

**Australian Hotels Association
AHA NSW Delegates to National Board 2010**

DECLARATION OF RESULTS FOR UNCONTESTED OFFICES

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.

E2010/E2536

Branch Committee of Management

Delegates to National Board (6)

Candidates

DE WITH, Rolly
DIROU, Paul
GURR, Patrick
HUMPHREYS, Lynette
WALLER, Colin
WEBSTER, Phillip

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

HUGH WILLIAMS
Returning Officer
30 April 2010

Fair Work (Registered Organisations) Act 2009

POST ELECTION REPORT

Client: Australian Hotels Association - NSW Branch

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AIR contact officer: Mark Elliott

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ELECTIONS COVERED IN THIS REPORT

Election Decision No/s: E2010/2536

RULES

Rules used for elections Rule ID: [024N: - incorporates alterations of 28/01/2009] &
[024-NSW : - incorporates alterations of 28/08/2009]

Rules difficult to apply/interpret: N/A

Model Rule reference (if any):

ROLL OF VOTERS

As there were no contested offices, no roll of voters was required.

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 Contested & Uncontested Offices – AHA NSW Delegates to National Board 2010

Hugh Williams
Returning Officer
3 May 2010



DECISION

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

Australian Hotels Association-New South Wales Branch
(E2010/2536)

T. NASSIOS

MELBOURNE, 15 MARCH 2010

Arrangement for conduct of election.

[1] On 5 March 2010 the Australian Hotels Association-New South Wales Branch lodged with Fair Work Australia the prescribed information in relation to an election for the following offices:

National Board Delegates (6)

[2] 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
FAIR WORK AUSTRALIA

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Fair Work (Registered Organisations) Act 2009 (Cth)

Section 189 (1);

Fair Work (Registered Organisations) Regulations 2009

Regulation 138;

Prescribed Information

**Election in Australian Hotels Association, New South Wales Branch –
Delegates to National Board for 2010**

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

- Delegates of the Australian Hotels Association, New South Wales Branch, to the National Board of the National Organisation.

(b) Reasons for election:

- Election is required to be conducted annually (see Rule 11 (aa) (B) of the Rules of the Australian Hotels Association;
- The term of each current office is due to expire in the normal course, in the normal course of events at the Annual meeting of the Board in 2010 (date yet to be fixed).

(c) The number of offices to be filled:

- Seven (7);
- Note: One of these offices is filled by the President of the Branch ex officio – see Rule 11 (aa) (D).

(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 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 11 (e).

(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 the Act.

I am an officer of the Branch authorised to make this statement pursuant to Rule 28.8.

 5/3/2010
COLIN WALLER
Secretary/Treasurer



FAIR WORK
AUSTRALIA

16 March 2010

Phillip Ryan
Director, Legal and Industrial Affairs
Australian Hotels Association (NSW)
Level 5, Prince Centre
8 Quay Street
Sydney NSW 2000
By email: Phillip.Ryan@ahansw.com.au

Re: Prescribed Information regarding the scheduled elections for the Australian Hotels Association, New South Wales Branch (E2010/2536 and E2010/2537)

Dear Mr Ryan

I acknowledge receipt of the prescribed information (PI) regarding the 2010 elections for the New South Branch delegates to the National Board of the Australian Hotels Association and for the New South Wales Branch representatives to the National Accommodation Hotels Division. The documents were lodged with Fair Work Australia on 5 March 2010 and a decision issued and forwarded to the AEC on 15 March 2010. Please find attached a copy of the decision.

As discussed earlier today, I write to emphasize the timeline requirements for the lodgment of PIs. [Section 189\(2\)](#) of the *Fair Work (Registered Organisations) Act 2009* (the RO Act) requires the lodgement before the prescribed day (or such later day as the General Manager allows). [Regulation 138\(3\)](#) defines the prescribed day as the day occurring two months before the first day when a person may become a candidate in the election. I note that rule 11(e) of the AHA national rules state that nominations for delegates to National Board open at least 14 days before the 1 April in each year. According to my calculations this means the PI for delegates to National Board must be lodged with FWA no later than 17 January in each year. I note that this office has advised the Branch previously of this requirement. In future years please ensure that lodgment occurs at least 2 months prior to the first day when a person may become a candidate in the election.

Also further to our conversation today, I write to offer the following comments for your consideration. If you have any queries I can be contacted on 03 8661 7929 on or after 22 March 2010.

1. Electorate for delegates to National Board and for representatives to National Accommodation Hotels Division

Regulation 138(1)(d) requires the PI to disclose the electorate for an election comprised only of members of a branch, section or other division. Rules 11(f) and (g) of the national rules provide that delegates to National Board are elected by and from the Branch Committee. Rule 42(c) of the national rules provide that the electorate for representatives to National Accommodation Hotels Division is the members of the branch's Accommodation Hotels Division. Please ensure the electorates are specified in future PIs.

2. Date that nominations close for delegates to National Board

Regulation 138(1)(e) requires the PI to specify the date of the beginning *and end* (my emphasis) of the period in which nominations will be called for. The PI lodged with FWA for the election to

National Board does not state the end of the period, which I understand to be from rule 11(f) of the national rules, 1 April. Please ensure this is included in future PIs.

3. Date that nominations open and close for representatives to National Accommodation Hotels Division

The PI lodged with FWA for representatives to National Accommodation Hotels Division refers to rules 42(c) and rule 16 of the national rules, which I agree are the relevant rules. However it appears that the rules do not provide for opening of nominations for these representatives. If you agree that the rules do not specify a date for the opening of nominations, then that should be stated in the PI. It is my understanding that rule 16(a) provides that nominations for these representatives close not less than 14 days and no more than 30 days after nominations open. If you agree, then this should be stated in the PI.

4. Date that the roll of voters closes for delegates to National Board

Regulation 138(1)(f) provides that the PI is to state the day on which the roll of voters is to close. The PI lodge with FWA for delegates to National Board states that the roll closes seven days before the nominations open in accordance with rule 11(e). However rule 11(e) pertains to elections with direct voting systems only. As this is a collegiate election this provision is not relevant. If you agree with this interpretation please ensure that the PI states that the rules do not provide for a date that the roll of voters is to close because it is collegiate election.

As noted above, these comments are merely offered for your consideration and that if you have any queries I can be contacted on 03 86617929 on or after 22 March 2010.

Yours sincerely



Eve Anderson
Tribunal Services and Organisations
Fair Work Australia
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