

# West Arnhem Regional Council

## Kakadu Ward by-election



Northern Territory  
Electoral Commission  
*EVERY* vote counts



## NT Electoral Commission version control

### 2023 West Arnhem Regional Council – Kakadu Ward by-election report

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## 2023 West Arnhem Kakadu Ward by-election

**9 September 2023**

Date	Time	
Tuesday 8 August		Nominations open
Wednesday 9 August	5:00 pm	Electoral roll closes
Friday 18 August	12:00 noon	Nominations close
	1:00 pm	Declaration of nominations, draw for position on ballot papers
Monday 21 August		Postal vote mail-out commences
Monday 4 September	8:00 am	Early voting commences Mobile voting commences
Tuesday 5 September	6:00 pm	Overseas postal voting despatches cease
Thursday 7 September	6:00 pm	All postal voting despatches cease
Friday 8 September	4:30 pm	Early voting ceases
<b>Saturday 9 September</b>		<b>Election day</b>
		Election day voting commences: <i>Mobile voting only</i>
		Election day voting ceases: <i>Mobile voting only</i>
	6:00 pm	Mobile voting ceases Primary counts of ordinary, postal and early votes commence
Monday 11 September	9:00 am	Declaration vote verification checks, commence recheck of all counts
Thursday 14 September	9:00 am	Primary counts of accepted declaration votes, further postal counts
Friday 22 September	12:00 noon	Deadline for receipt of postal votes Final counts of postal votes commence
	2:00 pm	Distribution of preferences
Monday 25 September	10:00 am	Declaration of the election result

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## **BACKGROUND**

### **Election**

A by-election for one vacancy in the Kakadu Ward of the West Arnhem Regional Council was caused by the resignation of a councillor (Catherine Ralph) on 22 June 2023. The NT Electoral Commission (NTEC) was advised of the vacancy on the same day and was requested to run the by-election on behalf of the council.

Election day for the by-election was Saturday 9 September with the successful candidate declared on Friday 22 September following the deadline for the receipt of postal votes.

### **Legislation**

Section 54(2)(c) of the *Local Government Act 2019* (the Act) requires a by-election to be held where a casual vacancy occurs 18 months or more before the next general election.

Section 136(7) of the Act allows a council to appoint their CEO or another person (other than the Electoral Commissioner) to be the returning officer for the by-election. The process to be followed including passing the resolution and notifying the Electoral Commissioner is set out in section 136 of the Act. If a person is not appointed, the by-election is to be conducted as decided by the Electoral Commissioner. The West Arnhem Regional Council has, so far, requested the NTEC run their by-elections.

### ***Recent legislative changes***

The 2021 Local Government Elections were the first elections conducted under the new *Local Government Act 2019* and consequently updated Local Government (Electoral) Regulations 2021, both of which commenced 1 July 2021.

The relevant electoral legislative changes from the new Act and updated regulations were reported in the West Arnhem Regional Council report for the 2021 Local Government Elections.

However, new financial disclosure requirements for local government elections, although part of the new Act, did not come into effect until 1 July 2022. This means they did not apply to the 2021 general elections, but did apply to the by-election. See financial disclosure paragraphs on page 6 for more details.

### **Service level agreement**

A service level agreement (SLA) between the West Arnhem Regional Council and the NTEC was signed by both parties by 12 July 2023 and established the costing program for the preparation and conduct of the by-election.

The SLA stated that the NTEC will apply the requirements of the Act and regulations, and provided details of the voting services. The SLA also detailed any services provided or facilitated by the council which would offset the final costs.

For Kakadu Ward by-election, the West Arnhem Regional Council opted to provide or facilitate the following in order to offset costs:

- acting as an agent to receive and forward nominations to the NTEC
- promotion of the election on council social media outlets
- premises for voting services at no cost
- participation in de-briefing at the conclusion of the election.

## **BOUNDARY CHANGES**

The ward boundary changes made prior to the 2021 Local Government Elections (creating Minjilang and Waruwi Wards and abolishing Barrah Ward) are still in place, and no changes were made to West Arnhem Regional Council as a result of the 2022 Local Government Representative Reviews.

## ENROLMENT

At the close of the electoral roll on Wednesday 9 August at 5:00pm, there was a total of 556 electors enrolled in the Kakadu Ward. This is a 5.5% increase in enrolment (up from 527 electors) from the local government general elections held in August 2021.

## CANDIDATES

Nominations opened Tuesday 8 August and closed Friday 18 August at 12:00 noon. There were 2 accepted nominations for the one vacancy, with no rejected or withdrawn nominations.

The declaration of nominations and the draw for ballot paper position order took place at the NTEC office soon after the nominations closed. The ballot paper positions for each candidate were selected by a random number generator and results were uploaded onto the NTEC's website and Facebook page once the draw was completed.

