

8 June 2023

Post-election report

Australian Hotels Association

AHA - Queensland Branch

Scheduled election

E2022/180

Contents

Election(s) Covered in this Report	3
Rules.....	3
Signed	3
Attachments	4
A. Declaration of Results for Uncontested Offices – Stage 1 – QLD.....	4
B. Declaration of Results for Uncontested Offices – Stage 2 – QLD.....	4

Election(s) Covered in this Report

Organisation: AHA - Queensland Branch
Election: Scheduled
Election Decision No/s: E2022/180

Rules

Rules used for the election: 024N-QLD: Incorporates alterations of 12 February 2021 [R2020/170]
(replaces rulebook dated 24 December 2020 [R2020/171])

Rules difficult to apply/interpret: N/A

Model Rule reference (if any): N/A

For more details see the Model Rules on the AEC website: www.aec.gov.au/ieb/

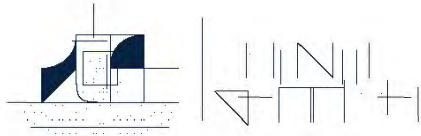
Signed

Ben Murray
Returning Officer
Australian Electoral Commission
E: IEEvents@aec.gov.au
P: 03 9285 7111
8 June 2023

Attachments

- A. Declaration of Results for Uncontested Offices – Stage 1
– QLD

- B. Declaration of Results for Uncontested Offices – Stage 2
– QLD



16 June 2023

Stephen Ferguson
National CEO
Australian Hotels Association - Queensland Branch
Sent via email: aha@aha.org.au

cc: prabhu.fernando@ahansw.com.au

Dear Stephen Ferguson



IMMEDIATE ACTION REQUIRED:

You must take steps after your recent election E2022/180

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

This letter explains the next steps you must take and what information you need to lodge with the Fair Work Commission (the Commission).

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@fwc.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 (regulation 141). The notice must be on your website for at least three 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 three months. You can always do more than the regulatory minimum.

The Commission 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 (section 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 Commission website](#).

You must act on this now, as affected officers **MUST** complete approved financial training OR been granted an [exemption by the Commission](#) **within six 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 Commission within **35 days** of the change occurring.

We have a [template](#) to help you with this, which you can send to regorgs@fwc.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](#).



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@fwc.gov.au.

Yours sincerely

Fair Work Commission



The Commission 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.

Australian Hotels Association
Queensland Branch
DECLARATION OF RESULTS - E2022/180 - Stage 1
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 Management Committee

Northern Zone General Committee Representative (1)

Candidates

No Nominations Received

Brisbane Accommodation Hotels Division Management Committee

Southern Zone General Committee Representative (1)

Candidates

No Nominations Received

Gold Coast Accommodation Hotels Division Management Committee

Southern Zone General Committee Representative (1)

Candidates

No Nominations Received

Atherton Tablelands Division Management Committee

Northern Zone General Committee Representative (1)

Candidates

CLARKE Stephen

Bowen Division Management Committee

Northern Zone General Committee Representative (1)

Candidates

HAKFOORT Albert

Brisbane North Division Management Committee

Southern Zone General Committee Representative (9)

Candidates

FARQUHAR Ross

TAIT Melinda

Brisbane South Division Management Committee

Southern Zone General Committee Representative (9)

Candidates

DEERY Richard

HOGAN Scott

INGHAM-MYERS Sam

MCGUIRE Matthew

Bundaberg Division Management Committee

Southern Zone General Committee Representative (1)

Candidates

No Nominations Accepted

Burnett Division Management Committee

Southern Zone General Committee Representative (1)

Candidates

STOIOS Stephen

Cairns Division Management Committee

Northern Zone General Committee Representative (1)

Candidates

MCMAHON Paul

Central Division Management Committee

Southern Zone General Committee Representative (8)

Candidates

ADAMS Richard

Dalby Division Management Committee

Southern Zone General Committee Representative (1)

Candidates

No Nominations Received

Gold Coast Division Management Committee

Southern Zone General Committee Representative (1)

Candidates

COOREY Matthew

Gympie Division Management Committee

Southern Zone General Committee Representative (1)

