

29 November 2021

Post-election report

Australian Hotels Association

Victoria Branch

Scheduled election

E2020/218

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Election Covered in this Report

Organisation: AHA - Victoria Branch

Election: Scheduled

Election Decision No/s: E2020/218

Rules

Rules used for the election: [024N-VIC: Incorporates alterations of 28 February 2018] [R2017/264]
(replaces 28 June 2004 version)

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
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29 November 2021

Attachments

A. Declaration of Results for Uncontested Offices

Australian Hotels Association
Victoria Branch
DECLARATION OF RESULTS - E2020/218
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:

Branch Committee of Management

Delegate to National Board (6)

Candidates

CHECINSKI Rachel

CLARK Andrew

CURRY David John

NIKAKIS Matthew John

O'REILLY Mark

STOCKS Paul Christian

Accommodation Hotels Division

Representative to National Accommodation Hotels Division (2)

Candidates

D'CRUZ Shaun

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
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29/11/2021



CORRECTION TO A DECISION

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

Australian Hotels Association
(E2020/218)

MR STEENSON

SYDNEY, 4 FEBRUARY 2021

Arrangement for conduct of election.

[1] The decision issued by me, as Delegate of the Registered Organisations Commissioner, on 3 February 2021 ([2021] ROCD 6) is corrected as follows:

By deleting “Rule 45A” appearing in paragraph [8] and inserting in lieu “Rule 44A”.

[2] The reference to Rule 45A in paragraph [8] is a typographical error and should read as Rule 44A.



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
(E2020/218)

MR STEENSON

SYDNEY, 3 FEBRUARY 2021

Arrangement for conduct of election.

[1] On 12 January 2021 the Victorian 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 offices:

Delegates to the National Board (the Branch President shall serve
ex officio as a delegate and reduce the number of Branch Delegates by one) (6)

Representatives to the National Accommodation Hotels Division (2)

[2] I note that the Branch previously lodged prescribed information, on 23 December 2019, seeking an election (**E2019/219**) which was intended to fill the same abovenamed offices. On 20 January 2020, a decision ([2020] **ROCD 10**) was issued arranging for an election for those offices in **E2019/219**.

[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 **E2019/219** (along with a number of other industrial elections) was delayed. It had 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.

¹ [2020] FWCD 5821

[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.

[7] 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 AEC.

[8] I am also issuing an amendment to the earlier 20 January 2020 decision in **E2019/219** to advise that an election arising from decision **E2019/219** is no longer required by operation of Rule 45A of the organisation's rules.



DELEGATE OF THE COMMISSIONER

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AUSTRALIAN HOTELS ASSOCIATION (VICTORIA)

ABN 79 948 978 376

12 January 2021

The Commissioner

Registered Organisations Commission

Email: regorgs@ roc .gov.au

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. 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.

It is requested that Registered Organisations Commission approve arrangements for the Australian Electoral Commission (AEC) to conduct elections for the name and numbers of each office or position as detailed in Annexure A.

Signed:

Dated: 12 /01/2021

Annexure A

- Elections that are required:

Branch	Name of Office	Number required	Voting System	Reason for Election	Electorate
Victorian	Delegate to National Board	7	Collegiate electoral system	Scheduled	Members of the Branch Committee of Management, however, one of the offices is filled by the President of the Branch ex officio (see r.11(aa)(A), 11(aa)(D) and 11(f) of the Australian Hotels Association Rules).
Victorian	Representative to National Accommodation Hotels Division	2	Direct Voting System	Scheduled	The Accommodation Division of the Victorian Branch of the Australian Hotels Association. See r.42(a) – (c) of the Australian Hotels Association Rules).

- Important dates:

	Direct Voting System	Collegiate Electoral System
Nominations OPEN	Not Specified	At least 14 days prior to the first day of April 2021 (see r.11(e))
Nominations CLOSE	Not less than 14 days, nor more than 30 days after the last nomination form is posted (r.42(c) and 16(a)).	1 April 2021, or at such later time as allowed by the Returning Officer (r.11(f))
Roll of Voters cut-off date	Seven days before the day upon which nominations for the election open (r.42(c)).	Seven days before the day upon which nominations for the election open (r.11(e)).