

Ballistic Sports Incorporated

CONSTITUTION TABLE OF PROVISIONS

Acknowledgements:

Ballistic Sports seeks incorporation in order to act as an independent group, similar to the situation and status Wodonga Pistol Club held on the same property between 1986 and 2016 until a miscommunication resulted in the folding of WPC into a SSAA Member Club, instead of remaining an independent club with an association with SSAA (as was intended by members at the time).

Ballistic Sports intends to meet on the unceded lands of the Kulin Nation, and wishes to acknowledge and pay respect to the Traditional Custodians of the Land on which they meet.

This organisation wishes to acknowledge it can only exist with the generous provision of volunteer members and requires that all members respect the time and effort dedicated by others to the continuing and ongoing work of keeping the club running and meeting its legal compliance obligations.

This Association recognises that this constitution has been created in part by using the most relevant aspects of Calibre Sports and SSAA Victoria Constitutions.

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Rules for an Incorporated Association

The persons who from time to time are members of the Association are an incorporated association by the name given in rule 1 of these Rules.

Under section 46 of the Associations Incorporation Reform Act 2012, these Rules are taken to constitute the terms of a contract between the Association and its members.

PART 1—PRELIMINARY

1. NAME

The name of the incorporated association is **Ballistic Sports Incorporated**.

Note

Under section 23 of the Act, the name of the association and its registration number must appear on all its business documents.

2. PURPOSES

The purposes of the association are:

- A) To further the sport of Pistol Shooting in particular, and the shooting sports in general amongst eligible people of all ethnicities, genders, sexualities, marital status, or national or social origin.
- B) to provide a recognised, harmonious organisation of like-minded persons for the purposes of safely and lawfully engaging in their chosen sport and discipline in a club environment,
- C) to deliver comprehensive, safe training in firearms handling to those members who require or desire it,
- D) to create realistic and relevant firearms awareness within the community, and
- E) to provide members (who engage with the Association in spirit through consistent action and not only via membership) with facilities for target pistol shooting.
- F) To recognise the independent origins of the Wodonga Pistol Club, and
- G) To carry out activities on the approved area shown as Lot 1 (shown on the plan which formed the agreement to purchase the land from the Albury Wodonga Corporation in 2004), the plan of which is attached to this document as Appendix 1.

3. FINANCIAL YEAR

The financial year of the Association is each period of 12 months ending on 30th June.

4. DEFINITIONS

In these Rules—

absolute majority, of the Committee, means a majority of the committee members currently holding office and entitled to vote at the time (as distinct from a majority of committee members present at a committee meeting);

Chairperson, of a general meeting or committee meeting, means the person chairing the meeting as required under rule 47;

Committee means the Committee having management of the business of the Association;

committee meeting means a meeting of the Committee held in accordance with these Rules;

committee member means a member of the Committee elected or appointed under Division 3 of Part 5;

disciplinary appeal meeting means a meeting of the members of the Association convened under rule 25;

disciplinary meeting means a meeting of the Committee convened for the purposes of rule 23;

disciplinary subcommittee means the subcommittee appointed under rule 21;

financial year means the 12 month period specified in rule 3;

general meeting means a general meeting of the members of the Association convened in accordance with Part 4 and includes an annual general meeting, a special general meeting and a disciplinary appeal meeting;

joining fee is interchangeable with application fee in regards to application for membership.

member means a member of the Association;

membership fee is interchangeable with annual subscription fee.

member entitled to vote means a member who under rule 13 is entitled to vote at a general meeting;

new rule means any rule that is new to this constitution of Ballistic Sports Incorporated. New rules are numbered throughout this document as NR1, NR2 and so forth. New rules have equal force to all other rules contained in this document.

preserved rule means any rule that is preserved from Ballistic Sports Incorporated's previous constitution, should a new one be created. Preserved rules are numbered throughout this document as PR1, PR2 and so forth. Preserved rules have equal force to all other rules contained in this document.

special resolution means a resolution that requires not less than three-quarters of the members voting at a general meeting, whether in person or by proxy, to vote in favour of the resolution;

the Act means the Associations Incorporation Reform Act 2012 and includes any regulations made under that Act;

the Registrar means the Registrar of Incorporated Associations.

PART 2—POWERS OF ASSOCIATION

5. POWERS OF ASSOCIATION

(1) Subject to the Act, the Association has power to do all things incidental or conducive to achieve its purposes.

(a) May by way of licence, and with the consent of the Land Owner, allow other groups or associations to occupy and use (by way of sub-licence), part or all of the facilities under strict conditions, on an annual basis, clearly defined in the licence.

(2) Without limiting subrule (1), the Association may—

(a) acquire, hold and dispose of real or personal property;

(b) open and operate accounts with financial institutions;

(c) invest its money in any security in which trust monies may lawfully be invested;

(d) raise money on any terms and in any manner as it thinks fit;

(e) secure the repayment of money raised;

(f) appoint agents to transact business on its behalf;

(g) enter into any other contract it considers necessary or desirable.

(3) The Association may only exercise its powers and use its income and assets (including any surplus) for its purposes.

6. NOT FOR PROFIT ORGANISATION

(1) The Association must not distribute any surplus, income or assets directly or indirectly to its members.

(2) Subrule (1) does not prevent the Association from paying a member—

(a) reimbursement for expenses properly incurred by the member; or

(b) for goods or services provided by the member—

if this is done in good faith on terms no more favourable than if the member was not a member.

Note

Section 33 of the Act provides that an incorporated association must not secure pecuniary profit for its members. Section 4 of the Act sets out in more detail the circumstances under which an incorporated association is not taken to secure pecuniary profit for its members.

PART 3 — MEMBERS, DISCIPLINARY PROCEDURES AND GRIEVANCES

DIVISION 1 — MEMBERSHIP

7. MINIMUM NUMBER OF MEMBERS

The Association must have at least 5 members after the inaugural meeting.

