

# Teacher Accreditation Regulation 2015

[2015-118]



New South Wales

## Status Information

### Currency of version

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### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Notes—

- **Does not include amendments by**  
[Statute Law \(Miscellaneous Provisions\) Act 2017 No 22](#) (not commenced — to commence on 7.7.2017)

### Authorisation

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New South Wales

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# Teacher Accreditation Regulation 2015



New South Wales

## Part 1 Preliminary

### 1 Name of Regulation

This Regulation is the *Teacher Accreditation Regulation 2015*.

### 2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

**Note—**

This Regulation replaces the *Teacher Accreditation Regulation 2010* which would otherwise be repealed on 1 September 2015 by section 10 (2) of the *Subordinate Legislation Act 1989*.

### 3 Definitions

(1) In this Regulation:

**casual teacher** means a person employed as a teacher on a casual basis.

**Chief Executive Officer** means the Chief Executive Officer of the Authority.

**elected member** means an elected member of the QTC as referred to in section 13 (1) (a) of the Act.

**election of a representative of early childhood education centre teachers** means an election for the purposes of electing a representative of early childhood education centre teachers as a member of the QTC for the purposes of section 13 (1) (a) of the Act.

**election of a representative of government school teachers and principals** means an election for the purposes of electing a representative of government school teachers and principals as a member of the QTC for the purposes of section 13 (1) (a) of the Act.

**election of a representative of non-government school teachers and principals** means an election for the purposes of electing a representative of non-

government school teachers and principals as a member of the QTC for the purposes of section 13 (1) (a) of the Act.

**electoral list** means the list referred to in section 17 of the Act.

**part-time teacher** means a person employed as a teacher on a part-time basis.

**the Act** means the *Teacher Accreditation Act 2004*.

**Note—**

The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

(2) Notes included in this Regulation do not form part of this Regulation.

## **Part 2 Accreditation of teachers**

### **4 Additional particulars on accreditation list**

For the purposes of section 18 (1) (d) of the Act, the following are prescribed as the additional particulars that are required to be included on the accreditation list in relation to each person who is accredited:

- (a) contact details, including postal address, telephone numbers and email address (if any),
- (b) tertiary education qualifications,
- (c) details of current employer,
- (d) employment history,
- (e) first language (if not English),
- (f) country of citizenship and country of residency,
- (g) Aboriginal or Torres Strait Islander status (but only if the relevant person has consented to the inclusion of that information on the list),
- (h) history of professional development undertaken to maintain accreditation,
- (i) in the case of a person who is conditionally accredited under section 31 (3) (a) of the Act—details of the proposal by the person to complete a teaching qualification.

### **5 Conditions of accreditation**

For the purposes of section 23A (1) of the Act, the accreditation of a person under Part 4 of the Act is subject to the following conditions:

- (a) the person must, within 21 days of any change in any of the following particulars in

relation to the person, supply the Authority with details of that change:

- (i) contact details, including name, postal address, telephone numbers and email address (if any),
  - (ii) tertiary education qualifications,
  - (iii) details of current employer,
- (b) the person must, within 21 days of being appointed to a school on a permanent basis or being engaged on a temporary basis for a fixed period of 6 months or more, notify the Authority of that appointment or engagement,
- (c) the person must supply the Authority, on an annual basis, with details of:
- (i) the professional development undertaken by the person to maintain accreditation during the previous year, and
  - (ii) in the case of a person who is conditionally accredited under section 31 (3) (a) of the Act—any change, during the previous year, in relation to the proposal by the person to complete a teaching qualification.

## **6 Determination of equivalent time for casual or part-time teachers**

- (1) For the purposes of paragraph (b) (i) of the definition of **relevant period** in section 30 (6) of the Act, the period that is commensurate with the 3-year period for persons employed on a full-time basis is:
- (a) the period of 5 years following the date on which the person was provisionally accredited under section 30 of the Act, or
  - (b) such other period as determined by the Authority on the application of the person concerned.
- (2) For the purposes of paragraph (b) (i) of the definition of **relevant period** in section 31 (5) of the Act, the period that is commensurate with the 4-year period for persons employed on a full-time basis is:
- (a) the period of 6 years following the date on which the person was conditionally accredited under section 31 of the Act, or
  - (b) such other period as determined by the Authority on the application of the person concerned.

## **7 Exemption from requirement to employ accredited teachers only**

- (1) A person (**the employer**) who employs an unaccredited person to teach in a non-government school is exempt from the operation of section 28 (2) of the Act in respect of that unaccredited person if:



- (a) the employer is a NVR registered training organisation, and
- (b) the unaccredited person is employed by the employer only to teach the necessary courses required to complete a Certificate III qualification for the purposes of the Higher School Certificate, and
- (c) the Authority is satisfied that the employer has not been able to find an appropriate person who is accredited to teach such courses.

(2) In this clause:

**NVR registered training organisation** has the same meaning as in the [National Vocational Education and Training Regulator Act 2011](#) of the Commonwealth.

**unaccredited person** means a person who is not accredited.

## 8 (Repealed)

# Part 3 Election of elected members of QTC

## Division 1 Definitions

### 9 Definitions

(1) In this Part (and in Schedules 1 and 2):

**category of election** means one of the categories of elections specified in the definition of **election** in this subclause.

**close of nominations** means the time and date for the close of nominations for an election that have been fixed under this Part by the notice of the election, by a call for further nominations or, if that close has been postponed, the time and date to which that close has been postponed.

**close of the ballot** means the time and date for the close of any ballot for an election that have been fixed under this Part by the notice of the election or, if that close has been postponed, the time and date to which that close has been postponed.

**close of the electoral list** means the time and date for the close of the electoral list for an election that have been fixed under this Part by the notice of the election or, if that close has been postponed, the time and date to which that close has been postponed.

**election** means an election of one of the following categories:

- (a) an election of a representative of government school teachers and principals,
- (b) an election of a representative of non-government school teachers and principals,

(c) an election of a representative of early childhood education centre teachers.

**elector** means a person entitled to vote in an election.

**Electoral Commissioner** means the person for the time being holding or acting in the office of Electoral Commissioner under the [Parliamentary Electorates and Elections Act 1912](#).

**electoral list** for an election means the electoral list delivered to the returning officer under Division 8.

**enrolled** means enrolled on the electoral list.

**non-rural area** means a part of the State that is not a rural area.

**non-rural teacher**, in relation to a candidate for an election, means a person who, at the close of the nominations for an election, was enrolled as a person employed as a teacher or principal in a government school in a non-rural area or (if the person is a casual teacher) as a person employed to teach in a government school and whose home address is in a non-rural area.

