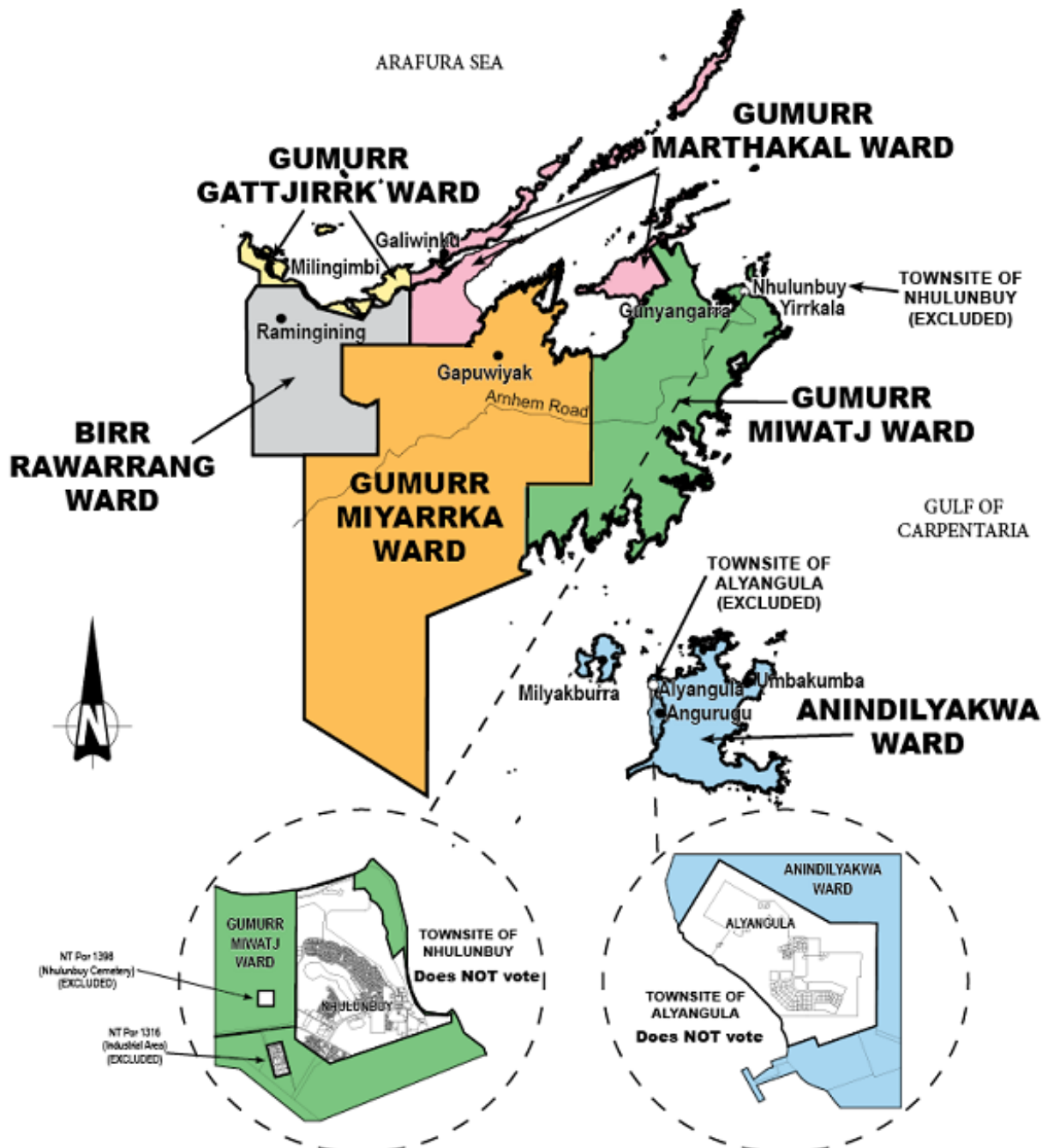




# East Arnhem Regional Council 2022 By-election report

## Gumurr Miwatj Ward



## NT Electoral Commission version control

### 2022 East Arnhem Regional Council – Gumurr Miwatj Ward by-election report

Version Number	Purpose/change	Author	Date
1.0	DRAFT report	G. Hibble	16.12.2022
1.1	FINAL report	K. Parker	17.12.2022

#### Disclaimer

Copyright © 2022. This document may not be reproduced without permission. This document is controlled and has been released electronically. The document on the NT Electoral Commission website is the most recently version. Hard copy documents are uncontrolled and may not be the most recent version. Users of hard copies should confirm the revision by comparing it with the electronically controlled version.

The latest version is accessible via the NT Electoral Commission website at [ntec.nt.gov.au](https://ntec.nt.gov.au).