8. WHO IS ELIGIBLE TO BE A MEMBER

In order to be eligible to apply to become a member, The applicant---

(a) must be of good character and must demonstrate that good character to the reasonable satisfaction of the Committee,

- (b) must not be a prohibited person, as defined by Victoria Police,
- (c) agrees to abide by the Association's Constitution, Code of Conduct, and support the purposes of the Association
- (d) must pay the application fee as set by the Association
- (e) must complete application paperwork as set out by the Association
- (f) The Committee at its discretion and without ascribing reason may refuse an application for membership.

9. APPLICATION FOR MEMBERSHIP

- (1) To apply to become a member of the Association, a person must submit a written application to a committee member stating that the person—
 - (a) wishes to become a member of the Association; and
 - (b) supports the purposes of the Association; and
 - (c) agrees to comply with these Rules.
- (2) The application—
 - (a) must be signed by the applicant; and
 - (b) may be accompanied by the application fee.
- (3) provide information and requirements in accordance with Police Requirements such as
 - (a) any records kept by or on behalf of the Chief Commissioner; and
 - (b) Two Character References from people who are of or over the age of 18 years, who are of good repute and who have known the person for a minimum of two years, but not immediately related to the person, and
 - (c) The names of any other Approved Handgun Target Shooting Clubs of which that person is a member of, and
 - (d) The names of any other Approved Handgun Target Shooting Clubs which, at any time in the 5 years immediately preceding the application, the applicant has applied to join, or has had a membership of, or has had a membership cancelled or suspended, or has been refused membership of, and
 - (e) Details of all handguns owned or possessed by the applicant, and
 - (f) Details of any handguns (not in possession of the applicant) for which the applicant has applied for a permit to acquire, or has previously been issued with a permit to acquire, or for which a permit to acquire has previously been refused.

Note

The application fee is the fee (if any) determined by the Committee under rule 12(3).

10. CONSIDERATION OF APPLICATION

- (1) As soon as practicable after an application for membership is received, the Committee must decide by resolution whether to accept the application.
- (2) The Committee must notify the applicant in writing of its decision as soon as practicable after the decision is made.
- (3) If the Committee decides to not approve the application, it must return any money accompanying the application to the applicant.

(4) No reason need be given in the event that an application for membership is not approved.

11. NEW MEMBERSHIP

(1) If an application for membership is approved by the Committee—

(a) the resolution to accept the membership must be recorded in the minutes of the committee meeting; and

(b) the Secretary (or delegate) must, as soon as practicable, enter the name and address of the new member, and the date of becoming a member, in the register of members.

(2) A person becomes a member of the Association and, subject to rule 13(2), is entitled to exercise his or her rights of membership from the date, whichever is the later, on which—

(a) the Committee approves the person's membership; or

(b) the person pays the Membership/Subscription fee (which is separate and in addition to the Application Fee).

12. ANNUAL MEMBERSHIP/SUBSCRIPTION

(1) Annual subscriptions are due for all current members on June 30th each year. The Annual subscription year is from the 1st of July until the 30th of June the following year.

(2) Any new member who joins after the start of an Annual subscription year will pay the same annual subscription fee.

(3) The committee will determine the amount of the annual subscription fee for the next annual subscription year within the 3 months prior to the 1st of July and notify members of any change to the amount.

(4) Applicants or Members may petition the Committee on an annual basis to accept payment of their annual subscription fee via performance of in-kind services. The Committee will receive this petition, and may, at their discretion, accept such services in lieu of cash payment. This decision is to be minuted and recorded as payment. The decision of the Committee to accept, curtail, or revoke such an arrangement is final and no further correspondence on this matter will be entered into.

(5) The rights and privileges of a member who has not paid the annual subscription by the due date (30th June) are suspended, and their membership is considered to be resigned. The committee may decide to make exceptions as it sees fit prior to notification being provided to Victoria Police.

(6) Victoria Police will be advised (as per legal requirements) within 28 days of people whose membership has been withdrawn or has expired.

13. GENERAL RIGHTS OF MEMBERS

(1) A member of the Association includes:

(a) Members who have paid an application fee

(b) Completed and returned an application form

(c) Been approved by Committee as an accepted member of the Association

(d) Has paid their yearly subscription / membership fee in accordance with Section 12.

14. LIFE MEMBERS

(1) Life members of the Association include:

(a) Members who have rendered valuable services to the Club. Applicants will be nominated at a Committee Meeting by a committee member and membership granted by a majority vote at that meeting.

(b) Membership fees may be waived by the Committee for Life Members.

15. JUNIOR MEMBERS

(1) Junior members of the Association include:

a. Any member over the age of 12 and up to the age of eighteen years.

b. A junior member shall not be eligible for election to the Committee or be eligible to nominate another member to the Committee or to vote at any General Meeting or nominate for membership to the Club.

16. RIGHTS NOT TRANSFERABLE

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

17. CEASING MEMBERSHIP

(1) The membership of a person ceases on resignation, expulsion or death.

(2) If a person ceases to be a member of the Association, the Secretary must, as soon as practicable, enter the date the person ceased to be a member in the register of members.

(3) A member whose annual subscription or membership fees are not current is considered to have resigned. Subject to Committee review, this person may need to reapply in order to become a financial member.

18. RESIGNING AS A MEMBER

(1) A member may resign by notice in writing given to the Association.

Note

Rule 80(3) sets out how notice may be given to the association. It includes by post or by handing the notice to a member of the committee.

(2) A member is taken to have resigned if—

(a) the member's annual subscription **is more than 2 months in arrears**; or

(b) where no annual subscription is payable—

(i) the Secretary has made a written request to the member to confirm that they wish to remain a member; and

(ii) the member has not, within 3 months after receiving that request, confirmed in writing that they wish to remain a member.

