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WESTERN AUSTRALIAN COLLEGE OF TEACHING ACT 2004

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**WESTERN AUSTRALIAN  
COLLEGE OF TEACHING  
ELECTION RULES 2006**



**WESTERN AUSTRALIAN COLLEGE OF TEACHING ACT 2004****WESTERN AUSTRALIAN COLLEGE OF TEACHING ELECTION  
RULES 2006****1. Interpretation**

In these rules, unless the contrary intention appears—

‘College’ means the Western Australian College of Teaching;

‘Rules’ refers to the Rules of the College;

‘Election rules’ means those referred to in the College Rules;

‘Electoral Commissioner’ means the Electoral Commissioner of the Western Australian Electoral Commission appointed under the *Electoral Act 1907*;

‘Returning Officer’, in relation to an election, means the Returning Officer appointed for that election under rule 5(1) or 5(2); and

‘The Act’ means the *Western Australian College of Teaching Act 2004*.

**2. Eligibility of Electors**

(1) The election for the ten teacher representatives on the College Board under section 9(2) of the Act is to be conducted by the Electoral Commissioner in accordance with the Act and these rules.

(2) All electors must be eligible members in accordance with section 9(2) of the Act.

**3. Time for Requesting Conduct of Elections**

(1) A request to the Electoral Commissioner for the conduct of an election shall be made not less than two months before the commencement of the period for lodging nominations. The Electoral Commissioner may accept a request made less than two months before the commencement of such period if he/she is satisfied that it is practicable for the election to be conducted under the rules of the College and a request so accepted shall be deemed to have been made in due time.

(2) The College will provide the following information to the Returning Officer conducting elections—

(a) previous members name (for casual vacancies only);

(b) title of vacant position(s);

(c) term(s) of office;

(d) number of electors; and

(e) name, title and contact details of the person the Returning Officer is to liaise with during the election period.

**4. Casual Vacancies**

(1) A casual vacancy occurring in the membership of the College shall be filled by election in accordance with rule 3 of these rules.

(2) The term of office of a person entitled to fill a casual vacancy shall be limited to the unexpired portion of the current term.

**5. Administrative Appointments**

(1) A Returning Officer may be appointed in writing by the Electoral Commissioner to conduct an election.

(2) The appointment of the Returning Officer shall be effective from the date of the Instrument of Appointment until the declaration of the poll(s) for which that officer has been appointed.

(3) The Returning Officer must complete a declaration of impartiality.

(4) Other officers may be appointed by the Returning Officer to assist in the conduct of the election. These officers must also complete declarations of impartiality.

**6. Powers of Returning Officer**

(1) The Returning Officer may take such action and give such directions as are considered necessary for the conduct of an election—

(a) to ensure the secrecy of the ballot and that no irregularities occur in or in connection with the election, or

(b) to remedy any inconsistency or inadequacy that arises in the application of the rules of the College.

(2) No person shall refuse or fail to comply with directions of the Returning Officer or obstruct or hinder the Returning Officer or any other person in the conduct of any election or in the taking of any such actions.

(3) The decision of the Returning Officer regarding any matter within his/her power shall be final.

(4) The Returning Officer shall consider all nominations and if, in his/her opinion, any nomination is defective, he/she shall immediately notify the person concerned of the defect by the most expeditious means and, where it is practicable to do so, give him/her the opportunity of remedying the defect, allowing, if practicable, at least 48 hours after notification.

(5) If any irregularity should occur in the conduct of an election, and in the opinion of the Returning Officer, such irregularity will affect the result of such election, then such election and each and every step taken in connection therewith shall be declared by the Returning Officer to be null and void and another election shall be held forthwith. Any person holding a position on the College Board immediately prior to an election that is subsequently declared to be null and void shall remain in that position until his/her successor is elected.

