Constitution of the
Australian Society
for Music Education
WA Chapter (Inc)
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RULES OF CHAPTER

1. Name of Chapter
The name of the Chapter is the Australian Society for Music Education WA Chapter Inc (“the Chapter”).

2. Definitions
In these rules, unless the contrary intention appears-

“annual general meeting” is the meeting convened under paragraph (b) of rule 16 (1);

“Chapter” means this Association is the Western Australian Chapter of the National Council;

“Chapter Council meeting” means a meeting referred to in rule 15;

“Chapter Council member” means a person referred to in paragraph (a), (b), (c), (d) or (e) of rule 10 (1);

“convene” means to call together for a formal meeting;

“department” means the government department with responsibility for administering the \textit{Associations Incorporation Act (1987)};

“financial year” means a calendar year each period commencing 1 October and ending on 30 September;

“general meeting” means a meeting to which all members are invited;

“member” means member of the Chapter;

“ordinary resolution” means resolution other than a special resolution;

“poll” means voting conducted in written form (as opposed to a show of hands);

“special general meeting” means a general meeting other than the annual general meeting;

“special resolution” has the meaning given by section 24 of the Act, that is-

A resolution is a special resolution if it is passed by a majority of not less than three-fourths of the members of the Chapter who are entitled under the rules of the Chapter to vote and vote in person or, where proxies or postal votes are allowed by the rules of the Chapter by proxy or postal vote, at a general meeting of which notice specifying the intention to propose the resolution as a special resolution was given in accordance with those rules.

At a meeting at which a resolution proposed as a special resolution is submitted, a declaration by the person presiding that the resolution has been passed as a special resolution shall be evidence of the fact unless, during the meeting at which the resolution is submitted, a poll is demanded in accordance with the rules of the Chapter or, if the rules do not make provision as to the manner in which a poll may be demanded, by at least 3 members of the Chapter present in person or, where proxies are allowed, by proxy.

If a poll is held, a declaration by the person presiding as to the result of a poll is evidence of the matter so declared.

“the Act” means the \textit{Associations Incorporation Act 1987};
"the Chapter" means the Association referred to in rule 1;

"the Chairperson" means-

(a) in relation to the proceedings at a Chapter Council meeting or general meeting, the person presiding at the Chapter Council meeting or general meeting in accordance with rule 11; or

(b) otherwise than in relation to the proceedings referred to in paragraph (a), the person referred to in paragraph (a) of rule 10 (1) or, if that person is unable to perform his or her functions, the Vice Chairperson;

"the Chapter Council" means the Chapter Council of Management of the Chapter referred to in rule 10 (1);

"the Commissioner" means the Commissioner for Fair Trading exercising powers under the Act;

"the National Council" means the Australian Society for Music Education (Inc)

"the Secretary" means the Secretary referred to in paragraph (c) of rule 10 (1);

"the Treasurer" means the Treasurer referred to in paragraph (d) of rule 10 (1);

"the Vice-Chairperson" means the Vice-Chairperson referred to in paragraph (b) of rule 10 (1).

3. Objects of Chapter

(1) The objects of the Chapter are to -

(a) advance music education
(b) promote the appreciation and practice of music
(c) encourage musical composition and to assist young composers interested in music for educational purposes

(2) The property and income of the Chapter shall be applied solely towards the promotion of the objects of the Chapter and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to members, except in good faith in the promotion of those objects.

4. Powers of Chapter

(1) The powers conferred on the Chapter are the same as those conferred by section 13 of the Act, so that subject to the Act and any additions, exclusions or modifications inserted below, the Chapter may do all things necessary or convenient for carrying out its objects and purposes, and in particular, may -

(a) acquire, hold, deal with, and dispose of any real or personal property;
(b) open and operate bank accounts;
(c) invest its money -
   (i) in any security in which trust monies may lawfully be invested; or
   (ii) in any other manner authorised by the rules of the Chapter;
(d) borrow money upon such terms and conditions as the Chapter thinks fit;
(e) give such security for the discharge of liabilities incurred by the Chapter as the Chapter thinks fit;
(f) appoint agents to transact any business of the Chapter on its behalf;
(g) enter into any other contract it considers necessary or desirable; and

(h) may act as trustee and accept and hold real and personal property upon trust, but does not have power to do any act or thing as a trustee that, if done otherwise than as a trustee, would contravene this Act or the rules of the Chapter.

(i) may raise funds in any way that is in alignment with the objects of the Chapter, however it may not levy extra membership fees from members above those described in rule 7.

