



10 July 2023

Richard Deery  
President, Queensland Branch  
Australia Hotels Association  
By email: [info@gha.org.au](mailto:info@gha.org.au)

Cc: Bernie Hogan, Chief Executive  
[bhogan@gha.org.au](mailto:bhogan@gha.org.au)

Dear Mr Deery

**E2023/126 – Prescribed information submitted for Scheduled Election of Officers and Representatives on the General Committees, Northern and Southern Zone**

On 26 June 2023, the Queensland Branch (**the Branch**) of the Australian Hotels Association (**AHA**) lodged prescribed information with the Fair Work Commission (**the Commission**) under subsection 189(1) of the *Fair Work (Registered Organisations) Act 2009* (**the RO Act**) in relation to an election (matter **E2023/126**).

The prescribed information concerned an election for the Northern and Southern Zone General Committees Representatives (stage 1) and Officers (stage 2), which the relevant Branch rules specify is required to be conducted each year.

On 30 June 2023, there was a telephone discussion between Commission and Branch staff about whether or not with election E2023/126 needed to proceed when the previous election for these offices (E2022/180) had only concluded 18 days prior to the prescribed information being lodged.

On 3 and 7 July 2023, the Branch submitted correspondence requesting that election E2023/126 be 'cancelled' (i.e. not proceed) for various reasons which are set out in this letter.

**Previous scheduled election E2022/180**

The conduct of the previous election for these offices (E2022/180) was delayed. The election decision was issued by the Registered Organisations Commission<sup>1</sup> on 12 October 2022. The

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<sup>1</sup> The regulator of registered organisation elections before 6 March 2023.

Australian Electoral Commission (**AEC**) commenced the election on 31 January 2023, and concluded stage 1 of the election on 10 March 2023; stage 2 of that election was declared on 8 June 2023.

### **Rules require prescribed information to be lodged**

Section 189 of the RO Act requires that an organisation or branch must lodge prescribed information if the rules of the organisation require an election to be held.

Rule 50(e) of the Branch Rules requires that nominations for these offices open at least 14 days before 1 October in each year. Sections 189 of the RO Act requires prescribed information to be lodged at least two months before the date that the rules specify for opening of nominations.

According to the Branch rules and the RO Act, the last possible date to lodge prescribed information is 31 July 2023 assuming a 1 October 2023 nomination opening date.

By lodging prescribed information for matter E2023/126 on 26 June 2023, the Branch has complied with the legislative requirements under subsection 189(1) of the RO Act.

### **Branch's request that election E2023/126 not proceed**

Although the Branch lodged prescribed information in order to comply with subsection 189(1), the Branch has also requested that the election not proceed for the following reasons:

1. The previous scheduled election for these offices was only completed on 10 March 2023 (stage 1) and 8 June 2023 (stage 2) respectively. If election E2023/126 was to proceed, those officers elected in E2022/180 would likely only serve a very short term of office (even where the full term is only a year).
2. The 2023 scheduled election for the State Board Delegates is also due under the Branch rules. Prescribed information for the State Board Delegates election **E2023/114** was lodged with the Commission on 19 June 2023. The electorate for election E2023/114 includes the Representatives from the Northern Zone and Southern Zone General Committees. The Branch is concerned that proceeding with election E2023/126 would cause flow-on delays to the State Board election.
3. Not proceeding with election E2023/126 would ensure that subsequent and future elections for the Representatives on the Northern Zone and Southern Zone General Committees and for State Board Delegates realign in 2024.

### **Assessment of the request**

After considering the Branch rules and the very recent election of the current office-holders, I agree that the issuing of a decision for a fresh election would likely have the effect of significantly cutting short the term of office and potentially cause difficulty with the synchronisation of Branch elections.

I have considered the totality of the Branch rules requiring nominations to commence before 1 October each year, that these are annual elections indicating that a full term of office is approximately 12 months, and that the Branch has a 'holding over' rule which gives some scope for the term of office to extend slightly beyond 12 months.

Branch rule 51(c) provides that 'All members shall hold office until their successors are declared elected...' This rule therefore allows the incumbent officers on the Zone General Committees to continue to hold office until the new officers are elected at the next scheduled election.

I have also considered the objects of the RO Act – to encourage members to participate in the affairs of the organisation,<sup>2</sup> and to provide for the democratic functioning and control of the organisation.<sup>3</sup>

The 'holding over' provision would allow for the officers (only recently elected) to hold office until the next scheduled election is conducted in 2024 – with members having just recently had the opportunity to exercise their democratic control over these offices.

Therefore, while I acknowledge that the Branch has complied with its obligation to lodge prescribed information, the conduct of another election for these roles in 2023 was not required and the current officers can hold over in office until the 2024 election for the reasons I have set out above.

This Commission will advise the AEC accordingly.

Yours sincerely



**Bill Steenson**  
**Director, Compliance and Protected Disclosures**  
**Fair Work Commission**

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<sup>2</sup> Section 5(3)(b) of the RO Act.

<sup>3</sup> Section 5(3)(d) of the RO Act.

7 July 2023

Fair Work Commission  
Registered Organisations Governance & Advice Branch

**Email:** [cynthia.lobooth@fwc.gov.au](mailto:cynthia.lobooth@fwc.gov.au)

Dear Cynthia

**Request for Cancellation of AHA (QLD Branch)'s Additional Northern and Southern Zone Elections**

We refer to our phone communications on 30 June 2023 regarding AHA (QLD Branch)'s Prescribed Information Statement lodged with the Fair Work Commission ('FWC') on 26 June 2023.

As per our discussions, please see the points outlined below which support that this election be cancelled:

1. The previous elections of the Northern and Southern Zone (E2022/180) were delayed due to our initial extension request approved on 12 October 2022. The elections were then commenced late by the Australian Electoral Commission on 31 January 2023.
2. Due to the delay, the Northern and Southern Zone elections scheduled for 2022 have only recently declared:
  - Northern and Southern Zone General Committee Representatives (E2022/180 – Stage 1)  
Declared: 10 March 2023
  - Northern and Southern Zone General Committee Officers (E2020/180 – Stage 2)  
Declared: 8 June 2023

The elected officers have only served a very short period of their terms which would be the case if a new election were to be held.

3. As is required by the AHA (QLD Branch) Rules, a Prescribed Information Statement was lodged with the FWC on 19 June 2023 to commence the Queensland State Board elections. Officers of the Northern and Southern Zone General Committee (E2022/180) are the only eligible candidates for the State Board elections. If another election is required to be held for the Northern and Southern Zones, this could cause a delay of the State Board elections.

4. The cancellation of the Northern and Southern Zone elections ensures that subsequent and future elections re-align for 2024.

Regards,



Richard Deery  
President  
Queensland Hotels Association

**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, Richard Deery, 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. There **are** rule alterations pending with the Fair Work Commission that may impact the election.
4. The Northern and Southern Zone elections scheduled for 2022 were delayed and have only recently declared:
  - Northern and Southern Zone General Committee Representatives (E2022/180 - Stage 1)  
Declared: 10 March 2023
  - Northern and Southern Zone General Committee Officers (E2022/180 - Stage 2)  
Declared: 8 June 2023
5. If the elections are still required to proceed for 2023, the elections are set out in the table in Annexure A.
6. This statement is lodged at least 2 months before nominations open for the election(s) in Annexure A.

Signed:



Richard Deery  
President

Dated: 23 June 2023

## 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:

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