

Queensland



GRAMMAR SCHOOLS ACT 1975

**Reprinted as in force on 14 July 2000
(includes amendments up to Act No. 20 of 2000)**

Reprint No. 2A *

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Information about this reprint

This Act is reprinted as at 14 July 2000. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

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

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have also been made to use aspects of format and printing style consistent with current drafting practice (s 35).

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

Also see endnotes for information about—

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

Queensland



GRAMMAR SCHOOLS ACT 1975

TABLE OF PROVISIONS

Section		Page
PART 1—PRELIMINARY		
1	Short title	5
5	Interpretation	5
6	Establishment of new public grammar schools	6
PART 2—BOARD OF TRUSTEES		
7	Constitution	6
8	First appointment of board	8
9	Disqualification from office	8
10	Tenure of office	8
11	Casual vacancies	9
12	Failure to elect	10
13	Appointment of a substitute member	10
14	Functions	10
PART 3—BUSINESS OF BOARD		
<i>Division 1—General powers</i>		
15	Powers and duties generally	11
16	Power to establish trust funds and to accept gifts and the like subject to conditions	11
17	Power to establish investment common funds	11
18	Appointment of employees	12
19	Superannuation scheme	12
<i>Division 2—Power to enter into financial arrangements</i>		
20	Boards are statutory bodies	13
21	Procedure before borrowing	13
29	Illegal borrowing	13

*Grammar Schools Act 1975****Division 3—Funds, accounts and budget***

33	Funds	14
34	Accounts and audit	15
35	Budget	16
36	Observance of budget	17

Division 4—Proceedings

38	Conduct of business.	17
39	Quorum	17
40	Meetings	17
41	Conduct of affairs	18
42	Custody of seal	19
43	Authentication of documents.	19
44	Register of donors and subscribers	19
45	Validity of proceedings	19
46	Rules applicable to election of members.	20

PART 4—GENERAL PROVISIONS

47	Endowment	20
48	Disposal of assets on discontinuing a school	20
49	Inspection of schools	21
50	Power of delegation	21
51	Regulations	22

SCHEDULE 23**RULES FOR ELECTION OF MEMBERS OF A BOARD**

1	Time for election	23
2	Returning officer	23
3	Roll of electors	23
4	Notice of dates of nomination and poll	24
5	Nominations	24
6	Result on nomination only of number to be elected	25
7	Poll for determination of membership of board	25
8	Voting	26
9	Counting and declaration of poll	26

10	Report of poll.	27
11	Expenses of election	27

ENDNOTES

1	Index to endnotes.	28
2	Date to which amendments incorporated.	28
3	Key.	28
4	Table of earlier reprints	29
5	Tables in earlier reprints.	29
6	List of legislation	29
7	List of annotations	30

GRAMMAR SCHOOLS ACT 1975

[as amended by all amendments that commenced on or before 14 July 2000]

An Act to consolidate and amend the law relating to public grammar schools and for related purposes

PART 1—PRELIMINARY

1 Short title

This Act may be cited as the *Grammar Schools Act 1975*.

5 Interpretation

(1) In this Act—

“**board**” means a board of trustees constituted or deemed to be constituted under this Act.

“**chairperson**” means the chairperson of a board, and includes a person for the time being performing the duties of chairperson.

“**donor**” includes a person who donates to a school property other than money.

“**financial year**” means the period of 12 months commencing on 1 January in any year.

“**school**” means a public grammar school established under the repealed Acts or under this Act.

(2) Where a person is a donor to a school by reason of the person’s donation of property other than money, the person shall be taken to have donated money in an amount equal to the value of that property at the date of the person’s donation.

6 Establishment of new public grammar schools

(1) At any time when and as often as has been raised or acquired by donation or subscription in any locality for the purpose of establishing a public grammar school in that locality a sum of not less than \$100 000 or property to the value of not less than that amount, the Governor in Council may approve the establishment in that locality of a public grammar school and assign to it a name, and may direct that there be paid from time to time out of the consolidated fund to a board of trustees to be appointed in accordance with this Act in respect of that public grammar school a corresponding sum not exceeding twice the amount that has been so raised.

(1AA) The amount paid under a direction under subsection (1) may exceed twice the amount that has been raised to not more than the extent of the GST payable for a supply made by the board of trustees relating to the payment of the amount to the board.

(1A) The sum paid out pursuant to a direction under subsection (1) shall be applied to the erection of suitable buildings for the school so approved, the payment of the GST mentioned in subsection (1AA) and for such other purposes in connection with the permanent establishment thereof as are from time to time determined by the board so appointed and approved by the Governor in Council.

(2) Where an approval has been granted pursuant to subsection (1)—

- (a) the sites upon which the school buildings are to be erected; and
- (b) the plans and specifications of the buildings to be erected on those sites; and
- (c) the method and manner of instruction to be given in that school;

shall be such as are approved by the Governor in Council.