**notice of an election** means a notice under clause 17.

**optional preferential method** means the method of counting the votes set out in Schedule 2.

**representative of early childhood education centre teachers**—see clause 11 (1) (c).

**representative of government school teachers and principals**—see clause 11 (1) (a).

**representative of non-government school teachers and principals**—see clause 11 (1) (b).

**returning officer** means the returning officer designated under clause 12.

**rural area** means a part of the State that is specified as a rural area in the rules of the Authority.

**rural teacher or principal**, in relation to a candidate for an election, means a person who, at the close of the nominations for an election, was enrolled as a person employed as a teacher or principal in a government school in a rural area or, if the person is a casual teacher, a person employed to teach in a government school and whose home address is in a rural area.

(2) In this Part, a reference to a Form is a reference to a Form set out in Schedule 1.

## **Division 2 Election of members**

### **10 Manner of conduct of election**

For the purposes of section 13 (1) (a) of the Act, the election of elected members of the QTC is to be held and conducted in the manner set out in this Part.

### **11 Election of members to represent categories of teachers and principals**

There are to be 3 categories of elected members of the QTC, as follows:

- (a) 3 members are to be elected from persons employed as a teacher or principal in a government school (***representative of government school teachers and principals***) and of those 3 members at least 1 must be a rural teacher or principal,
- (b) 1 member is to be elected from persons employed as a teacher or principal in a non-government school (***representative of non-government school teachers and principals***),
- (c) 1 member is to be elected from persons employed as a teacher in an early childhood education centre (***representative of early childhood education centre teachers***).

## **Division 3 Returning officer**

### **12 Designation of returning officer**

The Electoral Commissioner, or a person or body approved by the Electoral Commissioner for the purposes of exercising the functions of a returning officer under this Regulation, is the returning officer for an election.

### **13 Functions of returning officer**

- (1) The returning officer is to conduct elections under this Part.
- (2) For the purposes of conducting an election, the returning officer may determine any matter not provided for by the Act or this Regulation.

### **14 Delegation by returning officer**

The returning officer may delegate any of the returning officer's functions under this Part (other than this power of delegation) to any member of staff of the returning officer.

### **15 Decision of returning officer final**

If the returning officer is permitted or required by this Part to make a decision on any matter relating to the holding of a ballot, the decision of the returning officer on that matter is final.

## **Division 4 Pre-ballot procedure**

### **16 Timing of second and subsequent elections**

Each election of elected members of the QTC after the first such election is to be held so that the result of the election is declared at least one month before the expiry of the term of the existing elected members of the QTC.

### **17 Notice of election**

(1) As soon as possible after having been notified in writing by or on behalf of the Minister that one or more elected members of the QTC are required to be elected, the returning officer must cause notice of that fact:

- (a) to be sent to the President, and
- (b) to be published in the Gazette, and
- (c) to be published in a daily newspaper circulating generally throughout the State.

(2) The notice:

- (a) must state that an election is to be held for the purpose of electing:
  - (i) one or more representatives of government school teachers and principals, or
  - (ii) one representative of non-government school teachers and principals, or
  - (iii) one representative of early childhood education centre teachers, and
- (b) must specify how many candidates are to be elected, and
- (c) must call for nominations of candidates, and
- (d) must advise where nomination forms may be obtained and where nominations may be lodged, and
- (e) must specify the qualifications that qualify a person to nominate a candidate or be nominated as a candidate, and
- (f) must fix the time and date for the close of nominations, and
- (g) must specify the qualifications that entitle a person to vote, and
- (h) must indicate that a nominee is entitled to submit information for a candidate information sheet and must specify the maximum amount of information that the returning officer considers is suitable for inclusion in a candidate information sheet, and
- (i) must state that the electoral list will be closed as at the close of nominations, and

- (j) must fix the time and date for the determination of the order of the candidates on the ballot-papers, and
  - (k) must fix the time and date for the close of the ballot.
- (3) The close of nominations is to be not less than 21 days, and not more than 28 days, after the date when the notice of the election is first published in a daily newspaper circulating generally in New South Wales.
  - (4) The close of the ballot is to be not less than 28 days after the close of nominations and not less than 56 days after the date the notice of election is first published in a daily newspaper circulating generally in New South Wales.
  - (5) A notice can relate to more than one category of election, but if it does, it must make clear who is qualified to nominate, to be nominated and to vote in each category of election.

#### **18 Extension of closing times**

- (1) The returning officer may, if of the opinion that an election would otherwise fail, fix later times and dates instead of those previously fixed.
- (2) The times and dates, and the publication of notice of them, must be in accordance with clause 17 (3) and (4).
- (3) A new date must not be more than 14 days after the corresponding date that was previously fixed.
- (4) The returning officer may exercise the power conferred by this clause more than once in respect of an election.

#### **19 Notification of Minister**

As soon as possible after having been notified in writing by or on behalf of the Minister that one or more elected members of the QTC are required to be elected, the returning officer must also notify the Minister in writing of the times and dates fixed:

- (a) for the close of nominations and of the electoral list, and
- (b) for the determination of the order of candidates, and
- (c) for the close of the ballot,

including any later times and dates.

## Division 5 Nominations

### 20 Qualifications to be nominated

- (1) **General qualifications** A person is qualified to be nominated as a candidate for an election if the person:
  - (a) has the qualifications specified in this clause, and
  - (b) has not served more than one full term as a member of the QTC, and
  - (c) is not a candidate for another category of election for which notice has been given but which is yet to be held, and
  - (d) in any election after the third anniversary of the first election of elected members of the QTC of any category—is accredited under Part 4 of the Act.
- (2) **Election of representative of government school teachers and principals** Any person who, at the time of nomination:
  - (a) is employed as a teacher or principal in a government school, and
  - (b) is enrolled as such a teacher or principal,is qualified to be nominated as a candidate for an election of one or more representatives of government school teachers and principals.
- (3) **Election of representative of non-government school teachers and principals** Any person who, at the time of nomination:
  - (a) is employed as a teacher or principal in a non-government school, and
  - (b) is enrolled as such a teacher or principal,is qualified to be nominated as a candidate for an election of a representative of non-government school teachers and principals.
- (4) **Election of representative of early childhood education centre teachers** Any person who, at the time of nomination:
  - (a) is employed to teach in an early childhood education centre, and
  - (b) is enrolled as such a teacher,is qualified to be nominated as a candidate for an election of a representative of early childhood education centre teachers.
- (5)–(8) (Repealed)

## **21 Qualifications for nominating candidates**

A person is qualified to nominate a candidate for an election of a particular category only if the person is, at the time of nomination, also qualified to be nominated as a candidate for that category.

