

IN THE NAME OF ALLAH THE MOST GRACIOUS THE MOST MERCIFUL

CONSTITUTION (RULES)

FOR THE INCORPORATION OF AN ISLAMIC SCHOOL(S)

Name of Association

1. The name of the Association (Incorporated Body) shall be:

"AL-HIDAYAH ISLAMIC SCHOOL INCORPORATED"

Definitions

2. Definitions shall be as stated in rule 25.

Objects of the Association (the Association is referred to in rule 3. as "the School" or "School" or "Schools".)

3. The Objects of the Association are, insha'Allah:

(1)

(a) To establish and operate a School or Schools for Muslim students and non Muslim students who, with the cooperation of their parents, will be prepared to conduct themselves according to the principles of Islam and the Sunnah of the Holy Prophet Muhammad (S.A. W.); and according to School rules and guidelines;

(b) to run the School(s) according to the Principles of the Holy Quran and Hadith in order to establish an harmonious Islamic atmosphere in which the Muslim children will develop the attitudes and gain the knowledge necessary for them to take their place in Australian society as unified, practicing Muslims and in which the non Muslim children will develop an appreciation and an understanding of the religion of Islam;

(c) to strive for excellence through the establishment of the best possible School environment and offering the highest standards that can be provided in both Religious and Secular studies by;

(i) ensuring that the Islamic nature of the School(s) takes precedence above all other considerations relative to the day to day running of the School(s);

(ii) a) employing motivated, suitably qualified, experienced Principal(s) who will be Muslim and b) employing motivated and suitably qualified Teachers and Staff;

(iii) providing for the Primary and Secondary educational needs of the students using English as the medium of instruction in all subjects both religious and secular with appropriate Islamic emphasis where applicable through the development of an integrated Religious/Secular curriculum.

(2) To be financially sound through careful balancing of State and Federal Government Funding with School Fees and other incomes. The property and income of the School shall be applied solely towards the promotion of the Objects of the Association and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to members of the Association, except in good faith in the promotion of the Objects of the Association.

(3) To be non-aligned with and independent from any and all political, nationalistic and ethnic groups and organizations.

(4) To be independent from, but run in cooperation with other educational institutions throughout Australia.

Duties and Responsibilities

4. The duties and responsibilities *of* and between the Principal(s), Teachers and Staff, the Governing Shurah and the Members *of* the Association relating to the day to day running and activities *of* the School(s) and the selection, appointment, promotion or dismissal *of* employees will be.....

(1) The Principal(s), Teachers and Staff will comply with and support without reservation the Objects and Rules of the Association as a condition of their employment.

(2) The day to day running and activities of the School(s) will be the responsibility of the teachers and staff who will be under the direct supervision of the Principal(s) who will work in close cooperation with the Governing Shurah.

(3) The Principal(s) will attend all Shurahs convened for the purpose of deciding matters relating to his (their) area of responsibility.

(4) The governing Shurah will monitor the day to day running and activities of the School(s) to ensure compliance with the Objects and Rules of the Association and will take whatever action it considers necessary to correct any non compliance.

(5) No member of the Association including members of the Governing Shurah will participate in the day to day running and activities of the School(s) unless invited to do so by and only under the supervision of the Principal(s) or staff delegated and authorised by him except in relation to action being taken according to subrule (4).

(6) Any member of the Association who feels that the Objects and Rules of 'the Association are not being complied with in relation to the day to day running and activities of the School(s) should bring those matters to the attention of the Governing Shurah which will look into those matters and decide what action if any will be taken.

'7) The Governing Shurah will select, appoint or dismiss the Principal(s) for the School(s).

(8) Teachers and Staff Will be selected, appointed, promoted or dismissed by a panel on which the Amir or his representative and at least one other member of the Governing Shurah appointed by the Amir will sit With the Principal of the School for which the selection(s), appointment(s), promotion(s) or dismissal(s) are being made.

Powers of Association

5. (1) The Association may do all things necessary or convenient for carrying out its Objects, and in particular, may.....

