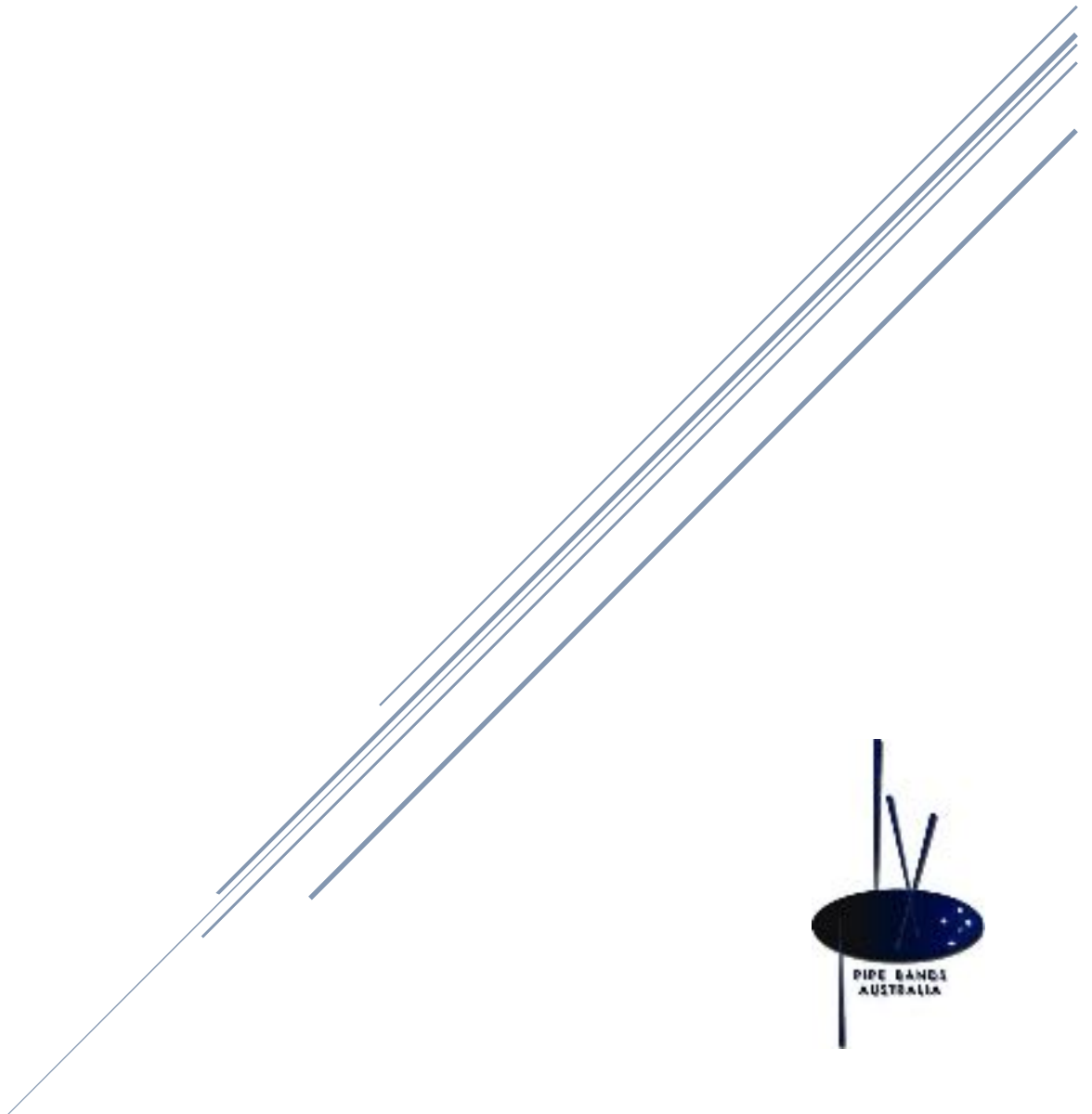


# WHITE PAPER

Structural review recommendations

July 2019



FOR THE INFORMATION OF MEMBERS

NOT FOR EXTERNAL DISTRIBUTION OR COMMENT

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## EXECUTIVE SUMMARY

The genesis for the formation of a national pipe band association 60 years ago was the desire of bands and state-based associations to achieve a consistent set of regulations to govern the presentation of pipe band competitions and championships across Australia.

The administrative structure, too, has remained relatively unchanged during that time – branch (state) representatives serving as councillors on the national body and representatives of the divisions of College – the association’s education, training and accreditation group – also on council.

Members of the Structural Review Panel over the past 12 months have reviewed the current structure and spheres of activity of the association, researched and considered contemporary governance models of pipe band associations overseas and national member-based organisations in Australia operating in the areas of sport, the arts, business and politics.

Important to the review process has been conversations with members of Pipe Bands Australia, the coalface stakeholders in the movement. The intent was always to go deeper into the thinking of the membership than official and valued branch submissions and to this end, engagement was achieved with a large percentage of the membership base through an online survey, forums in each state and the receipt of individual and band submissions. While some discussions and suggestions advanced in those forums were outside the remit of this review, the spirit and intent have helped frame recommendations in this White Paper.

The observance of confidentiality for all submissions received and private conversations undertaken ensured there was frank and open dialogue throughout the review process. It is acknowledged that a small number of submissions advocated for the dismantling of the Australian Pipe Band College with total alignment to overseas education and training groups and indeed the national association, except for contest rules. These proposals, while considered, were subsequently deemed disadvantageous to the future of the movement in Australia and its relationships with building external relationships in the country and contrary to the intent of the review: to develop a stronger model for the advancement and administration of pipe bands in Australia.

Submissions were strong in their aspiration that Pipe Bands Australia has an encompassing and embracing presence for all bands contesting and non-contesting that requires focus on contesting and performance. While there may be financial considerations to be applied to some recommendations, it has not been the role of the Review Panel to fully explore any budgetary implications, rather to report on findings for best structure and practice.

Our recommendations focus and expand on the key areas of the Green Paper released in December 2018 that presented options and discussion points for consideration of the membership at all levels of the association. That the current structure in its various iterations since 1960 has served so well for so long is testament to the work of previous administrations at national and branch levels; that there has been the maturity to review the structure in the context of modern expectations is likewise testament to the commitment and vision of today’s administrators and leaders, volunteers in an Australia-wide organisation based on people freely giving of their time.

The Review Panel has made recommendations to introduce a leaner and more defined national administration structure and one that is mostly mirrored at branch (state) level, we believe delivering greater clarity and understanding through consistency and a model/s that better reflect the contemporary governance environment in achieving greater efficiency and accountability.

Structure and activities of the Australian Pipe Band College elicited the largest contribution from members through consultation, survey and submissions both prior to and subsequent to release of the Green Paper. For the sustainability of pipe bands in Australia, the overarching theme of responses, it was incumbent on the Review Panel to devote considerable time in assessing suggestions and their practical application, matched with a structure that retained the principles of standards, governance and accountability while still allowing for creativity in presentation and delivery of all aspects of education and training.

In recommending the creation of a Music Board and several sub-committees within that grouping of College, the Review Panel has identified these as opportunities to create more professional platforms within Pipe Bands Australia and increased credibility with potential external stakeholders.

The grading of bands had been identified as a “stress point” in the consultation process and this too is further addressed in the White Paper, noting that the introduction of Grade 4B in Australia on 1 July 2019 for the first time puts in place an international foundation for grading in this country and the incremental frameworks for musical development and advancement.

The White Paper presents recommendations on the future of the Australian Pipe Band Championships and its place as a major international event following research of championships in overseas jurisdictions, the presentation and marketing of non-pipe band events in Australia and their relationships with government and local government.

The Review Panel further makes recommendations on the future of solo piping and drumming competitions within the framework of Pipe Bands Australia. Again, it is noted that a small number of submissions advocated for a withdrawal from this space and while it is acknowledged that in some states there are unconnected kindred organisations, the Review Panel also considered models for solo and small group events used by the RSPBA and other reputable pipe band organisations including New Zealand and Singapore.

