



ACT Aboriginal and Torres Strait Islander Elected Body

2021 Election Report



Chairperson Aboriginal and Torres Strait Islander Elected Body C/- Office for Aboriginal and Torres Strait Islander Affairs 220 London Circuit CANBERRA CITY ACT 2601

Cc: Ms Rachel Stephen-Smith MLA Minister for Aboriginal and Torres Strait Islander Affairs

Ms Lisa Charles Executive Branch Manager, Office for Aboriginal and Torres Strait Islander Affairs

Dear Chairperson

Report on the 2021 ACT Aboriginal and Torres Strait Islander Elected Body election

Enclosed is the report on the 2021 election of members to the Aboriginal and Torres Strait Islander Elected Body. This report is prepared in accordance with section 189A of the *Electoral Act 1992* (the Electoral Act) as applied by the *Aboriginal and Torres Strait Islander Elected Body Act 2008* (the ATSIEB Act).

Section 189A provides:

189A Report of result of ATSIEB election

- (1) As soon as practicable after the result of an ATSIEB election has been decided, the commissioner must give the ATSIEB chair (or, if there is no chair, the Minister) a written report setting out:
 - (a) the election results; and
 - (b) the number of votes received by each candidate.
- (2) The commissioner must make the report available to the public during ordinary office hours.

This report is available for public inspection at the office of the Electoral Commissioner. A copy of this report has also been published on the Elections ACT website www.elections.act.gov.au.

Yours sincerely

Damian Cantwell AM CSC Electoral Commissioner

30 July 2021

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Introduction

This report on the 2021 Aboriginal and Torres Strait Islander Elected Body election is prepared in accordance with section 189A of the *Electoral Act 1992* (the Electoral Act) as applied by the *Aboriginal and Torres Strait Islander Elected Body Act 2008* (the ATSIEB Act).

The report is available for public inspection at the office of the Electoral Commissioner. A copy of this report has also been published on the Elections ACT website <u>www.elections.act.gov.au</u>.

An election for the Aboriginal and Torres Strait Islander Elected Body under the ATSIEB Act commenced on 17 May 2021 and concluded on 22 July 2021.

The formal declaration of the results of the election is set out in notifiable instrument NI2021- 453. A copy of the instrument is at **Appendix A**. This instrument was notified on 21 July 2021 and took effect on 26 July 2021.

The number of votes received by each candidate as first preferences, and the further distribution of preferences to determine the results of the election, are set out at **Appendix B**.

Overview of the election

The ATSIEB Act provides for elections for the Elected Body to be conducted by the ACT Electoral Commissioner.

Seven members are elected to represent members of the ACT Aboriginal and Torres Strait Islander community on the Elected Body.

To be eligible to vote in an election or to stand as a candidate a person must be:

- an Aboriginal person or Torres Strait Islander;
- at least 18 years of age; and
- on, or eligible to be on, the ACT electoral roll.

In addition, candidates must not be under sentence of imprisonment for one year or longer for a conviction for an indictable offence.

Eligible electors could vote by attendance at a polling place or by post.

The voting and counting system used for the election is the Hare-Clark electoral system as set out in the Electoral Act. This is the same system used for ACT Legislative Assembly elections, with some modification to suit the circumstances.

This election was conducted in a COVID impacted environment during a period of heightened cases recorded in NSW. This resulted in some health related restrictions being imposed by the ACT Government, including mandatory mask wearing in public areas. The COVID situation in the ACT during the voting period resulted in the cancellation of the NAIDOC in the North event and likely resulted in a reduction in the number of attendees at the NAIDOC Family Day, with a resultant effect on the voter turnout at the event.

