

---

Constitution of Islamic Circle of  
Australia and New Zealand (*iCAN*)

---

The Charter .....4

Clause 1: Name.....4

Clause 2: Type .....4

Clause 3: Creed (Aqeedah).....4

Clause 4: Aim .....4

Clause 5: Methodology.....4

Clause 6: Program and Objectives.....5

Part I - By-Laws .....6

Clause 7: Membership .....6

Part II - Central Organisation .....8

Clause 8: Structure.....8

Clause 9: The Members Assembly (MA).....8

Clause 10: The President .....8

Clause 11: The Consultative Council (CC) .....9

Clause 12: The General Secretary (GS).....11

Clause 13: Central Departments .....11

Part III - Local Organisation.....12

Clause 14: Local Units .....12

Part IV – Election & Qualities of the Office Bearers .....13

Clause 15: Qualities of the President & CC .....13

Clause 16: Elections .....13

Part V – Dispute resolution, Terminations, Demotions.....14

Clause 17: Modes of expressing differences of opinion.....14

Clause 18: Removal of the members of the CC .....14

Clause 19: Filling a vacant seat of CC during the session.....15

Clause 20: Demotion of CC Member, Member, Associate member and Office Bearer .....15

Clause 21: Cancellation of Membership.....15

Clause 22: Expulsion of a Member .....15

Clause 23: Method of Expulsion .....16

Part VI - Departments.....16

Clause 24: Finances / Treasury.....16

Clause 25: Personnel Development Department (PDD) .....17

Clause 26: Sisters Wing (SW) .....17

Part VII - Miscellaneous ..... 19

Clause 27: Constitutional Amendments ..... 19

Clause 28: Insurance ..... 19

Clause 29: Funds - Resource ..... 19

Clause 30: Funds - Management ..... 19

Clause 31: Not for Profit Clause ..... 20

Clause 32: Dissolution ..... 20

Clause 33: Custody of Books, Etc ..... 20

Clause 34: Inspection of Books, Etc ..... 20

Clause 35: Service of Notice ..... 21

Clause 36: Public Fund ..... 21

Clause 37: Financial Year ..... 22

Part VII- Formation ..... 22

Clause 38: Formation of *i*CAN ..... 22

Appendix I ..... 24

Appendix II ..... 25

Appendix III ..... 26

Appendix IV ..... 27

Appendix V ..... 28

Revision History ..... 29

# **The Charter**

## **Name, Creed, Goal, Methodology and Program**

### **Clause 1: Name**

The name of this organisation shall be the “Islamic Circle of Australia & New Zealand.” It shall be referred to as *i*CAN for the sake of brevity.

### **Clause 2: Type**

*i*CAN shall be an incorporated, community based and not for profit association.

### **Clause 3: Creed (Aqeedah)**

The Aqeedah (Creed) of *i*CAN is “There is no deity except Allah (SWT) and Muhammad (SAW) is the Messenger of Allah” “La ilaha—illallahu, Muhammadur Rasulullah”.

1. La ila ha illallah means that Allah Subhanahu Wa Ta‘ala (SWT), alone is the Creator, Sustainer, Lord, and Sovereign of the whole universe. No one shares His attributes or powers.
2. Muhammadur Rasulullah implies that Muhammad Sallallahu Alaihi Wasallan (SAW), is the last Prophet sent by Allah (SWT), with the final and authentic guidance.

### **Clause 4: Aim**

The aim of *i*CAN shall be to seek the pleasure of Allah (SWT) by inviting the mankind to follow the teachings of Islam in every sphere of life.

### **Clause 5: Methodology**

1. The Qur’an and the Sunnah shall be the primary sources of guidance.
2. To achieve its goal, *i*CAN shall utilize only legal means according to the Islamic principles and the law of the land.
3. *i*CAN shall disseminate the message of Islam, provide intellectual and moral training to build the Islamic character and conduct, and thus educate its members to achieve its goal.

## Clause 6: Program and Objectives

1. Inviting mankind to submit to the will of the Creator by using all possible means of communication.
2. Motivating Muslims to perform their duty of being witness unto mankind by their words and deeds.
3. Organizing those who agree to work for this cause in the discipline of *iCAN*.
4. Offering educational training opportunities to increase Islamic knowledge, to enhance character, and to develop skills of all those who are associated with *iCAN*.
5. Strengthening the bond of humanity by serving all those in need anywhere in the world, with special focus on our neighbourhood across Australia and New Zealand.
6. Cooperating with other organisations for implementation of this program and unity in the Ummah.
7. Advocate and represent the Muslim community throughout Australia and New Zealand and to clear misconception among society by describing true image of Islam.
8. Provide services to members and non-members in the form of cultural and religious centres.
9. Provide social services and support mechanisms.
10. Provide services as a linking bridge between basic Islamic traditions and local Australian culture.
11. Provide services to members and the community by organising educational seminars, conferences and workshops.
12. Institute and manage language classes for the community members to learn and maintain their culture and identity.
13. Organise Kids, Youth camping and sports activities.
14. Have a cooperative and working relationship with Government and non-Government associations and agencies for the optimal access of the available resources.
15. Foster cooperation, better understanding and harmony between the Organisation and other communities.
16. Assist, engage and organise Muslim Youth to integrate smoothly with the wider Australian community whilst still maintaining their values and cultural identity.
17. Organise, promote, facilitate, manage and run Islamic ceremonies and festivals.
18. Provide information and advice to broader community about the Islamic faith.
19. Cater for the collection and the distribution of the obligatory alms such as Zakah, fitra and the voluntary donations.
20. Establishment of fund for exhibitions, scholarships, bursaries and prizes.
21. Establish and maintain building fund, school building fund, library fund or other funds as deemed necessary.
22. Provide assistance to the poor, old and seniors, new immigrants, refugees and victims of natural disasters like bush fire and floods etc.
23. Enhance environmental values by initiating environmental sustainability programs.
24. Assist, guide and interact with International students to incorporate them with the law of land, culture and values while representing them as an ambassador to their respective country.
25. The execution timings and the methodology of the *iCAN* Program and Objective will be decided by the President *iCAN* in consultation with the CC.

