

# The Association of Independent Schools of South Australia Casual Vacancy E2015/94

## Declaration of Results for Uncontested Offices

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

#### Nominee of Governing Bodies of Primary Schools (2)

##### Candidates

DOWNING, Kristian

No further nomination was accepted

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

10 April 2015

Ms Carolyn Grantskalns  
Chief Executive  
Association of Independent Schools of SA (AISSA)  
301 Unley Rd  
Malvern SA 5061

**Post Election Report for: Association of Independent Schools of SA (AISSA) E2015/94**

I refer to the above election for your organisation.

Section 197(1) of the Fair Work (Registered Organisations) Act 2009 requires the AEC to provide a written report on the conduct of the election to Fair Work Australia and to the organisation or branch for whom the election was conducted. A copy of the report in relation to this election is attached.

Section 198 of Fair Work (Registered Organisations) Act 2009 requires that if an organisation or branch is given a post election report under section 197 that identifies a rule that was difficult to interpret or apply, the organisation or branch must, within 30 days, give a written response to the AEC on that aspect of the report. The response must specify whether the organisation or branch intends to take any action in relation to the rule, and if so, what action it intends to take.

If the attached Report identifies a rule that was difficult to interpret or apply, you should forward your response to the AEC by email to [industrial.elections@aec.gov.au](mailto:industrial.elections@aec.gov.au) within thirty days of the date of the report.

Section 198 and the regulations also require an organisation to make the post election report and the organization's response to the report (if applicable) available to members.

Further, Regulation 141(4) of the Fair Work (Registered Organisations) Act 2009 requires an organisation or branch to publish a notice on its web site advising members that a copy of the post election report is available upon request. If a website is not available, publishing a notice in a journal or newsletter would be considered appropriate.

Please contact me if you wish to clarify any aspect of this report.



Jeanette Hill  
Returning Officer  
10 April 2015

Fair Work (Registered Organisations) Act 2009

POST ELECTION REPORT

Association of Independent Schools of SA (AISSA)

**ELECTION/S COVERED IN THIS REPORT**

Election Decision No/s: E2015/94

**RULES**

Rules used for the election: 008S: Rules as at registration on 26/05/2014

Rules difficult to apply/interpret: N/A

Model Rule reference (if any): N/A

**ROLL OF VOTERS**

Total number of voters on the Roll: 33

Other matters pertaining to the roll of voters: Nil

**IRREGULARITIES**

Details of written allegations of irregularities, and action taken by AEC: Nil

Other irregularities identified, and action taken: Nil

**ATTACHMENTS**

Declaration of Results – Uncontested casual vacancy



Jeanette Hill  
Returning Officer  
10 April 2015



## Copy of Signed Decision

**Title of Matter:** Application/Notification by The Association of Independent Schools of South Australia  
**Section:** s.189(1) RO Act - Notification of elections for office  
**Subject:** Nominees of Governing Bodies of Primary Schools (2) - unfilled in E2015/68  
**Matter Number(s):** E2015/94

Dear Australian Electoral Commissioner via the Electoral Officer

Under subsection 189 of the *Fair Work (Registered Organisations) Act 2009*, please arrange for the conduct of the above election.

A copy of the Delegate's decision is attached for your information.

The relevant rules can be accessed via the [website](#).

**Contact:** Ms Kym Wallent of the organisation, as per the prescribed information.

Please send the declaration(s) and post election report to the Fair Work Commission at [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au).

**Inquiries:**

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

**13 MARCH 2015**



FairWork  
Commission

## Copy of Signed Decision

**Title of Matter:** Application/Notification by The Association of Independent Schools of South Australia  
**Section:** s.189(1) RO Act - Notification of elections for office  
**Subject:** Nominees of Governing Bodies of Primary Schools (2) - unfilled in E2015/68  
**Matter Number(s):** E2015/94

A copy of the Delegate's election decision in relation to the above matter is attached for your information.

**Please note:** Section 233(2) of the *Fair Work (Registered Organisations) Act 2009* requires details of changes to an organisation's records be declared to the Fair Work Commission. This includes changes resulting from the conduct of elections. Changes must be declared within 35 days of their occurrence.

### **Inquiries:**

Any inquiries relating to this are to be directed to Carolyn Moloney  
Phone: 02 8374 6510, email: [carolyn.moloney@fwc.gov.au](mailto:carolyn.moloney@fwc.gov.au), Fax: 02 9380 6990.

