

CONSTITUTION

ISLAMIC ASSOCIATION OF MONASH MOSQUE

Approved and accepted at the meeting held on Thursday 5th February 2009

(10th Day of Safar Hijra 1430)

Amended on 26th February 2009

Incorporation No: A0052754N

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CONSTITUTION AND RULES

1. **Guideline**

- a) The guideline, being the ultimate policy of the Organisation, comprises all of the following sources, starting in order from the highest to the subordinate in importance:
- b) The Holy Quran;
- c) The authentic exemplary teachings and traditions of prophet Muhammad (sal);
- d) The guidance of all the prophet's companions, especially his first four successors (caliphs) who followed the straight path left for us by the beloved prophet; and
- e) The consensus of the scholars and imams of the Muslim community without absolutely following any of them, and we dismiss those who contradict them, deviate from them or belittle their value.

This guideline represents the basis of all the rules defined in this constitution.

2. **Name**

- a) The name of the incorporated Organisation is **Islamic Association of Monash Mosque**

3. **Definitions**

In these Rules, unless the contrary intention appears-

“Constitution” means constitution of Islamic Association of Monash Mosque;

“Executive” shall mean the President, Vice-Presidents, Treasurer and Secretary duly elected in accordance with these Rules.

"Financial year" means the year ending on 30 June;

“Fitra” means the obligatory contribution (the amount will be stipulated by the Board of Imams of Victoria) to be given by all Muslims at the end of the month of Ramadan

"General meeting" means the annual general meeting of members convened in accordance with Rule 21.

“Islamic Guideline” means the guideline as outlined in Rule 1;

"Management Committee" means the committee of management of the Association;

"Member" means a person that satisfies the criteria in Rule 9 and is approved for membership by the Management Committee;

“Monash University” means Monash University (ABN 12377614012)

“Monash University Mosque” means the Monash University Mosque;

“City of Monash Region” means the areas that is under the jurisdiction of Monash City Council and includes the four wards: Mount Waverley Ward, Glen Waverley Ward, Oakleigh Ward and Mulgrave Ward (see details in website: <http://www.vec.vic.gov.au/monashHome.html>)

“Muslim” means a person who believes and submits to the absolute sovereignty of Allah (swt), believes in the Prophet Muhammad (sal) as the last and final messenger and adheres to the Islamic Guideline.

"Ordinary member of the committee" means a member of the Management committee who is not an officer of the Organisation under Rule 15;

“Organisation” means the Islamic Association of Monash University Mosque;

"Regulations" means regulations under the Act;

"Relevant documents" has the same meaning as in the Act;

“Rules” shall mean the Rules of the Association which are in force from time to time.

“Special General Meeting” means a general meeting of the Organisation other than the annual general meeting.

“Zakat” means annual obligatory contributions for all Muslims as stipulated in Islam

4. Interpretation

- a) *Words importing the singular* only shall include the plural.
- b) *Words importing the masculine* gender shall include the feminine gender.

5. Type of Organisation

- a) The Organisation is a non profit Organisation committed to promotion of the Islamic religion, culture and principles as set out in the rules.
- b) The assets and income of the Organisation shall be applied solely in furtherance of its mentioned objectives 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 Organisation.

6. Statement of Purpose

The general aims of the Organisation shall be to promote the teachings of the religion of Islam and facilitate the acquisition of Islamic Knowledge among the Muslims through the medium of the Holy Qur'an and the teachings and traditions of the Prophet Muhammad (sal); to provide an Organisation for channelling of resources for charitable and humanitarian needs of communities, both locally and abroad; and to foster and promote good relations in an effort to create a greater understanding of the welfare and wellbeing of its members in particular and the community they live in generally.

7. Objectives and Powers

The Objectives and Powers of the Organisation shall be:

- a) To promote and foster the teachings and practices of Islam and its associated culture.
- b) To promote all matters concerning the spiritual, social and cultural well-being of Muslims
- c) To enable members of the Organisation to contribute to the advancement of Australia in all spheres of life.
- d) To promote and maintain unity and friendship among the Muslims and between them and other communities in or outside Australia.
- e) To affiliate and cooperate with Muslim Organisations locally and abroad in furthering the cause of Islam.
- f) To advocate and make representations on behalf of Muslims on all matters affecting their:
 - i. religious, social, cultural and educational welfare; and
 - ii. human rights and fundamental freedoms.
- g) To establish and manage the Monash University Mosque in conjunction with Monash University.
- h) To establish funds for the general conduct of the Organisation including a Monash University Mosque Building Fund, Monash University Mosque Fund and other relief funds.
- i) To borrow and raise money in such a manner as the Organisation may think fit and proper.
- j) To accept any gift or property for the Organisation.
- k) To collect the obligatory alms (Zakaat and Fitra) and voluntary charity and donations according to the Islamic principles and to facilitate the distribution of welfare grants to the needy.
- l) To distribute welfare grants and provide other assistance to widows, orphans, destitute, the poor, the needy and the homeless amongst the Muslim community and in the general community.
- m) To initiate, develop, publish and distribute educational and religious literature for the teaching of Islamic knowledge for the benefit of its members and general community and also contribute and subscribe to journals of other Organisations and bodies.
- n) To establish, own and manage centres, libraries and other educational institutions for Islamic education to cater for Muslims
- o) To employ and enlist personnel, both paid and volunteers, to teach and provide religious knowledge.
- p) To facilitate and perform Muslim marriages according to Islamic practice.
- q) To certify and recommend suitable persons for appointment as marriage officers and Justice of Peace.
- r) To provide letters of attestation for Muslims looking to perform Hajj and Umrah.

