



ACT Fencing Association Constitution

Constitution of the Australian Capital Territory Fencing Association

Contents

1. Name	3
2. Registered Office	3
3. Association Colours and Badge	3
4. Objects	3
5. Interpretation	3
6. Membership	4
7. Membership Qualifications	4
8. Association Affiliations	4
9. Affiliation of Clubs	4
10. Affiliation of General Members	4
11. Affiliation of Associate Members	5
12. Affiliation of Honorary Members	5
13. Eligibility to Vote	5
14. Fees	5
15. Governance	5
16. The Executive Committee	6
17. Duties of the Executive Committee	6
18. Powers of the Executive Committee	6
19. Duties of the President	7
20. Duties of the Vice President	7
21. Duties of the Secretary	7
22. Duties of the Treasurer	7
23. Duties of General Committee Members, Club Delegates and Office Bearers	8
24. Election of Executive Committee Members	8
25. Vacancies	9
26. Removal of Officers	9
27. Sub-Committees	9
28. Annual General Meeting	9
29. AGM Order of Business	10
30. Executive Committee Meetings	10
31. Executive Committee Order of Business	11
32. Voting and Decisions of the Executive and Sub-Committees	11
33. Special General Meeting	12
34. Finance	12
35. Source of Funds	12
36. Common Seal	12
37. Resignations	13
38. Suspensions and Expulsions	13
39. Cessation of Membership	13
40. Public Displays and Exhibitions	13
41. Official Access to Records	14
42. Audit	14
43. Alteration of the Constitution	15
44. Disposition of Assets	15
45. Winding Up	15

1. Name

The Association shall be called the "Australian Capital Territory (ACT) Fencing Association Incorporated" (ACTFA)

2. Registered Office

The registered office of the Association shall be situated in Canberra.

3. Association Colours and Badge

The Association colours shall be Blue and Yellow. The Association Badge shall be in a design adopted by the Association.

4. Objects

4.1 The objects of the Association shall be:

- a) To promote, support, and encourage the sport of fencing;
- b) To bring together into one Association all fencers in the Australian Capital Territory;
- c) To actively promote a spirit of goodwill and friendship for all people involved in the activities of Fencing;
- d) To provide a safe and secure environment in which to participate in or develop Fencing;
- e) To maintain the rules of the Federation Internationale d'Escrime as a guideline for fencing in Australian Capital Territory;
- f) To represent members to the Australian Fencing Federation as appropriate;
- g) To promote, support and organise fencing competitions within the Australian Capital Territory and, in cooperation with other fencing bodies.

4.2 The property and income of the Association shall be applied towards achieving the promotion of the objects of the Association. No part of that property or income may be paid or distributed to members of the Association except in the promotion of those objects.

5. Interpretation

5.1 In this Constitution:

- a) "Act" means *Associations Incorporation Act 1991* (ACT);
- b) "AFF" means the Australian Fencing Federation Ltd ACN 161 544 752;
- c) "AGM" means an Annual General Meeting held in accordance with the Rules of this Constitution;
- d) "Association" means the Australian Capital Territory Fencing Association Incorporated (ACTFA);
- e) "Club" means affiliated clubs.
- f) "Club Delegate" means a representative of an affiliated club who is entitled to vote at Executive Committee meetings.

- g) "Constitution" means the Constitution of the Association
- h) "Jurisdiction" means the Australian Capital Territory and includes the ACT and the surrounding region.
- i) "Member" refers to General, Honorary and Associate Member;
- j) "Office-Bearer" means a person defined and elected in accordance with the Rules of this Constitution and any other person as determined by the Association in general meeting from time to time, and may be a General, Honorary or Associate Member.
- k) "Regulations" means Regulations made under the Act; and
- l) Words in the singular includes plural and vice versa.

6. Membership

6.1 The Association shall consist of:

- a) General Members
- b) Honorary Members
- c) Associate Members

6.2 The Constitution and Policies of the AFF shall be obligatory for all Members.

7. Membership Qualifications

A person is qualified to be a member if the person is a person referred to in paragraph 21(2)(a) or (b) of the Act and has not ceased to be a member of the Association at any time after incorporation of the Association under the Act.

