

From: Ben Murray [mailto:Ben.Murray@aec.gov.au]
Sent: Monday, 3 April 2017 11:32 AM
To: Orgs
Subject: SK - Post Election Report - AHA - E2016-274 [SEC=UNCLASSIFIED]

Dear Orgs Team,

Please find attached the post-election report for the above named election and the Uncontested Declaration.

Regards,
Ben Murray

Mr. Ben Murray | Senior Returning Officer
Fee for Service Elections | VIC State Office
Australian Electoral Commission
T: +61 3 9285 7129 | F: +61 3 9285 7149



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E2016-274 AHA
Scheduled Elections - Accommodation Note



PER AHA National
Scheduled Elections - Accommodation Note

Paddy O'Sullivan
Australian Hotels Association - Victoria
Level 1, 1 Little Collins Street
MELBOURNE VIC 3000

Post Election Report For: **Australian Hotels Association - National Board Delegates and
National Accommodation Hotels Division Representatives**

Election E2016/274

I refer to the above election for your organisation.

Section 197(1) of Schedule 1 of the Fair Work (Registered Organisations) Act 2009 requires the AEC to provide a written report on the conduct of the election to Fair Work Australia 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 Schedule 1 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) Act 2009 requires an organisation or branch to publish a notice on its web site 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.



Benjamin Murray
Returning Officer

3 April 2017

Fair Work (Registered Organisations) Act 2009

POST ELECTION REPORT

Australian Hotels Association

ELECTION/S COVERED IN THIS REPORT

Election Decision No/s: *E2016/274*

RULES

Rules used for the election: [024n: Incorporates alterations certified on 26/08/2016 in matter R2016/146]

Rules difficult to apply/interpret: N/A

Model Rule reference (if any): N/A

ROLL OF VOTERS

As there were no contested offices, no roll of voters was required.

IRREGULARITIES

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

Other irregularities identified, and action taken: Nil

ATTACHMENTS

Declaration of Results for uncontested offices.



Benjamin Murray
Returning Officer

3 April 2017

Australian Hotels Association

Scheduled Election - E2016/274 – Victorian Branch

Declaration of Results for Uncontested Offices

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 Board Delegates (5)

Candidates

BURKE, Michael Anthony
CANNY, David John
CURRY, David John
ROBERTSON, Mark
STOCKS, Paul Christian

National Accommodation Hotels Division Representatives (2)

Candidates

MOORE, Gregory
VARUGHESE, George

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



Benjamin Murray
Returning Officer

9 March 2017



DECISION

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

Australian Hotels Association
(E2016/274)

MR ENRIGHT

MELBOURNE, 30 DECEMBER 2016

Arrangement for conduct of election.

[1] On 28 December 2016 the Victorian 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 Delegates (5)¹

National Accommodation Hotels Division Representatives (2)

[2] I am satisfied that an election for the above-named 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.



ACTING GENERAL MANAGER

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¹ This number is in addition to the sixth Delegate required under the rules, which is the Branch President *ex officio*.

From: KELLETT, Stephen
Sent: Friday, 30 December 2016 3:56 PM
To: 'p.osullivan@ahavic.com.au'
Subject: FW: Election - Aust. Hotels Assoc. Vic Branch - E2016/274 - granted

Dear Mr O'Sullivan

Please see attached a copy of the Acting General Manager's decision in relation to the above.

Yours faithfully

STEPHEN KELLETT
Regulatory Compliance Branch
FAIR WORK COMMISSION

80 William Street
EAST SYDNEY NSW 2011

(ph) (02) 6746 3283
(mob.) 0429 462 979
(email) stephen.kellett@fwc.gov



E2016 274 AHA VIC
Election decision.pdf

From: KELLETT, Stephen
Sent: Friday, 30 December 2016 3:54 PM
To: 'Industrial Elections'
Subject: Election - Aust. Hotels Assoc. Vic Branch - E2016/274 - granted

Dear Electoral Officer,

Please see attached a copy of the Acting General Manager's decision in relation to the above.

