



**THE SECONDARY SCHOOL BOARDS ADMINISTRATION AND
EMPLOYMENT REGULATIONS 1965, AMENDMENT NO. 10**

DAVID BEATTIE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 18th day of April 1983

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to sections 52 and 203 of the Education Act 1964, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

ANALYSIS

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| <ul style="list-style-type: none"> 1. Title and commencement 2. New regulations substituted 7. Election of members for existing school by parents of pupils | <ul style="list-style-type: none"> 7A. Election by parents of members for school to be opened 3. Governor-General may extend time, validate irregularities of form, or order fresh appointment or election 4. New First Schedule substituted Schedule |
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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Secondary School Boards Administration and Employment Regulations 1965, Amendment No. 10, and shall be read together with and deemed part of the Secondary School Boards Administration and Employment Regulations 1968* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 14th day after the date of their notification in the *Gazette*.

*S.R. 1965/177

- Amendment No. 1: S.R. 1968/158
- Amendment No. 2: S.R. 1972/250
- Amendment No. 4: S.R. 1975/251
- Amendment No. 5: S.R. 1976/286
- Amendment No. 6: S.R. 1977/232
- Amendment No. 7: S.R. 1978/120
- Amendment No. 8: S.R. 1978/186
- Amendment No. 9: S.R. 1981/160

2. New regulations substituted—(1) The principal regulations are hereby amended by revoking regulation 7, and substituting the following regulations:

“7. Election of members for existing school by parents of pupils—

(1) Where any member of a Board is to be elected by the parents of pupils attending a school that has been opened, that member shall be elected in the manner set out in the First Schedule to these regulations.

“(2) The first election under this regulation in respect of each Board shall be held on a date fixed by the Minister.

“(3) Subsequent elections shall be held on a date fixed by the Board, being not earlier than the 1st day of June, and not later than the 23rd day of July in each year in which the term of office of members is due to expire under regulation 17 of these regulations.

“(4) If at any such election the number of candidates duly elected is less than the number of vacancies to be filled, the Board shall, at its next meeting, appoint duly qualified persons to complete the number required.

“7A. Election by parents of members for school to be opened—Where any member is to be elected pursuant to section 51 (3) of the Education Act 1964,—

“(a) The Minister shall give notice of the proposed election to the Returning Officer and to the controlling authority of each State primary school from which, in the Minister’s opinion, the majority or a substantial proportion of the pupils in Forms I and II are likely to be enrolled at the newly established secondary school, both in the year during which the school is opened and in the subsequent year:

“(b) If the Minister, on application to him by the Proprietors or other controlling authority of any private primary school, is satisfied that the majority or a substantial proportion of the pupils in the equivalent in that school of Forms I and II in a State primary school are likely to be enrolled at the newly established secondary school, both in the year during which the school is opened and in the subsequent year, he may authorise the parents of those pupils to participate in the election, and in that case shall give notice of his approval to the Returning Officer:

“(c) The Returning Officer for an election conducted under this regulation shall be an officer of the Department of Education appointed for the purpose by the Director-General; and every such appointment shall be notified by the Director-General to the controlling authority of each school notified by the Minister under paragraph (a), or approved by the Minister under paragraph (b), of this regulation:

“(d) The controlling authority of each school so notified or approved shall, as soon as possible thereafter, give the Returning Officer—

“(i) In the case of a State primary school, a list of the parents of children in Forms I and II of the school; and

“(ii) In the case of a private primary school, a list of those parents who wish to participate in an election and who have children in the equivalent in that school of Forms I and II who are likely to be enrolled at the newly established secondary school,—

containing in each case sufficient details to enable him to prepare a roll in accordance with paragraph (3) of the First Schedule to these regulations:

- “(e) Every election pursuant to this regulation shall be held on a date fixed by the Minister, being not more than 12 months earlier than the date on which the school is due to open:
- “(f) Members elected under this subclause shall hold office for the same period as the other members of the Board, and shall then be replaced by members elected under regulation 7 of these regulations:
- “(g) Except as provided in this regulation, the procedure prescribed in the First Schedule to these regulations shall, with any necessary modifications, apply to an election conducted under this regulation:
- “(h) Except as provided by this regulation, the provisions of these regulations relating to members elected by parents of pupils attending a school that has been opened shall, with any necessary modifications, apply to members elected under this regulation.”

(2) Regulation 7A of the principal regulations (as inserted by regulation 3 of the Secondary School Boards Administration and Employment Regulations 1965, Amendment No. 4) is hereby renumbered as regulation 7B.