- s) To manage and organise Muslim burials and liaise with and assist the management of the existing cemeteries and advise them and the relevant government departments in matters relating to Islamic burial practices, care and management.
- t) To purchase, take on lease, rent, exchange, hire or otherwise acquire property, real and personal and or any rights, interests, or privileges, which may be necessary, expedient and or beneficial in any manner whatsoever for the purposes of the Organisation and to improve, manage, develop, sell, lease, dispose of, or turn into account or otherwise deal with all or any part of the property of the Organisation.
- u) To establish and promote auxiliary entities or forums for the welfare of: (i) Muslim women. (ii) Muslim Youth. (iii) Senior Citizens and Elders.
- v) To appoint and employ officers, solicitors, accountants, auditors and other functionaries considered necessary for furthering the objectives of the Organisation and to pay such salaries, fees and allowances to persons so appointed for services actually rendered irrespective of such persons being members of the Organisation.
- w) To establish and manage trusts for the purpose of holding and safeguarding the capital assets of the Organisation.
- x) To do all such things as the Organisation may from time to time deem incidental or conducive to the attainment of the above objectives consistently with the principles of Islam.

8. Registered Office

The **registered office** of the Organisation shall be at such a place as may be determined by the Organisation from time to time.

9. Membership

a. Membership Qualifications

To qualify for membership of the Organisation a person must be:

- i. either themselves or be the spouse of a student, staff member or Alumni of Monash University; or
- ii. a resident of the City of Monash region; and be
- iii. nominated by an two existing Members of the Organisation who are financially current;
- iv. a Muslim;
- v. willing to abide by the Organisation's Constitution;
- vi. 18 years of age or older.

b. Category of Membership

The four categories of membership are:

- i. **Founder Members** - people who attended or submitted applications to join as Members at the Founders Meeting held on 3 Safar Hijra 1430 (29 January 2009);
- ii. **Foundation members** - people who are granted membership prior to the date of incorporation of the Organisation;
- iii. **Ordinary members** - people who are granted membership after the date of incorporation of the Organisation.; and
- iv. **Honorary Members** - people who at the discretion of the board of management are granted honorary membership. To be eligible for honorary membership a person must be a Muslim and must have rendered distinguished service to the Organisation, Islam or the Muslim community. Honorary members are not eligible to vote or hold office in the Organisation.

c. Application for Membership

Members who wish to nominate an individual for membership in the Organisation must:-

- i. Complete and sign the application for membership form prescribed by the Organisation which is operative at the relevant time; and
- ii. Submit such application form to the Secretary of the Organisation together with any documents required by the Organisation from time to time.

d. Confirmation of Membership

The process for confirmation of membership must be as follows:

- i. When an application for membership is made in accordance with the requirements of this Constitution and received by the Secretary, it must be submitted to the Management Committee for its consideration and decision.
- ii. All applications for membership of the Organisation must be scrutinised and processed in strict accordance with the Islamic injunctions and practices.
- iii. The Management Committee, at its absolute discretion, may either approve or reject the application for membership of the Organisation. In the case of the application being rejected the secretary must inform the individual in writing. In no case and under no circumstances will the Management Committee be required to give its reasons or any explanation for its decision.
- iv. Upon an application for membership of the Organisation being approved by the Committee, the Secretary must, with as little delay as possible, notify the applicant the approval of his application for membership of the Organisation and request payment within 28 days after receipt of the notification, the current year's annual subscription.

- v. When an application for membership of the Organisation is approved by the Management committee and the subscriptions paid, the applicant's name and address and other membership details must be entered in the Membership Register.

e. Rights and Privilege

A right, privilege, or obligation of a person by reason of membership of the Organisation-

- i. is not capable of being transferred or transmitted to another person; and
- ii. terminates upon the cessation of membership whether by death or resignation or otherwise.
- iii. The entrance fee is the relevant amount set out at the AGM from time to time.
- iv. The annual subscription is the relevant amount set out at the AGM from time to time and is payable in advance on or before 3rd month of each financial year.

f. Voting rights

- i. All members who are financially current and have been members in the Organisation for a minimum of 1 year after confirmation are eligible to vote.
- ii. No Member is entitled to vote by proxy at any meeting of the Organisation.

10. Register of members

- a) The Secretary of the Organisation must establish and maintain a register of Members of the Organisation specifying the name and address of each person who is a Member of the Organisation together with the date on which the person became a Member.
- b) The register of Members must be kept at the principal place of administration of the Organisation and must be open for inspection, free of charge, by any Member of the Organisation on request to the Management Committee.