- (a) acquire, hold, deal with, and dispose of any real or personal property;
- (b) open and operate bank accounts;
- (c) invest its money in property or in any venture;
- (d) borrow money upon such terms and conditions as the Association thinks fit;
- (e) give such security for the discharge of liabilities incurred by the Association as the Association thinks fit;
- (f) appoint agents to transact any business of the association on its behalf; and
- (g) enter into any other contract it considers necessary or desirable;-
- (h) providing the terms and conditions of and any profits derived from any acquisition, disposal, action, investment, borrowing, commitment, appointment or contract as described in subrule (1)(a)(b)(c)(d)(e)(f) and (g) would be considered permissible according to the Tenets of Islam.

(2) The Association may act as trustee and accept and hold real and personal property upon trust, but does not have power to do any act or thing as a trustee that, if done otherwise as a trustee, would contravene the Act or the Rules of the Association.

Qualifications for Membership of Association

6. (1) Membership of the Association is open to.....

- (a) Parents and Guardians of Children attending the School(s).
- (b) Any adult member of the Muslim Community who supports the Objects of the Association.

(2) Application for and Term of membership.....

- (a) Membership will be automatic for Parents and Guardians of children attending the School(s) run by the Association. The term of membership will be indefinite from the date of enrolment of the child/children.
- (b) For members of the community described in subrule (1)(b) membership will be by application to the Governing Shurah. The term of membership will be indefinite from the date of acceptance of application. The Governing Shurah may at its discretion accept or reject applications for membership.

(3) As a condition of membership all members of the Association will abide by the Objects and Rules of the Association.

Register of members of the Association

7. (1) The Secretary shall on behalf of the Association keep and maintain in an up to date condition a register of the members of the association and their postal or residential addresses and, upon the request of a member of the association, shall make the register available for the inspection of the member and the member may make a copy of or take an extract from the register but shall have no right to remove the register for that purpose and that register shall be so kept and maintained at the Secretary's place of residence.

(2) The Secretary shall cause the name of a person who dies or ceases to be a member under rule 9. or 10. to be deleted from the register of members referred to in sub rule (I),

Subscriptions of members of the Association

8. (1) No fee or subscription shall be required, asked for or expected for membership in the Association.

(2) Any member of the Association who wishes to freely and voluntarily make a contribution to the Association may do so at any time.

Resignation of members of the Association

9. A member who delivers notice in writing of their resignation from the Association to the Secretary or another Governing Shurah member ceases on that delivery to be a member.

Expulsion of members of the Association

10. (1) If the Governing Shurah considers that a member should be expelled from membership of the Association because of conduct detrimental to the interests of the Association, that member will be informed in writing with notice of intention and particulars of that conduct, not less than 14 days before- the Shurah at which the question of expulsion will be decided.

(2) If the member wishes to contest the expulsion the member should make a written submission giving details of the reasons for contesting the expulsion to the Governing Shurah which must reach the Secretary not less than 7 days prior to the Shurah Mentioned in subrule (1).

(3) Once the Governing Shurah decides to expel a member at the Shurah mentioned in subrule (1), that membership will terminate from the date of that Shurah.

Governing Shurah

11. (1) The affairs of the Association shall be managed exclusively by a Governing Shurah consisting of

(a) an Amir;

(b) a Deputy Amir;

(c) a Secretary

(d) a Treasurer;

(e) a Religious Adviser; and

(f) not less than 5 and not more than 10 other men of the Muslim Community some of whom having been appointed as office bearers prior to incorporation by the Founding Shurah and those so appointed will remain in the positions to which they were appointed after incorporation and they and the other members of the Founding Shurah will be considered members of the Association and members of the Governing Shurah from the date of incorporation and their terms of office will be in accordance with subrule (3).

(2) All subsequent appointees to the Governing Shurah will be members of the Association and appointments will be made as stated in subrule (7).

(3) Terms of office;

(a) There shall be no fixed term of office for the Amir;

(b) the members of the initial Governing Shurah, other than the Amir, will serve for a term of 2 years from the date of incorporation after which time half their positions will become vacant or for an odd number of positions the lesser number closest to half (e.g.: for 13 positions the number of vacancies would be 6) through voluntary resignation or as decided by the Amir and the term of office for those positions thereafter will be 2 years, 1 year later the remaining positions from the initial Governing Shurah will become vacant and the term of office for those positions thereafter will be 2 years; members of the Governing Shurah may serve consecutive terms of office if no other members of the Association wish to fill vacancies when they become due.

