



## DECISION

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

### **The Association of Independent Schools of South Australia** (E2017/58)

MR ENRIGHT

MELBOURNE, 3 MARCH 2017

*Arrangement for conduct of election.*

[1] On 27 February 2017 The Association of Independent Schools of South Australia ('the organisation') lodged with the Fair Work Commission the prescribed information in relation to an election for the following offices:

#### **Board Members**

Principal from a Primary only School	(1)
Principal from any Member School	(1)
Governor	(1)
Bursar, Business Manager or Administrator	(1)

#### **Office Bearers (Executive Committee)**

Chair	(1)
Deputy Chair	(1)

[2] The prescribed information was lodged seven days after the prescribed day. The organisation requested that a later day for lodgement be allowed on the grounds that the lateness was due to the unexpected personal absence of the staff member responsible for the preparation of the relevant documentation. Taking into account the unexpectedness of the circumstances, I allow the later day for lodgement.

[3] I am satisfied that an election for the above-named 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 GENERAL MANAGER

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**From:** KELLETT, Stephen  
**Sent:** Monday, 6 March 2017 7:59 AM  
**To:** Sonia Albertini (albertinis@ais.sa.edu.au)  
**Subject:** FW: Election - Assoc. Ind. Schools of SA - E2017/58 - decision

Dear Ms Albertini

Please see attached a copy of the Delegate's decision in relation to the above.

*Please note* that the Decision relates only to those offices scheduled for election in 2017 and omits the office of "Governor" that was indicated as not having been filled at a previous election (i.e. E2015/270).

In order to establish a distinct "paper trail" for the election history of that omitted office, especially in circumstances where the Association elects its Board of management on a rotational (or staggered) basis, I have created a separate election matter number file for that office (E2017/60).

Please don't hesitate to contact me if you have any queries.

Yours faithfully

**STEPHEN KELLETT**  
Regulatory Compliance Branch  
**FAIR WORK COMMISSION**

80 William Street  
EAST SYDNEY NSW 2011

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(mob.) 0429 462 979  
(email) [stephen.kellett@fwc.gov](mailto:stephen.kellett@fwc.gov)



E2017 58 Decision  
(extension granted).f

**From:** KELLETT, Stephen  
**Sent:** Monday, 6 March 2017 7:55 AM  
**To:** Industrial Elections  
**Subject:** Election - Assoc. Ind. Schools of SA - E2017/58 - decision

Dear Electoral Officer,

Please see attached a copy of the Delegate's decision in relation to the above.

*Please note* that the Decision does not encompass every office included in the notice of prescribed information that was forwarded to you on 28 February 2017. It relates only to those offices scheduled for election in 2017 and omits the office of "Governor" indicated as not having been filled at a previous election (i.e. E2015/270).

In order to establish a distinct "paper trail" for the election history of that omitted office, especially in circumstances where the Association elects its Board of management on a rotational (or staggered) basis, I have created a separate election matter number file for that office (E2017/60).

It is my intention that you regard the notice of prescribed information forwarded to you on 28 February as the notice – insofar as it refers to the office of "Governor" – in respect of the office of Governor and advise you that you may therefore expect a separate Decision by the Delegate in respect of that office in matter E2017/60.

Please don't hesitate to contact me if you have any queries.

Yours faithfully

**STEPHEN KELLETT**  
Regulatory Compliance Branch  
**FAIR WORK COMMISSION**

80 William Street  
EAST SYDNEY NSW 2011

(ph) (02) 6746 3283  
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E2017 58 Decision  
(extension granted).pdf



## Copy of Prescribed Information

**Title of Matter:** Application/Notification by Association of Independent Schools of South Australia, The  
**Section:** s.189(1) RO Act - Notification of elections for office  
**Subject:**  
**Matter Number(s):** E2017/58

Attn: Electoral Officer

A copy of the Prescribed Information in relation to the above matter is attached for your information.

The election decision will be forwarded to your office in due course.

### **Inquiries:**

Any inquiries relating to this are to be directed to: [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au).

**28 FEBRUARY 2017**

**From:** Sonia Albertini [mailto:[albertinis@ais.sa.edu.au](mailto:albertinis@ais.sa.edu.au)]  
**Sent:** Monday, 27 February 2017 9:27 PM  
**To:** Orgs  
**Cc:** Carolyn Grantskalns  
**Subject:** SK - ON CMS - E2017/58 - Election - The Association of Independent Schools of South Australia

Dear Sirs,

Please see attached letter, Prescribed Information for Elections and Annexure A.

