



9 December 2016

Mr Stephen Ferguson  
National CEO  
Australian Hotels Association  
[aha@aha.org.au](mailto:aha@aha.org.au)

Dear Mr Ferguson

**Organisation must respond to the post-election report of the Australian Electoral Commission: E2016/170**

On 24 November 2016 the Fair Work Commission (the Commission) received a post election report from the Australian Electoral Commission (AEC) for election E2016/170 dated 24 November 2016. The AEC will have also provided the report to the organisation under section 197 of the *Fair Work (Registered Organisations) Act 2009* (the RO Act).

The report identifies rules that were difficult to interpret or apply, in particular rule 16. This letter serves as a reminder of the obligations imposed on the organisation or branch as a consequence of the AEC's report. If a response has already been sent to the AEC and made available to all members please disregard this letter.

**A notice must be published on the organisation's website**

The organisation or branch must publish on its website a notice that a copy of the report is available from the organisation, branch or the AEC on request. The notice must be kept on the website for a period of at least 3 months (see regs 141(4) and (5)).

**A written response must be provided to the AEC**

A written response must be provided to the AEC within 30 days of receipt of the report. The organisation's response must include whether the organisation or branch intends to take action and if so what action the organisation or branch intends to take (s198(2)).

**Extract of report must be made available to members**

The organisation or branch must make the section of the report relating to the difficult rules available to its members (s198(3)). This extract from the report must be made available to the members before or at the same time as the organisation's response is made available to members.

**Written response must be made available to members**

A copy of the organisation's response to the AEC must be made available to members either:

- within 30 days after the response is given to the AEC, or
- published in the next edition of the organisation or branch journal (s198(5))

Subsection 198(6) and regulation 142 prescribe ways in which the relevant extract and the copy of the response can be made available to members. These do not limit the ways in which they can be made available to members. The organisation will comply if it does all of the following:-

- publish the report extract and the copy of the response in the next edition of the organisation or branch's journal; and

- within 30 days of giving the response to the AEC:
  - lodges with the Commission a copy of the relevant extract and response, together with a declaration that a copy will be provided to any member who so requests; and
  - give notice in the next edition of the organisation or branch's journal, or an appropriate newspaper, that a copy of the relevant extract and response are available on request to each member free of charge; and
- publish the relevant extract on the website within 14 days after receiving the report, and publish the response on the website within 14 days of giving the response to the AEC (reg 142(2)).

### **Penalties may apply**

If the organisation or branch does not:

- respond to the AEC within 30 days,
- make the extract of the report relating to the rules available to members no later than the organisation's response is made available to members, or
- make the organisation's response available to members within 30 days or in the next edition of the journal,

the organisation may face penalties under the RO Act. Each requirement listed above is a civil penalty provision that may result in fines for the organisation

As noted above, if the response and report have already been made available to members and the AEC, please disregard this letter. If you have any questions in relation to these obligations please contact the Commission for assistance by email to [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au).

### **If the organisation or branch decides to alter its rules in response to the AEC's report**

If the organisation or branch decides to alter its rules in response to the AEC's report, the Regulatory Compliance Branch of the Commission is able to provide advice and assistance regarding draft alterations, as well as about the processes required to make the alterations. We encourage the organisation or branch to forward drafts of proposed alterations to [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au)

Yours sincerely

Michael Moutevelis

Regulatory Compliance Branch

**svc-adlib5**

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**From:** Allison Valentine <Allison.Valentine@aec.gov.au>  
**Sent:** Thursday, 24 November 2016 5:01 PM  
**To:** Orgs; Ceo AHA; Industrial Elections  
**Subject:** Post Election Report - Australian Hotels Association - National Board E2016-170  
[SEC=UNCLASSIFIED]  
**Attachments:** Declaration Uncontested.pdf; PER AHA National Board E2016-170.pdf

**UNCLASSIFIED**

Dear Orgs Team,  
Please find attached the Post Election Report for the above named election.

Regards,  
Allison

Allison Valentine | Senior Returning Officer  
Industrial and Commercial Elections | VIC State Office  
Australian Electoral Commission  
T: (03) 9285 7177 | F: (03) 9285 7149

**UNCLASSIFIED**

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Mr Stephen Ferguson  
Chief Executive Officer  
Australian Hotels Association  
24 Brisbane Ave  
BARTON ACT 2600

Post Election Report For:     **Australian Hotels Association - National Board**

**Election E2016/170**

I refer to the above election for your organisation.

Section 197(1) of Schedule 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 Schedule 1 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' 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 organisation'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.



