

16 NOV 2009

NEW ZEALAND

CARNATIC

MUSIC

SOCIETY



SEP RUL

## CONSTITUTION OF NEW ZEALAND CARNATIC MUSIC SOCIETY

1. NAME:	2
2. OBJECTS:	2
3. DEFINITIONS	2
4. MEMBERSHIP	2
a) Life or ordinary member	3
b) Honorary member	3
5. SUBSCRIPTIONS:	3
6. EXECUTIVE COMMITTEE	3
a) Executive Committee:	3
b) Rotation of positions:	3
c) Responsibilities	3
d) Bank Accounts:	3
e) Power to borrow:	4
f) Meetings of the Executive Committee	4
g) Minutes:	4
h) Quorum:	4
i) Chairman:	4
j) Eligibility:	4
k) Proposal for election:	4
l) Election to the Committee:	4
7. GENERAL MEETING:	5
a) Annual General Meeting:	5
b) Special Meetings:	5
c) Requisition for Special meeting:	5
d) Notice to be given:	5
e) Quorum	5
f) Chairman:	5
g) Voting:	5
h) Voting in person only:	6
8. FINANCE AND BUSINESS PROVISIONS:	6
a) No Private Pecuniary Profit for any Individual and Exceptions:	6
b) <u>Restrictions on Benefits to and Influence by Interested Persons:</u>	6
9. COMMON SEAL:	8
10. INDEMNITY	8
11. RULES ALTERATION	8
12. RESIGNATION OF MEMBERSHIP:	9
13. EXPULSION OF MEMBERS:	9
14. WINDING UP:	

## CONSTITUTION OF NEW ZEALAND CARNATIC MUSIC SOCIETY

### 1. NAME:

The name of the Society is NEW ZEALAND CARNATIC MUSIC SOCIETY hereinafter referred to as 'the Society'.

### 2. OBJECTS:

- a) To promote Indian Fine Arts in New Zealand
- b) To arrange concerts, festivals, talk shows, seminars and other study groups with a view to spread the knowledge of Indian Music and fine arts in New Zealand.
- c) To maintain a library of books, magazines, audio and video tapes compact discs and the like on Indian music and fine arts.
- d) To establish schools to impart education in these fields.
- e) To establish, maintain and support associations and other entities in other parts of New Zealand operating with in the constitution of this Society

### 3. DEFINITIONS:

Unless the context otherwise requires:

- a) The masculine gender shall include the feminine gender or vice versa
- d) The singular shall include the plural or vice versa

### 4. MEMBERSHIP:

There will be three types of members Life, Ordinary and Honorary.

#### *a) Life or ordinary member:*

Any person can become a life or ordinary member by applying for such membership through the Secretary of the Society. The Society shall have the right to refuse an application for membership and shall not be required to give any reasons for such refusal.

***b) Honorary member:***

The Executive Committee of the Society may invite any person who is rendering distinguished service in the promotion of Indian classical music to become an honorary member of the Society. Honorary members shall not be required to pay any subscription. They shall enjoy all the privileges of a life and ordinary member but shall not be eligible to vote at meetings or stand for any office. The maximum number of honorary members at any given time shall not exceed ten or ten percent of the total current membership, whichever number is greater.

**5. SUBSCRIPTIONS:**

The Management Committee shall determine the amount payable for life and ordinary membership. The subscription for ordinary membership shall be annual and shall become due on 1<sup>st</sup> April each year or the date of admission into membership in the case of new members (proportionate to the number of complete months remaining to 31 March)

**6. EXECUTIVE COMMITTEE:**

***a) Executive Committee:***

An Executive Committee shall be elected consisting of Chairman, Deputy Chairman, Secretary, Treasurer and not more than seven committee members.

***b) Rotation of positions:***

No person shall be entitled to serve as Chairman, Deputy Chairman, Secretary Or Treasurer for more than two consecutive terms.

***c) Responsibilities:***

The Executive Committee shall be responsible for the day to day running of the Society and may form sub-committees, as they deem necessary for the operation of the Society. They shall also have the power to Co-opt people to assist in advising and helping the Society to attain its objects.

