

# Constitution

## Islamic Society of Belconnen Incorporation No: A04044

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### VERSION CONTROL TABLE

<b>Version Control</b>	<b>Details</b>	<b>Author</b>	<b>Approval Date</b>
1.0	Original set up Version	Osman Adam	18 August 2002
1.1	Amend to incorporate ISB	Executive Committee	15 June 2003
1.2	Amend to introduce membership fees	Executive Committee	16 Oct 2006
1.3	Amend to expand EC members from 7 to 9	Executive Committee	6 Oct 2008
1.4	Amend to amalgamate ISB and CMY EC	Executive Committee	20 Sept 2010
1.5	Amend to incorporate the set up of Taqwa Islamic School	Executive Committee	18 May 2014

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## **A. CONSTITUTION AND CLAUSES**

### **1. Source of Guidelines and Clauses**

- a. The guideline, being the ultimate policy of the Society, comprises all of the following sources, starting in order of authority:
  - i. The Holy Qur'an;
  - ii. The authentic exemplary teachings and traditions of prophet Muhammad (SAW);
  - iii. The guidance of all the prophet's companions, especially his first four successors (caliphs) who followed the straight path left for us by the beloved prophet; and
  - iv. The consensus of scholars and imams of the Muslim community, and we dismiss those who contradict them, deviate from them or belittle their value.
- b. This guideline represents the basis of all the Clauses defined in this constitution.

### **2. Adoption of the Constitution**

The Society, its assets and income/losses shall be administered and managed in accordance with all the provisions in this revised constitution (Version 1.X) adopted on 18 May 2014.

## **B. PART 1: NAME, OBJECTIVES & DEFINITIONS**

### **3. The Name of the Society**

The name of the incorporated Organisation is Islamic Society of Belconnen, (henceforth referred to as '*the ISB*').

### **4. Objectives**

The general objective of the ISB shall be to:

- a. promote the teachings of the religion of Islam and facilitate the acquisition of Islamic knowledge among the Muslims through the medium of the Holy Qur'an and the teachings and traditions of the Prophet Muhammad (SAW);
- b. provide an organisation for channelling of resources for charitable and humanitarian needs of communities, both locally and abroad;
- c. foster and promote good family relations in an effort to create a greater understanding of the welfare and wellbeing of members in particular, and the community in general;
- d. Facilitate collaboration between faith based organisations, government and the business sector in addressing areas of community concern according to the Qur'an and Sunnah;

- e. Support the ACT Government policy implementation to reduce poverty amongst Muslims, the indigenous communities and refugees;
- f. Provide a forum for the exchange of ideas and information that contributes to harmony among Muslims and non-Muslims;
- g. Provide facilities for cultural meetings, group sessions and social interactions for members and the general community;
- h. Provide a means for a collective voice and action on issues of concern to members and the general community;
- i. Assist to identify, monitor and analyse the needs of Muslims in the Canberra region, and increase the role Muslims play in their own development with special emphasis on women and youth;
- j. Celebrate the contribution of members to our community's social development and the Muslim way of life through instituting a Cultural/Family Day;
- k. Educate the community to understand the Muslim faith, and cultural issues to promote better understanding about these issues;
- l. Facilitate the performance of Muslim civil ceremonies and religious services according to Islamic principles;
- m. Co-operate with other organisations on all matters, which serve the interests of Muslims and Islam, and are in accordance with the laws of Australia;
- n. Organise and provide Islamic teachings, instruction, discussion, dialogue in schools in the ACT region;
- o. Provide assistance and comfort to members of the community including:
  - i. assist unemployed people in situations of helplessness to become more self-reliant during periods of unemployment, and develop their capacity to obtain employment;
  - ii. assist new migrants during initial settling in Australian society;
  - iii. arrange accommodation for homeless and disadvantaged students; and
  - iv. assist the aged and infirm, including transportation of the sick or disabled to hospital or care centre.
- p. Undertake research on the role and function of faith-based organisations in civil society on behalf of members and distribute and stimulate debate on the results of such research;

- q. Strive for the unity and co-operation of Muslims at all times and for a better understanding and goodwill between Muslims and people of other faiths.

## 5. Definitions

- a. In this Constitution, unless the contrary intention appears, the following definitions apply -

<i>Constitution</i>	constitution of Islamic Society of Belconnen;
<i>Executive</i>	comprising of the President, Vice-Presidents, Treasurer and Secretary duly elected in accordance with these Clauses;
<i>Financial year</i>	the year ending on 30 June;
<i>General meeting</i>	the Annual General Meeting (AGM) of members convened in accordance with these Clauses;
<i>Islamic Guideline</i>	the guideline as outlined in clause 1;
<i>Management Committee</i>	the elected committee of management of the Society;
<i>member</i>	a person that satisfies the criteria in Part 2 clause 6-8, and is approved for membership by the Management Committee;
<i>Muslim</i>	a person who believes and submits to the absolute sovereignty of Allah (SWT), believes in the Prophet Mohammed (SAW) as the last and final messenger and adheres to the teachings of Qur'an, and the Sunnah of Prophet Mohammed (SAW).
<i>Society</i>	the Islamic Society of Belconnen Incorporated;
<i>Regulations</i>	regulations under the <i>Association Regulation Act 1991</i> ;
<i>Relevant documents</i>	have the same meaning as in the <i>Association Regulation Act 1991</i> ;
<i>Clauses</i>	the Clauses of the Society which are in force from time to time;
<i>Special General Meeting</i>	a general meeting of the Society other than the AGM.
<i>Interpretation</i>	
	a) Words importing the singular only shall include the plural.
	b) Words importing the masculine gender shall include the feminine gender.

