



20 October 2022

Sonia Albertini
Head of Legal
The Association of Independent Schools of South Australia
Sent via email: albertinis@ais.sa.edu.au



IMMEDIATE ACTION REQUIRED:

You must take steps after your recent election E2022/135

Dear Sonia Albertini,

An election has recently been completed by the Australian Electoral Commission (**AEC**) for the Association of Independent Schools of South Australia.

This letter explains the next steps you must take and what information you need to lodge with the Registered Organisations Commission (**ROC**).

What you must do right now

- Let your members know about the election report issued by the AEC
- Arrange financial training for officers newly elected to an office with financial management duties. (This includes all members of the committee of management).
- Complete the notification of change and email it to regorgs@roc.gov.au

This letter explains these steps and the tools available to help you.

STEP 1: Notify members

You must put a notice on your website once you receive your post-election report. It must tell your members they can request a copy of the post-election report from you or the AEC (r. 141). The notice must be on your website for at least 3 months.



Can I put more information on our website?

Yes! Being transparent is part of good governance. You can publish the whole report or the declaration of results, as well as your notice and leave them up longer than 3 months. You can always do more than the regulatory minimum.

The ROC will also publish your declaration of results on our [website](https://www.roc.gov.au).

STEP 2: Financial training

You may have to arrange financial training for people elected to new roles.

All officers with financial management duties must complete financial training (s 293K). For information on when officers must redo training and hints on when to book training for officers taking up multiple offices [please see our fact sheet](#).

There are face to face and online [financial training packages on the ROC website](#).

You must act on this now, as affected officers **MUST** complete approved financial training OR been granted an [exemption by the ROC](#) **within 6 months** of beginning to hold office.



Good governance tip:

Organisations should instruct officer holders about their other obligations. This is especially important for committee of management members.

Our podcast covers the [benefits of officer induction](#). Officers have responsibilities under the rules, the RO Act, and disclosure requirements around conflicts of interest, remuneration and material personal interests. Officers will benefit from our [officer induction kit](#) and our [podcast, such as episode 17 - conflicts of interest](#).

STEP 3: Notifications of change

A notification of change must be lodged with the ROC within **35 days** of the change occurring.



We have a [template](#) to help you with this, which you can send to regorgs@roc.gov.au. An officer must sign the completed notification template.

You must lodge a notification of change if:

- any of your officers have not been re-elected;
- officers have changed offices; or
- you have new officers.

Only notify us of changes that have **already occurred**. If people take up office in the future, you must wait until the change happens before lodging the notification within 35 days of the change.

Note: One election may result in many notifications of change.



Penalties apply

Failing to lodge your notifications of change on time can expose your organisation and its officers to significant penalties.

ROC v CEPU

The organisation failed to make a series of notifications of change on time.

The Full Court said 'The record-keeping obligations imposed under the Registered Organisations Act are treated by the legislature as important and serious, and contravention of those obligations are correspondingly serious.'

The organisation was ordered to pay a penalty. More information is available in our [case summary](#).

Questions?



Why do I need to tell you the results of the election when you've already received them?

The RO Act requires that **you** tell us this information about your officers – it is a legal obligation. The notification of change also contains information that is not in the declaration of results.

What if the officer has already done training?

Check out our [fact sheet](#) for when officers need to redo training, when they can get an exemption and when further training isn't required.

If you have any queries we can be contacted on 1300 341 665 or by email at regorgs@roc.gov.au.

Yours sincerely

Registered Organisations Commission



The ROC has a [Compliance Policy](#) which explains how we respond to issues of non-compliance. The policy is available on our website if you would like further information on the steps the compliance team may take in response to non-lodgement of a financial report.

18 October 2022

Post-election report

The Association of Independent Schools
of South Australia
Insufficient Nominations election
E2022/135

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Elections Covered in this Report

Organisation: The Association of Independent Schools of South Australia
Election: Insufficient Nominations
Election Decision No: E2022/135

Rules

Rules used for the election:
[008S: Incorporates alterations of 4 November 2020 in matter R2020/103]
Replaces version dated 18 September 2017 (R2017/134)

Rules difficult to apply/interpret: No

Model Rule reference (if any): N/A

For more details see the Model Rules on the AEC website: www.aec.gov.au/ieb/

Other Matters

Returning Officer actions required (Section 193): Yes
Details:

- Nomination withdrawal period is set to coincide with close of nominations as rules are silent.

