

COFFS HARBOUR RIFLE CLUB CONSTITUTION

Under the Associations Incorporation Act 2009



Disclaimer

This publication must not be relied on as legal advice. For more information please refer to the appropriate legislation or seek independent legal advice.

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Part 1	Preliminary	

1 Definitions

(1) In this constitution:

Association Means the Coffs Harbour Rifle Club Incorporated.

Affiliated Associations Means an association that the Coffs Harbour Rifle Club Incorporated is associated with in regards to shooting activities, regulations and insurance to ensure compliance under the Firearms Act of 1996 and the Firearms Regulations 2017. Currently being New South Wales Rifle Association and NSW Shooting Limited. And or associate with other similar Associations as deemed suitable for the purpose of conducting approved shooting activities to ensure compliance with current legislation.

Ordinary Committee member means a member of the committee who is not an office-bearer of the association.

secretary means:

- (a) the person holding office under this constitution as secretary of the association, or
- (b) if no person holds that office - the public officer of the association.

special general meeting means a general meeting of the association other than an annual general meeting.

the Act means the *Associations Incorporation Act 2009*.

the Regulation means the *Associations Incorporation Regulation 2016*.

(2) In this constitution:

- (a) a reference to a function includes a reference to a power, authority and duty, and
- (b) a reference to the exercise of a function includes, if the function is a duty, a reference to the performance of the duty.

(3) The provisions of the *Interpretation Act 1987* apply to and in respect of this constitution in the same manner as those provisions would so apply if this constitution were an instrument made under the Act.

(4) **The Objects**

The Object of the Association shall be to promote, educate, administer and further the sport of Target (rifle, pistol, clay) Shooting, grant recognition of other shooting disciplines as detailed in Standard Shooting Rules for Australian Shooting Clubs and also to provide the best possible amenities and resources to the members and enable them to enjoy their sport.

To ensure ethical hunting and feral pest control measures conducted by members of the Association are done in a manner considered Humane, only in areas approved by authorised consent.

(5) Code of Conduct

Coffs Harbour Rifle Club members must adhere to the following basic ethical requirements. It is our code of conduct. Any breach of these requirements may result in suspension of membership or expulsion from the Association, and

- (a) Obey the requirements of the NSW Firearms Registry and all Legislation, laws and regulations associated with Firearm ownership in NSW, and
- (b) Members must do all in their power to preserve the good image of the sport and the Association
- (c) Encourage and assist new shooters, to gain knowledge and ethical attitudes relating to game management, conservation and safe firearms ownership, all of which are the hallmark of the responsible firearms owner and shooter, and
- (d) Educate people in the art of shooting, safe handling of Firearms and oppose the use of firearms for illegal and unlawful purposes, and
- (e) Not engage in any act or activity that is considered outside the objects or the code of conduct, and
- (e) Follow the guidelines and instructions conveyed to the members of the Association from the elected Office Bearers/Committee and agree to report any behaviour that is against the code of conduct.

Part 2 Membership

2 Membership generally

- (1) A person is eligible to be a member of the Association known as the Coffs Harbour Rifle Club if:
 - (a) the person is a natural person, and
 - (b) the person has applied and been approved for membership of the association in accordance with clause 3.
- (2) A person is taken to be a member of the association if:
 - (a) the person is a natural person, and
 - (b) the person was:
 - (i) in the case of an unincorporated body that is registered as the association - a member of that unincorporated body immediately before the registration of the association, or
 - (ii) in the case of an association that is amalgamated to form the relevant association - a member of that other association immediately before the amalgamation, or

- (iii) in the case of a registrable corporation that is registered as an association - a member of the registrable corporation immediately before that entity was registered as an association.
- (3) A person is taken to be a member of the association if the person was one of the individuals on whose behalf an application for registration of the association under section 6 (1) (a) of the Act was made.

(4) Type of Membership

(a) FULL MEMBERS

A Full Member shall maintain membership of the Association as well as New South Wales Rifle Association and New South Wales Shooting Limited. They shall be entitled to elected to a nominated position/s of the Associations Executive Committee and participate in any of the disciplines Target Shooting, Hunting, Collecting and/or approved events conducted by the Association, the New South Wales Rifle Association and New South Wales Shooting Limited.

(b) LOCAL MEMBERS

A Local member shall maintain membership of the Association and New South Wales Shooting Limited and shall be entitled to participate in any of the disciplines of Target Shooting, Hunting, Collecting as conducted by the Association. Local members do not qualify for prizes in events sanctioned by the New South Wales Rifle Association and can not be elected to any position on the Executive Committee.

(c) JUNIOR MEMBERS

A Junior Member shall be aged 12 years to under of 21 years. They shall maintain membership of the Association as well as New South Wales Rifle Association and New South Wales Shooting Limited, or the Association and New South Wales Shooting Limited and shall be entitled to participate in any of the disciplines of Target Shooting, Hunting*,Collecting and/or approved events conducted by the Association, the New South Wales Rifle Association and New South Wales Shooting Limited.

Note *All members participating in Hunting/Shotgun/Pistol activities arranged by the Association are required to hold Gold Card NSW Shooting Limited membership.

(d) SOCIAL MEMBERS

Are non-shooting supporters of the Association, the Committee may appoint Social members at reduced fees who shall not be entitled to participate in the association Committee or take part in rifle practice or shooting events. This membership type has no voting rights. Social membership does not qualify as a genuine reason for holding a target, Hunting or Collecting category Firearms Licence.

