



31 January 2023

Bernie Hogan
Chief Executive
Australian Hotels Association - Queensland Branch
Sent via email: bhogan@qha.org.au



IMMEDIATE ACTION REQUIRED:

You must take steps after your recent election E2022/179

Dear Bernie Hogan,

An election has recently been completed by the Australian Electoral Commission (**AEC**) for the Australian Hotels Association - Queensland Branch.

This letter explains the next steps you must take and what information you need to lodge with the Registered Organisations Commission (**ROC**).

What you must do right now

- Let your members know about the election report issued by the AEC
- Arrange financial training for officers newly elected to an office with financial management duties. (This includes all members of the committee of management).
- Complete the notification of change and email it to regorgs@roc.gov.au

This letter explains these steps and the tools available to help you.

STEP 1: Notify members

You must put a notice on your website once you receive your post-election report. It must tell your members they can request a copy of the post-election report from you or the AEC (r. 141). The notice must be on your website for at least 3 months.



Can I put more information on our website?

Yes! Being transparent is part of good governance. You can publish the whole report or the declaration of results, as well as your notice and leave them up longer than 3 months. You can always do more than the regulatory minimum.

The ROC will also publish your declaration of results on our [website](#).

STEP 2: Financial training

You may have to arrange financial training for people elected to new roles.

All officers with financial management duties must complete financial training (s 293K). For information on when officers must redo training and hints on when to book training for officers taking up multiple offices [please see our fact sheet](#).

There are face to face and online [financial training packages on the ROC website](#).

You must act on this now, as affected officers **MUST** complete approved financial training OR been granted an [exemption by the ROC within 6 months](#) of beginning to hold office.



Good governance tip:

Organisations should instruct officer holders about their other obligations. This is especially important for committee of management members.

Our podcast covers the [benefits of officer induction](#). Officers have responsibilities under the rules, the RO Act, and disclosure requirements around conflicts of interest, remuneration and material personal interests. Officers will benefit from our [officer induction kit](#) and our [podcast, such as episode 17 - conflicts of interest](#).

STEP 3: Notifications of change

A notification of change must be lodged with the ROC within **35 days** of the change occurring.



We have a [template](#) to help you with this, which you can send to regorgs@roc.gov.au. An officer must sign the completed notification template.

You must lodge a notification of change if:

- any of your officers have not been re-elected;
- officers have changed offices; or
- you have new officers.

Only notify us of changes that have **already occurred**. If people take up office in the future, you must wait until the change happens before lodging the notification within 35 days of the change.

Note: One election may result in many notifications of change.



Penalties apply

Failing to lodge your notifications of change on time can expose your organisation and its officers to significant penalties.

ROC v CEPU

The organisation failed to make a series of notifications of change on time.

The Full Court said 'The record-keeping obligations imposed under the Registered Organisations Act are treated by the legislature as important and serious, and contravention of those obligations are correspondingly serious.'

The organisation was ordered to pay a penalty. More information is available in our [case summary](#).

Questions?



Why do I need to tell you the results of the election when you've already received them?

The RO Act requires that **you** tell us this information about your officers – it is a legal obligation. The notification of change also contains information that is not in the declaration of results.

What if the officer has already done training?

Check out our [fact sheet](#) for when officers need to redo training, when they can get an exemption and when further training isn't required.

If you have any queries we can be contacted on 1300 341 665 or by email at regorgs@roc.gov.au.

Yours sincerely

Registered Organisations Commission



The ROC has a [Compliance Policy](#) which explains how we respond to issues of non-compliance. The policy is available on our website if you would like further information on the steps the compliance team may take in response to non-lodgement of a financial report.

