

Canberra City Pipes and Drums Constitution

To be read in conjunction with: The following Australian Capital Territory legislation– Associations Incorporation Act, 1991, as amended (the Act) , Associations Incorporation Regulation, 1991, as amended (the Regulation), and Schedule 1 of the Regulation, as amended (the Model Rules)	Version: [2015.1] Last Amendment: 13 Oct 2015	Approved By: <i>SGM</i> Date: 13 Oct 2015
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Document Control

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Document Approval

Approved: Peter Zerk Date: 13/10/2015
 (President, Canberra City Pipes and Drums Inc.)

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Contents

Document Control.....	1
Document Approval	1
Version Control	1
CANBERRA CITY PIPES AND DRUMS INC.....	3
1. Name.....	3
2. Objects	3
3. Definitions.....	3
4. The Band	4
5. Membership	5
6. Classification of Membership	5
7. Cessation of Membership.....	6
8. Disciplining of Members, and Right of Appeal	6
9. Management Committee	7
10. Committee Meetings	8
11. Subcommittees and Appointed Positions	8
12. Annual General Meeting.....	9
13. General Meetings	9
14. By-Laws	9
15. Financial Management	9
16. Custody and Inspection of Books	10
17. Common Seal	10
18. Alterations to Constitution	10
19. Insurance	10

CANBERRA CITY PIPES AND DRUMS INC.

CONSTITUTION

1. Name

The organisation to which these rules apply shall be known as **Canberra City Pipes and Drums Inc.**; an association incorporated under the Australian Capital Territory – Associations Incorporation Act 1991 (the Act); and herein referred to as “**CCPD**” or “**the association**”.

2. Objects

The objects of CCPD shall be:-

1. Through **the Band** to foster an appreciation and further the knowledge of piping and drumming in a non-competitive environment, and to represent Canberra as its premier ceremonial Pipe and Drum Band;
2. Through regular social gatherings and meetings to foster and perpetuate Scottish sentiment and tradition;
3. To promote the spirit of group fellowship and family involvement.

3. Definitions

The Act

1. These Rules shall be read in conjunction with the Australian Capital Territory - Associations Incorporation Act 1991, (**the Act**) as amended, and the Australian Capital Territory – Associations Regulation Act 1991, (**the Regulation**) as amended, particularly Schedule 1 therein (**the Model Rules**)
2. An Object or Rule of the association which is *inconsistent* with **the Act** or with another law in force in the Australian Capital Territory is of no effect.
3. Where under **the Act, the Model Rules** make provision in relation to any matter not provided for in the rules of the association, the rules of the association shall be taken to *include* the provisions of **the Model Rules** in relation to that matter.
4. In addition to this document, the requirements as set down in the Band Handbook form the core of Band business practices and are to be applied equally to all members of the Band.

Interpretation of Rules

5. All questions of the interpretation of these Rules shall be determined by the Committee.

Definitions

In these Rules, unless the context otherwise requires,

6. **Chairperson**, of a general meeting, committee or subcommittee meeting, means the person chairing the meeting as the case requires;
7. **Committee** means the Committee having management of the business of the Association;
8. **Committee meeting** means a meeting of the Committee held in accordance with these Rules;

9. **Committee member** means a member of the Committee elected or appointed under these Rules;
10. **Executive Committee** is a group consisting of the Pipe Major or their appointed representative and any three of the President, Vice-President, Secretary, and Treasurer; empowered to act in matters of urgency where the interests of CCPD requires prompt action;
11. **Financial year** means the 12 month period specified in these Rules;
12. **General meeting** means a general meeting of the members of the Association convened in accordance with these Rules and includes an annual general meeting, a special general meeting and a disciplinary appeal meeting;
13. **Member** means a member of the Association;
14. **Member entitled to vote** means a member who under these Rules is entitled to vote at a general meeting;
15. **Special resolution** means a resolution that requires not less than three-quarters of the members voting at a general meeting, to vote in favour of the resolution;

