



1904.

THE PARLIAMENT OF THE COMMONWEALTH.

HOUSE OF REPRESENTATIVES.

# REPORT

FROM THE

## SELECT COMMITTEE

ON

## ELECTORAL ACT ADMINISTRATION,

TOGETHER WITH THE

## PROCEEDINGS OF THE COMMITTEE, MINUTES OF EVIDENCE, AND APPENDICES.

ORDERED BY THE HOUSE OF REPRESENTATIVES TO BE PRINTED,

1904.

ORDERED TO LIE ON THE TABLE.

*E. Savan Duffy*

[Cost of paper.—

CLERK OF THE HOUSE OF REPRESENTATIVES.

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EXTRACTED FROM THE VOTES AND PROCEEDINGS OF THE HOUSE OF  
REPRESENTATIVES.

THURSDAY, 19TH MAY, 1904.

4. ELECTORAL ACT ADMINISTRATION.—Mr. Brown moved, pursuant to notice, *amended*—

- (1) That, in view of the unsatisfactory manner in which the last general elections were conducted throughout the Commonwealth, a Select Committee be appointed to investigate and report upon the administration of the Commonwealth Electoral Act, and to report results of such investigation to this House.
- (2) That such Select Committee consist of Mr. Batchelor, Mr. Fowler, Mr. Groom, Mr. Maloney, Mr. Mauger, Mr. McCay, Mr. McDonald, Mr. Poynton, Mr. Sydney Smith, Mr. Storrer, Mr. Dugald Thomson, and the Mover.
- (3) That the Committee have power to send for persons, papers, and records; and that four be the quorum of such Committee.

Mr. Maloney moved, as an amendment, That the name of Mr. Maloney be omitted from the proposed Committee, and the name of Sir William Lyne be inserted in place thereof.

Debate ensued.

It being two hours after the time fixed for the meeting of the House, in accordance with Standing Order No. 119 the debate was interrupted, and the Order of the Day, *General Business*, was called on, and was adjourned until Thursday, 2nd June next.

Debate resumed.

The amendment moved by Mr. Maloney was, by leave, withdrawn.

Debate continued.

Mr. Cameron moved, as an amendment, That the words "with power to suggest amendments in the existing Electoral Act" be added to paragraph (1).

Debate continued.

Question—That the words proposed to be added be so added—put and negatived.

Mr. Joseph Cook moved, as an amendment, That the names of Mr. Maloney, Mr. Poynton, and Mr. Dugald Thomson be omitted from the proposed Committee, and that the following names be inserted in place thereof, viz.:—Mr. Cameron, Mr. Kelly, Sir William Lyne, and Mr. McLean.

Debate continued.

And the names of the proposed Committee having been so amended, except that the omission of the name of Mr. Poynton was not agreed to—

Question—

- (1) That, in view of the unsatisfactory manner in which the last general elections were conducted throughout the Commonwealth, a Select Committee be appointed to investigate and report upon the administration of the Commonwealth Electoral Act, and to report results of such investigation to this House;
- (2) That such Select Committee consist of Mr. Batchelor, Mr. Cameron, Mr. Fowler, Mr. Groom, Mr. Kelly, Sir William Lyne, Mr. Mauger, Mr. McCay, Mr. McDonald, Mr. McLean, Mr. Poynton, Mr. Sydney Smith, Mr. Storrer, and the Mover;
- (3) That the Committee have power to send for persons, papers, and records; and that four be the quorum of such Committee—

—put and resolved in the affirmative.

Ordered—That the Committee do report by Thursday, 16th June next.

WEDNESDAY, 25TH MAY, 1904.

2. ELECTORAL ACT ADMINISTRATION.—SELECT COMMITTEE.—Mr. McLean moved, by leave, That the Select Committee on Electoral Act Administration have leave to sit at any time, and to report the minutes of evidence from time to time.

Debate ensued.

Question—put and resolved in the affirmative.

WEDNESDAY, 15TH JUNE, 1904.

2. ELECTORAL ACT ADMINISTRATION.—TIME FOR REPORT OF SELECT COMMITTEE.—Mr. McLean moved, by leave, That the time for bringing up the Report of the Select Committee on Electoral Act Administration be extended to Tuesday, the 19th July proximo.

Question—put and resolved in the affirmative.

TUESDAY, 19TH JULY, 1904.