(6) The Returning Officer may, at his/her discretion and where appropriate use, or authorise the use of, electronic systems or facilities, including the internet or wireless to assist in the conduct of elections. This rule encompasses the distribution and receipt of ballot papers and the counting of votes.

### **7. Election Tribunal**

Where the Returning Officer is appointed by the Electoral Commissioner to conduct the election, the Commissioner shall perform the function of an Election Tribunal and shall deal with all disputes, complaints and charges of misconduct referred by the Returning Officer, and with any complaints and charges of misconduct which relate to, or are directly concerned with, the Returning Officer.

### **8. Notice Inviting Nominations**

(1) The Returning Officer shall, not less than seven days and not more than 21 days before the date of commencement of the period for lodging nominations of candidates for an election for an office, cause to be published a public notice setting out—

- (a) the intention to hold an election;
- (b) term to expire;
- (c) the name of the College;
- (d) a description of the positions required to be filled;
- (e) the number of members to be elected;
- (f) the form in which nominations are to be made and where those forms can be obtained;
- (g) the place for lodging nominations;
- (h) the times and dates of the commencement and close of the period for lodging nominations;
- (i) eligibility criteria for electors, candidates and nominators;
- (j) the time and date of the ballot, if required; and
- (k) inviting nominations of persons eligible for election for the position(s) under the rules of the College to stand as candidates for election for those position(s).

(2) The notice inviting nominations of candidates for election must be—

- (a) in a newspaper or newspapers circulating widely in the State; or
- (b) in a publication of the College; or
- (c) circulated to all eligible electors by post not less than 28 clear days prior to the date upon which nominations close.

(3) The Returning Officer shall nominate the address to which voters may post ballot papers.

(4) For the purpose of each election the Returning Officer shall maintain a sealed ballot box in which he/she shall place from time to time ballot paper envelopes received by the Returning Officer.

### **9. Form of Nomination**

(1) The profile of a candidate—

- (a) is to be in the English language and is not to contain more than 150 words;
- (b) is to be confined to biographical information about the candidate and statements of the candidate's policies or beliefs and is not to contain information that the Returning Officer considers to be false, misleading or defamatory;
- (c) is to be hand written, typed or printed on a single A4 page, or if it is delivered electronically, is to be capable of being printed on a single A4 page;
- (d) is to include the candidate's full name in the form in which he or she has asked for it to be included on the ballot paper and details of an address where he or she can be contacted. Other contact details such as telephone numbers or email addresses may also be included; and
- (e) may include a photograph (passport size) of the proposed candidates head or head and shoulders. The photograph should be recent, taken less than six months before the date of the nomination form. The Returning Officer may accept a less recent photograph if he or she considers that the photograph shows a reasonable likeness of the candidate.

(2) All such election statements shall be published together and a copy forwarded to all eligible electors with the issue of the ballot papers.

(3) The Returning Officer may require any statement that contains information that is false, misleading or defamatory to be modified by the deletion of such words. If the candidate declines to act on the request, the Returning Officer shall refuse to allow the statement to be published in the College publication.

