

Have Your Say

2024

TORRES STRAIT REGIONAL
AUTHORITY (TSRA)
BOARD ELECTION

Election guide

The TSRA Board consists of **20** community representatives who serve a four year period.

Artwork by: Nakita David. Iama Island, Torres Strait, QLD

Published by the Australian Electoral Commission
www.aec.gov.au

© Commonwealth of Australia 2024

The licence for this work is under the Creative Commons Attribution-No Derivatives (CC BY-ND) Licence. To view a copy of this licence, visit <https://creativecommons.org/licenses/by-nd/4.0/>

The Australian Electoral Commission asserts the right of recognition as author of the original material. The report should be attributed as 2024 TSRA Election Guide

Election Guide

Torres Strait Regional Authority Election Saturday 30 November 2024

The Australian Electoral Commission acknowledges the Traditional Owners of country throughout Australia and recognises their continuing connection to land, waters, culture and community. We pay our respects to Elders past, present and emerging – and are committed to reconciliation in Australia.



Artwork by: Nakita David.
Iama Island, Torres Strait, QLD

Contents

Abbreviations.....	2	Help for voters.....	15
Introduction	3	At the polling booth or	
Election timetable	4	Pre-Poll Voting Office.....	15
Wards.....	6	Postal voter	15
Nominations	7	Hygiene Safe Practices.....	15
How to nominate.....	8	Informal ballot papers	16
When to nominate.....	8	Counting the votes	17
Where to nominate.....	8	Electing one representative.....	17
Candidate photographs.....	8	Scrutineers	18
Acknowledgement of nomination	8	Role of scrutineers	18
Rejection of nomination	9	Appointment of scrutineers	
Withdrawal of nomination	9	by candidates.....	18
Uncontested wards	9	Declaration of the result	19
Order of names on the ballot papers ..	9	Recounts and disputed results	19
Death of a candidate	9	Recounts	19
Electoral offences and		Disputed results	19
legal proceedings		Addresses and Contact Numbers.....	20
involving candidates	10		
Printing and publication			
of election material	10		
Enrolment.....	11		
Who can vote?	11		
Types of voting	12		
Ordinary voting	12		
Absent voting	13		
Early voting (Pre-poll).....	13		
Postal voting	14		

Abbreviations

Act	<i>Aboriginal and Torres Strait Islander Act 2005</i>
AEC	Australian Electoral Commission
Rules	<i>Torres Strait Regional Authority Election Rules 2017</i>
TRAWQ	Tamwoy, Rose Hill, Aplin, Waiben, Quarantine
TSRA	Torres Strait Regional Authority

Introduction

The Torres Strait Regional Authority (TSRA) Election Guide provides information about the 2024 TSRA Election. The Election Guide should not be taken as legal advice and does not take the place of the *Aboriginal and Torres Strait Islander Act 2005* (the Act) or the *Torres Strait Regional Authority Election Rules 2017* (the Rules). Copies of the Rules are available from the TSRA Office and the AEC website www.aec.gov.au/tsra. The Australian Electoral Commission (AEC) collects, uses and stores personal information in accordance with the *Privacy Act 1982*. Further information is available in the AEC's Privacy Policy, accessible on the AEC website www.aec.gov.au/privacy.

The Australian Electoral Commission is responsible under the Act for conducting the election according to the Act and the Rules. Please contact the AEC for assistance with any questions you have about the election process. The AEC does not provide legal advice on any aspect of the election.

The address for the AEC's National Office and the Returning Officer are listed at the end of this guide.

