
Regulations 1978 No. 11

SCHOOLS AUTHORITY REGULATIONS

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Regulations 1978 No. 11

Regulations under the *Schools Authority Ordinance 1976**

I, JOHN LESLIE CARRICK, the Minister of State for Education, hereby make the following Regulations under the *Schools Authority Ordinance 1976*.

Dated this first day of August 1978.

J. L. CARRICK
Minister of State for Education

SCHOOLS AUTHORITY REGULATIONS

PART I—PRELIMINARY

1. These Regulations may be cited as the Schools Authority Citation Regulations.

2. (1) In these Regulations, unless the contrary intention appears— Interpretation

“ Association ”, in relation to a school, means the association of persons that is the Parents and Citizens Association of the school for the purposes of Part VII of the Ordinance;

“ electoral meeting ” means an electoral meeting under regulation 4, 23 or 42, as the case may be;

“ school ” means—

- (a) primary school;
- (b) high school; or
- (c) secondary college;

“ school day ”, in relation to a school, means a day during which school classes or other activities in accordance with the educational programme of the school are conducted;

“ school vacation period ” does not include a public holiday that falls outside a school vacation period;

“ the Ordinance ” means the *Schools Authority Ordinance 1976*.

* Notified in the *Commonwealth of Australia Gazette* on 15 August 1978.

(2) A reference in these Regulations to the President of the Association of a school shall be read as a reference to the president or other principal officer of the Association.

(3) A reference in these Regulations to the Student Council of a school is a reference to the organization (if any) of students at the school that is declared by the Authority to be the Student Council of the school for the purposes of these Regulations.

(4) Where these Regulations authorize or require a notice in writing to be given to a person, the notice may, at the discretion of the person authorized or required to give the notice, be given to the first-mentioned person by post addressed to him at his address last-known to the person authorized or required to give the notice.

(5) A reference in these Regulations to a returning officer is—

(a) in the case of a reference in Part IV—a reference to the returning officer or an assistant returning officer appointed under that Part; and

(b) in any other case—a reference to the returning officer appointed under the Part in which the reference occurs.

PART II—ELECTION OF TEACHERS' REPRESENTATIVES

Application

3. This Part applies to, and in relation to, an election of a member or members of the board of a school to represent teachers employed at the school.

Principal to convene electoral meeting of teachers

4. (1) Within 7 days after the day on which the first term in a year commences at a school, the principal of the school shall convene an electoral meeting of teachers employed at the school.

(2) Within 7 days after a vacancy occurs in the office of a member of the board of a school, being a member referred to in paragraph 40 (1)(c), 41 (1)(c) or 42 (1)(c) of the Ordinance, the principal of the school shall convene an electoral meeting of teachers employed at the school.

(3) An electoral meeting of teachers employed at a school shall be convened by giving to each teacher so employed notice in writing stating—

(a) the date on which, and the time and place at which, the meeting will be held; and

(b) the business to be transacted at the meeting.

(4) At an electoral meeting of teachers, the following business shall be transacted:

(a) the appointment of a returning officer for the purposes of the election;

- (b) the determination whether voting at the election is to be conducted at a meeting of teachers or by the delivery of ballot-papers to a polling-place;
- (c) the determination whether scrutineers may be appointed for the purposes of the election;
- (d) the determination of the place at which, and the period during which, voting at the election shall be conducted;
- (e) the determination of the last day on which nominations of candidates for election may be submitted, being a date not less than 7 days before the date of the election; and
- (f) the determination of the order in which the names of candidates shall appear on the ballot-paper.

5. A nomination of a candidate for election is not effective for the purposes of this Part unless— Nomination of candidates

- (a) the candidate is a person who is eligible to vote at the election;
- (b) the nomination is in writing signed by 2 persons each of whom is eligible to vote in the election but is not the returning officer for the purposes of the election;
- (c) the nomination has endorsed on it the consent of the candidate to the nomination; and
- (d) the nomination is delivered to the returning officer not less than 7 days before the day, or the first day, as the case may be, on which voting is to take place.

