



Australian Capital Territory

# **Schools Authority Regulations 1978 No 11**

made under the

**Schools Authority Act 1976**

## **Republication No 3**

Republication date: 12 June 2002

Last amendment made by Act 2001 No 44

Amendments incorporated to 12 September 2001

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Schools Authority Regulations 1978*, made under the *Schools Authority Act 1976* as in force on 12 June 2002. It includes any amendment, repeal or expiry affecting the republished law to 12 September 2001 and any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes).

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

### Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.

Amendments incorporated to  
12 September 2001



Australian Capital Territory

# Schools Authority Regulations 1978

made under the

**Schools Authority Act 1976**

## Contents

---

	Page	
<b>Part 1</b>	<b>Preliminary</b>	
1	Name of regulations	2
2	Interpretation for regulations	2
<b>Part 2</b>	<b>Election of teachers' representatives</b>	
3	Application of pt 2	4
4	Principal to call electoral meeting of teachers	4
5	Nomination of candidates	5
6	Eligibility to vote	5
7	Returning officer	5
8	Returning officer to declare nominations	6
9	Form of ballot paper	6

---

## Contents

---

	Page	
10	Order of names on ballot paper	6
11	Marking of ballot paper	6
12	Ballot paper to be initialled by returning officer	6
13	Voter may vote once only	6
14	Provision of ballot box	7
15	Scrutineers	7
16	The scrutiny	8
17	Proceedings to be open to inspection of scrutineers	8
18	Scrutiny of votes	8
19	Proceedings if voting for 2 or more candidates equal	9
20	Declaration of result of election	9
21	Destruction of ballot papers	9
<b>Part 3</b>	<b>Election of parents and citizens' representatives</b>	
22	Application of pt 3	10
23	Parents and citizens association to call electoral meeting of parents and citizens	10
24	Nomination of candidate	11
25	Eligibility to vote	11
26	Returning officer	12
27	Returning officer to declare nominations	12
28	Form of ballot paper	12
29	Order of names on ballot paper	13
30	Marking of ballot paper	13
31	Ballot paper to be initialled by returning officer	13
32	Voter may vote once only	13
33	Provision of ballot box	13
34	Scrutineers	13
35	The scrutiny	14
36	Proceedings to be open to inspection of scrutineers	14
37	Scrutiny of votes	14
38	Proceedings if voting for 2 or more candidates equal	15
39	Declaration of result of election	15
40	Destruction of ballot papers	16

---

	Page
<b>Part 4</b>	<b>Election of students' representatives</b>
41	Application of pt 4 17
42	Principal to call electoral meeting of students 17
43	Nomination of candidates 18
44	Eligibility to vote 18
45	Returning officer 18
46	Returning officer to declare nominations 19
47	Form of ballot paper 19
48	Order of names on ballot paper 19
49	Marking of ballot paper 19
50	Ballot paper to be initialled by returning officer 19
51	Voter may vote once only 19
52	Provision of ballot box 20
53	Scrutineers 20
54	The scrutiny 21
55	Proceedings to be open to inspection of scrutineers 21
56	Scrutiny of votes 21
57	Proceedings if voting for 2 or more candidates equal 22
58	Declaration of result of election 22
59	Destruction of ballot papers 22
<b>Part 5</b>	<b>Avoidance of election etc</b>
60	Authority's powers in relation to ordering new election 23
61	Review of decision of authority by administrative appeals tribunal 23
62	Ensuring holding of election 23
<b>Part 6</b>	<b>Transitional</b>
63	Calling of first electoral meeting 25
<b>Endnotes</b>	
1	About the endnotes 26
2	Abbreviation key 26
3	Legislation history 27
4	Amendment history 27
5	Earlier republications 28



Amendments incorporated to  
12 September 2001



Australian Capital Territory

# Schools Authority Regulations 1978

---

made under the

**Schools Authority Act 1976**

---

## Part 1 Preliminary

### 1 Name of regulations

These regulations are the *Schools Authority Regulations 1978*.

### 2 Interpretation for regulations

(1) In these regulations:

*Note* A definition applies except so far as the contrary intention appears (see *Legislation Act 2001*, s 155).

**association**, in relation to a school, means the association of persons that is the parents and citizens association of the school for the Act, part 7.

