

**Consolidated Revised Constitution of Furqan Islamic Association of Western Australia
Inc. (A1007213V)**

Article 1: Name and Title

- 1.1 The Association shall be called "*Furqan Islamic Association Of Western Australia Inc.*" (hereinafter referred to as the Association).

Article 2: Nature

- 2.1 The Association shall be an Islamic organization with a not-for-profit, charitable status.

Article 3: Basic Principle

- 3.1 The Constitution of the Association; its operations and activities; the conduct required of its members; and the sense of responsibility entrusted in those who serve as its leaders, are guided and directed in all respects and for all time by The Holy Quran and the teachings (Sunnah) of Prophet Muhammad (peace and blessings of Allah be upon him) in order to serve the best interests of Islam and Muslims in WA.

Article 4: Aims and Objectives

- 4.1 The primary goal of the Association is to promote the wellbeing of the Muslim community in Western Australia by nurturing the spiritual, emotional and physical health of those most in need of it.
- 4.2 Towards achieving that goal, the Association shall:
- (1) promote the Word of Allah as the supreme governing factor over the daily lives of its members;
 - (2) establish and maintain the highest standard of Islamic practice as enjoined by the Holy Quran, and the teachings (Hadith) of and the practices (Sunnah) of the Prophet Muhammad (Peace be upon him);
 - (3) develop and maintain co-operation and unity among Muslims both locally and internationally;
 - (4) promote Dawah among Muslims and Non-Muslims, inviting to all that is good, enjoining what is right and forbidding what is wrong in accordance with the teachings of Prophet Mohammed peace and blessings of Allah be upon him;
 - (5) promote and develop understanding and co-operation between Muslims and Non-Muslims;
 - (6) provide a forum in which members of the Muslim community who have recently arrived in Australia are given an opportunity to interact with other members of the community, and society at large;
 - (7) assist those in most need of assistance in Western Australia and in particular:
 - (a) Muslims who have recently arrived in Western Australia who are refugees, or who have experienced trauma before arriving in Western Australia;

- (b) refugees and recent migrants who have little or no knowledge or understanding of the English language;
 - (c) young people who are refugees and who may not have any social connections within Western Australia, or who may be destitute;
 - (d) older persons within the Muslim community, who may be isolated, or otherwise helpless and suffering; and
 - (e) any persons within the Muslim community who are destitute, helpless, isolated or suffering and who will or may benefit from involvement in the Association's aims;
- (8) to assist and provide services and benefits to the persons mentioned in (7) so:
- (a) to enable social and economic links to other members of the community so that lasting connections are made, to foster mutually productive and beneficial relationships;
 - (b) that they may be relieved of their helplessness or poverty;
 - (c) that they establish and maintain personal connections to the Muslim community and Western Australian society more broadly;
 - (d) that they achieve a standard of living and wellbeing that is broadly comparable to Western Australian society at large;
- (9) acquire and build, or acquire, a community centre in the Perth metropolitan area in furtherance of the above aims, by providing a place in which refugees, recent arrivals, young or older Muslims who may be isolated from the wider community and other needy individuals can feel safe and included within society, and engage with other members of the community, and to which the Association can invite Non-Muslims so that they may forge links with members of the Association and the broader Muslim community in Western Australia;
- (10) safeguard and improve the welfare of all Muslims by providing and developing religious, educational and recreational facilities, schools and institutions;
- (11) raise funds locally and overseas and employ the same for any of the aims of the Association;
- (12) receive, acquire, hold or administer any gifts, donations or bequests; and
- (13) set up trusts and administrative bodies to administer the assets of the Association.
- 4.3 The property and the income of the Association shall be applied exclusively towards the promotion of the objectives or the purposes of the Association and no part of that property or income may be paid or otherwise distributed, directly or indirectly to members of the Association, except in good faith in the promotion of those objectives or purposes.

Article 5: Places of Worship

5.1 The Association shall maintain Markazl Islamic Centre located at (yet to be located), WA as the main worshipping centre and any other masjids in WA, as shall be decided.

Article 6: Office and Agents

6.1 The main office shall be located at 275 Sterling St, Perth. The Association may have such other offices either within, or outside WA as the Shura Council shall determine.

6.2 The registered address of the Association shall be:

PO Box 229 Bentley, WA, Post Code 6102, and / or any other address as designated by the Shura Council.

6.3 The registered agents of the Association, if needed, shall be appointed by the Shura Council.

Article 7: Affiliation

7.1 The Association shall be affiliated with the Islamic council of WA Inc. (ICWA) and other organizations both within Australia and internationally, provided that the aims and objectives of such organizations are not in conflict with those of the Association.

7.2 Representation

Notwithstanding any other statement in this Constitution, the Shura Council shall have the right to decide on any changes in representation by withdrawing the appointment of its representative and appointing a new representative, provided that such change is approved by at least two-thirds of the Shura Council.

7.3 Reports

Any member representing the Association at meetings of affiliated associations must present a written report to the Shura Council on his return from such meetings.

Article 8: Membership

8.1 Terms of membership

(1) Every (suni) Muslim, practicing the sunah of the prophet Mohamed peace and blessings of Allah be upon him; male or female, living in WA is entitled to be a member of the Association. The president shall maintain the register of the association membership.

