

In making his decision the Special Returning Officer was powerfully influenced by the following considerations:—

- (a) The count had been properly conducted, the results had been faithfully transmitted to New Zealand, the voting material was not available for the purposes of a recount, and his declaration was final:
- (b) The fact that an extremely difficult shipping situation existed at the time, and the advice from Brigadier Weir, the Officer in Charge of the Administration of the 2nd New Zealand Expeditionary Force, that there was no possibility whatever of being able to ship electoral material back to New Zealand:
- (c) The fact that the 2nd New Zealand Expeditionary Force was not prepared to accept responsibility for the custody of the material, in view of its pending departure for Italy, and that other safe storage was not available:
- (d) The fact that the election material contained information valuable to the enemy, and that security would be endangered by incurring any risk that it might fall into enemy hands.

The Special Returning Officer made his decision on his own responsibility after seeking the advice of Brigadier Weir on the question of shipping, storage, and security. In evidence before the Select Committee Brigadier Weir confirmed that the shipping position then was more acute than it had been before or has been since, and that the prospect of shipping-space to New Zealand was very uncertain and remote. Brigadier Weir confirmed that the 2nd New Zealand Expeditionary Force could not have accepted responsibility for storage in view of the pending departure of the Division for Italy. Brigadier Weir also stated before the Committee that particulars from the electoral material would have been of value to the enemy, because the enemy was under the impression that New Zealand had two Divisions in the Middle East, and not one. Access to the electoral material would have enabled him to assess the strength correctly.

It was stated in Captain Bolland's evidence that 2nd New Zealand Expeditionary Force was very insistent that the information supplied to the Special Returning Officer about the strength and location of units should be carefully guarded. The electoral material was therefore kept under lock and key and guarded day and night.

The foregoing factors alone led Major Bryan to make his decision—factors associated with the military environment.

Nevertheless, the Select Committee considers that the Special Returning Officer in the Middle East committed an error of judgment in deciding to burn the electoral material, contrary to the requirements of the Electoral Act, 1927.

(4) CONCLUSION

The Select Committee, having inquired into the organization set up, the methods employed for recording and dealing with votes of servicemen in the recent general election, has to report to the House that it is satisfied—

- (a) That the organization set up for the conduct of the general election among servicemen was adequate and that the Special Returning Officers performed their duties efficiently:
- (b) That proper methods were employed for recording and counting the votes of servicemen and that there was no unfair practice, breach of secrecy, negligence, or other irregularity in the performance of these functions:
- (c) That the Special Returning Officer in the Middle East, who in all other matters carried out his duties with outstanding ability and efficiency, committed an error of judgment in deciding to burn used electoral material, contrary to the requirements of the Electoral Act, 1927:
- (d) That the Special Returning Officer in the Middle East, in arriving at his decision to burn used electoral material, acted in good faith, having regard to the difficulties in returning the material to New Zealand due to shipping, storage, and security factors, and in the knowledge that the count had been properly conducted and the results of the voting faithfully transmitted to New Zealand, and that his declaration was final:
- (e) That there were no circumstances which it would be in the interests of any person to conceal, and that the burning of the electoral material was not for the purpose of concealing, and did not, in fact, conceal any irregularity.
- (f) That the burning of the ballot-papers did not in any way affect the validity or the result of the election.

6th December, 1944.

A. G. OSBORNE, Chairman.

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