



27 October 2022

Joanne Blair
Branch Secretary/Treasurer
Australian Hotels Association - New South Wales Branch
Sent via email: enquiries@ahansw.com.au



IMMEDIATE ACTION REQUIRED:

You must take steps after your recent election E2022/160

Dear Joanne Blair,

An election has recently been completed by the Australian Electoral Commission (**AEC**) for the Australian Hotels Association - New South Wales Branch.

This letter explains the next steps you must take and what information you need to lodge with the Registered Organisations Commission (**ROC**).

What you must do right now

- Let your members know about the election report issued by the AEC
- Arrange financial training for officers newly elected to an office with financial management duties. (This includes all members of the committee of management).
- Complete the notification of change and email it to regorgs@roc.gov.au

This letter explains these steps and the tools available to help you.

STEP 1: Notify members

You must put a notice on your website once you receive your post-election report. It must tell your members they can request a copy of the post-election report from you or the AEC (r. 141). The notice must be on your website for at least 3 months.



Can I put more information on our website?

Yes! Being transparent is part of good governance. You can publish the whole report or the declaration of results, as well as your notice and leave them up longer than 3 months. You can always do more than the regulatory minimum.

The ROC will also publish your declaration of results on our [website](#).

STEP 2: Financial training

You may have to arrange financial training for people elected to new roles.

All officers with financial management duties must complete financial training (s 293K). For information on when officers must redo training and hints on when to book training for officers taking up multiple offices [please see our fact sheet](#).

There are face to face and online [financial training packages on the ROC website](#).

You must act on this now, as affected officers **MUST** complete approved financial training OR been granted an [exemption by the ROC within 6 months](#) of beginning to hold office.



Good governance tip:

Organisations should instruct officer holders about their other obligations. This is especially important for committee of management members.

Our podcast covers the [benefits of officer induction](#). Officers have responsibilities under the rules, the RO Act, and disclosure requirements around conflicts of interest, remuneration and material personal interests. Officers will benefit from our [officer induction kit](#) and our [podcast, such as episode 17 - conflicts of interest](#).

STEP 3: Notifications of change

A notification of change must be lodged with the ROC within **35 days** of the change occurring.



We have a [template](#) to help you with this, which you can send to regorgs@roc.gov.au. An officer must sign the completed notification template.

You must lodge a notification of change if:

- any of your officers have not been re-elected;
- officers have changed offices; or
- you have new officers.

Only notify us of changes that have **already occurred**. If people take up office in the future, you must wait until the change happens before lodging the notification within 35 days of the change.

Note: One election may result in many notifications of change.



Penalties apply

Failing to lodge your notifications of change on time can expose your organisation and its officers to significant penalties.

ROC v CEPU

The organisation failed to make a series of notifications of change on time.

The Full Court said 'The record-keeping obligations imposed under the Registered Organisations Act are treated by the legislature as important and serious, and contravention of those obligations are correspondingly serious.'

The organisation was ordered to pay a penalty. More information is available in our [case summary](#).

Questions?



Why do I need to tell you the results of the election when you've already received them?

The RO Act requires that **you** tell us this information about your officers – it is a legal obligation. The notification of change also contains information that is not in the declaration of results.

What if the officer has already done training?

Check out our [fact sheet](#) for when officers need to redo training, when they can get an exemption and when further training isn't required.

If you have any queries we can be contacted on 1300 341 665 or by email at regorgs@roc.gov.au.

Yours sincerely

Registered Organisations Commission



The ROC has a [Compliance Policy](#) which explains how we respond to issues of non-compliance. The policy is available on our website if you would like further information on the steps the compliance team may take in response to non-lodgement of a financial report.

26 October 2022

Post-election report

Australian Hotels Association
New South Wales Branch
Insufficient Nominations election
E2022/160

Contents

Election(s) Covered in this Report	3
Rules.....	3
Other Matters	4
Signed.....	4
Attachments	5
A. Declaration of Results for Uncontested Offices – NSW Branch.....	5

Election(s) Covered in this Report

Organisation: AHA - New South Wales Branch
Election: Insufficient Nominations
Election Decision No/s: E2022/160

Rules

Rules used for the election: [024N-NSW: Incorporates alterations of 28/8/2009]
(replaces 28/6/2004 version)

Rules difficult to apply/interpret: N/A

Model Rule reference (if any): N/A

For more details see the Model Rules on the AEC website: www.aec.gov.au/ieb/

Other Matters

Returning Officer actions required (Section 193):

Details:

- As there is no rule pertaining to the withdrawal of Nomination, the Returning Officer will apply subparagraph 193(1) (b)(ii) of the Act to fix a closing time for the withdrawal of the nomination and the withdrawal period will align with the close of the nomination period.
- The rules of the Association indicates that the ballot period is required to be closed within 14 days of the opening of the ballot. The returning officer deems that this period is insufficient due to current postal delivery time taken by the Australia post. To fix the issue, the Returning Officer will apply subparagraph 193(1) (b)(ii) of the Act and ballot to be closed within 28 days of the opening of the ballot.

