

Western Australia

**Western Australian College of Teaching  
Amendment Act 2007**

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As at 03 Jul 2007

No. 18 of 2007

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Western Australia

## **Western Australian College of Teaching Amendment Act 2007**

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### CONTENTS

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1.	Short title	2
2.	Commencement	2
3.	The Act amended	2
4.	Section 3 amended	2
5.	Section 9 amended	2
6.	Schedule 1 amended	3
	1. Terms used in this Schedule	3
	2. Terms of office	3



Western Australia

**Western Australian College of Teaching  
Amendment Act 2007**

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**No. 18 of 2007**

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**An Act to amend the *Western Australian College of Teaching Act 2004*.**

[Assented to 3 July 2007]

The Parliament of Western Australia enacts as follows:

**s. 1**

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**1. Short title**

This is the *Western Australian College of Teaching Amendment Act 2007*.

**2. Commencement**

This Act comes into operation as follows:

- (a) sections 1 and 2 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on the day after that day.

**3. The Act amended**

The amendments in this Act are to the *Western Australian College of Teaching Act 2004*\*.

[\* Act No. 8 of 2004.

*For subsequent amendments see Western Australian Legislation Information Tables for 2006, Table 1.]*

**4. Section 3 amended**

Section 3(1) is amended in the definition of “rules” by deleting “85;” and inserting instead —

“ 85 or regulations made under section 86(1)(b); ”.

**5. Section 9 amended**

(1) Section 9(5) is amended by deleting “by the Electoral Commissioner, appointed under the *Electoral Act 1907*,”.

(2) After section 9(5) the following subsection is inserted —

“

(5a) Without limiting subsection (5), the rules may confer functions on the Electoral Commissioner appointed under the *Electoral Act 1907*.

”.

- (3) Section 9(6) is amended by deleting “conducting an election in accordance with this section” and inserting instead —

“ relation to an election under subsection (2) ”.

- (4) Section 9(9) is repealed.

**6. Schedule 1 amended**

- (1) Schedule 1 clauses 1 and 2 are repealed and the following clauses are inserted instead —

“

**1. Terms used in this Schedule**

In this Schedule, unless the contrary intention appears —

“**appointed**” means appointed under section 9(1);

“**elected**” means elected under section 9(2);

“**inaugural election**” means —

(a) the first election held under section 9(2)(a)(ii); or

(b) the first election held under section 9(2)(b)(ii); or

(c) the first election held under section 9(2)(c)(ii),

and includes an election held by reason of the failure, partial failure or invalidity of any of those elections;

“**member**” means a member of the Board.

**2. Terms of office**

- (1) An appointed member holds office for the period, not exceeding 3 years, specified in the instrument of his or her appointment.

- (2) A member elected at an inaugural election holds office for the period ending on the day determined by the Minister under subclause (11)(a).

- (3) A member elected to fill a vacancy in the office of —

(a) an elected member; or

(b) a member appointed under clause 3(2),

occurring by effluxion of time holds office for the period ending 3 years after the occurrence of that vacancy.

- (4) A member elected to fill a vacancy in the office of an elected member occurring otherwise than by effluxion of time holds office for the remainder of the period for which his or her predecessor in office was elected.
- (5) A member appointed under clause 3(2) holds office for the remainder of the period for which his or her predecessor in office was —
- (a) elected; or
  - (b) appointed under clause 3(2),
- as the case may be.
- (6) Despite subclauses (1) to (5), if the period of office of a member expires by effluxion of time without a person having been appointed or elected to fill the vacancy, the member continues in office until —
- (a) a person is appointed or elected to fill the vacancy; or
  - (b) a period of 3 months elapses after the expiry of the period of office,
- whichever occurs first.
- (7) Subclauses (1) to (6) have effect subject to clause 4.
- (8) An appointed member is eligible for re-appointment.
- (9) An elected member is eligible for re-election.
- (10) A member appointed under clause 3(2) is eligible for election.
- (11) Before the inaugural elections are held the day on which the terms of the members elected at those elections are to end must be —
- (a) determined by the Minister; and
  - (b) published in the *Gazette*.
- (12) The day determined under subclause (11)(a) must not be more than 3 years after the day on which it is published under subclause (11)(b).

”.



- (2) Schedule 1 clause 3 is amended by deleting “Whenever” and inserting instead —

“

- (1) Subject to subclause (2), whenever

”.

- (3) At the end of Schedule 1 clause 3 the following subclauses are inserted —

“

- (2) Despite sections 7(2)(b) and 9(2) and subclause (1), in the case of —

- (a) a vacancy in the office of an elected member occurring during the period of one year ending on the day on which the office would have become vacant by effluxion of time; or
- (b) a vacancy in the office of a member appointed under this subclause occurring otherwise than by effluxion of time,

the Minister is to appoint a person to fill the vacancy.

- (3) The person appointed under subclause (2) is to be a person the Minister considers to be representative of the registered teachers mentioned in section 9(2)(a)(ii), (b)(ii) or (c)(ii) as the case may require.

”.

- (4) Schedule 1 clause 5(2) is repealed and the following subclause is inserted instead —

“

- (2) A person elected under subclause (1) is to hold that office for —

- (a) the period ending one year after the election; or
- (b) the unexpired period of his or her current term of office as a member,

whichever is the shorter period, and is eligible for re-election.

”.

**s. 6**

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- (5) After Schedule 1 clause 5(3) the following subclause is inserted —

“

- (4) The office of the chairperson or deputy chairperson becomes vacant if the person holding the office —
- (a) resigns the office by written notice addressed to the Director; or
  - (b) ceases to be a member.

”

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