



2020 ANNUAL GENERAL MEETING - AGENDA

Open and Welcome

This is the Annual General Meeting for *National Barrel Horse Association of Australia Inc. (IA36297)*

Meeting commenced at 8.05am 19/12/2020

Voting for motions will be by a show of hands at the meeting (proxy votes accepted for those not attending).

At this meeting we will:

- State our association's financial position
Read by Kel Webb
- Give financial statements to members and ask for them to be adopted
Moved by Michael Sanford Secoded by Candice Burke
- Outline the activities of the year
National Show
- Management Committee of 2020 to be thanked and to step down.
- Elect office bearers for 2021 President, Vice President, Treasurer, Secretary and Sponsorship Coordinator (President, VP, Treasurer and Secretary all pre-nominated – VP by online voting)

VOTING AS PER THE CONSTITUTION

5. Classes of members

(1) The membership of the association consists of the following classes:

(a) Ordinary members - who are at aged at least 18 and support the objects of the association. The number of ordinary members is unlimited.

(b) Junior members – who are under 18 years of age and support the objects of the association. Junior members are not entitled to vote unless permitted by law. Nor can they hold positions on the management committee. The number of junior members is unlimited.

Voting is only open to current financial NBHA Australia members

- Nomination received for President
KEL WEBB (Nominated by Michael Sanford & Renee Myers)
- Nomination received for Treasurer
CANDICE BURKE (Nominated by Kel Webb & Renee Myers)
- Nomination received for Secretary
RENEE MYERS (Nominated by Kel Webb & Michael Sanford)
- Nomination received for Vice President
MICHAEL SANFORD (Nominated by Kel Webb & Renee Myers)
- Nomination received for Sponsorship Coordinator

Position to be filled.

Sophie Weedon volunteered to fill the position.

Moved by Michael Sanford

Secoded by Kellie Webb

Hear and vote on motions (NOTE: Some items are carry over from postponed Special General Meeting)

✓ **LIFE MEMBER NOMINATIONS**

**Michael Sanford
Kel Webb
Melissa Milton
Brooke Maxwell**

**Mark Quinn (already Life Member)
Dave Maxwell
Kerrie Anderson**

Life Membership to be restructured as per General Business outcome.

All Life Memberships for 2020 AGM are being put on hold until a selection criteria is designed. Selection Criteria to be put forward to directors to discuss. Current Life Members will all still hold their life membership and currently do not have to reapply for them.

✓ **2021 State & National Show**

- Date for 2021 National Show
National Show to be held in Caboolture Area. Prefer June/July School holidays possibly 3 + 4 July. Date to be confirmed according to Arena Availability. Kellie to contact the Caboolture Show society to see if dates from 24 June right through to 9th July if any dates are available.
Moved by Brooke Woodward Secoded by Dave Maxwell
- 2021 State Show to be offered to Districts. Interested Districts to submit a proposal to 2021 Board by 31/1/2021.
D5 & D8 shown interest to hold 2021 State Show. Proposals from Districts to be sent to Board for approval.
Moved by Kellie Webb Secoded by Michael Sanford
- All Districts pay \$250 a year to be used towards Saddles and Buckles for the 2021 National Show.
Moved by Brooke Woodward Secoded by Dawn Emes

✓ **By-Law Amendments**

- No horse can be run more than 4 times in a day including exhibition runs and poles
Rejected by those in attendance
- Horse sharing, if you don't own the horse and are borrowing it a mount fee must be paid to the owner of the horse (nominated by Melissa Milton)
Rejected by those in attendance
- Peewee :
Need wording changed from Led to Assisted.
And also Rule 9 rule to be amended Or another rule put in.
once a child turns 5 They no longer require a spotter.
Approved by the board as per the constitution
- 9. Peeweess who are 4 and under MUST be on a ledline at all times whilst mounted.
They MUST have 2 NBHA members aged 18 years or older with them at all times whilst mounted.
The person leading the horse/pony must have full control at all times and must lead at/from the horses/pony shoulder and at a speed that allows the second person to remain at the child side and remain in contact with one hand on either the child's back or leg at all times.
Approved by the board as per the constitution

Also, See Appendix 1.

*2021 to make amendments to bylaws wording where deemed necessary so rules are not a grey area.
(eg -subheadings, western attire, feature events)

Board has made amendments to the bylaws as per constitution and the new Bylaws will take affect immediately

Change the structure of the Management Committee to a Rolling Committee whereby only 2 or 3 of the Committee move on each year. This will ensure continuity of the Management Committee and will mean a new committee is picking up from scratch.

Change in 2020	Change in 2021	Change in 2022
President Secretary	Treasurer Vice President Sponsorship Coordinator	President Secretary

Carried Unopposed in 2018. Constitution was not changed via Fair Trading in time so motion to be Carried again and Constitution changed within 30 days of AGM.

Moved by Kellie Webb

Seconded by Brooke Woodward

- General Business:

- ✓ **Payout Amount Transparency**

Payout amounts to be included on Timesheet/Results published for transparency

Members have requested that when Results are published that payouts with income and expenses for the events are also published (Spreadsheet used to work out payouts to be published as well)

- ✓ **Qualifying for National Show**

Do we continue to keep it as 3 rounds to qualify?

Changes to National Show as following MOTION

OPENS: To qualify for NBHA National Show, the RIDER must have ridden in 5 Open Barrel Racing NBHA points awarded events.

JUNIORS: To qualify for NBHA National Show, the RIDER must have ridden in 5 Junior Barrel Racing NBHA points awarded events.

SENIORS: To qualify for NBHA National Show, the RIDER must have ridden in 5 Open or Senior Barrel Racing NBHA points awarded events.

PEWEES: To qualify for NBHA National Show, the RIDER must have ridden in 3 Peeve Barrel Racing NBHA points awarded events.

Moved by AMY PACKER

Seconded by CAROLINE KRIESCH

- ✓ **First Aide Officer @ Events**

Making it compulsory to have a qualified First Aide Officer at all events.

Districts can pay for a dedicated person to do First Aide Course.

Board to find out Insurance requirements for First Aide Officer.

Each District to ensure a Member attending has a current First Aide Certificate.

District discretion whether to pay for First Aide Certificate.

Secretary to provide Incident Report Template to District Directors

- ✓ **Accumulating Points at Finals**

How to prevent Members from riding extra horses, obviously slowing horses or any other strategy to acquire points different to results from throughout the year. - REJECTED

Horses to qualify for final rounds (ie that rider has ridden that horse at minimum 4 prior rounds) -

REJECTED

Up to Owners discretion and cannot be governed by NBHA Board/Rules etc.

✓ **Life Membership**

Life Membership system to be either cancelled or changed so that Board votes/chooses 1 Life Member per year. Nominations received and Board Vote.(nominated by Mark Quinn)

A Selection Criteria is to be created by the board to award and revoke Life Membership .

Moved by Michael Sanford Seconded by Sharyn Beel

Board can revoke Life Membership at any time for Bad Behavior.

Moved by AMY PACKER, DAVE MAXWELL Seconded by Sharyn Beel

✓ **Fundraising**

Fundraising Financials to be published within 7 days of District Fundraising event for transparency. (nominated by Amy Packer)

Directors to post within 7 days of any fundraising money that has been raised at events/markets etc including any expenses that the districts occurred

✓ **RULE BOOK SECTION G. Protests & Complaints**

Clarification of the \$50 fee. As per advice from NBHA USA, \$50 fee is payable if someone wants to protest what happened at an event that could affect the payout.

Any complaints to Management Committee does not incur a \$50 fee but must be put in writing.

- ✓ The Management Committee does not condone any form of Bullying, Verbal Abuse, Physical Abuse, Inappropriate Social Media Post (in relation to NBHA Members, which has happened at an event or named NBHA). If anything like this happens PLEASE put it in writing so the board can address the matter.

✓ **RUN OFFS for End of Year Awards**

End Of Year Points can be worked on a count back if directors deem it is unsafe for a run off to occur

Moved by AMY PACKER Seconded by Dave Maxwell

Thank you for attending the Annual General Meeting. Meeting closed at 9.55am.

Attendee's:

Kel Webb	D1
Michael Sandford	D9
Karen Gosney +1	D1
Candice Burke	D1
Caroline Kriesch	D1
Danae Hart	D1
Miley Hart	D1
Amy Packer	D10
Melissa Howard	D10
Cassidy Howard	D10
Brooke Maxwell	D10
Dave Maxwell	D10
Debbie Heaton	D1
Mal Heaton	--
Dawn Emes	D1
Cheye Emes	D1
Clint Emes	D1
Trinity Emes	D1
Sharyn Beel	D1
Bianca Mason + 1	D1

DRAFT



CONSTITUTION 2020

Anything highlighted in green is a change from the model rules written by Office of Fair Trading. We've provided an explanation about why we have made these changes or additions for you to consider but if you don't like them they can be deleted .. simply go back to the model rule wording.

Anything highlighted in blue is just for comment or further information and will be deleted from your draft! Please don't worry about layouts, these will change in the final version.

1 Interpretation

(1) In these rules—

Act means the *Associations Incorporation Act 1981*.

present—

- (a) at a management committee meeting, see rule 23(6); or
- (b) at a general meeting, see rule 37(2).

(2) A word or expression that is not defined in these model rules, but is defined in the Act has, if the context permits, the meaning given by the Act.

(3) Family means at least one person in a caregiver role (Eg mother, father etc) and at least one child under 18 years of age.

2 Name

The name of the incorporated association is National Barrel Horse Association of Australia Incorporated (***the association***).

3 Objects

The objects of the association are—

- (1) To support and encourage the sport of Barrel Riding for people of all ages, genders, cultures and abilities.
- (2) To represent the interests of all members in every State & Territory of Australia by providing sport related programmes and activities for their benefit.
- (3) To promote good horsemanship and excellent interpersonal skills that promote positive behaviours in all member's interactions.
- (3) To encourage families to have fun and learn in a safe environment with their horses and each other.

NOTE: *These are for review and discussion. Are they relevant, do they need further amendments?*

4 Powers

(1) The association has the powers of an individual.

