



MACQUARIE
UNIVERSITY
SINGERS



Rules and Constitution

Rules and Constitution of Macquarie University Singers

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Part 1 Preliminary

1 Definitions

In these rules:

MUS means Macquarie University Singers

The University means Macquarie University

Part 2 Objectives

The objectives of MUS shall be to foster and perform choral and instrumental music and related activities in support of the University's commitments to Community Engagement, Promotion of the Arts and Life Long Learning.

Part 3 Membership

2 Categories of membership:

There shall be two categories of membership:

- (a) ORDINARY members, being any -
 - (i) students, graduates and diplomates of the University
 - (ii) members of the staff of the University
 - (iii) graduates and diplomates of any other accredited university.
- (b) ASSOCIATE members, being -

any other interested persons. There may be any number of such members, subject to a total cap on choir membership, but to maintain the identity of MUS with the University, the combined vote of Associate members may not exceed 20 per cent of the votes of Ordinary members on any matter at an Annual or Special General Meeting.

3 Application for membership

- (1) A person applying for membership of MUS must:
 - (a) complete and sign an application form approved by the committee
 - (b) lodge the completed form with the membership secretary of MUS, and
 - (c) pay the appropriate membership fee.
- (2) The membership secretary must, on payment by the applicant of the membership fee, enter the applicant's name in the register of members and, on the name being so entered, the applicant becomes a member of MUS.

4 Cessation of membership

A person ceases to be a member of MUS if the person:

- (a) dies, or
- (b) resigns membership, or
- (c) is expelled from MUS, or
- (d) fails to renew annual membership by the due date.

5 Membership entitlements not transferable

A right, privilege or obligation that a person has by reason of being a member of MUS:

- (a) is not capable of being transferred to another person, and
- (b) terminates on cessation of the person's membership.

6 Resignation of membership

- (1) A member of MUS may resign from membership of MUS by giving to the secretary written notice of the member's intention to resign.
- (2) If a member of MUS ceases to be a member under clause (6 (1)), and in every other case where a member ceases to hold membership, the membership secretary must make an appropriate entry in the register of members recording the date on which the member ceased to be a member.

7 Register of members

The membership secretary must establish and maintain a register of members of MUS specifying the name and contact details of each person who is a member of MUS together with the date on which the person became a member.

8 Fees and subscriptions

- (1) The membership year shall be the calendar year.
- (2) The committee shall determine annual membership fees from time to time.
- (3) A joining fee may be levied if the committee so determines.
- (4) A member of MUS must, on admission to membership, pay the joining fee, if any, to MUS.
- (5) In addition to any amount payable by the member under clause (4), a member of MUS must pay to MUS a non-refundable annual membership fee determined by the committee:
 - (a) except as provided by paragraph (b), before 1 March in each calendar year, or
 - (b) if the member becomes a member on or after 1 March in any calendar year – on becoming a member and before 1 March in each succeeding calendar year.
- (6) If the member becomes a member after 30 September, the member's first year's membership only will extend to the end of the following calendar year.

9 Members' liabilities

A member of MUS will not be liable to contribute towards the payment of the debts and liabilities of MUS or the costs, charges and expenses of the winding up of MUS.

10 Resolution of internal disputes

- (1) Disputes between members (in their capacity as members) of MUS, and disputes between members and MUS, that cannot be resolved by internal mediation, are to be referred to an appropriate mediator.
- (2) At least 7 days before a mediation session is to commence, the parties are to exchange statements of the issues that are in dispute between them and supply copies to the mediator.

11**Disciplining of members**

- (1) A complaint may be made to the committee by any person that a member of MUS:
 - (a) has persistently refused or neglected to comply with a provision or provisions of these rules, or
 - (b) has persistently and wilfully acted in a manner prejudicial to the interests of MUS.
- (2) On receiving such a complaint, the committee:
 - (a) must cause notice of the complaint to be served on the member concerned; and
 - (b) must give the member at least 14 days from the time the notice is served within which to make submissions to the committee in connection with the complaint, and
 - (c) must take into consideration any submissions made by the member in connection with the complaint.
- (3) The committee may, by resolution, expel the member from MUS or suspend the member from membership of MUS if, after considering the complaint and any submissions made in connection with the complaint, it is satisfied that the facts alleged in the complaint have been proved.
- (4) If the committee expels or suspends a member, the secretary must, within 7 days after the action is taken, cause written notice to be given to the member of the action taken, of the reasons given by the committee for having taken that action and of the member's right of appeal under rule 12.
- (5) The expulsion or suspension does not take effect:
 - (a) until the expiration of the period within which the member is entitled to appeal against the resolution concerned, or
 - (b) if within that period the member exercises the right of appeal, unless and until MUS confirms the resolution under rule 12(5),
whichever is the later.

