

# City of Wollongong Brass Band

Incorporated



# Constitution



President: William Short

Secretary: Lindsay Dunstan

Date: 23 March 2018

Date: 23 March 2018

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### Part 1 – Preliminary

#### 1.1 Name

This organisation shall be known as the "**CITY OF WOLLONGONG BRASS BAND INCORPORATED**", hereafter referred to as the **BAND**.

#### 1.2 Purpose

- 1.2.1 The **BAND** shall consist of any number of Members for the promotion, education, knowledge and love of music and true friendship.
- 1.2.2 The **BAND** shall extend its promotion, love and support of music through connecting with community groups, orchestras and bands within the Illawarra Region, and provide them with the means and resources for the community groups to operate in accordance with *By-Law No.6* titled "**Community**."

#### 1.3 Overview

- 1.3.1 Although the sequence is somewhat disconnected, the history of the City of Wollongong Brass Band Incorporated (formerly the Wollongong Steelworks Brass Band) can be traced back to the formation of a small ironworkers band in 1893 in Lithgow, N.S.W.
- 1.3.2 The City of Wollongong Brass Band Incorporated (the **BAND**) is a community based Organisation with the Senior Brass Band being the main Band of the Organisation, and hosting a Junior Brass Band together with Senior and Junior Wind Bands, Learner's Brass & Wind Bands and Community Music Program (*By-Law No.6*) to foster community music development.
- 1.3.3 The **BAND** is a non-profit organisation and must apply its income, funds and assets solely in pursuance of the Objects of the **BAND** (*Rule 1.4*) and must not conduct its affairs so as to provide a pecuniary gain for any of its members.

#### 1.4 Objects of the Band

- 1.4.1 The **BAND** is established solely for the Objects.
- 1.4.2 The Objects of the **BAND** are to:
- (a) encourage, promote, and advance music in the Illawarra area;
  - (b) at all times act on behalf of, and in the interest of, the Members and music in the Illawarra area;
  - (c) promote the economic and community service success, strength and stability of the **BAND** and its Members;

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- (d) affiliate and otherwise liaise with the Band Association of NSW and adopt its rule and policy framework to further these Objects and music;
- (e) use and protect the Intellectual Property of the **BAND**;
- (f) apply the property and capacity of the **BAND** towards the fulfilment and achievement of these Objects;
- (g) advance the operations and activities of the **BAND** throughout the local area;
- (h) review and/or determine any matters relating to the **BAND** which may arise, or be referred to it, by any Member;
- (i) recognise any penalty imposed by any Band affiliated with the Band Association of NSW;
- (j) pursue such commercial arrangements, including sponsorship and marketing opportunities as are appropriate to further the interests of the **BAND** in the local area;
- (k) adopt and implement such policies as may be developed by the Band Association of NSW, including (as relevant and applicable) member protection, anti-doping, health and safety, infectious diseases and such other matters as may arise as issues to be addressed;
- (l) represent the interests of its Members in particular, and of the **BAND** generally, in any appropriate forum in the local area;
- (m) have regard to the public interest in its operations;
- (n) do all that is reasonably necessary to enable these Objects to be achieved and enable Members to receive the benefits which these Objects are intended to achieve;
- (o) promote the health and safety of Members and all other participants in music within the local area;
- (p) to co-operate with other affiliated organisations in New South Wales for the furtherance of music;
- (r) undertake and or do all such things or activities which are necessary, incidental or conducive to the advancement of these Objects.

### 1.5 Compliance of the **BAND**

The Members acknowledge and agree that the **BAND** shall:

- (a) be or remain incorporated in New South Wales;
- (b) apply its property and capacity solely in pursuit of music;

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- (c) do all that is reasonably necessary to enable the Objects (*Rule 1.5*) to be achieved;
- (d) act in good faith and loyalty to ensure the maintenance and enhancement of the **BAND**, its standards, quality and reputation for the benefit of the Members and the **BAND**;
- (e) at all times act in the interests of the Members and the **BAND**;
- (f) not resign, disaffiliate or otherwise seek to withdraw from the Band Association of NSW without approval by Special Resolution; and,
- (g) abide by the constitutions of the Band Association of NSW and the rules of the Band Association of NSW.

## Part 2 – Membership

### 2.1 Application for Membership

- 2.1.1 As a community based band, membership of the **BAND** is open to all members of the community.
- 2.1.2 An application for new membership to the **BAND** must be made by completing a **BAND** Membership Application Form and paying a membership fee (*Rule 6.3*) to the Secretary (*Rule 3.2.3*) or his/her delegate (*Rule 3.2.5 (a) (ii)*).
- 2.1.3 As soon as practicable after receiving an application for membership, the Secretary must:
  - (a) notify the applicant in writing (including by e-mail (*Rule 8.6*) or other electronic means, if the Committee so determines) that the Committee approved or rejected the application, whichever is applicable, and,
  - (b) if the Committee approves the application, the Secretary must, within seven (7) days, notify the applicant that membership has been approved.
- 2.1.4 The Committee may grant Temporary Membership (*Rule 2.2.2*) to a new applicant until their application is approved or rejected.
- 2.1.5 The Registrar must, upon payment by the applicant of the amounts referred to in *Rule 2.1.3(b)* within the period referred to in that Rule, enter or cause to be entered the applicant's name in the register of members and, on the name being so entered, the applicant becomes a member of the **BAND**.
- 2.1.6 All applicants shall enter the **BAND** on probation for a period not exceeding two (2) months. Applicants deemed unsuitable by the Committee during or at the end of this probation period, shall have their application revoked and have their membership fee refunded.

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- 2.1.7 New applicants and existing members may be required by the Committee to be compliant with NSW legislation relating to Working with Children (**Rules 2.3.2 & 8.2**).

## 2.2 Membership Classifications

- 2.2.1 With the exception of **Rules 2.2.2, 2.2.3 & 2.2.4**, all **Members** of the **BAND** must be financial members of the Band (**Rule 6.3.1**) and may be either a playing or non-playing person.
- 2.2.2 A **Temporary Member** shall be a person who;
- (a) has completed a membership form (**Form 12.1**) and been accepted by the Committee as a member, but not paid their fee in accordance with **Rule 6.3**, or,
  - (b) may be a guest player who is filling a casual playing member vacancy, and,
  - (c) will not be eligible to hold a Committee position and/or vote in accordance with **Rule 5.2.1**, and,
  - (d) may be eligible to hold an appointed position (**Part 4**).
- 2.2.3 A **Life Member (Rule 8.8.2 & By-Laws)** will be considered to be a financial member of the **BAND** in accordance with **Rule 6.3.1** and exempted from paying membership fees.
- 2.2.4 An **Honorary Member** may be a non-financial member appointed by the Committee for the purposes of temporarily assisting with **BAND** events and activities and,
- (a) will have membership for a fixed period determined by the Committee, and,
  - (b) will be covered by **BAND** insurances for the period of appointment (**Rule 6.9**), and,
  - (c) will not be eligible to hold a Committee position and/or vote in accordance with **Rule 5.2.1**, and,
  - (d) may be eligible to hold an appointed position (**Part 4**).
- 2.2.5 A **Social Member** shall be a non-playing person who has completed a membership form (**Form 12.1**), and,
- (a) has had their membership accepted by the Committee (**Rule 2.1.3**), and,
  - (b) paid a membership fee in accordance with **Rules 6.3.1 & 2.1.5**, and,
  - (c) will abide by the **BAND** Constitution, and,
  - (d) may be eligible to hold a Committee position, and,
  - (e) will be eligible to vote in accordance with **Rules 5.2.1**, and,
  - (f) may be eligible to hold an appointed position (**Part 4**).

## 2.3 Membership Obligations Requirements & Responsibilities

- 2.3.1 Nothing in this Constitution and the **BAND** By-Laws permits the **BAND** and its members to do anything, or omit to do anything that is not in accordance with the **BAND** Constitution, Australian law, regulation or policy.

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- 2.3.2 All Members and Musical Directors (**Rule 4.8.7**) must be aware of Working with Children requirements, and, if requested by the Committee, be Working with Children compliant (**Rule 8.2**).
- 2.3.3 No member(s) will bully and/or intimidate and/or harass and/or discriminate against another member(s) (**Rule 8.1**). Any instances must be reported immediately to a responsible person. Appropriate action must be taken in accordance with **Rules 2.8 & 2.9** relating to Dispute Resolution & Disciplining of Members.
- 2.3.4 No member will bring the **BAND** into disrepute by either their conduct and/or actions. Any instances must be reported immediately to a responsible person. Appropriate action must be taken in accordance with **Rules 2.8 & 2.9** relating to Dispute Resolution & Disciplining of Members.
- 2.3.5 No member will be under the influence of drugs and/or alcohol during **BAND** rehearsals, performances and functions to the extent that it affects their playing ability, **BAND** function/role and or conduct generally. Any instances must be reported immediately to a responsible person. Appropriate action must be taken in accordance with **Rules 2.8 & 2.9** relating to Dispute Resolution & Disciplining of Members (*also see Rule 8.10*).
- 2.3.6 Members shall be aware of, and be workplace health and safety compliant (**Rule 4.9**) whilst on **BAND** premises and/or performances, and shall keep the band hall clean and tidy.
- 2.3.7 Members must advise their relevant Musical Director of their inability to attend a performance or multiple rehearsals prior to a performance as soon as possible so that arrangements may be made for a substitute player (**Rule 2.2.2 (b)**).
- 2.3.8 Members requiring any leave of absence must notify their relevant Musical Director **and** the Committee in advance. The Secretary will note the request in the minutes of the next Committee meeting.
- 2.3.9 Members absenting themselves from two (2) consecutive practices and/or engagements, without satisfactory explanation, shall be brought to the attention of the Committee who may undertake an appropriate follow-up.
- 2.3.10 Members seeking a leave of absence that exceeds six (6) consecutive months must return all **BAND** property for the duration of the leave, unless otherwise authorised by the Committee.
- 2.3.11 this constitution, together with the By-Laws and Guidelines must be forwarded to all members in accordance with **Rule 8.6.1**.
- 2.3.12 A Member's non-compliance with the **BAND's** Constitution, By-Laws, Guidelines, authority levels and workplace health & safety requirements may affect that person(s) liability and insurance cover (**Rule 6.9**).

