



26 April 2019

Paddy O'Sullivan
Chief Executive Officer
Australian Hotels Association-Victorian Branch
Sent via email: p.osullivan@ahavic.com.au

cc: aha@aha.org.au

Dear Paddy O'Sullivan,

Reminder of actions required when persons elected to office

The Australian Electoral Commission has provided the Registered Organisations Commission (the ROC) a declaration of results for the election of uncontested offices in matter E2018/246. 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, as soon as practicable after receiving the post-election report, 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 293K of the *Fair Work (Registered Organisations) Act 2009* (the RO Act) requires 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. 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 are provided for in the RO Act.

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-Victorian Branch 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;

- 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.

Yours faithfully,

Christine Hibberd
Registered Organisations Commission

4 April 2019

Post-election report

Australian Hotels Association

Victorian Branch

Scheduled election

E2018/246

Contents

Election(s) Covered in this Report	3
Rules.....	3
Roll of Voters	3
Irregularities.....	3
Other Matters	4
Signed	5
Attachments	6
A. Declaration of Results for Uncontested Offices – VIC	6

Election(s) Covered in this Report

Organisation: Australian Hotels Association - Victorian Branch
Election: Scheduled
Election Decision No/s: E2018/246

Rules

Rules used for the election: [024n: Incorporates alterations certified on 20/04/2017 in matters D2016/56 & R2016/145]

Rules difficult to apply/interpret: None

Model Rule reference (if any): N/A

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

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

Roll of Voters

As there were no contested offices, no Roll of Voters was required.

Irregularities

Details of written allegations of irregularities, and action taken by AEC: None

Other irregularities identified, and action taken: None

Other Matters

Returning Officer actions required (Section 193): Yes

Details: I extended the period that the postal ballot was to be open, to allow for a minimum of 21 days from the day a ballot pack was posted to an elector. To allow for sufficient time for the return of the ballot packs due to Australia Post's reduced delivery standards.

Increase the time postal ballots are to remain open

National Board – Postal Ballot

Rule 11(g) (iv) With such ballot paper, forward to each member a notification of the closing date for the receipt of returned ballot papers (which shall be not earlier than three (3) nor later than fourteen (14) days after the posting of the last such ballot papers).

National Board – Election of Officers by Postal Ballot

Rule 16(3)(a) of the closing date for the receipt by him of returned ballot papers (which shall be within 14 days after the posting of the last of such ballot papers); and

Recommendation

Increase the minimum period for a postal ballot to remain open to 21 days from the day the ballot pack is posted, due to the reduced delivery standards provided by Australia Post. "2-6 business days after posting depending on lodgement & destination locations".

Means of providing notification for an election

National Board – Election of Officers by Postal Ballot

Rule 16 If the election is to take place at a time when all the members of the National Board are not present in person or by proxy, the National Returning Officer shall immediately forward by post to each voter a nomination form for each election which is to be held on which shall appear a notification –

Recommendation

Amend the rule to allow the returning officer to determine the means by which the election notice is provided to members, to include electronic means such as by email where available. Thus reducing the expense for postage, and additionally providing a more immediate notification of the event rather than relying on the notice/nomination form to be posted to members.

This could also be applied to Rule 11(e) where the notice of the election is to be provided by circular to members of the Branch Committee of Management. Amend to include notification by the Returning Officer by electronic means.

The means by which the Returning Officer can receive a completed nomination form

National Board – Election of Officers by Postal Ballot

Rule 16(c) of the address at which nomination forms and acceptances of nominations may be handed or posted to him.

Nominations for Election to National Board

Rule 11(f) Nominations which are not completed as required by this Rule or not received at the registered office of the Branch (or such other place as determined by the Returning Officer) on or before the first day of April (or such later time as allowed by the Returning Officer) shall be disregarded.

Recommendation

Allow the Returning Officer to determine the method for the receipt of completed nomination forms to include receipt by electronic means (methods could including by email, portal, fax, post and by hand).

Signed



Ann Dougan
Returning Officer
Australian Electoral Commission
E: vicelections@aec.gov.au
P: 03 9285 7161
4 April 2019

Attachments

A. Declaration of Results for Uncontested Offices – VIC

Australian Hotels Association
Victorian Branch
DECLARATION OF RESULTS - E2018/246
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:

Victoria Branch Committee of Management

National Board Delegate (6)

Candidates

CLARK Andrew
CURRY David John
NIKAKIS Matthew
ROBERTSON Mark
STOCKS Paul

National Accommodation Hotels Division

Representative to National Accommodation Hotels Division (2)

Candidates

ATHERTON Tracy
SINGTON Ben

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



Ann Dougan
Returning Officer

3 April 2019



DECISION

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

Australian Hotels Association-Victorian Branch (E2018/246)

MR ENRIGHT

MELBOURNE, 3 JANUARY 2019

Arrangement for conduct of election.

[1] On 12 December 2018 the Australian Hotels Association-Victorian Branch lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices:

National Board Delegate (6)
(Sub-rule 11(aa)(A)(7) provides for seven (7) National Board Delegates, but only six (6) elected offices are required because the Branch President serves *ex officio* as a Delegate to the National Board pursuant to sub-rule 11(aa)(D)).

National Accommodation Hotels Division
Representative to National Accommodation Hotels Division (2)

[2] 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.



ACTING COMMISSIONER

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STATEMENT OF PRESCRIBED INFORMATION FOR ELECTIONS
SECTION 189 FAIR WORK (REGISTERED ORGANISATIONS) ACT 2009 AND
REGULATION 138 FAIR WORK (REGISTERED ORGANISATIONS)
REGULATIONS 2009

I, Paddy O'Sullivan, being the Chief Executive Officer 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*.
3. The elections that are required are set out in the table in Annexure A.
4. This statement is lodged at least two months before nominations open for the election below.



Signed _____

10-12-18

Date _____

ANNEXURE A

- Elections that are required

Branch	Name of Office	Number required	Voting System	Reason for Election	Electorate
<i>Victorian</i>	<i>Representative to National Accommodation Hotels Division</i>	2	<i>Direct Voting System</i>	<i>Scheduled</i>	<i>The Accommodation Division of the Victorian Branch of the Australian Hotels Association. (See rr.42 (a) – (c) of the Australian Hotels Association Rules).</i>

- Important dates:

	Direct Voting Electoral System
Nominations OPEN	<i>Not Specified</i>
Nominations CLOSE	<i>Not less than 14 days, nor more than 30 days after the last nomination form is posted (rr.42(c) and 16 (a)).</i>
Roll of Voters cut-off date	<i>Seven days before the day upon which nominations for the election open (r.42(c)).</i>

STATEMENT OF PRESCRIBED INFORMATION FOR ELECTIONS
SECTION 189 FAIR WORK (REGISTERED ORGANISATIONS) ACT 2009 AND
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Signed

10-12-18

Date

ANNEXURE A

- Elections that are required

Branch	Name of Office	Number required	Voting System	Reason for Election	Electorate
Victorian	Delegate to National Board	7	Direct Voting 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 rr.11(aa)(A), 11(aa)(D) and 11(f) of the Australian Hotels Association Rules).

- Important dates:

	Collegiate Electoral System
Nominations OPEN	At least 14 days prior to the first day of April 2019 (r.11(e)).
Nominations CLOSE	1 April 2019, or such later time as allowed by the Returning Officer (r.11(f)).
Roll of Voters cut-off date	Seven days before the day upon which nominations for the election open (r.11(e)).