



Australian Government
Registered Organisations Commission

25 May 2017

Mr Michael Capezio
President, Australian Capital Territory Branch
Australian Hotels Association

Email: gm@actaha.org.au

Dear Mr Capezio,

Reminder of actions required when persons elected to office

The Australian Electoral Commission has provided the Registered Organisations Commission ('the Commission') a declaration of results for the election E2016/277. 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 new holder of office 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 if applicable, the new holder of office undertakes approved training within the required timeframe and is advised of the obligations to make disclosures regarding remuneration, non-cash benefits and material personal interests, as provided for in your organisation's rules.

Section 233(2) of the RO Act requires that an organisation (or branch of an organisation) must notify the Commission of any changes to the records for the holders of office in the branch. If the election has not resulted in any changes to the holders of office, a notification is not required.

If you have any questions, I may be contacted on (02) 6746 3283 or by email at stephen.kellett@roc.gov.au

Yours sincerely

A handwritten signature in black ink that reads 'Stephen Kellett'.

Stephen Kellett
Financial Reporting

From: KELLETT,Stephen
Sent: Thursday, 25 May 2017 1:26 PM
To: 'gm@actaha.org.au'
Subject: Attention Mr Michael Capezio - post-election obligations - reminder [SEC=UNCLASSIFIED]

UNCLASSIFIED

Dear Ms Broad,

Please see attached my letter in relation to the above.

Yours faithfully

STEPHEN KELLETT
Senior Adviser
Financial Reporting
Registered Organisations Commission

Tel: (02) 6746 3283
Email: stephen.kellett@roc.gov.au

Level 13, 175 Liverpool Street, Sydney NSW 2000

www.roc.gov.au



Australian Government
Registered Organisations Commission

Please consider the environment before printing this message



AHA ACT E2016
277 post result letter.

From: Kathryn Montgomery [mailto:Kathryn.Montgomery@aec.gov.au]
Sent: Friday, 5 May 2017 8:45 AM
To: ROC - Registered Org Commission; Industrial Elections; gm@actaha.org.au
Cc: michael@mcmprojects.com.au
Subject: PER AHA ACT E2016/277 [SEC=UNCLASSIFIED]

Australian Hotels Association
Australian Capital Territory Branch
E2016/277

Attention: Michael Capezio

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 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 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.

Regards,
Kathryn Montgomery | Returning Officer
Industrial & Commercial Elections | NSW State Office
Australian Electoral Commission
T: (02) 9375 6375 | F: (02) 6215 9910



AEC

Australian Electoral Commission

Make sure you're **enrolled**
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Reference: N17/8

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

By email

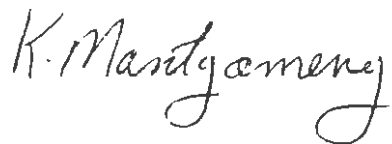
Dear Mr Capezio

**Australian Hotels Association
Australian Capital Territory Branch
Representative to the National Accommodation Hotels Division (1)
E2016/277**

The declaration of the election for uncontested offices is attached. A copy has been sent to the candidate.

The election is now complete.

