



DECISION

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

Restaurant & Catering Australia – Industrial Relations Incorporated
(E2026/139)

MR STEENSON

SYDNEY, 4 SEPTEMBER 2026

Arrangement for conduct of election.

[1] On 27 August 2026 the Restaurant & Catering Australia – Industrial Relations Incorporated (the **organisation**) lodged with the Fair Work Commission prescribed information for an election to fill the following offices in the organisation’s inaugural election under section 189 of the *Fair Work (Registered Organisations) Act 2009* (**RO Act**):

Secretary	(1)
Members of the Council	(6)
President	(1)
Vice-Presidents	(2)
Treasurer	(1)

[2] This is the organisation’s first election since its registration took effect on 1 September 2025. The organisation’s rules, in particular rule 43 (Transitional Rule), provided for “*the transitional management and governance of the Association from the date of commencement of these rules ... to the date of the completion of the inaugural election for Council*”.¹

[3] The six Councillors are directly elected by and from financial members for a three-year term of office. Those newly elected Councillors thereafter elect, from among their number, the President, Vice Presidents and Treasurer, who likewise have a three-year term. All take office from the Annual General Meeting (**AGM**). The office of Secretary is directly elected by members for a four-year term, taking office on the declaration of their election (rule 42(d)).

[4] The rules of the organisation, in particular rule 40(c), require that the Returning Officer (i.e. the Australian Electoral Commission (**AEC**)) is to provide the election notice to members announcing the opening of nominations “*Not less than seventy seven days (11 weeks) prior to the Annual General Meeting*”.

[5] The organisation has advised that the ‘provisional’ date for the AGM is 26 October 2026. If that is the date on which the AGM is actually conducted, then the election prescribed information (required to be lodged at least two months before nominations open) has been lodged late, contrary to s.189 of the RO Act, which is a civil penalty provision.

¹ *Registered rules of the Restaurant & Catering Australia - Industrial Relations Incorporated*, rules at registration on 1 September 2025 (Rulebook D2025/2)

[6] Non-compliance in relation to its inaugural election would seem an unfortunate start to the organisation's compliance history.

[7] It is also unlikely that the AEC could meet such a timetable for the completion of a two-stage election (where nominations for stage one must be open for at least 21 days) in the condensed period between now and a late-October AGM, particularly if a ballot was required.

[8] However, under the rules of the organisation, its AGM is to be held within six (6) months of the end of its financial year,² and therefore the organisation has until the end of December 2026 to conduct its AGM.

[9] 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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² Rule 24(a), Rulebook D2025/2

Fair Work (Registered Organisations) Regulation 138

Prescribed Information for elections by the Restaurant & Catering Australia - Industrial Relations Incorporated

I, John Hart, President of the Restaurant & Catering Australia - Industrial Relations Incorporated (hereafter "RCAIR"), state that the information is lodged under section 189 of the *Fair Work (Registered Organisations) Act 2009* and that I am the person authorised to make the statement.

RCAIR hereby lodges prescribed information in respect of an election for the undermentioned office to be conducted by the Australian Electoral Commission.

Offices:

- **Secretary - DVS election**
- **Councillors (6) - DVS election**
- **President – collegiate election, by and from Council**
- **Vice Presidents (2) – collegiate election, by and from Council**
- **Treasurer – collegiate election, by and from Council**

Reason for Election

The organisation was registered on 1 September 2025. The rules require the inaugural elections following registration to be completed on or before the second Annual General Meeting held after the registration date. The second AGM post registration is provisionally scheduled for 26 October 2026. (refer Transitional rule 43.1)

Electorate

The voting electorate for **Secretary** and the **6 Councillors** is by direct voting system of all financial members of the organisation – rules 42(a) and 40(a) respectively.

The voting electorate for the **President, Vice-Presidents (2) and Treasurer** will be the 6 Councillors - rule 41(a).

Nominations Open and Close

The scheme of the rules requires the election of the **6 Councillors** to proceed as the first stage followed by the collegiate election for **President, V/Ps and Treasurer** at the second stage.

Nominations opening and closing dates for the first stage to be determined by the Returning Officer having regard to rule 40(c).

Nominations opening and closing dates for the second stage to occur at a meeting of Councillors held after the election of the Councillors (rule 41(b)).

The election of **Secretary** is conducted at the same time as the election of Councillors, save that a candidate for Secretary need not be a pre-existing financial member of the Association but his or her nomination must be proposed by 2 Members of Council at the close of the nominations per rule 42(b). Such nomination shall be in writing and signed by both the candidate and each proposer.

Closure of Roll for Voters

The roll of voters for any ballot required under these rules shall close 7 days before the day on which nominations for the election open (rule 39(g)).

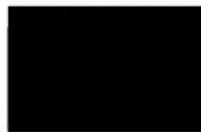
Voting System

For Secretary and 6 Councillors - direct voting system – rules 42(a) and 40(a) respectively.
For President, 2 Vice-Presidents and Treasurer – collegiate electoral system – rule 41(a).

Pending rule alterations

There are no pending rule alterations.

The above information is lodged under subsection 189(1) of the Act.



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John Hart
President
Restaurant & Catering Australia - Industrial Relations Incorporated

Date: 26th August 2026