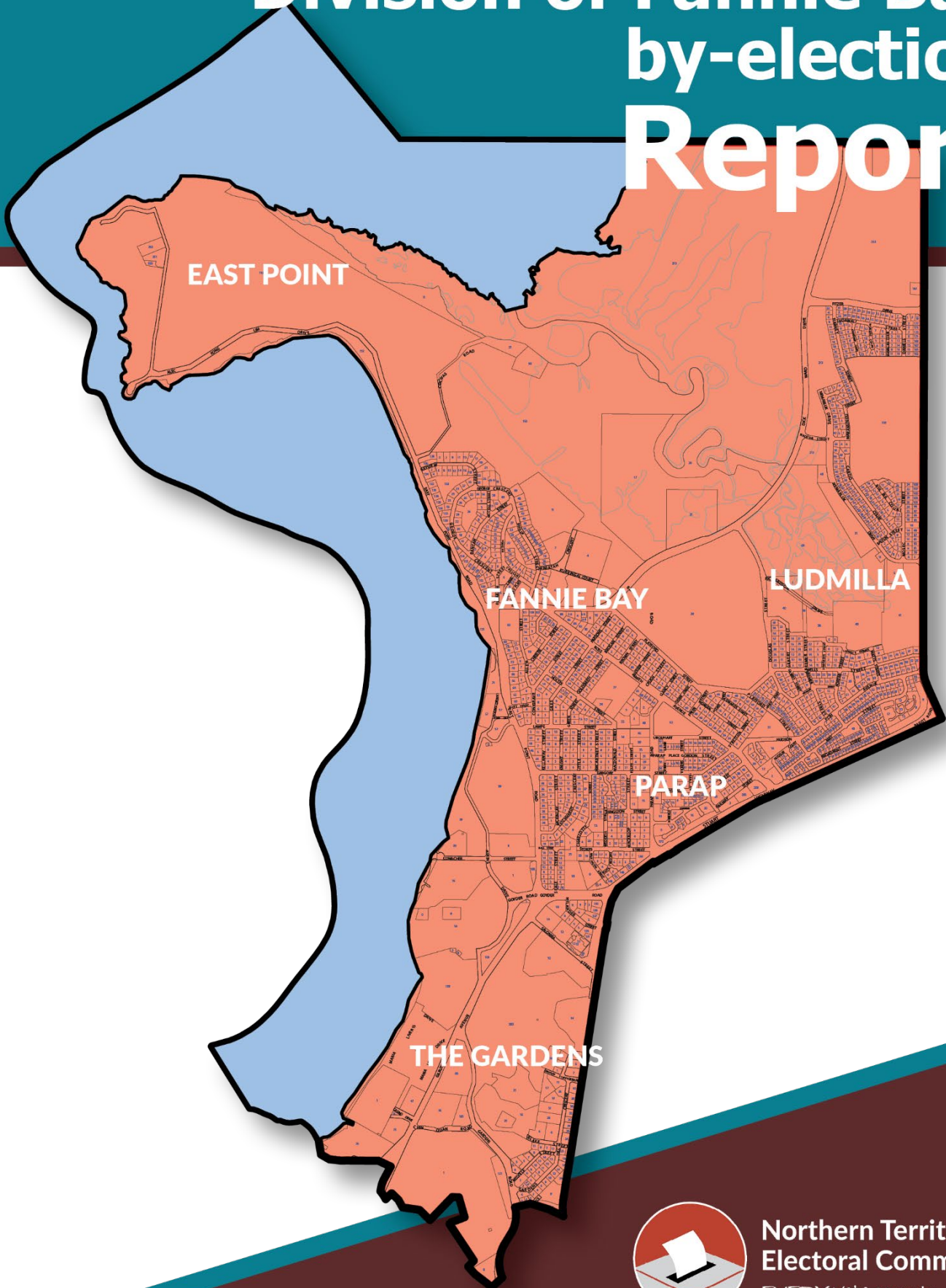


2022 Division of Fannie Bay by-election Report



Northern Territory
Electoral Commission
EVERY vote counts

NTEC version control

2022 Division of Fannie Bay by-election – report

Version Number	Purpose/change	Author	Date
1.0	Draft report completed	K. Parker	28.06.2023
1.1	Formatting completed	M. O'Brien	26.07.2023
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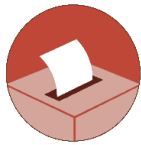
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2022 Division of Fannie Bay By-election

