



**BAND
ASSOCIATION
OF NSW INC**

BY-LAWS

Adopted 15 May 2022

1. Definitions:

1a. All interpretations are as stated in the Constitution of the Band Association of New South Wales Incorporated.

1b. Brass Bands: Instrumentation of brass bands shall comprise -standard brass band instruments. However, where the brass band score indicates EEb or BBb bass tubas, a bass tuba of ANY pitch may be used.

1c. Concert Bands: Instrumentation of brass, woodwind, reed & percussion, and any other scored instrument. An electric bass may be substituted for a tuba or string bass part.

1d. Youth Bands: A Youth Band is a Band made up of members who are wholly under the age of 19 years. Where an Open Band has sufficient Youth playing members, these members shall be allowed to compete as a Youth Band in a Youth contest. The date of birth for all Youth members must appear on the registration sheet of the Band.

1e. School Bands: School Bands shall be wholly constituted of students of one school and be known as the School Band. Where a definite affiliation between two schools can be proven to the satisfaction of the Management Committee, these schools may be accepted as a single entity for competition purposes.

1f. Student Representative Bands: A NSW Department of Education Student Representative Band, or equivalent, shall be wholly constituted of Students of the NSW Department of Education, or equivalent.

1g. Musical Director shall mean and include Conductor, Band Master, and Coach.

2. Registrations

2a. For annual registration renewals the Association Secretary will forward to the Secretary of each member band a list of all currently registered members before December 31 each year. Each member band Secretary shall return the list to the Association Secretary with confirmation of member's registration for the following year, together with the appropriate fee.

The Band Secretary should notify the Association Secretary of any changes to the bands' membership during the year.

At any time, a member Band Secretary may make an application for membership for any new band member as per section 3 in the BANSW Constitution. Excepting the provisions under by-law 2b, c & d, the provisions under section 3 of the BANSW Constitution apply.

2b. A member may be registered with multiple Community Brass and Community Concert Bands, one School Band and one NSW Department of Education Student Representative Band, or equivalent as described in By-Laws section 1.

2c. A member may register as a Musical Director with multiple bands across all categories. Registration as a Musical Director does not allow the person to play an instrument of any kind with any band under this registration class at any contest.

If a Musical Director wishes to play an instrument with a band at any State Band Championships or enter solo and party events at the Solo and Party Championships or play at any other championships held under these By-laws they must also register as a player with a band in terms of By-law 2B.

2d. Where the Association is notified that any player has un-returned band equipment or unpaid money, the player will be deemed ineligible to participate in any competition requiring registration with the Band Association of NSW until all outstanding matters in dispute are resolved to the satisfaction of the Committee.

2e. For School Bands: In addition to the above, A certification from the principal stating that each member of the school band is a current student at the school must be provided.

2f. For Student Representative Bands: In addition to the above, a certification from the appropriate Department Head, or equivalent, that each Member of the student representative band is a current student of the NSW Department of Education, or equivalent school system, must be provided.

3. Awards

3a. Life Membership of the Band Association of New South Wales is the ultimate award that may be bestowed upon an individual member. This honour may be granted to any member of the band movement of New South Wales who, in the opinion of The Committee, has given outstanding service to the Band Association of New South Wales.

Life Members may attend any meetings of the BANSW, either general or committee and if invited, may join in any discussion but shall not be entitled to a vote.

They shall have the right of attendance for two persons at the invitation of The Committee to any contest or function that the Association may promote.

The award of Life Membership is to be presented by the President of the Band Association of New South Wales Inc. at a premier Association function. Life Members will be recorded in the Register of Life Members. A suitable badge with the recipients' name and year of induction inscribed thereon will be issued together with a certificate.

Nomination for Life Membership shall be submitted to the Association Secretary together with supporting evidence to assist in the decision of bestowing this honour on a member.