(2) In promotion of the objects of the Chapter, the Chapter may:

(a) act as an advisory body
(b) publish or provide for its members material likely to further its objects
(c) organise conferences, seminars and the like in order to further its objects
(d) establish, co-ordinate and liaise with organisations and groups with similar objects
(e) promote, organise or undertake any activity which it considers appropriate to the promotion of its objectives

5. Qualifications for membership of Chapter

(1) Membership of the Chapter is open to-

(a) persons or organisations interested in the objects of the Chapter subject to their acceptance by the Chapter
(b) all members of the National Council resident in the state of Western Australia are deemed first and foremost to be members of the Chapter

(2) A person who wishes to become a member of the Chapter, must apply for membership to the Chapter Council in writing, in such form as the Chapter Council from time to time directs and signed by that person.

6. Register of members of Chapter

(1) The Secretary, on behalf of the Chapter, must comply with section 27 of the Act by keeping and maintaining-

in an up to date condition a register of the members of the Chapter and their postal or residential addresses and, upon the request of a member of the Chapter, shall make the register available for the inspection of the member and the member may make a copy of or take an extract from the register but shall have no right to remove the register for that purpose.

(2) The register must be so kept and maintained at the Secretary’s place of residence, or at such other place as the members at a general meeting decide.

(3) The Secretary must cause the name of a person who dies or who ceases to be a member under rule 8 to be deleted from the register of members referred to in sub-rule (1).
7. Subscriptions of members of Chapter

(1) Subscription amounts to be paid by each member of the Chapter shall be determined from time to time by the National Council. The proceeds of subscriptions shall be shared equally with the National Council.

(2) Each member must pay to the Treasurer or to the Treasurer of the National Council, quarterly, or such other date as the Chapter Council or the National Council from time to time determines, the amount of the subscription determined under sub-rule (1).

(3) Subject to sub-rule (4), a member whose subscription is not paid within 2 months after the relevant date fixed by or under sub-rule (2) ceases on the expiry of that period to be a member, unless the Chapter Council decides otherwise.

(4) A person exercises all the rights and obligations of a member for the purposes of these rules if his or her subscription is paid on or before the relevant date fixed by or under sub-rule (2) or within 2 months thereafter, or such other time as the Chapter Council allows.

(5) A person who becomes a member of the Chapter shall fall into one of the following classes, all of which have voting rights, and are as defined in Article III of the Constitution of the National Council:

   (i) Full members
   (ii) Student members
   (iii) Associated members
   (iv) Honorary life members

8. Termination of membership of the Chapter

Membership of the Chapter may be terminated upon-

   (a) receipt by the Secretary or another Chapter Council member of a notice in writing from a member of his or her resignation from the Chapter. Such person remains liable to pay to the Chapter the amount of any subscription due and payable by that person to the Chapter but unpaid at the date of termination; or
   (b) non-payment by a member of his or her subscription within 2 months of the date fixed by the Chapter Council or the National Council for subscriptions to be paid, unless the Chapter Council decides otherwise in accordance with rule 7 (3); or
   (c) expulsion of a member in accordance with rule 9.

9. Suspension or expulsion of members of Chapter

(1) If the Chapter Council considers that a member should be suspended or expelled from membership of the Chapter because his or her conduct is detrimental to the interests of the Chapter or the National Council, the Chapter Council must communicate, either orally or in writing, to the member-

   (a) notice of the proposed suspension or expulsion and of the time, date and place of the Chapter Council meeting at which the question of that suspension or expulsion will be decided; and
(b) particulars of that conduct, not less than 30 days before the date of the Chapter Council meeting referred to in paragraph (a).

(2) At the Chapter Council meeting referred to in a notice communicated under sub-rule (1), the Chapter Council may, having afforded the member concerned a reasonable opportunity to be heard by, or to make representations in writing to, the Chapter Council, suspend or expel or decline to suspend or expel that member from membership of the Chapter and must, forthwith after deciding whether or not to suspend or expel that member, communicate that decision in writing to that member.

(3) Subject to sub-rule (5), a member has his or her membership suspended or ceases to be a member 14 days after the day on which the decision to suspend or expel a member is communicated to him or her under sub-rule (2).

(4) A member who is suspended or expelled under sub-rule (2) must, if he or she wishes to appeal against that suspension or expulsion, give notice to the Secretary of his or her intention to do so within the period of 14 days referred to in sub-rule (3).

