

# Responsible government in New South Wales — Glimpses of the past from the State's records

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I will be talking today about State Records' guide to the State's archives relating to responsible government in New South Wales and the records generally; then I will highlight some of the more unusual, unexpected or interesting records/items held, concentrating on electoral records for the latter.

Producing a guide is no different from preparing or writing any other publication. There still has to be that initial mulling things over stage, in this case to decide what should be included and how the guide should be structured. We decided on a time slice approach, commencing from the establishment of the first Legislative Council in New South Wales and moving towards the Sesqui-centenary. It was also decided to deal with responsible government fairly broadly, looking not only at the formal event itself but also key events and movements that played their part in making the State and its Parliament what they are today.

The aim of the guide, of course, was never at issue: its purpose was to make the New South Wales Government's records of the movement to, and development of, responsible government in the State more accessible to all those interested in this area of historical research.

To begin with it was difficult to believe that there were many archives relating to responsible government. There were the more or less obvious ones relating to the handover from the British government to the colonial government of NSW of the reins of government in the mid 1850s, and subsequent celebrations marking the event. Therefore, once a decision had been made as to the approach to be taken in, and the probable content of, the guide, the search was on.

Personal knowledge of the archives, and of the administrative history of many of the State's agencies, scaled back the initial search to the records of four agencies — the Colonial Secretary's Office or Department (later the Chief Secretary's Department); the Executive Council; the Governor and the Premier's Department. As expected, records found among the archives of these four agencies ended up forming the backbone of the guide.

However, the guide is not definitive; there **was** a selection process and there will be other records not included in this guide — letters, documents, minutes etc — which may be of interest to those researching responsible government that can be found among the records of these agencies, and possibly some others.

For example, among the Colonial Secretary's *Main series of letters received, 1826-1982* there are some in-letter bundles that may contain material of interest, for example those labelled as 'Despatches', 'Legislative Council' and 'Legislative Assembly'. State Records has recently placed the *Main series* item list on its website, and its searchable database format should make locating particular titled bundles of interest both quick and easy. Other documents will still be 'hidden' within the Colonial Secretary's Correspondence and will require use of the contemporaneous Indexes and Registers to locate particular subjects or matters.

The records covered in State Records' guide date from the 1820s when the first Legislative Council was established through to the 1978 referendum at which New South Wales electors overwhelmingly voted in favour of direct election by the people of the Members of the Legislative Council.

Broadly speaking, in addition to the establishment, membership etc of the NSW Parliament, the guide covers such events, themes or matters as elections (commencing from the first Legislative Council elections in 1843); the right to vote ie male and female suffrage; separation of the Port Phillip and Moreton Bay districts as the Colonies of Victoria and Queensland respectively; agitations for separation and movements to form new States; swamping, reform and moves to abolish the Legislative Council; dismissal of Premier Jack Lang; and the Jubilee and Centenary Celebrations of Responsible Government in 1906 and 1956 respectively.

As previously mentioned, the main body of the guide is divided into four parts corresponding to four time periods: 1824-1855, 1856-1906, 1907-1956, and 1957-2006. Each part commences with a general section providing an overview of the period, and is followed by more specific sections about significant events, occurrences or movements, such as the separation of Port Phillip from the Colony of New South Wales and reform of the Legislative Council. All sections contain brief historical information followed by the record series or record items arranged more or less chronologically under the names of the relevant Government agencies.

Now let's move on to some examples of the records.

## **Elections and electoral records**

There are considerable State archives relating to elections and electoral processes, particularly for the nineteenth and early twentieth century. Most of them are, however, fairly routine as they relate to the management and running of the various general elections. The writs of election endorsed with the names of the elected candidates, states of the poll (excepting those for 1917), voting papers etc are not to be found here.

Having said this though it does not mean that there are not many interesting glimpses of the past among these records.

### **Polling places**

One of the common matters dealt with in the electoral papers is the cancellation and appointment of polling places. Generally, as a matter of routine, the Returning Officer was responsible for notifying the Colonial Secretary's Department of any required alterations to polling places.

However, during the nineteenth century in particular, many representations and petitions from Members of Parliament and electors were sent to the Colonial Secretary about polling places, generally requesting their appointment and only occasionally their cancellation. Common reasons used to justify the appointment of a new polling place were growth in the population, distance from existing polling place and therefore the time taken to exercise the right to vote, and general difficulty in voting, the latter frequently resulting in disfranchisement. Cancellations were usually based on proximity to other, newer, polling places, shifts in population, and loss of premises for voting (the latter often being privately owned properties such as hotels or inns).

An example of a polling place petition is that from electors at Cape Hawke.

In May 1869 the electors at Cape Hawke in The Williams Electorate used their perceived electoral disadvantage to also petition for a local post office and weekly mail service.