4. ELECTORAL ACT ADMINISTRATION.—TIME FOR REPORT OF SELECT COMMITTEE.—Mr. Storrer moved, by leave, That the time for bringing up the Report of the Select Committee on Electoral Act Administration be further extended to Wednesday, the 31st August next.

Question—put and resolved in the affirmative.

WEDNESDAY, 20TH JULY, 1904.

3. ELECTORAL ACT ADMINISTRATION.—ADDITIONAL POWER TO SELECT COMMITTEE.—Mr. McLean moved, by leave, That the Select Committee on Electoral Act Administration have leave to move from place to place.

Question—put and resolved in the affirmative.

THURSDAY, 18TH AUGUST, 1904.

3. ELECTORAL ACT ADMINISTRATION.—TIME FOR REPORT OF SELECT COMMITTEE.—Mr. Groom moved, by leave, That the time for bringing up the Report of the Select Committee on Electoral Act Administration be further extended to Friday, 30th September next.

Question—put and resolved in the affirmative.

WEDNESDAY, 28TH SEPTEMBER, 1904.

3. ELECTORAL ACT ADMINISTRATION.—TIME FOR REPORT OF SELECT COMMITTEE.—Mr. Groom moved, by leave, That the time for bringing up the Report of the Select Committee on Electoral Act Administration be further extended to Friday, 28th October next.

Question—put and resolved in the affirmative.

FRIDAY, 28TH OCTOBER, 1904.

4. ELECTORAL ACT ADMINISTRATION.—SELECT COMMITTEE.—Mr. Groom, Chairman, brought up the Report from the Select Committee on Electoral Act Administration, together with the Proceedings of the Committee, Minutes of Evidence, and Appendices.

Ordered—To lie on the Table, and to be printed.

# ELECTORAL ACT ADMINISTRATION.

## REPORT.

THE SELECT COMMITTEE appointed on the 19th May, 1904, to inquire into the unsatisfactory manner in which the last General Elections were conducted throughout the Commonwealth, and the administration of the Electoral Act, and to report the results of such investigations to the House, have the honour to report as follows:—

1. Your Committee sat twenty times for the purpose of taking evidence, including three sittings in Sydney.

2. The officers of the Chief Electoral Office were called to give evidence, and the submission of complaints was invited from any persons who felt aggrieved in any way by the Departmental administration, or who were willing to suggest improvements in the electoral law or in its administration.

3. Though many causes of complaints were said to exist, with respect to the administration of the Electoral Act, your Committee cannot, upon the evidence submitted to them, find that their number or nature were such as to justify the adverse criticisms passed upon the Chief Electoral Office.

4. In considering any shortcomings, it has to be borne in mind that a Commonwealth electoral law was framed for the whole continent of Australia; that the new system had to be organized and applied; that a new franchise had been adopted of a much wider nature than had hitherto existed in most of the Australian States; that the names of the electors had to be collected in even the remotest parts of Australia; that entirely original rolls had to be prepared, involving enormous labour in compilation, revision, and printing; that no less than 26,154 officers in all were employed in connexion with the election, and that these officers had to be instructed in duties almost entirely new in most of the States.

5. With respect to the administration by the Chief Electoral Office, no complaints of a serious nature were sustained, and your Committee find that strenuous efforts were made by the officers to bring into due operation the Electoral Act, and to secure the efficient conduct of the general election. Many of the defects in administration were due to the fact that the officers employed were new to the work, were not sufficiently acquainted with the details of the Statute, or had been long accustomed to administer the State electoral laws. Your Committee are of opinion there would have been fewer errors in administration had the Divisional Returning Officers been earlier appointed, and had they in their turn been able to appoint at an earlier date the officers under their control. The Chief Electoral Office is not responsible for this delay, as prior to the appointment of Divisional Returning Officers it was essential for the Electoral Divisions to be proclaimed, and the appointments were made within a week of the proclamation being gazetted. To secure uniformity of administration on bringing the Act into operation, there had to be more centralization than will be necessary or advisable in the future.

6. Your Committee approve of the Department's scheme of organization set out in Appendix E. The evidence has not disclosed any defect in the principles underlying the system, beyond the need of due inspection of the various offices and proper provision for the systematic instruction of officers. Your Committee, however, do not consider that it is necessary to appoint an Electoral Inspector for each State, as recommended by the Conference of Commonwealth Electoral Officers. Your Committee affirm the advisability of the appointment, where possible, of officers of the Public Service of the Commonwealth to fulfil electoral duties on the grounds that they are subject to control and discipline; official reports are easily obtainable as to their fitness; arrangements can more easily be made for their instruction in official duties, and they are less likely to be engaged in party politics.