PART 2—BOARD OF TRUSTEES

7 Constitution

(1) For every school there shall be established and thereafter constituted a board of trustees to be called ‘Board of Trustees of the (*name of locality*) Grammar School’.

Grammar Schools Act 1975

(1A) A board may be constituted for a school notwithstanding that, at the date of the board's constitution, the school has not been established.

(2) A board shall, by the name assigned to it, be a body corporate with perpetual succession and a common seal and, subject to this Act, shall be capable in law of suing and being sued, of compounding or proving in any court of competent jurisdiction all debts and sums of money due to it and of acquiring, holding, demising, letting and alienating property and of doing and suffering all such acts and things as bodies corporate may in law do and suffer.

(3) All courts and persons acting judicially shall take judicial notice of the common seal of a board and, until the contrary is proved, shall presume that it was duly affixed to any document on which it appears.

(4) A board shall consist of 7 members appointed by the Governor in Council by notification published in the gazette of whom—

- (a) 4 shall be persons nominated by the Minister;
- (b) 3 shall be persons who have donated or subscribed to the school in respect of which the board is to be constituted the prescribed amount at the least, elected as prescribed.

(4A) The prescribed amount is—

- (a) in the case of a donation or subscription made before the commencement of this Act—\$10;
- (b) in the case of a donation or subscription made after the commencement of this Act—the amount prescribed by regulation.

(5) At its first meeting after each appointment of the total number of its members, a board shall elect from amongst its members—

- (a) a chairperson; and
- (b) a deputy chairperson, who shall be a member other than the chairperson.

(5A) The chairperson shall be the executive member of the board.

(5B) The chairperson and deputy chairperson shall hold their respective offices during their terms of office as members.

(6) When a vacancy occurs in the office of chairperson or deputy chairperson the board shall elect as prescribed another member to the vacant office.

(7) A person appointed to fill a vacancy in the office of a member who was chairperson or deputy chairperson shall not by reason only of the person's appointment be chairperson or, as the case may be, deputy chairperson.

8 First appointment of board

(1) Where pursuant to this Act approval is granted for the establishment of a school, the Governor in Council may, by notification published in the gazette, appoint a date on or before which a board with respect to that school is to be first constituted under this Act.

(2) The board shall be constituted as prescribed on or before the date so appointed.

(3) Upon the appointment of the total number of members of the board, it shall be duly constituted on and from the date notification of that appointment is published in the gazette.

9 Disqualification from office

A person who—

- (a) is an undischarged bankrupt or takes advantage of the laws in force for the time being relating to bankrupt or insolvent debtors;
- (b) has been convicted in Queensland of an indictable offence or elsewhere than in Queensland in respect of an act or omission that if done or made by the person in Queensland would have constituted an indictable offence, unless the board is of the opinion that the circumstances of the offence do not warrant disqualification from office.

shall not be capable of being or continuing to be a member of a board.

10 Tenure of office

(1) A member of a board shall be appointed for a term of 4 years but, if by the expiration of that term the member's successor has not been duly appointed, the member shall, subject to this Act, hold office until his or her successor is duly appointed.

(1A) A member of a board shall, if the member is otherwise qualified, be eligible for reappointment as a member.

(2) The Governor in Council may at any time remove a member of a board from office as a member by notification published in the gazette.

(3) The office of a member of a board shall become vacant if the member—

- (a) dies;
- (b) declines to act or to act further as a member;
- (c) resigns office by signed notice furnished to the Minister;
- (d) is absent without prior leave granted by the board from 3 consecutive meetings of the board of which due notice has been given to the member;
- (e) ceases to be qualified to be a member;
- (f) is removed from office as a member by the Governor in Council.

(4) Attendance of a member of a board at the time and place appointed for an ordinary meeting of that board shall be deemed to constitute presence at a meeting notwithstanding that by reason that a quorum is not present no meeting is then and there actually held and the secretary to that board shall enter in the minute book the names of all members who so attend.

11 Casual vacancies

(1) When a vacancy occurs in the office of a member of a board during the term of office of the members then constituting the board, the Governor in Council shall, by notification published in the gazette, appoint a date on or before which a person is to be appointed to fill that vacancy.

(1A) The appointment of a person to fill such a casual vacancy shall, save in the case of an elected member, be made as prescribed on or before the date so appointed.

(1B) In the case of an elected member, such a casual vacancy shall be filled by the appointment as prescribed of a person recommended by the Minister from a panel submitted by the board comprising those persons who have donated or subscribed to the school in respect of which the board concerned is constituted the prescribed amount at the least.

(2) A person appointed to fill a casual vacancy in the membership of a board shall be appointed for the balance of the term for which the person's predecessor was appointed and shall, if otherwise qualified, be eligible for reappointment as a member of that board.

12 Failure to elect

If within the time prescribed or appointed for the election of members of a board, no election is held or a sufficient number of members of a board is not elected, the Governor in Council may appoint as prescribed a qualified person or a sufficient number of qualified persons to be a member or members of the board concerned, to fill the vacancy or vacancies that ought to be filled at the election, and the person or persons so appointed shall be deemed to have been duly elected at an election.

