

Appendix 13

ELECTION PETITIONS—HOUSE OF REPRESENTATIVES

<i>Date of petition</i>	<i>Petitioner</i>	<i>Claims of petitioner</i>	<i>Action taken</i>
7 May 1901	W E Adcock for review of polling in Fremantle, WA (Member returned was E Solomon). (VP 1901–2/59) <i>and see below</i>	Alleged bribery, use of undue influence and improperly conducted election. Petitioner sought review of poll and legality of election and steps to ensure purity of elections and prevention of corruption.	Petition referred to Committee of Elections and Qualifications which recommended petition be not entertained as petitioner had not complied with the law of WA relating to Parliamentary elections. Report adopted by House, petition dismissed. (VP 1901–2/59, 61)
8 May 1901	W E Adcock in similar terms to above but referring to certain action taken in Perth by petitioner's solicitor in connection with law of WA. (VP 1901–2/83)	Same in substance as above.	Petition referred to Committee of Elections and Qualifications which recommended petition be not entertained as it was the same in substance as the above petition, which had been heard and determined. Report adopted by House, petition dismissed. (VP 1901–2/83, 87)
Undated, presented to House 22 April 1902	J C Whitelaw against election of W Hartnoll as a Member for Tasmania. (VP 1901–2/419)	Alleged irregularity in nomination of W Hartnoll.	Petition referred to Committee of Elections and Qualifications which reported that, though there had been an informality in the nomination, it was not sufficient reason for disturbing the election. Report adopted by House. (VP 1901–2/419, 441, 445)
29 Jan. 1904	J M Chanter against election of R O Blackwood as Member for Riverina, NSW. (VP 1904/8)	Alleged irregularities in printing of ballot papers, and the subsequent voting and count and in conduct during polling.	Court of Disputed Returns declared R O Blackwood not duly elected and further declared the election absolutely void. New election held. (VP 1904/43–4)
4 Feb. 1904	W Maloney against election of Sir Malcolm D McEachern as Member for Melbourne, Vic. (VP 1904/8)	Alleged irregularities in postal votes and other aspects of conduct of election and that successful candidate allegedly ineligible in terms of s. 44 of Constitution (it was alleged he, as honorary Consul for Japan, was under an acknowledgment of allegiance, obedience or adherence to a foreign power).	Court of Disputed Returns declared Sir Malcolm McEachern not duly elected and further declared election absolutely void. New election held. (VP 1904/25–6)
6 Feb. 1904	M Hirsch against election of P Phillips as Member for Wimmera, Vic. (VP 1904/8)	Alleged irregularities on conduct of election.	Court of Disputed Returns dismissed petition. (VP 1904/32)

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25 Jan. 1904	D N Cameron against election of Sir Phillip O Fysh as Member for Denison, Tas. (VP 1904/44)	Alleged breaches of provisions of Act concerning electoral expenditure, alleged bribery and undue influence by successful candidate and irregularities in conduct of election.	Court of Disputed Returns dismissed petition. (VP 1904/49)
24 Jan. 1907	T Kennedy against election of A C Palmer as Member for Echuca, Vic. (VP 1907/26)	Alleged improper practices in conduct of election.	Court of Disputed Returns declared the respondent not duly elected and further declared the election absolutely void. New election held. (VP 1907–8/3–4)
30 May 1910	R A Crouch against election of A T Ozanne as Member for Corio, Vic. (VP 1910/9)	Alleged improper practices in conduct of election.	Court of Disputed Returns dismissed petition. (VP 1910/133)
22 July 1913	W N Hedges against election of R J Burchell as Member for Fremantle, WA. (VP 1913/14)	Alleged improper practices in conduct of election.	Outcome not recorded in Votes and Proceedings, petition apparently not upheld. R J Burchell remained as Member of House.
11 Feb. 1920	J Kean against election of E T J Kerby as Member for Ballaarat, Vic. (VP 1920–21/7)	Alleged improper practices in conduct of election.	Court of Disputed Returns declared E T J Kerby not duly elected and the election absolutely void. New election held. (<i>Note</i> House resolved that in its opinion D C McGrath, elected at second election, should be compensated as he had to contest 2 elections because of official errors). (VP 1920–21/189–90, 468)
Undated, filed (by telegram) on 3 May 1923	J A Porter against election of H G Nelson as Member for Northern Territory. (VP 1923–24/2)	Alleged improper practices in conduct of election.	Application for an order extending the time for the service of the petition dismissed by Full Court of the High Court (petition had been lodged in telegram form). (VP 1923–24/2–3)
16 Dec. 1929	J A Perkins against election of J J Cusack as Member for Eden–Monaro, NSW. (VP 1929–31/91)	Alleged improper activities in conduct of election.	Court of Disputed Returns dismissed petition. (VP 1929–31/91–2)
12 Nov. 1946	R G Sarina against election of W P O'Connor as member for West Sydney, NSW. (VP 1946–48/29)	Successful candidate allegedly under acknowledgment of allegiance, obedience and adherence to a foreign power within the meaning of s. 44 of the Constitution (as Roman Catholic).	Petition withdrawn by leave of High Court. (VP 1946–48/80)

