

26 October 2022

# Post-election report

Australian Hotels Association  
Scheduled election  
E2022/152

# Contents

Election(s) Covered in this Report .....	3
Rules .....	3
Roll of Voters .....	<b>Error! Bookmark not defined.</b>
Irregularities .....	<b>Error! Bookmark not defined.</b>
Other Matters.....	3
Signed .....	4
Attachments.....	4
A. Declaration of results for Uncontested Offices – National.....	4

# Election(s) Covered in this Report

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Organisation: Australian Hotels Association

Election: Scheduled

Election Decision No/s: E2022/152

## Rules

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Rules used for the election: 024N: Incorporates alterations of 12 February 2021 [R2020/170]  
(replaces rulebook dated 24 December 2020 [R2020/171])

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/)

## Other Matters

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Returning Officer actions required (Section 193): Yes

Details:

- As there is no rule pertaining to the withdrawal of nominations, the Returning Officer applied subparagraph 193(1) (b)(ii) of the *Fair Work (Registered Organisation) Act 2009* to fix a closing time for the withdrawal of nomination and the withdrawal period was aligned with the nomination closing date.
- Rules of the Organisation states that ballot to open within 14 days of the close of the nomination. The Returning Officer deems that this time frame is not sufficient. The Returning Officer applied subparagraph 193(1) (b)(ii) of the *Fair Work (Registered Organisation) Act 2009* to extend the period for conducting eligibility checks and the defect period and opened the ballot within 28 days of the close of the nomination instead of 14 days.
- As the COVID-19 pandemic could affect member's attendance for 'In person' ballot, the Returning Officer applied subparagraph 193(1) (b)(ii) of the *Fair Work (Registered Organisation) Act 2009* and the ballot was conducted by post in accordance with rule 16 of the Organisation.

# Signed

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Ishtiaq Ahmed  
Returning Officer  
Australian Electoral Commission  
E: IEBevents@aec.gov.au  
P: 03 9285 7111  
26 October 2022

# Attachments

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- A. Declaration of results for Uncontested Offices – National



20 October 2022

Stephen Ferguson  
National CEO  
Australian Hotels Association  
Sent via email: [ceo@aha.org.au](mailto:ceo@aha.org.au)



**IMMEDIATE ACTION REQUIRED:**

**You must take steps after your recent election E2022/152**

Dear Stephen Ferguson,

An election has recently been completed by the Australian Electoral Commission (**AEC**) for the Australian Hotels Association.

This letter explains the next steps you must take and what information you need to lodge with the Registered Organisations Commission (**ROC**).

### **What you must do right now**

- Let your members know about the election report issued by the AEC
- Arrange financial training for officers newly elected to an office with financial management duties. (This includes all members of the committee of management).
- Complete the notification of change and email it to [regorgs@roc.gov.au](mailto:regorgs@roc.gov.au)

This letter explains these steps and the tools available to help you.

### **STEP 1: Notify members**

You must put a notice on your website once you receive your post-election report. It must tell your members they can request a copy of the post-election report from you or the AEC (r. 141). The notice must be on your website for at least 3 months.



**Can I put more information on our website?**

Yes! Being transparent is part of good governance. You can publish the whole report or the declaration of results, as well as your notice and leave them up longer than 3 months. You can always do more than the regulatory minimum.

The ROC will also publish your declaration of results on our [website](#).

### **STEP 2: Financial training**

You may have to arrange financial training for people elected to new roles.

All officers with financial management duties must complete financial training (s 293K). For information on when officers must redo training and hints on when to book training for officers taking up multiple offices [please see our fact sheet](#).

There are face to face and online [financial training packages on the ROC website](#).

You must act on this now, as affected officers **MUST** complete approved financial training OR been granted an [exemption by the ROC within 6 months](#) of beginning to hold office.



### Good governance tip:

Organisations should instruct officer holders about their other obligations. This is especially important for committee of management members.

