

8 June 2021

Post-election report

Australian Hotels Association

Australian Capital Territory Branch

Scheduled election

E2020/221

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Election(s) Covered in this Report

Organisation: AHA - Australian Capital Territory Branch
Election: Scheduled
Election Decision No/s: E2020/221

Rules

Rules used for the election: 024N-ACT: Incorporates alterations of 5 February 2018 [R2017/239]

Rules difficult to apply/interpret: None

Model Rule reference (if any): N/A

For more details see the Model Rules on the AEC website:

https://www.aec.gov.au/About_AEC/AEC_Services/Industrial_Elections

Roll of Voters

As there were no contested offices, no Roll of Voters was required.

Irregularities

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

None

Other irregularities identified, and action taken:

N/A

Other Matters

Returning Officer actions required (Section 193): Yes

Details: Dates of election modified from rules due to COVID-19 pandemic

Signed



Michelle Carmody
Returning Officer
Australian Electoral Commission
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8 June 2021

Attachments

A. Declaration of results for Uncontested Offices

Australian Hotels Association
Australian Capital Territory Branch
DECLARATION OF RESULTS - E2020/221
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:

ACT Branch - Accommodation/Hotels Division

Representative to National Accommodation Hotels Division (1)

Candidates

No Nominations Received

Michelle Carmody
Returning Officer
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07/06/2021





DECISION

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

Australian Hotels Association
(E2020/221)

MR STEENSON

SYDNEY, 5 FEBRUARY 2021

Arrangement for conduct of election.

[1] On 8 January 2021 the Australian Capital Territory 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 office:

Representative to the National Accommodation Hotels Division (1)

[2] I note that the Branch previously lodged prescribed information on 16 February 2020, seeking an election (**E2019/222**) which was intended to fill a number of Branch and National offices including the abovementioned office. On 26 February 2020, a decision (**[2020] ROCD 34**) was issued arranging for an election for the Branch and National offices in matter **E2019/222**.

[3] As a result of the suspension of most industrial elections by the Australian Electoral Commission (AEC) due to the COVID-19 pandemic and associated restrictions, the election **E2019/222** (along with a number of other industrial elections) was delayed. It has not yet been conducted.

[4] 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

[5] 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.

[6] While rule 44A extends, to two years, the terms of officers elected in 2019, and therefore can affect elections due in 2020, it does not similarly apply to the elections due in 2021. Rule 44A(2) provides that the terms of the affected offices revert to one year terms with effect from the term starting in 2021.

¹ [2020] FWCD 5821

[7] I am satisfied that an election for the abovenamed office, for the term commencing in 2021, 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 AEC.

[8] I have also issued an amendment to the Delegate's 26 February 2020 decision in **E2019/222** to indicate that, because of the operation of Rule 44A of the organisation's rules, the office of Representative to the National Accommodation Hotels Division is no longer required to be conducted under **E2019/222**, and that the election for the term commencing in 2021 is required to be conducted by virtue of this decision.

[9] The Branch has indicated its preference that the two Branch elections still to be conducted (**E2019/222** and **E2020/221**) be conducted by the AEC at the same time.



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, Michael Capezio, being the President of the Australian Hotels Association (ACT Branch) make the following statement:

1. I am authorised to sign this statement containing prescribed information for the Australian Hotels Association (ACT 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. However, rule alterations for the Australian Hotels Association (National) do impact the outstanding election E2019/222 for the Representative to the National Accommodation Hotels Division.
5. This statement **IS** lodged at least 2 months before nominations open for the election(s) in Annexure A.

Signed:



Dated: 5 January 2021

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.

Annexure A

- Elections that are required [insert as many pages as 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
Australian Hotels Association (ACT Branch)	Representative to the National Accommodation Hotels Division	1	Direct Voting System	Scheduled	<i>Accommodation Division; ACT Rule 26 (1), National Rule 42 (c)</i>

- Important dates:

	Direct Voting System	Collegiate Electoral System
Nominations OPEN	To be determined by the Returning Officer, but the branch's strong preference is that E2020/222 is held in conjunction with E2019/222.	
Nominations CLOSE	To be determined by the Returning Officer, but the branch's strong preference is that E2020/222 is held in conjunction with E2019/222.	
Roll of Voters cut off date	To be determined by the Returning Officer, but the branch's strong preference is that E2020/222 is held in conjunction with E2019/222.	

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](#).