As part of the review, further enhancement to communications were identified from member submissions and a number of recommendations are included in this White Paper.

The review has been very much a process owned by the members. It has been their aspirations and comments that enabled a snapshot of current thinking to be gained and compared with those of branches and College and against the modern environment of governance and legislative requirements. While every idea and suggestion may not appear in recommendations (some as mentioned were outside the remit), the positive spirit and intent of many are encapsulated in the final recommendations presented for consideration.

The recommendations contained in the White Paper are for consideration and all, some or none may be adopted by National Council. It will be the ultimate decision of councillors acting in the overall national interest to make those decisions.

Members of the Review Panel are strong in their belief that there is much to celebrate for Pipe Bands Australia, many positive steps made in recent years – this report provides the opportunity to refine and expand on the achievements of our national association since its formation.

***The Review Panel reiterates acknowledgement that Pipe Bands Australia and its branches are comprised of volunteers committed to the pipe band movement operating within a professional environment and providing pathways for the advancement of all members, balanced in a contemporary setting reflecting the expectations and frameworks of modern society.***

## GOVERNANCE AND STRUCTURE

The Review Panel is of the belief the current structure presents a compromised framework deficient in practical contextual layers of governance and administration at national and branch level. While national council elects a national management committee that has prescribed authority and responsibility to administer the association between meetings of council, elected officers may not have any voting rights at meetings of council (either deliberative or casting) which is contrary to basic governance. Further, the current size of national council being 12 branch councillors and five College principals, and when non-voting management committee members are added, a total of 20, is considered by government models endorsed by the Australian Institute of Company Directors to be about double the acceptable number. The current structure also designates all branch chairmen as vice-presidents of the national association, effectively making the association “top heavy”.

The current meeting schedule of national council has encouraged a culture of review and assessment rather than a “working board” where all members jointly undertake the roles of governance and oversight, and individually sub-group responsibility, participation and reporting.

### Feedback considerations

The Green Paper presented three options for the future structure and governance of National Council:

- Retention of existing structure.
- A streamlined structure including voting rights for elected officers and increased frequency of meetings of National Council, including a sub-option of a paid part-time executive officer.
- A new board-style structure of five members with a paid part-time executive officer.
- Responses during the consultation and discussion period following the release of the Green Paper indicated strong support for the streamlined option and there also existed support for the board structure. Some submissions advocated for weighted voting for councillors based on the number of members/bands in the branch from which they were elected, that latter concept having been earlier canvassed by the Review Panel and addressed in the Green Paper.
- The Review Panel reiterates it believes the best interests of branches, members and bands are best served by the Federal structure of equal representation by all branches, a structure adopted and observed within national member-based organisations in sport, the arts, business and politics - equal representation from all states prevents the more populous states from disadvantaging less populous ones; keeping representation equal prevents internal state issues from being discussed at National meetings; less populous states are more likely to participate in PBA matters if they are guaranteed a voice.

## RECOMMENDATIONS

### RECOMMENDATION ONE [A]:

That the National Council number 11 members in total and to comprise:

President (not a branch or College representative)  
Vice-president (a branch councillor)  
Secretary (not a branch or College representative)  
Treasurer (not a branch or College representative)  
Five other branch councillors  
One music representative of College  
Principal Rules and Administration

All would be voting members of council, the president to hold a casting vote only.

National Council would meet bi-annually by means of technology or at a nominated location with the executive responsible for managing affairs between meetings in accordance with the Rules – the executive comprising the president, vice-president, secretary, treasurer and either College music representative or Principal Rules and Administration.

The Executive would be elected every two years by National Council as the voting members of the national association.

The music representative would be elected by College members in the piping and drumming divisions every two years, members of ensemble division already being members of either those divisions.

The second College position would be elected every two years by College members of the Rules and Administration division.

The division of Drill and Dress would be retained with College members of the division electing a principal every two years. The division would have a direct report to the National Executive and National Council.

At conference each branch equals one vote, and proposals can be submitted by bands, branches, divisions of College or individual members and be decided on. The process for discussion and determination of proposals may include a ballot of bands, or if otherwise decided, branches would have canvassed (balloted and reported) their bands prior to discussion at conference.

Members of council may be required to undertake approved modules or courses in governance and administration.

National Executive and National Council would establish sub-committees or portfolios with a member of council appointed to co-ordinate initiatives and activities in each area.

These portfolios to include, but not limited to:

- Contest Administration
- Band and member engagement



- Education
- Training
- College and examinations
- International relations
- Government relations
- Kindred stakeholder relations
- Communications
- Sponsorship
- Marketing

The National Executive would be vested with the authority to make determinations where a branch had been unable to determine, resolve or implement actions consistent with the activities of the association as defined from time to time.

#### RENEWAL

Renewal and retention of corporate knowledge are equally important and it is recommended that consideration be given to setting a maximum tenure in any position of 10 years.

#### **RECOMMENDATION ONE [B]**

That National Council begin the process to appoint a part-time paid executive officer no later than 2021.

The executive officer would be a non-voting member of National Council providing secretariat support for National Executive and National Council and undertaking duties as directed including assuming the role of national registrar.

A detailed position description would be prepared prior to advertising of the position with applications invited from within and outside the association.

The executive officer would be responsible on a daily basis to the president and report regularly to the National Executive and National Council.

The position would be funded through membership fees and other income streams.

#### RATIONALE:

Pipe Bands Australia is a volunteer-based national organisation - the volunteer ethos underpins our national association, branches, bands and members and this should remain the centrepiece of involvement in the pipe band movement as it contributes to personal and community growth and strengthening of the social fabric.

However, evidence gathered from by the Review Panel from office-holders around the nation indicates that the current time commitment in promptly attending to administrative requirements is considerable and the Panel acknowledges that Pipe Bands Australia is fortunate to have devoted and committed volunteers giving of their time and expertise.

Volunteer-based organisations face the reality of individuals “burning out” as they strive to deliver in a time or resource-deprived environment the professional service that is expected by modern society.

The engagement of a part-time executive officer would assist in providing support and resources to volunteers and contribute to growth in the enjoyment by volunteers of their involvement in the pipe band movement. Further, the Review Panel has identified that such a position would be beneficial in extending the period of active volunteering.

Additionally, appointment of a paid part-time executive officer would reflect in part the structure of the Royal New Zealand Pipe Band Association and the Royal Scottish Pipe Band Association where staff are employed to undertake administrative functions and directed.

## **RECOMMENDATION TWO**

That National Council and National Management Committee continue to review, discuss and assess the further streamlining of the administrative structure with a view to transitioning to that of a board within five years.

As provided for in Option 3 of the Green Paper, five members of the board would be elected by the branches for a five-year term, retirement by rotation annually (one branch, one vote) and a member could only be elected for a maximum two terms.

The board would elect a president and vice-president from within its number annually and appoint a non-voting paid executive officer (secretary) and a non-voting financial officer (treasurer) from time to time from suitably qualified applicants.

The board would implement policy as agreed annually at a conference of branches where each branch equals one vote in determining proposals able to be submitted by bands, branches, divisions of College or individual members. The process for discussion and determination of proposals would be a ballot of bands where they related to rule and regulation changes.

**RATIONALE:** Feedback following release of the Green Paper indicated support for the further streamlining of the national association structure, the Green Paper having identified that it provides for continuity of governance and retention of corporate knowledge while also addressing renewal and succession. The structure in part borrows from that of the corporate sector and, in part, reflects a structure introduced by the Royal New Zealand Pipe Band Association.

Under this scenario, the board would appoint from suitably qualified people, members to portfolio sub-committees of the national body.

The national body would be vested with the authority to make determinations where a branch had been unable to determine, resolve or implement actions consistent with the core activities as defined from time to time.