6. A person who is employed as a teacher at the school is eligible to vote at an election under this Part. Eligibility to vote

7. A person is not eligible for appointment as returning officer unless he is employed as a teacher at the school on a full-time basis. Returning officer

8. (1) Where the number of nominations received by the returning officer does not exceed the number of members of the board to be elected, the returning officer shall declare each candidate nominated to have been elected. Returning officer to declare nominations

(2) Where the number of nominations received by the returning officer exceeds the number of candidates to be elected, the returning officer shall conduct a ballot in accordance with the determinations of the electoral meeting of teachers.

9. Subject to these Regulations, a ballot-paper for use at an election shall be in accordance with a form approved by the returning officer. Form of ballot-paper

Order of names on ballot-paper

10. Unless otherwise determined by the electoral meeting, the order in which the names of candidates are to appear on a ballot-paper shall be in alphabetical order of the surnames.

Marking of ballot-paper

11. A person shall vote at an election by placing a mark on the ballot-paper opposite the name of each person for whom he wishes to vote.

Ballot-paper to be initialled by returning officer

12. A ballot-paper is informal unless it was initialled by the returning officer before being issued by him to a voter.

Voter may vote once only

13. A person may vote once only in a ballot at an election.

Provision of ballot-box

14. For the purpose of voting at an election conducted otherwise than at a meeting of teachers, the returning officer shall provide an empty ballot-box locked or sealed for the reception of ballot-papers.

Scrutineers

15. (1) Where the electoral meeting of teachers has determined that scrutineers may be appointed for the purposes of the election, a candidate for election is entitled to appoint 1 scrutineer for the purposes of the election.

(2) A person shall not be appointed as a scrutineer unless he is employed as a teacher at the school on a full-time basis.

(3) An appointment of a scrutineer shall be by instrument in writing signed by the candidate and specifying the name and residential address of the person appointed.

(4) An appointment of a scrutineer takes effect when the instrument of appointment is delivered to the returning officer.

(5) A scrutineer is entitled, at any reasonable time—

(a) to inspect nominations; and

(b) to inspect the ballot-papers prepared for use at the election.

(6) A scrutineer is entitled—

(a) to observe the delivery of ballot-papers to voters and the placing of ballot-papers in the ballot-box; and

(b) to be present when the ballot-box is opened and the result of the election ascertained.

(7) The returning officer shall take all reasonable steps to enable a scrutineer to exercise the rights conferred on him by this regulation.

The scrutiny

16. The result of the voting shall be ascertained by scrutiny.

17. All proceedings at the scrutiny shall be open to the inspection of the scrutineers.

Proceedings to be open to inspection of scrutineers

18. (1) At the close of the voting, the returning officer shall—

Scrutiny of votes

- (a) open the ballot-box;
- (b) reject all ballot-papers that are informal; and
- (c) count the votes cast for each candidate, disregarding votes marked on informal ballot-papers.

(2) Where 1 member of the board is to be elected, the candidate who receives the higher or highest number of votes, as the case may be, shall be taken to have been elected.

(3) Where 2 members of the board are to be elected, the 2 candidates who receive the highest number of votes, respectively, or who receive the same number of votes, being a number greater than the number of votes received by any other candidate, shall be taken to have been elected.

(4) As soon as is reasonably practicable after the result of the voting has been ascertained, the returning officer shall prepare and sign a statement specifying—

- (a) the number of persons to whom ballot-papers were issued;
- (b) the number of ballot-papers removed from the ballot-box when it was opened;
- (c) the number of ballot-papers rejected as informal; and
- (d) the number of votes cast for each candidate.

(5) The statement prepared for the purpose of sub-regulation (4) shall be delivered to the Authority.

19. Where, by reason of 2 or more candidates having received the same number of votes, it is not possible to determine the result of the election, the returning officer shall decide by lot which candidate or candidates of those who received the same number of votes shall be excluded so as to determine the result of the election.

Proceedings where voting for 2 or more candidates equal

20. (1) When the result of an election has been determined, the returning officer shall declare the result of the election—

Declaration of result of election

- (a) at a meeting of teachers; or
- (b) by notice in writing affixed to a staff notice board of the school.

(2) The returning officer shall give to the Authority notice in writing of the result of an election.

Destruction
of
ballot-
papers

21. Subject to any other law in force in the Territory and the requirements of any process of a court, the returning officer shall destroy the ballot-papers used at an election as soon as practicable after the expiration of the period of 6 weeks after the date on which the result of the election was declared.

