



DECISION

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

Australian Hotels Association
(E2024/199)

MR STEENSON

SYDNEY, 23 JULY 2025

Arrangement for conduct of election.

[1] On 14 July 2025 the Australian Hotels Association (**AHA**) lodged with the Fair Work Commission (**Commission**) prescribed information for an election to fill the following offices within the Queensland Branch (**Branch**) of the organisation for a new term of office:

Delegates to AHA National Board (5)
(*additional to the Branch President as ex officio Delegate*)

[2] The lodgement was late. The *Fair Work (Registered Organisations) Act 2009* (**RO Act**) requires that prescribed information must be submitted before a specific date, with reference to the organisation’s rules. This is known as the ‘prescribed day’. Regulation 138(3) of the *Fair Work (Registered Organisations) Regulations 2009* defines prescribed day as the date two months before nominations are due to open under the organisation’s rules. Based on the AHA rules, the prescribed information should have been lodged by 17 January 2025. In correspondence dated 14 July 2025, the National Secretary of the AHA stated that the delay was due to a “change in lodgement processes by the National Branch of the Association at the time of the previous election”.

[3] There appears to be confusion between the organisation and the Branch regarding the responsibility for lodging prescribed information. Branch staff advised Commission staff on 14 July 2025 that the Branch was apparently responsible for lodging the prescribed information. However, when the prescribed information was lodged later that day, it was signed by the National Secretary (albeit submitted to the Commission via email from Branch staff).

[4] The AHA has stated that the reason for late lodgement was due to changes in its lodgement processes. However, the national organisation (not the Branch) had lodged the prescribed information for the last two scheduled elections for these offices (being E2023/197 and E2022/222). This contrasts with the reason given by the AHA.

[5] Additionally, the organisation (and this particular Branch) have a history of non-compliance relating late lodgement and non-lodgement of the prescribed information for elections for office, some of which have resulted in Federal Court proceedings and the imposition of civil penalties.¹

¹ *Registered Organisations Commission v Australian Hotels Association* [2019] FCA 1516.

[6] I am not satisfied that the reason given by the AHA is a sufficient ground to justify the failure to comply with a statutory obligation, particularly given the history of the organisation, and this Branch in particular, in not complying with election-related obligations.

[7] The normal and reasonable expectation is that registered organisations take steps to ensure they comply with the time-frame requirements set out not only in the RO Act but also in governance-related instruments formulated by the organisations themselves, such as their own rules.

[8] I decline on this occasion to allow, under section 189(2) of the RO Act, a later day for lodgement. The failure to lodge the prescribed information before the prescribed day may therefore render the organisation liable for a civil penalty pursuant to section 189(2) of the RO Act.

[9] The refusal of an extension of time under section 189(2) of the RO Act does not, however, affect a determination of an election notification matter for the purposes of section 189(3) of the RO Act, i.e. determining whether an election for these offices is due and arranging for the Australian Electoral Commission (AEC) to conduct it.

[10] 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 GENERAL MANAGER

Printed by authority of the Commonwealth Government Printer

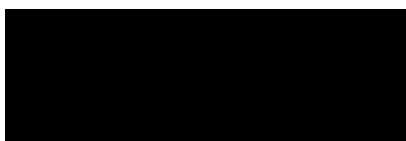
PR789881

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, Ben Carpenter, being the National Secretary Treasurer of the Australian Hotels Association declare the following:

1. I am authorised to sign this statement containing prescribed information for the Australian Hotels Association. This statement pertains to the 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. This statement has not been lodged at least two months before nominations open for the election. This has been delayed due to a change in lodgement processes by the National Branch of the Association at the time of the previous election.

Signed:

A black rectangular box redacting the signature of Ben Carpenter.

Dated: 14/07/2025

NOTE: This statement should be lodged with the Registered Organisations Commission at least 2 months prior to nominations opening. It can be submitted to regorgs@roc.gov.au.

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
Queensland	Delegate to National Board	6 (incl 1 ex officio)	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.11.2 and r.11.5 of the Australian Hotels Association Rules).

- Important dates:

	Collegiate Electoral System
Nominations OPEN	<i>At least 14 days prior to the first day of April (r.11A.2)</i>
Nominations CLOSE	<i>1 April or such later time as allowed by the Returning Officer (r.11A.2)</i>
Roll of Voters cut off date	<i>Seven days before the day on which nominations for the election open (r.11A.1)</i>