11. Disputes and Mediation

- a) The grievance procedure set out in this rule applies to disputes under these rules between –
 - i. a Member and another Member; or
 - ii. a Member and the Organisation
- b) The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all the parties.
- c) If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within 10 days, hold a meeting in the presence of a mediator.
- d) The mediator must be-
- e) a person chosen by agreement between the parties; or

- f) in the absence of agreement-
 - i. in the case of a dispute between Member and another Member, a person appointed by the Management Committee of the Organisation; or
 - ii. in the case of a dispute between a Member and the Organisation, a person who is a mediator appointed or employed by the Dispute Settlement Centre of Victoria (Department of Justice).
 - iii. A Member of the Organisation can be a mediator.
- g) The mediator can call a Member who is party to the dispute.
- h) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- i) The mediator, in conducting the mediation, must give the parties to the mediation process every opportunity to be heard; and
 - i. allow due consideration by all parties of any written statement submitted by any party; and
 - ii. ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.
- j) The mediator must not determine the dispute.
- k) If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act otherwise at law.

12. Resignation and Expulsion of Members

- a) A member of the Organisation who has paid all moneys due and payable by the member to the Organisation may resign from the Organisation by first giving one month's notice in writing to the Secretary of his intention to resign and upon the expiration of that period of notice, the member ceases to be a member of the Organisation.
- b) Upon the expiration of the notice given under Sub-Clause (a) the Secretary must make in the Register of Members an entry recording the date on which the member by whom the notice was given, ceased to be a member of the Organisation.
- c) Subject to this Constitution, the Committee may by resolution –
 - i. expel a Member from the Organisation;
 - ii. suspend a Member from membership of the Organisation for a specified period if the Committee is of the opinion that the member has refused or neglected to comply with this Constitution; or
 - iii. has been guilty of want of allegiance or of conduct unbecoming a member or prejudicial to the interests of the Organisation or for any other valid reason. The decision of the Committee shall be final.
- d) after affording such member an opportunity of offering an explanation on his conduct either verbally or in writing as the Committee may decide, in the opinion of the Committee the

conduct of the member is such as to be detrimental to the best interest of the Organisation provided that-

- e) Such expulsion shall not be effective unless it is confirmed by a simple majority (51%) of members present at a general meeting of the members convened to consider such an expulsion; and
- f) Such general meeting shall be held within the period of two months from the date of the decision of the Committee to expel the member.

13. Effect of Expulsion and Disqualification

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

14. Role of the Management Committee

- a) The affairs of the Organisation shall be managed by the Management Committee.
- b) The Management Committee -
 - i. shall control and manage the business of the Organisation.
 - ii. may, subject to this Constitution, exercise all such powers and functions as may be exercised by the Organisation other than those powers and functions that are required by this Constitution to be exercised by general meetings of the members of the Organisation.
 - iii. must submit to the General Meeting such reports, returns and other information as the Rules may require.
 - iv. shall authorise such expenditure or moneys from the Organisation Funds as may be necessary for the conduct of the affairs of the Organisation;
 - v. may appoint Sub-Committees, Boards, advisers and consultants as it may deem necessary for the purposes of the Organisation;
 - vi. may employ such persons as deemed necessary in the service of the Organisation and to terminate the service of such persons; and
 - vii. subject to this Constitution, has power to perform all such acts and things as appear to the Committee to be essential for the proper management of the business and affairs of the Organisation.
- c) A Committee of Management elected by the Members as hereinafter provided, shall take office on the first of July and shall hold office for a period of four years and thereafter until the new Committee is appointed.

- d) A committee member shall not hold office in any other Organisation whose objectives are in conflict with those of this Organisation. The Executive Committee shall decide whether such a conflict exists.
- e) An Annual General Meeting will be called in accordance with Rule 21 and held in the month of July– yearly – specifically to transact business as detailed in the notice of that Annual General Meeting and to elect the management committee once in four years.
- f) No person will be eligible to be elected to the Committee unless he has been a full financial Member of the Organisation for at least one year prior to 1st July in the year that elections are held.
- g) Except when the Annual General Meeting or a Special General Meeting is in session, to manage the affairs and conduct the business of the Organisation, to administer the Rules and to do all acts or things as the Annual General Meeting is empowered to do unless specially prohibited from so doing by the General Meeting.
- h) To carry out such specific duties as are delegated to it by the Annual General Meeting or by a Special General Meeting.
- i) The Committee shall meet as often as is necessary to transact the business of the Organisation, and at least once a month for a minimum of ten months per year, and at such other times as the President or the Organisation in General Meeting shall direct, or when three or more Committee Members notify the Secretary or the President that they desire a meeting to be held. The Secretary shall post to each Member of the Committee to his postal address for service of notices as shown in the Register at least seven days before the time of meeting, a notice of such meeting of the Committee, provided that if in the opinion of the President a meeting of the Committee should be summoned in emergency, notice may be served by telephone or such other means and such notice as the President shall direct.
- j) No Member of the Management Committee shall be appointed to any salaried office of the Organisation or to any office of the Organisation paid by fees and no remuneration or other benefit in money or moneys worth shall be given by the Organisation to any Member of the Management Committee except repayment of out-of-pocket expenses.
- k) The Committee of Management is empowered to establish Sub-Committees to help in carrying out certain activities or functions, and no Sub-Committee will be established without the sanctioning of the Committee of Management.
- l) The decision to establish a Sub-Committee will be minuted and will detail the purpose of the Sub-Committee and its scope of operation.
- m) No Sub-Committee will operate outside the parameters sanctioned by the Committee of Management, and no Sub-Committee will have any powers exceeding those conferred upon that Sub-Committee by the Committee of Management.
- n) The Committee of Management may allocate sufficient funds to any Sub-Committee to be used by that Sub-Committee in carrying out its activities or functions.
- o) All Sub-Committees will be accountable to the Treasurer for all their receipts and disbursements, and the Treasurer will always have the authority to inspect their financial

