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# KALAMUNDA PISTOL CLUB INCORPORATED

Registered Number A0700006M

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## CONSTITUTION

(As adopted on the 11 March 1970)  
(As amended on 4 October 2016)  
(As amended and rewritten 17 June 2018)  
(As accepted on 25 June 2023)  
(As accepted on 25 November 2023)

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This is the Annexure Marked "A" of 30 pages referred to in Form 5 signed by me and dated

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Lodged by : .....

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## PART 1 — PRELIMINARY

### 1. Terms Used

In these Constitution, unless the contrary intention appears —

**Act** means the *Associations Incorporation Act*,

**Commissioner** means the person for the time being designated as the Commissioner under the Act;

**committee** means the management committee of the Club;

**financial records** includes —

- (a) invoices, receipts, orders for the payment of money, bills of exchange, cheques, promissory notes and vouchers; and
- (b) documents of prime entry; and
- (c) working papers and other documents needed to explain —
  - (i) the methods by which financial statements are prepared; and
  - (ii) adjustments to be made in preparing financial statements;

**general meeting**, of the Club, means a meeting of the Club that all members are entitled to receive notice of and to attend;

**member** means a member of the Club who is either a full member, junior member, life member, associate member or social member of the Club as defined in rule 10;

**ordinary committee member** means a committee member who is not an office holder of the Club under rule 24(1).

**register of members** means the register of members referred to in the Act;

**special general meeting** means a general meeting of the Club other than the annual general meeting;

**special resolution** means a resolution passed by the members at a general meeting, as defined in the Act;

**subcommittee** means a subcommittee appointed by the committee under rule 50(1)(a);

**WAPA** means the West Australian Pistol Association (Inc.)

## 2. Name

The name of the Club is Kalamunda Pistol Club Incorporated (hereinafter referred to as "the Club").

## 3. Objects

The objects of the Club are:

- (1) To promote and control organised pistol and revolver shooting amongst its members
- (2) To promote competitive target shooting among its members for enjoyment and to State, National, International and Olympic standards
- (3) To affiliate with the "West Australian Pistol Association Incorporated" (hereinafter referred to as the "WAPA").

## 4. Powers

The Club shall have the following powers:

- (1) To purchase, take on lease or exchange, hire or otherwise acquire any real or personal property or any rights or privileges which the Club may feel necessary or convenient.
- (2) To sell, exchange, lease, mortgage, hire, dispose of or otherwise deal with all or any part of the real and personal property of the Club.
- (3) To affiliate with bodies whose objects are similar or conducive to the objects of the Club.

- (4) To open and operate bank accounts
- (5) To invest its money in any security in which trust monies may lawfully be invested or in any other manner authorised by the rules of the Club.
- (6) To enter into any other contract it feels necessary or desirable.

## **PART 2 — ASSOCIATION TO BE NOT FOR PROFIT BODY**

### **5. Not for Profit Body**

- (1) The property and income of the Club must be applied solely towards the promotion of the objects or purposes of the Club and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to any member, except in good faith in the promotion of those objects or purposes.
- (2) All records and documents in any form of electronic and or other forms of storage, perpetual trophies and any other property held by officer bearers of the Club or Club members shall remain the property of the Club and must be returned upon any request from the Club.
- (3) A payment may be made to a member out of the funds of the Club only if it is authorised under subrule (4).
- (4) A payment to a member out of the funds of the Club is authorised if it is —
  - (a) the payment in good faith to the member as reasonable remuneration for any services provided to the Club, or
  - (b) for goods supplied to the Club, in the ordinary course of business; or
  - (c) the payment of interest, on money borrowed by the Club from the member, at a rate not greater than the cash rate published from time to time by the Reserve Bank of Australia; or
  - (d) the payment of reasonable rent to the member for premises leased by the member to the Club; or
  - (e) the reimbursement of reasonable expenses properly incurred by the member on behalf of the Club.

## **PART 3 — MEMBERS**

### **6. Eligibility for Membership**

- (1) Any person who supports the objects or purposes of the Club is eligible to apply to become a member.

### **7. Applying for membership**

- (1) A person who wants to become a member must apply in writing to the Club on the prescribed form and provide supplementary information as required by the Committee.
- (2) The application must include a member's nomination for membership.

- (3) The application must be proposed and seconded by two separate financial full members of the Club.
- (4) The application must be signed by the applicant and proposer and seconder of the applicant.
- (5) The applicant must specify in the application the class of membership to which the application relates.

## **8. Dealing with Membership Applications**

- (1) The Committee must consider each application for membership of the Club and decide whether to accept or reject the application.
- (2) The number of members in the Club shall be at the discretion of the committee.
- (3) Subject to subrule (4), the committee must consider applications in the order in which they are received by the Club.
- (4) The committee may delay its consideration of an application if the committee considers that any matter relating to the application needs to be clarified by the applicant or that the applicant needs to provide further information in support of the application.
- (5) The committee must not accept an application unless the applicant —
  - (a) is of good character;
  - (b) has paid the requisite nomination fee;
  - (c) agrees to become familiar with and abide by the Club Constitution and By-laws;
  - (d) is eligible under rule 6; and
  - (e) has applied in accordance with rule 7.
- (6) An application for membership must be determined by a simple majority of the Committee.
- (7) The Committee may reject an application even if the applicant complies with the criteria in subrule (5).
- (1) The Secretary must notify the applicant of the committee's decision to accept or reject the application as soon as practicable after making the decision. In the case of rejection the Club must refund in full the nomination fee and also advise the proposer and seconder of the Applicant.
- (8) If the committee rejects the application, the committee is not required to give the applicant its reasons for doing so.

## **9. Becoming a Member**

An applicant for membership of the Club becomes a member when —

- (a) the committee accepts the application; and
- (b) the applicant pays any membership fees payable to the Club under rule 13.

## **10. Membership Class**

- (1) The Club members are classified as being either Full Members, Junior Members, Associate Members or Social Members.
- (2) The number of members of any class is not limited unless otherwise approved at an Annual General Meeting or Special General Meeting called for that purpose.

- (3) All Members have full voting rights and any other rights conferred on members by these rules or approved at a general meeting or determined by the Committee.
- (4) Junior Members shall be admitted to membership of the Club, with voting rights, in accordance with the WAPA Regulations and as stated in this Constitution.
- (5) An Associate Member may be admitted to the Club in accordance with this constitution; and
  - (a) shall be a person currently being a full and financial member of another Club affiliated with the WAPA;
  - (b) shall not have firearm support from the Club;
- (6) A Social Member has no voting or shooting rights and shall not have firearm support from the Club.
- (7) The Committee may recommend any person to be elected to a Life Member of the Club for meritorious work for the Club;
  - (a) A Life Member may only be elected at an Annual General Meeting or Special General Meeting called for that purpose and by a 70% majority of those members present and eligible to vote.
  - (b) An elected Life Member shall remain as such during their lifetime
  - (c) A Life Member shall not be liable for any payment of annual Club subscriptions but is liable for payment of WAPA capitation fees, but an active and shooting Life Member is liable for any levies as may be determined by the Committee for special purposes. The Committee may waive the requirement for Life Members to pay WAPA capitation fees at its discretion.
  - (d) The Committee may recommend the withdrawal of Life Membership if that person is found guilty of conduct which would render the person liable to suspension or expulsion as an ordinary member. The withdrawal of Life Membership may only be passed at an Annual General Meeting or Special general Meeting called for that purpose.
  - (e) A Life Member is subject to disciplinary action as detailed in Section 16 of this Constitution with the exception of expulsion, which is to be dealt with under section 10, subsection 7(d)

## **11. When Membership Ceases**

- (1) A person ceases to be a member when any of the following takes place — (a) for a member who is an individual, the individual dies;
  - (b) the person resigns from the Club under rule 12; (c) the person is expelled from the Club under rule 16; or
  - (d) the person ceases to be a member under rule 14(1)(b).
- (2) The secretary must keep a record, for at least one year after a person ceases to be a member, of —
  - (a) the date on which the person ceased to be a member; and (b) the reason why the person ceased to be a member.

