



Constitution

2017

1. **Name** - The Society shall work under the auspices of the Department of Education (or any name alteration here after), and shall be known as – ‘The Western Australian Government Schools Music Society.’
2. **Objects** - To foster Music Education in Government Schools of Western Australia and to engage in such activities as will help to achieve this purpose.
3. **Membership** -
 - (a) All employees or former employees of the Department of Education are eligible to apply for membership of the Society. However, at any meeting no school shall have more than three (3) members present. An applicant for membership must be at least 18 years of age and becomes a member when the applicant attends any of the Society’s meetings or sends the Society a request in writing to join.
 - (b) There is no fee payable for membership.
 - (c) A register of members is maintained by the Secretary.
 - (d) Membership ceases when any of the following take place:
 - (i) When the member dies
 - (ii) The person resigns from the Society
 - (iii) The person is expelled from the Society because the member contravenes any of the Society’s rules or the member acts detrimentally to the interests of the Society.
- 3A. **Life Membership** - The title of Life Member shall be conferred on members who have made a significant contribution to the Society. Life Members will be deemed Officers of the Society and carry all entitlements of a member.
- 3B. **Patrons** - The Society shall appoint one or more of the following as patrons:
 - (a) The Minister for Education,
 - (b) the Director General of the Department of Education (or subsequent nomenclature for this government body),
 - (c) or a prominent educator.
4. **The Management Committee** - Shall consist of four (4) officers and not more than twelve (12) general members. In the event of there being insufficient nominations for any

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position, the members elected shall have the power to co-opt other members to fill any vacant positions.

(a) The Officers shall be:

- (i) The President who shall be a Senior Officer of the of the Department of Education
- (ii) Vice President
- (iii) The Honorary Treasurer
- (iv) The Honorary Secretary

(b) The Officers and general members of the Management Committee shall be elected at each Annual General Meeting.

The Officers shall be ex-officio members of all sub-committees.

(c) A Management Committee member ceases to hold their position when any of the following take place:

- (i) When the member dies
- (ii) The person resigns from the Society
- (iii) The person is expelled from the Society because the member contravenes any of the Society's rules or the member acts detrimentally to the interests of the Society
- (iv) The person becomes ineligible to sit on the committee under the Act
- (v) The person becomes permanently unable because of a mental or physical disability

5. **Powers of the Management Committee** (hereafter referred to as the Committee)

- (a) The Committee shall have full power to fill any vacancy that may occur among office-bearers or members of the Committee during the year. In the event of any Office or other position in the Society not having been filled at the Annual General Meeting, the Committee shall have the power to fill the vacancy.
- (b) The Committee shall have the power to do all such things as are necessary, incidental or conducive to the attainment of the objects of the Society.
- (c) The Committee shall have the power to make decisions relating to any matter not provided for by this Constitution.
- (d) The Committee shall control all the business of the society and may appoint sub-committees for such purposes as may be necessary.
- (e) A Committee or sub-committee member is entitled to be paid out of the funds of the Society for any out-of-pocket expenses, properly incurred in connection with the Society's business. Receipts must be provided to the Society for these expenses.
- (f) A committee member can be given an honorarium payment for services they provide to the Society. This payment can only occur if the payment is authorised by a resolution of the Society.

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- 5A. **The Duties of the President** - The President shall consult with the secretary regarding the business to be conducted at each committee meeting and general meeting and has the powers and duties relating to convening and presiding at committee meetings and presiding at general meetings provided for in these rules.
- 5B. **The Duties of the Honorary Secretary** -
- (a) The Honorary Secretary shall consult with the President regarding the business to be conducted at each meeting.
 - (b) Send out notices of meetings.
 - (c) Keep all minutes, records, financial statements and rules for at least seven (7) years.
 - (d) Maintain a register of members.
 - (e) Conduct all correspondence and ensure the safe custody of these records.
 - (f) Perform such other duties as ordinarily pertain to the office.
- 5C. **The Duties of the Honorary Treasurer** -
- (a) It shall be the duty of the Honorary Treasurer to have custody of the Society Funds. The Treasurer shall receive all monies, give receipts for, and bank in the appropriate account of the Society within fourteen (14) days and shall pay only such accounts as are authorised by the Treasurer and another member of the Management Committee on behalf of the Society, in a timely manner.
 - (b) Present a report of the Society's finances at each committee meeting and shall submit for review a yearly balance sheet to be presented at the Annual General Meeting.
 - (c) Ensure that the Society complies with the relevant requirements of Part 5 of the Act and ensure the safe custody of the Society's financial records, financial statements and financial reports, as applicable to the Society.
 - (d) Provide any assistance required by a reviewer conducting a review of the Society's financial statements or financial report under Part 5 Division 5 of the Act;
 - (e) Carry out any other duty given to the Treasurer under these rules or by the committee.
6. **Annual General Meeting** -
- (a) The Annual General Meeting shall be held in the first half of each year which shall be within six (6 months) of the annual review being conducted. At least one week's notice of the date of meeting shall be given to members.
 - (b) Notice may be:
 - (i) Delivered by hand
 - (ii) Sent by post
 - (iii) Sent electronically (fax or email)

