

The following amended constitution was presented to and approved by General Meetings of the Australian Board of Highland Dancing Incorporated in October 2006, April 2007, October 2009, September 2019, September 2021 and was adopted as the Constitution of the Australian Board of Highland Dancing Incorporated in substitution for, and to the exclusion of, its existing constitution.

## **THE AUSTRALIAN BOARD OF HIGHLAND DANCING INCORPORATED CONSTITUTION**

### **1. Name**

The name of the Association is THE AUSTRALIAN BOARD OF HIGHLAND DANCING INCORPORATED referred to herein as “ABHDI”.

### **2. Definitions**

In this Constitution, except in so far as the context or subject-matter otherwise indicates or requires –

- (a) words importing the singular include the plural and vice versa.
- (b) “RSOBHD” means The Royal Scottish Official Board of Highland Dancing, Edinburgh Scotland.
- (c) “State Committee” means a committee raised, with the sanction of the ABHDI, in any State or Territory of Australia.
- (d) “Regional Committee” means a committee or committees raised, with the sanction of the ABHDI, in any State or Territory of Australia in lieu of a State Committee. There can be no more than three (3) such committees raised within any State or Territory of Australia.
- (e) “State Committee/Regional Committee” is one which subscribes to this constitution, applies for and is granted affiliation to the ABHDI and meets all the following conditions:
  - (i) that it adheres to the dance techniques and rules of the RSOBHD and ABHDI.
  - (ii) that membership of the State Committee/Regional Committee includes Judges and Teachers recognised as such by the ABHDI.
  - (iii) that the State Committee/Regional Committee has paid the current annual membership fee prescribed by the ABHDI.

- (f) “Examining Bodies” means ABHDI approved Australian based Examining Bodies, registered with at least one (1) State Committee/Regional Committee within Australia and which are responsible for the conducting of Highland Dancing Examinations in Australia (with the exception of the RSOBHD Judges Test). An ABHDI approved examining Body is a Highland Dancing Association or a Dance Teachers’ Association with a Section/Branch exclusively devoted to Highland Dancing and:
- (a) Uses RSOBHD technique;
  - (b) Conducts examinations in Australia on a regular basis;
  - (c) To which Membership can be gained only by examinations;
  - (d) Which has its headquarters in Australia;
  - (e) Which has voting representation on a State Committee/Regional Committee where its headquarters is domiciled.”
- (g) “a Judge” means a person who has passed the Judges Test conducted by either the RSOBHD or the ABHDI, who is currently financial with the ABHDI and the RSOBHD (if an RSOBHD Judge) and who has currently attended the necessary meetings as required by the RSOBHD/ABHDI.
- (h) “Teacher” means a person who has passed a recognised Teachers examination conducted by an ABHDI examining Body and/or RSOBHD examining Body held overseas or a person who had been permitted to register competitive Highland Dancers as at ABHDI General Meeting 172 on 5<sup>th</sup> May 2019. A Teacher must be in membership of the Highland Branch of an Examining Body recognised by the ABHDI/RSOBHD in order to register competitive dancers.
- (i) “Registered Dancer” means a person who is registered with the registrar of the State Committee/Regional Committee in which the person resides and who abides by the rules of that State Committee/Regional Committee; or if no State Committee/Regional Committee exists in the state or territory of Australia where the person resides, then that person may register with a State Committee/Regional Committee outside the person’s state or territory of residence by resolution of the ABHDI. As a precedent to registration the dancer must be a student of a teacher in membership of the Highland Branch of an Examining Body recognised by the ABHDI/RSOBHD or a person who had been permitted to register competitive highland dancers as at ABHDI General Meeting 172 on 5<sup>th</sup> May 2019.
- (j) “Delegate” means any person entitled to attend ABHDI Meetings as a representative of a State Committee/Regional Committee and Examining Body.

- (k) “Proxy” means a person appointed by a State Committee/Regional Committee and/or Examining Body to deputise for a Delegate at specified meetings of the ABHDI. Such person must be:
- (i) a member of the State Committee/Regional Committee and Examining Body appointing the Proxy; or
  - (ii) a member of another State Committee/Regional Committee; or
  - (iii) a Judge as per clause 2 (g); or
  - (iv) a Teacher as per clause 2 (h); or
  - (v) a financial member of an association affiliated with a State Committee/Regional Committee.
- (l) “Office Bearer” means a member of the “Executive Committee” and is a person elected or appointed to the position of President, Senior Vice President, Junior Vice President, Secretary, Assistant Secretary or Treasurer.
- (m) “Ordinary Member” means an interested person in highland dancing who is a financial Member of a State Committee/Regional Committee or a financial member of an association affiliated with a State Committee/Regional Committee.
- (n) “Members” of the ABHDI means:
- (i) State Committees
  - (ii) Regional Committees
  - (iii) Examining Bodies and
  - (iv) Office Bearers of the ABHDI as defined in clause 2 (l)
- (o) “Highland Dancing” means that form of the art and its performance, which conforms to the technique established and recognised from time to time by the Royal Scottish Official Board of Highland Dancing.
- (p) The Australian Board of Highland Dancing Incorporated is an Incorporated Association in South Australia. An Incorporated Association must have a Public Officer. The Public Officer of an Association must be a natural person of or above the age of eighteen (18) years who is resident in South Australia. If the Public Officer of an Incorporated Association ceases (otherwise than temporarily) to be resident in the State of South Australia, the person ceases to be the Public Officer of the Association.

If for a period of more than one (1) month an Incorporated Association has no Public Officer, it shall be guilty of an offence and liable to a penalty as determined by the Act.

An Incorporated Association shall within one (1) month after any change in the identity or address of its Public Officer give notice to the Commission containing prescribed particulars of the change.

- (q) “The Act” means the South Australia Association Incorporation Act 1985; the “Regulations” means the South Australia Associations Regulation 1985; the “Commission” means the Office of Consumer and Business Affairs, South Australia.

### **3. Objects and Purposes**

Subject to the condition that it shall in no way interfere with the administration/management of State Committees/Regional Committees, unless it appears to the ABHDI that such management is detrimental to the administration of the ABHDI or its rules or Highland Dancing in general, the ABHDI’s objects shall be:

- (a) to bring about co-operation between the recognised State Committees/ Regional Committees, Examining Bodies, associations, societies, games organisations and individuals interested in Highland Dancing;
- (b) to advance the technique of Highland Dancing and recognised associated dances and to ensure as far as possible that all Teachers teach the correct technique as set by the RSOBHD;
- (c) to carry out the rules of the RSOBHD subject to such modification as may be necessary to meet local conditions;
- (d) to administer the RSOBHD Judges Test as required;
- (e) to encourage competitions in Australia to be conducted in a proper manner; to recognise certain established championship titles, and, at the ABHDI’s discretion grant applications for new championship titles;
- (f) to ensure that all championships in Australia are registered with the ABHDI.

