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ACT Aboriginal and Torres Strait Islander Elected Body election 2008: Report by the Electoral Commissioner

Formal requirements for this report

This report is prepared in accordance with section 189A of the *Electoral Act 1992* (Report of result of ATSIEB election) as applied by the *Aboriginal and Torres Strait Islander Elected Body Act 2008*, s 31 (Application of Electoral Act).

That section 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.

An election for the Aboriginal and Torres Strait Islander Elected Body under the Aboriginal and Torres Strait Islander Elected Body Act commenced on 26 May 2008 and concluded on 4 July 2008.

The election results are set out at Appendix A, Notifiable Instrument NI2008-276, the formal declaration of the results of the election. This instrument was notified on 3 July 2008 and effective from 4 July 2008.

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.

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

Overview of the election

The Aboriginal and Torres Strait Islander Elected Body Act was passed by the ACT Legislative Assembly on 6 May 2008. The Act became effective on 15 May 2008.

The Aboriginal and Torres Strait Islander Elected Body Act provided for elections for an Elected Body to be conducted by the ACT Electoral Commissioner.

Seven members were to be 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, be 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 1 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 was the Hare-Clark electoral system as set out in the ACT *Electoral Act 1992* as used for ACT Legislative Assembly elections.

The election was conducted according to the following timetable:

Election start day (candidate nominations opened)	Monday 26 May 2008
Electoral rolls closed	5 pm Wednesday 4 June 2008
Nominations closed	12 noon Tuesday 10 June 2008
Nominations for candidates declared	12 noon Wednesday 11 June 2008
Order of ballot paper decided	After nominations declared, Wednesday 11 June 2008
Voting started	Monday 16 June 2008
Last voting day	Saturday 21 June 2008
Counting of votes commenced	Tuesday 1 July 2008
Election result publicly declared	Wednesday 2 July 2008
Election result declared by notifiable instrument	Friday 4 July 2008
Last date for disputing the election result before the Court of Disputed Elections	Wednesday 13 August 2008

Nominations

The nomination period opened on the election start day – Monday 26 May 2008. The nomination period closed at noon on Tuesday 10 June 2008. Candidates needed to be nominated by at least 4 persons eligible to vote in the election.

Nominations were received from 13 candidates. Their names were publicly declared by the Electoral Commissioner at the Exhibition Room, ACT Legislative Assembly, at noon on Wednesday, 11 June 2008.

Draw for positions

The draw for positions on the ballot paper was conducted in public by Elections ACT staff immediately after nominations were declared by the Electoral Commissioner. This was achieved using the double random draw method. A copy of the ballot paper is at [Appendix C](#).

Polling

Three casual election staff were employed to conduct polling. One officer in charge and two polling officials were in attendance for the duration of the polling period. A Liaison Officer was also appointed to oversee the voting process to help ensure that only eligible Aboriginal persons or Torres Strait Islanders voted in the election. This team of four staff conducted polling at 7 locations over 6 days as follows:

Monday 16 June 2008 9 am to 6 pm	Gungahlin Community Resource Centre Ernest Cavanagh Street, Gungahlin
Tuesday 17 June 2008 9 am to 6 pm	Belconnen Community Centre Cnr Chandler St & Swanson Crct, Belconnen
Wednesday 18 June 2008 9 am to 6 pm	Australian Public Service Commission Training Centre, Aviation House, 16 Furzer St, Phillip
Thursday 19 June 2008 9 am to 6 pm	Tuggeranong Library Cowlshaw St, Tuggeranong
Friday 20 June 2008 9 am to 6 pm	Civic Library Civic Square, London Circuit, Civic
Saturday 21 June 2008 8 am to 12 noon	Erindale Neighbourhood Centre Cnr Sternberg Cres & Comrie St, Wanniasa
Saturday 21 June 2008 2 pm to 6 pm	Southside Community Services Boolimba Cres, Narrabundah

Ordinary votes were issued to those voters whose names were found on the certified list of electors printed for the election. If a name could not be found on the certified list, a declaration vote was issued. Voters were asked to provide proof of residence and where provided this evidence was noted on the declaration envelope. If the voter did not provide proof of residence then they were informed that they had till Wednesday 25 June to provide proof of residence to the Electoral Commissioner. Of the 34 declaration voters, 31 were able to provide proof of residence.

Voters were issued with ballot papers as follows:

Date	Ordinary	Declaration
Monday 16 June 2008	14	3
Tuesday 17 June 2008	26	2
Wednesday 18 June 2008	32	4
Thursday 19 June 2008	10	5
Friday 20 June 2008	45	4
Saturday 21 June 2008	63	16
Total	190	34

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 nine applications for postal votes were received and processed before the cutoff date – 19 June 2008.

Nine postal vote certificate envelopes containing ballot papers were returned to Elections ACT by Thursday 26 June 2008.