8. Association Affiliations

The Association may affiliate with other bodies that the Executive Committee determines from time to time. The Association recognises the AFF as the peak body for fencing in Australia, and as such, the Executive Committee shall choose from year to year to affiliate and/or select a delegate to this body.

9. Affiliation of Clubs

- 9.1 Any Club or fencing group shall be eligible for affiliation provided it complies with the requirements of this Constitution.
- 9.2 Any Club or fencing group wishing to affiliate with the Association shall apply to the Secretary of the Association in writing setting out its qualifications for affiliation and a list of its members.

10. Affiliation of General Members

Each person wishing to affiliate shall be:

- a) Bound by the Constitution and the By-Laws of the Association.
- b) Liable for such fees and subscriptions as may be fixed by the Association.
- c) Entitled to all advantages and privileges of membership of the Association.

11. Affiliation of Associate Members

Visiting interstate or overseas fencers who are affiliated in their home state/country, upon the recommendation of the Executive Committee, may be elected Associate Members of the Association for a period of six (6) months, or until the end of the current year, whichever is shorter. This period may be extended at the discretion of the Executive Committee. They shall be:

- a) Bound by the Constitution and the By-Laws of the Association.
- b) Liable for such fees and subscriptions as may be fixed by the Association.
- c) Entitled to advantages and privileges of membership of the Association, except that they are ineligible to vote at general meetings or hold office.

In the case of any conflicts with AFF policies regarding residency requirements for a State or Territory Fencing Association, the requirements of the AFF policy shall prevail.

12. Affiliation of Honorary Members

Honorary Members may be elected by the Association at a General Meeting on the recommendation of the Executive Committee in recognition of services rendered to the Association. They shall be:

- a) Bound by the Constitution and the By-Laws of the Association.
- b) Exempt from fees and subscriptions.
- c) Entitled to all advantages and privileges of membership of the Association.

13. Eligibility to Vote

All General and Honorary members aged 16 years and over are eligible to vote. Parents or guardians of an affiliated fencer under the age of 16 years may vote on behalf of that fencer as a General member.

14. Fees

- a) The Executive Committee shall determine the fees to be charged for each current membership category and the duration of that membership.
- b) The Executive Committee shall determine the fees for other services.
- c) The annual membership fee is payable on or after 1st January in any calendar year, before any service is provided by ACTFA.

15. Governance

15.1 The business and affairs of the Association shall be carried out by regular meetings of the Executive Committee and at the Annual General Meeting or such other meetings as may be called in accordance with this Constitution.

15.2 The Executive Committee shall have exclusive power to make rules, regulations, and by-laws for the peace, order, good government and administration of fencing in the jurisdiction.

15.3 This power includes, but is not limited to:

- a) Granting membership to the fencers within our jurisdiction.

- b) Granting affiliation to clubs and fencing group within our jurisdiction.
- c) Determining the policy of the Association.
- d) Making by-laws and rules in furtherance of the objects of the Association, provided that such by-laws and rules are not inconsistent with this constitution or with the Constitution and Policies of the AFF.
- e) Conducting Australian Capital Territory Fencing Championships, tournaments, competitions and other activities for fencers; and to delegate to any Affiliated Club the organisation and conduct thereof.
- f) Delegating representatives to governing bodies to which the Association is affiliated.
- g) Imposing and collecting subscriptions, fees, levies and other charges, and to borrow, raise, loan or invest money for the carrying out of this Constitution.

15.4 The Association must advise the AFF as soon as practicable of any serious administrative, operational or financial difficulties affecting the Association, assist the AFF in investigating those issues; and cooperate with the AFF in addressing those issues.

16. The Executive Committee

16.1 The Executive Committee shall consist of six members elected at the AGM. The Office-Bearers (President, Vice President, Secretary and Treasurer) shall be selected from the six elected members at the first meeting of the Executive Committee after the AGM.

