

IN THE NAME OF ALLAH THE BENEFICENT THE MERCIFUL



**CONSTITUTION
OF
CANBERRA MUSLIM
COMMUNITY
Incorporated
(A 03598)**

Version 1.6

Version History

Version No	Print Date	Description	Author
1.0	2001	First Version	A Bari, A Fattah, M Kazi, A Hossain, S Mohgamat and N Sobhan
1.1	2006	Incorporation of Community Welfare Forum into the body of the Constitution.	Rais Khan
1.2	26 March 2007	Insertion of the Version History Table for the first time to ensure legality and accountability of all changes; insertion of 2004-2005 SGM Resolution (App.3) and RGO Incorporation Certificate (App.3) into the Appendices as evidences supporting v1.1 and v1.2 changes, respectively; recording of name change from NCMC to CMC in the body of the Constitution as per above evidences cited; error in v1.1 regarding the authority of Trustee Board corrected (p.9) in compliance with 2004-2005 SGM Resolution.	Nazre Sobhan
1.3	4 April 2008	Removal of Clause 1-C in compliance with CMC EC Resolution dated 19/3/08 (i.e. CMC no longer associated with AFIC) reversing a previous EC resolution as recommended by Constitution Review Subcommittee recently.	Nazre Sobhan
1.4	16 August 2008	A comprehensive reform of the CMC Constitution as per a Special Motion on constitutional amendments package (Appendix 4) adopted unanimously in the CMC AGM 2006-2007 held on 31 May 2008 at the Canberra Mosque and made effective from the same date.	Nazre Sobhan, Ahmed El-Zein, Borhan Ahmed and Fazlul Bari
1.5	15 April 2013	A series of amendments to the CMC Constitution as per a Special Motion on constitutional amendments (Appendix 5) adopted unanimously in the CMC AGM 2010-11 held on 24 March 2012 at the Gungahlin Library and made effective from the same date.	Borhan Ahmed, Tanveer Khan, Yasser Dabhoiwala, Haroon Khan and Nazre Sobhan
1.6	12 April 2018	A package of wide range of amendments to the CMC Constitution as provided in Appendix 6 was adopted unanimously by a special resolution at the CMC AGM 2017 held on 18 November 2017 at the Gungahlin Mosque and made effective from the same date.	M Qamruzzaman

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PART I – NAME AND OBJECTIVES

1. NAME

- (a) The name of the association shall be “**CANBERRA MUSLIM COMMUNITY INCORPORATED**”¹ hereinafter, referred to as the “CMC”.
- (b) The office of the CMC shall be situated in Canberra, A.C.T.

2. MISSION AND OBJECTIVES

(1) Mission Statement

‘ Striving to serve the community in the nation’s capital for our faith and heritage’

(2) Objectives

The aims and objectives of the CMC are as follows, the first three being the foundation reasons of the Organisation (including but not be limited to):

- (a) To provide a platform for the Muslim Community to promote a general understanding of Islam, to assist Muslims in the practice of Islamic faith by providing for their social, moral, humanitarian and spiritual needs, to foster and promote social contact and co-operation among Muslims and other communities for the betterment of all, and to facilitate the propagation of the Islamic faith in the wider communities by undertaking religious and social activities.
- (b) To establish and maintain places of worship (Mosques) and community centre facilities in the ACT region as the overriding tangible goal of the CMC and in doing so, to facilitate other objectives including 2(a) and 2(c).
- (c) To build unity across ethnic and linguistic lines and reach out to all with messages of faith, compassion, tolerance, inclusiveness and universal civilisation values.
- (d) To undertake charitable services to provide humanitarian relief aid to the victims of natural and man-made disasters, emergencies and crises, and to assist the needy, the sick, the elderly, the disabled, the orphans, the children, the homeless, the refugees, the displaced persons, and other most disadvantaged and vulnerable people within the community, irrespective of their gender, colour,, origin, age, culture and creeds or religions. The CMC aims to provide the above humanitarian aid to communities and individuals affected by disasters, and crises by: (i) identifying their needs; (ii) developing and initiating relief programs; and (iii) conducting and coordinating donation appeals and campaigns in an accountable and transparent manner.
- (e) To establish a public library for the benefit of the community.
- (f) To establish and maintain a public trust fund and accounting process for the sole purpose of supporting religious instructions in government schools in the ACT and Queanbeyan.
- (g) To preserve, promote and safeguard the religious, social, cultural and educational interests of Muslims.
- (h) To represent the Muslim Community in meetings, forums and conferences.
- (i) To facilitate the performance of Muslim civil ceremonies and religious services according to Islamic Shari’ah and principles.

¹ The name of the organisation was changed from the “North Canberra Muslim Community” to the “Canberra Muslim Community” in a constitutional amendment adopted in the 5th Annual General Meeting held on 25 November 2006. See the Incorporation Certificate issued by the ACT Register’s General Office attesting this name change (Appendix 2)

- (j) To provide for the imparting of Islamic religious knowledge by qualified persons.
- (k) To co-operate with other organisations in all matters, which serve the interest of Islam, Muslims in particular, and in general, on matters permitted by Islam that are in the interest of the wider Australian community.
- (l) To raise funds by seeking grants, donations and other forms of assistance from Government, Muslim individuals, Islamic organisations and any other potential donors in Australia and overseas. However the committee may use its discretion to decide whether these funds will be accepted
- (m) To conduct, facilitate and manage ALL affairs and activities of CMC in accordance with the Divine Quran and the authentic traditions of the last and final Prophet Muhammad (peace be upon him).
- (n) To diligently avoid all breaches of commonly accepted norms, code of conduct and practice, as contained in Articles 46-49, fundamentally expected of community organisations and in civil societies.

3. INTERPRETATION

(1) In these rules, unless a contrary intention appears-

financial year	means the year ending on 30 June;
member	means a member, however described, of the CMC;
financial member	means: (i) a life member; or (ii) a general member who has paid annual membership fee in accordance with clause 9(3)
committee / Executive Committee:	means a combination of office-bearers and ordinary committee members, as defined in clauses of rule 13, with a maximum of nine (9) people at any point of time.
ordinary committee member :	means a member of the committee who is not an office-bearer of the CMC as referred to in paragraph 12 (1)(a);
Secretary:	means the person holding office under these rules as secretary of the CMC or, where no such person holds that office, the public officer of the CMC;
the Act:	means the Associations Incorporation Act 1991 of the ACT;
the Regulations:	means the Associations Incorporation Regulations.
the CWF ² :	means the Community Welfare Forum
the Steering Committee:	means the Steering Committee that manages the Community Welfare Forum

(2) In these rules-

- (a) A reference to a function includes a reference to a power, authority and duty;
- (b) A reference to the exercise of a function includes, where the function is a power, authority or duty, a reference to the exercise of the power or authority or the performance of the duty.
- (c) The provisions of the Interpretation Act 1967 apply to and in respect of these rules in the same manner as those provisions would so apply if these rules were an instrument made under the Act.

² Community Welfare Forum (CWF) was added to portfolio of the NCMC activities in a Special General Meeting held on 16 Oct 2005 (see Appendix 3)

PART II - MEMBERSHIP

4. MEMBERSHIP CATEGORIES AND ELIGIBILITY

- (1) Membership categories
 - (a) Life Membership
 - (b) General Membership
- (2) Membership eligibility criteria
 - (a) Must be a Muslim;
 - (b) Must be at least 18 years old; and
 - (c) Must be a legal resident of ACT; and
 - (d) Must pay the appropriate fee for the relevant category as mentioned on the application form for membership
 - (e) Must have never been convicted of criminal offence or misappropriation of private or public funds or forgeries of any kind in any court of law in anywhere in the world.

5. MEMBERSHIP APPLICATION PROCESS

- (1) Application for membership must be made by submitting a completed application form to CMC along with the appropriate fee. Application fee may change from time to time in accordance with clause 9(1).
 - (b) Application form can be downloaded from the CMC website or any member of the committee.
- (2) As soon as is practicable after receiving an application for membership, the Secretary shall refer the application to the committee who shall determine whether to approve or to reject the application. The decision of the committee shall be communicated by the Secretary to the applicant within 40 working days after the application is received. For disapproval of application the Secretary shall give reasons in writing and refund the application fee to the applicant in the stipulated time. No communication from the committee for 40 working days or more after acknowledgement of the application shall mean approval of the application.
- (3) Where the application is approved by the committee, the secretary shall enter the applicant's name in the register of members and, upon the name being so entered, the applicant shall become a member of the CMC.

6. MEMBERSHIP RIGHTS AND ENTITLEMENTS

- (1) To exercise voting rights in elections of the committee and in any other decision making process in special resolutions at general meetings and to be eligible to nominate members to the committee pursuant to clauses 14, 30 and 31, a member must be a financial member
- (2) A right, privilege or obligation which a person has by reason of being a member of the CMC-
 - (a) is not capable of being transferred or transmitted to another person; and
 - (b) terminates upon cessation of the person's membership.

7. CESSATION OF FINANCIAL MEMBERSHIP

- (a) dies; or
- (b) resigns from membership of the CMC; or
- (c) is expelled from the CMC in accordance with clause 11; or
- (d) ceases to be a legal resident of ACT; or

- (e) if not a life member, fails to pay annual membership fee in accordance with clause 9(3)

8. RESIGNATION OF MEMBERSHIP

- (1) A member may resign from membership of the CMC by giving written notice.
- (2) The committee may not accept the resignation unless the member pays off all amounts owed to the CMC.
- (3) Where a person ceases to be a member, the secretary shall make an appropriate entry in the register of members recording the date on which the member ceased to be a member.

9. MEMBERSHIP FEES

- (1) The annual general membership fee shall be determined by the executive committee at any time and the life membership fee through a general meeting. Any variations of the membership fees are to be notified to current members.
- (2) The fees are stated in the CMC Membership Application form.
- (3) The annual membership fee is payable:
 - (a) except as provided by paragraph (b), before 1 July in each calendar year; or
 - (b) where a person becomes a member on or after 1 July in any calendar year, before 1 July in each succeeding calendar year.
- (4) Life Members are not required to pay annual membership fees.
- (5) Life members shall pay the required fee as an one off payment or in instalments over a period of time as agreed by the committee. In case of paying by installation, life membership commences on the day the final instalment is made to complete the full payment.
- (6) For all applicable clauses, means of communications between the committee and members shall be one or any combination of the following:
 - (a) Email
 - (b) CMC Website
 - (c) Text message
 - (d) CMC Social media
 - (e) Australia Post mail
 - (f) Newsletter
 - (g) Any other means as decided by the committee

10. MEMBERS LIABILITIES

The liability of a member to contribute towards the payment of the debts and liabilities of the CMC or the costs, charges and expenses of the winding up of the CMC is limited to the amount, if any, unpaid by the member in respect of membership of the CMC as required by rules 9.

11. DISCIPLINING OF MEMBERS

- (1) Where the committee has received written complaint(s) against a member,
 - (a) the committee would seek to resolve such complaint(s) through mutual consultation in the spirit of Islamic brotherhood;
 Where, subject to sub rule 11(1)(a), the committee is of the opinion that a member,
 - (b) has persistently refused or neglected to comply with a provision of these rules; or
 - (c) has persistently and wilfully acted in a manner prejudicial to the interests of the CMC, the committee may, by resolution-
 - (d) expel the member from the CMC; or

- (e) suspend the member from such rights and privileges of membership of the CMC as the committee may determine for a specified period. Such decision must be communicated to the member(s) concerned in writing within two weeks of the resolution.
- (2) Member(s) so expelled/suspended by the committee will have the right to lodge an appeal application against such decision in writing to the President of CMC within four weeks of the date of issue of the letter.
- (3) The President of CMC shall, upon receipt of the application from an appellant, form an independent committee of three financial members (excluding committee members) to review the expulsion/suspension decision of the committee. The independent committee will submit its recommendation in writing within six weeks to the President of CMC.
- (4) On receipt of the report from the independent committee, the committee by resolution will take a decision in light of the report. The decision will then be communicated in writing to the appellant within two weeks from the date of the resolution.
- (5) A resolution of the committee under sub rules 11(1) and/or 11(4) as applicable is final and binding except where it is overruled by an ordinary resolution at a general meeting.

