

22 January 2021

# Post-election report

**Australian Hotels Association**  
AHA - Western Australian Branch  
Scheduled election  
E2020/13

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# Election(s) Covered in this Report

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Organisation: AHA - Western Australian Branch  
Election: Scheduled  
Election Decision No/s: E2020/13

## Rules

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Rules used for the election: [024N-WA: Incorporates alterations of 01/11/2013 in R2013/424]

Rules difficult to apply/interpret: Nil

Model Rule reference (if any): N/A

For more details see the Model Rules on the AEC website:

[https://www.aec.gov.au/About\\_AEC/AEC\\_Services/Industrial\\_Elections](https://www.aec.gov.au/About_AEC/AEC_Services/Industrial_Elections)

## Roll of Voters

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The Roll of voters was provided by the Association and was used in Stage 2, to obtain the addresses of eligible members for posting out the election notice.

## Irregularities

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Details of written allegations of irregularities, and action taken by AEC: Nil

Other irregularities identified, and action taken: Nil

## Other Matters

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Returning Officer actions required (Section 193): No

## Signed

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Sally Angus  
Returning Officer  
Australian Electoral Commission  
E: IEEvents@aec.gov.au  
P: 03 9285 7111  
22 January 2021

## Attachments

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- A. Declaration of Results for Uncontested Offices – Stage 1
- B. Declaration of Results for Uncontested Offices – Stage 2

**Australian Hotels Association**  
**AHA - Western Australian Branch**  
**DECLARATION OF RESULTS - E2020/13**  
**Uncontested Offices**

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**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 Executive**

**President (1)**

Candidates

RANDALL Neil

**Senior Vice President (1)**

Candidates

GOUGH Robert

**Vice President (1)**

Candidates

BORNMANN David

**Treasurer (1)**

Candidates

PEIRSON-JONES Martin

**Country Representatives (2)**

Candidates

RAMAGE Robert

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



Sally Angus  
Returning Officer  
Telephone: 03 9285 7111  
Email: IEEvents@aec.gov.au  
24/12/2020



17 March 2020

Bradley Woods  
Executive Director  
Australian Hotels Association - Western Australia Branch  
Sent via email: [exec@ahawa.asn.au](mailto:exec@ahawa.asn.au)

cc: Stephen Ferguson, Australian Hotels Association,  
[aha@aha.org.au](mailto:aha@aha.org.au)

Dear Bradley Woods,

### **Reminder of actions required when persons elected to office**

The Australian Electoral Commission has provided the Registered Organisations Commission (the ROC) a declaration of results for the election of uncontested offices in matter E2020/13. This letter is a reminder of certain obligations imposed on organisations and on persons elected to office.

#### A notice must be published on the organisation's website

The organisation or branch must, as soon as practicable after receiving the post-election report, publish on its website a notice that a copy of the report is available from the organisation, branch or the AEC on request. The notice must be kept on the website for a period of at least 3 months (see regulation 141 of the Fair Work (Registered Organisations) Regulations 2009).

#### Holders of office required to undertake approved training

Section 293K of the *Fair Work (Registered Organisations) Act 2009* (the RO Act) requires each officer with financial management duties to undertake approved training that covers those duties within 6 months after the person begins to hold office. Please ensure that relevant officers undertake approved training within the required timeframe. Please also ensure that all new holders of office are advised of their obligations to make disclosures regarding remuneration, non-cash benefits and material personal interests, the details of which are provided for in the RO Act.

#### Organisation must notify the Commission of changes

Also, section 233(2) of the RO Act requires that an organisation must notify the Commission **within 35 days of any changes** to the holders of office in the organisation. **If there are no changes a notification is not required.** If the election has resulted in **any changes** to the holders of office, the Australian Hotels Association - Western Australia Branch must notify the Commission of these changes. In particular, please advise:

1. Person(s) who have ceased to hold office:
  - the name of the office vacated;
  - the date of the change of office holder; and
  - the name of the person vacating the office.
  
2. Person(s) who have commenced to hold office:
  - the name of the office now held;
  - the date of the change of office holder;

- the name of the person now holding the office;
- the postal address of the person (generally the postal address of the organisation); and
- the occupation of the person now holding the office.

The notification must include a declaration by the Secretary (or other prescribed officer) that the information is a correct statement of the changes made. A template notification of changes, which may assist you, is attached. If any change does not apply until a date in the future, you do not need to notify until then (e.g. AGM, 1 January, 2nd Monday in March). If you have already lodged this information, please disregard this reminder.

