

18 August 2022

# Post-Election Report

The Association of Independent Schools  
of South Australia  
Scheduled Election  
E2021/220

# Contents

Election Covered in this Report.....	3
Rules.....	3
Roll of Voters.....	5
Other Matters .....	6
Signed.....	6
Attachments .....	7
A. Declaration of Results for Uncontested Offices – E2021/220 Stage One .....	7
B. Declaration of Results for Contested Offices – E2021/220 Stage One .....	7
C. Declaration of Results for Uncontested Offices – E2021/220 Stage Two .....	7
D. Declaration of Results for Contested Offices – E2021/220 Stage Two .....	7

# Election Covered in this Report

---

Organisation: The Association of Independent Schools of South Australia

Election: Scheduled

Election Decision No: E2021/220

## Rules

---

Rules difficult to apply/interpret:

### 1. In relation to Nominations:

The **Rule 14.6.1** lists three documents Curriculum Vitae, Expression of Interest (EOI), photograph and an endorsement of an existing Board member as a combination hereinafter referred to as the Nomination.

**Rule 14.6.2** states that if the EOI does not comply with the rules then the nomination is rejected the candidate has not more than 10 days from the close of nominations to supply a replacement nomination.

**Rule 14.7** states that any subsequent nominations have a 7-day defective period.

The AEC accepted nomination forms if they were completed correctly, where there was a defective nomination, the AEC applied **Rule 14.7** for the duration to remedy the defect, noting that **Rule 14.6.2** and **14.7** specify different periods which may cause confusion.

**Rule 14.61.1** (contained as a subsection of **14.6**) was not required to be applied for the purposes of this election and applies to Board Members as per section **9.1.4** of the rule book and defines relevant nomination. This rule causes confusion as the rulebook combines overall dealing of nominations in other sections, namely section **14.8** onward broadly.

### 2. In relation to holding multiple positions:

**Rule 14.9** states:

*If a Member who is entitled to vote at any election held under these Rules is absent from their usual address during a ballot, such Member may request that the Returning Officer send a ballot paper to them at an address which they nominate*

It is unclear if this rule is should also be applied at collegiate elections as **Rule 13.4** states:  
*Office-bearers must be elected in accordance with Rules 13 and 14*

It is recommended the Association clarify the wording within **Rule 14.9**. This will avoid ambiguity with any future absent voting at collegiate elections conducted in-person at the Annual General Meeting.

The rules are silent on restricting nomination or election to more than one position of the board. By contrast, it is explicitly stated at **Rule 13.4(c)** that in elections for office-bearer positions (Chair and Deputy Chair) nominees elected to a higher position in the hierarchy shall be excluded from subsequent ballots for the lower position. The rules therefore do contemplate offices in which the

same person cannot be elected to more than one, but only in the Chair and Deputy Chair positions.

Given their silence on the same regarding board positions, the implication appears to be that board positions are not incompatible offices. This may create difficulties regarding quorum.

3. Entitled to vote and nominate for election as Office-bearers for E2021/220:

During the conduct of E2021/220 a board member was appointed under the **Rule 15.4.1:**  
*If the unexpired part of the term of office is 27 months or less, by the appointment by the Board of another eligible person not being a Board Member;*

The **Definitions Part 6 of the Fair Work (Registered Organisations) Act 2009**, defines collegiate electorate systems as:

*Collegiate electoral system, in relation to an election for an office in an organisation, means a method of election comprising a first stage, at which persons are elected to a number of offices by a direct voting system, and a subsequent stage or subsequent stages at which persons are elected by and from a body of persons consisting only of:*

- a) persons elected at the last preceding stage; or*
- b) persons elected at the last preceding stage and other persons (being in number not more than 15% of the number of persons comprising the body) holding offices in the organisation (including the office to which the election relates), not including any person holding such an office merely because of having filled a casual vacancy in the office within the last 12 months, or the last quarter, of the term of the office.*

The election of Office-bearers for AISSA is a collegiate election as per **Rule 10.1.1:**  
*The Office-bearers of the Association must each be a member of the Board.*

As the election is a collegiate election, **Section 143(1)(a) of the Act** requires organisations rules to be within the **Definitions Part 6 of the Act** listed above. There is ambiguity around the interpretation of the Association's rules as they do not specify whether the election of Office-bearers is 'by and from' elected Board members only, or 'by and from' elected Board members plus additional Board members within the meaning of (b) listed above.