(2) The association may, for example—

- (a) enter into contracts; and
- (b) acquire, hold, deal with and dispose of property; and
- (c) make charges for services and facilities it supplies; and
- (d) do other things necessary or convenient to be done in carrying out its affairs.

(3) The association may also issue secured and unsecured notes, debentures and debenture stock for the association.

5 Classes of members

(1) The membership of the association consists of ordinary members, in any of the following sub-categories of members—

	Ordinary Membership Category	Definition	Voting Rights At General Meeting
(a)	Senior Riding Member	A person over 18 years of age registered to participate in riding events.	Yes
(b)	Junior Riding Member	A person under 18 years of age registered to participate in riding events.	No
(c)	Caregiver Member	The nominated representative of each family who has registered Junior Riding Member/s. One only Caregiver Member allowed per family. (For the purposes of this clause family is defined as any group of adult caregivers and junior members who live in the same household.)	Yes
(d)	Active Life Members	A Life Member has been accepted at an AGM under the conditions of the current By-Laws and who has volunteered or attended a general meeting in the past two years.	Yes
(e)	Non Active Life Members	A Life Member has been accepted at an AGM under the conditions of the current By-Laws and who has not volunteered or attended a general meeting in the past two years.	No
(f)	Honorary Member	A Person or organisation invited to membership by the management committee in the interest of the association for such a period as may be deemed appropriate and appointed according to the current By-Laws.	No
(g)	Volunteer Member	A member of the management committee or a volunteer working with the association (must be over 18 years of age) who do not ride.	Yes
(h)	District Member	An incorporated organisation affiliated to the association anywhere in Australia. Each District Member shall be entitled to one vote. The District Member Representative to be advised to the association 14 day's prior to the meeting.	Yes

NOTE: A discussion will be necessary on who should have the power to vote (just some suggestions here). Do you want to have (or already have) life members? Honorary members have taxation advantages I can explain further in our meeting,

(2) The number of ordinary members is unlimited.

6 Members Codes of Conduct & Complaint Handling

(1) The management committee of the association will develop and publish acceptable codes of conduct for members which may include but is not limited to:

- (a) Physical & verbal behaviours during association events, meetings or other activities;
- (b) Posting and commenting on social media platforms when referring to either the association or any of its members;
- (c) Any other behavioural matters which are necessary to meet the legislative obligations of the association;

(d) Complaint, investigation and disciplinary procedures which may be required to ensure any breaches of the codes of conduct are properly and fairly considered using a process based on natural justice. Such procedures must include the opportunity for members to seek mediation as a method to resolve a complaint.

(2) All members of any sub-category will be required to agree to abide by the Codes of Conduct as a condition of membership.

NOTE: These are not standard clauses, however they attempt to give the association clear powers necessary to properly manage complaints and attempt to anticipate the upcoming changes to the Associations Incorporations Act in 2022.

7 New membership

(1) An applicant for membership of the association must be proposed by 1 member of the association (the **proposer**) and seconded by another member (the **seconder**).

(2) An application for membership must be—

- (a) in writing; and
- (b) signed by the applicant and the applicant's proposer and seconder; and
- (c) in the form decided by the management committee.

NOTE: If the association uses online membership or sign-on you can have someone on management committee move to accept to the whole list and get another to second and still meet the obligations here without changing anything!

8 Membership fees

(1) The membership fee for each ordinary membership and for each other class of membership (if any)—

(a) is the amount decided by the management committee from time to time at a meeting; and

NOTE: The management committee is empowered to run the business and that should mean setting the prices for membership. Other businesses don't ask clients how much they want to pay for services and the management committee has a better understanding of costs than most members.

(b) is payable when, and in the way, the management committee decides.

9 Admission and rejection of new members

(1) The management committee must consider an application for membership at the next committee meeting held after it receives—

- (a) the application for membership; and
- (b) the appropriate membership fee for the application.

(2) The management committee must ensure that, as soon as possible after the person applies to become a member of the association, and before the management committee considers the person's application, the person is advised—

- (a) whether or not the association has public liability insurance; and
- (b) if the association has public liability insurance—the amount of the insurance.

(3) The management committee must decide at the meeting whether to accept or reject the application.

(4) If a majority of the members of the management committee present at the meeting vote to accept the applicant as a member, the applicant must be accepted as a member for the class of membership applied for.

(5) The secretary of the association must, as soon as practicable after the management committee decides to accept or reject an application, give the applicant a written notice of the decision.

10 When membership ends

(1) A member may resign from the association by giving a written notice of resignation to the secretary.

(2) The resignation takes effect at—

- (a) the time the notice is received by the secretary; or
- (b) if a later time is stated in the notice—the later time.

(3) The management committee may terminate a member's membership if the member—

- (a) is convicted of an indictable offence; or
- (b) does not comply with any of the provisions of these rules; or
- (c) has membership fees in arrears for at least 2 months; or
- (d) conducts himself or herself in a way considered to be injurious or prejudicial to the character or interests of the association.

(4) Before the management committee terminates a members membership, the committee must give the member a full and fair opportunity to show why the membership should not be terminated.

(5) If, after considering all representations made by the member, the management committee decides to terminate the membership, the secretary of the committee must give the member a written notice of the decision.

11 Appeal against rejection or termination of membership

(1) A person whose application for membership has been rejected, or whose membership has been terminated, may give the secretary written notice of the persons intention to appeal against the decision.

(2) A notice of intention to appeal must be given to the secretary within 1 month after the person receives written notice of the decision.

(3) If the secretary receives a notice of intention to appeal, the secretary must, within 1 month after receiving the notice, call a general meeting to decide the appeal.

12 General meeting to decide appeal

(1) The general meeting to decide an appeal must be held within 3 months after the secretary receives the notice of intention to appeal.

(2) At the meeting, the applicant must be given a full and fair opportunity to show why the application should not be rejected or the membership should not be terminated.

(3) Also, the management committee and the members of the committee who rejected the application or terminated the membership must be given a full and fair opportunity to show why the application should be rejected or the membership should be terminated.

(4) An appeal must be decided by a majority vote of the members present and eligible to vote at the meeting.

(5) If a person whose application for membership has been rejected does not appeal against the decision within 1 month after receiving written notice of the decision, or the person appeals but the appeal is unsuccessful, the secretary must, as soon as practicable, refund the membership fee paid by the person.

13 Register of members

(1) The management committee must keep a register of members of the association.

(2) The register must include the following particulars for each member—

(a) the full name of the member;

(b) the postal or residential address of the member;

(c) the date of admission as a member;

(d) the date of death or time of resignation of the member;

(e) details about the termination or reinstatement of membership;

(f) any other particulars the management committee or the members at a general meeting decide.

(3) The register must be open for inspection by members of the association at all reasonable times.

(4) A member must contact the secretary to arrange an inspection of the register.

(5) However, the management committee may, on the application of a member of the association, withhold information about the member (other than the members full name) from the register available for inspection if the management committee has reasonable grounds for believing the disclosure of the information would put the member at risk of harm.

14 Prohibition on use of information on register of members

(1) A member of the association must not—

(a) use information obtained from the register of members of the association to contact, or send material to, another member of the association for the purpose of advertising for political, religious, charitable or commercial purposes; or

(b) disclose information obtained from the register to someone else, knowing that the information is likely to be used to contact, or send material to, another member of the association for the purpose of advertising for political, religious, charitable or commercial purposes.

(2) Subrule (1) does not apply if the use or disclosure of the information is approved by the association.

15 Appointment or election of secretary

(1) The secretary must be an individual residing in Queensland, or in another State but not more than 65km from the Queensland border, who is—

(a) a member of the association elected by the association as secretary; or

(b) any of the following persons appointed by the management committee as secretary—

- (i) a member of the association's management committee;
- (ii) another member of the association;
- (iii) another person.

(2) If a vacancy happens in the office of secretary, the members of the management committee must ensure a secretary is appointed or elected for the association within 1 month after the vacancy happens.

(3) If the management committee appoints a person mentioned in subrule (1)(b)(ii) as secretary, other than to fill a casual vacancy on the management committee, the person does not become a member of the management committee.

(4) However, if the management committee appoints a person mentioned in subrule (1)(b)(ii) as secretary to fill a casual vacancy on the management committee, the person becomes a member of the management committee.

(5) If the management committee appoints a person mentioned in subrule (1)(b)(iii) as secretary, the person does not become a member of the management committee.

(6) In this rule— **casual vacancy**, on a management committee, means a vacancy that happens when an elected member of the management committee resigns, dies or otherwise stops holding office.

16 Removal of secretary

(1) The management committee of the association may at any time remove a person appointed by the committee as the secretary.

(2) If the management committee removes a secretary who is a person mentioned in rule 15(1)(b)(i), the person remains a member of the management committee.

(3) If the management committee removes a secretary who is a person mentioned in rule 15(1)(b)(ii) and who has been appointed to a casual vacancy on the management committee under rule 15(5), the person remains a member of the management committee.

17 Functions of secretary

The secretary's functions include, but are not limited to—

- (a) calling meetings of the association, including preparing notices of a meeting and of the business to be conducted at the meeting in consultation with the president of the association; and
- (b) keeping minutes of each meeting; and
- (c) keeping copies of all correspondence and other documents relating to the association; and
- (d) maintaining the register of members of the association.

18 Membership of management committee

(1) The management committee of the association consists of a president, treasurer, and any other members the association members elect at a general meeting.

(1) The management committee of the association consists of a president, secretary, treasurer, and a maximum of two other management committee members.

NOTE: We like to add the role of Secretary back in as a minimum. Other clauses do mention it and make provision for when a Secretary is appointed rather than elected, but this is a bit clearer that when elected, they are part of the management committee.

(2) A member of the management committee, other than a secretary appointed by the management committee under rule 15(1)(b)(iii), must be a member of the association.

(3) At each annual general meeting of the association, the appropriate members of the management committee must retire from office (refer clause 19(6)), but are eligible, on nomination, for re-election.

NOTE: If you are going to hold senate style elections for better succession planning, make this change so only half the management committee will retire in each year.

