



ACT REGIONAL COMMITTEE OF HIGHLAND DANCING INC

CONSTITUTION updated

October 2022

Objects

- To promote and foster Highland Dancing in the ACT
- To advance the technique of Highland Dancing in accordance with the Royal Scottish Official Board of Highland Dancing (RSOBHD) for students, teachers and judges
- To adhere to the constitution and rules set by RSOBHD, as adopted by Australian Board of Highland Dancing Inc (ABHDI) to cater for local conditions.

Table of Provisions

PART 1. PRELIMINARY

1. Definitions

Association refers to the body known as the ACT Regional Committee of Highland Dancing Inc (ACTRCHDI)

Committee consists of the office bearers of the association and 2 elected ordinary members

Financial year means the year ended 30 June

Member means a member, however described by the association

Technical member means a member who holds a teachers qualification in highland dancing as recognised by RSOBHD

Judge means a member who holds an adjudicators qualification in Highland dancing as recognised by RSOBHD

Secretary means the person holding the office under these rules as secretary of the association or, if no such person holds that office, the public officer of the association

The Act means the Associations Incorporation Act 1991

The Regulation means the Associations Incorporation Regulation 1991

2. Application of Legislation ACT 2001. The legislation ACT 2001 applies to these rules in the same way as it would if they were an instrument made under the Act



PART 2. MEMBERSHIP

3. **Membership qualifications.** A person is qualified to be a member if the person is aged 18 years or over and has
 - a. Been nominated for membership in accordance with section 4 AND
 - b. Has been approved for membership of the association by the committee of the association

4. **Nomination for Membership.**
 - a. A nomination of a person for membership of the association –
The applicant will complete the online form named Application for Membership of ACT Regional Committee of Highland Dancing Inc located on the associations website.
 - b. The secretary will refer the nomination for membership to the committee for approval or otherwise as soon as practical after receiving the application for membership.
 - c. If the committee approves the nomination for membership the secretary will notify the nominee and request the first years annual membership fee be paid within 28 days.
 - d. The secretary must, on receipt of the first years annual fee within the timeframe mentioned in subsection (c) enter the nominees name on to the online register of members and thus the nominee becomes a member of the association.

5. **Membership entitlements not transferrable**

All rights, privilege or obligation that a person has because of being a member of the association

 - a. Cannot be transferred or transmitted to another person AND
 - b. Terminates on cessation of a person's membership

6. **Cessation of membership**

A person ceases to be a member of the association if the person –

 - a. Dies or
 - b. Resigns from the membership of the association or
 - c. Is expelled from the association
 - d. Fails to renew membership of the association within 12 months of the fees becoming due.

7. **Resignation of membership**
 - a. A member is not entitled to resign from the membership of the association accept in accordance with this section
 - b. A member who has paid all amounts payable by the member to the association may resign from the membership of the association by first giving notice of not less than 1 month in writing (email accepted) to the secretary of the members intention to resign and, at the end of the notice period the member ceases to be a member
 - c. If a person ceases to be a member the secretary must update the online register of members recording the date of cessation



8. Annual fees

The committee will determine by resolution at the AGM the annual membership fees and the date payable

9. Members' liabilities.

The liability of a member to contribute towards the payment of the debts and liabilities of the association or the costs, charges or expenses of the winding up of the association is limited to the amount (if any) unpaid by the member in relation to the membership of the association as required in section 8 Annual fees.

10. Disciplining of members

a. If the committee is of the opinion that the member has –

- i. Refused or persistently neglected to comply with a provision of these rules or
- ii. Has persistently and wilfully acted in a manner prejudicial to the interests of the association

The committee may, by resolution

- i. Expel the member from the association
- ii. Suspend the member from the rights and privileges of membership of the association that the committee may decide for a specified period

b A resolution of the committee under sub-section (a) is of no effect unless the committee, at a meeting held not earlier than 14 days and not later than 28 days after the service on a member of a notice under sub-section (c), confirms the resolution with this section

c If the committee passes a resolution under sub-section (a) the secretary must as soon as practical serve a written notice (email acceptable) on the member –

- i. Setting out the resolution of the committee and the grounds on which it is based
- ii. Stating that the member may address the committee at a meeting to be held not earlier than 14 days and not later than 28 days after the service of the notice AND
- iii. Stating the date, place and time of that meeting AND
- iv. Informing the member that they may do either of both of the following –
 1. Attend and speak at the meeting
 2. Submit to the committee at or before the date of that meeting written representations (email acceptable) relating to the resolution.