(5) When notice is given under sub-rule (4)-
   (a) the Chapter in a general meeting, must either confirm or set aside the decision of the Chapter Council to suspend or expel the member, after having afforded the member who gave that notice a reasonable opportunity to be heard by, or to make representations in writing to, the Chapter in the general meeting; and
   (b) the member who gave that notice is not suspended or does not cease to be a member unless and until the decision of the Chapter Council to suspend or expel him or her is confirmed under this sub-rule.

10. Chapter Council of Management

(1) Subject to sub-rule (9), the affairs of the Chapter will be managed exclusively by a Chapter Council of Management (“the Chapter Council”) consisting of-

   (i) An Executive Chapter Council consisting of:
      (a) a Chairperson;
      (b) a Vice-Chairperson;
      (c) a Secretary;
      (d) a Treasurer;

   (ii) And Ordinary Chapter Council members consisting of:
      (e) Editor of Chapter publications;
      (f) an Immediate Past Chairperson who shall hold office for one year only following the Annual General Meeting at which a new President was elected; and
      (g) not less than 2 and no more than 7 Ordinary Chapter Council members who at the discretion of the Chapter Council may be appointed to specific roles as needed,

   all of whom must be members of the Chapter.

(2) Chapter Council members must be elected to membership of the Chapter Council at an annual general meeting or appointed under sub-rule (8).
(3) Subject to sub-rule (8), a Chapter Council member’s term will be from his or her election at an annual general meeting:

(a) for a period of 2 years for Executive Chapter Council members, with the Chairperson and Treasurer’s terms ending in one year and the Vice-Chairperson and Secretary’s terms ending in the following year; and
(b) for a period of one year for Ordinary Chapter Council members

until the election referred to in sub-rule (2) at the next annual general meeting after his or her term is complete, and he or she is eligible for re-election to membership of the Chapter Council immediately upon the expiration of the term.

(4) Except for nominees under sub-rule (7), a person is not eligible for election to membership of the Chapter Council unless a member has nominated him or her for election by delivering notice in writing of that nomination, signed by-

(a) the nominator; and
(b) the nominee to signify his or her willingness to stand for election,
to the Secretary not less than 7 days before the day on which the annual general meeting concerned is to be held.

(5) A person who is eligible for election or re-election under this rule may -

(a) propose or second himself or herself for election or re-election; and
(b) vote for himself or herself.

(6) If the number of persons nominated in accordance with sub-rule (4) for election to membership of the Chapter Council does not exceed the number of vacancies in that membership to be filled-

(a) the Secretary must report accordingly to; and
(b) the Chairperson must declare those persons to be duly elected as members of the Chapter Council at,
the annual general meeting concerned.

(7) If vacancies remain on the Chapter Council after the declaration under sub-rule (6), additional nominations of Chapter Council members may be accepted from the floor of the annual general meeting. If such nominations from the floor do not exceed the number of vacancies the Chairperson must declare those persons to be duly elected as members of Chapter Council. Where the number of nominations from the floor exceeds the remaining number of vacancies on the Chapter Council, elections for those positions must be conducted.

(8) If a vacancy remains on the Chapter Council after the application of sub-rule (7), or when a casual vacancy within the meaning of rule 14 occurs in the membership of the Chapter Council-

(a) the Chapter Council may appoint a member to fill that vacancy; and
(b) a member appointed under this sub-rule will -

(i) hold office until the election referred to in sub-rule (2); and
(ii) be eligible for election to membership of the Chapter Council, at the next following annual general meeting.

(9) The Chapter Council may delegate, in writing, to one to more sub-Chapter Councils (consisting of such member or members of the Chapter as the Chapter Council thinks fit) the exercise of such functions of the Chapter Council as are specified in the delegation other than-

(a) the power of delegation; and
(b) a function which is a duty imposed on the Chapter Council by the Act or any other law.

(10) Any delegation under sub-rule (9) may be subject to such conditions and limitations as to the exercise of that function or as to time and circumstances as are specified in the written delegation and the Chapter Council may continue to exercise any function delegated.

(11) The Chapter Council may, in writing, revoke wholly or in part any delegation under sub-rule (9).

11. Chairperson and Vice-Chairperson

(1) Subject to this rule, the Chairperson must preside at all general meetings and Chapter Council meetings.

(2) In the event of the absence from a general meeting of-
   (a) the Chairperson, the Vice-Chairperson; or
   (b) both the Chairperson and the Vice-Chairperson, a member elected by the other members present at the general meeting,

must preside at the general meeting.