There is potential to interpret the rules as defining the electorate as being elected Board members and other appointed Board members falling within **s 6(b)** in relation to a 'collegiate electoral system'.

However, adopting this interpretation requires reading into the rules the restriction of **s 6(b)** about there being less than 12 months remaining on the term of office at the time a person was appointed to the Board. Also, against this interpretation is that a further ambiguity may arise. If there were two other Board members falling within **s 6(b)** there would be a breach of the 15% requirement (as the Board is comprised of 13 members). The rules do not provide for how to resolve this situation so further ambiguity may be created by adopting this interpretation.

The AEC reviewed this information and only elected Board Members were entitled to vote and nominate for election as Office-bearers for E2021/220. Given the lack of a specific provision about extending the franchise to non-elected Board members, the AEC recommends a review of

the rules regarding nomination and voting eligibility of Board Members elected via casual vacancy for collegiate elections.

Model Rule reference (if any): Yes

#### **Defective Nominations – Notification**

9.1.3 Where the returning officer has notified a person of a nomination defect, and where that person has not corrected the defect and advised the returning officer within the time prescribed by the returning officer, the nomination shall be rejected.

#### **Collegiate Elections – Absent Voting**

24.3.3 Any member who is entitled to vote at any election held under these rules and who will be unable to attend the meeting at which the election is to be conducted, may apply to the returning officer for ballot material to be sent to an address that the member so nominates

For more details see the Model Rules on the AEC website: [www.aec.gov.au/ieb/](http://www.aec.gov.au/ieb/)

## Roll of Voters

---

Based on an analysis of the register of members the Returning Officer has formed the opinion that the:

- There were no concerns in the construction of the Roll of Voters
- There are no concerns in the data provided by the organisation

## Other Matters

---

Returning Officer actions required (Section 193): Yes

Details:

- Rules regarding the timetable of the election were set aside as the AEC held concerns that the coronavirus pandemic may impact on the ability for stakeholders to fully participate in the election. A timetable for the conduct of the ballot which varied from the rules was set when the AEC was satisfied that stakeholders would be able to fully participate.
- Rules requiring an in-person ballot were set aside as the AEC held concerns that the coronavirus pandemic would impact on the ability for all stakeholders to attend. Instead the ballot was conducted via post.
- Rules specifying the method of lodgement of nominations were set aside as the AEC held concerns that the coronavirus pandemic would impact on the ability for potential candidates to nominate. Instead nominations were received electronically, via email/the AEC's portal.

## Signed

---

Jenna Hales

Returning Officer

Australian Electoral Commission

E: [IEBevents@aec.gov.au](mailto:IEBevents@aec.gov.au)

P: (03) 9285 71111

18 August 2022

## Attachments

---

- A. Declaration of Results for Uncontested Offices – E2021/220 Stage One
- B. Declaration of Results for Contested Offices – E2021/220 Stage One
- C. Declaration of Results for Uncontested Offices – E2021/220 Stage Two
- D. Declaration of Results for Contested Offices – E2021/220 Stage Two

# The Association of Independent Schools of South Australia

## DECLARATION OF RESULTS - E2021/220 - Stage 2

### Contested Offices

#### Scheduled Election

The results of the election for the following offices conducted in accordance with the provisions of the *Fair Work (Registered Organisations) Act 2009* and the rules of the organisation are:

#### Board

VOTING MATERIAL ISSUED	
Total number of people on the roll of voters (a)	8
Number of voters issued with voting material	8
Total number of voters issued with replacement voting material	0
<b>Total number of voting material packs issued</b>	<b>8</b>
VOTING MATERIAL RETURNED	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	6
Number of declaration envelopes rejected at preliminary scrutiny (minus)	0
Number of ballot papers returned outside declaration envelopes (minus)	0
COUNT	
Total ballot papers admitted to the count	6
LATE OR UNRETURNED VOTING MATERIAL	
Voting material returned as unclaimed mail by closing date of ballot	0
Voting material packs not returned by voters by closing date of the ballot	2
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	75 %