PART III - THE COMMITTEE

12. POWERS OF THE COMMITTEE

- (1) The committee, subject to the Act, the Regulations, these rules, and to any resolution passed by the CMC in general meeting:
 - (a) shall control and manage the affairs of the CMC;
 - (b) may exercise all such functions as may be exercised by the CMC other than those functions that are required by these rules to be exercised by the CMC in general meeting;
 - (c) has power to perform all such acts and do all such things as appear to the committee to be necessary or desirable for the proper management of the affairs of the CMC;
 - (d) has power to appoint the Steering Committee of the Community Welfare Forum, as per rules 36, comprising respectable, credible and honest members, with Islamic disposition and value system, which will be delegated to undertake the welfare and benevolence related activities;
 - (e) has power to appoint, through the Steering Committee of the Community Welfare Forum, a permanent body known as “Trustee Board”, as per rules 35, comprising religiously practising and eminent members of the committee to oversee the community aid activities of the CWF wing of the CMC;
 - (f) has the power to re-assign the duties of an office bearer to another executive committee member if the office bearer is absent from 3 of 5 consecutive meetings; and
 - (g) has the power to examine by itself or appoint a commission to investigate any suspected breaches of Articles 2, 14-1 and 46-49 by any member including any CMC Executive, as applicable, and recommend/take appropriate actions including publication of investigation results and/or invoke Clause 11, depending on the severity of breach(es) committed.

13. CONSTITUTION AND MEMBERSHIP

- (1) The committee shall consist of:
 - (a) 5 (five) office-bearers; and
 - (b) 4 (four) ordinary committee members; each of whom shall be elected pursuant to sub rules 13(3), 13(4), 13(5) or appointed in accordance with sub rules 13(3), 13(4), 13(5).
- (2) The office-bearers of the CMC shall be-
 - (a) the President;
 - (b) the Vice President;
 - (c) the Secretary
 - (d) the Assistant Secretary; and
 - (e) the Treasurer
- (3) Each office-bearers defined in sub rule 13(2):
 - (i) shall, subject to these rules, hold office for a term of two years until the conclusion of the second annual general meeting following the date of the office-bearer's election; and
 - (ii) shall not be eligible for re-election to the committee defined in sub rule 13(1) for more than two consecutive terms; and
 - (iii) shall be eligible for election to the committee as defined in 13(1) after two terms following completion of his/her serving two consecutive terms; and
 - (iv) for the purpose of ineligibility in 13(3)(ii) resignation from the committee at any point before completing any term will not count as shorter than the full two-year

term

- (4) Each ordinary member of the committee defined in 13(10) (b) shall,
 - (i) subject to these rules, hold office for a term of two years until the conclusion of the second annual general meeting following the date of the ordinary member's election; and,
 - (ii) be eligible for re-election to the committee defined in 13(1) even after serving two consecutive terms
- (5) When a position in the committee as defined in clauses 13(1)(b) or 13(2) becomes vacant, a member of the CMC can be co-opted to that position by rest of the committee members as per clause 22 in accordance with the following:
 - (i) if the position is made vacant by an office bearer as defined in 13(2), the person co-opted must be an existing elected ordinary committee member as defined in 13(1)(b)
 - (ii) if the position is made vacant by an ordinary committee member as defined in subclause 13(1)(b), the person co-opted must be a financial member
 - (iii) a member so appointed in accordance with subclauses 13(5)(i) or 13(5)(ii) shall hold office, subject to these rules, until the conclusion of the annual general meeting at which the next election of committee members will take place
- (6) No change in the body of the Constitution can be made without a motion being tabled in a General Meeting and passed as a Special Resolution pursuant to Clauses 26-2 and 30-7. Accordingly, a duly passed amendment is to be scrupulously reproduced word by word, without any modification whatsoever, in the body of the Constitution with supporting documentation being inserted into the Appendix, if applicable. Any changes made through the above procedure must be recorded in a Version History Table appearing before the Table of Content page of the Constitution.

14. NOMINATION OF COMMITTEE MEMBERS

- (1) The nomination for the committee members should be made by other financial members having regards to the following characteristics:
 - (a) the nominee should be a reasonably knowledgeable person on Islamic matters and have due respect for Islamic etiquette;
 - (b) the nominee makes every effort to perform obligatory duties such as five times daily prayers and fasting during Ramadan;
 - (c) the nominee refrains from committing major sins such as consuming/dealings with alcohol, dealings with all forms of gambling;
 - (d) the nominee possesses integrity and record of good service and good character;
 - (e) the nominee is willing to sacrifice time in the work of Islam, able and committed to work in a team environment with Islamic spirit and harmony;
 - (f) the nominee must be a financial member of CMC and is not in receipt of any direct emolument from CMC.
 - (g) the nominee must uphold Clauses 2, 14-1 and 46-49 consistently throughout his/her term. He/she needs to be acutely aware that any obvious breach of these clauses may constitute a critical ground for public investigation and/or disciplinary measures pursuant to Clauses 12 (g) and/or 11. In particular, the nominee and/or his close relatives must not be in a financial or personal promotional beneficiary relationship with the CMC and adhere fully to all Clauses 46-49 with special attention to Clauses relating to Confidentiality and Conflict of Interest.
- (2) Nominations of candidates for election as office-bearers of the CMC or as ordinary committee members:
 - (a) shall be made in writing, signed by 2 financial members of the CMC and

accompanied by the written consent of the candidate (which may be endorsed on the nomination form); and

- (b) (i) Nominations of candidates for election to the committee shall be delivered by email and followed up by handing in the hard copies to the Chair of the election panel appointed in accordance with clause 14(7) not less than 2 weeks before the date fixed for the general meeting at which the election is to take place.
- (ii) Nominators may get nomination form verified by the Chair prior to submission to ensure that it is in order. In this case the Chair shall advise if there is any flaw in the nomination form and how to correct it.
- (iii) The Election Panel formed in accordance with clause 14(7) shall scrutinise all nomination forms for validity and the Chair shall notify in writing, giving reasons, to any nominee whose nomination is found to be invalid, not later than 2 days after the appointment of two panel members.
- (iv) A person whose nomination has been invalidated may, in writing, appeal to the Chair for review of the decision not later than 1 day after being notified of the invalidity of his/her nomination and the Election Panel shall review its previous decision and make a final decision not later than 2 days after receiving the appeal for review. The Election Panel's decision shall be final.
- (v) Not later than 5 days before the date of the general meeting where the election is to be held final list of all nominees shall be notified by the Chair to all nominees and all financial members. The Chair shall do this by email and by publishing on the Gungahlin Mosque website. The outgoing committee and any subcommittee responsible for operation and maintenance of Information and Communication Technology matters of CMC shall assist the Chair in this regard.
- (vi) The outgoing committee shall extend, to the Election Panel, full access to all information including details of financial members as required for the purpose of scrutinising nomination forms and conducting the election
- (c) will be encouraged to submit a printed bio-data along with their nomination form including their qualification, Islamic activities, professional experience and past and present affiliations with all societies/associations and political parties (optional requirement from a nominee for transparency and an opportunity for electorate to weigh the relative merits of candidates).
- (3) If insufficient nominations are received to fill all vacancies on the committee, the candidates nominated shall be deemed to be elected and further nominations shall be received at the annual general meeting.
- (4) If insufficient further nominations are received, any vacant positions remaining on the committee shall be deemed to be vacancies.
- (5) If the number of nominations received is equal to the number of vacancies to be filled, the persons nominated shall be taken to be elected.
- (6) If the number of nominations received exceeds the number of vacancies to be filled, members should endeavour to resolve this issue through consultation within the broader spirit of brotherhood having regards to the following Hadith reported by Imam Bukhari (R.A.):

Narrated Abdur Rahman bin Samura (RA) , the Prophet (SAW) said, "O 'Abdur Rahman! Do not seek to be a ruler, for if you are given authority on your demand then you will be held responsible for it, but if you are given it without asking (for it), then you will be helped (by Allah) in it. If you ever take an oath to do something and later on you find that something else is better, then you should expiate your oath and do what is better." (Sahi Al-Bukhari).

A vote on the election, either by way of ballot or showing of hands by the financial members, shall only be held as last resort.

- (7) (i) The vote on the election, either by way of ballot or showing of hands by the members, for the election of office-bearers and ordinary committee members shall be conducted at the general meeting by an Election Panel.
- (ii) The Election Panel shall consist of three members, comprising of a Chair and two members. The Chair shall be a Muslim appointed by the outgoing committee and the name of the Chair shall be made public with the notification of the general meeting where the election will take place.
- (iii) The Chair shall appoint the two panel members, in consultation with the candidates nominated to the committee. The Chair shall submit in writing, by email or letter, to the executive committee, the names of the two panel members appointed not later than one week before the date scheduled for the general meeting where the election will take place.
- (iv) Where a consensus is not reached on the selection of the two panel members; it shall be determined by a joint meeting of the outgoing executive committee, the Imam of the Gungahlin Mosque and the Gungahlin Mosque Management Subcommittee all of whom shall be responsible to ensure that the matter is resolved and panel members are appointed at least one week before the scheduled date of the general meeting when the election will be held.
- (v) The outgoing committee shall make public the names of the two panel members not later than one week before the scheduled date of the general meeting where election will be held.
- (vi) The voting method for the purpose of electing the committee shall be determined by the Election Panel. The Election Panel is responsible to conduct the election and declare the result of such election in the most neutral way having regards to sub rules 22(1), 22(2), 22(3), 22(4), sub rules 31(1), 31(2), 31(3), 31(4), and sub rules 32(1), 32(2), 32(3)
- (8) A person is not eligible to simultaneously hold more than 1 position on the committee.
- (9) A committee member may hold only one other position, besides their position in the CMC, in another Muslim organisation in the ACT.
- (10) If the number of members in the executive committee falls below five at any one time due to resignations or any other reason, a fresh election shall be called by the remaining members. Where the Secretary's position is vacant, the Assistant Secretary shall assume the duties of the Secretary to fulfil the functions under sub rules 16(1), 16(2), 16(3). Where both Secretary's and the Assistant Secretary's positions are vacant, one of the remaining members, as determined by the committee, shall assume the duties of the Secretary to fulfil the functions under sub rules 16(1), 16(2), 16(3).

15. PRESIDENT

- (1) The president shall be the Chief Executive of the CMC and shall preside at the Executive Committee Meetings, Annual General Meeting or Special General Meeting of the CMC. He shall be the chief spokesman for the CMC.
- (2) The Vice President shall deputise the president and shall carry out such other responsibilities as delegated by the president or the executive committee.

- (3) The Vice President shall assume the role of President in the latter's absence.

16. SECRETARY

- (1) The secretary of the CMC shall, as soon as practicable after being appointed as secretary, notify the CMC of his or her address.
- (2) The Secretary shall keep, in both printed and electronic manner, copies of the following:
 - (a) record of election and appointments of office-bearers and other committee members;
 - (b) minutes of all committee meetings, general meetings and any special resolution.
 - (c) all records shall be maintained for at least for five years.
- (3) Minutes of a meeting shall be signed by the person who presided the meeting or in his/her absence by the person presiding at the next succeeding meeting.
- (4) The Assistant Secretary shall assist the Secretary to carry out the duties prescribed in sub rules 16(1), 16(2)(a), 16(2)(b), 16(2)(c) and 16(3).

17. TREASURER

- (1) The treasurer of the CMC shall -
 - (a) collect and receive all moneys due to the CMC and make all payments authorised by the CMC; and
 - (b) keep correct accounts and books showing the financial affairs of the CMC with full details of all receipts and expenditure connected with the activities of the CMC.

18. VACANCIES

- (1) For the purposes of these rules, a vacancy in the office of a member of the committee occurs if the member-
 - (a) dies;
 - (b) ceases to be a member of the CMC in accordance with clause 7;
 - (c) resigns the office by a written and dated communication to President or Secretary of the CMC.
 - (i) the date of the resignation should be as customarily mentioned in the letter or the date of letter and/or email received.
 - (ii) the resignation will take effect from the date mentioned in the resignation letter.
 - (d) is removed from office pursuant to rule 19;
 - (e) becomes an insolvent under administration within the meaning of the Corporations Law;
 - (f) suffers from mental or physical incapacity;
 - (g) is absent without the approval of the committee from all meetings of the committee held during a period of three consecutive months; or

19. REMOVAL OF COMMITTEE MEMBERS

The CMC in general meeting may by resolution, subject to section 50 of the Act, remove any member of the committee before the expiration of the member's term of office.

