



**Rules for Australian Kung Fu (Wu Shu) Federation Inc.  
incorporated under the  
Associations Incorporation Act, 1984**

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## 1 Definitions

(1) In these rules:

**Director-General** means the Director-General of the Department of Fair Trading.

**ordinary member** means a member of the committee who is not an office-bearer of the association, as referred to in rule 14(2).

**secretary** means:

- (a) the person holding office under these rules as secretary of the association, or
- (b) if no such 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 1984*.

**the regulation** means the *Associations Incorporation Regulation 1999*.

(2) In these rules:

- (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 these rules in the same manner as those provisions would so apply if these rules were an instrument made under the Act.

## Part 2 Membership

### 2 Membership qualifications

- a) A person is qualified to be a member of the association if, but only if they meet the membership eligibility requirements set by the Committee
- b) In accordance with these requirements membership shall be granted in the following categories:
  - i) Ordinary Member, Associate Member and Honorary Member ; In accordance with these rules only Ordinary Members shall have voting rights.

### 3 Nomination for membership

- (1) A nomination of a person for membership of the association:
  - (a) must be made by a member of the association in writing in the form set out in Appendix 1 to these rules, and
  - (b) must be lodged with the secretary of the association.
- (2) As soon as practicable after receiving a nomination for membership, the secretary must refer the nomination to the committee which is to determine whether to approve or to reject the nomination.
- (3) As soon as practicable after the committee makes that determination, the secretary must:
  - (a) notify the nominee, in writing, that the committee approved or rejected the nomination (whichever is applicable), and
  - (b) if the committee approved the nomination, request the nominee to pay (within the period of 28 days after receipt by the nominee of the notification) the sum payable under these rules by a member as entrance fee and annual subscription.
- (4) the secretary must, on payment by the nominee of the amounts referred to in clause (3) (b) within the period referred to in that provision, enter the nominee's name in the register of members and, on the name being so entered, the nominee 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) after the receipt of two separate notices requesting payment of membership fees the person has not paid the membership fee.

#### **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 is not entitled to resign that membership except in accordance with this rule.
- (2) A member of the association who has paid all amounts payable by the member to the association in respect of the member's membership may resign from membership of the association by first giving to the secretary written notice of at least one month (or such other period as 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.

- (3) If a member of the association ceases to be a member under clause (2), and in every other case where a member ceases to hold membership, the secretary 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 public officer of the association must establish and maintain a register of members of the association specifying the name and 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 at the principal place of administration of the association and must be open for inspection, free of charge, by any member of the association at any reasonable hour.
- (3) A member of the association may obtain a copy of any part of the register on payment of a fee of \$10 for each page copied or, if some other amount is determined by the committee, that other amount.

## **8 Fees and subscriptions**

- (1) A member of the association must, on admission to membership, pay to the association a fee of \$100 or, if some other amount is determined by the committee, that other amount.
- (2) In addition to any amount payable by the member under clause (1), a member of the association must pay to the association an annual membership fee of \$100 or, if some other amount is determined by the committee, that other amount:
  - (a) except as provided by paragraph (b), before 1 July in each calendar year, or
  - (b) if the member becomes a member on or after 1 July in any calendar year – on becoming a member and before 1 July in each succeeding calendar year.

## **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 rule 8.

## **10. Resolution of internal disputes**

- (1) Disputes between members (in their capacity as members) of the

association, and disputes between members and the association, are to be referred to a community justice centre for mediation in accordance with the *Community Justice Centres Act 1983*.

- (2) At least 7 days before a mediation session is to commence, the parties are to exchange statements of the issues that are in dispute between them and supply copies to the mediator.

