

Industrial Election Section  
GPO Box 1824  
Canberra ACT

1st Floor  
8-10 Hobart Place  
Canberra City ACT 2601

**Reference:** ACT 04/085

**Contact:** Sonny Neoh  
Phone: (02) 6249 7943  
Facsimile: (02) 6248 7559  
E-mail: [sonny.neoh@aec.gov.au](mailto:sonny.neoh@aec.gov.au)

Mr Jordan McHugh  
General Manager – ACT Region  
Australian Hotels Association  
Australian Capital Territory Branch  
PO Box 3250  
Manuka ACT 2603

Dear Mr McHugh

**AUSTRALIAN HOTELS ASSOCIATION – ACT BRANCH – INDUSTRIAL REGISTRARS DECISION E NO. 2004/174 – DECLARATION OF RESULTS [FIRST STAGE].**

I refer to my letter of 14 May 2004 concerning the arrangements for me to conduct an election for various positions in your Organisation and wish to advise that the ballots have been duly conducted.

The results, together with my declaration of this (first stage of the) election is attached.

I will contact you to finalise dates for the second stage of the elections.

Yours faithfully,

**Sonny Neoh**  
Returning Officer

9 June 2004

cc: Deputy Industrial Registrar, VIC  
All Candidates

**AUSTRALIAN HOTELS ASSOCIATION  
AUSTRALIAN CAPITAL TERRITORY BRANCH**

**DECLARATION OF RESULTS**

Results of the elections for the following offices conducted in accordance with the provisions of the Workplace Relations Act 1996 and the rules of the organisation -

E. No. 2004/174 refers.

**REPRESENTATIVES TO THE ACT (BRANCH) BOARD**

**MOLONGLO (4)**

Total number of persons on the roll of voters	55
Ballot papers issued	55
Duplicate ballot papers issued	3
<b>TOTAL BALLOT PAPERS ISSUED</b>	<b>58</b>
Ballot papers / envelopes returned for scrutiny	24
Less ballot papers / envelopes rejected at preliminary scrutiny	1
<b>TOTAL BALLOT PAPERS ADMITTED TO SCRUTINY</b>	<b>23</b>
Percentage of ballot papers returned to number issued	43.6%
Ballot papers returned as unclaimed mail	nil
Ballot papers not returned	34

<i>Candidates</i>	<i>Votes</i>	
BARCLAY, Peter	20	(elected 1 <sup>st</sup> )
CAPEZIO, Michael	18	(elected 2 <sup>nd</sup> )
GRAY, Josh	17	(elected 3 <sup>rd</sup> )
KENNY, Andrew	6	
McMAHON, Bryan Patrick	7	
NEIL, Kevin	7	
NOTARAS, Manuel	16	(elected 4 <sup>th</sup> )
Informal	nil	
<b>TOTAL</b>	<b>91</b>	

I declare Peter BARCLAY, Michael CAPEZIO, Josh GRAY and Manuel NOTARAS elected.

**GININDERRA (1)**

*Candidate*

CHOI, Jae

I declare Jae CHOI elected.

**REPRESENTATIVES TO THE ACT (BRANCH) BOARD**

**BRINDABELLA (1)**

*Candidate*

WOJTASZAK, William Joseph

I declare William Joseph WOJTASZAK elected.

**ACCOMMODATION / HOTELS (2)**

Total number of persons on the roll of voters	22
Ballot papers issued	22
Duplicate ballot papers issued	nil
<b>TOTAL BALLOT PAPERS ISSUED</b>	<b>22</b>
Ballot papers / envelopes returned for scrutiny	21
Less ballot papers / envelopes rejected at preliminary scrutiny	nil
<b>TOTAL BALLOT PAPERS ADMITTED TO SCRUTINY</b>	<b>21</b>
Percentage of ballot papers returned to number issued	95.4%
Ballot papers returned as unclaimed mail	nil
Ballot papers not returned	1

<i>Candidates</i>	<i>Votes</i>	
O'DONNELL, Garry	6	
PARKES, Michael	19	(elected 1 <sup>st</sup> )
SPROAT, Mark	17	(elected 2 <sup>nd</sup> )
Informal	nil	
<b>TOTAL</b>	<b>42</b>	

I declare Michael PARKES and Mark SPROAT elected.

