

# **Australian Electoral Commission /AEC**

Fair Work (Registered Organisations) Act 2009

## **POST ELECTION REPORT**

**Australian Hotels Association – ACT Branch**

**[2010 Elections]**

### **ELECTION/S COVERED IN THIS REPORT**

Election Decision No/s:	<i>E2010/2590</i>
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### **RULES**

Rules used for the election:	<i>[024N: Incorporates alterations of 28/01/2009] [024N-ACT: Incorporates alterations of 30/07/1998]</i>
Rules difficult to apply/interpret:	<i>- None</i>
Model Rule reference (if any):	<i>- None</i>

### **ROLL OF VOTERS**

As there were no contested offices in both Stages 1 & 2 of the elections, the Roll of Voters was not required.

### **IRREGULARITIES**

Details of written allegations of irregularities, and action taken by AEC:	<i>- None</i>
Other irregularities identified, and action taken:	<i>- None</i>

### **ATTACHMENTS**

<b>1)</b>	Declaration of Results AHA, ACT Branch Stage-1 Elections
<b>2)</b>	Declaration of Results AHA, ACT Branch Stage-2 Elections

Sonny Neoh  
Returning Officer

6 July 2010



**Industrial Elections – ACT Office**

GPO Box 1824  
CANBERRA ACT 2601

**Reference:** N10/238

website: [www.aec.gov.au](http://www.aec.gov.au) ; ABN: 21 133 285 851

**Industrial Elections – ACT Office**

1st Floor, 8 - 10 Hobart Place  
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Telephone: (02) 6249 7943

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Email: [sonny.neoh@aec.gov.au](mailto:sonny.neoh@aec.gov.au)

Mr. Michael Capezio  
President – ACT Branch  
Australian Hotels Association  
PO Box 3250  
MANUKA ACT 2603

[ Attention : Steven Fanner ]

Dear Mr. Capezio

**Australian Hotels Association – ACT Branch.  
[E. No. 2010/2590] Declaration of Results [Second Stage].**

I refer to my letter of 24 June 2010 concerning the arrangements for me to conduct an election for various positions in your Organisation and wish to advise that ballots will not be necessary for the 2<sup>nd</sup> Stage.

My declaration of results for the 2<sup>nd</sup> Stage of the elections is attached.

The elections are now complete.

Yours sincerely,

**Sonny Neoh**  
Returning Officer

6 July 2010

cc Delegate of the General Manager, Fair Work Australia  
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 Fair Work (Registered Organisations) Act 2009 and the rules of the organisation.

E. No. 2010/2590 refers.

**PRESIDENT/ DELEGATE TO NATIONAL BOARD**

*Candidate*

CAPEZIO, Michael

**VICE-PRESIDENT**

*Candidate*

NOTARAS, Manuel

**SECRETARY/TREASURER**

*Candidate*

SPROAT, Mark

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

6 July 2010

**AUSTRALIAN HOTELS ASSOCIATION  
AUSTRALIAN CAPITAL TERRITORY BRANCH**

**DECLARATION OF RESULTS**

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.

E2010 / 2590 Refers.

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

**MOLONGLO (4)**

*Candidates*

CAPEZIO, Michael	(elected 1 <sup>st</sup> )
NOTARAS, Manuel	(elected 2 <sup>nd</sup> )
BARCLAY, Peter	(elected 3 <sup>rd</sup> )
GRAY, Josh	(elected 4 <sup>th</sup> )

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

**GININDERRA (1)**

*Candidate*

No nomination received

**BRINDABELLA (1)**

*Candidate*

No nomination received

**ACCOMMODATION / HOTELS (2)**

*Candidates*

SPROAT, Mark William	(elected 1 <sup>st</sup> )
YOUNG, Matthew Alexander	(elected 2 <sup>nd</sup> )

I declare Mark William SPROAT and Matthew Alexander YOUNG elected.

**REPRESENTATIVE TO THE AHA NATIONAL ACCOMMODATION HOTELS DIVISION (1)**

*Candidate*

SPROAT, Mark William

I declare Mark William SPROAT elected.