Yours faithfully

STEPHEN KELLETT
Regulatory Compliance Branch
FAIR WORK COMMISSION

80 William Street
EAST SYDNEY NSW 2011

(ph) (02) 6746 3283
(mob.) 0429 462 979
(email) stephen.kellett@fwc.gov



E2016 274 AHA VIC
Election decision.pdf

From: KELLETT, Stephen
Sent: Friday, 30 December 2016 3:08 PM
To: 'Industrial Elections'
Subject: Election - Aust Hotels Association, Victorian Branch - E2016/274 - prescribed information

Dear Electoral Officer

Please see attached two sets of prescribed information in relation to a scheduled election for the above Branch. For your reference I also attach a copy of related FWC correspondence.

Yours faithfully

STEPHEN KELLETT
Regulatory Compliance Branch
FAIR WORK COMMISSION

80 William Street
EAST SYDNEY NSW 2011

(ph) (02) 6746 3283
(mob.) 0429 462 979
(email) stephen.kellett@fwc.gov



courtesy E2016
274.pdf



PI National
Board.pdf



PI Accom. Hotels
Div.pdf

-----Original Message-----

From: Paddy O'Sullivan [<mailto:p.osullivan@ahavic.com.au>]

Sent: Wednesday, 28 December 2016 11:53 AM

To: Orgs

Subject: KELLETT accommodation delegates of AHA (Vic) to national board - notice and statement of prescribed information for an election

Please refer attached.

Regards,

Paddy O'Sullivan
Chief Executive Officer
Australian Hotels Association (Vic)
Email: p.osullivan@ahavic.com.au
Tel: (03) 8631 7910
Mobile: 0408 220 909

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Australian Hotels Association - Victoria

Level 1, 1 Little Collins Street
Melbourne Vic 3000

e-mail: p.osullivan@ahavic.com.au

Tel: (03) 9654 7100

Fax: (03) 9654 1724

28 December 2016

Fair Work Commission
Regulatory Compliance Branch
GPO Box 1994
Melbourne Vic 3001

via email: orgs@fwc.gov.au

Dear Sir/Madam,

Accommodation Delegates of AHA (Vic) to National Board of Australian Hotels Association Notice and Statement of Prescribed Information for an Election

I, Peter Burnett, being the President of the Australian Hotels Association Victoria Branch, make the following statement:

I am the President of the Australian Hotels Association Victoria Branch.

I am authorised to lodge the following prescribed information concerning forthcoming elections in the Victoria 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*.

Pursuant to Rule 11 of the Rules of the Australian Hotels Association, I request that FWC makes necessary arrangements for the Australian Electoral Commission to conduct elections for representatives of the Residential (accommodation) Hotels Division (*the Residential Hotelkeepers' Division and the Accommodation Hotels Division*) of the Australian Hotels Association Victorian Branch to the National Board of the Australian Hotels Association.

Details required to be provided pursuant to the Fair Work (Registered Organisations) Act 2009 are as follows:

Relevant Office:

Representative to National Accommodation Hotels Division from the Victorian Accommodation Hotels Division (2) (Rule 42(c))

Number of offices to be filled:

Two (2) (Rule 42(c))

Reason for election:

Election is required to be conducted annually. The term of each current office will expire in the normal course.

Election method:

Direct Voting System – secret postal ballot (Rule 42(c))

Electorate:

Members of the Accommodation Hotels Division within the Victorian Branch (Rule 42(c))

Date and time of commencement and expiration of period for calling or nominations:

Nominations shall close not less than 14 days nor more than 30 days after the last nomination form is posted (Rule 16(a) and 42(c))

The date on which roll of voters is to close:

Seven (7) days before the day upon which nominations for the election open (rule 42(c)).

Please advise that this request meets your requirements and that the Australian Electoral Commission will conduct the elections as necessary. Please contact AHA (Vic) CEO Paddy O’Sullivan, telephone 0408 220909 or p.osullivan@ahavic.com.au should additional information be required.

Yours sincerely,



PETER BURNETT AM

President
AHA (Vic)

-----Original Message-----

From: Paddy O'Sullivan [mailto:p.osullivan@ahavic.com.au]

Sent: Wednesday, 28 December 2016 11:47 AM

To: Orgs

Subject: KELLETT AHA (Vic) notice and statement of prescribed information for an election - delegates to national board

Please refer attached.

