

MOUVEVELIS, Michael

From: Nicole Simmons [Nicole.Simmons@aec.gov.au]
Sent: Tuesday, 19 August 2014 9:17 AM
To: Phillip Ryan
Cc: Orgs; Industrial Elections
Subject: AHA E2014/147 - Declaration [DLM=For-Official-Use-Only]

For-Official-Use-Only

Attention : Phillip Ryan

Dear Mr Waller

I refer to the above election for your organisation.

Section 197(1) of Schedule 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 Schedule 1 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 30 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) Act 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

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



PER.pdf



Contested
Declaration.pdf

For-Official-Use-Only

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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: E2014/147

RULES

Rules used for elections Rule ID: 024n: Incorporates alterations of 1/1/2014 certified on 31/12/2013

Rules difficult to apply/interpret: Nil

Model Rule reference (if any):

ROLL OF VOTERS

Total number of voters on the Roll: 12
Number of apparent workplace addresses: 12
Number of non-current addresses: 1
Other matters pertaining to the roll of voters: nil

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 Offices



Nicole Simmons
Returning Officer
18 August 2014

**Australian Hotels Association
New South Wales National Board Delegate**

Declaration of Results for Contested Offices

E2014/147

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

Total number of names on the roll of voters	12
Ballot papers issued	12
Replacement ballot papers issued	0
Total Ballot Papers Issued	12
Ballot papers / envelopes returned for scrutiny	8
Less ballot papers / envelopes rejected at preliminary scrutiny	1
Adjusting balance	0
Total Ballot Papers Admitted to Scrutiny	7
Percentage of ballot papers returned to number issued	66
Ballot papers returned as unclaimed mail	1
Ballot papers not returned	3

National Board Delegate (7)

<u>Candidates</u>	<u>Votes</u>
BEDWANI, George	2
DE WITH, Rolly	5
HUMPHREYS, Lynette	5
MALONEY, Kim Gardner	5
PARRAS, Colin M	4
RENDALL, Andrew	5
WALLER, Colin	5
WEBSTER, Phillip	4
Total votes	35
Formal ballot papers	5
Informal ballot papers	2

I declare Rolly De With, Lynette Humphreys , Kim Gardner Maloney , Colin M Parras , Andrew Rendall , Colin Waller and Phillip Webster elected.



Nicole Simmons
Returning Officer
Australian Electoral Commission

19 August 2014



DECISION

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

Australian Hotels Association
(E2014/147)

MR ENRIGHT

MELBOURNE, 3 JUNE 2014

Arrangement for conduct of election.

[1] On 23 May 2014 the New South Wales Branch of the Australian Hotels Association lodged with the Fair Work Commission the prescribed information in relation to a casual vacancy election for the following offices due to insufficient nominations for National Board Delegates in E2013/316:

National Board Delegate (7)

[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

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<Price code A, PR551274>

MOUTEVELIS, Michael

From: Orgs
Sent: Monday, 26 May 2014 10:02 AM
To: 'industrial.elections@aec.gov.au'
Subject: E2014/147
Attachments: AHA NSW Branch, s189 Prescribed Information

Dear AEC

Please find the prescribed information for an upcoming election of Australian Hotels Association-New South Wales Branch (E2014/147).

Regards

MICHAEL MOUTEVELIS
Assistant Adviser
Regulatory Compliance Branch

Fair Work Commission
Tel: (02) 8374 6614
Fax: (02) 9380 6990
Email: michael.moutevelis@fwc.gov.au

Terrace Tower, 80 William Street, East Sydney NSW 2011

www.fwc.gov.au

MOUTEVELIS, Michael

From: Phillip Ryan [Phillip.Ryan@ahansw.com.au]
Sent: Friday, 23 May 2014 3:41 PM
To: Orgs
Subject: AHA NSW Branch, s189 Prescribed Information
Attachments: 140523 Letter to FWC (s189 PI).pdf

Dear Sir/Madam,

We hereby attach correspondence concerning E2013/316.

Yours faithfully,

Phillip Ryan
Director, Legal and Industrial Affairs

p: 02 8218 1855
d: 02 8218 1832
m: 0418 602 989
f: 02 9281 1857

Level 15, Hudson House
131 Macquarie Street,
Sydney NSW 2000



Phillip.Ryan@ahansw.com.au
ahansw.com.au
Incorporating TAA NSW

A dark banner with white text. On the left is the AHA NSW logo. To the right, under the heading 'OUR MEMBERS', are several statistics: 'EMPLOY 100,000 PEOPLE • SPONSOR 75,000 LIVE MUSIC ACTS ANNUALLY • PRODUCE MORE THAN 2.5 MILLION MEALS WEEKLY • SUPPORT 40,000 COMMUNITY, CHARITY AND SPORTING GROUPS • DONATE \$25 MILLION DIRECTLY TO CHARITY ANNUALLY • CONSIST OF 2100 VENUES FROM THE SMALL COUNTRY PUB TO THE 5-STAR INTERNATIONAL HOTEL'. At the bottom right, it says 'SINCE 1873'.

OUR MEMBERS

**AHA
NSW**

EMPLOY 100,000 PEOPLE • SPONSOR 75,000 LIVE MUSIC ACTS ANNUALLY
• PRODUCE MORE THAN 2.5 MILLION MEALS WEEKLY • SUPPORT 40,000
COMMUNITY, CHARITY AND SPORTING GROUPS • DONATE \$25 MILLION
DIRECTLY TO CHARITY ANNUALLY • CONSIST OF 2100 VENUES FROM THE
SMALL COUNTRY PUB TO THE 5-STAR INTERNATIONAL HOTEL

SINCE 1873

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23 May 2014

Ms. Bernadette O'Neill
General Manager
Fair Work Australia
Level 4, 11 Exhibition Street
MELBOURNE VIC 3001

Dear Ms. O'Neill,

**Re: Election of AHA NSW Branch Delegates to AHA National Board
(E2013/316)**

We refer to the above election and the attached declaration of results. As can be seen from the attached declaration, no nominations were received by the cut-off time for close of nominations for this election.

While there is no specific provision in the relevant rules that deals with this situation, it is apparent that an ordinary election is required.

Accordingly, we have enclosed a revised s189 Prescribed Information Document and request that the conduct of a further election be arranged.

We thank you for your consideration of this request.

Yours faithfully,


JOHN WHELAN
Acting Chief Executive Officer

Encl.

Australian Hotels Association New South Wales Branch

Declaration of Results for Uncontested Offices

E2013/316

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.

National Board Delegates (7)

Candidates

No nominations were received

NSW Accommodation Hotels Division

Representatives to National Accommodation Hotels Division (2)

Candidates

BEDWANI, George
GREENWAY, Nigel

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



Nicole Simmons
Returning Officer

8 May 2014



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 2014**

(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 2014 (date yet to be fixed);
- No nominations received in E2013/316.

(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:

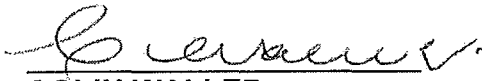
- Seven (7) days before the day upon which nominations for the election open – see Rule 11 (e).


(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