



PISTOL AUSTRALIA INC

**CONSTITUTION 1973
(Amended December 2004)**

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1. (A) NAME

The Incorporation shall be named “PISTOL AUSTRALIA INCORPORATED”, hereinafter referred to as “PISTOL AUSTRALIA”.

(B) HEADQUARTERS

The office of Pistol Australia shall be situated in Canberra, Australian Capital Territory, or such other place as the Executive Committee shall determine from time to time.

(C) PURPOSE

The purpose of Pistol Australia is:-

1. to establish the bonds of friendship between Pistol Associations in the Australian States and the Territories of the Commonwealth of Australia, and to foster and encourage the development of the sport throughout Australia.
2. to approve the holding of Australian National Pistol Championships and the conditions, including financial arrangements, under which they shall be held.
3. to provide the means by which its members might compete in the Olympic Games, World Championships and other International shooting competitions.
4. to provide technical advice and information to pistol organisations throughout Australia where required.
5. to establish contact with appropriate National Shooting Associations in other countries.
6. to provide an official periodical.

2. DEFINITIONS

(A) “ASSOCIATION”

The central body representing pistol shooting in a State or Territory of the Commonwealth of Australia, and which is properly affiliated with Pistol Australia. Reference in this Constitution to State Association shall be deemed to include an Association of a Territory of the Commonwealth of Australia.

(B) “MEMBER”

A person who is a member of a Pistol Club which is affiliated with a State Association, and whose capitation fee has been paid to Pistol Australia as prescribed. Only members whose capitation fees have been duly paid shall be entitled to the privileges of Pistol Australia.

(C) “OVERSEAS MEMBER”

A person not domiciled in Australia, who is acceptable to the Management Committee and who has paid the prescribed fee as determined by the Management Committee.

(D) “HONORARY LIFE MEMBER”

A member elected by the Executive Committee to be an Honorary Life Member of the Association.

(E) “PISTOL CLUB”

A pistol Club in any Australian State or Territory of the Commonwealth of Australia which is properly affiliated with an Association in accordance with the Constitution of that Association.

(F) “PUBLIC OFFICER”

A person, being a resident of the Australian Capital Territory and a member of Pistol Australia Incorporated, appointed to satisfy the requirements of Section 57 of The Associations Incorporated Act of the ACT (1991).

(G) “STATE DELEGATE”

A person appointed by an Association to represent it at a General Meeting of Pistol Australia.

(H) “PISTOL AUSTRALIA DELEGATE”

A person appointed to represent Pistol Australia at meetings of the Australian Shooting Association or such organisation that is affiliated to the International Shooting Sport Federation, the Australian Olympic Committee and the Australian Commonwealth Games Association.

(I) “PROXY”

A person authorised to represent a State Delegate at a General Meeting of Pistol Australia.

(J) In this Constitution, unless inconsistent with the context, words importing the masculine gender only, shall include the female gender and vice versa. And words importing the singular shall include the plural and vice versa.

(K) The Administrative year of Pistol Australia shall be from Annual General Meeting to Annual General Meeting. The Financial year of Pistol Australia shall be from 1 January to 31 December.

3. COMPOSITION OF PISTOL AUSTRALIA

Pistol Australia shall consist of:-

- a. Associations of Pistol Clubs established in the Australian States and Territories of the Commonwealth of Australia.
- b. One Association only, from each Australian State or Territory of the Commonwealth of Australia, may be affiliated.
- c. Each application of an Association for affiliation with Pistol Australia must be accompanied by:-
 1. A copy of the applicant’s constitution.
 2. The name and address of the President, the Secretary and the Treasurer of the applicant Association.
 3. The names of affiliated members for whom a capitation fee is paid.
 4. The prescribed financial dues.
- d. Each Association shall :-
 1. not be a member of any other National or International pistol shooting body, unless such membership is approved by Pistol Australia.
 2. require its members to submit in every respect to the Constitution of Pistol Australia.
 3. affiliate with its State Olympic Council wherever eligible to do so.

