

Registered number A0600051D



# **WEST AUSTRALIAN PISTOL ASSOCIATION INCORPORATED.**

## **CONSTITUTION**

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## **1. Name of Association**

The name of the Association shall be the West Australian Pistol Association Incorporated.

## **2. Objects**

The objects of the Association are:

- 2.1 to promote, control and coordinate safe and enjoyable participation in shooting for all age groups at Club, Zone, State, National and International level; and
- 2.2 to affiliate with Pistol Australia Incorporated.

## **3. Interpretation and Definitions**

- 3.1 Where appropriate in the context of this Constitution, all definitions of Firearms as used in the Firearms Act 1973 and as amended, and the Firearms Regulations 1974 and as amended, shall be deemed to be applicable under this Constitution.
- 3.2 Where appropriate in the context of this Constitution, any interpretation or definition used in the Interpretation Act 1984 and as amended shall be deemed applicable to this Constitution, unless expressly stated otherwise.
- 3.3 Where any conflict of interpretation or definition arises, the Association Committee shall determine the outcome. Such decisions shall be binding unless any such decision is disagreed at an Annual General Meeting or Extraordinary General Meeting by 75% of the votes cast.
- 3.4 The following Definitions shall apply:
  - i. The “Association” is the West Australian Pistol Association Incorporated.
  - ii. The “Association Committee” is that body of persons elected or appointed by Association Members, under the provisions of this Constitution, to the relevant positions wherein they hold office for the term of election or appointment.
  - iii. The “Association President” is the person elected to that position in accordance with the provisions of this Constitution.
  - iv. The “Association Secretary” is the person elected or appointed to that position in accordance with the provisions of this Constitution.
  - v. The “Association Members” are those clubs which are affiliated with the Association, and are as listed in the Association Register of Members.
  - vi. “Club” has the same meaning as Association Member.
  - vii. The “Club Committee” is that body of persons elected or appointed to the relevant positions by the members of a Club affiliated with the Association.
  - viii. The “Club President” is the person elected to that position by a club affiliated with the Association.
  - ix. The “Club Secretary” is the person elected or appointed to that position by a club affiliated with the Association.
  - x. An “Individual Member” is a member who is affiliated with the Association through a Club, and is listed in the Club’s register of members as supplied to the Association in accordance with the provisions of this Constitution.
  - xi. The “Association Regulations” are those which are promulgated at times by the Association Committee and distributed to Clubs.

- xii. The “Association Rules” are those which are promulgated at any time by the Association Committee and distributed to Clubs, and includes policies, procedures and charters.
- xiii. The “Primary Licence” is the licence for a particular firearm held by its owner and obtained through the Association, as distinct from a “co-licence” held by other persons to use the same firearm.

## **4. Membership**

- 4.1 The Association shall consist of affiliated amateur pistol clubs within Western Australia. Individual Members shall also be bound by the requirements of this Constitution.
- 4.2 A Club shall not be affiliated to the Association unless it has a financial membership of four or more.
- 4.3 Each pistol Club application for affiliation shall be accompanied by:
  - i. a copy of the proposed Constitution of the applicant Club;
  - ii. the name and address of each of the Club’s committee and Individual Members;
  - iii. the location of the Club’s proposed range;
  - iv. a written undertaking to comply with the requirements of the Constitution, Regulations and Rules of the Association;
  - v. a certificate of authorization from the local government authority or other governing authority to use the location for the purpose intended;
  - vi. a certificate from the State Police Authority as to the safety of the location and the ranges for the purposes intended;and
  - vii. such other documentation and information as the Association may require.
- 4.4 The Association Committee may, at its discretion, refuse the application for membership of any Club or individual, giving written reasons for the refusal.
- 4.5 An application for Association Membership shall be decided by a majority of the Association Committee.
- 4.6 Membership ceases when:
  - i. a Club ceases to exist,
  - ii. a Club gives notice of dis-affiliation from WAPA and the Association Committee accepts the request,
  - iii. a Club is expelled from the Association in accordance with section 20.1, or
  - iv. a Club is expelled for non-payment of membership fees.
- 4.7 An individual ceases to be a member when:
  - i. the Membership fee for the Individual Member is not received through a WAPA affiliated club by the due date,
  - ii. the Individual Member dies, ceases membership or a WAPA affiliated club, or resigns their WAPA membership, or
  - iii. the Individual Member is expelled from the Association in accordance with section 20.4.
- 4.8 The Association Committee may nominate any Individual Member to be an honorary Life Member of the Association. Such person shall be and remain an Honorary Life Member during their lifetime. The Association Committee may recommend the withdrawal of

Honorary Life Membership if the person is found guilty of conduct which would result in that person becoming liable to suspension or expulsion from the Association as an ordinary member. An Honorary Life Member shall not be liable for the payment of any fees or levy to the Association, except for entry fees to Association competitions.

