Fair Work Commission

AMENDING DECISION

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

Australian Hotels Association
(E2026/142)

MR STEENSON SYDNEY, 22 SEPTEMBER 2026

Arrangement for conduct of election.

[1] It has been identified that the decision issued by me, in this matter, as Delegate of the General Manager of the Fair Work Commission on 21 September 2026 requires amendment.

[2] Specifically, one of the electorates from which Restaurant Division Representatives are to be elected was incorrectly named in the decision as originally issued.[1]

[3] The decision is corrected as follows:

Under the heading 'Restaurant Division Representatives' (in the list of offices immediately beneath paragraph [1] of the original decision),

by deleting the words 'North West Region (prefix 64)'

and inserting in their place the words 'North and North West Region (prefix 63 and 64)'

[4] The balance of the original decision in this matter remains unchanged.



DELEGATE OF THE GENERAL MANAGER

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PR814644

[1] [2026] FWCD 156 PR814274 (21 September 2026)

Fair Work Commission

DECISION

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

Australian Hotels Association
(E2026/142)

MR STEENSON SYDNEY, 21 SEPTEMBER 2026

Arrangement for conduct of election.

[1] On 8 September 2026 the Hospitality Tasmania Branch (the **Branch**) of the Australian Hotels Association (the **AHA**) lodged with the Fair Work Commission (**the Commission**) prescribed information for an election to fill the following offices for a new term of office:

President	(1)
Treasurer	(1)
Division President, Pub/Tavern Division (and Branch Senior Vice President ex officio)	(1)
Division President (and Branch Vice President ex officio) from the following:	
Accommodation/Hotels Division	(1)
Restaurant Division	(1)
Division Representatives to State Council (16 in total) comprised of:	
Pub/Tavern Division Representatives (9 in total) from:	
South Region (prefix 62)	(4)
North Region (prefix 63)	(3)
North West Region (prefix 64)	(2)
Accommodation Hotels Division Representatives (3 in total) from:	
South Region (prefix 62)	(1)
North Region (prefix 63)	(1)
North West Region (prefix 64)	(1)
Restaurant Division Representatives (4 in total) from:	

South Region (prefix 62)	(2)
North West Region (prefix 64)	(2)

[2] Section 189 of the *Fair Work (Registered Organisations) Act 2009* (the **RO Act**) requires an organisation or branch to lodge prescribed information in a set timeframe. This lodgement requirement is known as the 'prescribed day'. Regulation 138(3) of the *Fair Work (Registered Organisations) Regulations 2009* (the **Regulations**) specifies that the prescribed day is a date two months before nominations are due to open, and prescribed information must be lodged before then.

[3] Branch rules stipulate that nominations for the scheduled election of Branch offices are to open before the start of November in each even-numbered year.[1]. This means that the latest date that nominations can open is 31 October, making the latest prescribed date for lodgement 31 August 2026 (and earlier if an earlier opening date for nominations was set). The Branch lodged its prescribed information on 8 September 2026.

[4] After discussion with the Commission, the Branch submitted a request for an extension of time for lodgement under section 189(2) of the Act. In making the request, the Branch stated that "*the late lodgement was a genuine and inadvertent error and not intentional. The PI Statement was submitted as part of the established election process that had been applied in previous years*".[2] The Branch also stated that "*the distinction between the timetable under Rule 14(f) and the separate prescribed lodgement date under Regulation 138(3) was not identified at the time*".[3]The Branch stated that they would observe the required prescribed date in the future.

[5] This apparent lack of understanding is concerning because, among other things, on 13 August 2026 the Branch was emailed a courtesy letter under the Commission's 'election alert' program noting that an election was upcoming.[4] The letter stated (in a highlighted text box):

> Remember:
>
> Prescribed information is due two months before your nominations open.
>
> This means you have less than one month to lodge.

