

New WA Senate poll

February 2014

On Thursday 20 February 2014 the High Court sitting as the Court of Disputed Returns officially declared the Western Australian Senate election result void and ordered that the Australian Election Commission (AEC) hold a fresh election for all six Senate seats.

Justice Kenneth Hayne ordered that the Commonwealth pay the legal costs of each candidate, and that the AEC return their deposits.

The AEC's media release is available [here](#).

Under s 12 of the Constitution, the new writ will be issued by the Governor of Western Australia, His Excellency Mr Malcolm McCusker AC CVO QC. Once a writ has been issued, the AEC will conduct the Western Australian Senate election in accordance with the provisions of the *Commonwealth Electoral Act 1918*.

The order follows the Court's declaration on 18 February 2014 that the ballot papers lost in the recount of the Western Australian Senate election could not be included but also inevitably affected the outcome of the recount.

The decision is available [here](#).

The election of WA senators was held in conjunction with the Federal election on 7 September 2013. On the first count, three Liberals (Senator the Hon David Johnston, Senator Michaelia Cash and Linda Reynolds) and one Labor candidate (Joe Bullock) were declared winners of the first four of six seats. The initial count of the final two seats elected Zhenya "Dio" Wang of the Palmer United Party and Labor's Senator Louise Pratt.

Following a request from the Australian Greens and the Australian Sports Party, a recount was ordered by the AEC on 10 October 2013. As a result of the recount of the results, the AEC declared Wayne Dropulich from the Australian Sports Party and Senator Scott Ludlam of The Australian Greens elected to the Senate.

During the recount, 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.

As a consequence, on 15 November 2013 the Electoral Commissioner lodged a petition with the Court of Disputed Returns in respect of the election of senators from Western Australia. The petition sought an order from the Court that the election of the six WA senators be declared void.

The AEC Media Release is available [here](#).