

25 November 2021

Post-election report

The Association of Independent Schools
of South Australia
Scheduled election
E2020/223

Contents

Election(s) Covered in this Report.....	3
Rules.....	3
Roll of Voters.....	3
Other Matters.....	4
Signed.....	4
Attachments.....	5
A. Declaration of results for Uncontested Offices – Stage 2	5
B. Declaration of Results for Contested Offices – Stage 1	5
C. Declaration of Results for Uncontested Offices – Stage 1	5

Election(s) Covered in this Report

Organisation: The Association of Independent Schools of South Australia

Election: Scheduled

Election Decision No/s: E2020/223

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

Roll of Voters

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

- Formulation of the Roll without elector names and having 'Principal' instead, poses a risk to the integrity of the ballot and the AEC is unable to identify electors in the ballot for the purposes of issuing replacement voter packs or distinguishing eligible voters. The AEC advises the use of names in the future.

Total number of voters on the Roll:	105
Number of apparent workplace addresses:	105
Number of non-current addresses:	0
Other matters pertaining to the roll of voters:	N/A

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 specifying the method of lodgement of nominations are set aside as the AEC held concerns that the coronavirus pandemic would impact on the ability for potential candidates to nominate. Instead nominations will be received electronically, via email/the AEC's portal.
- 'Rule 14.5 The Returning Officer must call for nominations for Board positions by sending a nomination form to the postal address of each financial Member, addressed to "The Principal".'
- Sending a nomination form via post, poses a risk of disenfranchising an elector due to the much more suitable means of circulating a notice. The AEC suggests via email, on a website or in a circular newsletter or journal.

Signed

Robert Zammit
Returning Officer
Australian Electoral Commission
E: IEBevents@aec.gov.au
P: 03 9285 7111
25 November 2021

Attachments

- A. Declaration of results for Uncontested Offices – Stage 2
- B. Declaration of Results for Contested Offices – Stage 1
- C. Declaration of Results for Uncontested Offices – Stage 1

The Association of Independent Schools of South Australia
DECLARATION OF RESULTS - E2020/223 - 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 (Executive Committee)

Chair (1)

Candidates

RITCHIE Luke

Deputy Chair (1)

Candidates

DOWNING Kristian

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

Robert Zammit
Returning Officer
Telephone: 03 9285 7111
Email: IEBevents@aec.gov.au
05/11/2021



The Association of Independent Schools of South Australia

DECLARATION OF RESULTS - E2020/223 - 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

VOTING MATERIAL ISSUED	
Total number of people on the roll of voters (a)	105
Number of voters issued with voting material	105
Total number of voters issued with replacement voting material	0
Total number of voting material packs issued	105
VOTING MATERIAL RETURNED	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	53
Number of declaration envelopes rejected at preliminary scrutiny (minus)	3
Number of ballot papers returned outside declaration envelopes (minus)	0
COUNT	
Total ballot papers admitted to the count	50
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	51
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	50 %

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

<u>Candidates</u>	<u>Final Votes</u>
FIELKE, Craig Andrew	12
RIJKEN, Marcel	20
SHEA, Julia	4
WARREN, Shannon	4
WEINERT, Paul	7
ZOCCHI, Anita	3

Total ballot papers admitted for this office	50
Formal Ballot papers	50
Informal Ballot papers	0

I declare the following elected:

- RIJKEN, Marcel

Robert Zammit
 Returning Officer
 Telephone: 03 9285 7111
 Email: IEBevents@aec.gov.au
 08/10/2021

The Association of Independent Schools of South Australia

DECLARATION OF RESULTS - E2020/223 - 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:

The Association of Independent Schools of South Australia

Board Member - Governor (2)

Candidates

DOWNING Kristian

LAWRENCE Kymberley Alissa

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

Robert Zammit
Returning Officer
Telephone: 03 9285 7111
Email: IEBevents@aec.gov.au
27/08/2021





DECISION

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

The Association of Independent Schools of South Australia (E2020/223)

MR STEENSON

SYDNEY, 2 MARCH 2021

Arrangement for conduct of election.

[1] On 15 February 2021 the Association of Independent Schools of South Australia (the organisation) lodged with the Registered Organisations Commission (Commission) prescribed information for a scheduled election to be conducted to fill the following offices:

Board Members

Governor (2)

Office Bearers (Executive Committee)

Chair (1)

Deputy Chair (1)

[2] In addition, the prescribed information lodged with the Commission on 15 February 2021 also sought an election to fill the following office, due to insufficient nominations received in the previous scheduled election (**E2019/226**):

Board Member

Board member (Principal from a Secondary or R-12 School) (1)

[3] As there are specific issues relevant to each of the elections requested, for the sake of clarity, in this decision I will address these issues under corresponding headings addressing:

- the request for a scheduled election to be conducted for Board Members;
- the request for a scheduled election to be conducted for Chair and Deputy Chair; and
- the request for an election to fill an office for which insufficient nominations were received at a previous election.

Scheduled elections: Board Members

[4] The rules of the organisation, in particular rule 9.6, vest the management and control of the organisation in a Board, subject to any decision of members at a General Meeting. Rule 9.1 sets out the composition of the Board, namely:

9.1.1 four (4) Principals comprising:

- (a) one (1) from a Primary only School;
- (b) one (1) from a Secondary or R-12 School; and
- (c) two (2) from any Member School; and

9.1.2 four (4) Governors; and

9.1.3 one (1) person who is employed by a Member as a Bursar, Business Manager or Administrator, and

9.1.4 up to four (4) other persons.

[5] The term of office for each of these offices is three (3) years.