19. REGISTER OF MEMBERS

(1) The Secretary (or delegate) must keep and maintain a register of members that includes—

(a) for each current member—

(i) the member's name;

(ii) the address for notice last given by the member; current email address

- (iii) the date of becoming a member;
 - (iv) any other information determined by the Committee; and
 - (b) for each former member, the date of ceasing to be a member.
- (2) Any member may, at a reasonable time and free of charge, inspect portions of the register of members, to the extent the committee allows (for security and privacy of member information).

Note

Under section 59 of the Act, access to the personal information of a person recorded in the register of members may be restricted in certain circumstances. Section 58 of the Act provides that it is an offence to make improper use of information about a person obtained from the Register of Members.

DIVISION 2—DISCIPLINARY ACTION

20. GROUNDS FOR TAKING DISCIPLINARY ACTION

The Association may choose to take disciplinary action (other than expulsion) against a member in accordance with this Division if it is determined that the member—

- (a) has failed to comply with these Rules; or
- (b) refuses to support the purposes of the Association; or
- (c) has engaged in conduct prejudicial to the Association.

21. DISCIPLINARY SUBCOMMITTEE

- (1) If the Committee is satisfied that there are sufficient grounds for taking disciplinary action (other than expulsion) against a member, the Committee must appoint a disciplinary subcommittee to hear the matter and determine what action, if any, to take against the member.
- (2) The members of the disciplinary subcommittee—
 - (a) may be Committee members, members of the Association or anyone else; but
 - (b) must not be biased against, or in favour of, the member concerned.

22. NOTICE TO MEMBER

- (1) Before disciplinary action is taken against a member, the Secretary must give written notice to the member—

- (a) stating that the Association proposes to take disciplinary action against the member; and
- (b) stating the grounds for the proposed disciplinary action; and
- (c) specifying the date, place and time of the meeting at which the disciplinary subcommittee intends to

consider the disciplinary action (the disciplinary meeting); and

- (d) advising the member that he or she may do one or both of the following—

- (i) attend the disciplinary meeting and address the disciplinary subcommittee at that meeting;
- (ii) give a written statement to the disciplinary subcommittee at any time before the disciplinary meeting; and

- (e) setting out the member's appeal rights under rule 24.
- (2) The notice must be given no earlier than 28 days, and no later than 14 days, before the disciplinary meeting is held.

23. DECISION OF SUBCOMMITTEE

- (1) At the disciplinary meeting, the disciplinary subcommittee must—
 - (a) give the member an opportunity to be heard; and
 - (b) consider any written statement submitted by the member.
- (2) After complying with subrule (1), the disciplinary subcommittee may—
 - (a) take no further action against the member; or
 - (b) subject to subrule (3)—
 - (i) reprimand the member; or
 - (ii) suspend the membership rights of the member for a specified period; or
 - (iii) expel the member from the Association, along with a return of their membership fees, as a pro-rata portion of their annual fee.
- (3) The disciplinary subcommittee may not fine the member.
- (4) The suspension of membership rights or the expulsion of a member by the disciplinary subcommittee under this rule takes effect immediately after the vote is passed.

24. APPEAL RIGHTS

- (1) A person whose membership rights have been suspended from the Association under rule 22 may give notice in writing to the effect that they wish to appeal against the suspension or expulsion.
- (2) The person will provide any further information regarding the suspension or expulsion of their membership in this communication.
- (2) The Committee will take this information into account and make its final determination, and will inform the person within 30 days of its decision, which is final and discussion shall not be entered into.

25. CONDUCT OF DISCIPLINARY APPEAL MEETING

- (1) At a disciplinary appeal meeting—
 - (a) no business other than the question of the appeal may be conducted; and
 - (b) the Committee must state the grounds for suspending or expelling the member and the reasons for taking that action; and
 - (c) the person whose membership has been suspended or who has been expelled must be given an opportunity to be heard.
- (2) After complying with subrule (1), the members present and entitled to vote at the meeting must vote by secret ballot on the question of whether the decision to suspend or expel the person should be upheld or revoked.
- (3) A member may not vote by proxy at the meeting.
- (4) The decision is upheld if not less than three quarters of the members voting at the meeting vote in favour of the decision

DIVISION 3—GRIEVANCE PROCEDURE

26. APPLICATIONS

(1) The grievance procedure set out in this Division applies to disputes under these Rules between—Current, Financial and Eligible Members Only

- (a) a member and another member;
- (b) a member and the Committee;
- (c) a member and the Association.

(2) A member must not initiate a grievance procedure in relation to a matter that is the subject of a disciplinary procedure until the disciplinary procedure has been completed.

27. PARTIES MUST ATTEMPT TO RESOLVE THE DISPUTE

The parties to a dispute must attempt to resolve the dispute between themselves within 14 days of the dispute coming to the attention of each party.

28. APPOINTMENT OF MEDIATOR

(1) If the parties to a dispute are unable to resolve the dispute between themselves within the time required by rule 27, the parties must within 10 days—

- (a) notify the Committee of the dispute; and
- (b) agree to or request the appointment of a mediator; and
- (c) attempt in good faith to settle the dispute by mediation.

(2) The mediator must be—

- (a) a person chosen by agreement between the parties; or
- (b) in the absence of agreement—

(i) if the dispute is between a member and another member—a person appointed by the Committee; or

(ii) if the dispute is between a member and the Committee or the Association—a person appointed or employed by the Dispute Settlement Centre of Victoria.

(3) A mediator appointed by the Committee may be a member or former member of the Association but in any case must not be a person who—

- (a) has a personal interest in the dispute; or
- (b) is biased in favour of or against any party.

29. MEDIATION PROCESS

(1) The mediator to the dispute, in conducting the mediation, must—

- (a) give each party every opportunity to be heard; and
- (b) allow due consideration by all parties of any written statement submitted by any party; and
- (c) ensure that natural justice is accorded to the parties throughout the mediation process.

(2) The mediator must not determine the dispute.