## **11. Disciplining of members**

- (1) A complaint may be made to the committee by any person that a member of the association:
  - (a) has persistently refused or neglected to comply with a provision or provisions of these rules, or
  - (b) has offered to bribe, or accept a bribe from, any other person.
  - (c) has wilfully acted in a manner prejudicial to the interests of the association. This is described as ‘Conduct Prejudicial’ and shall be seen as conduct – which includes words – which is or may be reasonably seen as being prejudicial to the interests of the association, or likely to bring the sport of kung fu/wu shu and/or the association into disrepute
  - (d) has fraudulently misrepresented, either verbally or in writing, any information which is likely to either mislead or deceive a person authorised by the association or another member or a competitor at an event sanctioned by the association
  - (e) has by words, acts, or omissions abused, intimidated or threatened any other person.
  - (f) has engaged in conduct amounting to vilification of, or discrimination against, any person on the basis of their gender, race, religion or sexual orientation.
- (2) On receiving such a 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
  - (d) may refer the matter to a sub-committee formed to deal with the complaint, this sub committee will be titled ‘The Ethics Committee’.
- (3) The committee may, by resolution, expel the member from the association or suspend the member from membership or apply some other penalty in accordance with Rule 14.1.16 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.

- (4) If the committee expels or suspends or applies some other penalty to 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 rule 12.
- (5) The expulsion or suspension or other penalty 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 rule 12(5),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 rule 11, within 7 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 clause (1), the secretary must notify the committee which is to convene a 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 clause (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) If at the general meeting the association passes a special resolution in favour of the confirmation of the resolution, the resolution is confirmed.

## **13 Representation**

- (1) At any Hearing, Committee Enquiry, Meeting or Appeal a person attending or making a written submission:

- (a) must state their case in person
- (b) if under eighteen years of age, may – at their request – be assisted by an adult
- (c) will not be entitled to be assisted, have present or be represented at any in any circumstances by a person who is, or was, a legal practitioner.

## **14 General Procedures at Committee Enquiries**

### **1.1 Evidence**

The Committee is not bound by the rules of evidence or by practices or procedures applicable to persons exercising a judicial capacity in any court, but may inform themselves as to any matter in any manner as they may see fit in all the circumstances.

### **1.2 Decision**

At the conclusion of an Enquiry, the Committee will:

- (a) in arriving at any decision, ensure that it is consistent with that which a reasonable person could conclude on the evidence or information available at the Enquiry, and
- (b) subject to Rule 14.1.16 impose such penalties and make such orders and give such directions as they may, in their absolute discretion, reasonably think fit.

### **1.3 Decision Binding**

All persons affected by or concerned in an Enquiry will be bound by the decision of the Committee, subject only to rights of Appeal.

### **1.4 Decision in Absentia**

At any Enquiry if a person, or a person's witnesses, fails to attend at the time and place of the Enquiry or does not lodge a requested written submission within the requested time, in their absence the Committee may conduct the Enquiry and make their decision in the absence of those parties.

### **1.5 Validity of Enquiry and Decision**

Any procedure or requirement regulating a Enquiry will be regarded as a guideline only, and any decision of the Committee is not invalid by reason of a procedure or requirement not being fulfilled.

### **1.6 Inform Person/s Involved**

- (a) All persons required by the Committee that are directly involved in an Enquiry will be given reasonable notice to attend the Enquiry or to make a written submission to the Enquiry
- (b) The Committee will inform person/s present of the subject of the Enquiry.

### **1.7 Opportunity to be Heard**

At an Enquiry, the Committee will provide a person, against whom a breach of the Rules is alleged, with an opportunity to be heard and to give evidence, ask questions and make submissions.

### **1.8 Impartiality**

The Committee will conduct all Enquiries and make all decisions in good faith and in an unbiased manner.

### **1.9 Reasons for Decision**

- (a) As far as is practical, at the conclusion of all Enquiries the Committee will give reasons for their decision.
- (b) After a Enquiry has concluded, the Committee may provide written reasons for the decision to the person/s directly affected.

### **1.10 Member must comply**

To facilitate the conduct of an Enquiry a member must;

- (a) upon receiving any notice to attend an Enquiry, appear at the time and place notified or provide a written statement within the time requested
- (b) fully co-operate in good faith with the Committee at the Enquiry;
- (c) provide a full and truthful account of matters within their knowledge to the Enquiry;
- (d) fully and truthfully answer any questions;
- (e) at the request of the Committee produce any document, image, videotape or any other thing in their possession or under their control;
- (f) not make any false or misleading statement to, or make a statement either calculate or likely to mislead, the Enquiry.

