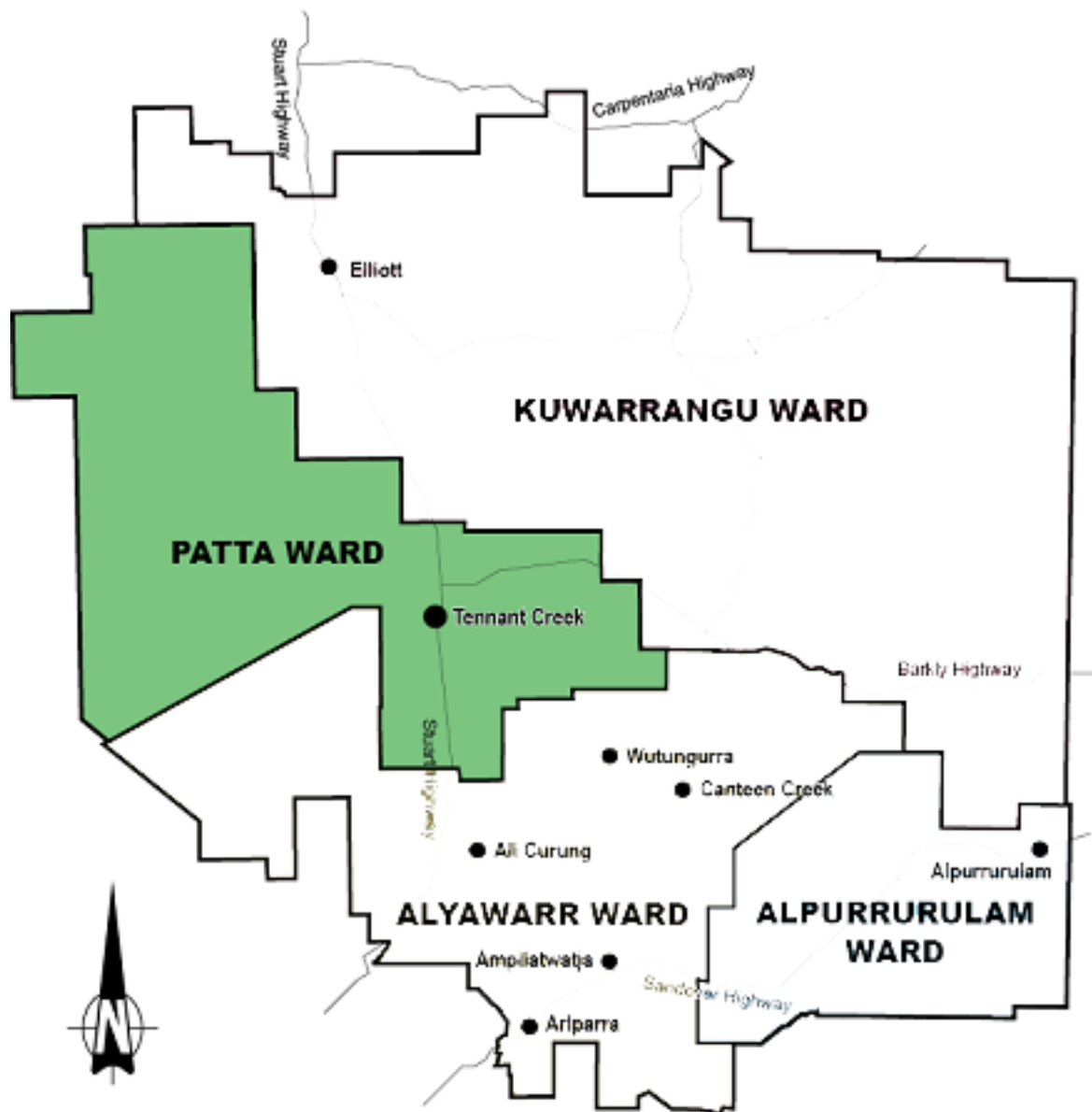




Barkly Regional Council 2023 By-election report

Patta Ward



NT Electoral Commission version control

2023 Barkly Regional Council – Patta Ward by-election report

Version Number	Purpose/change	Author	Date
1.0	DRAFT report	K. Parker	22.06.2023
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2023 Barkly - Alyawarr & Patta Wards by-elections