12**Right of appeal of disciplined member**

- (1) A member may appeal to MUS in general meeting against a resolution of the committee under rule 11, within 7 days after notice of the resolution is served on the member, by lodging with the secretary a notice to that effect.
- (2) The notice may, but need not, be accompanied by a statement of the grounds on which the member intends to rely for the purposes of the appeal.
- (3) On receipt of a notice from a member under clause (1), the secretary must notify the committee, which is to convene a general meeting of MUS to be held within 28 days after the date on which the secretary received the notice.
- (4) At a general meeting of MUS convened under clause (3):
 - (a) no business other than the question of the appeal is to be transacted, and
 - (b) the committee and the member must be given the opportunity to state their respective cases orally or in writing, or both, and
 - (c) the members present are to vote by secret ballot on the question of whether the resolution should be confirmed or revoked.

- (5) If at the general meeting MUS passes a special resolution in favour of the confirmation of the resolution, the resolution is confirmed.

Part 3 The committee

13 Powers of the committee

The committee, subject to these rules and to any resolution passed by MUS in general meeting:

- (a) is to control and manage the affairs of MUS, and
- (b) may exercise all such functions as may be exercised by MUS, other than those functions that are required by these rules to be exercised by a general meeting of members of MUS, and
- (c) has power to perform all such acts and do all such things as appear to the committee to be necessary or desirable for the proper management of the affairs of MUS.

14 Constitution and membership

- (1) The committee is to consist of:
 - (a) the office-bearers of MUS, and
 - (b) three other members,each of whom is to be elected at the annual general meeting of MUS under rule 15.
- (2) The office-bearers of MUS are to be:
 - (a) the president
 - (b) the vice-president
 - (c) the treasurer, and
 - (d) the secretary
- (3) Each member of the committee is, subject to these rules, to hold office until the conclusion of the annual general meeting following the date of the member's election, but is eligible for re-election.
- (4) In the event of a casual vacancy occurring in the membership of the committee, the committee may appoint a member of MUS to fill the vacancy and the member so appointed is to hold office, subject to these rules, until the conclusion of the annual general meeting next following the date of the appointment.

15 Election of members

- (1) Nominations of candidates for election as members of the committee:
 - (a) must be made in writing, signed by 2 members of MUS and accompanied by the written consent of the candidate (which may be endorsed on the form of the nomination), and
 - (b) must be delivered to the secretary of MUS at least 7 days before the date fixed for the holding of the annual general meeting at which the election is to take place.
- (2) If insufficient nominations are received to fill all vacancies on the committee, the candidates nominated are taken to be elected and nominations for the remaining positions are to be received at the annual general meeting.
- (3) If insufficient further nominations are received, any vacant positions remaining on the committee are taken to be casual vacancies.

- (4) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated are taken to be elected.
- (5) If the number of nominations received exceeds the number of vacancies to be filled, a ballot is to be held.
- (6) The ballot for the election of office-bearers and ordinary members of the committee is to be conducted at the annual general meeting in such usual and proper manner as the committee may direct.
- (7) An associate member may not hold any of the offices of President, Vice President, Secretary or Treasurer.

16 Secretary

- (1) It is the duty of the secretary to keep minutes of:
 - (a) the names of members of the committee present at a committee meeting or of members at a general meeting, and
 - (b) all proceedings at committee meetings and general meetings.
- (2) Minutes of proceedings at a meeting must be signed by the chairperson of the meeting or by the chairperson of the next succeeding meeting.

17 Treasurer

It is the duty of the treasurer of MUS to ensure:

- (a) that all money due to MUS is collected and received and that all payments authorised by MUS are made, and
- (b) that correct books and accounts are kept showing the financial affairs of MUS, including full details of all receipts and expenditure connected with the activities of MUS.
- (c) That annual accounts of MUS are audited independently.

