



Yingiya Mark Guyula MLA
Member for Nhulunbuy, NT Legislative Assembly

COURT OF DISPUTED RETURNS DISMISSES CHALLENGE TO ELECTION OF NHULUNBUY MLA YINGIYA GUYULA

MLA for Nhulunbuy Yingiya Guyula has expressed relief and satisfaction at the dismissal of the Electoral Commissioner's challenge to his election to the NT Legislative Assembly by consent orders sought by both parties and made by Justice Southwood today in the Court of Disputed Returns.

"From the moment it was suggested that I might be disqualified from nominating for Parliament because of my claimed membership of a local government advisory body called the Milingimbi Local Authority, I have said that I was never a member of that body," Mr Guyula explained. "I did not nominate to be a member, I did not consent to being appointed to the Authority by the East Arnhem Regional Council ("EARC"), and I did not even know it had passed a resolution to appoint me. In fact when I was asked whether I wanted to be nominated and appointed I said no because I was too busy working in remote homeland schools and would not be able to attend regular meetings."

Mr Guyula's lawyer Ken Parish explained that his evidence was not disputed, and was corroborated by evidence from other Milingimbi community members. Moreover, the Electoral Commission accepted in submissions to Justice Southwood that Mr Guyula had attended a handful of Authority meetings not as a member of that body but as a djirrikaymirri or senior elder of the Guyula Djambarrbuyngu tribe.

"The *Local Government Act* and binding Ministerial Guidelines made under it require regional councils to follow a procedure of nomination and consent leading to appointment to a local authority" Mr Parish said. "Our case was that those procedures simply were not followed by EARC in Mr Guyula's situation, and the result in law is that he was not validly appointed."

Both Mr Guyula and his lawyer acknowledged that the Electoral Commissioner had acted entirely properly in filing an Application in the Court of Disputed Returns. "The Commissioner's role is to safeguard the integrity of the Territory's electoral process, and that includes seeking a ruling from the Court if questions arise about whether an elected MLA might be disqualified," Mr Parish said. "The Commissioner only had 21 days to decide whether to do so, and the existence of a purported EARC resolution seeming to show Mr Guyula was appointed to a local authority raised questions about his eligibility that needed investigation. However the subsequent investigation and gathering of evidence clearly showed that there was no appointment and that he was not a member."

Mr Guyula said that the most pleasing aspect of today's result was that he would now be free to focus completely on providing effective representation for the people of Nhulunbuy and North East Arnhem Land in Parliament over the next 4 years. "I stood for Parliament with the aim of helping to create harmony, understanding and mutual respect between Yolngu and Balanda people, laws and institutions. Today's Court decision is one small but important step on the road to achieving that aim," Mr Guyula said.

ENDS.

COMMENT VIA KEN PARISH – PH 0437 443 405.