3b. An Award of Merit may be awarded at the discretion of The Committee or by application from a member band or Branch for service rendered to the movement. The Award of Merit is to be presented by an office-bearer of the Band Association of New South Wales Inc. at a Band Association function.

3c. A Long Service Award may be awarded by The Committee or on application from registered bands or branches. A badge will be awarded after ten (10) years of unbroken service with one registered band or fifteen (15) years as a person registered with the Band Association of New South Wales Inc. Following that, Long Service Awards are available for 20, 30, 40, 50, 60 and 70 years.

The fee for these awards, payable by the nominating band or branch, shall be as determined and published by the Management Committee annually or as required.

The presentation of the award is to be at the discretion of the nominating band or branch, preferably at an annual function or auspicious occasion of that band or branch to maintain its distinction.

3d. A Certificate of Exemplary Service may be awarded at the discretion of The Committee of the Band Association of New South Wales Inc. for exemplary service to the Band Association and the band movement of New South Wales. Where possible, This award should be presented by a Committee Member of the Band Association of New South Wales Inc. at an Association function.

4. Misconduct

4a. Any misconduct or improper action of a member of an associated band reported to the Association may be investigated by The Committee. If proved, the band in question may be required to deal with the offender as directed under the provisions of the Constitution of the Band Association of New South Wales Inc.

4b. Any Band or Individual found to have disregarded or violated the Constitution of the Band Association of New South Wales Inc, these By-Laws or the decisions made by The Committee and Published in the Minutes of the Association shall be liable to a fine, expulsion, suspension and, if at a contest, disqualification from the contest or event where the violation occurred along with the removal of all awards received. Penalties may be determined by The Committee.

4c. Any members at any meeting of the Association who use profane or objectionable language, refuse to obey the commands of the Chair when called to order, or use disrespectful expression towards any member of the Association may be suspended by the Chair. If the behaviour persists, the Band he represents may be required to appoint another delegate and the member may be expelled from that meeting. If such conduct persists at any time thereafter, the member/s will be suspended and dealt with under the provisions of the Constitution of the Band Association of New South Wales Inc.

5. Procedure for Meetings

In the conduct of meetings, the Chairperson will be guided by Joske's Law and Procedure at Meetings in Australia 7th Edition, in matters not clarified by the Constitution of the Band Association of New South Wales Inc.

6. Drill Advisory Role

A Drill Advisory Officer shall be elected by the Members at the annual general meeting. If there are no nominations for this position, or if the position becomes vacant, it may be filled, if practicable, at the first general meeting of the Association held after the announcement of the vacancy. The Officers function shall be to advise the general committee in connection with any matter which may be sent on to the officer for inquiry.

7. Music Selection Sub-Committee

A Music Selection Sub-Committee shall be appointed by the Committee and meet as necessary to advise and make recommendations as required on all matters relating to Music for the Association and its members. This includes the selection of suitable Test music to be set for any contest organised by the Association. Members of this sub-committee must be suitably experienced in the brass and concert band repertoire.

CONTEST BY-LAWS

8. All State and Branch contests, both solo, ensemble, and band, shall be conducted under the Band Association of New South Wales Inc. By-laws.

Band Championships

9. Musical Directors

A Musical Director shall not conduct a band in a contest unless registered with that band for at least 6 weeks before the start date of a contest unless permitted by The Committee.

10. Drum Majors

A Drum Major shall not lead a band in a contest unless registered with that band for at least 6 weeks before the start date of a contest unless permitted by The Committee.

11. Registrations for Contests

11a. Each member of a band must be registered with their band for at least 6 weeks (42 days) before the start date of the contest in which the band participates.

11b. New Youth Band Members, registering with a community Youth, School or Student Representative Bands during the year, shall be eligible for immediate competition with those Bands.

12. Classification of Bands

The Committee may classify or reclassify any registered band at any time. Bands shall be classified in the following categories:

- Open Brass
- Youth Brass
- Open Concert
- Youth Concert

A band may only compete in its registered category i.e., Brass or Concert (except school bands).