18 Casual vacancies

For the purposes of these rules, a casual vacancy in the office of a member of the committee occurs if the member:

- (a) dies, or
- (b) ceases to be a member of MUS, or
- (c) resigns office by notice in writing given to the secretary, or
- (d) is removed from office under rule 19, or
- (e) becomes a mentally incapacitated person, or
- (f) is absent without the consent of the committee from all meetings of the committee held during a period of 4 months.

19 Removal of member

- (1) MUS in general meeting may by resolution remove any member of the committee from the office of member before the expiration of the member's term of office and may by resolution appoint another person to hold office until the expiration of the term of office of the member so removed.
- (2) If a member of the committee to whom a proposed resolution referred to in clause (1) relates makes representations in writing to the secretary or president (not exceeding a reasonable length) and requests that the representation be notified to the members of MUS, the secretary or the president may send a copy of the representations to each member of MUS or, if the representations are not so sent, the member is entitled to require that the representations be read out at the meeting at which the resolution is considered.

20**Meetings and quorum**

- (1) The committee must meet at least 6 times in each period of 12 months at such place and time as the committee may determine.
- (2) Additional meetings of the committee may be convened by the president or by any member of the committee.
- (3) Oral or written notice of a meeting of the committee must be given by the secretary to each member of the committee at least 48 hours (or such other period as may be unanimously agreed on by the members of the committee) before the time appointed for the holding of the meeting.
- (4) Notice of a meeting given under clause (3) must specify the general nature of the business to be transacted at the meeting.
- (5) At least 50% of the members of the committee constitute a quorum for the transaction of the business of a meeting of the committee.
- (6) No business is to be transacted by the committee unless a quorum is present and if, within half an hour of the time appointed for the meeting, a quorum is not present, the meeting is to stand adjourned to a time and place to be determined by those present.
- (7) If at the adjourned meeting a quorum is not present within half an hour of the time appointed for the meeting, the meeting is to be dissolved.
- (8) At a meeting of the committee:
 - (a) the president or, in the president's absence, the vice-president is to preside, or
 - (b) if the president and the vice-president are absent or unwilling to act, such one of the remaining members of the committee as may be chosen by the members present at the meeting is to preside.

21**Delegation by committee to sub-committee**

- (1) The committee may delegate to one or more sub-committees (consisting of such member or members of MUS as the committee thinks fit) the exercise of such of the functions of the committee as are specified in the instrument, other than this power of delegation.
- (2) A function the exercise of which has been delegated to a sub-committee under this rule may, while the delegation remains unrevoked, be exercised from time to time by the sub-committee in accordance with the terms of the delegation.
- (3) Despite any delegation under this rule, the committee may continue to exercise any function delegated.
- (4) Any act or thing done by or to a sub-committee acting in the exercise of a delegation under this rule has the same force and effect as it would have if it had been done by or to the committee.
- (5) A sub-committee acting in the exercise of a delegation under this rule will report to the committee all acts done by or to the sub-committee.
- (6) The committee may revoke wholly or in part any delegation under this rule.
- (7) A sub-committee may meet and adjourn, as it thinks proper.

22

Voting and decisions

- (1) Questions arising at a meeting of the committee or of any sub-committee appointed by the committee are to be determined by a majority of the votes of members of the committee or sub-committee present at the meeting.
- (2) Each member present at a meeting of the committee or of any sub-committee appointed by the committee (including the person presiding at the meeting) is entitled to one vote but, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.
- (3) Subject to rule 20(5), the committee may act despite any vacancy on the committee.
- (4) Any act or thing done to or by, or purporting to have been done to or by the committee or a sub-committee appointed by the committee, is valid and effectual despite any defect that may afterwards be discovered in the appointment or qualification of any member of the committee or sub-committee.
- (5) For the purpose of efficient administration of the business of MUS, an office bearer of the committee may make and execute ad hoc decisions at any time, provided:
 - (a) such decisions do not conflict with or change or add to agreed policies of MUS and;
 - (b) such decisions are ratified by the committee at its next meeting.

