

**BIS MILLAH HIR REHMAN NIR RAHEEM  
IN THE NAME OF ALLAH THE BENFICIENT THE MERCIFUL**

**CONSTITUTION**

**OF**

**MUHAMMADI WELFARE ASSOCIATION INCORPORATED**

**1. NAME**

The name of the Association shall be 'Muhammadi Welfare Association Incorporated.

**2. OBJECTS.**

- 2:1 To inculcate and promote understanding of Islam in the community.
- 2:2 To seek guidance from the Holy Quran, the Sunnah and the teachings of the Tweleve Imams in all its activities.
- 2:3 To propagate Islam amongst Muslims and non-Muslims through lectures, booklets and other means of communications.
- 2:4 To create unity amongst its members and community at large.
- 2:5 To establish and promote a system of socio-economic co-operation in the community.
- 2:6 To acquire/build a Community Center for the performance of ceremonies and holding of religious activities.
- 2:7 To provide voluntary aid and assistance to orphans, widows and needy persons in Australia and abroad.
- 2:8 To establish an educational institution to provide religious and academic education for adults and childrens.
- 2:9 To set up a public library for the benefit of members and the general public.
- 2:10 To associate and co-operate with other organizations having similar aims and object.

**3. REGISTERED OFFICE**

Unless otherwise decided, the registered office of the Association shall be at 419 Blaxcell Street, Granville NSW 2142.

**4. MEMBERSHIP**

There shall be Four Categories of Members:

**4:1 ORDINARY :**

- a) The Ordinary membership of the Association will be open to all followers of Ithna Ashri Islam of 18 years of age and over residing for minimum six months in the state of New South Wales with the exception of Honorary members.

- b) A new member shall not be eligible to vote at the elections of the Executive Committee Members or Trustees during the first six (6) months of his/her membership.

#### **4:2 LIFE**

- a) An Ordinary member shall be eligible for a life membership if he/she pays a life membership fee as set by the AGM.

#### **4:4 HONORARY MEMBERSHIP:**

- a) Honorary membership shall be granted to a person in recognition of his/her exceptional services to the community with the approval of the General Body.

#### **4:5 ASSOCIATE MEMBERSHIP:**

- a) An Associate membership shall be granted to any member of the public irrespective of his/her religious commitment, ethnicity, colour or cast. An Associate member shall not have the right to vote or hold an office on the Executive Committee. For his/her specialized skills he/she may be invited to work on a Sub-Committee subject to the approval of the Executive Committee.
- b) An associate membership may also be granted to a registered organization having similar aims and objectives subject to the approval of the Executive Committee.

### **5. MEMBERSHIP FEE**

- 5:1 The annual subscription of membership fee shall be determined by the General Body.
- 5:2 Membership fee shall be valid for the financial year in which it is paid regardless of the time of the year.
- 5:3 “Upon the non-payment of renewal membership fee by the 31<sup>st</sup> of July each year. The membership will lapse. In such cases the member may renew the membership at any time by paying all the outstanding dues but will not have the right to vote at an AGM, EGM or Elections for six months from the date of renewal and the membership will be treated as a new member. The secretary will ensure that renewal reminder notices are sent to members at least 30 days prior to expiry of the membership advising them of the conditions as stated in the clause.

### **6. MEMBERSHIP ACCEPTANCE**

- 6:1 Application for membership of the Association shall be made to the Secretary on the prescribed form . All applicants must be supported by at least one ordinary member. In all cases the Executive Committee shall inform the applicants in writing of the result of their applications.
- 6:2 The Executive Committee shall have the power to accept or reject any application for membership of the Association without assigning any reason.

- 6:3 The Executive Committee may require an applicant for the membership of the Association to present himself/ herself to the Executive Committee before his/ her application is approved and membership is confirmed or rejected.

## **7. MEMBERSHIP TERMINATION**

The termination of membership shall occur due:

- 7:1 Upon the resignation of member in writing.
- 7:2 Upon expulsion from the Association.
- 7:3 “Upon being declared mentally ill by competent authorities and agreed upon by the Executive Committee. In such cases the affected member shall automatically become an Associate Member”.

## **8. MEMBERS LIABILITIES**

- 8:1 The liability of a member to contribute towards the payment of the debts and the liabilities of the Association is limited to the amount unpaid by the member in respect of membership of the Association.