(2) In order for a member to be recognized and benefit from the services of the Association, he/she should fill out a registration form prepared and provided by the Executive Committee and pay the membership fees. Acceptance of this form by the Executive Committee shall entitle an individual to become a 'Registered Member' of the Association. Previously fees paid towards unsuccessful application for an individual to become a 'Registered Member' of the Association are not refundable.

- (3) Membership of the Association is permanent and lasts while the person continues to live in WA. unless he/she resigns or his/her membership is suspended according to the provisions of this Constitution.
- (4) Registered Members 15 years old or older can participate and vote in the General Assembly meetings.
- (5) Registered Members 18 years old or older can be nominated for various positions in the Association's Bodies.

8.2 Rights of the members

- (1) Members have the right to benefit from the services provided by the Association, hold positions in the Bodies, and vote in the General Assembly meetings in accordance with the provisions of this Constitution.
- (2) Current members of the association have the right to inspect records and documents of Furqan Islamic Association as below.
 - (a) Registers of Members;
 - (b) Rules of the Association;
 - (c) Records of office holders;

8.3 Duties of the members

The responsibility of each Registered Members is to:

- (1) comply with the provisions of this Constitution;
- (2) participate in implementation and achievement of the goals of the Association by positively taking part in its activities as an officer of its Bodies or as a volunteer for other works needed;
- (3) look after the facilities and premises of the Markaz/Islamic centre and properties of the Association;
- (4) actively work for enhancement of unity and brotherhood in the community.

8.4 Suspension of membership.

- (1) The Arbitration and Reconciliation Panel shall be the sole Body empowered to decide on the suspension of an individual's membership.
- (2) Before the Panel decides on the suspension of an individual's membership, its Chairman shall try to resolve the problem by advising and/or warning the concerned individual.
- (3) Membership can be suspended if the person:
 - (a) participates in activities that are clearly against the teachings of Islam and/or give a negative image of Islam and Muslims. Membership automatically ceases when current member passes away and is not transferable.

8.5 Removal of Suspension

The Panel can reinstate the membership of a suspended individual if the cause of suspension is removed.

Article 9: Organisation

9.1 General Assembly

- (1) The General Assembly shall consist of the Registered Members of the Association.
- (2) The General Assembly shall be the ultimate, or final authority, ruling over all parts of the Association.

9.2 Structure

The responsibility for ensuring the effective and proper discharge of the Association's activities shall rest with the following:

- (1) The Shura Council, as described in Article 10;
- (2) The Executive Committee, as described in Article 11;
- (3) The Dawah and Library Committee, as described in Article 12;
- (4) The Sisters' Committee, as described in Article 13;
- (5) The Arbitration and Reconciliation Panel, as described in Article 14.

9.3 In this constitution the words "Body" and "Bodies" are hereinafter used to refer to the above.

9.4 Consultation

In all cases, a primary responsibility of all Bodies in the Association is to employ the process of shura (or consultation) in their discussions. All members of Bodies in the Association shall abide by the decisions of that Body. Individually and collectively, they shall endeavour to implement the aims and objectives of the Association.

9.5 Restriction on Office

Except where otherwise stated in this Constitution, the elected members of one Body shall not serve in another Body during their term of office.

Article 10: Shura Council (Majlis Shura)

10.1 The Shura Council shall consist of seven (7) members elected by the General Assembly.

10.2 The term of office for Shura Council members is three (3) years and is renewable.

10.3 The Shura Council shall:

- (1) be responsible for representing and ensuring the best interests of the ummah (Muslim community) in matters concerned with their Islamic well-being, unity and development;
- (2) set the general policies of the Association;
- (3) be responsible for the selection and recruitment of the Imam;
- (4) be responsible for the review and approval of budget proposals prepared by the Executive Committee Treasurer.
- (5) monitor and supervise Bodies of the Association;
- (6) supervise and safeguard the properties and assets of the Association;
- (7) audit the Association's financial records, business activities and procedures;
- (8) ensure that professional advice is obtained on matters of finance, accounting, taxation, and on N2:-legal and commercial climate, in order to safeguard the name and interest of the Association;
- (9) Work with other Bodies in the Association to organise appropriate training programmes, to ensure that officers of the Association are assisted in performing their duties.

10.4 Shura Council Chairman

The Shura Council shall, from amongst their members, elect a Chairman who shall:

- (1) call and preside over Council meetings;
- (2) be the spokesman, representative and correspondent for the Council activities;
- (3) ensure that a record of the minutes of every meeting of the Council is maintained and that the minutes of the previous meeting are presented to the Council for their approval.

Article 11: Executive Committee

11.1 The Executive Committee shall consist of the following seven (7) officers:

President; Secretary; Treasurer; Public Relations and Social Secretary; and Facilities and Maintenance Secretary - each of whom shall be elected by the General Assembly; and the Sisters' Chairperson and Sisters' Deputy Chairperson elected by a General Meeting of the Sisters.

11.2 The following will also serve:

The Presidents of the Muslim Students' Associations of WA Institutions of Higher Learning provided that they have written charters or constitutions and carry out regular activities.