13 Appointment of a substitute member

(1) If any member of a board is likely to be absent from meetings of that board for any period, the Governor in Council may, by notification published in the gazette, appoint a person who is not a member of that board to act as a member during the absence of that member.

(2) A person appointed under this section to act in the stead of an absent member need not be nominated or elected as prescribed.

14 Functions

The functions of a board are—

- (a) to supervise, maintain and control the conduct of the school for which the board is constituted;
- (b) to erect, alter, add to, purchase or sell buildings used or to be used for or in connection with that school;
- (c) to effect general improvements to the premises used or to be used for or in connection with that school;
- (d) to provide in that school courses of instruction;
- (e) to make rules with respect to—
 - (i) fees and charges to be paid in relation to students enrolled or to be enrolled at the school; and
 - (ii) the management and control of the school; and
 - (iii) the discipline and conduct of students enrolled at the school.

PART 3—BUSINESS OF BOARD

Division 1—General powers

15 Powers and duties generally

A board shall have and may exercise and perform such powers, authorities, functions and duties as are conferred or imposed upon it by or under this Act.

16 Power to establish trust funds and to accept gifts and the like subject to conditions

(1) A board may establish and administer trust funds for any purpose in connection with the exercise and performance of its powers, authorities, functions and duties.

(2) A board may agree to and carry out conditions to which a gift, grant, bequest, devise, purchase, lease or other means whereby a board acquires or holds property is subject.

17 Power to establish investment common funds

(1) A board may establish investment common funds for the collective investment of moneys of the school in respect of which the board is constituted, trust moneys and other moneys held by or in the custody of that school.

(2) A board may, from time to time without liability for breach of trust, bring into or withdraw from an investment common fund established by it the whole or any part of moneys of the school in respect of which the board is constituted or trust moneys or other moneys held by or in the custody of that school.

(3) Subject to subsections (4) and (5), a board shall distribute periodically the income of each investment common fund amongst those funds participating in the common fund, having regard to the extent of the participation of those funds in the common fund during the relevant accounting period.

(4) In a case where a board has brought into an investment common fund sums of money that, having been received by it to be expended for a stated

purpose, will not for any cause be expended for that purpose forthwith, the board may pay into its general fund the whole or any part of that portion of the income of such investment common fund that is attributable to the participation of those sums of money in that common fund and that is not required for that stated purpose.

(5) A board may if it considers it proper so to do, from time to time, add a portion of the income of an investment common fund to the capital thereof or use another portion of that income to establish or augment a fund or funds as a provision against capital depreciation or reduction of income.

18 Appointment of employees

(1) A board—

- (a) shall appoint and at all times have a secretary; and
- (b) shall appoint a secretary when and as often as a vacancy occurs in that office; and
- (c) may appoint and employ such administrative officers, teachers, clerks and other employees as it considers necessary for the proper exercise and performance of its powers, authorities, functions and duties.

(2) A board may enter into, perform and discharge any agreement with respect to the payment of salary, wages, expenses or other moneys to be paid to or in respect of any person who performs duties on behalf of the board for the purposes of this Act.

19 Superannuation scheme

(1) A board may—

- (a) establish or amend superannuation schemes; or
- (b) join in establishing or amending superannuation schemes; or
- (c) take part in superannuation schemes.

(2) The auditor-general may audit the schemes.

(3) Subsection (2) is subject to the *Financial Administration and Audit Act 1977*, part 6.¹

¹ Part 6 (Audit of consolidated fund and public sector entities)

Division 2—Power to enter into financial arrangements**20 Boards are statutory bodies**

(1) Under the *Statutory Bodies Financial Arrangements Act 1982*, a board is a statutory body.

(2) The *Statutory Bodies Financial Arrangements Act 1982*, part 2B sets out the way in which a board's powers under this Act are affected by the *Statutory Bodies Financial Arrangements Act 1982*.

21 Procedure before borrowing

Before proceeding to borrow money under the *Statutory Bodies Financial Arrangements Act 1982*, a board must cause the following to be prepared—

- (a) plans and specifications of the projects or full details of other undertakings for which the money to be borrowed is required;
- (b) an estimate of the cost of those projects or other undertakings;
- (c) a statement showing details of the proposed expenditure of the money to be borrowed.

29 Illegal borrowing

(2) If a board borrows money that it is not authorised under this Act and the *Statutory Bodies Financial Arrangements Act 1982* to borrow, the members of the board who have consented to the borrowing of that money shall be jointly and severally liable to repay it and to pay interest thereon to the person from whom it was borrowed and that money and interest may be recovered from those members or any of them as money lent by that person to those members or, as the case may be, that member by action in any court of competent jurisdiction.

