

From: [NSW Elections - NSW](#)
To: michael@mcmgroup.net.au; **Orgs:** [Industrial Elections](#); [Brad Watts](#)
Subject: Post- Election report for Australian Hotels Association – ACT Branch - E2014/159 [DLM=For-Official-Use-Only]
Date: Friday, 5 September 2014 12:20:08 PM
Attachments: [Post Election Report.pdf](#)
[Declaration of Results for Uncontested Offices- Stage 1.pdf](#)
[Declaration of results for uncontested offices - stage 2.pdf](#)

For-Official-Use-Only

Attention: Stephen Kellett
Regulatory Compliance Branch, NSW
Fair Work Commission

Dear Mr Capezio,

Re: Post-Election report for Australian Hotels Association – ACT Branch - E2014/159

I refer to the above election for your organisation.

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

Thanks

Kind Regards

Ishtiaq Ahmed | Returning Officer
Industrial & Commercial Elections | NSW State Office
Australian Electoral Commission
T: (02) 9375 6331 | F: (02) 9375 6336

For-Official-Use-Only

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Fair Work (Registered Organisations) Act 2009

POST ELECTION REPORT

Client: Australian Hotels Association

Contact details: Mr. Michael Capezio
President
Australian Hotels Association
24 Brisbane Avenue
BARTON ACT 2600

Email: michael@mcmgroup.net.au
Tel: 02 62736633

FWC contact officer: Stephen Kellett
Email: orgs@fwc.gov.au
Tel:

ELECTIONS COVERED IN THIS REPORT

Election Decision No/s: E2014/159

RULES

Rules used for elections Rule ID: [024N-ACT: Incorporates alterations of 13/6/2014 in matter R2014/150]

Rules difficult to apply/interpret: None

Model Rule reference (if any): N/A

ROLL OF VOTERS N/A

ALLEGATIONS OF IRREGULARITIES RECEIVED

Details of written allegations of irregularities, and action taken by AEC: N/A

Other irregularities identified, and action taken: N/A

ATTACHMENTS

A: Declaration of results for uncontested offices - Stage 1: Divisional Representative.

B: Declaration of results for uncontested offices - Stage 2: Executive

Ishtiaq Ahmed
Returning Officer
05 September 2014

Australian Hotels Association

Australian Capital Territory Branch

Scheduled Election 2014 - stage 1

Declaration of Results for Uncontested Offices

E2014/159

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 - Divisional Representatives to the Branch Board:

Ginninderra Division

Candidates

No nomination was received

Brindabella Division

Candidates

No nomination was received

Molonglo Division (4)

Candidates

CAPEZIO, Michael
NOTARAS Manuel
BARCLAY, Peter
GRAY, Josh

Accommodation Hotels Division (2)

Candidates

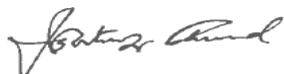
SPROAT, Mark
No further nomination was accepted

Representative to the AHA National Accommodation Hotels Division

Candidates

SPROAT, Mark William

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



Ishtiaq Ahmed
Returning Officer

08/08/2014

Australian Hotels Association

Australian Capital Territory Branch

Executive - Stage 2 Election

Declaration of Results for Uncontested Offices

E2014/159

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/ Representative 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.



Ishtiaq Ahmed
Returning Officer

28/08/2014



FAIR WORK
COMMISSION

16 June 2014

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

Dear Mr Capezio

**Re: Elections - Australian Hotels Association, Australian Capital Territory Branch
(E2014/159)**

I refer to the prescribed information lodged on 6 June 2014 under subsection 189(1) of the *Fair Work (Registered Organisations) Act 2009* in relation to an election for Branch offices.

The election has been granted. A copy of the Delegate's Decision is enclosed.

Yours sincerely

Stephen Kellett
Senior Adviser, Regulatory Compliance Branch

cc. Mr Brad Watts, General Manager



DECISION

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

Australian Hotels Association (E2014/159)

MR ENRIGHT

MELBOURNE, 13 JUNE 2014

Arrangement for conduct of election.

[1] On 6 June 2014 the Australian Capital Territory Branch ('the Branch') of the Australian Hotels Association lodged with the Fair Work Commission ('FWC') 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 applied for an extension of the time allowed for lodgement. Pursuant to subsection 189(2) I may allow a later day than the prescribed day for lodgement. The prescribed day is the day occurring 2 months before the day on which a person may become a candidate in an election, that is, the day on which nominations open. In this case, the Branch seeks to open nominations on 19 June 2014.