#### Office Bearer - Deputy Chair (1)

Candidates	Final Votes
HOPPS, Dominic	4
WARREN, Shannon	2

<b>Total ballot papers admitted for this office</b>	<b>6</b>
Formal Ballot papers	6
Informal Ballot papers	0

I declare the following elected:

- HOPPS, Dominic

Jenna Hales  
Returning Officer  
Telephone: (03) 9285 7111  
Email: IEBevents@aec.gov.au  
11/08/2022





# **The Association of Independent Schools of South Australia**

## **DECLARATION OF RESULTS - E2021/220 - Stage 2**

### **Uncontested Offices**

---

#### **Scheduled Election**

The results of the election for the following offices conducted in accordance with the provisions of the *Fair Work (Registered Organisations) Act 2009* and the rules of the organisation are:

#### **Office Bearers**

##### **Chair (1)**

###### Candidates

HOWELL Brenton

As the number of nominations accepted did not exceed the number of positions to be filled, I declare the above candidates elected.

Jenna Hales  
Returning Officer  
Telephone: (03) 9285 7111  
Email: IEBevents@aec.gov.au  
06/07/2022

---



# The Association of Independent Schools of South Australia

## DECLARATION OF RESULTS - E2021/220 - Stage 1

### Contested Offices

#### Scheduled Election

The results of the election for the following offices conducted in accordance with the provisions of the *Fair Work (Registered Organisations) Act 2009* and the rules of the organisation are:

#### The Association of Independent Schools of South Australia

<b>VOTING MATERIAL ISSUED</b>	
Total number of people on the roll of voters (a)	103
Number of voters issued with voting material	103
Total number of voters issued with replacement voting material	0
<b>Total number of voting material packs issued</b>	<b>103</b>
<b>VOTING MATERIAL RETURNED</b>	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	53
Number of declaration envelopes rejected at preliminary scrutiny (minus)	1
Number of ballot papers returned outside declaration envelopes (minus)	1
<b>COUNT</b>	
Total ballot papers admitted to the count	51
<b>LATE OR UNRETURNED VOTING MATERIAL</b>	
Voting material returned as unclaimed mail by closing date of ballot	0
Voting material packs not returned by voters by closing date of the ballot	50
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	51 %

#### Board Member - Principal from a Secondary or R-12 school (1)

<u>Candidates</u>	<u>Final Votes</u>
RIJKEN, Marcel	17
WEINERT, Paul Weinert	18
WARREN, Shannon	16

<b>Total ballot papers admitted for this office</b>	<b>51</b>
Formal Ballot papers	51
Informal Ballot papers	0

I declare the following elected:

- WEINERT, Paul Weinert

Jenna Hales  
Returning Officer  
Telephone: 03 9285 7111  
Email: [IEBevents@aec.gov.au](mailto:IEBevents@aec.gov.au)  
08/06/2022

---



# The Association of Independent Schools of South Australia

## DECLARATION OF RESULTS - E2021/220 - Stage 1 Uncontested Offices

---

### Scheduled Election

The results of the election for the following offices conducted in accordance with the provisions of the *Fair Work (Registered Organisations) Act 2009* and the rules of the organisation are:

#### Board Members

##### Governor (1)

###### Candidates

*No Nominations Received*

##### Principal from any Member School (1)

###### Candidates

WARREN Shannon

##### Group of up to 4 other persons (4)

###### Candidates

POTTER Michael David

PROEVE John

WARREN Shannon

As the number of nominations accepted did not exceed the number of positions to be filled, I declare the above candidates elected.