## **22 Nominations**

- (1) A nomination of a candidate:
  - (a) must be in writing in the form provided by the returning officer, and
  - (b) must set out the full name of the candidate nominated and the residential address of that candidate, and
  - (c) must be made by at least 2 persons (other than the candidate) who are qualified to nominate a candidate for that category of election, and
  - (d) must set out the full names and residential addresses of the persons nominating the candidate, and
  - (e) must include the written consent to the nomination by the candidate, and
  - (f) must be lodged with the returning officer before the close of nominations.
- (2) If the returning officer is of the opinion that an insufficient number of the persons by whom a candidate has been nominated are qualified to nominate a candidate, the returning officer must, as soon as practicable, cause notice of that fact to be given to the candidate.
- (3) For the purpose of enabling the returning officer to form an opinion:
  - (a) as to whether a person by whom a candidate in an election has been nominated is qualified to nominate a candidate for that category of election, or
  - (b) as to whether a person who has been nominated is qualified to be nominated for that category of election,the returning officer may require the Chief Executive Officer to furnish the returning officer with such information regarding the person as the returning officer may specify.
- (4) The Chief Executive Officer must comply with such a request as soon as possible after it is made.
- (5) Each candidate must be nominated on a separate nomination form.
- (6) On receipt of the nomination, the returning officer must endorse on it the date and time of receipt.
- (7) Once a valid nomination reaches the returning officer, the nominee becomes a

candidate for election.

### **23 Withdrawal of nomination**

- (1) A candidate who has been nominated in an election may withdraw the nomination.
- (2) A withdrawal of nomination:
  - (a) must be in writing, and
  - (b) must contain a statement, signed by the candidate, stating that the candidate withdraws the nomination, and
  - (c) must be lodged with the returning officer before the close of nominations.

### **24 Candidate information sheets and contact details**

- (1) A person who is nominated for election may submit to the returning officer a statement, in Form 1, containing information intended for inclusion in a candidate information sheet.
- (2) A candidate information sheet for one candidate cannot refer to another candidate standing in the election without the written consent of that other candidate.
- (3) The candidate information sheet may be submitted to the returning officer at any time before the close of nominations.

## **Division 6 Procedure on close of nominations (election of 3 representatives of government school teachers)**

### **25 Application of Division**

This Division applies to an election of 3 representatives of government school teachers.

### **26 Procedure on close of nominations**

- (1) If no person has been duly nominated as a candidate by the close of nominations, then the returning officer must call for further nominations in accordance with Division 7A.
- (2) If only 1 person has been duly nominated as a candidate by the close of nominations, then:
  - (a) that person is taken to have been elected, and
  - (b) the returning officer must call for further nominations in accordance with Division 7A.
- (3) If only 2 persons have been duly nominated as candidates by the close of nominations and at least one of those persons is a rural teacher or principal, then:



- (a) those persons are taken to have been elected, and
  - (b) the returning officer must call for further nominations in accordance with Division 7A.
- (4) If only 3 persons have been duly nominated as candidates by the close of nominations and at least 1 of the persons is a rural teacher or principal, then those 3 persons are taken to have been elected.
- (5) If 3 or more persons have been duly nominated as candidates by the close of nominations and none of those persons is a rural teacher or principal, then none is taken to have been elected and the returning officer must call for further nominations in accordance with Division 7A.
- (6) If 4 or more persons have been duly nominated as candidates by the close of nominations and 1 of those persons is a rural teacher or principal, then:
- (a) the rural teacher or principal is taken to have been elected, and
  - (b) a ballot must be held to fill the remaining 2 positions.
- (7) If 4 or more persons have been duly nominated as candidates by the close of nominations and 2 or more of those persons are rural teachers or principals, then a ballot must be held to fill all 3 positions.
- (8) If the returning officer is required by this clause to call for further nominations, then the persons duly nominated but not taken to have been elected after the first call for nominations are to be treated as having been nominated after the call for further nominations. No ballot is to be held until the call for further nominations has closed.

## **27 Procedure on close of further nominations**

- (1) Clause 26 applies to determine the procedure after the close of further nominations in the same way that it applies to the first close of nominations, but any person who has been taken to have been elected is taken to have been nominated as a rural or non-rural teacher or principal, as the case requires.
- (2) Clause 26 does not so apply until after the close of further nominations.

## **Division 7 Procedure on close of nominations (other elections)**

### **28 Application of Division**

This Division applies to an election that is not an election of 3 representatives of government school teachers.

### **29 Contested elections**

- (1) If no person has been duly nominated as a candidate by the close of nominations,

then the returning officer must call for further nominations in accordance with Division 7A.

- (2) If the number of persons who have been duly nominated as candidates for an election exceeds 1, a ballot must be held.

### **30 Uncontested elections**

If only one person has been duly nominated as a candidate for an election, that person is taken to be elected.

## **Division 7A Call for further nominations**

### **31 Call for further nominations**

- (1) As soon as possible after determining (in accordance with clause 26 or 29) that a call for further nominations must be made, the returning officer must cause a notice calling for further nominations:
  - (a) to be sent to the Chief Executive Officer, and
  - (b) to be published in the Gazette, and
  - (c) to be published in a daily newspaper circulating generally throughout the State.
- (2) The notice:
  - (a) must state that an election is to be held for the purpose of electing a representative or representatives of a particular category or categories, and
  - (b) must specify that nominations will be accepted from both rural and non-rural teachers and principals though in some cases only a rural teacher or principal will be elected and non-rural teachers and principals will be on the replacement list for filling casual vacancies, and
  - (c) must specify the number of members required to be elected, and
  - (d) must call for nominations of candidates, and
  - (e) must advise where nomination forms may be obtained and where nominations may be lodged, and
  - (f) must specify the qualifications that qualify a person to nominate a candidate or be nominated as a candidate, and
  - (g) must fix the time and date for the close of nominations.
- (3) The close of nominations is to be not less than 21 days, and not more than 28 days, after the date when the notice of the call is first published in a daily newspaper

circulating generally in New South Wales and not the date specified under clause 17.

- (4) The close of the ballot is to be not less than 28 days after the close of nominations and not less than 56 days after the notice of the call is first published in a daily newspaper circulating generally in New South Wales and not the date specified under clause 17.
- (5) A notice can relate to more than one category of election, but if it does it must make clear who is qualified to nominate, to be nominated and to vote in each election.

## **Division 8 Electoral list**

### **32 Notification that electoral list is required**

As soon as practicable after the close of nominations, the returning officer is to request the Authority to deliver the electoral list for the election to the returning officer.

**Note—**

Part 3 of the Act provides for the keeping of the electoral list.

