



Constitution of Islamic Circle of Australia & New Zealand (*i*CAN)

Version 1.7.5

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A. Preliminary

1. Name

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

2. Type

iCAN shall be an incorporated, community based and not for profit association.

3. Creed (Aqeedah)

The Creed (Aqedah) of iCAN is “There is no deity except Allah (SWT) and Muhammad ﷺ is the Messenger of Allah” “La ilaha illallahu, Muhammadur Rasulullah”.

- 3.1 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.
- 3.2 Muhammadur Rasulullah implies that Muhammad ﷺ, is the last Prophet sent by Allah (SWT), with the final and authentic guidance.

4. Aim

The aim of iCAN shall be to seek the pleasure of Allah (SWT) by inviting the humanity to follow the teachings of Islam as a comprehensive way of life.

5. Methodology

- 5.1 The Qur’an and the Sunnah shall be the primary sources of guidance.
- 5.2 To achieve its aim, iCAN shall utilize only legal means according to the Islamic principles and the law of the land.
- 5.3 iCAN 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 aim.

6. Program and Objectives

- 6.1 Inviting all of humanity to submit to the will of the Creator, using all available means of communication with wisdom, kind advice, and respectful dialogue.
- 6.2 Motivating Muslims to uphold their responsibility as witnesses to humanity, reflecting the principles of Islam in their words, actions, and interactions.
- 6.3 Uniting individuals who are committed to this cause, guiding them within the framework and discipline of iCAN.
- 6.4 Offering educational training opportunities to increase Islamic knowledge, to enhance character, and to develop skills of all those who are associated with iCAN.
- 6.5 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.
- 6.6 Cooperating with other organisations for implementation of this program and unity in the Ummah.

- 6.7 Advocate and represent the Muslim community throughout Australia and New Zealand and to clear misconception among society by describing true image of Islam.
- 6.8 Provide services to members and non-members in the form of cultural and religious centres.
- 6.9 Provide social services and support mechanisms.
- 6.10 Provide services as a linking bridge between basic Islamic traditions and local Australian culture.
- 6.11 Provide services to members and the community by organising educational seminars, conferences and workshops.
- 6.12 Institute and manage language classes for the community members to learn and maintain their culture and identity.
- 6.13 Organise Kids, Youth camping and sports activities.
- 6.14 Have a cooperative and working relationship with Government and non-Government associations and agencies for the optimal access of the available resources.
- 6.15 Foster cooperation, better understanding and harmony between the Organisation and other communities.
- 6.16 Assist, engage and organise Muslim Youth to integrate smoothly with the wider Australian community whilst still maintaining their values and cultural identity.
- 6.17 Organise, promote, facilitate, manage and run Islamic ceremonies and festivals.
- 6.18 Provide information and advice to broader community about the Islamic faith.
- 6.19 Cater for the collection and the distribution of the obligatory alms such as *Zakat*, *Fitra* and the voluntary donations.
- 6.20 Establishment of fund for exhibitions, scholarships, bursaries and prizes.
- 6.21 Establish and maintain building fund, school building fund, library fund or other funds as deemed necessary.
- 6.22 Provide assistance to the poor, elderly, seniors, new immigrants, refugees and victims of natural disasters such as bushfires, floods and other calamities.
- 6.23 Enhance environmental values by initiating environmental sustainability programs.
- 6.24 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.
- 6.25 Execution schedule and methodology for *iCAN* 's programs and objectives will be determined by the President of *iCAN* in consultation with the Consultative Council (CC).

B. Membership

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

7. Volunteer

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

8. Associate Member (AM)

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

- 8.1 Willing to become the Associate Member of the organisation.
- 8.2 Understand and agree with the Aim, Methodology, Program and Objective of iCAN.
- 8.3 Regularly attends and actively participates in the organisational program
- 8.4 Follows iCAN's organisational discipline.
- 8.5 Willing to pay the monthly subscription.
- 8.6 Has completed 100 % of the suggested Associate Member syllabus.
- 8.7 Procedure to become AM
 - a. Unit/State President will consult with the relevant Members and based on the consultation forward the name to the Central President.
 - b. Central 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.
 - c. Person will become AM once the completed Associate Membership form is received and approved.
 - d. In case of the rejection Central President or his representative will inform the Unit/State President about the reason of the rejection.