Your petitioners shewth; that in the waters which flow into the sea at Cape Hawke there are many Free Selectors, Lessees of Crown Lands, Bushmen, Employers of bushmen and others who are greatly inconvenienced and suffer loss by not having easier access to Postal communication with the rest of the world; there not being any Post Office between "Tinonee" on the Manning River and the "Myall River", a computed distance of sixty miles; that your petitioners reside about midway between those places, principally in the Electorate of the "Williams", and that most of them if desirous of voting at an Election have to travel to and fro from Sixty to Eighty miles.

Your petitioners therefore pray that The Honourable Legislative Assembly may think fit to establish a Weekly Mail between them and Tinonee and that the Post Office be at the residence of William Alway on the North branch of the McLean's River – and that, the same be made a Polling Place for the Electorate of The Williams; - that being the most central point amongst the inhabitants.<sup>1</sup>

At first the Returning Officer for the Electorate was loath to recommend a polling place there 'chiefly on account of the great expense' it would incur at an Election. But in the minute on the Returning Officer's report the Colonial Secretary's Department indicated that 'The cost is hardly a sufficient reason. Returning Officer may state the Number of Electors who would be enabled to vote by the establishment of the polling place asked for by petition enclosed ...'. The Returning Officer indicated 'about Fifty (50)' as the number of electors who would vote there and withdrew his objection.<sup>2</sup>

Shortly thereafter the requested polling place was appointed, at the place asked for. There is however no indication whether the petitioners were successful in their request for postal communications.

## **Voting in the election**

A particularly interesting document is a March 1869 letter from the Returning Officer of Gold Fields West justifying the reportedly small vote in the election held there in February 1869.<sup>3</sup>

Reporting on the late Election 'because a portion of the Press have been commenting on the small number of votes recorded' the Returning Officer made extensive comments on the situation in various polling places in the electorate, for example: -

Sofala --- Place of nomination distant from here [Peel] 22 miles – At this place there was great excitement but only ninety eight votes recorded This is accounted for thus – under present Gold Fields Act Miners Rights fall due at the end of the year this has been a very dry season causing much poverty among the mining community consequently not more than half of the mining population had taken out miners rights and a great number of those who had taken them out did not do so until February thereby loosing [sic] their right to vote – this gave me some trouble, as the persons so claiming to vote were under the impression that they could vote having (although not held) paid the full amount of 10/- for miners right, and grumbled very much when turned back from Polling Room

Lower Turon - At this polling place the same cause operated as at Sofala with this addition that neither of the candidates visited the place nor had they a committee working for them and it was appointed a polling place only a few days before polling day – there were but 24 votes recorded at this place, which is distant 30 miles ...

Apple Tree Flat – A new polling place – about 400 miners here but none of them seem'd to know anything about an Election The candidates did not visit the place neither had they any person working for them and the miners would not vote for persons of whom they knew nothing but 13 votes recorded at this place – distant 70 miles.

And so on, concluding with general remarks on the matter. Footballs of fortune (possibly meant to be foibles of fortune) is one of the remarkable phrases appearing in these remarks.

On the whole the cause of the small number of votes recorded is

First The Election being held in the beginning of the year when the majority of the miners are without Miners Rights

Secondly Many of those who have miners rights have taken them out in February and consequently lost their right to vote

thirdly The out-of-all-proportional extent of the Electorate preventing any candidate from canvassing or making himself heard through it and

fourthly The apathy of many of the Electors who roaming about the footballs of fortune their disposition soured by hardship and disappointment rarely think they have (save the dog that guards their tent) a person in this Colony who cares one Straw for their welfare.

## Protests

Commonly in the nineteenth century electors or candidates who were dissatisfied with the administration of an election or the conduct of one of the electoral officials, would submit a protest.

An example of protests are those for the Queanbeyan Electoral District in 1872. The Returning Officer received protests from two of the candidates, Leopold William Fane De Salis and Charles H Walsh.

De Salis protested that the votes cast at Carwoola Molonglo were invalid because the Presiding Officer there had not initiated the voting papers as required by the 42<sup>nd</sup> clause of the Electoral Act.

Charles Walsh had a more extensive list of complaints. Objecting to declaring the poll in favour of De Salis, Walsh complained that

the provisions of the Fifty second section of the Electoral Act of 1858 have not been complied with and ... the Election has not been by ballot and ... while electors were in the compartment or ballot room preparing their ballot papers other persons were allowed into such compartment or ballot room and ... the presiding officers in the cases of Electors unable to read and of Electors who were blind did not in the booth or polling place strike out the names of such candidates as such Electors wished to have struck out.

The Returning Officer answered some of these issues in his letter, and the response is noted that he should 'declare the Poll'<sup>4</sup>.

