



21 June 2016

Mr Colin Waller
Secretary/Treasurer
New South Wales Branch
Australian Hotels Association
Fax: (02) 9281 1857

Dear Mr Waller

Organisation must respond to the post-election report of the Australian Electoral Commission: E2016/126

On 21 June 2016 the Fair Work Commission (the Commission) received a post election report from the Australian Electoral Commission (AEC) for election E2016/126 dated 21 June 2016. The AEC will have also provided the report to the organisation under section 197 of the *Fair Work (Registered Organisations) Act 2009* (the RO Act).

The report identifies rules that were difficult to interpret or apply, in particular rules 29.6 and 30.3. This letter serves as a reminder of the obligations imposed on the organisation or branch as a consequence of the AEC's report. If a response has already been sent to the AEC and made available to all members please disregard this letter.

A written response must be provided to the AEC

Section 198 of the RO Act requires that a written response is provided to the AEC within 30 days of receipt of the report. The organisation's response must include whether the organisation or branch intends to take action and if so what action the organisation or branch intends to take (s198(2)).

A notice must be published on the organisation's website

The organisation or branch must publish on its website a notice that a copy of the report is available from the organisation, branch or the AEC on request. The notice must be kept on the website for a period of at least 3 months (see regs 141(4) and (5)).

Extract of report and written response must be made available to members

The organisation or branch must make the section of the report relating to the difficult rules available to its members (s198(3)). This extract from the report must be made available to the members before or at the same time as the organisation's response is made available to members.

A copy of the organisation's response must be made available to members either:

- within 30 days after the response is given to the AEC, or
- published in the next edition of the organisation or branch journal (s198(5))

Subsection 198(6) and regulation 142 prescribe ways in which the relevant extract and the copy of the response can be made available to members. These do not limit the ways in which they can be made available to members. The organisation will comply if it does all of the following:-

- publish the report extract and the copy of the response in the next edition of the organisation or branch's journal; and

- within 30 days of giving the response to the AEC:
 - lodges with the Commission a copy of the relevant extract and response, together with a declaration that a copy will be provided to any member who so requests; and
 - give notice in the next edition of the organisation or branch's journal, or an appropriate newspaper, that a copy of the relevant extract and response are available on request to each member free of charge; and
- publish the relevant extract on the website within 14 days after receiving the report, and publish the response on the website within 14 days of giving the response to the AEC (reg 142(2)).

Penalties may apply

If the organisation or branch does not:

- respond to the AEC within 30 days,
- make the extract of the report relating to the rules available to members no later than the organisation's response is made available to members, or
- make the organisation's response available to members within 30 days or in the next edition of the journal,

the organisation may face penalties under the RO Act. Each requirement listed above is a civil penalty provision that may result in fines for the organisation

As noted above, if the response and report have already been made available to members and the AEC, please disregard this letter. If you have any questions in relation to these obligations please contact the Commission for assistance by email to orgs@fwc.gov.au.

If the organisation or branch decides to alter its rules in response to the AEC's report

If the organisation or branch decides to alter its rules in response to the AEC's report, the Regulatory Compliance Branch of the Commission is able to provide advice and assistance regarding draft alterations, as well as about the processes required to make the alterations. We encourage the organisation or branch to forward drafts of proposed alterations to orgs@fwc.gov.au

Yours sincerely

Michael Moutevelis

Regulatory Compliance Branch

From: Kathryn Montgomery <Kathryn.Montgomery@aec.gov.au>
Sent: Tuesday, 21 June 2016 1:08 PM
To: Phillip Ryan; Industrial Elections; Orgs
Subject: AHA NSW E2016/1`26 Post Election Report & Declaration Result
[SEC=UNCLASSIFIED]
Attachments: Declaration Result Uncontested Offices E2016-126.pdf; PER AHA NSW E2016-126.pdf

UNCLASSIFIED

Attention: Phillip Ryan

Australian Hotels Association – NSW Branch
E2016/126 Vacancies – Delegates to Council

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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Visit www.aec.gov.au

UNCLASSIFIED

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**Australian Hotels Association
New South Wales Branch
Delegates to Council General Division Vacancies**

Declaration of Results for Uncontested Offices

E2016/126

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.

