

23 February 2022

Post-election report

Australian Hotels Association

AHA - South Australia Branch

Scheduled election

E2019/188

Contents

Election(s) Covered in this Report	3
Rules.....	3
Roll of Voters	3
Other Matters	3
Signed	4
Attachments	5
A. Declaration of results for Uncontested Offices – SA	5
B. Declaration of Results for Contested Offices – SA	5

Election(s) Covered in this Report

Organisation: AHA - South Australia Branch

Election: Scheduled

Election Decision No/s: E2019/188

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/

Roll of Voters

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

- There were no concerns in the construction of the Roll of Voters
- There are no concerns in the data provided by the organisation

Total number of voters on the Roll:	25 (District 7)
Number of apparent workplace addresses:	25
Number of non-current addresses:	0
Other matters pertaining to the roll of voters:	Nil

Other Matters

Returning Officer actions required (Section 193): Yes

Details:

Rules are silent on withdrawal of nominations, so I have exercised my powers of delegation under section 193 of the Act to have withdrawal period same as close of nominations in line with our policy and procedures.

Signed

Jude Feige
Returning Officer
Australian Electoral Commission
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P: 0466730906
23 February 2022

Attachments

- A. Declaration of results for Uncontested Offices – SA
- B. Declaration of Results for Contested Offices – SA

Australian Hotels Association
SA Branch
DECLARATION OF RESULTS - E2019/188 - 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:

Package Liquor Stores Division

Branch Councillor (1)

Candidates

FASSINA Elise

District 1 City of Adelaide & North Adelaide

Branch Councillor (2)

Candidates

FAHEY Trent

GREGG Timothy

District 11 Murray Mallee

Branch Councillors (1)

Candidates

BULLOCK Andrew

District 12 Mid-North

Branch Councillors (1)

Candidates

GIANNITTO John

District 14 Port Pirie

Branch Councillors (1)

Candidates

STEELE Darren

District 19 Eyre Peninsula

Branch Councillors (1)

Candidates

ROGERS Matthew


National Accommodation Division

South Australia Representative (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.


Jude Feige

Returning Officer 19/03/2020

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AMENDING DECISION

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

Australian Hotels Association
(E2019/188)

MR STEENSON

SYDNEY, 21 APRIL 2021

Arrangement for conduct of election.

[1] On 23 October 2019 the South Australia Branch (**the Branch**) of the Australian Hotels Association (**AHA**) lodged with the Registered Organisations Commission (**the Commission**) prescribed information for an election to fill various offices, including Branch representatives on national bodies of the AHA.

[2] On 3 December 2019, a decision was issued by a Delegate of the Commissioner making arrangements for the conduct of an election by the Australian Electoral Commission (**AEC**) for the offices listed in the prescribed information, as the Delegate was satisfied that an election for these offices was required to be held under the rules of the organisation at that time and under subsection 189(3) of the *Fair Work (Registered Organisations) Act 2009*.

[3] At the time that the original decision was issued, the rules governing the AHA and the Branch required annual elections for these officers except for the Branch Councillors.

[4] As a result of the suspension of the conduct of most industrial elections by the AEC due to the COVID-19 pandemic and associated restrictions, this election (along with many others) was delayed. Only part of this election (**E2019/188**) – to fill the offices of Branch Councillors – had been completed at the time of the suspension, and the AEC has not yet proceeded with the subsequent election to fill the remaining offices.

[5] In response to the delays in conducting industrial elections, and specifically in relation to the offices of the National Board Delegates and the Representatives 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 those particular offices. This rule alteration (matter R2020/171) was certified by the FWC on 24 December 2020.¹

[6] Rule 44A, as it now operates, 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 their terms of office commenced in 2019 such terms shall expire in 2021.

[7] 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

¹ [2020] FWCD 5821

44A(2) provides that the terms of the affected offices revert to one year terms with effect from the term starting in 2021.

[8] In relation to the Branch 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 their 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 (matter R2021/29) was certified by the FWC on 13 April 2021.²

[9] On 15 April 2021, a request was made to the Commission to consider whether the issuing of an amending decision in E2019/188 was required as a result of the abovementioned rule alterations.

[10] Rule 22 of the Branch Rules 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 the next scheduled election (E2020/197) in May 2021. That election (E2020/197) will involve the same offices as the offices which have not yet had an election conducted in E2019/188.

[11] Accordingly, this amending decision is issued to give effect to the following:

- a) an election to fill the offices of the National Board Delegate and the Representative to the National Accommodation Division listed in the decision in this matter (E2019/188), dated 3 December 2019, is no longer required to be conducted because the insertion of Rule 44A of the AHA rules extends the terms of office from one (1) year to two (2) years for the term commencing in 2019; and
- b) an election to fill the Branch offices of the President, Vice-President, Deputy Vice-President, Secretary-Treasurer, Trustees and Members of the Executive Committee listed in the decision in this matter (E2019/188), dated 3 December 2019, is no longer required because the amendment to Rule 22 of the Branch’s rules clarifies that those officers shall hold office until their successor is elected. The successors to those officers are due to be elected in **E2020/197**, in which the election is due to commence in May 2021.

[12] I have today issued a separate decision (in matter **E2020/197**) in relation to a scheduled election for offices of the Branch for the term commencing in 2021.