Assistant  
Returning  
Officers.

7. The evidence discloses the necessity for the appointment of additional Assistant Returning Officers, especially in country divisions. This would expedite the making up of returns, in larger electorates save the carriage of ballot-boxes, and considerably increase the facilities for voting by persons absent on the day of polling from the divisions for which they are enrolled.

Remuneration  
of officers.

8. With respect to the complaints made as to the rates of remuneration paid by the Department, it was found that these were due to the difference between the rates of the Commonwealth and of the States. By the adoption of the uniform rates now approved by the Department, this grievance should be adequately remedied.

Payment of  
Accounts.

9. Several complaints were made of delay in the payment of accounts. As far as the Chief Electoral Office was concerned, the cases were few, and the delays were justifiable, owing to the extortionate nature of the claims made. The other cases were due to the fact that the Divisional Returning Officers did not sufficiently realize the nature of their instructions.

Cost of the  
election.

10. The Department is to be commended upon the considerable economies made in the conduct of the second general election. For the purpose of the Commonwealth elections of 1901, there were 974,594 electors enrolled, and the cost of the election was £56,331 11s. 1d. At the election held in December last there were 1,893,000 electors, and the cost of the election was about £45,000. Except as elsewhere indicated in this Report, your Committee do not see how any further reduction in the cost can be effected if the officers employed are to be paid in proportion to the services rendered.

The electoral  
rolls.

11. The special franchise of the Commonwealth necessitated a complete collection of the names of the persons entitled to be enrolled as electors. This task involved the collection of the names of nearly 2,000,000 persons. Your Committee consider no better scheme could have been devised than the house to house collection. The police and other officers concerned performed the duties imposed upon them exceedingly well. Many cases of omission of names from the rolls undoubtedly occurred. These cases were due to inadvertence in collection, error in the compilation or revision of the rolls, or failure on the part of the elector to comply with the notice to appear before the Revision Courts after objection taken of change of residence. With the exception of the Airly roll, there was no evidence of the general omission of names from the rolls. Owing to the difference in franchise between the Commonwealth and State laws, it was impossible to make the States' rolls solely the basis of the collection. Every effort was made to ascertain the names of persons entitled to enrolment, and the fullest publicity was given as to electoral rights and methods of enrolment.

Printing of the  
rolls.

12. Your Committee find that as the rolls were printed so short a time before the elections, there was in many instances difficulty in supplying sufficient copies to the presiding officers; and also that electors were not able in some instances to ascertain whether their names had been included in the revised rolls or not. The difficulties that took place in concluding terms with the States did not, according to the evidence, appreciably delay the printing of the rolls. In New South Wales, the delay in printing may, to some extent, be attributed to the imperfect "copy" supplied by the Electoral Office in Sydney, and the difficulty in obtaining information from the State Electoral Office of New South Wales. The State Printing Offices, on the receipt of their "copy," appear to have taken due steps to expedite the printing of the rolls. Considering the nature of the duties ordinarily placed upon these offices, your Committee are of opinion that they are to be complimented upon having accomplished the work so satisfactorily. The heavy initial work of the collection of the names having been completed, in future the rolls need only to be revised and added to. Great saving in the expense of printing could be effected if the type were kept standing.

Uniform  
franchise for  
Commonwealth  
and States.

13. The evidence reveals that a great saving to the Australian people could be effected by the adoption of an uniform franchise and electoral system. By the acceptance of the uniform franchise and polling places in common, the one collection and revision of names, and the one set of rolls could be made to serve both the Commonwealth and States. In South Australia, by the utilization of the State roll, the cost of printing the Commonwealth roll for that State amounted to £500, instead of £1,800. In Victoria the Government Printer estimates that by being able to use the State rolls a saving could be made to that State of £2,500 per annum. Further economies would result if the same sets of officers could do the electoral duties for both Commonwealth and States.

