbott and their team of legal advisors proceeded to take their highly speculative case to court with reckless indifference as to its substance when it was placed before Williams J. on 13 July 1998 seeking an injunction against payment of electoral funding to PHON.
- That hearing resulted in an adjournment and an undertaking by the Electoral Commission not to pay funding to PHON until the matter was to be heard again on 27th July 1998.
- The matter then came before Chesterman J. It was a further abuse of the courts time.

(f) In summary, this abuse of process had the elements of a malicious prosecution; namely

A. That Tony Abbott played an active role with funding and financial support to benefit the Federal Government at the time, the Liberal party.

B. That Tony Abbott did not have probable cause or reasonable grounds to support that court action.

C. That Tony Abbott initiated the court action with an improper purpose being to create a political and financial advantage for the Liberal Party of Australia.

D. That the grounds were unreliable and put to the court with reckless indifference.

E. That the Plaintiff/s could be innocent.

3. Mr Abbott acted as an agent for the Liberal Party.

Mr Abbott has said he attended all meetings with Mr Sharples and various Brisbane based lawyers whilst he was in Brisbane on Government business. This claim commits Mr Abbott to be in Brisbane on Government Business and therefore, Liberal Party business, and at taxpayer cost. **EXHIBIT 4** Mr Abbott's own media release dated August 26th 2003.

Based upon his own admission, his trips, accommodation were paid for by taxpayers and presumably claimed by Mr Abbott. If Mr Abbott wishes to claim that his time with Mr Sharples and others was not Government business, then he has admitted he used taxpayer money to be in Brisbane to conduct nefarious and unlawful meetings.

It follows that if he was on Government business which is the only justification for him travelling at Commonwealth expense, because the Federal Government was a Liberal controlled Government then he was in Brisbane on Liberal Party business.

- Mr Abbott used Government letterhead in his correspondence to the Qld Electoral Commissioner and the Australian Electoral Commissioner.
- The Liberal Party had incurred great losses in votes and electoral reimbursement as a result of the success of the PHON winning of 22% of the votes and 11 of the seats in the Queensland Parliament.
- The Liberal party captured only 9 seats in parliament.
- The creation of the Australians for Honest Politics Trust was initiated and conducted by Mr Abbott.
- Mr Abbott was a Trustee of the Trust.
- It was Mr Abbott who sought donations from friends and associates for that Trust.
- The money held by the Trust, said to be around $100,000 was used exclusively against the One Nation party in litigation by Mr Abbott's admission.
- The sole beneficiary of Mr Abbott's maintenance was the LIBERAL Party.

4. The Australians for Honest Politics Trust Fund. (AFHPT)

Finance that is collected for application on secretive purposes is usually referred to as a slush fund. Such funds often hide the sources of their funding.

Slush funds to be used for political purposes are especially dangerous when used by high ranking public officials and can lead to corruption of those officials if donor names are not available. Mr Abbott has avoided naming the donors to AFHPT. I know who several of them are.

Mr Abbott has admitted that the money he collected for the ADHPT was used exclusively to fund litigation against the Liberal Party's political rival the PHON party.

A prominent Liberal Party Queensland Senator and QC recently demanded to know about a 'slush fund' created for collecting money to pay for Craig Thompson MP's legal costs. The QC wanted to know "how much money was being raised and the sources of donations" adding, that the money could be used for "any purpose". The QC, Senator George Brandis also said "The public are entitled to be assured that this is not being used to conceal monies paid by the Labor Party or by Labor Party controlled entities"

The same questions can be addressed to Mr Abbott who has never disclosed who the full list of donors are to the AFHPT he also controlled. Donors to the slush fund may require favours from our Government for their donations.

Queensland CMC Enquiry dated January 2004.

A CMC enquiry was initiated by the Beattie Government into the prosecution of Pauline Hanson and David Ettridge.

The Commission wrote to Mr Abbott and asked for a submission. Extracts from the published CMC report follow;

(a) At Page 5, paragraph 1, of the CMC report on Tony Abbott, The CMC commits Mr Abbott to his acceptance of some media reports he had attached to his response to the CMC enquiry as being factual. The CMC say 'Mr Abbott replied in a letter dated 25th November 2003 which attached published material relating to his connection with the matter. The Commission has proceeded on the assumption that the material, in so far it attributes statements or actions to Mr Abbott, is believed by him to be substantially correct'

(b) 'It follows that Mr Abbott appears to accept that he established a trust to deal with One Nation, with funds donated by a number of people whom he named, as well as a number whom he did not name".

(c) Mr Abbott indicated he would not provide details of the persons who made donations to the trust without an instruction from the Australian Electoral Commission' para 2.

(d) At paragraph 4 'He (Mr Abbott) also explained to the media that he had, with the funds raised, supported 2 separate legal actions to shut down One Nation, one being an application made by a Ms Barbara Hazleton and the other proceedings brought by Mr Sharples'

(e) 'Mr Abbott said that he had told Mr Sharples that he had organised pro bono lawyers for him and that he had 'someone' to cover the costs should they be awarded against him'. See para toward end para 4.

(f) At Para 7 the CMC say 'In conclusion, the Commission has not found evidence that Mr Abbott's involvement in the case extended beyond what is already on the public record and was disclosed to the Australian Electoral Commission in 1998. His involvement in the matter ceased prior to the decision by Justice Atkinson to have Pauline Hanson's One Nation deregistered and approximately three years before any criminal charges instituted against Ms Hanson and Mr Ettridge'. This is a ridiculous statement. Tony Abbott committed criminal offences which are not discharged because they appear on the public record. This is typical of the CMC's housekeeping protection for all allegation I made to them. Even with admissions of guilt they excuse the alleged offenders.

This statement by the CMC is worthy of the following questions;

(a) Mr Sharples had proceeded with the 1999 Atkinson R. civil matter on the basis of his belief that Mr Abbott's guarantee would meet any costs awarded against him should he lose the Atkinson case.

(b) Mr Sharples barrister, Bundall based Stephen English only proceeded to provide legal services to Sharples on the basis of the Abbott guarantee.

(c) Mr Abbott has stated in his own Media release, **EXHIBIT 16**, that his lawyer had offered Sharples an amount of $10,000 which Sharples refused. This offer by Mr Abbott shows two things:

One is that the offer was made in May 2003, well after Mr Abbott claims he said his involvement had ceased in 1998**.** Mr Abbott's offer to settle with Sharples suggests he felt an obligation to honour his hand written guarantee which had been used to create the Atkinson Judgement. Without that guarantee from Mr Abbott it is clear that Mr Sharples would never have taken the financial risk of any further litigation presented to him. Bankruptcy from cost awards against him eventually cost Mr

Sharples the loss of his profession as an accountant. It was this very reason that Mr Sharples sought Mr Abbotts guarantee that he would not be "out of pocket".

The DPP in 2001 relied heavily on the Atkinson Judgement to justify laying criminal charges against Ettridge and Hanson. That court action proceeded because Tony Abbott facilitated it on behalf of the Liberal Party.

Section 158 Electoral Act 1992 Qld – **EXHIBIT 9** - says **it is an offence for anyone to interfere with the free exercise and performance under the Act.** Mr Abbott's interference was malicious and intentional. It was designed to encourage unjustified litigation intended to destroy the reputation, financial stability, registration and ability of a lawfully registered Political Party with the intent that voters would be denied the opportunity to cast a vote for that party if it was deregistered. Deregistration would deny the existence of a party of choice for electors who wished to cast their vote for a One Nation candidate. It is clear that having won 439,121 votes to the Liberals 311,514 votes in the 1998 Qld State Election, Mr Abbott was very strongly motivated to deny 439,121 Queensland voters a second chance to vote for the One Nation Party in the October 1998 Federal Election. Mr. Abbott's actions were deliberately designed to damage the One Nation Party's electoral prospects for the 1998 Federal Election and to avoid the loss of votes and electoral funding for the Liberal Party. This was clearly what S158 of the Electoral Act Qld sought to protect.

Additional OFFENCES AGAINST THE ELECTORAL ACT 1992 (QLD).

Section 168 Electoral Act 1992 Qld - **EXHIBIT 10 - influencing by violence and intimidation** the vote of a person at an election – The 1st defendant sought to excite a damaging public media campaign against the One Nation Party based upon creating the impression amongst voters that the One Nation Party was illegal and its principals had acted criminally. His letter of indemnity to Mr Sharples confirms his maintenance and it assisted Mr Sharples to conduct further court litigation beyond where Mr Sharples could have litigated without Mr Abbott's financial indemnity. Mr Sharples litigation had been strongly rejected by Justice Ambrose and it suited Mr Abbott's campaign to extend the Sharples litigation to lengthen the period of damage and bad media publicity created for the finances and reputation of the One Nation Party. A significant cost for legal defence was incurred by the One Nation party during this period and was money the One Nation Party needed for Campaigning. National publicity of the Abbott sponsored court actions created a widespread public discredit and voter intimidation designed to create a fear and a belief within the electorate that the One Nation Party was criminally registered and as such was without legal status. Such a fear campaign which extended nationally, would intimidate voters and it carried with it the implication that a vote for the One Nation Party would be a wasted vote. Such actions were intended to frighten and intimidate and subsequently deny electors their right to freedom of wider voting choice in what had historically been a 2 party voting system in Australia. Mr Abbott made a number of speculative and untrue statements inside Parliament that added to his obsessive public campaign of malicious attack against the One Nation Party and its principals which had a direct and damaging effect on the finances and reputation of the Plaintiff.

