

Organisation: The Association of Independent Schools of South Australia
Election: Scheduled
Election Decision No/s: E2019/17

Rules

Rules used for the election: [008S: Incorporates alterations of 18 September 2017 in matter R2017/134] replaces version 2 September 2016 (D2016/55)

Rules difficult to apply/interpret:

Stage 1

- Rule 9.1 provides for the construction of the Board. In particular, Rule 9.1.4 provides for “*up to four other persons*”. The Rules do not clearly define who is eligible to be a candidate for the offices identified in Rule 9.1.4. As eligibility is open to interpretation it is recommended that the organisation provide clear guidance within the Rules in this matter.
- Rule 14.5 states “*The Returning Officer must call for nominations for Board positions by providing a nomination form to the contact person of each financial Member.*” The Rules however are silent on who acts as the contact person for Members. If it is the organisation’s intention that the Representative, identified in Rule 6, be the contact person, Rule 14.5 should be amended to reflect this.
- Rule 14.6 enables a candidate to submit an Expression of Interest that meets certain criteria. Sub-rule 14.6.2 and 14.6.3 contains provisions regarding the rejection, replacement, or distribution of a copy of the nomination with the ballot papers. It would appear that the Rule uses the term “*nomination*” in place of “*Expression of Interest*”. If this is the case, the organisation should update the rule to reflect the intentions of the organisation.

Model Rule reference (if any): None

For more details see the Model Rules on the AEC website:

(https://www.aec.gov.au/About_AEC/AEC_Services/Industrial_Elections)