

THE WESTERN AUSTRALIAN CLAY TARGET ASSOCIATION INCORPORATED
CONSTITUTION
April 2022

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1. NAME

The name of the Association shall be THE WESTERN AUSTRALIAN CLAY TARGET ASSOCIATION INCORPORATED and shall be known alternatively by the acronym WACTA Inc.

2. INTERPRETATION

Throughout this Constitution and Rules, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, namely:

- a) "ACTA" means the Australian Clay Target Association Incorporated.
- b) "The Association" means The Western Australian Clay Target Association (Incorporated)
- c) "Club" Means a clay shooting club formed and established for the purpose and promotion of the sport of Clay Target Shooting within WA and which is affiliated with the Association.
- d) "Club Delegate" means a registered shooter appointed by and from a club to represent that club at a General Meeting of the Association.
- e) "Zone Delegate" means a delegate appointed to represent a Zone.
- f) "Executive Committee" means the Executive committee of the ACTA.
- g) "Executive Council" means the Executive Council of the Association.
- h) "Month" means calendar Month.
- i) "the Secretary" means Secretary of the Association.
- j) "Registered Shooter" means a person who is a financial member of a club which is affiliated with the Association and who is registered with the ACTA as a registered shooter of that club.
- k) "Representative" means a registered shooter who has been nominated by the Association to attend and vote on its behalf at a general meeting of the ACTA.
- l) "WA" means the State of Western Australia.
- m) "In Writing" includes typing, printing, electronic mail, facsimile and other means producing the written words.
- n) "the Act" means the Association's Incorporation Act 2015.
- o) "WACTA" means The Western Australian Clay Target Association Inc.
- p) "WASA" means the Western Australian Shooting Association Inc.
- q) "ISSF" means the International Shooting Sport Federation.
- r) "State Coaching Director" The person responsible for the coaching program of the Association and has a two (2) year term.

3. OBJECTS

The objects of the Association shall be:

- a) To administer the sport of Clay Target Shooting in WA.
- b) Recognized by ACTA as the body representing all registered shooters and affiliated Clubs in WA.
- c) To foster, promote, encourage and develop the sport of Clay Target Shooting and the formation of Clay Target Shooting Clubs within WA.
- d) To ensure uniformity of rules for the control and regulation of clay target shooting.

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- e) To control, alone or in conjunction with any Club shooting programs including interstate competitions and National Championships conducted in WA.
- f) To instruct in the safe handling of firearms.
- g) To establish an Association Headquarters for the sport of Clay Target Shooting within WA.
- h) To affiliate with or enter into any alliance to promote or assist in the promotion of any other Association having similar objects to the Association or calculated to benefit generally the sport of Clay Target Shooting in WA.
- i) To educate and inform public and government opinion as to the aims and objects of the Association.
- j) To co-operate with and make recommendations to Government Departments regarding legislation relating to firearms licensing and ensure environmental considerations.
- k) To act without favour, personal or otherwise and uphold the values of the Association for the benefit of all members and affiliated clubs equally.

4. POWERS

The Association shall have the power:

- a) To collect funds, donations, subscriptions and fees from members and other sources and to apply the same to any of the aforesaid objects, but no funds of the Association shall be used in any manner which shall result in a direct pecuniary gain to any of its members save and except as hereinafter provided.
- b) To invest and deal with the monies of the Association not immediately required for the purposes of the Association in such manner as may from time to time be determined.
- c) To borrow or raise or secure the payment of money in such a manner as the Association thinks fit, with power to issue debentures, grant mortgages charges or any other class of security upon or encumbering all or any of the property real or personal (both present and future) of the Association, and to redeem or pay off any existing or future security.
- d) To acquire by purchase, lease, exchange, hire or otherwise or to sell or in any way deal with real or personal property, or any estate or interest therein.
- e) To appoint, employ and pay officers and servants and to dismiss or suspend any officer or servant.
- f) To do all such other things as are incidental or conducive to the attainment of its objects in an open and transparent manner.
- g) To be able to discipline, fine or suspend a registered shooter or Club. (refer to sections 28 and 29)

5. INCOME AND PROPERTY

The income and property of the Association derived from whatever source shall be applied solely towards promotion of the objects of the Association as set forth in this Constitution, and no portion shall be paid or transferred directly or indirectly, by way of bonus or otherwise howsoever, by way of profit to the members of the Association. PROVIDED THAT nothing herein shall prohibit the payment in good faith of reasonable and proper remuneration to any officer or servant of the Association or any member of the Association in return for services actually rendered to the Association nor prevent the payment of interest at a rate not exceeding interest at the rate for the time being charged by banks in Perth for overdrawn accounts on money lent, or reasonable and proper rent for premises demised or let by any member of the Association.

