

Australian Parachute Federation Incorporated

# CLUB & COUNCIL REGULATIONS

INCORPORATING:

CLUB MEMBERSHIP REGULATIONS

&

COUNCIL REGULATIONS



**PROPOSED REVISION**

Date adopted by Federation Board: May 2009

Effective Date: 1 May-1, 2012

**STATUS: MANDATORY**

**Comment [TW1]:** Note to author - check dates in footers and consider whether they need updating.

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**Comment [TW2]:** [Note to author – remember to right click on this table and click “update field” and then “update entire table” once edits have been reviewed]

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NOTE: The Club Membership Regulations and the Council Regulations are mandatory requirements and have been made by the Federation Board pursuant to Rule 11 of the Federation's Constitution.

Comment [TW3]: [Query whether you need this here – it is repeated in section 1]

#### Australian Parachute Federation Incorporated

Postal Address: P.O. Box 1440, Springwood QLD 4127 Australia

Street Address: Unit 3, Portal Office West, 2994 Logan Road, Underwood QLD 4119 Australia

Telephone: (07) 3457 0100 (International +61 7 3457 0100)

Facsimile: (07) 3457 0150 (International +61 7 3457 0150)

Web site: [www.apf.asn.au](http://www.apf.asn.au) – email: [apf@apf.asn.au](mailto:apf@apf.asn.au)

## Section One: General

The Board of the Australian Parachute Federation ("the Federation") makes the Regulations and subsequent amendments as set out below pursuant to Rule 11 of the Federation's Constitution ("the Constitution") by ~~a~~ resolutions on the following dates:

- Section One: General.
- Section Two: Club Membership Regulations – (Effective 28 December 2005); and
- Section Three: Council Regulations – (Effective 1 September 1996).

Comment [TW4]: (Insert date?);

### 1. Citation

These Regulations may be cited as the 'Australian Parachute Federation Club and Council Regulations' ("the Regulations").

### 2. Interpretation

All words used in the Regulations which are defined in the Federation's Constitution ("Constitution"), the Federation's Operational Regulation, and the Council Rules, will ~~must~~ have the same meaning and effect in these Regulations except where otherwise defined or where the context implies otherwise.

Comment [TW5]: [insert date of document]

Comment [TW6]: [Insert full title and date of these rules]

### 3. Regulations Subject To Relevant Law

These Regulations must be read and construed on the basis that any relevant legislation (whether State, Territory or Commonwealth) is deemed to be incorporated into these Regulations. ~~These Regulations must be further read and construed on the basis that w~~Where there is any inconsistency between a provision of these Regulations and ~~a provision of the relevant any~~ State, Territory or Commonwealth legislation, the latter must prevail to the extent of the inconsistency.

## Section Two: Club Membership Regulations

### 4. Membership of the APF Federation

- 4.1 Each ~~year~~, the Federation must send each ~~APF Club~~ APF club notification that its membership of the Federation is due for renewal. ~~The~~ notification will list current data held by the Federation regarding the ~~APF Club~~ APF club, for re-confirmation and/or correction ~~and will provide details of fees payable by the APF Club~~ APF club.
- 4.2 When an ~~APF Club~~ APF club has paid the applicable Subscription Fee, and has met all necessary DZ ~~Audit~~ audit requirements, ~~it~~ the Federation will ~~be~~ provide a certificate of membership, which must be displayed at ~~its~~ the APF Club APF club premises.
- 4.3 The applicable ~~c~~ Club ~~m~~ Membership fee is payable prior to June 30th each year and in the event the fee has not been received by this date, on the 1st July the ~~Club~~ club ~~Member~~ membership will lapse.
- 4.4 Perpetual ~~membership~~ is available to member organizations for a one off payment of 20 times the annual ~~fee~~ and entitles the organisation to ~~perpetual~~ membership with no annual fee.
- 4.5 ~~Failure to pay the applicable~~ If an APF Club fails to pay the S ~~subscription Fee, the APF Club, will result in the following:~~ subscription Fee, the APF Club:
- (a) ~~Club~~ may have a late penalty fee imposed upon them;
  - (b) ~~Club~~ will be unable to purchase ~~s~~ Student M ~~m~~ membership A ~~a~~ applications;
  - (c) ~~Club~~ will not be covered by APF Insurance; and
  - (d) ~~Clubs~~ will be removed from APF Website DZ Directory / ASM Directory.