Yours sincerely

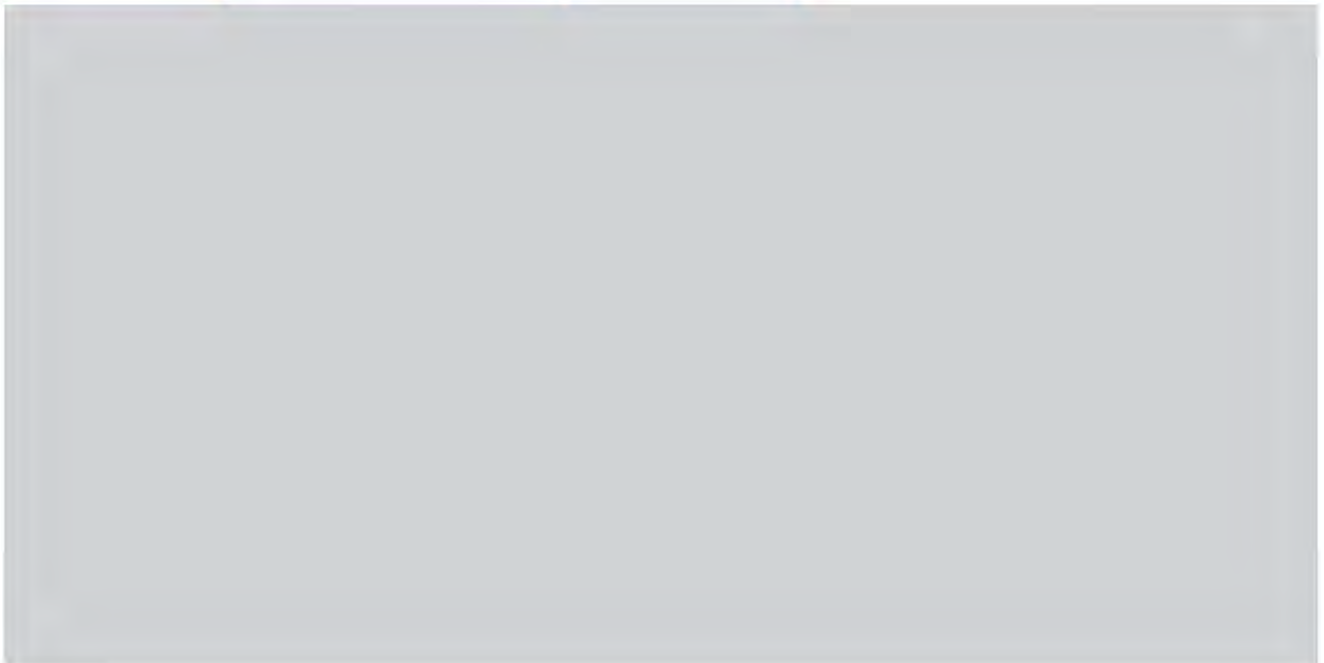


Kathryn Montgomery
Returning Officer
5 May 2017

Post-Election Report

Australian Hotels Association
Australian Capital Territory Branch

E2016/277



AEC

Australian Electoral Commission

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Election(s) Covered in this Report

Election Decision No/s: E2016/277

Rules

Rules used for the election: National Rules - [024n: Incorporates alterations certified on 26/08/2016 in matter R2016/146]

ACT Rules - [024N-ACT: Incorporates alterations of 13/6/2014 in matter R2014/150]

Rules difficult to apply/interpret: None
Module Rule reference (if any) N/A

Roll of Voters

As there were no contested offices, no Roll of Voters was required.

Irregularities

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

Other irregularities identified, and action taken: NIL

Other Matters

N/A

Attachments

- 1) Declaration of Results for Uncontested Offices - ACT Branch

A handwritten signature in black ink that reads "K. Montgomery". The signature is written in a cursive style with a large, looped 'M'.

Kathryn Montgomery
Returning Officer
5 May 2017

**Australian Hotels Association
ACT Branch**

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

Declaration of Results for Uncontested Offices

E2016/277

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

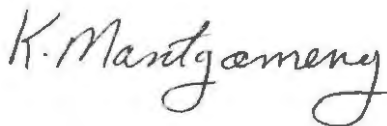
Representative to the National Accommodation Hotels Division (1)

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.

Yours sincerely



Kathryn Montgomery
Returning Officer
5 May 2017.



DECISION

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

Australian Hotels Association (E2016/277)

MR ENRIGHT

MELBOURNE, 22 DECEMBER 2016

Arrangement for conduct of election.

[1] On 21 December 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 office:

Representative to the National Accommodation Hotels Division (1)

[2] The declaration for the previous election for this office was only made on 12 October 2016. That was a direct consequence of the fact that prescribed information for that election had only been lodged with the Commission on 20 July 2016, several months later than the time by which nominations should have opened, in accordance with the rules. In my Decision in that matter¹ I declined to allow a later day for lodgement, taking into account that the Branch had also been late in lodging prescribed information in the preceding election in 2014. In my Decision for the 2014 election² I had stated that “(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.”

[3] The lodgement of prescribed information for a new election at this time is in direct response to reminder correspondence from the Commission. It also gives effect to the intention to restore the election timeframe established by the rules, even though, depending on the actual date by which the conduct of this new election is completed, the current incumbent’s term may be truncated. The over-riding consideration must be the Branch’s compliance with its own rules and its obligations under the Act and regulations.