Yours sincerely

**Registered Organisations Commission**

11 March 2020

# Post-election report

**Australian Hotels Association**

Western Australian

Scheduled election

E2020/13



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# Election(s) Covered in this Report

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Organisation: Western Australian  
Election: Scheduled  
Election Decision No/s: E2020/13

## Rules

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Rules used for the election: 024N: Incorporates alterations of 24 June 2019 [R2019/50]  
(Replaces rulebook dated 20 April 2017 [D2016/56 & R2016/145])

Rules difficult to apply/interpret: None

Model Rule reference (if any): N/A

For more details see the Model Rules on the AEC website:

[https://www.aec.gov.au/About\\_AEC/AEC\\_Services/Industrial\\_Elections](https://www.aec.gov.au/About_AEC/AEC_Services/Industrial_Elections)

## Roll of Voters

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As there were no contested offices, no Roll of Voters was required.

## Irregularities

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

Other irregularities identified, and action taken: N/A

## Other Matters

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Returning Officer actions required (Section 193): Yes

Details:

16 D (d) The ballot paper shall be returned in the declaration envelope provided which must be in an envelope addressed to a post office box rented in the name of the Association and the key of such box shall, before ballot papers are sent out, be placed in the hands of the returning officer.

## Signed

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Natalie Marino  
Returning Officer  
Australian Electoral Commission  
E: waelections@aec.gov.au  
P: 08 6363 8021  
11 March 2020

## Attachments

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### A. Declaration of results for Uncontested Offices

**Australian Hotels Association**  
**Western Australian**  
**DECLARATION OF RESULTS - E2020/13**  
**Uncontested Offices**

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**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:

**Australian Hotels Association WA Branch**

**Ordinary Members, Branch Committee of Management (6)**

Candidates

HAMMOND StJohn  
KAPINKOFF Adam  
NEVILLE Peter  
RAMAGE Robert  
RANDALL Neil  
TORCHIA Ric

**Perth Metropolitan North Division**

**President (1)**

Candidates

BORNMANN David

**Perth Metropolitan South Division**

**President (1)**

Candidates

BROWN Craig

**Perth Central Division**

**President (1)**

Candidates

RASHEED Ben

**Central Division-WA**

**President (1)**

Candidates

*No Nominations Received*

**South West Division-WA**

**President (1)**

Candidates

GOUGH Rob

## **North West Division-WA**

### **President (1)**

Candidates

PEIRSON-JONES Martin

## **Coastal Division-WA**

### **President (1)**

Candidates

*No Nominations Received*

## **Accommodation Hotels Division**

### **President (1)**

Candidates

CAIRNS Andrew

## **Small Bar Division**

### **President (1)**

Candidates

FREEMAN Andy

## **Tourism Division**

### **President (1)**

Candidates

SCOTT Michael


## **Restaurant Division**

### **President (1)**

Candidates

WAPLES Lyndon

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



Natalie Marino  
Returning Officer  
Telephone: 08 6363 8021  
Email: waelections@aec.gov.au  
11/03/2020



## AMENDING DECISION

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

**Australian Hotels Association**  
(E2020/13)

MR ENRIGHT

MELBOURNE, 31 JANUARY 2020

*Arrangement for conduct of election*

[1] On 17 January 2020, I issued a decision arranging for the conduct of an election, by the Australian Electoral Commission (AEC), for various offices in the Australian Hotels Association Western Australia Branch pursuant to section 189 of the Fair Work (Registered Organisations) Act 2009 (RO Act).

[2] Among those offices were the Presidents of ‘Non-Territorial Divisions’ in the Branch.

[3] The Branch rules, in particular rule 10B, prescribe that the Branch has two specified non-territorial Divisions: the Licensed Restaurants Division and the Accommodation Hotels Division. The Presidents of those two Divisions are also ex officio members of the Branch Executive by virtue of Branch rule 13(a).

[4] The Branch rules also provide that the Branch may create other territorial and non-territorial divisions.

[5] On 20 January 2020, following the issuing of the election decision, the Commission received correspondence from the Branch stating that in 2016 the Branch had established a ‘Restaurant Division’ which, the Branch advised, is separate and distinct from the Licensed Restaurants Division. The Branch also stated that there are no members of the Licensed Restaurants Division but that the separately created Restaurant Division has members.

[6] Following receipt of the Branch’s correspondence, the Commission sought clarification, from the Branch and from the organisation’s national office, in circumstances where the eligibility rules for membership of the Branch (set out in rule 5) are:

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:

...

In the state of Western Australia any licence issued under the Liquor Licensing Act, 1988.

[7] In such circumstances, it is apparent that a member of the Branch must hold a relevant licence under the Liquor Licensing Act.

[8] It is a matter for the Branch what territorial and non-territorial divisions it chooses to create. However, its rules currently mandate at least an Accommodation Hotels Division and a Licensed Restaurants Division.