- 4.9 Individuals resigning or transferring to another Club remain responsible for any outstanding fees or levies which may be applicable to them and which remain due and unpaid at the time of resignation or transfer.

## **5. Registers and Records**

- 5.1 The Association Secretary shall keep a Register of all Clubs, called the Register of Association Members, which shall include the name of the current president and secretary of each Club, and the postal address of the Club.
- 5.2 The Association Secretary shall keep a separate Register of Individual Members of each Club which shall include the full name, postal address and date of birth of each Individual Member affiliated with the Association. This Register shall not be made available to any persons other than the Association Committee for their purposes or to any other persons or organisations lawfully authorized to have access.
- 5.3 Any Club or Individual Member may obtain a copy of the Register of Association Members on written application to the Association Secretary.
- 5.4 Any Club that wishes to inspect other records, books, documents or securities of the Association other than information pertaining to individuals, may do so at any reasonable time by arrangement with the Association Secretary.
- 5.5 No record, book, document or security which is the property of the Association, shall be removed from the custody of the Association without the written permission of the Association President, given in advance of the removal for a specific purpose. Where permission has been granted, any item removed shall be returned immediately upon request of the Association President.
- 5.6 No Member or Individual Member may use or disclose information in a record or document obtained from the Association except for a purpose that is directly connected with the affairs of the Association or that is necessary to comply with law.

## **6. Club Responsibilities**

- 6.1 Any change to the Club register of members relating to name, address, transfer, termination of membership or admittance of a new member must be notified to the Association Secretary within twenty eight days of the occurrence.
- 6.2 A Club secretary shall notify the Association Secretary of any change to the position of president or secretary of the club or postal address, within fourteen days of the change.
- 6.3 Each Association Member, by the 20<sup>th</sup> of February in each year, shall pay the Club Affiliation Fee to the Association, as determined at the previous Annual General Meeting.
- 6.4 In addition to the Club Affiliation Fee, the Club secretary shall forward to the Association Secretary an annual Member Capitation Fee in respect of each Individual Member as at October 1<sup>st</sup> in each year. All Member Capitation Fees must be received by the Association Secretary, with the updated register of members, by November 1<sup>st</sup> of each year.
- 6.5 If either of the affiliation or capitation fees remain unpaid after the due date for payment the Association Committee may declare any defaulting Club 'unfinancial'. Until such time as the due fees are paid an unfinancial Club, and the Individual Members of that Club, are not entitled to enjoy the privileges of membership of the Association, nor are they entitled to vote at any Association Meeting or participate in any competition conducted by the

Association or any Club.

- 6.6 The Club secretary shall ensure that any levy imposed in accordance with section 8 is collected and forwarded to the Association Secretary by the due date. The provision of section 6.5 shall apply to any Club which defaults.
- 6.7 The Club shall ensure that a Delegate elected or appointed to represent the Club at an Annual General or Extraordinary General Meeting is a financial member and is affiliated with the Association. The person may be a member of another Club.
- 6.8 The president and committee of a Club are responsible to the Association for the conduct of the Club, and shall ensure that no discredit is brought on itself, the Association, or the sport of shooting.
- 6.9 On written authority from the Association President a person may be appointed to visit a Club for the purpose of inspecting the Club books and records, inspecting the ranges, checking all safety procedures, and investigating any other matter as directed by the Association. The president and members of the Club shall ensure full cooperation and compliance with the directions of the appointed person.
- 6.10 The president and committee of each Club shall ensure that Club activities and ranges are safe and in compliance with the Association Constitution, Regulations and Rules.

## **7. Affiliation and Capitation Fees**

- 7.1 Affiliation and Capitation Fees shall be determined at the Annual General Meeting held each year, unless circumstances cause the Association Committee to hold an Extraordinary General Meeting for the purpose.
- 7.2 The Association Committee shall allocate and use Affiliation and Capitation Fees for the following purposes:
  - i. Administration expenses incurred by the Association;
  - ii. The collection and forwarding of Capitation Fees to Pistol Australia Inc; and
  - iii. The maintenance of a fund to be used for coaching, travel, competition, refereeing and the promotion of pistol shooting.

## **8. Levies**

- 8.1 The Association may impose per capita levies on all Clubs not exceeding an amount of 20% of the annual Member Capitation Fee. Notwithstanding this sub-section, the Association may, if approved at an Annual General or Extraordinary General Meeting, impose a greater levy.
- 8.2 When imposing a levy the Association Committee shall state the purpose of such levy and the due date for payment.
- 8.3 If the levy is unpaid after the due date for payment the Association Committee may declare any defaulting Club 'unfinancial' and the provisions of sub-section 6.5 shall apply.