31 January 2023

Post-election report

Australian Hotels Association

AHA - Queensland Branch

Scheduled election

E2022/179

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Election(s) Covered in this Report

Organisation: AHA - Queensland Branch

Election: Scheduled

Election Decision No/s: E2022/179

Rules

Rules used for the election: [024N-QLD: Incorporates alterations of 28/6/2004] (Replaces 15/10/2001 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:

- The rules of the Organisation states that the nominations are required to be called at least two months prior to the Annual General Meeting. Due to a delay in the PI submission, the issuing of the Decision and Covid-19 work pressures, the rule could not be complied with. The Returning Officer will apply subparagraph 193(1) (b)(ii) of the Fair Work (Registered Organisation) Act 2009 and will fix a date to call for nominations.
- Rules requiring an in-person declaration at the Annual General Meeting were set aside as the AEC held concerns that the coronavirus pandemic would impact on the ability for all stakeholders to attend. Instead the declaration will be made via email to the organisation and candidates.
- The rules of the Organisation is silent about the method of calling for nomination. The Returning Officer will apply subparagraph 193(1) (b)(ii) of the Fair Work (Registered Organisation) Act 2009 and will send the election notice by email to divisional members.
- The rules of the Organisation is silent about the nomination lodgement method. The Returning Officer will apply subparagraph 193(1) (b)(ii) of the Fair Work (Registered Organisation) Act 2009 and will allow submission of nomination by email and AEC Portal.
- 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 align with the close of the nomination period.
- Rule of the Organisation states that the maximum ballot period will not be more than 14 days. The Returning Officer will apply subparagraph 193(1) (b)(ii) of the Fair Work (Registered Organisation) Act 2009 to extend the period due to current delivery time taken by Australia post and will allow 28 days instead of 14 days.

Signed

Robert Zammit
Returning Officer
Australian Electoral Commission
E: IEEvents@aec.gov.au
P: 03 9285 7111
31 January 2023

Attachments

A. Declaration of results for Uncontested Offices – AHA – QLD

Australian Hotels Association
Queensland Branch
DECLARATION OF RESULTS - E2022/179
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:

Divisional Management Committee

Northern Zone Divisions:

Atherton Tablelands

Chairman (1)

Candidates

CLARKE Stephen

Senior-Vice Chairman (1)

Candidates

No Nominations Received

Vice-Chairman (1)

Candidates

No Nominations Received

Secretary/Treasurer (1)

Candidates

No Nominations Received

Ordinary Committee Member (3)

Candidates

No Nominations Received

Trustee (2)

Candidates

No Nominations Received

Bowen

Chairman (1)

Candidates

HAKFOORT Albert

Senior-Vice Chairman (1)

Candidates

No Nominations Received

Vice-Chairman (1)

Candidates

No Nominations Received

Secretary/Treasurer (1)

Candidates

No Nominations Received

Ordinary Committee Member (3)

Candidates

No Nominations Received

Trustee (2)

Candidates

No Nominations Received

Cairns

Chairman (1)

Candidates

MCMAHON Paul

Senior-Vice Chairman (1)

Candidates

No Nominations Received

Vice-Chairman (1)

Candidates

No Nominations Received

Secretary/Treasurer (1)

Candidates

No Nominations Received

Ordinary Committee Member (3)

Candidates

No Nominations Received

Trustee (2)

Candidates

No Nominations Received

Innisfail

Chairman (1)

Candidates

ELLISON Craig

Senior-Vice Chairman (1)

Candidates

No Nominations Received

Vice-Chairman (1)

Candidates

No Nominations Received

Secretary/Treasurer (1)

Candidates

No Nominations Received

Ordinary Committee Member (3)

Candidates

No Nominations Received

Trustee (2)

Candidates

No Nominations Received

Mackay

Chairman (1)

Candidates

No Nominations Received

Senior-Vice Chairman (1)

Candidates

No Nominations Received

Vice-Chairman (1)

Candidates

No Nominations Received

Secretary/Treasurer (1)

Candidates

No Nominations Received

Ordinary Committee Member (3)

Candidates

No Nominations Received

Trustee (2)

Candidates

No Nominations Received

Townsville

Chairman (1)

Candidates

SMITH Martin

Senior-Vice Chairman (1)

Candidates

GREGORSKI Nick

Vice-Chairman (1)

Candidates

No Nominations Received

Secretary/Treasurer (1)

Candidates

No Nominations Received

Ordinary Committee Member (3)

Candidates

No Nominations Received

Trustee (2)

Candidates

No Nominations Received

Accommodation Hotels

Chairman (1)

Candidates

YORK Geoff

Senior-Vice Chairman (1)

