



# AMENDING DECISION

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

**Australian Hotels Association**  
(E2020/194)

MR STEENSON

SYDNEY, 15 MARCH 2021

*Arrangement for conduct of election.*

[1] On 14 October 2020 the Australian Hotels Association (the organisation) Tasmanian Hospitality Association Branch (the Branch) lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices:

President	(1)
Treasurer	(1)

Division President/Branch Vice President from the following Divisions:

Pub/Tavern	(1)
Accommodation Hotels	(1)
Restaurant	(1)

Representatives to State Council from the following Divisions:

Pub/Tavern Division from the following regions:

South (telephone prefix 62)	(4)
North (telephone prefix 63)	(3)
North West (telephone prefix 64)	(2)

Accommodation Hotels Division from the following regions:

South (telephone prefix 62)	(1)
North West and North (telephone prefix 64 and 63)	(1)

Restaurant Division from the following regions:

South (telephone prefix 62)	(2)
North West and North (telephone prefix 64 and 63)	(2)

Representative to National Accommodation Division	(1)
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[2] On 21 October 2020, 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] On 11 February 2021, an amending decision was issued by me, as a Delegate of the Commissioner,<sup>1</sup> determining that the election for the office of Representative to the National Accommodation Hotels Division set out in the decision dated 21 October 2020 in **E2020/194** was no longer required.

[4] That decision was issued on the basis that certification of rule changes by Fair Work Commission (FWC) in matter **R2020/171**,<sup>2</sup> in particular the insertion of Rule 44A into the organisation's rules, extended the term of office of the Representative to the National Accommodation Hotels Division from one (1) year to two (2) years. The amending decision further noted that the remaining offices set out in decision **E2020/194** were still required to be conducted.

[5] Subsequently, and also in response to the delays in the AEC's conduct of industrial elections (which were affected by the COVID-19 pandemic, associated restrictions, and the subsequent 'flow on' effect when elections recommenced), the Branch lodged rule alterations with the FWC to insert Branch Rule 14A into the Tasmanian Hospitality Association Branch'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 **R2021/6** on 27 January 2021.<sup>3</sup>

[6] Rule 14A provides that for the offices of: Branch President, Branch Treasurer, Division President from each Division (who also hold office as Branch Vice-President) and Divisional representatives to State Council where the terms of office commenced in 2020, such terms will expire in 2022.

[7] The current term of office for those offices commenced following the declaration of the various stages of election **E2019/184** in January and February 2020.

[8] Consequently – with the exception of Representatives to the National Accommodation Hotels Division, to which AHA rule 44A applies – the offices which were the subject of election **E2019/184** (declared in early 2020) meet the criteria of being offices “where the terms of office commenced in 2020, such terms will expire in 2022”, as set out in rule 14A of the Branch rules.

[9] I note that some of the offices which were the subject of election **E2019/184** received insufficient nominations. Commission staff will communicate separately to the Branch about that issue.

[10] This amending decision is issued to confirm that, following the insertion of rule 14A in the Branch's rules, combined with the recent insertion of rule 44A in the

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<sup>1</sup> [2021] ROCD 165.

<sup>2</sup> [2020] FWCD 5821 issued on 24 December 2020.

<sup>3</sup> [2021] FWCD 331.

organisation's rules, the election for the offices outlined in paragraph [1] above, arising from the decision dated 21 October 2020 in **E2020/194**, is no longer required.



DELEGATE OF THE COMMISSIONER

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## AMENDING DECISION

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

**Australian Hotels Association**  
(E2020/194)

MR STEENSON

SYDNEY, 11 FEBRUARY 2021

*Arrangement for conduct of election.*

[1] On 14 October 2020 the Australian Hotels Association (the organisation) Tasmanian Hospitality Association Branch (the Branch) lodged with the Registered Organisations Commission prescribed information for an election to fill a range of offices. One of those offices was Representative to the National Accommodation Hotels Division).

[2] On 21 October 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 each of the offices listed in the prescribed information, 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 21 October 2020, the rules governing the operation of the organisation required an annual election for the office of the Representative to the National Accommodation Hotels Division.

[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 (**E2020/194**) was delayed, along with many others. This election is yet to be conducted.

[5] In the meantime, 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.<sup>1</sup>

[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. The rule also provides that from 2021 the term for those offices reverts to a one (1) year term.

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<sup>1</sup> [2020] FWCD 5821

[7] On 15 January 2021, the Branch lodged prescribed information, in accordance with its rules, requesting a scheduled election (**E2021/13**) to fill the single office of the Representative to the National Accommodation Hotels Division for the next term of office, i.e. the term commencing in 2021. I have today issued a decision in that matter.

[8] Accordingly, this amending decision is issued to determine that, following the insertion of rule 44A in the organisation's rules, the election for the office of Representative to the National Accommodation Hotels Division set out in the decision dated 21 October 2020 in **E2020/194** is no longer required. However, I note that an election for the remaining offices set out in decision **E2020/194** is still required to be conducted.