### **4. Powers**

The ABHDI shall have all the powers conferred by section 25 of the Act save and except such modification and exclusions as are specified in this rule.

### **5. Headings**

Headings to clauses of this Constitution are intended for ease of reference and are not to be taken to affect the Constitution or the interpretation of such clauses.

### **6. Membership Qualifications and Composition of Committee of Management**

- (1) The Committee of Management of the ABHDI shall consist of the following persons:
- (a) An Executive Committee nominated by a State Committee/Regional Committee and elected at an Annual General Meeting. The persons nominated may be resident in any state or territory of Australia provided that the election of the Executive Committee is conducted in such a manner as to ensure that all elected Office Bearers

of the ABHDI are resident, wherever possible, in the same State or Territory of Australia and provided that the persons nominated are, or have been:

- (i) a member of a State/Regional Committee  
OR
- (ii) a member of an Association represented on a State/Regional Committee  
OR
- (iii) a member of an Examining Body.

The Executive Committee shall consist of the following members:

- (i) a President/Chairperson, who shall ex officio be a member of all Committees;
- (ii) a Secretary;
- (iii) an Assistant Secretary;
- (iv) a Senior Vice President;
- (v) a Junior Vice President;
- (vi) a Treasurer.

With the exception of the President/Chairperson, who in the event of a tie in voting at any meeting shall have a casting vote, none of the above shall be entitled to vote at general meetings of the Committee of Management or the Annual General Meeting. Each will have a deliberative vote at meetings of the Executive Committee.

None of the above whilst holding office shall be a Delegate or Proxy for any State Committee/Regional Committee.

The Executive Committee of the ABHDI shall, subject to this Constitution, hold office until the conclusion of the Annual General Meeting following the date of its election or appointment, but is eligible for re-election during the four (4) year term of office.

(b) Delegates appointed from State Committees/Regional Committees and Examining Bodies to represent it on the following basis:

- (i) three (3) Delegates from each State Committee, and
- (ii) one (1) Delegate from each Regional Committee provided that not more than three (3) such Delegates are appointed from any one State or Territory.
- (iii) notwithstanding the foregoing, while a State is represented by only two (2) Regional Committees and has one (1) Regional Committee which registers two hundred and fifty (250) or more dancers and grants affiliation to fifteen (15) or more registered Judges, that Regional Committee shall be entitled to two (2) votes and representation by two (2) Delegates at meetings of the ABHDI. Once granted, this entitlement to two (2) votes shall not be withdrawn unless, at 31 December in each of two (2) consecutive years, the number of Registered Dancers or

Judges affiliated with that Regional Committee fall below the level set out above;

- (iv) a State Committee/Regional Committee may appoint a lesser number of Delegates, without affecting its full voting rights;
- (v) a Delegate or Proxy may represent only one (1) State Committee/Regional Committee at any meeting of the ABHDI;
- (vi) a Delegate may be replaced by an alternative Delegate or a Proxy Delegate nominated by the State Committee/Regional Committee. Notification in accordance with clause 24 (3) from a State Committee/Regional Committee Secretary to the ABHDI Secretary shall be accepted prior to the commencement of the meeting;
- (vii) One (1) delegate from each Examining Body is able to participate in all aspects of the meeting but will not have any voting rights.

## (2) Register of Members

- (a) The Secretary of the ABHDI shall establish and maintain a register of Members of the ABHDI specifying:
  - (i) the date on which each State Committee/Regional Committee and Examining Body became a member;
  - (ii) the names and addresses of the current office bearers of each State Committee/Regional Committee and Examining Bodies with dates on which they were appointed;
  - (iii) the names and addresses of the Office Bearers of the ABHDI with the date on which each Office Bearer was elected or appointed.
- (b) The register of Members shall be kept at the principal place of administration of the ABHDI and shall be open for inspection, free of charge, by any Member of the ABHDI at any reasonable hour.

## (3) Membership Fees

- (a) The membership fee for each class of membership shall be such sum as the Committee of Management shall determine from time to time at the Annual General Meeting and any sum so determined first applies in respect of the financial year next following that Annual General Meeting.
- (b) The membership fee for each class of membership shall be payable annually on 1 July or at such other time as the Committee of Management shall determine from time to time.

- (c) Any Member whose membership fee is outstanding for three (3) months after the due date for payment shall incur a penalty of the addition of ten per cent (10%) per month as long as the fee remains unpaid.

(4) Rights and Liabilities of Members – Section 21 of the Act states:

- (a) Membership of an incorporated committee does not confer on a member, except as may be provided by the rules of the Association, any right, title or interest in any real or personal property of the committee.
- (b) A member of an incorporated committee is not liable, except as may be provided by the rules of the Association, for the debts and liabilities of the Association.

(5) Resignation of Membership

- (a) A Member may resign from membership of the ABHDI by giving written notice thereof to the Secretary or Public Officer of the ABHDI. Any Member so resigning shall be liable for any outstanding affiliation fees and levies, which shall be recovered as a debt due to the ABHDI.
- (b) Where a Member of the ABHDI ceases to be a Member pursuant to paragraph (a) of this sub-clause, and in every other case where a Member ceases to hold membership, the Secretary shall make an appropriate entry in the register of Members recording the date on which the Member ceased to be a member.

(6) Expulsion of a Member

- (a) Subject to giving a Member an opportunity to be heard or to make a written submission, the Committee of Management may resolve to expel a Member upon a charge of misconduct detrimental to the interests of the ABHDI;
- (b) Particulars of the charge shall be communicated to the Member at least one (1) calendar month before the meeting of the Committee of Management at which the matter will be determined;
- (c) The determination of the Committee of Management shall be communicated to the Member, and in the event of an adverse determination the Member shall subject to sub-clause (d) cease to be a Member fourteen (14) days after the Committee of Management has so communicated its determination;
- (d) It shall be open to a Member to appeal to the ABHDI in general meeting against expulsion. The intention to appeal shall be communicated to the Secretary or Public Officer of the ABHDI within fourteen (14) days after the determination of the Committee of Management has been communicated to the Member;
- (e) In the event of an appeal under sub clause (d) the appellant's membership of the ABHDI shall not be terminated unless the determination of the Committee of Management to expel the Member is upheld by the Members of the ABHDI in general meeting after the appellant has been heard, and in such event membership

will be terminated at the date of the general meeting at which the determination of the Committee of Management is upheld;

- (f) It shall be open to a Member to further appeal to the ABHDI. A sub-committee comprising one or three persons will be appointed by the ABHDI Executive. Such request to appeal must be communicated to the Secretary of the ABHDI within 14 days of the previous determination.