## **9. Finance**

- 9.1 The financial year of the Association shall end on the 31<sup>st</sup> of December in each year.
- 9.2 All monies due to the Association shall be received by the Treasurer and deposited within fourteen days to the credit of the accounts of the Association with the financial institutions approved by the Association Committee.
- 9.3 Payments of all accounts authorized for payment by the Association Committee shall be

made by the authorized signatories. The authorized signatories shall be the President; the Secretary; the Treasurer; with any two of these three to sign.

- 9.4 The Committee shall cause true accounts to be kept of all monies received and paid and of matters in respect of which such receipts and expenditure takes place and of all property, assets and liabilities of the Association.
- 9.5 Following the closure of the financial year and in a timely manner prior to the next Annual General Meeting, the Association Treasurer shall prepare and present to the Auditor all of the appropriate reports, documents, books, vouchers and explanations required by the Auditor to enable him to certify the correctness of financial statements in accordance with the Australian Auditing Standards.

Upon completion of the audit, the Association Treasurer shall ensure that the Auditors' statement, the balance sheet, the profit and loss statement and any other supporting documents are presented at the next Annual General Meeting.

## **10. Income and Property**

- 10.1 The income and property of the Association shall be applied solely to the promotion of its objects and no part thereof shall be paid or transferred directly or indirectly by way of dividend, bonus or otherwise by way of pecuniary profits to its members, provided that remuneration may be paid in good faith to officers and servants of the Association or other persons in return for services actually rendered to the Association. Payments to members of the Association Committee must be authorised at an Association Committee meeting.
- 10.2 All records, documents, and property of the Association, in any form, held or used by any Member club, or individual, remains the property of the Association and must be returned upon any request from the Association Committee.

## **11. Auditor**

- 11.1 The Annual General Meeting shall appoint a certified public accountant to act as Auditor of the Association provided always that the Auditor so appointed shall not be a member of the Association Committee, nor an immediate relative of any member of the Association Committee.
- 11.2 The Auditor, at all reasonable times shall be given full access to the Association's books of account and vouchers and shall be afforded every facility for the purpose of making a true audit of the finances of the Association.
- 11.3 The Auditor shall be satisfied that the Balance Sheet and Income and Expenditure Account as presented by the Treasurer are a true and correct record of the financial position of the Association.
- 11.4 The Association Committee may request an auditor to conduct such financial investigations as it may require.

## **12. Positions on the Association Committee**

- 12.1 The Association Committee shall be composed of the following personnel, who shall be elected in the order listed.
- 12.2 President.
  - i. There shall be one President.
  - ii. The Association President shall be the Senior Officer of the Association.
  - iii. The Association President shall preside at all meetings of the Association when

present.

- iv. The Association President shall be an ex-officio member of all sub-committees of the Association.
- v. The responsibility for public statements on policy matters concerning the well-being of the Association rests with the Association President or, in his absence, the Vice President or an authorised delegate.

#### 12.3 Vice President.

- i. There shall be one Vice President.
- ii. The Vice President shall perform the duties of the Association President in the absence of that Officer, or at his request.

#### 12.4 Executive Officer.

- i. There shall be one Executive Officer.
- ii. The Executive Officer is the representative of the Association on the Executive Committee of Pistol Australia Inc.
- iii. The Association President may be the Executive Officer.
- iv. If an Executive Officer is not elected at the Annual General Meeting the Association Committee may appoint one.

#### 12.5 Secretary.

- i. There shall be one Secretary.
- ii. The Association may employ an Administrative Secretary for this role.
- iii. The Secretary shall:
  - a. coordinate the correspondence of the Association; and
  - b. have the custody of all books, documents, records and registers of the Association with the exception of those held by other authorized persons.
- iv. The Secretary, shall attend all Association meetings, and shall keep a record of persons present and the minutes of the proceedings of such meetings and issue all notices as are required by this Constitution or as determined by the Association President or Committee.
- v. The Chairperson shall ensure that the minutes taken of a general meeting or Committee meeting are checked and signed as correct by the Chairperson of the meeting to which those minutes relate or by the Chairperson of the next succeeding meeting, as the case requires.

#### 12.6 Treasurer

- i. There shall be one Treasurer.
- ii. The Treasurer shall receive all monies due to the Association and pay all sums payable by the Association in accordance with this Constitution.
- iii. The Treasurer shall be responsible for recording all financial transactions, and with respect to the Association's finances, comply with all lawful directions of the Association Committee.

#### 12.7 Director of the State Referee Council

- i. There shall be one Director of the State Referee Council who shall perform the duties outlined in the State Referee Council Charter.
- ii. The State Referee Council Charter is subject to annual review by the Association Committee.