## Part I - By-Laws

### Clause 7: Membership

There shall be three levels of Membership i.e. Volunteer, Associate Member and Member.

#### 1. Volunteer

- a) Anyone who agrees with the aim, Program and Objectives of *iCAN*, become Volunteer of *iCAN* by completing the prescribed form.
- b) Willing to follow *iCAN*'s organisational discipline.
- c) Any Volunteer or Associate Member or Member can propose the name for Volunteer.

#### 2. Associate Member (AM)

A Volunteer shall be eligible to become Associate Member by completing the prescribed form and provided that he or she meets the following criteria,

- a) Willing to become the Associate Member of the organisation.
- b) Understand and agree with the Aim, Program and Objective of *iCAN*.
- c) Regularly attends and actively participates in the organisational programs.
- d) Follows *iCAN*'s organisational discipline.
- e) Willing to pay the monthly subscription.
- f) Willing to maintain and keep prescribed personal development profile.
- g) Has completed 100 % of the suggested Associate Member syllabus.

#### Procedure

- h) Unit Incharge will consult with the Unit Members and based on the consultation forward the name to the President.
- i) President or his representative will meet with the person and based on the results of the meeting will approve the application to become the Associate Member
- j) Person will become AM once the completed Associate Membership form is received and approved.
- k) In case of the rejection President or his representative will inform the Unit Incharge about the reason of the rejection.

#### 3. Member

Any AM shall be eligible to become a Member, if he or she in addition to above

#### Criteria

- a) Adopts the Aims, Objectives and Programmes of *iCAN* as his or her principal commitment in life.
- b) Observe what is Fard and Wajib (obligatory and necessary practices as defined by Islam).

- c) Accepts and willing to adopt the prophet Muhammad's (SAW) way of life as his or her ideal, and refrain from Major sins as defined by Islam.
- d) Strive to make sure that his or her sources of earnings, income and lifestyle are halal (permitted by Islam)
- e) Is ready to give same priority to the demands of the organization as his / her own needs and requirements and is prepared to spend his or her wealth and time at his /her disposal in realizing the Aims, Programs and Objective of *i*CAN.
- f) Pledges to abide by the organisation's discipline and rule in accordance with this constitution.
- g) Does not affiliate himself or herself with any person or organisation whose basic Beliefs, Aims, Objectives, Programs and Policies are contrary to those of *i*CAN.
- h) Has completed 100 % of the suggested membership syllabus.
- i) As a parent he or she shall guide their children and family in their education and work environment as permissible by Islam.

#### Procedure

- j) Unit Incharge will consult the Unit Members in the Unit Members meeting, if approved by the Unit Members; Unit Incharge will send the Membership Application Questionnaire to the applicant of Membership.
- k) Filled Membership Questionnaire will be forwarded to the President *i*CAN and President will present the name in the CC meeting.
- l) Incharge Personal Development Department (PDD) or his representative will present his report in the CC meeting about the candidate of Membership.
- m) CC will analyse that all the membership criteria have been met. In case any of the criteria has not met, membership application will be deferred till the criteria is fully met.
- n) If approved by CC for Membership, the President shall then meet with the applicant and approve his application as a MEMBER.
- o) Every member shall take prescribed oath in the presence of the President or his representative.

#### Responsibilities

- p) It is one of the important responsibilities of the members of *i*CAN to make sure the organisational matters are being executed and managed according to the constitution.
- q) Take necessary actions as mentioned in this constitution to rectify any shortcomings according to organisational discipline.
- r) Always follow the organisational discipline.
- s) Regularly pay the monthly contribution.
- t) Maintain continuous personal development profile.
- u) Complete the tasks and responsibilities given to him/her to the best of his/her ability.

## **Part II - Central Organisation**

### **Clause 8: Structure**

The central organization shall comprise of the following:

1. The Members Assembly
2. The President
3. The Consultative Council (CC)
4. The Secretary General
5. The Central Department Incharges
6. The Unit Incharges.

### **Clause 9: The Members Assembly (MA)**

1. The Members Assembly shall be the final authority in all matters concerning *iCAN*.
2. Every Member of *iCAN* shall be the member of Members Assembly.
3. The Members Assembly shall meet at least once at the end of Australian financial year.
4. The President or Consultative Council may call Members meeting whenever needed.
5. At the request of 10 percent of members of the MA, the President shall call a MA within 28 days of receiving such a request.
6. With the exceptions mentioned in this Constitution, a simple majority of the members present in a MA shall be decisive.
7. Have the power to approve the Organisation's accounts.
8. Review and endorse the annual report and the CC activities.
9. Have the power to amend this Constitution.
10. Have the right to make constructive criticism of the Organisational activities, President, CC and all the departmental heads or any other MEMBER by following the organisational discipline.

### **Clause 10: The President**

1. The President shall be ultimate responsible to guide and lead *iCAN* with the cooperation of the members.
2. President shall be accountable to the Consultative Council and the MA of *iCAN*.
3. President shall decide the policies and all other important matters of *iCAN* in consultation with the CC.
4. The president will base his decision according to the principles of Islam to the best of his ability.
5. The members of *iCAN* shall elect from among themselves the President by secret ballot as per Clause 16 of this Constitution.

