

IN THE NAME OF ALLAH, MOST GRACIOUS, MOST MERCIFUL

CONSTITUTION

OF

THE ISLAMIC SOCIETY OF DARWIN INCORPORATED

This is the annexure marked "A" referred to in the statutory declaration of:

Name of public officer Mohammed Raziuddin

Made on (date) 14-06-2017

Before me



(signature of witness on statutory declaration)

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SCHEDULE

PART 1 – PRELIMINARY

1. Name

The name of the incorporated society ("the Society") is stated in the Schedule.

2. Objects and purposes

The objects and purposes of the Society are specified in the Schedule.

3. Minimum number of members

The Society must have at least the number of members specified in the Schedule.

4. Definitions

In this Constitution, unless the contrary intention appears –

"Act" means the *Associations Act* and regulations made under that Act;

"Executive Committee" means the Management Committee of the Society;

"financial institution" means an authorised deposit-taking institution within the meaning of section 5 of the *Banking Act 1959* of the Commonwealth;

"general meeting" means a general meeting of members convened in accordance with clause 44;

"member" means a member of the Society;

"register of members" means the register of the Society's members established and maintained under section 34 of the Act;

"special resolution" means a resolution notice of which is given under clause 47 and passed in accordance with section 37 of the Act.

"society" means the Islamic Society of Darwin Incorporated.

"constitution" means the Constitution of the Islamic Society of Darwin Incorporated.

PART 2 – CONSTITUTION AND POWERS OF SOCIETY

5. Powers of Society

- (a) For achieving its objects and purposes, the Society has the powers conferred by sections 11 and 13 of the Act.
- (b) Subject to the Act, the Society may do all things necessary or convenient for carrying out its objects or purposes, and in particular, may –
 - (i) acquire, hold and dispose of real or personal property;
 - (ii) open and operate accounts with financial institutions;
 - (iii) invest its money in any security in which trust monies may lawfully be invested;
 - (iv) raise and borrow money on the terms and in the manner it considers appropriate;
 - (v) secure the repayment of money raised or borrowed, or the payment of a debt or liability;
 - (vi) appoint agents to transact business on its behalf; and
 - (vii) enter into any other contract it considers necessary or desirable.

6. Effect of Constitution

This Constitution binds every member and the Society to the same extent as if every member and the Society had signed and sealed this Constitution and agreed to be bound by it.

7. Inconsistency between Constitution and Act

If there is any inconsistency between this Constitution and the Act, the Act prevails.

8. Altering the Constitution

- (a) The Society may alter this Constitution by special resolution but not otherwise.
- (b) If the Constitution is altered, the Public Officer must ensure compliance with section 23 of the Act and Part 9 Section 58 of the constitution.

PART 3 – MEMBERS

Division 1 – Membership

9. Application for membership

To apply to become a member of the Society a person must –

- (a) submit a written application for membership to the Committee –
 - (i) in a form approved by the Committee; and
 - (ii) signed by the person and both of the members referred to in paragraph (b); and
- (b) be proposed by one member and seconded by another member.
- (c) Adult Muslim (18 years and/or older) who is resident of Northern Territory for at least 12 months.
- (d) Must comply with other criteria as set out in part 9 section 58 of the constitution.

10. Approval of Committee

- (a) The Committee must consider any application made under clause 9 at the next available committee meeting and must accept or reject the application at that meeting or the next.
- (b) If an application is rejected, the applicant may appeal against the decision by giving notice to the Secretary within 14 days after being advised of the rejection.
- (c) If an applicant gives notice of an appeal against the rejection of his or her application, the Committee must reconsider the application at the next committee meeting after receipt of the notice of appeal.
- (d) If after reconsidering an application the Committee reaffirms its decision to reject the application, the decision is final.

11. Joining fee

- (a) If an application for membership is approved by the Committee, the applicant becomes a member on payment of the joining fee.
- (b) The joining fee is either –
 - (i) a pro rata annual fee based on the remaining part of the financial year; or
 - (ii) the amount determined from time to time by the Executive Committee.

12. Annual membership fees

- (a) The annual membership fee is the amount determined from time to time by resolution at a general meeting.
- (b) Each member must pay the annual membership fee to the Treasurer by the first day of each financial year or another date determined by the Committee from time to time.
- (c) A member whose subscription is not paid within 3 months after the due date ceases to be a member unless the Committee determines otherwise.