## **12. Resignation**

- (1) A member may resign from membership of the Club by giving written notice of the resignation to the secretary.
- (2) The resignation takes effect —
  - (a) when the secretary receives the notice; or

- (b) if a later time is stated in the notice, at that later time.
- (3) A person who has resigned from membership of the Club remains liable for any fees or levies that are owed to the Club (the owed amount) at the time of resignation.
- (4) The owed amount may be recovered by the Club in a court of competent jurisdiction as a debt due to the Club.
- (5) The Secretary shall notify the Secretary of WAPA in writing of the resignation of any member of the Club upon receipt of such notice.

### **13. Rights not Transferable**

The rights of a member are not transferable and end when membership ceases.

### **14. Membership Fees**

- (1) The annual subscriptions for the various classes of membership shall be determined at the Annual General Meeting, with the exception of WAPA and/or PA fees and levies which will be altered as WAPA and/or PA advise the Club of those fees and levies.
- (2) The Treasurer will issue invoices as soon as is practicable after the Annual General Meeting, but not more than 30 days after the Annual General Meeting. Membership fees fall due 30 days from the date the invoice is issued.
  - (a) Any member whose subscription is unpaid at the due date shall be, by definition, not a financial member of the Club.
  - (b) Any member whose subscription is unpaid 60 days after the invoice due date shall cease to be a member and it shall be so recorded.
  - (c) The committee may reinstate defaulting members on payment of all arrears and current fees providing payment is finalised by 90<sup>th</sup> day after the invoice falls due
  - (d) If more than the prescribed three months from the invoice due date have elapsed, the defaulting person requesting reinstatement shall re-apply for membership in accordance with the requirement of this constitution.
- (3) No member whose subscription is in arrears can compete in any competition of the Club or vote at any meeting.
- (4) No new member shall be affiliated with the WAPA until their Club fees have been paid in full
- (5) Pro Rata subscriptions.
  - (a) Pro rata subscriptions are due within thirty (30) days of advice and payable by members joining the Club between 1st October and the 31st of July each year.
  - (b) If more than sixty (60) days have elapsed without payment of the Pro Rata subscription the defaulting new member shall re-apply for membership in accordance with the requirements of this constitution.
- (6) Past Members-
  - (a) Members who have resigned in good standing shall have a twenty four (24) month grace period in which they may rejoin the Club without the requirement of a nomination fee.
  - (b) The committee has the discretion to reduce the nomination fee for a past member of good standing when applying to rejoin the Club after an absence of longer than twenty four (24) months



- (7) Nomination fees for joining members.
  - (a) Nomination fees shall be determined by the Annual General Meeting and shall be due and payable with the application for membership to the Club.
  - (b) The nomination fee of unsuccessful applicants shall be refunded.
- (8) Training fees for new members
  - (a) New members may be required to pay a training fee to cover the cost of consumables.
  - (b) The training fee will be determined by the Committee
  - (c) Once training has commenced, the training fee is not refundable
  - (d) If the new member does not commence training, they may apply for the training fee to be refunded.
- (9) Levies -
  - (a) The committee at an Annual General Meeting or a Special General Meeting called for that purpose may from time to time authorise the imposition of per capita levies on all members
  - (b) When imposing the levy the meeting shall state the purpose of the levy and the due date for its payment.
  - (c) If a levy is unpaid after twenty eight (28) days from the due date for payment the committee may declare any defaulting member non-financial, and such member shall cease to enjoy the privileges of membership and shall not be entitled to vote at any meeting of the Club and shall not be entitled to participate in any competition conducted by the Club.
  - (d) If the levy remains unpaid for in excess of sixty (60) days after the due date the defaulter shall cease to be a member of the Club and be so recorded.
- (10) Visitor Range fees, including competition fees for Open Shoots shall be determined by the Committee.

## **15. Register of Members**

- (1) The Secretary, or another person authorised by the committee, shall be responsible to maintain the register of all members and record in that register any change in the membership of the Club.
- (2) The register of members must include each member's:
  - (a) name;
  - (b) class of membership;
  - (c) the date on which each member becomes a member; and
  - (d) address, either residential or postal as nominated by the member.
- (3) The register of members must be kept at the Secretary's place of residence, or at another place determined by the committee.
- (4) A member who wishes to inspect the register of members must contact the secretary to make the necessary arrangements but shall have no right to remove the register for that purpose.
- (5) If —
  - (a) a member inspecting the register of members wishes to make a copy of, or take an extract from, the register; or
  - (b) a member makes a written request to be provided with a copy of the register of members,—the committee will require the member to provide a statutory declaration setting out the purpose for which the copy or extract is required and declaring that the purpose is connected with the affairs of the Club.

- (6) Members must notify the secretary in writing within seven (7) days of any change of their address.
- (7) The Secretary shall notify the secretary of WAPA of changes to the register of members
- (8) The Secretary shall notify the secretary of WAPA of any changes in the office bearers of the Club within seven (7) days of the election or appointment of such office bearers.

## **PART 4 — DISCIPLINARY ACTION, DISPUTES AND MEDIATION** 16. Suspension or Expulsion

- (1) In this rule — **member**, in relation to a member who is expelled from the Club, includes former member
- (2) Any member shall have the right to bring to the notice of the committee, any unfair practice or misbehaviour concerned with any WAPA or Club By-Laws, Regulations, resolutions or any part of the Constitution by any member.
- (3) The committee may decide to reprimand, place on probation, suspend a member's membership, expel a member from the Club, or apply another penalty if —
  - (a) the member contravenes any portion of the Constitution or Club Rules or By-laws; or
  - (b) the member acts detrimentally to the interests of the Club or unfairly to another member
- (4) The Secretary must give the member written notice of the proposed suspension or expulsion at least 21 days before the committee meeting at which the proposal is to be considered by the committee.
- (5) The notice given to the member must state —
  - (a) when and where the committee meeting is to be held; and
  - (b) the grounds on which the proposed suspension or expulsion is based; and
  - (c) that the member, or the member's representative, may attend the meeting and will be given a reasonable opportunity to make written or oral (or both written and oral) submissions to the committee about the proposed suspension or expulsion;
- (6) At the committee meeting, the committee must —
  - (a) give the member, or the member's representative, a reasonable opportunity to make written or oral (or both written and oral) submissions to the committee about the proposed suspension or expulsion; and
  - (b) give due consideration to any submissions so made; and
  - (c) decide —
    - (i) whether or not to reprimand or place on probation and, if the decision is to place on probation, the period of probation. or
    - (ii) whether or not to suspend the member's membership and, if the decision is to suspend the membership, the period of suspension; or (iii) whether or not to expel the member from the Club.
- (7) A decision of the committee to place on probation or to suspend the member's membership or to expel the member from the Club takes immediate effect.
- (8) The committee must give the member written notice of the committee's decision, and the reasons for the decision, within seven (7) days after the committee meeting at which the decision is made.