## C. PART 2: MEMBERSHIP

### 6. Membership Qualifications

- a. Membership is open to individuals eighteen years of age or over, and his/her nomination is approved by the Management Committee.
- b. To qualify for membership of the Society, a person must be:
  - i. Muslim;
  - ii. a resident of Australian Capital Territory (ACT), and surrounding regions;
  - iii. nominated by any two existing members of the Society who are up-to-date with their monthly membership dues; and
  - iv. willing to abide by the Society's Constitution at all times.
- c. The Executives may only refuse an application for membership if, acting reasonably and properly, they consider it to be in the best interests of the ISB to refuse the application.
- d. The Executives must inform the applicant in writing of the reasons for the refusal within twenty-one days of the decision.
- e. The Executives must consider any written representations the applicant may make about the decision. The Executives' decision following any written representations must be notified to the applicant in writing and shall be final.

### 7. Category of membership

The four categories of membership are:

- a. Founder members - people who attended or submitted applications to join as members at the Founders Meeting held on 3 Safar 1424 (29 January 2002 at Higgins);
- b. Foundation members - people who are granted membership prior to the date of incorporation of the Society in 2005;
- c. Ordinary members - people who have applied and granted membership after the date of incorporation of the Society, and
- d. Honorary members - people who, at the discretion of the management, are granted honorary membership.

To be eligible for Honorary membership, a person must be:

- i. Muslim; and
- ii. have rendered distinguished service to the Society, Islam or the Muslim community.

Honorary members are not eligible to vote or hold office in the Society.

### 8. Application for membership

- a. Existing members who wish to nominate an individual for membership in the Society must:
  - i. Complete and sign the application for membership form prescribed by the Society which is in operation at the relevant time; and
  - ii. Submit such application form to the Secretary of the Society together with any documents required by the Society from time to time.
- b. Confirmation of membership
 

The process for confirmation of membership must be as follows:

  - i. When an application for membership is made in accordance with the requirements of this Constitution and received by the Secretary, it must be submitted to the Management Committee for its consideration and decision.
  - ii. All applications for membership of the Society must be scrutinised and processed in strict accordance with the Clauses operational at the time.
  - iii. The Management Committee, at its absolute discretion, may either approve or reject the application for membership of the Society.
    1. In the case of the application being rejected, the Secretary must inform the individual in writing.
    2. In no case, and under no circumstances will the Management Committee be required to give its reasons or any explanation for its decision.
  - iv. Upon an application for membership of the Society being approved by the Committee, the Secretary must, with as little delay as possible, notify the applicant the approval of his application for membership of the Society and request payment within 28 days after receipt of the notification, the current year's annual subscription.
  - v. Consideration for an application decision from the date the application is received shall not take more than two months.
- c. When an application for membership of the Society is approved by the Management Committee and the subscriptions paid, the applicant's name and address and other membership details must be entered in the membership Register.
- d. The Executives must keep a register of names and addresses of the members.
- e. The register of members must be kept at the principal place of administration of the Society, and must be open for inspection, free of charge, by any member of the Society on request to the Management Committee.

## 9. Members' Rights and Privileges

- a. A right, privilege, or obligation of a person by reason of membership of the Society:
  - i. is not capable of being transferred or transmitted to another person; and
  - ii. terminates upon the cessation of membership whether by death or resignation or otherwise.

## 10. Voting rights

- a. All members who are financially current at the time an election is called, and where the member has been a member in the Society for a minimum of **one year** after confirmation, is eligible to vote.
- b. No member is entitled to vote by proxy at any meeting of the Society.

## 11. Membership Fees

- a. Membership application fees are the relevant amount set out by the Management Committee from time to time. This amount is non-refundable whether an application is successful or not.
- b. Members' monthly dues are the relevant amount set out by the Management Committee from time to time, and are payable not later than the 20<sup>th</sup> of each month. Members' dues shall be the primary source of rental payments of ISB lease holdings.

## 12. Termination of membership

Membership is terminated if:

- a. a member dies or, in the case of an organisation, ceases to exist;
- b. a member resigns by written notice to the ISB unless, after the resignation, there would be less than two members;
- c. any sum due from the member to the ISB is not paid in full within six months of it falling due;
- d. a member is removed from membership by a resolution of the Executives that it is in the best interests of the ISB that his or her membership is terminated. A resolution to remove a member from membership may only be passed if:
  - i. the member has been given at least twenty one days notice in writing of the meeting of the Executives at which the resolution will be proposed and the reasons why it is to be proposed; and
  - ii. the member or, at the option of the member, the member's representative (who need not be a member of the ISB) has been allowed to make representations to the meeting.

## 13. Resignation and Expulsion of members

- a. A member of the Society who has paid all moneys due and payable by the member to the Society may resign from the Society by first giving one month's notice in writing to the Secretary of his intention to resign and

upon the expiration of that period of notice; the member ceases to be a member of the Society.

