



9 December 2016

Mr Michael Capezio  
President  
Australian Hotels Association-Australian Capital Territory Branch  
Email: gm@actaha.org.au

Dear Mr Capezio,

### **Reminder of actions required when persons elected to office**

The Australian Electoral Commission has provided the Fair Work Commission (the Commission) a declaration of results for the election [E2016/193]. This letter is a reminder of certain obligations imposed on organisations and on persons elected to office.

#### **A notice must be published on the organisation's website**

The organisation or branch must publish on its website a notice that a copy of the report is available from the organisation, branch or the AEC on request. The notice must be kept on the website for a period of at least 3 months (see regulation 141 of the Fair Work (Registered Organisations) Regulations 2009).

#### **Holders of office required to undertake approved training**

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. A list of approved training providers is attached.

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.

#### **Organisation must notify the Commission of changes**

Also, section 233(2) of the RO Act requires that an organisation must notify the Commission **within 35 days of any changes** to the holders of office in the organisation. **If there are no changes a notification is not required.** 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;

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80 William Street  
East Sydney NSW 2011

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Email : [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au)  
Internet : [www.fwc.gov.au](http://www.fwc.gov.au)

- 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. A template notification of changes, which may assist you, is attached. If any change does not apply until a date in the future, you do not 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

Michael Moutevelis

Regulatory Compliance Branch

# List of approved governance training packages

Approved training material	Provider	Contact person	Contact details
AHAWA Governance and Financial Training	Australian Hotels Association (WA Branch)	Mr Bradley Woods	(08) 9321 7701 <a href="mailto:ceo@ahawa.asn.au">ceo@ahawa.asn.au</a>
APTIA Governance and Financial Training Package	Australian Public Transport Industrial Association	Mr Ian MacDonald	(02) 6247 5900 <a href="mailto:imacdonald@bic.asn.au">imacdonald@bic.asn.au</a>
Handbook for Councillors of the Australian Industry Group	Australian Industry Group (for provision to Ai Group Councillors only. Not for external parties)	Ms Jenifer Leuba	(03) 9867 0174 <a href="mailto:jenifer.leuba@aigroup.asn.au">jenifer.leuba@aigroup.asn.au</a>
The Australian Workers' Union Professional Training Program Financial Duties of Officers	Australian Workers' Union	General enquiries	(02) 8005 3333 <a href="mailto:members@nat.awu.net.au">members@nat.awu.net.au</a>
In-Boardroom: Governance and Finance for Registered Organisations	Australian Institute of Company Directors	Various	<a href="#">AICD state-based contacts</a>
ACTU s.154C Training— Union Governance	Australian Council of Trade Unions (ACTU)	Organising Centre Enquiries	(03) 9664 7360 <a href="mailto:orgcentre@actu.org.au">orgcentre@actu.org.au</a>
Governance of Registered Organisations	Weston Woodley & Robertson Chartered Accountants	Mr Dennis Robertson	(02) 9264 9144 <a href="mailto:dennisr@wwr.com.au">dennisr@wwr.com.au</a>
Governance and Financial Accountability for Registered Organisations	Local Government New South Wales	Ms Sarah Artist	(02) 9242 4182 <a href="mailto:learning@lgnsw.org.au">learning@lgnsw.org.au</a>
Australian Hotels Association Financial Management Training	Australian Hotels Association (for provision to AHA officers only. Not for external parties)	Mr Stephen Ferguson	(02) 6273 4007 <a href="mailto:ceo@aha.org.au">ceo@aha.org.au</a>
Governance and Finance Training for Registered Organisations	Dickson Wohlsen Pty Ltd, trading as CTA Training	Mr Tom Streater	(07) 3878 9355 <a href="mailto:tom@dws.net.au">tom@dws.net.au</a>
The Registered Organisation Training Act for Organisations and Boards	Vibe Public Relations Consultancy	Ms Anne Andrews	0400 021 679 <a href="mailto:vibeprctraining@bigpond.com">vibeprctraining@bigpond.com</a>
Training Course for Registered Organisations - Governance and Finance	Western Australian Shire Councils, Municipal Road Boards, Health Boards, Parks, Cemeteries and Racecourse, Public Authorities, Water Boards Union	Mr Andrew Johnson	<a href="mailto:andrew.johnson@lgrceu.org">andrew.johnson@lgrceu.org</a>
MTAQ Registered Organisation Governance Course	Motor Trades Association of Queensland Industrial Organisation of Employers	Mr Paul Murray	<a href="mailto:paulm@mtaq.com.au">paulm@mtaq.com.au</a>