transactions and supply additional funds, or withdraw excess funds available to them in accordance with determinations by the Management Committee.

15. Management Committee

- a) The Management Committee shall consist of –
 - i. The Executive of the Organisation; and
 - ii. Five (5) Ordinary Committee Members
- b) The Executive shall comprise of the following Office Bearers of the Organisation: -
 - i. President;
 - ii. two Vice Presidents;
 - iii. Secretary;
 - iv. Treasurer.
- c) The Management Committee shall be elected at an annual general meeting of the Organisation every four (4) years.
- d) All Office-Bearers and the five Committee members shall hold office for a period of four (4) years and subject to their eligibility of membership of the Organisation, they shall be eligible for re-election or appointment as the case may be in accordance with this Constitution.
- e) The composition of the management committee including the executive at all times must have 40% of the committee who are currently studying or working at Monash University.
- f) In case of a vacancy in the Executive, the Committee may appoint any Member to carry out the duties of any Executive for the remainder of the term.
- g) In the case of a vacancy in the Membership of the Committee, the Committee is empowered to appoint any eligible Member of the Organisation to the Membership of the Committee until the end of the Committee's term.
- h) The Committee may at its discretion invite any person to attend, participate and/or observe proceedings of a Committee meeting.
- i) The powers and duties of Executive Officers conferred by these Rules shall be as follows:
 - i. The **President** shall be the Chief Officer of the Organisation and ex officio Member of all Committees and Sub-Committees of the Organisation, and shall preside at all meetings of the Committee and all General Meetings at which he is present. The President in consultation with the Executive members of the Management Committee will allocate portfolios, duties and responsibilities to the Vice-Presidents, other members of the Management Committee and general members from time to time with power to alter, revise and withdraw the same at any time. Represent and negotiate on behalf of the Organisation which are both legal and otherwise and carry out all the lawful decisions of the Association and other instrumentalities set up under this Constitution. The President shall be entitled ex officio to attend any formal or informal assembly of all or any of the Members, and shall have the same responsibilities and

privileges as any other Member present provided that he shall not have power to cast his vote at any meeting or assembly at which he exercises this entitlement to attendance.

- ii. The **Vice-Presidents** shall assist the President in the execution of his duties, and shall deputise for him in his absence or incapacitation.
 - (1) **The Vice President (Religious Affairs)** will be a member of the Monash University Mosque Committee which will be responsible for the day to day management of the Mosque and its activities.
 - (2) **The Vice President (International Affairs)** will also be responsible for coordinating and maintaining contact with Monash Alumni members living abroad.
- iii. The **Secretary**, subject to the general direction and supervision of the Committee and the President, shall supervise and control the routine and office work of the Association, and shall attend to all internal correspondence of the Association, and shall keep the records thereof, and shall keep proper and accurate minutes of all meeting of the Committee and General Meetings of the Association.
- iv. The **Treasurer**, subject to the general direction and supervision of the Committee, shall handle all moneys of the Association and shall keep proper banking accounts and books of account recording all financial transactions thereof. He shall supply from time to time all information required by the Auditors and by the Committee, and within three weeks after the close of the financial year of the Association, prepare a full statement of income and expenditure for that financial year and Balance Sheet of the Association. The Treasurer shall not make any payments on behalf of the Association unless such payments are authorised by the Committee or by the Organisation in a General Meeting.

16. Removal of members of the Management Committee

- a) Where the Committee at a special meeting called for the purpose finds an Executive Officer or a Committee Member guilty, in accordance with these Rules, of misappropriation of the funds of the Organisation, or a substantial breach of the Rules of the Organisation and finds that such a person is not eligible to hold his office, it may by the resolution remove such person from his office provided that such removal shall not operate until the resolution is confirmed by a resolution of a Special General Meeting of the Organisation called for that purpose in accordance with Rule 22.
- b) No such resolution shall be moved at a meeting of the Committee unless the person concerned has been given adequate notice (of at least 28 days) of intention to move the resolution and an opportunity to show cause to the Committee why the resolution should not be moved.