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27 Jan. 1950	H W Crittenden against election of G Anderson as Member for Kingsford-Smith, NSW. (VP 1950–51/10)	Successful candidate allegedly under acknowledgment of allegiance, obedience and adherence to a foreign power within the meaning of s. 44 of the Constitution (as Roman Catholic) and alleged breaches of Act concerning electoral expenditure and other matters.	Court of Disputed Returns ordered that proceedings on petition be forever stayed. Order not presented to House.
31 March 1965	R G Sarina against election of 5 Senators for NSW (J P Ormonde, J A Mulvihill, Sir A M McMullin, K M Anderson and T L Bull) and C W Bridges-Maxwell as Member for Robertson, NSW. (VP 1964–66/341)	Alleged breaches of Act concerning electoral expenditure and other matters.	Court of Disputed Returns dismissed petition. (VP 1964–66/341)
23 Jan. 1978	H T Berrill against election of Member for Boothby, SA (Member returned was J E McLeay). (VP 1978–80/18)	Alleged breaches of provisions of Act.	Court of Disputed Returns dismissed petition. Order not presented to House.
2 Dec. 1980	R L Muscio against election of Sir William McMahon as Member for Lowe, NSW. (VP 1980–81/65)	Certain material published during the election campaign constituted illegal practices contrary to section 161 of the Commonwealth Electoral Act and was likely to effect the result of the election.	Petition not upheld by Court of Disputed Returns (consent order, 18 March 1981).
5 Dec. 1980	E A Symonds against election of R J Virney as Member for Phillip, NSW. (VP 1980–81/81)	Similar to above.	No further action.
5 Dec. 1980	S Cummings against election of J M Bradfield as Member for Barton, NSW. (VP 1980–81/81)	Similar to above.	No further action.
5 Dec. 1980	R T Gun against election of G Chapman as Member for Kingston, SA. (VP 1980–81/81)	Similar to above.	Petition not upheld by Court of Disputed Returns (consent order, 18 March 1981).
5 Dec. 1980	A J Guy against election of N J Hicks as Member for Riverina, NSW. (VP 1980–81/82)	Similar to above.	No further action.
8 Dec. 1980	E T Page against election of R J Birney as Member for Phillip, NSW. (VP 1980–81/81)	Similar to above.	No further action.

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8 Dec. 1980	L J Keogh against election of D F Jull as Member for Bowman, Qld. (VP 1980–81/81)	Similar to above.	Dismissed by Consent.
Undated, petition was filed with court on 8 Dec. 1980	E J Lindsay against election of A G Dean as Member for Herbert, Qld. (VP 1980–81/82)	Similar to above.	Dismissed by Consent.
18 Dec. 1980	R Cullen against election of R M McLean as Member for Perth, WA. (VP 1980–81/82)	Similar to above. It was further claimed that the result of the election was affected by the fact that one candidate held an office of profit under the Crown at the time of the election.	No further action.
19 Dec. 1980	D H Patch against election of R J Birney as Member of Phillip, NSW. (VP 1980–81/82)	Certain material published during the election campaign constituted illegal practices and was likely to affect the result of the election.	Dismissed by Consent.
23 Dec. 1980	B D Simon against election of B T Cunningham as Member for McMillan, Vic. (VP 1980–81/82)	Similar to above.	Dismissed by Consent.
23 Dec. 1980	Y M R McComb against election of E E Darling as Member for Lilley, Qld. (VP 1980–81/82)	Similar to above.	Dismissed by Consent.
24 Dec. 1980	J F Cotter against election of G Campbell as Member for Kalgoorlie, WA. (VP 1980–81/82)	Similar to above.	No further action.
11 Feb. 1985	H G Linacre against election of D J H Watson as Member for Forde, Qld. (VP 1985–87/26)	Alleged breaches of provisions of Act concerning re-count and other matters.	No further action.
27 Sept. 1987	C G Smith against election of M H Lavarch as Member for Fisher, Qld. (VP 1987–89/98)	Alleged improper practices concerning bribery, printing and publishing of electoral advertisements and other matters.	No further action.
8 May 1990	A G Skyring against election of J C Moore as the Member for Ryan, Qld. (VP 1990–92/116)	Alleged that successful candidate's deposit was not legal tender, not being gold coin.	No further action.
28 May 1992	I Sykes against election of P Cleary as Member for Wills, Vic. (VP 1990–92/1537)	Alleged breach of s. 44 of the Constitution (office of profit under the crown).	Court of Disputed Returns declared respondent not duly elected and further declared election absolutely void. New election held. (VP 1990–92/1907)