30. FAILURE TO RESOLVE DISPUTE BY MEDIATION

If the mediation process does not resolve the dispute, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

PART 4—GENERAL MEETINGS OF THE ASSOCIATION

31. ANNUAL GENERAL MEETINGS

- (1) The Committee must convene an annual general meeting of the Association to be held within 5 months after the end of each financial year.
- (2) Despite subrule (1), the Association may hold its first annual general meeting at any time within 18 months after its incorporation.
- (3) The Committee may determine the date, time and place of the annual general meeting.
 - (a) The Committee will make it possible for members to attend and/or vote electronically during the meeting by way of an online meeting platform (for example, Zoom, Google Meet, Skype, etc) and will distribute the link to any member who requests it at least 48 hours in advance of the meeting.
- (4) 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;
 - (b) to receive and consider—
 - (i) the annual report of the Committee on the activities of the Association during the preceding financial year; and
 - (ii) the financial statements of the Association for the preceding financial year submitted by the Committee in accordance with Part 7 of the Act;
 - (c) to nominate members for the consideration of the Committee.
- (5) The annual general meeting may also conduct any other business of which notice has been given in accordance with these Rules.

32. SPECIAL GENERAL MEETINGS

- (1) Any general meeting of the Association, other than an annual general meeting or a disciplinary appeal meeting, is a special general meeting.
- (2) The Committee may convene a special general meeting whenever it thinks fit.
 - (a) The Committee will make it possible for members to attend and/or vote electronically during the meeting by way of an online meeting platform (for example, Zoom, Google Meet, Skype, etc) and will distribute the link to any member who requests it at least 48 hours in advance of the meeting.
- (3) No business other than that set out in the notice under rule 34 may be conducted at the meeting.

Note

General business may be considered at the meeting if it is included as an item for consideration in the notice under rule 34 and the majority of members at the meeting agree.

33. SPECIAL GENERAL MEETING HELD AT REQUEST OF MEMBERS

- (1) The Committee must convene a special general meeting if a request to do so is made in accordance with subrule (2) by at least 50% of the total number of members.
- (2) A request for a special general meeting must—
 - (a) be in writing; and
 - (b) state the business to be considered at the meeting and any resolutions to be proposed; and
 - (c) include the names and signatures of the financial members requesting the meeting; and
 - (d) be given to the President or Secretary.
- (3) If the Committee does not convene a special general meeting within one month after the date on which the request is made, the members making the request (or any of them) may convene the special general meeting.
- (4) A special general meeting convened by members under subrule (3)—
 - (a) must be held within 3 months after the date on which the original request was made; and
 - (b) may only consider the business stated in that request.
- (5) The Association must reimburse all reasonable expenses incurred by the members convening a special general meeting under subrule (3).

34. NOTICE OF GENERAL MEETINGS

- (1) The Secretary (or delegate) - or, in the case of a special general meeting convened under rule 33(3), the members convening the meeting - must give to each member of the Association—
 - (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 to be proposed—
 - (i) state in full the proposed resolution; and
 - (ii) state the intention to propose the resolution as a special resolution;
- (3) This rule does not apply to a disciplinary appeal meeting.

Note

Rule 22 sets out the requirements for notice of a disciplinary appeal meeting.

35. PROXIES

- (1) As members may attend meetings electronically (via platforms such as Zoom, Skype, Google Meet, etc), no proxies are to be appointed or utilised.
- (2) For the purposes of this Part, a member participating in a general meeting as permitted under subrule (1) is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted as in person.

36. QUORUM AT GENERAL MEETINGS

(1) No business may be conducted at a general meeting unless a quorum of members is present.

(2) The quorum for a general meeting is the presence (physically or via electronic means as allowed under rule 35) of 10% of the members entitled to vote.

(3) If a quorum is not present within 30 minutes after the notified commencement time of a general meeting—

(a) in the case of a meeting convened by, or at the request of, members under rule 33—the meeting must be dissolved;

Note

If a meeting convened by, or at the request of, members is dissolved under this subrule, the business that was to have been considered at the meeting is taken to have been dealt with. If members wish to have the business reconsidered at another special meeting, the members must make a new request under rule 33.

(b) in any other case—

(i) the meeting must be adjourned to a date not more than 21 days after the adjournment; and
(ii) notice of the date, time and place to which the meeting is adjourned must be given at the meeting and confirmed by written notice given to all members as soon as practicable after the meeting.

(4) If a quorum is not present within 30 minutes after the time to which a general meeting has been adjourned under subrule (3)(b), the members present at the meeting (if not fewer than 3) may proceed with the business of the meeting as if a quorum were present.

37. 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 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.

Example

The members may wish to have more time to examine the financial statements submitted by the Committee at an annual general meeting.

(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 33.

(4) If the committee decides that due to Pandemic or other National Emergencies, the General Meeting be deferred to a future time. This time may be required to be reset as required by the circumstances.

38. VOTING AT GENERAL MEETING

- (1) On any question arising at a general meeting—
 - (a) subject to subrule (3), each member who is entitled to vote has one vote; and
 - (b) members may vote personally; and
 - (c) except in the case of a special resolution, the question must be decided on a majority of votes.
- (2) If votes are divided equally on a question, the Chairperson of the meeting has a second or casting vote.
- (3) If the question is whether or not to confirm the minutes of a previous meeting, only members who were present at that meeting may vote.
- (4) This rule does not apply to a vote at a disciplinary appeal meeting conducted under rule 25.

39. SPECIAL RESOLUTIONS

A special resolution is passed if not less than three quarters of the members voting at a general meeting (whether in person or by proxy) vote in favour of the resolution.

Note

In addition to certain matters specified in the Act, a special resolution is required—

- (a) to remove a committee member from office ;
- (b) to alter these Rules, including changing the name or any of the purposes of the Association.

