

## AKWF/WTPA CORRESPONDENCE JULY 2010

### Introduction

#### Hi Everyone.

**The WTPA committee is extremely dismayed to have received the following email on 10 July 2010 from David Crook Senior Vice-President AKWF.**

**The committee views this matter with great concern and has forwarded the attached letter in reply. As you may be aware the two organisations entered into an agreement in 2004 whereby the then ANWTA undertook to change their name to WTPA in return for AKWF accepting WTPA membership and sanctioning of competitions run by WTPA.**

**There has been complete co-operation by WTPA and we will keep you up to date and provide you with documentation proving our case. In the meantime we await the requested information from Mr Crook.**

**We believe that the allegations are not substantiated by fact and/or form no part of the agreement.**

#### Email Received From AKWF Senior Vice-President.

#### (WTPA comments are in red)

8.7.2010

Sheila Crook

Dear WTPA Committee Members

I am writing to you regarding WTPA's non-compliance with the conditions agreed to in its membership of AKWF. Our concern is that the WTPA has not complied with the membership conditions that it agreed to in points I,ii, iii,& iv of the signed membership agreement in that;

the WTPA has not complied with the undertaking:

"The applicant agrees to be bound by the Rules of Association of the Australian Kung Fu (Wu Shu) Federation Inc. And all Operational Procedures and Policies so identified and approved by The Committee of the AKWF.

"the WTPA has not complied with point 3 iv of our Corporate membership policy: "The Association will provide a copy of its Constitution to the AKWF. Said Constitution will contain a clause that states: "The Association recognizes the Australian Kung Fu (Wu Shu) Federation Inc. As the Peak governing body for Chinese martial arts in Australia"

the WTPA has breached Corporate membership Policy Point 3 vii. "An expelled or suspended AKWF member may not be a member of The Association nor may any Organisation/Legal entity that an expelled AKWF member has a legal interest in be a member of The Association; nor may The Association have as a member an Association/Organisation that has an expelled/suspended AKWF member within its membership".

In addition, it has come to our attention that A WTPA Committee Member has been recommending that other members access a website containing material of a possibly defamatory nature (namely <http://www.awhip.net/index.HTML> )

Under the AKWF Constitution, this is as an offence:

(a) 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

Even if an offence is not proven, this act is extremely disappointing since it clearly

demonstrates a breach of the good faith established in the agreement between AKWF and WTPA signed off by myself and Gary Jackson in 2005.

**"Even if an offence is not proven,... This by the proposed chair of the "judging" committee – so much for natural justice.**

Accordingly, when the WTPA's membership lapses on 30 June 2010, it will not be renewed, under the new AKWF membership structure, until WTPA is able to show its compliance with the aforementioned requirements.

Liaison on the matter will be handled by a Committee of three AKWF members: David Crook (Senior Vice President AKWF Inc), Dana Wong (President Kung Fu Wushu Victoria Inc) and Zhao Shao Ming (Vice President Kung Fu Wushu Victoria Inc, AKWF Secretary General Wushu, Member IWUF Technical Committee). It is the AKWF's firm commitment that the matter be resolved and that WTPA be able to reapply and be accepted as an AKWF member. Accordingly, from 1 July 2010, such benefits as NCAS accreditation access, access to insurance cover, access to officials' accreditation, ability to host AKWF/ IWUF sanctioned events and the ability of your members to participate in international competition organised under the aegis of the IWUF and its member associations, as either competitor or judge/official, will cease.

**To be "judged" by 2 persons involved in the negotiation (D Wong & D Crook) and a member of WTPA who has twice resigned as a WTPA committee member (the second time just before this dispute started).**

Additionally and effective from 1 July 2010, AKWF members who are also WTPA members are advised that continued membership with the WTPA, under the terms of your AKWF Membership agreement, is no longer permitted. Until AKWF receives that assurance and evidence of the above requirements being actioned, we simply cannot renew WTPA's membership.

Since we have recently been approached by several WTPA members expressing their concerns about the direction that the current Committee is taking the association. In the interest of good governance, we must advise all WTPA members of the issues involved and intend to do so within the next 7 Days. I hope that we will be able to advise them that the issues have been appropriately dealt with and they can once more access AKWF membership benefits.

I now seek your personal commitment to ensuring that this situation is speedily resolved.

