

Mr Todd Blake  
Director  
The Restaurant and Catering Association of Victoria  
PO Box 18193  
COLLINS STREET EAST VIC 8003

Post Election Report For: The Restaurant and Catering Association of Victoria  
Election E No 2009/10088

I refer to the above election for your organisation.

Section 197(1) of the Fair Work (Registered Organisations) Act 2009 requires the AEC to provide a written report on the conduct of the election to the Delegate of the General manager, Fair Work Australia and to the organisation or branch for which the election was conducted. A copy of the report in relation to this election is attached.

Section 198 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.

Tony King  
Returning Officer

Fair Work (Registered Organisations) Act 2009  
POST ELECTION REPORT

THE RESTAURANT AND CATERING ASSOCIATION OF VICTORIA

ELECTION/S COVERED IN THIS REPORT

Election Decision No: E2009/10088

RULES

Rules used for the election: [269VFED: Incorporates alterations of 27/4/2004]  
Rules difficult to apply/interpret: None  
Model Rule reference (if any): N/A

ROLL OF VOTERS

Did not go to ballot

Total number of voters on the Roll: Nil

Number of apparent workplace addresses: Nil

Number of non-current addresses: Nil

Other matters pertaining to the roll of voters: Nil

IRREGULARITIES

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

Other irregularities identified, and action taken: Nil

ATTACHMENTS

Declaration of Results Stage 1  
Declaration of Results Stage 2

Tony King  
Returning Officer

2 March 2010

**THE RESTAURANT AND CATERING ASSOCIATION OF VICTORIA**  
**Scheduled Elections for Office Bearers**

**DECLARATION OF RESULTS FOR UNCONTESTED OFFICES**

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.

E2009/10088

**PRESIDENT**

Candidate

PIGNATELLI, Matteo

**VICE-PRESIDENT (2)**

Candidates

GRIMES-HARVEY, Roslyn  
ROBERTS, Jeffrey

**TREASURER**

Candidate

HARPER, Richard Lee

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

Tony King  
Returning Officer  
2 March 2010

# THE RESTAURANT AND CATERING ASSOCIATION OF VICTORIA

## Scheduled Elections for Director and Executive Councillors

### DECLARATION OF RESULTS FOR UNCONTESTED OFFICES

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.

E2009/10088

#### EXECUTIVE COUNCILLOR (16)

##### Candidates

AUGUSTINE, Anna  
GRIMES-HARVEY, Roslyn  
HARPER, Richard Lee  
HAYNES, Mark  
HUGHES-SMITH, Colin  
MERCER, Stephen  
NORMANDIN, Olivier  
PIGNATELLI, Matteo  
ROBERTS, Jeffrey  
ROBISON, Fiona  
THIES, Leslye  
WAGNER, Walter  
WANG, Xionguang  
WILSON, Victoria  
WINKLER, Rudi  
YONG, Christine

#### DIRECTOR

##### Candidate

BLAKE, Todd

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

Tony King  
Returning Officer  
5 February 2010



FAIR WORK  
AUSTRALIA

## DECISION

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

**The Restaurant and Catering Association of Victoria**  
(E2009/10088)

T. NASSIOS

MELBOURNE, 14 DECEMBER 2009

*Arrangement for conduct of election.*

[1] On 7 December 2009 and 11 December 2009 The Restaurant and Catering Association of Victoria lodged with Fair Work Australia the prescribed information in relation to an election for the following offices:

President  
Vice Presidents (2)  
Treasurer  
Executive Councillors (16)

[2] On 10 December 2009 the organisation lodged prescribed information under subsection 187(3) of the *Fair Work (Registered Organisations) Act 2009* in relation to an election for the following position:

Director

[3] I am satisfied that an election for the abovenamed offices and position 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  
FAIR WORK AUSTRALIA

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2 December 2009



The Industrial Registrar  
Australian Industrial Registry  
GPO Box 1994  
MELBOURNE VIC 3001

Major  
Sponsor

Dear Registrar,



Re: Prescribed Information in Respect of Election

Please find enclosed Prescribed Information in Respect of Election - Section 189 of Schedule 1 of the *Workplace Relations Act 1996* in relation to The Restaurant and Catering Association of Victoria.

Corporate  
Partners

Your assistance in progressing this matter is appreciated and I look forward to hearing of advice from the Australian Electoral Commission for the conduct of the elections.



Please do not hesitate to contact Todd Blake, Director on 9654 5866 or at [todd@rcv.asn.au](mailto:todd@rcv.asn.au) should you require any additional information or clarification at this stage.