Jenna Hales  
Returning Officer  
Telephone: 03 9285 7111  
Email: IEBevents@aec.gov.au  
02/05/2022





## DECISION

*Fair Work (Registered Organisations) Act 2009*  
s.189—Arrangement for conduct of an election

### **The Association of Independent Schools of South Australia** (E2021/220)

MR STEENSON

SYDNEY, 4 MARCH 2022

*Arrangement for conduct of election.*

[1] On 16 February 2022 the Association of Independent Schools of South Australia (**the organisation**) lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices:

#### Board Members

Governor	(1)
Principal from any Member School	(1)
Principal from a Secondary or R-12 School	(1)
Group of up to 4 other persons	(4)

#### Office Bearers

Chair	(1)
Deputy Chair	(1)

[2] Board members of the organisation are elected on a rotating basis. The Board members listed above are those described as ‘Group 2’ and the ‘Fourth Group’ in the rules of the organisation. Rule 12 provides that elections for these groups occur in 2022 and every three years thereafter. The Chair and Deputy Chair are elected annually.

[3] I am satisfied that an election for the abovenamed offices is required to be held under the rules of the organisation and, under subsection 189(3) of the *Fair Work (Registered Organisations) Act 2009*, I am making arrangements for the conduct of the election by the Australian Electoral Commission.



DELEGATE OF THE COMMISSIONER

Printed by authority of the Commonwealth Government Printer

PR352178

**PRESCRIBED INFORMATION FOR ELECTIONS in accordance with Section 189 Fair Work (Registered Organisations) Act 2009 and Regulation 138 Fair Work (Registered Organisations) Regulations 2009**

I, Luke Ritchie, being the Board Chair of the Association of Independent Schools of South Australia (AISSA) make the following statement:

1. I am authorised to sign this statement containing prescribed information for the AISSA.
2. The following information is lodged under subsection 189(1) of the Fair Work (Registered Organisations) Act 2009 (the RO Act).
3. The elections that are required are set out in the table in Annexure A.
4. No rule alterations are pending that will impact the elections.
5. This statement **IS** lodged at least 2 months before nominations open for the elections in Annexure A.



Signed: .....  
Luke Ritchie, AISSA Board Chair

Dated: 16/2/22

**NOTE:** This statement should be lodged with the Registered Organisations Commission at least 2 months prior to nominations opening. It can be submitted to [regorgs@roc.gov.au](mailto:regorgs@roc.gov.au).

## Annexure A

- Elections that are required:

Branch	Name of Office	Number required	Voting System <i>Direct voting system; Collegiate electoral system</i>	Reason for Election <i>Scheduled; Casual vacancy; New office created; Insufficient nominations</i>	Electorate
N/A	Board Member (Governor) (Rule 9.1.2.)	1	Direct Voting System	Scheduled	All AISSA Members (Rule 13.1.)
N/A	Board Member (Principal from any Member School) (Rule 9.1.1.(c))	1	Direct Voting System	Scheduled	All AISSA Members (Rule 13.1.)
N/A	Board Member (Principal from a Secondary or R-12 School) (Rule 9.1.1.(b))	1	Direct Voting System	Scheduled	All AISSA Members (Rule 13.1.)
N/A	Board Member (Group of “up to four (4) other persons”) (Rule 9.1.4.)	4	Direct Voting System	Scheduled	All AISSA Members (Rule 13.1.)
N/A	Chair (Rule 10.1.2.)	1	Collegiate electoral system	Scheduled	By and from the Board (Rule 10.1.1.)
N/A	Deputy Chair (Rule 10.1.2.)	1	Collegiate electoral system	Scheduled	By and from the Board (Rule 10.1.1.)

- Important dates:

	Direct Voting System	Collegiate Electoral System
<b>Nominations OPEN</b>	At least six (6) weeks before 15 June 2022 (ie by no later than 4 May 2022) (Rule 14.4.)	16 June 2022 (Rule 13.4.(a))
<b>Nominations CLOSE</b>	To be determined by the Returning Office	To be determined by the Returning Officer
<b>Roll of Voters cut off date</b>	Seven (7) days prior to nominations opening (Rule 14.10.)	Seven (7) days prior to nominations opening (Rule 14.10.)