

**From:** Kathryn Montgomery [<mailto:Kathryn.Montgomery@aec.gov.au>]  
**Sent:** Monday, 1 June 2015 11:08 AM  
**To:** Phillip Ryan; Orgs; Industrial Elections  
**Subject:** Post Election Report AHA NSW Branch E2015/66 [SEC=UNCLASSIFIED]

## UNCLASSIFIED

Attention Phil Ryan  
Australian Hotels Association  
NSW Branch

Matter: E 2015/66  
Delegate to Council from General Division  
East Central Sub-branch and Outback Sub-branch

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 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 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.



Declaration Result  
AHA E2015-66 Deleg



PER AHA NSW  
E2015-66.pdf

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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**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:** Carolyn Moloney  
**Email:** orgs@fwc.gov.au

**ELECTIONS COVERED IN THIS REPORT**

***Election Decision No/s:*** E2015/66

**RULES**

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

***Rules difficult to apply/interpret:*** N/A

***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 Uncontested Offices NSW Branch Delegate from General Division  
East Central Sub-branch & Outback Sub- branch

Kathryn Montgomery  
Returning Officer  
Australian Electoral Commission  
7 May 2015

**Australian Hotels Association  
New South Wales Branch  
Delegate to Council from the General Division  
East Central Sub-branch & Outback Sub-branch**

**Declaration of Results for Uncontested Offices**

**E2015/66**

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. No candidate elected.

**Outback Sub-Branch**

**Delegate to Council**

Candidates

MCGIRR, Daniel Kevin Paul

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



Kathryn Montgomery  
Returning Officer

10 April 2015



## 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:** Delegate to Council from East Central sub-branch (1) and Outback sub-branch (1)  
**Matter Number(s):** E2015/66

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).

**2 MARCH 2015**



FairWork  
Commission

## 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:** Delegate to Council from East Central sub-branch (1) and Outback sub-branch (1)  
**Matter Number(s):** E2015/66

A copy of the Delegate's election decision in relation to the above matter is attached for your information.

**Please note:** Section 233(2) of the *Fair Work (Registered Organisations) Act 2009* requires details of changes to an organisation's records be declared to the Fair Work Commission. This includes changes resulting from the conduct of elections. Changes must be declared within 35 days of their occurrence.

### Inquiries:

Any inquiries relating to this are to be directed to Carolyn Moloney

Phone: [REDACTED] email: [REDACTED] Fax: 02 9380 6990.

**2 MARCH 2015**



## DECISION

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

**Australian Hotels Association**  
(E2015/66)

MR ENRIGHT

MELBOURNE, 2 MARCH 2015

*Arrangement for conduct of election.*

[1] On 28 January 2015 the New South Wales Branch of the Australian Hotels Association (the organisation) lodged with the Fair Work Commission (the Commission) the prescribed information in relation to a casual vacancy election.

[2] On 11 February 2015 the Commission contacted the organisation to request copies of a form of documentation to evidence the reasons for the occurrence of the casual vacancies. The organisation advised that one of the casual vacancies was due to insufficient nominations in matter E2014/76, and that the other casual vacancy was due to a resignation of an office holder.

[3] On 26 February 2015 the organisation lodged a copy of a resignation for the casual vacancy, which evidenced the resignation of the former office holder.

[4] The prescribed information was lodged in relation to a casual vacancy election, for the remainder of the term, for the following offices:

Delegates to Council from the General Division from  
the following sub-branches:

East Central sub-branch	(1)
Outback sub-branch	(1)

[5] 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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FairWork  
Commission

## Copy of Prescribed Information

**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:** Delegate to Council from East Central sub-branch (1) and Outback sub-branch (1)  
**Matter Number(s):** E2015/66

Attn: Electoral Officer

A copy of the Prescribed Information in relation to the above matter is attached for your information.

The election decision will be forwarded to your office in due course.

### Inquiries:

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

**29 JANUARY 2015**

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:

- Delegate to Council representing the East Central sub-branch.
- Delegate to Council representing the Outback sub-branch.

(b) Reasons for election:

- A casual vacancy in both offices has occurred. At that time that the casual vacancies occurred, the unexpired part of the term exceeded three-quarters of the term of office (see s146 of the *Fair Work (Registered Organisations) Act 2009* ("the Act")).

(c) The number of offices to be filled:

- One (1) for the East central sub-branch.
- One (1) for the Outback sub-branch.

(d) The name of the branch to which the election relates:

- East Central sub-branch for the Australian Hotels Association, New South Wales Branch.
- Outback 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 these are both casual vacancies 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 Act.

(f) The day provided in the Rules of the Organisation as the day on which the roll of voters is to close:

- As these are both casual vacancies 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



**Dated**