



9 December 2015

Ms Kym Wallent  
Chairperson  
The Association of Independent Schools of South Australia

Email: [office@ais.sa.edu.au](mailto:office@ais.sa.edu.au)

Dear Ms Wallent,

**Notification of changes made to records [AR2015/153]**

I acknowledge receipt of a Notification of Change.

This information was lodged with the Fair Work Commission (the Commission) on 8 December 2015 in accordance with s.233(2) of the *Fair Work (Registered Organisations) Act 2009* (the Act). Our records have been updated accordingly. The document can be viewed on the Commission Website through the list of Registered Organisations - <http://www.fwc.gov.au/index.cfm?pagename=regorgslist>

Thank you for the notification.

Yours sincerely,  
Michael Moutevelis  
Regulatory Compliance Branch

## **MOUTEVELIS, Michael**

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**From:** Lynn Carter <CarterL@ais.sa.edu.au>  
**Sent:** Tuesday, 8 December 2015 12:33 PM  
**To:** Orgs  
**Cc:** Carolyn Grantskalns  
**Subject:** The AISSA - Notification of a Change to the Records  
**Attachments:** FWC Notification of Change to Records (R Harrison resig 19-11-15).pdf  
  
**Categories:** Currently in progress

Dear Sir or Madam

Please find attached a Notification of a change to the records of the Association of Independent Schools of South Australia (the **AISSA**), for lodgement with the Commission.

If you have any questions regarding the attached, please contact us.

Yours faithfully  
Lynn

 **AISSA** Lynn Carter | Executive Assistant to Carolyn Grantskalns  
**Association of Independent Schools of SA**  
301 Unley Road Malvern SA 5061  
**T:** 08 8179 1402 **F:** 08 8373 7605  
[carterl@ais.sa.edu.au](mailto:carterl@ais.sa.edu.au) [www.ais.sa.edu.au](http://www.ais.sa.edu.au)

*"The AISSA leads, supports, represents and advocates for the Independent sector in South Australia to enhance the success, sustainability and strength of its member schools."*

**NOTIFICATION OF CHANGES TO RECORDS (Changes to Records in the Annual Return) required to be kept in accordance with section 230 *Fair Work (Registered Organisations) Act 2009* and regulation 147 *Fair Work (Registered Organisations) Regulations 2009***

I, Kym Wallent, being the Chair of the Association of Independent Schools of South Australia (AISSA), declare the following:

1. I am authorised to make this declaration.
2. The following is a correct statement of the changes made to the information contained in the records required to be kept by the organisation in accordance with s.230(1)(b), (c), and (d) of the *Fair Work (Registered Organisations) Act 2009*:
  - A list of changes to offices and the names, postal addresses and occupations of persons holding those offices is attached to this declaration at Annexure A and forms part of this declaration.

Signed:   
.....  
Kym Wallent, Chair

Dated: 8 December 2015

*[PLEASE NOTE: This declaration must be submitted to the Fair Work Commission within 35 days of the change. It can be submitted to [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au).]*

## ANNEXURE A

- Changes to Offices and Office Holders in the Organisation and its Branches:

*Please note the 35 days begins at the earliest event (for instance when the officer retires) and an organisation may need to notify the events separately if the appointment or election process will take longer than 35 days.*

<b>Branch</b>	<b>Date of Change</b>	<b>Name of Office that has changed</b>	<b>Name of <u>Outgoing</u> Office Holder</b>	<b>Reason for change</b>	<b>Name of <u>New</u> Office Holder</b>	<b>Postal Address of <u>New</u> Office Holder (for privacy reasons, we recommend NOT a private address)</b>	<b>Occupation of <u>New</u> Office Holder</b>
N/A	19/11/2015	Committee of Management Member	Reece Harrison	Resignation	N/A (position vacant)	N/A	N/A



25 November 2015

Ms Kym Wallent  
Chairperson  
Association of Independent Schools of South Australia, The  
office@ais.sa.edu.au

Dear Ms Wallent,

**Notification of changes made to records [AR2015/153]**

Further to correspondence dated 2 September regarding Notifications of Change to Office Holders Chairperson and Treasurer dated 21 May 2015 and Committee of Management Member dated 26 June 2015 of the Association of Independent Schools of South Australia, I write to remind you that Section 154D(1) of the *Fair Work (Registered Organisations) Act 2009* (the RO Act) requires the rules of organisations (and branches of organisations) to require each officer with financial management duties to undertake approved training that covers those duties within 6 months after the person begins to hold office. Please ensure that relevant officers undertake approved training within the required timeframe.