**electoral meeting** means an electoral meeting under regulation 4, 23 or 42, as the case may be.

**school** means—

- (a) primary school; or
- (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 program of the school are conducted.

**school vacation period** does not include a public holiday that falls outside a school vacation period.

- (2) A reference in these regulations to the **president** of the association of a school is 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 organisation (if any) of students at the school that

is declared by the authority to be the student council of the school for these regulations.

- (4) If these regulations authorise or require written notice to be given to a person, the notice may, at the discretion of the person authorised or required to give the notice, be given to the firstmentioned person by post addressed to him or her at his or her address last known to the person authorised or required to give the notice.
- (5) A reference in these regulations to a *returning officer* is—
  - (a) for a reference in part 4—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 where the reference occurs.

## **Part 2 Election of teachers' representatives**

### **3 Application of pt 2**

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.

### **4 Principal to call electoral meeting of teachers**

- (1) Within 7 days after the day when the first term in a year begins at a school, the principal of the school shall call 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 the Act, section 40 (1) (c), 41 (1) (c) or 42 (1) (c), the principal of the school shall call an electoral meeting of teachers employed at the school.
- (3) An electoral meeting of teachers employed at a school shall be called by giving to each teacher so employed written notice stating—
  - (a) the date and time when, and the place where, 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 where, and the period during which, voting at the election shall be conducted;
- (e) the determination of the last day when nominations of candidates for election may be submitted, being a date not less than 7 days before the date of the election;
- (f) the determination of the order in which the names of candidates shall appear on the ballot paper.

## **5 Nomination of candidates**

A nomination of a candidate for election is not effective for this part unless—

- (a) the candidate is a person who is eligible to vote at the election; and
- (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; and
- (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, when voting is to take place.

## **6 Eligibility to vote**

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

## **7 Returning officer**

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

**8 Returning officer to declare nominations**

- (1) If 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.
- (2) If 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 Form of ballot paper**

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

**10 Order of names on ballot paper**

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.

**11 Marking of ballot paper**

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

**12 Ballot paper to be initialled by returning officer**

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

**13 Voter may vote once only**

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

**14 Provision of ballot box**

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.

**15 Scrutineers**

- (1) If 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 or she 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 given to him or her by this regulation.

**16 The scrutiny**

The result of the voting shall be ascertained by scrutiny.

**17 Proceedings to be open to inspection of scrutineers**

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

**18 Scrutiny of votes**

- (1) At the close of the voting, the returning officer shall—
  - (a) open the ballot box; and
  - (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) If 1 member of the board is to be elected, the candidate who receives the higher or highest number of votes shall be taken to have been elected.
- (3) If 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; and
  - (b) the number of ballot papers removed from the ballot box when it was opened; and
  - (c) the number of ballot papers rejected as informal; and
  - (d) the number of votes cast for each candidate.

- (5) The statement prepared for subregulation (4) shall be given to the authority.

**19 Proceedings if voting for 2 or more candidates equal**

If, because 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.

**20 Declaration of result of election**

- (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 teachers; or
  - (b) by written notice attached to a staff notice board of the school.
- (2) The returning officer shall give to the authority written notice of the result of an election.

**21 Destruction of ballot papers**

Subject to any other law in force in the ACT 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 end of 6 weeks after the date the result of the election was declared.

## **Part 3 Election of parents and citizens' representatives**

### **22 Application of pt 3**

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.

### **23 Parents and citizens association to call electoral meeting of parents and citizens**

- (1) During the period beginning on 1 October and ending on the first school day of the next year, the association of a school shall call 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 where, 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 ACT;
  - (f) the determination of the last day when 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.

**24 Nomination of candidate**

- (1) Subject to regulation 27, a nomination of a candidate for election is not effective for this part unless—
  - (a) the candidate is a person who is eligible to vote at the election; and
  - (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; and
  - (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, when voting is to take place.
- (2) A teacher at the school is not entitled to be nominated.

**25 Eligibility to vote**

The following persons are eligible to vote at an election under this part:

- (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, other than a teacher or student at the school;
- (c) a person who is at least 18 years old, being a person—
  - (i) who is resident in such area in relation to the school as is defined by the authority for this regulation after consultation with the board; and
  - (ii) whose name has, at his or her 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 Returning officer**

A person is not eligible for appointment as returning officer unless he or she is eligible to vote at an election under this part.