### **33 Delivery of electoral list**

- (1) The Chief Executive Officer is to deliver the following to the returning officer within 7 days after receiving a request under this Division:
  - (a) the electoral list (in written or electronic form) that sets out (as at the close of nominations) in relation to the relevant category of election:
    - (i) the full name of each person enrolled on it and the address to which that person's ballot-paper is to be sent, and
    - (ii) the single category of election for which each person is qualified to vote,
  - (b) an appropriately addressed written label or envelope (or an electronic record enabling labels to be produced or envelopes to be addressed) for every person whose name and address is on that electoral list and who is qualified to vote in relation to the relevant election.
- (2) The address to which a person's ballot-paper is to be sent is to be the one nominated by the person or otherwise made available to the Authority. However, if none has been nominated by the person, the address is to be one nominated by the Chief Executive Officer as the address at which the person is usually employed (or the address of the person's headquarters in the case of a person who has more than one usual place of employment).
- (3) The Chief Executive Officer must certify, in accordance with Form 2, that the electoral list for the election complies with this clause.
- (4) This clause does not apply to an election held as a consequence of an earlier election

for which there have been insufficient nominations, and a call for further nominations, if an electoral list for the earlier election has already been provided to the returning officer.

#### **34 Inspection of electoral list**

The returning officer is to allow any person to inspect the electoral list for an election without charge during the normal office hours of the returning officer.

#### **35 Information concerning government school teachers and principals**

The Authority may, on the request of the Electoral Commissioner, provide information, in relation to any person employed as a teacher or principal in a government school, as to whether the person is enrolled as being so employed in a rural area or a non-rural area.

### **Division 9 Entitlement to vote**

#### **36 Entitlement to vote**

Any person is entitled to vote at an election of the category for which the person is specified on the electoral list as being entitled to vote at the close of the electoral list.

#### **37 No other persons entitled to vote**

Only a person who is enrolled at the close of the electoral list as a person entitled to vote in a particular category of election is entitled to vote at that category of election.

### **Division 10 Ballot-papers**

#### **38 Position on ballot-paper**

- (1) The order of candidates' names on ballot-papers for an election that is a contested election is to be determined by a ballot held by the returning officer.
- (2) That is to be done at the office of the returning officer at the time, and on the date last fixed for the determination by notice of the election.
- (3) The ballot is to be conducted by the returning officer in the presence of at least 2 persons who are not candidates for election.
- (4) The ballot is to be conducted in the following manner:
  - (a) the returning officer must, at the place determined by the returning officer and before all persons present, make out in respect of each candidate a slip bearing the name under which the candidate has been nominated,
  - (b) the returning officer must then enclose the slips in separate identical containers, securely seal each container and deposit all the containers in a securely fastened box,

- (c) the returning officer must then shake and rotate the box and, on request, permit any other person present to do the same,
  - (d) the returning officer must then unfasten the box and take out and open each container one by one,
  - (e) the returning officer must then announce to the persons present, and record, the name of the candidate whose name appears on the slip enclosed in the container first taken from the box and, in consecutive order, the name of the candidate whose name appears on the slip enclosed in the container next taken from the box and so on until the placing of all names has been determined,
  - (f) the returning officer must sign the record and allow any of the persons present to do the same.
- (5) Each candidate or an agent of the candidate is entitled to be present at a ballot in accordance with this clause.

### **39 Form of ballot-papers**

- (1) If there is to be a contested election, the returning officer is to have ballot-papers printed for the election.
- (2) The names of the candidates are to be printed in one column.
- (3) The name of the candidate that has been first taken from the ballot-box in the determination of the order of names under this Division is to be shown closest to the top of the ballot-papers. The name of the candidate that has been next taken from the ballot-box is to be shown immediately below the name of the candidate that has been first taken, and so on.
- (4) The ballot-paper must contain:
  - (a) the names of the candidates with a small square opposite each name, and
  - (b) if, in the opinion of the returning officer, the names of 2 or more candidates are so similar as to cause confusion, such other matter as will, in the opinion of the returning officer, distinguish those candidates, and
  - (c) the directions as to the manner in which a vote is to be recorded on the ballot-paper, and directions as to how the ballot-paper is to be returned to the returning office, being directions in Form 3 (in the case of an election of a representative of government school teachers and principals) or Form 4 (in any other case).
- (5) The ballot-paper may contain such other directions as the returning officer considers appropriate.

#### **40 Candidate information sheets**

- (1) If there is to be a ballot, the returning officer is to prepare a candidate information sheet. The returning officer must base the information in that sheet on what has been set out in the statutory declarations submitted to the returning officer before the close of nominations.
- (2) The returning officer may, when preparing a candidate information sheet, reject any information submitted if the returning officer considers that the information is:
  - (a) inappropriate for inclusion in a candidate information sheet, or
  - (b) misleading in a material particular, or
  - (c) exceeds the maximum amount of information that the returning officer considers is suitable for inclusion in the candidate information sheet (as specified in the notice of election).
- (3) If the returning officer rejects information under subclause (2), he or she is to give the candidate notice that the information is unsuitable and give the candidate 7 days to submit suitable information.
- (4) If the candidate does not submit information that the returning officer considers to be suitable within those 7 days, no information about the candidate is to be included on the candidate information sheet.
- (5) The names of the candidates and the information about them must be listed on the candidate information sheet in the same order as they are listed on the ballot-paper for the election.
- (6) The returning officer must compile a candidate information sheet consisting of the information submitted by the candidate.
- (7) The returning officer must cause any candidate information sheet compiled under this clause to be printed in sufficient quantity to be distributed with all ballot-papers.

### **Division 11 Distribution of ballot-papers**

#### **41 Distribution of ballot-papers**

- (1) The returning officer is to provide sufficient ballot-papers for each person entitled to vote in an election.
- (2) The returning officer must send to each elector:
  - (a) a ballot-paper on which to record his or her vote, and
  - (b) a large unsealed reply-paid envelope addressed to the returning officer and bearing on the back:

- (i) the words “full name and address of elector” together with appropriate spaces for the insertion of a name and address, and
  - (ii) the words “signature of elector”, together with an appropriate space for the insertion of a signature, and
- (c) where appropriate, a copy of the candidate information sheet.
- (3) Those items must be sent, not later than 20 days before the date fixed for the close of the ballot, by post to the address nominated in the electoral list for each person enrolled at the date of the close of nominations for the election.

#### **42 Initialling of ballot-paper**

A ballot-paper is to be initialled by the returning officer (or by a person authorised by the returning officer) before the returning officer sends it to an elector. The initials may be written or stamped.

#### **43 Notation that ballot-paper sent**

The returning officer is to make an appropriate notation on the electoral list to show that the elector has been sent the ballot-paper.