d. Subject to the Act, section 50, at a meeting of the committee mentioned in subsection (b) the committee must –

- i. Give the member mentioned in sub-section (a) the opportunity to make oral representations AND
- ii. Give due consideration to any written representations submitted to the committee by that member at or before the meeting AND



- iii. By resolution decide whether to confirm or to revoke the resolution of the committee made under sub-section (a)
- e. If a committee confirms a resolution under sub-section (d), the secretary must, within 7 days after that confirmation, by written notice inform that member of their right to appeal under section 11.
- f. A resolution confirmed by the committee under sub-section (d) does not take effect –
 - i. Until the end of the period within which the member is entitled to appeal against the resolution if the member does not exercise the right to appeal within that period OR
 - ii. If within that period the member exercises the right to appeal – unless and until the association confirms the resolution in accordance with section 11 (d)

9. Right of appeal of a disciplined member

- a. A member may appeal to the association in a general meeting against a resolution of the committee that is confirmed under section 10 (d), within 7 days after the notice of resolution is served on the member, by lodging with the secretary notice to that effect.
- b. On receipt of a notice under sub-section (a), the secretary must notify the committee and call a general meeting of the association to be held within 21 days after the date the secretary received the notice or as soon as practicable after that date.
- c. Subject to the Act, section 50, at a general meeting of the association called under sub-section (b) –
 - i. No business other than the question of the appeal may be transacted
AND
The committee and the member must be given opportunity to make representations in relation to the appeal orally or in writing or both
AND
 - iii. The members present must vote by secret ballot on the question of whether the resolution made under section 10 (d) should be confirmed or revoked.
- d. If the meeting passes a special resolution in favour of the confirmation of the resolution made under section 10 (d), that resolution is confirmed.

PART 3. COMMITTEE

12. Powers of committee

The committee, subject to the Act, the regulation, these rules and to a resolution passed by the association in general meeting –

- a. Controls and manages the affairs of the association AND
- b. May exercise all the functions that may be exercised by the association other than those functions that are required by these rules to be actioned at a general meeting AND
- c. Has the power to perform all actions and do all things that appear to the committee to be necessary or desirable for the proper management of the affairs of the association.



13. Constitution and membership

- a. The committee consists of
 - i. The office bearers of the association
 - ii. Two ordinary committee members
- b. Each of whom must be elected under section 14 or appointed in accordance with sub-section (d)
- c. The office bearers of the association are –
 - i. President
 - ii. Vice-President
 - iii. Treasurer
 - iv. Secretary
 - v. Technical secretary
 - vi. Registrar
- d. Each member of the committee holds office, subject to these rules, until the conclusion of the annual general meeting following the date of the members election, but is eligible for re-election.
- e. 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 the office, subject to these rules, until the conclusion of the annual general meeting after the appointment.

14. Election of committee members

- a. Nominations of candidates for election of office bearers of the association –
 - i. Must be made in writing, signed by 2 members of the association and accompanied by written consent of the candidate (which may be endorsed on the nomination form) AND
 - ii. Must be given to the secretary of the association not less than 7 days before the date fixed for the annual general meeting at which the election is to take place
- b. If insufficient nominations are received to fill the vacancies on the committee, the candidates nominated are taken to be elected and further nominations may be taken at the annual general meeting.
- c. If insufficient further nominations are received, any vacant positions remaining on the committee are taken to be vacancies.
- d. If the number of nominations are equal to the number of vacancies to be filled, the people nominated are taken to be elected.
- e. If the number of nominations exceeds the number of vacancies to be filled, a ballot must be taken.
- f. The ballot for the election of the office bearers must be conducted at the annual general meeting in a way the committee may direct.
- g. A person is not eligible to simultaneously hold more than one position on the committee



15. Secretary

The secretary must keep the minutes of –

- i. All elections and appointments of office bearers and ordinary committee members
- ii. The names of the members of the committee present at committee and general meetings AND
- iii. All proceedings at committee and general meetings
- iv. Monitor and disburse communication received from ABHDI and RSOBHD as appropriate

16. Treasurer

The treasurer of the association must

- i. collect and receive all amounts owing to the association and make all payments authorised by the association AND
- ii. Keep accurate electronic records (or books) showing the financial affairs of the association with full details of all receipts and expenditure associated with the activities of the association

17. Technical secretary

The technical secretary must be a judge and keep the minutes of all proceedings of technical and judges meetings.

