

DECLARATION OF AUTHORISED OFFICER in accordance with Regulation 126 *Fair Work (Registered Organisations) Regulations 2009*

ALTERATION OF OTHER RULES OF ORGANISATIONS in accordance with section 159 of the *Fair Work (Registered Organisations) Act 2009*

I, Richard Deery, am the President of the Australian Hotels Association (Queensland Branch), and am authorised to give this notice of particulars of alterations to the rules of Australian Hotels Association (Queensland Branch) and to make this declaration as required by Regulation 126 of the *Fair Work (Registered Organisations) Regulations 2009*.

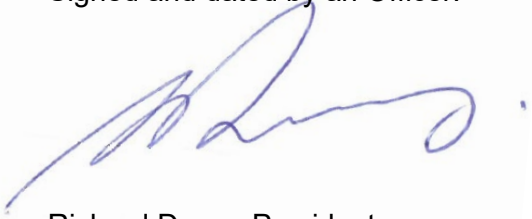
1. I declare that the alterations were made in accordance with the rules of the Australian Hotels Association (Queensland Branch).
2. The particulars of the rule alterations are **attached** to this declaration and labelled 'Schedule A'.
3. The actions taken under the current Australian Hotels Association (Queensland Branch) rules to make this alteration were as follows:
 - (a) In accordance with Rules 10(d), 19(a), and 20(b), the State President instructed the State Secretary to give 30 day's notice to convene the fifth State Board Meeting of the year at a location and time determined by the State Executive. Meeting details below:

Location: Paddington Tavern - 186 Given Terrace, Paddington QLD 4064

Date/Time: 10.30am, 3 October 2023
 - (b) The meeting agenda was circulated to the Zone and State Executive fourteen (14) days prior to the State Board Meeting. No additional agenda items were received by the State Secretary.
 - (c) In accordance with Rules 10(b) and 10(c), all Zone representatives of the State Board, (including members who are Zone Delegates to the State Board) were invited to be present at the meeting. Two (2) proxies were received by the State Secretary more than two hours prior to the meeting.
 - (d) In accordance with Rule 19(c), a quorum of the State Board were present with a total of Fourteen (14) Board Members in attendance at the meeting.
 - (e) A copy of the proposed rule alterations were provided to members which are **annexed** to this declaration.
 - (f) In accordance with Rules 10(b) and 10(c), all representatives of the State Board unanimously voted in support of the rule changes.
4. A copy of the resolution particulars are **annexed** to this declaration.

5. I declare that the particulars set out in this notice are true and correct to the best of my knowledge and belief.

Signed and dated by an Officer.

A handwritten signature in blue ink, appearing to read 'Richard Deery', is written over a light blue rectangular background.

Richard Deery, President

Dated: 20 October 2023

'Schedule A'

41 - RULES - AMENDMENT OF

- 1) These rules may be amended, altered, rescinded, repealed or new rules made by the State Board by resolution carried by the majority of members voting provided that any amendment to these Rules to comply with the Workplace Relations Act 1996 may be made by the State Executive.
- 2) Any proposed change in the rules shall be advised by the State Secretary to each Zone at least thirty (30) days prior to the meeting at which it is proposed to consider the same or if such change is to be submitted to a postal ballot of members of the State Board which the State President or Executive is authorised to do at least thirty (30) days before the close of the ballot.
- 3) Zones may instruct their representatives how they shall vote on any such proposal to change the rules and they shall vote as so instructed.

20 October 2023

Fair Work Commission
Registered Organisations Services Branch

Email: regorgs@fwc.gov.au

Dear Sir/Madam,

Rule Alteration Application – Australian Hotels Association (Queensland Branch)

We write to provide some context to the application to alter the Rules of AHA (QLD Branch)'s as described in the accompanying Declaration. The AHA (Queensland Branch) has been in existence for many years and the Rules have rarely been updated to reflect the changing nature of either the membership or industry.

The current governance structure outlined in the Rules is cumbersome, reflecting a time when information was passed on slowly and where elections were largely not conducted by the Australian Electoral Commission. The inconsistent office tenures for office bearers at various levels of the Branch has led to significant administrative burdens for both the Association and its members.

The proposed Rules seek to modernise and simplify the governance structure to facilitate more efficient election management whilst still ensuring a democratic voice and allow direct representation for all members regardless of where they operate across Queensland.

Please note that the AHA (QLD Branch) does not maintain a separate website and, in the circumstances, a notice that alterations have been lodged under section 159 of the Fair Work (Registered Organisations) Act 2009 has been placed on the Queensland Hotels Association's website, in order to fulfill the requirements of Reg. 126(1)(b) of the Fair Work (Registered Organisations) Regulations 2009.

Regards,



Bernie Hogan
Chief Executive
Queensland Hotels Association

Annexure 1 - Proposed rule alterations

[024n-QL : Incorporates alterations certified on xx/xx/20xx]

(replaces xx/xx/20xx version)

Australian Hotels Association, Queensland Branch

I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009 that the pages herein numbered 1 to 38 both inclusive contain a true and correct copy of the registered rules of the Australian Hotels Association, Queensland Branch

DELEGATE OF THE GENERAL MANAGER

FAIR WORK AUSTRALIA

Rules of the Australian Hotels Association, Queensland Branch

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OBJECTS AND RULES

1. TITLE

The Branch formed under these rules is a Branch of the Australian Hotels Association, and shall be known as "Australian Hotels Association, Queensland Branch" and its short title shall be "A.H.A. (Qld)" or "AHAQ".

2. REGISTERED OFFICE

The Registered Office shall be at 14th Floor, 270 Adelaide Street, Brisbane, Queensland, 4000, or at such other place as the State Board of the Branch may from time to time determine.

3. OBJECTS

The objects for which the Branch is established are to cooperate with the National Board of the Australian Hotels Association and to give effect to the following objects of the Australian Hotels Association as set out hereunder:

- 3.1. The maintenance of the status of the Accommodation, Licensed Hotel and Retail Liquor Industry (hereinafter referred to as "The Industry"); the furtherance of service through the avenues of accommodation, food, beverages, entertainment, wagering and gaming; the maintenance of the law; to promote commerce, education and training and the industry to the advantage of both the industry and the community; to promote and protect the rights of persons engaged in the Industry and members of the Branch and Association in the Commonwealth of Australia.
- 3.2. To observe all proceedings in all Australian Parliaments and measures introduced therein affecting any Branch of the industry and to take such steps as may from time to time be deemed necessary to initiate, promote, amend, modify or reject, as the case may be, all or any of such measures.
- 3.3. To represent effectively the views and requirements of the industry in all matters and questions touching or affecting its interests by means of periodical conferences, deputations, meetings, petitions and otherwise.
- 3.4. To afford members of the Branch and the Association all such assistance, legal or otherwise, as shall appear proper or desirable to the State Board for the time being and in accordance with the Rules of the Association and Branch.
- 3.5. To consider any decisions of any Court or Tribunal which may affect the industry adversely and, if considered desirable or necessary by the State Board, to institute proceedings to secure a view of or appeal against such decision. The State Board may, in the interests of the members, institute, carry on or subsidise any action at law not hereinbefore provided for.
- 3.6. To establish Employment Agencies, Information Bureaux, Literary, Social, Educational, Sporting or Trading Institutions for the benefit of members.
- 3.7. To print, publish, issue and circulate such newspapers and other papers, periodicals, books, circulars and other literary undertakings as may be deemed desirable or expedient for the diffusion amongst the members of the Branch on matters affecting the industry, or as may seem calculated directly or indirectly to advance or contribute to the interests of the Branch or Association or of its members.

