

**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:** E2014/76**RULES****Rules used for elections Rule ID:** [024N-NSW: Incorporates alterations of 28/8/2009]  
(replaces 28/6/2004 version)**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 OfficesNicole Simmons  
Returning Officer  
11 July 2014

# Australian Hotels Association East Central Sub-Branch

## Declaration of Results for Uncontested Offices

E2014/76

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.

### East Central Sub-Branch

#### Delegate to Council

##### Candidates

No nomination was received

As the number of nominations accepted did not exceed the number of positions to be filled, I declare no candidate elected.



Nicole Simmons  
Returning Officer

11 July 2014



## Copy of Signed Decision

**Title of Matter:** Application/Notification by Australian Hotels Association-New South Wales Branch  
**Section:** s.189(1) RO Act - Notification of elections for office - Casual vacancy or insufficient nominations  
**Subject:** Casual vacancy election for Delegate to Council from the East Central Sub-branch of the NSW Branch  
**Matter Number(s):** E2014/76

Dear Australian Electoral Commissioner via the Electoral Officer

Under subsection 189 of the *Fair Work (Registered Organisations) Act 2009*, please arrange for the conduct of the above election.

A copy of the Delegate's decision is attached for your information.

The relevant rules can be accessed via the [website](#).

**Contact:** Mr Colin Waller of the organisation, as per the prescribed information.

Please send the declaration(s) and post election report to the Fair Work Commission at [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au).

**Inquiries:**

Any inquiries relating to this matter are to be directed to Carolyn Moloney through [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au).

**20 MAY 2014**



## DECISION

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

**Australian Hotels Association**  
(E2014/76)

MR ENRIGHT

MELBOURNE, 20 MAY 2014

*Arrangement for conduct of election.*

[1] On 21 February 2014 the New South Wales Branch of the Australian Hotels Association (the Branch) lodged with the Fair Work Commission (the Commission) the prescribed information in relation to a casual vacancy election.

[2] On 3 March and 4 April 2014 respectively, the Commission wrote to the Branch to request a copy of a form of documentation to evidence the reason for the occurrence of the casual vacancy.

[3] On 29 April 2014 the Branch lodged the requested documentation, which evidenced the cessation of membership of the former office holder, due to a change of employer of labour. The information was lodged in relation to an election, for the remainder of the term, for the following office:

General Division

Delegate to Council from the  
East Central sub-branch

(1)

[4] 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 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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## **MOLONEY, Carolyn**

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**From:** MOLONEY, Carolyn  
**Sent:** Thursday, 1 May 2014 11:56 AM  
**To:** 'Industrial Elections'  
**Subject:** E2014/76  
**Attachments:** FW: E2014/76 NSW Branch of the AHA ; 024N\_AHA NSW\_R2009\_10030\_24082009.pdf

Dear AEC

Please find attached further prescribed information, and a copy of the current rulebook, for the Australian Hotels Association - NSW Branch, in relation to an election in E2014/76.

Kind regards,

**CAROLYN MOLONEY**  
Assistant Adviser  
Regulatory Compliance Branch

**Fair Work Commission**  
Tel: 02 8374 6510  
Fax: 02 9380 6990  
[carolyn.moloney@fwc.gov.au](mailto:carolyn.moloney@fwc.gov.au)

Level 10, Terrace Tower, 80 William Street  
East Sydney NSW 2011

[www.fwc.gov.au](http://www.fwc.gov.au)

**MOLONEY, Carolyn**

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**Subject:** FW: E2014/76 NSW Branch of the AHA  
**Attachments:** img-428150827-0001.pdf

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**From:** Phillip Ryan [REDACTED]  
**Sent:** Tuesday, 29 April 2014 7:51 AM  
**To:** Orgs  
**Subject:** E2014/76 NSW Branch of the AHA

Dear Ms Moloney,

I refer to your correspondence dated 4 April 2014.

I confirm that the NSW Branch of the AHA intends to proceed with the election and hereby attaches the relevant information requested.

The information confirms that the licensed premises were transferred to a new employer of labour, Macquarie Hotel Pty Ltd in January 2014.

Pursuant to rule 6 (k) of the Rules of the NSW Branch of the AHA, a casual vacancy is created and required to be filled in accordance with the Rules.

I apologise for the delay in providing this information, however, you will note that confirmation of the new employer of labour was only provided today.