20. COMMITTEE MEETINGS AND QUORUM

- (1) The committee shall meet at least 9 times in each calendar year at such place and time as the committee may determine.
- (2) Additional meetings of the committee may be convened by any member of the committee subject to sub rule 20(3).
- (3) Oral or written notice of a meeting of the committee shall be given by the secretary to each member of the committee at least 48 hours (or such other period as may be unanimously agreed upon by the members of the committee) before the time appointed for the holding of the meeting.
- (4) Notice of a meeting given under sub rule 20(3) shall specify the general nature of the business to be transacted at the meeting and no business other than that business shall be transacted at the meeting, except such business which the committee members present at the meeting unanimously agree to treat as urgent business.
- (5) Any 4 members of the committee constitute a quorum for the transaction of the business of an appropriately called meeting of the committee according to sub rule 20(3).
- (6) No business shall be transacted by the committee unless a quorum is present and if within half an hour after the time appointed for the meeting a quorum is not present, the meeting stands adjourned to the same place and at the same hour of the same day in the following week.
- (7) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the meeting, the meeting shall be postponed.
- (8) At meetings of the committee-
 - (a) the president or in the absence of the president, the vice-president shall preside; or
 - (b) if the president and the vice-president are absent, one of the remaining members of the committee may be chosen by the members present to preside.

21. DELEGATION BY COMMITTEE TO SUB-COMMITTEE

- (1) The committee may, by instrument in writing, delegate to 1 or more sub-committees (consisting of such member or members of the CMC as the committee thinks fit) the exercise of such of the functions of the committee as are specified in the instrument, other than-
 - (a) this power of delegation; and
 - (b) a function which is a function imposed on the committee by the Act, by any other law of the Territory, or by resolution of the CMC in general meeting.
- (2) A function, the exercise of which has been delegated to a sub-committee under this rule may, while the delegation remains unrevoked, be exercised from time to time by the sub-committee in accordance with the terms of the delegation.
- (3) A delegation under this rule may be made subject to such conditions or limitations as to the exercise of any function, or as to time or circumstances, as may be specified in the instrument of delegation.
- (4) Notwithstanding any delegation under this rule, the committee may continue to exercise any function delegated.
- (5) Any act or thing done or suffered by a sub-committee acting in the exercise of a delegation under this rule has the same force and effect as it would have if it had been done or suffered by the committee.
- (6) The committee may, by instrument in writing, revoke wholly or in part any delegation under this rule, which is not applicable to the rule 36. (7) A sub-committee may meet and adjourn as it thinks proper.

22. VOTING AND DECISIONS

- (1) Questions arising at a meeting of the committee or of any appointed sub-committee shall be determined by a majority of the votes of members of the committee or sub-committee present at the meeting, provided the decision taken does not contradict Quranic principles and Sunnah.
- (2) Subject to sub rule 22(1), once a decision is taken, all members of the committee or sub-committee, irrespective of their personal views on the decision, respect and accept that decision as the decision of the entire committee or sub-committee.
- (3) Each member present at a meeting of the committee or of any sub-committee appointed by the committee (including the person presiding at the meeting) is entitled to 1 vote but, in the event of an equality of votes on any question, the person presiding may exercise a second or casting vote.
- (4) Subject to sub rule 20(5), the committee may act notwithstanding any vacancy on the committee.
- (5) Any act or thing done or suffered, or purporting to have been done or suffered, by the committee or by a sub-committee appointed by the committee, is valid and effectual notwithstanding any defect that may afterwards be discovered in the appointment or qualification of any member of the committee or sub-committee.

PART IV-GENERAL MEETINGS

23. ANNUAL GENERAL MEETINGS-HOLDING OF

- (1) With the exception of the first annual general meeting of the CMC, the CMC shall, at least once in each calendar year and within the period of 5 months after the expiration of each financial year of the CMC, convene an annual general meeting of its members.
- (2) The CMC shall hold its first annual general meeting-
 - (a) within the period of 18 months after its incorporation under the Act; and
 - (b) within the period of 5 months after the expiration of the first financial year of the CMC.
- (3) Sub rules 23(1) and 23(2) have effect subject to the powers of the Registrar-General under section 120 of the Act in relation to extensions of time.

24. ANNUAL GENERAL MEETINGS-CALLING OF AND BUSINESS AT

- (1) The annual general meeting of the CMC shall, subject to the Act, be convened on such date and at such place and time as the committee thinks fit.
- (2) In addition to any other business which may be transacted at an annual general meeting, the business of an annual general meeting shall be to:
 - (a) confirm the minutes of the last preceding annual general meeting and of any general meeting held since that meeting;
 - (b) receive from the committee reports on the activities of the CMC during the last preceding financial year;
 - (c) elect members of the committee, including office-bearers; and
 - (d) receive and consider the statement of accounts and the reports that are required to be submitted to members pursuant to subsection 73 (1) of the Act.
- (3) An annual general meeting shall be specified as such in the notice convening it in accordance with rule 24.
- (4) An annual general meeting shall be conducted in accordance with the provisions of this Part.

25. GENERAL MEETINGS-CALLING OF

- (1) The committee may, whenever it thinks fit, convene a general meeting of the CMC.
- (2) The committee shall, on requisition in writing by a minimum of 50 members with voting rights as in subclause 6(1), convene a general meeting of the CMC.
- (3) A requisition mentioned in Clause 25(2) may be made on several documents in a similar form, each signed by a minimum of 2 or more of the members making the requisition.
- (4) If the committee fails to convene a general meeting within 1 month after the date on which a requisition of members for the meeting is lodged with the Secretary, any 2 or more of the members who made the requisition may convene a general meeting to be held no later than 3 months after that date.
- (5) A general meeting convened by members referred to in sub rule 25(4) shall be convened in the same manner as general meetings are convened by the committee in accordance with Clause 26. Any member who incurs any reasonable expense for convening the general meeting pursuant to clause 25(4) is entitled to be reimbursed by the CMC.

26. NOTICE

- (1) Except where the nature of the business proposed to be dealt with at a general meeting requires a special resolution including the election of committee of the

CMC, the secretary shall, at least 21 days before the date fixed for the holding of the general meeting, cause to be sent by electronic mail or pre-paid post or by hand-delivery or by all these means as appropriate/required to each member enrolled in the register of members, a notice specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.

- (2) Where the nature of the business proposed to be dealt with at a general meeting requires a special resolution including the election of committee of the CMC or amendment of the Constitution pursuant to Clause 13-6, the Secretary shall, at least 21 days before the date fixed for the holding of the general meeting, cause notice to be sent to each member in the manner provided in sub rule 26(1) specifying, in addition to the matter required under that sub rule, the intention to propose the resolution as a special resolution.
- (3) No business other than that specified in the notice convening a general meeting shall be transacted at the meeting except, in the case of an annual general meeting, business which may be transacted pursuant to sub rule 24 (2).
- (4) A member desiring to bring any business before a general meeting may give notice in writing of that business to the secretary who shall include that business in the next notice calling a general meeting given after receipt of the notice from the member.

27. GENERAL MEETINGS-PROCEDURE AND QUORUM

- (1) No item of business shall be transacted at a general meeting unless a quorum of members entitled under these rules to vote is present during the time the meeting is considering that item.
- (2) 40 financial members present in person who are entitled to voting and decision making rights in accordance with subclause 6(1) constitute a quorum for the transaction of the business of a general meeting
- (3) If within half an hour after the appointed time for the commencement of a general meeting a quorum is not present, the meeting if convened upon the requisition of members shall be dissolved and in any other case shall stand adjourned to the same day in the following week at the same time and (unless another place is specified at the time of adjournment by the person presiding at the meeting or communicated by written notice to members given before the day to which the meeting is adjourned) at the same place.
- (4) If at the adjourned meeting a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members present (being not less than 3) shall constitute a quorum.

28. PRESIDING MEMBER

- (1) The president, or in the absence of the president, the vice-president, shall preside at each general meeting of the CMC.
- (2) If the president and the vice-president are absent from a general meeting, the members present shall elect 1 of their members to preside at the meeting.

29. ADJOURNMENT

- (1) The person presiding at a general meeting at which a quorum is present may, with the consent of the majority of members present at the meeting, adjourn the meeting from time to time and place to place, but no business shall be transacted at an adjourned meeting other than the business left unfinished at the meeting at which the adjournment took place.
- (2) Where a general meeting is adjourned for 14 days or more, the secretary shall give written or oral notice of the adjourned meeting to each member of the CMC stating

the place, date and time of the meeting and the nature of the business to be transacted at the meeting.

- (3) Except as provided in sub rules 29(1) and 29(2), notice of an adjournment of a general meeting or of the business to be transacted at an adjourned meeting is not required to be given.

30. MAKING OF DECISIONS

- (1) All matters and questions, except as provided in sub rule 30(4), arising at a general meeting of the CMC shall be determined on a show of hands and, unless before or on the declaration of the show of hands a poll is demanded, a declaration by the person presiding that a resolution has, on a show of hands, been carried or carried unanimously or carried by a particular majority or lost, or an entry to that effect in the minute book of the CMC, is evidence of the fact without proof of the number or proportion of the votes recorded in favour of or against that resolution.
- (2) At a general meeting of the CMC, a poll may be demanded by the person presiding or by not less than 3 members present in person at the meeting.
- (3) Where the poll is demanded at a general meeting, the poll shall be taken:
 - (a) immediately in the case of a poll which relates to the election of the person to preside at the meeting or to the question of an adjournment; or
 - (b) in any other case, in such manner and at such time before the close of the meeting as the person presiding directs, and the resolution of the poll on the matter shall be deemed to be the resolution of the meeting on that matter.
- (4) All matters and questions in CWF Steering committee meetings, that deem to require the special knowledge of Islamic Shari'ah and principles, must be referred to the "Trustee Board", before any decisions are made on such matters.
- (5) The Executive Committee and CWF Steering Committee will be responsible to refer matters, as provided in sub rule 30(4), to the "Trustee Board".
- (6) All recommendations of the "Trustee Board" will be binding on the Steering Committee of the CWF.
- (7) Amendment of any part within the body of the CMC Constitution must be passed by at least $\frac{3}{4}$ of the votes of the members of the association who, being entitled to vote, vote in person at a General Meeting pursuant to Clauses 13-6 and 26-2.

31. VOTING

- (1) Subject to sub rule (3), upon any question arising at a general meeting of the CMC a member has 1 vote only.
- (2) All votes shall be given in person being present at a General Meeting
- (3) In the case of an equality of votes on a question at a general meeting, the person presiding is entitled to exercise a second or casting vote.

PART V-MISCELLANEOUS

32. IMAM

- (1) The Imam's sermon, views and advice, whether solicited or unsolicited, should always be based on Quran and Sunnah.
- (2) Appointment of Imam shall be by the committee through a transparent selection procedure. Pre-requisite for the position of Imam includes but not limited to:
 - (a) Able to interpret the verses of the Quran based on well-known and well-established Tafsirs;
 - (b) Able to recite from the Quran correctly;
 - (c) Have thorough knowledge and good understanding of the teachings of Quran and authentic hadiths.
 - (d) Have leadership qualities
 - (e) A tertiary degree in Islamic studies or Fiqh related area from any university in the world is desirable, but not essential.
 - (f) Able to provide counselling service
- (3) The committee will determine the functions and duties of the Imam.
- (4) The terms and conditions for the appointment of the Imam of the Mosques established and/or proposed to be established by the CMC; will be determined from time to time by the committee.
- (5) The Imam of the Mosque(s) established and/or proposed to be established by the CMC; will be consulted by the committee, along with other experts when appropriate, on matters of Shari'ah rulings, issues of Dawah and social rulings.
- (6) The committee should meet regularly with the Imam of the Mosque(s) established and/or proposed to be established by the CMC; to discuss issues such as the Ramadhan activities, timings of Eidul Fitr or Eidul Adha and other issues of community interest.

33. MUAZZIN

- (1) The Muazzin shall be appointed by the committee considering suitability for the role.
- (2) The committee will determine the functions and duties of the Muazzin of the Mosque(s) established and/or proposed to be established by the CMC;
- (3) The terms and conditions for the appointment of the Muazzin of the Mosque(s) established and/or proposed to be established by the CMC; will be determined from time to time by the committee in consultation with the Imam(s) of the respective mosque(s).

34. TRUSTEE BOARD

- (1) The Trustee Board, herein referred to as the "Board", will be a permanent body of minimum (07) seven non-salaried members, appointed by the Executive Committee, through the Steering Committee of the Community Welfare Forum.
- (2) The members of the Board will be appointed from the general community and may comprise the former or current Executive members, based on their Islamic practice and understanding of the relevant Islamic rules and regulations and application to the contemporary environment.
- (3) The members and the office-bearers of the Steering Committee of CWF will be selected through an open community focus group consultation process, to be undertaken by CMC every 2 years in agreement with the Trustee Board.