**Sonny Neoh**

Returning Officer

Australian Electoral Commission, Canberra

21 June 2010



**Industrial Elections – ACT Office**

GPO Box 1824  
CANBERRA ACT 2601

**Reference:** N10/238  
website: [www.aec.gov.au](http://www.aec.gov.au) ; ABN: 21 133 285 851

**Industrial Elections – ACT Office**

1st Floor, 8 - 10 Hobart Place  
CANBERRA ACT 2601

Telephone: (02) 6249 7943  
Facsimile: (02) 6248 7559  
Email: [sonny.neoh@aec.gov.au](mailto:sonny.neoh@aec.gov.au)

Mr. Michael Capezio  
President – ACT Branch  
Australian Hotels Association  
PO Box 3250  
MANUKA ACT 2603

[ Attention : Steven Fanner ]

Dear Mr. Capezio

**Australian Hotels Association – ACT Branch.  
Stage-1 Elections – Declaration of Results [E. No. 2010/2590].**

I refer to my letter of 27 May 2010 concerning the arrangements for me to conduct an election for various positions in your Organisation. I wish to advise that a ballot will not be necessary for the first stage of the elections.

My declaration of the uncontested positions is attached.

The second stage of the elections occurs at the ACT Board meeting. Please keep me advised of the appointed date/ time/ venue of the meeting, in order for me to incorporate the details into my election notice (for the Stage-2 elections).

Yours sincerely,

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

21 June 2010

cc Delegate of the General Manager, Fair Work Australia  
All Candidates



FAIR WORK  
AUSTRALIA

## DECISION

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

**Australian Hotels Association Australian Capital Territory Branch**  
(E2010/2590)

T. NASSIOS

MELBOURNE, 24 MAY 2010

*Arrangement for conduct of election.*

[1] On 18 May 2010 the Australian Hotels Association Australian Capital Territory Branch lodged with Fair Work Australia the prescribed information in relation to an election for the following offices:

Representatives to Branch Board:

Molonglo (4)

Gininderra (1)

Brindabella (1)

Accommodation Hotels (2)

Representative to AHA National Accommodation Hotels Division (1)

President/Delegate to National Board

Vice President

Secretary/Treasurer

[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.



DELEGATE OF THE GENERAL MANAGER  
FAIR WORK AUSTRALIA

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# AUSTRALIAN HOTELS ASSOCIATION

## ACT BRANCH

PO Box 3250 Manuka ACT 2603 • 24 Brisbane Avenue, Barton ACT 2600 Australia  
Telephone: (02) 6273 6633 Facsimile: (02) 6273 7439 Email: [actaha@actaha.org.au](mailto:actaha@actaha.org.au)

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18 May 2010

Mr Iain Stewart  
Fair Work Australia  
Via Email: [iain.stewart@fwa.gov.au](mailto:iain.stewart@fwa.gov.au)

Dear Mr Stewart

### **NOTIFICATION OF ELECTION**

Please find enclosed notification of intention to conduct elections for the Australian Capital Territory Branch of the Australian Hotels Association.

The enclosed prescribed information has been provided in accordance the *Fair Work (Registered Organisations) Act 2009* (RAO Schedule).

Yours sincerely

Michael Capezio  
President

**WRITTEN STATEMENT**

I, Michael Capezio, President of the Australian Hotels Association – Australian Capital Territory Branch, make the following statement:

I am the President of the Australian Hotels Association – Australian Capital Territory Branch (the Branch), and

I am authorised to lodge the following prescribed information concerning forthcoming elections the Branch, and

I confirm that the following information is being lodged under subsection 189(1) of the RAO Schedule.

A handwritten signature in black ink, appearing to read 'M. Capezio', with a stylized flourish at the end.

Michael Capezio  
President

18 May 2010



## **FIRST STAGE**

### **PRESCRIBED INFORMATION**

#### **Positions for which elections are required**

- Ginninderra – One representative to the Branch Board
- Brindabella – One representative to the Branch Board
- Molonglo – Four representatives to the Branch Board
- Accommodation Hotels – Two representatives to the Branch Board
- Accommodation Hotels – Representative to the AHA National Accommodation Hotels Division

Under Rule 15(2)(c)(i), if a Division is entitled to one representative, the elected representative shall also be known as the President of that Division.

Under Rule 15(2)(c)(ii), if a Division is entitled to two or more representatives and:

- a) there is a ballot, the representative with the most votes shall be known as the Divisional President and the representative with the second largest number of votes shall be known as the Vice-President; or
- b) the number of representatives do not exceed the number of representatives to be elected, the first nominated Divisional Representative shall be known as the Divisional President and the second nominated representative shall be known as the Divisional Vice-President.

The reason for the election is that the terms are due to expire under the normal course of events under the rules of the organisation.

The electorate for the direct voting systems representatives from each division to the Branch Board are the members of that division.

The electorate for the Direct Voting System for Representative to the National Accommodation Hotels Division is the members from the AHA ACT Accommodation Hotels Division.

