REPORT

of the

Royal Commission

on the

Electoral Act, 1907-1921

and other relative matters.

[FOURTH SESSION OF THE FIFTEENTH PARLIAMENT.]
ROYAL COMMISSION

WESTERN AUSTRALIA, I By His Excellency Sir James Mitchell, K.C.M.G., Lieutenant-Governor in and over the State of Western Australia, and its Dependencies, and its Dependencies in the Commonwealth of Australia,

GEORGE THE FIFTH, by the Grace of God of Great Britain and Ireland and the British Dominions beyond the Seas King, Defender of the Faith, Emperor of India,

GREETING:


1. Inquire into and consider the provisions of "The Electoral Act, 1907-1921," and the provisions of "The Constitution Acts Amendment Act, 1899," dealing with electoral matters; with the periodical election of members of the Legislative Council and with the periodical general election of members of the Legislative Assembly, and to make any recommendations which the Commission think advisable for the amendment of the laws contained therein or appertaining thereto.

2. Consider the advisability or otherwise of having a joint roll or rolls for both Commonwealth and State parliamentary elections; and to make any recommendations in connection therewith which the Commission think fit.

And I hereby appoint you the said John Collings Willecock to be chairman of the said Commission.

And I declare that you shall, by virtue of this Commission, be a Royal Commission within "The Royal Commissioners' Powers Act, 1902," as reprinted in the appendix to the Sessional Volume of the Statutes for the year 1928, and that you shall have the powers of a Royal Commission or the Chairman thereof under that Act.

And I hereby request you, as soon as reasonably may be, to report to me in writing the result of this your Commission.

Given under my hand and the Public Seal of the said State, at Perth, this 8th day of January, 1935.

By His Excellency's Command,

(Sgd.) P. COLLIER,
Premier.

GOD SAVE THE KING !!!
**Royal Commission on the Electoral Act, 1907-1921, and other relative matters.**

---

**REPORT OF THE COMMISSIONERS.**

To His Excellency Sir James Mitchell, K.C.M.G., Lieutenant-Governor in and over the State of Western Australia and its Dependencies in the Commonwealth of Australia.

**May it please Your Excellency.**

We have the honour to report to your Excellency the result of our inquiries into the matters entrusted to us by the Royal Commission dated the 31st day of January, 1935.

**PRELIMINARY.**

The members of this Commission were originally appointed as the result of motions moved and passed in both Houses, that is to say in the Assembly on the 13th December, 1934, and in the Council on the 21st day of December, 1934, for the appointment of a Joint Select Committee consisting of five members from both Houses to consider and recommend amendments to the Electoral Act, 1907-1921, and amendments thereof.

Your Commissioners were appointed members of the Commission as follows:

<table>
<thead>
<tr>
<th>From the Council:</th>
<th>From the Assembly:</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Hon. J. Cornell</td>
<td>The Hon. J. C. Willcock</td>
</tr>
<tr>
<td>The Hon. C. F. Baxter</td>
<td>The Hon. C. G. Latham</td>
</tr>
<tr>
<td>The Hon. G. Fraser</td>
<td>The Hon. F. J. S. Wise</td>
</tr>
<tr>
<td>The Hon. H. S. W. Parker</td>
<td>A. R. G. Hawke, Esq.</td>
</tr>
<tr>
<td>The Hon. A. Thomson</td>
<td>R. R. McDonald, Esq.</td>
</tr>
</tbody>
</table>

with power to call for papers and sit on days over which the Houses might stand adjourned.

On the 22nd December, 1934, your Commissioners then members of the Joint Select Committee elected the Minister for Justice, the Hon. J. C. Willcock, M.L.A., as chairman of the Joint Committee, and after discussing its proposed work adjourned further proceedings *sine die.*

Subsequently this Select Committee merged into the Royal Commission appointed by your Excellency on the 31st January, 1935.

The Royal Commission directed us to inquire into and report upon:

1. The provisions of the Electoral Act, 1907-1921, and the provisions of the Constitution Acts Amendment Act, 1899, dealing with electoral matters, with the periodic election of members of the Legislative Council, and with the periodic general election of members of the Legislative Assembly; and

2. The advisability or otherwise of having a joint roll or rolls for both Commonwealth and State parliamentary elections,

and to make any recommendations which the Commission thought advisable for the amendment of the laws contained therein or appertaining thereto.

The statute law dealing with parliamentary elections is contained in the two Acts the subject matter of our inquiry and also in the Legislative Assembly Duration Act, 1919, and the Electoral Districts Act, 1923.

Originally the Constitution Act, 1889, contained provisions relating to the qualification of electors, and the Constitution Acts Amendment Act of 1899 contained similar provisions. These provisions related both to the qualification of electors for the Legislative Council and for the Legislative Assembly. The Electoral Act of 1907, whilst removing the provisions of the Constitution Acts Amendment Act relating to the qualification of electors for the Legislative Assembly and re-enacting other provisions therein thereof, did not deal with the same question in regard to the qualification of electors for the Legislative Council, and to-day the laws relating to the qualification of electors for the Council are to be found in the Constitution Acts Amendment Act, 1899.

The position which has been created is somewhat anomalous; in re-enacting certain disqualifications in relation to electors for the Legislative Assembly the Electoral Act of 1904 made slight differences from the provisions as they existed in the Constitution Acts Amendment Act. And the same disqualifi-
ations were later re-enacted in the Electoral Act, 1907 (sec. 18). In the original Act of 1899 these qualifi-
cations were the same for the Assembly as for the Council. (See secs. 17 and 28.) It would appear
that it was intended to repeal section 17 of the Constitution Acts Amendment Act, 1899, when the
Electoral Act, 1907, was passed, but this was not done. It is desirable that this subject should be dealt
with in one or other of the Acts but not in both.

In the opinion of the Crown Solicitor the present Electoral Act is a fairly well set out measure,
and after an exhaustive examination of its details your Commissioners have decided to make certain re-
commendations for its amendment in regard to matters of principle. In going through the Act certain
drafting amendments have also been suggested, and attention will be called to these as occasion warrants.

THE INQUIRY.

The sittings of the Commission in the course of its inquiries under the Royal Commission com-
menced at Parliament House, Perth, on the 7th day of February, 1935.

The Commission examined three witnesses, namely, Mr. H. R. Gordon, Chief Electoral Officer
(State) and Mr. R. Bandy, the Commonwealth Electoral Officer for Western Australia, who gave tech-
nical evidence regarding the electoral laws, and the Crown Solicitor (Mr. A. A. Wolff) on certain legal
aspects of the matters dealt with by the Commission.

In the appendix of this report will be found a draft Bill to amend and consolidate the law dealing
with parliamentary elections (this Bill repeals the Electoral Act, 1907-1934).

This Bill is designed to give effect to the recommendations of your Commissioners. In the Bill a
complete overhaul of the Electoral Act, 1907-1934, has been made with the object of removing incongru-
cencies which have crept in over a number of years and the recommendations of your Commissioners (as
set out in this report) have been embodied.

The chief recommendations of your Commissioners may be summarised under the following
heads:—

I.—ELECTORAL LAWS.

(a) Qualification of electors. Amendment of the property qualification for Council elections.
(b) Amendment of the laws dealing with the disqualification of half-castes and indigent persons.
(c) Enrolment—
Providing for immediate registration of claims.
Providing for the heading of appeals by magistrates in the local court.
Amending the law in regard to claims entrusted by electors to other persons for forward-
ing to the registrar.
(d) Repealing the present laws relating to voting by post and re-enacting new provisions relating
to voting in absence.
(e) Machinery for holding an election.
(f) Electoral offenes.
(g) Limitation of electoral expenses.
(h) Compulsory voting.

Dealing with each head in turn your Commissioners make the following recommendations:—
(a) That section 15 of the Constitution Acts Amendment Act, 1899 (as amended by Act No.
40 of 1934) and section 16 of the said Act be repealed and in lieu of the existing property qualification
therein enacted other provisions be inserted with a view to bringing the Council qualification down to a
basis more in conformity with that which was intended by the framers of the Constitution Acts Amend-
ment Act, 1899, and that such provisions be transferred to the Electoral Bill.

The amendment of the law will be found in the draft Bill. (See clause 18 (11).)

In justification of this amendment it is pointed out that in recent times a good deal of confusion
has arisen in deciding who is and who is not a householder within the meaning of the householder quali-
fication clause in section 15 of the existing Act.

Many people to-day occupy flats which would not at the time of the passing of the Constitution
Acts Amendment Act have been considered as houses but at the same time there is no reason why they
should not come within this category if in fact they are occupied as a domestic establishment by a ten-
ant and his family, provided that substantial dominion is exercised by the tenant over the premises.

Then again at the present day many persons have to be enrolled by reason of the occupancy of
rateable premises and it is possible as the Act is worded at present to have on the Council roll the actual
tenant of property whose name is on the ratepayers' roll, together with the holder of the lease of the
same premises. The right to enrolment on the Council roll by reason of being on the ratepayers' roll is
absolute, and the Chief Electoral Officer finds himself unable to go behind the ratepayers' roll and
examine the position as to whether the person on the ratepayers' roll is legally entitled to be there or not.
The present state of the law makes it possible for two persons—one to have the ownership of what is called the legal estate and the other to have the ownership of what is called the equitable estate—to get on the roll. Take for instance the case of a person who is buying a property under a contract of sale. In that case the owner of the legal estate, that is to say the vendor, may claim to be registered; and the purchaser may claim to be registered, so that we have two votes in respect of the same property.

The position can be again multiplied indefinitely. Supposing that the purchaser of land is a married woman; then she may claim as the equitable freeholder, her husband may claim as the householder and the vendor may claim as the legal owner.

Then again the whole scheme of the present section tends itself to abuse. Leases can be created and so long as they are leases there is nobody to say whether they are executed bona fide or not.

Again it is possible to multiply votes by reason of section 16 which provides that where premises are jointly owned up to four votes may be allowed in respect of the jointly owned premises. Some conception will therefore be gained of the number of votes it is possible to have in respect of substantially the same property. (See clause 18 (3) of the Bill.)

In addition to this one elector may have a vote for each of several provinces.

Your Commissioners were divided, however, on the question as to whether it is desirable to lay down a principle of an elector being enrolled for more than one province.

(b) Amendment of the laws dealing with disqualification of half-castes and indigent persons
(See section 18 of the Electoral Act 1907-1921, section 17 of the Constitution Acts Amendment Act 1899 and clause 20 of the draft bill.)

(i) The recommendation of your Commissioners under this head is that half-castes who are able to show that they are fit and proper persons to exercise the franchise should be given a vote; and

(ii) That the present disqualification which exists in relation to persons who are in receipt of assistance from the State or from any charitable institution should be abolished.

The proposed law relating to half-castes and their right to exercise the franchise is substantially that of the Commonwealth. The Commonwealth Electoral authorities proceeded on the basis of an opinion which was given many years ago by the then Solicitor-General, Sir Robert Garran, which is to the effect that half-castes are not aboriginal natives within the meaning of section 127 of the Constitution and that therefore half-castes are not disqualified and that all persons in whom aboriginal blood predominates are disqualified. This opinion was supported by the then Attorney-General, Sir Isaac Isaacs, whose comment thereon was: “this is reasonable and should be followed.”

The disqualification appearing in section 18 of the Act in regard to persons who are dependent upon relief from the State or from any charitable institution subsidised by the State is not in accord with modern practice.

(c) Enrolment:
Although provision is made for compulsory enrolment under the present law this does not appear to have been carried out and your Commissioners recommend that the provisions of the law relating to compulsory enrolment (which have been repeated in the bill in the appendix) be put into operation. (See clause 40 of the bill.)

That instead of the present provision providing for claims to lie in the office of the registrar for 14 days before they can be registered, that claims be immediately registered subject however to the right of any party interested to appeal in the case of rejection of a claim.

It was found in practice that under the present law the provision for maturation of claims proved cumbersome and it is not in accordance with modern practice as observed in other jurisdictions, particularly by the Commonwealth and other States in the Commonwealth.

At present the law provides that rolls for a district may be kept in separate parts for separate portions of a district and this has been found very convenient in practice where districts are large or the number of electors is great.

An amendment has been embodied in the proposed bill in the appendix which will extend these provisions to province rolls and it is thought that it will afford the same measure of convenience as has been experienced in the case of sub-district rolls. (See clause 21 of the bill.)

The definition of “magistrate” has been widened so as to permit of magistrates of a local court to hear appeals sitting in that court.

In the past your Commissioners are of opinion that there has been great laxity and in some cases abuses on the part of some persons entrusted by electors with claim cards for forwarding to the registrar.

In order to put a stop to this evil and provide a check on persons so entrusted it has been made obligatory to give a receipt to the claimant and to forward the claim forthwith to the registrar. (See clause 49 of the bill.)
(d) Voting by post and voting in absence.

That the existing law in regard to postal voting be repealed and in place thereof new provisions be inserted:

(i) To provide that all votes cast other than personally at the poll be lodged with a returning officer or the Chief Electoral Officer;

(ii) that all such votes be put on special forms to be provided for the purpose;

(iii) that before voting papers can be obtained application has to be made in the prescribed manner to the Chief Electoral Officer or a registrar who will generally be the registrar of the district in which the elector desires to vote, or if it is impracticable to approach that registrar, then to some other registrar.

(iv) To provide for voting in absence.

The number of frauds which were committed in a recent election amply justifies this amendment of the law. The amendment in its construction differs very little from the law pertaining to absent voting in the Commonwealth and is similar to the laws in the other States.

Under this heading provision has been made for what might be termed a “standing registration of application” in the case of an elector who lives such a distance from the usual polling place that it is impracticable or inconvenient for him to attend and vote in the usual manner.

 Provision has been made for voting at a polling place outside the province or district for which an elector is enrolled provided he is not less than seven miles from such province or district at any time on polling day.

(See sections 90 to 98 of the Electoral Act 1907-1921 and clauses 70 to 83 of the draft bill.)

(e) Machinery for holding an election.

Subsection (2) of section 8 of the Constitution Acts Amendment Act is too rigid in its requirement of the return of a writ on or before the 21st May. This has been found inconvenient in practice because the same provisions in the Constitution Acts Amendment Act provide that the writ shall be issued before the 10th April preceding.

It is thought that in the case of the far distant provinces such as the North Province greater elasticity should be given by providing for the issue of the writ at an earlier date and in any case not sufficient time appears to be allowed in the case of other provinces.

Your Commissioners recommend that in the case of the North Province or in the case of any other province notified by the Minister in the Gazette the writ shall be issued before the 20th February and in other cases before the 22nd March preceding the vacancy. (See clause 61.)

(f) Electoral offences.

That section 181 of the Electoral Act, 1907-1921, subsections 4, 6 and 7, which deal with offences of interfering with an elector in the vicinity of a polling booth, with soliciting the vote of an elector on polling day, and with a candidate attending a meeting of electors on polling day, be amended.

These several offences are designated as “undue influence” in the section under consideration, whereas they belong more appropriately to the heading of “illegal practices” and are so treated in other jurisdictions. (See clause 105 of the draft Bill.)

It is considered that the offences enumerated in the subsections mentioned above do not warrant the severe penalties provided for offences under that section, viz. a penalty not exceeding £500 or imprisonment not exceeding one year, with a further penalty of disqualification for a period of 2 years from being a member of either House.

That subsection (5) of section 181 of the Electoral Act, 1907-21, which deals with the publication of defamatory matter concerning a candidate be amended so as to make it a defence for the person charged to prove that he had reasonable grounds for believing and did in fact believe the defamatory matter to be true, and provided further that the person charged should have the right to trial by jury. (See clause 101 of the draft Bill.)

The former recommendation is based on the provisions of the Commonwealth Electoral Act, 1918-20, section 181.

In regard to the latter it is considered that in view of the serious consequences which are entailed on conviction for an offence of this nature, the defendant should not be left entirely in the hands of a magistrate unless be so desires.

(g) Limitation of electoral expenses.

That provision be made by way of amendment to the existing law that where expenses are incurred jointly by a group of candidates that a fair and reasonable portion of the expenses should be allocated to each candidate for the purpose of ascertaining the expenses paid and incurred by each candidate in connection with the election. (See sections 172 to 176 of the Electoral Act, 1907-21, and clause 103 of the draft Bill.)
No provision exists in the present law for enabling candidates who have incurred expenses jointly to have the expenditure allocated amongst them in fair proportions and this amendment is designed to carry out this very necessary amendment of the law

(h) Compulsory voting.

Your Commissioners consider it advisable that provision should be made for compulsory voting at parliamentary elections but this, however, has not been made in the draft Bill.

II.—JOINT ROLLS.

On this question your Commissioners have before them the evidence of Mr. H. R. Gordon, Chief Electoral Officer for the State, and Mr. R. Bandy, the Commonwealth Electoral Officer for the State of Western Australia.

After hearing evidence it was decided to ask the Hon. the Premier to communicate with the Prime Minister of the Commonwealth with a view to seeing whether the Commonwealth would be agreeable to the State of Western Australia having the preparation of joint rolls, if it were found that a scheme for the keeping of joint rolls for the purpose of Commonwealth and State parliamentary elections was practicable.

A communication was sent on the 1st March, 1935, by the Hon. the Premier to the Prime Minister of the Commonwealth and an answer was received from the Prime Minister as follows:—

Commonwealth of Australia,
Prime Minister,
Canberra, F.C.T.,
12th April, 1935.

Dear Sir,

With reference to your letter of 1st March, on the question of the preparation of joint electoral rolls for both Commonwealth and State, I forward, for your information, copy of a report by the Commonwealth Chief Electoral Officer on the matter.

I might add that the view of Mr. Turner that the Commonwealth could only enter into an arrangement for joint Commonwealth and State electoral rolls in respect of your State on the same lines and under the same conditions as those obtaining in the case of New South Wales, Victoria, South Australia and Tasmania is concurred in by the Government.

The Hon. the Premier,
Western Australia,
Perth.

Yours faithfully,
(Sgd.) EARLE PAGE,
Acting Prime Minister.

Department of the Interior,
Chief Electoral Office for the Commonwealth,
Canberra, F.C.T.,
15th March, 1935.

Memorandum to the Secretary, Department of the Interior, Canberra, F.C.T.

Joint Electoral Roll—Western Australia.

It is submitted that, having regard to the following considerations, the only practicable basis upon which the Commonwealth may agree to an arrangement for a joint Commonwealth and State electoral roll in the State of Western Australia, is that upon which is based the existing arrangements for joint rolls in the States of New South Wales, Victoria, South Australia and Tasmania.

Under each such existing arrangement the established Commonwealth electoral organisation is the machinery employed in the preparation and maintenance of the joint roll. In all cases, however, it is provided that the Electoral Registrars (including divisional returning officers in their capacity as electoral registrars) are jointly appointed by the Commonwealth and the State, function under joint Commonwealth and State regulations and act under the joint instructions of the Chief Electoral Officer for the Commonwealth and the Principal Electoral Officer of the State.

It is considered that this is the only feasible basis upon which a joint roll arrangement may be founded, inasmuch as it is essential that, in its fundamental requirements, the Commonwealth law must be applied and administered uniformly in and between all States and that accordingly the Commonwealth must preserve its authority over, and control of, its electoral administrative machinery. The Chief Electoral Officer for the Commonwealth is responsible to the Commonwealth Parliament for the proper administration of the Commonwealth electoral laws throughout the Commonwealth as a whole, and to effectively and uniformly implement those laws there has been established a permanent electoral organisation comprising a Commonwealth electoral officer in each State and a divisional returning officer in each division, who are charged with the administration of
the Commonwealth Electoral Act and regulations in the respective States and divisions and upon whom is imposed by law certain highly important functions in connection with the preparation and maintenance of the rolls. Further, as the Commonwealth Electoral Officer for the State and the respective divisional returning officers control and conduct the Senate and House of Representative elections and perform other services not directly connected with the upkeep of the rolls, they would need to be retained in their present respective positions in any case, and that being so, the main object of a joint roll, economy in public expenditure, would be virtually nullified unless the services of the Commonwealth Electoral Officer and the divisional returning officers are utilised in the performance of the work involved in the preparation and maintenance of that roll.

The Commonwealth electoral organisation has been established in each State on uniform lines designed to insure uniformity of administration and a definitely high standard of service and efficiency. It applies and works throughout the Commonwealth standardised systems in relation to the upkeep of the rolls such as the card index of electors maintained constantly up-to-date in the office of the Commonwealth Electoral Officer at each State capital; the habituation index maintained by divisional returning officers and reviewed by the postmen in metropolitan areas and main country centres under agreement between the Chief Electoral Officer and the Postmen's Association; and the Electoral agency review method in areas outside habituation index territory. It provides for inter-state notifications of transfer and inter-state advice between the respective indexes not practicable in cases where the State maintains its own rolls. After taking evidence in all States the joint select committee on Commonwealth electoral law and procedure, in its report, tabled in 1927, that the Commonwealth machinery is the most efficient electoral machinery in the Commonwealth and further on the subject of joint rolls reported as follows:

"The evidence placed before the committee on the subject of joint rolls was overwhelmingly in favour of that system. As a result of its adoption printing is facilitated, simplified and cheapened, and electors are not exposed to the mistake they frequently make where State and Federal rolls exist of thinking they are on both when they are really on one. It was generally agreed that the Federal roll was cleaner and more up-to-date than those of the States. It is also continuous whereas the States accumulate much dead wood in the long interval between collection by the police and publication by the electoral authorities. In the States where the system is in operation the results obtained are admitted both by the State and Commonwealth authorities and also by members of political organisations of all parties and others interested to be eminently satisfactory and successful. No complaint of any kind was made in these States."

It is recommended that the Premier of Western Australia be informed that the Commonwealth is prepared to enter into an arrangement for a joint Commonwealth and State electoral roll in respect of the State of Western Australia only on the same lines and under the same conditions as that obtaining in the case of the States of New South Wales, Victoria, South Australia and Tasmania in which the joint roll system is already in operation, viz., as set out in the attached copy of the arrangement in respect of the State of New South Wales. (See Appendix C.)

Such arrangement provides for the preparation and maintenance of the joint rolls by the existing Commonwealth electoral organisation working under joint Commonwealth and State regulations and the joint instructions of the Chief Electoral Officer for the Commonwealth and the Principal Electoral Officer for the State.

The salaries and allowances of the permanent Commonwealth electoral staff and registrars and the payments for services rendered by postmen working the habituation index system and electoral agents employed, etc., are met by the Commonwealth in full. The cost to the State is limited to one-half the expenditure involved in—

(a) the printing and binding of joint electoral rolls and the material therefor;
(b) the printing of books, forms and other printed matter used for joint electoral purposes and the material therefor;
(c) special allowances, if any, to individual police officers in the form of extra remuneration as may be jointly agreed upon;

from which it will be seen that the arrangement is most favourable to the State from the financial aspect.

The scope of the co-operative arrangement is limited to the preparation, maintenance and printing of the joint rolls (and the re-arrangement of unit boundaries incidental thereto) and does not affect the conduct of State elections, which remain in the sole control of the State authorities.

It is pointed out that the permanent Commonwealth divisional returning officers who prepare and maintain or supervise the preparation and maintenance of the rolls are trained specialists in that work and where the joint roll system is in operation those officers, in their capacity as registrars, and such other registrars as are required in country divisions, are in effect equally servants of the State as of the Commonwealth working under joint Commonwealth and State regulations and the joint instructions of the Chief Electoral Officer for the Commonwealth and the Principal Electoral Officer for the State.

(Sgd.) V. F. TURNER,
Chief Electoral Officer.
Your Commissioners are of opinion that it would be more economical if the joint rolls were controlled by the State. Notwithstanding any arrangement which might be made were your Commissioners disposed to recommend same, and the Government to adopt the recommendation for the Commonwealth to keep both State and Federal rolls, it is obvious that the State electoral office would have to be retained for the purpose of—

1. The keeping of the Legislative Council rolls.
2. Shop rolls under the Factories and Shops Act.
3. Election of Mines Workmen’s Inspectors.
4. Election of members for the Railway Appeal Board.
5. Election of members for the Railway Classification Board.
6. Election of members for the Prisons Employees’ Appeal Board.
7. Election of members for the Lunacy Employees’ Appeal Board.
8. Checking licensing petitions.

The work specified in items 1, 2 and 8 could not be performed without the continued and uninterrupted access to the Assembly claim cards unless an independent canvass was made, or some other method of enrolment was introduced.

In his evidence the State Chief Electoral Officer contended that the sole benefit to the electors of this State, if the rolls were put under Commonwealth control in the way suggested by the Commonwealth, would be the lodging by electors of one claim card instead of two as is at present necessary. The Chief Electoral Officer for the State also stated in his evidence that the State could perform the Commonwealth electoral work for an additional sum of £500 per annum.

The Commonwealth inures an expenditure of £6,629 for the annual upkeep of its own office in this State, whilst the annual cost of the State office is £3,040. In both these cases, however, the cost of printing rolls prior to an election and the various expenses attendant on an election are not taken into account.

Before any effective scheme could be arrived at for the amalgamation of State and Commonwealth rolls, it would be necessary that the boundaries of State electoral districts should as far as possible be made co-terminous with the boundaries of the Commonwealth electoral divisions, and some new method will have to be devised to allow a proper representation for the various districts as the Electoral Districts Act, 1923, would be unsuitable in its provisions. The Commonwealth has five divisions in the State whilst the State has 50 electoral districts and, broadly speaking, they depend for their existence on a definite scheme of proportional representation as laid down in the Electoral Districts Act, 1923.

There is provision made in the existing electoral Act to authorise the State Government to enter into an arrangement with the Commonwealth for joint rolls. It is proposed to re-enact this provision.

(See clause 33 of the draft Bill in the appendix.)

It is anticipated that with the present position on the goldfields, i.e., a large influx of population with corresponding influx from other provinces of the State, it will not be long before a redistribution of seats will be necessary, in which event one of the first instructions to the Commissioners entrusted with the task of making recommendations in regard to redistribution of seats should be to consider the boundaries of State electorates so that they are co-terminous with Commonwealth divisional boundaries as far as possible.

Provision is already made by the Commonwealth laws for the alteration of subdivisional boundaries without legislative action.

Until the boundaries are so far as practicable co-terminous, your Commissioners recommend that no action be taken for the amalgamation of the Commonwealth and State rolls.

III.—LAWS RELATING TO THE CONSTITUTION OF THE LEGISLATIVE COUNCIL.

(a) A redistribution of seats.
(b) The constitution of 15 provinces in lieu of 10 provinces as at present, each one of the 15 provinces to return two members to the Council.

Your Commissioners consider that the time has arrived when a redistribution of seats in the Legislative Council should be made. Reference has already been made in this report to the large influx of population from various provinces and a consequential influx into others. Your Commissioners consider that when this redistribution is made it could be made with the object of dividing the State into 15 provinces in lieu of 10 provinces as at present.

It is considered that 15 provinces would give better representation than 10 provinces. Each of the 15 provinces, if the recommendation of your Commissioners is carried out, should return two members to the Council. Half of the members would retire automatically, that is to say one member for each province, at approximately the same time as a general election for the Legislative Assembly.

IV.—GENERAL RECOMMENDATIONS.