Election timetable

Day/Date	Activity
Friday 30 August 2024	Gazettal of Minister's notice fixing polling date for TSRA election
Saturday 31 August 2024	Postal Vote Applications available online. Available at AEC Cairns Office from Monday 1 September 2024
Tuesday 17 September – Tuesday 1 October 2024	Information sessions for potential candidates
Tuesday 1 October 2024	Nominations open
Wednesday 30 October 2024	Close of nominations 5pm
Wednesday 30 October 2024	Final date for receipt of candidate photographs 5pm
Thursday 31 October 2024	Declaration of nominations Determination of order on ballot papers
Tuesday 5 November – Friday 15 November 2024	Community information sessions
Friday 15 November 2024	Close of electoral roll 5pm
Monday 18 November 2024	Early voting (pre-poll) commences in Cairns
Monday 25 November 2024	Early voting (pre-poll) commences on Thursday Island
Monday 25 November 2024	Earliest date to commence Preliminary Scrutiny of Postal Votes
Thursday 28 November 2024	Final date for receipt of Postal Vote Applications 5pm
Friday 29 November 2024	Final date for postal voters to complete and post Postal Voter Cards Final date for early voting (pre-poll) in Cairns and on Thursday Island

Election timetable

Day/Date	Activity
Saturday 30 November 2024	Polling day for wards of Bamaga, Ngurapai and Muralag, Port Kennedy, TRAWQ
Friday 6 December 2024	Final date for receipt of Postal Voter Cards posted before polling day
Monday 9 December 2024	Final date for advice from Senior Liaison Officer to the Returning Officer of decisions by Regional Panel
Friday 13 December 2024	Final date for commencement of Further Scrutiny

Wards

There are 20 wards for the 2024 TSRA election. Each ward elects one member to the TSRA Board. The wards are:

- | | |
|-------------------|--------------------------|
| 1. Badu Island | 11. Mer Island |
| 2. Bamaga | 12. Ngurapai and Muralag |
| 3. Boigu Island | 13. Port Kennedy |
| 4. Dauan Island | 14. Poruma Island |
| 5. Erub Island | 15. Saibai Island |
| 6. Hammond Island | 16. Seisia |
| 7. Iama Island | 17. St Pauls |
| 8. Kubin | 18. TRAWQ |
| 9. Mabuiag Island | 19. Ugar Island |
| 10. Masig Island | 20. Warraber Island |

The AEC will advertise details of eligibility to vote in the election. If you are unsure of your eligibility to vote in the TSRA election, please contact the Returning Officer.

Nominations

Who can nominate

Candidates must be nominated before they can be elected to the TSRA. You can not nominate in more than one ward, or more than once in the same election for that ward.

To be a candidate for the TSRA, you must:

- be a Torres Strait Islander or an Aboriginal person;
- be on the Commonwealth Electoral Roll for an address within the ward you want to represent;
- live in the ward you want to represent;
- not be a staff member, or a consultant to, the TSRA (if you are, you must resign before you nominate);
- not be bankrupt and there be no personal insolvency agreement in operation with your creditors under the law relating to bankruptcy;
- not have been convicted of an offence against a Commonwealth, State or Territory law and sentenced to imprisonment for one year or longer (see below for exception); and
- not have been convicted of an offence against a Commonwealth, State or Territory law involving dishonesty and sentenced to prison for three months or longer (see below for exception).

If you have been convicted of an offence against a Commonwealth, State or Territory law and sentenced to imprisonment for one year or longer, or convicted of an offence against a Commonwealth, State or Territory law involving dishonesty and sentenced to prison for three months or longer, you are still allowed to stand for election to the TSRA if you satisfy all of the other criteria above and:

- you were never actually imprisoned for the offence and at least two years have passed since your conviction; or
- you served a term of imprisonment for the offence and at least two years have passed since your release from prison; or
- you applied to the Federal Court of Australia and the Court declared that, despite your conviction, you are not disqualified to stand as a candidate.

Nominations

How to nominate

Each candidate must complete a nomination form. Nomination forms are available from the AEC Cairns Office, the TSRA Office and on the AEC website, www.aec.gov.au/tsra

When completing the nomination form, please ensure that you provide all the required information and that appropriate signatures are obtained. Each candidate must sign a declaration stating they consent to act as a member of the TSRA if elected and declare that they are qualified to stand for election. All candidates must be nominated by at least four Torres Strait Islander or Aboriginal voters (other than the candidate) who are enrolled on the Commonwealth Electoral Roll in the ward for which the candidate is nominated. It is strongly suggested to have more than four nominators in case some are not enrolled in the ward.

