

NOTICE

**CICS 3 of 2026**

NOTICE is given of application CICS 3 of 2026 by the Western Australian Hotels and Hospitality Association Incorporated (Union of Employers) to the Commission in Court Session of the Western Australian Industrial Relations Commission for an alteration to the following registered rules:

- Rule 5 – MEMBERSHIP

The proposed rule alterations are annexed in the following pages of this notice for review.

This matter will be listed for hearing before the Commission in Court Session on a date to be fixed.

Any person who satisfies the Commission in Court Session that they have a sufficient interest or desires to object to the application may, having given notice of that objection within the time and in the manner prescribed, appear and be heard in objection to the application.

Pursuant to regulation 77A(3) of the *Industrial Relations Commission Regulations 2005* (WA) a notice of an objection in the approved form ([Form 1A – Multipurpose Form](#)) must be filed within 21 days of this notice. A [Form 1A – Multipurpose Form](#) is available on the WAIRC website at [www.wairc.wa.gov.au](http://www.wairc.wa.gov.au) under Applications & Forms.

S BASTIAN  
REGISTRAR

6 February 2026

## ANNEXURE – PROPOSED ALTERATIONS

The proposed alterations are detailed below:

### Existing Rule 5:

#### 5 - MEMBERSHIP

- (a) The Association shall consist of all persons and corporations who or which are Members of the Association and such other members as may from time to time be elected in manner hereinafter appearing, all of whom shall be employers of labour.

Members of the Association shall be:-

1. Licensee Members.
2. Life Honorary Members.

Subject to the provisions hereof any person or corporation who or which is the holder of a Hotel Licence, Tavern Licence, Limited Hotel Licence, Restaurant license or such other licence as may be accepted by State Council and as granted by the Licensing Court of W.A. or its successor shall be eligible for election to membership of the Association.

- (b) Any person or Corporation desiring to become a member of the Association shall sign and complete the relevant application form set out in the Appendix 1 to this Constitution. Every application form shall be signed by the applicant, if a person, and shall have the common seal affixed and attested in accordance with its articles of association if a corporation and shall be signed by two members of the Association as Proposer and Secunder. No applicant shall be elected a member of the Association unless the requirements of this clause have been complied with, the prescribed nomination fee and subscription have been paid and the applicant has agreed to pay all levies.
- (c) All candidates eligible for any type of membership of the Association shall be elected by the State Council.
- (d) Election of members shall take place at any Ordinary or Special Meeting of the State Council and no person or corporation whom or which a majority of the State Council does not desire for any reason whatsoever to admit to membership shall be eligible for membership and the State Council may without assigning any reasons whatsoever refuse to admit any applicant for membership.
- (e) A Licensee who becomes a member of the Association shall automatically become a member of the Division, (if any) -
- (i) in which the member's licensed premises shall be located, and
  - (ii) which has been created by the State Council and deemed applicable by the State Council, to that member's licensed premises.
- (f) An individual member who does not intend or is not capable of taking an active personal part in the conduct of the affairs of the Association may in writing delivered to the Executive Director appoint some other person concerned or employed in the conduct of their licensed premises to be their proxy to represent them at all meetings at which they would be entitled to attend and such person shall be entitled to attend and be heard and vote at such meetings and at elections and ballots as such proxy. The member appointing such proxy shall not be entitled to attend meetings or to vote or nominate for or be nominated for or hold office while such proxy is unrevoked. Any such proxy shall be entitled to be nominated for and to be elected to and hold any

office in the Association. Should such proxy while the holder of any such office be changed they shall be deemed to have and shall vacate such office and their successor as such proxy shall not be entitled ipso facto to hold the office to which their predecessor was elected. No such proxy shall be valid or effective unless and until the person appointed proxy as aforesaid has been recorded in the Register of Members and a letter of confirmation of receipt of that proxy has been issued by the Executive Officer. A representative proxy may be recorded in a Membership Application form or in a separate letter appointing that proxy.

- (g) A corporate member shall appoint a proxy to take part in the affairs of the Association. The instrument appointing a proxy shall be in writing under the seal of the corporation or officer of attorney duly authorised by the corporation. The proxy shall be some person concerned or employed in the conduct of the licensed premises but need not be a member of the corporation. The proxy shall represent the corporate member at all meetings at which an individual member would be entitled to attend and such proxy shall be heard and vote at such meetings and at elections and ballots. No other member of the corporation shall be entitled to attend meetings or to vote or nominate for or be nominated for or hold office while such proxy is unrevoked. Any such proxy shall be entitled to be nominated for and to be elected to hold any office in the Association. Should such proxy while the holder of any such office be changed, they shall be deemed to have and shall vacate such office and their successor as such proxy shall not be entitled ipso facto to hold the office to which their predecessor was elected. No such proxy shall be valid or effective unless and until the person appointed proxy as aforesaid has been recorded in the Register of Members and a letter of confirmation of receipt of that proxy has been issued by the Executive Officer. A representative proxy may be recorded in a Membership Application form or in a separate letter appointing that proxy.
- ~~(h) A member may resign upon ceasing to be eligible for membership pursuant to the provisions of this Constitution. The resignation shall be preceded by three (3) months notice in writing addressed to the Association at its registered office.~~

