

QUESTION ON NOTICE – SENATOR TONY SHELDON

Witness – Registered Organisations Commission

Questions:

- (a) Can the department inform on the recent prosecution by ROC against the Queensland Branch of the Australian Hotels Association for failure to hold elections for approximately 14 years since 2003?

Answer. The Registered Organisations Commission (**ROC**) responds to these questions assuming that references to the 'Department' are intended to be references to the ROC.

See response to Question (d).

- (b) When was the Department aware of the breeches [sic] by the Queensland Hotels Association that relate to this prosecution?

Answer. A review of the Queensland Branch of the AHA (**the Branch's**) previous elections was commenced by the ROC on 14 August 2017. The review identified a range of potential contraventions that led to the investigation referred to in answer to Question (c) below.

- (c) When did you investigate these breeches [sic] and please describe how that investigation was conducted and by who?

Answer. On 20 October 2017 the Commissioner's delegate Mr Enright, commenced an investigation in relation to potential contraventions of the *Fair Work (Registered Organisations) Act 2009* (**RO Act**) relating to non-compliance by the Branch with the obligation to lodge prescribed information, keep accurate records of its list of officers and to notify changes to office holders. The investigation was conducted in accordance with standard investigatory practices of the ROC and in accordance with the ROC's policies and procedures, including the issuing of Notices to Produce, the receipt and analysis of documents and information, engagement with the Branch, and the obtaining of independent legal advice. The investigation was concluded on 5 October 2018.

- (d) What action did you take as a result of the breeches [sic]?

Answer. Following the investigation and the provision of relevant prospects advice, the ROC Commissioner commenced civil penalty proceedings against the AHA on 13 November 2018 alleging 50 contraventions of the RO Act relating to non-compliance between 2003 and 2017 with the AHA's statutory obligations to lodge prescribed information, keep accurate records and to notify changes to office holders. The proceedings concluded on 17 September 2019 with the delivery of judgment in the matter of *Registered Organisations Commissioner v Australian Hotels Association* [2019] FCA 1516.