4. FINANCE OF PISTOL AUSTRALIA

- a. The sources of Pistol Australia’s finances shall consist of affiliation fees, capitation fees and any other source approved by the Executive Committee.
- b. The financial dues to be paid by each association shall be determined by resolution at the Annual General meeting of Pistol Australia. The annual capitation fee in respect of each member affiliated with such Association as at 31st October each year shall become due on 1st January following. Payment of capitation fees shall be accompanied by a list of members represented by the fees.

- c. Only members whose capitation fees have been paid shall be entitled to the privileges of membership of Pistol Australia, subject to Clause 4(d).
- d. Persons joining Pistol Australia between the 1st May and the 30th September shall pay a Pro Rata capitation fee of one-third the annual fee. Those joining between 1st October and 1st November shall pay the full capitation fee for the next year.
- e. Commencing with the financial year 2003/04 the Pistol Australia financial year shall end on 31st December each year.
- f. An Association not meeting the financial dues by the 28th February shall be deprived of all privileges until such payment is made. If an Association does not pay its financial dues for 12 months it shall be excluded from Pistol Australia.
- g. The liability of a member to contribute towards the payment of debts and liabilities of Pistol Australia or the costs, charges and expenses of the winding up of Pistol Australia is limited to the amount, if any unpaid, by the member in respect of membership of Pistol Australia as required in Clause 4(b).

5. RESIDENTIAL QUALIFICATION

- a. No member may be a member of two Associations unless with the approval of the Executive Committee and the agreement of the Association of the State or Territory in which he resides. If approved, a capitation fee must be paid by each Association.
- b. An individual may become a member by joining a Pistol Club in a State or Territory other than that in which he resides provided that:
 1. the Pistol Club in the State or Territory concerned is the closest geographically.
 2. the approval of the Association of the State or Territory in which he resides is obtained.
- c. The Executive Committee may nominate any member to be elected as an Honorary Life Member of Pistol Australia Inc. Such person shall be and remain an Honorary Life Member during his lifetime provided that the Executive Committee may recommend the withdrawal of his Honorary Life Membership if that member is found guilty of conduct, which would render him liable to suspension or expulsion from Pistol Australia Inc as an ordinary member. An Honorary Life Member shall only be elected at an Annual General Meeting or Extraordinary General Meeting called for that purpose. An Honorary life Member shall not be liable for the payment of any fees or levy to Pistol Australia Inc but shall pay normal entry fees to Pistol Australia Inc competitions.

6. AUTHORITIES OF PISTOL AUSTRALIA

Pistol Australia exercises its authority through:-

- a. The Annual General Meeting.
- b. The Executive Committee.
- c. The Management Committee.
- d. Ad Hoc and Standing Sub-Committees.

7. OFFICERS OF PISTOL AUSTRALIA

- a. The Officers and Delegates of Pistol Australia shall be a President, First and Second Vice Presidents, Secretary, Treasurer, Honorary Editor and two Delegates to the Australian Shooting Association.

- b. The Officers and Delegates shall be elected at the Annual General Meeting and shall, subject to this Constitution, hold office until the next Annual General Meeting.
- c. Each retiring Officer and Delegate shall be eligible for re-election provided that he is re-nominated in accordance with this Constitution.
- d. In the event that Pistol Australia employs an Editor, there shall be no Honorary Editor during the period of that employment.

8. DUTIES OF OFFICERS AND DELEGATES

(A) PRESIDENT

- 1. The President shall be the Senior Executive Officer of Pistol Australia.
- 2. He shall be entitled to preside at all meetings of Pistol Australia at which he attends.
- 3. He shall be a member, ex-officio of all regular and special meetings.
- 4. He may not be a State Delegate.

(B) VICE PRESIDENTS

- 1. The First Vice President shall take precedence over the Second Vice President.
- 2. The Vice Presidents shall perform the duties and exercise the authority of the President during his absence or at his request.
- 3. They may not be a State Delegate.

(C) SECRETARY

- 1. He shall be responsible to keep a record of the proceedings of the Annual General Meetings and Extraordinary Meetings of Pistol Australia.
- 2. He shall be responsible to keep a record of the proceedings of the meetings of the Management Committee and all regular and special committees.
- 3. He may not be a State Delegate.

(D) EXECUTIVE DIRECTORS/SPORTS ADMINISTRATOR

- 1. Pistol Australia may employ an Executive Director/Sports Administrator.
- 2. Duties will be determined from time to time by the Management Committee.
- 3. He shall report to the President.
- 4. He shall not be a State Delegate or have the right to vote at any meeting.