## **7. Committee of Management**

- (1) The affairs of the ABHDI shall be managed and controlled exclusively by a Committee of Management in general meeting which, in addition to any powers and authorities conferred by this Constitution, may exercise all such powers and do all such things as are within the objects of the ABHDI, and are not by the Act or by this Constitution required to be done by the ABHDI in Special General Meeting.
- (2) The Committee of Management of the ABHDI shall be comprised of the Executive Committee and Delegates appointed by each State Committee/Regional Committee and Examining Body as set out in clause 6 hereof.
- (3) The Executive Committee shall be empowered to handle routine business of the ABHDI between general meetings and any other matters specifically delegated to it by the Committee of Management in general meeting.
- (4) The Committee of Management shall have the power to appoint such officers and employees as are required to carry out the objects of the ABHDI, including a Public Officer required by the Act, and may delegate any of its powers to such officers and employees.
- (5) The Committee of Management shall have the power to convene such other committees elected from representatives of State Committees/Regional Committees and Examining Bodies as it deems necessary to assist in carrying out the objects of the ABHDI. Such Committees shall be of annual duration and shall report to the ABHDI at each general meeting and such committee may be reconvened if necessary.
- (6) The Committee of Management shall:
- (a) admit State Committees/Regional Committees which comply with clause 2 (e) and Examining Bodies which comply with clause 2 (f) after receipt of a written application enclosing:
- (i) a copy of the State Committee/Regional Committee and Examining Body Constitution and Objects;
  - (ii) a list of financial Judges, as per clause 2 (g) in membership of the State Committee/Regional Committee;
  - (iii) a list of financial “Teacher” members of the organisation teaching Highland Dancing;

- (iv) other written information as may be required.
- (b) ensure that documents listed in clause 7 (6) (a) are placed before the next Committee of Management meeting following their receipt and voted on at a special meeting convened for that purpose;
- (c) re-examine eligibility of continuing membership of State Committees/Regional Committees and Examining Bodies entitled to representation on the ABHDI by requiring these Committees to submit in writing to the Secretary of the ABHDI as and when required current copies of documents as set out in clause 7 (6) (a);
- (d) ensure that suitable delegates are appointed to represent the ABHDI at RSOBHD meetings;
- (e) determine whether any person serving on the ABHDI or attending an ABHDI meeting, in any capacity, who deals with or divulges any matter discussed at any meeting of the ABHDI in a manner deemed inappropriate by the Committee of Management, should be debarred from any subsequent meetings or otherwise be dealt with by ABHDI;
- (f) ensure all matters required to be placed before a general meeting of the ABHDI from State Committees/Regional Committees, Examining Bodies, Judges and RSOBHD are submitted.

## **8. Election of Executive Committee**

- (1) Nominations of candidates for election as Office Bearers of the ABHDI:
  - (a) shall be in writing, signed by a State Committee/Regional Committee and accompanied by the written consent of the candidate (which may be endorsed on the form of the nomination): and
  - (b) shall be delivered to the Secretary of the ABHDI not less than six (6) months before the date fixed for the holding of the Annual General Meeting at which the election is to take place.
- (2) The election of the Executive Committee from each State Committee/Regional Committee is on a rotational basis for a four (4) year term.
- (3) A retiring Executive Committee member shall be eligible to stand for re-election without nomination but a person who is not a retiring Executive Committee member shall not be eligible to stand for election without nomination.
- (4) If nominations are not received for the election of Office Bearers within six (6) months before the date fixed for the holding of the Annual General Meeting at which the election is to take place, the present Executive Committee is deemed to be elected for the ensuing year.

- (5) If the present Executive Committee member(s) has/have indicated that they are not willing to stand for the ensuing year and no other nominations have been received, then nominations shall be received at the Annual General Meeting.
- (6) If insufficient nominations are received any vacant positions remaining in the Office Bearers shall be deemed to be casual vacancies.
- (7) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be deemed elected.
- (8) If the number of nominations received exceeds the number of vacancies to be filled, a ballot shall be held.
- (9) The ballot for the election of Office Bearers of the ABHDI shall be conducted at the Annual General Meeting in such usual and proper manner as the ABHDI may direct.
- (10) A nomination of a candidate for election under this clause is not valid if that candidate has been nominated for and elected to another office at the same election.

## **9. The Executive Committee**

- (1) The President shall, when present at a meeting, convened in accordance with the Constitution, act as Chairperson at each general meeting and committee meeting of the ABHDI in conformity with the constitution and the rules of debate.
- (2) The Vice-Presidents shall assist the President in all matters appertaining to the ABHDI and in absence, or at the request of the President, the Chair shall be assumed by either one of the Vice-Presidents.
- (3) The Secretary shall, as soon as practical after being appointed as Secretary, lodge notice with the ABHDI of his/her address. It is the duty of the Secretary to keep minutes of:
  - (a) all appointments of Office Bearers and Members of the ABHDI;
  - (b) the names of Office Bearers and /or Members of the ABHDI present at an Executive Committee meeting or an ABHDI meeting;
  - (c) all proceedings at Executive Committee and ABHDI meetings.
- (4) Minutes of proceedings at a meeting shall be signed by the Chairperson of the meeting or by the Chairperson of the next succeeding meeting.
- (5) The duties of the Secretary shall include:
  - (a) as soon as practicable and not more than sixty (60) days after each general meeting and the Annual General Meeting forward copies of appropriate minutes to the Executive Committee, each secretary of State Committees/Regional Committees,

Examining Bodies, Judges, the Director of Administration of RSOBHD, Chairman of the RSOBHD and ABHDI delegates to the RSOBHD;

