



# CONSTITUTION

Adopted at an SGM of the Association – 13<sup>th</sup> May 2012.  
This Constitution includes changes to the Regulations to 28<sup>th</sup> April 2013 and 20<sup>th</sup> May 2017.  
Published 9<sup>th</sup> June 2018



## CONSTITUTION

### **1 Name of Association**

The name of the Association is The Western Australian Game Fishing Association (Incorporated)

### **2 Definitions**

In these rules, unless the contrary intention appears:

"Act" means the Associations Incorporation Act 1987;

"Affiliate Member" means a person referred to in Rule 5.6;

"Association" means the Association referred to in Rule 1;

"Committee" means the Committee of Management elected at an Annual General Meeting or appointed under Rule 10.6;

"Committee Meeting" means a meeting referred to in Rule 19.1

"Committee Member" means person referred to in Rule 10.7;

"Delegate" means a person or persons appointed by a Member Club in accordance with Rule 16;

"Delegates Meeting" are information exchange sessions consisting of Delegates and others invited by the Delegates convened by the Association from time to time including at the time of each Annual General Meeting to receive activity reports from each Delegate and to exchange knowledge on issues of common interest;

"Financial Year" has the meaning given by section 3 (1) of the Act, a reference in that section to:

(a) "an incorporated association" or "the association" being construed as a reference to the Association;

and

(b) "the committee" being construed as a reference to the Committee;

"General Meeting" means a meeting convened under Rule 19;

"GFAA" means the Game Fishing Association of Australia;

"IGFA" means the International Game Fishing Association;

"Life Member" means a person appointed in accordance with Rule 5.5;

"Member" means Member Club, Affiliated Member or Life Member;

"Member Club" means a Club admitted to membership in accordance with Rule 5.4;

"Northern Clubs" means Clubs whose principal activities are conducted north of the Tropic of Capricorn;

"Ordinary Resolution" means resolution other than a special resolution;

"Poll" means voting conducted in written form (as opposed to a show of hands).

"Recorder" means then person referred to in Rule 10.1.4

"Secretary" means the Secretary referred to in Rule 10.1.3;

"Southern Clubs" means Clubs whose principal activities are conducted south of the Tropic of Capricorn;

"Special Resolution" has the meaning given by section 24 of the Act;

"Treasurer" means the Treasurer referred to in Rule 10.1.3;

"Vice President" means the Vice President referred to in Rule 10.1.2;

### 3

#### Objects of Association

- 3.1 The objects of the Association are:
  - 3.1.1 To co-ordinate and govern the sport of game fishing in Western Australian waters and such other places as may be determined from time to time.
  - 3.1.2 To support and abide by the rules and regulations of GFAA.
  - 3.1.3 To adjudicate on all claims for and to grant Western Australian game fishing records and to keep up to date lists of such Records and as necessary lodge claims on behalf of Member Clubs for World and Australian records.
  - 3.1.4 To conserve game fish and food fish resources for the recreational and economic use of present and future generations.
  - 3.1.5 To affiliate with the GFAA and IGFA and work closely with these Associations as well as scientific institutions and Government bodies interested in fisheries, conservation and management.
  - 3.1.6 To accept affiliation from and liaise with other recreational fishing bodies upon such terms and conditions as may be considered necessary.
  - 3.1.7 To direct, assist and advise Member Clubs in the organisation and conduct of the sport of game fishing.
  - 3.1.8 To encourage and further the study of recreational angling, the related fish species and the habitat requirements of such species.
  - 3.1.9 To develop and support fish tagging programs and other scientific data collection.
  - 3.1.10 To act as a data accumulation centre for fishing results and to make such information available to Governments and others for the furtherance of education in the wise use and conservation of the species.
  - 3.1.11 To analyse the pressure of recreational fishing and commercial fishing upon the respective game fish species.
  - 3.1.12 To disseminate information and knowledge of scientific studies of commercial and game fish to Member Clubs and to the general public.
  - 3.1.13 To represent the recreational fishermen at any meeting where the future of the game fish population is being determined.
  - 3.1.14 To assist and participate in State, National and International game fish seminars and symposiums where the expertise, data and purposes of the Association may be helpful in assisting other organisations with similar objectives.
  - 3.1.15 To make grants to game fishing oriented organisations or donations for the support of research and education in the sciences related to game fish and the sport of angling.
  - 3.1.16 To accumulate and maintain a history of game and recreational fishing for the use and benefit of future generations.
  - 3.1.17 To receive gifts, grants and subscriptions to allow the functioning of the Association.
  - 3.1.18 To do all such acts and things that may be deemed necessary by the Committee of the Association to achieve these objectives.
- 3.2 The property and income of the Association shall be applied solely towards the promotion of the objectives of the Association and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to members, except in good faith in the promotion of those objectives.