(4) A member of the association may be appointed to a casual vacancy on the management committee under rule 21.

(5) A maximum of one family member may serve on the management committee at one time. For the purposes of this clause family means any combination of parents, children, grandchildren and siblings.

NOTE: This clause isn't in the model rules at all and while some clubs are run by couples, it is much better governance to make sure the committee is made up of a wider range of people with different opinions and skills. If you're worried about limiting it to one person, consider saying a maximum of two!

(6) A management committee member, who holds office for a period of three consecutive two year terms (the maximum period) in any position or 10 years in the aggregate, is not eligible for

election until the Annual General Meeting which follows the Annual General Meeting at which the maximum period was completed.

NOTE: Neither of these clause suggestions are in the model rules either but they both speak to healthy governance. We want planned succession, where no-one "owns" a role, where there's a constant flow of new people and where our wonderful volunteers can take the opportunity to have a rest after a decade.

19 Electing the management committee

- (1) A member of the management committee may only be elected as follows—
 - (a) any 2 members of the association may nominate another member (the *candidate*) to serve as a member of the management committee;
 - (b) the nomination must be—
 - (i) in writing; and
 - (ii) signed by the candidate and the members who nominated him or her; and
 - (iii) given to the secretary at least 14 days before the annual general meeting at which the election is to be held;
 - (c) each member of the association present and eligible to vote at the annual general meeting may vote for 1 candidate for each vacant position on the management committee;
 - (d) if, at the start of the meeting, there are not enough candidates nominated, nominations may be taken from the floor of the meeting.
- (2) A person may be a candidate only if the person—
 - (a) is an adult; and
 - (b) is not ineligible to be elected as a member under section 61A of the Act.
- (3) A list of the candidates names in alphabetical order, with the names of the members who nominated each candidate, must be posted in a conspicuous place in the office or usual place of meeting of the association for at least 7 days immediately preceding the annual general meeting.
- (4) If required by the management committee, balloting lists must be prepared containing the names of the candidates in alphabetical order.
- (5) The management committee must ensure that, before a candidate is elected as a member of the management committee, the candidate is advised—
 - (a) whether or not the association has public liability insurance; and
 - (b) if the association has public liability insurance—the amount of the insurance.
- (6) At every annual general meeting half the members of the management committee will be elected for a two year term.
 - (a) at the first annual general meeting following the adoption of these rules, the President & Secretary and a maximum of one management committee shall resign from office (and in the absence of agreement as to who will retire, those to retire will be determined by lot from among the management committee) and an election will be held to elect candidates to those positions. Those retiring management committee members will, subject to the requirement of these rules, be eligible for re-election; and
 - (b) at the second annual general meeting following the adoption of these rules, the Treasurer and a maximum of one member of the management committee who did not retire at the previous annual general meeting will retire from office and an election will be held to candidates to those positions. Those retiring management committee members will, subject to the requirement of these rules, be eligible for re-election

NOTE: This is the rule previously agreed that was not registered.

20 Resignation, removal or vacation of office of management committee member

- (1) A member of the management committee may resign from the committee by giving written notice of resignation to the secretary.
- (2) The resignation takes effect at—
 - (a) the time the notice is received by the secretary; or
 - (b) if a later time is stated in the notice—the later time.
- (3) A member may be removed from office at a general meeting of the association if a majority of the members present and eligible to vote at the meeting vote in favour of removing the member.

- (4) Before a vote of members is taken about removing the member from office, the member must be given a full and fair opportunity to show cause why he or she should not be removed from office.
- (5) A member has no right of appeal against the members removal from office under this rule.
- (6) A member immediately vacates the office of member in the circumstances mentioned in section 64(2) of the Act.

21 Vacancies on management committee

- (1) If a casual vacancy happens on the management committee, the continuing members of the committee may appoint another member of the association to fill the vacancy until the next annual general meeting.
- (2) The continuing members of the management committee may act despite a casual vacancy on the management committee.
- (3) However, if the number of committee members is less than the number fixed under rule 24(1) as a quorum of the management committee, the continuing members may act only to—
 - (a) increase the number of management committee members to the number required for a quorum; or
 - (b) call a general meeting of the association.

22 Functions of management committee

- (1) Subject to these rules or a resolution of the members of the association carried at a general meeting, the management committee has the general control and management of the administration of the affairs, property and funds of the association.
- (2) The management committee has authority to interpret the meaning of these rules and any matter relating to the association on which the rules are silent, but any interpretation must have regard to the Act, including any regulation made under the Act.

Note—

The Act prevails if the associations rules are inconsistent with the Act—see section 1B of the Act.

- (3) The management committee may exercise the powers of the association—
 - (a) to borrow, raise or secure the payment of amounts in a way the members of the association decide; and
 - (b) to secure the amounts mentioned in paragraph (a) or the payment or performance of any debt, liability, contract, guarantee or other engagement incurred or to be entered into by the association in any way, including by the issue of debentures (perpetual or otherwise) charged upon the whole or part of the associations property, both present and future; and
 - (c) to purchase, redeem or pay off any securities issued; and
 - (d) to borrow amounts from members and pay interest on the amounts borrowed; and
 - (e) to mortgage or charge the whole or part of its property; and
 - (f) to issue debentures and other securities, whether outright or as security for any debt, liability or obligation of the association; and
 - (g) to provide and pay off any securities issued; and
 - (h) to invest in a way the members of the association may from time to time decide.
- (4) For subrule (3)(d), the rate of interest must not be more than the current rate being charged for overdrawn accounts on money lent (regardless of the term of the loan) by—
 - (a) the financial institution for the association; or
 - (b) if there is more than 1 financial institution for the association—the financial institution nominated by the management committee.

23 Meetings of management committee

- (1) Subject to this rule, the management committee may meet and conduct its proceedings as it considers appropriate.
- (2) The management committee must meet at least once every 4 months to exercise its functions.
- (3) The management committee must decide how a meeting is to be called.
- (4) Notice of a meeting is to be given in the way decided by the management committee.
- (5) The management committee may hold meetings or permit a committee member to take part in its meetings, by using any technology that reasonably allows the member to hear and take part in discussions as they happen.
- (6) A committee member who participates in the meeting as mentioned in subrule (5) is taken to be present at the meeting.
- (7) A question arising at a committee meeting is to be decided by a majority vote of members of the committee present at the meeting and, if the votes are equal, the question is decided in the negative.

(8) A member of the management committee must not vote on a question about a contract or proposed contract with the association if the member has an interest in the contract or proposed contract and, if the member does vote, the members vote must not be counted.

(9) The president is to preside as chairperson at a management committee meeting.

(10) If there is no president or if the president is not present within 10 minutes after the time fixed for a management committee meeting, the members may choose 1 of their number to preside as chairperson at the meeting.

24 Quorum for, and adjournment of, management committee meeting

(1) At a management committee meeting, more than 50% of the members elected to the committee as at the close of the last general meeting of the members form a quorum.

(2) If there is no quorum within 30 minutes after the time fixed for a management committee meeting called on the request of members of the committee, the meeting lapses.

(3) If there is no quorum within 30 minutes after the time fixed for a management committee meeting called other than on the request of the members of the committee—

(a) the meeting is to be adjourned for at least 1 day; and

(b) the members of the management committee who are present are to decide the day, time and place of the adjourned meeting.

(4) If, at an adjourned meeting mentioned in subrule (3), there is no quorum within 30 minutes after the time fixed for the meeting, the meeting lapses.

25 Special meeting of management committee

(1) If the secretary receives a written request signed by at least 33% of the members of the management committee, the secretary must call a special meeting of the committee by giving each member of the committee notice of the meeting within 14 days after the secretary receives the request.

(2) If the secretary is unable or unwilling to call the special meeting, the president must call the meeting.

(3) A request for a special meeting must state—

(a) why the special meeting is called; and

(b) the business to be conducted at the meeting.

(4) A notice of a special meeting must state—

(a) the day, time and place of the meeting; and

(b) the business to be conducted at the meeting.

(5) A special meeting of the management committee must be held within 14 days after notice of the meeting is given to the members of the management committee.

26 Minutes of management committee meetings

(1) The secretary must ensure full and accurate minutes of all questions, matters, resolutions and other proceedings of each management committee meeting are entered in a minute book.

(2) To ensure the accuracy of the minutes, the minutes of each management committee meeting must be signed by the chairperson of the meeting, or the chairperson of the next management committee meeting, verifying their accuracy.

27 Appointment of subcommittees

(1) The management committee may appoint a subcommittee consisting of members of the association considered appropriate by the committee to help with the conduct of the associations operations.

(2) A member of the subcommittee who is not a member of the management committee is not entitled to vote at a management committee meeting.

(3) A subcommittee may elect a chairperson of its meetings.

(4) If a chairperson is not elected, or if the chairperson is not present within 10 minutes after the time fixed for a meeting, the members present may choose 1 of their number to be chairperson of the meeting.

(5) A subcommittee may meet and adjourn as it considers appropriate.

(6) A question arising at a subcommittee meeting is to be decided by a majority vote of the members present at the meeting and, if the votes are equal, the question is decided in the negative.

28 Acts not affected by defects or disqualifications

(1) An act performed by the management committee, a subcommittee or a person acting as a member of the management committee is taken to have been validly performed.

- (2) Subrule (1) applies even if the act was performed when—
- (a) there was a defect in the appointment of a member of the management committee, subcommittee or person acting as a member of the management committee; or
 - (b) a management committee member, subcommittee member or person acting as a member of the management committee was disqualified from being a member.

29 Resolutions of management committee without meeting

- (1) A written resolution signed by each member of the management committee is as valid and effectual as if it had been passed at a committee meeting that was properly called and held.
- (2) A resolution mentioned in subrule (1) may consist of several documents in like form, each signed by 1 or more members of the committee.

30 Annual general meeting

Each annual general meeting must be held—

- (a) at least once each year; and
- (b) within 6 months after the end date of the association's reportable financial year.