- b. Upon the expiration of the notice given under Sub-Clause (a) the Secretary must make in the Register of members an entry recording the date on which the member by whom the notice was given, ceased to be a member of the Society.
- c. Subject to this Constitution, the Committee may, by resolution –
  - i. expel a member from the Society;
  - ii. suspend a member from membership of the Society for a specified period if the Management Committee is of the opinion that the member:
    - 1. has refused or neglected to comply with this Constitution;  
or
    - 2. has been guilty of want of allegiance or of conduct unbecoming a member or prejudicial to the interests of the Society or for any other valid reason.

The decision of the Management Committee is final and no correspondence will be entered into.

- d. After affording such member an opportunity of offering an explanation on his conduct either verbally or in writing as the Committee may decide, in the opinion of the Committee the conduct of the member is such as to be detrimental to the best interest of the Society provided that:
  - i. such expulsion shall not be effective unless it is confirmed by a simple majority (51%) of members present at a general meeting of the members convened to consider such an expulsion; and
  - ii. such general meeting shall be held within the period of two months from the date of the decision of the Committee to expel the member.

## 14. Effect of Expulsion and Disqualification

Any member expelled or disqualified by the Committee shall forfeit all their rights and privileges under this constitution and when a member so expelled is an Office-Bearer or a member of any board or sub-committee of the Society, their office shall be deemed to be vacated. Any member expelled or disqualified will have no rights against the funds or properties of the Society and shall be deemed to be as if the member concerned had never been a member of the Society.

## D. PART 3: THE COMMITTEE

### 15. Role of the Management Committee

- a. The affairs of the Society shall be managed by the Management Committee.
- b. The Management Committee:
  - i. shall control and manage the business of the Society;
  - ii. may, subject to this Constitution, exercise all such powers and functions as may be exercised by the Society other than those

- powers and functions that are required by this Constitution to be exercised by general meetings of the members of the Society;
- iii. must submit to the AGM such reports, returns and other information as the ACT Association Regulations may require.
  - iv. shall authorise such expenditure or moneys from the Society Funds as may be necessary for the conduct of the affairs of the Society;
  - v. may appoint Sub-Committees, Boards, advisers and consultants as it may deem necessary for the purposes of the Society;
  - vi. may employ such persons as deemed necessary in the service of the Society and to terminate the service of such persons; and
  - vii. subject to this Constitution, has power to perform all such acts and things as appear to the Committee to be essential for the proper management of the business and affairs of the Society.
  - viii. take office and shall hold office for a period of two years, and thereafter until the new Committee is appointed noting that a Committee member shall not hold office in any other organisation whose objectives are in conflict with those of this Society, and the Executive Committee shall decide whether such a conflict exists.
  - ix. shall hold an AGM in accordance with Clause 21 in the month of October– yearly – specifically to transact business as detailed in the notice of that AGM, and to elect the Management Committee once in every two years, noting that a person cannot be elected to the Committee unless he/she has been a full financial member of the Society for at least one year prior to 1 July in the year that elections are held.
  - x. manage the affairs and conduct the business of the Society, to administer the Clauses and to do all acts or things as the AGM is empowered to do unless specially prohibited from so doing by the General Meeting except when the AGM or a Special General Meeting is in session.
  - xi. carry out such specific duties as are delegated to it by the AGM or by a Special General Meeting.
  - xii. meet as often as is necessary to transact the business of the Society, and at least once a month for a minimum of ten months per year, and at such other times as the President or the Society in a General Meeting shall direct, or when three or more Committee members notify the Secretary or the President that they desire a meeting to be held. The Secretary shall post to each member of the Committee to his postal address for service of notices as shown in the Register at least seven days before the time of meeting, a notice of such meeting of the Committee, provided that if in the opinion of the President, a meeting of the Committee should be summoned in emergency, notice may be served by telephone or such other means and such notice as the President directs.
  - xiii. shall not appoint to any salaried office of the Society or to any office of the Society and member shall not be paid fees or remuneration or other benefit in money or money's worth except repayment of out-of-pocket expenses.

- xiv. establish Sub-Committees to assist in carrying out certain activities or functions, and no Sub-Committee will be established without the sanctioning of the Committee of Management.
- xv. retain minutes on the outcomes of Sub-Committee meetings and will detail the purpose of the Sub-Committee and its scope of operation.
- xvi. determines that no Sub-Committee will operate outside the parameters sanctioned by the Management Committee, and no Sub-Committee will have any powers exceeding those conferred upon that Sub-Committee by the Management Committee.
- xvii. allocate sufficient funds to any Sub-Committee to be used by that Sub-Committee in carrying out its activities or functions.
- xviii. determines that all Sub-Committees will be accountable to the Treasurer for all their receipts and disbursements, and the Treasurer will always have the authority to inspect their financial transactions and provide additional funds, or withdraw excess funds available to them in accordance with determinations by the Management Committee.