- 12.8 Director of the State Coaching Council.
- i. There shall be one Director of the State Coaching Council who shall perform the duties outlined in the State Coaching Council Charter.
  - ii. The State Coaching Council Charter is subject to annual review by the Association Committee.
- 12.9 Regional Representative North and Regional Representative South
- i. There shall be two Regional Representatives.
  - ii. These positions shall be reserved for members of Clubs outside the Perth or Mandurah metropolitan areas, but may be held by metropolitan members if there are no other nominees.
  - iii. They shall provide representation for Clubs north and south of latitude 31 degrees respectively.
- 12.10 General Committee members
- There shall be not more than two Committee members.
- 12.11 With the exception of the position of Executive Officer, no person may hold more than one position on the Association Committee.
- 12.12 No person may hold a position on the Association Committee if ineligible under the provisions of the Associations Incorporation Act 2015.

### **13. Responsibilities of the Association Committee**

- 13.1 The affairs of the Association shall be managed by the Association Committee.
- 13.2 Notwithstanding the provisions of sub-section 13.1. The Association Committee shall comply with all lawful directions of the Annual General Meeting or an Extraordinary General Meeting.
- 13.3 Any vacancies remaining after an election period, or which become vacant during the year for any reason, may be filled at the direction of the Association Committee, either by direct appointment or postal ballot. The appointed or elected person shall retain the office under the provisions of the Constitution until the next Annual General Meeting.
- 13.4 The Association Committee will conduct not less than ten committee meetings during the twelve month period of their term of office, with a minimum of 14 days notice, at intervals not exceeding 9 weeks.
- 13.5 The Association President may call a special committee meeting for a particular purpose.
- 13.6 Should any member of the Association Committee fail to attend three consecutive committee meetings, either in person or by electronic means of instantaneous communication, without submitting an apology or seeking a leave of absence they may be removed from office. The member shall be served a notice requiring a written explanation of their absences within 28 days of the issue of the notice. If the member fails to comply, or submits an explanation, which in the opinion of a majority of the Association Committee, does not satisfactorily explain the absences, the Association President may immediately remove the member from all Association Committee duties and attendance at committee meetings. The position shall then be declared vacant and filled in accordance with the provisions of sub-section 13.3.
- 13.7 Where an Association Committee member is considered by a majority of the Association Committee to be deliberately disruptive, failing to perform required Association Committee duties or bringing disrepute upon the Association by personal or public behaviour, the member shall be so informed and may be removed from office by majority resolution of the Association Committee.

- 13.8 In the event that sub-section 13.6 is invoked, the Association President or Vice President if the former is defaulting, may report the Association Committee resolution to an Annual General Meeting, or Extraordinary General Meeting and cause a “Special Resolution” to be voted on at that Meeting to confirm the removal from office of that member. The defaulting member shall be heard (verbally by presence or in writing). Where 75% of the votes recorded are in favour of removal from office the Chairperson shall immediately declare the position vacant. The position shall then be filled in accordance with the provisions of sub-section 13.3.
- 13.9 The quorum for an Association Committee meeting shall be six of the committee members, which shall include at least one of:
- i. the President;
  - ii. the Vice President; or
  - iii. the Treasurer.
- 13.10 An Association Committee person may be in attendance either in person or by effective electronic means of instantaneous communication.
- 13.11 Where a quorum is not present at a scheduled Association Committee meeting or a special Association Committee meeting, the said meeting will be adjourned for a period not more than 14 days. The Association President may during that time order the Meeting recalled and conduct all such business as may arise with such Association Committee members as do attend, as though a full quorum was present.
- 13.12 The procedure to be followed at a Committee meeting must be determined from time to time by the Committee.
- 13.13 The order of business at a Committee meeting may be determined by the Committee members at the meeting.
- 13.14 An Individual Member or other person who is not a Committee member may attend a Committee meeting if invited to do so by the Committee. A person so invited:
- i. has no right to any agenda, minutes or other document circulated at the meeting;
  - ii. must not comment about any matter discussed at the meeting unless invited by the Committee to do so; and
  - iii. cannot vote on any matter that is to be decided at the meeting.
- 13.15 The Association Committee in its discretion may:
- i. engage, control, direct or dismiss employees of the Association;
  - ii. authorize payments of accounts incurred in accordance with the provisions of the Constitution; and
  - iii. do or authorize such administrative acts as are necessary to properly perform the functions of the Objects of the Association in accordance with the provisions of the Constitution.
- 13.16 Any Association Committee member having any material personal interest in any matter under discussion must inform the Association Committee of such interest. If the Chairperson agrees that a material personal interest exists the member must not be present while the matter is being considered and must not participate in the voting process. The Association Secretary will record in the Minutes the nature and extent of the interest and the relation of the interest to the activities of the Association.