[4] I am satisfied that an election for the above-named office is required to be held under the rules of the organisation and, under subsection 189(3) of the *Fair Work (Registered*

¹ [2016] FWCD 5029

² [2014] FWCD 3847

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, PR588923>

From: KELLETT, Stephen
Sent: Thursday, 22 December 2016 3:00 PM
To: 'gm@actaha.org.au'
Subject: Attention Ms Jo Broad - FW: Election - AHA ACT - E2016/277 - granted

Dear Ms Broad,

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

Yours faithfully

STEPHEN KELLETT
Regulatory Compliance Branch
FAIR WORK COMMISSION

80 William Street
EAST SYDNEY NSW 2011

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



E2016_277 AHA
ACT Decision.pdf

From: KELLETT, Stephen
Sent: Thursday, 22 December 2016 2:58 PM
To: 'Industrial Elections'
Subject: Election - AHA ACT - E2016/277 - granted

Dear Electoral Officer,

Please see a copy of the Delegate's Decision in relation to the above.

Yours faithfully

STEPHEN KELLETT
Regulatory Compliance Branch
FAIR WORK COMMISSION

80 William Street
EAST SYDNEY NSW 2011

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



E2016_277 AHA
ACT Decision.pdf

From: KELLETT, Stephen
Sent: Thursday, 22 December 2016 9:47 AM
To: 'Industrial Elections'
Subject: Election - Australian Hotels Assoc. ACT Branch - E2016/277 - prescr. information

Dear Electoral Officer,

Please see attached prescribed information received in relation to a scheduled election for representative to the National Accommodation Hotels Division.

Please note that the previous election for the subject office was E2016/193 declared 12 October 2016. However, election E2016/193 was requested late, since relevant rules appear to require nominations to open no later than 1 April each year. Accordingly, following consultation with FWC, and notwithstanding that this election may naturally, as a consequence, depending on the timeframe for its conduct, result in a truncation of the nominal 1 year term of the recently elected incumbent, the Branch has lodged its request for the next election early in order to re-align and comply with the cycle and time frame contemplated by the rules.

For your information, I also attach a copy of the reminder correspondence sent by the FWC to the Branch, and the Branch's reply.
I attach a copy, for your convenient reference, of the National AHA rules and the ACT Branch rules.

Please don't hesitate to contact me if you have any questions.

Yours faithfully

STEPHEN KELLETT
Regulatory Compliance Branch
FAIR WORK COMMISSION

80 William Street
EAST SYDNEY NSW 2011

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



current-rb-024nact
(ACT Branch).docx



current-rb-024n
(National AHA).docx



AHA ACT response
re election notice E20



FWC Election
reminder.pdf



AHA ACT
Notification of Electio

From: Jo Broad [<mailto:gm@actaha.org.au>]
Sent: Wednesday, 21 December 2016 2:17 PM
To: Orgs
Subject: AHA National Election - Prescribed documentation

Dear Fair Work Commission.

Please see attached the Prescribed Documentation for the 2017 AHA ACT election.

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



AHA ACT
Notification of Electio

22 December 2016

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

Via email: orga@fwc.gov.au

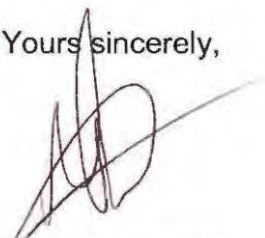
Dear Madam,

NOTIFICATION OF 2017 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

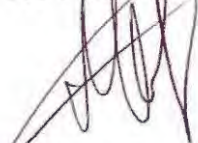
WRITTEN STATEMENT

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

A handwritten signature in black ink, appearing to read 'Michael Capezio', is written over the printed name and title.

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)]

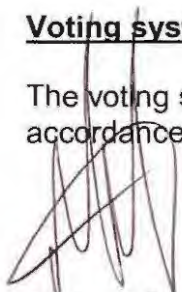
It is proposed that nominations for the election will open on 9/03/17 and close on 23/3/17, providing the minimum 14 days as required by AHA National Rule 16.

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).



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.

