



DECISION

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

Australian Hotels Association
(E2025/191)

MR STEENSON

SYDNEY, 23 DECEMBER 2025

Arrangement for conduct of election.

[1] On 3 December 2025, the Western Australian Branch (the **Branch**) of the Australian Hotels Association (the **AHA**) lodged with the Fair Work Commission prescribed information, and on 16 December 2025 lodged further prescribed information, for an election to fill the following offices for a new term of office:

Branch Executive

President (ex officio Delegate to National Board)	(1)
Senior Vice President	(1)
Vice President	(1)
Treasurer	(1)
Country Representatives	(2)

Delegates to National Board representing Western Australia (additional to the Branch President)	(2)
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Branch Committee of Management

Ordinary Committee of Management members	(6)
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President of each Territorial Division as follows:

Perth Metropolitan North	(1)
Perth Metropolitan South	(1)
Perth Central	(1)
South West	(1)
North West	(1)
Central	(1)
Coastal	(1)

President of each Non-Territorial Division as follows:

Accommodation	(1)
Small Bar	(1)
Tourism	(1)
Restaurant	(1)

[2] The AHA national rules deal with the election of Delegates from each of the Branches to the National Board. Under rule 11, the number of Delegates that a Branch is entitled to is based on the '*population in the relevant State or Territory recorded in the last quarterly publication of National Population figures published by the Australian Bureau of Statistics (ABS) prior to 30 September in any year*'.¹ The rule also provides that the '*[c]ommencing with a reassessment on 1 October 2020, the number of delegates to which each Branch will thereafter be entitled, will be reassessed on a triennial basis and if necessary adjusted in accordance with the formula in Sub Rule 11.2*'.² The next reassessment is due in October 2026.

[3] In accordance with the provisions of rule 11, the Branch is currently entitled to three (3) Delegates to the National Board by virtue of population. Sub-rule 11.5 provides that '*the President of each Branch shall serve as an ex officio member of the Branch delegation and the number of Branch delegates from each Branch will be reduced by one accordingly.*' On that basis, the Branch has requested an election for two Delegates to the National Board.

Scheduled election for Delegates to the National Board

[4] Rule 11A.2 of the AHA national rules provides that nominations for the election of Delegates to the National Board shall be called each year (i.e. annually). That rule stipulates that each year the Returning Officer shall call for nominations at least fourteen (14) days prior to the first day of April. For the current year (i.e. 2025), nominations for candidates for election were required to be called by no later than 18 March 2025.

[5] Section 189 of the *Fair Work (Registered Organisations) Act 2009* (the **RO Act**) sets out what is required in relation to prescribed information, including the timeframe in which it must be lodged. Regulation 138(3) of the *Fair Work (Registered Organisations) Regulations 2009* (the **RO Regulations**) requires that prescribed information be lodged at least two months before nominations are due to open. In light of this, prescribed information seeking an election for Delegates to National Board was required to be lodged by no later than 18 January 2025.

[6] A review of the Commission's records indicates that the most recent scheduled election for Delegates to National Board occurred in **E2023/198** (the result of which was declared on 19 June 2024).³ The one-year term of office therefore ran until June 2025. Without a further election being held, as was required under the AHA's rules, the incumbent office holders have continued to hold office well beyond their stipulated term and will continue to do so until their successors are declared elected via this election (**E2025/208**).

[7] In its response to the Commission's enquiry about the matter, the Branch advised that:

- the staff member who had been responsible for administering the Branch's election matters had passed away suddenly in May 2024;
- in view of this, there was no opportunity for a detailed handover or opportunity to discuss the election administration procedure;
- Branch procedure manuals were in place, but it was thought that this office had a two-year term; and
- it was assumed that officers declared elected in E2023/198 would continue to hold office until 'their successors were declared elected'⁴, which was thought to be every two years in conjunction with the election of officers of the Branch Committee.

¹ AHA national rules certified 1 July 2023 [D2022/12], sub-rule 11.2

² Ibid, sub-rule 11.3

³ Decision [2023] FWCD 1141 and the associated AEC declaration of results.

