

Muslim Charity Community – WA Inc
الجمعية الإسلامية الخيرية في غرب استراليا
Charity, Education, Sports activities, Community developments
Registered NO : A1011744A
License No 20782
Website www.mccwa.net.au



Constitution

NAME

The name of the association is - **THE MUSLIM CHARITY COMMUNITY OF WESTERN AUSTRALIA.**

Throughout this constitution if not consistent with the context-

“**Association**” means "**THE MUSLIM CHARITY COMMUNITY OF WESTERN AUSTRALIA**".

“**Board**” Means "**THE BOARD OF MANAGEMENT**"

"**Executive Committee**" means the Executive Committee of management of the Association, comprising the General Executive Committee Members and the office-bearers of the Association, elected or appointed in the manner provided in the Rules.

“**Financial Year**” means the year commencing 1st of January to 31st December inclusive.

"**Friend of the Association**" has the meaning attributed to that term in the Rules.

"**Corporations Law**" means the Corporations Law set out in section 9 (1) of the Corporations Act, 1989 (Cth) or as applied by the appropriate corresponding legislation of an Australian State or Territory as a law thereof.

"**General Executive Committee Member**" means a member of the Executive Committee who is not an office-bearer of the Association.

"**Member**" means any person who is approved and registered as a member by the Trustees of the Association in the Register and has been for more than 1 full year and is deemed to be a member with full rights under this Constitution.

“**Probationary Member**” means a person registered as a new member of the Association in the Register of Members.

"**Register**" means the register of Members of the Association to be kept pursuant to the rules.

“**Rules**” means rules of this Constitution as altered or added to from time to time and a reference to provision of these rules is a reference to that provision as altered or added to from time to time.

"**Secretary**" means: the person holding office under these Rules as secretary or in his/her

absence the Assistant Secretary of the Association; or where no such person holds that office, the Public Officer of the Association.

"Special General Meeting" means a general meeting of the Association other than the Annual General Meeting.

"Special Resolution" means a resolution passed at a General Meeting of the Association:

- (a) Of which at least 21 days' written notice specifying the intention to propose the resolution as a special resolution has been given; and
- (b) Which has been passed by a majority of at least three-quarters of the members of the Association being entitled under these Rules to vote in person or by proxy at that meeting.
- (c) And includes a resolution passed other than in accordance with (a) and (b) of this definition if:

The Director-General of Department of Consumer and Employment Protection determines that it is not possible or practicable for the resolution to be passed in the manner specified in (a) and (b) of this definition; and the resolution is passed in a manner specified by the Director-General.

"Statement of Objects" means the Association's document of that title, as adopted and in place from time to time.

"The Act" means the Associations Incorporations Act, 1987 (WA).

"The Regulation" means the Associations Incorporations Regulations, 1987 (WA).

"Trustees" shall be the 5 initial Members of the Association.

MCCWA OBJECTIVES

The objectives for which the Association is established are:

1. **Primary Objective:** To support and uphold the Australian Laws.
2. **Secondary Objective:**
 - Build a Place of Worship for Muslims in the local area so that they can comfortably perform their congregational prayers.

- Build a collection of rooms attached to the Mosque to form a Community Centre for educational, social and additional services for local Muslims. The Community Centre will comprise:
 - (a) A large room to be referred to as ‘the multi-purpose room’ for:
 - 1) classes to teach the English and Arabic language and Islam, 2) small social gatherings, and 3) small non-social gatherings such as meetings, conferences, talks by guest speakers and paying respect to the family of deceased persons.
 - (b) A library that will contain up to date information on community services and house Islamic books and journals in several languages including English, Arabic, Urdu, Malay, Indonesian and any other relevant languages.
- A fully-functional kitchen to prepare meals for members, users and for function purposes.
- Purchase books and seek donated books for the library.
- Provide local Muslims with information on relevant services when in need.
- Seek the voluntary service of an Imam (an Islamic scholar) to run classes on the Islamic religion and employ the voluntary services of individuals to teach the English and Arabic language.
- Welcome all local community residents (Muslims and non-Muslims alike) to the Community Centre, in particular to attend the classes and conferences, and to access the books and audio housed in the library.
- Regularly invite local community non-Muslims to attend particular social gatherings and festival celebrations.
- Collect donations from worshippers and other donors to provide financial assistance to local Muslims that are experiencing extreme financial hardship or who cannot afford burial costs for a deceased family member.
- Publish and print any newspapers, periodicals, books or leaflets that the MCCWA may decide is desirable for the promotion of its aims.