13. Gradings

13a. For Youth and Open, brass and concert bands - At all State Championship Contests, events shall be scheduled for the following grades:

- For Open grade (both brass and concert bands) A, B, C and D
- For Youth Concert grades A, B, C & D, and,
- For Youth Brass grades A, B and C

13b. Band gradings shall be reviewed by the Committee at the first opportunity following the State Band Championships. Bands regraded shall be immediately notified in writing by the Secretary, to take effect immediately. Bands wishing to appeal against such gradings shall do so in writing within 30 days to the Secretary.

Bands may be regraded by the Committee at any other time either; after a request is received from a Band, or, if regrading of a band is deemed appropriate by the Committee.

14. Contest Supervisors

14a. One or more supervisors from the Association shall be present at every BANSW or Member Branch contest within the State to assist in its control and to ensure that it is carried out in accordance with the Constitution, these By-Laws and the relevant Contest rules. Such supervisors shall be members of any committee which may decide on any dispute(s) or protests in connection with the Contest concerned. Reasonable travelling and accommodation expenses for the supervisor(s) are to be paid by the relevant organising committee.

14b. Duties of Contest Supervisors

Supervisor(s) appointed to represent the Band Association of N.S.W. Inc. at a contest shall perform the following duties:

- Inspect and approve all arrangements for the conduct of the competitions;
- Be punctual in attendance at all sessions of the contest;
- At band contests, ensure a process is in place to verify that each player in a band is a registered member of that band (permits per By-Law 20);
- See that each band takes its place following the playing draw order or approve any changes made to the draw;
- Be the sole person to have communication with the adjudicator of music while engaged as such;
- Ensure that all music intended for the Adjudicator's use has no names or marks by which a band or player may be identified and that all bars of music are numbered;
- Be present at the processing of adjudicators marks and verify these for accuracy;
- Direct the attention of the Adjudicators to the maximum points to be allotted in all sections of the contest;
- Submit a report in writing to the first meeting of the Association following the contest and make any suggestions they may consider beneficial to the interests of the Association or the promoters of the contest;
- Any matter relative to any band taking part in any contest shall be referred to the Association or its contest supervisor(s) at such contest before any action shall be taken;
- For solo & party contests the hall announcer may act as supervisor for that hall with an overall supervisor for the whole contest.
- Contest supervisors shall retain their positions until all business relative to the contest has been finalised.

15. Adjudicators – All Contests

15a. In all BANSW and BANSW Member Branch contests, the adjudicators shall be approved and/ or appointed by The Committee upon recommendation by the relevant Contest organising committee.

15b. For all NSW State Championship events (excluding percussion Solo events) The music adjudicators shall be screened to the satisfaction of the contest supervisor to prevent any view of the performers or competitors. Competitors shall be identified by number only and all music intended for the adjudicators use shall not bear any mark, sign or imprint which might indicate any band or person. No written matter, programs or literature relating to the contest may be in the adjudicator's area.

15c. The adjudicator's enclosure shall be placed not less than ten (10) metres from the contest platform.

15d. No signal of any kind shall be given immediately before, during or after any performance by the performer. Only the contest supervisor, writer or adjudicator's assistant appointed by the contest supervisor shall be permitted to communicate with the adjudicator whilst the section of the contest in which the adjudicator is adjudicating is proceeding, or until the results of the section of the contest in which the adjudicator is adjudicating have been handed to the contest supervisor.

15e. The music adjudicator shall enter the number of points in figures and words on the official adjudication form after the end of each section. This form is to be given to the contest or room supervisor or appointed person at the earliest opportunity.

15f. Adjudicator(s) must ensure consistency of assessment criteria for competitors in the section(s) they are adjudicating.

15g. At the NSW State Band Championships, Points shall be allocated as follows:

- Own choice selection up to a maximum of 100 points.
- Test Selection up to a maximum of 100 points

- Any other item to be included in the Championship up to a maximum of 50 points per item.