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- 3.8. To take such action as may be necessary or advisable to regulate and determine the rates of pay and conditions of employment of employees of members or of employees in the industry either under the Fair Work Act 2009 (as amended) or under the laws of the States or Territories of the Commonwealth or otherwise.
- 3.9. To promote, form and/or conduct an organisation to purchase commodities and products of all types used in the conduct of accommodation, catering and licensed premises and to sell or otherwise dispose of such products and commodities for the benefit of members upon such terms and at such prices as it may from time to time determine.
- 3.10. To raise funds by subscription, donations, entrance fees, levies, business activities and interest on capital or borrowing from financial institutions or other forms of raising funds as thought desirable by the State Board in the interests of the Branch or Association.
- 3.11. To form Divisions in the State of Queensland for the effective conduct of the Branch and its members throughout Queensland.
- 3.12. To purchase, lease, hire, acquire any real or personal property, and any rights or privileges necessary or convenient for the purposes of the Branch.
- 3.13. To sell, improve, lease, mortgage, dispose of, improve or otherwise deal with all or any part of the property or business affairs of the Branch.
- 3.14. To do and execute all such other acts, matters and instruments incidental to or in extension of the foregoing objects in the interests of the industry, and generally to perform all necessary acts for the advancement of the Branch and its members.

3A. INTERPRETATION

In the interpretation of these Rules unless inconsistent with the context:

- 3.15. "Licensing Legislation" means any law in the State of Queensland or any law of the Commonwealth of Australia which permits the sale or supply of liquor including, but not limited to:
- i. the Liquor Act 1992 (Qld);
 - ii. any legislation amending, replacing or succeeding that Act.
- 3.16. "AHA" or "the Association" means the Australian Hotels Association, an industrial organisation of employers registered under the Fair Work (Registered Organisations) Act 2009.
- 3.17. "QHA" means the Queensland Hotels Association, Union of Employers an industrial organisation of employers registered under the Industrial Relations Act 2016 (QLD).
- 3.18. "Returning Officer" means an employee of the Australian Electoral Commission, in relation to elections conducted by the Commission. In other cases, its means the Returning Officer appointed under these Rules.
- 3.19. In these rules the single includes the plural and the masculine gender includes the female gender.
- 3.20. These rules must be read in conjunction with the registered rules of the Australian Hotels Association and the rules of the Australian Hotels Association will prevail to the extent of any conflict.

4. INDUSTRY

"The Industry" as used in these rules shall mean the licensed hotel and retail liquor industry.

5. ELIGIBILITY FOR MEMBERSHIP

5.1 Any person, partnership or corporation who employs or usually employs labour shall be eligible for membership of the Association provided that the labour is employed in establishments in respect of which any of the following licences have been granted:

- (a) in any State or Territory of the Commonwealth of Australia a publican's victuallers, public house or hotel licence under the law of any State or Territory of the Commonwealth of Australia.
- (b) in the State of Queensland any licence which has been granted pursuant to the Queensland Liquor Act other than a Club licence.

5.2 Any person, partnership or corporation who or which employs or usually employs labour in any State or Territory of the Commonwealth of Australia shall be eligible for membership of the Association provided that the employer is engaged in the hospitality industry carrying on a business that provides accommodation including (without limitation):

- (i) An accommodation hotel; or
- (ii) A guest house; or
- (iii) A motel; or
- (iv) Serviced apartments.
- (v) Unlicensed private hotels, serviced apartments, time share facilities, health or recreational farms, guest houses, ski lodges, holiday flats/units, holiday ranches or farms, condominiums, and establishments of a like nature to any of the foregoing whilst primarily providing short term accommodation.
- (vi) Restaurants, function centres, convention centres or like facilities, ancillary to or part of any of the above.
- (vii) Accommodation parks, including:
 - (a) caravan parks (land, including camping ground, on which caravans, or caravans and other moveable dwellings, have been or are to be placed, installed or erected) or
 - (b) manufactured home estates (land on which manufactured homes have been, are, or are to be placed).

5.3 Where a partnership applies for membership each member of that partnership shall apply.

6. MEMBERSHIP DIVISIONS AND ELECTORATES

6.1. The Branch contains four electorates, being the Northern and the Southern electorate of each of the General Division and of the Accommodation Division.

6.2. Each licence held or business operated by a member will be allocated by the Board to an electorate in the manner provided by these rules. Each such licence or business of each member is an "elector" of the member for purposes of these rules.

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- 6.3. Each elector that is an establishment referred to in Rule 5.1 will be allocated to the General Division. Each elector that is a business referred to in rule 5.2 will be allocated to the Accommodation Division.
- 6.4. The Southern Electorate of each Division consists of those electors located in the following local government areas:
- i. Boulia;
 - ii. Diamantina;
 - iii. Barcoo;
 - iv. Longreach;
 - v. Barcaldine;
 - vi. Central Highlands;
 - vii. Livingstone; and
 - viii. all local government areas south of the areas in 6.4(i) to (vii).
- 6.5. The Northern Electorate of each Division consists of those electors located in all local government areas not within the Southern Electorate.
- 6.6. If the boundaries of a local government area change or for any other reason there is any uncertainty about which electorate an elector should be allocated to, the Board may, at its reasonable discretion, allocate an elector to a particular electorate.

7. VOTING AND PROXIES

- 7.1. A member that is a partnership or corporation may from time to time nominate a person as its proxy to represent it, in respect of each elector, at all such meetings as it would be entitled to attend if it were an individual member. That person or persons, as the case may be, will be entitled as proxy to be heard and vote at such meetings and to vote at elections and ballots. For the purpose of exercising a vote at an election, the appointment of a proxy shall be restricted to another elected member of the committee from which the election is to be conducted.
- 7.2. An individual member who does not intend or is not capable of taking an active personal part in the conduct of the affairs of the Branch may in writing delivered to the Secretary appoint some other person to be his or her proxy to represent the member at all meetings at which the member would be entitled to attend. That person will be entitled as proxy to attend and be heard and vote at such meetings and at elections and ballots. The member who has appointed a proxy is not entitled to attend meetings or to vote or nominate for or be nominated for or hold office while such proxy is unrevoked. For the purpose of exercising a vote at an election, the appointment of a proxy shall be restricted to another elected member of the committee from which the election is to be conducted.
- 7.3. A proxy may be revoked by notice in writing to the proxy and to the Branch Secretary.
- 7.4. Any person appointed as a proxy is entitled to be nominated for, be elected to and hold any office in the Branch and Association. If a person ceases to be the appointed proxy of a member, the person will be deemed to have immediately vacated any such office. A casual vacancy created by a person ceasing to be an appointed proxy will be filled in the manner provided by these Rules.

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- 7.5. Members of a partnership or corporation shall between them have one vote for each of their electors.

