

2 November 2021

# Post-election report

**Australian Hotels Association**

AHA - South Australia Branch

Scheduled election

E2020/197

# Contents

Election(s) Covered in this Report .....	3
Rules.....	3
Roll of Voters .....	3
Irregularities.....	3
Other Matters .....	4
Signed .....	4
Attachments .....	5
A. Declaration of results for Uncontested Offices – Stage 1 .....	
B. Declaration of results for Contested Offices – Stage 1 .....	
C. Declaration of results for Uncontested Offices – Stage 2.....	
D. Declaration of results for Contested Offices – Stage 2.....	
E. Declaration of results for Uncontested Offices – Stage 3.....	

# Election(s) Covered in this Report

---

Organisation: AHA - South Australia Branch  
Election: Scheduled  
Election Decision No/s: E2020/197

## Rules

---

Rules used for the election: [024N-SA: Incorporates alterations of 24 September 2019 in matter R2019/53] (replaces rulebook dated 25/09/2017 in R2017/99)

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/](http://www.aec.gov.au/ieb/)

## Roll of Voters

---

Based on an analysis of the register of members the Returning Officer has formed the opinion that the:

- No concerns

Total number of voters on the Roll: 447  
Number of apparent workplace addresses: 447  
Number of non-current addresses: 0  
Other matters pertaining to the roll of voters: N/A

## Irregularities

---

Details of written allegations of irregularities, and action taken by AEC: None

Other irregularities identified, and action taken: N/A

## Other Matters

---

Returning Officer actions required (Section 193): Yes

Details Adjustment of election and nomination dates due to COVID-19 pandemic

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

---

*K. T. Cassar*

Kathleen Cassar  
Returning Officer  
Australian Electoral Commission  
E: IEEvents@aec.gov.au  
P: 0413 271 716  
2 November 2021

## Attachments

---

- A. Declaration of results for Uncontested Offices – Stage 1
- B. Declaration of Results for Contested Offices – Stage 1
- C. Declaration of Results for Uncontested Offices – Stage 2
- D. Declaration of Results for Contested Offices – Stage 2
- E. Declaration of Results for Uncontested Offices – Stage 3....

**Australian Hotels Association**  
**South Australia Branch**  
**DECLARATION OF RESULTS - E2020/197 - Stage 3**  
**Uncontested Office**

---

**Scheduled Election**

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

**Delegate to the National Board (1)**

Candidate

BINNS Matthew

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

Kathleen Cassar  
Returning Officer  
Telephone: 08 8237 6555  
Email: IEBevents@aec.gov.au  
15/10/2021

---



**Australian Hotels Association**  
**AHA - South Australia Branch**  
**DECLARATION OF RESULTS - E2020/197 - Stage 2**  
**Contested 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:

**Branch Council**

<b>VOTING MATERIAL ISSUED</b>	
Total number of people on the roll of voters (a)	25
Number of voters issued with voting material	25
Total number of voters issued with replacement voting material	0
<b>Total number of voting material packs issued</b>	<b>25</b>
<b>VOTING MATERIAL RETURNED</b>	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	14
Number of declaration envelopes rejected at preliminary scrutiny (minus)	0
Number of ballot papers returned outside declaration envelopes (minus)	0
<b>COUNT</b>	
Total ballot papers admitted to the count	14
<b>LATE OR UNRETURNED VOTING MATERIAL</b>	
Voting material returned as unclaimed mail by closing date of ballot	0
Voting material packs not returned by voters by closing date of the ballot	11
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	60 %

**Member of the Executive Committee (3)**

<u>Candidates</u>	<u>First Preference Votes</u>	<u>Final Votes</u>
BRIEN, Matthew Peter	9	9
DONALDSON, Luke	14	14
DOUGLAS, Simone	4	4
ROGERS, Matthew	13	13

<b>Total ballot papers admitted for this office</b>	<b>14</b>
Formal Ballot papers	14
Informal Ballot papers	0

I declare the following elected:	Order Elected
• DONALDSON, Luke	1
• ROGERS, Matthew	2
• BRIEN, Matthew Peter	3

Kathleen Cassar  
 Returning Officer  
 Telephone: 08 8237 6555





**Australian Hotels Association**  
**AHA - South Australia Branch**  
**DECLARATION OF RESULTS - E2020/197 - 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:

**Branch Council**

**President (1)**

Candidates

BASHEER David

**Vice President (1)**

Candidates

BINNS Matthew Spencer

**Deputy Vice President (1)**

Candidates

BULLOCK Andrew

**Secretary/Treasurer (1)**

Candidates

MCINNES Sam

**Branch Trustee (5)**

Candidates

BASHEER David

BINNS Matthew Spencer

BRIEN Matthew Peter

BULLOCK Andrew

ROGERS Matthew

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

Michelle Carmody  
Returning Officer  
Telephone: 03 9285 7131  
Email: IEBevents@aec.gov.au  
10/08/2021

**Australian Hotels Association**  
**AHA - South Australia Branch**  
**DECLARATION OF RESULTS - E2020/197 - 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:

**South Australia Branch - AHA|SA District 1: City of Adelaide & North Adelaide**

**Branch Councillor (1)**

Candidates

BASHEER David

**South Australia Branch - AHA|SA District 2: Eastern Metropolitan**

**Branch Councillor (1)**

Candidates

HANNAH Tom

**South Australia Branch - AHA|SA District 3: Western Metropolitan**

**Branch Councillor (1)**

Candidates

FRANZON Anthony

**South Australia Branch - AHA|SA District 4: Northern Metropolitan**

**Branch Councillor (1)**

Candidates

KELLY Jason

**South Australia Branch - AHA|SA District 5: Southern Metropolitan**

**Branch Councillor (1)**

Candidates

MCINNES Sam

**South Australia Branch - AHA|SA District 6: Port Adelaide**

**Branch Councillor (1)**

Candidates

BRIEN Matthew Peter

**South Australia Branch - AHA|SA District 9: Hills**

**Branch Councillor (1)**

Candidates

MILESI Karen

**South Australia Branch - AHA|SA District 13: Yorke Peninsula**

**Branch Councillor (1)**

Candidates

EVANS Trevor Maxwell

**South Australia Branch - AHA|SA District 16: Port Augusta and Far North**

**Branch Councillor (1)**

Candidates

*No Nominations Received*

**South Australia Branch - AHA|SA District 17: Whyalla**

**Branch Councillor (1)**

Candidates

BARREAU Bradley Robert

**South Australia Branch - AHA|SA Accommodation Division**

**Branch Representative to National Accommodation Hotels Division (1)**

Candidates

BULLOCK Andrew

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

Michelle Carmody  
Returning Officer  
Telephone: 03 9285 7131  
Email: IEEvents@aec.gov.au  
21/07/2021

**Australian Hotels Association**  
**AHA - South Australia Branch**  
**DECLARATION OF RESULTS - E2020/197 - Stage 1**  
**Contested 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:

**South Australia Branch AHA|SA District 18: South Eastern**

<b>VOTING MATERIAL ISSUED</b>	
Total number of people on the roll of voters (a)	35
Number of voters issued with voting material	35
Total number of voters issued with replacement voting material	0
<b>Total number of voting material packs issued</b>	<b>35</b>
<b>VOTING MATERIAL RETURNED</b>	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	16
Number of declaration envelopes rejected at preliminary scrutiny (minus)	1
Number of ballot papers returned outside declaration envelopes (minus)	0
<b>COUNT</b>	
Total ballot papers admitted to the count	15
<b>LATE OR UNRETURNED VOTING MATERIAL</b>	
Voting material returned as unclaimed mail by closing date of ballot	0
Voting material packs not returned by voters by closing date of the ballot	19
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	46 %

**Branch Councillor (1)**

<u>Candidates</u>	<u>Final Votes</u>
KEMP, Andrew	10
MATTHEWS, Guy	5

<b>Total ballot papers admitted for this office</b>	<b>15</b>
Formal Ballot papers	15
Informal Ballot papers	0

I declare the following elected:

- KEMP, Andrew

Michelle Carmody, Returning Officer  
Telephone: 03 9285 7131  
Email: IEEvents@aec.gov.au  
21/07/2021



## AMENDING DECISION

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

**Australian Hotels Association**  
(E2020/197)

MR STEENSON

SYDNEY, 21 APRIL 2021

*Arrangement for conduct of election.*

[1] On 29 October 2020 the South Australian Branch (**the Branch**) of the Australian Hotels Association (**AHA**) lodged with the Registered Organisations Commission (**the Commission**) prescribed information for an election to fill the following offices:

Branch Councillors from each of the following Districts:

District 1 (City of Adelaide and North Adelaide)	(1)
District 2 (Eastern Metropolitan)	(1)
District 3 (Western Metropolitan)	(1)
District 4 (Northern Metropolitan)	(1)
District 5 (Southern Metropolitan)	(1)
District 6 (Port Adelaide)	(1)
District 9 (Hills)	(1)
District 13 (Yorke Peninsula)	(1)
District 16 (Port Augusta and Far North)	(1)
District 17 (Whyalla)	(1)
District 18 (South Eastern)	(1)
Delegate to the National Board representing the South Australian Branch	(1)
Branch Representative to the National Accommodation Hotels Division	(1)
Branch President (ex-officio Delegate to the National Board)	(1)
Branch Vice-President	(1)
Branch Deputy Vice-President	(1)
Branch Secretary-Treasurer	(1)
Branch Trustees	(5)
Branch Executive Committee Members (number to be determined in accordance with the rules)	

[2] I note that the Branch had previously lodged prescribed information, on 23 October 2019, seeking an election (**E2019/188**) which was intended to fill many of the same abovenamed offices with the exception of the Branch Councillors from the various Districts,

and that on 3 December 2019, a decision ([2019] ROCD 194) was issued by a Delegate of the Commissioner arranging for an election for those offices in **E2019/188**.

[3] As a result of the suspension of most industrial elections by the Australian Electoral Commission (AEC) due to the COVID-19 pandemic and associated restrictions, the election **E2019/188** (along with a number of other industrial elections) was, in part, delayed. The election to fill the offices for the Branch Councillors was conducted and declared by the AEC, but an election for the remaining offices did not proceed due to the restrictions and suspension of elections arising from the pandemic.

[4] In response to the delays in conducting industrial elections, and specifically in relation to the offices of the National Board Delegate and the Representative to the National Accommodation Division, the AHA lodged rule alterations with the Fair Work Commission (FWC) to insert Rule 44A into the AHA's rules in order to extend the term of office from one (1) year to two (2) years for particular offices. This rule alteration (matter R2020/171) was certified by the FWC on 24 December 2020.<sup>1</sup>

[5] Rule 44A provides that for the offices of Delegates to National Board (Rule 11), members of the National Executive (Rule 15), and offices of the National Accommodation Hotels Division (Rule 42), where the terms of office commenced in 2019 such terms shall expire in 2021.

[6] While rule 44A extends, to two years, the terms of officers elected in 2019, and therefore can affect elections due in 2020, it does not similarly apply to the elections due in 2021. Rule 44A(2) provides that the terms of the affected offices revert to one year terms with effect from the term starting in 2021.

[7] In relation to the offices of the Branch President, Vice-President, Deputy Vice-President, Secretary-Treasurer, Trustees and Members of the Executive Committee, the Branch also responded to the election delays and lodged its own rule alterations with the FWC to, among other things, amend Rule 22 of the Branch rules. The amendment to Rule 22 made it clear on the face of the rules that the 'holding over' principle applied to these officers, specifying that they shall hold office until their successors are declared elected. This rule alteration was certified by the FWC in R2021/29 on 13 April 2021.<sup>2</sup>

[8] On 15 April 2021, a request was made to the Commission to issue an amending decision to E2019/188 to provide that the collegiate election (Stage 2 election) in E2019/188 is no longer required because of the amendment to Rule 22 of the Branch Rules, which makes clear that the current incumbents shall hold office until their successors are elected. The Branch has also advised the Commission that the AEC is due to commence this scheduled election (E2020/197) in May 2021.

[9] I have today issued an amending decision in matter E2019/188 to the effect that an election is no longer required in that matter, other than the election that has already been completed for the Branch Councillors.

[10] I am satisfied that an election for the offices listed in the prescribed information dated 29 October 2020 is still required to be held and, under subsection 189(3) of the *Fair Work*

---

<sup>1</sup> [2020] FWCD 5821

<sup>2</sup> [2020] FWCG 2020

*(Registered Organisations) Act 2009*, I am making arrangements for the conduct of the election by the AEC.