## **9. MANAGEMENT**

Subject to the decisions of the General Body of the Association.

- 9:1 The Management of the Association shall be vested in the Executive Committee consisting of Three (3) office bearers plus four (4) Executive Members elected every two years by the General Body subject to clauses (12:14 & 12:15) of this Constitution.
- 9:2 No member of the Executive Committee shall be appointed to any salaried office of the Association.
- 9:3 An Executive Member must have been an ordinary member for at least two consecutive years before he/she can hold an office on Executive Committee. “If the membership has lapsed at any time during the past two years and has been subsequently renewed, the member will have to wait for 6 months from renewal before he/she is able to hold any office.

## **10. OFFICE BEARERS**

- 10:1 The office bearers shall consist of:
- a) President

b) Secretary.

c) Treasurer

**10:2** Any casual vacancy occurring in the Executive Committee may be filled by the Executive Committee by co-opting an ordinary member where it is stipulated otherwise in this Constitution. The person so appointed to fill such vacancy shall hold the office for the unexpired term of the Executive Member so replaced.

## **11. PROCEEDINGS OF THE EXECUTIVE COMMITTEE**

**11.1** The Executive Committee may meet for the dispatch of business or adjourn as it deems appropriate. The President may, at any time, call for a meeting of the Executive Committee. The Executive Committee must meet at least once a month.

**11.2** The President shall be the Chief Executive Officer (CEO) of the Association and shall preside over all meetings of the Association. The President shall ensure that the office bearers carry out their duties to the best of their abilities. "In the absence of the President, the Executive Committee will appoint a Chairperson who shall assume the role of the Chief Executive Officer for that particular meeting.

**11.3** In case the President resigns from his/her office or his/her office becomes vacant for any other reason, then the Executive Committee will appoint an Acting President who will convene an Extra Ordinary General Meeting within five (5) weeks to elect a new President.

**11.4** In case three (3) or more Executive Members simultaneously resign from their positions, then within five (5) weeks the president shall convene an extra ordinary General Meeting of members to elect new Executive Members to fill the vacancies created by the resignations.

**11:5** The Executive Committee shall not have the power to co-opt an ordinary member or an Executive Member to fill the vacant position of the President. The President must always be elected by the members of the Association.

**11:6** On matters of order in the Executive Committee meetings the President shall have the final say and his directives shall be binding on all members of the Executive Committee. In case a member or a group of members disregard the directions of the President, the President shall have the right to adjourn the meeting to a new date.

**11:7** All resolutions of the Executive Committee shall be decided with a simple majority of votes, the Chairperson shall have the second casting vote.

**11:8** The minutes of the meeting will be recorded by the Secretary, or in his absence, by any member of the Executive Committee nominated by the president to take minutes for that particular meeting.

**11:9** The account books, bank cheque books, official receipt books and other documents on the finances of the Association shall be in custody of the Treasurer.

**11:10** The register of members, the documents, securities and the common seal of the Association shall be in the custody of the Secretary.

**11:11** The Executive Committee shall have the power to appoint and dissolve Sub-Committees to assist the working of the Association.

**11:12** Any member of the Executive Committee who fail to attend two consecutive monthly meetings without informing the President or the Secretary in advance will automatically relinquish his/her

position. In such cases the Executive Committee shall appoint another ordinary member to fill the vacant position for the unexpired term office of tile Executive Member so replaced.

- 11:13** All records, books and documents of the Association will be open for inspection by any ordinary member or any authorized government official during the office hours. Any such request shall be made in writing giving seven (7) day's notice to the Secretary with the exception of Minutes of Meetings which will be governed by clause (20) of this Constitution.
- 11:14** Any member of the Executive Committee who is unavailable for 6 meetings during the tenor, will have his/her position forfeited. The Executive Committee will co opt another member to fill his/her position.
- 11:15** Office Timing: The President and Secretary shall ensure that a proper office will function at the premises of the Association. The office will open for a minimum of 2 hours per month in addition to the times when there are functions. The office shall maintain the office record updated monthly including the accounts of the Association. Office hours for the full term will be displayed on the notice board and members to be advised accordingly.