(c) each member of the Governing Shurah including the Amir will serve for the period stated in paragraphs (a) and (b) providing they can perform their duties satisfactorily in accordance with the Objects and Rules of the Association and remain committed to the Objects and success of the Association.

(4) The grounds on which, or reasons for which, the office of a member of the Governing Shurah shall become vacant;

(a) should any member of the Governing Shurah including the Amir become aware that he is not complying with any of the conditions stated in subrule (3)(c) or acting in a manner detrimental to the Association he is (from the moment he becomes aware of this action) obliged under the Principles of Islam to take immediate steps to rectify the situation or resign from his position;

(b) should any member of the Governing Shurah including the Amir become aware that he is no longer able to comply with the conditions stated in subrule (3)(c) he is obliged under the Principles of Islam to resign from his position;

(c) if the Amir feels at his discretion that any member of the Governing Shurah is unable to perform his duties according to the reasons stated in subrule (3)(c) or is acting in a manner detrimental to the Association he will after consultation with the remaining members of the Governing Shurah;

(i) bring the matter to that members' attention and that member will then have the option to rectify the situation if possible, within a time set at the discretion of the Amir; or b) resign from his position;

(ii) if the member does not comply with either option stated in paragraph (c)(i) the Amir will at his discretion declare the members' position vacant and replace him with another member of the Governing Shurah and or a member of the Association as applicable;

(d) if any member of the Governing Shurah feels that any other member of the Governing Shurah is not complying with the conditions as stated in subrule (3)(c) or is acting in a manner detrimental to the Association that member will bring the matter to the attention of the Amir who will deal with it according to paragraph (c);

(e) if any member of the Governing Shurah feels that the Amir is not complying with the conditions stated in subrule (3)(c) or is acting in a manner detrimental to the Association that member will bring the matter to the attention of the Deputy Amir who if he feels the matter warrants further action will bring the matter to the attention of the Amir who will if he agrees that there has been non compliance with subrule (3)(c) or that he has been acting in a manner detrimental to the Association will take immediate, appropriate action according to paragraphs (a) or (b); or if the Amir disagrees that there has been any non compliance with subrule(3)(c) or that his actions have been detrimental to the association and feels no obligation to take any action according to paragraphs (a) or (b) the Deputy Amir will within 30 days of bringing the matter to the attention of the Amir convene a Governing Shurah which all members of the Governing Shurah except the Amir will attend to discuss the matter and decide by a three -fourths majority whether the position of Amir should be declared vacant and if the " position of Amir is declared vacant it will become vacant from the date of that Shurah and the Deputy "Amir will take over as Amir until a new Amir has been appointed according to subrule (7)(a).

(5) The filling of casual vacancies in membership of the Governing Shurah will be at the discretion of the Amir after consultation with the Governing Shurah. Casual vacancies will deem to have occurred if a member of the Governing Shurah;

(a) dies;

(b) vacates his position voluntarily;

(c) misses more than three consecutive monthly Shurahs or any four consecutive Shurahs without notice or apology;

(d) ceases to be a member of the Association.

(6) Should the Amir, the Secretary, the Treasurer or the Religious Adviser be absent with notice for good reason or be absent due to illness the following procedures will apply

(a) In the absence of the Amir the Deputy Amir will act as Amir.

(b) In the absence of the Secretary the Amir will appoint a member of the Governing Shurah (the Assistant Secretary if one has been appointed) to act as Secretary for the period of absence up to three months.

(c) In the absence of the Treasurer the Amir will appoint a member of the Governing Shurah (the Assistant Treasurer if one has been appointed) to act as Treasurer for the period of absence up to three months.

(d) In the absence of the Religious Adviser the Amir will appoint a member of the Governing Shurah to act as Religious Adviser for the period of absence up to three months.

(e) Periods of absence extending beyond three months will cause the positions of the Secretary, the Treasurer or the Religious Adviser to be reconsidered under subrule (4)(c).

(7) The procedure for the appointment of a new Amir, Secretary, Treasurer, Religious Adviser and new members of the Governing Shurah.....