ISBN: 978-0-6455391-4-1

## East Arnhem Miwatj ward 2022

**24 June 2022**

Date	Time	
Monday 23 May		Nominations open
Wednesday 25 May	5:00 pm	Electoral roll closes
Friday 3 June	12:00 noon	Nominations close
	1:00 pm	Declaration of nominations, draw for position on ballot papers
Monday 6 June		Postal vote mail-out commences
Monday 20 June	8:00 am	Early voting commences
	6:00 pm	Overseas postal voting despatches cease
Wednesday 22 June	6:00 pm	All postal voting despatches cease
Thursday 23 June	4:30 pm	Early voting ceases
<b>Friday 24 June</b>		<b>Election day</b>
	8:00 am	Election day voting commences
	6:00 pm	Election day voting ceases
	4:30 pm	Mobile voting ceases
Monday 27 June	9:00 am	Primary counts of ordinary, postal and early votes commence
	11:00 am	Declaration vote verification checks, commence recheck of all counts
	1:00 pm	Primary counts of accepted declaration votes, further postal counts
Thursday 7 July	12:00 noon	Deadline for receipt of postal votes
	1:00 pm	Final counts of postal votes commence
	3:00 pm	Distribution of preferences
Friday 8 July	10:00 am	Declaration of the election result

This page is intentionally blank

**INDEX**

\_Toc148018074

- BACKGROUND ..... 1**
  - Election..... 1
  - Legislation..... 1
  - Recent legislative changes* ..... 1
  - Service level agreement ..... 1
- BOUNDARY CHANGES ..... 2**
- ENROLMENT ..... 2**
- CANDIDATES ..... 2**
  - Summary of accepted nominations/candidates* ..... 2
- VOTING SERVICES ..... 3**
  - Early voting ..... 3
  - Postal voting ..... 3
  - Council delivery centres ..... 3
  - CDC voting statistics* ..... 3
  - Remote mobile voting ..... 3
  - Remote voting statistics* ..... 4
  - Declaration voting..... 4
  - Turnout..... 4
  - Number of votes counted by vote type ..... 4
  - Informality ..... 5
- ELECTION OUTCOMES ..... 5**
  - Voting system ..... 5
  - Counts ..... 5
  - Results..... 6
  - Declaration of the results ..... 6
- PUBLIC AWARENESS ..... 6**
  - Website ..... 6
  - Statutory print advertising ..... 6
  - Posters ..... 6
  - Direct messaging to voters ..... 7
  - Social media..... 7
  - Promotion by the council..... 8
- FINANCIAL DISCLOSURE ..... 8**
- ELECTION COSTS..... 8**

This page is intentionally blank

## **BACKGROUND**

### **Election**

The by-election for the East Arnhem Regional Council Gumurr Miwatj Ward was caused by two casual vacancies due to the passing away of a councillor on 7 February 2022 and the subsequent resignation of another councillor on 16 March 2022.

The council advised the Northern Territory Electoral Commission (NTEC) in writing on 8 February 2022 of the first casual vacancy due to the death of a councillor. The council advised the NTEC that they did not wish to start the election process in the near future out of respect for the deceased and would contact the NTEC at an appropriate time to discuss the by-election.

The council then advised the NTEC on 17 March 2022 of the second casual vacancy due to a resignation. The 2022 Federal Election was scheduled for 21 May 2022 with voting in remote communities occurring in the two weeks before that date. The council and the NTEC resolved that it was not desirable to run the by-election concurrently with the federal 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 four months from notification of the vacancy, which meant the last date for the by-election to be held was 7 June. A request was made by the NTEC to the Minister for Local Government to exercise his powers under section 160 of the Act to extend the time for holding of an election. The Minister subsequently gazetted a notice extending the time for holding the by-election to 10 July 2022.

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 East 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 Gumurr Miwatj Ward by-election. See financial disclosure paragraphs on pages 11 for more details.

### **Service level agreement**

The service level agreement (SLA) between the East Arnhem Regional Council and the NTEC was signed on 6 June 2022 and established the costing program for the preparation and conduct of the by-election.

The SLA stated that the NTEC will apply the requirements of the Act and regulations, and provided details of the voting services. The SLA also detailed any services provided or facilitated by the council, including the provision of voting services at council delivery centres in Yirrkala and Gunyangara by trained council staff, which would offset the final costs.

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

- council owned voting premises at no cost
- council staff to provide voting services at no cost
- council staff for training by the NTEC
- council owned accommodation (if required) at no cost
- transport for the NTEC remote mobile voting team in Nhulunbuy, Yirrkala and Gunyangara if required
- delivery and return to Darwin of election materials and ballot papers
- security of any used and unused ballot papers, ballot boxes, and netbook machines
- promotion of the election through social media and council sites throughout the council area
- acting as an agent to receive and forward nominations to the NTEC.