Review Panel

A three person Review Panel was appointed in consultation with the United Ngunnawal Elders Council to review the eligibility to vote of:

- any voters challenged by the Liaison Officer at the attendance polling places; and or
- all postal voters.

There were no challenges made by the Liaison Officer at the polling places. The Review Panel met on Thursday 26 June 2008 at the office of the Electoral Commissioner. Of the nine postal votes received, the Review Panel agreed to reject one of them as, on the basis of the available evidence, the Review Panel was not satisfied the voter was eligible to vote in the election.

Scrutiny

The scrutiny for the election was conducted using the Hare-Clark electoral system at the office of the Electoral Commissioner commencing at 10 am on Tuesday 1 July. Elections ACT staff conducted the scrutiny. Scrutineers were appointed by candidates and were present throughout the counting.

Scrutineers verified that seals on the ballot boxes were intact before the seals were removed.

At the preliminary scrutiny of the 34 declaration votes, 3 were rejected as the voters did not provide proof of residence. At the preliminary scrutiny of the 9 postal votes, in addition to the postal vote rejected by the Review Panel, one postal vote was rejected because it had been completed and posted after the close of the poll. Another postal vote was rejected because it had not been signed by a witness. Six postal votes were admitted to the scrutiny.

227 votes were admitted to the count. One ballot paper was informal. With 226 formal votes in the count the quota for election was 29.

The scrutiny was completed by 1.30 pm. Full scrutiny sheets at the public declaration of the poll on Wednesday 2 July 2008. A copy is attached at Appendix B.

Candidates were elected in the order as follows:

- Rodney Keith Little
- Dianne Gail Collins
- Paul Harold House
- Fred James Monaghan
- Terence Stanley Williams
- Lynette Roma Goodwin
- Roslyn Brown

Phillip Green
Electoral Commissioner
ACT Electoral Commission

4 July 2008

Australian Capital Territory

Electoral (Result of Aboriginal and Torres Strait Islander Elected Body Election) Declaration 2008

Notifiable instrument NI2008–276

made under the

Electoral Act 1992, s 189(1) (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 2008*.

2 Commencement

This instrument commences on the day after it is notified.

3 Election results

The following candidates in the 2008 Aboriginal and Torres Strait Islander Elected Body election were successful and are declared elected:

- Rodney Keith Little
- Dianne Gail Collins
- Paul Harold House
- Frederick James Monaghan
- Terence Stanley Williams
- Lynette Roma Goodwin
- Roslyn Brown

Phillip Green
Electoral Commissioner
2 July 2008

Scrutiny Sheet

Appendix B

Number of formal papers: 226

Table I - Counting of the Choices

Count	Description of Choices Counted (NAC = Next Available Choice)	Ungrouped												Papers Exhausted at Count	Total Papers Counted	Transfer Value	Votes Transferred to Table II			
		Coe	Williams	Sheridan	Goodwin	Daley	Bell	Collins	Brown	Monaghan	Little	Oakley	House					Harris		
1	First choice of all papers	3 7		7 12		13 11	5 8				2 32	16 15		10 12	0	226	1	226		
2	NAC after Little On Papers at Count 1	4 3		8 1		NV 0	6 2	Elected			Elected	19 4		12 3	1	32	3/31	3		
3	NAC after Coe On Papers at Count 1	Excluded		NV 0		13 1	NV 0		1	2		NV 0		NV 0	0	7	1	7		
4	NAC after Coe On Papers at Count 2			NV 0		NV 0	NV 0						NV 0		NV 0	1	3	3/31	0	
5	NAC after Bell On Papers at Count 1			NV 2		13 1	Excluded						NV 0		10 1	1	8	1	8	
6	NAC after Bell On Papers at Count 2			NV 0		NV 0								19 1		NV 0	0	2	3/31	0
7	NAC after Sheridan On Papers at Count 1		2	Excluded		13 2			1	1		16 1	9 2	NV 0	2	12	1	12		
8	NAC after Sheridan On Papers at Count 2		0			NV 1			0	0		0	NV 0		NV 0	0	1	3/31	0	
9	NAC after House On Papers at Count 7		0			NV 0			1	0		NV 0		11 1	0	2	1/2	1		
10	NAC after Harris On Papers at Count 1,5		2			13 1			1	3		16 4		Excluded	1	13	1	13		
11	NAC after Harris On Papers at Count 9		0			NV 0				0		18 1			0	1	1/2	0		
12	NAC after Harris On Papers at Count 2		1			NV 2			0	0		NV 0			0	3	3/31	0		
13	NAC after Daley On Papers at Count 1,3,5,7,10		15 3			13 1			2	9		16 1			0	16	1	16		
14	NAC after Monaghan On Papers at Count 13		Elected						2	4		Elected			17 2		1	9	5/8	5
15	NAC after Williams On Papers at Count 13								1	1		NV 0			1	3	1/2	1		
16	NAC after Oakley On Papers at Count 1,7,10,13							9	5	Excluded		7	21		1	21				