(e) LIFE MEMBERS

The Committee may by a two thirds majority of those present confer Life Membership on any person recommended to it, provided that that conferment be limited to not more than two persons in that financial year. A Life Member shall not be required to pay any membership fees, all fee's are to be absorbed by the Affiliated Associations and/or the Association. Life members are considered full members of the association under Section 2 (4a).

All members participating in Hunting/Shotgun/Pistol activities arranged by the Association are required to hold Gold Card NSW Shooting Limited membership, *this will be the only fee due by Life Members of the Association, only payable **IF** they wish to continue to **participate in Hunting/Shotgun/Pistol** events held by the Association.

Life members are still required to pay range and/or attendance Fee's.

3 Application for membership

- (1) An application by a person for membership of the association:
 - (a) must be made in writing on the association application for membership form (including by email or other electronic means, if the committee so determines) in the form determined by the committee, and
 - (b) must be lodged (including by electronic means, if the committee so determines) with the Membership Officer of the association.
- (2) As soon as practicable after receiving an application for membership, the Membership Officer must refer the application to the committee, which is to determine whether to approve or to reject the application.
- (3) As soon as practicable after the committee makes that determination, the secretary must:
 - (a) notify the applicant in writing (including by email or other electronic means, if the committee so determines) that the committee approved or rejected the application (whichever is applicable), and
 - (b) if the committee approved the application, request the applicant to pay (within the period of 28 days after receipt by the applicant of the notification) the sum payable under this constitution by a member as entrance fee and annual subscription.
 - (c) The Committee is not required to supply reasons for accepting or rejecting an application for membership.
 - (d) Should the committee decline an application for membership, the association is obligated to notify the New South Wales Firearms Registry.
- (4) The Secretary/Membership Officer must, on payment by the applicant of the amounts referred to in subclause (3) (b) within the period referred to in that provision, enter or cause to be entered the applicant's name in the register of members and, on the name being so entered, the applicant becomes a member of the association.

4 Cessation of membership

A person ceases to be a member of the association if the person:

- (a) dies, or
- (b) resigns membership, or
- (c) is expelled from the association, or
- (d) fails to pay the annual membership fee under clause 8 (2) within 3 months after the fee is due.

- (e) in the event of cessation of membership, the association is obligated to notify the New South Wales Firearms Registry.

5 Membership entitlements not transferable

A right, privilege or obligation which a person has by reason of being a member of the association:

- (a) is not capable of being transferred or transmitted to another person, and
- (b) terminates on cessation of the person's membership.

6 Resignation of membership

- (1) A member of the association may resign from membership of the association by first giving to the secretary written notice of at least 1 month (or any other period that the committee may determine) of the member's intention to resign and, on the expiration of the period of notice, the member ceases to be a member.
- (2) If a member of the association ceases to be a member under subclause (1), and in every other case where a member ceases to hold membership, the secretary/membership officer must make an appropriate entry in the register of members recording the date on which the member ceased to be a member.

7 Register of members

- (1) The association must establish and maintain a register of members of the association (whether in written or electronic form) specifying the name and postal, residential or email address of each person who is a member of the association together with the date on which the person became a member.
- (2) The register of members must be kept in New South Wales:
 - (a) at the main premises of the association, or
 - (b) if the association has no premises, at the association's official address.
- (3) The register of members will only be open for inspection by any member of the executive committee, or on written application to the executive committee. The executive committee will only provide that information that it considers appropriate. Information will only be provided to NSW Police or other formal Government agency in compliance with the Firearms Act
- (4) If a member requests that any information contained on the register about the member (other than the member's name) not be available for inspection that information must not be made available for inspection.
- (5) A member must not use information about a person obtained from the register to contact or send material to the person, other than for:
 - (a) the purposes of sending the person a newsletter, a notice in respect of a meeting or other event relating to the association or other material relating to the association, or
 - (b) any other purpose necessary to comply with a requirement of the Act or the Regulation.
- (6) If the register of members is kept in electronic form:

- (a) it must be convertible into hard copy, and
- (b) the requirements in subclauses (2) and (3) apply as if a reference to the register of members is a reference to a current hard copy of the register of members.

8 Fees and subscriptions

- (1) A member of the association must, on admission to membership, pay to the association a fee, as notified by annual renewal and /or the amount that is determined by the committee, that amount being Fee's due to become a financial member of the Association.
- (2) In addition to any amount payable by the member under subclause (1), a member of the association must pay to the association an annual membership fee, as notified by annual renewal or, if some other amount is determined by the committee, that other amount:
 - (a) except as provided by paragraph (b), before the first day of the financial year of the association in each calendar year, or
 - (b) if the member becomes a member on or after the first day of the financial year of the association in any calendar year—on becoming a member and before the first day of the financial year of the association in each succeeding calendar year.
 - (c) If a member becomes a member in any month other than the first day of the financial year, the amount payable is determined by the committee.
 - (d) Fee's waived by the Association: The fee's absorbed by the Association will be determined by the Executive Committee, Life Members will be granted this entitlement.

9 Members' liabilities

The liability of a member of the association to contribute towards the payment of the debts and liabilities of the association or the costs, charges and expenses of the winding up of the association is limited to the amount, if any, unpaid by the member in respect of membership of the association as required by clause 8.