Timetable

The election was conducted according to the following timetable:

Date	Time	Action	Section of the ATSIEB Act 2008
Monday 17 May 2021	9am	Election start day Candidate nominations open	Section 29: 'the Monday, 47 days, before the polling start day'
Tuesday 1 June 2021	12noon	Nominations close	Section 29: '12 noon on the Monday, 33 days before polling' Noting that 33 days before polling fell on Monday 31 May 2021, which was an ACT public holiday (Reconciliation Day), Section 29(2) required the event to be held the next business day
Wednesday 2 June 2021	12noon	Nominations for candidates declared	Section 29: 'as soon practicable after 12noon on the day after the nominations close'
Wednesday 2 June 2021	After nominations declared	Order of ballot paper decided	Section 29: 'as soon as practicable after the nominations for candidates are declared'
Monday 21 June 2021	5pm	Electoral roll close	Section 29: '5pm on the Monday, 12 days before the polling start date'
Wednesday 23 June 2021	6pm	Meet the candidates evening	N/A – event agreed to by Elections ACT and OATSIA
Before 3 July 2021	-	Appointment of liaison officers and review panel members	Review Panel - Section 125A 'Before the polling start date for an ATSIEB election, the commissioner must establish a review panel to review any decision made by an Aboriginal and Torres Strait Islander Liaison officer in relation to a claim by an elector that the elector is an Aboriginal and Torres Strait Islander person or lives in the ACT" Liaison officers – Section 33 (2A) 'Before the polling start day for an ATSIEB election, the commissioner must appoint at least 1 Aboriginal and Torres Strait Islander liaison officer for each polling place'
Saturday 3 July 2021	9am	Polling start day	Section 29: 'either - (a) the Saturday immediately before the first Sunday in July, 3 years after the last ATSIEB election was held; or (b) if a day is determined under s29A – that day'
Thursday 8 July 2021	5pm	Postal vote applications must be received by Elections ACT	Section 136A (2C): 'received by an authorised officer before 5 pm on the Thursday before polling close day'
Saturday 10 July 2021	6pm	Polling close day	Section 29: 'the first Saturday after the polling start day'

Date	Time	Action	Section of the ATSIEB Act 2008
Friday 16 July 2021	5pm	Postal Votes must be received by Elections ACT	Section 179 (1B), <i>Electoral Act 1992</i> 'all completed declaration voting papers used for postal voting received by the commissioner before the end of the 6th day after the close of the poll'
Monday 19 July 2021	Before 5pm	Review Panel meets to review postal votes and other decisions	Section 144B (3), ATSIEB Act 2008 'The review panel must complete its review not later than 6 business days after the day it receives the claimant's postal voting papers'
Wednesday 21 July 2021	-	Scrutiny commences	Section 29: 'Not earlier that 7 business days after the polling close' And after the Review Panel meets.
Thursday 22 July 2021	-	Election result declared	Section 29: 'As soon as practicable after the scrutiny ends'

Nominations

The nomination period opened on the election start day, Monday 17 May 2021. The nomination period closed at noon on Tuesday 1 June 2021.

Candidates are required to be nominated by at least four persons eligible to vote in the election who are:

- an Aboriginal or Torres Strait Islander person; and
- at least 18 years old; and
- enrolled, or entitled to be enrolled, for an electorate in the ACT; and
- is not under a sentence of imprisonment for one year or longer for a conviction for an indictable offence.

Nominations were received from eighteen candidates. The names of the candidates were publicly declared by the Electoral Commissioner at Boomanulla Oval, 169 Goyder St, Narrabundah at noon on Wednesday 2 June 2021. The 18 candidates for the 2021 election were:

Tanya Michelle Keed	Leah House
Jacob Keed	Karen Demmery
Jackson Taylor-Grant	Oliver Kickett
Brooke Rigney	Maurice Walker
Jo Chivers	Lynnice Church
Ross Fowler	Patrick Vann
Helen Wright	Paula McGrady
Kartika Medcraft-Smith	Deanne Booth
Margaret Blackman	Neville Perkins

For the first time at this election, following the introduction of new legislation within the Electoral Act for the 2020 ACT Legislative Assembly election, and in accordance with section 110A of the Electoral Act as applied by Section 31 of the ATSIEB Act, candidates were able to submit a

candidate statement and photo for publication on the Elections ACT website. Eleven of the eighteen candidates provided a statement and photo for publication.

Draw for positions

The draw for positions on the ballot paper was conducted in public by the Electoral Commissioner immediately after nominations were declared. This was administered using the double randomisation draw method. A copy of the ballot paper is at **Appendix C**.

Information campaign

Elections ACT delivered a wide range of materials and activities as part of its information campaign. Materials, activities and associated costs were agreed with the Office for Aboriginal and Torres Strait Islander Affairs (OATSIA).