- (b) call all meetings of the ABHDI as and when required; when requested by the President; or if requested by four (4) or more State Committees/Regional Committees;
  - (c) receive all correspondence on behalf of the ABHDI and present same to the next meeting, dealing with all routine correspondence in the meanwhile;
  - (d) receive and process applications for the registration of championships;
  - (e) maintain up-to-date lists of the office bearers of State Committees/Regional Committees, Examining Bodies and Judges;
  - (f) administer the RSOBHD Judges Test when required;
  - (g) have custody of the books, papers and effects relating to the office of Secretary and surrender them to the President within seven (7) days at the request of the ABHDI;
  - (h) other duties as determined by the ABHDI.
- (6) The Assistant Secretary shall assist the Secretary whenever possible in the smooth organisation of duties as listed.
- (7) The Treasurer shall ensure that:
- (a) all money due to the ABHDI is collected and receipted and that all payments authorized by the ABHDI are made;
  - (b) correct books and accounts are kept showing the financial affairs of the ABHDI including full details of all receipts and expenditure connected with the activities of the ABHDI;
  - (c) arrangements are made for cheques to be drawn on the ABHDI's bank account and to be signed by two signatories authorized by the Executive Committee;
  - (d) a financial statement is prepared for presentation at each ABHDI general meeting;
  - (e) a budget is prepared for each financial year;
  - (f) at the end of each financial year, all such statements as are required to be presented to the Annual General Meeting are prepared and presented to the Annual General Meeting together with the report of the Auditor thereon;
  - (g) other duties as determined by the ABHDI are performed.

## **10. The Executive Committee – Duties and Quorum**

- (1) Except as otherwise provided by this Constitution and subject to resolutions of the ABHDI carried at a general meeting, the Executive Committee shall have the general control and management of the administration of the affairs, property and funds of the ABHDI;
- (2) The Executive Committee shall meet at such times as are considered necessary by the President and Secretary to exercise its functions;
- (3) Written notice of the time and place of such meetings shall be given at least seven (7) days prior to the meetings; except in the case of urgent business when a meeting may be called by telephone at shorter notice. Meetings may be conducted by phone, teleconference or other similar means;
- (4) Any three (3) members of the Executive Committee constitute a quorum for the transaction of the business of a meeting of the Executive Committee.

## **11. Casual Vacancies – Executive Committee**

- (1) For the purposes of this Constitution, a casual vacancy occurs in the Executive Committee if an Office Bearer:
  - (a) dies;
  - (b) becomes an insolvent under administration within the meaning of the code;
  - (c) resigns office by notice in writing given to the Secretary;
  - (d) is removed from office under clause 6 (6);
  - (e) becomes of unsound mind or a person whose person or estate is liable to be dealt with in any way under the law relating to mental health; or
  - (f) is absent without the consent of the ABHDI from three (3) consecutive Executive Committee meetings and/or one ABHDI general meeting held during a twelve (12) month period.
- (2) In the event of a casual vacancy occurring in the Office Bearers of the ABHDI, the Executive Committee may appoint some person to fill the vacancy, subject to this Constitution, until the conclusion of the next Annual General Meeting of the ABHDI following the date of the appointment.

## **12. General Meetings and Quorum**

- (1) The ABHDI shall meet as the Committee of Management in general meeting at least twice in each period of twelve (12) months at such place and time as the Executive Committee may determine.

- (2) Additional general meetings of the ABHDI may be convened by the President or by four (4) or more State Committees/Regional Committees.
- (3) Written notice (which may be by email where the respective recipient has advised the Secretary that notices may be received in that manner in lieu of post) of a general meeting shall be given by the Secretary to each member of the Executive Committee of the ABHDI, the State Committees/Regional Committees, Examining Bodies and Judges at least thirty (30) days before the time appointed for the holding of the meeting.
- (4) Notice of a meeting given under clause (3) shall specify the general nature of the business to be transacted at the meeting and no other business other than that business shall be transacted at the meeting, except business which the ABHDI Members represented at the meeting unanimously agree to treat as urgent business.
- (5) Delegates/Proxies present in person representing at least five State Committees/Regional Committees (entitled to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting.
- (6) No business shall be transacted by the ABHDI unless a quorum is present and if within half an hour of the time appointed for the meeting a quorum is not present the meeting shall be dissolved.
- (7) If a general meeting is dissolved owing to a quorum not being present, the Executive Committee shall manage the affairs of the ABHDI until the next General meeting.

### **13. Delegation by ABHDI to Sub-Committee**

- (1) The ABHDI may, by instrument in writing or by resolution at a general meeting, delegate to one (1) or more sub-committees (consisting of Executive Committee members and /or approved nominees of State Committees/Regional Committees of the ABHDI the exercise of such of the functions of the ABHDI as are specified in the instrument, other than:
  - (a) this power of delegation; and
  - (b) a function which is a duty imposed on the ABHDI by the Act or by any other law.
- (2) A function, the exercise of which has been delegated to a sub-committee under this rule, may while the delegation remains unrevoked, be exercised from time to time by the sub-committee, in accordance with the terms of the delegation.
- (3) A delegation under this clause may be made subject to such conditions or limitations as the exercise of any function the subject thereof, or as to time or circumstances, as may be specified in the instrument of delegation.
- (4) All resolutions passed at a sub-committee meeting must be ratified by a general meeting before such resolution can be acted upon.
- (5) Notwithstanding any delegation under this rule, the ABHDI may continue to exercise any function delegated.

(6) The ABHDI may, by instrument in writing or by resolution at a general meeting, revoke wholly or in part any delegation under this rule.

(7) A sub-committee may meet and adjourn as it thinks proper.

#### **14. Voting and Decisions of the Executive Committee and a sub-committee appointed by the ABHDI**

(1) Questions arising at:

(a) a meeting of the Executive Committee; or

(b) of any sub-committee appointed by the ABHDI,

shall be determined by majority of the members of the Executive Committee or sub-committee present at the meeting.

(2) Each member present at a meeting of the Executive Committee or of any sub-committee appointed by the ABHDI (including the person presiding at the meeting) is entitled to one (1) vote, but, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.

(3) Subject to clause 11 (2), the Executive Committee may act notwithstanding any vacancy on the Executive Committee.

(4) Any act or thing done or suffered or purporting to have been done or suffered by the Executive Committee is valid and effectual notwithstanding any defect that may afterwards be discovered in the appointment or qualification of any member of the Executive Committee.

#### **15. Holding of Annual General Meeting**

(1) The ABHDI shall, at least once in each calendar year, and by no later than 30 November, convene an Annual General Meeting of its Members.

(2) Sub-clause (1) has effect subject to any extension or permission granted by the Commission under the Act.