Please also ensure that all new holders of office are advised of their obligations to make disclosures regarding remuneration, non-cash benefits and material personal interests, the details of which should be provided for in your organisation's rules.

Thank you for the notification.

Yours sincerely,

*Debbie Ball*

Debbie Ball  
Regulatory Compliance Branch



2 September 2015

Kym Wallent  
Chairperson  
The Association of Independent Schools of South Australia

Dear Wallent,

**Notification of changes made to records [AR2015/153]**

I acknowledge receipt of a Notification of Change to Office Holder of The Association of Independent Schools of South Australia.

This information was lodged with the Fair Work Commission (the Commission) on 28 July 2015 in accordance with s.233(2) of the *Fair Work (Registered Organisations) Act 2009* (the Act). Our records have been updated accordingly. The document can be viewed on the Commission Website through the list of Registered Organisations - <http://www.fwc.gov.au/index.cfm?pagename=regorgslist>

Thank you for the notification.

Yours sincerely,

Karolina Dimitrievski  
Regulatory Compliance Branch

11 Exhibition Street  
Melbourne VIC 3000  
GPO Box 1994  
Melbourne VIC 3001

Telephone: (03) 8661 7777  
Email : [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au)  
Internet : [www.fwc.gov.au](http://www.fwc.gov.au)

**NOTIFICATION OF CHANGES TO RECORDS (Changes to Records in the Annual Return) required to be kept in accordance with section 230 Fair Work (Registered Organisations) Act 2009 and regulation 147 Fair Work (Registered Organisations) Regulations 2009**

I, Kym Wallent, being the Chair of the Association of Independent Schools of South Australia (AISSA), declare the following:

1. I am authorised to make this declaration.
2. The following is a correct statement of the changes made to the information contained in the records required to be kept by the organisation in accordance with s.230(1)(b), (c), and (d) of the *Fair Work (Registered Organisations) Act 2009*:
  - A list of changes to offices and the names, postal addresses and occupations of persons holding those offices is attached to this declaration at Annexure A and forms part of this declaration.

Signed:   
Kym Wallent, Chair

Dated: 26 June 2015

*[PLEASE NOTE: This declaration must be submitted to the Fair Work Commission within 35 days of the change. It can be submitted to [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au).]*

## ANNEXURE A

- Changes to Offices and Office Holders in the Organisation and its Branches:

*Please note the 35 days begins at the earliest event (for instance when the officer retires) and an organisation may need to notify the events separately if the appointment or election process will take longer than 35 days.*

<b>Branch</b>	<b>Date of Change</b>	<b>Name of Office that has changed</b>	<b>Name of <u>Outgoing</u> Office Holder</b>	<b>Reason for change</b>	<b>Name of <u>New</u> Office Holder</b>	<b>Postal Address of <u>New</u> Office Holder</b> (for privacy reasons, we recommend NOT a private address)	<b>Occupation of <u>New</u> Office Holder</b>
N/A	11/06/2015	Committee of Management Member	Rainer Mayer	Resignation	Vacant	N/A	N/A



A I S S A



ASSOCIATION of  
INDEPENDENT  
SCHOOLS of SA

21 May 2015

Fair Work Commission  
Level 10, Terrace Tower  
80 William Street  
EAST SYDNEY NSW 2011

Email: [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au)

**ATTENTION: Ms Bernadette O'Neill, General Manager**

Dear Ms O'Neill

**Notification of Change of Office Holders**

We advise that the Association of Independent Schools of SA (AISSA) has received its results following the election of its Executive Committee Officers.

**Attached** for your information, is a Declaration of Results for Uncontested Officers received from the Australian Electoral Commission (AEC) dated 19 May 2015.

We advise that the following appointments remain unchanged:

- Chairperson - Mr Kym Wallent; and
- Treasurer - Mr Brenton Phillip Howell.

We also advise that Mr Kristian Downing is a new appointee in the position of Deputy Chairperson.

In accordance with Section 233 (2) of the *Fair Work (Registered Organisations) Act 2009 (Cth)* we notify you of the change in respect of the newly elected Deputy Chairperson.

To this end, I certify that the list of officers as outlined above is a correct statement of the office holders of the AISSA.

Please do not hesitate to contact me should you have any other queries.

Yours faithfully

Kym Wallent  
Chair

A I S S A



ASSOCIATION of  
INDEPENDENT  
SCHOOLS of SA

21 May 2015

Fair Work Commission  
Level 10, Terrace Tower  
80 William Street  
EAST SYDNEY NSW 2011

Email: [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au)

**ATTENTION: Ms Bernadette O'Neill, General Manager**

Dear Ms O'Neill

**Notification of Change of Office Holders**

We advise that the Association of Independent Schools of SA (AISSA) has received its results following the election of its Executive Committee Officers.