11.3 The term of office for all positions is two (2) years and is renewable.

11.4 Duties and Responsibilities of the Executive Committee

- (1) The Executive Committee shall perform its duties under the general directions of the General Assembly or the specific directions of the Shura Council. The main function of the Executive Committee shall be to:
- (a) implement internal and external policies for the Association in accordance with the Constitution and under the directions of the Shura Council;
 - (b) raise funds for the establishment and development of the infrastructures of the Association;
 - (c) raise funds for the general maintenance of the Association's property or properties and for the routine activities of the Association;
 - (d) appoint ad hoc committees to assist them in performing their duties, and act on or respond to their recommendations
 - (e) appoint full-time or part-time staff and supervise their work;
 - (f) maintain an office of the Association at Sterling Street, Perth;
 - (g) establish effective links between the Association and sister societies in Australia and elsewhere;
 - (h) provide quarterly reports to Shura Council on its activities;
 - (i) assist other Bodies of the Association in enabling them to perform their duties;
 - (j) organise and arrange social activities;
 - (k) maintain and upkeep the Markaz, The Office, Other facilities, and premises and real estate of the Association.

11.5 Duties of Officers

The duties of individual members of the Executive Committee are given in Appendix A of this Constitution.

Article 12: Dawah and Library Committee

- 12.1 The Dawah and Library Committee shall consist of the Imam, as its Chairman, and four (4) members elected by the General Assembly.
- 12.2 The term of office for all elected positions is two (2) years and is renewable. It shall run concurrently with the term of office of the Executive Committee of the Association.
- 12.3 The elected officers shall be responsible for the work of Dawah in the following areas:
Dawah among Muslims; Dawah in the local community; Education Programmes; Library and Publications.
- 12.4 The Dawah and Library Committee

Dawah activities are considered a duty of all Muslims and an essential pillar in Islamic life. To assist the community in performing this duty, the Dawah and Library Committee, under the supervision of the Imam, shall:

- (1) provide Islamic education to Muslims and information on Islamic matters to Non-Muslims;
- (2) ensure that new Muslims are supported with information, advice and practical help;
- (3) provide speakers for inter-religious talks; public functions and for information to the local media;
- (4) arrange for visits of Qaris in Ramadhan;
- (5) organise lectures by Visiting Muslim speakers - (lectures open to Muslims & lectures open to non-Muslims), and co-operate with the Executive Committee in the facilitation of these;
- (6) be responsible for the supervision and development of the Masjid library and for books and other learning material needed by any library, bookshop or education project undertaken by the Association;
- (7) under the supervision of the Imam, provide Islamic counsel and Fatwa (verdict) to Bodies and individuals in the Association;
- (8) in cooperation with the Publication Secretary, prepare a website for the Association and work for providing radio and TV broadcasts for Muslims in WA;
- (9) organise Islamic activities for Muslim youths, such as Quran-recitation contests and camps;
- (10) provide mediation and assistance in cases of family problems and personal problems, and refer the difficult cases to the Arbitration and Reconciliation Panel;
- (11) identify the Islamic occasions to be celebrated by the Association;
- (12) in cooperation with the Executive Committee, establish contacts with other Dawah organisations, inside Australia and abroad for facilitation of its activities as well as for fundraising purposes;
- (13) provide quarterly reports to Shura Council on their activities;
- (14) organise working groups and co-opt individuals to assist them in any duties.

Article 13: Sisters' Committee

13.1 The Sisters' Committee

- (1) The Sisters' Committee shall consist of the following ten (10) elected officers:
 - (a) A Sisters' Chairperson; and
 - (b) Sisters' Deputy Chairperson;

who will together represent the women members at meetings of the Executive Committee, except as indicated in clause 13.4 below;

- (2) In addition, sisters' representatives will be elected for each of the following areas of responsibility:
 - (a) The Sisters' Secretary;
 - (b) The Sisters' Treasurer;
 - (c) The Sisters' Public Relations and Support Group Secretary;
 - (d) The Sisters' Facilities and Maintenance Secretary;
 - (e) The Sisters' Library Secretary;
 - (f) The Sister in charge of Islamic Education for Children;
 - (g) The Sister in charge of Islamic Education for Ladies.

13.2 The term of office for all positions is two (2) years and is renewable. The term of office shall run concurrently with the term of office of the Executive Committee of the Association.

13.3 With the exception of the two sisters who will also serve as representatives in the Executive Committee, the elected members shall not serve in another Body during their term of office.

13.4 In the event of either or both of the Sisters' representatives being unable to attend any Executive Committee meeting, two other representatives from the Sisters' Committee will attend in their place.

13.5 Duties of Officers

The duties of individual members of the Sisters' Committee are given in Appendix B of this Constitution.

Article 14: Arbitration and Reconciliation Panel

14.1 Composition of the Panel

- (1) Option 1:
 - (a) The Panel shall consist of 10 members appointed by the Shura Council;
 - (b) In its appointments, the Shura Council shall ensure that the members of the Panel are wise and knowledgeable brothers well respected in the community;
 - (c) In its appointments, the Shura Council shall ensure that the members of the Panel are familiar with various cultural practices and various languages spoken in the community in order for them to be able to effectively carry out their duties.
- (2) Option 2:

- (a) The Panel shall consist of the representatives of geographical communities;
- (b) A geographical community can be the nationals of one country or those of two or more countries located in the same region.
- (c) Each geographical community with more than 25 registered members may appoint a respected and knowledgeable person as its representative on the Panel.
- (d) Members of the Panel cannot hold any other positions in the Association unless specified in this Constitution.

