



DECISION

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

Australian Hotels Association
(E2025/196)

MR STEENSON

SYDNEY, 29 JANUARY 2026

Arrangement for conduct of election.

[1] On 19 January 2026 the Australian Capital Territory Branch (the **Branch**) of the Australian Hotels Association lodged prescribed information, and on 23 January 2026 lodged amended prescribed information, with the Fair Work Commission (the **Commission**) for an election to fill the following offices for a new term of office:

Divisional Representatives to the Branch Board from:

Accommodation / Hotels Division	(2)
ACT Division	(6)

Branch Executive

President (who is <i>ex officio</i> Branch Delegate to National Board)	(1)
Vice President	(1)
Secretary/Treasurer	(1)

[2] The Branch lodged the prescribed information late, contrary to section 189(2) of the *Fair Work (Registered Organisations) Act 2009* (the **RO Act**). Organisations and their branches are required to lodge before the prescribed day, which is specified in regulation 138(3) of the *Fair Work (Registered Organisations) Regulations 2009* (the **RO Regulations**) as being two months before the date that the rules specify for the opening of nominations. This enables the Commission to consider the election request and, if an election is required, to issue a decision arranging for the Australian Electoral Commission (the **AEC**) to conduct the election and giving the AEC sufficient time to do so ahead of the opening of nominations.

[3] By reference to the date that nominations are due to open under the rules of the organisation, the prescribed information should have been lodged, at the latest, by 18 January 2026.

[4] In correspondence dated 23 January 2026, the Branch stated the delay was due to an internal administrative oversight, whereby the prescribed information had been signed by the Branch's Secretary/Treasurer on time on 3 December 2025 but was not lodged with the Commission thereafter. It is noted that the initial prescribed information, lodged on 19 January 2026, was dated 3 December 2025, which reflects the explanation provided by the Branch.

[5] The Branch's correspondence explained that Commission staff followed up with the Branch regarding the lodgement of prescribed information on 12 January 2026, however the Branch provided an incorrect document.

[6] On 16 January 2026, Commission staff again made contact to advise that the document which had been previously provided was incorrect. Upon acknowledging the error, the Branch provided correct prescribed information to the Commission on the next business day (the following Monday).

[7] The Branch has now requested that the General Manager (or his Delegate) exercise the power under section 189(2) of the RO Act to allow a later date for lodgement of the prescribed information.

[8] In considering the request, I have taken into account that the Branch has a generally good history of complying with its legislative obligations to lodge prescribed information in a timely manner.

[9] Considering this in aggregate with the Branch's explanation for the late lodgement (including that if it had been lodged on the day it was signed, it would have been lodged ahead of time), I have determined that on this occasion it is appropriate to allow a later day for lodgement as requested under s.189(2) of the RO Act.

[10] In allowing the extension, however, I emphasise the importance of registered organisations and their branches complying with their obligation to lodge prescribed information for elections in a timely manner and before the prescribed day set out in the Regulations. I note that the failure of an organisation to lodge prescribed information is a civil penalty provision and that late lodgement can therefore leave an organisation open to litigation and potentially liable to a penalty.¹

[11] 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

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¹ See, for example, *Registered Organisations Commission v Australian Hotels Association* [2019] FCA 1516.

STATEMENT OF PRESCRIBED INFORMATION FOR ELECTIONS

**SECTION 189 FAIR WORK (REGISTERED ORGANISATIONS) ACT 2009 AND
REGULATION 138 FAIR WORK (REGISTERED ORGANISATIONS)
REGULATIONS 2009**

I, Peter Barclay, being the President of the ACT Branch of the Australian Hotels Association, make the following statement:

1. I am authorised to sign this statement containing prescribed information for the ACT Branch of the Australian Hotels Association.
2. The following information is lodged under subsection 189(1) of the *Fair Work (Registered Organisations) Act 2009*.
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 two months before nominations open for the election.

Signed

23/11/26

Date

ANNEXURE A

- Elections that are required in Stage 1

Branch	Name of Office	Number required	Voting System	Reason for Election	Electorate
ACT	Accommodation/Hotel Division Representative to the AHA ACT Board	2	Direct Voting System	Scheduled	Accommodation/Hotels Division AHA ACT Rule 12(1)
ACT	ACT Division Representative to the AHA ACT Board	6	Direct Voting System	Scheduled	ACT Division AHA ACT Rule 12(2)

- Important dates:

	Collegiate Electoral System
Nominations OPEN	<i>18 March 2026 (AHA ACT Rule 15(2)), (AHA National Rule 16(a))</i>
Nominations CLOSE	<i>1 April 2026 (AHA ACT Rule 15(2))</i>
Roll of Voters cut-off date	<i>To be determined by the Returning Officer</i>

- Elections that are required in Stage 2

Branch	Name of Office	Number required	Voting System	Reason for Election	Electorate
ACT	President and Delegate to the National Board	1	Collegiate electoral system	Scheduled	Divisional Representatives to the AHA ACT Board determined by AHA ACT Rule 13(1) and 13(2)(a)
ACT	Vice President	1	Collegiate electoral system	Scheduled	Divisional Representatives to the AHA ACT Board determined by AHA ACT Rule 13(1) and 13(2)(b)
ACT	Secretary/Treasurer	1	Collegiate electoral system	Scheduled	Divisional Representatives to the AHA ACT Board determined by AHA ACT Rule 13(1) and 13(2)(c)

- Important dates:

	Collegiate Electoral System
Nominations OPEN	To be determined by the Returning Officer, but the preference is for nominations to open at the next AHA ACT Board Meeting after the completion of Stage 1 elections.
Nominations CLOSE	To be determined by the Returning Officer, but the preference is for nominations to open at the next AHA ACT Board Meeting after the completion of Stage 1 elections.
Roll of Voters cut-off date	To be determined by the Returning Officer, but the preference is for nominations to open at the next AHA ACT Board Meeting after the completion of Stage 1 elections.