Comment [TW7]: [by X date?]

Comment [TW8]: [Lifetime?]

Comment [TW9]: [is this the same as the Club Membership fee?]

Comment [TW10]: [lifetime?]

Comment [TW11]: [is this different to the Club Membership fee? If not, make consistent with rest of clause 4.]

Comment [TW12]: [Query – is this clause about failure to pay entirely or late payment? For sub-paragraphs (b), (c), and (d), is it intended that if the club pays the fee late, they will not be entitled to any of those things for the next year? If not, consider revising wording]

### 5. Nominated Person

Each ~~APF Club~~ APF club must:

- 5.1 Nominate a person ("~~n~~ Nominated ~~p~~ Person") to be the authorised contact between the ~~APF c~~ Club and the ~~Federation~~ APF in all matters other than those for which the Chief Instructor is responsible. ~~The n~~ Nominated ~~P~~ Person may be the same person as the Chief Instructor; and must be a full member of the ~~APF Federation~~ and.
- 5.2 Inform the ~~Federation~~ APF of the name and contact details of its ~~N~~ nominated ~~p~~ Person, and advise of any changes to this nomination.

### 6. Notifications

Where an APF ~~c~~ Club proposes changing the name(s) it trades under, it must seek prior approval from the local ~~Area~~ area ~~C~~ Council of the intended change. ~~Each APF c~~ Club must promptly notify the Federation of any changes to it's:

- (a) ~~N~~ name;
- (b) ~~P~~ postal address;
- (c) ~~C~~ contact details;
- (d) ~~T~~ tradings name/(s);

- (e) ~~L~~legal entity; and/or
- (f) ABN.
- (g) deleted

## 7. Compliance with APF Federation Rules

Each ~~APF Club~~APF club must:

- (a) ~~A~~abide by the Constitution, Operational Regulations, Jump Pilot & Aircraft Operations Manual, Training Operations Manual, Code of Ethics, Procedures Manual and all other mandatory rules and such other regulations of the APF Federation that may be in force from time to time;
- (b) ~~A~~as far as possible and practical, assist APF the Federation to achieve the Federation~~APF's~~ corporate goals, objectives and its strategies for achieving these; ~~and~~
- (c) ~~p~~permit the CEO, ASO, Directors Instructor, Safety, Aircraft Operations, Rigging and/or their delegates access to the ~~APF Club~~APF club's records and facilities that it is required to maintain in accordance with APF rules; and
- (d) ~~p~~permit and assist the ASO, the Director Safety or their nominated person, to conduct the Safety Audit~~audit~~ in accordance with the APF Safety Audit Document and the Jump Pilot & Aircraft Operations Manual.

**Comment [TW13]:** [is this one director or many? If one, change to "Director's" if many, change to "Directors"]

**Comment [TW14]:** [Note to the author – Directors mentioned in this document are referred to as "Director Safety" etc. – is this the intended title or is it "Director of Safety" or "Director – Safety". If the titles include "of" or "-", check document for consistency of terms]

## 8. APF Club Members

8.1 Each ~~APF Club~~APF club must be an agent of the Federation in accepting people as members of the Federation. In doing so, each ~~APF Club~~APF club must ensure that:

- (a) Student ~~m~~membership ~~a~~applications are completed fully and correctly. ~~completely~~. Persons ***under the age of 18*** must have written consent of a Pparental or Gguardian consent before being allowed to jump; ~~and~~
- (b) ~~B~~before the tenth day of each calendar month, all completed ~~s~~student ~~m~~membership ~~a~~applications and all other membership applications and money collected by an ~~APF Club~~APF club for and on behalf of the Federation during the previous calendar month are forwarded to the Federation; ~~and~~
- (c) ~~a~~an official APF ~~m~~membership receipt for payment has been issued to each~~the~~ ~~M~~member;
- (d) ~~The APF Club~~it does not profit from the sale of APF ~~m~~memberships ~~applications~~ and ~~must does not~~NOT impose any additional levies or surcharges on the APF mMemberships; ~~advertise such terms as APF 'levies' or 'APF Membership surcharges' at a price greater than the amount which that membership was purchased for, from the APF~~
- (e) ~~The Club~~it ~~must~~ makes available to members all 'Mmember Bbenefits' including ~~P~~personal ~~Accident~~accident insurance~~insurance~~, as approved by the Federation Board from time to time; and
- (f) ~~The Club~~it ~~must~~ maintains the confidentiality of all only use student and member information and uses that information only for its own purposes and ~~shall not on sell~~will not ~~or~~ make this information available to any third party.