20 August 2022

Date	Time	
Thursday 28 July		Issue of the writ Nominations open
Friday 29 July	5:00 pm	Electoral roll closes
Tuesday 2 August		Election return of gifts received (return prior to early voting) due
Thursday 4 August	12:00 noon	Nominations close Declaration of nominations, draw for position on ballot papers
Friday 5 August		Election return of gifts received (return prior to early voting) published
Monday 8 August		Postal vote mail-out commences Early voting commences Mobile voting commences
Tuesday 16 August	5:00 pm	Overseas postal voting despatches cease
Wednesday 17 August		Election return of gifts received (return prior to election day) due
Thursday 18 August	5:00 pm	All postal voting despatches cease
Friday 19 August		Election return of gifts received (return prior to election day) published
	6:00 pm	Early voting ceases
Saturday 20 August		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 22 August	9:00 am	Declaration vote verification checks, commence recheck of all counts Primary counts of accepted declaration votes, further postal counts
Friday 2 September	12:00 noon	Deadline for receipt of postal votes Final counts of postal votes commence Distribution of preferences
Monday 5 September	10:00 am	Declaration of the election result
Monday 26 September		Return of the writ
Thursday 29 September		Election return of gifts received (post-election return) due (to be published as soon as practicable)
Monday 17 October		Last day for disputing the validity of the election
Wednesday 19 October		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 Fannie Bay held on 20 August 2022.

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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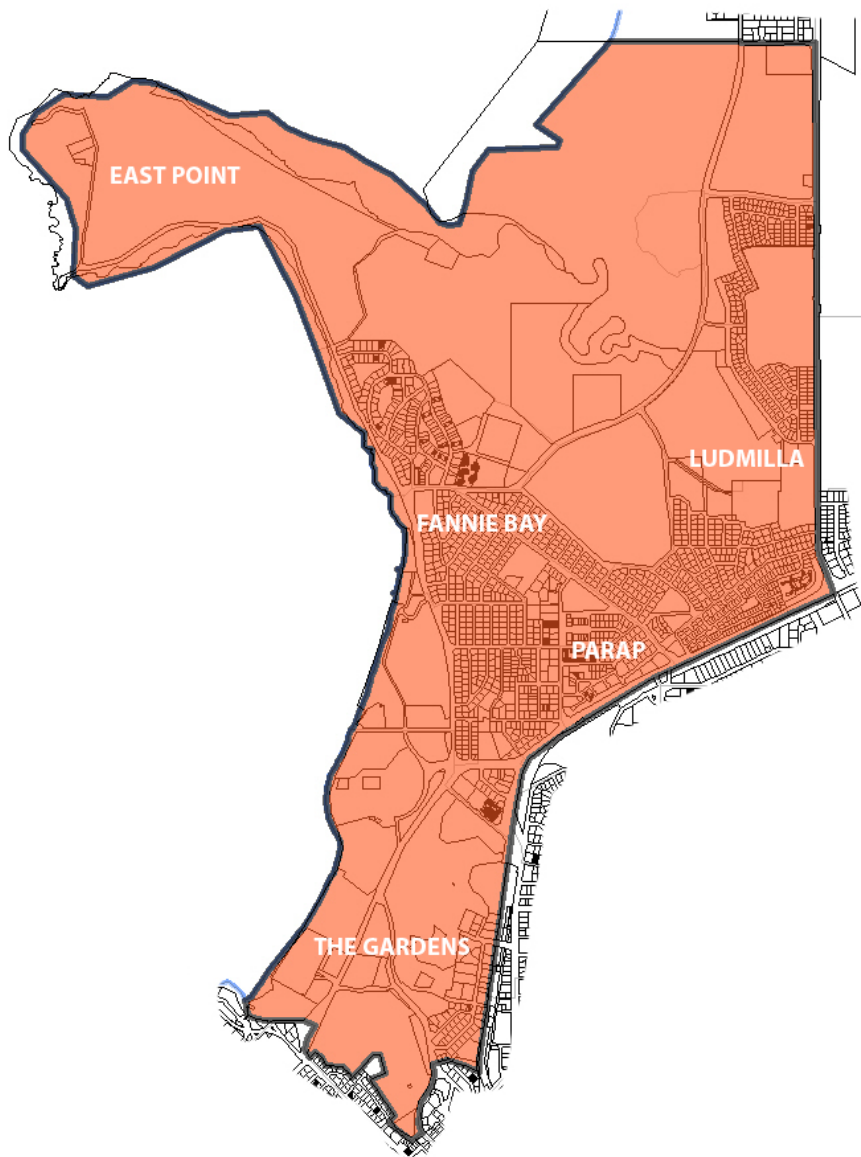
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Division profile and result

The Legislative Assembly division of Fannie Bay lies adjacent to the Darwin CBD and includes the suburbs of East Point, Fannie Bay, Ludmilla (including Bagot community and Minmarama Park), Parap and The Gardens.

The division was created for the inaugural Northern Territory Legislative Assembly election in 1974.

It is named after the suburb Fannie Bay which is located in the division, which in turn is believed to have been named after Fannie Carandini, an opera singer who performed in Adelaide in 1869, a month before the surveyors who accompanied George Goyder left to establish the settlement of Port Darwin.