The information campaign incorporated the following activities:

- Media releases on the following topics:
 - Pre-election launch,
 - The official start of the election and candidate nominations period
 - o The declaration of candidate nominations
 - The declared candidates contesting the election
 - The meet the candidates' event; and
 - The commencement of voting
- Social media posts (Facebook and Twitter) on Elections ACT's account with the following information:
 - Digital invitation to election launch
 - Opening of the election period and invitation for candidate nominations
 - o Invitation to declaration of candidate nominations
 - Reminder for candidates to submit nominations
 - The declared candidates contesting election
 - \circ Digital invitation for meet the candidates' event
- Social media advertising (Tilt)
 - Paid Facebook posts advising election times
 - Paid Instagram posts advising election times
- Digital media advertising (Tilt)
 - Paid Digital Canberra Times (mobile and desktop) advertising nominations period
 - Paid Digital Canberra Times (mobile and desktop) advertising voting period
- Radio advertising (Tilt)
 - 40 x ATN Traffic network (x 4 stations) Monday-Friday (Breakfast/Drive) 10 second reads during nominations and voting
 - $\circ~$ 24 x 45 second recorded commercials Wednesday-Friday between 10am-12noon on 2XX radio during nominations and voting

- $\circ~$ 24 x 45 second recorded commercials Tuesday-Wednesday between 10am-12noon on 1CMS radio during nominations and voting
- Newspaper advertising
 - Canberra Times advertisements (half page) announcing election and announcing voting
 - City News and Canberra Weekly advertisements announcing election
 - o City News and Canberra Weekly advertisements announcing declared candidates
 - o City News and Canberra Weekly advertisements announcing voting
- Promotion at public events
 - Stall at Boomanulla Raiders game on Saturday 28 May 2021 for distribution of information to ATSI electors and to receive candidate nominations. One candidate nomination was received, and brochures distributed.
 - Stall at Reconciliation Day event on Monday 31 May 2021 to distribute information to ATSI electors and receive candidate nominations. One candidate nomination was received, and brochures distributed.
 - Distribution of promotional material to OATSIA and ATSIEB Secretariat on election commencement and to interested parties at the declaration of candidate nominations and the meet the candidates forum.
 - Big screen advertising with announcements at the Canberra Raiders home game on 3 July.
- Access Canberra silver screens
 - Display of MP4 at Access Canberra shopfronts promoting candidate nominations period
 - Display of MP4 at Access Canberra shopfronts promoting the meet the candidates evening
 - Display of MP4 at Access Canberra shopfronts promoting voting period
- Canberra Convention Centre display banner
 - Nominations period banner
 - Voting information banner
- Whole of Government messages
 - Commencement of election and candidate nominations
 - Close of candidate nominations
 - Dr Damian West's WHOG message for recruitment of ACTPS Liaison Officers
 - Commencement of voting
- Update and maintenance of ATSIEB election information on Elections ACT website to serve as the central point of information on the election.
- Production of printed publications and creative design for the ATSIEB election
 - Engagement of indigenous creative agency (Ochre Dawn) for creative design
 - Sourcing of ACT Government owned indigenous artwork for use as a foundation for information campaign products.
 - Production of fact sheets, posters, digital postcards and social media products

- Radio interview
 - The Commissioner conducted a radio interview with ABC Radio Canberra on 9 July 2021 to promote the opportunity for eligible electors to vote prior to the close of polls occurring on 10 July 2021.

Polling

Staffing

The following positions were filled to assist with the conduct of polling at ten locations over eight days of polling:

- Five Officers in Charge (OIC);
- Three issuing officers;
- Six liaison officers (who also performed the role of issuing officer); and
- Two staff from Elections ACT to conduct polling at a number of polling locations including the NAIDOC Ball, NAIDOC Family Day and the Alexander Maconochie Centre (AMC).

The Commission received eleven expressions of interest for liaison officer positions and, after reviewing the applications, consulted ATSIEB on 21 June 2021 by providing the names of these people as required under s33 2(B) of the *Aboriginal and Torres Strait Islander Elected Body Act 2008.*

On 25 June, the ATSIEB Secretariat advised Elections ACT that the Chairperson had concerns regarding seven of the proposed liaison officers. Following a discussion with the ATSIEB Secretariat, Elections ACT contacted the seven applicants to request a Certificate of Aboriginality or further information to support their appointment as a liaison officer. Certificates were received from five of the seven proposed employees.