Candidates

No Nominations Received

Vice-Chairman (1)

Candidates

No Nominations Received

Secretary/Treasurer (1)

Candidates

No Nominations Received

Ordinary Committee Member (3)

Candidates

No Nominations Received

Trustee (2)

Candidates

No Nominations Received

Southern Zone Divisions:

Brisbane North

Chairman (1)

Candidates

FARQUHAR Ross

Senior-Vice Chairman (1)

Candidates

No Nominations Received

Vice-Chairman (1)

Candidates

TAIT Melinda

Secretary/Treasurer (1)

Candidates

No Nominations Received

Ordinary Committee Member (3)

Candidates

BLACK Lucinda

JACOBI-LEE Suzanne

Trustee (2)

Candidates

No Nominations Received

Brisbane South

Chairman (1)

Candidates

DEERY Richard

Senior-Vice Chairman (1)

Candidates

No Nominations Received

Vice-Chairman (1)

Candidates

HOGAN Scott

Secretary/Treasurer (1)

Candidates

No Nominations Received

Ordinary Committee Member (3)

Candidates

INGHAM-MYERS Sam

MCGUIRE Matt

Trustee (2)

Candidates

No Nominations Received

South West Queensland

Chairman (1)

Candidates

No Nominations Received

Senior-Vice Chairman (1)

Candidates

No Nominations Received

Vice-Chairman (1)

Candidates

No Nominations Received

Secretary/Treasurer (1)

Candidates

No Nominations Received

Ordinary Committee Member (3)

Candidates

No Nominations Received

Trustee (2)

Candidates

No Nominations Received

Bundaberg

Chairman (1)

Candidates

MURPHY Jarrod

Senior-Vice Chairman (1)

Candidates

No Nominations Received

Vice-Chairman (1)

Candidates

No Nominations Received

Secretary/Treasurer (1)

Candidates

No Nominations Received

Ordinary Committee Member (3)

Candidates

No Nominations Received

Trustee (2)

Candidates

No Nominations Received

Central

Chairman (1)

Candidates

ADAMS Richard

Senior-Vice Chairman (1)

Candidates

No Nominations Received

Vice-Chairman (1)

Candidates

BALLARD Gavin

Secretary/Treasurer (1)

Candidates

No Nominations Received

Ordinary Committee Member (3)

Candidates

No Nominations Received

Trustee (2)

Candidates

No Nominations Received

Dalby

Chairman (1)

Candidates

No Nominations Received

Senior-Vice Chairman (1)

Candidates

No Nominations Received

Vice-Chairman (1)

Candidates

No Nominations Received

Secretary/Treasurer (1)

Candidates

No Nominations Received

Ordinary Committee Member (3)

Candidates

No Nominations Received

Trustee (2)

Candidates

No Nominations Received

Gold Coast

Chairman (1)

Candidates

COOREY Matthew

Senior-Vice Chairman (1)

Candidates

LOTH John

Vice-Chairman (1)

Candidates

STEPHEN Damien

Secretary/Treasurer (1)

Candidates

No Nominations Received

Ordinary Committee Member (3)

Candidates

No Nominations Received

Trustee (2)

Candidates

No Nominations Received

Gympie

Chairman (1)

Candidates

No Nominations Received

Senior-Vice Chairman (1)

Candidates

No Nominations Received

Vice-Chairman (1)

Candidates

No Nominations Received

Secretary/Treasurer (1)

Candidates

No Nominations Received

Ordinary Committee Member (3)

Candidates

No Nominations Received

Trustee (2)

Candidates

No Nominations Received

Ipswich

Chairman (1)

Candidates

JOHNSON Rachel

Senior-Vice Chairman (1)

Candidates

DAVIES Jim

Vice-Chairman (1)

Candidates

GIBSON Stewart

Secretary/Treasurer (1)

Candidates

No Nominations Received

Ordinary Committee Member (3)

Candidates

No Nominations Received

Trustee (2)

Candidates

No Nominations Received

Maryborough

Chairman (1)

Candidates

CARTER Darren

Senior-Vice Chairman (1)

Candidates

BECK Michael

Vice-Chairman (1)

Candidates

No Nominations Received

Secretary/Treasurer (1)