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- 2.3.13 Members acknowledge and agree that:
- (a) this Constitution constitutes a contract between each of them and the **BAND** and that they are bound by this Constitution By-Laws and Guidelines, and,
  - (b) they shall comply with, and observe, this Constitution, the By-Laws and Guidelines, and any determination, resolution or policy which may be made or passed by the Management Committee or other entity with delegated authority, and,
  - (c) by submitting to this Constitution, By-Laws and Guidelines they are subject to the jurisdiction of the **BAND**, and,
  - (d) the Constitution, By-Laws and Guidelines are necessary and reasonable for promoting the Objects (*Rule 1.4*) and particularly the advancement and protection of the **BAND**, and,
  - (e) they are entitled to all benefits, advantages, privileges and services of **BAND** membership.

## 2.4 Cessation of Membership

- 2.4.1 A person ceases to be a member of the **BAND** if the person;
- (a) dies, or,
  - (b) resigns their membership (*Rule 2.4.2*), or,
  - (c) is expelled from the **BAND** (Rules 2.8 & 2.9), or,
  - (d) fails to pay the annual membership fee under *Rule 6.3* within three (3) months after the date of the final reminder that the fee is due.
- 2.4.2 A Member of the **BAND** shall resign from membership of the **BAND** by giving written notice of the Member's intention to resign to the Secretary at least one (1) month (or such other period as the Committee may determine) prior to leaving the **BAND**. The Member will cease to be a member of the **BAND** at the expiration of the period of notice.
- 2.4.3 If a Member of the **BAND** ceases to be a Member under *Rule 2.4.1* and in every other case where a Member ceases to hold membership, the Registrar (*Rule 3.7*) will make an appropriate entry in the Register of Members (*Rule 2.6*) by recording the date on which the Member ceased to be a Member.
- 2.4.4 If a Member of the **BAND** ceases to be a Member under *Rule 2.4.1*, and in every other case where a Member ceases to hold membership, the Member;
- (a) will return their **BAND** issued instrument and/or uniform in a clean and serviceable condition, together with any other **BAND** property in their possession, at the end of the last rehearsal or performance which they attend.
  - (b) shall forfeit all rights in and claims upon the **BAND** and its property and shall not use any property of the **BAND** including Intellectual Property.

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- 2.4.5 The **BAND** may seek a recovery for the cost of repairs and/or replacement of any uniform, instruments and equipment not returned in a reasonable and serviceable condition which would enable the uniform and/or instrument and/or equipment to be immediately reissued to another member. (Also *Rules 7.3.3 & By-Law No.4, Clause 3.2*).
- 2.4.6 A Member whose membership has been discontinued under *Rule 2.4*;  
 (a) must seek renewal or re-apply for membership in accordance with this Constitution; and,  
 (b) may be re-admitted at the discretion of the Management Committee.
- 2.4.7 Membership which has been discontinued under *Rule 2.4* may be re-instated at the discretion of the Management Committee, with such conditions as it deems appropriate.
- 2.4.8 Membership fees or subscriptions paid by the discontinued Member may be refunded in part or in full at the discretion of the Management Committee.

## 2.5 Membership Entitlements not Transferrable

Any right, privilege or obligation which a person has by reason of being a Member of the **BAND**:

- (a) is not capable of being transferred or transmitted to another person, and,  
 (b) will terminate on cessation of the person's membership (*Rule 2.4.1*).

## 2.6 Register of Members

- 2.6.1 The Registrar (*Rule 3.7*) of the **BAND** must establish and maintain a Register of all Members (whether in written or electronic form) of the **BAND** specifying;  
 (a) the name, contact telephone number, e-mail, postal and residential addresses of each person who is a Member of the **BAND**, and,  
 (b) the date on which the person became a Member, and,  
 (c) the date that the Member ceased to be a Member, and,  
 (d) any additional information as determined by the Committee.
- 2.6.2 The Register of Members must be kept in New South Wales at the main premises of the **BAND** (*Rule 8.4*).
- 2.6.3 The Register of Members shall not be available for inspection by any unauthorised Member of the **BAND** (*Rule 8.4.4*).
- 2.6.4 If a Member requests that any information contained on the Register about the member not be available for inspection (other than the member's name), that information must not be made available for inspection.
- 2.6.5 No unauthorised Member of the **BAND** may obtain a copy of any part of the Membership Register.

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- 2.6.6 A Member must not use information about a person obtained from the Register to contact or send material to the person, other than for:
- (a) the purposes of sending the person a newsletter, and/or,
  - (b) a notice in respect of a meeting, and/ or,
  - (c) any event relating to the **BAND** or other material relating to the **BAND**, and/or,
  - (b) any other purpose necessary to comply with a requirement of any Act or Regulation.
- 2.6.7 If the Register of Members is kept in electronic form;
- (a) it must be convertible into hard copy, and,
  - (b) the requirements in **Rules 2.6.3, 2.6.4 & 2.6.5** apply as if a reference to the Register of Members is a reference to a current hard copy of the Register of Members.

## 2.7 Conflicts of Interest

- 2.7.1 The **BAND** and its members will conduct business without conflicts of interest in accordance with the **By-Laws**, and Section 31 of the Associations Incorporation Act, 2009.
- 2.7.2 Conflicts of interest must be an agenda item after attendances and apologies at all **BAND** meetings and dispute resolutions (**Rules 2.8 & 2.9**).
- 2.7.3 Use of **BAND** assets and equipment for personal by any Member (**Rule 2.2**) will be in accordance with **Rule 7.5.7** & the **By-Laws**.

## 2.8 Dispute Resolution & Disciplining of Members

- 2.8.1 A complaint may be made to the Committee by any person that a member of the **BAND**:
- (a) has refused or neglected to comply with a provision or provisions of this **Constitution**, and/or,
  - (b) has conducted themselves and/or wilfully acted in a manner prejudicial to the interests of the **BAND**.
- 2.8.2 The Committee may refuse to deal with a complaint if it considers the complaint to be trivial and/or vexatious in nature, or, if it is a Police or Statutory Authority matter.
- 2.8.3 If the Committee decides to deal with the complaint, the Committee must resolve the matter in accordance with the **BAND By-Laws**.

## 2.9 Right of Appeal of a Disciplined Member

- 2.9.1 A Member may appeal to the **BAND** against a resolution of the Committee.
- 2.9.2 An appeal under **Rule 2.9.1** must be resolved in accordance with the **BAND By-Laws**.

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## Part 3 – The Committee

### 3.1 Overview

- 3.1.1 Subject to the NSW Associations Incorporation Act, 2009, the NSW Associations Incorporation Regulation, 2010, and this Constitution and the By-Laws, and, to any resolution passed by the **BAND** in a general meeting (*Part 5*), the Committee:
- (a) will carry out their functions for the benefit of the **BAND**, as far as practicable, and with due care and diligence.
  - (b) is to control and manage the affairs of the **BAND**, and,
  - (c) must exercise all such functions as may be exercised by the **BAND**, other than those functions that are required by this Constitution to be exercised by a general meeting of members of the **BAND**, and,
  - (d) will have the power to perform all such acts and do all such things as appear to the Committee to be necessary or desirable for the proper management of the affairs of the **BAND**.
  - (e) must disclose all conflicts of interest (*Rule 2.7*).
  - (f) must not dishonestly use their position or information obtained as a Committee member.
  - (g) must not allow the **BAND** to trade whilst insolvent.
- 3.1.2 The Committee shall be elected at the Annual General Meeting (*Rule 5.6*) of the **BAND** and shall consist of;
- (a) the Office-Bearers of the **BAND**, and,
  - (b) at least six (6) Ordinary Committee Members.
- 3.1.3 The Office-Bearers of the **BAND** are;
- (a) the President (*Rule 3.2.1*),
  - (b) the Vice President (*Rule 3.2.2*),
  - (c) the Secretary (*Rule 3.2.3*), and,
  - (d) the Treasurer (*Rule 3.2.4*).
- 3.1.4 An Office Bearer (*Rule 3.1.3*) (with the exception of the President) may hold up to two (2) Executive Committee positions.
- 3.1.5 The maximum number of Committee members will be ten (10).
- 3.1.6 The primary role of the Executive Committee shall be people and asset management.

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- 3.1.7 The primary role of the Ordinary Committee shall be to assist individual band operation, management and the respective Musical Director.
- 3.1.8 Additional appointed positions (*Part 4*) may be created and dissolved as necessary to assist the Committee manage and run the **BAND**.
- 3.1.9 Each member of the Committee will hold office from the conclusion of the Annual General Meeting on the date of the member's election until the next Annual General Meeting when, subject to this Constitution, he/she is eligible for re-election.
- 3.1.10 There is no maximum number of terms for which an ordinary committee member may hold office.
- 3.1.11 All Committee business and decisions must be recorded unless there are exceptional circumstances for the Committee business and decisions not being minuted.
- 3.1.12 Committee decisions and committee meeting minutes must be communicated to the **BAND** unless there is likelihood of distress or harm to a member(s).
- 3.1.13 Any act or thing done or suffered, or purporting to have been done or suffered, by the Committee is valid and effectual despite any defect that may afterwards be discovered in the appointment or qualification of any member of the Committee.

