

Constitution
of
The Islamic Council
of
Western Australia
Incorporated

(Adopted on 20-7-2002)

**CONSTITUTION
OF
THE ISLAMIC COUNCIL OF WESTERN AUSTRALIA**

1. PREAMBLE

This Council is based upon the Qur'an and the Sunnah of the Prophet Mohammed (may peace be upon him) and its activities shall be conducted in accordance with the Islamic Shura principle: "and their affairs are discussed between them by mutual consultation" Sura 42, Ayat 38).

2. NAME

The name of this organisation shall be " The Islamic Council of Western Australia", abbreviated: "ICWA".

3. INTERPRETATION

In this Constitution, and in any rules, resolutions, by-laws, resolved or enacted hereunder before or after the date of adoption of this Constitution, the following words shall have the meanings hereby assigned to them respectively unless there is something in the subject or context inconsistent with such Constitution or unless it is therein expressly provided:

- 3.1 Constitution shall mean the Constitution of the Islamic Council of Western Australia.
- 3.2 Council shall mean the Islamic Council of Western Australia.
- 3.3 General Meeting shall mean the Annual General Meeting of the Council or any Extraordinary General Meetings called for any purpose as specified in Clause 12 of this Constitution.
- 3.4 Association shall mean the constituent Islamic organisation affiliated to this Council.
- 3.5 Auxiliary shall mean any constituent organisation affiliated to the Council that satisfies the conditions set out in the ICWA Constitution.
- 3.6 Organisation shall mean any Association or Auxiliary affiliated to the Council.
- 3.7 Adult shall mean adult according to Islamic Law. i.e. Rashid of Baligh as applicable.

Unless the context otherwise directs, the singular shall include the plural and the male include the female. Muslim shall refer to any person who conforms to the teachings of the Qur'an and Ahli Sunnah and Jamma' and shall specifically exclude any person or organisation, professing adherence to the Ahmadi, Lahori, Qadiani or Bahai schools of thought or of any similar inclination

4. OBJECTIVES

The objectives of the Council shall be:

- 4.1 To vigilantly maintain and apply the true Islamic tenets as contained in the Holy Qur'an and as practiced by the Prophet Mohammed (may Allah's peace and Blessings Be Upon him) at all times in carrying out the objectives of this Constitution.
- 4.2 To ensure that practical steps are taken to advance and ensure the progress, welfare and security in the spiritual, moral, social, economic and cultural life of the Muslims of Western Australia with the objective of enabling them to attain and maintain their rightful and honoured place amongst the other communities of Australia and make their contribution towards peace, prosperity and
- 4.3 To render religious services to the Muslims of Western Australia.

- 4.4 To promote and maintain unity and friendship amongst Muslims and other communities within and outside of Western Australia.
- 4.5 To represent the Muslims of Western Australia in the Australian Federation of Islamic Councils Inc. (AFIC).
- 4.6 To establish, own, and manage Mosques, Islamic Centres, Schools, Colleges and other educational institutions for Muslim children and adults of Western Australia.
- 4.7 To preserve, promote and safeguard the religious, social and educational interests of Muslims of Western Australia.
- 4.8 To discourage the production, promotion and consumption by Muslims of intoxicants, narcotics and such other activities which are forbidden in Islam.
- 4.9 To manage, print and publish newspapers, journals, periodicals, books, booklets, tracts and/or leaflets and establish bookshops and libraries, which the Council may think desirable to further its aims and objectives.
- 4.10 To speak and make representations on behalf of the Muslims of Western Australia on all matters affecting their religious, social and/or educational welfare.
- 4.11 To establish, encourage, maintain and support Islamic associations of the Council throughout Western Australia.
- 4.12 To vigorously and vigilantly combat and correct through proper legal channels any misrepresentation of Islam and false propaganda.
- 4.13 To raise funds through various activities.
- 4.14 The assets and income of the Council shall be applied solely in furtherance of the above-mentioned objectives and no portion shall be distributed directly or indirectly to the members of the Council except as bona-fide compensation for services rendered or expenses incurred on behalf of the Council.

