

Australian Hotels Association
(E2004/173)

T NASSIOS
DEPUTY INDUSTRIAL REGISTRAR

MELBOURNE, 19 APRIL 2004

Arrangement for conduct of election.

DECISION

[1] On 8 and 16 April 2004, the New South Wales Branch of the abovenamed organisation lodged in the Industrial Registry the prescribed information in relation to elections for the following offices;

Five (5) Delegates to the National Board representing the New South Wales Branch

Two (2) Representatives of the New South Wales Accommodation Hotels Division to the National Accommodation Hotels Division

[2] I am satisfied that elections for the abovenamed offices are required to be held under the rules of the organisation and, under subsection 189(3) of Schedule 1B of the Workplace Relations Act 1996, I am making arrangements for the conduct of the elections by the Australian Electoral Commission.



YOUR REF: PJP:40414

OUR REF:

CONTACT: Peter Punch

PARTNER:

Direct Line: 9291 7177
Email: ppunch@codea.com.au

**CARROLL
& O'DEA**
LAWYERS

5 April 2004

E2004/173

Mr Ian Stewart
Statutory Services Branch
Australian Industrial Registry
GPO Box 1994S
MELBOURNE VIC 3001

Dear Mr Stewart

**AUSTRALIAN HOTELS ASSOCIATION - NEW SOUTH WALES BRANCH –
NATIONAL ACCOMMODATION HOTELS DIVISION AND DELEGATES TO
NATIONAL BOARD**

We confirm we act for the Australian Hotels Association NSW Branch.

The Committee of Management of the Branch hereby makes application as follows:-

1. Election of two (2) representatives of the Branch to the Accommodation Hotels Division of the National Organisation;
2. Election of delegates from the Branch to the National Board of the Organisation.

The relevant prescribed Forms in accordance with the requirements of Schedule 1B of the Workplace Relations Act 1996 (Cth) and Regulations 138 made pursuant to that Act are **enclosed**, executed by the authorised Officer.

In relation to the Application herein for the conduct of an election for delegates from the NSW Branch to the National Board, we ask you to note that:-

- (i) The Branch makes application for the election to be conducted through the Registry, irrespective of whether such election is required by the Act, and the Branch awaits the Ruling of the Registry in due course as to the status of the election to be undertaken;
- (ii) For the purposes Rule 11 of the Rules of the National Organisation, the registered Rules of the NSW Branch prescribe that the Committee Management of the Branch is

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Mr Ian Stewart
Statutory Services Branch
Australian Industrial Registry

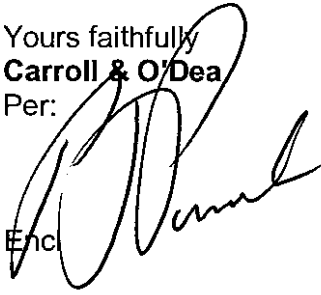
2

its Executive Committee – see Rule 3.4 of the Rule of the Branch.

If you should have further requirements, would you please contact our Mr Punch.

Yours faithfully
Carroll & O'Dea
Per:

Encl

A handwritten signature in black ink, appearing to read 'Mr Punch', written over the 'Per:' label.

Workplace Relations Act 1996 (Cth)

Schedule 1B

Section 189(1); Regulation 138

Prescribed Information

**Election in Australian Hotels Association, New South Wales Branch –
Representative to the National Accommodation Hotels Division for 2004**

- (a) Name of each office for which election is required:

Representative of the Australian Hotels Association, NSW Branch to the National Accommodation Hotels Division of the National Organisation.

- (b) Reasons for election:

Election is required to be conducted annually (see Rule 42 of the Rules of the Australian Hotels Association).

The term of each current office will expire in the normal course.

- (c) The number of offices to be filled:

Two(2)

- (d) The name of the branch to which the election relates:

The Australian Hotels Association, New South Wales Branch

- (e) Date and time of commencement and expiration of period for calling of nominations:

See Rule 42 (c) and Rule 16 of the Rules of the Australian Hotels Association.

- (f) The day provided in the Rules of the Organisation as the day on which the roll of voters is to close:

Not expressly provided for, but see Rule 16 (a) as to the calling of nominations

(g) Method of election

Direct voting system

Secret postal ballot

The information referred to in this statement is lodged in accordance with Section 214(1) of the Act.

I am an officer of the Branch authorised to make this statement.


.....

Bruce Woods
Secretary/Treasurer

Workplace Relations Act 1996 (Cth),

Schedule 1B

Section 189(1); Regulation 138

Prescribed Information

**Election in Australian Hotels Association, New South Wales Branch –
Delegates to National Board for 2004**

- (a) Name of each office for which election is required:

Delegates of the Australian Hotels Association, NSW Branch, to the National Board of the National Organisation.