DELEGATE OF THE COMMISSIONER

Printed by authority of the Commonwealth Government Printer

PR351904



## DECISION

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

### **Australian Hotels Association** (E2020/197)

MR ENRIGHT

MELBOURNE, 4 NOVEMBER 2020

*Arrangement for conduct of election.*

[1] On 29 October 2020 the South Australian Branch of the Australian Hotels Association lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices:

Branch Councillors from each of the following Districts:

District 1 (City of Adelaide and North Adelaide)	(1)
District 2 (Eastern Metropolitan)	(1)
District 3 (Western Metropolitan)	(1)
District 4 (Northern Metropolitan)	(1)
District 5 (Southern Metropolitan)	(1)
District 6 (Port Adelaide)	(1)
District 9 (Hills)	(1)
District 13 (Yorke Peninsula)	(1)
District 16 (Port Augusta and Far North)	(1)
District 17 (Whyalla)	(1)
District 18 (South Eastern)	(1)

Delegate to the National Board representing the South Australian Branch	(1)
Branch Representative to the National Accommodation Hotels Division	(1)

Branch President (ex-officio Delegate to the National Board)	(1)
Branch Vice-President	(1)
Branch Deputy Vice-President	(1)
Branch Secretary-Treasurer	(1)
Branch Trustees	(5)

Branch Executive Committee Members (number to be determined  
in accordance with the rules)

[2] 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

Printed by authority of the Commonwealth Government Printer

PR351785

**PRESCRIBED INFORMATION FOR ELECTIONS** in accordance with Section 189 of the *Fair Work (Registered Organisations) Act 2009* and Regulation 138 of the *Fair Work (Registered Organisations) Regulations 2009*, with a request under Section 187 of the *Fair Work (Registered Organisations) Act 2009*

I, **David Nadeem Basheer**, being the **President** of the **Australian Hotels Association (SA Branch)** make the following statement:

1. I am authorised to sign this statement containing prescribed information for **Australian Hotels Association (SA 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.
4. A copy of the request under section 187 for the AEC to conduct an election for the non-office positions is attached. **(Not Applicable)**
5. The resignation letter or other supporting information is attached for each casual vacancy. **(Not Applicable)**
6. Insufficient nominations were received in an earlier election and the declaration of results is attached. **(Not Applicable)**
7. There are no rule alterations pending that will impact election.
8. This statement **IS** lodged at least 2 months before nominations open for the elections in Annexure A.
9. The number of elected representatives (with respect to the Committee of Management) is calculated on a formula defined in the rules:
  - a. The rule number which specifies the formula is Australian Hotels Association South Australian Branch Rule 17(b).
  - b. The formula is as per Australian Hotels Association South Australian Branch Rule 17(b).
  - c. The information for calculating the formula is stipulated in Australian Hotels Association South Australian Branch Rule 17(b).
  - d. The relevant date for this information is 28 February 2021.

Signed:



**DAVID NADEEM BASHEER**

President

Australian Hotels Association South Australia Branch

Dated: 29 October 2020

## Annexure A

- Elections that are required

<b>Branch</b>	<b>Name of Office</b>	<b>Number required</b>	<b>Voting System</b> <i>Direct voting system; Collegiate electoral system</i>	<b>Reason for Election</b> <i>Scheduled; Casual vacancy; New office created; Insufficient nominations</i>	<b>Electorate</b>
<b>For the election of Branch Committee of Management</b>					
AHA SA	Councillor SA Branch District 1 City of Adelaide & North Adelaide	1	Direct	Term of office expired	All AHA SA financial members of District 1 <i>Australian Hotels Association South Australian Branch Rule 17(b)</i>
AHA SA	Councillor SA Branch District 2 Eastern Metropolitan	1	Direct	Term of office expired	All AHA SA financial members of District 2 <i>Australian Hotels Association South Australian Branch Rule 17(b)</i>
AHA SA	Councillor SA Branch District 3 Western Metropolitan	1	Direct	Term of office expired	All AHA SA financial members of District 3 <i>Australian Hotels Association South Australian Branch Rule 17(b)</i>
AHA SA	Councillor SA Branch District 4 Northern Metropolitan	1	Direct	Term of office expired	All AHA SA financial members of District 4 <i>Australian Hotels Association South Australian Branch Rule 17(b)</i>
AHA SA	Councillor SA Branch District 5 Southern Metropolitan	1	Direct	Term of office expired	All AHA SA financial members of District 5 <i>Australian Hotels Association South Australian Branch Rule 17(b)</i>
AHA SA	Councillor SA Branch District 6 Port Adelaide	1	Direct	Term of office expired	All AHA SA financial members of District 6 <i>Australian Hotels Association South Australian Branch Rule 17(b)</i>

