

CONSTITUTION

NOTICE BOARD

City of Burnie Brass



Band Incorporated

Constitution

August 1996

TABLE OF CONTENTS.

1. Name	5
2. Aims of the Association	5
3. Membership	5
4. Finances	8
5. Committee Structure, Appointments, and Responsibilities	10
6. Committee meetings	12
7. Recognition of service	14
8. The seal of the Association	14
9. The Annual General Meeting (AGM)	15
10. Special General Meetings (SGM)	17
11. Winding up the Association	19
12. General	20

1. NAME.

- 1.1. The Association's name is the "City of Burnie Brass Band Inc", known in these rules as "the Association".
- 1.2. The Association's offices are:
City of Burnie Brass Bandrooms, Parsonage Point, Burnie, and
Postal Address is P.O. Box 288, Burnie, Tasmania.

2. AIMS OF THE ASSOCIATION.

- 2.1. Cultivation and teaching music at a low individual cost.
- 2.2. Providing music at public, civic, social and sporting gatherings.
- 2.3. Motto.
"Music for everyone!"
- 2.4. Mission Statement
"The City of Burnie Brass Band provides high quality musical entertainment and nurtures musical endeavour in its members and the community"

3. MEMBERSHIP.

- 3.1. Types of membership.
 - 3.1.1. Membership may be either:
 - Adult Membership
 - Youth Membership
 - Family Membership
 - Associate Membership
 - 3.1.2. Adult Membership.
 - Is available to persons of any age.
 - Entitles the holder to all of the benefits offered by the

association.

3.1.3. Youth Membership

- Is available to those members under 19 years of age.
- Entitles the nominated association member to all of the benefits offered by the association.

3.1.4 Family Membership.

- Is available to a single family unit continuously living together at the same residential address.
- Full time students living away from home may be considered part of the family unit.
- Entitles all members of that family unit that have been individually nominated to the association to all of the benefits offered by the association.

3.1.5. Associate Membership.

- Is available to persons of any age.
- Entitles the nominated member to all of the benefits offered by the association except participation in ensembles and use of band instruments, music, and attire.

3.2. Members register.

3.2.1. Only those persons who have their names entered in the members register and are financial may be members of the association.

3.2.2. Unfinancial members are not entitled to any membership benefits (for example, voting at annual or special general meetings).

3.3. Becoming a member.

3.3.1 Membership nominations must be made in writing and signed by two association members. Nominations must detail individual names.

3.3.2. The application must contain the nominee's written consent.

3.3.3. Nominations must be given to the Association's committee.

3.3.4. The committee will decide upon the nominee's membership.

3.3.5. If membership is approved the committee will notify the nominee in writing.

3.3.6. Once subscription monies have been received the nominee's name will be entered into the member's register.

3.4 Membership termination.

Membership ends when a person:

- Resigns,
- Is expelled,
- Dies.
- Has been unfinancial for two or more consecutive years.

When membership ends, the member's name will be deleted from the membership register.

3.5. Resignation.

3.5.1. A member may resign at any time.

3.5.2. All resignations must be in writing to the committee.

3.5.3. The member's name will be removed from the membership register once the resignation has been received.

3.6. Expulsion.

3.6.1. The committee may expel members if it believes the member has acted against the association's best interests.

3.7. Appealing an expulsion.

3.7.1. The member can appeal against the expulsion at a special general meeting, called for this purpose only.

3.7.1. Only the expelled member can request the special general meeting - other members cannot request it on their behalf.

3.7.2. The member must write and ask for a special general meeting within 14 days of receiving the expulsion notice.

3.7.3. Once requested by the member the meeting must be called within 21 days.

3.7.4. The expulsion vote will be by secret ballot.

3.7.5. Only members present at the special general meeting are entitled to cast a vote.

3.7.6. If the majority of members present vote in favour of the expulsion, the expulsion is confirmed.

3.7.7. If the expulsion is confirmed, the members name will be deleted from the members register.

3.8. Privileges

- 3.8.1. Rights, privileges or obligations cannot be transferred from one member to another person.

4. FINANCES.**4.1. General.**

- 4.1.1. The association's financial year is from 1 July until 30 June the following year.