<u>Section 157 Electoral Act Qld 1992 –</u> 'A person must not improperly influence a Commissioner in the performance of the Commissioner's duties under this Act' - EXHIBIT 9 - Mr Abbott breached this section by making written and telephone communications to the Qld Electoral Commissioner, Des O'Shea. The substance of the phone call/s and letters from Mr Abbott to the Commissioner demonstrated Mr Abbott's zeal and was to influence and impress upon the Commissioner the false claims made by Mr Sharples and to seek to strongly influence the Electoral Commissioners support for Mr Sharples and Mr Abbott's false allegations. Correspondence from Mr Abbott was written on **Federal Government Letterhead** and would reasonably be expected by Mr O'Shea to be perceived as **Official Correspondence from the Federal Government** and therefore as a Public Servant Mr O'Shea would have been expected to be improperly influenced by such correspondence. Mr Abbott sought to strongly influence the Electoral Commissioners evaluation of the subject matter. Mr Abbott's letter clearly suggests that the Qld Electoral Commission may have failed in its consideration of the Pauline Hanson's One Nation Party application and falsely suggests that the Commission may have been the victim of a 'rip-off' by the applicants. Mr Abbott's letter was sent in the expectation that it would frighten and influence the Commissioner. Mr Abbott's correspondence carried the respect, weight and implied authority of the Federal Parliament. Mr Abbott sought to **improperly influence the Commissioner by using Government letterhead.**

In letters exchanged between Mr Abbott and the **Australian Electoral Commission (AEC)**, Mr Abbott dealt with requests from the AEC to seek further information about the 'Australians for honest politics Trust'. At every stage Mr Abbott resisted providing such information. Mr Abbott asserted that he had taken legal advice which confirmed to him that the 'Australians for honest politics trust' was not an associated entity of the Liberal Party and was therefore not required to provide any information to the AEC. The AEC should have asked for that advice for their own independent verification. All of Mr Abbott's AEC correspondence was also on Government letterhead and again was, on its face – **Official Government Business** – and intimidating to a lesser ranked public servant just for this reason alone. The Australians for Honest Politics Trust was clearly created to attack the One Nation Party and indeed Mr Abbott has admitted that to be the case, and any investigation into disbursements from that Trust is likely to show it did not provide funding to advance litigation against any other political entity. As such it was an entity that interfered with the free conduct of the One Nation Party for the advantage of the Liberal Party. Mr Abbott never did provide the AEC with a written legal opinion nor did he in his correspondence identify who the 'leading electoral lawyer' was who provided advice to Mr Abbott on the subject. The final outcome from the letters exchanged was that the Public Servants at the AEC capitulated and accepted without seeking any proof of Mr Abbott's claims that he had any legal advice to support the claims he had made to the AEC. This amounted to being an unorthodox and subservient response from the AEC who did not take their enquiries far enough, presumably because they did not wish to challenge a senior member of the incumbent Federal Government, or, as Mr Abbott's letterhead implied, they did not wish to challenge their employers, the Federal Government, over the matter.

The AEC should have called for a full disclosure of all aspects of the Australians for honest politics trust. It is admitted by the first defendant that the trust was initiated by Tony Abbott, a Liberal Party MP who was a trustee of the Trust. All correspondence from Mr Abbott was on the LIBERAL party controlled Federal Government letterhead and on its face, an official communication from the Federal

Government. As admitted by the 1st defendant, the trust operated for the sole political benefit of the Liberal Party. The Liberal Party were the Party most affected by voter losses in the Qld State Election and the rising success of the One Nation party. Consider the following.

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1. The Liberals had the most to gain from the destruction of the One Nation Party as shown in the Queensland June 1998 election results.
2. The Liberal party had the most to lose if the One Nation Party entered the October 1998 Federal Election unblemished and attracted a similar level of votes as it did in Qld.
3. Tony Abbott, a Liberal M.P. was the sole media advocate for the Trust. Tony Abbott, a Liberal M.P. was the person who travelled to Queensland, potentially on taxpayer funded flights and claimed accommodation and other expenses from the Public purse to covertly meet with Terry Sharples and various lawyers. One date when this occurred was on or about 27th July 1998 a date referred to in the sworn affidavit of lawyer David Frank. Another is when Mr Abbott provided his 'indemnity' dated July 11th 1998.
4. Mr Abbott planned maintenance activity against the One Nation Party which he has admitted was paid for by the Australians for honest politics trust.
5. If Mr Abbott used his expenses allowance and Parliamentary flights to conduct the business of the Trust, in the same cavalier manner as he did with using official Government letterhead, then he has joined the Liberal Party and the Federal Government into the activities of the Trust and perhaps also made the trust an associated entity of the Liberal party.
6. The Australians for honest politics trust documents will show if any of Mr Abbott's costs in attending meetings in Queensland with Mr Sharples and various lawyers, were disbursed from the funds of the trust and if not, then he may have misused public money for his unlawful activity. Mr Abbott claims the trust was wound up in July 2000.
7. If Mr Abbott cannot produce evidence that his travel costs were met by the trust, himself or the Liberal Party, then Mr Abbott may be guilty of claiming from public money any expenses he may have sought for air travel, accommodation and use of com cars for a non-government purpose, and be guilty of the serious offence of misusing public funds.
8. An inspection of the Trust disbursements is likely to also show that the trust existed for a single purpose, and that it never funded any other activity apart from attacks on the One Nation party. This fact would support a claim that it existed only for the benefit of the Liberal party and was therefore an associated entity of the Liberal party.
9. It appears that full control of the trust's activities was conducted by Mr Abbott, a Liberal Party M.P. There has never been any evidence that any other person from the trust acted for the Trust or in concert with Mr Abbott.
10. Perhaps the most concerning aspect of the Australians For Honest Politics 'Trust' is this; Why would a number of wealthy and experienced business people make donations amounting to $100,000 to an entity that has been solely created for unlawful purposes. What is their motive and what political favours were promised if any, in return for them taking such a risk. What did Mr Abbott promise them to entice or encourage their donations? The relationship that resulted was a cosy existence between the Howard Government, one of its senior M.P's, some donors and a slush fund with dubious application. Such a situation could be investigated for its

potential to be a corruption of a Federal M.P. and suggests the potential for impropriety. Few people would provide large donations without the promise of a benefit as their donation clearly compromises the Federal Government. The court should examine what benefits if any might have been provided by the Government to these donors. If Mr Abbott is to become Australia's next Prime Minister, these questions need to be answered lest the office of Prime Minister be damaged.

For the above reasons the AFP should compel the first defendant to provide full disclosure of all aspects of the Australians for honest politics trust to allow a full examination of the trusts financial activities.

Section 155 (b) Electoral Act 1992 Qld - Bribery: 'A person must not offer, or agree, to ask for or receive'. The expenditure of the Australians for Honest Politics Trust has never been revealed. It remains possible that disbursements may have breached section 155 (b) of the Electoral Act 1992 Qld. The court must compel Mr Abbott to reveal every detail of funds received into and then disbursed from the Australians for Honest Politics Trust for open examination. Such an examination may reveal breaches of section 155 & 156 of the Electoral Act 1992 Qld. **Section 156 deals with providing money for illegal payments.** It is possible that certain witnesses may have been encouraged or influenced by the prospect of a free trip to Queensland to give evidence or other gratuities or to make witnesses available to give false testimony. **EXHIBIT 13**

6. **Bribing a witness**. **Section 155 (b) Electoral Act 1992 Qld 'A person must not offer, or agree, to ask or receive'**

The 1st defendant offered a position of employment to a person who was to be a witness in the civil hearing **6318/1998** before Justice Roslyn Atkinson at the Brisbane Supreme Court. That witness, a Mr Andrew Carne was encouraged by Mr Abbott to give testimony in exchange for a job. Andrew Carne provided evidence he later claimed was provided under some pressure and while he was in a weakened state of mind as a result of a marriage breakdown. Mr Carne later claimed he had been intimidated by Mr Abbott's strong personality to give his evidence. It was Andrew Carnes testimony in the Abbott sponsored litigation heard in the Supreme Court of Justice Roslyn Atkinson that strongly influenced a negative Judgement by Justice Atkinson and the beginning of a sequence of damaging events for The One Nation Party and the Plaintiff. This included the de-registration of the Pauline Hanson's One Nation Party in Queensland with extensive financial and other losses and the criminal charges that flowed from the Atkinson decision in spite of the Qld Major Fraud Squads report saying no offence had been committed by the party or the Plaintiff.

Donors to the AFHPTrust assisted Mr Abbott by providing the essential financial support for Mr Abbotts maintenance and by so doing became co-conspirators in his illegal actions. Their financial support was used to pay for legal assistance and other unknown costs, which allowed the injustice to move forward.

DISCRIMINATION:

Mr Abbott also breached the Queensland Anti-Discrimination Act which in Part 2, section S7(j) and 5(a) and (b) prevents anyone from discriminating against another for their political beliefs.

POLICE SAID NO CASE TO ANSWER.

An extensive Qld major fraud squad investigation named operation TIER concluded that no offence had been committed by Ettridge and Hanson and Police recommended that no further action be taken by the DPP. In spite of this the DPP laid charges against Ettridge and Hanson in what could only described as political pressure and a malicious prosecution.

PLAINTIFFS INNOCENCE:

Ettridge and Hanson were at all times completely innocent of all accusations made by Mr Sharples and sponsored by Mr Abbott.

See **EXHIBIT 19.** Sharples sought to declare the Atkinson civil trial a mistrial.

In quashing the Plaintiff's 2003 criminal sentence and overturing the Plaintiff's criminal conviction The Queensland Court of Appeal in their decision of November 5th 2003 affirmed that the case brought against the Plaintiff and the Pauline Hanson's One Nation Party was without any foundation or truth and the Appeal Court's decision was consistent with that of the Queensland Major Fraud Squad.

At the time there was an influential and powerful culture in political circles that the Pauline Hanson's One Nation Party was unwelcome in Australian politics and an enthusiastic weight of political and media prejudice was at work at all times to bring about the destruction of the Party. This included collateral damage which affected the Plaintiff. Mr Abbott provided the basis upon which so much damage was centred.

Regardless of the will of so many in the media and other people, laws exist to ensure that no one can interfere with each of our democratic rights to vote as we choose in a modern democracy. No one can be or should be above the Law, especially Members of Parliament - elected persons who are our Nations legislators and who should practice the greatest respect for the laws they pass.

Prepared by David Ettridge

CHAPTER 46

Peter Beattie's offence

'Justice should not only be done, but should manifestly and undoubtedly be seen to be done'

Gordon, Lord Hewitt. Lord Chief Justice 1922-1940.

