

2023 Division of Arafura

by-election report



Northern Territory
Electoral Commission
EVERY vote counts

NTEC version control

2023 Division of Arafura by-election report

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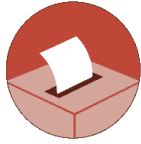
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2023 Arafura by-election

18 March 2023

Date	Time	
Thursday 23 February		Issue of the writ Nominations open
Friday 24 February	5:00 pm	Electoral roll closes
Tuesday 28 February		Election return of gifts received (return prior to early voting) due
Thursday 2 March	12:00 noon	Nominations close Declaration of nominations, draw for position on ballot papers
Friday 3 March		Election return of gifts received (return prior to early voting) published
Monday 6 March		Postal vote mail-out commences Early voting commences Mobile voting commences
Tuesday 14 March	5:00 pm	Overseas postal voting despatches cease
Wednesday 15 March		Election return of gifts received (return prior to election day) due
Thursday 16 March	5:00 pm	All postal voting despatches cease
Friday 17 March		Election return of gifts received (return prior to election day) published
	6:00 pm	Early voting ceases
Saturday 18 March		Election day
	8:00 am	Election day voting commences
	6:00 pm	Election day voting ceases Mobile voting ceases Primary counts of ordinary, postal and early votes commence
Monday 20 March	9:00 am	Declaration vote verification checks, commence recheck of all counts Primary counts of accepted declaration votes, further postal counts
Friday 31 March	12:00 noon	Deadline for receipt of postal votes Final counts of postal votes commence Distribution of preferences
Monday 3 April	10:00 am	Declaration of the election result
Monday 24 April		Return of the writ
Thursday 27 April		Election return of gifts received (post-election return) due (to be published as soon as practicable)
Monday 15 May		Last day for disputing the validity of the election
Wednesday 17 May		Expenditure returns due (to be published as soon as practicable)

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The Hon. Mark Monaghan MLA
Speaker
Northern Territory Legislative Assembly
Parliament House
Darwin NT 0800

Mister Speaker

This report provides information on the Legislative Assembly by-election for the division of Arafura held on 18 March 2023.

The *Electoral Act 2004* requires the report to be tabled in the Legislative Assembly within three sitting days after its receipt. Additional copies have been provided for this purpose.

Iain Loganathan
Electoral Commissioner

27 September 2023

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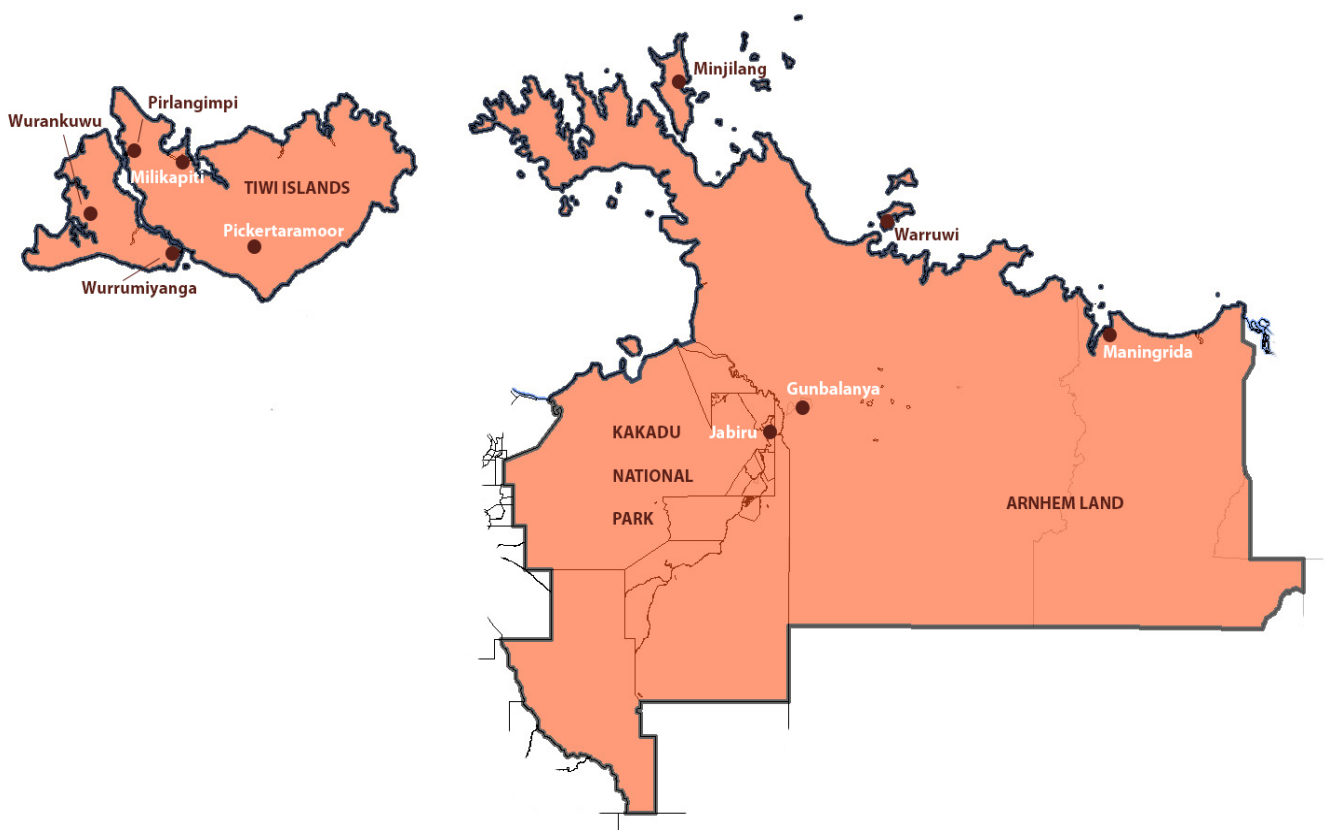
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Division profile and result