Bankstown Sub-Branch

Delegate to Council

Candidates

No nomination was received

East Central Sub-Branch

Delegate to Council

Candidates

No nomination was received

Eastern Suburbs Sub-Branch

Delegate to Council

Candidates

No nomination was received

Northern Suburbs Sub-Branch

Delegate to Council

Candidates

No nomination was accepted.

As no nominations were accepted, I declare the above positions vacant.



Kathryn Montgomery
Returning Officer
21 June 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: David Vale
Email: orgs@fwc.gov.au

ELECTIONS COVERED IN THIS REPORT

Election Decision No/s: E2016/126

RULES

Rules used for elections Rule ID: [024N-NSW: Incorporates the alterations of 28/8/2009]
Rules difficult to apply/interpret: *Rule 29.1 Council shall at its first meeting following its election appoint a Returning Officer. The Returning Officer shall be the Returning Officer for the term of that Council. Rule 29.6 The Returning Officer (as stated in 29.1) shall be responsible for the conduct of all ballots: (a) for Delegates to the Council (b) for Members of the Executive Committee..... Possible conflict as General Manager of FWC makes arrangements for these ballots to be conducted by AEC who in turn appoints the Returning Officer. Rule 30.3 (g) return of ballot papers no earlier than 7 nor later than fourteen days after the date of the posting of the last ballot paper. Current changes to the delivery of mail by Australia Post especially to non-metro areas may impact on members receiving ballot papers, casting their vote and returning within a 14 day ballot period. Suggest ballot period be increased,*

Model Rule reference (if any): N/A

ROLL OF VOTERS

As no ballot was required – 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 Result E2016/126 Uncontested Offices AHA NSW Branch

Kathryn Montgomery
Returning Officer
Australian Electoral Commission
21 June 2016



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: Insufficient nominations for Council Delegates in E2015/193 & E2015/308.
Matter Number(s): E2016/126

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

The relevant rulebook can be accessed via the Fair Work Commission's [website](#).

Dear Australian Hotels Association-New South Wales Branch,

Section 233(2) of the *Fair Work (Registered Organisations) Act 2009* requires details of changes to an organisation's records to be declared to the Fair Work Commission. This includes changes to officers as a result of elections. Changes must be declared within 35 days and a template is available from the [website](#).

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.

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

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

Inquiries:

Any inquiries relating to this matter are to be directed to David Vale through orgs@fwc.gov.au.

21 APRIL 2016



DECISION

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

Australian Hotels Association
(E2016/126)

MR ENRIGHT

MELBOURNE, 21 APRIL 2016

Arrangement for conduct of election.

[1] On 13 April 2016, 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, due to insufficient nominations received in a previous election (E2015/308):

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

Bankstown	(1)
East Central	(1)
Eastern Suburbs	(1)
Northern Suburbs	(1)

[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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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: Insufficient nominations in E2015/193 & E2015/308.
Matter Number(s): E2016/126

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.

13 APRIL 2016

E2016/126.

VALE, David

From: Evelyn Paneras <Evelyn.Paneras@ahansw.com.au> on behalf of Phillip Ryan <Phillip.Ryan@ahansw.com.au>
Sent: Wednesday, 13 April 2016 9:56 AM
To: Orgs
Cc: John Whelan
Subject: AHA NSW Branch Prescribed Information
Attachments: 160413 PI for Election (Further Election Delegates).pdf

Dear Registrar,

Please find attached the Prescribed Information for an election of officers in the Australian Hotels Association NSW Branch.

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

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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 Council**

- (a) Name of each office for which election is required:
- Delegates to Council from the following Sub-branches:
 - i. Bankstown;
 - ii. East Central;
 - iii. Eastern Suburbs;
 - iv. Northern Suburbs.
- (b) Reasons for election:
- Insufficient nominations in elections E2015/193 and E2015/308 (see Declaration of Results for Contested and Uncontested Offices).
- (c) The number of offices to be filled: 4 offices
- (d) The name of the branch to which the election relates:
- The Australian Hotels Association, New South Wales Branch.
- (e) Date and time of commencement and expiration of period for calling of nominations:
- For Delegates to Council: calling prior to 15 October 2015, and closing 21 days after calling (see Rules 30.1 (a) & (b)).
- (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 30.1(h).

(g) Method of election

- For Delegates to Council: direct voting system.

The information referred to in this statement is lodged in accordance with Section 189 (1) of the Act.



COLIN WALLER
Secretary/Treasurer



Dated