



2 December 2015

Mr Brad Watts
General Manager
Australian Hotels Association-Australian Capital Territory Branch
watts@actaha.org.au

Dear Mr Watts,

Reminder of actions required when persons elected to office

The Australian Electoral Commission has provided the Commission a declaration of results for the election [E2014/264]. This letter is a reminder of certain obligations imposed on organisations and persons elected to office.

Section 154D(1) of the *Fair Work (Registered Organisations) Act 2009* (the RO Act) requires the rules of organisations (and branches of organisations) to require each officer with financial management duties to undertake approved training that covers those duties within 6 months after the person begins to hold office. Please ensure that relevant officers undertake approved training within the required timeframe.

Please also ensure that all new holders of office are advised of their obligations to make disclosures regarding remuneration, non-cash benefits and material personal interests, the details of which should be provided for in your organisation's rules.

Also, section 233(2) of the RO Act requires that an organisation must notify the Fair Work Commission (the Commission) within 35 days of any changes to the holders of office in the organisation. If the election has resulted in any changes to the holders of office, the Australian Hotels Association-Australian Capital Territory Branch must notify the Commission of these changes. In particular, please advise:

1. Person(s) who have ceased to hold office:
 - the name of the office vacated;
 - the date of the change of office holder; and
 - the name of the person vacating the office.
2. Person(s) who have commenced to hold office:
 - the name of the office now held;
 - the date of the change of office holder;
 - the name of the person now holding the office;
 - the postal address of the person (generally the postal address of the organisation); and
 - the occupation of the person now holding the office.

The notification must include a declaration by the Secretary (or other prescribed officer) that the information is a correct statement of the changes made. I have attached a template notification of changes which may assist you. If any change does not apply until a specific date, you don't need to notify until then (e.g. AGM, 1 January, 2nd Monday in March). If you have already lodged this information, please disregard this reminder.

Regards

Debbie Ball
Regulatory Compliance Branch

NOTIFICATION OF CHANGES TO RECORDS (Changes to Records in the Annual Return) required to be kept in accordance with section 230 *Fair Work (Registered Organisations) Act 2009* and regulation 147 *Fair Work (Registered Organisations) Regulations 2009*

I, [NAME], being the [OFFICER] of the [ORGANISATION NAME], declare the following:

1. I am authorised to make this declaration.
2. The following is a correct statement of the changes made to the information contained in the records required to be kept by the organisation in accordance with s.230(1)(b), (c), and (d) of the *Fair Work (Registered Organisations) Act 2009*:

[delete all that do not apply]

- On [DATE] the address of the organisation changed to [STREET ADDRESS].¹
- On [DATE] the name and/or address of a branch[es] of the organisation changed to:²
 1. [include OLD name and address and NEW name and address of every branch that has changed]
 2. ...
- A list of changes to offices and the names, postal addresses and occupations of persons holding those offices is attached to this declaration at Annexure A and forms part of this declaration.
- On [DATE] the following branch[es]:³
 - COMMENCED/CEASED operation:
 1. [include name of each new branch]
 2. ...

Signed: [SECRETARY OR OTHER AUTHORISED OFFICER]

Dated: [DATE]

[PLEASE NOTE: This declaration must be submitted to the Fair Work Commission within 35 days of the change. It can be submitted to orgs@fwc.gov.au.]

¹ s.230(1)(d); reg.147(d)

² s.230(1)(d); reg.147(a) & (d)

³ s.230(1)(d); reg.147(b) & (c)

ANNEXURE A

- Changes to Offices and Office Holders in the Organisation and its Branches [*insert as many pages as required*]:

Please note the 35 days begins at the earliest event (for instance when the officer retires) and an organisation may need to notify the events separately if the appointment or election process will take longer than 35 days.

Branch	Date of Change	Name of Office that has changed	Name of <u>Outgoing</u> Office Holder	Reason for change	Name of <u>New</u> Office Holder	Postal Address of <u>New</u> Office Holder (for privacy reasons, we recommend NOT a private address)	Occupation of <u>New</u> Office Holder
<i>National</i>	<i>1.1.2014</i>	<i>Secretary</i>	<i>Full Name</i>	<i>Retiring</i>	<i>Full Name</i>	<i>c/- the Registered Organisation, postal address of Registered Organisation</i>	<i>Paid official</i>
	<i>25.12.2013</i>	<i>President</i>	<i>vacant</i>	<i>Scheduled Election</i>	<i>Full Name</i>	<i>As above</i>	<i>mechanic</i>
...							
<i>NSW</i>	<i>1.1.2014 (resigned) 7.1.2014 (appointed)</i>	<i>President</i>	<i>Full Name</i>	<i>Resignation</i>	<i>Full Name</i>	<i>c/- the Branch, postal address of the Branch</i>	<i>mechanic</i>
		<i>Committee of Management Member</i>	<i>Full Name</i>	<i>Scheduled Election</i>	<i>Full Name</i>	<i>As above</i>	<i>mechanic</i>
		<i>Treasurer</i>	<i>Full Name</i>	<i>Scheduled Election</i>	<i>vacant</i>	<i>vacant</i>	<i>vacant</i>
...							