Candidates

No Nominations Received

Innisfail Division Management Committee

Northern Zone General Committee Representative (1)

Candidates

No Nominations Received

Ipswich Division Management Committee

Southern Zone General Committee Representative (2)

Candidates

GIBSON Stewart

JOHNSON Rachel

Mackay Division Management Committee

Northern Zone General Committee Representative (1)

Candidates

No Nominations Received

Maryborough Division Management Committee

Southern Zone General Committee Representative (1)

Candidates

CARTER Darren

South West Queensland Division Management Committee

Southern Zone General Committee Representative (1)

Candidates

No Nominations Received

Sunshine Coast Division Management Committee

Southern Zone General Committee Representative (2)

Candidates

ARMSTRONG Scott

Toowoomba Division Management Committee

Southern Zone General Committee Representative (2)

Candidates

BOWLY Richard

FITZGIBBONS Bradley

Townsville Division Management Committee

Northern Zone General Committee Representative (1)

Candidates

No Nominations Received

Warwick Division Management Committee

Southern Zone General Committee Representative (1)

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.

Ben Murray
Returning Officer
Telephone: 03 9285 7111
Email: IEBevents@aec.gov.au
10/03/2023

Australian Hotels Association
Queensland Branch
DECLARATION OF RESULTS - E2022/180 - Stage 2
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:

Northern Zone General Committee

Chairman (1)

Candidates

CLARKE Stephen

Senior Vice Chairman (1)

Candidates

HAKFOORT Albert

Vice Chairman (2)

Candidates

ELLISON Craig

MCMAHON Paul

Secretary/Treasurer (1)

Candidates

No Nominations Received

Trustee (2)

Candidates

No Nominations Received

Southern Zone General Committee

Chairman (1)

Candidates

DEERY Richard

Senior Vice Chairman (1)

Candidates

COOREY Matthew

Vice Chairman (2)

Candidates

FITZGIBBONS Bradley

TAIT Melinda

Secretary/Treasurer (1)

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.

Ben Murray
Returning Officer
Telephone: 03 9285 7111
Email: IEEvents@aec.gov.au
08/06/2023





24 March 2023

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

cc: Australian Hotels Association, aha@aha.org.au

Dear Bernie Hogan



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Yours sincerely

Fair Work Commission



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Australian Hotels Association
Queensland Branch
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Southern Zone General Committee Representative (1)

Candidates

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Northern Zone General Committee Representative (1)

Candidates

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Bowen Division Management Committee

Northern Zone General Committee Representative (1)

Candidates

HAKFOORT Albert

Brisbane North Division Management Committee

Southern Zone General Committee Representative (9)

Candidates

FARQUHAR Ross

TAIT Melinda

Brisbane South Division Management Committee

Southern Zone General Committee Representative (9)

Candidates

DEERY Richard

HOGAN Scott

INGHAM-MYERS Sam

MCGUIRE Matthew

Bundaberg Division Management Committee

Southern Zone General Committee Representative (1)

Candidates

No Nominations Accepted

Burnett Division Management Committee

Southern Zone General Committee Representative (1)

Candidates

STOIOS Stephen

Cairns Division Management Committee

Northern Zone General Committee Representative (1)

Candidates

MCMAHON Paul

Central Division Management Committee

Southern Zone General Committee Representative (8)

Candidates

ADAMS Richard

Dalby Division Management Committee

Southern Zone General Committee Representative (1)

Candidates

No Nominations Received

Gold Coast Division Management Committee

Southern Zone General Committee Representative (1)

Candidates

COOREY Matthew

Gympie Division Management Committee

Southern Zone General Committee Representative (1)

Candidates

No Nominations Received

Innisfail Division Management Committee

Northern Zone General Committee Representative (1)

Candidates

No Nominations Received

Ipswich Division Management Committee

Southern Zone General Committee Representative (2)

Candidates

GIBSON Stewart

JOHNSON Rachel

Mackay Division Management Committee

Northern Zone General Committee Representative (1)

Candidates

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Southern Zone General Committee Representative (1)

