

24 February 2022

Post-election report

Australian Hotels Association
AHA - New South Wales Branch
Scheduled election
E2019/208

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Election(s) Covered in this Report

Organisation: AHA - New South Wales Branch
Election: Scheduled
Election Decision No/s: E2019/208

Rules

Rules used for the election: [024N-NSW: Incorporates alterations of 28/8/2009](replaces 28/6/2004 version)

Rules difficult to apply/interpret: No

Model Rule reference (if any): N/A

For more details see the Model Rules on the AEC website: www.aec.gov.au/ieb/

Roll of Voters

Based on an analysis of the register of members the Returning Officer has formed the opinion that :

- There were no concerns in the construction of the Roll of Voters
- There are no concerns in the data provided by the organisation

Other Matters

Returning Officer actions required (Section 193): Yes
Details:

- Rules are silent on withdrawal of nominations, so the Returning Officer exercised their powers of delegation under section 193 of the Act, to have a withdrawal period the same date and time as the close of nominations, in line with the AEC's policy and procedures

Signed

Delegate of the AEC
Australian Electoral Commission
E: IEBevents@aec.gov.au
P: 03 9285 7111
24 February 2022

Attachments

A. Declaration of results for Uncontested Offices



AMENDING DECISION

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

Australian Hotels Association
(E2019/208)

MR STEENSON

SYDNEY, 5 FEBRUARY 2021

Arrangement for conduct of election.

[1] On 14 November 2019 the New South Wales Branch (the Branch) of the Australian Hotels Association (the organisation) lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices:

Representatives to the National Accommodation Hotels Division (2)

Delegates to the National Board
(one of whom is the NSW Branch President) (8)

[2] On 18 December 2019, a decision was issued by a Delegate of the Commissioner making arrangements for the conduct of an election for the abovementioned offices by the Australian Electoral Commission (AEC), as the Delegate was satisfied that an election for these offices was required to be held under the rules of the organisation at that time and under subsection 189(3) of the Fair Work (Registered Organisations) Act 2009.

[3] At the time when the decision was issued on 18 December 2019, the rules governing the operation of the Branch and the organisation required an annual election of these offices.

[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. Only part of this election (**E2019/208**) – to fill the offices for the Representatives to the National Accommodation Hotels Division – had been completed at the time of the suspension, and the AEC has not yet proceeded with the subsequent collegiate election to fill the offices for the Delegates to the National Board.

[5] In response to the delays in conducting industrial elections, the organisation lodged rule alterations with the Fair Work Commission (FWC) to insert Rule 44A into the organisation's rules in order to extend the term of office from one (1) year to two (2) years for particular offices. This rule alteration was certified by the FWC in R2020/171 on 24 December 2020.¹

¹ [2020] FWCD 5821

[6] Rule 44A provides that for the offices of: delegates to National Board (Rule 11); members of the National Executive (Rule 15); and offices of the National Accommodation Hotels Division (Rule 42); where the terms of office commenced in 2019 such terms shall expire in 2021.

[7] Accordingly, this amending decision is issued to advise that, following the insertion of Rule 44A in the organisation's rules, the collegiate election to fill the offices for the Delegates to the National Board (for the 2020 to 2021 term) arising from the decision dated 18 December 2019 in **E2019/208** is no longer required. I have today issued a separate decision (in matter **E2020/220**) in relation to elections for office for the term commencing in 2021.



DELEGATE OF THE COMMISSIONER

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PR351836



19 February 2020

Joanne Blair
NSW Branch Secretary/Treasurer
Australian Hotels Association - New South Wales Branch
Sent via email: enquiries@ahansw.com.au

cc: Stephen Ferguson, Australian Hotels Association,
aha@aha.org.au

Dear Joanne Blair,

Reminder of actions required when persons elected to office

The Australian Electoral Commission has provided the Registered Organisations Commission (the ROC) a declaration of results for the election of uncontested offices in matter E2019/208. This letter is a reminder of certain obligations imposed on organisations and on persons elected to office.

A notice must be published on the organisation's website

The organisation or branch must, as soon as practicable after receiving the post-election report, publish on its website a notice that a copy of the report is available from the organisation, branch or the AEC on request. The notice must be kept on the website for a period of at least 3 months (see regulation 141 of the Fair Work (Registered Organisations) Regulations 2009).