## **4 Powers of the Association**

- 4.1 Subject to the Act and to these rules, the Association may do all things necessary or convenient for carrying out its objectives and purposes, and in particular, may:
  - 4.1.1 acquire, hold, deal with, and dispose of, any real or personal property;
  - 4.1.2 open and operate bank accounts;
  - 4.1.3 invest its money:
    - 4.1.3.1 in any security in which trust monies may be invested;  
or
    - 4.1.3.2 in any other manner authorised by the rules of the Association;
  - 4.1.4 borrow money upon such terms and conditions as the Association thinks fit;
  - 4.1.5 give such security for the discharge of liabilities incurred by the Association as the Association thinks fit;
  - 4.1.6 appoint agents to transact any business of the Association on its behalf; and
  - 4.1.7 enter into any other contract it considers necessary or desirable.
- 4.2 The Association may act as trustee and accept and hold real and personal property upon trust, but it does not have power to do any act or thing as a trustee that, if done otherwise than as a trustee, would contravene the Act or these rules of the Association.

## **5 Membership of Association**

- 5.1 Membership of the Association is open to any incorporated Game Fishing Club or game fishing section of a club in Western Australia. Such Club must provide written agreement to comply with objects, constitution, policies, and angling rules and equipment regulations of the Association and GFAA as promulgated from time to time.
- 5.2 It shall be a condition of membership that each Member Club shall ensure that they and their members observe the objects and policies of GFAA and the Association, together with the angling Rules and Equipment Regulations promulgated by GFAA and the Association
- 5.3 A club that wishes to become a Member Club shall:
  - 5.3.1 be sponsored by one Member Club.
  - 5.3.2 apply for membership to the Association in writing:
    - 5.3.2.1 Signed by the President, Secretary or other officer of the applying and sponsoring clubs;
    - 5.3.2.2 on such a form as the Committee from time to time directs; and
- 5.4 The Committee shall consider each application made under Rule 5.3 at a Committee Meeting and shall at the Committee Meeting or a subsequent Committee Meeting accept or reject that application.
- 5.5 Life Member
  - 5.5.1 The Association may confer upon any person who, in its opinion has rendered long and outstanding service to the Association, the courtesy title of Life Member provided that no such title shall be conferred upon any person until the proposal to do so, together with the citation stating service rendered in writing, has been submitted to Member Clubs and approved by not less than two thirds of such Member Clubs not later TWO months prior to an Annual General Meeting. A nomination may be submitted by the Committee or by a Member Club.

- 5.5.2 Life Members shall be entitled to membership of the Association without the payment of any subscription.
- 5.5.3 A life Member may attend and speak at Annual or General Meetings but shall not be entitled to vote except when acting as a delegate of a Member Club.
- 5.6 Affiliate Member
  - 5.6.1 An Affiliate Member:
    - 5.6.1.1 is a financial or life member of a Member Club;
    - 5.6.1.2 has no right to attend at or address meetings of the Association except when acting as a delegate of a Member Club;
    - 5.6.1.3 must be registered with the Association to enable his/her registration with GFAA.
- 5.7 Except for Life Members and Affiliated Members there shall be no individual members of the Association.

## **6 Register of Members of Association**

- 6.1 The Secretary shall, on behalf of the Association, keep and maintain the register of members in accordance with section 27 of the Act and that register shall be so kept and maintained at his or her place of residence.
- 6.2 The Secretary shall keep and maintain a register of names and addresses of all Affiliated Members in accordance with the Act.
- 6.3 The Secretary shall cause the name of a Member who dies or ceases to be a Member under Rules 7.3, 8.1 or 9 to be deleted from the register of members referred to in Rule 6.
- 6.4 The Members Register shall include the principal postal address of each member for all formal written communications.
- 6.5 The Members Register shall include the email address of each Member's Delegate for all day to day written communications.

## **7 Subscriptions of Members of Association**

- 7.1 The Members shall from time to time at a General Meeting determine the amount of the subscription to be paid by each Member Club. This subscription will be based on the number of persons, adult and junior, registered as Affiliate Members from the Member Clubs.
- 7.2 Each Member Club shall pay to the Treasurer, annually on or before 30 June or such other date as the Committee from time to time determines, the amount of the subscription determined under Rule 7.1, and any levy or surcharge which from time to time may be agreed upon at a General Meeting.
- 7.3 A Club Member whose subscription, levy or surcharge is not paid within 2 months after the relevant date fixed ceases, on the expiry of that period, to be a Member, unless the Committee decides otherwise.
- 7.4 An Affiliated Member ceases to be a Member if the Member Club of which he/she is a financial member ceases to be a Member for whatever reason.

