

Have Your Say

Torres Strait Regional Authority Elections

Election Guide 2012

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

The **TSRA** Board Members represent all Torres Strait Islanders and Aboriginal people living in the Torres Strait area.



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TORRES STRAIT
REGIONAL AUTHORITY
ELECTIONS

15 September 2012

ELECTION GUIDE



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ABBREVIATIONS

Act	Aboriginal and Torres Strait Islander Act 2005
AEC	Australian Electoral Commission
Rules	Torres Strait Regional Authority Election Rules 1996
TRAWQ	Tamwoy, Rose Hill, Aplin, Waiben, Quarantine
TSRA	Torres Strait Regional Authority

Cover artwork: *Napau*, courtesy of the artist, Frank Loban

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INTRODUCTION

The Torres Strait Regional Authority (TSRA) Election Guide provides information about the 2012 TSRA Elections. The Election Guide does not take the place of the Aboriginal and Torres Strait Islander Act 2005 (the Act) or the Torres Strait Regional Authority Election Rules 1996 (the Rules). Copies of the Rules are available from the TSRA Office.

If you are a candidate remember that, while the Australian Electoral Commission (AEC) will help you with any questions you have regarding the election process, it does not give formal legal advice on any aspect of the election. You must be sure of your own legal position. Get advice from your own legal advisers if you think it is necessary.

Addresses of the AEC's National Office, its Queensland State Office and the Returning Officer for the elections are listed at the end of this booklet.

TORRES STRAIT REGIONAL AUTHORITY

The 2012 election is the first time all Members will be directly elected to the TSRA Board. Previously, fifteen became TSRA Members when they were elected as a Councillor to the Torres Strait Islands Regional Council in QLD Local Government Authority (LGA) elections.

A further 2 representatives from Bamaga and Seisia became members when they were elected as Councillors to the Northern Peninsula Area Regional Council (as part of QLD LGA elections).

In addition to these seventeen members, 3 members were directly elected to the TSRA from the TSRA Wards of Port Kennedy (Thursday Island); Horn and Prince of Wales Islands (combined); and TRAWQ (Tamwoy, Rosehill, Aplin, Waiben and Quarantine on Thursday Island) under the provisions of the *Aboriginal Torres Strait Islander Act 2005*.

The TSRA Board consists of twenty elected members who are Torres Strait Islander or Aboriginal people living within a Ward in the region. They will now be elected every four years from 2012 (the previous term was three years). The Wards are; Badu, Bamaga, Boigu, Dauan, Erub, Hammond, Iama, Kubin, Masig, Mabuig, Mer, Ngurapi and Muralag, Port Kennedy, Poruma, Saibai, Seisia, St Pauls, TRAWQ, Ugar, Warraber.

All Aboriginal and Torres Strait Islanders, 18 years or older, have an opportunity to say who will represent them on the TSRA. This is done by voting. To vote, you must be on the Commonwealth Electoral Roll.

WARDS

There are 20 Wards for the 2012 TSRA elections. Each Ward elects one member to the TSRA.

The Wards are :

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

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

ENROLMENT

To vote in the 2012 TSRA Elections, you must be enrolled on the Commonwealth Electoral Roll by 5.00pm on Friday 31 August 2012.

To enrol, you must complete an Electoral Enrolment Form. These are available from all Post Offices, AEC Offices, the TSRA Office, the Returning Officer and the AEC website:

www.aec.gov.au.

If you have changed address or your name since you last enrolled, just fill in another enrolment form and send it to the AEC. This will change your enrolment from your old address to your new address.

WHO CAN VOTE

All Torres Strait Islanders and Aboriginal people who:

- are 18 years of age or over
- have enrolled on the Commonwealth Electoral Roll by 5.00pm on Friday, 31 August 2012, and
- are enrolled at an address in an established Ward

are entitled to vote in the 2012 TSRA elections.

NOMINATIONS

WHO CAN NOMINATE

Candidates must be nominated before they can be elected to the TSRA. Candidates for the TSRA must:

- be a Torres Strait Islander or an Aboriginal person;
- be on the Commonwealth Electoral Roll for an address within the Ward they want to represent;
- live in the Ward they want to represent;
- not be a TSRA staff member or a consultant to the TSRA;
- not be bankrupt and have no personal insolvency agreement in operation with their creditors under the law relating to bankruptcy;
- not have been sentenced to imprisonment for one year or longer;
- not have been in prison for dishonesty for three months or longer.

If you have been sentenced to prison for one year or longer (or sentenced to prison for dishonesty for three months or longer) you are still allowed to be a representative on the TSRA if:

- you were never actually put in prison and two years have passed since your conviction; or
- if you were put in prison, two years has passed since your release.

If you are not allowed to stand for election to the TSRA because you have been sentenced or are in prison, you can still ask the Federal Court of Australia to allow you to stand as a candidate.

