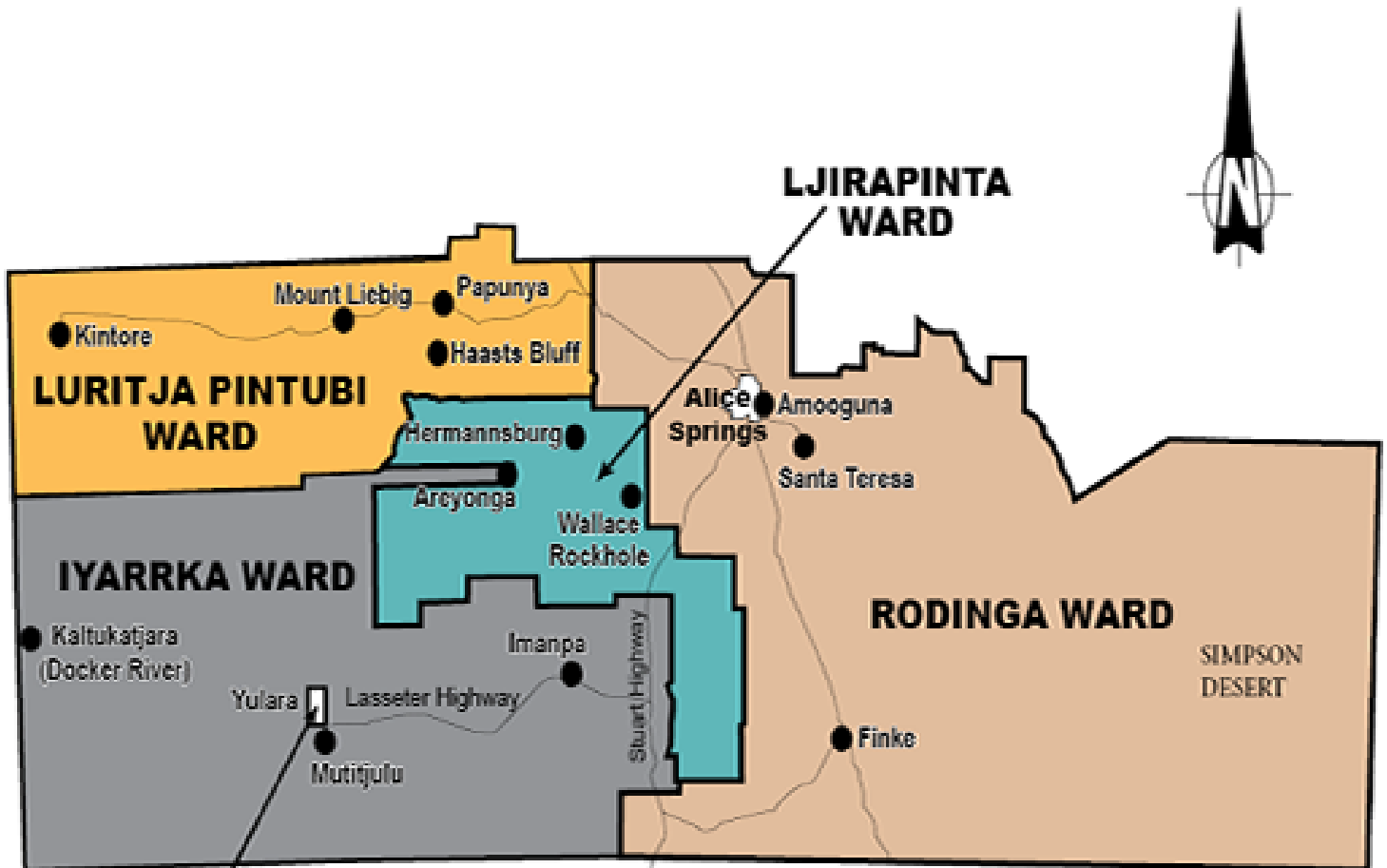




**Northern Territory
Electoral Commission**
EVERY vote counts!

MacDonnell Regional Council 2023 by-election report

Luritja Pintubi Ward



NT Electoral Commission version control

2023 MacDonnell Regional Council – Luritja Pintubi Ward by-election report

Version Number	Purpose/change	Author	Date
1.0	DRAFT report	K. Parker	6/10/2023
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2023 MacDonnell - Luritja Pintubi & Rodinga Wards by-election