17. Eligibility to hold office

- a) A Member to be eligible for office should:
 - i. be financially current for a minimum of six calendar months; and
 - ii. be a member of the Organisation for at least one year.

18. Vacation of Office

The office of a Member of the Management Committee shall become vacant:

- a) Upon his decease.
- b) If he becomes mentally ill in any way under the law relating to mental health.
- c) If he resigns his office by notice in writing to the Organisation.
- d) If he is absent for more than five consecutive meetings without leave of the Committee.
- e) Upon the resolution being passed by two-thirds majority of Members present at a properly constituted general meeting specially called for the purpose, to remove him from office.
- f) If he holds any office or profit under the Organisation.

19. Election of Office bearers

- a) It shall be the duty of the Annual General Meeting at every four year interval to elect the Executive and committee members of the Management Committee of the Organisation
- b) In electing the Committee of Management;
 - i. The Secretary will dispatch notices to Members of the general meeting of the Organisation to be called for the purpose of electing a new Committee in accordance with Rule 14c above.
 - ii. The Secretary will organise the holding of the election in the manner prescribed hereunder.
- c) Nominations for Membership of the Committee must be proposed and seconded in writing by two eligible Members of the Organisation. The nominees must also accept the nomination in writing. The nominee may be nominated only for one position.
- d) Nominations and secondments for Membership of the Committee must reach the Secretary on or before the day of the general meeting.
- e) The general meeting held to elect the new Committee will be conducted in the following manner:
- f) The President, Vice-President or in their absence an Executive Committee Member shall chair the meeting.
- g) The meeting will proceed to conduct any business other than the election of the new Committee.

- h) The Chairperson will then declare that the current Committee's term of office is to end on 30 June and the new Committee will take office at the AGM once in four years.
- i) The Secretary or any designated member in his/her capacity as election officer will chair the meeting for the purpose of electing the new Committee.
- j) The election officer will read the names of Members nominated to the Executive Committee.
- k) The election officer will declare the nominations closed and conduct the voting.
- l) Members who are financially current and have been in the Organisation for over a year are eligible to vote.
- m) Voting will be by secret ballot on the official form available at the meeting.

20. Mosque Committee

- a) The current Monash University Mosque Committee will hereafter be known as the Monash University Mosque Committee. It will be a permanent standing sub committee of the Organisation. The composition, terms and conditions governing this subcommittee are as given below.
- b) Composition of the Committee:
 - i. The three members of the current Mosque committee as at date 29th January 2009 (see details Appendix 2)
 - ii. Vice President (Religious Affairs)
 - iii. Ex- Officio Members:
 - (1) President – Islamic Association of Monash Mosque
 - (2) President – Monash University Islamic Student Society
- c) In the case of a vacancy in the Membership of the above sub-committee due to resignation or leaving the university, the remaining members of the Mosque sub-committee are empowered to appoint any eligible Member of the Organisation to the Membership of the Committee. At all times the above committee must have one fulltime staff member and at least one postgraduate student from Monash University who are members of the Organisation.
- d) The Mosque Committee will oversee and be responsible for:
 - i. The daily activities of the mosque;
 - ii. appointing and organising the imams for Jummah prayers;
 - iii. approving and monitoring all halal outlets on all campuses of Monash University;
 - iv. announcing the dates for the beginning and end of Ramadhan, Eid ul Adha in consultation with the board of Imams;

- v. the collection and distribution of Fitra and Zakaat;
- vi. coordinating activities during the month of Ramadhan, Eid Prayers, etc.;
- vii. in consultation with the Organisation's executive approve the use of Mosque facilities for functions of other Muslim group; and
- viii. all other religious activities in the Mosque

21. Annual General Meeting

- a) An Annual General Meeting shall be held by the Organisation once every year, before the end of July at a time and a place decided by the Committee. The Annual General Meeting while in session shall govern, manage and conduct the affairs of the Organisation and shall have power subject to these Rules to:
 - i. Make, repeal, amend and/or add to these Rules by a resolution passed by a majority of not less than three-fourths (3/4) of such Members of the Organisation being entitled to vote and physically present.
 - ii. Receive and adopt a statement of income and expenditure and an audited balance sheet as at 30 June each year being an audit conducted by a qualified auditor at that meeting.
 - iii. Determine any matter referred to it by the Committee.
 - iv. Review the acts and decisions of the Committee.
 - v. Do all other acts and things which are not by these Rules specifically directed to be done by any other person or body, and which in the opinion of the Annual General Meeting are in the interest of the Organisation or in the interests of Members or persons eligible to be Members.
- b) Notice of the Annual General Meeting shall be given by the Secretary by posting to or leaving for each Member at his postal address for service of notices as shown in the Register, written notice of the time, date and place of the Meeting, at least 14 days prior to the holding thereof. The publication distributed to each Member so as to be received in the normal course of post within the specified time, shall be deemed and held to be adequate notice for the purpose of this sub-rule.
- c) The Secretary shall include in the notice of the Annual General Meeting such notices of the intention to amend, repeal or add to the Organisation Rules as shall be received by the Secretary, as stipulated in Rule 29c, to permit inclusion in the said notice.
- d) All acts and decisions of the Annual General Meeting, unless contrary to these Rules, shall be binding on all Members.