Yours sincerely

Matteo Pignatelli  
President



**PRESCRIBED INFORMATION IN RESPECT OF ELECTION  
SCHEDULE 1 SECTION 189  
WORKPLACE RELATIONS ACT 1996**

I, Matteo Pignatelli, President of the Restaurant and Catering Association of Victoria, am authorized to sign this statement which is lodged in accordance with Schedule 1 Section 189 of the RAO Schedule.

1. *The offices in respect of which the elections are required are:*

President  
Vice President (2)  
Treasurer  
  
Executive Councillor (16)

2. *The reason for which the elections are required are:*

Under the rules of the Restaurant and Catering Association of Victoria the offices are required to retire annually.

3. *The electorate for the elections is:*

By the financial members of the Restaurant and Catering Association of Victoria

4. *The dates and times that nominations open and close are:*

Elections must be completed on or before the Annual General Meeting of the Association which must be held within three months from the end of the Financial Year 31 December 2009. The date of the Annual General Meeting has been set at 23 March 2010.

For Councillors and Director - Nominations must open not less than sixty days prior to the Annual General Meeting and close not less than 21 days later - rule 14A(b)

The date on which the roll of voters for the ballot to be closed is seven days before the day on which nominations open - rule 14A(b)

For the Offices of President, Vice Presidents (2) and Treasurer - within 7 days of the declared results of the Council elections and close not less than 14 days later - rule 14B (iv)

5. *The voting system to be used in the conduct of the elections is::*

A direct voting system. Secret ballot and voting shall be by way of placing a cross beside the name of the candidate.



.....  
Matteo Pignatelli  
President  
7 December 2009

The Director shall be responsible for the general administration of the Association.

- (d) Treasurer The Treasurer shall keep or cause to be kept the accounts of the Association and shall do all such other things and acts as are required by these Rules, the Workplace Relations Act 1996 or by any successor thereto or by resolution of the Executive Council to be done by the Treasurer.

## 14. ELECTIONS

### A. Election of Councillors and Director

The election of Members of the Council and Director shall be conducted by secret ballot in the following manner:-

- (a) Not less than three months before the date of the Annual General Meeting the Executive Council shall appoint a Returning Officer. Such Returning Officer shall not be the holder of any office in nor be an employee of the Association or of a branch, section or division thereof.
- (b) Not less than sixty days prior to the Annual General Meeting the Returning Officer shall forward by post to each member of the Association a notice calling for nominations for Councillors and Director with a notification therewith of the closing date of nominations which shall be not less than 21 days from the issue of such notice. Nominations shall close at 12 noon on the day of closing of nominations.

The date on which the roll of voters for the ballot to be closed is seven days before the day on which nominations open. It will be sufficient compliance with this rule if the notice is in the form of a service letter or journal issued to all members. Nominations for Councillor shall be in writing signed by the nominee. A candidate for Councillor shall be a financial member at the close of the nominations. Nominations for Director shall be signed by two financial members of the Association and endorsed by the Nominee. A candidate for Director need not be a member of the Association.

- (c) The Returning Officer shall check all nominations for validity. If s/he finds any nomination to be defective s/he shall, before rejecting the same, notify the person concerned of the defect and where it is practicable to do so shall give the person concerned the opportunity of remedying the defect within a period of not less than seven days of his/her notice.
- (d) If the number of candidates nominated for any office does not exceed the number of vacancies to be filled no vote shall be taken in respect of that office and the candidate or candidates as the case may be shall be declared elected by the Returning Officer at the Annual General Meeting. Provided that where the Returning Officer for the time being is an Officer of the Australian Electoral Commission or the Industrial Registrar's Office, and where all positions for which an election is required are filled without a ballot the Returning Officer may declare the result of the election or elections by delivering or causing to be delivered to the Director no later than the day of the Annual General Meeting a written notification signed by the Returning Officer stating the name of each person elected to each position to be filled. In such case such notification shall be read to the meeting by the Director of the meeting.
- (e) If in respect of any office more candidates are nominated than are required to fill the vacant offices an election shall be held in the manner hereinafter provided.