(3) In the event of the absence from a Chapter Council meeting of-
   (a) the Chairperson, the Vice-Chairperson; or
   (b) both the Chairperson and the Vice-Chairperson, aChapter Council member elected by the other Chapter Council members present at the Chapter Council meeting,

must preside at the Chapter Council meeting.

12. Secretary

The Secretary must-

   (a) co-ordinate the correspondence of the Chapter;
   (b) keep full and correct minutes of the proceedings of the Chapter Council and of the Chapter;
   (c) comply on behalf of the Chapter with-
       (i) section 27 of the Act with respect to the register of members of the Chapter, as referred to in rule 6;
       (ii) section 28 of the Act by keeping and maintaining in an up to date condition the rules of the Chapter and, upon the request of a member of the Chapter, must make available those rules for the inspection of the member and the member may make a copy of or take an extract from the rules but will have no right to remove the rules for that purpose; and
       (iii) section 29 of the Act by maintaining a record of-
           (A) the names and residential or postal addresses of the persons who hold the offices of the Chapter provided for by these rules, including all offices held by the persons who constitute the Chapter Council and persons who are authorised to use the common seal of the Chapter under rule 22; and
           (B) the names and residential or postal addresses of any persons who are appointed or act as trustees on behalf of the Chapter,
and the Secretary must, upon the request of a member of the Chapter, make available the record for the inspection of the member and the member may make a copy of or take an extract from the record but will have no right to remove the record for that purpose;

(d) unless the members resolve otherwise at a general meeting, have custody of all books, documents, records and registers of the Chapter, including those referred to in paragraph (c) but other than those required by rule 13 to be kept and maintained by, or in the custody of, the Treasurer; and

(e) perform such other duties as are imposed by these rules on the Secretary.

13. Treasurer
The Treasurer must-

(a) be responsible for the receipt of all moneys paid to or received by, or by him or her on behalf of, the Chapter and must issue receipts for those moneys in the name of the Chapter;

(b) pay all moneys referred to in paragraph (a) into such account or accounts of the Chapter as the Chapter Council may from time to time direct;

(c) make payments from the funds of the Chapter with the authority of a general meeting or of the Chapter Council and in so doing ensure that all cheques are signed by himself or herself and at least one other authorised Chapter Council member, or by any two others as are authorised by the Chapter Council. For any individual payment in excess of $500, obtains specific prior approval from the Chapter Council;

(d) comply on behalf of the Chapter with sections 25 and 26 of the Act with respect to the accounting records of the Chapter by-

(i) keeping such accounting records as correctly record and explain the financial transactions and financial position of the Chapter;
(ii) keeping its accounting records in such manner as will enable true and fair accounts of the Chapter to be prepared from time to time;
(iii) keeping its accounting records in such manner as will enable true and fair accounts of the Chapter to be conveniently and properly audited; and
(iv) submitting to members at each annual general meeting of the Chapter accounts of the Chapter showing the financial position of the Chapter at the end of the immediately preceding financial year.

(e) whenever directed to do so by the Chairperson, submit to the Chapter Council a report, balance sheet or financial statement in accordance with that direction;

(f) unless the members resolve otherwise at a general meeting, have custody of all securities, books and documents of a financial nature and accounting records of the Chapter, including those referred to in paragraphs (d) and (e);

(g) arrange an Audit of the Chapter's financial records by an independent certified practicing accountant or equivalent professional every financial year; and

(g) perform such other duties as are imposed by these rules on the Treasurer.
14. Casual vacancies in membership of Chapter Council

A casual vacancy occurs in the office of a Chapter Council member and that office becomes vacant if the Chapter Council member-

(a) dies;
(b) resigns by notice in writing delivered to the Chairperson or, if the Chapter Council member is the Chairperson, to the Vice-Chairperson and that resignation is accepted by resolution of the Chapter Council;
(c) is convicted of an offence under the Act;
(d) is permanently incapacitated by mental or physical ill-health;
(e) is absent from more than-
(i) 3 consecutive Chapter Council meetings without tendering an apology;
or
(ii) 4 Chapter Council meetings in the same financial year with or without tendering an apology to the person presiding at each of those Chapter Council meetings, and the Chapter Council determines the position should become vacant;
   of which meetings the member received notice, and the Chapter Council has resolved to declare the office vacant;
(f) ceases to be a member of the Chapter; or
(g) is the subject of a resolution passed by a general meeting of members terminating his or her appointment as a Chapter Council member.