### *Summary of accepted nominations/candidates*

Position	Candidates in ballot paper order
Councillor (one vacancy)	Mickitja ONUS
	Charlotte MENEER

## VOTING SERVICES

### Postal voting

All electors have the option to postal vote and applications can be made once a council vacancy has been reported to the NTEC.

Postal votes were despatched from Monday 21 August to Thursday 7 September, and had to be returned by 12 noon Friday 22 September to be eligible to be admitted to the count.

Postal votes were arranged for eligible prisoners at the Territory's correctional centres.

### *Postal voting statistics*

Postal voting	Number
Postal vote applications received	28
Postal votes issued	25 (89.3% of applications)
Postal vote applications rejected	3 (10.7% of applications)
Postal votes returned	18 (72.0% of postal votes issued)
Postal votes not returned	7 (28.0% of postal votes issued)
Postal votes admitted to the count	16 (88.9% of postal votes returned)
Postal votes rejected	2 (11.1% of postal votes returned)

The reasons for rejecting the postal vote applications were:

- applied too late (2)
- cancelled on request by elector (1)

The reasons for rejecting the returned postal votes were:

- postal vote certificate not signed (2).



### Early voting

Early voting services for the by-election were provided at the NTEC office in Darwin from Monday 4 September to Friday 8 September 2023 for Kakadu Ward electors who were in Darwin during the voting period. The early voting centre issued 3 early votes.

### Remote mobile voting

A remote mobile voting team provided voting services to communities within the Kakadu Ward over 3 days from Thursday 7 September to Saturday 9 September.

83% of all votes counted for this by-election (including accepted declaration votes) were cast at a remote mobile voting centre. Details of the remote voting schedule and the number of votes issued are in the table below.

#### *Remote voting statistics*

<b>Community</b>	<b>Date</b>	<b>Time</b>	<b>No. of votes issued*</b>
Mudginberri	7 September	11:00am – 12:00pm	6
Cooinda	7 September	2:00pm – 3:00pm	11
Kakadu National Park office	8 September	9:15am – 10:15am	8
Manabadurma	8 September	11:30am – 12:15pm	7
Jabiru	8 September	2:15pm – 5:15pm	49
Jabiru	9 September	8:00am – 4:30pm	67
<b>TOTAL</b>			<b>148</b>

\* Note the number of votes issued does not always equate to the number of votes counted. Votes issued includes ordinary and declaration votes.

### Declaration voting

A declaration vote can be issued to a person who cannot be found on the electoral roll by completing and signing a declaration envelope. Their ballot paper is placed in the envelope and a scrutiny of all declaration envelopes commences the day after election day.

Legislative amendments passed in May 2021 created a savings provision for local government elections that allows eligible electors who are unenrolled at the close of roll date, a chance to have their vote admitted to the count. During the declaration scrutiny process, all declaration envelopes are forwarded to the Australian Electoral Commission (AEC) and eligible electors are added to the roll using the envelope as an enrolment form, and where the entitlement to vote is confirmed, the vote will count. Where voters are unable to be enrolled, or are found to be already enrolled in a different council area in the NT, the declaration vote is rejected.

A total of 10 declaration votes were issued for the by-election with all 10 admitted to the count.

**Voting summary**

*Number of votes counted by vote type*

<b>Vote type</b>	<b>No. of votes counted</b>	<b>% of total votes</b>
Remote mobile voting	138	82.6%
Early voting centre – Darwin	3	1.8%
Declaration voting	10	6.0%
Postal voting	16	9.6%
<b>TOTAL</b>	<b>167</b>	<b>100%</b>
Formal votes	164	98.2%
Informal votes	3	1.8%

*Turnout and participation*

<b>Turnout</b>	<b>Number or percentage</b>
Enrolment at close of roll	556
Total votes counted	167
Turnout rate – by number of votes counted	30.0%
<b>Participation</b>	<b>Number or percentage</b>
Postal votes applications rejected (voter eligible)	5
Postal votes not returned	7
Postal votes returned but rejected	2
Declaration votes rejected	0
Excuses lodged	6
Total additional participation	20
<b>TOTAL participation</b>	<b>187</b>
<b>Participation rate</b>	<b>33.6%</b>

**Informality**

Of the 167 ballot papers counted, 3 (or 1.8%) were deemed to be informal and were therefore not counted. Of the informal votes, all 3 were considered to be intentionally informal.

## ELECTION OUTCOMES

### Voting system

The voting system for local government by-elections where there is just one vacancy to fill is the preferential system. This means:

- electors must number all the boxes on their ballot paper sequentially starting with the number one for their first choice for their vote to be formal.
- for a candidate to be elected they must receive more than 50% of the formal votes.
- first preference votes for each candidate on the formal ballot papers are counted. If no candidate receives more than 50% of the formal votes, a distribution of preferences is conducted until a candidate does.

As the Kakadu Ward by-election only had 2 candidates, the count of formal first preference votes determines the successful candidate and no distribution of preferences is needed.