8.2 Online ~~s~~Student ~~M~~membership

[To be determined]

8.3 ~~APF Club~~APF clubs may request the Federation to provide:

- (a) ~~s~~Subject to privacy considerations, data from the Federation Membership Register;
- (b) ~~a~~Address labels for Federation members, for which a fee will apply; ~~and~~
- (c) ~~i~~Information and statistics on membership figures.

8.4 The Federation will send an electronic renewal reminder to each Australian full-financial member, whose membership in the Federation is about to expire. The Federation ~~m~~Membership ~~R~~Register must be maintained to show the membership status of each Federation member and their ~~APF Club~~APF club.**9. The Club Application & Parachuting Contract (Club Waiver)**9.1 The Club Application & Parachuting Contract (Club Waiver) is mandatory. When the ~~APF Federation~~ requires an amendment, ~~APF Club~~APF clubs must incorporate the change in their next reprint, unless directed otherwise. Updated versions are to be made available on the ~~APF Federation~~ website.9.2 The ~~APF Club~~APF club may customise the Club Application & Parachuting Contract to their organisation and may add additional content, provided ~~ed in~~that the original minimum content is in no way altered.**10. Overseas Parachutists**

## 10.1 Visiting overseas parachutists with appropriate FAI/IPC accreditation may undertake descents subject to Regulation 10.2 below.

10.2 An ~~APF Club~~APF club must enrol any visiting overseas parachutist as a member of the Federation for the duration of their time jumping in Australia prior to undertaking any descent.**11. ~~APF Federation~~ Publications**11.1 ~~APF Federation~~ publications must be available on the ~~APF Federation~~ website and copies of all mandated ~~f~~Federation documents must be made available to ~~APF Club~~APF clubs upon request. ~~The APF Club~~APF clubs ~~will must~~ make this documentation available to ~~their~~its members ~~free of charge, and will not impose a charge to the member~~—11.2 The Federation must provide ~~APF Club~~APF clubs upon request and at no charge, common language translations of the 'Club Application & Parachuting Contract (Club waiver) and the 'Student Membership Application Form' for use by non-English speaking prospective members.11.3 Whilst it is preferred that application forms are printed as required, where an ~~APF Club~~APF club may not have access to the ~~APF Federation~~ website, the ~~APF Club~~APF club must maintain sufficient stocks of License, Crest and Rating application forms to meet expected demand.

## 12. Insurance

- 12.1 Subject to this clause, the Federation must provide individual ~~M~~members and ~~APF Club~~APF clubs with \$20m public liability and \$10m professional indemnity insurance cover subject to the terms of the Federation's insurance policy ("Federation Policy").
- 12.2 Where a claim is made under the Federation Policy against an ~~APF Club~~APF club, the ~~APF Club~~APF club named in the claim may be:
- ~~C~~charged a fee of up to \$5,000 upon receipt of any claim against the FederationAPF and before the ~~eAPF Club~~club receives any support from the FederationAPF and/or
  - ~~C~~charged a further fee of \$5,000, or such other amount as is determined by the Federation Board, on notice of a claim being successful against the policy.
- 12.3 Aircraft operated in support of parachuting by an ~~APF Club~~APF club are not covered under the Federation's Public Liability insurance. Each ~~APF Club~~APF club shall hold a minimum of \$1 Million insurance cover for each passenger to indemnify the:
- ~~APF Club~~APF club;
  - ~~p~~Persons on board the aircraft;
  - Federation; and
  - ~~R~~relevant ~~Area Council~~area council.

## 13. ~~APF~~Federation Logo

- 13.1 ~~APF Club~~APF clubs are permitted to use the Federation logo on the basis that it is not misleading as to the association between it and the Federation and subject to Regulation 13.2 below. Using the term "member of the Federation" or "affiliate of the Federation" or similar is acceptable.
- 13.2 Use of the Federation logo is conditional on the ~~APF Club~~APF club agreeing to the terms and conditions of logo use, which are available from the Federation.