The following information is disturbing. The fact that it occurred in a first world country committed to Human Rights and proud of its commitment to democracy and a robust judicial system is alarming. The conspiracy between the groups who sought to benefit is also a matter of national concern. Our political leaders lowered their guard and acted covertly against the very laws they had implemented to ensure fairness and a democratic process for the people they represent. It happened some years ago and the detail of this abuse of power has never been properly exposed or investigated. It requires a full anti-corruption enquiry.

When a State Premier admits he committed a crime he had bragged he intended to commit, the well known adage 'Absolute power corrupts absolutely' enters our consciousness. It might be argued that the system he established through careful political appointments was designed to ensure attacks on enemies and protection for friends. The CMC enquiry he initiated whitewashed over the faults and misconduct and allowed him to remain untouched.

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This document reveals information you have never seen and it examines one of the most outrageous miscarriages of Justice caused by abuse of political power ever seen in Australia – clearly this miscarriage of Justice only advanced in the judicial system with collusion between senior public servants, lawyers and Judges - many powerful people who through political pressure or their own political prejudice allowed this injustice to succeed. The innocent victims were David Ettridge and Pauline Hanson. The only person who could have orchestrated this criminal abuse of power after it entered the Queensland court system and the only person with the ultimate authority to pressure others to play their part was the Premier of Queensland.

A crime is characterised as containing 3 elements; Motive, means and opportunity.

In 2001, David William Ettridge and Pauline Lee Hanson, two completely innocent people were deliberately charged and then in 2003 given 3 year terms of imprisonment for a crime they not only did not commit, but for a charge that wasn't even an offence under the Qld Electoral Act. All valid defence arguments against the politically motivated charges were ignored in pre-trial submissions by the Crown and the Courts.

These are the questions that have not been answered.

Q: How could such a miscarriage of Justice occur? Why would the DPP and Judges ignore clear and irrefutable defence submissions that there was no case to answer? Why would the DPP ignore an extensive Major Fraud Squad report that advised that no offence had been committed?

A: Only if the persecution was politically driven by a Government and its appointees that had motive, means and opportunity - and if a culture of prejudice and obligation existed between the key people handling the persecution and their appointers.

After it was all over, the Government set about clearing any public perception that they were politically involved by initiating a CMC enquiry headed by one of their own Political appointees and with tight terms of reference to absolve them. The Crime and Misconduct Commission report was an amateurish and poorly presented attempt to clear the State Government and others who were involved.

The Government needed some urgent remedial post crime housekeeping. As with any crime a clean up team was deployed, this time by the Crime and Corruption Commission (CMC). In a clever sleight of hand, because it fooled everyone at the time, and in what magicians call a 'misdirection' the CMC was briefed to cast their eye over the events that were causing a powerful reaction by the citizens who recognised a 'fix-up' when they see one.
Reliably the CMC delivered a not guilty verdict to absolve the Premier and others of not having acted illegally or criminally in this farce.

Q: What was former Premier Peter Beattie's Motive?

A: To ensure that Pauline Hanson could never again stand for Parliament in Australia. She had to be given a prison sentence of 12 months or more to be disqualified under the Commonwealth Constitution. But there was a problem - the penalty for her alleged crime was only 6 months. Years after the alleged offence, changes to the penalty provisions of the Electoral Act Qld were made. Only a Government could make those changes – the same Government with a motive to destroy a political opponent. In an abuse of human rights those higher penalties were applied retrospectively, an offence under the International Human Rights Treaties to which Australia is committed.

Q: What were his means?

A: The Qld Government had placed their appointees in all strategic high places – in the DPP, the Courts and the Crime and Misconduct Commission. Appointees who were friends of the Qld Labor Party administration with their loyalties clearly established and underwritten by their political prejudice

. Mr Beattie had laws changed to increase the penalties for Electoral Act offences years after our alleged offence and his appointed Judge applied those laws **retrospectively - 5 years after the alleged offence** – against me and Pauline Hanson.
Mr Beattie's appointed Director of Public Prosecutions carried this case forward when she was repeatedly shown evidence that there was no case to answer. She ignored 2 Police reports claiming no offence had been committed. Why? What pressure was exerted to miscarry justice? Why did 3 Judges ignore the clear pre-trial defence submissions which showed that there was no offence, no case to answer? Why did Leanne Clare, the Director of the DPP in Qld tell the CMC enquiry she had never seen a Police Major Fraud Squad Report which claimed no offence had been committed? Why did she ignore the substance of that report. This was the highest profile political case in Australia at the time and the person who headed up the DPP said she did not ever see the Police report on it? She was later politically appointed to the bench in the Queensland Courts.

Q: What was his opportunity?
A. In the first instance, a court case against the One Nation Party was instigated by Terry Sharple's, a former One Nation candidate and supported financially and with legal assistance by Tony Abbott and the LNP. The matter fell in the court of recent political appointee Justice Roslyn Atkinson. Mr Sharples made exactly the same illogical and false assertions which had already been **heard and denied** by Justice Ambrose in his Qld court 12 months earlier. What happened to the courts upholding rulings made by Justice Ambrose and the laws covering Estopell?

What was special about this court hearing is that Justice Atkinson had been only recently appointed to the bench. This was her first major case and it was political. Justice Atkinson was a loyal member of the Labor Party, and she had been publicly declared by her peers in the Qld Bar Association to not have the experience to be a Supreme Court Judge. She made a monumental error in accepting false testimony which supported a fraudulent document which she accepted as being the list of names attached to the application to register Pauline Hanson's One Nation in Queensland – it wasn't. However, it **supported her finding** that the One Nation Party had only 3 members. She found that the names of people who were on the list of Party members used to register the One Nation Party were in fact members of the associated entity known as the Pauline Hanson Support Movement. She was wrong. Her decision caused the deregistration of the One Nation party in 2 States. Her finding was in contrast to the Qld Electoral Act which defined members of an associated entity (The Pauline Hanson Support Movement) as being members of the Party. Her mistake made it possible for the next stage of the injustice. But before that could happen, laws needed to be changed and penalties increased.
In the second stage of Mr Beattie's opportunity, the astonishingly erroneous finding by Justice Atkinson against the One Nation Party was used by the Director of Public Prosecutions to justify criminal charges against Ettridge and Hanson – in spite of Ettridge drawing her attention to the clear error in Justice Atkinson's decision. At the pre-trial stage Ettridge argued that membership contracts had been created between applicants and the Party, and, he recited the Definitions section of the Electoral Act which defined members. This argument alone should have caused the trial to be abandoned, but it was not. The defence was ignored. Why? It was first year law student standard education. What pressure was at work to cause so many failures of Justice?

(Was it the powerful and irrefutable defence submission placed before pre-trial Judge Brian Hoath that caused him to withdraw from presiding over this politically driven persecution? Ettridge's submissions pleadings were accepted by the 3 Appeal Court Judges when the sentences were quashed in November 2003.)

Justice Atkinson ultimately proved the Queensland Bar Associations lack of faith in her by finding against One Nation and declaring that a false list of names entered into court evidence and supported by perjured testimony was the list of names used by Pauline Hanson to register the One Nation party in Queensland. It was not. Not only was her finding astonishingly wrong on the available evidence, she also declared that the list of names used to register the One Nation party in Qld was a list of names of people who were in fact members of the Pauline Hanson support movement, not of the party. Under the Queensland Electoral Act, definitions section, it says that any person who was a member of a body controlled by the party was defined as being a member of the party. The offence Justice Atkinson declared against Pauline Hanson and David Ettridge wasn't even an offence against the Act – even if they had done what she said.

Is it conceivable that the many lawyers who also appeared in her courtroom also didn't know how the Act defined who members were? What pressure or culture of compliance and intimidation was exerted against so many legally experienced people - people who perhaps saw a greater career benefit in allowing this miscarriage of Justice to proceed unimpeded.

The day that Justice Atkinson made her astonishing finding which brought about the deregistration of Pauline Hanson's One Nation Party in Queensland and the refund of $503,000 to the Electoral Commission (which has never been repaid to the party), Mr Beattie said this that evening on the ABC's 7.30 report. (Without Parliamentary privilege)…

'I did say by the way, we'd get rid of One Nation. We expected it to take the full term'

Mr Beattie also said that day in Parliament under Parliamentary Privilege…

'I gave a commitment that by the end of this term we would get rid of One Nation, and we have'

Those two statements corroborate each other and without any doubt suggest that he acted in concert with others in a conspiracy to miscarry justice - to deny 439,121 Queensland electors their right under the law to vote how they wish. To deny the very democratic process that separates us from Dictatorships.

In his own words Mr Beattie admitted he had acted in contravention of the Electoral Act Qld. He admitted he had committed a premeditated offence.

If Mr Beattie had said for example 'I told you that we would murder John Smith and we have' – and if Mr Beattie was announcing the murder of John Smith, then Mr Beattie would be the prime suspect explaining to Homicide Detectives what part he played in the death of John Smith.

When Qld's CMC were asked by me to investigate Mr Beattie's amazing confession which suggested he had been involved in the decision of a Supreme Court Judge, he provided the CMC with the following explanation…

(The One Nation Parliamentary members) 'were so alarmed by the possible ramification of the ruling on their legitimacy as members of Parliament that all of them rushed from the chamber to find out more about the ruling', *then Mr Beattie told the CMC that he had quipped* 'I did not know that I could clear the back of this house so quickly by rising to my feet' His appointees at the CMC accepted that explanation

and declared that Mr Beattie was innocent of any allegations that he acted improperly or that he was somehow involved with the decision of his Judicial appointee Justice Atkinson..

The CMC enquiry accepted that Mr Beattie **had meant to say!!!** that his comments had the effect of making the One Nation M.P's rush to leave the chamber.

So, when Mr Beattie promised to destroy a legally registered Political Party what he meant to say was that they would leave the Parliamentary Chamber!

Mr Beattie's explanation to his friends in the CMC DOESN'T MAKE ANY SENSE!

The CMC report which completely excuses the admission made by Mr Beattie says 'The Commission is satisfied that the Premier did not intend to say that his Government had been responsible for the decision given by Justice Atkinson.' – BUT, that is exactly what his statement did say because he made it following Justice Atkinson's decision. Mr Beattie said 'we'.

