

8 November 2021

Post-election report

Australian Hotels Association

Queensland Branch

Scheduled election

E2020/121

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Election(s) Covered in this Report

Organisation: Australian Hotels Association - Queensland Branch

Election: Scheduled

Election Decision No/s: E2020/121

Rules

Rules used for the election: [024N-QLD: Incorporates alterations of 28/6/2004]
(replaces 15/10/2001 version)

Rules difficult to apply/interpret: No

Model Rule reference (if any): N/A

For more details see the Model Rules on the AEC website: www.aec.gov.au/ieb/

Other Matters

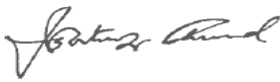
Returning Officer actions required (Section 193): Yes

Details: The matters in which the Returning Officer has exercised subparagraph 193(1) (b)(ii) of the Fair Work (Registered Organisation) Act 2009 are as follows:

- As there is no rule pertaining to the withdrawal of the Nomination, the Returning Officer fixed a closing time for the withdrawal of the nomination and the withdrawal period was aligned with the close of the nomination period.
- Branch rule 53(a) implies that the election notice and nomination form are to be sent by post. Due to current Australia Post delivery times, it would take longer period of time to receive the election notice and nomination form by the eligible members. To remedy this problem, the election notice and nomination form were sent by email.
- Branch rule 53 (c) (3) states that the ballot paper to be posted within 14 days of the close of the nomination period. The Returning Officer deems that this time frame is not sufficient to ensure that no irregularities occur when checking the eligibility of nominations received and to ensure the documents for the ballot are correct. To address the issue, the Returning Officer opened the ballot within 21 days of the close of the nomination instead of 14 days.
- Branch rule 53. (c) (3) (a) states that the ballot papers are required to be returned within 14 days of opening of ballot period. Due to current delivery time taken by the Australia Post, the ballot period was not sufficient. Therefore, the Returning Officer allowed 28 days instead of 14 days.
- Rules regarding the timetable of the election were set aside as the AEC held concerns that the coronavirus pandemic may impact on the ability for stakeholders to fully participate in the election. A timetable for the conduct of the ballot which varied from the rules was set when the AEC was satisfied that stakeholders would be able to fully participate.

- Rules requiring an in-person ballot were set aside as the AEC held concerns that the coronavirus pandemic would impact on the ability for all stakeholders to attend. Instead the ballot was conducted via post.
- Rules specifying the method of lodgement of nominations were set aside as the AEC held concerns that the coronavirus pandemic would impact on the ability for potential candidates to nominate. Instead nominations were received electronically, via email/the AEC's portal.

Signed



Ishtiaq Ahmed
Returning Officer
Australian Electoral Commission
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8 November 2021

Attachments

- A. Declaration of Results for Uncontested Offices – Stage 1
- B. Declaration of Results for Uncontested Offices – Stage 2

Australian Hotels Association
Queensland Branch
DECLARATION OF RESULTS - E2020/121 - Stage 2
Uncontested Offices

Scheduled Election

The results of the election for the following offices conducted in accordance with the provisions of the *Fair Work (Registered Organisations) Act 2009* and the rules of the organisation are:

Northern Zone General Committee

Chairman (1)

Candidates

CLARKE Stephen Anthony

Senior Vice Chairman (1)

Candidates

HAKFOORT Albert

Vice Chairman (2)

Candidates

ELLISON Craig

GIBSON Stewart

Secretary/Treasurer (1)

Candidates

No Nominations Received

Trustee (2)

Candidates

No Nominations Received

Southern Zone General Committee

Chairman (1)

Candidates

MCGUIRE Thomas

Senior Vice Chairman (1)

Candidates

DEERY Richard

Vice Chairman (2)

Candidates

ARMSTRONG Scott

FITZGIBBONS Bradley John

Secretary/Treasurer (1)

Candidates

COOREY Matthew

Trustee (2)

Candidates

No Nominations Received

As the number of nominations accepted did not exceed the number of positions to be filled, I declare the above candidates elected.