Members of council would, as is expected now, continue to be the link between branches and the national body and, in reverse, ensure that national decisions and initiatives are communicated to their bands and members.

In addition to portfolio responsibilities, sub-committees of National Council that deal with and manage various aspects of the organisation’s performance – especially governance and finance – should be considered. In corporate practice, these committees are responsible for the regular review of governance policies to help ensure the association’s practices remain relevant, legal, effective and efficient.

Sub-committees should operate with clear terms of reference that outline remit, roles and responsibilities of membership, and any delegated authority and reporting requirements. Whilst there is a strong desire for less bureaucracy, clearly delineating the roles and responsibilities of the various functions of office bearers and units of the Association is fundamental to ensuring we build a more responsive and accountable association.

*The Review Panel acknowledges that the recommendations are presented for consideration and all, some or none may be adopted.*



## BRANCHES

In developing recommendations for the structure of branches, the Review Panel considered the need for consistency and clarity of structure wherever possible across all levels of the national association.

It was also recognised that branches are at the coalface for interaction between bands and their members, and a vital link in the reporting, information and government regime required at national level.

Therefore, there are some practical and realistic additions to the structure proposed for branches while remaining faithful to the spirit.

### **RECOMMENDATION ONE [A]**

That branch executives to be restructured to mirror in part the National Executive National Council and comprise:

- Chairman (not a band councillor or College representative)
- Two vice-chairmen (one only a band councillor)
- Secretary (not a band councillor or College representative)
- Treasurer (not a band councillor or College representative)
- One music representative of Branch College
- Vice-Principal Rules and Administration

Branch council would continue to be required to meet at least four times annually with the executive responsible for managing affairs between meetings in accordance with the Branches may elect a non-voting assistant secretary or assistant treasurer.

The executive would be elected every two years by band representatives as the voting members of branch council.

The music representative would be elected by branch College members in the piping and drumming divisions, members of ensemble division already being members of either those divisions.

The second College position would be elected by branch College members of the Rules and Administration division.

### **RECOMMENDATION ONE [B]**

The position of secretary is a part-time paid executive officer (non-voting).

RATIONALE: This provides flexibility to branches cognisant of local requirements.

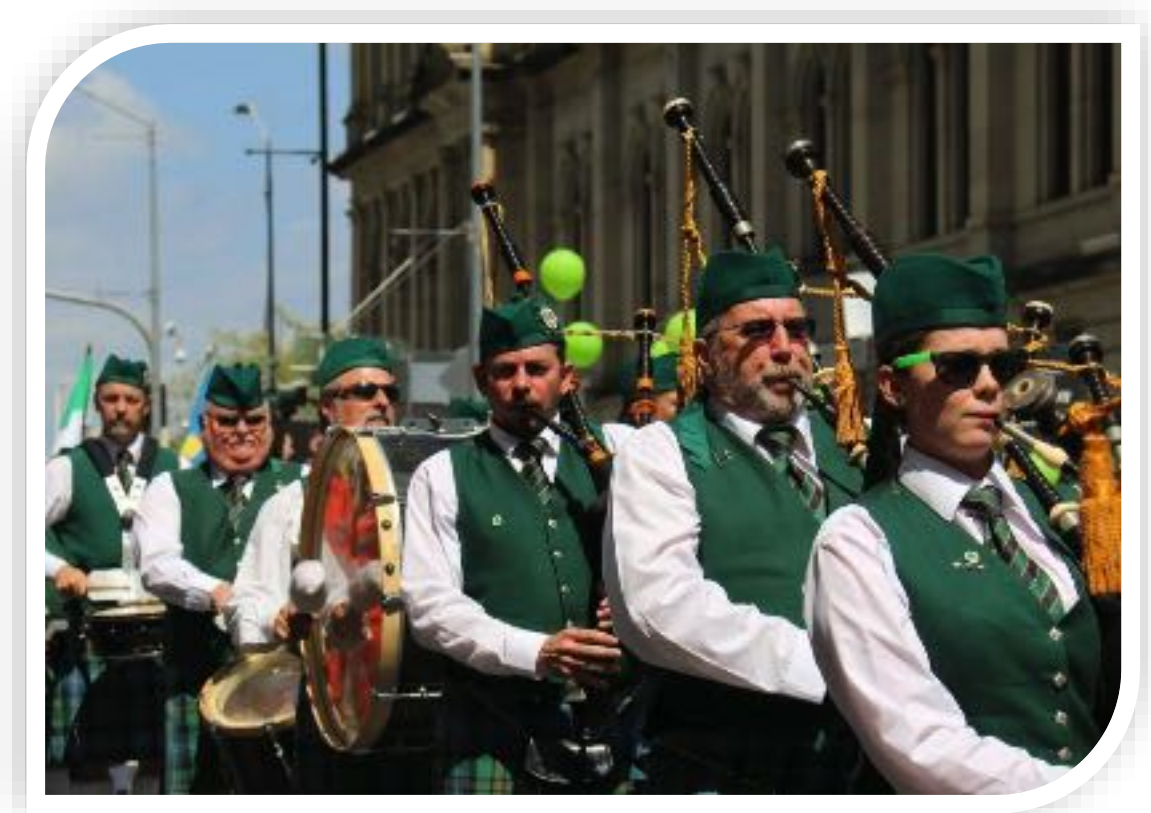
### **RECOMMENDATION TWO**

All branches shall have a College and divisions of College structured in mirror to the recommendations in the College section of this White Paper.

### RECOMMENDATION THREE

That should a board structure be adopted at national level, the same structure would be introduced for branches. Meetings of branch council would continue to be held four times a year.

*The Review Panel acknowledges that the recommendations are presented for consideration and all, some or none may be adopted.*



## CONTESTS, CHAMPIONSHIPS AND GRADING

The consultation process brought considerable discussion from bands and members on contests and grading – defined currently as two of the key areas of activity for the association. Members expressed a variety of views on the role of the association in this space and its relationship with external stakeholders.

It is the firm recommendation of the Review Panel that pipe band contests remain a core activity of Pipe Bands Australia and its branches and in fact, that branches are required to offer pipe band contests each year within their state. While acknowledging that contests may not be for all bands, it is accepted as in the Green Paper that contests are in the DNA of pipe band culture both in Australia and overseas.

Contest requirements have rapidly aligned within Australia over the past three years to those of championships conducted by the Royal Scottish Pipe Band Association and providing a preparatory platform and consistency for the increasing number of Australian bands travelling overseas to compete. Respondents strongly advocated for this to continue and the recent introduction of Grade 4A and Grade 4B together with grading for juvenile bands has put Australia within a truly international framework for the first time.

### AUSTRALIAN PIPE BAND CHAMPIONSHIPS

During all stages of the review process, there was discussion concerning the Australian Pipe Band Champions which – in the past decade – has been held only on the East Coast, and has been awarded for multiple years to promoters, due to the consideration of trends in staging successful events. The panel also considered the dilemma faced by the Royal New Zealand Pipe Band Association in being unable to secure promoters for alternating North-South Island venues for its championships in recent years and that two Australian branches have expanded their outlook for possible promoters when faced with no proposals near or after application closing dates.

The Review Panel acknowledges that the Australian Pipe Band Championships are an international event attracting bands from across the Pacific region and require greater surety in location and timing to leverage resourcing and support from local government, government, business and other community stakeholders.

### RECOMMENDATION

The Australian Pipe Band Championships be held every two years, alternating between two set venues from 2026, the venues decided by the national body against a criteria covering: Timing of event, location of event and venue, scale and scope of event, logistics, compliance with requirements of the championships, prizemoney, strategic benefits for pipe bands, external stakeholder engagement, and demonstrated experience and track record in running successful major events.