**Sonny Neoh**

Returning Officer

Australian Electoral Commission, Canberra

9 June 2004

**Australian Hotels Association**  
(E2004/174)

T NASSIOS  
DEPUTY INDUSTRIAL REGISTRAR

MELBOURNE, 22 APRIL 2004

*Arrangement for conduct of election.*

**DECISION**

[1] On 19 and 21 April 2004, the Australian Capital Territory Branch of the abovenamed organisation lodged in the Industrial Registry the prescribed information in relation to elections for the following offices;

Representatives to the (Branch) Board

Molonglo	(4)
Gininderra	(1)
Brindabella	(1)
Accommodation / Hotels	(2)

President / Delegate to the National Board  
Vice President / Delegate to the National Board  
Secretary/Treasurer  
Delegates to the National Board (2)  
Representative to the National Accommodation Hotels Division (1)

[2] I am satisfied that elections for the abovenamed offices are required to be held under the rules of the organisation and, under subsection 189(3) of Schedule 1B of the Workplace Relations Act 1996, I am making arrangements for the conduct of the elections by the Australian Electoral Commission.





# AUSTRALIAN HOTELS ASSOCIATION

## ACT REGION

24 Brisbane Avenue Barton ACT 2600 • PO Box 4286 Manuka ACT 2603 • Australia  
email: ahaact@aha.org.au • Facsimile: (02) 6273 7439 • Telephone: (02) 6273 6633

E2004/174.

14 April 2004

Industrial Registrar  
Australian Industrial Registry  
Level 2, CML Building  
17-21 University Avenue  
Canberra ACT 2600



Dear Sir / Madam

### SECTION 214 – NOTIFICATION OF ELECTION

We enclose notification of election in accordance with the provisions of the Workplace Relations Act 1996.

We advise that the number of licensed hotels in the ACT in accordance with Rule 11 (a) of the AHA National Rules is 525.

Yours sincerely

Michael Capezio  
President

# FIRST STAGE

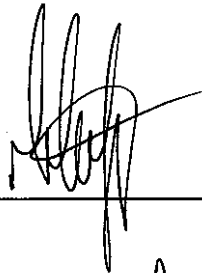
## PRESCRIBED INFORMATION

### Regulation 61 Workplace Relations Regulations

Position	Number
Ginninderra Division	1
Brindabella Division	1
Molonglo Division	4
Accommodation Division	2

The reason for the election is that the terms have expired.

Signed:



Dated:

14 April 2004

Michael Capezio  
President – ACT Branch

## SECOND STAGE

### PRESCRIBED INFORMATION

#### Regulation 61 Workplace Relations Regulations

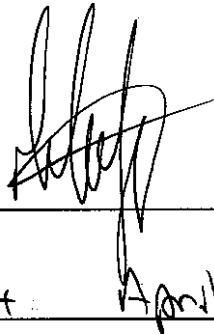
Position	Number
President / Representative to the National Board	1
Vice President / Representative to the National Board	1
Secretary / Treasurer	1
Representative to the National Board	2
Representative to the National Accommodation Division	1

The reason for the election is that the terms have expired.

The voting system used by the Australian Hotels Association is a direct voting system for Representative to the National Accommodation Division from the ACT Accommodation Division members.

The voting system used by the Australian Hotels Association is a collegiate voting system for President, Vice President, Secretary/Treasurer and Representative to the National Board to be held at the meeting of the Board of the ACT Branch at the offices of the Australian Hotels Association, Level 1, 24 Brisbane Avenue, Barton ACT, on 31 May 2004.

Signed: \_\_\_\_\_



Dated: \_\_\_\_\_

14 April 2004

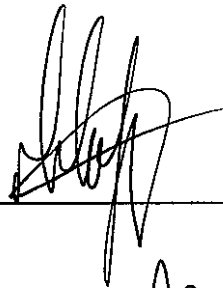
Michael Capezio  
President – ACT Branch

## WRITTEN STATEMENT

I, Michael Capezio, President, ACT branch of the Australian Hotels Association state:

1. I am the President, ACT Branch of the Australian Hotels Association;
2. I am authorised to sign this statement; and
3. The information attached to this statement is being lodged in accordance with section 214(1) of the Workplace Relations Act 1996.