8. INTENTIONALLY NOT USED

9. LIFE MEMBERS OF THE AUSTRALIAN HOTELS ASSOCIATION (QUEENSLAND BRANCH)

- 9.1. The State Board has the power to elect as a Life Member any person or member of the Branch who, in the opinion of the Board, has rendered distinguished service to the Branch.
- 9.2. Such power can be exercised only after the prior consideration of a nominee by the State Executive at a properly constituted meeting of the Executive and on the recommendation of a two-thirds majority of such meeting.
- 9.3. Life Members elected in accordance with this rule will not be liable to pay any annual subscription or levies payable by an ordinary member. Life members are entitled to attend all general meetings of the Branch and, subject to the Chair's decision, may take part in discussion on any matter under consideration. Life Members are not entitled to vote on any issue or in any election or be elected to office unless they are, other than as a life member, elected to office in the manner provided by these Rules in their capacity as an ordinary member or proxy of a member.

10. SUBSCRIPTIONS

- 10.1. The annual subscription of each member of the Branch shall be five (5) dollars or such other sum and in such manner as the State Board shall from time to time determine. The subscription payable by a partnership or corporation shall be one subscription for each of its electors.
- 10.2. A member of the QHA that has:
- i. been accepted as a member of the Branch through the process in Rule 11.2, and
 - ii. paid all amounts owing under the QHA's Rules, and
 - iii. in respect of which the QHA has paid to the Branch any required membership fee,
- will not be required to pay the Branch annual subscription and will be treated as a financial member of the Branch for so long as those requirements remain satisfied. Should the QHA elect to deliberately withhold required membership fees from being paid to the AHA (Qld) Branch, the QHA must notify member(s) of this decision.
- 10.3. The amount of any membership fee payable by QHA in relation to its members shall be determined by the Branch following consultation with AHA.

11. APPLICATION FOR MEMBERSHIP

- 11.1. A person may apply for membership of the Branch and the AHA by completing an application in the approved form and providing the application form to the Secretary of the Branch.
- 11.2. A member of QHA may also apply for membership of the Branch and the AHA by the Secretary of QHA making an application in the approved form on their behalf.

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- 11.3. Each application shall be submitted to the State Board which may either accept or reject the application subject to the provisions of the FW (RO) Act or other equivalent legislation.
- 11.4. If the Board accepts the application, the applicant shall be and be deemed to be a member from that date. If it rejects the application, the applicant may by notice in writing within seven (7) days of receiving such rejection, forward to the Branch Secretary an appeal to the next Board Meeting against such rejection.
- 11.5. The next Board Meeting must consider the appeal and must accept or reject the application.
- 11.6. If the Board Meeting accepts the application, the applicant shall be deemed to be a member as from that date. If it rejects the application, the decision is final.
- 11.7. Any applicant whose application has been rejected may apply again for membership after twelve (12) months following the rejection.
- 11.8. Applicants for membership must be informed, in writing, of:
- i. the financial obligations arising from membership; and
 - ii. the circumstances, and the manner, in which a member may resign from the Branch.

12. STATE BOARD

Composition and powers

- 12.1. The State Board of the Branch is its Committee of Management. The State Board consists of eighteen (18) members in total, comprised of the following number of members from each electorate:
- i. five Members elected by and from the General Division Members of the Northern Electorate;
 - ii. ten Members elected by and from the General Division Members of the Southern Electorate;
 - iii. one Member elected by and from the Accommodation Division Members of the Northern Electorate; and
 - iv. two Members elected by and from the Accommodation Division Members of the Southern Electorate.
- 12.2. In addition to any other powers granted to it under these Rules, the State Board shall have the following powers and duties:
- i. determine all entrance fees, subscriptions, levies, capitation fees and all matters pertaining to the raising of funds for the Branch;
 - ii. strike and impose a levy on Branch members for any purpose;
 - iii. determine the remuneration and conditions of employment of the employees and associates of the Branch;
 - iv. transact all the business of the Branch and authorise disbursements in accordance with the rules;

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- v. notify, initiate, conduct and support or oppose all industrial disputes and applications to Federal and State courts, industrial and employment tribunals and regulating authorities;
 - vi. appoint Branch auditors (in consultation with AHA);
 - vii. cause to be kept a register of members of the Branch consistent with the requirements of the Fair Work (Registered Organisations) Act, including their postal and residential address, their business address and the business address of each of their electors, the date of entry in the register as a member and the date on which each member ceased to be a member and any other information necessary to assist the holding of ballots required by these Rules;
 - viii. cause to be kept a register of the list of names, postal and residential addresses and occupations of the members of the State Board of the Branch and to regulate their inspection by members;
 - ix. delegate to the State Executive its authority on any matter except the striking of a levy;
 - x. establish and define conditions for special sub-committee(s) for any purpose to advise the State Board on any matter provided that the sub-committee(s) role is advisory only;
 - xi. coordinate and direct the activities of the Branch and generally advance the objects and aims of the Branch and the Queensland hotel, commercial accommodation and tourism industries;
 - xii. fill by an election conducted in accordance with the rules, any vacancy in any office of the State Board;
 - xiii. appoint a Returning Officer for all elections held in accordance with these rules;
 - xiv. ensure that an annual audit of the financial accounts of the Branch is conducted;
 - xv. cause a special audit of the Branch financial accounts at any time, and from time to time;
 - xvi. submit any matter which it considers to be of sufficient importance to a ballot of members (at which every financial member of the Branch shall have the right to vote);
 - xvii. enter into any agreement for and on behalf of the Branch;
 - xviii. derive and publish information of relevance and interest to members in electronic and paper form, including the maintenance of a Branch Internet website; and
 - xix. notwithstanding any other Rule, take action that is necessary to enable the Branch to comply with its obligations under the FW Act and FW (RO) Act.

State Board Officers

12.3. The officers of the State Board are the:

- i. State President (1);
- ii. Senior Vice-President (1);
- iii. Vice-President (3);
- iv. Secretary/Treasurer (1); and

v. Accommodation Division President (1).

12.4. Officers of the State Board shall hold office for 3 years or until their successors are declared elected but if a member becomes an unfinancial member, the member or their proxy cannot vote at any meeting of the Board, or the Executive, until such time as the member becomes financial.

12.5. *Plebiscite*

The State Board must conduct a plebiscite of members of the Branch upon receipt of a petition signed by members representing not less than twenty percent (20%) of the total electors of the Branch, which demands a plebiscite and properly specifies the issues to be determined. The plebiscite must be conducted by the Returning Officer by postal ballot of all financial members of the Branch, with each member entitled to one vote for each of its electors, and the decision of the plebiscite will be binding on the State Board and its Officers.

12.6. *Dissolution*

If the State Board decides to dissolve the Branch such winding up or dissolution can only be effected by AHA after a plebiscite of members is conducted and a special resolution passed with not less than seventy-five percent (75%) of financial members voting for such winding up or dissolution, with each member entitled to one vote for each of its electors.

13. STATE EXECUTIVE

13.1. *Composition*

The State Executive of the Branch is comprised of the officers of the State Board referred to in Rule 12.3 above.

13.2. *Powers and Duties of the State Executive*

Subject to these rules and decisions of the State Board, the State Executive shall between meetings of the Board have the powers and duties given to that Board by Rule 12.2 above, except for the power listed at Rule 12.2.ii.

The State Executive may submit any matter to a ballot of the members of the State Board and the decision of the majority of the members of the State Board whose votes are received shall be the decision of the Board.