Signed

Emma Langridge
Returning Officer
Australian Electoral Commission
E: IEBevents@aec.gov.au
P: 03 9285 7111
18 October 2022

Attachments

A. Declaration of results for Uncontested Offices

B. Declaration of Results for Contested Offices

The Association of Independent Schools of South Australia
DECLARATION OF RESULTS - E2022/135
Contested Offices

Insufficient Nominations 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

VOTING MATERIAL ISSUED	
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
Total number of voting material packs issued	103
VOTING MATERIAL RETURNED	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	39
Number of declaration envelopes rejected at preliminary scrutiny (minus)	1
Number of ballot papers returned outside declaration envelopes (minus)	0
COUNT	
Total ballot papers admitted to the count	38
LATE OR UNRETURNED VOTING MATERIAL	
Voting material returned as unclaimed mail by closing date of ballot	1
Voting material packs not returned by voters by closing date of the ballot	64
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	37.86 %

Board Member - Governor (1)

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Final Votes</u>
BURNS, Wade	5	5
ST CLAIR, Peta	16	16
STRATTON, Benjamin	11	11

Total ballot papers admitted for this office **38**

Formal Ballot papers 32

Informal Ballot papers 6

I declare the following elected:

- ST CLAIR, Peta

Board Member - Principal from any Member School (1)

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Final Votes</u>
ABUL KHAIR, Hani	3	3
BACHOLER, Cameron	8	8
RIJKEN, Marcel	26	26

Total ballot papers admitted for this office **38**

Formal Ballot papers 37

Informal Ballot papers 1

I declare the following elected:

- RIJKEN, Marcel

Emma Langridge
Returning Officer
Telephone: 03 9285 7111
Email: IEBevents@aec.gov.au
18/10/2022



Australian Government
Registered Organisations Commission

7 September 2022

Sonia Albertini
Head of Legal
The Association of Independent Schools of South Australia
Sent via email: albertinis@ais.sa.edu.au



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

Board Member - Group of up to four (4) other persons (1)

Candidates

LOCHOWIAK John

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

Emma Langridge
Returning Officer
Telephone: 03 9285 7111
Email: IEBevents@aec.gov.au
06/09/2022





DECISION

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

The Association of Independent Schools of South Australia (E2022/135)

MS GUINA

MELBOURNE, 1 JULY 2022

Arrangement for conduct of election.

[1] On 24 June 2022 the Association of Independent Schools of South Australia (AISSA) lodged with the Registered Organisations Commission prescribed information for an election to fill a casual vacancy arising in the following office for the remainder of term:

Board Member	
Principal from any Member School	(1)

[2] Also in the same prescribed information, the AISSA requested for an election to fill the following offices due to insufficient nominations received in the most recent scheduled election (E2021/220)¹:

Board Member	
Governor	(1)
Group of up to four (4) other persons	(1)

[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

PR352273

¹ [2022] ROCD 34

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. The resignation letter or other supporting information is attached for each casual vacancy.
5. Insufficient nominations were received in an earlier election and the declaration of results is attached.
6. No rule alterations are pending that will impact the election.
7. This statement **IS** lodged at least 2 months before nominations open for the election(s) in Annexure A.



Signed:
Luke Ritchie, AISSA Board Chair

Dated: 24 June 2022

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.

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	Insufficient nominations	All AISSA Members (Rule 13.1.)
N/A	Board Member (Group of “up to four (4) other persons”) (Rule 9.1.4.)	1	Direct Voting System	Insufficient nominations	All AISSA Members (Rule 13.1.)
N/A	Board Member (Principal from any Member School) (Rule 9.1.1.(c))	1	Direct Voting System	Casual vacancy	All AISSA Members (Rule 13.1.)

- Important dates:

	Direct Voting System	Collegiate Electoral System
Nominations OPEN	To be determined by the Returning Officer	N/A
Nominations CLOSE	To be determined by the Returning Officer	N/A
Roll of Voters cut off date	7 days prior to nominations opening (Rule 14.10.)	N/A