9. Member

An Associate Member (AM) shall be eligible to become a Member if he or she meets the following criteria

- 9.1 Adopts the Aims, Objectives and Programmes of iCAN as his or her principal commitment in life.
- 9.2 Observe what is Fard (*obligatory*), and refrain from what is Haram (*prohibited*).
- 9.3 Accepts and willing to adopt the prophet Muhammad's ﷺ way of life as his or her ideal, and refrain from Major sins as defined by Islam.
- 9.4 Strive to make sure that his or her sources of earnings, income and lifestyle are Halal (*permitted by Islam*)
- 9.5 Is ready to give same priority to the demands of the organisation as his / her own needs and requirements and is prepared to spend his or her wealth and time at his /her disposal in realising the Aims, Programs and Objective of iCAN.
- 9.6 Pledges to abide by the organisation's discipline and rule in accordance with this constitution.
- 9.7 Does not affiliate himself or herself with any person or organisation whose basic Beliefs, Aims, Methodology, Programs and Objectives are contrary to those of iCAN.
- 9.8 Has completed 100 % of the suggested membership syllabus.
- 9.9 As a parent he or she shall guide their children and family in their education and work environment as permissible by Islam.
- 9.10 Procedure to become Member
 - a. Unit/State President will initiate the membership process.

- b. Unit/ State President will consult the Unit Members in the Unit Members meeting, if approved by the Unit Members; Unit/ State President will send the Membership Application Questionnaire to the applicant of Membership.
 - c. Filled Membership Questionnaire will be forwarded to the President iCAN, and President will present the name in the CC meeting.
 - d. In charge Personal Development Department (PDD) or his representative will present his report in the CC meeting about the candidate of Membership.
 - e. 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 criterion is fully met.
 - f. If approved by CC for Membership, the President shall then meet with the applicant and approve his application as a Member.
 - g. Every member shall take prescribed oath in the presence of the President or his representative.
- 9.11 Responsibilities of a Member
- a. It is one of the important responsibilities of the members of iCAN to make sure the organisational matters are being executed and managed according to the constitution.
 - b. Take necessary actions as mentioned in this constitution to rectify any shortcomings according to organisational discipline.
 - c. Always follow the organisational discipline.
 - d. Regularly pay the monthly contribution.
 - e. Maintain continuous personal development profile.
 - f. Complete the tasks and responsibilities given to him/her to the best of his/her ability.
- 9.12 If a member leaves Australia permanently, their membership will be automatically cancelled. Upon their permanent return to Australia and willingness to rejoin, the President of iCAN, after consultation with the Central Consultative Council (CC), may reinstate their membership.

C. Organisational Structure

The Organisation shall comprise of the following:

1. The Members Assembly
2. The President
3. The Consultative Council (CC)
4. The General Secretary
5. The State Organisation
6. The Units
7. Divisions & Affiliates

10.The Members Assembly (MA)

- 10.1 The Members Assembly shall be the final authority in all matters concerning iCAN.
- 10.2 Every Member of iCAN shall be the member of Members Assembly.
- 10.3 The Members Assembly shall meet at least once at the end of Australian financial year.
- 10.4 The President or Consultative Council (CC) may call Members meeting whenever needed.

- 10.5 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.
- 10.6 With the exceptions mentioned in this Constitution, a simple majority of the members present in a MA shall be decisive.
- 10.7 Have the power to approve the Organisation's accounts.
- 10.8 Review and endorse the annual report and the CC activities.
- 10.9 Have the power to amend this Constitution.
- 10.10 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.