## 14. Annual General Meetings

- 14.1 The Annual General Meeting shall be held not later than June 30<sup>th</sup> in each year.
- 14.2 Each Club shall be given 21 days notice in writing of the date of the Annual General Meeting. Such notice shall include an Agenda to be followed.
- 14.3 The Chairman shall be:
  - i. the President, or in his absence;
  - ii. the Vice President, or in the absence of both;
  - iii. a member appointed by the meeting.
- 14.4 Six financial Clubs shall form a quorum.
- 14.5 Where a quorum is not present at an Annual General Meeting the Chairperson will adjourn the meeting to another date not less than seven nor more than thirty five days later. All Clubs will be notified of the new date, venue and reasons for same not less than three clear days prior to the new date. Upon recommencement of the adjourned AGM the Chairperson may elect to conduct the meeting with such Clubs as are represented, provided the number is not less than five. Written votes shall carry over from the adjourned Annual General Meeting, unless superseded by the Club providing the vote.
- 14.6 Any Individual Member wishing to have a motion put, or matter discussed, shall do so through their own Club.
- 14.7 Any Club wishing to move a resolution at the Annual General Meeting shall give written notice of that resolution to the Association Secretary not later than the twelve weeks prior to the Annual General Meeting.
- 14.8 If the Annual General Meeting has not been called by the 30<sup>th</sup> day of June in any year, any five Clubs may convene and conduct that Annual General Meeting, provided that such meeting is convened and conducted in accordance with the provisions of this Constitution.
- 14.9 Any discussion during General Business which is not the subject of a Notice of Motion, which leads to a duly seconded substantive motion being passed by those present, shall only be in the form of a recommendation to the Association Committee.
- 14.10 Where any such motion referred to in sub-section 14.9 directly or indirectly affects the general membership, the Association Committee shall bring the substance matter before Clubs by way of a postal ballot, in accordance with the specific requirements of Section 18, Voting Rights.
- 14.11 The Agenda for the Annual General Meeting shall be:
  - i. Opening of the meeting
  - ii. Apologies
  - iii. Minutes of the previous Annual General Meeting
  - iv. Reports
  - v. Notices of motion
  - vi. Matters referred by the Association Committee
  - vii. Issues of material personal interest
  - viii. Setting of Club Affiliation and Member Capitation Fees
  - ix. Payment of honoraria
  - x. General business
  - xi. Declaration of offices vacant
  - xii. Election of temporary chairperson to conduct election

- xiii. Election of Association Committee members for next term
- xiv. Appointment of auditor
- xv. Close of meeting

## **15. Extraordinary General Meetings**

- 15.1 The Association Committee may, at any time for any special purpose, call an Extraordinary General Meeting.
- 15.2 Twenty one days notice of such meeting shall be given to all Clubs and the notice shall include an agenda and a statement as to the purpose and nature of the business to be transacted. No other business shall be dealt with.
- 15.3 An Extraordinary General Meeting may be called by Clubs by service on the Association Secretary of a requisition signed by at least 20% of Association Members.
- 15.4 All such requisitions shall be signed by the president and secretary of each of the Clubs directed to do so by a majority vote at a general meeting of those Clubs called in accordance with their respective constitutions for the purpose of considering the issue of such a requisition. A requisition shall be accompanied by a declaration from each of the signatory Clubs which shall also be signed by the president and secretary of those Clubs. Such declaration shall state:
  - i. that a meeting of such Club has been held at which a resolution was passed by a majority of the members present directing that the Club serve a requisition on the Association Secretary to convene an Extraordinary General Meeting;
  - ii. the date of the Club meeting; and
  - iii. the number of members present at that particular meeting.
- 15.5 The requisition shall state the purpose for which the meeting is required.
- 15.6 Six financial Clubs shall form a quorum.
- 15.7 The Agenda for the Extraordinary General Meeting shall be:
  - i. Opening of meeting;
  - ii. Apologies;
  - iii. Special business for which the meeting has been called;
  - iv. Close of business and meeting.
- 15.8 If an Extraordinary General Meeting has not been convened within sixty days after the service on the Association Secretary of the requisition referred to in sub-section 15.3. then the five Clubs may, subject to their compliance with the provisions of this Constitution, convene and conduct the meeting on behalf of the Association.
- 15.9 If a quorum is not present the Meeting shall be cancelled.

## **16. Nominations**

- 16.1 Any Individual Member wishing to stand for election as an Officer shall present to the Association Secretary a nomination form which must state clearly those positions to which the person named is nominated, and be signed by the nominee.
- 16.2 Nominations must be received by the Association Secretary not later than six weeks prior to the Annual General Meeting.
- 16.3 In addition to written nominations the Chairman shall take verbal nominations at the Annual General Meeting. A member who is unable to attend the meeting and who has

signified acceptance for nomination to a position in writing will be accepted as a nominee.