6. AFFILIATION

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- a) Any Club, the purpose of which is to foster, promote, control and conduct the sport of Clay Target Shooting, may apply for affiliation to the Association.
- b) Any Club desirous of affiliating with the Association shall make application in writing and shall be granted affiliation if approved by the Executive Council. Said club will at all times keep and maintain an up to date register of all members, rules of the Association and a record of Office Holders.

Each application for affiliation by a Club shall be accompanied by:

- I. a list setting out the full names and addresses of its officers and members; and
 - II. a copy of the Club's Constitution and Rules.
 - III. ACTA and or ISSF approved range template and machinery regulations as required by the ACTA and ISSF at the time of affiliation.
- c) Acceptance of affiliation to the Association shall operate as an agreement binding the Association and every Club granted affiliation to abide by the Constitution and Rules and to accept and enforce all its decisions.
 - d) Once Affiliated, the club must comply with any request from the State Executive to provide any minutes of meetings, documents or information requested as bound by clause 6.c) above.

7. MEMBERSHIP

Categories of Membership:

- a) Member clubs who will consist of;
 - I. Incorporated clubs who are affiliated with ACTA.
 - II. Unincorporated clubs subject to becoming incorporated, who are affiliated with ACTA.
- b) Registered shooters – who are a member of an affiliated club with the ACTA and WACTA, and who have no right to receive notice or vote at General or Special meetings of the Association.
- c) All Life Members elected in accordance with clause 22 thereof.

8. TRANSFER OF CLUBS BY REGISTERED SHOOTER

If a registered shooter wishes to transfer their affiliation from one club to another during the year they may only do so with the approval of the State Association in accordance with the ACTA constitution Section 38.7. If a registered shooter changes club affiliation during the year then they must remain affiliated with the club to which they have transferred for the remainder of the year.

9. ZONES

Clubs shall be grouped geographically into five zones, numbered 1 to 5.

10. ZONE DELEGATE

Zones one to five shall appoint one person from the Club/Clubs within that Zone to be the Zone Delegate, for membership of the Executive Council, as per the by-laws and Procedure manual.

11. EXECUTIVE COUNCIL

Subject to a general overriding authority of a General Meeting of the Association, its affairs shall be managed by a committee called the "Executive Council".

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11.1 The Executive Council shall consist of:

- a) President, Vice President, Central Delegate, Northern Delegate, Eastern Delegate, Great Southern Delegate, South West Delegate, State Director of Coaching, who all have voting rights.
- b) Up to one Appointed Executive Council Member, appointed by those Executive Council members listed in subrule a), to supplement the skills, knowledge, experience and diversity of the Executive Council and who shall have voting rights.
- c) The State Secretary and Treasurer who shall not have voting rights.

11.2 The Association President- shall be elected from the members of the Executive Council at the last meeting of the Executive Council prior to the Annual General Meeting.

11.3 The Association Vice President and a State Director of Coaching shall be elected at the Annual General Meeting by the Club Delegates. Nominations for said positions are to be made in writing and received by the state secretary no less than Fourteen (14) clear days prior to the Annual General Meeting and advertised to all clubs no less than Seven (7) clear days prior to the meeting.

11.4 The two ACTA Delegates, ISSF Delegate, State Handicapper and a maximum of two Rules Supervisors, shall report to the Executive Council but not be a part of the Executive Council and will be elected or appointed in accordance with Rules 11.4.1 and 11.4.2:

11.4.1 Two ACTA Delegates shall be elected by the Club Delegates at the Annual General Meeting for a two-year term, each member shall be appointed on alternate years. The Candidates for the ACTA Delegate position(s) must have had a minimum of two (2) years' experience on the WACTA Executive Council". Nominations for said positions are to be made in writing and received by the state secretary no less than Fourteen (14) clear days prior to the Annual General Meeting and advertised to all clubs no less than Seven (7) clear days prior to the meeting.

11.4.2 A WA ISSF Delegate, State Handicapper and a maximum of two (2) Rules Supervisors shall be appointed by the Executive Council. Nominations for said positions are to be made in writing and received by the state secretary no less than Fourteen (14) clear days prior to the meeting at which they will be appointed.