**27 Returning officer to declare nominations**

- (1) If 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.
- (2) If 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 or her being nominated for election,declare the candidate to have been elected.
- (3) If 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.

**28 Form of ballot paper**

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.

**29 Order of names on ballot paper**

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.

**30 Marking of ballot paper**

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

**31 Ballot paper to be initialled by returning officer**

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

**32 Voter may vote once only**

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

**33 Provision of ballot box**

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.

**34 Scrutineers**

- (1) If 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 or she 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 given to him or her by this regulation.

### **35 The scrutiny**

The result of the voting shall be ascertained by scrutiny.

### **36 Proceedings to be open to inspection of scrutineers**

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

### **37 Scrutiny of votes**

- (1) At the close of the voting, the returning officer shall—
  - (a) open the ballot box; and
  - (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) If 1 member of the board is to be elected, the candidate who receives the higher or highest number of votes, shall be taken to have been elected.

- (3) If 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) If 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; and
  - (b) the number of ballot papers removed from the ballot box when it was opened; and
  - (c) the number of ballot papers rejected as informal; and
  - (d) the number of votes cast for each candidate.
- (6) The statement prepared for subregulation (5) shall be given to the authority.

### **38 Proceedings if voting for 2 or more candidates equal**

If, because 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.

### **39 Declaration of result of election**

- (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

**Part 3** Election of parents and citizens' representatives

Regulation 40

---

- (b) by written notice published in a circular or newsletter of the school.
- (2) The returning officer shall give to the authority written notice of the result of an election.

**40 Destruction of ballot papers**

Subject to any other law in force in the ACT 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 end of 6 weeks after the date when the result of the election was declared.

## **Part 4 Election of students' representatives**

### **41 Application of pt 4**

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.

### **42 Principal to call electoral meeting of students**

- (1) Within 7 days after the day when the first term in a year begins at a school, the principal of the school shall call 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 the Act, section 41 (1) (e) or 42 (1) (e), the principal of the school shall call 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 where, and the period during which, voting at the election shall be conducted;

- (e) the determination of the last day when nominations of candidates for election may be submitted, being a date not less than 7 days before the date of the election;
- (f) the determination of the order in which the names of candidates shall appear on the ballot paper.

#### **43 Nomination of candidates**

A nomination of a candidate for election is not effective for this part unless—

- (a) the candidate is a person who is eligible to vote at the election; and
- (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; and
- (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, when voting is to take place.

#### **44 Eligibility to vote**

- (1) In relation to an election to the board of a high school, a full-time student in year 7, 8, 9 or 10 at the school where he or she is enrolled is eligible to vote.
- (2) In relation to 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 Returning officer**

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

**46 Returning officer to declare nominations**

- (1) If 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.
- (2) If 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 the student council or students, as the case may be.

**47 Form of ballot paper**

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.

**48 Order of names on ballot paper**

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.

**49 Marking of ballot paper**

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

**50 Ballot paper to be initialled by returning officer**

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

**51 Voter may vote once only**

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

**52 Provision of ballot box**

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.

**53 Scrutineers**

- (1) If 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 or she 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 given to him or her by this regulation.

**54 The scrutiny**

The result of the voting shall be ascertained by scrutiny.

**55 Proceedings to be open to inspection of scrutineers**

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

**56 Scrutiny of votes**

- (1) At the close of the voting, the returning officer shall—
  - (a) open the ballot box; and
  - (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) If 1 member of the board is to be elected, the candidate who receives the higher or highest number of votes, shall be taken to have been elected.
- (3) If 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; and
  - (b) the number of ballot papers removed from the ballot box when it was opened; and
  - (c) the number of ballot papers rejected as informal; and
  - (d) the number of votes cast for each candidate.

- (5) The statement prepared for subregulation (4) shall be given to the authority.

**57 Proceedings if voting for 2 or more candidates equal**

If, because 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.

**58 Declaration of result of election**

- (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 students; or
  - (b) by written notice attached to a students' notice board of the school.
- (2) The returning officer shall give to the authority written notice of the result of an election.

**59 Destruction of ballot papers**

Subject to any other law in force in the ACT 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 end of 6 weeks after the date when the result of the election was declared.

## **Part 5                      Avoidance of election etc**

### **60     Authority's powers in relation to ordering new election**

- (1) If—
- (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 any inquiry into the matter 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) If the authority directs that a new election be held, it shall give the instructions it considers necessary for the holding of the election as nearly as practicable in accordance with these regulations.