You cannot nominate in more than one Ward, or more than once for that Ward.

If you are a candidate you cannot be employed in any way in the running of the election. If you are, you must resign before you nominate.

HOW TO NOMINATE

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

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 on the nomination form that they are entitled to be a candidate and consent to act if elected. All candidates must be nominated by at least four Torres Strait Islander or Aboriginal electors (other than the candidate), that is, four people entitled to vote in the Ward for which the candidate is nominated. Those people nominating must be enrolled on the Commonwealth Electoral Roll. It is strongly advised to have more than four nominators in case some are not enrolled in the Ward. Please note that enrolment for the election closes at 5.00pm on Friday 31 August 2012.

WHEN TO NOMINATE

Nominations open on Tuesday 17 July 2012 and close at 5.00pm on Wednesday 15 August 2012. 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 of candidates standing in the TSRA elections are confidential until the Returning Officer publicly announces them.

WHERE TO NOMINATE

Nominations can be made in person, by post or by fax. **Nominations MUST be lodged at the office of the Returning Officer by the due date and time (5.00pm on Wednesday 15 August 2012).** Do not rely on the mail if you are nominating close to the due date. Nominations that

have been posted and are delivered after 5.00pm on Wednesday 16 August 2012 will not be accepted. If you are sending your nomination by fax, the Returning Officer must also receive the original by 5.00pm on Wednesday 16 August 2012. The address, telephone and fax numbers for the Returning Officer are at the back of this guide.

CANDIDATES 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 5.00pm on Wednesday 16 August 2012. The photograph must be only of the head and shoulders and be of a suitable quality for reproduction on a poster to be displayed wherever polling takes place in each Ward. The photograph may be provided in an electronic format by emailing the file containing the photograph to leichhardt@aec.gov.au. A recent passport size photograph is recommended but it is not essential to provide a photograph. If a photograph is provided please print the name of the candidate on the back of the photograph.

ACKNOWLEDGEMENT OF NOMINATION

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

REJECTION OF NOMINATION

A nomination will be rejected if the form is not completed as the Act and Rules require. For example, if only three of your four nominators are enrolled on the Commonwealth Electoral Roll. It is in your interests 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 up until the time nominations close but cannot do so after that. The withdrawal notice, which you can get from the office of the Returning Officer, must be given back 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 ELECTIONS

There is one vacancy in each Ward. If there is only one candidate in a Ward, the Returning Officer declares the candidate elected after the close of nominations.

ORDER OF NAMES ON THE BALLOT PAPERS

The Returning Officer will conduct a public draw for the order of the candidates on the ballot paper. Where two or more candidates' names look the same 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 close of nominations and polling day and the number of remaining candidates is the same as the number of candidates to be elected, the candidates are declared elected. However, if there are more remaining candidates than the number of positions, the election will proceed. A vote on the ballot paper for a deceased candidate is passed to the candidate the voter had as the second choice and the numbers showing the other preferences are then altered accordingly.

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 electors enrolled in the Wards of Bamaga, Ngurapi and Muralag, Port Kennedy and TRAWQ.

For all other Wards voting will be available through mobile polling. A mobile polling schedule setting out the date, time and place of mobile polling will be available at the office of the Returning Officer, the TSRA or on the Australian Electoral Commissions website <http://www.aec.gov.au> .

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 to do this, you can ask either the polling official or a friend to help 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 person you would most like to represent you. To make sure you have a say in who is elected to the TSRA put a number '2' against the person you want next and so on until there is a number in every box.
- Put the ballot paper in the Voter Card Envelope, 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 if he or she believes that you are a Torres Strait Islander or an Aboriginal person and therefore eligible to vote.

You then put the envelope in the ballot box.

The Liaison Officer may ask you questions to help him or her decide if you are a Torres Strait Islander or an Aboriginal person. If the Liaison Officer thinks you may not be a Torres Strait Islander or an Aboriginal person they will complete an “Objection to Voters Qualification” form.

If this should happen to you and you are a Torres Strait Islander or an Aboriginal person and you wish to appeal, you must sign the box called Voters Appeal and Request for Review, saying you have appealed against the Liaison Officer’s objection. The Liaison Officer will give you a form called “Advice Challenging Eligibility to Vote”, which states that you have seven days to provide proof that you are a Torres Strait Islander or an Aboriginal person to the Senior Liaison Officer, who may be contacted through the office of the Returning Officer for the Ward (for further information see section “Liaison Officers”).

You then put your envelope in the ballot box.

ABSENT VOTING

If you will be away from your Ward where you are enrolled on polling day, you can go to any polling booth in the other TSRA Ward and have an absent vote. Absent voting is the same as ordinary voting except that:

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

PRE-POLL VOTING

You can do a Pre-poll vote if you are unable to vote at a polling place on election day.