Yours faithfully,

**AHA**  
**NSW**

Phillip Ryan  
Director, Legal and Industrial Affairs

[REDACTED]  
[REDACTED]  
[REDACTED] | Level 15, Hudson House  
131 Macquarie Street,  
Sydney NSW 2000

[REDACTED]  
*Incorporating TAA NSW*

**OUR MEMBERS**

**AHA**  
**NSW**

EMPLOY 190,000 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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4 April 2014

Mr Colin Waller  
NSW Branch Secretary/Treasurer  
Australian Hotels Association  
Level 15, 131 Macquarie Street  
SYDNEY NSW 2000

Dear Mr Waller

**Arrangements for the conduct of an election (E2014/76)**

I refer to my previous correspondence of 3 March 2014 regarding the prescribed information dated 20 February 2014 for a casual vacancy election for the NSW Branch of the Australian Hotels Association. The prescribed information was lodged with the Fair Work Commission on 21 February 2014 and it related to the office of a Delegate to Council from the East Central sub-branch of the NSW Branch.

In my previous correspondence of 3 March 2014 I requested a copy of a resignation letter, or other documentation which makes clear the reason for the casual vacancy occurring. This is required in order for the Delegate of the General Manager of the Fair Work Commission to approve the election, and for the election to proceed.

Could you please advise the Commission as soon as possible about whether or not you intend to proceed with this election. If so, could you provide the requested information as soon as practicable.

If you wish to discuss this matter, please don't hesitate to contact me on the details below.

Yours sincerely

Carolyn Moloney  
Assistant Adviser,  
Regulatory Compliance Branch, NSW  
Fair Work Commission



3 March 2014

Mr Colin Waller  
NSW Branch Secretary/Treasurer  
Australian Hotels Association  
Level 15, 131 Macquarie Street  
SYDNEY NSW 2000

Dear Mr Waller

**Arrangements for the conduct of an election (E2014/76)**

I refer to the prescribed information dated 20 February 2014 which was lodged with the Fair Work Commission on 21 February 2014 for a casual vacancy election to fill the office of a Delegate to Council from the East Central sub-branch of the NSW Branch of the Australian Hotels Association.

In order for the Delegate of the General Manager to be satisfied that the election should be granted, could you please provide a copy of a resignation letter, or other documentation which makes clear the reason for the casual vacancy occurring.

On receipt of such documentation the matter will be forwarded to the Delegate of the General Manager for a decision to be issued.

Yours sincerely

Carolyn Moloney  
Assistant Adviser,  
Regulatory Compliance Branch, NSW  
Fair Work Commission

## **MOLONEY, Carolyn**

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**From:** MOLONEY, Carolyn  
**Sent:** Friday, 21 February 2014 2:41 PM  
**To:** 'industrial.elections@aec.gov.au'  
**Subject:** E2014/76  
**Attachments:** FW: Prescribed Information; 024N\_AHA NSW\_R2009\_10030\_24082009.pdf; 024\_AHA National\_R2013\_91\_01012014.pdf

Dear AEC

Please find attached prescribed information and the current rulebooks (NSW Branch and National) for the upcoming Casual Vacancy election of the NSW Branch of the Australian Hotels Association (AHA) in matter E2014/76.

Kind regards,

**CAROLYN MOLONEY**  
Assistant Adviser  
Regulatory Compliance Branch

**Fair Work Commission**  
Tel: 02 8374 6510  
Fax: 02 9380 6990  
[carolyn.moloney@fwc.gov.au](mailto:carolyn.moloney@fwc.gov.au)

Level 8, Terrace Tower, 80 William Street  
East Sydney NSW 2011

[www.fwc.gov.au](http://www.fwc.gov.au)

Fair Work (Registered Organisations) Act 2009 (Cth)

Section 189 (1);

Fair Work (Registered Organisations) Regulations 2009

Regulation 138;

**Prescribed Information**

**Casual Vacancy in Australian Hotels Association, New South Wales Branch –  
Delegates to Council**

- (a) Name of each office for which election is required:
- Delegates to Council representing the East Central sub-branch.
- (b) Reasons for election:
- A casual vacancy in the office has occurred.
- (c) The number of offices to be filled:
- One.
- (d) The name of the branch to which the election relates:
- East Central sub-branch for the Australian Hotels Association, New South Wales Branch.
- (e) Date and time of commencement and expiration of period for calling of nominations:
- As this is a casual vacancy and the rules of the organisation do not specify a date for the opening of nominations, it is matter for the Returning Officer pursuant to s193 of the *Fair Work (Registered Organisations) Act 2009* ("the Act").
- (f) The day provided in the Rules of the Organisation as the day on which the roll of voters is to close:
- As this is a casual vacancy and the rules of the organisation do not specify a date for the closing of the roll of voters, it is matter for the Returning Officer pursuant to s193 of the Act.

(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 pursuant to Rule 28.8.



**COLIN WALLER**  
Secretary/Treasurer

*20<sup>th</sup> February 2014*  
**Dated** 