



SENATOR SCOTT LUDLAM
AUSTRALIAN GREENS
SENATOR FOR WESTERN AUSTRALIA

2 October 2013

Australian Electoral Officer
Peter Kramer
200 St Georges Terrace
Perth

Dear Mr Kramer,

With regards to the outcome of the WA senate election I request a recount of the following batches for the following reasons.

At count #138 there is a difference of only 14 votes between the candidate J. van BURGEL of the Australian Christians and the candidate M.BOW of the Shooters and Fishers. This led to J van Burgel being excluded instead of M Bow with a flow-on impact on preferences. With a difference like this any human error in the counting of the votes becomes crucial.

While my scrutineers witnessed the professional way of counting the below the line votes, a human error cannot be excluded in either above or below the line counting of votes. A House of Representative recount is mandated if a margin is less than 100 votes. The difference in votes which led to the exclusion of J van Burgel was much less than this (14 votes). On this basis, we would argue that the possibility of human error influencing the outcome in a much more complicated counting process cannot be discounted. Human error has to be excluded in such a marginal decision with such important consequences. Only a recount can ensure that the above the line votes receive the scrutiny needed to exclude human error.

It has come to my knowledge that the votes for the Shooters and Fishers in O'Connor jumped by 400 from one day to the next without explanation. On 11/09/2013 S&F were on 0.92%, on 23/09/2013 S&F were on 1.04%, on 02/10/2013 S&F were on 1.03%. This adds to our concern about irregularities in the counting of the Shooters and Fishers votes in O'Connor.

Further, there were numerous instances where the totals of votes attributed to candidates of those parties mentioned above appeared to drop at certain times with no explanation of

the reason for these votes dropping. In my view, this may be indicative of errors having been made and corrected at various stages during the count. In these circumstances, the prospect that some errors were made and went undiscovered is a live possibility.

I appreciate that there is no "automatic trigger" for a senate recount, but the facts found in the recent Fairfax recount should be considered:

- 89173 votes were cast in Fairfax, and after a recount the margin changed from 36 to 7 - 29 votes out of 89173 (0.032%).

- The margin in WA is substantially closer than this with 14 votes out of 1,349,635 (0.001014%).

- The number of votes cast in WA is 15 times the number of votes in Fairfax. If proportionality held then the WA margin at the critical count would be equivalent to less than a single vote in Fairfax, two orders of magnitude less than what would trigger an automatic recount in a House of Reps seat. Given this proportionality it seems completely reasonable to request that the count be checked. A re-count will reduce or even exclude the possibility of human error determining the outcome.

We believe this count to be critical to the election of not one but two candidates based on information, tools and commentary made available to the public by a respected election analyst (Antony Green, ABC)

- In particular the bundles contributing to the contest between candidates of the Australian Christians and Shooters and Fishers should be examined (i.e. including No Carbon Tax Climate Sceptics, Australian Fishing & Lifestyle, Australian Independents and Australian Voice whose preferences are directed via the GVTs in addition to the Australia Christians and Shooters and Fishers votes).

I therefore request a recount of all the batches contributing to the contest between the candidates of the Australian Christians and Shooters and Fishers. These include votes for candidates of the No Carbon Tax Climate Sceptics, Australian Fishing & Lifestyle, Australian Independents Australian voice whose preferences are directed via the GVTs.

Yours sincerely

[Signature redacted.]

Scott Ludlam