



DECISION

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

Australian Hotels Association
(E2024/208)

MR STEENSON

SYDNEY, 16 JANUARY 2025

Arrangement for conduct of election.

[1] On 3 December 2024, and on 13 and 14 January 2025, the Victorian Branch (**the Branch**) of the Australian Hotels Association (**the organisation**) lodged with the Fair Work Commission prescribed information for an election to fill the following offices due to casual vacancies for the remainder of the term and insufficient nominations received in previous election (E2024/151):

Councillors from the following Divisions:

Southern Metropolitan	(1)
North-Eastern Metropolitan	(1)
Accommodation Hotels Division	(2)

Executive Committee

Honorary Minute Secretary	(1)
Executive Board Members from the Accommodation Hotels Division	(2)

[2] In relation to the office of North-Eastern Metropolitan Councillor, a notification of change received by the Commission dated 3 January 2024 indicates that this office was vacated on 29 November 2023¹. Accordingly, it has been apparent to the Branch Council that this office has been vacant for more than a year with apparently no previous prescribed information lodged to attempt to fill this vacant office, in circumstances where there were 22 months left unexpired for the two-year term at the time the vacancy arose.

[3] Branch rule 19 (Casual Vacancies) is silent on the exact timing of any casual vacancy election, however the rule states where there is a vacancy the Returning Officer should “*call for nominations for the office within seven days of becoming aware of the vacancy*”. The clear expectation from this is that the Branch is therefore expected to lodge prescribed information to fill the vacant office soon after an officer resigns.

¹ See annual return AR2023/48

[4] One of the objects of the Fair Work (Registered Organisations) Act 2009 (**RO Act**) is the democratic control of organisations. A necessary part of that is the conduct of elections and the filling of vacancies that arise, and to do so in a timely manner.

[5] To assist the organisation with its compliance in relation to election-related obligations going forward, I draw the organisation's attention to the guidance material available on the Commission's website at <https://www.fwc.gov.au/registered-organisations/running-registered-organisation/elections>.

[6] I am satisfied that an election for the abovenamed office 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.

[7] The delay in the issuing of this decision arose from the Branch's request to include further vacancies in this election, and the prescribed information for those was not received until some weeks after that request.



DELEGATE OF THE GENERAL MANAGER

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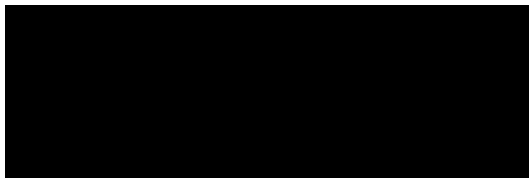
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PRESCRIBED INFORMATION (AS AMENDED) FOR ELECTIONS in accordance with Section 189 *Fair Work (Registered Organisations) Act 2009* and Regulation 138 *Fair Work (Registered Organisations) Regulations 2009*

I, David Canny, being the President of the Victorian Branch of the Australian Hotels Association make the following statement:

1. I am authorised to sign this statement containing prescribed information for the Victorian 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.

Signed:



Dated: 14/01/2025

Annexure A

- Elections that are 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
Victoria	Executive Committee Member – Honorary Minute Secretary	1	Collegiate electoral system	Insufficient nominations From E2024/151	AHA (Vic) Rule 19
Victoria	Southern Metropolitan Councillor	1	Direct Voting System	Insufficient nominations From E2024/151	AHA (Vic) Rule 19
Victoria	North Eastern Metropolitan Councillor	1	Direct Voting System	Casual vacancy	AHA (Vic) Rule 19
Victoria	Accommodation Hotels Division Councillor	2	Direct Voting System	Casual vacancy	AHA (Vic) Rule 19
Victoria	Executive Committee Member – Accommodation Hotels Division	2	Collegiate electoral system	Casual vacancy	AHA (Vic) Rule 19

- Important dates:

	Direct Voting System	Collegiate Electoral System
Nominations OPEN		To be determined by the returning officer.
Nominations CLOSE		To be determined by the returning officer.
Roll of Voters cut off date		To be determined by the returning officer.