6. The CC shall suggest three names for the guidance of the Members Assembly. However, Members can vote for any other member.
7. The term of the President shall be one year.
8. A person cannot be elected as the President for a fourth consecutive term.
9. If at any time the President cannot perform his responsibilities, temporarily, he shall appoint an acting President amongst CC in consultation with the CC for a maximum period of three months.
10. If the president can't continue for any reason after 3 months, CC can elect acting president for remaining term from amongst themselves.
11. If the office of the President becomes vacant during the session due to his resignation, removal or any other reason, the CC shall elect an acting President for a maximum period of three months. It shall be necessary that the new President be elected before the expiration of this period.
12. It shall be the duty of the President to:
  - a. Place obedience and faithfulness to Allah (SWT) and His Messenger, Muhammad (SAW) above everything else.
  - b. Consider achieving the Aims & Objectives of *iCAN* as his primary obligation.
  - c. Give preference to *iCAN*'s interest over his personal interest.
  - d. Treat and command members of *iCAN* justly and honestly.
  - e. Safeguard fully the trust handed over to him.
  - f. Abide by this constitution and seek to maintain proper order within *iCAN*.
  - g. President shall be bound to take consultation with the CC in all the important matters concerning *iCAN*.
13. The President shall have the following powers:
  - a. To take immediate and appropriate action, when needed, concerning important matters.
  - b. To supervise all the administrative activities of *iCAN*.
  - c. To use the resources to attain the objectives of *iCAN*.
  - d. To accept new members of the Members Assembly into *iCAN* (Clause 7.3) or expel any existing member from it (Clause 22).
  - e. To use funds from *iCAN* Treasury to pay for on-going projects with consultation from CC.
  - f. To invite a person/s to the meetings of the CC as an observer only.
  - g. To call a meeting of the Members Assembly.
  - h. To implement the decisions arrived at by the Members Assembly and the CC to the best of his judgment and ability.
  - i. To delegate any of his powers to any other member or committee.

## **Clause 11: The Consultative Council (CC)**

1. The CC shall be the policy-making body of *iCAN*
2. The basic function of the CC shall be to help and advise the President to formulate the best possible policies and working procedures to achieve the goal of *iCAN*.

3. The CC shall consist of elected members only:
  - a. The members of the Members Assembly shall elect the members of CC every one year.
  - b. Minimum numbers of CC shall be 6 plus President, by the virtue of the office.
  - c. Maximum number of CC shall be 10 plus President, by the virtue of the office.
  - d. One Member of the CC shall be elected for every five members of the Members Assembly unless CC reaches its maximum number as per Clause 11.3.c.
  - e. The President shall be the head of the CC.
  - f. If any addition is required in the CC as per Clause 11.3.d, this will be reviewed & decided as and when required.
4. Powers of CC
  - a. To formulate *iCAN* policies.
  - b. To advise, without apprehension, on central, regional and local appointments and other matters.
  - c. To carry out accountability (aimed at future improvements) of the President and remove him from his office provided two-thirds of the elected members of the CC pass a no-confidence motion against him.
  - d. To review, criticize and carry out accountability (aimed at future improvements) of all the office bearers, Unit Incharges and members of the *iCAN* if necessary.
  - e. To interpret this constitution and amend it in extraordinary circumstances, with the consent of a simple majority and subject to the subsequent approval of the Members Assembly.
  - f. To appoint an auditor for auditing the accounts of the Treasury, other departments of *iCAN* to deliberate on his report and to take any necessary actions on it.
  - g. To approve the central budget of *iCAN*.
  - h. To set up committees, as needed, in connection with various works (projects) and departments of *iCAN* and define their limits.
  - i. To take all necessary steps to achieve the Programs and Objectives of *iCAN* in accordance with this constitution.
5. Duties of the members of the CC:
  - a. To place obedience and faithfulness to Allah (SWT) and His Messenger (SAW) above everything else.
  - b. To keep a watch on the activities of *iCAN* in order to ensure that these adhere to *iCAN*'s objectives and strive constantly to achieve its goal.
  - c. To participate regularly in the meetings of the CC.
  - d. To express their honest opinion according to their best knowledge and understanding.
  - e. To abstain from creating groupings and causing divisions within *iCAN* and to help forestall any such eventuality.
  - f. To bring to the immediate attention of the President any issue or problem concerning *iCAN* and to help in rectifying the situation.
  - g. To keep in touch with the President on a regular basis.
  - h. To carry out the responsibilities assigned to them diligently.
6. Ordinary and Extraordinary Meetings:

- a. Ordinarily, there shall be at least four meeting of the CC in a year. The period between any two meetings shall not exceed three months.
  - b. The President shall hold the special meeting of the CC as and when deemed necessary.
  - c. At the request of more than 50% of the members of the CC, the President shall call a meeting within 15 days of the request.
  - d. The quorum for a meeting shall two-thirds of the CC members, but if a meeting has to be postponed due to lack of quorum the next meeting will be called within 15 days of the cancellation. If that meeting also failed due to the lack of quorum, then President has the power to dissolve CC and next election will be called according to the Clause 16.
  - e. Generally, the CC shall seek unanimous decisions but in case of differences the decision of the majority of the member's present shall be binding.
7. If the President differs with the majority-decision of the CC, he may postpone discussion of the matter under consideration and this matter will be presented in the Special Members Assembly specially called for this purpose. The decision of matter will be decided by the two third majority of the Members present in the meeting.
  8. The members of iCAN can attend the meetings of the CC as observers after getting approval from President. In any CC meeting the number of observers should not be more than three.
  9. A CC member shall not be elected for the CC membership for the fifth consecutive terms.