When to nominate

Nominations open **Tuesday 1 October 2024** and close at **5pm Wednesday 30 October 2024**. The Returning Officer **MUST** receive completed nomination forms by this time or they will not be accepted. It is suggested that nomination forms are lodged at least a week before the due date to allow time for any problems to be resolved. The names and places of residence of persons nominating as candidates in TSRA elections are confidential until the Returning Officer publicly announces them on **Thursday 31 October 2024**.

Where to nominate

Nominations can be made in person, by post or by email. Nominations **MUST** be received by the Returning Officer by the due date and time (**5pm Wednesday 30 October 2024**). Do not rely on the mail if you are nominating close to the due date. Nominations that have been posted and are delivered after **5pm Wednesday 30 October 2024** will not be accepted. The contact details for the Returning Officer are at the back of this guide.

Candidate photographs

If a candidate wishes to provide a photograph it should be provided to the Returning Officer by the close of nominations - no later than 5pm Wednesday 30 October 2024. Copies of candidate photographs are displayed during voting at all places where voting takes place. Please refer to the photograph guidelines on the nomination form.

Acknowledgement of nomination

The Returning Officer will send you a letter advising that your nomination has been received.

Nominations

Rejection of nomination

A nomination will be rejected if the form is not completed as the Act and the Rules require – for example, if only three of your four nominators are enrolled on the Commonwealth Electoral Roll in the ward for which you are nominating. It is in your interest to lodge your nomination early to allow time for any problems to be resolved.

Withdrawal of nomination

A candidate may withdraw his or her nomination any time before nominations close but can not do so after **5pm Wednesday 30 October 2024**. The withdrawal notice is available from the AEC Cairns Office, by request from the Returning Officer, or on the website www.aec.gov.au/tsra and must be returned to the Returning Officer when completed. If the notice of withdrawal is received prior to the close of nominations the nomination is then cancelled.

Uncontested wards

There is one vacancy in each ward. If only one candidate nominates in a ward, the Returning Officer will declare that candidate elected on the same day the declaration is made for all the wards for which elections are being held. The declaration will not take place until polling is concluded and results for all of the wards are determined.

Order of names on the ballot papers

The Returning Officer will conduct a public draw on Thursday Island to determine the order of the candidates on the ballot paper. Where two or more candidates' have similar names and this is likely to cause confusion, the names of these candidates may have other descriptions to distinguish them from one another. The Returning Officer will contact the relevant candidates if this occurs.

Death of a candidate

If any candidate dies between the declaration of nominations and polling day and there is only one remaining candidate in the election for that ward, the remaining candidate will be declared elected on the same day the declaration is made for all the wards for which elections are being held. However, if there is more than one remaining candidate in that ward, the election for that ward will proceed.

Electoral offences and legal proceedings involving candidates

Candidates and their supporters should be aware that there are a number of rules by which they are bound and for which substantial penalties are prescribed. It is in the interests of candidates and their supporters to be aware of these rules. While the AEC will help candidates by providing information about their nomination or campaign, the AEC does not provide any legal advice. Candidates must seek independent advice from their own legal advisers if they think it is necessary.

Printing and publication of election material

Election material such as:

- electoral advertisements;
- pamphlets; or
- notices

must not be printed, published or distributed unless the name and address (not PO Box) of the person who authorised the election material appears at the end of it as well as the name and place of business of the printer. Only the name and address of the person who authorised the election material is required if the advertisement or notice is going in a newspaper.

This rule does not apply to a car sticker, T-shirt, lapel button or badge, pen, pencil or a balloon, or to a newspaper advertisement announcing the holding of a meeting.

Enrolment

To vote in the 2024 TSRA election, you must be enrolled on the Commonwealth Electoral Roll for an address in a ward by **5pm Friday 15 November 2024**.

To enrol, you must complete an enrolment form. These are available from the AEC website www.aec.gov.au/enrol, AEC Offices, and the TSRA Office.

It is important to make sure you are enrolled correctly. If your address has changed or you have changed your name, you can update your details on the AEC website www.aec.gov.au/enrol/update-my-details or by completing a paper enrolment form and returning it to the AEC.

Who can vote?