From: Christine Cox [mailto:Christine.Cox@aec.gov.au]
Sent: Tuesday, 21 July 2015 3:14 PM
To: Orgs
Cc: michael@mcmgroup.net.au; Industrial Elections
Subject: Post Election Report and Declaration for AHA ACT E2014-264 [DLM=For-Official-Use-Only]

For-Official-Use-Only

Good Afternoon

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 the 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.



RO Report AHA ACT
E2014-264.pdf



Declaration Report
Contested Election.pc

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 website 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
Chris

Chris Cox | Senior Returning Officer
Industrial & Commercial Elections | NSW State Office
Australian Electoral Commission
T: (02) 9375 6301 | M: 0413 274 779 | F: (02) 6215 9910



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Fair Work (Registered Organisations) Act 2009

POST ELECTION REPORT

Client: Australian Hotels Association
The Australian Capital Territory Accommodation Hotels Division
Representative to the National Accommodation Hotels Division(1)

Contact details: Mr. Michael Capezio
AHA ACT President
PO Box 3250
MANUKA ACT 2603

Email: michael@mcmgroup.net.au
Tel: (02) 6162 0185

FWC contact officer: Stephen Kellett

Email: orgs@fwc.gov.au
Tel: (02) 6723 7237

ELECTIONS COVERED IN THIS REPORT

Election Decision No/s: E2014/264

RULES

Rules used for the election:

024N-ACT: Incorporates alterations of 13/06/2014
in matter (R2014/150)

Model Rule reference (if any):

N/A

ROLL OF VOTERS - Refer attachments

IRREGULARITIES

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

Nil.

Other irregularities identified, and action
taken:

Nil

ATTACHMENTS

Declaration of Contested Election



Christine Cox
Returning Officer
Australian Electoral Commission
18 June 2015

**Australian Hotels Association
Scheduled Election
ACT Accommodation Hotels Division E2014/264**

Declaration of Results for Contested 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 Accommodation Hotels Division
Representative to the National Accommodation Hotels Division (1)**

Total number of names on the roll of voters	31
Ballot papers issued	31
Replacement ballot papers issued	0
Total Ballot Papers Issued	31
Ballot papers / envelopes returned for scrutiny	10
Less ballot papers / envelopes rejected at preliminary scrutiny	0
Adjusting balance	0
Total Ballot Papers Admitted to Scrutiny	10
Percentage of ballot papers returned to number issued	32%
Ballot papers returned as unclaimed mail	0
Ballot papers not returned	21

<u>Candidates</u>	<u>Votes</u>
PERRY, Darren	1
SPROAT, Mark	8
Total votes	9
Formal ballot papers	9
Informal ballot papers	1

I declare Mark Sproat elected.



Chris Cox
Returning Officer
Australian Electoral Commission

21 July 2015



DECISION

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

Australian Hotels Association
(E2014/264)

MR ENRIGHT

MELBOURNE, 11 MAY 2015

Arrangement for conduct of election.

[1] On 4 May 2015 the Australian Capital Territory Branch of the Australian Hotels Association lodged with the Fair Work Commission the prescribed information in relation to an election for the following office:

The Australian Capital Territory Accommodation Hotels Division

Representative to the National Accommodation Hotels Division (1)

[2] I am satisfied that an election for the abovenamed office 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, 567021>

From: [KELLETT, Stephen](#)
To: ["Brad Watts"](#)
Subject: FW: Election E2014/264 - Australian Hotels Association, ACT Branch - decision
Date: Monday, 11 May 2015 5:37:25 PM
Attachments: [024N-ACT-E2014-264 - decision.pdf](#)

Dear Brad,

Please see attached the Delegate's decision in relation to the above.

Yours sincerely

STEPHEN KELLETT
Senior Adviser, Regulatory Compliance Branch
FAIR WORK COMMISSION

80 William Street
EAST SYDNEY NSW 2011

(ph) (02) 6746 3283
(mob) 0429 462 979
(em) stephen.kellett@fwc.gov.au

From: [KELLETT, Stephen](#)
To: ["industrial.elections@aec.gov.au"](mailto:industrial.elections@aec.gov.au)
Subject: Election E2014/264 - Australian Hotels Association, ACT Branch - decision
Date: Monday, 11 May 2015 5:34:25 PM
Attachments: [024N-ACT-E2014-264 - decision.pdf](#)

Dear Electoral Officer,

Please see attached the Delegate's decision in relation to the above.