## **Clause 12: The General Secretary (GS)**

1. The President shall appoint the GS after consultation with CC.
2. The General Secretary shall render general assistance to the President. He shall perform all those duties and use all those powers entrusted to him by the President and shall be accountable to him for his work.
3. The special responsibilities of the General Secretary include maintaining contact with and supervising the central departments, and compiling proceedings of the CC.
4. The same person may hold the office of General Secretary successively.

## **Clause 13: Central Departments**

With the consultation from CC President shall:

1. Determine and change the number of Central Departments as necessary, with the exception of departments mentioned in this constitution.
2. Appoint the Heads of the Central Departments. They shall remain in their offices subject to the satisfactory performance of their duties as assessed by the President.
3. Inform, in writing, the Head of all departments of the nature of their responsibilities, duties, and powers. These responsibilities, duties and powers will be formulated by the President.

## Part III - Local Organisation

### Clause 14: Local Units

1. A local unit can be formed when following conditions are fulfilled;
  - a. At least 3 Members or Associate Members with at least one of them being Member.
  - b. Formation of the new local unit is approved by the CC.
2. The Unit Incharge shall be a member, elected by the secret ballot of AM and Members.
3. The President under special circumstances, in consultation with the CC may ask local members to hold new elections or can appoint Acting Unit Incharge.
4. The Unit Incharge shall be answerable to the local Members and the President.
5. The Unit Incharge shall have the following responsibilities:
  - a. To disseminate the message of Islam and to organize those who have joined *i*CAN in his/her area.
  - b. To nourish the brotherhood among the members of *i*CAN and take personal interest in their Islamic development.
  - c. To implement policies and decisions of *i*CAN at the local level.
  - d. To keep the President informed of the unit's progress.
  - e. To guide, supervise and undertake accountability of *i*CAN's activities at the local level.
  - f. To take prompt notice of the issues affecting *i*CAN, its aim and goal, and to undertake all necessary safeguards in this respect.
  - g. To organise the *i*CAN program for the promotion of the *i*CAN's Aims and Objectives.
  - h. To implement the policies and programs decided by the CC at the Unit level.
6. President in Consultation with CC can establish a subunit after considering the availability of resources.

## Part IV – Election & Qualities of the Office Bearers

### Clause 15: Qualities of the President & CC

- a. He should neither desire nor seek this office.
- b. He should be, on the whole, the best of all among the members of *i*CAN in respect with the knowledge of the Qur'an and the Sunnah, taqwa (piety), wisdom, vision and soundness of opinion, honesty, justice, sacrifice and patience.
- c. He should possess high administrative capabilities.

### Clause 16: Elections

#### 1. Fundamental Principles of Elections:

- a. All the elections shall be held by secret ballot.
- b. A simple majority shall be decisive in all of the elections.
- c. In case of tie re-election will be held.
- d. No member of *i*CAN shall have the right to do convincing for himself or herself or for someone else.
- e. A member can give opinion to another member only upon request.
- f. Before one month of the expiration of the term, President and CC will go in the caretaker mode and no new decisions will be made during the caretaker mode and if any urgent decision will be required Members Assembly will be called to make those urgent decisions.
- g. It shall be necessary that the new election is held within one month after the expiration of the term for the existing office bearers. If that is not possible due to the exceptional circumstances deemed by Shura, approval for the extension of the session will be required from the Members Assembly.
- h. It shall be necessary for the President and other office bearers to take their oath of office before assuming their responsibilities. This oath shall be taken in person or by phone in the presence of the Chairman of the Election Committee, the President, or members as the situation may warrant.
- i. The Incharge of an election shall be responsible to inform the members about the principles and procedures of the elections and qualities of the office bearers (clause 16). The Incharge shall also make sure that the principles are observed and shall report to the President and CC if any violation takes place.

#### 2. Procedure of Election:

- a. Central Election

- i. Outgoing CC shall appoint an Election Committee that may comprise up to maximum of three persons for holding central Election.
  - ii. The Election Committee should be independent and should not have any Organisational relationship with *iCAN*.
  - iii. The Chairman of the Election Committee shall be appointed, at least One month before the central elections.
  - iv. The Chairman shall count the ballots in the presence of the other members of Election Committee if applicable. Upon receiving a written complaint from a member or an Incharge of election about any electoral irregularity, the President shall take appropriate action, in consultation with the CC.
- b. Other Election
  - i. The President may appoint a representative for the local elections.

## **Part V – Dispute resolution, Terminations, Demotions**

### **Clause 17: Modes of expressing differences of opinion**

1. A member who disagrees with the strategies, policies and decisions of *iCAN* may express his/her opinion according to the following manners.
  - a. The Member shall bring up his/her difference in the meeting of the local members, the CC and the Members Assembly.
  - b. If required, message can be conveyed to all the individual members in writing through the General Secretary.
  - c. The Member shall have no right to use the public press or any other public platform for this purpose.
  - d. The Member Shall have no right to do any convincing among individual members directly.
2. The Member shall accept the decisions arrived at through a majority opinion and will abide by them.
3. If a member, who holds an official portfolio, expresses his/her differences against the established policy of *iCAN*, outside the forums provided by this Constitution, then the Member shall be relieved of his/her official responsibility that obliges him/her to enforce or interpret that policy.