ELECTED MEMBER
Brent Potter – Australian Labor Party
Elected following a distribution of preferences

Election overview

The sitting member for the division of Fannie Bay, the former Chief Minister Mr Michael Gunner, announced his resignation from the Legislative Assembly on 27 July 2022 to take effect immediately. Mr Gunner was first elected at the 2008 general election.

The 2022 Fannie Bay by-election was the 26th 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 Fannie Bay has been represented by 5 members:

Table 1: Members for the division of Fannie Bay

Member	Affiliation	Period
M P F Gunner	Australian Labor Party	2008 - 2022
C M Martin	Australian Labor Party	1995 - 2008
M B Perron	Country Liberal Party	1983 - 1995
P F O'Neil	Australian Labor Party	1977 - 1983
G E Tambling	Country Liberal Party	1974 - 1977

The writ for the election was issued on Thursday 28 July 2022, with the following key dates:

Table 2: Key dates for the Fannie Bay by-election

Election timetable	Dates
Nominations open	Thursday 28 July 2022
Close of electoral roll	5pm, Friday 29 July 2022
Close of nominations	12 noon, Thursday 4 August 2022
Election day	Saturday 20 August 2022
Last day for writ return	Monday 26 September 2022

The writ was returned early on Monday 29 August 2022, 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 20 August.

Key statistics

Table 3: Key statistics for the Fannie Bay by-election

	General election 27 August 2016	General election 22 August 2020	Fannie Bay by-election 20 August 2022
Electors on roll	5,613	5,473	5,439
Ballot papers counted	4,397 (78.3%)	4,430 (80.9%)	3,582 (65.9%)
Informal ballot papers	95 (2.2%)	257 (1.9%)	76 (2.1%)
No. of candidates	3	5	6
Two candidate preferred	64.2% ALP / 32.6% CLP	59.6% ALP / 40.4% CLP	52.6% ALP / 47.4% CLP
Cost per elector	\$25.51 (all divisions)	\$26.42 (all divisions)	\$26.82 (Fannie Bay only)

Enrolment overview

- A total of 5,439 electors were enrolled to vote at the close of roll for this by-election, which is a 0.6% decrease from the Legislative Assembly general elections held almost exactly 2 years prior.
- Elector turnout based on the number of ballot papers counted was 65.9%.
- The participation rate which includes people who applied for and received a postal vote which was not returned and rejected postal votes, among other factors, was 71.1%.

Public awareness overview

- There were 36,322 website page views during the election period.
- There were 6 social media advertisements on Facebook and Instagram with a reach of 143,530.
- 7,418 emails and 7,865 SMS were sent directly to electors across 3 messaging phases.
- 3 newsletters were emailed to stakeholders during the election period.

Candidates and parties overview

- 6 candidates nominated for the Fannie Bay by-election (5 male, one female)
- Parties represented included the Australian Labor Party, the Country Liberal Party of the NT, the NT Greens, plus 3 independent candidates.

Voting services overview

Table 4: Voting services summary for the Fannie Bay by-election

Voting centre type and number ()	Number of votes counted	% of total votes
Early voting centres (1)	1,213	33.9%
Election day voting centres (2)	1,944	54.3%
Urban mobile team (1)	17	0.5%
Postal voting	390	10.9%
Declaration voting	18	0.5%
TOTAL	3,582	100%

Financial disclosure overview

- All candidates and political parties submitted the required gift returns and electoral expenditure return for the period of the by-election (although most were submitted after the due date).
- There was one registered third party campaigner in this election (United NT Businesses).

Corporate management overview

- The writ for Fannie Bay by-election was issued the week before nominations opened for the City of Darwin Waters Ward by-election, a sizeable by-election with approx. 13,000 electors. The early voting periods for these elections overlapped, with some resources shared.
- The early voting centre and scrutiny centre were located within the NTEC office.
- 27 netbooks were used for electronic mark-off of voters across 4 voting teams.
- In addition to permanent staff, 26 casual electoral positions were created including voting centre staff, count staff, and operational support positions.
- The total cost of the election was \$145,874 which is approximately \$27 per elector.