This means that anyone can admit an offence publicly and then get the CMC to assist in dismissing such an admission by accepting, and even assisting to interpret your admission in a way that excuses you and avoids any further investigation. It works even better if the person heading the CMC is your political colleague and was appointed by you to that position.

Of course the CMC had bent over backwards to assist Mr Beattie to defray any further investigation of his involvement and his admission. What the CMC says is clearly a shallow display of nonsense and their easy dismissal of Mr Beattie's admission would not pass any cross examination in a courtroom. The corruption is complete. How did the CMC not see the contradiction in what Mr Beattie said?

How does Mr Beattie's explanation reconcile with the past tense of his words. He said he had given a commitment that by the end of the term. He meant the Parliamentary term – and he said he had 'given', which means at an earlier time, and before that day and before any decision given by Justice Atkinson. The Justice Atkinson decision was a conclusion of the promise Mr Beattie had given many months earlier.

If we go back to the death of the fictional John Smith, Mr Beattie couldn't have said that his promise to get rid of John Smith was meant to mean that he had predicted months earlier that John Smith would leave the room.

Is Peter Beattie clairvoyant?
Consider Mr Beattie's words:

''I did say by the way, we'd get rid of One Nation. We expected it to take the full term'
'I gave a commitment that by the end of this term we would get rid of One Nation, and we have'

How do any of those words explain the departure from the parliamentary chamber of One Nation M.P's?

How did Mr Beattie know at the beginning of the Parliamentary term that the One Nation Members were going to rise and leave the Parliamentary Chamber on the day of Justice Atkinson's decision?

When he said ‘I told you’ he was referring to a PROMISE he had made earlier in the Parliamentary term.

When he made that promise he set on a course to take the necessary steps to fulfil that promise. This is where he went about influencing the outcome of the Atkinson trial so he could get One Nation deregistered. He admitted it. He said ‘we have’.

It is clear from his own words that his actions were premeditated.

Mr Beattie’s words clearly show that he intended to get rid of the legally registered One Nation Party, not its members from the house.

Mr Beattie had been in power long enough to have developed a political arrogance. He had been in power for a long time and he had become tyrannical and cocky. His appointees and their personal ambitions were likely to be enhanced by their allegiance to Mr Beattie; their subservience to the Premier.

Mr Beattie made his incriminating statements during a period of victory. His plan had worked and he was enjoying his moment and he let down his guard.

It is more likely if he had not been involved that he would have said ‘I report the decision of Supreme Court Justice Atkinson who has found against the One Nation Party in the electoral fraud case’. He didn’t distance himself, he included himself. He said ‘I told you I would do this and we have’ It was a clear and unambiguous statement of admission. He had promised to do it. He had expected it to take longer. He had gotten rid of a legally registered Political Opponent. He had been successful in his criminal actions.

In the light of the subsequent Court of Appeal decision which quashed the convictions and overturned the sentences, Mr Beattie had faced criticism for perceived political interference in the due process. He acted quickly to give the CMC a very limited brief to examine the accusations I had made. All persons who were accused of various contributions or admissions – supported by sworn witness affidavits - were all excused from any blame - including the Premier.
None of the people interviewed by the CMC gave sworn evidence to rebut accusations, they were simply interviewed or given opportunities to deny all accusations, and that was to be the end of it.

‘Justice should not only be done, but should manifestly and undoubtedly be seen to be done’ Gordon, Lord Hewitt. Lord Chief Justice 1922-1940.
It wasn’t and it hasn’t been seen to be done.

Today Mr Beattie’s defences are no longer there. As the former Premier, who resigned in a curious abandonment of what was perceived to be his addiction to power there will be people ready to blow the whistle. There will be people who resent his interference in the conduct of their Public Service positions. People who know that pressure was exerted by Government over them in contradiction of their oaths of office. People who acted in misfeasance of their sworn oaths of office.

Former Qld Labor M.P. Gordon Nuttall recently ignited public interest when he claimed that Mr Beattie offered deals that were inducements.

In May 2011, Independent Qld MP Rob Messenger said in Parliament that there had been inappropriate Judicial appointments, government influence over CMC decisions and a Government

offer to Gordon Nuttall of a lesser sentence if he pleaded guilty to his charges. That alone suggests the Government had influence over the judicial process.

What flowed from Justice Atkinson's flawed decision were criminal charges and imprisonment for two innocent people. Her decision was used by the D.P.P. to justify criminal charges for an offence that wasn't an offence and against the advice of 2 Police Reports claiming that no offence had been committed. Is this the type of Government we want to encourage? There has been no compensation or attempt to bring anyone to justice.

I have been denied in 3 FOI attempts to get a copy of the secret Police Report that declared that no crime had been committed by Ettridge and Hanson. It has been protected by the Police Minister. That Police report was sent to the Queensland Crown Law office who claimed that they sent it back to the Police for a second opinion. The Police sent the same response to them – 'unlikely to get a conviction'. That's code for innocent. 2 repetitive reports saying the same thing wasn't going to get what Mr Beattie had promised his disciples, so they tried again and got what they wanted so it could move forward. Mr Beattie, he had made a promise and he intended to keep it. Supply of the Police Report has been denied each time I asked for a copy. It was later destroyed because it was far too damaging against the Crown Law office. I know this because I met with a former Queensland detective who knew intricately about that report and he said they made it clear that I and Hanson were innocent. The police are more likely to have done similar research on legislation like I did to arrive at their conclusions.

Background information:

When David Ettridge and Pauline Hanson registered the Pauline Hanson One Nation Party in Queensland, it was carefully administered through the registration process by the Qld Electoral Commission. After all, this was a registration that attracted a lot of political attention. Following that process, which included a successful audit of party members by Commission staff, the Party was registered. Not surprisingly, all party members contacted confirmed their membership. They had numbered membership cards, receipts for payment and they attended branch meetings. The party's head office had written applications for membership from all of them. Their names were on a National database of members names. The relationship that had been created was contractual –offer/acceptance and consideration paid. All of this evidence of a contract between the Party and its members was shown at each court hearing.

In the June 1998 Qld State Election, the One Nation Party won 11 seats in the Parliament and the second largest block of primary votes – 439,121 – well ahead of the Nationals and Liberals.

Many well known political figures publicly declared the One Nation Party to be a threat that had to be stopped. Even the U.S. Secretary of State, Madelaine Allbright on her visit to Australia told an ABC radio audience that Washington would not be pleased to see the One Nation Party succeed. Such comments were alarming because laws had been enacted to ensure that Australians had the right to form political parties, to vote how they wished and to be protected against anyone who sought to influence or deny such rights.

But One Nation's success disturbed many elected legislators who agreed that they should collude to destroy this new party. Finally, Labor and the Coalition agreed on something - even if what they wanted

to do was illegal. The criminal acts that followed were committed by elected Politicians and public servants in Queensland. The courts and process were abused.

Joining the swell of anti One Nation hostility became almost legitimised amongst the politically elite. So much so, that it created a powerful environment for conspiring to destroy this new and emerging political force. In their haste, things were said and done to leave a trail of evidence that amounts to a criminal conspiracy. Highly secret political interference would lead to the ultimate destruction of the One Nation Party within the Queensland Courts, and the imprisonment of its innocent founders.

This document provides a log of facts, co-incidences and peculiarities to support well founded suspicion of political interference that might be regarded by many as a serious criminal culture within the Queensland Government of that time.

To this date no compensation has ever been paid to either of the innocent victims of this disgraceful and illegal action.

Was it the overwhelming power held by the Labor party and its leader Premier Beattie and the extensive infiltration of the Labor party's appointees within the Queensland administration that allowed this manifestly unjust action to go as far as it did? Did the participants all rely on creating favour for their own survival in the administration and for their own advancement within it, or did they simply allow their own prejudices to prevail with no fear of consequences?

Would Ettridge and Hanson have remained imprisoned for the full 3 years if Ettridge had not provided clear defence arguments, (arguments not provided by any paid legal counsel) that gave rise to the Court of Appeal's overturning of the sentences and convictions?

Democracy is balanced by the separation of powers. Governments must never control the courts or the Police to the extent that Governments use those courts to attack their enemies and protect their friends. The Queensland Government in 2003 did just that.

1. Prior to Ettridge and Hanson being charged under the Crimes Act (Not the penalty provisions of the Electoral Act), TWO Police Major Fraud Squad investigations both found that no offence had been committed. Many Police spent 18 months investigating to reach this obvious conclusion.
2. The above Police report was never discovered to the defence and was never available for defence at trial. It has been denied to Ettridge 3 times under attempts to get a copy under FOI. The relevant Minister refuses to release it. Why? Because it no doubt shows from the outset why charges should never have been laid. If Police concluded there was no lawful reason to charge, then only unlawful reasons such as political pressure remain.
3. The very Police who visited Sydney to interview party staff for witness statements were very clear about the pressure they were under to obtain a conviction. Those same police were uncomfortable that they were tasked for such a purpose. They had also worked on the Police 'No Case' investigations attended court and yet in contradiction to what they believed gave the Committal and pretrial courts unconvincing sworn testimony which was repeated at the District court before a Jury in an attempt to convince the jury of the guilt of Ettridge and Hanson.
4. The DPP said they did not know of the Police Report, but the Crown did know of it and it was the Crown's prosecutor who must have known of it when he prepared his prosecution. So, we can

safely assume the Crown prosecutor knew of the findings of the Police investigation and ignored them. Why? What other pressures were at work to commit the under resourced DPP to running a criminal trial when the Police said there was no basis for doing so?