## **8 Resignation of Members of Association**

- 8.1 A Member who delivers notice in writing of its resignation from the Association to the Secretary or another Committee Member ceases on that delivery to be a member.
- 8.2 A Member who ceases to be a member under Rule 8.1 remains liable to pay to the Association the amount of any subscription, levy or surcharge due and payable by that Member to the Association but unpaid at the date of that cessation.

## **9 Suspension or Expulsion of Members of the Association**

- 9.1 If the Committee considers that a Member should be suspended or expelled from membership of the Association because of conduct detrimental to the interests of the Association, the Committee shall communicate in writing, to the Member;
  - 9.1.1 notice of the Committee's intention to consider suspension or removal of the Member's membership rights and of the time, date and place of the Committee meeting at which the question of that expulsion will be decided; and
  - 9.1.2 particulars of the conduct considered detrimental,
  - 9.1.3 advising the Member that he/she/it is permitted to make oral submissions to the Committee Meeting or in writing not less than 30 days before the date of the Committee Meeting referred to in Rule 9.1.1.
- 9.2 At the Committee Meeting referred to in a notice communicated under Rule 9.1, the Committee may, (having afforded the Member concerned a reasonable opportunity to be heard, or having considered the Member's representations in writing) suspend, expel or decline to suspend or expel that Member, and shall immediately thereafter communicate that decision in writing to that Member.
- 9.3 Subject to Rule 9.5, a Member who is suspended or expelled under Rule 9.2 from membership of the Association ceases to be a Member 14 days after the day on which the decision so to expel is communicated to it under Rule 9.2.
- 9.4 A Member who is suspended or expelled under Rule 9.2 from membership of the Association shall, if it wishes to appeal against that decision, give notice to the Secretary of its intention to do so within the period of 14 days referred to in Rule 9.3.
- 9.5 When notice is given under Rule 9.4:
  - 9.5.1 the Association in a General Meeting may, after having afforded the Member who gave that notice a reasonable opportunity to be heard by, or to make representations in writing to, the Association in the General Meeting, affirm or set aside the decision of the Committee to suspend or expel that Member; and
  - 9.5.2 the Member who gave that notice does not cease to be a Member unless and until the decision of the Association in General Meetings to suspend or expel it is affirmed under this Rule 9.5.
  - 9.5.3 should a Member still remain in breach at the end of the 12 month suspension period then Expulsion measures would automatically proceed.

## **10 Committee of Management**

- 10.1 The affairs of the Association shall be managed exclusively by a Committee of Management consisting of:
  - 10.1.1 a President;
  - 10.1.2 a Vice President;
  - 10.1.3 a Secretary / Treasurer or a Secretary and a Treasurer;
  - 10.1.4 a Recorder;
  - 10.1.5 the GFAA Executive Officer elected by Member Clubs South of the Tropic of Capricorn pursuant to Rule 15.1;
  - 10.1.6 the GFAA Executive Officer elected by Member Clubs North of the Tropic of Capricorn pursuant to Rule 15.2;

- 10.1.7 up to two additional members if required;
  - 10.1.8 the Immediate Past President
- With the exception of the Immediate Past President all members of the Committee of Management shall be Delegates at the time of election to membership of the Committee of Management at the Annual General Meeting.
- 10.2 A Committee Member's term will commence at the conclusion of the Annual General Meeting at which he or she is elected and will expire at the conclusion of the next Annual General Meeting.
  - 10.3 A Delegate is not eligible for election to membership of the Committee unless a Member Club has nominated him or her for election by delivering notice in writing of that nomination, signed by:
    - 10.3.1 the nominator; and
    - 10.3.2 the nominee to signify his or her willingness to stand for election,
      - to the Secretary not less than 21 days before the day on which the Annual General Meeting concerned is to be held.
  - 10.4 A Delegate who is eligible for election or re-election under this Rule may, at the Annual General Meeting concerned:
    - 10.4.1 propose or second him or herself for election or re-election; and
    - 10.4.2 vote for him or herself.
  - 10.5 The Secretary shall ensure that notice of all Delegates seeking election to membership of the Committee is given to all Members Clubs and Delegates when notice is given of the of the Annual General Meeting at which that election is to be held.
  - 10.6 Where the number of persons nominated in accordance with Rule 10.3 for election to membership of the Committee does not exceed the number of vacancies in that membership to be filled;
    - 10.6.1 the Secretary must report accordingly to; and
    - 10.6.2 the Chairman must declare those delegates to be duly elected as members of the Committee.
  - 10.7 If vacancies remain on the Committee after the declaration under Rule 10.6 additional nominations of Committee members may be accepted from the floor of the Annual General Meeting. If such nominations from the floor do not exceed the number of vacancies the Chairman must declare those persons to be duly elected as members of the Committee When the number of nominations from the floor exceeds the remaining number of vacancies on the Committee, a poll for those positions must be conducted.
  - 10.8 In the event a casual vacancy occurs the Committee may appoint a Club Delegate to fill the role vacated until the following Annual General Meeting.