## 16. Management Committee

- a. The Management Committee shall comprise of –
  - i. The Executive of the Society (4); and Five (5) Ordinary Committee members.
  - ii. The Executive shall comprise of the following Office Bearers of the Society:
    - 1. President;
    - 2. Vice President;
    - 3. Secretary;
    - 4. Treasurer.
- b. The Management Committee shall be elected at an AGM of the Society every two years.
- c. All Office-Bearers and the three Committee members shall hold office for a period of two years, and subject to their eligibility of membership of the Society, they shall be eligible for re-election or appointment as the case may be in accordance with this Constitution.
- d. In case of a vacancy in the Executive, the Management Committee may appoint any member to carry out the duties of any Executive as acting, for the remainder of the term.
- e. In the case of a vacancy in the membership of the Management Committee, the Committee is empowered to appoint any eligible member of the Society to the membership of the Committee until the end of the Management Committee's term.
- f. Where the number of vacancies in the Management Committee is three or more, there shall be a SGM to fill the vacancies.
- g. The Management Committee may, at its discretion, invite any person to attend, participate and/or observe proceedings of the Management Committee meeting.
- h. The powers and duties of Executive Officers conferred by these Clauses shall be as follows:

i. ***The President***

1. shall be the Chief Officer of the Society, and ex officio member of all Committees and Sub-Committees of the Society, and shall preside at all meetings of the Committee and all General Meetings at which he/she is present.
2. in consultation with the Executive members of the Management Committee, allocate portfolios, duties and responsibilities to the Vice-President, other members of the Management Committee and general members from time to time with power to alter, revise and withdraw the same at any time.
3. represent and negotiate on behalf of the Society which are both legal and carry out all the lawful decisions of the Society and other instrumentalities set up under this Constitution.
4. shall be entitled ex officio to attend any formal or informal assembly of all or any of the members, and shall have the same responsibilities and privileges as any other member present provided that he/she shall not have power to cast his/her vote at any meeting or assembly at which he/she exercises this entitlement to attendance.

ii. ***The Vice-President***

1. shall assist the President in the execution of his duties, and shall deputise for him/her in his/her absence or incapacitation.
2. shall be responsible for the day to day management of the Mosque and its activities.
3. shall be responsible for coordinating and maintaining contact with student Alumni members living abroad.

iii. ***The Secretary***

1. shall supervise and control the routine and office work of the Society, and shall attend to all internal correspondence of the Society.
2. shall keep the records thereof, and proper and accurate minutes of all meeting of the Committee and General Meetings of the Society.

iv. ***The Treasurer***

1. subject to the general direction and supervision of the Committee, shall handle all moneys of the Society and keep proper banking accounts and books of account recording all financial transactions thereof.
2. shall supply from time to time all information required by the Auditors and by the Committee, and within *four weeks* after the close of the financial year of the Society, shall prepare a full statement of income and expenditure for that financial year and Balance Sheet of the Society.
3. shall not make any payments on behalf of the Society unless such payments are authorised by the Committee or by the Society in a General Meeting.

## 17. Removal of members of the Management Committee

- a. Where the Committee at a special meeting called for the purpose finds an Executive Officer or a Committee member guilty, in accordance with these Clauses, of misappropriation of the funds of the Society, or a substantial breach of the Clauses of the Society, and finds that such a person is not eligible to hold his office, it may by majority resolution remove such person from his office provided that such removal shall not operate until the resolution is confirmed by a resolution of a Special General Meeting of the Society called for that purpose in accordance with Clause 22.
- b. No such resolution shall be moved at a meeting of the Committee unless the person concerned has been given adequate notice (of at least 14 days) of intention to move the resolution and an opportunity to show cause to the Committee why the resolution should not be moved.

## 18. Eligibility to hold office

- a. A member, to be eligible for office, must be:
  - i. financially current and up to date with his/her monthly membership dues;
  - ii. a member of the Society for at least one year on the day the AGM in which Office bearer's election will take place.
  - iii. nominated by two members who have held their membership for at least two consecutive years prior to date of the AGM.

## 19. Vacation of Office

The office of a member of the Management Committee shall become vacant where the member:

- a. is deceased.
- b. becomes mentally ill in any way under the law relating to mental health.
- c. resigns the office by notice in writing to the Society.
- d. is absent for more than five consecutive meetings without leave of the Management Committee.
- e. upon the resolution being passed by two-thirds majority of members present at a properly constituted general meeting, specially called for the purpose, to remove him/her from office.

## 20. Election of Office bearers

- a. It shall be the duty of the AGM at every two year interval to elect the Executive and committee members of the Management Committee of the Society.
- b. In electing the Management Committee, the Secretary will:
  - i. dispatch notices to members for the general meeting of the Society to be called for the purpose of electing a new Committee in accordance with Clause 22; and
  - ii. organise the holding of the election in the manner prescribed hereunder.

- c. Nominations for membership of the Committee must be proposed and seconded in writing by two eligible members of the Society. The nominees must also accept the nomination in writing. The nominee may be nominated only for one position.
- d. Nominations and secondments for membership of the Committee must reach the Election Officer four working days before the day of the general meeting.
- e. The general meeting held to elect the new Committee will be conducted in the following manner:
  - i. The President, Vice-President or in their absence an Executive Committee member shall chair the meeting.
  - ii. The meeting will proceed to conduct any business other than the election of the new Committee.
  - iii. The Chairperson will then declare that the current Committee's term of office is to end on 30 June and the new Committee will take office at the AGM.
- f. A designated member in his/her capacity as Election Officer will chair the meeting for the purpose of electing the new Committee.
  - i. The Election Officer will read the names of members nominated to the Executive Committee.
  - ii. The Election Officer will declare the nominations closed and conduct the voting.
  - iii. members who are financially current and have been in the Society for over a year at the day the AGM is called are eligible to vote.
  - iv. Voting will be by secret ballot on the official form available at the meeting.