#### **44 Duplicates**

- (1) If an elector satisfies the returning officer that he or she has spoiled by reason of accident or mistake any ballot-paper handed or sent to him or her, the returning officer may, on receipt of the spoiled ballot-paper:
- (a) hand or send to the elector a new ballot-paper, and
  - (b) cancel and preserve the spoiled paper.
- (2) The returning officer may, at any time before the close of the ballot, send or deliver to an elector a new ballot-paper if the elector satisfies the returning officer by statutory declaration:
- (a) that the elector’s previous ballot-paper in the election has not been received or has been lost or destroyed, and
  - (b) that the elector has not already received another ballot-paper for the election, and
  - (c) that the elector has not already voted at the election.
- (3) The returning officer must maintain a record of all ballot-papers sent or delivered to electors under this clause.
- (4) The returning officer may, at the request of an elector, send or deliver to the elector a duplicate of an envelope or candidate information sheet.

## **Division 12 The ballot**

### **45 Type of ballot**

A ballot in an election is to be a postal ballot.

### **46 Voting not compulsory**

Voting is not compulsory.

### **47 Method of voting**

At an election, an elector is:

- (a) required to record a vote for at least the number of candidates specified in the instructions on the ballot-paper, and
- (b) permitted to record a vote for as many more candidates as the elector pleases, so as to indicate, in such manner as is required by this Part, the candidates for whom the elector votes and the order of the elector's preference for them.

### **48 Recording of votes**

In order to vote in an election, a person:

- (a) must record a vote on the ballot-paper in accordance with the directions shown on it and this Division, and
- (b) must place the completed ballot-paper in the envelope provided, and
- (c) must seal the envelope, and
- (d) must write legibly the person's full name and address on, and sign, the back of the envelope in the spaces provided, and
- (e) must return the envelope to the returning officer before the close of the ballot.

## **Division 13 Scrutiny of votes**

### **49 Ascertaining result of ballot**

The result of a ballot for an election is to be ascertained by the returning officer as soon as practicable after the close of the ballot.

### **50 Scrutineers**

- (1) Each candidate at an election is entitled to appoint a scrutineer to represent the candidate in respect of the ballot. The appointment is to be by notice in writing sent or delivered to the returning officer.



- (2) A candidate for election may not act as a scrutineer.
- (3) A scrutineer appointed in accordance with this clause is entitled to be present at any proceeding in the election for which the person who appointed the scrutineer is a candidate, from the ballot for the position on the ballot-paper, to the examination, opening and counting of votes by the returning officer, to the final sealing, endorsement and signing of the parcels of papers used in the election.
- (4) Any scrutineer, whether appointed by a candidate or not, may be present at any counting table during the counting of votes.

### **51 Examination of envelopes**

- (1) The returning officer must, as soon as practicable after the receipt of an envelope purporting to contain a ballot-paper, examine the envelope for the purpose of deciding whether to accept or reject the envelope.
- (2) The returning officer is to reject an envelope purporting to contain a ballot-paper issued in respect of an election if:
  - (a) the envelope does not have legibly marked on its rear flap the name, address and signature that appear to the returning officer to be those of a person enrolled, or
  - (b) the envelope is not sealed, or
  - (c) the envelope is not received by the returning officer at or before the time stated on ballot-papers issued in respect of the election as the time at or before which the envelope is to be so received.
- (3) The returning officer must examine the name on the back of an envelope not rejected under subclause (2), and:
  - (a) if satisfied that a person of that name is an elector, must accept the envelope without opening it and must place it in a locked ballot-box, or
  - (b) if not so satisfied, must reject the envelope.
- (4) If it appears to the returning officer that the signature on the back of an envelope is not the signature of the person whose name and address are there, the returning officer may make any inquiries in respect of the apparent anomaly that the returning officer thinks fit.
- (5) If, after making those inquiries, the returning officer is satisfied that the signature is not the signature of that person, the officer must reject the envelope.
- (6) If an envelope is to be rejected, its contents must also be rejected and the returning officer must not open it.
- (7) The returning officer:

- (a) must keep a record of any rejection of an envelope, and
- (b) must note in that record the reason for the rejection, and
- (c) must keep a record of the total number of envelopes rejected.

## **52 Scrutiny of votes**

The scrutiny of votes in a ballot must be conducted as follows, after the close of the ballot:

- (a) the returning officer must unlock the ballot-box, remove the envelopes and then remove the ballot-papers from the envelopes,
- (b) the returning officer must then reject all ballot-papers in an envelope if the envelope contains more than one ballot-paper,
- (c) the returning officer must then place the ballot-papers and envelopes in separate piles or containers,
- (d) the returning officer must unfold and examine each ballot-paper and reject those that are informal,
- (e) the returning officer must then proceed to count the votes, and ascertain the result of the ballot, in accordance with Division 14.

## **53 Informal ballot-papers**

- (1) The returning officer is to reject a ballot-paper as being informal if:
  - (a) the elector has failed to record a vote on it in accordance with the directions printed on the ballot-paper, or
  - (b) it has not been initialled by the returning officer, or
  - (c) it contains a mark or writing that, in the returning officer's opinion, would enable the elector to be identified.
- (2) However, a ballot-paper is not informal just because of the existence of marks or writing on the paper (such as a tick or a cross) that are not in accordance with the directions for its completion if, in the opinion of the returning officer, the elector's intention is clearly indicated on the ballot-paper. However, in the case of an election of more than one representative of government school teachers, a ballot-paper that shows 2 or more crosses or ticks is informal.
- (3) A ballot-paper that shows at least one preference is not informal just because a second or later preference has been repeated or omitted. However, if there is a repetition or omission in the consecutive numbering of preferences marked on a ballot-paper (other than a repetition or omission that makes the ballot-paper informal), only those preferences preceding the repetition or omission can be taken into account.

- (4) A ballot-paper of an elector at an election is not informal by virtue of the existence of an unnecessary mark on the ballot-paper if, in the opinion of the returning officer, the elector's intention is clearly indicated on the ballot-paper.

## **Division 14 Method of counting**

### **54 Counting the votes—optional preferential method**

The method of counting the votes is to be the optional preferential method.

### **55 Special provisions for election of a representative of government school teachers and principals**

- (1) This clause applies if, in relation to an election of a representative of government school teachers and principals, the optional preferential method would result in a person who is not a rural teacher being elected.
- (2) If the election of that person would mean that there were not, and could not be, at least 1 rural teacher or principal on the QTC then the election of that person is to be disregarded and the counting is to continue until a rural teacher is elected.

### **56 Recount**

- (1) Any candidate present when the returning officer declares the result of the count at an election, or later notified of the result by the Chief Executive Officer or otherwise, may request a recount of the ballot-papers.
- (2) If such a request is made, the returning officer may again have the papers scrutinised and counted and is to inform the persons present of the results of the recount.

