



Reference: ANCK1 2021/4384

Mr Stephen Ferguson
National CEO
Australian Hotels Association
P.O.BOX 4286
MANUKA ACT 2603

Dear Mr Ferguson

**Australian Hotels Association
Scheduled Election
E2021/161**

The Registered Organisations Commission has made arrangements with the Australian Electoral Commission (AEC) under Section 189 of the *Fair Work (Registered Organisations) Act 2009 (the Act)* to conduct the above election.

Timetable

The timetable for the election will be:

Date	Occurrence
01/10/2021	Close of Roll
05/10/2021	List of eligible members delivered to Returning Officer
08/10/2021	Returning Officer publishes Election Notice via email
08/10/2021	Organisation publishes Election Notice and nomination form via Organisation website
08/10/2021	Nominations Open
22/10/2021	Nominations Close at 12:00pm (Australian Eastern Daylight Time (AEDT))
22/10/2021	Nomination withdrawal period closes at 12:00pm (Australian Eastern Daylight Time (AEDT))
12/11/2021	Postal Ballot Opens
10/12/2021	Postal Ballot Closes at 10:00am (Australian Eastern Daylight Time (AEDT))

Notification to Members

I will arrange an Election Notice and Nomination Form to be sent to eligible members by email on 08/10/2021.

The Organisation is required to have the enclosed Notice and nomination form published via Organisation website from 08/10/2021 and until 10/12/2021.

Application of Section 193 Powers

The matters in which I have exercised the authority given to me by s.193 of the Act are:

- As there is no rule pertaining to the withdrawal of Nomination, the Returning Officer will apply subparagraph 193(1) (b)(ii) of the Fair Work (Registered Organisation) Act 2009 to fix a closing time for the withdrawal of nomination and the withdrawal period will be aligned with the nomination closing date.
- Rule of the Organisation states that ballot to open within 14 days of the close of the nomination. The Returning Officer deems that this time frame is not sufficient. The Returning Officer will apply subparagraph 193(1) (b)(ii) of the Fair Work (Registered Organisation) Act 2009 to extend the period considering eligibility check and defect period and will open the ballot within 21 days of the close of the nomination instead of 14 days.
- Due to Covid -19 issue the ballot cannot be conducted by attendance. To address the issue, the Returning Officer will apply subparagraph 193(1) (b)(ii) of the Fair Work (Registered Organisation) Act 2009 and the ballot will be conducted by post.
- 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.
- In spite of the rules of the organisation, nominations are to be lodged via email/ AEC portal to ensure that no irregularities occur as a result of the restrictions imposed by the Coronavirus pandemic and current Australia Post delivery times.

Request to supply Register of Members Information

The Roll of Voters for the above election will be those members of the National Board financial as at 01/10/2021.

As the Returning Officer, I request you supply the following listing(s) of eligible members of the Australian Hotels Association by the dates that are specified:

Listing	Date Required
(a) Name and member information (identified below), of every eligible member of the national Board who was financial at 01/10/2021 in accordance with the rules of the Organisation	05/10/2021
(b) Update(s) listing members who: i. were inadvertently included on a listing ii. were inadvertently omitted from a listing who are eligible iii. have changed name, address or any other personal details have changed electorate/s	25/10/2021
(c) The names of members appearing on a listing who have ceased to be members by 12/11/2021.	The day before the Ballot opens.

(d) Any change of address details for members appearing on listing (a) and not provided on 25/10/2021.	04/11/2021
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Electronic listings

Organisations are requested to submit data and documents electronically via the AEC Electoral Event Portal. A link to the portal can be found on the AEC website (www.aec.gov.au) under Elections, Industrial elections and ballots.

The List of Members is to be supplied as an Excel file.

Lists should not be emailed as Commonwealth Guidelines provide that classified information, including personal information, should not be transmitted by email.

Member Information

Name and member information (identified below) of every member, eligible to be included in the electorate/s for the election, who was eligible at 01/10/2021 in accordance with the rules of the Organisation.

A record for each eligible member is to include the following information in separate fields:

- Membership number,
- Member surname,
- Member (full) first name/s,
- Email
- Address line 1 (BUILDING NAME AND UNIT/FLAT/TOWNHOUSE NUMBER),
- Address line 2 (STREET ADDRESS OR PO BOX),
- Address line 3 (CITY/TOWN),
- STATE (Aust Post Abbrev),
- Postcode,
- COUNTRY (OUTSIDE AUST ONLY)
- Electorate Code (see below)
- "Incorrect last known address" code (see below)
- "Workplace Address" Code (see below)

Electorate code

For each member listed, include a field identifying the relevant Electorate and provide an explanatory table for the codes.

Incorrect last known address

Please include in the listing(s) a field for "Incorrect Last Known Address". If you have eligible members with a last known address thought to be incorrect, you should code those members as "Y" or "Yes" in this field.

Workplace addresses

Please include in the listing(s) a field for "Workplace Address". If you have eligible members with only a workplace address, you should code those members as "Y" or "Yes" in this field – otherwise, leave the field blank.

Certification of Lists

Each listing must be accompanied by a certificate signed by you in the following terms:

"I certify that the accompanying listing contains the (include appropriate details, as per the text in (a), (b), (c), or (d) above). I further declare that the register of members has been maintained as required by Section 230(2) of the Fair Work (Registered Organisations) Act 2009.

The total number of eligible members listed is [include number] at 01/10/2021."

The listings and certificates as described above must be supplied to me by NO LATER THAN 12:00pm on the date(s) specified.

Confidentiality of Information

Regulation 131 of the *Fair Work (Registered Organisations) Regulations 2009* (the Regulations) requires that the Returning Officer must make a copy of the roll available for inspection and copying by members, and other persons authorised by the Returning Officer. However, sub-regulation 6 provides:

(6) If a copy of a roll, or a copy of part of a roll, is made or supplied under this regulation, a person must not use information in the roll for a purpose other than:

- (a) a purpose in connection with the election; or*
- (b) to monitor the accuracy of the information contained in the roll.*

Penalty: 10 penalty units.

Other Legislative Provisions

I wish to draw your attention to the following:

- Regulation 145 of the Regulation which provides that, where an election or ballot is conducted by the AEC, no steps in the election may be taken by any person without the Returning Officer's authority or direction.
- Section 190 is an offence provision of the Act and a contravention of it constitutes an irregularity. Section 190 of the Act states:

An organisation or branch commits an offence if it uses, or allows to be used, its property or resources to help a candidate against another candidate in an election under this Part for an office or other position.

Maximum penalty: 100 penalty units.

If you have any queries or concerns regarding any of the above please do not hesitate to contact me on IEBevents@aec.gov.au or 02 9375 6331.

Yours sincerely

Ishtiaq Ahmed
Returning Officer
Australian Electoral Commission
05/10/2021