## **11 resident**

- 11.1 Subject to this Rule, the President shall preside as Chairman at all General Meetings and Committee Meetings.
- 11.2 In the event of the absence from:
  - 11.2.1 a General Meeting of:
    - 11.2.1.1 the President, the Vice President; or
    - 11.2.1.2 both the President and the Vice President; a Delegate elected by the other Delegates present at the General Meeting shall preside as Chairman
  - 11.2.2 a Committee Meeting of
    - 11.2.2.1 the President, the Vice President; or

- 11.2.2.2 both the President and the Vice President; a Committee member elected by the other Committee members present at the Committee Meeting shall preside as Chairman.

## **12 Secretary**

- 12.1 The Secretary shall:
  - 12.1.1 co-ordinate the correspondence of the Association;
  - 12.1.2 keep full and correct Minutes of the proceedings of the Committee and the Association;
  - 12.1.3 comply on behalf of the Association with:
    - 12.1.3.1 section 27 of the Act in respect of the register of members of the Association;
    - 12.1.3.2 section 28 of the Act in respect of the Rules of the Association ;
  - and
  - 12.1.3.3 section 29 of the Act in respect of the record of the office holders, and any trustees, of the Association;
  - 12.1.4 have custody of all books, documents, records and registers of the Association, including those referred to in Rule 12.1.3, other than those required by Rule 13 to be kept and maintained by, or in the custody of, the Treasurer; and
  - 12.1.5 perform such other duties as are imposed by these rules on the Secretary.
  - 12.1.6 maintain tournament catch data for use by the Association, GFAA and fisheries managers for future game fishing fisheries management.
  - 12.1.7 If at the Annual General Meeting this role is designated Secretary / Treasurer then the duties defined in Rule 13 shall be included in this role.

## **13 Treasurer**

- 13.1 The Treasurer shall:
  - 13.1.1 be responsible for the receipt of all monies paid to or received by, or by him or her on behalf of, the Association and shall, issue receipts for those monies in the name of the Association;
  - 13.1.2 pay all monies referred to in Rule 13.1.1 into such account or accounts of the Association as the Committee may from time to time direct;
  - 13.1.3 make payment from the funds of the Association with the authority of a General Meeting or of the Committee;
  - 13.1.4 comply on behalf of the Association with section 25 and 26 of the Act in respect of the accounting records of the Association;
  - 13.1.5 whenever directed to do so by the President or the Committee, submit to the Committee a report, balance sheet or financial statement in accordance with that direction;
  - 13.1.6 have custody of all securities, books and documents of a financial nature and accounting records of the Association; and
  - 13.1.7 perform such other duties as are imposed by these rules on the Treasurer.

## **14 Recorder**

- 14.1 The Recorder shall:
  - 14.1.1 maintain a list of all State records granted to anglers;
  - 14.1.2 receive and verify all claims submitted by anglers for State records;

- 14.1.3 ensure the Association's compliance with the Rules and Regulations of the Association and GFAA and any additional regulations issued by the Association;
- 14.1.4 receive and verify as to correctness, all Australian and world records submitted by Affiliate Members and pass on to the GFAA Records Officer;
- 14.1.5 ensure WA records are only granted to Affiliate Members.

**15 GFAA Executive Officers**

- 15.1 The GFAA Executive Officers are elected to represent the member clubs in their respective zones at GFAA level.
- 15.2 Southern and Northern GFAA Executive Officers must be nominated by a Club within their respective regions.
- 15.3 Clubs can only vote for the position of GFAA Executive Officers within their own region.

**16 Delegates**

- 16.1 A Delegate is a nominee of a Member Club appointed to attend General Meetings and Delegates Meeting to represent that Club and vote on its behalf;
- 16.2 Delegates may only represent one Member Club;
- 16.3 Each Member Club will be entitled to appoint one Delegate for each 100 Affiliated Members or part thereof on the Member Club's Membership Register;
- 16.4 the Committee shall be elected from the Delegates nominated by Member Clubs;
- 16.5 A Member Club may appoint and remove a Delegate and replace him/her by notice in writing, such notice must be lodged with the Secretary before the first meeting the new Delegate attends;
- 16.6 each Member Club shall be represented at a minimum of one General Meeting each year;
- 16.7 the nomination of a Delegate stands until;
  - 16.7.1 the death or retirement of the Delegate, or
  - 16.7.2 removal of the Delegate by written advice from the Member Club.

