



RESEARCH NOTE

Number 10, 2000–01
ISSN 1328-8016

The Ehrmann Case—Aberration or Symptom?

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In the June 1998 Queensland election, Labor's hopes of regaining Mundingburra, and shoring up Townsville and Thuringowa, were jeopardised by infighting within the local branches and allegations of ballot-rigging. Eventually, Labor's candidate for Thuringowa, Karen Ehrmann, was charged with electoral fraud and resigned her candidacy.

Ehrmann was charged with 47 counts of forging electoral enrolment forms in order to 'stack' Australian Labor Party (ALP) branches for pre-selection plebiscites. The prosecution alleged that she had falsified the Commonwealth electoral roll by submitting falsified enrolment applications. These events occurred in 1993, 1994 and 1996.

Ehrmann's counsel attempted to spread the blame, claiming that his client had simply been operating as a 'bit-player', within an established local system of electoral fraud. Counsel accused members of the Australian Workers Union (AWU) faction of the ALP of being involved in what he called a 'well-known' ALP branch-stacking scheme. He also suggested that Townsville MLA, Mike Reynolds, had been a possible benefactor of forged enrolment forms in 1996, something that Reynolds denied.²

In the Townsville District Court, Judge Wolfe rejected the 'bit-player' claim. She stated that Ehrmann had made a 'concerted and persistent' effort to interfere with the electoral system, noting that she had even rented an apartment for the sole purpose of using the address for false enrolment practices.

Despite Ehrmann's claim that none of the votes in question affected any ALP plebiscite or any public election, she was found guilty and given a three year sentence, with a period of actual imprisonment of nine months for 24 counts. She is

apparently the first Australian to be gaoled for electoral fraud.

Branch-stacking

The focus of these matters has been upon branch-stacking, described as one of 'the pathological tendencies towards which faction politics is prone'.³ ALP branches in Townsville are said to have a branch-stacking history and a tolerance of a 'rotting culture'.⁴ Between 1997 and 2000 there have been three cases where local party members have been found guilty of electoral fraud, two of whom were Townsville city councillors, Ehrmann and Shane Foster. In an affidavit, Ehrmann spoke of branch-stacking as being standard practice in the Townsville ALP. The local party has denied this, suggesting that only Ehrmann was involved.

Some have said that corrupt practices by ALP members have not been limited to Townsville, however. Ehrmann's counsel spoke of 'endemic' corruption throughout the Queensland ALP. In her affidavit, Ehrmann claimed that it was 'well-known throughout Labor circles that every politician stacked branches in one way or another', and that ALP branches 'were stacked all over Queensland'. Since the Ehrmann judgment on 11 August 2000, there have been various media stories seeming to support such views.⁵ Significantly, the Criminal Justice Commission inquiry established on 6 September 2000 was commissioned to investigate ALP practices across the State between 1993–97, as well as specific cases relating to Townsville Legislative Assembly seats and Brisbane City Council wards.

How serious is branch-stacking? Clearly, this is not just an ALP matter, as recent stories coming out of the Liberal Party have indicated. Despite the existence of branch-stacking in that party, however, the public impression is that the

problem is more serious in the ALP. Does this case suggest a particular need for Labor to stamp out the problem? Should party branch-stacking have some type of controls put upon it? Some have wondered about the insertion of 'stack brakes' into party rules.

Electoral administration

In Queensland, electoral roll enrolment is taken as evidence of eligibility to vote in ALP pre-selections. The three court cases produced evidence of falsified information being given to the electoral authorities in support of requests for roll registration. This involved voter eligibility, forged signatures, and bogus addresses.

This raises the question of whether there is a need to tighten enrolment rules. Are there weaknesses in the arrangements for the registration of a voter's change of address? On 23 August 2000 the Special Minister for State, Chris Ellison, wrote to the Chairman of the Joint Standing Committee on Electoral Matters. He asked the Committee to look into the Ehrmann allegations, and on 5 September 2000, the Committee agreed it would look at:

- the adequacy of the *Commonwealth Electoral Act* for prevention and detection of fraudulent enrolment
- incidents of fraudulent enrolment, and
- the need for legislative reform.

