



**Fair Work (Registered Organisations) Act 2009**

**POST ELECTION REPORT**  
**Australian Hotels Association**  
**Australian Capital Territory Branch**

**ELECTION/S COVERED IN THIS REPORT**

Election Decision No/s:	E2012/284
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**RULES**

Rules used for the election:	[024N: Incorporates alterations of 20 Dec 2010] [024N-ACT: Incorporates alterations of 30/07/1998]
Rules difficult to apply/interpret:	None
Model Rule reference (if any):	None

**ROLL OF VOTERS**

As there were no contested offices the Roll of Voters was not required.

**IRREGULARITIES**

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

**ATTACHMENTS**

1)	Declaration of Results AHA, ACT Branch Stage-1 Div Reps & Rep NAHD
2)	Declaration of Results AHA, ACT Branch Stage-2 Branch Executive

Kathryn Montgomery  
Returning Officer  
10 September 2012



PO Box 496  
HAYMARKET NSW 1239



Roden Cutler House  
4th Floor, 24 Campbell Street  
SYDNEY NSW 2000

**Reference:** N12/169

**Contact:** Kathryn Montgomery  
**Phone:** 02 9375 6375  
**Facsimile:** 02 9375 6336  
**E-mail:** Kathryn.montgomery@aec.gov.au

Brad Watts  
General Manager – ACT Branch  
Australian Hotels Association  
PO Box 3250  
MANUKA ACT 2603

via email: watts@actaha.org.au

Also Attention : Michael Capezio - President

Dear Mr Watts

**Australian Hotels Association – ACT Branch  
Post Election Report - Scheduled Election E2012/284**

I refer to the above election for your organisation.

Section 197(1) of the Fair Work (Registered Organisations) Act 2009 requires the AEC to provide a written report on the conduct of the election to FWA 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 the Act 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) Regulations 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.

Yours sincerely

Kathryn Montgomery  
Returning Officer  
10 September 2012

**Australian Hotels Association  
Australian Capital Territory Branch  
Branch Executive Election Stage 2**

**DECLARATION OF RESULTS FOR UNCONTESTED OFFICES**

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.

**E2012/E284**

**ACT Branch - Stage 2**

**President/ Delegate to the 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 positions to be filled, I declare the above candidates elected.



Kathryn Montgomery  
Returning Officer

28 August 2012

# **Australian Hotels Association ACT Branch Board Stage 1**

## **DECLARATION OF RESULTS FOR UNCONTESTED OFFICES**

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.

**E2012/284**

### **ACT Branch - Stage 1**

#### **Divisional Representative to the Board - Ginninderra**

No nomination was received

#### **Divisional Representative to the Board - Brindabella**

No nomination was received

#### **Divisional Representative to the Board - Molonglo (4)**

##### Candidates

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

#### **Divisional Representative to the Board - Accommodation/ Hotels (2)**

##### Candidate

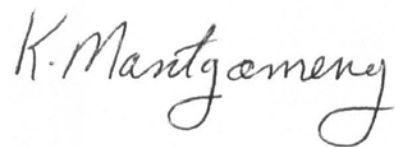
SPROAT, Mark  
No further nomination was accepted

#### **Representative to the National Accommodation Hotels Division (1)**

##### Candidate

SPROAT, Mark

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



Kathryn Montgomery  
Returning officer  
8 August 2012





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**  
(E2012/284)

AILS A CARRUTHERS

MELBOURNE, 3 JULY 2012

*Arrangement for conduct of election.*

[1] On 16 May 2012 the Australian Hotels Association - Australian Capital Territory Branch (the Branch) lodged with Fair Work Australia the prescribed information in relation to an election for the following offices:

Divisional Representatives to the Branch Board:

Ginninderra Division (1)

Brindabella Division (1)

Molonglo Division (4)

Accommodation Hotels Division (2)

Representative to the AHA National Accommodation Hotels Division (1)

President/Representative to the National Board (1)

Vice-President (1)

Secretary/Treasurer (1)

[2] The Branch was informed that the prescribed information was not lodged before the day prescribed by Regulation 138(3) of the *Fair Work (Registered Organisations) Regulations 2009*. That day is the day occurring 2 months before the first day when a person may, under the rules of the organisation or branch, become a candidate in the election. The Branch then asked me to allow a later day for lodgment of the prescribed information under subsection 189(2) of the *Fair Work (Registered Organisations) Act 2009* (the Act). Having considered the reasons for late lodgment, I allow lodgment on 16 May 2012 in this instance.