### **61     Review of decision of authority by administrative appeals tribunal**

Application may be made to the administrative appeals tribunal for a review of a decision of the authority—

- (a) under regulation 60 (1) to declare an election to be void and to direct that a new election be held; or
- (b) under regulation 60 (1) to refuse to make the declaration and direction.

### **62     Ensuring holding of election**

- (1) If an electoral meeting has not been called as required by these regulations, the chief education officer or his or her delegate shall—

- (a) appoint an eligible person as returning officer for the purposes of the election; and
  - (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, for an election under part 3, by postal ballot; and
  - (c) determine whether scrutineers may be appointed for the purposes of the election; and
  - (d) determine the place where, and the period during which, voting at the election shall be conducted; and
  - (e) determine the last day when 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) If a person is unable to perform a duty in connection with an election under these regulations, the authority shall—
- (a) appoint the person; and
  - (b) give the instructions;
- that it considers necessary for the holding of the election as nearly as practicable in accordance with the other provisions under these regulations.
- (3) Notwithstanding anything in these regulations, an appointment or determination made under subregulation (1) is as valid and effectual as if made at an electoral meeting called 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 6 Transitional

### 63 Calling of first electoral meeting

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

- (a) the references in regulations 4 (1) and 42 (1) to the period within which the principal of the school shall call an electoral meeting are references to a period of 1 month after; and
- (b) the reference in regulation 23 (1) to the period within which the association of the school shall call an electoral meeting is 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.

## Endnotes

1 About the endnotes

---

## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

### 2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	p = page
cl = clause	par = paragraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	prov = provision
exp = expires/expired	pt = part
Gaz = Gazette	r = rule/subrule
hdg = heading	reg = regulation/subregulation
IA = Interpretation Act 1967	renum = renumbered
ins = inserted/added	reloc = relocated
LA = Legislation Act 2001	R[X] = Republication No
LR = legislation register	s = section/subsection
LRA = Legislation (Republication) Act 1996	sch = schedule
mod = modified / modification	sdiv = subdivision
No = number	sub = substituted
num = numbered	SL = Subordinate Law
o = order	<u>underlining</u> = whole or part not commenced or to be expired
om = omitted/repealed	

### 3 Legislation history

The *Schools Authority Regulations 1978* were made under the *Schools Authority Ordinance 1976* (now the *Schools Authority Act 1976*).

The *Schools Authority Regulations 1978* were originally the *Schools Authority Regulations*. They were renamed under the *Legislation Act 2001*.

Before 11 May 1989, regulations commenced on their notification day unless otherwise stated (see *Interpretation Act 1967*, s 50).

#### Legislation before becoming Territory enactment

##### **Schools Authority Regulations 1978 No 11**

notified 15 August 1978

commenced 15 August 1978

as amended by

##### **Amendments of Schools Authority Regulations 1979 No 7**

notified 20 April 1979

commenced 20 April 1979

#### Legislation after becoming Territory enactment

##### **Administrative Appeals (Consequential Amendments) Act 1994 No 60 sch 2**

notified 11 October 1994 (Gaz 1994 No S197)

s 1, s 2 commenced 11 October 1994 (s 2 (1))

sch 2 commenced 14 November 1994 (s 2 (2) and see Gaz 1994 No S250)

##### **Legislation (Consequential Amendments) Act 2001 No 44 pt 361**

notified 26 July 2001 (Gaz 2001 No 30)

s 1, s 2 commenced 26 July 2001 (IA s 10B)

pt 361 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

### 4 Amendment history

#### **Name of regulations**

reg 1                      am R3 LA

#### **Interpretation for regulations**

reg 2                      def *the Act* om Act 2001 No 44 amdt 1.3884

## Endnotes

5 Earlier republications

---

**Returning officer to declare nominations**

reg 46 sub 1979 No 7

**Review of decision of authority by administrative appeals tribunal**

reg 61 am Act 1994 No 60 sch 2

## 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	SL 1979 No 7	30 April 1993
2	Act 1994 No 60	30 November 1996

Authorised when accessed at [www.legislation.act.gov.au](http://www.legislation.act.gov.au) or in authorised printed form

© Australian Capital Territory 2002