4.2. Annual subscription.

- 4.2.1. All members must pay an annual subscription.
4.2.2. The committee will determine the annual subscription and the payment schedule.
4.2.3. The subscription amount can be altered by the members by special resolution at a general meeting.
4.2.4. In the absence of a payment schedule the subscription must be paid within three months of the annual general meeting.
4.2.5. Once a member pays their full subscription they become financial until the conclusion of the next annual general meeting.
4.2.6. Non financial members lose all of the rights and privileges of the association.

4.3. The Treasurer's responsibilities.

- 4.3.1. The treasurer shall keep true and accurate accounts of:
• all the money received and spent by the association.
• all the property, credits, and liabilities of the association.
4.3.2. The accounts books and records of finances:
• will be kept at a place that the committee decides.
• can be inspected by the members at any time.
4.3.3. How receipts are handled.
• The treasurer will receive all money paid to the association and issue receipts.
• The money will be paid into a bank account selected by the committee.
4.3.4. The treasurer will submit reports at the committee meeting.

- annual general meeting, and on the committee's request.
- 4.3.5. All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments will be signed by the treasurer and another committee member. In the treasurer's absence the committee can appoint a member for that purpose.
- 4.4. Appointing an auditor.
- 4.4.1. The auditor's position becomes vacant at the start of the annual general meeting.
- 4.4.2. The auditor will be appointed at the annual general meeting.
- 4.4.3. If no appointment is made or a casual vacancy arises the committee may appoint the auditor
- 4.4.4. The auditor must be independent and separate from the association.
- 4.5. Function of the auditor.
- 4.5.1. The auditor must examine the association's financial records at least once every financial year.
- 4.5.2. The auditor will prepare a report detailing the accuracy of the association's accounts.
- 4.5.3. The auditor will state whether or not the association's rules have been followed.
- 4.5.4. The auditor can employ others to help them investigate the association's accounts.
- 4.6. Income and remuneration.
- 4.6.1. The association's income can only be spent furthering the association's aims.
- 4.6.2. No part of the association's income will be given to a member.
- 4.6.3. The association cannot appoint committee members to a paid position.
- 4.6.4. People can receive payment in the following circumstances:
- Goods and services supplied to the Association in the ordinary course of business.
 - Interest on money lent to the association.
- 4.7 The committee may introduce other fees and charges from time to time.

5. COMMITTEE STRUCTURE, APPOINTMENTS, AND RESPONSIBILITIES

5.1. Committee structure.

5.1.1. The executive committee will consist of:

- President.
- Senior vice-president.
- Vice-president.
- Treasurer.
- Secretary.

5.1.2. The general committee will consist of:

- Executive committee.
- Musical director.
- At least two other members.
- Burnie council nominee.

5.2. Other positions of responsibility.

5.2.1. The committee may appoint other people to positions of responsibility from time to time.

5.2.2. The committee will decide if other positions will be filled by a popular poll at the annual general meeting.

5.2.3. These positions do not automatically entitle the person to become a member of the committee.

5.2.4. The Public officer is one such position of responsibility.

5.3. Term of office for committee positions other than secretary.

5.3.1. Positions will be held until the next general meeting.

5.3.2. All positions will become vacant at the start of the annual general meeting with the exception of the secretary.

5.4. Secretary's position.

5.4.1. The secretary will hold office until the end of general committee meeting following the annual general meeting.

5.4.2. The secretary will be appointed by the committee at the first committee meeting after the annual general meeting.

5.4.3. The appointment will be by a secret ballot.

- 5.4.4. The committee can co-opt an association member if no-one on the committee is willing to take on the role.

5.5. Appointment of Office Bearers.

- 5.5.1. The following positions will be filled by popular poll at the Annual General Meeting.
- President.
 - Vice President
 - Senior Vice President
 - Treasurer
 - At least two other members.
- 5.5.2. All other positions with the exception of secretary will be filled at the annual general meeting, should the committee wish, or they may be made by appointment.
- 5.5.3. The committee will give members at least 14 days notice of the positions to be filled at the annual general meeting.
- 5.5.4. The committee can appoint another committee member to a position if a casual vacancy occurs.
- 5.5.5. The committee can co-opt members to vacant positions.

5.6. Nomination of candidates to available positions.

- 5.6.1. Only financial members are eligible to be a member of the committee or executive or hold a position of responsibility. The exception is the Burnie Council position.
- 5.6.2. Nominations will be made in writing to the secretary ten days before the general meeting.
- 5.6.3. Nominations will have the written consent of the nominee.
- 5.6.4. Nominations must be signed by two other association members.
- 5.6.5. Further nominations at the general meeting can be made only if - there are insufficient written nominations to fill all positions.