## **E. PART 4: MEETINGS**

### **21. Annual General Meetings**

- a. An AGM shall be held by the Society once every year, a time and a place decided by the Committee, but not later than 31 December. The AGM while in session shall govern, manage and conduct the affairs of the Society and shall have power subject to these Clauses to:
  - i. Make, repeal, amend and/or add to these Clauses by a resolution passed by a majority of not less than three-fourths (3/4) of such members of the Society being entitled to vote and physically present.
  - ii. Receive and adopt a statement of income and expenditure and an audited balance sheet as at 30 June each year being an audit conducted by a qualified auditor at that meeting.
  - iii. Determine any matter referred to it by the Committee.
  - iv. Review the acts and decisions of the Committee.
  - v. Do all other acts which are not bound by these Clauses specifically directed to be done by any other person or body, and which in the opinion of the AGM are in the interests of the Society or in the interests of members or persons eligible to be members.
- b. Notice of the AGM shall be given by the Secretary by email, SMS, website postings, or mail posting to or leaving for each member at his

postal address for service of notices as shown in the Register, written notice of the time, date and place of the Meeting, at least 14 days prior to the holding thereof. The publication distributed to each member so as to be received in the normal course of post/email/SMS within the specified time, shall be deemed and held to be adequate notice for the purpose of this sub-Clause.

- c. The Secretary shall include in the notice of the AGM such notices of the intention to amend, repeal or add to the Society Clauses as shall be received by the Secretary, as stipulated in Clause 29c, to permit inclusion in the said notice.
- d. All acts and decisions of the AGM, unless contrary to these Clauses, shall be binding on all members.

## 22. Special General Meeting

- a. The Secretary shall convene a Special General Meeting of the Society:
- b. When the Committee so resolves.
- c. When a meeting is requisitioned in writing by not fewer than twenty-five financial members and in each case such requisition shall be addressed to the President or Secretary and shall set out the reasons for requiring such meeting.
- d. When so resolved by an AGM or a Special General Meeting of the Society.
- e. The time and place of Special General Meetings shall be decided by the Committee, or in cases of urgency, by the Executive, provided that when a meeting has been requisitioned for in accordance with the previous sub-Clause, it shall be convened by the Secretary within twenty-eight days of the requisition reaching the President or Secretary.
- f. Notice of the Special General Meeting shall be given by the Secretary by posting/email/SMS to or leaving for each member at his postal/email address for service of notices as shown in the Register, a written notice stating shortly the nature of the business to be transacted and of the time, date and place of the Meeting, at least 14 days prior to the holding thereof. The publication of the necessary information in a journal/newsletter of the Society distributed by email to each member so as to be received in the normal course of post within the specified time, shall be deemed and held to be adequate notice for the purpose of this sub-Clause.
- g. No business shall be transacted at a Special General Meeting unless notice thereof has been given in accordance with these Clauses.
- h. A Special General Meeting shall have powers equal to those of AGM in transaction all business, the nature of which has been outlined in the notice of the meeting.

## 23. Quorum at General Meetings

- a. No business shall be transacted at any general meeting unless a quorum is present.
- b. At an AGM or Special General Meetings of the Society a quorum is:
  - i. 10 percent (10%) of the full members, present in person, or

- ii. 25 of the members entitled to vote upon the business to be conducted at the meeting, whichever is the greater.
- c. At all meetings of the Management Committee a quorum is
  - i. six members, thereof present, in person shall form a quorum.
- d. If a quorum is not present in an AGM or a Special General Meeting or an Executive Management Committee meeting:
  - i. the Executive must re-convene the meeting, and must give at least seven clear days notice of the re-convened meeting stating the date time and place of the meeting;
  - ii. at the adjourned meeting if a quorum is not present within half an hour of the time specified for the start of the meeting the members present at that time shall constitute the quorum for that meeting, provided that the business to be considered in the latter meetings is the same as was proposed in the adjourned meeting; however
  - iii. the members personally present must not be less than ten for AGM or SGM, and four in the case of a Executive Management Committee meeting.

## **F. PART 5: MISCELLANEOUS**

### **24. Financial Resources**

- a. The Society shall raise funds by subscription, voluntary donations and any other means approved by the Management Committee. These funds together with any other moneys received shall be applied for any or all of the objectives or purposes of the Society.
- b. All subscriptions and donations shall be paid to and collected by the Treasurer.
- c. The financial year of the Society shall be from the 1st day of July to the 30th day of June each year, both dates inclusive.
- d. An Honorary Auditor or Auditors shall be appointed at the AGM of the Society each year to examine and certify the correctness or otherwise of all the accounts handled by the Society.
  - i. The Auditor shall transmit such report as he/she may think fit to the Annual or Special General Meeting or to the Management Committee of the Society concerning matters with which he is concerned under this Constitution.

### **25. Bank Account**

- a. A current/savings account in the name of the Society shall be kept with a bank or banks approved by the Committee.
- b. All funds of the Society shall be banked as soon as possible with such bank or banks.
- c. The President, the vice President, Secretary and Treasurer shall be authorised by the Management Committee to sign cheques on the bank account/accounts of the Society,
- d. Two of above officers (25c) shall sign each cheque.

## 26. Access to Books

- a. Any financial member, having given the Treasurer 14 days prior notice in writing, will be permitted to inspect the financial books and documents of the Society at the registered office of the Society at such time or times as the Management Committee shall direct.

## 27. Monthly Subscription / Dues

- a. The Management Committee shall determine the amounts of the annual subscription for the following fiscal year, and the Secretary will advise all members of these amounts.
- b. The fees, as determined at the relevant time, must be stated in the membership Application form.
- c. The Management Committee can amend, vary, or change the membership form to reflect Executive decision outcomes without necessarily having to make any change to these Clauses, in so far as the amendment, change, or variation does not contradict, nullify, or supersede any clause of this Clause.