10 Resolution of disputes

- (1) A dispute between a member and another member (in their capacity as members) of the association, or a dispute between a member or members and the association, are to be referred to a Community Justice Centre for mediation under the *Community Justice Centres Act 1983*.
- (2) If a dispute is not resolved by mediation within 3 months of the referral to a Community Justice Centre, the dispute is to be referred to arbitration.
- (3) The *Commercial Arbitration Act 2010* applies to a dispute referred to arbitration.

11 Disciplining of members

- (1) A complaint may be made to the committee by any person that a member of the association:
 - (a) has refused or neglected to comply with a provision or provisions of this constitution, or

- (b) has wilfully acted in a manner prejudicial to the interests of the association.
- (2) The committee may refuse to deal with a complaint if it considers the complaint to be trivial or vexatious in nature.
- (3) If the committee decides to deal with the complaint, the committee:
 - (a) must cause notice of the complaint to be served on the member concerned, and
 - (b) must give the member at least 14 days from the time the notice is served within which to make submissions to the committee in connection with the complaint, and
 - (c) must take into consideration any submissions made by the member in connection with the complaint.
- (4) The committee may, by resolution, issue the member a written warning, expel the member from the association or suspend the member from membership of the association if, after considering the complaint and any submissions made in connection with the complaint, it is satisfied that the facts alleged in the complaint have been proved and the expulsion or suspension is warranted in the circumstances.
- (5) If the committee expels or suspends a member, the secretary must, within 7 days after the action is taken, cause written notice to be given to the member of the action taken, of the reasons given by the committee for having taken that action and of the member's right of appeal under clause 12.
- (6) The expulsion or suspension does not take effect:
 - (a) until the expiration of the period within which the member is entitled to appeal against the resolution concerned, or
 - (b) if within that period the member exercises the right of appeal, unless and until the association confirms the resolution under clause 12, whichever is the later.

12 Right of appeal of disciplined member

- (1) A member may appeal to the association in general meeting against a resolution of the committee under clause 11, within 14 days after notice of the resolution is served on the member, by lodging with the secretary a notice to that effect.
- (2) The notice may, but need not, be accompanied by a statement of the grounds on which the member intends to rely for the purposes of the appeal.
- (3) On receipt of a notice from a member under subclause (1), the secretary must notify the committee, which is to convene a special general meeting of the association to be held within 28 days after the date on which the secretary received the notice.
- (4) At a general meeting of the association convened under subclause (3):
 - (a) no business other than the question of the appeal is to be transacted, and
 - (b) the committee and the member must be given the opportunity to state their respective cases orally or in writing, or both, and
 - (c) the members present are to vote by secret ballot on the question of whether the resolution should be confirmed or revoked.
- (5) The appeal is to be determined by a simple majority of votes cast by members of the association.

Part 3 The committee

13 Powers of the committee

Subject to the Act, the Regulation, this constitution and any resolution passed by the association in general meeting, the committee:

- (a) is to control and manage the affairs of the association, and
- (b) may exercise all the functions that may be exercised by the association, other than those functions that are required by this constitution to be exercised by a general meeting of members of the association, and
- (c) has power to perform all the acts and do all things that appear to the committee to be necessary or desirable for the proper management of the affairs of the association.

14 Composition and membership of committee

(1) The committee is to consist of:

- (a) the office-bearers of the association, and
- (b) the Executive Committee of the association, and
- (c) at least no less than 2 other ordinary committee members,

each of whom is to be elected at the annual general meeting of the association under clause 15.

Note. Section 28 of the Act contains further requirements concerning eligibility for membership and composition of the committee.

(2) The total number of committee members is to be no less than 10.

(3) **The Office Bearers** of the Association are as follows:

- (a) President
- (b) Vice-President
- (c) Treasurer
- (d) Secretary

The Executive Committee of the Association are as follows:

- (e) Captain
- (f) Vice Captain
- (g) Vice Captain Field Class Dairyville
- (h) Vice Captain Rimfire/Shotgun Dairyville
- (i) Vice Captain F-Class/Fullbore Dairyville
- (j) Vice Captain Military Dairyville
- (k) Vice Captain's Rimfire Howard St x 2
- (g) Public Officer
- (h) Chief Club Armourer

The Association **Office Bearers and Executive Committee** are required to be FULL MEMBERS as outlined in Section 2 sub clause 4a.

The remainder of the committee shall consist of :

- (a) Club Armourer x 5
 - (b) Maintenance Officers
 - (c) Publicity Officer / Statistician
 - (d) Membership Officer
 - (e) Webmaster
 - (f) Canteen Officers
 - (g) General Committee
- (4) A committee member may hold up to 2 offices (other than both the offices of President and Vice-President).
- (5) There is no maximum number of consecutive terms for which a committee member may hold office.
- (6) Each member of the committee is, subject to this constitution, to hold office until immediately before the election of committee members at the annual general meeting next following the date of the member's election, and is eligible for re-election.

15 Election of committee members

- (1) Nominations of candidates for election as office-bearers, executive committee of the association or as ordinary committee members:
- (a) must be made in writing, signed by 2 members of the association and accompanied by the written consent of the candidate (which may be endorsed on the form of the nomination), and
 - (b) must be delivered to the secretary of the association at least 14 days before the date fixed for the holding of the annual general meeting at which the election is to take place.
- (2) If insufficient nominations are received to fill all vacancies on the committee, the candidates nominated are taken to be elected and further nominations are to be received at the annual general meeting.
- (3) If insufficient further nominations are received, any vacant positions remaining on the committee are taken to be casual vacancies.
- (4) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated are taken to be elected.
- (5) If the number of nominations received exceeds the number of vacancies to be filled, a ballot is to be held.
- (6) The ballot for the election of office-bearers, executive committee and ordinary committee members of the committee is to be conducted at the annual general meeting in any usual and proper manner that the committee directs.
- (7) A person nominated as a candidate for election as an office-bearer or executive committee, must be a full member, as outlined in Section 2, (4a) or as an ordinary committee member of the association must be a member of the association.

