

CONSTITUTION

of the

AIR SPORT AUSTRALIA CONFEDERATION INCORPORATED

(February 2014 update)

INCORPORATED UNDER A.C.T. ASSOCIATIONS
INCORPORATION ACT 1991

FOUNDED 1 SEPTEMBER 1989

CONSTITUTION

of the

AIR SPORT AUSTRALIA CONFEDERATION INCORPORATED

(Amended 20 February 2014 to comply with Schedule 1 to the ACT Associations Incorporation Act 1991)

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CERTIFICATE OF INCORPORATION

AMENDMENT RECORD

PART	SECTION	RULES	PAGE	DATE OF ISSUE
Contents			i	February 2014
Amendment Record			ii	February 2014
Interpretation			1	February 2014
Introduction	1, 2 & 3		2 - 3	February 2014
Rules	1	1.1 - 1.6	4	November 2009
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Appendices	1		17	November 1999
	2		18/19	November 2009
	3		20	November 2009

PART 1 - INTERPRETATION

Throughout the Constitution and By-Laws, unless the context requires otherwise, the following definitions and abbreviations will apply:

ASAC: Air Sport Australia Confederation Incorporated (ASAC Inc), the Australian confederation of national sport and recreational aviation organisations, and the Australian active member of the FAI;

FAI: Federation Aeronautique Internationale, the world governing body for air sports and the setting of aviation and astronautical world records;

National Organisation: the organisation (federation, association, etc) representing on a national basis, individual members, clubs, regional or state organisations, of any sport or recreational aviation activity;

By-Laws: guidance material on the implementation of the Constitution of ASAC;

Singular shall include plural and masculine shall include feminine; and

Full Term Members: those persons who join or renew their membership of an ASAC member organisation for a period of 12 months.

PART 2 - INTRODUCTION

Section 1 - Name

The name of the organisation is "AIR SPORT AUSTRALIA CONFEDERATION INCORPORATED", hereinafter known as "ASAC".

Section 2 - Statement of Purpose

Without usurping the autonomy of its members, the purposes of ASAC are to:

be the Australian active member of the FAI;

promote and develop sport and recreational aviation and associated activities, on a national and multi-discipline basis;

support collectively the activities and aspirations of its members; and

promote awareness of aviation generally.

Section 3 - Powers

Solely to further the purposes set out above, ASAC shall have power to:

1. liaise with the Federal Government and Federal government departments and authorities on matters affecting sport and recreational aviation, after consultation with member organisations;
2. process information to and from member organisations, including that from the FAI and other sources;
3. represent Australia at FAI General Conference and other FAI meetings and committees as considered appropriate;
4. represent ASAC members at other national and international meetings, as required;
5. admit appropriate organisations as members;
6. seek sponsorship and provide public relations on a national and multi-discipline basis.

7. seek benefits for member organisations in areas such as insurance, accommodation, superannuation, printing, purchasing, travel, etcetera. ;
8. initiate and co-ordinate submissions, applications, representations, etcetera, on behalf of and from member organisations to government agencies and other organisations, with the aim of obtaining maximum benefits for member organisations;
9. apply for government funding in respect of both sporting and aviation aspects;
10. develop and maintain a national headquarters;
11. investigate and act upon any other matter that may be of benefit to member organisations;
12. appoint, employ, remove or suspend such managers, clerks, secretaries and other employees as may be necessary;
13. invest and deal with the monies of ASAC;
14. print and publish any newspapers, periodicals, books, leaflets, journals and any form of electronic production;
15. publish by-laws, approved by the Board, to guide the implementation of the Constitution;
16. produce an annual report, including audited financial statements; and
17. do all such other lawful things as are incidental or conducive to the attainment of the purposes and the exercise of the powers of ASAC.

PART 3 - RULES

Section 1 - Membership

Rule 1.1 - Membership Levels

There are three levels of membership: Active, Associate and Honorary.

Rule 1.2 - Active Members

Active membership is available to national organisations representing sport and recreational aviation, and/or associated activities. Clubs, regional and state organisations cannot become active members, unless there is no national organisation representing their interest. Individual persons cannot become active members.

Rule 1.3 - Active Members Fees

All active members shall pay an annual membership fee which shall be determined by the Mid-Year Board Meeting for the following financial year.