5. The correct defence as upheld by the November 2003 Court of Appeal was submitted to the Court by Ettridge in a pretrial District Court hearing, without a jury present, and was ignored by the prevailing Judge who never again appeared to manage the case. A new judge, a political appointee took over the trial. One can only surmise that the exiting Judge did not want anything to do with this disgraceful abuse of process.
6. In written pretrial submissions, also copied to the Crown Prosecutor and to Hanson's lawyer, Ettridge had placed the Contract Law defence argument before the Committal Court, Pre Trial Court and now the District Court, together with the clear interpretation of the Electoral Act in relation to membership, but those submissions were ignored without a ruling. This is weird court procedure. And yet, just months later those two arguments were upheld by the 3 court of appeal judges. Mt defence team of Andrew Boe and Bret Walker SC recognised the infallible strength of my defence arguments. They were not prepared to ignore them.
7. Ettridge's defence arguments re the interpretation of the membership definition within the Electoral Act was also sent in writing and hand delivered to the Director of Public Prosecutions, the head of Crown Law, the Chief Judge and the Police Commissioner. Only the Police Commissioner acknowledged its receipt.
8. The Electoral Act provided a maximum penalty of 6 months or a $1,500 fine for the alleged offence. Not a 3 year prison term.
9. 8 months AFTER we were charged, and 5 years AFTER the alleged offence occurred, the penalties of the Electoral Act were increased. Those new penalties were applied RETROSPECTIVELY, in direct contravention of the Declaration of Human Rights, a document to which Australia is a signatory. Australian was the chair of the U.N's Human Rights Body when this farce was underway in Queensland. It stands as evidence that the rules these self important narcissists make between having expensive cocktail parties are easily ignored.
10. On 19th August 1999, Qld's Courier Mail Newspaper ran a story saying that the then Attorney General of Qld had claimed that Ettridge and Hanson's alleged offence carried a penalty of up 6 months imprisonment or a $1,500 fine. He had correctly confirmed the penalty provision of the Electoral Ac at the time of the fabricated offence. Our offence was like being charged, tried and imprisoned for breaking into your own home when you lose your keys. It was an embarrassing farce.
11. As a former Federal M.P. Pauline Hanson could be disqualified for seeking a seat in Parliament if she was to receive a jail term exceeding 12 months imprisonment. She needed to be neutralised, which is the conspirator's motive. The other part of their motive was to illegally destroy a legally registered political party.
12. Section 158 of the Qld Electoral Act says that 'no one may hinder or interfere with the free exercise or performance by another person, of any right or duty under this Act that relates to an election'. Clearly many people did.
13. Section 78 of the Criminal code has similar provisions with 2 year imprisonment for offenders.
14. When a number of disenchanted and former members of the One Nation Party assisted a 1998 civil action against the One Nation Party, also driven by the same argument adopted by the Crown in the criminal trial, the case was heard by Justice Atkinson, a judge appointed by the incumbent Qld Labor Govt. Her judgement against the One Nation party was critically flawed in fact. She had accepted the perjured testimony of several witnesses who lied that the list of names attached to the application to register the One Nation Party by Ettridge and Hanson was in fact a list of names of members of the Pauline Hanson Support Movement. As described at

the beginning of this book, and if that was in fact what happened, all that was required was to compare the real list with the alleged list to see that the witnesses were either lying of or deliberately perjuring themselves. Terry Sharple's who brought that case to Justice Atkinson's court declared later that the witnesses had lied and evidence was false when he sought a mistrial. Any reading of the Act clearly showed that. During the Supreme Court hearing of Justice Atkinson anyone could have and should have simply compared the two lists – the wrong list accepted by the Judge as being the true list attached to the application to register and the ACTUAL list of names attached to the application to register – to see that the lists were completely different in many ways. Years later, in the criminal trial when being cross examined by Ettridge, Ettridge showed the former Electoral Commissioner Des O'Shea the list that Justice Atkinson had ruled to be the list attached to the application to register the party and he declared it was not. And yet, the civil court had found against the One Nation Party by saying it was! A bit like saying the murder weapon was a gun when it had clearly been a knife. Such an incredible error was used as the justification, (against the findings of the repeated Police reports), of the Crown Prosecutor to lay charges. Several years later she too was appointed by the Qld Labor Party Government as a Judge in the District Court.

15. As soon as Des O'Shea's evidence had been written into the criminal trial transcript, Ettridge quickly provided this glaring error to the Director of Public prosecution and demanded the Crown abandon its trial which was based on Justice Atkinson's flawed judgement. He also asked the trial Judge to interrupt the criminal trial so a court hearing could be called to correct the error of Justice Atkinson, upon which the Crowns case had been justified. Both were ignored and denied.
16. The consequences of Justice Atkinson's decision, based upon such a glaringly false fact, was never challenged by One Nation's 3 man legal team at the time. In fact, during the Atkinson trial when the Electoral Commissioner was sworn in and available for cross examination, the One Nation Party's legal team did not ask him a single question – a fact discovered by Ettridge when reading the lengthy transcripts. Here was the one person who could have closed the civil case by identifying the list of names as a matter of court and evidence procedure, and he was not asked a single question to provide any defence and to exonerate us. In fact, in the transcript it was declared that the correct list of names used to register the Party in Qld was suspiciously not even in the courtroom!! The crucial evidence was not in the Court! No one attempted to get it, which raises suspicion about the competence or ethics being practised in that court by all parties. Justice Atkinson's decision was greatly advantaged by not having the Electoral Commissioner identify the correct list.
17. In an article in the Courier Mail on September 15th 1988, it said 'The Bar Association of Queensland has slammed the appointment of Roslyn Atkinson to the Supreme Court bench, claiming that she had not been chosen on merit.' A media release said 'Justice Atkinson has demonstrated ability in her relatively short term as a lawyer, but not for the time and at the necessary level to demonstrate a capacity to perform the function of a Justice of the Supreme Court'.
18. In a breach of the Electoral Act, the civil charges against us were allowed to be brought to court 14 months after the time limit allowed for such a challenge.
19. Four years later, in the criminal court, the main witness against Ettridge and Hanson, the witness relied upon so heavily by Justice Atkinson to arrive at her flawed judgement, was soundly discredited in dialogue between the Crown prosecutor and Chief Judge Patsy Wolf. That witness was described by the senior investigating Major Fraud Squad Detective as not being a person of truth. Judge Patsy Wolf said 'Well, it's accepted on the cross examination that he was totally discredited'. And yet Justice Atkinson had accepted and even relied upon his perjury. The

Crown's barrister prosecuting for the DPP was in court arguing that the person who contributed to Justice Atkinson's flawed decision had lied! And yet the criminal trial continued. I suspect that they were concerned that I would bring that person to the court as y witness for the defence, and they were destroying his credibility.

20. In another astonishing turn of events, Terry Sharple's, the person who had initiated the action against the One Nation party in the civil court of Justice Atkinson, and the person who had won the action, sought a retrial on the grounds that the case had been won by 'fraud, deliberate withholding of evidence, conspiracy and perjured evidence' His attempt predicably failed.
21. On the 18th of August, 1999, on the same day and immediately after the decision of Justice Atkinson had become known to him during a Parliamentary session, the Premier of Queensland, Peter Beattie also made an astonishing admission 'After the election there were 11, then there were 10, then there were five, and today there are none. That's the way we are, in terms of entitlement, I did say, by the way, that we would get rid of One Nation'. Such a boast is strange because it reveals he and others intended to remove a lawfully registered and formed political party, and in so boasting he attracted suspicion that he and others in what must have been a conspiracy between them had brought about this result. The revelations earlier in this document of changes to the law, the application of the law retrospectively and the ultimately severe penalties issued by a Judge appointed by Mr Beattie and perhaps others, leaves little doubt that political interference had taken place in the courts and in the judicial process. In so doing laws were broken, and yet to this day no one has been charged.
22. In a story in the Courier Mail dated 23rd June 2000, the following was said 'The Office of the Director of Public Prosecutions has come under repeated attacks over poor resourcing, a series of senior resignations and claims of **political interference'** At this time and for some years prior to this newspaper article, Peter Beattie had been the Premier of Queensland. He was also the Premier during the period in 2003 when Ettridge and Hanson were charged, trialled and imprisoned for an offence the Court of Appeal later declared they had not committed.
23. Even the Fraud Squad detectives who interviewed various potential witnesses, made no secret of the political pressure they were under. In sworn affidavits by 3 different people, claims were made by those 3 people that Fraud Squad detectives had admitted that Police were under Political pressure. These bizarre admissions were made by the Police who were assisting the real conspirators to break the law!
24. Australia has signed the Declaration of Human Rights. In article 11 (2) it says …'Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed'. Our alleged 'offence' went from being a civil offence to a criminal offence.
25. After a committal hearing in 2002, Ettridge had his rights to freedom of speech denied. The court imposed a ban on Ettridge speaking to the media about the case. Ettridge's rights to free speech were enshrined in the Covenant of Civil and Political Rights signed by Australia on 16th December 1966.
26. Following the flawed judgement of Justice Roslyn Atkinson in the civil matter, the One Nation Party was de-registered and required to repay a $502,000 amount which the party had received for electoral reimbursements. This has never been recovered by the Party in spite of many demands for it. The basis for seizing the One Nation Party's electoral funding, and its justification by the Atkinson court decision has been totally unofficially overturned by the later Court of Appeal decision in November 2003. Of course, it is unlikely to ever be repaid. The same Court of Appeal which confirmed the flawed Atkinson judgement had come to a totally opposite decision some years later. I speculate that the Judges were by now growing tired of the political interference and needed to send the Government a message – stop interfering with the courts.

27. In spite of the comedy of errors, the trail of evidence against the Queensland Government, the rejection by the politically influenced DPP of the No Case Police report, the many criticisms by Senior Council and a High Court Judge of the way the Criminal trial was managed, the criticism by Queensland's Court of Appeal Judges as to the management of the legal side of the trial, no admissions of culpability by the Queensland State Government have ever been made to allow for compensation for my extensive legal costs and huge personal losses have ever been paid.
28. To this day, Australian Political History will show this affair to have been the most blatant, arrogant and disgraceful abuse of power ever witnessed in this country.
29. The civil action in the Labor Government's appointee Justice Atkinson's court against One Nation WAS NOT initiated by the Queensland Electoral Commission. They never believed they had been defrauded. They had their own audit procedures which confirmed the registration was legal. Ettridge and Hanson's innocence was confirmed by the major fraud squad reports, the never compared forensic comparison of the two lists of names and the written legislation.
30. The Criminal action some years later was initiated by the Labor Governments appointee - the Director of the DPP, AFTER the Major Fraud Squad had delivered 2 reports saying that no offence had taken place.
31. Suspicions about political pressure exist when Detectives tell witnesses they are under political pressure to gather witness evidence and the Labor Party appointed Director of Public Prosecutions seeks charges against innocent people in a complete break from the traditional chain of action. She was on her own and as shown by the Court of Appeal and Ettridge's court submissions, there never was any case against Ettridge and Hanson. Had there been, the Electoral Commission would have been the Plaintiff as the aggrieved party.