[9] As would be apparent, the existence of both a Restaurant Division and a Licensed Restaurants Division, particularly in circumstances where members of the organisation are required to hold a liquor licence, is likely to give rise to confusion.

[10] The rules of an organisation and its branches, and the structure adopted, are of course matters for the organisation and its branches, subject to compliance with the RO Act. However, I invite the Branch to take steps to amend its rules in order to address the confusion that arises from the current structure. I also note that it is open to the AEC to make a report on election-related rules and their application as part of its post-election report if the AEC considers it appropriate to do so.

[11] Having considered the above matters, I am satisfied that an election is required for the office of:

**President, Restaurant Division**

and that, in light of the advice from the Branch, the references to ‘Licensed Restaurants Division’ in my decision of 17 January 2020 should be deleted.

[12] I am satisfied that an election for the abovenamed office 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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PR351558



# DECISION

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

## **Australian Hotels Association** (E2020/13)

MR ENRIGHT

MELBOURNE, 17 JANUARY 2020

*Arrangement for conduct of election.*

[1] On 13 December 2019 the Australian Hotels Association - Western Australia Branch lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices:

Ordinary Members, Branch Committee of Management	(6)
President of each Territorial Division of the Branch:	
Perth Metropolitan North Division	(1)
Perth Metropolitan South Division	(1)
Perth Central Division	(1)
Central Division - WA	(1)
South West Division - WA	(1)
North West Division - WA	(1)
Coastal Division - WA	(1)
President of each Non-Territorial Division of the Branch:	
Accommodation Hotels Division	(1)
Small Bar Division	(1)
Tourism Division	(1)
Licensed Restaurant Division	(1)
<b>Branch Executive</b>	
President	(1)
Senior Vice President	(1)
Vice President	(1)
Treasurer	(1)
Country Representatives	(2)



[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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PR351548



December 10 2019

General Manager  
Fair Work Commission  
GPO Box 1994S  
MELBOURNE VIC 3001

Dear Sir

**NOTIFICATION OF ELECTIONS OF AUSTRALIAN HOTELS ASSOCIATION WA BRANCH - PURSUANT TO SECTION 189 - REGISTRATION AND ACCOUNTABILITY OF ORGANISATIONS OF THE FAIR WORK (REGISTERED ORGANISATIONS) ACT 2009-**

In accordance with the Schedule 1 of the Fair Work (Registered Organisations) Act 2009 I am writing to request that elections be conducted in accordance with the Prescribed Information for Elections S 189 (1) as set out in the Prescribed Information and attached Annexure A..

The positions to be elected are summarised as follows:

**PART A**

Elected by secret postal ballot from the whole of the financial members of the Western Australian Branch of the Australian Hotels Association [Branch Rules 11(b) and 16 (A)(a)].

- 6 ordinary members of the Branch Committee of Management for a period of two years

**PART B**

The Territorial and Non Territorial Divisions are established in accordance with Branch Rules 11(b) and 16 (A)(c). Election is for the position of President for a 2 year term of the territorial (7) and Non Territorial Divisions (4)

**Territorial Divisions**

- Perth Metropolitan North Division
- Perth Metropolitan South Division
- Perth Central Division
- Central Division - WA
- South West Division - WA
- North West Division - WA
- Coastal Division – WA

## Non Territorial Divisions

- Accommodation Division
- Small Bar Division
- Tourism Division
- Restaurant Division

## PART C

Following this election the Branch Committee of Management will elect the following for a two year term:

- ❖ President
- ❖ Senior Vice President
- ❖ Vice President
- ❖ Treasurer
- ❖ Country Representatives (2)

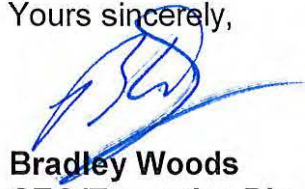
Under rule 13 (a) of the constitution there is an automatic appointment for:

- (v) The President, Accommodation Hotels, (ex officio)
- (vii) The President, Licensed Restaurant Division, (ex officio)

The two abovementioned positions are ex officio and a ballot is not required.

We look forward to hearing back from you with confirmation of the proposed elections. Please do not hesitate to contact either myself or Gabby Stewart if you have any queries or wish to discuss the matter further.

Yours sincerely,



**Bradley Woods**  
CEO/Executive Director

**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, NEIL RANDALL, being the President of Australian Hotels Association WA Branch of the Australian Hotels Association WA Branch make the following statement:

1. I am authorised to sign this statement containing prescribed information for Australian Hotels Association WA 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.

No rule alterations are pending that will impact the election.