Of central importance is citizens' confidence in the system. Judge Wolfe's words to Ehrmann are pertinent:

The crimes you committed affect the confidence of the citizens of Australia in their democratic processes ... You ... had interfered with the integrity of the electoral roll [which] ... is sacrosanct.⁶

Internal party problems

The focus in these Queensland matters has been upon the ALP, and upon electoral roll manipulation, but internal party problems can be seen across the political spectrum.

Party preselections in the ALP can also involve the payment of membership dues—claims have been made that both Ehrmann and Foster paid the membership dues for some people. This is a reminder of the recent South Australian ALP membership-purchasing case, and suggests a need to tighten up party procedures in more State branches than just Queensland.⁷ In the Liberal Party there have been reports of heavy-handed practices in the Western Australian division of the Liberal Party, as well as claims of ethnic stacking in the Queensland federal seat of Ryan. The Victorian National Party had a bitter pre-selection battle in Murray in 1996. The Australian Democrats have had to deal with unrest over leadership selection, while there has been general unhappiness within Pauline Hanson's One Nation Party over that party's internal organisation.

It is clear that internal party matters are a matter of concern around Australia, and that branch-stacking to influence party pre-selections is just the most obvious problem. Parties need to consider whether this type of intra-party activity is damaging to general community confidence in the political system. At a time when long-term support for the major parties is declining, it is no longer certain that Australians will allow parties to act as they

please in such matters. Was Labor's unexpected loss of Thuringowa, in the 1998 Queensland election, due to public disenchantment with the intra-party troubles of the time? Former ALP MHR, Gary Johns, has stated that parties 'must ensure the integrity of their membership and processes. If they don't, then someone will do it for them'.⁸

Party futures?

Should party affairs be made more transparent? Australian parties have been remarkably free from external control, and the *Courier-Mail* has recently attacked the 'ridiculous anachronism' that parties are not governed by any special laws.⁹ Should parties be made more publicly accountable in regard to the way they run their internal affairs? Should parties that are in receipt of public funds now be considered as coming within the ordinary constraints of the law? Could all party pre-selection ballots be handled by the Australian Electoral Commission or the relevant State electoral bodies? Or independent tribunals be used to mediate party disputes as the Queensland Liberals are apparently considering?¹⁰

The parties generally believe that it is preferable to leave such matters to be sorted out internally. Johns, has wondered, though, whether parties can be relied upon to be the first defence against electoral fraud.¹¹

For a long time courts took the view that parties were private bodies that should indeed be left to sort out

their own affairs. Since the *Baldwin* case in 1993, however, such a stance is now open to challenge.¹² Johns suggests that Australian parties are well on the way to losing their legal status as private organisations. He believes that if their power of self-regulation is overturned,

the freedom of association which they have enjoyed may be curtailed by external regulation and scrutiny, with consequences for the way they operate.¹³

Perhaps it is time for Australia's parties to get their houses in order.

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3 October 2000

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1. Sometimes referred to as 'Ehrman'.
2. Queensland, Legislative Assembly, *Debates*, 22 August 2000, pp. 2505–6.
3. 'The Labor Party: image, history and structure', J. Warhurst and A. Parkin, ed., *The Machine*, Sydney, 2000, p. 38.
4. Terry Gillman, union organiser, *Townsville Bulletin*, 12 August 2000.
5. See for example, *Courier-Mail*, 2 September 2000.
6. *R v Karen Lynn Ehrmann*, 11 August 2000, p. 5.
7. G. Johns, 'Clarke v ALP', *Australian Journal of Political Science*, 35, 1, 2000.
8. G. Johns, 'The rules of the party', *Courier-Mail*, 26 August 2000.
9. Editorial, *Courier-Mail*, 19 August 2000.
10. S. Strutt, 'Feuding Libs study tribunal', *Australian Financial Review*, 12 September 2000.
11. Johns, 'The rules of the party', op. cit.
12. J. R. S. Forbes, 'Judicial Review of Political Parties', Department of the Parliamentary Library, *Research Paper no. 21*, 1995–96, pp. 4–5; *Baldwin v Everingham*, 1993, 1 Qd R, p. 15.
13. G. Johns, 'Political Parties: From Private to Public', *Commonwealth & Comparative Politics*, July 1999, pp. 89, 108.