



AMENDING DECISION

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

Australian Hotels Association
(E2020/142)

MR STEENSON

SYDNEY, 28 APRIL 2021

Arrangement for conduct of election.

[1] On 23 July 2020 the Australian Hotels Association (**AHA**) lodged with the Registered Organisations Commission (**Commission**) prescribed information for an election to fill the following offices:

National Accommodation Hotels Division

President	(1)
Vice President	(1)
Secretary	(1)
Representative to National Board	(6)

[2] On 17 August 2020, a decision was issued by a Delegate of the Commissioner making arrangements for the conduct of an election by the Australian Electoral Commission (**AEC**) for the offices listed in the prescribed information, as the Delegate was satisfied, under subsection 189(3) of the *Fair Work (Registered Organisations) Act 2009*, that an election for these offices was required to be held under the rules of the organisation (as they stood at that time)..

[3] At the time that the original decision was issued, the rules governing the AHA required annual elections for these officers.

[4] As a result of the suspension of the conduct of most industrial elections by the AEC due to the COVID-19 pandemic and associated restrictions, this election (along with many others) was delayed. The AEC has confirmed that it has not yet proceeded with this election (**E2020/142**) to fill the offices.

[5] In response to the delays in conducting industrial elections, the AHA (along with a number of other registered organisations) lodged rule alterations with the Fair Work Commission (**FWC**) seeking to amend its rules to deal with this situation. The AHA's rule alteration specifically dealt with offices which comprised the National Board and the National Accommodation Hotels Division. The rule alteration (matter R2020/171) was certified by the

FWC on 24 December 2020,¹ and inserted Rule 44A into the AHA's rules in order to extend the term of those particular offices from one (1) year to two (2) years.

[6] Rule 44A, as it now operates, provides that for the offices of: Delegates to National Board (Rule 11), members of the National Executive (Rule 15),² and offices of the National Accommodation Hotels Division (Rule 42), the term of office which commenced in 2019 are two year terms, which therefore expire in 2021. I note that the scheduled election at which these offices were elected was declared in late 2019.

[7] As rule 44A extends, to two years, the terms of officers elected in 2019, it affects elections that would otherwise be due in 2020 – such as the election that was to be arranged as a result of the Delegate's decision in this matter (**E2020/142**).

[8] On 21 April 2021, a request was therefore made to the Commission to consider whether the issuing of an amending decision in **E2020/142** was required as a result of the abovementioned rule alteration.

[9] Having considered the application of the rule alteration (in particular rule 44A) to this matter, I have determined that the effect of the rule alteration is to make election **E2020/142** no longer required.

[10] Accordingly, this amending decision is issued to confirm that as a result of the operation of alterations to the AHA's rules (in particular rule 44A), the election that the Delegate's decision in this matter (**E2020/142**), dated 17 August 2020, was issued to arrange, is now no longer required to be conducted by the AEC.

[11] I note that Rule 44A(2) provides that the terms of the affected offices revert to one year terms with effect from the term starting in 2021 and that prescribed information will therefore be required to be lodged later this year in order for an election for a new term of office to be arranged in accordance with the rules.



DELEGATE OF THE COMMISSIONER

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¹ [2020] FWCD 5821

² Which are offices on the National Board



DECISION

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

Australian Hotels Association

(E2020/142)

MR ENRIGHT

MELBOURNE, 17 AUGUST 2020

Arrangement for conduct of election.

[1] On 23 July 2020 the Australian Hotels Association lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices:

National Accommodation Hotels Division

President	(1)
Vice President	(1)
Secretary	(1)
Representatives to the National Board	(6)

[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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STATEMENT OF PRESCRIBED INFORMATION FOR ELECTIONS

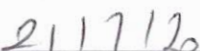
SECTION 189 FAIR WORK (REGISTERED ORGANISATIONS) ACT 2009 AND REGULATION 138 FAIR WORK (REGISTERED ORGANISATIONS) REGULATIONS 2009

I, David Basheer, of 27 Murray Crescent, Griffith, Secretary/Treasurer of the Australian Hotels Association (AHA), declare that:

1. I am authorised to sign this statement containing prescribed information for the AHA.
2. The following information is lodged under subsection 189(1) of the *Fair Work (Registered Organisations) Act 2009*.
3. The elections that are required relate to the AHA National Accommodation Hotels Division and are set out in Annexure A.
4. There are no rules alterations pending that will impact the election.
5. This statement is lodged at least 2 months before nominations open for the election below.



Signed



Date

ANNEXURE A

- Elections that are required

Branch	Name of Office	Number required	Voting System	Reason for Election	Electorate
<i>National Accommodation Hotels Division</i>	<i>President</i>	<i>1</i>	<i>Collegiate</i>	<i>Scheduled</i>	<i>National Accommodation Hotels Division (Rule 42 (c) and (d)).</i>
<i>National Accommodation Hotels Division</i>	<i>Vice President</i>	<i>1</i>	<i>Collegiate</i>	<i>Scheduled</i>	<i>National Accommodation Hotels Division (Rule 42 (c) and (d)).</i>
<i>National Accommodation Hotels Division</i>	<i>Secretary</i>	<i>1</i>	<i>Collegiate</i>	<i>Scheduled</i>	<i>National Accommodation Hotels Division (Rule 42 (c) and (d)).</i>
<i>National Accommodation Hotels Division</i>	<i>Representatives to the National Board (in addition to President who is ex-officio a member of the National Board).</i>	<i>6</i>	<i>Collegiate</i>	<i>Scheduled</i>	<i>National Accommodation Hotels Division (Rule 42 (c) and (d)).</i>

- Important dates:

	Collegiate Electoral System
Nominations OPEN	<i>To be determined by the Returning Officer</i>
Nominations CLOSE	<i>To be determined by the Returning Officer</i>
Roll of Voters cut-off date	<i>To be determined by the Returning Officer</i>