## **17. Consequences of Probation and Suspension**

- (1) During the period a member is on probation the member retains any shooting and or voting rights but must comply with the probation conditions as determined by the committee.
- (2) During the period a member's membership is suspended, the member —
  - (a) loses any rights (including shooting and voting rights) arising as a result of membership; and
  - (b) is not entitled to a refund, rebate, relief or credit for membership fees paid, or payable, to the Club.
- (3) A suspended member must surrender all Club supported pistols in his or her possession to the Commissioner of Police or a registered firearms dealer for safe keeping during the period of suspension and provide to the Club written proof of the stated safe keeping.
- (4) When a member's membership is suspended, the secretary must record in the register of members —
  - (a) that the member's membership is suspended; and (b) the date on which the suspension takes effect; and (c) the period of the suspension.
- (5) When the period of the suspension ends, the secretary must record in the register of members that the member's membership is no longer suspended.
- (6) Rules 16 and 17 shall not prevent the committee from applying other penalties, including suspension of certain privileges or financial penalty

## **18. Grievance Procedure**

- (1) The grievance procedure in this Constitution applies to disputes;
  - (a) between members; or
  - (b) between one or more members and the Club,
- (2) The parties to a dispute must attempt to resolve the dispute between themselves.
- (3) This section does not give any right to a grievance procedure where the dispute is between an individual Member and the Committee

## **19. How Grievance Procedure is Started**

- (1) If the parties to a dispute are unable to resolve the dispute between themselves within 28 days after the dispute has come to the attention of each party, any party to the dispute may start the grievance procedure by giving written notice to the Secretary of —
  - (a) the parties to the dispute; and
  - (b) the matters that are the subject of the dispute.
- (2) Within 28 days after the Secretary is given the notice, if the dispute is not resolved a committee meeting must be convened to consider and determine the dispute.
- (3) The Secretary must give each party to the dispute written notice of the committee meeting at which the dispute is to be considered and determined at least seven days before the meeting is held.
- (4) The notice given to each party to the dispute must state — (a) when and where the committee meeting is to be held; and
  - (b) that the party, or the party's representative, may attend the meeting and will be given a reasonable opportunity to make written or oral (or both written and oral) submissions to the committee about the dispute.
- (5) The Committee must not determine the dispute if;
  - (a) the dispute is between one or more members and the Club; and
  - (b) any party to the dispute gives written notice to the secretary stating that the party —

- (i) does not agree to the dispute being determined by the committee;
- and (ii) requests the appointment of a mediator under rule 21.

## **20. Determination of Dispute by Committee**

- (1) At the committee meeting at which a dispute is to be determined, the committee must —
  - (a) give each party to the dispute, or the party's representative, a reasonable opportunity to make written or oral (or both written and oral) submissions to the committee about the dispute; and
  - (b) give due consideration to any submissions so made; and (c) determine the dispute.
- (2) The committee must give each party to the dispute written notice of the committee's determination, and the reasons for the determination, within 7 days after the committee meeting at which the determination is made.

## **21. Determination of Dispute by Mediation**

- (1) The Committee may request the President of WAPA or the President's delegate from the WAPA committee to mediate the dispute.
- (2) The nominated mediator must not:
  - (a) have a personal interest in the matter that is the subject of the mediation; or (b) be biased in favour of or against any party to the mediation.
- (3) The parties to the mediation must attempt in good faith to settle the matter that is the subject of the mediation.
- (4) Each party to the mediation must give the mediator a written statement of the issues that need to be considered at the mediation at least 5 days before the mediation takes place.
- (5) In conducting the mediation, the mediator must —
  - (a) give each party to the mediation every opportunity to be heard; and
  - (b) allow each party to the mediation to give due consideration to any written statement given by another party; and
  - (c) ensure that natural justice is given to the parties to the mediation throughout the mediation process.
- (6) The mediator cannot determine the matter that is the subject of the mediation.
- (7) The mediation must be confidential, and any information given at the mediation cannot be used in any other proceedings that take place in relation to the matter that is the subject of the mediation.
- (8) If the mediation process does not result in a dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

## **22. Appeal Against Suspension or Expulsion**

- (1) Any member, suspended or expelled shall have the right to appeal against such penalty but such appeal must be lodged in writing with the secretary within 21 days of notice being given. If any such appeal should be lodged a special general meeting must be held within 28 days of receipt of appeal at which meeting the appellant may explain his or her actions or speak in support of such appeal.

- (2) Upon the hearing of an appeal a vote shall be taken and a majority vote shall decide whether the appeal shall be upheld or dismissed or the penalty varied, except that the variation shall not exceed the original.
- (3) In the event of an appeal not having being lodged within the time frame allowed the dispute resolution shall be considered final and conclusive.
- (4) In the event a quorum is not present in order to convene a special general meeting, the appeal will be considered as not upheld.

## **PART 5 — COMMITTEE**

### **23. Committee Powers**

- (1) The management of the Club shall be vested in a Management Committee herein after referred to 'the Committee' who shall have the power to manage the affairs of the Club.
- (2) Subject to the Act, this constitution, the Club Rules and By-laws and any resolution passed at a general meeting, the committee has power to do all things necessary or convenient to be done for the proper management of the affairs of the Club.
- (3) The committee must take all reasonable steps to ensure that the Club complies with the Act, this Constitution and the Club Rules and By-laws.
- (4) In addition to the powers specifically conferred on it the Committee shall have the power to-
  - (a) Engage, control, direct or dismiss servants of the Club
  - (b) Authorise payments of accounts incurred in accordance with this Constitution.
  - (c) Authorise such administrative acts as may be necessary to properly carry out the objects of the Club in accordance with this Constitution.
  - (d) Make rules not inconsistent with this Constitution. Rules so made shall not be amended, altered or rescinded by the Committee unless with the consent of the majority of the committee members, and then only provided twenty eight (28) days notice of the proposal to vary such rules has been given in writing to the Secretary.

### **24. Committee Members**

- (1) The committee members consist of —
  - (a) the office holders of the Club; and (b) ordinary committee members.
- (2) The following are the office holders of the Club —
  - (a) the President;
  - (b) the Vice President;
  - (c) the Secretary;
  - (d) the Treasurer;
  - (e) the Captain;
  - (f) the Scorer/Handicapper
  - (g) the Coach.
  - (h); (i)
- (3) The President, Vice President, Secretary and Treasurer shall be deemed to be the Executive Officers of the Club.
- (4) A person may be a committee member if the person is — (a) an individual who has reached 18 years of age and is not excluded under the provisions in the Act.
- (5) The Committee may decide prior to the Annual General Meeting how many ordinary committee members shall be elected at the Annual General Meeting.
- (6) This in no way limits the Committee from appointing ordinary committee members as per section 42 of this Constitution, and in the amount the Committee deems as necessary.