- (b) Reasons for election:

Election is required to be conducted annually (see Rule 11 of the Rules of the Australian Hotels Association).

The term of each current office is due to expire, in the normal course of events, by the end of October 2004.

- (c) The number of offices to be filled:

Seven (7)

- (d) The name of the branch to which the election relates:

The Australian Hotels Association, New South Wales Branch

- (e) Date and time of commencement and expiration of period for calling of nominations:

See Rule 11(e) of the Rules of the Australian Hotels Association – at least 14 days prior to the first day of April.

- (f) The day provided for in the Rules of the Organisation as the day on which the roll of voters is to be closed:

Not expressly provided for, but see Rule 11(e) as to the date for calling nominations.

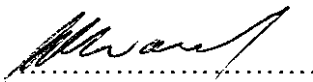
(g) Method of election:

Collegiate voting system

Secret postal ballot

The information referred to in this statement is lodged in accordance with Section 189(1) of Schedule 1B to the Act.

I am an officer of the Branch authorised to make this statement.

A handwritten signature in black ink, appearing to read 'Bruce Woods', is written over a horizontal dotted line.

Bruce Woods

Secretary/Treasurer

From: PFEIFFER, Robert
Sent: Thursday, 15 April 2004 11:05 AM
To: 'Peter Punch'
Subject: RE: APPLICATION FOR ELECTIONS IN AHA - NATIONAL BOARD DELEGATES NSW
Dear Peter,

Thank you for your advise. However, I do require further assistance in this matter. Rule 11(a) of the National rules provides that where Branches having more than 1,400 and up to 1,900 licensed hotels (members) in their area, those Branches are entitled to six (6) delegates.

According to Mr Wood's election notification, seven (7) delegates to the National Board representing the NSW Branch was requested. Given the National rules further provide that:

"In the case of a Branch which is eligible for more than one delegate to the National Board, the President and Senior Vice-President shall serve ex officio as members of the Branch delegation as elected in accordance with this Rule. The number of branch delegates shall be reduced accordingly."

a total figure of either six (6) delegates, or four (4) delegates taking into account the President and Senior Vice President serving exofficio, would seem the more appropriate figures in this regard.

Unless the Branch can provide further details as to why it believes it is entitled to seven (7) delegates, the Registrar's decision will show a figure of four (4) delegates with reasons based on membership figures. Alternatively, the Branch can provide further advise in relation to the appropriate figure, which may be either six (6) or four (4) delegates.

Regards,

Robert Pfeiffer
Statutory Services Branch

-----Original Message-----

From: Peter Punch [mailto:Peter_Punch@codea.com.au]
Sent: Thursday, 15 April 2004 8:57 AM
To: robert.pfeiffer@air.gov.au
Subject: APPLICATION FOR ELECTIONS IN AHA - NATIONAL BOARD DELEGATES NSW

Dear Robert

I refer to your recent telephone message to my office and to your telephone conversation with Andrew Vlachos at the AHA.

I am instructed to advise you that the total number of financial members of the NSW Branch as at 31 December 2003 was 1688.

I trust this information satisfies your enquiries. If you need any further assistance, please let me know.

Peter

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PFEIFFER, Robert

From: Peter Punch [Peter_Punch@codea.com.au]
Sent: Friday, 16 April 2004 9:54 AM
To: robert.pfeiffer@air.gov.au
Subject: APPLICATION FOR ELECTION - NATIONAL BOARD DELEGATES FROM NSW

Dear Robert,

Further to our email communications of yesterday I advise that I have obtained further instructions from the AHA and can clarify the position.

While there are 1688 financial members of the Branch those members together own a total of 2050 licensed hotels. I have a letter from the Branch that confirms that fact.

(This situation arises out of the fact that one person or legal entity that is a member can hold more than one hotel license.)

I now refer to Clause 11(c) of the National Rules of the AHA. The formula for determining delegates is based on the number of LICENSED HOTELS in a Branch, not its financial membership.

I note your email to me of yesterday assumes that the reference to "licensed hotels" in the Sub Rule is a reference to members, but I am instructed that this has never been the interpretation applied by the Branches themselves. And the Eligibility Rule for membership (Rule 5) is not dependant on a member being a licensed hotel, but rather that it employ persons in a licensed establishment. The Rules also contemplate that a member may have multiple entitlement to vote dependant on the number of hotels it operates - see for example Rule 6(a).

I hope that this clarifies the situation for you.

On the basis that the Branch has 2050 licensed hotels among its members, its entitlement would be in total seven delegates.

Thanks

Peter

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