In a contest, the adjudicator shall be required to allot points according to merit. There are to be no ties for points for each item, e.g. No ties in the points for the Test, No ties for the points in the Own Choice.

Where a panel of more than one (1) adjudicator is used, each adjudicator shall make comments and award points as above. These shall be combined with the awarding of places based on the combining of the two (or more) sets of points.

15h. Adjudicator's fees and expenses are to be arranged and paid by the promoters of contests.

16. Band Contests General

16a. The conditions of all BANSW or Member Branch Championships must be approved by The Committee.

16b. The organising body conducting a State or Member Branch Championship shall forward to all bands the contest schedule showing details of all events, concise contesting rules and music titles, at least three (3) months before such contest.

16c. The N.S.W. State Band Championships shall be held once in each calendar year in a suitable indoor venue at a location and date as approved by The Committee. Music items shall comprise the test selection and an own choice selection(s) as per the Contest Schedule for each grade of brass and concert band including youth grades. Additional items may be included as determined by the Committee.

16d. At all contests the competitors which may compete are:

- Bands from within NSW that are affiliated with the Band Association of N.S.W. for at least six (6) weeks before the date of the contest.
- Bands from outside NSW provided that, where a recognised Association exists, the band and its members are affiliated with that Association for at least six (6) weeks before the date of the contest.
- Where no recognised association exists, the competing band must provide a list of its members to the relevant contest secretary no less than six (6) weeks before the date of the contest.

16e. All perpetual trophies held by bands must be returned to the relevant contest secretary at least six (6) weeks before the contest.

16f. Any band, intending to withdraw from a contest must notify the relevant contest organising committee as soon as possible to allow enough time to make appropriate alterations to the event. Upon withdrawal, any entry fee is automatically forfeited.

17. Management of Contests

17a. No competing band or band member shall be allowed to practice or play in any building or grounds within the hearing range of the contest venue.

17b. Bands shall hold themselves in readiness for competition at the time and place appointed and shall follow the official program timetable.

17c. Bands shall compete in full band uniform. Musical directors must appear dressed to a similar standard.

17d. Before the start of a contest, the Secretary or Musical Director of each competing band shall sign a declaration certifying that each player is registered as a member of their band with the Association. The Band Association reserves the right to conduct a signature check of participating players.

17e. Bands may change their personnel and instrumentation during a contest provided that such alterations are made from registered members of the band.

17f. Any band with sufficient members to contest 2 or more bands in a senior grade must register each band as a separate band. The youth component from the band may be drawn from the overall registration of both senior bands.

17g. For competition in an Open Grade, a Youth band, formed within and from members of the one registered band, may be given an Open Grading. The normal permit players will be allowed from within the ranks of the parent senior band or from other bands as permitted under the By-Law 20.

18. Number of Players for Contests

18a. The number of players in an NSW State Band Championships or Branch Band contests shall not exceed the following:

- Open Brass - thirty-four (34) or less than sixteen (16) brass instrumentalists plus percussion as per the score.
- Youth and Open Concert Bands - seventy (70) or less than twenty (20) concert instrumentalists plus percussion as per the score
- Youth Brass Bands - forty (40) or less than sixteen (16) brass instrumentalists plus percussion as per the score.

18b. For Concert Band events, Branch contests may set a lower minimum number as is determined as appropriate for the event.

19. Music

19a. A senior band winning an item in a State or National contest shall not, after three (3) months from the date of such contest, play the same music at any succeeding contest as an own choice selection for two (2) years from the date of such contest.

19b. A Youth band winning an item in a State or National contest shall not, after six (6) months from the date of such contest, play the same music at any succeeding contest as an own choice selection for two (2) years from the date of such contest.

19c. No band playing in more than one grade at any contest shall be permitted to play any item more than once at such contest. A Youth band may be permitted to play their Own Choice selection in an Open Grade.