16a Secretary

- (1) The secretary of the association must, as soon as practicable after being appointed as secretary, lodge notice with the association of his or her address.
- (2) It is the duty of the secretary and/or the appointed minutes secretary to keep minutes (whether in written or electronic form) of:
 - (a) all appointments of office-bearers and members of the committee, and
 - (b) the names of members of the committee present at a committee meeting or a general meeting, and
 - (c) all proceedings at committee meetings and general meetings.
 - (d) any appointed minutes secretary must record and report back to the secretary with the appropriate documentation.
- (3) Minutes of proceedings at a meeting must be signed by the chairperson of the meeting or by the chairperson of the next succeeding meeting.
- (4) The signature of the chairperson may be transmitted by electronic means for the purposes of subclause (3).

16b Treasurer

It is the duty of the treasurer of the association to ensure:

- (a) that all money due to the association is collected and received and that all payments authorised by the association are made, and
- (b) that correct books and accounts are kept showing the financial affairs of the association, including full details of all receipts and expenditure connected with the activities of the association.
- (c) all funds collected are held under the name of the Association and reported as required to the elected Committee of the Association.

17a Captain

It is the duty of the Association's Club Captain to ensure:

- (a) co-ordinate the running of any Club event that may be promoted by the Association, ensure range officers and the appropriate safety measures are in place and ensure all competitions are conducted in accordance with the rules and regulations governing the use of Firearms in New South Wales.
- (b) the Captain is required to make regular Range Inspections on the rifle range, mantlet, target trench and butt stop to ensure they meet the safety requirements and report any maintenance and repairs required in the next available meeting. If an item is deemed un-safe and not to be used an immediate notice must be issued to all current members of the Association.
- (c) the Captain is required to become familiar with the Regulations and relevant information governing the safe operation of rifle ranges in NSW, Firearms Registry, NSWRA, NSW Shooting Ltd and the NRAA will send appropriate notification's/changes that may/may not require to be implemented, the Captain must ensure all members of the committee are

familiar with their obligations, liabilities and privileges associated with their respective roles.

- (d) Any accidents must be reported to the State Inspector of rifle ranges and any Association Affiliated with the Coffs Harbour Rifle Club Inc within twenty four hours of the incident.
- (e) the Captain may be called upon to run any meeting in the absence of the President and/or Vice President.
- (f) make the appropriate arrangements to ensure all conditions on the Licence's/Range Approval as issued to the Association remain current.
- (g) All Association Licenses, including Range Approvals and all Association Firearms Registrations shall be in the name of the Associations Captain.

17b Vice Captain

- (a) the Vice Captain's role is to assist the Captain co-ordinate the running of any Club event that may be promoted by the Association, ensure range officers and the appropriate safety measures are in place and ensure all competitions are conducted in accordance with the rules and regulations governing the use of Firearms in New South Wales.
- (b) the Vice Captain may be called upon in the absence of the Association's Captain to complete any associated tasks as required, chair meeting's and ensure all appropriate correspondence/tasks are allocated accordingly.

17c Vice Captain –assigned disciplines

- (a) any Vice Captain elected to control a specific discipline as advertised by the Association must ensure the appropriate safety measures are adhered to and each event has a safety Range Officer to conduct the event as notified to the Association members and guests.
- (b) check for any item required to complete the discipline such as targets, patches and/or safety equipment, notify the Captain or Secretary of any issues or required stationery.
- (c) make the appropriate arrangements to ensure another Vice Captain or Captain is available to run the elected discipline in your absence.
- (d) any Vice Captain may be called upon in the absence of the Association's Captain to complete any associated tasks as required, chair meeting's and ensure all appropriate correspondence/tasks are allocated accordingly.

17d Chief Club Armourer

- (a) report any items purchased by the Association that are regulated and form part of the Armourers duties, ammunition, powder, projectiles and any items sold by the Association for the purpose of target shooting.

- (b) retain receipts and submit with any report as required to any general meeting conducted by the Association.
- (c) record and maintain the appropriate stationary is up to date and complete
- (d) liaise with all Association Armourers to ensure compliance and communicate any required changes, ensure that any ammunition, firearms or controlled items owned by the Association meet the safe handling requirement specified on the Association Armourer's licence.
- (e) any Armourers Licence issued and paid for by the Association does not grant an individual authority to conduct Business or Commercial dealings and is restricted to the control of Association ammunition and firearms only.
- (f) Control any maintenance required to rifles owned by the Association and report any safety issues as required, arrange the repair and/or replacement to ensure the safety of members and guests.

17e Club Armourer

- (a) Will report to the Chief Club Armourer and control the sale and distribution of ammunition/components and firearms purchased by the Association for distribution to its members and or approved visitors.