(a) If the Amir is to be replaced after resigning or because the position of Amir has become vacant according to subrule (4)(e) or subrule (5) the Deputy Amir will take over the Duties of Amir and will convene a Governing Shurah within 30 days of the position of the Amir becoming' vacant which all remaining members of the Governing Shurah will attend and after mutual consultation will appoint a new Amir from among themselves or from among the members of the Association and the appointment of the new Amir will commence from the date of that Shurah.

(b) If the Deputy Amir, Secretary, Treasurer or Religious Adviser is to be replaced for any reason it will be by a member of the Governing Shurah or a member of the Association selected by the Amir, at his discretion, after consultation with the remaining members of the Governing Shurah.

(c) If a member of the Governing Shurah is to be replaced for any reason or a new member appointed it will be by a member of the Association selected by the Amir, at his discretion, after consultation with the remaining members of the Governing Shurah.

(8) The quorum and procedure at meetings of the Governing Shurah-

(a) The quorum for holding Governing Shurah will be the Amir or the Deputy Amir or according to rule 12., subrule (5), and sufficient numbers of other members of the Governing Shurah, for; i) at least half the Governing Shurah to be present in total if the Governing Shurah consists of an even number of members; or ii) a majority of members if the Governing Shurah consists of an odd number of members; e.g. for a 15 member Governing Shurah at least 8 members in total will be present.

(b) Governing Shurah will be held one every month or more often if considered necessary at the discretion of the Amir.

(c) The procedure for holding Shurah will be as follows

SHURAH

(Council - Meeting for Mutual Consultation - Mashurah)

The members of the Governing Shurah, being responsible men of the Muslim Community, will meet together, first praying to Allah for Guidance, to discuss and then take action concerning a need or needs of the Association, for the Pleasure of Allah (S.W.T).

The Shurah will be presided over by the Amir who will be the decision maker. At all times the Amir and the other members of the Governing Shurah will remain focused on the matter at hand, that is; the reason for holding the Shurah, and be directing their thoughts to Allah (S. W. T) for guidance: one item at a time will be dealt with until a decision has been made before moving on to the next. Topics not directly related to the reason for holding the Shurah will not be discussed while the Shurah is in progress.

The Amir, if he wishes, will call on each member of the Shurah for an opinion starting from his right, or he will call on one or two members or as many as he feels necessary. A member called on does not have to give an opinion or a reason for his opinion, or he can explain his opinion in detail and while doing so cannot be interrupted. No member can comment on the opinion of another member, he can only state his opinion. If a member wishes, after hearing the opinion of other members, to make further comment or explanation regarding his own opinion, he will indicate his intention to the Amir in some way without interrupting; for example by raising his forefinger. A member will not hesitate in giving his opinion if his intentions are for the pleasure of Allah (S. W. T.) and the success of the Shurah.

The Amir will, after seeking guidance from Allah (S. W. T.), make a decision. The decision of the Amir does not have to be according to the majority of opinion, it may follow a minority view or it may be his opinion only.

Once a decision has been made, each member of the Governing Shurah will accept it as the correct course of action, trusting in Allah (S.W.T.); the only concern will be how to put the decision into action.

If the Amir is to make a decision on a matter in which he does not have full knowledge, experience or expertise he will, at his discretion, base his decision on the opinion(s) of those so qualified or on the opinion of the majority.

Amir

12. (1) Subject to this rule, the Amir shall preside at all General Shurahs and all Governing Shurahs..

(2) The Amir will at all times conduct himself in a manner befitting a member of the Muslim Community and a servant of the Association being ever mindful that during the term of his office the weight of responsibility for the successful operation, the management of the affairs and the attainment of the goals of the Association according to the Objects of the Association rests with him.

(3) For the practical purposes of performing the duties of Amir relative to the Objects and Rules of the Association it is necessary that the Amir be a responsible, sincere member of the Muslim Community capable of presiding at General Shurahs and Governing Shurahs and coordinating the affairs of the Association with an understanding of and a dedication to the Objects of the Association and other than this need not necessarily be a holder of any particular qualification(s) religious or otherwise.

(4) In the event of the Amir being absent the Deputy Amir will preside.

(5) In the event of both the Amir and Deputy Amir being absent the members of the Governing Shurah present will elect a member from among themselves to preside.