## **12. ELECTION OF THE EXECUTIVE COMMITTEE**

- 12:1** The election of the Executive Committee Members shall be held within four (4 ) weeks of the Annual General Meeting.
- 12:2** No other business shall be discussed at a meeting convened for the elections of the Executive Committee Members.
- 12:3** The members of the Executive Committee shall be elected by the General Body.
- 12:4** Only the financial Ordinary members shall be eligible to vote at the election.
- 12:5** No candidate shall contest for more than one position on the Executive Committee.
- 12:6** The Secretary after consultation with the Executive Committee shall announce the date of the elections except where it is stipulated otherwise in this constitution.
- 12:7** The Executive Committee shall appoint an Election Officer at the first Executive Meeting after the end of the Financial Year during the Election Year. He/She will take charge of all necessary documents, receive nomination papers and hold the general elections. The election officer shall not be a member of the executive committee or a candidate for the elections.
- 12:8** Members wishing to contest the elections shall file their nomination papers with the Election Officer not later than fourteen (14) days before the elections.
- 12:9** Only the financial Ordinary members shall be eligible to contest the elections of the Executive Committee Members.
- 12:10** The nomination papers shall be proposed and seconded by Ordinary financial members only.
- 12:11** The voting shall be by secret ballot. There shall be no proxy or postal votes.
- 12:12** The members of the executive shall be elected by the general body as follows,
  - a) President
  - b) Secretary.
  - c) Treasurer

d) 4 Executive Members

- 12:13** On the day of elections and before the commencement of voting all candidates for the position of President shall put before the members their policies and programs of action they intend implementing during the term of their office.
- 12:14** An early election may be called if requested by a two-thirds (2/3) majority of members in a formally convened General Meeting.
- 12:15** Every Member who wishes to contest the elections will have to pay a token Nomination fee to cover the expenses. The initial fee is set at \$100.00 per candidate. These fees will be reviewed every year at the AGM.
- 12:16** All Office Bearers will be elected for only two (2) consecutive Terms.

### **13. VACATION OF OFFICE**

The office of a member of the Executive Committee or the Trustee shall become vacant:

- 13:1** If he/she becomes mentally ill or his/her person or estate is liable to be dealt within any way under the law relating to mental illness.
- 13:2** If he/she ceases to be a member of the association.
- 13:3** Upon his/her expulsion from the association.
- 13:4** If he/she hold any office of profit under the organization.
- 13:5** If he/she is directly or indirectly interested in any commercial contract or proposed contract with the association.

### **14. ANNUAL GENERAL MEETING AND PROCEEDINGS**

- 14:1** The Annual General Meeting shall be held within eight (8) weeks of the conclusion of the financial year.
- 14:2** Each ordinary financial member present shall have the right to cast one vote.
- 14:3** The president shall preside as the chairperson at every general meeting. In the absence of the president, the members of the association present at the meeting shall elect a chairperson from the floor for the purpose of that meeting.
- 14:4** At General Meeting all resolutions shall be passed by show of hands of a simple majority except where it is stipulated otherwise in this constitution.
- 14:5** The President shall present the annual report while the Treasurer shall present the financial report at the meeting.

### **15. EXTRA ORDINARY GENERAL MEETING**

- 15:1** The president or any five (5) members of the Executive Committee may at any time call for an extra ordinary general meeting of the association.
- 15:2** The Extra Ordinary General meeting can also be convened by a written request of at least forty percent (40%) of the total ordinary financial members of the association. The written request will be given to the Secretary with an agenda. The Secretary will ensure that such request for an EGM

would be tabled at the next Executive Committee meeting and the Extra Ordinary General Meeting shall be held within five (5) weeks, after the Executive Committee meeting at which it was tabled.

**15:3** All other conditions of the General Meeting will apply to the Extra Ordinary General Meeting.

## **16. NOTICE OF AGM/EGM MEETINGS**

**16:1** The Secretary shall give at least twenty one (21) days notice to the members of the Association for the General and Extra Ordinary General meetings in writing specifying the place, the day and the hours of the meeting. The Secretary shall also send the agenda for the meeting with the notice.

## **17. QUORUM**

**17:1** At the General and Extra Ordinary General Meetings the quorum shall consist of at least one-third (1/3) of the Ordinary members of the association. If within half an hour of the set down for the meeting a quorum is not present then, subject to the availability of the venue, the meeting shall be adjourned to the same time and place fourteen days later. In the event that the same venue is not available on the day then the Secretary shall arrange for a new venue and inform the members accordingly giving least seven days notice. If at the adjourned meeting a quorum is not present then those members attending shall be deemed to form a quorum.

