



AMENDING DECISION

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

Australian Hotels Association
(E2024/158)

MR STEENSON

SYDNEY, 1 NOVEMBER 2024

Arrangement for conduct of election.

[1] The decision issued by the Delegate of the General Manager of the Fair Work Commission (the **Commission**) on 9 October 2024 [2024] FWCD 125 requires amendment.

[2] On 16 September 2024, the Tasmanian Hospitality Association (the **Branch**) of the Australian Hotels Association lodged prescribed information for an election to fill Branch offices for a new term of office. This gave rise to the election decision dated 9 October 2024.

[3] Prior to the prescribed information being lodged, on 28 August 2024 the Branch had also lodged with the Commission an application for alteration of its rules (**R2024/125**). The rule alterations were certified on 25 October 2024, i.e. after the election decision was issued, and those alterations affect the offices to be filled in this election **E2024/158**.

[4] Relevantly, alterations to sub-rules 14(a)(ii)(b) and 14(a)(iii)(b) have created an additional Representative to State Council for the Accommodation Hotels Division, increasing the number from two (2) to three (3) representatives. Transitional rule 34(a)(ii) provides that the third Accommodation Hotel Division Representative shall take office at the declaration of the 2024 election.

[5] In addition, an alteration to sub-rule 19(f) has the effect of reserving the office of the Branch Senior Vice President such that it becomes an office held ‘ex officio’ by the President of the Pub/Tavern Division. (Previously under the rules it was also an ex officio Branch Vice President, as it now remains for the other Divisions).

[6] On 25 October 2024 staff of the Commission requested the Branch to lodge amending prescribed information to reflect the changes put into effect by the new Branch rules. Amending prescribed information was lodged on 28 October and 1 November 2024.

[7] For abundant clarity, this amending decision [2024] FWCD 125 PR755364 entirely replaces the 9 October 2024 election decision.¹

¹ [2024] FWCD 125 PR755344 (9 October 2024)

[8] All offices set out below are required to be filled by an election for a new term of office:

President (1)

Treasurer (1)

Division President, Pub/Tavern Division
(and Branch Senior Vice President ex officio) (1)

Division Presidents (and Branch Vice President ex officio) from the following:

Accommodation Hotels Division (1)

Restaurant Division (1)

Division Representatives to State Council (16 in total) comprised of:

Pub/Tavern Division Representatives (9 in total) from:

South Region(prefix 62) (4)

North Region (prefix 63) (3)

North West Region (prefix 64) (2)

Accommodation Hotels Division Representatives (3 in total) from:

South Region (prefix 62) (1)

North Region (prefix 63) (1)

North West Region (prefix 64) (1)

Restaurant Division Representatives (4 in total) from:

South Region (prefix 62) (2)

North and North West Regions (prefix 63 and 64) (2)

[9] 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 GENERAL MANAGER

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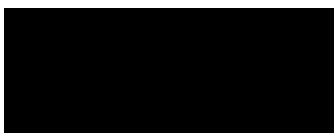
PR755364

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, Ben Carpenter, being the President of the Australian Hotels Association – Tasmanian Branch make the following statement:

1. I am authorised to sign this statement containing prescribed information for Australian Hotels Association – Tasmanian 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. No rule alterations are pending that will impact the election.
5. This statement **is not** lodged at least 2 months before nominations open for the election(s) in Annexure A. The reason is it lodged after the prescribed time is that this statement is amending a previous statement lodged on 16 September 2024 to update the elections that are required given the Branch’s Rules were amended on 25 October 2024.