MCCWA AIMS

- To meet the religious and cultural needs of the local Muslim community.
- To increase the local Muslim community's feeling of acceptance by the wider local community and their local government.
- To increase the sense of belonging amongst Muslims in the local community.
- To bring together Muslims in the local community.
- To increase integration of Muslims from the local community into Australian society.
- To increase social relationships and positive interactions between Muslims and non-Muslims.
- To increase respect and acceptance of others regardless of cultural, racial or religious differences amongst residents from the local community.
- To increase understanding amongst Muslims and non-Muslims of the Islamic religion, customs and rituals.
- To increase access to financial and practical support for families of deceased Muslims in the local community.
- To increase access to education of the Islamic religion, English to non-speaking English Muslims and Arabic to non-speaking Arabic members of the local community.
- To provide some relief for Muslims in the local community who are suffering from extreme financial hardship.
- To increase the local Muslim community's awareness of community services available to them

MCCWA commitment to the Australian Federation of Islamic Councils Inc

- (a) The Association shall ensure that its Constitution is always in conformity with that of the AFIC.
- (b) The Association shall not adopt a name based on ethnicity or some racial or national context.

- (c) The Association shall pay an annual membership fee to AFIC as determined from time to time by the AFIC Federal Council and the AFIC Congress.
- (d) The Association shall abide by the motions and resolutions adopted from time to time in AFIC Federal Council and AFIC Federal Congress.
- (e) A member of the Association shall not enrol as a member of another Islamic Association in WA which is a member of the ICWA.
- (f) The Association shall not
- Appoint a person who is a member of its executive committee to any office in the gift of which there is payable any remuneration by way of salary, fees or allowances; or
 - Pay to any such person any remuneration or other benefit in money or money's worth (other than the payment of out of pocket expenses).

 - Appoint a former member of its executive committee to a paid position unless a period of at least two years has lapsed since the member last held an office in the Association.
- (g) In the event that a relative of a member of its executive committee or of a staff or a consultant of the Association applies for a paid position, such member or staff shall not take part in the decision making process relating to that appointment, or attempt to influence the decision making process whether directly or indirectly.
- (h) A candidate who wishes to be an office bearer, trustee or an official of the Association shall possess the following qualifications:
- He/she must be a member of the Association for at least one year.
 - He/she is not in receipt of any direct emolument from the Association or a State Council.
 - He/she is not occupying any position in the AFIC hierarchy which places him/her in a position of conflict of interest.
 - He/she possesses integrity and record of good service and good character and has not been convicted of any crime in Australia.
 - He/she is a citizen or permanent resident of Australia and not an employee of a foreign government or organisation including a diplomatic mission.
 - He/she must be a MUSLIM (Qadianis, Ahmadis, Mirzas, Lahories, and Bahais are not regarded as Muslim).
- (i) The Association shall be properly registered with an appropriate government authority in Australia and its properties shall be vested in the incorporated body, or a Trust established for that purpose by the General Body of the Association.
- (j) The Association shall accept the mediation and adjudication of AFIC in matters of controversy and differences between members of the Association or within State Islamic Council or with other Association or societies.

- (k) The Association shall ensure that no property and asset of any kind belonging to the Association shall ever be transferred to members of the Association, or a foreign government or organisation or any individuals.
- (l) If upon the winding up or dissolution of the Association, there remains, after satisfaction of all debts and liabilities, any property whatsoever, the same shall not be paid or distributed to the members or trustees but shall be transferred to some other institution/s having objects similar to the objects of the Association or to the Australian Federation of Islamic Councils (AFIC).

POWERS

Without in any way limiting the generality of the foregoing of the following provisions, the association shall have power to do or assist in doing any or all of the following things:

- To purchase, take on a lease or in exchange, hire or otherwise acquire and to sell, lease or otherwise dispose of any real property or any rights or privileges which the Association may think necessary or convenient for the achievement or furtherance of the objects of the Association.
- To purchase or otherwise acquire furniture, instruments, equipment and stores.
- To borrow money for any of the objects of the Association and for the purpose of securing repayments of such money a interest thereon to mortgage or charge the whole or any part of the property of the Association whether real or personal and for such purpose to execute mortgages, bills of sale or other securities containing such covenants and provisions as the Board may consider necessary.
- To purchase, to apply, to take, to accept and to pay calls in respect of any shares debentures of other interest in any corporation and to invest any of the funds of the Association on an security for the time being authorized by the Board.
- To obtain funds for the Association either by subscription, grant, donation or other means, including donations, devise or bequest of real personal property.
- To open and operate bank accounts.
- To invest its money:
 - (i) In any security in which trust money may be invested; or
 - (ii) In any other manner authorised by the rules of the Association.