- (4) Election statements must be in the hands of the Returning Officer no later than the date and time of the close of nominations for the position to which the candidate seeks to be elected.
- (5) In any election, no candidate shall—
- make unauthorised use of any resources of the College for the production and/or distribution of electoral material;
  - use any logo or letterhead of the College in electoral material; and
  - obtain an endorsement from a paid employee of the College relating to electoral material on behalf of the candidate.
- (6) Nominations for the elected teacher representatives of the College shall be in writing, signed by the nominee and endorsed by two College members proposing and seconding the nomination.
- (7) If there is only one valid nomination for a single position or only sufficient valid nominations for multiple positions, the Returning Officer shall report the nominations to the College and such nominees shall be declared duly elected to the positions concerned.
- (8) If there is no valid nomination for a single position or insufficient valid nominations for multiple positions, the Returning Officer shall report the fact to the College who shall declare that an extraordinary vacancy or vacancies exist for that position or positions.
- (9) If there are more than sufficient nominations for a position or positions, then the Returning Officer shall report the nominations to the College and proceed to an election in accordance with these rules to determine the person or persons who shall be declared elected to such position or positions.
- (10) Members of the College shall be eligible to nominate for any position to be filled by election subject to section 9(2) of the Act.
- (11) The ten teacher representatives to the College will be elected in accordance with Section 9(2) of the Act—
- seven registered teachers, each of whom teaches at a government school are to be elected by registered teachers, each of whom teaches at a government school;
  - two registered teachers, each of whom teaches at a school that is part of a school system the governing body of which is the Catholic Education Commission of Western Australia, are to be elected by registered teachers, each of whom teaches at a school that is part of that school system; and
  - one registered teacher, who teaches at a school in other than the above two categories is to be elected by registered teachers, each of whom teaches at a school in other than the above two categories.
- (12) The College shall provide the Returning Officer with a certified copy of the electoral rolls for the election in the format specified by the Returning Officer, immediately following the closing of nominations.
- (13) The ballot papers, counting of ballot papers and publication of the result of the election will reflect the three sectors as outlined in Rule 9(11)(a)-(c).
- (14) A member may not vote more than once in any election.
- (15) Each appointment made under the Act and the rules is for three years.

#### **10. Commencement and Close of Ballot**

Where the number of candidates exceeds the number of offices to be elected, the Returning Officer shall determine the date of commencement of issuing ballot papers and the time and date of the close of the ballot having regard to—

- the date of expiration of the term of office of the holder of the office;
- the time required to send and return ballot papers by post;
- the time required to complete the election; and
- the provisions of the rules of the College relating to the times and dates of the commencement and close of the ballot in respect of the election.

#### **11. Electoral Roll**

- (1) The electoral roll, which is a consolidated list of all the College's eligible electors, must be certified by the Director, or delegate, of the College as containing correct names and addresses.
- (2) The date for the close of the electoral roll shall be at the time and date of the closing of nominations.
- (3) If an election is to be held, the College shall provide the Returning Officer with a certified copy of the electoral roll for the election in the format specified by the Returning Officer, immediately following the closing of nominations.
- (4) The College shall provide the Returning Officer with the names and addresses of persons who, after the date of receipt by the Returning Officer of such rolls, have been omitted in error from the roll and the Returning Officer shall add these to the electoral roll.

#### **12. Form of Ballot Paper**

- (1) Security paper must be used or the initials of the Returning Officer, or the facsimile of those initials, should be pre-marked on the ballot paper.
- (2) The order of names of candidates for election for an office that appear on the ballot paper for that election, shall be drawn by lot by the Returning Officer, as soon as practicable following the close of the nominations.

(3) The Returning Officer shall include on the ballot paper information and instructions to the voter with respect to the following matters and substantially in accordance with the following form—

- (a) the title of the office to which the election relates;
- (b) the names of the candidates;
- (c) the time and date of the close of the ballot;
- (d) instructions on how to mark the ballot paper in order to record a formal vote;
- (e) instructions—
  - to place the ballot paper, when completed, in the envelope marked 'ballot paper' and then to seal that envelope;
  - (ii) to complete the details on the declaration; and
  - (iii) to place the ballot paper envelope (and the declaration if a separate one is used) in the envelope addressed to the Returning Officer, and then to seal the envelope addressed to the Returning Officer and post it to reach the Returning Officer before the time of the close of the ballot.

(4) The Returning Officer shall obtain from the printer of the ballot papers a certificate stating the number of ballot papers printed in respect of the election.

### **13. Form of Declaration**

(1) The declaration shall contain—

- (a) the full name of the elector;
- (b) the address of the elector;
- (c) an identifying number or identifying barcode number shown against the name of that person on the Returning Officer's electoral roll;
- (d) the name of the College; and
- (e) the type of election.