### 3.2 Roles of the Committee

- 3.2.1 The President;
  - (a) is elected annually but can only hold this position for a maximum of three (3) years, and then must stand down for at least twelve (12) months, during which time he/she may be eligible to hold another position. This person may be eligible to re-nominate for president after the twelve (12) months stand down.
  - (b) will ensure that the requirements of this Constitution are complied with at all times.
  - (c) will act as the **BAND**'s Social & Welfare Officer (*Rule 4.11*) and be the responsible person for the **BAND**'s occupational health and safety (*Rule 4.9*).
  - (d) with the exception of *Rule 3.2.1(c)*, will not be eligible to hold any other position whilst President.
- 3.2.2 The Vice President;
  - (a) will perform the functions of the President when requested by the President (*Rule 3.2.1*) or in the President's absence, and,

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- (b) will be responsible for;
  - (i) the Asset Disposal Register (**Rule 7.6.4**), and,
  - (ii) insurance policies and claims (**Rules 4.6 & 6.9.1(a)**), and,
  - (iii) recovery of non-returned BAND instrument, uniforms and other returnable assets, and,
- (c) or his/her delegate will responsible for, and overseeing;
  - (i) repairs and maintenance to property and assets, and,
  - (ii) property/house management, and,
  - (iii) uniforms, instruments and other **BAND** assets.

3.2.3 The Secretary;

- (a) will, as soon as possible after being appointed as Secretary, lodge a notice of his/her address with the **BAND**.
- (b) will be responsible for:
  - (i) acting upon all incoming and outgoing correspondence, and,
  - (ii) allocating incoming jobs and performances to an appropriate band when there has not been a request for a specific band, and to ensure an equal distribution of jobs and performances, and,
  - (iii) contesting and contest entry forms.
- (c) will be the Registrar for the **BAND** (**Rule 3.7**).
- (d) will be responsible for keeping and maintaining;
  - (i) Committee Register (**Rule 3.4**).
  - (ii) Conflicts of Interest Register (**Rule 2.7**).
- (e) will keep minutes of;
  - (i) all appointments of office bearers and members of the Committee (**Rule 3.4.1**).
  - (ii) the names of Committee and Members present at a committee meeting or meeting generally.
- (f) will ensure that the minutes of proceedings at a meeting (**Rules 3.1.11 & 8.7.3**) are signed by the Chairperson of the meeting or the Chairperson of the next meeting.
- (g) must call any meetings of the Committee and/or **BAND** whenever he/she considers it necessary, after consultation with the Executive and/or Committee.

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3.2.4 The Treasurer;

- (a) will ensure;
  - (i) that all money due to the **BAND** is collected and received, and that all payments authorised by the **BAND** are made.
  - (ii) that correct books and accounts are kept showing the correct financial affairs of the **BAND**, including full details of all receipts and expenditure connected with the activities of the **BAND**.
- (b) must pay all routine accounts upon their being rendered, together with all other accounts authorised by the Committee.
- (c) must deposit all monies received in any account held by the **BAND** at any bank, building society, credit union or other financial institution that the Committee may nominate.
- (d) must keep accurate records of all financial transactions and present the books for inspection whenever required to do so by the Committee or appropriate authorities.
- (e) will have the books audited after the end of each **BAND** financial year (*Rule 6.2*) and prior to the Annual General Meeting (*Rule 5.6*).
- (f) will present a budget for the new **BAND** financial year at the Annual General Meeting (*Rule 5.6.10(d)*). The budget shall address;
  - (i) anticipated income.
  - (ii) repairs and maintenance on instruments, uniform and property.
  - (iii) replacement of instruments, uniforms and equipment, and,
  - (iv) honorariums (*Rule 4.8.6*).
  - (vi) operating costs (Water, gas, electricity, insurances and other consumables).
  - (vii) event management costings and costs.
- (g) will be the responsible person for the **BAND** through the Band Association of NSW for maintaining the Apro/Amcos “Association License for Community Bands” (*Rule 8.9.7*).

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### 3.2.5 Ordinary Committee Members

The Executive shall appoint;

- (a) four (4) Ordinary Committee members;
  - (i) to each manage a sub-band and act for that band as Band Sergeant (**Rule 4.3**) and Stage/Event Manager (**Rule 4.12**), and,
  - (ii) may be authorised to accept membership forms, and/or accept and receipt membership fees on behalf of the Committee (**Rule 2.1.2**).
- (b) one (1) Ordinary Committee person, under the direction of the Vice President (**Rule 3.2.2(c)**), to manage instruments (**Rule 4.5**) and uniforms (**Rule 4.13**).
- (c) one (1) Ordinary Committee person to act as Publicity Officer (**Rule 4.10**) for the **BAND**.

### 3.3 **Election of Committee Members**

- 3.3.1 The election of the Committee will take place at the Annual General Meeting (**Rule 5.6**).
- 3.3.2 Nominations of candidates for election as Office-Bearers (**Rules 3.1.2 & 3.1.3**) of the **BAND** and/or Ordinary Committee Members (**Rule 3.2.10**);
  - (a) must be made in writing, signed by 2 Members of the **BAND** and accompanied by the written consent of the candidate on the nomination form, and,
  - (b) must be delivered to the Secretary of the **BAND** at least seven (7) days before the date fixed for the holding of the Annual General Meeting at which the election is to take place.
- 3.3.3 A person nominated as a candidate for election as an Office-Bearer or as an Ordinary Committee Member of the **BAND** must be a financial (**Rule 6.3**) Member (**Rule 2.2**) of the **BAND** for a minimum continuous period of twelve (12) months prior to the nomination.
- 3.3.4 If the number of nominations received *exceeds* the number of vacancies to be filled, a secret ballot (**Rule 5.2.9**) must be held.
- 3.3.5 If the number of nominations received is *equal* to the number of vacancies to be filled, the persons nominated shall be elected unopposed.
- 3.3.6 If *insufficient nominations* are received to fill all vacancies on the Committee, the candidates nominated are taken to be elected and further nominations are to be received at the Annual General Meeting (**Rule 5.6**).
- 3.3.7 If *insufficient further nominations* are received, any vacant positions remaining on the Committee are taken to be casual vacancies (**Rule 3.8**).

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3.3.8 The ballot for the election of Office-Bearers and Ordinary Committee Members will be conducted at the Annual General Meeting (**Rule 5.6**) in such usual and proper manner as the Meeting Chairperson (**Rule 5.6.8 & Returning Officer, Rule 5.6.9**) may direct.

3.3.9 Voting must be in accordance with **Rule 5.2**.

### **3.4 Register of Committee Members**

3.4.1 The **BAND** must keep a Register of Committee Members in accordance with Section 29 of the Associations Incorporation Act, 2009.

3.4.2 The Secretary will be responsible for the custody of, and maintaining the Register of Committee Members (**Rules 3.2.3(d)(i) & 8.4.4(b)**).

3.4.3 An up to date list of Committee Members and Appointed Positions (**Part 4**) must be displayed in the Band Hall at all times.

### **3.5 The Public Officer**

3.5.1 The **BAND** Committee must appoint a Public Officer in accordance with Section 34 of the Associations Incorporation Act, 2009.

3.5.2 The position of Public Officer may, but need not be, held by a Committee Member.

3.5.3 The person holding the position of Public Officer shall be appointed at either the Annual General Meeting (**Rule 5.6.7(f)**) or a Special General Meeting called for that purpose (**Rule 5.7**). The outgoing Public Officer may be eligible for re-appointment.

3.5.4 The Public Officer is empowered with the **BAND**'s express or implied authority to make, vary, ratify or discharge a contract approved by the Committee.

3.5.5 The Public Officer's acts are valid despite any defect in his/her appointment.

3.5.6 **Rule 3.5.4** shall not affect the operation of a law that requires a particular procedure to be complied with in relation to the contract.

3.5.7 Removal of the Public Officer must be in accordance with legislation and Department of Fair Trading requirements.

3.5.8 Changes to and/or vacation of office of Public Officer, together with notifications to the Secretary, will be in accordance with the provisions of the Associations Incorporation Act, 2009.

### **3.6 Authorised Signatories**

3.6.1 The **BAND**'s Public Officer (**Rule 3.5**) will be, by virtue of that office, the **BAND**'s primary Authorised Signatory, but is not automatically a signatory to the **BAND**'s bank account.

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- 3.6.2 The **BAND**'s Committee may appoint additional Authorised Signatories as required from among such of its Members as are ordinarily resident in Australia, and may at any time revoke any such appointment.
- 3.6.3 An additional Authorised Signatory of the **BAND**, in addition to the Public Officer, may have the legal power to sign an official document and/or commit to binding agreements on behalf of the **BAND**.
- 3.6.4 The **BAND** will, including the Public Officer, have a minimum of three (3) and maximum of four (4) Authorised Signatories.
- 3.6.5 All official documents and/or commitments to binding agreements on behalf of the **BAND** will require notation by a minimum of two (2) Authorised Signatories with the exception of normal outgoing correspondence (**Rules 8.6 & 8.7.3**) which may only require a signature by the Secretary or his/her delegate.
- 3.6.6 A person (other than the **BAND**'s Public Officer) vacates office as a **BAND**'s Authorised Signatory if:
- his or her appointment as an authorised signatory is revoked, or,
  - he or she ceases to be a Committee member, or,
  - he or she ceases to be ordinarily resident in Australia.

### 3.7 Registrar

The Registrar (**Rule 3.2.3(b)**) will be responsible for:

- new membership registrations.
- maintaining the Membership Register (**Rule 2.6**).
- NSW Band Association Registrations (**Rule 8.9**).