Election timetable

Table 5: Election timetable for the Fannie Bay by-election

Division of Fannie Bay
By-election report

Electoral Act 2004	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 <i>[Section 27 and Schedule 1]</i>	Issue of the writ	Thursday 28 July 2022
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 <i>[Section 8]</i>	Close of electoral roll	5:00 pm, Friday 29 July 2022
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 4 August 2022
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 4 August 2022
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 election day <i>[Sections 62, 66]</i>	Early and postal voting commences	Monday 8 August 2022
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	Wednesday 17 August 2022 to Friday 19 August 2022
Overseas postal despatch ceases 4 days before election day <i>[Section 62(3)(a)]</i>	Overseas postal vote despatch ceases	5:00 pm Tuesday 16 August 2022
Domestic postal despatch ceases 2 days before election day <i>[Section 62(3)(b)]</i>	Australian postal vote despatch ceases	5:00 pm Thursday 18 August 2022
Early voting period determined by NTEC <i>[Section 69]</i>	Early voting centres close	6:00 pm Friday 19 August 2022
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 20 August 2022
Postal votes must be received by 12 noon on the second Friday following election day to be included in the count <i>[Section 112(1)]</i>	Deadline for the receipt of postal votes	12 noon, Friday 2 September 2022
Results of the election are to be publicly declared as soon as practicable after they have been determined <i>[Section 131(1)]</i>	Declaration of the election result	10:00 am, Monday 5 September 2022 (declared early, Monday 29 August 2022)
The writ sets out the latest date for its return <i>[Section 27 and Schedule 1]</i>	Return of the writ	Monday 26 September 2022 (returned early, Monday 29 August 2022)

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 Fannie Bay 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. While the FDEU does not operate in areas that do not receive a postal service to the residence, which includes most rural and regional areas of the Territory and all remote communities, it is active in the division of Fannie Bay.

Enrolment stimulation activities

The NT Electoral Commission did not have much time to conduct enrolment stimulation activities due to the writ being issued the day after the previous Member for Fannie Bay announced his resignation, and the close of roll being the day after the writ was issued. However, in the 2 days available, targeted social media posts, as well as direct emails and SMS to electors in the division of Fannie Bay advised electors to enrol or update their enrolment details.

Additionally, the federal election held in May just 3 months prior was an enrolment stimulation event in itself, and the enrolment for the NT as a whole had increased to 145,209 after the federal election compared to 143,552 in August 2022 following the 2021 Local Government Elections.

Enrolment transactions

At the close of the roll for the by-election, there were 5,439 eligible electors in the division of Fannie Bay compared to 5,473 at the 2020 Territory Election, the last time the division voted. This is a decrease of 34 electors, or 0.6%. However, just after the 2021 Local Government Elections the enrolment for the division of Fannie Bay was 5,547, an increase of 74 electors from 2020, and just after the federal election the enrolment was 5,594, an increase of 121 electors from 2020. Between the end of May 2022 and the close of roll for the by-election, elector numbers in the division of Fannie Bay fell by 155 electors.

In providing details for the enrolment transactions prior to the Fannie Bay by-election, the data includes all enrolments, and not just eligible voters. This means provisional voters (between the ages of 16 – 18 years old) and voters sentenced to a prison sentence of more than 3 years are also included.

Table 6 shows the enrolment transactions in the division of Fannie Bay between the close of roll for the 2020 Territory Election (30 July 2020) and the close of roll for the Fannie Bay by-election (29 July 2022).

Division of Fannie Bay By-election report

Table 6: Enrolment transactions prior to the Fannie Bay by-election

Enrolment as at 30 July 2020	5,473		
Enrolment activity – additions	Number	Enrolment activity – deletions	Number
New enrolments	317	Deaths	94
Re-enrolments	59	Objections	92
Transfer from within the NT	918	Duplications	10
Transfers from interstate	969	Transfers out within the NT	1,054
Total additions	2263	Transfers out to interstate	1,047
		Total deletions	2,297
Enrolment as at 29 July 2022	5,439		

Public awareness

Overview

The writ for the Fannie Bay by-election was issued a week before the nomination period for the City of Darwin Waters Ward by-election opened. As public awareness activities for this council by-election had already begun, the onset of the Fannie Bay by-election presented the challenge to ensure voters for both by-elections were aware of which election and key dates were relevant for them.

The information strategy for the Fannie Bay by-election included:

- dedicated pages within the NTEC's website were promoted as the primary source of information for candidates and electors and all advertising directed electors to the website
- location targeted social media campaign across three phases (enrolment, early voting, election day voting)
- direct emails and SMS messaging to electors (where these contact details are available)
- statutory notices in the NT News
- letterbox drop to all residences in the division of Fannie Bay
- erecting posters, banners and signage
- media releases and appearances
- issuing regular election newsletters and media releases to stakeholders
- direct email communication with candidates

Website

The Fannie Bay by-election website went live on 28 July 2022 and provided comprehensive 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 36,322 page views during the election period which ran through until the final count results were published on 2 September.

Social media

Location targeted social media was a key component of the public awareness strategy for the by-election which focused on 3 phases throughout the election period: enrolment and election awareness, early voting has started and last days to vote. With the Fannie Bay by-election voting period overlapping with the City of Darwin Waters Ward voting period, the ability to target the relevant voters was important to help reduce confusion among the two different voter groups.

In total, 6 social media advertisements were run across Facebook and Instagram from 29 July to 20 August. The advertisements had a combined reach of 143,530 which resulted in more than 21,000 actions (such as link clicks, post engagement, video views etc.).