11.5 The Executive Council shall meet not less than quarterly and at such other times as required by the President or Vice President and should either of these offices be vacant then by three (3) Executive Council Members. Notice convening any meeting may be sent by letter, electronic mail or facsimile message which shall be posted or lodged for dispatch at least seven (7) days prior to the date of the meeting.

11.6 The presence of an Executive Council member at an Executive Council meeting need not be by attendance in person but may be by that Executive Council member and each other Executive Council member at the meeting being simultaneously in contact by telephone or other means of instantaneous (immediate and very quick) communication.

11.7 An Executive Council member who participates in an Executive Council meeting as allowed under subrule 11.6 is taken to be present at the meeting and, if the Executive Council member votes at the meeting, the member is taken to have voted in person.

11.8 At any meeting of the Executive Council a quorum shall consist of 50 percent plus one Executive Council Members that are eligible to vote.

11.9 All Executive Council members shall hold office until the next Annual General Meeting of the Association unless:

- I. They resign in writing;

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- II. They become bankrupt;
 - III. Their seat becomes vacant as hereinafter provided; or
 - IV. They die.
- 11.10 An Executive Council Member who is absent from two (2) consecutive meetings of the Executive Council shall cease to be an Executive Council Member unless a leave of absence is granted by the President or Vice President.
- 11.11 An Executive Council Member may be removed from office by a majority of not less than two thirds of the delegates present at a Special General Meeting of the Executive Council called for that purpose and of which meeting at least seven (7) days' notice in writing has been given to all delegates.
- 11.12 Any vacancy in the Executive Council shall be filled by a person appointed by the Executive Council until the next Annual General Meeting, with the exception of Zone Delegates which shall be appointed by the relevant Zone
- 11.13 A Zone having one of its delegates elected as President of the Association shall be advised forthwith by the Secretary of such election and that Zone shall thereupon nominate another delegate to represent it at the meetings of the Executive Council.

12. POWERS OF THE EXECUTIVE COUNCIL

The Executive Council shall have the following powers:

- a) To grant or refuse affiliation.
- b) To suspend or disqualify any registered shooter and or Club from participating in any Clay Target Shooting competition or meeting for such period as it thinks fit.
- c) To expend the funds of the Association in such manner as they consider most beneficial for the purposes of the Association.
- d) To invest in the name of the Association any funds thereof and to sell, transfer and reinvest the same to expend any proceeds thereof as they shall think fit.
- e) To enter into contracts, agreements, deeds or arrangements on behalf of the Association.
- f) To acquire, sell hold, build or pull down or repair, add to or otherwise deal with any real or personal property on behalf of the Association.
- g) To alter the composition of the zones referred to in Rule 9.
- h) From time to time make, alter and review regulations as to the management of the Association and as to the duties of any of its officers or servants and as to the conduct of business by the Executive Council and any subcommittee as to any of the matters or things in the power or under the control of the Executive Council.
- i) To elect annually the Association President who shall be elected at the last meeting of the Executive Council prior to the Annual General Meeting of the Association.
- j) To hold such administration meetings, competitions and events as it considers advisable.
- k) To conduct a postal ballot of all Clubs upon any matter or question that is deemed desirable.
- l) To require all clubs to lodge with it a copy of its Constitution and Rules.
- m) To pay any officer of the Association all Approved travelling and accommodation and other expenses properly borne or incurred by them in attending business of the Association.
- n) To appoint an Auditor, State Handicapper, State Director of Coaching and a maximum of two (2) Rules Supervisors at the Executive Meeting prior to the Annual General Meeting.
- o) Generally, do all matters, acts and things whatsoever within the limitations of the objects

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of the Association as shall be deemed expedient by the Executive Council and calculated by it to be for the benefit of the members of the Association and Affiliated clubs.

13. INDEMNITY

The members of the Executive Council and all officers of the Association shall from time to time and at all times be saved harmless and kept indemnified from and against all costs, charges, losses, damages and expenses which any of them shall incur in any actions and proceedings which they shall be plaintiffs or defendants when properly conducting the affairs of the Executive Council. PROVIDED THAT they have acted by direction, or with the approval of the Executive Council, whether such approval is given before or after the event.

No Executive Council member shall be liable for acts, receipts, deeds, neglects or defaults alone. Any person employed by the Executive Council shall for the purpose of this rule be deemed an Executive Council member.