PART III—ELECTION OF PARENTS AND CITIZENS' REPRESENTATIVES

Application

22. This Part applies to, and in relation to, an election of a member or members of the board of a school to represent parents and citizens.

Parents and
Citizens
Association
to convene
electoral
meeting of
parents and
citizens

23. (1) During the period commencing on 1 October and ending on the first school day of the next succeeding year, the Association of a school shall convene an electoral meeting of members of the Association.

(2) At an electoral meeting of members of the Association, the following business shall be transacted:

- (a) the appointment of a returning officer for the purposes of the election;
- (b) the determination whether voting at the election is to be conducted at a meeting of eligible voters, by the delivery of ballot-papers to a polling-place or by postal ballot;
- (c) the determination whether scrutineers may be appointed for the purposes of the election;
- (d) the determination of the place at which, and the period during which, voting at the election shall be conducted;
- (e) the determination whether notice of the election is to be given in a newspaper circulating in the Territory;
- (f) the determination of the last day on which nominations of candidates for election may be submitted, being a date not less than 7 days before the date of the election; and
- (g) the determination of the order in which the names of candidates shall appear on the ballot-paper.

Nomin-
ation of
candidate

24. (1) Subject to regulation 27, a nomination of a candidate for election is not effective for the purposes of this Part unless—

- (a) the candidate is a person who is eligible to vote at the election;
- (b) the nomination is in writing signed by 2 persons each of whom is eligible to vote in the elections but is not the returning officer for the purposes of the election;
- (c) the nomination has endorsed on it the consent of the candidate to the nomination; and
- (d) the nomination is delivered to the returning officer not less than 7 days before the day, or the first day, as the case may be, on which voting is to take place.

(2) A teacher at the school is not entitled to be nominated.

25. The following persons are eligible to vote at an election under this Part: Eligibility to vote

- (a) a parent or guardian of a student at the school (including a teacher who is such a parent or guardian);
- (b) a member of the Association of the school, not being a teacher or student at the school; and
- (c) a person who has attained the age of 18 years, being a person—
 - (i) who is resident in such area in relation to the school as is defined by the Authority for the purpose of this regulation after consultation with the board; and
 - (ii) whose name has, at his request, been entered, not later than the last day for the close of nominations of candidates for election, on a roll maintained for the purpose by or on behalf of the principal of the school.

26. A person is not eligible for appointment as returning officer unless he is eligible to vote at an election under this Part. Returning officer

27. (1) Where the number of nominations received by the returning officer does not exceed the number of members of the board to be elected, the returning officer shall declare each candidate nominated to have been elected. Returning officer to declare nominations

(2) Where the number of nominations received by the returning officer is less than the number of members of the board to be elected, the returning officer shall—

- (a) request the President of the Association to nominate such number of candidates for election as, together with the number of nominations of candidates received by the returning officer, corresponds to the number of members of the Board to be elected; and
- (b) if satisfied that each candidate so nominated by the President of the Association—
 - (i) is eligible to vote in the election; and
 - (ii) consents to his being nominated for election, declare the candidate to have been elected.

(3) Where the number of nominations received by the returning officer exceeds the number of candidates to be elected, the returning officer shall conduct a ballot in accordance with the determinations of the electoral meeting of members of the Association.

Form of
ballot-paper

28. Subject to these Regulations, a ballot-paper for use at an election shall be in accordance with a printed form approved by the returning officer.

Order of
names on
ballot-paper

29. Unless otherwise determined by the electoral meeting, the order in which the names of candidates are to appear on a ballot-paper shall be in alphabetical order of the surnames.

Marking of
ballot-paper

30. A person shall vote at an election by placing a mark on the ballot-paper opposite the name of each person for whom he wishes to vote.

Ballot-paper
to be
initialled by
returning
officer

31. A ballot-paper is informal unless it was initialled by the returning officer before being issued by him to a voter.

Voter may
vote once
only

32. A person may vote once only in a ballot at an election.

Provision of
ballot-box

33. For the purpose of voting at an election conducted otherwise than at a meeting of eligible voters, the returning officer shall provide an empty ballot-box locked or sealed for the reception of ballot-papers.