Holders of office required to undertake approved training

Section 293K of the *Fair Work (Registered Organisations) Act 2009* (the RO Act) requires each officer with financial management duties to undertake approved training that covers those duties within 6 months after the person begins to hold office. Please ensure that relevant officers undertake approved training within the required timeframe. Please also ensure that all new holders of office are advised of their obligations to make disclosures regarding remuneration, non-cash benefits and material personal interests, the details of which are provided for in the RO Act.

Organisation must notify the Commission of changes

Also, section 233(2) of the RO Act requires that an organisation must notify the Commission **within 35 days of any changes** to the holders of office in the organisation. **If there are no changes a notification is not required.** If the election has resulted in **any changes** to the holders of office, the Australian Hotels Association - New South Wales Branch must notify the Commission of these changes. In particular, please advise:

1. Person(s) who have ceased to hold office:
 - the name of the office vacated;
 - the date of the change of office holder; and
 - the name of the person vacating the office.

2. Person(s) who have commenced to hold office:
 - the name of the office now held;

- the date of the change of office holder;
- the name of the person now holding the office;
- the postal address of the person (generally the postal address of the organisation); and
- the occupation of the person now holding the office.

The notification must include a declaration by the Secretary (or other prescribed officer) that the information is a correct statement of the changes made. A template notification of changes, which may assist you, is attached. If any change does not apply until a date in the future, you do not need to notify until then (e.g. AGM, 1 January, 2nd Monday in March). If you have already lodged this information, please disregard this reminder.

Yours sincerely

Registered Organisations Commission

Australian Hotels Association
AHA NSW Branch
DECLARATION OF RESULTS - E2019/208
Uncontested Offices

Scheduled Election

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 are:

NSW Accommodation Hotels Division

NSW Representatives to National Accommodation Hotels Division (2)

Candidates

FARHAD Fazila

PAGE Antony

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



Jeff Webb
Returning Officer
Telephone: 03 9285 7141
Email: vicelections@aec.gov.au
14/02/2020





DECISION

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

Australian Hotels Association
(E2019/208)

MR ENRIGHT

MELBOURNE, 18 DECEMBER 2019

Arrangement for conduct of election.

[1] On 14 November 2019 the Australian Hotels Association - New South Wales Branch lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices:

NSW Representatives to National Accommodation Hotels Division (2)

NSW Delegates to National Board (8)
(one of whom is the NSW Branch President)

[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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PR351533

STATEMENT OF PRESCRIBED INFORMATION FOR ELECTIONS

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

I, Joanne Blair, being the Secretary/Treasurer of the NSW Branch of the Australian Hotels Association NSW, make the following statement:

1. I am authorised to sign this statement containing prescribed information for the New South Wales Branch of the Australian Hotels Association.
2. The following information is lodged under subsection 189(1) of the *Fair Work (Registered Organisations) Act 2009*.
3. The elections that are required are set out in the table in Annexure A.
4. This statement is lodged at least two months before nominations open for the election below.



Signed

12-11-19

Date

ANNEXURE A

- Elections that are required

Branch	Name of Office	Number required	Voting System	Reason for Election	Electorate
NSW	Representative to National Accommodation Hotels Division	2	Direct Voting System	Scheduled	The Accommodation Division of the New South Wales Branch of the Australian Hotels Association. (See rr.42 (a) – (c) of the Australian Hotels Association Rules).

- Important dates:

	Direct Voting Electoral System
Nominations OPEN	Not Specified
Nominations CLOSE	Not less than 14 days, nor more than 30 days after the last nomination form is posted (rr.42(c) and 16 (a)).
Roll of Voters cut-off date	Seven days before the day upon which nominations for the election open (r.42(c)).

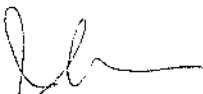


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Signed

12-11-19

Date

ANNEXURE A

- Elections that are required

Branch	Name of Office	Number required	Voting System	Reason for Election	Electorate
NSW	Delegate to National Board	8	Collegiate Electoral System	Scheduled	Members of the Branch Committee of Management, however, one of the offices is filled by the President of the Branch ex officio (see rr.11(aa)(A)(8), 11(aa)(D) and 11(f) of the Australian Hotels Association Rules).

- Important dates:

	Collegiate Electoral System
Nominations OPEN	At least 14 days prior to the first day of April 2020 (r.11(e)).
Nominations CLOSE	1 April 2020, or such later time as allowed by the Returning Officer (r.11(f)).
Roll of Voters cut-off date	Seven days before the day upon which nominations for the election open (r.11(e)).