4. The Band

1. The **Playing Members** and **Learner Members** of CCPD shall comprise the Band.
2. The Band is subject to the rules of the association.
3. For the purpose of these rules,
 - a. the Band is a standing subcommittee appointed and delegated by the Committee in accordance with Section 11 (Subcommittees) of these rules
 - b. the Instrument of Delegation shall be recorded in the Band Handbook
 - c. In addition to the Constitution and By-laws of the association, Playing Members must agree to be bound to such additional regulations as deemed necessary by the Committee and the Band, and recorded in the Band Handbook
 - d. the Band Handbook may be amended in accordance with Section 14 (By-Laws) of these rules to meet changing operational requirements of the Band.
 - e. Administrative fees, bonds and subscriptions that apply specifically to Playing Members and Learner Members may be determined by resolution of the Committee. Any fees so determined will be reflected in the Band Handbook.
4. As noted at 3.3(a) above, Playing Members and Learner Members are subject to additional regulations, as determined by the Committee in consultation with senior rank-holders of the Band. When a Playing Member is in breach of any additional regulation set out in the Band Handbook, the matter should be dealt with under disciplinary guidelines set out in the Band Handbook, however, persistent breaches or breaches which may bring the reputation of the association into disrepute can be referred to the Committee for consideration under the provisions of Section 8 (Disciplining of Members, and Right of Appeal) of these rules.

5. Membership

1. Membership shall be open to any person who wishes to further the interests of the association.
2. Application for Membership to CCPD shall be submitted to the Secretary on the official form, and all such applications must be approved by the Management Committee. The Management Committee may reject any application without being required to state the reason for rejection.
3. Membership is of no effect until approval is granted, and such Joining Fees, Annual Membership fees and Subscriptions as may apply have been paid.
 - a. A Joining Fee of \$10 or any other amount as determined by resolution of the Committee is payable upon joining the association.
 - b. An annual membership fee of \$10 or any other amount as determined by resolution of the committee is payable by all members (except Life Members, Honorary Members and Patrons) before 1 July in each calendar year.
4. Each person admitted to membership shall be:
 - a. Bound by the Constitution and By-laws of the association
 - b. Liable for such fees and subscriptions as may be fixed by the association
 - c. Entitled to all advantages and privileges of membership.
5. The Registrar (or any other member of the Management Committee so appointed) shall maintain an up-to-date register of members of the Association.
 - a. The Register of Members will include at least one valid method of contacting the member, such as a postal address, email address or other suitable method of contact. Where more than one method of contact is provided, the member should nominate a preferred method.
 - b. Preferred method of contact will be used to communicate with the member for official purposes, including notifications and invoicing.
 - c. It is the responsibility of the member to notify the Registrar of any changes to their contact details.
6. The liability of a member to contribute towards the payment of the debts and liabilities if the association or the costs, charges and expenses of the winding up of the association is limited to the amount (if any) unpaid by the member in relation to membership fees (and for Playing Members, any unpaid Administrative fees, bonds or subscriptions set out in the Band Handbook.)

6. Classification of Membership

1. **ORDINARY MEMBER**

Any person who is a financial member of the association is entitled to hold any office (except those relating to the Rank structure of Playing Members) and enjoy the privileges of the association. A SOCIAL Member is an Ordinary Member who is not a Playing Member.
2. **JUNIOR MEMBER**

Any person under the age of 18 years may become a Junior Member. Junior Members shall have no voting rights, nor be entitled to hold any office.
3. **PLAYING MEMBER**

An Ordinary Member or Junior Member who by recognition of their individual abilities as a

piper, drummer or Drum Major, has been formally inducted into the Band, and approved to perform with the Band at functions which promote the objectives of the association.

- a. Such induction is to be notified to the Secretary in writing by the Pipe Major, and the date of Induction recorded in the members register.

4. LEARNER MEMBER

An Ordinary Member or Junior Member who has been a member for not less than 6 months and who is being actively and regularly tutored in the playing of the pipes or drums by the Band, with the intention of reaching sufficient proficiency to be inducted to the Band.

5. PATRON

The association may, at its discretion, nominate one or more Patrons of the association, for such period as may be deemed necessary. Such patrons shall not be eligible to vote unless they are current members of the association under another category of membership.

6. HONORARY MEMBER

On the recommendation of the management committee, Honorary Membership may be conferred upon any person or position in recognition of particular services rendered to the association. Such Honorary Membership shall be reviewed annually by the Committee

7. LIFE MEMBER

Life Membership may be bestowed upon a member in recognition of particular service(s) to the association. Such membership shall be nominated by 5 or more members, approved by the Management Committee, and notified at the Annual General Meeting. Nominations for Life Membership must be submitted to the Secretary no later than 2 months prior to the Annual General Meeting.