14. The Act makes provision for the holding of Revision Courts at such times and places as may be fixed by proclamation. No Revision Court has been held since November of last year. Your Committee are of opinion that these Courts should be held at regular intervals, and not less than once a year. It is recommended also that they be held prior to the holding of any election if in the opinion of the Department it is considered necessary. There is also need for the periodical revision of the rolls. This can be sufficiently effected by means of the police and letter carriers, and by information obtained from the Statistical and Electoral Officers of the States. Periodical revision is especially necessary in the metropolitan and other areas where the population is of a floating character. Revision Courts

15. In many instances the defective grouping of electors around polling places caused great inconvenience. Your Committee consider that in each division the fullest publicity should be given by maps and advertisements as to the location of each polling place, in order that electors might be able to communicate with the Divisional Returning Officers for their convenient enrolment. Grouping of electors.

16. The returns of the population of the Commonwealth, upon which the determination of the number of members of the House of Representatives was made, have been questioned. Your Committee recommend that in future it should be made certain that an uniform system for the determination of the population be adopted by Statisticians of the States. In the absence of any definite rule under section 24 of the Constitution, your Committee are of opinion that Parliament should at an early date take into consideration the question of fixing periods for the determination of the number of representatives of the several States. Your Committee report that, with respect to section 25 of the Constitution, conflicting interpretations have been placed upon it by the Federal and State law officers, which can only be satisfactorily decided by a judicial determination. State representation.

17. Your Committee carefully investigated all the complaints made to them either by witnesses or by letter. Many of these need no mention in this Report, others have been dealt with in the general findings of your Committee, and the following conclusions have been arrived at in the specific cases mentioned :— Complaints.

(a) In consequence of certain complaints made with respect to the administration of the Sydney office, your Committee sat and took evidence in that city. Your Committee find that the charge of the Sydney office was placed in the hands of Mr. F. W. Biden, who, by reason of his want of experience in connexion with electoral matters and the nature of his previous occupation was unfitted for that task. Mr. Biden himself gave evidence, in the course of which serious charges and statements were made by him, which were uncorroborated by oral or written evidence. Not one of these charges has been established, and, on investigation, the statements appear to have been made without any foundation, in some instances being amply controverted by Mr. Biden's own written reports. No justification has been given to your Committee for his appointment to so responsible an office. As regards the allegation made as to the incompetency of the temporary hands employed in the office in Sydney, your Committee, as far as the evidence discloses, find on the whole that the staff was adequate and efficient for the purpose for which it was employed, and the entries in the Record Book prove that its members did the work allotted to them. Your Committee can place no reliance on the evidence of the witness Clarke with reference to drunkenness prevailing amongst the men. The arrangements for the supervision and discipline of the office appear, however, to have been defective. Friction arose between Mr. Biden and an officer, Mr. Haigh, who was sent over from Melbourne to assist in the compilation of the rolls. It is possible that lack of supervision may have been occasioned by this friction. Sydney Electoral Office

(b) Your Committee find that, as regards the roll for the Airly polling place, Macquarie Division, a printed list of some 250 names, after having been revised by the Revision Court, was not sent to the Government Printer for inclusion in the final roll, although he called the special attention of the Sydney Electoral Office to its existence. By this The Airly Roll.

omission these electors were excluded from the exercise of their franchise. This revised list was, after the election, found in the Electoral Office in Sydney. Your Committee find that Mr. Haigh, an officer in the Department, must be held responsible for this omission, though the evidence does not disclose that it was deliberate. In view of the immense amount of work that had to be done by this officer, this omission is possibly one of inadvertence only.

Bligh Polling  
Place.

(c) For the Bligh polling place, in the Electoral Division of East Sydney, it was admitted that, owing to a list of names objected to not having been submitted to the Revision Court, the names of 1,390 persons who had been objected to were allowed to remain on the rolls. In this instance, your Committee cannot determine, upon the evidence, who was responsible.

The Parkes  
Election.

(d) In the case of the Parkes election the Divisional Returning Officer advertised that nomination papers would be received by him at his office, Auburn, daily, and up to twelve o'clock on the 3rd day of December, and upon that day, at noon, at the Ashfield Hall. A candidate, relying upon the advertisement, attended at his office on the day of nomination, at Auburn, at eleven a.m. The Divisional Returning Officer had then left for the Ashfield Hall. The candidate thereupon went to that place, but arrived at four minutes after twelve, and after the Divisional Returning Officer had announced the nominations closed. The candidate proffered his nomination paper, the matter was reported to the Central Office in Melbourne, and an opinion was given by the Attorney-General that such nomination was invalid. Though this advice was tendered to the Divisional Returning Officer, he, acting on his own responsibility, accepted the candidate's nomination and allowed him to go to the poll.

Kurri-Kurri  
Poll, Hunter  
Division.