## **25. Patron and Vice Patrons**

- (1) There may be one patron and one or more vice-patrons.
- (2) These positions shall be regarded as honorary and which may be granted by the Club at an Annual General Meeting.

## **26. President**

- (1) There shall be one President who shall be the senior officer of the Club.
- (2) The President has the powers and duties relating to convening and presiding at committee meetings and presiding at general meetings provided for in this constitution.
- (3) The President shall be an ex-officio member of all regular and special sub-committees of the Club.
- (4) The responsibility for public statements on policy and matters concerning the well being of the Club shall be with the President or a delegate authorised by the President.

## **27. Vice President**

- (1) There shall be one Vice President.
- (2) The vice -president shall perform the duties of the President in the President's absence or at the President's request. The Vice President can only perform the duty stated in rule 26(4) if authorised to do so by the President.

## **28. Secretary**

- (1) There shall be one Secretary.
- (2) The Secretary shall keep and maintain on behalf of the Club the Club Register of Members and provide access to the register in accordance with rule 15.
- (3) The Secretary shall keep a record of the persons present at, and minutes of the proceedings of, all meetings of the Club.
- (4) The secretary shall prepare and distribute notices required for meetings and for the business to be conducted at all meetings as required by the Constitution and directed by the Committee.
- (5) The Secretary shall conduct all correspondence in connection with the Club as required by the Committee.
- (6) The Secretary shall keep and maintain in an up to date condition the Club Constitution and Bylaws and upon request of a member of the Club, must make available those rules for the inspection by the member and the member may make a copy of or take an extract from the rules but will have no right to remove the rules for that purpose.
- (7) Unless the members resolve otherwise at a general meeting, the Secretary shall have custody of all books, documents, records, and registers of the Club but other than those required by rule 29(8) to be kept and maintained by or in the custody of the Treasurer.

- (8) The Secretary shall carry out any other duty given to the secretary under this constitution or by the Committee.

## **29. Treasurer**

- (1) There shall be one Treasurer.
- (2) The Treasurer shall collect and receive all moneys on behalf of the Club and shall issue receipts for the same and shall deposit all such moneys in a banking account in the name of the Club at a bank approved by the Committee.
- (3) The Treasurer shall maintain to the satisfaction of the Committee a proper system of accounting for all moneys received or disbursed on behalf of the Club and shall present all accounts for payment to the Committee for approval.
- (4) The Treasurer shall present monthly financial statements to the Committee and shall have regard to any criticisms or advice in financial matters made or given by the Auditors of the Club or by the Committee or by any sub-committee appointed by the Committee for that purpose.
- (5) The Treasurer shall direct the adoption and supervise the operation of appropriate accounting procedures to be observed by any employee of the Club.
- (6) The Treasurer shall prepare and present to the Auditor the Balance Sheet and Income and Expenditure Account together with all relevant books, vouchers and explanations required by the Auditor to enable him to certify the correctness of the Balance Sheet and Income and Expenditure Account.
- (7) The Treasurer shall prepare and certify an Income and Expenditure Account for each year and shall present such Income and Expenditure Account and Balance Sheet together with the Auditor's certification relating thereto at the next Annual General Meeting.
- (8) Unless the members resolve otherwise at a general meeting, the Treasurer shall have custody of all securities, books and documents of a financial nature, and accounting records of the Club.
- (9) The Treasurer shall perform such other duties as are imposed by these rules.

## **30. Captain**

- (1) There shall be one Captain.
- (2) The Captain shall have charge of all ranges of the Club.
- (3) The Captain shall be responsible for the observance, of all safety precautions on and off the ranges of the Club and within the precincts of the Club premises.
- (4) The Captain shall be responsible for the formulation of the yearly club shooting calendar which shall be subject to approval by the Committee.
- (5) The Captain shall be responsible for the organisation and the conduct of all competitions of the Club in accordance with the rules and By-Laws of the Club.
- (6) The Captain will be responsible for any other duties that the Committee may request.
- (7) The Captain shall ensure that all ranges are prepared for calendar shoots.

### **31. Vice Captains**

Deleted

### **32. Scorer/Handicapper**

- (1) There shall be one official Scorer/Handicapper.
- (2) The Scorer/Handicapper shall be responsible for the recording of scores of all Club competitions, which will be considered to be official once recorded.
- (3) The Scorer/Handicapper shall prepare and maintain throughout the shooting year current records of all scores and matches shot by the members.
- (4) The Scorer/Handicapper shall encourage and tutor Club members in scoring procedures.
- (5) The Scorer/Handicapper shall prepare an official result sheet at the completion of all Club or Open shoots and provide copies to an Officer of the Club to enable presentation of awards at the completion of the competition.
- (6) The Scorer/Handicapper shall or as directed by the Committee, prepare and maintain records of all individual Club members shooting match attendances, scores and handicap throughout the shooting year.
- (7) The Scorer/Handicapper will advise the Committee of any infringements of the WAPA minimum activity requirements in accordance with the WAPA Regulations and Club By-Laws.

### **33. Coach**

- (1) There shall be one Coach.
- (2) The Coach shall be responsible for the training and coaching of Club members in all aspects of target pistol shooting, arrange coaching seminars, clinics and lectures as may be required.

### **34. Committee Members**

- (1) There shall be as many committee members needed to fulfil tasks as required by the Committee.

### **35. Officers with Special Duties**

- (1) Named Officers.
  - (a) There may be Named Officers elected by the Committee in Compliance with the WAPA Regulations, Club By-Laws and other regulatory bodies.
  - (b) The Club firearms shall remain in the custody of the Named Officers at all times.
  - (c) The Named Officers shall comply with the West Australian Police pistol licensing regulations pertaining to the custody of the Club firearms.
- (2) Club Instructors
  - (a) The Club Instructors shall be directed by and be responsible to the Club Coach.



- (b) The Club Instructors shall assist in the instruction and safe handling and the art of pistol and revolver shooting to members of the Club.

### **36. How members Become Committee Members**

A member becomes a committee member if the member —

- (a) is elected to the committee at an Annual General Meeting; or
- (b) is appointed to the committee by the committee to fill a casual vacancy.

### **37. Nomination of committee members**

- (1) At least 21 days before an annual general meeting, the secretary must send written notice to all the members calling for nominations for election to the committee.
- (2) A member who wishes to be considered for election to the committee at the annual general meeting may present to the Secretary a nomination form on which it must clearly state the position to which the person named is nominated and signed by the nominee.
- (3) The Chairperson will take written and/or verbal nominations at the Annual General Meeting.

### **38. Election**

- (1) At the Annual General Meeting, a separate election must be held for each position of office holder of the Club.
- (2) If only one member has nominated for an office holder position, the chairperson of the meeting must declare the member elected to the position. If more than one member has nominated for a position, the members at the meeting must vote by secret ballot to decide who is to be elected to the position.
- (3) If only the nominated number have nominated for an ordinary committee position, the chairperson of the meeting must declare the members elected to the position. If more than the required number have nominated for a position, the members at the meeting must vote by secret ballot to decide who is to be elected to the positions.
- (4) Each member present at the meeting may vote for one member who has nominated for the position.
- (5) A member who has nominated for the position may vote for himself or herself.
- (6) On his or her election, the new president of the Club may take over as the chairperson of the meeting.