5.7. Election of nominees.

- 5.7.1. If the number of written nominations equals the number of vacancies to be filled, then the persons nominated are elected.
- 5.7.2. If the number of written nominations exceeds the number of vacancies then a secret ballot will be held.

5.8. Vacancy of office.

A committee person's position becomes vacant if the person:

- dies.
- becomes bankrupt.
- becomes of unsound mind.
- resigns their position in writing, addressed to the Association's committee.
- fails to attend three consecutive committee meetings without apology or special leave granted.
- ceases to be a resident of the state.

5.9. Committee Responsibilities

5.9.1. Ensure sound financial management of the association.

5.9.2. Ensure an annual financial audit is completed

5.9.3. Ensure an annual stocktake of assets is completed.

5.9.4. Ensure the association follows the association's stated aims.

6. COMMITTEE MEETINGS.**6.1. Meeting time and frequency.**

6.1.1. The association's committee will meet at least once a month at a time and place it's members find convenient.

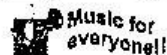
6.1.2. Reasonable notice will be given to committee members by the secretary prior to each committee meeting or special committee meeting.

6.2. Quorum.

6.2.1. Five committee members constitute a quorum at a committee meeting.

6.2.2. Three subcommittee members constitute a quorum at a subcommittee meeting.

6.2.3. If a quorum is not achieved within 30 minutes of the meeting's scheduled starting time, the meeting will be adjourned until the next week.

6.3. Special committee meetings

- 6.3.1. Special committee meetings can be convened by the President or any three committee members.
- 6.3.2. Reasonable notice will be given to the committee members of the time and place of any special meeting.
- 6.3.3. Committee members will receive an agenda for the special meeting. Only items on the agenda can be discussed at the special meeting.

6.4. Chairperson.

- 6.4.1. The president will chair all committee meetings.
- 6.4.2. In the president's absence, the senior vice president will chair the meeting.
- 6.4.3. If the president and both vice presidents are absent, then the committee may nominate any committee member to chair the meeting.
- 6.4.4. The chairperson will ensure that discussion is orderly and appropriate.

6.5. Committee and subcommittee voting on questions.

- 6.5.1. All committee members present at a committee meeting are entitled to vote.
- 6.5.2. The person presiding is entitled to one vote.
- 6.5.3. If needed, the person presiding is entitled to a second casting vote.
- 6.5.4. Voting shall be by a show of hands.

6.6. Conflict of interest.

- 6.6.1. No committee member will vote as a member of the committee in respect of any contract or arrangement in which they have an interest.
- 6.6.2. Each committee member is obliged to clearly state to the committee any external interest they may have in a contract or arrangement.
- 6.6.3. A committee member may be asked to stand aside from discussion if they have a perceived conflict of interest.

6.7. Subcommittees.

- 6.7.1. All of the rules applying to committee meetings also apply to subcommittee meetings.
- 6.7.2. The committee may appoint a subcommittee at any time.
- 6.7.3. The subcommittee's tasks and function will be clearly defined by the committee.
- 6.7.4. The subcommittee may co-opt members. They do not have to be a member of the association.
- 6.7.5. Only subcommittee members who are association members are entitled to a vote.

7. RECOGNITION OF SERVICE.

- 7.1. Recognition of service.
 - 7.1.1. All service recognition awards will be handled by the committee at a committee meeting.
- 7.2. Membership.
 - 7.2.1. Membership may be given to any person who contributes financially or otherwise to the Association's interests.
- 7.3. Long service awards.
 - 7.3.1. Long service awards will be conferred on members after every 10 years of continuous service.
- 7.4. Life membership.
 - 7.4.1. The committee may appoint life membership in recognition of valuable service to the Association.
 - 7.4.2. Life membership shall entitle the holder to the full privileges of membership.
 - 7.4.3. Life members do not need to pay the annual subscription to maintain association membership.

8. THE SEAL OF THE ASSOCIATION.

- 8.1. Form of the seal and its use.