18. Vacancies

For these rules, a vacancy in the office of a member happens if the member –

- a. Dies
- b. Ceases to be a member of the association.
- c. Resigns the office.
- d. Is removed from office under section 19.
- e. Becomes bankrupt or personally insolvent.
- f. Is disqualified from office under the Act, section 63 (1) OR
- g. Is subject to a disqualification order under the Act, section 63A.
- h. Is absent without consent of the committee from all meetings of the committee held during a period of 6 months.

19. Removal of committee members

The association, in a general meeting may by resolution, subject to the Act, section 50, remove any member of the committee from the office before the end of the members' term of office.



20. Delegation by committee to subcommittee

- a. The committee may, in writing delegate to 1 or more subcommittees (consisting of the member or members of the association that the committee considers appropriate) the exercise of the functions of the committee that are specified in the instrument, other than –
 - i. this power of delegation
 - ii. a function that is imposed on the committee by the Act, by any other Territory law, or by resolution of the association in a general meeting.
- b. a function, the exercise of which has been delegated to a subcommittee under this section may, while the delegation remains unrevoked, be exercised from time to time by the subcommittee in accordance with the terms of the delegation
- c. a delegation under this section may be made subject to any conditions or limitation about the exercise of any function, or about time or circumstances, that may be specified in the instrument of delegation.
- d. despite any delegation under this section, the committee may continue to exercise any function delegated.
- e. Any act or thing done or suffered by a subcommittee action is the exercise of a delegation under this section has the same force and effect as it would if it has been done or suffered by the committee.
- f. The committee may, in writing, revoke wholly or in part any delegation under this section.
- g. A subcommittee may meet and adjourn as it considers appropriate.

PART 4. GENERAL MEETINGS

21. Annual General Meetings – holding of

The association must, at least once in a calendar year and within 5 months of the end of each financial year of the association, call an annual general meeting of its members.

22. Annual General Meetings – calling of

- a. The annual general meeting of the association must, subject to the Act, be called on the date, at the place and time that the committee considers appropriate.
- b. In addition to any other business that may be transacted at the annual general meeting , the business of the annual general meeting is –
 - i. To confirm the minutes of the last annual general and any general meeting held since that meeting and
 - ii. To receive from the committee reports on the activities of the association during the last financial year and



- iii. To elect the members of the committee, including the office bearers and
 - iv. To receive and consider the statement of accounts and reports that are required to be submitted to the members under the Act, section 73 (1)
- c. An annual general meeting must be conducted in accordance with the provisions of this part

23. Not used – Clause reserved

24. General Meeting – calling of and business at

- a. The committee must meet at least 4 times in a calendar year at the place and time determined by the committee.
- b. Additional meetings may be called by any member of the committee. A general meeting called by a member or members must be called as nearly as is practicable in the same way as general meetings are called by the committee
- c. Written notice or email must be given by the secretary to each member of the committee at least 48 hours prior to the scheduled meeting.
- d. Notice of a meeting given must specify the nature of the business to be conducted at the meeting and no other business may be transacted unless the committee members present unanimously agree to treat other business as urgent business
- e. If the nature of the business proposed to be dealt with at the meeting requires a special resolution of the association, the secretary must, at least 21 days before the fixed date for the holding of the general meeting, send notice to each member in the way provided in section (a) specifying, in addition to the matter requiring under that subsection, the intention to propose the resolution as a special resolution.
- f. A member desiring to bring any business before a general meeting may give written notice of that business to the secretary who must include that business in the next notice calling a general meeting given after the receipt of the notice from the member.

25. General Meetings – procedure and quorum

- a. No item of business may be transacted at a general meeting unless a quorum of members entitled under these rules to vote is present during the time the meeting is considering that item
- b. 4 members present in person / Zoom or similar (who are entitled under these rules to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting.
- c. If within 30 minutes after the appointed time for the start of the general meeting a quorum is not present, the meeting if called on the requisition of members is dissolved and in any other case stands adjourned to the same day the following week at the same time and unless another place is specified at the time of adjournment by the person presiding at the meeting or communicated by written notice to members given before the day to which the meeting is adjourned, at the same place.
- d. If at the adjourned meeting a quorum is not present within 30 minutes after the appointed start time of the meeting, the members present (being not less than 3) constitute a quorum



- e. At meetings of the committee the president, or in the absence of the president the vice president will preside. In the absence of both president and vice president one of the remaining members of the committee may be chosen by those present to preside.