While proof of eligibility had been supplied for these five individuals, the Chairperson continued to raise concerns with the appointment of three applicants based on a view that they lacked sufficient knowledge of the ACT indigenous community. Following discussions via letter and email between the Chairperson and Electoral Commissioner, the Commissioner agreed to employ the three people of concern to ATSIEB in the sole position of issuing officer and that they would not perform the duties of liaison officer. While this arrangement introduced an element of risk to the successful conduct of polling during the election by significantly reducing the pool of available liaison officers, Elections ACT was able to successfully provide polling facilities at all times during the voting period.

As previously undertaken as part of the preparations for the 2017 ATSIEB election, Elections ACT sought to attract applications for the role of liaison officer through a whole of government notice issued by the Deputy Director General, Workforce Capability and Governance. Although no expressions of interest were generated through this means in 2021, it is recommended that this practice continue at future elections with the aim of engaging existing ACT Government Aboriginal and Torres Strait Islander employees to work as liaison officers during the election.

The liaison officers' role is to ensure that only eligible Aboriginal persons or Torres Strait Islanders vote in the election. If a liaison officer determines, on the balance of probabilities, that an elector is not eligible to vote, the liaison officer must formally challenge the voter's eligibility. All challenged votes are issued as declaration votes which are then provided to the appointed Review Panel (see below) for a more detailed eligibility review before being admitted or rejected from the final election count.

No vote challenges were issued by liaison officers over the course of the 2021 polling period.

Locations

The initial location and hours of polling are set out in the following table:

Date	Polling times	Polling locations
Saturday 3 July 2021	6:00pm to 8:00pm	NAIDOC Ball National Arboretum Forest Dr Molonglo Valley
Saturday 3 July 2021	4.30pm to 7.30pm	Canberra Raiders home game GIO Stadium Battye St Bruce
Sunday 4 July 2021	9:00am to 4:00pm	NAIDOC Family Day Boomanulla Oval 169 Goyder St Narrabundah
Monday 5 July – Friday 9 July 2021	9:00am to 5:00pm	Ground Floor, Nature Conservation House 153 Emu Bank Belconnen
Monday 5 July – Friday 9 July 2021	9:00am to 5:00pm	Ground floor 220 London Crct Canberra City
Monday 5 July – Friday 9 July 2021	9:00am to 5:00pm	Conference Room 1 Gungahlin Library Hibberson St Gungahlin
Monday 5 July – Friday 9 July 2021	9:00am to 5:00pm	Salvation Army Hall cnr Anketell St and Reed St Nth Greenway
Monday 5 July – Friday 9 July 2021	9:00am to 5:00pm	National Indigenous Australians Agency Ground Floor, Charles Perkins House 16 Bowes Pl Woden
Wednesday 7 July 2021	9.00am to 5.00pm	Alexander McConachie Centre 10400 Monaro Hwy Hume (for detainees)

Date	Polling times	Polling locations
Saturday 10 July 2021	10.30am to 2.30pm	NAIDOC in the North * Fitzroy Pavilion EPIC Flemington Rd Mitchell
Saturday 10 July 2021	9.00am to 5.00pm	Alexander McConachie Centre 10400 Monaro Hwy Hume (for visitors)
Saturday 10 July 2021	1.00pm to 4.00pm	Boomanulla Raiders home game ** Boomanulla Oval 169 Goyder St Narrabundah

- * On Monday 5 July, the Commission was advised that the NAIDOC in the North event was postponed until October 2021 due to the COVID-19 situation. This polling location was accordingly cancelled. This was advertised on the EACT website and social media accounts. All candidates were advised by email.
- ** On Friday 9 July, the Commission was advised by a liaison officer that it had become known to her that the Boomanulla Raiders home game, scheduled for Saturday 10 July, had been moved to Crookwell NSW due to damage to the Boomanulla Oval playing area. Elections ACT contacted relevant officials for confirmation. This polling location was accordingly cancelled. This was advertised on the EACT website and social media accounts. All candidates were advised by email.