(3) The following regulations are hereby consequentially revoked:

- (a) Regulation 2 of the Secondary School Boards Administration and Employment Regulations 1965, Amendment No. 4:
- (b) Regulation 2 of the Secondary School Boards Administration and Employment Regulations 1965, Amendment No. 7.

3. Governor-General may extend time, validate irregularities of form, or order fresh appointment or election—The principal regulations are hereby amended by revoking regulation 13, and substituting the following regulation:

“13. (1) Where anything connected with the appointment or election of members has been omitted to be done or cannot be done at or by the time prescribed by these regulations, or is done after that time, or is otherwise irregularly done in matter of form the Governor-General may, by Order in Council, at any time before or after the time within which that thing is required to be done, extend the time, or may validate anything so done after the time required or so irregularly done in matter of form.

“(2) Where an irregularity has occurred in respect of an appointment or election which might have materially affected the appointment or the result of the election, or which would not be proper or desirable to validate under subclause (1) of this regulation, the Governor-General may, by Order in Council, declare the appointment or election invalid.

“(3) Where any declaration is made under subclause (2) of this regulation, a fresh appointment shall be made or a fresh election shall be held in accordance with these regulations, but on a date to be fixed in the declaration, being a date not less than 42 days after the date of the declaration.”

4. New First Schedule substituted—The principal regulations are hereby amended by revoking the First Schedule, and substituting the First Schedule set out in the Schedule to these regulations.

Reg. 4

SCHEDULE

NEW FIRST SCHEDULE SUBSTITUTED

Reg. 7

“FIRST SCHEDULE

“ELECTION OF MEMBERS BY PARENTS

1. In this Schedule the term ‘elector’ means a person whose name duly appears on the roll at the time when it is closed for the purposes of any election.

2. The Secretary of the Board shall be the Returning Officer for each election.

3. For the purposes of each election, the Returning Officer shall prepare a roll, and shall enter therein the name, occupation, and address of every person qualified to be enrolled as a parent of a pupil of the school. The roll shall be closed at noon on the 21st day before the day of the election and shall remain closed until the election is completed.

4. The roll shall at all reasonable times be open to inspection in the hands of the Returning Officer by any person whose name is entered therein and by any person representing to the Returning Officer that he is entitled to have his name entered therein.

5. Any question that arises touching the rights of any person to have his name entered in or retained on the roll shall be decided by the Returning Officer, and his decision shall be final.

6. The Returning Officer shall, by advertisement in a newspaper circulating in the locality of the school, publicly notify, not less than 35 days before each election,—

(a) The day and hour for the closing of nominations:

(b) The total number of candidates to be elected:

(c) The day and hour for the closing of the poll:

(d) The place where nomination forms may be obtained.

The advertisement shall indicate generally the nature of the election that is being held.

7. Every candidate shall be nominated in writing by 1 or more electors entitled to vote for his election.

8. Every nomination paper shall be in the form or to the effect following:

I, [*Name and address*], being an elector duly entered on the roll, do hereby nominate [*Name and address*], as a candidate for election to the Board of Governors of the [*Name of school*] at the election to be held on the day of 19

.....
[*Signature of nominator.*]

CANDIDATE’S CONSENT

[*To be subscribed at foot of nomination paper*]

I hereby consent to my nomination.

.....
[*Signature of candidate nominated.*]

“FIRST SCHEDULE—continued

9. If the nomination paper does not bear the written consent of the candidate nominated, that consent may be given by him in writing to the Returning Officer before the nominations are closed.

10. Nominations shall close at noon on the 21st day before the day of the election.

11. A nomination shall be invalid if it does not comply with the requirements of this Schedule.

12. If the number of valid nominations received does not exceed the number of vacancies to be filled, the Returning Officer shall forthwith declare the candidate or candidates so nominated to be duly elected.

13. In all other cases the Returning Officer shall, forthwith after the nominations are closed, prepare and post to each elector, at his address as appearing on the roll, a printed voting paper containing in alphabetical order of surnames a list of all the duly nominated candidates for whom the elector is entitled to vote; and the voting paper shall be in the form or to the effect following:

Voting paper for use at election to be held on the
.....day of19...., of members of the
Board of Governors of the [Name of school].

CANDIDATES

[Set out in alphabetical order of surnames the full name of every
duly nominated candidate]

DIRECTIONS

The number of candidates to be elected is [Specify the number].

The elector must draw a line through the name of every candidate for whom he does not intend to vote.

The number of candidates whose names are left uncanceled must not exceed.....

If the elector wishes to vote, the voting paper must be posted or delivered to the Returning Officer in a closed envelope bearing on the outside the words ‘Voting Paper’. If posted to the Returning Officer, it must be posted on or before the day of election, or, if delivered to him, must be delivered at his office,..... street,..... before the day of election, or not later than 5 o’clock in the afternoon on that day.