- (f) The Returning Officer:-
- (i) shall cause ballot papers to be prepared -
    - setting out the names of the candidates in an order drawn by lot of the Returning Officer,
    - indicating the number to be elected to each office, the manner in which votes are to be recorded and date and time for closing of the ballot;
  - (ii) shall within a period of 21 days after the closing of nomination cause ballot papers to be posted by pre-paid post to all financial members of the Association together with a declaration envelope and a post paid return envelope both in the form prescribed by the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003 or any successor thereto.. The ballot shall close at 9.00am not less than fourteen days after the issue of the ballot papers. A post office box shall be used exclusively for such ballot papers;
  - (iii) shall record the number of ballot papers issued and shall keep a register of the name and address of each member to whom a ballot paper is posted and the date of posting and shall initial or cause a facsimile of his initials to be printed on each prior to distribution;
  - (iv) shall at all times control the ballot box and in the presence of the scrutineers if they desire to be present inspect the ballot box to see that it is empty immediately prior to the opening of the ballot and ensure that it remains sealed until the time of the closing the ballot;
  - (v) shall at the close of the ballot and in the presence of the scrutineers if any
    - open the reply paid envelopes;
    - set aside informal ballot papers;
    - count the votes on the ballot paper admitted as formal;
  - (vi) shall declare the result of the election or elections by delivering or causing to be delivered to the Director not later than the day of the Annual General Meeting a written notification signed by the Returning Officer stating the name of each person elected to each position to be filled.

In such case notification shall be read to the meeting by the Director.
  - (vii) The Returning Officer shall make provision for the use of absentee voting so that any member who expects to be absent from his/her usual postal address at the time of any ballot shall be entitled to have his ballot paper forwarded to his/her temporary address upon making written application to the Returning Officer.
- (g) Voting shall be by placing a cross beside the name of the candidate for whom the voter wishes to vote. The ballot paper shall not be informal if the intention of the voter is clear.
- (h) In the case of an equality of votes the Returning Officer shall determine by lot the candidate to be elected.
- (i) Any candidate may, if he so desires, appoint a scrutineer to represent him/her at the ballot. A candidate appointing a scrutineer shall before the commencement of the ballot notify the Returning Officer in writing of the name of the scrutineer.

- (j) The conduct of scrutineers shall be as follows:-
- (i) a scrutineer shall be entitled to be present throughout the counting of a ballot:
    - s/he may query the inclusion or exclusion of any vote in the count;
    - the Returning Officer shall have final determination of any votes so queried and shall endorse his/her determination on the ballot paper;
  - (ii) a scrutineer shall not be entitled to remove mark alter or deface any ballot paper or other document used in connection with the election;
  - (iii) a scrutineer shall not interfere with or attempt to influence any member at the time such member is casting his/her vote;
  - (iv) in every case the scrutineer shall observe any direction given by the Returning Officer and the Returning Officer shall take all reasonable steps by notification or otherwise to enable such scrutineer to exercise his/her rights but no election shall be vitiated by reason of the fact that a scrutineer does not in fact exercise any or all such rights.
- (k) The Returning Officer and every other officer who is able to do so shall take such steps as are necessary to ensure that all ballot papers, envelopes, lists and other documents used in connection with, or relevant to, an election for an office are preserved and kept at the registered office of the organisation for a period of one year after the completion of the election.
- (l) In the event of a position or positions on the Council not being filled at the annual election the Executive Council may appoint a willing member or number of members to fill the vacant position on the Executive Council and such member or members shall hold office until the next Annual General Meeting.

B. Election of Officers

- (a) The Officers shall be elected by secret ballot by the Executive Council from its own membership immediately following the Declaration by the Returning Officer.
- (i) The returning officer shall make provision for absent voting.
- (b) Within 7 days after the Returning Officer has declared the results of the Council elections s/he shall forward by post to each member of the Council nomination forms calling for nominations for the Offices of President, Vice Presidents (2) and Treasurer with a notification therewith of the closing date of nominations which shall be not less than 14 days from the date of such posting.
- Nominations shall be in writing and signed by the Nominees.
- Nominations shall only be made by and from members of the Council.
- (c) The returning officer shall check all nominations for validity. If he finds any nomination defective he shall, before rejecting the same, notify the person concerned of the defect and where it is practicable to do so shall give the person concerned the opportunity of remedying the defect within a period of not less than seven days of his/her notice.