16.2 Each member of the Executive Committee shall have the power of one vote and, in the event of an office bearer occupying more than one position, that office bearer shall exercise only one vote.

17. Duties of the Executive Committee

17.1 The management of the business of the Association shall be vested in the Executive Committee. It may exercise all such powers and do all such things that the Association, by its Constitution and consistent with its Objects, authorises it to do.

17.2 Office-Bearers are responsible for implementing relevant decisions of the Executive Committee, insofar as they are consistent with this Constitution.

18. Powers of the Executive Committee

The powers of the Executive Committee shall be as follows:

- a) The Executive Committee is responsible for the good management and administration of fencing within the jurisdiction and is therefore able to make by-laws and take actions within the limitations set by the Constitution.
- b) The Executive Committee may raise funds for ACTFA from subscriptions, donations, grants and from other such sources as the Executive Committee

may determine. The Executive Committee is responsible for the management of these funds in a way that benefits fencing within the ACT.

- c) The Executive Committee shall not allow the Association to go into debt or change the Constitution without the approval of ACTFA members at a general meeting.

19. Duties of the President

The duties of the president shall be as follows:

- a) The President shall Chair all meetings of the Executive Committee or, if absent, shall nominate an alternative Chair.
- b) The President shall prepare the Annual Report to be read at the Annual General Meeting.
- c) The President shall automatically be a normal member of all sub-committees.

20. Duties of the Vice President

The duties of the Vice President shall be as follows:

- a) Assisting the President in the duties of the President
- b) Chair the Executive Committee when the President is absent.
- c) Perform other duties as agreed by the Executive Committee

21. Duties of the Secretary

The duties of the Secretary shall be as follows:

- a) Take and record the minutes of all meetings, conduct all correspondence and perform such other duties as agreed by the Executive Committee.
- b) Serve all notices of meetings.
- c) Accept all agenda items from Executive Committee members and distribute them to the members attending the meeting.
- d) Have charge and care of all properties and trophies of the Association, unless otherwise directed by the Executive Committee.

22. Duties of the Treasurer

The duties of the Treasurer shall be as follows:

- a) Have charge and custody of all monies of the Association, and pay the same to the credit of the Association in such bank as the Executive Committee may direct.
- b) Keep correct accounts and books showing the financial affairs of the Association with full details of all receipts and expenditure connected with the activities of the Association.
- c) At all meetings be prepared to give a statement of the Association's current financial position and make all payments of behalf of the Association for which the Treasurer's receipt shall be a valid discharge.
- d) Keep a register of members of the Association up to date and for Executive Committee access only.

e) Collect all monies due to the Association.

23. Duties of General Committee Members, Club Delegates and Office Bearers

23.1 The duties of the General Committee Members and Club Delegate shall be as follows:

- a) To carry out such tasks and projects as may be assigned to them from time to time by the Executive Committee to assist in the smooth running of the Association.
- b) To represent to the Executive Committee such matters as may be brought to their attention, in their role as elected representatives of the general membership of their respective Clubs.
- c) To assess and facilitate the need (or otherwise) for additional office positions and whether they could be filled by non-committee members.
- d) To fill, for the term of their office, such positions as they, after their acceptance of a nomination, may be elected to, in accordance with the By Laws relevant to that portfolio.

23.2 The selections and term of duty of a member shall be as follows:

- a) If a member accepts a nomination to an office position they may be elected by a vote of the Committee to that position.
- b) A member taking on an office position is expected to fulfill it for the duration of their term of office unless otherwise agreed by the Member and a majority of the Executive Committee.

24. Election of Executive Committee Members

24.1 The executive committee shall be elected by ballot at the Annual General Meeting of the Association. Nominations may be made either in writing or by verbal proposal at such meeting, but the nomination of any absent member, must be accompanied by nominee's consent in writing. Newly elected officers shall take office immediately after the close of the meeting at which they are elected.

