

# THE BY-LAWS OF BUNBURY MEN OF SONG INC

Adopted August 8<sup>th</sup> 2018

These by laws are to be read in conjunction with the Model Rules (Associations) 2016 produced by the Department of Mines, Industry Regulation and Safety.  
<http://www.commerce.wa.gov.au/publications/model-rules-associations-2016> and together with that document form the Constitution of Bunbury Men of Song INC

- 1. Amendments** to these by laws do not require a special resolution but need to be passed by a majority of 75% of eligible voters at a properly convened General Meeting
- 2. Classes of membership.**
  - (a) Ordinary Members  
Ordinary members are members aged 15 years or over, irrespective of which fee they are paying
  - (b) Junior Members  
Junior members are aged 14 years or under. Junior members do not have voting rights at general or annual general meetings.
  - (c) Life Members who shall be such persons appointed at an Annual General Meeting on the recommendation of the Committee for outstanding service to the Association provided the following conditions are met:
    - i. The proposal must be submitted to the Committee at least 60 days prior to the Annual General meeting.
    - ii. The Committee's decision to recommend a life member must be unanimous.
    - iii. The President will advise members of the new Life Member at the Annual General Meeting of the Association and make available the criteria upon which the decision to grant Life Membership was made.Life members shall have full voting rights.
  - (d) Honorary Members who shall be invited by the Committee in its absolute discretion and who accept appointment. They shall retain the appointment for the period decided by the Committee which shall not in any event exceed 12 months.  
Honorary members shall have full voting rights at all General Meetings.
- 3. Fees and subscriptions**
  - (a) The "due date" in Rule 12 (3) shall be January 1<sup>st</sup>.
  - (b) Fees determined under rule 12(1) may be different within the same class of membership. For example an ordinary member may pay full fee or a lesser fee as a student rate or pensioner.
  - (c) The committee, at its discretion, may accept that a written and signed payment plan means that a member has paid for as long as that plan is adhered to or renegotiated.
  - (d) Where members owe the association money for any reason, the committee has the power to charge interest on the outstanding amount at a rate that they determine to be fair and reasonable in the current conditions.
- 4. Register of Members**

Under rule 13 (1) the responsibility for the register of members will lie with the Membership Officer (see By-law 4)
- 5. Committee Members**

The committee shall consist of the following personnel with the following duties;

  - (1) President The President shall perform the duties of the Chairperson as described in the Rules

- (2) The Deputy Chairperson referred to in Rule 27, 3, b may be elected from the existing Committee at its discretion.
- (3) Secretary The Secretary shall: perform the duties prescribed in the Rules except the responsibility for the register of members lies with the Membership Officer.
- (4) Treasurer The Treasurer shall: perform the duties prescribed in the Rules.
- (4). Librarian The Librarian shall:
  - (a) Take charge of and be responsible for the Association's collection of sheet music and books.
  - (b) Stamp all the Association's purchases of sheet music and books and record the names of members to whom such music is loaned.
  - (c) Ensure the return of all music from resigned or expelled members.
  - (d) Advise the Committee from time to time of shortages in stock.
  - (e) On the request of the Musical Director, acquire new pieces or expand stock in existing pieces.
  - (f) Be responsible for the orderly keeping of archived documents and memorabilia.

5. Musical Director The Musical Director shall:

- (a) Be appointed by the members at the Annual General Meeting for a 12 month period (with the exception of the filling of a casual vacancy per Rule 38) and the Association may pay him or her such expenses and/or honorarium as the Committee may decide from time to time.
  - (b) For the duration of the appointment be a Member of the Association, with full voting rights, without being liable to pay any subscriptions.
  - (c) Select music from a wide variety of musical periods, styles, national origins and moods, appropriate to the Association's standards of performance and submit such music to the Committee for ratification.
  - (d) Develop the Association's musical performance through the teaching of such musical exercises and pieces as may be appropriate from time to time.
  - (e) Direct and conduct the Association at rehearsals and at public performances or provide a deputy as approved by the Committee in the case of absence
  - (f) Be responsive to the individual and collective choral needs of the Association, thereby ensuring its future development as far as possible.
  - (g) Maintain as high a standard of performance as possible by setting such entry level musical tests as he or she and the Committee may deem appropriate from time to time and advising the Committee of members who are considered to be below the required standard in order that after discussion they may take the appropriate action. See also By-law 8 (c) and (d).
  - (h) Work generally for the Association's musical improvement and harmonious development.
- Subject to any contract between the Association and the Musical Director:
- (i) The Musical Director may resign by giving 28 days notice in writing delivered to the President or the Secretary
  - (j) The members may at a General Meeting terminate the appointment of the Musical Director
  - (k) The Committee may terminate the appointment of the Musical Director, but only on the grounds of serious misconduct by that person. Following such termination, the Committee shall within 30 days convene a special general meeting of members for the purpose of ratification of the termination.