[6] Rather than the elections for all of these offices occurring at the same time, the rules also provide that the offices listed in rules 9.1.1 to 9.1.3 are divided into three (3) 'Groups' and that elections for those Groups are conducted on a rotational basis, such that there is a scheduled election for one Group each year.

[7] The offices in each Group (paraphrasing rule 9.3) are as follows:

Group 1: two Governors

Group 2: Principal from a Secondary or R-12 school; and
one Principal from a Member School
one Governor

Group 3: Principal from a Primary School
one Principal from a Member School
one Governor
one Bursar, Business Manager or Administrator

[8] In addition, rule 12.1 of the organisation's rules makes specific provision in relation to the order in which these rotational scheduled elections are to be held, specifying that:

As at the date of approval of these Rules by the Fair Work Commission, incumbent Board Members will continue to serve their 3-year term as follows:

- (a) members of Group 1 will have terms that end at the conclusion of the 2021 Annual General Meeting, and thereafter their terms will end every 3 years at the conclusion of the Annual General Meeting;
- (b) members of Group 2 will have terms that end at the conclusion of the 2022 Annual General Meeting, and thereafter their terms will end every 3 years at the conclusion of the Annual General Meeting;

- (c) members of Group 3 will have terms that end at the conclusion of the 2020 Annual General Meeting and thereafter their terms will end every 3 years at the conclusion of the Annual General Meeting; and
- (d) members elected to fill the positions outlined in 9.1.4 of these Rules (hereinafter referred to as the Fourth Group) will have terms that end at the conclusion of the 2022 Annual General Meeting, and thereafter their terms will end every 3 years at the conclusion of the Annual General Meeting.

[9] Consequently, in accordance with the organisation's rules, scheduled elections for offices are due to occur in the following sequence:

Group 1 offices (2021 and every 3 years thereafter);

Group 2 and Group 4 offices (2022 and every 3 years thereafter);

Group 3 offices (2023 and every 3 years thereafter).

[10] The two Governor offices for which an election is requested in the prescribed information lodged on 15 February 2021 are Group 1 offices.

Scheduled elections: Chair and Deputy Chair

[11] Rule 10.1.1 of the organisation's rules provides that the 'office bearers', namely the Chair and Deputy Chair, must be members of the Board.

[12] Rule 11.2 specifies that the term of office for the Chair and Deputy Chair is one (1) year. That rule also provides a limit on the number of consecutive years that one person may hold a particular office.

[13] Rule 13.4 provides that the Chair and Deputy Chair are elected by and from the members of the Board subsequent to the Annual General Meeting.

Insufficient nominations election

[14] As indicated above, in addition to the prescribed information requesting scheduled elections in accordance with the organisation's rules, prescribed information was also lodged seeking an election for a particular office for which insufficient nominations had been received at a previous election (**E2019/226**).

[15] I note that the declaration of results issued by the Australian Electoral Commission (AEC), dated 16 December 2020, in relation to election E2019/226 relevantly indicated:

Board member (Principal from a Secondary or R-12 School) (1)

Candidates

No Nominations Received

[16] The office of ‘Board member (Principal from a Secondary or R-12 School)’ is a Group 2 office.

[17] I note that as a result of the suspension of most industrial elections by the AEC due to the COVID-19 pandemic, and associated restrictions during 2020, conduct of the election of the offices in **E2019/226** (along with a number of other industrial elections) was delayed, resulting in the election of Board Members in E2019/226 concluding on 16 December 2020.

Elections required to be conducted

[18] I am satisfied that an election for the offices, specified in the prescribed information lodged on 15 February 2021, 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 AEC.

[19] As the office of ‘Board member (Principal from a Secondary or R-12 School)’ – a Group 2 office – is being filled as a consequence of insufficient nominations received at a previous election (E2019/226), the election to fill that particular office is for the balance of the term of office, which expires at the organisation’s 2022 Annual General Meeting.



DELEGATE OF THE COMMISSIONER

Printed by authority of the Commonwealth Government Printer

PR351860

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, Kristian Downing, 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.
5. No rule alterations are pending that will impact the election.
6. This statement IS lodged at least 2 months before nominations open for the election(s) in Annexure A.

Signed:

A handwritten signature in dark ink, consisting of the letters 'K' and 'D' followed by a long horizontal line.

Kristian Downing (AISSA Board Chair)

Dated: 15 February 2021

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.)	2	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	Insufficient nominations	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
Nominations OPEN	At least six weeks before 16 June 2021 (ie by no later than 5 May 2021) (Rule 14.4.)	17 June 2021 (Rule 13.4.(a))
Nominations CLOSE	To be determined by the Returning Officer	To be determined by the Returning Officer
Roll of Voters cut off date	7 days prior to nominations opening (Rule 14.10.)	7 days prior to nominations opening (Rule 14.10.)

**The Association of Independent Schools of South
Australia**
The Association of Independent Schools of South Australia
DECLARATION OF RESULTS - E2019/226
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:

The Association of Independent Schools of South Australia

Board Member - Bursar, Business Manager or Administrator (1)

Candidates

HOWELL Brenton

Board Member - Governor (1)

Candidates

WALLENT Kym

Board Member - Principal from a primary only school (1)

Candidates

RITCHIE Luke

Board Member - Principal from any member school (1)

Candidates

HOPPS Dominic

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

Candidates

No Nominations Received

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

Candidates

HASELDINE Jason

POTTER Michael

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

Terrie Elekana
Returning Officer
Telephone: 07 3049 2163
Email: IEEvents@aec.gov.au
16/12/2020