## 14. Advertising and Publications

- 14.1 The Federation may display an ~~APF's Club~~club's particulars, including location, facilities, training offered and; aircraft ~~used, etc, in~~used in the club listing on the Federation webpage.
- 14.2 Where the Federation is satisfied that an ~~APF Club~~APF club's webpage properly portrays parachuting, the Federation may provide a link from the Federation webpage to the webpage of the ~~APF Club~~APF club.
- 14.3 Advertising by ~~APF Club~~APF clubs must not:
- ~~I~~include anything that is deceptive, ~~or~~ misleading or disparages others;
  - ~~D~~describe the aircraft ascent as a "scenic flight" unless the ~~APF Club~~APF club holds an AOC which permits it to offer scenic flights; or
  - ~~M~~make any statements or claims whichclaims that might leave-expose the Federation and/or the ~~APF Club~~APF club open to claims or legal actions, such as "safe skydives" or "parachuting is safe" or "soft landings are guaranteed".

**Comment [TW15]:** [consider revising wording – what is "properly portrays"? Suggest "provides accurate information about"]



- 14.4 Inappropriate advertising and marketing by ~~APF Club~~APF clubs will be considered as a breach of the Federation's Code of Ethics and these regulations.

Comment [TW16]: [Is there a penalty for breach? Include this?]

## 15. National Championship Hosting

~~An APF Club~~APF clubs are eligible to bid to host the National Parachuting Championships. Bids are to be submitted to the Director ~~Competitions~~ in accordance with the requirements contained in the Sporting Code.

Comment [TW17]: [of?]

## 16. ~~APF Federation~~ Assistance with CASA Requirements

Where requested by an ~~APF Club~~APF club, the Federation may:

- (a) ~~Re~~review the ~~APF Club~~APF club's cloud jumping procedures and where such procedures comply with the relevant requirements, assist the ~~APF Club~~APF club in having its cloud jumping procedures approved by CASA; and
- (b) ~~Ww~~here appropriate, assist in resolving any complaint against an ~~APF Club~~APF club by CASA, Air Services, Landowner, aerodrome user or other.

## 17. Drop Zones

- 17.1 Where an ~~APF Club~~APF club operates a temporary DZ (not in use for more than seven operational days in any one-month period), it must notify the Area Safety Officer of the ~~A~~area ~~c~~council in which the temporary DZ is to operate. (See Council Regulations, section 31 in this Manual)

- 17.2 Where an ~~APF Club~~APF club proposes a non-temporary DZ in another ~~Council Area~~council area, it must make application to that ~~Area Council~~area council. Both ~~Area Council~~area councils must agree, in writing, on:

- (a) ~~Ww~~hich ~~Area Council~~area council will undertake DZ ~~A~~audits;
- (b) ~~Ww~~hich ~~Area Council~~area council will be responsible for investigating accidents, discipline and other particular ~~Area Council~~area council functions; and
- (c) ~~Ww~~hich ~~Area Council~~area council will receive the commission on membership fees.

Comment [TW18]: [Any provision for situation where no agreement?]

- 17.3 The Federation must be promptly advised in writing of the arrangements agreed in paragraph 17.2 by the respective area council.

- 17.4 ~~APF Club~~APF clubs must procure landowner ~~permission~~.

Comment [TW19]: [any notification requirements?]

## 18. Jump Pilot and Aircraft Operations

- 18.1 Each ~~APF Club~~APF club must ensure that it complies with the APF Mandatory JUMP PILOT & AIRCRAFT OPERATIONS MANUAL and ~~any other~~ such ~~other~~ manuals as approved by Director ~~Aircraft Operations~~.

Comment [TW20]: [of?]

- 18.2 Each ~~APF Club~~APF club must ensure compliance with the CASA instrument under CAR209 as prescribed in the APF JUMP PILOT & AIRCRAFT OPERATIONS MANUAL.

- 18.3 Each ~~APF Club~~APF club must ensure ~~that the Chief Instructor nominates~~ a Senior Pilot ~~has been nominated by the Chief Instructor~~, as prescribed in the APF JUMP PILOT AND AIRCRAFT OPERATIONS MANUAL.