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- (c) Notice will also be posted on The Western Australian Government School's Society website.
- (d) The President or, in the President's absence, the Vice President must preside as chairperson of the meeting.
- (e) If the President and Vice President are absent or are unwilling to act as chairperson of a meeting, the committee members at the meeting must choose one of them to act as chairperson of the meeting.
- (f) The order and procedure of business at a committee meeting may be determined by the committee members at the meeting and will include:
 - (i) Confirm minutes from the previous Annual General Meeting and of any general or special general meeting held since then if the minutes of that meeting have not yet been confirmed.
 - (ii) To receive and consider reports from the President, Treasurer and Reviewer.
 - (iii) To elect the office bearers and other committee members.
 - (iv) Appoint or remove a reviewer in accordance with the Associations Incorporation Act. The reviewer may not be a member of the Committee.
 - (v) Any other business of which notice has been given in accordance with these rules.
 - (vi) No advance notice is required for a member to propose a motion.
 - (vii) Urgent business that has not been described in the notice may be conducted at the meeting if the committee members at the meeting unanimously agree to treat that business as urgent.
- (vi) A quorum must be present.

7. **Committee Meetings** -

- (a) The Committee shall meet as deemed necessary throughout the year.
- (b) The Honorary Secretary shall give at least one week's notice to committee members of any committee meetings.
- (c) Notice may be:
 - (i) Delivered by hand
 - (ii) Sent by post
 - (iii) Sent electronically (fax or email)
- (d) Notice will also be posted on The Western Australian Government School's Society website.
- (e) No advance notice is required for a member to propose a motion.

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- (f) The President or, in the President's absence, the Vice President must preside as chairperson of the meeting.
- (g) If the President and Vice President are absent or are unwilling to act as chairperson of a meeting, the committee members at the meeting must choose one of them to act as chairperson of the meeting.
- (h) The Committee shall:
 - (i) Receive a verbal or written report from the Honorary Secretary, the Honorary Treasurer and any Sub-Committees.
 - (ii) Authorise any payments of Society's funds.
 - (iii) Exercise such additional duties as usually pertained to a Management Committee of any organization.
- (i) A Committee Member shall not publish, or cause to be published, any statement about the business conducted by the Association at a general meeting or committee meeting unless —
 - (i) The committee member has been authorised to do so at a committee meeting; and
 - (ii) The authority given to the committee member has been recorded in the minutes of the committee meeting at which it was given.
- (j) A quorum must be present.

8. **Special General Meeting** –

- (a) A Special General Meeting may be called at any time:
 - (i) If at least 20% of the committee or the Secretary require the meeting to be called.
 - (ii) On the written request of members from at least five schools
- (b) The request shall be addressed to the Secretary who shall call a meeting within ten (10) school days of receiving such a request. At least one week's notice shall be given. Notices calling such a meeting shall state the purpose for which the meeting is called, and such business only as is notified on the notice shall be dealt with.
- (c) Notice may be:
 - (i) Delivered by hand
 - (ii) Sent by post
 - (iv) Sent electronically (fax or email)
- (d) Notice will also be posted on The Western Australian Government School's Society website.
- (e) A quorum must be present.

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9. **Quorum** –

- (a) Fifty percent of the Management Committee members plus one shall constitute a quorum.
- (b) If a quorum is not present within 30 minutes after the notified commencement time of a committee meeting, the meeting may continue and if at least four (4) Management Committee members are present at the meeting, those members present are taken to constitute a quorum.

10. **Use of technology to be present at meetings** -

- (a) The presence of a member at a meeting need not be by attendance in person but may be by that member and each other member at the meeting being simultaneously in contact by telephone or other means of instantaneous communication.
- (b) A member who participates in a meeting as allowed under sub rule (10)(a) is taken to be present at the meeting and, if the member votes at the meeting, the member is taken to have voted in person.

11. **Method of Voting** -

- (a) Nominations for the officers and general members of committee shall be called for at the Annual General Meeting.
- (b) The election of officers and members of committee shall be by show of hands, unless a secret ballot is requested.
- (c) If a secret ballot is needed, the chairperson of the meeting must decide how the ballot is to be conducted.
- (d) Each member present at a meeting has one vote on any matter arising at the meeting.
- (f) A motion is carried if a majority of the members present at the meeting vote in favour of the motion.
- (f) If the votes are divided equally on a question, the chairperson of the meeting has a Second or casting vote.
- (g) A Special Resolution requires a majority of 75% of the members present at the meeting vote in favour of the motion.
- (h) A member may appoint an individual who is also a member as their proxy to vote and speak on their behalf at a meeting via a proxy form. A member may be appointed the proxy for no more than one other member at each meeting with the exception of the President who may hold numerous proxy forms. Proxy forms must be received by the Secretary prior to commencement of the meeting.