(E) TREASURER

- 1. He shall be responsible for all financial matters of Pistol Australia.
- 2. He shall be responsible for the collection and disbursements of all moneys due to and payable by Pistol Australia.
- 3. He shall, within fourteen (14) days of collection, ensure that all monies collected be paid into a bank account approved by the Management Committee.
- 4. He shall be responsible to make such payments as are authorised by the Management Committee.
- 5. He shall be responsible to record in books of account, the receipt and expenditure of all money connected with Pistol Australia.
- 6. He shall, for the Annual General Meeting, present an Annual Statement of Income and Expenditure, together with a duly audited Balance Sheet, covering the financial year preceding the Annual General Meeting and present a final budget for the current financial year and a preliminary draft budget for the following year.
- 7. He may not be a State Delegate.

(F) EDITOR

1. There shall be one Editor.
2. He shall be responsible to the Management Committee for the preparation and publication of the Pistol Australia periodical.

(G) DELEGATES TO THE AUSTRALIAN SHOOTING ASSOCIATION

1. Pistol Australia shall appoint the required number of Delegates to the Australian Shooting Association or such organisation that is affiliated to the International Shooting Sport Federation, Australian Olympic Committee and the Australian Commonwealth Games Association and that at least one Delegate shall be drawn from the Management Committee.
2. They shall be responsible to the Management Committee.
3. They shall report to the Management Committee on each meeting they attend.
4. They shall prepare an Annual Report for presentation to the Annual General Meeting.

(H) Officers of Pistol Australia shall have no voting rights except that the President shall have a casting vote. This casting vote should be in the favour of the status quo where a substantive status quo exists. Otherwise the casting vote shall be deliberative.

9. MANAGEMENT COMMITTEE

- a. The Management Committee shall consist of:-
 1. The President
 2. First and Second Vice Presidents
 3. The Secretary
 4. the Treasurer
 5. The Executive Director/Sports Administrator
- b. The conduct of the day to day affairs of Pistol Australia shall be in the hands of the Management Committee.
- c. Notwithstanding the provision of Clause 9 (b) of this section, the Management Committee shall comply with the directions of the Annual General Meeting, Extraordinary General Meeting and Executive Committee.
- d. The quorum for Management Committee Meetings shall be four (4).
- e. Any vacancy occurring in the Management Committee shall be filled at the direction of the Executive Committee and the appointee shall hold office until the next succeeding Annual General Meeting.
- f. The Executive Committee will approve a list of cheque signatories. Cheques will be signed by two (2), one of whom will be the President or Treasurer.
- g. The Common Seal of Pistol Australia shall be kept in the custody of the National Office.
- h. Pistol Australia shall not be legally obligated except by authority of the Executive Committee and the Seal of Pistol Australia shall be affixed to any instrument only in the presence of at least two members of the Management Committee or such persons as the

Management Committee may appoint for the purpose and such persons shall sign every instrument to which the Seal of Pistol Australia is so affixed in their presence.

- i. A vacancy in the office of a member of Management occurs if the member
 1. Dies
 2. Ceases to be a member of Pistol Australia
 3. Resigns from Office
 4. Becomes insolvent under administration within the meaning of the corporations law
 5. Suffers from mental or physical incapacity.

10. EXECUTIVE COMMITTEE

The Executive Committee shall consist of the Management Committee and one (1) member from each State Association.

- a. The Executive Committee shall, in general, conduct its business by correspondence. Meetings of the Executive Committee may be convened by the President, or, any member of the Executive committee may call for a postal vote of the Committee to decide whether a meeting shall be held.

11. FUNCTIONS OF THE EXECUTIVE COMMITTEE

- a. The admissions and exclusions of membership and expulsion of Associations.
- b. The formulation of conditions for the conduct of National Championships and Elimination Matches.
- c. The preparation of rules for the awarding of distinctions to shooters of a high standard.
- d. The organisation of teams and finance for Olympic Games and other International competitions.
- e. The calling of a General Meeting of Pistol Australia in exceptional circumstances.
- f. The making of by-laws consistent with this Constitution.
- g. The consideration of any other matters referred to it by the Management Committee or Annual General Meeting.
- h. The Election of Honorary Life Members.