(a) That the duration of the Legislative Assembly be increased from three to four years after the next election.
(b) That the present constitutional practice of members retiring on the acceptance of Ministerial office be abolished.
Your Commissioners consider that the duration of the Legislative Assembly is too short and that a period of four years would give better results than three.

In the Electoral Bill in the appendix the present machinery provisions of the Electoral Act, 1907-21 relating to the election of members accepting Ministerial office have been continued in substance as the laws relating to the retirement of members accepting Ministerial office are still in the Constitution Acts Amendment Act. Your Commissioners consider, however, that the system of retirement on acceptance of Ministerial office is not in accord with modern constitutional practice as existing in the other States of the Commonwealth and in the Commonwealth and in other parts of the British dominions.

In view of the fact that the general elections for both Houses will shortly take place we recommend that the Electoral Bill in the appendix be introduced into Parliament as early as possible in the coming session so that any alteration made in the laws may be widely known before the elections take place. Furthermore, we think that this report and the draft Bill in the appendix should be made available for public information as early as possible.

In conclusion, your Commissioners desire it to be noted that as far as possible the provisions of the State legislation, which differ materially from principle from the Commonwealth legislation, have been brought into agreement by the adoption of the Commonwealth provisions, particularly relating to enrolment and voting in absence.

The Honourable C. G. Latham, who was appointed a Commissioner, left this State on a trip to England and has not yet returned. He attended the initial sittings of the Commission but owing to his absence he is necessarily not a signatory to this report.

The Commission desire to express their thanks to the Commonwealth Electoral Officer for Western Australia, Mr. R. Bandy, for his assistance and the comprehensive nature of the evidence submitted by him.

The State Chief Electoral Officer, Mr. H. R. Gordon, was in attendance during the deliberations of the Commission, and was of very great assistance to the Commission, particularly with regard to the working and administration of the present Act, and the proposed alterations.

The Crown Solicitor, Mr. A. A. Wolff, as draftsman, necessarily had to be consulted frequently, and the Bill in the schedule is a distinct improvement on the Act—due to his efforts.

The Commission also desire to record their appreciation of the manner in which the Secretary, Mr. L. W. Stotter, carried out his duties.

SUPPLEMENT AND RECOMMENDATIONS BY
HON. J. CORNELL, M.L.C.

Concerning the majority recommendations embodied in the report of the Commission I concur, subject to the following exceptions:

1. Curtailment Legislative Council Franchise.

Clause 18 of the Bill, accompanying the majority report, eliminates the ratepayer qualification which has appeared in the Constitution Acts since responsible government. This being so, I am opposed to its total elimination, and recommend that it be retained in a somewhat modified form as follows:

"Any person, not otherwise qualified, whose name appears on the electoral list of any municipality or road district in respect of property within a province of the annual rateable value of seventeen pounds at least shall be enrolled as a Legislative Council elector."

2. Obligatory receipt upon accepting a claim card for transmission to a registrar.

Clause 49 of the Bill makes it an offence with heavy penalties for any person, other than an officer, to receive a claim card for transmission to a registrar before tendering a signed official receipt therefor. This proposal is a unique one and if given effect may tend to defeat the obligation cast on persons by the compulsory enrolment provisions to enrol themselves as Legislative Assembly electors. Also it is certain to make Legislative Council enrolment more complicated and difficult than it is now.

3. Total abolition of the existing form of postal voting and substitution of several measures of voting in absence (set out in division (3) of the Bill).

After a close connection extending over more than a quarter of a century with the application of the present system of postal voting my conclusions are—

(a) That there is not much wrong with the existing law or the way in which it has functioned generally. There have been exhibitions of abuses and weaknesses in the actual working out of its provisions, but in ninety-five per cent. of these lapses it can be said that they have been due firstly to the human factor represented by the doubtful calibre of some postal vote officers and the lax and indiscriminate manner of their appointment.
(b) To the condition of electoral rolls, particularly some province rolls wherein there was an ample field for fraud on the part of over zealous candidates, unscrupulous election agents, and partisan postal vote officers. As is generally the case in the field of abuse or fraud practically all offences alleged or actual against the existing postal voting facilities have occurred in the city and towns and not as one might expect in the less congested, remote or isolated areas. Recommendations are being made that will, if given effect to, enable the electoral department to exercise a much stricter discrimination and supervision in the future preparation and keeping of electoral rolls, particularly province rolls. If the appointment of postal vote officers was restricted to say magistrates, registrars, returning officers, assistant returning officers, presiding officers, public servants and members of the police force; and it was provided that no postal vote be recorded later than 6 p.m. on the day prior to polling day, such provisions would, in conjunction with the existing law give satisfaction so far as is possible under any working system of postal or absent voting. The suggested alternatives to the present system are, to use an unpopular word, revolutionary, as my colleagues in their majority report give little or no explanation other than a reference to clauses of the Bill of the proposed radical turnover from a long-established postal voting system to something entirely new, and in some regards both experimental and exploratory. It is not my obligation to explain them, but I do suggest that they be given a very close examination, particularly their effect, if agreed to, upon remote or isolated parts of the State and upon electors domiciled therein and also as to their possible effect due to counting all classes of absent votes at one given centre in the declaration of election polls.

The Hon. A. Thomson, although not a signatory to this minority report, concurs with paragraph 1 hereof and the Hon. G. Fraser, although not a signatory, concurs with paragraph 2 hereof.

I have the honour to be your Excellency’s most obedient servant,

JAS. CORNELL.

We have the honour to be your Excellency’s most obedient servants,

J. WILLCOCK,
Chairman.

CHAS. F. BAXTER,
JAS. CORNELL,
G. FRASER,
A. R. G. HAWKE,
ROSS McDonALD,
H. S. W. PARKER,
A. THOMSON,
F. J. S. WISE,
Commissioners.

L. W. STOTTER, Secretary.

Perth, the 26th day of July, 1935.
REPORT OF EVIDENCE.

TUESDAY, 18TH FEBRUARY, 1935.

Present:
Hon. J. C. Wilcock, M.L.A. (Chairman).
Hon. J. C. Cornell, M.L.C.
Hon. G. Fraser, M.L.C.
Hon. A. Thomson, M.L.C.
A. R. G. Hawke, Esq., M.L.A.

HAROLD RICHARD GORDON, Chief Electoral Officer, examined:

Tasmania.—Both Houses elective. Council—one district returning three members; one district returning two members; 13 districts one member each. Assembly—five districts returning six members each.

Where there are multiple electorates as in South Australia and Tasmania it is a comparatively simple matter to have the same boundaries for both State and Commonwealth electorates. Where single seat electorates exist there has to be an aggregation of State districts to make up the lesser number of Commonwealth divisions.

In the year 1923 an extensive report was prepared by the Chief Electoral Officer for Western Australia, dealing mainly with prospective financial benefits which might accrue to the State and Commonwealth in the event of the amalgamation becoming effective. On previous occasions where the matter has come up for discussion it was assumed that the control of any amalgamation would vest in the Commonwealth, but when reviewing it from a financial standpoint it would appear that the greatest saving could be obtained if the rolls were under State control. Following upon the report of the Chief Electoral Officer, an inspector of the State Treasury also reported on the financial position, and arrived at a similar conclusion.

The main and only benefit to the public that would accrue if the Commonwealth takes control is the lodging by electors of one claim card instead of two.

There are 85,000 electors who now make out three claim cards, namely the Commonwealth, the State Assembly, and the State Council electors, and these will still be making out two cards.

There would be no saving in cost of printing, as on one occasion only in 25 years could the rolls as printed for a Commonwealth election be used for a State Election, or vice versa.

It is generally assumed by the Commonwealth authorities and others not acquainted with the activities of the State Department that the whole of the staff of the latter would not be required if the State Assembly rolls were transferred to Commonwealth control. As I understand the position, the Commonwealth desires the Assembly roll only, and is not prepared to take over the whole of the State Electoral work. So far as the State is concerned, it could perform the whole of the work at a very small additional cost.

The position of the State in regard to Assembly claim cards and enrolments is that they are used to correct Province rolls, both in regard to qualifications and the addresses of Province electors. Without constant access every day to the card index it would not be practicable for the State to keep its Province rolls up to date. There would have to be an entirely different method of preparation or the qualifications simplified under which Province electors could be enrolled.

The reports of the Chief Electoral Officer and Treasury Inspector referred to herein, together with the copy of a letter from the Commonwealth Public Service Inspector, Sydney, dated 16th June, 1931, and a reply thereto, are attached for reference.

I now propose to quote from the report of the Treasury inspector. In dealing with the amalgamation, there would have to be two separate staffs for elections for both the State and the Commonwealth: such principle is adopted in every other State. One set of officers does
not carry out the actual elections as they occur, whether State or Commonwealth. With regard to printing, the roll which is used for a Commonwealth election, say, in 1934, could not be used by the State Assembly public, from the election point of view, in 1936. One could not hold an election on a two years' supplement. In the same way, a Commonwealth election could not be held on a State roll of 1936. There would have to be reprinted, because every time you had an election. The saving that could be effected is in the compilation of the manuscript roll which is carried out day by day by both departments. In 1934 I prepared a report, but I have not brought it up to date, as it would cover very much the same ground in the matter of statistics, and deal with the same kind of matter as it does now. The actual results of these reports are as follows:—An amalgamation has been effected in Victoria, South Australia and New South Wales. Tasmania has practically always had amalgamated rolls, because it elects six members for each division. In Western Australia the statistical records to ascertain what the reduction in the State costs was after the amalgamation and before. I will quote from the Treasury inspector's report, which was about it. I now give of the Commonwealth salaries and State salaries for all the States as they appear in the Commonwealth Year Book. In 1921, the actual expenditure on salaries alone for the Commonwealth was £205,558, and for all the States £11,770. In 1928-29, the Commonwealth expenditure had grown to £30,978, and all the State expenditure to £13,261. There was no proof that the amalgamation of the rolls had brought about a reduction in the fixed salaries of the various States which had amalgamated. In South Australia, where the rolls were amalgamated in 1920, the expenditure was then £2,999, but in 1928-29 it had risen to £4,695. The figures quoted of salaries paid has to be added the allowance paid to Commonwealth officers to compile the rolls. For South Australia, New South Wales, Victoria and Tasmania these additional allowances aggregated £1,965. The report of the Treasury inspector was in reply to a letter from Mr. J. S. Duncan, of the Public Service, Inspector's Office, Commonwealth Bank Buildings, Sydney. He specially mentioned Victoria as a place where the preparation of province rolls was comparatively easy, and could be undertaken with a small staff. In Western Australia, the electors can claim under many different headings. In Victoria, the rolls are compiled from ratepayers' lists, which is an office matter and has no reference to the public. There are certain grades of people in Victoria, such as ministers of religion, and others, who can claim by virtue of their profession. These are few in number. It is suggested that a joint roll for the Commonwealth and the State Assembly be prepared by one organisation, the Commonwealth, leaving the State to prepare its own Council roll. That is what Mr. Duncan suggests.

2 With some experience, might they not evolve a system by which they could be used for the other States eventually, though not immediately?—My aim, in the suggestions I have put forward, is to simplify the qualifications for the Upper House, so that they may become attractive. With the qualifications for the Upper House as they are now, it would not be possible for the Province and Assembly rolls to be amalgamated.

3 By Hon. J. CORNELL: It would be almost impossible for you.—It is nearly impossible for us to do it, as a matter of fact. I am seeking simplification of the qualifications for the Upper House. The arrangement suggested by me might be used. It would be economical to the State, because the State deals with many other matters apart from the Assembly rolls. For the year which is mentioned in this report, there were 21 licensing petitions; and each licensing petition may take as much time as an election for an Assembly district. During the same year there were two shop rolls under the Postmaster and Shops Act; there have to be conducted by the department. For that year, further, four mines workers' inspectors were appointed.

4 By the CHAIRMAN: The election for those is conducted by you.—Yes. Then there is the Railway Appeal Board, which we have just completed. There is also the Railway Classification Board. Then there are the Prisoners' Appeal Board and the Lunacy patients' Appeal Board. All those are conducted by the State. Some provision, either by way of legislation or by the Commonwealth taking them over, would have to be made if an amalgamation is effected under Commonwealth control. I have ascertained that in the event of amalgamation there still remains in each State, Chief Executive, and responsibility to an extent the work performed by the Commonwealth officials. In summarising the position as it stands today, the Speaker has not access to the Assembly roll only of the State, the saving in expenditure would be no more than £600 a year. That would be in salaries. I speak of a Commonwealth roll being used in the same way as a State roll and consequential expenditure on printing would still be borne by the State, the same as it is today. If the State Department had not access to the Assembly information there would have to be a complete canvass or some other method of enrollment than we have for the previous few years, and that would have to be done every ten years.

5 By Hon. G. FRASER: I should think that would be an improvement.—It depends on whether the qualification is altered. So long as you keep the households, qualification with a constantly moving population, you must have access to the Assembly cards in order to transfer the householder when he transfers his household qualification, because that recognition is personal plus residence—he has to reside there.

6 By Hon. J. CORNELL: But you must have a check on any other elector seeking to enrol them and give his new address. When they shift from one address to another and still retain their qualification, whether a householder or ratepayer, or the other qualifications mentioned in the Act—

7 By Hon. G. FRASER: The main effort of your department is clearly to make sure, as far as the Legislative Council is concerned, is to clean the rolls of those not entitled to vote, but no efforts are made to get on the roll those who are entitled to vote?—There is no compulsory enrolment and we have no machinery to put those names on the roll.

8 By Hon. J. CORNELL: Even if the Commonwealth rolls are kept apart, particular qualifications concerned, is to clean the rolls of those not entitled to vote, but no efforts are made to get on the roll those who are entitled to vote?—In Victoria they resort to the share a council roll, what are called municipal or road board rolls here, for the preparation of the Legislative Council roll.

9 By Hon. G. FRASER: In Victoria there are no claim cards at all?—Not except in regard to certain persons, such as ministers of religion and university students, who are set out in the relevant Acts.

10 By the CHAIRMAN: Still, your department endeavour to encourage people with the qualifications to apply for the Legislative Council roll?—We make every effort to get them on.

11 And assist them?—And assist them to our utmost. We do not seek to deprive any province elector of the enrolment. We are in constant touch with the electors. If they change their addresses, we ask them whether they still retain their qualification for enrolment, or whether they have any other qualification which they would like to substitute.

12 By Hon. G. FRASER: But no canvass is made by your department?—No.

13 By Hon. J. CORNELL: It has been?—It has been made in past years.

14 But, as the qualifications are now interpreted, even the potential elector would have to be a busy lawyer to know whether he was entitled to vote on the roll or not?—That is so. I shall quote from the report now a review of the activities of the respective departments. The enrolments of the State, for Assembly and Council, totalled 208,854, and the Commonwealth enrolments at the same date were 213,462, a difference of approximately 8,608.

15 By Hon. C. G. LATHAM: Have you any idea of the discrepancy between the Federal rolls and the Assembly rolls?—For many years the State Assembly roll has varied from 12,000 up to 20,000 more than the Commonwealth, and no test could be applied on a where the State rolls were inflated or not inflated, until the last Assembly election. On that occasion we had what was, comparatively speaking, compulsory voting because there was compulsory voting in regard to the referendum, and the electors took advantage of that provision to vote practically compulsorily for the
also, as referring to the Federal total at that time was about 13,000 less than ours.

11. By Mr. WISE: For that 90 per cent. to be an average, there must have been some very high figures—We made some inquiries, knowing where people were—some out of Australia, others were in the Electo-
ral district about which we were interested in such places we had a 100 per cent. poll. Some of them were in gaol, and some in the hands of the police.

12. By Hon. G. FRASER: That would be in a smaller electorate, I take it?—That was in North-East Fremantle and South Fremantle.

13. By Mr. MAREE: It would be hardly fair to compare the State roll with the Federal roll immediately following a State election—No. I did not do that. The figures quoted here were ascertained from the Federal Department. The Federal Department, if I ask them, are kind enough to give me the figures. This time they were ascertained by the Treasury inspector.

26. But just prior to a State election there is a big run on the ballot for the State, and they would not at the same time trouble to enrol for the Commonwealth. But we do get a large proportion of people who enrol for the Commonwealth when they are out of the State. The Commonwealth has a special provision whereby you obtain a ballot paper without being on the roll, and you can vote in absence. We have not those provisions at the general elections, but a large number of people who actually voted were 90.6 per cent. at the last election.

27. Would you say that the only actual test as to the relative position of both rolls would be the results ascertained at a compulsory poll? Would that get you further forward than comparing both rolls?—No. Further at all. I quoted those figures as an instance of the only occasion when we have had a compulsory poll.

28. That has worked out fairly well with the Commonwealth.—Yes.

29. The striking roll out of the question, it is pretty nearly the same.—Yes.

26. By Hon. C. G. LATHAM: Was the Federal compul-
sory roll greater than the Government roll?—Yes.

29. By Hon. G. FRASER: Did that not occur mostly in the Claremont and Nedlands electorates?—There were a tremendous number of them there.

30. By Hon. J. CORNELL: Was it not possible under the conditions that obtained for a Claremont man to vote at Nedlands in connection with the referendum?—Yes.

47. If the rolls were amalgamated, it would be a matter of convenience to those people, although admittedly the fault has been their own.—Yes.

48. By Hon. J. CORNELL: Do you find that a fair number of Legislative Council electors complain that their names have not appeared on either the State or the Commonwealth rolls?—I do.

49. By Mr. McDONALD: As I understand your evidence, the difficulties in the way of amalgamating the two electoral rolls appear to be two. The first is that the boundaries of the State electoral districts are
not co-terminous with the boundaries of the Federal electorates, and, secondly, in our distribution of the quotas for the Assembly electorates we proceed on an artificial basis under which, in some instances, three electorates are counted as two, two as one, and so on. That is so.

50. Apart from the artificial basis of computation for the quota of electors in given electorates, the question of continuity should not present an insuperable difficulty.---No.

51. Nor would it even involve any great difficulty?---No.

52. By Hon. C. G. LATHAM: It would affect five electorates?---Where there is overlapping, it might affect even 50 electorates.

53. It would not do that. For instance, it would not affect the York or Beverley electorates?---Those electorates would be affected. For instance, there has been no redistribution of the Upper House electoral boundaries and the returning officer at Beverley, to cite one instance, receives three writs for a Legislative Council election. He receives a writ for the East Province affecting portion of his electoral district, a writ for the South-East Province for another portion, and a writ for the South Province in connection with yet another portion of his electoral district.

54. By the CHAIRMAN: We were rather comparing the position with regard to the Assembly boundaries?---They would be affected where there was overlapping.

55. That would affect the State and Commonwealth rolls?---Yes. It must affect them if there is any overlapping because the boundaries must be co-terminous.

56. By Mr. McDONALD: As we have 50 Assembly electorates, and the Commonwealth have five seats for the House of Representatives, it would work out comfortably from the standpoint of the multiple to be used. We could put those Assembly seats within the five Federal divisions for the House of Representatives?---As matters stand, we could not do that.

57. By the CHAIRMAN: It would not conform to the Commonwealth law as it stands to-day?---It must be remembered that we have special representation for the four northern electorates. In the mining and pastoral areas, in the agricultural areas, and in the metropolitan areas, different bases are used for arriving at the quota for each electoral area. We have three forms of computation in arriving at the figures.

58. By Hon. G. FRASER: Could overlapping be prevented while that system obtains?---It would be difficult to deal with.

59. By Hon. C. G. LATHAM: Would not the same value attach to the voter in the city under both State and Federal systems?---No. The State value in the city would still be 50 per cent. up.

60. Then you would have difficulty even between Perth and Fremantle districts?---Yes.

61. By the CHAIRMAN: Generally speaking, it would work out that instead of having 10 seats in the metropolitan area, it would mean 17 seats?---That is, if there was one value for the electors.

62. Yes?---In that event the number of seats in the metropolitan area would rise to about 25 or 50 per cent. more than the present number. That has been the effect of the Commonwealth legislation in the Eastern States. Whereas in New South Wales and Victoria, at the commencement of Federation, the seats were apportioned so many to the country and so many to the towns, the experience under Federal legislation now is that where additional seats have to be provided they go to the towns and not to the country districts. That is due to the growth of population of the towns. The effect of that is that the manufacturing interests in those States are securing greater representation in the cities, and the country electorates are enjoying less representation.

63. The effect being that any new seats provided are allocated to the cities and are therefore lost to the country areas?---That is so.

64. By Hon. C. G. LATHAM: In New South Wales is not the value attached to the country vote the same as that attached to the city vote?---Yes, Western Australia is the only State in the Commonwealth where varying values apply to electors.

65. By Mr. WISE: How many provinces of the State coincide with Assembly electorates?---Only one, North Province.

66. By Mr. HAWKE: Could not the difficulty be overcome by the Commonwealth altering their sub-divisions?---They are prepared to do that.

67. The CHAIRMAN: We have the assurance of the Commonwealth Government that in the event of the amalgamation of rolls the boundary of a sub-division could by proclamation be made to coincide with the State boundary. When it comes to divisions, however, alterations cannot be made unless Parliament agrees to a redistribution.

68. By Hon. G. FRASER: You mentioned that 83,000 people had filled in three cards. Can you say how many people filled in two cards?---The number was practised by present. At present the totals of the two rolls are about equal.

69. Hon. G. FRASER: I wish to ascertain the number of people who appeared on the State and not on the Commonwealth roll, and the Commonwealth roll likewise, there would be no great difficulty.

70. By Hon. G. FRASER: But only one office would have been recorded by the elector's vote. There would also be confusion in the exchanging. The keeping of the index is a science. Comparisons have to be made every day, and they are not simple.---Hon. C. G. LATHAM: It is a work of art because the elector, with the assistance of political advisers, has reached a stage of perfection, and it is difficult for you to be as perfect.

71. By the CHAIRMAN: If the Commonwealth Government as a policy decided on a rigid system of prosecution of those who appeared on the State and not on the Commonwealth roll, and the State did likewise, before long, you would have practically identical numbers?---No, it is one of those difficulties which could never be overcome. The roll of to-day is absolute to-morrow.

72. Mr. McDONALD: To have two rolls covering the same electors with the same qualifications, and to have a difference of 25,000 to 17,000 in a State like Western Australia is not desirable. Under modern business methods some system could be evolved whereby the elector would not have to fill in two cards. A card might be provided with space for two names, and some of them on a perforated edge of the card, and that could be sent to the Commonwealth Office or vice versa. That might relieve the elector from the trouble and confusion of filling in two cards.

73. The WITNESS: A Treasury officer abstracted the comparative costs of the two departments, the salaries and allowances, including the cost of obtaining information, but exclusive of contingencies. The cost to Western Australia was £5,000, and to the Commonwealth £2,600.

74. By the CHAIRMAN: That applied in the State of Western Australia?---Yes. I should say that the Assembly roll covers but half the work of the department. The other half includes these matters to which I have already referred.

75. By Mr. McDONALD: The province roll would include in the other half?---Yes, plus licensing, etc. The State pays practically nothing for information, which is obtained from all sources. Certainly advantage is taken of the number of candidates. At the last general election there were 116 candidates, and he brought with him his committee of electors. Candidates are of assistance at election time in getting people on the roll. The department obtains information also from members for the various districts. The 50 members supply information of their districts practically all the time. The Treasury officer to whom I have referred, after quoting the figures for the State and Commonwealth, said the obvious conclusion was that two services were unnecessary; one service should give
that is required at a considerable saving to both Commonwealth and State treasuries.

85. It is not on the ground of cost, on what ground is it based?—On the question of cost, he said, there are two matters on which the Commonwealth and State Assembly should take over the Commonwealth section. It is not possible to say that an amalgamation was necessary.

86. He is recommending an amalgamation of the rolls and the State is to take over the Commonwealth section?—Yes, if the amalgamation of the State Assembly and Commonwealth rolls; (b) the retention of the Commonwealth Office of the Commonwealth Assembly, and the performance of all other State duties currently carried on by the Commonwealth, as was recommended by the Treasury.

87. By Mr. MCDONALD: In the other States the Commonwealth takes over the State rolls, but the recommendation in this case is to take over the Commonwealth section?—Yes.

88. By Hon. C. G. LATHAM: What is the kernel of the recommendation of the State officer?—His recommendation is that there should be an amalgamation under the State. His report was based solely on financial reasons. I prepared my report at the request of the Public Service Commissioner, who was then Under Treasurer. He was in Canberra on the occasion of the session which dealt with the Premiers' Plan. I made the suggestion, and was desired to ascertain what would be the reduction in cost under the respective methods, either Commonwealth or State control. I arrived at the same conclusions as the Treasury official.

89. By Mr. MCDONALD: I understand the Treasury official recommend that the State should absorb the Commonwealth Electoral Office, on the ground of economy. I was at the same conclusions as the Treasury official.

90. By Mr. MCDONALD: In the other States the Commonwealth takes over the State rolls, but the recommendation here is that Western Australia should take over the Commonwealth office?—Yes.

91. By Hon. J. CORNELL: What is the kernel of the recommendation of the State officer?—His recommendation is that there should be an amalgamation under the State. His report was based solely on financial reasons. I prepared my report at the request of the Public Service Commissioner, who was then Under Treasurer. He was in Canberra on the occasion of the session which dealt with the Premiers' Plan. I made the suggestion, and was desired to ascertain what would be the reduction in cost under the respective methods, either Commonwealth or State control. I arrived at the same conclusions as the Treasury official.

92. He says that an amalgamation of the State Assembly rolls with the Commonwealth rolls would not lead to reduced costs, as against the Commonwealth Office taking over the Federal office, which he said would result in reduced costs?—To both the Commonwealth and the State.

93. By Hon. C. G. LATHAM: He was looking at it from the point of view of State expenditure.

94. By Hon. G. FRASER: There would be no saving to the State if it took over the Commonwealth rolls?—He said that for an increased expenditure of £500 the State could carry out the work.

95. By Hon. G. FRASER: How could there be a saving to the State if it took over the Commonwealth rolls?—The CHAIRMAN: The State would receive the contribution from the Commonwealth for services rendered.

96. The WITNESS: The report goes on to quote figures in the case of the State absorbing the Commonwealth Electoral Office. The present cost to the State is £4,104. The additional cost of amalgamating the Commonwealth office would be £500, a total of £4,840, which is less than the contribution by the Commonwealth of £5,000, leaving a cost to the State £2,164, compared with the present cost of £4,104. It is a saving of £1,940 to the Commonwealth. The cost to the State would then be £1,046 as against £3,940, a reduction of £2,894. On the point of the Commonwealth absorbing the State office, the present cost to the Commonwealth is £2,320, an additional £500 would bring the total to £7,120, less a contribution by the State of £1,000, leaving the Commonwealth cost at £6,120. The present cost to the State is £2,840, but under this arrangement the cost to the Commonwealth would be £1,576. The cost to the tax-payers as a whole would be £7,786, as against the present cost of £10,600, a reduction of £2,814, or 18 per cent.

