Returning officers' guide to governing council elections guideline

This guideline is a recommended course of action under the operational policy framework. Any edits to this page must follow the process outlined on the creating, updating and deleting policy documents page.

Overview

Conducting elections is a task that falls to the principal as returning officer. The school's governing council constitution at clause 6.2.7 states that the principal must be the returning officer for the election, nomination and appointment of councillors.

Scope

This guide aims to help principals to conduct governing council elections. The procedures and forms described in this guide are based on the requirements of the school's constitution and accepted contemporary practice.

Detail

What does it mean to conduct an election?

Clause 13 of the school's constitution - election of councillors, sets out the requirements for conducting an election and for the nomination and appointment of councillors.

The principal is the authorised returning officer to conduct council elections. They are also empowered to make decisions to resolve any dispute that may arise in the process of conducting elections, including the conduct of the ballot.

The returning officer provides the school community with appropriate information about the governing council election through the school newsletter on the school website. They should encourage as many people as possible to participate in the process.

The principal as returning officer must conduct the election of parent councillors. Whether or not the election will happen at a general meeting of the school or by postal ballot is made by the council in consultation with the principal. The election of parent members at department schools mainly happens at the annual general meeting of the school.

A school council may only conduct its election at a general meeting of the school. The timetable for the election is determined by the principal in consultation with the school council. A preschool management committee may only conduct its election at a general meeting of the preschool. In both cases, this is usually undertaken at the annual general meeting.

The council, in consultation with the principal, will determine the timetable for the election.

The returning officer must be able to clearly determine the number of vacancies on council and the category of the vacancy. It's good practice to create a member register that lists their name, membership type, date of first and last appointment and date term ends. This allows the principal to give the chair a list of members whose term is expiring.

Example member register:

Name	Member type	Date of appointment	Date term ends	Date of first appointment
Joe Blogg	Parent	March 2009	March 2011	March 2007
Ann Jones	Parent	March 2008	March 2010	March 2008
Ian Thom	Parent casual	September 2009	Next election	September 2009

The chair should then write a letter of appreciation to each retiring councillor advising them of the expiry of their term of office and pointing out their eligibility to nominate or seek nomination for a further period of office.

If any casual vacancies have been filled during the year, those members will need to be advised of their eligibility to nominate for the current election process. This is because casual vacancies are filled only for the intervening period until an election can be held.

The returning officer will need to call for nominations by the method generally used. Many sites use the school newsletter. However, it helps to have information available on the school website with downloadable nomination forms.

The returning officer must also be aware of the requirement to have a parent majority. They must also make sure that the majority of parents and the majority of councillors are not staff of a Government school or employees of an administrative unit of the Minister. To do this, the model nomination form has been amended to allow for the disclosure of employment with a Government school or an administrative unit of the Minister.

The notice calling for nominations should be clear and set out the number of known vacancies and the term of the vacancies. This allows the council to offer 1 year terms in the event that, due to resignations and retirements, more than half the elected parent members will be up for filling. If this is the case the nomination form can be amended to allow the nominees to elect which term of membership they are seeking or have 2 nomination forms: 1 for the standard 2 year term and 1 for the 1 year term. This would call for 2 ballots.

The call for nominations needs to clearly set out the timeframe for the election and when nominations close. Any nominations received after this date are not valid and therefore cannot be accepted.

If after the nomination period closes there are still more vacancies than nominations, the returning officer can advise parents who provided a nomination form after the cut off that they can attend the general meeting. Nominations may be called from the floor to fill the remaining vacancies. Those nominees who nominated before the cut off are not required to be present at the vote for the filling of the positions if they can't attend.

Who can be nominated?

The election process relates only to the election of parents to the council. A parent is defined in the school's constitution as: a parent of a child attending the school or the parent of a child enrolled, but not yet attending at the school.

Parent is further defined under the Education Act 1972 and the school's constitution as:

- a person who has legal custody or guardianship of the child
- a person standing in loco parentis is to the child.

It does not include a parent of the child where another parent or person has legal custody or guardianship of the child to the exclusion of that parent.