[3] The Branch submits that the delay in lodgement is a consequence of an extended period of consultation with FWC regarding alterations to its rules that would alter the terms of office from 1 year to 2 years. Those alterations were certified today.¹ In addition, for this amongst any other reasons, the annual election cycle has been delayed with the result that the prescribed day indicated by the relevant rule, rule 11(e) of the National rules, namely, a day at least fourteen days prior to 1 April, was not complied with for either this or the previous two elections.² The Branch seeks to restore the election cycle so that for the next scheduled election under the new rules, nominations can open in mid-March 2016 in accordance with

¹ PR551878

² See E2012/284, lodged 16 May 2012; E2013/238, lodged 1 August 2013

the rules, and prescribed information can be lodged before the prescribed day in accordance with the Act, namely mid-January 2016. I appreciate that the lodgement of the prescribed information was allied to the application for certification of the alterations to the rules and that at the conclusion of the consultation with FWC, it was suggested that this course be followed to avoid confusion and ensure the election would be conducted under the new rules. In all the circumstances, I allow the later day for lodgement up to the actual day of lodgement. I draw attention to the fact that the exact timing of the opening of nominations sought by the Branch in this case is a matter to be arranged between the Branch and the Australian Electoral Commission, and not a date that is determined by this Decision.

[4] I am satisfied that an election for the above-named 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

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<Price code A, PR551884>

From: KELLETT, Stephen
To: ["Brad Watts"](#)
Subject: Election - E2014/159 - Australian Hotels Association, ACT Branch - Decision - copy of rules
Date: Monday, 16 June 2014 9:00:00 AM
Attachments: [AHA ACT E2014 159 Decision.pdf](#)
[024n - AHA ACT R2014 150 certified.pdf](#)
[Copy of Signed Decision memo \(AHA ACT\).pdf](#)
[AHA ACT E2014 159 letter \(final\).pdf](#)

Dear Brad,

Please see documentation in relation to the above, attached.

Yours sincerely

STEPHEN KELLETT
Regulatory Compliance Branch
FAIR WORK COMMISSION

80 William Street
EAST SYDNEY NSW 2011

(ph) (02) 6723 7237
(email) stephen.kellett@fwc.gov.au



Copy of Signed Decision

Title of Matter: Application/Notification by Australian Hotels Association, Australian Capital Territory Branch
Section: s.189(1) RO Act - Notification of elections for office
Subject: Divisional Representatives to Board - President - Vice President - Secretary/Treasurer
Matter Number(s): E2014/159

A copy of the Delegate's election decision in relation to the above matter is attached for your information.

Please note: Section 233(2) of the *Fair Work (Registered Organisations) Act 2009* requires details of changes to an organisation's records be declared to the Fair Work Commission. This includes changes resulting from the conduct of elections. Changes must be declared within 35 days of their occurrence.

Inquiries:

Any inquiries relating to this are to be directed to Stephen Kellett
Phone: 02 6723 7237, email: stephen.kellett@fwc.gov.au Fax: 02 9380 6990.

16 JUNE 2014

From: KELLETT, Stephen
To: ["Industrial Elections"](#)
Subject: Election - E2014/159 - Australian Hotels Association, ACT Branch - Decision - copy of rules
Date: Monday, 16 June 2014 8:58:00 AM
Attachments: [Copy of Signed Decision Memo \(AEC\).pdf](#)
[AHA ACT E2014_159 Decision.pdf](#)
[024n - AHA ACT R2014_150 certified.pdf](#)

Dear Electoral Officer,

Please see documentation in relation to the above attached.

Yours sincerely

STEPHEN KELLETT
Regulatory Compliance Branch
FAIR WORK COMMISSION

80 William Street
EAST SYDNEY NSW 2011

(ph) (02) 6723 7237
(email) stephen.kellett@fwc.gov.au



Copy of Signed Decision

Title of Matter: Application/Notification by Australian Hotels Association-Australian Capital Territory Branch
Section: s.189(1) RO Act - Notification of elections for office - scheduled election
Subject: Divisional Representatives to Board - President - Vice President - Secretary-Treasurer
Matter Number(s): E2014/159

Dear Australian Electoral Commissioner via the Electoral Officer

Under subsection 189 of the *Fair Work (Registered Organisations) Act 2009*, please arrange for the conduct of the above election.

A copy of the Delegate's decision is attached for your information.