31 Business to be conducted at annual general meeting of level 1 incorporated associations and particular level 2 and 3 incorporated associations

- (1) This rule applies only if the association is—
- (a) a level 1 incorporated association; or
 - (b) a level 2 incorporated association to which section 59 of the Act applies; or
 - (c) a level 3 incorporated association to which section 59 of the Act applies.
- (2) The following business must be conducted at each annual general meeting of the association—
- (a) receiving the association's financial statement, and audit report, for the last reportable financial year;
 - (b) presenting the financial statement and audit report to the meeting for adoption;
 - (c) electing members of the management committee;
 - (d) for a level 1 incorporated association—appointing an auditor or an accountant for the present financial year;
 - (e) for a level 2 incorporated association, or a level 3 incorporated association, to which section 59 of the Act applies—appointing an auditor, an accountant or an approved person for the present financial year.

32 Business to be conducted at annual general meeting of other level 2 incorporated associations

- (1) This rule applies only if the association is a level 2 incorporated association to which section 59A of the Act applies.
- (2) The following business must be conducted at each annual general meeting of the association—
- (a) receiving the association's financial statement, and signed statement, for the last reportable financial year;
 - (b) presenting the financial statement and signed statement to the meeting for adoption;
 - (c) electing members of the management committee;
 - (d) appointing an auditor, an accountant or an approved person for the present financial year.

33 Business to be conducted at annual general meeting of other level 3 incorporated associations

- (1) This rule applies only if the association is a level 3 incorporated association to which section 59B of the Act applies.
- (2) The following business must be conducted at each annual general meeting of the association—
- (a) receiving the association's financial statement, and signed statement, for the last reportable financial year;
 - (b) presenting the financial statement and signed statement to the meeting for adoption;
 - (c) electing members of the management committee.

34 Notice of general meeting

- (1) The secretary may call a general meeting of the association.
- (2) The secretary must give at least 14 days notice of the meeting to each member of the association.
- (3) If the secretary is unable or unwilling to call the meeting, the president must call the meeting.
- (4) The management committee may decide the way in which the notice must be given.
- (5) However, notice of the following meetings must be given in writing—
- (a) a meeting called to hear and decide the appeal of a person against the management committee's decision—
 - (i) to reject the person's application for membership of the association; or
 - (ii) to terminate the person's membership of the association;
 - (b) a meeting called to hear and decide a proposed special resolution of the association.

(6) A notice of a general meeting must state the business to be conducted at the meeting.

35 Quorum for, and adjournment of, general meeting

(1) The quorum for a general meeting is at least the number of members elected or appointed to the management committee at the close of the association's last general meeting plus 1.

(2) However, if all members of the association are members of the management committee, the quorum is the total number of members less 1.

(3) No business may be conducted at a general meeting unless there is a quorum of members when the meeting proceeds to business.

(4) If there is no quorum within 30 minutes after the time fixed for a general meeting called on the request of members of the management committee or the association, the meeting lapses.

(5) If there is no quorum within 30 minutes after the time fixed for a general meeting called other than on the request of members of the management committee or the association—

(a) the meeting is to be adjourned for at least 7 days; and

(b) the management committee is to decide the day, time and place of the adjourned meeting.

(6) The chairperson may, with the consent of any meeting at which there is a quorum, and must if directed by the meeting, adjourn the meeting from time to time and from place to place.

(7) If a meeting is adjourned under subrule (6), only the business left unfinished at the meeting from which the adjournment took place may be conducted at the adjourned meeting.

(8) The secretary is not required to give the members notice of an adjournment or of the business to be conducted at an adjourned meeting unless a meeting is adjourned for at least 30 days.

(9) If a meeting is adjourned for at least 30 days, notice of the adjourned meeting must be given in the same way notice is given for an original meeting.

36 Procedure at general meeting

(1) A member may take part and vote in a general meeting in person, by proxy, by attorney or by using any technology that reasonably allows the member to hear and take part in discussions as they happen.

(1) A member may take part and vote in a general meeting in person, by proxy, by attorney or by using any technology that reasonably allows the member to hear and take part in discussions as they happen.

NOTE: Discussion is necessary on proxy voting vs electronic voting. Take a read through the suggestion for deleting the right to a proxy vote. If you decide to take out proxies, then we can make the changes highlighted here.

(2) A member who participates in a meeting as mentioned in subrule (1) is taken to be present at the meeting.

(3) At each general meeting—

(a) the president is to preside as chairperson; and

(b) if there is no president or if the president is not present within 15 minutes after the time fixed for the meeting or is unwilling to act, the members present must elect 1 of their number to be chairperson of the meeting; and

(c) the chairperson must conduct the meeting in a proper and orderly way.

37 Voting at general meeting

(1) At a general meeting, each question, matter or resolution, other than a special resolution, must be decided by a majority of votes of the members present.

(2) Each member present and eligible to vote is entitled to 1 vote only and, if the votes are equal, the chairperson has a casting vote as well as a primary vote.

(2) Each member present and eligible to vote is entitled to 1 vote only and, if the votes are equal, the matter shall be decided in the negative.

NOTE: For further discussion, for meeting Chairs it's never a good idea to force half the members to agree with you by using a casting vote. Much better to go away and do some quiet negotiations and find a majority.

(3) A member is not entitled to vote at a general meeting if the member's annual subscription is in arrears at the date of the meeting.

(4) The method of voting is to be decided by the management committee.

(5) However, if at least 20% of the members present demand a secret ballot, voting must be by secret ballot.

(6) If a secret ballot is held, the chairperson must appoint 2 members to conduct the secret ballot in the way the chairperson decides.

(7) The result of a secret ballot as declared by the chairperson is taken to be a resolution of the meeting at which the ballot was held.

38 Special general meeting

- (1) The secretary must call a special general meeting by giving each member of the association notice of the meeting within 14 days after—
 - (a) being directed to call the meeting by the management committee; or
 - (b) being given a written request signed by—
 - (i) at least 33% of the number of members of the management committee when the request is signed; or
 - (ii) at least the number of ordinary members of the association equal to double the number of members of the association on the management committee when the request is signed plus 1; or
 - (c) being given a written notice of an intention to appeal against the decision of the management committee—
 - (i) to reject an application for membership; or
 - (ii) to terminate a person's membership.
- (2) A request mentioned in subrule (1)(b) must state—
 - (a) why the special general meeting is being called; and
 - (b) the business to be conducted at the meeting.
- (3) A special general meeting must be held within 3 months after the secretary—
 - (a) is directed to call the meeting by the management committee; or
 - (b) is given the written request mentioned in subrule (1)(b); or
 - (c) is given the written notice of an intention to appeal mentioned in subrule (1)(c).
- (4) If the secretary is unable or unwilling to call the special meeting, the president must call the meeting.

39 Proxies

- (1) An instrument appointing a proxy must be in writing and be in the following or similar form—

[Name of association]:
I,.....of..... , being a member of the association, appoint,.....of..... as my proxy to vote for me on my behalf at the (annual) general meeting of the association, to be held on theday of20..... and at any adjournment of the meeting.
Signed this.....day of.....20.....
Signature

- (2) The instrument appointing a proxy must—
 - (a) if the appointor is an individual—be signed by the appointor or the appointor's attorney properly authorised in writing; or
 - (b) if the appointor is a corporation—
 - (i) be under seal; or
 - (ii) be signed by a properly authorised officer or attorney of the corporation.

(3) A proxy must be a member of the association. Any member of the association may only be a proxy for one other member at any time.

NOTE: This is another change from the model rules. Let's at least make sure those holding proxies are members of our association! If you do decide to keep proxies, this is a good balance between keeping them for those who genuinely can't attend a meeting and avoiding a situation where one person has the power of tens or hundreds of votes. This will help to make sure democracy wins in your club not any one person.

- (4) The instrument appointing a proxy is taken to confer authority to demand or join in demanding a secret ballot.
- (5) Each instrument appointing a proxy must be given to the secretary before the start of the meeting or adjourned meeting at which the person named in the instrument proposes to vote.

(5) Each instrument appointing a proxy must be given to the secretary at least 48 hours before the start of the meeting or adjourned meeting at which the person named in the instrument proposes to vote.

NOTE: If you decide to keep proxies, they need to be well managed. It's an impossible task to manage proxies and still start a meeting within 20 minutes when members can hand them in on arrival. Be kind to your Secretary & Treasurer and make the change to notify them well in advance so they can check they are correct and the person who gave them is financial and has voting rights.

- (6) Unless otherwise instructed by the appointor, the proxy may vote as the proxy considers appropriate.

(7) If a member wants a proxy to vote for or against a resolution, the instrument appointing the proxy must be in the following or similar form—

[Name of association]:
I,.....of..... , being a member of the association, appoint,.....of..... as my proxy to vote for me on my behalf at the (annual) general meeting of the association, to be held on theday of20..... and at any adjournment of the meeting.
Signed this.....day of.....20.....
Signature
This form is to be used *in favour of/*against [<i>strike out whichever is not wanted</i>] the following resolutions—
[List relevant resolutions]

(1) The association does not allow proxy voting. (Take out the whole clause above and replace with these words so it's clear they aren't allowed)

NOTE: I would strongly recommend deleting the right to a proxy vote. In short, they are difficult to manage and almost always used for the wrong reasons to enforce change where most members who have awarded proxies don't realise the implications. Members can now attend meetings using other technology, so on balance for volunteers you should consider just eliminating them.

40 Minutes of general meetings

- (1) The secretary must ensure full and accurate minutes of all questions, matters, resolutions and other proceedings of each general meeting are entered in a minute book.
- (2) To ensure the accuracy of the minutes—
 - (a) the minutes of each general meeting must be signed by the chairperson of the meeting, or the chairperson of the next general meeting, verifying their accuracy; and
 - (b) the minutes of each annual general meeting must be signed by the chairperson of the meeting, or the chairperson of the next meeting of the association that is a general meeting or annual general meeting, verifying their accuracy.
- (3) If asked by a member of the association, the secretary must, within 28 days after the request is made—
 - (a) make the minute book for a particular general meeting available for inspection by the member at a mutually agreed time and place; and
 - (b) give the member copies of the minutes of the meeting.
- (4) The association may require the member to pay the reasonable costs of providing copies of the minutes.

