



Durban Symphonic Choir

CONSTITUTION

1. NAME

The name of the Choir is the “**DURBAN SYMPHONIC CHOIR**” and it is hereinafter referred to as the DSC.

2. OBJECTS AND POWERS

1. The object of the DSC is to initiate, participate in or be associated with any activities aimed at the positive and purposeful advancement of choral music in Durban and Kwazulu Natal.
2. The DSC shall continue to exist even when its membership changes and there are different office bearers.
3. The DSC shall have all such powers as are necessary for the purpose of achieving its objectives, including the power to be exercised through the Management Committee established in terms of Clause 10 INFRA to:
 1. purchase, accept as donation or acquire in any other way property of any description whatever;
 2. deal with such property in whatever manner it may deem fit;
 3. open and operate banking or such other accounts as the Management Committee may decide.
 4. remunerate or pay gratuities to persons who render services to or on behalf of the DSC;
 5. make donations for the purpose of furthering the objects of the DSC;
 6. enter into or execute any contracts, deeds or other documents in the course of administering the DSC's affairs;
 7. have a seal or distinctive mark, and to use such in connection with the DSC's affairs;
 8. raise funds by any means which it deems fit subject to the provisions of the Fund Raising Act of 1978 as amended;
 9. appoint a Choir Director subject to the conditions enumerated in Clause 11.1.1. INFRA;
 10. invest such funds as are not required for the ordinary running of the DSC's affairs in such a manner as it may deem fit.

3. MEMBERSHIP

1. The following member categories apply:
 1. Active members, who are those members who take an active part in performances presented by the DSC.
 2. Non active or past members who may assist the DSC from time to time as approved by the Management Committee.
2. Membership of the DSC is open to any person provided such person has satisfied the Choir Director and the Management Committee that he/she is suitably qualified to join.
3. Members must attend 75% of the practices preceding a performance, in order to participate, except by written permission by the Choir Director and the Management Committee.
4. Membership records of member attendance will be kept at all times.
5. A member may be granted leave of absence in accordance with the provisions of section 10.2.10.

4. SUSPENSION OF A MEMBER

1. The Management Committee may resolve by a majority of three-fourths of its members present at a properly constituted meeting, to suspend a member for such period as it may deem fit if the Management Committee is satisfied that he/she has been guilty of any unfair or mala fide conduct which is either contrary to the objects of the DSC, or is aimed at bringing it into disrepute, provided that no such decision shall be taken unless such member has been notified in writing by the Secretary that his/her conduct (particulars of which are set out in the notification) will be investigated, and he/she has been allowed a period of three weeks to respond in writing to such

notification.

2. If, in the opinion of the Choir Director, a member's voice is deemed unsuitable for a specific performance or future performances, the member will be duly notified as set out in clause 4.1.

5. TERMINATION OF MEMBERSHIP

A member of the DSC shall cease to be such:

1. if he/she provides notice in writing of one calendar month to the Management Committee provided that a lesser period of notice shall be accepted at their discretion;
2. if payment of his/her membership fees is more than three months overdue, and he/she has been repeatedly reminded about such default in writing;
3. if a General Meeting of members resolves by a majority of three-fourths of the members present to terminate his/her membership; provided that if such member is not present at such meeting, the provisions of the proviso to Clause 4 shall apply mutatis mutandis.

6. GENERAL MEETINGS

1. The Management Committee shall, once in every calendar year, and within three months of the end of the financial year which shall run from 1 July to 30 June, call an Annual General Meeting of all members of the DSC – notice to be given verbally at the preceding two Choir practices of the Annual General Meeting and also by means of a written notice to be displayed in an appropriate place accessible to all Choir members present at the aforesaid practices.
2. The purposes of such meeting shall be:
 1. to receive the annual reports of the Chairman and the Treasurer respectively, the latter's report to be accompanied by a statement reflecting the DSC's financial state;
 2. the election of a Management Committee as set out in Clause 10 INFRA for the ensuing year;
 3. to discuss and, if necessary, decide upon any matter included in the Agenda, a copy of which is to be furnished to members, notice of which has been given to the Chairman by not later than the commencement of the meeting;
 4. to review the monthly subscription paid by members.

7. SPECIAL GENERAL MEETINGS

A special general meeting of members of the DSC shall be called, upon not less than seven days notice:

1. whenever the Management Committee considers such a meeting to be necessary for a particular purpose;
2. upon receipt by the Secretary of a written request signed by not less than twenty members of the DSC, and in which the matter to be discussed or the motion to be put forward is set out in reasonable detail;

provided, in either event, that in the notice calling the meeting, members shall be advised of the purpose of the meeting.

8. QUORUM

1. The Quorum for all general meetings of members shall be twenty or twenty percent of the total membership of the Choir, whichever is the lesser;
2. The quorum for meetings of the Management Committee shall be not less than one half the number of persons comprising such Committee;
3. If at any such general meeting or at any meeting of the Committee, there is no quorum, then the meeting shall be adjourned for not less than seven days, and at the adjourned meeting there shall be no necessity for a quorum.