5. POWERS

- 5.1 All powers vested in the Council will be conducive to fulfil the aims and objectives set out in Clause 4 of this Constitution.
- 5.2 To purchase, take on lease, rent, exchange, hire or otherwise acquire land, buildings or property, real and personal and/or any rights, interests or privileges which may be necessary or expedient and/or beneficial in any manner whatsoever for the purpose of the Council and to improve, manage, develop, sell, lease, mortgage, dispose of or turn into account or otherwise deal with all or any part of the property of the Council.
- 5.3 To borrow, lend or raise money in such manner, as the Council may think fit and proper
- 5.4 To accept any gift or property, whether subject to trust or not, for one or more of the objectives of the Council as set out in Clause 4.
- 5.5 To conduct and perform all such acts and deeds as are incidental or conducive to the attainment of the
- 5.6 To employ, temporarily or under contract such personnel as the Council may deem necessary from time to time in order to fulfil the objectives of the Council.

6. MEMBERSHIP

- 6.1 The membership of this Council shall open to all Muslim organisations that fall within the context of Clause 3.
- 6.2 There shall be two classes of membership, viz: Affiliated Organisations and Auxiliary Organisations.

7. FINANCE

- 7.1 The revenue of the Council shall be derived from subscriptions, donations, zakat, and other forms of receipts, which shall be decided upon from time to time.
- 7.2 The minimum annual subscription shall be \$2.00 per member of an Affiliated and \$1.00 per member from an Auxiliary organisation, or such amounts as the Council Executive Committee may decide from time to time.
- 7.3 Only members of financial organisations affiliated to the Council shall have the right to vote or stand for any position in the Council. They must also have been financial members of their respective affiliated associations for at least 12 months.
- 7.4 An audited copy of the Association's finances, list of financial members as at the 31st December of the preceding year and the requisite annual subscription shall be submitted to the Treasurer one (1) month before the Annual General Meeting.
- 7.5 The Council Committee shall decide how to allocate annual subscriptions and other amounts received between the various funds and accounts of the Council.
- 7.6 The Council shall maintain exact and proper ledger accounts and shall open an account or accounts at any recognized bank or banks for itself and all of its sub-committee funds which will comprise of the following:
 - (a) The Building Fund: To be used for the construction and maintenance of mosques, schools, colleges, centres, camps, homes for the aged, and orphanages.
 - (b) The Educational and Publications Fund:-To be used for the-paying of salaries and honorariums of Imams, teachers and other instructors and for purchasing of books and other educational materials. It shall also be used for the publication and dissemination of newspapers, journals, periodicals, books, booklets, tracts, and/or leaflets. The Health and Welfare Fund: Which shall be used to assist, where necessary, in the burial, medical care and hospitalization of the members of organisations affiliated to the Council.
 - (d) The Administration Fund: Into which shall be paid all profits made by the Council's business operations, as well as all mosque collections and funds derived from any fund raising functions. This Fund shall be used for the payment of salaries of the Council's Imam and other staff as well as for the general administration costs of the Council, including all costs associated with the upkeep of the Council's mosque.
 - (e) The Fitra Fund: Into which shall be paid all Eidul Fitr receipts and which shall be utilized in accordance with Islamic Law for the poor, fatherless, motherless and/or orphaned children on or before the feast of Eidul Fitr.
 - (f) The Zakah Fund: Into which shall be paid all Zakah collected from members and which shall be utilized for needy-purposes in accordance with Islamic Law.
- 7.7 The signatories to all banking and financial documents for the Council shall be the Treasurer and the President and in the absence of either, the Secretary or any other member approved by the Council Executive Committee.

8. STRUCTURE

- 8.1
 - (a) The Islamic Council of Western Australia shall be affiliated to the Australian Federation of Islamic Councils Inc. and the aims and objectives of its constitution shall be consistent with the constitution of the Australian Federation of Islamic Councils Inc.
 - (b) The President of the Federation of Islamic Councils Inc. shall be the Ex-Officio Patron of the Council.
 - (c) The Presidents of each affiliated association shall be Ex-Officio Council Vice Presidents and one of them shall be Senior Vice President.
 - (d) An employee of the Australian Federation of Islamic Councils Inc., or the Islamic Council Western Australia or any affiliated association shall not be eligible to stand for election to the Executive Committee of Council or an affiliated association.

- 8.2 The day to day management of the Council shall be vested in the Executive Committee which shall consist of:
- (a) President
 - (b) Senior Vice President
 - (c) Immediate Past President
 - (d) Secretary
 - (e) Assistant Secretary
 - (f) Treasure
 - (g) Public Relations Officer
- 8.3 The Council Committee shall consist of the Executive Committee and the Presidents or their nominees of each affiliated organisation and the Chairmen of any sub-committees, which may be established from time to time or at any Annual General Meeting. The Executive Committee shall have the power to co-opt Chairmen for sub-committees, which it feels, are in the interests of the Council.
- 8.4 The Council may have the following sub-committees:
- (a) Building Sub-Committee
 - (b) Education and Publications sub-committee
 - (c) Health and Welfare Sub-Committee
 - (d) Zakat and Fitr Sub-Committee
 - (e) General Purpose Sub-Committee
 - (f) Ladies Affairs Sub-Committee
 - (g) Liaison Sub-Committee
 - (h) Halal Certification Sub-Committee
 - (i) Any other sub-committees as shall be decided from time to time to be the interests of Council.