To be eligible to vote in the 2024 TSRA Election you must:

- be a Torres Strait Islander or an Aboriginal person; and
- be 18 years of age or over on polling day; and
- be enrolled on the Commonwealth Electoral Roll for an address in a ward by **5pm Friday 15 November 2024**.

Types of voting

Ordinary voting

An ordinary vote is when you vote on polling day in the ward where you are enrolled. Ordinary voting will be available to voters enrolled in the wards of Bamaga, Ngurapai and Muralag, Port Kennedy and TRAWQ.

For all other wards voting will be available through mobile polling. A schedule setting out the date, time and place of mobile polling will be available at the AEC Cairns Office, the TSRA, and the AEC website www.aec.gov.au/tsra

Voting will not take place in an uncontested ward.

At the polling booth, the polling official will ask you whether you have voted before in this election.

The polling official will give you a Voter Card, which you must complete and hand back to the polling official. If you need help completing the Voter Card, you can ask either the polling official or a friend to assist you.

The polling official will separate the Voter Card showing your personal details from the Voter Card Envelope and give you back the envelope and a ballot paper for your ward. Take the ballot paper and envelope to a voting screen and mark your ballot paper in the following way:

- Put a number '1' in the box next to the candidate you would most like to represent you. If you wish, you may also show your order of choice for some or all of the remaining candidates by using the numbers 2, 3, and so on as needed.
- Fold the ballot paper and put it in the Voter Card envelope, then seal the envelope and take it to the Liaison Officer who will be next to the ballot box.

The Liaison Officer will hand the envelope back to you after they have decided (on the balance of probability) if you are a Torres Strait Islander or an Aboriginal person.

You then put the envelope in the ballot box.

The Liaison Officer may ask you questions to help them decide if you are a Torres Strait Islander or an Aboriginal person. If the Liaison Officer decides that you are not a Torres Strait Islander or an Aboriginal person they will complete a 'Record of Liaison Officer's Objection and voter's request for review' form. The Liaison Officer will also give you a form called 'Advice challenging eligibility to vote', which explains how you can appeal against the Liaison Officer's Objection.

If this should happen to you and you are a Torres Strait Islander or an Aboriginal person and you wish to appeal, you must complete the box called 'Voter's appeal and request for review by Regional Panel' and give it to the polling official in charge before you leave the polling booth. You will then have seven days to provide any further information that you are a Torres Strait Islander or an Aboriginal person to the Senior Liaison Officer, who may be contacted through the AEC Cairns Office (for further information see section "Liaison Officers").

Types of voting

Absent voting

If you want to vote at a polling booth that is not located in the ward where you are enrolled, you can go to that polling booth and complete an absent vote. Absent voting is the same as ordinary voting except that:

- you will also be asked which ward you are enrolled in; and
- you will be issued with a ballot paper for the ward where you are enrolled and not the ward where you are voting.

Early voting (Pre-poll)

If you are unable to vote at a polling booth on polling day, you may be eligible to complete an early vote called a 'pre-poll vote'.

Pre-polling will be available every weekday at the AEC Cairns Office from **Monday 18 November 2024** and on Thursday Island from **Monday 25 November 2024** until **Friday 29 November 2024**. Information about early voting locations, days and times will be available at the AEC Cairns Office, the TSRA, and the AEC website www.aec.gov.au/tsra

The Issuing Officer will give you a Pre-Poll Voter Card that you must complete and hand back to them for their signature. If you need help to do this, you can ask either the polling official or a friend to help you.

Mark your vote on the ballot paper in the presence of the Issuing Officer but so they can not see your vote. To mark your ballot paper put a number '1' in the box next to the candidate you would most like to represent you. If you wish, you may also show your order of choice for some or all of the remaining candidates by using the numbers 2, 3, and so on as needed. Fold your ballot paper and hand it to the Issuing Officer. The Issuing Officer will place the ballot paper in the envelope and seal it.

Your Pre-Poll Voter Card must be certified by a Torres Strait Islander or an Aboriginal person who is an office-bearer of an Aboriginal or Torres Strait Islander Corporation (but not a candidate for any ward). This is to confirm that you are a Torres Strait Islander or an Aboriginal person. The AEC will provide assistance in arranging for an office-bearer of an Aboriginal or Torres Strait Islander Corporation to be present at the Pre-Poll Voting Office.