11. The President

- 11.1 The President shall be ultimate responsible to guide and lead *i*CAN with the cooperation of the members.
- 11.2 President shall be accountable to the Consultative Council and the Members Assembly of *i*CAN.
- 11.3 President shall decide the policies and all other important matters of *i*CAN in consultation with the CC.
- 11.4 The president will base his decision according to the principles of Islam to the best of his ability.
- 11.5 The members of *i*CAN shall elect from among themselves the President by secret ballot as per clause 22 of this Constitution.
- 11.6 The CC shall suggest three names for the guidance of the Members Assembly. However, Members can vote for any other member.
- 11.7 The term of the President shall be two (2) years.
- 11.8 A person cannot be elected as the President for a third consecutive term.
- 11.9 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.
- 11.10 If the president can't continue for any reason after 3 months, CC can elect acting president for remaining term from amongst themselves.
- 11.11 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.
- 11.12 It shall be the duty of the President to:
 - a. Place obedience and faithfulness to Allah (SWT) and His Messenger, Muhammad ﷺ above everything else.
 - b. Consider achieving the Aim & Objectives of *i*CAN as his primary obligation.
 - c. Give preference to *i*CAN's interest over his personal interest.
 - d. Treat and command members of *i*CAN justly and honestly.
 - e. Safeguard fully the trust handed over to him.
 - f. Abide by this constitution and seek to maintain proper order within *i*CAN.
 - g. President shall be bound to take consultation with the CC in all the important matters concerning *i*CAN.
- 11.13 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 *i*CAN.
 - c. To use the resources to attain the objectives of *i*CAN.

- d. To accept new members of the Members Assembly into *i*CAN or expel any existing member from it as per clause 20.
- e. To use funds from *i*CAN 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.

12.The Consultative Council (CC)

- 12.1 The CC shall be the policy-making body of *i*CAN.
- 12.2 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 *i*CAN.
- 12.3 The CC shall consist of elected members only
- 12.4 The members of the Members Assembly shall elect the members of CC every two (2) years.
- 12.5 Minimum numbers of CC shall be 6 plus President, by the virtue of the office.
- 12.6 Maximum number of CC shall be 10 plus President, by the virtue of the office.
- 12.7 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 12.6.
- 12.8 The President shall be the head of the CC.
- 12.9 If any addition is required in the CC members as per Clause 12.6, this will be reviewed & decided as and when required.
- 12.10 If any of the CC seats becomes vacant for any reason during the session, an election will be held to fill the vacant seat within one month.
- 12.11 Powers of CC
 - a. To formulate *i*CAN policies.
 - b. To advise, without apprehension, on organisational 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 President and members of the *i*CAN 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 *i*CAN to deliberate on his report and to take any necessary actions on it.
 - g. To approve the central budget of *i*CAN.
 - h. To set up committees, as needed, in connection with various works (projects) and departments of *i*CAN and define their limits.
 - i. To take all necessary steps to achieve the Programs and Objectives of *i*CAN in accordance with this constitution.

- 12.12 Duties of the members of the CC:
- a. To place obedience and faithfulness to Allah (SWT) and His Messenger ﷺ above everything else.
 - b. To keep a watch on the activities of iCAN 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.
- 12.13 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 be two-third 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 22.
- 12.14 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.
- 12.15 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.
- 12.16 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.
- 12.17 A CC member shall not be elected for the CC membership for the fourth consecutive term.

13.The General Secretary (GS)

- 13.1 The President shall appoint the GS after consultation with CC.
- 13.2 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.
- 13.3 The special responsibilities of the General Secretary include maintaining contact with and supervising the central departments, and compiling proceedings of the CC.
- 13.4 The same person may hold the office of General Secretary successively.