**17 Casual Vacancies in Membership of the Committee**

- 17.1 A casual vacancy occurs in the office of a Committee member and that office becomes vacant if the Committee member:
  - 17.1.1 dies;
  - 17.1.2 resigns by notice in writing delivered to the President or, if the Committee member is the President, to the Vice President;
  - 17.1.3 is convicted of an offence under the Act;
  - 17.1.4 is permanently incapacitated by mental or physical ill health;
  - 17.1.5 is absent from more than:
    - 17.1.5.1 3 consecutive Committee Meetings; or
    - 17.1.5.2 3 Committee Meetings in the same financial year, of which he or she has received notice without tendering an apology to the person presiding at each of those Committee Meetings; or
  - 17.1.6 ceases to be an Affiliated Member or a Life Member of the Association;
  - 17.1.7 the Member Club of which the Committee Member is a Delegate ceases to be a member of the Association.

## **18 Proceedings of the Committee**

- 18.1 The Committee shall meet together, either in person or by teleconference, for the dispatch of business not less than once in each four months and the President may at any time convene a meeting of the Committee.
- 18.2 Each Committee member has a deliberative vote.
- 18.3 A question arising at a Committee Meeting shall be decided by a majority of votes, but, if there is an equality of votes, the Chairman presiding at the Committee Meeting shall have a casting vote in addition to his or her deliberative vote.
- 18.4 At a Committee Meeting, three Committee members constitute a quorum.
- 18.5 Subject to these Rules, the procedure and order of business to be followed at a Committee Meeting shall be determined by the Committee members present at the Committee Meeting.
- 18.6 A Committee member having any direct or indirect pecuniary interest referred to in Sections 21 or 22 or the Act shall comply with these sections.

## **19 General Meetings**

- 19.1 The Committee:
  - 19.1.1 may at any time convene a Special General Meeting;
  - 19.1.2 shall convene Annual General Meetings within the time limits provided for the holding of Annual General Meetings by section 23 of the Act;
  - 19.1.3 shall convene a Delegates Meeting to be held immediately following the conclusion of the Annual General Meeting in each year; and
  - 19.1.4 shall, within 30 days of:
    - 19.1.4.1 receiving a request in writing to do so from any member of the Committee or from not less than 3 Delegates, convene a Special General Meeting for the purpose specified in that request; or
    - 19.1.4.2 the Secretary receiving a notice under Rule 9.4, convene a Special General Meeting for the purpose of dealing with the appeal to which that notice relates.
- 19.2 The Delegates making a request referred to in Rule 19.1.4.1 shall:
  - 19.2.1 state in that request the purpose for which the Special General Meeting concerned is required; and
  - 19.2.2 sign that request.
- 19.3 If a Special General Meeting is not convened within the relevant period of 30 days referred to:
  - 19.3.1 in Rule 19.1.4.1, the Delegates who made the request concerned may themselves convene a Special General Meeting as if they were the Committee; or
  - 19.3.2 in Rule 19.1.4.2, the Member who gave the notice concerned may him or herself convene a Special General Meeting as if he or she were the Committee.
- 19.4 When a Special General Meeting is convened under Rule 19.3
  - 19.4.1 the Committee shall ensure that the Delegates or Member convening the Special General Meeting are supplied, free of charge, with particulars of all Members; and
  - 19.4.2 the Association shall pay the reasonable expenses of convening and holding the Special General Meeting.
- 19.5 Subject to Rule 19.8, the Secretary shall give to all members not less than 28 days notice of a General Meeting and of any motions to be moved at the General Meeting.

- 19.6 A notice given under Rule 19.5 shall specify:
  - 19.6.1 when and where the General Meeting concerned is to be held; and
  - 19.6.2 particulars of the business to be transacted at the General Meeting concerned and of the order in which that business is to be transacted.
- 19.7 In the case of an Annual General Meeting, the order in which business is to be transacted is:
  - 19.7.1 first, the consideration of the accounts and reports of the Committee;
  - 19.7.2 secondly, the election of the Committee Members to replace the outgoing Committee Members; and
  - 19.7.3 thirdly, any other business requiring consideration by the Association in a General Meeting.
- 19.8 The Secretary may give a notice under Rules 19.5 and 19.11 by:
  - 19.8.1 serving it on a Member personally; or
  - 19.8.2 sending it by post to a Member at the address of the Member appearing in the register of Members kept and maintained under section 27 of the Act; or
  - 19.8.3 Sending it electronically to the Member's email address last notified by the Member to the Secretary from time to time.
- 19.9 When a notice is sent by post under Rule 19.8.2, sending of the notice shall be deemed to be properly effected if the notice is sufficiently addressed and posted to the member or Delegate concerned by ordinary pre-paid mail.
- 19.10 When notice is sent by email under Rule 19.8.3, sending of the notice shall be deemed to be properly effected subject to an email delivery receipt being received
- 19.11 Annual General Meetings
  - 19.11.1 The Annual General meeting shall be held in Perth unless a simple majority of Delegates votes to move its location.
  - 19.11.2 The General Meeting may be held at locations outside Perth, in the locality of Member Clubs.
  - 19.11.3 The Association will hold a minimum of one General Meeting and an Annual General Meeting each Financial Year. The Association will hold a Delegate's Meeting in conjunction with and following the Annual General Meeting.
- 19.12 The approval of the Chair must be obtained by any non-committee members wishing to attend any meeting prior to them attending the meeting.