Candidates

No Nominations Received

Ordinary Committee Member (3)

Candidates

No Nominations Received

Trustee (2)

Candidates

No Nominations Received

Sunshine Coast

Chairman (1)

Candidates

ARMSTRONG Scott

Senior-Vice Chairman (1)

Candidates

No Nominations Received

Vice-Chairman (1)

Candidates

No Nominations Received

Secretary/Treasurer (1)

Candidates

No Nominations Received

Ordinary Committee Member (3)

Candidates

No Nominations Received

Trustee (2)

Candidates

No Nominations Received

Burnett

Chairman (1)

Candidates

STOIOS Stephen

Senior-Vice Chairman (1)

Candidates

No Nominations Received

Vice-Chairman (1)

Candidates

No Nominations Received

Secretary/Treasurer (1)

Candidates

No Nominations Received

Ordinary Committee Member (3)

Candidates

No Nominations Received

Trustee (2)

Candidates

No Nominations Received

Toowoomba

Chairman (1)

Candidates

FITZGIBBONS Brad

Senior-Vice Chairman (1)

Candidates

BOWLY Richard

Vice-Chairman (1)

Candidates

THOMPSON Simon

Secretary/Treasurer (1)

Candidates

No Nominations Received

Ordinary Committee Member (3)

Candidates

No Nominations Received

Trustee (2)

Candidates

No Nominations Received

Warwick

Chairman (1)

Candidates

No Nominations Received

Senior-Vice Chairman (1)

Candidates

MILES Robyn

Vice-Chairman (1)

Candidates

No Nominations Received

Secretary/Treasurer (1)

Candidates

No Nominations Received

Ordinary Committee Member (3)

Candidates

No Nominations Received

Trustee (2)

Candidates

No Nominations Received

Brisbane Accommodation Hotels

Chairman (1)

Candidates

PARTRIDGE Chris

Senior-Vice Chairman (1)

Candidates

RAMM Kelvin

Vice-Chairman (1)

Candidates

SCHUTT Jan

Secretary/Treasurer (1)

Candidates

No Nominations Received

Ordinary Committee Member (3)

Candidates

No Nominations Received

Trustee (2)

Candidates

No Nominations Received

Gold Coast Accommodation Hotels

Chairman (1)

Candidates

PRYDE Fiona

Senior-Vice Chairman (1)

Candidates

No Nominations Received

Vice-Chairman (1)

Candidates

No Nominations Received

Secretary/Treasurer (1)

Candidates

No Nominations Received

Ordinary Committee Member (3)

Candidates

No Nominations Received

Trustee (2)

Candidates

No Nominations Received

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

Robert Zammit
Returning Officer
Telephone: 03 9285 7111
Email: IEBevents@aec.gov.au
31/01/2023



DECISION

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

Australian Hotels Association
(E2022/179)

MR STEENSON

SYDNEY, 13 OCTOBER 2022

Arrangement for conduct of election.

[1] On 16 September 2022 the Queensland Branch of the Australian Hotels Association (**Branch**) lodged with the Registered Organisations Commission (**Commission**) prescribed information for an election to fill the following offices for a new term of office:

Divisional Management Committee

Chairman	(1)
Senior Vice-Chairman	(1)
Vice-Chairman	(1)
Secretary/Treasurer	(1)
Ordinary Committee Members	(3)
Trustees	(2)

For each of the following Divisions:

Northern Zone Divisions:

Atherton Tablelands
Bowen
Cairns
Innisfail
Mackay
Townsville
Accommodation Hotels

Southern Zone Divisions:

Brisbane North
Brisbane South
South West Queensland
Bundaberg
Central

Dalby
Gold Coast
Gympie
Ipswich
Maryborough
Sunshine Coast
Burnett
Toowoomba
Warwick
Brisbane Accommodation Hotels
Gold Coast Accommodation Hotels

[2] Prescribed information, which is required to be lodged in order for an election to be arranged, must be lodged at least two months before the date that nominations are due to open under the rules. This is known as the ‘prescribed day’.¹ In relation to this election, the prescribed information should have been lodged by 6 August 2022. As will be apparent from the date of lodgement referred to in paragraph 1 of this decision, the Branch did not lodge before the prescribed day as required. As the Branch is well aware, late lodgement or non-lodgement of prescribed information is a contravention of a civil penalty provision of the *Fair Work (Registered Organisations) Act 2009 (RO Act)*.²

[3] In correspondence from the Branch dated 6 October 2022, the Branch President stated that the delay was due to rule changes pending with the Fair Work Commission (FWC). These rule changes, if certified, would have the effect of removing the abovementioned offices. The Branch advised this Commission that once it became apparent that certification of the proposed rule changes was not imminent, the Branch lodged prescribed information for this election to be conducted.