97. By Hon. J. CORNELL: That is on the compilation of the rolls?—On the activities of both departments, elections being excluded. The cost to the Commonwealth would be £1,576 as against £1,244, and the cost to the Commonwealth would be £6,120, a reduction of £500, or 8 per cent. A combined service could be obtained at a cost to the taxpayer under State control of £4,900. Why should we pay more? On this basis, the Commonwealth and State Governments would obtain the greatest economy. Under Commonwealth control, the cost to the tax-payers would be £3,900.

98. By the CHAIRMAN: That is assuming that all the difficulties attendant on redistribution were overcome?—Yes. The report is prepared purely on the financial basis, all other features being excluded.

99. That presupposes co-terminal boundaries?—Yes.

100. By Hon. J. CORNELL: There would be the same initial cost in the change-over?—Yes, but after that there would be no further annual cost.

101. By Hon. C. G. LATHAM: Do the figures you have quoted mean that they will cover the cost of the work as it is done to-day?—Yes.

102. Would not the alterations have to be effected before the reductions in costs were brought about?—The Treasury officer estimates that the cost upon amalgamation would be £500, whether the Commonwealth or the State took control; that is to say, the expenditure would be increased by that amount.

103. You mean it would cost the Commonwealth £500 extra to do all the additional work which has to be done. If you took over, you would only take over one roll, but if they took over they would take over two rolls?—They would not listen to anything apart from the Assembly rolls.

104. By the CHAIRMAN: You would not say it would only cost £500 extra under existing conditions. Considerable additional expense would be involved in making the boundaries co-terminous?—Yes.

105. No system of amalgamation would be nearly so satisfactory as it would if the boundaries were made co-terminous?—That is so.

106. The estimates which have been prepared cannot be reliable whilst non-terminous boundaries exist, because of the cost of making them co-terminous?—It is contended that if it is done by the board, and that both the boundaries and the legislation are brought into line, the figures are based upon that assumption.

107. By Hon. J. CORNELL: That £500 additional expenditure would be entirely incorrect under existing conditions?—I do not know that it would. It would be a fair estimate from the State point of view except for the initial cost of preparing plans. You would have an intricate set of plans to prepare for the States who prepared them, from our point of view the estimate would cover it.

110. By the CHAIRMAN: That would also mean that when the rolls were printed for the convenience of the State or the Commonwealth, or owing to the inimicities of the State or the Commonwealth, the additional cost would have to be borne by either party?—Yes. Every time these rolls were printed, the party requiring the printing would have to pay.

111. By Hon. J. CORNELL: Assuming that all the difficulties of co-terminous boundaries and other matters incidental thereto could be overcome, do you think it would be possible to give tangible effect to a recommend action of the kind before the next election by the Commonwealth before the next election and the Commonwealth would have to be bound by those 50 districts and the Commonwealth would have to be bound by those 50 districts into five divisions, whereas by the amalgamation the putting of the rolls and the division into districts would be easier than putting the division into districts.

112. But do you think that a change-over could be effected in any given month?—Yes.

113. By the CHAIRMAN: Perhaps we can ask Mr. Bandy whether he considers that the Commonwealth and Tasmania for example, should consider the Commonwealth and the State. Mr. Bandy: I do not think they would.

114. By Hon. J. CORNELL: I think we can dismiss that matter altogether. Assuming there was an amalgamation for city purposes, it would be found that there were a lot of difficulties involved in the way of

115. By Mr. HAWKE: In South Australia, the boundaries do not coincide with the Federal boundaries. They have the same number of divisions and they build into those. In Victoria the province rolls are compiled from the ratepayers’ list. Mr. Duncan in his letter on amalgamation says—Under the joint roll system in Victoria, where the population is very much greater than in Western Australia, it has been possible to provide for all State electoral work, including work incidental to maintaining a Legislative Council roll, being performed by an electoral officer, one clerk and one messenger.

116. By Hon. J. CORNELL: Have you formed any conclusion as to why one State in Australia that has not a Legislative Council has not yet agreed to joint rolls?—I do not know whether the Commonwealth would be prepared to take over those departments as well.

117. Those job is in Victoria, South Australia and Tasmania to compile the Council rolls. In Victoria they are compiled by the staff. The position in South Australia is that there are several electorate offices in South Australia. The boundaries do not coincide with the Federal boundaries. Almost all of them have the same number of divisions and they build into those. In Victoria the province rolls are compiled from the ratepayers’ list. Mr. Duncan in his letter on amalgamation says—Under the joint roll system in Victoria, where the population is very much greater than in Western Australia, it has been possible to provide for all State electoral work, including work incidental to maintaining a Legislative Council roll, being performed by an electoral officer, one clerk and one messenger.

118. By Hon. J. CORNELL: Have you formed any conclusion as to why one State in Australia that has not a Legislative Council has not yet agreed to joint rolls?—I do not know at all.

119. By the CHAIRMAN: Perhaps Mr. Bandy may have some information on the subject.

120. Mr. BANDY: I do not know what the reason is. I know that conferences have taken place from time to time but no headway appears to have been made and Queensland has not been prepared to hand over to the Commonwealth.

121. The WITNESS: For the information of the Commission I propose to submit the report of Mr. Brodribb, Treasury Inspector, and also a letter from Mr. Duncan of Victoria to the Public Service Commissioner of this State. In this letter Mr. Duncan draws attention to the financial benefits that would accrue from an amalgamation. The Treasury Inspector’s report is in reply to that letter. (See Appendices A. and B.)

ROBERT HENRY BANDY, Commonwealth Electoral Officer for Western Australia, examined:

124. The WITNESS: With regard to costs, there appears to be some misconception. I am not aware that because Mr. Brodribb was supplied to you figures supplied to him by an official of the Treasury, to the effect that the State expenditure amounted to £3,040 and the Commonwealth expenditure to £6,030, a difference of £3,090, it appears to me that those figures represent purely administration costs. In my opinion, the question that should be before you is if the amalgamation is agreed to, what costs would the State pay to and what costs would it be relieved of? I regard those figures to be the two essential factors. If you will allow me to come from a communication by my former chief, Mr. Irwin, who was Chief Electoral Officer of the Commonwealth, to Mr. S. Duncan, the Commonwealth Public Service Inspector of New South Wales who was deputed to confer with Mr. Simpson, your former Under Treasurer, when he was in the East, Mr. Irwin wrote to those particulars of the conference, I take it, for the purpose of the conference. After dealing with many questions of law and so forth, he goes on to say—In accordance with the usual practice, the Commonwealth electoral office is prepared to draft the formal agreement, joint regulations, directions, forms, etc., for joint approval, and generally to supervise the details of the introduction of the proposed system, including the preparation of the technical descriptions of the boundaries of the sub-divisions, maps, etc. It will be noted that under the arrangement the whole cost of the joint system is borne by the Commonwealth, except (a) the printing and binding of joint electoral rolls and the material therefor; (b) the printing of books, rolls, and other printed matter used for joint electoral purposes and the materials therefor; (c) special allowances and expenses to individual police officers in the form of extra remuneration as may be agreed upon. These costs are shared equally by the Commonwealth and the State. In practice, no special allowances were so far been paid in any State to police officers. The approximate cost to the State based on an annual re-print of the rolls would be £1,300. A print once in about 18 months would usually meet the Commonwealth requirements. If satisfactory to the State, this would reduce the cost to the State to about £1,000 per annum.

125. The communication goes on to deal with Legislative Council rolls. I do not know whether you want to know anything about that just at present.

126. By Hon. G. FRASER: Whilst we are considering the amalgamation of the two rolls, it may assist us if we have some evidence regarding Legislative Council rolls for this reason, that there will be an expenditure still entailed by the Legislative Council rolls to be printed separately. If there is a proposition from the Commonwealth Electoral Officer to include the Council rolls also, the cost may be minimum.

127. The WITNESS: If I can define clearly that Legislative Council rolls in the States where there has been amalgamation are entirely separate from the Commonwealth amalgamation.

128. By Hon. J. CORNELL: They must be; it could not be otherwise. There would be a different feature altogether in Western Australia.

129. By Hon. G. FRASER: They are still controlled by the States themselves?—Not actually. In South Australia, for instance, under the direction of the Chief Electoral Officer of the State, the rolls are controlled by the Commonwealth Electoral Officer in South Australia, with a staff from the State office; and the salaries of that staff are paid by the State, as also is the cost of printing Legislative Council rolls.

130. By the CHAIRMAN: So, practically, the work is done by the Commonwealth.—Yes.

131. By Mr. HAWKE: All the work is done in one office?—Yes.

132. By Hon. G. FRASER: So the only saving, from the Legislative Council aspect, would be the housing of the section?—Yes.

133. By Hon. A. THOMSON: Is there in any other State a system under which Legislative Assembly and Legislative Council rolls are amalgamated? Would it
be possible to have them amalgamated by distinguishing
with an asterisk the names of electors entitled to
vote for the Legislative Council who are also withholding
their names on the electoral roll of the Legislative Assembly.
Would there be any great difficulty in bringing that system
into operation?—A bit depends on the qualification. So far as
we understand, it cannot be done. Perhaps you may be under a misapprehen-
sion. As regards the Victorian Legislative Assembly an
elector can have his name on two rolls if he has the same
name on the roll for his place of residence and again if he is a pro-
prietary holder. Those names are specially noted by an
asterisk in the Commonwealth rolls. I can produce such a
roll for you to see those notations.
134. I was wondering whether it would be practic-
able to adopt that system here.—That does not refer to
the Upper House roll. It refers to the Assembly
roll.
135. With the roll of asterisks, as mentioned, would
it be possible to have the Upper House roll and the
Assembly roll combined?—The different qualifications
of course, for the Upper House.
136. By Hon. G. FRASER: Generally speaking, the
Legislative Council roll is not being undertaken by the
Commonwealth. There has been a difference feature. It is just being in-
troduced in Victoria, I understand. South Australia has that system, and so of course has Tasmania.
As a matter of fact, in actual practice I presume each State has adopted a
joint Assembly and Commonwealth roll first?—Yes.
137. Having regard to that, the State has princi-
pally endeavoured to merge the Council roll into it?—
Well, into the control. Not into the rolls. With regard to
the cost, I may assume, I cannot comment on the
totals given by Mr. Gordon, because they were not item-
ised. I cannot give you any answer to that, but I can give
you actual figures which obtained at the last elec-
tion; and on the basis of those figures you will get a
fair idea what you will have in the joint system for the
State department.
138. There is this factor, that as regards administra-
tive costs, if the figures given by Mr. Gordon embrace
them, different conditions obtain in one State, because
the cost for the five divisional returning officers and
five clerks to the divisional returning officers,
naturally their salaries would be taken up of ad-
maintenance. There are also the expenses of
the State department of the officers of divisional returning
officers. There are a few now; there were a great many
some years ago. It has been the desire of the
department to have their own work done in the offices of
those divisional returning officers. In the division of
Kal-
garoo, which is such a wide one, and inconvenient to
the electors from the standpoint of finding out their
classification, we have registrars
in various centres such as Moora, Geraldton, and
other places in the North-West. Those registrars
are paid a certain emolument as a retaining fee and a
salary which are paid at the discretion they make on the
rolls. That rather builds up the administrative costs,
which, however, are necessary. These features do not come into the cost of amalgamation as you will do
have seen from the correspondence on the State files.
Letters addressed to the Premier indicate that the only
cost to the State is along the lines I have already
indicated. Following on that, naturally, there would be the
question of the present officers in the State Electoral
Department. In other States they have been absorbed into
the State service by the Public Service Commission. That,
therefore, would be a matter of your own
Public Service Commissioner to deal with, in an en-
voy to absorb those officers into other branches of the
State service. Based on the last election, the cost you
would have to charge is £16. £3, 1d. Printing the main roll in
1934 cost the Commonwealth £2,831 4s., paid to the local
Government printer—I do not know how that amount
would compare with the charge given to the Commonwealth
by the State on the supplementary rolls £316 18s.; binding official and copies of rolls for regis-
tors £54 4s.; binding, etc., interleaved rolls, etc., £10 4s. 6d.; printing forms, books, etc., for a further two
years—would double the cost of £90 16s, 3d.£110 12s. 6d.
Surely, then, the cost of printing the supplementary rolls
would be in about 15 months time, that work would cost
you £2,631 4s.; the binding, etc., of the official rolls, £63
4s.; the binding, etc., of the interleaved rolls, £10 4s. 3d.;
printing forms, books, etc., for a further two years—
that would double the cost of £59 16s. 3d.—£119 12s. 6d.
that would bring the total cost of printing the rolls to £65
9s. 6d. Spread over a period of three years that would
cost £1,963 9s. 9d. per year, and half the cost of
that to the State would be £984 4s. 10d. These are
actual figures based upon the expense of printing, etc.,
and we have just paid for. In addition to that, you would save the cost of postage.
139. By Hon. C. G. LATHAM: You have not provided for the extra rolls that would be
necessary for the State?—I take it you mean the
supplementary rolls.
140. No. Do you distribute as many rolls as the
State Electoral Department distributes now?—I do
not know how many rolls the State department dis-
tributes. We distribute a lot of rolls.
141. By the CHAIRMAN: Our statutory obligation
is to issue a clean roll at election time and supplementary
rolls each six months. In practice the obligation has not been fully complied with account of the ex-
pense involved. It is the practice, when an election is
due, to have the amalgamated roll prepared three or
four months prior to the election, and then to issue,
I believe, additional rolls to show the names of those who
have been enrolled in the interval!
There seems to be an agreement in the other
States to print the rolls every two years and supplementary rolls for the purposes of State elections. Of course it
doing also for Commonwealth elections. It would be
necessary to add that expense to the figures I have given.
142. By Hon. G. FRASER: The Commonwealth
supplementary roll would be small compared with the roll
for the State Assembly?—Yes, because we do not
have supplementary rolls until an election is appro-
aching. If there is an old supplementary roll prepared we
incorporate that in the supplementary roll which may be
necessary for the approaching election. We
principal roll has been prepared for publication in the
meanwhile. With reference to payments made by
the Commonwealth in certain instances, we pay regis-
tors for the performance of Commonwealth
functions, and the State rolls are paid 50 cent
1d. to electoral agents. The latter are generally
postmasters or other reputable citizens in towns where
there are no registrars, and they supply us with information
that has to be obtained. Also there is the allowance
paid to postmen, principally in the metropolitan area,
and in Kalgoorlie and Boulder. This represents the
largest item we have to shoulder in connection with
the rolls, other than at election time. That is the means
by which we secure information for enrolment purposes.
This costs £525 7s. 5d. There are also miscellaneous expenses £10, making a total of £535
13s. 6d. You are not asked to contribute towards those
payments under the proposed amalgamation. All you are
asked to contribute towards the charges are already
early enumerated to you. That is all outlined in the
agreements with other States, which I will read to you
later on. In Victoria amalgamation took place in
1954; in South Australia in 1921, in Tasmania in
1908, and in New South Wales in 1939. The addi-
tional registrars we have appointed are those in
Moora, Geraldton, Mt. Magnet, Meekatharra, Carnarvon,
Port Hedland, and Broome. With regard to the
compulsory enrolment, the Commonwealth will con-
tinue to enforce the compulsory enrolment provisions of the
Commonwealth Electoral Act at the expense to the State, the effect of which will be reflected in
the State under the joint roll, and it will there-
fore be unnecessary to impose any Commonwealth
enrolment laws. In Victoria the average cost of printing
the joint roll every two years and the two supplementary
rolls every third year was £3,050. In South Australia
the present average charge is £3,500 a year. That is
the State on the same basis £2,060. I would like
to read an extract from the South Australian "Han-
sard,", No. 9 of 1924, and the South Australian
Electoral Code Further Amendment Bill in the Legisla-
tive Council. The Attorney General, Hon. W. J. Denny,
in the course of his speech said—
"The Assembly rolls were been taken over by the
Commonwealth in 1920, and have been since kept as part of
the joint roll. The result has been entirely satisfactory to
the State, which has obtained a complete and up-to-date roll than before, while the aver-
age annual saving to the State has been £1,247."
I think that is a very important statement. It was made by a Minister of the Crown in connection with a proposal to take over the Legislative Council roll in South Australia. The Attorney General made that definite statement before Parliament, and said that the arrangement has been entirely satisfactory, and he admitted that the matter was the same as it had been over 21,200. Regarding the question of sub-divisional boundaries, however, that can be dealt with here as it has been in the Eastern States. The proposal purposes of a joint roll. I will give you a concrete illustration to show how the difficulty can be dealt with. Of course, the divisional boundary must be an Parliament decides from time to time. The boundary between the Perth and Fremantle divisions runs through the State district of Leederville, which extends to Norfolk-street on the eastern side, and then west of Fitzgerald-street, which is our divisional boundary. There is nothing to obstruct the Commonwealth in having two subdivisions. The division would be in the division of Perth and the other in the division of Fremantle. If the divisional boundaries were altered, then, of course, the subdivisional boundaries would have to be altered too. We have had such instances in Victoria. If the proposal with the Commonwealth was agreed to, the matter could be dealt with satisfactorily. You have similar instances in Western Australia under your existing electoral laws. There are two subdivisions of the Magna electorate, namely Mr. Lindsay, and Mr. Magarey. The proposed Commonwealth redistribution is approved, the following State rolls will be affected:—the Middle Swan electorate, portion of the Ord electorate, and a portion in the Guildford Commonwealth subdivision, and portion in the Murchison division. In the Canning electorate, portions would be in the Perth, Fremantle, and Swan Commonwealh divisions; the Nulsen electorate would be in the Subiaco partly in the West Subiaco Commonwealth subdivisions; part of the State Leederville electorate would be in the Commonwealth subdivisions of North Perth and Bal-katta, while portions of the West Perth electorate would be in the Commonwealth subdivisions of Balcatta and West Perth. In the State you already have two subdivisions, in one district, therefore you would have the same thing under the proposal with the Commonwealth, even if the boundary does run through them. No difficulty has been experienced in the Eastern States regarding that phase.

143. By Hon. J. CORNELL: I understand you to say that no difficulty would be experienced in making electoral districts of the State subdivisions for Commonwealth electoral purposes, and in effect State divisions would become Federal subdivisions?—Yes, I think so in nearly all cases. In one instance, I produce a copy of the agreement dated the twenty-seventh day of September, 1925, by and between New South Wales and the Commonwealth. (See Appendix C.)

144. By Hon. J. CORNELL: That is the recent agreement you have?—Yes, I also have a copy of the Victorian agreement, which is practically the same.

145. By Hon. A. THOMSON: Is the Victorian Legislative Council elected under different conditions?—Yes. I have been dealing with the amalgamation of Assembly rolls only. A census was taken in June, 1933, and revealed that there were 224,906 males and 204,968 females, a total population of 483,974 for the State. The enrolment at that time was 227,864. I have not particulars of the number of adults in the population. The figures are not yet available from the statistician. The Commonwealth Statistician has at times used the divisor of two into the population to ascertain approximately the proportion of adults. If you divide 483,974 by two, you get 218,474, a discrepancy of 3,000. Of course, you are assuming that the figures are correct. That may account for the difference.

146. By the CHAIRMAN: It is usual to estimate that one-half of the population are adults and one-half children; is that so?—Yes. If you have the enrolment data, you will get the approximate number of habitations in the State.

147. By Hon. C. G. LATHAM: Have you the electoral data for the period?—I have the figures for the 1934 election, as follows:

<table>
<thead>
<tr>
<th>Division</th>
<th>Enrolled</th>
<th>Voted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Forrest</td>
<td>45,423</td>
<td>41,950</td>
</tr>
<tr>
<td>Fremantle</td>
<td>53,524</td>
<td>50,312</td>
</tr>
<tr>
<td>Kalgoorlie</td>
<td>39,228</td>
<td>36,003</td>
</tr>
<tr>
<td>Perth</td>
<td>45,423</td>
<td>41,596</td>
</tr>
<tr>
<td>Swan</td>
<td>45,436</td>
<td>52,933</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td><strong>231,153</strong></td>
<td><strong>217,788</strong></td>
</tr>
</tbody>
</table>

The percentage for the State was 90. In 1931, the percentage for the State was 91.5%. The increase in the percentage in 1934 was due, I think, to the fact that in 1931 Mr. Green was opposed for the Kalgoorlie Division. Last year he was not opposed. When the Divisional Returning Officers selected voters for the polling, many replies were received that they were under the impression that an opposing vote was being required. Mr. Green, therefore, put the question to the electorate.

148. By Hon. A. THOMSON: The fairly large number of electors who voted is attributed by you to compulsory voting?—Yes.

149. What were the percentages previous to the introduction of compulsory voting?—Compulsory voting was given effect to in 1925. The percentages for the various elections were as follows:—

<table>
<thead>
<tr>
<th>Year</th>
<th>Australia</th>
<th>Western Australia</th>
</tr>
</thead>
<tbody>
<tr>
<td>1914</td>
<td>23.65</td>
<td>25.25</td>
</tr>
<tr>
<td>1915</td>
<td>78.60</td>
<td>78.24</td>
</tr>
<tr>
<td>1916</td>
<td>71.30</td>
<td>63.12</td>
</tr>
<tr>
<td>1917</td>
<td>79.56</td>
<td>49.83</td>
</tr>
<tr>
<td>1918</td>
<td>93.64</td>
<td>91.74</td>
</tr>
<tr>
<td>1919</td>
<td>94.45</td>
<td>80.03</td>
</tr>
<tr>
<td>1920</td>
<td>91.60</td>
<td>80.39</td>
</tr>
</tbody>
</table>

Thus, 90 per cent. may be regarded as a fair average for Western Australia under compulsory voting.

150. By the CHAIRMAN: The State or Commonwealth roll would be used for a licensing roll, but the boundaries would have to be determined, and the roll would have to be segregated to ascertain who would be competent to sign petitions. To do that would not be difficult?—No.

151. By Hon. G. FRASER: You think it would not be under the Commonwealth?—No reference is made on the file of the Commonwealth.

152. By Hon. J. CORNELL: Mr. Gordon told the Commission that in five of the States elections were held on the basis of one vote one roll for the Legislative Assembly. Assuming the State Commonwealth electorates would become Commonwealth subdivisions, would that be detrimental to working the thing out?—The divisions do not come into the question. We ask you to ignore them and to recognise subdivisions, but at the same time to recognise divisional boundaries where they cross subdivisions.

153. By the CHAIRMAN: More subdivisions are put in for the sake of convenience, for instance, at Derby, Wyndham and Broome for that reason. There is nothing to prevent us from making one roll for four places and splitting them into as many as is desired. The Minister has power to approve of any subdivisional boundary, but the boundaries of divisions are fixed by the Government of the Commonwealth.

154. Where your divisions and your electorates are not determinative you propose to break up your subdivisions into smaller rolls?—Yes.

155. By Hon. G. FRASER: There is no reason why an electoral district should not be divided into sub-divisions?—No.

156. By the CHAIRMAN: What procedure was adopted to meet the conference which resulted in the agreement of New South Wales and the Commonwealth? What steps would be taken to gain the information for the purpose of bringing up an agreement for each of the State parties? We ask you to ignore what occurred in New South Wales, but I do not that a request was made by Mr. Duncan of New South Wales. What is the situation?—I do not know.

157. By Hon. J. CORNELL: The New South Wales arrangement was made before the Premiers' Plan was discussed?—I understand so.

158. By the CHAIRMAN: What is the practice of your department with regard to the compilation of election sections and proceedings?—Compulsory enrolment always goes on.

159. Is the law rigidly administered?—Always. We have not to resort to police courts.

160. Do you think the present system should be continued?—Yes. The Commonwealth electoral officer has power to impose a penalty. For non-compliance the penalty generally imposed for a first offence is 25s. 6d. and for a second or subsequent offence 25s. 6d.

161. The adjournment must be with the consent of the elector.
In 1931, the decrease is to the fact of returning. When the
persons for not were under Mr. Green
firstly large
ated by you
ous to the minority. advantages in

193.

161. By Hon. C. G. LATHAM: If a person refuses to answer a
departmental inquiry he is liable for a
breach of the Act for failure to reply?—That is the
intent.

162. By Hon. G. FRASER: In the case of no reply
being received in connection with non-enrolment or fail-
ure—Last year we had 58 7s.
In postmen and 2 19s. 1d. on electoral agents for
supplying information per medium of habituation cards
and intervened rolls to enable us to proceed with the
and postcards for non-enrolment. We bore that
cost. We write on the habituation cards the names of
the persons who are enrolled at a certain time. The post-
men have a list with them, visit the houses, and
get the necessary information for which they are
paid. They are Commonwealth officials. It is all
recorded in black and white. We have a record of the
entries and the initials of the officers concerned. Upon
receipt of the information we check it up and pay
accordingly. On the card is marked "left", "de-
ceased" or "missing" as the case may be. If persons
are found who are qualified to be enrolled and are not
on the card their names are entered on yellow cards. By
this means we obtain information with regard to persons
who are not living in the district, and who are not
enrolled nor persons who do not furnish claim cards for the
purpose of being enrolled we take the necessary action to
compel them to do so. Although it is not officially re-
corded there is the practice of posting claim cards for
persons who are not enrolled, to give them advice, and an envelope containing the printed
requirement of the Act. The person who is advised
it is necessary for them to complete the claim cards and
submit them to the department, otherwise they will be
prosecuted.

163. You have a check by means of which you can
ascertain that the cards have been left?—Yes. We have
information that the cards have been left with the
persons to whom I refer. The postman puts in front of
the name on the left-hand corner of the card the letter
"C" to show that the card has been left. Of course the
law requires that the elector himself should look after
this. If the person has not been able to do it, we are
not on the advice given to them we issue Form 12
which is the departmental requisition. These habituation
cards are used only in the metropolitan area and at Kal-
goorlie and Boulder as the case may be. If persons
are found who are qualified to be enrolled and are not
on the card their names are entered on yellow cards. By
this means we obtain information with regard to persons
who are not living in the district, and who are not
enrolled nor persons who do not furnish claim cards for the
purpose of being enrolled we take the necessary action to
compel them to do so. Although it is not officially re-
corded there is the practice of posting claim cards for
persons who are not enrolled, to give them advice, and an envelope containing the printed
requirement of the Act. The person who is advised
it is necessary for them to complete the claim cards and
submit them to the department, otherwise they will be
prosecuted.

164. By Hon. C. G. LATHAM: A fair amount of
guessing must be indulged in—No.

165. How is it known that a person is entitled to be
enrolled?—These inquiries are made by door-
to-door

166. What happens in the case of new houses?—The
postman receives an additional payment in the case of new
houses, because he is paid for the house as well as for
the persons with regard to the enrolment of el-
ectoral agents, that is carried out by postmasters in the
various districts, or other persons who are selected.
They are paid on information supplied. I am now refer-
ing to the intellaid rolls which are used in various districts.

167. What happens if one of these officers becomes a
political agent?—If that is reported to us we would
have to judge whether he was a partisan or not.

168. You would take him off the job?—If the case
is proved we may have to do so.

169. By Hon. G. FRASER: You have a hold over
these officers if they miss anything?—Yes. One of them
might miss a house altogether. Before we take any action
we go through the whole subdivision. We sort all the
names into lexicographical order before the summons
forms are issued. When persons change their ad-


dress from one part of a subdivision to another they are
given a chance to put themselves right. If an elector
refuses to attend at the address in the same subdivision he
is deprived of the right to vote, but he is given time
in which to comply with the law. A tremendous amount
of power is involved in chasing up electors who are not
correctly enrolled.