A parent can nominate themselves or be nominated by anyone from the school community. See the model nomination forms.

Who can vote?

Parents of the school are the only people allowed to vote for elected parent members of council. Parents are as defined above.

Assessing the nominations

It's the returning officer's responsibility to assess all the nominations received to make sure the candidate meets the requirements. They must also make sure the form is completed correctly and that the candidate meets the membership requirement. If there's an error or flaw in the nomination, the returning officer should contact the candidate to make a correction or advise them of their ineligibility. If necessary, they should get them to resubmit the form.

As the returning officer assessing these nominations, you need to keep in mind the need for a parent majority. Consider that staff of a government school or employees of an administrative unit of the Minister must not be in the majority.

Once the nomination period has closed, the returning officer should cause notices showing the name of the candidates and nominators to be posted in an easily seen position at the school (school notice board).

The returning officer should notify voters of any withdrawal of candidates as soon as possible.

It's also good practice to post a nomination receipt form to nominees and nominators as soon as practicable after receiving a valid and complete nomination form.

Nomination forms must be kept at the school by the principal for a period of 1 year from the date of the declaration of the poll. They must be available for inspection by voters at reasonable times.

Conducting an election

If at the time of the ballot there are less nominees than vacancies then all nominations are accepted and declared as elected. The returning officer can call for nominations from the floor to fill the remaining vacancies (see clause 13.9 of the school's constitution).

If at this stage more parents nominate than there are remaining vacancies then a show of hands will be needed to determine which nominees are successful.

If at the time of the ballot there are more nominees than vacancies then this is a contested election and the ballot must be conducted. This can be done by a ballot form that lists all nominees and seeks to have parents tick off the candidates that they support.

If ballot forms are needed then a secure ballot box must be provided by the returning officer.

Counting the votes

The voting method used is 'first past the post'. This means the person with the most votes is declared as the successful candidate.

The returning officer is responsible for making sure only eligible parents vote in the election and that any ineligible vote is not counted.

The school's constitution requires scrutineers to be present at the vote counting. Clause 13.7 states that the principal must permit such scrutineers, who are independent of the election, to be present at the counting of votes, as he or she thinks fit. The principal, as returning officer, should appoint a scrutineer for the voting process. A candidate in the election cannot be a scrutineer.

Any candidate for the election may nominate a scrutineer to represent the candidate's interests in the conduct of the ballot. Any nominee candidate wishing to appoint a scrutineer must advise the returning officer by a set time before the ballot process.

A scrutineer may be present at any stage in the ballot. Any scrutineer that interferes with vote counting will be removed from the process by the returning officer.

The role of the returning officer in vote counting is to:

- make sure the counting and recording of votes is conducted appropriately
- appoint vote counters to help with the task of counting and recording the votes for each candidate
- make sure the appointed scrutineers are present at the count and view the count
- determine on any possible informal ballot whether the ballot should be treated informally or not
- conduct a drawing of lots where there is a tie between candidates and the number of vacancies cannot accommodate the tied candidates
- formally declare to be elected as parent members of the council the highest ranking candidates up to the number of vacancies (being sure not to exceed the number of vacancies).

Where a secret ballot has been conducted, the only people present at the counting of votes are:

- the returning officer
- principal appointed scrutineers
- candidate nominated scrutineers
- vote counting officers.

When recording votes, clearly set out the votes for each candidate in a spreadsheet. The returning officer needs to be totally satisfied with the total of votes before declaring the poll. As a matter of good practice, any invalid votes should be re-examined to decide whether they are valid or invalid.

The returning officer will count the votes. In the case of an equality of votes, they will determine the issue by lot.

The principal, as returning officer, must declare the candidates elected preferably at the annual general meeting. Or they can do so by the method usually used to inform the school community, such as the school newsletter and school website.

All successful candidates must complete the appointment form. All new councillors must undergo a criminal history screening check. The criminal history screening check is due to the new requirements of the Children's Protection Act 1993 and protects against people adversely influencing the protective climate of an education and care environment through the decisions of council.

