

DRAFT DRAFT

IN THE SUPREME COURT OF QUEENSLAND

BRISBANE REGISTRY

Plaintiff: DAVID WILLIAM ETRIDGE

C/- 32b Saltfleet Street, Port Noarlunga, SA, 5167.

1st Defendant: ANTHONY JOHN ABBOTT MP

Of 32 Lady Davidson Drive, Forestville, New South Wales 2087

2nd Defendants: Known contributors to the 'AUSTRALIANS FOR HONEST POLITICS TRUST'

Peter Coleman, Trevor Kennedy, Harold Clough, and others.

STANDING, Locus Standi: The Plaintiff has standing as a person directly affected by the defendant's actions. Evidence of the Plaintiff being a specified target of the defendant's actions can be found in **EXHIBIT 1**, in which the Plaintiff's name is clearly written in the defendants own handwriting.

TAKE NOTICE that the applicant David William Etridge is applying to the court for the following Orders;

A. Compel the first defendant to provide the court with a full list of names and donations made by the 2nd defendants and others who comprised the donors to the Australians for Honest Politics Trust, PLUS, all financial records, banks statements audits etc. for the Australians for Honest Politics Trust, and;

B. An award of financial compensation for damages caused to the Plaintiff by the 1st and 2nd defendants.

The defendants provided unlawful maintenance to a 3rd party lay litigant to initiate and advance false and malicious litigation in the Supreme Court/s of Queensland in 1998/9. That 3rd party litigation was initiated by lay litigant Mr Terry Sharple's. (Sharple's vs O'Shea and Anor (1998) QSC 171 (31 August 1998) C.A. No 6318 of 1998**). In the conduct of their unlawful activity the defendants committed numerous offences which have impacted upon the Plaintiff's reputation, financial position and freedom; namely,**

1. Perverting the course of Justice. The Plaintiff as a co-founder of the Pauline Hanson's One Nation Party was at all times completely innocent and should never have been the subject of or consequent victim of any litigation.

(a) The basis for such litigation was the wrongful and malicious revenge of various parties who sought to attack the One Nation Party and its principals for their own personal or political reasons.

(b) The Plaintiff's innocence was confirmed by a Qld Major Fraud Squad investigation which commenced in August 1999 and reported to the D.P.P. by Detective Sergeant G. McNeil on 22nd August 2000 that no offence had been committed by the Plaintiff and which also recommended that no further action be taken by Police.

(c) This Police report, after almost 2 years of thorough investigation of the One Nation Party records by the Police, confirmed the innocence of the Plaintiff.

(d) Further confirmation of the Plaintiff's innocence was affirmed by the Queensland Appeal Court Judges in November 2003, **CA 7799/7800 of 2003** when a criminal sentence was quashed and the Plaintiff's 3 year prison sentence overturned.

(e) The Plaintiff's character was under assault on a number of fronts as a result of the defendants actions during a heightened period of media and political prejudice against the One Nation Party. Prejudice and the seeking of political advantage does not condone a right by anyone to pervert the course of Justice and to break the law. Such a breach of the law is made especially more unacceptable when the person doing it is a Member of Parliament and a legislator who acts with no respect for the very law he has sworn as a Member of Parliament to uphold. The 1st defendant acted above the law.

(f) To so aggressively persecute an innocent person by using his personal status and consequent influence as a member of the Federal Government in his persecution of the Plaintiff is a clear abuse of his authority. The repeated maintenance and intermeddling by the first and second defendants who sought an unfair judgement from the courts for what was a no-offence case was an abuse of the courts for a political objective and the defendants extensive efforts to get a guilty result was a manifestly unjust interference in the Justice system.