170. By Hon. C. G. LATHAM: What about a per-
son going from one electorate to another?—The elector
has to reside one month in a subdivision before he is
qualified those enrolments.

171. By Hon. G. FRASER: Provision is made in
the State rolls for a person who is a usual. What
do you do in respect of such a person? Do you enrol
him for the place where he is actually at the time?
No, his place of living when qualified.

172. Is there any rule for a number of men whose home is, say, at Fremantle and who are
travelling in various parts of the State? Do you pro-
vide for them to vote in the suburbs in which they are
going to determine the place of living?—I think the elector
is the person to determine that. It is a dif-
culty that will always occur and it is a hard thing to establish. If you charge a man with failing to enrol at his place of living, you have to
prove that that is his residence. A man may go, say, to
the mines at Leonora and he may have a wife and family
down here. He contributes to the upkeep of his
family and naturally I would say that where his
family lived such was his place of residence, because he
has a fixed intention of returning to the family.

173. So there is no difference actually in the in-
terpretation by the two electoral offices?—So far as
I see no.

174. By the CHAIRMAN: A certain number of
men go to Wyndham from town here each year?—Yes, and a good many of them decide to retain
their names on the roll down here and they vote at Wynd-
ham as absent voters for the subdivision in which they
reside. If those electors have a fixed intention of returning, we have no right to lodge an objection
against their enrolments. If they are absent from place to place, then, of course, we cannot say
that their first place of living is still their place of residence.

175. By Hon. G. FRASER: If the average man
who goes to Wyndham chose Wyndham as his fixed
abode for the time being, then in that case he would
retain his qualifications. With Wyndham as his fixed
abode he would lose his right of enrolment there if he had
any intention of returning to, say, Fremantle. The in-
tention to return to his former home is the governing
factor of enrolment. The elector himself determines
his place of living.

176. By Mr. WISE: How do you check compulsory
enrolment in scattered districts?—By receiving communica-
tions through the post office?—We are faced with that difficulty in a large State like
Western Australia. The only means we have of ob-
taining the information is at election time, or through
an electoral agent. If the agent does not supply us with
that information we have no means of getting it.

177. By the CHAIRMAN: There are many men
scattered all over the North-West who go from one
station to another; how would they be fixed, seeing
that they might wander from one electorate to another?—If we have definite information that they
have gone from one electorate to another, we have
the right to object to their names. If we do not
know where they have gone, we can only assume
that they have a perfect right to enrolment. If we
have no information then, after a month, we have
the right to lodge an objection.

178. By Hon. G. FRASER: In the metropolitan
area you throw out hotel-keepers or lodging-house
keepers the ones of supplying the names of permanent
residents in their establishments: do you adopt a
similar system with regard to persons in the North
West, requiring the manager of a station to furnish
you with a list of those employed by him or living on
the property?—Not to my knowledge. So long as the
electoral agents are doing something to put names on
the rolls, we do not inquire into the methods they
adopt.

179. By Hon. J. CORNELL: The methods you
adopt to find out this are carried out by those
following by the Statistician regarding the cost of
living. He takes a lot of trust, just as you do!—
You have to do that in the far distant places.

180. By the CHAIRMAN: If an election were to take with regard to the enrolment of persons of half-
blood? Do you give people of half-blood the right to
be enrolled?—On that subject I have advice here
annexed. It was given by Sir Isaac Isaacs, who
was then secretary to the Attorney General's depart-
ment, and it was supported by Sir Isaac Isaacs. It
says—

Mr. Attorneys General Denkin advised on the
21st August, 1901: Half-castes are not included in the
omnibus natives' within the meaning of section 137.
of the Constitution. Recommend to advise that half-castes are not disqualified but that all persons in whom aboriginal blood preponderates are disqualified.

91. In this State there are certain half-castes in this State who are the offspring of white men living with or married to aboriginal women. In many cases children have been taken to missions and educated there. Then they have gone to various parts of the State, and have become citizens to the extent of owning land in some instances and paying taxes, and indeed behaving as ordinary white citizens. What would the determination of such a case be?—We would have to inquire, and come to a decision as to the predominance of white blood. There cannot be half and half.

92. By Mr. MCDONALD:—I think that the half-caste has the right to a certificate of exemption, and that the aboriginal should be struck off the electoral roll. The returning officer must be satisfied whether they are half-and-half. The aboriginal parent must be dead. If the aboriginal parent is not dead then the certificate must be refused.

93. By the CHAIRMAN:—It does not arise in the Eastern States. For instance, in Tasmania the last aboriginal died 40 years ago. There are very few in New South Wales, but in Western Australia there are many. I think Mr. Latham would tell you that between York and, say, Bruce Rock, there are between 300 and 400, while Mr. Thomson could tell you that between Beverley and Katanning, if he were given sufficient notice, he could dig out about 1,000 aborigines, and perhaps half of them adults, and a great number of them half-castes. I should say that a lot of these would be keener members of the life of ordinary citizens. Such a position would arise in Western Australia only, and has become a problem here. The general practice is, when it is a case of half and half, to give predominance to the male; and one can go further by going to the male father.

94. By Hon. J. CORNELL:—Is that to say, if the male father is a white man?—Yes, of course. Mr. MCDONALD:—You think that is the general practice, but the opinion which you read to the Commission does not deal with the question of half and half, but with predominance?—Yes, where are we to obtain the predominance from? That is the point.

95. By Mr. W1S1E:—You really adjudicate in every case?—The divisional returning officers do. If there is any doubt in their mind, they refer the matter to me; and if I have any doubt, I refer it to the Crown Law Department. The practice generally followed is to make male to male.

96. In this State there are certain half-castes and three-quarter bloods who are exempt from the provisions of the Aborigines Act; that is to say, they have the standard of a white person. At the moment they do not appear on the State roll. Would you suggest that that would be a good way to keep a check?—Do they comply with the provisions of the Federal Attorney General?

97. No. They may be half and half, but due to their standard of living and their work they are exempt from the provisions of the Aborigines Act. They are also mostly exempt for instructions received.

98. By the CHAIRMAN: Their mode of living, too, is taken into consideration. If they consort with aboriginals, if they are considered as aborigines, with white people all the time, they are classed as white people?—Have you a full record of half-castes here?

99. We have no record from an electoral standpoint—[To the Chief Protectors]—The returning officer would have to consider the aborigines as aborigines. Is that the case?

100. Yes. He has a record of all persons whom he considers worthy of a certificate of exemption. But it does not necessarily follow that if they have a certificate of exemption they are half-castes. The aboriginal blood may predominate.

101. By Hon. J. CORNELL: Will you give us some instances where you have had to consider aborigines?

102. By the CHAIRMAN: For Western Australia, to whom you are responsible, how are you limited in expenditure?—I am granted authority by my Chief Secretary to spend a certain amount monthly. Some items of expenditure that come before me represent more than my monthly limit of expenditure. I have to refer them to the Chief Secretary. The divisional returning officers also pay certain advances for administrative purposes, and from time to time they are reimbursed, through me, by the Commonwealth Sub-Treasury, by which money I can then make advances and pay the claims of others. I am also given authority to pay the Commonwealth Government Printer. That would be quite apart from the Enrolment Officer, which is purely for administrative costs.

103. By Hon. J. CORNELL: Are you empowered to deal with any demand for emergency expenditure above the monthly allowances of the officers?

104. By the CHAIRMAN:—Are the divisional officers responsible to you?—Yes.

105. By Hon. C. G. LATHAM:—How about the cost of printing the rolls?—Payment for that is subject to the Ministerial authority, on receipt of which I pay the Government Printer. That would be quite apart from the Enrolment Officer, which is purely for administrative costs.

106. By Hon. J. CORNELL: Are you responsible to the Chief Electoral Officer for the Commonwealth, who, in turn, is responsible to his Minister?—Yes.

107. By Hon. J. CORNELL:—Have you any security of tenure in your office?—I have the usual security under the Public Service Act and regulations.

108. In other words, you have to do what your Minister tells you?—I should say the Chief Electoral Officer. He directs me.

109. By Hon. G. FRASER: You have protection under the Public Service regulations?—Yes.

110. By Hon. J. CORNELL: You are not responsible to the Commissioner of the Commonwealth?—Yes.

111. By Hon. J. CORNELL: You are responsible to the Chief Electoral Officer for the Commonwealth, who, in turn, is responsible to his Minister?—Yes.

112. By Hon. G. FRASER: You have protection under the Public Service regulations?—Yes.

113. By Hon. G. FRASER: You have protection under the Public Service regulations?—Yes.

114. The Minister could not dismiss you?—No. A board of inquiry would be necessary; I would want to know the reason why.

115. By Hon. J. CORNELL:—Is that correct of enrolments is in your hands?—Not wholly. The divisional returning officers and the electoral registrar have statutory obligations. If the Registrar is not satisfied that the claimant is entitled to be enrolled he must refer the matter to the Chief Returning Officer for decision. The latter must make inquiry and decide the case. In some instances cases are submitted to me for advice but the Divisional Returning Officer must decide the matter. The latter must communicate with me, and I notify the elector. The elector within one calendar month after the receipt of the notification may appeal to a court of summary jurisdiction for an order directing that his name be added to the roll.

116. By Hon. G. FRASER: If there should be any amalgamation of the rolls, the claim card recognised would be the Commonwealth claim card?—Yes.

117. By Hon. J. CORNELL: Since we have had compulsory enrolment here, it has been the practice of electoral agents representing candidates to visit houses and card electors?—We have no such officers; I presume you are referring to canvassers.

118. That is so. These canvassers interview people and get their claim cards signed, promising to send the cards to the Electoral Office. If they consider the elector will not vote for their particular candidate, the canvassers do not send the cards in at all. Have you known of such instances?—Not a single such instance has been brought under any notice of officer during the last 10 years' experience in electoral administration.

119. No elector has reported to you that another man took his card and promised to submit it to the Electoral Office, but did not?—If they consider the claim card so taken by them. No provision for that exists under the Federal law. No. I should advise against any such practice or the issue of any acknowledgment by other than a recognised electoral officer.
toral official. If you were to adopt such a scheme, you would release the elector from his statutory responsibility to send off a card to the returning officer, or to take any action whatever, if he does not wish to vote. The alternative is to put the responsibility on the electoral registrar from whom he receives the enrolled card. He has to see that he is correctly enrolled as soon as he is qualified. That is a stronger factor. As regards the electoral registrars, it is a statutory obligation to correctly register the person who submits his claim card, and to send an acknowledgment to the person concerned. If you were to give any other person the responsibility for the omission of claims, it would be very unsatisfactory. For instance, what assurance have you that the person giving the acknowledgment would sign his own name? None whatever.

209. Has it been your experience that in the last few days before the closing of the rolls hundreds of claim cards are submitted to you?—Yes, that has been the experience on many occasions. No doubt that is due to the energy of the political agents who desire to secure the votes at your hands of persons who may be qualified at that particular time. Naturally, we cannot issue acknowledgments over the counter in such circumstances, because the ordinary inquiries and business would produce that from being done.

210. Naturally you check the names, and do not allow duplications?—That is so.

211. In putting my question to you, I omitted to state that at the time it was in connection with the Legislative Council enrolments that these instances occurred?

—that would not form part of our duties at present.

212. Hon. A. THOMSON:—With compulsory enrolment paid candidates must be permitted to undertake to get people on the roll.

213. By Hon. C. G. LATHAM: Once you get a card you would not prosecute the person for not having been on the roll, because you take action only on information supplied by us.

214. By Mr. WISE: Do not you use an up-to-date State roll in order to trace electors who have failed to enrol for the Commonwealth?—No, we never use the State roll.

215. By Hon. G. FRASER: It struck me that the State roll printed previous to the last State election had been used by the Commonwealth because a number of persons who received blue papers for not being on the Commonwealth roll were people who had been enrolled for the State by me. We looked at the supplementary roll and made a comparison but principally in those districts where we could not get all the information we desired. We have the right to use all resources.

216. By Hon. J. CORNELL: Do you think that compulsory voting in Federal elections has been a success?—Yes. He thinks the proportion of persons who voted in 1895 referendum proved that. From the figures already quoted, I do not think that compulsory voting is generally accepted by the community as a whole.—Yes.

217. Do you think it would be advantageous for the State to adopt it?—Yes; I think the percentage of voters at your last election 1895 referendum proved that. From the figures it must be concluded that compulsory voting has been effective.

218. At one time you had postal voting for the Commonwealth.—Many years ago. It was abolished and reintroduced later.

219. Do you think that the application of compulsory voting has compensated for losses resulting from the abolition of postal voting?—At the time we first had postal voting there was no compulsory voting, and it was as you please whether one voted or not. The percentage of electors who voted was very small, which showed that the methods of voting and the desire to vote were very small as compared with the results achieved under compulsory voting.

220. The fine is the incentive to vote.—I would not say that. I think it is safe to say that many of the electors have been educated to the need for taking a closer interest in the elections.

221. By Hon. C. G. LATHAM: Plus a little pressure by the law?—Perhaps so. Wireless has proved an important factor. It is a great advertising medium and a most important means of assisting candidates to air their views. With advanced educational methods I think the electors are now more conversant with requirements than they were heretofore.

222. By the CHAIRMAN: Do you think that your system of absentee and postal voting has been reasonably effective?—Yes.

223. By Mr. MCDONALD: Do you think your present system of postal voting outside the electorate is liable to lend itself to duplicate voting? The absent voter is required to sign a declaration that he is the person concerned and is qualified to vote under absentee provisions. He signs the declaration in the presence of a presiding official who is a paid officer, for the declaration is witnessed by the official. In turn it goes to the divisional returning officer presiding over the division in which the elector is enrolled. He checks the declaration to ascertain whether it is correct. If it is not correct, it is rejected at the preliminary scrutiny. The next phase is to check the elector's name and enrolment to ascertain whether he is enrolled. If he is, he is given the credit of enrolment and marked on a certified list as an absent voter. When all voting has been recorded, a comparison of all certified lists used in the State is made in the office of the divisional returning officer. Those are the means adopted to ascertain whether there has been any dual voting, and we have not yet proved one case.

224. Hon. J. CORNELL: That bears out my contention that taking things by and large the electorate is fairly honest.

225. By Hon. C. G. LATHAM: Have you any knowledge of the postal voting system as it affects the North-West?—Our system applies throughout the Commonwealth.

226. Have you received complaints regarding your postal voting system?—No, but it follows that in a State like Western Australia, where you have so many remote places with only a monthly or bi-monthly mail, you cannot get a postal vote to a person with only 10 days from the date of nomination to the date of polling. If a person has to make an application, there is no time to do it. In the Northern Territory provision is made to meet such cases. In subdivisions of the Northern Territory such as Alice Springs and Bachelor the returning officer or assistant returning officer, where there is no prescribed polling place in the subdivision, must issue a certificate to the elector, a registered envelope and ballot paper. The elector is required to sign that certificate in the presence of a prescribed authorized witness. He votes in the presence of the authorized witness, envelopes the ballot paper and posts it to the divisional returning officer. No application is required on the part of the voter. The law prescribes that the returning officer or assistant returning officer shall do that.

227. No attempt has been made to do that in the Kimberleys?—Not so far.

228. By Hon. J. CORNELL: Where is that provision made?—In the Northern Territory Act, 1923-25.

229. By Hon. C. G. LATHAM: The representative of the Northern Territory has not a vote in the House of Representatives?—But he has to be elected.

230. By Mr. MCDONALD: What would be the nature of authorized witnesses who have to witness such votes?—They are prescribed by regulation which reads—

96. (1) Subject to the next succeeding sub-section, the following persons shall be authorized witnesses within the meaning of these Regulations:

The Returning Officer for the Territory, the Assistant Returning Officer for a Subdivision of the Territory, all postmasters and postmistresses or postal officials in charge of post offices and all mail contractors carrying mails in the Territory, all magistrates and justices of the peace of the Territory, all adult teachers in the employment of the Territory; all officers of the Department of Trade and Customs stationed in the Territory; all members of the police force of the Territory; all officers in charge of lighthouses and all assistant lighthouse keep-
ers: all legally qualified medical practitioners practising in the Territory; all officers in charge of telegraph stations in the Territory; all railway signal men employed in the Territory; all surveyors in charge of survey camps in the Territory; all officers in charge of well-boring parties in the Territory; all managers of experimental farms in the Territory; all engineers, accountants, and timekeepers engaged on railway construction work in the Territory; all public telephone operators, mine managers, station managers, and station overseers employed in the Territory; all persons in charge of mission stations and all missionaries at mission stations in the Territory and, where an elector is in a State, all those persons who are authorised witnesses within the meaning of Section 36 of the Commonwealth Electoral Act.

(2) No person who is a candidate at an election shall be an authorised witness at that election.

232. By Hon. G. Fraser: What about a place like Bulundulla?—There is a monthly mail there and we also have a polling place there now. The cost of that polling place is distributed over the whole State.

233. By the CHAIRMAN: What provision exists for a person to cast a postal vote anywhere in the North-West? Is a person entitled to do so by the operation of your system?—A postal vote can only be arranged by application. Such application must be made to the nearest divisional returning officer. The result all depends on the mail service.

234. The application of the principle has deterred many people from voting.—That is evident by the distances in Western Australia.

235. By Hon. G. Fraser: What was the percentage of those who voted in the last election for the Kalgoorlie area?—In 1901 in the Kalgoorlie division the percentage was 66.53, but in the last election it was only 50. When a division is not contested in the House of Representatives, it seems to be a factor in the proportion of electors who record their votes for the Senate. In 1901 the number of electors on that roll was 31,932, and now it is 38,283.

236. By Hon. J. Cornell: Is the Commonwealth Electoral Department a separate and distinct department with direct access to the Minister?—No. It is controlled from the Department of the Interior and that department is administered by the secretary and others. The secretary confers with the Minister and I should say would call in the Chief Electoral Officer when necessary. The Minister, the secretary and the Chief Electoral Officer are all at Canberra. The Chief Electoral Officer would have no doubt have to advise the Minister and the secretary on certain points.

The Commission adjourned.

WEDNESDAY, 20TH FEBRUARY, 1905.

Present:
Hon. J. G. Wilcock, M.L.A. (Chairman),
Hon. J. Cornell, M.L.C.,
Hon. G. Fraser, M.L.C.,
Hon. A. Thomson, M.L.C.,
A. R. G. Hanks, Esq., M.L.A.
Hon. C. G. Latham, M.L.A.,
R. R. McDonald, Esq., M.L.A.,
F. J. S. Wise, Esq., M.L.A.

HAROLD RICHARD GORDON, further examined:

237. The WITNESS: I have prepared the following statement:—

Re proposed amendments to Electoral Act, 1907-21.

The amendments submitted for consideration deal mainly with the provisions connected with the enrolment of electors and postal voting.

Under the existing Act the enrolment of electors is governed by Section 45, whereby electors claim enrolment, and their claims remain in the hands of the registrar for a period of 14 days before enrolment is effected. It is suggested that the 14 days' delay in enrolling claims should be done away with, and that all claims should be enrolled forthwith, thus bringing this Statute into line with all the other States and the Commonwealth. To effect this end it will be necessary to amend Section 3 of the present Act by deleting Part III, Division (4), Objections, (1) To claims. This amendment would follow upon the amendment of Section 45 and the repeal of Section 46, the latter section providing for objections within the period of 14 days after the claims are received by the registrar.

A search of the Statutes of the Commonwealth and other States disclose that in four cases enrolment is forthwith, and the sections are quoted for your information:—

Commonwealth—Section 45.
New South Wales—Section 35.
Victoria—Section 18.
Tasmania—Section 32.

In dealing with Section 3 of the present Act it will, of course, be necessary to keep in mind the fact that Sections 45 and 46 will be amended and repealed respectively.

Under Section 4, which contains the interpretations, appears 'Electoral Census.'

In view of Section 44 (a), it is not now possible to have an electoral census, and at the same time insist upon the compulsory provisions with regard to enrolment.

If Section 39, Subsection 3, is referred to, it will be seen that where a census is ordered, only that information which is obtained as a result of such census can be used in the preparation of the roll. The compulsory provisions of the Act do not contemplate that there shall be two systems of compilation; if a census is taken, the result of such census shall alone be used in the preparation of the new roll, whereas the compulsory enrolment provisions mean that there shall be a continuance, from year to year, of the rolls based on claims by electors.

Also, under Section 4, it is proposed to widen the avenue of hearing of appeals by magistrates, permitting a magistrate of a local court to hear appeals, thus doing away with the necessity of electors appearing in a Court of Summary Jurisdiction. At present, if objections to an enrolment are heard, the matter has to go before a magistrate in a police court; and there are reasons why an elector should not be treated as a misdemeanant.
Continuing under the interpretation, Section 4, the title of "Registrar" is extended by adding the word "Deputy," as under the proposal submitted for consideration in the Constitutional machinery whereby the registrars of the Assembly districts may keep that portion of a province roll applicable to their respective districts, and to provide deputies at places where registrars are not available at present.

Section 17, page 6: It is proposed to substitute the word "for" for the word "in," in the fourth line, for an attached address at a place to vote at appointed places outside their districts. This is necessary in order that " absentee" votes may be recorded on the day of the election.

Section 18, page 7: An amendment was carried during the last session of Parliament whereby the State law was brought into line with that of the Commonwealth by adding the words "to all excepting those by kept rolls districts not enrolled." Under Section 46 supplementary rolls have to be printed and issued for each province and district every six months, but on the ground of expenditure during recent years this section has not been given effect to.

The provisions of this act are that rolls shall be printed and reprinted whenever the Minister so directs, and that supplementary rolls shall also be issued under Ministerial direction.

It is not intended to interfere with Section 25, which provides that a printed copy of the roll for every province or district shall be kept at the office of the registrar.

As to Section 27, under which it is mandatory for supplementary rolls to be incorporated with previous supplements, it is suggested that this section should be deleted, as frequently additional small supplements have had to be issued at election times, embodying deletions and corrections.

Section 30, page 11: The reference here is to new rolls; it is proposed to delete these provisions, as new rolls are only applied in extraordinary cases, and no costs have been affected; and, moreover, compilation of rolls by means of electoral census is opposed to Section 44 (a) which provides for enrolment. An electoral census and compulsory enrolment cannot run side by side.

Section 40, page 13: Under Section 1, paragraph (b) (ii) it is proposed to add the words "at their enrolled addresses" before the words "in the district," as in the event of a redistribution it occurs that many electors, although residing in the district, cannot be found at their enrolled addresses.

Section 44 (a) provides that, where you change your place of residence from one address to another, you should give notice thereof; and the proposed amendment to Section 49 would bring both sections into line.

Section 46, Clause 2: The proposal is to enable the registrar of a district with persons similar to those of the Chief Electoral Officer, for the compilation of supplementary rolls in the event of a redistribution.

Section 47: An entirely new clause is proposed covering the objection to enrolment of new claims. The conditions are similar, except that instead of the elector remaining enrolled, if an objection is pending at the time of the issue of the writ, the reverse position will obtain. The registrar will first make his inquiries, and if he is in doubt, after making such inquiries, he may submit his report to the Chief Electoral Officer who, in turn, after making inquiries, will advise the registrar whether or not to continue the enrolment of the elector. If the decision is adverse to the elector, he may appeal, and if the appeal is not decided before the day of the poll, then his name will not appear on the roll.

Section 48: It is proposed to continue the provisions at present contained in Section 47 (e) which permit of an elector appearing in person or by agent, or to forward a statement in writing for the consideration of the magistrate.

Section 49: Under this section the registrar of the province shall receive notice from an elector of any substitution or change in the roll, and the roll shall be altered by the registrar forthwith. No time limit is fixed, with the result that, upon the question being submitted to the Solicitor General for opinion, he ruled that a provincial elector may even on the day of the poll, apply to substitute for his enrolled qualification of the same kind, which he may have lost, a similar qualification within the province. It is manifestly impossible under such conditions to make the alterations to the roll as contemplated, and it is suggested that the elector should give notice to the registrar not later than 6 p.m. on the day of the issue of the writ.

Section 51, subsection (c): To include occupation, in addition to name and address as applied to an elector.

Section 51 (f): Under the Act there is no authority for the Chief Electoral Officer to remedy an error, and it is proposed that he should have such an authority under the new section to be known as (f) (1). Consideration to be given when dealing with the Constitution Act as to whether inmates of charitable institutions should be disqualified. An addition to Section 51 is suggested which will require alteration by a registrar after an order by a magistrate.

Section 52: This section as it present stands has to be read in conjunction with Section 45. Under the latter, claims have to remain in the hands of the registrar for a period of 14 days before enrolment, but under the new proposals claims will be enrolled forthwith, therefore the 14 days provided in Sections 42 and 43 will not be operative, and the rolls will close not later than the hour of 6 p.m. on the day of the
issue of the writ. There is provision for special marking in the event of the name of any person appearing on the roll, for which directions have been issued for cancellation or renewal.

Sections 58, 56, 57 and 58: All these refer to advice from the Registrar General, the Inspector General of the Insures, the Superintendent of Public Charities, and the Comptroller-General of Prisons, respectively, whereby the Electoral Department is advised every three months of the status of electors. It is suggested that it should be reduced to every month, and it has been a matter of practice for years past that one month has been in force.

Section 60: From the reading of this section, it can be imagined that after the notification of the Chief Electoral Officer he would be bound to strike the maiden name of a person recently married off the roll, but the Solicitor General has advised that if the elector fails to claim for her married name, her enrolment must remain under her maiden name. I might mention that the department in the course of its inquiries has found that the universal practice has been that when a female elector marries, she moves from one address to another address. In recent years it has been the practice to send the elector a notice advising her that it is proposed to strike her maiden name off the roll for the address enrolled, and at the same time she receives from the Department a claim card for her altered name and address for completion. I suggest that after the action set out above the Chief Electoral Officer has power to order the removal of the elector’s maiden name from the roll.

Section 75: Under Section 8 of the Constitution Amendment Act, 1899, in the case of biennial elections for the Council, the times for the writs cannot be extended beyond the 21st May. An alteration in the times for the issue of the writs, the receipt of nominations, holding of the poll, and the return of the writs may be necessary to overcome any delays in counting that occur owing to the new provisions relating to absentee voting.

Section 76: Under the law as it stands at present a candidate might nominate for two vacancies. Should they occur at the same time in the one province, the amendment would prevent such an occurrence.

Sections 80 to 98: This division in the present Act deals with voting by post or in absence, and it is proposed to repeal the whole of the sections and re-enact provisions similar in character to those of the Commonwealth and the other States. It is not necessary to enlarge upon the reasons for making the suggested alterations as the recent happenings are sufficient warranty for the consideration of the present provisions and the installation of a system which it is hoped, will minimise if not eliminate the frauds which have been disclosed. The effect of the new provisions is that instead of the elector applying to a postal vote officer, he will in future lodge an application form, which forms will be distributed at every centre in the States. These forms will be addressed to a registrar for any district or province, or to the Chief Electoral Officer, and will be in a form to be prescribed by regulation. It is intended that that form shall have upon it information identifying the elector by his signature, his place of birth and date of birth.