14. The State Organisation

- 14.1 **Formation of State Organisation:** If the following conditions are met a State or Territory can qualify for the State Organisation.
 - a. At least three Local Units present in the State.
 - b. At least 15 Members and 25 Associate Members present in the State.
 - c. President iCAN after consultation with CC can establish a State Organisation.
- 14.2 **Structure:** The State Organisation body will comprise of
 - a. State President
 - b. State Consultative Council (SCC)
- 14.3 The relevant State Members shall elect the State Consultative Council by secret ballot as per Clause 22 of this constitution.
- 14.4 Only iCAN Members can be elected for the State Consultative Council.
- 14.5 In the interest of maintaining a clear separation between administrative and executive functions, the General Secretary is excluded from the State Consultative Council.
- 14.6 From the Elected State Consultative Council, Central President after consultation with CC will appoint a State President.
- 14.7 State Consultative Council should comprise of 5 elected members including the State President.
- 14.8 President iCAN after consultation with CC can vary the number of elected State Consultative Council members.
- 14.9 The State Organisation will function as Subordinate body to the Central Body.
- 14.10 After Consultation with CC, President iCAN has the power to dissolve the State Organisation body and call for the new election of the State Organisation.
- 14.11 **Responsibilities**
 - a. The State Organisation will carry out the planning and activities in their respective State.
 - b. The Unit President will report to the State President.
 - c. The State President will be responsible for the State's Annual Plan and Budget.
 - d. The State Organisation will be accountable to the Central President for all the activities.
 - e. State President will lead the State Organisation in consultation with the State Consultative Council.
 - f. State President will be responsible for the implementation of decision made by the Central Consultative Council and President at the state level.
 - g. State President can invite other State Office Bearers in the State Consultative Council meeting.

15. The Units

- 15.1 **Formation of the Units in State Organisation**
 - a. State President after consultation with State Consultative Council, President iCAN and CC can form a Local Unit
 - b. After evaluating the opinion of Local Unit Volunteers, AMs and Member through secret ballot and in a formal meeting specifically called for this purpose and following consultation with the State Consultative Council & Central President, iCAN State President will appoint the Local Unit President
 - c. State President under special circumstances can appoint an acting Local President.

- 15.2 Formation of the Units in the Non-State Organisation
- a. President iCAN and CC can form a Local Unit. iCAN President will appoint the Local Unit President after evaluating the opinion of Local Unit Volunteers, AMs and Member and following consultation with the Central Consultative Council. President iCAN under special circumstances can appoint an acting Local President.
- 15.3 The Unit President shall be a Member or AM,
- 15.4 The Unit President shall be answerable to the local team members and the State President.
- 15.5 Responsibilities of the Unit President
- a. To disseminate the message of Islam and to organize those who have joined iCAN in his/her area.
 - b. To nourish the brotherhood among the members of iCAN and take personal interest in their Islamic development.
 - c. To implement policies and decisions of iCAN at the local level.
 - d. To keep the State President informed of the unit's progress.
 - e. To guide, supervise and undertake accountability of iCAN's activities at the local level.
 - f. To take prompt notice of the issues affecting iCAN, its aim and goal, and to undertake all necessary safeguards in this respect.
 - g. To organise the iCAN program for the promotion of the iCAN's Aims and Objectives.
 - h. To implement the policies and programs decided by the Central and State Organisation at the Unit level.
- 15.6 State President in Consultation with State CC can establish a subunit after considering the availability of resources.

16.Division and Affiliates

16.1 Sisters Wing (SW)

- a. Sisters Wing (SW) will be responsible to carry out and supervise women related activities of iCAN.
- b. iCAN Sister Wing Members shall elect the Sister Wing President (SWP) by Secret ballot for two years.
- c. SWP will be responsible for the overall planning and execution of the SW activities.
- d. SWP will be accountable to Sister Members and President iCAN.
- e. There will be a Sisters Wing Consultative Council (SWCC) to advise the SWP.
- f. Sister Member shall elect the Sisters Wing Consultative Council by a Secret ballot for two years.
- g. President iCAN and two representatives from Consultative Council (CC) will conduct the election as per Clause 22 of this constitution.
- h. Minimum numbers of SWCC shall be 4 plus SWP, by the virtue of the office.
- i. Maximum number of SWCC shall be 10 plus CSWP, by the virtue of the office.
- j. One Member of the SWCC shall be elected for every five Sister Members.
- k. Only iCAN SW Members are eligible to become the SWP and SWCC Member.