After the Pre-Poll Voter Card has been certified, the Issuing Officer will detach the Pre-Poll Voter Card from the envelope containing the ballot paper and place the envelope in the ballot box.

Types of voting

Postal voting

If you are unable to vote at a polling booth on polling day or at a mobile polling booth, then you can apply to have your ballot paper sent to you in the mail.

Postal vote applications are available from the AEC Cairns Office, the TSRA office or from the AEC website www.aec.gov.au/tsra. Once your application is completed it must be returned to the Returning Officer. Your postal vote application must be received by the Returning Officer by the last mail clearance on **Thursday 28 November 2024**. It is recommended you return your completed application as early as possible to allow sufficient time for the voting material to be sent to you for completion. It is recommended to email the completed application form to TSRA@aec.gov.au if possible.

When you receive your postal voting materials you must do the following before polling day (Saturday 30 November 2024):

- sign the Postal Voter Card in front of a witness, who must also sign and date the Postal Voter Card. The witness can be any person (except a candidate for your ward) who is on the Commonwealth Electoral Roll;
- fill in the ballot paper in front of the witness but do not let the witness see how you fill in the ballot paper;
- fold the ballot paper and put it in the Postal Voter Card envelope, then seal the envelope;
- have the Postal Voter Card signed by a Torres Strait Islander or an Aboriginal person who is an office bearer of an Aboriginal or Torres Strait Islander Corporation (but not a candidate for any ward). This is to certify that you are a Torres Strait Islander or an Aboriginal person; and
- post or deliver the Postal Voter Card envelope to the Returning Officer. If the post is unlikely to reach the Returning Officer by Friday 6 December 2024, you must instead take the envelope to a Pre-Poll Voting Office, a polling booth, or the Returning Officer before the close of the poll (**6pm Saturday 30 November 2024**).

An envelope that bears a postmark dated after polling day is taken to contain a vote that was not recorded before the close of the poll and will not be accepted.

Help for voters

If you cannot read, or have a disability, and are unable to vote without assistance, you can ask for help. This is what you should do.

At the polling booth or Pre-Poll Voting Office

You can choose someone to go with you and complete the Voter Card or Pre-Poll Voter Card and fill out the ballot paper for you. No one else is allowed to watch. You must first advise the polling official in charge that the other person is going to help you.

If you have not chosen someone to help you (or you are casting an absent vote), then the polling official in charge can help you in the presence of any scrutineers.

Postal voter

You can either ask someone to help you fill in the Postal Voter Card and the ballot paper in front of the witness (the witness should not see how the person marks the ballot paper), or the witness can help you. You must still sign the Postal Voter Card yourself.

Hygiene Safe Practices

1. Wash your hands, with soap and water where you can for at least 20 seconds
2. Keep your distance from other people (Two big steps apart and no big groups)

If you feel like you might be getting sick, stay at home and speak to your local health service or doctor about getting tested. If you get sick before polling day then you may be eligible to vote by early vote (pre-poll) or postal vote.

Informal ballot papers

A ballot paper is informal if:

- it does not show a first preference for any candidate; or
- it has a number '1' in more than one box; or
- there are ticks or crosses instead of a numbered order; or
- it has anything written on it that may identify the voter (except if written by a polling official).

Informal ballot papers can not be included in the count.

Counting the votes

Your vote is secret. Before counting any ballot papers, the Returning Officer must first check to make sure that all voters who voted in respect of a ward are on the Commonwealth Electoral Roll for an address in that ward. To do this the Returning Officer uses the personal information supplied on the Voter Cards (or Pre-Poll Voter Cards or Postal Voter Cards), which are separated from the sealed envelopes containing the ballot papers. After the details of all the people who have voted for your ward have been checked, the votes are counted.

The Returning Officer is required to allow six days after polling day before counting votes in case any postal ballot papers that have been issued to voters are still outstanding.

Electing one representative

To be elected, a candidate must get more than half the formal votes in the count for that ward.

All the first preference votes for each candidate are counted first. If a candidate has more than half the first preference votes, then they are elected.