24.2 Each member of the executive committee shall hold office for a period of two years until the conclusion of the Annual General Meeting following the date of the member's election, but is eligible for re-election.

24.3 Prior to the election of executive committee members at the first annual general meeting to be held after the acceptance of this constitution by the members, a ballot will be held to choose half of the executive committee members, who will cease to be committee members, but will be eligible for re-election to membership of the committee.

24.4 A person nominated as a candidate for election as an executive committee member must be a member of the association.

25. Vacancies

- 25.1 For the purposes of these Rules, a vacancy in the elected members of the Executive Committee occurs if the member:
- a) dies;
 - b) ceases to be a member of the Association;
 - c) resigns the office;
 - d) is removed from office pursuant to Rule 26 of this Constitution;
 - e) becomes an insolvent under administration within the meaning of the Corporations Law;
 - f) is disqualified from office under the Act; or
 - g) is absent without the consent of the committee from all meetings of the committee held during a period of 6 months.
- 25.2 In the event of a vacancy in the membership of the Executive Committee, the Executive Committee may appoint a Member of the Association to fill the vacancy who shall hold office, subject to these Rules, until the conclusion of the next Annual General Meeting.

26. Removal of Officers

The Executive Committee may remove any elected member of the Executive Committee prior to the expiration of their term of office by a two-thirds (2/3) of the members at a Special General Meeting.

27. Sub-Committees

The Executive Committee may from time to time form other committees and/or sub-committees for any specific purpose, and may delegate any or all their powers to the committee or sub-committee for a limited time. The Executive Committee shall be empowered to disband committees and such disbanding or termination shall take effect immediately upon the notice of disbanding being served upon the members of the committee.

28. Annual General Meeting

- a) The Association shall hold an Annual General Meeting (AGM) within four (4) months of the end of the financial year. At least fourteen (14) days notice of the meeting shall be sent in writing to each member by the Secretary.
- b) Any Member intending to add any item to the agenda shall give at least seven days notice to the Secretary, in writing.
- c) Motions without notice may be heard subject to the approval of the Chair.
- d) At the Annual General Meeting, one-third (1/3) or at least 10 members of the Association, whichever is less, shall constitute a quorum.
- e) Voting shall be restricted to those members whose memberships have been paid.

- f) A simple majority shall carry a motion with the Chair having no vote, but in the event of an equal number of votes being cast for and against, the Chair shall have a casting vote.
- g) Proxy votes shall not be allowed.

29. AGM Order of Business

At the Annual General Meeting the order of business shall be as follows unless otherwise determined by the Executive Committee:

- a) Opening
- b) Apologies
- c) Confirmation of Minutes of previous Annual General Meeting
- d) Questions and business arising from the Minutes
- e) Correspondence
- f) Annual Report of President
- g) Auditors Report
- h) Financial Report of Treasurer
- i) Reports from other Executive Committee members, as required
- j) Election of Executive Committee Members
- k) General Business

30. Executive Committee Meetings

- a) The Executive Committee shall meet at least three (3) times per calendar year at such place and time as the Executive Committee may determine.
- b) Additional meetings of the Executive Committee may be convened by any members of the Executive Committee.
- c) Oral or written notice of a meeting of the Executive Committee shall be given by the secretary at least seven (7) days before the meeting or another period unanimously agreed to by the Executive Committee.
- d) Notice of the meeting given under Rule 30(c) of this Constitution, shall specify the general nature of the business to be transacted at the meeting and no business other than that business shall be transacted at the meeting, except business which the Executive Committee members present at the meeting unanimously agree to treat as urgent business.
- e) A quorum shall be constituted by a minimum of one (1) more than 1/2 of the Executive Committee members.
- f) No business shall be transacted by the Executive Committee unless a quorum is present. Executive Committee members teleconferencing, video conferencing, or telephoning in to meetings shall be considered 'present' for the purpose of the meeting, and counted as part of the quorum.
- g) If within half an hour after the time appointed for the meeting a quorum is not present then the meeting will be dissolved.
- h) Notice shall include the time and place of the meeting.