Signed: \_\_\_\_\_



Dated: \_\_\_\_\_

14 April 2004

Michael Capezio  
President – ACT Branch



# Australian Electoral Commission /AEC

## Workplace Relations Act 1996 – Schedule 1B

### RETURNING OFFICER - POST ELECTION REPORT

<u>Client:</u>	Australian Hotels Association – Australian Capital Territory Branch		
<u>Contact details:</u>	Jordan McHugh General Manager AHA PO Box 3250, Manuka ACT 2603	<u>Email:</u>	mchugh@actaha.org.au
		<u>Tel:</u>	(02) 6273 6633
		<u>Fax:</u>	(02) 6273 7439
<u>AIR contact officer:</u>	Robert Pfeiffer	<u>Email:</u>	industrial.elections@air.gov.au
		<u>Tel:</u>	(03) 8661 7817

#### **ELECTIONS COVERED IN THIS REPORT**

<u>Election Decision No/s:</u>	E2004/174
<u>ACT Branch – Stage 1</u>	[Scheduled Election] Representatives to the ACT (Branch) Board: - Molonglo (4), Gininderra (1), Brindabella (1), Accommodation/Hotels (2)
<u>ACT Branch – Stage 2</u>	[Scheduled Election] President/Delegate to the National Board Vice-President/Delegate to the National Board Secretary/Treasurer Delegates to the National Board (2) Representative to the National Accommodation Hotels Division
<u>Returning Officer:</u>	Sonny Neoh

#### **RULES**

<u>Rules used for elections Rule ID</u>	[024N: Incorporates alterations of 12/4/1999] [024N-ACT: Incorporates alterations of 30/7/1998]
<u>Rule/s re eligibility to vote</u>	Stage 1- Representatives to the ACT Board: voted in by the financial members of that particular Division [Branch Rule 15(2)(b)]. Stage 2- Branch President, Branch Vice-President & Branch Secretary/Treasurer: voted in by ACT Board members [National Rule 15, <i>mutatis mutandis</i> ]. Delegates to the National Board (2): voted in by each member of the BCOM – i.e. ACT Board members [National Rule 11(g)(iii), <i>mutatis mutandis</i> ]. Representative to the National Accommodation Hotels Division: voted in by members of the ACT Board [National Rule 16, <i>mutatis mutandis</i> ].

#### **ROLL OF VOTERS**

Note: In Stage 1, only two Divisions were contested - Molonglo Division as well as Accommodation/ Hotels Division. No contest for other Divisions, Stage 2 was uncontested
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#### **ROLL OF VOTERS [Molonglo Division]**

<u>Total number of voters on the roll</u>	55	
<u>Number of apparent workplace addresses</u>	55	100%

#### **ROLL OF VOTERS [Accommodation/ Hotels Division]**

<u>Total number of voters on the roll</u>	22	
<u>Number of apparent workplace addresses</u>	22	100%

#### **ALLEGATIONS OF IRREGULARITIES RECEIVED**

There were no written complaints or allegations of irregularities.
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## IRREGULARITIES IDENTIFIED

<b>Irregularity</b>	<b>Details</b>
1. Procedural irregularity: Failure to comply with prescribed nominations open and close dates.	Branch Rule 15(2) stipulates that elections for Divisional Representatives to the Board (i.e. Stage 1) shall be conducted in accordance with National Rule 11 ( <i>mutatis mutandis</i> ). National Rule 11 (e) stipulates that each Branch Committee of the Association shall at its 1 <sup>st</sup> meeting following its election appoint a Returning Officer ..... and such Returning Officer <b>shall at least 14 days prior to the 1<sup>st</sup> of April in each year call for nominations</b> for the Branch's Representative(s) to the National Board by circular to each member of the Branch Committee of Management.

## ACTION TAKEN IN RELATION TO IRREGULARITIES

1. The Decision pertaining to this election was received by the AEC on 22 April 2004 [i.e. issued by the Australian Industrial Registry]. As the prescribed nomination dates had already passed, action was taken under Section 193 (1) (b) of Schedule 1B of the Workplace Relations Act 1996 to ensure that the elections was carried out as soon as possible. As Returning Officer, I therefore set the nominations opening date at 30 April 2004, and closing date at 14 May 2004 (12pm).