22. Special General Meeting

- a) The Secretary shall convene a Special General Meeting of the Organisation:
- b) When the Committee so resolves.

- c) When a meeting is requisitioned in writing by not fewer than 25 financial Members and in each case such requisition shall be addressed to the President or Secretary and shall set out the reasons for requiring such meeting.
- d) When so resolved by an Annual General Meeting or a Special General Meeting of the Organisation.
- e) The time and place of Special General Meetings shall be decided by the Committee, or in cases of urgency, by the Executive, provided that when a meeting has been requisitioned for in accordance with the previous sub-rule, it shall be convened by the Secretary within twenty-eight days of the requisition reaching the President or Secretary.
- f) Notice of the Special General Meeting shall be given by the Secretary by posting to or leaving for each Member at his postal address for service of notices as shown in the Register, a written notice stating shortly the nature of the business to be transacted and of the time, date and place of the Meeting, at least 14 days prior to the holding thereof. The publication of the necessary information in a journal of the Organisation distributed to each Member so as to be received in the normal course of post within the specified time, shall be deemed and held to be adequate notice for the purpose of this sub-rule.
- g) No business shall be transacted at a Special General Meeting unless notice thereof has been given in accordance with these Rules.
- h) A special General Meeting shall have powers equal to those of Annual General Meeting in transaction all business, the nature of which has been outlined in the notice of the meeting.

23. Quorum at General Meetings

- a) At an Annual General Meeting or Special General Meetings of the Organisation fifteen (15) full Members or 50 percent (50%) of the full Members, whichever is the lesser; present in person shall form a quorum.
- b) At all meetings of the Committee six Members thereof present in person shall form a quorum.
- c) If an Annual General Meeting or a Special General Meeting or a Committee meeting was adjourned to another date by reason of insufficient quorum, at the adjourned meeting if a quorum is not present within half an hour after the time appointed for the commencement of the meeting, the members personally present (not less than 10 for AGM or SGM and 4 in the case of a committee meeting) will form a proper quorum, provided that the business to be considered in the latter meetings is the same as was proposed in the adjourned meeting.

24. Financial

- a) The Organisation shall raise funds by subscription, voluntary donations and any other means approved by the Committee. These funds together with any other moneys received shall be applied for any or all of the objectives or purposes of the Organisation.
- b) All subscriptions and donations shall be paid to and collected by the Treasurer.

- c) The financial year of the Organisation shall be from the 1st day of July to the 30th day of June each year, both dates inclusive.
- d) An Honorary Auditor or Auditors shall be appointed at the Annual General Meeting of the Organisation each year to examine and certify the correctness or otherwise of all the accounts handled by the Organisation. The Auditor shall transmit such report as he may think fit to the Annual or Special General Meeting or to the Management Committee of the Organisation concerning matters with which he is concerned under this Constitution.

25. Bank Account

- a) A current/savings account in the name of the Organisation shall be kept with a bank or banks approved by the Committee.
- b) all funds of the Organisation shall be banked with such bank or banks.
- c) The President, one of the vice presidents, secretary and treasurer shall be authorised by the Committee to sign cheques on the bank account/accounts of the Organisation,
- d) two of above officers (25c) shall sign each cheque.

26. Access to Books

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

27. Subscription

- a) The Annual General Meeting shall determine the amounts of the annual subscription for the following fiscal year and the Secretary will advise all Members of these amounts.

28. By-laws

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

29. Amendments to the Constitution and Rules

- a) The constitution, Statement of Purposes and Rules of the Organisation can be amended only at an Annual General Meeting.
- b) The Constitution, Statements of Purposes and Rules of the Organisation can only be amended in accordance with the provisions provided herein.
- c) The persons proposing and seconding such amendments to the Constitution as they may seek, shall give 28 days notice, prior to the AGM, to the Secretary. The proposed amendment together with the notice shall be in writing.

- d) Three fourths (3/4) of the Members present and eligible to vote should vote in favour of such amendments.

30. Standing Orders

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

31. Indemnity

No liability shall attach to any officer, agent, or employee of the Organisation for any act, neglect, omission or default of any Committee of Meeting in respect of carrying out of his duties in relation to the Organisation or for joining in any receipt or for any other act of conformity of for any loss, damage or any other person or caused by any other act, neglect, omission or default of any person or caused by any insufficiency, deficiency or irregularity in any agreement, contract, instrument, security deed, lease or document or for any loss or damage arising from the bankruptcy, insolvency or tortuous act of any other person or for any error of judgment, omission, default or oversight on his or own part or for any damage, loss or misfortune arising there from unless such error of judgment, omission, default, oversight, damage, loss or misfortune be caused by his own wilful default, oversight, damage, loss or misfortune be caused by his own wilful default or neglect, any such officer, servant or agent if found to be liable shall be indemnified by the Organisation.