The new governing council of the school comes into operation at the declaration of the election (see clause 13.8.2 of the school's constitution).

How to determine invalid votes

There is no set method for marking a ballot paper. Therefore, ticks, crosses and numbers are all valid and should be interpreted as voting for a particular candidate.

Ballot papers should be rejected as invalid if:

- it's not received by the returning officer or placed in the ballot box by the selected time on the day of the closure of the ballot
- it's not properly and clearly marked as advised
- the voter ticks the names of more candidates than they're allowed to vote for
- in any other way the paper fails to clearly indicate for whom the vote is intended to be given
- it does not comply with any other stated requirement.

The first meeting of council

As soon as possible after the declaration of the results of the election, the principal must call and preside at the first council meeting. This is because all executive positions have been declared vacant (these are only held for a year).

At this meeting the principal receives nominations from nominating bodies, which are the staff of the school and any affiliated committee of the council. The direct appointment of community members will also happen.

During the nomination period, the returning officer may have received some nominations from interested community members. The returning officer should advise these individuals that the nomination is invalid and explain that nominations were for the parent member election. The returning officer should then explain the appointment process to the individual and advise how their interest in becoming a community member can be communicated to the council for consideration.

The community member category was introduced to help council to increase their skill base and connection to their local community outside of the school. Examples of community members are:

- people from business or industry
- people from significant groups within the community, such as diverse cultural and linguistic backgrounds
- people with specific skills and expertise or perspectives
- a nominee of the local municipal or district council
- a local House of Assembly member or their nominee

The principal in consultation with the elected council members should assess the skill mix needed for the council to function effectively and consider what skill gaps can be filled through appointing community members.

The principal should determine the willingness of potential community members to accept appointment to council.

The principal must send the regional director the names, addresses and contact details of members of the council and advise of office holders (see Administrative instructions and guidelines, section 5).

What to do with casual vacancies

The council may not be able to fill all vacancies at the election; these vacant positions become casual vacancies. Also throughout the year, current members may resign their positions from council. This creates casual vacancies.

Under clause 10.2 of the school's constitution, the council may appoint a person to temporarily fill a casual vacancy in its membership until a councillor can be elected, nominated or appointed in line with the school's constitution.

In filling this vacancy, the council is free to choose anyone who fits the membership category that they see appropriate. However, consideration should be given to unsuccessful candidates if a casual vacancy arises soon after a contested election. The council should consider offering the casual vacancy to the unsuccessful candidate with the highest votes.

Any parent who fills a vacant position created by a causal vacancy only serves until the next election process. If there are several vacancies for parent members then the council can call for nominations and the council will then determine who to appoint to fill the casual vacancies until the next election process. In this situation, the principal may be nominated as the officer to receive nominations for filling a casual vacancy. An amended nomination form that details that it's for a casual vacancy should be used.

Roles and responsibilities

Director, Conditions for Learning

Maintain and review these guidelines every 3 years or as required due to legislative amendment.

Principal policy adviser, Governance

Provide advice and support to leaders and council members to make sure there is effective and efficient governance of preschools and school and council operations.

Site leaders

Comply with the requirements of the AIG's section, these guidelines and any other relevant departmental policy or procedure.

Governing council and affiliated committee members

Comply with the requirements of the AIG's section 5, these guidelines and any other relevant departmental policy or procedure relevant in support of council business.

Supporting information

Model notice of election and call for nominations (DOCX, 382.0 KB)

Nomination form receipt (DOCX, 381.5 KB)

Governing and school council nomination for election form – parent member nomination (DOCX, 382.9 KB)

Governing and school council self-nomination for election form – parent member nomination (DOCX, 382.2 KB)

Governing and school council appointment form – elected parent member appointment (DOCX, 382.5 KB)

Governing and school council appointment form – other member appointment (DOCX, 379.3 KB)

Model postal ballot form for governing council elections (DOCX, 409.5 KB)

Related legislation

Education Act 1972

Children's Protection Act 1993

Related policy documents

Administrative instructions and guidelines – section 5 (PDF 1.2MB)

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