The Legislative Assembly division of Arafura is a Top End remote division that comprises the Tiwi Islands, West Arnhem Land and Kakadu National Park. It includes the communities of Gunbalanya, Jabiru, Maningrida, Milikapiti, Minjilang, Prilangimpi, Waruwi and Wurrumiyanga.

The division was created following the 1983 redistribution.

It is named after the Arafura Sea that lies between the Northern Territory and Western New Guinea (or West Papua). Arafura is derived from the Indigenous name for the 'people of the mountains' of the Moluccas (or Maluku Islands), an archipelago in eastern Indonesia. The Dutch named the sea in 1827.



ELECTED MEMBER
Manuel Brown – Australian Labor Party
Elected on the primary count

Election overview

The sitting member of the division of Arafura passed away on 17 December 2022. Mr Costa was first elected at the 2016 Territory Election.

The 2023 Arafura by-election was the 27th Legislative Assembly by-election since self-government in 1978. See [Appendix A](#) for a list of Legislative Assembly by-elections since self-government.

Since its creation in 1974, the division of Arafura has been represented by 6 members:

Table 1: Members for the division of Arafura

Member	Affiliation	Period
L Costa	Australian Labor Party	2016 - 2022
F X Kurrupuwu	Country Liberal Party	2012 - 2016
M R Scrymgour	Australian Labor Party	2001 - 2012
M J Rioli	Australian Labor Party	1992 - 2001
S G Tipiloura	Australian Labor Party	1987 - 1992
R L Collins	Australian Labor Party	1983 - 1987

The writ for the election was issued on Thursday, 23 February 2023, with the following key dates:

Table 2: Key dates for the Arafura by-election

Election timetable	Dates
Nominations open	Thursday, 23 February 2023
Close of electoral roll	5pm Friday, 24 February 2023
Close of nominations	12 noon Thursday, 2 March 2023
Election day	Saturday, 18 March 2023
Last day for writ return	Monday, 17 April 2023

The writ was returned early on Monday 20 March 2023, as the election was able to be declared early, to allow the newly elected member to be sworn in at the parliamentary sittings held the next day, Tuesday 21 March.

Key statistics

Table 3: Key statistics for the Arafura by-election and past general elections for the division of Arafura

	General election 27 August 2016	General election 22 August 2020	Arafura by-election 18 March 2023
Electors on roll	4,848	5,183	5,536
Ballot papers counted	2,383 (49.2%)	2,733 (52.7%)	3,214 (58.1%)
Informal ballot papers	34 (1.4%)	142 (5.2%)	159 (4.9%)
No. of candidates	4	4	3
Two candidate preferred	54.7% ALP / 45.3% CLP	53.6% ALP / 46.4% CLP	69.2% ALP / 30.8% CLP
Cost per elector	\$25.51 (all divisions)	\$26.42 (all divisions)	\$34.56 (Arafura only)

Enrolment overview

- A total of 5,536 electors were enrolled to vote at the close of roll for this by-election, which is a 6.8% increase from the Legislative Assembly general elections held in August 2020.
- Elector turnout based on the number of ballot papers counted was 58.1%.
- The participation rate which includes people who applied for and received a postal vote which was not counted and rejected declaration votes, among other factors, was 61.2%.

Public awareness overview

- There were 1,959 web page views during the election period.
- There were 13 social media posts on Facebook, Instagram and LinkedIn with 91,314 total views and 5,044 engagements. The posts were produced in English, Tiwi and Kriol languages.
- 1,607 emails and 3,677 SMS were sent directly to electors across 3 messaging phases.
- 57 radio advertisements were aired on TEABBA radio during the election period.

Candidates and parties overview

- 3 candidates nominated for the Arafura by-election
- Parties represented included the Australian Labor Party, the Country Liberal Party of the NT and the Federation Party Northern Territory.

Voting services overview

Table 4: Voting services summary for the Arafura by-election

Voting centre type and number ()	Number of votes counted	% of total votes
Early voting centre (1)	67	2.1%
Remote mobile teams (3)	2,802	87.2%
Urban mobile team (1)	9	0.3%
Postal voting	92	2.9%
Declaration voting	244	7.6%
TOTAL	3,214	

Financial disclosure overview

- All candidates and political parties submitted the required gift returns and expenditure returns, however not all returns were received by the due date.
- There were no registered third party campaigners for this by-election.