32. Interpretation of Rules

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

33. Dissolution

- a) The Organisation shall be dissolved in the event of the membership being less than five persons or upon the votes of a three fourths majority of members present at a Special General Meeting convened to consider such question.
- b) Upon a resolution being passed in accordance with Rule 29 of this Constitution all assets and funds of the Organisation shall, after the payment of all expenses and liabilities, be disposed of as provided in sub clause (c) hereof.
- c) If upon the winding up or dissolution of the Organisation there remains after the satisfaction of all debts and liabilities, any property whatsoever, the same shall not be paid or distributed among the members, but shall be given or transferred to some other Islamic religious charitable Organisation or institution, having objects similar to the objects of the Organisation and which is a fund, institution or Organisation, which itself is exempt from taxation.

34. Operation

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

35. Custody of Records

Except as otherwise provided in this Rule, the President shall keep in his custody or under his control all books, documents and securities of the Organisation.

36. Common Seal

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

APPENDIX 1

**ISLAMIC ASSOCIATION OF MONASH MOSQUE
MEMBERSHIP APPLICATION FORM**

FULL NAME (Please Print): _____

ADDRESS: _____

TELE NO: _____ (HOME) _____ (WORK)

MOBILE: _____

EMAIL ADDRESS: _____

Tick which manner you would like to be contacted Telephone H/W/ M Email

MAIN CRITERIA FOR MEMBERSHIP (Tick appropriate box)

Monash University: Student Staff Alumni

Spouse of Student/staff/ Alumni Resident of Monash Council region

I have read the constitution and in the event of my admission as a member, I agree to be bound by the rules of the above association for the time being in force.

SIGNATURE

DATE:

We as members of the Association nominate the applicant, who is personally known to us, for membership of the Organisation.

Name of Proposer _____

Signature _____

Date: _____

Name of Secunder _____

Signature _____

Date: _____

OFFICE USE ONLY

Date Application Received: _____

Date of Committee Meeting: _____

Approved: **YES/NO**

Date Applicant Informed: _____

Signature of Secretary

Date:

APPENDIX 2

The Current Monash University Mosque Committee as on 29th January 2009 are:

Bro. Mohamed Mohideen*
Dept of Microbiology
mohamed.mohideen@med.monash.edu.au
Tele: 9902 9156 (O) 9562 0002 (H) Mobile: 0425 739 364

Bro. Bandar Fadhel
Dept of Chemistry
bandar.fadhel@sci.monash.edu.au
Tele: 9547 6991 (H)
Mobile: 0405937300

Bro. Muhammed Musaher Khalissi **
Dept of Mechanical & Aerospace Engineering
muhammad.khalissi@eng.monash.edu.au
Mobile: 0413085157

* **Fulltime Staff member**

** **Postgraduate Student member**

APPENDIX 3

STANDING ORDERS FOR ALL MEETINGS OF THE ORGANISATION

1. Orders of Business

The Order of Business shall be:

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

2. Rules of Debate

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

- An amendment shall be debatable as an original Motion to which it is moved.
- Every amendment shall be relevant to the Motion to which it is moved.
- An amendment may not be a direct negation of the Motion which it is to amend.
- Every amendment shall be read before being moved, as if such proposed amendment was an original Motion.
- Upon adoption or any amendment to a Motion such Motion as amendment shall become a substantive Motion and for all purposes of subsequent discussion shall be treated as an original Motion.
- No discussion shall be allowed upon a Motion for the adjournment of a debate, except that a Member may, with permission of the Chair, point out that undue delay in finalising the matter under discussion may be caused by the proposed adjournment.
- On resuming an adjourned debate the Member who moved its adjournment shall be entitled to speak first.
- A Motion that the consideration of the question be now put shall not be decided in the affirmative or take effect without the consent of a majority of the Members present.
- Whenever it is decided by the meeting that the question under consideration shall be put, the mover of the question under consideration shall if debate has ensued be permitted to speak in reply and then the question shall be put.
- Any Member moving a Motion or amendment, or taking part in the discussion thereon shall rise and address the Chairperson and shall not be interrupted unless a point of order, when he shall resume his seat until the Member raising the point of order has been heard thereon and the question or order or Motion has been disposed of when the Member previously in possession of the floor may proceed, unless by so doing he infringes a standing order.
- A Member desirous of proposing a Motion or amendment shall state the nature of the same before he addresses the meeting thereon.
- No Motion or amendment shall be discussed or put to the vote of the meeting unless it is seconded.
- Not more than two Members shall speak in succession either for or against any question, and if at the conclusion of the second speaker's remark no Member rises to speak on the other side, this Motion or amendment shall be at once put, provided that the mover of an original Motion (but not of an amendment or an amended Motion) shall have the right of reply.
- If two or more Members rise to speak at the same time, the Chairperson shall decide who is entitled to priority, provided that priority is given to:
 - (a) A question – which shall be asked and answered concisely and shall be relevant to the matter under discussion.

(b) A formal Motion.

- A speaker wishing to oppose the views of the speaker just concluded. All speakers shall be required to confine their remarks to the Motion as stated.
- The Chairperson shall preserve order, and may on his own Motion call any Member to order whenever in his opinion there shall be cause for so doing. Also the Chairperson, when called, upon to decide a point of order or practice, shall give his decision and no argument or comment shall be permitted thereon and his decision shall be final in the particular case.