14.2 Both options then continue as follows:

- (1) The Panel shall select one of its members as Chairman.
- (2) When cases are referred to in the Panel for arbitration or reconciliation, the Chairman shall assign three to five members of the Panel to consider the case and take appropriate action. In exception cases, the whole Panel consider the case if the Chairman deems it proper.

14.3 Duties of Panel

The Panel shall be responsible for:

- (1) acting to resolve differences referred to it by the Dawah Committee, as described in Article 12.4(10);
- (2) investigating accusations; providing arbitration; and seeking to resolve problems arising from such accusations, as described in Article 24;
- (3) the suspension and re-instatement of members of the Association, as described in Articles 8.4 and 8.5;
- (4) selecting four Brothers from the panel to serve, with the Imam as their Head, as the Election Committee, as described in Article 19.

Article 15: Criteria for Selection of Officers

15.1 All Officers

All members of Bodies of the Association should meet the following qualifications. They should:

- (1) be known for their adherence to the Quran and the Sunnah (Ahl Al-Sunnah wa AlJamma'ah);
- (2) be known for their high Islamic manners in all aspects of their lives;
- (3) be regular and frequent attendees of congregation prayer at Masjids (for men only), with the exception of the Chairman of the Shura Council and the President of the Executive Committee who should attend the mosque daily;
- (4) be registered members of the Association;

- (5) be knowledgeable in Islam and have the interest to acquire more knowledge;
- (6) for the Chairman of Shura Council and the President of the Executive Committee, be not an active position seeker;
- (7) have the proper knowledge and experience to perform their duties or be Willing to receive training in the duties concerned;
- (8) NOT have been convicted of any crime which conflicts with the teachings of Islam.

15.2 Shura Council

- (1) The general qualifications of the Shura Advisers shall be the same as the qualifications of officers of other Bodies within the Association. In addition, those selected as members of the Shura Council will be Brothers who:
 - (a) actively work to unite the Ummah i.e. that they are seen to practice the principles of Shura in their own conduct and in their relationships with others;
 - (b) respect the fact that, as long as they do not conflict with Islam, differences in culture or in language existing between communities are "ayah" from Allah (i.e. that they are to be reflected on and learned from);
 - (c) have shown, through their community work, a clear commitment to and involvement in the betterment and development of the Muslim Ummah (Community);
 - (d) are concerned to pass on their knowledge and understanding to others who will succeed them.

Article 16: The Imam

16.1 Selection of Imam

The Imam shall be chosen and appointed by the Shura Council.

16.2 Duties of Imam

The Imam shall:

- (1) lead compulsory daily prayers at the Masjid;
- (2) lead Friday prayers and Eid prayers and Funeral prayers;
- (3) serve as the Chairman of the Dawah Committee;
- (4) conduct marriage and divorce contracts;
- (5) represent the Association at meetings with Imams council;
- (6) ensure Khutbah preparation and delivery and also that its English translation is properly prepared and delivered;

- (7) in cooperation with other Committee members, prepare a working plan for the Dawah Committee and follow up its implementation;
- (8) appoint an assistant, and train him if needed, to deputise for him if he is unavailable;
- (9) perform any other responsibility delegated by the Shura Council;
- (10) in case of resignation, the Imam should give at least one month's written notice to the Shura Council.

Article 17: Ad Hoc Committees

17.1 Purpose and Tenure

- (1) Any Body in the Association may appoint ad hoc committees to carry out a specific assignment and the terms of reference of the committee shall be precisely defined through a written memorandum from the Body concerned.
- (2) The written memorandum must be handed to the Chairman of the ad hoc committee and agreed to by the members of the committee before the start of their work.

17.2 Chairman and Members

- (1) Where the Chairman of the ad hoc committee is the sole appointee of the Body concerned, he may subsequently select committee members with the agreement of the appointing Body.
- (2) Where all members of an ad hoc committee have been appointed by a Body, they may select their own Chairman from amongst their own number.
- (3) An ad hoc committee may co-opt additional members to assist them in their task but must inform the appointing Body about such additional members.

17.3 Reporting

The committee Chairman shall present a written progress report at least once per month to the appointing Body and a final report/recommendation upon completion of their task.

17.4 Final Report and Action

The final report shall be presented to the appointing Body who must respond to or act on the recommendation of the ad hoc committee within one month of receiving it.

17.5 Termination of Duties

On completion of their task, the dissolution of the ad hoc committee will be effected by a written memorandum issued by the appointing Body.

Article 18: Elections

18.1 Election of Bodies of the Association

- (1) The election of the Shura Council will take place every three years.
 - (2) The election/selection of the Arbitration and Reconciliation Committee
 - (3) The election of all other Bodies will take place every two years.
- 18.2 Where the election of the Shura Council and the Executive Committee fall due in the same year, the term of the Shura Council will be extended for six (6) months.
- 18.3 Elections shall take place not later than four weeks before the expiry of the outgoing Body's term of office.
- 18.4 Elections will take place at a General Assembly Meeting by secret ballot.

Article 19: Election Committee

19.1 Composition

The Election Committee shall consist of the Imam as its Chairman and four members selected by the Arbitration and Reconciliation Panel from among its members.