**Attached** for your information, is a Declaration of Results for Uncontested Officers received from the Australian Electoral Commission (AEC) dated 19 May 2015.

We advise that the following appointments remain unchanged:

- Chairperson - Mr Kym Wallent; and
- Treasurer - Mr Brenton Phillip Howell.

We also advise that Mr Kristian Downing is a new appointee in the position of Deputy Chairperson.

In accordance with Section 233 (2) of the *Fair Work (Registered Organisations) Act 2009 (Cth)* we notify you of the change in respect of the newly elected Deputy Chairperson.

To this end, I certify that the list of officers as outlined above is a correct statement of the office holders of the AISSA.

Please do not hesitate to contact me should you have any other queries.

Yours faithfully

Kym Wallent  
Chair

# The Association of Independent Schools of South Australia Executive Committee Officers- Stage 2

## Declaration of Results for Uncontested Offices

E2015/68

Below are 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.

### Office Bearers (Executive Committee)

#### Chairperson

##### Candidates

WALLENT, Kym

#### Deputy Chairperson

##### Candidates

DOWNING, Kristian

#### Treasurer

##### Candidates

HOWELL, Brenton Phillip

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



Jeanette Hill  
Returning Officer

19 May 2015



30 April 2015

Ms Kym Wallent  
Chairperson  
The Association of Independent Schools of South Australia

By email: [REDACTED]

Dear Ms Wallent,

**Annual Return of Information for 2015 [AR2015/153]**

I acknowledge receipt on 27 March and 28 April 2015 of your Declarations providing information in accordance with subsection 233(1) of the *Fair Work (Registered Organisations) Act 2009* (the RO Act).

The documents lodged cover the required information for the 2015 Annual Return of Information of The Association of Independent Schools of South Australia.

The documents have been filed and can be viewed on the Fair Work Commission website through the List of Registered Organisations - <http://www.fwc.gov.au/index.cfm?pagename=regorgslist>

**Notifications of Change**

Any changes to these records must be notified to the Commission within 35 days of the change. A template Notification of Change Declaration is available on the [fact-sheets](#) page of our website. The Association of Independent Schools of South Australia is encouraged to use this template if any changes occur.

Yours sincerely

Carolyn Moloney  
Regulatory Compliance Branch

A I S S A



ASSOCIATION *of*  
INDEPENDENT  
SCHOOLS *of* SA

22 April 2015

Fair Work Commission  
Level 10, Terrace Tower  
80 William Street  
East Sydney NSW 2011  
**Attn: Ms Carolyn Moloney (by email: carolyn.moloney@fwc.gov.au)**

Dear Ms Moloney

**Annual Return of Information for 2015 – AR2015/153**

I refer to The Association of Independent Schools of South Australia's (**AISSA**) obligation to lodge a declaration in accordance with section 233(1)(b) of the *Fair Work (Registered Organisations) Act 2009* (Cth).

To this end, I certify that the copy of the records for the 2015 Annual Return of Information lodged with the Fair Work Commission on 27 March 2015 is a correct statement of the information contained in those documents.

Please do not hesitate to contact me should you have any other queries.

Yours sincerely

Kym Wallent  
Chair

cc: [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au)



14 April 2015

Ms Kym Wallent  
Chairperson  
The Association of Independent Schools of South Australia  
By email: [REDACTED]

Dear Ms Wallent,

**Annual Return of Information for 2015 [AR2015/153]**

I acknowledge receipt on 27 March 2015 of your Declaration providing information in accordance with subsection 233(1) of the *Fair Work (Registered Organisations) Act 2009* (the RO Act).

The documents lodged do not include all of the required information for the 2015 Annual Return of Information of The Association of Independent Schools of South Australia. In particular the following is required:

- In accordance with section 233(1)(b), a declaration certifying that the copy of the records lodged in the annual return is a correct statement of the information contained in those records.

On receipt of the further declaration the annual return will be filed.

Yours sincerely

Carolyn Moloney  
Regulatory Compliance Branch



26 March 2015

Fair Work Commission  
11 Exhibition Street  
GPO Box 1994  
Melbourne VIC 3001

Attention: Mr Robert Pfeiffer  
[robert.pfeiffer@fwc.gov.au](mailto:robert.pfeiffer@fwc.gov.au)

Dear Mr Pfeiffer

**Annual Return of Information for 2015 – AR2015/153**

I refer to The Association of Independent Schools of South Australia's (AISSA) obligation to lodge its Annual Return of Information for 2015 pursuant to sections 230 and 233 of the Fair Work (Registered Organisations) act 2009 (Cth).

