

**MOLONEY, Carolyn**

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**Subject:** FW: AHA E2013/164 [DLM=For-Official-Use-Only]  
**Attachments:** Declaration Uncontested Offices.pdf; PER.pdf

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**From:** Nicole Hoy [<mailto:Nicole.Hoy@aec.gov.au>]  
**Sent:** Wednesday, 7 August 2013 12:27 PM  
**To:** [phillip.ryan@ahansw.com.au](mailto:phillip.ryan@ahansw.com.au)  
**Cc:** [industrial.elections@fwc.gov.au](mailto:industrial.elections@fwc.gov.au); Industrial Elections  
**Subject:** AHA E2013/164 [DLM=For-Official-Use-Only]

For-Official-Use-Only

Attention: Phillip Ryan

Dear Mr Waller

**Australian Hotels Association (AHA)  
National Board Delegate  
Schedule Election E2013/164**

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 FWA 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](mailto: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.

Yours sincerely

**Ms. Nicole Hoy | Returning Officer**  
Industrial & Commercial Elections | NSW State Office  
Australian Electoral Commission  
T: (02) 9375 6301 | F: (02) 9375 6336

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**AEC**

Australian Electoral Commission

Make sure you're enrolled to vote.  
Visit [www.aec.gov.au](http://www.aec.gov.au)

**ELECTION  
2013**

**For-Official-Use-Only**

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# Australian Hotels Association

## E2013/164 - National Board Delegates

### Declaration of Results for Uncontested Offices

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.

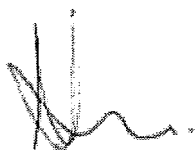
#### Branch Committee of Management

##### Delegates to National Board (7)

##### Candidates

BEDWANI, George  
DE WITH, Rolly  
HUMPHREYS, Lynette  
MALONEY, Kim  
PARRAS, Colin  
RENDALL, Andrew  
WALLER, Colin

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



Nicole Hoy  
Returning Officer  
7 August 2013

## Fair Work (Registered Organisations) Act 2009

**POST ELECTION REPORT**

**Client:** Australian Hotels Association - NSW Branch

**Contact details:** Colin Waller  
Secretary/Treasurer  
Level 15, 131 Macquarie St  
Sydney NSW 2000

**Email:** Phillip.ryan@ahansw.com.au  
**Tel:** 02 8218 1832

**FWC contact Officer:** Larry Powell  
**Email:** Industrial.elections@fwc.gov.au

**ELECTIONS COVERED IN THIS REPORT**

**Election Decision No/s:** E2013/164

**RULES**

**Rules used for elections Rule ID:** [024N: - incorporates alterations of 20/12/2011 (R2011/241)]

**Rules difficult to apply/interpret:** Nil

**Model Rule reference (if any):**

**ROLL OF VOTERS**

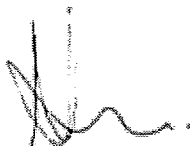
As there were no contested offices, no roll of voters was required.

**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 Uncontested Offices



Nicole Hoy  
Returning Officer  
7 August 2013



## DECISION

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

**Australian Hotels Association**  
(E2013/164)

CHRIS ENRIGHT

MELBOURNE, 28 JUNE 2013

*Arrangement for conduct of election.*

[1] On 9 April 2013 the Australian Hotels Association - New South Wales Branch lodged with the Fair Work Commission the prescribed information in relation to an election for the following offices:

National Board Delegates (in addition to Branch President) (7)

[2] The prescribed information was not lodged before the day prescribed by Regulation 138(3) of the *Fair Work (Registered Organisations) Regulations 2009*. That day is the day occurring 2 months before the first day when a person may, under the rules of the organisation or branch, become a candidate in the election. The Branch Secretary/Treasurer has stated that this was due to an administrative oversight and has requested that I allow a later day for the lodgement of the prescribed information under subsection 189(2) of the *Fair Work (Registered Organisations) Act 2009* (the Act). Having considered the reason for late lodgement, I allow lodgement on 9 April 2013 in this instance.

[3] 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 COMMISSION

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<Price code A, PR537430>



24 June 2013

The General Manager  
Fair Work Commission  
Level 4, 11 Exhibition Street  
MELBOURNE, VIC 3001

Dear Madam,

**RE: EXTENSION OF TIME FOR LODGING OF PRESCRIBED  
INFORMATION FORM TO REQUEST ELECTION OF  
DELEGATES TO THE NATIONAL BOARD OF  
AUSTRALIAN HOTELS ASSOCIATION FOR 2013.**

I refer to the following documents executed by me and lodged with  
the Commission in relation to the above matter:

- (i) Prescribed information Form dated 9 April 2013; and
- (ii) Statutory Declaration made by me on 23 May 2013.