AHA SA	Councillor SA Branch District 9 Hills	1	Direct	Term of office expired	All AHA SA financial members of District 9 <i>Australian Hotels Association South Australian Branch Rule 17(b)</i>
AHA SA	Councillor SA Branch District 13 Yorke Peninsula	1	Direct	Term of office expired	All AHA SA financial members of District 13 <i>Australian Hotels Association South Australian Branch Rule 17(b)</i>
AHA SA	Councillor SA Branch District 16 Port Augusta & Far North	1	Direct	Term of office expired	All AHA SA financial members of District 16 <i>Australian Hotels Association South Australian Branch Rule 17(b)</i>
AHA SA	Councillor SA Branch District 17 Whyalla	1	Direct	Term of office expired	All AHA SA financial members of District 17 <i>Australian Hotels Association South Australian Branch Rule 17(b)</i>
AHA SA	Councillor SA Branch District 18 South Eastern	1	Direct	Term of office expired	All AHA SA financial members of District 18 <i>Australian Hotels Association South Australian Branch Rule 17(b)</i>
AHA SA	SA Representative – National Accommodation Division	1	Direct	Term of office expired	All AHA SA financial members of SA Accommodation Division <i>Australian Hotels Association Rule 42(c)</i>
AHA SA	National Board Delegate	1	Collegiate	Term of office expired	AHA SA Council (Branch Committee of Management) <i>Australian Hotels Association Rule 11 (e) &amp; (f)</i>
AHA SA	President	1	Collegiate	Term of office expired	AHA SA Council (Branch Committee of Management) <i>Australian Hotels Association South Australian Branch Rule 22(a)</i>

AHA SA	Vice President	1	Collegiate	Term of office expired	AHA SA Council (Branch Committee of Management) <i>Australian Hotels Association South Australian Branch Rule 22(a)</i>
AHA SA	Deputy Vice President	1	Collegiate	Term of office expired	AHA SA Council (Branch Committee of Management) <i>Australian Hotels Association South Australian Branch Rule 22(a)</i>
AHA SA	Hon Secretary/Treasurer	1	Collegiate	Term of office expired	AHA SA Council (Branch Committee of Management) <i>Australian Hotels Association South Australian Branch Rule 22(a)</i>
AHA SA	Branch Trustees	5	Collegiate	Term of office expired	AHA SA Council (Branch Committee of Management) <i>Australian Hotels Association South Australian Branch Rule 22(a)</i>
AHA SA	Members of the Executive Committee	Number to be determined in accordance with Rules	Collegiate	Term of office expired	AHA SA Council (Branch Committee of Management) <i>Australian Hotels Association South Australian Branch Rule 31</i>

- Important dates:

	<b>Direct Voting System</b>	<b>Collegiate Electoral System</b>
<b>Nominations OPEN</b>	<ul style="list-style-type: none"> <li>• <i>Time and date for elections to be determined by the Australian Electoral Commission as per Australian Hotels Association South Australian Branch Rule 20 (a).</i></li> <li>• <i>Nominations for SA Representative to the National Accommodation Division as per Australian Hotels Association 42 (c).</i></li> </ul>	<ul style="list-style-type: none"> <li>• <i>Elected Councillors will meet on Tuesday, 4 May 2021 @ 10.00 a.m. at the AHA SA, Level 4, 60 Hindmarsh Square to elect President, Vice President, Deputy Vice President, Hon Secretary/Treasurer, Trustees &amp; Members of the Executive Committee. Australian Hotels Association South Australian Branch Rule 22(b).</i></li> <li>• <i>Nominations for National Board delegate as per Australian Hotels Association Rule 11(e) &amp;(f).</i></li> </ul>

<b>Nominations CLOSE</b>	<ul style="list-style-type: none"> <li>As determined by the Australian Electoral Commission as per Australian Hotels Association South Australian Branch Rule 20 (a)</li> </ul>	<ul style="list-style-type: none"> <li>Nominations for National Board delegate as per Australian Hotels Association Rule 11(e) &amp; (f).</li> </ul>
<b>Roll of Voters cut off date</b>	<ul style="list-style-type: none"> <li>As determined by the Australian Electoral Commission as per Australian Hotels Association South Australian Branch Rule 20 (h) i.e. to be closed 7 days before the day on which nominations for the election open.</li> </ul>	<ul style="list-style-type: none"> <li>Nominations for National Board delegate as per Australian Hotels Association Rule 11(e) &amp; (f).</li> </ul>

**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.