The championships would be conducted every even year and the national body would have oversight of the pipe band contest aspect of any event. Proposals would be invited from

promoters and awarded for a maximum three-championship period prior to review and consideration of renewal, also retaining the option of considering an application from another promoter or branch under special circumstances and to be assessed against the same criteria as would apply to multi-year alternating venues.

National Executive would appoint a liaison officer responsible for national oversight of championship planning and arrangements in conjunction with the appointed promoter and a nominated representative of the branch in which the championships are being held.

**RATIONALE:** The Australian Pipe Band Championships are an international event that requires strategic planning and engagement to benefit competing bands, the pipe band movement and engagement to achieve benefits for broader awareness, sponsorship, recruitment and sustainability. As the pinnacle of performance, achieving a profile is crucial in locations where the event is not smothered or lost. Alternating between two set locations would allow a promoter – branch or external – to develop supportive relationships with business, local government, state or territory government and the Federal Government without the burn-out factor of running successive championships. This model would provide stability and clarity for the national association and promoters, mirroring the award-winning approach adopted with the World Pipe Band Championships in Glasgow where Glasgow City Council’s tourism arm runs the event and RSPBA runs the contest.

*The Review Panel acknowledges that the recommendations are presented for consideration and all, some or none may be adopted.*



## SOLO PIPING AND DRUMMING

The structure of Pipe Bands Australia allows for the conduct of solo piping and drumming competitions and the national organisation currently auspices the Australian Solo Drumming Championships and the upcoming Australian Solo Piping Championships.

However, across branches the level of activity in the solo space varies – some branches are solely the promoters of piping and drumming, in others there is a mixture of competitions offered both under Pipe Bands Australia rules and by kindred, but unaffiliated piping organisations, or others still where piping is with external organisations and drumming within Pipe Bands Australia. The only constant is that solo drumming is offered by all branches. This situation created confusion with membership and eligibility of players, particularly pipers, that was in part resolved by a decision in 2017 to remove the restriction on members competing on non-PBA sanctioned solo events. Further, while the rules require Pipe Bands Australia to grade solo players, variations in the national landscape make this impossible for those branches not in the solo piping space.

### **RECOMMENDATION ONE**

That Pipe Bands Australia continues to provide a framework for solo piping and drumming competitions and begins the process to formally recognise kindred organisations in the solo space and develop harmonisation of grading and assessment.

**RATIONALE:** A recognition that Pipe Bands Australia has a responsibility to promote all aspects of performance while also acknowledging existence in the solo space of other organisations. RSPBA branches continue to offer solo and small group contests as does the Singapore Pipe Band Association that uses the Contest Regulations of Pipe Bands Australia for its contests.

Where branches are currently inactive in a solo space, consideration should be given to developing closer co-operative links for external organisations and also to incorporation of solo and small group events into other existing branch activities.

### **RECOMMENDATION TWO**

That Pipe Bands Australia continues to auspice and promote the Australia Solo Piping Championships and the Australian Solo Drumming Championships on a biennial basis.

**RATIONALE:** These events are pinnacle of solo performance and contribute to the development of collective band skills and capacity.

### **RECOMMENDATION TWO [A]**

That Pipe Bands Australia continues to maintain a national grading database and that where branches select not to participate in solo competitions, grading of players will be based on known information or their performances in other branches. As with band grading reviews, the relevant national principal will be responsible for allocation of grades in consultation and on the recommendation of, where possible, branch vice-principal.



### **RECOMMENDATION THREE**

That within Pipe Bands Australia and in conjunction with affiliated bodies, develop a consistent musical requirement across grades be developed and implemented for all solo piping and drumming competitions and championships with consideration to such contests and championships also including own choice musical selections in addition to set requirements.

## **BAND GRADING**

The requirement of a national grading review every two years is inherently based on the fact that the Australian championships are held within that schedule. However, the increased movement of bands across Australia and internationally now means that there is a compelling case for annual grading as takes place within some branches and to ensure that Australia is sufficiently responsive in the case of overseas jurisdictions making grading changes for our bands.

### **RECOMMENDATION ONE**

National grading reviews be conducted annually, whereby branches and bands are provided a one-month period in July to make requests for consideration as part of the process.

The national grading committee comprising the three music Principals (or representatives of a music board plus vice-principals) plus the president and one other member of the national body assumes responsibility for all grading recommendations and their administration, including input from branches through branch grading committees and bands. The results of grading reviews to be released no later than 1 September annually.

### **RECOMMENDATION TWO**

Branch grading committees will introduce the videoing of band performances throughout a contest season to assist in the comparative assessment of bands against national and international benchmarks when providing input to national grading committee.

**GRADING RATIONALE:** These recommendations would allow for a consistent approach to grading year on year matching the spirit of the association in creating fair frameworks for competing bands. The timing considers most branch competition seasons and the fact that Australian bands are increasingly competing in Scotland during the July-August period.

Notwithstanding, adjudicators would continue have the right to recommend an immediate regrading after any contest and likewise, bands could either request a review or one be triggered should a band receive an influx of players with recent experience in higher grade bands.

*The Review Panel acknowledges that the recommendations are presented for consideration and all, some or none may be adopted.*

## MEMBERSHIP

As reported in the Green Paper, the value of membership of Pipe Bands Australia as a contest-focussed organisation for non-contesting bands was often raised during consultation. The panel notes that Pipe Bands Australia has extended its operations beyond contesting, education and training in recent years and now has strong partnerships with the Royal Edinburgh Military Tattoo and co-ordination of the Battle's Over commemoration in Australia embraced all bands and pipers, not just members.

However, the fee structure warranted review based on feedback to make membership of Pipe Bands Australia inclusive and engaging for all pipe bands in Australia.

### **RECOMMENDATION ONE**

Retention of existing membership structure, encouraging all bands and members to aspire to participation in contests, workshops and examinations where an enrolment fee differential is in place for non-members.

### **RECOMMENDATION TWO**

Reduction of minimum number of players to five with discretion over a four-year period.

**RATIONALE:** It is acknowledged that some bands may from time to time experience fluctuating membership yet retain the desire to remain as members of Pipe Bands Australia. It is appropriate that the minimum membership number reflect a minimum group event requirement within the Rules of Pipe Bands Australia, this currently being a quintet while also balancing the practical and functioning obligations that bands have as incorporated associations.

### **RECOMMENDATION THREE**

Kindred organisation membership equal to annual band membership fee (eg, piping clubs and societies, international pipe band associations) whereby this is a reciprocal recognition of membership but provides no voting rights.

**ADDITIONAL COMMENTS:** There are currently service and quasi-service bands that are no longer allowed compete due to operational directions yet have expressed a desire to be members of the association, noting many of their members are registered with other competing bands. Promotion of this category of membership allows for their inclusion.

Further, kindred piping organisations should be encouraged to take up this form of membership whereby there is reciprocal recognition of membership between the two organisations to encourage participation in all solo piping events in Australia.

### **RECOMMENDATION FOUR**

Retention of the existing category for adjudicators upon appointment to College panel of no fee being required for the duration of appointment except where the adjudicator also wishes to compete, thus requiring player registration.

## RECOMMENDATION FIVE

That bands (including schools) with multiple bands within the one entity be required to pay only one band membership fee.

RATIONALE: The significant rise in participation by schools now sees at least four schools fielding multiple bands (up to three) and a number of community bands in a similar position. Under this scenario, the band fee is paid once only each year and the band would only be entitled to a single band vote at branch meetings.

The Review Panel also notes that National Management Committee, following agreement by National Council, will be introducing a fully-integrated online membership registration management, payment and renewal system for bands and members in 2019.

*The Review Panel acknowledges that the recommendations are presented for consideration and all, some or none may be adopted.*



## COLLEGE

The future role of College has received by far the most comments and ideas during the review process and, as noted Green Paper, revealed deep frustration and annoyance with the volume and quality of education and training opportunities currently provided in some branches, the examination syllabi and the examination structure that in a few branches has been identified as a contributing factor to low membership of adjudication panels. The Australian Pipe Band College is internationally recognised with examinations regularly conducted not only in Australia but throughout south-east Asia.