Signed

Shehan Liyanage
Returning Officer
Australian Electoral Commission
E: IEEvents@aec.gov.au
P: 03 9285 7111
26 October 2022

Attachments

A. Declaration of Results for Uncontested Offices – NSW Branch

Australian Hotels Association
New South Wales Branch
DECLARATION OF RESULTS - E2022/160
Uncontested Offices

Insufficient Nominations Election

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 are:

State Council

Delegates to Council from the following electorates

Albury and District Sub-branch

Delegate to Council (1)

Candidates

No Nominations Received

Clarence River Sub-branch

Delegate to Council (1)

Candidates

NALDER Charlie

Eastern Suburbs Sub-branch

Delegate to Council (1)

Candidates

CRAWFORD Damon

Near West and Blue Mountains Sub-branch

Delegate to Council (1)

Candidates

No Nominations Received

Accommodation Division

Delegate to Council (1)

Candidates

No Nominations Received

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

Shehan Liyanage
Returning Officer
Telephone: 03 9285 7111
Email: IEBevents@aec.gov.au
26/10/2022



DECISION

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

Australian Hotels Association - New South Wales Branch (E2022/160)

MR STEENSON

SYDNEY, 2 AUGUST 2022

Arrangement for conduct of election.

[1] On 29 July 2022 the Australian Hotels Association - New South Wales Branch lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices, due to insufficient nominations received in a previous election (**E2021/137**):

State Council

Delegates to Council from the following electorates

Albury and District Sub-branch	(1)
Clarence River Sub-branch	(1)
Eastern Suburbs Sub-branch	(1)
Near West and Blue Mountains Sub-branch	(1)
Accommodation Division	(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 COMMISSIONER

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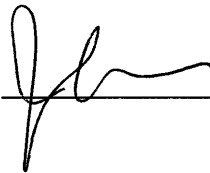
PR352302

PRESCRIBED INFORMATION FOR ELECTIONS in accordance with Section 189 Fair Work (Registered Organisations) Act 2009 and Regulation 138 Fair Work (Registered Organisations) Regulations 2009

I, Joanne Blair, being the Secretary/Treasurer of the Australian Hotels Association NSW make the following statement:

1. I am authorised to sign this statement containing prescribed information for the New South Wales branch of the Australian Hotels Association.
2. The following information is lodged under subsection 189(1) of the Fair Work (Registered Organisations) Act 2009 (the RO Act).
3. The elections that are required are set out in the table in Annexure A.
4. This statement is lodged at least 2 months before nominations open for the election below.

Signed: _____



Dated: _____

29-07-2022

Annexure A

- Elections that are required

Branch	Name of Office	Number required	Voting System <i>Direct voting system;</i> <i>Collegiate electoral system</i>	Reason for Election <i>Scheduled;</i> <i>Casual vacancy;</i> <i>New office created;</i> <i>Insufficient nominations</i>	Electorate
NSW	Delegate to Council representing the Albury & District Sub-Branch	1	Direct Voting System	Insufficient nominations	All members of the relevant Sub-Branch.
NSW	Delegate to Council representing the Clarence River Sub-Branch	1	Direct Voting System	Insufficient nominations	All members of the relevant Sub-Branch.
NSW	Delegate to Council representing the Eastern Suburbs Sub-Branch	1	Direct Voting System	Insufficient nominations	All members of the relevant Sub-Branch.
NSW	Delegate to Council representing the Near West & Blue Mountains Sub-Branch	1	Direct Voting System	Insufficient nominations	All members of the relevant Sub-Branch.

NSW	Delegate to Council representing the Accommodation Division	1	Direct Voting System	Insufficient nominations	All members of the Accommodation Division.
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- Important dates:

	Direct Voting System	Collegiate Electoral System
Nominations OPEN	To be determined by Returning Officer	
Nominations CLOSE	To be determined by Returning Officer	
Roll of Voters cut-off date	To be determined by Returning Officer	