238. By Mr. WISE: Does that mean that an application may be made to a registrar in any district or province with regard to any other district or province—Yes.

239. Then it does not mean that it will apply to the one district alone—No. For instance, a man may be on the South Fremantle roll but be in Brookme prior to the election or nominations, and he will be able to apply to the registrar at Brookme.

240. By Hon. J. CORNELL: You suggest that the form shall have upon it information for the identification of the elector, including his signature, his place of birth and date of birth—The object there is to bring our claim card into line with the Commonwealth practice.

241. By the CHAIRMAN: But does the Commonwealth card include reference to the place of birth of an elector—Yes.

242. By Hon. J. CORNELL: In one instance it is dealing with the regulations, and you propose that it be dealt with by law?—We are permitted to under the Act to make regulations regarding the form of the claim card.

243. But how would you be able to deal with that when you would have before you thousands of these cards?—We would be in the same position as the Commonwealth, who have tens of thousands of claim cards without the help of the title of birth on them. They endeavour to ascertain the information from time to time. The great difficulty arises through lack of data for identification purposes. The State Electoral Department is entirely dependent upon a comparison of signatures. I can show you the signatures of her father and his son, and I would defy the members of the Commission to say which one it is. It would be a matter of impossibility to distinguish between them.

244. By Hon. C. G. LATHAM: And because of that fact you have actually deprived one elector of his right to vote?—Yes, I have. That difficulty applies not only to the signatures of father and son, but also to those of mother and daughter.

245. By Hon. J. CORNELL: If you had the card in the form you suggest, and a man inadvertently forgot the proper date of his birth, and inserted another date, how does it happen that we might have three bases of comparison where to-day we have none. To proceed with my statement—On receipt of the application, the registrar or the Chief Electoral Officer will forward to the elector direct a ballot paper in a form to be prescribed, and the elector shall mark his ballot paper and return it in a specially endorsed envelope having information therein similar to that on the application form and sufficient to identify the applicant elector with the voter.

Moreover, instead of the Returning Officers for the respective districts and provinces being entrusted with the marking off of absentee votes, and postal votes, such votes will be addressed direct to the Chief Electoral Officer, and be distributed by him in sealed boxes for the respective districts and provinces.

It is intended that on the day of the election there will be at each chief polling place and other polling places appointed by the Minister, a sealed ballot box addressed to the Chief Electoral Officer, in which may be placed all absent and postal ballot papers, and at 7 p.m. on the day of the election that box will be closed and sent to the head office and dealt with at head office. There will, of course, be transfers between districts, and where, as stated, in Australia there are 59 Electoral Districts, it is necessary to have a safe place where there could be one clearing of postal and absentee votes for the whole of the State.

It may be that in the metropolitan area the poll will not be declared on the night of the election as has frequently been done, as the head office will have to await the receipt of all boxes from the chief polling places and other appointed polling places, before the clearance of the votes can be effected, and further, preference counts for any province or district will not be dealt with by the Chief Electoral Officer, he will simply count the first preferences and immediately that count is concluded the papers will be placed under seal and forwarded to the returning officer for the province or district concerned.

246. By Mr. HAWKE: In the event of a special ballot box being used in, say, the Merredin booth and some of the ordinary voters lodging their papers in the special box, would they be admitted to the count? Yes, if they were in the ballot box on the night of the election. They would be treated in the same way as at Merredin.

247. By Hon. J. CORNELL: The proposal is a little microscopic in one respect. If there were three candidates for Kimberley, the returning officer would count all the primary votes and you would prevent the postal votes. You would take the first preferences and send them back to Brookme to be allocated? They would not be sent back to Brookme. The postal votes might come from the Kalgoorlie, Albany or Fremantle boxes.

248. But you say the proposal is to count the first preferences and return them for allocation—Yes.
The CHAIRMAN: I suggest that matters of that kind be discussed later.

250. The WITNESS: An additional facility will be afforded to all electors inasmuch as under the present system postal voting only is provided for, there will be the addition of absentee voting in due course. Where the additional facility will be extended as in a scattered population like Western Australia. It is deemed desirable to allow enrolled electors in rural areas to vote by mail or write, provided the election is known as an election. This will only apply, of course, where polling places are not in existence. There are consequential amendments which will result from the adoption of the new system of postal voting or absentee voting, and they will apply to Sections 235, 124, 185, 136, 138, and there will be amendments to Sections 145, 146, and 178.

One difficulty which arises in connection with the proposed absentee and postal voting provisions is in respect to Section 8 of the Constitution Act Amendment Act, 1890. Under Section 8, there may be no extension of time for the return of the writ in the case of biennial elections for the Legislative Council, and it may be that provision will have to be made if any count is delayed by the new provisions.

Section 178: Subsection 4 is amplified by making it obligatory for a presiding officer to obtain a declaration wherein an elector's name is marked as provided for in Section 153, disputed returns: The question to be taken into consideration whether the Chief Electoral Officer, at the hearing before the Court of Disputed Returns, has properly introduced an amendment. With regard to Section 150, although there is a consequential amendment in this section, it is necessary to review the list of documents which have been sent to Parliament House. For instance, it provides that all accounts in connection with the election should be sent to the Clerk of Parliament, but, of course, these accounts form part of the accounting system of the State and, therefore, the funds of the State.

Section 177: The department has been faced with the difficulty of obtaining returns of candidates' electoral expenses, insufficient as at the time of a general election many candidates are granted for advertisement and other purposes, and it is difficult to assess the expenditure for each respective candidate. It is suggested that some amendment should be made permitting the Chief Electoral Officer to assess in such circumstances.

Section 184: Provisions as to bribery or undue influence at elections are matters for legal advice.

Section 202: It is suggested that the time in which prosecutions may be instituted under the Electoral Act shall be extended from six months. It is an observed fact that a number of the amendments submitted the intention is to provide machinery whereby the registrars of Assembly districts can keep their respective sections of a province roll, and in submitting a request for amendments of this kind the intention is, if possible, to amalgamate the Assembly and province rolls. To do this, of course, it is first necessary to give effect to a redistribution of the Upper House, and to simplify the qualifications of province electors. A perusal of Sections 15 and 16 of the Constitution Act Amendment Act, 1890, will show that there are good grounds for giving urgent consideration to a review of the qualifications under which electors can claim enrolment for a province.

Mr. WITNESS: The returns voting when not collected. It is well known that under the Commonwealth Law an election, on the day of the election may claim a vote upon making a declaration under Section 121 of the Commonwealth Act, it is unlikely whether these votes are ever taken into consideration at the counting of the poll. So far as can be learned these declarations are subsequent to the evidence against the electors for having failed to effect proper enrolment. After listening to the deliberations of the Commission I am of the opinion that the Chief Electoral Officer, the Crown Solicitor, Mr. Woll, at last week-end, and he expressed the opinion that not only should the sections to which I have referred be amended, but that various provisions used in evidence against the electors the language of the Act could, with advantage, be shortened. To go into the whole of the details discussed by us would occupy a considerable amount of time, and I propose, therefore, merely to refer to certain sections to show the extent of my interview. I endeavored to ensure to Mr. Woll your intentions as outlined in the minutes of the secretary.

Mr. Woll proposes to place an interpretation of absent vote in Section 4, to provide that in the words, "Minister means the responsible Minister of the Crown charged for the time being with the administration of this Act." because of the provision for the Minister of the Crown charged for the time being with the administration of this Act, because of the provision for Sections 22 and 40 related to similar matters, namely, the preparation of the rolls and suggested that the two provisions should be brought together. Moreover, it applies to Sections 38, 34, 34A, and the declaration of the poll and the return of the writ. Section 147 practically extends an invitation to question the return of the writ. Section 148 refers to the voiding of sections of the Act and reviews the court and court with disputed returns, also refers to the voicing of electors. Mr. Woll is of opinion that those three sections should be brought together, and the part dealing with the court of disputed returns.

251. By Hon. J. C. CORNELL: All of them are machinery provisions?—Yes.

252. So long as the effect is not destroyed, such sections could be consolidated?—Yes.

253. The CHAIRMAN: Before Mr. Gordon gave evidence, and afterwards, the provision suggested amendments proposed to be dealt with and will subsequently form part of the report. If any member wishes to raise a question at this stage, it will be placed on record.

254. By Hon. J. C. CORNELL: In 1933 the then ministerial head of the Electoral Department (Mr. T. A. L. Davy), introduced an amending Bill?—Yes.

255. Clause 3 deals—

Any Chief Electoral Officer in office at the commencement of this subsection, or hereafter appointed under this Act, shall hold office during good behaviour: Provided that the Governor may remove him from office upon the address of both Houses of the Legislature praying for such removal on the ground of proved maladministration or incapacity; and, further, that no person shall be eligible to being appointed or entitled to hold office as Chief Electoral Officer after he has reached the age of sixty-five years. You are aware of that provision?—Yes.

256. Was its inclusion a matter of Government policy or did it arise from any recommendation from the Commission?—I made no recommendations. I believe it was the policy of the Government of the day.

257. Mr. Bandy said yesterday that in the Commonwealth office divisional returning officers, as well as chief returning officers, had certain moneys at their disposal for expenditure on behalf of the department. Is there any such provision in your province?—I have to go through the usual form and obtain approval for my requisitions.

258. If your powers in this respect were enlarged, do you think it would expedite the work in your office?—It is difficult to say what this would do. The last few years circumstances have arisen whereby any powers that were given to officers would have been abrogated by the financial conditions. It may be that the power was sometimes used that the power was hampered, but one has to put up with that because of the exigencies of the times.

259. Hon. J. C. CORNELL: I should like to know if you think that sufficient money has been made available to your department for the proper conduct of its activities.

260. The CHAIRMAN: That is not a fair question to put to a Chancellor of the Exchequer or a Treasury matter. You would not expect an officer of the service to be cross-examined about the Estimates he has put up to the Treasury.

261. By Hon. J. C. CORNELL: My object was to clear up the conception that insufficient money has been given to this department.
The CHAIRMAN: That sort of thing applies to all departments.

262. By Hon. C. G. LATHAM: Provision is made for objection to be raised by other than electoral officers, and is in all respects similar to the previous poll.

264. And for an objection to be taken at any time.—Yes. 

265. By Hon. G. FRASER: In regard to postal voting, the Commonwealth is now considering whether an election is taking place, postal ballot papers are to be sent to people in outlying districts where no polling places are provided. Our object is to provide for the registration of all voters. Would the electoral officers send ballot papers only to the people who registered? I am referring to permanent postal voters. We are providing that they may register, and that at all elections ballot papers will be forwarded to them. Would everyone receive a ballot paper, or would this go only to those who registered—I have read the rules according to the Northern Territory. The provision there is that ballot papers are forwarded to electors in subdivisions where there are no polling places. That is different from our proposal, as there will be polling places in some of our subdivisions.

267. By Hon. C. G. LATHAM: Every elector enrolled there would receive a ballot paper, and in some cases the electors might prefer to go to the polling places. In the case of the Kimberley the electors generally prefer to go to the poll as they are permanent residents.

268. By H. T. CORNELL: In cases where there is no registrar, some cases might be affected—It is provided that if Weaver can appoint a registrar. I refer to a point.

269. In the case of Lake Bub, for instance, would the postmark alone be sufficient to show that the ballot paper will be appointed. I have now referred to that point.

270. In the case of Lake Bub, for instance, would the postmark alone be sufficient to show that the ballot paper will be appointed. I have now referred to that point.

271. By Hon. C. G. LATHAM: Would you permit him to travel from farm to farm to take postal voter—No. In most of the localities south of Geraldton I find that postal deliveries are made twice and three times a week, and there is an election in time to which make application to the registrar. We are not like the Commonwealth who have five registrars; we have 50. I am not going to set up the rolls so that the facilities are available to the electors. The case may be that the registrar should do that. There is no other provision which should meet Mr. Carroll’s desires and it is that if there is no polling place an individual can be registered as an elector to whom a ballot paper will be sent.

272. By Hon. C. G. LATHAM: Suppose I have a vote for York and I desire to go to the Eastern States, it would be possible for me to record a vote between nomination day and polling day—Yes, you could do so at any of 50 places.

273. By Mr. McDONALD: On Section 24 it states with regard to an objection in respect of a voter being on the roll, that if the appeal is not decided before the day of the poll, then the name will not appear on the roll. In your previous notes dealing with the same question you say: "Each elector may vote in absence, but shall not be entitled to vote personally at the poll." If I object to the enrolment of a voter, his name is starred, is it not?

274. And if that objection has not been dealt with finally at the time of the election, what is the position of that voter regarding voting? He can utilise the facilities in respect of voting in absence. Both.

275. That means he can sign a declaration to the effect that he is qualified and then that declaration and his ballot paper are kept until the matter of his right to be on the roll is finally determined.—That is so.

276. His name remains on the roll?—If it is on the roll.

277. Suppose I object to 300 names on the roll of an Assembly district and I hold the view after the writ is issued; it would be impossible for you to determine all my 300 objections in the short time between the issuance of the writ and the date of the poll?—That is the difficulty now.

278. Then the position would be that those names would be starred and the individuals concerned would vote by signing a declaration which would be determined perhaps for some weeks until a decision was given—The decision would have to be given before the declaration of the poll.

279. Might take some weeks if there were a large number of objections.—A somewhat similar position arose in connection with the last Battening Assembly election. Mr. Wise took exception to 300 names on the Battening roll. I did all I could to facilitate the hearing so that the matter might be determined quickly.

280. If I object to 300 names and it turns out ultimately that the objection is not sustainable, those people would not be deprived of their right to vote; it would be a matter for the determination of the magistrates, and I would have no say.

281. By Hon. C. G. LATHAM: You have not yet made provision for voting in absence by a person living in the electorate. If he were in his electorate he could have voted in absence.

282. By Hon. J. CORNELL: You start off with a roll arrived at on the 14 days maturity and you begin the declaration procedure of either you or your registrars having the right to reject the elections in the case of such an election which you cannot do now.—That is so.

283. Therefore, those people will not go on the roll as they do now, and they will not vote—But they can appeal.

284. Say 300 appeals are lodged and you have not decided the appeals, the names remain on the rolls, or if you have decided the appeals you cannot get the names off the rolls and they remain there?—They are all still there; the department will see that a decision is arrived at.

285. Then it is proposed to do what is the practice to-day and a person will not be deprived of his vote—Provided the magistrate rules that the name shall remain on the roll.

286. Hon. J. CORNELL: I do not know how you are going to square that with Section 101 of the Act.

287. By Mr. HAWKE: If a person named on the roll says one week or two weeks after the person has left his established address you think that person would be protected if some provision were made in the Act laying it down that no name was to be objected to or struck off the roll until the person concerned has left his previous address. It might be a somewhat difficult unless we made a house-to-house inquiry on that subject.

288. I have in mind that at the last election the department put a man on a Northam to go from house to house canvassing—Nobody was employed, so we want that.

289. Oh yes—I had nobody employed in Northam.

290. I think you would find, if you made inquiry, that the registrars had a man on there, a man named Leslie.—Not to my knowledge.

291. I think that if you required into the matter, you would find that it was so—I would have to certify the pay sheet.

292. What happened in this case was that the man went from house to house inquiring whether any statement was still living there, and if the answer was in the negative the name would be immediately objected to and struck off. The person objected to might have left the place only a week, and the rolls were due to close in two weeks, so that he would not be able to appeal in time. The same point is another district, as he would not have time to go before the closing of the roll!—That, of course, is my objection to the Commonwealth system on the personal qualification.

293. By the CHAIRMAN: Until a man has the right to get on another roll, he should not be struck off.—That is my aim.

294. Mr. HAWKE: Should not that be laid down in the Acts?

295. The make a note. 296. The motion is from three to have a clause on it.

297. By strictly in order of the premeditated. December, so be struck off any certain that struck off us—Yes Som.

ALBERT

Part 300. By the Commissions given in connection with the Commonwealth Act the same as those necessary. First of all the provisions for that necessitated particular voting at an election, and we there were a raising out of the whole men taking into account of the numbers. The elections, and to the extent that there are not necessary instances to be worked. To Chief Elector and matter the referendum First of all I provides for people to be disqualified voting at an election, be shut off again, or is an abode of the islands or blood. That we have a section Acts An the whole men which I have meant act to be not exactly. Assembly and other matters petit and the sound mind, or from any treason to the Constitution the same disqualifications of all, and the disqualification quoted. It is in Section 17 because both the 18 of the Act, and pur of disqualification with those others.
295. The CHAIRMAN: I will ask the secretary to make a note of that matter. It is highly important.

296. The WITNESS: It has been a principle with the
297. By the CHAIRMAN: That would not be
298. By the CHAIRMAN: Where the
299. By Mr. HAWKE: I want to have it made
certain that a person shall not be objected to or
to be eligible for a new qualification?

ALBERT ASHER WOLFF, Crown Solicitor and Parliamentary Draftsman—

300. By the CHAIRMAN: Will you place before the
301. By the CHAIRMAN: To what evidence you have been asked to
give?—In giving a bird's eye view of the matters I
have discussed with the Chief Electoral Officer, I
have been shown to have been a
302. By the CHAIRMAN: To make some references to the Consti-
303. By the CHAIRMAN: To the provisions of the
304. By the CHAIRMAN: To illustrate some examples. I take it it
is not necessary to go into every detail, but to take some
instances to indicate the principle which

Section 17 of the Constitution Acts Amendment Act, 6,
therefore, should be repealed. That repeals one
annually. Legally I think Section 18 of the Electoral
Act would govern the position regarding both Houses
of Parliament, and that Section 17 of the Constitution
Acts Amendment Act was to apply in all cases.

The Governor may, by regulations, either general or
applicable to any particular roll, specify the
method of preparation and prescribe the rules to be
observed in regard thereto. Any such regulations
can provide that any person entering into enrolment
as an elector for the Assembly shall fill in, sign,
and send to the officer indicted therein a claim for
enrolment in accordance with this Act, and
otherwise comply with the relative provisions of this
Act.

Then the last paragraph of that section definitely pro-
vides for the carrying on of the system of compulsory
enrolment, with penalties for non-compliance. The
same remedy secures have been dealt with in Section
442, where it is definitely stated—

Every person who is entitled to have his name
placed on the roll of any district or sub-district,
and whose name is not on such roll shall (whether
his name is registered on the roll for any other
district or sub-district or not within 21 days after
becoming entitled, fill in and sign in accordance with
this Act a claim in the prescribed form, and
deliver the same to the register of the district or
sub-district, and otherwise comply with the relative
provisions of this Act.

I need not read the remainder of the section. There
you will see there is a definite statutory provision
that makes it obligatory on the person entitled to be
an elector to fill in his claim card. Therefore I say
it is most incongruous to have another section which
provides for regulations dealing with the same matter.

Section 442, which is definite, should be retained and
the other section should be struck out. In Section 49
the other section should be struck out. In Section 49
of the Electoral Act we have provisions embodied in
the measure under the header of "Miscellaneous,
and it appears in Division 5 of Part III, which deals
with enrolments. Section 49 says—

Any elector for a province may apply to substi-
tute for his registered qualification any other
suitable qualification.

The provision there deals with registrations, and I
think it should appear in the regulations that provision
that I have followed that
I have also adopted some modification with
regard to the wording of the existing provision
which, I understand, is in accordance with the wishes
of the Commission. I will read the variation that I
have adopted—

Any elector for a province who was qualified to
be registered as an elector for that province on
the day of the issue of the writ for an election
shall be qualified to vote at that election notwith-
standing that such elector may lose his property
qualification before the date of the poll.

That is to say, should the elector dispose of property
that entitled him to be registered as an elector under
those conditions, he will nevertheless be entitled to
his vote.

301. By Hon. C. G. LATHAM: That would be due
to the fact that the man who sold the property
could not become entitled to vote in the interim?—

302. By Hon. J. CORNELL: I hardly see that the
wording you have indicated would meet the position.
If a leaseholder shifted, he would retain his right to
vote?—That is so. Perhaps in view of what Mr.
Cornell has indicated, it would be better to
perhaps the provision of what "property" covered, were included.

303. By Hon. C. G. LATHAM: We did not want to
deprive a person possessed of a property qualifica-
tion of his vote, and, as such provision was repealed?—Yes. The
probably two persons were involved?—Yes. The
property qualification includes homestead, freeholder or
leaseholder.
304. By the CHAIRMAN: A man might have the qualification on the day of nomination and be entitled to cast a postal vote, but he might not be possessed of a qualification on election day. Yet, according to the law, he was entitled to vote at the earlier stage but not at the election. The vote of anyone who dies should be disallowed—Yes. You would have a record of the vote of such a person.

305. Hon. G. C. LATHAM: A difficulty might arise in that the death might not be registered until some time after the election took place.

306. By the CHAIRMAN: The lines of seven weeks provision is made for in Section 42 of the Act. The deceased of seven weeks before the return of the writ—If a man died in the interim, I think his vote would be void.

307. Hon. G. C. LATHAM: If provision were made in the Act, I was wondering whether it would leave any ground for questioning the result of a poll.

308. The WITNESS: Section 42 of the Act had a proposed amendment attached to it. The idea of that amendment was to provide for a perfected claim. On one side there was to be a form of receipt and on the other side the claim. When an agent took the receipt of the claim, he was to give a receipt. Although certain duties were imposed on a person who received such a claim for transmission to the department, nothing was added as to what should happen if the agent did not forward the claim. Consequently I have remodelled that provision. The amendment submitted for consideration read—

Claims which are intended to be transmitted to the registrar by the hands of some person other than an officer must be on a perfected form, on which the right of the perforations, the form of the claim should not be signed by the person receiving the claim from the claimant, is printed.

Any person not being an officer who receives any such claim by post for transmission to the registrar shall forthwith fill in and sign the receipt form, detach it from the paper and return it to the claimant immediately on receipt of the claim.

Any person so entrusted with the transmission of a claim who neglects or fails to comply with the provisions of the preceding subsection commits an offence. Penalty 250, and if the court is of opinion that the non-compliance is wilful, it may impose imprisonment not exceeding 6 months, in addition to any statutory penalty.

Under that provision whoever takes a claim must make out a receipt and hand it to the person immediately. What I have submitted is merely implementing the idea contained in the proposed amendment.

309. The CHAIRMAN: A man could tear off the part without giving a receipt.

310. Hon. J. C. CORNELL: There is sufficient work to get people on the roll without requiring a receipt to be issued.

311. Hon. J. C. CORNELL: Such a provision would make it more difficult to get a man in the bush on the roll. Mr. Bandey said the Commonwealth had nothing to complain about where the compulsory provisions of the Act were administered.

312. The WITNESS: With regard to Section 47 of the Electoral Act, there was a proposal for an entirely new provision relating to objections.

313. The CHAIRMAN: The Commission in preparing the draft replacement of Section 47 to an appeal from a magistrate by a person whose claim has been objected to. The appeal is dealt with in another section which was put forward to amend Section 47. After considering the whole of the proposed replacement of Section 47, the Chief Electoral Officer and I came to the conclusion that the two provisions should be combined. We speak of on appeal from the magistrate, and in the same section, we should say how that is to be done. In Section 48 there is a general declaration that writs may be in the prescribed form, and shall fix the date for nomination, the polling and the issue of the writ. The present proposal is to fix the date for the return of the writ worked in such as the date for nominations, the polling, and the issue of the writ. I have reversed that provision and set out that, it is fixed for the return of the writ. The effect of (a) the nomination and (c) the polling. As the first date is fixed, so you do fix everything else. I have also twisted around Sections 60, 79, and 71, and have a general provision dealing with the time for the return of the writ first, the second time for the return of the writ second, and that dealing with the time fixed for polling, and that dealing with time fixed for polling, and that dealing with the time fixed for polling. There are additional provisions for sitting by persons who become Ministers. The current practice in the Dominions is that Ministers are generally chosen from members of the party in power. It has been considered, in many jurisdictions, that they should not have to stand the risk of another election. There is ample authority for that.

The wish of the Constitution Acts Amendment Act which apparently makes this vaca-

314. The CHAIRMAN: Amendments have been made in that form. Could a paper be a ballot, or must there be a ballot by which a person, which is the more important, who is chosen as the member of Parliament, accepts an office of pre-

315. The CHAIRMAN: It is only thinly declared by way of a provision that he has to stand for re-election. I think that any person who, after his election accepts an office of profit from the Crown renders his seat vacant, provided he accepts such office as such as such a vacancy is the case of the Crown.

I suppose the idea is that the party is elected by the people, and the Ministers should not have to run the gauntlets of a fresh election.

316. The CHAIRMAN: This is convenient in cases where there may be a short period when efforts are being made to secure a fresh Ministry, after the Government has done somewhat to such an extent that it would be extremely difficult to assign a month as the period. In South Africa the rule was never adopted, and so does not appear in the Union constitution. South Australia rejected it in the first place, as did the Commonwealth, and it has gradually vanished from the other States, while New Zealand, Malta, Southern Rhodesia, and the Irish Free State ignore it. The acceptance of the other post or of two portfolios does not, of course, vacate a seat. The short duration of Commonwealth in Australia and New Zealand is one of the cause of the acceptance of re-elections, and in other countries where it is in vogue its inconvenience has often been noted, but the advantage of allowing thus an expression of the will of the people has been held to outweigh other considerations.

There is one passage in this extract which is inaccurate, where it states that it applies to all the States in Australia. That is not correct as to Western Australia.

317. The CHAIRMAN: Commonwealth Constitution, as states there, a member who holds office in the Executive shall not be disqualified, and he does not have to stand for re-election.

318. By the CHAIRMAN: Western Australia is one of the isolated exceptions in the British Empire, where it is obligatory upon a change of Ministry during the life of the popular House, that the member of the cabinet should seek re-election. This is the decided case of the New Zealand which has been decided to declare the principle whereby members of Parliament who accepted the office in the Executive were not liable to vacate their seats, we would have to amend Sections as well as 37 of the Constitution Acts Amendment Act.
The provisions of the Electoral Act referring to the same thing would have to be struck out, and Sections 42, 48, and 49 would have to be amended.

339. There is a provision dealing with the issue and return of statements of nomination, in order to provide a longer period between the issue of the writ and its return.

340. Certain amendments of a more or less minor character were made, and there is a new section with a proviso to restrict the right of the Chief Electoral Officer under Section 89 to entertain applications after a certain time. I have altered the original draft to provide that the return shall be entered upon the ballot paper when the Chief Electoral Officer or the registrar before the declaration of the nominations or after six o'clock on the morning of the day preceding the polling day, and no return shall be entered upon the ballot paper which is not on the form which has been supplied by the Chief Electoral Officer. Except in one case, and that is where the register has no available forms. The ballot paper must be on the prescribed printed form.

341. By the CHAIRMAN: That will make it inconvenient for a man who may be a considerable distance from a polling place to have to return the saddle form, and then afterwards write for the ballot paper. Could he not say, "My name is on the roll; kindly send me a ballot paper"? Mr. PALMER: Yes, and countersign it.