**Disallowed - See Order No. 861 of 1996 of 4 July 1996.**

- (i) Any person who ceases to be a member shall forfeit all rights and privileges as a member of the Association and shall return forthwith to the Executive Director all property whatsoever of the Association.
- (j) An entry of the name of either an individual member or the corporation or its appointed proxy in the Register of Members shall be evidence of membership of the Association.

## Proposed Amended Rule 5:

The proposed changes to the rule are set out below, with additions in underlined text and deletions struck out:

### 5 – ELIGIBILITY FOR MEMBERSHIP

~~(a) The Association shall consist of all persons and corporations who or which are Members of the Association and such other members as may from time to time be elected in manner hereinafter appearing, all of whom shall be employers of labour.~~

~~Members of the Association shall be:-~~

~~1. Licensee Members.~~

~~2. Life Honorary Members.~~

~~Subject to the provisions hereof any person or corporation who or which is the holder of a Hotel Licence, Tavern Licence, Limited Hotel Licence, Restaurant licence or such other licence as may be accepted by State Council and as granted by the Licensing Court of W.A. or its successor shall be eligible for election to membership of the Association.~~

~~(b) Any person or Corporation desiring to become a member of the Association shall sign and complete the relevant application form set out in the Appendix 1 to this Constitution. Every application form shall be signed by the applicant, if a person, and shall have the common seal affixed and attested in accordance with its articles of association if a corporation and shall be signed by two members of the Association as Proposer and Seconder. No applicant shall be elected a member of the Association unless the requirements of this clause have been complied with, the prescribed nomination fee and subscription have been paid and the applicant has agreed to pay all levies.~~

A. Without being limited by Part B of this Rule, or limiting the meaning, scope or operation of that Part, the eligibility for membership of the Association shall be as follows.

(a) Any person, partnership or corporation who employs or usually employs labour in the State of Western Australia 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:

- (i) A publican's victuallers, public house, hotel, tavern, bar or general licence issued under the licensing legislation; or
- (ii) In the State of Western Australia any licence issued under the licensing legislation.

Where a partnership applies for membership each member of that partnership shall apply.

B. Without limiting the effect of any of the preceding provisions of this Rule, and without being limited by any such provisions, every person, partnership or corporation who or which employs or usually employs labour in the State of Western Australia shall be eligible for membership of the Association provided that the employer is engaged in the hospitality industry carrying on a business that provides accommodation including (without limitation):

- (a) An accommodation hotel; or
- (b) A guest house; or
- (c) A motel; or
- (d) Serviced apartments.

C. Without being limited by Part B of this Rule, or limiting the meaning, scope or operation of that Part, the eligibility for membership of the Association shall also extend to an unlimited number of employers engaged in the industry situated within the State of Western Australia or in connection with the conduct of:

- (a) Motor inns and or motels and without limiting the generality of the foregoing.
- (b) Unlicensed private hotels, serviced apartments, time share facilities, health or recreational farms, guest houses, ski lodges, holiday flats/units, holiday ranches or farms, condominiums, and establishments of a like nature to any of the foregoing whilst primarily providing short term accommodation.
- (c) Restaurants, function centres, convention centres or like facilities, ancillary to or part of any of the above.

Provided that (b) and (c) shall not include - registered or licensed clubs providing accommodation to members and/or members guests on club premises or at premises owned and operated by such a club solely for the use and enjoyment of members and/or their guests which are not available to the general public.

- (d) Accommodation parks, including:
  - (i) caravan parks (land, including camping ground, on which caravans, or caravans and other moveable dwellings, have been or are to be placed, installed or erected) or
  - (ii) manufactured home estates (land on which manufactured homes have been, are, or are to be placed).

#### D Application for membership

- (a) Any person, corporation or entity desiring to become a Member of the Association shall sign and complete the relevant application form and pay the prescribed nomination fee and subscription. ~~Each applicant for membership shall sign an application for membership in the form approved from time to time by the National Executive and shall forward the same to the Executive Officer.~~
- (b) Upon completion of the requirements of Rule 5(D)(a), an applicant shall be deemed to be an Applicant Member and entitled to all the rights and benefits of membership, except in respect of voting rights.
- (c) Each Applicant Member's application shall be submitted to the State Council which may either accept such application or reject the same.
- (d) The Executive Director shall as soon as practicable from the date of the decision of the State Council to accept or reject the application, notify the applicant of that decision.
- (e) If the State Council accepts the application, the applicant shall be and be deemed

to be a Member as from the date of the application.