ACT Aboriginal and Torres Strait Islander Elected Body 2008

Quota = $\frac{226}{7+1} + 1 = 29$

Table II - Distribution of the Effective Votes

Count	Ungrouped													Votes Exhausted at Count	Loss (Gain) by Fraction	Total Votes at the End of the count	Remarks
	Coe	Williams	Sheridan	Goodwin	Daley	Bell	Collins	Brown	Monaghan	Little	Oakley	House	Harris				
1	7	19	12	17	11	8	29	19	18	32	15	27	12	0	0		
2	7	19	12	17	11	8	29	19	18	32	15	27	12	0	0	226	Little elected 1, Collins elected without surplus 2
	0	0	0	0	0	0		0	0	3	0	0	0	0	3		Little's surplus distributed
3	7	19	12	17	11	8	29	19	18	29	15	27	12	0	3	226	Coe excluded
	- 7	2	0	1	1	0		0	3		0	0	0	0	0		Coe's votes distributed
4	0	21	12	18	12	8	29	19	21	29	15	27	12	0	3	226	Coe partially excluded
	0	0	0	0	0	0		0	0		0	0	0	0	0		Coe's votes distributed
5	0	21	12	18	12	8	29	19	21	29	15	27	12	0	3	226	Coe fully excluded, Bell excluded
		2	0	1	1	- 8		1	0		0	1	1	1	0		Bell's votes distributed
6		23	12	19	13	0	29	20	21	29	15	28	13	1	3	226	Bell partially excluded
		0	0	0	0	0		0	0		0	0	0	0	0		Bell's votes distributed
7		23	12	19	13	0	29	20	21	29	15	28	13	1	3	226	Bell fully excluded, Sheridan excluded
		2	- 12	1	2			1	1		1	2	0	2	0		Sheridan's votes distributed
8		25	0	20	15		29	21	22	29	16	30	13	3	3	226	House elected 3, Sheridan partially excluded
		0	0	0	0			0	0		0		0	0	0		Sheridan's votes distributed
9		25	0	20	15		29	21	22	29	16	30	13	3	3	226	Sheridan fully excluded
		0		0	0			0	0		0	- 1	0	0	1		House's surplus distributed
10		25		20	15		29	21	22	29	16	29	13	3	4	226	Harris excluded
		2		1	1			1	3		4		- 13	1	0		Harris' votes distributed
11		27		21	16		29	22	25	29	20	29	0	4	4	226	Harris partially excluded
		0		0	0			0	0		0		0	0	0		Harris' votes distributed
12		27		21	16		29	22	25	29	20	29	0	4	4	226	Harris partially excluded
		0		0	0			0	0		0		0	0	0		Harris' votes distributed
13		27		21	16		29	22	25	29	20	29	0	4	4	226	Harris fully excluded, Daley excluded
		3		1	- 16			2	9		1			0	0		Daley's votes distributed
14		30		22	0		29	24	34	29	21	29		4	4	226	Daley fully excluded, Monaghan elected 4, Williams elected 5
				1				2	- 5		1			0	1		Monaghan's surplus distributed
15		30		23			29	26	29	29	22	29		4	5	226	
		- 1		0				0			0			0	1		Williams' surplus distributed
16		29		23			29	26	29	29	22	29		4	6	226	Oakley excluded
				9				5			- 21			7	0		Oakley's votes distributed
		29		32			29	31	29	29	1	29		11	6	226	Goodwin elected 6, Brown elected 7, Oakley partially excluded

Sample ballot paper

	
<p>ABORIGINAL AND TORRES STRAIT ISLANDER ELECTED BODY - ACT</p>	
<p>BALLOT PAPER</p>	
<p>2008 Election</p>	
<p>Number seven boxes from 1 to 7 in the order of your choice.</p>	
<p>You may then show as many further preferences as you wish by writing numbers from 8 onwards in the other boxes .</p>	
<p>Election of 7 Representatives</p>	
<input type="checkbox"/>	Les COE
<input type="checkbox"/>	Terry WILLIAMS
<input type="checkbox"/>	Violet SHERIDAN
<input type="checkbox"/>	Lynette GOODWIN
<input type="checkbox"/>	Lee-anne DALEY
<input type="checkbox"/>	Ruth BELL
<input type="checkbox"/>	Dianne COLLINS
<input type="checkbox"/>	Roslyn BROWN
<input type="checkbox"/>	Fred MONAGHAN
<input type="checkbox"/>	Rod LITTLE
<input type="checkbox"/>	Jason OAKLEY
<input type="checkbox"/>	Paul HOUSE
<input type="checkbox"/>	Tracey HARRIS