**19. Disputes**

Where the Federation is of the opinion an ~~APF Club~~[APF club](#) is in breach of these Regulations, the matter must be dealt with in accordance with the [dispute resolution provisions of the Constitution](#).

## Section Three: Council Regulations

### 20. Revenue

20.1 Each ~~Council~~council is to be funded by a grant from the Federation as determined from time to time by the Federation Board, of the Gross Membership Fees, of ~~M~~m members under the control of the ~~Council~~council.

**Comment [TW21]:** [consider re-wording this as it is unclear – suggested wording could be “Each Council will be funded by a grant from the Federation, as determined from time to time by the Federation Board.” The grant is to be drawn from the gross membership fees of the members under the control of the relevant council.”]

#### 20.2

~~Grant p~~These payments must be made quarterly in arrears. Quarter year periods must be as follows:

- (a) 1 January - 31 March;
- (b) 1 April - 30 June;
- (c) 1 July - 30 September; and
- (d) 1 October - 31 December.

#### 20.3

For the purpose of these Regulations, “~~G~~Gross ~~M~~membership ~~F~~ees” comprise:

- (e) ~~O~~Online student registration first membership
- (f) ~~p~~Pre-paid student membership cards;
- (g) ~~f~~Full term pro-rata student renewal from ~~APF Club~~APF club agents;
- (h) ~~f~~Full term membership renewals from ~~APF Club~~APF club agents;
- (i) ~~f~~Full term pro-rata student renewal paid direct to the Federation; and
- (j) ~~f~~Full term membership renewal paid direct to the Federation.

20.42 Each ~~Council~~council may levy its own fees on Federation ~~M~~m members or ~~APF Club~~APF clubs within its ~~Council Area~~council area, including but not limited to:

- (a) ~~A~~an ~~APF Club~~APF club administration fee;
- (b) ~~A~~a sanction fee for State Championships; and/or
- (c) ~~A~~a financial penalty for misconduct, to supplement the Federation payment.

**Comment [TW22]:** [consider revising use of “supplement” here as it is unclear]

### 21. Meetings

21.1 Minutes and reports of each council meeting must be forwarded to the National Office no later than 28 days after the meeting.

21.2 Notice of recommendations to be put to the Federation Board; from each ~~c~~Council ~~m~~Meeting must be forwarded to the National Office as a separate report to the ~~m~~Minutes.

**Comment [TW23]:** [Timeframe?]

21.3 Details of elected ~~Council~~council representatives must be supplied by the ~~Area Council~~area council to the National Office within 24 hours of their election, appointment or departure from a position. This information may be supplied as a letter, email, or by providing a copy of the relevant ~~Council~~council minutes.

## 22. Appointments

22.1 At each Annual General Meeting of each ~~Council~~council, each ~~Council~~council must ensure the appointment of the following Council Officers:

- (a) ~~An~~ Area Safety Officer and Deputy;
- (b) ~~An~~ Area Instructor Examiner;
- (c) ~~A~~Judges Panel Chairperson (if deemed necessary);
- (d) ~~A~~Rigger Panel Chairperson (if deemed necessary);
- (e) ~~A~~Chairperson of the Board of Review;
- (f) ~~A~~State Coach;
- (g) ~~A~~Display Licence Examiner;
- (h) ~~A~~Media Liaison Officer;
- (i) ~~A~~Harassment Contact Officer; and
- (j) ~~A~~any other position as determined from time to time by the Federation Board.

Comment [TW24]: by ?

Comment [TW25]: by ?

22.2 Each Officer elected under Regulation 22.1 must notify the Council Secretary if he or she is unable to attend to his or her duties for a specified period. -

22.3 Any acts done by a ~~Council~~council or any elected or appointed Council Officer must ~~notwithstanding that:~~

(a) ~~notwithstanding that~~ it ~~may~~ be discovered afterwards that there was some defect in the election or appointment of any such ~~Council~~council or Council Officer; or

(b) ~~that~~ any of them were disqualified,

~~be as valid as if that any~~ person had been duly elected ~~and duly~~ qualified ~~or had not been disqualified.~~

22.4 If an Officer elected under Regulation 22.1 is unable or unwilling to attend to his or her duties at any time for any reason, the Council Chairperson may, after consulting the relevant Federation officials, ~~either:~~

(a) ~~appoint another person to perform the duties;~~ or

(b) ~~the Council Chairperson may perform the duties until the elected Officer is able or willing to attend to the duties. -~~

22.5 The ~~Council~~council may remove a person from a position under Regulation 22.1 and may appoint a replacement to hold such a position until the next Annual General Meeting of the ~~Council~~council. These powers of appointment and removal may be exercised by the ~~Council~~council or Council Committee, if a ~~Council~~council has delegated this power to the Committee.