(e) With respect to the complaint of Mr. Arthur Rae in connexion with the election for the Hunter Division, your Committee find that the roll used at Kurri-Kurri was not the one in use at the general election of 1901; that the roll used was a new one; that the general roll for the Hunter was also supplied there; that, after the poll was opened, the names of certain electors possessing State Electoral Rights were not found on the Rolls; that, at two p.m., a telegram was received from the Commonwealth Electoral Officer for New South Wales authorizing such electors to vote; that it is not a fact that 700 or 800 electors were disfranchised at Kurri-Kurri. It has not been proved to the satisfaction of your Committee that any electors were disfranchised at this polling place. Your Committee would draw attention to the instruction given by the Commonwealth Electoral Office from Sydney which is contrary to the Act.

Charges of  
partisanship.

(f) Charges of partiality were made against the following officers of the Department:—Messrs. F. J. Britten, Presiding Officer, Melbourne Division; J. M. Falconer, Assistant Returning Officer, Riverina Division; A. Fordham, Assistant Returning Officer, Riverina Division; but in none of these cases did the evidence sustain the charge. It is clear, however, that in several electorates, including the Riverina and Herbert, men who were strong partisans were appointed to act as Electoral Officers. Your Committee strongly recommend that in the instructions to the Divisional Returning Officers emphasis be laid upon the necessity of abstaining from the appointment of persons of pronounced party views to such positions.

Refusal to  
receive claims,  
Riverina  
Division.

(g) Your Committee find that the charge made against Mr. J. M. Falconer of having refused to receive the claims of electors for the Riverina Division is sustained, and consider a serious irregularity was committed. The evidence does not show that the act was done with any improper motive.

Penguin Case,  
Darwin  
Division.

(h) Your Committee find that at Penguin, in the Darwin Division, there was a grave breach of the law committed. The Assistant Returning Officer, Mr. Hardy, allowed 42 persons to vote at the Commonwealth elections held in December last, although they were not duly enrolled

as electors of the Commonwealth. The voters applied to him personally on the day of the election, and, being satisfied from inquiry and personal knowledge that they should have been enrolled, he allowed them to vote. Next day he attempted to legalize his action by obtaining the signature of the Electoral Registrar to a list of the names of these voters. The Registrar, believing that she was under a duty so to do, signed the list at Mr. Hardy's request. There is no evidence that he was prompted by improper motives.

- (z) Mr. Max Hirsch complained to your Committee of "what appears to me a determined attempt on the part of the electoral officers to prevent my election." Your Committee find that there was no such attempt on the part of the electoral officers, and that they did not in any way act *mala fide*. The Ni Ni Poll, Wimmera Division.
- (j) With respect to the complaint as to the dismissal of Messrs. John Kelly and James Watson, your Committee find that the Divisional Returning Officer for the Riverina Division at the election of the 18th May last was justified in dispensing with their services on the ground that they refused to attend for the purpose of instruction in the performance of their electoral duties. Dismissal of Officers, Riverina Division.
- (k) Your Committee find that at the General Election a poll was taken at Cal Lal, and at Gol Gol, in the Riverina Division, such places not having been proclaimed polling places in accordance with the provisions of Part IV. of the Commonwealth Electoral Act. Your Committee on the evidence can find no excuse or justification for this grave irregularity. Poll at places unproclaimed, Riverina Division.
- (l) Several proved cases of irregularity were due to want of knowledge of the Statutes and instructions on the part of officers. In the Riverina and Herbert Divisions, returns from small polling places were disclosed. In many instances votes were rendered informal owing to officers having indorsed voters' numbers on the ballot-papers. Your Committee recommend that in the instructions emphasis be laid upon these points, and that officers be directed to strictly conform to the Statutes and instructions. The instructions should contain special warnings to officers to disregard the provisions of the State law in administering the Commonwealth Statute. Irregularities.
- (m) Your Committee find there was not a sufficient supply of "Q" Forms in some Divisions. This was largely the fault of the Divisional Returning Officers. Care should be taken that in all cases the forms required under the Act should be available.