If no candidate has more than half the first preference votes, then the candidate with the fewest first preference votes is excluded and their votes are either distributed to the remaining candidates (according to the second preferences on the excluded candidate's ballot-papers) or are removed from the count (if the ballot-papers have no second preference). The distributed votes are added to the first preference votes the remaining candidates already have and if any candidate now has more than half the formal votes left in the count, then they are elected (otherwise the candidate now with the lowest combined number of votes is excluded next, and their votes distributed or removed). This process of excluding the candidate with the lowest number of votes and distributing their votes to candidates still in the count continues until a candidate has more than half the formal votes remaining in the count for that ward.

Scrutineers

Role of scrutineers

Scrutineers may, on behalf of the candidates, observe the voting, the counting and the distribution of preferences conducted by polling officials. Scrutineers are given legal rights and obligations under the Rules. Candidates may not act as scrutineers for themselves. Scrutineers are appointed by candidates and not by the AEC or the TSRA.

Appointment of scrutineers by candidates

Candidates may appoint scrutineers to represent them at polling booths and at the scrutiny (that is, during the counting of the votes) by completing Section A – Appointment by Candidate, on the ‘Undertaking by Scrutineers’ form available at the AEC Cairns Office or from the AEC website www.aec.gov.au/tsra. The form must be signed by the candidate (an email copy of the form with the candidate’s signature is acceptable). The name and address of the scrutineer must be provided.

Each scrutineer must sign the agreement on the form that they will not try to attempt to influence a vote of another person and that they will carry out their duties in accordance with the Rules.

Only polling officials, scrutineers, Liaison Officers, and voters voting, or about to vote, are allowed in a polling booth during the polling. No other person can enter or remain in a polling booth during the polling, except by permission of the polling official in charge of the polling booth.

Scrutineers must organise their own transport to all polling booths, including mobile polling booths.

At the scrutiny, the number of scrutineers for any one candidate must not be more than the number of people counting.

Declaration of the result

As soon as possible after the results are known, the Returning Officer must publicly declare the result of the election and the names of the candidates elected. The Returning Officer will advise the candidates of the time and place of the public declaration.

The Returning Officer makes a statement for each ward that sets out the result of the election and then sends it to the Electoral Commissioner, who advises the Minister for Indigenous Australians.

Recounts and disputed results

Recounts

Recounts usually take place when the result of an election is very close and may happen at any time before the declaration of the result of an election.

The Returning Officer may be directed by the Electoral Commissioner to recount all or some ballot papers, or the Returning Officer may do so if they think it is appropriate. Only candidates are allowed to ask for a recount, and the Returning Officer must notify each candidate of the time and place of any recount.

The Returning Officer is not required to conduct a recount just because a candidate requests one.

When asking for a recount, candidates must write to the Returning Officer or the Electoral Commissioner giving their reasons for the request.

During a recount the Returning Officer has the same powers as if the recount were the original count and may reverse any decision made in the original count to admit or reject a ballot paper.

The Returning Officer conducting a recount may, and if asked by a scrutineer must, reserve any ballot paper for the decision of the Electoral Commissioner. The Electoral Commissioner must decide whether any ballot paper reserved for their decision is to be admitted or rejected.

Disputed results

The validity of any election may only be disputed by a petition to the Federal Court of Australia. Procedures for disputing an election are laid down in Schedule 4 of the Act. Neither the AEC nor the TSRA provide legal advice. Those considering a challenge should obtain independent legal advice.

Addresses and Contact Numbers

Returning Officer	Jacqueline McHenry
Cairns Address	Australian Electoral Commission Ground Floor Commonwealth Centre 104 Grafton Street CAIRNS CITY QLD 4870 Phone (02) 9375 6366 Email TSRA@aec.gov.au
Postal Address	Australian Electoral Commission PO Box 5024 CAIRNS QLD 4870
Electoral Commissioner	Australian Electoral Commission 50 Marcus Clarke Street CANBERRA ACT 2600 Phone 02 6271 4411 Fax 02 6215 9999
Postal Address	Australian Electoral Commission Locked Bag 4007 Canberra ACT 2601