## **20 Quorum in Proceedings at General Meetings**

- 20.1 At a General Meeting two thirds of the Delegates, present in person, or by proxy shall constitute a quorum.
- 20.2 If within 30 minutes after the time specified for the holding of a General Meeting in a notice given under Rules 19.3 and 19.5.
  - 20.2.1 as a result of a request or notice referred to in Rule 19.1.4 or as a result of action taken under Rule 19.3 a quorum is not present, the General Meeting lapses; or
  - 20.2.2 otherwise, the General Meeting stands adjourned to the same time on the same day in the following week and to the same venue.
- 20.3 If within 30 minutes of the time appointed by Rule 20.2.2 for the resumption of an adjourned General Meeting a quorum is not present, the Delegates who are present in person or by proxy may nevertheless proceed with the business of that General Meeting as if a quorum were present.

- 20.4 The President may, with the consent of a General Meeting at which a quorum is present, and shall, if so directed by such a General Meeting, adjourn that General Meeting from time to time and from place to place.
- 20.5 There shall not be transacted at an adjourned General Meeting any business other than business left unfinished or on the agenda at the time when the General Meeting was adjourned.
- 20.6 When a General Meeting is adjourned for a period of 30 days or more, the Secretary shall give notice under Rule 19.5 of the adjourned General Meeting as if that General Meeting were a fresh General Meeting.
- 20.7 At a General Meeting:
  - 20.7.1 an ordinary resolution put to the vote shall be decided by a majority of votes cast on a show of hands; and
  - 20.7.2 a special resolution put to the vote shall be decided in accordance with section 24 of the Act.
- 20.8 A declaration by the President at a General Meeting that a resolution has been passed as an ordinary resolution thereat shall be evidence of that fact unless, during the General Meeting at which the resolution is submitted, a poll is demanded in accordance with Rule 20.9.
- 20.9 At a General Meeting, a poll may be demanded by 3 or more Delegates present in person or by proxy.
- 20.10 If a poll is demanded and taken under Rule 20.9 in respect of a resolution, a declaration by the Chairman of the result of the poll is evidence of the matter so declared.

## **21 Minutes of Meetings of the Association**

- 21.1 The Secretary shall cause proper minutes of all proceedings of all General Meetings and Committee Meetings to be taken and then to be entered within 30 days after the holding of each General Meeting or Committee Meeting, as the case requires, in a file kept for that purpose.
- 21.2 The Chairman shall ensure that the minutes taken of a General Meeting or Committee Meeting under Rule 21.1 are checked and signed as correct by the Chairman of the General Meeting or Committee Meeting next following the General Meeting or Committee Meeting, as the case requires.
- 21.3 When minutes have been entered and signed as correct under this Rule, they shall, until the contrary is proved, be evidence that:
  - 21.3.1 the General Meeting or Committee Meeting to which they relate (in this Rule 21 called "the meeting") was duly convened and held;
  - 21.3.2 all proceedings recorded as having taken place at the meeting did in fact take place thereat; and
  - 21.3.3 all appointments or elections purporting to have been made at the meeting have been validly made.

## **22 Voting Rights of Members of the Association**

- 22.1 Subject to these Rules, each Delegate present in person or by proxy at General Meeting is entitled to a deliberative vote.
- 22.2 The person presiding at a General Meeting shall have the deciding vote in addition to their deliberative vote.

**23 Proxies of Delegate**

- 23.1 A Delegate (in this Rule called the “appointing Delegate”) may appoint in writing another Affiliated Member who is a natural person to be the proxy of the appointing Delegate and to attend, and vote on behalf of the appointing Delegate at, any General Meeting.
- 23.2 All proxies in writing must be in the hands of the Secretary prior to the Meeting.

**24 Rules of the Association**

- 24.1 The Association may alter or rescind these Rules, or make Rules additional to these Rules, in accordance with the procedure set out in sections 17, 18 and 19 of the Act.
- 24.2 These Rules bind every Member and the Association to the same extent as if every Member and the Association has signed and sealed these rules and agreed to be bound by all their provisions.