(g) In the defendants 2nd sponsored Supreme Court action (the first was a failed action of support for a litigant Barbara Hazleton) the defendants had litigation initiated by a Mr Terry Sharple's and maintained by the defendants described by Supreme Court Justice Ambrose as 'ill conceived' and 'speculative in the extreme'. This litigation was based upon confusion and malice by lay litigant, Mr Terry Sharple's and its falsity should have been obvious to the first defendant and his lawyers Paul Everingham & Co who retained legal counsel Anthony Morris QC, John Miles, David Atkinson, Reidy and Tonkins and other lawyers at the defendants cost to represent and assist Mr Sharple's and to give Mr Sharple's allegations a high level of legal input to ensure that the Sharple's litigation would succeed when it should not have. Mr Abbott's motivation was vengeful and political and he wanted to destroy the lawfully registered Pauline Hanson's One Nation party in order that the Liberal Party to which he belonged, would not lose votes and consequent electoral funding at the October 1998 Federal election to the new One Nation Party.

(h) Mr Sharple's independent litigation provided Mr Abbott with an easy pathway into the courts of Brisbane to further his objective. He had no lawful basis to do so. Terry Sharple's claimed that the Pauline Hanson's One Nation Party registration with the Queensland Electoral Commission had been obtained by fraudulently submitting the names of 500 members of the Pauline Hanson Support Movement with its application for registration. This allegation was patently false and clearly contrary to the evidence held by the Electoral Commission and the court. Even if the application to register had been on the basis alleged, it was not an offence under the membership definitions of the Electoral Act 1992 Queensland.

(i) It ought to have been clear from any reading of the Electoral Act 1992 Queensland that the definition section included members of the Pauline Hanson Support Group as being members of the Political Party – Pauline Hanson's One Nation.

(j) The first defendant's legal training together with that of his numerous legal counsel ought to have made that simple observation from their reading of the Electoral Act. Collectively, they should have been able to see the falseness of the Sharple's allegations and avoided supporting those allegations, and attempting to pervert the course of Justice, but they did not. Mr Sharple's was enthusiastically encouraged to litigate as clearly evidenced in the 1st Defendants written guarantee of financial indemnity to Mr Sharples'. Indeed, the 1st defendant is a lawyer by training and ought to have made independent observation of Mr Sharple's weak case, however the 1st defendant was prepared to ignore facts, and ignore the **Electoral Act 1992 Qld** legislation for the opportunity to attack a very successful political opponent for advantage. It served part of his motive which was to exact as much negative media publicity as possible to damage the One Nation Party's reputation with voters.

(k) Any lawyer ought to have known that membership of any club or political party is also a simple example of contract law. The offer, acceptance and consideration (membership fee paid) making membership absolute. The zealous and aggressive interference and maintenance provided by Mr Abbott and the 2nd defendants to Mr Sharple's weak and fabricated litigation ignored the law and was simply an act by Mr Abbott and others to secure their objectives by attempting to pervert the course of Justice, **an offence under Section 319 of the Crimes Act 1900.**

(l) The maintenance provided by the defendants was repeated in other courts and ultimately led to the Queensland DPP ignoring the Police Report and using the erroneous Supreme Court decision **Sharple's v O'Shea & Anor (1999) QSC 190 (18 August 1999) which was litigation maintained by the defendants**, to justify criminal charges against the Plaintiff which led to a 3 year prison sentence for the Plaintiff in **R v Ettridge**. This sentence was quashed and the conviction was overturned in November 2003 after the Plaintiff had served 11 weeks in prison and experienced an extremely prominent National media campaign which defamed and destroyed the Plaintiffs reputation.

2. Maintenance and champerty in the Supreme Court of Brisbane matter 6318/1998.

(a) The 1st defendant acting in concert with his financial supporters, the 2nd defendants, have admitted the payment of witness costs, legal fees, financial and other maintenance to ensure that the litigant, Mr Terry Sharple's and his false litigation would proceed through the Queensland Courts. Funding and support from the defendants allowed and encouraged Mr Sharple's to file a

number of completely false claims in the Supreme Court of Brisbane against the Pauline Hanson's One Nation Party. The case was **Sharple's vs O'Shea and Anor (1998) QSC 171 (31 August 1998) C.A. No 6318 of 1998**.

(b) In providing his maintenance, **the primary and admitted motive** of the 1st defendant was to protect the political interests of the Liberal Party and to deny the Pauline Hanson's One Nation Party its lawful entitlement to be reimbursed for campaign expenses that resulted from the June 1998 Qld State Election. The litigation maintained by Mr Abbott also sought the deregistration of the lawfully registered Pauline Hanson's One Nation Party in Queensland.