Secretary

13. The Secretary shall-

(a) co-ordinate the correspondence of the Association;

(b) keep full and correct minutes of the proceedings of the Governing Shurah and General Shurahs of the Association;

(c) (i) in respect of members of the Association-

keep and maintain in an up to date condition a register of the members of the association and their postal or residential addresses and, upon the request of a member of the Association, shall make the register available for the inspection of the member and the member may make a copy of or take an extract from the register but shall have no right to remove the register for that purpose;

(ii) in respect of the rules of the Association-

keep and maintain in an up to date condition the rules of the Association and, upon the request of a member of the Association, shall make available those rules for the inspection of the member and the member may make a copy of or take an extract from the rules but shall have no right to remove the rules for that purpose;

(iii) in respect of the office holders, and any trustees, of the Association.....

a) maintain a record of the names and residential or postal addresses of the persons who hold the offices of the Association provided for by the rules of the Association, including all offices held by the persons who constitute the Governing Shurah of the Association and persons who are authorised to use the common seal of the Association; and

b) the names and residential or postal addresses of any persons who are appointed to act as trustees on behalf of the Association, and the incorporated Association shall, upon the request of a member of the Association, make available the record for the inspection of the member and the member may make a copy or take an extract from the record but shall have no right to remove the record for that purpose;

(d) have custody of all books, documents, records, and registers of the Association, including those referred to in paragraph (c), other than those required by rule 14. to be kept and maintained by, or in custody of, the treasurer; and

(e) perform such other duties as are imposed by these rules on the Secretary.

Treasurer

14. The Treasurer shall.....

(a) be responsible for the receipt of all moneys paid to or received by, or by him on behalf of, the Association and shall issue receipts for those moneys in the name of the Association;

(b) pay all moneys referred to in paragraph (a) into such account or accounts of the Association as the Governing Shurah may from time to time direct;

(c) make payments from the funds of the Association with the authority of a General Shurah or of the Governing Shurah and in so doing ensure that all cheques are signed by himself and the Amir or when delegated by the Amir the Deputy Amir, and the Secretary;

(d) in respect of the accounting records of the Association-

- (i) a) keep such accounting records as correctly record and explain the financial transactions and financial position of the association;
- b) keep its accounting records in such manner as will enable true and fair "accounts of the Association to be prepared from time to time; and
- c) keep its accounting records in such manner as will enable true and fair accounts of the Association to be conveniently and properly audited;

(ii) submit to members of the Association at the Annual General Shurah of the Association accounts of the Association showing the financial position of the Association at the end of the immediately preceding financial year;

(e) whenever directed to do so by the Amir, submit to the Governing Shurah a report, balance sheet or financial statement in accordance with that direction;

(f) have custody of all securities, books and documents of a financial nature and accounting records of the Association, including those referred to in paragraphs (d) and (e); and

(g) perform such other duties as are imposed by these rules on the Treasurer.

Religious Adviser

15. (1) The Position of Religious Adviser will be held by the member of the governing Shurah considered to be most knowledgeable in the Tenets of Islam and he will-

(a) give opinion and advice according to *the* best of his knowledge to *the* Governing *Shurah* on the Tenets of Islam relative to, and their implementation in relation to, the Objects and Rules of the Association; and

(b) should the need arise, will seek the opinions and advice of Alims outside the Governing Shurah.

(2) Except when acting in the capacity of Religious Adviser according to subrule (1) the Religious Adviser will function in the same capacity and make the same contribution to Shurah as any other member of the Governing Shurah.

(3) The Religious Adviser will be appointed by the Amir at his discretion after consultation with the Governing Shurah.

Assistant Secretary and Assistant Treasurer

16. (1) The Amir will appoint at his discretion a member of the Governing Shurah who has been nominated by the Secretary as his assistant and the assistant will serve as long as he is needed at the discretion of the Secretary.

(2) The Amir will appoint at his discretion a member of the Governing Shurah who has been nominated by the Treasurer as his assistant and the assistant will serve as long as he is needed at the discretion of the Treasurer.

Proceedings for Governing Shurahs

17. (1) The proceedings for Governing Shurahs will be in accordance with rule **11.**, subrules (8)(a), (8)(b) and (8)(c).

