

19 November 2021

Post-election report

Australian Hotels Association

Tasmanian Branch

Scheduled election

E2021/13

Contents

Election(s) Covered in this Report	3
Rules.....	3
Other Matters	4
Signed.....	4
Attachments	5
A. Declaration of Results – Uncontested	Error! Bookmark not defined.

Election(s) Covered in this Report

Organisation: AHA - Tasmanian Branch

Election: Scheduled

Election Decision No/s: E2021/13

Rules

Rules used for the election: 024N-TAS: Incorporates alterations of 27 January 2021 [R2021/6] (replaces rulebook dated 1 April 2010 [R2010/27])

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/

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.

Signed



Sally Angus
Returning Officer
Australian Electoral Commission
E: IEEvents@aec.gov.au
P: 03 9285 7111
19 November 2021

Attachments

A. Declaration of results for Uncontested Offices

Australian Hotels Association
Tasmanian Branch
DECLARATION OF RESULTS - E2021/13
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:

Accommodation Hotels Division of the Tasmanian Hospitality Association Branch
Representative to National Accommodation Hotels Division (1)

Candidates

DABNER John Raymond

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



Sally Angus
Returning Officer
Telephone: 03 9285 7111
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19/11/2021





DECISION

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

Australian Hotels Association (E2021/13)

MR STEENSON

SYDNEY, 11 FEBRUARY 2021

Arrangement for conduct of election.

[1] On 15 January 2021 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 office:

Representative to National Accommodation Hotels Division (1)

[2] I note that the Branch lodged prescribed information, on 14 October 2020, seeking an election (**E2020/194**) which was intended to fill the same abovenamed office. On 21 October 2020 a decision ([2020] **ROCD 165**) was issued arranging for an election for the office in **E2020/194**.

[3] The election arising from the decision in **E2020/194** has not yet been conducted. This has been the case with elections for several registered organisations. The apparent reason for this has been delay in the timetabling and conduct of elections, which is a consequence of the suspension of most industrial elections by the Australian Electoral Commission (AEC) due to the COVID-19 pandemic and associated restrictions during 2020, coupled with the flow-on effect from the AEC's task of recommencing the numerous delayed elections..

[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 representatives of the National Accommodation Hotels Division (Rule 42); where the terms of those offices commenced in 2019 such terms shall now expire in 2021.

[6] While Rule 44A extends to two years the terms of officers elected in 2019, and therefore can affect elections due to be conducted in 2020, it does not similarly apply to the elections due

¹ [2020] FWCD 5821

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.

[7] The election for the term commencing in 2021 is dealt with in this decision (**E2021/13**).

[8] I am satisfied that an election for the abovenamed office 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.

[9] I have also today issued an amendment to the earlier, 21 October 2020, decision of the Delegate of the Commissioner in **E2020/194**. The amending decision indicates that the election of Branch Representative to the National Accommodation Hotels Division arising from decision **E2020/194** is no longer required because of the operation of Rule 44A of the organisation's rules.



DELEGATE OF THE COMMISSIONER

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ANNEXURE A

- Elections that are required

Branch	Name of Office	Number required	Voting System	Reason for Election	Electorate
TAS	Representative to National Accommodation Hotels Division	1	Direct Voting System	Scheduled	The Accommodation Division of the Tasmanian 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	<i>Not Specified</i>
Nominations CLOSE	<i>Not less than 14 days, nor more than 30 days after the last nomination form is posted (rr.42(c) and 16 (a)).</i>
Roll of Voters cut-off date	<i>Seven days before the day upon which nominations for the election open (r.42(c)).</i>

STATEMENT OF PRESCRIBED INFORMATION FOR ELECTIONS

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

I, Phil Fuglsang, being the Treasurer of the Tasmanian Branch of the Australian Hotels Association, make the following statement:

1. I am authorised to sign this statement containing prescribed information for the Tasmanian 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. No rules alterations are pending that will impact the election.
5. This statement is lodged at least two months before nominations open for the election below.



Signed

15 / 2 / 2012

Date