I hereby confirm:

- a) that the application for extension of time for the lodging of the  
Prescribed Information Form referred to above and supported by  
the said Statutory Declaration is made to you, as General  
Manager; and
- b) by way of clarification, the number of delegates to the National  
Board of the Organisation for 2013 to which the Branch is entitled  
is eight (8), as specified in the Prescribed Information Form, with  
one of these to be the President of the Branch ex officio, and the  
other seven to be elected.

I hope the foregoing is sufficient for your purposes and look forward  
to your favourable consideration of the applications I make on behalf  
of the Branch.

Yours faithfully,

  
**COLIN WALLER**  
**Secretary/Treasurer**

**Commonwealth of Australia**  
**STATUTORY DECLARATION**  
***Statutory Declarations Act 1959***

I, Colin Waller of 581 Illaroo Road, Cambewarra in the State of New South Wales  
make the following declaration under the *Statutory Declarations Act 1959*:

1. I am the Secretary/Treasurer of the Australian Hotels Association, New South Wales Branch ("the Branch"), which is a branch of the Australian Hotels Association ("the AHA"), an organisation of employers registered under the *Fair Work (Registered Organisations) Act 2009* (Cth) ("the RO Act").
2. I am the Prescribed Officer under the RO Act for the purpose of the Branch applying to the General Manager of the Fair Work Commission in respect of elections that are required to be conducted within the Branch.
3. Rule 11 of the National Rules of the AHA is the most relevant Rule in relation to the subject matter of this Statutory Declaration.
4. Pursuant to Sub Rule (a) of Rule 11 of the National Rules of the AHA the National Board its Committee of Management and each of the branches of the AHA elect delegates to the National Board.
5. Also pursuant to Sub Rule (a) of Rule 11, the Branch is entitled to seven (7) delegates on the National Board for 2013, six (6) of which delegates are required to be elected by and from the Committee of Management of the Branch, with the other delegate being the President of the Branch ex officio.
6. Elections for delegates from the Branch (along with delegates from all other branches of the AHA) to the National Board are required to be conducted each year under the Rules and in that regard the relevant provisions of the National Rules are Sub-Rules (e) to (j) of Rule 11.
7. Pursuant to sub-Rule (f) of Rule 11 all nominations for election as a Branch delegate to the National Board are required to be received at the registered office of the Branch on or before the first day of April in each year or "such later time as allowed by the Returning Officer".
8. Thus for 2013, a Branch committee of management member who was qualified to stand for election as a delegate on behalf of a branch to the National Board was required to submit a valid nomination by 1 April 2013,



unless a later time for the submission of such nomination is allowed by the Returning Officer.

9. Due to an administrative oversight within the office of the Branch persons qualified to stand for the office of Branch delegate to the National Board for the Branch were not given the opportunity to have their nominations completed and submitted by 1 April 2013 because the Prescribed Information Form that the Branch was required to submit in order to allow for the appointment of the Returning Officer to conduct the election was not submitted to the General Manager of the Fair Work Commission until 9 April 2013.
10. Unless the Returning Officer grants an extension of time for the lodging of nominations pursuant to the discretion residing in the Returning Officer under sub-Rule (f) of Rule 11 the delegation on behalf of the Branch to the National Board for this year will consist only of the President ex officio. This outcome would I believe constitute a significant prejudice to the members of the Branch in terms of the number of votes, and the consequent voice they are entitled to have in the deliberations of the National Board pursuant to the formula for Branch votes prescribed by sub-Rule (a) of Rule 11.
11. I respectfully request that the Returning Officer allow an extension of time to 9 April 2013 in order that there may be time for Members of the Branch Committee of Management to submit their nominations for and to have the Branch democratically elect delegates to the National Board for this year.

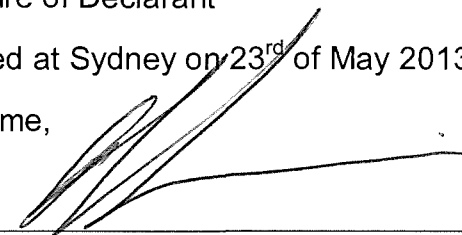
I understand that a person who intentionally makes a false statement in a statutory declaration is guilty of an offence under section 11 of the *Statutory Declarations Act 1959*, and I believe that the statements in this declaration are true in every particular.



Signature of Declarant

Declared at Sydney on 23<sup>rd</sup> of May 2013

Before me,



PHILLIP JOHN RYAN  
Justice of the Peace for New South Wales (#194184)  
Level 15, 131 Macquarie Street, Sydney NSW 2000

*Note 1* A person who intentionally makes a false statement in a statutory declaration is guilty of an offence, the punishment for which is imprisonment for a term of 4 years — see section 11 of the *Statutory Declarations Act 1959*.

*Note 2* Chapter 2 of the *Criminal Code* applies to all offences against the *Statutory Declarations Act 1959* — see section 5A of the *Statutory Declarations Act 1959*.