- i) If the President is absent from the meeting the Vice-President will act as Chair of the meeting. If the Vice-President is also absent, one of the remaining members of the Executive Committee will be chosen by the remaining members to chair the meeting.
- j) Executive Committee members and Club Delegates may submit agenda items within forty-eight (48) hours of receiving the draft Agenda to the secretary.
- k) Affiliated members are welcome to attend Executive Committee meetings however only one member present from each club will be entitled to a vote as Club Delegate.
- l) Where an office bearer is also acting as a Club Delegate, then that office bearer shall be entitled to exercise only one vote.

31. Executive Committee Order of Business

31.1 At the meeting of the Executive Committee the order of business shall be as follows unless otherwise determined by the Executive Committee:

- a) Opening
- b) Apologies
- c) Confirmation of Minutes of previous Executive Committee Meeting
- d) Questions and business arising from the Minutes
- e) Correspondence
- f) Reports
- g) Accounts
- h) Election of Officers to vacant offices
- i) Motions
- j) General Business

31.2 At meetings of other committees, the Chair may determine the order of business.

32. Voting and Decisions of the Executive and Sub-Committees

- a) Decisions arising at a meeting of the Executive Committee, or of any sub-committee appointed by the Executive Committee, shall be determined by a majority of the members of the Executive Committee or sub-committee present at the meeting.
- b) Each member except the Chair present at a meeting of the Executive Committee, or of any sub-committee appointed by the Executive Committee, is entitled to one (1) vote but, in the event of an equality of votes, the chair may exercise a casting vote.
- c) Subject to Rule 30(e) of this Constitution, the Executive Committee may act notwithstanding any vacancy on the Executive Committee.
- d) Any act or thing done or suffered, or purporting to have been done or suffered, by the Executive Committee or by a sub-committee appointed by the Executive Committee, is valid and effectual notwithstanding any defect that may

afterward be discovered in the appointment or qualification of any member of the Executive Committee or sub-committee.

33. Special General Meeting

- a) Subject to the conditions outlined in Rules 28 & 29 of this Constitution, a Special General Meeting (SGM) may be called at any time by the Executive Committee if requested to do so in writing, by at least ten (10) members, or one-third of the total individual members, whichever is less.
- b) At the Special General Meeting, one-third (1/3) of members eligible to vote or at least ten (10) members whichever is less, being present, shall constitute a quorum.
- c) Voting shall be restricted to those members whose memberships have been paid. A simple majority shall carry a motion with the Chair having no vote, but in the event of an equality of votes, the Chair shall have a casting vote.
- d) Proxy votes shall not be allowed.

34. Finance

- a) The financial year shall commence on the first day of January in each year.
- b) The Bankers of the Association shall be such bank as the Executive Committee may determine.
- c) All cheques drawn in the name of the Association shall be signed by the Treasurer and countersigned by an elected member of the Executive Committee.
- d) All payment by or on behalf of the Association shall be first passed for payment at an Executive Committee Meeting. Where immediate payment is required the Treasurer shall first seek the sanction of the President and that payment shall be ratified by the Executive Committee at the next meeting.

35. Source of Funds

- a) The funds of the Association shall be derived from entrance fees, annual fees of members, donations and, subject to any resolution passed by the Association in general meetings, such other sources as the committee determines.
- b) All money received by the Association shall be deposited as soon as practicable and without deduction to the credit of the Association's bank account.
- c) The Association shall, as soon as practicable after receiving any money, issue an appropriate receipt.

36. Common Seal

The Common Seal of the Association shall be in the custody of the Secretary and shall be affixed to any document pursuant to a resolution of the Executive Committee. The affixation of the seal shall be witnessed by any two (2) Office-Bearers of the Association.

37. Resignations

- a) Any Member wishing to resign membership of the Association shall give written notice to the Secretary. Such resignation will take effect at that time.
- b) Any Executive Committee member wishing to resign membership of the Executive Committee shall give written notice to the Executive Committee. Such resignation will take effect at that time.