### **Clause 18: Removal of the members of the CC**

1. Any member of the CC shall be removed from its CC membership if:
  - a. He ceases to be a Member of *iCAN*.
  - b. He remains absent from two consecutive meetings of the CC without a valid reason.
  - c. He resigns from the membership of the CC and the President accepts his resignation.

- d. A written motion of no-confidence is presented against him by 20% or more members of the Members Assembly and is approved by a simple majority.
- e. If a CC member leave the country for more than 6 months, his CC membership will be cancelled automatically, and new election will be held according to (clause 20) to fill the vacant seat.
- f. As a result of a decision from any committee, formed by the President with CC consultation in order to resolve any unwanted situation in the organisation.

## **Clause 19: Filling a vacant seat of CC during the session**

If any of the CC seat becomes vacant for any reason during the session, election will be called to fill the vacant seat within 1 month.

## **Clause 20: Demotion of CC Member, Member, Associate member and Office Bearer**

The President *iCAN*, after consultation with CC or as a result of a decision from any committee formed by him after consultation with CC, to resolve any unwanted situation, shall have the authority to demote or relieve any CC member, Member, Associate Member, Local Unit Incharge or any other office bearer from his duties for specified time and/or condition. President can also put conditions or method to reinstate the duties of such individual.

## **Clause 21: Cancellation of Membership**

If a member leaves Australia or New Zealand on a permanent basis, his membership will get cancelled automatically.

## **Clause 22: Expulsion of a Member**

The President, in consultation with the CC shall have the authority to expel a member, if:

1. The member violates the conditions of membership repeatedly and deliberately, despite a formal reminder.
2. He or she acts repeatedly against the interests, goal and methodology of *iCAN*.
3. If he or she conveys, verbally or by continuous action, the impression that he or she no longer has any interest in the activities of *iCAN*.

4. If a member loses interest in the activities of *i*CAN due to any reason, President in consultation with CC can make the decision on the status of his Membership.

### **Clause 23: Method of Expulsion**

1. The President, upon learning that there are valid grounds as per clause 20 & 22 for the expulsion of a member of the Members Assembly, shall do so with the approval of CC.
2. Written letter along with the evidence will be provided to the member.
3. Before the decision of expulsion is approved, the member of the Members Assembly involved shall be given the opportunity to present his case to the CC.
4. If CC approved the expulsion, written notification of expulsion will be given to the Member.

## **Part VI - Departments**

### **Clause 24: Finances / Treasury**

1. The department of Treasury shall be established at central and local levels.
2. The President shall have the final authority on all the Treasury.
3. The President shall be accountable to the CC in relation to the Treasury matters.
4. The President/Unit Incharge shall be authorized to spend from Treasury on the activities of *i*CAN.
5. Sources of income of Treasury shall be as follows:
  - a. Monthly Contribution from the members.
  - b. Donations from the community at large.
  - c. Contribution from the Units.
  - d. Contribution from the departments/institutions.
  - e. Income from Islamic investment/properties etc.
6. Donations with any strings attached shall not be accepted at any level.
7. President after consultation with CC shall appoint the Head of Treasury for the duration of one year.
8. The Head of the Treasury shall have the following responsibilities:
  - f. To keep a complete account of income and expenditures.
  - g. To prepare the annual budget and present it to the CC.
  - h. To present the financial statements in the Members Assembly.
  - i. To keep the President and the members of the CC informed of the financial situation of *i*CAN.
  - j. To release money for a project, as the need may arise, that has already been approved by the President.

- k. To pay a pre-authorized amount on any unexpected expense with the approval of the President.
- l. To audit the accounts of the local Treasury.

## **Clause 25: Personnel Development Department (PDD)**

1. Personal Development department will be created at the Central level.
2. President with the consultation from CC will appoint the PDD Incharge.
3. PDD Incharge will be answerable to President and CC.
4. PDD Incharge will form a Personal Development committee after consultation with the President.
5. PDD Committee will work closely with the Unit Incharges for the personal development of the all membership level of *iCAN*.
6. PDD will be responsible for the creation of syllabus and other personal development materials.
7. PDD can organize workshops, lectures or any other methods to educate the member of *iCAN* after consultation with the President.

## **Clause 26: Sisters Wing (SW)**

1. Sisters Wing (SW) will be responsible to carry out and supervise women related activities of *iCAN*.
2. *iCAN* Central President will appoint the Central Sister Wing In-charge (CSWI) after evaluating the opinion of Sister Members and following consultation with the Consultative Council (CC) for one year.
3. CSWI will be responsible for the overall planning and execution of the SW activities.
4. CSWI will be accountable to Sister Members and President *iCAN*.
5. There will be a Sisters Consultative Council (SCC) to advise the CSWI.
6. The SCC members will be appointed by the President *iCAN* after evaluating the opinion of Sister Members for one year.
7. It shall be the duty of the CSWI to:
  - a. Place obedience and faithfulness to Allah (SWT) and His Messenger, Muhammad (SAW) above everything else.
  - b. Consider achieving the aim & objectives of *iCAN* as her primary obligation.
  - c. Give preference to *iCAN*'s interests over her personal interests as much as possible.
  - d. Treat and command Sister Members of *iCAN* justly and honestly.
  - e. Safeguard fully the trusts handed over to her.
  - f. Abide by this constitution and seek to maintain proper order within the *iCAN* SW.
  - g. CSWI shall be bound to take consultation with the SCC in all the important matters concerning *iCAN* SW.
8. The CSWI shall have the following powers:

- a. To take immediate and appropriate action, when needed, concerning important SW matters.
  - b. To supervise all the administrative activities of *iCAN SW*.
  - c. To use the SW resources to attain the objectives of *iCAN*.
  - d. To use funds allocated for SW from *iCAN* Treasury to pay for on-going projects with consultation from SCC.
  - e. To invite a person(s) to the meetings of the SCC as an observer only.
  - f. To implement the decisions arrived by the Members Assembly, *iCAN* CC, President *iCAN* and SCC to the best of her judgment and ability.
  - g. To delegate any of her powers to any other member or committee.
9. The CSWI will determine the total number of SCC members following consultation with SCC in the last SCC meeting of the session, which requires the approval of the President *iCAN*.
  10. The CSWI after consultation with SCC will appoint a Sister Member to act as the SW Secretary.
  11. SW will follow the same local unit structure mentioned in Clause 14.
  12. Local SW Units can be established by the CSWI after getting the opinion from the SCC.
  13. CSWI will be responsible to appoint the Local Unit SW In-charges after getting the opinion of Sister Members, Sister Associate Members and Sister Volunteers (if required) of the Unit.
  14. Sister Members will be part of the Members Assembly and Clause 9 (The Members Assembly) of this constitution will be applicable to Sister Members also.
  15. If at any time the CSWI cannot perform her responsibilities temporarily, she shall appoint an acting CSWI amongst SCC in consultation with SCC for a maximum period of three months.
  16. If the CSWI can't continue for any reason after 3 months, President will nominate acting CSWI from amongst SCC after consultation with SCC.
  17. If the office of the CSWI becomes vacant during the session due to her resignation, removal or any other reason, President will nominate acting CSWI from amongst SCC after consultation with SCC for the remaining session.
  18. All other clauses of this constitution are applicable to SW.

## **Part VII - Miscellaneous**

### **Clause 27: Constitutional Amendments**

1. Any clauses of this constitution are amendable with the exception of Clause 1, 2, 3 & 4 unless any proposed amendment further articulates and clarifies the original wording of these fundamental clauses without changing their spirit and essentials.
2. Member shall have the right to present an amendment to this constitution through the President.
3. Such amendment shall be deliberated upon by the CC, and after securing approval of a simple majority shall be submitted to the Members Assembly, if in session, or mailed to the members of General Assembly for final approval.
4. A two-thirds majority of the Members Assembly in session of the Members Assembly shall be required to approve an amendment.

### **Clause 28: Insurance**

The association may affect and maintain insurance.

### **Clause 29: Funds - Resource**

1. The funds of the Organisation shall be derived as mentioned in Clause 23.
2. All money received by the Organisation shall be deposited as soon as practical and without deduction to the credit of the Organisation's bank account.
3. The Organisation shall, as soon as practical after receiving any money, issue an appropriate receipt.

### **Clause 30: Funds - Management**

1. Subject to any resolution passed by the Organisation in Members meetings, the funds of the Organisation shall be used in pursuance of the objectives of the Organisation.
2. There shall be a bank account in the name of the organisation with a registered Bank.
3. If the withdrawal amount is more than \$2000 the Treasurer and at least one delegated member of the CC must approve the withdrawal
4. In the event of the Organisation being dissolved, the amount which remains after such dissolution and the satisfaction of all debts and liabilities shall be transferred to another incorporated association which has similar objectives.
5. Where it furthers the objectives of the Organisation to amalgamate with any one or more incorporated association(s) having similar objectives, the other incorporated association(s) must have rules prohibiting the distribution of its (their) assets and income to members.

## **Clause 31: Not for Profit Clause**

The assets and income of the association shall be applied solely in furtherance of the above-mentioned objects and no portion shall be distributed directly or indirectly to the members of the association except as bona fide compensation for services rendered or expenses incurred on behalf of the association.

## **Clause 32: Dissolution**

1. If the CC decides that it is necessary or advisable to dissolve the Organisation it shall call a special meeting of all MEMBERS of the Organisation, of which not less than twenty-one (21) days' notice (stating the terms of the resolution to be proposed) shall be given.
2. All those attending the special meeting shall be entitled to one vote, and if the proposal is confirmed by a two-thirds majority of those present and voting, then the organisation will be considered as dissolved and the CC will have the power to release any asset held by or on behalf of the Organisation.
3. After satisfaction of all its debts and liabilities, there remains any surplus gifts, deductible contributions, assets, funds or money received by the association due to gifts or contributions; these shall not be paid to or distributed amongst the members of the association, but shall be transferred to an organisation which:
  - a. is nominated by a majority of the members of the association;
  - b. is not carried on for the purpose of profit or gain to its members;
  - c. is a deductible gift recipient for the purposes of the Income Assessment Act 1997
  - d. and has similar purposes to the association
4. A copy of the final statement of accounts for the final accounting period of the Organisation shall be sent to the Australian Securities and Investments Commission (ASIC), and to any other relevant authorities

## **Clause 33: Custody of Books, Etc**

Except as otherwise provided by these rules, the General Secretary shall keep in his custody or under his control all records, books and other documents related to the Organisation

## **Clause 34: Inspection of Books, Etc**

1. The following documents must be open to inspection, free of charge, by a member of the association at any reasonable hour:
  - a. records, books and other financial documents of the association.

- b. this constitution.
  - c. minutes of all committee meetings and general meetings of the association.
2. A member of the association may obtain a copy of any of the documents referred to in sub clause (1) on payment of a fee of not more than \$1 for each page copied.'
  3. It is the responsibility of the General Secretary to circulate the minutes of the meeting within 15 days after the meeting.