41 By-laws

- (1) The management committee may make, amend or repeal by-laws, not inconsistent with these rules, for the internal management of the association.
- (2) A by-law may be set aside by a vote of members at a general meeting of the association.

42 Alteration of rules

- (1) Subject to the Act, these rules may be amended, repealed or added to by a special resolution carried at a general meeting.
- (2) However an amendment, repeal or addition is valid only if it is registered by the chief executive.

43 Common seal

- (1) The management committee must ensure the association has a common seal.
- (2) The common seal must be—
 - (a) kept securely by the management committee; and
 - (b) used only under the authority of the management committee.

- (3) Each instrument to which the seal is attached must be signed by a member of the management committee and countersigned by—
- (a) the secretary; or
 - (b) another member of the management committee; or
 - (c) someone authorised by the management committee.

44 Funds and accounts

- (1) The funds of the association must be kept in an account in the name of the association in a financial institution decided by the management committee.
- (2) Records and accounts must be kept in the English language showing full and accurate particulars of the financial affairs of the association.
- (3) All amounts must be deposited in the financial institution account as soon as practicable after receipt.
- (4) A payment by the association of \$100 or more must be made by cheque or electronic funds transfer.
- (5) If a payment of \$100 or more is made by cheque, the cheque must be signed by any 2 of the following—
- (5) If a payment of \$100 or more is made by cheque or EFT, the payment must be signed or approved by any 2 of the following—
- (a) the president;
 - (b) the secretary;
 - (c) the treasurer;
 - (d) any 1 of 3 other members of the association who have been authorised by the management committee to sign cheques issued by the association.

(6) However, 1 of the persons who signs the cheque or approves the payment must be the president, the secretary or the treasurer.

NOTE: Just allowing here for the very common practice of EFT, which while covered elsewhere is clarified in this suggested change.

(7) When two members of one family serve on the management committee at one time, only one shall be an authorised signatory to the account.

NOTE: This clause isn't in the model rules but if you decide to have either two people in a family or no restrictions for family on the management committee, we think this is good risk management.

- (8) Cheques, other than cheques for wages, allowances or petty cash recoupment, must be crossed not negotiable.
- (9) A petty cash account must be kept on the imprest system, and the management committee must decide the amount of petty cash to be kept in the account.
- (10) All expenditure must be approved at a management committee meeting.

NOTE: For volunteer organisations we recommend any expenditure to be approved before its made, rather than reported after its made. If you're worried about getting the management committee to approve in a timely way, why not have them approve a budget at the beginning of the year and then all expenditure within the budget doesn't need another approval at a meeting. Only new expenditure needs to be discussed.

45 General financial matters

- (1) On behalf of the management committee, the treasurer must, as soon as practicable after the end date of each financial year, ensure a financial statement for its last reportable financial year is prepared.
- (2) The income and property of the association must be used solely in promoting the association's objects and exercising the association's powers.

46 Documents

The management committee must ensure the safe custody of books, documents, instruments of title and securities of the association.

47 Financial year

The end date of the association's financial year is 30 June in each year.

48 Distribution of surplus assets to another entity

- (1) This rule applies if the association—
- (a) is wound-up under part 10 of the Act; and

- (b) has surplus assets.
- (2) The surplus assets must not be distributed among the members of the association.
- (3) The surplus assets must be given to another entity—
 - (a) having objects similar to the association's objects; and
 - (b) the rules of which prohibit the distribution of the entity's income and assets to its members.
- (4) In this rule— **surplus assets** see section 92(3) of the Act.

DRAFT



DRAFT COMPLAINTS HANDLING PROCEDURE

Background

The Management Committee of National Barrel Horse Association of Australia Incorporated and its members aim to provide a simple, confidential and trustworthy procedure for resolving complaints based on the principles of procedural fairness. We understand our obligation to ensure that our complaints procedure has integrity and is free of unfair repercussions or victimisation against any person making a Complaint. We also understand that Complaints should be dealt with quickly where possible and fairly.

This procedure is compliant with requirements of the Incorporated Associations Queensland Act.

Complaints may be resolved informally or formally. This Procedure provides for resolution of complaints in a variety of ways. These range between:

- low key informal resolution where both parties accept the basic facts of a situation and it is possible to counsel the party who has acted inappropriately about a better way to have acted;
- situations where the complainant wishes to make a formal complaint in writing and further investigation is required; (**See Attachment 1**)
- resolution through mediation; (**See Attachment 2**) Mediation is a confidential process that allows those involved in a complaint to discuss the issues or incident in question and come up with mutually agreed solutions. Mediation can occur before, after or instead of the investigation of a Complaint.
- Hearings by a Tribunal. (**See Attachment 3**) The Tribunal can investigate and/or determine Complaints referred to it by the Management Committee; or conduct appeals requested by a Complainant or a Respondent to a Complaint.

There are some complaints, for example those related to discrimination or unlawful activity, where the complainant/s may wish to have their complaint handled by an external agency under anti-discrimination, child protection, criminal or other relevant legislation.

Responsibilities

The Management Committee is responsible for appointing a Complaints Officer at the first meeting after election of the Management Committee.

The Management Committee will when necessary, appoint a Tribunal to be comprised of at least three people who possess a particularly useful skill – such as human resources management, business management, corporate governance or like skills - to convene if and as required.

The Complaints Officer is responsible for receiving complaints and managing the process for resolution.

The Management Committee and members must take all necessary steps to make sure that the people involved in a Complaint are not victimised.

The Management Committee will discipline a person who harasses or victimises another person for making a Complaint or supporting another person's Complaint.

The Complainant is responsible for ensuring that their complaint is true, not maliciously motivated or intended to cause distress to the Respondent. Persons making such complaints can be subject to disciplinary action.

Who Can Lodge a Complaint?

Any person (Complainant) may report a complaint (Complaint) about a person, people or organisation bound by the policy (Respondent) if they feel that they have been discriminated against, harassed, bullied or there has been any other serious breach of our policies or Code of Conduct.

Complaints are preferred in writing but this is not essential.

The Complaints Handling Process

1. In the first instance, Complaints should be reported to the Complaints Officer.

2. A Complaint may be dealt with formally or informally. An example of an informal process would be a low-key conversation where the Complaint is resolved by agreement between the people involved with no need for disciplinary action.
3. The Complainant may indicate his or her preference and the Complaints Officer should consider whether the preferred process is an appropriate way to handle the particular complaint, for example the law may require that the Complaint/allegation be reported to an appropriate authority.
4. If a Complaint is not resolved to the Complainant's satisfaction through an informal process, the Complainant may make a formal Complaint in writing. Individuals or organisations may seek to have their Complaint handed by an external agency under relevant legislation.
5. Where a Complaints Officer decides that a complaint should be the subject of an investigation process, it should take place in accordance with

Attachment 1.

6. Once the Complaints Officer receives a written report from the investigator (in accordance with **Attachment 1**), the Complaints Officer will determine what, in any, further action to take. This action may include:
 - (a) A direction to the investigator to make further enquiries and obtain additional information;
 - (b) Disciplinary action; or
 - (c) Referring the Complaint to an informal or a formal mediation session, a hearings tribunal and/or the police or other appropriate authority.

The Complaints Officer may also determine to take no further action and dismiss the complaint.

7. If a Complainant wishes to resolve the complaint with the help of a mediator, the Complaints Officer will, in consultation with the Complainant, arrange for an independent mediator where possible. Lawyers will not be permitted to participate in the mediation process. The Complaints Officer will determine which party or parties (e.g. the Complaints Officer, the Complainant or the Respondent) are responsible to pay any costs of the mediation process.
8. Where a Complaints Officer refers a complaint to mediation, the mediation should proceed in accordance with the process in **Attachment 2**.

NB: Mediation might not be a suitable method for resolution of a Complaint in all cases.

9. The Tribunal may be convened to hear a proceeding referred to it by the Complaints Officer. Where the Complaints Officer refers a Complaint to the Tribunal, the Tribunal should proceed in accordance with **Attachment 3**.
10. If at any point in the Complaint handling process the Complaints Officer considers that a Complainant has knowingly made an untrue Complaint, or the Complaint is malicious or inappropriately intended to cause distress to the Respondent, the matter may be referred in writing to the Tribunal for review and appropriate action, including disciplinary action against the Complainant.
11. Every Complaints Officer bound by this policy will recognise and enforce any decision of a Tribunal.

ATTACHMENT 1 - INVESTIGATION PROCEDURE

There will be times when a complaint will need to be investigated and evidence gathered. An investigation helps determine the facts relating to the incident, as well as produce findings and recommendations. Any investigation that a Complaints Officer conducts should be fair to all parties involved.

If a Complaints Officer decides that a Complaint should be investigated the following steps should be followed:

1. A written brief will be provided to the investigator to ensure the terms of engagement and scope of the investigator's role and responsibilities are clear.
2. The Complainant will be interviewed by the investigator and the complaint documented in writing.
3. The details of the complaint will be conveyed to the person/people complained about (Respondent(s)) in full. The Respondent(s) will be given sufficient information to enable them to properly respond to the Complaint.
4. The Respondent(s) will be interviewed by the investigator and given the opportunity to respond. The Respondent'(s) response to the Complaint will be documented in writing.
5. If there is a dispute over the facts, statements from witnesses and other relevant evidence will be obtained to assist in a determination.
6. The investigator will determine whether the complaint is:
 - a. substantiated (there is sufficient evidence to support the complaint);
 - b. inconclusive (there is insufficient evidence either way);
 - c. unsubstantiated (there is sufficient evidence to show that the complaint is unfounded); and/or
 - d. mischievous, vexatious or knowingly untrue.
7. The investigator will produce a report documenting the complaint, investigation process, evidence, and findings and, if requested, recommendations. This report will be given to the relevant Complaints Officer.
8. The relevant Complaints Officer will provide a report documenting the complaint and summarising the investigation process and key points that were found to be substantiated, inconclusive, unsubstantiated and/or mischievous will be provided to the parties.
9. Both parties are entitled to support throughout this process from their chosen support person (who is not empowered to speak on their behalf).
10. The parties may have the right to appeal against any decision based on the investigation. Any appeal should be in accordance with the appeals process provided in this Complaints Procedure.