15. Proceedings of Chapter Council

(1) The Chapter Council must meet together for the dispatch of business not less than 6 meetings in each year and the Chairperson, or at least half the members of the Chapter Council, may at any time convene a meeting of the Chapter Council.

(2) Each Chapter Council member has a deliberative vote.

(3) A question arising at a Chapter Council meeting must be decided by a majority of votes, but, if there is no majority, the person presiding at the Chapter Council meeting will have a casting vote in addition to his or her deliberative vote.

(4) At a Chapter Council meeting a minimum of 5 Chapter Council members, including 2 Executive Chapter Council members constitutes a quorum.

(5) Subject to these rules, the procedure and order of business to be followed at a Chapter Council meeting must be determined by the Chapter Council members present at the Chapter Council meeting.

(6) As required under sections 21 and 22 of the Act, a Chapter Council member having any direct or indirect pecuniary interest in a contract, or proposed contract, made by, or in the contemplation of, the Chapter Council (except if that pecuniary interest exists only by virtue of the fact that the member of the Chapter Council is a member of a class of persons for whose benefit the Chapter is established), must-
   (a) as soon as he or she becomes aware of that interest, disclose the nature and extent of his or her interest to the Chapter Council; and
   (b) not take part in any deliberations or decision of the Chapter Council with respect to that contract.

(7) Sub-rule (6) (a) does not apply with respect to a pecuniary interest that exists only by virtue of the fact that the member of the Chapter Council is an employee of the Chapter.
(8) The Secretary must cause every disclosure made under sub-rule (6) (a) by a member of the Chapter Council to be recorded in the minutes of the meeting of the Chapter Council at which it is made.

16. General meetings

(1) The Chapter Council-
   (a) may at any time convene a special general meeting;
   (b) must convene annual general meetings within the time limits provided for the holding of such meetings by section 23 of the Act, that is, in every calendar year within 4 months after the end of the Chapter's financial year or such longer period as may in a particular case be allowed by the Commissioner, except for the first annual general meeting which may be held at any time within 18 months after incorporation; and
   (c) must, within 30 days of-
       (i) receiving a request in writing to do so from not less than 10 members, convene a special general meeting for the purpose specified in that request; or
       (ii) the Secretary receiving a notice under rule 9 (4), convene a general meeting to deal with the appeal to which that notice relates.
   (d) must, after receiving a notice under rule 5 (4), convene a general meeting, no later than the next annual general meeting, at which the appeal referred to in the notice will be dealt with. Failing that, the applicant is entitled to address the Chapter at that next annual general meeting in relation to the Chapter Council’s rejection of his or her application and the Chapter at that meeting must confirm or set aside the decision of the Chapter Council.

(2) The members making a request referred to in sub-rule (1) (c) (i) must-
   (a) state in that request the purpose for which the special general meeting concerned is required; and
   (b) sign that request.

(3) If a special general meeting is not convened within the relevant period of 30 days referred to-
   (a) in sub-rule (1) (c) (i), the members who made the request concerned may themselves convene a special general meeting as if they were the Chapter Council; or
   (b) in sub-rule (1) (c) (ii), the member who gave the notice concerned may him or herself convene a special general meeting as if he or she were the Chapter Council.

(4) When a special general meeting is convened under sub-rule (3) (a) or (b) the Chapter must pay the reasonable expenses of convening and holding the special general meeting.

(5) Subject to sub-rule (7), the Secretary must give to all members not less than 14 days notice of a special general meeting and that notice must specify-
   (a) when and where the general meeting concerned is to be held; and
   (b) particulars of the business to be transacted at the general meeting concerned and of the order in which that business is to be transacted.
(6) Subject to sub-rule (7), the Secretary must give to all members not less than 21 days notice of an annual general meeting and that notice must specify-

(a) when and where the annual general meeting is to be held;
(b) the particulars and order in which business is to be transacted, as follows-
   (i) Apologies
   (ii) Confirmation of Minutes
   (iii) Chairperson’s Report
   (iv) Financial Report
   (v) Election (if necessary) and appointment of Chapter Council members to replace outgoing Chapter Council members
   (vi) Appointment of Auditor
   (vii) any other business requiring consideration by the Chapter at the general meeting

(7) A special resolution may be moved either at a special general meeting or at an annual general meeting, however the Secretary must give to all members not less than 21 days notice of the meeting at which a special resolution is to be proposed. In addition to those matters specified in sub-rule (5) or (6), as relevant, the notice must also include the resolution to be proposed and the intention to propose the resolution as a special resolution.

