



## **FREQUENTLY ASKED QUESTIONS**

### **ABOUT THE CONSTITUTION OF THE QBA**

**Note:** These questions and answers don't form part of the Constitution of the Queensland Band Association Inc. They are meant as a guide to the rules.

#### **Who can be a member of the QBA?**

Ordinary membership is held by an incorporated association which exists to manage brass or concert bands. Only one membership is held by any particular association, even if it has two, three or more bands. That means that each association only gets one vote at meetings.

Individual players in bands are not members of the QBA. Management committee members are not members of the QBA. This means that only member associations have a right to vote at general meetings.

#### **How are membership fees decided?**

Fees are levied in a way and at a level set by the AGM, on advice from the management committee. That could mean that fees are levied equally on every ordinary member, or there could be a scale of fees depending on the number of bands that each association wants to register for contest purposes. There will usually be a lower fee set for associations which don't have contesting bands. The constitution provides a great deal of scope for the calculation and collection of fees.

#### **What is the 'register of members' that the management committee is required to keep?**

This is not the register or database of players in bands. It is just a register of the associations which are currently members of the QBA. The register of players in bands is dealt with in the by-laws.

#### **Who can serve on the QBA management committee?**

Generally any individual person can serve on the committee. They do not have to be a person that is a member of a band. But – to be elected onto the committee, that person must be nominated by a member association, and seconded by another member association. If there is more than one nominee for any position then that person must also be supported by the majority of the member associations at the general meeting at which they are elected.

#### **How many positions are on the committee?**

The committee consists of up to 11 members:

- A President
- A Vice-President
- A Treasurer
- A Secretary
- A Registrar
- Up to 6 committee members

According to the Act - The committee **MUST** have a President, a Secretary and a Treasurer in order to function. All other positions only exist if people are nominated and seconded into them. A person must be 18 years of age to serve on the committee.



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FAQ

## **How does the management committee operate?**

The committee must meet at least once per month. How it conducts business is a matter for the committee – except that a quorum consists of a majority of the members turning up for the meeting. The President has no casting vote if a vote is needed on a particular issue. If there are equal votes for and against a motion then the motion is decided in the negative.

## **When is the AGM held?**

An AGM must be held within three months of the end of each financial year. This means it needs to be held on or before 30 September each year.

## **What quorum is needed to hold a general meeting (including an AGM)?**

There needs to be at least half the number of members of the association plus one present to hold a general meeting.

## **If members of the QBA are other associations, and not individual bands or people, who votes at general meetings?**

Every member association is entitled to one vote at a general meeting. Each association must appoint a representative to vote on its behalf at the meeting. This representative has to be identified to the QBA Secretary in writing (using the form provided in Rule 26(7)). This form needs to be filled out for every general meeting (even if you don't change the person representing your association) – you cannot just state that you want to use the same representative for every meeting.

The form identifying your representative can be mailed, faxed or e-mailed to the QBA Secretary, but it is the responsibility of each association to make sure that this is done before the meeting starts. You cannot appoint a representative by phone.

A person may be appointed as the representative of more than one member association to vote at a general meeting – but such a person needs to have the written appointment of any association they represent.

It is quite permissible for a member association to write on the form which appoints their representative how they have instructed that person to vote. If that happens – the QBA Secretary needs to be sure that the vote for that association is consistent with what is written on the form.

Remember – management committee members have no individual/personal vote at a general meeting.



## **How are disputes between members and the QBA management committee handled?**

There is a new process, which MUST be followed:

1. The disputing member (an association) and the management committee must meet in person within 14 days to try and settle the matter. Neither party can be represented by lawyers at this stage. The disputing member can send along any of its own members to this meeting.
2. If this initial stage doesn't settle the dispute – then there must be a proper external mediation conducted by a qualified mediator. That mediator must be a person appointed or employed by the Dispute Resolution Branch of the *Department of Justice and Attorney-General* (Queensland). There is usually no fee charged for this service. No lawyers are allowed during this stage. Both parties represent themselves.
3. As a last resort – if no agreement is reached at mediation then the disputing association and the QBA can resort to legal action.

There is a somewhat similar process provided for in the constitution where two member associations are in dispute with each other. The QBA now has a responsibility to oversee those disputes if approached.

## **What about the rules to do with permits, player registrations etc?**

Those matters are dealt with in the by-laws. By-laws can be amended by the management committee at any time – but those amendments can be overturned by a special general meeting (where such a meeting is properly convened according to the constitution).

## **What happened to the delegate system?**

The delegates had no authority or standing under the old rules, except for the power to vote at a general meeting. The new rules replace the term “delegate” with “representative”. Delegates meeting were held every quarter and were run as if the decisions of that meeting were in some way official or binding – they were not. There is nothing to prevent the management committee continuing to hold regular meetings to consult with interested parties.

## **What happened to the Zones?**

The QBA used to be divided into 3 zones – Northern, Central and Southern. These zones had virtually no recognition, authority or representation under the rules. Those zones are no longer referred to under the constitution. It is hoped that with the significant expansion of the management committee, that bands outside of the South East corner of the State will either nominate some of their own members to serve on the committee or nominate people from the Brisbane area to serve on the committee as advocates for rural and remote members. There is no requirement for a management committee member to physically attend all meetings. If a member is elected who lives in a rural or remote area then the management committee will be obligated to cater for that member's participation. That could involve some meetings by teleconference, the holding of meetings outside of Brisbane or the compensation of travel costs to and from Brisbane for some meetings. These sorts of arrangement are at the discretion of the management committee as a whole, however.

## **When was this current constitution adopted?**

It was adopted by a special general meeting of members on Saturday 9<sup>th</sup> July 2005.