16 June 2023

Monday 8 May		Nominations open
Wednesday 10 May	5:00 pm	Electoral roll closes
Friday 19 May	12:00 noon	Nominations close
	1:00 pm	Declaration of nominations, draw for position on ballot papers
Monday 22 May		Postal vote mail-out commences
Thursday 8 June	8:00 am	Mobile voting commences
Monday 12 June	8:00 am	Early voting commences
	6:00 pm	Overseas postal voting despatches cease
Wednesday 14 June	6:00 pm	All postal voting despatches cease
Thursday 15 June	4:30 pm	Early voting ceases
Friday 16 June		Election day
		Election day voting commences
		Election day voting ceases
	6:00 pm	Mobile voting ceases
		Primary counts of ordinary, postal and early votes commence
Monday 19 June	9:00 am	Declaration vote verification checks, commence recheck of all counts
Wednesday 21 June	9:00 am	Primary counts of accepted declaration votes, further postal counts
Thursday 29 June	12:00 noon	Deadline for receipt of postal votes
		Final counts of postal votes commence
	2:00 pm	Distribution of preferences
	3:00 pm	Declaration of the election result

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BACKGROUND

Election

The by-election for one vacancy for MacDonnell Regional Council's Luritja Pintubi Ward was caused by the resignation of a councillor after he breached Section 47(1)(o) of the *Local Government Act 2019* (non-attendance without permission at 2 consecutive ordinary council meetings). The councillor resigned on 2 February 2023 and the council advised the NT Electoral Commission (NTEC) on 3 February 2023.

Just prior, on 19 January 2023, MacDonnell Regional Council advised the NTEC of 2 vacancies in the Rodinga Ward due to the passing on one councillor, and the resignation of another on 5 January due to the same breach mentioned above. The council therefore had 3 vacancies to fill across 2 wards.

Due to the vacancies occurring at a time the NTEC was already preparing for multiple local government by-elections, as well a by-election for the division of Arafura, the NTEC and the council agreed to delay the by-elections. Another consideration was the funeral for the former Rodinga Ward councillor which was scheduled for mid-March.

Section 136(4) of the Act states a by-election must be held within 4 months from notification of the vacancy. Therefore the deadlines for the commencement of the Rodinga Ward by-election was 18 May, and 2 June for the Luritja Pintubi by-election. The 2 by-elections were scheduled to run concurrently with the nominations opening 8 May and election day scheduled for 16 June.

At the close of nominations for the Rodinga Ward by-election, there were 2 nominations for the 2 vacancies. Therefore the election was deemed uncontested and the 2 candidates declared duly elected. This report primarily provides details for the Luritja Pintubi Ward by-election as it was contested and went ahead, but there are some references to the Rodinga Ward 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(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 MacDonnell 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 Luritja Pintubi Ward by-election. See the donations disclosure paragraphs on page 7 for more details

Service level agreement

The NTEC provided a service level agreement (SLA) to the MacDonnell 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 by 18 May 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 Luritja Pintubi Ward by-election, the MacDonnell Regional Council opted to provide or facilitate the following in order to offset costs:

- voting services in agreed council service centres
- council staff and premises for the above council service centres at no cost
- training of council staff by NTEC officers
- delivery and return of election materials between Alice Springs and the council service centres
- security of used and unused ballot papers, ballot boxes and electoral rolls
- promotion of the election via its social media channels and council sites throughout the council areas
- acting as an agent to receive and forward nominations to the NTEC.

BOUNDARY CHANGES

There were no boundary or representative changes made to the MacDonnell 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 1,076 electors enrolled in the Luritja Pintubi Ward of MacDonnell Regional Council. This is a 3.5% increase in enrolment (up from 1,040 electors) from the local government general elections held in August 2021.

CANDIDATES

Nominations opened Monday 8 May and closed Friday 19 May at 12:00 noon. There were 2 accepted nominations for the one vacancy, with a third nomination rejected due to not being enrolled in the council area.

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)	Tommy Jabanardi CONWAY
	Amos EGAN

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 22 May to Wednesday 14 June, and had to be returned by 12 noon Thursday 29 June to be eligible to be admitted to the count.

Postal votes were arranged for eligible residents at aged care facilities located in Alice Springs and for eligible prisoners at the Alice Springs Correctional Centre and the Barkly work camp.

Postal voting statistics

Postal voting	Number
Postal vote applications received	73
Postal votes issued	33 (45.2% of applications)
Postal vote applications rejected	40 (54.8% of applications)
Postal votes returned	22 (66.7% of postal votes issued)
Postal votes not returned	11 (33.3% of postal votes issued)
Postal votes admitted to the count	19 (86.4% of postal votes returned)
Postal votes rejected	3 (13.6% of postal votes returned)

The reasons for rejecting postal vote applications were:

- Rodinga Ward electors – election did not go ahead (28)
- multiple applications received from same elector (6)
- cancelled on request by elector (4)
- Enrolled for a different council area/ward (2)

The reasons for rejecting the returned postal votes were:

- vote received too late (2)
- vote dated too late (after election day) (1)

Early voting

Early voting services for the by-election were provided at the NTEC office in Darwin from Monday 12 June to Thursday 15 June 2023. No early votes were issued for this by-election.