(3) If moneys are appropriated from any fund kept under this Act for the purpose of repaying money so borrowed or paying interest thereon, the members of the board who have consented to the appropriation of those moneys for that purpose shall be jointly and severally liable to refund them with interest thereon at a rate determined by the Treasurer in respect of that appropriation and those moneys and interest may be recovered from those members or any of them by action in any court of competent jurisdiction at the suit of the Treasurer.

- (4) In an action brought under subsection (3), the Treasurer—
- (a) is entitled to costs as between solicitor and client; and
 - (b) must pay the amounts recovered under the action into the fund concerned.

Division 3—Funds, accounts and budget

33 Funds

- (1) A board shall establish and at all times keep the following funds—
- (a) a general fund;
 - (b) a trust fund;
 - (c) a loan fund;
 - (d) such other funds as are prescribed.

(1A) The funds shall be separate and distinct and separate accounts at a financial institution shall be kept for each fund.

(2) There shall be paid into a board's general fund all moneys paid to the board other than moneys prescribed to be paid into the trust fund, loan fund or other prescribed fund.

(2A) The board shall apply the moneys from time to time standing to the credit of its general fund towards the costs incurred by it in or in connection with the proper exercise and performance of its powers, authorities, functions and duties and in fulfilling any prescribed purpose for which any other prescribed fund is not appropriated by this Act.

(3) A board's trust fund shall consist of all moneys paid to the board by way of deposit or in trust for any person or for any purpose under this Act or any other Act.

(3A) The board shall apply the moneys standing to the credit of its trust fund to the payment to or on behalf of the persons entitled thereto or, where moneys are held on deposit or in trust for any purpose, to the payment to or for that purpose.

(4) A board's loan fund shall consist of all moneys paid to the board by way of loan or subsidy for the purposes of this Act.

(5) The board shall apply the moneys standing to the credit of its loan fund to expenditure necessarily incurred by it in carrying out the works or purposes for which the loans were authorised or the subsidies paid.

34 Accounts and audit

(1) A board shall keep accurately such accounts, books and records of its receipts and expenditure as shall record and explain correctly all transactions.

(2) The auditor-general or a person authorised by the auditor-general shall at least once in each year audit the accounts and records of financial transactions of a board and the cost of this audit shall be met by the board.

(3) A board shall, as soon as practicable after the close of each financial year, furnish to the Minister a statement of account for that year in respect of each fund kept by it in such form and containing such particulars as the Minister, on the recommendation of the auditor-general, directs.

(3A) Prior to such furnishing the auditor-general shall certify whether or not the statements of accounts—

- (a) are in agreement with the books and accounts kept by the board; and
- (b) in the auditor-general's opinion fairly set out the financial transactions of the board for the period to which they relate.

(4) The auditor-general shall, at least once in each year, report to a board the results of the audit carried out under subsection (2) and shall, if the auditor-general thinks fit, make recommendations to the board with respect to the conduct of the financial transactions of the board and the manner of operating and maintaining its accounts.

(4A) A copy of any report and recommendations made pursuant to subsection (4) shall be furnished by the auditor-general to the Minister.

(5) A board shall give due consideration to the report and recommendations (if any) of the auditor-general made pursuant to subsection (4).

(6) The auditor-general or person authorised by the auditor-general shall have the right of access at all reasonable times to the accounts, books and records of a board and may direct any employee of the board to make available copies of or extracts from those accounts, books and records or to supply such information and explanations as the auditor-general thinks fit

for the purpose of the audit and every employee shall comply with a direction so given.

(7) The auditor-general shall include in the auditor-general's annual report to Parliament such matters with respect to the financial transactions of a board as the auditor-general thinks fit.

35 Budget

(1) Before 28 January in each year, a board shall approve and adopt a budget in respect of its general fund wherein the board shall estimate as accurately as possible—

- (a) the amount to be disbursed by the board from that fund during the year ending on 31 December next following in the proper exercise by the board of its functions under this Act;
- (b) the amount to be received by the board during the year ending on 31 December next following from all sources other than amounts that are required by this Act to be paid into the trust fund, loan fund or other prescribed fund (not being the general fund).

(2) The form of budget of a board shall consist of 2 parts—

- (a) the administration of the school in respect of which the board is constituted; and
- (b) annual charges in respect of interest on and redemption of loans.

(2A) The estimated receipts and disbursements of a board, so far as is practicable—

- (a) shall be grouped in relation to the respective functions of the board; and
- (b) shall be itemised so as to specify the source from which each item of receipt is expected to arise or, as the case may be, the purpose for which each item of disbursement is expected to be incurred.

(2B) Any estimated receipt and estimated disbursement that are in respect of the same purpose shall, as nearly as is practicable, be set out opposite each other in the budget.

(3) A board shall, before 28 January in each year, review moneys available to the school in respect of which the board is constituted by way of bequest, donation or special grant and the disbursement thereof and

shall, subject to the terms of any trust and before any disbursement is made, approve the proposed disposition of those moneys.