14. SECRETARY

- a) The Secretary shall be employed by the Association and the Executive Council shall be responsible for their appointment, the determination of and adjustment of their salary and their termination of employment. The Secretary shall have no voting powers at any meeting of the Executive Council or of the Association. The Secretary shall not be a delegate.
- b) The books and any securities of the Association must be kept in the secretary's custody or under the secretary's control other than as provided for under Clause 15 and any books of the Association must be retained for at least 7 years.
- c) Rule 2 has effect except as otherwise decided by the Executive committee.

The Secretary may perform the duties of the Treasurer if required

15. TREASURER

- a) The Treasurer shall be employed by the Association and the Executive Council shall be responsible for their appointment, the determination of and adjustment of their salary and their termination of employment. The Treasurer shall have no voting powers at any meeting of the Executive Council or of the Association. The Treasurer shall not be a delegate.
- b) The financial records and, as applicable, the financial statements or financial reports of the Association must be kept in the treasurer's custody or under the treasurer's control, except as otherwise decided by the Executive committee and must be retained for at least 7 years.

The Treasurer may perform the duties of the Secretary if required.

16. ACTA EXECUTIVE COUNCIL

- a) In the event that one of the ACTA Executive Committee members is elected as President of the ACTA, then the Executive Council shall forthwith appoint another person as a replacement ACTA Executive Committee member.
- b) In the event of one of the ACTA Executive Committee members being elected as WACTA President, that person holds both positions, with the right to vote as the ACTA Delegate.

17. GENERAL MEETINGS

- a) The Annual General Meeting of the Association shall be held at a time and place within WA and to be held within 6 months after the end of the Associations financial year.
- b) A Special General Meeting Shall be a General Meeting of the Association (other than an adjourned Annual General Meeting) which is convened by the Secretary in the following Circumstances:

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- i. the motion of the Executive Council.
 - ii. requisition being received by the Secretary signed by the delegates of at least 20% of affiliated Clubs.
 - iii. a petition from at least 20% of registered shooters being received by the Secretary stating in the notice the business to be considered.
 - iv. Any special general meeting requested under sub rule 17.b).III, must be convened within 28 days after notice is given
- c) At all Special General Meetings of the Association each Club should be represented by:
 - I. One (1) Club Delegate from each Club who must be registered shooters of that club with each club receiving only ONE vote.
- d) The Association in a General Meeting shall have complete control of all Association affairs and whenever it is provided that any act or thing maybe done by the Executive Council then it shall be read subject to the right of a General Meeting of the Association to amend or rescind any resolution of the Executive Council.
- e) At the AGM of the association the President shall submit a written report of the past years working. Together with a financial Statement and Balance Sheet audited by the appointed Auditor of the Association.
- f) The business of the Annual General Meeting shall be proceeded with in the following order:
 - I. Apologies
Confirmation of Minutes of Last Annual General Meeting
Confirmation of Zone Delegates and Proxies
Reports: President
Financial Statements
ACTA

Coaching
Handicappers

Election of: Vice President
2 ACTA Delegates,
State Director of Coaching. (If term expires.)
WA ISSF Delegate
 - II. Notices of Motion
 - III. General Business
- g) No business except that for which the meeting shall have been called may be transacted at any Special General Meeting.
- h)
 - I. At least twenty eight (28) clear days' notice in writing of the time, date, place and agenda of all General Meetings of the Association shall be given to all Executive Council members, Delegates and Secretaries of Clubs.
 - II. It is the responsibility of the Club Secretary and Management to notify their members of meetings.
- i) The accidental omission to give notice of any General Meeting to any person or persons entitled to receive the same shall not invalidate the meeting or any resolution passed thereat and it shall be competent for a Special General Meeting to pass a resolution that so much of Rule 17.8 (a) be suspended as will permit the Special General Meeting to proceed as if twenty eight (28) clear days' notice thereof had been given in any case in which less than twenty eight (28) clear days' notice

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shall have been given.

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

18. PATRON

The Executive Council may appoint annually a Patron as it considers necessary and this can be done at any time.