(c) Mr Abbott's intent and interference was designed to minimise the One Nation Party's 1998 Federal Election Campaign funds and its ability to promote and advertise One Nation Party policies in the October 1998 Federal Election campaign whilst also reducing the appeal of the One Nation Party with Australian voters. Media reports alleging criminal fraud committed by the One Nation Party's principals sent a very negative and damaging message to voters in the 1998 Federal Election which was just weeks away from the Sharple's litigation.

(d) Mr Abbott took advantage of Mr Sharple's malicious litigation to fuel damaging and defamatory media reports that were intended to reduce voter support for the newly formed Pauline Hanson's One Nation political party. The One Nation Party was forced to meet very high legal costs defending multiple court actions initiated by Mr Sharple's and maintained by the 1st and 2nd defendants. Defending the various actions initiated by Mr Sharple's was a financial disadvantage and a distraction for the One Nation Party.

(e) Mr Abbott's maintenance was almost certainly motivated by the great loss of votes and Parliamentary seats by the Liberal Party to the Pauline Hanson's One Nation party in the June 1998 Queensland State Election. Mr Abbott did not wish for that loss to be repeated in the forthcoming October 1998 Federal Election.

(f) The 1st defendant has repeatedly admitted his provision of maintenance to Mr Sharple's in numerous print and electronic media as evidenced in the many attached exhibits. The clearest evidence of maintenance by Mr Abbott is **EXHIBIT 1**, a hand written guarantee of financial indemnity to Terry Sharple's, in the previously mentioned Sharple's vs O'Shea and Anor (1998) QSC 171 (31 August 1998) C.A. No 6318 of 1998.

(g) Mr Sharple's ran a number of court actions maintained by Mr Abbott's funding in the Brisbane courts in 1998/1999 after he received **EXHIBIT 1**. On its face **EXHIBIT 1** is a contract offered by Mr Abbott and accepted by Sharple's with ongoing consideration paid by Abbott. **EXHIBIT 1** is clearly an open ended commitment by Mr Abbott to encourage Sharple's to continue his attack on the One Nation Party and the Plaintiff who is named in Mr Abbott's letter to Mr Sharple's. There has never been any evidence that Mr Abbott ever attempted to rescind that contract.

(h) The 1st defendant provided Mr Sharple's with legal, financial and personal support for Mr Sharple's litigation and as a Member of the Australian Parliament involved himself by attempting to lobby the Electoral Commissioner of Qld, Mr D. O'Shea to act in Mr Abbott's advantage to unfounded and speculative claims made in writing to Mr O'Shea by Mr Abbott. **EXHIBIT 3**.

(i) The maintenance of the subsequent court actions undertaken by Mr Sharple's had a number of serious negative consequences for the Plaintiff, who held at the time the positions in the One Nation Party of National Director, Secretary and National Executive member. The actions in the Brisbane courts initiated by Terry Sharple's falsely alleged that the Plaintiff and Pauline Hanson had acted illegally and fraudulently in registering the Pauline Hanson's One Nation Party in Queensland, a claim that was based upon the litigant's confusion, and was manifestly untrue. Had it not been for the maintenance provided by the 1st and 2nd defendants, the litigation initiated by Mr Sharple's would not have proceeded past Mr Sharple's first court action which failed.

(j) Mr Sharple's refused to continue his litigation without a written indemnity against personal liability and costs, and he insisted Mr Abbott provide such an indemnity which is the document in Mr Abbott's handwriting dated July 11th 1998 and attached as **EXHIBIT 1**. This indemnity clearly shows that Mr Abbott wanted Mr Sharple's to continue litigation and the date of the letter pre dates the commencement of a hearing with Justice Ambrose on 21st August 1998.

(k) In his honour's denial of the Sharple's claims in that hearing (**Sharples vs O'Shea & Anor (1998) QSC 171 (31 August 1998)**) Justice Ambrose described the Sharple's litigation as 'speculative in the extreme'. Justice Ambrose also commented 'In my view it is strongly arguable that the Plaintiff's action is ill-conceived', and, 'One might readily infer that Mr Abbott was as much motivated by party political considerations relating to the next Federal election.....' This comment by Justice Ambrose confirms the courts awareness of Mr Abbott's involvement in the Sharple's litigation.

