



DECISION

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

Australian Hotels Association
(E2021/211)

MR STEENSON

SYDNEY, 27 JANUARY 2022

Arrangement for conduct of election.

[1] On 22 December 2021, the Queensland Branch (**the Branch**) of the Australian Hotels Association (**AHA**) lodged prescribed information with the Registered Organisations Commission (**ROC**), and on and 17 January 2022 lodged amended prescribed information, for an election to fill the following offices for a new term of office:

Delegates to National Board (in addition to
the Branch President as *ex officio* Delegate) (5)

Representatives to National Accommodation Hotels Division:

Northern Zone (1)
Southern Zone (1)

[2] The AHA rules currently require an election for the abovementioned offices to be conducted annually. The Branch's lodgement of prescribed information was required because section 189 of the *Fair Work (Registered Organisations) Act 2009* (**RO Act**) requires organisations and branches to lodge prescribed information if an election is required under their rules. The Branch has therefore met the obligation under section 189 of the RO Act to lodge prescribed information for elections in accordance with its rules.

[3] However, the conduct of the previous scheduled election for the abovementioned offices (**E2020/216**) – which sought to have an election conducted in 2021 – was delayed due to the Covid-19 pandemic. The ROC understands that election E2020/216 is currently being conducted by the Australian Electoral Commission (**AEC**). The ROC acknowledges that the election dates for E2020/216, as required under the organisation rules, have been impeded by the Covid-19 pandemic delays and accepts that this is outside the control of the organisation and the AEC.

[4] While subsection 193(1)(a) of the RO Act requires that an election official (i.e. an AEC Returning Officer) must conduct an industrial election in accordance with the rules of the organisation or branch, this is subject to the provisions of subsection 193(b). That subsection permits an election official may take such steps as to avoid irregularities in the conduct of the election, remedy any procedural defects that appear to exist in the rules, or ensure the security

of ballot papers and envelopes used in the election.¹ Consequently, it is open to the AEC to take steps such as conducting an election under a revised timetable if the circumstances require it.

[5] It should be noted that rule 44A of the AHA rules, which was implemented due to the Covid-19 related delay to the earlier scheduled election **E2019/217**, provides that while the term for the abovementioned offices commencing in 2019 was extended as a one-off measure, the term of office will revert to one year for the officers that are declared elected in **E2020/216** and for subsequent elections.

[6] Given that running election **E2021/211**, in circumstances where another election for the identical offices is already underway, would (in practical terms) duplicate the election currently being held (**E2020/216**), I have determined that the AEC is not required to also conduct election **E2021/211** – provided that election E2020/216 is completed.



DELEGATE OF THE COMMISSIONER

Printed by authority of the Commonwealth Government Printer

PR352144

¹ s.193(1)(b)(i), (ii) and (iii) respectively.

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, Rachel Maree Johnson, being the Secretary/Treasurer of the Australian Hotels Association (Qld Branch) make the following statement:

1. I am authorised to sign this statement containing prescribed information for the Australian Hotels Association (Qld Branch).
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 two months before nominations open for the election.

Signed:



Dated: 17 January 2022

NOTE: This statement should be lodged with the Registered Organisations Commission at least 2 months prior to nominations opening. It can be submitted to regorgs@roc.gov.au.

Annexure A

- Elections that are required

Branch	Name of Office	Number required	Voting System <i>Direct voting system; Collegiate electoral system</i>	Reason for Election <i>Scheduled; Casual vacancy; New office created; Insufficient nominations</i>	Electorate
Queensland	Delegate to National Board	6	Collegiate Electoral System	Scheduled	Members of the Branch Committee of Management, however, one of the offices is filled by the President of the Branch ex officio (see R11.2(vi), 11.5 and 11A.2 of the Australian Hotels Association Rules).
Queensland	Representative to National Accommodation Hotels Division (Northern Zone)	1	Direct Voting System	Scheduled	The Accommodation Division of the Australian Hotels Association (Queensland Branch). (See rr.42 (a) – (c) of the Australian Hotels Association Rules).
Queensland	Representative to National Accommodation Hotels Division (Southern Zone)	1	Direct Voting System	Scheduled	The Accommodation Division of the Australian Hotels Association (Queensland Branch). (See rr.42 (a) – (c) of the Australian Hotels Association Rules).

- Important dates:

State Board Delegates	
	Collegiate Electoral System
Nominations OPEN	<i>At least 14 days prior to the first day of April 2022 (R11A.2)</i>
Nominations CLOSE	<i>1 April 2022 or such later time as allowed by the Returning Officer (R11A.2)</i>
Roll of Voters cut off date	<i>Seven days before the day on which nominations for the election open (R11A.2)</i>

Representative to National Accommodation Division	
	Direct Voting System
Nominations OPEN	<i>Not specified</i>
Nominations CLOSE	<i>Not less than 14 days, nor more than 30 days after the last nomination form is posted (rr.42(c) and 16(a))</i>
Roll of Voters cut off date	<i>Seven days before the day on which nominations for the election open (R42(c))</i>