#### **16. Calling of and business at Annual General Meeting**

(1) The Annual General Meeting of the ABHDI, subject to the Act and clause 15 (1), shall be held on such date and at such place and time as the ABHDI thinks fit.

(2) In addition to any other business which may be transacted at an Annual General Meeting, the business of an Annual General Meeting shall be:

(a) to confirm the minutes of the last preceding Annual General Meeting and of any Special General Meeting held since that meeting;

- (b) to receive from the Executive Committee reports upon the activities of the ABHDI during the last preceding financial year;
  - (c) to receive an audited statement of income and expenditure of the ABHDI during its last financial year, an audited statement of the assets and liabilities of the ABHDI at the end of its last financial year and a budget for the ensuing twelve (12) months;
  - (d) to determine fees for the ensuing year:
    - (i) membership fee for State Committees and Regional Committees
    - (ii) membership fee for Examining Bodies
    - (iii) Judge's registration fee
    - (iv) minimum fee for judging
    - (v) Championship and Scottish National Dance Premiership registration fees
    - (vi) dancer registration fee
    - (vii) subvention levy
    - (viii) other fees as required;
  - (e) to elect Office Bearers of the ABHDI;
  - (f) to elect an auditor;
  - (g) to determine an honorarium for the Secretary when considered appropriate by resolution of the Members present; the honorarium when granted to be paid just prior to the next Annual General Meeting.
- (3) An Annual General Meeting shall be specified as such in the notice convening it and shall be called in accordance with clause 16 (1).

### **17. Calling of Special General Meetings**

- (1) The Executive Committee may, whenever it thinks fit, convene a Special General Meeting of the ABHDI;
- (2) The Executive Committee shall, on the requisition of four (4) or more State Committees/Regional Committees, convene a Special General Meeting of the ABHDI.
- (3) A requisition for a Special General Meeting request under sub-clause (2):
  - (a) shall state the purpose or purposes of the meeting;
  - (b) shall be signed by the President of each State Committee/Regional Committee making the requisition;
  - (c) shall be lodged with the Secretary; and
  - (d) may consist of several documents in a similar form, each signed by the President of each State Committee/Regional Committee making the requisition.

- (4) If the Executive Committee fails to convene a Special General Meeting to be held within two (2) months after the date on which a requisition of State Committees/Regional Committees for the meeting is lodged with the Secretary, any one of the State Committees/Regional Committees who made the requisition may convene a Special General Meeting to be held not later than three (3) months after that date.
- (5) A Special General Meeting convened by a State Committee/Regional Committee under sub-clause (4) shall be convened as soon as practicable in the same manner as general meetings are convened by the Executive Committee.

## **18. Notice**

- (1) Except where the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the ABHDI, the Secretary shall, at least thirty (30) days before the date fixed for the holding of the general meeting, cause to be sent by prepaid post to each Office Bearer of the ABHDI, each State Committee/Regional Committee, each Examining Body and Judge at the addresses listed, a notice specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.
- (2) Where the nature of the business proposed to be dealt with at a general meeting requires a special resolution of the ABHDI, the Secretary shall, at least thirty (30) days before the date fixed for the holding of the general meeting, cause notice to be sent to each Office Bearer of the ABHDI, each State Committee/Regional Committee and each Examining Body in the manner provided in clause (1) specifying, in addition to the matter required under clause (1), the intention to propose the resolution as a special resolution.
- (3) A State Committee/Regional Committee, an Examining Body or Judge desiring to bring any business before a general meeting may give notice in writing of that business to the Secretary who shall include that business in the next notice of general meeting.
- (4) Instead of prepaid post, notice may be given to any person or committee entitled to receive notice, by email where such person or committee has notified the Secretary that notices may be received in such manner and has provided an email address for such purpose.

## **19. Presiding Member**

- (1) The President or, in the President's absence, a Vice-President shall preside as Chairperson at each general meeting of the ABHDI; or
- (2) If the President and both Vice-Presidents are absent from a general meeting or unwilling to act, the Delegates/Proxies present shall elect one of their number or a member of the Executive Committee to preside as chairperson at the meeting.

## **20. Adjournment**

- (1) The Chairperson of a general meeting at which a quorum is present may, with the consent of the majority of Delegates/Proxies present at the meeting adjourn the meeting from time to time and place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- (2) Where a general meeting is adjourned for fourteen (14) days or more, the Secretary shall give written or oral notice of the adjourned meeting to each Office Bearer of the ABHDI, each State Committee/Regional Committee of the ABHDI, Examining Bodies and each Judge stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- (3) Except as provided in sub-clause (1) and (2), notice of an adjournment of a general meeting or of the business to be transacted at an adjourned meeting is not required to be given.

## **21. Making of Decisions**

- (1) A question arising at a general meeting of the ABHDI shall be determined on a show of hands of Delegates indicating the vote entitlement of the State Committee/Regional Committee and, unless before or on the declaration of the show of hands a poll is demanded, a declaration by the Chairperson that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, and an entry to that effect in the minute book of the ABHDI, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.
- (2) At a general meeting of the ABHDI, a poll may be demanded by the Chairperson or by not less than three (3) Delegates/Proxies present in person at the meeting.
- (3) Where a poll is demanded at a general meeting the poll shall be taken:
  - (a) immediately in the case of a poll which relates to the election of the Chairperson of the meeting or to the question of an adjournment; or
  - (b) in any other case, in such manner and at such times before the close of the meeting as the Chairperson directs, and the resolution of the poll on the matter shall be deemed to be the resolution of the meeting on that matter.

## **22. Special Resolution**

A resolution of the ABHDI is a special resolution if:

- (a) it is passed by a majority which comprises not less than three-quarters ( $\frac{3}{4}$ ) of vote entitlements of Delegates/Proxies present at the meeting at which the proposed action is taken, of which not less than thirty (30) days written notice specifying the intention to propose the resolution as a special resolution was given in accordance with this Constitution; or

- (b) it is made to appear to the Commission that it is not possible or practicable for the resolution to be passed in the manner specified in sub-clause (a), the resolution is passed in a manner specified by the Commissioner.

### **23. Voting**

- (1) On any question arising at a general meeting of the ABHDI each State Committee/Regional Committee through its Delegate(s) shall have voting rights as per clause 6 (1) (b).
- (2) In the case of an equality of votes on a question at a general meeting, the Chairperson of the meeting is entitled to exercise a casting vote.
- (3) A Delegate or Proxy is not entitled to vote at any general meeting of the ABHDI unless all money due and payable by the State Committee/Regional Committee represented by the Delegate/Proxy to the ABHDI has been paid, other than the amount of the annual subscription payable in respect of the then current year.