### 3.8 Casual Vacancies

- 3.8.1 A casual vacancy occurs on a committee if a Committee member:
- dies, or,
  - ceases to be a member of the **BAND**, or,
  - becomes an insolvent under administration within the meaning of the Corporations Act 2001 of the Commonwealth, or,
  - resigns office by notice in writing given to the Secretary, or,
  - is removed from office under **Rule 3.10**, or,
  - becomes a mentally incapacitated person, or,
  - is absent without the consent of the Committee from three (3) consecutive meetings of the Committee, or,
  - is convicted of an offence involving fraud or dishonesty for which the maximum penalty on conviction is imprisonment for not less than three (3) months, or,
  - is prohibited from being a director of a company under Part 2D.6 (disqualification from managing corporations) of the Corporations Act 2001 of the Commonwealth.
- 3.8.2 In the event of a casual vacancy occurring in the membership of the committee, the Committee may appoint a Member of the **BAND** to fill the vacancy until the next Annual General Meeting.

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- 3.8.3 The Member appointed under **Rule 3.7.2** will hold office, subject to this Constitution, until the conclusion of the next Annual General Meeting following the date of the appointment.

### **3.9 Delegation by Committee to Sub-Committee and/or Appointed Person**

- 3.9.1 The Committee may delegate to one or more sub-committees and/or Appointed Person (consisting of such member or members of the **BAND** as the Committee thinks fit) the exercise of such of the functions of the Committee and/or **BAND** as are specified in writing, other than:
- (a) functions contained in this Constitution, and,
  - (b) any function which is a duty imposed on the Committee by the Associations Incorporation Act, 2009, and/or by any other law.
- 3.9.2 The Committee may delegate an Appointed Person (**Part 4**) to undertake a specialist role to assist the Committee manage the **BAND**.
- 3.9.3 A person fulfilling the role of an appointed/operational position may be a current **BAND** Member (**Rule 2.2**) and may be required to be “Working with Children” compliant (**Rules 2.3.2 & 8.2**) where applicable.
- 3.9.4 A delegation under **Rules 3.9.1 & Part 4** must be provided with details of the terms and conditions, position requirements and authority levels of their appointment in writing at least seven (7) days before they assume their appointed role, and provided with sufficient support and resources to undertake that role.
- 3.9.5 Any act or thing done and/or suffered by a Sub-Committee and/or Appointed Person (**Part 4**) acting in the exercise of a delegation under **Rule 3.9** will have the same force and effect as it would have if it had been done and/or suffered by the Committee.
- 3.9.6 Any act or thing done or suffered, or purporting to have been done or suffered, by a Sub-Committee appointed by the Committee, is valid and effectual despite any defect that may afterwards be discovered in the appointment or qualification of any member of the Committee or Sub-Committee.
- 3.9.7 A sub-committee may meet and adjourn as it thinks proper.
- 3.9.8 An Appointed Person (**Part 4**), sub-committee or any other delegation shall report to, and attend Committee meetings as required.
- 3.9.9 The Committee shall, from time to time, review the performance and duties of a delegation and/or Appointed Position.
- 3.9.10 The Committee may, by instrument in writing, revoke wholly or in part any delegation under **Rule 3.9**.
- 3.9.11 Any appointment and/or delegation revoked under **Rule 3.9.10** shall have a right of appeal in accordance with **Rule 2.10**.

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### 3.10 Removal of Committee Members

3.10.1 The **BAND** in a general meeting (*Rule 5.7*);

- (a) may by resolution remove any member of the Committee from their Committee position before the expiration of the member's term of office, and,
- (b) may by resolution, appoint another person to hold office until the expiration of the term of office of the member so removed.

3.10.2 If a member of the committee to whom a proposed resolution referred to in *Rule 3.10.1* makes representations in writing to the Secretary or President (not exceeding a reasonable length) and requests that the representations be notified to the members of the **BAND**, the Secretary may send a copy of the representations to each member of the **BAND** or, if the representations are not so sent, the member is entitled to require that the representations be read out at the meeting at which the resolution is considered.

## Part 4 – Appointed & Operational Positions

### 4.1 Overview

- 4.1.1 The **BAND** has a number of positions which are necessary to assist with the management and running of the Band.
- 4.1.2 In accordance with *Rule 3.9*, the Committee may appoint and terminate as required, suitable people for these positions.
- 4.1.3 Any **BAND** member (*Rule 2.2*) may hold more than one ordinary Committee and/or appointed/operational position.
- 4.1.4 The Appointed and Operational positions may require special qualifications and/or experience.
- 4.1.5 With the exception of Musical Directors (*By-Law No.1, Clause 2.7*), any person(s) holding an appointed position shall not have voting rights at an ordinary Committee meeting.
- 4.1.6 The terms and conditions of **BAND** Appointed and Operational positions are detailed the **BAND By-Laws**.

### 4.2 Appointed & Operational Positions

Appointed and Operational positions required for the **BAND** to function include;

- (a) Assistant Musical Director.
- (b) Band Sergeant
- (c) Drum Major
- (d) Instrument Officer
- (e) Insurance Officer
- (f) Librarian
- (g) Musical Director
- (h) Workplace Health & Safety
- (i) Publicity & Fundraising Officer

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- (j) Social & Welfare Officer
- (k) Event & Stage Manager
- (l) Uniform Officer
- (m) Electronic Systems Administrator
- (n) Child Protection Coordinator

## Part 5 – Meetings

### 5.1 Meetings Generally

- 5.1.1 All **BAND** meetings shall be held at on a date and at a time and place determined by the Committee.
- 5.1.2 Any person may attend a meeting.
- 5.1.3 All attendees at a meeting must sign the meeting attendance register in a legible manner.
- 5.1.4 All Committee Members must declare their new and changes to their declared conflicts of interests at all meetings.
- 5.1.5 All Members must declare their conflicts of interest at the Annual General Meeting (**Rule 5.6**) and any Special General Meeting (**Rule 5.7**).
- 5.1.6 If a Member has a conflict of interest (**Rule 2.7**), that member;
  - (a) must abstain from entering into and/or influencing the discussion on matters pertaining to the topic in conflict, and,
  - (b) must abstain from voting on matters concerning the topic of conflict, and,
  - (c) may be asked by the Chairperson to leave the room while discussion and/or voting takes place.
- 5.1.7 The Chairperson of any meeting (with the exception of a sub-committee);
  - (a) shall be the President or, in the President's absence (**Rule 3.2.2(a)**), the Vice-President, or,
  - (b) if the President and the Vice-President are absent, unwilling to act and/or there is a conflict of interest (**Rule 2.7**), one of the remaining members of the Committee may be chosen to preside by the members present at the meeting.
- 5.1.8 No item of business shall be transacted at any meeting unless a quorum of members, entitled to vote under this Constitution, is present during the time the meeting is considering that item.
- 5.1.9 No business other than that business, except business which the Committee unanimously agrees to treat as urgent business, is to be transacted at any adjourned meeting convened in accordance with this Constitution.
- 5.1.10 The business and decisions of **all** meetings must be recorded unless there are exceptional circumstances for the reasons not being minuted.

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- 5.1.11 Unless there is likelihood of distress or harm to a member(s), the minutes of all meetings and Committee decisions must be available to the **BAND** (*Rules 8.6 & 8.7*), with the exception of Executive Committee meeting minutes which must be communicated to the Committee, and may be made available to the **BAND**.
- 5.1.12 Any eligible Member (*Rules 2.2.2; 2.2.3 & 2.2.5*) shall be entitled to address a meeting for a continuous period not exceeding ten (10) minutes.
- 5.1.13 The Chairperson may grant dispensation for a non-member to address a meeting.
- 5.1.14 A person shall be entitled to a continuous right of reply not exceeding five (5) minutes.
- 5.1.15 No person may speak on any question more than once without the permission of the Chairperson (*Rule 5.4*), except in explanation or when requested.
- 5.1.16 Any person not complying with *Rules 5.1.6, 5.1.8, 5.1.9 & 5.1.10* may be expelled from a meeting.
- 5.1.17 The Chairperson may ask any disruptive person to leave the room for the duration of the meeting. This action may invoke a Dispute Resolution process in accordance with *Rules 2.8 & 2.9*.
- 5.1.18 Any meeting convened in accordance with a Dispute Resolution process under *Rules 2.8 & 2.9* must be a closed meeting, with attendees by invitation of the Chairperson of that meeting.

## 5.2 Voting generally

- 5.2.1 At the Annual General Meeting (*Rule 5.6*) and all Special General Meetings (*Rule 5.7*), all financial members (*Rules 2.4.1(d) & 6.3*) of the **BAND** aged sixteen (16) years or over at the date of the meeting, who have been a member of the **BAND** for a minimum of two (2) months (*Rule 2.1.6*) and not on probation, will be eligible to vote and move motions with the exception of;
  - (a) Temporary Members (*Rule 2.2.2*), and/or,
  - (b) Honorary Members (*Rule 2.2.4*), and/or,
  - (c) suspended Members during the period of their suspension.
- 5.2.2 With the exception of *Rule 5.2.3*, only Committee Members shall be entitled to vote at a Committee Meeting.
- 5.2.3 A Musical Director shall have a vote equivalent to an Ordinary Committee Member at any **BAND** meeting that they attend.
- 5.2.4 Each Member present at a meeting, including the Chairperson of the meeting, is entitled to one vote.
- 5.2.5 Questions arising at a meeting will be determined by a majority of the votes of Members present at the meeting.