(2) The declaration shall make provisions for the elector to declare, by placing his or her signature in the space provided, that he or she is the elector named on the declaration.

### **14. Issue of Ballot Papers**

As soon as practicable after the date determined for the commencement of issuing ballot papers in respect of an election, the Returning Officer shall issue, by post to each person—

- (a) whose name is on the electoral roll;
- (b) whose name has been added to the electoral roll in accordance with Rule 11(4); or
- (c) whose name has not, before the issue of the ballot paper, been deleted from the electoral roll, at the address shown on the electoral roll, a ballot paper and the other ballot material in a sealed envelope and provide for the return of the ballot paper in a reply paid envelope.

### **15. Issue of Duplicate Ballot Paper or Ballot Paper Envelope**

(1) Where, on application before the time of the close of the ballot in an election, the Returning Officer is satisfied that a ballot paper or ballot paper envelope issued to a person whose name is on the electoral roll has not been received or has been lost, destroyed or spoilt, he or she shall issue to that person a duplicate ballot paper, or ballot paper envelope, as the case may be.

(2) An application by a person for a duplicate ballot paper or ballot paper envelope for an election shall—

- (a) be made in writing;
- (b) set out the grounds on which the application is made;
- (c) declare that the person has not voted in the election; and
- (d) if practicable, be accompanied by any evidence that is available of that non-receipt, destruction or damage.

### **16. Marking the Ballot Paper**

The ballot papers should be marked as follows—

- (a) If only one office is to be filled at the election, an elector is to mark the ballot paper by placing a tick in the box opposite the name of the candidate whom the elector wishes to elect;
- (b) If two or more offices are to be filled at the election, an elector shall:
  - (i) mark the ballot paper by placing a tick in the box opposite the name of each candidate whom the elector wishes to elect;
  - (ii) not place ticks in more boxes than the number of offices to be filled otherwise the ballot paper will be set aside as informal; and
- (c) Voting by proxy shall not be permitted.

### **17. Scrutineers**

(1) Each candidate nominated for election may, by written notice given to the Returning Officer, appoint any person, whether or not a member of the College, to act as a scrutineer in respect of that election, being a person other than a candidate for that position.

(2) A candidate may appoint a substitute scrutineer in the event that the scrutineer is unable or unwilling to act as scrutineer at the election.

(3) A scrutineer must make a declaration before the Returning Officer as prescribed in Form 1 in the Schedule to these Rules.

(4) Upon being notified of the appointment of a scrutineer the Returning Officer shall inform such scrutineer of the steps he/she intends taking in the conduct of the ballot.

(5) All scrutineers shall, in the case of a ballot, be entitled to observe the admission and the counting of votes, the conduct of and determination of the election and the declaration of the poll. In every case a scrutineer shall observe the directions of the Returning Officer who shall take all reasonable steps to enable each scrutineer to exercise his/her rights. No election shall be vitiated should a scrutineer not exercise any or all such rights if he/she had reasonable opportunity so to do.

### **18. The Count**

(1) Prior to the close of the poll, or as soon as practical thereafter, the Returning Officer may—

- (a) For each reply paid envelope addressed to the 'Returning Officer', extract the member declaration with attached Ballot Paper Envelope;
- (b) Check the declaration is completed correctly. If the declaration has not been signed, or the signature is identified as not being the member's signature or there is insufficient detail to identify the member, mark the envelope 'Rejected';
- (c) Mark the member's name (as shown on the declaration) off the roll of members;
- (d) For all ballot paper envelopes to be admitted to the count, detach the member declaration from the Ballot Paper Envelope; and
- (e) Place the admitted Ballot Paper Envelope into the ballot box in readiness for the scrutiny and count at the close of poll.

(2) After the close of the poll, the Returning Officer, in the presence of scrutineers (if any) may open the sealed ballot box and take out the Ballot Paper Envelopes for the count.

(3) The 'First Past the Post' voting system will be used to count the votes. As between the candidates receiving an equal amount of votes, the Returning Officer shall determine by lot which candidate or candidates shall be elected.