4. This statement **IS** lodged at least 2 months before nominations open for the election(s) in Annexure A.

Signed:



Neil Randall  
President  
Australian Hotels Association  
Western Australian Branch

Date: 10 December 2019

**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](mailto:regorgs@roc.gov.au).

## Annexure A

- Elections that are required [insert as many pages as required]

<b>Branch</b>	<b>Name of Office</b>	<b>Number required</b>	<b>Voting System</b> <i>Direct voting system;</i> <i>Collegiate electoral system</i>	<b>Reason for Election</b> <i>Scheduled;</i> <i>Casual vacancy;</i> <i>New office created;</i> <i>Insufficient nominations</i>	<b>Electorate</b>
Australian Hotels Association WA Branch	Branch Committee of Management	Six	Direct Voting System	Scheduled  (Branch Rules 11 (b)(i) and 16 (A)(a))	All members of the WA Branch
Australian Hotels Association WA Branch	Perth Metropolitan North Division	One	Direct Voting System	Scheduled  (Branch Rules 11 (b)(ii) and 16 (A)(c))	All member of the Perth Metropolitan North Division
Australian Hotels Association WA Branch	Perth Metropolitan South Division	One	Direct Voting System	Scheduled  (Branch Rules 11 (b)(ii) and 16 (A)(c))	All member of the Perth Metropolitan South Division
Australian Hotels Association WA Branch	Perth Central Division	One	Direct Voting System	Scheduled  (Branch Rules 11 (b)(ii) and 16 (A)(c))	All member of the Perth Central Division
Australian Hotels Association WA Branch	Central Division WA	One	Direct Voting System	Scheduled  (Branch Rules 11 (b)(ii) and 16 (A)(c))	All members of the Central Division WA
Australian Hotels Association WA Branch	South West Division WA	One	Direct Voting System	Scheduled  (Branch Rules 11 (b)(ii) and 16 (A)(c))	All Members of the South West Division WA

Australian Hotels Association WA Branch	North West Division WA	One	Direct Voting System	Scheduled (Branch Rules 11 (b)(ii) and 16 (A)(c))	All members of the North West Division WA
Australian Hotels Association WA Branch	Coastal Division	One	Direct Voting System	Scheduled (Branch Rules 11 (b)(ii) and 16 (A)(c))	All members of the Coastal Division
Australian Hotels Association WA Branch	Accommodation Division	One	Direct Voting System	Scheduled (Branch Rules 11 (b)(iii) and 16 (A)(c))	All members of the Accommodation Division
Australian Hotels Association WA Branch	Small Bar Division	One	Direct Voting System	Scheduled (Branch Rules 11 (b)(iii) and 16 (A)(c))	All members of the Small Bar Division
Australian Hotels Association WA Branch	Tourism Division	One	Direct Voting System	Scheduled (Branch Rules 11 (b)(iii) and 16 (A)(c))	All members of the Tourism Division
Australian Hotels Association WA Branch	Restaurant Division	One	Direct Voting System	Scheduled Branch Rules 11 (b)(iii) and 16 (A)(c)	All members of the Restaurant Division
Australian Hotels Association WA Branch	President	One	Collegiate	Scheduled (Branch Rules 13 (a)(i) and 13 (b))	All members of the Branch Committee of Management
Australian Hotels Association WA Branch	Senior Vice President	One	Collegiate	Scheduled (Branch Rules 13 (a)(ii) and 13 (b))	All members of the Branch Committee of Management



Australian Hotels Association WA Branch	Vice President	One	Collegiate	Scheduled (Branch Rules 13 (a)(iii) and 13 (b))	All members of the Branch Committee of Management
Australian Hotels Association WA Branch	Treasurer	One	Collegiate	Scheduled (Branch Rules 13 (a)(iv) and 13 (b))	All members of the Branch Committee of Management
Australian Hotels Association WA Branch	Country Representatives	Two	Collegiate	Scheduled (Branch Rules 13 (a) (vi) and 13 (c))	Presidents of the Country Divisions
Australian Hotels Association WA Branch	President Accommodation Division	One	Ex Officio	(Branch Rules 10 (B) and 13 (a)(v))	
Australian Hotels Association WA Branch	Licensed Restaurant Division	One	Ex Officio	(Branch Rules 10 (B) and 13 (a) (vii))	

- Important dates:

	<b>Direct Voting System</b>	<b>Collegiate Electoral System</b>
<b>Nominations OPEN</b>	'To be determined by returning officer' if the rules provide	'To be determined by returning officer' if the rules provide
<b>Nominations CLOSE</b>	'To be determined by returning officer' if the rules provide	'To be determined by returning officer' if the rules provide
<b>Roll of Voters cut off date</b>		Insert date and reference the relevant rule

**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.  
If the P.I. includes a position that is not an office, please refer to our template [Prescribed information for the election of officer and non-officer positions](#).