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- 5.2.6 In the event of an equality of votes on any question at any meeting, the meeting Chairperson may exercise a second or casting vote.
- 5.2.7 A question arising at any meeting of the **BAND**, including the election of officers at the Annual General Meeting (**Rule 5.6**), is to be determined by either:
- (a) a show of hands, or,
  - (b) a written ballot on the motion of the Chairperson, or if five (5) or more members present at the meeting decide that the question should be determined by a written ballot,.
- 5.2.8 If the question is to be determined by a show of hands;
- (a) the Chairperson shall declare that a resolution has, on a show of hands, been carried or carried unanimously, or carried by a particular majority, or lost, and,
  - (b) an entry to that effect must be recorded in the minute book of the **BAND** and the minuted record will be evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.
- 5.2.9 If the question is to be determined by a written ballot;
- (a) the ballot must be conducted in accordance with the directions of the Chairperson, and,
  - (b) the outcome of the ballot must be recorded in the minutes of the meeting, and,
  - (c) the ballot papers must be destroyed at the conclusion of the meeting.
- 5.2.10 There is no provision for **proxy voting** at any meeting due to the size of the **BAND** membership and non-financial nature of the **BAND**.
- 5.2.11 There is no provision for **pre-poll voting** via a written secret ballot if a member is unable to attend a Special Meeting due to a reasonable excuse.
- 5.2.12 There is no provision for **postal voting** at any meeting due to the size of the **BAND** membership and non-financial nature of the **BAND**.
- 5.2.13 There is no provision for **electronic voting** at any meeting due to the size of the **BAND** membership and non-financial nature of the **BAND**.

### 5.3 Meeting Adjournment Generally

- 5.3.1 Executive & Committee Meetings
- (a) If within half an hour of the appointed time for the meeting, a quorum is not present, the meeting is to stand adjourned to the same place and time on the same day of the following week.
  - (b) If a quorum is not present at the adjourned meeting within half an hour of the appointed time for the meeting, the meeting is to be dissolved.

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### 5.3.2 General Band Meetings

- (a) If a quorum is not present within half an hour after the appointed commencement time for an Annual General Meeting (**Rule 5.6**) and/or a General (Special) Meeting (**Rule 5.7**), the meeting;
  - (i) if convened on the requisition of members shall be dissolved, and,
  - (ii) in any other case, shall stand adjourned to the same day in the following week at the same time and venue (unless another venue is specified at the time of the adjournment by the Chairperson of the meeting, or communicated by written notice to members at least one (1) day before the adjourned meeting).
- (b) No business other than that business is to be transacted at the meeting convened in accordance with **Rule 5.3.2(a)(ii)** except business which the Committee members unanimously agree to treat as urgent business.
- (c) If a quorum is not present within half an hour after the commencement time of the adjourned meeting (**Rule 5.3.2(a)(ii)**);
  - (i) the members present, being at least ten (10), shall constitute a quorum, or,
  - (ii) the meeting is to be dissolved if there are insufficient members present to constitute a quorum.

### 5.4. Committee Meetings

- 5.4.1 The Committee shall meet to control and conduct the affairs of the **BAND** at least once per month between the months of February and December inclusive at such place and time as the Committee may determine.
- 5.4.2 The Secretary must give at least forty eight (48) hours' notice (or such other period as may be unanimously agreed on by the members of the Committee) of a Committee Meeting to each member of the Committee before the time appointed for the holding of the meeting.
- 5.4.3 A Notice of a meeting must be communicated in accordance with **Rule 8.6**.
- 5.4.4 A Notice of a committee meeting given under **Rule 5.4.2** must specify the general nature of the business to be transacted at the meeting.
- 5.4.5 No business other than that business (**Rule 5.4.4**) is to be transacted at the meeting except business, which the Committee members present at the meeting, unanimously agree to treat as urgent business.
- 5.4.7 A minimum quorum for a Committee Meeting will be two (2) Executive Committee members including either the President or Vice President, unless **Rule 5.1.7** applies when an another Executive member shall chair the meeting, and three (3) Ordinary Committee members.

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- 5.4.8 Additional meetings of the Committee may be convened by the President or by any member of the Executive Committee at which at least one (1) Executive Committee and any three (3) ordinary Committee members shall constitute a quorum for the transaction of the business of that meeting of the Committee.
- 5.4.9 Adjournment of a meeting due to insufficient quorum shall be in accordance with **Rule 5.3.1**.
- 5.4.10 The Committee may act despite any vacancy on the Committee, subject to **Rule 3.7**.

## 5.5 Executive Committee Meetings

- 5.5.1 The Executive Committee shall meet to control and conduct the affairs of the **BAND** at least four (4) times per calendar year between the months of February and December inclusive.
- 5.5.2 The Secretary must give at least forty eight (48) hours' notice (or such other period as may be unanimously agreed on by the members of the Executive Committee) of an Executive Committee Meeting to each member of the Executive Committee before the time appointed for the holding of the meeting
- 5.8.3 A notice of a meeting must be communicated in accordance with **Rule 8.6**.
- 5.5.4 The Quorum for an Executive Committee Meeting will be any three (3) Executive Committee members.
- 5.5.5 Adjournment of a meeting due to insufficient quorum shall be in accordance with **Rule 5.3.1**.

## 5.6 Annual General Meeting

- 5.6.1 The **BAND** must hold its Annual General Meeting;
- (a) as close as practical to the end of April each year, or,
  - (b) within six (6) months after the close of the **BAND**'s financial year (**Rule 6.2**), or,
  - (c) within any later time that may be allowed or prescribed under Section 37 (2) (b) of the Associations Incorporation Act, 2009.
- 5.6.2 The Secretary must give a minimum of thirty (30) days' notice specifying the date of the Annual General Meeting to all **BAND** members.
- 5.6.3 Notice of the Annual General Meeting must be communicated in accordance with **Rule 8.6**.
- 5.6.4 The Quorum for an Annual General Meeting shall be fifty-five percent (55%) of **BAND** members eligible to vote.

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- 5.6.5 Adjournment of a meeting due to insufficient quorum shall be in accordance with **Rule 5.3.2**.
- 5.6.6 The Quorum for an adjourned Annual General Meeting shall be forty percent (40%) of **BAND** members eligible to vote.
- 5.6.7 The business of the Annual General Meeting must include;
- (a) The Conflicts of Interest Register (**Rule 2.7**), and,
  - (b) The minutes of the last preceding Annual General Meeting and of any Special General Meeting held since that meeting, and,
  - (c) Committee reports on the activities of the **BAND** during the last financial year, and,
  - (d) Any financial statement, report and/or budget (**Rule 3.2.9(f)**) required to be submitted to members by this Constitution, and under the Associations Incorporation Act, 2009, and,
  - (e) An election of Office-Bearers (**Rules 3.2.1(a) & 3.2.3**) of the **BAND** and Ordinary Committee Members (**Rule 3.2.1(b)**), and,
  - (f) The appointment of the Public Officer (**Rule 3.5**) for the **BAND**, and,
  - (g) An election of the **BAND**'s Band Association of NSW delegates (**Rule 8.9**).
- 5.6.8 The retiring President shall appoint any eligible member (**Rule 2.2**) as the Chairperson and Returning Officer for the election of officers at the Annual General Meeting.
- 5.6.9 The meeting Chairperson for the election of officers shall;
- (a) not be a member who is being elected, and,
  - (b) conduct the ballots for the election of officers and determine and confirm all results, and,
  - (c) not be eligible to vote at the election of officers, and,
  - (d) hand over the conduct of the Annual General Meeting to the new Committee at the conclusion of elections, and,
  - (e) destroy all ballot papers arising from the election of officers.
- 5.6.10 Voting for the Band Association of NSW delegates, together with the election of officers under **Rule 3.3** and all other voting at the Annual General Meeting shall be in accordance with **Rule 5.2**.
- 5.6.11 New officers and committee persons will take up office as soon as possible and within one (1) month after the election.

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## 5.7 Special General Meetings

- 5.7.1 The Committee may, whenever it thinks fit, convene a Special General Meeting of the **BAND**.
- 5.7.2 The Committee must, on the requisition in writing of at least 5% of the total number of Members, convene a Special General Meeting of the **BAND**.
- 5.7.3 A request of Members for a Special General Meeting:
- (a) must state the purpose or purposes of the meeting, and,
  - (b) must be signed by the members making the request, and,
  - (c) must be lodged with the Secretary, and,
  - (d) may consist of several documents in a similar form, each signed by one or more of the members making the request.
- 5.7.4 For the purposes of *Rule 5.7.3*;
- (a) a requisition may be made in electronic form, and,
  - (b) a signature may be transmitted, and a requisition may be lodged, by electronic means (*Rule 8.7*).
- 5.7.5 A notice of a Special General Meeting must be communicated in accordance with *Rule 8.6* and specify the nature of the meeting.
- 5.7.6 If the Committee fails to convene a Special General Meeting thirty (30) days after the date on which a request for the meeting is lodged with the Secretary, any one or more of the members who made the request may convene a Special General Meeting which shall be held not later than three (3) months after the date of lodgement of the initial request.
- 5.7.7 Any Special General Meeting convened by a Member or Members, under *Rule 5.7.2*, is to be convened and conducted by the Committee in the same manner and as nearly as is practicable to the way a general meetings is convened.
- 5.7.8 The Quorum for a Special General Meeting shall be fifty-five percent (55%) of **BAND** members eligible to vote.
- 5.7.9 Voting at a Special General Meeting shall be in accordance with *Rule 5.2* and require the approval of a minimum of sixty percent (60%) of **BAND** members eligible to vote present at the meeting.
- 5.7.10 Adjournment of a meeting due to insufficient quorum shall be in accordance with *Rule 5.3.2*.
- 5.7.11 The quorum for an adjourned Special General Meeting shall be fifty-five percent (55%) of eligible **BAND** members present at the meeting.
- 5.7.12 Voting at an adjourned Special General Meeting shall be in accordance with *Rule 5.2* and require the approval of a minimum of fifty-one percent (51%) of eligible **BAND** members present at the meeting.