- 16.4 In the event that no nominee is elected to a position, a postal ballot of all Clubs shall be conducted. At least three weeks shall be allowed for new nominations to be received in writing, following which the ballot will take place. Each nominee shall be permitted to submit a resume setting out their credentials for the position and all such resumes shall be forwarded to Clubs prior to the ballot. Unsuccessful nominees may nominate again. The ballot will be conducted in accordance with sub-section 18.5.

## **17. Elections**

- 17.1 The election of all Association Committee Members shall be for a term of twelve months. The elections will be carried out at each Annual General Meeting in the order provided for in sub-section 12.1.
- 17.2 All elections shall be by secret ballot.
- 17.3 All positions on the Association Committee must receive a majority of the votes cast to be elected. A blank voting form shall not be considered a valid vote. In the event of a tie, another vote will be taken. Should the second vote be tied, the Chairperson shall declare a vacancy and order a postal ballot of Clubs for that position.

## **18. Voting Rights**

- 18.1 Association Committee Meetings
- i. Each member of the Association Committee shall have one vote.
  - ii. Votes may be recorded by a show of hands.
  - iii. Where a tied vote occurs the Chairperson shall have a casting vote.
  - iv. Where a matter arises which, in the opinion of the President requires swift resolution, prior to the next scheduled Association Committee Meeting, but which may not necessarily warrant the calling of a special committee meeting, the President may decide to take a vote from Committee members by way of:
    - a. a postal ballot
    - b. an electronic vote by email or fax
    - c. a telephone vote
    - d. a combination of the above in order to include all committee membersor
  - v. may decide the matter, based on relevant facts, to a suitable interim conclusion to be ratified at the next scheduled Committee Meeting.
- 18.2 Annual General Meetings and Extraordinary General Meetings
- i. Each Club shall have one vote.
  - ii. Each Club may elect or appoint a financial member from their own Club, who is an individual affiliated with the Association, as their delegate to represent the Club and vote on its behalf or as directed by the appointing Club.
  - iii. Members of the outgoing Association Committee are ineligible to be delegates.
  - iv. Each appointment for a delegate shall be in writing and presented to the Association Secretary at Registration or prior to voting.
  - v. A person may be a delegate for one Club only.

- vi. Any Club which is unable to have a delegate appointed or attend may register a written vote with the Association Secretary on a motion or positions for elections. Written votes may be sent by electronic means and must be received by the Association Secretary or the appointed Returning Officer at least 24 hours prior to the commencement of the meeting.
- vii. Where a tied vote occurs the Chairperson shall determine to put that particular matter to a postal ballot of Clubs.
- viii. Special Resolutions require 75% majority of votes cast. Unless otherwise stipulated in this Constitution, all other motions and resolutions are passed with a majority of votes cast.
- ix. With the exception of the election of Association Committee members, voting may be by a show of hands, unless a secret ballot is requested by delegates.

#### 18.3 Standing and Ad Hoc Committee

- i. Each member of the committee shall have one vote.
- ii. Voting may be by a show of hands.
- iii. Where a tied vote occurs the Chairperson shall have a casting vote.

#### 18.4 Unless otherwise stipulated within the Constitution a majority of the votes cast is sufficient for the Chairperson to declare a motion or resolution passed and therefore binding on the Association.

#### 18.5 Postal ballots

- i. Any business which might lawfully be conducted at a meeting may be conducted by a postal ballot.
- ii. Any Club requesting a postal ballot must present their request in writing to the Association Secretary who will present it at the next Committee Meeting. The Committee will decide whether or not a postal ballot is required and will advise Clubs accordingly.
- iii. The Secretary shall send to Clubs a clear statement of the matter to be voted upon and the date on which voting shall close, which shall be not less than thirty days.
- iv. All postal votes shall be by secret ballot.
- v. Upon a postal ballot being taken each Club will have one vote.
- vi. Upon the close of voting a duly appointed Returning Officer shall present the votes to the Association President at a Committee Meeting. The Association President shall declare the result of the vote.
- vii. Within fourteen days after the close of voting the Association Secretary shall forward a statement of the result of the voting to each Club.

## 19. Notices

### 19.1 Clubs

Any Notice which is required under this Constitution to be given to any Club may be given by forwarding same by prepaid post to the secretary of that Club listed in the Register of Association Members.

### 19.2 Individuals

Any Notice which is required to be given under this Constitution to individuals may be given by sending same by prepaid post, addressed to the person as shown in the Register of Individual Members as supplied by the relevant Club, at the address last stated therein.

- 19.3 All Notices sent in compliance with this Constitution, to either Club officials or individuals are deemed to have been received at the time when the letter would have been received in the ordinary course of post.