**13 MARCH 2015**



## 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.



DELEGATE OF THE GENERAL MANAGER

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12 March 2015

A I S S A



ASSOCIATION of  
INDEPENDENT  
SCHOOLS of SA

**Attention : Ms Carolyn Moloney**  
Fair Work Commission  
[orgs@fwc.gov.au](mailto:orgs@fwc.gov.au)

Dear Ms Moloney

**Statement and Notice of Prescribed Information**

I refer to the requirement to provide the Fair Work Commission with a Statement and Notice of Prescribed information in respect of the upcoming election of Governing Bodies of Primary Schools positions.

As Chair of the Board of the Association of Independent Schools of South Australia, I advise that:

1. I am authorised to lodge the following prescribed information concerning the election of the positions;
2. I confirm that the following information is being lodged pursuant to the subsection 189(1) of the *Fair Work (Registered Organisations) Act 2009 (Cth)*;

a. **Offices**

The offices to be elected are two (2) nominees of Governing Bodies of Primary Schools;

b. **Voting system**

The voting system to be used for this election is a direct voting system, in accordance with Rule 13.3.2 of our Constitution; and

c. **Electorate**

The electorate for these two positions is all members of the Association of Independent Schools of South Australia who are Primary Schools (see Rule 12.1.2 of our Constitution).

Should you require any further information, please do not hesitate to contact me.

Yours sincerely

Kym Wallent

Chair

Email: [REDACTED]

cc [REDACTED]



## **MOLONEY, Carolyn**

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**From:** MOLONEY, Carolyn  
**Sent:** Wednesday, 11 March 2015 4:35 PM  
**To:** 'Sonia Albertini'  
**Subject:** RE: Urgent election due to insufficient nominations

Hi Sonia,

One further issue in relation to the election for 2 nominees of Governing Bodies of Primary Schools. Would you be able to have the same amended prescribed information, as lodged below, signed by an elected office holder. This is because regulation 138(2) of the *Fair Work (Registered Organisations) Regulations 2009* requires prescribed information for elections to be signed by an officer.

I note that the Chief Executive is authorised under the rules of AISSA to prepare notices and reports, but having reviewed the Delegate's case precedents in relation to this regulation, the requirement is that prescribed information be signed by an elected office holder.

As a general rule, correspondence in relation to FWC matters can be directed to and received by Ms Grantskalns as the Chief Executive, but any declarations will need to be signed by an office holder.

As discussed, I have reviewed the information lodged on 10 March and it is ready to be sent to the Delegate on receipt of the re-signed prescribed information.

Thanks,

Kind regards,

**CAROLYN MOLONEY**  
Assistant Adviser  
Regulatory Compliance Branch

**Fair Work Commission**  
Tel: 02 8374 6510  
Fax: 02 9380 6990  
carolyn.moloney@fwc.gov.au

Level 10, Terrace Tower, 80 William Street  
East Sydney NSW 2011

[www.fwc.gov.au](http://www.fwc.gov.au)

**From:** Sonia Albertini [REDACTED]  
**Sent:** Tuesday, 10 March 2015 12:12 PM  
**To:** MOLONEY, Carolyn; Carolyn Grantskalns  
**Subject:** RE: Urgent election due to insufficient nominations  
**Importance:** High

Dear Ms Moloney,

Thank you for your email and apologies for this oversight.

Please see attached letter from Ms Grantskalns dated 10 March 2015 addressing the required prescribed information.



# Copy of Further Prescribed Information

**Title of Matter:** Application/Notification by The Association of Independent Schools of South Australia  
**Section:** s.189(1) RO Act - Notification of elections for office  
**Subject:** Nominees of Governing Bodies of Primary Schools (2) - unfilled in previous election (E2015/68)  
**Matter Number(s):** E2015/94

Attn: Electoral Officer

A copy of the further 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).

**10 MARCH 2015**

10 March 2015

A I S S A



ASSOCIATION *of*  
INDEPENDENT  
SCHOOLS *of* SA

**Attention : Ms Carolyn Moloney**

Fair Work Commission

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

Dear Ms Moloney

**Statement and Notice of Prescribed Information**

I refer to your email dated 6 March 2015 requesting a Statement and Notice of Prescribed Information for the upcoming election of Governing Bodies of Primary Schools positions.

As Chief Executive of the Association of Independent Schools of South Australia, I advise that:

1. I am authorised to lodge the following prescribed information concerning the election of the positions;
2. I confirm that the following information is being lodged pursuant to the subsection 189(1) of the *Fair Work (Registered Organisations) Act 2009 (Cth)*;

a. **Offices**

The offices to be elected are two (2) nominees of Governing Bodies of Primary Schools;

b. **Voting system**

The voting system to be used for this election is a direct voting system, in accordance with Rule 13.3.2 of our Constitution; and

c. **Electorate**

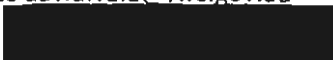
The electorate for these two positions is all members of the Association of Independent Schools of South Australia who are Primary Schools (see Rule 12.1.2 of our Constitution).