***d) Bank Accounts:***

The Executive Committee shall make provision for the opening and operation of such bank account or accounts as may be deemed necessary for the purposes of the conducive functioning of the Society.

***e) Power to borrow:***

The Executive Committee may borrow or otherwise raise money in such manner as it thinks fit and to secure repayment thereof by issue of debentures or by mortgages or charge upon the whole or part of the property or assets of the Society (whether present or future) and to purchase, redeem or pay off any such securities, provided that payments by way of interest on monies borrowed from any member or associated person as that term is defined in Section 8 of the Income Tax Act 1976 or any statutory amendment or replacement of that section shall not exceed commercial interest rates having regard to the nature and term of the loan.

*f) Meetings of the Executive Committee:*

The Executive Committee shall meet at a place and time as they see fit and as they see necessary for the proper running and control of the Society. However not less than 4 meetings should take place within each financial year and the period between two meetings should not exceed 3 months.

*g) Minutes:*

The Executive Committee shall keep minutes of all meetings of the committee and of all general meetings of members.

*h) Quorum:*

At any meeting of the Executive Committee, the quorum shall be one half of the number of members in the committee plus one.

*a) Chairman:*

The Chairman or in his absence the Deputy Chairman shall preside at every meeting of the Executive Committee. If neither is present within 10 minutes after the time set down for the meeting, those committee members present may choose a committee member to be chairman of such meeting.

*l) Eligibility:*

No person shall be eligible to be a member of the Executive Committee unless that person is member of the Society.

*k) Proposal for election:*

No member shall be eligible for election to the Executive Committee unless another member proposing such member for election shall send at least seven days before the Annual General Meeting there to the Secretary a Memorandum signed.

*l) Election to the Committee:*

Members duly nominated, as in (k) above and are not more in number than are required shall be declared elected. If a greater number of candidates are nominated than there are vacancies to be filled the election shall be conducted by ballot at the Annual General Meeting.

## 7. GENERAL MEETING:

### *a) Annual General Meeting:*

A General Meeting shall be held annually at such time and place, as the Executive Committee of the Society shall determine.

### *b) Special Meetings:*

The above-mentioned General Meetings shall be called Annual General Meetings. All other General Meetings shall be called Special Meetings.

### *c) Requisition for special meeting:*

The Executive Committee of the Society may whenever they think fit and shall upon the requisition made in writing by at least  $\frac{1}{4}$  of the total membership convene a Special Meeting. Any requisition so made shall express the object of the meeting proposed to be called and forwarded to the Secretary of the Society.

### *d) Notice to be given:*

At least seven days notice of every General Meeting, specifying the place, the day and the hour of the meeting and in the case of Special Meetings the general nature of the object of the meeting shall be given to the members.

### *e) Quorum:*

At any General Meeting 10 members shall form a quorum. If, however, at the time for which a General Meeting has been called a quorum be not present, the meeting shall be adjourned for half an hour, after which the number of members present shall constitute the quorum and all business transacted shall be binding on all the members.

### *1) Chairman:*

The Chairman or in his absence the Deputy Chairman shall preside at every General Meeting. If neither is present within 10 minutes after the time set down for the meeting, those members present may choose a committee member to be chairman of such meeting, subject to Clause e) above.

## ***Voting:***

Voting at a General Meetings will be done by show of hands. If no definite conclusion is reached by such method or if more than 20 percent of the members present demand a ballot, then a written ballot shall be held. If there is a tied decision, then the presiding Chairman shall have a casting vote.

### ***h) Voting in person only:***

Every member shall have one vote and voting by proxy will not be permitted.

## **8. FINANCE AND BUSINESS PROVISIONS:**

### ***a) No Private Pecuniary Profit for any Individual and Exceptions:***

No private pecuniary profit: No private pecuniary profit shall be made by any person from the Society, except that:

- (a) Any member or officer may receive full reimbursement for all expenses properly incurred by that member or officer in connection with the affairs of the Society.
- (b) The Society may pay reasonable and proper remuneration to any officer or servant of the Society (whether an officer or not) in return for services actually rendered to the society.