Corporate management overview

- A by-election for the Gunbalanya Ward of West Arnhem Regional Council was held at the same time as the Arafura by-election, which enabled resources to be shared and was convenient for electors who could vote for both by-elections.
- The early voting centre and main count centre were located within the NTEC office.
- 23 devices for electronic mark-off of voters were utilised across 4 voting teams and the early voting centre.
- 36 casual electoral positions were created, including voting centre staff, count staff, operational support positions, and local community assistants.
- The total cost of the election was \$191,325 which equates to \$35 per elector.

Election timetable

Table 5: Election timetable for the Arafura by-election

<i>Electoral Act 2004</i>	Timetable requirements	Date
The writ authorises the Northern Territory Electoral Commission to conduct an election in accordance with the Act, and sets the date for the close of nominations, election day, the return of the writ and triggers all other key milestones and operational deadlines	Issue of the writ	Thursday, 23 February 2023
The electoral roll is closed for the period starting at 5pm, one day after the issue of the writ for an election - and ending at the close of voting for an election	Close of electoral roll	5:00 pm Friday, 24 February 2023
Nominations must close at 12 noon, 7 days after the issue of the writ <i>[Sections 28(a), 34]</i>	Close of nominations	12 noon Thursday, 2 March 2023
A draw for positions of candidate names on the ballot paper is conducted as soon as practicable after the close of nominations <i>[Section 41]</i>	Draw for ballot paper positions	Thursday, 2 March 2023
Early voting period determined by NTEC <i>[Section 69]</i> Postal ballot materials can be despatched as soon as possible after the draw for ballot paper positions and may be completed at any time during the postal voting period, ending at 6 pm on	Early and postal voting commences	Monday 6 March 2023
Mobile voting can be provided in remote areas and special institutions and can start nine days after the issue of the writ and must end no later than 6pm on election day <i>[Sections 77, 78, 81]</i>	Mobile voting	Monday 6 March to Saturday 18 March 2023
Overseas postal despatch ceases 4 days before election day <i>[Section 62(3)(a)]</i>	Overseas postal vote despatch ceases	5:00 pm Tuesday, 14 March 2023
Domestic postal despatch ceases 2 days before election day <i>[Section 62(3)(b)]</i>	Australian postal vote despatch ceases	5:00 pm Thursday, 16 March 2023
Early voting period determined by NTEC <i>[Section 69]</i>	Early voting centres close	6:00 pm Friday, 17 March 2023
Election day must be 23 days after the issue of the writ <i>[Section 28(b)]</i>	Election day	8:00 am to 6:00 pm Saturday 18 March 2023
Postal votes must be received by 12 noon on the second Friday following election day to be included in the count	Deadline for the receipt of postal votes	12 noon, Friday 31 March 2023
Results of the election are to be publicly declared as soon as practicable after they have been determined <i>[Section</i>	Declaration of the election result	10:00 am Monday, 3 April 2023 (declared early, Monday 20 March 2023)
The writ sets out the latest date for its return <i>[Section 27 and Schedule 1]</i>	Return of the writ	Monday 17 April 2023 (returned early, Monday 20 March 2023)

Legislative reforms

There were extensive legislative reforms to the *Electoral Act 2004* in the 2 years leading up to the 2020 Territory Election. Details of these changes can be found in Section 3 of the [2020 Territory Election Report](#). In particular there were extensive changes to financial disclosure requirements, campaigning processes, the election timetable and the admittance of eligible declaration votes to the count. These changes were all applicable for the Arafura by-election.

There were minor amendments to the *Electoral Act 2004* as a consequence of the new *Local Government Act 2019* coming into effect on 1 July 2021, but these changes were only relevant to local government elections, and therefore did not impact the Arafura by-election.

Enrolment

NT electoral roll

The NT electoral roll is managed by the Australian Electoral Commission (AEC) under a joint roll agreement between the Governor-General and the Administrator of the NT. The AEC's main enrolment program is the Federal Direct Enrolment Update (FDEU) which automatically enrolls and updates enrolment with data collected by other government agencies like Centrelink. Electors identified through this process are sent a letter informing them that the AEC will enrol or update their enrolment unless the person replies with further information.

Prior to 2022, the FDEU program required mail delivery to a street address and therefore did not operate in rural and remote areas in the Northern Territory. However, following a review in 2021, the program was expanded and remote electors in the Northern Territory became a focus. In late 2022, a trial expansion was conducted whereby people residing in remote communities who were eligible but not yet enrolled, and who receive their mail via a community mail bag or similar, received an FDEU letter. This trial took place in 43 communities in the Northern Territory, including many in the division of Arafura.

The trial added 108 new electors from the division of Arafura, and 702 new electors in total across the Territory.

Enrolment stimulation activities

Communications with electors in Arafura began 6 February to promote the by-election and to encourage electors to check and update their enrolment before the close of roll on 24 February 2023. Where mobile phone and email contacts were available on the electoral roll, Arafura electors were contacted directly to advise they were enrolled in the division and that a by-election was to be held.

The NTEC also provided enrolment information via social media posts which were geo-targeted to users in the division, and shared on community pages. Arafura based businesses and organisations were also contacted with posters to put up in their communities and with social media posts to share through their media channels and networks.

Major elections also act as enrolment stimulation activities, and NT elections in particular add people to electoral roll as unenrolled people can cast a declaration vote and have their vote counted at that election due to a savings provision introduced in 2019 to the *Electoral Act 2004*. Between the 2020 Territory Election and the Arafura by-election, electors in the division of Arafura would have voted in the 2021 Local Government Elections and the 2022 federal election.