Table 7: Fannie Bay by-election social media advertising statistics

Message	Run dates	Target audience	Reach	Impressions	Actions
Close of electoral roll Check your enrolment	29 July (midnight to 5:00 pm)	Residents in East Point, Fannie Bay, Ludmilla, Parap, and The Gardens	22,152	24,191	2,380
Early voting starts soon Get ready to vote	4 - 8 August	Residents in East Point, Fannie Bay, Ludmilla, Parap, and The Gardens	36,312	38,583	3,895
Early voting has started Vote now	8 – 15 August	Residents in East Point, Fannie Bay, Ludmilla, Parap, and The Gardens	41,256	46,718	6,424
Last week of early voting Vote now	15 - 19 August	Residents in East Point, Fannie Bay, Ludmilla, Parap, and The Gardens	23,019	40,752	4,319
Last days to vote	18 – 19 August	Residents in East Point, Fannie Bay, Ludmilla, Parap, and The Gardens	8,047	10,232	1,582
Vote today	20 August (6:00 am to 6:00 pm)	Residents in East Point, Fannie Bay, Ludmilla, Parap, and The Gardens	12,744	21,072	2,555
TOTAL			143,530	181,548	21,155

Email and SMS messaging

Email and SMS were used to contact Fannie Bay electors who had provided either, or both, their mobile phone numbers or email address contact details through the enrolment process. The messaging phases for emails and SMS were the same as those used for the social media campaign with adjustments based on whether or not electors had already voted.

On the day the writ was issued, and one day before the close of the electoral roll, just over 2,600 emails and 3,000 SMS messages were sent to enrolled electors in the division of Fannie Bay. Once voting had opened, there were 2 more messaging phases: a 'vote now' message on the day early voting commenced, and a 'last day to vote' message sent to those electors who not yet been marked off as having voted. Across these 2 phases approximately 4,780 emails and 4,800 SMS messages were sent directly to electors.

Newspaper advertising

Statutory print advertisements with specific voting information were published in the NT News. There were 4 advertisements across the election period including; a call for nominations and enrolment information, a list of candidates and early voting information, a list of election day voting centres, and the final results.

Letterbox drop

Due to the restricted timeframes for a public awareness campaign, a letterbox drop of almost 4,500 flyers with election and voting centre information was distributed to households in the division of Fannie Bay. These were delivered in the week that early voting started.

Banners and signage

2 council banner sites within the division of Fannie Bay were utilised for election awareness banners, with banners for each of the 3 phases of the public awareness campaign (enrolment, early voting, election day voting) going on display. In addition, large banners were installed at the 2 schools used as election day voting centres for a week to show they would be open for voting that Saturday.

Newsletters and media releases

A total of 3 election newsletters were emailed to stakeholders, including candidates and the media, during the by-election period. These newsletters included information about; close of electoral roll numbers, nomination procedures, campaign signage and authorisation requirements, financial disclosure, voting locations, scrutineering, and the counts. The newsletters were posted on the NTEC website and shared on the commission's Facebook page.

Media releases and appearances

The Electoral Commissioner took part in 7 radio and TV interviews during the election period and 4 media releases or advisories with information relating to authorisation requirements and advertising responsibilities were also distributed by email to media contacts and stakeholders.

Direct emails to candidates and parties

Candidates and parties were emailed details about the declaration of nominations, scrutineering and count information, and the removal of campaign signage.

Candidates and parties

Nominations

Nominations closed at 12 noon on Thursday 4 August 2022, and a total of 6 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: Fannie Bay by-election candidates

Candidate	Affiliation
Brent POTTER	Australian Labor Party
George MAMOZZELLOUS	Independent
Jonathan PARRY	NT Greens
Raj Samson RAJWIN	Independent
Leah POTTER	Independent
Ben HOSKING	Country Liberal Party of the NT

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 Fannie Bay by-election, 3 of the 6 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 website or from the NTEC office in digital and hardcopy form. Communication with candidates and parties was conducted primarily through email, and included election newsletters 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 Fannie Bay by-election, the NTEC complied with the directions and advice provided by the NTG and Department of Health. The NTEC's COVID-19 Management Plan and supporting documents in place for the 2021 Local Government Elections, held just 12 months prior, were applied to the Fannie Bay by-election.

Some of the procedures in place at voting centres to reduce the risks of COVID-19 spread were:

- all voting centre staff wore masks and masks were offered to voters
- voting centres were set up to allow for 1.5 metre social distancing, and had signage to remind voters to physically distance
- 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.

Postal voting was also encouraged for anyone who preferred not to attend a voting centre in person. In line with this, relevant aged care facilities were contacted to arrange postal votes for residents who preferred this option.

The impact of COVID-19 on international flights over the past 2 years has meant that postal votes have not been sent to overseas addresses for elections during this time as they were unlikely to be received by the voter or returned to the NTEC within the required timeframes. However, the Fannie Bay by-election was the first election since the onset of the pandemic where postal votes requested by voters overseas were accepted and issued.