40. DETERMINING WHETHER RESOLUTION CARRIED

- (1) Subject to subsection (2), the Chairperson of a general meeting may, on the basis of a show of hands, declare that a resolution has been—
 - (a) carried; or
 - (b) carried unanimously; or
 - (c) carried by a particular majority; or
 - (d) lost—and an entry to that effect in the minutes of the meeting is conclusive proof of that fact.
- (2) If a poll (where votes are cast in writing) is demanded by three or more members on any question—
 - (a) the poll must be taken at the meeting in the manner determined by the Chairperson of the meeting;and
 - (b) the Chairperson must declare the result of the resolution on the basis of the poll.
- (3) A poll demanded on the election of the Chairperson or on a question of an adjournment must be taken immediately.
- (4) A poll demanded on any other question must be taken before the close of the meeting at a time determined by the Chairperson.

41. MINUTES OF GENERAL MEETING

- (1) The Committee must ensure that minutes are taken and kept 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 include—
 - (a) the names of the members attending the meeting; and
 - (b) the financial statements submitted to the members in accordance with rule 31(4)(b)(ii); and
 - (c) the certificate signed by two committee members certifying that the financial statements give a true and fair view of the financial position and performance of the Association; and
 - (d) any audited accounts and auditor's report or report of a review accompanying the financial statements that are required under the Act.

PART 5—COMMITTEE

DIVISION 1—POWERS OF COMMITTEE

42. ROLES AND POWERS

- (1) The business of the Association must be managed by or under the direction of a Committee.
- (2) The Committee may exercise all the powers of the Association except those powers that these Rules or the Act requires to be exercised by general meetings of the members of the Association.
- (3) The Committee may—
 - (a) appoint and remove staff, Contractors or suppliers.
 - (b) establish subcommittees consisting of members with terms of reference it considers appropriate.

43. DELEGATION

- (1) The Committee may delegate to a member of the Committee, a subcommittee or staff, any of its powers and functions other than—
 - (a) this power of delegation; or
 - (b) a duty imposed on the Committee by the Act or any other law.
- (2) The delegation must be in writing, confirmed in the minutes, and may be subject to the conditions and limitations the Committee considers appropriate.
- (3) The Committee may, in writing, revoke a delegation wholly or in part.

44. COMPENSATION FOR COMMITTEE MEMBERS

- (1) Every member of the Committee shall be indemnified by the club for any personal or property harm, damage or loss.
- (2) It shall be the duty of the Club to compensate cost expenses which any such member may incur or become liable for in the discharge of his/her duties, including out of pocket expenses.
- (3) No member of the committee will be liable for members' inappropriate use of club funds, unless that action was as a result of a dishonest, wilful act.

DIVISION 2—COMPOSITION OF COMMITTEE AND DUTIES OF MEMBERS

45. COMPOSITION OF COMMITTEE and TERM

The Committee consists of—

- (a) a President; and
- (b) an Optional Vice-President; and
- (c) a Secretary; and
- (d) a Treasurer; and
- (e) A Landowner's Representative; and
- (f) a Club Captain, and
- (g) a Senior Safety Officer, and
- (h) One (or more) ordinary members, each of whom may be selected by the committee from members nominated at the annual general meeting of the association in each year.
- (i) The first committee is to be formed from the initial members, and stand for a 4 year term.
- (j) The duties of each committee member may be exchanged during the term by agreement and a majority support.
- (k) On retirement or exit from the association, a replacement position for the member may be selected by the current members from the committee, from the eligible members nominated by general members at the last Annual General Meeting.
- (l) Members who have declared their membership and the status/level of that membership with any other organisation that partakes in shooting sports, and that are approved by the Committee.

46. GENERAL DUTIES

- (1) As soon as practicable after being elected or appointed to the Committee, each committee member must become familiar with these Rules and the Act.
- (2) The Committee is collectively responsible for ensuring that the Association complies with the Act and that individual members of the Committee comply with these Rules.
- (3) Committee members must exercise their powers and discharge their duties with reasonable care and diligence.
- (4) Committee members must exercise their powers and discharge their duties—
 - (a) in good faith in the best interests of the Association; and
 - (b) for a proper purpose.
- (5) Committee members and former committee members must not make improper use of—
 - (a) their position; or
 - (b) information acquired by virtue of holding their position—so as to gain an advantage for themselves or any other person or to cause detriment to the Association.

Note

See also Division 3 of Part 6 of the Act which sets out the general duties of the office holders of an incorporated association.

(6) In addition to any duties imposed by these Rules, a committee member must perform any other duties imposed from time to time by resolution at a general meeting, or under the direction of the President.

47. PRESIDENT AND VICE-PRESIDENT

(1) Subject to subrule (2), the President or, in the President's absence, the Vice-President is the Chairperson for any general meetings and for any committee meetings.

(2) If the President and the Vice-President are both absent, or are unable to preside, the Chairperson of the meeting must be—

(a) in the case of a general meeting— the Secretary or the Treasurer; or

(b) in the case of a committee meeting—a committee member elected by the other committee members present.

(3) Members are only eligible to fulfil the role of President and Vice-President if they have served on the committee for a minimum of two years in another role, or unless unanimously adopted by the committee to that role.

48. SECRETARY

(1) The Secretary (or delegate) is primarily responsible for the recording and submission to the Licensing Regulation Division, Victoria Police, the Association's members attendances for all competitions and practices.

(2) The Secretary (or delegate) is responsible to record the minutes of all committee meetings, annual general meeting, any special general meeting and filing those in electronic form.

(3) The Secretary must perform any duty or function required under the Act to be performed by the secretary of an incorporated association.

Example

Under the Act, the secretary of an incorporated association is responsible for lodging documents of the association with the Registrar.

(2) The Secretary must—

(a) maintain the register of members in accordance with rule 19; and

(b) keep custody of the common seal (if any) of the Association and, except for the financial records referred to in rule 76(3), all books, documents and securities of the Association in accordance with rules 78 and 82; and

(c) subject to the Act and these Rules, provide members with access to the register of members, the minutes of general meetings and other books and documents; and

(d) perform any other duty or function imposed on the Secretary by these Rules.

(3) The Secretary must give to the Registrar notice of his or her appointment within 14 days after the appointment.