I have been provided with a copy of the FWC's letter to Mr Don Grimmett dated 20 February 2015. As Mr Grimmett is no longer the AISSA's Chair, please arrange for all future communications to be forwarded to me directly.

As Chair of the AISSA, I certify that:

**1. Register of Members**

The AISSA's Register of Members has, during the immediately preceding calendar year, been kept and maintained as required by subsections 230(1)(a) and (2);

**2. Registered address**

The AISSA's registered address is 301 Unley Road, Malvern SA 5061.

**3. List of Office holders**

The names, postal addresses and occupations of the persons currently holding offices at are as follows:

- a. Mr Kym Wallent (Chair)  
Retired  
c/- 301 Unley Road, Malvern SA 50 5061
- b. Mr Brenton Howell (Treasurer)  
Business Director, St John's Grammar School  
c/- 301 Unley Road, Malvern SA 50 5061

- c. Mr Don Grimmett (Elected Board member)  
Principal, Investigator College  
c/- 301 Unley Road, Malvern SA 50 5061
- d. Mr John Proeve (Elected Board member)  
Director, Lutheran Schools Association SA, NT & WA  
c/- 301 Unley Road, Malvern SA 50 5061
- e. Ms Kathryn Krieg (Elected Board member)  
Principal, St Jakobi Lutheran School  
c/- 301 Unley Road, Malvern SA 50 5061
- f. Mr Kristian Downing (Elected Board member)  
Director, Property Investment Network PL  
c/- 301 Unley Road, Malvern SA 50 5061
- g. Mr Marcel Rijken (Elected Board member)  
Principal, Temple Christian College  
c/- 301 Unley Road, Malvern SA 50 5061
- h. Mr Rainer Mayer (Elected Board member)  
Head of Junior School, Walford Anglican School for Girls  
c/- 301 Unley Road, Malvern SA 50 5061
- i. Mr Reece Harrison (Elected Board member)  
Coordinator Asset Management, City of Charles Sturt  
c/- 301 Unley Road, Malvern SA 50 5061
- j. Ms Rebecca Clarke (Board appointed member)  
Principal, Walford Anglican School for Girls  
c/- 301 Unley Road, Malvern SA 50 5061
- k. Mr Con Costi (Board appointed member)  
Lawyer  
c/- 301 Unley Road, Malvern SA 50 5061

Please note that the position of Deputy Chair is currently vacant.

#### 4. **Branches**

The AISSA does not have branches and therefore cannot provide information as required pursuant to sections 230(1)(d) of the Act and regulation 147;

#### 5. **Elections**

During the year commencing January 2015, the AISSA has conducted two elections, scheduled in accordance with its Constitution.



On 30 January 2015 and 5 February 2015, the AISSA lodged its Prescribed Information Statement and Amended Prescribed Information Statement in relation to a scheduled election, respectively.

By decision dated 9 February 2015, the Fair Work Commission advised that it was satisfied that an election was required and that it would make arrangements for the conduct of the election by the Australian Electoral Commission.

To this end, I attach the following documentation marked 'Attachment A': FWC decision dated 9 February 2015, AEC letter dated 11 February 2015, AEC Declaration of Results dated 27 February 2015 and AEC letter dated 27 February 2015.

We also wish to notify the FWC that Mr Proeve has been re-elected following our February 2015 election. The documentation supporting this appointment is contained in 'Attachment A'.

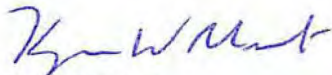
We also advise that a further election has been scheduled to take place as a result of insufficient nominations in its previous election E2015/68. To this end, I attach the following documentation marked 'Attachment B': FWC decision dated 13 March 2015 and AEC letter dated 17 March 2015.

#### **6. Statement concerning members**

On 31 December 2014, the AISSA had 93 members.

Please do not hesitate to contact me should you have any other queries.

Yours sincerely



**Kym Wallent**  
**Chair**

cc [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au)

*Enclosures*

*Attachment A - Record of Elections held during February 2015*

*Attachment B - AEC correspondence regarding election following insufficient nominations*



## DECISION

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

**The Association of Independent Schools of South Australia**  
(E2015/68)

MR ENRIGHT

MELBOURNE, 9 FEBRUARY 2015

*Arrangement for conduct of election.*

[1] On 30 January 2015 The Association of Independent Schools of South Australia (the organisation) lodged with the Fair Work Commission (the Commission) the prescribed information in relation to a scheduled election.