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 Fannie Bay by-election included:

- postal and early voting services open to all voters
- aged care centres contacted directly to arrange postal voting for eligible electors
- mobile voting at hospitals and Darwin Correctional Centre
- wheelchair accessible premises for early and election day voting centres
- disabled parking facilities at election day voting centres
- 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 voting staff.

Postal voting

All electors have the option to postal vote in Northern Territory elections. Applications are available as soon as the need for a by-election is announced, therefore applications for the Fannie Bay by-election opened on the day the former Member of Fannie Bay resigned.

Division of Fannie Bay By-election report

As per the *Electoral Act 2004*, applications for postal votes (to an Australian address) close 2 days before election day, which was Thursday 18 August. Postal votes were despatched from Monday 30 August, and had to be returned by 12 noon Friday 24 September in order to be eligible to be admitted to the count. The table below shows the postal voting statistics for the Fannie Bay by-election.

Table 9: Fannie Bay by-election postal voting statistics

Postal voting	Number
Postal vote applications received	629
Postal votes issued	521 (82.8% of applications)
Postal vote applications rejected	108 (17.2% of applications)
Postal votes returned	454 (87.1 % of postal votes issued)
Postal votes not returned	67 (12.9% of postal votes issued)
Postal votes admitted to the count	392 (86.3% of postal votes returned)
Postal votes rejected	62 (13.7% of postal votes returned)

The reasons for rejecting the postal vote applications were:

- multiple applications received from same elector (57)
- enrolled for a different division (39)
- received too late for an Australian address (11)
- received too late for an overseas address (1)

The reasons for rejecting the returned postal votes were:

- ordinary vote issued (i.e. elector marked off as having voted in person) (28)
- postal vote certificate not signed (12)
- vote dated too late (after election day) (9)
- returned to sender (7)
- vote received too late (3)
- signature did not match (3)

Early voting

Early voting services were offered at the Darwin NTEC office on Mitchell Street for 2 weeks from Monday 8 August to Friday 19 August, including the middle Saturday (13 August).

The early voting centre took 1,213 votes (not including declaration votes) which was 33.9% of all votes counted, which saw a reversal of recent trends of steadily increasing early voting turnout. At the 2020 Territory Election, 2,327 early votes for the division of Fannie Bay were counted, which was 52.5% of the total votes counted for that division. (Note these votes came from 3 early voting centres located across Darwin during the general election, whereas the by-election only had one location.)

Urban mobile voting

Urban mobile voting teams visited the Darwin Correctional Centre as well as Royal Darwin Hospital, Darwin Private Hospital and the Palmerston Hospital to issue votes to Fannie Bay electors. Urban mobile teams are able to issue votes to staff and visitors as well as eligible prisoners and patients. The table below shows the votes taken at each urban mobile voting centre.

Table 10: Fannie Bay by-election urban mobile voting statistics

Urban institution	Ordinary votes issued
Darwin Correctional Centre	1
Palmerston Hospital	2
Darwin Private Hospital and Royal Darwin Hospital	14
TOTAL ISSUED	17

Election day voting

Election day for the Fannie Bay by-election was Saturday 20 August. There were 2 election day voting centres (in Ludmilla and Parap) both of which were open from 8:00 am to 6:00 pm.

Table 11: Fannie Bay by-election election day voting statistics

Election day voting centre	Votes taken* – 2020 Territory Election	Votes taken* – Fannie Bay by-election
Ludmilla	282	463
Parap	918	1,481
TOTAL	1,200 (27.1 % of total votes)	1,944 (54.3 % of total votes)

* Based on number of votes admitted to the count and does not include declaration votes issued at the voting centre

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 Fannie Bay by-election, the table below shows the declaration votes admitted to the count and those rejected.

Table 12: Fannie Bay by-election declaration voting statistics

Declaration votes	Number
Declaration votes accepted and admitted to count	18 (48.6%)
Declaration votes rejected	19 (51.4%)
TOTAL	37

Division of Fannie Bay
By-election report

The reasons for rejecting the declaration votes were:

- Elector enrolled in another NT division at close of roll (18)
- Could not be enrolled due to insufficient evidence of identity (1).

