

LS4856 Released Document No. 57.pdf

From: [Gerry Georgatos](#)
To: [Tim O'Shaughnessy](#)
Cc: [Peter Kramer](#)
Subject: RE: Formal complaint - Gerry Georgatos - Re: WA Senate Recount [DLM=For-Official-Use-Only]
Date: Friday, 1 November 2013 6:11:43 PM

Hi Tim and Peter,

On behalf of The WikiLeaks Party I stand by the fact that the election results are now tainted by the fact 1,375 votes are missing, have gone missing, and therefore the election result should not proceed and that a new election must be called.

I ask that my complaint remain lodged, my objection will not be reversed unless the 1,375 votes are found.

Our view is that either the results are delayed till as such time as the missing votes are found or that another election is called for, as I understand an increasing number of candidates would support, including obviously the other formal complainants.

If the missing ballots cannot be legally included then there is no other alternative but to announce a new election without any discrimination to the 62 candidates who must remain the only candidates in the fresh election. The same candidates and parties must be accorded due propriety.

We do not accept any results announced tomorrow without the missing votes as a proper or lawful result or an unquestionable reflection of the voting public. If there were to be results tomorrow it would be an outright mockery of the Senate voting format which subjects itself to preference flows.

If the AEC is not sure as to whether results should be announced tomorrow then it should delay the announcement pending its own application to the High Court for a ruling.

We object to results being announced tomorrow. We object to the election proceeding without the missing votes. We object on the grounds stated in our previous email (complaint).

We ask once again for the due courtesy of a full election with the 62 candidates and that the matter rest at the discretion and the will of the voters. No-one should have a problem with this.

Please accept our position as both an objection and a full and formal complaint.

Kindly, Gerry Georgatos - WikiLeaks Party

On Fri, 1/11/13, Tim O'Shaughnessy <tim.oshaughnessy@aec.gov.au> wrote:

Subject: RE: Formal complaint - Gerry Georgatos - Re: WA Senate Recount [DLM=For-Official-Use-Only]
To: "Gerry Georgatos" <gerry_georgatos@yahoo.com.au>
Cc: "Peter Kramer" <Peter.Kramer@aec.gov.au>
Received: Friday, 1 November, 2013, 5:53 PM

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Mr Georgatos

I am responding on behalf of AEO, Peter Kramer

Dear Mr Georgatos,

I am writing in response to your email dated 31 October 2013 on the matter of a recount in the WA Senate Election. All candidates were advised on 10th October that the

Electoral Commissioner had directed me to conduct a recount of above-the-line (ATL) ballots together with those ballots which were determined as informal by the Divisional Returning Officer in Western Australia be conducted. The recount commenced in Perth on Thursday, 17 October and at all times those candidates who wished to have scrutineers present have been able to do so.

The AEC is of the view that a recount involves a physical examination of each ballot paper. Accordingly, it is not possible to ignore the fact that a recount commenced and is almost finalised. Neither is it legally possible for the results of the previous scrutines of the missing ballot papers to be included in the results of the count and recount. Therefore, once the results of the examination of the available ballot papers is completed, I will undertake the distribution of preferences and then proceed to declare the result of the election and the names of candidates elected under section 283 of the Electoral Act.

Tim O'Shaughnessy | Director of Operations Western Australia
State Office | Australian Electoral Commission
T: 08 6363 8055 | M: 0413 271 715 | F: 08 6363 8017

-----Original Message-----

From: Gerry Georgatos [mailto:gerry_georgatos@yahoo.com.au]

Sent: Friday, 1 November 2013 8:17 AM

To: Tim O'Shaughnessy

Subject: Formal complaint - Gerry Georgatos - Re: WA Senate Recount [DLM=For-Official-Use-Only]

Importance: High

Tim, please forward this to the AEC Commissioner. Thank you.

As a candidate within the WA Senate ballot, and who was only 4150 primary votes short of being elected, and with preference flows being what they are, but more so with the propriety and moral underpinnings of every vote included rightfully to the outcomes, I cannot support nor accept the AEC finalising this election without the 1300 plus missing votes.

This is a formal complaint against any election result outcome this Saturday, and a formal call that unless the missing votes are found, checked and reinstated then I dispute the result and am calling for a fresh election with the 62 candidates and 26 parties as they were registered.

Unless the votes are found then the election is tainted and is in dispute by at least myself. The election was decided on quite a few close preference flows and therefore the only way forward, the only right thing to do, is hold it again and without prejudicing any of the candidates and parties, in line with candidates and parties already registered.

Please let me have a response today, so I can decide what step to take next in the event you will declare a result tomorrow without the missing votes.

Gerry Georgatos, WikiLeaks Party Senate candidate
0430 657 309

On Thu, 31/10/13, Tim O'Shaughnessy <tim.oshaughnessy@aec.gov.au> wrote:

Subject: WA Senate Recount [DLM=For-Official-Use-Only]
To:
Received: Thursday, 31 October, 2013, 6:54 PM

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Dear
Candidates
As you may
be aware, during the WA Senate recount a serious administrative issue came to light which will be subject to further investigation. Specifically, 1,375 votes - all of which had been verified during the initial WA Senate count - could not be located, rechecked or verified in the recount process. These votes were classified as 1,255 formal above-the-line ballots and 120 informal votes.
Exhaustive efforts have been made to find the missing ballots at all premises where WA Senate votes were stored or moved during the 2013 federal election.

I apologise to you and to the electors of Western Australia for this failure of the AEC. An urgent examination into the circumstances which led to the apparent misplaced ballot papers will now take place. Mick Keelty

AO APM, the distinguished former Commissioner of the Australian Federal Police, has agreed to undertake this task. His terms of reference include establishing the facts regarding the misplaced ballot papers, and identifying any administrative process and/or procedural failures that may have occurred as well as providing recommendations to avoid similar issues in the future.

I wish to stress that Mr Keelty will undertake this investigation independently of the AEC and will be able to avail himself of whatever resources and access staff and information he may require to assist his examination of this matter.

The

Electoral Commissioner, Mr Killesteyn said he had requested a report urgently. The report will be considered by the full

Electoral Commission, who will determine further actions after due consideration of the report's findings and recommendations. The Electoral Commission is a three person body, including the Electoral Commissioner, which has certain legislative powers defined

in the Commonwealth Electoral Act 1918.

The

Electoral Commission, in concert with the investigation, will closely examine the Senate outcome in Western Australia

and consider whether any petition to the Court of Disputed Returns is necessary. A time period of forty days is available from the return of the Senate writ for Western Australia for petition.

In terms of

next steps, the Senate Recount will be concluded today and Distribution of Preferences will take place at Northbridge Court Centre at 2.00pm Saturday 2nd of November. The Declaration of the Poll will take place at the AEC offices, 13th Floor, St Georges Terrace early next week at a date/time to be advised.

Tim O'Shaughnessy
| Director of Operations
Western Australia
State Office | Australian Electoral Commission

T: 08 6363 8055 | M:
0413 271 715 | F: 08 6363 8017

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