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## Part 6 – Finance & Insurance

### 6.1 Pecuniary Gains

- 6.1.1 Subject to the Associations Incorporation Act and the Associations Incorporation Regulation, the **BAND** must apply its funds and assets solely in pursuance of the objects of the **BAND** and must not conduct its affairs so as to provide a pecuniary gain for any of its members with the exception of a Musical Director's honorarium (*Rule 4.8.5*). Also see *Rule 9.4*.
- 6.1.2 A Member may be reimbursed for undertaking authorised expenditure on behalf of the **BAND**.

### 6.2 Band Financial Year

The financial year of the **BAND** shall commence on the first day of January in each year and end on the last day of December of that year.

### 6.3 Fees and subscriptions

- 6.3.1 All **BAND** members, with the exception of Honorary (*Rule 2.2.4*) and Life Members (*Rules 2.2.3 & 8.2.2*), shall pay the **BAND** the applicable membership fee which is determined by the Committee.
- 6.3.2 Fee rates determined by the Committee shall be for:
- (a) junior membership,
  - (b) senior membership,
  - (c) social membership,
  - (d) family membership (which must have a breakdown of junior, senior and/or social family members),
  - (e) special membership fee packages for new learners (who will be a member in accordance with either *Rules 6.3.2 (a) or (b)* depending upon the age of the applicant).
- 6.3.3 Membership fees determined by the Committee in accordance with *Rule 6.3.2* will become enforceable only after ratification by the **BAND**, at the **BAND**'s Annual General Meeting (*Rule 5.6*), or by way of a special meeting (*Rule 5.7*) called for that purpose.
- 6.3.4 A member may be exempted from paying membership fees if he/she lives outside the area boundary of Berry, Robertson, Picton, Campbelltown, Holsworthy, Padstow and Sutherland.
- 6.3.5 Members fees will be payable;
- (a) for the next **BAND** financial year by the end of the current Band financial year (*Rule 6.2*), or,
  - (b) in accordance with Rule 2.1.3(b) and may be on a pro-rata basis if the member becomes a member on or after 1 March in any calendar year.
  - (c) with the exception of membership packages which may be offered from time-to-time, may for the following calendar year only if a member becomes a member on or after 1 November.

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#### 6.4 Cash Reserves and Investments

- 6.4.1 The **BAND** shall retain cash reserves to enable it to operate for at least three (3) years in the event that there is a worst case scenario where the **BAND** does not receive any income from any sources.
- 6.4.2 This reserve shall be separate to the **BAND**'s operating account and have a safe interest return on investment.

#### 6.5 Funds – Source

- 6.5.1 The funds of the **BAND** shall be derived from annual fees and subscriptions of members (*Rule 6.3.2*), donations and, subject to any resolution passed by the **BAND** in a general meeting, any other sources determined by the Committee.
- 6.5.2 All money received by the **BAND** must be deposited as soon as practicable (*Rule 3.2.4(c)*), and without deduction, to the credit of the **BAND**'s bank or other authorised deposit-taking institution account.
- 6.5.3 The **BAND** will, as soon as practicable after receiving any money, issue an appropriate receipt.

#### 6.6 Funds – Management

- 6.6.1 Subject to any resolution passed by the **BAND** in a general meeting (*Rule 5.7*), the funds of the **BAND** are to be used in pursuance of the objects of the **BAND** in such manner as the Committee determines.
- 6.6.2 All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by any two (2) authorised signatories (*Rule 3.6*).
- 6.6.3 Authorised signatories must not sign or authorise any payment to themselves and/or a relative for any reason.

#### 6.7 Member's Liabilities, Fines & Legal Fees

- 6.7.1 The **BAND**'s members liability to contribute towards the payment of the debts and liabilities of the **BAND**, or the costs, charges and expenses, including the winding up of the **BAND** (*Part 9*) is limited to the amount, if any, unpaid by the member in respect of membership of the **BAND** as required by *Rule 6.3*, including outstanding membership fees (*Rules 2.2.4 & 6.3.1*) outstanding costs for the borrowing, repair and/or replacement of uniforms, instruments and other **BAND** assets (*Rules 7.4.2, 7.5.7 & 7.5.10*).
- 6.7.2 The **BAND** will not be responsible for and/or contribute towards any penalties, fines and/or legal costs and disbursements incurred by an individual or individuals as a result of their conduct generally, their duties and/or their conduct whilst undertaking their duties.
- 6.7.3 There will be no personal liability for a Committee member (or a person acting under the direction of a Committee member) who has acted in good faith whilst undertaking the Committee member's function under this Constitution and/or the Associations Incorporation Act, 2009. This also covers any omissions that were made in good faith.

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## 6.8 Financial Records

- 6.8.1 The financial records of the **BAND** must be kept for a minimum of five (5) years.
- 6.8.2 Storage of the **BAND**'s financial records will be in accordance with **Rule 8.4**.
- 6.8.3 Inspection of the **BAND**'s financial records will be in accordance with **Rule 8.5**.

## 6.9 Insurance

- 6.9.1 The Treasurer (**Rule 3.2.4 (a)(ii)**) will be the Insurance Officer (**Rule 6.9.1(a)**) for the **BAND**.
- 6.9.2 The **BAND** must have current Public Liability insurance.
- 6.9.3 The Band should have building and contents insurance which covers the replacement costs of the **BAND** buildings and contents.
- 6.9.4 The **BAND** should have insurance coverage for Member's (**Rule 2.2**) instruments used during **BAND** activities, and travelling to and from those activities, for loss and/or damage not caused by negligence and/or misconduct.
- 6.9.5 **BAND** Members attending **BAND** activities and travelling to and from those activities may not be covered by the **BAND**'s Public Liability insurance.

## 6.10 Auditor

- 6.10.1 An auditor shall be appointed by the **BAND** at the Annual General Meeting.
- 6.10.2 The auditor's duties shall be regulated and if no relevant provisions exist, the duties shall be regulated in accordance with the Corporations Act 2009 and generally accepted principles and/or any applicable code of conduct.
- 6.10.3 The auditor may be removed by the **BAND** at a General Meeting.
- 6.10.4 Where an auditor cannot be appointed at the Annual General Meeting the Committee shall be empowered to appoint an Auditor. Any such appointment shall be for the period up until the next Annual General Meeting.
- 6.10.5 The accounts of the **BAND** shall be examined and the correctness of the profit and loss accounts and balance sheets ascertained by an auditor or auditors at the conclusion of each financial year.
- 6.10.6 Any person being nominated or to be appointed as Auditor is to be an Accountant recognised by the appropriate Accounting regulatory body or a person qualified in business practice and is not to be a member of the Committee.

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## Part 7– Instruments, Uniform & Assets

### 7.1 Ownership

- 7.1.1 The ownership of the whole of the instruments, music, music stands and all other property and buildings belong to the (Brass) **BAND** at No 3 Ellen Street, Wollongong, and shall be vested in the hands of the Committee.
- 7.1.2 The official **BAND** uniform is detailed in the *By-Laws*.
- 7.1.3 Each member on receiving any **BAND** property shall sign a receipt book and will be held responsible for the property value when issued or cost of equivalent repairs, in the event of their being abused or neglected. (Also, *Constitution Rules 2.4.4, 2.4.5, 7.3.3 & By-Laws*).

### 7.2 Limits to Issued Instruments, Uniforms & Assets

- 7.2.1 No member of the **BAND** will have control of any **BAND** property beyond what his/her vote entitles him/her to.
- 7.2.2 The issuing of **BAND** instruments, uniforms and other **BAND** assets is detailed in the *BAND By-Laws*.

### 7.3 Disposal of instruments, Uniforms & Assets

- 7.3.1 Disposal of any assets of the **BAND** valued at \$1,000.00 or higher will require a Special Resolution (*Rules 5.7 & 10.4.1*).
- 7.3.2 No **BAND** asset and/or property must be gifted (*Rules 6.1 & 9.4*).
- 7.3.3 The **BAND** may recover from an individual and/or individuals, the value of any asset inappropriately disposed in accordance with *Rules 7.3.1 & 7.3.2*.
- 7.3.4 Details relating to the disposal assets must be recorded in the **BAND** Asset Register (*Rule 3.2.2(b)(i)*).

## Part 8 – Miscellaneous

### 8.1 Bullying, discrimination and harassment

All instances of bullying and/or discrimination and/or harassment must immediately be reported to a Committee member and/or Musical Director who must immediately inform the President who must deal with the complaint under the dispute resolution process (*Rules 2.8; 2.9.1 & the By-Laws*).

### 8.2 Working with Children

- 8.2.1 The **BAND** must have a strong interest in keeping children safe in its environments. Good child safe policies and practices are the best way to reduce potential environmental risks and keep children safer in those environments.
- 8.2.2 The **BAND** will comply with the requirements of the NSW Government Office of the Children's Guardian and relevant State and Federal legislation relating to working with children.

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- 8.2.3 The Committee must appoint a suitably qualified and/or experienced person in accordance with **Rule 4.15** as the BAND's Child Protection Coordinator.
- 8.2.4 The Child Protection Coordinator;
- (a) will be the contact and responsible person for **all matters** within the **BAND** relating to Working with Children, and,
  - (b) must establish and maintain a Child Protection Register, and,
  - (c) will ensure that all applicable Members and Appointed Positions undertake a 'Working with Children' check through the Office of the Children's Guardian, and,
  - (d) will ensure that all applicable Members and Appointed Positions maintain a current clearance from the Office of the Children's Guardian.
- 8.2.5 The Committee must be informed of any person not complying with **Rule 8.2**, and the Committee must suspend the person for the duration of non-compliance or terminate the membership, whichever is appropriate.
- 8.2.6 The Child Protection Register must be kept in New South Wales at the main premises of the **BAND** (**Rules 8.4.3(d) & 8.4.4(e)**).