If you have any questions or have difficulty opening the documents please do not hesitate to contact me.

Kind regards,

**Sonia Albertini**  
Senior Legal Consultant

301 Unley Road Malvern SA 5061  
T: 08 8179 1424 M: 0407 752 500 F: 08 8373 1116  
[albertinis@ais.sa.edu.au](mailto:albertinis@ais.sa.edu.au) [www.ais.sa.edu.au](http://www.ais.sa.edu.au)

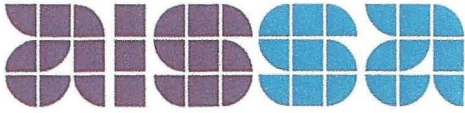


Letter to FWC  
27.2.17.pdf



Annexure A.pdf

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Association of  
Independent Schools  
of South Australia

Fair Work Commission  
By email [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au)

27 February 2017

Attention: The General Manager

Dear General Manager

**The Association of Independent Schools of South Australia – 2017 Elections**

I refer to the upcoming election of the Association of Independent Schools of South Australia Board members.

In accordance with our association's rules, our next election will take place at our Annual General Meeting held on 1 June 2016.

Attached is our Prescribed Information for Elections. Regretfully, I advise that our Prescribed Information for Elections was meant to have been filed before 20 February 2017.

The delay is due to the unexpected personal leave absence of the staff member responsible for the preparation of the documentation. Unfortunately, this has meant that our Prescribed Information has been filed one week out of time.

I respectfully request additional time in which to file our Prescribed Information for Elections pursuant to section 189(2) of the *Fair Work (Registered Organisations) Act 2009 (Cth)*.

If you have any further queries about this matter, please do not hesitate to contact me or Sonia Albertini (08 8179 1424 or [albertinis@ais.sa.edu.au](mailto:albertinis@ais.sa.edu.au))

Yours faithfully

Kym Wallent  
Chair

Enclosure – Prescribed Information for Elections

**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, Kym Wallent, 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. Insufficient nominations were received in an earlier election and the declaration of results is attached.

This statement **IS NOT** lodged at least 2 months before nominations open for the election below.

Signed:



Dated:

27 - 2 - 17

*[PLEASE NOTE: This statement should be lodged with the Fair Work Commission at least 2 months prior to nominations opening. It can be submitted to [orgs@fwc.gov.au](mailto:orgs@fwc.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	Committee of Management Member (Principal from a Primary Only School – Rule 9.1.1(a))	1	Direct	Scheduled	All Members (Rule 13.1)
N/A	Committee of Management Member (Principal from any Member School - Rule 9.1.1(c))	1	Direct	Scheduled	All Members (Rule 13.1)
N/A	Committee of Management Member (Governor – Rule 9.1.2)	1	Direct	Scheduled	All Members (Rule 13.1)
N/A	Committee of Management Member (Bursar, Business Manager or Administrator – Rule 9.1.3)	1	Direct	Scheduled	Bursars, Business Managers or Administrators of each Member (Rule 13.5)
N/A	Committee of Management Member (Governor – Rule 9.1.2)	1	Direct	Insufficient Nominations (Declaration of Results attached)	All Members (Rule 13.1)
N/A	Chair	1	Collegiate	Scheduled	By and from the Board (Rule 10.1.1)
N/A	Deputy Chair	1	Collegiate	Scheduled	By and from the Board (Rule 10.1.1)

- Important dates:

	<b>Direct Voting System</b>	<b>Collegiate Electoral System</b>
<b>Nominations OPEN</b>	<i>At least 6 weeks before 1 June 2017 (ie by no later than 20 April 2017 (rule 14.4))</i>	<i>8 June 2017 (rule 13.4(a))</i>
<b>Nominations CLOSE</b>	<i>Date to be determined in consultation with the AEC</i>	<i>Date to be determined in consultation with the AEC</i>
<b>Roll of Voters cut off date</b>	<i>7 days prior to nominations opening (rule 14.10)</i>	<i>7 days prior to nominations opening (rule 14.10)</i>

Please note: that for insufficient nominations and casual vacancies, the date nominations open and close, unless specified in the rules, should be listed as 'to be determined by the returning officer'. Casual vacancies must be accompanied by proof of resignation and attached to this statement.