It is proposed that nominations for Stage One Elections will open on Friday 28 May 2010 and close on Friday 11 June 2010, providing the minimum 14 days as required by AHA National Rule 16.



Michael Capezio  
President

18 May 2010

## SECOND STAGE

### PRESCRIBED INFORMATION

<b>Position</b>	<b>Number</b>
• President / Representative to the National Board <i>Collegiate Voting System</i>	1
• Vice President <i>Collegiate Voting System</i>	1
• Secretary / Treasurer <i>Collegiate Voting System</i>	1

The reason for the election is that the terms are due to expire in the normal course of events under the rules of the organisation.

The electorate for the Collegiate Voting System for the positions of President/Representative to the National Board, Vice President and Secretary/Treasurer is the members of the AHA ACT Board.

Assuming the prior completion of Stage One elections, it is proposed that the Second Stage vote will take place at the meeting of the Board at 11.00am on Wednesday 16 June 2010 at the AHA offices at 24 Brisbane Avenue Barton ACT.



Michael Capezio  
President

18 May 2010



FAIR WORK  
AUSTRALIA

24 May 2010

Michael Capezio  
President  
Australian Hotels Association ACT Branch  
PO Box 3250  
Manuka ACT 2603  
By email: [actaha@actaha.org.au](mailto:actaha@actaha.org.au)

**Re: Prescribed Information regarding the scheduled elections for the Australian Hotels Association, ACT Branch (E2010/2590)**

Dear Mr Capezio

I acknowledge receipt of the prescribed information (PI) regarding the 2010 elections for the ACT Branch of the Australian Hotels Association. The document was lodged with Fair Work Australia on 18 May 2010 and a decision issued and forwarded to the AEC on 24 May 2010. Please find attached a copy of the decision.

I write to emphasise the timeline requirements for the lodgment of PI. [Section 189\(2\)](#) of the *Fair Work (Registered Organisations) Act 2009* (the RO Act) requires the lodgment before the prescribed day (or such later day as the General Manager allows). [Regulation 138\(3\)](#) defines the prescribed day as the day occurring two months before the first day when a person may become a candidate in the election.

Rule 11(e) of the AHA national rules (which appears to apply to the election of Branch Board members by virtue of rule 15(2) of the ACT branch rules) provides that nominations shall be called at least 14 days before 1 April in each year. According to my calculations this means the PI for representatives to Branch Board must be lodged with FWA no later than 18 January in each year. In future years please ensure that the PI is lodged at least 2 months prior to the first day when a person may become a candidate in the election.

Also [regulation 138\(1\)\(e\)](#) requires the PI to state the date and time of opening and closing of nominations *under the rules of the organisation or branch*. As the 2010 PI has been lodged out of time, the timelines set out in the PI do not meet the dates as set out in rules of the branch. Branch rule 15(2)(a) and national rule 11(e) would appear to be the pertinent rules for representatives to Branch Board. Rule 16(a) of the national rules (by virtue of rule 42(c) of the national rules) would appear to be the pertinent rule for representatives to National Accommodation Hotels Division. National rule 15(6) (by virtue of branch rule 15(3)) would appear to be the pertinent rule for Branch Executive members. Please ensure that in future years the PI sets out the dates of opening and closing nominations *in accordance with the applicable branch and national rules*.

I also write to advise that [regulation 138\(1\)\(f\)](#) requires the PI to state the day on which the roll of voters is closed. Rule 11(e) of the AHA national rules provides that the roll of voters for direct voting elections closes 7 days before the nominations open. This rule appears to apply to the election of Branch Board members (by virtue of branch rule 15(2)) and therefore should be included in future PIs. AHA national rule 42(c) provides that the role of voters for the election of representatives to National Accommodation Hotels Division closes 7 days before the nominations open. This should be included in future PIs also.

In summary, in order to satisfy legislative obligations regarding the lodgment of PI, please ensure that in future years:

1. the PI is lodged at least two months prior to the first day when a person may become a candidate in the election (which I calculate to be no later than 18 January)
2. the PI states the date and time of the beginning and end of the period in which nominations of candidates will be called for or may be made *under the branch and national rules*.
3. the PI states the day provided for in the rules of the organisation on which the roll of voters is to be closed.

If you have any queries I can be contacted on 03 8661 7929 or via email on [eve.anderson@fwa.gov.au](mailto:eve.anderson@fwa.gov.au).

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Eve Anderson', followed by a horizontal line.

Eve Anderson  
Tribunal Services and Organisations  
Fair Work Australia  
Tel: 03 86617929

Email: [eve.anderson@fwa.gov.au](mailto:eve.anderson@fwa.gov.au)