



Queensland

# Grammar Schools Regulation 2004

## Subordinate Legislation 2004 No. 126

made under the

*Grammar Schools Act 1975*

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## **Part 1 Preliminary**

### **1 Short title**

This regulation may be cited as the *Grammar Schools Regulation 2004*.

### **2 Definitions**

The dictionary in schedule 2 defines particular words used in this regulation.

## **Part 2 Names of grammar schools**

### **3 Current grammar schools—Act, s 49(1)**

The name of each grammar school is stated in schedule 1.

## **Part 3 Matters about electoral eligibility amounts**

### **4 Electoral eligibility amount under by-law**

- (1) If a board makes a by-law prescribing an electoral eligibility amount for the board, the by-law may prescribe an electoral eligibility amount for each separate electoral cycle for the board.
- (2) If a by-law is in force prescribing an electoral eligibility amount for each separate electoral cycle for a board, the board may also make a by-law prescribing an electoral eligibility amount for all electoral cycles for the board.
- (3) An electoral eligibility amount that is prescribed for all electoral cycles for a board may be donated or subscribed to the board only as a lump sum.

- (4) An electoral eligibility amount for a separate electoral cycle for a board must be at least \$50 and not more than \$500.
- (5) An electoral eligibility amount for all electoral cycles for a board must be at least \$500 and not more than \$5 000.
- (6) If a person gives a board the electoral eligibility amount for a separate electoral cycle for the board, the person is eligible for election, or to vote, only in the election that first happens after the end of the electoral cycle.
- (7) If a person gives a board the electoral eligibility amount for all electoral cycles for the board, the person is eligible for election, or to vote, in all elections for the board.
- (8) Subsections (6) and (7) are subject to a provision of this regulation, or a by-law, about the maximum number of terms for which a person may be elected under section 7(4)(b) of the Act.

## **5 Electoral eligibility amount if no amount in force under by-law**

- (1) If there is no by-law in force for a board prescribing an electoral eligibility amount for the board, the electoral eligibility amount for the board is \$50 for each separate electoral cycle for the board.
- (2) If a person gives the board the electoral eligibility amount for a separate electoral cycle for the board, the person is eligible for election, or to vote, only in the election that first happens after the end of the electoral cycle.
- (3) Subsection (2) is subject to a provision of this regulation, or a by-law, about the maximum number of terms for which a person may be elected under section 7(4)(b) of the Act.

## **Part 4 Election of members of boards**

### **Division 1 Holding elections**

#### **6 When particular election is held**

An election for a board, other than an election under section 8(3) of the Act, must be held at least 3 months before the end of the terms of office of the members of the board.

### **Division 2 Procedures for elections**

#### **Subdivision 1 Preliminary**

##### **7 Purpose of div 2**

This division states the procedures for electing persons, under section 7(4)(b) or 8(3)<sup>1</sup> of the Act, for appointment as members of a board.

#### **Subdivision 2 Roll of electors, notice of election and nominations, and nomination requirements**

##### **8 Roll of electors**

- (1) The secretary to the board must prepare a roll of electors for each election for the board.
- (2) The roll of electors must include only the names of all eligible persons for the election.
- (3) The secretary must sign and date the roll of electors.

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<sup>1</sup> Section 7 (Constitution) or section 8 (First appointment of board) of the Act

**9 Notice of election and nomination day and time**

- (1) The secretary to the board must give each eligible person for the election a notice stating—
  - (a) the day the election is to be held (the *election day*); and
  - (b) the day and time (the *nomination day and time*) by which a nomination of a candidate for the election must be received by the secretary.
- (2) The secretary must give the notice—
  - (a) at least 21 days before the day by which nominations must be received by the secretary; and
  - (b) at least 2 months before the election day.

**10 Requirements for nomination**

- (1) A person may be nominated as a candidate for an election for the board only if the person—
  - (a) is an eligible person for the election; and
  - (b) is nominated as a candidate by at least 2 other persons who are eligible persons for the election.
- (2) A nomination of a candidate must—
  - (a) be in writing; and
  - (b) be signed by—
    - (i) the candidate as accepting the nomination; and
    - (ii) the persons making the nomination; and
  - (c) be received by the secretary to the board before the nomination day and time for the election.

**Subdivision 3 Procedure if not more than 3 candidates nominated****11 Candidates taken to be elected unopposed**

If not more than 3 candidates are nominated by the nomination day and time for an election for the board—

- (a) the secretary to the board is not required to conduct a ballot for the election; and
- (b) the candidates nominated are taken to be elected unopposed.

## **12 Secretary to give notice of elected candidate**

- (1) The secretary must give the board notice of the election of the candidates under section 11(b).
- (2) Also, the secretary must, as soon as practicable after the candidates' appointment to the board—
  - (a) give notice of the election of the candidates to each eligible person for the election; or
  - (b) publish a notice of the election of the candidates; or
  - (c) announce the election of the candidates at a meeting of the board to which all eligible persons for the election have been invited.

## **Subdivision 4 Procedure if more than 3 candidates nominated**

### **13 Secretary to conduct ballot**

If more than 3 candidates are nominated by the nomination day and time for an election for the board, the secretary to the board must conduct a ballot for the election under this subdivision.

### **14 Voting material**

- (1) The secretary must, at least 21 days before the election day, send to each eligible person for the election —
  - (a) a ballot paper; and
  - (b) an unsealed envelope for the ballot paper (the *ballot envelope*); and
  - (c) an unsealed prepaid-post envelope addressed to the secretary (the *return envelope*).

- (2) The ballot paper must—
  - (a) state the election day and election time; and
  - (b) list, in alphabetical order, the name of each candidate; and
  - (c) include instructions about how a person may cast a vote; and
  - (d) be initialled by the secretary.