## **Clause 35: Service of Notice**

1. For the purpose of this constitution, a notice may be served on or given to a person:
  - a. by delivering it to the person personally, or
  - b. by sending it by pre-paid post to the address of the person,
  - c. by sending it by facsimile transmission or some other form of electronic transmission to an address specified by the person for giving or serving the notice.
2. For the purpose of this constitution, a notice is taken, unless the contrary is proved, to have been given or served:
  - a. in the case of a notice given or served personally, on the date on which it is received by the addressee, and
  - b. in the case of a notice sent by pre-paid post, on the date when it would have been delivered in the ordinary course of post, and
  - c. in the case of a notice sent by facsimile transmission or some other form of electronic transmission, on the date it was sent or, if the machine from which the transmission was sent produces a report indicating that the notice was sent on a later date, on that date.

## **Clause 36: Public Fund**

1. *iCAN* may, and if granted endorsement as a tax-deductible gift recipient shall, establish a Public Fund for the purpose of receiving donations in order to carry out and administer the objectives of *iCAN* as described in this constitution.
2. All gifts of money made to *iCAN* as trustee of the Public Fund and all income received by *iCAN* as trustee of the Public Fund as gifts or donations from any member of the public or from any other source are to be deposited to one or more separate bank accounts operated by *iCAN* and, in the books of account of *iCAN*, credited to one or more separate accounts. For the purposes of this constitution, any such bank account will be referred to as "Islamic Circle of Australia and New Zealand Bank Account" and such accounts in the books of account of *iCAN* will be referred to as "the Public Fund Account".
3. All gifts or donations of a non-monetary nature or type must be specifically identified on a gift register and all such items must in the books of account of *iCAN* be credited to the Public Fund Account.

4. A receipt must be given by *i*CAN as trustee of the Public Fund to the donor of all gifts or donations, whether of a monetary or non-monetary nature. The receipt must show the following items:
  - a. Name of *i*CAN; and
  - b. the Australian Business Number applicable to the Public Fund;
  - c. if the gift or donation is of a monetary nature, the quantum of money received; or
  - d. if the gift or donation is of a non-monetary nature, a full and accurate description of the item or items the subject of the gift or donation; and
  - e. a statement that the receipt is for a gift
5. The funds standing to the credit of the Public Fund Account must be used solely in pursuance of the purposes of the Public Fund. Detailed records are to be maintained of all amounts debited to the Public Fund Account
6. All income and property received by *i*CAN from all sources other than from gifts or donations from the public or from any other source such as government grants, funds from sponsors, proceeds of raffles, fundraising activities and the like are to be credited to such other accounts in the books of account of *i*CAN and under no circumstances shall any such income be credited to the Public Fund Account.

## **Clause 37: Financial Year**

The financial year of the Organisation is

1. the period of time commencing on the date of incorporation of the Organisation and ending on the following 30 June, and
2. each period of twelve months after the expiration of the previous financial year of the Organisation, commencing on 1 July and ending on the following 30 June.

## **Part VII- Formation**

### **Clause 38: Formation of *i*CAN**

This clause and all of its sub-clauses deals with the Establishment of *i*CAN and only valid till 30<sup>th</sup> June 2017 unless the procedure mentioned in Clause 27 for the amendment of this constitution is followed.

1. The meeting that has organized on 16, 17 and 18<sup>th</sup> of December 2016 for the approval of this constitution and the establishment of ICAN will be the foundation meeting of ICAN.
2. This meeting will have the status of the Annual Members Assembly and shall be referred to as Foundation Members Assembly.

3. Interim period shall be between 16<sup>th</sup> Dec 2016 till 31st July 2017. Interim period is for the finalization of the Membership only. The elected representatives as the result of the Election will have the full rights mentioned in this Constitution.
4. The participants present in the meeting will be considered as Provisional Members of *iCAN* for the duration of Interim period provided they fulfil the following requirements
  - a) Take the oath of the membership as mention in the Appendix I.
  - b) Willing to work actively as the member of *iCAN*.
  - c) Adopts the Aims, Objective and Programmes of *iCAN* as his or her principal commitment in life.
  - d) Observe what is *Fard* and *Wajib* (obligatory and necessary practices as defined by the Shariah).
  - e) Is ready to give same priority to the demands of the organization as his / her own needs and requirements and is prepared to spend his or her wealth and time at his /her disposal in realizing the aims and objective of *iCAN*
  - f) Pledges to abide by the organisation's discipline and rule in accordance with this constitution.
  - g) Does not affiliate him or herself with any person or organisation whose basic belief, aims, objective, programs and policies are contrary to those of *iCAN*.
  - h) Have intention and willingness to complete the Members prescribed syllabus during the interim period.
  - i) As a parent he or she shall guide their children and family in their education and work environment as permissible by the Deen.
5. Any person who is not present in the above-mentioned meeting and show willingness to be Interim Member of *iCAN* can become the member of *iCAN* for the interim period by contacting the President directly. President can approve his application after consultation with CC provided the applicant for membership fulfil the requirement completely mentioned in Clause 37 sub clause
  - a) This constitution shall be approved by the Foundation Members Assembly by the simple after the review, after the approval this constitution will become the official constitution of Islamic Circle of Australia and New Zealand.
6. For the election of the President in the Foundation Members Assembly Clause 15 Clause 16 subclasses 1.a,1.b,1.c,1.d,1.e,1.h and 1.i. subclasses 2.a.i,2.a.iii,2.a.v mentioned in this constitution will be followed.
7. For the interim period the Consultative Council will comprise of 6 members. President by the virtue of his office shall be the member and head of the CC.
8. For the election of Consultative Council procedure mention in Sub clause 6 shall be followed.
9. For the appointment of General Secretary Clause 10 of this constitution will be followed.