Ettridge and Hanson were handcuffed, imprisoned and disgraced when they spent 11 weeks of a 3 year sentence in maximum security prisons. They were at all times completely innocent when the law was ignored by people who took oaths where they swore to uphold the law. To this day, no one has faced any consequences.

The Queensland Government has been using the courts to protect their friends and to attack their enemies. All of this in modern Australian and under the noses of the media, Judges, the legal profession and senior public servants. The media have played a major part in their unbalanced and unfair denial of justice and with their dishonest and incomplete reporting that predisposed their readers to believe we were guilty.

In late May 2011, Ettridge wrote to the Qld Police Commissioner seeking to have the Police consider the contents of this document and to charge Former Premier Peter Beattie with a number of offences. They did nothing.

Prepared by D. Ettridge.

CHAPTER 47

Correspondence to the Queensland Premiers office.

Re: My Compensation Claim.

Mr Dave Stewart,

Director General, Premiers Office,

Queensland Parliament.

Dear Mr. Stewart,

I refer to the CCC correspondence from Pxxxxx Xxxxx of the CCC dated 27th January.

The response is not un-expected as the CCC are highly unlikely to take any action, nor to admit any criminal wrong-doing claims against their colleagues. It is quite unacceptable that the CCC could even be accepted as an appropriate body to conduct an independent investigation into the actions of their colleagues in the office of Crown Law because they clearly have a monumental conflict of interests.

The decision about the wrong doings of this action against me were already established from the highest authority on law in Queensland, the Court-of-Appeal. The opinion of the CCC is irrelevant.

In two separate decisions, both led by former Chief Justice Paul deJersey in 2003 and a second decision against Terry Sharples in 2004, the court of Appeal were clear and final in their judgement when in the first decision they quashed my sentence and overturned the conviction. The CoA only quash and overturn when the conviction is overwhelmingly wrong. My innocence was established in the court of Justice Ambrose when the Crown and the electoral Commissioner both claimed no fraud had occurred.

In the CofA decision against Sharples in 2004, the Judges strengthened and re-affirmed their judgement that my trial and charges were unsustainable. Pxxx Xxxxxx is disrespecting and contradicting those esteemed judges and placing his investigation conclusions above those of three of Queensland's most senior judges.

The decision of the 2003 Court of Appeal Judges to quash and overturn my conviction far exceeds any authority of the subordinate CCC decision to contradict that senior court. I respectfully suggest that the Court of Appeal decision should be your benchmark for considering my claim.

1. Justice Ambrose, Crown Law and the Electoral Commissioner all said no offence had ever been committed.

2. The Police report said no offence,

3. In contradiction of Pxxx Axxxxx comment, the Judges of the 2003 Court of Appeal decision did strongly criticize the standard of legal practice by the DPP in my trial.

4. The media criticized the office of the DPP as being under resourced and heavily interfered with by political pressure. The 3 investigation Police detectives also said so.

5. The Court of Appeal said no offence had occurred in November 2003.

6. The Court of Appeal in the 2004 Sharples claim rejected Sharple's allegations on the grounds that no offence had been committed by me against the Electoral Commission.

7. In the face of the above summary, I cannot see how your office can see any support in denying my claim for ex-gratia compensation.

Am I to accept that the CCC decision is to be valued above that of the Court-of-Appeal? I do not accept the CCC response as anything but another example of cover up that would NOT survive independent examination. The biggest weakness in your position is that you are seeking to base your own decision upon a self-examination by public servants against their colleagues. It is hardly a fair or acceptable basis for justice or to be given any weight in influencing your decision.

My detailed research and investigation has produced far too many embarrassing facts that were previously unexposed. The charges and abuse of the courts are now history and it presents a disgraceful, undemocratic and illegal abuse of authority by the Queensland State Government who were clearly involved in this abuse of my natural justice.

During this period of attack by the Queensland Government resources, the One Nation Party was forced to repay $502,000 from a false decision in Justice Atkinson's court plus costs of legal representation which would amount to approximately $1.6 million over all cases defended, which excludes my own costs of defence and appeal of $550,000, $300k of which was for the appeal. My other personal losses are in the range of $2 million or more, defamation being a claim that could under a court examination be a very substantial amount. A claim by the One Nation Party alone would result in substantial costs for return of the $502,000 and all legal costs associated with this matter. I advise that I have not shared my research with the One Nation Party.

My research and evidence is overwhelming and would support a legal challenge that would in the event of a win, have substantial costs against the Queensland Government.

All of this being a compelling argument for The Premiers office to consider a fair and confidential ex-gratia settlement as sought. The decision now resides with the office of the Premier.

I welcome your earliest response so I might put this whole experience behind me.

Yours sincerely, David Ettridge

CHAPTER 48

More correspondence to the Qld Premiers office.

Dear Mr Stewart,

Thank you for your appreciated correspondence dated 16/12/2020 .

I look forward to this long-term call for justice to come to an end, and to be very frank with you, to have the matter removed from my daily thoughts will be a relief.

My current reading of all the evidence I have refreshes my commitment for justice and to establish my right for an ex-gratia settlement. The documentation attached is overwhelmingly against the actions of The Premier and Crown Law and its subsidiary departments, and in my opinion, if justice is to be served, makes an ex gratia settlement unavoidable.

In that regard I will be pleased to enter into a conditional settlement. It is a matter that needs to go away because it just doesn't sit well on all levels as a historical account of how I was treated when at all times no offence was ever committed and all efforts to establish my innocence were ignored.

To very briefly summarise:

1. Judge Brian Ambrose originally dismissed Sharples claim.
2. Crown Law became exposed in offering their assistance of an allegation easily shown to have been false.
3. I discovered that Crown law regarded the party registration to be valid from the day it was registered, and therefore everything Crown Law and the DPP did was unlawful. It also reinforces my allegation – also supported by evidence – that the Premier of the time was placing the Justice Departments under extreme pressure. No other person in Queensland had the authority, nor had admitted their intent and premeditation to conduct such an unlawful abuse of the justice system.
4. In 1999 Justice Atkinson found that a false list of names alleged by Terry Sharple's to have been used to register the One Nation Party in December 1997 was the list of names used to register the One Nation Party in 1997 when it was not. Sworn evidence in the 2003 court of Patsy Wolfe from the Electoral Commissioner showed Sharples claim to be false. In fact, that alleged false list was, under the definitions section of Electoral Act actually acceptable, so there was never a case to answer, but it seems that no one attempted to make that unwelcome discovery from simple research. Had they done so the matter should have stopped - EXCEPT Of the detailed Police Report which almost certainly had carefully articulated the weaknesses in the DPP and Crown case.
5. Justice Atkinson accepted perjured evidence from witness Andrew Carne, who later swore an affidavit to confirm he had perjured himself. In the Patsy Wolfe trial Andrew Carne was declared by the Crown barrister, the Police and Chief Judge Wolfe to have not been a witness of truth. Even the judges of the court-of-appeal acknowledged that Carne had lied in the Atkinson trial, and yet his false testimony was accepted and relied upon to carry the prosecution to its next stage.

6. The Crown attended the Atkinson court and represented the Electoral Commissioners defence, and remained silent about the false evidence being considered in the court when the Crown had the genuine list of names submitted for party registration attached to their clients witness statement. The Crown also adduced the genuine list of names of party members used for the One Nation registration in their case against me in the Patsy Wolfe trial. That list was an astonishing contradiction of Justice Atkinsons decision.
7. Two Police reports declaring our innocence were ignored and later destroyed, an act that can only suggest that the Police report was very damaging to the Crown, and clear evidence of my innocence, so it had to be destroyed.
8. The Crown brought a succession of perjurers and confused ex party members as witnesses to the committal hearing who were all discredited and NOT brought to testify at the criminal trial which only can be assessed to mean that the Crown prosecutor saw those witnesses as being totally unreliable. In spite of lawyer Chris Nyst raising it at the committal, and at my suggestion, the question of membership having been created by contract law, the presiding Judge Halliday ignored that very powerful defence argument which was later upheld by the Court of Appeal in 2003 when they quashed my conviction.
9. The DPP used the Atkinson judgement against the One Nation party as sufficient justification in carrying the false allegations to a criminal court. At this stage I lobbied constantly against the trial continuing and I have attached an EVIDENCE FILE of wide-ranging evidence that was provided to the Crown and the DPP in an attempt to bring the persecution against me to an end. It was at all times ignored or denied. I draw your attention to pages in that file at the end of this letter.
10. This issue is already a well-known and unfavorable part of Queensland's judicial history and my recent discoveries will only add considerably to the discredit it brings to the Queensland justice system.

I have reservations about the CCC, who in my observation as a part of the Crown Law structure may find an assessment against some of their colleagues to be compromising. The CCC will be tempted to hide from and deny what is clearly now established as the truth in this matter.

Your assistance in considering this letter and its attachments and forwarding it to the CCC to add to their deliberations is appreciated. I have copied and pasted some edited information into an attached file. Overall, what is contained in this correspondence strengthens my position and call for an ex-gratia settlement.

Sincerely,

David Ettridge

EVIDENCE FILE:

Please review the following pages in the attached evidence file. They all show various stages of my defence lobbying when this prosecution should have stopped.

54, 56, 59, 61, 80-83, 100-101, 104-114, 116-117, 119, 121, 126-136, 137-144, 146, 148, 153, 154-170, 202-204, 205,

The evidence file is far too large to have been included in this book. I have included on the next pages some of interest.

"DJF 11" (12) 61

ul Everingham
& Co.
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And at
140 Morayfield Road
Caboolture

Our ref: David Frank.bc.980104
Your ref: SOL.ELE041/DAJ

20 July 1998

Attention: Joanne Daniels

Crown Law

Facsimile 323 96382

Dear Ms Daniels

Pauline Hanson's One Nation

We refer you to your facsimile transmission of 17 July 1998 and to our conversation of 20 July 1998.

We submit that the Plaintiffs are entitled to a copy of the membership list which accompanied the Application of Pauline Hanson's One Nation to be registered as a political party.