49. TREASURER

(1) The Treasurer must—

(a) receive all moneys paid to or received by the Association and issue receipts for those moneys in the name of the Association; and

- (b) ensure that all moneys received are paid into the account of the Association within 5 working days after receipt; and
 - (c) make any payments authorised by the Committee or by a general meeting of the Association from the Association's funds; and
 - (d) ensure cheques are signed by at least 2 committee members.
- (2) The Treasurer must—
- (a) ensure that the financial records of the Association are kept in accordance with the Act; and
 - (b) coordinate the preparation of the financial statements of the Association and their certification by the Committee prior to their submission to the annual general meeting of the Association.
- (3) The Treasurer must ensure that at least one other committee member has access to the accounts and financial records of the Association.

50. CLUB CAPTAIN

The Club Captain is responsible for the organisation and running of the clubs monthly competitions.

The Club Captain is also responsible for the tabulation of the scores and maintaining a record of the monthly results to determine the overall annual results of the club competitions.

The Club Captain must also ensure that all members competing in the club competitions follow the appropriate rules of the discipline being used.

51. SAFETY OFFICER

The Safety Officer is responsible for all matters relating to safety on the range. This includes but is not limited to the following:

- (a) Personal conduct of the members with relation to safe gun handling skills.
- (b) Identifying unsafe course designs.
- (c) Identifying safety hazards around the general range area.
- (d) All matters relating to safety or disqualifications are to be reported to the safety officer.

52. LANDOWNER'S REPRESENTATIVE

The Landowner's Representative is responsible for coordinating with the Landowner and Committee to organise improvements of land and facility infrastructure for the benefit of Members.

53. GENERAL COMMITTEE MEMBER

General Committee Member(s) are responsible for working with the Committee to provide services and assistance in the provision of their roles, and for the general betterment and benefit of the members.

DIVISION 3—ELECTION OF COMMITTEE MEMBERS AND TENURE OF OFFICE

54. WHO IS ELIGIBLE TO BE A COMMITTEE MEMBER

A member is eligible to be elected or appointed as a committee member if the member—

- (a) is 18 years or over; and
- (b) is entitled to vote at a general meeting, and
- (c) has been a member of the Association for a minimum of 12 months.
- (d) has been nominated by at least three members of the committee.

55. POSITIONS TO BE DECLARED VACANT

- (1) This rule applies to—
 - (a) the first annual general meeting of the Association after its incorporation; or
 - (b) every third subsequent annual general meeting of the Association, after the annual report and financial statements of the Association have been received.
- (2) The Chairperson of the meeting must declare all positions on the Committee vacant and hold elections for those positions in accordance with rules 54 to 63.

56. NOMINATIONS

- (1) Prior to the election of each position, the Chairperson of the meeting may call for nominations to fill that position.
- (2) An eligible member of the Association may—
 - (a) nominate himself or herself; or
 - (b) with the member's consent, be nominated by another member.
- (3) A member who is nominated for a position and fails to be elected to that position may be nominated for any other position for which an election is yet to be held.

57. ELECTION OF PRESIDENT ETC.

- (1) Separate elections must be held for each of the following positions—
 - (a) President;
 - (b) Vice-President;
 - (c) Secretary;
 - (d) Treasurer;
 - (f) Club Captain;
 - (g) Senior Safety Officer;
 - (h) Assistant Secretary;
 - (i) General Committee Member
 - (j) As a representative of the Landowner, the Landowner's Representative on the Committee is made by appointment and/or invitation of the Landowner, and is not an elected role.
- (2) If only one member is nominated for the position, the Chairperson of the meeting must declare the member elected to the position.
- (3) If more than one member is nominated, a ballot must be held in accordance with rule 60.
- (4) On his or her election, the new President may take over as Chairperson of the meeting.

58. ELECTION OF ORDINARY MEMBERS

- (1) The annual general meeting must by resolution decide the number of ordinary members of the Committee (if any) it wishes to hold office for the next year. This is, by default, one position.
- (2) A single election may be held to fill this position(s).
- (3) If the number of members nominated exceeds the number to be elected, a ballot must be held in accordance with rule 60.
- (4) Committee may take unsuccessful nominees as -Elect Members to attend meetings and assist on Committee (without voting rights) by invitation after any such meeting.

59. NOMINATIONS OF COMMITTEE MEMBERS

- (5) If insufficient nominations are received to fill all vacancies on the Committee, further nominations shall be received at the Annual General Meeting.

60. BALLOT

- (1) If a ballot is required for the election for a position, the Chairperson of the meeting must appoint a member to act as returning officer to conduct the ballot.
- (2) The returning officer must not be a member nominated for the position.
- (3) Before the ballot is taken, each candidate may make a short speech in support of his or her election.
- (4) The election must be by secret ballot.
- (5) The returning officer must give a blank piece of paper to—
 - (a) each member present in person; and
 - (b) each proxy appointed by a member.

Example

If a member has been appointed the proxy of 5 other members, the member must be given 6 ballot papers—one for the member and one each for the other members.

- (6) If the ballot is for a single position, the voter must write on the ballot paper the name of the candidate for whom they wish to vote.
- (7) If the ballot is for more than one position—
 - (a) the voter must write on the ballot paper the name of each candidate for whom they wish to vote;
 - (b) the voter must not write the names of more candidates than the number to be elected.
- (8) Ballot papers that do not comply with subrule (7)(b) are not to be counted.
- (9) Each ballot paper on which the name of a candidate has been written counts as one vote for that candidate.
- (10) The returning officer must declare elected the candidate or, in the case of an election for more than one position, the candidates who received the most votes.
- (11) If the returning officer is unable to declare the result of an election under subrule (10) because 2 or more candidates received the same number of votes, the returning officer must—
 - (a) conduct a further election for the position in accordance with subrules (4) to (10) to decide which of those candidates is to be elected; or
 - (b) with the agreement of those candidates, decide by lot which of them is to be elected.