- (d) If the number of candidates for any office does not exceed the number of vacancies to be filled no vote shall be taken for that office and same shall be declared elected by the Returning Officer.
- (e) If more than the required number of valid nominations are received the Returning Officer shall prepare or cause to be prepared a sufficient number of ballot papers on which shall appear the names of the candidates in an order determined by lot and a direction to the voter to place an "X" along side the name of the candidate for whom s/he desires to vote. (one ballot paper may contain provisions in more than one election)
- (f) (i) Each member of the Council shall have one vote only in respect of each Office which is to be filled.
- (ii) No person shall be eligible for election as an officer who is not a Councillor.
- (iii) No person may stand for more than one officer position.
- (g) (i) Within 14 days after the close of nominations, the Returning Officer shall forward by prepaid post to all Councillors a ballot paper and a declaration envelope and a post paid reply envelope both in the prescribed form by the Workplace Relations (Registration and Accountability of Organisations) Regulations 2003 or any successor thereto.
- (ii) The Returning Officer shall advise all voters of the closing date for the receipt of returned ballot papers which will not be less than 14 days after the despatch of the ballot papers.
- (iii) A Post Office box shall be used exclusively for the return of such ballot papers.
- (h) In any case of equality of votes the Returning Officer shall decide by lot which candidate shall be elected.
- (i) Any candidate may, if he so desires, appoint a scrutineer to represent him/her at the ballot. A candidate appointing a scrutineer shall before the commencement of the ballot notify the Returning Officer in writing of the name of the scrutineer.
- (j) The conduct of scrutineers shall be as follows:-
- (i) a scrutineer shall be entitled to be present throughout the counting of a ballot
- s/he may query the inclusion or exclusion of any vote in the count;
  - the Returning Officer shall have final determination of any votes so queried and shall endorse his/her determination on the ballot paper;
- (ii) a scrutineer shall not be entitled to remove mark alter or deface any ballot paper or other document used in connection with the election;
- (iii) a scrutineer shall not interfere with or attempt to influence any member at the time such member is casting his vote;
- (iv) in every case the scrutineer shall observe any direction given by the Returning Officer and the Returning Officer shall take all reasonable steps by notification or otherwise to enable such scrutineer to exercise his/her rights but no election shall

## 17. GENERAL MEETINGS

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be vitiated by reason of the fact that a scrutineer does not in fact exercise any or all such rights.

- (k) The Returning Officer and every other officer who is able to do so shall take such steps as are necessary to ensure that all ballot papers, envelopes, lists and other documents used in connection with, or relevant to, an election for an office are preserved and kept at the registered office of the organisation for a period of one year after the completion of an election.
- (l) The Returning Officer shall notify the Director and all Councillors in writing of the result of the ballot within four days of the closing date for the receipt of returning ballot papers.
- (m) In the event of any office not being filled by the annual election for same the Executive Council may appoint a willing member or members of the Association to fill the said vacant positions and such members shall hold office until the next Annual General Meeting.
- (n) The Officers shall assume office immediately on declaration of the ballot.

## 15. VACATION OF OFFICE

The Office of President, Vice-Presidents (2), Treasurer, Director or membership of the Executive Council shall ipso facto be vacated:-

- (a) if such Officer or member ceases to be a member of the Association; or
- (b) if such Officer or member retires from office.

## 16. NOTICE OF MEETINGS

The Director shall advise each Member in writing of each meeting of the Executive Council which such Member is entitled to attend. Such notice shall be sent by pre-paid letter not later than seven days prior to such meeting and addressed to the registered address of such Member.

Such notice shall set out the time and place of such meeting and include the agenda fixed for such meeting.

In proving such service it shall be sufficient to prove that the letter containing the notice was properly addressed and posted.

## 17. GENERAL MEETINGS

- (a) The Annual General Meeting of the Association shall be held each year within three months of the end of the financial year of the Association (see Rule 22) at which meeting a report on the affairs of the Association shall be submitted together with a financial report and duly audited Balance Sheet. The meeting may transact such other business of which due notice shall have been given.

Notices of the Annual General Meeting shall be posted to all financial members no later than twenty-eight days before the date of such meeting. Such notice to attend shall specify the place, day and hour of such meeting and the business to be transacted thereat.

## ANDERSON, Eve

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**From:** ANDERSON, Eve  
**Sent:** Thursday, 10 December 2009 2:29 PM  
**To:** 'todd@rcv.asn.au'  
**Subject:** Elections

Dear Todd

As discussed by telephone today, the name of the new legislation is the *Fair Work (Registered Organisations) Act 2009*. There is no longer a schedule, but the actual section numbers remain the same.

This means that for elections to office, the pertinent reference is section 189 of the *Fair Work (Registered Organisations) Act 2009* and for the Director's position the pertinent reference is section 187 of the *Fair Work (Registered Organisations) Act 2009*.

Also, we are no longer the Australian Industrial Registry, but are called Fair Work Australia. Letters should be addressed to the General Manager of Fair Work Australia.