- (l) If the Musical Director's appointment is terminated under clauses (j) or (k) he/she shall have the right of appeal using the dispute resolution process. (Division 3)
6. Events Coordinator The Events Coordinator shall, in consultation with the Committee:
- (a) Maintain a calendar of events
  - (b) Co-opt 2 members, one of which shall be the Musical Director, to make recommendations to the Committee on the suitability and number of events/performances for the forthcoming calendar of events
  - (c) Maintain a record of events which includes such items as budgets, dates, venues and other tasks associated with the events/performances.
  - (d) Co-opt other members in addition to Sub-rule (2) to ensure the smooth running of events/performances.
7. Membership Officer The Membership Officer shall in consultation with the Committee:
- (a) Be responsible for recruitment of new members to the Association
  - (b) Facilitate the signing in of members to rehearsals and follow up absenteeism from rehearsals.
  - (c) Appoint a mentor from the membership to look after new members.
  - (d) Maintain the register of members and record in that register any change in the membership of the Association. The register must include the class of membership to which each member belongs and the date on which each person became a member. It must also include parents/guardians appointed by Junior members aged 15 and under referred to in By law 1(a)
  - (e) The register of members must be kept at the Membership Officer's place of residence or at another place determined by the Committee.
  - (f) A member who wishes to inspect the register of members must contact the Membership Officer to make the necessary arrangements.
  - (g) Ensure that the relevant aspects of the Risk Management Policy are in place. (See appendix 1)
8. Boy's Parent Representative. The Boy's parent Representative may:
- (a) Be nominated by a consensus of the parents of the BMOS boys and elected at an AGM or coopted by the committee.
  - (b) Act as the liason between the boys, their parents and the Committee
  - (c) Coordinate the parent group to provide assistance in the management of the boys.
9. Up to 2 Ordinary Committee Members
10. Up to 3 co-opted members

## 6. Accompanist

- (a) The Committee may, from time to time, appoint a person as accompanist at the annual general meeting for a period of 12 months and the Association may pay him or her such expenses and/or honorarium as the Committee may decide from time to time

The Accompanist shall:

- (b) for the time during which he or she holds that office, be a Member of the Association with full voting rights without being liable to pay any subscription.
- (c) Attend rehearsals and performances or provide a deputy as approved by the Committee in the case of absence.
- (d) Give the Musical Director prior warning of forthcoming absences and deputisations.
- (e) Practice accompaniments to the best of his or her ability
- (f) Respond to the Musical director's directions

Subject to any contract between the Association and the Accompanist:

- (g) The Accompanist may resign by giving 28 days notice in writing delivered to the President or Secretary
- (h) The Committee may terminate the appointment of the Accompanist at any time.
- (i) If Accompanist's appointment is terminated under clause (h) he/she shall:
  - (1) have the right of appeal using the dispute resolution process (Rules 28 and 29)
  - (2) be entitled to a pro rata payment of any agreed honorarium.
- (j) The Accompanist is not automatically a Committee Member but can be co-opted on to the Committee as per By Law 4 (10)

## **7. Junior Musical Director.**

- (a) The committee may appoint a Junior Musical Director from time to time and the Association may pay him or her such expenses and/or honorarium as the Committee may decide from time to time.
- (b) For the duration of the appointment be a Member of the Association, with full voting rights, without being liable to pay any subscriptions.
- (c) The Junior Musical Director may or may not be the same person as the Musical director.
- (d) The activities of the Junior Musical Director shall be under the direction of the Musical Director and must give the Musical Director prior warning of forthcoming absences and deputisations.

Subject to any contract between the Association and the Junior Musical Director:

- (e) The Junior Musical Director may resign by giving 28 days notice in writing delivered to the President or the Secretary
- (f) The committee may terminate the appointment of the Junior Musical Director by giving 28 days notice delivered in writing.
- (g) If the Junior Musical Director's appointment is terminated under clauses (f) he/she shall
  - (1) have the right of appeal using the dispute resolution process. (Division 3) and
  - (2) be entitled to a pro rata payment of any agreed honorarium.

## **8. Patrons and Sponsors**

The Committee may from time to time approach persons or organisations considered likely to provide publicity or finance for or otherwise assist in furthering the objects of the Association and may invite them to become Patrons or Sponsors of the Association

## **9. Presiding Member for General Meetings**

Notwithstanding Rule 55(2) of the Model Rules, if the President and Deputy President are unable or unwilling to act as chairperson for all or part of the meeting and with the approval of a majority of those present (including proxies) at the meeting, the meeting may be chaired by any member nominated by the meeting.

## **10. Annual General Meetings**

In addition to Rule 50(3) the business of the annual general meeting shall;

- (a) appoint the Musical Director, Accompanist and any other such appointments for the year, and approve their honoraria.
- (b) To ratify the entrance fees, subscriptions and other amounts (if any) to be paid by members as recommended by the committee. NOTE : As per Rule 12, the committee must determine fees. Motions regarding fees passed at an AGM are not binding on the Committee
- (c) To confer and ratify any awards or life memberships considered appropriate by the Committee
- (d) Any other business of which 1 week notice in writing has been given
- (e) Any other business without notice may be discussed at the discretion of the newly elected President.

### **11. Performance Privileges**

- (a) Participation in public performances is limited to Choir Members.
- (b) Participation in public performances can only be in uniform as prescribed by the Committee from time to time.
- (c) The Musical Director has the final say on a Choir Member's right to perform at any particular performance.
- (d) There shall be no right of appeal on the Musical Director's decisions regarding performance rights.

### **12. Return of Goods**

A person who ceases to be a member under Rules 9, 10 or 15 of the constitution must return all property of the Association to the Association as soon as practicable. This includes but is not limited to, the music folio and items of uniform deemed by the Committee to be the property of the Association.

### **13. Public Statements By Patrons and Members**

All public statements on Association matters or matters of policy shall be made by the Committee or their nominee. No Patron or member or employee shall make any statement purporting to be on behalf of the Association unless such statement shall have previously been authorised by the Committee.