

City of Wollongong Brass Band

Incorporated



By-Law No. 6

Community



President: William Short

Secretary: Lindsay Dunstan

Date: 23 March 2018

Date: 23 March 2018

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Part 1 – Midweek Daytime Bands

1.1 Introduction

- 1.1.1 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, a Learner’s Brass Band and Community Music Program (*By-Law No.6*) to foster community music development.

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- 1.1.2 The purpose of a daytime band is to provide opportunities for members of the **BAND** and the community to play music for pleasure.
- 1.1.3 The number of daytime bands shall be limited to one (1) brass band and one (1) wind/concert band.
- 1.1.4 The creation of the above bands shall be in accordance with *Part 10* of the **BAND** Constitution.
- 1.1.5 All members of the **BAND** and the community attending any band created in accordance with the **BAND** Constitution and this By-Law must abide by the **BAND** Constitution and By-Laws where applicable.

1.2 Rules & Guidelines

- 1.2.1 The band shall be community based and open to all members of the community and the **BAND**.
- 1.2.2 The daytime band shall rehearse in the Band Hall between 9:30 am and 12:00 pm on the same morning each week excluding Fridays.
- 1.2.3 There shall be no requirement for a regular participant of a daytime band to become a financial member of the **BAND**.
- 1.2.4 There shall be no restriction on the number of times a visitor may attend a daytime band.
- 1.2.5 All attendees shall be required to pay a donation of \$1.00 per rehearsal (or other amount determined by the BAND Committee from time to time).
- 1.2.6 All attendees shall be required to sign an attendance register at each rehearsal and/or performance that they attend.
- 1.2.7 **BAND** uniform shall not be applicable to a daytime band whose players should wear black shirt, black trousers, black socks and shoes when performing.
- 1.2.8 Participants of the daytime band shall not be eligible for a **BAND** issued instrument and must provide their own instruments (and music stands when performing).
- 1.2.9 All attendees are required to comply with the **BAND** Constitution and legislation requirements in respect of bullying, discrimination, harassment and sexual harassment.

1.3 Conductor

- 1.3.1 A conductor of a daytime band shall be either elected by the members of that band or appointed by the **BAND** Committee.
- 1.3.2 A conductor's appointment shall be confirmed by the Committee in accordance with the **BAND** Constitution and By-Laws.
- 1.3.3 A conductor shall have control of their band in accordance with the provisions of the **BAND** Constitution and By-Laws.

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- 1.3.4 The conductor will be a key holder for the main hall and music room and will be the responsible person for opening the hall at the commencement of a rehearsal and securing the premises at the conclusion of a rehearsal unless a Committee person is present when that person will be the responsible person for securing the hall.
- 1.3.5 A conductor may receive an honorarium at the discretion of the **BAND** Committee.
- 1.3.6 A conductor shall not be required to pay the donation referred to in *Clause 1.2.5*.
- 1.3.7 A conductor may be removed from their position in accordance with the provisions of the **BAND** Constitution and By-Laws.

1.4 Resourcing & Costing

- 1.4.1 The **BAND** shall make its music library available for the daytime bands.
- 1.4.2 The **BAND** shall provide folders and copies of music from its library for rehearsals and performances.
- 1.4.3 No original music must be removed from the Band Hall.
- 1.4.4 Copied music shall be covered by the **BAND** APRA/AMOS license agreement.
- 1.4.5 Any money resulting from performances, grants and donations will go the **BAND** to cover the running costs of the **BAND**.
- 1.4.6 50% of the money from *Clause 1.2.5* shall be used for morning teas and an end of year function for that daytime band.
- 1.4.7 50% of the money from *Clause 1.2.5* shall be used to cover **BAND** operating expenses. Any honorarium paid to the conductor of a daytime band should be from this money. The amount of the honorarium shall not exceed the amount referred to in this clause.

1.5 Miscellaneous

- 1.5.1 All attendees will be required to reimburse the **BAND** for any damage and/or loss due to their negligence and/or wilful misconduct.
- 1.5.2 Visitors (non-**BAND** players) shall be eligible to attend **BAND** functions but will be required to pay any function fees applicable for a non-**BAND** member.
- 1.5.3 Band members attending a daytime band shall be covered by **BAND** insurances.
- 1.5.4 Non-**BAND** participants attending a daytime band shall only be covered by the **BAND**'s public liability insurance.

