



27 May 2016

Mr Colin Waller  
Secretary/Treasurer  
Australian Hotels Association-New South Wales Branch

Fax: (02) 9281 1857

Dear Mr Waller,

### **Reminder of actions required when persons elected to office**

The Australian Electoral Commission has provided the Fair Work Commission (the Commission) a declaration of results for the election [E2015/278]. This letter is a reminder of certain obligations imposed on organisations and persons elected to office.

Section 154D(1) of the *Fair Work (Registered Organisations) Act 2009* (the RO Act) requires the rules of organisations (and branches of organisations) to require each officer with financial management duties to undertake approved training that covers those duties within 6 months after the person begins to hold office. Please ensure that relevant officers undertake approved training within the required timeframe.

Please also ensure that all new holders of office are advised of their obligations to make disclosures regarding remuneration, non-cash benefits and material personal interests, the details of which should be provided for in your organisation's rules.

Also, section 233(2) of the RO Act requires that an organisation must notify the Commission **within 35 days of any changes** to the holders of office in the organisation. **If there are no changes a notification is not required.** If the election has resulted in **any changes** to the holders of office, the Australian Hotels Association-New South Wales Branch must notify the Commission of these changes. In particular, please advise:

1. Person(s) who have ceased to hold office:
  - the name of the office vacated;
  - the date of the change of office holder; and
  - the name of the person vacating the office.
2. Person(s) who have commenced to hold office:
  - the name of the office now held;
  - the date of the change of office holder;
  - the name of the person now holding the office;
  - the postal address of the person (generally the postal address of the organisation); and
  - the occupation of the person now holding the office.

The notification must include a declaration by the Secretary (or other prescribed officer) that the information is a correct statement of the changes made. I have attached a template notification of changes which may assist you. If any change does not apply until a specific date, you don't need to notify until then (e.g. AGM, 1 January, 2nd Monday in March). If you have already lodged this information, please disregard this reminder.

Regards  
Michael Moutevelis  
Regulatory Compliance Branch

**NOTIFICATION OF CHANGES TO RECORDS (Changes to Records in the Annual Return) required to be kept in accordance with section 230 *Fair Work (Registered Organisations) Act 2009* and regulation 147 *Fair Work (Registered Organisations) Regulations 2009***

I, [NAME], being the [OFFICER] of the [ORGANISATION NAME], declare the following:

1. I am authorised to make this declaration.
2. The following is a correct statement of the changes made to the information contained in the records required to be kept by the organisation in accordance with s.230(1)(b), (c), and (d) of the *Fair Work (Registered Organisations) Act 2009*:

[delete all that do not apply]

- On [DATE] the address of the organisation changed to [STREET ADDRESS].<sup>1</sup>
- On [DATE] the name and/or address of a branch[es] of the organisation changed to:<sup>2</sup>
  1. [include OLD name and address and NEW name and address of every branch that has changed]
  2. ...
- A list of changes to offices and the names, postal addresses and occupations of persons holding those offices is attached to this declaration at Annexure A and forms part of this declaration.
- On [DATE] the following branch[es]:<sup>3</sup>
  - COMMENCED/CEASED operation:
    1. [include name of each new branch]
    2. ...

Signed: [SECRETARY OR OTHER AUTHORISED OFFICER]

Dated: [DATE]

**[PLEASE NOTE: This declaration must be submitted to the Fair Work Commission within 35 days of the change. It can be submitted to [orgs@fwc.gov.au](mailto:orgs@fwc.gov.au).]**

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<sup>1</sup> s.230(1)(d); reg.147(d)

<sup>2</sup> s.230(1)(d); reg.147(a) & (d)

<sup>3</sup> s.230(1)(d); reg.147(b) & (c)

## ANNEXURE A

- Changes to Offices and Office Holders in the Organisation and its Branches [*insert as many pages as required*]:

*Please note the 35 days begins at the earliest event (for instance when the officer retires) and an organisation may need to notify the events separately if the appointment or election process will take longer than 35 days.*