6 May 2023

Date	Time	
Monday 27 March		Nominations open
Thursday 30 March	5:00 pm	Electoral roll closes
Thursday 6 April	7:00 pm	Nominations close
Tuesday 11 April		Postal vote mail-out commences
Monday 17 April	5:00 pm	Declaration of nominations, draw for position on ballot papers
Monday 24 April	9:00 am	Mobile voting commences
Saturday 29 April	8:00 am	Early voting commences
Tuesday 2 May	6:00 pm	Overseas postal voting despatches cease
Thursday 4 May	6:00 pm	All postal voting despatches cease
Friday 5 May	6:00 pm	Early voting ceases
Saturday 6 May		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 8 May	9:00 am	Declaration vote verification checks, commence recheck of all counts
Thursday 11 May	9:00 am	Primary counts of accepted declaration votes, further postal counts
Friday 19 May	12:00 noon	Deadline for receipt of postal votes
		Final counts of postal votes commence
		Distribution of preferences
Monday 22 May	10:00 am	Declaration of the election result

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BACKGROUND

Election

The by-election for 2 vacancies for Barkly Regional Council's Patta Ward was caused by the resignation of 2 councillors. At the same time, 2 councillors representing the Alyawarr Ward also resigned. The council advised the Northern Territory Electoral Commission (NTEC) of all 4 resignations in writing on 16 December 2022.

Due to the vacancy occurring late in the year, the by-election was tentatively scheduled for early 2023. However, the day after the resignations were notified to the NTEC, the Member for Arafura passed away. As a Legislative Assembly by-election is a large electoral event, the council agreed that the by-elections would be held just after the Arafura by-election. With election day for the Arafura by-election scheduled for Saturday 18 March 2023, the Patta Ward and Alyawarr Ward by-elections were set to begin with the opening of nominations on 27 March with election day scheduled for 6 May 2023.

At the close of nominations for the Alyawarr Ward by-election, there were 2 nominations for 2 vacancies. Therefore the election was deemed uncontested and the 2 candidates declared duly elected. This report primarily provides details for the Patta Ward by-election as it was contested and went ahead, but there are some references to the Alyawarr by-election where appropriate.

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(4) of the Act states a by-election must be held within 4 months from notification of the vacancy. Due to the decision to hold off the Barkly by-elections until after the Arafura by-election, approval was sought from the Minister for Local Government to extend the date for which the by-elections must be held (as per section 160 of the Act). This permission was granted by the Minister on 16 March 2023 and gazetted 17 March 2023.

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.

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 Barkly Regional Council report for the 2021 Local Government Elections.

The new donations disclosure requirements for local government elections, although part of the new Act, did not come into effect until 1 July 2022. This means the requirements did not apply to the 2021 general elections, but did apply to the 2023 Barkly Ward by-election. See the donations disclosure paragraphs on page 8 for more details.

Service level agreement

The NTEC provided a service level agreement (SLA) to the Barkly Regional Council which established the costing program for the preparation and conduct of both by-elections based on the assumption both by-elections would be contested. The SLA was signed by both parties on 28 March 2023.

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 Patta Ward by-election, the Barkly Regional Council opted to provide or facilitate the following in order to offset costs:

- a candidate information session
- council premises at no cost (for training, voting, counting and NTEC staff)
- provide council staff, if required, to assist with urban mobile voting, early voting and election day voting
- promotion of the election through its social media channels and via banners on council signage sites at no cost
- services acting as an agent to receive and forward nominations to the NTEC.

BOUNDARY CHANGES

There were no boundary or representative changes made to the Barkly Regional Council area prior 2021 Local Government Elections and there were no changes made as a result of the 2022 Local Government Representative Reviews.

ENROLMENT

At the close of the electoral roll on Thursday 30 March at 5:00pm, there was a total of 1,840 electors enrolled in the Patta Ward of Barkly Regional Council. This is a 2.5% decrease in enrolment (down from 1,887 electors) from the local government general elections held in 2021.

CANDIDATES

Nominations opened Monday 27 March and closed Thursday 6 April at 12:00 noon. There was a total of 5 accepted nominations for the 2 vacancies, with no rejected or withdrawn nominations.

The declaration of nominations and the draw for ballot position order took place at the NTEC office soon after the nominations closed. The ballot paper position 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.

However, the NTEC was contacted later that afternoon by a sixth candidate who claimed they had submitted their nomination to the council before the close of nominations deadline. An investigation found that the nomination had indeed been received by the council, but in forwarding it to the NTEC, the wrong email address was used, and therefore it was not received by the NTEC before the close of nominations. After seeking legal advice, the NTEC accepted the nomination, and on 17 April declared 6 nominations for the Patta Ward by-election.

Summary of accepted nominations/candidates

Position	Candidates in ballot paper order
Councillor (2 vacancies)	Nungarayi Shirley LEWIS
	Brian (Jappanangka) COLEMAN
	Clarissa BURGEM
	Elliot McADAM
	Sharen LAKE
	Pennie COWIN

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 Tuesday 11 April to Thursday 4 May, and had to be returned by 12 noon Friday 19 May to be eligible to be admitted to the count.