The relevant rules can be accessed via the [website](#).

Contact: Mr Michael Capezio, President; Mr Brad Watts, General Manager, of the organisation (02) 6273 6633 as per the prescribed information.

Please send the declaration(s) and post election report to the Fair Work Commission at orgs@fwc.gov.au.

Inquiries:

Any inquiries relating to this matter are to be directed to Stephen Kellett through orgs@fwc.gov.au

16 JUNE 2014

From: KELLETT, Stephen
Sent: Friday, 13 June 2014 9:03 AM
To: 'Industrial Elections'
Subject: Prescribed Information - Australian Hotels Association, ACT Branch - scheduled election

Dear AEC

Please see attached prescribed information in relation to the above.

Yours sincerely

STEPHEN KELLETT
Regulatory Compliance Branch
FAIR WORK COMMISSION

80 William Street
EAST SYDNEY NSW 2011

(ph) (02) 6723 7237
(email) stephen.kellett@fwc.gov.au

From: [Brad Watts](#)
To: [KELLETT, Stephen](#); [Orgs](#)
Subject: AHA ACT Branch - Rule alteration notification
Date: Friday, 6 June 2014 9:32:24 AM
Attachments: [image001.jpg](#)
[AHA ACT Rule change declaration 2014.pdf](#)
[AHA ACT email to members for Special General Meeting - sent May 13.jpg](#)
[General Meeting ACT Branch agenda and minutes - May 28.pdf](#)
[AHA ACT Branch Rules proposed change - not for publication-confidential.pdf](#)
[AHA ACT Notification of Election - Prescribed Information 2014.pdf](#)

Stephen and David,

For your reference, please find attached the Australian Hotels Association (AHA) ACT Branch's notification for a Rule alteration and Prescribed Information relating to Branch elections.

Rule alteration notification

- The information attached to support this notification has been provided after full consultation with the Fair Work Commission and in accordance and with the Fair Work (Registered Organisations) Act 2009 (RO Act).
- The AHA ACT highlighted Rule alterations that have been developed in consultation with the FWC and resolved by the organisation and its members to have terms for two years for election officers and the Executive of the AHA ACT Branch
- As requested, AHA ACT has published this information on our website: <http://www.actaha.org.au/aha-act-rule-change-notification-to-fair-work-australia>
The processed following for this alteration is also attached including:
 - Notification of general meeting to members
 - General meeting agenda
 - General meeting minutes
 - Proposed rule alterations – as drafted in consultation with FWC.

Prescribed Information 2014

As discussed with the FAC, please find attached the Branch's Prescribed Information for the 2014 election which relates to the aforementioned Rule change notification.

Both declarations have been made in accordance with the rules of the Branch.

Thank you for your advice during this process. If there's any further information needed, please let me know.

Regards,

BRAD WATTS
GENERAL MANAGER

Australian Hotels Association (AHA) – ACT

Level 4, 24 Brisbane Avenue Barton ACT 2600

M: 0418 141 700

P: (02) 6273 6633 | **F:** (02) 6273 7439

www.actaha.org.au | [twitter](#) | [Facebook](#)

6 June 2014

Mr Stephen Kellett
Senior Adviser
Fair Work Commission (FWC)
Via Email: stephen.kellett@fwc.gov.au

Dear Mr Kellett,

NOTIFICATION OF 2014 AHA ACT BRANCH 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 discussed, the AHA ACT Branch would request an extension of time to lodge the Prescribed Information.

Following consultation with the Fair Work Commission, the reasons for the time extension include:

- The process of drafting and adopting suitable rule alterations to change the term of office from one to two years has only recently been completed after a lengthy period of discussions with FWC;
- That process also resulted in a delay to the 2013 election;
- The desire of the Branch to rectify the situation where for the commencement of the nomination period for the annual election has been later than provided for by the Rules;
- And to restore the election cycle so that nominations commence in accordance with the timetable envisaged by the rules, meant that it was thought that the PI should be lodged in conjunction with the application of the relevant rule alterations and not before.

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.