One of the principal issues in the matter before the Supreme Court revolves around the allegation that the membership list of a different incorporated entity was submitted as the membership of another organisation in its application to your client to be registered as a political party under Part 5 of the *Electoral Act*.

It is our submission that annexing that list of members to an affidavit for the eyes of the presiding Judge will place the Plaintiffs at a severe disadvantage by concealing relevant material and evidence.

The Plaintiffs and their legal advisors will be prepared to provide an undertaking that the subject list will not be used for any other purposes and that it will be destroyed or returned to the Defendant at the request of the Defendant.

If this position is not accepted, then the Plaintiffs will be claiming costs for any delay in the hearing of the action by your client failing to product the list to us in the first instance or annexing it to affidavit material submitted by you to the court and omitting that list from any copy of the affidavit material served upon us.

Yours faithfully
PAUL EVERINGHAM & CO
per:

David J Frank

\barb\980104.2007

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David Ettridge
[redacted]
Belrose NSW 2085.
Phone 0417 [redacted]

July 25th 2003.

Mr R. Welford,
Attorney General of Queensland,
State Law Building.
Ann & George Streets,
Brisbane Qld 4000.

AND

Ms L. Clare
Director of Public Prosecutions,
State Law Building,
Ann & George Streets,
Brisbane Qld 4000.

MISCARRIAGE OF JUSTICE.

Dear Mr Welford and Ms Clare,

I draw to your attention, and for your urgent action, that I have on this day lodged an application for the setting aside of all orders in the Supreme Court matter 6318 0f 1998, Sharple's Vs O'Shea and Pauline Lee Hanson.

Her Honour Justice Atkinson erred in her findings that a list of names which was attached to the application to register the political party Pauline Hanson One Nation was the same list shown to the court by an Edward Charles Briggs and supported by the false testimony of Andrew Carne and Edward Charles Briggs. In her Honours judgement she identifies characteristics which appear only on the Briggs list, namely a fax stamped date of 21/7/97 and the inclusion on the list of names of party members Nationally. Her Honour does not refer to any other list except the Briggs list in her judgement at point 81. There is no doubt that the Briggs list is the list she accepted.

I am a person charged with a criminal offence as a result of this error of her Honour Justice Atkinson and it was as a direct result of her flawed judgement that the Party Pauline Hanson's One Nation was deregistered and both Pauline Hanson and I were criminally charged with fraud.

I also draw your attention to the Electoral Act of Queensland 1992, in which a contradiction occurs at section 70, subsection (2). That subsection describes 'registrable parties' and quite clearly allows for the registration of a parliamentary party which has as its only member a member of any State or Federal Parliament, which Pauline Hanson's One Nation did. Those facts have been clearly ventilated in the current court action.

When this specific and clearly articulated question was put to the former electoral commissioner Des O'Shea while he was under oath he was unable to respond to it. It was obvious to the court he had never been aware of the contradiction section 70 (2) had with section 70 (4) (d) of the Act. Both the court and I took his stunned silence as an admission of his acceptance of my assertion. It is not good public policy to charge and then seek to convict any person on incompetent legislation. This argument alone is sufficient for you to withdraw the current charges against us both.

As Senior public servants responsible for the administration of law in Queensland, and as servants of the Crown who are sworn to uphold the Constitution of the Commonwealth of Australia, I demand that you act immediately to preserve the rights guaranteed to me as a citizen of Australia by the constitution.

I am committed to pursue my rights and to bring to account any person who commits high treason against the Constitution of the Commonwealth of Australia.

The case brought against the One Nation Party has been a highly controversial matter which has clear and provable political involvement by Federal M.P. Tony Abbott. In my experience this case has polarised public opinion to the detriment of the reputation of justice in Queensland. My very recent discoveries, the subject of this letter and court application, compel you both to bring this matter to an immediate conclusion and to drop the charges.

I have attached copies of the application I have lodged with the Supreme Court. It describes fresh and alarming evidence which gives you both cause to act with some urgency. I urge you both not to ignore this matter now that it has been drawn to your attention. The reputation of yourselves, the courts and the integrity of justice in Queensland is at stake.

This fresh evidence will strengthen my current application to the High Court of Australia.

Yours faithfully,

D. Ettridge

D. Ettridge.

Email: davett@bigpond.

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Queensland Government

Director of Public Prosecutions – Leanne Clare
Deputy Director – Paul Rutledge

Office of the
Director of Public Prosecutions

Department of
Justice and Attorney-General

Name: Leanne Clare

28 July, 2003

Mr David Ettridge
8 Towarri Place
BELROSE NSW 2085

Dear Mr Ettridge

I refer to your letter of 25 July 2003 in which you raise two matters. The first matter is an alleged error in the judgment of Atkinson J in the civil proceedings in 1999. The second matter is an alleged inconsistency in the Electoral Act 1992.

Neither argument raises a proper basis for discontinuing the prosecution against you. The Court of Appeal has affirmed the civil judgment. In any event, in my view, the criticism you make of that decision is irrelevant to the criminal trial. I also note that you have already put your argument concerning the interpretation of the Electoral Act to the trial judge without success.

The prosecution will continue.

Yours faithfully

L J Clare
DIRECTOR OF PUBLIC PROSECUTIONS

Level 5 State Law Building
50 Ann Street Brisbane
GPO Box 2403 Brisbane
Queensland 4001 Australia
DX 40170
Telephone +61 7 3239 6840

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TERRY SHARPLES
PO Box 1004 Burleigh Heads, Qld, 4220
0413 852 505

4th November 1998.

Mr Tony Abbott
Fax 02 99727024
Postal 4 Sydney Road, Manley, NSW 2095.

Dear Mr Abbott,

There are many aspects to my story on One Nation, but time and space dictate brevity.

You might recall, that starting line of my facsimile to you on the 25th June 1998, after you telephoned my home several times asking for my help. You might also recall your subsequent telephone call to me later that night to congratulate me on my courage and willingness to act.

You might recall, our meeting at Mitter,Ellison with Ted Briggs and Tom Bradley on 7th July 1998, where you undertook to bank $20,000.00 into an account to cover the legal expenses my Supreme Court challenge.

You might recall our breakfast meeting at the Sheraton Hotel 13th July 1998, when I asked you sign and have witnessed under seal your Deed of "Guarantee" dated July 11th 1998.

Attached is a list of moneys I have expended on the case and your personal cheque by return mail is requested in satisfaction thereof.

The attached list is only my first claim pursuant to the "Guarantee". I enclose a letter received from Watkins Stokes Templeton and further claims will follow as soon as I am able to do so.

For the record, it no good calling people mate this and mate that - and then leave them for dead.

Yours sincerely

T. Sharples

001100

IN THE SUPREME COURT OF QUEENSLAND
BRISBANE REGISTRY

NUMBER 6318 of 1998

Plaintiff	TERRY PATRICK SHARPLES
	AND
First Defendant	DESMOND J O'SHEA
	AND
Second Defendant	PAULINE LEE HANSON as representative of herself and all members of PAULINE HANSON'S ONE NATION (as registered under the Electoral Act 1992 (Qld))

APPLICATION

TAKE NOTICE that the applicant TERRY PATRICK SHARPLES is applying to the Court for the following orders:–

1. That all orders of the court pursuant to UCPR rule 667 in the above matter and all associated appeals be set aside and a retrial be ordered as the same were obtained by fraud, deliberate withholding of evidence, conspiracy and perjured evidence

2. Further and in the alternative the plaintiff was the subject of institutionalised bias by the Crown of Queensland and by members of the judiciary for political purpose.

3. Further and in the alternative the Supreme Court of Queensland had no power to make any judgement or cost order against the Plaintiff.

This application will be heard by the Court
on: 15 October 2001 at 10:00 a.m.
Filed in the registry on: 11 OCT 2001 HEARING REFIXED TO 15 NOV 2001 on 8 OCT 2001

Registrar

If you wish to oppose this application or to argue that any different order should be made, you must appear before the Court in person or by your lawyer and you shall be heard. If you do not appear at the hearing the orders sought may be made without further notice to you. In addition you may before the day for hearing file a Notice of Address for Service in this Registry. The Notice should be in Form 8 to the Uniform Civil Procedure Rules. You must serve a copy of it at the applicant's address for service shown in this application as soon as possible

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On the hearing of the application the applicant intends to rely on the following affidavits -

1 Affidavit of Mr Terry Patrick Sharpies sworn and filed 1st October 2001

If you intend on the hearing to rely on any affidavits they must be filed and served at the applicant's address for service prior to the hearing date in accordance with the Uniformed Civil Procedure Rules (Qld)

If you object that these proceedings have not been commenced in the correct district of the Court, you must apply to the Court for dismissal of the proceedings.

THE APPLICANT ESTIMATES THE HEARING SHOULD BE ALLOCATED
60 minutes

PARTICULARS OF THE APPLICANT:

Name	Terry Patrick Sharpies
Residential Address.	45 Charles Street Tweed Heads New South Wales
Address for Service	C/- James Sharley 99 Highland Terrace St Lucia Brisbane
Telephone	07 38709191
Signed:	
Description.	Applicant
Dated:	1 October 2000.

This application is to be served on:

1. Crown Law State Law Building Car. Ann & George Streets Brisbane on behalf of First Respondent.

2. Pauline Lee Hanson

CHAPTER 49

Never Give Up

Finally…….An email sent to the Queensland Premier dated July 4th 2022. At this stage they had declared they wanted no more letters from me.

When a major crime has been committed by the Queensland Government and its corrupt justice system, where can justice be found?

When a State Government has been accused of committing a serious crime, only a court of law can judge them and absolve them of wrong-doing. The Queensland State Government has been absolving themselves of wrongdoing by seeking and receiving absolution from the CCC, a body that is not a Court of law. The standards to examine guilt are not applied.

In 1998 the One Nation Party captured 22.7% of the primary votes in the Qld State election. With a federal election just months away in October 1998 a single false allegation was tested in a civil court and rejected to be highly speculative. That false allegation was used to mobilize an abuse of the Queensland court system to destroy the One Nation party who had won 11 seats in the Queensland Parliament.