ATTACHMENT 2 - MEDIATION PROCEDURE

Mediation is a process that allows all people involved in a Complaint to talk through the issues with an impartial person – the mediator – and work out a mutual solution.

The mediator does not decide who is right or wrong and does not tell either side what they must do. Instead, he or she helps those involved talk through the issues making sure that the process is as fair as possible for all concerned.

The following is the general procedure for the conduct of mediations under this policy.

1. The people involved in a formal Complaint (Complainant and Respondent(s)) may work out their own resolution of the Complaint or seek the assistance of a neutral third person or a mediator. Mediation may occur at any time.
2. Mediation will only be recommended:
 - a. after the Complainant and Respondent have had their chance to tell their version of events to the relevant Complaints Officer; and
 - b. the relevant Complaints Officer does not believe that any of the allegations warrant any form of disciplinary action - proven serious allegations will not be mediated, no matter what the Complainant desires; and
 - c. mediation looks like it will work (i.e. the versions given by the Complainant and Respondent align or almost align and/or at the very least, it looks as though it will be possible for each party to understand the other party's point of view).
3. Mediation will **not** be recommended if:
 - a. the Respondent has a completely different version of the events and they won't deviate from these;
 - b. the Complainant or Respondent are unwilling to attempt mediation;
 - c. when the issues raised are sensitive in nature;
 - d. when there is a real or perceived power imbalance between the people involved;
 - e. matters that involve serious, proven allegations; or
 - f. the Complaint is not suitable for mediation due to the nature of the Complaint, the relationship between the Complainant and the Respondents and any other relevant factors.
4. If mediation is chosen to try and resolve the Complaint the relevant Complaints Officer will, in consultation with the parties arrange for a mediator to mediate the Complaint.
5. The relevant Complaints Officer will notify the Respondent(s) that a formal Complaint has been made, provide them with details of the Complaint, and advise them that it has decided to refer the matter to mediation.
6. The mediator's role is to assist the parties reach an agreement on how to resolve the issues between them. The mediator, in consultation with the parties, will determine the procedures to be followed during the mediation. An agenda of issues for discussion will be prepared by the mediator.
7. The mediation will be conducted confidentially and without prejudice. The rights of the parties to pursue an alternative process if the Complaint is not resolved will be preserved.
8. If the Complaint is resolved by mediation, the mediator will prepare a document that sets out the agreement reached between the parties and it will be signed by them as their agreement. The relevant Complaints Officer will be advised of the resolution of the matter. MC expects parties involved to respect and comply with the terms of the agreement executed.
9. If the formal Complaint is not resolved by mediation, the Complainant may:
 - a. write to the relevant Complaints Officer within 14 days of the mediation to request that they reconsider the Complaint, particularly whether they refer the Complaint to a resolution process other than mediation; or
 - b. approach an external agency such as an anti-discrimination or equal opportunity commission to resolve the matter.



ATTACHMENT 3 - HEARINGS & APPEALS TRIBUNALS PROCEDURE

The following hearing procedure will be followed where a Complaints Officer convenes a hearings tribunal (**Hearings Tribunal**) in Queensland.

1 - HEARINGS

Where MC receives a Complaint referred to it under the above procedure(s) the procedure set out below shall be followed:

1. Upon receipt of the Complaint the relevant Complaints Officer shall appoint a Hearings Officer. It is preferable that the Hearings Officer is fresh to the details of the complaint and the resolution steps already taken, though this may not be possible in all situations. The Hearings Officer shall, as soon as possible, do the following:
 - a. determine the composition of the Hearings Tribunal, as set out in clause 1(2) below; and
 - b. send to the Complainant(s) and Respondent(s) a notice setting out the alleged breach (collectively referred to as **Notice of Alleged Breach**) in accordance with clauses 1(4) and 1(5) of this Attachment; and
 - c. send a copy of the Notice of Alleged Breach to the chairperson of the Hearings Tribunal.
2. The Hearings Tribunal for each hearing shall be that appointed by the Management Committee in each year and may include:
 - a. a barrister or solicitor or if after reasonable attempts have been made to obtain such person without success, then a person with some experience in disciplinary/hearings tribunal;
 - b. a person with a thorough knowledge of the relevant issues (Eg safety); and
 - c. a person of experience and skills suitable to the function of the Hearings Tribunal, provided that such persons do not include:
 - i. a person, who would, by reason of their relationship with any of the parties, be reasonably considered to be other than impartial.
3. Frivolous, vexatious or malicious Complaints
 - a. If within 48 hours of receiving the Notice of Alleged Breach, the Respondent alleges in writing to the Hearings Officer that the Complaint is frivolous, vexatious or malicious, the chairperson of the relevant Complaints Officer shall as a preliminary issue, determine whether or not such Complaint is frivolous, vexatious or malicious and advise the parties of his or her determination.
 - b. The Hearings Officer shall provide to the other parties to the hearing (see clause 6) a copy of the written allegation made by the Respondent that the Complaint is frivolous, vexatious or malicious.
 - c. The chairperson shall determine the preliminary issue of whether the Complaint is frivolous, vexatious or malicious as soon as practicable and in whatever manner the chairperson considers appropriate in the circumstances provided that he or she does so in accordance with the principles of natural justice.
 - d. If the Complaint is determined to be frivolous, vexatious or malicious by the chairperson, then the Complaint will be dismissed.
 - e. The decision of the chairperson under this clause 1(3) is not subject to appeal.
4. The Hearings Tribunal will send a Notice of Alleged Breach to the Respondent(s) in writing informing them that a Hearings Tribunal hearing will take place. The notice will outline:
 - a. that the Respondent has a right to appear at the Hearings Tribunal to defend the Complaint/allegations;
 - b. the details of the Complaint and of all allegations, as well as the provision or clause of any policy, rule or regulation that has allegedly been breached;
 - c. the date, time and venue of the Hearings Tribunal hearing;



- d. that verbal and/or written submissions can be presented at the Hearings Tribunal;
 - e. that witnesses may attend the Hearings Tribunal to support the position of the Respondent/s;
 - f. an outline of any possible sanctions that may be imposed if the Complaint is found to be substantiated;
 - g. that legal representation will not be allowed.
 - h. that the respondent may be assisted by a support person at a Hearings Tribunal. For example, where the respondent is a minor, he or she should have a parent or guardian present. However a person cannot be a support person if he or she has been admitted to practice as a lawyer or worked as a trainee lawyer.
 - i. A copy of any information/documents that have been given to the Hearings Tribunal (e.g. investigation report findings) will be provided to the Respondent(s).
5. The Hearings Tribunal will send a Notice of Alleged Breach to the Complainant(s) in writing informing them that a Hearings Tribunal hearing will take place. The notice will outline:
- a. that the Complainant has a right to appear at the Hearings Tribunal to support their Complaint/allegations;
 - b. the details of the Complaint, including any relevant rules or regulations the Respondent is accused of breaching;
 - c. the date, time and venue of the Hearings Tribunal hearing;
 - d. that verbal and/or written submissions can be presented at the Hearings Tribunal hearing;
 - e. that witnesses may attend the Hearings Tribunal hearing to support the Complainant's position; and
 - f. that legal representation will not be allowed.
 - g. A copy of any information/documents that have been given to the Hearings Tribunal (e.g. investigation report findings) will be provided to the Complainant.
6. The Hearings Tribunal shall hear and determine the alleged breach in whatever manner it considers appropriate in the circumstances (including by way of teleconference, video conference or otherwise) provided that it does so in accordance with the principles of natural justice. The purpose of the hearing shall be to determine whether the Respondent has committed a breach of any relevant rule, regulation or policy of MC. If the Hearings Tribunal considers that the Respondent has committed such a breach of this Policy, it may impose any one or more of the sanctions set out in clause 3 below.
7. The parties to the hearing shall include the Complainant, the Respondent, the relevant Complaints Officer and any relevant witnesses which the Hearings Tribunal considers necessary.
8. If upon receipt of the Notice of Alleged Breach the Hearings Tribunal considers that pending the determination of the matter the Respondent may put at risk the safety and welfare of the Complainant or others it may order that the Respondent be:
- a. suspended from any role they hold with MC;
 - b. banned from any event or activities held by MY CLUB; and/or
 - c. required not to contact or in any way associate with the Complainant or other person about whom the alleged breach relates, pending the determination of the hearing.
9. There is no right of appeal of the decision by a Hearings Tribunal under clause 1(8).
10. No party to the hearing may be legally represented. The chairperson of the Hearings Tribunal may grant leave for a party to the hearing to be legally represented where their livelihood or a proprietary right is at risk. The onus is on the party seeking representation to prove that livelihood or a proprietary right is at risk.
11. Each party to the hearing shall bear their own costs in relation to the hearing.
12. The Hearings Tribunal shall give its decision as soon as practicable after the hearing and the Hearings Officer will deliver to the following a statement of the written reasons:



- a. the Complainant;
 - b. the Respondent; and any other party represented in the hearing.
13. Each member of each Hearings Tribunal established under this Policy shall be indemnified by the Complaints Officer which appointed them from any claim or action for loss, damages, or costs made against them arising out of, or in connection with, their function as a member of the Hearings Tribunal. Each party appearing before a Hearings Tribunal shall release each member of that tribunal from any claim or action for loss, damages, or costs made against them arising out of, or in connection with, their function as a member of the Hearings Tribunal. If required by the tribunal each party will sign a document giving effect to such release.
14. All members of the Hearings Tribunal shall keep all matters relating to the hearing (including but not limited to the nature of the Complaint, information obtained before and during the hearing, and the decision of the Hearings Tribunal) confidential.

2 - APPEALS

A party represented at a Hearings Tribunal may appeal a decision of that Hearings Tribunal on the sole ground that natural justice has not been provided at the hearing of the Hearings Tribunal.