Examples

The choice of candidate may be decided by the toss of a coin, drawing straws or drawing a name out of a hat.

61. TERM OF OFFICE

(1) Subject to subrule (3) and rule 62, a committee member holds office until their position on the Committee is declared vacant by their resignation or by majority Committee vote to declare the position vacant.

(2) A committee member may be re-elected.

(3) A general meeting of the Association may—

(a) by special resolution remove a committee member from office; and

(b) nominate an eligible member of the Association to fill the vacant position in accordance with this Division.

(4) A member who is the subject of a proposed special resolution under subrule (3)(a) may make representations in writing to the Secretary or President of the Association (not exceeding a reasonable length) and may request that the representations be provided to the members of the Association.

(5) The Secretary or the President may give a copy of the representations to each member of the Association or, if they are not so given, the member may require that they be read out at the meeting at which the special resolution is to be proposed.

62. VACATION OF OFFICE

(1) A committee member may resign from the Committee by written notice addressed to the Committee.

(2) A person ceases to be a committee member if he or she—

(a) ceases to be a member of the Association; or

(b) fails to attend 3 consecutive committee meetings (other than special or urgent committee meetings) without leave of absence under rule 73; or

(c) otherwise ceases to be a committee member by operation of section 78 of the Act.

Note

A Committee member may not hold the office of secretary if they do not reside in Australia.

63. FILLING CASUAL VACANCIES

(1) The Committee may appoint an eligible member of the Association to fill a position on the Committee that—

(a) has become vacant under rule 63; or

(b) was not filled by election at the last annual general meeting.

(2) If the position of Secretary becomes vacant, the Committee must appoint a member to the position within 14 days after the vacancy arises, and must do so via a majority vote of the Committee.

(3) Rule 62 applies to any committee member appointed by the Committee under subrule (1) or

(2).

(4) The Committee may continue to act despite any vacancy in its membership.

DIVISION 4—MEETINGS OF COMMITTEE

64. MEETINGS OF COMMITTEE

(1) The Committee must meet at least 4 times 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 members of the Committee as soon as practicable after the annual general meeting of the Association at which the members of the Committee were elected.

(3) Committee Members may attend electronically (via an electronic meeting platform such as Google Meet, Zoom, Skype etc) if notice is given to the Secretary and/or President no less than 48 hours in advance.

(4) Special committee meetings may be convened by the President or by any 4 members of the Committee, as long as all Committee members have been notified with at least 7 days notice.

65. NOTICE OF MEETINGS

(1) Notice of each committee meeting must be given to each committee member no later than 7 days before the date of the meeting.

(2) Notice may be given of more than one committee meeting at the same time.

(3) The notice must state the date, time and place of the meeting.

(4) If a special committee meeting is convened, the notice must include the general nature of the business to be conducted.

(5) The only business that may be conducted at the meeting is the business for which the meeting is convened.

66. URGENT MEETINGS

(1) In cases of urgency, a meeting can be held without notice being given in accordance with rule 66 provided that as much notice as practicable is given to each committee member by the quickest means practicable.

(2) Any resolution made at the meeting must be passed by an absolute majority of the Committee.

(3) The only business that may be conducted at an urgent meeting is the business for which the meeting is convened.

67. PROCEDURE AND ORDER OF BUSINESS

(1) The procedure to be followed at a meeting of a Committee must be determined from time to time by the Committee.

(2) The order of business may be determined by the members present at the meeting.

68. USE OF TECHNOLOGY

(1) A committee member who is not physically present at a committee meeting may participate in the meeting by the use of technology that allows that committee member and the committee members present at the meeting to clearly and simultaneously communicate with each other.

(2) For the purposes of this Part, a committee member participating in a committee meeting as permitted under subrule (1) is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

69. QUORUM

(1) No business may be conducted at a Committee meeting unless a quorum is present.

(2) The quorum for a committee meeting is the presence (in person or as allowed under rule 68) of a majority of the committee members holding office.

(3) If a quorum is not present within 30 minutes after the notified commencement time of a committee meeting—

(a) in the case of a special meeting—the meeting lapses;

(b) in any other case—the meeting must be adjourned to a date no later than 14 days after the adjournment and notice of the time, date and place to which the meeting is adjourned must be given in accordance with rule 66.

(4) Quorum may be attained in person or virtually by use of digital technology tools such as (but not limited to) audio calls or video calls/conferencing in order that they may be marked as present on the minutes.

70. VOTING

(1) On any question arising at a committee meeting, each committee member present at the meeting has one vote. (presence includes virtual or digital means)

(2) A motion is carried if a majority of committee members present at the meeting vote in favour of the motion.

(3) Subrule (2) does not apply to any motion or question which is required by these Rules to be passed by an absolute majority of the Committee.

(4) If votes are divided equally on a question, the Chairperson of the meeting has a second or casting vote.

(5) Voting by proxy is not permitted.

71. CONFLICT OF INTEREST

(1) A committee member who is involved in another club or association for the shooting sports must disclose this membership to their committee at every meeting, including the status of their association (for example: member, committee member) with the other club/s.

(2) A committee member who has a material personal interest in a matter being considered at a committee meeting must disclose the nature and extent of that interest to the Committee.

(3) The member—

(a) must not be present while the matter is being considered at the meeting; and

(b) must not vote on the matter.

Note

Under section 81(3) of the Act, if there are insufficient committee members to form a quorum because a member who has a material personal interest is disqualified from voting on a matter, a general meeting may be called to deal with the matter.

(3) This rule does not apply to a material personal interest—

(a) that exists only because the member belongs to a class of persons for whose benefit the Association is established; or

(b) that the member has in common with all, or a substantial proportion of, the members of the Association.

72. MINUTES OF MEETING

(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 members in attendance at the meeting;(being present by digital means)

(b) the business considered at the meeting;

(c) any resolution on which a vote is taken and the result of the vote;

(d) any material personal interest disclosed under rule 71.