(2) Disclosure of interest-

(a) A member of the Governing Shurah or the Association who has any direct or indirect pecuniary interest in a contract, or proposed contract, made by, or in contemplation of, the Governing Shurah shall, as soon as he becomes aware of his interest, disclose the nature and extent of his interest to the Governing Shurah.

(b) Subrule (2)(a) does not apply in respect of a pecuniary interest that exists only by virtue of the fact that....

(i) the member of the Governing Shurah is an employee of the Association; or

(ii) the member of the Governing Shurah is a member of a class of persons for whose benefit the Association is established.

(3) Where a member of the Governing Shurah of the Association discloses a pecuniary interest in a contract or a proposed contract in accordance with sub rule (2)(a), or his interest is not such as need be disclosed under subrule (2)(b)-

(a) the contract is not liable to be avoided by the Association on any ground arising from the fiduciary relationship between the member and the Association; and

(b) the member is not liable to account for profits derived from the contract.

(4) The Association shall cause every disclosure made by a member of the Governing Shurah to be recorded in the minutes of the Shurah of the Governing Shurah at which it is made.

(5) Deciding on a contract in which a member of the Governing Shurah has an interest-

(a) A member of the Governing Shurah of the Association who has any direct or indirect pecuniary interest in a contract, or proposed contract, made by, or in the contemplation of, the Governing Shurah, shall not take part in any deliberations or decision of the Governing Shurah with respect to that contract.

(b) Subrule (5)(a) does not apply in respect of a pecuniary interest that exists only by virtue of the fact that the member of the Governing Shurah is a member of a class of persons for whose benefit the association is established.

General Shurahs

18. (1) The Governing Shurah-

(a) may at any time convene a General Shurah;

(b) shall-

(i) convene an annual General Shurah once in every calendar year within 4 months after the end of the Association's financial year or such longer period as may in a particular case be allowed by the Commissioner.

(ii) convene the first annual General Shurah of the Association at any time within 18 months after incorporation.

(c) shall within 30 days of receiving a request in writing to do so from not less than 5 members of the Association convene a special General Shurah for the purpose specified in that request.

(2) The members making a request referred *to* in subrule (1)(c) shall.

(a) state in that request the purpose for which the special General Shurah concerned is required; and

(b) sign that request.

(3) The Secretary shall give to all members not less than 14 days notice of a special General Shurah as to the date and time and the reason for the special General Shurah. The procedure for a special General Shurah will be in accordance with rule **11.**, subrule (8)(c).

(4) In the case of an annual General Shurah, the procedure will be in accordance with rule **11.**, subrule (8)(c) to...

(a) first, give consideration to the accounts and reports of the Governing Shurah; and

(b) second, any other business requiring consideration by the Association in a General Shurah.

(5) The Secretary shall give to all members not less than 21 days notice as to date and time of a General Shurah at which general or special topics are to be considered.

(6) The Secretary may give notice under subrule (3) or (5) by....

(a) serving it on a member personally; or

(b) sending it by post to a member at the address of the member appearing in the register of members kept and maintained according to rule **13.** (c)(i).

(7) When a notice is sent by post under subrule (6)(b), sending of the notice shall be deemed to be properly effected if the notice is sufficiently addressed and posted to the member concerned by ordinary, prepaid mail. ;

Quorum in proceedings at General Shurahs

19. (1) At a General Shurah the number of members of the Association present will be at least twice the number of Governing Shurah members present to constitute a quorum.

(2) The Governing Shurah will be present in numbers according to rule **11.**, subrule(8)(a).

(3) If, within 30 minutes after the time specified according to rule **18.**, subrule (3) of (5), a quorum is not present the Amir may at his discretion;

(a) in the case of a General Shurah or a special General Shurah convened by the Governing Shurah adjourn the Shurah until the same day and time the following week and if a quorum is still not present at the appointed time continue with the Shurah as if a quorum was present.

(b) in the case of a special General Shurah convened under rule **18.**, subrule (1)(c), cancel the Shurah pending re-submission of a written request by the concerned members under rule **18.**, subrule (1)(c) and subrule (2)

(c) at any time adjourn a General Shurah from place to place and from time to time at his discretion irrespective of unfinished business after consultation with the Governing Shurah (**11.** (8)(c)).