38. Suspensions and Expulsions

- a) A 2/3 majority of the Executive Committee shall have the power to suspend or expel (with or without refund of membership fees) any member whose conduct in the opinion of the Executive Committee is unworthy of a member.
- b) If the Member wishes to dispute the decision, written notice of intention to appeal should be given to the Executive Committee within seven (7) days of being advised of the decision. Such notice must incorporate the grounds for appeal to be argued and must include a request to call a Special General Meeting to hear such an appeal pursuant to the requirements of Rule 33 of this Constitution.
- c) Upon receipt of the written notice, the Executive Committee shall, at the next scheduled Executive Committee Meeting, call a Special General Meeting for the purpose of hearing the appeal, to be held within one (1) month of that Executive Committee Meeting. The appellant or the appellant's nominee shall have the right to speak at the Special General Meeting.
- d) Any resolution reached at the Special General Meeting shall be final and no further appeals will be heard.
- e) The suspension or expulsion shall stand until the Special General Meeting and will remain in effect unless overturned by the resolution of the Special General Meeting.
- f) Any such suspension or expulsion does not preclude the member from applying for membership in the following year.

39. Cessation of Membership

Cessation of membership occurs in the following circumstances:

- a) Membership may be forfeit by misconduct.
- b) Membership is automatically forfeit on loss of the qualifications by which the person became eligible as a member.
- c) If the Member resigns membership in accordance with Rule 37 of this Constitution.
- d) If the Member is expelled as per Rule 38 of this Constitution.

40. Public Displays and Exhibitions

Applications by an affiliated club for ACTFA's endorsement of a public display of fencing should be given to the Secretary at least seven (7) days in advance of the display. The secretary shall attempt to notify all Executive Committee members, and unless more

than half of all members agree to endorse or reject the application, the Secretary and the President may, in consultation, have the power to endorse or reject the application on the Committee's behalf.

41. Official Access to Records

- 41.1 Custody of the books, documents and securities will be held by the Secretary of the Association. The records, books and other documents of the Association shall be open to inspection at a place in the Jurisdiction, free of charge, by a member of the Association at any reasonable hour by notifying the Secretary at least forty-eight (48) hours in writing prior to inspection.
- 41.2 All members shall have access to the following documents:
- a) Constitution
 - b) Minutes
 - c) Policy
 - d) Financial Statements
 - e) Correspondence

42. Audit

- a) At least once per financial year the accounts of the Association shall be examined by the auditor who shall also certify to the correctness of the balance sheet, profit and loss statement, and accompanying accounts and schedules to be submitted to the Annual General Meeting.
- b) There shall be one (1) auditor who shall be appointed by the Executive Committee.
- c) The auditor may be a member of the Association but no person shall be eligible to be an auditor who has a vested interest (other than as a member of ACTFA) in any transaction of the Association.
- d) The auditor may be paid for services such sum as the Executive Committee may from time to time determine.
- e) Every auditor shall be delivered a list of all books kept by the Association and shall at all reasonable times have access to the books and accounts of the Association.
- f) The auditor may employ persons to assist in investigating such accounts.
- g) The auditor may in relation to such accounts examine the Executive Committee or any employee of the Association.
- h) The auditor shall make a report to the members upon the balance sheet and accounts to be submitted to every Annual General Meeting and in every such report shall state whether they are properly drawn up to exhibit a true and correct view of the Association's affairs.

43. Alteration of the Constitution

Neither the objects of the Association referred to in the Act nor these Rules shall be altered except in accordance with the Act.

44. Disposition of Assets

Upon dissolution or winding up of the Association, and after the satisfaction of all its debts and liabilities, any property remaining shall not be paid to or distributed among the members of the Association. It shall be transferred to the Australian Fencing Federation to be held in trust for the formation of a new affiliated fencing Association in the Australian Capital Territory.

45. Winding Up

In the event of the winding-up or dissolution of the Association; there shall be no liability to the members towards any costs, charges or expenses of winding-up or dissolution of the Association.