Many models have been viewed and considered for the College and the Review Panel noted with great interest that the RSPBA has in part adopted key aspects of our College structure with the recent appointments of Principals in Piping, Drumming and Pipe Band Musicianship.

In framing these recommendations, we believe the College's contribution and reputation can be grown and participation in education initiatives increased across Australia through greater delineation of functions and clarity of purpose.

### RECOMMENDATION

That the Australian Pipe Band College of Pipe Bands Australia be retained and comprise five divisions – piping, drumming, pipe band musicianship (formerly known as ensemble), drill and dress, rules and administration.



## MUSIC

### RECOMMENDATION ONE

The creation of a formal Music Board to oversee all matters pertaining to music, adjudicator accreditation and training, education, to make recommendations to the national organisation for approval and endorsement, and to implement agreed actions. Membership would be drawn from all qualified and accredited members of music panels.

There would exist the positions of Principal of Piping, Drumming and Pipe Band Musicianship elected every two years by members of the respective panels.

The Music Board comprising the Principals and branch Vice-Principals would elect every two years a member to represent it on the National Council and National Executive.

The Music Board would also include two members of the National Executive, one of whom to be the president or nominee.

### RECOMMENDATION TWO

From within the Music Board, the following would be created:

a - National Education Group comprising a minimum three members of the Music Board and other skilled and proficient educators appointed by the national organisation on recommendation of the board to develop and deliver education and training modules for bands and members through workshops, seminars and on other platforms, with at least two of each held annually in branches at metropolitan and regional locations in consultation and collaboration with branches. Education would also be provided in composition and arrangement for pipes and drums, medley structure and construction.

b - National Syllabi Review Group comprising the three music Principals and co-opted educators revamp the examination syllabi to ensure it retains and maintains relevancy and provides pathways to proficiency that are recognised, parallel and compatible within the context of the Australian education system and allied music education organisations (eg, Australian Music Education Board [AMEB], Scottish Qualification Authority [SQA] – Piping and Drumming Qualifications Board) and recognised by international pipe band associations.

Specifically -

- i) That all theory components be offered in an online environment.
- ii) That the current examination levels be restructured to provide access points for all levels of player development from beginner to advanced – ie, creation of up to 10 levels and that examination times increase commensurably for each level using AMEB or SQA as models. Under AMEB for example, Preliminary Grade has a 12-minute practical examination and 30-minute theory examination increasing to Licentiate (Level 11 or highest) 60-minute performance examination. Examinations able to be taken in blocks for proficient players entering the examination stream.
- iii) That recommended or compulsory tune selection lists be provided at each level together with resource books for each level.
- iv) That examination papers reflect stated content within the syllabi and resource books.
- v) Rotation of examination questions and answer papers prepared for assessors.

- vi) A new form accreditation for proficient band trainers be introduced to empower member bands with confidence in the integrity of available trainers.

Any new syllabi should meet the expectations of the pipe band movement in Australia, mirror international considerations and, equally, be of a level acceptable for recognition within the Australian education system and especially at the secondary school year 12 level.

c - National Examination Assessors' Panel formed from within the Music Board, and from qualified educators, to assume responsibility for the assessment of all examination candidates.

d – National Grading Committee to comprise the three Principals plus two other Vice-Principals, elected by the Music Board, and the President of Pipe Bands Australia.

e - The Music Board would also be responsible for the structuring and delivery of compulsory professional development modules for music adjudicators.

f – The Music Board be administered by a convenor responsible for liaison between the board and Pipe Bands Australia.

As noted in the Green Paper, the perception within the Australian pipe community is that the current examination system is designed to create the next generation of adjudicators whereas the reality should be achievement of proficiency as a musician in the art of bagpipes or drumming. Currently, achievement of the Advanced Certificate is a prerequisite to make an application to be an adjudicator and the Review Panel, while aware of a shortage of judges in some branches, is of the opinion that minimum standards are required to ensure consistency of adjudication.

### **RECOMMENDATION THREE**

The Music Board develop assessment criteria to recognise the achievements of pipe majors or leading drummers and apply credits towards the pre-requisite level of playing proficiency for an Advanced Certificate, enabling that player to make an application to become an adjudicator. This arrangement is similar to the recognition awarded by the RSPBA (acknowledging time served as a leading drummer or pipe major in a top grade band) and that performance skills of suitable candidates may no longer be at their optimum.

This does not remove nor diminish the requirement of applicants to undertake the MATE (Music Adjudicator Training Examination) and participate in approved mentoring.

### **RECOMMENDATION FOUR**

The National Music Board shall meet annually by means of communication and once every four years in person at a nominated venue in conjunction with a full meeting of College.

The funding model for the four-yearly meeting to apply as adopted from time to time for meetings of the National Council.

## DRILL AND DRESS

Drill and dress remains part of the Australian pipe band movement – historically from the days of the military-style quickstep through to the 21<sup>st</sup> century where it can be described as the embodiment of artistic presentation and crowd appeal. Both Australia and New Zealand continue to include these elements in competition structure and Australia also uses the drum major solo concept of Britain and Northern Ireland.

### RECOMMENDATION

The Drill and Dress division adopt a similar structure to the music divisions in all aspects of its relevant and appropriate operations for education, training, assessment and administration and continues its sphere of activity within dress, drill and drum majoring.



## RULES AND ADMINISTRATION

The Rules and Administration division of College is primarily responsible for the rules of governance for the Association and the conduct of contests and championships, however, the Review Panel believes these functions should also include other aspects of governance and administration with appropriate training in those areas.

### **RECOMMENDATION ONE**

That the Rules and Administration division be transferred to two new sub-groups of Pipe Bands Australia styled a] the Governance Committee with responsibility to review and adjustment of all rules and regulations to ensure they are consistent with relevant legislation and obligations and b] the Contest Rules Committee with responsibility to regularly review rules, review proposed changes and manage the training, accreditation and appointment of contest supervisors.

These committees would be headed by the Principal Rules and Administration and elected every two years by accredited contest supervisors and branches.

The Contest Rules sub-committee would comprise membership of the Principal and branch Vice-Principals; The Governance sub-committee would comprise the Principal, one other member of National Executive and three members appointed by National Executive with skills and qualifications in governance and legislative compliance and report direct to National Executive and National Council.

### **RECOMMENDATION TWO**

While separate from the College or Music Board, a training syllabus for contest supervisors would be retained and examinations overseen by the Principal and Vice-Principals and styled as College examinations. The conduct of examinations would be consistent with that adopted by divisions of College or Music Board.

## GENERAL

### **RECOMMENDATION ONE**

Further recognising the role of the association in providing a safe environment, all members of College will be required to undertake approved professional development modules.

### **RECOMMENDATION TWO**

Renewal and retention of corporate knowledge are equally important and it is recommended that consideration be given to setting a maximum tenure in any position of 10 years.



## BRANCH COLLEGE

### RECOMMENDATION

The structure and functions of branch College shall be identical to that of the national organisation.

The Branch Music Board shall be required to meet at least twice annually and provide reports to the Branch Executive and Council, to the National Executive and National Council, the National Music Board Convenor. Vice-Principals will be elected every two years in each division by members of respective panels.

The activities and sub-committees of the Branch Music Board shall undertake such activities as request by the National Music Board and its sub-committee together with those of the branch as consistent with the Rules, regulations and decisions of the association.

Branch music boards shall elect a representative to the Branch Executive once every two years.

*The Review Panel acknowledges that the recommendations are presented for consideration and all, some or none may be adopted.*



## ENGAGEMENT

Pipe Bands Australia as a national organisation has its foundations in the creation of a consistent framework for competitions and championships. Its sphere of activities has expanded to a small degree over the past 20 years – links with the Royal Edinburgh Military Tattoo that annually now provides opportunity for community, service and school bands in Scotland and increasingly in Australia, affiliations and alliances with overseas pipe band associations (although these are primarily contest structure related) and in recent years Visit Scotland, the Scottish Australian Heritage Council and government departments.

