



AMENDING DECISION

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

Australian Hotels Association
(E2020/155)

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 Board

President	(1)
Senior Vice President	(1)
Vice President	(1)
Secretary/Treasurer	(1)

[2] On 19 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 offices.

[4] As a result of the suspension of the conduct of most industrial elections by the AEC for several months due to the COVID-19 pandemic and associated restrictions, this election (along a number of others) was delayed. The AEC has confirmed that it has not yet proceeded with this election (**E2020/155**).

[5] In response to the delays in conducting industrial elections, the AHA (like a number of other registered organisations) lodged rule alterations with the Fair Work Commission (**FWC**) seeking to address the situation. The rule alteration submitted to the FWC by the AHA's National Office specifically concerned offices which comprised the National Board and the National Accommodation Hotels Division.

[6] The rule alteration (matter R2020/171) was certified by the FWC on 24 December 2020.¹ Relevantly, the rule alteration inserted Rule 44A into the AHA's rules to extend the term of office from one (1) year to two (2) years for those particular offices, for the term which commenced in 2019.

[7] 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), where the terms of these office commenced in 2019 such terms are now two year terms expiring in 2021.

[8] Rule 44A(2) provides that the terms of the affected offices will revert to one year terms with effect from the term starting in 2021.

[9] On 21 April 2021, a request was made to the Commission to consider whether the issuing of an amending decision in **E2020/155** was required as a result of the abovementioned rule alteration.

[10] Having considered this matter, particularly in light of the application of rule 44A, I have concluded that the next scheduled election for these offices is now not due until the latter part of 2021.

[11] 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 (**E2020/155**) dated 19 August 2020 was issued to arrange, is now no longer required to be conducted by the AEC.



DELEGATE OF THE COMMISSIONER

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¹ [2020] FWCD 5821

² These are offices of the National Board



DECISION

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

Australian Hotels Association
(E2020/155)

MR ENRIGHT

MELBOURNE, 19 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 Board

President	(1)
Senior Vice President	(1)
Vice President	(1)
Secretary/Treasurer	(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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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 Board Officers 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

21/7/20
Date

ANNEXURE A

- Elections that are required

Branch	Name of Office	Number required	Voting System	Reason for Election	Electorate
<i>National/Central Office</i>	<i>President</i>	<i>1</i>	<i>Collegiate</i>	<i>Scheduled</i>	<i>National Board (Rule 14)</i>
<i>National/Central Office</i>	<i>Senior Vice President</i>	<i>1</i>	<i>Collegiate</i>	<i>Scheduled</i>	<i>National Board (Rule 14)</i>
<i>National/Central Office</i>	<i>Vice President</i>	<i>1</i>	<i>Collegiate</i>	<i>Scheduled</i>	<i>National Board (Rule 14)</i>
<i>National/Central Office</i>	<i>Secretary/Treasurer</i>	<i>1</i>	<i>Collegiate</i>	<i>Scheduled</i>	<i>National Board (Rule 14)</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>