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- 1.5.5 No person participating in a daytime band shall gain financial benefit from their participation with that band.

Part 2 – Ensembles

2.1 – Introduction

- 2.1.1 The **BAND** shall encourage and support any ensemble formed by its members for the purpose of contesting and/or performing.
- 2.1.2 There is no provision for an external ensemble to be affiliated with the **BAND** under *Part 2* of this *By-Law*.
- 2.1.3 A community ensemble may apply to use the Band facilities under *Part 5* of this *By-Law*.

2.2 – Contesting

- 2.2.1 Any ensemble formed for the purpose of contesting shall comply with the applicable rules for any eisteddfod and/or Band Association of New South Wales or other association contest.
- 2.2.2 A contesting ensemble shall comply with the **BAND** Constitution and By-Laws.

2.3 – Performing

- 2.3.1 **BAND** members may form an ensemble for either;
- (a) personal music development and/or,
 - (b) a performance which is not suitable for a larger band.
- 2.3.2 The members of an ensemble under *Clause 2.3.1* must be members of the **BAND** unless there is a position that is not able to be filled by a **BAND** member when an external temporary player may be used for rehearsals prior to the performance and the performance. The temporary player must cease participation with the ensemble upon the completion of the performance.
- 2.3.3 The purpose for, membership of and performance by an ensemble must be approved by the Committee.
- 2.3.4 A performing ensemble must perform in **BAND** polo shirt unless a change of uniform is either directed or approved by the Committee.

2.4 Resourcing & Costing

- 2.4.1 There shall be no fee payable for any use of the **BAND** hall and music by any performing ensemble or ensemble who wish to solely rehearse music for their personal development.
- 2.4.2 The **BAND** may purchase music for any ensemble to enable any ensemble formed in accordance with this Guideline to perform. Any music purchased in accordance with this Clause shall remain the property of the **BAND**.
- 2.4.3 The **BAND** shall make its music library available for the daytime bands.

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- 2.4.4 No original music must be removed from the Band Hall.
- 2.4.5 Copied music shall be covered by the **BAND** APRA/AMOS license agreement.
- 2.4.6 Any money resulting from performances, grants and donations will go the **BAND** to cover the running costs of the **BAND**.
- 2.4.7 Band members attending any ensemble rehearsal and/or performance shall be covered by **BAND** insurances.
- 2.4.8 No person participating in a daytime band shall gain financial benefit from their participation with that ensemble.

Part 3 – Teaching Members

- 3.1 There shall be no charge applicable for a teaching member of the **BAND** who is teaching a student to enable that person to become a member of the **BAND**.
- 3.2 A teaching member must be ‘Working with Children’ compliant.
- 3.3 The **BAND** shall make its music library available for the daytime bands.
- 3.4 No original music must be removed from the Band Hall.
- 3.5 Copied music shall be covered by the **BAND** APRA/AMOS license agreement.
- 3.6 A teaching member shall be covered by **BAND** insurances whilst teaching in the hall, however, it is recommended that the teaching member have their own personal insurance coverage.
- 3.7 There shall be no apportion of a lesson fee payable to the **BAND**.
- 3.8 A teaching member shall be entitled to a key to enable them to access the hall.

Part 4 – Music in Schools

4.1 – Introduction

The **BAND** shall make available any **BAND** resources to assist a school with that school’s music program for their students’ music development.

4.2 – Guidelines

- 4.2.1 Any member participating in a school music program must wear a **BAND** polo shirt during their participation.
- 4.2.2 Any member participating in a school music program must wear a name tag during their participation.
- 4.3.3 All members participating in a school music program must be ‘Working with Children’ compliant.

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4.3 – Resourcing

- 4.3.1 There shall be no provision by the **BAND** for a standing budget for a school program.
- 4.3.2 The Committee may approve funds for a school program when circumstances indicate that will be a value adding for the **BAND** arising from their participation in the school's program.
- 4.3.3 Any **BAND** music which is copied for a school's program may not be covered by the **BAND**'s APRA/AMOS license agreement.