Our podcast covers the [benefits of officer induction](#). Officers have responsibilities under the rules, the RO Act, and disclosure requirements around conflicts of interest, remuneration and material personal interests. Officers will benefit from our [officer induction kit](#) and our [podcast, such as episode 17 - conflicts of interest](#).

## STEP 3: Notifications of change

A notification of change must be lodged with the ROC within **35 days** of the change occurring.



We have a [template](#) to help you with this, which you can send to [regorgs@roc.gov.au](mailto:regorgs@roc.gov.au). An officer must sign the completed notification template.

You must lodge a notification of change if:

- any of your officers have not been re-elected;
- officers have changed offices; or
- you have new officers.

Only notify us of changes that have **already occurred**. If people take up office in the future, you must wait until the change happens before lodging the notification within 35 days of the change.

**Note:** One election may result in many notifications of change.



### Penalties apply

Failing to lodge your notifications of change on time can expose your organisation and its officers to significant penalties.

#### ROC v CEPU

The organisation failed to make a series of notifications of change on time.

The Full Court said 'The record-keeping obligations imposed under the Registered Organisations Act are treated by the legislature as important and serious, and contravention of those obligations are correspondingly serious.'

The organisation was ordered to pay a penalty. More information is available in our [case summary](#).

## Questions?



### **Why do I need to tell you the results of the election when you've already received them?**

The RO Act requires that **you** tell us this information about your officers – it is a legal obligation. The notification of change also contains information that is not in the declaration of results.

### **What if the officer has already done training?**

Check out our [fact sheet](#) for when officers need to redo training, when they can get an exemption and when further training isn't required.

If you have any queries we can be contacted on 1300 341 665 or by email at [regorgs@roc.gov.au](mailto:regorgs@roc.gov.au).

Yours sincerely

## Registered Organisations Commission



The ROC has a [Compliance Policy](#) which explains how we respond to issues of non-compliance. The policy is available on our website if you would like further information on the steps the compliance team may take in response to non-lodgement of a financial report.

**Australian Hotels Association**  
**DECLARATION OF RESULTS - E2022/152**  
**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:

**National President (1)**

Candidates

CANNY David

**Senior Vice President (1)**

Candidates

BASHEER David

**Vice President (1)**

Candidates

PALMER Paul

**Secretary/Treasurer (1)**

Candidates

CARPENTER Ben

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

Ishtiaq Ahmed  
Returning Officer  
Telephone: 03 9285 7111  
Email: IEBevents@aec.gov.au  
17/10/2022





# DECISION

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

**Australian Hotels Association**  
(E2022/152)

MR STEENSON

SYDNEY, 2 AUGUST 2022

*Arrangement for conduct of election.*

[1] On 22 July 2022 the Australian Hotels Association lodged with the Registered Organisations Commission prescribed information for an election to fill the following offices for a new term:

National President	(1)
Senior Vice President	(1)
Vice President	(1)
Secretary/Treasurer	(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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**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, David Basheer, being the Secretary/Treasurer of the Australian Hotels Association (**AHA**) make the following statement:

1. I am authorised to sign this statement containing prescribed information for the AHA.
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. There are 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(s) in Annexure A.

Signed:



Dated:

22 July 2022

## 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; Collegiate electoral system</i>	<b>Reason for Election</b> <i>Scheduled; Casual vacancy; New office created; Insufficient nominations</i>	<b>Electorate</b>
National;/Central Office	President	1	Collegiate electoral system	Scheduled	National Board (Rule 14)
National;/Central Office	Senior Vice President	1	Collegiate electoral system	Scheduled	National Board (Rule 14)
National;/Central Office	Vice President	1	Collegiate electoral system	Scheduled	National Board (Rule 14)
National;/Central Office	Secretary/Treasurer	1	Collegiate electoral system	Scheduled	National Board (Rule 14)

- Important dates:

	<b>Direct Voting System</b>
<b>Nominations OPEN</b>	To be determined by the Returning Officer
<b>Nominations CLOSE</b>	To be determined by the Returning Officer
<b>Roll of Voters cut off date</b>	To be determined by the Returning Officer