Yours sincerely

David Crook  
AKWF Senior Vice-President

**Master Tong Low WTPA President sought specific details regarding the broad allegations.**

12th July 2010

Mr David Crook  
AKWF Senior Vice-President  
Australian Kung Fu (Wushu) Federation Inc  
P O Box 134  
KENTHURST NSW 2156

Dear Mr Crook

Re: WTPA Membership of AKWF

We are in receipt of your email dated 8th July 2010, regarding our corporate membership of AKWF.

The committee is extremely concerned that you feel there has been some lack of compliance with the membership conditions as per the signed agreement that we entered in to with yourselves in 2005. Accordingly, we would appreciate your assistance in rectifying the situation as follows:

1. We would like clarification of the item *"the WTPA has not complied with the undertaking: "The applicant agrees to be bound by the Rules of Association of the Australian Kung Fu (Wu Shu) Federation Inc. And all Operational Procedures and Policies so identified and approved by The Committee of the AKWF."* as we are unaware of having breached any of the Rules of Association nor Operational Procedures and Policies of the AKWF.

We understand that we have complied with the stated point 3iv of your Corporate Membership policy as we supplied a copy of our constitution to you upon signing of the agreement in 2005. Our constitution does include under Statement of Purposes clause 1.2 i "To recognize the Australian national peak body of Wushu/Kung-Fu (e.g. Australian Kung-Fu & Wushu Federation, AKWF) and to liaise and co-operate with that body with the aim of promoting, broadening and strengthening the development of Wushu within Australia in accordance with the requirements of the International Wushu Federation (IWUF)". This clause has been included in the association's constitution (previously as ANWTA, now as WTPA) since March 2004, more than one year prior to the AKWF/ANWTA agreement. However, it appears that you may have misplaced, the copy supplied so please find enclosed same. Our constitution can also be accessed at any time on our website [www.wtpa.org.au/forms/WTPA\\_Constitution.pdf](http://www.wtpa.org.au/forms/WTPA_Constitution.pdf) . You will also note that all our correspondence, promotional material and website contains the statement "WTPA recognises and supports AKWF as the National Sporting Organisation (Peak Body) for Kung Fu (Wushu) in Australia." as requested at the time of signing our agreement.

We are unaware of having breached Corporate Membership Policy Point 3 vii. *"An expelled or suspended AKWF member may not be a member of The Association nor may any Organisation/Legal entity that an expelled AKWF member has a legal interest in be a member of The Association; nor may The Association have as a member an Association/Organisation that has an expelled/suspended AKWF member within its membership"* as we have not been furnished with any notice advising us of said. Could you please supply us with a letter outlining expelled or suspended AKWF members that you believe are members of WTPA.

The WTPA believe that there is total compliance with the AKWF/ANWTA agreement of 2005. If there has been a new Corporate Membership policy since then could you please supply an updated copy as there is no such policy available or mentioned on the AKWF website.

2. We also require further details regarding the statement *"A WTPA Committee Member has been recommending that other members access a website containing material of a possibly defamatory nature (namely <http://www.awhip.net/index.HTML>)"*. We have no knowledge of a Committee Member, or when and in what manner there has been a breach of the AKWF Constitution resulting in your claim *"...(a) 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"*

We trust that you can assist us in this matter as we understand from your email that you would like the situation to be resolved to enable continued membership of AKWF.

In the interim, and in a show of good faith as to the outcome, we will continue handling the arrangements for the 12th WTPA Wushu & Taijiquan Festival incorporating the 2010 AKWF Victorian State Kung-Fu Wushu Championships, and the 2010-2011 Australian National Junior Wushu Team Selections.

Yours sincerely

Tong Low  
President – WTPA  
(for and on behalf of the WTPA Committee)

**Reply from David Crook (WTPA comments are in red)**

Date: Wed, 14 Jul 2010 10:06:32 +1000  
From: sheila53@grapevine.net.au  
To: tonglow@hotmail.com; hean.low@bigpond.com; chungsa@melbpc.org.au; taijiplus@hotmail.com; wanggao@optushome.com.au; lilysun717@hotmail.com; ziranmen@bigpond.com.au  
Subject: Re: WTPA Membership of AKWF

Dear Tong

I refer to your recent response to my email about WTPA membership of AKWF. I have attached a copy of the 2009 membership application signed and submitted by WTPA earlier this year (the completed copy held by AKWF at its office) and a copy of the AKWF Corporate membership policy provided to WTPA at that time.

