

MOUTEVELIS, Michael

From: Nicole Simmons [Nicole.Simmons@aec.gov.au]
Sent: Monday, 28 October 2013 4:51 PM
To: watts@actaha.org.au
Cc: Orgs; Industrial Elections
Subject: AHA ACT E2013/238 [SEC=UNCLASSIFIED]
Attachments: AHA ACT PER E2013-238.pdf; Declaration uncontested.pdf; Declaration - Executive.pdf

UNCLASSIFIED

Attention: Brad Watts

Dear Mr Capezio,

Post-Election Report for Australian Hotels Association – ACT Branch E2013/238

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 the Delegate of the General Manager, Fair Work Commission 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 30 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.

Regards

Ms. Nicole Simmons | Returning Officer
Industrial & Commercial Elections | NSW State Office
Australian Electoral Commission
T: (02) 9375 6301 | F: (02) 9375 6336



Your vote is a valuable thing.
www.aec.gov.au

**ELECTION
2013**

UNCLASSIFIED

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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:	E2013/238
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RULES

Rules used for the election:	[024N: Incorporates alterations of 20 Dec 2011] [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

Nicole Simmons
Returning Officer
28 October 2013

- Australian Hotels Association Schedule Office Election - Stage 1

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.

ACT Branch - Stage 1

Divisional Representative to the Board - Ginninderra

Candidates

No nomination was received

Divisional Representative to the Board - Brindabella

Candidates

No nomination was received

Divisional Representative to the Board - Molonglo (4)

Candidates

BARCLAY, Peter	(Nomination received fourth)
CAPEZIO, Michael	(Nomination received first)
GRAY, Josh	(Nomination received Third)
NOTARAS, Manuel	(Nomination received second)

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

Candidates

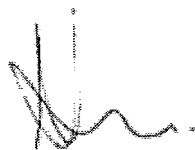
SPROAT, Mark
No further nomination was accepted

Representative to the National Accommodation Hotels Division (1)

Candidates

SPROAT, Mark

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



Nicole Hoy
Returning Officer
17 September 2013

Australian Hotels Association Executive - Stage 2

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.

ACT Branch - Stage 2

President/ Delegate to the National Board

Candidates

CAPEZIO, Michael

Vice-President

Candidates

NOTARAS, Manuel

Secretary/ Treasurer

Candidates

SPROAT, Mark

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



Nicole Simmons
Returning Officer
28 October 2013



DECISION

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

Australian Hotels Association (E2013/238)

MR ENRIGHT

MELBOURNE, 8 AUGUST 2013

Arrangement for conduct of election.

[1] On 1 August 2013 the Australian Hotels Association - Australian Capital Territory Branch lodged with the Fair Work Commission 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

President/Representative to the National Board

Vice President

Secretary/Treasurer

[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 1 August 2013 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 *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

1 August 2013

Mr Larry Powell
Senior Adviser
Fair Work Commission (FWC)
Via Email: larry.powell@fwc.gov.au

Dear Mr Powell,

NOTIFICATION OF 2013 ELECTION

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

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

As already discussed, there has been a delay in starting this election process as AHA ACT has been liaising with the FWC regarding rule changes for future elections. We would officially request an extension of time to lodge the Prescribed Information.

Yours sincerely,



Michael Capezio
AHA ACT President

WRITTEN STATEMENT

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

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

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 RO Act.



Michael Capezio
AHA ACT President

1 August 2013

FIRST STAGE

PRESCRIBED INFORMATION for AHA ACT Branch

Positions for which elections are required:

- Ginninderra – One representative to the ACT Branch Board
- Brindabella – One representative to the ACT Branch Board
- Molonglo – Four representatives to the ACT 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 representatives from each division to the Branch Board are the members of that division. The voting system is a direct voting system.

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

It is proposed that nominations for Stage One Elections will open on Monday 12 August 2013 and close on Monday 26 August 2013, providing the minimum 14 days as required by AHA National Rule 16.

In relation to the election for the Divisional Representatives on the Branch Board and the representative to the National Accommodation Hotels Division, the roll of voters for those offices closes 7 days before nominations open.



Michael Capezio
AHA ACT President

SECOND STAGE

PRESCRIBED INFORMATION

Position	Number
• 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 positions President/Delegate 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 AHA ACT Board after completion of Stage One.

The date is yet to be determined but will be held at the AHA ACT offices at 24 Brisbane Avenue in Barton, ACT.



Michael Capezio
AHA ACT President

1 August 2013