Postal votes were arranged for eligible prisoners at the Barkly work camp, Alice Springs Correctional Centre and the Darwin Correctional Centre.

Postal votes were also delivered to residents in aged care facilities located in Tennant Creek.

Postal voting statistics

Postal voting	Number
Postal vote applications received	119
Postal votes issued	110 (92.4% of applications)
Postal vote applications rejected	9 (7.6% of applications)
Postal votes returned	95 (86.4% of postal votes issued)
Postal votes not returned	15 (13.6% of postal votes issued)
Postal votes admitted to the count	47 (49.5% of postal votes returned)
Postal votes rejected	48 (50.5% of postal votes returned)

The reasons for rejecting postal vote applications were:

- multiple applications received from same elector (4)
- received too late for an Australian address (5)

The reasons for rejecting the returned postal votes were:

- endorsed as returned to sender (19)
- postal vote certificate not signed (18)
- vote dated too late (after election day) (6)
- vote received too late (3)
- Signature did not match (2)

Early voting

Early voting services for the Patta Ward by-election were provided at the Tennant Creek council chambers on Saturday 29 April and then from Monday 1 May to Friday 5 May 2023.

Early voting statistics – Tennant Creek early voting centre

Date	Ordinary votes issued*	Declaration votes issued*	Total votes issued*
29 April 2023	77	6	83
1 May 2023	48	0	48
2 May 2023	68	2	70
3 May 2023	49	2	51
4 May 2023	42	2	44
5 May 2023	95	16	111
TOTAL			407

* Note the number of votes issued does not always equate to the number of votes counted.

Early voting services were also provided at the NTEC Darwin office for any Patta Ward electors that were in Darwin during the voting period. This was open from Monday 24 April to Friday 28 April and from Tuesday 2 May to Friday 5 May 2023 (with Monday 1 May being a public holiday). The Darwin early voting centres issued no votes for this by-election.

Remote mobile voting

One remote mobile voting team provided voting services in the Patta Ward to:

- the communities of Mungalawurru and Mungkarta
- patients, visitors and staff at Tennant Creek Hospital
- Tennant Creek voters on election day Saturday 6 May at the council chambers.

Details of the remote voting schedule and the number of votes issued are in the table below.

Remote voting statistics

Community	Date	Time	Ordinary votes issued*	declaration votes issued*	Total votes issued
Mungalawurru	3 May	10:30am – 2:30pm	0	0	0
Mungkarta	4 May	10:30am – 3:30pm	7	1	8
Tennant Creek Hospital	5 May	9:30am – 2:00pm	34	7	41
Tennant Creek – election day	6 May	8:00am to 6:00pm	186	11	197
TOTAL					246

* Note the number of votes issued does not always equate to the number of votes counted.

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 47 declaration votes were issued for the by-election with 43 admitted to the count. The remaining 4 declaration votes were rejected due to:

- the elector already being enrolled in a different council area in the NT (3)
- the elector could not be enrolled (not an Australian citizen) (1).

Voting summary

Number of votes counted by vote type

Vote type	No. of votes counted	% of total votes
Tennant Creek early voting centre	379	54.5%
Remote mobile team – mobile voting	41	5.9%
Remote mobile team – election day	186	26.7%
Declaration voting	43	6.2%
Postal voting	47	6.8%
TOTAL	696	100%
Formal votes	668	96.0%
Informal votes	28	4.0%

Turnout and participation

Turnout	Number or percentage
Enrolment at close of roll	1,840
Total votes counted	696
Turnout rate – by number of votes counted	37.8%
Participation	Number or percentage
Postal vote applications rejected (voter eligible)	5
Postal votes not returned	15
Postal votes returned but rejected	48
Declaration votes rejected (voter eligible)	3
Excuses lodged	24
Total additional participation	96
TOTAL participation	792
Participation rate	43.0%

Informality

Of the 696 ballot papers counted, 28 (or 4.0%) were deemed to be informal and therefore not counted. Of the 28 informal votes, 14 were considered to be intentionally informal and 14 were considered to be unintentionally informal.

ELECTION OUTCOMES

Voting system

The voting system for local government elections when there is multiple vacancies is proportional representation (PR):

- 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.
- First preference votes for each candidate on formal ballot papers are counted, then a quota is calculated.
- The quota is calculated using the following formula: (total number of formal votes / number of vacancies + one) + one.
- The candidates with votes equal to or greater than the quota are elected. If all vacancies are filled, the election is complete.
- If not, preferences are distributed to the other candidates until all vacancies are filled.

Vote counting – election day

Vote counting began at 6:00pm on Saturday 6 May at the Tennant Creek council chambers where election day voting had taken place. There were 2 initial counts: one for the first preference votes taken at the Tennant Creek early voting centre and one for the remote mobile team (including on election day). The results were phoned through to the NTEC Darwin office for publishing to the website.