(8) The Secretary must give a notice under sub-rule (5), (6) or (7) by-

(a) serving it on a member personally; or
(b) sending it by post to a member at the address of the member appearing in the register of members kept and maintained under rule 6.

(9) When a notice is sent by post under sub-rule (8) (b), sending of the notice will be deemed to be properly effected if the notice is sufficiently addressed and posted to the member concerned by ordinary prepaid mail.

17. Quorum and proceedings at general meetings

(1) At a general meeting 10 members present in person constitute a quorum.

(2) If within 30 minutes after the time specified for the holding of a general meeting in a notice given under rule 16 (5) or (6)-

(a) as a result of a request or notice referred to in rule 16 (1) (c) or as a result of action taken under rule 16 (3) a quorum is not present, the general meeting lapses; or
(b) otherwise than as a result of a request, notice or action referred to in paragraph (a), the general meeting stands adjourned to the same time on the same day in the following week.

(3) If within 30 minutes of the time appointed by sub-rule (2) (b) for the resumption of an adjourned general meeting a quorum is not present, the members who are present in person or by proxy may nevertheless proceed with the business of that general meeting as if a quorum were present.
(4) The Chairperson may, with the consent of a general meeting at which a quorum is present, and must, if so directed by such a general meeting, adjourn that general meeting from time to time and from place to place.

(5) There must not be transacted at an adjourned general meeting any business other than business left unfinished or on the agenda at the time when the general meeting was adjourned.

(6) When a general meeting is adjourned for a period of 30 days or more, the Secretary must give notice under rule 16 of the adjourned general meeting as if that general meeting were a fresh general meeting.

(7) At a general meeting-
   (a) an ordinary resolution put to the vote will be decided by a majority of votes cast on a show of hands, subject to sub-rule (9); and
   (b) a special resolution put to the vote will be decided in accordance with section 24 of the Act as defined in rule 2, and, if a poll is demanded, in accordance with sub-rules (9) and (11).

(8) A declaration by the Chairperson of a general meeting that a resolution has been passed as an ordinary resolution at the meeting will be evidence of that fact unless, during the general meeting at which the resolution is submitted, a poll is demanded in accordance with sub-rule (9).

(9) At a general meeting, a poll may be demanded by the Chairperson or by three or more members present in person or by proxy and, if so demanded, must be taken in such manner as the Chairperson directs.

(10) If a poll is demanded and taken under sub-rule (9) in respect of an ordinary resolution, a declaration by the Chairperson of the result of the poll is evidence of the matter so declared.

(11) A poll demanded under sub-rule (9) must be taken immediately on that demand being made.

18. Minutes of meetings of Chapter

(1) The Secretary must cause proper minutes of all proceedings of all general meetings and Chapter Council meetings to be taken and then to be entered within 30 days after the holding of each general meeting or Chapter Council meeting, as the case requires, in a minute book kept for that purpose.

(2) The Chairperson must ensure that the minutes taken of a general meeting or Chapter Council meeting under sub-rule (1) are checked and signed as correct by the Chairperson of the general meeting or Chapter Council meeting to which those minutes relate or by the Chairperson of the next succeeding general meeting or Chapter Council meeting, as the case requires.

(3) When minutes have been entered and signed as correct under this rule, they are, until the contrary is proved, evidence that-
   (a) the general meeting or Chapter Council meeting to which they relate (in this sub-rule called “the meeting”) was duly convened and held;
   (b) all proceedings recorded as having taken place at the meeting did in fact take place at the meeting; and
   (c) all appointments or elections purporting to have been made at the meeting have been validly made.
19. Voting rights of members of Chapter

(1) Subject to these rules, each member present in person or by proxy at a general meeting is entitled to a deliberative vote.

(2) A member which is a body corporate may appoint in writing a natural person, whether or not he or she is a member, to represent it at a particular general meeting or at all general meetings.

(3) An appointment made under sub-rule (2) must be made by a resolution of the board or other governing body of the body corporate concerned-
   (a) which resolution is authenticated under the common seal of that body corporate; and
   (b) a copy of which resolution is lodged with the Secretary.

(4) A person appointed under sub-rule (2) to represent a member which is a body corporate is deemed for all purposes to be a member until that appointment is revoked by the body corporate or, in the case of an appointment in respect of a particular general meeting, which appointment is not so revoked, the conclusion of that general meeting.