Ishtiaq Ahmed
Returning Officer
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12/10/2021



Australian Hotels Association
Queensland Branch
DECLARATION OF RESULTS - E2020/121 - Stage 1
Uncontested Offices

Scheduled Election

The results of the election for the following offices conducted in accordance with the provisions of the *Fair Work (Registered Organisations) Act 2009* and the rules of the organisation are:

Northern Zone General Committee Representatives - Accommodation Hotels Division (1)

Candidates

No Nominations Received

Southern Zone General Committee Representatives - Brisbane Accommodation Hotels Division (1)

Candidates

No Nominations Received

Southern Zone General Committee Representatives - Gold Coast Accommodation Hotels Division (1)

Candidates

No Nominations Received

Northern Zone General Committee Representatives - Atherton Tablelands Division (1)

Candidates

CLARKE Stephen Anthony

Northern Zone General Committee Representatives - Bowen Division (1)

Candidates

HAKFOORT Albert

Southern Zone General Committee Representatives - Brisbane North Division (9)

Candidates

FARQUHAR Ross

TAIT Melinda

Southern Zone General Committee Representatives - Brisbane South Division (9)

Candidates

DEERY Richard

HOGAN Scott

INGHAM-MYERS Sam

MCGUIRE Tom

Southern Zone General Committee Representatives - Bundaberg Division (1)

Candidates

No Nominations Received

Southern Zone General Committee Representatives - Burnett Division (1)

Candidates

STOIOS Stephen

Northern Zone General Committee Representatives - Cairns Division (1)

Candidates

GIBSON Stewart

Southern Zone General Committee Representatives - Central Division (8)

Candidates

CORDWELL Will

Southern Zone General Committee Representatives - Dalby Division (1)

Candidates

No Nominations Received

Southern Zone General Committee Representatives - Gold Coast Division (1)

Candidates

COOREY Matthew

Southern Zone General Committee Representatives - Gympie Division (1)

Candidates

No Nominations Received

Northern Zone General Committee Representatives - Innisfail Division (1)

Candidates

ELLISON Craig

Southern Zone General Committee Representatives - Ipswich Division (2)

Candidates

JOHNSON Rachel

Northern Zone General Committee Representatives - Mackay Division (1)

Candidates

No Nominations Received

Southern Zone General Committee Representatives - Maryborough Division (1)

Candidates

CARTER Darren

Southern Zone General Committee Representatives - South West Queensland Division (1)

Candidates

No Nominations Received

Southern Zone General Committee Representatives - Sunshine Coast Division (2)

Candidates

ARMSTRONG Scott

Southern Zone General Committee Representatives - Toowoomba Division (2)

Candidates

BOWLY Richard

FITZGIBBONS Bradley

Northern Zone General Committee Representatives - Townsville Division (1)

Candidates

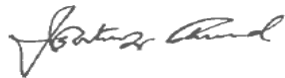
No Nominations Received

Southern Zone General Committee Representatives - Warwick Division (1)

Candidates

No Nominations Received

As the number of nominations accepted did not exceed the number of positions to be filled, I declare the above candidates elected.



Ishtiaq Ahmed
Returning Officer
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04/08/2021



DECISION

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

Australian Hotels Association
(E2020/121)

MR ENRIGHT

MELBOURNE, 25 SEPTEMBER 2020

Arrangement for conduct of election.

[1] On 10 September 2020 the Queensland Branch of the Australian Hotels Association lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices:

Northern Zone General Committee

| | |
|----------------------|-----|
| Chairman | (1) |
| Senior Vice-Chairman | (1) |
| Vice-Chairman | (2) |
| Secretary/Treasurer | (1) |
| Trustees | (2) |

Zone General Committee Representatives from each of the following Divisions:

| | |
|-------------------------------|-----|
| Atherton Tablelands Division | (1) |
| Bowen Division | (1) |
| Cairns Division | (1) |
| Innisfail Division | (1) |
| Mackay Division | (1) |
| Townsville Division | (1) |
| Accommodation Hotels Division | (1) |

Southern Zone General Committee

| | |
|----------------------|-----|
| Chairman | (1) |
| Senior Vice-Chairman | (1) |
| Vice-Chairman | (2) |
| Secretary/Treasurer | (1) |
| Trustees | (2) |