In a disturbing collaboration based upon a confused former One Nation candidate pursuing a baseless argument through the Qld courts, that false claim was assisted by the State Government through its Crown Law office, the incompetence of representing lawyers, the Judges at each court encounter, the authority of the Crown Law office, the D.P.P., and the denial of evidence that would have assisted the One Nation Party defendants to prove their innocence. This serious abuse of power resulted in a huge abuse of human rights when retrospective law was applied to ensure 2 innocent people were imprisoned for a period of 3 years for an offence that carried a 6 month jail term.

1. Many laws were deliberately ignored and broken by this unlawful conspired perversion of justice.
2. Retrospective law was applied to increasing the penalties recorded in the electoral Act.
3. Judges looked the other way and ignored legislation when evidence was given in their courts that contradicted the charges.
4. Critical Police evidence that had examined the facts and declared a conviction to be unlikely was ignored and later destroyed in an alarming act that breached law.
5. The transcript of a 2004 Court of Appeal hearing that clearly established that our innocence had been established in the 1998 first civil hearing was destroyed after I referred to it in my claim for compensation.

6. The Criminal Code was violated when its Double Jeopardy Provisions were ignored and breached. This farcical crime was dragged into 2 civil courts, when the critical evidence of our innocence was never placed into evidence in those 2 courts. This was followed by a court of appeal, a committal hearing which ignored evidence of our innocence, a pre-trial hearing where critical defence evidence was deliberately ignored and not ruled upon, a final District Court which ignored all the evidence and testimonies of previous courts that supported the innocence of the two charged persons, and then a court of appeal that overturned the conviction and imprisonment of the 2 innocent people. The court of appeal brought the first display of integrity and honesty when they criticized the previous courts and declared we were innocent.
7. The ruling of civil court number two that a list of names of members of the Pauline Hanson Support Movement were not members of the One Nation Party was in direct conflict and denial of the definition of being a member of the party was within the Electoral Act. That judge declared that the false list of names tabled into her court **was** the list of names used to register the party when it clearly was not, and that the false list had defrauded the Electoral Commission when the Electroal Commissioner had said I in evidence at the 1998 court that it did not. Even if it had been used as ruled by that Judge, it was not an offence because the Electoral Act defined that list to be of persons acceptable as members of the One Nation Party.
8. In a startling contradiction of that court ruling, the genuine list of member names used to register the One Nation Party was for the first time introduced as evidence in the Committal Hearing and it contradicted the ruling of the previous civil court.
9. BOTH lists were in fact legally able to meet the legislated requirements of the Electroal Act for the Party's registration. The Party's registration could also have been legally obtained by applying for registration as a Parliamentary Party which required only one sitting member of parliament which Pauline Hanson was at that time. There never was an offence committed.
10. On 15th October 2001, the plaintiff who won the 2nd civil trial surprisingly lodged an application for a mistrial of that 2nd civil trial by declaring the trial was infected with perjury, fraud and withholding of evidence and conspiracy. The principal witness in that 2nd civil trial had recanted his evidence. It was rejected.
11. In 1999, an admission was publicly made by the State Premier Peter Beattie that he had committed the State Government resources to the destruction of the One Nation party.
12. My relentless correspondence seeking the cessation of the criminal trials and revealing the arguments for innocence were ignored.
13. At every stage of the prosecution the courts and lawyers did not recognize that BOTH LISTS were legally acceptable under the electoral Act for party registration. The 'False list' of support movement members fell under the acceptable definition of party members contained in the Electoral Act and the other option, had we used it, existed to register the Party as a 'Parliamentary Party'. The shocking abuse of law and procedure could only have existed by deliberate and conspired criminal perversion of justice, and to date no one has ever been brought to account for this dark period of political and democratic abuse of our human rights, and I have never been compensated for my extensive financial, reputation and asset losses.
14. Not at any of the 5 appearances in the courts were the false list and the genuine list ever introduced into evidence for forensic comparison. That cannot be an accident. What court is going to fail to reveal the evidence for and against the charges being tried in that court?
15. The Police report that told the Crown Law office that a conviction was unlikely was never revealed in discovery and when it was sought after the trial was completed, it was destroyed.

16. At the final court of appeal hearing the Crowns barrister who led the prosecution in the District Court was still arguing that the list of names of members of the Support movement was criminally used by the party to fraudulently register the party, and was the basis of the criminal offence when evidence given by the Police witness in the committal hearing made it clear that there were no names of members of the support movement on the list provided to register the party with the Electoral Commission.
17. In a Supreme Court action against the CMC on this matter the original plaintiff had a claim heard before the Chief Justice deJersey CJ in which the transcript shows the Chief Justice at page 2 para 3 saying … **'Mr O'Shea having formed the view, which the Commission implicitly accepted as reasonable and open, that the application for registration was valid not withstanding Ms Leach's experience, and that Mr O'Shea's approach with the benefit of hindsight derived support from the decision of the Court of Appeal delivered subsequently in the criminal proceedings in relation to Ms Hanson and Mr Ettridge. The court had before it evidence of a like nature and decided that the Crown could not establish that the application by Hanson and Ettridge for registration by One Nation was fraudulent'.**
18. The above comments by the Chief Justice show that we were from the outset and at all times innocent and following the Police Report, Crown Law knew it. What followed was a politically motivated criminally driven perversion of justice.
19. Evidence also presented to the District court in pre-trial was clear that the Electoral Act defined members of the support movement to be members of the party – had they been used. The Court of Appeal decision supported this evidence.
20. I was never interviewed by the Police to offer my defence of the charges to be brought against me. Why?

On the two occasions when I sought compensation from the Qld State Government for my damages from this deliberately conspired criminal prosecution, the State Government, in an astonishing conflict of interests passed my submission for compensation to the CMC in the first instance and the CCC in the second and most recent claim, for their advice. On those two occasions the State Government unsurprisingly was told my claim was not acceptable for compensation to be paid.

This draws the CMC/CCC into being accessories to the crime because they had no authority as a body that is not a court of law to give an opinion that ignored and contradicts the ruling of the 3 top judges of the Court of Appeal. The CCC is a body with an extreme conflict of interests because it is subordinated to the main offenders - the Crown Law office and the D.P.P. **The CCC had no authority to ABSOLVE the State Government from their criminal activity.**

The use of the CMC/CCC reveals the CMC/CCC to be a safety net of the State Government when faced with being exposed for wrong-doing on political matters. If the State Government intends to break the very laws they legislate for its citizens they apparently feel some security in believing that they can absolve themselves from accountability. With this attitude they will never act lawfully and with integrity if they do not ever face consequences.

Are we to believe that my extensive list of 140 errors, criminal transgressions, ignorance of the laws they administer, wrong doings, denial of my many submissions of innocence, destruction of vital evidence and statements by the Premier to 'get One Nation' plus the statements of investigating Police that they were acting on instructions from the top of the chain of authority didn't happen? Are we to believe that

the State Government does not accept any responsibility for their lawless actions and those of their prosecuting bodies Crown Law and the D.P.P. who ignored the law and drove this insupportable prosecution forward after Police said it would fail?

Am I to be the only one who faces the loss of reputation, assets and income from a so easily exposed and corrupt criminal failure by the Queensland judicial system?

Is my claim for compensation to be denied by a corrupt State Government on the basis of an opinion by a lawyer working for the now integrity damaged CCC who have no authority to deliver an opinion that over-rides the ruling of the highest court in Queensland?

Can the CCC absolve the State Government from breaking laws and absolve the State Government and its departments from all responsibility for the extensive list of wrongdoing when the whole 5 years of prosecution is deeply infected with wrong-doing? Are human rights, natural law and legislative violations to be ignored?

If there is any media in Australia who are not subservient to the State or Federal Governments of this country, perhaps you might see a huge story of corruption and injustice from my experience. Your audiences will love it because they have a deep mistrust of politicians and government liars and spin merchants. Catching them in the act is very appealing for your readers/viewers. Can we talk?

Bring on a clean, independent, honest and high level of integrity corruption Commission in 2023.

CHAPTER 50

In closing, something to ponder:

I often walk along my local beach with my dog. It is a peaceful place where random thoughts cross my mind.

I have just returned from my walk and the following thoughts were occurring to me as I wondered how best to close this book.

I began to think about the damage I and my family would have faced so unfairly in my life had I been incarcerated for 3 years for something I had not done.

Being sent to prison had a dramatic and unfair effect on my family – my wife and 3 daughters. They were greatly distressed at my public humiliation, imprisonment and loss of freedom.

For a moment, imagine if you had to separate from your family for 3 years in an unfair public humiliation to reside in a prison in another State, all the while knowing that you were innocent and your punishment included damage to your family, the destruction of your reputation, and the loss of your family home and other valuable assets from a lifetime of work, and neither the Government nor your co-accused cared. In her first Senate speech Hanson thanked her sisters for getting her out of prison!

I was thinking about the character traits of the people who played a role in this great injustice. How could they intentionally contribute to committing such a deliberate and malicious crime when it conflicted with their code of conduct as they arrived at work each day to the Crown Law office, the seat of Justice in Queensland, the courts and the D.P.P. All people who had careers dedicated to truth and Justice, but if necessary, their dedication was flexible. They are all likely to have celebrated their destructive win the day the court handed me my sentence.

This small group of law enforcers had conspired with each other to commit a major criminal injustice. They struggled to assemble any evidence they could find to ensure they could justify their crime.

We may expect that they were to some extent hardened in their work environment when dealing with serious criminals and repeat offenders, but I was neither of those.

It occurred to me as I considered this line of thought to search the word Psychopath when I returned home. This is one description I thought might describe those unrepentant lynch mob cowards who abused their authority. I found the following definition of Psychopath.

Psychopaths are incapable of feeling guilt, remorse, or empathy for their actions or the objects of their actions. They are generally cunning and manipulative. They know the difference between right and wrong but don't believe the rules apply to them.

Even after they were caught in the act, they couldn't see any justice in making a fair payment to compensate. Like cowards, they hide and avoid accepting responsibility for their actions.

Until our governments act with truth and integrity they remain exposed to being accused of being corrupt, and for that they should not receive our votes or respect.

David Ettridge. January 3rd, 2023.