### Vote counting – election day

Vote counting began at 6:00pm on Saturday 9 September. The initial count of first preference votes was undertaken at the NTEC Darwin office which was the scrutiny centre for this by-election. This count only included ballot papers cast with the remote mobile team.

### Post-election day counts

- On Monday 11 September a fresh scrutiny of the remote mobile votes was conducted. Declaration votes were also forwarded to the Australian Electoral Commission for processing.
- Once the declaration votes were processed, a scrutiny of declaration envelopes was conducted on Thursday 14 September.
- On Friday 22 September, following the deadline for the receipt of postal votes at 12 noon, an initial count of all admitted postal and declaration votes, as well as the 3 early votes, was conducted. A fresh scrutiny occurred immediately afterwards.
- As there were only 2 candidates for this by-election, no further counts were required.

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

## Results

The first preference votes received by each candidate were recorded as follows:

Candidate	First preference votes
Mickitja ONUS	100
Charlotte MENEER	64
<b>TOTAL</b>	<b>164</b>

As there were only 2 candidates for this by-election, the candidate with the higher number of first preference votes will achieve the required 'more than 50%' of the formal vote.

Therefore **Mickitja ONUS** was duly elected.

A copy of the results is available on the NTEC website [www.ntec.nt.gov.au](http://www.ntec.nt.gov.au).

### Declaration of the results

A letter to the CEO of the West Arnhem Regional Council certifying the result of the by-election, and a letter to the Minister for Local Government advising of the result, were both sent on Friday 22 September 2023.

## **Non-voters**

After an election, all enrolled electors not marked off as having voters are compiled into a list of non-voters. This list is then cleansed to remove people who did make an effort to participate in the election, for example: those who had postal vote applications rejected, electors who updated their enrolment to indicate they are overseas, electors who updated their enrolment to a different council area after the close of roll date, electors who provided a valid excuse for not voting during the election period, among others. The NTEC also removes electors aged over 70 and those in special category enrolment (like itinerant voters) who are likely to have a valid excuse for not voting but may be unable to communicate this easily. The final list of apparent non-voters is then sent infringement notices.

The NTEC conducts non-voter activities independent of councils for by-elections.

## **PUBLIC AWARENESS**

### **Website**

A web page for the by-election was launched on Tuesday 1 August. The web page provided information on nominating, a list of candidates, voting services and results.

### **Print**

The following statutory advertisements were placed in the West Arnhem Wire:

- 28 July 2023 – Call for nominations/enrolment
- 1 September 2023 – List of candidates and voting centres and times
- 22 August 2023 – Declaration of nominations (NT News)
- 25 September 2023 – Results

### **Direct messaging to voters**

Any elector who has provided either their mobile phone number or email address (or both) are able to be contacted directly by the NTEC to provide election information. Eligible electors in the Kakadu Ward received direct messages providing information about voting dates and times for the community they are enrolled in.

- SMS messages were sent to 291 electors
- Emails were sent to 199 electors

### **Social media**

During the voting period, the NTEC posted on Facebook providing voting information. The council also posted this information on their Facebook page.

## **DONATIONS DISCLOSURE**

Part 8.6 of the new *Local Government Act 2019* introduced new requirements for all candidates in local government elections, including by-elections, to submit to the NTEC campaign donation returns covering a prescribed disclosure period. Disclosure and publication of such returns aims to provide greater transparency of candidate funding during election campaigns.

Donations disclosure at the local government requires candidates to submit information about any donations or loans (whether cash or non-cash) they receive for use in an election campaign. This information must be submitted to the NTEC within a legislated timeframe. The NTEC must then make this information available to the public by publishing the returns on its website, and having a hardcopy available in its office.

These new financial disclosure requirements came into effect on 1 July 2022, and were therefore applied to the Kakadu Ward by-election. All candidates were contacted directly by the NTEC and provided an overview of the new requirements and their obligations.

The key dates of financial disclosure obligations for the by-elections were:

Election day	9 September 2023
Disclosure period	1 July 2023 to 9 October 2023
Return due date	18 November 2023

There were no campaign donation returns received for the by-election.

## ELECTION COSTS

The estimated cost for the Kakadu Ward by-election was \$17,203 (GST included). The final actual cost was slightly lower at \$16,914. A breakdown of costs for the by-election is below.

Expense category	Cost
Staff wages	\$4,856
Staff accommodation	\$2,340
Statutory advertising	\$2,000
Staff super/payroll tax	\$841
Staff travel allowance	\$782
Staff training package	\$745
Ballot paper printing	\$675
Webpage	\$500
Car hire	\$431
SMS/email notifications	\$100
Social media	\$100
<b>Sub-total</b>	<b>\$13,370</b>
Corporate overhead (15%)	\$2,006
<b>Sub-total</b>	<b>\$15,376</b>
GST (10%)	\$1,538
<b>TOTAL</b>	<b>\$16,914</b>

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