Part 5 – Community Music Support

5.1 - Introduction

- 5.1.1 The intention of this By-Law is to expand the current City of Wollongong Brass Band's (**BAND**) Community Music Program with a view to connecting community groups, orchestras and bands within the Illawarra Region, and provide them with the means and resources for the community groups to operate.
- 5.1.2 It is not the intention of the **BAND** to create conflicts with any other organisation through its community music support.

5.2 – Applications for Support

- 5.2.1 A community group, orchestra or band must make an application in writing to the Secretary, supported by a current certificate for Public Liability insurance.
- 5.2.2 The Committee must provide a response to the Applicant within twenty-eight (28) days from the date of the application unless there is a reasonable excuse for not doing so.
- 5.2.3 The Committee must give approval and the Applicant must have written terms and conditions before the Applicant may commence operations on **BAND** premises.

5.3 – Requirements & Guidelines

- 5.3.1 A responsible person (key holder) shall be entitled to a key to enable them to access the hall and toilets.
- 5.3.2 The key holder will be responsible for rubbish removal together with turning off lights and securing the **BAND** rooms at the completion of their rehearsal.
- 5.3.3 The **BAND** rooms shall be alcohol and smoke free zones.
- 5.3.4 An approved external organisation will be required to reimburse the **BAND** for any damage and/or loss to **BAND** assets due to their negligence and/or wilful misconduct.

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5.4 – Finance & Resourcing

- 5.4.1 Any approved community group, orchestra or band using the BAND rooms will be required to pay a donation determined by the Committee to the **BAND** to cover the running costs of the **BAND**.
- 5.4.2 The **BAND** may purchase music for any ensemble to enable any ensemble formed in accordance with this Guideline to perform. Any music purchased in accordance with this Clause shall remain the property of the **BAND**.
- 5.4.3 The **BAND** shall not make its music library available for the approved external organisation.
- 5.4.4 Any music used by an approved external organisation shall not be covered by the **BAND** APRA/AMOS license agreement.
- 5.4.5 No person participating in an approved external organisation shall gain financial benefit from the **BAND**.

5.5 – Insurance

- 5.5.1 An approved external organisation must hold its own current public liability insurance when using the **BAND** rooms.
- 5.5.2 Any **BAND** members attending any approved external organisation rehearsal and/or performance shall not be covered by **BAND** insurances.
- 5.5.3 An approved external organisation's music, instrument and equipment shall not be covered by **BAND** insurances.

5.6 – Miscellaneous

- 5.6.1 Any organisation approved in accordance with By-Law shall have no legal attachment and/or control of the **BAND** and/or its members, assets and finances.
- 5.6.2 An organisation approved under this By-Law may merge with the **BAND**. Such merger shall be in accordance with **Rules 8.11 & 10.8** of the **BAND** Constitution and shall require the approval of members of the **BAND** at a Special General Meeting (**Constitution Rule 5.7**) called for that purpose.

Part 6 – Community Group Support

6.1 – Introduction

The **BAND**'s Community program is intended to connect with community groups within the Illawarra region and provide them with the means and resources to;

- (a) use the **BAND** facilities to hold meetings, and,
- (b) enable community organisations (**Clause 6.2**) to recognise and award their members' musical achievements.

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6.2 – Community Groups

- 6.2.1 Community groups with music programs such as Scouting and Guiding organisations, together with Girls and Boys Brigades, and Cadet Corps, have a system of Badges/Awards under separate categories of music and entertainment for recognition for undertaking and completing various tasks/skills which result in an improvement in the participants' skill level or achieving a goal and there are a number of their members who play musical instruments and are not in a position to attain their badges because of a lack of opportunities and/or resources within their organisations.
- 6.2.2 The **BAND** may assist a member(s) of a community group under *Clause 6.1* to attain their award in accordance with *Clauses 6.3 & 6.4* of this By-Law.
- 6.2.3 Community groups with a non-music background:
- (a) may request to use **BAND** rooms to hold meetings and,
 - (b) if the request is approved by the Committee, shall comply with *clause 5.2* of this By-Law when on **BAND** property.