[2] On 4 February 2015 the Commission contacted the organisation and requested amended prescribed information to clarify the specific Board Members required to be elected in accordance with the organisation's rules.

[3] On 5 February 2015 the organisation lodged amended prescribed information for the following offices:

**Board Members**

Nominee Governors of Primary Schools (2)  
Director, School System, or Group Member Representative (1)

**Executive Committee Officers**

Chair (1)  
Deputy Chair (1)  
Treasurer (1)

[4] The prescribed information was not lodged before the prescribed day in accordance with section 189(2) of the *Fair Work (Registered Organisations) Act 2009* (the Act). Contained within the prescribed information is a request for an extension of time for lodgement, which I allow, in accordance with section 189(2) of the Act.

[5] 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 GENERAL MANAGER

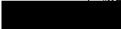
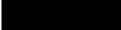

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Australian Electoral Commission  
PO Box 344  
ADELAIDE SA 5001

Australian Electoral Commission  
Lvl 9, 1 King William St  
ADELAIDE SA 5000

Reference: SA 2015/15

Contact: Jeanette Hill  
Phone:   
Facsimile:   
E-mail: 

Ms Carolyn Grantskalns  
Chief Executive  
The Association of Independent Schools of SA  
301 Unley Rd  
MALVERN SOUTH SA 5061

Dear Ms Grantskalns

**The Association of Independent Schools of South Australia (AISSA)  
Election E2015/68**

The Delegate of the General Manager, Fair Work Australia has made arrangements with the Australian Electoral Commission under subsection 189(3) of the Fair Work (Registered Organisations) Act 2009 for me to conduct the above elections.

I wish to emphasise the FW Regulations 2009, Regulation 145, which provides that where an election or ballot is conducted by the Australian Electoral Commission, no steps in the election may be taken by any person without the returning officer's authority or direction.

I also wish to draw your attention to Section 190 of the Fair Work (Registered Organisations) Act 2009 which reads as follows:

***"Section 190 – Organisation or branch must not assist one candidate over another***  
*An organisation or branch commits an offence if it uses, or allows to be used, its property or resources to help a candidate against another candidate in an election under this Part for an office or other position.*  
*Maximum penalty: 100 penalty units."*

Section 190 is an offence provision and an irregularity.

If you have any questions about the operation of Regulation 145 or Section 190, please do not hesitate to contact me.

The timetable for the above event is as follows:

Close of Roll:	Tuesday 10 February 2015
Nominations open:	Thursday 12 February 2015
Nominations close:	Thursday 26 February 2015 10.00 am
Ballot opens:	Thursday 5 March 2015
Ballot closes:	Thursday 19 March 2015 10.00am

Please find enclosed a copy of a notice calling for nominations, which I will send to all members on Thursday 12 February 2015, in accordance with rule 12.8 of your organisation. Please also publish a copy of the

notice on your organisation's website. Please supply a list of members as at close of roll 10 February 2015, with contact addresses in Excel format for AEC's distribution of this notice, to be supplied by your office by COB Wednesday 11 February 2015.

Two Nomination groups roll lists are required:

- 1) Eligible members for Nominee Governors of Primary Schools (2)
- 2) Eligible members for Director, School System, or Group Member Representative (1)

I have also included a nomination form for your information.

If you have any queries, please give me a call on telephone [REDACTED]

Yours sincerely



Jeanette Hill  
Returning Officer

11 February 2015

## The Association of Independent Schools of South Australia Election of Board Members - Stage 1

### Declaration of Results for Uncontested Offices

E2015/68

Below are 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.

#### Board Members

Director, School System or Group Member Representative

##### Candidates

PROEVE, John

Nominee of Governing Bodies of Primary Schools (2)

##### Candidates

No nominations were received

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



Jeanette Hill  
Returning Officer

27 February 2015

Australian Electoral Commission  
PO Box 344  
ADELAIDE SA 5001

Australian Electoral Commission  
Level 9  
1 King William St  
ADELAIDE SA 5000

Reference: 2015/15

Contact:  
Phone:  
Facsimile:  
E-mail:



Ms Carolyn Grantskalns  
Chief Executive  
The Association of Independent Schools of SA  
301 Unley Rd  
MALVERN SOUTH SA 5061

Dear Ms Grantskalns

**The Association of Independent Schools of South Australia (AISSA)  
Election E 2015/68**

**Stage 1 – Election of Board Members**

I refer to my letter of 11 February 2015 concerning the arrangements for me to conduct an election for the positions of Director, School System or Group Member Representative and Nominee Governors of Primary Schools in your Association and wish to advise that a ballot was conducted and the declaration of the contested office results is attached.

