13 June 2025

Post-election report

Australian Hotels Association
National Accommodation Division
Insufficient Nominations Election
E2025/46

AEC
Australian Electoral Commission

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Election Covered in Post-Election Report (PER)

Organisation:	Australian Hotels Association National Accommodation Division
Election Decision No:	E2025/46
Election:	Insufficient Nominations Election
(If uncontested) Date the nominations closed:	27 May 2025
Date results declared:	28 May 2025
Date PER due:	26 June 2025

Relevant legal provisions

Fair Work (Registered Organisations) Act 2009 ('the Act')

197 Post-election report by AEC

Requirement for AEC to make report

(1) After the completion of an election conducted under this Part by the AEC, the AEC must give a written report on the conduct of the election to:

(a) the General Manager; and

(b) the organisation or branch for whom the election was conducted.

Note: The AEC may be able, in the same report, to report on more than one election it has conducted for an organisation. However, regulations made under paragraph 359(2)(c) may impose requirements about the manner and timing of reports.

(2) The report must include details of the prescribed matters.

Contents of report—register of members

(3) If the AEC is of the opinion that the register of members, or the part of the register, made available to the AEC for the purposes of the election contained, at the time of the election:

(a) an unusually large proportion of members' addresses that were not current; or

(b) in the case of a register kept by an organisation of employees—an unusually large proportion of members' addresses that were workplace addresses;

this fact must be included in the report, together with a reference to any relevant model rules which, in the opinion of the AEC, could assist the organisation or branch to address this matter.

Note: Model rules are relevant only to the conduct of elections for office, not for elections for other positions (see section 147).

Contents of report—difficult rules

(4) If the report identifies a rule of the organisation or branch that, in the AEC's opinion, was difficult to interpret or apply in relation to the conduct of the election, the report must also refer to any relevant model rules, which in the opinion of the AEC, could assist the organisation or branch to address this matter.

Note: For model rules, see section 147.

Subsection (3) relevant only for postal ballots

(5) Subsection (3) applies only in relation to elections conducted by postal ballot.

Note: An organisation can obtain an exemption from the requirement to hold elections for office by postal ballot (see section 144).

190 Organisation or branch must not assist one candidate over another

An organisation or branch commits an offence if it uses, or allows to be used, its property or resources to help a candidate against another candidate in an election under this Part for an office or other position.

Penalty: 100 penalty units.

193 Provisions applicable to elections conducted by AEC

(1) If an electoral official is conducting an election, or taking a step in relation to an election, for an office or other position in an organisation, or branch of an organisation, the electoral official:

(a) subject to paragraph (b), must comply with the rules of the organisation or branch; and

(b) may, in spite of anything in the rules of the organisation or branch, take such action, and give such directions, as the electoral official considers necessary:

(i) to ensure that no irregularities occur in or in relation to the election; or

(ii) to remedy any procedural defects that appear to the electoral official to exist in the rules; or

(iii) to ensure the security of ballot papers and envelopes that are for use, or used, in the election.

(2) A person commits an offence if the person does not comply with a direction under subsection (1).

Penalty: 30 penalty units.

(3) Subsection (2) does not apply so far as the person is not capable of complying.

Note: A defendant bears an evidential burden in relation to the matter in subsection (3) (see subsection 13.3(3) of the *Criminal Code*).

(4) Subsection (2) does not apply if the person has a reasonable excuse.

Note: A defendant bears an evidential burden in relation to the matter mentioned in subsection (4), see subsection 13.3(3) of the *Criminal Code*.

(5) An offence against subsection (2) is an offence of strict liability.

Note: For ***strict liability***, see section 6.1 of the *Criminal Code*.

(6) An election for an office or other position conducted by an electoral official, or step taken in relation to such an election, is not invalid merely because of a breach of the rules of the organisation or branch because of:

(a) action taken under subsection (1); or

(b) an act done in compliance with a direction under subsection (1).