1. It shall be the duty of the SWP to:
 1. Place obedience and faithfulness to Allah (SWT) and His Messenger, Muhammad ﷺ above everything else.
 2. Consider achieving the aim & objectives of *i*CAN as her primary obligation.
 3. Give preference to *i*CAN's interests over her personal interests as much as possible.
 4. Treat and command Sister Members of *i*CAN justly and honestly.
 5. Safeguard fully the trusts handed over to her.
 6. Abide by this constitution and seek to maintain proper order within the *i*CAN SW.
 7. SWP shall be bound to take consultation with the SWCC in all the important matters concerning *i*CAN SW.
- m. The SWP shall have the following powers:
 1. To take immediate and appropriate action, when needed, concerning important SW matters.
 2. To supervise all the administrative activities of *i*CAN SW.
 3. To use the SW resources to attain the objectives of *i*CAN.
 4. To use funds allocated for SW from *i*CAN Treasury to pay for on-going projects with consultation from SWCC.
 5. To invite a person(s) to the meetings of the SCC as an observer only.
 6. To implement the decisions arrived by the Members Assembly, *i*CAN CC, President *i*CAN and SWCC to the best of her judgment and ability.
 7. To delegate any of her powers to any other member or committee.
- n. The SWP after consultation with SWCC will appoint a Sister Member to act as the SW Secretary.
- o. SW will follow the same Organisation State & local unit structure mentioned in Clause 14 & 15.
- p. Local SW Units/State can be established by the SWP after getting the approval from the SWCC.
- q. SWP 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.
- r. Sister Members will be part of the Members Assembly and Clause 10 (The Members Assembly) of this constitution will be applicable to Sister Members also.
- s. If at any time the SWP cannot perform her responsibilities temporarily, she shall appoint an acting SWP amongst SWCC in consultation with SWCC for a maximum period of three months.
- t. If the SWP cannot continue for any reason after 3 months, President will nominate acting SWP from amongst SWCC after consultation with SWCC.
- u. If the office of the SWP becomes vacant during the session due to her resignation, removal or any other reason, President will nominate acting SWP from amongst SWCC after consultation with SWCC for the remaining session.
- v. All other clauses of this constitution are applicable to SW.

16.2 Personal Development Department (PDD)

- a. Personal Development department will be created at the Central level.
- b. President with the consultation from CC will appoint the PDD In charge.
- c. PDD In charge will be answerable to President and CC.
- d. PDD In charge will form a Personal Development committee after consultation with the President.
- e. PDD Committee will work closely with the Unit/ State President for the personal development of all the membership level of *i*CAN.
- f. PDD will be responsible for the creation of syllabus and other personal development materials.
- g. PDD can organize workshops, lectures or any other methods to educate the member of *i*CAN after consultation with the President.

16.3 Finance / Treasury

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

D. Dispute resolution & disciplinary procedure

17. Modes of expressing difference of opinion

- 17.1 A member who disagrees with the strategies, policies and decisions of *i*CAN 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.
 - e. The Member shall accept and abide by the decisions made through a majority opinion.
- 17.2 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.

18. Removal of the members of the CC

- 18.1 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 12.10 to fill the vacant seat.
 - f. As a result of a decision from any committee, formed by the President with CC consultation to resolve any unwanted situation in the organisation.

19. Demotion

- 19.1 The President iCAN, after consultation with CC or because 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 President 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.

20. Expulsion of a Member

- 20.1 The President, in consultation with the CC shall have the authority to expel a member, if:
- a. The member violates the conditions of membership repeatedly and deliberately, despite a formal reminder.
 - b. He or she acts repeatedly against the interests, goal and methodology of iCAN.
 - c. 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.
 - d. If a member loses interest in the activities of iCAN due to any reason, President in consultation with CC can make the decision on the status of member's Membership.