Enrolment transactions

At the close of the roll for the by-election, there were 5,536 eligible electors in the division of Arafura compared to 5,183 at the 2020 Territory Election, the last time the division voted. This is an increase of 536 electors, or 6.8%.

Table 6 shows the enrolment transactions in the division of Arafura between the close of roll for the 2020 Territory Election (30 July 2020) and the close of roll for the Arafura by-election (24 February 2023).

Table 6: Enrolment transactions prior to the Arafura by-election

Enrolment as at 30 July 2020	5,183		
Enrolment activity – additions	Number	Enrolment activity – deletions	Number
New enrolments	568	Deaths	141
Re-enrolments	75	Objections	11
Transfer from within the NT	317	Duplications	42
Transfers from interstate	228	Transfers out within the NT	390
Total additions	1,188	Transfers out to interstate	251
		Total deletions	835
Enrolment as at 24 February 2023	5,536		

Public awareness

Overview

The Arafura by-election public awareness campaign was guided by a communications strategy which leveraged multiple channels including SMS, email, radio, newspaper, website, and social media platforms for broad reach and visibility.

Messages were tailored to specific stages of the election and promotions were produced in Tiwi and Kriol languages, as well as English, where possible. Engagement with local stakeholders as well as the media were also key parts of the public awareness campaign.

Email and SMS messaging

Email and SMS were used to contact Arafura electors who had provided either, or both, their mobile phone numbers or email address contact details through the enrolment process. Messages were tailored to specific stages of the election:

- Check your enrolment is up to date
- Voting will be in your community tomorrow
- Election day is tomorrow.

In total, 3,677 SMS and 1,607 emails were sent directly to Arafura electors. Despite a lower total number of emails sent compared to SMS, the email open rate was relatively high, with 896 emails opened. This indicates that email remains an effective channel for engaging with electors, even those in remote divisions.

Radio advertising

Radio advertisements were produced in English, Tiwi, and Kriol languages and aired on TEABBA radio 57 times, and there were also 57 live reads by the radio station.

Newspaper advertising

There were 4 statutory print advertisements published in the NT News which included:

- a call for nominations and close of roll date
- a list of candidates and early voting information
- a list of election day voting centres
- the final results.

Website

An election webpage for the Arafura by-election was hosted on the NTEC's website which provided information for candidates and electors on topics including nominating, campaigning, voting centre locations and financial disclosure. The site also hosted a results page that was updated throughout the indicative count on election night, and throughout the count period. There were 1,959 page views during the election period which ran through until the final count results were published on 31 March 2023.

Social media

Coordinated social media posts and advertising on platforms like Facebook, Instagram, and LinkedIn resulted in a substantial number of views (91,314) and engagements (5,044). In total there were 13 social media posts, which were all produced in English, Tiwi and Kriol languages. The posts were also shared with local stakeholders who were encouraged to share and re-post throughout their networks.

Stakeholder engagement

Posters, flyers and signage was developed to communicate each stage of the by-election. Digital files were sent to key stakeholders within the division of Arafura to print and distribute advertisements in community areas.

Media

There were 8 media releases sent during the election period and the by-election generated significant attention from the local media with 53 mentions in NT media outlets. One election newsletter was also sent which is emailed to candidates, political parties, stakeholders and the media.

Candidates and parties

Nominations

Nominations closed at 12 noon on Thursday, 2 March 2023, and a total of 3 candidates nominated. The draw for positions on the ballot paper took place that afternoon and the candidate details listed below are in the order they appeared on the ballot paper as a result of that draw.

Table 8: Arafura by-election candidates

Candidate	Affiliation
Leslie TUNGATALUM	Country Liberal Party of the NT
Manuel BROWN	Australian Labor Party
Alan MIDDLETON	Federation Party

Part of the legislative amendments introduced prior to the 2020 Territory Election was the increase of the nomination deposit fee from \$250 to \$500. However the *Electoral Act 2004* provides that the full nomination deposit is returned to the elected candidate and any other candidate who achieves more than 20% of the first preference votes of the successful candidate. For the Arafura by-election, 2 of the 3 candidates had their deposits refunded having reached this criteria.

Communications with candidates

Information resources for candidates including a candidate handbook covering nominating, campaigning, scrutineering and financial disclosure requirements, as well as all necessary forms, were available on the NTEC's website or from the NTEC's office in digital and hard copy form. Communication with candidates and parties was conducted primarily through email, and included an election newsletter sent to multiple stakeholders, or over the phone. Candidates were invited to meet with the NTEC if they had any queries regarding the nomination or election process.

Voting services

Impact of COVID-19 on voting services

In delivering the Arafura by-election, the NTEC complied with the directions and advice provided by the NTG and Department of Health. The NTEC's health and safety protocols for elections (which are an ongoing extension of prior COVID-19 management plans and supporting documents) were applied to the Arafura by-election.

Some of the procedures in place at voting centres to reduce risks were:

- masks were offered to voters and voting staff
- all voting centres provided hand sanitiser and sanitised single use pencils for voters
- all surfaces, including voting screens, were cleaned and disinfected regularly
- protocols in place for any staff experiencing symptoms

Electors with special needs

Electors with special needs can access a range of different services and voting staff are trained to respond to electors needing assistance to vote.