Division 2 – Rights of members

13. General

- (a) Subject to clause 14(b), a member may exercise the rights of membership when his or her name is entered in the register of members.
- (b) A right of membership of the Society –
 - (i) is not capable of being transferred or transmitted to another person; and
 - (ii) terminates on the cessation of membership whether by death, resignation or otherwise.

14. Voting

- (a) Subject to subclause (2) and clause 18, each member has one vote at general meetings of the Society.
- (b) A member is eligible to vote who has given full membership status as at the 30 June.

15. Notice of meetings and special resolutions

The Secretary must give all members notice of general meetings and special resolutions in the manner and time prescribed by this Constitution.

16. Access to information on Society

All approved executive committee meeting minutes must be displayed on the Mosque notice board. Hard copy of minutes from all meetings must be stored in the Mosque office for examination by members.

The following must be available for inspection by members:

- (a) a copy of this Constitution;
- (b) minutes of general meetings;
- (c) annual reports and annual financial reports.

17. Raising grievances and complaints

- (a) A member may raise a grievance or complaint about a committee member, the Committee or another member of the Society.
- (b) The grievance or complaint must be dealt with by the procedures set out in Part 8.

18. Associate members

- (a) Every other Muslim in the Northern Territory shall be regarded as an associate member of the Society unless that person objects to being a member of this society.
- (b) Associate members shall enjoy all the facilities and may fully participate in the activities of the Society, subject to the completion of the associate membership form as approved by the Executive Committee.
- (c) An associate member must not vote but may have other rights as determined by the Committee or by resolution at a general meeting.

Division 3 – Termination, death, suspension and expulsion

19. Termination of membership

Membership of the Society may be terminated by –

- (a) a notice of resignation addressed and posted to the Society or given personally to the Secretary or another committee member;
- (b) non-payment of the annual membership fee within the time allowed under clause 12(c); or
- (c) expulsion in accordance with this Division.

20. Death of member or whereabouts unknown

If a member dies or the whereabouts of a member are unknown, the Committee must cancel the member's membership.

21. Suspension or expulsion of members

- (a) If the Committee considers that a member should be suspended or expelled because his or her conduct is detrimental to the interests of the Society, the Committee must give notice of the proposed suspension or expulsion to the member.

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- (b) The notice must –
 - (i) be in writing and include –
 - (1) the time, date and place of the committee meeting at which the question of that suspension or expulsion will be decided; and
 - (2) the particulars of the conduct; and
 - (ii) be given to the member not less than 30 days before the date of the committee meeting referred to in paragraph (a)(i).
- (c) At the meeting, the Committee must afford the member a reasonable opportunity to be heard or to make representations in writing.
- (d) The Committee may suspend or expel or decline to suspend or expel the member from the Society and must give written notice of the decision and the reason for it to the member.
- (e) Subject to clause 22, the decision to suspend or expel a member takes effect 14 days after the day on which notice of the decision is given to the member.

22. Appeals against suspension or expulsion

- (a) A member who is suspended or expelled under clause 21 may appeal against that suspension or expulsion by giving notice to the Secretary within 14 days after receipt of the Committee's decision.
- (b) The appeal must be considered at a general meeting of the Society and the member must be afforded a reasonable opportunity to be heard at the meeting or to make representations in writing prior to the meeting for circulation at the meeting.
- (c) The members present at the general meeting must, by resolution, either confirm or set aside the decision of the Committee to suspend or expel the member.
- (d) The member is not suspended or does not cease to be a member until the decision of the Committee to suspend or expel him or her is confirmed by a resolution of the members.

PART 4 – MANAGEMENT COMMITTEE

Division 1 – General

23. Role and powers

- (a) The business of the Society must be managed by or under the direction of a Management Committee.
- (b) The Committee may exercise all the powers of the Society except those matters that the Act or this Constitution requires the Society to determine through a general meeting of members.
- (c) The Committee may appoint and remove staff.
- (d) The Committee may establish one or more subcommittees consisting of the members of the Society the Committee considers appropriate.
- (e) No office bearers or other elected person shall receive any remuneration for performance of duties, except for the reimbursement of expenses incurred with approval of the Executive Committee.