(4) Where any voting papers are rejected, the Returning Officer shall mark the envelope 'rejected' with the reason(s) for rejection and set it aside for safe keeping.

(5) The Returning Officer may, from time to time, adjourn the scrutiny and count to a day and hour to be fixed by the Returning Officer and notify the College, candidates and scrutineers.

### **19. Use of Computers in the Election Process**

The Returning Officer may use, where appropriate, electronic systems or facilities, including the internet or wireless to assist in the conduct of elections. This rule encompasses the distribution and receipt of ballot papers and the counting of votes.

### **20. Declaration of Result**

The Returning Officer shall declare the poll not less than seven days and not more than ten days after the count has been finalised provided that no objection has been lodged.

### **21. Extension of Time**

In cases where the Returning Officer has been appointed by the Electoral Commissioner and refuses or fails to do a task at the time or within the period as required by a provision of these rules, the Electoral Commissioner may determine an extension of time, provided it does not affect the fair conduct of the election.

### **22. Appeals Against Election Result**

A candidate shall have a right of appeal up to 7 days after the declaration of the poll, on the grounds that the poll was not conducted in accordance with these rules. The Electoral Commissioner shall make such enquiry into the matter as he considers appropriate. The Electoral Commissioner shall, after considering the results of the enquiry, either—

- (a) confirm the result of the election; or
- (b) declare the election to have been invalid and direct that a fresh election be held, in which case the Electoral Commissioner may direct which sections of these rules shall apply to that election.

### **23. Preservation and Custody of Election Material**

On the completion of the counting of votes, the Returning Officer, in consultation with a representative of the College, shall make provision for the preservation and custody of—

- (a) all nomination papers;
- (b) all ballot papers admitted as formal;
- (c) all ballot papers rejected as not complying with the rules or informal;
- (d) all declarations relating to the ballot papers, whether formal or informal;
- (e) all envelopes received after the close of the ballot;
- (f) the marked electoral roll against which the declarations were checked; and
- (g) all unused ballot papers, declarations and other documents prepared in connection with the election,

which shall be placed in labelled containers, each endorsed with the name of the College and the office to which the election relates. These shall be sealed, signed and dated by the Returning Officer and retained until the day after the College's next election.

#### 24. Fees and Costs of the Election

(1) Where the Returning Officer has been appointed by the Electoral Commissioner to conduct an election, the Returning Officer and any other officers assisting the Returning Officer, are entitled to such remuneration as is determined by the Electoral Commissioner.

(2) All costs, charges and expenses incurred by the Returning Officer in connection with the election are to be paid by the College within 30 days of receipt of the invoice.

### SCHEDULE 1—Form 1

#### APPOINTMENT OF SCRUTINEER

<b>Organisation</b>	
<b>Office</b>	
<b>Election date</b>	

Candidate	
<b>Surname</b>	
<b>Given names</b>	
<b>Address</b>	

I hereby appoint the following person as a scrutineer at the above election.

<b>Signature of candidate</b>		<b>Date</b>	/ /
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Scrutineer					
<b>Surname</b>					
<b>Given names</b>					
<b>Address</b>	No.		Street Name		
	Suburb			Postcode	
<b>Phone numbers</b>	(H)			(W)	
<b>Fax number</b>				<b>Email</b>	

I DECLARE that I will only observe the election processes and will not record or convey details of who has voted in the election. I will comply with instructions from the Returning Officer.

<b>Signature of scrutineer</b>		<b>Date</b>	/ /
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The Western Australian College of Teaching Election Rules are adopted by resolution of the Western Australian College of Teaching Board made on 2 August 2006.

BRIAN LINDBERG, Chairman of Board.

THERESA I. HOWE, Board Member.

Date: 2 August 2006.

By Command of the Governor,

G. M. PIKE, Clerk of the Executive Council.