19. RULES GOVERNING MEETINGS

The following rules shall apply to all General Meetings of the Association and the Executive Council:

- a) The President, or in their absence, the Vice President shall preside. In the absence of the President and Vice President, the delegates present shall appoint one of them to preside at such meeting. The Chairman shall have a casting vote only.
- b) No member shall speak more than once to a question, except in explanation or reply.
- c) A member who formally seconds a motion or amendment without making a speech may speak in support at a subsequent stage of the debate.
- d) A reply shall be allowed only to the member who has moved a substantive motion.
- e) No member shall interrupt another while speaking except on a point of order.
- f) Upon a member raising a point of order, the member then speaking shall sit down until it has been decided. The member rising to order shall state concisely the point and the seconder and the Chairman, without discussion shall give a ruling.
- g) It shall be competent for any member to move a motion of dissent from the Chairman's ruling. The mover of the motion shall concisely state his/her point and the seconder and Chairman may only speak to such a motion.
- h) A member may move the adjournment of the debate. If the motion be resolved in the negative, the mover shall not be allowed to speak again on the subject under debate.
- i) No member shall move the adjournment at the end of their speech.
- j) If there has been considerable debate, any member may move "That the question be now put" and such motion, duly seconded, shall be put without debate. If carried, the question shall be put to the vote; if lost the debate shall proceed.
- k) An amendment maybe moved on the original motion, the Chairman shall put the amendment to the meeting first and if carried, it shall be declared to embody the decision of the meeting superseding the motion. When the amendment has been negated, a further amendment may be moved, which if carried, shall in turn supersede the motion. If there be no amendment carried the original motion shall be put after the mover has replied.
- l) The Chairman shall refuse any amendment which is a direct negative or which does not preserve the substance of the original motion.
- m) The Chairman shall put all questions first to the affirmative and then in the negative and may do so often as may be necessary to enable him to determine the sense of the meeting thereon and thereupon his decision shall be final unless a poll be called for.
- n) Upon all matter or questions arising upon which a vote is to be taken, the vote shall be

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shown by hands except where a poll is demanded by at least three (3) members present at such a meeting and entitled to vote thereat.

- o) At any General Meeting of the Association a quorum shall be twenty percent (20%) of Clubs eligible to attend.
- I. Each affiliated club is entitled to two (2) votes at any General meeting.
 - II. A member club can be represented by one or two delegates with the following voting entitlements.

One Delegate	2 Votes
Two Delegates	1 Vote Each
- p) Proxy delegates of a club will be allowed if the Club Secretary or Club President has notified the State Secretary in writing at least seven (7) clear days prior to the meeting.
- q) The Delegate may hold the proxy votes of 3 clubs, with a maximum of six (6) proxy votes
- r) The Committee must ensure that the minutes are taken and kept of each committee meeting.
- I. The minutes must record the following;
 1. The names of the committee members present at the meeting;
 2. The name of any person attending the meeting under rule 43(5);
 3. The business considered at the meeting;
 4. Any motion on which a vote is taken at the meeting and the result of the vote.
 - II. The minutes of a committee meeting must be entered in the Association's minute book within 30 days after the meeting is held.
 - III. The chairperson must ensure that the minutes of a committee meeting are reviewed and signed as correct by-
 1. The chairperson of the meeting; or
 2. The chairperson of the next committee meeting.
 - IV. When the minutes of a committee meeting have been signed as correct they are, until the contrary is proved, evidence that-
 1. the meeting to which the minutes relate was duly convened and held; and
 2. the matters recorded as having taken place at the meeting took place as recorded; and
 3. any appointment purportedly made at the meeting was validly made.

20. POSTAL VOTE AND ELECTRONIC VOTING

- a)
- I. Whenever the Executive Council decides to conduct a postal ballot or electronic vote by the membership upon any question or matter, the Secretary shall either:
 - i. post and/or convey by Email to the Secretary of each Club a clear statement of the matter or question to be voted upon with a request that such Club send its entitlement votes thereon to the Secretary within a time specified which shall not be less than one (1) month after the aforesaid notice has been posted; or
 - ii. Implement a form of electronic voting that obtains from each Club its entitlement votes within a time specified which shall not be less than one (1) month after electronic voting opens
 - II. In the event of less than 25% of the votes entitled to be cast on the matter in question being received by the Secretary or by way of electronic votes cast, within the time

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specified, the question voted upon shall be deemed to have been lost. In the event of 25% or more votes being received within the time specified the question shall be decided on the majority of votes and in the event of voting being equal, the President shall have a casting vote.

- b) Electronic voting by the Executive Council is permitted subject to a motion of the Executive Council on Urgent procedural matters only. The Secretary shall notify all members entitled to vote of the proposition to be answered "For" or "Against", and shall set the time for such voting to be considered.
After the fixed time has elapsed, votes shall be counted by the secretary and President or Vice President and the proposition resolved.