### **39. Term of Office**

- (1) The term of office of a committee member begins when the member —
  - (a) is elected at an annual general meeting or under subrule 40(3)(b); or (b) is appointed to fill a casual vacancy under rule 42.
- (2) Subject to rule 41, a committee member holds office until the positions on the committee are declared vacant at the next annual general meeting.
- (3) A committee member may be re-elected.

#### **40. Resignation and Removal from Office**

- (1) A committee member may resign from the committee by written notice given to the Secretary or, if the resigning member is the Secretary, given to the president.
- (2) The resignation takes effect —
  - (a) when the notice is received by the Secretary or President; or (b) if a later time is stated in the notice, at the later time.
- (3) At a general meeting, the Club may by resolution — (a) remove a committee member from office; and
  - (b) elect a member who is eligible under rule 24(4) to fill the vacant position.
- (4) A committee member who is the subject of a proposed resolution under rule 40(3)(a) may make written representations (of a reasonable length) to the secretary or president and may ask that the representations be provided to the members.
- (5) The Secretary or President may give a copy of the representations to each member or, if they are not so given, the committee member may require them to be read out at the general meeting at which the resolution is to be considered.

#### **41. When Membership of Committee Ceases**

- (1) A person ceases to be a committee member if the person — (a) dies or otherwise ceases to be a member; or
  - (b) resigns from the committee or is removed from office under rule 40(3)(a) or
  - (c) becomes ineligible to accept an appointment or act as a committee member under the Act;
  - (d) becomes permanently unable to act as a committee member because of a mental or physical disability; or
  - (e) fails to attend two consecutive meetings of the Committee without apology or leave of absence. The Committee may then forward to such Committee member a notice requiring them to forward to the Committee within twenty one (21) days of the date of such notice, a written explanation for their failure to attend the said meetings. If such Committee member shall provide an explanation which in the opinion of the majority of the Committee is unsatisfactory or shall fail to comply with such request within the said time the Committee may without further notice to such Committee member suspend them for the balance of the term of their office and may thereupon appoint a substitute to fill the vacancy thereby created.
  - (f) A motion of no confidence may be brought against any individual Committee member. If the motion is carried by a two thirds majority of the Committee, the Committee may without further notice to such Committee member suspend them for the balance of the term of their office and may thereupon appoint a substitute to fill the vacancy thereby created.

#### **42. Filling Casual Vacancies**

- (1) The committee may appoint a member who is eligible under rule 24(4) to fill a position on the committee that —
  - (a) has become vacant under rule 40; or
  - (b) was not filled by election at the most recent Annual General Meeting or under rule 36(b).
- (2) The member so appointed to fill a casual vacancy shall retain office until the following Annual General Meeting.
- (3) If the position of Secretary becomes vacant, the committee must appoint a member who is eligible under rule 24(4) to fill the position within 28 days after the vacancy arises.

- (4) Subject to the requirement for a quorum under rule 47, the committee may continue to act despite any vacancy in its membership.
- (5) If there are fewer committee members than required for a quorum under rule 47, the committee may act only for the purpose of —
  - (a) appointing committee members under this rule; or (b) convening a general meeting.

#### **43. Validity of Acts**

The acts of a committee or subcommittee, or of a committee member or member of a subcommittee, are valid despite any defect that may afterwards be discovered in the election, appointment or qualification of a committee member or member of a subcommittee.

#### **44. Committee Meetings**

- (1) The committee shall meet once a month in each year at the dates, times and places determined by the committee.
- (2) The date, time and place of the first committee meeting must be determined by the committee members as soon as practicable after the annual general meeting at which the committee members are elected.
- (3) Special committee meetings may be convened by the chairperson or any two committee members
- (4) Notice of each committee meeting must be given to each committee member at least 48 hours before the time of the meeting

#### **45. Procedure and Order of Business**

- (1) The President or, in the President's absence, the Vice President must preside as chairperson of each committee meeting.
- (2) If the President and Vice President are absent or are unwilling to act as chairperson of a meeting, the committee members at the meeting must choose one of them to act as chairperson of the meeting.
- (3) The procedure to be followed at a committee meeting must be determined from time to time by the committee.
- (4) The order of business at a committee meeting may be determined by the committee members at the meeting.
- (5) A member or other person who is not a committee member may attend a committee meeting only if invited to do so by the committee.
- (6) A person invited under subrule (5) to attend a committee meeting —
  - (a) has no right to any agenda, minutes or other document circulated at the meeting; and
  - (b) must not comment about any matter discussed at the meeting unless invited by the committee to do so; and
  - (c) cannot vote on any matter that is to be decided at the meeting.

- (7) A member of the committee who has a material personal interest as defined in the Act in a matter being considered at a committee meeting must:
  - (a) as soon as he or she becomes aware of that interest, disclose the nature and extent of his or her interest to the committee;
  - (b) not be present while the matter is being considered at the meeting or vote on the matter; and
  - (c) disclose the nature and extent of the interest at the next general meeting of the Club.
- (8) The Secretary must record every disclosure made by a committee member of a material personal interest in the minutes of the committee meeting at which the disclosure is made.

#### **46. Use of Technology to be Present at Committee Meetings**

- (1) The presence of a committee member at a committee meeting need not be by attendance in person but may be by that committee member and each other committee member at the meeting being simultaneously in contact by telephone or other means of instantaneous communication.
- (2) A member who participates in a committee meeting as allowed under subrule (1) is taken to be present at the meeting and, if the member votes at the meeting, the member is taken to have voted in person.

#### **47. Quorum for Committee Meetings**

Not less than fifty percent of the committee members, inclusive of not less than two Executive Officers shall be in attendance to form a quorum for a properly convened meeting of the committee.

#### **48. Voting at Committee Meetings**

- (1) Each committee member present at a committee meeting has one vote on any question arising at the meeting.
- (2) A motion is carried if a majority of the committee members present at the committee meeting vote in favour of the motion.
- (3) If the votes are divided equally on a question, the chairperson of the meeting has a second or casting vote and shall maintain the status quo.
- (4) A vote may take place by the committee members present indicating their agreement or disagreement or by a show of hands, unless the committee decides that a secret ballot is needed to determine a particular question.
- (5) If a secret ballot is needed, the chairperson of the meeting must decide how the ballot is to be conducted.

#### **49. Minutes of Committee Meetings**

- (1) The committee must ensure that minutes are taken and kept of each committee meeting.
- (2) The minutes must record the following —
  - (a) the names of the committee members present at the meeting;
  - (b) the name of any person attending the meeting under 45(5);
  - (c) the business considered at the meeting;
  - (d) any motion on which a vote is taken at the meeting and the result of the vote.

