



31 May 2023

David Canny
Branch President
Australian Hotels Association - Victorian Branch
Sent via email: d.canny@ahavic.com.au

cc: prabhu.fernando@ahansw.com.au; aha@aha.org.au

Dear David Canny



IMMEDIATE ACTION REQUIRED:

You must take steps after your recent election E2022/224

An election has recently been completed by the Australian Electoral Commission (AEC) for the Australian Hotels Association - Victorian Branch.

This letter explains the next steps you must take and what information you need to lodge with the Fair Work Commission (the Commission).

What you must do right now

- Let your members know about the election report issued by the AEC
- Arrange financial training for officers newly elected to an office with financial management duties. (This includes all members of the committee of management).
- Complete the notification of change and email it to regorgs@fwc.gov.au

This letter explains these steps and the tools available to help you.

STEP 1: Notify members

You must put a notice on your website once you receive your post-election report. It must tell your members they can request a copy of the post-election report from you or the AEC (regulation 141). The notice must be on your website for at least three months.



Can I put more information on our website?

Yes! Being transparent is part of good governance. You can publish the whole report or the declaration of results, as well as your notice and leave them up longer than three months. You can always do more than the regulatory minimum.

The Commission will also publish your declaration of results on our [website](#).

STEP 2: Financial training

You may have to arrange financial training for people elected to new roles.

All officers with financial management duties must complete financial training (section 293K). For information on when officers must redo training and hints on when to book training for officers taking up multiple offices [please see our fact sheet](#).

There are face to face and online [financial training packages on the Commission website](#).

You must act on this now, as affected officers **MUST** complete approved financial training OR been granted an [exemption by the Commission within six months](#) of beginning to hold office.



Good governance tip:

Organisations should instruct officer holders about their other obligations. This is especially important for committee of management members.

Our podcast covers the [benefits of officer induction](#). Officers have responsibilities under the rules, the RO Act, and disclosure requirements around conflicts of interest, remuneration and material personal interests. Officers will benefit from our [officer induction kit](#) and our [podcast, such as episode 17 - conflicts of interest](#).

STEP 3: Notifications of change



A notification of change must be lodged with the Commission within **35 days** of the change occurring.

We have a [template](#) to help you with this, which you can send to regorgs@fwc.gov.au. An officer must sign the completed notification template.

You must lodge a notification of change if:

- any of your officers have not been re-elected;
- officers have changed offices; or
- you have new officers.

Only notify us of changes that have **already occurred**. If people take up office in the future, you must wait until the change happens before lodging the notification within 35 days of the change.

Note: One election may result in many notifications of change.



Penalties apply

Failing to lodge your notifications of change on time can expose your organisation and its officers to significant penalties.

ROC v CEPU

The organisation failed to make a series of notifications of change on time.

The Full Court said ‘The record-keeping obligations imposed under the Registered Organisations Act are treated by the legislature as important and serious, and contravention of those obligations are correspondingly serious.’

The organisation was ordered to pay a penalty. More information is available in our [case summary](#).



Why do I need to tell you the results of the election when you’ve already received them?

The RO Act requires that **you** tell us this information about your officers – it is a legal obligation. The notification of change also contains information that is not in the declaration of results.

What if the officer has already done training?

Check out our [fact sheet](#) for when officers need to redo training, when they can get an exemption and when further training isn’t required.

If you have any queries we can be contacted on 1300 341 665 or by email at regorgs@fwc.gov.au.

Yours sincerely

Fair Work Commission



The Commission has a [Compliance Policy](#) which explains how we respond to issues of non-compliance. The policy is available on our website if you would like further information on the steps the compliance team may take in response to non-lodgement of a financial report.