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

Michael Capezio
AHA ACT President

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 June 19, 2014 and close on July 3, 2014, 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

AHA ACT SPECIAL GENERAL MEETING

AGENDA

QT Canberra

28 May 2014 at 5.30pm

- 1. OPENING OF GENERAL MEETING BY AHA ACT BRANCH PRESIDENT**
- 2. WELCOME AND APOLOGIES**
- 3. PRESENTATION OF UPDATED ACT BRANCH RULES – VOTE BY MEMBERS ON TWO YEAR TERMS FOLLOWING FAIR WORK CONSULTATION – DRAFT RULES PROVIDED TO MEMBERS ON MAY 13, 2014. PROPOSED NEW RULES TABLED AT MEETING**
- 4. MOTION: TO ADOPT THE NEW RULES AS HIGHLIGHTED IN THE PROPOSED DRAFT RULES PROVIDED TO ALL AHA ACT MEMBERS.**
- 5. MEETING CLOSE**

AHA ACT SPECIAL GENERAL MEETING **MINUTES**

QT Canberra

28 May 2014 at 5.30pm

1. OPENING OF THE MEETING BY ACT PRESIDENT

Mr Capezio declared the Special General meeting open at 5.31pm. Mr Capezio welcomed and confirmed that a quorum for a special general meeting was present.

Each member received a copy of the proposed new rules with alterations as listed below:

Section 13 (7) The Executive shall take office immediately following the declaration of the result of election and shall hold until the next **biennial** declaration of result of election.

Section 15 – 2 (d) Each Divisional Representative shall, subject to these Rules, take office immediately following the declaration of the result of the election and shall hold office until the declaration of the result of the next **biennial** election.

Section 15 (4) **Officers for the Executive and Divisional Representatives to the Board shall be elected for a two year term and shall hold office until the declaration of the election of their successors. Officers elected in 2013 are elected for one year however those elected at and from the election held in 2014 onwards are elected for a two year period**

Section 16 - (1) In the event of a casual vacancy occurring in the position on the Executive of the Branch, **where the unexpired part of the term of office does not exceed three-quarters of the original 2 year term**, the Board may appoint a Divisional Representative of the Branch to fill the vacancy, and the member so appointed shall hold office, subject to these Rules until the Branch meeting immediately following the **biennial** election.

Provided that in the event of a casual vacancy occurring in the position on the Executive of the Branch, where the unexpired part of the term of office exceeds three-quarters of the original 2 year term, an election shall be held to fill the vacancy.

(2) In the event of a casual vacancy occurring in the office of a Divisional Representative, **where the unexpired part of the term of office does not exceed three-quarters of the original 2 year term** the Board may appoint a financial member of the Branch from the relevant Division to fill the vacancy, and the member so appointed shall hold office, subject to these Rules until the Branch meeting immediately following the **biennial** election.

Provided that in the event of a casual vacancy occurring in the office of a Divisional Representative, where the unexpired part of the term of office exceeds three-quarters of the original 2 year term, an election shall be held to fill the vacancy.

2. WELCOME AND APOLOGIES

Members Present

Michael Capezio	AHA ACT President
Mark Sproat	Brassey Hotel Canberra (<i>Accommodation President</i>)
Rowland Fisher	The Diplomat Hotel
Jackie McKeown	Capital Hotel Group
Rien Donkin	Abode Hotel Group
Tracy Atherton	Hotel Hotel
Paul Scott	QT Canberra
Olenka Nota	Quality Hotels Woden and Dickson
Scott Grant	Mercure Canberra
Mikael Svensson	Hyatt Hotel Canberra
Peter Barclay	King O'Malley's Irish Pub
Pat Lonergan	Hotel Realm

Non-members present:

Brad Watts	AHA ACT General Manager
Nicole Turnbull	AHA ACT

3. PRESENTATION OF UPDATED ACT BRANCH RULES

AHA ACT President Michael Capezio and AHA ACT Accommodation President Mark Sproat explained that the Branch had extensively consulted with the Fair Work Commission regarding the proposed Branch Rule changes – which were presented to all members on May 13 with details of the proposed changes and general meeting. Under the new Rules, elected officers and the executive would be elected for two year terms starting from 2014.

Following discussion of the proposed changes, members voted unanimously to amend the Rules of the AHA ACT Branch.

Motion: That the proposed changes and majority vote for the AHA ACT Branch Rules be adopted.

Moved: Mr Capezio

Seconded: Mr Scott

Motion Carried.

4. NEXT MEETING AND CLOSE

Mr Capezio closed the meeting at 5.40pm and thanked all members and observers for attending.

Signed as a true and correct account of the meeting:

A handwritten signature in black ink, appearing to be 'M. Capezio', written over a faint circular stamp.

Michael Capezio
AHA ACT Branch President

28 /5 / 2014