- (3) The minutes of a committee meeting must be issued within 30 days after the meeting is held and a copy of the minutes shall be made permanently available on the Club premises for the information of the Club members.
  - (4) The chairperson must ensure that the minutes of a committee meeting are reviewed and propose a motion put to the Committee to agree that the minutes are a true and correct representation of the meeting.
- (5) When the minutes of a committee meeting have been agreed as correct as required in Section 49(4) they are, until the contrary is proved, evidence that —
- (a) the meeting to which the minutes relate was duly convened and held; and
  - (b) the matters recorded as having taken place at the meeting took place as recorded; and
  - (c) any appointment purportedly made at the meeting was validly made.

## 50. Subcommittees and Subsidiary Offices

- (1) To help the committee in the conduct of the Club's business, the committee may, in writing, do either or both of the following —
  - (a) appoint one or more subcommittees;
  - (b) create one or more subsidiary offices and appoint people to those offices.
- (2) A subcommittee may consist of the number of people, whether or not members, that the committee considers appropriate.
- (3) A person may be appointed to a subsidiary office whether or not the person is a member.
- (4) Subject to any directions given by the committee —
  - (a) a subcommittee may meet and conduct business as it considers appropriate; and
  - (b) the holder of a subsidiary office may carry out the functions given to the holder as the holder considers appropriate.

## 51. Delegation to Subcommittees and Holders of Subsidiary Offices

- (1) In this rule — ***non-delegable duty*** means a duty imposed on the committee by the Act or another written law.
- (2) The committee may, in writing, delegate to a subcommittee or the holder of a subsidiary office the exercise of any power or the performance of any duty of the committee other than — (a) the power to delegate; and (b) a non-delegable duty.
- (3) A power or duty, the exercise or performance of which has been delegated to a subcommittee or the holder of a subsidiary office under this rule, may be exercised or performed by the subcommittee or holder in accordance with the terms of the delegation.
- (4) The delegation may be made subject to any conditions, qualifications, limitations or exceptions that the committee specifies in the document by which the delegation is made.
- (5) A delegation under this rule does not prevent the committee from exercising or performing at any time the power or duty delegated.
- (6) Any act or thing done by a subcommittee or by the holder of a subsidiary office, under a delegation under this rule has the same force and effect as if it had been done by the committee.
- (7) The committee may, in writing, amend or revoke the delegation.

## **PART 6 — GENERAL MEETINGS OF CLUB**

### **52. Annual General Meeting**

- (1) The Annual General Meeting shall be held prior to the 31st July in each year, or as soon as is practicable in accordance with any relevant legislation.
- (2) The Commissioner's approval is needed under the Act to hold the annual general meeting more than six months after the end of the Club's financial year and the Secretary must apply to the Commissioner for that approval within four months after the end of the financial year.
- (3) The ordinary business of the Annual General Meeting is as follows —
  - (a) to confirm the minutes of the previous annual general meeting and of any special general meeting held since then if the minutes of that meeting have not yet been confirmed;
  - (b) to receive and consider —
    - (i) the management committee annual reports on the Club's activities during the preceding financial year;
    - (ii) the financial statements of the Club for the preceding financial year; and
    - (iii) the auditor's report on the financial statements;
  - (c) to set any honoraria and approve payment of honoraria;
  - (d) to elect the office holders of the Club and other committee members;
  - (e) to appoint or remove the auditor of the Club's finances;
  - (f) to confirm or vary the nomination fees, membership fees and other amounts if any.
- (4) Any other business of which notice has been given in accordance with these rules may be conducted at the annual general meeting.
- (5) Any member wishing to move a motion at the annual general meeting shall give written notice to the secretary not later than 30 days prior to such Annual General Meeting.
- (6) If the Annual General Meeting has not been called within six months after the end of the Club's financial year, any twenty (20) full members may convene and conduct an annual general meeting, provided such a meeting is convened and conducted in all other aspects in accordance with this constitution.
- (7) The Agenda for the conduct of the Annual General Meeting shall be:
  - (a) Opening of Meeting
  - (b) Apologies
  - (c) Minutes of previous Annual General Meeting
  - (d) President's Report
  - (e) Treasurer's Financial report
  - (f) Other Reports
  - (g) Motions and Special Resolutions on Notice
  - (h) Determination of all Annual Fees and Honoraria
  - (i) General Business
  - (j) Declare all offices vacant
  - (k) Election of officers
  - (l) Appointment of auditor (m) Close of meeting.

### **53. Special General Meetings**

- (1) The committee may at any time for any special purpose convene a Special General Meeting of the Club.

- (2) The committee must convene a special general meeting if at least 20% of the members require a special general meeting to be convened.
- (3) The members requiring a Special General Meeting to be convened must — (a) make the requirement by written notice given to the secretary; and (b) state in the notice the business to be considered at the meeting; and (c) each sign the notice.
- (4) The Special General Meeting must be convened within 28 days after notice is given under subrule (3)(a).
- (5) If the committee does not convene a special general meeting within that 28 day period, at least 10 of the members making the requirement may convene the Special General Meeting
- (6) A Special General Meeting convened by members under subrule (5) —
  - (a) must be held within three months after the date the original requirement was made;
  - (b) may only consider the business stated in the notice by which the requirement was made.
- (7) The Agenda for the conduct of a Special General Meeting shall be:
  - (a) Opening of Meeting
  - (b) Apologies (c) Special Business (d) Close Meeting.
- (8) A copy of the minutes of all Special General Meetings shall be sent to all members within 28 days of the completion of such meeting.

#### **54. Notice of General Meetings**

- (1) The Secretary or, in the case of a Special General Meeting convened under rule 53(5), the members convening the meeting, must give to each member —
  - (a) at least 21 days' notice of a general meeting if a Special Resolution is to be proposed at the meeting; or
  - (b) at least 14 days' notice of a general meeting in any other case.
- (2) The notice must —
  - (a) specify the date, time and place of the meeting; and
  - (b) indicate the general nature of each item of business to be considered at the meeting; and
  - (c) if a Special Resolution is proposed —
    - (i) set out the wording of the proposed resolution;
    - (ii) state that the resolution is intended to be proposed as a Special Resolution.

#### **55. Presiding Member and Quorum for General Meetings**

- (1) The President or, in the President's absence, the Vice President must preside as chairperson of each general meeting.
- (2) If the President and Vice President are absent or are unwilling to act as chairperson of a general meeting, the committee members at the meeting must choose one of them to act as chairperson of the meeting.
- (3) At an Annual General Meeting or Special General Meeting called for by the committee, not less than fifteen (15) financial members of the Club inclusive of two of the Executive Officers of the Club shall form a quorum, either present or by providing the Secretary with a written proxy.
- (4) At a Special General Meeting convened by the members under Rule 54(5), not less than twenty (20) financial members shall form a quorum, either present or by providing the Secretary with written proxy.
- (5) No business is to be conducted at a general meeting unless a quorum is present.

- (6) If a quorum is not present within 30 minutes after the notified commencement time of a general meeting —
  - (a) in the case of a Special General Meeting — the meeting lapses; or
  - (b) in the case of the Annual General Meeting — the meeting is adjourned to —
    - (i) the same time and day in the following week; and
    - (ii) the same place, unless the chairperson specifies another place at the time of the adjournment or written notice of another place is given to the members before the day to which the meeting is adjourned.
- (7) Proxy forms provided to the Secretary can nominate any Member present at the General Meeting. The form of proxy can be general or can be general and include directions to vote for or against motions on notice.