**25 Regulations of the Association**

- 25.1 The Committee may make, alter, add to or rescind such Regulations as are necessary and convenient to give effect to these Rules including with respect to;
  - 25.1.1 the conduct of meetings;
  - 25.1.2 the conduct of Tournaments;
  - 25.1.3 the duties of employees, consultants and other; and
  - 25.1.4 the promotion of Tournaments.
- 25.2 No Regulation can be inconsistent with the express terms of these Rules.
- 25.3 Any Regulation made, altered or rescinded by the Committee shall be circulated to the Delegates within seven (7) days of adoption by the Committee and shall be deemed valid unless disallowed or amended by a majority of those present and entitled to vote at the first General Meeting held after the particular Regulation is made or altered.

**26 Common Seal of the Association**

- 26.1 The Association shall have a common seal on which its Corporate name shall appear in legible character.
- 26.2 The common seal of the Association shall not be used without the express authority of the Committee and every use of that common seal shall be recorded in the minute book referred to in Rule 21.1.
- 26.3 The affixing of the common seal of the Association shall be witnessed by any 2 of the President, the Secretary, the Treasurer or the Recorder.
- 26.4 The common seal of the Association shall be kept in the custody of the Secretary or of such other person as the Committee from time to time decides.

**27 Inspection of Records, etc. of the Association**

- 27.1 A member may at any reasonable time inspect without charge but not copy the books, documents, records and securities of the Association.

**28 Dispute Resolution**

- 28.1 The grievance procedure set out in this rule applies to disputes under these rules between –
  - 28.1.1 a Member and another Member; or
  - 28.1.2 a Member and the Association; or

- 28.1.3 if the Association provides services to non-members those non-members who receive services from the Association, and the Association
- 28.2 The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all parties.
- 28.3 If the parties are unable to resolve the dispute at that meeting, or if a party fails to attend that meeting, then the parties must, within 10 days, hold a meeting in the presence of a mediator
- 28.4 The mediator must be-
  - A person chosen by agreement between the parties; or in the absence of agreement –
  - 28.4.1 in the case of a dispute between a Member and another Member, a person appointed by the Committee
  - 28.4.2 In the case of a dispute between a Member or relevant non-member as defined by sub-rule 1.3) and the Association, a person who is a mediator appointed to, or employed with, a not for profit organisation
- 28.5 A Member of the Association can be a mediator.
- 28.6 The mediator cannot be a member who is party to the dispute.
- 28.7 The parties to the dispute must. In good faith, attempt to settle the dispute by mediation.
- 28.8 The mediator, in conducting the mediation, must –
  - Give the parties to the mediation process every opportunity to be heard; allow due consideration by all parties of any written statement submitted by any party; and ensure that natural justice is accorded to the parties throughout the mediation process.
- 28.9 The mediator must not determine the dispute.
- 28.10 The mediation must be confidential and without prejudice.
- 28.11 If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.
- 28.12 A Member cannot raise a decision to suspend or expel under Clause 9 as the basis of a dispute to be dealt with under this Clause 28

## **29 Finances**

- 29.1 Funds – Source and Management
  - 29.1.1 The Association's financial year shall end on the 31 December in each year.
  - 29.1.2 The Association shall derive its funds from subscriptions, surcharges and levies as provided for in Rule 7.
  - 29.1.3 The Association may accept donations at the discretion of the Committee.
  - 29.1.4 Audit – The accounts of the Association shall be audited as at 31 December each year and copies of the audited accounts circulated prior to 31<sup>st</sup> March in each year to each Member Club. These audited accounts shall be presented for adoption at each Association Annual General Meeting.
  - 29.1.5 The Association may with the approval of a Special Resolution of a General Meeting apply a levy or surcharge for special one-off funding requirements which may arise.

## **30 Pecuniary Interests to be declared**

- 30.1 Members of the Committee and Delegates shall be obliged to declare any pecuniary or conflict of interest relating to any matter being considered. On declaration of interest, the affected individual shall abstain from discussion on the matter, except where written

approval to speak has been granted by the Committee. Under no circumstances shall a member with pecuniary interest be permitted to vote.

**31 Dissolution**

- 31.1 The Association may at any time be dissolved in accordance with Section 30 of the Act if at any General Meeting called for that purpose it resolves by Special Resolution of the Delegates present in person or proxy and entitled to vote at the meeting that it be wound up.
- 31.2 If, on the winding up of the Association, any property of the Association remains after satisfaction of the debts and liabilities of the Association and the costs, charges and expenses of that winding up, that property shall not be paid to or distributed among the Members or former Members of the Association but shall be distributed:
  - 31.2.1 to another incorporated association or associations having objects similar wholly or in part to those of the Association and which shall prohibit the distributions of its or their income and property among its or their members; or
  - 31.2.2 for charitable purposes, exempt from paying income tax under Section 23 of the Income Tax Assessment Act which incorporated association or purposes, as the case requires, shall be determined by resolution of the members when authorising and directing the Committee under Section 33(3) of the Act to prepare a distribution plan for the distribution of the surplus property of the Association.