24. Composition of Committee

- (a) The Management Committee consists of
 - (i) a President;
 - (ii) ten members of the executive committee;
- (b) The president and the executive committee shall select, within one month of being elected, from amongst themselves the following positions -
 - (i) a Vice-President;
 - (ii) a Secretary;
 - (iii) a Treasurer; and
 - (iv) any other office holder provided in the Schedule.
- (c) The Committee must appoint one committee member to be the Society's Public Officer.

25. Delegation

- (a) The Committee may delegate to a subcommittee or staff any of its powers and functions other than –
 - (i) this power of delegation; or
 - (ii) a duty imposed on the Committee by the Act or any other law.
- (b) The delegation must be in writing and may be subject to the conditions and limitations the Committee considers appropriate.
- (c) The Committee may, in writing, revoke wholly or in part the delegation.

Division 2 – Tenure of office

26. Eligibility of committee members

- (a) A committee member must be a member who is 18 years or over.
- (b) A committee member must also meet the criteria provided in the Schedule.
- (c) Committee members must be elected to the Committee at an annual general meeting or appointed under clause 33.

27. Nominations for election to committee

- (a) A member is not eligible for election to the Committee unless the Election Officer receives a written nomination for that member by another member not less than 7 days before the date of the next annual general meeting.
- (b) The nomination must be signed by –
 - (i) the nominator and a seconder; and
 - (ii) the nominee to signify his or her willingness to stand for election. Note: A letter from a candidate to the Election Officer expressing his/her inability to attend the meeting with reasons and specifying that person's willingness to be elected in the Executive Committee shall qualify that person to be a candidate for election.
- (c) A person who is eligible for election or re-election under this clause may
 - (ii) propose or second himself or herself for election or re-election; and
 - (iii) vote for himself or herself.

28. Retirement of committee members

- (a) A committee member holds office for one year unless the member vacates the office under clause 31 or is removed under clause 32.
- (b) Subject to subclause (3), at an annual general meeting the office of each committee member becomes vacant and elections for a new Committee must be held.
- (c) At the end of the term, the President of the outgoing Committee must preside at the annual general meeting until the current committee is dissolved. The Election Officer will then conduct the elections. As soon as the election has concluded the Election Officer will hand over to the new President.
- (d) Members may serve consecutive terms on the Committee unless otherwise provided in the Schedule.
- (e) The president position must not be served by same member for more than two consecutive terms of the committee.

29. Election by default

- (a) If the number of persons nominated for election to the Committee under clause 27 does not exceed the number of vacancies to be filled, the Election Officer must declare the persons to be duly elected as members of the Committee at the annual general meeting.
- (b) If vacancies remain on the Committee after the declaration under subclause (a), additional nominations of committee members may be accepted from the floor of the annual general meeting.
- (c) If the nominations from the floor do not exceed the number of remaining vacancies, the Election Officer must declare those persons to be duly elected as members of the Committee.
- (d) If the nominations from the floor are less than the number of remaining vacancies, the unfilled vacancies are taken to be casual vacancies and must be filled by the new Committee in accordance with clause 33.

30. Election by ballot

- (a) If the number of nominations exceeds the number of vacancies on the Committee, secret ballots for those positions must be conducted.
- (b) The members chosen by ballot must be declared by the Election Officer to be duly elected as members of the Committee.

31. Vacating office

The office of a committee member becomes vacant if –

- (a) the member –
 - (i) is disqualified from being a committee member under section 30 or 40 of the Act;
 - (ii) resigns by giving written notice to the Committee;
 - (iii) dies or is rendered permanently incapable of performing the duties of office by mental or physical ill-health;
 - (iv) ceases to be a resident of the Northern Territory; or
 - (v) ceases to be a member of the Society;
- (b) the member is absent from more than –
 - (i) 3 consecutive committee meetings; or
 - (ii) 3 committee meetings in the same financial year without tendering an apology to the President;

of which meetings the member received notice and the Committee has resolved to declare the office vacant; or
- (c) in any of the circumstances provided for by the Schedule.

32. Removal of committee member

- (a) The Society, through a special general meeting of members, may remove any committee member before the member's term of office ends.
- (b) If a vacancy arises through removal under subclause (a), an election must be held to fill the vacancy.

33. Filling casual vacancy on Committee

- (a) If a vacancy remains on the Committee after the application of clause 29 or if the office of a committee member becomes vacant under clause 31, the Committee may appoint any member of the Society to fill that vacancy.
- (b) However, if the office of public officer becomes vacant, a person must be appointed under section 27(6) of the Act to fill the vacancy.