Services provided at the Arafura by-election included:

- postal and early voting services open to all voters
- mobile voting at hospitals
- postal votes sent to eligible electors at Darwin Correctional Centre and Dajtala work camp
- allowing electors to vote from their vehicles if they were unable to enter a voting centre
- on request, allowing electors at voting centres who were unable to mark their ballot paper to be assisted by their nominee or NTEC staff member.,

Postal voting

All electors have the option to postal vote in Northern Territory elections and applications are available as soon as the need for a by-election is announced.

As per the *Electoral Act 2004*, applications for postal votes close 2 days before election day (for Australian addresses), which was Thursday, 16 March. Postal votes were despatched from Monday 6 March, and had to be returned by 12 noon, Friday 31 March in order to be eligible to be admitted to the count. The table below shows the postal voting statistics for the Arafura by-election.

Table 9: Arafura by-election postal voting statistics

Postal voting	Number
Postal vote applications received	177
Postal votes issued	141 (79.7% of applications)
Postal vote applications rejected	36 (20.3% of applications)
Postal votes returned	110 (78.0% of postal votes issued)

Postal voting	Number
Postal votes not returned	31 (22.0% of postal votes issued)
Postal votes admitted to the count	94 (85.5% of postal votes returned)
Postal votes rejected	16 (14.5% of postal votes returned)

The reasons for rejecting postal vote applications were:

- multiple applications received from same elector (12)
- received too late for an Australian address (8)
- enrolled for a different division (8)
- cancelled by the elector (6)
- not enrolled (2)

The reasons for rejecting the returned postal votes were:

- vote received too late (7)
- postal vote not signed (5)
- vote dated too late (after election day) (4)

Early voting

Early voting services were offered at the NTEC office in Darwin for 2 weeks from Monday 6 March to Friday 17 March.

Based on the number of votes counted (not including any declaration votes) the early voting centre took 67 votes which was 2.1% of all votes counted.

Remote mobile voting

There were 3 remote mobile teams that travelled throughout the division of Arafura during the early voting period, and on election day, from Monday 6 March to Saturday 18 March. The teams covered the following areas:

- Mobile team Arafura 1 – Maningrida and homelands
- Mobile team Arafura 2 – Tiwi Islands, Minjilang and Warruwi
- Mobile team Arafura 3 – Gunbalanya and homelands, Jabiru and Kakadu homelands.

This included having a voting centre in Maningrida (which had 1,684 enrolled electors at the close of roll) for 5 days from Monday 13 March to Friday 17 March, as well as a voting centres for 2 days in Gunbalanya (785 electors) and Wurrumiyanga (1,105 electors) and 2 half days in Jabiru (330 electors). Table 10 shows the number of votes issued at each remote mobile centre.

Table 10: Arafura by-election remote mobile voting statistics

Community	Ordinary votes issued*	Declaration votes issued*
Bolkdjam	7	1
Buluhkaduru	6	3
Cooinda	21	0
Gochan Jiny-Jirra	0	0
Gunbalanya	395	34
Jabiru	156	21

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Community	Ordinary votes issued*	Declaration votes issued*
Ji-Bena	5	0
Ji-Marda	0	0
Kabulwarnamyo	11	1
Kolorbidahdah	7	0
Mamadawerre	22	1
Manabadurma	17	2
Maningrida	766	112
Manmoyi	22	0
Marrkolodjban	0	0
Milikapiti	215	7
Minjilang	76	12
Mudginberri	17	1
Pickertatamoor	15	1
Pirlangimpi	183	15
Warruwi	128	10
Wurrumiyanga	735	43
TOTAL	2,804	264

* Number of votes issued does not always equal the number of votes counted

Urban mobile voting

An urban mobile voting team visited the Royal Darwin Hospital, Darwin Private Hospital and the Palmerston Hospital to issue votes to Arafura electors. Urban mobile teams are able to issue votes to staff and visitors as well as patients.

Urban mobile voting teams would usually visit correctional centres as well, however for the Arafura by-election, postal votes were arranged for eligible electors at Darwin Correctional Centre due to major renovations in areas used for voting occurring at the time.

The urban mobile team issued 9 votes for the Arafura by-election.

Election day voting

While there was one voting centre open on election day Saturday 18 March (in Jabiru), this was a scheduled mobile voting stop and the votes issued are recorded as part of the remote mobile voting statistics.

Declaration voting

A person who cannot be found on the electoral roll, but is entitled to vote, can be issued with a declaration vote after completing and signing a declaration envelope. Their ballot paper is placed in the envelope and a scrutiny of all declaration envelopes commences in the first week of the count period.

Legislative amendments passed in September 2019 created a savings provision that allows eligible electors who are unenrolled at the close of roll date, a chance for their vote to be admitted to the count.

During the declaration scrutiny process, all declaration envelopes are forwarded to the AEC and eligible electors are added to the roll using the envelope as an enrolment form. Where the entitlement to vote is confirmed, their vote is admitted to the count. Where voters are unable to be enrolled, or they are found to be already enrolled in the NT, the declaration vote is rejected.

For the Arafura by-election, Table 12 shows the declaration votes admitted to the count and those rejected.