- 20.2 The President, upon learning that there are valid grounds mentioned under clause 20.1 for the expulsion of a member of the Members Assembly, shall do so with the approval of CC.
- a. Written letter along with the evidence will be provided to the member.
 - a. Before the decision of expulsion is approved, the member of the Members Assembly involved shall be given the opportunity to present his/her case to the CC.
 - b. If CC approved the expulsion, written notification of expulsion will be given to the Member.

E.Elections

21. Qualities of the Office Bearers

- 21.1 The appointment of iCAN office bearers shall be guided by the following essential qualities:
- a. He should neither desire nor seek the office.
 - b. He should be, overall, the best of all among the members of iCAN 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.

22. Elections

- 22.1 Fundamental Principles of Elections:
- a. All the elections shall be held by secret ballot.
 - b. A simple majority shall be decisive in all the elections.
 - c. In case of tie, re-election will be held.
 - d. No member of iCAN 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 Chairman 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 21).
 - j. The Chairman shall also make sure that the principles are observed and shall report to the President and CC if any violation takes place.

22.2 Procedure of Election:

a. Central Election

1. Outgoing CC shall appoint an Election Committee that may comprise up to maximum of three persons for holding central Election.
2. The Election Committee should be independent and should not have any Organisational relationship with iCAN.
3. The Chairman of the Election Committee shall be appointed, at least One month before the central elections.
4. The Chairman shall count the ballots in the presence of the other members of Election Committee if applicable.
5. Upon receiving a written complaint from a member or Chairman Election Committee about any electoral irregularity, the President shall take appropriate action, in consultation with the CC.

b. Other Election

1. The President may appoint a representative for the local elections.

F. Miscellaneous

23. Constitutional Amendments

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

24. Insurance

- 24.1 The association may affect and maintain insurance.

25. Fund – Resources

- 25.1 The funds of the Organisation shall be derived as mentioned in Clause 16.3.
- 25.2 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.
- 25.3 The Organisation shall, as soon as practical after receiving any money, issue an appropriate receipt.

26. Funds Management

- 26.1 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.
- 26.2 There shall be a bank account in the name of the organisation with a registered Bank.

- 26.3 If the withdrawal amount is more than \$2000 the Treasurer and at least one delegated member of the CC must approve the withdrawal.
- 26.4 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.
- 26.5 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.

27. Not for Profit clause

- 27.1 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.

28. Dissolution

- 28.1 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.
- 28.2 All those attending the special meeting shall be entitled to one vote, and if the proposal is confirmed by a two-third 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.
- 28.3 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
- 28.4 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.

29. Custody of Books

- 29.1 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.

30. Inspection of Books

- 30.1 The following documents must be open to inspection, free of charge, by a member of the iCAN 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.
- 30.2 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.
- 30.3 It is the responsibility of the General Secretary to circulate the minutes of the meeting within 15 days after the meeting.

31. Financial Year

The financial year of the Organisation is

- 31.1 the period commencing on the date of incorporation of the Organisation and ending on the following 30 June, and
- 31.2 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.

32. Service of Notice

- 32.1 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.
 - d. by other form of electronic transmission to an address specified by the person for giving or serving the notice.
- 32.2 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.

33. Other Entities

- 33.1 Any Legal Matters related to the Departments, Projects and iCAN managed organisations will be decided by the iCAN Members Assembly.

34. Public Fund

- 34.1 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.
- 34.2 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".
- 34.3 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.
- 34.4 A receipt must be given by iCAN 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 iCAN; 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.
- 34.5 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
- 34.6 All income and property received by iCAN 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 iCAN and under no circumstances shall any such income be credited to the Public Fund Account.

35. Formation of iCAN

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

- 35.1 The meeting that has organized on 16, 17 and 18th of December 2016 for the approval of this constitution and the establishment of ICAN will be the foundation meeting of ICAN.
- 35.2 This meeting will have the status of the Annual Members Assembly and shall be referred to as Foundation Members Assembly.
- 35.3 Interim period shall be between 16th 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.
- 35.4 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.
- 35.5 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.
- 35.6 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.
- 35.7 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.
- 35.8 For the election of Consultative Council procedure mention in Sub clause 6 shall be followed.
- 35.9 For the appointment of General Secretary Clause 10 of this constitution will be followed.