This stage of the election is now complete.

**Stage 2 – Executive Committee Officers**

The timetable for the above event is as follows:

Nominations open	:	Thursday 30 April 2015
Nominations close	:	4.00pm Wednesday 13 May 2015
Ballot opens	:	4.30pm Thursday 14 May 2015
Ballot closes	:	4.45pm Thursday 14 May 2015

The ballot will be conducted at the board meeting if required.

Please find attached a copy of a notice calling for nominations, which I will send to each Board Member on Thursday 30 April 2015. I have also included a nomination form for use by your members as required.

Yours sincerely

Jeanette Hill  
Returning Officer

27 February 2015

[2015] FWCD 1643



## DECISION

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

**The Association of Independent Schools of South Australia**  
(E2015/94)

MR ENRIGHT

MELBOURNE, 13 MARCH 2015

*Arrangement for conduct of election.*

[1] On 6 March 2015 The Association of Independent Schools of South Australia (the organisation) notified the Fair Work Commission (the Commission) that it required an election to be conducted as a result of insufficient nominations in previous election E2015/68.

[2] On 6 March 2015 the Commission contacted the organisation and requested that further prescribed information be lodged.

[3] On 10 and 12 March 2015, the organisation lodged with the Commission further prescribed information in relation to an election for the following offices:

Nominee Governors of Primary Schools (2)

[4] 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.





[2015] FWCD 1643

DELEGATE OF THE GENERAL MANAGER

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<Price code A, PR561829>

Australian Electoral Commission  
PO Box 344  
ADELAIDE SA 5001

Australian Electoral Commission  
Lvl 9, 1 King William St  
ADELAIDE SA 5000

Reference: SA 2015/20

Contact: Jeanette Hill  
Phone: [REDACTED]  
Facsimile: [REDACTED]  
E-mail: [REDACTED]

Ms Carolyn Grantskalns  
Chief Executive  
The Association of Independent Schools of SA  
301 Unley Rd  
MALVERN SOUTH SA 5061

Dear Ms Grantskalns

**The Association of Independent Schools of South Australia (AISSA)  
Election E2015/94**

The Delegate of the General Manager, Fair Work Australia has made arrangements with the Australian Electoral Commission under subsection 189(3) of the Fair Work (Registered Organisations) Act 2009 for me to conduct the above elections.

I wish to emphasise the FW Regulations 2009, Regulation 145, which provides that where an election or ballot is conducted by the Australian Electoral Commission, no steps in the election may be taken by any person without the returning officer's authority or direction.

I also wish to draw your attention to Section 190 of the Fair Work (Registered Organisations) Act 2009 which reads as follows:

***"Section 190 – Organisation or branch must not assist one candidate over another***

*An organisation or branch commits an offence if it uses, or allows to be used, its property or resources to help a candidate against another candidate in an election under this Part for an office or other position.*

*Maximum penalty: 100 penalty units."*

Section 190 is an offence provision and an irregularity.

If you have any questions about the operation of Regulation 145 or Section 190, please do not hesitate to contact me.

The timetable for the above event is as follows:

Close of Roll:	Tuesday 17 March 2015
Nominations open:	Friday 20 March 2015
Nominations close:	Friday 10 April 2015 10.00 am
Ballot opens:	Monday 13 April 2015
Ballot closes:	Monday 27 April 2015 10.00am

Please find enclosed a copy of a notice calling for nominations, which I will send to all members on Friday 20 March 2015, in accordance with rule 12.8 of your organisation. Please also publish a copy of the notice on your organisation's website.

**Please supply a list of members as at close of roll 17 March 2015, with contact addresses in Excel format for AEC's distribution of this notice, to be supplied by your office by COB Wednesday 18 March 2015.**

**Two Nomination groups roll lists are required:**

**1) Eligible members for Nominee Governors of Primary Schools (2)**

I have also included a nomination form for your information.

If you have any queries, please give me a call on telephone [REDACTED]

Yours sincerely



Jeanette Hill  
Returning Officer

17 March 2015



18 March 2015

Mr Don Grimmatt  
President  
The Association of Independent Schools of South Australia  
Sent via email: [REDACTED]

Dear Mr Grimmatt,

**The Association of Independent Schools of South Australia  
Annual Return of Information for 2015 [AR2015/153]**

I refer to our letter dated 20 February 2015 reminding you of the obligation to lodge an Annual Return of Information for 2015 by **31 March 2015**. While the organisation has until the end of the month in which to lodge the information, we provide the following as a second and final reminder. Please ignore this letter if you have lodged the Annual Return for 2015 in the last few days.