Duties of the State Executive

13.3. The duties of the State President are to:

- i. preside and preserve order at all meetings of the State Board, State Executive or at any sub-committee meeting at which he or she is present;
- ii. instruct the Secretary/Treasurer to call a meeting of the Board, Executive or sub-committee;
- iii. on confirmation of the Minutes, sign them in the presence or with the approval of the meeting; and
- iv. sign all documents requiring the signature of State President.

13.4. The duties of the Senior Vice-President, the Vice Presidents and Accommodation Division President are:

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- i. the Senior Vice-President or, if absent, one of the Vice-President(s) or Accommodation Division President shall, in the absence of the State President, preside at all meetings at which the State President would normally preside, and while so presiding will have all the powers and duties of the State President;
 - ii. if the State President, Senior Vice-President, the Vice-Presidents and Accommodation Hotel Division President are not present at a meeting, the Meeting must appoint a member to act as Chair of the meeting, and while so acting, that member will have all the powers and duties of the State President:
 - iii. if there is a vacancy in the office of the State President or Senior Vice-President between elections for either office, the senior Vice-President will assume the office of President until the declaration of the next election for that office, and in the same way for the same period the Vice-President first declared elected will become Senior Vice-President, provided that if the vacancy will be for a period greater than twelve months an election shall be held in accordance with the Rules.

13.5. The duties of the Secretary/Treasurer are to:

- i. unless excused, attend all meetings of the State Board, State Executive and any sub-committees thereof;
- ii. cause to be kept accurate minutes in which are recorded proceedings and resolutions of all meetings;
- iii. attend to all correspondence and, as appropriate, file and produce the same and all answers thereto;
- iv. submit to the State President (or in the President's absence, the Senior Vice-President) all appropriate correspondence and information he may secure in connection with the affairs of the Branch or of interest to it or its members;
- v. take and act on the advice of the State President (or in the President's absence, the Senior Vice-President) as to any action to be taken in any matter pending the next meeting of the State Board or the State Executive;
- vi. convene all meetings of the State Board, the State Executive or any sub-committee thereof;
- vii. keep the records required to be kept by an organisation pursuant to the provisions of the relevant industrial relations legislation and furnish all returns and information thereby required;
- viii. be the officer to sue and be sued on behalf of the Branch;
- ix. edit and publish any journal and distribute the same to members;
- x. receive all monies payable to the Branch on its behalf, give receipts for the same, and pay the same into the Branch's bank account;
- xi. with the assistance of senior staff of the Branch, draw up and submit to the State Board at its annual general meeting a report and balance sheet of the financial affairs of the Branch which report shall have been duly audited by the auditors of the Branch;
- xii. keep or cause to be kept in appropriate books a proper and correct account of all monies received and expended by the Branch;

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- xiii. maintain custody of the bank accounts and bank and financial records and produce them when requested by the State President, the State Board and/or the Branch auditor;
 - xiv. submit to the State Board all relevant accounts for payment and make all authorised payments from the funds of the Branch;
 - xv. prepare and submit to the State Board at each of its meetings and to the State Executive as required an up-to-date statement of the financial affairs of the Branch;
 - xvi. give to the auditors such information and assistance they may require in auditing the financial accounts of the Branch;
 - xvii. develop and implement under the direction of the State Board and consistent with any policies of the AHA, policies concerning the expenditure of branch funds;
 - xviii. the Secretary/Treasurer shall on no account advance to any officer of the Branch or any other unauthorised person any monies of the Branch; and
 - xix. carry out such further and other duties as the State Board or State Executive may from time to time require of him.

13.6. Execution of Documents

Any documents not required to be under seal shall be signed for and on behalf of the Branch by any two (2) members of the State Executive, subject to any resolution of the Board.

13.7. Disputes

If any industrial dispute occurs in Queensland affecting the Branch or its members, the most senior staff member of the Branch must forthwith advise the Secretary/Treasurer of the dispute and must provide progress reports on any developments therein. The Branch must inform the National Secretary of AHA of any dispute involving a federal industrial instrument or dispute. No final settlement of any such dispute can be made without the authority of the State Executive which may at any time take over control of the dispute and conduct the negotiations or proceedings, or the authority of National Executive for a matter involving the AHA.

14. MEETINGS

14.1. Meetings - General Conduct and Application

These rules provide for meetings of the State Board, the State Executive, any sub-committee of either body and general meetings of members. The State Board is the principal governance forum of the Branch and must meet regularly but no less than two times per year at such time and place as the State Executive determines, and must meet within one month of a written request for it to meet signed by at least six (6) of its members. The State Executive will meet as required on direction of the State President and will be the forum in which routine business of the Branch is considered between meetings of the State Board.

14.2. Notice

Subject to these rules, the State Secretary/Treasurer shall convene all meetings and will give fourteen (14) days' notice of a meeting to those members who are eligible to attend. The State President may direct the Secretary/Treasurer to abridge the notice period for any proposed meeting if the President determines the agenda to be addressed by the proposed meeting is urgent.

All meetings may be conducted in person, by telephone, by video conference or by a combination of these or other suitable electronic forms of communication.

In relation to the conduct of the general business of the Branch including deliberations of the State Board and the State Executive and including all elections and general meetings of members, these rules permit the electronic posting and distribution of relevant information including notices of meeting, agendas, meeting minutes and relevant briefing material. The ordinary business of all meetings will be stated in the agenda accompanying the notice of meeting

14.3. Annual General Meeting

An Annual General Meeting (AGM) of members must be held by the State Board on a date to complement the reporting cycle of annual financial reporting and consistent with the requirements of the FW (RO) Act. The business to be considered at the AGM of the State Board must include:

- i. the Annual Report of the Branch;
- ii. the audited Financial Reports and Returns of the Branch and all of its financial entities for the previous Financial Year;
- iii. any other business of which at least fourteen (14) days' notice in writing has been given to the Secretary/Treasurer.

All financial members of the Association are entitled to attend and vote at the Annual General Meeting. Any resolution made at the Annual General Meeting is binding on the members and the Branch.

14.4. In years in which elections are held, the business may include the declaration of election of members of the State Board and the conduct of an election of the officers of the State Board and the consequent declaration of that election.

14.5. Quorum

The Quorum for all State Board meetings shall be ten (10) members of the Board in attendance in person or by proxy.

The Quorum for all State Executive meetings will be three (3) members of the State Executive in attendance in person or by proxy.

14.6. Proxies

An individual member who is unable to attend a State Board or State Executive meeting in person may appoint another member of the State Board or the State Executive as their proxy for that meeting. The form of the proxy is to be as promulgated by the Secretary/Treasurer from time to time. A member who has also been appointed as a proxy by another member may attend the meeting and be heard and vote at the meeting in their own right, and also by use of the proxy vote.

14.7. Voting in State Board and State Executive meetings

In meetings of the State Board and the State Executive, any motion may be put to a vote of the members in attendance in person or by proxy and will be decided by a simple majority which shall carry or defeat the motion. Each member of the respective committee shall have one vote, whilst the Chair of a meeting has a deliberative vote and may also exercise a casting vote.

14.8. Meetings to consider financial reports

The Branch Secretary/Treasurer must summon a general meeting of Branch members upon receipt of a written request signed by no less than 5% of the Branch's membership calling for a general meeting for the purpose of considering the auditor's report, the general purpose financial report and the operating report in respect of the preceding financial year of the Branch. A general meeting of the members of the Branch called pursuant to this Rule will be conducted according to the rules and authority of a general meeting of members and may be conducted as a series of meetings held at different locations or as part of the AGM.