Voting summary

Table 13: Vote type statistics for Fannie Bay by-election and 2020 Territory Election

Voting centre type	2020 Territory Election – Fannie Bay		2022 Fannie Bay by-election	
	No. of votes counted	% of total votes	No. of votes counted	% of total votes
Early	2,327	52.5%	1,213	33.9%
Urban mobile#	-		17	0.5%
Election day	1,200	27.1%	1,944	54.3%
Postal	382	8.6%	390	10.9%
Declaration	35	0.8%	18	0.5%
Absent*	486	11.0%		-
TOTAL	4,430	100%	3,582	100%
Formal	4,345	98.1%	3,506	97.9%
Informal	85	1.9%	76	2.1%

included in absent vote count at general elections

* Absent voting is not available at by-elections

Turnout and participation

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

Turnout	Number or percentage
Enrolment at close of roll	5,439
Total votes counted	3,582
Turnout rate – by number of votes counted	65.9%
Participation	Number or percentage
Postal vote applications rejected (voter eligible)	12
Postal votes not returned	67
Postal votes returned but rejected	62
Declaration votes rejected	18
Excuses lodged	126
Total additional participation	285
TOTAL	3,867
Participation rate	71.1%

Voting outcomes

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

Vote counting – election day

Following the close of voting at 6:00 pm on Saturday 20 August, first preference counts and two-candidate preferred (TCP) counts were conducted at the 2 election day voting centres and the Darwin scrutiny centre. These counts included votes issued by the early voting centre, election day voting centres, the urban voting team as well as postal votes that had been received by election day.

Post election day counts

- On Monday 22 August 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 (24 – 25 August).
- On Friday 26 August an initial count of admitted declaration votes and second intake of postal votes was conducted. A fresh scrutiny occurred immediately afterwards.
- Following the deadline for the receipt of postal votes at 12 noon on Friday 2 September, an initial count of the third and final intake of postal votes was conducted, and was immediately followed by a fresh scrutiny.
- Immediately following the postal votes count, a distribution of preferences was undertaken.

Distribution of preferences

The number of votes to win the by-election, as per the preferential voting system was 1,754 (more than 50% (or 50% + 1) of the formal votes) which no candidate achieved in first preferences after the final postal vote intake was added to the count. Therefore a distribution of preferences was conducted and **Brent POTTER (ALP)** was officially elected at the fifth count.

Table 15: Distribution of preferences results for the Fannie Bay by-election

Count	Comment	Brent POTTER (ALP)	George MAMOZZELLOS (Ind)	Raj Samson RAJWIN (Ind)	Jonathan PARRY (GRN)	Leah POTTER (Ind)	Ben HOSKING (CLP)	TOTAL	Quota
1	First preferences	1,139	30	84	699	103	1,451		
	Progressive	1,139	30	84	699	103	1,451	3,506	1,754
2	MAMOZZELLOS excluded	1	-30	13	3	5	8		
	Progressive	1,140	0	97	702	108	1,459	3,506	1,754
3	RAJWIN excluded	22	0	-97	17	34	24		
	Progressive	1,162	0	0	719	142	1,483	3,506	1,754
4	L. POTTER excluded	34	0	0	62	-142	46		
	Progressive	1,196	0	0	781	0	1,529	3,506	1,754
5	PARRY excluded	649	0	0	-781	0	132		
	Progressive	1,845	0	0	0	0	1,661	3,506	1,754

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

Declaration of the result and writ return

In order to swear in the new Member for Fannie Bay at the next parliamentary sittings commencing Tuesday 30 August, it was determined after the count of admitted declaration and postal votes on Friday 26 August that the number of outstanding postal votes could not change the outcome of the TCP count. As such, and in accordance with section 129 of the Act, the writ was returned early to the Administrator on Monday 29 August declaring Brent Potter as duly elected.

An official declaration of the election result was still held at 10:00 am on Monday 5 September at the NTEC Darwin office, following the distribution of preferences the previous Friday.

Informal voting

There were 3,506 formal votes and 76 informal votes, which gives an informality rate of 2.1%. While this is slightly higher than at the 2020 Territory Election where the division of Fannie Bay had an informality rate of 1.9%, it is still a very low rate of informality.

More than half the informal votes were assumed to be intentional, with many of these being blank ballot papers. The table below shows the numbers of assumed intentional and assumed unintentional informality for the Fannie Bay by-election.

Table 16: Fannie Bay by-election informal voting statistics

Informality type	Number	% of all informal votes
Assumed unintentional	28	36.2%
Assumed intentional	48	63.2%
Total	76	100%

Apparent non-voters

Data extracted from software used to electronically mark off electors when they are issued with a ballot paper indicated apparent non-voters. The data was supplemented with information received during the election period regarding valid reasons why electors were unable to vote.

Table 17: Fannie Bay by-election non-voters

Apparent non-voters	Number	% of electors
Electors who appeared to have failed to vote	1,542	28.4%
Excuses already lodged	126	2.3%

1,542 apparent non-voters were sent an infringement notice which includes an opportunity to claim to have voted by citing where and when, or to provide a reason for not voting. Table 18 provides a breakdown of the replies to these infringement notices.

Table 18: Apparent non-voter mailing and replies

Apparent non-voter mail records	Number	%
Apparent non-voters	1,542	
Results breakdown		
Returned unclaimed and endorsed return to sender	264	17.1
Replied – valid and sufficient reason provided	297	19.3
Replied – penalty paid	192	12.5
No reply and no RTS mail to first or second notice	789	51.2

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 Fannie Bay by-election were obliged to adhere to these reporting requirements.