36 Observance of budget

(1) A budget approved and adopted by a board shall be binding on the board and, subject to this section, the board shall control the expenditure of the school in respect of which it was established so that it conforms as nearly as practicable to the adopted budget.

(2) If during any financial year it appears to a board that an extraordinary circumstance has arisen requiring the board to make in that financial year a disbursement from its general fund—

- (a) that was not provided for in the budget for that financial year; or
- (b) that exceeds the amount estimated in respect of that disbursement in the budget for that financial year;

the board shall, before making such disbursement, by resolution approve that such disbursement be made.

Division 4—Proceedings

38 Conduct of business

Subject to this Act, a board shall conduct its business and proceedings at meetings in such manner as it determines from time to time.

39 Quorum

(1) The quorum of a board shall consist of a majority of the total number of members for the time being holding office as members.

(2) A duly convened meeting of a board at which a quorum is present shall be competent to transact any business of the board and shall have and may exercise all the powers, authorities, functions and duties by this Act conferred or imposed upon the board.

40 Meetings

(1) A board shall meet at such times and places as it determines.

(2) Notice of every meeting or adjourned meeting, save a meeting adjourned to a later hour of the same day on which it was appointed to be held, shall be in writing and shall be given to every member of a board at least 7 days prior to the date appointed for that meeting.

(2A) Where circumstances exist that, in the opinion of the chairperson or 2 members of a board, constitute an emergency, the chairperson or, as the case may be, 2 members may call a meeting of the board and that meeting may be held without notice having been given as prescribed.

(2B) A notice of a meeting or an adjourned meeting may be given to a member by prepaid post letter addressed to the member's place of business or residence last known to the chairperson.

(3) The members present at a meeting of a board may from time to time adjourn the meeting.

(3A) If a quorum is not present at a meeting of a board within 15 minutes after the time appointed for the commencement of the meeting, the member or members present or the majority of them if more than 2 are present or the secretary to the board if no member is present or if the members present are equally divided on the issue may adjourn the meeting to a time and date not later than 7 days from the date of the adjournment.

(3B) The provisions of subsection (3A) shall be construed so as not to prevent the adjournment of a meeting to a later hour of the same day on which the meeting was appointed to be held.

(4) The chairperson shall preside at each meeting of a board at which the chairperson is present and in the chairperson's absence the deputy chairperson if present shall preside.

(5) If both the chairperson and deputy chairperson are absent from a meeting, a member of the board elected at that meeting shall preside.

(6) A member of the board elected to preside at a meeting shall, while the member presides, have all the powers, functions, duties and immunities of the chairperson.

41 Conduct of affairs

(1) A board shall exercise or perform a power, authority, function or duty by a majority vote of its members present at the meeting and voting on the business in question.

(2) A member of a board who, being present at a meeting and eligible to vote, abstains from voting shall be taken to have voted for the negative.

(3) The chairperson shall have a deliberative vote and, in the event of an equality of votes, a casting vote.

42 Custody of seal

(1) The common seal of a board shall be kept in the custody of the secretary to the board or, where there is a temporary vacancy in that position, of the chairperson.

(2) The common seal shall be affixed to a document only in pursuance of a resolution of the board and by the person having custody of such seal in accordance with this Act.

(3) Where that person is the secretary to the board, the common seal shall be affixed in the presence of the chairperson.

43 Authentication of documents

Save where it is by this Act otherwise prescribed, a document made or issued by a board for the purposes of this Act shall be sufficiently authenticated if it is made or, as the case may be, signed by the chairperson or by the secretary to the board at the chairperson's direction.

44 Register of donors and subscribers

(1) A board shall cause to be established and kept by the secretary to the board in such form as it thinks fit a register of the names and other prescribed particulars of persons who are or have been donors or subscribers to the school in respect of which the board is constituted.

(2) The secretary to a board shall from time to time remove from the register the names and other registered particulars of donors or subscribers who have died and make such alterations and amendments to the register as the board directs.

(3) The register shall at all reasonable times be open to inspection by any person at the office of the secretary.

45 Validity of proceedings

An act or proceeding of a board shall not be invalidated or in any way prejudiced by reason only of the fact—

- (a) that at the time such act was done or proceeding taken there were vacancies in the membership of the board not exceeding one-half of the total number of members for the time being required to constitute the board;
- (b) that all members of the board for the time being holding office were not present at the meeting at which the act was done or proceeding taken;
- (c) that there is a defect in the qualification, membership or appointment or election of any member of the board who joined in doing the act or taking the proceeding or in authorising the act or proceeding.

46 Rules applicable to election of members

(1) The rules set forth in the schedule shall apply with respect to every election of members to a board and shall be observed by the board and all persons concerned.

(2) The Governor in Council may from time to time, by order in council, amend the rules set forth in the schedule by adding to, deleting from, altering or varying the provisions thereof.

(3) The schedule as so amended is the schedule for the time being.