Candidates

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Southern Zone General Committee Representative (1)

Candidates

No Nominations Received

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Southern Zone General Committee Representative (2)

Candidates

ARMSTRONG Scott

Toowoomba Division Management Committee

Southern Zone General Committee Representative (2)

Candidates

BOWLY Richard

FITZGIBBONS Bradley

Townsville Division Management Committee

Northern Zone General Committee Representative (1)

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Warwick Division Management Committee

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Ben Murray
Returning Officer
Telephone: 03 9285 7111
Email: IEBevents@aec.gov.au
10/03/2023



AMENDING DECISION

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

Australian Hotels Association
(E2022/180)

MR STEENSON

SYDNEY, 10 FEBRUARY 2023

Arrangement for conduct of election.

[1] On 12 October 2022, as Delegate of the Registered Organisations Commissioner, I issued a decision in this matter, [2022] ROCD 154. In that original decision, among the offices for which an election was to be arranged was that of Zone General Committee Representatives from each of the Divisions in the Southern Zone.

[2] On 9 February 2023, it was brought to the Commission’s attention that while the prescribed information sought the election of two (2) Zone General Committee Representatives from the Ipswich Division, my 12 October 2022 decision inadvertently omitted one of those two offices.

[3] As I am satisfied that an election is also required for that previously omitted office, as well as the offices listed in the original 12 October 2022 decision, [2022] ROCD 154, is amended as follows:

By removing the number ‘(1)’ and inserting the number ‘(2)’ as the number of offices of ‘Zone General Committee Representatives’ from the Ipswich Division on page 2 of that decision.



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 (E2022/180)

MR STEENSON

SYDNEY, 12 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:

Northern Zone General Committee

Chairman	(1)
Senior Vice-Chairman	(1)
Vice-Chairman	(2)
Secretary/Treasurer	(1)
Trustees	(2)

Zone General Committee Representatives from each of the following Divisions:

Atherton Tablelands	(1)
Bowen	(1)
Cairns	(1)
Innisfail	(1)
Mackay	(1)
Townsville	(1)
Accommodation Hotels	(1)

Southern Zone General Committee

Chairman	(1)
Senior Vice-Chairman	(1)
Vice-Chairman	(2)
Secretary/Treasurer	(1)
Trustees	(2)

Zone General Committee Representatives from each of the following Divisions:

Brisbane North	(9)
Brisbane South	(9)
South West Queensland	(1)
Bundaberg	(1)
Central	(8)
Dalby	(1)
Gold Coast	(1)
Gympie	(1)
Ipswich	(1)
Maryborough	(1)
Sunshine Coast	(2)
Burnett	(1)
Toowoomba	(2)
Warwick	(1)
Brisbane Accommodation Hotels	(1)
Gold Coast Accommodation Hotels	(1)

[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 17 July 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 RO Act.²

[3] In its correspondence 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 *Fair Work (Registered Organisations) Act 2009* (**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 the Branch has a history of late lodgement, and 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, on this occasion I allow a later day for lodgement under section 189(2) of the RO Act.

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

[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.

[7] I also note that the Branch rules contain contradictions in relation to the length of the term for the abovementioned offices. For example, rule 50(e) outlines that the elections will take place each year, whereas rule 50(f) indicates that the election will take place every 2 years.

[8] Historically, the Branch has held an election for these offices every year. The Branch should strongly consider amending its rules to remove these contradictions and I anticipate that this Commission will engage further with the Branch in this regard. I note, however, that if the proposed rule changes submitted to the FWC are certified, this may have the effect of removing the contradictions simply because it removes these offices completely.

[9] 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.