19.2 Duties of Election Committee

The Election Committee shall:

- (1) prepare a list of nominees and post names and photographs of nominees on the masjid notice-boards after ensuring that all criteria have been met;
- (2) ensure that the ummah are informed of the responsibilities of each position being voted on and of the voting forms and procedures;
- (3) inform the ummah, through announcements and notices, of the date of any election;
- (4) in the event of there being no candidates for any position, be responsible for finding suitable candidates and encouraging them to stand;
- (5) with the co-operation of the Executive Committee, ensure that all materials and boxes needed for the election are available;
- (6) inform the ummah, through announcements and notices, of the result of any election;
- (7) confirm by signing their names under the election results;
- (8) supervise the hand-over of office between the outgoing and incoming Body;
- (9) keep all election communications, records of nominations and votes cast for the term of office of the elected body.

Article 20: Meetings

20.1 General Assembly Meetings

- (1) Annual General Meeting

The Annual General Meeting shall be held as soon as possible after the end of the financial year.

(2) Special General Meetings

Special General Meetings may be called and arranged by the Shura Council or when requested by at least one-third of the registered members of the Association. Within two weeks of the receipt of such a request, the Shura Council shall call a meeting for a date not later than four weeks from the date of receipt of the request.

20.2 Notice of Meetings

- (1) The Chairman of Shura Council shall give notice of the next Annual General Meeting or Special General Meeting by placing an appropriate notice on the Markaz notice board, specifying the date, time and place of the meeting, and the business to be transacted. This notice shall be placed at least fourteen days before the meeting date.
- (2) At the Annual General Meeting the President of the Executive Committee shall present a report on the Association's activities and the Balance Sheet of the Income and Expenditure Account of the preceding Financial Year, and the Chairman of the Dawah and Library Committee shall present a report on the Association's dawah activities.

20.3 Quorum

- (1) The quorum at the Annual or Special General Meeting shall be 50 registered members of the Association.
- (2) In the event that the quorum is not achieved at the first meeting, a second meeting shall be called a week later and shall be legitimate with any number of the registered members present.

20.4 Chairman

- (1) The Chairman of each Annual or Special General Meeting shall be the Chairman of the Shura Council or any other member appointed by the Shura Council.
- (2) If, at any time, the Chairman of a General Meeting is the subject of a motion of criticism or censure, he shall resign the chairmanship of the meeting until that motion has been resolved in such a way that it is acceptable for him to assume the role of Chairman once again.

20.5 Motions

Any registered member of the Association, who wishes to move a motion at any of the General Meetings, must do so in writing. The appropriate motion must be given to the Shura Chairman at least seven days before such a meeting, for the motion to then be included in the agenda for the meeting.

20.6 Attendance

Persons who are not members of the Association may be invited or, upon their request, permitted to participate in the Annual or Special General Meeting on

conditions laid down by the Chairman of Shura Council, although such persons may not be allowed to vote on issues raised at any such meeting.

20.7 Language and Translation

All meetings shall be conducted in either Somali, English and Arabic. The Chairman shall, either at the start of a meeting or during the meeting, appoint translators from amongst the attendees of the meeting, in order to assist in communication between members. Any problems arising from translations shall be dealt with according to procedures set out in Appendix C.

20.8 Voting

- (1) Voting at all General Meetings, or at meetings of Bodies of the Association will be by the voices or by show of hands, except as otherwise provided for by this Constitution or as decided at the meeting.
- (2) Except as otherwise provided by the Constitution, all questions before a meeting shall be decided by a simple majority of the members present.
- (3) In the event of an equality of votes being cast, the chairman of the meeting shall be entitled to a casting vote, in addition to his own.

Article 21: Finance and Financial Procedures

21.1 Administration of Financial Affairs

- (1) The Financial Affairs of the Association shall be administered by the Executive Committee Treasurer, acting under the directions of the Executive Committee, and in accordance with the rules and regulations that may be put in place by the Shura Council.
- (2) The financial year of the Association shall run from 1st April to 31st March in the following year.
- (3) All monies shall be deposited in such trading banks as may be determined by the Shura Council. All payments made out of funds for routine operating expenses of the Markaz shall be made by the authority of the Executive Committee. Other payments will be made in accordance with rules and regulations put into effect by the Shura Council from time to time.

21.2 Income, Benefits or Advantages to be applied to Charitable Purposes

Any income, benefit or advantage will be applied to the charitable purposes of the Association.

21.3 Payments to Members or Associates

No member or person associated with a member of the Association shall derive any income, benefit or advantage from the Association where they can materially influence the payment of the income or benefit. Any such income shall be reasonable and relative to that which would be paid in an arm's length transaction (being the open market value). The provisions and effects of this clause shall not be removed from this Constitution and shall be included or implied into any replacement Constitution.

- 21.4 All cheque withdrawals drawn on the accounts of the Association shall be signed by the Treasurer and the President, or the Secretary in the President's absence.
- 21.5 The Shura Council shall appoint an Auditor who shall audit the Income and Expenditure Account for the current financial year. The President of the Executive Committee shall present the Auditor's report at the A.G.M.