Table 12: Arafura by-election declaration voting statistics

Declaration votes	Number
Declaration votes accepted and admitted to the count	246 (90.4%)
Declaration votes rejected	26 (9.6%)
TOTAL	272

The reasons for rejecting the declaration votes were:

- Elector enrolled in another NT division at close of roll (20)
- Could not be enrolled due to insufficient evidence of identity (6).

Voting summary

Table 13: Vote type statistics for the Arafura by-election and the 2020 Territory Election

Voting centre type	2020 Territory Election – Arafura		2023 Arafura by-election	
	No. of votes counted	% of total votes	No. of votes counted	% of total votes
Early#	-		67	2.1%
Remote mobile	2,264	82.8%	2,802	87.2%
Urban mobile#	-		9	0.3%
Postal	61	2.2%	92	2.9%
Declaration	86	3.1%	244	7.6%
Absent*	322	11.8%	-	
TOTAL	2,733		3,214	
Formal	2,591	94.8%	3,055	95.1%
Informal	142	5.2%	159	4.9%

included in absent vote count at general elections for remote divisions

* Absent voting is not available at by-elections

Turnout and participation

Table 14: Turnout and participation statistics for the Arafura by-election

Turnout	Number or percentage
Enrolment at close of roll	5,536
Total votes counted	3,214
Turnout rate – by number of votes counted	58.1%
Participation	Number or percentage
Postal vote applications rejected (voter eligible)	16
Postal votes not returned	31

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Participation	Number or percentage
Postal votes returned but rejected	16
Declaration votes rejected	26
Excuses lodged	85
Total additional participation	174
TOTAL	3,388
Participation rate	61.2%

Voting outcomes

Vote counting – election day

The initial count was conducted from 6:00 pm on Saturday, 18 March with first preference counts and two-candidate preferred (TCP) counts undertaken at the NTEC Darwin office which was the scrutiny centre for this by-election.

Post election day counts

- On Monday, 20 March a fresh scrutiny of all counts conducted election night was undertaken. Declaration envelopes were forwarded to the AEC for processing.
- Once the declaration envelopes were processed by the AEC, a scrutiny of declaration envelopes was conducted (22 – 23 March).
- On Friday, 24 March an initial count of admitted declaration votes and postal votes received so far was conducted. A fresh scrutiny occurred immediately afterwards.
- Following the deadline for the receipt of postal; votes at 12 noon on Friday 31 March, an initial court of the second and final intake of postal votes was conducted, and was immediately followed by a fresh scrutiny.

Candidates and parties were advised of when all counts would be undertaken and that one scrutineer per candidate per table could be present.

Results from all counts, on and after election day, were published on the NTEC website at the conclusion of each count.

Distribution of preferences

The number of votes to win the by-election, as per the preferential voting system was 1,528 (more than half the formal votes, or 50% + 1 of the formal votes) which one candidate received on the primary count. Therefore candidate **Manuel BROWN (ALP)** was duly elected without having to do a distribution of preferences.

Table 15: Election results for the Arafura by-election

Candidate	Party	Primary count	TCP
Leslie TUNGATALUM	CLP	897	942 (30.8%)
Manuel BROWN	ALP	2,038	2,113 (69.2%)
Alan MIDDLETON	FP	120	
TOTAL		3,055	

Declaration of the result and writ return

In order to swear in the new Member for Arafura at the next parliamentary sittings commencing Tuesday 21 March, it was determined that the number of outstanding declaration votes and postal votes could not change the outcome of the count. As such, and in accordance with section 129 of the Act, the writ was returned early to the Administrator on Monday 20 March declaring Manuel Brown as duly elected.

An official declaration of the election result was still held at 10:00 am on Monday, 3 April at the NTEC Darwin office

Informal voting

There were 3,055 formal votes and 159 informal votes, which is an informality rate of 4.9%. This is lower than at the 2020 Territory Election where the division of Arafura had an informality rate of 5.2%.

Almost all of the informal votes were assumed to be unintentional with many of these being informal due to only a first preference being marked. However, it was noticed that a large number of the informal ballot papers were marked with numbers between 1 – 5 which could be due to confusion by those voters who were given 2 ballot papers: one for the Gunbalanya Ward by-election (2 candidates) and one for the Arafura by-election (3 candidates). It was clear from the informal declaration votes in particular (where both ballot papers were sealed in the one declaration envelope) that some voters with 2 ballot papers marked the order of their preference of the 5 candidates across the 2 ballot papers. The table below shows the numbers of assumed intentional and assumed unintentional informality for the Arafura by-election

Table 16: Arafura by-election informal voting statistics

Informality type	Number	% of all informal votes
Assumed unintentional	152	95.6%
Assumed intentional	7	4.4%
Total	159	100%

Financial disclosure

Legislative changes to the *Electoral Act 2004* prior to the 2020 Territory Election established a new financial disclosure scheme to regulate political donations (gifts) and campaign expenditure by candidates, political parties, associated entities and third-party campaigners. This new scheme took effect on 1 January 2020 and all entities involved in the Arafura by-election were obliged to adhere to these reporting requirements.