A signed and dated declaration certifying matters prescribed in the *Fair Work (Registered Organisations) Act 2009* [the 'RO Act'] must be lodged with the Fair Work Commission ('the FWC') by that date. The matters to be included in the declaration are set out in the attached checklist.

The declaration must be signed by the Secretary or such other elected official who is required under the rules or by resolution of the organisation to keep the relevant records. A declaration signed by a non-elected person does not meet this requirement. The Secretary or other prescribed officer must also notify the FWC within 35 days of any changes to such records.

Once an Annual Return or change of records has been lodged, a copy will be posted on our website under [Registered organisations - List of registered organisations](#). In order to protect the privacy of the relevant office holders listed in declarations, you may wish to list their official mailing address rather than personal home address.

We encourage you to lodge all returns electronically e.g. as pdf files at [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au). Please ensure that emailed documents include signatures where required.

**Please note: failure to comply with these obligations is subject to a civil penalty provision** (up to \$51,000 for a body corporate and \$10,200 for an individual per contravention) - see s.305 of the RO Act. Further, in maintaining the register of members, your attention is drawn to s.171A of the RO Act that outlines the circumstances where membership ceases to exist.

Please do not hesitate to contact me on (03) 8661 7936 or by e-mail at [robert.pfeiffer@fwc.gov.au](mailto:robert.pfeiffer@fwc.gov.au) if you wish to discuss the requirements outlined in this correspondence.

Yours sincerely,

Robert Pfeiffer  
Senior Adviser  
Regulatory Compliance Branch

### Obligation to lodge Annual Return of Information by 31 March

For full details see ss.230-233 of the *Fair Work (Registered Organisations) Act 2009* (the 'RO Act'), and rr.147-151 of the *Fair Work (Registered Organisations) Regulations 2009* (the 'RO Regulations').

A copy of each of the following records must be lodged with the Fair Work Commission ('The Commission') between 1 January and 31 March each year. They must be certified by a declaration stating that it is a correct statement of the information contained in that record, signed by the Secretary or such other elected official who is required under the rules, or by resolution of the organisation, to keep the relevant records (**other prescribed officer** see r.150 of the RO Regulations).

**Failure to comply with these obligations is subject to a civil penalty provision – see s.305 of the RO Act.**

Requirement	Details of requirement
Maintenance of Register of Members	A declaration by the Secretary or other prescribed officer certifying that the register of members has, during the immediately preceding calendar year, been kept and maintained as required by ss.230(1)(a) and (2) <i>[s.233(1)(a)]</i> <b>Note:</b> In maintaining the register of members, your attention is drawn to s.171A of the RO Act that outlines the circumstances where membership ceases to exist.
List of Offices	A list of the offices in the organisation and each branch (note the definition of <b>office</b> and <b>officer</b> in ss.6 and 9) <i>[s.230(1)(b)]</i>
List of Office holders	A list of the names, postal addresses and occupations of the persons holding the offices (note the definition of <b>office</b> and <b>officer</b> in ss.6 and 9) <i>[s.230(1)(c)]</i>
List of Branches	A record of the name of each branch of the organisation <i>[s.230(1)(d) and r.147(a)]</i>
New Branches	A record of the name of each branch that commenced operation in the previous 12 months <i>[s.230(1)(d) and r.147(b)]</i>
Old Branches	A record of the name of each branch that ceased operation in the previous 12 months <i>[s.230(1)(d) and r.147(c)]</i>
Addresses of Organisation and Branches	A record of the address of the office of the organisation and the address of the office of each branch <i>[s.230(1)(d) and r.147(d)]</i>
Elections in Organisation and Branches	A record of each election that must, under the rules of the organisation, be held during the year commencing 1 January of the year in which the return is lodged, for any offices in the organisation and branches of the organisation . <i>[s.230(1)(d) and r.147(e)]</i> <b>Note:</b> this provision does not relieve an organisation or branch from the separate requirement to lodge prescribed information prior to each election, as required by s.189 of the RO Act
Statement concerning number of members	A record of the number of members on 31 December in the previous year; and If the organisation has entered into an agreement relating to members of State unions under s.151(1) of the RO Act, - a record of the number of members of the organisation who were (on 31 December in the previous year) ineligible State members in relation to the organisation within the meaning of s.150 of the RO Act. <i>[s.230(1)(d) and rr.147(f) and (g)]</i>

### Obligation to notify of changes within 35 days

If there are any changes during the year to the list of offices, list of officeholders, list of branches (where relevant) and the address of the organisation and/or its branches an organisation must, within 35 days of the change, lodge with The Commission, a notification of such changes certified by declaration signed by the secretary or other prescribed officer of the organisation to be a correct statement of the changes made [*RO Act s.233(2) and RO Regulations r.151* refer].