342. There is another instance where I have combined a couple of sections—138 and 139. Section 138 says that a ballot paper shall be informal, and it sets out the instances where the ballot paper is not on the form which has been supplied by the Chief Electoral Officer. Section 140 says that the ballot paper shall be informal, and it sets out the instances where the ballot paper shall not be informal for any other reason than the reasons enumerated in Section 138, but shall be given effect to according to the intention of the elector, so far as his intention is clear. Then it goes into particulars. What we have done is this: Subsection (1) of Section 139 has been amended in the general description, and I have made Subsection (2) of Section 124 a proviso to the provision of Section 138, that is to say, I have transferred the postal vote provisions to follow the general provisions relating to validating of ballot papers. We have then the general provisions of the ballot papers, and the specific provisions next. Section 142 of the present Act speaks of the returning officer for the province or district accepting or rejecting the total number of votes given for each candidate. In the ordinary case, the returning officer shall give a casting vote, but otherwise he shall not vote at the election in a province or district in which he is presiding. That, I think, has been more properly transferred to a subsequent place, and where it has been put—towards the end of Division IV—will be more appropriate. First there is the provision which has been brought dealing with the progressive count, and there again the returning officer will exercise a casting vote if there is an equality of votes. I will refer you to Section 144 of that Act, which says:

343. If any count is two or more candidates and an equal number of votes, and one of them to be declared defeated, the returning officer shall decide which is to be declared defeated, the returning officer shall decide which is to be declared defeated, the returning officer shall decide which is to be declared defeated. One has to be declared defeated, and the question is which is to be. Suppose there were three candidates and one polled a small number of votes. The returning officer might say, 'Smith and Jones can both go, but Brown can remain in.' I understand that the returning officer comes to a decision on certain recognised principles.

345. By Hon. C. G. LATHAM: Probably one of the candidates will be a sitting member. The returning officer then probably declare in favour of the sitting member. Two or three might have an equal number of votes, and the returning officer would have to decide which of those two would have to go out.

347. By Hon. J. C. LATHAM: Do you consider Section 144 perfect as it stands? Three candidates might die, heat, and therefor I think the returning officer might conceivably have to declare two out of more than one candidate. For that reason I propose the insertion of the word "one" after the word "which." Now, here are three sections, 147 and 148 and 149, which all relate to the same subject. The question is whether they remain as they are? They are necessary in some form, but we seem to have three sections dealing with the same subject matter. Section 147 says—

No election shall be liable to be questioned by reason of any defect in the title or any want of title by any person or by whom such election is held, if such defect or want of title is merely recognised, and no election shall be questioned by reason of such defect or want of title, nor by reason of any formal error or defect in any declaration or other instrument, or in any publication made under this Act or intended to be so made, nor by reason of any such publication being out of time.

That relates more or less to formal errors, as a person not being properly appointed as a returning officer. Section 148 reads—

No election shall be void in consequence solely of any delay in holding the election at the time appointed, or in taking the poll, or in the return of the writ, or in consequence of any impediment of a merely formal nature; and the Governor may adopt such measures as may be necessary for removing any obstacle of a merely formal nature by which the due course of any election might be impeded: Provided that the validity of the election and the measures so taken shall be forthwith declared by the Governor by proclamation. That seems all right, but all three sections deal with the same subject matter.

349. That section includes the case where it would be impossible to hold an election, as not long ago at Tivoli, where the polling place could not be reached because of water? There is power given elsewhere to the Governor to extend the poll. Supposing he did not do it, I do not know whether this section would cure that defect, or whether it would apply. Our Section 148 is on the same lines as the corresponding Queensland section. I do not, however, find our other two sections elsewhere. Our Section 148 provides that an election shall not be voided in consequence solely of any delay in holding the election, at the time appointed, or in taking the poll, or in the return of the writ, or in consequence of any impediment of a merely formal nature. That is all right up to that point; if anything happened by mischance, it could not be taken advantage of. But the section goes on to say—

and the Governor may adopt such measures as may be necessary for removing any obstacle of a merely formal nature by which the due course of any election might be impeded. Provided that the validity of the election and the measures so taken shall be forthwith declared by the Governor by proclamation.

351. Take a returning officer at a polling place where there is only one official. Suppose the official has a heart attack and dies; what would happen then? The polling place would probably be closed because there would be no appointed officer. Sometimes it is difficult to get in touch with the presiding officer. I know of a case where a girl who had been appointed returning officer rang the subscription office the night before the election and told him she would not be able to open the polling place until ten o'clock, because she could not get there earlier, and the time for opening the polling place had passed. In that case I suggested to the presiding officer that he should appoint the postmaster in the place of the girl?—In the event of an error contingency arising such as indicated in Section 140 of the Act, it is absolutely necessary to get the Governor's fiat or proclamation to cure it? Someone might raise the point that if that was not done, the error would not be cured.

352. By Hon. J. C. LATHAM: I think the three sections should be consolidated and that the matter should be made mandatory—Errors which occur inadvertently should not vitiate the election. A proviso of that nature is to be found in the Commonwealth Act, Section 124 of which says—

No election shall be voided on account of any delay in the declaration of nominations, the polling, or the return of the writ, or on account of
the absence or error or omission by any officer which did not affect the result of the election.

322. By Hon. C. G. LATHAM: I should be very chary of inserting that provision, because it means looking for trouble—Yes. We have here a case to prove that the provision requires? Any delay in the holding of the poll does conceivably affect the result of the election. Our Act says 'which shall not affect the result of the election.' That is to say, the man who disputes has got to prove it. The Commonwealth provision says 'which did not affect the result of the election.'

By Mr. McARDLE: Our wording is much better. Yes. As I read the three sections taken together, I think they mean this, that in the case of Sections 147 and 164, if you were within those two sections, the Bill was invalid, and, in addition, in any other case the Governor can cure any irregularity which has occurred whether the poll or after the poll.

324. By Hon. C. G. LATHAM: So long as the informality is not serious. Yes. I have never heard of the powers under Section 148 being used by the Governor, and I should say he would hesitate to use them in anything except a trivial case.

325. By the CHAIRMAN: Therefore it is not necessary to have a proclamation? That is so. Would rather suggest that our provisions are similar to the Commonwealth provisions except as regards the last portion, and bringing the Governor in creates a doubt. If anything is not cured by his proclamation, is it cured at all?

326. By Hon. C. G. LATHAM: But really it can have no influence on the election, can it? No. We have any amount of machinery to cover the case Mr. Latham mentioned. Not long ago we had the case of a presiding officer who suddenly had to go to his father's funeral. He simply left, handing over his books to some one else. He had dealt with a few items to give an indication of what has been done. There are several general matters to which I would draw attention. One question was raised by the Chief Electoral Officer regarding his right to intervene in proceedings. At present he has no such right. He has to be absent. He has no right whatever to intervene in proceedings in connection with disputed return. Recently there was an instance in which it was in doubt right up to the last moment whether the defeated candidate would challenge the position of the elected candidate. I know that the Chief Electoral Officer had in his possession ample evidence to prove wholesale fraud in connection with that election. If the defeated candidate in that instance had not been able to do that would have been difficult. The Chief Electoral Officer would have had to stand aside and allow a man to sit in Parliament for six years, despite the fact that he had no right to hold the position. I know of one instance by leave of the court, the Chief Electoral Officer should have the right to intervene in any case of a disputed return.

327. By Hon. J. L. DONALD: What would you suggest he should have power to be represented where a return was disputed? Yes.

328. By the CHAIRMAN: That was the Chief Electoral Officer's position in the recent incident in the Metropolis Province election and that was what he wanted at the time. If he could have presented the information in his possession, it would have saved the court much time and a great deal of expense. A matter arises under Section 155 of the Electoral Act. The section reads:

Such ballot papers and other documents as may be required by the Court may be produced by the Clerk of the Council or the Clerk of the Assembly, that shall not be available for any other purpose. That matter cropped up in the course of the proceedings that have been referred to in connection with a recent Legislative Council election. The Chief Electoral Officer contended that the documents were confronted with Section 155 which distinctly says that the ballot papers and other documents are to be dealt with in a certain way and cannot be produced for any other purpose. The thing was unimpeachable in that instance. I advised the Chief Electoral Officer to make arrangements for the segregation of the particular ballot papers concerned and to get a warrant under the Criminal Code. The validity of that course was open to doubt but we could not allow such things to go unnoticed. We secured the warrant and seized the particular ballot papers in question. We were faced with an instance where there was no doubt about it; they were forced. We would have been in trouble if everything had been shown to be all right. Someone might have questioned our right to take the ballot papers. That is the addition I am suggesting. Provision is made along those lines in England, and it should be provided for here. When it is desired to query an election, the Chief Electoral Officer has a practice of asking questions and if necessary the election is required to make a declaration. If he makes a declaration it seems that the returning officer must accept the vote. He might make a false declaration; nevertheless the vote goes into the box so long as he says, 'I am the person on the roll and have not voted before,' and complies with the other formalities. Suppose the returning officer well knew that the declaration was untrue. There exists in other jurisdictions power for an officer to protest a vote. He marks on the back of the paper 'protested' and the vote can be identified in case of necessity. Once such a vote is marked, under the existing practice, there is no way to identify it and yet it may be necessary to identify it. That vote might have a marked bearing on the election. I suggest that a simple provision be inserted providing for a protest mark by the presiding officer.

330. By Hon. C. G. LATHAM: Would not that do away with the secrecy of the ballot? It would be reported to only in cases of necessity.

331. How the individual voted would be known because the vote would have been challenged. If there is only one in the box the scrutinizers would know. In the three I cited you would have to know who voted.

332. I think a better system would be to use the absent vote system. I think you might discuss that point with the Chief Electoral Officer—I will do so.

333. By Mr. MCDONALD: The returning officer might know positively that a man is committing a fraud, but if he signs the declaration the vote has to be taken and cannot afterwards be disallowed—I understand that the Chief Electoral Officer can cite such cases.

334. By Hon. J. C. CORNELL: The Chief Electoral Officer said difficulty had been experienced in obtaining the support of candidates' electoral agents. The papers were grouped for advertising and other purposes. He suggested that he should be able to assess such expenses. I think the Act should be made definite that the obligations rests on the candidate. The provision to impose on the candidate the duty of rendering a return of his actual expenses.

335. Hon. J. CORNELL: Candidates are supposed to do that now, but it is not done.

336. Hon. G. FRASER: The candidate is required to show expenditure by himself or on his behalf. That is too drastic. Money is often expended without the knowledge of the candidate.

337. Mr. MCDONALD: The phrase is certainly very wide.

338. Hon. C. G. LATHAM: Sections 172, 173, and 174, dealing with elections expenses might be considered. Yes. You have sections dealing with bribery, corruption, undue influence, and treating. We know that Section 172 is designed to prevent a man scattering large sums of Disputory Securities.

339. Mr. MCDONALD: To prevent the rich man having an unfair advantage.

340. Mr. HAWKE: Those provisions are more or less of a joke in practice.

341. Hon. J. L. DONALD: They should be wiped out or tightened up. We might provide for expenditure incurred by a candidate or by his accredited agent.

342. The CHAIRMAN: The point is whether there is anything calling for an amendment of the law after the one that I advised. I advised the Chief Electoral Officer to make arrangements for the segregation of the particular ballot papers concerned and to get a warrant under the Criminal Code. The
The WITNESS: There is only one more point, and that is in regard to bribery and undue influence. The
point that concerns me is that under the Electoral Act the magistrates can try people for offences which, if taken to be Criminal Code, require a judge and jury. It is somewhat anomalous that a magistrate
should have power to disqualify a man and place him under a serious penalty.

346. By Hon. C. G. LATHAM: Subject to appeal—
Is practice an appeal would, I think, be based on facts,
and it is very difficult to appeal on the facts. The
penalty for bribery and undue influence is payment of
a sum not exceeding £200, or imprisonment for a term
of not exceeding one year. The consequential penalty that
follows is disqualification.

347. That applies only to a man who is returned to
Parliament—Or a man who may want to get in next
time. The Electoral Act says that offences which
are punishable by imprisonment for more than one year are
indefinite offences, and must be tried before a jury. There
is a way out. It could be provided that the pen-
nalties be increased for those offences, and this would
have the effect of ensuring that such cases were tried
before a jury.

348. Irrespective of whether they were major or
minor charges. In that objection it could be left
for the defendant to elect to be dealt with by a court
of summary jurisdiction. In the case of trivial offences,
having to do with elections, the Council could provide
that a man could be dealt with summarily if he elected
to be dealt with in such a way.

349. By the CHAIRMAN: Will you prepare a draft
setting out the optional discretionary powers that could
be exercised in dealing with these people?—Yes. I will
now deal with the Constitution Acts Amendment Act.
The original Act contains provisions relating to the
qualifications of electors of both Houses as well as the
qualifications of persons entitled to become members.
The provisions of the original Act dealing with the
Assembly were taken out of it, that is to say, the provisions
which deal with the qualifications of electors,
whilst the provisions relating to the electors of the Council
were left there, thus creating a somewhat anomalous position. Either you should find all the provisions in the Constitution Act relating to the qualifications of electors for both Houses, or you should find them in the Electoral Act. At the present time we have
one set of provisions in the Electoral Act relating to
the Lower House and another set in another Act relating
to the Upper House. I suggest that we take from the
Constitution Act the provisions relating to the qual-
ifications of electors, and transfer those provisions to the
Electoral Act. Some of the provisions relating to the
cancellation of elections must be settled by reference
where they are. Section 8 in particular relates to the
retirement of members, and one might well argue that it
should be left in the Constitution Act. If you trans-
fer any provision from the Constitution Act I think you
should do the same with the other set relating to the Council.
What I suggest should come out is Subsection 2 of
Section 8 which relates to the issue of writs and which is
peculiarly closelyl. I suggest it should be transferred
to the Electoral Act. Subsection 2 is the subsection
which relates to electoral matters and deals with the
issue and return of the writ. It contains a very rigid
 provision that every writ issued for an election to fill a
vacant seat shall be issued before the 10th April prior
to the occurrence of the vacancy and shall be returned
not later than the 5th May following. I have endeav-
oured to find out why, historically, those dates were fixed
in that way; but I confess that I have not been able
to do so. I have not been able to discover why the issue
of the writ was fixed for before the 10th April. I
cannot assign any reason for that.

350. By Mr. McDoNALD: It is probably due to
seasonal conditions here in the way of cropping—Yes.
At any rate, I understand that in practice it has proved
too rigid, and I suggest that we have a uniform set of
provisions for both Assembly and Council. I think Mr.
Gordon has already detailed some suggestions which
were made as the result of collaboration on that partic-
ular point. If the provisions in question were transferred
to the Electoral Act, you get the benefit of all the elas-
ticity of the section which enables the Governor to post-
pone the various dates for the different steps to be taken
in an election—nominations, polling, and return. I refer
to Section 75 of the Electoral Act, which says—
Subject to the provisions of Section 8 of the Con-
stitution Acts Amendment Act, 1890, the Governor
may extend the time appointed for the nomination
of candidates, the taking of the poll, or the return
of the writ for any election.

For some reason or other it was thought at that time that
Section 8 of the Constitution Acts Amendment Act
should not be disturbed under any consideration. The
result has been that there has been a lack of elasticity
about it.

351. By Hon. J. CORNEIt: Perhaps the date of the
21st May was governed by the first paragraph as to
members vacating their seats?—Probably.

352. In practice, every Government has gone up to
the 7th April, whereas there was no obligation at all on
them to do so. That was the latest date on which they
could issue write, but not the earliest. I understand
that the suggestion now is that there should be some
distinction between the four North Provinces and dis-
tricts as regards the time for issue and return of writs,
as compared with other provinces and districts which
are more accessible.

353. By Hon. C. G. LATHAM: That applies to the
issue of the writs, and not to the return of the writs—
I am afraid we are at cross purposes, because if you
provide a longer time between the issue and the return,
the return day may be the same. I did not mean that
the return day would be different.

354. By Hon. J. CORNELL: What we really agreed
on was this: There is practically a fixed date on
which a Legislative Assembly election shall take
place or the House shall dissolve. There is a
fixed date on which the senior members of the
Legislative Council retiring shall cease to be
members. What we desired, in between, was that the
nominations for the Assembly should all take place
on the one day and that the nominations for the 10 Council
seats should all take place on the same dates in
remote provinces and in remote electorates the writs
would all have to be issued on the one day in the case of
the 10 and the 50, whereas nominations should close earlier
in the remote or more settled parts of the State than
in the more settled parts?—The only thing to be borne
in mind is the rotational retirement of councillors. That
can easily be fixed up by providing that the writs
be returned, say, after the 21st May, which is the date the
Act seems to be wedded to, the person who is returned
dates his election back to the 21st May.

355. The other difficulty we were to overcome is to get a
longer period between nomination and polling. We all
go out together, and the writs must be issued on the one
day. Therefore the polls automatically close on that day.
There is no reason why the man in Perth should be
allowed any more time to get on the roll than the man
in Kimberley—I do not think that matters. That would
give you a uniform set of provisions respecting nomi-
nations and the issue of writs, which is desirable. Sec-
tion 15 raises the vexed question regarding pro-
property qualification.

356. By the CHAIRMAN: Mr. Gordon is to submit
evidence on that point.—Then I need not deal with it.

357. By Hon. J. CORNELL: I think Section 15
should go into the Electoral Act?—I agree. As the
Assembly qualifications are specified in the Electoral
Act, the Council qualifications should be inserted too.

The Commission adjourned.
258. By the CHAIRMAN: We propose to take evidence regarding the qualifications for the Legislative Council—The proposal I have to put forward concerns Sections 15 and 16 of the Constitution Acts Amendment Act, 1899, so far as they relate to the qualifications of Province electors. I submit proposals in lieu of the subsections of Section 15 as they appear in the Act. They are as follows:

f. Has a legal or equitable freehold estate, in possession, situate in the Electoral Province of the clear value of Fifty pounds above all charges and incumbrances affecting the same.

11. Has a leasehold estate in possession situate within the Province of the clear annual value of £17: Provided that the lease thereof—
   (a) has been registered in the Land Titles Office or the Deeds Office for the registration of deeds,
   (b) shall when granted have been for a term of not less than 3 years or contains a clause authorising the lessee to become the purchaser of the land thereby demised.

III. Holds a lease or license from the Crown to pasture, occupy, cultivate or mine upon Crown lands within the Province at a rental of not less than £10 per annum.

IV. (i) In an inhabitant occupier, as owner or tenant of any dwellinghouse within the Province of the clear annual value of £17: Provided that no person shall be entitled to be registered as an elector by reason of being a joint occupier of any dwellinghouse:
   (ii) When a person inhabits any dwellinghouse by virtue of any office, service or employment, and the dwellinghouse is not inhabited by any person under whom the first mentioned person serves in such office, service, or employment, such first mentioned person shall be deemed for the purposes of the previous subsection hereof to be an inhabitant occupier of such dwelling as a tenant.
   (iii) A person shall not be deemed to be an inhabitant occupier of a dwellinghouse unless he, or some member of his family, ordinarily sleeps and has his meals therein; and he shall not necessarily be deemed to be an inhabitant occupier thereof by reason only of the fact that he, or some member of his family, ordinarily sleeps and has his meals therein.

(iv) In this section the term "dwelling house" means any structure of a permanent character, being a fixture to the soil, which is ordinarily capable of being used for human habitation and includes part of a building when that part is separately occupied as a dwelling: Provided that when a dwelling house is only part of a building and any other part thereof is in the occupation as a dwelling of some person other than the occupier of the first mentioned part, such first mentioned part shall not be a dwelling house within the meaning of this section, unless it is structurally severed from such other part of the building and there is no direct means of access between such parts.
some other districts. They would have abandoned their
holding.

But their holdings were not freehold—Such persons are equitable freeholders and registered as the
owners.

Hon. J. CORNELL: If such a person were en-
rolled as a household or ratepayer, what more would he
want?

By the CHAIRMAN: Will you proceed with
your statement?—As our legislation stands, it would ap-
pear to lose the administration that electors may qualify
under too many sections. It is difficult for the officers
under too many sections. It is difficult for the officers
to explain to electors and officers to understand what is the actual
status or the case of an applicant. I will supply typed copies
of the qualifications in other States for purposes of
comparison. Dealing with the proposals I have typed
where it is taken from the South Aus-

363. Supposed there was 3½ years to run contained
a clause authorising an extension of the lease but no
clause regarding purchase, as you stipulated—So the
lease had a currency and not a lease, and in
364. Could objection be taken to the enrolment of a
lease when his lease had only 3½ years to run—
No, so far as the repeal and registration.

365. Such a leaseholder would retain the qualification
until the end of the lease?—Yes, so long as he was

366. Could objection be taken to the enrolment of a
lease when his lease had only 3½ years to run?
No, so far as the repeal and registration.

370. As regards the South Province, it could be
wiped out. There is nothing wrong with the leasehold
quality qualifications. Except that it cannot be checked.
371. It could be checked between elections, but when
many cards are received at 6 p.m. on the day before the
election, they could not be checked. I cannot check it
but do check the qualification between elections.
372. You would have a chance to check it under your
proposals?—Yes, because the leases would be
registered. I understand that a lease for 12 months
has not to be registered.

373. The only way in which you could check it
would be by not putting the applicant on the roll
until you had checked it. You could check it at the
Office in the course of one day.
374. I have sent down claims by freeholders and
they were enrolled, but you had 14 days in which to
make inquiries.—The freeholder can claim to-day
without this provision, but without this provision
I would have to call in all contracts of sale and the
same applies where the claimant is a leaseholder.

375. By Hon. A. THOMSON: Suppose the taxpayer
submitted a claim and did not remove the number of
his lease, his documents probably being in the
bank, could not you obviate the need for sending the
card back to the applicant?—We would have to send
it as registered mail in the Titles Office frequency not held at a particular time.
Sales take place, and we cannot test the qualification
until such time as the sales are registered and
these qualifications are not held at a particular time.

376. By Hon. J. CORNELL: You do not propose
to alter that—?
377. By Hon. H. S. W. PARKER: The equitable
estate is the one concerning which many inquiries
were. Could you not in paragraph 3, after the word
“estate,” insert the words “evidence of which is
available at the Deeds, Titles and Land Office,”
which means the Government would obtain some
revue out of the cases and the whole thing would be
put into proper form. This would also give, as
it would seem to be the will of the electors.

378. By Hon. J. CORNELL: Is it not on record
that these equitable freeholds are so few that
the householder at any dwelling house?

379. By Hon. H. S. W. PARKER: The inclusion
of the words I have suggested would assist you—
Yes. In paragraph 3 I come to the position relating
to the holding of a lease or licence of a flat. Those
are as the Act 10-day. Such leases are all registered.
With regard to paragraph 2, in our Act the word “householder” is used. The
Act says “any householder occupying any dwelling
house.” Section 16 says “if premises are jointly
owned or occupied by more than one person, and
one of the four persons may claim.” It has been ruled
that up to four half owners in number may claim
for the one house. Under the South Australian Act
the words “inhabitants occupying” the department
would restrict the person to a monetary value of £17 per annum as a householder, as we do here, but they do restrict the occupancy of a
dwelling house by joint occupiers. The question of
the householder qualifications has been the subject of
many interpretations by the law officers. I will put
in these opinions for reference by the Commission.

380. When the Constitution Act of 1889 was framed it
was thought that flats would grow to the extent
they have grown. Indeed they are of comparatively
recent growth. I have had several legal opinions expressing
that the qualification of people who occupy flats. One
was acted on for many years, with the result
that enrolment was denied to all persons except those
who occupied flats. A recent interpretation of the
Law Officers has placed an interpretation on the occupants of
flats which permits them to claim provided that
the occupant has unrestricted access to the ground.
They do not restrict the person to a
monetary value of £17 per annum as a householder, as we do here.

381. Under such conditions, the person of the
occupant of the flat can claim as a householder.
Mr. Walker has given extensive opinions on the
matter, and apparently the judges he has quoted have
agreed that a house that can be horizontal of
perpendicular, and that one dwelling house can be
above another without being affected by the
building. We have tried to explain to the electorate their
various qualifications, but have found it difficult to do so in
the case of occupants of flats. Meetings have been
given to the effect that if a person occupies a flat on
a leasehold tenure or claim enrolment as a
leaseholder.

382. A person cannot claim on the householder
qualification if he has a communal interest in a flat.
I refer to persons who have a communal interest in a flat, as distinct
from a communal access. Under such conditions,
the person of the occupant of the flat can claim as a householder.

383. A person cannot claim on the householder
qualification if he has a communal interest in a flat.
I refer to persons who have a communal interest in a flat, as distinct
from a communal access. Under such conditions,
the person of the occupant of the flat can claim as a householder.

384. By Hon. H. S. W. PARKER: The equitable
estate is the one concerning which many inquiries
were. Could you not in paragraph 3, after the word
“estate,” insert the words “evidence of which is
available at the Deeds, Titles and Land Office,”
which means the Government would obtain some
revue out of the cases and the whole thing would be
put into proper form. This would also give, as
it would seem to be the will of the electors.

385. By Hon. J. CORNELL: Is it not on record
that these equitable freeholds are so few that
the householder at any dwelling house?

386. By Hon. J. CORNELL: You do not propose
to alter that—?
387. By Hon. H. S. W. PARKER: The equitable
estate is the one concerning which many inquiries
were. Could you not in paragraph 3, after the word
“estate,” insert the words “evidence of which is
available at the Deeds, Titles and Land Office,”
which means the Government would obtain some
revue out of the cases and the whole thing would be
put into proper form. This would also give, as
it would seem to be the will of the electors.
of the clear annual value of £1. Provided that no person shall be entitled to be registered as an elector by reason of being a joint occupier of any dwellinghouse: When a person inhabits any dwellinghouse for the purposes of business, by virtue of any office, service or employment, and the dwellinghouse is not inhabited by any person under whom the first mentioned person serves in such office, service or employment, such first mentioned person shall be deemed for the purpose of the previous subsection hereof to be an inhabitant occupier of such dwelling as an elector tenant.

Another question has arisen with regard to that. The resident medical officer of the Kalgoorlie hospital has a separate dwelling house, of which he has full control. It is ruled that he cannot claim as a householder. The resident magistrate, occupying a Government building in Kalgoorlie, can claim as a householder. Personally I am not able to see the difference, but the legal interpretation is from such other medical officer cannot claim and that the resident magistrate can claim. That states the position in regard to many others on the same footing.

380. By Hon. J. CORNELIUS: But you do not give effect to that illogical ruling to-day—that is the position as it stands in the Act. If anybody objected, the elector would lose his qualification. The South Australian Act goes on to define the inhabitant occupier of a dwelling-house. He, or some member of his family, has to ordinarily sleep and have his meals therein. And even that is not sufficient qualification, because apparently it is deemed necessary to surround it with conditions. You cannot do those things for the purpose of occupation. Later on, the South Australian Act defines the term "dwelling house" as being a structure of a permanent character which is ordinarily capable of being used for human habitation. Finally, where the flat question crops up, the South Australian Act definitely sets out the position—

Provided that when a dwellinghouse is only part of a building and any other part thereof is in the occupation of a dwelling of some person other than the occupier of the first mentioned part, such first mentioned part shall not be a dwellinghouse within the meaning of this section, unless it is structurally separated from such other part of the building, and there is no direct means of access between such parts.