18. In considering the complaints of delay in expediting the making up of results of elections, your Committee took evidence as to the use of voting machines. Several different mechanical contrivances were placed before the Committee by Messrs. King Hedley, F. A. Peters, J. F. Higgins, and Horace Harding. It is apparent that such contrivances may be of great value in populous polling places in securing economy, expedition in the making up of results, and avoidance of informalities; but for various reasons they are difficult to utilize in the outlying districts. Your Committee are not in a position to adjudicate satisfactorily upon the practical results of the use of such contrivances in other countries, or upon the value of the respective machines submitted to them; but consider that the Electoral Department should institute immediate inquiries to see if it is possible to adopt any of the machines in the large centres of population. The adoption would, of course, need statutory authority. Voting machines

19. Your Committee draw attention to the occurrence of cases in which elections were voided on the ground of irregularity caused by want of knowledge or negligence on the part of officials. In two instances in the last general election for the Commonwealth, members were unseated upon grounds for which they were not in any way responsible, and put to the expense of a second contest. Candidates' expenses.

20. From the evidence given, it appears that the Commonwealth Electoral Act has met with strong approval. Yet the evidence has disclosed that in certain respects there is need of amendment to secure more efficient administration, and to give better effect to the intention of Parliament. Your Committee has considered the more important of the amendments suggested to them. Electoral Act considered.



Section 8.

It is recommended that section 8 be amended by the omission of the words "except the powers of that officer under Part X. of this Act." Owing to the time occupied in some of the electorates in communicating with the Divisional Returning Officers, electors were deprived of the opportunity of exercising their franchise. The extension of the powers under Part X. to the Assistant Returning Officers would increase the facilities for voting.

Part VI.:  
Addition to  
rolls &c. sec. 59.

The evidence discloses that under the existing law roll stuffing may be resorted to. It would appear that the Registrar is bound to receive any claim signed by a claimant. Instances were cited of persons who had been resident for less than one week in a Division having been induced by an agent to sign claims. Subsequent investigation proved that these persons were enrolled elsewhere and were not entitled to vote in the Division for which they had submitted claims for enrolment.

Section 60.

It is recommended that each claim should be witnessed by an elector for the Division; and that it be made an offence to witness any such claim without due inquiry on the part of the witness as to the qualification of the elector. The proposal of the Conference of Electoral Officers to permit applications to transfer to be sent to Electoral Registrars as well as to Returning Officers is approved, but these applications should continue to be signed in the presence of a witness. The question of the methods of adding new names to the roll requires early consideration. The proposed new Clause 60A is approved of—

"The Commonwealth Electoral Registrar shall note on each application received by him the date of its receipt, and shall register it by placing the elector's name on the Roll for the Polling Place, and shall forthwith despatch it to his Divisional Returning Officer."

Section 66.

Your Committee, upon the evidence, would strongly recommend a clause enabling the Chief Electoral Officer and the Commonwealth Electoral Officers of the States to call upon public officers of the Commonwealth and the States to give such information as may be necessary for the revision of the rolls. The proposed Clause 66A would be sufficient—

"All officers in the service of the Commonwealth, and all police, statistical, and electoral officers in the service of any State or local governing body, are hereby authorized and required to furnish to the Chief Electoral Officer of the Commonwealth and the Commonwealth Electoral Officer for the State all such information as he requires to enable him to prepare or revise the rolls.

Section 76.

Your Committee approve of the proposal that at the sitting of the Revision Court "the Returning Officer or a Registrar of the same Division or a person duly authorized by the Returning Officer to appear for either or both shall be present." This would assist in securing economy and efficiency in administration.

Part X.: Voting  
by post, sec. 109.

Your Committee are of opinion that the sections allowing voting by post should be amended. No objection was taken to sub-sections (b) and (c) of section 109. Even if the evidence of serious abuse of sub-section (a), testified to by witnesses, does not establish the facts alleged, yet it is clear that this sub-section is open to serious abuse. Without concluding that undue influence was used in connexion with the postal vote, the evidence adduced shows that under the present sub-section advantage may be taken to destroy the free and secret exercise of the franchise. The application forms may be witnessed in blank, and these forms may be taken in numbers by agents for candidates when canvassing, and pressure brought to bear upon persons whose names are on the roll. The evidence justifies your Committee in finding that many persons who voted by post had not reason to believe they would be more than 5 miles from their polling place on the day of election, and were on that day within that limit. It would appear that the voting facilities provided have been used contrary to the intention of the Act. The provisions of this section were freely availed of. At the general election held on the 16th December, 1903, postal votes were recorded to the number of 10,143, out of a total number of 887,312, equivalent to the proportion of 1.14 per cent. While admitting the public advantage of these sections, yet it is apparent that there must be further safeguards to preserve the purity of elections, without which the repeal of sub-section (a) becomes necessary.