## OTHER MATTERS

- The organisation **did submit** the prescribed information for both Stage 1 & Stage 2 of the ACT Branch elections at the same lodgement time to the AIR, so that both stages were covered under one Decision.

However, theoretically, the timetable for Stage 1 annually works out to be: Nominations open on 17 March in that year & nominations close on 1 April in that year.

Knowing that nominations open on 17 March, the AHA-ACT Branch **should preferably submit** the necessary prescribed information (relating to this election) to the AIR on 17 January that is, 2 months prior to nominations opening. [Note: this is a requirement under Section 189(1) and Regulation 138(3) of Schedule 1B of the Workplace Relations Act 1996.]
- In regards to *Branch Representative(s) to the National Board*, Branch Rule 26 – does not specify which particular National Rule to apply. Assuming National Rule 11 applies, the election of the *Branch Representative(s) to the National Board* should be conducted as a postal ballot [if contested – National Rule 11(g)]. Similarly, In regards to *Branch Representative to the National Accommodation Division*, Branch Rule 26 – does not specify which particular National Rule to apply. Assuming National Rule 42 (c) applies, the election of the *Branch Representative to the National Accommodation Division* should be conducted as per National Rule 16 (by postal ballot).

However, over the past 4 years, the elections for all these offices were conducted at the same time as the elections for the Executive [i.e. President, Vice-President & Secretary/Treasurer] – under National Rule 15, at the first ACT Branch meeting (as a collegiate attendance ballot), as a matter of expediency – as all ACT Board Members were present.

This, however, is not in accordance with the AHA Rules, as National Rule 11 clearly stipulates that the elections for the *Branch Representative(s) to the National Board* should be conducted as a postal ballot, and the elections for the *Branch Representative to the National Accommodation Division* should also be conducted by postal ballot (National Rule 42(c) and National Rule 16).

With the elections for the Executive, there is a choice between opting for either a collegiate attendance ballot or having a postal ballot. Branch Rule 15 (3) stipulates that the elections for the Executive [i.e. President, Vice-President & Secretary/Treasurer] shall be conducted in accordance with National Rule 15 [i.e. at the first ACT Branch meeting, as a collegiate attendance ballot], National Rule 16 & 17 [i.e. as a postal ballot].

## **ATTACHMENTS**

- |  |
|--|
| A Declaration of Results for Contested Offices-Representatives To The ACT (branch) Board |
| B Declaration of Results For Uncontested Offices   |

Sonny Neoh  
Returning Officer

30 June 2004

Industrial Election Section  
GPO Box 1824  
Canberra ACT

**Reference:** ACT 04/085

1st Floor  
8-10 Hobart Place  
Canberra City ACT 2601

**Contact:** Sonny Neoh  
Phone: (02) 6249 7943  
Facsimile: (02) 6248 7559  
E-mail: [sonny.neoh@aec.gov.au](mailto:sonny.neoh@aec.gov.au)

Mr Jordan McHugh  
General Manager – ACT Region  
Australian Hotels Association  
Australian Capital Territory Branch  
PO Box 3250  
Manuka ACT 2603

Dear Mr McHugh

**AUSTRALIAN HOTELS ASSOCIATION – ACT BRANCH – INDUSTRIAL  
REGISTRARS DECISION E NO. 2004/174 – DECLARATION OF RESULTS  
[FIRST STAGE].**

I refer to my letter of 14 May 2004 concerning the arrangements for me to conduct an election for various positions in your Organisation and wish to advise that the ballots have been duly conducted.

The results, together with my declaration of this (first stage of the) election is attached.

I will contact you to finalise dates for the second stage of the elections.

Yours faithfully,

**Sonny Neoh**  
Returning Officer

9 June 2004

cc: Deputy Industrial Registrar, VIC  
All Candidates

**AUSTRALIAN HOTELS ASSOCIATION  
AUSTRALIAN CAPITAL TERRITORY BRANCH**

**DECLARATION OF RESULTS**

Results of the elections for the following offices conducted in accordance with the provisions of the Workplace Relations Act 1996 and the rules of the organisation -

E. No. 2004/174 refers.

**REPRESENTATIVES TO THE ACT (BRANCH) BOARD**

**MOLONGLO (4)**

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<i>Candidates</i>	<i>Votes</i>	
BARCLAY, Peter	20	(elected 1 <sup>st</sup> )
CAPEZIO, Michael	18	(elected 2 <sup>nd</sup> )
GRAY, Josh	17	(elected 3 <sup>rd</sup> )
KENNY, Andrew	6	
McMAHON, Bryan Patrick	7	
NEIL, Kevin	7	
NOTARAS, Manuel	16	(elected 4 <sup>th</sup> )
Informal	nil	
<b>TOTAL</b>	<b>91</b>	

I declare Peter BARCLAY, Michael CAPEZIO, Josh GRAY and Manuel NOTARAS elected.

