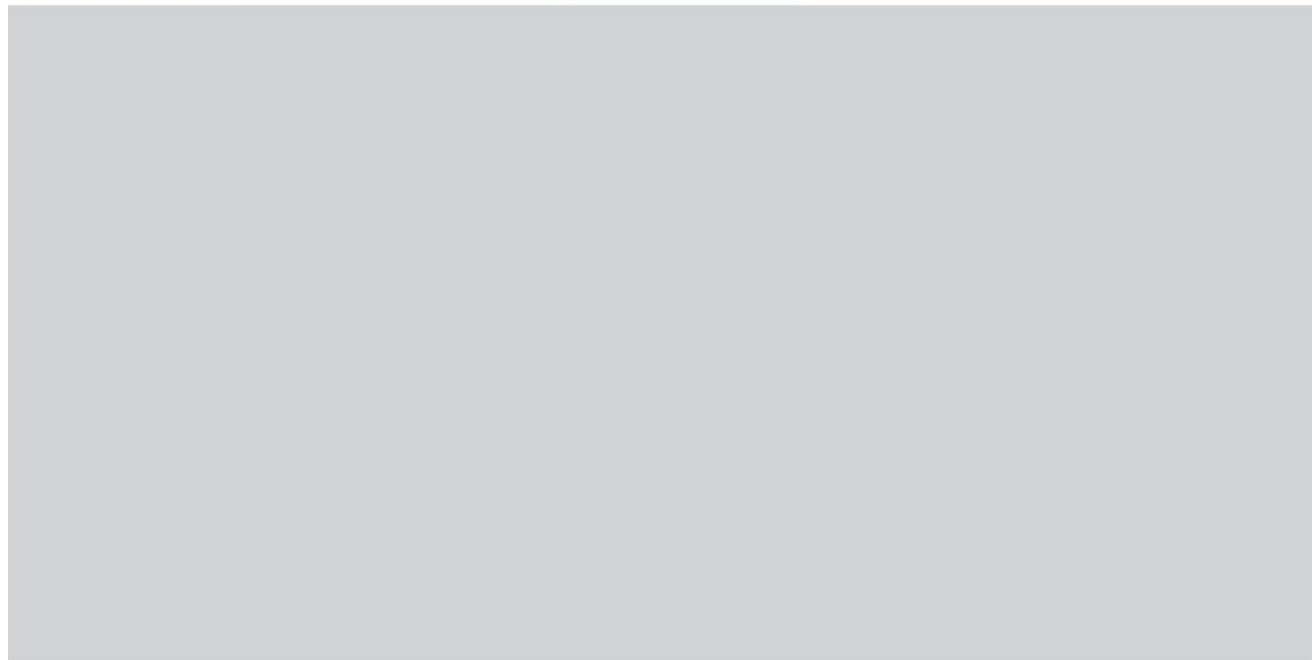


Post-Election Report

Australian Hotels Association

E2017/39



AEC

Australian Electoral Commission

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Election(s) Covered in this Report

Election Decision No/s: E2017/39

Rules

Rules used for the election: [024N-NSW: Incorporates alternations of 28/8/2009]

Rules difficult to apply/interpret: None
Module Rule reference (if any) N/A

Roll of Voters

No contested offices

Total number of voters on the Roll:
Number of apparent workplace addresses:

Number of non-current addresses:

Other matters pertaining to the roll of voters:

Irregularities

Details of written allegations of irregularities, and action taken by AEC:

Other irregularities identified, and action taken:

Other Matters

Attachments

- 1) Declaration of result for Uncontested Offices



Rhys Richards
Returning Officer

12 April 2017

Australian Hotels Association New South Wales Branch

Declaration of Results for Uncontested Offices

E2017/39

Below are the results of the election for the following offices, conducted in accordance with the provisions of the *Fair Work (Registered Organisations) Act 2009* and the rules of the organisation.

