

**CONSTITUTION AND RULES**  
of the  
**SOUTH AUSTRALIAN PUBLIC (PRIMARY) SCHOOLS**  
**MUSIC SOCIETY INCORPORATED**

**1.0**      **NAME**

The name of the Society shall be the "South Australian Public (Primary) Schools Music Society Incorporated", hereinafter referred to as *the Society*.

**2.0**      **OBJECTS**

The objects of the Society shall be:-

2.1 To deepen amongst South Australian Government Primary Schools, knowledge and understanding of, and involvement in music, with particular emphasis on choral presentation.

2.2 To broaden and enrich the music experiences of South Australian Government Primary School children by providing appropriate performance and audience opportunities.

2.3 The Society may, under conditions as may be prescribed by the Society, support other performances presented for the benefit of South Australian Government Primary School children.

**3.0**      **POWERS**

The Society shall have the following powers:-

3.1 To purchase, take on lease or in exchange, hire or otherwise acquire and maintain any real or personal property and any rights and privileges in relation thereto.

3.2 To erect and improve, repair, pull down and rebuild buildings and other structures.

3.3 To sell, exchange, lease, mortgage, hire, dispose of, turn to account or otherwise deal with all or any part of the real and personal property of the Society.

3.4 To borrow or raise or secure the payment of money in such manner as the Society thinks fit with power to issue debentures, grant mortgages, charges or any other class of security upon or charging all or any of the property real or personal (both present and future) of the Society and to redeem and pay off any existing or future security.

3.5 To invest and deal with the monies of the Society not immediately required for the purposes of the Society.

3.6 To appoint, employ and pay officers and servants and to dismiss or suspend any officer or servant.

3.7 To do all such other things as are incidental or conducive to the attainment of its objects.

#### 4.0 SITUATION OF THE SOCIETY

4.1 The Society shall be deemed to be situated at the office of the Chief Executive of the Department of Education and Children's Services (DECS), or at such other place or places as shall, for the time being, be determined by the Executive of the Society.

#### 5.0 MEMBERSHIP

5.1 The Members of the Society shall be -

5.1.1 Any South Australian Government School with students in at least one of Years 5, 6 or 7 may affiliate and become a member of the Society on payment of such annual fees and under such general conditions as may be decided on by the Society.

Each school so affiliated may exercise the rights of membership by the Principal of that school, or nominee of that Principal, and one other member of that school community nominated by that Principal.

5.1.2 The Chief Executive of DECS or the South Australian government department currently responsible for Primary School education in government schools or his/her nominee

5.1.3 The Manager, Festival Support Service

5.1.4 The Director of Music

5.1.5 Each affiliated Regional Festival in good financial standing, with the rights of membership being exercised by two members of that Festival, nominated by the executive body of that Festival.

Affiliated Regional Festivals of Music shall be

5.1.5.1 Conducted under the auspices of the South Australian Public (Primary) Schools Music Society

5.1.5.2 Conducted according to the Policies, Principles and Practices of the Society

5.1.5.3 Managed and administered locally by the local schools who shall organise and fund their activities according to their local needs

5.1.6 Life Members of the Society

5.1.7 Honorary Members of the Society

5.1.9 Seconded Members of the Society.

5.2 Members shall have the right to attend and vote at the Annual General Meeting and any Special General Meeting of the Society.

5.3 At any Annual General Meeting of the Society, on the recommendation of the Executive,

5.3.1 Life Membership of the Society may be conferred on any person who has rendered outstanding service to the Society over an extended time.

5.3.2 Honorary Membership of the Society, for a period not exceeding five years in one appointment, may be conferred on any person who is rendering significant service to the Society.

- 5.4 Seconded Membership may be awarded by motion of the Executive for a maximum period of one year in any one instance and may be renewable if deemed necessary by the Executive.
- 5.4.1 Seconded membership may be awarded to persons currently involved with the work of the Society, but not otherwise eligible for membership of the Society.
- 5.4.2 The Executive may appoint up to three Seconded Members of its own volition, according to its determination of the current needs of the Society, before seeking approval from an Annual General Meeting or Special General Meeting, to appoint more.
- 5.5 All members shall have the rights and obligations which may from time to time be determined by a meeting of the Society held under Section 6 or Section 7 of this Constitution.

## 6.0 **ANNUAL GENERAL MEETING**

6.1 The Annual General Meeting of the Society shall be held no later than the 30<sup>th</sup> day of November each year when annual reports and an audited financial statement of the affairs of the Society shall be presented to members.