⁴ Australian Hotels Association rules certified 1 July 2023 [D2022/12] - rule 11A.8

[8] In its communication, the Branch assured the Commission that it is now aware that the election for this office must occur every year and it will enact processes and procedures to ensure that elections are conducted in accordance with AHA and Branch rules and the RO Act.⁵

[9] The normal and reasonable expectation is that registered organisations will take steps to ensure that they comply with the requirements (including timeframes) set out not only in the legislation governing their operation but also in instruments that they themselves have formulated, such as the organisation's own rules. It is concerning that Branch officers were apparently unaware of the length of the term of an office that some of them held.

[10] While the reasons given by the Branch cite 'administrative' and 'handover' issues associated with the unfortunate passing of the staff member who had previously dealt with election-related issues, the responsibility for the management of the Branch and the meeting of its obligations (including election-related obligations) rests with the officers of the Branch.

[11] The lodgement of prescribed information is a critical part of the election process. As the Federal Court observed in a matter involving the same organisation but a different Branch:

Neither the Commissioner nor the AEC has power to cause an election to be conducted in the absence of a lodgement of prescribed information by the organisation concerned. If relevant prescribed information is not so lodged, no election will occur, notwithstanding the requirement for an election under the rules of the organisation. In that event, various primary objects of the [RO] Act (that organisations be representative and accountable, that members be encouraged to participate, that organisations exhibit high standards of accountability, and that organisations be subject to democratic functioning and control) are liable to be frustrated.⁶

[12] I decline on this occasion to allow, under section 189(2) of the Act, a later day for the lodgement of prescribed information in relation to Delegates to National Board. Late Failure to lodge the prescribed information on time can render an organisation potentially liable to a civil penalty. The present matter will be considered in the event of further late lodgements.

[13] Regardless of whether or not a later date is allowed under section 189(2), as Delegate of the General Manager I must determine, under section 189(3), whether an election is required under the rules of the organisation.

[14] I am satisfied that an election for each of 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 Australian Electoral Commission.



DELEGATE OF THE GENERAL MANAGER

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⁵ Branch email dated 18 December 2025

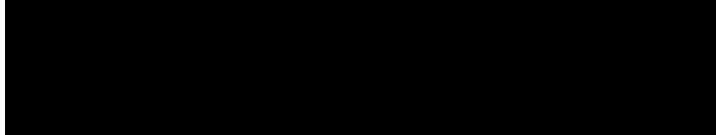
⁶ *Registered Organisations Commissioner v Australian Hotels Association* [2019] FCA 1516, at para [42]

**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, NEIL RANDALL being the President of the Australian Hotels Association WA Branch make the following statement:

1. I am authorised to sign this statement containing prescribed information for the Australian Hotels Association WA 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. No rule alterations are pending that will impact the election.
5. This statement is lodged at least 2 months before nominations open for the election (s) mentioned in Annexure A.

Signed:



Neil Randall
President
Australian Hotels Association
Western Australian Branch

Dated: 02 /12 2025.

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

Annexure A

- Elections that are required

Branch	Name of Office	Number required	Voting System	Reason for Election	Electorate
			Direct voting system; Collegiate electoral system	Scheduled; Casual vacancy; New office created; Insufficient nominations	
Australian Hotels Association WA Branch	Branch Committee of Management	Six	Direct Voting System	Scheduled	All members of the WA Branch Clause 16 (A)(a)
Australian Hotels Association WA Branch	President Perth Metropolitan North Division	One	Direct Voting System	Scheduled	All members of the Perth Metropolitan North Division Clause 16 (A)(c)
Australian Hotels Association WA Branch	President Perth Metropolitan South Division	one	Direct Voting System	Scheduled	All members of the Perth Metropolitan South Division Clause 16 (A)(c)
Australian Hotels Association WA Branch	President Perth Central	one	Direct Voting System	Scheduled	All members of the Perth Central Division Clause 16 (A)(c)
Australian Hotels Association WA Branch	President South West Division	one	Direct Voting System	Scheduled	All members of the Perth South West Division Clause 16 (A)(c)
Australian Hotels Association WA Branch	President Perth North West Division	one	Direct Voting System	Scheduled	All members of the North West Division Clause 16 (A)(c)
Australian Hotels Association WA Branch	President Central Division	one	Direct Voting System	Scheduled	All Members of the Central Division Clause 16(A)(c)
Australian Hotels Association WA Branch	President Coastal Division	one	Direct Voting System	Scheduled	All Members of the Coastal Division Clause 16(A)(c)
Australian Hotels Association WA Branch	President Accommodation Division	One	Direct Voting System	Scheduled	All Members of the Accommodation Division Clause 16(A)(c)