## **BOUNDARY CHANGES**

There were no boundary or representative reviews to the East Arnhem Regional Council area conducted prior to the by-election.

## **ENROLMENT**

At the close of the electoral roll on Wednesday 25 May at 5:00pm, there were a total of 1,479 electors enrolled in East Arnhem Regional Council area. This is a slight increase in enrolment (0.7%) from the previous local government general elections held in August 2021.

## **CANDIDATES**

Nominations opened Monday 23 May and closed Friday 3 June at 12:00 noon. There were a total of three accepted nominations for the two 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.

### *Summary of accepted nominations/candidates*

<b>Position</b>	<b>Candidates in ballot paper order</b>
<b>Councillor (Two vacancies)</b>	Marrpalawuy MARIKA
	Wesley DHAMARRANDJI
	Ineke WALLIS



## VOTING SERVICES

### Early voting

Early voting services for the by-election were provided at the NTEC office in Darwin from Monday 20 June to Thursday 23 June. No early votes were issued for this by-election.

### Postal voting

All electors have the option to postal vote and applications opened on Monday 23 May, applications received before this date were held until they could be accepted.

Four applications were received, with one cancelled by the elector.

Of the 3 postal votes issued, only one was returned, which was admitted to the count.

### Council delivery centres

Since the trial of council delivery centres (CDCs) in some regional council areas at the 2021 Local Government Elections, voting services provided at CDCs may be considered as an option for by-elections. CDCs are located at council premises in remote communities and voting services (the issuing of ordinary and declaration votes) are provided by NTEC trained council staff. After the trial in 2021, the NTEC recommended that CDCs are supplemented with a remote mobile team providing voting services to smaller communities where there are no council premises or staff.

For the Gumurr Miwatj Ward by-election, the East Arnhem Regional Council requested a two day CDC voting service in the two larger communities of Gunyangara and Yirrkala which were open from 21 to 22 June during office hours.

All materials including voting screens, ballot boxes and ballot papers were sent to the CDC managers by barge in the week before the voting service was offered. Live materials including ballot boxes were brought back to Darwin by the NTEC's remote mobile team.

#### *CDC voting statistics*

CDC location	Number of votes issued*
Gunyangara	15
Yirrkala	50
<b>TOTAL</b>	<b>65</b>

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

### Remote mobile voting

In consultation with the council, it was determined that in addition to the CDC voting service, a remote voting team would provide voting services at 8 remote communities over a four day period. During the remote voting period, multiple changes to the schedule were required, and the NTEC and council worked together to mitigate these issues as they arose.

### *Remote voting statistics*

<b>Community</b>	<b>Date</b>	<b>Time</b>	<b>Number of votes issued*</b>
Baniyala	22 June	12:15pm – 1:15pm	20
Birany Birany	21 June	11:30pm – 12:00pm	4
Dhalinybuy	20 June	3:45pm – 4:15pm	8
Gan Gan	22 June	9:30am – 10:30am	23
Garrthalala	21 June	9:30am – 10:00am	-
Garrthalala	23 June	1:30pm – 2:00pm	16 (total for Garrthalala)
Gurururu	20 June	1:45pm – 2:15pm	16
Wallaby Beach	23 June	10:30am – 11:00am	4
Wandabuy	21 June	1:30pm – 2:15pm	10
<b>TOTAL</b>			<b>101</b>

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

### **Declaration voting**

A declaration vote can be issued to a person who cannot be found on the electoral roll by completing and signing a declaration envelope.

Their ballot paper is placed in the envelope and a scrutiny of all declaration envelopes commences the day after election day.

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

A total of 11 declaration votes were issued for the by-election and all were admitted to the count (i.e. there were no rejected declaration votes).

### **Turnout**

Turnout for the Gumurr Miwatj Ward by-election was 10.8% based on the number of votes counted, with 159 ballot papers counted from a total enrolment figure of 1,479.

The following table details the total number of votes by vote type for those ballot papers admitted to the count.

### **Number of votes counted by vote type**

<b>Vote type</b>	<b>No. of votes counted</b>	<b>% of total votes</b>
Remote mobile team	91	57.2%
Gunyangara CDC	15	9.4%

Yirrkala CDC	41	25.8%
Early voting centre	0	0.0%
Postal voting	1	0.6%
Declaration voting	11	6.9%
<b>TOTAL</b>	<b>159</b>	<b>99.9%</b>
Formal votes	149	93.7%
Informal votes	10	6.3%

### Informality

Of the 159 ballot papers counted, 10 (or 6.3%) were deemed to be informal and therefore not counted. Of the 10 informal votes, one was considered to be intentionally informal, while the remaining 9 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:  $(\text{total number of formal votes} / \text{number of vacancies} + \text{one}) + \text{one}$ .
- 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.