Zone General Committee Representatives from each of the following Divisions:

| | |
|--|-----|
| Brisbane North Division | (9) |
| Brisbane South Division | (9) |
| South West Queensland Division | (1) |
| Bundaberg Division | (1) |
| Central Division | (8) |
| Dalby Division | (1) |
| Gold Coast Division | (1) |
| Gympie Division | (1) |
| Ipswich Division | (2) |
| Maryborough Division | (1) |
| Sunshine Coast Division | (2) |
| Burnett Division | (1) |
| Toowoomba Division | (2) |
| Warwick Division | (1) |
| Brisbane Accommodation Hotels Division | (1) |
| Gold Coast Accommodation Hotels Division | (1) |

[2] Regulation 138(3) of the *Fair Work (Registered Organisations) Regulations 2009* requires that prescribed information for an election must be lodged “2 months before the first day when a person may, under the rules of the organisation or branch, become a candidate in an election.” The branch did not lodge the prescribed information before the required date. The prescribed information should have been lodged by 17 July 2020.

[3] In its correspondence dated 10 September 2020, the branch stated that the Australian Electoral Commission (AEC) has been unable to conduct industrial elections during the COVID 19 pandemic. It further stated that this delay has disrupted the election for the officers of the twenty-three (23) Division Management Committees (**E2020/34**), who will comprise the eligible candidates and voting members for this currently requested collegiate election for the officers and representatives of the Northern and Southern Zone General Committees.

[4] Based on the information provided in the application for the extension of time, the branch was under the mistaken belief that it was not required to lodge the prescribed information by 17 July 2020 because the AEC had yet to conduct the election in E2020/34 following a decision issued by me on 27 April 2020.

[5] However, when the Branch received a courtesy letter from the ROC on 11 August 2020 reminding the branch to lodge its prescribed information, the branch engaged with the ROC to attend to this matter. Correspondence between the ROC and the branch was exchanged on 24 and 28 August 2020. And the prescribed information and an application for an extension of time were both lodged on 10 September 2020.

[6] The ultimate statutory responsibility to lodge prescribed information for elections rests with each registered organisation and the normal and reasonable expectation is that registered organisations will take steps to ensure that they comply with the time-frame requirements set out not only in the *Fair Work (Registered Organisations) Act 2009* (the Act) but also in instruments or references pertaining to their own governance (such as their own rules).

[7] Although the branch has previously had a history of non-lodgement and late lodgement of prescribed information – some of which was the subject of civil penalty proceedings resulting in penalties being imposed on the organisation – I note that in the last two scheduled elections the branch has lodged its prescribed information in a timely manner. I also note that the reason for lateness on this occasion is quite different from previous non-lodgements and late lodgements.

[8] Having considered the branch’s request for an extension of time, on this occasion I allow a later day for lodgement section under 189(2) of the Act.

[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 *Fair Work (Registered Organisations) Act 2009*, I am making arrangements for the conduct of the election by the Australian Electoral Commission.



DELEGATE OF THE COMMISSIONER

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PR351753

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, Thomas Harrington McGuire, being the President of the Australian Hotels Association (Queensland Branch) make the following statement:

1. I am authorised to sign this statement containing prescribed information for Australian Hotels Association (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.
 - a. Northern and Southern Zone General Committee
 - b. Zone General Committee Officers
4. No rule alterations are pending that will impact the election.
5. This statement **IS NOT** lodged at least 2 months before nominations open for the election(s) in Annexure A. The reason it is lodged after the prescribed time is:
 - a. The Australian Electoral Commission advised that they were unable to conduct industrial elections during the pandemic declared in 2020. This disrupted the Divisional Management Committee elections which form the college of candidates for the scheduled Zone General Committee elections and Zone General Committee Officers.
 - b. The Australian Hotels Association (Queensland Branch) lodged an extension of time request was lodged on 10 September 2020.

Signed:



Dated: 10/09/2020

Annexure A

- Elections that are required

| Branch | Name of Office | Number required | Voting System <i>Direct voting system;</i> <i>Collegiate electoral system</i> | Reason for Election <i>Scheduled;</i> <i>Casual vacancy;</i> <i>New office created;</i> <i>Insufficient nominations</i> | Electorate |
|---------------|--|--|--|--|---|
| QLD | Northern Zone General Committee Officers | Chairman (1) Senior Vice-Chairman (1) Vice-Chairman (2) Secretary/Treasurer (1) Trustees (2) | Collegiate electoral system | Scheduled | Northern Zone General Committee |
| QLD | Southern Zone General Committee Officers | Chairman (1) Senior Vice-Chairman (1) Vice-Chairman (2) Secretary/Treasurer (1) Trustees (2) | Collegiate electoral system | Scheduled | Southern Zone General Committee |
| | Northern Zone General Committee Representative | 1 | Collegiate | Scheduled | Atherton Tablelands Divisional Management Committee – Rule 50 (a) |