From: Jo Broad [mailto:gm@actaha.org.au]
Sent: Thursday, 22 December 2016 9:22 AM
To: KELLETT, Stephen
Subject: FW: Conduct of Election - Courtesy letter

Dear Stephen,

Please see below and attached correspondence to Sam Gallichio.

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



From: Jo Broad [mailto:gm@actaha.org.au]
Sent: Wednesday, 21 December 2016 2:15 PM
To: 'Sam.Gallichio@fwc.gov.au' <Sam.Gallichio@fwc.gov.au>
Subject: RE: Conduct of Election - Courtesy letter

Dear Sam,

Please see attached a response to your letter. As mentioned, I will provide the relevant paper work through orgs@fwc.gov.au

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 December 2016

Mr Sam Gallichio
Adviser
Fair Work Commission (FWC)
Via Email: Sam.Gallichio@fwc.gov.au

Dear Mr Gallichio,

Re: Courtesy Letter – Election for offices [E2016/277]

Thank you for the reminder for the above-mentioned election.

With regards to Delegate to National Accommodation Hotels Division – Australian Hotels ACT Division, will provide prescribed information to *Fair Work* by 31 December 2016.

Regarding the Delegate to National Board, there is no need for an election in 2017 because Michael Capezio was elected as President to the ACT Branch, on 26 October 2016 [E2016/193] for a two-year term, under ACT Branch Rule 15-2(D). As outlined in National Australian Hotels Association Rule 11(aa)(D), Branch Presidents are, ex officio, i.e. automatically elected as, Delegate to the National Board. Although generally National rule 11 implies a one year term for the office of Delegate to National Board, the two-year term applying to Branch offices in the ACT Branch, in this case specifically to the Branch President, by force of ACT Branch rules 13 and 15, means that the Delegate to National Board from the ACT Branch is effectively for a two year term as well. As the ACT Branch is only allocated one seat on the National Board [as per National rule 11(aa)(CA)], it is my understanding the next election for the position of Delegate to the National Board will be simultaneous with the next election of the Branch President in March 2018.

I have consulted with Stephen Kellett, from FWC, and he confirmed that this was his interpretation of the Rules and the election schedule.

Yours sincerely,



Jo Broad
AHA ACT General Manager



1 December 2016

Ms Jo Broad
General Manager
Australian Hotels Association-Australian Capital Territory Branch

Sent via email: actaha@actaha.org.au

CC: AEC Returning Officer by email: industrial.elections@aec.gov.au

Dear Ms Broad,

Courtesy Letter - Election for offices [E2016/277]

The rules of the Australian Hotels Association-Australian Capital Territory Branch indicate that an election for offices within the branch is due to commence shortly.

- Delegate to National Accommodation Hotels Division
- Delegates to National Board

It appears that nominations for the election for the above-named offices open in March next year.

This is a courtesy letter to remind you of your obligation to lodge information about the election (known as the 'prescribed information') pursuant to sub-sections 189(1) and (2) of the *Fair Work (Registered Organisations) Act 2009* (the 'Act') within the month. Prescribed information must be lodged with the Fair Work Commission (the Commission) two months before nominations open for the election.

If you have a different interpretation for the commencement of the election or the offices due for election under your rules, please let the Commission 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 any subsequent collegiate elections, if that is relevant. A sample of the prescribed information can be found on our website at <https://www.fwc.gov.au/registered-organisations/fact-sheets-templates-webinars>.

The prescribed information should be emailed to orgs@fwc.gov.au. If your branch believes 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 within the month for a later date. Such request will need to set out in detail the reason why your organisation 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 for an organisation to comply may result in legal proceedings being issued with the possibility of a pecuniary penalty being imposed upon an officer and/or the organisation.

The Commission intends to continue to provide reminders that an election is due as a courtesy. However failure to receive a reminder from the Commission cannot be relied on as a reason for late, incorrect or non-lodgment of prescribed information. The obligation to lodge prescribed information consistent with the Act and the rules of the organisation rests with the organisation.

When lodging the prescribed information, please quote [E2016/277]

Should you seek any clarification in relation to the above, please contact the Commission on orgs@fwc.gov.au.

Yours sincerely,



Sam Gallichio
Adviser
Regulatory Compliance Branch