## **Division 15 Miscellaneous**

### **57 Declaring the election**

- (1) As soon as practicable after counting votes in an election and ascertaining the result of an election, the returning officer is to declare the result of the election.
- (2) The returning officer then is to notify the Chief Executive Officer, in writing:
  - (a) of the candidate or candidates elected, and
  - (b) of the order in which unsuccessful candidates were excluded from the counting of votes.
- (3) The Chief Executive Officer is to cause notice of the candidate or candidates elected in the election:
  - (a) to be sent to each candidate in the election, and
  - (b) to be published in the Gazette, and

- (c) to be published in a daily newspaper circulating generally throughout New South Wales.

### **58 Misconduct in voting**

A person must not:

- (a) vote, or attempt to vote, more than once in an election, or
- (b) vote, or attempt to vote, in any election in which the person is not entitled to vote.

Maximum penalty: 5 penalty units.

#### **Note—**

Section 307B of the *Crimes Act 1900* makes it an offence for a person to give information to another person who is exercising or performing any power, authority, duty or function under, or in connection with, a law of the State (which would include the returning officer designated under this Part) knowing that the information is false or misleading or that it omits any matter or thing without which the information is misleading.

### **59 Validity of election**

- (1) An election is not invalid just because there was a formal defect or error in or relating to the election, if the election was held substantially in accordance with this Part.
- (2) In particular, an election is not invalid just because:
  - (a) a person whose name is on the electoral list did not receive a ballot-paper, or
  - (b) the returning officer did not receive a ballot-paper sent to the returning officer.

### **60 Death of candidate**

- (1) If a candidate dies after the close of nominations and before the close of the ballot in an election:
  - (a) the returning officer is to cause notice of the death to be published in one or more newspapers that circulate generally throughout the State, and
  - (b) the count is to proceed in accordance with this Part and, if the deceased candidate is elected, the election of the deceased candidate is to be disregarded and the count is to be continued.
- (2) However, if the deceased elected candidate was taken to have been elected by virtue of clause 26, a fresh election must be held to replace the candidate so taken to have been elected.

### **61 Security of election materials**

- (1) After the result of an election has been declared, the returning officer is to make a parcel of the papers used in the election.

- (2) If there was a ballot, the officer is to make 2 parcels:
  - (a) one parcel containing the marked and unmarked ballot-papers, including any rejected envelopes or informal ballot-papers, together with the copies of the relevant electoral list, and
  - (b) the other parcel containing the other papers (including, but not limited to, any candidate information statements or sheets and any notices) used in the election.
- (3) The returning officer is to seal, endorse and sign each parcel, and to allow any scrutineers, candidates, or agents of candidates who are present to watch the returning officer carry out those actions and countersign the parcel.
- (4) The returning officer is to have each parcel kept securely for at least 12 months, and then destroyed.
- (5) If a court so directs, or any legislation so requires or permits, the returning officer is to allow any person to inspect any of the election materials, except the sealed parcels of marked ballot-papers.

## **Part 4 Elected members of QTC**

### **62 Appointment of persons to act temporarily in office of elected member**

- (1) This clause applies if it is expected by the Minister that an elected member will be absent from 2 or more consecutive meetings of the QTC for illness or another reason, other than a vacancy in the office of that member.
- (2) For the purposes of clause 3 (2) of Schedule 2 to the Act, the Minister may appoint a person to act in the office of the elected member at the meetings from which the elected member will be absent.
- (3) If possible, the person appointed must have been a candidate for the election in which the elected member was elected and must, at the date of appointment, still be a person who is qualified to be nominated at an election for the relevant category of election held on that date.
- (4) The Minister must offer the appointment to the candidate last excluded from the count at that election, then to the second last person excluded and so on until a person agrees to be appointed.
- (5) In the case of a representative of government school teachers and principals, if the elected member was, at the time of nomination for his or her election, a person enrolled as a person who teaches in a rural area and there would, in the absence of that person, be no rural teachers or principals on the QTC, the person appointed must, at the time of appointment, also be enrolled as a person who is employed in a rural area and, accordingly, the Minister must offer the appointment to the candidate last

excluded from the count at that election that at the time of appointment is enrolled as a person who is employed in a rural area, then to the second last such person excluded and so on until such a person agrees to be appointed.

- (6) If the procedure in this clause does not result in the appointment of any person, the Minister may appoint any person to act in the office of the elected member, being a person who would be qualified as a candidate for any relevant category of election held on the date of appointment. The Minister must first give notice of the Minister's intention to appoint a replacement person and call for expressions of interest from eligible persons wishing to be considered for replacement appointment. An expression of interest is to be accompanied by the relevant nomination form and a completed Form 1.

### **63 Filling of casual vacancy in office of elected member in first 30 months of term of office**

- (1) For the purposes of clause 5 (2) of Schedule 2 to the Act, if the office of an elected member becomes vacant during the first 30 months of the term of that office, the vacancy is to be filled in accordance with this clause.
- (2) In the case of a vacancy in the office of a representative of government school teachers and principals if the elected member was, at the time of nomination for his or her election, enrolled as a person who is employed in a rural area and there would, in the absence of that person, be no rural teachers or principals on the QTC, the vacancy is to be filled by a person who, at the time of appointment, is enrolled as a person who is employed in a rural area being the last such person excluded from the count in the election in which the elected member was elected.
- (3) In the case of a representative other than a representative of government school teachers and principals, the vacancy is to be filled by the candidate last excluded from the count in the election in which the elected member was elected who, at the date of appointment, is still a person who is qualified to nominate at an election for the relevant category of election.
- (4) Despite subclauses (2) and (3), if an elected member was elected at an uncontested election, his or her vacancy is to be filled by an election. The method of counting for such an election is the optional preferential method. If the elected member being replaced was elected as a representative of government school teachers and principals who is a rural teacher, only persons who are, at the time of nomination in the second election, enrolled as rural teachers or principals are qualified to nominate for that election.

### **64 Filling of vacancy in office of member appointed to fill casual vacancy**

- (1) For the purposes of clause 5 (2) of Schedule 2 to the Act, if the office of a member filling a vacancy in the office of an elected member under clause 63 itself becomes vacant during the first 30 months of that office, the new vacancy is to be filled in

accordance with clause 63, subject to this clause.

- (2) However, the process of filling vacancies set out in this clause can continue only until positions have been filled 3 times in each category other than government school teachers and principals, where it can continue until positions have been filled 5 times. After that, a by-election will be held for the vacant position, unless this occurs in the last 6 months of the 3 year term, in which case the filling of positions by the list of persons in the order in which they were elected or finished in the counting for the election will continue.