DELEGATE OF THE COMMISSIONER

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# DECISION

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

**Australian Hotels Association**  
(E2020/194)

MR ENRIGHT

MELBOURNE, 21 OCTOBER 2020

*Arrangement for conduct of election.*

[1] On 14 October 2020 the Australian Hotels Association - Tasmanian Hospitality Association lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices:

President	(1)
Treasurer	(1)

Division President/Branch Vice President from the following Divisions:

Pub/Tavern	(1)
Accommodation Hotels	(1)
Restaurant	(1)

Representatives to State Council from the following Divisions:

Pub/Tavern Division from the following regions:

South (telephone prefix 62)	(4)
North (telephone prefix 63)	(3)
North West (telephone prefix 64)	(2)

Accommodation Hotels Division from the following regions:

South (telephone prefix 62)	(1)
North West and North (telephone prefix 64 and 63)	(1)

Restaurant Division from the following regions:

South (telephone prefix 62)	(2)
North West and North (telephone prefix 64 and 63)	(2)

Representative to National Accommodation Division	(1)
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[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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**PRESCRIBED INFORMATION FOR ELECTIONS in accordance with Section 189 Fair Work (Registered Organisations) Act 2009 and Regulation 138 Fair Work (Registered Organisations) Regulations 2009**

I, Paul Jubb, being the President of the Australian Hotels Association – Tasmanian Branch make the following statement:

1. I am authorised to sign this statement containing prescribed information for the Australian Hotels Association – Tasmanian Branch.
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.
4. No rule alterations are pending that will impact the election.
5. This statement **IS** lodged at least 2 months before nominations open for the election(s) in Annexure A.

Signed:



Dated: 14.10.20

**NOTE:** This statement should be lodged with the Registered Organisations Commission at least 2 months prior to nominations opening. It can be submitted to [regorgs@roc.gov.au](mailto:regorgs@roc.gov.au).





## Annexure A

- Elections that are required

<b>Branch</b>	<b>Name of Office</b>	<b>Number required</b>	<b>Voting System</b> <i>Direct voting system; Collegiate electoral system</i>	<b>Reason for Election</b> <i>Scheduled; Casual vacancy; New office created; Insufficient nominations</i>	<b>Electorate</b>
Tasmania	President	1	Collegiate electoral system	Scheduled	All State Council Members. R 18b
Tasmania	Treasurer	1	Collegiate electoral system	Scheduled	All State Council Members. R 18b
Tasmania	Division President/Branch Vice President	3	Direct Voting System	Scheduled	Members of Pub/Tavern, Accommodation and Restaurant Divisions. R 14e 1 – Pub/Tavern 1 – Accommodation Hotels 1 - Restaurant
Tasmania	Division Representatives	15 (including Presidents) made up of the below	Direct Voting System	Scheduled	All Pub/Tavern, Accommodation and Restaurant members of the association in the South, North and North West Divisions. See details below. R 14c and 14e
Tasmania	Pub/Tavern	9	Direct Voting System	Scheduled	All Pub/Tavern members of the association. R 14e 4 – South (telephone prefix 62 – South) 3 – North (telephone prefix 63 – North) 2 – North West (telephone prefix 64 – North West)
Tasmania	Accommodation	2	Direct Voting System	Scheduled	All Accommodation members of the association. R 14e 1 – South (telephone prefix 62 – South) 1 – North West and North (telephone prefix 64 and 63)
Tasmania	Restaurants	4	Direct Voting System	Scheduled	All Restaurant members of the association. R 14e 2 – South (telephone prefix 62 – South) 2 – North West and North (telephone prefix 64 and 63)



	Delegates to National Accommodation Division	1	Direct Voting System	Scheduled	Members of the Accommodation Division. Nat R 42c
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- Important dates:

	<b>Direct Voting System</b>	<b>Collegiate Electoral System</b>
<b>Nominations OPEN</b>	Scheduled election – 23 February, 2021 (R14f) (Preference 23 February 2021)	To be determined by the Returning Officer (Preference 23 February, 2021) (R124f)
<b>Nominations CLOSE</b>	To be determined by the Returning Officer	To be determined by the Returning Officer
<b>Roll of Voters cut-off date</b>	To be closed 7 days before the day on which nominations for the election open (R14h)	To be closed 7 days before the day on which nominations for the election open (R14h)

**NOTES:** For insufficient nominations and casual vacancies, the date nominations open and close, unless specified in the rules, should be listed as 'To be determined by the returning officer'. This also applies where rules are silent as to the nominated dates.

If the nomination dates are 'To be Determined by the Returning Officer', but your organisation has a *preference*, please state 'To be Determined by Returning Officer' and clearly indicate that your nominated date is a preference.

If the P.I. includes a position that is not an office, please refer to our template [Prescribed information for the election of officer and non-officer positions](#)