**GININDERRA (1)**

*Candidate*

CHOI, Jae

I declare Jae CHOI elected.

**REPRESENTATIVES TO THE ACT (BRANCH) BOARD**

**BRINDABELLA (1)**

*Candidate*

WOJTASZAK, William Joseph

I declare William Joseph WOJTASZAK elected.

**ACCOMMODATION / HOTELS (2)**

Total number of persons on the roll of voters	22
Ballot papers issued	22
Duplicate ballot papers issued	nil
<b>TOTAL BALLOT PAPERS ISSUED</b>	<b>22</b>
Ballot papers / envelopes returned for scrutiny	21
Less ballot papers / envelopes rejected at preliminary scrutiny	nil
<b>TOTAL BALLOT PAPERS ADMITTED TO SCRUTINY</b>	<b>21</b>
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<i>Candidates</i>	<i>Votes</i>	
O'DONNELL, Garry	6	
PARKES, Michael	19	(elected 1 <sup>st</sup> )
SPROAT, Mark	17	(elected 2 <sup>nd</sup> )
Informal	nil	
<b>TOTAL</b>	<b>42</b>	

I declare Michael PARKES and Mark SPROAT elected.

**Sonny Neoh**  
Returning Officer  
Australian Electoral Commission, Canberra

9 June 2004

Industrial Elections Section  
GPO Box 1824  
Canberra ACT 2601

Level 1, 8-10 Hobart Place  
Canberra City ACT 2601

ABN: 21 133 285 851

**Reference:** 04/ 085A

**Contact:** Sonny Neoh  
Phone: (02) 6249 7943  
Facsimile: (02) 6248 7559  
E-mail: [sonny.neoh@aec.gov.au](mailto:sonny.neoh@aec.gov.au)

Mr Jordan McHugh  
General Manager – ACT Region  
Australian Hotels Association  
Australian Capital Territory Branch  
PO Box 3250  
MANUKA ACT 2603

Dear Mr McHugh

**AUSTRALIAN HOTELS ASSOCIATION - ACT BRANCH – INDUSTRIAL  
REGISTRAR’S DECISION E . NO. 2004/174 –DECLARATION OF RESULTS  
(2<sup>ND</sup> STAGE).**

I refer to my letter of 15 June 2004 concerning the arrangements for me to conduct an election for various positions in your Organisation. I wish to advise that ballots will not be necessary for the second stage.

My declaration of the uncontested positions is attached.

Both stages of the ACT Branch elections are now complete.

Yours faithfully,

**SONNY NEOH**  
Returning Officer

28 June 2004

cc: Deputy Industrial Registrar, VIC  
All candidates

**AUSTRALIAN HOTELS ASSOCIATION  
ACT BRANCH**

**DECLARATION OF RESULTS**

Results of the 2<sup>nd</sup> stage of the election for the following offices conducted in accordance with the provisions of the Workplace Relations Act 1996 and the rules of the organisation.

E. No. 2004/174 refers.

**PRESIDENT/ DELEGATE TO THE NATIONAL BOARD**

Candidate

CAPEZIO, Michael

**VICE-PRESIDENT/ DELEGATE TO THE NATIONAL BOARD**

Candidate

BARCLAY, Peter

**SECRETARY/ TREASURER**

Candidate

SPROAT, Mark William

**DELEGATES TO THE NATIONAL BOARD (2)**

Candidates

GRAY, Josh

NOTARAS, Manuel

**REPRESENTATIVE TO THE NATIONAL ACCOMMODATION HOTELS DIVISION**

Candidate

SPROAT, Mark William

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

**SONNY NEOH**

Returning Officer

Australian Electoral Commission

Canberra

28 June 2004