1. An appeal against a decision of a Hearings Tribunal established by a Complaints Officer, shall be made to the appeals tribunal established by MC (**Appeals Tribunal**). Subject to the discretion of the chairperson of the Appeals Tribunal all appeals shall be heard at the principal place of business of MC.
2. There is only one right of appeal following the decision of the initial Hearings Tribunal. Any appeal must be solely and exclusively resolved by the Appeals Tribunal and the decision of such Appeals Tribunal is final and binding on the parties. There is no further right of appeal. It is agreed that no party to such appeal may institute or maintain proceedings in any external court or tribunal until they have exhausted their appeal rights under these procedures.
3. The process for such appeal is as follows:
 - a. the party wishing to appeal ("Appellant") shall within 72 hours of a Hearings Tribunal delivering its decision advise, in writing, the Hearings Officer of MC of their intention to appeal (**Notice of Intention to Appeal**);
 - b. as soon as possible after receipt of the Notice of Intention to Appeal, the Hearings Officer of MC shall advise the Management Committee; who will act as the Appeals Tribunal to hear and determine the appeal (which shall comprise of persons in accordance with clause 1(2) above but not the same persons who were part of the Hearings Tribunal that made the decision to which the appeal relates); and
 - c. within 5 days of lodging the Notice of Intention to Appeal, (or such shorter time as determined by the Appeals Tribunal if there is urgency) the Appellant shall:
 - i. pay a non-refundable appeal fee of \$550.00 (including GST) to the Hearings Officer of MC; and
 - ii. submit to the Hearings Officer of MC, four written copies of the grounds of appeal. The Hearings Officer of MC shall provide a copy of the grounds of appeal to the other party, to the chairperson of the Hearings Tribunal who made the decision which is the subject of the appeal and the chairperson of the Appeals Tribunal. If either of the requirements in this sub-clause are not met by the required time the appeal shall be deemed to be withdrawn;



- d. Upon completion of the procedures in clauses 2(3)(a)-(c) above, the Hearings Officer of MC (as the case may be) shall determine a time and date for the hearing of the appeal and as soon as possible thereafter notify all parties to the appeal in writing of such details; and
- (a) The procedure for the appeal shall be the same as the procedure for the Hearings Tribunal as set out in clause 1 of the Hearings section of this Attachment provided above.
4. An Appeals Tribunal may reject an appeal on the basis that the grounds of appeal are not satisfied.
5. Upon hearing the appeal the Appeals Tribunal may do any one or more of the following:
 - a. dismiss the appeal;
 - b. uphold the appeal;
 - c. impose any of the sanctions set out in clause 3 below; and/or
 - d. reduce, increase or otherwise vary any sanction imposed by the initial Hearings Tribunal.
6. Every member shall recognise and enforce any decision and penalty imposed by an Appeals Tribunal under this policy.
7. The Appeals Tribunal has no power to award costs and each party shall bear their own costs in relation to any appeal.
8. The hearing and appeal procedures set out above prevail over any other rules, regulations and policies of MC.

3 - SANCTIONS

1. Any disciplinary measure imposed by a Hearings Tribunal or Appeals Tribunal must:
 - a. conform to the principles of natural justice;
 - b. be fair and reasonable;
 - c. be based on the evidence and information presented; and
 - d. be within the powers of the Hearings Tribunal and Appeals Tribunal to impose the disciplinary measure.
2. If a Hearings Tribunal or Appeals Tribunal considers that a person or organisation has breached a rule, regulation or policy of MC it may impose any one or more of the following penalties:

For breaches committed by individual persons. If the Hearings Tribunal or Appeals Tribunal considers that an individual person has breached a rule, regulation or policy, it may impose any one or more of the following penalties on such person:

- i. direct that the offender attend counselling to address their conduct;
 - ii. recommend that MC terminate the appointment of the role which the offender holds with such organisation;
 - iii. (where there has been damage to property) direct that the offender pay compensation to the relevant organisation which controls or has possession of the damaged property;
 - iv. impose a monetary fine for an amount determined by the Hearings Tribunal;
 - v. impose a warning;
 - vi. consider termination of membership under the association's constitution;
 - vii. any other such penalty as the Hearings Tribunal considers appropriate.
3. When imposing any form of discipline it will be accompanied by a warning that a similar breach of policy by that individual in the future may result in the imposition of a more serious form of discipline.



Appendix 4



MEMBER PROTECTION POLICY

VERSION 01 August 2020



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1. Introduction

This Policy is intended to provide all Management Committee Members, Organisation Members and all volunteers with simple guidelines on what behaviour is expected of them and what behaviour is considered unacceptable and how that behavior should be managed within our organisation. Wherever the document refers to NBHAA it means National Barrel Horse Association of Australia Incorporated.

2. Purpose of Our Policy

The main objective of the [Organisation's] ("our", "us" or "we") Member Protection Policy ("policy") is to maintain responsible behaviour and the making of informed decisions by members and other participants in this organisation. It outlines our commitment to a person's right to be treated with respect and dignity, and to be safe and protected from discrimination, harassment and abuse. Our policy informs everyone involved in our organisation of his or her legal and ethical rights and responsibilities and the standards of behaviour that are expected of them. It also covers the care and protection of children participating in our organisation's activities.

3. Who Our Policy Applies To

This policy applies to everyone involved in the activities of our organisation whether they are in a paid or unpaid/voluntary capacity and including:

- organisation committee members, administrators and other organisation officials;
- personnel participating in events and activities, including camps and training sessions;
- volunteers;
- members, including any life members;
- parents;
- guests; and
- any other person to whom the policy may apply.

4. Extent of Our Policy

Our policy covers all matters directly and indirectly related to NBHAA and its activities. In particular, the policy governs unfair selection decisions and actions, breaches of our code of behaviour and behaviour that occurs at any organisation activity, in the NBHAA venue, at social events organised or sanctioned by the NBHAA and on away trips. It also covers private behaviour where that behaviour brings our NBHAA into disrepute or there is suspicion of harm towards a member, child or young person.

5. NBHAA Responsibilities

We will:

- adopt, implement and comply with this policy;
- ensure that this policy is enforceable;
- publish, distribute and promote this policy and the consequences of any breaches of this policy;;
- promote and model appropriate standards of behaviour at all times;
- deal with any complaints made under this policy in an appropriate manner;
- deal with any breaches of this policy in an appropriate manner;



- recognise and enforce any penalty imposed under this policy;
- ensure that a copy of this policy is available or accessible to all people and organisations to whom this policy applies;
- review this policy every 12-18 months; and
- seek advice from and refer serious issues to our *Complaints Officer*.

Serious issues include unlawful behaviour that involves or could lead to significant harm and includes criminal behaviour (e.g. physical assault, sexual assault, child abuse).

6. Individual Responsibilities

Everyone associated with our NBHAA must:

- make themselves aware of the contents of this policy;
- comply with all relevant provisions of this policy, including the standards of behaviour outlined in this policy;
- consent to the screening requirements set out in this policy, and any state or territory Working with Children checks if the person holds or applies for a role that involves regular unsupervised contact with a child or young person under the age of 18, or where otherwise required by law;
- treat other people with respect;
- always place the safety and welfare of each other & children above other considerations;
- be responsible and accountable for their behaviour; and
- follow the guidelines outlined in this policy if they wish to make a complaint or report a concern about possible child abuse, discrimination, harassment, bullying or other inappropriate behaviour; and
- comply with any decisions and/or disciplinary measures imposed under this policy.

7. Protection of Children

7.1 Child Protection

NBHAA is committed to the safety and wellbeing of children and young people who participate in our activities or use our services. We support the rights of the child and will act at all times to ensure that a child safe environment is maintained. We also support the rights and wellbeing of our members and volunteers and encourage their active participation in building and maintaining a secure and safe environment for all participants.

NBHAA acknowledges the valuable contribution made by our members and volunteers and we encourage their active participating in providing a safe, fair and inclusive environment for all participants.

7.1.1: Identifying and Analysing Risks of Harm

NBHAA will develop and implement a risk management strategy, which includes a review of our existing child protection practices, to determine how child-safe our organisation is and to identify any additional steps we can take to minimise and prevent the risk of harm to children because of the action of an employee, volunteer or another person.

7.1.2: Developing Codes of Conduct for Adults and Children



We will develop and promote a code of conduct that specifies standards of conduct and care we expect of adults when they deal and interact with children, particularly those in our care. We will also implement a code of conduct to promote appropriate behaviour between members.

The codes will clearly describe professional boundaries, ethical behaviour and unacceptable behaviour. (See Attachment 2)

7.1.3: Choosing Suitable Employees and Volunteers

NBHAA will ensure that the organisation takes all reasonable steps to ensure that it engages the most suitable and appropriate people to work with children, especially those in positions that involve regular unsupervised contact with children. This may be achieved using a range of screening measures. Such measures will aim to minimise the likelihood of engaging (or retaining) people who are unsuitable to work with children.

We will ensure that Working with Children Checks and criminal history assessments are conducted for employees and volunteers working with children, where an assessment is required by law. If a criminal history report is obtained as part of the screening process, we will ensure that the criminal history information is dealt with confidentially and in accordance with relevant legal requirements. (See Attachment 1.3)

7.1.4: Support, Train, Supervise and Enhance Performance

NBHAA will ensure that all our employees and volunteers who work with children have ongoing supervision; support and training. Our goal is to develop their skills and capacity and to enhance their performance so we can maintain a child-safe environment.

7.1.5: Empower and Promote the Participation of Children In Decision-Making And Service Development

NBHAA will promote the involvement and participation of children and young people in developing and maintaining a child-safe environment in our organisation.

7.1.6: Report and Respond Appropriately to Suspected Abuse and Neglect

We will ensure that employees and volunteers are able to identify and respond appropriately to children at risk of harm and that they are aware of their responsibilities under state laws to make a report if they suspect on reasonable ground that a child has been, or is being, abused or neglected (See Attachment 4).

In addition to any legal obligations, if any person believes that another person or organisation bound by this policy is acting inappropriately towards a child or is in breach of this policy they may make an internal complaint.

Any person who believes a child is in immediate danger or in a life threatening situation, should contact the police immediately.