Signed:



Dated: 01/11/2024

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

Annexure A

- Elections that are required [insert as many pages as required]

| Branch | Name of Office | Number required | Voting System Direct voting system; Collegiate electoral system | Reason for Election Scheduled; Casual vacancy; New office created; Insufficient nominations | Electorate |
|----------|-----------------------------------------------------------------------------------------------|-----------------------------------------------|-----------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Tasmania | President | 1 | Collegiate electoral system | Scheduled | All State Council Members. R 18b |
| Tasmania | Treasurer | 1 | Collegiate electoral system | Scheduled | All State Council Members. R 18b |
| | | | | | |
| Tasmania | Division President (and Branch Senior Vice President ex officio) from the Pub/Tavern Division | 1 | Direct Voting System | Scheduled | Members of Pub/Tavern, R 14e 1 – Pub/Tavern |
| Tasmania | Division President/ Branch Vice President | 2 | Direct Voting System | Scheduled | Members of Accommodation and Restaurant Divisions. R 14e 1 – Accommodation/Hotels 1 – Restaurant |
| Tasmania | Division Representatives | 16 made up of the below (incl Div Presidents) | Direct Voting System | Scheduled | All Pub/Tavern, Accommodation and Restaurant members of the association in the South, North and Nth West Divisions. See details below. R 14c and 14e |
| Tasmania | Pub/Tavern | 9 | Direct Voting System | Scheduled | All Pub/Tavern members of the association. R 14e 4 – South (telephone prefix 62 – South) 3 – North (telephone prefix 63 – North) 2 – Nth West (telephone prefix 64 – Nth West) |

| | | | | | |
|----------|---------------|---|----------------------|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Tasmania | Accommodation | 3 | Direct Voting System | Scheduled | All Accommodation members of the association. R 14e 1 – South (telephone prefix 62 – South) 1 – Nth West(telephone prefix 64 – Nth West) 1 - North (telephone prefix 63 – North) |
| Tasmania | Restaurants | 4 | Direct Voting System | Scheduled | All Restaurant members of the association. R 14e 2 – South (telephone prefix 62 – South) 2 – Nth West and North (telephone prefix 64 – Nth West and 63 – North) |

- Important dates:

| | Direct Voting System | Collegiate Electoral System |
|------------------------------------|--------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| Nominations OPEN | To be determined by the Returning Officer - R 14f | To be determined by the Returning Officer - R 14f |
| Nominations CLOSE | To be determined by the Returning Officer | To be determined by the Returning Officer |
| Roll of Voters cut-off date | To be closed 7 days before the day on which nominations for the election open. R 14h | To be closed 7 days before the day on which nominations for the election open. R 14f |

NOTES: For insufficient nominations and casual vacancies, the date nominations open and close, unless specified in the rules, should be listed as ‘To be determined by the returning officer’. This also applies where rules are silent as to the nominated dates.

If the nomination dates are ‘To be Determined by the Returning Officer’, but your organisation has a preference, please state ‘To be Determined by Returning Officer’ and clearly indicate that your nominated date is a preference.

If the P.I. includes a position that is not an office, please refer to our template [*Prescribed information for the election of officer and non-officer positions*](#)



DECISION

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

Australian Hotels Association
(E2024/158)

MR STEENSON

SYDNEY, 9 OCTOBER 2024

Arrangement for conduct of election.

[1] On 16 September 2024 the Tasmanian Hospitality Association (the **Branch**) of the Australian Hotels Association lodged with the Fair Work Commission prescribed information for an election to fill the following offices for a new term of office:

President (1)

Treasurer (1)

Division President (and Branch Vice President ex officio) from the following:

Pub/Tavern Division (1)

Accommodation Hotels Division (1)

Restaurant Division (1)

Division Representatives to State Council (15 in total) comprised of:

Pub/Tavern Division (9 in total) from the following regions:

South (prefix 62) (4)

North (prefix 63) (3)

North West (prefix 64) (2)

Accommodation Hotels Division (2 in total) from the following regions:

South (prefix 62) (1)

North and North West (prefix 63 and 64) (1)

Restaurant Division (4 in total) from the following regions:

South (prefix 62) (2)

North and North West (prefix 63 and 64) (2)

[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 (RO Act)*, I am making arrangements for the conduct of the election by the Australian Electoral Commission (AEC).