Your Rules state in (Rule 1.2 i)

“To recognize the Australian national peak body of Wushu/Kung-Fu (e.g. Australian Kung-Fu & Wushu Federation, AKWF) and to liaise and co-operate with that body with the aim of promoting, broadening and strengthening the development of Wushu within Australia in accordance with the requirements of the International Wushu Federation (IWUF);

**Substantial compliance by WTPA. The above clause has been in the constitution (ANWTA since 2003), some 12 months prior to negotiations commenced with AKWF and has remained to the present day.**

This is not what was agreed to in the initial membership agreement and is also at odds with what was agreed to earlier this year, specifically Corporate membership Policy point 3.IV:

“Constitution will contain a clause that states: “The Association recognizes the Australian Kung Fu (Wu Shu) Federation Inc. As the Peak governing body for Chinese martial arts in Australia”.

It means that WTPA includes exactly what is outlined in point 3.iv – this has not been done.

**As stated – substantial compliance.**

Further WTPA agreed to: `continuing implementation of a policy of accreditation, under the NCAS NATIONAL COACHING ACCREDITATION SCHEME, of all of the applicant club/academies instructors and assistant instructors.”

**WTPA has always promoted accreditation to members. There have been regular announcements regarding accreditation in WTPA 'Wushu News' for the past 8 years. Our constitution makes no provision for such enforcement.**

To assess whether WTPA has complied with this requirement, we require a list of all WTPA instructors who have been NCAS accredited – not just AKWF members holding membership with WTPA but solely WTPA members who have been accredited - and also require a list a

WTPA members who are not accredited.

**WTPA Constitution provides:**

**4.3 Membership Privacy**

**1. The Association shall follow the National Privacy Principles.**

**WTPA has in the past and will continue to refuse to disclose member's details.**

This will enable us to plan for their accreditation requirements in various regions. If there are difficulties, e.g. due to language problems etc, we are developing NCAS materials in Chinese, so as to make the scheme as inclusive as we can, and would be amenable to discussing these and similar issues with WTPA and the individual members involved.

Further the AKWF Corporate Membership Policy point 3 VII provides that:

"An expelled or suspended AKWF member may not be a member of The Association nor may any Organisation/Legal entity that an expelled AKWF member has a legal interest in be a member of The Association; nor may The Association have as a member an Association/Organisation that has an expelled/suspended AKWF member within its membership."

WTPA is in breach of this Point by the inclusion of, but not limited to, Song Jin Han as a member of WTPA, as he was expelled from the AKWF. In addition, we believe that Tara Brayshaw, a member of WTPA, represents an organisation that is owned/registered to Song Jin Han. I do not know how you can claim that the Committee is unaware of this issue, since it has been raised directly with you as President of WTPA on several occasions - by myself in our telephone conversation some months back (I can check my phone bill for a specific time and date), in which I'm explained the background to AKWF's position on this issue, then by Dennis Watts and Shao Zhao Ming more recently. Despite this, you personally proposed Song for WTPA membership and he was accepted as a member. Not only is this a direct and deliberate breach of this requirement, but it is a personal breach of good faith between us that does not bode well for future AKWF/WTPA relations.

**There was no such clause in the original agreement.  
AKWF has never advised of expulsions nor of the reasons for such expulsion.  
WTPA cannot and would not expel members at the whim of AKWF, particularly where the basis was rumour and speculation.**

I repeat my earlier advice:

"From 1 July 2010, such benefits as NCAS accreditation access, access to insurance cover, access to officials' accreditation, ability to host AKWF/ IWUF sanctioned events and the ability of your members to participate in international competition organised under the aegis of the IWUF and its member associations, as either competitor or judge/official, will cease. Additionally and effective from 1 July 2010, AKWF members who are also WTPA members are advised that continued membership with the WTPA, under the terms of your AKWF Membership agreement, is no longer permitted."

The event planned by WTPA must meet our sanctioning requirements to be sanctioned. This means that all officials must be accredited, failing this the AKWF will not sanction this event.