7. Cessation of Membership

1. A person ceases to be a member of the association if the person:-
 - a. Dies, or
 - b. Resigns from membership of the association, or
 - c. Is expelled from the association, or
 - d. The member's annual membership fee remains unpaid 3 months after the due date.
2. A member who has paid all amounts payable (and in the case of a Playing Member returned or arranged to return all properties of the association) may resign from membership of the association by giving notice (being not less than one month, or if the committee has determined a shorter period, that shorter period) in writing, to the Secretary of the member's intention to resign. At the end of the period of notice, the member ceases to be a member. A member is not entitled to resign, except in accordance with this rule.
3. When a person ceases to be a member, the Registrar (or a member of the Management Committee so appointed) shall make an appropriate entry in the register of members recording the date the member ceased to be a member.

8. Disciplining of Members, and Right of Appeal

1. As per Model Rules 1.2.9, The Management Committee shall have the power to suspend any or all rights or privileges of membership of the association as the committee may determine for any member, for a specified period, including the power to expel any member of the association, for:-

- a. False or inaccurate statements made in the member's application for membership of the association,
 - b. Breach of any rule, regulation or by-law of the association, or
 - c. After due enquiry, being found to have persistently and wilfully acted in a manner prejudicial to the interests of the association.
2. Any member who is expelled, suspended or has their membership terminated under the preceding rule, shall have the right to appeal against their suspension or expulsion, as per Model Rules 1.2.10

9. Management Committee

1. Administration of CCPD shall be vested in the Management Committee (the Committee) elected by the members of the association at the Annual General Meeting. The Management Committee shall be vested with such powers and responsibilities as per Model Rules 1.3.11, and consist of
 - a. President
 - b. Vice-President
 - c. Secretary
 - d. Treasurer
 - e. Registrar
 - f. Quartermaster
 - g. Up to 4 Ordinary Committee Members, and
 - h. The duly elected Pipe Major from the Band, or their appointed representative.
2. An Executive Committee consisting of the Pipe Major or their appointed representative and any three of the President, Vice-President, Secretary, Treasurer, shall be empowered to act in matters of urgency where the interests of CCPD requires prompt action. Full disclosure of all such matters to be submitted to the Secretary and minuted at the next committee meeting.
3. The individual responsibilities, duties and relationships of Committee Members are as set down in the By-laws. In addition, the Secretary and the Treasurer will fulfil the duties stated in the Model Rules 1.3.14 and 1.3.15 respectively.
4. Nomination for, and filling of positions on the Committee, with the exception of the Pipe Major, shall be in accordance with the Model Rules provisions, part 1.3.13
5. The ballot for election of Committee Members will be conducted at the Annual General Meeting, by secret ballot. A "First past the post" system of counting shall be used to determine the results of the ballot.
6. Each member of the Committee holds office, subject to these rules, until positions are declared vacant at the Annual General Meeting following the date of the member's election, or such time as determined by resolution of the Committee, and announced prior to the AGM. During this period, a member of the Management Committee may lose their seat and create a vacancy on the committee for
 - a. Disciplinary action as per Model Rules 1.2.9, or
 - b. Absence from all meetings of the committee held during a period of 3 months without leave of absence, or
 - c. Being found not to be a financial member of the association, or
 - d. Being disqualified from the office under the Act, section 63(1).

A vacancy on the Committee may also occur when a member

- a. Dies, or
 - b. Ceases to be a member of the association, or
 - c. Resigns the office
7. If there is a vacancy in the membership of the Committee, the Committee may appoint a member of the association to fill the vacancy, and the member so appointed holds office, subject to these rules, until positions are declared vacant at the Annual General Meeting following the date of the member's appointment.

10. Committee Meetings

1. The committee shall meet at least 3 times in each calendar year at such place and time as the committee may determine.
2. Additional meetings of the committee may be convened by the committee or any member of the committee.
3. Oral or written notice of a meeting of the committee shall be given by the secretary to each member of the committee at least 48 hours (or any other period as may be unanimously agreed on by the members of the committee) before the time appointed for the holding of the meeting.
4. Any 4 members of the Committee constitute a quorum for the transaction of the business of a meeting of the committee.
5. Except for the rules above, committee meetings and quorum shall be conducted in accordance with the Model Rules Part 1.3.18

11. Subcommittees and Appointed Positions

1. The Management Committee may appoint such subcommittees as it deems necessary for specific purposes, and delegate specific powers and functions to the subcommittees, in accordance with the Model Rules Part 1.3.19.
2. Appointed Positions
 - a. The following positions are required under the Act, and must be appointed by the committee at the first committee meeting following the Annual General Meeting
 - i. Public Officer
 - ii. Auditor
 - b. The committee shall have the power to appoint members to such non-committee positions as it deems necessary for the proper management of the association. Such positions may include the following positions, or other such positions as passed by resolution of the Committee and set down in the By-laws:
 - i. Publicity Officer
 - ii. Functions Co-ordinator
 - iii. Newsletter Editor
 - iv. Historian
 - c. The individual responsibilities and duties of appointed positions are as set down in the By-laws.
 - d. Members appointed to non-committee positions shall not have voting privileges on the committee, unless they are also a duly elected committee member.