### **1.11 Influencing witnesses**

It is expressly forbidden for any person directly or indirectly to influence any person who is, or ought reasonably to be regarded as, required to:

- (a) assist or provide information to a Enquiry, or
  - (b) appear or give evidence at any Enquiry, and
- if any person influences or attempts to influence another person's evidence or information which may be required at any Enquiry, then that first person will be deemed to have committed a breach of these Rules.

### **1.12 Sub Judice**

No person or entity is permitted to comment to any other person or entity on the proceedings of, or any evidence or information given to, any Enquiry until such Enquiry is completed and the decision of the Committee has been released.

### **1.13 Sources of Offences**

A person commits an offence, and may be dealt with by the EC if that person breaches any of these Rules.

#### **1.14 Extent of Jurisdiction**

Unless otherwise specified in these Rules, the Committee will at any time only have jurisdiction to conduct an Enquiry into an alleged breach of these Rules and into any matter that relates in any way to the association.

#### **1.15 Liability and Responsibility for Offences and Attempts**

- (a) A person will be deemed to be liable for an offence if the Committee determines that the act or omission constituting the breach of the Rules was committed, or was attempted to be committed by the offender in person; or
- (b) by another person who was counseled or procured by the offender to do, or attempt to do, the act or make the omission; or
- (c) by another person who counseled or procured the offender to do, or attempt to do, the act or make the omission; and this Rule and each of the offences in these Rules will be construed and interpreted accordingly.

#### **1.16 Applicable Penalties**

The Committee may impose any penalties set out herein:

1. expulsion from the association
2. suspension of association membership for a period so determined by the Committee
3. a fine of between 100 and 5000 penalty units
4. removal from any office held within the association for a period determined by the Committee
5. a public apology in the form so determined by the Committee
6. or at their discretion may impose any penalties within the spirit of these Rules that they see fit in the circumstances.

#### **1.17 Enquiry on Penalty**

Where the Committee determines an offence has been committed, before imposing any penalty the Committee shall:

- (a) give the offender the opportunity to make submissions on penalty, including any mitigating circumstances which may bear on the extent of the penalty which may be imposed; and
- (b) give any member affected by the offence the opportunity to make representation and submissions on the subject of penalty and said member may request that the EC apply any of the penalties able to be applied under these Rules.

#### **1.18 Take into Account**

- (a) The Committee must have regard to the most appropriate penalty or penalties and should take into account the following factors in assessing any penalty to be imposed:
- (b) whether the offender made an early admission of a breach of the Rules or whether the Committee found against them following a Enquiry,
- (c) if the offender sought personal or financial advantage from the offence

- (d) any other aggravating or mitigating factors,
- (e) any previous breaches of the Rules,

### **1.19 Reasons**

The Committee may, but will not be obliged to, give reasons for the imposition by them of any penalty.

### **1.20 Multiple Penalties**

The Committee may impose one or more of the specific penalties applicable under these Rules.

### **1.21 Suspended Operation of Penalty**

After imposing any penalty, the Committee has the power to suspend its operation, in part or full, on such terms as they see fit.

### **1.22 Liability to Pay Fines**

Any member found to have committed a breach of these Rules will be responsible for the payment of any financial penalty imposed and, in the event of non payment within 14 days of the imposition of the fine, the member may also be suspended by the association from all accreditation and insurance schemes and from competing in any Competition until the fine is paid.

### **1.24 Allocation of financial penalties**

The proceeds from all financial penalties, must be remitted to the association.

## **Part 3 The Committee**

### **15. Powers of the committee**

The committee is to be called the committee of management of the association and, subject to the Act, the Regulation and these rules and to any resolution passed by the association in general meeting:

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

### **16. Constitution and membership**

- (1) Subject in the case of the first members of the committee to section 21 of the Act, the committee is to consist of:
  - (a) the office-bearers of the association, and
  - (b) 3 ordinary members,each of whom is to be elected at the annual general meeting of the association under rule 15.