That, as a matter of fact, is the interpretation we are acting on to-day. However, it is not in our Act.

381. But for that, we would have a lodger vote.—That is actually the position on which we are acting to-day, but only as the result of the legal opinion which appears on this file. The South Australian Act goes even further in defining the members of the family, setting out fully the qualifications.

382. That is quite necessary?—The main thing I am asking for is that the term "householder" should be so qualified that there can be no mistake by electors or by departmental officials what it means. While on this subject I may mention that the words "clear annual value" are used in our Act, and that there is an opinion on this file, given by the ex-Solicitor General, Mr. Sayer, and reading as follows:

But a weekly or monthly tenant or a tenant for one year only, current at the date of his claim, in my opinion has not a householder estate of the annual value within the meaning of para. (3) of Section 15 of the Constitution Act Amendment Act, 1899. Until the words "clear annual value" receive judicial interpretation, I advise that the meaning should be deemed to be the fair rent at which the premises would ordinarily let, the tenant paying rates and taxes.

That has never received a legal interpretation, which apparently, according to Mr. Sayer, it requires. My main difficulty arises on the subject of the right of electors to be enrolled by virtue of their appearing on the electoral roll of a municipality of a road board. At the present time, under the Constitution Act Amendment Act, the electoral list of any municipality or the electoral list of any road board is the indisputable qualification for the purposes of claim enrolment for a province. I suggest that when that Act was passed, in 1899, it was passed on the basis of the Municipalities Act of 1895.

Conditions then were different from what they appear in the subsequent Municipalities Act of 1896. The Legislature had before it in 1895 a great deal of correspondence from what subsequently arose, in 1896. Section 37 of the Municipalities Act of 1895 reads—

Every British subject of full age, being resident within the Colony, and not disqualified from any legal in capacity, who—(1) on the first day of January of any year is, and since the thirtieth day of June next preceding has been, seized of or in occupation of, as owner or occupier, any rateable lands within the limits of any municipality; and (2) has paid all rates and assessments due and payable by him to the council of the said municipality up to the time of such enrolment; and (3) has been since the first day of January next following in receipt of any public relief or alms, shall be entitled to have his name inserted upon the municipal electoral list for such municipality, and the ward electoral list for each and every ward in which any such lands are situated.

That qualification was one on which the 1899 Constitution Act was based, and I submit that, on reading it, it has all the appearance of being intended to apply to persons who actually pay the rates attaching to any freehold or leasehold land. To-day the position is that they make no promises, whether they be part of a building or an office in a building, if it is found at a certain time by the canvasser of the municipality to be in occupation, can be enrolled on the municipal roll; and I have obtained from the Perth municipality a description of the conditions under which these enrolments are effected. It reads—

A house-to-house canvass is made each year, and the person responsible to the landlord for the rent only is placed on the rate list. That house-to-house canvass refers, apparently, to dwelling houses.

383. By the CHAIRMAN: We want to cut out municipal rate lists and everything like that—I want to explain my reasons.

384. Hon. G. FRASER: In my estimation, the system is absurd and illogical.

385. The WITNESS: That the intention was for the actual ratepayers to be enrolled becomes evident from the debate on the 1899 Amendment Act referred to. A member of the Legislative Council, speaking on the Constitution Amendment Act, 1899, on the 21st October, 1899, said ("Hansard," page 1986).

Of course hon. members may know, if they have studied the municipal Acts at all, that no man's name will ever be struck off an electoral list for a municipality as provided in this Bill. The name is not put on unless the person pays his rates, but in this Bill the idea is apparently that a name, having been put on, shall not be struck off owing to non-payment of rates.

Under Section 407 of the present Municipalities Act rates in the first instance are payable by the occupier, although at the option of the council recoverable from the owner. The section says—

Provided that if recovered from the occupier, he may deduct rates from rent payable to the owner unless there is a special agreement to the contrary. The occupier's liability is a tenant one. It does not abide with him. He is only liable for paying rent, and the land or the building is the mainstay of his business, for the collection of his rates. That seems to me to be the intended interpretation. Inquiries made show that in many instances occupiers of offices pay rent only. They are not responsible for any liabilities (2) hence rates on the property of which their offices form a part. The department have found it difficult to discriminate between the occupant of an office paying £1 a week rent.
and being on the municipal electoral list as the occupier, and a person is paying £1 2s. a week rent for a room and being on the municipal electoral list as the occupier. Section 49 was subsequently amended so that rates were not recoverable from the person, unless a roll was in existence who was in occupation as a trustee for a bankrupt estate or a liquidator of a company.

Again it would appear that liability for the payment of rates and inclusion in the electoral roll is the same in the Constitution Act.

By Hon. J. Cornell: Is that any reason why should wipe out the provisions of the Municipalities Act and the Road Districts Act, so they stand to-day, override those provisions of the Constitution Act?

The Attorney General would remember that, and he would understand the point.

At this stage the member put the question to the then Attorney General: 'Does the bill now legally provide against that?' The Attorney General replied that it did. I quote that extract to indicate the intention of Parliament at that time, namely, that you cannot put on the roll an unlimited number of persons for one building.

380. That applies to freeholders as well as to leaseholders—I have in mind one instance where there are ten joint freeholders. Four of them have been registered and the other six have been refused enrolment.

380. By Hon. H. S. W. Parker: That can also apply to establish that the large building has been left to be occupied by others, and the others would have to remain off the roll. The last matter I wish to refer to is not mentioned in the Act, but it is one of importance to the department. If the provincial rolls for this State are inspected, it will be found that they contain the names of a large number of owners who are no longer resident in the State. We make every effort to ascertain their whereabouts, but if they do not reply to the notices, we have difficulty in marking them as vacant. The only information we place against their names on the roll is that they have not paid their rates. The Attorney General would be glad to know whether we can obtain the address of these owners.

The Attorney General would remember that, and he would understand the point.

At this stage the member put the question to the then Attorney General: 'Does the bill now legally provide against that?' The Attorney General replied that it did. I quote that extract to indicate the intention of Parliament at that time, namely, that you cannot put on the roll an unlimited number of persons for one building.

380. That applies to freeholders as well as to leaseholders—I have in mind one instance where there are ten joint freeholders. Four of them have been registered and the other six have been refused enrolment.

380. By Hon. H. S. W. Parker: That can also apply to establish that the large building has been left to be occupied by others, and the others would have to remain off the roll. The last matter I wish to refer to is not mentioned in the Act, but it is one of importance to the department. If the provincial rolls for this State are inspected, it will be found that they contain the names of a large number of owners who are no longer resident in the State. We make every effort to ascertain their whereabouts, but if they do not reply to the notices, we have difficulty in marking them as vacant. The only information we place against their names on the roll is that they have not paid their rates. The Attorney General would be glad to know whether we can obtain the address of these owners.

These names are correct as far as they have been registered. But in one instance, which is not mentioned in the Act, but it is one of importance to the department. If the provincial rolls for this State are inspected, it will be found that they contain the names of a large number of owners who are no longer resident in the State. We make every effort to ascertain their whereabouts, but if they do not reply to the notices, we have difficulty in marking them as vacant. The only information we place against their names on the roll is that they have not paid their rates. The Attorney General would be glad to know whether we can obtain the address of these owners.

These names are correct as far as they have been registered. But in one instance, which is not mentioned in the Act, but it is one of importance to the department. If the provincial rolls for this State are inspected, it will be found that they contain the names of a large number of owners who are no longer resident in the State. We make every effort to ascertain their whereabouts, but if they do not reply to the notices, we have difficulty in marking them as vacant. The only information we place against their names on the roll is that they have not paid their rates. The Attorney General would be glad to know whether we can obtain the address of these owners.
393. The present method is rather cumbersome!—
We will accept a written notification of change of address.
We like to get a new card for such a change.
We do not use the card in general use, but if we get written notification we alter the address on the card and embody a reference to the letter, which we place on the file, as an indication of our authority to make the alteration.
With regard to Upper House enrolments we go further than that. Should an elector claim for a fresh address for the Assembly, leaving his Council enrolment intact, we write to him at his new Assembly address and ask him if he still retains his Council qualification to entitle him to enrolment. If he replies that he does, then, without putting him to the necessity of providing a new province card, we alter his address on his province card accordingly, irrespective of where the elector may be.
We alter the address where the department can ascertain the details at some future date.
395. Say he has a household qualification; he must fill in the card?—Yes.
396. That is only in the case of a fresh holder; say he is registered for the house in which he is living and he goes elsewhere, then you merely change the address.
If there is any change in the qualification he must fill in a fresh card?—That is so.
397. By Hon. J. CORNELL: Regarding the striking off the Legislative Council roll the names of people domiciled outside the State, has there been any great inconvenience caused to the department?—The only inconvenience caused has been to candidates going up for election. It is inconvenient to the department to this extent, that we do not put the candidate in the index until we have exhausted every avenue of ascertaining the person's Assembly address. We send out three or four notices to endeavour to obtain the information. We make a search in the Titles Office to ascertain whether the person is still qualified, and eventually the card goes into the index and it is endorsed 'Qualification O.K., address unknown.'
398. I can quote a number of instances. One is that of a resident of Boulder whose whole property was in Western Australia. His name was taken off the roll because you could not find his address. He came back to the State when an election was taking place and was furious because he could not vote. It is possible for such a thing to take place?—Yes.
399. By Hon. H. S. W. PARKER: Could you not provide something to this effect 'who shall have resided in Western Australia for six months'? If a man goes away for a trip for six or 12 months or more, he is still a resident of Western Australia—We make inquiries. I could mention the names of many persons who are constantly coming and going.
400. By Hon. J. CORNELL: You say that the ratepayer provision should be struck out; that would be penalising in some cases people in remote parts as compared with a man who, say, was next to the town hall. A gold mining company may be paying £100 in rates, and in that case you put the name of the attorney on the roll?—That is so.
401. By Hon. H. S. W. PARKER: Presumably the attorney has a household vote?—The same thing applies with regard to members of the Upper House representing the North Province. They are not enrolled for that province.
402. By Hon. J. CORNELL: There is another instance that can be quoted, and it is not so much in the city as in the country towns. A husband may own business premises and residential premises. He can only be enrolled once?—Yes.
403. He might be the biggest business man in the town and the biggest ratepayer, and under your proposal he can only be enrolled once; but if his wife owned the freehold both could be enrolled—That is so.
404. Is it not a fair thing that if he pays rates in his wife's name on the premises they are living in, and in his own name on his business premises, they should have an equal right to vote, just as in the case of the person who by deed of gift presents his wife with a house?—I am pointing out what I think are the abuses of the present system.
405. By Hon. H. S. W. PARKER: In paragraph (b) of Clause 2 of your proposal you say 'shall when granted have been for a term of not less than three years or contains a clause authorising the lessee to become the purchaser of the land thereby demised,' may I assume that it is flimsy to give an option holder the right to vote?—I have taken these suggestions from the Act of another State.
406. Then you suggest 'is an inhabitant occupier, as owner or tenant of any dwelling house within the province, of the clear annual value of £17.' Would it not be simpler all round to say 'is an inhabitant occupier of any dwelling house within the province'?—That may be so.
407. Can you tell us whether the words 'owner or tenant' have any special meaning?—Many owners are occupiers of their premises, and the word 'occupier,' as it appears in Sections 15 and 16, has been wrongly interpreted.
408. Then again you say 'the clear annual value of £17?' Is it possible for an inhabitant occupier to be the occupier of a dwelling house that is not worth £17 a year?—Under the Bond District Acts you can be the owner of premises evicted on unalienated Crown land and you can be enrolled. The nature of the premises makes no difference.
409. Is there any need for the words 'of the clear annual value of £17'? I am not suggesting that the figure should be more or less than £17, but because of my experience, tell me whether an inhabitant occupier could possibly have a place of less than a clear annual value of £17?
410. The CHAIRMAN: On the timber leases throughout the State where there are 2,000 or 3,000 people the rents charged are 4a, 5a, or perhaps 6a a week. A majority of those people are not entitled to enrolment because of this discriminating section.
411. Hon. H. S. W. PARKER: In ordinary circumstances the premises are worth that figure.
412. By Hon. H. S. W. PARKER: Next you say that a person shall not be deemed to be an inhabitant occupier unless he or some member of his family ordinarily sleeps or has his meals therein. From my reading of the subsection it appears to be an attempt to circumvent any action by a person to use the premises for the purpose of becoming a resident occupier. Would it not cause a lot of confusion to you as draftsman?—No, there are many places, particularly in the country, where a father occupies the main premises and sons occupy other houses on the same land.
413. The CHAIRMAN: That would not make any difference. They could all claim for the properties on which they resided.
414. By Hon. H. S. W. PARKER: I think it is intended to cover a person such as a navvy, who may be away for months at a time. He would ordinarily sleep at home. The same applies to a commercial traveller.
415. The WITNESS: It might be amended to over the point made by Mr. Parker. Many individuals are away for considerable periods and the elector might be objected to on the ground that he did not ordinarily sleep there, though some member of his family might sleep there.
416. By Hon. J. CORNELL: There are thousands of women on the roll as householders and the actual householder is the husband?—I do not know where they are.
417. By Hon. H. S. W. PARKER: When a man is at home only occasionally his wife gets the vote? It might easily apply in this State because many electors leave home for lengthy periods.
418. Take shepherds—Take employees of the Wyndham Meat Works who leave Perth for six or seven months of the year.
419. They would ordinarily sleep and have their meals at home?—Yes, and be away only temporarily.
420. I cannot see the effect of the words 'or some member of his family'?—The words would not apply to the qualification for him so long as his wife resided there. Quite a number of employees of the Wyndham Meat Works claimed enrolment for the district
I have not in want,
you perchance in the metropolitan area?

There was no one there.

He would not ordinarily sleep or reside there.

If he says "he or some member of his family,"—if you read on you will find it says that he is not necessarily been a residence occupier.

If a man claims as a householder, he should have some proof that he is domiciled there by himself or someone else.

His wife should get the vote if he cannot.

She should.

There should be only one inhabitant occupier for such a house. If a man is away he claims to be an inhabitant occupier because his family sleep there.

The CHAIRMAN: The provision worked arbitrarily during the war.

The women got the vote.

Hundreds did not.

Witness: We do not permit women to be enrolled as householders unless we make inquiries as to their status.

By Hon. J. CORNELL: Reference to the clear annual value of £17 is not found in the South Australian Act.

I have no objection to the new proposals except that I question the words "which is ordinarily capable of being used for the purposes of human habitation," and the clear annual value of £17. After all, a house is a structure in which a man is prepared to live!—That is why I suggest that road board and municipal electoral lists might be used in confirmation of values, not for the purpose of enrolments.

By Hon. G. FRASER: I do not think we should include the reference to the £17 clear annual value.

By Hon. J. CORNELL: That is your policy.

By Hon. G. FRASER: It would not affect me at all.

The CHAIRMAN: It would not affect anyone in the metropolitan area.

Mr. HAWKE: Could not we amplify the definition of dwelling house, and cut out the reference to the clear annual value of £17? I want to provide against bunkum.

By Hon. J. CORNELL: Then the registrar would have to inspect them, and he could not inspect all.

The WITNESS: Under the Road Districts Act the manner in which a roll might be prepared must be approved by the Electoral Department. Section 5 contains an interpretation of "owner." If a person has, without title, any tent, camp or other habitation on any land belonging to another person, or is in the unauthorised occupation of any human habitation, he is deemed to be the owner of the land on which the habitation stands. One of the objects is to get men on the roll for road board elections.

By Hon. J. CORNELL: Suppose a person puts in a claim and rated at £25 in some road district—Let me instance Leonora. People there are allowed squat on town blocks. They claimed as householders, and hence were not rated high enough to conform to the provisions of the Constitution Act. I referred all such claims to the secretary of the road board under Section 35 of the Electoral Act, and asked him what rental the premises in which these people were living could reasonably be expected from them. He gave me the figure, and in that figure I either objected to or allowed the enrolment.

Did you not allow the enrolments first and make inquiries afterwards?—No, I made all inquiries first.

By Hon. G. FRASER: With the £17 clear annual value in the metropolitan area, you cannot have much idea as to which claims you might have to investigate. We have a pretty fair idea of the localities and what they are like.

By Mr. MC DONALD: If a claimant is paying £6 a week rent, he will hardly apply for enrolment because he knows he will be liable to a penalty.—We had the solicitor general's opinion that the occupant of a house need not necessarily be paying rent so long as he is occupying a house of that particular value.

By Hon. H. S. W. PARKER: With the provisions it is proposed to make you will have additional opportunity of checking all these things.—Yes.

By the CHAIRMAN: Will you have drafted a clause defining "habitation," that will give people who have reasonable qualifications the right to vote?—Yes.

By Hon. G. FRASER: You are proposing to cut out the joint householders.—Yes.

I do not think that is right. There are many families who previously lived in a house by themselves, but are now living with perhaps two or three other families in the same house. That is the house direct to the landlord and have their own part of the house to live in.—Under Subsection 5 of what I propose you would apply to these people the same rule as would be applied to inhabitants of certain types of flats.

You are cutting out the joint householders and the "flat-ites"—Yes, unless the claimant is in a position to say that he is his own landlord.—By Hon. H. S. W. PARKER: You are cutting out the people who are living in one house as a common residence.—Yes.

By Mr. MC DONALD: The principle of the franchise for the Legislative Council seems to me to be that the elector shall have shown that he has undertaken the responsibilities of citizenship in a permanent way, or in other words that he has a stake in the country. Take the example of a building like that of the A.M.P. Society. Under our proposals the tenants of those offices, unless they hold a three-years' lease, would not be eligible to vote for the Legislative Council.—That is so. It may be by a lease or under a special agreement.

At present, such tenants have a vote by being on the municipal occupiers' list.—Yes.

A man may therefore be a tenant of a suite of offices at £200 a year and yet have not a vote in respect of those offices unless he paid the rates.—That is so.

Whereas another man in the same province paying £6, 6d. a week for a dwelling house would have a vote.—There would not be one such case in this particular province, I should imagine.

Take the case of a man in another province paying £6, 6d. a week rent; he would have a vote.—Yes, and the liability to pay rates.

The two cases I gave would appear to represent an anomaly, but think the anomaly is difficult to remedy because if an office holder were given a vote it would then be hard to refuse to give a vote to a man who has a room in a dwelling house.—That is so. That is the difficulty we find.

By the CHAIRMAN: Or a man who has a room in a hotel?—Yes.

Mr. MC DONALD: In other words, what may be described as a hotelier's vote in one sense. Like Mr. Gordon, I do not at the present moment see the means of reconciling the two, and so I just propose to give the matter a further consideration.

The CHAIRMAN: The whole position bristles with anomalies.

The WITNESS: What I seek to bring before the Commission is that the rate lists of municipalities and road boards to-day are ostensibly lists of those persons who are responsible for the upkeep of premises, responsible for some property qualification; and that is...
a matter which is reviewed by the municipalities and road boards each year, because from that source they derive their revenue. It is to the man who actually does pay the rates that I think the provisions of the Constitution Act are intended to apply, not to the person who is merely an occupier from week to week, who happens to be the occupier on the day on which the roll is prepared, there being another occupier the next week. The intention of the Constitution Act appears to me to be that the land and the appurtenances thereto shall bear the responsibility of the property qualification, and not altogether the individual. There is provision for the individual under the householder or occupier qualification.

465. By the CHAIRMAN: There are comparatively few people in responsible positions who have not an establishment of some kind for which they can claim a vote—I am not suggesting that a ratepayer who actually pays rates should not be enrolled. I think the Commission might consider the point.

466. In 90 per cent of such cases would not the man have a house in respect of which he would have a householder qualification?—Yes.

467. Mr. MCDONALD. There is an aspect which has not yet been discussed—whether or not it is desirable to consider the question of taking votes in places like hospitals.

468. The CHAIRMAN: I have a letter on that subject from Mr. James A. Moore, dated the 21st Instant, which I may read—

There is one aspect of the Electoral Act dealing with the method of taking votes from patients at the several public and private hospitals in the metropolitan and suburban areas that in my opinion should be amended. From an experience of over 30 years as a postal vote officer, as well as acting as registrar, returning officer and grading officer, I have come in contact with some strange experiences. My idea is, that for the purpose of obtaining postal votes in the above institutions, one or two officials of the Electoral Department should be appointed.

469. The WITNESS: At the last Assembly elections the hospitals generally refused access to counters and postal vote officers. I arranged them for three or four members of the Public Service to give their own time, or whatever time they could spare from their duties, to attend the Perth Hospital to take postal votes. Mr. Moore was ostensibly employed by the Electoral Department for that work. He was on tap at the hospital for that purpose. As requests came in, he attended and took the votes of sick people. He took a large proportion of that class of vote recorded in the Perth Hospital and other hospitals. There is no reason why, under the proposed legislation, such applications could not be made, and they would be attended to. The department like to assist people in that position. We arranged with the authorities at the Perth Hospital to fix stated times when departmental officers would be in attendance.

470. By Hon. J. CORNELL: Section 71 of the Queensland Elections Act is very comprehensive (section read) and is more rigid than what you propose?—The provisions of that section are very much along the lines of what is proposed in the amending Bill.

The Commission adjourned.
APPENDIX A.

COMMONWEALTH OF AUSTRALIA.

Public Service Inspector’s Office,
Commonwealth Bank Building (8th Floor),
Martin Place, Sydney, 16th June, 1931.

Dear Sir,

Overlapping and Duplication—Electoral Branches.

1. You will remember that we discussed very briefly in Melbourne the prospects of utilising one authority in connection with Electoral work for the Commonwealth and State Governments.

2. I have been giving some further consideration to this, among other subjects.

The two aspects for discussion seem to be—

(1) the possibility of a joint roll to meet Commonwealth and State Legislative Assembly requirements, being collected and maintained by one Electoral authority; and

(2) the possibility of conducting elections by one set of officers.

3. For the moment I suggest that we consider only the former, because it would seem prima facie that there may be very strong reasons to support the view that each Government should be responsible for the conduct of its own elections. The occurrence of, say, a State election and a Commonwealth election or a referendum at or about the same time might produce difficulties. In addition, the Government would, no doubt, prefer to be able to deal with one of its own officers in making arrangements for an election rather than with one who is primarily the representative of another Government.

4. I suggest, therefore, that we leave the subject of the co-ordination of arrangements for the conduct of elections for later consideration, and direct our immediate attention to the possibility of eliminating expenditure in connection with the collection and maintenance of two electoral rolls.

5. You are aware that the subject was discussed at the Premiers’ Conference in February, 1931. It was then pointed out that in the preparation of rolls for both Commonwealth purposes and Legislative Assembly elections, in all the States except Queensland and Western Australia, the machinery of the Commonwealth is utilised by the State authorities.

6. It was urged that if Western Australia and Queensland came into line with New South Wales, Victoria, South Australia, and Tasmania, definite economies would result. The record shows that the Premier of South Australia stated that the scheme was working very satisfactorily in that State, and that by adopting the Commonwealth roll, the Government of South Australia had obtained the benefits of the compulsory enrolment provisions in the Commonwealth law.

7. The Premier of Queensland said that he was under the impression that a recommendation had been submitted that Queensland should come under the scheme, and I am now in communication with my colleague, Mr. Story, in regard to the participation of that State.

8. Sir James Mitchell, at the conclusion of the discussion, intimated that he would give the matter consideration.

9. I refer the matter now for your investigation. I desire particularly that it should be understood that I do not urge that the maintenance of a joint roll for your Legislative Assembly and for Commonwealth purposes should be performed by the Commonwealth Electoral Branch merely as a means of enlarging the activity of the Commonwealth Department. I am influenced by these facts:

(i) That it has peculiar facilities for the work by reason of its contact with the Postal Service, and the opportunity it has for utilising the staff of that Department in keeping the roll in up-to-date order as a day to day job; and

(ii) That the work is being performed by the Commonwealth in the majority of the States, and uniformity is desirable.

10. The adoption of a joint roll would save the taxpayer, both as a citizen of Western Australia and of the Commonwealth, the amount—some thousands of pounds per annum—by which the joint expenditure can be reduced.

11. I suggest that, as the Commonwealth is performing the duty of keeping the joint roll for the other States, it would be very desirable that Western Australia should fall into line.

12. Unless our subsequent inquiries render such a course necessary, such an arrangement would not in any way interfere with the local control of the conduct of elections. All that would happen would be that the election would be held on a roll kept up-to-date by one instead of two authorities.

13. The usual arrangement with other States is that the State pays an amount representing half the cost of printing the rolls, and the Commonwealth pays for the staff necessary for their maintenance, and also bears half the cost of printing the rolls.

14. I am unable to hazard an estimate as to the amount of saving to Western Australia, but, making a rough approximation by relating conditions in Queensland to those in Western Australia, I should think the saving to your State would not be less than £3,000 a year.

15. For your information, I may state that, under the joint roll system in Victoria, where the population is very much greater than in Western Australia, it has been possible to provide for all State electoral work—including work incidental to maintaining a Legislative Council roll—being performed by an Electoral Officer, one clerk, and one typist.

16. I understand that the Legislative Council roll in Western Australia is based upon claims for enrolment submitted by qualified electors, and in this respect differs somewhat from the Victorian system, where the ratepayers’ roll forms the real basis of the Legislative Council roll.
17. Under the circumstances existing in Western Australia, I see no reason why your Legislative Council roll should not be kept along with your Assembly roll by the one set of officers.

18. I suggest that there is a duplication of effort in regard to these rolls, which can be eliminated, and that in the material savings which are possible, the State will benefit more than will the Commonwealth.

19. If the views expressed herein are in accord with your own, perhaps you can ascertain the views of your Government.

20. If a general endorsement of the idea of using a joint roll is given, the details can be worked out in consultation between us, in collaboration with the Commonwealth and State Electoral authorities, or the matter can, if necessary, be left to them, subject to endorsement by our respective Governments.

With kind regards,
Yours faithfully,
(Sgd.) J. S. DUNCAN.

G. Simpson, Esq.,
Under, Treasurer,
Perth, W.A.

APPENDIX B.

The Public Service Commissioner,
Overlapping and Duplication, Electoral Branches.

In response to your minute hereunder of the 26th June, I now submit my report.

1. The Chief Electoral Officer is not prepared to sign a joint report or to furnish a separate one, as he states this latter has already been done.

2. The report as presented hereunder has been fully discussed with the Chief Electoral Officer, and he has supplied any information sought. In addition, there has been a frank discussion on the various phases including the control of elections, upon which latter subject Mr. Gordon would not express an opinion.

3. Mr. Duncan in his memo. of the 16th June, deals with two aspects of the above—
   (a) The possibility of a Joint Roll to meet Commonwealth and State Legislative Assembly requirements being collected and maintained by one electoral authority.
   (b) The possibility of conducting elections by one set of officers.

4. He desired at this juncture that only (a) be dealt with.

Joint electoral rolls in respect to Commonwealth and State Assembly elections could be adopted in Western Australia, provided the respective boundary lines of the Commonwealth Divisions and Subdivisions, and the State Assembly Divisions are made reasonably coterminous.