9. DURATION OF OFFICE

Every office bearer holds office for a term of two years from the Annual General Meeting in which the election is held and is eligible to be re-elected for a 2nd term of another two years for the same position.

10. DUTIES

10.1 Council Committee and Executive Committee

- (a) To carry out the objectives of the Council as set out in this Constitution and the policy of the Council as decided at General and/or Council Meetings.
- (b) To make the necessary arrangements to hold the Annual or Extraordinary General Meetings.
- (c) To appoint an Auditor.
- (d) To appoint delegates to the Australian Federation of Islamic Councils.
- (e) To co-opt members to sub-committees.
- (f) To interpret the meaning of any of the provisions in this Constitution.
- (g) To decide on all matters affecting the Council which cannot be deferred to the next Annual General Meeting.
- (h) To declare vacant the office of any Office Bearer or ordinary committee member or the Chairman of any sub-committee who, without reasonable cause, absents himself from three duly called meetings.

10.2 Office Bearers

10.21 President

- (a) To preside at all meetings of the Council including all Executive Committee meetings.
- (b) To represent the Council to outside bodies and to co-ordinate the activities of Organisations.
- (c) To carry out the decisions of the Council and its sub-committees.
- (d) To present a written Annual report to the Annual General Meeting.

10.22 Immediate Past President

- (a) To advise the new Committee as to the policy of the Council as requested and to help ensure the continuity of the work of the Council.

10.23 Senior Vice President

- (a) Shall be elected by a majority of the presidents of all affiliated associations at an Annual General Meeting or who have signified their choice in writing at or before the Annual General Meeting.
- (b) Shall perform the duties of the President in his absence or incapacity.

10.24 Secretary

- (a) Shall be the Executive Officer of the Council and shall be the Secretary and attend all meetings of the Council Committee and the Executive Committee Committees; take minutes thereof and conduct all the correspondence of the Council.
- (b) Shall be responsible for arranging all meetings of the Council Committee and Executive Committee meetings in consultation with the President or the Executive Committee.
- (c) Shall present an annual written report of the Council's activities at the Annual General Meeting.
- (d) Shall keep in his custody the Council's seal and all documents belonging to the Council.

10.25 Assistant Secretary

- (a) Shall assist the Secretary in the carrying out of his duties and shall in his absence or incapacity perform all his duties.

10.26 Treasurer

- (a) Shall be responsible for all financial matters and shall at the Annual General Meeting, present a written report on the various funds of the Council and submit an audited report of the financial statement of accounts as at 31st January. At the same meeting, he shall submit a list of financial Associations and Auxiliaries to the Council.
- (b) Shall be responsible for the collection of subscriptions from affiliated and auxiliary associations.
- (c) Shall generally co-ordinate his activities with those associations and auxiliaries.

10.27 Public Relations Officer

- (a) Shall be responsible for promoting the image of the Council
- (b) Shall be in charge of the library of the Council

- (c) Shall, in consultation with the President, issue press releases on any matter concerning the objectives of the Council and its affiliates and auxiliaries.
- (d) Shall submit a written report to the Annual General Meeting.

10.3 Sub-Committees of the Council

- (a) Each sub-committee shall have a Chairman, Secretary and Treasurer and such other members as may be deemed necessary from time to time.
- (b) Chairmen shall be elected at the Annual General Meeting of the Council or at the Council Committee Meeting. The Chairmen shall co-opt members to the sub-committees in consultation with the council Committee.
- (c) The Chairman shall submit a written monthly report of the activities of his sub-committee to a meeting of the Executive. Committee every two months and before the Annual General Meeting.
- (d) The Chairman shall submit a certified monthly report on the financial statement of accounts of the funds or moneys under the control of his sub-committee to the Executive Committee and to the Annual General Meeting.

11. QUORUM

- 11.1 At a General Meeting, a quorum shall be a majority of the Affiliated Organisations.
- 11.2 At Council Committee Meetings, a quorum shall be five members, three of whom Shall be Executive Committee Members.
- 11.3 At Executive Committee Meetings, a quorum shall be four members, two of whom shall be office bearers.
- 11.4 For sub-committee meetings, a quorum shall be at least half of the members co-opted to that sub-committee, including the Chairman.