18 Casual vacancies

- (1) In the event of a casual vacancy occurring in the membership of the committee, the committee may appoint a member of the association to fill the vacancy and the member so appointed is to hold office, subject to this constitution, until the annual general meeting next following the date of the appointment.
- (2) A casual vacancy in the office of a member of the committee occurs if the member:
 - (a) dies, or
 - (b) ceases to be a member of the association, or
 - (c) is or becomes an insolvent under administration within the meaning of the *Corporations Act 2001* of the Commonwealth, or
 - (d) resigns office by notice in writing given to the secretary, or
 - (e) is removed from office under clause 19, or
 - (f) becomes a mentally incapacitated person, or
 - (g) is absent without the consent of the committee from 3 consecutive meetings of the committee, or
 - (h) is convicted of an offence involving fraud or dishonesty for which the maximum penalty on conviction is imprisonment for not less than 3 months, or
 - (i) is prohibited from being a director of a company under Part 2D.6 (Disqualification from managing corporations) of the *Corporations Act 2001* of the Commonwealth.

19 Removal of committee members

- (1) The association in general meeting may by resolution remove any member of the committee from the office of member before the expiration of the member's term of office and may by resolution appoint another person to hold office until the expiration of the term of office of the member so removed.
- (2) If a member of the committee to whom a proposed resolution referred to in subclause (1) relates makes representations in writing to the secretary or president (not exceeding a reasonable length) and requests that the representations be notified to the members of the association, the secretary or the president may send a copy of the representations to each member of the association or, if the representations are not so sent, the member is entitled to require that the representations be read out at the meeting at which the resolution is considered.

20 Committee meetings and quorum

- (1) The committee must meet at least 6 times in each period of 12 months at the place and time that the committee may determine.
- (2) Additional meetings of the committee may be convened by the President or by any member of the committee.
- (3) Oral or written notice of a meeting of the committee must be given by the secretary to each member of the committee at least 48 hours (or any other period that may be unanimously agreed on by the members of the committee) before the time appointed for the holding of the meeting.
- (4) Notice of a meeting given under subclause (3) must specify the general nature of the business to be transacted at the meeting and no business other than that business is to be transacted at the meeting, except business which the committee members present at the meeting unanimously agree to treat as urgent business.
- (5) Any 5 members of the office bearers or executive committee constitute a quorum for the transaction of the business of a meeting of the committee.
- (6) No business is to be transacted by the committee unless a quorum is present and if, within half an hour of the time appointed for the meeting, a quorum is not present, the meeting is to stand adjourned to the same place and at the same hour of the same day in the following week.
- (7) If at the adjourned meeting a quorum is not present within half an hour of the time appointed for the meeting, the meeting is to be dissolved.
- (8) At a meeting of the committee:
 - (a) The President or, in the President's absence, the Vice-President is to preside, or
 - (b) If the President and the Vice-President are absent or unwilling to act, the Captain or Vice Captain is to preside.
 - (c) or an Executive Committee member may be chosen by the members present at the meeting is to preside.

21 Appointment of association members as committee members to constitute quorum

- (1) If at any time the number of committee members is less than the number required to constitute a quorum for a committee meeting, the existing committee members may appoint a sufficient number of members of the association as committee members to enable the quorum to be constituted.

- (2) A member of the committee so appointed is to hold office, subject to this constitution, until the annual general meeting next following the date of the appointment.
- (3) This clause does not apply to the filling of a casual vacancy to which clause 18 applies.

22 Use of technology at committee meetings

- (1) A committee meeting may be held at 2 or more venues using any technology approved by the committee that gives each of the committee's members a reasonable opportunity to participate.
- (2) A committee member who participates in a committee meeting using that technology is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

23 Delegation by committee to sub-committee

- (1) The committee may, by instrument in writing, delegate to one or more sub-committees (consisting of the member or members of the association that the committee thinks fit) the exercise of any of the functions of the committee that are specified in the instrument, other than:
 - (a) this power of delegation, and
 - (b) a function which is a duty imposed on the committee by the Act or by any other law.
- (2) A function the exercise of which has been delegated to a sub-committee under this clause may, while the delegation remains unrevoked, be exercised from time to time by the sub-committee in accordance with the terms of the delegation.
- (3) A delegation under this clause may be made subject to any conditions or limitations as to the exercise of any function, or as to time or circumstances that may be specified in the instrument of delegation.
- (4) Despite any delegation under this clause, the committee may continue to exercise any function delegated.
- (5) Any act or thing done or suffered by a sub-committee acting in the exercise of a delegation under this clause has the same force and effect as it would have if it had been done or suffered by the committee.
- (6) The committee may, by instrument in writing, revoke wholly or in part any delegation under this clause.
- (7) A sub-committee may meet and adjourn as it thinks proper, keeping notes and allocated minutes.
- (8) Any sub-committee formed must report to the Executive Committee in the next available General Meeting before making any decisions on behalf of the Association.
- (9) Any/all decisions by any elected committee or sub-committee will be governed under section 24.

24 Voting and decisions

- (1) Questions arising at a meeting of the committee or of any sub-committee appointed by the committee are to be determined by a majority of the votes of members of the committee or sub-committee present at the meeting.

- (2) Each committee member present at a meeting of the committee or of any sub-committee appointed by the committee (including the person presiding at the meeting) is entitled to one vote but, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.
- (3) Subject to clause 20 (5), the committee may act despite any vacancy on the committee.
- (4) Any act or thing done or suffered, or purporting to have been done or suffered, by the committee or by a sub-committee appointed by the committee, is valid and effectual despite any defect that may afterwards be discovered in the appointment or qualification of any member of the committee or sub-committee.