### ***b) Restrictions on Benefits to and Influence by Interested Persons:***

Recipient not to influence benefits: Notwithstanding anything contained or implied in these rules any person who is

- (a) An officer or member.
- (b) An associated person (as defined in the income Tax Act 1976) of any such officer or member

shall not by virtue of that capacity in any way (whether directly or indirectly) determine, or materially influence in any way the determination of the nature or the amount of any benefit or advantage or income or the circumstances in which it is or is to be received, gained, achieved, afforded or derived by that person.

Professional account and influence: A person who is in the course of and as part of the carrying on of his or her business of a professional public practice shall not, by reason only of his or her rendering professional services to the Society or to any company by which any business of the Society is carried on, be in breach of the terms of this clause.

*c) Interested members:*

Any member who is or may be in any other capacity whatever interested or concerned directly or indirectly in any property or undertaking in which the Society is or may be in any way concerned or involved shall disclose the nature and extent of that member's interest to the other members, and shall not take part whatever in any deliberations of the members concerning any matter in which that member is or may be interested other than as a member of the Society.

*d) Income of Society:*

The income, donations and property of the Society shall be applied solely towards the objects of the Society and any costs associated with such objects.

*e) All moneys to be banked:*

All moneys received on account of the Society shall be paid into the account of the Society with its bankers and shall be acknowledged by the Treasurer of the Society.

*f) Signature on cheques:*

All cheques drawn upon the bankers of the Society shall be signed in such manner by such persons, as the Executive Committee shall from time to time determine.

*g) Endorsement on cheques for collection:*

Cheques or other negotiable instruments paid or payable to the Society's bankers for collection requiring the endorsement of the Society may be endorsed by such person or persons as the Executive Committee from time to time appoint.

*h) Proper accounts to be kept:*

The Treasurer shall keep or cause to be kept a proper account of the income



and expenditure of the Society and of the assets and liabilities of the Society.

*l) Audit of accounts:*

The accounts of the Society shall be audited annually by a chartered accountant appointed at a General Meeting of the Society.

*l) Financial Year:*

The financial year of the Society shall be from the first April to 31st March.

*k) Filing of accounts:*

The Secretary shall file with the Registrar of incorporated Societies within thirty days after the Annual General Meeting, the financial statements required to be filed under Section 23 of the Incorporated Societies Act 1908.

**9. COMMON SEAL:**

The Society shall have a common seal, which shall be kept in the custody and control of the Secretary for the time being of the Society. The Society shall execute any document pursuant to a resolution of the Executive Committee passed for that purpose by affixing the common seal in the presence of two members of the Executive Committee.

**10. INDEMNITY:**

- a) The members of the Executive Committee shall be indemnified by the Society from all losses and expenses incurred by them in or about the discharge of their respective duties except such as a result from their own respective wilful default.
- b) No member of the Executive Committee shall be liable for the acts or defaults of any other member of the Committee or for any loss or expense happening to the Society unless the same happen from his own wilful default.

**11. RULES ALTERATION:**

**12.**

- a) Subject to the provisions of the "The incorporated Societies Act 1908", the Society may at a general meeting of the members of the Society alter all or any of the rules provided that any alteration, addition or rescission shall be valid if and only if it does not affect or detract from the stated aims of the Society. A 75% majority of the members voting at the meeting is required.
- b) The Executive Committee shall within seven days register any such alteration,

addition or rescission with the Registrar of Incorporated Societies.

If at any time any matter shall arise which is not provided in these rules or in interpretation of these rules the same shall be determined where appropriate by the Executive Committee, whose decision shall be final.

## **12. RESIGNATION OF MEMBERSHIP:**

A member may resign their membership of the Society on giving one month's notice in writing to the Secretary of their intention to do so and upon expiration of that period he shall cease to be a member. Such resignation, however, will not release the member from paying any money owed by him to the Society.

## **13. EXPULSION OF MEMBERS:**

A member whose conduct is found by the Executive Committee to be prejudicial to the interests of the Society may be expelled by a resolution carried by a majority of three-fourths of the members present in an Executive Committee meeting. However, the Executive Committee shall give such member the right to be heard before voting on the resolution.