If the Chairperson wishes to take part in a debate he shall vacate the Chair for the duration of the debate.

- Any Member who shall do anything or behave in any manner which is forbidden by any section of these standing orders shall be deemed to be out of order.
- Whenever the Chairperson rises during a debate, any Member then speaking or offering to speak shall resume his seat, and the House shall be silent, so that the Chairperson may be heard without interruption.
- No Member shall speak twice on any Motion, except by way of explanation, provided that the mover of the Motion have right to reply, and no Member shall speak to any Motion after the mover shall have been permitted to reply.
- A Member moving or seconding a Motion or amendment shall be held to have spoken thereon, provided that the seconder of any original Motion may reserved his right to speak to such a Motion until a later stage in the debate.
- No Member may speak to any question after the same has been put from the Chair.
- It shall not be competent for any new matter to be introduced by the mover when speaking in reply, but he shall strictly confine himself to answering previous speakers.
- No Member shall address the meeting when no Motion is before the Chair, except to introduce a Motion, provided that he may so speak when invited to by the Chairperson for some special purpose.
- The Chairperson may at his discretion, or the meeting may without debate, order a complicated Motion to be divided and put in the form of several resolutions.
- Every full Member including the Chairperson shall have one vote and all questions save where otherwise provided shall be decided by a majority of votes cast, provided that the meeting shall have power to remit any question of more than ordinary importance for determination by all Members concerned.
- In all cases, where there shall be an equality of votes the Chairperson shall have a casting vote and the result shall be determined by him.
- The Chairperson, shall in taking the vote on any Motion or amendment, put a Motion first in the affirmative and then in the negative, and he may so do as often as necessary, to enable him to

form and declare his opinion from the voices, or on request of a Member or Chairperson, on show of hands. When a show of hands has been called for, two tellers may (and if a Member so requires, shall) be named by the Chair to count the votes. One teller shall be selected from the Members of the negative.

- A Motion or amendment may be withdrawn by the mover, with the consent of the seconder of such Motion, and of the meeting, which shall be signified without debate.
- No Member shall reflect upon any vote of the meeting, except for the purpose of moving that such vote be rescinded.
- Any Member may require the Secretary concerned to take down any particular words used by a Member immediately upon the same being used, and such Secretary shall thereupon do so.
- No Motion to the same effect as any Motion which has been negated by the meeting shall again be entertained at the same meeting.
- No resolution passed at any meeting shall be rescinded at any subsequent meeting unless notice of the intention to propose such rescission shall have been given at a previous meeting or is in the circular convening the meeting, and unless the rescission is supported by two-thirds (2/3) of the votes cast.
- A report containing a recommendation, may be discussed on a Motion being moved for its adoption which upon being carried out will signify the will of the meeting thereon. If the report contains no recommendation, it shall be competent for a Member to move a resolution arising out and relative to the report to obtain the opinion of the meeting on the matter.
- Except with the concurrence of the meeting no Member shall speak for more than five minutes on any matter and the debate on any Motion including amendments thereof shall exceed thirty (30) minutes.

Appendix 4

Founder Members of the Organisation as on 5th February 2009

1. Bro. Mohamed Firdausy Mohideen
2. Bro. Bandar Abdullah Fadhel
3. Bro. Muhammed Musaher Khalissi
4. Bro. Ibrahim AliAlharbi
5. Bro. Mohamed Amirul Iqbal Fuad
6. Sis. Shyama Shanaz Fuad
7. Bro. Adel Shums Deen Mohamed
8. Bro. Ayman Nafady
9. Bro. Wisam Kahltan Al-Saadi
10. Bro. Saeed H Alqahtani
11. Sis. Fathahiya Mohamed
12. Bro. Deen Mohamed
13. Bro. Sulayman Saleh Suliman
14. Bro. Nikmal Tawad Zadran
15. Bro. Saad Alharbi
16. Bro. Deva Utama
17. Bro Muhammad Rifat Islam
18. Bro Muhammad Aftabuzzaman
19. Bro. Muhammad Akram
20. Bro. Beujemaa Moubaraki
21. Bro. Sarmad Nasib
22. Bro. Salwan Hasan Thabit Al-orfali
23. Bro. Jawdat Tashan
24. Bro. Moneer Abdullah Al-Shaikh
25. Bro. Muhammad Abdullah Qureshi
26. Bro. Nabeel Mohammed
27. Bro. Abdul Aziz Hayat Muhammad
28. Bro. Alfaifi Mohammad
29. Bro. Ibrahim Al-Ghamdi
30. Bro. Mohamed Adhnan Wazil
31. Bro. Ali Hussein Alamir
32. Bro. Mohamed Nashrul Bin Mohamed Zubir
33. Sis. Fathima Lamiya Sultan Marikar
34. Sis. Fathima Hilma Sultan Marikar
35. Sis. Sithy Fathima Marikar
36. Bro. Fahme Abulhasan