Part 4 General meeting

23

Annual general meetings – calling of and business at

- (1) MUS must, at least once in each calendar year and within the period of 4 months after the expiration of each financial year of MUS, convene an annual general meeting of its members.

24

- (2) In addition to any other business which may be transacted at an annual general meeting, the business of an annual general meeting is to include the following:
 - (a) to confirm the minutes of the last preceding annual general meeting and of any special general meeting held since that meeting,
 - (b) to receive from the committee reports on the activities of MUS during the last preceding financial year,
 - (c) to elect office-bearers of MUS and ordinary members of the committee,
- (3) An annual general meeting must be specified as such in the notice convening it.

25

Special general meetings – calling of

- (1) The committee may, whenever it thinks fit, convene a special general meeting of MUS.
- (2) The committee must, on the requisition in writing of at least 20 per cent of the total number of members, convene a special general meeting of MUS.
- (3) A requisition of members for a special general meeting:
 - (a) must state the purpose or purposes of the meeting, and
 - (b) must be signed by the members making the requisition, and

- (c) must be lodged with the secretary, and
 - (d) may consist of several documents in a similar form, each signed by one or more of the members making the requisition.
- (4) If the committee fails to convene a special general meeting to be held within 1 month after that date on which a requisition of members for the meeting is lodged with the secretary, any one or more of the members who made the requisition may convene a special general meeting to be held not later than 3 months after that date.
- (5) A special general meeting convened by a member or members as referred to in clause (4) must be convened as nearly as is practicable in the same manner as general meetings are convened by the committee and any member who consequently incurs expenses is entitled to be reimbursed by MUS for any expense so incurred.

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Notice

- (1) Except if the nature of the business proposed to be dealt with at a general meeting requires a special resolution of MUS, the secretary must, at least 7 days before the date fixed for the holding of the general meeting, give notice to members specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.
- (2) If the nature of the business proposed to be dealt with at a general meeting requires a special resolution of MUS, the secretary must, at least 14 days before the date fixed for the holding of the general meeting, cause notice to be given to each member specifying, in addition to the matter required under clause (1), the intention to propose the resolution as a special resolution.
- (3) No business other than that specified in the notice convening a general meeting is to be transacted at the meeting. A member desiring to bring any business before a general meeting may give notice in writing of that business to the secretary who must include that business in the next notice calling a general meeting given after receipt of the notice from the member.

27

Procedure

- (1) No item of business is to be transacted at a general meeting unless a quorum of members entitled under these rules to vote is present during the time the meeting is considering that item.
- (2) Twenty five members present in person (being members entitled under these rules to vote at a general meeting), of whom at least 51% must be Ordinary Members, constitute a quorum for the transaction of the business of a general meeting.
- (3) If within half an hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting:
- (a) if convened on the requisition of members, is to be dissolved,
and
 - (b) in any other case, is to stand adjourned to the same day in the following week at the same time and (unless another place is specified at the time of the adjournment by the person presiding at the meeting or communicated by written notice to members given before the day to which the meeting is adjourned) at the same place.
- (4) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being at least 3, of which at least 2 are Ordinary Members) is to constitute a quorum.

28 Presiding member

- (1) The president or, in the president's absence, the vice-president, is to preside as chairperson at each general meeting of MUS.
- (2) If the president and the vice-president are absent or unwilling to act, the members present must elect one of their number to preside as chairperson at the meeting.

29 Adjournment

- (1) The chairperson of a general meeting at which a quorum is present may, with the consent of the majority of members present at the meeting, adjourn the meeting from time to time and place to place, but no business is to be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- (2) If a general meeting is adjourned for 14 days or more, the secretary must give notice of the adjourned meeting to each member of MUS stating the place, date and time of the meeting and the nature of the business to be transacted at the meeting.
- (3) Except as provided in clauses (1) and (2), notice of an adjournment of a general meeting or of the business to be transacted at an adjourned meeting is not required to be given.

30 Making of decisions

- (1) A question arising at a general meeting of MUS is to be determined on a show of hands and, unless before or on the declaration of the show of hands a poll is demanded, a declaration by the chairperson that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, or an entry to that effect in the minute book of MUS, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.
- (2) At a general meeting of MUS, a poll may be demanded by the chairperson or by at least 3 members present in personⁱ at the meeting.
- (3) If a poll is demanded at a general meeting, the poll must be taken;
 - (a) immediately in the case of a poll which relates to the election of the chairperson of the meeting or to the question of an adjournment, or
 - (b) in any other case, in such manner and at such time before the close of the meeting as the chairperson directs,and the resolution of the poll on the matter is taken to be the resolution of the meeting on that matter.