## **56. Adjournment of General Meeting**

- (1) The chairperson of a general meeting at which a quorum is present may, with the consent of a majority of the ordinary members present at the meeting, adjourn the meeting to another time at the same place or at another place.
- (2) Without limiting subrule (1), a meeting may be adjourned —
  - (a) if there is insufficient time to deal with the business at hand; or
  - (b) to give the members more time to consider an item of business.
- (3) No business may be conducted on the resumption of an adjourned meeting other than the business that remained unfinished when the meeting was adjourned.
- (4) Notice of the adjournment of a meeting under this rule is not required unless the meeting is adjourned for 14 days or more, in which case notice of the meeting must be given in accordance with rule 54.

## **57. Voting at General Meetings**

- (1) Each member present, or by providing a written proxy, at an Annual General Meeting and or a Special General Meeting and eligible to vote as stated in rule 10 has one vote on any question arising at the meeting.
- (2) Unless otherwise stated in this Constitution a motion is carried if a majority of members present vote in favour of the motion.
- (3) If the votes are divided equally on a question, the chairperson of the meeting has a second or casting vote and shall maintain the status quo.
- (4) Any member of the Club who is unfinancial shall not be eligible to vote.
- (5) All elections of officers of the Club shall be by secret ballot except in the case of a single nomination.
- (6) A member may give written instruction to the Secretary to cast a proxy vote on behalf for or against any motion on notice.
- (7) Social Members shall not be eligible to vote at any meeting of the Club nor hold any position on any Club committee through election. The Committee may from time to time appoint Social Members to a position but only on an honorary or advisory capacity.
- (8) Proxy forms provided to the Secretary can nominate any Member present at the General Meeting. The form of proxy can be general or can be general and include directions to vote for or against motions on notice.



## **58. Minutes of General Meetings**

- (1) The Secretary, or a person authorised by the committee from time to time, must take and keep minutes of each general meeting.
- (2) The minutes must record the business considered at the meeting, any resolution on which a vote is taken and the result of the vote.
- (3) In addition, the minutes of each annual general meeting must record —
  - (a) the names of the members attending the meeting;
  - (b) the financial statements presented at the meeting, and
  - (c) any report of the review or auditor's report on the financial statements presented at the meeting.
- (4) The minutes of a general meeting must be issued within 30 days after the meeting is held.
- (5) The chairperson must ensure that the minutes of a general meeting are reviewed and signed as correct by —
  - (a) the chairperson of the meeting; or
  - (b) the chairperson of the next general meeting.
- (6) When the minutes of a general meeting have been signed as correct they are, in the absence of evidence to the contrary, taken to be proof that —
  - (a) the meeting to which the minutes relate was duly convened and held; and
  - (b) the matters recorded as having taken place at the meeting took place as recorded; and
  - (c) any election or appointment purportedly made at the meeting was validly made.

## **PART 7 — FINANCIAL MATTERS**

### **59. Control of Funds**

- (1) The Club shall hold one or more accounts in the name of the Club with a bank or a financial institution approved by the Committee from which all expenditure of the Club is made and into which all funds received by the Club are deposited.
- (2) Subject to any restrictions imposed at a general meeting, the committee may approve expenditure on behalf of the Club.
- (3) The committee may authorise the Treasurer to expend funds on behalf of the Club up to a specified limit without requiring prior approval from the committee for each item on which the funds are expended.
- (4) The Officers of the Club, namely, the President, Secretary and Treasurer shall be the official financial signatories of the Club subject to approval at the Annual General Meeting of the Club.
- (5) Payment of all accounts authorised for payment by the Committee shall be made with authorisation by any two of the approved signatories of the Club, namely, President, Secretary or Treasurer. When two signatories are domiciled together only one of those signatories are approved to sign.
- (6) All funds of the Club must be deposited into the Club's account within 14 working days after their receipt.

- (7) Funds surplus to immediate requirements may, on approval by the committee, be invested in interest bearing term deposits with an approved bank or financial institution.
- (8) Financial Audit.
  - (a) At least once every year and prior to the Annual General Meeting the Club accounts shall be audited by an approved auditor, or firm of auditors, appointed by the members at the Annual General Meeting. The auditor shall not be a member of the Committee nor the spouse of any Committee member.
  - (b) The auditors shall satisfy themselves that the balance sheet and all accounts presented annually by the Treasurer are a true and correct record of the Club's financial activities and position.
  - (c) The auditor shall conduct financial investigations as and when so directed by the Committee.

## **60. Financial Records**

- (1) The Club must keep financial records that —
  - (a) correctly record and explain its financial transactions, financial position, property assets, liabilities and performance; and
  - (b) enable financial statements to be prepared.
- (2) The Treasurer shall prepare a monthly financial statement to be presented to each Committee Meeting, such statement to be certified by the Treasurer and after acceptance by the meeting a copy to be held by the Secretary.
- (3) The Treasurer shall prepare and certify an income and expenditure account for each year ending 31st May and a balance sheet as at that date and shall present such income and expenditure account and balance sheet together with the Club auditor's certification and report for such accounts at the next Annual General Meeting.
- (4) Further to Rule 15(1) the Treasurer shall maintain a Register by name of all financial members and is responsible for the collection of all subscriptions, fees and/or levies. The Treasurer shall report any defaulting member to the Committee each month when applicable.
- (5) The Club must retain the financial records for at least seven years after the transactions covered by the records are completed.

## **61. Financial Year**

The financial year of the Club shall commence on the 1st of July each year and end on 30th of June each following year.

## **62. Honorarium**

- (1) Any Honoraria for the next 12 month period shall be set at the annual general meeting.
- (2) Payment of the honoraria for the just completed 12 month period shall be confirmed by the annual general meeting taking into consideration the recommendation of the committee.

## **63. Levies**

- (1) The Club in a general meeting may authorise the imposition of per capita levies on all members.
- (2) The motion to authorise the levy shall state the purpose and the due date for payment.
- (3) If a levy is unpaid after 28 days from the due date, the committee may declare any defaulting member suspended until the levy is paid.

- (4) If the levy remains unpaid for 60 days from the due date the defaulter shall cease to be a member.

## **PART 8 — GENERAL MATTERS**

### **64. Pistol Licences**

The procurement and licensing of pistols and revolvers by members to fulfil the objects of the Club shall be carried out in accordance with the WA Police and WAPA Regulations.

### **65. Competition**

- (1) The Committee shall be responsible for the planning and conduct of match competitions for the Club.
- (2) There shall be at least one Club Competition shooting match each month except where otherwise authorised by the Committee for the Annual Christmas holiday period.
- (3) The competition match and other matches shall be conducted in accordance with this Constitution and WAPA and Club By-Laws and Regulations.
- (4) Only financial members shall be eligible for trophies at a Club Championship match.
- (5) Only financial members of the Club shall be eligible to compete for the Club in WAPA sanctioned matches.