Part 4 General meetings

25 Annual general meetings - holding of

- (1) The association must hold its first annual general meeting within 18 months after its registration under the Act.
- (2) The association must hold its annual general meetings:
 - (a) within 6 months after the close of the association's financial year, or
 - (b) within any later time that may be allowed or prescribed under section 37 (2) (b) of the Act.
 - (c) at the time allocated by issue of notice to the Association members or in written form such as the Association Diary or Calendar of organised events.

26 Annual general meetings - calling of and business at

- (1) The annual general meeting of the association is, subject to the Act and to clause 25, to be convened on the date and at the place and time that the committee thinks fit.
- (2) In addition to any other business which may be transacted at an annual general meeting, the business of an annual general meeting is to include the following:
 - (a) to confirm the minutes of the last preceding annual general meeting and of any special general meeting held since that meeting,
 - (b) to receive from the committee reports in writing or by electronic form on the activities of the association during the last preceding financial year,
 - (c) to elect office-bearers of the association and ordinary committee members,
 - (d) to receive and consider any financial statement or report required to be submitted to members under the Act.
- (3) An annual general meeting must be specified as that type of meeting in the notice convening it.

27 Special general meetings - calling of

- (1) The committee may, whenever it thinks fit, convene a special general meeting of the association.
- (2) The committee must, on the requisition of at least 5% of the total number of members, convene a special general meeting of the association.

- (3) A requisition of members for a special general meeting:
 - (a) must be in writing, and
 - (b) must state the purpose or purposes of the meeting, and
 - (c) must be signed by the members making the requisition, and
 - (d) must be lodged with the secretary, and
 - (e) may consist of several documents in a similar form, each signed by one or more of the members making the requisition.
- (4) If the committee fails to convene a special general meeting to be held within 1 month after the date on which a requisition of members for the meeting is lodged with the secretary, any one or more of the members who made the requisition may convene a special general meeting to be held not later than 3 months after that date.
- (5) A special general meeting convened by a member or members as referred to in subclause (4) must be convened as nearly as is practicable in the same manner as general meetings are convened by the committee.
- (6) For the purposes of subclause (3):
 - (a) a requisition may be in electronic form, and
 - (b) a signature may be transmitted, and a requisition may be lodged, by electronic means.

28 Notice

- (1) Except if the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, the secretary must, at least 14 days before the date fixed for the holding of the general meeting, give a notice to each member specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.
- (2) If the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the association, the secretary must, at least 21 days before the date fixed for the holding of the general meeting, cause notice to be given to each member specifying, in addition to the matter required under subclause (1), the intention to propose the resolution as a special resolution.

Note. A special resolution must be passed in accordance with section 39 of the Act.

- (3) No business other than that specified in the notice convening a general meeting is to be transacted at the meeting except, in the case of an annual general meeting, business which may be transacted under clause 26 (2).
- (4) A member desiring to bring any business before a general meeting may give notice in writing of that business to the secretary who must include that business in the next notice calling a general meeting given after receipt of the notice from the member.

29 Quorum for general meetings

- (1) No item of business is to be transacted at a general meeting unless a quorum of members entitled under this constitution to vote is present during the time the meeting is considering that item.
- (2) Five members present (being members entitled under this constitution to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting.

- (3) If within half an hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting:
 - (a) if convened on the requisition of members—is to be dissolved, and
 - (b) in any other case—is to stand adjourned to the same day in the following week at the same time and (unless another place is specified at the time of the adjournment by the person presiding at the meeting or communicated by written notice to members given before the day to which the meeting is adjourned) at the same place.
- (4) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being at least 3) are to constitute a quorum.

30 Presiding member

- (a) The President or, in the President's absence, the Vice-President, is to preside as chairperson at each general meeting of the association.
- (b) If the President and the Vice-President are absent or unwilling to act, the Captain or Vice Captain is to preside.
- (c) or an Executive Committee member may be chosen by the members present at the meeting is to preside.

31 Adjournment

- (1) The chairperson of a general meeting at which a quorum is present may, with the consent of the majority of members present at the meeting, adjourn the meeting from time to time and place to place, but no business is to be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- (2) If a general meeting is adjourned for 14 days or more, the secretary must give written or oral notice of the adjourned meeting to each member of the association stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- (3) Except as provided in subclauses (1) and (2), notice of an adjournment of a general meeting or of the business to be transacted at an adjourned meeting is not required to be given.

32 Making of decisions

- (1) A question arising at a general meeting of the association is to be determined by:
 - (a) a show of hands or, if the meeting is one to which clause 37 applies, any appropriate corresponding method that the committee may determine, or
 - (b) if on the motion of the chairperson or if 5 or more members present at the meeting decide that the question should be determined by a written ballot—a written ballot.
- (2) If the question is to be determined by a show of hands, a declaration by the chairperson that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, or an entry to that effect in the minute book of the association, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.

- (3) Subclause (2) applies to a method determined by the committee under subclause (1) (a) in the same way as it applies to a show of hands.
- (4) If the question is to be determined by a written ballot, the ballot is to be conducted in accordance with the directions of the chairperson.

33 Special resolutions

A special resolution may only be passed by the association in accordance with section 39 of the Act.

34 Voting

- (1) On any question arising at a general meeting of the association a member has one vote only.
- (2) In the case of an equality of votes on a question at a general meeting, the chairperson of the meeting is entitled to exercise a second or casting vote.
- (3) A member is not entitled to vote at any general meeting of the association unless all money due and payable by the member to the association has been paid.
- (4) A member is not entitled to vote at any general meeting of the association if the member is a Social Member (clause 4d) or under 21 years of age as determined by the Affiliated Associations (clause 4c).