Reporting of gifts

Table 19: Required financial disclosure returns and periods for the Fannie Bay by-election

Return	Period	Due
Return 1 – prior to early voting	1 July 2021 to 28 July 2022	2 August 2022
Return 2 – prior to election day	29 July 2022 to 14 August 2022	17 August 2022
Return 3 – post election return	15 August 2022 to 19 September 2022	29 September 2022

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 Fannie Bay by-election:

- All candidates reported nil returns for receiving donations above the threshold.
- There were 3 registered political parties with endorsed candidates in this by-election. All 3 parties reported the total value of the donations they received, including any individual gifts over the threshold received.
- 2 associated entities reported nil returns.
- There was one third party campaigner registered for this election (United NT Businesses) who reported the total value of donations they received and an individual gift over the threshold.
- Donors are only required to report on their donations in an annual return. The 2022-2023 annual return for donors (covering the Fannie Bay by-election) is due 31 August 2023.

Reporting of electoral expenditure

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

Return	Period	Due
Return 1	28 July 2022 to 19 September 2022	19 October 2022

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

Division of Fannie Bay By-election report

For the Fannie Bay by-election:

- the 3 independent candidates all reported their electoral expenditure by category
- the 3 political parties who endorsed candidates all reported their electoral expenditure by category
- the one registered third party campaigner for this election reported their electoral expenditure by category

Almost all of the gift returns from candidates and political parties were received after the due date, and required multiple reminders from the NTEC. Additionally, independent candidates in particular needed support in submitting their returns.

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

Compliance review

BDO (NT) were engaged to undertake a review of the political donations received and electoral expenditure by all entities in the Fannie Bay by-election, to evaluate the level of compliance with Part 10 of the *Electoral Act 2004*. The review, completed in June 2023 found a high level of compliance with the provisions in the Act in relation to electoral expenditure.

Summary of the overall findings of the compliance review:

- All parties and independent candidates did not spend above the electoral expenditure cap.
- There were significant delays in the provision of the requested information by some parties.
- Not all candidates had adequate accounting systems to be able to capture expenditure.
- There were some minor variances between figures declared to the NTEC and those in the respective accounting systems.

Summary of the key recommendations of the compliance review:

- There should be continued education, especially for independent candidates to ensure that candidates are well versed in the legislated requirements, especially in maintaining a designated Territory campaign account to capture all electoral expenditure.
- The cost of completing the review of the independent candidates is disproportionate to the outcome and benefit of the review. In the future, a sample section of independent candidates to review would be a better option.

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 councils, 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 Fannie Bay by-election, eLAPPS was used on 27 devices across 4 voting teams. The eLAPPS system was also used for central monitoring of vote issuing during the voting period by NTEC staff.

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

Following the issue of the writ the morning after the resignation of the sitting member, there was just 6 business days to set up an early voting centre, as well as communicate its location and opening hours to electors. At previous general elections, the closest early voting centres for Fannie Bay electors were located in the Darwin CBD and Casuarina, and these options are accessible and known to electors. Therefore the NTEC utilised existing resources at the NTEC office in Darwin for the early voting centre and the scrutiny centre.

There is a Memorandum of Understanding with the Department of Education for the use of school facilities for NT elections under which facilities at 2 primary schools were hired as election day voting centres (in Ludmilla and Parap).

Staffing

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

The table below shows the number of casual staff employed across a variety of positions. In total, 26 casual electoral positions were filled by 24 casual staff. In some instances, some casual staff were employed in more than one position.

Table 21: Casual staff positions for the Fannie Bay by-election

Positions	No. of casual positions
Early voting centre staff	5
Election day voting centre staff	12
Urban mobile voting teams	2
Count staff	3
Other operations staff*	4

* e.g. postal voting, materials

Casual staff were provided a face-to-face training session as well as manuals. In the training, any differences between Legislative Assembly and local government elections were emphasised, in particular the rules for campaigning at voting centres and the differences in the vote counting processes.

Election costs

The total cost of the Fannie Bay by-election was \$145,874. This makes the cost of the election per enrolled elector as \$27.

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 Fannie Bay by-election are as follows:

Division of Fannie Bay
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Table 22: Breakdown of costs for the Fannie Bay by-election (ex GST)

Category	Cost
Staffing	\$93,968
IT	\$14,365
Financial disclosure compliance audit	\$13,610
Non-voter expenses (staff, postage, document production)	\$9,693
Public awareness (advertising/marketing)	\$7,970
Ballot papers and printing costs	\$4,209
Premises	\$2,891
Postage	\$2,093
Vehicles and fuel	\$1,764
Materials and consumables	\$111
Sub-total	\$150,674
Minus non-voter revenue	-\$4,800
TOTAL	\$145,874

APPENDIX A:
List of Legislative Assembly 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. votes %^
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.