

**NSWRA Constitutional Reform
Responses from Members
(names have been removed to respect privacy)**

Overall Comments

Four members provided comments prior to the forum in early July, and one after. They were overwhelmingly constructive, and many/most have been absorbed into the updated constitution.

Commenting on some key items:

1. No-one has commented on the loss of regional representatives. This is the most significant change. We explained that change in the explanatory memorandum published in June.
2. The draft constitution makes a strong statement in clause 4.1 that the NSWRA aspires to be the controlling authority for target shooting in NSW. Two members correctly noted that other organisations have similar aspirations.

The Council and the working group believe that the statement is a necessary aspiration. We are in a competitive environment and a bold position on this matter is important for the long term future of the NSWRA. Obviously what we say here does not affect other organisations and our success will come down to our own efforts.

3. Costs were raised as a concern by two members. There is clearly wider concern. The Constitution itself is a framework document and taking steps to improve how we run the Association will hopefully improve outcomes, including financial. It will be up to the new Board to specifically focus on this area of concern.
4. The size of the Board was commented on – “will it be adequate?”. We believe 6 elected directors strikes a balance between enough to be effective and not so many that it is large and/or inefficient. Ultimately we are reliant on convincing skilled and experienced members to contribute back and join the Board.

Editorial comments are in highlighted and in italics.

Comments from Member 1

To Whom It May Concern,

Firstly, I would like to commend and thank the people involved in putting this initiative in motion and for developing the framework of the proposed new constitution. Below is some feedback for your consideration.

Objects of the Association (proposed changes and inclusions)

Changes

- a. **at all times promote and protect the sport of Target Shooting for the benefits of the sport and its members (I think this needs to be #1 and very clear and concise);**
- (e) **advertise, communicate, develop, train and educate coaches and officials;**
- (f) **promote the economic and community service success, strength..... What is “community service success”? suggest a definition or spelling it out. Sounds a bit political!**

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(h) develop, use and protect Intellectual Property **of the Association and its members;**

(m) **consideration of specific policies for Mental Health?**

Inclusions

- Conduct fair and transparent selections of state teams;
- Promote and drive innovative and sustainable solutions for the future benefit of the Association and its members;
- Take all necessary measures to protect, develop and advance the utilisation of rifle ranges across the state;
- Strive to reduce membership fees;

Others

- 6 Directors – we may not have the depth for the full 6 and run the risk having someone there with good intentions but is not adding benefit.
- External Directors – Consider increasing (+1) to potentially offset the above.

From Member 2

- a) Under 32.7 we will need to change NabConnect for two to authorise
- b) 8.5 (a) (1) Does this mean under a club can no longer be member of the NSWRA if they lose their approval under the firearms act **[this clause has been removed]**
- c) 8.1 (b) point 1 Re recognise the Association as the authority for Target Shooting in New South Wales; This apparently does not sit well with members with affiliation to “other” target shooting organisations.

From Member 3

To: The Executive Officer NSWRA

The proposed new constitution makes two changes to the rules regarding Special General Meetings.

Firstly the number of signatures required to requisition an SGM increases from 1 percent of the membership to 10 percent of the membership (or 25 members whichever is the greater.) This seems to be a huge increase and the need for it is not clear. **[The threshold has now been reduced to 5%, or around 75 members. The working group believes that if an issue is significant enough to trigger a desire from members for an extraordinary (Special) general meeting that number is a reasonable threshold]**

The second change is to make resolutions passed at an SGM non-binding on the Board. This seems to be an unnecessary restriction and impacts on the membership's ability to ensure good governance. Again the reason for the change is not clear. **[This is unchanged from the previous constitution and consistent with law. The Council (today) and the Board (in the future) are given the**

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power and responsibility to manage the Association. Therefore members resolutions are for guidance]

From Member 4

[Most of these important points do not relate to the Constitution. We note that the new Constitution (cl 21.8) puts much clearer obligations on Directors to declare their interests and they are required to be absent from decision making if that is the case]

I have some concerns and requests that I would appreciate your consideration on:

1. Would you be so kind as to forward to me the minutes of the 2018-2019 AGM? I believe no changes to the administration will be made unless a successful vote is taken.

2. Fees, many people, various NSWRA Clubs as a whole, or at least the greater majority of said Clubs and even whole disciplines of shooting within The NSWRA have expressed concern at the continued escalation of fees. The concerns and anger, from what I believe, comes from various angles, the perception and maybe even reality is that our fees should more closely represent those of the SSAA. There is a direct correlation to their low fees and there increasing numbers, needless to say, we have the direct opposite. As I believe the situation, NSWRA risks losing significant numbers in the short term. People also see increased efficiencies that should also see fees at least kept in check.