Votes issued

Ordinary votes were issued to those voters whose names were found on the certified list of electors for the election and whose eligibility was not challenged by a liaison officer. If a name could not be found on the certified list, or eligibility was challenged, a declaration vote was issued. 'Not on roll' declaration voters are required to provide proof of ACT residence either at the time of voting or to the Electoral Commissioner not later than three business days after the polling close day for the election (Wednesday, 14 July 2021). If proof of ACT residency is not provided by the deadline, the vote cannot be admitted to the final election count. Of the 40 declaration voters, 39 were able to provide proof of residence by the legislated deadline.

Date	Location	Ordinary votes	Declaration Votes
Saturday 3 July 2021	NAIDOC Ball	38	2
Saturday 3 July 2021	Canberra Raiders home game	0	0
Sunday 4 July 2021	NAIDOC Family Day	61	7
Monday 5 July to Friday 9 July 2021	Belconnen	10	1

Voters were issued with ballot papers as follows:

Date	Location	Ordinary votes	Declaration Votes
Monday 5 July to Friday 9 July 2021	Canberra City	20	1
Monday 5 July to Friday 9 July 2021	Gungahlin	9	0
Monday 5 July to Friday 9 July 2021	Greenway	24	6
Monday 5 July to Friday 9 July 2021	Woden	31	3
Wednesday 7 July 2021	AMC (detainees)	6	13
Saturday 10 July 2021	AMC (visitors)	13	7
	Sub-total	212	40
	Postal votes returned		17
	TOTAL	212	57
	GRAND TOTAL OF VOTES ISSUED	2	269

Postal voting

Electors who were unable to attend a polling place were eligible to apply for a postal vote for the election. A total of 35 applications for postal votes were received.

A total of 17 postal vote certificate envelopes containing ballot papers were returned to the Commission. 16 were admitted to the count. One postal vote was rejected due to being signed after 10 July and not admitted to the count.

Voting at the Alexander Maconochie Centre

Arrangements for polling at the Alexander Maconochie Centre (AMC) were made through the Justice and Community Safety Directorate (JACSD). The 2021 election was the third time that polling had been offered inside the centre for the Aboriginal and Torres Strait Islander Elected Body election.

Copies of the candidate statements and candidate photos were supplied to JACSD staff for distribution and posting at AMC.

At the time of polling at the AMC on Wednesday 7 July 2021, approximately 101 detainees identified as being an Aboriginal person or Torres Strait Islander. Of the 101 potential electors, a total of 19 people cast a vote.

Review panel

Following consultation with ATSIEB, a three person review panel was appointed to review the eligibility of:

- Any voters challenged by a liaison officer; and
- Any voters who voted via postal vote.

The review panel met on Monday 19 July 2021. Of the 16 valid postal votes received by the legislated cut off for the return of postal votes. On the basis of the available evidence, through contacting the voters and accessing information from within the ACT indigenous community, the review panel accepted the eligibility status of all postal voters and accepted for admitting to the count all 16 postal votes.

Scrutiny

The scrutiny for the election, conducted using the Hare-Clark electoral system, commenced at 9.30 am on Wednesday 21 July 2021. Commission staff conducted the scrutiny. One scrutineer, appointed by a candidate, was present throughout. The scrutiny was also observed by a staff member from the OATSIA Office.

Two election officials verified that seals on the ballot boxes were intact before the seals were removed.

40 declaration votes were received during voting at the election. Of the 40 declaration votes, one declaration vote was rejected due to the voter not being listed on the ACT electoral roll and not providing the required proof of ACT residency within the legislated timeframe.

16 of the 17 returned postal votes were admitted to the final scrutiny, with one postal vote rejected as it was signed by the voter after the final day of voting for the election.

212 ordinary votes were admitted to the count.

A total of 267 ballot papers were included in the final scrutiny of ballot papers. No votes were deemed informal.

With 267 formal votes in the count the quota for election was set at 34 votes.

The scrutiny was completed by 11:50 am on Wednesday 21 July 2021.

Candidates were elected in the following order:

- Tanya Michelle Keed
- Lynnice Church
- Maurice Walker
- Margaret Blackman
- Jo Chivers
- Leah House
- Paula McGrady

The Electoral Commissioner officially declared the poll at 10 am on Thursday 22 July 2021 at Boomanulla Oval. Full scrutiny sheets were made available at the public declaration and a copy is attached at **Appendix B**.