Scrutineers

34. (1) Where the electoral meeting of eligible voters has determined that scrutineers may be appointed for the purposes of the election, a candidate for election is entitled to appoint 1 scrutineer for the purposes of the election.

(2) A person shall not be appointed as a scrutineer unless he is an eligible voter.

(3) An appointment of a scrutineer shall be by instrument in writing signed by the candidate and specifying the name and residential address of the person appointed.

(4) An appointment of a scrutineer takes effect when the instrument of appointment is delivered to the returning officer.

(5) A scrutineer is entitled, at any reasonable time—

(a) to inspect nominations; and

(b) to inspect the ballot-papers prepared for use at the election.

(6) A scrutineer is entitled—

(a) to observe the delivery of ballot-papers and the placing of ballot-papers in the ballot-box; and

(b) to be present when the ballot-box is opened and the result of the election ascertained.

(7) The returning officer shall take all reasonable steps to enable a scrutineer to exercise the rights conferred on him by this regulation.

- 35.** The result of the voting shall be ascertained by scrutiny. The scrutiny
- 36.** All proceedings at the scrutiny shall be open to the inspection of scrutineers. Proceedings to be open to inspection of scrutineers
- 37.** (1) At the close of the voting, the returning officer shall— Scrutiny of votes
- (a) open the ballot-box;
 - (b) reject all ballot-papers that are informal; and
 - (c) count the votes cast for each candidate, disregarding votes marked on informal ballot-papers.
- (2) Where 1 member of the board is to be elected, the candidate who receives the higher or highest number of votes, as the case may be, shall be taken to have been elected.
- (3) Where 2 members of the board are to be elected, the 2 candidates who receive the highest number of votes and the next highest number of votes, respectively, or who receive the same number of votes, being a number greater than the number of votes received by any other candidate, shall be taken to have been elected.
- (4) Where 3 members of the board are to be elected, the 3 candidates who receive the 3 highest number of votes or who receive the same number of votes, being a number greater than the number of votes received by any other candidate, shall be taken to have been elected.
- (5) As soon as is reasonably practicable after the result of the voting has been ascertained, the returning officer shall prepare and sign a statement specifying—
- (a) the number of persons to whom ballot-papers were issued;
 - (b) the number of ballot-papers removed from the ballot-box when it was opened;
 - (c) the number of ballot-papers rejected as informal; and
 - (d) the number of votes cast for each candidate.
- (6) The statement prepared for the purpose of sub-regulation (5) shall be delivered to the Authority.
- 38.** Where, by reason of 2 or more candidates having received the same number of votes, it is not possible to determine the result of the election, the returning officer shall decide by lot which candidate or candidates of those who receive the same number of votes shall be excluded so as to determine the result of the election. Proceedings where voting for 2 or more candidates equal

Declaration
of result
of election

39. (1) When the result of an election has been determined, the returning officer shall declare the result of the election—

- (a) at a meeting of eligible voters; or
- (b) by notice in writing published in a circular or newsletter of the school.

(2) The returning officer shall give to the Authority notice in writing of the result of an election.

Destruction
of ballot-
papers

40. Subject to any other law in force in the Territory and the requirements of any process of a court, the returning officer shall destroy the ballot-papers used at an election as soon as practicable after the expiration of 6 weeks after the date on which the result of the election was declared.

PART IV—ELECTION OF STUDENTS' REPRESENTATIVES

Application

41. This Part applies to, and in relation to, an election of a member or members of the board of a high school or secondary college to represent students at the school.

Principal to
convene
electoral
meeting of
students

42. (1) Within 7 days after the day on which the first term in a year commences at a school, the principal of the school shall convene an electoral meeting of the Student Council of the school or, if there is no Student Council of the school, of the students at the school.

(2) Within 7 days after a vacancy occurs in the office of a member of the board of a school, being a member referred to in paragraph 41 (1) (e) or paragraph 42 (1) (e) of the Ordinance, the principal of the school shall convene an electoral meeting of the Student Council of the school or, if there is no Student Council of the school, of the students at the school.