Should you require any further information, please do not hesitate to contact me.

Yours sincerely

Carolyn Grantskalns,  
Chief Executive

cc david.vale@fwc.gov.au



## **MOLONEY, Carolyn**

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**From:** Orgs  
**Sent:** Friday, 6 March 2015 3:42 PM  
**To:** [REDACTED]  
**Cc:** 'Sonia Albertini'  
**Subject:** Urgent election due to insufficient nominations  
**Attachments:** AIRC Prescribed Information example.doc

Dear Ms Grantskalns,

Thank you for the correspondence lodged below.

In order for the Fair Work Commission (FWC) to approve the conduct of an election there is some further information required. I realise this election is a matter of urgency for the AISSA, and that the relevant information was lodged for the recent election, however the prescribed information is required for every election approval.

I have attached the FWC's sample Prescribed Information template, as well as the legislative grounds for the requirements, for your reference. The further information does not need to be in any particular format - a letter with dot points addressing the following information would suffice, provided it is signed by yourself as the authorised officer.

Further requirements:

- A statement by the authorised office stating that the information is being lodged under s.189 of the *Fair Work (Registered Organisations) Act 2009*;
- The type of voting system to be used for the election (eg. direct voting system or collegiate voting);
- The electorate (eg. all financial members of the Association, or all financial members of a Branch);
- The name and number of the offices to be elected should be noted in the same letter (ie "two Nominees of Governing Bodies of Primary Schools")

On receipt of this information I will progress the matter to the Delegate for approval asap.

If you have any questions or would like to discuss, please don't hesitate to contact me on the details below.

Kind regards,

**CAROLYN MOLONEY**

Assistant Adviser  
Regulatory Compliance Branch

**Fair Work Commission**

Tel: 02 8374 6510  
Fax: 02 9380 6990  
[carolyn.moloney@fwc.gov.au](mailto:carolyn.moloney@fwc.gov.au)

Level 10, Terrace Tower, 80 William Street  
East Sydney NSW 2011

[www.fwc.gov.au](http://www.fwc.gov.au)

**From:** Sonia Albertini [REDACTED]  
**Sent:** Friday, 6 March 2015 11:55 AM  
**To:** Orgs  
**Cc:** VALE, David; Carolyn Grantskalns  
**Subject:** URGENT - The Association of Independent Schools of SA  
**Importance:** High



FairWork  
Commission

## Copy of Prescribed Information

**Title of Matter:** Application/Notification by The Association of Independent Schools of South Australia  
**Section:** s.189(1) RO Act - Notification of elections for office  
**Subject:** Nominees of Governing Bodies of Primary Schools (2) - offices unfilled in E2015/68 due to insufficient nominations  
**Matter Number(s):** E2015/94

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).

**6 MARCH 2015**

6 March 2015

Attention : Ms Carolyn Moloney  
Fair Work Commission  
[orgs@fwc.gov.au](mailto:orgs@fwc.gov.au)

A I S S A



ASSOCIATION of  
INDEPENDENT  
SCHOOLS of SA

Dear Ms Moloney

**The Association of Independent Schools of SA**

The AEC is currently in the process of conducting an election on behalf of the AISSA, in respect of three Board positions.

By letter dated 27 February 2015, the AEC advised us that it did not receive nominations for two Governing Bodies of Primary Schools positions. Attached is a copy of the AEC's Declaration of Results of Uncontested Offices for your information.

As a result of not receiving nominations, the positions are considered vacancies in accordance with Rule 13.3 of our Constitution.

According to Rule 13.3.2, if the unexpired portion of these terms exceeds 27 months, the Returning Officer must conduct an election in accordance with Rule 12.1 so as to ensure that the vacant Board positions are filled by persons who are eligible to hold the positions in accordance with Rule 10.2.

Rule 12.1 sets out the election process to be adopted by the Returning Officer (noting that Rule 12.5 does not apply).

Accordingly, we have been directed by the AEC to notify you in respect of this vacancy. To this end, we respectfully request that the FWC make an urgent order directing the AEC to conduct an election in accordance with Rule 12.1 so that we can expedite appointments for these vacant Board positions.

Should you require any further information, please do not hesitate to contact me.

Yours sincerely

Carolyn Grantskalns  
Chief Executive

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



# 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

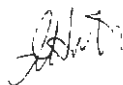
PROEVE, John

#### 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