29 May 2023

Post-election report

Australian Hotels Association (AHA)

Victoria Branch

Scheduled election

E2022/224

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Election(s) Covered in this Report

Organisation: AHA - Victoria Branch
Election: Scheduled
Election Decision No/s: E2022/224

Rules

Rules used for the election: 024N-VIC: Incorporates Alternations of 16 January 2023 [R2022/132] (replaces rulebook dates 3 March 2022 [R2021/186])

Rules difficult to apply/interpret: N/A

Model Rule reference (if any): N/A

For more details see the Model Rules on the AEC website: www.aec.gov.au/ieb/

Other Matters

Returning Officer actions required (Section 193): No

Signed

Ben Murray
Returning Officer
Australian Electoral Commission
E: IEEvents@aec.gov.au
P: 03 9285 7111
29 May 2023

Attachments

A. Declaration of Results for Uncontested Offices – VIC

Australian Hotels Association - Victoria Branch
DECLARATION OF RESULTS - E2022/224
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:

Branch Committee of Management

Delegate to National Board (6)

Candidates

CHECINSKI Rachel

CLARK Andrew

CURRY David

NIKAKIS Matthew John

O'REILLY Mark

WILLIAMS Peter Rodney

Accommodation Hotels Division of the Victorian Branch

Representative to National Accommodation Hotels Division (2)

Candidates

No Nominations Received

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

Ben Murray
Returning Officer
Telephone: 03 9285 7111
Email: IEEvents@aec.gov.au





AMENDING DECISION

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

Australian Hotels Association
(E2022/224)

MR STEENSON

SYDNEY, 21 APRIL 2023

Arrangement for conduct of election.

[1] On 7 February 2023, I issued a decision in this matter as Delegate of the Registered Organisation Commissioner (the Commissioner) arising from prescribed information lodged by the Australian Hotels Association, Victorian Branch (the Branch).

[2] The decision was in respect of an election for the following officers: Delegates to National Board and Representatives to National Accommodation Hotels Division.

[3] Subsequent to that decision, with effect from 6 March 2023, the powers and functions previously vested in the Commissioner were transferred to the General Manager of the Fair Work Commission (General Manager).

[4] By instrument of delegation dated 6 March 2023, the General Manager delegated particular powers and functions to me, including those under section 189 of the *Fair Work (Registered Organisations) Act 2009* (RO Act) in relation to elections.

[5] On 20 April 2023, the Branch lodged amended prescribed information for this election advising that the number required for the election of Delegates to National Board was six (6) and not seven (7) as provided in the original prescribed information lodged on 9 January 2023.

[6] Accordingly, I am satisfied that an election is still required for the offices listed in the decision issued on 7 February 2023, but that the number of offices to be elected needs to be amended in relation to one of these offices.

[7] My 7 February 2023 decision [2023] ROCD 7 in this matter (E2022/224) is therefore revoked and replaced by this decision.

[8] An election is required to be conducted for the following offices:

Delegate to National Board (6)

Representative to National Accommodation Hotels Division (2)



DELEGATE OF THE GENERAL MANAGER

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PR 755040



AUSTRALIAN HOTELS ASSOCIATION (VICTORIA)

ABN 79 948 978 376

20 April 2023

Email: regorgs@fwc.gov.au

ATT: As requested by the Fair Work Commission on 13 April 2023, this prescribed information amends the prescribed information sent to the Registered Organisations Commission on 9 January 2023 i.e. that the number required for the office of Delegate to the National Board is 6 delegates, excluding the ex-officio position of the Branch President.

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, David Canny, being the President of the Victorian Branch of the Australian Hotels Association, make the following statement:

1. I am authorised to sign this statement containing prescribed information for the Victorian Branch of the Australian Hotels Association
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. No rule alterations are pending that will impact the election.
5. The original statement was lodged at least 2 months before nominations open for the election(s) in Annexure A.

It is requested that Fair Work Commission approve arrangements for the Australian Electoral Commission (AEC) to conduct elections for the name and numbers of each office or position as detailed in Annexure A.

