

12 July 2022

Post-election report

Australian Hotels Association

Victoria Branch

Insufficient Nominations Election

E2022/97

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Election Covered in this Report

Organisation: Australian Hotels Association - Victoria Branch

Election: Insufficient Nominations

Election Decision No/s: E2022/97

Rules

Rules used for the election: [024N-VIC: Incorporates alterations of 3 March 2022 [R2021/186] (replaces rulebook dated 28 February 2018 [R2017/263])

Rules difficult to interpret: Yes

Rule 19A refers to situations of an 'Extraordinary Vacancy' in an office of Councillor due to failure of Division members nominating or electing a councillor in accordance with Rule 15. Discussion regarding implications of wording within this rule was had between the AEC and AHA VIC.

Within rule 19A the following phrase exists:

"The Council shall have power to elect a person to fill the vacant office from among the financial members of the Association who are not Councillors."

AHA VIC suggested this phrase allows existing Councillors to act as nominators and voters in this situation. However, whilst the word 'elect' can function as referring to allowing existing Councillors to have the ability to vote in this situation, there are prior rules governing the nomination of members of Council.

Rule 15A states:

"Any two (2) financial members of the Association attached to a Division may nominate any other such member for the office of Councillor for that Division."

Furthermore, rule 13c states:

"All such representatives shall be elected by and from the financial members of the respective Divisions"

To avoid ambiguity around nominator and voter eligibility, the AEC advises AHA VIC considers reviewing the rules to have clearer specifications surrounding the conduct of Insufficient Nominations.

Model Rule reference: Part 2, Rule 7

The rules of the organisation should stipulate the qualifications required to participate as nominees and nominators in elections for offices. These qualifications may vary between organisations and careful consideration must be given to the specific words used in each set of rules, including whether there are different qualifications for different office-holder positions within an organisation. Qualifications normally cover financial status, geographic location and/or working in a particular industry or calling.

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 the:

- 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 regarding the timetable of the election were set aside as the AEC held concerns that the coronavirus pandemic may impact on the ability for stakeholders to fully participate in the election. A timetable for the conduct of the ballot which varied from the rules was set when the AEC was satisfied that stakeholders would be able to fully participate.
- Rules requiring an in-person ballot were set aside as the AEC held concerns that the coronavirus pandemic would impact on the ability for all stakeholders to attend. Instead the ballot was conducted via post.

Signed

Jenna Hales
Returning Officer
Australian Electoral Commission
E: IEEvents@aec.gov.au
P: (03) 9285 7131
12 July 2022

Attachments

A. Declaration of Uncontested Offices

**Australian Hotels Association
Victorian Branch**
DECLARATION OF RESULTS - E2022/97
Uncontested Offices

Insufficient Nominations 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:

Councillors

Accommodation Hotel Division (3)

Candidates

ATHERTON Tracy

DAWSON Robert

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

Jenna Hales
Returning Officer
Telephone: (03) 9285 7111
Email: IEBevents@aec.gov.au
30/06/2022





DECISION

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

Australian Hotels Association - Victorian Branch (E2022/97)

MR STEENSON

SYDNEY, 12 MAY 2022

Arrangement for conduct of election.

[1] On 2 May 2022 the Victorian Branch of the Australian Hotels Association lodged with the Registered Organisations Commission prescribed information for an election to fill vacancies in the following office for the remainder of the term:

Councillors

Accommodation Hotel Division (3)

[2] While the prescribed information submitted by the organisation refers to these vacancies as being casual vacancies they are, in fact, vacant due to insufficient nominations being received in the previous election E2020/100.¹

[3] 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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¹ which was declared on 28 April 2021 in relation to the scheduled election (with only 3 nominations for the 6 offices) and on 24 November 2021 in relation to the 'Extra Ordinary Vacancy Election' (with no further nominations received).

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, David Canny, being the President of the Victorian Branch of the Australian Hotels Association make the following statement:

1. I am authorised to sign this statement containing prescribed information for the Victorian Branch of the Australian Hotels Association.
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. The supporting information is attached for each casual vacancy.
5. No rule alterations are pending that will impact the election.

Signed:

A handwritten signature in black ink, appearing to read 'David Canny', with a long, sweeping horizontal stroke extending to the right.

Dated: 29/04/2022

Annexure A

- Elections that are required:

Branch	Name of Office	Number required	Voting System <i>Direct voting system; Collegiate electoral system</i>	Reason for Election <i>Scheduled; Casual vacancy; New office created; Insufficient nominations</i>	Electorate
Victoria	Councillor – Accommodation Division	3	Collegiate electoral system	Casual vacancy	(Rule 19 – Casual Vacancies)

- Important dates:

	Direct Voting System	Collegiate Electoral System
Nominations OPEN		“The Returning Officer shall by circular or electronic communication to all Councillors call for nominations for the office within seven days of becoming aware of the vacancy...” – (rule 19)
Nominations CLOSE		“... nominations shall close at the registered office of the Association seven days after the posting of the circular calling for nominations.” – (rule 19)
Roll of Voters cut off date		“The roll of voters for any ballot for any direct voting system election required under these rules is to be closed seven (7) days before the day on which nominations for the election open.” – (rule 15)