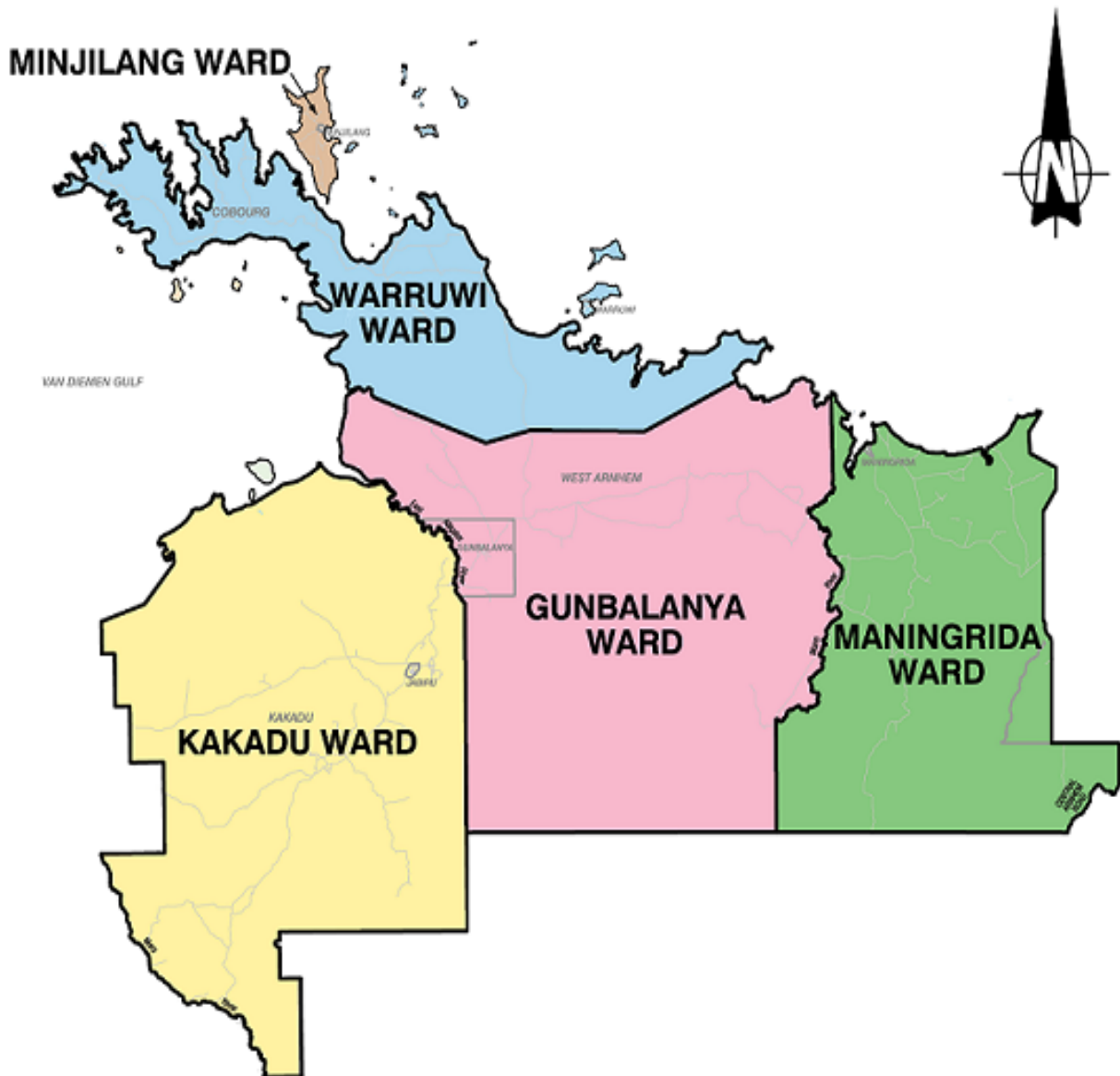




West Arnhem Regional Council 2023 By-election report

Gunbalanya Ward



NT Electoral Commission version control

2023 West Arnhem Regional Council – Gunbalanya Ward by-election report

Version Number	Purpose/change	Author	Date
1.0	DRAFT report	K. Parker	19.06.2023
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2023 West Arnhem Gunbalanya Ward by-election