Any member expelled shall have the right of appeal upon a requisition signed by not less than twenty (20) financial members to an Extraordinary General Meeting of members held within six (6) weeks after the date of receipt of such requisition by the Secretary. The offending member shall be excluded from the use of the facilities of the society until such Extraordinary General Meeting is held.

## **14. WINDING UP:**

The Society may at any time be wound up by the resolution of four-fifths of the members present at any general meeting of the Society. The Executive Committee shall give notice of the passing of such resolution to the Registrar of incorporated Societies. In the event of such winding up the property of the Society shall, subject to the payment of its debts and liabilities and the costs and expenses of the winding up be transferred to charitable organisations having donee and approved charity status involved in the promotion of Self-knowledge in New Zealand. if there are no such organisations, such surplus is to be transferred to any other charity in New Zealand having donee and approved charity status.

## **NEW ZEALAND CARNATIC MUSIC SOCIETY**

**Amendments to Constitution of the Society to be ratified / approved at the Special General Meeting of the Society on 24 November 2007 at 3.30 p.m. at Mt. Albert Senior Citizen's Hall, Mt. Albert, Auckland.**

The following "special resolutions" for "amendment of the Constitution of the Society" are proposed for adoption at the Special General Meeting (SGM) for consideration with or without further modifications as deemed fit and necessary:

**Resolution 1:**

**Resolved that modifications shall be carried out to certain sub-clauses as under to Clause 6 - Executive Committee:**

Existing Sub-Clause	Amended or New Sub-Clause
<p><b><u>Clause 6:</u></b></p> <p>(a) <b>Executive Committee:</b> An Executive Committee shall be elected consisting of President, Vice President, Secretary, Treasurer and not more than SEVEN committee members.</p>	<p><b><u>Clause 6 - Executive Committee:</u></b></p> <p>(a) <b>Executive Committee:</b> An Executive Committee shall be elected consisting of President, Vice President, Secretary, Joint Secretary, Treasurer and not more than ELEVEN committee members (Maximum in all: 16 Executive Committee Members). The Executive Committee is empowered to create additional position of Office bearers such as Assistant Treasurer and the like as deemed fit and necessary and allocate such positions to any of the remaining committee members. This maximum of 16 shall not include any 'Honorary Committee Members'.</p>
<p>(b) <b>Rotation of Positions:</b> No person shall be entitled to serve as President, Vice President, Secretary or Treasurer for more than two consecutive terms.</p>	<p>(b) <b>Rotation of Positions:</b> No person shall be entitled to serve as President, Vice President, Secretary, Joint Secretary or Treasurer for more than two consecutive terms. However, any Core Executive Committee Member who has exceeded the two-year period, if accepted 'unanimously' by the General Body, can remain in the same position for the maximum term of two more years.</p>
<p>(j) <b>Eligibility:</b> No person shall be eligible to be a member of the Executive Committee unless the person is member of the Society.</p>	<p>(j) <b>Eligibility:</b> No person shall be eligible to be a member of the Executive Committee unless the person is an Ordinary Financial Member (excluding Junior Membership) of the Society for at least -3- consecutive full financial years in the Society before being proposed and seconded as an Executive Committee Member.</p>
	<p>(m) <b>Core Executive Committee:</b> The positions of the President, Vice President, Secretary, Joint Secretary, Treasurer and any other Office bearer position that may be created pursuant to sub-clause (a) above shall constitute "<b>Core Executive Committee</b>".</p> <p>Provided that for holding 'Office Bearer' position within the 'Core Executive Committee', the eligibility shall be at least -5- consecutive years of financial membership of the Society (excluding Junior membership) including at least -2- consecutive years in the Executive Committee before being proposed and seconded for such position.</p>