Yours sincerely

STEPHEN KELLETT
Senior Adviser, Regulatory Compliance Branch
FAIR WORK COMMISSION

80 William Street
EAST SYDNEY NSW 2011

(ph) (02) 6723 7237 / (02) 6746 3283

(mob) 0429 462 979

(em) stephen.kellett@fwc.gov.au

4 May 2015

The General Manager
Fair Work Commission
C/- 80 William Street
East Sydney NSW 2011

Via email: orga@fwc.gov.au

Dear Madam,

NOTIFICATION OF 2015 ELECTION (ACT BRANCH)

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

The enclosed prescribed information has been provided in accordance with section 189 of the *Fair Work (Registered Organisations) Act 2009* (RO Act).

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 election 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

PRESCRIBED INFORMATION for AHA ACT Branch

Name and number of Office for which election is required [reg 138(1)(a), (c)]

Accommodation Hotels Division Representative to the AHA National Accommodation Hotels Division.

Under Branch Rule 26(1) Representatives to the National Accommodation Division (*sic*)¹ shall be elected in accordance with the National rules.

Under National rule 42(c) the Australian Capital Territory Branch Accommodation Hotels Division shall elect annually one (1) representative to the National Accommodation Hotels Division.

Reason for election [reg 138(1)(b)]

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

Electorate [reg 138(1)(d)]

The electorate for Representative to the National Accommodation Hotels Division consists of the members of the ACT Accommodation Hotels Division, in accordance with National sub-rules 42(b) and (c).

Nominations open and close [reg 138(1)(e)]

It is proposed that nominations for the election will open on 12/05/2015 and close on 26/05/2015, providing the minimum 14 days as required by AHA National Rule 16.

Closure of roll of voters [reg 138(1)(f)]

In relation to the election for the representative to the National Accommodation Hotels Division, the roll of voters for this offices closes 7 days before nominations open, in accordance with National sub-rule 42(c).

Voting system [reg 138(1)(g)]

The voting system is a direct voting system, as described in National rule 16 in accordance with National sub-rule 42(c).

A handwritten signature in black ink, appearing to read 'Michael Capezio'.

Michael Capezio
AHA ACT President

¹ This is how it appears in the current copy of the rules; the correct name is “National Accommodation Hotels Division” as elsewhere established and described.



8 December 2014

Mr Brad Watts
General Manager
Australian Hotels Association-Australian Capital Territory Branch
Sent via email: watts@actaha.org.au

Dear Mr Watts,

Courtesy Letter - Election for offices [E2014/264]

A perusal of the rules of the Australian Capital Territory Branch of the Australian Hotels Association discloses that an election for offices within the branch is due to commence shortly. It appears from information gathered from the rules that nominations for the branch election of offices within the National Accommodation Hotels Division are to open in the month of March next year.

This is a courtesy letter to remind you of the obligation to lodge information about the election (known as the 'prescribed information') pursuant to sections 189(1) and (2) of the *Fair Work (Registered Organisations) Act 2009* (the 'Act') before the end of the year. This is so because the prescribed information must be lodged with the Fair Work Commission two months before a person may, under the rules, become a candidate in the election.

If you have a different interpretation for the commencement of the election under your rules please let me know, otherwise, the prescribed information should contain details of the election as required by regulation 138(1) of the *Fair Work (Registered Organisations) Regulations 2009* (the 'Regulations'), and should include any subsequent elections such as an election for offices under the collegiate electoral system, if that is relevant. A sample of the prescribed information can be found on our website at www.fwc.gov.au/sample_documents.

The prescribed information can be emailed to orgs@fwc.gov.au. Should your organisation/branch believe that it will be unable to comply with the prescribed day as set out in the Regulations, it will need to apply to the General Manager for a later date. Such request will need to set out in detail the reason why your organisation/branch is unable to comply with the requirement. While the General Manager will consider such an application, there is no assurance that consent to a later day will be allowed.

It should be noted Section 189(2) is a civil penalty provision. Failure to comply may result in legal proceedings being issued with the possibility of a pecuniary penalty being imposed upon an officer and/or your organisation/branch.

When lodging the prescribed information, please quote [E2014/264]

Should you seek any clarification in relation to the above, please contact me on (03) 8661 7936 or via email at robert.pfeiffer@fwc.gov.au.

Yours sincerely,

Robert Pfeiffer
Senior Adviser
Regulatory Compliance Branch