DELEGATE OF THE COMMISSIONER

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PR351903

² [2020] FWCG 2020

Australian Hotels Association
AHA - South Australia Branch
DECLARATION OF RESULTS - E2019/188 – 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:

District 7 Gawler & Barossa

VOTING MATERIAL ISSUED	
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
Total number of voting material packs issued	25
VOTING MATERIAL RETURNED	
Total number of envelopes returned for scrutiny by closing date of ballot (b)	15
Number of declaration envelopes rejected at preliminary scrutiny (minus)	0
Number of ballot papers returned outside declaration envelopes (minus)	0
COUNT	
Total ballot papers admitted to the count	15
LATE OR UNRETURNED VOTING MATERIAL	
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	10
Percentage of voting material packs returned by voters to number of people on the roll of voters (b/a)	60 %

Branch Councillor (1)

Candidates	Final Votes
LINDEN, Chris	6
PLUSH, Andrew	9

Total ballot papers admitted for this office	15
Formal Ballot papers	15
Informal Ballot papers	0

I declare the following elected:

- PLUSH, Andrew



Robert Zammit
Returning Officer
Telephone: 03 9285 7111
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24/12/2020





DECISION

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

Australian Hotels Association (E2019/188)

MR ENRIGHT

MELBOURNE, 3 DECEMBER 2019

Arrangement for conduct of election.

[1] On 23 October 2019 the Australian Hotels Association, South Australia Branch lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices:

President	(1)
Vice-President	(1)
Deputy Vice-President	(1)
Honorary Secretary/Treasurer	(1)
Branch Trustees	(5)
Members of the Executive Committee (numbers to be determined in accordance with the organisation's rules)	
National Board Delegate	(1)
South Australia Representative to the National Accommodation Division	(1)

Branch Councillors from the following electorates:

Package Liquor Stores Division	(1)
District 1 (City of Adelaide & North Adelaide)	(2)
District 7 (Gawler & Barossa)	(1)
District 11 (Murray Mallee)	(1)
District 12 (Mid-North)	(1)
District 14 (Port Pirie)	(1)
District 19 (Eyre Peninsula)	(1)

[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

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22 October 2019

Registered Organisations Commission
GPO Box 1994
MELBOURNE VIC 3001

Forwarded herewith for filing in accordance with sub-section 189(1) of the Fair Work (Registered Organisations) Act 2009, the information for the election of officers for the Australian Hotels Association (SA Branch), SA Accommodation Division Representative – National Accommodation Division and National Board Delegate for 2020.

Yours sincerely



R.S.J.LOVELL
Secretary/Treasurer

PRESCRIBED INFORMATION FOR ELECTIONS in accordance with Section 189 *Fair Work (Registered Organisations) Act 2009* and Regulation 138 *Fair Work (Registered Organisations) Regulations 2009*

I, **Richard Stefan John Lovell** being the **Secretary/Treasurer** 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. No rule alterations are pending that will impact the election.
5. This statement **IS** lodged at least 2 months before nominations open for the election below.

Signed:



Secretary/Treasurer
Australian Hotels Association (SA Branch)

Dated: 22 October 2019

[PLEASE NOTE: This statement should be lodged with the Registered Organisations Commission at least 2 months prior to nominations opening. It can be submitted to regorgs@roc.gov.au.]

ANNEXURE A

- Elections that are required

Branch	Name of Office	Number required	Voting System	Reason for Election	Electorate
			<i>Direct voting system; Collegiate electoral system</i>	<i>Scheduled; Casual vacancy; New office created; Insufficient nominations</i>	
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 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 7 Gawler & Barossa	1	Direct	Term of office expired	All AHA SA financial members of Re District 7 <i>Australian Hotels Association South Australian Branch Rule 17(b)</i>
AHA SA	Councillor SA Branch District 11 Murray Mallee	1	Direct	Term of office expired	All AHA SA financial members of District 11 <i>Australian Hotels Association South Australian Branch Rule 17(b)</i>
AHA SA	Councillor SA Branch District 12 Mid-North	1	Direct	Term of office expired	All AHA SA financial members of District 12 <i>Australian Hotels Association South Australian Branch Rule 17(b)</i>
AHA SA	Councillor SA Branch District 14 Port Pirie	1	Direct	Term of office expired	All AHA SA financial members of District 14 <i>Australian Hotels Association South Australian Branch Rule 17(b)</i>
AHA SA	Councillor SA Branch District 19 Eyre Peninsula	1	Direct	Term of office expired	All AHA SA financial members of District 19 <i>Australian Hotels Association South Australian Branch Rule 17(b)</i>

AHA SA	Councillor SA Branch Package Liquor Stores Division	1	Direct	New office created as per Rule alterations 24 September 2019 R2019/53.	All AHA SA financial members of the Package Liquor Stores Division <i>Australian Hotels Association South Australian Branch Rule 17b (i) (ii)</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) & (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>

	Direct Voting System	Collegiate Electoral System
Nominations OPEN	<ul style="list-style-type: none"> • <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> • <i>Nominations for SA Representative to the National Accommodation Division as per Australian Hotels Association 42 (c).</i> 	<ul style="list-style-type: none"> • <i>Elected Councillors will meet on Tuesday, 5 May 2020 @ 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 & Members of the Executive Committee. Australian Hotels Association South Australian Branch Rule 22(b).</i> • <i>Nominations for National Board delegate as per Australian Hotels Association Rule 11(e) &(f).</i>
Nominations CLOSE	<ul style="list-style-type: none"> • <i>As determined by the Australian Electoral Commission as per Australian Hotels Association South Australian Branch Rule 20 (a)</i> 	<ul style="list-style-type: none"> • <i>Nominations for National Board delegate as per Australian Hotels Association Rule 11(e) & (f).</i>
Roll of Voters cut off date	<ul style="list-style-type: none"> • <i>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.</i> 	<ul style="list-style-type: none"> • <i>Nominations for National Board delegate as per Australian Hotels Association Rule 11(e) & (f).</i>