6.2 Notification of the date, time, place and business of such Annual General Meeting shall be forwarded to all members –

6.2.1 By written or electronic notification to all members and member schools under S 5.1.1 of this Constitution, such notice calculated to be delivered not less than fourteen (14) days prior to the date arranged, and

6.2.2 By notification of the date, time and place of such meeting to be inserted in a DECS publication calculated to reach all member schools not less than fourteen (14) days prior to the date arranged, where such a publication exists and is available.

6.3 At such Annual General Meeting, the positions of the officers to be elected at that meeting as defined in this constitution at S 8.2 shall be declared vacant and the election of the officers for the ensuing year shall be held.

6.3.1 Nominations for the elected executive offices as defined in this constitution to be filled at that meeting shall be delivered to the Secretary of the Society, duly signed by the nominator and the nominee not less than seven (7) days prior to the published date of the Annual General Meeting, and published in a freely accessible section of the Society Website not less than 48 hours before the meeting.

6.3.2 The Executive shall fill any offices and positions for which insufficient nominations have been duly received, or a simple majority of votes affirming the appointment have not been recorded, or which become vacant between Annual General Meetings.

6.4 The Annual General Meeting shall deal only with such business of which details are included with the notice of meeting as defined in Section 6.2 of this Constitution.

6.5 Voting shall be by secret ballot on the motion of any member present, or at the discretion of the Presiding Officer.

6.6 Other than as prescribed elsewhere in this constitution, a simple majority of those present and eligible shall be deemed to affirm any motion, with proxy but not absentee votes being permitted, and no member exercising more than one vote. A proxy vote shall be regarded as valid when the nominator provides written and dated authority to the nominee and is viewed by the Chairperson.

6.7 The minutes of the Annual General Meeting shall be affirmed and implemented by the next meeting of the Executive, and submitted to, and confirmed by, the first meeting of the Society, held after that date.

## 7. SPECIAL GENERAL MEETING

7.1 A Special General Meeting of the Society may be called -

7.1.1 By the President of the Society, of his/her own motion.

7.1.2 By the Administration Officer of the Society within twenty one (21) days of the receipt by him/her of a written request specifying the purpose of such meeting and signed by at least fifteen (15) members of the Society who shall represent at least six member schools.

7.2 Notification of the day, time, place and business of such Special General Meeting shall be issued as prescribed for the Annual General Meeting.

7.3 A Special General Meeting shall be conducted in all respects other than the election of officers, and presentation of reports, in accordance with the procedures set out in Section 6 of this constitution for the Annual General Meeting.

## 8. EXECUTIVE

8.1 The Executive, shall conduct the business of the Society as Directors of the Society, in accordance with the formal, written policies of the Society, and carry out such other activities and responsibilities as provided within this constitution and by direction of the Society.

8.2 The Executive shall be composed of the following

8.2.1 The President shall be the Chief Executive, DECS, or his/her nominee with a term of three years.

8.2.2 The Vice-President who shall be elected for a term of one year, and shall deputise for the President as required. If the President is not actively employed in a member school, the Vice-President shall be.

8.2.3 The Manager, Music Festival Support Service, who shall be jointly appointed by the Executive of the Music Society and Chief Executive Officer, DECS using DECS merit selection process, and be responsible to the Society through the President for the effective and efficient implementation of Society programmes, priorities and projects. Manager is responsible to the Chief Executive DECS as line manager for DECS employees and to the President for additional employees of the Society."

8.2.4 The Director of Music, who shall be jointly appointed by the Executive of the Music Society and Chief Executive Officer, DECS using DECS merit selection process, and be responsible for the musical standard of the activities of the Society, including the management of the staff appointed to assist in this.

8.2.5 The Production Manager, who shall be jointly appointed by the Executive of the Music Society and Chief Executive Officer, DECS using DECS merit process, and shall have the production oversight of such performances as the Society may conduct.

8.2.6 A member (under Section 5.1) actively involved with a choir at an affiliated school.

8.2.7 The Treasurer, who shall be elected annually at the Annual General Meeting, and be responsible to the President for the management of the financial affairs of the Society, including the keeping of the financial records of the Society.

8.2.8 The Administration Officer, who shall be appointed on such terms and conditions as the Society may determine, and shall be responsible to the President, through the Manager Festival Support Service, for the administrative and secretarial functions of the Society and shall be the Public Officer of the Society for the purposes of Section 56 of the Associations Incorporations Act 1985, as amended.

8.3 Any elected Executive officer may hold not more than two offices or positions within the Society, but shall be entitled to only one vote.

