



## DECISION

*Fair Work (Registered Organisations) Act 2009*  
s.186(2)—Application to revoke an election exemption

**The Motor Inn, Motel and Accommodation Association**  
(R2018/79)

MR ENRIGHT

MELBOURNE, 16 APRIL 2018

*Application to revoke an election exemption*

[1] On 11 October 1991, the then Industrial Registrar of the Australian Industrial Registry certified under subsection 213(1) of the *Industrial Relations Act 1988* (the **IR Act**) that the Motor Inn, Motel and Accommodation Association (MIMAA) was exempted from the provisions of subsection 210(1) of the IR Act which provided that:

‘Each election for an office in an organisation or branch of an organisation shall be conducted by the Australian Electoral Commission.’

[2] As a result of a detailed assessment conducted of relevant documents, records and information, I am satisfied that the MIMAA election exemption has continued to apply to the present time by operation of transitional provisions<sup>1</sup> and that those relevant provisions are now contained in s.186 of the *Fair Work (Registered Organisations) Act 2009* (**RO Act**).

[3] Relevantly, section 186(2)(a) of the RO Act provides that the Commissioner may revoke an exemption granted to an organisation or branch on application by the committee of management of the organisation or branch.

[4] Pursuant to s.186(2) of the RO Act, Regulation 137 of the *Fair Work (Registered Organisations) Regulations 2009* provides that an application by the committee of management of an organisation or branch under subsection 186(2) of the RO Act for revocation of an exemption must:

- (a) be in writing; and
- (b) contain a written statement signed by a member of the committee of management stating that the committee of management has resolved to make the application; and
- (c) be lodged with the Commissioner.

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<sup>1</sup> The exemption was issued under s.211(1) of the *Industrial Relations Act 1988* (IR Act). Instruments issued under s.211(1) of the IR Act continue in force in accordance with s.2 of Schedule 1 of the *Workplace Relations Legislation Amendment (Registration and Accountability of Organisations) (Consequential Provisions) Act 2002* and s.622 of Schedule 22 of the *Fair Work (Transitional Provisions and Consequential Amendments) Act 2009*.

[5] On 26 March 2018, the MIMAA lodged with the Registered Organisations Commission (**ROC**) a Declaration signed by the President of MIMAA setting out the details of a resolution unanimously passed by the members of MIMAA's National Council present at a meeting on 15 March 2018, declaring that an application be made to the ROC for the revocation of MIMAA's election exemption pursuant to s.186(2) of the RO Act.

**Decision to revoke the exemption**

[6] I am satisfied that the requirements set out in s.186(2) of the RO Act have been met by MIMAA's application which was made for the purpose of having its election exemption revoked.

[7] The exemption granted on 11 October 1991, is revoked.



DELEGATE OF THE COMMISSIONER

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