(3) At an electoral meeting of the Student Council or of the students, the following business shall be transacted:

- (a) the appointment of a returning officer for the purposes of the election and, if so desired, 1 or more assistant returning officers;
- (b) the determination whether voting at the election is to be conducted at a meeting of students or by the delivery of ballot-papers to a polling-place;
- (c) the determination whether scrutineers may be appointed for the purposes of the election;
- (d) the determination of the place at which, and the period during which, voting at the election shall be conducted;
- (e) the determination of the last day on which nominations of candidates for election may be submitted, being a date not less than 7 days before the date of the election; and
- (f) the determination of the order in which the names of candidates shall appear on the ballot-paper.

43. A nomination of a candidate for election is not effective for the purposes of this Part unless— Nomination of candidates

- (a) the candidate is a person who is eligible to vote at the election;
- (b) the nomination is in writing signed by 2 persons each of whom is eligible to vote in the election and is not the returning officer for the purposes of the election;
- (c) the nomination has endorsed on it the consent of the candidate to the nomination; and
- (d) the nomination is delivered to the returning officer not less than 7 days before the day, or the first day, as the case may be, on which voting is to take place.

44. (1) In respect of an election to the board of a high school, a full-time student in year 7, 8, 9 or 10 at the school at which he is enrolled is eligible to vote. Eligibility to vote

(2) In respect of an election to the board of a secondary college, a person enrolled at the college as a student in a secondary education course, whether on a full-time or part-time basis, is eligible to vote.

45. A person is not eligible for appointment as returning officer unless he is a full-time student at the school. Returning officer

46. (1) Where the number of nominations received by the returning officer does not exceed the number of members of the board to be elected, the returning officer shall conduct a ballot in accordance with the determinations of the electoral meeting of the Student Council or of the students. Returning officer to declare nominations

(2) Where the number of nominations received by the returning officer exceeds the number of candidates to be elected, the returning officer shall conduct a ballot.

47. Subject to these Regulations, a ballot-paper for use at an election shall be in accordance with a printed form approved by the returning officer. Form of ballot-paper

48. Unless otherwise determined by the electoral meeting, the order in which the names of candidates are to appear on a ballot-paper shall be in alphabetical order of the surnames. Order of names on ballot-paper

49. A person shall vote at an election by placing a mark on the ballot-paper opposite the name of each person for whom he wishes to vote. Marking of ballot-paper

Ballot-paper to be initialled by returning officer

50. A ballot-paper is informal unless it was initialled by the returning officer or an assistant returning officer before being issued by him to a voter.

Voter may vote once only

51. A person may vote once only in a ballot at an election.

Provision of ballot-box

52. For the purpose of voting at an election conducted otherwise than at a meeting of students, the returning officer shall provide an empty ballot-box locked or sealed for the reception of ballot-papers.

Scrutineers

53. (1) Where an electoral meeting of students has determined that scrutineers may be appointed for the purposes of the election, a candidate for election is entitled to appoint 1 scrutineer for the purposes of the election.

(2) A person shall not be appointed as a scrutineer unless he is an eligible voter.

(3) An appointment of a scrutineer shall be by instrument in writing signed by the candidate and specifying the name and residential address of the person appointed.

(4) An appointment of a scrutineer takes effect when the instrument of appointment is delivered to the returning officer.

(5) A scrutineer is entitled, at any reasonable time—

(a) to inspect nominations; and

(b) to inspect the ballot-papers prepared for use at the election.

(6) A scrutineer is entitled—

(a) to observe the delivery of ballot-papers and the placing of ballot-papers in the ballot-box; and

(b) to be present when the ballot-box is opened and the result of the election ascertained.

(7) The returning officer shall take all reasonable steps to enable a scrutineer to exercise the rights conferred on him by this regulation.

The scrutiny

54. The result of the voting shall be ascertained by scrutiny.

Proceedings to be open to inspection of scrutineers

55. All proceedings at the scrutiny shall be open to the inspection of scrutineers.

Scrutiny of votes

56. (1) At the close of the voting, the returning officer shall—

(a) open the ballot-box;

(b) reject all ballot-papers that are informal; and

- (c) count the votes cast for each candidate, disregarding votes marked on informal ballot-papers.

(2) Where 1 member of the board is to be elected, the candidate who receives the higher or highest number of votes, as the case may be, shall be taken to have been elected.