New South Wales Branch

Delegate to Council - Bankstown Sub-Branch

Candidates

THOMAS, John

Delegates to Council - Eastern Suburbs Sub-Branch

Candidates


JONES, Antony

Delegate to Council - Northern Suburbs Sub-Branch

Candidates

MCKAY, Lukas

As the number of nominations accepted did not exceed the number of positions to be filled, I declare the above candidates elected.



Rhys Richards
Returning Officer

11 April 2017



17 February 2017

Mr Scott Leach
President, New South Wales Branch
Australian Hotels Association

Sent by email: Phillip.Ryan@ahansw.com.au

Dear Mr Leach,

Election – s189 Fair Work (Registered Organisations) Act 2009 - Australian Hotels Association [E2017/39]

I refer to your declaration with respect to prescribed information in relation to an election to fill three offices unfilled in election matter E2016/224. The prescribed information was lodged on 16 February 2017.

The Delegate has granted the election and a copy of his Decision is attached, but I draw your attention to the following.

The Fair Work Commission ('FWC') notes that the election will represent a fifth attempt to fill these three offices, including the biennial election matter E2015/193 granted on 15 September 2015. In my discussion yesterday with Mr Phillip Ryan, I acknowledged that the attempts to fill the vacancies were consistent with FWC advice that, as a general principle, organisations should endeavour to fill offices established by their rules, but signalled that where, and as soon as, it became apparent to an organisation that particular offices could not be filled, it should consider what, if any, further action was appropriate.

This might involve a consideration of whether or not the vacancies affected the quorate functioning of the organisation, whether or not the offices were required for the representativeness considered essential or desirable by the organisation, how long remained of the period of the nominal term before the next scheduled election, and/or whether or not, having regard to the objects/standards of the RO Act, the conduct of a further election would represent a reasonable incurring of Commonwealth expense.

In the circumstances of this particular case, if the offices remain unfilled, the FWC would expect to engage in further dialogue with the AHA about them.

If you wish to discuss this further, please contact me by email at stephen.kellett@fwc.gov.au.

Yours sincerely

Stephen Kellett
Senior Adviser
Regulatory Compliance Branch



DECISION

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

Australian Hotels Association (E2017/39)

MR ENRIGHT

MELBOURNE, 16 FEBRUARY 2017

Arrangement for conduct of election.

[1] On 16 February 2017, the New South Wales Branch of the Australian Hotels Association lodged with the Fair Work Commission the prescribed information in relation to an election for the following offices, due to insufficient nominations received in a previous election¹:

Delegates to Council from the General Division (from the following sub-branches):

| | |
|------------------|-----|
| Bankstown | (1) |
| Eastern Suburbs | (1) |
| Northern Suburbs | (1) |

[2] I am satisfied that an election for the above-named 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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¹ E2016/224

Fair Work (Registered Organisations) Act 2009 (Cth)

Section 189 (1);

Fair Work (Registered Organisations) Regulations 2009

Regulation 138;

Prescribed Information

**Election in Australian Hotels Association, New South Wales Branch –
Delegates to Council**

- (a) Name of each office for which election is required:
- Delegates to Council from the following Sub-branches:
 - i. Bankstown;
 - ii. Eastern Suburbs;
 - iii. Northern Suburbs.
- (b) Reasons for election:
- Insufficient nominations in elections E2016/224 (see Declaration of Results for Contested and Uncontested Offices).
- (c) The number of offices to be filled: 3 offices
- (d) The name of the branch to which the election relates:
- The Australian Hotels Association, New South Wales Branch.
- (e) Date and time of commencement and expiration of period for calling of nominations:
- For Delegates to Council: calling prior to 15 October 2015, and closing 21 days after calling (see Rules 30.1 (a) & (b)).
- (f) The day provided in the Rules of the Organisation as the day on which the roll of voters is to close:
- Seven (7) days before the day upon which nominations for the election open – see Rule 30.1(h).

(g) Method of election

- For Delegates to Council: direct voting system.

The information referred to in this statement is lodged in accordance with Section 189 (1) of the Act.



SCOTT LEACH
President

16TH FEB 2017
Date