PART 4—GENERAL PROVISIONS

47 Endowment

There shall be paid to a board each year out of the consolidated fund such sums as are appropriated by Parliament for the purpose.

48 Disposal of assets on discontinuing a school

(1) If a school is discontinued, the Governor in Council may make a regulation with respect to the way in which property held by the school's board is to be disposed of or held.

(2) Subsection (1) does not apply to Crown land granted in trust or reserved and set apart for the school under the *Land Act 1962*.

(3) If the Governor in Council does not make a regulation in relation to property mentioned in subsection (1), the Minister may give directions with respect to the way in which the property is to be disposed of or held.

(4) The power to make a regulation, or give directions, includes the power to vary the trustees, and the terms, of any trust created under this section.

(5) Subsections (1) and (3) do not authorise the Governor in Council and the Minister to override a trust instrument that—

- (a) was created before the discontinuance of the school; and
- (b) concerns property mentioned in subsection (1); and
- (c) provides for the variation of the trust on the discontinuance of the school.

49 Inspection of schools

(1) The Governor in Council may from time to time, by notification published in the gazette, appoint persons to be inspectors of public grammar schools.

(2) Inspectors so appointed shall at such times and in such manner as the Minister directs carry out inspections of schools established under this Act or under the repealed Acts and make reports to the Minister thereon.

50 Power of delegation

(1) A board may, in respect of a matter or class of matters or any activity of a school, by resolution, delegate all or any of the board's powers, functions and duties under this Act (save this power of delegation, its powers, functions and duties with respect to the making of rules and the adoption of a budget and the approval by it of the proposed disposition of moneys pursuant to section 35(3)) to any member of the board or any committee of its members or any employee of the board or member of the staff of the school.

(2) A delegation under this section may be varied or revoked by resolution of a board and does not prevent the exercise or performance by the board of any of its powers, functions or duties.

(3) A power, function or duty delegated by a board, if exercised or performed by the delegate, shall be exercised or performed in accordance with the resolution of delegation.

(4) A delegation may be made subject to such terms and limitations as the board thinks fit and included in the resolution of delegation including a requirement that the delegate shall report to the board upon the delegate's exercise or performance of the delegated power, function or duty.

(5) A board may by resolution make such and so many delegations of the same power, function or duty and to such number of persons as it considers necessary or desirable.

51 Regulations

(1) The Governor in Council may make regulations for the purposes of this Act.

(2) A regulation may be made—

- (a) creating offences against the regulation; and
- (b) fixing a maximum penalty of a fine of 2 penalty units for an offence against the regulation.

SCHEDULE

RULES FOR ELECTION OF MEMBERS OF A BOARD

section 46

1 Time for election

An election of members of a board required to be elected under this Act shall be held as and when necessary.

2 Returning officer

(1) For the purpose of first constituting a board, the Minister shall appoint a returning officer to take the poll at the election of members of a board.

(2) For the purpose of an election of members of a board subsequent to the first constitution of the board, the secretary to the board shall be returning officer.

3 Roll of electors

(1) The persons who shall be electors for the purpose of electing members of a board pursuant to section 7(4)(b) of the Act shall themselves be qualified to be elected pursuant to that provision.

(2) The roll of electors—

- (a) in the case of an election in respect of the first constitution of a board—shall be compiled by the returning officer appointed by the Minister and shall consist of the names of those persons known to be qualified pursuant to section 7(4)(b) of the Act to be elected;
- (b) in the case of an election in respect of a subsequent constitution of a board—shall be compiled by the secretary to the board from the register kept by the board pursuant to section 44 of the Act and shall consist of the names of those persons qualified pursuant to section 7(4)(b) of the Act to be elected whose names appear in the register.

SCHEDULE (continued)

(3) The roll shall show in alphabetical order and numbered consecutively the names of persons entitled to vote at the election, and shall be signed and dated by the returning officer.

(4) The roll so signed and dated shall be the roll for the purpose of the election and shall be conclusive evidence of the entitlement of any person named therein to vote at that election.

(5) A person whose name is not on that roll shall not be entitled to vote at that election.

4 Notice of dates of nomination and poll

(1) Immediately upon the compilation of the roll, the returning officer shall send by post to every person named therein a notice wherein—

- (a) the returning officer shall specify the respective dates of nomination for and of taking the poll for the election; and
- (b) the returning officer shall require candidates for the election to be nominated as prescribed by these rules at the place named in the notice.

(2) In respect of every election, the date for nomination shall be a day—

- (a) not less than 10 nor more than 21 days after the sending of the notice; and
- (b) not less than 7 nor more than 28 days before the date for taking the poll.

5 Nominations

A person shall not be a candidate for an election unless—

- (a) the person is enrolled on the roll provided for in these rules;
- (b) the person is nominated as a candidate by at least 2 persons other than himself of herself who are likewise enrolled;
- (c) there is furnished to the returning officer at the place named in the notice prescribed by section 4 before noon on the date for nomination a nomination naming that person as a candidate for the election, signed by the persons nominating the candidate and

SCHEDULE (continued)

endorsed under the candidate's signature with the candidate's consent to the nomination.