[3] 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 Act, 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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## ELLIOTT, Mark

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**From:** ELLIOTT, Mark  
**Sent:** Tuesday, 3 July 2012 10:24 AM  
**To:** 'watts@actaha.org.au'  
**Subject:** E2012/284 - AHA ACT Branch Elections  
**Attachments:** E2012\_284\_decision-v2.pdf

Good morning Brad,

The Delegate of Fair Work Australia's General Manager has today issued a decision in the abovementioned matter.

Any queries in relation of the election should be directed to the Australian Electoral Commission who can be contacted on (02) 6249 7943.

Regards,

**MARK ELLIOTT**

Organisations, Research and Advice

**Fair Work Australia**

Tel: 03 8661 7811

Fax: 03 9655 0410

[mark.elliott@fwa.gov.au](mailto:mark.elliott@fwa.gov.au)

11 Exhibition Street, Melbourne Victoria 3000

GPO Box 1994, Melbourne Victoria 3001

[www.fwa.gov.au](http://www.fwa.gov.au)

## ELLIOTT, Mark

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**From:** ELLIOTT, Mark  
**Sent:** Tuesday, 3 July 2012 10:28 AM  
**To:** 'industrial.elections@aec.gov.au'  
**Subject:** E2012/284 - AHA ACT Branch Elections  
**Attachments:** E2012\_284\_decision-v2.pdf; AHA - 024nact (30-7-98).doc; AHA 024n 2011-12-20.doc

Good morning,

The Delegate of Fair Work Australia's General Manager issued a decision in the abovementioned matter today.

A copy of that decision is attached as are copies of the relevant rules of the organisation. No alterations to those rules are pending.

Regards,

**MARK ELLIOTT**

Organisations, Research and Advice

**Fair Work Australia**

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Fax: 03 9655 0410

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## ELLIOTT, Mark

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**From:** Brad Watts [watts@actaha.org.au]  
**Sent:** Tuesday, 19 June 2012 2:04 PM  
**To:** ELLIOTT, Mark  
**Subject:** Request for extension of Prescribed Information for AHA ACT Branch election

Mark,

Further to the application lodged by the Australian Hotels Association (AHA) ACT Branch in May 2012 for our election, can I please request a time extension to lodge our Prescribed Information materials, which were lodged late this year.

The AHA was unable to lodge the original application before 1 April 2012 due to staff changes at the ACT Branch. The Branch was without a General Manager – and support staff – during this period which caused the delay in preparing the prescribed information.

I look forward to your prompt response.

Should you require any further information, please let me know.

Regards,

Brad Watts  
General Manager – ACT Branch  
**Australian Hotels Association (AHA)**  
24 Brisbane Avenue BARTON ACT 2600

**Mob:** 0418 141 700  
**Ph:** (02) 6273 6633  
**Fax:** (02) 6273 4011



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



16 May 2012

Mr Larry Powell  
Fair Work Australia  
Via Email: [larry.powell@fwa.gov.au](mailto:larry.powell@fwa.gov.au)

Dear Mr Powell

**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.



Michael Capezio  
President

16 May 2012

## **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 Monday 4 June 2012 and close on Monday 18 June 2012, providing the minimum 14 days as required by AHA National Rule 16.



Michael Capezio  
President

16 May 2012

## **SECOND STAGE**

### **PRESCRIBED INFORMATION**

<b>Position</b>	<b>Number</b>
<ul style="list-style-type: none"><li>• President / Representative to the National Board <i>Collegiate Voting System</i></li></ul>	1
<ul style="list-style-type: none"><li>• Vice President <i>Collegiate Voting System</i></li></ul>	1
<ul style="list-style-type: none"><li>• Secretary / Treasurer <i>Collegiate Voting System</i></li></ul>	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 elections will take place at the meeting of the Board after completion of Stage One. The date has not been determined but will be held at the AHA offices at 24 Brisbane Avenue Barton ACT.



Michael Capezio  
President

16 May 2012

## ELLIOTT, Mark

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**From:** ANDERSON, Eve  
**Sent:** Wednesday, 16 May 2012 12:52 PM  
**To:** ELLIOTT, Mark  
**Subject:** FW: Australian Hotels Association ACT - Notification of Elections  
**Attachments:** Australian Hotels Association ACT - Notification of Election.pdf

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**From:** Dean Kominek [<mailto:kominek@actaha.org.au>]  
**Sent:** Wednesday, 16 May 2012 12:43 PM  
**To:** POWELL, Larry  
**Subject:** Australian Hotels Association ACT - Notification of Elections

Hi Larry,

I have attached the notification letter for the Australian Hotels Association ACT Branch 2012 elections.

Any questions please do not hesitate to contact me.

Kind Regards,

**DEAN KOMINEK**  
MEMBERSHIP & EVENTS MANAGER

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