In regard to the issue about a WTPA Committee Member's involvement with publicising possible defamatory material, we are confident of the veracity of our information but will not press the point at this time - but we will most certainly reserve our position in case of any future incidents of this nature.

Yours sincerely

David Crook

**AKWF either cannot or will not provide evidence of this.**

**[www.awhip.net](http://www.awhip.net) was mentioned in the June 'Wushu News' for information of interested members. There was no encouragement of members; there is no evidence of defamation and AKWF has never proscribed or indicated to anyone, member or non-member, that publicising [www.awhip.net](http://www.awhip.net) would be regarded as "conduct prejudicial". The only other mention of [www.awhip.net](http://www.awhip.net) was directed to and within the committee as WTPA had been mentioned on the site.**

From: Rob Fennell  
Date: 16/07/2010 12:52:50 PM  
To: Sheila Crook  
Cc: akwf  
Subject: WTPA Membership - David Crook

Dear David

Thank you for your prompt reply to our letter dated 12th July 2010.

We understand that a prompt reply would be most advantageous, however, with the school holidays just over and our committee members having to work during the week, it will be difficult for us to respond to your requests immediately. We respectfully request your understanding in this matter and aim to answer your email of 14th July 2010 by early next week.

In the meantime, we are unable to access our copies of the AKWF membership application signed by Gary Jackson and that signed by Tong Low. It would be most helpful if you could scan the document and send it to me for consideration prior to our reply as mentioned above.

Yours sincerely

Rob Fennell  
(for and on behalf of the WTPA Committee)

On 16.7.10 1:09 PM, Sheila Crook wrote:  
Hi Rob

The office is up in Sydney and is unattended at the moment, so I'll have to ask Walt to source the documents and get them to me - which may not meet your timeline.

Cheers

David

From: Rob Fennell  
Date: 16/07/2010 1:17:15 PM  
To: Sheila Crook  
Subject: Re: WTPA Membership - David Crook

Thanks David. I can only request an extension of time so that a meeting can be arranged.

regards

Rob Fennell  
Membership  
Hi Rob

I'm happy with a short extension but please (sic) bear in mind that WTPA's membership expired on 30 June 2010 and AKWF membership benefits automatically ceased as at that date - so there's definitely no benefit in prolonging matters.

Regards  
David

22.7.2010

Hi David

Have not received the requested copies. Have you followed up?

regards

Rob Fennell

Membership

Hi Rob

I've asked Walt to dig them out - however, I'm surprised that WTPA didn't keep a copy and I'm inclined to view this as a delaying tactic.

I must say that you need to focus on where you go from here - not on what's happened in the past. Let me be very plain - your membership has already expired and the withdrawal of AKWF membership benefits has happened. We can't do much about what's happened to date but, unless WTPA complies with all conditions of membership, we will NOT renew membership for WTPA.

In the next few days, as soon as I get back from an interstate trip, AKWF will be communicating with all WTPA members and putting its position clearly, with substantial background. We will also be advising all AKWF members who may be members of WTPA that they must resign from WTPA immediately.

Regards

David

**WTPA has since located the original agreement signed by Gary Jackson. Two clauses have been added to the original Corporate Members Policy by AKWF. The policy formed an integral part of the agreement and were made without any consultation with WTPA. I suspect that AKWF would not have agreed to WTPA making unilateral changes.**

**As is readily seen, the remainder of the correspondence consists principally of attempts to intimidate WTPA and persons who are or may wish to become members.**

**This is totally unacceptable to WTPA and it is believed that the only choice was to reject the allegations and refuse to apply for renewal of membership of AKWF.**

**It should be pointed out that two WTPA committee members have now resigned, the above mentioned Zhao Shao Ming (Vice President Kung Fu Wushu Victoria Inc, AKWF Secretary General Wushu, Member IWUF Technical Committee) who was a committee member until just prior to the accusations being made by AKWF. He was also a foundation committee member of ANWTA but resigned prior to a the dispute between ANWTA and AKWF over the name of ANWTA.**

**Gao Jian was the second resigning member of the WTPA committee**

**It should also be noted that Sifu Dana Wong has advised of the cancellation of the AKWF Victoria Championships. Also WTPA has advised Mr Fred Ong of the need to cancel the AKWF Junior Wushu Selection Trials and the AKWF Sanda competition due to insufficient entries being received.**