Reporting of gifts

Table 19: Required financial disclosure returns and periods for the Arafura By-election

Return	Period	Due
Return 1 – prior to early voting	22 September 2020 to 23 February 2023	28 February 2023*
Return 2 – prior to election day	24 February 2023 to 13 March 2023	16 March 2023
Return 3 – post election return	14 March 2023 to 17 April 2023	27 April 2023

* Extended to 2 March 2023

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Candidates who receive gifts of \$200 or more, and registered parties, associated entities and third party campaigners who receive gifts of \$1,500 or more, must disclose the gifts to the NTEC. Donors who donate more than \$1,500 or more must also disclose their donations in a separate return.

For the Arafura by-election:

- All candidates reported nil returns for receiving donations above the threshold. Most returns were submitted on time or within one week of the due date.
- There were 3 registered political parties with endorsed candidates in this by-election. All three parties reported the total value of the donations they received, including any individual gifts over the threshold received. Most returns were submitted on time or within one week of the due date.
- 2 associated entities reported nil returns. All returns were submitted on time or within one week of the due date.
- There were no registered third party campaigners for this by-election.
- Donors are only required to report on their donations in an annual return. The 2022-2023 annual return for donors (covering the Arafura by-election) is due 31 August 2023.

Reporting of electoral expenditure

Table 20: Disclosure period for electoral expenditure return for the Arafura by-election

Return	Period	Due
Return 1	23 February 2023 to 17 April 2023	17 May 2023

Candidates, registered parties, associated entities and third party campaigners who spend more than \$200 or more on campaign expenditure, must disclose this in a return following the by-election. The return must detail which category of campaign expenditure the spending came under. The categories are:

- publishing, broadcasting, posting or displaying an electoral advertisement in any form on any platform
- producing an electoral advertisement for the above
- designing or producing any printed electoral matter that requires authorisation that is published, communicated or distributed
- producing or distributing electoral matter addressed directly to a person or organisation
- opinion polling and election research

For the Arafura by-election:

- All 3 political parties (who endorsed candidates reported their electoral expenditure by category. Endorsed candidates do not have to submit their own separate expenditure return (all candidates for this by-election were endorsed)
- Not all returns were received by the due date.

The details of the gift and expenditure returns received for the Arafura by-election can be found on the NTEC website under financial disclosure returns [here](#).

A compliance review was not conducted on the financial disclosure returns for this by-election.

Corporate management

Information and Communications Technology (ICT) support

The NTEC is heavily reliant on bespoke ICT systems to run elections that are obsolete and have reached the end of useable working life. The agency's election management system (known as TIGER) is currently undergoing remedial work by an external contractor to mitigate operational risks and maintain its use until a new system can be procured and implemented. This remedial process will continue through to the end of the 2024 Territory Election, and for any by-elections, for both the Legislative Assembly and local government, in between.

For any general election, Legislative Assembly by-election, or municipal council by-election, another external contractor is procured to provide specialist IT support for the electronic mark-off system (eLAPPS) used to mark off electors when they are issued a ballot paper. For the Arafura by-election, eLAPPS was used on 23 devices across 4 voting teams and one early voting centre.

Significant ICT assistance is provided by the Department of Corporate and Digital Development (DCDD) to the NTEC for most of the elections it conducts. For the Fannie Bay by-election, DCDD provided ICT incident monitoring, response and escalation, as well as provision and management of IT event services including elevated support for the NTEC's election management system, eLAPPS services, Telstra services and the website, particularly with the timely publishing of count results.

Premises

Due to the division of Arafura having an entirely remote constituency, most electors accessed voting via a remote mobile voting team (87%). As electors were spread over a large portion of the Top End, there was no centralised early voting centre located within the division, however early voting services were offered at the NTEC Darwin office. The NTEC Darwin office was also the location of the scrutiny centre for this election.

Remote mobile voting stops were set up in council buildings, privately owned businesses (e.g. hotels), Aboriginal corporation assets and school buildings. Very small communities do not require a premise as the remote mobile voting team sets up voting services outdoors in a central location.

Staffing

The day-to-day operations of the by-election were managed internally and supplemented by casual staff.

The table below shows the number of casual staff employed across a variety of positions. In total, 36 casual positions were created by the by-election which were filled by NTEC staff as well as casual staff who sometimes performed more than one position. There were also 11 community electoral assistants who were local people employed to assist at remote mobile voting centres.

Table 21: Casual staff positions for the Arafura by-election

Positions	No. of casual positions	Casual staff employed
Early voting centre staff	2	0 (2 filled by NTEC staff)
Remote mobile voting staff	10	10
Community electoral assistants	Dependent	11
Urban mobile voting teams	2	2
Count staff (election night)	10	1 (9 filled by NTEC staff)
Count staff (Monday fresh scrutiny)	10	3 (7 filled by NTEC staff)
Other operations staff*	2	1 (1 filled by NTEC staff)

* e.g. postal voting, materials

Election costs

The total cost of the Arafura by-election was \$191,325. This makes the cost of the election per enrolled elector as \$35, which was lower than the 2022 Daly by-election held about 18 months earlier (\$222,531 and \$39 per elector).

The NTEC's annual appropriation does not include funding to conduct by- elections. Arrangements are made with the Department of Treasury and Finance to meet the costs of the election with a Treasurer's Advance.