35 Proxy votes not permitted

Proxy voting must not be undertaken at or in respect of a general meeting.

36 Postal or electronic ballots

- (1) The association may hold a postal or electronic ballot (as the committee determines) to determine any issue or proposal (other than an appeal under clause 12).
- (2) A postal or electronic ballot is to be conducted in accordance with Schedule 3 to the Regulation.

37 Use of technology at general meetings

- (1) A general meeting may be held at 2 or more venues using any technology approved by the committee that gives each of the association's members a reasonable opportunity to participate.
- (2) A member of an association who participates in a general meeting using that technology is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

Part 5 Miscellaneous

38 Insurance

The association will effect and maintain insurance. Insurance deemed appropriate shall be protection of assets, public liability and volunteers.

39 Funds - source

- (1) The funds of the association are to be derived from Range fees and annual subscriptions of members, donations, grants and, subject to any resolution passed by the association in general meeting, any other sources that the committee determines.
- (2) All money received by the association must be deposited as soon as practicable and without deduction to the credit of the association's bank or other authorised deposit-taking institution account.
- (3) The association must, as soon as practicable after receiving any money, issue an appropriate receipt of membership fee's and/or donation.

40 Funds - management

- (1) Subject to any resolution passed by the association in general meeting, the funds of the association are to be used solely in pursuance of the objects of the association in the manner that the committee determines.
- (2) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by 2 authorised signatories. Any funds held with Financial Institutions must be in the name of the Association and reported at every Annual General Meeting.

41 Association is non-profit

Subject to the Act and the Regulation, the association must apply its funds and assets solely in pursuance of the objects of the association and must not conduct its affairs so as to provide a pecuniary gain for any of its members.

Note. Section 5 of the Act defines **pecuniary gain** for the purpose of this clause.

42 Distribution of property on winding up of association

- (1) Subject to the Act and the Regulations, in a winding up of the association, any surplus property of the association is to be transferred to another organisation with similar objects and which is not carried on for the profit or gain of its individual members.
- (2) In this clause, a reference to the surplus property of an association is a reference to that property of the association remaining after satisfaction of the debts and liabilities of the association and the costs, charges and expenses of the winding up of the association.

Note. Section 65 of the Act provides for distribution of surplus property on the winding up of an association.

43 Change of name, objects and constitution

An application for registration of a change in the association's name, objects or constitution in accordance with section 10 of the Act is to be made by the public officer or a committee member.

44 Custody of books etc

Except as otherwise provided by this constitution, all records, books and other documents relating to the association must be kept in New South Wales:

- (a) at the main premises of the association, in the custody of the public officer or a member of the association (as the committee determines), or
- (b) if the association has no premises, at the association's official address, in the custody of the public officer.

45 Inspection of books etc

- (1) The following documents must be open to inspection, free of charge, by a member of the association at any reasonable hour:
 - (a) records, books and other financial documents of the association,
 - (b) this constitution and associated documents of approval, minutes granting acceptance of any/all sub clause changes by the Association committee.
 - (c) minutes of all committee meetings and general meetings of the association.
- (2) A member of the association may obtain a copy of any of the documents referred to in subclause (1) on payment of a fee of not more than \$1 for each page copied.
- (3) Despite subclauses (1) and (2), the committee may refuse to permit a member of the association to inspect or obtain a copy of 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.

46 Service of notices

- (1) For the purpose of this constitution, a notice may be served on or given to a person:
 - (a) by delivering it to the person personally, or
 - (b) by sending it by pre-paid post to the address of the person, or
 - (c) by sending it by facsimile transmission, email or some other form of electronic transmission to an address specified by the person for giving or serving the notice.
- (2) For the purpose of this constitution, a notice is taken, unless the contrary is proved, to have been given or served:
 - (a) in the case of a notice given or served personally, on the date on which it is received by the addressee, and
 - (b) in the case of a notice sent by pre-paid post, on the date when it would have been delivered in the ordinary course of post, and
 - (c) in the case of a notice sent by facsimile transmission, email or some other form of electronic transmission, on the date it was sent or, if the machine from which the transmission was sent produces a report indicating that the notice was sent on a later date, on that date.

47 Financial year

The financial year of the association is:

- (a) the period of time commencing on the date of incorporation of the association and ending on the following 31st May, and
- (b) each period of 12 months after the expiration of the previous financial year of the association, commencing on 1st June and ending on the following 31st May.

Notes.

1. Schedule 1 to the Act provides that an association's constitution is to address the association's financial year.
2. Clause 19 of the Regulation contains a substitute clause 47 for certain associations incorporated under the *Associations Incorporation Act 1984*.

48 Basic Rules

(a) The Constitution is to be read in conjunction with and is supplementary to all current Regulations made by the NSW Police Firearms Registry, State Inspector of Firearms Ranges and to any subsequent Rules and Conditions determined by the affiliated associations.

(b) All shooting disciplines using the Association Range facilities shall liaise with and be guided by the Committee of the Coffs Harbour Rifle Club Incorporated in the sighting of Ranges and procedures involved in their particular discipline in cooperation with the affiliated associations and the State inspector of Rifle Ranges.