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

1. I am authorised to sign this statement containing prescribed information for Australian Hotels Association (Qld 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(s) 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 <i>Direct voting system; Collegiate electoral system</i>	Reason for Election <i>Scheduled; Casual vacancy; New office created; Insufficient nominations</i>	Electorate
QLD	Northern Zone General Committee Representative	1	Collegiate	Scheduled	Atherton Tablelands Divisional Management Committee – Rule 50 (a)
	Northern Zone General Committee Representative	1	Collegiate	Scheduled	Bowen Divisional Management Committee – Rule 50 (a)
	Northern Zone General Committee Representative	1	Collegiate	Scheduled	Cairns Divisional Management Committee – Rule 50 (a)
	Northern Zone General Committee Representative	1	Collegiate	Scheduled	Innisfail Divisional Management Committee – Rule 50 (a)
	Northern Zone General Committee Representative	1	Collegiate	Scheduled	Mackay Divisional Management Committee – Rule 50 (a)
	Northern Zone General Committee Representative	1	Collegiate	Scheduled	Townsville Divisional Management Committee – Rule 50 (a)

	Northern Zone General Committee Representative	1	Collegiate	Scheduled	Accommodation Hotels Divisional Management Committee – Rule 50 (a)
	Southern Zone General Committee Representative	9	Collegiate	Scheduled	Brisbane North Divisional Management Committee – Rule 50 (a)
	Southern Zone General Committee Representative	9	Collegiate	Scheduled	Brisbane South Divisional Management Committee – Rule 50 (a)
	Southern Zone General Committee Representative	1	Collegiate	Scheduled	South West Queensland Divisional Management Committee – Rule 50 (a)
	Southern Zone General Committee Representative	1	Collegiate	Scheduled	Bundaberg Divisional Management Committee – Rule 50 (a)
	Southern Zone General Committee Representative	8	Collegiate	Scheduled	Central Divisional Management Committee – Rule 50 (a)
	Southern Zone General Committee Representative	1	Collegiate	Scheduled	Dalby Divisional Management Committee – Rule 50 (a)
	Southern Zone General Committee Representative	1	Collegiate	Scheduled	Gold Coast Divisional Management Committee – Rule 50 (a)
	Southern Zone General Committee Representative	1	Collegiate	Scheduled	Gympie Divisional Management Committee – Rule 50 (a)

	Southern Zone General Committee Representative	2	Collegiate	Scheduled	Ipswich Divisional Management Committee – Rule 50 (a)
	Southern Zone General Committee Representative	1	Collegiate	Scheduled	Maryborough Divisional Management Committee – Rule 50 (a)
	Southern Zone General Committee Representative	2	Collegiate	Scheduled	Sunshine Coast Divisional Management Committee – Rule 50 (a)
	Southern Zone General Committee Representative	1	Collegiate	Scheduled	Burnett Divisional Management Committee – Rule 50 (a)
	Southern Zone General Committee Representative	2	Collegiate	Scheduled	Toowoomba Divisional Management Committee – Rule 50 (a)
	Southern Zone General Committee Representative	1	Collegiate	Scheduled	Warwick Divisional Management Committee – Rule 50 (a)
	Southern Zone General Committee Representative	1	Collegiate	Scheduled	Brisbane Accommodation Hotels Divisional Management Committee – Rule 50 (a)
	Southern Zone General Committee Representative	1	Collegiate	Scheduled	Gold Coast Accommodation Hotels Divisional Management Committee – Rule 50 (a)

QLD	Northern Zone General Committee Officers	Officers for each North and South: Chairman (1) Senior Vice-Chairman (1) Vice-Chairman (2) Secretary/Treasurer (1) Trustees (2)	Collegiate electoral system	Scheduled	Northern Zone General Committee
	Southern Zone General Committee Officers	Officers for each North and South: Chairman (1) Senior Vice-Chairman (1) Vice-Chairman (2) Secretary/Treasurer (1) Trustees (2)	Collegiate electoral system	Scheduled	Southern Zone General Committee

- Important dates:

	Direct Voting System	Collegiate Electoral System
Nominations OPEN	nil	<p><u>Zone General Committee Representatives</u> – In accordance with Rule 50(a) of the AHA-Qld Rules</p> <p><u>Zone General Committee Officers</u> – At first meeting following Zone General Committee Representatives election (Rule 51(b) of the AHA-Qld Rules)</p>
Nominations CLOSE	nil	To be determined by Returning Officer
Roll of Voters cut off date	nil	7 Days Prior to date determined by Returning Officer for election

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](#)