(7) If an electoral official conducting, or taking a step in connection with, an election for an office or other position:

(a) dies or becomes unable to complete the conduct of the election or the taking of the step; or

(b) ceases to be qualified to conduct the election or to take the step;

the Electoral Commissioner must arrange for the completion of the conduct of the election, or the taking of the step, by another electoral official.

6 **Definitions**

irregularity, in relation to an election or ballot, includes:

(a) a breach of the rules of an organisation or branch of an organisation; and

(b) an act or omission by means of which:

(i) the full and free recording of votes by all persons entitled to record votes and by no other persons; or

(ii) a correct ascertainment or declaration of the results of the voting;

is, or is attempted to be, prevented or hindered; and

(c) a contravention of section 190.

Fair Work (Registered Organisations) Regulations 2009 ('the Regulations')

140 Declaration of result of election (s 193)

(1) Within 14 days after the closing day of an election, the AEC must issue a declaration stating the following:
   (a) the total number of persons on the roll of voters;
   (b) the total number of ballot papers issued (if applicable);
   (c) the total number of envelopes that were returned undelivered by the closing day of the ballot to the AEC (if applicable);
   (d) the total number of ballot papers received by the electoral official by the closing day of the ballot (if applicable);
   (e) the result of the election;
   (f) the total number of informal ballot papers (if applicable).

(2) In subregulation (1), ***closing day***, for an election, means:
   (a) if a ballot is not required—the day on which nominations for the election close; or
   (b) if a ballot is required—the closing day of the ballot.

(3) Immediately after issuing a declaration under subregulation (1), the AEC must give a copy of the declaration to:
   (a) the General Manager; and
   (b) the organisation or branch for whom the election was conducted.

141 Post-election report by AEC (s 197(2))

(1) For subsection 197(2) of the Act, the following matters are prescribed for inclusion in the report (the ***post-election report***) given under subsection 197(1) of the Act:
   (a) the declaration mentioned in regulation 140;
   (b) any rules of the organisation or branch which because of ambiguity or other reason, were difficult to interpret or apply;
   (c) any matters in relation to the roll of voters including those matters contained in subsection 197(3) of the Act;
   (d) the number of written allegations (if any) of irregularities made to the AEC during the election;
   (e) action taken by the AEC in relation to those allegations;
   (f) any other irregularities identified by the AEC and action taken by the AEC in relation to those other irregularities.

(2) The AEC must:
   (a) give the post-election report within 30 days after the closing day of the election; and
   (b) publish a notice on its web site advising that a copy of the post-election report can be obtained from the AEC on the request of a member who was eligible to vote in the election.

(3) The AEC must supply a copy of the post-election report to the member as soon as practicable, but no later than 7 days, after receiving a request under paragraph (2)(b).

145 Elections conducted by AEC—no unauthorised action

(1) For any election conducted by the AEC under Part 2 of Chapter 7 of the Act, a person other than the person conducting the election must not do, or purport to do, any act in the conduct of the election other than as directed or authorised by the person conducting the election.

   Note: This subregulation is a civil penalty provision (see regulation 168).

(2) The AEC must advise the General Manager of a possible contravention of subregulation (1) not later than 21 days after the AEC has become aware of the possible contravention.

Declaration of result of election

In accordance with reg 140 of the Regulations, the AEC issued a declaration of the result of election E2025/46 on 28 May 2025. For a copy, see **Attachment A**.

Australian Hotels Association Rules

Australian Hotels Association Rules used for the election:

- 024N: Incorporates alterations of 1 July 2023 [D2022/12]
- [024N-QLD: Incorporates alterations of 8 February 2024 [R2023/107]]

There were no ambiguous or difficult to apply rules for this election.

Roll of Voters

There were no matters in relation to the roll of voters for this election.

Written allegations of any irregularities

The AEC did not receive any written allegations of any irregularities for this election.

Other irregularities

The AEC did not identify any other irregularities for this election.

Signed

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13 June 2025

Attachments

A. Declaration of Results for Uncontested Offices