**NOTE: All other clauses in Clause 6 to remain unchanged.**

**Resolution 2:**

**Resolved that Existing Clause 4 in Constitution viz;**

**Clause 4 – Membership be amended / replaced as under:**

<b>Existing Clause – Sub-Clause</b>	<b>Amended / New Clause – Sub-clause</b>
<p><b><u>Clause 4 - Membership:</u></b></p> <p>There will be three types of members Life, Ordinary and Honorary,</p> <p>a) Life or ordinary member: Any person can become a life or ordinary member by applying for such membership through the Secretary of the Society. The Society shall have the right to refuse an application for membership and shall not be required to give any reasons for such refusal.</p> <p>b) The Executive Committee of the Society may invite any person who is rendering distinguished service in the promotion of Indian classical music to become an honorary member of the Society. Honorary members shall not be required to pay any subscription. They shall enjoy all the privileges of a life and ordinary member but shall not be eligible to vote at meetings or stand for any office. The maximum number of honorary members at any given time shall not exceed ten or 10 percent of total current membership, whichever number is greater.</p>	<p><b><u>Clause 4 – Membership:</u></b></p> <p><b>(a) Ordinary Financial Member:</b> Any person who is 21 years and over can become an ordinary financial member by applying for such membership through the Secretary of the Society. The executive committee at its valid constituted meeting shall have the right to refuse an application for membership and shall not be required to give any reasons for such refusal.</p> <p><b>(b) Honorary Member:</b> The Executive Committee of the Society may invite any person who is rendering distinguished service in the promotion of Indian classical music to become an honorary member of the Society. Honorary members shall not be required to pay any subscription. They shall enjoy all the privileges of an ordinary member but shall not be eligible to vote at meetings or stand for any office. The maximum number of honorary members at any given time shall not exceed ten or 5 percent of total current membership, whichever number is greater.</p> <p><b>(c) Junior Member:</b> Any student who is learning carnatic music and who is less than 21 years of age can become an ordinary junior financial member by applying for such membership through the Secretary of the Society. The executive committee at its valid constituted meeting shall have the right to refuse an application for membership and shall not be required to give any reasons for such refusal.</p> <p><b>(d) New Classes of Membership:</b> The Executive Committee will have powers to introduce further new classes of membership as deemed fit and necessary at any time.</p>

**Resolution 3:**

**Resolved that Existing Clause 5 in Constitution viz;**

**Clause 5 – Subscriptions: be and is hereby amended / replaced as under:**

<b>Existing Clause – Sub-Clause</b>	<b>Amended / New Clause – Sub-clause</b>
<p><b><u>Clause 5 – Subscriptions:</u></b></p> <p>The Management Committee shall determine the amount payable for life and ordinary membership. The subscription for ordinary membership shall be annual and shall become due on 1<sup>st</sup> April each year or the date of admission into membership in the case of new members (proportionate to the number of complete months remaining to 31 March).</p>	<p><b><u>Clause 5 – Subscriptions:</u></b></p> <p>The Executive Committee shall determine the annual subscription payable for each class of membership including concessions if any for additional memberships from the same family.</p> <p>All subscriptions shall become due and payable in advance for each financial year by 1<sup>st</sup> April of each year. With respect to new members joining in the middle of any financial year subscription may be collected on pro-rata basis from 50% onwards.</p>

**Resolution 4:**

**Resolved that Existing Clause 9 In Constitution viz;**

**Clause 9 – Common Seal - be amended / replaced as under:**

<b>Existing Clause – Sub-Clause</b>	<b>Amended / New Clause – Sub-clause</b>
<p><b><u>Clause 9 – Common Seal</u></b></p> <p>The Society shall have a common seal, which shall be kept in the custody and control of the Secretary for the time being of the Society. The Society shall execute any document pursuant to a resolution of the Executive Committee passed for that purpose by affixing the common seal in the presence of two members of the Executive Committee.</p>	<p><b><u>Clause 9 – Common Seal</u></b></p> <p>The Society may have a common seal and shall be kept in the custody and control of the Secretary for the time being of the Society.</p> <p>The Society shall execute any document pursuant to a resolution of the Executive Committee passed for that purpose by affixing the common seal in the presence of two members of the Executive Committee of which one shall be either the President or the Secretary.</p> <p>Alternatively, the documents of the Society could be signed by two members of the Executive Committee of which one shall be either the President or the Secretary.</p>