26. Adjournment

- a. The person presiding at a general meeting at which a quorum is present may, with the consent of the majority of members present, adjourn the meeting from time to time and place to place, but no business may be transacted at an adjourned meeting other than the business that is left unfinished at the meeting at which the adjournment took place.
- b. If a general meeting is adjourned for 14 days or more the secretary must give written or oral notice of the adjourned meeting to each member of the association stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.

27. Making of decisions

- a. A question arising at a general meeting of the association is to be decided on a show of hands and, unless before or on the declaration of the show of hands a poll is demanded a declaration by the person presiding that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, or an entry to that effect in the minutes of the meeting is evidence of the fact without proof of the number or the proportion of the votes recorded in favour or against that resolution.
- b. At a general meeting of the association, a poll may be demanded by the person presiding or by not less than 3 members present or by proxy at the meeting.
- c. If a poll is demanded at a general meeting the poll must be taken –
 - i. Immediately if the poll relates to the election of the person to preside at the meeting or to the question of an adjournment.
 - ii. In any other case – in the way and at the time before the close of the meeting that the person presiding directs, and at the resolution of the poll on the matter is taken to be the resolution of the meeting on that matter.

28. Voting

- a. On any question arising at a general meeting of the committee a member has one vote only
- b. All votes must be given personally or by proxy but no member may hold more than 5 proxies
- c. If the votes on a question at a general meeting are equal, the person presiding is entitled to exercise a second or casting vote



- d. A member is not entitled to vote at any general meeting of the committee unless all money due has been paid by the member or proxy, other than the amount of the current years annual subscription

29. Appointment of proxies

- a. Each member is entitled to appoint another member as a proxy by notice given to the secretary no later than 24 hours before the time of the meeting for which the proxy is appointed.
- b. The notice appointing the proxy must be in the form set out in appendix 2.

30. Technical Meetings

- a. The committee will conduct a minimum of two technical meetings during the calendar year
- b. The technical secretary must record the minutes of all business conducted during the technical meeting.
- c. Business conducted at the technical meeting is to cover only matters related to the technique of highland dancing in accordance with the RSOBHD.

31. Judges meeting

- a. The committee will conduct a minimum of one judges meeting per calendar year
- b. The technical secretary must record the minutes of all business conducted during the judges meeting
- c. Business conducted at the judges meeting is to cover only business related to the adjudication of highland dancing in accordance with the RSOBHD.
- d. Only judges will be permitted at the judges meeting and will receive minutes of the meeting.

PART 5. MISCELLANEOUS

32. Funds – source

- a. The funds of the committee must be derived from registration fees, annual subscriptions of members, donations and, subject to any resolution passed by the association in a general meeting and subject the Act, section 114, any other sources that the committee decides
- b. All money received by the committee must be deposited as soon as practicable and without deduction to the credit of the committees bank account.
- c. The association must, upon request issue a receipt as soon as practicable after the money received.



33. Funds – management

- a. Subject to any resolution passed by the committee in a general meeting the funds of the committee must be used for the objects of the association in the way that the committee decides.
- b. All cheques, drafts, electronic debits and negotiable instruments must be authorised by two members of the committee, being members of the committee or employees authorised to do so by the committee. All payments will be ratified at the next general meeting of the association after the date of the payments have been affected.

34. Alteration of objects and rules.

Neither the objects of the association mentioned in the Act, section 29 nor these rules may be altered except in accordance with the Act.

35. Custody of records

Subject to the Act, the regulation and these rules, the secretary/treasurer must keep in his/her custody or under his/her control all records, books and other documents relating to the association for a period of 7 years.

36. Inspection of records

The records, books and other documents of the committee must be open for inspection at a place in the ACT, free of charge by a member of the association at any reasonable hour.

37. Service of notice

For these rules, the committee may serve a notice on a member by sending it by post or email to the member at the members address or email address shown in the register of members.

38. Surplus property

In the event that the committee disbands or winds up, the funds and surplus property will be donated to ABHDI

Appendix 1 – Membership application available online

Appendix 2 – Proxy nomination available online