21. REGISTRATIONS

1. WACTA will keep and maintain an up to date register of WA members, rules of the Association and a record of all office holders.
2. Inspection of records and documents.
 - (1) Subrule (2) applies to a member who wants to inspect-
 - (a) the register of members under section 54(1) of the Act; or
 - (b) the record of the names and addresses of committee members, and other persons authorized to act on behalf of the Association, under section 58(3) of the Act; or
 - (c) any other record or document of the Association
 - (d) This inspection will be free of charge.
 - (2) The member must contact the secretary to make the necessary arrangements for the inspection.
 - (3) The member may make a copy of or take an extract from a record or document referred to in subrule (1)(c) but does not have the right to remove the record or document for that purpose.
 - (4) The member must not use or disclose information in a record or document referred to in (1)(c) except for a purpose-
 - (a) That is directly connected with the affairs of the Association; or
 - (b) That is related to complying with a requirement of the Act.
 - (5) If a member wants to inspect a document that records the minutes of a committee meeting, the right to inspect the document is subject to any decision the committee has made about minutes of committee meetings generally, or the minutes of a specific committee meeting, being available for inspection by members.

22. LIFE MEMBERS

Honorary life membership of the Association can only be conferred upon a person at a General Meeting of the Association upon the recommendation from the Executive Council in recognition of outstanding and exceptional services to the Association and passed by a 75% majority of the Club Delegates present.

23. FINANCE

- a) The Annual subscription fee payable by a registered shooter and collected by their Club shall be fixed from time to time by the Executive Council and shall be paid within 14 days of Invoice.
- b) The Financial year of the Association shall be twelve months ending 31st December.
- c) All monies acquired by collection of levies or any monies raised by the Clubs on behalf of WACTA shall be forwarded to the State Treasurer within 14 days to be deposited into a bank account.

24. BANK ACCOUNT

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The Association shall open a bank account with such bank at such place as the Executive Council shall decide, and that any two of the President, Vice President, Committee Member, and Treasurer shall have the authority to operate on such account.

25. COMMON SEAL

- a) The Association shall have a Common Seal which shall be in the custody of a nominated person as decided by the Executive Council.
- b) The Common Seal shall be affixed to any deed, instrument or document by the President, Vice- President or other such authorized persons only on the direction of the Executive Council.
- c) The President or a person authorized by the Executive Council shall countersign all documents to which the Common Seal has been affixed and the Secretary shall keep a record of all such transactions.

26. BY LAWS

The Executive Council may make by laws not inconsistent with the rules of either the Association or ACTA in relation to the following matters:

- a) the management of the affairs of the Association.
- b) Clay Target Shooting conditions under which Clubs may conduct Club shoots, competitions and championship events.
- c) the qualifications of any person who competes in any competition or event.
- d) handicapping and handicappers.
- e) refereeing and referees.
- f) Policies and Procedures in accordance with the Association or Government instrumentalities.

27. ACTA SHOOTING RULES

The Association shall adopt the definitions of terms for Clay Target Shooting and the Rules and Regulations relating to Clay Target Shooting of the ACTA

28. DISCIPLINARY POWER OR SUSPENSION

- a) If any Club be suspended or disqualified by the Executive Council, in accordance with these rules it shall not be entitled to hold or conduct any State or Commonwealth Championship competition during the period of its suspension.
- b) If any registered shooter be suspended or disqualified by the Executive Council, in accordance with these rules they shall not be entitled to participate in any Club, State, National or Commonwealth competition during the period of their suspension.
- c) The State Secretary must inform the ACTA in writing of this decision.

29. DISCIPLINE OF REGISTERED SHOOTERS

29.1 MATTERS WHICH MAY BE REFERRED TO JUDICIARY COMMITTEE.

The following matters may be referred for determination by a Judiciary Committee:

- a) an allegation (not being vexatious, trifling or frivolous) by a complainant that a Registered shooter has:

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- I. Breached, failed, refused or neglected to comply with a provision of these Rules, the By- Laws or any resolution or determination of the Executive Council, or any committee of the Association or any entity exercising delegated authority.
 - II. Acted in a manner unbecoming of a registered shooter prejudicial to the objects and interests of the Association and / or clay target shooting; or
 - III. Brought the Association or clay target shooting into disrepute;
- b) any matter relating to drugs in sport, which involves a registered shooter, who or which has or is suspected of having contravened the relevant law relating to drugs in sport; and provided however that any such matters are not able to be dealt with by registered shooters under their Rules, and any such party ("defendant") will be subject to, and submits unreservedly to the jurisdiction, procedures, penalties and appeal mechanisms of the Association as set out in this Rule 29.