- (4) Committee, on the matters referred to the Board by any of these committees or on the matters deem necessary by the Board.
- (5) The Board shall consist of a Chairman, Secretary and five or more members.
- (6) The Chairman and the Secretary will be nominated by the Executive Committee after consultation with the other members of the Board, through the CWF.
- (7) The conduct of meetings, business and the future membership of the Board, will be entirely the discretion of the Board, and in accordance with the sub rules 35(7), (8), (9) & (10) below.
- (8) The meetings of the Board will be held on as-required basis, and as per sub rule 35 (8) below.
- (9) The Trustee Board will review the financial and operational records of the CWF in its annual meeting or in an emergency meeting as deemed required by the Chair of the Trustee Board or as requested by the CWF Steering committee.
- (10) All recommendations of the Board will be binding on the Executive Committee and the Steering Committee of the CWF.
- (11) For the purposes of these rules, a vacancy in the office of a member of the Trustee Board occurs if the member-
 - (a) dies;
 - (b) resigns the office;
 - (c) is removed from the office by the Board;
 - (d) suffers from mental or physical incapacity; or
 - (e) is absent without the consent of the Board from all meetings of the Board held during a period of 1 year.

35. COMMUNITY WELFARE FORUM

- (1) The Trustee Board, herein referred to as the “Board”, will be a body of minimum (05) five non-salaried members, appointed by the Executive Committee for a two year term. Board membership numbers and status of term changed.
- (2) The CWF will be run and controlled by the Steering Committee, under the general guidance of CMC Executive Committee.
- (3) The members and the office-bearers of the Steering Committee of CWF will be selected through an open community focus group consultation process, to be undertaken by CMC every 3 years in agreement with the Trustee Board.
- (4) The Board shall consist of a Chairman, Secretary and 3 or more members.
- (5) The Chairman and the Secretary will be nominated by the Executive Committee after consultation with the other members of the Board.
- (6) The CWF will be delegated to undertake the welfare and benevolence related activities that fulfil the tax-deductibility criteria of Australian Taxation Office.
- (7) The Steering Committee shall report quarterly to the Executive Committee of CMC, on the conduct and operation of the CWF.
- (8) All matters and questions arising at CWF Steering committee meetings that deem to require the special knowledge of Islamic Shari’ah and principles must be referred to the “Trustee Board” before any decisions are made on such matters.
- (9) The CWF Steering committee will be responsible to refer matters, as provided in subrule 36(8), to the “Trustee Board”.
- (10) All recommendations of the “Trustee Board” will be binding on the Steering Committee of the CWF.

36. EID CELEBRATION

The committee shall announce and arrange Ramadan, Eid and other religious celebrations after consultation with Imams Council of ACT.

37. FUNDS-SOURCE

- (1) The funds of the CMC shall be derived from annual subscriptions of members, donations and, subject to any resolution passed by the CMC in general meeting and subject to section 114 of the Act, such other sources as the committee may determine from time to time.
- (2) All money received by the CMC shall be deposited as soon as practicable and without deduction to the credit of the CMC's bank account. The CMC shall, wherever possible, operate interest free bank accounts with Islamic institutions.
- (3) Any unavoidable interest earned on commercial bank accounts will be disposed according to Islamic Shari'ah and principles.
- (4) The CMC shall, as soon as practicable after receiving any money, issue an appropriate receipt.

38. FUNDS-MANAGEMENT

- (1) Subject to any resolution passed by the CMC in general meeting, the funds of the CMC shall be used in pursuance of the objects of the CMC in such manner as the committee determines.
- (2) No portion of the assets and income of these funds shall be distributed directly or indirectly to the executive members of the organisation except as bona fide compensation for services rendered or expenses incurred on behalf of the organisation.
- (3) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments shall be signed by the treasurer together with the president, vice-president, secretary or any other member authorised by the committee at a properly constituted meeting. A minimum of two signatures will always be required for the processing of the aforementioned instruments.
- (4) In the absence of the treasurer, the president or secretary shall sign all cheques subject to the sub rule 39(3) above.
- (5) All payments made shall be properly listed in date order and approved by the committee at the earliest of, once every month or alternate committee meeting.
- (6) A separate account will be established to cater the legal requirements of tax-deductibility status. All funds raised for the purposes, for which the donation could be claimed as a tax-deductible item, will be managed separately through this account, and will be known as Welfare Account.

39. ALTERATION OF OBJECTS AND RULES

- (1) Neither the objects mentioned in clause 2(2) nor these rules shall be altered except in accordance with clauses 13(6), 26(2) and 30(7) of these rules and sections 30 and 33 of the Act.
- (2) a notice setting out the particulars of any alteration to objects and rules mentioned in clause 40(1) must, not later than 1 month after a special resolution to alter the objects of the association or these rules have been passed by the association, be lodged with the registrar-general.

40. COMMON SEAL

- (1) The common seal of the CMC shall be kept in the custody of the secretary.
- (2) The common seal shall not be affixed to any instrument except by the authority of the committee and the affixing of the common seal shall be attested by the signature of the President and/or Secretary. The committee may authorise a member of the committee to attest where necessary.
- (3) A copy of every document upon which the common seal was affixed shall be tabled at a committee meeting at the earliest of once a month or alternate committee meeting.

41. CUSTODY OF BOOKS

Subject to the Act, the Regulations and these rules, the secretary shall keep in his or her custody or under his or her control all records, books, and other documents relating to the CMC.

42. INSPECTION OF BOOKS

The records, books and other documents of the CMC shall be open to inspection at a place in the Territory, free of charge, by a member of the CMC at any reasonable hour mutually convenient to all the parties involved.

43. SERVICE OF NOTICE

- (1) For the purpose of these rules, a notice may be served by or on behalf of the CMC upon any member either personally, by publication in the CMC's Newsletter, by posting on the CMC's Web page or by sending it by post to the member at the member's address shown in the register of members.
- (2) Where a document is sent to a person by properly addressing, prepaying and posting to the person a letter containing the document, the document shall, unless the contrary is proved, be deemed for the purposes of these rules to have been served on the person at the time at which the letter would have been delivered in the ordinary course of post.

44. DISSOLUTION CLAUSE

In the event of the organisation being wound up, any surplus assets remaining after the payment of the organisation's liabilities shall be transferred to another Islamic organisation in Australia operating in accordance with the divine Quran and the authentic traditions of the last and final Prophet Muhammad (PBUH) and which is a public benevolent institution for the purposes of any Commonwealth taxation Act.

45. CONFIDENTIALITY

Subject to this clause, any member of the Executive Committee must not, without a prior written approval from the Committee, make public or disclose to any person, any organisational or Executive Committee confidential information. In the event that written approval is given, the Committee may impose such terms and conditions that in the executive committee's opinion are appropriate.

46. PRIVACY

The Executive Committee Members in the performance of their functions and obligations shall not perform any act or engage in any practice that would breach an information

privacy principle contained in relevant section of the Privacy Act 1998.

47. PUBLICITY

Any member of the Executive Committee must not make any press, media or other announcements or release relating to Executive Committee matters without prior written approval from the Committee as to form, content and manner of the announcement or release.

48. CONFLICT OF INTEREST & CODE OF CONDUCT

Any member of the Executive Committee must NOT be in any conflict of interest situation and/or in obvious violation of basic Islamic manners and behaviours and Civil Code of conduct, covertly or overtly, whereby he/she:

1. pursues objectives that have the potential of harming the objectives of CMC contained in Clause 2;
2. pursues activities that clearly violate the spirit and expectations contained in Article 14-1;
3. engages in narrow-minded or mean-spirited, communal or personal activities that are deemed to be evasive and dishonest scheming or rumour/slander-mongering or evidently immodest or confrontational or violent and abusive in any form or manner;
4. uses the organisation to promote any individual name(s) or extra-CMC interest group(s) or discreetly propagates an aura of personalisation/ownership of the organisation in the greater community through any means including regular activities, news releases and projects of CMC or CMC-CWF;
5. engages in situation/activity whereby he/she or his/her close relative(s) becomes financial and/or promotional beneficiary of any CMC or CMC-CWF entity, projects and activity; and
6. engages in activities to impose any specific political ideology or divisive, exclusionary theological belief system on the organisation.
7. No incumbent committee member should deal with CMC election matters if he/she is seeking re-election

PART VI – APPENDICES

APPENDIX 2: CANBERRA MUSLIM COMMUNITY (CMC) INCORPORATION CERTIFICATE

Australian Capital Territory Government

(X1Stal reference only)

Registrar-General's Office

THE PUBLIC OFFICER
CANBERRA MUSLIM COMMUNITY INCORPORATED
POBOX273
GUNGAHLIN ACT 2912

AUSTRALIAN CAPITAL TERRITORY

Association Number: A03598

Certificate of Incorporation

Associations Incorporation Act 1991

This is to certify that pursuant to section 38 of the Act the
association incorporated on the twenty-first day of May, 2001
under the name of

NORTH CANBERRA MUSLIM COMMUNITY
INCORPORATED

is now incorporated under the name of

CANBERRA MUSLIM COMMUNITY INCORPORATED



Danielle Krajina
REGISTRAR-GENERAL
13 March 2007

APPENDIX 3: MINUTES OF SPECIAL GENERAL MEETING 23/10/05

NORTH CANBERRA MUSLIM COMMUNITY Inc.

Association Number: A03598

Postal Address: PO Box 273, Gungahlin, Canberra ACT 2912.

**Minutes of the Special General Meeting (SGM) held on 23 Oct 2005 and
unanimously approved in Annual General Meeting held on 25 November
2006**

On 16 October 2005, NCMC held an SGM at the Yarralumla Masjid which was chaired by Br Nazre Sobhan, President of the NCMC. Following are the minutes of the meeting:

- Meeting started with dua.
- Br Nazre Sobhan explained the context and reason for the SGM as follows: The motion to transform the NCMC from a purely religious to a community aid organisation received overwhelming support in the AGM on 3 Sept 2006. Later it came to the attention of the NCMC Executive Committee that some members did not receive notice of the AGM four weeks prior to the date of AGM. The Executive Committee considered this procedural flaw and decided to call a fresh general meeting as per constitutional clause 26(2) and re-table the motion.
- Br M Akmal tabled the motion. Br Nazre Sobhan spoke about the need to amend NCMC constitution to form a community welfare wing based on the Public Participatory Community Aid (PPCA) approach. A strong case was made in favour of recasting the NCMC as a non-profit community organisation to keep it relevant to the changing needs of the time and add social welfare and community focused activity streams to the NCMC portfolio. It also called for the formation of a Trustee Board to oversee community aid activities.
- The motion was adopted unanimously.
- The meeting closed with dua followed by tea

**APPENDIX 4: SPECIAL MOTION ON AMENDMENT TO THE
CMC CONSTITUTION MOVED & UNANIMOUSLY APPROVED IN
2006-2007 AGM**

Existing		Proposed		Comments
Clause	Content	Clause	Content	
2	The main aims and objectives of the CMC are:	2	The aims and objectives of the CMC are as follows, the first three being the foundation reasons of the organisation:	To act as a persistent reminder so that the core objectives and priorities of the organisation continue to remain in the perspective and are not lost in a myriad of more visible activities.
2 (a)	To provide a platform for the Muslim Community to promote a general understanding of Islam, to assist Muslims in the practice of Islamic faith by providing for their social, moral and spiritual needs, to foster and promote social contact and co-operation among Muslims and other communities for the betterment of all, and to facilitate the propagation of the Islamic faith in the wider communities by undertaking religious and social activities.	2 (a)	To provide a platform for the Muslim Community to promote a general understanding of Islam, to assist Muslims in the practice of Islamic faith by providing for their social, moral, humanitarian and spiritual needs, to foster and promote social contact and co-operation among Muslims and other communities for the betterment of all, and to facilitate the propagation of the Islamic faith in the wider communities by undertaking religious and social activities.	The word, 'humanitarian' has now been added.
2(b)	To provide direct relief of suffering, distress, misfortune and helplessness of the members of the community including: - assisting unemployed people in situations of helplessness to become more self-reliant during periods of unemployment, and develop their capacities for obtaining employment; - assisting the refugees to allay their helplessness and distress, and their initial settling in Australian society; - arranging accommodation for homeless, including students; and - assisting the aged and infirm, including transporting sick or disabled.	NA	Not Applicable (NA)	Because proposed Clause 2(a) already covers (especially with the word, 'humanitarian') the essence of the existing Clause 2(b), the latter is being proposed to be deleted. A list is unlikely to be exhaustive by any rate. Furthermore, Objectives of an organisation should ideally capture the high level generic goals and mission which are now under proposed 2(a).
2 (c)	To establish and maintain places of worship (Mosques) in the ACT region including Queanbeyan (NSW). The first such mosque is to be built in North Canberra.	2(b)	To establish and maintain places of worship (Mosques) and community centre facilities in the ACT region including Queanbeyan (NSW) as the overriding tangible goal of the CMC and in doing so, to facilitate other objectives including 2(a) and 2(c). The first of such is to be built in North Canberra.	Existing Clause 2(c), after adding words for clarity and focus, has been moved up and has become the proposed Clause (see Comment under 2 and 2-b for further rationale).
NA	Not Applicable (NA)	2(c)	To build unity across ethnic and linguistic lines and reach out to all with messages of faith, compassion, tolerance, inclusiveness and universal civilisation values.	New clause.
NA	Not Applicable (NA)	2(m)	To diligently avoid all breaches of commonly accepted	New clause.