Rule 1.4 - Associate Members

Associate membership is available to organisations whose primary role is not associated with any air sport discipline or other FAI activity. Individual persons cannot become associate members.

Rule 1.5 - Associate Members Fees

All associate members shall pay an annual membership fee which shall be determined by the Mid-Year Board Meeting for the following financial year.

Rule 1.6 - Honorary Members

Honorary membership may be bestowed by the Board on any organisation for such period as determined by the Board. Honorary members shall not be required to pay any membership fees.

Rule 1.7 - Applications / Nominations for Membership

All applications for active and associate membership, and nominations for honorary membership, shall be submitted to the Board. Approval of the membership shall require a three quarters majority vote of the Board.

Rule 1.8 - Cessation of Membership / Discipline

- (a) If any annual membership fee remains unpaid for two successive quarters in the current financial year a member shall be required to show cause why it should not be suspended or expelled under Rule 1.8 (b)(ii).
- (b) A member shall cease to be a member if:
 - (i) Such member gives three months notice in writing. Any member so resigning will be required to pay the full annual membership fee for the current financial year; or,
 - (ii) By a special resolution of the Board adopted by three quarters of all active members, a member is considered to be unsuitable for membership of ASAC and is expelled or suspended.
 - (iii) At least 28 days before the meeting of the Board at which the resolution for expulsion or suspension is moved, the subject member shall be given notice of such meeting and particulars of the allegations made against it and, if the expulsion or suspension is moved, a member shall have at such meeting an opportunity either orally or in writing to give any explanation or defence it may deem fit.

Rule 1.9 - Members' Liability

The liability of a member to contribute towards the payment of the debts and liabilities of ASAC or the costs, charges and expenses of the winding up of ASAC is limited to the amount, if any, unpaid by the member in respect of membership of ASAC.

PART 3 - RULES

Section 2 - Board

Rule 2.1 - Board and Delegates

All business of ASAC shall be controlled by the Board, which shall consist of one delegate from each active member. Board delegates may be assisted by technical and other advisers. Associate and honorary members and honorary appointees may attend Board meetings at their own expense but have no voting rights.

Rule 2.2 - Board Meetings

General meetings of ASAC, hereinafter known as Board Meetings, shall be held at least twice annually. The Annual General Meeting, hereinafter known as the Annual Board Meeting, shall be held in the first half of the financial year. The Mid-Year Board Meeting shall be held in the second half of the financial year.

The business of each Board Meeting shall include:

- (a) acceptance of the minutes of the last (including Annual) Board Meeting;
- (b) acceptance of reports from officers and committees of ASAC;
- (c) general business notified by members and included on the agenda; and
- (d) other general business, with the approval of the Chairman and time permitting

The business of the Annual Board Meeting shall include:

- (a) the business of a Board meeting, as listed above;
- (b) acceptance of reports from the President, Vice-President, Treasurer, FAI Vice-President (Australia), Chairman Technical Committee and the Executive Officer for the previous financial year;
- (c) acceptance of audited financial reports for the previous financial year;
- (d) election of all officers of ASAC for the following year; and
- (e) appointment of an auditor.

The business of the Mid-Year Board Meeting shall include:

- (a) the business of a Board meeting, as listed above
- (b) acceptance of the draft budget for the next financial year; and
- (c) determination of membership fees for the following financial year.

The date and venue for each Board Meeting shall, wherever possible, be determined by the Board at the previous meeting. Subsequent changes, if necessary, shall be co-ordinated by the Executive Officer with the approval of Board delegates and shall be notified to members at least one calendar month prior to the meeting. No prior notice of motions is required for Board Meetings except as covered by Rule 6.1.

The Executive may, whenever it thinks fit, convene a Board Meeting.

The Executive shall, when requested in writing by at least three active members, convene a Special Board Meeting. Such a requisition shall state the purpose of the meeting, be signed by the members making the request and be lodged with a member of the Executive. Only the business raised in the written request may be discussed at a Special Board Meeting unless there is unanimous agreement of those delegates present to discuss other business.

The ASAC President, or in his absence the ASAC Vice-President, shall be the Chairman at all Board Meetings. If both are absent, the meeting shall elect a Chairman for that meeting.

Rule 2.3 - Conduct of Board Meetings

Board meetings may be conducted in person, or by postal or electronic means.