Branch	Date of Change	Name of Office that has changed	Name of <u>Outgoing</u> Office Holder	Reason for change	Name of <u>New</u> Office Holder	Postal Address of <u>New</u> Office Holder (for privacy reasons, we recommend NOT a private address)	Occupation of <u>New</u> Office Holder
<i>National</i>	<i>1.1.2014</i>	<i>Secretary</i>	<i>Full Name</i>	<i>Retiring</i>	<i>Full Name</i>	<i>c/- the Registered Organisation, postal address of Registered Organisation</i>	<i>Paid official</i>
	<i>25.12.2013</i>	<i>President</i>	<i>vacant</i>	<i>Scheduled Election</i>	<i>Full Name</i>	<i>As above</i>	<i>mechanic</i>
...							
<i>NSW</i>	<i>1.1.2014 (resigned) 7.1.2014 (appointed)</i>	<i>President</i>	<i>Full Name</i>	<i>Resignation</i>	<i>Full Name</i>	<i>c/- the Branch, postal address of the Branch</i>	<i>mechanic</i>
		<i>Committee of Management Member</i>	<i>Full Name</i>	<i>Scheduled Election</i>	<i>Full Name</i>	<i>As above</i>	<i>mechanic</i>
		<i>Treasurer</i>	<i>Full Name</i>	<i>Scheduled Election</i>	<i>vacant</i>	<i>vacant</i>	<i>vacant</i>
...							

**From:** Kathryn Montgomery <Kathryn.Montgomery@aec.gov.au>  
**Sent:** Thursday, 26 May 2016 1:11 PM  
**To:** Phillip Ryan; Orgs; Industrial Elections  
**Subject:** PER AHA NSW E2015/278 [SEC=UNCLASSIFIED]  
**Attachments:** Declaration of Result AHA NSW E2015-278.pdf; PER AHA NSW.pdf

**Categories:** RIA

## UNCLASSIFIED

Good afternoon,

### Attention: Phillip Ryan

Australian Hotels Association – NSW Branch  
E2015/278 NSW Branch Delegates to National Board and  
Representatives to the National Hotels Accommodation Division

Good afternoon

I refer to the above election for your organisation.

Section 197(1) of the *Fair Work (Registered Organisations) Act 2009* (“the Act”) requires the AEC to provide a written report on the conduct of the election to the 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 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’ within thirty days 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 website 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,**  
**Kathryn Montgomery | Returning Officer**  
Industrial & Commercial Elections | NSW State Office  
Australian Electoral Commission  
T: (02) 9375 6375 | F: (02) 6215 9910



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## UNCLASSIFIED

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**Australian Hotels Association  
New South Wales Branch  
Scheduled Election E2015/278  
National Board Delegates &  
Representatives to National Accommodation  
Hotels Division**

**Declaration of Results for Uncontested Offices**

**E2015/278**

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.

**NSW Branch  
National Board Delegate (in addition to Branch President) (7)**

Candidates

BLAIR, Joanne  
DE WITH, Rolly  
HUMPHREYS, Lynette  
KENNEDY, Desmond Mathew  
MALONEY, Kim G  
WALLER, Collin William  
WEBSTER, Phillip Richard

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

**Accommodation Hotels Division  
Representative to National Accommodation Hotels Division (2)**

Candidates

NYAR, Aatish  
TUDEHOPE, Peter

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



Kathryn Montgomery  
Returning Officer

6 May 2016



## Fair Work (Registered Organisations) Act 2009

### POST ELECTION REPORT

**Client:** Australian Hotels Association NSW Branch  
**Contact details:** Phil Ryan  
AHA NSW  
Level 15, Hudson House  
131 Macquarie St  
SYDNEY NSW 2000  
**Email:** Phillip.ryan@ahansw.com.au

**AIR contact officer:** **Email:** orgs@fwc.gov.au

#### ELECTIONS COVERED IN THIS REPORT

**Election Decision No/s:** E2015/278

#### RULES

**Rules used for elections Rule ID:** [024N: Incorporates the alterations on 3/10/2014]

**Rules difficult to apply/interpret:**

*Rule 11 (e) Each Branch Committee shall appoint a Returning Officer.....Such Returning Officer will call for nominations for the Branch's representatives to the National Board. In accordance with subsection 189(3) of the Fair Work (Registered Organisations) Act 2009 the General Manager of Fair Work Commission makes arrangements for the conduct of this election by the Australian Electoral Commission [an AEC Returning Officer is then appointed to conduct the election.]*