Existing		Proposed		Comments
Clause	Content	Clause	Content	
			norms, code of conduct and practice, as contained in Articles 46-49, fundamentally expected of community organisations and in civil societies.	
NA	Not Applicable (NA)	7(e)	Ceases to be a legal resident in the ACT or its surrounding regions.	New clause to bring alignment with relevant existing Clause 4(2).
NA	Not Applicable (NA)	12(f)	has the power to re-assign the duties of an office bearer to another executive committee member if the office bearer is absent from 3 of 5 consecutive meetings.	New clause.
NA	Not Applicable (NA)	12(g)	has the power to examine by itself or appoint a commission to investigate any suspected breaches of Articles 2, 14-1 and 46-49 by any member including any CMC Executive, as applicable, and recommend/take appropriate actions including publication of investigation results and/or invoke Clause 11, depending on the severity of breach(es) committed.	New clause.
NA	Not Applicable (NA)	13-6	No change in the body of the Constitution can be made without a motion being tabled in a General Meeting and passed as a Special Resolution pursuant to Clauses 26-2 and 30-7. Accordingly, a duly passed amendment is to be scrupulously reproduced word by word, without any modification whatsoever, in the body of the Constitution with supporting documentation being inserted into the Appendix, if applicable. Any changes made through the above procedure must be recorded in a Version History Table appearing before the Table of Content page of the Constitution.	New Clause to address critical deficiency in this area.
NA	Not Applicable (NA)	14(1)-g	The nominee must uphold Clauses 2, 14-1 and 46-49 consistently throughout his/her term. He/she needs to be acutely aware that any obvious breach of these Clauses may constitute a critical ground for public investigation and/or disciplinary measures pursuant to Clauses 12 (g) and/or 11. In particular, the nominee and/or his close relatives must not be in a financial or personal promotional beneficiary relationship with the CMC and adhere fully to all Clauses 46-49 with special attention to Clauses relating to Confidentiality and Conflict of Interest.	New clause.
NA	Not Applicable (NA)	14(2)-c	will be encouraged to submit a printed bio-data along with their nomination form including their qualification, Islamic activities, professional experience and past and present affiliations with all societies/associations and political parties (optional requirement from a nominee for transparency and an opportunity for electorate to weigh the relative merits of candidates).	New clause.
18(1)-c	resigns the office.	18(1)-c	resigns the office by a written communication to the CMC and delivers it using any of the following methods: by email, postal letter to the organisation's official address or hand delivered to the President/Secretary. For the purpose of Clause 18(1)-c, a resignation is a self effective legal instrument to be automatically effective from the date as follows in the order mentioned: 1. The resignation date specifically mentioned by an Executive in his/her resignation letter. 2. The date of writing of the resignation letter as customarily mentioned in written letters. 3. In the event of lack of above-mentioned date, if the resignation instrument is: (i) an email, the date of transmittal of an email; (ii) a postal delivery, the postal receipt date; and (iii) a hand-delivery to President/Secretary, the day it is hand-delivered. If multiple methods of delivery of resignation are used	Expansion of existing Clause to remove any scope of misinterpretation.

Existing		Proposed		Comments
Clause	Content	Clause	Content	
			for the same resignation, for the purpose of Clause 18(1)(c), whichever is the earliest date among the above mentioned delivery modes is to take effect.	
18(1)(h)	is absent without the consent of the committee from all meetings of the committee held during a period of 3 months.	18(1)-h	is absent without the approval of the committee from all meetings of the committee held during a period of 4 months.	Strengthening of existing clause to address activities of organisation hampered due to absences of Executives.
25-2	The committee shall, on the requisition in writing of not less than 5 per cent of the total number of members, convene a general meeting of the CMC.	25-2	The committee shall, on the requisition in writing of not less than 5 per cent or a minimum of 20 of the total number of members, convene a general meeting of the CMC.	Strengthening of existing clause for further transparency and alignment with relevant clause 27(2).
25(3)-d	may consist of several documents in a similar form, each signed by 1 or more of the members making the requisition.	25(3)-d	may consist of several documents in a similar form, each signed by a minimum of 2 or more of the members making the requisition.	Strengthening of existing clause for better representation.
25-4	If the committee fails to convene a general meeting within 1 month after the date on which a requisition of members for the meeting is lodged with the Secretary, any 1 or more of the members who made the requisition may convene a general meeting to be held no later than 3 months after that date.	25-4	If the committee fails to convene a general meeting within 1 month after the date on which a requisition of members for the meeting is lodged with the Secretary, any 2 or more of the members who made the requisition may convene a general meeting to be held no later than 3 months after that date.	Modification of existing clause flowing out of and to align with proposed 25(3)-d.
25-5	A general meeting convened by a member or members referred to in sub rule 25(4) shall be convened as nearly as is practicable in the same manner as general meetings are convened by the committee and any member who thereby incurs expense is entitled to be reimbursed by the CMC for any reasonable expense so incurred.	25-5	A general meeting convened by members referred to in sub rule 25(4) shall be convened as nearly as is practicable in the same manner as general meetings are convened by the committee and any member who thereby incurs expense is entitled to be reimbursed by the CMC for any reasonable expense so incurred.	Modification of existing clause flowing out of and to align with proposed 25(3)-d.
26-2	Where the nature of the business proposed to be dealt with at a general meeting requires a special resolution including the election of committee of the CMC, the Secretary shall, at least 28 days before the date fixed for the holding of the general meeting, cause notice to be sent to each member in the manner provided in sub rule 26(1) specifying, in addition to the matter required under that sub rule, the intention to propose the resolution as a special resolution.	26-2	Where the nature of the business proposed to be dealt with at a general meeting requires a special resolution including the election of committee of the CMC or amendment of the Constitution pursuant to Clause 13-6, the Secretary shall, at least 28 days before the date fixed for the holding of the general meeting, cause notice to be sent to each member in the manner provided in sub rule 26(1) specifying, in addition to the matter required under that sub rule, the intention to propose the resolution as a special resolution.	Modification of existing clause for clarity in relation to the process of constitutional amendment.
NA	Not Applicable (NA)	30-7	Amendment of any part within the body of the CMC Constitution must be passed by at least two-third majority of the members present in a General Meeting pursuant to Clauses 13-6 and 26-2.	New Clause to address deficiency in this area.
Clause 36		Clause 35		Swapping of content and clause numbers cited there in - existing 36 to become 35
Clause 35		Clause 36		As above 35 to be become

Existing		Proposed		Comments
Clause	Content	Clause	Content	
				36
35-3	The members and the office-bearers of the Steering Committee of CWF will be selected through an open community focus group consultation process, to be undertaken by CMC every 3 years in agreement with the Trustee Board.	35-3	The members and the office-bearers of the Steering Committee of CWF will be selected through an open community focus group consultation process, to be undertaken by CMC every 2 years in agreement with the Trustee Board.	Modification of existing clause.
36-1	The Trustee Board, herein referred to as the "Board", will be a permanent body of minimum (07) seven non-salaried members, appointed by the Executive Committee, through the Steering Committee of the Community Welfare Forum.		The Trustee Board, herein referred to as the "Board", will be a body of minimum (05) five non-salaried members, appointed by the Executive Committee for a two year term. Board membership numbers and status of term changed.	Board membership numbers and status of term changed.
36-4	The Board shall consist of a Chairman, Secretary and five or more members.	36-4	The Board shall consist of a Chairman, Secretary and 3 or more members.	Board membership numbers changed.
36-5	The Chairman and the Secretary will be nominated by the Executive Committee after consultation with the other members of the Board, through the CWF.	36-5	The Chairman and the Secretary will be nominated by the Executive Committee after consultation with the other members of the Board.	Modification of existing clause.
37-2 nd dot point	in close co-operation with other Islamic organisations such as AFIC, Board of Imams etc.;	37-2 nd dot point	in close co-operation with other Islamic organisations;	Modification of existing clause.
45	In the event of the organisation being wound up, any surplus assets remaining after the payment of the organisation's liabilities shall be transferred to another organisation in Australia which is a public benevolent institution for the purposes of any Commonwealth taxation Act.	45	In the event of the organisation being wound up, any surplus assets remaining after the payment of the organisation's liabilities shall be transferred to another Islamic organisation in Australia operating in accordance with the divine Quran and the authentic traditions of the last and final Prophet Muhammad (PBUH) and which is a public benevolent institution for the purposes of any Commonwealth taxation Act.	Modification of existing clause.
NA	Not Applicable (NA)	46	46. CONFIDENTIALITY Subject to this clause, any member of the Executive Committee must not, without a prior written approval from the Committee, make public or disclose to any person, any organisational or Executive Committee confidential information. In the event that written approval is given, the Committee may impose such terms and conditions that in the executive committee's opinion are appropriate.	New clause.
NA	Not Applicable (NA)	47	47. PRIVACY The Executive Committee Members in the performance of their functions and obligations shall not perform any act or engage in any practice that would breach an information privacy principle contained in relevant section of the Privacy Act 1998.	New clause.
NA	Not Applicable (NA)	48	48. PUBLICITY Any member of the Executive Committee must not make any press, media or other announcements or release relating to Executive Committee matters without prior written approval from the Committee as to form, content and manner of the announcement or release.	New clause.
NA	Not Applicable (NA)	49	49. CONFLICT OF INTEREST & CODE OF CONDUCT Any member of the Executive Committee must NOT be in any conflict of interest situation and/or in obvious violation of basic Islamic manners and behaviours and Civil Code of conduct, covertly or overtly, whereby	New clause.

Existing		Proposed		Comments
Clause	Content	Clause	Content	
			he/she: 1. pursues objectives that have the potential of harming the objectives of CMC contained in Clause 2; 2. pursues activities that clearly violate the spirit and expectations contained in Article 14-1; 3. engages in narrow-minded or mean-spirited, communal or personal activities that are deemed to be evasive and dishonest scheming or rumour/slander-mongering or evidently immodest or confrontational or violent and abusive in any form or manner; 4. uses the organisation to promote any individual name(s) or extra-CMC interest group(s) or discreetly propagates an aura of personalisation/ownership of the organisation in the greater community through any means including regular activities, news releases and projects of CMC or CMC-CWF. 5. engages in situation/activity whereby he/she or his/her close relative(s) becomes financial and/or promotional beneficiary of any CMC or CMC-CWF entity, projects and activity; 6. engages in activities to impose any specific political ideology or divisive, exclusionary theological belief system on the organisation.	
NA	Not Applicable (NA)	NA	Not Applicable (NA)	Membership and proxy voting forms should not be part of Constitution so these will be removed.
NA	Not Applicable (NA)	NA	Not Applicable (NA)	Once the amendments are passed in the AGM 2006-2007, address the following. a. Existing Table of Content does not show page numbers and are not hyperlinked to the body of the document. Address these deficiencies. b. Record the changes in the Version History Table introduced on the cover page in 2007.
Note: Items/words inserted inappropriately into the body of the Constitution without an adopted AGM resolution including additional insertion beyond special resolution adopted in the AGM are not legally sanctioned part of Constitution. Such items subsequently removed from the Constitution will be mentioned in the AGM for historical record and to highlight the need for all changes to be done scrupulously and for establishing rigours in preserving the Constitution which is a sacred document and an <i>amanat</i> involving public trust from Islamic point of view.				