#### **65 Extension of term of office of elected members**

- (1) The Minister may, by notice in writing to an elected member, extend the term of office of the elected member for a period not exceeding 12 months.
- (2) Subclause (1) has effect despite clause 2 (2) of Schedule 2 to the Act, but is otherwise subject to the provisions of that Schedule.
- (3) This clause extends to persons holding office as elected members immediately before the commencement of this clause.

### **Part 5 Miscellaneous**

#### **66 Maintenance of electoral list**

- (1) The Authority must, in maintaining the electoral list, specify the following in relation to each person enrolled on the list who is employed to teach:
  - (a) the person or body by whom the person is employed,
  - (b) the single category of election of elected members of the QTC for which the person is entitled to vote, in accordance with the following:
    - (i) any person who is enrolled only as a person employed to teach (whether or not as a principal) in a government school is entitled to vote at an election of representatives of government school teachers and principals on the QTC,
    - (ii) any person who is enrolled only as a person employed to teach (whether or not as a principal) in a non-government school is entitled to vote at an election of a representative of non-government school teachers and principals on the QTC,
    - (iii) any person who is enrolled only as a person employed to teach in an early childhood education centre is entitled to vote at an election of a representative of early childhood education centre teachers on the QTC,
  - (c) whether or not the person is accredited.

- (2) The Authority must, in maintaining the electoral list, specify the following in relation to each person enrolled on the list who is a casual teacher or a part-time teacher:
- (a) the single category of election of elected members of the QTC for which the person is entitled to vote, which is to be:
    - (i) an election of a representative of government school teachers and principals on the QTC, or
    - (ii) an election of a representative of non-government school teachers and principals on the QTC, or
    - (iii) an election of a representative of early childhood education centre teachers on the QTC,depending on the category of election that the person nominated on the roll of teachers,
  - (b) whether or not the person is accredited.
- (3) The Authority must, in maintaining the electoral list, specify the following in relation to each person enrolled on the list who is not employed to teach:
- (a) the person or body by whom the person is employed,
  - (b) the single category of election of elected members of the QTC for which the person is entitled to vote, depending on the category of election that the person nominated when he or she applied for inclusion on the roll of teachers.

## **67 Eligibility to be enrolled**

For the purposes of section 17 (1) (c) (ii) of the Act, the following bodies are prescribed:

- (a) the NSW Teachers Federation,
- (b) the NSW Independent Education Union,
- (c) the Association of Independent Schools of NSW,
- (d) the Catholic Education Commission NSW or any Catholic Schools Office or Catholic Education Office located in a New South Wales diocese,
- (e) the approved authority for a system of non-government schools approved by the Minister under Part 7 of the *Education Act 1990*,
- (f) the Professional Teachers' Council NSW,
- (g) the faculty or school of education in any higher education institution approved by the Authority,



- (h) any other educational body or association approved by the Authority.

#### **67A CEO to designate interim elected members of QTC**

For the purposes of clause 14 of Schedule 3 to the Act, the interim elected members of the QTC are:

- (a) 3 former elected members who are employed in a government school and of those 3 members at least 1 must be a rural teacher or principal, and
- (b) 1 former elected member who is employed in a non-government school, and
- (c) 1 former elected member who is employed in an early childhood education centre, as designated by the Chief Executive Officer having regard to the highest number of votes in an election for each category of election, if any.

#### **68 Exemption from requirement that appointed members hold office for not more than 6 years**

A person who was an appointed member of the QTC on 2 December 2011 (being the date of commencement of the *Institute of Teachers Amendment (Quality Teaching Council) Regulation 2011*) is exempt from the operation of section 13 (4) of the Act but only to the extent that the appointed member holds office for terms totalling not more than 7 years.

#### **69 Fees**

- (1) The fees set out in Schedule 3 are payable with respect to the matters referred to in that Schedule.
- (2) Any fee payable under section 25 of the Act is payable on or before an annual date as determined by the Authority.
- (3) The Authority may waive or refund all or part of any fee payable under the Act.

#### **70 Repeal and savings**

- (1) The *Teacher Accreditation Regulation 2010* is repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Teacher Accreditation Regulation 2010*, had effect under that Regulation continues to have effect under this Regulation.

### **Schedule 1 Forms**

(Clause 9 (2))

#### **Form 1 Information in support of candidature for election to the QTC**

*(Teacher Accreditation Act 2004)*

1 Name:

2 School/Early childhood education centre:

3 Information in support of candidature:

Signed:

Dated:

## **Form 2 Certificate of Chief Executive Officer**

(Clause 33 (3))

*(Teacher Accreditation Act 2004)*

I, *[insert name]* Chief Executive Officer of the NSW Education Standards Authority, certify that the attached electoral list containing *[insert number]* pages and *[insert number]* names, commencing with the name *[insert name]* and ending with the name *[insert name]*, is a true and correct list of persons eligible to be enrolled on the electoral list by virtue of section 17 of the *Teacher Accreditation Act 2004* as at *[insert time]* on *[insert date]*.

Signed:

Dated:

## **Form 3 Ballot-paper for election of representative of government school teachers and principals**

(Clause 39 (4) (c))

*(Teacher Accreditation Act 2004)*

### **Election of government school teachers and principals representative members of Quality Teaching Committee**

READ CAREFULLY THE FOLLOWING INSTRUCTIONS BEFORE VOTING

- 1 You must vote for at least *[insert number]* candidates in the order of your preference by placing the numbers *[insert consecutive numbers, beginning with the number "1" and ending with the number equal to the number of candidates to be elected]* in the squares opposite the names of those candidates. You may, if you so desire, indicate your preference for the remaining candidates using the numbers *[insert the 2 next highest numbers]* and so on.
- 2 After marking your ballot-paper, fold it so that the vote cannot be seen, then place it in the reply-paid envelope and seal the envelope. PRINT YOUR NAME AND ADDRESS AND SIGN YOUR NAME IN THE SPACE PROVIDED ON THE REAR FLAP OF THE ENVELOPE. Post or deliver the reply-paid envelope so that it will be received by the returning officer NOT LATER THAN *[insert date and time of close of ballot]*.
- 3 Your vote will not be accepted unless your particulars and signature are shown on the rear flap of the reply-paid envelope. Remember to show the registered address to which voting materials were posted.
- 4 Only one ballot-paper is to be enclosed in each reply-paid envelope, otherwise the ballot-papers will not be accepted.
- 5 Any correspondence concerning this election should be addressed to the *[insert name of returning officer]*.

