



DECISION

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

The Restaurant and Catering Association of Victoria (E2012/422)

AILS A CARRUTHERS

MELBOURNE, 23 JANUARY 2013

Arrangement for conduct of election.

[1] On 7 December 2012 and 18 January 2013 The Restaurant and Catering Association of Victoria lodged with Fair Work Australia and the Fair Work Commission respectively the prescribed information in relation to an election for the following offices:

Executive Councillors (16)

Collegiate

President

Vice Presidents (2)

Treasurer

[2] On 18 January 2013 the organisation lodged with the Fair Work Commission prescribed information under subsection 187(3) of the *Fair Work (Registered Organisations) Act 2009* (the Act) in relation to an election for the following position:

Director

[3] The organisation was informed that the prescribed information was not lodged before the day prescribed by Regulation 138(3) of the *Fair Work (Registered Organisations) Regulations 2009*. That day is the day occurring 2 months before the first day when a person may, under the rules of the organisation or branch, become a candidate in the election. The organisation requested an extension of time to allow a later day for lodgment of the prescribed information under subsection 189(2) of the Act. Having considered the reasons for late lodgment, I allow lodgment on 7 December 2012 and 18 January 2013 in this instance.

[4] 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 Act, I am making arrangements for the conduct of the election by the Australian Electoral Commission.



DELEGATE OF THE GENERAL MANAGER
FAIR WORK COMMISSION

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PRESCRIBED INFORMATION IN RESPECT OF EXTENSION OF TIME
SECTION 189(2)
Fair Work (Registered Organisations) Act 2009

I, Matteo Pignatelli being the President of the Restaurant and Catering Industry Association of Victoria certify:

- I declare that I am applying for an Extension of Time for Arrangements for the conduct of an Election (E201/422).
- I was unable to sign the Prescribed Information for Election until the 07 December 2012 as referred to in your letter dated 22 January 2013 due to pressing business commitments.

Signature

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end, set against a light grey rectangular background.

Matteo Pignatelli
President

Date: 22 January 2013



FAIR WORK
COMMISSION

22 January 2013

Mr Matteo Pignatelli
President
The Restaurant and Catering Association of Victoria

By email: justinp@restaurantcater.asn.au

Dear Mr Pignatelli

Arrangements for the conduct of an Election (E2012/422)

I refer to the prescribed information dated 7 December 2012 which was lodged with the Fair Work Commission (FWC) on 7 December 2012, and the amended prescribed information lodged on 18 January 2013 for the conduct of an election for the Restaurant and Catering Association of Victoria.

Before an election can be arranged, FWC requires additional information. Section 189(2) of the *Fair Work (Registered Organisations) Act 2009* states that the prescribed information must be lodged before the prescribed day, which under regulation 138(3) of the *Fair Work (Registered Organisations) Regulations 2009*, is two months before the first day when a person may become a candidate. Since section 189(2) is a penalty provision and the prescribed information for this election was not lodged before the prescribed day, the Delegate of the General Manager will now require a written request for an extension of time.

The written request for an extension of time to lodge the prescribed information must include:

- a statement that you are applying for an extension of time to lodge the prescribed information under subsection 189(2) of the *Fair Work (Registered Organisations) Act 2009*;
- provide the reasons why it was not lodged before the prescribed day; and
- the request for an extension of time must be signed by an officer (eg President).

If you have any questions regarding this letter I may be contacted on (03) 8661 7942 or by email at melissa.garcia@fwc.gov.au

Yours sincerely

Melissa Garcia
Regulatory Compliance Branch
Fair Work Commission

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 2012. The date of the Annual General Meeting has been set at 28 March 2013. 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
20 December 2012



Restaurant
& Catering

SAVOUR
AUSTRALIA

20 December 2012

Attention General Manager

Email: Eve.Anderson@fwa.gov.au

Dear Registrar

Please find enclosed Prescribed Information in Respect of Election – Section 189 of Schedule 1 of the *Fair Work Act* 2009 in relation to The Restaurant and Catering Association of Victoria.

In accordance with section 187 of the *Fair Work Act* 2009, there will be the election of the Director (non-member) under rule 13(c) of the Association's constitution. I have cc'd the Victorian Branch of the Electoral Commission to conduct this election process.

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 Justin Pleass, (02) 9966 0055 or at justinp@restaurantcater.asmn.au should you require any additional information or clarification at this stage.

Yours sincerely

Matteo Pignatelli
President

cc: shane.lanning@aec.gov.au

**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:

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

Director

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 2012. The date of the Annual General Meeting has been set at 28 March 2013.

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
07 December 2012



Restaurant
& Catering



7 December 2012

Attention General Manager

Dear Registrar

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.

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 Justin Pleass, (02) 9966 0055 or at justinp@restaurantcater.asmn.au should you require any additional information or clarification at this stage.

Yours sincerely

A handwritten signature in black ink, appearing to be 'MP', on a light grey background.

Matteo Pignatelli
President