Following the Colonial Secretary's instructions under which De Salis was to be declared elected, Charles H Walsh delivered another protest:

I hereby respectfully protest against your acting on such directions and making such declaration and I further object to the Colonial Secretary or any other Government Official giving you any directions or instructions in the matter as utterly unconstitutional against law and subversive of freedom of election. And I further require you to declare me the person duly elected.<sup>5</sup>

This did not happen and De Salis took up his seat as the elected Member.

## **Electioneering**

One of the more unusual records to be found in the State's archives is an election flyer from 1904.<sup>6</sup> This gives a vivid picture of a presumed candidate, a Mr H T Douglass, and what he stood for.

Addressed to the electors of the King Division (in Sydney), Mr Douglass set forth his policies and ideas —

As a Candidate for the representation of King Division in the State Parliament, I desire to draw your attention to the grave crisis which has developed in the affairs of this Colony.

Responsible Government is reduced to chaos, and Trade and Employment are in a state of stagnation.

Is it not monstrous that in this rich young colony thousands of able bodied men should lack employment, while our women are compelled to bear in silence the bitterness of abject poverty?

This is the legacy bequeathed to you by your Party and Caucus Government which now demands your earnest attention.

The blind indifference of a large body of the electors is mainly responsible for the criminal negligence and corruption which has haunted our Legislative Chambers. It is a sad reflection on the patriotism of the electors of N.S.W. that barely one-half of the citizens can be induced to record their votes.

In offering myself as your Representative, I do so from a sense of duty, confident of my ability to affect at least some amelioration of the abnormal condition which prevails in our politics to-day, where Freedom of Thought and Independence of Character are sacrificed to Party and Caucus and the Treasury of the State plundered to placate the janissaries and camp followers ...

My platform is, briefly: - Responsible Government, with Strict Economy of Administration ...

The flyer also gives some background on Mr Douglass. 'H T Douglass comes of a family of Engineers whose skill and intrepidity are well known throughout the Empire. He was educated at King's College, and at the Thames Nautical College, London, taking high honors. After 10 years of sea life, he settled in N.S.W., where, in 1894, his zeal in the cause of Political Reform led to his imprisonment. In 1901 he was gazetted a Magistrate.' However, there is no indication of any party affiliation.

Mr Douglass was not successful in his candidacy.

## Irregularities in voting

In the archives there are many papers concerning irregularities in voting, especially in the early twentieth century. For example, following the October 1911 Liverpool Plains electorate bye-election, allegations were made in the *Boggabri Examiner* 'of wholesale malpractice, dual and other fraudulent voting, etc.' practised by Labor electors. The charges were:

'Gross impersonation was rife. Several dead men polled, wives of Labour voters voted under their maiden names, and then went to another booth and voted under their married names. Several Labour voters went as far round the electorate as they could in motor-cars during polling-time, and voted at different places. Hundred of men were supposed to have been rabbiting for over a month, but where the rabbits these men caught went to no man knows. Such tactics as these were carried out wholesale by those honorable electors belonging to the Labour Party.'<sup>7</sup>

This had been forwarded by George Black, MLA, who felt that these serious charges demanded 'instant investigation and complete disproof'. In connection with the apparent double voting, the Police reported that

of the total of 14 cases, it was ascertained that seven were due to the booth officials marking names wrongly on the roll, 4 were due to persons of similar names voting at different polling places on the one enrolment, and of the 3 remaining cases, no trace of one elector can be found, nor can the person who voted in the names of the other two, who only voted once, be identified.<sup>8</sup>

In view of the Returning Officer's report and the result of the Police investigation it was decided that no further action be taken.

## Postal voting

At the time of the Centenary celebrations of Responsible Government in 1956 postal voting, or rather the lack of, was an issue of some concern to both organisations and electors. Postal voting had been changed under 1949 electoral legislation so that the sole qualification was residence, that is postal voting being available only to those electors living, as enrolled, more than 5 miles from a polling place.

Representations and protests about the lack of postal voting were made by MPs, various organisations and groups, including crews of ships, the Farmer's and Settlers' Association of NSW, The Australian League of Ex-Servicemen and Women, and the Northbridge Branch of the Liberal Party of Australia, the latter protesting against the law 'which disfranchises a great number of citizens who would otherwise vote at State Elections'.

Ships' crews were clearly disadvantaged by the postal voting scheme in place, and several protests were made. The representation made by the delegates of the RMS Aorangi to Premier Cahill in February 1953 is particularly noteworthy:

The Deck Department of this ship, united by the common bonds of contemporary society – representing a small unit of the working class, protest strongly against the absence of postal votes in state elections.

This travesty is correlative to denial of the democratic rights of all people – regardless of colour, creed and religion.