### **24. Proxies**

- (1) A State Committee/Regional Committee and Examining Body shall be entitled to appoint a Proxy [in accordance with clause 2 (k)] to any meeting of the ABHDI by notice given to the Proxy in the format set out in this Constitution (Form of Appointment of Proxy – Appendix A) which shall be handed to the Secretary by the Proxy at the commencement of the meeting;
- (2) A Proxy so appointed shall be deemed to be a Delegate of the appointer at the specified meeting and, subject to (3) below, shall be recognised as holding open voting rights (Refer to Clause 6 (1) (b) (vii) except on particular resolutions on which specified voting instruction are given on the Form of Appointment);
- (3) A Proxy is not entitled to vote at any meeting unless the Secretary of the ABHDI has been notified in writing of the name of the Proxy no later than seven (7) days before the meeting, provided that if, subsequent to such notification, unforeseen circumstances prevent the attendance of a nominated Proxy, the appointment of an alternative Proxy (either to a Delegate or a Proxy), shall be accepted if the ABHDI Secretary is notified by the State Committee/Regional Committee and Examining Body prior to the commencement of the meeting;
- (4) The State Committee/Regional Committee and Examining Bodies wishing to appoint a Proxy is responsible for the appointment of the Proxy and for advising the Secretary in due time of the name of the Proxy.

## **25. Insurance**

- (1) The ABHDI shall effect and maintain with an approved insurer such insurance against a liability of the Association as may be required by the regulations, for a cover of not less than the amount required by the regulations.
- (2) In addition to the insurance required under clause (1) the ABHDI may effect and maintain other insurance.

## **26. Funds – Source**

- (1) The funds of the ABHDI shall be derived from annual membership fees of State Committees/Regional Committees and Examining Bodies, annual registration fees of Judges, championship and Scottish national dance premiership registration fees, subvention levy, State Committee/Regional Committee administration fee to the ABHDI, donations, holding of functions and, subject to any resolution passed by the ABHDI in general meeting, such other sources as the ABHDI determines.
- (2) All money received by the ABHDI shall be deposited as soon as practicable and without deduction to the credit of the ABHDI's bank account.
- (3) The ABHDI shall, as soon as practicable after receiving any money, issue an appropriate receipt.

## **27. Funds – Management**

- (1) Subject to any resolution passed by the ABHDI in general meeting, the funds of the ABHDI shall be used in pursuance of the objects of the ABHDI in such a manner as the ABHDI determines.
- (2) The assets and income of the ABHDI shall be applied solely in furtherance of its above-mentioned objectives and no portion shall be distributed directly or indirectly to the Members of the Association except as bona fide compensation for services rendered or expenses incurred on behalf of the ABHDI.
- (3) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by any two (2) members of the Executive Committee being Office Bearers authorised to do so by the ABHDI.
- (4) All fees shall be reviewed at the Annual General Meeting.

## **28. Financial Year**

The financial year of the ABHDI shall be the period of twelve (12) months ending on 30 June in each year.

## **29. Alteration to Constitution and By-Laws**

- (1) This Constitution may be altered, rescinded or added to only by a special resolution of the ABHDI. Such an alteration shall be registered with the Commission as required by the Act.
- (2) By-laws, other than this Constitution, pertaining to organizational matters of the ABHDI, may be altered, rescinded or added to only if passed by a majority vote which comprises not less than three quarters ( $\frac{3}{4}$ ) of vote entitlements of Delegates/Proxies present at the meeting where such a proposal was made.

## **30. Technical Meetings**

- (1) Delegations to ABHDI meetings from State Committee/Regional Committee and Examining Bodies shall include one (1) Judge in order that, if required, a Technical Meeting may be convened in conjunction, usually preceding, an ABHDI general meeting. At a Technical Meeting so convened, all Judges may participate in the discussion, but only Delegates/Proxies appointed by State Committees/Regional Committees, exercising the normal vote entitlements, may vote.
- (2) If it is not possible to form a quorum of six (6) Judges from the Delegates/Proxies pursuant to (1) above, the ABHDI in general meeting may sanction the inclusion of sufficient Judges from the state or region in which the ABHDI is domiciled so that a Technical Meeting may then be convened either during or after an ABHDI general meeting.
- (3) Should it remain impossible to form a sufficient quorum for a Technical Meeting, the ABHDI in general meeting shall, in its discretion, determine the most appropriate manner of dealing with any outstanding technical issues or matters which would have been raised by those present.

## **31. Observers**

Members of State Committees/Regional Committees, Judges and Teachers [as defined in clause 2 (g) and (h)], additional to Delegates of State Committees/Regional Committees, may attend as observers at ABHDI meetings but will not be permitted to address the meeting without the sanction of the President or Chairperson. Judges only can attend Judges' Meetings.

## **32. Common Seal**

- (1) The common seal of the ABHDI shall be kept in the custody of the Secretary.
- (2) The common seal shall not be affixed to any instrument except by the authority of the ABHDI and the affixing of the Common Seal shall be attested by the signatures either of two (2) Office Bearers of the ABHDI or of one (1) Office Bearer of the ABHDI and of the Public Officer.

### **33. Custody of Books**

Except as otherwise provided by this Constitution the Secretary shall keep in his/her custody or under his/her control all records, books and other documents relating to the ABHDI.

### **34. Inspection of Books**

The records, books and other documents of the ABHDI shall be open to inspection, free of charge, by Office Bearers of the ABHDI and officers of State Committees/Regional Committees and Examining Bodies at any reasonable hour.

### **35. Service of Notices**

- (1) For the purposes of this Constitution, a notice may be served by or on behalf of the ABHDI upon any member of the Executive Committee, State Committee/Regional Committee, Examining Body or Judge either personally or by sending it by post to the Member at the Member's address shown in the Register of Members or to the Judge at the address recorded for that Judge.
- (2) Where a document is sent to a person by properly addressing, prepaying and posting to the person a letter containing the document, the document shall, unless the contrary is proved, be deemed for the purposes of this Constitution to have been served on the person at the time at which the letter would have been delivered in the ordinary course of post.
- (3) Instead of post, notice may be served or deemed to have been served under this clause, if delivered by email where a person or committee has notified the Secretary that notices may be received in such manner and has provided an email address for such purpose to the ABHDI.