15. STATE FUNDS AND FUNDS MANAGEMENT

15.1. The A.H.A. (Qld) shall collect, earn and accrue funds for and from the conduct of its business and its representational activities. The gathering, administration and disbursement of these funds is to be in the interest of the Branch's members and objectives, and the accounting processes are to be of a high standard and subject to member and external audit scrutiny.

15.2. State Board Funds

All entrance fees, fines, dues and levies payable by members shall be paid to and collected by the State Board or by such other Branch body and in such manner as the State Board may from time to time determine. The amount of the annual membership fee must be fixed from time to time by the State Board.

15.3. State Fund

The State Fund shall consist of:

- i. any real or personal property of which the State Board, by the rules or by any established practice not inconsistent with the rules, has, or in the absence of any limited term lease, bailment or arrangement, would have, the right of custody, control or management;
- ii. the amounts of entrance fees, subscriptions, fines, fees or levies received by the Branch, less so much of those amounts as is payable by the Branch to the Association;
- iii. any interest, rents or dividends derived from the investment of the fund;
- iv. any superannuation or long service leave or other fund operated or controlled by the Branch for the benefit of its officers or employees;
- v. any sick pay fund, accident pay fund, funeral fund, tool benefit fund or like fund operated or controlled by the Branch for the benefit of its members;
- vi. any property acquired wholly or mainly by expenditure of the moneys of the fund or derived from other assets of the fund; and
- vii. the proceeds of any disposal of parts of the fund.

15.4. Financial Accounts

The Branch must comply with all rules and regulations concerning the keeping of its financial accounts and the preparation and presentation of its financial statements and reports. In the

conduct of its business and financial management, the Branch may operate any such financial accounts so as to render its financial management efficient, transparent and readily accountable.

15.5. Investment of Funds

Any State funds not required for its immediate operating purposes may be invested in the name of the Branch in any of the following:

- i. any investment from time to time sanctioned by the law of any State or Territory of Australia for the investment of Trust Funds;
- ii. freehold or leasehold real estate; or
- iii. shares, stocks, unit debentures, debenture stock, unsecured notes, deposits with or in any company incorporated in Australia.

15.6. Expenditure of Funds

Any expenditure by the Branch of a sum exceeding ten thousand dollars (\$10,000) in one amount shall be deemed to be extraordinary expenditure and may only be authorised by a resolution of the State Board.

Any expenditure by the Branch of a sum not exceeding ten thousand dollars (\$10,000) in one amount shall be deemed to be ordinary expenditure and may be authorised by a resolution of the State Executive.

The State Executive may delegate its authority to approve ordinary expenditure to a senior member of the Branch staff, provided that such expenditure is subsequently seen and approved by the State Board at the next scheduled Board Meeting.

15.7. Disbursements Exceeding One Thousand Dollars (\$1,000)

All disbursements exceeding one thousand dollars (\$1,000) may be authorised by any two of the following persons:

- i. State President;
- ii. Senior Vice-President;
- iii. Vice-President;
- iv. Secretary/Treasurer; or
- v. Any person so authorised by the State Board or State Executive through delegation.

15.8. Loans etc Exceeding One Thousand Dollars (\$1,000)

Any loan, grant or donation amount exceeding one thousand dollars (\$1,000) must not be made by the Branch unless the State Board has:

- i. satisfied itself that the making of the loan, grant or donation would be in accordance with the other Rules of the Branch;
- ii. in relation to a loan, satisfied itself that, in the circumstances, security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory;

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- iii. approved the making of the loan, grant or donation.

15.9. Policies Relating to Expenditure

The Branch must develop and implement policies relating to the expenditure of the Branch.

16. ELECTIONS

- 16.1. These rules for voting in elections stipulate the processes for elections and the qualifications for nominees, nominators and voters and the term of office for each office. These rules comply with, and take guidance from, the Fair Work (Registered Organisations) Act 2009 (Cth). References in these rules to the use of ballots, ballot papers, pre-paid post, envelopes, boxes and other items or processes in the conduct of postal ballots include any equivalent electronic item or process. Such equivalent electronic items or processes may be used in a ballot at the discretion of the returning officer as an alternative to or in conjunction with a postal ballot item or process subject to provisions of the FW (RO) Act or other equivalent legislation.

Returning Officers

- 16.2. At its first meeting following its election, the State Board must appoint a person who will be its Returning Officer for the period of office of that Board for any ballot not conducted by an officer of the Australian Electoral Commission. The Returning Officer need not be a member of the Branch, but must not be the holder of any other office in, nor an employee of, the Association or of the Branch. The State Board must fill any vacancy in that appointment occurring during its term of office.
- 16.3. In addition to the powers contained or implied in these Rules, a returning officer for any ballot conducted under these Rules must take such action and give such directions as are reasonably necessary, including to vary any time limit provided for ballots in these Rules (if the returning officer considers is necessary or expedient in the circumstances of a particular ballot), to ensure that no irregularities occur in or in connection with any election and to remedy any procedural defects. A Returning Officer may also take any reasonable steps and give any reasonable directions not inconsistent with these Rules in order to assist in the efficient or effective conduct of any election, including in relation to the conduct of multiple elections in the same or similar time periods. A person must not refuse or fail to comply with any such directions nor hinder nor obstruct the Returning Officer or any other person in the conduct of the election or the taking of such action.

Scrutineers

- 16.4. In any election within the Branch any duly nominated candidate may appoint by signed notice in writing any other member of the Branch who is not a candidate for that election to act as scrutineer on the candidate's behalf at that election. At any time a candidate may withdraw the appointment of a scrutineer by signed notice in writing. Any valid appointment in writing of a scrutineer rescinds any previous appointment of a scrutineer.
- 16.5. All scrutineers must, so far as practical (and having regard to the time of their appointment) be entitled to observe the form and distribution of ballot papers, the collection of ballot papers on their return, the checking of votes, the admission and counting of votes, the conduct of the determination of the election by lot and the declaration of the ballot.
- 16.6. In every case it shall be the right and duty of the scrutineer to observe any act performed or directed by the Returning Officer which may affect the result of the election and the Returning

Officer must take all reasonable steps by notification or otherwise to enable a scrutineer to exercise this right, but no election shall be vitiated merely because a scrutineer does not exercise all or any of such rights if he or she had a reasonable opportunity to do so.

- 16.7. A scrutineer may direct the attention of the Returning Officer to any irregularity detected in the nomination forms, the form or distribution of ballot papers, the admission of the right of any person to vote, the admission or counting of ballot papers or in respect of any other matter to be observed or done under these Rules in connection with elections. The Returning Officer will have the final determination in respect of any matter queried by a scrutineer and a scrutineer must comply with any lawful direction issued by a Returning Officer.
- 16.8. A scrutineer must do all things necessary so that the conduct of an election conforms to these Rules and so that the secrecy of the ballot is observed. Failure of a scrutineer to attend any scheduled event will not delay any step in the relevant election.