INCOME AND PROPERTY

The income and property of the Association shall be applied solely towards the promotion of its objects and no portion thereof shall be paid or transferred directly or indirectly to its

members provided that nothing herein shall prevent the payment in good faith of reasonable and proper remuneration to any officer or employee of the Association or expenses incurred on behalf of the Association.

All money received by the Association shall be deposited in one or more accounts to be opened with a bank or building society selected by the Board. Cheques and other documents relating to every such account shall be signed by any 2 of the President, Vice President, Treasurer and such other people as are nominated by the Board for the purpose.

MEMBERSHIP

The qualification of all members shall be that:

- In case of members other than honorary members they shall be from any Islamic nationality or shall be the descendants of such person or shall be other persons related by marriage or otherwise to such persons or descendants.
- They are over the age of eighteen years and are supporters of the objects of the Association.

The Association shall consist of members under the following:

- Ordinary members who have paid their Administration fee and annual subscription.
- Honorary Member who have rendered exceptional or distinguished services to the Association.

Every application for membership shall be made in writing signed by the candidate and shall be displayed in a conspicuous place in the Association premises provided for the period of not less than seven (7) days before the nominations are dealt with by the Board and in no case shall a member be accepted until the expiry of fourteen (14) days from the day upon which his nomination is received by the secretary.

The Administration fee and the annual subscriptions shall be payable in advance and shall be such as the Board shall from time to time prescribe but the annual subscription shall not be less than one hundred and twenty (120) dollars and may be payable in instalments of thirty (30) dollars every three months and the administration fee is ten (10) dollars.

No application fee shall be dealt with unless and until the administration fee is paid.

Membership shall commence from the date of acceptance.

Any candidate rejected for membership shall be refunded any fees or subscription paid by her/him.

When a candidate has been accepted, the secretary of the Association shall forthwith send to her/him at the given address upon her/his nomination paper a notice to that effect.

The secretary shall keep a register of members setting forth the name in full, occupation and address and up to date records of subscription.

Such register shall be open at all times for inspection by members of the Board only and any person properly authorized by law.

BOARD OF MANAGEMENT (THE BOARD)

The affairs of the Association shall be managed by the Board of Management which shall be comprised of eight (8) members consisting of:

- A Chairperson (President)
- A Vice-Chairperson (Vice President)
- A Secretary
- A Treasurer
- An Accountant
- Three (3) Members

The Board of Management shall be elected by the Financial Members of the Association at the Annual General Meeting.

The Board shall be responsible for employment of all staff as determined from time to time.

The Members of the Board shall hold office for the period of one (1) year excluding the Chair Person (President) shall hold for a period of two (2) years or majority voted by the Board otherwise and are all eligible for re-election at the Annual General meeting. No member of the Board shall be elected and hold a particular office for more than one (1) year.

Notice of all meeting of the Board shall be given to all its members and such notice may be given orally, by letter, facsimile or telephone at least seven (7) days prior to the meeting.

The Board shall hold periodical meetings at least once each calendar month.

The President or in his absence Vice-President shall preside as a Chairperson at all meetings of the Board, but in the absence of both the members present shall elect a Chairperson for the meeting. At any meeting of the Board four (4) members shall form a Quorum. All questions at any meeting of the Board shall be determined by a majority of the votes of the members present each of whom shall be entitled to one vote provided that in the case of equality of votes, the Chairperson of the meeting shall have a second vote or casting vote.

A resolution in writing signed by all the present members of the board shall be as valid and effectual as if it had been passed at a meeting of the Board duly called and constituted.

GENERAL MEETING

The Business of the Annual General Meeting shall be:

- The confirmation of the minutes of the last Annual meeting and of any special General Meeting held since the presiding Annual General meeting.
- The receipt and discussion of the president report.
- The receipt and discussion of the secretary report.
- The receipt and discussion of the accountant report.
- Election of the Board of Management.