20. Special Interest Groups and Regional Groups

(1) Special Interest Groups: The Chapter Council may at any time recognise and grant persons or Special Interest Groups whose objects are in alignment with the objects of the Chapter permission to be present or represented at Chapter Council meetings, however this person shall not be a Chapter Council member, unless they have also been elected to the Chapter Council under this clause.

(2) Regional Groups: The Chapter Council may at any time grant approval to a group of members of the Chapter wishing to conduct activities in alignment with the objects of the Chapter at a regional level, provided that:
   (a) the group applies in writing to the Chapter Council
   (b) there are a minimum of 3 members of the Chapter in the group
   (c) the group reports to the Chapter Council a minimum of twice a year

21. Proxies and Postal votes of members of Chapter

(1) Proxies: A member (in this rule called "the appointing member") may appoint in writing another member who is a natural person to be the proxy of the appointing member and to attend, and vote on behalf of the appointing member at, any general meeting.

(2) Postal votes: A voting member who is unable to attend a general meeting may vote prior to the general meeting. Each postal vote will be counted with the votes made at the general meeting for each issue being considered. A postal vote will only be valid if it fulfils the following requirements:
   (a) voting papers must clearly identify the member voting - including name, address, signature and membership number;
   (b) votes must be in writing and received in hard copy format by the Secretary no later than 24 hours prior to the general meeting; and
   (c) each issue to be considered at the general meeting must be clearly identified and voted on in the affirmative or negative.
22. Rules of Chapter
(1) The Chapter may alter or rescind these rules, or make rules additional to these rules, in accordance with the procedure set out in sections 17, 18 and 19 of the Act, which is as follows-

(a) Subject to sub-rule (1) (d) and (1) (e), the Chapter may alter its rules by special resolution but not otherwise;

(b) Within one month of the passing of a special resolution altering its rules, or such further time as the Commissioner may in a particular case allow (on written application by the Chapter), the Chapter must lodge with the Commissioner notice of the special resolution setting out particulars of the alteration together with a certificate given by a member of the Chapter Council certifying that the resolution was duly passed as a special resolution and that the rules of the Chapter as so altered conform to the requirements of this Act;

(c) An alteration of the rules of the Chapter does not take effect until sub-rule (1) (b) is complied with;

(d) An alteration of the rules of the Chapter having effect to change the name of the Chapter does not take effect until sub-rules (1) (a) to (1) (c) are complied with and the approval of the Commissioner is given to the change of name;

(e) An alteration of the rules of the Chapter having effect to alter the objects or purposes of the Chapter does not take effect until sub-rules (1) (a) to (1) (c) are complied with and the approval of the Commissioner is given to the alteration of the objects or purposes.

(2) These rules bind every member and the Chapter to the same extent as if every member and the Chapter had signed and sealed these rules and agreed to be bound by all their provisions.

23. Common seal of Chapter
(1) The Chapter must have a common seal on which its corporate name appears in legible characters.

(2) The common seal of the Chapter must not be used without the express authority of the Chapter Council and every use of that common seal must be recorded in the minute book referred to in rule 18.

(3) The affixing of the common seal of the Chapter must be witnessed by any two of the Chairperson, the Secretary and the Treasurer.

(4) The common seal of the Chapter must be kept in the custody of the Secretary or of such other person as the Chapter Council from time to time decides.

24. Inspection of records, etc. of Chapter
A member may at any reasonable time inspect without charge the books, documents, records and securities of the Chapter.
25. Disputes and mediation

A. Grievance regarding the Chapter

(1) The grievance procedure set out in this rule applies to disputes under these rules between-
   (a) a member and another member; or
   (b) a member and the Chapter; or
   (c) if the Chapter provides services to non-members, those non-members who receive services from the Chapter, and the Chapter.

(2) The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all of the parties.

(3) If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within 10 days, hold a meeting in the presence of a mediator.

(4) The mediator must be-
   (a) a person chosen by agreement between the parties; or
   (b) in the absence of agreement-
      (i) in the case of a dispute between a member and another member, a person appointed by the Chapter Council of the Chapter;
      (ii) in the case of a dispute between a member or relevant non-member (as defined by sub-rule (1) (c)) and the Chapter, a person who is a mediator appointed to, or employed with, a not for profit organisation.

(5) A member of the Chapter can be a mediator.

(6) The mediator cannot be a member who is a party to the dispute.

(7) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.