9. PROCEDURE

1. The conduct of any meeting mentioned in Clause 8 SUPRA shall be governed by the Chairman thereof in accordance with the ordinary rules of debate, and any ruling by the Chairman on a point of order shall be final and shall not be open to discussion;
2. Any resolution moved at any such meeting shall be carried by a simple majority of members present, and voting shall be by a show of hands, provided that if at least one-third of those present demand a secret ballot, such ballot shall be conducted, and provided further that the Chairman shall have a casting as well as a deliberative vote;
3. Any member of the DSC shall be eligible to be elected as an office bearer or as a member of any Committee, provided that no member shall be proposed for any office unless he/she is present and signifies his/her assent to being elected or unless there is produced his/her written assent to such election, and provided that such member's subscription fee is not in arrears at the time of the Annual General Meeting.
4. The DSC Management Committee shall:

1. Take minutes of all proceedings;
 2. Cause minutes of all DSC meetings to be retained;
 3. Include in the DSC minutes a record of every unanimous resolution, special resolution and any other resolution of the DSC.
5. All minutes of proceedings and the minutes of the management committee meetings and general meetings shall be available on request for any member to consult.

10.COMMITTEES

1. At each Annual General Meeting a Management Committee shall be elected to hold office for the ensuing year, and shall consist of a Chairman, Vice-Chairman, Secretary, Treasurer, Librarian, Membership Secretary, Assistant Librarian and two other members.
2. The Management Committee elected in Clause 10.1 SUPRA shall:
 1. meet not less than once every quarter for the purpose of considering any matters peculiar to their respective roles in the DSC;
 2. exercise the powers of the DSC enunciated in Clause 2.2. SUPRA;
 3. sanction all financial arrangements and commitments made by or on behalf of the DSC, and, for the purpose of enabling it to perform this function, the Treasurer shall cause to be presented to it for it's consideration at each quarterly meeting a statement of income and expenditure for the preceding quarter;
 4. grant signing powers for the purpose of operating the DSC's banking accounts, provided that there shall be three authorised signatories of which at least two shall be necessary in all cases;
 5. have the power to appoint Sub-Committees for any purpose, whether on a permanent or an AD HOC basis, and it may delegate to such Sub-Committees any of it's functions save such functions as are related to the approval or sanctioning of expenditure by or on behalf of the DSC;
 6. have the power to appoint members of the DSC who are not members of the Management Committee to any such Sub-Committee, but the Chairman or Convenor of any such Sub-Committee shall be a member of the Management Committee;
 7. in the event of a vacancy occurring on the Management Committee, elect a successor to hold office until the next Annual General Meeting;
 8. through the Chairman, acting on his own initiative or directed by the Management Committee, invite to a meeting any person who, by reason of his specialized knowledge of any subject or for any other reason, is able to be of assistance to the Management Committee, and such person may participate in discussions but shall not be entitled to vote.
 9. have the power to co-opt onto the Management Committee at any time, members of the Choir to perform specific tasks as required from time to time. Such co-opted members will have full voting rights in these circumstances.
 10. have the power to grant leave of absence to any member, during which period no subscriptions will be required.

11.CHOIR DIRECTOR

1. The Choir Director shall:
 1. be appointed at a general meeting of the DSC which has been called for such purpose, due notice of such meeting having been given to all members and the appointment shall be by majority vote by a show of hands, the provision of the proviso to Clause 9.2. applying mutatis mutandis ;
 2. be responsible for training the DSC for all concerts in which it participates and for the artistic standards and development of the Choir;
 3. at each quarterly meeting of the Management Committee report on any matters which he/she deems it necessary to bring to the attention of the Committee;
 4. be an ex-officio member of the Management Committee with voting powers.
 5. Give three months notice of his/her intention to vacate the post provided that a lesser period of notice shall be accepted at the discretion of the Management Committee.

12.AMENDMENTS TO CONSTITUTION

1. This Constitution shall not be amended except upon:
 1. a resolution adopted at a meeting of the Management Committee of which at least one month's notice has been given to members by the Secretary; and
 2. the subsequent ratification of such resolution by a majority of at least three-fourths of the members present at a general meeting;

2. The provisions of Clause 12.1 are subject to the proviso that any amendment which shall have the effect of varying the procedure outlined therein shall not become effective except upon a majority decision of the Management Committee of at least two thirds and thereafter of a two thirds majority of the members in general meeting;
3. Any amendments to the Constitution shall be submitted to the Commissioner for Inland Revenue.

13. DISSOLUTION OF THE DSC

1. The procedures outlined in Clauses 12.1.1. and 12.1.2. shall apply to any resolution for the dissolution of the DSC;
2. If, upon the dissolution of the DSC, there remains any property (i.e. property of any description appropriate to the needs of the DSC), after discharge of all the DSC's liabilities, such property shall be donated to any institution, society or association decided upon by the Management Committee, which for this purpose, shall continue to hold office despite such dissolution, until the assets of the DSC have been disposed of.
3. On dissolution of the DSC, all remaining assets will be given or transferred to any organization whose objects are similar to those of the DSC and which is itself exempt from income tax.

14. INTERPRETATION

In the event of any dispute arising concerning the interpretation of any provision of this Constitution, such dispute shall be referred to a panel of three persons appointed by the Management Committee, and the decision of such panel, which shall be reached within fourteen days, arrived at after affording interested parties the opportunity of making representation to it in writing, shall be final.

15. LEGAL

1. The DSC shall be entitled to own, in its own name, property of any description whatever, and with regard to the acquisition, alienation, registration, hypothecation, or any like matter, of such property, the signature of the Chairman and the Treasurer shall bind the DSC subject to the prior agreement of the Management Committee.
2. The DSC may institute or defend legal actions or other legal procedures in its own name, provided that any such action is sanctioned by the Management Committee, in which event all documents required to be signed by the DSC shall be signed on its behalf by the Chairman and Vice-Chairman.
3. No profits or gains shall be distributed to any person and the funds of the DSC shall be utilized solely for investment or the objects for which it was established.
4. Members or office bearers of the DSC do not have rights over assets that belong to the organization.