(l) In spite of Justice Ambrose's clear rejection, Mr Sharple's continued to litigate but only because he had received the financial encouragement to do so from the 1st defendant. Mr Sharple's had been encouraged by his belief that Mr Abbott's 'indemnity' provided him with no financial risk against any future cost awards which might have been awarded against him.

(m) **See attached EXHIBIT 2.** A sworn Affidavit from Brisbane Lawyer David John Franks who was employed by Paul Everingham & Co to manage the legal aspects of Sharple's litigation on behalf of Everingham's client Tony Abbott. The David Franks Affidavit provides evidence of the following:

(1) At Para 3. That Sharple's was their client.

(2) At 3 (d) Tony Abbott was behind the action.

(3) 'that the matter was highly political and that he (everingham) and Abbott were to be kept informed.'

(4) At para 30 '....and a telephone conversation with Abbott advising him of the progress'.

(5) At para 34 'Abbott was to be kept advised of all proceedings'.

(6) At para 46 'Abbott and Briggs arrived at the office very early'. 'Abbott arrived from Sydney'

'Abbott, Briggs, Sharple's and I walked to the court.' 'Abbott decided it would not be a good idea for him to appear at the hearing'.

(7) 'On the 29th September I was provided with a copy of a document by Mr Sharple's allegedly

signed by Mr Abbott'

(n) EXHIBIT 8. Unsworn statement by David John Frank.

In this document, a number of additional statements appear regarding Tony Abbott's maintenance of the Sharple's action:

(6) At 2 (d) 'That Tony Abbott M.P. was behind the action being bought and I was to confer with Abbott at all stages.

(7) At 2 (e) That the matter was highly political and that he (Everingham) and Abbott were to be kept informed'

(8) At para 26 'On Tuesday 14 July I forwarded to Everingham and Abbott a copy of an article that appeared in the Courier Mail that morning'

(9) At para 30 'I had telephone conversations with a proposed witness called Chris Bramwell and a telephone conversation with Tony Abbott advising him of progress'.

(10) At para 34 'Tony Abbott was kept advised of all proceedings. He wanted a copy of the affidavit and a statement was taken from Chris Bramwell'

(11) At para 62. 'Abbott also telephoned me and requested that Summers be withdrawn from all proceedings. He stated that he would pay all costs of the withdrawal.

The important differences in what Mr Sharple's and Mr Abbott wanted as an outcome in this litigation were:

Mr Sharple's wanted the One Nation Party deregistered, and Mr Abbott wanted the approximate \$500,000 in electoral funding refused. Mr Abbott however supported Mr Sharple's objective.

The David Franks Affidavit's provide clear evidence that Tony Abbott was the client of Paul Everingham & Co who also acted for Sharple's in the some of Sharple's litigation, and that Mr Abbott was paying Paul Everingham's legal bills in his provision of maintenance of the Sharple's litigation against the One Nation party. Abbott's involvement is clearly described in the Affidavits.

3. Section 158 Electoral Act 1992 Qld – 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.

4. Additional OFFENCES AGAINST THE ELECTORAL ACT 1992 (QLD).

(a) Section 168 Electoral Act 1992 Qld - 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 Sharple's confirms his maintenance and it assisted Mr Sharple's to conduct further court litigation beyond where Mr Sharple's could have litigated without Mr Abbott's financial indemnity. Mr Sharple's litigation had been strongly rejected by Justice Ambrose and it suited Mr Abbott's campaign to extend the Sharple's 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. 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 which had a direct and damaging effect on the finances and reputation of the Plaintiff.