Your Committee recommend that the same persons should be allowed to witness the application for a postal vote certificate, and the recording of the vote under section 112. The persons so empowered should be those suggested by the Conference of Electoral Officers, with the addition of letter carriers in the Public Service. Your Committee also consider it desirable that all forms of voting should, as far as practicable, be made uniform.

Section 109.  
Schedule K.

Your Committee, in view of the fact that many votes were rendered informal through the failure to return the certificates, favour the suggestion of the Conference of the Electoral Officers to print the certificate on the back of the envelope addressed to the Returning Officer.

Alteration of  
form of postal  
vote.

Your Committee are of opinion that the present form of ballot-papers should be retained, but that instructions should be given that in the printing of the ballot-papers no space shall intervene between the name of the candidate and the square in which the cross has to be made, and that the surnames should be printed in bolder type.

Section 132.

Your Committee desire to draw attention to the doubt cast by the High Court on the meaning in section 139 of the Act of the phrase "absent from the polling place for which he is enrolled," and recommend an amendment of the section to make certain the law on this point.

Section 139.

Your Committee are of opinion that section 153 of the Act should be so amended as to preclude voting at an adjourned poll by any but voters enrolled for the polling place for which the polling is adjourned.

Section 153.

In view of the testimony of several witnesses, it is recommended that scrutineers may be appointed on notice to the Presiding Officer, as well as the Returning Officer.

Scrutineers,  
Section 135.

In the Riverina election it was proved that mistakes occurred in the count of the votes by an Assistant Returning Officer. One of the candidates requested a re-count by the Divisional Returning Officer before the declaration of the poll. Acting on the advice of the Commonwealth Electoral Officer for the State of New South Wales, it was refused. Had a re-count taken place the error could have been at once discovered, and a serious wrong been prevented. Your Committee recommend that a new clause be added to the effect that if any candidate shall dispute the information transmitted by telegram or otherwise by any Assistant Returning Officer with respect to the number of votes recorded for any candidate, the Divisional Returning Officer, shall, on demand, made in writing by the candidate or his authorized agent, prior to the declaration of the poll, unseal the parcel of ballot papers transmitted and recount the votes in dispute.

Part XII.:  
Recount.  
Section 104(a).

Your Committee cannot agree to the suggestion made by witnesses that the amount allowed for electoral expenses should be increased. It is recommended that a new clause be inserted providing for the publication of the returns in the *Government Gazette*, or making the returns open to public inspection. Unless these returns be made available to the public, the intention of this part of the Act is likely to be frustrated.

Part XIV.:  
Limitation of  
electoral  
expenses.

In view of the decision in the case of *Chanter v. Blackwood*, the Riverina Election Petition, that the High Court has no jurisdiction under the Statute to avoid an election on the ground that one of the candidates has, by himself or his agents, been guilty of illegal practices, unless there is reasonable ground for believing that the results of the election may have been affected by such illegal practices (*Commonwealth Law Reports*, p. 39), your Committee recommend that the Statute be amended by the enactment of provisions similar to those contained in the Statute of the United Kingdom, 46 and 47 Vic. c. 51, entitled "*The Corrupt and Illegal Practices Prevention Act 1883*," under which provision is made for the avoiding of a seat for corrupt and illegal practices and disqualifications are placed upon persons guilty of corrupt practices.

Part XV.:  
Corrupt and  
illegal practice

Evidence was submitted by letter of the inconvenience suffered by voters owing to canvassers being allowed to carry on their work at the door of polling booths. Your Committee recommend that canvassing at the entrance to polling booths be prohibited.

Canvassing.  
New clause.

Attention is directed to the fact that Form R is inconsistent with section 170 and needs amendment.

Form R.

Proposed  
Appointment of  
Commissioner.

Your Committee considered the proposal that the whole of the electoral administration be placed under the control of a Commissioner, who should be free from Ministerial influence. The proposal did not meet with the approval of a majority of your Committee.

Your Committee desire to place on record their recognition of the valuable assistance rendered to them in this inquiry by Lieut.-Colonel Miller, the Secretary to the Department of Home Affairs, and to express their entire satisfaction with his administration. Your Committee also express their thorough appreciation of the work done by Mr. T. Woollard, in his capacity as Clerk of Committees.

*L. C. E. Brown*

Chairman

House of Representatives,  
Committee Room, 28th October, 1904.