Division 3 – Duties of committee members

34. Collective responsibility of Committee

- (a) As soon as practicable after being elected to the Committee, each committee member must become familiar with the Act and regulations made under the Act.
- (b) The Committee is collectively responsible for ensuring the Society complies with the Act and regulations made under the Act.

35. President and Vice-President

- (a) Subject to subclauses (2) and (3), the President must preside at all general meetings and committee meetings.
- (b) If the President is absent from a meeting, the Vice-President must preside at the meeting.
- (c) If the President and the Vice-President are both absent, the presiding member for that meeting must be –
 - (i) a member elected by the other members present if it is a general meeting; or
 - (ii) a committee member elected by the other committee members present if it is a committee meeting.

36. Secretary

The Secretary must –

- (a) coordinate the correspondence of the Society;
- (b) ensure minutes of all proceedings of general meetings and of committee meetings are kept in accordance with section 38 of the Act;
- (c) maintain the register of members in accordance with section 34 of the Act;
- (d) unless the members resolve otherwise at a general meeting – have custody of all books, documents, records and registers of the Society, other than those required by clause 37(5) to be in the custody of the Treasurer; and
- (e) perform any other duties imposed by this Constitution on the Secretary.

37. Treasurer

- (a) The Treasurer must –
 - (i) receive all moneys paid to or received by the Society and issue receipts for those moneys in the name of the Society;
 - (ii) pay all moneys received into the account of the Society within 5 working days after receipt;
 - (iii) make any payments authorised by the Committee or by a general meeting of the Society from the Society's funds; and
 - (iv) ensure cheques are signed by him or her and at least one other committee member, or by any 2 other committee members authorised by the Committee.
- (c) The Treasurer must ensure the accounting records of the Society are kept in accordance with section 41 of the Act.
- (d) The Treasurer must coordinate the preparation of the Society's annual statement of accounts.
- (e) If directed to do so by the President, the Treasurer must submit to the Committee a report, balance sheet or financial statement in accordance with that direction.
- (f) The Treasurer has custody of all securities, books and documents of a financial nature and accounting records of the Society unless the members resolve otherwise at a general meeting.
- (g) The Treasurer must perform any other duties imposed by this Constitution on the Treasurer.

38. Public officer

- (a) The public officer must ensure that documents are filed with the Commissioner of Consumer Affairs in accordance with sections 23, 28 and 45 of the Act.
- (b) The public officer must keep a current copy of the Constitution of the Society.

PART 5 – MEETINGS OF MANAGEMENT COMMITTEE

39. Frequency and calling of meetings

- (a) The Committee must meet together for the conduct of business not less than 6 times in each financial year unless otherwise provided in the Schedule.
- (b) The President, or at least half the committee members, may at any time convene a special meeting of the Committee.
- (c) A special meeting may be convened to deal with an appeal under clause 22.

40. Voting and decision making

- (a) Each committee member present at the meeting has a deliberative vote.
- (b) A question arising at a committee meeting must be decided by a majority of votes.
- (c) If there is no majority, the person presiding at the meeting has a casting vote in addition to a deliberative vote.

41. Quorum

For a committee meeting, one-half of the committee members constitutes a quorum unless otherwise provided in the Schedule.

42. Procedure and order of business

- (a) The procedure to be followed at a committee meeting must be determined from time to time by the Committee.
- (b) The order of business may be determined by the members present at the meeting.
- (c) Only the business for which the meeting is convened may be considered at a special meeting.

43. Disclosure of interest

- (a) A committee member who has a direct or indirect pecuniary interest in a contract, or proposed contract, with the Society must disclose the nature and extent of the interest to the Committee in accordance with section 31 of the Act.
- (b) The Secretary must record the disclosure in the minutes of the meeting.
- (c) The President must ensure a committee member who has a direct or indirect pecuniary interest in a contract, or proposed contract, complies with section 32 of the Act.

PART 6 – GENERAL MEETINGS

44. Convening general meetings

- (a) The Society must hold its first annual general meeting within 18 months after its incorporation.
- (b) The Society must hold all subsequent annual general meetings as per 46(a) of the constitution.
- (c) The Committee –
 - (i) may at any time convene a special general meeting;
 - (ii) must, within 30 days after the Secretary receives a notice under clause 22(a), convene a special general meeting to deal with the appeal to which the notice relates; and
 - (iii) must, within 30 days after it receives a request under clause 45(a), convene a special general meeting for the purpose specified in that request.