Article 22: Institutions and Assets

- 22.1 Companies, Institutions, Trusts and other Assets may be established, acquired and operated by the Shura Council on behalf of the Association, provided that this shall not contradict in any way the Islamic purpose or the not-for-profit status of the Association.
- 22.2 All profits received from such Companies, Institutions, Trusts or Assets shall be used for the benefit of the Association.
- 22.3 The manner of organization and administration of such Companies, Institutions Trusts and Assets shall be determined and safeguarded by the Shura Council.

Article 23: Misconduct

- 23.1 If any member or members of any Body cause problems or misbehave then:
- (1) other members of the same Body may advise them against such negative conduct. After being advised on three occasions, this shall be followed by a written warning against any continuation of such conduct.
 - (2) any advice or warning given must be recorded in the minutes of the meetings of the Body concerned;
 - (3) should the conduct complained against, persist, then the complaint may be taken to the Arbitration and Reconciliation Panel who, after due investigation / process, may make the final decision to remove such a member or members from office.

Article 24: Accusations

- 24.1 Procedure for Dealing With Accusations
- (1) Any member of the Association wishing to make an accusation against an officer of any Body in the Association must follow procedure listed in this Article.
 - (2) Any accuser should:
 - (a) first seek to take the accusation directly to the accused in order to confirm its truth and to resolve it privately and in person with the accused;
 - (b) if this step is not successful, make a verbal complaint to the Chairman of the Arbitration and Reconciliation Panel who, in co-operation with some members of the panel, will try to resolve the problem in private with the accused;

- (c) if this is unsuccessful, submit a written statement of the accusation with supporting evidence to the Chairman of the Arbitration and Reconciliation Panel.
- (3) Within two (2) weeks of the receipt of such written accusation, the Panel must set a time and a place to hear the accusation.
- (4) If the accusation is upheld, the Panel may take appropriate action against the accused.
- (5) If the accusation is not upheld, the Panel may take appropriate action against the accuser.

Article 25: Resignations and Vacancies

- 25.1 In all cases, a primary responsibility of all Bodies in the Association is to employ the process of Shura (or consultation) in their discussions and to resolve any differences that may lead to avoidable resignations.
- 25.2 If an officer wishes to resign from a post in any Body of the Association, the officer concerned shall submit a letter to Shura Council giving at least four weeks' notice of his intention to resign .
- 25.3 The Shura Council shall, before accepting any resignation, study the reasons given for it.
- 25.4 Shura Council may take appropriate action to reconcile any problems that may have contributed to that resignation.
- 25.5 In case of a vacancy due to a resignation or any other reason, a new election will take place solely for the position or positions made vacant if more than half of the term of office remains, and:
 - (1) the vacancy is in the position of President or Chairman; or:
 - (2) more than half of the positions in a Body become vacant at the same time.
- 25.6 The newly elected members will complete the remaining term of office of the Body concerned.
- 25.7 In the case of any other vacancies, these will be filled by suitably qualified persons selected by the Shura Council who will complete the remaining term of office of the Body concerned.

Article 26: Amendments to Constitution

- 26.1 Procedure
 - (1) Written proposals of changes or amendments to the Constitution may be presented to the Shura Council by Bodies within the Association or by Registered Members of the Association, provided that any proposal from Registered Members is signed by a total of twenty such members.

- (2) Within 30 days of receipt of such a proposal, Shura Council shall satisfy itself of the reasons for the suggested change, decide whether or not it supports such a proposed change and give its decision in a written response.
- (3) Should any amendment or change be supported by Shura Council, such amendment will be voted on at the next Annual General Meeting of the Association. Copies of the proposed amendments shall be made available at least two weeks prior to the General Meeting.

26.2 Quorum for Adoption

- (1) Where (75%) of the members present at that Meeting vote in support of such a change, the amendment shall be adopted.
- (2) No amendment shall be made to this Constitution which shall alter the Islamic character, or the not-for-profit, or charitable status of the Association.

Article 27: Common Seal

27.1 The common seal of the Association shall be its name inscribed in a circle and shall be kept in the custody of the Secretary. It shall not be affixed to any instrument except in pursuance of a resolution of the Annual or Special General Meeting or the Shura Council and shall be used by the Shura Council Chairman and / or the President of the Executive Committee in the presence of the Secretary or one other Committee member.

Article 28: General Matters

- 28.1 Should this Constitution be translated into languages other than English, the English wording shall serve as the accepted document in the event of any dispute over interpretation of meaning or intention.
- 28.2 The opinion of Shura Council shall be accepted in the event of any disagreement over interpretations of any part of the Constitution.
- 28.3 Should any such disagreement occur, Shura Council shall be responsible for determining whether amendments to the wording of the Constitution need to be drafted, for presenting for approval at the next General Meeting of the Association.

Article 29: Winding Up and Disposal of Assets

- 29.1 If the Shura Council shall decide that the Association be wound up, a General Meeting shall be called to discuss that proposal. The Secretary of the Executive Committee shall be instructed to post notices on the mosque notice boards giving at least thirty (30) days' notice of the meeting. If such a resolution is passed by minimum 75% of the registered members present, it must be confirmed at a meeting to be similarly convened not less than thirty days from the passing of such resolution.
- 29.2 Despite any other provision to the contrary, if the Association is either:
 - (1) wound up; or
 - (2) has its endorsement as a deductible gift recipient revoked,

any surplus of the following assets shall be transferred to another organisation with similar objects, which is charitable at law, that is Islamic and to which income tax deductible gifts can be made:

- (3) gifts of money or property for the principal purpose of the Association;
- (4) contributions made in relation to an eligible fundraising event held for the principal purpose of the Association; and
- (5) money received by the Association because of such gifts and contributions.