*Rule 11(e) RO call for nominations 14 days prior to first day of April – As the election of the NSW Branch Committee which forms the collegiate from which the Board representatives are elected was not completed by the first day of April not possible to adhere to this date. Although Rule 11 (f) refers to the receipt of nomination forms on or before the first day of April (or such later time as allowed by the RO). This rule would appear to allow the RO to extend/change the nomination receipt period but does not address the issue of calling nominations 14 days prior to the first day of April as stated in 11 (e).*

*Rule 11 (f) Nominations ..... not received at the registered office of the Branch ....shall be disregarded*  
This rule prohibits nominations being returned directly to the office of the AEC Returning Officer by hand, post, email or facsimile and may therefore casue an irregularity in the election.

*Rule 11 (iv) Return of ballot paper not earlier than 3 days nor later than 14 days after posting – the change to postal delivery times by Australia Post particularly to non-metro areas may result in members not having adequate time to receive and return ballot material within 14 days.*

*Rule 16 (c) ...nominations may be handed or posted.*  
This rule appears to preclude nomination forms being received electronically by email or facsimile.

*Rule 16 (c) (3) ...closing date for ballot papers within 14 days after posting.* The change to postal delivery times by Australia Post particularly to non-metro areas may result in members not having adequate time to receive and return ballot material within 14 days.

**Model Rule reference (if any):** N/A

### **ROLL OF VOTERS**

As there were no contested offices, the Roll of voters was not 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**

1. Declaration of Results Uncontested Offices NSW Branch National Board Delegates & Representatives to NAHD



Kathryn Montgomery  
Returning Officer  
Australian Electoral Commission  
26 May 2016





## DECISION

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

**Australian Hotels Association**  
(E2015/278)

MR ENRIGHT

MELBOURNE, 2 DECEMBER 2015

*Arrangement for conduct of election.*

[1] On 24 November 2015 the New South Wales Branch of the Australian Hotels Association lodged with the Fair Work Commission the prescribed information in relation to an election for the following offices:

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

Representative to National Accommodation Hotels Division (2)

[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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E2015/278

**MOULEVELIS, Michael**

**From:** Evelyn Paneras <Evelyn.Paneras@ahansw.com.au> on behalf of Phillip Ryan <Phillip.Ryan@ahansw.com.au>  
**Sent:** Tuesday, 24 November 2015 10:27 AM  
**To:** Orgs  
**Cc:** John Whelan  
**Subject:** Prescribed Information re Elections, Australian Hotels Association, New South Wales Branch  
**Attachments:** 151120 Prescribed Information - Delegates to the National Board.pdf; 151120 Prescribed Information - Representative to the National Accommodation Hotels Division.pdf

Dear Sir/Madam,

I hereby attach the prescribed information for elections to be held within the Australian Hotels Association, NSW Branch for

- Delegates to the National Board;
- Delegates to the National Accommodation Hotels Division.

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](mailto:Phillip.Ryan@ahansw.com.au)  
[ahansw.com.au](http://ahansw.com.au)  
 Incorporating TAA NSW

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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 2016**

(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 2016.

(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 (See Rule 11 (f) of the Rules 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) of the Rules of the Australian Hotels Association).

(g) Method of election

- Collegiate Electoral System.

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**

20/11/2015  
**DATE**

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 –  
Representative to the National Accommodation Hotels Division 2016**

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

- Representative of the Australian Hotels Association, New South Wales Branch to the National Accommodation Hotels Division of the Australian Hotels Association.

(b) Reasons for election:

- Election is required to be conducted annually (see Rule 42 (c) of the Rules of the Australian Hotels Association).
- The term of each current office will expire in the normal course.

(c) The number of offices to be filled:

- Two (2).

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

- The Accommodation Division of the New South Wales Branch of the Australian Hotels Association.

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

- The Rules do not specify a date for the opening of nominations.
- However, nominations shall close not less than fourteen (14) days nor more than thirty (30) days after the last nomination form

is posted (See Rule 42 (c) and Rule 16 (a) 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 42 (c) of the Rules of the Australian Hotels Association.

(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 of the Rules of the Australian Hotels Association, New South Wales Branch.



**COLIN WALLER**  
Secretary/Treasurer

20/11/2015  
DATE