## **15 How votes are cast**

A person may cast a vote only by—

- (a) marking a ballot paper with a cross opposite the names of up to 3 candidates; and
- (b) putting the ballot paper in the ballot envelope and sealing the ballot envelope; and
- (c) putting the ballot envelope in the return envelope and sealing the return envelope; and
- (d) returning the return envelope to the secretary by the election time.

## **16 Secretary to keep ballot box**

- (1) The secretary must keep a ballot box for the election.
- (2) The secretary must place in the ballot box each sealed ballot envelope received by the secretary before the election time.
- (3) The ballot box must be sealed in a way preventing ballot envelopes from being taken from it until the election time.

## **17 Secretary to count votes**

- (1) At, or as soon as practicable after, the election time, the secretary must, in the presence of at least 2 witnesses—
  - (a) open each ballot envelope in the ballot box kept for the election; and
  - (b) accept each formal ballot paper and reject each informal ballot paper; and



- (c) count and record the number of votes for each candidate on the formal ballot papers.
- (2) Despite subsection (1)(b), the secretary may accept an informal ballot paper if, in the opinion of the secretary, the intention of the voter is clear.
- (3) In this section—
  - formal ballot paper* means a ballot paper marked as required under section 15(a).
  - informal ballot paper* means a ballot paper not marked as required under section 15(a).

## **18 Candidates with highest number of votes are elected**

- (1) The 3 candidates with the highest number of votes are elected to the board.
- (2) If 2 or more candidates receive the same number of votes so that any of the 3 candidates entitled to be elected under subsection (1) can not be decided, the secretary must conduct a draw to decide which of the candidates with the same number of votes are elected.
- (3) The secretary must conduct the draw by completing the following steps in the presence of at least 2 witnesses—
  - (a) writing the names of the candidates with the same number of votes on separate pieces of paper that are the same kind, shape, size and colour;
  - (b) folding the pieces of paper in the same way to be the same size and thickness;
  - (c) putting the pieces of paper in a container and shuffling them;
  - (d) drawing out the number of the pieces of paper required to decide which candidate or candidates are elected.
- (4) The candidate or candidates whose names are drawn out under subsection (3)(d) are elected.

**19 Secretary to give notice of election results**

- (1) The secretary must give the board notice of the candidates elected.
- (2) Also, the secretary must, as soon as practicable after the candidates' appointment to the board—
  - (a) give notice of the election of the candidates to each eligible person for the election; or
  - (b) publish a notice of the election of the candidates; or
  - (c) announce the election of the candidates at a meeting of the board to which all eligible persons for the election have been invited.

**20 Expenses of election**

The board must pay, out of its general fund, all expenses reasonably incurred by the secretary in conducting the election.

**Part 5 Repeal and transitional provisions****Division 1 Repeal****21 Repeal**

The Grammar Schools Regulation 2003 SL No. 176 is repealed.

## **Division 2                      Transitional provisions**

### **22            Transitional provision about donations or subscriptions in particular period**

- (1) This section applies if a person has donated or subscribed an amount of at least \$50 to a grammar school in the period starting on 1 January 2004 and ending immediately before the commencement of this section.
- (2) The amount is taken to be the electoral eligibility amount for all electoral cycles for the school's board.
- (3) The person is eligible for election, or to vote, in all elections for the board.
- (4) Subsection (3) is subject to a provision of this regulation, or a by-law, about the maximum number of terms for which a person may be elected under section 7(4)(b) of the Act.

### **23            Elections held before 1 January 2005**

- (1) This section applies to an election of members of a board under section 7(4)(b) of the Act that is held before 1 January 2005.
- (2) Section 6<sup>2</sup> does not apply to the election.

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2        Section 6 (When particular election is held)

## **Schedule 1      Current grammar schools**

### section 3

- Brisbane Girls' Grammar School
- Brisbane Grammar School
- Ipswich Girls' Grammar School
- Ipswich Grammar School
- Rockhampton Girls' Grammar School
- Rockhampton Grammar School
- Toowoomba Grammar School
- Townsville Grammar School.

## Schedule 2      Dictionary

### section 2

**ballot envelope** see section 14(1)(b).

**by-law** means a by-law made under section 15A of the Act.

**election**, for a board, means an election of members of the board under section 7(4)(b) or 8(3)<sup>3</sup> of the Act.

**election day** see section 9(1)(a).

**election time**, for an election for a board, means the time on the election day, decided by the board, and stated on the ballot paper for the election.

**electoral cycle**, for a board, means—

- (a) for the first election for the board held after the commencement of this definition—
  - (i) if the board is constituted before the commencement—the period starting on the commencement and ending immediately before the day the roll of electors for the first election is prepared; or
  - (ii) if the board is constituted on or after the commencement—the period starting on the day the board is constituted and ending immediately before the day the roll of electors for the first election is prepared; or
- (b) otherwise—each period starting on the day the roll of electors for an election for the board is prepared and ending immediately before the day the roll of electors for the next election for the board is prepared.

**eligible person**, for an election for a board, means a person who has donated or subscribed to the board at least the electoral eligibility amount for the board in relation to the election.

## Schedule 2 (continued)

***nomination day and time*** see section 9(1)(b).

***notice*** means a written notice.

***publish***, in relation to a notice of the election of candidates to a grammar school's board, means publishing the notice in a way that it is likely to be read by the eligible persons for the election, including, for example—

- (a) publishing the notice in the school's newsletter; or
- (b) publishing the notice on the school's web site on the internet.

***return envelope*** see section 14(1)(c).

***roll of electors***, for an election for a board, means the roll of electors prepared for the election under section 8 by the secretary to the board.

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ENDNOTES

1. Made by the Governor in Council on 15 July 2004.
2. Notified in the gazette on 16 July 2004.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Education and the Arts.