Appendix A: Duties of Executive Committee Officers

A.1 The President shall:

- A.1.1 be the head of the Executive Committee who in general shall supervise all its activities;
- A.1.2 in cooperation with the other members of the Executive Committee, formulate a two-year strategic plan and budget for activities to be conducted during their term of office;
- A.1.3 sign any deeds which the Shura Council has authorised;
- A.1.4 manage the lease contracts of-the real-estate-of the Association;
- A.1.5 appoint Chairmen of ad hoc committees with approval of the Executive Committee;
- A.1.6 prepare and present reports to the Shura Council, the Annual General Meeting, and in the newsletter, on the state of Association and on the activities of the Executive Committee;
- A.1.7 represent the Association in meetings with ICWA and/or other sister organisations;
- A.1.8 be the spokesman, representative and correspondent for the Association on all general matters;
- A.1.9 ensure that effective links are maintained between other agencies and Dawah and Library Committee.

A.2 The Secretary shall:

- A.2.1 prepare, circulate and maintain the minutes of all Executive Committee and General Assembly meetings (minutes should be circulated no later than 14 days after meetings);
- A.2.2 under the supervision of the President, prepare the agenda for Executive Committee meetings and post and circulate these;
- A.2.3 under the supervision of the Chairman of the Shura Council prepare the agenda for General Assembly meetings and post and circulate these;
- A.2.4 maintain all official records and documents of the Association other than financial ones;
- A.2.5 temporarily assume the functions of the President in the absence of the President;
- A.2.6 present the minutes of the previous General Assembly meetings to the Shura Council for their approval, and the minutes of previous Executive Committee meetings to the Executive Committee for their approval;
- A.2.7 announce decisions of the Executive Committee by public announcements at Friday Jumaah prayers and through written announcements on the notice boards;
- A.2.8 ensure that all incoming and outgoing mail, fax and telephone messages and communications are properly dispatched and received and distributed;

A.2.9 perform any other responsibility delegated by the President.

A.3 The Treasurer shall:

A.3.1 maintain the record of all financial transactions of the Association;

A.3.2 keep books in a systematic way, by recording contributions, disbursements, receipts and banking reconciliations;

A.3.3 on behalf of the Association, collect and deposit all funds received by the Association within five working days of their receipt, except such funds as are described in point 4 below;

A.3.4 ensure that all funds received by the Association for zakat fitr, nuzor, and money for sacrifice, have been spent for the purpose for which they were donated;

A.3.5 countersign all withdrawal cheques on behalf of the Association in accordance with Article 20 of this Constitution;

A.3.6 upon receipt of budget submissions from other bodies of the Association, and in consultation with the Executive Committee, prepare the proposed annual budget of the Association for the next fiscal year and present this to the Shura Council for their approval;

A.3.7 present before the Executive Committee a monthly report on the status of the Association's financial affairs;

A.3.8 prepare all tax returns and other governmental reports involving fiscal activities;

A.3.9 perform any other responsibility delegated by the President.

A.4 The Public Relations and Social Secretary shall:

A.4.1 in cooperation with relevant bodies within the Association, prepare circulars, bulletins and newsletters of the Association;

A.4.2 in cooperation with the Imam, ensure that a full, proper and effective system is in place to take care of all arrangements concerning deaths and burials;

A.4.3 in cooperation with the Imam, maintain a list of widows and orphans, refugees, prisoners, and those who are sick, and ensure that arrangements are in place to take care of their welfare;

A.4.4 supervise arrangements and preparations for celebrations of religious festivals and social programs such as picnics, dinners, lectures;

A.4.5 organise recreational programs for Muslim youths and adults;

A.4.6 maintain a mailing list of people interested in the Association's affairs and ensure regular and effective contact with them;

A.4.7 inform the Muslims of the importance of having a Will and, in co-operation with the Dawah and Library Committee, guide the individual Muslims to properly register their Will with the Australian authorities;

A.4.8 perform any other responsibility delegated by the President.

A.5 The Facilities and Maintenance Secretary shall:

- A.5.1 organise and supervise repair and maintenance of all the Association's property and equipment;
- A.5.2 purchase supplies for repair jobs;
- A.5.3 take action to ensure the safety and security of the Markaz and the real estate owned by the Association;
- A.5.4 perform any other responsibility delegated by the President.

A.6 The Students' Representatives of Canterbury's Institutions of Higher Learning shall:

- A.6.1 serve as liaison between the Association and the Muslim members of their respective Associations in a mutually beneficial way, such that students are assured of Islamic support during their time in Canterbury, and that a dialogue is maintained between other members of the Association and the learning environment of the students.

Appendix B: Duties of Sisters' Committee Officers

B.1 The Sisters' Chairperson shall:

- B.1.1 be the head of the Sisters' Committee who in general shall supervise all its activities;
- B.1.2 in cooperation with the other members of the Sisters' Committee, formulate a two-year strategic plan and budget for activities to be conducted during their term of office;
- B.1.3 prepare and present reports, as requested for other Bodies in the Association and for the General Assembly, on the activities of the Sisters' Committee;
- B.1.4 act as the Sisters' Committee representative for the Association in any meeting of Sisters of any group to which the Association is affiliated.