The State Assembly District boundaries can only be altered by legislation. The Commonwealth sub-divisions, which are analogous to State Assembly Districts, may be altered by proclamation, and consequently it is easier for the Commonwealth to bring its subdivisional boundaries into line with those of State Assembly Districts, than for the State to alter the boundaries of its Districts to make them agree with those of the Commonwealth. Any agreement for joint rolls between this State and the Commonwealth would have to provide for the alteration of Commonwealth sub-divisional boundaries or State District boundaries to ensure the preparation of joint rolls in an understandable condition.

It should be understood that a joint roll need not be the printed roll issued for an election. What is known as the manuscript roll, compiled from day to day by a Registrar, is the "joint roll." The Registrar would prepare therefrom a roll to be printed for use at a specific election, omitting the names of any electors who were not qualified to vote at that particular election.

5. I have had prepared by the Surveyor General maps showing the existing boundaries of—
   A. Commonwealth—present.
   B. do. proposed.
   C. do. subdivisions.
   D. State Legislative Assembly.

6. Extracts made from the Statistical records of this State show that over a period of 22 years, there was only one occasion, viz., September, 1914 (War-time), when the printed roll used at a Commonwealth election, might have been used (with a supplement) for a State Assembly election; the period between the two elections being 26 days.
APPENDIX B—continued.

7. From 1903 to 1930 (22 years) there have been eight State and nine Commonwealth General Elections for the Lower Houses. With the exception referred to above, the rolls for either State or Commonwealth would have had to be reprinted even had the system of joint rolls been in operation.

8. As a first step to economy a review is necessary of the expenditure in retaining dual staffs for the continuous compilation of the manuscript rolls—the Province and Assembly rolls by the State, and what is equivalent to the State Assembly roll by the Commonwealth.

Therein lies the bulk of the continual dual cost. The holding of an election and the printing of the necessary rolls is apart from the above, and bears its own definite expenditure.

9. The expenditure for the Commonwealth and State Electoral officers for 10 years to the 30th June, 1929, was as follows:—

<table>
<thead>
<tr>
<th>Commonwealth Salaries</th>
<th>State Salaries</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenditure.</td>
<td>Expenditure.</td>
</tr>
<tr>
<td>£</td>
<td>£</td>
</tr>
<tr>
<td>1920-21</td>
<td>11,770</td>
</tr>
<tr>
<td>21-22</td>
<td>2,907</td>
</tr>
<tr>
<td>22-23</td>
<td>3,162</td>
</tr>
<tr>
<td>23-24</td>
<td>3,075</td>
</tr>
<tr>
<td>24-25</td>
<td>4,557</td>
</tr>
<tr>
<td>25-26</td>
<td>4,229</td>
</tr>
<tr>
<td>26-27</td>
<td>3,553</td>
</tr>
<tr>
<td>27-28</td>
<td>3,695</td>
</tr>
<tr>
<td>28-29</td>
<td></td>
</tr>
</tbody>
</table>

With only one roll to compile, as compared with two in the majority of the States, the Commonwealth expenditure appears abnormal.

10. In the year 1920-21, which was immediately prior to the adoption of joint rolls in South Australia, the salaries cost to that State was £4,762. The record since then is as follows:—

<table>
<thead>
<tr>
<th></th>
<th>£</th>
</tr>
</thead>
<tbody>
<tr>
<td>1921-22</td>
<td>2,907</td>
</tr>
<tr>
<td>22-23</td>
<td>3,162</td>
</tr>
<tr>
<td>23-24</td>
<td>3,075</td>
</tr>
<tr>
<td>24-25</td>
<td>4,557</td>
</tr>
<tr>
<td>25-26</td>
<td>4,229</td>
</tr>
<tr>
<td>26-27</td>
<td>3,553</td>
</tr>
<tr>
<td>27-28</td>
<td>3,695</td>
</tr>
<tr>
<td>28-29</td>
<td></td>
</tr>
</tbody>
</table>

These are the salaries of State officials, to which has to be added allowances paid to Commonwealth officers who compile the rolls. For the States of South Australia, New South Wales, Victoria and Tasmania, these additional allowances aggregated £1,945. (From Commonwealth Estimates, page 29, 1930-31.)

11. Uniformity is desirable if a reduction can be shown not only to the State, but in the total expenditure of State and Commonwealth.

12. The foregoing deals only with the Commonwealth rolls and the State Assembly rolls. With reference to the State Legislative Council rolls, the varying qualifications are set out hereunder:—

WESTERN AUSTRALIA.

Rolls are compiled by means of claim cards: the electors must have either one or the other of the following qualifications:—

(a) Freeholder, who has regular equitable estate in possession of the clear value of £50.
(b) Householder, occupying any dwelling house of £17 clear annual value.
(c) Leaseholder, who has a leasehold estate in possession of the clear value of £17.
(d) Crown Leasesholder, who holds a lease or licence to occupancy, cultivate or mine upon Crown lands, at an annual rental of £10.
(e) Ratepayer, for property of an annual rateable value of at least £17.

13. In the preparation of our Legislative Council rolls the Assembly cards are utilised as a checking factor, as every claim for enrolment for the Council must have a corresponding claim for the Assembly—the two sets of cards run concurrently. Each electoral organisation has a roll which must be maintained in the Assembly and is essential to the preparation of the Council roll if economy in printing, is to be expected.

14. It is suggested that a joint roll for Commonwealth and Assembly be prepared by one organisation—the Commonwealth—leaving the State to prepare its own Council roll. Such an arrangement would not be economical to the Commonwealth—leaving the State to prepare its own roll, which it is estimated would not cost less than 75% of its present strength. This may on first sight appear high, but the loss of the Assembly cards for continual reference is a material factor, and falling immediate access thereto, a cause of the qualified for Council enrolment would have to be made every two years.
15. A review of the activities of the Commonwealth and State Electoral Departments on an adult population basis of 238,000 is as follows:—

<table>
<thead>
<tr>
<th>District Rolls</th>
<th>Commonwealth</th>
<th>State</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assembly</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Council (30 seats)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Electors</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Assembly</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Council</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Enrolments</th>
<th>Commonwealth</th>
<th>State</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Elections (contested)</th>
<th>Commonwealth, 1929:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Votes recorded</td>
<td></td>
</tr>
<tr>
<td>State, 1930:</td>
<td></td>
</tr>
<tr>
<td>Assembly</td>
<td></td>
</tr>
<tr>
<td>Council</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Licensing Petitions (State, 21)</th>
<th>Commonwealth</th>
<th>State</th>
</tr>
</thead>
<tbody>
<tr>
<td>Electors in Areas</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Petitioners</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Extraneous Elections</th>
<th>Commonwealth</th>
<th>State</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under State Statutes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vacancies to be filled</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Salaries and Allowances (including cost of obtaining information, but exclusive of all contingencies)</th>
<th>Commonwealth</th>
<th>State</th>
</tr>
</thead>
</table>

See Appendices A and B.

16. To obtain information for compilation of rolls, the State has 21 District Registrars (whose general duties embrace this), 300 police officials, 21 town clerks, 156 road secretaries, 1,051 honorary electoral agents. The State does not pay for such services. Furthermore, the number of candidates at State Elections (116 in 1930) with their Committees and organisations tend to supply (without cost to the State) first-hand information. There are 30 members of the State Legislature, many of whom supply accurate information regarding their electors. Commonwealth Postal officers are paid for information supplied. The majority of Post Offices are subsidised, and any assistance from such service has to be paid for. An amount of £671 9s. 2d. (or 22% of our total cost) was paid to postmen during the 12 months ended the 30th June, 1930.

17. Both the Commonwealth and State Governments are anxious to eliminate unnecessary expenditure in overlapping activities.

In the Commonwealth and State Electoral Departments, the following are the respective positions:—

(a) Both territories are the same.
(b) The adult population is the same.
(c) The qualifications for the Commonwealth and the State Assembly are on similar lines, subject to reservations as disclosed in Appendix C.
(d) The number of electors on the Commonwealth and the State Legislative rolls should be within a few hundred of each other.
(e) The activities of the State Electoral Office are greater than those of the Commonwealth by virtue of more numerous State electorates, various qualifications for the Legislative Council, and activities beyond the Legislative elections (licensing, shop polls, etc.), and maintaining registration of Postal Vote officers. This latter is considerable, and does not apply to the Commonwealth.

18.—The respective salary and information expenditure for twelve months ended 30th June, 1930 was as follows:—

<table>
<thead>
<tr>
<th>Commonwealth</th>
<th>State</th>
</tr>
</thead>
<tbody>
<tr>
<td>£</td>
<td></td>
</tr>
<tr>
<td>5,000</td>
<td>3,000</td>
</tr>
<tr>
<td>670</td>
<td>40</td>
</tr>
</tbody>
</table>

| Information paid for ... | £6,620 | £3,040 |

From the above the obvious deduction is that two services are unnecessary. One service should give all that is required at a considerable saving to both the Commonwealth and State Governments.

19. The Commonwealth is the Premier Government, but in the instance under review the State's organisation handles greater activities at a cost of £3,040 per annum, compared with £6,620 by the Commonwealth, which is 117% greater than that of the State.

20. On the question of costs, there are four separate proposals for consideration, viz.:—

(a) The amalgamation of the State Assembly and Commonwealth rolls.
(b) The retention by the State of its remaining functions, including the Council rolls.
(c) The transfer to the Commonwealth of all rolls (State Assembly and Council) now prepared by the State, and the performance of all other State duties, exclusive of elections.
(d) The transfer to the State of the Commonwealth roll but not including the conduct of elections.
APPENDIX B—continued.

21. For an additional amount of $200 per annum, the State Electoral Office should effectively handle the existing requirements of both Governments in the proper preparation of the respective rolls, which between elections, is the main work of the existing staff.

In the above figure of $500, the control of Commonwealth elections has been excluded.

If the State absorbed the Commonwealth electoral office, the retention by the latter Government of their Electoral officer for the control of Commonwealth elections will have to be provided—rating 30th June, 1931, £540-£540.

On the other hand, if the Commonwealth absorbed the State Electoral Office, the retention by the State of their Chief Electoral Officer for the conduct of elections has been provided—rating 30th June, 1931, £600-£576.

22. On the above figure of $500, the following would be the financial positions for the preparation of the Commonwealth roll and the existing activities of the State Electoral Office:

The following proposals contemplate the complete elimination of either the State or Commonwealth Electoral Departments, and the required contributions as a basis of amalgamation are $1,000 per annum by the State to the Commonwealth, or $2,000 per annum by the Commonwealth to the State. These amounts are approximately proportionate to the existing costs of the respective Departments.

<table>
<thead>
<tr>
<th>State absorbing Commonwealth Electoral Office.</th>
<th>£</th>
</tr>
</thead>
<tbody>
<tr>
<td>Present cost to State</td>
<td>3,040</td>
</tr>
<tr>
<td>Add additional cost to State in absorbing Commonwealth electoral roll</td>
<td>500</td>
</tr>
<tr>
<td>Less proposed contribution by Commonwealth</td>
<td>(a) 3,540</td>
</tr>
<tr>
<td>Cost to State</td>
<td>2,500</td>
</tr>
<tr>
<td>Present cost to Commonwealth</td>
<td>6,620</td>
</tr>
<tr>
<td>Under the proposed arrangements the cost to the Commonwealth would be—</td>
<td></td>
</tr>
<tr>
<td>Commonwealth Electoral Officer</td>
<td>(a) 530</td>
</tr>
<tr>
<td>Payment to W.A.</td>
<td>2,500</td>
</tr>
<tr>
<td></td>
<td>3,020</td>
</tr>
</tbody>
</table>

On the above figures the cost to the taxpayer would be £4,060 (a) as against the present cost of £9,000, a reduction of £5,540 or 57 per cent. per annum.

The cost to the State, £1,040, as against £3,040, a reduction of £2,000 or 65 per cent. per annum.

The cost to the Commonwealth, £3,020, as against £6,620, a reduction of £3,600 or 53 per cent. per annum.


<table>
<thead>
<tr>
<th>Present cost to Commonwealth</th>
<th>£</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allow £500 additional cost</td>
<td>6,620</td>
</tr>
<tr>
<td>Less proposed contribution by State</td>
<td>(b) 7,120</td>
</tr>
<tr>
<td>Estimated cost to Commonwealth</td>
<td>1,000</td>
</tr>
<tr>
<td>Present cost to State</td>
<td>6,120</td>
</tr>
<tr>
<td>Under this arrangement the cost to the State would then be—</td>
<td></td>
</tr>
<tr>
<td>Contribution to Commonwealth</td>
<td>(b) 576</td>
</tr>
<tr>
<td>Contribution to Commonwealth</td>
<td>1,000</td>
</tr>
<tr>
<td></td>
<td>1,576</td>
</tr>
</tbody>
</table>

On the above figures the cost to the taxpayer would be £7,686 (b) as against the present cost of £9,000, a reduction of £1,314 or 18 per cent. per annum.

The cost to the State would be £1,576 as against £3,040, a reduction of £1,464 or 47 per cent. per annum.

The cost to the Commonwealth would be £6,120, a reduction of £500 or 8 per cent.

24. The combined services can be obtained at a cost to the taxpayer under State control for £4,060 per annum—then why should he pay more? and on this basis both the Commonwealth and State Governments obtain the greatest economy—then why should they pay more? Under the Commonwealth control the cost to the taxpayer would be £7,686 per annum.

25. Reduce, without the necessity for any legislation, the combined expenditure to £4,060 per annum.

If this is attained further economies by legislation could be considered, embracing a review of electoral boundaries, qualifications, etc., making a joint printed roll an economic proposition for both Governments. When both these objectives have been reached, then, and then only, will the proper economic position be established.

26. In the event of the Commonwealth Government not agreeing to State Electoral Office handling the Commonwealth electoral requirements, then the proposal of the Commonwealth Government to provide the necessary staff for the maintenance of the State Assembly roll must be considered.

As pointed out, this would leave the Council rolls and other State electoral activities on the State's hands with little, if any, decrease in the expenditure of either Commonwealth or State.
27. In Mr. Duncan's proposal, it is suggested that the State should pay half the cost of printing Commonwealth rolls, the Commonwealth accepting the responsibility for the State Assembly roll. I fail to see how any saving to the State can be the outcome of the proposal. At the present time, Commonwealth rolls in W.A. are printed in divisions, and each division contains several State Assembly districts. The cost in any by-election for the use of joint printed rolls (for which it is suggested we should pay half) would be largely in excess of State's requirements.

It costs the Government Printer of W.A. £574 10s. 0d. to print the Commonwealth rolls for 1930. This cost represents paper and actual wages paid. The charge to Commonwealth was £1,149, disclosing a surplus over the above costs of £574 10s. 0d. I cannot see how any true economy can be brought about by Mr. Duncan's proposal. To leave the Council rolls, etc., on our hands would cost us almost as much as our present organisation. If we agree to half the cost of joint rolls then we are entirely in the hands of the Commonwealth Government to say when such rolls shall be printed, and we have to meet half the cost whether we require such rolls or not.

28. The more you examine the dual electoral activities as they exist today, the more pronounced becomes the necessity for an immediate change on the following lines—
(a) One organisation for the maintenance of Commonwealth and State rolls and other electoral activities except elections.
(b) Each Government to have its own Electoral Officer.
(c) Each Government to undertake its own elections.
(d) Each Government to bear the cost of printing its own rolls.

29. From the point of economy it is evident that unless the Commonwealth Government can bring their costs down to that of the State, then any amalgamation should be by the State.

30.—If an absorption by the State of the Commonwealth electoral activities cannot be arranged, then the next best course is for the Commonwealth to absorb the whole of the State's electoral activities, except the conduct of elections. For the moment the conduct of elections is not material to constant annual expenditure, as elections bear their own definite cost, and apart from this, the respective Governments might prefer to conduct these themselves.

31. Mr. Duncan might then be advised that his proposal (a) would not relieve the State of any expenditure owing to the Council rolls and other activities still having to be maintained by us. In his proposals he aims to reduce his costs by the State paying half the cost of printing the joint rolls. If he is prepared to consider the Commonwealth Electoral Office taking over the whole of the activities of the State Electoral Office, with the exception of the conduct of elections, then it might be proposed that we would print Commonwealth rolls free up to £1,000 per annum. This would form a basis for an amalgamation.

---

ELECTORAL BRANCH, WESTERN AUSTRALIA.

PERMANENT ESTABLISHMENTS AT 16TH FEBRUARY, 1931.

<table>
<thead>
<tr>
<th>Location</th>
<th>Designation</th>
<th>Classification Scale, 1st July, 1926 (subject to provisions of Regulation 106a).</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>£</td>
</tr>
<tr>
<td></td>
<td></td>
<td>510—546</td>
</tr>
<tr>
<td>Perth</td>
<td>Commonwealth Electoral Officer</td>
<td>420—492</td>
</tr>
<tr>
<td>Do.</td>
<td>Divisional Returning Officer</td>
<td>330—402</td>
</tr>
<tr>
<td>Do.</td>
<td>Clerk</td>
<td>252—306</td>
</tr>
<tr>
<td>Do.</td>
<td>do.</td>
<td>96—306</td>
</tr>
<tr>
<td>Do.</td>
<td>Senior Indexer</td>
<td>84—244</td>
</tr>
<tr>
<td>Do.</td>
<td>Typist, Grade 1</td>
<td>84—225</td>
</tr>
<tr>
<td>Bunbury</td>
<td>Divisional Returning Officer</td>
<td>420—492</td>
</tr>
<tr>
<td>Do.</td>
<td>Clerk</td>
<td>252—306</td>
</tr>
<tr>
<td>Fremantle</td>
<td>Divisional Returning Officer</td>
<td>490—492</td>
</tr>
<tr>
<td>Do.</td>
<td>Clerk</td>
<td>222—306</td>
</tr>
<tr>
<td>Kalgoorlie</td>
<td>Divisional Returning Officer</td>
<td>420—492</td>
</tr>
<tr>
<td>Do.</td>
<td>Clerk</td>
<td>222—306</td>
</tr>
<tr>
<td>Midland Junction</td>
<td>Divisional Returning Officer</td>
<td>420—492</td>
</tr>
<tr>
<td>Do.</td>
<td>Clerk</td>
<td>222—306</td>
</tr>
</tbody>
</table>

£5,908

| Salary payments, 1929-30 | £5,930 |
| Temporary assistance      | 20     |
| Payments to Postmen       | 670    |

£6,620
STATE ELECTORAL OFFICE, WESTERN AUSTRALIA.

PERMANENT ESTABLISHMENTS.

-----------|--------------|-----------------|----------
Perth ...... | Clerk in Charge | 460-520......... | £ 520 576 |
Do. ...... | do. do. do. do. | 300-365......... | 365 408 |
Do. ...... | do. do. do. do. | 250-250......... | 280 312 |
Do. ...... | do. do. do. do. | 215-270......... | 260 300 |
Northam ...... | Clerk .... | 185-260......... | 260 288 |
Perth ...... | Typiste .... | 55-130 .......... | 95 108 |
Do. ...... | Junior .... | 55-130 .......... | 110 120 |

TEMPORARY OFFICERS PERFORMING PERMANENT DUTIES.

Location. | Designation. | Salary at 16th Feb-ruary, 1931.
-----------|--------------|---------------------
Perth ...... | Electoral Registrar, Fremantle, and all rolls outside Metropolitan Area | £ 200 |
Do. ...... | Indexer .... | 200 |

Commonwealth.

(a) 21 years of age.
(b) 6 months residence in Australia and one month in the District.
(c) Natural born or naturalised subject of the King.
(d) Continuation of qualification to vote during a period of 3 months after removal from a District.
(e) Compulsory enrolment.
(f) Elector allowed 21 days in which to give notice of change of address.
(g) Native of British India.
(h) Half-blood aboriginal natives of Australia, Asia, Africa, or the Islands of the Pacific.
(i) A person having a right of State enrolment shall not, while the right continues, be prevented from voting at Commonwealth elections.
(j) Immediate enrolment on lodgimg claim.
(k) Objection to claims by Registrar or other person. Elector given one month in which to appeal.
(l) Claims received after 6 p.m. on the day of the issue of a writ shall not be registered.

Disqualified if—
1) Is of unsound mind.
2) Is attainted of treason.
3) Convicted and sentenced for a term of imprisonment of one year or longer.
4) No such provision in Commonwealth Act.

Imposition of penalties delegated to officials.
Printed of Rolls.—When Minister directs.
Supplements.—Immediately prior to an election.

30th July, 1931.

STATE ASSEMBLY.
The same.
6 months residence in Western Australia and one month in the District for which claim is lodged.
The same.
The same.
The same.
The same.
Not qualified—see State Constitution Act.
Not qualified for State.

No equivalent provisions in State Acts. An elector for the Commonwealth has not, by virtue of that qualification only, a right to be enrolled on a State roll.
Enrolment at the expiration of 14 days.
The same, excepting that the time in which to lodge appeal at discretion of State Registrar with a minimum of 7 days.
Claims received within the period of 14 days prior to the issue of a writ shall not be enrolled, but deletions may be made where an elector's name appears on more than one roll.

Disqualified if—
1) The same.
2) The same.
3) The same with the addition of "subject to be sentenced."
4) Is wholly dependent on relief from the State or from any charitable institution subsidised by the State except as a patient in hospital.
Penalties can only be imposed by a legal tribunal.
When Chief Electoral Officer thinks fit.
Half-yearly.
Amalgamated Roll.—When Minister directs and after issue of writ for a general election.
(Sgd.) H. H. BRODRIBB, Treasury Inspector.
APPENDIX C.

[Extract from Commonwealth of Australia Gazette, No. 9, dated 13th February, 1930.]

STATE OF NEW SOUTH WALES.

JOINT ELECTORAL ROLLS.

It is hereby notified, for public information, that the subjoined arrangement between the Governor-General of the Commonwealth of Australia and the Governor of the State of New South Wales, making provision for Joint Electoral Rolls in the State of New South Wales, shall come into force on and from the nineteenth day of February, 1930.

ARTHUR BLAIKELY, Minister for Home Affairs.

STATE OF NEW SOUTH WALES.

JOINT ELECTORAL ROLLS.

Arrangement between the Governor-General and the Governor of New South Wales making provision for Joint Electoral Rolls in New South Wales.

Pursuant to the Commonwealth Electoral Act, 1918-1928 and the Parliamentary Elections and Elections Act, 1912-1928 of the State of New South Wales and all other enabling powers, it is hereby mutually arranged between His Excellency the Governor-General in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, and His Excellency the Governor in and over the State of New South Wales acting with the advice of the Executive Council of the State for the preparation, alteration and revision of the Electoral Rolls jointly by the Commonwealth and the State to the intent that the Rolls may be used for Commonwealth elections and also for State elections for the Legislative Assembly of the said State:

1. That the same persons shall be appointed Electoral Registrars under the laws of the Commonwealth and those of the State and that to the fullest extent practicable the Commonwealth Divisional Returning Officers shall be appointed to be Electoral Registrars.

2. That the Electoral Registrars shall, subject to the provisions of the Commonwealth Electoral Act, 1918-1928, and of the Parliamentary Elections and Elections Act, 1912-1928 of the State of New South Wales, act under the joint instructions of the Chief Electoral Officer for the Commonwealth and the Electoral Commissioner for the State.

3. That as soon as practicable after the coming into force of this arrangement steps shall be taken on the part of the Commonwealth to alter the boundaries of Commonwealth subdivisions in the State so that each such subdivision shall be as far as practicable in one electoral district only and on the part of the State to divide electoral districts into subdivisions as far as practicable co-terminous with the Commonwealth subdivisions.

4. That as soon as practicable after the coming into force of this arrangement steps shall be taken for the preparation of new Electoral Rolls under the laws of the Commonwealth and those of the State for each Commonwealth electoral division and subdivision in the State and for each electoral district and subdivision to the intent that each Roll so prepared shall be a Joint Roll in all cases.

5. That each Joint Roll so prepared shall contain all matters required by the electoral laws of the Commonwealth to be contained in Rolls and all matters required by the electoral laws of the State to be contained in Rolls and may contain any matters authorized by those laws to be contained therein, including footnotes, references, or distinguishing marks necessary or convenient to indicate that any person whose name appears therein is not eligible to vote at any Commonwealth or State election or to indicate any other matter necessary or convenient to be indicated therein for any purpose in connection with the Joint Roll.

6. That so far as practicable joint forms shall be prepared complying with the requirements of the electoral laws of the Commonwealth and those of the State for the purposes of additions to rolls, transfers and alterations of rolls and of the removal of names from rolls and for other purposes incidental to those purposes.

7. That the Electoral Commissioner for the State shall have the right at all reasonable times to inspect claims in respect of existing enrolments received from electors and preserved in the Commonwealth Electoral Office at Sydney for the purpose of carrying out any duty imposed upon the Electoral Commissioner for the State under any law of the State.

8. (1) That the Commonwealth shall meet the cost of maintaining the Central Commonwealth Electoral Office and the offices of the Divisional Returning Officers in New South Wales and all other expenses in connection with the Joint Rolls except in relation to expenditure under the following heads, which shall be shared equally by the Commonwealth and the State, namely:

(a) The printing and binding of Joint Electoral Rolls and the material therefor;

(b) The printing of books, forms and other printed matter used for joint electoral purposes and the material therefor;

(c) Special allowances, if any, to individual police officers in the form of extra remuneration as may be jointly agreed upon.

(2) That the State shall make available the services of the police in the joint interest for the purposes of electoral inquiries and canvases subject only to the special allowances, if any, set out in paragraph 8 (1) (c).

9. That this arrangement shall come into force on a date to be fixed by the respective Governments of the Commonwealth and of the State of New South Wales and a notification of this arrangement and of the date when it is to come into force shall be published in the Commonwealth Gazette and in the Government Gazette of the said State.

10. That this arrangement may be terminated by not less than twelve months' notice in writing given by the Governor of the State to the Governor-General of the Commonwealth or by the Governor-General of the Commonwealth to the Governor of the State on behalf of the State and the Commonwealth respectively or may be terminated at any time by mutual arrangement.

Dated the seventh day of June, One thousand nine hundred and twenty-nine.

By Command of His Excellency the Governor-General.

STONEHAVEN, Governor-General.

C. L. A. ABBOTT, Minister of State for Home Affairs.

D. R. S. DE CHAIR, Governor of the State of New South Wales.

By Command of His Excellency the Governor of New South Wales,

FRANK A. CHAFFEY, Chief Secretary.

By Authority: FRED W. SIMPSON, Government Printer, Perth.
WESTERN AUSTRALIA.

MINUTES
AND
VOTES AND PROCEEDINGS
OF THE
PARLIAMENT
DURING THE
FOURTH SESSION OF THE FIFTEENTH PARLIAMENT,
1st AUGUST to 17th DECEMBER, 1935.

WITH PAPERS PRESENTED TO BOTH HOUSES BY COMMAND OF
HIS EXCELLENCY THE LIEUTENANT-GOVERNOR,
AND
COPIES OF THE VARIOUS DOCUMENTS ORDERED TO BE PRINTED.

IN TWO VOLUMES.

VOLUME II.

BY AUTHORITY:
FRED. WM. SIMPSON, GOVERNMENT PRINTER, PERTH.

1936.