**17:2** At any meeting of the Executive Committee a minimum of five (5) Executive Members must be present to form a quorum. In case at a meeting a quorum is not present then the meeting shall adjourn to a date seven (7) days later and the Executive Members present at the adjourn meeting shall deemed to have formed a quorum.

## **18. FINANCIAL YEAR**

**18:1** The Financial year end of the association will be 30<sup>th</sup> of June each year.

## **19. FUNDS**

**19:1** All monies received as subscriptions/donations/government grants and other earnings by the Association shall be deposited in a bank account in the name of the Association. The monies received by the Association shall be held in two different funds, namely:

- a) **Projects and Administration Fund:** This fund will be used on various projects, ceremonies and Administration of the Association.
- b) **Charitable Fund:** This fund will be used for Charitable purposes anywhere in the world for the welfare of the humanity in general irrespective of membership, political or religious commitment, colour, cast, nationality or ethnicity.

**19:2** All payments in excess of \$200.00 (two hundred) made by the Association will be paid by cheque signed by any two of the following Officers:

- a) President
- b) Secretary.
- c) Treasurer

The Treasurer shall always be one of the signatories on the cheques.

**19:3** Any payment upto \$500.00 must be approved by any two office Bearers prior to such expense being incurred. Any expenses over \$500.00 is to be approved by the Executive Committee.

- 19:4** The Treasurer shall present Statement of Income and Expenditure to the Executive Committee on a monthly basis. Under exceptional circumstances the President may allow the Treasurer extension of time to submit his/her monthly statement of Accounts.
- 19:5** An official receipt shall be issued for all monies received by the Association.
- 19:6** The assets and income of the organisation shall be applied solely in furtherance of its above-mentioned objects (Clause 2) and no portion shall be distributed directly or indirectly to the members of the organisation except as bona fide compensation for services rendered or expenses incurred on behalf of the organization.

## **20. MINUTES**

- 20:1** The Secretary shall maintain the minutes of all meetings of the Association. The minutes are to be properly documented and open for inspection by any ordinary financial members during office hours only and within 7days of receiving a request.
- 20:2** The Secretary shall ensure that the minutes of every meeting is made available to every Executive Members in the time period set by the Executive Committee.

## **21. NO CONFIDENCE**

- 21:1** If the Executive Members/Member or any Trustee ceases to enjoy the full confidence of the members of the Association he/she/they shall be relieved of his/she/their position/positions. A no confidence motion against the Executive Members/Member or a Trustee must be supported in writing by at least fifty percent (50%) of ordinary members. An Extra Ordinary General Meeting shall be convened to consider such a motion. A majority of two thirds (2/3) of votes will be required to pass the motion. The voting would only take place after the Executive Committee Members/Member or a Trustee in question have/have been given the opportunity to explain their/his/her position to the members at the meeting.

## **22. EXPULSION**

A member may be expelled from the Association by the Executive Committee if in the opinion of the Committee the conduct of tile member has been detrimental to the best interests of the Association. An Extra Ordinary General Meeting shall be convened within five (5) weeks of the tile decision of the Executive Committee to expel the member. The voting at such Extra Ordinary General Meetings shall be by secret ballot and the result shall be binding on the Executive Committee. The expulsion will not take effect unless:

- 22:1** The Executive Committee afford the affected member the right to explain his/her position in writing.
- 22:2** The expulsion is confirmed by a majority of two-thirds (2/3) members present at an Extra Ordinary General Meeting convened to consider the expulsion.
- 22:3** The member is allowed to explain his/her position to the members of the Association at the Extra Ordinary General Meeting.

## **23. TRUSTEES**

- 23:1** The members shall elect three (3) Trustees of the Association at a General Meeting.
- 23:2** The Trustees shall be elected for a period of four (4) years.
- 23:3** A candidate for the position of Trustee must be supported by at least twenty percent (20%) of ordinary members on the prescribed nomination form.



- 23:4 Members nominating a candidate for the position of Trustee must have known the candidate for at least three (3) years.
- 23:5 A candidate for the position of Trustee must have been an ordinary member of the Association for at least three (3) consecutive years.
- 23:6 A Trustee shall not be a member of the Executive Committee.
- 23:7 In case a Trustee resigns from his/her office or his/her office becomes vacant for any other reason then the President within five (5) weeks shall convene an Extra Ordinary General Meeting of members to elect a new Trustee.