20 February 2015

Mr Don Grimmatt  
President  
The Association of Independent Schools of South Australia  
Sent via email: [REDACTED]

Dear Mr Grimmatt,

**The Association of Independent Schools of South Australia  
Annual Return of Information for 2015 [AR2015/153]**

This is a courtesy letter to remind you of the obligation to lodge an Annual Return of Information for 2015 in respect of The Association of Independent Schools of South Australia by **31 March 2015**.

A signed and dated declaration certifying matters prescribed in the *Fair Work (Registered Organisations) Act 2009* [the 'RO Act'] must be lodged with the Fair Work Commission ('the FWC') by that date. The matters to be included in the declaration are set out in the attached checklist.

The declaration must be signed by the Secretary, or where applicable, such other elected official who is required under the rules or by resolution of the organisation, to keep the relevant records (other prescribed officer). A declaration signed by a non-elected person does not meet this requirement. Further, you are reminded that the Secretary or other prescribed officer must also notify the FWC within 35 days of any changes to such records that may occur throughout the year.

As previously advised, section 233 places the onus of lodgement on the organisation and not on each individual branch. It is therefore the national body that is obliged to collate and lodge all of the required information. Annual Return templates are available on the FWC website at [Registered Organisations fact sheets](#), one for an organisation with branches and one for an organisation without branches.

Once an Annual Return or change of records has been lodged, a copy will be posted on our website at [List of Registered Organisations](#). Therefore, to protect the privacy of the relevant office holders listed in the declarations, it is recommended that officers list their official mailing address rather than personal home address.

We encourage you to lodge all returns electronically (e.g. as pdf file) at [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au). Please ensure that emailed documents include signatures where required.

**Please note: failure to comply with these obligations is subject to a civil penalty provision** (up to \$51,000 for a body corporate and \$10,200 for an individual per contravention), under s.305 of the RO Act. Finally, in maintaining the register of members, your attention is drawn to the circumstances where membership ceases to exist (s.230(2)(b) and s.171A of the RO Act).

Please do not hesitate to contact me on (03) 8661 7936 or by e-mail at [robert.pfeiffer@fwc.gov.au](mailto:robert.pfeiffer@fwc.gov.au) if you wish to discuss the requirements outlined in this correspondence.

Yours sincerely,

Robert Pfeiffer  
Senior Adviser  
Regulatory Compliance Branch

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A copy of each of the following records must be lodged with the Fair Work Commission ('the FWC') between 1 January and 31 March each year. They must be certified by a declaration stating that it is a correct statement of the information contained in that record, signed by the Secretary or such other elected official who is required under the rules, or by resolution of the organisation, to keep the relevant records (**other prescribed officer** see r.150 of the RO Regulations).

**Failure to comply with these obligations is subject to a civil penalty provision – see s.305 of the RO Act.**

Requirement	Details of requirement
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List of Offices	A list of the offices in the organisation and each branch (note the definition of <b>office</b> and <b>officer</b> in ss.6 and 9) [s.230(1)(b)]
List of Office holders	A list of the names, postal addresses and occupations of the persons holding the offices (note the definition of <b>office</b> and <b>officer</b> in ss.6 and 9) [s.230(1)(c)]
List of Branches	A record of the name of each branch of the organisation [s.230(1)(d) and r.147(a)]
New Branches	A record of the name of each branch that commenced operation in the previous 12 months [s.230(1)(d) and r.147(b)]
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Elections in Organisation and Branches	A record of each election that must, under the rules of the organisation, be held during the year commencing 1 January of the year in which the return is lodged, for any offices in the organisation and branches of the organisation . [s.230(1)(d) and r.147(e)] <b>Note:</b> this provision does not relieve an organisation or branch from the separate requirement to lodge prescribed information prior to each election, as required by s.189 of the RO Act
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### Obligation to notify of changes within 35 days

If there are any changes during the year to the list of offices, list of officeholders, list of branches (where relevant) and the address of the organisation and/or its branches an organisation must, within 35 days of the change, lodge with the FWC, a notification of such changes certified by declaration signed by the secretary or other prescribed officer of the organisation to be a correct statement of the changes made [RO Act s.233(2) and RO Regulations r.151 refer].