## 28. By-laws

- a. The General Meeting may make by-laws not inconsistent with these Clauses for the better management of the Society and may repeal, amend or add to any by-laws of the Society.

## 29. Amendments to the Constitution and Clauses

- a. The constitution, Statement of Purposes and Clauses of the Society can be amended only at an AGM.
- b. The Constitution, Statements of Purposes and Clauses of the Society can only be amended in accordance with the provisions provided herein.
- c. The persons proposing and seconding such amendments to the Constitution as they may seek, shall give 28 days' notice, prior to the AGM, to the Secretary. The proposed amendment together with the notice shall be in writing.
- d. Three fourths (3/4) of the members present and eligible to vote should vote in favour of such amendments.

## 30. Standing Orders

- a. The Standing Orders of debate which are printed in Appendix 'A' to these Clauses shall be used at all meetings of the Society and the Committee unless modifications are approved prior or during the meeting.

## 31. Indemnity

No liability shall attach to any officer, agent, or employee of the Society for any act, neglect, omission or default of any Committee of Meeting in respect of carrying out

of his duties in relation to the Society or for joining in any receipt or for any other act of conformity of for any loss, damage or any other person or caused by any other act, neglect, omission or default of any person or caused by any insufficiency, deficiency or irregularity in any agreement, contract, instrument, security deed, lease or document or for any loss or damage arising from the bankruptcy, insolvency or tortuous act of any other person or for any error of judgment, omission, default or oversight on his or own part or for any damage, loss or misfortune arising there from unless such error of judgment, omission, default, oversight, damage, loss or misfortune be caused by his own wilful default, oversight, damage, loss or misfortune be caused by his own wilful default or neglect, any such officer, servant or agent if found to be liable shall be indemnified by the Society.

## 32. Interpretation of Clauses

The ruling of the President or the Chairperson of the Meeting in regard to the interpretation of any of the Clauses of this Constitution shall be final and binding, provided however, the President or the Chairperson shall give every member present at the Meeting sufficient opportunity to express his/her views on the Clause in question before making his decision.

## 33. Dissolution

- a. The Society shall be dissolved in the event of the membership being less than ten persons or upon the votes of a three fourths majority of members present at a Special General Meeting convened to consider such question.
- b. Upon a resolution being passed in accordance with Clause 33 of this Constitution all assets and funds of the Society shall, after the payment of all expenses and liabilities, be disposed of as provided in sub clause (c) hereof.
- c. If upon the winding up or dissolution of the Society there remains after the satisfaction of all debts and liabilities, any property whatsoever, the same shall not be paid or distributed among the members, but shall be given or transferred to some other Islamic religious charitable Society or institution, having objects similar to the objects of the Society and which is a fund, institution or Society, which itself is exempt from taxation.
- d. The Executives must notify the Registrar General and the Australian Taxation Office promptly that the ISB has been dissolved. If the Executives are obliged to send the ISB's accounts to the Registrar General and/or the Australian Taxation Office for the accounting period which ended before its dissolution, they must send the Registrar General and the Australian Taxation Office the ISB's final accounts.

## 34. Operation

These Clauses shall come into operation immediately following their adoption by a meeting of the Society held for the purpose.

## 35. Custody of Records

Except, as otherwise provided in this Clause, the President in consultation with the Committee shall keep in his custody or under his control all books, documents and securities of the Society.

### 36. Common Seal

The Committee shall provide for the safe custody of the seal, which shall only be used by authority of the Committee or of a Sub-Committee of members of the Committee authorised by the Committee in that behalf, and every instrument to which the seal is affixed shall be signed by a member of the Committee and will be counter signed by the President or in his absence by the Vice President for the purpose.

### 37. Application of the Society Income and Property

- a. The income and property of the ISB shall be applied solely towards the promotion of the Objectives.
- b. To accept gifts, contributions, donations, and other benefactions,
- c. The Executives may pay out of, or be reimbursed from, the property of the ISB reasonable expenses properly incurred when acting on behalf of the Society.
- d. None of the income or property of the ISB may be paid or transferred directly or indirectly by way of dividend bonus or otherwise by way of profit to any member of the ISB. This does not prevent:
  - i. a member who is not also an Executive from receiving reasonable and proper remuneration for any goods or services supplied to the ISB;
  - ii. an Executive from:
    1. buying goods or services from the ISB upon the same terms as other members or members of the public;
    2. receiving a benefit from the ISB in the capacity of a beneficiary of the ISB, provided that the Executive complies with the provisions of sub clause (37c-d) , or as a member of the ISB and upon the same terms as other members;
- e. the purchase of indemnity insurance for the Executives against any liability that by virtue of any Clause of law would otherwise attach to Executives or other officer in respect of any negligence, default breach of duty or breach of trust of which he or she may be guilty in relation to the ISB but excluding:
  - (i) fines;
  - (ii) costs of unsuccessfully defending criminal prosecutions for offences arising out of the fraud, dishonesty or wilful or reckless misconduct of the Executives or other officer;
  - (iii) liabilities to the ISB that result from conduct that the Executives or other officer knew or ought to have known was not in the best interests of the ISB or in respect of which the person concerned did not care whether that conduct was in the best interests of the ISB or not.