7.2 Supervision



Children under the age of [18] must be supervised at all times by a responsible adult. We endeavour to provide an appropriate level of supervision at all times. If a member finds a child under the age of [18] is unsupervised, they should assume responsibility for the child's safety until the child's parent/guardian or supervisor is located.

For reasons of courtesy and safety, parents must collect their children on time. If it appears a member will be left alone with just one child at the end of any NBHAA activity, they will ask another member to stay until the child is collected.

7.3 Transportation

Parents and or guardians are responsible for organising the transportation of their children to and from NBHAA activities. Where we make arrangements for the transportation of children (e.g. for away trips), we will conduct a risk assessment that includes ensuring vehicles are adequately insured, the driver has a current and appropriate licence for the vehicle being used and the appropriate safety measures are in place (e.g. fitted working seatbelts).

7.4 Taking Images of Children

Images of children can be used inappropriately or illegally. We require that members, wherever possible, obtain permission from a child's parent or guardian before taking an image of a child that is not their own. We will also make sure that the parent or guardian understands how the image will be used.

To respect people's privacy, we do not allow camera phones, videos and cameras to be used inside changing areas, showers and toilets which we control or are used in connection with our organisation.

When using a photo of a child, we will not name or identify the child or publish personal information, such as residential address, email address or telephone number, without the consent of the child's parent or guardian. We will not provide information about a child's hobbies, interests, school or the like, as this can be used by paedophiles or other persons to "groom" a child.

We will only use images of children that are relevant to our NBHAA's activities and we will ensure that they are suitably clothed in a manner that promotes our organisation. We will seek permission from a child's parent or guardian before using their images.

8. Discrimination, Harassment and Bullying

NBHAA is committed to providing an environment in which people are treated fairly and equitably and that is, as far as practicable, free from all forms of discrimination, harassment and bullying.

We recognise that people may not be able to enjoy themselves or perform at their best if they are treated unfairly, discriminated against, harassed or bullied.

8.1 Discrimination

Unlawful discrimination involves the less favourable treatment of a person on the basis of one or more of the personal characteristics protected by State or Federal anti-discrimination laws.

Discrimination includes both direct and indirect discrimination:



- **Direct discrimination** occurs if a person treats, or proposes to treat, a person with a protected personal characteristic unfavourably because of that personal characteristic.
- **Indirect discrimination** occurs if a person imposes, or proposes to impose, a requirement, condition or practice that will disadvantage a person with a protected personal characteristic and that requirement, condition or practice is not reasonable.

For the purpose of determining discrimination, the offender's awareness and motive are irrelevant.

8.2 Harassment

Harassment is any unwelcome conduct, verbal or physical, that intimidates, offends or humiliates another person and which happens because a person has a certain personal characteristic protected by State or Federal anti-discrimination legislation.

The offensive behaviour does not have to take place a number of times, a single incident can constitute harassment.

Sexual harassment is one type of harassment. Sexual harassment involves unwelcome conduct, remarks or innuendo of a sexual nature. It covers a wide range of behaviours and can be verbal, written, visual or physical. Sexual harassment is not limited to members of the opposite sex.

Every person is covered by the anti-discrimination laws that apply in their State as well as the Federal anti-discrimination laws.

The following is a list of all the personal characteristics that apply throughout Australia:

- gender;
- race, colour, descent, national or ethnic origin, nationality, ethno-religious origin, immigration;
- national extraction or social origin;
- marital status, relationship status, identity of spouse or domestic partner;
- pregnancy, potential pregnancy, breastfeeding;
- family or carer responsibilities, status as a parent or carer;
- age;
- religion, religious beliefs or activities;
- political beliefs or activities;
- lawful sexual activity;
- sexual orientation and gender identity;
- profession, trade, occupation or calling;
- irrelevant criminal record, spent convictions;
- irrelevant medical record;
- member of association or organisation of employees or employers, industrial activity, trade union activity;
- physical features;
- disability, mental or physical impairment;
- defence service; and
- personal association with someone who has, or is assumed to have, any of these personal characteristics.



Legislation also prohibits:

- racial, religious, homosexual, transgender and HIV/AIDS vilification; and
- victimisation resulting from a complaint.

8.3 Bullying

NBHAA is committed to providing an environment that is free from bullying. We understand that bullying has the potential to result in significant negative consequences for an individual's health and wellbeing, and we regard bullying in all forms as unacceptable at our NBHAA.

Bullying is characterised by repeated, unreasonable behaviour directed at a person, or group of persons, that creates a risk to health and safety. Bullying behaviour is that which a reasonable person in the circumstances would expect to victimise, humiliate, undermine, threaten, degrade, offend or intimidate a person. Bullying behaviour can include actions of an individual or group.

Whilst generally characterised by repeated behaviours, one off instances can amount to bullying.

The following types of behaviour, where repeated or occurring as part of a pattern of behaviour, would be considered bullying:

- verbal abuse including shouting, swearing, teasing, making belittling remarks or persistent unjustified criticism;
- excluding or isolating a group or person;
- spreading malicious rumours; or
- psychological harassment such as intimidation.

Bullying includes cyber-bullying which occurs through the use of technology. New technologies and communication tools, such as smart phones and social networking websites, have greatly increased the potential for people to be bullied through unwanted and inappropriate comments. We will not tolerate abusive, discriminatory, intimidating or offensive statements being made online.

If any person believes they are being, or have been, bullied by another person or organisation bound by this policy, he or she may make a complaint.

We expect our members to exhibit personal restraint and ensure that their online behaviour on social media platforms reflects the behaviours we would expect them to exhibit in person or during face to face interactions. Bullying or other offensive or defamatory actions that relate either to the association itself or to its members will be subject to investigation under this policy.

9. Inclusive practices

NBHAA is welcoming and we will seek to include members from all areas of our community.

The following are examples of some of our inclusive practices.

9.1 People with a disability



We will not discriminate against any person because they have a disability. Where it is necessary, we will make reasonable adjustments (e.g. modifications to equipment and rules) to enable participation.

9.2 People from diverse cultures

We will support, respect and encourage people from diverse cultures and religions to participate in our organisation and where possible we will accommodate requests for flexibility (e.g. modifications to clothing etc).

9.3 Sexual & Gender Identity

All people, regardless of their sexuality or gender identity, are welcome at NBHAA. We strive to provide a safe environment for participation and will not tolerate any form of discrimination or harassment because of a person's sexuality or gender identity.

10. Responding to Complaints

All complaints alleging breach of this policy will be handled by the organisation's Complaint Handling Procedure.



Attachment 1.1: MEMBER PROTECTION DECLARATION

NBHAA has a duty of care to all those associated with our organisation and to the individuals and organisations to whom this policy applies. As a requirement of our Member Protection Policy, we must enquire into the background of those who undertake any work, volunteering or regular unsupervised contact with people under the age of 18 years.

I (name) of

..... (address) born/...../.....

sincerely declare:

1. I do not have any criminal charge pending before the courts.
2. I do not have any criminal convictions or findings of guilt for sexual offences, offences related to children or acts of violence.
3. I have not had any disciplinary proceedings brought against me by an employer, sporting organisation or similar body involving child abuse, sexual misconduct or harassment, other forms of harassment or acts of violence.
4. To my knowledge there is no other matter that NBHAA may consider to constitute a risk to its members, employees, volunteers, or reputation by engaging me.
5. I will notify the President of the NBHAA immediately upon becoming aware that any of the matters set out in clauses 1 to 4 above has changed.

Declared in the *State/Territory of*

on/...../.....(date) Signature

Parent/Guardian Consent (in respect of a person under the age of 18 years)

I have read and understood the declaration provided by my child. I confirm and warrant that the contents of the declaration provided by my child are true and correct in every particular.

Name:.....

Signature:.....

Date:



Attachment 2: CODES OF BEHAVIOUR

Members Code of Conduct:

NBHAA expect all our members to:

- A. Treat each other with respect in all interactions, either in person or online.
- B. Be kind and considerate to their animals.
- C. Avoid offensive or insensitive comments or language.
- D. Respect confidentiality.
- E. Follow the legislative requirements of behaviours related to discrimination, harassment, bullying and child protection.
- F. Avoid bringing the organisation into disrepute.
- G. Express dissent where necessary but avoid conflict.
- H. Not Discriminate against, harass, bully or harm others.

Management Committee Code of Conduct:

NBHAA expect all our management committee members to:

- A. Be active – you cannot be a dormant or ‘sleeping’ management committee member, you are still liable for the decisions the others make in your absence.
- B. Act jointly – an individual has no powers on their own unless they have been specifically given them by the committee (minuted at a proper meeting).
- C. Act constitutionally (and within the law) – make sure that you act within the powers and objects (remit) set out in your constitution. Including following the constitution on how meetings are run and how the committee is recruited.
- D. Act in the interests of the beneficiaries – put yourself in the beneficiaries’ position and make decisions that are best for them.
- E. Act reasonably and honestly – remembering to minute discussions and debates so that your reasonableness can be demonstrated.
- F. Have a duty of care – act prudently and reasonably.
- G. Not delegate control – everything can be delegated except the power of delegation but the management committee remains responsible and accountable.
- H. Not benefit personally – unless allowed specifically in the constitution or by law.
- I. Avoid conflict of interest – manage actual conflicts of interest through a written process/policy and elsewhere avoid the appearance of conflicts of interest.

Management Committee Members should:

- A. Strive to attend all meetings, sending apologies to the chair for necessary absences.
- B. Prepare for the meeting by reading the agenda, papers and emails before the meeting.
- C. Talk to the chair before the meeting if you need to clarify anything.
- D. Arrive on time. Stay to the end.



- E. Participate fully in the meeting;
 - a. Listen to what others have to say and keep an open mind.
 - b. Contribute positively to the discussions.
 - c. Try to be concise and avoid soliloquies/speeches.
- F. Help others concentrate on the meeting. Discourage side conversations.
- G. Have the best interests of the organisation/beneficiaries in mind at all times.
- H. Draw attention to any potential conflicts of interest that may arise in the meeting.
- I. Fulfil any responsibilities assigned to you at the meeting and be prepared to report back on your progress at the next meeting.

Attachment 3: DUTY STATEMENTS

[insert]