- 8.1.1. The seal of the Association will be a rubber stamp with the Association's name encircling the word "seal".
 - 8.1.2. The Association's seal will only be affixed to items with the committee's authority.
 - 8.1.3. Once the seal has been affixed two committee members (or one committee member and the public officer) must sign to validate authority of the association.
- 8.2. Location of the seal.
- 8.2.1. The seal will remain in the secretary's custody.

9. THE ANNUAL GENERAL MEETING (AGM).

- 9.1. Frequency and timing of the AGM.
- 9.1.2. The AGM will be held within 3 months of the end of the financial year.
 - 9.1.3. The AGM's date, time, and place will be decided by the committee.
 - 9.1.4. The committee will advertise the AGM's time and place in at least one state wide newspaper.
 - 9.1.5. The advertisement will be placed at least 14 days before the AGM.
- 9.2. Outline of an AGM's ordinary business:
- 9.2.1. Confirm the minutes of the last AGM and of any other Special General Meetings conducted since the last AGM.
 - 9.2.2. Receive reports from the committee, auditor, treasurer, and other persons holding positions of responsibility detailing what the Association has done in the past year.
 - 9.2.3. Elect association office bearers and committee persons.
 - 9.2.4. To appoint the auditor.
 - 9.2.5. To appoint the patron.
- 9.3. Special business at the AGM.
- 9.3.1. All items at the AGM that are not ordinary business are special business.

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- 9.3.2. All items of special business must be submitted in writing to the president or nominated representative at least one week before the AGM.
 - 9.4. Quorum requirements for the AGM.
 - 9.4.1. No business items will be conducted unless a quorum of members is present.
 - 9.4.2. There must always be a quorum of members present throughout the AGM.
 - 9.4.3. A quorum is 50% of the association's members or 10 members, whichever is the smaller. These members must be personally present at the meeting.
 - 9.4.4. There must be a quorum within one hour of the AGM's scheduled start time.
 - 9.4.5. If a quorum is not achieved then the AGM will be adjourned for one week.
 - 9.5. Person to chair the AGM.
 - 9.5.1. The president will preside as chairperson at the AGM.
 - 9.5.2. If the president is absent, then a vice-president will chair the AGM.
 - 9.5.3. If the president and vice presidents are absent, then the members present will elect a chairperson.
 - 9.6. Adjourning the AGM.
 - 9.6.1. The chairperson can adjourn the AGM at any time.
 - 9.6.2. The chairperson must specify the time and place for the adjourned AGM.
 - 9.6.3. Only unfinished business can be conducted at the adjourned AGM.
 - 9.6.4. The AGM must be re-advertised and appropriate notice given if it stands adjourned for 14 days or more.
 - 9.7. Resolving questions and voting at the AGM.
 - 9.7.1. A show of hands will be used to determine a question's outcome.
 - 9.7.2. The chairperson will declare the result of the show of hands.
 - 9.7.3. After the result has been declared, any member present can
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- request a poll.**
- 9.7.4. A **question** is resolved once the chairperson declares it has been **carried** or lost, and a similar entry has been made in the minute **book**.
- 9.7.5. **There** will be no voting "in absentia".
- 9.7.6. **Each** member present over 14 years of age has only one vote. **Members** 14 or under years of age are not entitled to vote.
- 9.7.7. **If** a member is under 14 years of age then the parent or guardian is entitled to use that vote.
- 9.7.8. If the voting is tied, then the chairperson is entitled to a second, casting vote.
- 9.8. Conditions on how a poll is run.
- 9.8.1. A poll can be requested by any member present once the chairperson has declared the result by a show of hands.
- 9.8.2. The chairperson will direct the way that the poll is conducted.
- 9.8.3. Polls on the following issues must be taken immediately:
- Polls on the election of chairperson.
 - Polls relating to meeting adjournment.
- 9.8.4. Polls on other issues will be held at the chairperson's convenience, but before the end of the meeting.

10. SPECIAL GENERAL MEETINGS (SGM).

- 10.1. Calling a special general meeting (SGM):
- 10.1.1. The committee can call a SGM of the association.
- 10.1.2. The committee must call a SGM if ten or more financial members request a meeting.
- 10.1.3. Before the meeting the committee must circulate an agenda clearly outlining the meeting's objectives.
- 10.2. How members can request a SGM.
- 10.2.1. The request for a SGM must be in writing and signed by five or more financial members (a requisition).
- 10.2.2. The request for the SGM must include the meeting's objectives and an appropriate agenda.