45. Special general meetings

- (a) A Special General Meeting shall be called upon the Requisition in writing of 25 members being given to the President or Secretary of the Society.
- (b) The request must –
 - (i) state the purpose of the special general meeting; and
 - (ii) be signed by the members making the request.
- (c) If the Committee fails to convene a special general meeting within the time allowed –
 - (i) for clause 44(c)(ii) – the appeal against the decision of the committee is upheld; and
 - (ii) for clause 44(c)(iii) – the members who made the request may convene a special general meeting as if they were the Committee.
- (d) If a special general meeting is convened under subclause (c)(ii), the Society must meet any reasonable expenses of convening and holding the special general meeting.
- (e) The Secretary must give to all members not less than 21 days notice of a special general meeting.
- (f) The notice must specify –
 - (i) when and where the meeting is to be held; and
 - (ii) the particulars of and the order in which business is to be transacted.

46. Annual general meeting

- (a) The Annual General Meeting to be held not later than the 30th of November. The Executive Committee shall determine the most appropriate date to hold the Annual General Meeting.
- (b) The Secretary must give to all members not less than 30 days notice of an annual general meeting unless otherwise provided in the Schedule.
- (c) The notice must specify –
 - (i) when and where the meeting is to be held; and
 - (ii) the particulars of and the order in which business is to be transacted.
- (d) The order of business for each annual general meeting is as follows:
 - (i) To confirm the minutes of the previous Special or Annual General Meeting.
 - (ii) At the Annual General Meeting the Treasurer shall furnish an Annual Report and a duly audited financial statement of the accounts of the Society up to the end of the previous financial year"
 - (iii) At an Annual General Meeting a report shall be furnished by the Secretary and/or President on the activities, achievements and failures of the Society during the past financial year.
 - (iv) At the Annual General Meeting there shall be an annual election of the office bearers of the Society.
 - (v) The Special or Annual General Meeting shall then have regard to the matters specified in the notices which were given to the full members under clause 46(b).
 - (vi) Any other general business may be discussed providing that no final decision is made. Any issues which are discussed may be put on the agenda and incorporated into the formal notice which is sent to all full members and the matter dealt with at the future Special or Annual General Meeting.

47. Special resolutions

- (a) A special resolution may be moved at any general meeting of the Society.
- (b) The Secretary must give all members not less than 21 days notice of the meeting at which a special resolution is to be proposed unless otherwise provided in the Schedule.
- (c) The notice must include the resolution to be proposed and the intention to propose the resolution as a special resolution.

48. Notice of meetings

- (a) The Secretary must give a notice under this Part by –
 - (i) serving it on a member personally; or
 - (ii) sending it by post/e-mail to a member at the address of the member appearing in the register of members.
- (b) If a notice is sent by post under subclause (1)(b), sending of the notice is taken to have been properly effected if the notice is addressed and posted to the member by ordinary prepaid mail.

49. Quorum at general meetings

At a general meeting, the number or the proportion of members present in person specified in the Schedule constitutes a quorum.

50. Lack of quorum

- (a) If within 30 minutes after the time specified in the notice for the holding of a general meeting a quorum is not present –
 - (i) for an annual general meeting or special general meeting convened under clause 44(c)(i) – the meeting stands adjourned to the same time on the same day in the following week and to the same place;
 - (ii) for a meeting convened under clause 44(c)(ii) – the members who are present in person or by proxy may proceed with hearing the appeal for which the meeting is convened; or
 - (iii) for a meeting convened under clause 44(c)(iii) – the meeting lapses.
- (b) If within 30 minutes after the time appointed by subclause (a)(i) for the resumption of an adjourned general meeting a quorum is not present, the members who are present in person or by proxy may proceed with the business of that general meeting as if a quorum were present.

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- (c) The President may, with the consent of a general meeting at which a quorum is present, and must, if directed by the members at the meeting, adjourn that general meeting from time to time and from place to place.
- (d) There must not be transacted at an adjourned general meeting any business other than business left unfinished or on the agenda at the time when the general meeting was adjourned.
- (e) If a general meeting is adjourned for a period of 30 days or more, the Secretary must give notice of the adjourned general meeting as if that general meeting were a fresh general meeting.