Council service centres

Since the trial of using council service centres to provide voting services in some regional council areas at the 2021 Local Government Elections, this model may be considered as an option for council by-elections. This involves voting services (the issuing of ordinary and declaration votes) being located at council premises in remote communities and provided council staff who have been trained by the NTEC. After the trial in 2021, the NTEC recommended that if voting services are provided by councils at their service centres, this should be supplemented with a remote mobile team providing voting services to smaller communities where there are no council premises or staff.

For the Luritja Pintubi Ward by-election, MacDonnell Regional Council provided voting services at council service centres in the communities of Haasts Bluff, Kintore, Mount Liebig and Papunya for 5 days from 8 to 9 June and 13 to 15 June during office hours.

All materials including voting screens, ballot boxes and ballot papers were sent to the service centre managers from Alice Springs in the week before the voting service was offered. Live materials including ballot boxes were brought back to Alice Springs on Friday 16 June.

Council service centre voting statistics

Council service centre location	Number of votes issued*
Haasts Bluff	29
Kintore	133
Mount Liebig	80
Papunya	116
TOTAL	358

* 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 5 declaration votes were issued for the by-election with all 5 admitted to the count.

Voting summary

Number of votes counted by vote type

Vote type	No. of votes counted	% of total votes
Council service centre	347	93.5%
Early voting centre – Darwin	0	
Declaration voting	5	1.3%
Postal voting	19	5.1%
TOTAL	371	
Formal votes	343	98.8%
Informal votes	4	1.2%

Turnout and participation

Turnout	Number or percentage
Enrolment at close of roll	1,076
Total votes counted	371
Turnout rate – by number of votes counted	34.5%
Participation	Number or percentage
Postal votes applications rejected (voter eligible)	0
Postal votes not returned	11
Postal votes returned but rejected	3
Declaration votes rejected	0
Excuses lodged	8
Total additional participation	22
TOTAL participation	393
Participation rate	36.5%

Informality

Of the 347 ballot papers counted (not including postal votes and declaration votes) 4 (or 1.2%) were deemed to be informal and were therefore not counted. Of the 4 informal votes, 2 were considered to be intentionally informal (both blank) and 2 were considered to be unintentionally 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 Luritja Pintubi 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 Friday 16 June at the temporary NTEC office set up in Alice Springs for this by-election. All votes issued at the council service centres were transported back to Alice Springs on 16 June.

Post-election day counts

- On Monday 19 June a fresh scrutiny of the votes counted on Friday was conducted. Declaration votes were also forwarded to the Australian Electoral Commission for processing.
- As the number of outstanding postal votes (33) and declaration votes (5) to be admitted to the count was not more than the margin between the 2 candidates, the election could be declared early.

Results from the initial count and the fresh scrutiny 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
Tommy Jabanardi CONWAY	202
Amos EGAN	141
TOTAL	343

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 **Tommy Jabanardi CONWAY** 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 19 June, 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 MacDonnell 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 19 June 2023.

PUBLIC AWARENESS

Website

A web page for the by-election was launched on Monday 8 May. The web page provided information on nominating, a list of candidates, voting services and results.

Print

The following statutory advertisements were placed in the Alice Springs News:

- 5 May 2023 – Call for nominations
- 24 May 2023 – Declaration of nominations
- 29 May 2023 – Voting times

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

- SMS messages were sent to 98 electors
- Emails were sent to 54 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.

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 Rodinga and Luritja Pintubi 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	16 June 2023
Disclosure period	1 July 2022 – 16 July 2023
Return due date	25 August 2023

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

ELECTION COSTS

The estimated cost for MacDonnell Regional Council's by-elections for both the Rodinga Ward and Luritja Pintubi Ward was \$11,996 (GST included).

However, with the Rodinga Ward by-election being uncontested, this brought down the final costs. The final cost invoiced to the council was \$11,017 (GST included).

The breakdown of costs for both by-elections are as follows:

Expense category	Cost
Radio advertising	\$1,818
Staff airfares	\$1,450
Statutory advertising	\$1,200
Staff accommodation	\$1,198

Expense category	Cost
Staff wages	\$1,175
Ballot paper printing	\$530
Website	\$500
Car hire	\$350
Northline Freight	\$247
Email/SMS notifications	\$100
Social media	\$91
Fuel	\$50
Sub-total	\$8,709
Corporate overhead (15%)	\$1,306
Sub-total	\$10,015
GST (10%)	\$1,002
TOTAL	\$11,017