Rule 2.4 - Cost of Attendance at Board Meetings

ASAC members shall be responsible for all costs associated with attendance of their delegates and advisers at meetings of the Board.

Rule 2.5 - Voting

Provided that an active member is financial at the time, the voting power of its delegate shall be:

Elections and Appointments. One vote per delegate personally present. Proxies not allowed.

All Other Business. One vote per membership dollar paid. Proxies allowed.

Rule 2.6 - Quorum

A quorum for any Board Meeting shall be a majority of active members, in good financial standing.

Rule 2.7 – Postal Voting

Matters arising between Board meetings may be settled by means of a postal vote.

A postal vote shall be proposed and seconded by either the Executive and one active member, or two active members. The postal vote shall be issued to all active members by the Executive Officer within one week of a proposed and seconded motion being received.

The closing date for any postal vote shall be 14 days from the date of issue, except in the case of a special resolution under Clause 6.1 in which case it shall be 21 days.

Voting shall be in accordance with Rule 2.5 and the required number of responses shall be in accordance with Rule 2.6.

Rule 2.8 - Honorary Appointees

The Board may invite and appoint persons to hold honorary positions in ASAC. Such persons may attend all meetings of ASAC at their own expense but without voting rights. They may provide advice to such meetings and perform tasks as requested by the Board but will not act as public spokesmen without the approval of the Board or Executive.

PART 3 - RULES

Section 3 - Officers

Rule 3.1 - ASAC President

3.1.1. - The ASAC President shall be a full term member of an ASAC active member.

If the ASAC President is elected from the Board delegates, his member organisation shall nominate an alternate delegate with the voting rights for that member.

The ASAC President has no ordinary voting rights but may exercise a casting vote.

3.1.2. The ASAC President shall be elected or appointed at the Annual Board Meeting for a period of one year but shall remain President until re-elected or a successor is appointed.

3.1.3. The role of the President is to:

- (a) act as chairman of meetings of the Board, the Executive and appropriate sub-committees; and
- (b) act as a spokesman for ASAC.

3.1.4 ASAC is responsible for reasonable costs associated with the ASAC President attending ASAC meetings and other duties associated with the office, when acting on behalf of ASAC.

Rule 3.2 - ASAC Vice-President

3.2.1. The ASAC Vice-President shall be a full term member of an ASAC active member and shall be elected at the Annual Board Meeting from the active members' delegates and may retain his representation of his member organisation.

3.2.2. The role of the ASAC Vice-President is to act for the ASAC President whenever the President is unavailable.

3.2.3 The ASAC Vice-President has no ordinary voting rights.

3.2.4 ASAC is responsible for all costs associated with his attendance at meetings of ASAC unless he is also the delegate of an active member.

Rule 3.3 - ASAC Treasurer

3.3.1. The ASAC Treasurer shall be a full term member of an ASAC active member. If elected from the active members' board delegates, he may retain his representation of his member organisation.

3.3.2. The ASAC Treasurer has no ordinary voting rights.

3.3.3. ASAC is responsible for all costs associated with the Treasurer's attendance at meetings of ASAC unless he is also the delegate of an active member.

3.3.4. The role of the ASAC Treasurer is to oversee the financial management of ASAC's funds and investments and to report on these matters to the Board.

Rule 3.4 - FAI Vice-President (Australia)

3.4.1. The FAI Vice-President (Australia) shall be a full term member of an ASAC active member. If elected from the active members' delegates, he may retain his representation of his member organisation.

3.4.2 The FAI Vice-President (Australia) has no ordinary voting rights.

3.4.3. The role of the FAI V-P (Australia) is to:

(a) represent Australia at meetings of the FAI Council, the FAI Air Sports General Commission and the FAI General Conference;

(b) act as spokesman on FAI matters in Australia; and

(c) act in accordance with directions given by the ASAC Board.

3.4.4. ASAC is responsible for reasonable costs associated with the attendance of the FAI V-P (Australia) at meetings of the Air Sport General Commission and General Conference. ASAC is responsible for all costs associated with his attendance at meetings of ASAC, unless he is also the delegate of an active member.

3.4.5. If the FAI V-P (Australia) is unavailable to attend the above FAI meetings, the Board will appoint a temporary alternate in his place and notify the FAI accordingly.