(b) Section 157 Electoral Act Qld 1992 – 'A person must not improperly influence a Commissioner in the performance of the Commissioner's duties under this Act' Mr Abbott breached this section by making a number of written and telephone communications to the Qld Electoral Commissioner, Des O'Shea. See **EXHIBIT 3**. The substance of the phone call/s and letters from Mr Abbott to the Commissioner demonstrated Mr Abbott's zeal and was to amplify the false claims made by Mr Sharple's and to seek to strongly influence the Electoral Commissioners support for Mr Sharple's and Mr Abbott's false allegations. Correspondence from Mr Abbott was written on **Federal Government Letterhead** and would reasonably be expected to be perceived as Official Correspondence from the Federal Government and 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 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 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. EXHIBITS 4, 5, and 6.**

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 intimidating just for this reason alone. The Australians for Honest Politics Trust was clearly created to attack the One Nation Party and any investigation into its disbursements 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 Mr Abbott 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 Liberals 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.

1. The Liberals had the most to gain from the destruction of the One Nation party.
 2. The Liberal party had the most to lose if the One Nation party entered the October 1998 Federal Election unblemished and attracted the same high 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, presumably on taxpayer funded flights and claimed accommodation and other expenses from the Public purse to covertly meet with Terry Sharple's 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, as he did with official 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 Sharple's and various lawyers, were disbursed from the funds of the trust. Mr Abbott claims the trust was wound up in July 2000.
 7. If Mr Abbott's travel costs were not met by the trust, 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.
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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 their financial support. 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 the loyalties 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.
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For the above reasons the court should force the full disclosure of all aspects of the Australians for Honest Politics trust together with an examination of the use of funds from the 'Australians for honest politics Trust'.

Section 155 (b) 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 or other gratuities to make witnesses available to give false testimony.

5. 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.

(a) Government 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 conduct their own private campaigns.

(b) The reason Mr Abbott used Government stationery can only be for adding 'official' status and to intimidate a lesser ranked public servant. 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 Sharple's 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 likely 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 Sharple's. 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 2**, at clause 18 page 4, Sharple's 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 Sharple's 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 1** - his indemnity to Sharple's - that Mr Abbott provided the curious description of his target for Sharple's 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.

(g) The 1st Defendants actions include all of the following elements of the offence of **Misfeasance in Public Office**.

Misfeasance in public office needs to have most or all of the following characteristics:

- (1) An invalid 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.

(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 subtle intimidation against the Electoral Commissioner of Queensland and employees of the AEC.

(j) Mr Abbott also implicated and joined the 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 Sharple's 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, just 4 days later with stronger assertions to advance his intended damage against the Pauline Hanson's One Nation Party. **EXHIBIT 3.**

(l) Mr Abbott's allegations were an abuse of his position, an intrusion into another political party's affairs and an attempt to intimidate other Public Servants whilst creating the impression he was acting on behalf of the Federal Government. **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. **His 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 said the following in an interview with Deborah Snow of Fairfax Media on September 24th 2002 about his involvement with Terry Sharple's. **'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 shows 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.

See attached EXHIBIT 7.

6. **Bribing a witness.** The 1st defendant offered a position of employment in his Parliamentary office 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 false testimony and in 2003 Andrew Carne was described in the District Court of Judge Patsy Wolfe by the Police witness Sergeant Graham Newton and the Crown's barrister Brendan Campbell as not being a witness of truth. It was Andrew Carne's false testimony 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.

The 2nd defendants assisted the 1st defendant by providing the essential financial support for the 1st defendant's 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.

7. The PLAINTIFF, DAVID WILLIAM ETRIDGE as a co-founder of the Pauline Hanson's One Nation Party suffered extensive personal cost and damage as a result of the extended and widely publicised attacks on him and the One Nation party during this period. The PLAINTIFF was unfairly and greatly affected by financial loss, extensive damage to his reputation and ultimately loss of his freedom through imprisonment for what were manifestly false and repeated Supreme Court actions maintained by the 1st and 2nd defendants.