51. Voting

- (a) Subject to clauses 14(b) and 18, each member present in person or by proxy at a general meeting is entitled to a deliberative vote.
- (b) At a general meeting –
 - (i) an ordinary resolution put to the vote is decided by a majority of votes made in person or by proxy; and
 - (ii) a special resolution put to the vote is passed if three-quarters of the members who are present in person or by proxy vote in favour of the resolution.
- (c) A poll may be demanded by the President or by 3 or more members present in person or by proxy.
- (d) If demanded, a poll must be taken immediately and in the manner the President directs.
- (e) All voting at Special or Annual General Meetings shall be by secret ballot, unless decided otherwise by the meeting.

52. Proxies

A member may appoint in writing another member to be the proxy of the appointing member to attend and vote on behalf of the appointing member at any general meeting in special circumstances.

PART 7 – FINANCIAL MANAGEMENT

53. Financial year

The financial year of the Society is specified in the Schedule.

54. Funds and accounts

- (a) The Society must open an account with a financial institution from which all expenditure of the Society is made and into which all of the Society's revenue is deposited.
- (b) Subject to any restrictions imposed by the Society at a general meeting, the Committee may approve expenditure on behalf of the Society within the limits of the budget.
- (c) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by 2 committee members from the positions of President, Secretary and Treasurer.
- (d) All funds of the Society must be deposited into the financial account of the Society no later than 5 working days after receipt or as soon as practicable after that day.
- (e) With the approval of the Committee, the Treasurer may maintain a cash float provided that all money paid from or paid into the float is accurately recorded at the time of the transaction.
- (f) All expenditure shall require approval from the Executive Committee. However, any miscellaneous or emergency costs up to \$500 can be approved by the President provided a receipt is brought to the attention of the Executive Committee at the next meeting.

55. Accounts and audits

The responsibility of the Committee under clause 34(b) for ensuring compliance with the Act includes meeting the requirements of Part 5 of the Act and regulations made for that Part relating to –

- (a) the keeping of accounting records;
- (b) the preparation and presentation of the Society's annual statement of accounts; and
- (c) the auditing of the Society's accounts.

PART 8 – GRIEVANCE AND DISPUTES

56. Grievance and disputes procedures

- (a) This clause applies to disputes between –
 - (i) a member and another member; or
 - (ii) a member and the Committee.
- (b) Within 14 days after the dispute comes to the attention of the parties to the dispute, they must meet and discuss the matter in dispute, and, if possible, resolve the dispute.
- (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 after the meeting, hold another meeting in the presence of a mediator.
- (d) The mediator must be –
 - (i) a person chosen by agreement between the parties; or
 - (ii) in the absence of agreement –
 - (1) for a dispute between a member and another member – a person appointed by the Committee; or
 - (2) for a dispute between a member and the Committee – a person who is a mediator appointed or employed by the department administering the Act.
- (e) A member of the Society can be a mediator.
- (f) The mediator cannot be a family member or party to the dispute.
- (g) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.
- (h) The mediator, in conducting the mediation, must –
 - (i) give the parties to the mediation process every opportunity to be heard;
 - (ii) allow due consideration by all parties of any written statement submitted by any party; and
 - (iii) ensure natural justice is accorded to the parties to the dispute throughout the mediation process.
- (i) The mediator must not determine the dispute.
- (j) 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 or otherwise at law.

PART 9 – MISCELLANEOUS

57. Common seal

- (a) The common seal of the Society must not be used without the express authority of the Committee and every use of that common seal must be recorded by the Secretary.
- (b) The affixing of the common seal of the Society must be witnessed by any 2 of the following:
 - (i) the President;
 - (ii) the Secretary;
 - (iii) the Treasurer.
- (c) The common seal of the Society must be kept in the custody of the Secretary or another person the Committee from time to time decides.

58 Linkages with the Australian Federation of the Islamic Councils.

- (a) The Society shall ensure that its constitution is always in conformity with that of the AFIC.
- (b) The Society shall not adopt names based on ethnicity or some racial or national context.
- (c) The Society shall pay an annual membership fee to AFIC as determined from time to time by the AFIC Federal Council and the AFIC Congress.
- (d) The Society shall abide by the motions and resolutions adopted from time to time in AFIC Federal Council and AFIC Federal Congress.
- (e) A member of the Society shall not enrol as a member of another Islamic Society of Australia.
- (f) The Society shall not
 - (i) Appoint a person who is a member of its executive committee to any office in the gift of which there is payable any remuneration by way of salary, fees or allowances; or
 - (ii) Pay to any such person any remuneration or other benefit in money or money's worth (other than the payment of out of pocket expenses).