15 March 2023

Date	Time	
Monday 13 February		Nominations open
Monday 20 February	5:00 pm	Electoral roll closes
Friday 24 February	12:00 noon	Nominations close
	1:00 pm	Declaration of nominations, draw for position on ballot papers
Monday 27 February		Postal vote mail-out commences
Monday 6 March	8:30 am	Early voting commences
	9:00 am	Mobile voting commences
Tuesday 14 March	5:00 pm	Overseas postal voting despatches cease
Thursday 16 March	5:00 pm	All postal voting despatches cease
Friday 17 March	4:30 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
	9:00 pm	Primary counts of accepted declaration votes, further postal counts
Friday 31 March	12:00 noon	Deadline for receipt of postal votes
	1:00 pm	Final counts of postal votes commence
	3:00 pm	Distribution of preferences
Monday 3 April	10:00 am	Declaration of the election result

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INDEX

- BACKGROUND 1**
 - Election..... 1
 - Legislation..... 1
 - Recent legislative changes* 1
 - Service level agreement 1
- BOUNDARY CHANGES 2**
- ENROLMENT 2**
- CANDIDATES 2**
- VOTING SERVICES 2**
 - Early voting 2
 - Postal voting 2
 - Remote mobile voting 2
 - Declaration voting..... 3
 - Turnout..... 3
 - Informality 4
- ELECTION OUTCOMES 4**
 - Voting system 4
 - Vote counting – election day 4
 - Post-election day counts 4
 - Results..... 5
 - Declaration of the results 5
- PUBLIC AWARENESS 5**
 - Website 5
 - Statutory print advertising..... 5
 - Posters 5
 - Direct messaging to voters 5
 - Social media..... 5
- FINANCIAL DISCLOSURE 6**
- ELECTION COSTS..... 6**

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BACKGROUND

Election

The by-election for one vacancy for West Arnhem Regional Council's Gunbalanya Ward was caused by the resignation of a councillor. The council advised the Northern Territory Electoral Commission (NTEC) in writing on 29 November 2022 of the resignation.

Due to the vacancy occurring late in the year, the by-election was tentatively scheduled for early 2023. In late December 2022, the Member for Arafura passed away. As the West Arnhem Regional Council is located entirely within the Legislative Assembly division of Arafura, NTEC and the council resolved that the Gunbalanya Ward by-election would be held at the same time as the Arafura by-election. The timetable for parliamentary by-elections is set by the Administrator on advice from the NT Government, and election day for the Arafura by-election was scheduled for Saturday 18 March 2023. West Arnhem Regional Council agreed to follow a similar timetable for the Gunbalanya Ward by-election.

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. Following the Arafura by-election timetable fit within this parameter.

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 West Arnhem Regional Council report for the 2021 Local Government Elections.

The 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 the requirements did not apply to the 2021 general elections, but did apply to the 2023 Gunbalanya Ward by-election. See financial disclosure paragraphs on page 11 for more details.

Service level agreement

The NTEC provided a service level agreement (SLA) to West Arnhem Regional Council which 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

For this by-election, the West Arnhem Regional Council opted to provide or facilitate the following:

- council premises within communities at no cost
- council accommodation within communities at no cost
- transport within communities at no cost
- promotion of the election through its social media channels and council sites throughout the council area
- services acting as an agent to receive and forward nominations to the NTEC.

BOUNDARY CHANGES

The ward boundary changes made prior to the 2021 Local Government Elections (creating Minjilang and Warruwi 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 Monday 20 February at 5:00pm, there was a total of 914 electors enrolled in the Gunbalanya Ward of West Arnhem Regional Council. This is an 8.2% increase in enrolment (up from 845 electors) from the local government general elections held in August 2021.

CANDIDATES

Nominations opened Monday 13 February and closed Friday 24 February at 12:00 noon. There was a total of 2 accepted nominations for the one vacancy, 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.

Summary of accepted nominations/candidates

Position	Candidates in ballot paper order
Councillor (One vacancy)	Gabby GUMURDUL
	Owen NABORLHBORLH

VOTING SERVICES

Early voting

Early voting services for the by-election were provided at the NTEC office in Darwin from Monday 6 March to Friday 17 March 2023. 7 early votes were issued for this by-election.

Postal voting

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

For the Gunbalanya Ward by-election, 19 postal vote applications were received with no applications rejected.

Of the 19 postal votes issued, 16 were returned and all of these were admitted to the count.

Remote mobile voting

Two remote mobile voting teams provided voting services in the Gunbalanya Ward:

- West Arnhem 1 provided voting over 2 days in the community of Gunbalanya over Wednesday 15 March and Thursday 16 March.
- West Arnhem 2 visited 4 homelands in the ward from 7 – 10 March.

88% of all votes counted for this by-election were cast at remote mobile voting centres. Details of the remote voting schedule and the number of votes issued are in the table below.