6 Result on nomination only of number to be elected

If the number of candidates for an election does not exceed the number of members of a board to be elected at that election, the returning officer shall, on the date for nomination or as soon thereafter as practicable and at the place of nomination, declare such candidates to be elected to the board concerned and thereupon they shall be deemed to be duly elected.

7 Poll for determination of membership of board

(1) If the number of candidates for an election exceeds the number of members of a board to be elected at that election, the returning officer immediately—

- (a) shall cause to be prepared a sufficient number of ballot papers containing the surnames of the candidates in alphabetical order and their christian names and at the head a statement that the paper is a ballot paper for the election of _____ members of the Board of Trustees of the (_____) Grammar School (*stating the number of members to be elected and the name of the school*) and at the foot thereof the following direction—

‘Record your vote by striking out the names of all candidates save those of _____ candidates (*stating the number to be elected*).’; and

- (b) shall send by post to every person entitled to vote at the election such a ballot paper, initialled by the returning officer, together with an unsealed prepaid post envelope addressed to the returning officer at the place of nomination and endorsed—

‘Ballot paper, Board of Trustees of the _____ Grammar School (*naming the school*).’.

(2) The returning officer shall ensure that no marks or writings other than those prescribed by subsection (1) appear on any ballot paper sent by the returning officer pursuant to that subsection.

SCHEDULE (continued)

(3) The returning officer shall not issue a duplicate ballot paper or a second ballot paper in respect of the same election to any person.

8 Voting

(1) A person to whom a ballot paper has been forwarded who is desirous of voting shall record his or her vote on the ballot paper received by striking out the names of all candidates save those of the candidates for whom the person desires to vote.

(2) A person, after voting, shall place the ballot paper in the accompanying envelope, seal the envelope and send it by post to the returning officer.

9 Counting and declaration of poll

(1) The returning officer shall, until noon on the date appointed for taking the poll, keep unopened and in a secure place all envelopes referred to in section 8 received by the returning officer through the post prior to that hour.

(2) At noon on the date appointed for taking the poll or as soon thereafter as is practicable, the returning officer shall open all envelopes referred to in subsection (1) and examine and count the number of votes recorded for each candidate.

(3) The returning officer shall not include in the count—

- (a) a ballot paper that was not received by the returning officer prior to noon on the date appointed for taking the poll; and
- (b) a ballot paper that is not initialled and marked as prescribed by this schedule.

(4) The returning officer shall, as soon as practicable after completing the examination and count of votes, declare the candidate who has received the highest number of votes to be elected and, if there be more than 1 candidate required to be elected at the election, shall declare the candidate who has received the next highest number of votes to be elected.

(5) If the number of votes received by any 2 or more candidates is equal, the returning officer shall decide by his or her vote which 1 or more of

SCHEDULE (continued)

them, as the case requires, shall be elected but, save as is prescribed by this subsection, the returning officer shall not be entitled to vote.

10 Report of poll

Immediately upon the declaration of a poll, the returning officer shall report the names of the candidates thereby elected—

- (a) in the case of the first constitution of a board—to the Minister;
and
- (b) in the case of any other election—to the board concerned.

11 Expenses of election

All expenses reasonably incurred by a returning officer in connection with an election and a reasonable fee to the returning officer for services rendered, approved by a board shall be defrayed out of the general fund of the board concerned.

ENDNOTES

1 Index to endnotes

		Page
2	Date to which amendments incorporated	28
3	Key	28
4	Table of earlier reprints	29
5	Tables in earlier reprints	29
6	List of legislation	29
7	List of annotations	30

2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 14 July 2000. Future amendments of the Grammar Schools Act 1975 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

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

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes a roman letter, the reprint was released in unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	to Act No. 36 of 1995	10 November 1995
1A	to Act No. 65 of 1996	22 April 1997
1B	to Act No. 17 of 1997	26 August 1997
2	to Act No. 17 of 1997	5 June 1998

5 Tables in earlier reprints

TABLES IN EARLIER REPRINTS

Name of table	Reprint No.
Changed citations and remade laws	1
Changed names and titles	1
Obsolete and redundant provisions	1
Renumbered provisions	1

6 List of legislation

Grammar Schools Act 1975 No. 42

date of assent 9 October 1975

commenced 1 March 1976 (proc pubd gaz 13 December 1975 p 1448)

as amended by—

Educational Institutions (Amendment of Superannuation Provisions) Act 1984 No. 82 pt 2

date of assent 26 October 1984

commenced on date of assent

Statute Law (Miscellaneous Provisions) Act 1989 No. 103 s 3 sch

date of assent 25 October 1989

commenced on date of assent (see s 2(1))