Rule 3.5 – ASAC Chairman Technical Committee

3.5.1. The Chairman Technical Committee shall be elected at the Annual Board Meeting and shall be a full term member of an ASAC active member.

3.5.2. The role of the Chairman Technical Committee is to:

- (a) advise the ASAC Board on all matters relating to air space and air safety;
- (b) represent ASAC on regulatory bodies and committees dealing with air space and air safety matters.

3.5.3 ASAC is responsible for reasonable costs associated with the ASAC Chairman Technical Committee attending ASAC meetings, unless he is also the delegate of an active member, and other duties associated with the office, when acting on behalf of ASAC.

Rule 3.6 - Vacancies

A vacancy shall be deemed to occur if any delegate or officer of ASAC is affected as follows:

- (a) dies;
- (b) resigns from office;
- (c) member organisation ceases to be a member of ASAC;
- (d) is not re-nominated as the delegate of an active member for the following calendar year;
- (e) is removed from any office for any reason;

- (f) suffers from a mental or physical incapacity;
- (g) is disqualified from office under sub-section 63 (1) or 63 (2) of the Act; or
- (h) for members of the Executive, is absent without the consent of the Executive or Board from all meetings of the Executive or Board held during a period of six months.

Rule 3.7 - Nominations

Each member shall nominate its delegate (and alternate delegate if required) to the ASAC office. Delegates shall remain appointed until replaced by their member organisation.

Active members may nominate persons as required for any of the ASAC officer positions.

In the event that all positions of ASAC officers are not filled by prior nomination by the member organisations, then nominations will be called from the delegates present at the Board Meeting.

In the event that a member organisation's nominated voting delegate is unavailable for an ASAC Board meeting, the organisation may nominate a temporary alternate delegate for that meeting or such period as is applicable in writing to the ASAC office prior to the date of the meeting.

The Nomination Form is published at Appendix 2 to this Constitution.

Section 4 - Executive and Sub-Committees

Rule 4.1 - Committee

4.1.1. The committee of ASAC shall consist of the ASAC President, the ASAC Vice-President, the ASAC Treasurer, and the Chairman Technical Committee and hereinafter shall be known as the Executive.

4.1.2. The powers of the Executive shall include:

- (a) the management of ASAC on a day-to-day basis;
- (b) implementation of decisions of the Board; and
- (c) performance of such acts as appear to the Executive to be in the best interests of ASAC, provided that such acts are subsequently ratified by the Board.

4.1.3. The Executive shall convene such meetings of its members as it deems necessary.

4.1.4. Executive meetings may be conducted in person, or by postal or electronic means.

4.1.5. A quorum for any Executive meeting shall be three.

4.1.6. Members of the Executive shall retain such role as long as they hold the appropriate office of the Board. Vacancies in the Executive will be automatically filled by the appointment or election of persons to the vacant offices on the Board.

Rule 4.2 – Sub-Committee

4.2.1 The Board may establish sub-committees and delegate to such sub-committees such powers as the Board may decide from time to time, subject to such conditions and directions as the Board may stipulate at the time of appointment or any time thereafter.

The Board shall approve the establishment of any sub-committee, the purpose and powers of the sub-committee and the membership of the sub-committee. Details of such sub-committees will be notified to all member organisations.

4.2.2. Sub-committee meetings may be conducted in person, or by postal or electronic means.

PART 3 - RULES

Section 5 - Secretariat

Rule 5.1 - Executive Officer

The Executive Officer shall serve as the Public Officer, if a resident of the ACT, and secretary to the Board and shall be responsible for the day-to-day executive and administrative functions of the organisation. He shall be responsible to the Board and liaise with the Board through the ASAC President on general business, the ASAC Treasurer on financial matters and with the FAI Vice-President (Australia) on FAI matters.

The Executive Officer shall be appointed, and his conditions of service determined, by the ASAC Executive.

The Executive Officer shall be employed in accordance with an agreed letter of appointment.

Rule 5.2 - Administrative Support

The Executive may employ such administrative support as required. The selection of actual personnel will be made by the Executive, in consultation with the Executive Officer.