Election Notice

- 16.9. The Returning Officer must publish an Election Notice for each election in such a way that it can reasonably be seen and accessed by all financial members of the Branch eligible to vote in the election. This may include, but not be limited to, the following:
- i. on the Branch website;
 - ii. in a journal or bulletin or newsletter published by the Association or Branch and circulated to all members eligible to participate in the election to the member's known postal address;
 - iii. if no journal or newsletter is available at the time of nomination being called, in a newspaper circulating throughout the State or the electorate to which the functions of the office or offices relate; or
 - iv. by distribution of the Election Notice directly to each member eligible to participate in the election.
- 16.10. The Election Notice must:
- i. state that the election is being conducted by the Returning Officer;
 - ii. list the offices for which nominations are sought;
 - iii. invite nominations for election from all eligible persons;
 - iv. fix the time and date for the opening and closing of nominations;
 - v. fix the time and date for the opening and closing of the ballot;
 - vi. specify the place where Nomination Forms may be obtained;
 - vii. specify the place where nominations must be lodged;
 - viii. specify the accepted method(s) of lodgement, including that nominations and acceptance by a nominee of their nomination must be in given in writing to the Returning Officer;
 - ix. fix a time and date for withdrawal of nominations; and
 - x. if applicable, specify other documentation required to be submitted with the nomination, such as policy or similar statements in support of the nomination.

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- 16.11. The roll of voters for any ballot required under these rules is to be closed 7 days before the day on which nominations for the election open

Nominations

- 16.12. After the close of nominations, the Returning Officer must accept all nominations which satisfy the requirements of these Rules and reject any nominations received during the nomination period which are not completed as required by the Rules. Nominations which are received after the closing time for nominations specified in the Election Notice must be rejected.
- 16.13. Before rejecting any nomination received by the nomination date, the Returning Officer must notify the nominee of any defect and must allow the nominee a period of at least seven (7) days to remedy the defect.
- 16.14. If only the number of accepted nominations required to fill any office or offices is received, the Returning Officer must declare the person or persons nominated as elected unopposed to the respective office and notify the successful candidates and the relevant Officers of the declaration in writing.

Contested Elections

- 16.15. If more than the required number of accepted nominations is received, the Returning Officer must:
- (i) prepare a ballot paper or ballot papers listing candidates' names in alphabetical order;
 - (ii) prepare a number of ballot papers sufficient to ensure a ballot paper or papers can be distributed to all eligible electors;
 - (iii) include on or with the ballot paper a notice directing to strike out the names of the candidates for whom they do not want to vote for;
 - (iv) include with the notice a direction to electors to fold the ballot paper after voting so that their marking on the paper is not visible until the ballot paper is unfolded;
 - (v) within twenty-eight days after the close of nominations, forward to every eligible elector a ballot paper or papers for the electorate or electorates each elector is entitled to cast a vote for, initialed by the Returning Officer together with a declaration envelope and a prepaid envelope in the form required by the FW (RO) Act and Regulations;
 - (vi) forward with the ballot paper a notification of the closing time for the receipt of returned ballot papers, which must be not earlier than thirty one (31) days after the posting of the last of the ballot papers;
 - (vii) ensure the ballot papers may be returned by post in the pre-paid envelope without expense to the elector;
 - (viii) arrange for a post office box (or similar locked receptacle) for ballot papers to be returned to that is, as far as practical, not able to be opened by anyone but the Returning Officer;
 - (ix) after the closing time, collect the envelopes containing the ballot papers and ensure that electors have correctly completed the declaration envelope as required, that no votes are admitted except from eligible electors and that each elector has only voted once;
 - (x) remove the sealed envelopes containing the ballot papers so that identification becomes impossible;
 - (xi) admit the ballot papers properly marked and count the votes to determine which candidate has received the largest number of votes.

- 16.16. *Declaring the results*

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- 16.17. If two representatives are to be elected and more than two candidates have an equal number of votes and more than any other candidate, or two or more have an equal number of votes and more than any other candidate but one, the Returning Officer must determine by lot between the equal candidates who is elected and similarly determine by lot the cases in which three, four or five candidates are to be elected.
- 16.18. If only one representative is to be elected and two or more candidates have an equal number of votes and more than any other candidate, the Returning Officer must determine by lot between the equal candidates which are elected.
- 16.19. The Returning Officer must declare the candidate or candidates receiving the greatest number of votes (or elected by lot) as duly elected and must advise each successful candidate and the relevant officers in writing of the declaration.

17. ELECTIONS FOR STATE BOARD

- 17.1. The election of members of the State Board (the “State Board Election”) must be conducted every three (3) years by a direct voting system in the manner provided for in Rule 16, subject to the requirements of this Rule 17.
- 17.2. The members of the State Board will be elected from an Electorate within each Division as provided for in Rule 12.1.
- 17.3. All State Board Elections must be conducted by secret postal ballot with each member entitled to one vote in each electorate for each of their electors located in that electorate.
- 17.4. Only members (and their proxies) with an elector in an Electorate of the General Division are entitled to nominate, be nominated for and vote for members of the State Board representing that Electorate within the General Division. Only members (and their proxies) with an elector in an Electorate of the Accommodation Division are entitled to nominate, be nominated for and vote for members of the State Board representing that Electorate within the Accommodation Division.
- 17.5. The term of office for candidates successfully elected to the State Board will commence from the date of the declaration of the result of the election. Officers once elected will hold office for a period of three (3) years or until their successors are declared elected, whichever is later.
- 17.6. A nominator and their nominee must be from the same Electorate and Division and both must be a financial member of the Branch.
- 17.7. Nominations for all positions will open and close on the days identified in the Election Notice issued by the Returning Officer. Nominations must open at least 14 days before 1 October in the year three years following the last election (or such later time as allowed by the Returning Officer) and must close at 12.00 noon on 1 October. Nominations received by the Returning Officer after that time (or such later time as allowed by the Returning Officer) must not be accepted.
- 17.8. Nominations must be called in the manner prescribed in these Rules and in a form required by the Returning Officer, but must include the following information:
- i. the full name of the nominee;
 - ii. the form in which the nominee’s name is to appear on the ballot paper if different to the name shown above;
 - iii. the nominee’s contact details;

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- iv. the name of the licensed venue or accommodation venue attached to the Branch Membership;
 - v. the name and address of each nominator, if required;
 - vi. the office for which the nominee is nominating;
 - vii. the signed endorsement/consent of the nominee;
 - viii. the signature of each nominator; and
 - ix. any further documentation or information required and specified by the Returning Officer.
- 17.9. The Returning Officer must deal with all nominations in the manner provided for in Rule 16.
- 17.10. If only the number of accepted nominations required to fill any office or offices is received, the Returning Officer must declare the person or persons nominated as elected unopposed to the respective office and notify the successful candidates and the President and Secretary of the Branch of the declaration in writing.
- 17.11. If more than the required number of accepted nominations is received, the Returning Officer must conduct a ballot in the manner required by Rule 16.
- 17.12. The Returning Officer must declare the candidate or candidates receiving the greatest number of votes (or elected by lot) as duly elected and must advise each successful candidate and the President and Secretary of the Branch in writing of the declaration.