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- (iii) Shall not appoint a former member of its executive committee to a paid position unless a period of at least two years has lapsed since the member last held an office in the society.
 - (iv) In the event that a relative of a member of its executive committee or of a staff or a consultant of the Society applies for a paid position, such member or staff shall not take part in the decision making process relating to that appointment, or attempt to influence the decision making process whether directly or indirectly.
- (g) A candidate who wishes to be an office bearer, trustee or an official of the Society shall possess the following qualifications:
- (i) He/she must be a full member of the Society for at least one year. The details of the full and associate members are outlined in part 3 of the constitution.
 - (ii) He/she is not in receipt of any direct emolument from any Society who is a member of a State Council of AFIC.
 - (iii) He/she is not occupying any position in the AFIC hierarchy which places him/her in a position of conflict of interest.
 - (iv) He/she possesses integrity and record of good service and good character and has not been convicted of any crime in Australia.
 - (v) He/she is a citizen or permanent resident of Australia and not an employee of foreign government or organisation including a diplomatic mission.
 - (vi) He/she must be a MUSLIM (Qadianis, Ahmadis, Mirzas, Lahories and Bahais are not regarded as Muslim).
- (h) The Society shall accept the mediation and adjudication of AFIC Executive Committee in matters of controversy and differences between members of the society or within State Islamic Council or with other society or societies.
- (i) The Society shall be properly registered with an appropriate government authority in Australia and its properties shall be vested in the incorporated body, or a Trust established for that purpose by the General Body of the Society.
- (j) The State Islamic Council/Society shall ensure that no property and asset of any kind belonging to the Society shall ever be transferred to a foreign government or organisation or any individuals name. For whatever reason upon dissolution of the Society and after satisfaction of all its debts and liabilities, there remains any assets, all such assets shall be transferred to the AFIC.

59 The Manner of Dissolution

The society may terminate or be dissolved by:

- (a) A majority of 90% of the total numbers of the full members testified by their signatures to the instrument of dissolution
- (b) The written consent of every person for the time being receiving or entitled to receive any relief annuity
 - (i) Other benefits from the funds unless the claim of such person is first duly satisfy
 - (ii) Adequate provision is made in satisfying such a claim and upon dissolution
 - (iii) The discharge of all liabilities of the society to its creditors.
- (c) The whole of the property and funds of the society shall become the property of the Muslim Community of Australia represented by the Australian Federation of Islamic Councils.
- (d) If the total number of the full members drops below ten (10) members the society shall be dissolved as specified in clause 59.

60 Imam

- (a) An Imam shall be appointed by the Executive Committee.
- (b) The appointment may be reviewed at the AGM or Special General Meeting.
- (c) The Imam shall:
 - (i) follow the teachings of the Quran and Hadiths and in matters relating to Islamic law and the interpretation of Islam.
 - (ii) respect this Constitution
 - (iii) advise Muslims to respect the authority of office-bearers in their particular jobs in the Society.
 - (v) shall follow the programs decided upon by the Executive Committee providing they are in accordance with Islamic principles.

61 Annual Election Procedure

- (a) The Executive Committee will select an Election Officer for preparing and conducting election at the annual general meeting. The Election Officer or his/her spouse should not be an Executive Committee candidate.
- (b) The Election Officer will adopt a neutral and unbiased stand from the day he is appointed to the end of AGM and election.