**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].<sup>1</sup>
- On [DATE] the name and/or address of a branch[es] of the organisation changed to:<sup>2</sup>
  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]:<sup>3</sup>
  - COMMENCED operation:
    1. *[include name of each new branch]*
    2. ...
  - CEASED operation:
    1. *[include name of each closed 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](mailto:orgs@fwc.gov.au).]*

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<sup>1</sup> s.230(1)(d); reg.147(d)

<sup>2</sup> s.230(1)(d); reg.147(a) & (d)

<sup>3</sup> 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	Name of <u>New</u> Office Holder	Postal Address of <u>New</u> Office Holder	Occupation of <u>New</u> Office Holder
National	1.1.2014	Secretary	Full Name	Full Name	c/- the Registered Organisation, postal address of Registered Organisation	Paid official
	25.12.2013	President	vacant	Full Name	As above	mechanic
...						
NSW	1.1.2014 (resigned) 7.1.2014 (appointed)	President	Full Name	Full Name	c/- the Branch, postal address of the Branch	mechanic
		Committee of Management Member	Full Name	Full Name	As above	mechanic
		Treasurer	Full Name	vacant	vacant	vacant
...						

**svc-adlib5**

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**From:** Ishtiaq Ahmed <Ishtiaq.Ahmed@aec.gov.au>  
**Sent:** Tuesday, 29 November 2016 10:03 AM  
**To:** michael@mcmprojects.com.au; Jo Broad; Orgs; Industrial Elections  
**Subject:** E2016/193- Post Election Report: Australian Hotels Association, ACT Branch [DLM=For-Official-Use-Only]  
**Attachments:** post election report.pdf; Declaration of results - Stage 1.pdf; Declaration of Results for Uncontested Offices - Stage 2.pdf

## For-Official-Use-Only

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

### Ref: E2016/193- Australian Hotels Association, ACT Branch

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.

Kind Regards

### Mr. Ishtiaq Ahmed | Returning Officer

Industrial & Commercial Elections | NSW State Office  
Australian Electoral Commission  
T: (02) 9375 6331 | M: tba | F: (02) 6215 9910



## **For-Official-Use-Only**

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Fair Work (Registered Organisations) Act 2009

## POST ELECTION REPORT

**Client:** Australian Hotels Association, ACT Branch

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

**Email:** michael@mcmprojects.com.au  
**Tel:** (02) 6273 6633

**FWC contact officer:** Michael Moutevelis  
**Email:** orgs@fwc.gov.au

### ELECTIONS COVERED IN THIS REPORT

**Election Decision No/s:** E2016/193

### 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

B: Declaration of results for uncontested offices – Stage 2

Ishtiaq Ahmed  
Returning Officer

29 November 2016



# Australian Hotels Association

## Australian Capital Territory Branch

### Scheduled Election

#### Declaration of Results for Uncontested Offices

**E2016/193**

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 Representatives to the Branch Board - Gininderra Division**

Candidates

CAPEZIO, Michael

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

Candidates

No nomination was received

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

Candidates

GRAY, Joshua  
NOTARAS, Manuel  
BARCLAY, Peter  
QUINN, David

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

Candidates

No nominations were received

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

Candidates

EMERTON, Murray

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



Returning Officer

12 October 2016

# Australian Hotels Association

## Election of executive

### Declaration of Results for Uncontested Offices

**E2016/193**

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 – Election of Executive**

##### **President/ Representative to the National Board**

###### Candidates

CAPEZIO, Michael

##### **Vice-President**

###### Candidates

NOTARAS, Manny

##### **Secretary/ Treasurer**

###### Candidates

GRAY, Josh

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

**Lauren Farrell**

Returning Officer

26/10/2016



## DECISION

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

### **Australian Hotels Association** (E2016/193)

MR ENRIGHT

MELBOURNE, 5 AUGUST 2016

*Arrangement for conduct of election.*

[1] On 20 July 2016, the Australian Capital Territory Branch (‘the Branch’) of the Australian Hotels Association lodged with the Fair Work Commission (‘the Commission’) the prescribed information in relation to an election for the following offices:

#### **Divisional Representatives to the Branch Board**

Gininderra Division	(1)
Brindabella Division	(1)
Molongo Division	(4)
Accommodation/Hotels Division	(2)
Representative to the AHA National Accommodation Hotels Division	(1)

#### Executive

President/Representative to the National Board	(1)
Vice-President	(1)
Secretary/Treasurer	(1)

[2] The Branch did not lodge the prescribed information before the prescribed day as required by regulation 138(3) of the *Fair Work (Registered Organisations) Regulations 2009*. The prescribed information should have been lodged in January 2016. In its correspondence dated 20 July 2016, Mr Capezio, the Branch President, stated the delay was due to the new General Manager not being briefed on the election process until after the date that elections close in accordance with the Branch rules.

[3] In the previous scheduled election for the abovenamed Branch offices in election matter E2014/159, an extension of time to lodge the prescribed information was also made. The justification provided for that request was that new and relevant rule alterations were on foot, and on that occasion, I granted the extension of time.

[4] In my Decision issued on 13 June 2014, I wrote “[T]he 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 the rules, and prescribed information can be

*lodged before the prescribed day in accordance with the Act, namely mid-January 2016*". (my emphasis).

[5] In essence, part of my reasoning for allowing an extension in E2014/159 was to enable the Branch to avoid the very contravention that appears to have occurred in this application.

[6] Further, in 2015-2016, the Regulatory Compliance Branch of the Commission conducted an extensive educational campaign for registered organisations, including communicating directly and by correspondence with organisations as well as conducting a webinar exclusively on elections. Every federally registered organisation was invited to participate in that webinar.

[7] As a result of the education campaign and since the election webinar was delivered in February 2016, there appears to have been a significant reduction in the number of organisations which have lodged their prescribed information late and requested an extension of time.

[8] Consequently, I am not satisfied that the above reason given by the Branch is a sufficient ground to justify the failure to comply with a statutory obligation. Having regard to the normal and reasonable expectation that registered organisations take steps to ensure they comply with the time-frame requirements set out not only in the *Fair Work (Registered Organisations) Act 2009* (the Act) but also in instruments or references pertaining to their own governance formulated by the organisations themselves, I decline on this occasion to allow, under section 189(2) of the Act, a later day for lodgement. The failure to lodge the prescribed information before the prescribed day therefore renders the organisation liable for a civil penalty provision pursuant to section 189(2) of the Act.

[9] The refusal of an extension of time under section 189(2) of the Act does not, however, affect a determination of an election notification matter for the purposes of section 189(3) of the Act.

[10] 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

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**From:** Jo Broad <gm@actaha.org.au>  
**Sent:** Thursday, 21 July 2016 2:21 PM  
**To:** Orgs  
**Subject:** FW: Australian Hotels Association - ACT Branch - notice of election  
**Attachments:** AHA ACT Notification of Election - Prescribed Information 2016.pdf

Please see attached documentation from the AHA ACT Branch.

Kind regards.

Jo

**JO BROAD**

GENERAL MANAGER

**Australian Hotels Association (AHA) - ACT Branch**

M: 0418 141 700

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



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**From:** Jo Broad [mailto:[gm@actaha.org.au](mailto:gm@actaha.org.au)]  
**Sent:** Wednesday, 20 July 2016 4:26 PM  
**To:** 'KELLETT, Stephen' <[Stephen.KELLETT@fwc.gov.au](mailto:Stephen.KELLETT@fwc.gov.au)>  
**Subject:** Australian Hotels Association - ACT Branch - notice of election

Dear Mr Kellett.

Please see attached the prescribed documents for the notification of the Australian Hotels Association ACT Branch elections.

If you have any questions, please do not hesitate to contact me.

Kind regards,

Jo

**JO BROAD**

GENERAL MANAGER

**Australian Hotels Association (AHA) - ACT Branch**

M: 0418 141 700

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



20 July 2016

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

Dear Mr Kellett,

### **NOTIFICATION OF 2016 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).

The AHA ACT Branch would request an extension of time to lodge the Prescribed Information.

Following consultation with the Fair Work Commission, the reason for the time extension is that that position of General Manager AHA ACT Branch was vacated in December 2015 and was in care holder mode for a number of months. The incumbent General Manager was not briefed on the process until after the date, that elections close in accordance with the AHA ACT Branch Rules.

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 small dot 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 September 21, 2016 and close on October 5, 2016, 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

<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 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