**APPENDIX 5: SPECIAL MOTION ON AMENDMENT TO THE
CMC CONSTITUTION MOVED & UNANIMOUSLY APPROVED IN
2010-2011 AGM**

Existing		Proposed		Comments
Clause	Content	Clause	Content	
2	OBJECTIVES	2	MISSION AND OBJECTIVES	Main heading changed enabling insertion of the CMC Mission Statement. In order to do this, a new subheading (2-1) is to be created. The existing clause no 2 becomes 2(b). See below.
	See comment	2.1	Mission Statement: <i>'Striving to serve the community in the Nation's capital for our faith and heritage'.</i>	Not e - All references to clause 2 elsewhere in the body of the Constitution to be amended as 2.2
2(d)	To organise and provide religious instruction in government schools in the ACT region including Queanbeyan.	2.2	Objectives:	
		2.2(d)	To undertake charitable services to provide humanitarian relief aid to the victims of natural and man-made disasters, emergencies and crises, and to assist the needy, the sick, the elderly, the disabled, the orphans, the children, the homeless, the refugees, the displaced persons, and other most disadvantaged and vulnerable people within the community, irrespective of their gender, colour, origin, age, culture and creeds or religions. The CMC aims to provide the above humanitarian aid to communities and individuals affected by disasters, and crises by: (i) identifying their needs ;(ii) developing and initiating relief programs ; (iii) conducting and coordinating donation appeals and campaigns in an accountable and transparent manner.	In addition to expansion of existing clause, a new insertion emphasising the not-for-profit, humanitarian service deliveries of the CMC. Its place of insertion is to ensure the logical continuity and flow subclauses 2(a)-2(c). Existing 2(d) has been revised as 2(f).
2(e)	To preserve, promote and safeguard the religious, social, cultural and educational interests of Muslims.	2.2(e)	To establish a public library for the benefit of the community.	New insertion in the above spirit but in the area of community knowledge building. Existing 2(e) simply moves to 2(g).
2(f)	To represent the Muslim Community in meetings, forums and conferences.	2.2(f)	To establish and maintain a public trust fund and accounting process for the sole purpose of supporting religious instructions in government schools in the ACT region and Queanbeyan.	Existing 2(d) revised to enable CMC cater to the current / emerging need in the government schools in the wider Canberra region. Existing 2(f) simply moves to 2(h).
2(e) to 2(l)	See comment	2.2(g) to 2.2(n)	See comment	Basically because of 2 new insertions of clauses 2(e) and 2(f), the current clauses from 2(e) to 2(l), simple assume the serial sequencing, respectively, 2(g) to 2(n). There are no changes in the content of these clauses.
4	MEMBERSHIP QUALIFICATIONS	4	MEMBERSHIP CATEGORIES AND ELIGIBILITY	Insertion of new heading (membership categories) as per 2009-2010 AGM decision.
4		4 (1)	Membership categories: (a) Life Membership (b) General Membership	New sub-heading
4	A person is qualified to be a member if- He or she is a Muslim; He or she is a Muslim legally resident in the	4(2)	(a) Membership eligibility criteria: (b) Must be a Muslim aged 18 or more years (c) For General Membership, must be a legal resident of Australia; (d) For Life Membership, must be an	Modification is needed due to the insertion of a new category of membership as per 2009-2010 AGM decision.

Existing		Proposed		Comments
Clause	Content	Clause	Content	
	Australian Capital Territory or its surrounding regions, and aged 18 or more years; and the person- has been nominated for membership in accordance with sub rule 5 (1); and has been approved for membership of the CMC by the committee of the CMC.		Australian citizen or a permanent resident; (e) Must have never been convicted of criminal offence or misappropriation of private or public funds or forgeries of any kind in any court of law in anywhere in the world.	4-2(d) has been added to reinforce CMC's core commitment to the law and order, accountability and personal integrity. No 3 under the existing clause 4 should be deleted as this is not relevant and it is already covered in Clause 5(2).
5	NOMINATION FOR MEMBERSHIP	5	MEMBERSHIP APPLICATION PROCESS	To make the words more meaningful
5 (1)	A nomination of a person for membership of the CMC- (a) shall be made by a member of the CMC in writing in the form set out in appendix 1 to these rules; and (b) the completed application form together with the applicable fee shall be lodged with the secretary of the CMC.	5(1)	CMC Membership Application form and its lodgment: (a) The CMC Membership Application form contains membership requirements in conjunction with clause 4. (b) A person wishing to be a member of the CMC shall complete the CMC Membership Application form. As per instruction contained in the form, the person shall submit the completed form together with the applicable fee to the CMC.	Delinking the form from the Constitution. Changes in the format of the form and fees should not require an amendment of the Constitution contributing to management overload.
5(2) and (3)	2) As soon as is practicable after receiving a nomination for membership, the secretary shall refer the nomination to the committee which shall determine whether to approve or to reject the nomination. Where the committee determines to disapprove a nomination for membership, the secretary shall, as soon as practicable after that determination notify the nominee of that disapproval and refund the fees paid. (3) Where the nomination is approved by the committee the secretary shall enter the nominee's name in the register of members and, upon the name being so entered, the nominee shall become a member of the CMC.	5(2) and 5(3)	(2) As soon as is practicable after receiving an application for membership, the secretary shall refer the application to the committee which shall determine whether to approve or to reject the application. Where the committee determines to disapprove an application for membership, the secretary shall, as soon as practicable after that determination notify the applicant of that disapproval and refund the fees paid. (3) Where the application is approved by the committee the secretary shall enter the applicant's name in the register of members and, upon the name being so entered, the applicant shall become a member of the CMC.	Nomination and nominee, changed respectively, to applicant and applicant
9	FEE, SUBSCRIPTIONS ETC.	9	MEMBERSHIP FEES	
9(1)	(1) The entrance fee to the CMC is free, or if any other amount has been determined by resolution of the committee, such other amount.	9(1)	(1) The annual general membership fee shall be determined by the executive committee and the life membership fee through a general meeting. The variations of the membership fees are to be notified to current members through post or other medium of mass communication such as newsletter, e-mail, internet and telephone.	
9(2)	(2) The annual membership fee of the CMC is as set out in Schedule 1 to the constitution that will be updated by resolution of the executive committee and notified to members through post or other medium of mass	9(2)	(2) The fees are stated in the CMC Membership Application form.	
		9(4)	(4) Life Members are financial members for the life of the CMC and are not required to pay annual membership fees.	

Existing		Proposed		Comments
Clause	Content	Clause	Content	
	communication such as Newsletter, e-mail, internet and telephone.			
13 (6)	has change in the body of the Constitution can be made without a motion being tabled in a General Meeting and passed as a Special Resolution pursuant to Clauses 26-2 and 30-7. Accordingly, a duly passed amendment is to be scrupulously reproduced word by word, without any modification whatsoever, in the body of the Constitution with supporting documentation being inserted into the Appendix, if applicable. Any changes made through the above procedure must be recorded in a Version History Table appearing before the Table of Content page of the Constitution.	13 (6)	No change in the body of the Constitution can be made without a motion being tabled in a General Meeting and passed as a Special Resolution pursuant to Clauses 26-2 and 30-7. Accordingly, a duly passed amendment is to be scrupulously reproduced word by word, without any modification whatsoever, in the body of the Constitution with supporting documentation being inserted into the Appendix, if applicable. Any changes made through the above procedure must be recorded in a Version History Table appearing before the Table of Content page of the Constitution.	An amendment is required to rectify a grammatical error in the first sentence of existing clause 13 (6).
Clause 14 (7)	The second sentence that reads that 'Where a consensus is not reached on the appointment of the returning officer; the official Auditor of the CMC, the Imam of the Canberra Mosque in Yarralumla, and Imam(s) of the mosque (s) established in Canberra by the CMC shall decide'.	Clause 14 (7)	'Where a consensus is not reached on the appointment of the returning officer, it will be determined by a joint meeting of the CMC Executive Committee, the Imam of the Gungahlin Mosque and the Gungahlin Mosque Management Sub-Committee'.	This revision is required to reflect the current developments following the start of the temporary Gungahlin mosque, that followed the ACT Government's grant of land to the CMC for building of the Gungahlin mosque, and also to include the stakeholders in the decision-making in the event of such a situation being created.
26 (1)	Except where the nature of the business proposed to be dealt with at a general meeting requires a special resolution including the election of committee of the CMC, the secretary shall, at least 14 days before the date fixed for the holding of the general meeting, cause to be sent by pre-paid post to each member at the member's address appearing in the register of members, a notice specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.	26 (1)	Except where the nature of the business proposed to be dealt with at a general meeting requires a special resolution including the election of committee of the CMC, the Secretary shall, at least 21 days before the date fixed for the holding of the general meeting, cause to be sent by electronic mail or pre-paid post or by hand- delivery or by all these means as appropriate/required to each member enrolled in the register of members, a notice specifying the place, date and time of the meeting and the nature of the business proposed to be transacted at the meeting.	This is required 1) to reduce cost of organising meeting. Every time when a meeting is organised it costs CMC more than \$500. Considering these days when everyone communicates via email, why CMC should still keep on sending notices via snail mail? 2) To reduce administration overhead. To write addresses on envelopes, photocopying, posting, etc. takes lot of time. 3) When a notice is given 14 days in advance, people tend to forget things closer to event date. 4) Serving notice in 7 days gives opportunity to action items promptly rather delaying the process unnecessarily. At least 21 days notice is required by clause 70 (a) of the Associations Incorporation Act 1991 – effective: 17/11/2011.

Existing		Proposed		Comments
Clause	Content	Clause	Content	
26 (2)	Where the nature of the business proposed to be dealt with at a general meeting requires a special resolution including the election of committee of the CMC or amendment of the Constitution pursuant to Clause 13-6, the Secretary shall, at least 28 days before the date fixed for the holding of the general meeting, cause notice to be sent to each member in the manner provided in sub rule 26(1) specifying, in addition to the matter required under that sub rule, the intention to propose the resolution as a special resolution.	26 (2)	Where the nature of the business proposed to be dealt with at a general meeting requires a special resolution including the election of committee of the CMC or amendment of the Constitution pursuant to Clause 13-6, the Secretary shall, at least 21 days before the date fixed for holding of the general meeting, cause notice to be sent to each member in the manner provided in sub-rule 26(1) specifying, in addition to the matter required under that sub-rule, the intention to propose the resolution as a special resolution.	This is required 1) to reduce cost of organising meeting. Every time when a meeting is organised it costs CMC more than \$500. Considering these days when everyone communicates via email, why CMC should still keep on sending notices via snail mail? 2) To reduce administration overhead. To write addresses on envelopes, photocopying, posting, etc. takes lot of time. 3) When a notice is given 28 days in advance, people tend to forget things closer to event date. 4) Serving notice in 7 days gives opportunity to action items promptly rather delaying the process unnecessarily. At least 21 days notice is required by clause 70 (a) of the Associations Incorporation Act 1991 – effective: 17/11/2011.
27 (2)	General Meetings – Procedure and Quorum 20 financial members present in person (being members entitled under these rules to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting	27 (2)	10 (ten) financial members present in person (being members entitled under these rules to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting	It is proposed as often it appears very difficult to get 20 financial members present in person at a General Meeting to constitute a quorum for the transaction of the business of a general meeting
30 (7)	Amendment of any part within the body of the CMC Constitution must be passed by at least two-third majority of the members present in a General Meeting pursuant to Clauses 13-6 and 26-2.		Amendment of any part within the body of the CMC Constitution must be passed by at least $\frac{3}{4}$ of the votes of the members of the association who, being entitled to vote, vote in person or, if the rules of the association permit voting by proxy, vote by proxy at the meeting, and present in a General Meeting pursuant to Clauses 13 (6) and 26 (2).	As required by sub-rule 70 ((b) of the Associations Incorporation Act 1991 – effective: 17/11/2011.
N/A	Appendix 1: Application for membership	N/A	N/A	Appendix 1 to be removed
Clause 32 (3)	Appointment of Proxies Proxies shall be accepted only on behalf of spouses, parents and children who are financial members.	Clause 32 (3)	Appointment of Proxies Proxies shall be accepted only on behalf of spouses, parents, son and daughter who are financial members.	To make it very specific in relation to children
N/A	Appendix 2: Form of Appointment of Proxy	N/A	Appendix 1: Form of Appointment of Proxy The first paragraph in the Proxy form be amended to show son/mother/sister after my husband/wife/daughter/father. Under second paragraph - CONDITIONS - of Proxy form, be amended to reflect the deletion of word 'children' and instead insertion of words eg son and daughter, wherever required.	Sequential appendix number changed due to the removal of the first appendix
N/A	Appendix 3: Canberra Muslim Community (CMC) Incorporation Certificate	N/A	Appendix 2: Canberra Muslim Community (CMC) Incorporation Certificate	Sequential appendix number changed due to the removal of the first appendix
N/A	Appendix 4: Minutes of	N/A	Appendix 3: Minutes of Special General	Sequential appendix number