Pre-poll voting is available at the office of the Returning Officer from Monday 3 September 2012. Pre-poll voting will also be available at other locations on days and times which will be advertised by the AEC.

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

Before you hand back the voter card to the polling official, you must have the voter card signed by an office bearer of an Aboriginal and Torres Strait Islander Corporation or staff member of the TSRA. This person must go with you to the pre-poll centre. This is to say that you are a Torres Strait Islander or an Aboriginal person.

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

- Put a number '1' in the box next to the person you would most like to represent you.

OR

- If you want a stronger say in who is elected to the TSRA you may also:
 - put a number '2' in the box next to the person who is your second choice
 - a '3' in the box beside your third choice
 - and so on, until there is a number in every box.
- Put the ballot paper in the Voter Card Envelope, seal the envelope and take it to the Liaison Officer who will be next to the ballot box.

POSTAL VOTING

If you will not be able to vote at a polling place on election day, at a mobile polling place, or at a pre-poll voting centre, then you can apply to have your ballot paper sent to you through the post.

You will need to fill in an application for a postal vote, which is available from the Returning Officer or the TSRA Office. Once you have filled it in, you must send the application to the Returning Officer who will then send you a Postal Voter Card and ballot paper. It is recommended that you post your application as early as possible, but by the last mail clearance on Thursday 13 September 2012 at the latest, to allow sufficient time for the voting material to be sent to you for completion and posting before the close of poll.

When you receive your Postal Voting materials you must:

- sign the Postal Voter Card in front of a witness, who must also sign the voter card. The witness can be any person 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;
- put the ballot paper in the Postal Voter Card Envelope and seal the envelope;
- have the voter card signed by an office bearer of an Aboriginal or Torres Strait Islander Corporation or a staff member of the TSRA. This is to say that you are a Torres Strait Islander or an Aboriginal person; and
- mail the Postal Voter Card Envelope to the Returning Officer. You must mail it before polling day, which is on 15 September 2012.

HELP FOR VOTERS

If you are unable to vote without help because you have poor sight, you cannot read or write, or you are physically disabled, then this is what you should do.

At the polling place

You can choose someone to go with you and complete the Voter Card and fill out the ballot paper for you. No one else is allowed to watch. Just tell the polling official that the other person is helping you.

If you have not chosen someone to help you, then a polling official can help you, but scrutineers may watch.

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.

INFORMAL BALLOT PAPERS

A ballot paper is informal if:

- it does not show a first preference for any candidate; or
- if it has a number '1' in more than one box; or
- if there are ticks or crosses instead of numbers; or
- if it has anything written on it that may identify the voter.
- Informal ballot papers cannot be included in the count.

LIAISON OFFICERS

LIAISON OFFICER

Liaison Officers must be Torres Strait Islanders or Aboriginal people who live in the Torres Strait area. Liaison Officers must not be a candidate for the election or a member of staff or consultant to the TSRA.

The Liaison Officer's job is to protect the rights of Torres Strait Islanders and Aboriginal people in this election. Because they come from the Torres Strait area, the Liaison Officer will know most of the voters. The Liaison Officer may ask you questions to help him or her decide if you are a Torres Strait Islander or an Aboriginal person. If the Liaison Officer

believes that a voter is not a Torres Strait Islander or an Aboriginal person then they must complete an “Objection to Voters Qualification” form.

If this should happen and you believe you are a Torres Strait Islander or an Aboriginal person and wish to appeal, you must sign the box called “Voters Appeal and Request for Review”, saying you have appealed against the Liaison Officer’s objection. Then put your envelope in the ballot box. You have seven days to provide proof that you are a Torres Strait Islander or an Aboriginal person to the Senior Liaison Officer.

THE SENIOR LIAISON OFFICER

The Senior Liaison Officer must live in the TSRA area and must not be a candidate for the election or a member of staff or consultant to the TSRA. The Senior Liaison Officer’s job is to review any appeals against a decision of a Liaison Officer. They will be working at the office of the Returning Officer.

If the Liaison Officer has recorded your details and you have signed the box on the form, then you have appealed against the objection.

You have until 22 September 2012 to provide the Senior Liaison Officer with information that proves you are a Torres Strait Islander or an Aboriginal person. This information could be a letter from an Aboriginal organisation or community, a letter from the TSRA, an endorsement on the form “Advice Challenging Eligibility to Vote” given to you by the Liaison Officer at the polling booth, or any other information that will satisfy the Senior Liaison Officer that you are a Torres Strait Islander or an Aboriginal person.

The Senior Liaison Officer will form a panel with two other Torres Strait Islander or Aboriginal people to consider the information provided. The panel must inform the voter in writing telling him or her if their vote is to be counted.