B.2 The Sisters' Deputy Chairperson shall:

- B.2.1 assist the Sisters' Chairperson in all duties and shall assume responsibilities for her in her absence;
- B.2.2 serve as the second representative in any meeting with the Executive Committee or with any other Body of the Association, except where otherwise stated in this Constitution.

B.3 The Secretary shall:

- B.3.1 prepare, circulate and maintain the minutes of all Sisters' Committee meetings (minutes should be circulated no later than 14 days before or after?? meetings);
- B.3.2 under the supervision of the Sisters' Chairperson, prepare the agenda for Sisters' Committee meetings and post and circulate these;
- B.3.3 present the minutes of the previous Sisters' Committee meetings to the Executive Committee for their records;
- B.3.4 announce decisions of the Sisters' Committee by public announcements to Sisters after Friday Jumaah prayers and through written announcements on the Sisters' notice boards;
- B.3.5 in cooperation with relevant bodies within the Association, prepare circulars for the sisters and collate information for submission to the Executive Committee for inclusion in bulletins and newsletters of the Association;
- B.3.6 perform any other responsibility delegated by the Chairperson.

B.4 The Treasurer shall:

- B.4.1 maintain the record of all financial transactions of the Sisters' Committee;
- B.4.2 keep records in a systematic way, by recording contributions, disbursements and receipts;
- B.4.3 in collaboration with the Sisters' Chairperson and under the direction of the Sisters' Committee, prepare a budget to be submitted to the Executive Committee Treasurer, for funds required in the next 12 months;

- B.4.4 submit to the Association's Treasurer all funds received by the Sisters' within five working days of their receipt;
- B.4.5 present before the Sisters' Committee a monthly report on the status of the Committee's financial affairs;
- B.4.6 perform any other responsibility delegated by the Chairperson.

B.5 The Public Relations and Support Group Secretary shall:

- B.5.1 in cooperation with the Imam, ensure that a full, proper and effective system is in place to take care of all arrangements concerning deaths and burials;
- B.5.2 in cooperation with the Dawah and Library Committee, organise and ensure the support and adequate welfare arrangements of widows and orphans, prisoners, and those who are sick;
- B.5.3 organise the reception and support of women and children who are refugees;
- B.5.4 supervise arrangements and preparations made by Sisters for celebrations of religious festivals and social programs such as picnics, dinners, lectures;
- B.5.5 assist in the organization of recreational programs for Muslim youths and adults;
- B.5.6 inform the Public Relations and Social Secretary of the Executive Committee of people interested in the Association's affairs;
- B.5.7 perform any other responsibility delegated by the Chairperson.

B.6 The Facilities and Maintenance Secretary shall:

- B.6.1 ensure that the Executive Committee is informed through the Sisters' Chairperson of repairs and maintenance work that is necessary;
- B.6.2 organise and supervise the cleaning and maintenance of the Association's property and equipment used by the Sisters;
- B.6.3 perform any other responsibility delegated by the Chairperson.

B.7 The Library Secretary shall:

- B.7.1 organise and supervise the supply of reading material and information for new Muslim Sisters;
- B.7.2 assist the Dawah and Library Committee in communicating needs and requests for specific information, and in the recommendation of titles of books and resource materials;
- B.7.3 assist the Dawah and Library Committee in any way necessary in its work.
- B.7.4 perform any other responsibility delegated by the Chairperson.

B.8 The Sister in charge of Islamic Education for Children shall:

B.8.1 in conjunction with the Dawah and Library Committee, work towards developing communication, cooperation, understanding and harmonization I integration of the different programs of Islamic education for children in the community;

B.8.2 perform any other responsibility delegated by the Chairperson.

B.9 The Sister in charge of Islamic Education for Ladies shall:

B.9.1 in conjunction with the Dawah and Library Committee, and with the Social Secretary of the Sisters' Committee, work to ensure that a program for adults is developed, providing Islamic education for adults, and education in parenting skills for Muslim parents of children B.9.2 in Australia.

B.9.2 perform any other responsibility delegated by the Chairperson.

Appendix C: Behaviour of members during meetings of the Association

- C.1 When attending meetings of the Association, members' behaviour must follow the standards of Islamic adab (etiquette) and their dress must conform to Islamic requirements. They must:
- C.1.1 respect the fact that the mosque is the House of Allah ;
 - C.1.2 remain seated at all times unless authorized by the Chairman;
 - C.1.3 speak only when permitted to do so by the Chairman;
 - C.1.4 speak in a level tone of voice and avoid displays of temper;
 - C.1.5 address remarks through the Chairman of the meeting and not engage in any comments against any other person, whether or not that person is present in the room;
 - C.1.6 not threaten, whether verbally or physically, assault or attempt to assault anyone;
 - C.1.7 when speaking in a mother tongue other than English, allow time for their words to be translated into English;
 - C.1.8 when disagreeing with a translation that has been made, request permission from the Chairman to offer any correction or modification of that translation;
 - C.1.9 accept that the Chairman's ruling on any debatable issue is final and binding.
- C.2 Any member failing to follow the above standards of behaviour may be required to leave the meeting. He may be re-admitted after an apology for his conduct.

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