Existing		Proposed		Comments
Clause	Content	Clause	Content	
	Special General Meeting 23/10/05		Meeting 23/10/05	changed due to the removal of the first appendix
N/A	Appendix 5: Special Motion on Amendment to the CMC Constitution Moved & Unanimously Approved in 2006-2007 AGM	N/A	Appendix 4: Special Motion on Amendment to the CMC Constitution Moved & Unanimously Approved in 2006-2007 AGM	Sequential appendix number changed due to the removal of the first appendix
N/A	N/A	N/A	N/A	Table of Contents and Version History to be updated

APPENDIX 6:

SPECIAL RESOLUTION ON AMENDMENT TO THE CMC CONSTITUTION MOVED & UNANIMOUSLY APPROVED AT AGM ON 18 NOVEMBER 2017

Existing		Proposed		Comments
Clause	Content	Clause	Content	
2. 2(2)(b)	To establish and maintain places of worship (Mosques) and community centre facilities in the ACT region including Queanbeyan (NSW) as the overriding tangible goal of the CMC and in doing so, to facilitate other objectives including 2(a) and 2(c). The first of such is to be built in North Canberra	2(2)(b)	To establish and maintain places of worship (Mosques) and community facilities in the ACT as the overriding tangible goal of the CMC and in doing so, to facilitate other objectives including 2(a) and 2(c).	Queanbeyan has now independent association for establishing mosque and it is working on it. The last sentence deleted as obsolete
2(2)(l)	To organise a united and well co-ordinated effort for seeking funds, donations and other forms of assistance from Government, Muslim individuals, Islamic organisations in Australia and overseas. However, these funds must be from halal sources.	2(2)(l)	To raise funds by seeking grants, donations and other forms of assistance from Government, Muslim individuals, Islamic organisations and any other potential donors in Australia and overseas. However the committee may use its discretion to decide whether these funds will be accepted.	Rewritten in plain English. Remove the last sentence as this is not enforceable, instead EC will discretion for acceptance of the funds donated.
3 (1)		3(1)	financial member means: (i) a life member; or (ii) a general member who has paid annual membership fee in accordance with clause 9(3)	New definition added for financial member for clarity and remove any confusion as it is used in many places
4(2)	Membership eligibility criteria (a) Must be a Muslim aged 18 or more years; (b) For General Membership, must be a legal resident of Australia; (c) For Life Membership, must be an Australian citizen or a permanent resident; (d) Must have never been convicted of criminal offence or misappropriation of private or public funds or forgeries of any kind in any court of law in anywhere in the world.	4(2)	Membership eligibility criteria (a) Must be a Muslim; and (b) Must be at least 18 years old; and (c) Must be a legal resident of ACT; and (d) Must pay the appropriate fee for the relevant category as mentioned on the application form for membership (e) Must have never been convicted of criminal offence or misappropriation of private or public funds or forgeries of any kind in any court of law in anywhere in the world.	Rewritten the basic eligibility criteria. Criteria for general and life member should be based on fee, not residency or citizenship. It becomes legally complicated for an association registered in ACT to have interstate members. Voting rights are clarified in a proposed new clause 7bis.
5(1)	(a) The CMC Membership Application form contains membership requirements in conjunction with clause 4. (b) A person wishing to be a member of the CMC shall complete the CMC Membership Application form. As per instruction contained in the form, the person shall submit the completed form together with the applicable fee to the CMC	5(1)	(a) Application for membership must be made by submitting a completed application form to CMC along with the appropriate fee. Application fee may change from time to time in accordance with clause 9(1). (b) Application form can be downloaded from the CMC website or any member of the committee	Rewrite for clarity with no change in content. . .
5(2)	As soon as is practicable after receiving an application for membership, the secretary shall refer the application to the committee which shall determine whether to approve or to reject the application. Where the committee determines to disapprove an application for membership, the secretary shall, as soon as practicable after that determination notify the applicant of that disapproval and refund the fees paid.	5(2)	As soon as is practicable after receiving an application for membership, the Secretary shall refer the application to the committee who shall determine whether to approve or to reject the application. The decision of the committee shall be communicated by the Secretary to the applicant within 40 working days after the application is received. For disapproval of application the Secretary shall give reasons in writing and refund the application fee to the applicant in the stipulated time. No communication from the	Modified for clarity and accountability of the committee. A deadline imposed on the committee/secretary to process new membership application.

			committee for 40 working days or more after acknowledgement of the application shall mean approval of the application.	
6		6(1)	6. MEMBERSHIP RIGHTS AND ENTITLEMENTS 6(1) To exercise voting rights in elections of the committee and in any other decision making process by special resolutions at general meetings and to be eligible to nominate members to the committee pursuant to clauses 14, 30 and 31, a member must be a financial member	Changed heading and new subclause 6(1) to make absolutely clear voting and other decision making rights of the members. Existing 6(1) becomes 6(2)
7	(a) dies; (b) resigns from membership of the CMC; (c) is expelled from the CMC; or (d) fails to renew membership of the CMC. (e) Ceases to be a legal resident in the ACT or its surrounding regions	7	(a) dies; or (b) resigns from membership of the CMC; or (c) is expelled from the CMC in accordance with clause 11; or (d) ceases to be a legal resident of ACT; or (e) if not a life member, fails to pay annual membership fee in accordance with clause 9(3)	Add the word "FINANCIAL" in the heading and some editorial changes for clarity. .
8	(1) A member is not entitled to resign from membership of the CMC except in accordance with this rule. (2) A member who has paid all amounts payable by the member to the CMC may resign from membership of the CMC by first giving notice	8	(1) A member may resign from membership of the CMC by giving written notice. (2) The committee may not accept the resignation unless the member pays off all amounts owed to the CMC.	Modified for clarity.
9 (1)	The annual general membership fee shall be determined by the executive committee and the life membership fee through a general meeting. The variations of the membership fees are to be notified to current members through post or other medium of mass communication such as newsletter, e-mail, internet and telephone	9(1)	The annual general membership fee shall be determined by the executive committee at any time and the life membership fee through a general meeting. Any variations of the membership fees are to be notified to current members	Means of communications removed from the clause as it should be a separate clause applicable to all relevant clauses where communications is mentioned. See below 9(6).
9(4)	Life Members are financial members for the life of the CMC and are not required to pay annual membership fees	9(4)	Life Members are not required to pay annual membership fees	Life members are financial members as per definition in clause 3. So no need to mention again
NA		9(5)	Life members shall pay the required fee as an one off payment or in instalments over a period of time as agreed by the committee. In case of paying by installation, life membership commences on the day the final instalment is made to complete the full payment.	New clause to allow instalment payments for life members.
NA		9(6)	(1) For all applicable clauses, means of communications between the committee and members shall be one or any combination of the following: (h) Email (i) CMC Website (j) Text message (k) CMC Social media (l) Australia Post mail (m) Newsletter (n) Any other means as decided by the committee	New clause to cover means of communications applicable to all relevant clauses where there is a need for communication.
13(1)	The committee shall consist of - (a) the office-bearers of the CMC; and	13(1)	The committee shall consist of - (a) 5 office-bearers; and	Mention how many office bearers upfront to be consistent with 4 ordinary members mentioned in 13(1)(b)
13(3)	Each office-bearers defined in sub rule 13(2), of the committee shall, subject to these rules, hold office until the conclusion of the second annual general meeting following the date of the office-bearer's election, but not	13(3)	Each office-bearer of the committee defined in sub rule 13(2): (i) shall, subject to these rules, hold office for a term of two years until the conclusion of the second annual general meeting following the date of the office-bearer's election; and	Modified to clearly state: 1. Officer bearers' term duration 2 years, 2. Max number of terms, 2; (at any

	eligible for re-election for more than two consecutive terms.		(ii) shall not be eligible for re-election to the committee defined in sub rule 13(1) for more than two consecutive terms; and (iii) shall be eligible for election to the committee as defined in 13(1) after two terms following completion of his/her serving two consecutive terms; and (iv) for the purpose of ineligibility in 13(3)(ii) resignation from the committee at any point before completing any term will not count as shorter than the full two-year term	position it is cumulative) 3. Once an office bearer completes his/her max 2 consecutive terms at any position, should not be able to be re-elected to the committee for the third consecutive term. 4. He/she will have to stay out for at least two full terms. 5. An office bearer will be considered as serving the full term even he/she resigns at any point of time during his/her term.
13(4)	Each ordinary member of the committee shall, subject to these rules, hold office until the conclusion of the second annual general meeting following the date of the ordinary member's election, but is eligible for re-election.	13(4)	Each ordinary member of the committee defined in 13(1)(b) shall, (i) subject to these rules, hold office for a term of two years until the conclusion of the second annual general meeting following the date of the ordinary member's election; and, (ii) be eligible for re-election to the committee defined in 13(1) even after serving two consecutive terms	Modified for clarity
13(5)	In the event of a vacancy in the membership of the committee, the committee may appoint a member of the CMC to fill the vacancy and the member so appointed shall hold office, subject to these rules, until the conclusion of the annual general meeting at which the next election of committee members will take place	13(5)	When a position in the committee as defined in clauses 13(1)(b) or 13(2) becomes vacant, a member of the CMC can be co-opted to that position by rest of the committee members as per clause 22 in accordance with the following: (i) if the position is made vacant by an office bearer as defined in 13(2), the person co-opted must be an existing elected ordinary committee member as defined in 13(1)(b) (ii) if the position is made vacant by an ordinary committee member as defined in subclause 13(1)(b), the person co-opted must be a financial member (iii) a member so appointed in accordance with subclauses 13(5)(i) or 13(5)(ii) shall hold office, subject to these rules, until the conclusion of the annual general meeting at which the next election of committee members will take place	Modified co-opting requirements and procedures to make it more representative of members. An ordinary EC member can only be co-opted to office bearer position. And a financial member can be co-opted to ordinary EC member position.
14 (2)(b)	(b) shall be delivered to the secretary of the CMC not less than 2 weeks before the date fixed for the annual general meeting at which the election is to take place.	14(2)(b)	(i) Nominations of candidates for election to the committee shall be delivered by email and followed up by handing in the hard copies to the Chair of the election panel appointed in accordance with clause 14(7) not less than 2 weeks before the date fixed for the general meeting at which the election is to take place. (ii) Nominators may get nomination form verified by the Chair prior to submission to ensure that it is in order. In this case the Chair shall advise if there is any flaw in the nomination form and how to correct it. (iii) The Election Panel formed in accordance with clause 14(7) shall scrutinise all nomination forms for validity and the Chair shall notify in writing, giving reasons, to any nominee whose nomination is found to be invalid, not later than 2 days	Completely rewritten to avoid conflict of interest making the election process fairer and transparent. Replaced 'secretary' with 'election' panel to avoid any possible conflict of interest