So, as discussed we need:

- 1) a request for the conduct of an election for the position of Director under section 187 of the *Fair Work (Registered Organisations) Act 2009*.
- 2) An amended statement of prescribed information which refers to section 189 of the *Fair Work (Registered Organisations) Act 2009* in both the heading and the opening statement. Also, strictly speaking, point 5 of the PI should state that it is direct voting system for the 16 Executive Councillors and a collegiate election for the offices of President, Vice Presidents (2) and Treasurer

The two documents can be emailed directly to me: [eve.anderson@fwa.gov.au](mailto:eve.anderson@fwa.gov.au). If you have any queries I can be contacted on 03 8661 7929

Regards

**EVE ANDERSON**

Tribunal Services and Organisations

**Fair Work Australia**

Tel: (03) 8661 7929

Fax: (03) 9655 0410

[eve.anderson@fwa.gov.au](mailto:eve.anderson@fwa.gov.au)

11 Exhibition Street, Melbourne Victoria 3000  
GPO Box 1994, Melbourne Victoria 3001

[www.fwa.gov.au](http://www.fwa.gov.au)



2 December 2009

Received 10/12/09

General Manager  
Fair Work Australia  
GPO Box 1994  
MELBOURNE VIC 3001

Major  
Sponsor

Dear General Manager,

Re: Prescribed Information in Respect of Election

Please find enclosed Prescribed Information in Respect of Election - section 189 of the *Fair Work (Registered Organisations) Act 2009* in relation to The Restaurant and Catering Association of Victoria.

Your assistance in progressing this matter is appreciated and I look forward to hearing of advice from the Australian Electoral Commission for the conduct of the elections.

Please do not hesitate to contact Todd Blake, Director on 9654 5866 or at [todd@rcv.asn.au](mailto:todd@rcv.asn.au) should you require any additional information or clarification at this stage.

Yours sincerely

Matteo Pignatelli  
President



Corporate  
Partners





2 December 2009

Received 10/12/09

Mr John Nellor  
Australian Electoral Commission  
GPO Box 4382  
MELBOURNE VIC 3001

Dear Mr Nellor

Pursuant to the provisions under section 187 of the Fair Work (Registered Organisations) Act 2009, The Restaurant and Catering Association of Victoria submits the following information:

Nominations will be required to be called during the period commencing 1 January 2010 for the following:

DIRECTOR - The Restaurant and Catering Association of Victoria

Rule 14(A) of the Association's Rules relates to the nomination of the candidates for election (see copy attached). The reason for the election is that the current term of office is due to expire. In accordance with the Rules the election will be conducted under a direct voting system and I shall be obliged if you will arrange for the election to take place.

The election must be completed on or before the Annual General Meeting of the Association which must be held within three months from the end of the Financial Year 31 December 2009. The date of the Annual General Meeting has been set as 23 March 2010. Nominations must open not less than sixty days prior to the Annual General Meeting and close not less than 21 days later.

Should you require any additional information please contact Todd Blake, Director on 9654 5866 or at [todd@rcv.asn.au](mailto:todd@rcv.asn.au).

A copy of this letter has been sent to the Industrial Registrar in Melbourne.

Yours Sincerely

Matteo Pignatelli  
President

CC: Industry Registrar - AIR

Major  
Sponsor



Corporate  
Partners



PRESCRIBED INFORMATION IN RESPECT OF ELECTION  
SECTION 189  
Fair Work (Registered Organisations) Act 2009

I, Matteo Pignatelli, President of the Restaurant and Catering Association of Victoria, am authorized to sign this statement which is lodged in accordance with section 189 of the Fair Work (Registered Organisations) Act 2009.

1. *The offices in respect of which the elections are required are:*

President  
Vice President (2)  
Treasurer

Executive Councillor (16)

2. *The reason for which the elections are required are:*

Under the rules of the Restaurant and Catering Association of Victoria the offices are required to retire annually.

3. *The electorate for the elections is:*

By the financial members of the Restaurant and Catering Association of Victoria

4. *The dates and times that nominations open and close are:*

Elections must be completed on or before the Annual General Meeting of the Association which must be held within three months from the end of the Financial Year 31 December 2009. The date of the Annual General Meeting has been set at 23 March 2010.

For Councillors and Director - Nominations must open not less than sixty days prior to the Annual General Meeting and close not less than 21 days later - rule 14A(b)

The date on which the roll of voters for the ballot to be closed is seven days before the day on which nominations open - rule 14A(b)

For the Offices of President, Vice Presidents (2) and Treasurer - within 7 days of the declared results of the Council elections and close not less than 14 days later - rule 14B (b)

5. *The voting system to be used in the conduct of the elections is::*

A direct voting system for the 16 Executive Councillors and a collegiate election for the offices of President, Vice Presidents (2) and Treasurer



.....  
Matteo Pignatelli  
President  
2 December 2009