



Queensland

Grammar Schools Act 1975

Grammar Schools Regulation 2004

Reprinted as in force on 12 November 2004
(includes commenced amendments up to 2004 SL No. 242)

Reprint No. 1A

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Information about this reprint

This regulation is reprinted as at 12 November 2004. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprint for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

Replacement reprint date If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.



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Grammar Schools Regulation 2004

Contents

		Page
Part 1	Preliminary	
1	Short title	3
2	Definitions.	3
Part 2	Names of grammar schools	
3	Current grammar schools—Act, s 49(1).	3
Part 3	Matters about electoral eligibility amounts	
4	Electoral eligibility amount under by-law	3
5	Electoral eligibility amount if no amount in force under by-law.	4
Part 4	Election of members of boards	
Division 1	Holding elections	
6	When particular election is held	5
Division 2	Procedures for elections	
Subdivision 1	Preliminary	
7	Purpose of div 2	5
Subdivision 2	Roll of electors, notice of election and nominations, and nomination requirements	
8	Roll of electors	5
9	Notice of election and nomination day and time.	6
10	Requirements for nomination	6
Subdivision 3	Procedure if not more than 3 candidates nominated	
11	Candidates taken to be elected unopposed.	7
12	Secretary to give notice of elected candidate.	7
Subdivision 4	Procedure if more than 3 candidates nominated	
13	Secretary to conduct ballot.	7
14	Voting material	8
15	How votes are cast.	8
16	Secretary to keep ballot box.	8

Grammar Schools Regulation 2004

17	Secretary to count votes	9
18	Candidates with highest number of votes are elected	9
19	Secretary to give notice of election results	10
20	Expenses of election	10
Part 5	Repeal and transitional provisions	
Division 1	Repeal	
21	Repeal	10
Division 2	Transitional provisions	
22	Transitional provision about donations or subscriptions in particular period	11
23	Elections held before 1 January 2005	11
Schedule 1	Current grammar schools	12
Schedule 2	Dictionary	13
 Endnotes		
1	Index to endnotes	15
2	Date to which amendments incorporated	15
3	Key	15
4	Table of reprints	16
5	List of legislation	16
6	List of annotations	16

Grammar Schools Regulation 2004

[as amended by all amendments that commenced on or before 12 November 2004]

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)¹ 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.

¹ Section 7 (Constitution) or 8 (First appointment of board) of the Act

- (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 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 6² does not apply to the election.

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 including Ipswich Junior 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)³ 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.

3 Section 7 (Constitution) or 8 (First appointment of board) of the Act

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.

Endnotes

1 Index to endnotes

	Page
2 Date to which amendments incorporated	15
3 Key	15
4 Table of reprints	16
5 List of legislation	16
6 List of annotations	16

2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 12 November 2004. Future amendments of the Grammar Schools Regulation 2004 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments included	Effective	Notes
1	none	16 July 2004	
1A	to 2004 SL No. 242	12 November 2004	

5 List of legislation

Grammar Schools Regulation 2004 SL No. 126

made by the Governor in Council on 15 July 2004

notfd gaz 16 July 2004 pp 856–7

commenced on date of notification

exp 1 September 2014 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

Grammar Schools Amendment Regulation (No. 1) 2004 SL No. 242

notfd gaz 12 November 2004 pp 882–3

commenced on date of notification

6 List of annotations

SCHEDULE 1—CURRENT GRAMMAR SCHOOLS

amd 2004 No. 242 s 3