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- (c) If the Election Officer is unable to conduct the election for some reasons or the Executive Committee considers it necessary, another person may be appointed as Election Officer by the Executive Committee to replace the earlier Election Officer. The replacement of the Election Officer by the Executive Committee at any time prior to annual general meeting will not affect the election date.
- (d) The Executive Committee will set a date and time for receiving nominations to the next Executive Committee (President and 10 Executive members), which should be at least 2 weeks prior to election date and after which no nominations will be accepted by the Election Officer.
- (e) The Secretary will prepare a membership list of those who become full members by 30 June.
- (f) The Election Officer will get the current membership list from the Secretary and any proxy forms before the election commences as per Section 52.
- (g) The Election Officer will prepare a list of all candidates and should be displayed at the Mosque notice board and a copy of the list should also be given to the President of the Islamic Society of Darwin within 3 days of closing nominations.
- (h) The Election Officer will prepare ballot papers and the name of the candidates for all positions should be in alphabetical order and should be displayed at the Mosque notice board at least one week prior to election date.
- (i) On the election day, two persons will be selected (who are not candidates for the Executive Committee) from the members present at the annual general meeting to assist the Election Officer in conducting election and counting votes. The Election Officer will accept votes of the full members present at the annual general meeting. No postal or absentee votes will be accepted unless the member can fulfil the requirements of Section 52.
- (j) At the end of voting of all members present, the Election Officer will announce that the voting will be closed after half an hour (at a specified hour) and after expiry of that time no votes will be accepted. The Election Officer and his two assistants will then count the votes and declare selection of the President, 10 Executive Committee Members, who receive more votes. The Presidential candidates may be present when counting votes.
- (k) If any candidate has any doubt about the selection, he/she can request the Election Officer just after the election result to recount the votes.

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- (l) The Election Officer will recount the votes as requested in the presence of the candidate and declare the final result.
- (m) In the case of the Executive Committee, the first ten persons who receive most votes will be declared selected. At least one woman to be selected as Executive Committee member who receives maximum number of votes among the women candidates at the annual general meeting.
- (n) In the case of insufficient number of candidates, to fill any position in the offices of the Society, a further nomination from the floor shall be solicited.

**SCHEDULE TO THE CONSTITUTION
PART 1 – MANDATORY DETAILS**

Name (clause 1)

The name of the incorporated society is

..... **Islamic Society of Darwin Incorporated**.....

Objects and purposes (clause 2)

The objects and purposes of the Society are as follows:

- (1) The preservation and propagation of Islam and Islamic Principles.
- (2) To educate Muslims in the religion of Islam.
- (3) To strive for the unity and co-operation of Muslims at all times and for the better understanding and goodwill between Muslims and people of other faiths.
- (4) To undertake activities to promote inter-faith harmony and mutual understanding between Muslims and other ethnic groups
- (5) To organize and celebrate the recognized religious festivals, prayers and social functions and education of children.
- (6) To undertake any project or activity for the benefit of Muslims in accordance with the objectives of the Society.
- (7) The funds shall be available for all or any part of the objectives of the Society.
- (8) To improve the social interaction, mutual helpfulness, mental and moral improvement, and rational recreation.
- (9) To provide relief or maintenance of members when on travel in search of employment or when in distress circumstances or in case of shipwreck or damage, of or in, boats or nets.
- (10) To relieve poverty, sickness, suffering distress, misfortune, destitution or helplessness amongst all members, and the public in general if possible.
- (11) To encourage and help in the formation of the existence of any other Islamic Organization in the Northern Territory, the aims and objectives of which are in line with those mentioned in this clause, and the existence of which is necessary in view of its geographical location or its specialized functions.

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Minimum number of members (clause 3)

The Society must have at least **100**..... members.

Quorum at general meetings (clause 49)

At a general meeting **35**..... members present in person constitutes a quorum.

Financial year (clause 53)

The financial year of the Society is the period of 12 months ending on
.....30 June.....

PART 2 – REPLACEABLE DETAILS

Clause	Description of clause	Default detail	Replacing detail
28(4)	Consecutive terms of committee members	may serve consecutive terms	
39(1)	Frequency of committee meetings	at least 6 times each financial year	at least 6 times each financial year
41	Quorum for committee meeting	half the committee members	
45	Number of members who can request a special general meeting	25 members	25 members
46(1)	Notice of an annual general meeting	at least 30 days	
47(2)	Notice of special resolution	at least 21 days	

PART 3 – ADDITIONAL DETAILS

Eligibility of committee members (clause 26)

In addition to the criterion specified in the Constitution, a committee member must meet the following criteria:

- (a) Full member of the society for at least 12 months can be elected to any position.
 - (b) Must comply with criteria's set out in Section 58 (g).
 - (c) Only full members present at the annual general meeting shall be eligible to be elected to the Executive Committee. If special circumstances like sickness, absenteeism from Darwin due to official duties or on leave, a letter from a candidate to the Election Officer (nominated by the Executive Committee) expressing his/her inability to attend the meeting with reasons and specifying that person's willingness to be elected in the Executive Committee shall qualify that person to be a candidate for election.
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