## **24. TRUSTEES RESPONSIBILITIES**

- 24:1 In case of the dissolution of the Association the Trustees shall take charge of all the properties/assets of the Association and dispose tile same to their best ability. After the payment of all expenses and liabilities of the Association the Trustees shall donate the remaining assets liquid or otherwise to an organization of the same faith which must a registered charity.

## **25. DISSOLUTION**

- 25:1 The Association shall be dissolved in the event of membership being less than three (3) persons or upon the vote of three fourth (3/4) majority of members present at an Extra Ordinary General Meeting convened to consider such a motion.
- 25:2 Upon a resolution being passed in accordance with clause (25:1), all assets and funds of the Association shall be handed over to the Trustees.
- 25:3 In the event of the organization being dissolved, the amount that remains after such dissolution and the satisfaction of all debts and liabilities shall be transferred to another organisation with similar purposes which is not carried on for the profit or gain of its individual members

## **26. AMENDMENTS TO THE CONSTITUTION**

- 26:1 Ay proposal for the amendment of the Constitution shall be sent to the Secretary for consideration at the Executive Committee Meeting.
- 26:2 The Executive Committee may call for an Extra Ordinary General Meeting to discuss the proposed amendments to the Constitution if it believes that the amendments in question will enhance tile furtherance of the aims and objectives of the Association.
- 26:3 The Executive Committee may reject any amendment proposal if it believes that such amendment is not in the best interests of the Association. In all cases tile Executive Committee will inform the proposer of the amendment in writing of its decision within five (5) weeks of the receipt of the amendment proposal.
- 26:4 In case a member's amendment proposal is rejected by the Executive Committee then the member shall have the right to re-submit his/her proposal with the additional support of at least forty percent (40%) of ordinary members in writing for consideration. Such re-submitted amendments will then be put to the members at an Extra Ordinary General Meeting for their decision.
- 26:5 Any motion to amend the Constitution must be supported by at least two thirds (2/3) majority of members present at an Extra Ordinary General Meeting Convened to consider the amendment/s.

**26:6** All amendments received by the Executive Committee shall be conveyed to all the members in their original text within five (5) weeks after the approval of the Executive Committee.

**26:7** No amendment shall be effective until approved by the Minister of the Crown at the time administering the Charitable Collection Act of the State of New South Wales.

## **27. AUDITING OF ACCOUNTS**

**27:1** The annual accounts of the Association shall be audited by a qualified auditor. The auditor shall be appointed by the General Body for a specified term.

## **28. INTERPRETATION**

**28:1** The word 'Association' whenever occurs refers to 'Muhammadi Welfare Association Incorporated'.

**28:2** Any word denoting 'singular' shall include 'plural' and vice versa.

**28:3** Any word denoting 'masculine' shall include 'feminine' and vice versa. The word 'member' refers to an ordinary member.

**28:4** The word 'member' refer to ordinary financial member.

**28:5** The term 'Executive Member' refers to a Member of the Executive Committee.

**28:6** The word 'Constitution' refers to the Constitution of Muhammadi Welfare Association Incorporated.

**28:7** The word 'order' in clause (11.9) refers to the conduct of the Executive Committee Members in the meeting.

**28:8** The word 'residing' in clause (4:1) refers to a person who has been residing in the State of New South Wales for the past six (6) months on the day of his / her application for the membership of the Association.

**28:9** The Executive Committee shall at all times be guided by this Constitution. In case in the opinion of the Executive Committee a matter before it is not fully covered by the Constitution or the Constitution is not very clear on the matter then the President shall convene an Extra Ordinary General Meeting and the matter shall be put to the members for a decision.

## **29. COMPOSITION OF CLAUSES**

**29:1** This Constitution is composed of thirty (30) main clauses and one hundred and Fourteen (114) subclauses.

## **30. ADOPTION OF THE CONSITUTION**

**30:1** This Constitution repeals the previous Constitution registered with the Department of Fair Trading, which was adopted on the 29<sup>th</sup> of May 1988. It is adopted by the Muhammadi Welfare Association Incorporated at a Special General Meeting held on the 17<sup>th</sup> of August 2008 at 419 Blaxcell Street Granville NSW.