## 20. Discipline

### 20.1 Affiliated Clubs.

- i. The Association Committee shall have the power to penalise any Club which is found guilty of infringement of any of the provisions of the Association's Constitution, Regulations or Rules.
- ii. Any Club which may be considered to have infringed any section of the Constitution, Regulations or Rules shall be called upon to appear before the Association Committee to answer such charges as may be brought against it and if such charges be found proven the Association Committee may reprimand, suspend or expel the Club, or take such other action which it considers appropriate.
- iii. Any Club which may be considered to have been guilty of unfair practice, bringing the sport of pistol shooting into disrepute, or misbehaviour related to pistol shooting or the interests of the Association may be suspended and shall be called to appear before the Association Committee to answer such charges as may be brought against it. If such charges are found proven the Club may be reprimanded, further suspended, expelled, or otherwise penalised.
- iv. Any Club so reprimanded, suspended, expelled or penalised shall be notified in writing by the Association Secretary within fourteen days of such penalty being imposed.

### 20.2 Suspensions & Expulsions of Affiliated Clubs.

- i. In the event of a Club being suspended in accordance with the Constitution all members of that Club will be deemed to be suspended from activity within the Association. A suspended Club and its Individual Members shall, if the suspension is for a period exceeding three months, surrender all pistols in possession which have been supported in their licensing by the Association, to another person legally permitted to hold the pistol for the period of suspension.
- ii. In the event of the Club being expelled in accordance with the Constitution all Individual Members of that Club will be deemed to be expelled from the Association and their firearms licences will no longer be supported by the Association.

### 20.3 Individual Members

- i. The Association Committee shall have the power to penalise any Individual Member who is found guilty of infringement of the Association Constitution, Regulations or Rules.
- ii. Any member who may be considered to have infringed any provision of the Association Constitution, Regulations or Rules, shall be called upon to appear before the Association Committee to answer such charges as may be brought against them.
- iii. If any such charge be found proven the Association Committee may reprimand, suspend or expel the member, or impose such other penalty it considers appropriate.
- iv. Any member who may be considered to have been guilty of unfair practice, bringing the sport of pistol shooting into disrepute, or misbehaviour related to pistol shooting or the interests of the Association, may be called to appear before the Association Committee to answer such charges as may be brought against

them. If such charges are found proven the Association Committee may reprimand, suspend or expel the member, or impose such other penalty as the Association Committee considers appropriate.

- v. Any member so reprimanded, suspended, expelled or otherwise penalised shall be notified in writing by the Association Secretary within fourteen days of such penalty being imposed.

#### 20.4 Suspensions & Expulsions of Individual Members

- i. In the event of an Individual Member being suspended in accordance with this Constitution then during the period of suspension the person shall cease to enjoy the privileges of membership of the Association and shall not be entitled to participate in any competition conducted by the Association or any affiliated Club.
- ii. Where a period of suspension exceeds three months the suspended person shall surrender all pistols in possession, which have been licensed through the Association, to another person legally permitted to hold the pistol for safe keeping during the period of suspension.
- iii. A member expelled in accordance with this Constitution shall cease to enjoy the privileges of membership of the Association and is not entitled to participate in any competition organised by the Association or any affiliated Club.
- iv. A member so expelled shall surrender all pistols in possession which have been licensed through the Association, to another person legally permitted to hold the pistol.
- v. An Individual Member holding financial membership of more than one affiliated Club, shall have such memberships subjected to whatever decisions the Association Committee may make in relation to them where any of the Clubs is penalised, or where the Individual is personally suspended or expelled from any of them.

#### 20.5 Penalties and Appeals

- i. A Club or Individual Member shall have the right of appeal against any penalty imposed under this Constitution, provided that a written Notice of Appeal is lodged with the Association Secretary within twenty one calendar days of the Notice of Penalty having been given. The Notice of Appeal shall clearly state whether the verdict or penalty or both is appealed, and it shall state the grounds for the appeal.
- ii. All appeals shall be heard before an Appeals Tribunal. The Tribunal shall consist of three presidents of Clubs or their appointed delegates. They shall not be presidents or delegates of any Club to which the penalised member belongs. The Association President or his appointed delegate shall be present at an Appeal Hearing in an advisory capacity only and shall not have any vote.
- iii. An Appeals Tribunal shall be appointed by the Association President within seven calendar days of the Association Secretary receiving a valid Notice of Appeal.
- iv. Upon appointment the Tribunal shall elect a Chairperson, who shall be responsible for convening a hearing at an appropriate venue, time and date within forty five days.
- v. The member appealing may elect to be self represented or may have a delegate, who is an Individual Member, as a representative.
- vi. An appellant shall be notified in writing of the venue, date and time of an Appeal Hearing not less than seven calendar days prior to the date.
- vii. A majority decision of the Appeals Tribunal shall uphold or dismiss the original verdict, and may uphold or vary the original penalty. The Appeals Tribunal may adjourn for a period not more than three calendar days to consider the facts presented before making a decision. All decisions of an Appeals Tribunal shall be



conveyed in writing to the appellant and the Association President forthwith.