### 8.3 No Smoking Policy

- 8.3.1 There must be no smoking on **BAND** premises at any time.
- 8.3.2 Band members attending rehearsals and performances at any venue must not smoke;
- (a) tobacco products and/or,
  - (b) other substances and/or,
  - (c) e-cigarettes,

### 8.4 Custody & Storage of Registers & Records, etc.

- 8.4.1 All **BAND** records must be kept at the main premises of the **BAND**.
- 8.4.2 Except as otherwise provided by this Constitution, the Public Officer (**Rule 3.5**) must keep in his or her custody, and/or, under his or her control;
- (a) all records, registers, books and other documents relating to the **BAND**, and,
  - (b) all accounts, correspondence, minutes, electronic data (**Rule 8.7**), and,
  - (c) all records relating to dispute resolution (**Rules 2.8 & 2.9**), and,
  - (d) all records relating to Working with Children (**Rule 8.2**).
- 8.4.3 With the exception of membership records which must be kept for a minimum of five (5) years after a member ceases to be a member (**Rule 2.4**), all records of the **BAND** must be kept for a minimum of five (5) years.
- 8.4.4 Records which must have secure and restricted access include:
- (a) membership personal details, and,
  - (b) the Register of Committee Members (**Rule 3.4**), and,

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- (c) any member's records and photographs which are not to be disclosed for legal reasons, and,
- (d) all records relating to dispute resolution (*Rules 2.8 & 2.9*), and,
- (e) all records relating to Working with Children (*Rule 8.2*).

## 8.5 Inspection of Registers & Records, etc.

- 8.5.1 The following documents must be open to inspection, free of charge, by a member of the **BAND** at any reasonable hour:
- (a) all records, books and other financial documents of the **BAND** not subject to *Rule 8.4.4*, and,
  - (b) this Constitution, and,
  - (c) minutes of all committee meetings, special and general meetings of the **BAND**.
- 8.5.2 A member of the **BAND** may obtain a copy of any of the documents referred to in *Rules 2.6.4 & 8.4* which are not excluded by *Rule 8.8.4* upon payment of a fee of not more than \$1 for each page copied.
- 8.5.3 Despite *Rules 8.5.1 and 8.5.2*, the Committee may refuse to permit a member of the **BAND** to inspect or obtain a copy of records of the **BAND** that relate to confidential, personal, employment, commercial or legal matters or where to do so may be prejudicial to the interests of the **BAND**.

## 8.6 Correspondence, Communications and Service of Notices

- 8.6.1 For the purpose of this Constitution, all communications may be given and/or transmitted;
- (a) verbally, and/or,
  - (b) in writing, and/or,
  - (c) by facsimile, and/or,
  - (d) by any electronic means.
- 8.6.2 An appropriate time is to be set-aside during rehearsals for members to receive any report from the Committee or an authorised representative, and/or discuss other business.
- 8.6.3 All records referred to in *Rule 8.4.2* must be retained in either hard copy and/or electronic form.
- 8.6.4 For the purpose of this Constitution, correspondence and notices may be served on or given to a person:
- (a) by delivering it to the person personally, or,
  - (b) by sending it by pre-paid post to the address of the person, or,
  - (c) by sending it by facsimile transmission or some other form of electronic transmission to an address specified by the person for giving or serving the notice.
- 8.6.5 For the purpose of this Constitution, correspondence and notices are taken, unless the contrary is proved, to have been given or served:
- (a) in the case of correspondence or a notice given or served personally, on the date on which it is received by the addressee, and,

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- (b) in the case of correspondence or a notice sent by post, on the date when it would have been delivered in the ordinary course of post, and,
- (c) in the case of correspondence or a notice sent by facsimile transmission or some other form of electronic transmission, on the date it was sent or, if the machine from which the transmission was sent produces a report indicating that the notice was sent on a later date, on that date.

## **8.7 Technology, Electronic Communications & Records**

- 8.7.1 All electronic records and communications (**Rule 8.6**) must be retained in accordance with **Rule 8.4.2**.
- 8.7.2 All **BAND** records, correspondence and the minutes of all meetings may be recorded, stored and communicated electronically without the need for a printed copy.
- 8.7.3 Correspondence signed by the Secretary (**Rule 3.6.5**) together with the signature of the meeting Chairperson may be transmitted by electronic means for the purposes of **Rules 3.2.3(f) & 8.7.2**.
- 8.7.4 Correspondence, Registers & Records may be recorded, stored and communicated electronically without the need for a printed copy.
- 8.7.5 All electronic records and communications retained in accordance with **Rule 8.7** must be capable of being printed at any stage.
- 8.7.6 Meetings;
  - (a) There is no provision for video conferencing of the Annual General Meeting (**Rule 5.6**) and any Special General Meeting (**Rule 5.7**).
  - (b) A Committee meeting may be held at two (2) or more venues using any technology approved by the Committee that gives each of the Committee's members a reasonable opportunity to participate.
  - (c) An Executive Committee meeting may be held at two (2) or more venues using any technology approved by the Committee that gives each of the Executive Committee's members a reasonable opportunity to participate.
  - (d) A Committee member and/or Executive Committee member who participates in a committee meeting and/or Executive Committee Meeting using that technology is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.
- 8.7.7 In accordance with **Rule 5.2.13**, there is no provision for electronic voting.

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## 8.8 BAND Awards & Life Membership

### 8.8.1 BAND Awards;

- (a) The **BAND** award system is a separate award to those given by the Band Association of NSW or any other external association and/or organisation.
- (b) **BAND** awards are detailed in the *Guideline* titled “**Band Awards & Life Membership.**”

### 8.8.2 Life Membership;

- (a) Life Membership is the highest Award available to recognise the exceptional contribution of individuals to the **BAND** and is therefore only to be awarded in exceptional circumstances to any person who has given long and meritorious service to the **BAND**.
- (b) The procedure for nominating, assessing and awarding life membership is detailed in the *Guideline* titled “**Band Awards and Life Membership.**”
- (c) This Award is not related to any award from the Band Association of NSW to which a member may be entitled (**Rule 8.9.5**).

## 8.9 Band Association of NSW & Delegates

8.9.1 The **BAND** shall be affiliated with the Band Association of NSW.

8.9.2 **BAND** members may be registered with the Band Association of NSW, and must be registered with the Band Association of NSW if contesting.

8.9.3 The **BAND** may elect two (2) **BAND** members (**Rule 2.2**) at the **BAND**'s Annual General Meeting (**Rule 5.6.7(g)**) to be the delegated **BAND** representatives with the Band Association of NSW.

8.9.4 Delegates must vote at Band Association of NSW meetings in accordance with directions from the **BAND** committee. If no directions are given, then the delegates shall be free to vote as they see fit.

8.9.5 The process and procedure under **Rule 3.10** for the removal of a Committee member from office shall also apply to the removal of an elected delegate to the Band Association of NSW.

8.9.6 The Secretary may make application to the Band Association of NSW for any Band Association of NSW award to which a member may be entitled.

8.9.7 The **BAND** has, and must continue to have, a current “Association License for Community Bands” through the Band Association of NSW.

8.9.8 The Treasurer will be the responsible person for the **BAND** through the Band Association of NSW for maintaining the Apro/Amcos “Association License for Community Bands” (**Rule 3.2.4 (g) (iii)**).

## 8.10 Alcohol Free Zone

The **BAND** buildings (with the exception of the house) and property shall be an alcohol free zone as part of the **BAND**'s duty of care towards its members. (*also Rule 2.3.5*)

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### 8.11 Merging

Merging or amalgamating occurs when two or more Bands choose to join together as one organisation or group. Merging is different to winding up (disbandment) the **BAND**, which may choose to merge under because;

- (a) it would benefit the groups of people the **BAND** may help, or,
- (b) of same or similar purposes, cultures and values, or,
- (c) of conduct of the same or similar activities, or,
- (d) the bands/associations already work together, or,
- (e) of sharing of resources and funding, or,
- (f) it would be more effective by working together.

## Part 9 - Ceasing to operate

### 9.1 Overview

The **BAND** may voluntarily cease to operate by way of either a merger or wind up by disbandment if it has less than a minimum of six (6) members, and, after twelve (12) months of minimum membership in accordance with this Rule, it;

- (a) is unable to find people to govern the **BAND** or to volunteer, and/or,
- (b) is unable to function as a performing band, and,
- (c) is unable to increase membership, and/or,
- (d) is insolvent (unable to pay all of its debts when they are due) and,
- (e) is unable to get funding.

### 9.2 Winding Up

9.2.1 The **BAND** may be voluntarily wound up and disband (cease to exist as a band) under **Rule 9.1** if the **BAND** so resolves by special resolution of the remaining members (**Rule 5.7**).

9.2.2 When winding up and ceasing to operate the **BAND**, the surplus property of the **BAND** is to be distributed under **Rule 9.3** and in accordance with a Special Resolution (**Rules 5.7 & 10.4**), taking into account the provisions of the Associations Incorporation Act.

9.2.3 The reference to the surplus property of the **BAND** under **Rule 9.2.2** is a reference to that property of the **BAND** remaining after satisfaction of the debts and liabilities of the **BAND** and the costs, charges and expenses of the winding up of the **BAND**.

### 9.3 Asset Distribution upon Ceasing to Operate

In the event of the **BAND** being disbanded or deemed defunct in accordance with **Part 9** of this Constitution;

- (a) all properties are to be held by the management committee of the Band Association of NSW for a minimum of three (3) years, and,
- (b) any creditor shall receive first consideration, and,
- (c) the remainder of the proceeds shall be handed over as quickly as possible to some charitable or like institution(s) nominated by the Band Association of NSW, and,

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- (d) shall be in accordance with requirements by the Department of Fair Trading.