22.6 Council appointees to Area Safety Officer, Area Instructor Examiner, Rigging Chair and Board of Review Chair shall automatically become part of the APF Expert Team for that technical area.

## 23. Scope of Administration

- 23.1 Each ~~Council~~council must assist the Federation with:
- (a) ~~S~~scheduling and conducting Instructor and Packer and Rigger and Licensed Display Organiser Examinations;
  - (b) ~~S~~supervision of Examinations and Assessments;
  - (c) ~~S~~scheduling and conducting ~~APF Club~~APF club Drop Zone ~~a~~Audits;
  - (d) ~~D~~isciplining of ~~m~~Members within the ~~Council Area~~council area;
  - (e) ~~A~~assessment and approval of ~~APF Club~~APF clubs;
  - (f) ~~V~~ariations to approval of ~~APF Club~~APF clubs;
  - (g) ~~S~~upervising national record attempts;
  - (h) ~~a~~Approving/recommending:
    - (i) Instructor Examiners;
    - (ii) Rigger Examiners;
    - (iii) Chief Instructors; and
    - (iv) Licenced Display Organisers;
  - (i) ~~I~~nvestigating incidents and accidents as required by ~~the~~ Director Safety; and
  - (j) ~~such~~ Other functions as agreed between ~~the c~~Council and the Federation.
- 23.2 Each ~~Council~~council must ensure that parachuting operations within its ~~Council Area~~council area are conducted in accordance with the Federation's Regulations, including but not restricted to the:
- (a) Operational Regulations;
  - (b) Code of Ethics;
  - (c) Club and Council Regulations; ~~and~~
  - (d) ~~R~~ecommended procedures as issued by the Federation from time to time.
- 23.3 Each ~~Council~~council must ensure that all Instructor, Packer, Rigger and Licensed Display Organiser exams are conducted in accordance with the Federation's Constitution and Regulations.

## 24. Records

Each ~~Council~~council must, as soon as practicable, provide the Federation with:

- (a) ~~R~~esults of national record attempts within the ~~Council Area~~council area;
- (b) ~~a~~Agreements entered into with ~~APF Club~~APF clubs and variations to agreements between ~~APF Club~~APF clubs and ~~Council~~councils;
- (c) ~~r~~Records of appointments made by the ~~Council~~council; and
- (d) ~~m~~Minutes of each ~~Council~~council meeting (see 21.1).

## 25. Decisions of the ~~Australian Parachute~~ Federation

Each ~~Council~~council must ensure that decisions of the Federation are implemented by the ~~Council~~council and ~~APF Club~~APF clubs within each ~~Council~~council's ~~Area~~area.

## 26. Disputes

Should a dispute arise between:

- (a) ~~A~~a ~~m~~Member and an ~~APF Club~~APF club;
- (b) ~~A~~an ~~APF Club~~APF club and a ~~Council~~council;
- (c) ~~A~~a ~~Council~~council and the Federation; or
- (d) ~~A~~any combination of the above,

~~T~~he dispute must be resolved, in accordance with the Constitution, the particular ~~c~~Council's ~~r~~Rules and the rules, if any, of the ~~APF Club~~APF club involved.

## 27. Compliance Audits

- 27.1 Each ~~Council~~council must ~~ensure that an annual~~ ensure once in each year, a Drop Zone ~~Audit~~audit is undertaken of each ~~APF Club~~APF club within its ~~Council Area~~council area, as determined by the Director Safety. ~~—~~
- 27.2 Each ~~Council~~council, in its Drop Zone ~~Audit~~audits, must ensure that ~~APF Club~~APF clubs are following the rules of the Federation (contained in the Constitution and all mandatory documents) and each ~~Council~~council's ~~C~~onstitution and ~~r~~egulations.
- 27.3 Where an ~~APF Club~~APF club has a site or multiple sites beyond one ~~Council Area~~council area, then the ~~Council~~councils in whose ~~Area~~areas the ~~APF Club~~APF club operates must agree on which ~~Council~~council will audit which ~~APF Club~~APF club site(s). Where agreement is not reached within 30 days of the date for the proposed audit, the Director Safety may determine the matter and his decision will be binding.