12. **Alteration of Rules** -

- (a) The Constitution of the Society shall not be altered except at the Annual General Meeting or a Special General Meeting called for that purpose. At least fourteen (14) days notice of the motion must be given, of any proposal to alter the rules of the Society.

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- (b) The proposed alteration of the Constitution shall appear on the notice paper calling the meeting as a Special Resolution.
- (c) To be adopted the alteration must be approved by at least 75% of those present before it may be incorporated in the Constitution.

13. **Funds of the Society** -

- (a) All funds shall be paid into the Society's account with an approved financial institution.
- (b) The account shall be operated by any two Management Committee members
- (c) The Committee may invest part of the Society's funds in fixed term deposits, not exceeding a term of twelve (12) months, with any recognised Australian Bank, Building Society, Credit Society or Credit Union.
- (d) The society may approve various Grants from time to time.

14. **The Society's Financial Year** - The Society's financial year shall end at the end of the calendar year December 31st.

15. **The Common Seal** -

- (a) The common seal of the Society is engraved with the name of the Society and shall be kept by the Secretary.
- (b) The seal shall not be used or affixed to any deed or other document without the approval of the Committee and in the presence of the President and two committee members all of whom shall subscribe their name as witnesses.
- (c) The secretary must make a written record of each use of the common seal.

16. **Inspection by members of records and documents** -

- (a) The member must contact the secretary to make the necessary arrangements for any inspection.
- (b) The inspection will be free of charge.
- (c) The member may make a copy of or take an extract from a record or document but does not have a right to remove the record or document for that purpose.
- (d) Sections 57(1) and 58(5) of the Associations Incorporation Act impose restrictions on the use or disclosure of information obtained in the records and documents.

17. **Procedure for dealing with a dispute** -

- (a) The parties to a dispute must attempt to resolve the dispute between themselves within 14 days after the dispute has come to the attention of each party.
- (b) If the parties to a dispute are unable to resolve the dispute between themselves within the time required by rule 17 (a), any party to the dispute may start the grievance procedure by giving written notice to the secretary of —
 - (i) the parties to the dispute; and

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- (ii) the matters that are the subject of the dispute.
- (c) Within 28 days after the secretary is given the notice, a meeting must be convened to consider and determine the dispute.
- (d) The secretary must give each party to the dispute written notice at least (7) days before the meeting is held of the meeting at which the dispute is to be considered and determined.
- (e) The notice given to each party to the dispute must state —
 - (i) when and where the meeting is to be held; and
 - (ii) that the party, or the party's representative, may attend the meeting and will be given a reasonable opportunity to make both written and oral submissions to the committee about the dispute.
- (f) The Management Committee will give due consideration to any submissions so made; and determine the dispute.
- (g) If —
 - (i) the dispute is between one or more members and the committee; and
 - (ii) any party to the dispute gives written notice to the Secretary stating that the party —
 - (1) does not agree to the dispute being determined by the committee; and
 - (2) requests the appointment of a mediator

The committee must not determine the dispute and a mediator must be appointed

- (h) A party to the dispute may, within 14 days after receiving notice of the committee's determination under sub rule (17) (f), give written notice to the secretary requesting the appointment of a mediator.
- (i) If notice is given under sub rule (17) (f) or (17) (g) (ii) (2) each party to the dispute is a party to the mediation.
- (j) The person appointed as mediator by the Management Committee must not —
 - (i) have a personal interest in the matter that is the subject of the mediation;
 - (ii) be biased in favour of or against any party to the mediation.
- (k) The parties to the mediation must attempt in good faith to settle the matter that is the subject of the mediation.
- (l) Each party to the mediation must give the mediator a written statement of the issues that need to be considered at the mediation at least five (5) days before the mediation takes place.
- (m) In conducting the mediation, the mediator must —

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- (i) give each party to the mediation every opportunity to be heard;
- (ii) allow each party to the mediation to give due consideration to any written statement given by another party;
- (iii) ensure that natural justice is given to the parties to the mediation throughout the mediation process.
- (n) The mediator will give due consideration to any submissions so made; and determine the dispute.
- (o) Any costs of the mediation are to be paid by the party or parties to the mediation that requested the appointment of the mediator.

18. **Dissolution** -

- (a) The Society shall not be dissolved and assets distributed, except by Special Resolution requiring a majority vote of 75% of those present at a General Meeting specially convened for the purpose.
- (b) Any surplus property that remains after the dissolution and the satisfaction of all debts and liabilities shall be transferred to another association, incorporated under the Associations Incorporation Act, that has similar objects and that is not carried on for the profit or gain of its individual members. This shall be determined at the same General Meeting, specially convened for the purpose of dissolution.
- (c) No society or committee member shall directly benefit from distribution of the assets.

19. **Non-Profit Making Purpose** - The property and income of the Society must be applied solely towards the promotion of the objects or purposes of the society and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to any member of the Society, except in good faith in the promotion of those objects or purposes.

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