The Review Panel notes the new ground broken by Pipe Bands Australia over the past three years in a) the introduction of awards and recognition for members bands b) advocacy to government and development of links with business and trade c) external promotion of pipe band events and activities in specialist publications and d) co-ordination of Australian participation in The Battle's Over commemoration for Centenary of Armistice across 200 sites and involving more than 1500 pipers and drummers, including non-member bands and former member bands and players and development of stakeholder relations already mentioned.

Submissions received by the review and the feedback from the survey indicate that members of Pipe Bands Australia wish to see the organisation playing an even larger role in promoting the art of piping and drumming to a wider cross section of the community. This would have a number of positive benefits, including increasing the pipeline of learners to bands, increasing awareness of our art form amongst sources of funding/grants and strengthening networks amongst other like-minded bodies. The Review Panel supports ongoing initiatives for engagement nationally while noting the primary driver of any engagement is at local level and encouraging bands and branches to fully explore networks and opportunities in local communities.

### **RECOMMENDATION ONE**

That the National Council formally recognise and promote the engagement of member bands in all performance activities – contests and championships, community and events – in recognition that all bands irrespective of their level and sphere of performance are valued members of Pipe Bands Australia.

### **RECOMMENDATION TWO**

That National Council and branches develop and implement a Promotion and Engagement Strategy to consider these ideas further within 12 months, including engaging with community and kindred organisations, government and business.

### **RECOMMENDATION THREE**

That within the new Communications portfolio, Pipe Bands Australia continues to identify and facilitate public engagement opportunities for member bands.

*The Review Panel acknowledges that the recommendations are presented for consideration and all, some or none may be adopted.*

## COMMUNICATIONS

Pipe Bands Australia has made significant steps in its online communications platforms over the past three years with the development of a new website and creation of a Facebook page, allowing members to access information in a timely manner. Both platforms have high engagement rates and the Facebook page in particular has a greater engaged audience than any pipe band page outside of Scotland.

As the Green Paper noted and should be reiterated now, it is not appropriate to communicate all information in an online environment and members have expressed annoyance at the lines of communication being fragmented and at times irregular in some branches.

Submissions to the Green Paper were supportive of options for discussion and these are now finalised as recommendations.

### **RECOMMENDATION ONE**

- A] The current cycle of twice-yearly national newsletters to members be increased to five each year and include branch reports, band news and photographs – an e-magazine – direct to members and stakeholders.
- B] With the introduction of the online membership system resulting in improved integrity of contact details, branches are provided with their membership email database monthly to deliver information direct to members.
- C] Branches produce an e-magazine five times a year (in the off month to the national e-magazine).
- D] All relevant communications continue to be sent to branches and College but also as appropriate, be sent direct to members using their nominated email address.

### **RECOMMENDATION TWO**

In acknowledging feedback and suggestions during the review process, it is recommended a central contest result portal be established on the Pipe Bands Australia website to place all results within 24 hours of a contest.

### **RECOMMENDATION THREE**

While acknowledging compliance with the Rules for communication with members through their band, that suitable platforms be introduced to provide communications direct to members via email.

### **RECOMMENDATION FOUR**

That within the new Communications portfolio, an editorial sub-committee be appointed and have responsibility for production of bi-monthly newsletters and that branches also introduce alternating bi-monthly newsletters.

*The Review Panel acknowledges that the recommendations are presented for consideration and all, some or none may be adopted.*

## MEMBER MATTERS

The Review Panel, as a result of consultation and submissions, considered long-prescribed processes within the Rules of Pipe Bands Australia in dealing with matters of member discipline and grievance and significant changes to procedure adopted by other national associations in Australia in recent years.

While it has been assessed that the current grievance procedure outlined in the Rules remains appropriate, there has been a dynamic societal change in dealing with other disciplinary matters and the basis for our recommendation comes from the Australian Sports Commission resource document, noting that on the information available, any matters that have required management by the association have been dealt with consistency and appropriately under the Rules as they currently apply.

### RECOMMENDATION

That a new complaint, investigation and discipline procedure be introduced that defines the processes and procedures to be adopted by Pipe Bands Australia and its branches, recognising that where appropriate matters are dealt with by branches. The recommended process is Appendix Three in the White Paper.

*The Review Panel acknowledges that the recommendations are presented for consideration and all, some or none may be adopted.*

## FEEDBACK OUTSIDE REVIEW REMIT

During the review process, members and bands provided comments and suggestions that while not within the remit of the Pipe Bands Australia Structure Review were, nonetheless, worthy of future consideration following confirmation future structures for the association.

These items will be compiled into a special report for future consideration of branches, Australian Pipe Band College National Council and National Management Committee.



## APPENDIX ONE

### REVIEW OVERVIEW AND BACKGROUND

Pipe Bands Australia was formed in August 1960 as the Australian Federation of Pipe Band Associations, bringing together various state associations for the first time with the focus on a national approach to the conduct of pipe band championships and contests and the rules of competition.

The first Australian Pipe Band Championships of the new national association were held in 1961 and continued as an annual event until 1968 when National Council voted for a biennial event. Contest rules and regulations have evolved since those championships in response to domestic and international environments.

The then-AFPBA in 1965 extended its spheres of operation to include education and training through establishment of the Australian Pipe Band College and development of examination syllabi. Piping and drumming were initially the offering of College activities before soon expanding to embrace drill and dress followed by rules and administration and latterly, ensemble.

The purposes of Pipe Bands Australia are currently defined as:

- the promotion and advancement of Scottish culture in Australia, particularly all aspects of Pipe Band activities and culture;
- the creation of a bond of fellowship between pipe bands and their members within Australia and elsewhere;
- the devising and operating of rules for pipe band and piping and drumming contests in Australia;
- the creation and maintenance of a system affording reciprocal rights to pipe bands and their members in Australia and elsewhere; and
- the establishment and operation of an Australian Pipe Band College as a body setting, maintaining and improving standards in all aspects of pipe band activity.

The structure and primary focus of Pipe Bands Australia has essentially remained unchanged in almost six decades with one notable exception, the transformation from AFPBA to PBA in 1996 when state-based associations were replaced by operational branches of the national association with responsibility for conduct of competitions, education and training within the national framework agreed and adopted by a council comprising representatives from each branch (state) and the Principals of each division of College. While some states retained their former associations – for example, Victoria as the first pipe band association in the world has continued its association as a platform for promotion of pipe band heritage – these associations observed parallel membership and leadership until recent years when the antecedent Pipe Bands Australia state association in NSW adopted a separate membership, leadership and sphere of activity. The change of national structure also led to the introduction of a national membership registration system for individual players and membership by bands.

However, while there have been name changes and adjustments to administrative structure reflecting evolution of frameworks that included addition of National Management Committee to conduct affairs of the association between meetings of council and the biennial conference, the basic structure established upon formation of the AFPBA in 1960 continues with state branches all

part of the national strategic decision-making process and charged with driving activity within their branches.

At the 2018 biennial conference of Pipe Bands Australia, National Council agreed to a review of the current structure of the association. The discussion paper considered by councillors said, in part, that the review would investigate *“the most ideal structure for the Association, its rules and policies to support the members in achieving the objectives of its purpose. Consultation with the broader membership will be absolutely necessary. It will provide them with the opportunity to articulate what they want to see for their membership and investment”*.

This Review is a national conversation over a 12-month period with our members – branches, divisions of College, bands and individual members who combine to give Pipe Bands Australia a membership base of more than 110 bands and 2000 members.

The overarching aims of the Review are, while recognising the foundations put in place more than 60 years ago, to develop contemporary and sustainable models of governance and frameworks for performance of music, education and training, engagement and administration within the 21<sup>st</sup> century pipe band movement.