18. ELECTION FOR OFFICERS OF THE STATE BOARD

- 18.1. Election of officers of the State Board will take place as soon as possible following the declaration of the election of members of the State Board, by a collegiate voting system in the manner provided for in Rule 16, subject to the requirements of this Rule 18.
- 18.2. Only an Accommodation Division member of the Board may be a candidate, a nominator, hold office as, or vote for the office of Accommodation Division President.
- 18.3. Any member or proxy of the Board may be nominated for office by another member or proxy of the Board from the same Division for an office relevant to that Division. Nominations must be submitted in writing to the Returning Officer prior to or during the Board Meeting in accordance with any conditions required by the Returning Officer or by an Election Notice. The nominee for each office must signify acceptance of the nomination before the Returning Officer can accept the nomination.
- 18.4. The Returning Officer must deal with all nominations in the manner provided for in Rule 16.
- 18.5. If only the number of accepted nominations required to fill any office or offices is received by the closing time, the Returning Officer must declare the person or persons nominated as elected unopposed to the respective office and inform the Board in writing of the declarations.
- 18.6. If more than the required number of accepted nominations is received for an office, and if provided for in the Election Notice and if at the Board's first meeting following its election all division delegates are present in person or by proxy, the Returning Officer may conduct the ballot for Offices at the Board meeting in a manner consistent with the requirements of Rule 16 (subject to any changes necessary to reflect it being an attendance ballot held at the meeting).

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- 18.7. Otherwise, the Returning Officer must conduct a postal ballot of Board members for such office or offices in the manner provided by Rule 16.
 - 18.8. In either method of balloting for an office of the Board, a proxy vote may only be exercised by a person who is a member of the State Board.
 - 18.9. The Returning Officer must declare the candidate or candidates receiving the greatest number of votes (or elected by lot) as duly elected and must advise the Board in writing of the declarations.
 - 18.10. No person may hold simultaneously more than one office of the State Board.

19. ELECTION FOR STATE BOARD DELEGATES TO THE AHA NATIONAL BOARD

- 19.1. The National Rules of the AHA provides a formula for the number of delegates the Branch may elect annually to the AHA National Board. As at 2023, that number was 6 delegates.
- 19.2. The process for electing these delegates is set out in this Rule 19 and in Rule 16, but remains subject to the AHA Rules as provided for in Rule 3.20.
- 19.3. The Returning Officer must call for nominations for Branch delegates to the AHA National Board at least fourteen (14) days prior to the first day of April in each year by sending a notification in writing (by post, email or other appropriate mechanism) to all eligible voters.
- 19.4. The roll of voters for the election is to consist of all members of the Branch State Board and their proxies who are members of the Board on the day the roll of voters is closed, which must be 7 days before the day on which nominations for the election open.
- 19.5. Any two (2) financial members of the Board may nominate any other financial member of the Board for election to the National Board. Nominations and acceptance by a nominee of their nomination must be in given in writing to the Returning Officer.
- 19.6. The Returning Officer must deal with all nominations in the manner provided for in Rule 16.
- 19.7. If only the number of accepted nominations required to fill any office or offices is received, the Returning Officer must declare the person or persons nominated as elected unopposed to the respective office and notify the successful candidates, the AHA National Secretary and the State Secretary of the declaration in writing.
- 19.8. If more than the required number of accepted nominations is received, the Returning Officer must conduct a ballot in the manner required by Rule 16.
- 19.9. The Returning Officer must declare the candidate or candidates receiving the greatest number of votes (or elected by lot) as duly elected and must advise each successful candidate and the President and Secretary of the Branch in writing of the declaration.

20. ELECTION FOR QLD BRANCH DELEGATES TO THE AHA NATIONAL ACCOMMODATION DIVISION

- 20.1. The National Rules of the AHA provides a formula for the number of delegates the Branch may elect annually to the National Accommodation Division Board. As at 1 July 2023, that number was 2 delegates. The National Rules also require delegates to be elected by and from their relevant sub-divisions. The sub-divisions are the Accommodation Divisions electorates as designated in Rule 6.1.

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- 20.2. The process for electing these delegates is set out in this Rule 20 and in Rule 16, but remains subject to the AHA Rules as provided for in Rule 3.20.
 - 20.3. All elections for Queensland Branch delegates to the National Accommodation Division Board must be conducted by secret postal ballot with each member entitled to one vote in each electorate for each of their electors in that electorate.
 - 20.4. Only members of each Electorate within the Accommodation Division are entitled to nominate, be nominated as, and vote for delegates for their respective electorate to the National Accommodation Division Board.
 - 20.5. The Returning Officer must call for nominations from each Electorate for Branch delegates to the National Accommodation Division Board at least fourteen (14) days prior to the first day of April in each year in the manner provided for by the Election Notice.
 - 20.6. The Returning Officer must deal with all nominations in the manner provided for in Rule 16.
 - 20.7. If only the number of accepted nominations required to fill any office or offices is received by the closing time, the Returning Officer must declare the person or persons nominated as elected unopposed to the respective office and inform the AHA National Secretary, the Secretary of the National Accommodation Division and the Secretary of the AHA (Qld Branch) State Board in writing of the declarations.
 - 20.8. If more than the required number of accepted nominations is received for an office, the Returning Officer must conduct a ballot of relevant Accommodation Division Electorate members for such office or offices in the manner provided by Rule 16.
 - 20.9. The Returning Officer must declare the candidate or candidates receiving the greatest number of votes (or elected by lot) as duly elected and must advise the AHA (Qld Branch) Board in writing of the declarations.
 - 20.10. The Returning Officer must declare the candidate or candidates receiving the greatest number of votes for an electorate (or elected by lot) as duly elected and must advise each successful candidate and the AHA National Secretary, the Secretary of the National Accommodation Division and the Secretary of the AHA (Qld Branch) Board in writing of the declarations.

21. BRANCH AUDITORS

- 21.1. The Branch Auditors must be qualified as Auditors under the Corporations Act 2001 and registered under the FW (RO Act) Act. The Auditors must audit the financial accounts, books and balance sheet of the Branch at the end of each financial year and at such other times as the State Board or State Executive direct. They must have access to and may examine all books, financial accounts, documents, receipts, vouchers and bank statements of the Branch and may examine any officer or office-holder or trustee with regard to the financial accounts and may obtain from any bank in which the Branch funds are lodged or invested a statement as to the amount then held by it and any other relevant information.
- 21.2. The Auditors must, subject to the requirements of the FW (RO) Act, furnish a certificate that the financial accounts of the Branch have been audited by them and are correct or, if unable to so certify, they shall report in writing to the State President in which respect the accounts are not correct and their reasons for that statement.
- 21.3. The Auditors shall hold office until their successors are appointed and in the event of a casual vacancy in that office it must be filled by an appointment to be made by the State Executive and any person so appointed shall hold office until the next meeting of the State Board, at which

meeting the order of business must include the requirement to appoint Branch Auditors subject to the provisions of the FW (RO) Act or other equivalent legislation.

22. FINANCIAL YEAR OF THE ASSOCIATION

The financial year of the Australian Hotels Association, Queensland Branch shall be the period of twelve months commencing on 1 January in any year and ending on 31 December in that same year.

23. RESIGNATIONS

- 23.1. A member of the Branch may resign from membership by written notice addressed and delivered to the Branch Secretary.
- 23.2. If a member ceases to be eligible to remain a member of the Branch, a notice of resignation takes effect on the later of:
- i. the day on which the notice is received by the Branch; or
 - ii. the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to become a member.
- 23.3. A notice of resignation in any other case takes effect on the later of:
- i. at the end of two (2) weeks after the notice is received by the Branch; or
 - ii. on the day specified in the notice.
- 23.4. Any dues payable but not paid by a former member of the Branch, in relation to a period before the member's resignation from the Branch took effect, may be sued for and recovered in the name of the Association in a court of competent jurisdiction, as a debt due to the Association.
- 23.5. A notice delivered to the person mentioned in Rule 23.1 shall be taken to have been received by the Branch when it was delivered.
- 23.6. A notice of resignation that has been received by the Branch is not invalid because it was not addressed and delivered in accordance with Rule 23.1.
- 23.7. A resignation from membership of the Branch is valid even if it is not effected in accordance with this rule if the member is informed in writing by or on behalf of the Branch that the resignation has been accepted.

