



Fair Work (Registered Organisations) Act 2009 - s197

POST ELECTION REPORT

AUSTRALIAN HOTELS ASSOCIATION - QUEENSLAND HOTELS ASSOCIATION

Queensland National Delegates and NAHD Election
E2015/67

ELECTION/S COVERED IN THIS REPORT

Election Decision No/s: E2015/67

RULES

Rules used for the election:

National:

024n: Incorporates alterations of 3 October 2014 (R2013/464)

Queensland Branch:

024N-QLD: Incorporates alterations of 28/6/2004

Rules difficult to apply/interpret:

AHA (National) Rules 11(a) and 11(aa)(D).

There is confusion, though not direct conflict, between the rules as to which officers of a State Board are to serve ex-officio as National Board Delegates. The second last paragraph of Rule 11(a) was applied, with the Senior Vice President and President serving ex-officio and the number of delegates reduced accordingly.

Model Rule reference (if any):

N/A

ROLL OF VOTERS

Number of voters on roll:

NAHD Northern Zone 45

NAHD Southern Zone 66

Committee of Management (Collegiate) 16

IRREGULARITIES

Details of written allegations of irregularities, and action taken by AEC:

Nil.

Other irregularities identified, and action taken: Nil.

ATTACHMENTS

1. Declaration of Results for Uncontested Offices:

Derek O'Beirne
Returning Officer

9 April 2015

**Australian Hotels Association
Qld Branch National Delegates and NAHD Delegates
E2015/67**

Declaration of Results for Uncontested Offices

E2015/67

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 Accommodation Hotels Division

Representative to National Board (2)

Candidates

Southern Zone

Marcus HANNA – Sofitel Central Brisbane

Northern Zone

Dominic O'DONNELL – Shangri-La Hotel, Cairns

Queensland Branch

National Board Delegate (3)

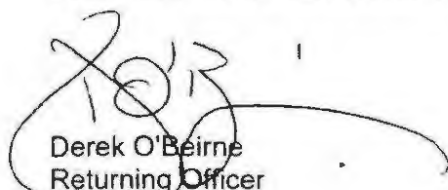
Candidates

Scott Donald ARMSTRONG – Sugarland Hotel

Tony CONDON – Currumbin Creek Tavern

Richard DEERY – Story Bridge Hotel

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


Derek O'Beirne
Returning Officer

7 April 2015



DECISION

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

Australian Hotels Association
(E2015/67)

MR ENRIGHT

MELBOURNE, 10 FEBRUARY 2015

Arrangement for conduct of election.

[1] On 29 January 2015 the Queensland Hotels Association 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) (4)

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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MOUTEVELIS, Michael

From: Justin O'Connor [JOConnor@qha.org.au]
Sent: Thursday, 29 January 2015 1:32 PM
To: Orgs
Subject: Request for elections for the AHA (Qld Branch) - Prescribed Information
Attachments: S28C-115012911420.pdf

Dear FWC

Attached please find a request for elections on behalf of the Australian Hotels Association (Queensland Branch) incorporating the relevant Prescribed Information.

A paper copy of the correspondence is in the overnight post.

Please do not hesitate to contact the undersigned should you require, or wish to impart, additional information.

Sincerely

Justin O'Connor
Chief Executive
QUEENSLAND HOTELS ASSOCIATION

p: 07 3221 6999
m: 0419 420 300
f: 07 3221 6649
e: joconnor@qha.org.au
w: www.qha.org.au

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28 January 2015

Ms Ailsa Carruthers
Delegate of the General Manager
Fair Work Commission
GPO Box 1994
MELBOURNE VIC 3001

E: orgs@fwc.gov.au

Dear Ms Carruthers

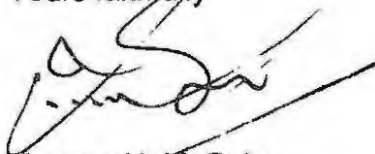
**Subject: Request for elections for the Australian Hotels Association
(Queensland Branch) – E2014/258**

I refer to a courtesy letter from Mr Robert Pfeiffer to Mr Tony Condon, Secretary / Treasurer of the Australian Hotels Association (Queensland Branch) dated 8 December 2014, on the subject of Branch elections due in 2015 for the election of officers within the Branch.

Attached for your consideration please find Prescribed Information in support of a request for elections to be held in 2015 by the Australian Hotels Association (Queensland Branch). Recent elections within the Branch have been overseen by the Australian Electoral Commission Gold Coast Office (Mr Derek O'Beirne) and, should it be approved, the Branch would be pleased to work with this office once again in the conduct of the elections.

Please do not hesitate to contact me should you require additional information.