8. Mr Sharple's litigation was based upon malice, revenge, confusion and lies.

The charges against the One Nation party and by association the Plaintiff were not only false and malicious but the offence that was alleged in the Queensland Court actions was not actually an offence under the Electoral Act 1992 Qld. In a final act that exposed the falseness of Mr Sharple's litigation and also the futility of the 1st and 2nd defendants maintenance campaign, The Court of Appeal in 2003 dismissed the August 2003 District Court decision of Judge Patsy Wolfe by overturning the criminal convictions and also quashing the 3 year prison sentence imposed against the PLAINTIFF. This Court of Appeal decision finally revealed the falseness of all the previous lower court litigation brought by Terry Sharple's and maintained by the 1st and 2nd defendants. The litigation the defendants supported had only advanced due to poor legal representation and curious Judicial decisions which occurred in a period of Australia's history where political and media prejudice against the One Nation party was popular. **2 separate and lengthy Qld Major Fraud Squad investigations advised the DPP that no offences had been committed** by the Plaintiff and yet the Crown continued to charge and then conduct a criminal trial against the Plaintiff. The sequence of unjust events that advanced through the Queensland courts can be traced to the funding and support of the 1st and second defendants. The damage caused by their deliberate and malicious interference prospered through the courts only with the assistance of poor legal and judicial management until the Plaintiff was sentenced to 3 years imprisonment for committing an alleged crime which was not an offence against the Electoral Act 1992 Qld.

A first year law student could, upon reading the Electoral Act, see the false claims that Terry Sharple's, the defendants, the lawyers, the Crown were advancing through the courts. Pre-trial submissions by The Plaintiff presented the correct defence arguments of contract law and member definition within the Queensland Electoral Act 1992 which were denied at pre-trial examinations until the Court of Appeal overturned the Plaintiffs conviction on those very 2 points.

9. 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.

10. Mr Abbott must be ordered to name all contributors to the 'Australians for honest politics Trust'.

I ASK THE COURT FOR ORDERS FOR DAMAGES, THE QUANTUM FOR SUCH DAMAGES TO BE ASSESSED BY THE COURT:

These claims to be met jointly or severally from the 1st and 2nd defendants.

The maintenance by the 1st and 2nd defendants resulted in a number of damages; namely,

1. The loss of the Plaintiffs income as National Director of the One Nation Party for at least 4 years @ 100,000 per year – caused by the One Nation Party's greatly reduced liquidity which resulted from legal expenses defending Abbott sponsored legal actions. **\$400,000**
2. The cost of the Appeal against the Plaintiffs criminal conviction and 3 year imprisonment. (This money provided by a third party) **\$300,000.**
3. The costs for 2 years of the Plaintiff's cost of living, loss of income, court appearances in Queensland, increased home mortgage to meet those costs, **\$200,000**
4. The loss of the Plaintiffs reputation with a 15 year working life ahead of him **\$500,000.**
5. 11 weeks loss of freedom while imprisoned in a maximum security prison **\$100,000**
6. The forced sale of the Plaintiffs home in Belrose NSW in a depressed market at a loss of approximately . **\$250,000**

The plaintiff's personal damages for which an award is sought are at items 1, 3, 4, 5 and 6. Total \$1,450,000. Plus, the Plaintiff requests that item no 2 be added to the award of damages being the cost of the November 2003 Appeal, in the amount of \$300,000 payable to a 3rd party.

GUILT ADMITTED:

The 1st defendant has admitted his guilt. He has also implicated his trust financiers in all of his legal because he acted in the knowledge that all costs would be borne by the 2nd defendants. Mr Abbott has admitted to forming the Australians for Honest Politics Trust as a slush fund for financing attacks on the One Nation party. The slush fund was never used for any other purpose.

Attached are a range of **EXHIBITS** and media reports in which the 1st defendant openly admits he (and the 2nd defendants) deliberately set out to provide maintenance to Mr Sharple's and to attack the lawfully registered One Nation Party.

PLAINTIFFS INNOCENCE:

The Plaintiff was at all times completely innocent of all accusations made by Mr Sharple's and sponsored by Mr Abbott.

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.

DATED the 20th day of March 2013.

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Signed by the applicant/plaintiff.

The applicants address for service is C/- Am Legal, 32b Saltfleet St, Port Noarlunga, South Australia 5167.

email davett@bigpond.com

phone 0417 049285.

To: The respondent: Anthony John Abbott, 32 Lady Davidson Drive, Forestville NSW 2087.