12. Annual General Meeting

1. The annual general meeting of the association shall, subject to the Act, be convened on such date and at such place and time as the committee thinks fit.
2. The Annual General Meeting shall be conducted in accordance with the Model Rules Part 1.4.21 and 1.4.22, and any such modification as recorded in the By-laws of the association.

13. General Meetings

1. The committee may, whenever it considers appropriate, convene a general meeting of the association.
2. The committee shall, on the requisition in writing of not less than 5% of the total number of members, convene a general meeting of the association.
3. General Meetings shall be conducted in accordance with the Model Rules Part 1.4.23 through 1.4.30, and any such modification as recorded in the By-laws of the association.

14. By-Laws

1. The Committee shall have the power to create and amend such By-laws as it deems necessary for the proper management of the association and the Band.
2. Any By-law so created or amended which affect the management of the Band will not take effect without the endorsement of a majority of inducted Playing Members (as defined) before being ratified.
 - a. A By-law affecting the management of the Band is so designated either by declaration of the Committee, or by declaration of the Pipe Major, or designated representative.
 - b. As soon as practicable after such By-law has been moved and accepted by the Committee, preferably the first practice night following the Committee meeting, the Pipe Major or designated representative shall present the proposed By-law(s) to Playing Members present. Playing members not present will be informed by their preferred method of contact.
 - c. At the next practice night following the presentation of the By-law, a vote of playing members present will be called. A majority of members present will ratify the By-law, effective immediately. In case of a tied vote, the Pipe Major or designated representative will cast the deciding vote.
 - d. Where such a By-law is not ratified by members present, they may propose such amendments as they see fit, for the PM or designated representative to submit to Committee at the next available opportunity.
3. All By-laws, once ratified, shall be duly noted in the minutes of the Management Committee, and any necessary changes amended in the relevant association document(s). All members are to be notified of additions, deletions or changes to the By-laws.

15. Financial Management

1. The Financial Year of the Association shall be from 1 July to 30 June.
2. The funds of the association shall be derived from entrance fees, annual membership fees and subscriptions, Band Administrative fees, bonds and subscriptions, Band performance fees and such other sources as the committee determines.

- a. All money received by the association shall be deposited as soon as practicable and without deduction to the credit of the association's bank account.
 - b. The association shall, as soon as practicable after receiving any money, issue an appropriate receipt.
3. Management of the funds of the association shall be in accordance with the Model Rules part 1.5 (32)
4. Additional to Model Rules part 1.5 (32)
 - a. No two signatories on a cheque or other negotiable instrument shall be from the same immediate family, and
 - b. No signatory may sign a cheque or other negotiable instrument where that person is the recipient of such funds.

16. Custody and Inspection of Books

1. Subject to the Act, the regulations and these rules, the secretary shall keep in his or her custody or under his or her control all records, books, and other documents relating to the association.
2. The records, books and other documents of the association shall be open to inspection at a place in the ACT, free of charge, by a member of the association at any reasonable hour.

17. Common Seal

1. The common seal of the association shall be kept in the custody of the secretary.
2. The common seal shall not be affixed to any instrument except by the authority of the committee and the affixing of the common seal shall be attested by the signatures of 2 members of the Executive Committee.

18. Alterations to Constitution

1. Subject to the Act the association may by Special Resolution alter its Objects or Rules in whole or in part.
2. Any alteration shall be made only as a result of a motion of which notice has been given to the Secretary for a period and in a manner laid down in Model Rules Part 1.4.24, and any such modification as recorded in the By-laws of the association, and which is notified, voted upon and passed by a majority of three-quarters of votes cast by members being entitled to vote in person at either an Annual General Meeting or General Meeting duly convened in accordance with these rules.
3. A special resolution to alter the Objects or Rules shall have no effect until a notice has been lodged by the association with the Registrar-General of such resolution. Such notice shall be lodged no later than one month after the resolution was passed.

19. Insurance

1. A Public Liability Risk policy shall be effected and renewed annually at the minimum level required by Common Law, or any contractual obligations.
2. A Management Liability policy shall be effected and renewed annually at the minimum level required by Common Law, or any contractual obligations.

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