(c) Sub Committees of Coffs Harbour Rifle Club may be established (as per section 23) if required to cater for different shooting disciplines whose participation on the Associations Ranges is approved by the State Inspector of Rifle Ranges. All Sub Committees formed must report as required to the Executive Committee of the Association.

(d) The current membership of the association and the elected committee are considered the current custodians of all lands, buildings, machinery, plant and equipment. A Special Resolution as per section 39 of the Act is required for any sale or disposal of major fixed assets such as any portion of the land owned by the Association known as The Dairyville Shooting Complex or Howard Street Range.(refer sub clause 50)

49. RANGE OFFICERS

All range officers must have completed the range officers training, accreditation and probation program as described by the New South Wales Rifle Association and/or NSW Shooting Limited Sign-off must be completed by the Association Captain and/or the current New South Wales Rifle Association State Range Officer or accredited NSW Shooting Limited Safety Officer.

The Association allows the following Range Officer types :

(a) NSWRA Range Officer

The Range Officer must be a member of the New South Wales Rifle Association and registered as a Range Officer with the New South Wales Rifle Association, as such may be called upon to control/officiate in events recognised by the NSWRA and/or the Association.

(b) Local Range Officer

The Range Officer must be a current member of the Association and registered as a Range officer of the Association. Junior and Social members of the Association are excluded, any Local Range Officers may only control/officiate in Club events held by the Association.

50. SALE OF PROPERTY and ASSETS

- (1) Subject to the Act and the Regulations, in a winding up of the association or the sale/transfer of ownership of any surplus property of the association is to be transferred to another organisation with similar objects and which is not carried on for the profit or gain of its individual members.

- (2) In this clause, a reference to the surplus property of an association is a reference to that property of the association remaining after satisfaction of the debts and liabilities of the association and the costs, charges and expenses.
- (3) Should the elected Committee of the Association wish to remain as an active Association and sell/transfer ownership of plant and equipment valued at more than \$20,000.00, it must give notice to the members of the Association and conduct a meeting in accordance with section 27 and 28 of the Associations constitution, in any such meeting, decisions will be in accordance with section 32 of the Associations constitution, with subsequent notification sent to all Association members declaring the outcome of any such motions. Any asset under \$20,000.00 in value can be approved for sale by the committee at a general meeting.
- (4) Should the elected Committee of the Association wish to remain as an active Association and sell/transfer ownership of land/property valued at more than \$20,000.00, it must give notice to the members of the Association and conduct a meeting in accordance with section 27 and 28 of the Associations constitution, in any such meeting, decisions will be in accordance with section 32 of the Associations constitution.

The elected Executive Committee must be in attendance (refer clause 22) by any means possible and by way of ballot or vote, a decision reached under section 39 of the act with all members present, with subsequent notification sent to all Association members declaring the outcome of any such motions.

Note. Section 65 of the Act provides for distribution of surplus property on the winding up of an association.

51. AUTHORISED HUNTING ORGANISATION (AHO) CODE OF PRACTICE

(a) Awareness of Relevant Legislation

It is the responsibility of the holder of a game hunting licence to be aware of and comply with all relevant provisions of legislation relating to hunting, animal welfare and the use of firearms.

(b) Safe handling of firearms

Where firearms are used, the rules for safe handling set out in the NSW Firearms Safety Awareness Handbook published by or under the authority of the Commissioner of Police must be complied with at all times.

(c) Permission required to enter land

A game hunting licence does not automatically authorise the holder of the licence to hunt on any land. The holder of a game hunting licence must not hunt on any land without the express authority of the occupier of the land.

(d) Target identification and safety

A game animal must not be fired at unless it can be clearly seen and identified, and the shot when taken poses no discernible risk of injury to any person or significant damage to any property.

(e) Obligation to avoid suffering

An animal being hunted must not be inflicted with unnecessary pain. To achieve the aim of delivering a humane death to the hunted animal:

- i. it must be targeted so that a humane kill is likely, and

ii. it must be shot within the reasonably accepted killing range of the firearm and ammunition or bow and arrow being used, and

iii. the firearm and ammunition, bow and arrow or other implement used must be expected and capable of killing in a humane, efficient manner any animal or target species.

(F) Lactating Females with dependant young:

If a lactating female is killed, every reasonable attempt must be made to locate and humanely kill any dependant young.

(G) Wounded Animals:

If an animal is wounded, all reasonable steps must be taken to locate any such animal, so it can be killed quickly and humanely.

(H) Use of Dogs:

Dogs may be used to assist hunters only if-

- i. Their use is not in contravention of the Prevention of Cruelty to Animals act and
- ii. Their use is with the permission of and occupier of the land concerned.

52. Authorised Hunting Organisation (AHO) Disciplinary Action

The Association may impose suspension or revoke the game hunting licence held by any member of the Association who does not adhere to the AHO code of practice. Further penalties may apply for any offence against the Prevention of Cruelty to Animals Act-

- i. Dealt with by summons to appear in Local Court
- ii. Suspension or cancellation of Game Licence by regulatory Authority.
- iii. Fines/possible incarceration under the Cruelty to Animals Act

53. Bi-laws, rules and regulations governing Associations-

This document is to be read in conjunction with any/all regulatory requirements imposed by the Associations Incorporations Act 2009 and Department of Fair Trade, the Association cannot be held accountable for any one members opinion or interpretation of any clause/sub-clause as accepted/written within the document details, the elected Office Bearers/Executive Committee/Committee recommend any member of the Association seek legal advice to quantify any component of the Associations Constitution.