24. MEMBER TRANSFER OR ASSIGNMENT

- 24.1. The member is required to notify the Branch of an assignment, transfer or succession, within 14 days where:
- i. the business, or part of the business, of a member of the Branch is assigned or transferred to a person who is not a member of the Branch; or
 - ii. such a person succeeds to the business, or part of the business, of a member of the Branch.

25. VACATION OF OFFICE

- 25.1. Any officer of the Branch will be deemed to have vacated their office in the circumstances set out in Rule 33 of the AHA National Rules, that is if the member:
- i. resigns
 - ii. dies or becomes bankrupt,
 - iii. has ceased to be eligible to hold office;
 - iv. has been found guilty of misappropriation of funds of the Association or of gross misbehaviour or gross neglect of duty.
- 25.2. An officer charged under Rule 25.1(iv) must be notified of the charge against him or her in writing and be invited to attend a meeting of the State Executive, for which he or she shall receive seven (7) days' notice. At such meeting, the officer must be given the opportunity to deny charges and, after hearing all the evidence, the State Executive must decide upon the matter and their decision will be final, subject to the provisions of the AHA Rules and the FW(RO) Act.

26. MEMBERS IN ARREARS

- 26.1. The Branch Secretary/Treasurer may in the name of and on behalf of the Association or Branch sue any member of the Branch whose fees, fines, levies or dues are more than three (3) months' unpaid.
- 26.2. Any member whose fees, fines, levies or dues are owing for a period determined by the State Board may by resolution of the State Board be struck off the register of members and must not be re-admitted to membership unless and until all such arrears are paid.
- 26.3. The Secretary/Treasurer must take such steps as necessary to ensure that the Branch removes from the register of members any persons with arrears in membership who must be removed from the Register pursuant to the FW (RO) Act.

27. AMENDMENT OF RULES

- 27.1. These Rules may be amended, altered, rescinded, repealed or new Rules made by the State Board by resolution carried by a majority of members voting.
- 27.2. Any proposed change in the Rules must be advised by the State Secretary to each member of the State Board at least twenty-one (21) days prior to the meeting at which it is proposed to consider the same or, if such change is to be submitted to a postal ballot of members of the State Board which the State Executive is authorised to do, at least twenty-one (21) days before the close of the ballot.

28. MISCONDUCT OF MEMBERS

- 28.1. A member of the Branch or their proxy may be charged by another member, by notice in writing delivered to the Secretary, or by the Secretary, by notice in writing addressed to the member and the State President, with:
- i. refusing or neglecting to comply with the Rules of the Association or the Branch; or
 - ii. by gross misbehaviour, gross neglect of duty or misappropriation of funds; or

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- iii. refusing or neglecting to comply with a resolution of the National Board or Executive, a meeting of the members of the Branch, or the State Board or State Executive, of which resolution the member has had notice.
- 28.2. The member or proxy charged and the person making the charge must be invited to attend the next meeting of the State Board or its Judicial Committee to be held at least 7 days after the member has received notice of the charge and meeting. At that meeting the member and the person making the charge must, if they so desire, be heard or make written submission in support of and in opposition to the charge.
 - 28.3. If the member or proxy charged does not attend the meeting, the charge may be heard in their absence.
 - 28.4. If the State Board or Judicial Committee finds a charge as stipulated in Rule 28.1 i-iii proven and does not accept the explanation (if any) provided in response to the charge, it may fine the member a sum not exceeding \$200.00 (two hundred dollars), suspend their membership for a period not exceeding two (2) years, remove the member or proxy from any office held by them, or expel the member from the Branch and Association.
 - 28.5. Any member expelled from membership as the result of any such charge may appeal the decision to the National Executive by notice in writing delivered or posted to the Secretary and to the National Secretary within fourteen (14) days of being notified of their expulsion.
 - 28.6. National Executive must consider the appeal at its next meeting and after hearing or reading any submission the expelled member may make, may allow the appeal, confirm the expulsion or may in lieu of the expulsion suspend the member from membership for a period not exceeding two (2) years or fine such member a sum not exceeding \$400.00 (four hundred dollars).
 - 28.7. If a member brings a charge against another which the State Board determines to be frivolous or vexatious, the member may be fined by the State Board a sum not exceeding \$100.00 (one hundred dollars).

29. FILLING CASUAL VACANCIES

- 29.1. Subject to the requirements of the Association's Rules, a casual vacancy in any office must be filled:
 - i. by an ordinary election amongst the relevant electorate or collegiate electors if the unexpired part of the term of office exceeds either 12 months or three quarters of the term of office (whichever is the greater); or
 - ii. by an appointment made by the State Board from the respective Division or electorate, as relevant, if the unexpired part of the term of office is less than the periods in R29.1(i).

30. ABSENTEE VOTING

- 30.1. If a member who is entitled to vote at any election held under these rules will be absent from his usual address during a ballot the member may apply to the Returning Officer for a ballot paper to be sent to a nominated alternative address.

31. TRANSITIONAL PROVISIONS

- 31.1. All persons holding any office provided for under the Rules of the Branch immediately prior to the certification of this Rules will continue to hold that office and continue to exercise the responsibilities and powers provided for by the Rules at that time, until such time as the first elections for the State Board held after the date of certification of these Rules (scheduled for 2023) are declared and, in the case of State Executive, until their successors are declared.

*** END OF RULES ***

Annexure 2 - Resolution particulars

Mrs Swan advised Members that Government aims to modify the casual employment definition. QHA has proposed an alternative definition that aligns with our perspective, and it has been positively received by Minister Tony Burke's office.

We anticipate that Government will consider incorporating the new definition into the bill. If this outcome is not achieved, we will invite members to participate in the committee hearing for additional support for the proposed change. Mrs Swan feels optimistic about the outcome. The Employment Relations Department will provide updates regarding the Bill. The Canberra sitting is scheduled for November about this bill, and any alterations will not become effective until February of 2024.

5.6 Accommodation and Tourism

Report was tabled and noted at the meeting.

5.7 National Matters

Report was tabled and noted at the meeting.

Follow up information was provided on national issues concerning:

- Excise
- Foxtel
- Working Holiday Makers and Migration

5.8 QHA Governance and Administration

AHA (Old Branch) Branch Rules for Decision:

A resolution was passed that the current Rules of the Association be repealed except for Rule 4 (Industry) and Rule 5 (Eligibility for Membership), and that they should be replaced by the Draft Rules as circulated to Zone Representatives on 25th August 2023.

Moved: Rachel Johnston – State Secretary/Treasurer

Seconded: Matthew Coorey – Senior Vice President

Outcome: Unanimously voted in favor and approved

Maternity Policy

A resolution was passed that the QHA adopt the Parental and Spouse Leave Policy as distributed to members which can be altered from time to time in order to remain current or in response to market conditions.

Moved: Rachel Johnston – State Secretary/Treasurer

Second: Matthew McGuire – Board Delegate

Outcome: Approved