12. MEETINGS

- 12.1 The Council shall hold its Annual General Meeting in March of each year or at any time agreed to by the Council Committee, but is to be held before the Annual General Meeting of the Australian Federation of Islamic Councils. Six weeks notice shall be given in writing to the last registered address of each member.
- 12.2 An Extraordinary General Meeting shall be called by the Council Committee or at the written request of the majority of the affiliated organisations.
- 12.3 An Extraordinary General Meeting requested by the majority of the associations shall be called within one month of receipt of such written request. Notice of such meeting shall be sent in writing to all the Associations two weeks before the meeting is due to be held. The notice shall include the particular purpose for which the meeting is called and specified clearly.
- 12.4 The Council Committee shall meet at least once every three months and two weeks notice shall be given.
- 12.5 The Executive Committee shall meet at least once a month.
- 12.6 Council sub-committees shall meet at least once a month or as required.

13. AGENDA FOR ANNUAL GENERAL MEETING

- 13.1 Any organisation wishing to place matters on the agenda for the Annual General Meeting must send them to the Executive Committee one month before the Annual General Meeting. Items received after that date will be placed on the agenda for the next year or will be discussed under "Any Other Business" with those received first having first consideration.

- 13.2 The Agenda including any motions shall be submitted to each Association together with Election Nomination Forms (if an election is to be held) at least three weeks before the Annual General Meeting so that that organisation can discuss it at their meetings.
- 13.3 All proposed amendments to the motions of the Annual General Meeting agenda must be received by the Executive Committee at least one week before that meeting. Electronic Communications must be followed by an original.

14. ELECTIONS

14.1 Executive Committee

- 14.11 The order of elections shall be as set out in Clause 8.2.
- 14.12 Nominations for office bearers (as per 7.3) shall be proposed and seconded by member's own Association; and such nominations must have written consent of the nominee on the appropriate nomination form.
- 14.13 All nominations must be in the hands of the Secretary one week before the Annual General Meeting.
- 14.14 If no nominations are received within the stipulated time, such nominations may be received from the floor.
- 14.15 Where, at the close of nominations, only one nomination is received, for a position, the person so nominated shall be deemed to be elected to that position.
- 14.16 Where, at the close of nominations there are greater than one for any position to be filled, then an election for the office shall be held by the following procedure:
 - (a) The voting shall be by secret ballot
 - (b) The meeting shall choose one Returning Officer from amongst the delegates who shall conduct the election.
 - (c) The candidate receiving the greatest number of votes shall then be declared elected.

14.2 Sub-Committees

- 14.21 The Chairman of each sub-committee shall be elected from amongst the members of the Executive Committee or from the members of the affiliated associations.

15. VACANCIES

- 15.1 If an office is declared vacant for any reason either by resignation, incapacity of the holder of that office to perform the duties assigned to him, or by virtue of the office being declared vacant due to the holder of that office failing to attend three consecutive meetings without sufficient cause, the Council Committee may appoint another Committee member to replace him or co-opt a member to fulfil his position until next election.
- 15.2 In the case of sub-committee Chairmen, the Executive Committee shall appoint another Chairman to replace him.

16. VOTING AND PROCEDURES AT MEETINGS

- 16.1 All motions must be proposed and seconded and debate will be allowed only on the motion before the Chair. Amendments to the motion may be moved but after this, discussions and voting can only be on the amendment before the Chair. Discussions on the motion can only be continued after the defeat of the amendment. Any discussions on the original motion can only be discussed and voted on if the amendment is defeated.

- 16.2 All speakers shall address the Chair.
- 16.3 All questions shall be decided on by a show of hands except where the meeting decides on a secret ballot. All matters shall be passed by a majority of members eligible to vote.
- 16.4 In the case of a deadlock, another vote shall be taken. In the event of further deadlock, the Chairman shall have the casting vote.

Voting's shall only be:

- (a) In General Meetings and in the election of the Executive Committee, each Association shall have one vote and the whole of the Executive Committee shall have only one vote.
- (b) In Council Committee Meetings every delegate of the affiliated Associations, the Chairman of every sub-committee, and each member of the Executive Committee shall be entitled to one vote.

16.6 Proxy Voting:

- (a) The Council Committee may at any time authorize proxy voting and prescribe the conditions to apply to such proxy voting. Notice of this authorization and the conditions under which it may be applied shall be issued at the same time as the notice of any meeting at which this proxy voting is to be authorized.