Allison Valentine  
Returning Officer

24 November 2016

Fair Work (Registered Organisations) Act 2009

**POST ELECTION REPORT**

**Australian Hotels Association  
National Board**

**ELECTION/S COVERED IN THIS REPORT**

Election Decision No/s: *E2016/170*

**RULES**

Rules used for the election: [024n: - Incorporates alterations of 26/08/2016 in matter R2016/146]

Rules difficult to apply/interpret: 1) *Rule 16 - National Board - Election of Officers by Postal Ballot* stipulates that where a postal ballot is required nominations are to be posted or hand delivered to the address determined by the Returning Officer.

The AHA may wish to consider including alternative means of delivery to the Returning Officer such as fax and email.

Model Rule reference (if any): NIL

**ROLL OF VOTERS**

As there were no contested offices, no roll of voters was required.

**IRREGULARITIES**

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

Other irregularities identified, and action taken: Nil

**ATTACHMENTS**

Declaration of Results for uncontested offices.



Allison Valentine  
Returning Officer

24 November 2016



1 November 2016

Mr Stephen Ferguson  
National CEO  
Australian Hotels Association  
Email: [aha@aha.org.au](mailto:aha@aha.org.au)

Dear Mr Ferguson,

### **Reminder of actions required when persons elected to office**

The Australian Electoral Commission has provided the Fair Work Commission (the Commission) a declaration of results for the election [E2016/170]. This letter is a reminder of certain obligations imposed on organisations and on persons elected to office.

#### **A notice must be published on the organisation's website**

The organisation or branch must publish on its website a notice that a copy of the report is available from the organisation, branch or the AEC on request. The notice must be kept on the website for a period of at least 3 months (see regulation 141 of the Fair Work (Registered Organisations) Regulations 2009).

#### **Holders of office required to undertake approved training**

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. A list of approved training providers is attached.

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.

#### **Organisation must notify the Commission of changes**

Also, section 233(2) of the RO Act requires that an organisation must notify the Commission **within 35 days of any changes** to the holders of office in the organisation. **If there are no changes a notification is not required.** If the election has resulted in **any changes** to the holders of office, the Australian Hotels Association must notify the Commission of these changes. In particular, please advise:

1. Person(s) who have ceased to hold office:
  - the name of the office vacated;
  - the date of the change of office holder; and
  - the name of the person vacating the office.
  
2. Person(s) who have commenced to hold office:
  - the name of the office now held;
  - the date of the change of office holder;

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

Telephone: (02) 8374 6666  
Email : [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au)  
Internet : [www.fwc.gov.au](http://www.fwc.gov.au)

- the name of the person now holding the office;
- the postal address of the person (generally the postal address of the organisation); and
- the occupation of the person now holding the office.

The notification must include a declaration by the Secretary (or other prescribed officer) that the information is a correct statement of the changes made. A template notification of changes, which may assist you, is attached. If any change does not apply until a date in the future, you do not need to notify until then (e.g. AGM, 1 January, 2nd Monday in March). If you have already lodged this information, please disregard this reminder.

Regards

Michael Moutevelis

Regulatory Compliance Branch

# List of approved governance training packages

Approved training material	Provider	Contact person	Contact details
AHAWA Governance and Financial Training	Australian Hotels Association (WA Branch)	Mr Bradley Woods	(08) 9321 7701 <a href="mailto:ceo@ahawa.asn.au">ceo@ahawa.asn.au</a>
APTIA Governance and Financial Training Package	Australian Public Transport Industrial Association	Mr Ian MacDonald	(02) 6247 5900 <a href="mailto:imacdonald@bic.asn.au">imacdonald@bic.asn.au</a>
Handbook for Councillors of the Australian Industry Group	Australian Industry Group (for provision to Ai Group Councillors only. Not for external parties)	Ms Jenifer Leuba	(03) 9867 0174 <a href="mailto:jenifer.leuba@aigroup.asn.au">jenifer.leuba@aigroup.asn.au</a>
The Australian Workers' Union Professional Training Program Financial Duties of Officers	Australian Workers' Union	General enquiries	(02) 8005 3333 <a href="mailto:members@nat.awu.net.au">members@nat.awu.net.au</a>
In-Boardroom: Governance and Finance for Registered Organisations	Australian Institute of Company Directors	Various	<a href="#">AICD state-based contacts</a>
ACTU s.154C Training— Union Governance	Australian Council of Trade Unions (ACTU)	Organising Centre Enquiries	(03) 9664 7360 <a href="mailto:orgcentre@actu.org.au">orgcentre@actu.org.au</a>
Governance of Registered Organisations	Weston Woodley & Robertson Chartered Accountants	Mr Dennis Robertson	(02) 9264 9144 <a href="mailto:dennisr@wwr.com.au">dennisr@wwr.com.au</a>
Governance and Financial Accountability for Registered Organisations	Local Government New South Wales	Ms Sarah Artist	(02) 9242 4182 <a href="mailto:learning@lgnsw.org.au">learning@lgnsw.org.au</a>
Australian Hotels Association Financial Management Training	Australian Hotels Association (for provision to AHA officers only. Not for external parties)	Mr Stephen Ferguson	(02) 6273 4007 <a href="mailto:ceo@aha.org.au">ceo@aha.org.au</a>
Governance and Finance Training for Registered Organisations	Dickson Wohlsen Pty Ltd, trading as CTA Training	Mr Tom Streater	(07) 3878 9355 <a href="mailto:tom@dws.net.au">tom@dws.net.au</a>
The Registered Organisation Training Act for Organisations and Boards	Vibe Public Relations Consultancy	Ms Anne Andrews	0400 021 679 <a href="mailto:vibeprctraining@bigpond.com">vibeprctraining@bigpond.com</a>
Training Course for Registered Organisations - Governance and Finance	Western Australian Shire Councils, Municipal Road Boards, Health Boards, Parks, Cemeteries and Racecourse, Public Authorities, Water Boards Union	Mr Andrew Johnson	<a href="mailto:andrew.johnson@lgrceu.org">andrew.johnson@lgrceu.org</a>
MTAQ Registered Organisation Governance Course	Motor Trades Association of Queensland Industrial Organisation of Employers	Mr Paul Murray	<a href="mailto:paulm@mtaq.com.au">paulm@mtaq.com.au</a>