To learn more about the PR system, go to the [vote counting](#) page on the NTEC website.

### Counts

An initial count of first preferences was conducted in the NTEC Darwin office on Monday 27 June. All votes for the by-election were then entered into an electronic count system called EasyCount and re-entered for verification purposes. All candidates were contacted by the NTEC directly and informed of the count processes.

Postal ballot papers had to be received by 12:00 noon, Thursday 7 July to be included in the count.

Determination of the quota and the distribution of preferences took place after the cut-off for the return of postal vote ballot papers. Election results were made available on the results pages of the website on Thursday 7 July 2022.

## Results

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

Candidate	First preference votes
Marrpalawuy MARIKA	92
Wesley DHAMARRANDJI	28
Ineke WALLIS	29
<b>TOTAL</b>	<b>149</b>

The quota required under the proportional representation voting system was 50. Following the distribution of preferences, and in accordance with schedule one of the *Local Government (Electoral) Regulations 2021*, the results were as follows:

- Marrpalawuy MARIKA received the quota at count number one
- Wesley DHAMARRANDJI received the quota at count number 2

Therefore **Marrpalawuy MARIKA** and **Wesley DHAMARRANDJI** were duly elected.

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

## Declaration of the results

A letter to the CEO of the East Arnhem Regional Council certifying the result of the by-election was sent Thursday 7 July, and a letter to the Minister for Local Government advising of the result, was sent Monday 11 July 2022.

## PUBLIC AWARENESS

### Website

A web page for the by-election was launched on Friday 20 May 2022. The web page provided comprehensive information for candidates and voters, including details on vote counting and voting centre information. The page also hosted a dedicated election results page.

### Statutory print advertising

A statutory advertisement calling for nominations was published in the NT News on Monday 23 May.

### Posters

Posters advertising voting venues, dates and times were emailed to the Gunyangara and Yirrkala council offices for distribution throughout these communities. Posters were also emailed to:

- Baniyala community
- Buku-Larrnggay Mulka Centre (Yirrkala Arts Centre)
- Gan Gan community
- Garrthalala community
- Gumatj Corporation
- Gunyangara Clinic (Miwatj Health)
- Laynhapuy Homelands Aboriginal Corporation
- Marngarr Resource Centre Aboriginal Corporation
- Miwatj Employment and Participation
- Yirrkala Church

- Yirrkala Clinic (Miwatj Health)
- Yirrkala Homelands schools
- Yirrkala Community Store

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

The following tables show the numbers of electors who received direct messages via SMS and email for the by-election.

Community	Number of electors who received an SMS
Baniyala	7
Birany Birany	3
Dhalinbuy	4
Gan Gan	1
Garrthalala	5
Gunyangara	28
Gururumuru	3
Wallaby Beach	5
Wandawuy	2
Yirrkala	140
<b>TOTAL</b>	<b>198</b>

Community	Number of electors who received an email
Baniyala	1
Gan Gan	1
Garrthalala	1
Gunyangara	11
Gururumuru	1
Yirrkala	57
<b>TOTAL</b>	<b>72</b>

### Social media

During the voting period from 20 – 24 June, the NTEC had daily Facebook posts providing voting information for communities being visited that day. The council also posted this information on their Facebook page.

### **Promotion by the council**

In addition to the information on their website and Facebook page, East Arnhem Regional Council undertook the role of notifying electors by distributing relevant information sheets and posters that promoted nominations and voting via their community service centres.

In Gunyangara and Yirrkala, council service managers promoted the by-election face to face (such as visits to stores), made daily announcements on the community's public announcement system and put up 3 metre 'vote here' banners outside their council delivery centres.

Election information was also disseminated at local authority meetings within the ward.

### **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.

The campaign donation disclosure requirements for local government elections are much smaller and less complicated than those required for Legislative Assembly elections for example:

- only candidates are required to submit a campaign donation return
- only one campaign donation return is required (post-election)
- the return only needs to disclose donations/loans received over one disclosure period
- no return is required if donations/loans received do not meet the threshold.

These new financial disclosure requirements came into effect from 1 July 2022, and were therefore applied to the Gumurr Miwatj 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	24 June 2022
Disclosure period	1 July – 24 July 2022
Return due date	2 September 2022

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

### **ELECTION COSTS**

The estimated cost for the East Arnhem Regional Council Gumurr Miwatj Ward by-election was \$30,811.48 (GST included). The final cost invoiced to council was \$33,718.52 (GST included).

The increased cost was attributed to the NTEC remote mobile voting team having to be accommodated on Groote Eylandt due there being no accommodation available in Nhulunbuy. This meant increased flying hours each day and the only available accommodation was at Groote Eylandt Lodge.

This page is intentionally blank