The Review will consider current, world and aspirational practice to ensure the organisation is best able to deliver its five core responsibilities:

- Competitions and championships for pipe bands, drum majors, pipers and drummers;
- Band grading, accreditation and administration;
- Education and training for bands, members, adjudicators and officials;
- Engagement, promotion and awareness of piping and drumming; and
- Corporate governance.

The overarching objective of the Review shall be to research, investigate and recommend the optimal structure by which PBA should deliver its five core responsibilities.

The Review is developing recommendations by:

- Articulating the core governance activities Pipe Bands Australia undertakes;
- Engagement of members through surveys, discussion fora and other interactive opportunities on current and aspirational activities of members, bands, branches and divisions of College;
- Inviting branches, divisions of College, bands and individual members to make written submissions on the current structure and core activities of Pipe Bands Australia and the submission of any structural and activity-based proposals;
- Identifying activities the membership considers relevant and core to a contemporary structure within a pipe band association;

- Identifying current rules and regulations that may inhibit effective and required governance and administration of functions of the association and structural change to address them;
- Establishing an implementation plan to successfully implement any recommendations which will execute the above changes;
- Engaging stakeholders frequently and meaningfully throughout the review.

In preparing this Green Paper, Review Panel members Jamie Forsyth, Richard Wilson, Athol Chalmers, Chris Swan and Chris Earl have overseen invitations to branches, College, bands and members to make submissions addressing the terms of reference and to complete an online survey. The survey was completed by 200 members, representing an average response rate for this tool when used in collecting data as part of industry reviews.

Additionally, the following fora were conducted:

- NSW – moderated by Chris Earl during the Canberra College of Piping and Drumming workshop weekend;
- Victoria – moderated by Chris Earl prior to the Victorian branch annual general meeting;
- Tasmania – moderated by Chris Earl at a special forum convened in Tasmania by that branch;
- South Australia – moderated by Chris Earl prior to a branch meeting;
- Queensland – moderated by Athol Chalmers at a special meeting and end-of-year drinks function organised by the branch;
- Western Australia – moderated by Jamie Forsyth and Richard Wilson at a special forum.

Members of the Review Panel have also conducted conversations with other members of Pipe Bands Australia and officials of overseas pipe band association and researched other peak organisations in sports, business and industry, arts and culture as part of the process to date. It is recorded that no member of the panel has received any financial recompense for under any activity for the review.

Thanks are extended to all members who have participated in the national conversation to this point, sharing ideas and providing mostly positive feedback reflecting their considered passion and care for the artform and future of our genre within Australia and its standing on the international stage.

Information obtained, and research undertaken during these processes have guided members of the panel in developing a suite of options for future structure and spheres of activity of Pipe Bands Australia. These options are now presented to members for discussion and consideration as the national conversation evolves -

December 2018	Green Paper released for discussion
March 2019	Submissions to Green Paper open
April-May 2019	Consultation on Green Paper
30 May 2019	Submissions and feedback close
July 2019	White Paper

## APPENDIX TWO

### PRINCIPAL POSITION DESCRIPTIONS

#### PRINCIPAL – POSITION DESCRIPTION

Reporting through the a) Music Board convenor (piping, drumming pipe band musicianship), b) the National President and National Executive/National Council (drill and dress, rules and administration) the key objectives of the role are:-

- Development of strategies to raise the standard of [insert discipline], in conjunction with other members of the Australian Pipe Band College Music Board and the division.
- Management of training resources.
- Supporting PBA training initiatives, organised geographically or centrally.
- Act as an expert resource in relation to the delivery of discipline tuition.
- Represent the interests of the Pipe Bands Australia within the organisation where appointed and externally where authorised.
- Acting by, conforming to and observing the Rules of the Association, its policies and procedures.

#### MAIN DUTIES/RESPONSIBILITIES

- Support the aims of the Australian Pipe Band College.
- Develop in conjunction with other members of the College, its panels and sub-committees a strategy for raising standards in tuition for the discipline.
- Attend meetings of the Australian Pipe Band College, its panels and sub-committees as appointed and action assigned items recorded in the minutes of these meetings.
- Prepare input to the College, its panels and sub-committees to use in an annual prioritised operational plan.
- Facilitate the annual training programmes for approved assessors and instructors.
- Support the examination process by organising instructors, assessors and verification of results
- Contribute to the organisation of the annual training programme for approved assessors and instructors.
- Contribute to the development and delivery of the Australian Pipe Band College examinations and programs through panels and sub-committees and provide leadership to those panels and sub-committees.
- Develop training resources and programmes to support vice-principals and other geographical representatives with [discipline] development.
- Develop effective mechanisms for liaising with vice-principals.

#### COMMUNICATIONS AND RELATIONSHIPS

- Promote learning and personal development throughout the Association.
- Liaise with and support members of the Pipe Band College in carrying out their individual responsibilities.
- Present good written and oral communication skills.
- Meet and liaise with other agencies who have an interest in [discipline] and education.

*This position description shall be adapted for vice-principals with the incumbents required to report both to the relevant discipline principal and the branch executive.*



## APPENDIX THREE

### COMPLAINTS PROCEDURE

#### **Making a formal complaint**

If it is not possible or appropriate to resolve your complaint through an informal process, you may:

- make a formal complaint in writing to the branch or band; or
- approach a relevant external agency, such as an anti-discrimination or equal opportunity commission, for advice and assistance.

After receiving a formal complaint, and based on the material you provide, the branch or band executive will decide whether:

- it be immediately referred to the branch or band Member Protection Information Officer or to Pipe Bands Australia;
- the nature and seriousness of the complaint requires a formal resolution procedure;
- to refer the complaint to mediation;
- to appoint a person/s to investigate the complaint;
- to refer the complaint to a tribunal hearing;
- to refer the matter to the police or other appropriate authority; and/or
- to implement any interim arrangements that will apply until the complaint process is completed.

In dealing with a formal complaint, the appointing investigating officer will take into account:

- whether he or she has had any personal involvement in the circumstances and if so, whether it is appropriate someone else should handle the complaint;
- your wishes, and the wishes of the respondent, regarding how the complaint should be handled;
- the relationship between you and the respondent (e.g. an actual or perceived power imbalance between you and the respondent);
- whether the facts of the complaint are in dispute; and
- the urgency of the complaint, including the possibility that you might face further unacceptable behaviour while the complaint process is underway.

If the appointed official is the appropriate person to handle the complaint, he or she will, where appropriate and/or necessary:

- provide the information received from you to the other person(s) involved and ask for a response;
- decide if there is enough information to determine whether the matter alleged in your complaint did or did not occur; and/or
- determine what, if any, further action to take, including referring the matter for investigation or disciplinary action in accordance with this policy.

#### Investigating the complaint

In some cases, an investigation may be required to determine the facts surrounding the complaint. Following the investigation, a written report will be provided to the appointed tribunal.

- If the complaint is referred to mediation, the current rules of Pipe Bands Australia will apply.
- If the complaint is referred to a tribunal hearing, the hearing will be conducted according to the prescribed process.

- If the complaint is referred to the police or another external agency, the association will endeavour to provide all reasonable assistance required by the police or the agency.

Any costs incurred by the association relating to the complaint process set out in the policy (e.g. investigation, mediation and/or a tribunal hearing) are to be met by the association unless otherwise stated it is proven any allegations are false or vexatious when they shall be met by the complainant.

#### Documenting the resolution

The band, branch or national secretary as appropriate will keep a record of the complaint, the steps taken to resolve it and the outcome. This information will be stored in a confidential and secure place. If the complaint was dealt with at the state/local level, the information will be stored by the state branch. If the matter is of a serious nature, or if it was dealt with at the national level, the information will be stored by the national association and a copy stored by the state association.

#### INVESTIGATION PROCESS

There will be times when a complaint will need to be investigated and information gathered.