3. The recent uploading of personal and sensitive details is a total breach of privacy and a security leak. Everyone's details came from NSWRA mixed up with other peoples details. No members that have expressed concern permitted their details to be uploaded to an insecure cloud-based platform now accessible to unknown people and groups. Is the publication of Shooters licence details referenced to addresses a good idea considering failures of host companies in the recent past.

4. PART VIII

Miscellaneous: 20

(1) Status and Liability of Members - No member of the Association shall have any estate or interest in the property or funds of the Association other than the right to use such property in the exercise of his privileges as a member.

With the Call for Nominations for co-opted Members of the NSWRA Council 2019-2020 at hand, it is probably a prudent time to mention that many people have also expressed concern over conflict of interest and Nepotism issues within the association. I believe the Council would be aware of the damage that even the perception of these issues could cause as there is already unrest.

5. I believe there is to be a question and answer period with the proposed new constitution and the old constitution; this should include the model constitution. I would like to suggest that all questions and answers should or could be distributed, as anonymous submissions, to the Secretaries of all clubs for distribution and comment, to facilitate a more balanced reply.

From Member 4

[Most of these comments have been absorbed into the draft constitution]

My apologies for the late submission.

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Points I have noted are;

3 (a) "promote the sport of Target Shooting".

The wording does not restrict the Association to just rifle shooting. It could be taken to mean any form of target shooting. E.g. Rifle, Pistol, Shotgun, Bow, Crossbow, slingshot, ad infinitum...

This is not a bad thing and leaves room to evolve much like we did.

4.1 "...controlling authority for Target Shooting in New South Wales"There are other bodies who may totally disagree with this.

4.2 (g) "abide by the NRAA constitution and the rules of Target Shooting"

The first point to be made is whether the NRAA Constitution can be in conflict with the NSWRA Constitution and if so, which one becomes paramount? Under what jurisdiction is the NRAA constituted? That has implications.

As for the "rules of Target Shooting", what rules are they referring to? This needs to be clarified.

4.3 (f) "that should a Club Member have administrative, operational or financial difficulties ... etc."

This is just too broad a definition and open to abuse, misinterpretation or exploitation. It should contain a clause within the paragraph to relate these difficulties only to those immediately related to NSWRA membership, which is the extent of member liability.

8.1(a) "To be or remain eligible for affiliation, a Club must be incorporated in New South Wales, be registered under the Firearms Act (or seeking registration) and comply with **the** requirements *of this Constitution and the Regulations*"

This could be interpreted to read the Firearms Regulations. In the italics, substitute the word "*the*" for "*its*" to clearly marry the connection.

8.1 "recognise the Association as the authority for Target Shooting in New South Wales;"
There are other target shooting organisations such as the SSAA, Australian Target Shooters Club for example. These organisations could dispute such statements.

8.5 (iv) all monies due and payable to the Association have been paid. If Clubs do not pay monies within thirty days of the due date, subject to the Board's discretion, all that Club's rights under this Constitution **shall** be immediately suspended until all monies are fully paid.

Personally I don't like to use the word *shall*. Using the word *will* is a definite and clear statement.

8.7 (a) "A Member may resign from membership of the Association by giving written notice of the resignation to the Association"

It begs the question whether he remains a member even without paying the annual subscription when it falls due and if so, when does the Association determine he is no longer a member.

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Sub Clause (e) goes on to say that the Member remains liable until such times as he resigns in accordance with these rules. This could potentially go on forever or until he dies. Most people don't write a letter of resignation. They just don't renew their subscription. Need some clarification on this.

Membership should cease after 30 days of falling due. Also refers to 9 (b) (i)

10.1 (c) there is a statutory here check Firearms Act and Regulations

10.3 A Member **shall** not use or disclose the information on the Register:
Use **must**.

11 (a) ... refers to being bound to a policy. A policy is not a codified Rule, Law or Regulation, merely a statement of intent. I have difficulty incorporating this word because it is an open invitation to introduce any hare brained concept and force compliance without approval.

I would excise this word.

11 (f) (iii) inter alia "natural justice". Everyone is entitled to natural justice so why are we seeking to exclude this as a defence? Needs clarification.

39 (b) inter alia "...three (3) days after posting." Australia Post does not deliver weekends or Public Holidays. This must be amended to read "three (3) business days after posting."

Putting this type of document together is never easy. After every reading one usually finds something else that needs looking at. I trust my observations have been helpful

From Member 5

[This is highly desirable. It will be addressed in the new Board Charter. We are considering service providers and we are mindful of cost]

The Constitution should include a mandatory requirement for directors to undertake Directors training.