29.2 REFERRAL TO JUDICIARY COMMITTEE

- a) The Executive Council shall commence or cause to be commenced any disciplinary proceedings against a defendant by referring the alleged breach or misconduct to a Judiciary Committee, comprised of such persons nominated by the Executive Council (being no less than 3 and no more than 5 who need not be registered shooters), for such time and for such purposes as is required under this rule 29, one of whom shall be appointed chairman of the Judiciary Committee.
- b) Any such referral to a Judiciary Committee shall be in writing and accompanied by any documentary or other evidence that is available to the referring party. The referral shall be clear and unambiguous, stating precisely the matter or matters to be determined.
- c) No person who is an interested party, with either a direct or indirect interest, shall participate in the determination of the proceedings in any way. The Judiciary Committee shall be Totally impartial to any matter being undertaken.

On receipt of the referral, the chairperson of a Judiciary Committee shall, in consultation with the remaining members of the Judiciary Committee determine an appropriate date, time and place for a hearing by the Judiciary Committee. The meeting shall be no less than 14 days from, but shall be as soon as practicable after the receipt of the referral, unless the matter is deemed to require urgent attention, in which case the defendant and Judiciary Committee may agree on a variation of the time frame set out in this Rule 29, having regard to the availability of key witnesses and timing of relevant competitions, and other extenuating circumstances.

- d) The chairperson of the Judiciary Committee shall notify the remaining members of the Judiciary committee, the defendant and any complainant or relevant Member of the date, time and place of the hearing, and in addition shall advise that each party to the proceedings has the right:
 - I. to make written submissions to be filed with the chairperson of the Judiciary Committee not less than 5 days prior to the date of the hearing; and
 - II. To appear at the hearing and /or be represented by a person who is not legally qualified (as determined in the Judiciary Committee's discretion).
- e) The Judiciary Committee may invite a legally qualified person to be present at the hearing to render advice or assistance to the Judiciary Committee concerning any legal issue raised at the hearing provided that such person shall not participate in any deliberations or vote of the Judiciary Committee in relation to its findings or its decision. Nothing in this Rule, however, shall otherwise disqualify a legally qualified person from being a member of the Judiciary Committee.
- f) Subject to this Rule, the Judiciary Committee shall conduct the hearing as it sees fit, always having regard to the principles of natural justice, and in particular shall not be bound by

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rules of evidence, or unnecessary formality. The defendant must be advised of the hearing procedure determined by the Judiciary Committee at or before the commencement of the proceedings.

- g) The Judiciary Committee shall be entitled to call such evidence as it thinks fit, and all Members shall be compelled to provide evidence, as they are able. The Judiciary Committee may adjourn the hearing if this is considered necessary.
- h) If the Judiciary Committee, having taken into account the written and verbal submissions and other evidence of the parties, considers the allegations sustained, the Judiciary Committee may impose such penalty as it considers appropriate in accordance with Rule 29.3.
- i) If a decision cannot be given immediately after the proceeding, the relevant party or parties must be advised of the time and place at which the decision will be given. The decision, any penalty, the reasons for the decision and notice of the person's appeal rights (if any) shall be given in writing and signed by the Judiciary Committee chairperson.
- j) On exhaustion of all disciplinary procedures available to the Registered shooter (if any), whether by elapse of time or otherwise, notice of any penalty, suspension or disqualification imposed shall be given by the State Secretary to the ACTA and all Western Australian Clubs and shall be mutually recognized by all Clubs immediately upon receipt of such notice.
- k) Reinstatement of any registered shooter shall be recognized by all registered shooters immediately upon receipt of notice to this effect.

29.3 PENALTIES

Penalties which may be imposed include:

- a) a reprimand;
- b) suspension of such activities, on such terms and for such period as is seen fit;
- c) exclusion from a particular activity, event or events competition or competitions;
- d) expulsion;
- e) fines imposed in such manner and in such amount as is seen fit;
- f) such combination of any of the above penalties as is seen fit; or
- g) any other penalty considered appropriate in the circumstances.

During proceedings (including any appeal), the defendant may continue to participate in clay target shooting on such terms as the determining body under these Rules thinks fit, ending the determination of the proceedings (including any available appeal) unless the determining body decides (in its sole discretion) such continued participation is inappropriate having regard to the matter at hand.

29.4 EFFECT OF PENALTY

- a.) Where a Registered shooter is suspended under this Rule their membership of, and representation rights and privileges in, the Association shall be forfeited during the period of such suspension.
- b.) Any Registered shooter so suspended or disqualified shall not be entitled to enter any competition, tournament or event held under the Rules or By-Laws of the Association or to enter upon any ground or enclosure for the time being under the control of any Western Australian Club or the Association while such suspension or disqualification continues.