- (2) The office-bearers of the association are to be:
  - (a) the president
  - (b) the vice-president
  - (c) the treasurer, and
  - (d) the secretary
- (3) Each member of the committee is, subject to these rules, to hold office until the conclusion of the annual general meeting following the date of the member's election, but is eligible for re-election.
- (4) 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 these rules, until the conclusion of the annual general meeting next following the date of the appointment.

### **17. Election of members**

- (1) Nominations of candidates for election as office-bearers of the association or as ordinary members of the committee:
  - (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 7 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 and ordinary members of the committee is to be conducted at the annual general meeting in such usual and proper manner as the committee may direct.

### **18. 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 to keep minutes of:
  - (a) all appointments of office-bearers and members of the committee,
  - (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.
- (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.

## **19. 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.

## **20. Casual vacancies**

For the purposes of these rules, 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) 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 rule 11, or
- (f) becomes a mentally incapacitated person, or
- (g) is absent without the consent of the committee from all meetings of the committee held during a period of 6 months.

## **21. Removal of member**

- (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 clause (1) relates makes representations in writing to the secretary or president (not exceeding a reasonable length) and requests that the representation 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.

## 22. Meetings and quorum

- (1) The committee must meet at least 3 times in each period of 12 months at such place and time as 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 such other period as 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 clause (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 3 members of the 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, such one of the remaining members of the committee as may be chosen by the members present at the meeting is to preside.
- (9)
  - (a) The President taking into account the wide dispersment of Association members throughout Australia may direct that voting for the election of the Office Bearers or for changes to these rules may be conducted by a postal ballot.
    - (b). Said postal ballot will provide for:
      - i. a minimum 30 day return of the ballot papers
      - ii. the issue of the ballot paper will be made by a person so appointed by the President
      - iii. the ballot will be able to be identified as the ballot of a full member of the Association
      - iv. the keeping of all ballots by the National Executive for a period of two years after the declaration of the ballot
      - v. the Secretary will declare the ballot outcome
    - (c). Any member of the Association shall be able to request that he/she be able to view and check any ballots during the two year storage period provided that said member makes said request to the National Executive in writing.

### **23. Delegation by committee to sub-committee**

- (1) The committee may, by instrument in writing, delegate to one or more sub-committees (consisting of such member or members of the association as the committee thinks fit) the exercise of such of the functions of the committee as 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 rule 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 section may be made subject to such conditions or limitations as to the exercise of any function, or as to time or circumstances, as may be specified in the instrument of delegation.
- (4) Despite any delegation under this rule, 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 rule 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 rule.
- (7) A sub-committee may meet and adjourn, as it thinks proper.
- (8) All sub-committees shall have a termination date on which the sub-committee shall cease to operate.

### **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 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 rule 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 meeting**

### **25. Annual general meetings – holding of**

- (1) With the exception of the first annual general meeting of the association, the association must, at least once in each calendar year and within the period of 6 months after the expiration of each financial year of the association, convene an annual general meeting of its members.
- (2) The association must hold its first annual general meeting:
  - (a) within the period of 18 months after its incorporation under the Act, and
  - (b) within the period of 6 months after the expiration of the first financial year of the association.
- (3) Clauses (1) and (2) have effect subject to any extension or permission granted by the Director-General under section 26(3) of the Act.

### **26. Annual general meetings – calling of and business at**

- (1) The annual general meeting of the association is, subject to the Act and to rule 23, to be convened on such date and at such place and time as 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 on the activities of the association during the last preceding financial year,
  - (c) to elect office-bearers of the association and ordinary members of the committee,
  - (d) to receive and consider the statement which is required to be submitted to members under section 26(6) of the Act.
- (3) An annual general meeting must be specified as such 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 in writing of at least 5 per cent 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 state the purpose or purposes of the meeting, and
  - (b) must be signed by the members making the requisition, and

- (c) must be lodged with the secretary, and
  - (d) 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 that 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 clause (4) must be convened as nearly as is practicable in the same manner as general meetings are convened by the committee and any member who consequently incurs expenses is entitled to be reimbursed by the association for any expense so incurred.