## 28. Incident and Accident Investigation

- 28.1 The Director Safety retains the right to take charge of an investigation delegated to the Area Safety Officer or some other officer, at any time, should there be cause to do so.
- 28.2 If the Area Safety Officer has a personal involvement or conflict; or is unable to immediately attend to an investigation, ~~then~~ the Area Safety Officer must:
  - (a) ~~w~~where a Deputy ~~Area Safety Officer~~ has been appointed, direct the matter to the Deputy ~~Area Safety Officer~~; ~~or~~
  - (b) ~~D~~irect the matter to the Director Safety who may deal with it him/herself; or
  - (c) ~~A~~ppoint another competent representative in his/her stead.
- 28.3 If the Director Safety has a personal involvement or conflict; or is unable to immediately attend to an investigation, then the Director Safety must:
  - (a) ~~w~~where a Deputy Director Safety has been appointed, direct the matter to the Deputy ~~Director Safety~~; or

- (b) ~~Direct~~ the matter to the Management Committee, who will appoint another competent person. \_\_\_\_\_

28.4 The Federation, with the assistance of the ~~Council~~council in whose ~~Council Area~~council area the incident, accident or fatality occurred, must endeavour to have an interim report distributed to all Chief Instructors, through the Federation Secretary, within five working days (or as soon as reasonably possible), following the occurrence of a serious incident, accident or fatality.

## 29. Planning

Any Sport Development Plan, which a ~~Council~~council has in place, must be consistent with the Federation's objects and purposes.

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### 30. Acceptance and Variation of Clubs

Each Council must:

- (a) Consider applications from new clubs for membership of the Federation within its Council Area;
- (b) Approve any Club's application which meets the Federation's requirements for acceptance to membership; and
- (c) Approve a variation to an APF Club's application for membership of the Federation where the variation is consistent with the Federation's requirements for acceptance to membership.

### 31. Council Area

- 31.1 To the extent that the Federation Board has delegated control over Federation Members to a Council, that Council must exercise control over the operations of APF Clubs and individual Members in its Council Area, other than as provided for in an arrangement made in accordance with 31.7.
- 31.2 Other than a drop zone set up temporarily, an APF Club is controlled by the Council in which its Drop Zone is based, unless another arrangement is made in accordance with 31.7.
- 31.3 An APF Club may not operate in the area of a Council other than the Council which controls it, other than temporarily, except under the terms of an arrangement made in accordance with 31.7.
- 31.4 For the purpose of this Regulation 31, where a Club operates in any Council Area for more than seven operational days in any one-month period, that operation is considered to be not a temporary operation.
- 31.5 Before an APF Club may operate a temporary drop zone in any Council area other than the Council area where it was initially approved, the APF Club must notify the Area Safety Officer of that Council area. Approval must not be unreasonably withheld. (See Section Three - Council Regulations, Regulation 33 - Council Area in this document).
- 31.6 Before an APF Club operates a permanent drop zone in another Council area, the APF Club must have approval of that Council. Approval must not be unreasonably withheld. (See Section Three - Council Regulations, Regulation 33 - Council Area in this document).
- 31.7 Arrangements
  - (a) Any special arrangement between Councils and an APF Club shall be documented and a copy provided to the APF Club, each Council affected and the Federation.
  - (b) If there is a dispute over such an arrangement, which remains unresolved for more than 28 days, the Council must refer the dispute to the Federation Board or a person nominated by the Federation Board and the decision of the Federation Board or the nominated person will be binding.
- 31.8 Where a special arrangement is made between an APF Club and the Councils, it must specify:

**Comment [Ed26]:** Regulation 33 is "Intellectual and Physical Property"

**Comment [Ed27]:** Regulation 33 is "Intellectual and Physical Property"



- (a) ~~ww~~hich ~~Cc~~council will undertake the Drop Zone audit of each site; and
- (b) ~~ww~~hich ~~Cc~~council will be responsible for investigating accidents, discipline and other particular ~~Cc~~council functions, ~~and.~~

~~Aa~~ll such arrangements may be subject to veto by the Federation Board.