PART 3 - RULES

Section 6 - Miscellaneous

Rule 6.1 - Amendment of the Constitution

The Constitution may be amended by the passing of a special resolution, under Section 70 of the ACT Associations Incorporation Act 1991 (the Act), of which not less than 21 days' notice has been given to active members, accompanied by notice of the intention to propose the resolution as a special resolution, and provided that the resolution proposing the amendment is adopted by at least three-quarters of ASAC members who, being entitled to vote, vote in person at the meeting or by proxy given under Rule 6.9, or by postal or electronic means.

A copy of the Constitution and all subsequent amendments shall be provided to all members.

Rule 6.2 - Financial Year / Membership Year

The financial year for ASAC shall be from 1 July to 30 June. The membership year shall be from 1 July to 30 June.

Rule 6.3 - Notices

Any notice may be served by ASAC upon any member by leaving the same at, or sending it through the post in a pre-paid envelope addressed to such member to, its registered address, or by sending such notice by postal or electronic means to the care of the manager, secretary or other officer of the organisation whose address has been supplied to ASAC by such member.

Rule 6.4 - By-Laws

The Board may prepare, publish and amend By-Laws as required to elaborate on the Constitution. Copies of such By-Laws and subsequent amendments shall be provided to all members.

Rule 6.5 - Auditor

The Board shall appoint an auditor or auditors at the Annual Board Meeting.

Rule 6.6 - Accounts

The Treasurer shall cause proper accounting and other records to be kept and shall cause to be distributed to members, as soon as practicable after completion of the annual audit, a detailed income and expenditure statement and balance sheet, accompanied by the Auditor's Reports and such other documents as required by law.

Rule 6.7 - Distribution of Income and Property

The income and property of ASAC shall be applied solely toward the promotion of the purposes of ASAC and no portion thereof shall be paid or transferred directly or indirectly by way of bonus, dividend or in any other manner whatsoever by way of profit to members of ASAC, provided that nothing herein contained shall prevent the payment in good faith of remuneration to any officer or servant of ASAC or to any member thereof in return for any services actually rendered to ASAC or for goods supplied in the ordinary and usual way of business, or prevent payment of interest at a rate determined from time-to-time by the Board on money borrowed from any member of ASAC or any reasonable and proper rent for premises demised or let by any member to ASAC, and that no remuneration or other benefit in money or money's worth shall be paid or given by ASAC to any member of the Board except repayment of out-of-pocket expenses.

Rule 6.8 - Dissolution

ASAC may be wound up or dissolved only after a special resolution, under Section 70 of the A.C.T. Associations Incorporations Act 1991, of which not less than 21 days' notice, accompanied by notice of the intention to propose the resolution as a special resolution, has been given to active members, and provided that the resolution is passed by at least three-quarters of ASAC members who, being entitled to vote, vote in person at the meeting or by proxy given under Rule 6.9. If upon dissolution of ASAC there remains after satisfaction of all its debts and liabilities any property whatsoever, the same shall not be paid to or distributed among the members of ASAC, but shall be given or transferred to some other organisation or organisations having purposes similar to those of ASAC and whose memorandum of association or constitution shall prohibit the distribution of its or their income and property among its or their members to an extent at least as great as is imposed by ASAC under, or at least by virtue of, its constitution; such organisation or organisations to be determined by the members of ASAC at or before the time of dissolution and in default by application to the Supreme Court of the Australian Capital Territory.

Rule 6.9 - Proxies

Except where stated otherwise in these Rules, proxies shall be acceptable for all matters requiring the vote of active members. They shall be valid only if completed in the appropriate format, signed by two current members of the committee of the ASAC member organisation giving the proxy and received at the office of ASAC at least 48 hours prior to the commencing time of the meeting. A proxy shall only be given to an ASAC member organisation which is a fully financial member at the time of the Board meeting for which the proxy is given.

The Form of Appointment of Proxies is published at Appendix 1 to this Constitution.

Rule 6.10 - Minutes

The Executive Officer shall cause minutes to be recorded in writing for all Board Meetings, including:

- (a) the names of members represented , the names of their delegates and assistants, the names of any other persons present and their role and any apologies and proxies received; and
- (b) all resolutions and proceedings of the Board.

As soon as practicable after any meeting of ASAC, the Executive Officer shall cause a copy of the minutes of the meeting to be sent to all officers and members of ASAC.

Rule 6.11 - Common Seal

The common seal of ASAC shall be kept at the office of ASAC.