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- 10.2.3. The request must be submitted to the committee, who are then responsible for calling the SGM.
 - 10.3. Committee's obligations when a SGM is requested and time limits on holding the meeting.
 - 10.3.1. The committee must hold the SGM within 21 days of receiving the members requisition
 - 10.3.2. If the SGM is not called and held within 21 days, any member who signed the requisition can call the meeting.
 - 10.3.3. The SGM must be held within 2 months of the committee receiving the requisition.
 - 10.3.4. The committee will refund any reasonable expenses the members incur when convening the SGM.
 - 10.4. Calling the SGM.
 - 10.4.1. The SGM's time and place must be advertised in at least one state wide newspaper.
 - 10.4.2. The advertisement must be placed at least one week before the SGM.
 - 10.5. Business for the SGM.
 - 10.5.1. Only agenda items can be discussed at the SGM.
 - 10.6. Quorum requirements for the SGM.
 - 10.6.1. No business items will be conducted unless a quorum of members is present.
 - 10.6.2. There must always be a quorum of members present throughout the SGM.
 - 10.6.3. A quorum is 50% of the association's members or 10 members, whichever is the smaller. These members must be personally present at the SGM.
 - 10.6.4. There must be a quorum within one hour of the SGM's scheduled start time.
 - 10.6.5. If a quorum is not achieved then the meeting is cancelled.
 - 10.7. Person to chair the SGM.
 - 10.7.1. The president will preside as chairperson at the SGM.

- 10.7.2. If the president is absent, then a vice-president will chair the SGM.
- 10.7.3. If the president and vice presidents are absent, then the members present will elect a chairperson.
- 10.8. Adjourned SGMs.
 - 10.8.1. The chairperson can adjourn a meeting at any time.
 - 10.8.2. The chairperson must specify the time and place for the adjourned meeting.
 - 10.8.3. Only unfinished business can be conducted at the adjourned meeting.
 - 10.8.4. The meeting must be re-advertised and appropriate notice given if it stands adjourned for 14 days or more.
- 10.9. Resolving questions and voting at a SGM.
 - 10.9.1. A show of hands will be used to determine a question's outcome.
 - 10.9.2. The chairperson will declare the result of the show of hands.
 - 10.9.3. After the result has been declared, any member present can request a poll.
 - 10.9.4. A question is resolved once the chairperson declares it has been carried or lost, and a similar entry has been made in the minute book.
 - 10.9.5. Only members present at the SGM are entitled to vote.
 - 10.9.6. Each member present over 14 years of age has only one vote. Members 14 or under years of age are not entitled to vote.
 - 10.9.7. If a member is under 14 years of age then the parent or guardian is entitled to use that vote.
 - 10.9.8. If the voting is tied, then the chairperson is entitled to a second, casting vote.
- 10.10. Conditions on how a poll is run.
 - 10.10.1. A poll can be requested by any member present once the chairperson has declared the result by a show of hands.
 - 10.10.2. The chairperson will direct the way that the poll is conducted.
 - 10.10.3. Polls on the following issues must be taken immediately:
 - Polls on the election of chairperson.
 - Polls relating to meeting adjournment.

- 10.10.4. Polls on other issues will be held at the chairperson's convenience, but before the end of the meeting.

11. WINDING UP THE ASSOCIATION.

- 11.1. How to wind up the Association.
- 11.1.1. The Association can only be wound up at a Special General Meeting convened specifically for that purpose.
- 11.2. Liability of members when winding up.
- 11.2.1. Every member is liable to contribute to the Association's assets to help pay for any debts and to cover the cost of winding up.
- 11.2.2. Any member's contribution is not to exceed five dollars.
- 11.2.3. Any financial member of the band within 12 months prior to the date of the Association's winding up is also liable for these costs.
- 11.3. How the remaining assets and money will be distributed once the organisation has been dissolved.
- 11.3.1. The surplus assets will be distributed in accordance with Section 23 of the Income Tax Assessment Act.

12. GENERAL.

- 12.1. Use of Association assets.
- 12.1.1. Persons wishing to use the association's assets for non association functions must first seek written permission from the band committee.
- 12.2. Changing the constitution.
- 12.2.1. The constitution can be changed by special resolution at a general meeting.
- 12.2.2. More than two thirds of the members present at the general meeting need to vote in favor of the resolution for it to be accepted.