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7 May 1993	I Sykes against election of each Member elected on 13 March and 17 April 1993 and each Senator elected on 13 March 1993. (VP 1993–95/45)	Alleged breach of Commonwealth Electoral Act.	Court of Disputed Returns dismissed petition. (VP 1993–95/177)
12 May 1993	I Pavlekovich-Smith on the matter of the election 13 March 1993. (VP 1993–95/63)	Alleged breach of Commonwealth Electoral Act.	Court of Disputed Returns dismissed petition. (VP 1993–95/177)
25 May 1993	R J N Hudson Jnr in the matter of the election 13 March 1993. (VP 1993–95/106)	Alleged breach of Commonwealth Electoral Act.	Court of Disputed Returns dismissed petition. (VP 1993–95/176–7)
Undated, filed with court 7 June 1993	P K Muldowney against each Member elected on 13 March and 17 April 1993. (VP 1993–95/147)	Alleged breaches of Commonwealth Electoral Act, Constitution, Bill of Rights 1689, First Statute of Westminster 1275.	Court of Disputed Returns dismissed petition. (VP 1993–95/176)
7 June 1993	A P Webster against election of M Deahm as Member for Macquarie, NSW and each Member and Senator elected on 13 March and 17 April 1993. (VP 1993–95/147)	Alleged breach of Commonwealth Electoral Act.	Court of Disputed Returns dismissed petition. (VP 1993–95/1106)
Undated, filed with court 7 June 1993	J W Robertson against each Member and Senator elected on 13 March and 17 April 1993. (VP 1993–95/147)	Alleged breach of Commonwealth Electoral Act.	Court of Disputed Returns dismissed petition. (VP 1993–95/1106)
7 May 1996	R V Free against election of J Kelly as Member for Lindsay, NSW. (VP 1996–98/72)	Alleged breach of s. 44 of the Constitution (office of profit under the crown).	Court of Disputed Returns declared respondent not duly elected and further declared election absolutely void. New election held. (VP 1996–98/428–30)
8 May 1996	W Snowdon against election of N Dondas as Member for Northern Territory. (VP 1996–98/109)	Alleged breach of Commonwealth Electoral Act.	Court of Disputed Returns dismissed petition. (VP 1996–98/948)
13 May 1996	P A K Stevenage against election of P Filing as Member for Moore, WA. (VP 1996–98/109)	Alleged breach of Commonwealth Electoral Act.	No further action.
7 Dec. 1998	D K Ditchburn against Divisional Returning Officer and election of P J Lindsay as Member for Herbert. (VP 1998–2001/205)	Alleged breach of Commonwealth Electoral Act.	Court of Disputed Returns dismissed petition. (VP 1998–2001/717)

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12 Dec. 2001	R S Gunter against the election of each Member and Senator elected for the State of Queensland on 10 November 2001. (VP 2002–04/17)	Alleged breach of s. 32 of the Constitution—that the Governor-General and State Governor did not have the legal power to issue the election writs; and alleged breach of Commonwealth Electoral Act.	Court of Disputed Returns dismissed petition.
11 Jan. 2002	D K Ditchburn against the election of P J Lindsay as Member for Herbert. (VP 2002–04/17)	Alleged breach of s. 24 of the Constitution—that provisions of the Commonwealth Electoral Act did not allow Members to be ‘directly chosen’ by the electors.	Court of Disputed Returns dismissed petition. (VP 2002–04/328)
2 Dec. 2004	A J Hudson against the election of W Entsch as Member for Leichhardt (VP 2004–07/130)	Alleged improper activities in conduct of election.	Court of Disputed Returns dismissed petition.
16 Dec. 2004	D Wheeley against the election of G Hardgrave as Member for Moreton (VP 2004–07/143)	Alleged uncertainty of election results due to electoral procedures not complying with Commonwealth Electoral Act.	Court of Disputed Returns dismissed petition.
25 Jan. 2008	R Mitchell against the election of F Bailey as Member of McEwen (VP 2008–10/39)	Alleged breaches of the Commonwealth Electoral Act in that certain ballot papers had been wrongly rejected from, or wrongly admitted to, the count.	Court of Disputed Returns dismissed petition. [While the court found errors in the count, their correction increased the elected Member’s majority.] (VP 2008–10/452)
3 Nov. 2008	S G Scott-Irving against the Australian Broadcasting Corporation and election of R Oakeshott as Member for Lyne (VP 2008–10/687)	Alleged breach of Commonwealth Electoral Act.	Court of Disputed Returns dismissed petition. (VP 2008–10/1077)
27 Oct. 2010	G Freemantle against the election of D O’Neill as Member for Robertson (VP 2010–12/174–5)	Alleged breach of Commonwealth Electoral Act relating to postal votes.	Court of Disputed Returns dismissed petition.
27 Oct. 2010	A Green against the election of D Bradbury as Member for Lindsay (VP 2010–12/174–5)	Alleged breach of Commonwealth Electoral Act relating to postal votes.	Court of Disputed Returns dismissed petition.
27 Oct. 2010	G Briscoe-Hough against the election of D Melham as Member for Banks (VP 2010–12/174–5)	Alleged breach of Commonwealth Electoral Act relating to postal votes.	Petition withdrawn by leave of High Court. (VP 2010–12/290)