The common seal shall not be affixed to any instrument except by the authority of the Board and the affixing of the common seal shall be attested by the signatures of such persons as the Board may from time to time determine.

Rule 6.12 - Funds

The funds of ASAC shall be derived from membership fees, donations, sponsorship, government grants and other sources approved by the Board.

All monies received shall be receipted and deposited, as soon as practicable and without deduction, to the credit of ASAC's bank account.

Such bank accounts shall be maintained as determined by the Executive.

Drawings on the account may be made by the Executive Officer, Treasurer or President and countersigned by any one of three other signatories appointed by the Board, up to the expenditure limit specified in the approved budget.

Drawings above expenditure limit in the approved budget will only be made with prior authorisation from the Board.

A record of all transactions shall be reported monthly by the Executive Officer to the Treasurer, with copies to the President and Vice-President.

6.13 - Custody and Inspection of Books and Documents

The Executive Officer shall keep under his control all records, books and other documents and property of ASAC.

Such records, books and other documents and property shall be made available for inspection by prior arrangement at a place in the Australian Capital Territory, free of charge, by a member of ASAC, at any time.

6.14 – Anti-Doping Rules and Procedures

The ASAC Anti-Doping Rules and Procedures, as approved by the Board on 9 April 2005 and as amended by any subsequent Board meetings, are hereby incorporated into the ASAC Constitution by reference.

6.15 – Public Officer

Subject to Rule 5.1 – Executive Officer, if the Executive Officer is not a resident of the ACT, the Board shall appoint a suitable person who is a resident of the ACT, preferably someone who is a member of one of ASAC's active members, to be the Public Officer.

PART 4 - APPENDICES

Appendix 1

FORM OF APPOINTMENT OF PROXY

The
(name of ASAC member organisation)

does hereby appoint the

.....
(name of ASAC member organisation to which this proxy is given)

to be its proxy and vote on its behalf at the meeting of the ASAC Board to be held on
..... / / (date of meeting) and at any adjournment of that meeting.

Signature:

Position Held:

Date: / /

Verifying Signature:

Position Held:

Date: / /

Notes:

1. A proxy vote may not be given to an ASAC member organisation which is not a fully financial member at the time of the Board meeting for which the proxy is given.
2. The proxy shall only be accepted by ASAC if signed by two current members of the committee of the ASAC member organisation giving this proxy.
3. If the ASAC member organisation giving a proxy wishes to direct its voting in respect of any resolutions at the Board meeting, it shall provide details of such direction as an attachment to this proxy form.

PART 4 - APPENDICES

Appendix 2

NOMINATION FORM - ASAC DELEGATES AND OFFICERS

The
(name of ASAC member organisation)

nominates
(full name of nominee)

as its delegate to the ASAC Board for one year from and including the next ASAC Annual Board Meeting or until replaced by this organisation.

This organisation also nominates the person named above for the office of:

1. ASAC President (see Note 1 below)
2. ASAC Vice-President
3. ASAC Treasurer

In the event that the nominated delegate is elected to the position of ASAC President, we nominate

.....
(full name of nominee)

as our alternate delegate to the ASAC Board, with the voting rights of this organisation

Signed

Position

Signed

Position
(see Note 2 below)

Acceptance of nomination

I,

(full name of nominee for ASAC delegate)

accept the nomination as the ASAC delegate and (if appropriate) as a member of the ASAC Executive.

Signed

I,

(full name of nominee for ASAC alternate delegate)

accept the nomination as the ASAC alternate delegate.

Signed

Note 1. If nominating for only one position, insert 1 in the appropriate space; if nominating for two or three positions insert 1, 2 and 3 in the descending order of priority.

Note 2. To be signed by two members of the governing body of the member organisation and forwarded to reach the ASAC office prior to the ASAC Annual Board Meeting.

Return completed form to:

The Executive Officer
ASAC Inc

Current address as notified

PART 4 - APPENDICES

Appendix 3

NOMINATION FORM - FAI VICE-PRESIDENT (AUSTRALIA)

The
(name of ASAC member organisation)

nominees
(full name of nominee)

as the FAI Vice-President (Australia).

Signed

Position

Signed

Position

Acceptance of nomination

I,
(full name of nominee)

accept the nomination as FAI Vice-President (Australia).

Signed

Return completed form to:

The Executive Officer
ASAC Inc.
Current address as notified