8.4 The Executive shall present a record of its activities for the information of the next meeting of the Society and shall keep the membership informed of its activities via electronic and other means.

8.5 The Executive shall have the power to co-opt up to three additional non-voting members for such terms and in such roles as it shall deem necessary.

8.6 A quorum shall consist of five (5) voting members, at least three of whom shall be elected members, or five voting members including two elected members and the Administration Officer.

8.7 Voting shall be in accordance with Section 6.5 above.

9. **PATRONS**

9.1 A Patron or Patrons may be appointed annually by resolution of a meeting of the Society.

10. **OTHER OFFICERS**

10.1 Other non-executive officers, with such roles and responsibilities as may be determined by the Society, may be elected as required by the Society at an Annual General Meeting.

11. **ASSOCIATION**

11.1 A body other than a SA State School, but with similar aims and objectives to the Society, may, on payment of such fees and under such conditions as the Society may determine, associate with the Society.

11.2 Such associated bodies may not have the voting rights of members, but may have such other rights and obligations as the Society may from time to time determine, including access to the resources and support of the Society under such conditions as the Society may determine.

12. **FINANCE**

12.1 All moneys received by the Society shall be deposited in an account with a registered financial institution, in the name of the Society.

12.2 All payments by or on behalf of the Society shall be made by transaction methods approved from time to time by the Executive.

12.3 The Treasurer shall ensure that proper records of all financial transactions of the Society are kept and shall submit financial reports to the Executive and meetings of the Society, whenever so directed.

12.4 The Treasurer shall submit an audited financial statement of the financial affairs of the Society to the Annual General Meeting, or to any Executive Meeting, or Special General Meeting if required by motion of the Executive Committee.

12.5 The financial year of the Society shall end on the 31<sup>st</sup> October each year.

12.6 Auditor

12.6.1 Each Annual General Meeting shall appoint an auditor for the Society.

12.6.2 The auditor shall be a duly qualified accountant.

### 13. **PLEBISCITE**

13.1 In order to ascertain the opinion of the members on any specific matter, the Society may, at the discretion of the Executive, or on the motion of a Special General Meeting or Annual General Meeting, conduct a plebiscite of its members by any appropriate means, including but not limited to postal, telephone, fax or internet, or any combination of these.

### 14. **SEAL AND BADGE**

14.1 The Society shall from time to time approve a seal of the Society in conformity with Sections 20 and 26 of the Associations Incorporation Act 1985 as amended.

14.2 The seal shall not be fixed to any document other than as formally directed by a meeting or the Executive Committee of the Society.

14.3 The seal shall only be affixed to documents in the presence of at least two members of the Executive.

14.4 The Society may from time to time approve a badge, symbol or insignia as the official emblem of the Society.

### 15. **ALTERATIONS TO THE CONSTITUTION AND RULES**

15.1 The Constitution and rules of the Society may be altered or amended at the Annual General Meeting or at a Special General Meeting duly convened for that purpose, provided that particulars of the proposed alterations or amendments shall be sent to all members of the Society not less than fourteen (14) days prior to such meeting in a form as provided for the notification of the Annual General Meeting, and the motion is supported by two thirds of the members casting valid votes.

### 16. **DISSOLUTION**

16.1 The Society may be dissolved or wound up by a resolution passed at a special meeting called for such purpose provided that the resolution shall be passed by a majority of at least three fourths of the valid votes cast at the meeting and provided further that at least twenty eight days prior notice in

writing of such meeting shall have been first given to the member schools in the form as provided for the notification of the Annual General Meeting.

17. **DISPOSITION OF ASSETS**

17.1 Upon the dissolution or winding up of the Society the assets of the Society shall be realised and converted to cash and the monies from such realisation and any other monies held by the Society shall be applied in the payment of all debts and liabilities of the Society and residue of such realisation and other monies shall be dealt with and applied in such manner as shall be approved by a Special General Meeting of the Society.

18. **NOMENCLATURE**

18.1 All references in this constitution to "DECS" or the "Department of Education and Children's Services" shall be considered to refer to the state government department currently responsible for Primary school education in government schools in South Australia.

18.2 When any DECS position or title named in this constitution is renamed or discontinued, the holder of the office which in the opinion of the Executive shall have the responsibility for carrying out that role at the time of adoption of this constitution, shall be deemed to be the person referred to, notwithstanding any change of title.

**Constitution as adopted by resolution at the Music Society AGM dated 14/2/06**

**Presiding Officer: H Wildash**

**Administrator: K Williams**