Post-election day counts

All ballot papers were transferred to the NTEC Darwin office on Sunday 7 May.

- On Monday 8 May the process of entering all ballot papers into the Easy Count software application began. This software is used for multi vacancy elections where the proportional representation system is applied. During the first week of counting, all ballot papers were entered in twice (by different operators) for verification.
- Declaration votes were also forwarded to the AEC for processing on Monday 8 May.
- Once the declaration votes were processed by the AEC, a scrutiny of declaration envelopes was conducted on Thursday 11 May.
- On Friday 12 May an initial count of the first preferences of the accepted declaration votes was conducted. These ballot papers were then entered into Easy Count twice.
- Following the deadline for the receipt of postal votes at 12 noon on Friday 31 March, an initial count of the first preferences of all accepted postal votes was conducted. These ballot papers were then entered into Easy Count twice.
- The distribution of preferences was then calculated by Easy Count to determine which 2 candidates reached the quota.

Candidates were provided with information about all of the counts and scrutineers were encouraged to attend.

Results

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

Candidate	First preference votes
Nungarayi Shirley LEWIS	53
Brian (Jappanangka) COLEMAN	89
Clarissa BURGEM	85
Elliot McADAM	226

Candidate	First preference votes
Sharen LAKE	169
Pennie COWIN	46
TOTAL	668

The quota under the proportional representation voting system was 223 for this by-election. Following a distribution of preferences and in accordance with Schedule 1 of the Local Government (Electoral) Regulations 2021, the results were as follows:

- **Elliot McADAM** achieved the quota at count number 1
- **Sharen Lake** achieved the quota at count number 9

Therefore **Eliot McADAM** and **Sharen LAKE** were duly elected.

A copy of the results is available on the [NTEC website](#).

Declaration of the results

On Monday 22 May 2023 the results of the Patta Ward by-election were officially declared at the NTEC Darwin office which included a Teams link with Barkly Regional Council.

A letter to the CEO of the Barkly 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 Monday 22 May 2023.

PUBLIC AWARENESS

Website

A web page for the by-election was launched on 27 March 2023. The web page provided information on nominating, a list of candidates, voting services and results.

Print

The following statutory advertisements were placed in the NT News:

- 24 March 2023 – Call for nominations
- 8 April 2023 – Election dates
- 13 May 2023 – Election results

Additionally, the Tennant Creek Times provided editorials and updates during the election.

Banners and posters

Large banners with election awareness messaging were provided by the NTEC and installed on the fences of the Bluestone Motor Inn and the Eldorado Motel by council staff.

Additionally, posters advertising voting venues, dates and times were emailed to stakeholders in the Patta Ward.

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 Patta Ward received direct messages providing information about voting dates and times for the community they are enrolled in.

- SMS messages were sent to 714 electors
- Emails were sent to 483 electors

Social media

During the voting period, the NTEC posted on Facebook providing voting information for communities being visited that day. The council also posted this information on their Facebook page.

Radio

Radio live reads were conducted over the voting period on radio channel 8CCC.

Stall

Early voting commenced on Saturday 29 April, and was then open from Monday to Friday, 1 – 5 May. On the Sunday in between (30 April), NTEC staff manned a stall located at the supermarket in Tennant Creek to promote the election, and to promote casual employment at elections.

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 level in the Northern Territory requires candidates to submit information about any donations or loans (whether cash or non-cash) they receive for use in a local government election campaign. This information must be submitted to the NTEC within a legislated timeframe. The NTEC must then make this information available for public viewing 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 both the Alyawarr Ward and Patta Ward by-elections. 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	6 May 2023
Disclosure period	1 July 2022 – 5 June 2023
Return due date	15 July 2023

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

ELECTION COSTS

The estimated cost for the Barkly Regional Council's by-elections for both Alyawarr and Patta wards was \$72,394 (GST included).

However, with the Alyawarr Ward by-election being uncontested, this brought down the final costs. The final cost invoiced to council was \$60,757 (GST included).

The breakdown of costs for the Alyawarr Ward and Patta Ward by-elections are as follows:

Expense category	Cost
Staff wages	\$26,412.42
Staff travel / accommodation /allowances	\$8,662.22
IT	\$4,610.02
Advertising	\$3,526.41
Vehicle hire / fuel	\$2,855.45

Expense category	Cost
Materials	\$940.00
Postage	\$795.65
General expenses	\$227.27
Sub-total	\$48,029.44
Corporate overhead (15%)	\$7,204.42
Sub-total	\$55,233.86
GST (10%)	\$5,523.39
TOTAL	\$60,757.25