29.5 APPEALS COMMITTEE

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Subject to these Rules the Appeal Committee will act as final arbiter on all disciplinary matters referred to it.

- a) An appeal lodged with the State Secretary, in writing within 14 days of the determination of a Judiciary Committee and specifying the grounds of appeal, by a registered shooter who has received a penalty or is the subject of an adverse finding by a Judiciary Committee shall be referred to the Executive Council for consideration. If the Executive Council in its sole discretion considers the appeal had merit the Executive Committee will refer the appeal to an Appeal Committee for consideration and determination. The Executive Council may reject or accept (and thus refer) any appeal under this Rule in its sole discretion.
- b) The decision of the Executive Council in rejecting an appeal by a registered shooter under this Rule 29.5 shall be final and not subject to further appeal to the Association.
- c) Appointment of, referral to, and proceedings of an Appeal Committee in convening, hearing and determining and appeal shall be similar to or the same as those in respect of a Judiciary Committee set out in Rule 29.5(a), an appeal Committee may in its sole discretion confirm the penalty or adverse finding of the Judiciary Committee, or may decide not to confirm such penalty but instead impose an alternate penalty available under Rule 29.5, including increasing the penalty, or may revoke, or the penalty or adverse finding of the Judiciary Committee.
- d) The effect of any penalty imposed by an Appeal Committee shall be the same as set down in Rule 29.4 above. The decision of an Appeal Committee under this Rule 29.5 shall be final and not subject to further appeal.

30. CHAMPIONSHIPS

- a) All State Championship competitions for WA and Commonwealth championships allocated to WA by the ACTA shall be allocated each year by the Executive Council.
- b) All Championship competitions in WA shall be controlled and shot under the Rules and by laws of the Association and Championship conditions laid down by ACTA.
- c) Any person who is registered with ACTA as a registered shooter shall be eligible to compete in all State and Commonwealth championship events conducted in WA by the Association or a Club unless under suspension from their Club, WACTA or ACTA.

31. ALTERATION OR AMENDMENT OF RULES

No alteration or amendment of the Constitution or Rules shall be made except in the following manner:

- a) A proposal for an amendment or alteration must be given in writing signed by the Secretary and the President of a Club and must be in the hands of the Secretary at least twenty eight (28) clear days before the date of the meeting.
- b) Alteration or amendment to the Constitution and the Rules can only be made at a Special General Meeting or AGM called for that purpose PROVIDED THAT the notice of such meeting shall include a copy of the proposal for amendment or alteration.
- c) Notwithstanding the provisions of rule 19 (m) the resolution for the proposed Alteration or amendment shall be deemed to be carried only when passed by a majority of 75% or more of the delegates present and voting on the resolution.

32. DISSOLUTION OF ASSOCIATION

The Association shall be dissolved voluntarily whenever a resolution requiring the Association to be dissolved is passed and approved by:

- a) if at any time at an Annual General Meeting or at a Special General Meeting a resolution

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shall be passed by a seventy five per centum (75%) majority of the Registered Shooters present to dissolve the Association then the Executive Council shall within sixty (60) days of the date of such meeting forward by mail to each financial Registered Shooter, a copy of the resolution together with a ballot paper, and each Registered Shooter shall be entitled to vote on the resolution. Thirty days (30) shall be the time fixed for the return of the ballot papers to the office of the Association. In the event of such resolution being confirmed by seventy-five per centum (75%) majority, the Association shall be dissolved".

- b) Upon dissolution, the affairs of the Association shall be wound up in such a manner as the Executive Council shall determine. The funds obtained from realization of the property of the Association, shall in the first instance be applied to discharge the expenses of the realization and secondly in payment and discharge of all debts and liabilities of the Association.
- c) The surplus monies (if any) following dissolution of the Association shall be given or transferred to:
 - I. Some other Association Incorporated under the Act and having objects similar to the objects of the Association.
 - II. For charitable purpose. Which incorporated Association or purpose shall be determined by resolution of Registered Shooters.

33. NOTICES

Any notice given under this Constitution maybe given in writing by sending same through the post, by registered post, facsimile or other electronic means addressed to the person as shown in the register of Members and Delegates. The notices shall be deemed to have been served seven days following the day of posting.

34. CONFLICTS

In the event of any conflict between any provision of this Constitution and any of the provisions of the Act, the Act shall prevail to the extent of any such inconsistency