Signed:

Signed:

John Webber - President

Ian Stagles - Secretary

# REGULATIONS

## **1 Tournaments**

- 1.1 The Association may sponsor teams participating in Game Fishing contests and may authorise the use of the name the Association in connection therewith. The team selection shall be made by the Management Committee.
- 1.2 All open or invitational [game fishing] tournaments held by Member Clubs that include participation by anglers who are Members of other WAGFA Member Clubs must be sanctioned.
- 1.3 Angling tournaments or competitions shall incorporate a point scoring system which encourages the Tagging and Release of fish.
- 1.4 Member Clubs wishing to hold tournaments or competitions must apply to the Association at least three months prior to the holding of such tournaments or competitions for approval to conduct same and provide dates, rules, regulations and details of trophies or awards to be given.
- 1.5 The Association shall not approve a tournament or competition which offers a substantial award for a record catch or a specific fish other than the heaviest of species.
- 1.6 All tournament competitors must be financial Affiliate Members of the Association.
- 1.7 The Association shall not accept any record application for a fish captured in a non-sanctioned tournament other than a Member Club competition.
- 1.8 Tag & Release points shall only be allotted if the tag cards are correctly and fully completed.
- 1.9 All sanctioned tournament brochures and advertisements must carry the approved Association sanctioned tournament logo in a prominent position.
- 1.10 Perpetual Trophies – the Association may make perpetual trophy awards. All perpetual trophies shall remain under the control of the Association and shall remain in Western Australia. Suitable replicas of plaques may be struck and presented to the annual winners.
- 1.11 In all tournaments held by member clubs of the Association cash prizes shall not exceed a total cash pool of \$50,000 with a maximum cash prize of \$5,000.
- 1.12 Clubs running Association sanctioned tournaments must adhere to the current relevant statutory authority rules and regulations.

## **2 Operating Guidelines for Committee and Delegates**

- 2.1 The operating guidelines establish customary procedures for the Committee and further define the role and responsibilities of Delegates.
  - 2.1.1 Committee
    - 2.1.1.1 Frequency of Committee meetings shall be on an as needed basis.
    - 2.1.1.2 Management Process. The Committee will not make decisions on items, which have been referred to it other than in writing.
    - 2.1.1.3 Responsibilities of Members of Committee. Committee members are expected to take full responsibility for providing input to Committee deliberations. Committee members are expected to attend meetings and should be prepared to justify

their failure to attend by way of an apology. Committee members should recognise that undue absences unfairly shift the workload to other Committee members. Unexplained or regular absences from Committee meetings may result in a request to stand down. For Committee structures to work effectively it is imperative that all members contribute evenly throughout the year.

### **3 Delegates**

- 3.1 Delegates are responsible for providing a current complete and up to date list and contact details of the officers and members of their respective clubs for the purposes of maintaining a register of game fishers for record and communication purposes in accordance with GFAA and the Association constitutions.
- 3.2 Delegates are the principal communication link between the Committee and Club Members and are responsible for providing answers to any reasonable inquiries from the Committee in a prompt manner. Failure to do so may deprive their club from input to the decision making process' of the Association. It may also deprive members from having their input into government and non-government issues, which ultimately could disadvantage them.
- 3.3 Delegates shall understand that attendance at General Meetings either in person or by proxy is essential to the good governance of the Association.
- 3.4 Delegates are to correspond in writing through the Secretary any club issues in order that that the Committee can consider the issue and respond appropriately.
- 3.5 Delegates should ensure their respective Club Committees are kept up-to-date with the activities of the Association.
- 3.6 Delegates are responsible for having their major club competitions sanctioned through the Association as set out in Regulation 1 - Tournaments. Delegates are responsible for providing a written club report of their club's activities to the Secretary 14 days prior to each General Meeting.

### **4 Communications**

- 4.1 All written communications are to be addressed to the Secretary.
- 4.2 Political Affiliations – the Association shall have no local, national or international political affiliations.
- 4.3 Publicity – All publicity of the Association shall be approved by the President and released by the Secretary.

### **5 Public Comment.**

- 5.1 No Delegate, Member Club or Affiliate Member shall write, or infer, the Association's support for any position or policy without the written authority of the Committee. Support may be assumed when the support for a position or policy is explicitly consistent with a current published decision or policy of the Association. Members are not authorised to make any public statement whatever on the Association's behalf. Only the President, Secretary, or specifically authorised Delegate can speak or write on behalf of the Association.