14. When posting any voting paper, the Returning Officer shall enclose for the return of the voting paper an envelope addressed to himself and bearing on the outside the words ‘Voting Paper’.

15. The poll shall close at 5 o’clock in the afternoon of the day of election; but all voting papers that are not informal and are received by the Returning Officer in due course of post before the close of the 7th day after the day of the election shall be included and counted if they were posted on or before the day of the election.

16. A voting paper shall be informal in any of the following cases:

- (a) If the elector votes more than once at the same election:

“FIRST SCHEDULE—*continued*

- (b) If the candidates whose names are left uncanceled exceed in number the total number of candidates for whom the elector is entitled to vote:
- (c) If in any other way the paper fails to indicate for whom the vote is intended to be given:
- (d) If, being delivered to the Returning Officer otherwise than by post, the sealed envelope containing the voting paper is not delivered at his office before the close of the poll:
- (e) If, having been forwarded by post, the sealed envelope containing the voting paper is not received at the office of the Returning Officer before the close of the 7th day after the day of election, or if, from the postmark on the envelope or otherwise, the Returning Officer is satisfied that it was not posted until after the day of the election:
- (f) If there is reasonable cause to believe that it was not issued to the voter by the Returning Officer.

17. On the 8th day after the date of the closing of the poll, the Returning Officer shall open and examine all voting papers duly delivered to him or received by him through the post and, after rejecting all informal voting papers, shall ascertain the candidates (not exceeding the total number to be elected) who have received the greatest number of votes, and shall declare those candidates to be elected.

18. If by reason of an equality of votes given for 2 or more candidates the election is not complete, the Returning Officer shall decide by lot, in the presence of 2 members of the Board, which candidate or candidates shall be elected, and thereby complete the election.

19. In connection with any such election:

- (a) Each candidate may, by writing under his hand, appoint 1 scrutineer, who may be present at the examination of the voting papers and the counting of the votes by the Returning Officer:
- (b) The Returning Officer shall, immediately after counting the votes, seal up all voting papers, and transmit the whole to the Registrar of the nearest District Court, who shall keep them for 6 months thereafter, and shall not open the packet or permit it to be opened except on the order of some Court of competent jurisdiction, and shall at the end of the 6 months effectually destroy it:
- (c) Forthwith after the completion of the election, the Returning Officer shall, by notice exhibited at the office of the Board, and by advertisement in a newspaper circulating in the locality of the school, notify the names of the persons elected, the number of valid votes recorded for each candidate, and the total number of votes rejected as informal:
- (d) The Returning Officer, and every clerk or other person employed by him, and every scrutineer, shall faithfully and impartially perform the duties of their offices, and shall not directly or indirectly make known the state of the poll or give or pretend to give any information by which the state of the poll may be known before its final declaration by the Returning Officer, or make known for which candidate any voter has voted, or communicate to any person any information likely to defeat the secrecy of the ballot.

"FIRST SCHEDULE—*continued*

20. If a candidate informs the Returning Officer in writing not later than 3 clear days before the date of the closing of the poll that he withdraws from the election, the Returning Officer shall give public notice of the withdrawal.

21. If by such withdrawal the number of candidates is reduced to the number of vacancies to be filled, the Returning Officer shall publicly declare the remaining candidates to be duly elected; but if the number of candidates is not so reduced the poll shall proceed and the person so withdrawing shall not be capable of being elected.

22. The Returning Officer shall, forthwith after the completion of the election, notify to the Board the name of every person elected.

23. No election shall be called in question on the ground—

- (a) That a voting paper or an addressed envelope was not posted to any elector; or
- (b) That a voting paper from any elector was not received by the Returning Officer; or
- (c) That a voting paper prepared by the Returning Officer was irregular in form; or
- (d) That any vote was irregularly cast; or
- (e) That any votes were wrongly computed; or
- (f) That any other irregularity occurred in connection with the election,—
unless the irregularity materially affected the result of the election or occurred otherwise than in good faith."

P. G. MILLEN,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations amend the Secondary School Boards Administration and Employment Regulations 1965 by substituting new procedures for the election of members of Boards by the parents of pupils or, in the case of a school that is not yet opened, by the parents of likely pupils.

Provision is also made for the Governor-General to validate irregularities of time or form in any appointments or elections, or to declare appointments or elections invalid in the case of material irregularities. At present, the Minister can validate irregularities of time or form, and there is no specific provision for the action to be taken in the case of other irregularities.

Issued under the authority of the Regulations Act 1936.
Date of notification in *Gazette*: 21 April 1983.
These regulations are administered in the Department of Education.