It is obviously a far cry from Lincoln's idealistic concepts when a citizen of the state is deprived of his vote by virtue of the fact that he is pursuing his normal vocation.<sup>9</sup>

The limitation on postal voting also affected individuals, many having strong feelings about their 'disfranchisement'. Writing to the Premier on 25 June 1956 Mr H E Herman of Dover Heights stated that

For failing to vote at the last State Election (March 3<sup>rd</sup>, 1956) I have been sent a "Please Explain" from the Electoral Commissioner of New South Wales and have answered this notice as follows: -

"Because the present Government, professing to be "Democratic", refused to make provision for postal or absentee votes. I was, in fact, in New Zealand on business at the time. I feel very strongly about this matter and would like this undemocratic handling of Electors rights brought to the notice of the authorities."

As I have stated I feel very strongly about this matter, firstly because of circumstances over which I had no control I was disfranchised and not permitted to vote and secondly that having my right of voting taken away I was then forced to explain my reasons for not voting.

I do think the celebration just concluded by the present State Government should have been called the Centenary of Irresponsible Government if this small but irritating matter is a fair sample of the Government of New South Wales.<sup>10</sup>

## **Fifty years ago — The 1956 Centenary Celebrations**

Finally, let's look back briefly at the celebrations for the Centenary of Responsible Government in New South Wales. A spate of activities were associated with the 100<sup>th</sup> anniversary of Responsible Government: the Opening of Parliament by the Governor, march by the Armed Forces and the Police, buffet luncheon for parliamentarians and visitors, a ball in Sydney Town Hall, an open day in Parliament House, address by the Governor on ABC radio to schoolchildren, special booklet on responsible government prepared and distributed to all secondary school students, and so on.

One of the many talks, speeches and presentations made was that of the Premier J J Cahill to the Royal Empire Society at its luncheon on 23 May.<sup>11</sup> Among the many points made by the Premier in his speech were the following ones relating to the effect of responsible government:

This certainly is a most special occasion, and I doubt if the granting of responsible government to the Colony of New South Wales has been overshadowed in importance by any other single event in our history. Today we look back to May 22, 1856, as a turning point in the history of our country. That really was the starting point of all our spectacular democratic development and progress, and it provided the foundation on which we could build and plan for a future which was so rich in promise.

It was the authority and dignity which came to our Legislature in 1856 which were to set in train events which had their culmination some 45 years later in another event of outstanding importance, the Federation of the six Australian States into the Commonwealth of Australia. ...

As we look back on the historic events that took place in this State 100 years, we find our faith in our democratic system of government strengthened and fortified, and also we can look forward to the future with well-merited confidence.

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- <sup>1</sup> Petition dated 10 May 1869, SRNSW: NRS 905, CSIL 69/4511 with ExCo 69/2260 in [4/681]
  - <sup>2</sup> Letters from the Returning Officer, The Williams, to the Colonial Secretary, 14 October and 8 November 1869 respectively, SRNSW: NRS 905, CSIL 69/7839 and 69/8504 with ExCo 69/2260 in [4/681]
  - <sup>3</sup> Returning Officer, Gold Fields West, to the Colonial Secretary, 8 March 1869, SRNSW: NRS 905, CSIL 69/1983 in [4/681]
  - <sup>4</sup> Returning Officer, Queanbeyan, to the Colonial Secretary, 8 March 1872, with enclosures, SRNSW: NRS 905, CSIL 72/1911 with 75/521 in [1/2274]
  - <sup>5</sup> Charles H Walsh to Andrew Morton, the Returning Officer for the Queanbeyan Electorate, 14 March 1872, SRNSW: NRS 905, CSIL 72/2221 with 75/521 in [1/2274]
  - <sup>6</sup> Flyer dated 29 April 1904, SRNSW: NRS 905, with King electorate papers in [5/6822]
  - <sup>7</sup> Article 'Those Serious Charges' in *The Boggabri Budget* of 18 June 1912, SRNSW: NRS 906, with CSIL 12/12532 in [5/5239]
  - <sup>8</sup> File note by the Principal Electoral Registrar headed 'Alleged Irregularities Bye-Election Liverpool Plains 28th October, 1912', SRNSW: NRS 906, with CSIL 12/12532 in [5/5239]
  - <sup>9</sup> S Mahoney and M Morrison, delegates RMS Aorangi, to the Premier, 16 February 1953, SRNSW: NRS 12060, 53/204 with File 61/534 in [12/8595]
  - <sup>10</sup> SRNSW: NRS 12060, 56/1119 with File 61/534 in [12/8595]
  - <sup>11</sup> Typescript copy of Premier J J Cahill's speech at the Royal Empire Society luncheon, SRNSW: NRS 12061, *Celebration of 100 years of responsible parliamentary government in New South Wales 22 May 1956*, [W947]