Australian Hotels Association WA Branch	President Small Bar Division	One	Direct Voting System	Scheduled	All Members of the Small Bar Division Clause 16(A)(c)
Australian Hotels Association WA Branch	President Tourism Division	One	Direct Voting System	Scheduled	All Members of the Tourism Division Clause 16(A)(c)
Australian Hotels Association WA Branch	President Restaurant Division	One	Direct Voting System	Scheduled	All Members of the Restaurant Division Clause 16(A)(c)
Australian Hotels Association WA Branch	President	One	Collegiate electoral system	Scheduled	All Members of the Branch Committee of Management Clause 16(A)(b)
Australian Hotels Association WA Branch	Senior Vice President	One	Collegiate electoral system	Scheduled	All Members of the Branch Committee of Management Clause 16(A)(b)
Australian Hotels Association WA Branch	Vice President	One	Collegiate electoral system	Scheduled	All Members of the Branch Committee of Management Clause 16(A)(b)
Australian Hotels Association WA Branch	Treasurer	One	Collegiate electoral system	Scheduled	All Members of the Branch Committee of Management Clause 16(A)(b)
Australian Hotels Association WA Branch	Country Representatives	Two	Collegiate electoral system	Scheduled	All Members of the Branch Committee of Management Clause 16(A)(d)

- Important dates:

	Direct Voting System	Collegiate Electoral System
Nominations OPEN	To be determined by returning officer if the rule provides	To be determined by returning officer if the rule provides
Nominations CLOSE	To be determined by the returning officer if the rule provides	To be determined by returning officer if the rule provides
Roll of Voters cut off date	No later than seven days before the date on which nominations open Rule 16 B (c)	Insert date and reference the relevant rule

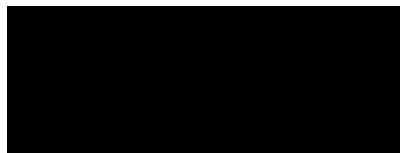
NOTES: For insufficient nominations and casual vacancies, the date nominations open and close, unless specified in the rules, should be listed as 'To be determined by the returning officer'. This also applies where rules are silent as to the nominated dates.

**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, Neil Randall, President of the Australian Hotels Association, Western Australian Branch state, make the following statement:

1. I am authorised to sign this statement containing prescribed information for Australian Hotels Association, Western Australian 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. The number of elected representatives is calculated on a formula defined in rule 11.2
 - a) The rule number which specifies the formula is rule 11.2 (iii)
 - b) The formula is Branches with two million but less than three million population: three 3 delegates
 - c) The information for calculating the formula is as per rule 11.2 is based on the Australian Bureau of Statistics
 - d) The relevant date for this information is 31 March 2023 which shows the population for Western Australia as 2,855,600.

This statement is lodged at least 2 months before nominations open for the election below.



Neil Randall
President
Australian Hotels Association
Western Australian Branch

Date: 15th December 2025

ANNEXURE A

Elections that are required:

Branch	Name of Office	Number required	Voting System	Reason for Election	Electorate
AHA WA	<i>National Board Delegate</i>	2	<i>Collegiate</i>	<i>Scheduled Rule 11.2 (iii)</i>	<i>Branch Committee of Management</i>

Important dates:

Collegiate Electoral System	
Nominations OPEN	<i>At least 14 days prior to 1 April 2026 (rule 11 (e))</i>
Nominations CLOSE	
Roll of Voters cut off date	