



## EXPLANATORY NOTES PROPOSED CONSTITUTION ACTA

### PREAMBLE

In May of 2021 the affiliated Clubs of the Australian Clay Target Association approved the adoption of a Company Limited by Guarantee structure by a margin of 76% for and 24% against. At the same time the proposed constitution to support that transition was defeated by a very small margin 70% for and 30% against. The approval required to go forward with the proposed change is 75% for the proposal.

Since that time the ACTA has surveyed both Clubs and individually registered shooters to determine how they would like to see the Australian Clay Target Association evolve into the next phase of the Associations existence. As is always the case, there have been numerous views put forward by both Clubs and individuals and we believe that we have responded positively to the feedback.

In these explanatory notes we have endeavoured to identify those legitimate concerns and point out the changes in response to those concerns.

### CONCERNS AS IDENTIFIED

#### **Concern 1. That the ACTA wished to control all shotgun sports within Australia.**

While this was never the intention, we did identify that concern as something that should be addressed and have specifically done so on page 6 of definitions under;

*“Sport means only those Clay Target Disciplines as recognised and regulated by the Company from time to time and includes sport for athletes with disabilities”.*

*“Sporting Power means that power held by the Company for the exclusive control and management of only those disciplines recognised and controlled by the ACTA in Australia”.*

By inserting those definitions within the document it is clear that we concern ourselves with only those disciplines we hold the rights to domestically and internationally, the ACTA has no control or interest in any other shotgun sports outside of our own.

#### **Concern 2. That the ACTA wanted to force all individual shooter members of Clubs to join the ACTA**

That has been explicitly addressed at 5.6 g) Registration with the Company on page 13;

*“Member States and Clubs are entitled to register individuals other than those accepted by the Company, but those individuals may only participate in disciplines not under the jurisdiction of the Company”.*

This means that dual affiliated Clubs may register shooters that are not ACTA members, and to allow those members to compete in disciplines other than those controlled by the ACTA.

Simply put, if you want to compete in any of the ACTA registered disciplines, you need to be a financial member of the ACTA.

**Concern 3. That the ACTA could and would limit the ability of Clubs to conduct promotional days, corporate shooting events etc.**

This constitution specifically allows such days at 5.6 g) Registration with the Company on page 14;

*“Clubs may conduct come and try days, coaching sessions for new shooters, and corporate shooting events for the development and promotion of the Sport”.*

By inserting this section into the constitution, it is very clear that Clubs may host non-members for the promotion of the Sport.

We understand that these types of promotional and corporate shooting days are of great benefit to clubs and the ACTA does not want to restrict their ability to promote the sport, especially, to new shooters who are key to our long-term growth.

**Concern 4. That individual States have no input or control over major changes to the way the “Board” conducts business or enforces changes on States or Clubs.**

These concerns have been addressed by stipulating within the constitution that specific areas of concern come under By-Laws that require a majority of ALL States to agree to any changes.

*5.1 Categories of Members page 10;*

*a) “Member States, which subject to this Constitution, shall have the right to receive notice of and appoint a delegate to attend General Meetings and the right to debate and vote at General Meetings, and the right to vote on proposed changes to By-Laws”.*

*21.1 Board to Formulate By-Laws page 32;*

*“The Board may (by itself or by delegation to a committee) formulate, issue, adopt interpret and amend By-Laws for the proper advancement, management and administration of the Company, the advancement of the objects of the Company and the Sport as it thinks necessary or desirable. All By-Laws must be consistent with this Constitution and be approved by a majority of the Member States (Clause 1) a)”.*

By inserting these clauses into the document the States retain the right to collectively decide on the By-Laws proposed by the “Board”. If the States do not agree they cannot be changed.

**Concern 5. The rotation of National Championships**

This concern is dealt with at 2. OBJECTS page 8 by specifically including the control of major championships under a By-Law that must be approved by the majority of States.

*2. OBJECTS m) page 8;*

*“Promote, encourage, manage, and conduct interstate, national and international Clay Target Shooting events, competitions and championships as set out in the championships By-Law”*

To change the rotations of National Championships the “Board” will need the explicit approval of the States. The “Board” has only the ability to recommend changes. Nothing changes without the majority of the States voting in favour of any such change.

**Concern 6. That the Disciplinary procedures could be determined exclusively by the “Board” as it was listed as being that controlled through By-Laws.**

This concern is addressed at 7.1 last paragraph, *Disciplinary Action* on page 15;

*“The Board in its sole discretion may reference such allegations (which in the opinion of the Directors is not vexatious, trifling or frivolous) for investigation and determination under the procedures set out in the Disciplinary By-Laws”.*

As all By-Laws must be approved by the majority of the States, the procedure comes under the Control of the member States.

The Sub-Committee has agreed to adopt the current Disciplinary Procedures with a view to superseding that document with a new Sports Integrity document with the support of the States within 12 months. The current Disciplinary Procedures were drafted in 2004 and will need to be updated to reflect changes to member expectation, technology (including social media) and penalty outcomes.

**Concern 7. That the “Board” would have far too much power to commit the ACTA to financial obligations.**

This concern has also been addressed at 14.2 Specific powers of Directors page 26;

*“Without limiting clause 14.1, the Directors may exercise all the Company’s powers to borrow or raise money, to change any property or business or give any security for debt, liability or obligation of the Company or of any other person subject to the limitations set out in the Financial Control By-Law”.*

This means that for any major financial undertaking above the limit as set by the Financial Control By-Law, the “Board” would need to have the approval of the majority of member States.

## **SUMMATION**

This proposed constitution provides for the appointment of an independent “Board” of the most capable individuals elected by the member Clubs and States. It further provides for the controls where deemed necessary by the member States to ensure that each State still has a voice in any major decisions that may affect the operational fairness of the Association.

The current ACTA Executive have unanimously endorsed the document and recommend that it be adopted by the Association.