Contact information

For more information on ACT Aboriginal and Torres Strait Islander Elected Body election you can contact the ACT Electoral Commission:

- Phone: (02) 6205 0033
- Email: elections@act.gov.au
- Website: www.elections.act.gov.au
- Office address: Level 2, 5CA (formerly Customs House), 5 Constitution Avenue, Civic ACT 2601
- Postal address: PO Box 272 Civic Square ACT 2608

6toll

Damian Cantwell AM CSC Electoral Commissioner 30 July 2021

Australian Capital Territory

Electoral (Result of Aboriginal and Torres Strait Islander Elected Body Election) Declaration 2021 (No 1)

Notifiable instrument NI2021-453

made under the

Electoral Act 1992, s 189 (Declaration of result of election) as applied by the Aboriginal and Torres Strait Islander Elected Body Act 2008, s 31 (Application of Electoral Act)

1 Name of instrument

This instrument is the Electoral (Result of Aboriginal and Torres Strait Islander Elected Body election) Declaration 2021 (No 1).

2 Commencement

This instrument commences on the day after it is notified.

3 Election results

I declare the following successful candidates in the 2021 Aboriginal and Torres Strait Islander Elected Body election to be elected:

Tanya Michelle Keed Lynnice Church Maurice Walker Margaret Blackman Jo Chivers Leah House Paula McGrady

Damian Cantwell AM CSC Electoral Commissioner 21 July 2021

Appendix B

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						0.000000	-21.000000	21.00000	2.000000	19.000000	1.000000	18.00000	2.000000	16.000000	3.000000	13.000000	2.000000	000000111		11.00000	<u> </u>	11.000000		11.000000	11.000000]жКеол □ ТИАЯӘ-ЯОЈҮАТ			
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267.000000		267.000000		267.000000		267.000000		267.000000		267.000000		267.000000		267.000000		267.000000		267.000000		267.000000		267.000000		267.000000		Total votes at the end of the count			
267.000000 Lissh HOUSE elected 6. Paula McGRADY elected 7.	Deanne BOOTH's votes distributed.	267.000000 Deanne BOOTH excluded.	Mangaret BLACXMAN's votes distributed.	267.000000 Mangaret BLACOMAN elected 4. Jo CHIVERS elected 5 (without a surplus).	Oliver KIOKETT's votes distributed.	267.000000 Maurice WALKER elected 3 (without a surplus). Oliver KICKETT excluded.	Jackson TAYLOR-GRANT's votes distributed.	267.000000 Jackson TAYLOR-GRANT excluded.	Ross FOWLER's votes distributed.	267.000000 Ross FOWLER excluded.	Jacob KEED's votes distributed.	267.000000 Jacob KEED excluded.	Karen DEMMERY's votes distributed.	267.000000 Karen DEMMERY excluded.	Kartika MEDCRAFT-SMITH's votes distributed.	267.000000 Lynnice CHURCH elected 2 (without a surplus). Kartika MEDCRAFT-SMITH excluded.	Brooke RUGNEY's votes distributed.	Tanya Michelle KEED elected 1 (without a surplus). Brooke RIGNEY excluded.	Neville PERKINS's votes distributed.	267.000000 Nevrile PERKINS excluded.	Helen WRIGHT's votes distributed.	267.000000 Helen WRIGHT excluded.	Patrick VANN's votes distributed.	267.000000 Patrick VANN excluded.	First preferences.	Remarks			

ATSIEB 2021 267 Quota: _____

1.000000

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34.000000

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Number of vacancies: 7

Appendix C

Aboriginal and Torres Strait Islander
Elected Body ACT
2021 Election Ballot paper
Number seven boxes from 1 to 7 in the order of your choice.
You may then show as many further preferences as you wish by writing numbers from 8 onwards in the other boxes.
Election of 7 representatives
Jacob KEED
Patrick VANN
Helen WRIGHT
Neville PERKINS
Deanne BOOTH
Ross FOWLER
Oliver KICKETT
Maurice WALKER
Tanya Michelle KEED
Paula McGRADY
Kartika MEDCRAFT-SMITH
Margaret BLACKMAN
Jo CHIVERS
Brooke RIGNEY
Jackson TAYLOR-GRANT