| | | | | | |
|--|--|---|------------|-----------|---|
| | Northern Zone General Committee Representative | 1 | Collegiate | Scheduled | Bowen Divisional Management Committee – Rule 50 (a) |
| | Northern Zone General Committee Representative | 1 | Collegiate | Scheduled | Cairns Divisional Management Committee – Rule 50 (a) |
| | Northern Zone General Committee Representative | 1 | Collegiate | Scheduled | Innisfail Divisional Management Committee – Rule 50 (a) |
| | Northern Zone General Committee Representative | 1 | Collegiate | Scheduled | Mackay Divisional Management Committee – Rule 50 (a) |
| | Northern Zone General Committee Representative | 1 | Collegiate | Scheduled | Townsville Divisional Management Committee – Rule 50 (a) |
| | Northern Zone General Committee Representative | 1 | Collegiate | Scheduled | Accommodation Hotels Divisional Management Committee – Rule 50 (a) |
| | Southern Zone General Committee Representative | 9 | Collegiate | Scheduled | Brisbane North Divisional Management Committee – Rule 50 (a) |
| | Southern Zone General Committee Representative | 9 | Collegiate | Scheduled | Brisbane South Divisional Management Committee – Rule 50 (a) |
| | Southern Zone General Committee Representative | 1 | Collegiate | Scheduled | South West Divisional Management Committee – Rule 50 (a) |

| | | | | | |
|--|--|---|------------|-----------|--|
| | Southern Zone General Committee Representative | 1 | Collegiate | Scheduled | Bundaberg Divisional Management Committee – Rule 50 (a) |
| | Southern Zone General Committee Representative | 8 | Collegiate | Scheduled | Central Divisional Management Committee – Rule 50 (a) |
| | Southern Zone General Committee Representative | 1 | Collegiate | Scheduled | Dalby Divisional Management Committee – Rule 50 (a) |
| | Southern Zone General Committee Representative | 1 | Collegiate | Scheduled | Gold Coast Divisional Management Committee – Rule 50 (a) |
| | Southern Zone General Committee Representative | 1 | Collegiate | Scheduled | Gympie Divisional Management Committee – Rule 50 (a) |
| | Southern Zone General Committee Representative | 2 | Collegiate | Scheduled | Ipswich Divisional Management Committee – Rule 50 (a) |
| | Southern Zone General Committee Representative | 1 | Collegiate | Scheduled | Maryborough Divisional Management Committee – Rule 50 (a) |
| | Southern Zone General Committee Representative | 2 | Collegiate | Scheduled | Sunshine Coast Divisional Management Committee – Rule 50 (a) |
| | Southern Zone General Committee Representative | 1 | Collegiate | Scheduled | Burnett Divisional Management Committee – Rule 50 (a) |

| | | | | | |
|--|--|---|------------|-----------|--|
| | Southern Zone General Committee Representative | 2 | Collegiate | Scheduled | Toowoomba Divisional Management Committee – Rule 50 (a) |
| | Southern Zone General Committee Representative | 1 | Collegiate | Scheduled | Warwick Divisional Management Committee – Rule 50 (a) |
| | Southern Zone General Committee Representative | 1 | Collegiate | Scheduled | Brisbane Accommodation Divisional Management Committee – Rule 50 (a) |
| | Southern Zone General Committee Representative | 1 | Collegiate | Scheduled | Gold Coast Accommodation Divisional Management Committee – Rule 50 (a) |

- Important dates:

| | Direct Voting System | Collegiate Electoral System |
|------------------------------------|----------------------|---|
| Nominations OPEN | nil | No later than 17 September according to Rule 50 (e) for Zone General Committee and Rule 52 for Zone General Committee Officers To be determined by Returning Officer |
| Nominations CLOSE | nil | To be determined by Returning Officer |
| Roll of Voters cut off date | nil | 7 Days Prior to date determined by Returning Officer for election |

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](#).