Remote voting statistics

Community	Date	Time	Number of votes issued*
Kabulwarnamyo	7 March	10:30am – 12:00pm	11
Kolorbidahdah	8 March	9:30am – 10:15am	3
Manmoyi	10 March	9:15am – 10:45am	21
Mamadawere	10 March	12:30pm – 2:00pm	23
Gunbalanya	15 March	9:00am – 3:00pm	252
Gunbalanya	16 March	9:00am – 3:00pm	152
TOTAL			462

* 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 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 39 declaration votes were issued for the by-election with 37 admitted to the count. The remaining 2 declaration votes were rejected due to the elector already being enrolled in a different council area in the NT.

Turnout

Turnout for the Gunbalanya Ward by-election was 54.7% based on the number of votes counted, with 500 ballot papers counted from a total enrolment figure of 914.

This turnout rate was inevitably helped by the Arafura by-election occurring at the same time, and by the activities of political parties in communities in the ward as a result. The turnout rate for Gunbalanya Ward at the 2021 Local Government Elections was 23.8%.

The table over the page shows the total number of votes by vote type for all ballot papers counted.

Number of votes counted by vote type

Vote type	No. of votes counted	% of total votes
Remote mobile team – West Arnhem 1	380	76.0%
Remote mobile team – West Arnhem 2	60	12.0%
Early voting centre	7	1.4%
Declaration voting	37	7.4%

Vote type	No. of votes counted	% of total votes
Postal voting	16	3.2%
TOTAL	500	100%
Formal votes	463	92.6%
Informal votes	37	7.4%

Informality

Of the 500 ballot papers counted, 37 (or 7.4%) were deemed to be informal and therefore not counted. Of the 37 informal votes, one was considered to be intentionally informal, while the remaining 36 were considered to be unintentionally informal.

As it was with the informal ballot papers from the Arafura by-election, a large number of the unintentional informal ballot papers were marked with numbers between 1 – 5 which could be due to confusion by those electors 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.

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 Gunbalanya 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 18 March. The initial count of first preference votes was undertaken at the NTEC Darwin office which was the scrutiny centre for this by-election. These counts included ballot papers cast with the remote mobile teams and at the early voting centre.

Post-election day counts

- On Monday 20 March a fresh scrutiny of the remote mobile votes and early 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 (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 count of the second and final intake of postal votes was conducted at scrutiny centre. This was immediately followed by a fresh scrutiny of the count.

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

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
Gabby GUMURDUL	328
Owen NABORLHBORLH	135
TOTAL	463

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 **Gabby GUMURDUL** was duly elected.

A copy of the results is available on the NTEC website www.ntec.nt.gov.au.

Declaration of the results

As at Monday 20 March, the Monday after election day, one candidate had already achieved more than 50% of the formal votes even when accounting for postal votes and declaration votes that were yet to be admitted to the count. Therefore the declaration of the result could occur earlier than scheduled.

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 Monday 20 March 2023.

PUBLIC AWARENESS

Website

A web page for the by-election was launched on 13 February 2023. The web page provided information on nominating, a list of candidates, voting services and results.

Statutory print advertising

Most statutory advertising for the Gunbalanya by-election was combined with advertising for the Arafura by-election. However, a statutory advertisement was placed in the NT News on 14 February 2023 to call for nominations.

Posters

Posters advertising voting venues, dates and times were emailed to the Gunbalanya Ward stakeholders.

Direct messaging to voters

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

- SMS were sent to 162 electors
- Emails were sent to 43 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.

FINANCIAL 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.

Donation 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 from 1 July 2022, and were therefore applied to the Gunbalanya 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-election were:

Election day	18 March 2023
Disclosure period	1 July 2022 – 17 April 2023
Return due date	27 May 2023

No campaign donation returns were received for the Gunbalanya Ward by-election.

ELECTION COSTS

As the Gunbalanya Ward by-election was conducted at the same time as the Arafura by-election, West Arnhem Regional Council was able to save on costs where voting services could be provided by staff and resources servicing the Arafura by-election. This meant there were no costs to the council for the 2 remote mobile voting teams which issued the bulk of the votes to electors in the Gunbalanya Ward.

Early voting and postal voting services were also at no cost to the council as the delivery of these services were either absorbed into business as usual functions by the NTEC or combined with Arafura by-election activities.

The final cost of the Gunbalanya Ward by-election invoiced to council was \$2,365 (GST included). The details of these costs are listed in the table below.

Expense category	Cost
Ballot paper printing	\$880
Statutory advertising	\$490
Webpage	\$500
Corporate overhead (15%)	\$280
Sub-total	\$2,150
GST (10%)	\$215
TOTAL	\$2,365