

## **MOUTEVELIS, Michael**

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**From:** Ceo AHA [ceo@aha.org.au]  
**Sent:** Friday, 29 August 2014 10:17 AM  
**To:** Orgs  
**Subject:** NAD letter to FWC re Chairman vacancy

Dear Sir,  
Please see the attached

Thanks

**STEPHEN FERGUSON**  
**NATIONAL CEO**  
**AUSTRALIAN HOTELS ASSOCIATION**



NAD letter to Fair  
Work Commis...

+61 412 654 000

[www.aha.org.au](http://www.aha.org.au)

24 Brisbane Ave, Barton ACT, 2600

P.O. Box 4286, Manuka, ACT, 2603

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# AUSTRALIAN HOTELS ASSOCIATION

24 Brisbane Avenue Barton ACT 2600 • PO Box 4286 Manuka ACT 2603 • Australia  
email: aha@aha.org.au • Facsimile: (02) 6273 4011 • Telephone: (02) 6273 4007  
Web: www.aha.org.au

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28 August 2014

General Manager  
Fair Work Commission  
GPO Box 1994  
Melbourne Vic 3001

Dear Sir,

## Chairman of NAHD

I wish to advise that a vacancy has occurred in the office of President of the National Accommodation Hotels Division (NAHD) and that such position has now been assumed by Vice President Mark Sproat. The following is relevant:

- On 7 February 2012 Peter Crinis was elected as President of the National Accommodation Hotels Division (NAHD).
- At that time Mr Crinis was a representative of the AHA Victoria Branch Accommodation Division.
- However, on 21 February 2014 an election was held by the Australian Hotels Association Victoria Branch.
- Mr Crinis did not stand for election at the Victoria Branch and consequently was no longer eligible to act as a representative to the National Accommodation Hotels Division.
- In those circumstances, the vacancy in the office of President NAHD has been assumed by NAHD Vice President Mark Sproat.

I have also written separately about the holding of elections for the NAHD.

I also apologise for not having advised of the above matter in a timelier manner.

**STEPHEN FERGUSON**  
NATIONAL CEO



18 May 2014

Mr Colin Waller  
National Secretary/Treasurer  
Australian Hotels Association  
PO Box 4286  
Manuka ACT 2603

Dear Mr Waller

**Australian Hotels Association  
Annual Return of Information for 2014 [AR2014/239]**

I acknowledge that we have received the 2014 annual return of information lodged by the Australian Hotels Association in accordance with section 233(1) of the *Fair Work (Registered Organisations) Act 2009* (the RO Act).

I note that the documents comprising the annual return were not lodged with the Fair Work Commission until 7 April 2014. I also note your apology and the reason provided for the late lodgment. However, as you have been previously advised, section 233 of the RO Act requires an organisation to lodge an annual return of information by 31 March in each year.

Please note that should an organisation fail to lodge its annual return in accordance with the RO Act, the General Manager or the Delegate may commence an inquiry under section 330 of the RO Act as to whether a civil penalty provision has been contravened. Should non-compliance by the organisation occur again, an inquiry into the organisation's inability to meet the legislative timeframe may be commenced without further notice.

The documents lodged on 7 April 2014 otherwise cover the required information for the 2014 annual return of the Australian Hotels Association 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>

If you wish to discuss this letter, please contact Robert Pfeiffer by email at [robert.pfeiffer@fwc.gov.au](mailto:robert.pfeiffer@fwc.gov.au) or by telephone on (03) 8661 7936.

Yours sincerely,

Carolyn Moloney  
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) [s.233(1)(a)] <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) [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)]
Old Branches	A record of the name of each branch that ceased operation in the previous 12 months [s.230(1)(d) and r.147(c)]
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 [s.230(1)(d) and r.147(d)]
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
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. [s.230(1)(d) and rr.147(f) and (g)]

### 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].



# AUSTRALIAN HOTELS ASSOCIATION

24 Brisbane Avenue Barton ACT 2600 • PO Box 4286 Manuka ACT 2603 • Australia  
email: aha@aha.org.au • Facsimile: (02) 6273 4011 • Telephone: (02) 6273 4007  
Web: www.aha.org.au

## ANNUAL RETURN 2014

I, Colin Waller, being the Honorary Secretary/Treasurer of the Australian Hotels Association, do solemnly and sincerely declare that:

1. A register of members has been kept and maintained during the immediately preceding calendar year (2013) as required by ss230 (1) (a) and (2).
2. The attached copy of records is a correct statement of information contained in those records.
3. A list of the office holders of the Association is attached herewith in Schedule A as required by ss230 (1) (c).
4. The Association is located at 24 Brisbane Avenue BARTON ACT 2600. Other contact information for the Association is:

Postal: PO Box 4286 MANUKA ACT 2603  
Telephone: (02) 6273 4007  
Email: [aha@aha.org.au](mailto:aha@aha.org.au)  
Contact: Mr Stephen Ferguson – Chief Executive Officer

5. Elections for all offices will be held during the course of 2014 in accordance with ss230 (1) (d) and regulation 147. The reason for the elections is that the terms will expire.
6. The number of members of the Association at 31 December 2012 was 5,287.
7. There were no new branches established and no branches ceased to operate in 2013.
8. A list of branches of the Association is attached herewith in Schedule B as required by ss230 (1) (d) and regulation 147.

Colin Waller  
Secretary/Treasurer  
5 April 2014

## SCHEDULE A

### Australian Hotels Association – List of Officers at 31 December 2013

The address for all persons named in Schedule A is 24 Brisbane Avenue BARTON ACT 2600.

The occupation for all persons named in Schedule A is 'Hotelkeeper'.

Mr Peter **Burnett**  
National President

Mr Tom **Maguire**  
Senior Vice-President

Vacant  
Vice President

Mr Colin **Waller**  
Secretary/Treasurer

## **SCHEDULE B**

### **Australian Hotels Association – List of Branches at 31 December 2013**

Australian Hotels Association – **New South Wales Branch**  
Level 15, 131 Macquarie Street SYDNEY NSW 2000

Australian Hotels Association – **Victorian Branch**  
Level 1, 1 Little Collins Street MELBOURNE VIC 3000

Australian Hotels Association – **Queensland Branch**  
Level 3, 160 Edward Street BRISBANE QLD 4000

Australian Hotels Association – **South Australian Branch**  
Level 4, AHA SA House, 60 Hindmarsh Square ADELAIDE SA 5000

Australian Hotels Association – **Western Australian Branch**  
38 Parliament Place WEST PERTH WA 6005

**Tasmanian Hospitality Association**  
25/93 Salamanca Place HOBART TAS 7000

Australian Hotels Association – **Northern Territory Branch**  
20/24 Cavenagh Street DARWIN NT 0800

Australian Hotels Association – **Australian Capital Territory Branch**  
24 Brisbane Avenue BARTON ACT 2600



18 March 2014

Mr Des Crowe  
Chief Executive Officer  
Australian Hotels Association  
Sent by email: [aha@aha.org.au](mailto:aha@aha.org.au)

Dear Mr Crowe

**Australian Hotels Association  
Annual Return of Information for 2014 [AR2014/239]**

I refer to our letter dated 24 February 2014 reminding you of the obligation to lodge an Annual Return of Information for 2014 in respect of the above by **31 March 2014**. 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 2014 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 where applicable, 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 at [www.fwc.gov.au](http://www.fwc.gov.au) – 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) [s.233(1)(a)] <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) [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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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. [s.230(1)(d) and rr.147(f) and (g)]

### 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].



24 February 2014

Mr Des Crowe  
Chief Executive Officer  
Australian Hotels Association

Sent by email: [aha@aha.org.au](mailto:aha@aha.org.au)

Dear Mr Crowe

**Australian Hotels Association  
Annual Return of Information for 2014 [AR2014/239]**

This is a courtesy letter to remind you of the obligation to lodge an Annual Return of Information for 2014 in respect of the above by **31 March 2014**.

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 Commission') 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. The Secretary or other prescribed officer must also notify the Commission 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 the Commission's website at [www.fwc.gov.au](http://www.fwc.gov.au) – under *Registered organisations - List of registered organisations*. In order to protect the privacy of the relevant office holders listed in the declarations, you may wish to list their official mailing address rather than personal home address.

The Commission encourages you to lodge all returns electronically e.g. as pdf or tif 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 \$33,000 for a body corporate and \$6,600 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.

Should you seek any clarification in relation to the above, please contact Mr Robert Pfeiffer on (03) 8661 7936 or via email at [robert.pfeiffer@fwc.gov.au](mailto:robert.pfeiffer@fwc.gov.au).

Yours sincerely

Ingrid Fraser  
Adviser  
Regulatory Compliance Branch

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

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