[6] It letter further stated, in a checklist of items for the Branch's attention:

> Work out the nominations open date …
>
> It's about giving us and the AEC enough time to process your election. Prescribed information must be lodged at least 2 months before the nominations open date. [5]

[7] The normal and reasonable expectation is that organisations and their branches will comply with the obligations imposed upon them – including when these are included in reminder correspondence to them.

[8] It is particularly so in circumstances where the AHA has previously been the subject of civil penalty proceedings for contravention of this specific requirement in relation to another of

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[1] Rule 14(f) of the Branch rules (Rulebook R2024/125) relevantly provides that "*The Returning Officer shall, at least fourteen days prior to the 14th day of November in every second year commencing in 2024, by circular to each Member of each Division call for nominations …*"

[2] Email from AHA Tasmania Branch 19 September 2026.

[3] Ibid.

[4] Commission letter to Branch President / National Secretary-Treasurer, 13 August 2026 (reference E2026/127)

[5] Ibid.

its branches,[6] and the obligations would therefore have been the subject of attention from the organisation itself.

[9] Having considered the Branch's submission and relevant facts and circumstances, I decline on this occasion to allow a later date for lodgement. As section 189(2) is a civil penalty provision, this will be taken into account in any future late lodgement.

[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 Australian Electoral Commission.

[11] I have asked Commission staff to engage with the Branch to arrange for a session to be arranged with the Branch Committee of Management and relevant staff to provide advice and assistance in relation to election obligations and associated matters.



DELEGATE OF THE GENERAL MANAGER

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[6] *Registered Organisations Commissioner v Australian Hotels Association* [2019] FCA 1516

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 President of the Australian Hotels Association – Tasmanian Branch make the following statement:

1. I am authorised to sign this statement containing prescribed information for Australian Hotels Association – Tasmanian 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) in Annexure A.

Signed:



Dated: 08/09/2026

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 [insert as many pages as required]

Branch	Name of Office	Number required	Voting System Direct voting system; Collegiate electoral system	Reason for Election Scheduled; Casual vacancy; New office created; Insufficient nominations	Electorate
Tasmania	President	1	Collegiate electoral system	Scheduled	All State Council Members. R 18b
Tasmania	Treasurer	1	Collegiate electoral system	Scheduled	All State Council Members. R 18b
Tasmania	Division President (and Branch Senior Vice President ex officio) from the Pub/Tavern Division	1	Direct Voting System	Scheduled	Members of Pub/Tavern, R 14e 1 – Pub/Tavern
Tasmania	Division President/ Branch Vice President	2	Direct Voting System	Scheduled	Members of Accommodation and Restaurant Divisions. R 14e 1 – Accommodation/Hotels 1 – Restaurant
Tasmania	Division Representatives	16 made up of the below (incl Div Presidents)	Direct Voting System	Scheduled	All Pub/Tavern, Accommodation and Restaurant members of the association in the South, North and Nth West Divisions. See details below. R 14c and 14e
Tasmania	Pub/Tavern	9	Direct Voting System	Scheduled	All Pub/Tavern members of the association. R 14e 4 – South (telephone prefix 62 – South) 3 – North (telephone prefix 63 – North) 2 – Nth West (telephone prefix 64 – Nth West)

Tasmania	Accommodation	3	Direct Voting System	Scheduled	All Accommodation members of the association. R 14e 1 – South (telephone prefix 62 – South) 1 – Nth West (telephone prefix 64 – Nth West) 1 - North (telephone prefix 63 – North)
Tasmania	Restaurants	4	Direct Voting System	Scheduled	All Restaurant members of the association. R 14e 2 – South (telephone prefix 62 – South 2 – Nth West and North (telephone prefix 64 – Nth West and 63 – North)

- Important dates:

	Direct Voting System	**Collegiate Electoral System**
Nominations OPEN	To be determined by the Returning Officer - R 14f	To be determined by the Returning Officer - R 14f
Nominations CLOSE	To be determined by the Returning Officer	To be determined by the Returning Officer
Roll of Voters cut-off date	To be closed 7 days before the day on which nominations for the election open. R 14h	To be closed 7 days before the day on which nominations for the election open. R 14f

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*