(8) The mediator, in conducting the mediation, must-
   (a) give the parties to the mediation process every opportunity to be heard;
   (b) allow due consideration by all parties of any written statement submitted by any party; and
   (c) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.

(9) The mediator must not determine the dispute.

(10) The mediation must be confidential and without prejudice.

(11) If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

B. Grievance regarding the Chapter Council

The grievance procedure when a complaint is made regarding the Chapter Council or the management of the Chapter shall be determined by the National Council, upon referral to it of the complaint which must be:
   (a) in writing
(b) signed by a minimum of 5 of the members of the Chapter
And the National Council may take whatever steps it deems necessary.

26. Distribution of surplus property on winding up of Chapter

(1) The minimum number of members required to form the Chapter is 8 members living in Western Australia. If there are insufficient members, or the Chapter is wound up for any other reason, those existing members may elect to become a member of either the South Australian or Northern Territory Chapters.

(2) If upon the winding up or dissolution of the Chapter there remains after satisfaction of all its debts and liabilities any property whatsoever, the same must not be paid to or distributed among the members, or former members. The surplus property must be given or transferred to the National Council, and if this body no longer exists, then to another Association incorporated under the Act which has similar objects and which is not carried out for the purposes of profit or gain to its individual members, and which Chapter shall be determined by resolution of the members.
APPOINTMENT OF PROXY

- Rule 21

*The Australian Society for Music Education, WA Chapter (Inc)* ("the Chapter")

I, ........................................................................................................................................

(Insert MEMBER’S name)

of........................................................................................................................................

(Insert MEMBER’S address)

being a member of the Chapter hereby

**APPOINT:**

........................................................................................................................................

(Insert PROXY’S name)

who also is a member of the Chapter, as my proxy.

*My proxy is authorised to vote on my behalf: (Tick ☑ only ONE of the following)*

☐ at the general meeting/s (and any adjournments of the meeting/s) on 

........................................................................................................................................

(Insert relevant date/s)

**OR**

☐ in relation to the following resolutions and/or nominations

**In favour:** .........................................................................................................................

Against: ...............................................................................................................................

.................................................................................................................................

.................................................................................................................................

.................................................................................................................................

.................................................................................................................................

.................................................................................................................................

(Insert resolution Nos, brief description or nominees’ name/s) (Insert resolution Nos, brief description or nominees’ name/s)

**Signature:** ......................................................................................................................

(of Member appointing Proxy)

**Date:** ............................................................................................................................

(of Member appointing Proxy)
POSTAL VOTE
- Rule 21

The Australian Society for Music Education, WA Chapter (Inc) (“the Chapter”)

I, ........................................................................................................................................

(Insert MEMBER’S name)

of ........................................................................................................................................

(Insert MEMBER’S address)

being a member who is eligible to vote in the general meetings of the Chapter hereby cast my votes In relation to the following resolutions and/or nominations:

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Signature:......................................................... Date:.................................

Membership number:........................................................

Information for members:

- Please ensure that your vote counts! This postal vote must be received by the Secretary 24 hours before this meeting.
- Please return your vote to the Secretary by post to
  .................................................................................................................................
  or by fax to ........................................
NOTICE OF GENERAL MEETING TO ALTER THE RULES
(CONSTITUTION)
– Rule 22

The Australian Society for Music Education, WA Chapter (Inc) (“the Chapter”) is convening a general meeting at which the following resolution/s will be proposed as special resolutions to alter the rules of the Chapter.

The meeting will be held at _____a.m./p.m. on______________

the ___________________20____.

The meeting will take place at_______________________________________

______________________________________________________________

SPECIAL RESOLUTION/S:

Currently rule………states:

……………………………………………………………………………………………………………………………………… ……………………
……………………………………………………………………………………………………………………………………… ……………………
……………………………………………………………………………………………………………………………………

It is proposed to alter this rule so that it states as follows:

……………………………………………………………………………………………………………………………………… ………
……………………………………………………………………………………………………………………………………… ………
……………………………………………………………………………………..

OR

A list of alterations to the rules which will be proposed as special resolutions at the meeting is attached/available at the Chapter website: ________________________________.

INFORMATION for MEMBERS

• Rule 21 allows for proxy votes. A proxy form is enclosed for you to nominate another member to vote on your behalf if you cannot attend the meeting.

• Alterations to the rules can only be made if supported by 75% of members voting at the meeting or by proxy.

• Alterations to the rules only take effect when lodged with the Department of Consumer & Employment Protection.