12. POSTAL VOTES OF EXECUTIVE COMMITTEE

- a. Any business which might lawfully be conducted at a meeting of the Executive Committee may be conducted by a postal vote, electronic vote or telephonic vote.
- b. The President may at any time, on his initiative, direct the taking of a postal vote, electronic vote or telephonic vote.
- c. An Association may, by notice in writing addressed to the Secretary, require the taking of a postal vote, electronic vote or telephonic vote.
- d. On being directed to take a postal, electronic or telephonic vote, the Secretary shall send to the Executive Committee representative of each Association, a clear statement of the

matter to be voted upon and the date on which voting shall close, which date shall be fixed as hereunder:-

1. In the case of a postal vote, not less than 30 days.
2. In the event of an urgent postal vote, not less than seven (7) days from the time at which, in the ordinary course of events, the above mentioned statement would reach each such representative by post, facsimile or electronic mail.
3. In the case of a telephonic or electronic vote, the vote may be closed immediately all votes are in, but upon request a period of not less than 24 hours must be allowed after contacting the Executive Member for him to consider the question and lodge his vote. In the unusual and urgent conditions necessitating a telephonic or electronic vote, it is the responsibility of the President to see that adequate care is taken to give every Association a vote and in pursuance of this principle the Secretary or President of an Association must be informed of the vote being taken if the Executive Member is not available.
4. Where voting requires confirmation, this may be satisfied by letter, facsimile or electronic mail.

- e. All postal votes shall be by secret ballot.
- f. Upon a postal, electronic or telephonic vote being taken, each Association shall have one (1) vote and the President shall have a casting vote.
- g. Upon the close of voting, the Secretary shall forward the votes received to the President, who shall endorse each vote with his signature and declare the result of the vote to the Secretary.
- h. Within fourteen (14) days after the closing of the voting, the Secretary shall forward a statement of the result of the voting to each Association.
- i. The failure of any Executive Member to return a vote is taken as an abstention.

13. CALLING OF THE ANNUAL GENERAL MEETING

- a. The Annual General Meeting of Pistol Australia shall be held within five (5) months of the end of the previous financial year, at a time and place to be decided by the Management Committee and Executive, and all Associations and Executive Members shall be notified of such time and place not less than seventy (70) days before the first day of the meeting.
- b. The Management Committee may convene a general meeting of Pistol Australia to consider matters relating to the operation of Pistol Australia in accordance with this Constitution.

14. COMPOSITION OF GENERAL MEETING

- a. An Annual General Meeting or a General Meeting shall consist of the Management Committee, plus two (2) Delegates from each affiliated Association and other persons of responsibility that may from time to time be invited by the Executive or the Management Committee.
- b. The quorum for an Annual General Meeting or General Meetings shall comprise Delegates numbering not less than one more than there are Associations in Pistol Australia. One Delegate from an Association may exercise the two votes for his Association if so authorised by his Association in writing.

- c. All delegates must be members of Pistol Australia as defined.

15. ORDER OF BUSINESS OF THE ANNUAL GENERAL MEETING & GENERAL MEETINGS

- a. Reading of the notice convening the meeting.
- b. Confirmation of financial status of Associations.
- c. Confirmation of State and Territory Delegates (or Proxies).
- d. Apologies.
- e. Minutes of the previous meeting.
- f. Matters arising from minutes of previous meeting.
- g. Reports of the Management Committee including the reading of the financial report.
- h. Other reports.
- i. Election of Office-bearers.
- j. The new Office-bearers take over and at this time a vote of thanks to the retired Office-bearers is in order.
- k. Motions on notice.
Matters which may be on notice as properly the business of General Meetings include:-
 1. Venue and rules for the conducting of National Championships.
 2. Matters relating to the selection methods, financing etc of International teams.
 3. Appointment of an Auditor.
 4. Provision for alteration to the Constitution.
 5. Proposals from the Associations.
 6. Formation of basic policy.
 7. The appointment of two Delegates to the Australian Shooting Association.
 8. The fixing of dues payable to Pistol Australia.
 9. Dissolution of Pistol Australia.