### **36. Disposal Of Property**

The Office Bearers of the ABHDI cannot buy, sell or exchange or otherwise dispose of any equipment, stock or sundry items being the property of the ABHDI other than normal and essential purchase of items of stationery etc., necessary for the normal functioning of the ABHDI, without the sanction of the majority of Delegates/Proxies to the ABHDI at a duly convened ABHDI General Meeting. Due notice of intention to buy, sell, exchange or otherwise dispose of any item must be notified to all State Committees/Regional Committees thirty (30) days prior to an ABHDI general meeting.

### **37. Winding Up**

- (1) The ABHDI shall not wind up or disband unless by Special Resolution at a Special General Meeting called for that purpose.
- (2) In the event of the ABHDI being dissolved, the amount which remains after such dissolution and the satisfaction of all debts and liabilities, shall be paid and applied by the Committee in accordance with its powers to any Fund, Institution or Authority which is a non profit organisation whose objects and purposes are wholly or partly in accordance with those of the ABHDI.

## FORM OF APPOINTMENT OF PROXY

I.....of.....  
(name) (address)

being Secretary of .....  
(name of affiliated State/Region/ Examining Body)

hereby appoint.....of.....  
(name) (address)

as Proxy, to vote for the Affiliated Organisation as named above at the following Meeting/s  
and at any adjournment of such meeting/s.

(circle appropriate meeting/s and include date please)

Ad Hoc ...../...../2.....

Special ...../...../2.....

Judges ...../...../2.....

Technical ...../...../2.....

General ...../...../2.....

The Proxy has open voting rights unless otherwise instructed.  
Examining Body proxy delegate will have no voting rights and must be a financial member  
of that Examining Body.

It is expected the Appointer will fully advise and direct the proxy to the various matters  
likely to be raised at the meeting/s.

.....  
Secretary's Signature

.....  
Date

*Please ensure that this document is received by the ABHDI A/Secretary prior to the  
meeting/s as per Constitution*

**THE AUSTRALIAN BOARD OF HIGHLAND DANCING INCORPORATED  
BY-LAWS**

**1. Examining Bodies**

List of Examining Bodies approved by ABHDI:

National Dancing Association of Australia Incorporated  
Queensland Scottish Dancing Association  
Scottish Dancing Association of Australia  
Victorian Scottish Dancing Association  
Yarra Valley Highland Dancing Association

Examining bodies may only conduct Technical meetings, CSL and SNDPL meetings and may seek authorised CPD when holding such meetings and are to provide to the ABHDI Secretary on an annual basis prior to the April/May ABHDI meeting the following:

- Major changes to the Examination syllabi
- Meeting dates & Minutes
- Names of elected Executive members
- Number of examinations held
- Location where exams were held
- Number of candidates who undertook examinations
- List of Teacher & Judge Membership
- Examiner Membership
- Working with Children check (or equivalent) identified for Teachers, Judges and Examiners
- Dates CSL/SNDP meetings with CPD times (if conducted by examining bodies)

**2. Honorary Judge**

‘Honorary Judge’ means a judge who has resigned from Judges Panel after 25 years and has accepted this position.

As a recognition and acknowledgment of their contribution to highland dancing, a judge on the ABHDI Judges Panel for more than 25 years, who has advised the Board that they are unable to continue as an active Judge, may at the Board’s discretion, be placed on a List of Honorary Judges of the ABHDI Judges Panel.

An Honorary Judge may attend the ABHDI meetings as an observer, but has no voting power and may, on request, receive all minutes and notices electronically at no cost. An administration fee as prescribed by ABHDI will be charged for hard copies.

A profile of the Judge may be submitted to the ABHDI to provide a record of their attributes.

### **3. Competition Organisation**

“Competition Organisation” means an organisation approved and registered with a State Committee/Regional Committee and conducts a registered Highland Dancing Competition and/or Championship under the Rules of the RSOBHD/ABHDI.

Note: an individual cannot be accepted as a Competition Organiser.

### **4. State Committee and Regional Committee Criteria for Membership to the ABHDI**

An organisation desirous of having representation on the ABHDI may be duly accepted at any ABHDI meeting provided such organisation:

- (a) has made application, in writing to the Secretary of the ABHDI and notice of that application is included in the agenda of the ABHDI meeting at which it is to be considered
- (b) has satisfied ABHDI that it is a firmly established organisation. A copy of the constitution must accompany the application to be approved by the ABHDI.
- (c) the following conditions to be in place:
  - (i) constitution must be approved by ABHDI
  - (ii) State Committee/Regional Committee must operate under the rules as set down by RSOBHD/ABHDI and foster the traditions of Highland Dancing
  - (iii) rules must be in place and administered efficiently and effectively
  - (iv) registration of dancers must be in place and administered efficiently and effectively
  - (v) ensure all Highland Dancing examinations conducted within its boundaries (with the exception of the RSOBHD Judges Test) are carried out by Examining Bodies.
  - (vi) offer Highland Dancing competitions within its area of control as approved by the State Committee/Regional Committee
  - (vii) if intending to conduct ABHDI registered Championship/s, they must be approved by ABHDI under RSOBHD rules
  - (viii) offer to conduct a Scrutineering Seminar on an annual basis
  - (ix) offer to conduct an Organisers’ Seminar on an annual basis
  - (x) conduct general meetings at least twice a year
  - (xi) conduct an Annual General Meeting
  - (xii) conduct a Judges Meeting at least once a year
  - (xiii) conduct a Technical Meeting at least once a year. Effective from 5 May 2019, two (2) or more Judges can conduct a pre-advertised Technical meeting for approved CPD. Application to conduct these Technical meetings is through the relevant State/Regional Committee and a qualified Judge should be nominated to conduct the Technical meeting.
  - (xiv) conduct a Championship Step Lecture and Scottish National Dance Premiership lecture at least once a year
  - (xv) ensure that a Delegate, resident in its area of control, attends at least one (1) ABHDI meeting in a calendar year

## **5. Rotation of the Domiciliation of the ABHDI**

The rotation of the domiciliation of the ABHDI from the Annual General Meeting 2017 will be:

South Queensland Regional Committee of Highland Dancing Inc.	AGM 2017 – 2021
New South Wales State Committee of Highland Dancing Inc.	AGM 2021 – 2025
South Australian Committee of Highland Dancing Inc.	AGM 2025 - 2029
Victorian State Committee of Highland Dancing Inc.	AGM 2029 – 2033

## **6. COMPLAINT PROCEDURE**

### **Scope**

This procedure applies to all Australian Board of Highland Dancing Inc. (**ABHDI**) participants.

