

Workplace Relations Act 1996
s.189 of Schedule 1 - arrangement for conduct of an election

Australian Hotels Association
(E2006/121)

T.NASSIOS
ACTING INDUSTRIAL REGISTRAR

MELBOURNE, 16 MAY 2006

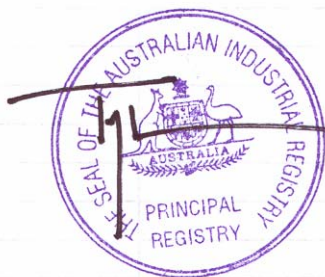
Arrangement for conduct of election.

DECISION

[1] On 28 April 2006, the New South Wales Branch of the abovenamed organisation lodged in the Industrial Registry the prescribed information in relation to an election to fill a casual vacancy, for the remainder of the term of office, in the following office;

Delegate to State Council representing the Snowy Mountains Sub-Branch

[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 Schedule 1 of the Workplace Relations Act 1996, I am making arrangements for the conduct of the elections by the Australian Electoral Commission.



YOUR REF:

OUR REF: PJP:51238

CONTACT:

PARTNER: Peter Punch

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

CARROLL & O'DEA LAWYERS

28 April 2006

Mr Robert Pfeiffer
Statutory Services Branch
Australian Industrial Registry
GPO Box 1994S
MELBOURNE VIC 3001

By Email robert.pfeiffer@air.gov.au

Dear Robert

**AUSTRALIAN HOTELS ASSOCIATION NEW SOUTH WALES BRANCH --
APPLICATION FOR ELECTION TO FILL VACANCY IN THE OFFICE OF
DELEGATE TO BRANCH COUNCIL FROM SNOWY MOUNTAINS SUB
BRANCH**

Recently elections for officers of the above mentioned Branch were completed by Mr Rhys Richards of the Australian Electoral Commission pursuant to the decision of Deputy Industrial Registrar T Nassios in Matter E2005/153 Print PR 981740.

In the course of those elections a vacancy was identified in the position of delegate to the Branch Council from the Snowy Mountains Sub Branch, because of the Returning Officer's decision as to the ineligibility of the only candidate in that Sub Branch (Mr Nick Elliott) to hold office.

Forwarded herewith is a faxed copy of a Prescribed Information Form signed by the Secretary/Treasurer of the Branch in respect of the holding of an election within that Sub Branch to fill the vacancy.

The original of this Form will be forwarded to you upon receipt

Yours faithfully
Carroll & O'Dea
Per:

Encl

E-MAILED
28/4/06

Address

Level 18, St James Centre
111 Elizabeth Street
Sydney NSW 2000 Australia

Postal Address

GPO Box 7105
Sydney NSW 2001

Document Exchange

DX 183 SYDNEY

Telephone

02 9291 7100

Fax

02 9221 1117

Website

www.codea.com.au

Branch Offices

Canberra
Parramatta
Wollongong

Partners

S.A. CARROLL, A.M., LL.B.
A.J. BAINE, LL.B.
R.P. HIGGINS, B.A., LL.M.
H.G. HARRISON, B.E.C., LL.M.
P.J. PUNCH, B.A., LL.M.
P.A. CARROLL, B.A., LL.B.
D.B. FARAH, B.A., LL.B.
G.M. PHILLIPS, LL.M.
ADRIAN O'DEA, B.E.C., LL.B.
MATTHRI PANAGODA, LL.M.
TIMOTHY CONCANNON, B.A., LL.B.
HANAN INDARI, B.A., LL.B.

Associates

PHILIPPA O'DEA, B.A., LL.B.
JANINE SMITH, B.A., LL.B.
EMILY KATHEKLAKIS, B.COMM., LL.B.
TONY MANNAH, B.A., LL.B.
MICHAEL SELINGER, B.A., LL.B.
BELINDA FISHER, DIP. LAW.
JOHN RODNEY, LL.B.
PAUL OHM, B.A., LL.B.
HELEN-ANNE MACALISTER, B.A., LL.B.
SALLY GLEESON, B.A., LL.B.
JAMES GOVAN, B.A.(Hons), DIP LAW S.A.B.
TANIA SULAN, B.A., LL.B.

Consultants

MICHAEL O'DEA, A.M., B.A., LL.M.
M. CONCANNON, LL.M.
MICK SHEILS



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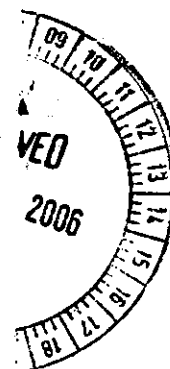
PERTH

Liability limited by a
scheme approved under the
Professional Standards Legislation

Workplace Relations Act 1996 (Cth)

Schedule 1B

Section 189(1); Regulation 138



Prescribed Information

**Election in Australian Hotels Association - New South Wales Division –
Delegate to Branch Council from Snowy Mountains Sub Branch**

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

Delegate to the Council of the New South Wales Branch of the
Australian Hotels Association representing the Snowy Mountains
Sub Branch

(b) Reason for election:

- Between September and November 2005, an election for the office of delegate to the said Council for the Snowy Mountains Sub Branch for the two year term of office commencing in February 2006 was conducted by Mr Rhys Richards of the Australian Electoral Commission (concurrently with elections for equivalent offices for other Sub Branches of the Branch) pursuant to a decision of Deputy Industrial Registrar T Nassios in Matter E2005/153 (Print PR 961740).
- On 25 November 2005 Mr Richards declared Mr Nick Elliott to be elected as the delegate from the Snowy Mountains Sub Branch to the Council of the New South Wales Branch in respect of the two year period of office commencing in February 2006. . However it emerged subsequent to the declaration of the election that Mr Elliott had had his appointment as the representative of a member, Coffey's Hotel, revoked by it on 24 November 2005.
- Shortly prior to Mr Richards conducting elections for the Executive Committee of the Branch he ruled that, to avoid any irregularities in those elections, he would treat Mr Elliott as being ineligible to vote or stand for election for any office on the Executive Committee.
- Rule 6(k) of the Rules of the Branch was regarded by Mr Richards as having the effect that Mr Elliott ceased to be eligible to be a member of the Council once his appointment as the

representative of the member was revoked. Reference is also made to Rule 33.1(c).

- Mr Elliott did not challenge the Returning Officer's ruling and has subsequently desisted from undertaking any of the duties or functions of a delegate to the Council.
- As the vacancy in the office of delegate to the Council from the Sub Branch has occurred at a time when the unexpired part of the term of office exceeds 18 months, the vacancy in that office is required to be filled by an election within the Sub Branch pursuant to Rule 20.11.2.
- If it was considered that the effect of what has occurred is that the Sub Branch office was never filled, the Branch would still seek that the vacancy be filled by way of an election in the Sub Branch, rather than by reference to Rule 20.10.

(c) The number of offices to be filled:

One (1)

(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:

- For Delegates to Council: calling prior to 15 October 2005, and closing 21 days after calling (see Rules 30.1 (a) & (b))
- In the current circumstances the date for the commencement and expiration of the period for the calling of nominations will need to be fixed by the Returning Officer.

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

Seven (7) days before the day upon which nominations for the election open – see Rule 30.1(h).

(g) Method of election

Direct voting system.

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

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

A handwritten signature in cursive script, appearing to read 'C Waller', written over a dotted line.

Colin Waller

Secretary/Treasurer