19d. At all NSW State and Branch Contests, Own Choice music scores must accompany all entries which are to be lodged with the relevant Contest Secretary. All music must have the bars numbered and all identifying marks on the scores removed.

20. Permits at Contests

20a. For State Band Championships, Permit players shall be allowed as follows:

- A & B grade Brass bands: 2 wind permit players plus percussion permits as per the score.
- C & D grade Brass bands: 3 wind permit players plus percussion permits as per the score.
- Concert Bands, all grades shall be allowed 4 wind permit players plus percussion permits as per the score.

20b. Applications for permit players shall be made in writing to the Association Secretary and are to be received no later than 14 days before the start date of the State contest. Branch contests may allow additional permits as approved and advised in their event schedule.

20c. All permit players shall play in either the uniform of the Band with which they are registered or the band with which they are a permit player.

20d. A permit player must be a bona fide registered playing member of a band that is affiliated with a State or National Governing body and shall be allowed to play an alternative instrument to the one normally played with their own band.

20e. In the case of death or extreme emergency at any time after the cut off for regular permits, special permission may be granted by the Contest Supervisor(s) to replace affected players. Any application must be made in writing and be accompanied by a duly signed statutory Declaration by the conductor and one other responsible office bearer of the band. The statutory declaration must clearly state the reasons for the application and that the application is made due to a sudden unexpected and unforeseen medical or the like emergency which has arisen after the closing date for allowable permits. The replacement player must come from a band competing at the same championships.

20f. All permit applications must be approved by the Contest Supervisor before that permit player is allowed to take the stage.

21. Results

21a. Championship certificates shall be awarded to each of the band grade winners for Champion Band and then 1st place, 2nd place and 3rd place in each of the Test, Own Choice and any other included items.

21b. In the event of 2 or more bands obtaining the same number of aggregate championship points, the championship shall be awarded to the band gaining the highest number of points in the test selection.

22. Solo and Ensemble Competitions

22a. The N.S.W. Solo and Party contest shall be held once in each calendar year in a suitable indoor venue approved by the Committee.

22b. Music shall be a set test or own choice as determined by The Committee on the recommendation of the Music Selection Sub-committee.

22c. At all State Championship contests, solo & ensemble competitions will be scheduled for all instruments for Open Age, Under 19 years, and Under 15 years age groups. Age is as at the start date of the contest.

22d. A soloist winning a State or National contest shall not, after a period of twenty-eight (28) days, play the same music at any contest as an own choice until after the expiration of two (2) years after the commencing date of the said contest.

22e. Each entrant shall state on their entry form the name of the band with whom they are registered. No person shall be eligible to play in solo/party competition unless they have been registered with the BANSW or another State or international recognised association for a minimum of six (6) weeks prior to the date of the competition.

22f. Competitors in ensemble competitions shall consist only of registered members of the same Band. If a Band has multiple entries in a Party event, it may not include any member in more than one party. No permit players shall be allowed in party events.

Where a Band satisfies the requirements of By-law 17f and 17g, participants in duet, trio, quartet, and ensemble competitions may be drawn from the overall registration of those Bands.

22g. A player holding multiple registrations and playing multiple different instruments (e.g., cornet, Flugel Horn, Flute & Saxophone) may compete in one instrument Solo Event per registration providing they wear the correct uniform of the registered band they have entered the event under and they may only compete once in each Solo event. If they are successful in each event, they shall only compete once, on the instrument of their choice, in the relevant Champion of Champions event.

A player may only compete once in each party event (e.g., duet - trio - quartet - ensemble) and wear the uniform of the band he/she represents.

22h Competitors in solo, duet and trio competitions shall not be allowed the services of a conductor during the performance. Quartets and ensembles shall be allowed the service of a conductor but they must be a registered member of the same band.

22i. The winner of a solo contest will be awarded a championship certificate and will compete in the Champion of Champions event.