(3) Where 2 members of the board are to be elected, the 2 candidates who receive the highest number of votes and the next highest number of votes, respectively, or who receive the same number of votes, being a number greater than the number of votes received by any other candidate, shall be taken to have been elected.

(4) As soon as is reasonably practicable after the result of the voting has been ascertained, the returning officer shall prepare and sign a statement specifying—

- (a) the number of persons to whom ballot-papers were issued;
- (b) the number of ballot-papers removed from the ballot-box when it was opened;
- (c) the number of ballot-papers rejected as informal; and
- (d) the number of votes cast for each candidate.

(5) The statement prepared for the purpose of sub-regulation (4) shall be delivered to the Authority.

57. Where, by reason of 2 or more candidates having received the same number of votes, it is not possible to determine the result of the election, the returning officer shall decide by lot which candidate or candidates of those who received the same number of votes shall be excluded so as to determine the result of the election.

Proceedings where voting for 2 or more candidates equal

58. (1) When the result of an election has been determined, the returning officer shall declare the result of the election—

Declaration of result of election

- (a) at a meeting of students; or
- (b) by notice in writing affixed to a students' notice board of the school.

(2) The returning officer shall give to the Authority notice in writing of the result of an election.

59. Subject to any other law in force in the Territory and the requirements of any process of a court, the returning officer shall destroy the ballot-papers used at an election as soon as practicable after the expiration of the period of 6 weeks after the date on which the result of the election was declared.

Destruction of ballot-papers

PART V—AVOIDANCE OF ELECTION, ETC.

Authority's powers with respect to ordering new election

60. (1) Where—

- (a) within 6 weeks after the holding of an election, the Authority receives from a returning officer, candidate or voter a petition alleging an impropriety or irregularity in the conduct of the election and asking the Authority to exercise its powers under this regulation; and
- (b) after such inquiry into the matter as it considers necessary, the Authority is satisfied that such an impropriety or irregularity as might have affected the result of the election has occurred in the conduct of the election,

the Authority may declare the election to be void and direct that a new election be held.

(2) Where the Authority directs that a new election be held, it shall give such instructions as it considers necessary for the holding of the election as nearly as practicable in accordance with these Regulations.

Review of decision of Authority by Administrative Appeals Tribunal

61. Application may be made to the Administrative Appeals Tribunal for a review of a decision of the Authority—

- (a) declaring an election to be void and directing that a new election be held; or
- (b) refusing such a declaration and direction.

Ensuring holding of election

62. (1) Where an electoral meeting has not been convened as required by these Regulations, the Chief Education Officer or his delegate shall—

- (a) appoint an eligible person as returning officer for the purposes of the election;
- (b) determine whether voting at the election shall be conducted at a meeting of eligible voters or by the delivery of ballot-papers to a polling-place or, in the case of an election under Part III, by postal ballot;
- (c) determine whether scrutineers may be appointed for the purposes of the election;
- (d) determine the place at which, and the period during which, voting at the election shall be conducted;
- (e) determine the last day on which nominations of candidates for election may be submitted, being a date not less than 7 days before the date of the election; and
- (f) determine the order in which the names of candidates shall appear on the ballot-paper.

(2) Where a person is unable to perform a duty in connexion with an election under these Regulations, the Authority shall—

- (a) appoint such person; and
- (b) give such instructions,

as it considers necessary for the holding of the election as nearly as practicable in accordance with the other provisions of these Regulations.

(3) Notwithstanding anything in these Regulations, an appointment or determination made under sub-regulation (1) is as valid and effectual as if made at an electoral meeting convened as required by these Regulations.

(4) In this regulation, “eligible person” means a person eligible, under the appropriate Part, to be appointed as returning officer.

PART VI—TRANSITIONAL

63. For the purposes only of the first election of members of the board of a school—

Convening
of first
electoral
meeting

- (a) the references in sub-regulations 4 (1) and 42 (1) to the period within which the principal of the school shall convene an electoral meeting shall be read as references to a period of 1 month after; and
- (b) the reference in sub-regulation 23 (1) to the period within which the Association of the school shall convene an electoral meeting shall be read as a reference to a period of 3 months after,

the date specified in a direction of the Authority as the date on and from which the school shall have a board or the date of commencement of these Regulations, whichever is the later.