### **66. Alcohol and Drugs**

- (1) No person whether a member of the Club or not shall:
  - (a) consume intoxicating liquor on Club premises or environs unless permission has been granted by the Committee or an Officer authorised by the Committee.
  - (b) consume intoxicating liquor on a shooting range whilst shooting activities are in progress.
  - (c) consume intoxicating liquor at Open, Invitation, Club, or social shoot unless permission has been granted by the Committee and then only in areas approved and designated by the Committee.
  - (d) be admitted to any range whilst a shoot is in progress or be allowed to handle or use any firearms if the person be deemed to be under the influence of liquor, and/or drugs.
  - (e) be in possession of or consume prohibited drugs on Club Premises under any circumstances.
- (2) Any member of the Club Committee may deem a person to be under the influence of liquor or drugs for the purpose of subrule (1).

### **67. Supply of Liquor - Liquor Act to be Observed**

- (1) The Club shall be open for the sale of liquor during such hours as the Committee shall from time to time determine and as permitted under the Liquor Licensing Act.

### **68. Affiliation with WAPA**

- (1) On behalf of the Club the Committee will make application for affiliation with the WAPA and maintain the said affiliation during the life of the Club.
- (2) The Committee shall:

- (a) Elect Club representatives to attend the Annual General Meeting, Extraordinary General Meetings, Special General Meetings and or committee meetings of the WAPA.
  - (b) Invite representatives of WAPA to attend any meeting or competition conducted by the Club.
- (3) The Secretary shall at the prescribed time stated by the WAPA forward to the WAPA Secretary a copy of the Club Register of Members together with the capitation fees payable in respect of all current members.

## **69. Rules and By-Laws**

- (1) The Committee may, from time to time, make, amend or revoke Rules and By-laws for the Club relating to the conduct of shooting and the behaviour of the members.
- (2) A Rule or By-law is of no effect to the extent that it is inconsistent with the Act or this Constitution.
- (3) The Secretary shall ensure that copies of the Rules and By-Laws are readily available for inspection by members and further that one current copy of the Rules and By-Laws shall at all times be displayed inside the Club premises in a place available for inspection by members and visitors.

## **70. Executing Documents, Common Seal and Trustees**

- (1) .
- (2) The Club shall procure and maintain a common seal —
  - (a) the name of the Club must appear in legible characters on the common seal; and
  - (b) a document may only be sealed with the Common Seal by the authority of the Committee; and
  - (c) the document must be signed and dated by the Secretary and co-signed by the President or Vice President.
- (3) The Secretary must make a written record of each use of the Common seal.
- (4) The Common seal must be kept in the custody of the Secretary.

## **71. Giving Notice to Members**

- (1) In this rule — recorded *means* recorded in the register of members.
- (2) A notice or other document that is to be given to a member under this constitution is taken not to have been given to the member unless it is in writing and —
  - (a) delivered by hand to the recorded address of the member; or
  - (b) sent by prepaid post to the recorded postal address of the member; or
  - (c) sent by facsimile or electronic transmission to an appropriate recorded number or recorded electronic address of the member.
- (3) A notice delivered by prepaid post shall be deemed to have been served five days following the day of posting.

## **72. Custody of Books and Securities**

- (1) Subject to subrule (2), the Secretary must keep in his or her custody or under his or her control the books and any securities of the Club.
- (2) The Treasurer must keep in his or her custody or under his or her control the financial records and, as applicable, the financial statements or financial reports of the Club.

- (3) Sub rules (1) and (2) have effect except as otherwise decided by the committee.
- (4) The books of the Club must be retained for at least seven years.

### 73. Record of Office Holders

The Secretary must keep in his or her custody or under his or her control the record of Committee members and other persons authorised to act on behalf of the Club.

### 74. Inspection of Records and Documents

- (1) Subrule (2) applies to a member who wants to inspect — (a) the register of members; or (b) the record of the names and addresses of committee; or (c) any other record or document of the Club.
- (2) The member must contact the secretary to make the necessary arrangements for the inspection.
- (3) The inspection must be free of charge.
- (4) If the member wants to inspect a document that records the minutes of a committee meeting, the right to inspect that document is subject to any decision the committee has made about minutes of committee meetings generally, or the minutes of a specific committee meeting, being available for inspection by members.
- (5) The member may make a copy of or take an extract from a record or document referred to in subrule (1) but does not have a right to remove the record or document for that purpose.
- (6) The member must not use or disclose information in a record or document referred to in subrule (1) except for a purpose —
  - (a) that is directly connected with the affairs of the Club; or (b) that is related to complying with a requirement of the Act.

### 75. Winding up the Club

- (1) In this rule —**surplus property**, in relation to the Club, means property remaining after satisfaction of ;
  - (a) the debts and liabilities of the Club; and
  - (b) the costs, charges and expenses of winding up or cancelling the incorporation of the Club but does not include books relating to the management of the Club.
- (2) A notice of motion to dissolve the Club may be presented on the agenda of an Annual General Meeting or a Special General Meeting called for that specific purpose.
- (3) For any such Special Resolution to be accepted there must be a 75% majority of votes cast in the affirmative by the members present and entitled to vote.
- (4) In the event of the resolution being confirmed by a 75% majority of the votes cast, the 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 Club.
- (5) If upon the dissolution and winding up of the Club and the satisfaction of all of its debts and liabilities there remains any surplus property or funds whatsoever it shall not be disposed of by payment or distribution among members.

- (6) All surplus property or funds remaining shall be given or transferred to the WAPA for its use in accordance with its Constitution as it may deem fit'

**76. Interpretation of the Constitution**

- (1) The Committee shall decide all questions as to the interpretation of the Constitution and such decision or decisions shall be binding until the next Annual General Meeting or at a special General Meeting called for such purpose. Such decision or decisions made by the Committee may be varied, but only by a majority of two thirds of the votes cast by the members present at the meeting.
- (2) In this Constitution masculine includes feminine, "in writing" or "written" means and includes print and/or other means of representing or reproducing words in visible form. Words importing singular include the plural and words importing plural include the singular where the context permits.

**77. Matters Not Covered in This Constitution**

Where any subject or dispute or matter not covered by this Constitution shall be brought before the Club the Committee shall have the power to adjudicate on the matter or make a decision or ruling thereon and such decision, adjudication or ruling shall be binding until the next Annual General Meeting or until dealt with at a Special General Meeting specifically called to consider such decision, adjudication or ruling.

**78. Alteration of Constitution**

- (1) If the Club wants to alter or rescind this Constitution, the Club may do so only by Special Resolution and by otherwise complying with the Act.
- (2) For any such Special Resolution to be accepted there must be a 75% majority of votes cast in the affirmative by the members present and entitled to vote.
- (3) Amendments to the Constitution do not take effect until required documents are lodged with the Commissioner.
- (4) The required documents must be lodged within one month after the Special Resolution is passed.

**79. Adoption**

This Constitution was rewritten to comply with the Act in the form of the Department of Commerce model rules and adopted by Special Resolution at the Special General Meeting of the Kalamunda Pistol Club Incorporated at the Club Premises, 155 Lawnbrook Road West, on 17<sup>TH</sup> June 2018.

**Signed.....**

**Signed.....**

**Date.....**

**Date.....**

**Print Name.....**

**Print Name.....**

**PRESIDENT**

**SECRETARY**

**AFFIX CLUB SEAL**