Statute Law (Miscellaneous Provisions) Act 1992 No. 36 ss 1–2 sch 1 (as amd 1994 No. 87 s 4(1) sch 3 pt 2 (from December 1994))

date of assent 2 July 1992

amds 3–5 commenced 1 July 1992 (see s 2 sch 1)

amds 6, 10 never proclaimed into force and om 1994 No. 87 s 4(1) sch 3 pt 2

remaining provisions commenced on date of assent

Statute Law (Miscellaneous Provisions) Act 1993 No. 32 ss 1–2, 3 sch 1

date of assent 3 June 1993
 commenced on date of assent (see s 2)

Statutory Authorities Superannuation Legislation Amendment Act 1995 No. 36 pt 1, s 9 sch 2

date of assent 16 June 1995
 commenced on date of assent (see s 2)

Statutory Bodies Financial Arrangements Amendment Act 1996 No. 54 ss 1–2, 9 sch

date of assent 20 November 1996
 ss 1–2 commenced on date of assent
 remaining provisions commenced 1 June 1997 (1997 SL No. 128)

Education (School Curriculum P–10) Act 1996 No. 65 ss 1–2, 52 sch 2

date of assent 9 December 1996
 commenced on date of assent

Miscellaneous Acts (Non-bank Financial Institutions) Amendment Act 1997 No. 17 ss 1–2, 74 sch

date of assent 15 May 1997
 ss 1–2 commenced on date of assent
 remaining provisions commenced 1 July 1997 (1997 SL No. 163)

GST and Related Matters Act 2000 No. 20 ss 1, 2(4), 29 sch 3

date of assent 23 June 2000
 ss 1–2 commenced on date of assent
 remaining provisions commenced 1 July 2000 (see s 2(4))

7 List of annotations

Commencement

s 2 om R1 (see RA s 37)

Arrangement

s 3 om 1992 No. 36 s 2 sch 1

Repeals and savings

s 4 om 1992 No. 36 s 2 sch 1

Interpretation

s 5 def “Minister” om 1992 No. 36 s 2 sch 1

Establishment of new public grammar schools

s 6 amd 2000 No. 20 s 29 sch 3

Constitution

s 7 amd 1992 No. 36 s 2 sch 1

Disqualification from office

s 9 amd 1996 No. 65 s 52 sch 2

Functions

s 14 amd 1992 No. 36 s 2 sch 1

Superannuation scheme

- s 19 sub 1984 No. 82 s 4
sub 1995 No. 36 s 9 sch 2

Division 2—Power to enter into financial arrangements

- div hdg sub 1996 No. 54 s 9 sch

Boards are statutory bodies

- s 20 amd 1993 No. 32 s 3 sch 1
sub 1996 No. 54 s 9 sch

Procedure before borrowing

- s 21 sub 1996 No. 54 s 9 sch

Application of loan moneys

- s 22 om 1996 No. 54 s 9 sch

Repayment of Treasury loans

- s 23 om 1996 No. 54 s 9 sch

Debentures, bonds and stock

- s 24 om 1996 No. 54 s 9 sch

Brokerage

- s 25 om 1996 No. 54 s 9 sch

Remedies of bond, stock and debenture holders

- s 26 om 1996 No. 54 s 9 sch

Remuneration, powers and duties of a receiver

- s 27 om 1996 No. 54 s 9 sch

Recovery of moneys as debt

- s 28 om 1996 No. 54 s 9 sch

Illegal borrowing

- s 29 amd 1996 No. 54 s 9 sch

Advances by way of overdraft

- s 30 om 1996 No. 54 s 9 sch

Board to be local body

- s 31 om 1996 No. 54 s 9 sch

Regulations with respect to loans

- s 32 om 1996 No. 54 s 9 sch

Funds

- s 33 amd 1989 No. 103 s 3 sch; 1997 No. 17 s 74 sch

Investment of moneys

- s 37 amd 1992 No. 36 s 2 sch 1; 1993 No. 32 s 3 sch 1
om 1996 No. 54 s 9 sch

Rules applicable to election of members

- s 46 sub 1992 No. 36 s 2 sch 1 (never proclaimed into force and om 1994 No. 87
s 4(1) sch 3 pt 2)

Disposal of assets on discontinuing a school

s 48 sub 1993 No. 32 s 3 sch 1

Regulations

s 51 prev s 51 om 1992 No. 36 s 2 sch 1
pres s 51 ins 1992 No. 36 s 2 sch 1

Orders in council

s 52 prev s 52 om 1992 No. 36 s 2 sch 1
pres s 52 ins 1992 No. 36 s 2 sch 1
om 1993 No. 32 s 3 sch 1

Regulations

s 53 om 1992 No. 36 s 2 sch 1

Orders in Council

s 54 om 1992 No. 36 s 2 sch 1

SCHEDULE 1

om 1992 No. 36 s 2 sch 1

SCHEDULE 2—RULES FOR ELECTION OF MEMBERS OF A BOARD

om 1992 No. 36 s 2 sch 1 (never proclaimed into force and om 1994 No. 87
s 4(1) sch 3 pt 2)