16. NOMINATIONS FOR OFFICE

- a. The election of Office-bearers takes place at Annual General Meetings and may also take place at an Extraordinary General Meeting called for the purpose.
- b. Nominations for office must be submitted in writing and lodged with the Secretary at least forty (40) days prior to the first day of the General Meeting and must be signed by the Secretary or the President of an Association. The Nominee must endorse the nomination but may do so at any time up to the start of voting.
- c. If only one written nomination for an office is lodged in the proper manner the nominee is elected without ballot. If no proper nominations have been received by the closing date, nominations shall be accepted at the meeting.

- d. When there is more than one nomination for an office the matter shall be decided by exhaustive secret ballot.

17. NOTICE OF MOTION

- a. An association wishing to have a matter considered by Pistol Australia at a General Meeting shall submit a notice of motion in writing to the Secretary not less than forty (40) days prior to the date of the meeting.
- b. Any decisions to be taken from reports presented at the Annual General Meeting shall be presented as Notices of Motion as defined in Clause 17(a).

18. AGENDA AND REPORT

A copy of the Agenda of an Extraordinary General Meeting, or the Agenda and audited Financial Statements of an Annual General Meeting, including Notices of Motion and the Reports of the Management Committee, shall be forwarded to Associations at least thirty (30) days prior to the date of the Annual General Meeting, or Extraordinary General Meeting.

19. DECISIONS OF A GENERAL MEETING

A Notice of Motion or resolution formally adopted at an Annual General Meeting, or Extraordinary General Meeting, cannot be changed except by an Annual General Meeting, or Extraordinary Meeting.

20. AD HOC AND STANDING COMMITTEE

Ad Hoc and Standing Committees may be elected or appointed for various purposes by decision of the Executive Committee, or of an Annual General Meeting, or of an Extraordinary General Meeting.

21. FINANCIAL ADMINISTRATION OF PISTOL AUSTRALIA

- a. The Management Committee is empowered to collect all moneys payable to Pistol Australia and to make such payments arising out of the general administration of Pistol Australia, including purchase of Merit Awards and Competition trophies. Payments not so prescribed shall be subject to the approval of the Executive Committee.
- b. Financial matters relating to the National Championships shall be subject to the approval of the Executive Committee.
- c. All payments effected on behalf of Pistol Australia shall be made by cheque, electronic transfer or credit card.
- d. Subject to the Associations Incorporation Act of the ACT (1991), the Regulations and this Constitution, the Treasurer shall keep in his control all records and other documents relating to Pistol Australia.
- e. The records, books and other documents of Pistol Australia shall be open to inspection in the National Office, free of charge, by a member of Pistol Australia at any reasonable hour.

22. DISCIPLINING OF MEMBERS

- a. Where the Management Committee is of the opinion that a member of Pistol Australia, as defined in Clause 2b, c, d, including all Pistol Australia teams and squads:
 - 1. has persistently refused or neglected to comply with the provisions of this Constitution; or

2. has persistently and/or wilfully acted in a manner prejudicial to the interest of Pistol Australia, the Management Committee may, by resolution:
 - i. reprimand the member, or
 - ii. suspend the member from such rights and privileges of membership of Pistol Australia as the Management Committee may determine for a specified period.

- b. A resolution of the Management Committee under Clause 22 (a) is of no effect unless the Management Committee at a meeting held not earlier than fourteen (14) days and not later than twenty-eight (28) days after service on the member of a notice under Clause 22 (c), confirms the resolution in accordance with this section. The meeting may be a telephonic meeting.

- c. Where the Management Committee passes a resolution under Clause 22 (a), the Secretary shall, as soon as practicable, cause a notice in writing to be served on the member:
 1. setting out the resolution of the Management Committee and the grounds on which it is based.
 2. stating that the member may address the Management Committee at a meeting to be held not earlier than fourteen (14) days and not later than twenty-eight (28) days after service of the notice. The meeting may be a telephonic meeting.
 3. stating the date, place and time of that meeting, and
 4. informing the member that they may do either or both of the following:
 - i. attend and speak at that meeting
 - ii. submit to the Management Committee at or prior to the date of that meeting written representation relating to the resolution.