Yours faithfully



Thomas H. McGuire
President

Enc:

Fair Work (Registered Organisations) Act 2009

Section 189(1)

Fair Work (Registered Organisations) Regulations 2009

Regulation 138

**Prescribed Information
Elections in the Australian Hotels Association (Queensland Branch)**

Election of Branch Delegates to the Australian Hotels Association National Board and
Election of Branch Delegates to the Australian Hotels Association National
Accommodation Hotels Division National Board

I, Thomas Harrington McGuire being the President of the Australian Hotels Association
(Queensland Branch) make the following statement:

I am the President of the Australian Hotels Association (Queensland Branch),

I am authorised to lodge the following prescribed information concerning forthcoming
elections in the Australian Hotels Association (Queensland Branch) of the Australian
Hotels Association, and

I confirm that the following information is being lodged under subsection 189 (1) of the
Fair Work (Registered Organisations) Act 2009.

Signed:


Dated: 28 January 2015

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

Rule 10 of the Branch Rules provides that the State Board shall elect up to five (5) delegates to the National Board of the Australian Hotels Association, and Rule 72 (b) (ii) provides that there shall be such number of representative/s of the Queensland Accommodation Hotels Division (QAHD) elected to the National Accommodation Hotels Division (NAHD) as determined by AHA Rule 42(c). This number is two (2), with one delegate being elected from each of two Zone electorates.

Accordingly, this election is required to elect the following number of delegates:

Branch Delegates to the Australian Hotels Association National Board - 5

Branch Delegates to the Australian Hotels Association National Accommodation Hotels
Division National Board - 2

(b) Electorates and elected by:

The electorates are:

Entity:	Electorate:
National Board Delegates	Branch Committee of Management (State Board)
National Accommodation Hotels Division Representatives	Branch Accommodation Hotels Division members

(c) Reasons for election:

The term of office of the current delegates to the AHA National Board and the NAHD Board will expire at the completion of one year.

(d) Date and time of the commencement and expiration of the period for calling nominations:**Nominations open:**

Subject to the determination of the Returning Officer, nominations open no earlier than:

Australian Hotels Association (Queensland Branch) delegates to the Australian Hotels Association National Board, and Australian Hotels Association (Queensland Branch) Branch Delegates to the Australian Hotels Association National Accommodation Hotels Division National Board:

Nominations open Tuesday 31 March 2015
Nominations close Tuesday 7 April 2015

(e) Cut off day provided in the Rules of the Organisation as the day on which the roll of voters is to close:

The Branch Rules provide that the roll of voters for any ballot for any direct voting system election required under (the) rules is to be closed 7 days before the day on which nominations for the election open [Rule 10 (g)].

(f) Voting system/method of election

- Branch Delegates to the Australian Hotels Association National Board – collegiate voting system
- Branch Delegates to the Australian Hotels Association National Accommodation Hotels Division National Board – direct voting system

The information referred to in this statement is lodged in accordance with Section 189 (1) and Section 189 (2) of the Act.



8 December 2014

Mr Tony Condon
Secretary/Treasurer
Australian Hotels Association-Queensland Hotels Association
Sent via email: info@gha.org.au

Dear Mr Condon,

Courtesy Letter - Election for offices [E2014/258]

A perusal of the rules of the Queensland Hotels Association of the Australian Hotels Association discloses that an election for offices within the branch is due to commence shortly. It appears from information gathered from the rules that nominations for the election of Delegates to the National Board and Branch representatives to the National Accommodation Hotels Division are due to open in the month of March next year.

This is a courtesy letter to remind you of the obligation to lodge information about the election (known as the 'prescribed information') pursuant to sections 189(1) and (2) of the *Fair Work (Registered Organisations) Act 2009* (the 'Act') before the end of the year. This is so because the prescribed information must be lodged with the Fair Work Commission two months before a person may, under the rules, become a candidate in the election.

If you have a different interpretation for the commencement of the election under your rules please let me know, otherwise, the prescribed information should contain details of the election as required by regulation 138(1) of the *Fair Work (Registered Organisations) Regulations 2009* (the 'Regulations'), and should include any subsequent elections such as an election for offices under the collegiate electoral system, if that is relevant. A sample of the prescribed information can be found on our website at www.fwc.gov.au/sample_documents.

The prescribed information can be emailed to orgs@fwc.gov.au. Should your branch believe that it will be unable to comply with the prescribed day as set out in the Regulations, it will need to apply to the General Manager for a later date. Such request will need to set out in detail the reason why your branch is unable to comply with the requirement. While the General Manager will consider such an application, there is no assurance that consent to a later day will be allowed.

It should be noted Section 189(2) is a civil penalty provision. Failure to comply may result in legal proceedings being issued with the possibility of a pecuniary penalty being imposed upon an officer and/or your branch.

When lodging the prescribed information, please quote [E2014/258]

Should you seek any clarification in relation to the above, please contact me on (03) 8661 7936 or via email at robert.pfeiffer@fwc.gov.au.

Yours sincerely,

Robert Pfeiffer
Senior Adviser
Regulatory Compliance Branch