73. LEAVE OF ABSENCE

(1) The Committee may grant a committee member leave of absence from committee meetings for a period not exceeding 3 months.

(2) The Committee must not grant leave of absence retrospectively unless it is satisfied that it was not feasible for the committee member to seek the leave in advance.

PART 6—FINANCIAL MATTERS

74. SOURCE OF FUNDS

The funds of the Association may be derived from joining fees, annual subscriptions, donations, fund-raising activities, grants, interest and any other sources approved by the Committee.

75. MANAGEMENT OF FUNDS

(1) The Association must open an account with a financial institution from which all expenditure of the Association is made and into which all of the Association's revenue is deposited.

(2) Subject to any restrictions imposed by a general meeting of the Association, the Committee may approve expenditure on behalf of the Association.

(3) The Committee may authorise the Treasurer to expend funds on behalf of the Association (including by electronic funds transfer) up to a specified limit without requiring approval from the Committee for each item on which the funds are expended.

(4) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by 2 committee members, or approved for EFT (Electronic Funds Transfer) by a minimum of 2 committee members.

(5) All funds of the Association must be deposited into the financial account of the Association no later than 5 working days after receipt.

(6) With the approval of the Committee, the Treasurer may maintain a cash float provided that all money paid from or paid into the float is accurately recorded at the time of the transaction.

76. FINANCIAL RECORDS

- (1) The Association must keep financial records that—
- (a) correctly record and explain its transactions, financial position and performance; and
 - (b) enable financial statements to be prepared as required by the Act.
- (2) The Association must retain the financial records for 7 years after the transactions covered by the records are completed.
- (3) The Treasurer must keep in his or her custody, or under his or her control—
- (a) the financial records for the current financial year; and
 - (b) any other financial records as authorised by the Committee.

77. FINANCIAL STATEMENTS

- (1) For each financial year, the Committee must ensure that the requirements under the Act relating to the financial statements of the Association are met.
- (2) Without limiting subrule (1), those requirements include—
- (a) the preparation of the financial statements;
 - (b) if required, the review or auditing of the financial statements;
 - (c) the certification of the financial statements by the Committee;
 - (d) the submission of the financial statements to the annual general meeting of the Association;
 - (e) the lodgement with the Registrar of the financial statements and accompanying reports, certificates, statements and fee.

78. COMMON SEAL

PART 7—GENERAL MATTERS

- (1) The Association may have a common seal.
- (2) If the Association has a common seal—
- (a) the name of the Association must appear in legible characters on the common seal;
 - (b) a document may only be sealed with the common seal by the authority of the Committee and the sealing must be witnessed by the signatures of two committee members;
 - (c) the common seal must be kept in the custody of the Secretary.

79. REGISTERED ADDRESS

The registered address of the Association is *TBA (A Post Office Box in Wodonga)*

Site Address is: Site 1, Klings Road West Wodonga

- (a) the address determined from time to time by resolution of the Committee; or
- (b) if the Committee has not determined an address to be the registered address—
the postal address of the Secretary.

80. NOTICE REQUIREMENTS

- (1) Any notice required to be given to a member or a committee member under these Rules may be given—

- (a) by handing the notice to the member personally; or
 - (b) by sending it by post to the member at the address recorded for the member on the register of members; or
 - (c) by member-provided email details.
- (2) Subrule (1) does not apply to notice given under rule 60.
- (3) Any notice required to be given to the Association or the Committee may be given—
- (a) by handing the notice to a member of the Committee; or
 - (b) by sending the notice by post to the registered address; or
 - (c) by leaving the notice at the registered address; or
 - (d) if the Committee determines that it is appropriate in the circumstances—
 - (i) by email to the email address of the Association or the Secretary.

81. CUSTODY AND INSPECTION OF BOOKS AND RECORDS

- (1) Members who have been paid-up members for more than twelve months may on request to inspect free of charge— At the absolute discretion of the committee (For privacy and security)
- (a) the register of members;
 - (b) the minutes of general meetings;
 - (c) subject to subrule (2), the financial records, books, securities and any other relevant document of the Association, including minutes of Committee meetings.

Note

See note following rule 18 for details of access to the register of members.

(2) The Committee may refuse to permit a member to inspect records of the Association that relate to confidential, personal, employment, commercial or legal matters or where to do so may be prejudicial to the interests of the Association or its members.

(3) The Committee must on request make copies of these rules available to members and applicants for membership free of charge.

(4) Subject to subrule (2), a member may make a copy of any of the other records of the Association referred to in this rule and the Association may charge a reasonable fee for provision of a copy of such a record.

(5) For purposes of this rule—

relevant documents means the records and other documents, however compiled, recorded or stored, that relate to the incorporation and management of the Association and includes the following—

- (a) its membership records;
- (b) its financial statements;
- (c) its financial records;
- (d) records and documents relating to transactions, dealings, business or property of the Association.

82. WINDING UP AND CANCELLATION

(1) The Association may be wound up voluntarily by special resolution.

(2) In the event of the winding up or the cancellation of the incorporation of the Association—

(a) The Landowner retains their rights to the land and fixed assets (buildings, power, water, equipment, etc which has been affixed to the site)

(b) Surplus portable assets of the Association must not be distributed to any members or former members of the Association.

(3) Subject to the Act and any court order made under section 133 of the Act, the surplus assets must be given to a body that has similar purposes to the Association and which is not carried on for the profit or gain of its individual members.

(4) The body to which the surplus assets are to be given must be decided by special resolution.

83. ALTERATION OF RULES

These Rules may only be altered by special resolution of a general meeting of the Association.

Note

An alteration of these Rules does not take effect unless or until it is approved by the Registrar.

If these Rules (other than rule 1, 2 or 3) are altered, the Association is taken to have adopted its own rules, not the model rules.



APPENDIX 1 -

Plan of area for activities planned to be carried out on (Lot 1), as stated in Rule 2