22j. Percussion players may compete in any one or all of percussion events. A champion percussionist shall be determined by allotting:5 points for 1st place in each event.3 points for 2nd place in each event.2 points for 3rd place in each event.1 point for completing each event. The contestant that accumulates the highest number of points shall be the champion percussionist in each age group.

22k. At all solo & party competitions the maximum number of points will be 100.

22l. The adjudicator shall be required to allot points with no ties for the first three place getters.

22m. Championship Certificates and medals shall be awarded to first, second and third placegetters in each section on the contest schedule.

22n. In any solo competition, competitors may (at their cost) use an accompanist other than the official accompanist, provided that by doing so, the order of playing is not altered after the commencement of that competition. The official accompanist shall be used in the case where a competitor's chosen accompanist is not available at that competitor's starting time.

22o. No soloist will be permitted to play the same piece of music more than once at a State Solo Contest except in the "Champion of Champions."

22p. The Champion of Champions events may be conducted with an Open adjudication or screened at the preference of the adjudicator(s).

In each Champion of Champions event, only the winner is announced and no points are allocated or announced. For U/19 and U/15 events, an adjudication is to be provided. For Open Champion of Champions events a full formal adjudication is not necessary.

22q. At NSW State Solo Championships:

- All Trumpet events shall include Bb and C Trumpets.
- High Tuba events include Eb and F Tubas,
- Low Tuba events include Bb and C Tubas.
- Tubas of any pitch may be used in duets and other party events.

23. Protests

23a. A Protest Committee shall consist of the contest supervisor(s) and/or members of the BANSW Management Committee, or relevant Member Branch organising Committee present at the contest.

23b. If, in the opinion of the contest supervisor(s), a band or any of its members is not eligible to compete or there is a breach of the BANSW By-Laws or Constitution identified, the contest supervisor(s) shall withhold the announcement of results pending investigation and resolution of the Protest.

23c. When considering protests, the Protest Committee shall deal with the facts only and must apply those to the literal interpretation of the By-Laws, Constitution of the BANSW and the Contest Conditions

23d. When a protest is under consideration, any member of the protest committee who has a clear conflict of interest shall not be eligible to take part in the proceedings relative to the protest nor attend any meetings as a committee member while the protest is being considered.

23e. Any protest against a competitor must be lodged with the protest committee not later than 15 minutes after the decisions of the adjudicator have been announced. Should the protest be upheld, the competitor in question must return to the contest supervisor any relevant trophy/prize which has been awarded.

23f. When a competitor has been disqualified, any awards presented shall be awarded to the next competitor in order of merit.

23g. When the protest committee is hearing a protest, those entitled to present are:

- Band Contests: Two (2) representatives from the Band lodging the protest and two (2) representatives of the band against whom a protest has been lodged
- Solo and Ensemble Contests: one representative of the competitor lodging the protest and one representative of the competitor against whom the protest has been lodged.

Any of such parties shall be entitled to produce oral or documentary evidence in support of their case and to examine and cross-examine witnesses.

23h. After hearing submissions from both sides, the protest committee shall decide any protest and, should the protest be upheld, may disqualify or fine the competitor in terms of By-Law 4b.

23i. Appeals against the decision of the protest committee may be made to the BANSW Management Committee. Any appeal should be dealt with as soon as is practical. The Committee may call for the production of all evidence and papers considered by the protest committee or to examine or re-examine witnesses. The decision of The Committee on the appeal shall be final and conclusive and shall not be subject to further appeal or reconsideration.

23j. Upon deciding to appeal against a decision of the protest committee, prizes shall be withheld pending the decision of the BANSW Management Committee.

24. Notice

24a. All competitors that have entered a contest shall be deemed to have had notice of and be bound by all contest rules and conditions.

24b. The Committee may, after careful consideration and by exception and/or necessity, make decisions on all matters pertaining to the application and interpretation of these By-Laws as is necessary for the efficient and effective running of the events as described in these By-Laws without recourse or appeal.