- f. No Executive shall be paid or receive any other benefit for being an Executive.
- g. Whenever it is proposed that an Executive Committee member shall receive a benefit from the ISB that is not already permitted, he or she must:
  - (i) declare his or her interest in the proposal;
  - (ii) be absent from that part of any meeting at which the proposal is discussed and take no part in any discussion of it;
  - (iii) not be counted in determining whether the meeting is quorate;
  - (iv) not vote on the proposal.
- h. Executives who do not stand to receive the proposed benefit must be satisfied that it is in the interests of the ISB to contract with or employ that Executives rather than with someone who is not an Executive, and they must record the reason for their decision in the minutes.
- i. In reaching that decision, the Executives must balance the advantage of contracting with or employing an Executive against the disadvantage of doing so (especially the loss of the Executives' services as a result of dealing with the Executive's conflict of interest).
- j. The Executives shall only authorise a transaction if the Executive body comprises a majority of Executives who have not received any such benefit.
- k. If the Executives fail to follow this procedure, the resolution to confer a benefit upon the Executives will be void and the Executives must repay to the ISB the value of any benefit received by the Executives from the ISB.
- l. An Executive must absent himself or herself from any discussions of the Executives in which it is possible that a conflict will arise between his or her duty to act solely in the interests of the ISB, and any personal interest (including but not limited to any personal financial interest) and take no part in the voting upon the matter.

### 38. Property Title

- a. The Executives must ensure the title:
  - i. to all land property, automobile, paintings, buildings held by or in trust for the ISB; and
  - ii. to all investments, security, shares held by or on behalf of the ISB;
  - iii. is vested either in a corporation entitled to act as Custodian or in not less than three individuals appointed by Management Committee as holding Executives.
- b. The terms of the appointment of any holding Custodian must provide that they act only in accordance with lawful directions of the Executives, and that if they do so, they will not be liable for the acts and defaults of the Executives or of the members of the ISB.
- c. The Executives may remove any or all the Custodians at any time.

### 39. Non-profit clause

The assets and income of the ISB shall be applied solely in furtherance of its above mentioned objects and no portion shall be distributed directly or indirectly to the members of the organisation except as bona fide compensation for services rendered or expenses incurred on behalf of the ISB.

#### 40. Canberra Muslim Youth (CMY) Incorporated

- a. CMY is ISB incorporated organisation and responsible for all youth and sports activities, external relations and educational services.
- b. ISB Management Committee shall manage and run CMY.
- c. While the activities of the two organisations may interact and complement,
  - i. all activities outside of Masjid is CMY responsibility;
  - ii. Eid salaah and Eid celebrations shall be co-organised by ISB and CMY.
- d. Joint public liability cover shall be held in the name of CMY.
- e. CMY shall own and manage all educational services establish by CMY and ISB.
- f. Where necessary, CMY may contract management expertise to assist in managing educational services.
- g. Any contractor or director shall be accountable to CMY Management Committee.
- h. CMY shall appoint chair of board members of Taqwa School board.
- i. CMY shall appoint and dismiss board members of Taqwa School.
- j. ISB shall be liable for all debts of CMY and Taqwa School debts and liabilities.

#### 41. Masjid Management

- a. Leadership of Taqwa Masjid shall be trusted in the person of an Imam.
- b. Every activity within the Masjid shall have the consent of the Management Committee, and the approval of the Imam.
- c. Any dispute in managing the Masjid shall be resolved by the Management Committee in consultation with the Imam.
- d. Where an issue persists, general members shall ask the Management Committee for a SGM for a lasting solution to be decided by consensus, and if not by majority vote.
- e. Appointment and dismissal of an Imam shall be decided by the Management Committee, and must be approved by general members by majority vote.

#### 42. Hiraah Sisters

- a. Hiraah Sisters represent women wing of the Society.
- b. A representative of Hiraah sisters shall be elected to the Management Committee of the Society.
- c. Functions and events of Hiraah Sisters shall be funded by the society.

**END**

**APPENDIX 1**  
**ISLAMIC ASSOCIATION OF BELCONNEN**  
**MEMBERSHIP APPLICATION FORM**

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## **APPENDIX 2**

### **STANDING ORDERS FOR ALL MEETINGS OF THE ORGANISATION**

#### **1. Orders of Business**

The Order of Business shall be:

- a) Apologies.
- b) confirmation of Minutes of previous meeting.
- c) Business arising out of Minutes (to be limited to matters directly arising thereout and
- d) not to include matters which will be dealt with in reports, notices on Motions, and general business).
- e) membership (Committee only).
- f) Secretary's report and election.
- g) Annual Reports:
- h) Secretary
- i) Treasurer
- j) Branches
- k) Finance, including the report of Finance Sub-Committee
- l) Reports of other Special Committees.
- m) Notices on Motion.
- n) Personnel of special Committees.
- o) General business.

#### **2. Clauses of Debate**

- All business shall proceed by way of Motions.
- Motions shall be dealt with in the order they appear in the circular convening meeting.
- When a substantive Motion is under debate at any meeting no further Motion shall be received except the following:
  - (a) that the Motion be amended.
  - (b) that the question be not put.
  - (c) that the meeting do proceed with the next business.
  - (d) that consideration of the question be postponed.
  - (e) that the question be not now put.
  - (f) that the speaker be no longer heard.
  - (g) that the question be referred for consideration and report.

An amendment shall be debatable as an original Motion to which it is moved.