The breakdown of costs for the Arafura by-election are as follows:

Table 22: Breakdown of costs for the Arafura by-election (ex GST)

Category	Cost
Staffing	\$83,870
Vehicles, charter flights, fuel	\$54,838
Staff accommodation and travel allowance	\$16,324
Public awareness (advertising/marketing)	\$16,146
IT	\$12,917
Premises	\$4,773
Ballot papers and printing	\$1,495
Postage	\$603
Materials, stationery, consumables	\$359
TOTAL	\$191,325

APPENDIX A: By-elections since 1976

Division	Previous general election					By-election					
	Date	Elected	No. of candidates	Swing to lose %*	Prim. vote % [^]	Cause	Date	Elected	No. of candidates	Swing to lose %*	Prim. vote % [^]
Arafura	22.08.2022	Costa (ALP)	4	3.6	-	Dec'd	18.03.2023	Brown (ALP)	3	-	66.7
Fannie Bay	22.08.2020	Gunner (ALP)	5	9.6	-	Res.	20.08.2022	Potter (ALP)	6	2.6	-
Daly	22.08.2020	Sloan (CLP)	5	1.2	-	Res.	11.09.2021	Young (ALP)	4	6.1	-
Johnston	27.08.2016	Vowles (ALP)	3	14.7	-	Res.	29.02.2020	Bowden (ALP)	7	2.5	-
Casuarina	25.08.2012	Vatskalis (ALP)	2	9.4	-	Res.	18.10.2014	Moss (ALP)	7	5.3	-
Blain	25.08.2012	Mills (CLP)	3	13.3	-	Res.	12.04.2014	Barrett (CLP)	5	3.3	-
Wanguri	25.08.2012	Henderson (ALP)	2	7.1	-	Res.	16.02.2013	Manison (ALP)	3	19.5	-
Araluen	18.06.2008	Carney (CLP)	3	7.4	-	Res.	09.10.2010	Lambley (CLP)	2	18.1	-
Greatorex	18.06.2005	Lim (CLP)	3	1.5	-	Res.	28.07.2007	Conlan (CLP)	4	15.4	-
Stuart	18.06.2005	Toyne (ALP)	2	21.1	-	Res.	23.09.2006	Hampton (ALP)	6	17.7	-
Katherine	18.08.2001	Reed (CLP)	5	See note	52.2	Res.	04.10.2003	Miller (CLP)	5	4.4	-
Port Darwin	30.08.1997	Stone (CLP)	3	See note	64.5	Res.	11.03.2000	Carter (CLP)	4	See note	51.0
Blain	30.08.1997	Coulter (CLP)	2	23.9	-	Res.	31.07.1999	Mills (CLP)	4	3.4	-
Wanguri	30.08.1997	Bailey (ALP)	2	2.1	-	Res.	31.07.1999	Henderson (ALP)	4	See note	53.6
Stuart	04.06.1994	Ede (ALP)	2	2	-	Res.	28.09.1996	Toyne (ALP)	2	5.3	-
Arnhem	04.06.1994	Lanhupuy (ALP)	2	24.6	-	Res.	07.10.1995	Ah Kit (ALP)	4	See note	51.8
Fannie Bay	04.06.1994	Perron (CLP)	2	8	-	Res.	17.06.1995	Martin (ALP)	2	1.4	-
Arafura	27.10.1990	Tipiloura (ALP)	2	16.6	-	Dec'd	07.11.1992	Rioli (ALP)	3	See note	64.0
Millner	27.10.1990	Smith (ALP)	2	6.8	-	Res.	07.12.1991	Parish (ALP)	4	See note	51.1
Wanguri	07.03.1987	Dale (CLP)	3	9.5	-	Res.	19.08.1989	Bailey (ALP)	5	8.1	-
Flynn	07.03.1987	Hanrahan (CLP)	3	See note	50.5	Res.	10.09.1988	Floreani (NAT)	3	5.5	-
Barkly	07.03.1987	Tuxworth (CLP)	4	0.6	-	GE result voided	05.09.1987	Tuxworth (NAT)	4	6	-
Araluen	03.12.1983	Robertson (CLP)	3	See note	61.7	Res.	19.04.1986	Poole (CLP)	2	7	-
Jingili	03.12.1983	Everingham (CLP)	2	21.9	-	Res.	15.12.1984	Setter (CLP)	2	5	-
Millner	07.06.1980	Isaacs (ALP)	2	1.9	-	Res.	21.11.1981	Smith (ALP)	5	4.3	-
MacDonnell	07.06.1980	Perkins (ALP)	2	7.7	-	Res.	28.03.1981	Bell (ALP)	2	17.8	-
Alice Springs	19.10.1974	Kilgariff (CLP)	3	See note	72.2	Res.	07.02.1976	Manuell (CLP)	3	See note	53.2

Res. – Resignation | **Dec'd** – Deceased | * **Swing to lose** – calculated after full distribution of preferences
[^] **Prim. vote %** – Primary vote % (listed if candidate achieved more than 50% of primary vote)

Note: A full distribution of preferences has only taken place as a matter of course since 2005. Before that, counting ceased when a candidate received an absolute majority. The swing to lose can still be calculated prior to 2005 if only two candidates contested the election; or where three or more candidates contested the election and a full distribution was required in order to establish the successful candidate.