## **Form 4 Ballot-paper for election of other representatives**

(Teacher Accreditation Act 2004)

**Election of [indicate category of representative] member of Quality Teaching Committee**

READ CAREFULLY THE FOLLOWING INSTRUCTIONS BEFORE VOTING

- 1 You must vote for at least one candidate in the order of your preference by placing a tick or a cross or the number 1 in the square opposite the name of that candidate. You may, if you so desire, indicate your preference for the remaining candidates using the numbers 2, 3, 4, 5 and so on.
- 2 After marking your ballot-paper, fold it so that the vote cannot be seen, then place it in the reply-paid envelope and seal the envelope. PRINT YOUR NAME AND ADDRESS AND SIGN YOUR NAME IN THE SPACE PROVIDED ON THE REAR FLAP OF THE ENVELOPE. Post or deliver the reply-paid envelope so that it will be received by the returning officer NOT LATER THAN [insert date and time of close of ballot].
- 3 Your vote will not be accepted unless your particulars and signature are shown on the rear flap of the reply-paid envelope. Remember to show the registered address to which voting materials were posted.
- 4 Only one ballot-paper is to be enclosed in each reply-paid envelope, otherwise the ballot-papers will not be accepted.
- 5 Any correspondence concerning this election should be addressed to the returning officer [insert name of returning officer].

## **Schedule 2 Counting of votes under optional preferential system**

(Clause 9 (1))

### **1 General**

This Schedule sets out the method of counting votes according to the optional preferential system. The counting is to be carried out under the supervision of the returning officer.

### **2 Definitions**

In this Schedule:

**absolute majority of votes** means a number greater than one-half of the whole number of ballot-papers other than informal and exhausted ballot-papers.

**continuing candidate** means a candidate not already elected or excluded from the count.

**exhausted ballot-paper** means a ballot-paper on which there is no indication of a next preference for a continuing candidate.

**next preference** means the first of the subsequent preferences marked on a ballot-paper that is not given to an elected or excluded candidate. However, if there is a repetition or omission in the consecutive numbering of preferences marked on a ballot-paper (other than a repetition or omission that makes the ballot-paper informal), only those preferences preceding the repetition or omission can be taken into account.

***unrejected ballot-papers*** means all ballot-papers not rejected as informal.

### **3 Election of candidate**

If only one candidate is to be elected, the votes are to be counted and the result of the election ascertained in accordance with the following procedures:

- (a) The unrejected ballot-papers are arranged under the names of the respective candidates by placing in a separate parcel all those on which a first preference is indicated for the same candidate.
- (b) The total number of first preferences given for each candidate on such ballot-papers are then counted.
- (c) The candidate who has received the largest number of first preference votes is elected if that number constitutes an absolute majority of votes.
- (d) If no candidate has received an absolute majority of first preference votes, a second count is made.
- (e) On the second count the candidate who has received the fewest first preference votes is excluded, and each unexhausted ballot-paper counted to him or her is counted to the candidate next in the order of the voter's preference.
- (f) If a candidate then has an absolute majority of votes, he or she is elected, but if no candidate then has an absolute majority of votes, the process of excluding the candidate who has the fewest votes and counting each of his or her unexhausted ballot-papers to the continuing candidate next in the order of the voter's preference is repeated until one candidate has received an absolute majority of votes.
- (g) The candidate who has received an absolute majority of votes is elected.

### **4 Election of 2 candidates**

If 2 candidates are to be elected, the votes are to be counted and the result of the election ascertained in accordance with the following procedures:

- (a) One of the candidates is elected in accordance with clause 3 of this Schedule.
- (b) All the unrejected ballot-papers are rearranged under the names of the respective candidates in accordance with the first preferences marked on the ballot-papers, except that each ballot-paper on which a first preference for the elected candidate is indicated is placed in the parcel of the candidate next in the order of the voter's preference.
- (c) The number of ballot-papers in the parcel of each candidate is counted and the total number of votes so counted to each candidate is ascertained.
- (d) If a candidate then has an absolute majority of votes he or she is elected. If not, the

count proceeds according to clause 3 (d), (e) and (f) of this Schedule, until one candidate has received an absolute majority of votes.

- (e) Clause 3 (d) and (e) of this Schedule are to be read for the purposes of this clause as if a reference in those paragraphs to first preference votes were a reference to all the votes counted to a candidate under this clause.
- (f) The candidate who has received an absolute majority of votes is elected.

## **5 Election of 3 candidates**

- (1) If 3 candidates are to be elected, 2 of the candidates are elected in accordance with clauses 3 and 4 of this Schedule.
- (2) The third candidate is elected in the manner provided in clause 4 of this Schedule as regards the election of a second candidate. However, a ballot-paper on which a first preference for any elected candidate is marked is placed in the parcel of the continuing candidate next in the order of the voter's preference.

## **6 Exhausted ballot-papers**

In the process of counting under clause 3, 4 or 5 of this Schedule, exhausted ballot-papers are set aside as finally dealt with and are not taken into account in the election of a candidate under the appropriate clause.

## **7 Equality**

- (1) If, on any count at which the candidate with the fewest number of votes has to be excluded, 2 or more candidates have an equal number of votes (that number being fewer than the number of votes that any other candidate has or those candidates being the only continuing candidates):
  - (a) the candidate who had the fewest votes at the last count before the equality occurred is excluded, or
  - (b) if they had an equal number of votes at all preceding counts, the candidate whose name is on a slip drawn in accordance with subclause (2) is excluded.
- (2) For the purposes of subclause (1) (b) the returning officer writes the names of the candidates who have an equal number of votes on similar slips of paper. The returning officer then folds the slips so as to prevent the names being seen, mixes them, and draws one slip at random.

## **8 End of counting**

The process of counting each of the unexhausted ballot-papers of an excluded candidate to the continuing candidate next in the order of the voter's preference is not repeated if there is only one continuing candidate. Instead, that continuing candidate is elected.

## Schedule 3 Fees

<b>Matter for which fee payable</b>	<b>Fee \$</b>
For an application for preliminary assessment of person:	
(a) at highly accomplished teacher level, or	65
(b) at lead teacher level	65
For an application for accreditation at highly accomplished teacher level:	
(a) if the applicant has been preliminarily assessed in relation to that level within the last 3 years, or	555
(b) otherwise	605
For an application for accreditation at lead teacher level:	
(a) if the applicant has been preliminarily assessed in relation to that level within the last 3 years, or	655
(b) otherwise	715
For the annual fee for teachers who are accredited	100
For the assessment of overseas qualifications held by a person who is an Australian citizen or permanent resident:	
(a) for up to 2 qualifications, or	200
(b) for 3 or 4 qualifications, or	300
(c) for 5 or more qualifications	400
For the assessment of overseas qualifications held by a person other than an Australian citizen or permanent resident:	
(a) for up to 2 qualifications, or	350
(b) for 3 or 4 qualifications, or	450
(c) for 5 or more qualifications	550
For providing a statement of professional standing to a person who is not accredited	100
For restoring accreditation after a period of suspension (except where directed to do so by the Civil and Administrative Tribunal or a Court)	100