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**Subject:** WA Senate Recount [DLM=For-Official-Use-Only]

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## For-Official-Use-Only

## **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 Count Centre at 2.00pm Saturday 2<sup>nd</sup> of November. The Declaration of the Poll will take place at the AEC offices, 13<sup>th</sup> Floor, St Georges Terrace early next week at at a date/time to be advised.



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