An investigation helps determine the facts relating to the incident, if requested, recommendations as to possible findings and next steps.

Any investigation will be fair to all people involved. The investigation process will be undertaken by an unbiased person.

If the association (or branch) decide that a complaint should be investigated, the following the steps will be taken:

- provide a written brief to the investigator that sets out the terms of engagement and his or her roles and responsibilities.
  - The investigator may:
    - interview the complainant and record the interview in writing;
    - provide full details of the complaint to the respondent(s) so that they can respond;
    - interview the respondent(s) to allow them to answer the complaint and record the interview in writing;
    - obtain statements from witnesses and collect other relevant evidence;
    - make a finding as to whether the complaint is:
      1. substantiated (there is sufficient evidence to support the complaint)
      2. inconclusive (there is insufficient evidence either way);
      3. unsubstantiated (there is sufficient evidence to show that the complaint is unfounded); or
      4. mischievous, vexatious or knowingly untrue.
  - provide a report to the branch or national executive documenting the complaint, the investigation process, the evidence,) and, if requested, any findings and recommendations.
  - Provide a report to the complainant and the respondent(s) documenting the complaint, the investigation process and summarising key points from the investigation.

## TRIBUNAL PROCEDURES

1. A Tribunal panel will be established, according to the Rules to hear a complaint that has been referred to it by the branch or National Executive;
  2. The number of Tribunal panel members required to be present throughout the hearing will be three;
  3. The Tribunal panel members will be provided with a copy of all the relevant correspondence, reports or information received and sent by appointed investigating officer relating to the complaint/allegations;
  4. The Tribunal hearing will be held as soon as practicable. However, adequate time must be provided for the respondent(s) to prepare for the hearing;
  5. The branch or National Executive will inform the respondent(s) in writing that a Tribunal hearing will take place. The notice will outline:
    - that the person has a right to appear at the Tribunal hearing to defend the complaint/allegations;
    - 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;
    - the date, time and venue of the Tribunal hearing;
    - that verbal and/or written submissions can be presented at the Tribunal hearing;
    - that witnesses may attend the Tribunal hearing to support the position of the respondent/s;
    - an outline of any possible sanctions that may be imposed if the complaint is found to be true;
  - That legal representation will not be allowed. [The respondent may be assisted by a support person at a Tribunal hearing. 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 the practise as a lawyer or worked as a trainee lawyer.] A copy of any investigation report findings will be provided to the respondent(s).
- A copy of the investigation report findings will be provided to the complainant;
6. If the complainant believes the details of the complaint are incorrect or insufficient, he or she should inform the investigating officer as soon as possible so that the respondent(s) and members of the Tribunal panel can be properly informed of the complaint.

### Tribunal hearing procedure

7. The following people will be allowed to attend the Tribunal hearing:
  - Tribunal panel members;
  - the respondent(s);
  - the complainant;
  - any witnesses called by the respondent(s);
  - any witnesses called by the complainant;
  - any parent/guardian or support person required to support the respondent or the complainant.
8. If the respondent(s) is not present at the set hearing time and the Tribunal chairperson considers that no valid reason has been presented for this absence, the Tribunal hearing will

continue subject to the chairperson being satisfied that all Tribunal notification requirements have been met;

9. If the Tribunal chairperson considers that there is a valid reason for the non-attendance of the respondent(s), or the chairperson does not believe the Tribunal notification requirements have been met, then the Tribunal hearing will be rescheduled to a later date;
10. If the Tribunal chairperson wishes to reschedule the Tribunal hearing date, the Tribunal chairperson will inform the branch or national secretary of the need to reschedule the hearing and to arrange for the Tribunal to be reconvened;
11. The Tribunal chairperson will read out the complaint, ask each respondent if he or she understands the complaint and if he or she agrees or disagrees with the complaint;
12. If the respondent agrees with the complaint, he or she will be asked to provide any evidence or witnesses that should be considered by the Tribunal when determining any sanctions; [Note: Ensure the Tribunal has the necessary power under your constituent documents to impose disciplinary sanctions.]
13. If the respondent disagrees with the complaint, the complainant will be asked to describe the circumstances that lead to the complaint being made;
  - Reference may be made to brief notes;
  - The complainant may call witnesses; and
  - The respondent may question the complainant and any witnesses.
14. The respondent will then be asked to respond to the complaint;
  - Reference may be made to brief notes;
  - The respondent may call witnesses; and
  - The complainant may ask questions of the respondent and any witnesses.
15. The complainant and respondent(s) may be present when evidence is presented to the Tribunal hearing. Witnesses may be asked to wait outside the hearing until they are required;
16. The Tribunal may:
  - consider any evidence, and in any form, that it deems relevant;
  - ask questions of any person giving evidence;
  - limit the number of witnesses (including limiting witnesses to those persons who only provide new evidence);
  - require (to the extent it has power to do so) the attendance of any witness it deems relevant; and
  - act in an inquisitorial manner in order to establish the truth of the issue/complaint before it.
17. Video evidence, if available, may be presented. Arrangements for the viewing of this evidence must be made entirely by the person(s) wishing to offer this type of evidence;
18. If the Tribunal panel considers that at any time during the hearing there is any unreasonable or intimidatory behaviour from anyone, the Tribunal chairperson may deny further involvement of that person in the hearing;
19. After all the evidence has been presented, the Tribunal will make its decision in private. The Tribunal must decide whether the complaint has, on the balance of probabilities, been substantiated;
20. All Tribunal decisions will be by majority vote.

21. The Tribunal chairperson may announce the decision of the Tribunal at the conclusion of the hearing. Alternatively, he or she may reserve the decision of the Tribunal at the conclusion of the hearing and deliver the decision at a later time;
22. The respondent(s) will have the opportunity to make submissions to the Tribunal in relation to any sanctions that may be imposed;
23. Within 48 hours of the Tribunal delivering its decision, the Tribunal chairperson will:
  - forward a notice of the Tribunal’s decision to the branch or national secretary, including details of any sanction imposed; and
  - forward a letter reconfirming the Tribunal’s decision to the respondent(s), including any sanction imposed. The letter should also outline the process and grounds for an appeal, if allowed.
24. The Tribunal does not need to provide written reasons for its decision.

#### Appeals procedure

27. A complainant or a respondent(s) may lodge with the branch of national secretary an appeal in relation to the decision of a Tribunal on one or more of the following grounds:
  - 26.1 that a denial of procedural fairness has occurred;
  - 26.2 that the sanction imposed is unjust and/or unreasonable;
  - 26.3 that the decision was not supported by the information/evidence provided at the mediation or to the Tribunal Hearing.
28. A person wanting to appeal must lodge a letter setting out the basis for their appeal with the within seven days of the decision being made; [An appeal fee of \$200 shall be included with the letter of intention to appeal.]
29. If the letter of appeal is not received by within this time, the right of appeal will lapse; [If the letter of appeal is received but the appeal fee is not received within this time, the appeal will also lapse.]
31. If the appellant has not shown sufficient grounds for an appeal then the appeal will be rejected. The appellant will be notified in writing, including the reasons for the decision; [The appeal fee will be forfeited.]
32. If the appeal is accepted, an Appeal Tribunal with new panel members will be convened to rehear the complaint; [and the appeal fee will be refunded]
33. The Tribunal hearing procedure shall be followed for the Appeal Tribunal; and
34. The decision of the Appeal Tribunal will be final and binding.



THE REVIEW PANEL RECORDS ITS  
APPRECIATION FOR THE SHARING OF IDEAS  
AND ASPIRATIONS BY MEMBERS, BANDS AND  
BRANCHES THROUGHOUT THE  
CONSULTATION PROCESS – A NATIONAL  
CONVERSATION – OVER THE PAST NINE  
MONTHS. YOUR PARTICIPATION HAS  
GREATLY ASSISTED THE PANEL IN PREPARING  
THIS WHITE PAPER





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