#### 9.4 No Member to Benefit from Ceasing to Operate

No Member (*Rule 2.2.2*) will:

- (a) obtain a pecuniary gain (*Rules 6.1*) from the winding up of the **BAND**, and/or,
- (b) benefit in any way and/or by any means from the **BAND** ceasing to operate (*Rule 9.2*).

## Part 10 – Constitution & Constitutional Amendments

### 10.1 Operation of Constitution

10.1.1 The **BAND** and the members acknowledge and agree:

- (a) that they are bound by this Constitution and that this Constitution operates to create uniformity in the way in which the **BAND** are to be conducted, promoted, encouraged, advanced and administered within the local area; and
- (b) to ensure the maintenance and enhancement of the **BAND**, its standards, quality and reputation for the benefit of the members and;
- (c) not to do or permit to be done any act or thing which might adversely affect or derogate from the standards, quality and reputation of the **BAND** and its maintenance and enhancement;
- (d) to promote the economic and community service success, strength and stability of each other and to act interdependently with each other in pursuit of their respective objects;
- (e) to act in the interests of the **BAND** and the Members;

10.1.2 All clauses, rules, by-laws and regulations of the **BAND** in force at the date of the approval of this Constitution insofar as such clauses, rules, by-laws and regulations are not inconsistent with, or have been replaced by this Constitution, shall be deemed to be Regulations and shall continue to apply.

10.1.3 Amendments, alterations, interpretations or other changes to this constitution, By-laws and Guidelines must be advised to Members in accordance with *Rule 8.6* by means of bulletins approved by the Management Committee and prepared and issued by the Secretary. The matters in the Bulletins are binding on all members.

### 10.2 Creating Rules to Assist BAND Operations

10.2.1 The Committee may make rules to assist in the orderly operation of the **BAND** and the application of this Constitution, such rules not being in conflict with any Rule of this Constitution.

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10.2.2 Any rules made by the Committee (*Rules 3.1.1(d) & 5.4.1*) will be enforceable immediately. Such rules must be discussed and either vetoed or approved at the next ordinary meeting of **BAND** members held after their making.

10.2.3 Any rules, forms and/or procedures created in accordance with *Rule 10.2* must be recorded in an Operating Manual or similar repository (*Rule 8.4*) for later reference within seven (7) days of the rule being approved by the **BAND**.

### **10.3 Model Constitution to Apply**

In accordance with **Section 25** of the Associations Incorporation Act, 2009, provisions of model constitution will apply if appropriate provision is not otherwise made within this Constitution.

### **10.4 Interpretation Act, 1987, to Apply**

The provisions of the Interpretation Act, 1987, shall apply to, and in respect of this Constitution in the same manner as those provisions would so apply if this Constitution were an instrument under the Associations Incorporation Act, 2009.

### **10.5 Constitution Amendments & Special Resolutions**

10.5.1 A group within the **BAND** can only change the name of the **BAND**, Constitution, By-Laws (*Part 11*), individual band instrumentation format and, buy and sell significant assets, by way of a Special Resolution (*Rule 5.7*).

10.5.2 This Constitution and By-Laws must not be altered or revised except by Notice of Motion (Special Resolution) which must be given in writing to the Secretary at least one (1) month prior to a Committee meeting at which the Notice of Motion must be discussed.

10.5.3 A notice referred to in *Rule 10.5.1* must include the terms of the resolution and a statement to the effect that the resolution is intended to be passed as a Special Resolution.

10.5.4 If the Committee approves the Notice of Motion (*Rule 10.4.2.*), the Secretary must give the prescribed Notice of a meeting in accordance with *Rules 5.7.5 & 8.6* for discussion and voting on the Motion.

10.5.5 A Special Resolution will be passed by the **BAND** as a "Special Resolution" if it is supported in accordance with *Rule 5.7*.

### **10.6 Approval of Constitutional Changes**

10.6.1 Voting in respect of constitutional amendments must be in accordance with *Rule 5.7*.

10.6.2 Upon approval by the members:

- (a) the original copy of this Constitution, as altered or revised, must be signed and dated by the President and Secretary of the **BAND** on all pages of the document, and,
- (b) any documents referred to in *Rule 10.6.2(a)* must be communicated to all members of the **BAND** in accordance with *Rule 8.6* within

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fourteen (14) days of the last dated signature in accordance with **Rules 10.1.3.**

### **10.7 Change of Name, Objects, Uniform and Band Logo**

An application for registration of a change in the **BAND**'s name, objects or Constitution shall be made by the Public Officer (**Rule 3.3**) or a Committee member authorised by the Public Officer in accordance with Section 10 of the Associations Incorporation Act, 2009. This authorisation must be recorded in the minutes of a meeting.

### **10.8 Creation and Dissolution of a Sub-Band**

10.8.1 The Committee may authorise the formation and dissolution of other bands and ensembles within the **BAND** in accordance with **By-Law No.6** titled "**Community.**"

10.8.2 The provisions of this Constitution and **By-Law No.6** titled "**Community**" shall apply to all members of bands and ensembles formed and/or merged under **Rules 8.11 & 10.8.1.**

## **Part 11 – By-Laws & Guidelines**

### **11.1 By-Laws & By-Law Amendments**

11.1.1 The **BAND** may create new By-Laws and/or change existing By-Laws for the better enjoyment of music and/or management of the **BAND.**

11.1.2 The terms of the By-Law must be clearly set out in the By-Law. Annexures may be added to a By-Law if required.

11.1.3 All By-Laws are to be numbered, and any additional By-Law must be numbered consecutively to the following By-Laws which were approved at the commencement of this Constitution.

11.1.4 By-Laws must not be altered or revised except by Notice of Motion (Special Resolution, **Rule 5.7**) which is to be given in writing to the Secretary at least one (1) month prior to a Committee Meeting at which the notice of motion is to be discussed.

11.1.5 By-Laws and amendments must be confirmed at a Special General Meeting in accordance with **Rule 5.7.**

### **11.2 Guidelines**

11.2.1 The Management Committee may formulate; issue, adopt, interpret and amend such Guidelines for the proper advancement, management and administration of the **BAND**, the advancement of the purposes of the **BAND** and music within the local area as it thinks necessary or desirable.

11.2.2 Such Guidelines must be consistent with this Constitution; the constitution of the Band Association of NSW together with any regulations made by the Band Association of NSW.

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11.2.3 All Guidelines are binding on the **BAND** and all members.

## Part 12 – Definitions

Assets	An asset is a resource controlled by the <b>BAND</b> as a result of past events and from which future economic benefits are expected to flow to the <b>BAND</b> . Anything tangible or intangible that can be owned or controlled to produce value and that is held by the <b>BAND</b> to produce positive <u>economic value</u> is an asset. Simply stated, assets represent value of <u>ownership</u> that can be converted into <u>cash</u> (although cash itself is also considered an asset).
Authorised Signatory	In relation to the <b>BAND</b> , means a person who is appointed under section 36 of the Corporations Act, 2009, as an authorised signatory for the <b>BAND</b> , and includes the <b>BAND</b> 's public officer.
Bullying	Bullying may not be unlawful under federal or state anti-discrimination laws unless it is linked to, or based on, one of the characteristics covered by these laws such as the person's age, sex, race or disability. Legislation has defined bullying as "repeated unreasonable behavior by an individual towards another individual which creates a risk to health and safety." One essential prerequisite is that there is a <u>perception of bullying</u> .
By-Law	A rule made by the <b>BAND</b> to control the action of it's members.
Committee	In relation to the <b>BAND</b> , means the governing body of the <b>BAND</b> , however described.
Committee Member	In relation to the <b>BAND</b> , means a person who is elected or appointed under the <b>BAND</b> 's constitution as a committee member of the <b>BAND</b> .
Constitution	In relation to the <b>BAND</b> , means the constitution that is recorded in the Register of Incorporated Associations in relation to the <b>BAND</b> .
Discrimination	Discrimination occurs when a person, or a group of people, is treated less favorably than another person or group because of their background, certain personal characteristics and/or abilities.
Harassment	Harassment covers a wide range of behaviors of an offensive nature. It is commonly understood as behavior which disturbs or upsets, and it is characteristically repetitive. In the legal sense, it is behavior which appears to be disturbing or threatening.
Liabilities	Means any liabilities, debts or obligations (whether present or future, whether vested or contingent and whether personal or assignable).
Member of the Band	A <b>Member</b> of the Band is a financial member of the Band, Temporary Member, Life Member or Honorary Member, and can be either a playing or non-playing person ( <b>Rule 2.2</b> ).

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Official Address	In relation to the BAND, means the address that is recorded in the Register of Incorporated Associations as the <b>BAND</b> 's official address
Public Officer	Means a person who is appointed as an authorised officer under section 102 of the Associations Incorporation Act, 2009, or an investigator within the meaning of the <i>Fair Trading Act 1987</i> .
Quorum	The requirement for a quorum is protection against totally unrepresentative action in the name of the <b>BAND</b> by an unduly small number of persons, defines the minimum number of people required for a <b>BAND</b> meeting to enable it to conduct business, and allows members to ensure that financial and legal decisions are always reviewed and voted on by a good percentage of the members. Although a quorum can be a majority, it is defined according to the needs of the <b>BAND</b> .
Rule	A particular and separate clause, paragraph, point, rule, subsection.
Sexual Harassment	Sexual harassment refers to persistent and unwanted sexual advances where the consequences of refusing are potentially very disadvantageous to the victim.
Substitute Player	Is a player who is replacing a player who is unable to attend a performance. The substitute may be either sourced from another band, or a <b>Temporary Member</b> (Guest Player) ( <i>Rule 2.2</i> ).

President: William Short

Secretary: Lindsay Dunstan

Date: 23 March 2018

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