- Every amendment shall be relevant to the Motion to which it is moved.
- An amendment may not be a direct negation of the Motion which it is to amend.
- Every amendment shall be read before being moved, as if such proposed amendment was an original Motion.
- Upon adoption or any amendment to a Motion such Motion as amendment shall become a
- substantive Motion and for all purposes of subsequent discussion shall be treated as an original Motion.
- No discussion shall be allowed upon a Motion for the adjournment of a debate, except that a member may, with permission of the Chair, point out that undue delay in finalising the matter under discussion may be caused by the proposed adjournment.

- On resuming an adjourned debate the member who moved its adjournment shall be entitled to speak first.
- A Motion that the consideration of the question be now put shall not be decided in the affirmative or take effect without the consent of a majority of the members present.
- Whenever it is decided by the meeting that the question under consideration shall be put, the mover of the question under consideration shall if debate has ensued be permitted to speak in reply and then the question shall be put.
- Any member moving a Motion or amendment, or taking part in the discussion thereon shall rise and address the Chairperson and shall not be interrupted unless a point of order, when he shall resume his seat until the member raising the point of order has been heard thereon and the question or order or Motion has been disposed of when the member previously in possession of the floor may proceed, unless by so doing he infringes a standing order.
- A member desirous of proposing a Motion or amendment shall state the nature of the same before he addresses the meeting thereon.
- No Motion or amendment shall be discussed or put to the vote of the meeting unless it is seconded.
- Not more than two members shall speak in succession either for or against any question, and if at the conclusion of the second speaker's remark no member rises to speak on the other side, this Motion or amendment shall be at once put, provided that the mover of an original Motion (but not of an amendment or an amended Motion) shall have the right of reply.
- If two or more members rise to speak at the same time, the Chairperson shall decide who is entitled to priority, provided that priority is given to:
  - (a) A question – which shall be asked and answered concisely and shall be relevant to the matter under discussion.
  - (b) A formal Motion.
- A speaker wishing to oppose the views of the speaker just concluded. All speakers shall be required to confine their remarks to the Motion as stated.
- The Chairperson shall preserve order, and may on his own Motion call any member to order whenever in his opinion there shall be cause for so doing. Also the Chairperson, when called, upon to decide a point of order or practice, shall give his decision and no argument or comment shall be permitted thereon and his decision shall be final in the particular case.
- If the Chairperson wishes to take part in a debate he shall vacate the Chair for the duration of the debate.
- Any member who shall do anything or behave in any manner which is forbidden by any section of these standing orders shall be deemed to be out of order.
- Whenever the Chairperson rises during a debate, any member then speaking or offering to speak shall resume his seat, and the House shall be silent, so that the Chairperson may be heard without interruption.
- No member shall speak twice on any Motion, except by way of explanation, provided that the mover of the Motion have right to reply, and no member shall speak to any Motion after the mover shall have been permitted to reply.
- A member moving or seconding a Motion or amendment shall be held to have spoken thereon, provided that the seconder of any original Motion may reserve his right to speak to such a Motion until a later stage in the debate.

- No member may speak to any question after the same has been put from the Chair.
- It shall not be competent for any new matter to be introduced by the mover when speaking in reply, but he shall strictly confine himself to answering previous speakers.
- No member shall address the meeting when no Motion is before the Chair, except to introduce a Motion, provided that he may so speak when invited to by the Chairperson for some special purpose.
- The Chairperson may at his discretion, or the meeting may without debate, order a complicated Motion to be divided and put in the form of several resolutions.
- Every full member including the Chairperson shall have one vote and all questions save where otherwise provided shall be decided by a majority of votes cast, provided that the meeting shall have power to remit any question of more than ordinary importance for determination by all members concerned.
- In all cases, where there shall be an equality of votes the Chairperson shall have a casting vote and the result shall be determined by him.
- The Chairperson, shall in taking the vote on any Motion or amendment, put a Motion first in the affirmative and then in the negative, and he may so do as often as necessary, to enable him to form and declare his opinion from the voices, or on request of a member or Chairperson, on show of hands. When a show of hands has been called for, two tellers may (and if a member so requires, shall) be named by the Chair to count the votes. One teller shall be selected from the members of the negative.
- A Motion or amendment may be withdrawn by the mover, with the consent of the seconder of such Motion, and of the meeting, which shall be signified without debate.
- No member shall reflect upon any vote of the meeting, except for the purpose of moving that such vote be rescinded.
- Any member may require the Secretary concerned to take down any particular words used by a member immediately upon the same being used, and such Secretary shall thereupon do so.
- No Motion to the same effect as any Motion which has been negated by the meeting shall again be entertained at the same meeting.
- No resolution passed at any meeting shall be rescinded at any subsequent meeting unless notice of the intention to propose such rescission shall have been given at a previous meeting or is in the circular convening the meeting, and unless the rescission is supported by two-thirds (2/3) of the votes cast.
- A report containing a recommendation may be discussed on a Motion being moved for its adoption which upon being carried out will signify the will of the meeting thereon. If the report contains no recommendation, it shall be competent for a member to move a resolution arising out and relative to the report to obtain the opinion of the meeting on the matter.
- Except with the concurrence of the meeting no member shall speak for more than five minutes on any matter and the debate on any Motion including amendments thereof shall exceed thirty (30) minutes.

**Appendix 3**  
**Founder members of the Organisation as at 5<sup>th</sup> February 2002**

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