

Clive Palmer to launch High Court challenge to WA Senate recount

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It's confirmed, nobody's man Clive Palmer will launch a high court challenge to the WA Senate recount on the basis that the only valid count which had all the votes available was the initial count; since then over 1300 votes have mysteriously gone missing.

From the SMH:

Bianca Hall reporting:

West Australian voters are poised to go back to the polls, with mining magnate Clive Palmer confirming he will launch a challenge to the Senate recount with the High Court.

The Australian Electoral Commission declared late on Saturday the Australian Sports Party's Wayne Dropulich and the Greens' Scott Ludlam had won the final Senate positions in a recount on Saturday - despite the fact 1375 votes remain missing.

The recount reverses the original result, which had knocked Mr Dropulich and Senator Ludlam out at a crucial point in the count, which hung on just 14 votes, installing the Palmer United Party's Zhenya "Dio" Wang and Labor's Louise Pratt.

Mr Dropulich and Senator Ludlam appealed, saying the close result warranted a recount

But during the recount, 1375 ballot papers somehow disappeared. On Friday, Electoral Commissioner Ed Killesteyn apologised for the missing papers, which he said could not be found despite "exhaustive efforts" to locate them. The votes were classified as 1255 formal above-the-line ballots and 120 informal votes from the divisions of Pearce and Forrest.

Mr Palmer said the recount should not have been held in the absence of the 1375 missing votes, telling Fairfax Media on Saturday evening he would speak to his lawyers and lodge an appeal. The appeal would be heard by the High Court, sitting as the Court of Disputed Returns, which has the power to order a fresh election.

Mr Palmer and other objectors have 40 days to petition the High Court.

"It's pretty devastating, isn't it?" Mr Palmer said. "If you look at the lost votes, and add that to the result, we would have won. If there's another election, we're absolutely certain we'll win and we might even pick up another spot."

The declaration now clears the way for the entire state to be forced back to the polls in a fresh election for WA Senate positions that could alter the balance of power in the upper house.

Now the recount has been announced, any candidate or WA voter, or even the AEC itself, has 40 days to petition the High Court to conduct a fresh election.

Senator Ludlam said after the announcement the decision by his party and the Sports Party to challenge the vote had been "vindicated".

"Hopefully this allows us to get on with our jobs with a degree of certainty. But I'm also well aware there could be a few twists and turns in this yet."

Earlier, he had said releasing the results of the recount before the missing votes had been found, or the investigation was complete, was "inexcusable".

"We think it's completely inappropriate for the results of these seats to be declared until those votes have been found, otherwise you effectively disenfranchise 1300 people."

AEC spokesman Phil Diak said the commission would formally declare the results on Monday.

Asked whether he was expecting a High Court challenge, he said: "The AEC has said it will closely examine the Senate outcome. We said that earlier this week. That independent investigation is commencing as well."

Former Australian Federal Police commissioner Mick Keelty has been called in to conduct an independent inquiry.

Mr Killesteyn said 1.3 million Senate ballot papers had been physically rechecked in the two-week recount, the largest operation of its kind in almost 30 years.

Labor Senator Louise Pratt said the recount result had been "extraordinary".

"I'm deeply disappointed about the disenfranchisement of the more than 1300 Western Australian voters in this result," she said.

Asked whether she would consider lodging a petition for a fresh election with the High Court, she said: "Currently I'm taking a cool and sober look at the result."

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