## **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 clause (1), the intention to propose the resolution as a special resolution.
- (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 rule 24 (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. Procedure**

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

### **30. Presiding member**

- (1) The president or, in the president's absence, the vice-president, is to preside as chairperson at each general meeting of the association.
- (2) If the president and the vice-president are absent or unwilling to act, the members present must elect one of their number to preside as chairperson at the meeting.

### **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 clauses (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 on a show of hands and, unless before or on the declaration of the show of hands a poll is demanded, 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.
- (2) At a general meeting of the association, a poll may be demanded by the chairperson or by at least 3 members present in person or by proxy at the meeting.
- (3) If a poll is demanded at a general meeting, the poll must be taken;
  - (a) immediately in the case of a poll which relates to the election of the

- chairperson of the meeting or to the question of an adjournment, or
- (b) in any other case, in such manner and at such time before the close of the meeting as the chairperson directs,
- and the resolution of the poll on the matter is taken to be the resolution of the meeting on that matter.

### **33. Special resolution**

A resolution of the association is a special resolution:

- (a) if it is passed by a majority which comprises at least three-quarters of such members of the association as, being entitled under these rules so to do, vote in person or by proxy at a general meeting of which at least 21 days' written notice specifying the intention to propose the resolution as a special resolution was given in accordance with these rules, or by postal ballot as provided for in Article 9(a) or
- (b) where it is made to appear to the Director-General that it is not practicable for the resolution to be passed in the manner specified in paragraph (a) if the resolution is passed in a manner specified by the Director-General.

### **34. Voting**

- (1) On any question arising at a general meeting of the association a member has one vote only.
- (2) All votes must be given personally or by proxy but no member may hold more than 15 proxies.
- (3) 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.
- (4) A member or proxy is not entitled to vote at any general meeting of the association unless all money due and payable by the member or proxy to the association has been paid, other than the amount of the annual subscription payable in respect of the then current year.

### **35. Appointment of proxies**

- (1) Each member is to be entitled to appoint another member as proxy by notice given to the secretary no later than 24 hours before the time of the meeting in respect of which the proxy is appointed.
- (2) The notice appointing the proxy is to be in the form set out in Appendix 2 to these rules.

## **Part 5 Miscellaneous**

### **36. Objects of the Association**

The objects for which the Association is established are:

- a) To act as the Official Peak Industry Body for Kung Fu/Wu Shu in Australia and to represent and advise on Kung Fu/Wu Shu to all local, State and Federal Government Departments as may be required.
- b) To administer the National Coaching Accreditation Scheme for Kung Fu/Wu Shu
- c) To act as the key consultative and advisory agency for Kung Fu/Wu Shu to the Australian Sports Commission
- d) To act as the key consultative and advisory agency for Kung Fu/Wu Shu to the Federal Department of Education and Training on any martial arts or self defence related qualification under the Vocational Education and Training Accreditation Act 1990.
- e) To act as the Australian representative to the Oceania Wu Shu Federation
- f) To act as the Australian representative to the International Wu Shu Federation
- g) To act as the Australian representative organization for Wu Shu to the International Olympic Committee
- h) To act as the Australian representative organization to the Commonwealth Games Committee

### **37. TOURNAMENTS/ EVENTS/ COMPETITIONS**

- i.** All tournaments/events/competitions conducted by the Association or sanctioned by the Association will be conducted in accordance with the Martial Arts Industry Association Inc. National Code of Practise for the Conduct of Events/Tournaments/Competitions.
- ii.** The AKWF acknowledges the authority of the International Olympic Committee (IOC) and its appointed agents, officials and representatives over our athletes and officials in all competitions that the AKWF may stage or sanction to be staged.
- iii.** The AKWF acknowledges the authority of the World Anti Doping Agency (WADA) and its appointed agents, officials and representatives over our athletes and officials in all competitions that the AKWF may stage or sanction to be staged.

### **38. CODE OF PRACTISE**

The Association, its members and sanctioned instructors agree to be bound by the Martial Arts Industry Association National Code of Practise.