6.3 – Community Groups Support Guidelines

- 6.3.1 Participants approved for this program shall be eligible to attend either the Junior Brass or Junior Wind Band.
- 6.3.2 There shall be no minimum age for attendees.
- 6.3.3 The participant should have attained a minimum standard of Grade 2 – 3 to enable them to participate in a junior band rehearsal as there is no provision for teaching learners. However, consideration may be given to learners at the discretion of the relevant junior band Musical Director.
- 6.3.4 There shall be no provision to accommodate learners who are not being taught by a **BAND** teacher as there is no effective way of assessing an external learner's progress.
- 6.3.5 Participants of this program shall be responsible for supplying their own instruments and the cost of any repairs for any damage incurred whilst participating in this program as there is no provision for the **BAND** to supply instruments.
- 6.3.6 The target group maximum age shall be primarily the age for eligibility for belonging to, and contesting with a junior band.
- 6.3.7 There may also be flexibility in *Clause 6.3.6* to allow mature age participants to join a senior band to attain their badges/awards. There also may be some allowance for mature age participants to sit in with a junior band at the discretion of the band's Musical Director.
- 6.3.8 The course shall run for a full school term. There may be some scope for a starter mid-way through a term but the participant shall be required to complete the next full school term to qualify for an award.
- 6.3.9 Allowance should be made for any participant who has failed to meet the required attendance and/or level of achievement/improvement to attend for a further term unless there are reasons for the **BAND** not wishing to allow the participant to continue with their course.

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- 6.3.10 Program participants will be required to attend all rehearsals and playouts during the duration of the course and their attendance shall be recorded on a Record of Attendance.
- 6.3.11 Participants may attend rehearsals and playouts in their organisation's full relevant uniform if applicable.
- 6.3.12 Participants may be covered by the **BAND**'s Public Liability insurance but may not be covered by **BAND** insurance in respect of their instruments.
- 6.3.13 Participants will be liable for the cost and/or repairs to any **BAND** asset caused by their negligence and/or wilful misconduct.
- 6.3.14 Contesting may present an issue but is not insurmountable. There is no reason why the course participant cannot attend additional contest rehearsals unless their attendance would upset the musical balance of the relevant band. Course participants wishing to contest must become financial members of the **BAND**.
- 6.3.15 The **BAND** may terminate a participants' participation in a course. The participant and the participant's relevant organisation must be provided with a notification detailing the circumstances for termination which must be communicated in accordance with the *Constitution, Rule 8.6*.
- 6.3.16 Attendances at rehearsals and performances may count towards attendances within the course participant's organisation.
- 6.3.17 Course participants should be encouraged to join the **BAND** at the completion of their course.
- 6.3.18 Joining the **BAND** at the completion of a course is not compulsory.
- 6.3.19 All adults in either an administrative role and/or playing/mentoring role must be 'Working with Children' compliant.
- 6.3.20 The **BAND** shall provide notification of the participant's attendance and achievement to the participant's relevant organisation at the conclusion of the participant's program.

6.4 – Program Management

- 6.4.1 The program management team shall consist of;
- (a) A Junior Band Musical Director,
 - (b) One female Committee person,
 - (c) One male Committee person,
 - (d) A Team Leader appointed by the Committee in accordance with *Constitution Rule 3.9*.

6.5 – Resourcing & Costing

- 6.5.1 This program will use existing music owned by the **BAND** with participants to play the music already in the respective junior band's rehearsal folders.

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- 6.5.2 This program should not incur any costs to the **BAND** except for some photocopying and liaison expenses.
- 6.5.3 This program should be included in grant applications for fund raising.

Part 7 – Definitions

Assets	An asset is a resource controlled by the BAND as a result of past events and from which future economic benefits are expected to flow to the BAND . Anything tangible or intangible that can be owned or controlled to produce value and that is held by the BAND 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).
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 BAND to control the action of its members.
Committee	In relation to the BAND , means the governing body of the BAND , however described.
Committee Member	In relation to the BAND , means a person who is elected or appointed under the BAND ’s constitution as a committee member of the BAND .
Constitution	In relation to the BAND , means the constitution that is recorded in the Register of Incorporated Associations in relation to the BAND .
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).

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Member of the Band	A Member 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. <i>(Constitution Rule 2.2)</i>
Official Address	In relation to the BAND, means the address that is recorded in the Register of Incorporated Associations as the BAND 's official address.
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.

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