Regards,

Paddy O'Sullivan

Chief Executive Officer

Australian Hotels Association (Vic)

Email: p.osullivan@ahavic.com.au

Tel: (03) 8631 7910

Mobile: 0408 220 909

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Australian Hotels Association - Victoria
Level 1, 1 Little Collins Street
Melbourne Vic 3000

e-mail: p.osullivan@ahavic.com.au
Tel: (03) 8631 7910
Fax: (03) 9654 1724

28 December 2016

The Industrial Registrar
Australian Industrial Registry
Level 4
11 Exhibition Street
GPO Box 1994
Melbourne Vic 3001

via email: orgs@fwc.gov.au

Dear Sir/Madam,

**Delegates of AHA (Vic) to National Board of Australian Hotels Association -
Notice and Statement of Prescribed Information for an Election¹**

I, Peter M. Burnett, being the President of the Australian Hotels Association (Victoria), make the following statement:

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

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

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

It is requested that FWC approve arrangements for the conduct of an election for five (5) AHA (Vic) Branch delegates to the AHA National Board. The President of the Victorian Branch is an ex-officio Member of the National Board.

Reasons for election:

Election for offices and positions is required as the terms of office are due to expire in the normal course of events under the rules of the organisation.

Elected by:

The electorate comprises members of the Australian Hotels Association (Victoria) branch Committee of Management.

The role of voters is to be closed 7 days before the day on which nominations for the election open, and

The electorate for collegiate electoral system is by and from the Branch Committee of Management of AHA (Vic).

Nominations open:

Nominations are required to be lodged on or before 1 April on any given year. The date and time of the beginning and end of the period in which nominations will be called for or may be made is to be determined by the Australian Electoral Commission (The Returning Officer);

Nominations close:

The role of voters is to be closed 7 days before the day on which nominations for the election open.

Please advise that this request meets your requirements and that the Australian Electoral Commission will conduct the elections as necessary.

Please contact Paddy O'Sullivan, telephone 0408 220909 or 86317910 or p.osullivan@ahavic.com.au should additional information be required.

Yours sincerely,



PETER BURNETT AM
President
Australian Hotels Association (Victoria)



1 December 2016

Mr Peter Burnett
Branch President
Australian Hotels Association-Victorian Branch

Sent via email: aha@ahavic.com.au

CC: AEC Returning Officer by email: industrial.elections@aec.gov.au

Dear Mr Burnett,

Courtesy Letter - Election for offices [E2016/274]

The rules of the Australian Hotels Association-Victorian Branch indicate that an election for offices within the branch is due to commence shortly.

- Delegates to National Accommodation Hotels Division
- Delegates to National Board

It appears that nominations for the election for the above-named offices open in March next year.

This is a courtesy letter to remind you of your obligation to lodge information about the election (known as the 'prescribed information') pursuant to sub-sections 189(1) and (2) of the *Fair Work (Registered Organisations) Act 2009* (the 'Act') within the month. Prescribed information must be lodged with the Fair Work Commission (the Commission) two months before nominations open for the election.

If you have a different interpretation for the commencement of the election or the offices due for election under your rules, please let the Commission 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 any subsequent collegiate elections, if that is relevant. A sample of the prescribed information can be found on our website at <https://www.fwc.gov.au/registered-organisations/fact-sheets-templates-webinars>.

The prescribed information should be emailed to orgs@fwc.gov.au. If your branch believes 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 within the month for a later date. Such request will need to set out in detail the reason why your organisation 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 for an organisation to comply may result in legal proceedings being issued with the possibility of a pecuniary penalty being imposed upon an officer and/or the organisation.

The Commission intends to continue to provide reminders that an election is due as a courtesy. However failure to receive a reminder from the Commission cannot be relied on as a reason for late, incorrect or non-lodgment of prescribed information. The obligation to lodge prescribed information consistent with the Act and the rules of the organisation rests with the organisation.

When lodging the prescribed information, please quote [E2016/274]

Should you seek any clarification in relation to the above, please contact the Commission on orgs@fwc.gov.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Sam Gallichio', written in a cursive style.

Sam Gallichio
Adviser
Regulatory Compliance Branch