31.9 The Federation Board has prescribed the following boundaries for ~~Cc~~council ~~Aa~~reas:

- (a) Victorian Tasmanian Parachute Council Incorporated administers all territory within the ~~Ss~~tates of Victoria and Tasmania, and under an arrangement with NSW Parachute Council at Corowa Airport in NSW.
- (b) NSW Parachute Council of the Australian Parachute Federation Incorporated administers all the territory within the ~~ss~~tate of New South Wales, and, under an arrangement with the ACT Parachute Council, that part of the ACT around Jervis Bay.
- (c) South Queensland Parachute Council Incorporated administers all the territory in the ~~Ss~~tate of Queensland south of the Tropic of Capricorn (26.5 degrees S), and, under an arrangement with NSW Parachute Council, the Byron Bay Skydiving ~~Center~~~~Centre~~ at Tyagarah Airfield in NSW, Funny Farm Skydiving Centre Ballina, Byron Landings Tandem Skydive at Byron Bay.
- (d) North Queensland Parachute Council Incorporated administers all the territory in the ~~Ss~~tate of Queensland north of the Tropic of Capricorn (26.5 degrees S).
- (e) South Australian Parachute Council Incorporated administers all the territory in the ~~Ss~~tate of South Australia.
- (f) Western Australian Parachute Council Incorporated administers all the territory in the ~~ss~~tate of Western Australia.
- (g) Northern Territory Parachute Council administers all the territory in the Northern Territory of Australia.
- (h) ~~A.C.T.~~~~Australian Capital Territory~~ Parachute Council Incorporated administers all the territory in the Australian Capital Territory except that part of the ACT around Jervis Bay, which is administered by ~~the~~ NSW Parachute Council.
- (i) Lord Howe Island and all external territories of Australia, including Norfolk Island, Australian Antarctic Territory, Christmas Island and Cocos Islands are not part of a ~~Council Area~~~~council area~~ and are administered by the APF Office and Technical Directors.

## 32. Federation Assistance to Council

In addition to financial assistance, the Federation must provide to each ~~Cc~~council:

- (a) ~~Rr~~easonable quantities of Federation publications;
- (b) ~~Mm~~inutes of Federation Board meetings;
- (c) ~~Cc~~lub membership numbers for that council area, calculated and provided quarterly
- (d) ~~Aa~~s required, examination papers for Instructors, Packers, Riggers and Licensed Display Organisers; and

- (e) Advice on legal and other matters and assistance as determined by the Federation's Chairman, Board or Chief Executive Officer.

### 33. Intellectual and Physical Property

- 33.1 Each Council may own their own intellectual and physical property.
- 33.2 Each Council is licensed by the Federation to use the Federation's intellectual and physical property (including the Federation logo and publications) on the following terms:
  - (a) The Federation Board may revoke, limit or place additional conditions on this licence at any time by notice in writing to a Council;
  - (b) The Federation's intellectual and physical property must not be used by any Council for any purpose or in any manner that would contravene the conditions of the licence applying from time to time;
  - (c) When exercising this licence, a Council must acknowledge the relationship between it and the Federation using the words "a Council of the Australian Parachute Federation" or similar words; and
  - (d) Despite the other provisions in this Regulation, this licence may not be exercised in any manner contrary to the Constitution, any other Regulation of the Federation or in any manner that is contrary to the objectives of the Federation.
- 33.3 Where a Council has Federation property in its care, that Council must be responsible for its maintenance and replacement if lost, damaged or stolen.

### 34. Termination

- 34.1 If the Federation Board withdraws recognition of a Council as a Council of the Federation in accordance with the Constitution, that Council must return to the Federation all money owing to the Federation and all property (both intellectual and physical) owned by the Federation in the possession of that Council no later than 30 days from the date of notice in writing from the Federation Board of the withdrawal of recognition.
- 34.2 A Council from which the Federation has withdrawn recognition has no authority to act on behalf of the Federation and must not use the Federation's name in any promotional material.

### 35. Council Rules

Each Council must adopt Rules in the form approved from time to time by the Federation Board, subject to rule 6.5 of the Federation Constitution.