[3] I note that the AEC, in its post-election report for the previous election (E2023/165), stated that it found Branch rule 14(j)(V) difficult to interpret and apply, and that the Branch should allow a minimum of 28 days for a postal ballot – recommending that the Branch consider a rule change accordingly. Section 198 of the RO Act requires that an organisation or branch must respond, within 30 days, to a report by the AEC that it found a rule difficult to apply or interpret.

[4] On 28 August 2024, the Branch lodged with the Commission an application for alteration of its rules, which relevantly includes a proposed alteration to Branch rule 14(j)(V) such that it would specify at least 28 days for a postal ballot. The Commission’s Rules team is currently assessing the Branch’s rule alteration and using its best endeavours to progress a decision on the rule alterations be made before the commencement of the Branch’s election process.

[5] I request that the AEC take into account this pending rule alteration when engaging with the Branch about the timetable for this forthcoming election. In the event that the relevant rule alterations are certified, the Commission will immediately notify the AEC and the Branch.



DELEGATE OF THE GENERAL MANAGER

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PR755344

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, Ben Carpenter, being the President of the Australian Hotels Association – Tasmanian Branch make the following statement:

1. I am authorised to sign this statement containing prescribed information for Australian Hotels Association – Tasmanian 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. No rule alterations are pending that will impact the election.
5. This statement **IS** lodged at least 2 months before nominations open for the election(s) in Annexure A.

Signed:



Dated: 16/09/2024

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

Annexure A

- Elections that are required [insert as many pages as required]

| Branch | Name of Office | Number required | Voting System Direct voting system; Collegiate electoral system | Reason for Election Scheduled; Casual vacancy; New office created; Insufficient nominations | Electorate |
|----------|----------------------------------------------|-----------------------------------------------|-----------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Tasmania | President | 1 | Collegiate electoral system | Scheduled | All State Council Members. R 18b |
| Tasmania | Treasurer | 1 | Collegiate electoral system | Scheduled | All State Council Members. R 18b |
| | | | | | |
| Tasmania | Division President/ Branch Vice President | 3 | Direct Voting System | Scheduled | Members of Pub/Tavern, Accommodation and Restaurant Divisions. R 14e 1 – Pub/Tavern 1 – Accommodation/Hotels 1 – Restaurant |
| Tasmania | Division Representatives | 15 made up of the below (incl Div Presidents) | Direct Voting System | Scheduled | All Pub/Tavern, Accommodation and Restaurant members of the association in the South, North and Nth West Divisions. See details below. R 14c and 14e |
| Tasmania | Pub/Tavern | 9 | Direct Voting System | Scheduled | All Pub/Tavern members of the association. R 14e 4 – South (telephone prefix 62 – South) 3 – North (telephone prefix 63 – North) 2 – Nth West (telephone prefix 64 – Nth West) |
| Tasmania | Accommodation | 2 | Direct Voting System | Scheduled | All Accommodation members of the association. R 14e 1 – South (telephone prefix 62 – South) 1 – Nth West and North (telephone prefix 64 – Nth West and 63 – North) |
| Tasmania | Restaurants | 4 | Direct Voting System | Scheduled | All Restaurant members of the association. R 14e 2 – South (telephone prefix 62 – South) 2 – Nth West and North (telephone prefix 64 – Nth West and 63 – North) |

- Important dates:

| | Direct Voting System | Collegiate Electoral System |
|------------------------------------|--------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| Nominations OPEN | To be determined by the Returning Officer - R 14f | To be determined by the Returning Officer - R 14f |
| Nominations CLOSE | To be determined by the Returning Officer | To be determined by the Returning Officer |
| Roll of Voters cut-off date | To be closed 7 days before the day on which nominations for the election open. R 14h | To be closed 7 days before the day on which nominations for the election open. R 14f |

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