- (f) If it rejects the same, the applicant may, by notice in writing within seven (7) days of such rejection, forward to the Executive Director an appeal to the next General Meeting of Members against such rejection.
- (g) The next General Meeting of Members shall consider the appeal and shall accept or reject the application.
- (h) If the General Meeting accepts the same, the applicant shall be and be deemed to be a Member as from the date of the application. If it rejects the same, the decision shall be final and the applicant shall not become a Member.
- (i) Any applicant whose application has been rejected may again apply for membership after twelve (12) months following such rejection.
- (j) Applicants for membership shall be informed, in writing, of:
  - (i) the financial obligations arising from membership; and
  - (ii) the circumstances, and the manner, in which a Member may resign from the Association.
- (k) The liability of Members of the Association is limited to the amount of:
  - (i) The annual subscription;
  - (ii) Any levies which the State Council may at their discretion impose;
  - (iii) Any disbursements authorised by and made on a Member's behalf.

#### E Voting and Representatives

- (a) A Member who is not a natural person shall from time to time nominate, in respect of each membership held by it, some person as its representative to represent it, in respect of each such licence, at all such meetings as it would be entitled to attend if it were an individual Member and such person or persons, as the case may be, shall be entitled to be heard and vote at such meetings and to vote at elections and ballots as such. A representative may be recorded in a membership application form or in a separate letter appointing that representative.
- (b) A Member who is a natural person and who does not intend or is not capable of taking an active personal part in the conduct of the affairs of the Association may in writing delivered to the Executive Director appoint some other person to be their representative to represent them at all such meetings at which they would be entitled to attend and such person shall be entitled to attend and be heard and vote at such meetings and at elections and ballots as such. The Member appointing such representative shall not be entitled to attend meetings or to vote or nominate for or be nominated for or hold office while such appointment is unrevoked.
- (c) Any representatives shall be entitled to be nominated for and to be elected to and hold any office in the Association. Should such representative while the holder of any such office be changed, they cease to be eligible to hold office, and the successor as such representative shall not be entitled ipso facto to hold the office to which their predecessor was elected.
- (d) No such representative shall be valid or effective unless and until the person

appointed by representative as aforesaid has been recorded in the Register of Members and a letter of confirmation of receipt of that representative has been issued by the Executive Director.

- (e) At meetings of the Association and at elections for the State Council and at ballots of the Association, members of a partnership or corporation shall between them have one vote for each membership held by them or on their behalf.
- (f) An entry of the name of a Member in the Register of Members shall be evidence of membership of the Association.
- ~~(c) All candidates eligible for any type of membership of the Association shall be elected by the State Council.~~
- ~~(d) Election of members shall take place at any Ordinary or Special Meeting of the State Council and no person or corporation whom or which a majority of the State Council does not desire for any reason whatsoever to admit to membership shall be eligible for membership and the State Council may without assigning any reasons whatsoever refuse to admit any applicant for membership.~~
- ~~(e) A Licensee who becomes a member of the Association shall automatically become a member of the Division, (if any)–
  - ~~(i) in which the member's licensed premises shall be located, and~~
  - ~~(ii) which has been created by the State Council and deemed applicable by the State Council, to that member's licensed premises.~~~~
- ~~(f) An individual member who does not intend or is not capable of taking an active personal part in the conduct of the affairs of the Association may in writing delivered to the Executive Director appoint some other person concerned or employed in the conduct of their licensed premises to be their proxy to represent them at all meetings at which they would be entitled to attend and such person shall be entitled to attend and be heard and vote at such meetings and at elections and ballots as such proxy. The member appointing such proxy shall not be entitled to attend meetings or to vote or nominate for or be nominated for or hold office while such proxy is unrevoked. Any such proxy shall be entitled to be nominated for and to be elected to and hold any office in the Association. Should such proxy while the holder of any such office be changed they shall be deemed to have and shall vacate such office and their successor as such proxy shall not be entitled ipso facto to hold the office to which their predecessor was elected. No such proxy shall be valid or effective unless and until the person appointed proxy as aforesaid has been recorded in the Register of Members and a letter of confirmation of receipt of that proxy has been issued by the Executive Officer. A representative proxy may be recorded in a Membership Application form or in a separate letter appointing that proxy.~~
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~~was elected. No such proxy shall be valid or effective unless and until the person appointed proxy as aforesaid has been recorded in the Register of Members and a letter of confirmation of receipt of that proxy has been issued by the Executive Officer. A representative proxy may be recorded in a Membership Application form or in a separate letter appointing that proxy.~~

~~(h) — A member may resign upon ceasing to be eligible for membership pursuant to the provisions of this Constitution. The resignation shall be preceded by three (3) months notice in writing addressed to the Association at its registered office.~~

~~———— **Disallowed – See Order No. 861 of 1996 of 4 July 1996.**~~

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