**A statutory declaration under the *Statutory Declarations Act 1959* may be made before—**

(1) a person who is currently licensed or registered under a law to practise in one of the following occupations:

Chiropractor	Dentist	Legal practitioner
Medical practitioner	Nurse	Optometrist
Patent attorney	Pharmacist	Physiotherapist
Psychologist	Trade marks attorney	Veterinary surgeon

(2) a person who is enrolled on the roll of the Supreme Court of a State or Territory, or the High Court of Australia, as a legal practitioner (however described); or

(3) a person who is in the following list:

Agent of the Australian Postal Corporation who is in charge of an office supplying postal services to the public  
Australian Consular Officer or Australian Diplomatic Officer (within the meaning of the *Consular Fees Act 1955*)

Bailliff

Bank officer with 5 or more continuous years of service

Building society officer with 5 or more years of continuous service

Chief executive officer of a Commonwealth court

Clerk of a court

Commissioner for Affidavits

Commissioner for Declarations

Credit union officer with 5 or more years of continuous service

Employee of the Australian Trade Commission who is:

- (a) in a country or place outside Australia; and
- (b) authorised under paragraph 3 (d) of the *Consular Fees Act 1955*; and
- (c) exercising his or her function in that place

Employee of the Commonwealth who is:

- (a) in a country or place outside Australia; and
- (b) authorised under paragraph 3 (c) of the *Consular Fees Act 1955*; and
- (c) exercising his or her function in that place

Fellow of the National Tax Accountants' Association

Finance company officer with 5 or more years of continuous service

Holder of a statutory office not specified in another item in this list

Judge of a court

Justice of the Peace

Magistrate

Marriage celebrant registered under Subdivision C of Division 1 of Part IV of the *Marriage Act 1961*

Master of a court

Member of Chartered Secretaries Australia

Member of Engineers Australia, other than at the grade of student

Member of the Association of Taxation and Management Accountants

Member of the Australasian Institute of Mining and Metallurgy

Member of the Australian Defence Force who is:

- (a) an officer; or
- (b) a non-commissioned officer within the meaning of the *Defence Force Discipline Act 1982* with 5 or more years of continuous service; or
- (c) a warrant officer within the meaning of that Act

Member of the Institute of Chartered Accountants in Australia, the Australian Society of Certified Practising Accountants or the National Institute of Accountants

Member of:

- (a) the Parliament of the Commonwealth; or
- (b) the Parliament of a State; or
- (c) a Territory legislature; or
- (d) a local government authority of a State or Territory

Minister of religion registered under Subdivision A of Division 1 of Part IV of the *Marriage Act 1961*

Notary public

Permanent employee of the Australian Postal Corporation with 5 or more years of continuous service who is employed in an office supplying postal services to the public

Permanent employee of:

- (a) the Commonwealth or a Commonwealth authority; or
- (b) a State or Territory or a State or Territory authority; or
- (c) a local government authority;

with 5 or more years of continuous service who is not specified in another item in this list

Person before whom a statutory declaration may be made under the law of the State or Territory in which the declaration is made

Police officer

Registrar, or Deputy Registrar, of a court

Senior Executive Service employee of:

- (a) the Commonwealth or a Commonwealth authority; or
- (b) a State or Territory or a State or Territory authority

Sheriff

Sheriff's officer

Teacher employed on a full-time basis at a school or tertiary education institution

**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 2013**

(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) 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 2013 (date yet to be fixed).

(c) The number of offices to be filled:

- Eight (8) (See Rule 11(aa)(A) (8) and Rule 11 (aa) (C) of the Rules of the Australian Hotels Association;
- Note: One of these offices is filled by the President of the Branch ex officio – (See Rule 11 (aa) (D) of the Rules of the Australian Hotels Association.

(d) The name of the branch, section or division to which the election relates:

- The Branch Committee of Management of the New South Wales Branch of the Australian Hotels Association.

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

- The commencement of the period for calling nominations is at least 14 days prior to the first day of April (See Rule 11 (e) of the Rules of the Australian Hotels Association);
- The expiration of the period for calling of nominations is 1 April (See Rule 11 (f) 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:

- Seven (7) days before the day upon which nominations for the election open – see Rule 11 (e).

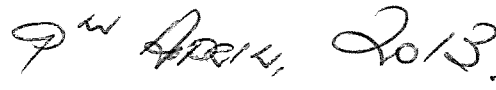
(g) Method of election

- Collegiate voting system;
- Secret postal ballot.

The information referred to in this statement is lodged in accordance with s.189 (1) of the *Fair Work (Registered Organisations) Act 2009*.

I am an officer of the Branch authorised to make this statement pursuant to Rule 28.8 of the Rules of the New South Wales Branch of the Australian Hotels Association.

  
 \_\_\_\_\_  
**COLIN WALLER**  
 Secretary/Treasurer

  
 \_\_\_\_\_  
**DATE**