May at any time convene a Special General meeting and shall within 30 days of:

- Receiving a request in writing to do so from not less than seven (7) members of the Association.
- The member making the request shall state in their request the purpose for which the special General meeting concerned is required.
- Sign the request.

The Secretary shall give to all members not less than fourteen (14) days notice of a general meeting and he/she may do it by:

- Serving it on member: or
- Sending it by post.

Quorum in proceeding at a General meeting:

- No business shall be transacted at any general meeting unless a Quorum of thirty (30) members present in person or by proxy.
- If within 30 minutes after the time appointed for this meeting a Quorum is not present, the general meeting lapses, in any other case it shall stand. Adjourned to the same day at the same time and place, in the following week.
- If a meeting is adjourned and a Quorum is not present within 30 minutes the members present by a person or by proxy (being not less than four) there shall be a quorum.
- There shall not be transacted at an adjourned General meeting any business other than business left unfinished or on the agenda at the time when the General meeting is adjourned.

The President shall preside as Chairperson at every General Meeting or he/she is not present, the Vice-President shall be the Chairperson or if he/she is not present also, the members present shall elect one of them as chairperson of the meeting.

At any General meeting a resolution put to the vote of the meeting shall be decided on show of hands unless a poll is demanded:

- By the Chairperson; or,
- By at least three (3) members present in person or by proxy.

In the case of equality of votes the Chairperson shall be entitled to a second vote or casting vote.

No member shall be entitled to vote at any General meeting if his Annual meeting Subscription is not up to date.

The instruments appointing a proxy vote shall be in writing. A proxy vote must be a member of the Association. No more than two proxies shall be held by any member.

All past Presidents of the Association shall be Honorary Members and shall carry the title of past president.

The members of the Board shall become vacant if the member:

- Cease to be a member of the Board.
- Becomes prohibited from being a director of a company by reason of any order made under the act.
- Becomes of unsound mind or a person or estate to be dealt with in any way under the law relating to mental health.
- Resigned by notice in writing.
- Becomes Bankrupt.
- Is absent for more than six meetings without permission of acceptable reason.
- Holds any office of profit under the Association.

At the annual General meeting the whole of the Board shall retire and they are eligible for re-election, on the exception of the Chairperson where they retire at the anniversary of their fourth term or otherwise majority voted by the Board.

THE COMMON SEAL

The board shall provide for the safe custody of the seal of the Association which shall only be used by the Authority of the Board and every instrument to which the Seal is affixed shall be signed by two Seal holders in whose present the same is affixed. The Seal holders shall be the President, Vice-President and a member of the Board nominated by the Board for that purpose from time to time.

MINUTES

Minutes of the proceeding of every General meeting and of every meeting of the Board shall be entered and kept in a book and such book when signed by the Chairperson of the meeting in question shall be conclusive evidence that the proceeding minutes therein were regular and actually took place as minutes at the meeting duly convened and held and shall be binding on all of the members.

AUDIT

The Association's financial year shall be from the 1st January to the 31st Decembereach year and the Auditors shall be appointed at each Annual General meeting of the members of the Association to audit the books and financial statement of the Association for the ensuring year.

DISSOLUTION

If at a General meeting of the members of the Association a resolution for the dissolution of the Association is passed by a majority of at least three-fourths of the members present at the meeting. If upon the winding up or dissolution of the Association there remains after satisfaction of all its debts and liabilities any property whatsoever, the same shall not be paid to or distributed amongst the members of the Association but shall be given or transferred to the Islamic Council of Western Australia Inc or the Australian Federation of Islamic Councils Inc or some other institution or institutions having objectives similar to the ones of the Association and which shall prohibit the distribution of its or their income and property among its or their members to an extent at least as great as is imposed on the Association under or by virtue of the statement of objectives, such institution or institutions to be determined by the members of the Association at or before the time of dissolution and in so far as effect cannot be given to the aforesaid provision then to some charitable object.

ALTERATIONS TO THE CONSTITUTION

The Constitution of the Association may be added to or repealed at any general meeting by resolution passed by not less than three-fourths of the members of the Association present at that meeting.

DOCUMENTS OF THE ASSOCIATION

A member may at any reasonable time inspect without charge the books, documents, records and securities of the Association.

END