COUNTING THE VOTES

Your vote is secret. Before any counting of ballot papers, the Returning Officer must first check to make sure that all voters are on the Commonwealth Electoral Roll. To do this the Returning Officer uses the personal information supplied on the Voter Cards (or Pre-Poll or Postal Voter Cards), which have been separated from the sealed envelopes containing the ballot papers. The envelope, with the ballot paper still sealed inside, are held in a sealed ballot box with all the other votes for your Ward. After the details of all the people who have voted for your Ward have been checked, the ballot box is then emptied and the votes counted.

The Returning Officer is required to allow 6 days after polling day before counting any votes if 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 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 votes, then he or she is elected.

If no candidate has more than half the votes, then the votes of the candidate with the fewest first preference votes are passed on to the candidate who has been given the voter's second preference. These are added to the first preferences the candidates already have and if any candidate now has more than half the votes, that candidate is elected. This process of excluding the candidate with the lowest number of votes and distributing his or her votes to candidates still in the count continues until a candidate has more than half the votes in the count for that Ward.

DECLARATION OF THE RESULT

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

The Returning Officer makes a statement setting out the result of the election and sends it to the Electoral Commissioner, who advises the Minister for Families, Housing, Community Services and Indigenous Affairs.

SCRUTINEERS

ROLE OF SCRUTINEERS

Scrutineers may, on behalf of the candidates, observe the voting, the counting and the distribution of preferences conducted by electoral 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 by completing a "Scrutineer Appointment Form" which you can get from the Returning Officer. The form must be signed by the candidate (a fax of the signature is acceptable). The name and address of the scrutineer must be given.

Each scrutineer must sign the agreement on the form that he or she will not try to tell the voter how to vote and that he or she will not tell anybody about how the voter filled in the ballot paper.

Only polling officials, scrutineers and electors voting or about to vote, are allowed in the polling booth during the polling. No other person can enter the polling area except by permission of the Person in Charge.

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

Candidates may also appoint scrutineers to represent them at the scrutiny (that is, during the counting of the votes). The number of scrutineers for any candidate must not be more than the number of people counting.

Separate forms are to be used to appoint scrutineers for the polling and for the counting of votes.

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 at any time to recount all or some ballot papers. Only candidates are allowed to ask for a recount before the declaration of the result of a TSRA election. A recount may be conducted electronically, either entirely or in part. If the voter's intentions will have been recorded in electronic format, the recount may be conducted by reference to that record.

The Electoral Commissioner does not have to have a recount just because a candidate requests one.

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

The Returning Officer doing a recount has the same powers as if the recount was the original count and may reverse any decision in the 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 his 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 consult their own legal advisers.

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 giving information about your nomination or campaign, it does not give formal legal advice. You must be sure of your own legal position and get advice from your own legal advisers if you think it is necessary.

CANDIDATES ELECTION MATERIAL

The Rules require that:

“A person must not print, publish or distribute or authorise to be printed, published or distributed, an electoral advertisement, handbill, pamphlet or notice unless:

- (a) the name and address (not being a post-office box) of the person who authorised the advertisement, handbill, pamphlet or notice appears at the end of it; and
- (b) in the case of an electoral advertisement, handbill, pamphlet or notice that is printed otherwise than in a newspaper - the name and place of business of the printer appears at the end of it.” [Rule 108 (1)]

The above Rule does not apply in relation to a car sticker, T-shirt, lapel button, lapel badge, pen, pencil or balloon.

Copies of the Rules are available from the TSRA Office.

ADDRESSES AND CONTACT NUMBERS

Returning Officer	Tony Anderson
Locality Address	Australian Electoral Commission, Floor 2 Commonwealth Centre 104 Grafton Street CAIRNS CITY QLD 4870 Telephone (07) 4051 7188 Fax (07) 4051 7694
Postal Address	PO Box 1146, CAIRNS QLD 4870
Australian Electoral Officer for Queensland	Australian Electoral Commission, 488 Queen Street BRISBANE QLD 4000 Telephone (07) 3834 3400 Fax (07) 3834 3403
Electoral Commissioner	Australian Electoral Commission West Block Offices Queen Victoria Terrace PARKES ACT 2600 Telephone (02) 6271 4411 Fax (02) 6271 4556
Postal Address	PO Box 6172, KINGSTON ACT 2604

ELECTORAL TIMETABLE

Gazettal of notice fixing day of polling	13 June 2012
Nominations open	17 July 2012
Close of nominations	5.00pm 15 August 2012
Close for receipt of candidates' photos	5.00pm 15 August 2012
Declaration of Nominations	16 August 2012 (within 24 hours after the close of nominations but not before noon)
Close of enrolment	5.00pm 31 August 2012
Commence postal/pre-poll voting	3 September 2012 (provided ballot papers are available)
Final date for receipt of Postal Vote Applications	13 September 2012
Polling day	15 September 2012