## Appendix I

*Oath of Membership*

*Islamic Circle of Australia & New Zealand*

*In the name of Allah (SWT) the Beneficent, the Merciful*

I \_\_\_\_\_ declare that there is no deity except Allah, He is alone and He has no partner, and I declare that Muhammad (SAW) is His servant and last Messenger.

With Allah Rabbul Aalameen (The Lord of the Universe) as my witness, I affirm that:

1. I have thoroughly studied the aqeedah, goal, methodology and program of *iCAN*. I have no other objective in mind except the attainment of Allah's pleasure and the success in the Hereafter.
2. I have studied the Constitution of *iCAN* and do hereby pledge that I shall fully abide by its discipline, insha-Allah.

*Innassalati Wanusuki Wamahyaya Wamamati Lillahi Rabbil A'lamin.*

("My prayer and my rites, my living and my dying, are for Allah alone, the Lord of all the worlds").

May Allah enable me to remain faithful to this pledge, Aameen.

Signature \_\_\_\_\_

Date \_\_\_\_\_

Name \_\_\_\_\_ Unit \_\_\_\_\_

Signature of the President \_\_\_\_\_

## Appendix II

*Oath of Office for the President of  
Islamic Circle of Australia & New Zealand  
In the name of Allah (SWT) the Beneficent, the Merciful*

I, \_\_\_\_\_, who has been elected as President of the Islamic Circle of Australia New Zealand do hereby affirm, with Allah the Lord of the Universe, as my witness that I shall insha-Allah:

1. Place the obedience and faithfulness to Allah (SWT) and His Messenger (SAW) above everything else.
2. Consider achieving the goal of ICAN as my first and foremost duty.
3. Give preference to the interests and responsibilities of *i*CAN to myself and my personal interests.
4. Always lead members of *i*CAN justly and honestly.
5. Safeguard my trusts and seek to maintain proper order within *i*CAN.
6. Remain bound and faithful to the Constitution of *i*CAN.

May Almighty Allah enable me to fulfil this pledge, Aameen

Signature \_\_\_\_\_ Date \_\_\_\_\_

### **Appendix III**

*Oath of the member of Consultative Council  
Islamic Circle of Australia & New Zealand*

*In the name of Allah (SWT) the Beneficent, the Merciful*

I, \_\_\_\_\_, who has been

elected/ appointed as a member of the \_\_\_\_\_ Consultative Council, do hereby affirm, with Allah the Lord of the Universe as my witness, that I shall insha-Allah:

1. Place the obedience and faithfulness to Allah and His Messenger (SAW) above everything else.
2. Remain bound and faithful to the Constitution of iCAN.
3. Attend regularly the meetings of the CC.
4. Express my honest opinion without fear and reservation.
5. Try my best to rectify whatever defect I may find in the order of iCAN

May Allah enable me to fulfil this pledge, Aameen,

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## **Appendix IV**

*Oath of Office of General Secretary  
Islamic Circle of Australia & New Zealand  
In the name of Allah (SWT) the Beneficent, the Merciful*

I, \_\_\_\_\_, who has been

appointed as General Secretary of *iCAN* do hereby affirm, with Allah the Lord of the Universe as my witness, that I shall insha-Allah:

1. Place the obedience and faithfulness to Allah and His Messenger (SAW) above everything else.
2. Remain bound and faithful to the Constitution of *iCAN*.
3. Safeguard my trusts and responsibilities as General Secretary with sincerity and honesty.
4. Try my best to rectify whatever defect I may find in the order of *iCAN*.

May Allah enable me to fulfil this pledge, Aameen.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

## Appendix V

*Oath of Office for the Central Sisters Wing Incharge of  
Islamic Circle of Australia & New Zealand  
In the name of Allah (SWT) the Beneficent, the Merciful*

I, \_\_\_\_\_, who has been elected as Central Sisters Wing Incharge of the Islamic Circle of Australia New Zealand do hereby affirm, with Allah the Lord of the Universe, as my witness that I shall insha-Allah:

1. Place the obedience and faithfulness to Allah (SWT) and His Messenger (SAW) above everything else.
2. Consider achieving the goal of ICAN as my first and foremost duty.
3. Give preference to the interests and responsibilities of *i*CAN to myself and my personal interests.
4. Always lead members of *i*CAN justly and honestly.
5. Safeguard my trusts and seek to maintain proper order within *i*CAN.
6. Remain bound and faithful to the Constitution of *i*CAN.

May Almighty Allah enable me to fulfil this pledge, Aameen

Signature \_\_\_\_\_ Date \_\_\_\_\_

## Revision History

Revision Number	Date	Status	Comments
1.0	18/12/2016	Draft	Approved in the iCAN Foundation Members meeting.
1.1	01/07/2018	Draft	Constitutional amendments in Clause 11.
1.2	13/07/2019	Draft	Constitutional amendments in Clauses 4, 7, 10, 11, 15 & 16.
1.3	01/03/2020	Draft	Constitutional amendments in Clauses 17, 18, 20 & 22.
1.4	04/04/2020	Draft	Addition of new clause, now numbered as Clause 26. Consequently clause numbers modified for remaining clauses. Constitutional amendment in Clause 30.
1.5	20/09/2020	Draft	Fixed nomenclature, punctuation, spacing, capitalisation and grammar, where required. And added appendix V for CSWI oath.
1.6	24/10/2020	Final	Approved constitutional amendments for Clauses 14(1), 16(1g) and 22(1).