**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, [NAME], being the [OFFICER] of the [ORGANISATION NAME], 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*:

*[delete all that do not apply]*

- On [DATE] the address of the organisation changed to [STREET ADDRESS].<sup>1</sup>
- On [DATE] the name and/or address of a branch[es] of the organisation changed to:<sup>2</sup>
  1. *[include OLD name and address and NEW name and address of every branch that has changed]*
  2. ...
- 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.
- On [DATE] the following branch[es]:<sup>3</sup>
  - COMMENCED operation:
    1. *[include name of each new branch]*
    2. ...
  - CEASED operation:
    1. *[include name of each closed branch]*
    2. ...

Signed: [SECRETARY OR OTHER AUTHORISED OFFICER]

Dated: [DATE]

*[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).]*

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<sup>1</sup> s.230(1)(d); reg.147(d)

<sup>2</sup> s.230(1)(d); reg.147(a) & (d)

<sup>3</sup> s.230(1)(d); reg.147(b) & (c)

## ANNEXURE A

- Changes to Offices and Office Holders in the Organisation and its Branches [*insert as many pages as required*]:  
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.

Branch	Date of Change	Name of Office that has changed	Name of <u>Outgoing</u> Office Holder	Name of <u>New</u> Office Holder	Postal Address of <u>New</u> Office Holder	Occupation of <u>New</u> Office Holder
National	1.1.2014	Secretary	Full Name	Full Name	c/- the Registered Organisation, postal address of Registered Organisation	Paid official
	25.12.2013	President	vacant	Full Name	As above	mechanic
...						
NSW	1.1.2014 (resigned) 7.1.2014 (appointed)	President	Full Name	Full Name	c/- the Branch, postal address of the Branch	mechanic
		Committee of Management Member	Full Name	Full Name	As above	mechanic
		Treasurer	Full Name	vacant	vacant	vacant
...						

**svc-adlib5**

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**From:** Allison Valentine <Allison.Valentine@aec.gov.au>  
**Sent:** Monday, 31 October 2016 1:47 PM  
**To:** Orgs  
**Subject:** E2016/170 - Australian Hotels Association - National Board  
[SEC=UNCLASSIFIED]  
**Attachments:** Declaration Uncontested.pdf  
**Categories:** RIA

**UNCLASSIFIED**

Dear Orgs Team,  
please find attached the Declaration for the above named election.

Please let me now if you have any queries.

Regards,  
Allison  
**Allison Valentine | Senior Returning Officer**  
Industrial and Commercial Elections | VIC State Office  
Australian Electoral Commission  
T: (03) 9285 7177 | F: (03) 9285 7149

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# Australian Hotels Association E2016/170 - National Board

## 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.

### National

#### President

##### Candidates

LEACH, Scott

#### Senior Vice-President

##### Candidates

BURNETT, Peter

#### Vice-President

##### Candidates

JUBB, Paul

#### Secretary / Treasurer

##### Candidates

WALLER, Colin

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



Allison Valentine  
Returning Officer

31 October 2016



## DECISION

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

### **Australian Hotels Association** (E2016/170)

MR ENRIGHT

MELBOURNE, 5 AUGUST 2016

*Arrangement for conduct of election.*

[1] On 1 and 28 July 2016, the Australian Hotels Association lodged with the Fair Work Commission prescribed information in relation to an election for the following offices:

#### **National Board**

President	(1)
Senior Vice-President	(1)
Vice-President	(1)
Secretary/Treasurer	(1)

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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## svc-adlib5

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**From:** Ceo AHA <ceo@aha.org.au>  
**Sent:** Thursday, 28 July 2016 2:39 PM  
**To:** Orgs  
**Subject:** RE: AHA Election notifications  
**Attachments:** AHA Election Notification 2016.pdf

Attention Michael  
Thanks for your help

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**From:** Ceo AHA [mailto:[ceo@aha.org.au](mailto:ceo@aha.org.au)]  
**Sent:** Friday, 1 July 2016 12:46 PM  
**To:** 'Orgs' <[orgs@fwc.gov.au](mailto:orgs@fwc.gov.au)>  
**Cc:** Prabhu Fernando <[Prabhu.Fernando@ahansw.com.au](mailto:Prabhu.Fernando@ahansw.com.au)>  
**Subject:** AHA Election notifications

Dear Sir/Madam,  
Please find attached election notifications for:

- AHA National Board
- AHA National Accommodation Division

Thanks

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



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

*Fair Work (Registered Organisations) Act 2009*  
Section 189(1);  
*Fair Work (Registered Organisations) Regulations 2009*  
Regulation 138

**Prescribed Information**  
**Elections in Australian Hotels Association**  
**Officers of the National Board for 2016/2017**

**a) Name of each office for which election is required:**

- President
- Senior Vice-President
- Vice President
- Secretary/Treasurer

**b) Reasons for election:**

Elections for these offices are required to be conducted annually and the terms of office are due to expire (see Rules, 14, 15 and 16)

It is intended that these elections will be conducted at the Annual Meeting of the Board to be conducted this year in Melbourne at the Office of AHA Victoria, 1 Little Collins Street Melbourne on Monday 31 October 2016.

**c) The number of offices to be filled:**

One for each of the offices referred to in paragraph (a).

**d) Date and time of the commencement and expiration of period for calling of nominations:**

Either at the first meeting of the National Board following its election – Rule 15(b), or pursuant to Rule 16 in the case of a secret postal ballot.

**e) The day provided in the Rules of the Organisation as the day on which the roll of voters is to close:**

Not provided in the Rules, but see Rules 15 and 16 (collegiate election, not direct voting system).

**f) Method of election:**

Collegiate voting system.

The information referred to in this statement is lodged in accordance with Section 189(1) of the Act. I am an officer of the Organisation authorised to make this statement.



.....  
**Peter Burnett (President)**

**1 July 2016**



1 July 2016

Mr Stephen Ferguson  
National CEO  
Australian Hotels Association

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

CC: AEC Returning Officer by email: [industrial.elections@aec.gov.au](mailto:industrial.elections@aec.gov.au)

Dear Mr Ferguson,

### **Courtesy Letter - Election for offices [E2016/170]**

The rules of the Australian Hotels Association indicate that an election for offices within the organisation is due to commence shortly. It appears that nominations for the election open in October this year.

This is a courtesy letter to remind you of your obligation to lodge information about the election (known as the 'prescribed information') pursuant to sub-sections 189(1) and (2) of the *Fair Work (Registered Organisations) Act 2009* (the 'Act') by 31 July 2016. Prescribed information must be lodged with the Fair Work Commission (the Commission) two months before nominations open for the election.

If you have a different interpretation for the commencement of the election under your rules, please let the Commission know, otherwise, the prescribed information should contain details of the election as required by regulation 138(1) of the *Fair Work (Registered Organisations) Regulations 2009* (the 'Regulations'), and any subsequent collegiate elections, if that is relevant. A sample of the prescribed information can be found on our website at <https://www.fwc.gov.au/registered-organisations/overview/registered-organisations-fact-sheets>.

The prescribed information should be emailed to [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au). If your organisation believes that it will be unable to comply with the prescribed day as set out in the Regulations, it will need to apply to the General Manager within the month for a later date. Such request will need to set out in detail the reason why your organisation is unable to comply with the requirement. While the General Manager will consider such an application, there is no assurance that consent to a later day will be allowed.

**It should be noted Section 189(2) is a civil penalty provision.** Failure for an organisation to comply may result in legal proceedings being issued with the possibility of a pecuniary penalty being imposed upon an officer and/or the organisation.

The Commission intends to continue to provide reminders that an election is due as a courtesy. However failure to receive a reminder from the Commission cannot be relied on as a reason for late, incorrect or non-lodgment of prescribed information. The obligation to lodge prescribed information consistent with the Act and the rules of the organisation rests with the organisation.

When lodging the prescribed information, please quote [E2016/170].

Should you seek any clarification in relation to the above, please contact the Commission on [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au).

Yours sincerely,

Sam Gallichio  
Regulatory Compliance Branch