			after the appointment of two panel members. (iv) A person whose nomination has been invalidated may, in writing, appeal to the Chair for review of the decision not later than 1 day after being notified of the invalidity of his/her nomination and the Election Panel shall review its previous decision and make a final decision not later than 2 days after receiving the appeal for review. The Election Panel's decision shall be final. (v) Not later than 5 days before the date of the general meeting where the election is to be held final list of all nominees shall be notified by the Chair to all nominees and all financial members. The Chair shall do this by email and by publishing on the Gungahlin Mosque website. The outgoing committee and any subcommittee responsible for operation and maintenance of Information and Communication Technology matters of CMC shall assist the Chair in this regard. (vi) The outgoing committee shall extend, to the Election Panel, full access to all information including details of financial members as required for the purpose of scrutinising nomination forms and conducting the election.	
14(7)	The vote on the election, either by way of ballot or showing of hands by the financial members, for the election of office-bearers and ordinary committee members shall be conducted at the annual general meeting by an independent Muslim returning officer appointed by the outgoing Executive Committee in consultation with the candidates. Where a consensus is not reached on the appointment of the returning officer; it will be determined by a joint meeting of the CMC Executive Committee, the Imam of the Gungahlin Mosque and the Gungahlin Mosque Management Sub-Committee. The voting method for the purpose of electing the Executive committee will be determined by outgoing Executive Committee in consultation with the Returning Officer. The returning officer is responsible to conduct the election and declare the result of such election in the most neutral way having regards to sub rules 22(1), 22(2), 22(3), 22(4), sub rules 31(1), 31(2), 31(3), 31(4), and sub rules 32(1), 32(2), 32(3)	14(7)	(i) The vote on the election, either by way of ballot or showing of hands by the members, for the election of office-bearers and ordinary committee members shall be conducted at the general meeting by an Election Panel. (ii) The Election Panel shall consist of three members, comprising of a Chair and two members. The Chair shall be a Muslim appointed by the outgoing committee and the name of the Chair shall be made public with the notification of the general meeting where the election will take place. (iii) The Chair shall appoint the two panel members, in consultation with the candidates nominated to the committee. The Chair shall submit in writing, by email or letter, to the executive committee, the names of the two panel members appointed not later than one week before the date scheduled for the general meeting where the election will take place. (iv) Where a consensus is not reached on the selection of the two panel members; it shall be determined by a joint meeting of the outgoing executive committee, the Imam of the Gungahlin Mosque and the Gungahlin Mosque Management Subcommittee all of whom shall be responsible to ensure that the matter is resolved and panel members are appointed at least one week before the scheduled date of the general meeting when the election will be held. (v) The outgoing committee shall make public the names of the two panel members not later than one week before the scheduled date of	An 'election panel' to replace the 'returning officer' for ensuring neutrality and better administering of the election. Details of appointment of the election panel provided

			the general meeting where election will be held. (vi) The voting method for the purpose of electing the committee shall be determined by the Election Panel. The Election Panel is responsible to conduct the election and declare the result of such election in the most neutral way having regards to sub rules 22(1), 22(2), 22(3), 22(4), sub rules 31(1), 31(2), 31(3), 31(4), and sub rules 32(1), 32(2), 32(3)	
14(10)	If the membership of the executive committee falls below five at any one time due to resignations, a fresh election shall be called by the remaining members. Where the Secretary's position is vacant, the Assistant Secretary shall assume the duties of the Secretary to fulfil the functions under sub rules 16(1), 16(2), 16(3). Where both Secretary's and the Assistant Secretary's positions are vacant, one of the remaining members, as determined by the committee, shall assume the duties of the Secretary to fulfil the functions under sub rules 16(1), 16(2), 16(3).	14(10)	If the number of members in the executive committee falls below five at any one time due to resignations or any other reason, a fresh election shall be called by the remaining members. Where the Secretary's position is vacant, the Assistant Secretary shall assume the duties of the Secretary to fulfil the functions under sub rules 16(1), 16(2), 16(3). Where both Secretary's and the Assistant Secretary's positions are vacant, one of the remaining members, as determined by the committee, shall assume the duties of the Secretary to fulfil the functions under sub rules 16(1), 16(2), 16(3).	Minor modification for clarity
16(2)	(a) the secretary shall keep, in appropriate media (both hard and electronic copies), (a) all elections and appointments of office-bearers and ordinary committee members; (b) the names of members of the committee present at a committee meeting or a general meeting; and (c) all proceedings at committee meetings, general meetings and any other meetings	16(2)	The Secretary shall keep, in both printed and electronic manner, copies of the following: (a) record of election and appointments of office-bearers and other committee members; (b) minutes of all committee meetings, general meetings and any special resolution. (c) all records shall be maintained for at least for five years.	Rewritten for improvement without change in content
16(3)	Minutes of proceedings at a meeting shall be signed by the person presiding at the meeting or by the person presiding at the next succeeding meeting	16(3)	Minutes of a meeting shall be signed by the person who presided the meeting or in his/her absence by the person presiding at the next succeeding meeting	Modified for clarity and appropriateness
18(1)(b)	ceases to be a member of the CMC	18(1)(b)	ceases to be a member of the CMC in accordance with clause 7	Added 'in accordance with clause 7' for clarity
18(1)(c)	resigns the office by a written communication to the CMC and delivers it using any of the following methods: by email, postal letter to the organisation's official address or hand delivered to the President/Secretary. For the purpose of Clause 18(1)-c, a resignation is a self effective legal instrument to be automatically effective from the date as follows in the order mentioned: The resignation date specifically mentioned by an Executive in his/her resignation letter. 2. The date of writing of the resignation letter as customarily mentioned in written letter 3. In the event of lack of above-mentioned date, if the resignation instrument is: (i) an email, the date of transmittal of an email; (ii) a postal delivery, the postal receipt date; and	18(1)(c)	resigns the office by a written and dated communication to President or Secretary of the CMC. the date of the resignation should be as customarily mentioned in the letter or the date of letter and/or email received. the resignation will take effect from the date mentioned in the resignation letter.	Rewritten in simplified language for clarity

	(iii) a hand-delivery to President/Secretary, the day it is hand-delivered. If multiple methods of delivery of resignation are used for the same resignation, for the purpose of Clause 18(1)-c, whichever is the earliest date among the above mentioned delivery modes is to take effect.			
18(1)	(g) is absent without the approval of the committee from all meetings of the committee held during a period of 4 months; or (h) is absent without the consent of the committee from all meetings of the committee held during a period of 3 months	18(1)	(g) is absent without the approval of the committee from all meetings of the committee held during a period of three consecutive months;	Remove repetitive provision, (h) is same as (g) with 3 months instead of 4 months. 4 months is too long. If somebody is absent for 3 months without EC approval, he/she should not be in the committee.
22(1)	Questions arising at a meeting of the committee or of any appointed sub-committee shall be determined by a majority of the votes of members of the committee or sub-committee present at the meeting, provided the decision taken does not contradict Islamic Shari'ah and principles.	22(1)	Questions arising at a meeting of the committee or of any appointed sub-committee shall be determined by a majority of the votes of members of the committee or sub-committee present at the meeting, provided the decision taken does not contradict Quranic principles and Sunnah.	Shariah is not a defined term and can be subject to disagreement. Quran is above argument and Sunnah is based on evidence.
25(2)	The committee shall, on the requisition in writing of not less than 5 per cent or a minimum of 20 of the total number of members, convene a general meeting of the CMC	25(2)	The committee shall, on requisition in writing by a minimum of 50 members with voting rights as in clause 6(1), convene a general meeting of the CMC	With increased membership 5 % and 20 are too less to convene a general meeting. 50 members is a reasonable number
25(3)	may consist of several documents in a similar form, each signed by a minimum of 2 or more of the members making the requisition	25(3)	A requisition mentioned in Clause 25(2) may be made on several documents in a similar form, each signed by a minimum of 2 or more of the members making the requisition	Modified for clarity
25(5)	A general meeting convened by members referred to in sub rule 25(4) shall be convened as nearly as is practicable in the same manner as general meetings are convened by the committee and any member who thereby incurs expense is entitled to be reimbursed by the CMC for any reasonable expense so incurred	25(5)	A general meeting convened by members referred to in sub rule 25(4) shall be convened in the same manner as general meetings are convened by the committee in accordance with Clause 26. Any member who incurs any reasonable expense for convening the general meeting pursuant to clause 25(4) is entitled to be reimbursed by the CMC.	Rewritten referring to clause 26 makes it absolutely clear about all requirements of convening a general meeting pursuant to clauses 25(2) and 25(4)
27(2)	20 financial members present in person (being members entitled under these rules to vote at a general meeting) constitute a quorum for the transaction of the business of a general meeting	27(2)	40 financial members present in person who are entitled to voting and decision making rights in accordance with clause 6(1) constitute a quorum for the transaction of the business of a general meeting.	With increased number of memberships, 40 is a reasonable number for the quorum.
30(7)	Amendment of any part within the body of the CMC Constitution must be passed by at least $\frac{3}{4}$ of the votes of the members of the association who, being entitled to vote, vote in person or, if the rules of the association permit voting by proxy, vote by proxy at the meeting, and present in a General Meeting pursuant to Clauses 13-6 and 26-2	30(7)	Amendment of any part within the body of the CMC Constitution must be passed by at least $\frac{3}{4}$ of the votes of the members of the association who, being entitled to vote, vote in person at a General Meeting pursuant to Clauses 13-6 and 26-2	Proxy removed as it is difficult to administer and provides opportunity for irregularity.
31(2)	All votes shall be given personally or by proxy but no member may hold more than 5 proxies	31(2)	All votes shall be given in person being present at a General Meeting.	Proxy removed as it is difficult to administer and provides opportunity for irregularity.
31(4)	A member or proxy is not entitled to vote at any general meeting of the CMC unless all money due and payable by the member or proxy to the	NA		This provision deleted as proxy provision is deleted.

	CMC has been paid for the financial year during which such meeting is held			
32.	(1) Each member shall be entitled to appoint another member as proxy by notice given to the secretary no later than 48 hours before the time of the meeting in respect of which the proxy is appointed. (2) The notice appointing the proxy shall be in the form set out in Appendix 1 to these rules. (3) Proxies shall be accepted only on behalf of spouses, parents, son and daughter who are financial members on the day of notice.	NA		The whole clause is deleted in its entirety as proxy is removed. Clauses are renumbered accordingly from this point
33(1)	The Imam should preferably be a non-salaried person. The Imam should express (or if asked by members of the community) his views in line with Islamic Shari'ah even if those views are not consistent with the views of the funding organisation or the community.	32(1)	The Imam's sermon, views and advice, whether solicited or unsolicited, should always be based on Quran and Sunnah.	First sentence is deleted as unnecessary. Shari'ah is not a defined term, so the second sentence is rewritten for clarity
NA		32(2)	Appointment of Imam shall be by the committee through a transparent selection procedure. Pre-requisite for the position of Imam includes but not limited to: (a) Able to interpret the verses of the Quran based on well-known and well-established Tafsirs; (b) Able to recite from the Quran correctly; (c) Have thorough knowledge and good understanding of the teachings of Quran and authentic hadiths. (d) Have leadership qualities (e) A tertiary degree in Islamic studies or Fiqh related area from any university in the world is desirable, but not essential. (f) Able to provide counselling service	New clause. Appointment of an Imam is critical and it must be with the highest standard who can lead the local Muslims in the right direction. Clauses should be renumbered as necessary. Sequence of numbers needs to be changed accordingly
33(3)	The terms and conditions for the appointment of the Imam of the Mosques established and/or proposed to be established by the CMC; will be determined from time to time by the committee and attached as an Annex to the Constitution	32(4)	The terms and conditions for the appointment of the Imam of the Mosques established and/or proposed to be established by the CMC; will be determined from time to time by the committee.	Annexing to the constitution means updating will be very difficult. So delete the last few words.
34 (1)	(1) The Muazzin will be a non-salaried person.	33(1)	(1) The Muazzin shall be appointed by the committee considering suitability for the role.	Mentioning non salaried is unnecessary
37	It will be the responsibility of the committee, to clearly announce and arrange for Ramadan, Eid and other religious celebrations • in close consultation with the Imam(s) of the Mosque(s) in the surrounding regions and other parts of Australia; • in close co-operation with other Islamic organisations; • in close co-operation with other Islamic organizations such as AFIC, Board of Imams etc.; and • having due regards to the authentic traditions of the Prophet (peace be	36	The committee shall announce and arrange Ramadan, Eid and other religious celebrations after consultation with Imams Council of ACT.	Make it simple, direct and workable.

	upon him) on the subject and consistency of the applications of Islamic principles			
40	Neither the objects of the CMC referred to in section 29 of the Act nor these rules shall be altered except in accordance with the Act	39	(1) Neither the objects mentioned in clause 2(2) nor these rules shall be altered except in accordance with clauses 13(6), 26(2) and 30(7) of these rules and sections 30 and 33 of the Act. (2) a notice setting out the particulars of any alteration to objects and rules mentioned in clause 40(1) must, not later than 1 month after a special resolution to alter the objects of the association or these rules have been passed by the association, be lodged with the registrar-general.	Rewritten with appropriate references to make it absolutely clear.
49	NA	48.7	No incumbent committee member should deal with CMC election matters if he/she is seeking re-election.	Add new clause after 49.6 of exiting clause to maintain high ethics and morality and Australian values.
PART VI	APPENDIX 1:FORM OF APPOINTMENT OF PROXY			Proxy form is removed as a consequential amendment of removing proxy