17. AFFILIATED ORGANISATIONS

- 17.1 The Council may affiliate established Muslim Organisations.
- 17.2 Any organisation wishing to affiliate with the Islamic Council of Western Australia, may do so by making written application to the Council Committee provided that:
 - (a) Its constitution shall be consistent with the constitutions of the ICWA and AFIC and in accordance with Clause 3 of this Constitution.
 - (b) It shall be open to all Muslims within its area irrespective of race, sex or national origin.
 - (c) Associations shall have at least 30 financial members except in the case of remote areas.
 - (d) Associations shall certify that its financial members are not also financial members of other associations affiliated to the ICWA.
- 17.3 Student Organisations are, subject to the approval of the Council at an Annual General Meeting, exempted from the compliance with paragraph 17.2 (c) of this Constitution but all members shall be registered. students of Universities in WA There shall not be more than one organisation in any university. They shall have all the rights and privileges of an affiliated organisation.
- 17.4 Except for organisations with less than 30 financial members, each affiliated organisation shall send not more that 3 delegates to the Council. The number of delegates from organisations with less than 30 financial members shall be discussed and approved at a General Meeting.
- 17.5 The Council may accept membership of an organisation as an auxiliary, which is formed primarily to pursue the cultural aspects of the Muslims in Western Australia.
- 17.6 Such membership shall be subject to such terms and conditions that shall be agreed upon by the Council Committee at the time of application.
- 17.7 Provisional affiliation may be granted by the Executive Committee and shall be submitted to the next Annual General Meeting for ratification.
- 17.8 Auxiliaries affiliated under this clause shall be subject to all the provisions of this Constitution.
- 17.9 Each Auxiliary shall have one delegate to the Annual General Meeting, but shall not be eligible for election to the Executive Committee of the Council.
- 17.10 Auxiliaries shall not be eligible to participate in the election of the Executive Committee.

18. AMENDMENTS

- 18.1 Any motions to amend this Constitution shall be submitted in writing, by an Organisation, to the Secretary, one (1) month before the Annual General Meeting. The Secretary shall notify all other Organisations, in writing, within seven (7) days of receipt of such written notice.
- 18.2 A motion to change the Constitution may come from the Executive Committee or from an Organisation. Two thirds of the members of the Council Committee must vote in favour of the motion for it to be passed for placing on the agenda for the next Annual or Special General Meeting.
- 18.3 One month notice shall be given in writing to call any Special General meeting to amend this Constitution. The amendments to be made must be clearly stated in the notice of the meeting.
- 18.4 When the vote to change the Constitution is put to the General Meeting, the quorum shall be the majority of the members of the Council eligible to vote under this Constitution.
- 18.5 Motions to change the membership subscriptions shall, notwithstanding the above, be passed by a simple majority of those present at a Council Committee meeting.

19. COMMON SEAL

The Common seal of the Islamic Council of Western Australia shall be in the custody of the Secretary. All deeds, instruments and other documents or writing required by law to have a Common Seal affixed shall be signed by at least one of the Executive Committee and countersigned by the President, or, if due to his in-capacity for any reason whatsoever, by the Senior Vice President.

20. WINDING UP

- 20.1 The Council may at any time resolve in an Extraordinary General Meeting to discontinue its operations and activities.
- 20.2 Notice of meeting for this Extraordinary General Meeting shall be given at least one month before the meeting and shall clearly state the purpose of the meeting and the reasons therefore. No other matters shall be discussed at this meeting.
- 20.3 If this resolution is passed, steps shall be taken forthwith to satisfy all the debts and other liabilities of the Council by the Executive Committee of that year.
- 20.4 In the event of the Council being wound up, and surplus assets remaining after the payment of the Council's liabilities shall be transferred to another organisation affiliated with ICWA or affiliated with AFIC and is not carried on for the purposes of profit or gain to its individual members.
- 20.5 The Council or organisation mentioned in Clause 20.4 above must be an Incorporated Association or a charitable organisation.

21. INDEMNITY

- 21.1 No member shall incur any liability for any acts provided for in these rules as in force from time to time or the resolutions and regulations validly made.
- 21.2 Every office bearer, Committee Member, officer or worker of the Council shall be indemnified by the Council against all costs, losses and expenses incurred in the exercise, in good faith of his office.

22. LIMITATION OF POWER

The functions of the Council shall not be utilized in any way whatsoever to confer profit in any shape or form to any individual member of any organisation affiliated to the Council.