This procedure does not form part of any contract between an ABHDI participant and ABHDI, and is not intended to be contractual in nature. As a result, it is not intended to, and does not, give rise to a binding contractual obligation on ABHDI.

### **Purpose**

An essential part of creating a positive and safe environment for ABHDI participants is to ensure ABHDI participants have a way in which to raise concerns or grievances about the ABHDI or its participants in circumstances where they can expect the concern or grievance to be taken seriously. The purpose of this procedure is to provide guidance on how to make a complaint, how a complaint may be handled by ABHDI and what outcomes an ABHDI participant may expect will follow the making of a complaint.

The complaint procedure is a guide only and the way in which matters are ultimately dealt with will be at the discretion of the Executive Committee of the ABHDI in accordance with procedural fairness. The possible outcomes will depend on the nature of the complaint and the procedure followed to address the complaint. In every case, the actual outcomes and/or disciplinary procedure to be adopted will be a matter for ABHDI's determination and in consideration of the circumstances as a whole.

### **Definitions**

An ABHDI participant has the same meaning as in the ABHDI Code of Ethics, namely:

“Participant” means any organisation, body, association or individual with full membership of the ABHDI; any individual who is a member of an organisation, body, or association with full membership of the ABHDI, any individual who is registered with the ABHDI; any person directly connected to a body or individual who is registered with the ABHDI. This includes Judges, Teachers, Organisers, Parents, Dancers and all parties connected with dancers.

### **Complaint about an ABHDI participant**

If an ABHDI participant feels that they have been subjected to any form of unacceptable conduct or conduct which breaches the ABHDI Code of Ethics, they should address the issue in accordance with the ABHDI complaint procedure set out below.

ABHDI encourages all ABHDI participants who have a complaint to raise that issue under this procedure and ABHDI will treat all complaints seriously. Accordingly, once a complaint is made, ABHDI will deal with the matter appropriately in accordance with this procedure or in some other way that it sees fits in the circumstances.

If a person makes a false complaint in bad faith (i.e. making up a complaint) that person may be disciplined. Further, if a person lodges an excessive number of complaints that ABHDI determines to be unfounded or trivial, they may be disciplined.

### **How does an ABHDI participant confront the issue?**

If an ABHDI participant feels comfortable doing so, they should address the issue with the person concerned. They should identify the unacceptable behaviour, explain that the behaviour is unwelcome and ask that the behaviour stop. It may be that the person was not aware that their behaviour was unwelcome or caused offence.

### **Contact Person**

If the ABHDI participant does not feel comfortable confronting the person, or they confront the person and the behaviour continues, they should report the issue to the ABHDI participant's State/Regional Committee. If the issue is unable to be resolved at State/Regional level, then the complaint should be escalated to the ABHDI, either by the ABHDI participant or the State/Regional Committee.

The details for the current Secretary of the ABHDI, can be provided by the State or Regional Committee of the complainant.

If the complaint relates to either the current President or Secretary of the ABHDI, the complaint should be escalated directly to the ABHDI Senior Vice President.

### **Making a complaint to the ABHDI**

The Secretary will respond to the ABHDI participant's complaint within 7 days or as soon as possible thereafter and explain the relevant steps that can be taken to address the complaint. If the ABHDI participant's complaint relates to a member of the ABHDI executive, that member of the executive is not to be involved in the complaint procedure and will be treated in exactly the same way as any other ABHDI participant that has a complaint levelled against them.

### **Is the complaint confidential?**

The complaint will remain confidential. However, it may be necessary to speak with other ABHDI participants to gather evidence about the circumstances surrounding the complaint and to afford procedural fairness to the person against whom the complaint has been made,

and that person may wish to have ABHDI participant witnesses or other witnesses to support their case.

All ABHDI participants involved in the complaint procedure, including State/Regional Committees, any support person or representative, must also maintain confidentiality or may be sanctioned by the ABHDI. Furthermore, the spreading of rumours or gossip in relation to any ABHDI participant may expose such ABHDI participants to disciplinary action.

### **Complaint Procedure**

The complaint procedure involves a formal investigation of the complaint. Formal investigations will be conducted by the Executive Committee, excluding the President.

Where a complaint involves a disputed allegation that, if proven, may result in disciplinary action, it will generally be dealt with in accordance with the complaint procedure. An investigation involves collecting information about the complaint and then making a finding by the Executive Committee, excluding the President, based on the available information as to whether it is more likely than not that the alleged behaviour occurred or did not occur. Once a finding is made, the Executive Committee, excluding the President, will consider any outcomes arising from the investigation.

### **Fairness and Natural Justice**

The rules of natural justice require that any ABHDI participant affected by a complaint against them requiring disciplinary action has a right to put forward their case and provide witnesses or evidence for the decision to be made impartially.

### **How long does the complaint process take?**

Given the issues relating to the domicile of the Board and the domicile of the ABHDI participants involved, there needs to be flexibility to resolve complaints. There is no set timeframe for the complaints process. However, if the complaint has not been acknowledged and addressed within 3 months of the complaint being made, or reasons for the delay and timeframe provided within 3 months of the complaint, the complainant or the person against whom the complaint has been made, may seek the complaint be finally determined by the President.

### **Appeal against the Executives' Decision**

If a complainant or ABHDI participant who has a complaint made against them is not happy with the outcome of the grievance process (or has not received an adequate response in relation to the timeframe for dealing with the complaint), they may apply to the President of the ABHDI to finally determine the matter based on the evidence which was previously before the Executive Committee unless relevant new evidence has become available.

**What are the possible outcomes if unreasonable conduct has occurred?**

Where an investigation results in a finding that an ABHDI participant has engaged in unacceptable or unreasonable conduct, that person may be disciplined. The disciplinary action may be expulsion from the ABHDI as an ABHDI affiliate, an examining body or participant, a State or regional body, or participant, or other affiliate.

Any disciplinary action is a confidential matter between the affected ABHDI participant and ABHDI.

**Unlawful conduct**

Any complaint made to the ABHDI which relates to the unlawful behaviour of an ABHDI participant will need to be dealt with by the appropriate authority, such as the Police. For the safety and welfare of its participants, the ABHDI may take disciplinary action against the person whom the complaint is made, such as suspension from the ABHDI or its affiliates, pending the outcome of any legal investigation or proceedings.

*ABHDI reserves the right to amend or revoke this procedure at any time.*

*This procedure is not, and is not intended to be, contractual in nature and does not comprise a term of any contract between ABHDI and any ABHDI participant.*