- d. Subject to Section 50 of the Associations Incorporation Act of the ACT (1991), at a meeting of the Management Committee mentioned in Section 22, the Management Committee shall:
 1. give to the member mentioned in Clause 22 (a) an opportunity to make oral representations
 2. give due consideration to any written representation submitted to the Management Committee by that member at or prior to the meeting, and
 3. by resolution determine whether to confirm or to revoke the resolution of the Management Committee under Clause 22 (a).

- e. Where the Management Committee confirms a resolution under Clause 22 (d), the Secretary shall, within seven (7) days after that confirmation, by notice in writing inform the member of that confirmation and of the member's rights of appeal under Clause 23.

- f. A resolution confirmed by the Management Committee under Clause 22 (d) does not take effect:
 1. until the expiration of the period within which the member is entitled to appeal against the resolution where the member does not exercise the right of appeal within that period, or
 2. where within that period the member exercises the right of appeal, unless and until Pistol Australia confirms the resolution in accordance with Clause 23 (d).

23. RIGHT OF APPEAL OF DISCIPLINED MEMBERS

- a. A member may appeal to the Executive Committee against a resolution of the Management Committee which is confirmed under Clause 22 (d), within twenty-one

(21) days after notice of the resolution is served on the member, by lodging with the Secretary, a notice to that effect.

- b. Upon receipt of a notice under Clause 23 (a), the Secretary shall notify the Management Committee which shall convene a meeting of the Executive Committee of Pistol Australia to be held within twenty-one (21) days after the date which the Secretary received the notice or as soon as possible after that date. The meeting may be a telephonic meeting.
- c. Subject to Section 50 of the Associations Incorporation Act of the ACT (1991). At the Executive Committee Meeting convened under Clause 23 (b)
 - 1. no business other than the question of the appeal shall be transacted
 - 2. the Management Committee and the members shall be given the opportunity to make representations in relation to the appeal orally or in writing, or both, and
 - 3. the Executive Committee shall vote by secret ballot on the question of whether the resolution made under Clause 22 (d), that the resolution is confirmed or revoked. In the case of a telephonic meeting the voting will be by postal vote to the National Office.
- d. If the meeting passes a special resolution in favour of the confirmation of the resolution made under Clause 22 (d), that resolution is confirmed with a two-thirds (2/3) majority.

24. NON PROFIT AND DISSOLUTION

- a. The income and property of Pistol Australia shall be applied solely towards the promotion of the objects of Pistol Australia, and no portion thereof shall be paid or transferred directly or indirectly by way of dividend, bonus or otherwise, howsoever by way of profit to members or relatives of members of Pistol Australia, provided that nothing herein shall prevent the payment in good faith of remuneration to any officer or servant of Pistol Australia or to any member of Pistol Australia for any service actually rendered to Pistol Australia, or reasonable and proper rental for premises by any member of Pistol Australia.
- b. The members of Pistol Australia may at some meeting thereof to be specially called in that behalf dissolve or determine the same provided that Pistol Australia shall not be dissolved or determined without obtaining the votes or consents of two-thirds of the then existing members. Pistol Australia is prohibited from making any distribution whether in money, property or otherwise to its members. If upon winding up or dissolution of Pistol Australia there remains after the satisfaction of all its debts and liabilities any assets whatsoever, such assets shall be distributed amongst organisations having similar objects to Pistol Australia and whose rules prohibit the distribution of their income and property amongst their members at or before the time of dissolution. Any such organisation so endowed that defaults on these conditions shall have distributed share of assets confiscated and distributed amongst the remaining organisations that have shared in such assets.

25. EXTRANEIOUS MATTERS

- a. Where any subject, dispute or matter affecting Pistol Australia, and not covered by this Constitution, is brought before Pistol Australia, the Executive Committee shall have power to effect a decision thereon. Any such decision or any directions arising from such decision shall be binding and shall become effective until varied by the Executive Committee, or, until the next Annual General Meeting, whichever is earlier.

- b. No decision made under this section shall contravene any other section of this Constitution.

26. VARIATION OF CONSTITUTION

This Constitution may be added to, amended, or repealed only at a General Meeting of Pistol Australia after due notice of not less than thirty (30) clear days provided that no such addition, amendment or repeal should be made except with the approval of at least three-quarters of the Delegates present and voting thereon.