Signed:

Dated:

20/04/2023

Annexure A

- Elections that are required:

Branch	Name of Office	Number required	Voting System	Reason for Election	Electorate
Victorian	Delegate to National Board	6	Collegiate electoral system	Scheduled	Members of the Branch Committee of Management (see r.11.1, 11.2 and 11.5 of the Australian Hotels Association Rules).
Victorian	Representative to National Accommodation Hotels Division	2	Direct Voting System	Scheduled	The Accommodation Division of the Victorian Branch of the Australian Hotels Association. See r.42(a) – (c) of the Australian Hotels Association Rules).

- Important dates:

	Direct Voting System	Collegiate Electoral System
Nominations OPEN	Not Specified	At least 14 days prior to the first day of April 2022 (see r.11A.2)
Nominations CLOSE	Not less than 14 days, nor more than 30 days after the last nomination form is posted (r.42(c) and 16(a)).	1 April 2022, or at such later time as allowed by the Returning Officer (r.11A.2)
Roll of Voters cut-off date	Seven days before the day upon which nominations for the election open (r.42(c)).	Seven days before the day upon which nominations for the election open (r.11A.1).



DECISION

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

Australian Hotels Association
(E2022/224)

MR STEENSON

SYDNEY, 7 FEBRUARY 2023

Arrangement for conduct of election.

[1] On 9 January 2023 the Victorian Branch (the **Branch**) of the Australian Hotels Association lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices for a new term of office:

Delegate to National Board (7)

Representative to National Accommodation Hotels Division (2)

[2] I note that the most recent election for these offices conducted by the Australian Electoral Commission (**AEC**) was the COVID-19 delayed election **E2020/218**, which was ultimately arranged and for which declarations of results were issued in November 2021. On 24 December 2020, the Fair Work Commission (**FWC**) certified a rule alteration (**R2020/171**) which extended the terms of the offices above from one (1) year to two (2) years (new rule 44A) and which applied to the officers elected in E2020/218. However, rule 44A provided that after that term of office was completed, the length of the terms of office reverted to one (1) year.

[3] 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 AEC.



DELEGATE OF THE COMMISSIONER

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PR352400



AUSTRALIAN HOTELS ASSOCIATION (VICTORIA)

ABN 79 948 978 376

9 January 2023
The Commissioner
Registered Organisations Commission
Email: regorgs@roc.gov.au

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, David Canny, being the President of the Victorian Branch of the Australian Hotels Association, make the following statement:

1. I am authorised to sign this statement containing prescribed information for the Victorian Branch of the Australian Hotels Association
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. No rule alterations are pending that will impact the election.
5. This statement is lodged at least 2 months before nominations open for the election(s) in Annexure A.

It is requested that Registered Organisations Commission approve arrangements for the Australian Electoral Commission (AEC) to conduct elections for the name and numbers of each office or position as detailed in Annexure A.

Signed:

Dated:
9/1/2023

Annexure A

- Elections that are required:

Branch	Name of Office	Number required	Voting System	Reason for Election	Electorate
Victorian	Delegate to National Board	7	Collegiate electoral system	Scheduled	Members of the Branch Committee of Management, however, one of the offices is filled by the President of the Branch ex officio (see r.11.1, 11.2 and 11.5 of the Australian Hotels Association Rules).
Victorian	Representative to National Accommodation Hotels Division	2	Direct Voting System	Scheduled	The Accommodation Division of the Victorian Branch of the Australian Hotels Association. See r.42(a) – (c) of the Australian Hotels Association Rules).

- Important dates:

	Direct Voting System	Collegiate Electoral System
Nominations OPEN	Not Specified	At least 14 days prior to the first day of April 2022 (see r.11A.2)
Nominations CLOSE	Not less than 14 days, nor more than 30 days after the last nomination form is posted (r.42(c) and 16(a)).	1 April 2022, or at such later time as allowed by the Returning Officer (r.11A.2)
Roll of Voters cut-off date	Seven days before the day upon which nominations for the election open (r.42(c)).	Seven days before the day upon which nominations for the election open (r.11A.1).