G. APPENDIX

Appendix I

Oath of the MEMBERSHIP

Islamic Circle of Australia & New Zealand (iCAN)

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 ﷺ 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 Creed, Vision, Mission, Aim, Methodology, Program and objectives of iCAN.
2. I have no other objective in mind except the attainment of Allah's pleasure and the success in the Hereafter.
3. I have studied the Constitution of iCAN and do hereby pledge that I shall fully abide by its discipline, insha-Allah.

إِنَّ صَلَاتِي وَنُسُكِي وَمَحْيَايَ وَمَمَاتِي لِلَّهِ رَبِّ الْعَالَمِينَ

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 _____

Name of President _____

Signature of the President _____

Date _____

Appendix II

Oath of Office of the **PRESIDENT**

Islamic Circle of Australia & New Zealand (iCAN)

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

I _____ who has been elected as the President of Islamic Circle of Australia & New Zealand do hereby affirm, with Allah (*The Lord of the Universe*) as my witness that I shall InshaAllah:

1. Place the obedience and faithfulness to Allah (swt) and His Messenger ﷺ 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 iCAN to myself and my personal interests.
4. Always lead members of iCAN justly and honestly.
5. Safeguard my trusts and seek to maintain proper order within iCAN.
6. Remain bound and faithful to the Constitution of iCAN.

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

Name of President _____

Signature of the President _____

Date _____

Appendix III

Oath of Office of the **GENERAL SECRETARY**
Islamic Circle of Australia & New Zealand (*iCAN*)

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

I _____ who has been appointed as the General Secretary of Islamic Circle of Australia & New Zealand (*iCAN*) do hereby affirm, with Allah (*The Lord of the Universe*) as my witness that I shall InshaAllah:

1. Place the obedience and faithfulness to Allah (swt) and His Messenger ﷺ 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 the (*iCAN*).

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

Name of the General Secretary _____

Signature of the General Secretary _____

Date _____

Appendix IV

Oath of the member of **CONSULTATIVE COUNCIL (Central/ State/ SW)**

Islamic Circle of Australia & New Zealand (*iCAN*)

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

I _____ who has been elected / appointed as the Member of the *State / Central* Consultative Council of Islamic Circle of Australia & New Zealand (*iCAN*) do hereby affirm, with Allah (*The Lord of the Universe*) as my witness that I shall InshaAllah:

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

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

Name of the SW /state / CC Member _____

Signature of the SW /state / CC Member _____

Date _____

Appendix V

Oath of the offices of **Sister Wing PRESIDENTS** Islamic Circle of Australia & New Zealand (*iCAN*)

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

I _____ who has been elected / appointed as
_____ the Sister Wing of Islamic Circle of Australia & New Zealand
(*iCAN*) do hereby affirm, with Allah (*The Lord of the Universe*) as my witness that I
shall InshaAllah:

1. Place the obedience and faithfulness to Allah (swt) and His Messenger ﷺ above everything else.
2. Always lead team members of *iCAN* justly and honestly.
3. Safeguard my trusts and seek to maintain proper order within *iCAN*.
4. Remain bound and faithful to the Constitution of *iCAN*.

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

Name _____

Signature _____

Date _____

Appendix VI

Oath of the offices of **Unit/ State PRESIDENTS** Islamic Circle of Australia & New Zealand (*iCAN*)

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

I _____ who has been elected / appointed as the Unit/
State President of _____ (name of the Unit/ State) of *iCAN* do hereby affirm,
with Allah (*The Lord of the Universe*) as my witness that I shall InshaAllah:

1. Place the obedience and faithfulness to Allah (swt) and His Messenger ﷺ above everything else.
2. Always lead team members of *iCAN* justly and honestly.
3. Safeguard my trusts and seek to maintain proper order within _____ name of the *Unit/ State*.
4. Remain bound and faithful to the Constitution of *iCAN*.

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

Name _____

Signature _____

Date _____