### **39. MEMBERS USE OF ASSOCIATION NAME AND LOGO**

- (a) The AKWF logo and association name may only be used by a member in the following advertising/promotions/correspondence contexts:
- i) to state that the member is a member of the organisation  
eg: John Smith's martial arts school is a member of the AKWF
  - ii) to state that a particular member is accredited by the AKWF  
eg: John Smith Accredited Instructor AKWF
  - iii) the AKWF logo and name may be used on club/academy/school letterheads provided that its size and prominence is smaller than the name of the club/academy school appearing on the letterhead and the words "member AKWF" or "member Australian Kung Fu (Wu Shu) Federation Inc and no others are used.

Any other use of the AKWF logo or association name, without the written permission of the Executive, is not permitted.

- b. No member may issue a press release on behalf of the AKWF without the written approval of the Executive.
- c. No member may claim or advertise that they occupy an administrative position within the AKWF unless that position has been ratified, in writing, by the Executive.
- d. No member may not use the Association name to incur a debt in the name of the Association nor may a member imply or state that he/she has been authorised to incur debt on behalf of the Association unless said authorisation is held by the member in writing.

### **40. Insurance**

The association may effect and maintain insurance.

### **41. Funds – source**

- (1) The funds of the association are to be derived from entrance fees and annual subscriptions of members, donations and, subject to any resolution passed by the association in general meeting, such other sources as 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 account.

- (3) The association must, as soon as practicable after receiving any money, issue an appropriate receipt.

#### **42. Funds – management**

- (1) Subject to any resolution passed by the association in general meeting, the funds of the association are to be used in pursuance of the objects of the association in such manner as the committee determines.
- (2) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by any 2 members of the committee or employees of the association, being members or employees authorised to do so by the committee.

#### **43. Alteration of objects and rules**

The statement of objects and these rules may be altered, rescinded or added to only by a special resolution of the association.

#### **44. Common seal**

- (1) The common seal of the association must be kept in the custody of the public officer.
- (2) The common seal must not be affixed to any instrument except by the authority of the committee and the affixing of the common seal must be attested by the signatures either of 2 members of the committee or of 1 member of the committee and of the public officer or secretary.

#### **45. Custody of books**

Except as otherwise provided by these rules, the public officer must keep in his or her custody or under his or her control all records, books and other documents relating to the association.

#### **46. Inspection of books**

The records, books and other documents of the association must be open to inspection, free of charge, by a member of the association at any reasonable hour.

#### **47. Service of notices**

- (1) For the purpose of these rules, 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 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 these rules, 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 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.

# Appendix 1

(Rule 3 (1))

## APPLICATION FOR MEMBERSHIP OF ASSOCIATION

Australian Kung Fu (Wu Shu) Federation Incorporated (incorporated under the *Associations Incorporation Act 1984*).

I,.....  
*(full name of applicant)*

of.....  
*(address)*

.....hereby apply to become a  
*(occupation)*

member of the above named incorporated association. In the event of my admission as a member, I agree to be bound by the rules of the association for the time being in force.

.....  
*Signature of applicant*

Date.....

I,..... a member for the association,  
*(full name)*

nominate the applicant, who is personally known to me, for membership of the association.

.....  
*Signature of proposer*

Date.....

I,..... a member for the association,  
*(full name)*

second the nomination of the applicant, who is personally known to me, for membership of the association.

.....  
*Signature of seconder*

Date.....

**Note: This Membership application has been superseded by the membership application that can be found on the AKWF Website ([www.akwf.com](http://www.akwf.com)) 'Forms and Publications' Section.**

# Appendix 2

(Rule 3 (1))

## FORM OF APPOINTMENT OF PROXY

I, ..... of .....  
*(full name)* *(address)*

being a member of .....  
*(name of incorporated association)*

hereby appoint ..... of .....  
*(full name of proxy)* *(address)*

being a member of that incorporated association, as my proxy to vote for me on my behalf at the general meeting of the association (annual general meeting or special general meeting, as the case may be) to be held on the

.....day of.....  
*(month and year)*

and at any adjournment of that meeting.

\* My proxy is authorised to vote in favour of/against (delete as appropriate) the resolution (insert details).

\* to be inserted if desired.

.....  
Signature of member appointing proxy

Date.....

NOTE: A proxy vote may not be given to a person who is not a member of the association.