- viii. All decisions of an Appeals Tribunal are binding, final and conclusive.
- ix. Where a Notice of Appeal has not been filed within the appropriate time the original verdict and penalty shall be binding, final and conclusive.
- x. The production by the Association Secretary of a copy of the final decisions arrived at by an Appeals tribunal under the provisions of this Constitution shall be a complete bar to any action at law or in an equity in respect of any of the matters adjudicated upon.

## **21. Disputes**

Disputes under or related to this Constitution, either between Clubs or between a Club and the Association, shall be dealt with in accordance with the relevant dispute resolution procedures contained in the Association's Constitution, Regulations and rules. If such dispute cannot be resolved any party to the dispute may apply to the State Administrative Tribunal to determine the dispute.

## **22. Association Regulations and Rules**

- 22.1 The Association Committee may make, amend, alter or revoke the Regulations of the Association or make Rules as required to give full effect to the provisions of the Constitution and for ensuring safety in the handling, storage and use of firearms.
- 22.2 All Regulations and Rules are as equally binding on Clubs and Individual Members as is this Constitution, but shall not be in opposition to any of the provisions of the Constitution.

## **23. Trusteeship and Common Seal**

- 23.1 The Association President is the ex-officio Trustee of the Association. All property of the Association is vested in the Office of the Association President for and on behalf of the members of the Association.
- 23.2 The Association shall have a Common Seal which shall be in the custody of the Association Secretary. All deeds and documents to which it is determined the Common Seal shall be affixed shall be signed and dated by the Association Secretary and co-signed by the Association President or Vice President. The Common Seal shall only be used with the authority of the Association Committee.

## **24. Amendments to the Constitution**

- 24.1 The Association Constitution shall not be added to, amended or repealed unless each Club has received twenty one days notice, in writing, of any such proposed change.
- 24.2 All changes to the Constitution require a Special Resolution which must be passed by 75% of the votes recorded at an Annual General Meeting or Extraordinary General Meeting called for the purpose.
- 24.3 The Association President and Secretary shall ensure that Constitutional changes are registered with the appropriate State Government authority within thirty days of the meeting at which the change has been accepted and adopted.
- 24.4 An amendment to the Constitution having effect to alter the objects of the Association does not take effect until sub-rule 28.3 is complied with and the approval of the

appropriate State Government authority is given to the alteration of the objects.

## **25. Matters not covered in this Constitution**

Where any subject or dispute or matter not covered by this Constitution is brought before the Association Committee they shall have the power to adjudicate on the matter or make any lawful decision or ruling to resolve the issue. Such decision, adjudication or ruling shall be binding on the Association and the Committee may recommend an amendment to the Constitution.

## **26. Dissolution**

- 26.1 A notice of motion to dissolve the Association may be presented on the agenda of an Annual General Meeting or an Extraordinary General Meeting called for that specific purpose.
- 26.2 For any such Special Resolution to be accepted there must be a 75% majority of votes cast counted in the affirmative.
- 26.3 In the event of the resolution being confirmed by a 75% majority of the votes cast, the Association Committee shall, at such date as was specified in The Notice of the Resolution to Members, commence the total realisation of all of the property and assets of the Association.
- 26.4 If upon the dissolution and winding up of the Association and the satisfaction of all of its debts and liabilities there remains any property or funds whatsoever it shall not be disposed of by distribution among Members.
- 26.5 All property or funds remaining shall be given or transferred to:
  - i. another Incorporated association having objects similar wholly or in part to the Objects of this Association; or
  - ii. for charitable purposes.

Such institution shall be determined by the Association Members at or prior to the date set for Dissolution.

## Incorporation

The West Australian Pistol Association was incorporated under the Associations Incorporations Act of 2015 and as amended; Section 9 (1); on the 9<sup>th</sup> day of November 1960; to become the West Australian Pistol Association Incorporated.

Registered number      A0600051D.

## Adoption

I certify that the rules are true and correct and passed by Special Resolution at the Annual General Meeting at Rhein Donau Pistol Club, held on 29<sup>th</sup> April 2018

Name Graeme Nicholls

Position Secretary

Signature .....

Lodged with the Department of Commerce on: 11<sup>th</sup> May 2018

Common Seal affixed by authority of The Committee on 11<sup>th</sup> May 2018

Secretary .....

President .....

Common Seal of the  
West Australian Pistol  
Association Inc