31 Special resolution

A resolution of MUS is a special resolution if it is passed by a majority which comprises at least three-quarters of such members of MUS as, being entitled under these rules so to do, vote in person at a general meeting of which at least 21 days' written notice specifying the intention to propose the resolution as a special resolution was given in accordance with these rules

32 Voting

- (1) On any question arising at a general meeting of MUS a member has one vote only.
- (2) All votes must be given personally.
- (3) In the case of an equality of votes on a question at a general meeting, the chairperson of the meeting is entitled to exercise a second or casting vote.

Part 5 Miscellaneous

33 Insurance

MUS may effect and maintain insurance.

34 Funds – source

- (1) The sources of funds of MUS should include, but not be limited to ticket sales and other incidental revenue for concerts or other choral performances of MUS, sales of merchandise promoting MUS, hiring out of sheet music and other material assets owned by MUS, entrance fees and annual subscriptions of members, donations and such other sources as the committee determines.
- (2) All money received by MUS must be deposited as soon as practicable and without deduction to the credit of MUS's bank account.
- (3) MUS must, as soon as practicable after receiving any money, issue a receipt appropriate to the transaction.

35 Funds – management

- (1) Subject to any resolution passed by MUS in general meeting, the funds of MUS are to be used in pursuance of the objects of MUS in such manner as the committee determines.
- (2) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by any 2 members of the committee, being members authorised to do so by the committee.

36 Assets

- (1) The assets and income of MUS shall be applied solely to the purposes as set out in Section 2 above. No portion of the assets or income of MUS shall be paid or distributed directly or indirectly to the members of the organisation except as bona fide remuneration for services rendered or expenses incurred on behalf of MUS.
- (2) All assets and property of MUS shall be vested in the Committee and the Committee shall deal with such property and assets as directed by MUS in general meeting.
- (3) The assets of MUS shall be held in trust by the University Council if:
 - (a) MUS fails to hold an annual general meeting or
 - (b) MUS fails to appoint a Treasurer at an annual general meeting
- (4) If MUS fails to hold an annual general meeting or to appoint a Treasurer within 12 months from the last date at which these actions should have taken place, the assets of MUS become the property of the University.
- (5) If MUS is dissolved, any assets of MUS that remain after the satisfaction of all debts and liabilities shall become the property of the University.

37 Affiliations

MUS may, subject to a special resolution being passed at a general meeting, affiliate with or disaffiliate from officially recognised representative or common-interest associations.

38 Alteration of objects and rules

The statement of objects and these rules may be altered, rescinded or added to only by a special resolution of MUS.

The secretary must notify the Vice-Chancellor of the University within 14 days of the alteration being accepted. The alteration will come into force fourteen days after notice has been given to the Vice-Chancellor, unless during this time the Vice-Chancellor rejects the alteration or requests other action.

If MUS is affiliated to any other organisation, as defined in Rule 37, subject to the rules and conditions of affiliation, similar notice must be given to the Convener of the affiliated association, and any alteration does not become effective until such notice is given.

39 Inspection of books

The minutes of all meetings and the financial records of MUS must be open to inspection, free of charge, by a member of MUS at any reasonable hour.

40 Service of notices

- (1) For the purpose of these rules, a notice may be served on or given to a person:
 - (a) by delivering it to the person personally, or
 - (b) by sending it by pre-paid post to the address of the person, or
 - (c) by sending it by electronic transmission to an address specified by the person for giving or serving the notice.
 - (d) by oral or written transmission at regular rehearsals.
 - (2) for the purpose of these rules, a notice is taken, unless the contrary is proved, to have been given or served:
 - (a) in the case of a notice given or served personally, on the date on which it is received by the addressee, and
 - (b) in the case of a notice sent by pre-paid post, on the date when it would have been delivered in the ordinary course of post, and
 - (c) in the case of a notice sent by electronic transmission, on the date it was sent.
-