



Queensland

Grammar Schools Regulation 2016

Subordinate Legislation 2016 No. 228

made under the

Grammar Schools Act 2016

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Grammar Schools Regulation 2016*.

2 Commencement

This regulation commences on 1 January 2017.

3 Definitions

The dictionary in schedule 1 defines particular words used in this regulation.

Part 2 Register of donors

4 Prescribed particulars—Act, s 54

For section 54(3)(b) of the Act, the current address of each donor is prescribed.

Example of current address—

A donor's current email address or current postal address.

Part 3 Electoral eligibility amounts

5 Electoral eligibility amount under by-laws

- (1) For section 60(3)(a) of the Act, an electoral eligibility amount provided for in a by-law of a board—
 - (a) for a single-term amount—must be at least \$50 and not more than \$500; and
 - (b) for a multiple-term amount—must be at least \$500 and not more than \$5000.

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- (2) A person may donate a multiple-term amount to a board only as a lump sum.
- (3) If a person donates a single-term amount to a board, the amount relates to the person's eligibility for nomination, or to vote, only in the next election for the board held immediately after the donation is made.
- (4) If a person donates a multiple-term amount to a board, the amount relates to the person's eligibility for nomination, or to vote, in all elections held for the board.
- (5) In this section—

multiple-term amount means an electoral eligibility amount that, under a board's by-laws, applies for all electoral cycles for the board.

single-term amount means an electoral eligibility amount that, under a board's by-laws, applies for 1 particular electoral cycle for the board.

6 Prescribed electoral eligibility amount—Act, s 60

- (1) This section applies if a board has not made a by-law providing for an electoral eligibility amount for the board.
- (2) For section 60(3)(b) of the Act, the electoral eligibility amount for the board is \$50 for each electoral cycle for the board.
- (3) If a person donates the electoral eligibility amount to the board, the amount relates to the person's eligibility for nomination, or to vote, only in the next election for the board held immediately after the donation is made.

Part 4 Elections

Division 1 General requirements for elections

7 When elections must be held

An election for a board must be held at least 3 months before the end of the terms of office of the elected members of the board.

8 Roll of electors

- (1) The secretary 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.

9 Notice of election and nomination day and time

- (1) The secretary must provide a written notice under this section to an eligible person for the election, unless the eligible person's current address has been removed from the register of donors under section 54(5) the Act.
- (2) The notice must state the following—
 - (a) the day the election is to be held (the *election day*);
 - (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 board;
 - (c) the way a person may be nominated as a candidate for the election under section 10;
 - (d) the way a person may cast a vote in the election.
- (3) The secretary must provide the notice—

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- (a) at least 21 days before the day by which nominations must be received by the board; and
- (b) at least 2 months before the election day; and
- (c) in the way the board considers appropriate.

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, under the Act, eligible to be an elected member; 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 the candidate and the persons making the nomination; and
 - (c) be received by the secretary on or before the nomination day and time.

Division 2 When no vote is needed

11 Candidates taken to be elected unopposed

If no more than 3 candidates are nominated by the nomination day and time—

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

Division 3 If a vote is needed

12 Secretary to conduct vote for election

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

13 Ballots and casting votes

- (1) The secretary must provide a ballot under this section to an eligible person for the election, unless the eligible person's current address has been removed from the register of donors under section 54(5) the Act.
- (2) The ballot must state the following—
 - (a) the election day and election time;
 - (b) the name of each candidate, listed in an order decided by lot drawn by the secretary;
 - (c) instructions about how the eligible person may cast a vote.
- (3) The secretary must provide the ballot—
 - (a) at least 21 days before the election day; and
 - (b) in the way the board considers appropriate.
- (4) An eligible person may cast a vote (a *formal vote*) in the election by complying with the instructions stated in the ballot.

14 Vote security and integrity

The secretary must ensure that each vote cast in the election is kept secure and cannot be interfered with.

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15 Count of votes

- (1) The secretary must arrange for the votes cast in the election to be counted.
- (2) At, or as soon as practicable after, the election time, the secretary must, in the presence of at least 2 witnesses—
 - (a) accept each formal vote and reject each informal vote; and
 - (b) count and record the number of formal votes cast for each candidate.
- (3) Despite subsection (2)(a), the secretary may accept an informal vote if, in the opinion of the secretary, the intention of the voter is clear.
- (4) In this section—
informal vote means a vote other than a formal vote.

16 Candidates with highest number of votes are elected

- (1) The 3 candidates with the highest number of votes counted under section 15 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;

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- (d) drawing out the number of 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.

Division 4 Miscellaneous

17 Expenses of election

The board must pay all expenses reasonably incurred by the secretary in conducting the election.

18 Election results

- (1) The secretary must, after the end of the election, give the board written notice of the election of the candidates under section 11 or 16.
- (2) Also, the secretary must, as soon as practicable after the appointment of an elected member to the board—
 - (a) give written notice of the election of the candidates to each eligible person for the election; or
 - (b) publish a written 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.
- (3) In this section—

end, of an election, means—

- (a) if the candidates are elected under section 11—the nomination day and time for the election; or
- (b) if the candidates are elected under section 16—the day 3 candidates are elected to the board.

publish, in relation to a notice of the election of candidates to a grammar school's board, means publishing the notice in a

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way that it is likely to be read by an eligible person for the election, including, for example, by—

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

Schedule 1 Dictionary

section 3

elected member means a member of a board elected under section 14(1)(b) of the Act.

election day see section 9(2)(a).

election time, for an election, means the time on the election day when the election is to be held, decided by the board, and stated on the ballot for the election.

electoral cycle, for a board, means 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, means a person who may vote in the election under section 15(4) of the Act.

formal vote see section 13(4).

nomination day and time see section 9(2)(b).

roll of electors, for an election, means the roll of electors prepared for the election under section 8.

secretary, of a board, means the person employed as the secretary to the board under section 28(1) of the Act.

ENDNOTES

- 1 Made by the Governor in Council on 7 December 2016.
- 2 Notified on the Queensland legislation website on 9 December 2016.
- 3 The administering agency is the Department of Education and Training.

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