[4] Section 189 of the RO Act enables the Commissioner or their Delegate to allow a later day for lodgement of prescribed information. In considering the Branch’s request that such an extension in time be granted, I note that the Branch apparently had the expectation that these offices would no longer exist by the time the election was due. However, the Commission also notes that there was a period of several months between the lodgement of rule changes and the date that prescribed information was due, during which the Branch could have taken steps to better ascertain the timeframe on the rule certification, and therefore potentially avoid this non-compliance.

[5] In taking into account the circumstances and considering the Branch’s request for an extension of time, on this occasion I allow a later day for lodgement under section 189(2) of the RO Act.

[6] Further, while it appears that the rule changes may not be certified before this election is conducted, I draw to the attention of the Australian Electoral Commission (AEC) that these rule changes are pending and, if certified before the election, would significantly affect this election (possibly to the point of the rule changes overtaking the need for the election). In these circumstances, I urge the Branch to advise this Commission and the AEC immediately when it becomes aware of the certification of the rule changes.

¹ Section 189(2) RO Act, and Regulation 138(3) of the *Fair Work (Registered Organisations) Regulations 2009*

² *Registered Organisations Commission v Australian Hotels Association* [2019] FCA 1516

[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 RO Act, I am making arrangements for the conduct of the election by the AEC.



DELEGATE OF THE COMMISSIONER

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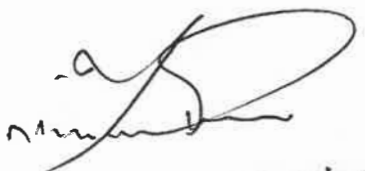
PR352346

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, Thomas Harrington McGuire AM, being the President of the Australian Hotels Association (Queensland Branch), make the following statement:

1. I am authorised to sign this statement containing prescribed information for Australian Hotels Association (Queensland 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. There **are** rule alterations pending with the Fair Work Commission that may impact the election.
5. This statement **is** lodged at least 2 months before nominations open for the election in Annexure A.

Signed:



Thomas Harrington McGuire

President

Dated: 16 September 2022

ANNEXURE A

- Elections that are required:

Branch	Name of Office	Number required	Voting System	Reason for Election	Electorate
Divisional Management Committee	Chairman	1	DVS	Scheduled	For each of the following QHA Divisions: Northern Zone: Atherton Tablelands Division Bowen Division Cairns Division Innisfail Division Mackay Division Townsville Division Accommodation Hotels Division Southern Zone: Brisbane North Division Brisbane South Division South West Queensland Division Bundaberg Division Central Division Dalby Division Gold Coast Division Gympie Division Ipswich Division Maryborough Division Sunshine Coast Division Burnett Division Toowoomba Division Warwick Division Brisbane Accommodation Hotels Division Gold Coast Accommodation Hotels Division
	Senior Vice-Chairman	1	DVS	Scheduled	
	Vice-Chairman	1	DVS	Scheduled	
	Secretary/Treasurer	1	DVS	Scheduled	
	Ordinary Committee Member	3	DVS	Scheduled	
	Trustee	2	DVS	Scheduled	

- Important dates:

	Direct Voting System	Collegiate Electoral System
Nominations OPEN	<i>At least two months prior to AGM in every even year (Rule 76(d)(i) (AGM is 6th December 2022)</i>	
Nominations CLOSE	<i>14 Days after opening</i>	
Roll of Voters cut off date	<i>7 days prior to nominations opening (Rule 76)</i>	

Please note: that 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'. Casual vacancies must be accompanied by proof of resignation and attached to this statement.