(d) when a General Shurah is adjourned for more than 30 days it will not be reconvened except as a new General Shurah and the Secretary will serve notice to that effect in accordance with rule **18.**, subrules (3), (5) and (6).

Rules of the Association

20. (1.) The Association may, by special resolution, alter or rescind these rules, or make rules additional to these rules, in accordance with the procedures set out in subrule (3).

(2) These rules bind every member and the Association to the same extent as if every member and the Association had signed and sealed these rules and agreed to be bound by all their provisions.

(3) Changes to the rules of Association will be made only at General Shurahs or special General Shurahs convened according to rule **18.**, subrule (1) and conducted according to rule **11.**, subrule (8)(c). The procedure for passing a special resolution will be;

(a) a count of all members present will be conducted to ensure that a quorum is present according to rule 19., subrules (1) and (2),

(b) a copy of the proposed special resolution or resolutions will be passed to all members present,

(c) the special resolutions will be read out to the members by a member of the Governing Shurah,

(d) all those wishing to speak in favour of the special resolution(s) will be given the opportunity to do so. When all have been heard,

(e) all those opposed to the special resolution(s) will be heard,

(t) those in favour who wish to speak .again will do so,

(g) those opposed who wish to speak again will do so,

(h) the Amir will then call for a show of hands and a count will be conducted and if the total of those in favour of the special resolution(s) is three-fourths or more of those present the resolution(s) will be passed.

(4) An announcement by the Amir at a General Shurah or Special General Shurah as referred to in subrule (3) that a rule of Association has been altered or rescinded or a rule has been added to the rules of Association shall be evidence of that fact and will be recorded in the minutes of the General Shurah as such.

(5) Once a change has been made to the rules of the Association steps will be taken to inform the Commissioner.

Minutes of Shurahs of Association

21. (1) The Secretary shall cause proper minutes of all proceedings of all General Shurahs and Governing Shurahs to be taken and then to be entered within 30 days after the holding of each General Shurah or Governing Shurah, as the case requires, in a minute book kept for that purpose.

(2) The Amir shall ensure that the minutes taken of a General Shurah or a Governing Shurah under subrule (1) are checked and signed as correct by the Amir of the General Shurah or Governing Shurah to which those minutes relate or the Amir of the next succeeding General Shurah or Governing Shurah, as the case requires.

(3) When minutes have been entered and signed as correct under this rule, they shall, until the contrary is proved, be evidence that....

(a) the General Shurah or Governing Shurah to which they relate (in this subrule called "the Shurah") was duly convened and held;

(b) all proceedings recorded as having taken place at the Shurah did in fact take place thereat; and

(c) all appointments, announcements and decisions purporting to have been made at the Shurah have been validly made.

Common Seal

22. (1) The Association shall have a common seal on which its corporate name shall appear in legible characters.

(2) The common seal of the Association shall not be used without the express authority of the Governing Shurah and every use of that common seal shall be recorded in the minute book referred to in rule **21**.

(3) The affixing of the common seal of the Association shall be witnessed by any two of the Amir, the Deputy Amir, the Secretary and the Treasurer.

(4) The common seal of the Association shall be kept in the custody of the Secretary or of such other person as the Governing Shurah from time to time decides.

Inspection of records, etc of the Association

23. A member may at any reasonable time inspect without charge the books, records and securities of the Association.

Distribution of surplus property on winding up the Association

24. If, on winding up of the Association, any property of the Association remains after satisfaction of debts and liabilities of the Association and the costs, charges and expenses of that winding up, that property shall be distributed.....

(a) to another Muslim incorporated association having objects similar to those of the Association; or

(b) for charitable or benevolent purposes relating to any other Muslim School or Schools in Australia receiving relevant State or Commonwealth Government funding,

which incorporated association or purpose, as the case requires shall be determined in accordance with the following procedure~

prior to winding up the Association, the Association will by resolution of the members authorize and direct the Governing Shurah to prepare a distribution plan for the distribution of the surplus property of the Association.

Definitions

25. In these rules, unless the contrary intention appears-

"insha'Allah" means "if Allah wills":

"(S. W. T)" means "Glory be to Him the Most High";

"(S.A W.)" means "blessings and peace of Allah be upon him";

"Muslim" means "one who submits to the Will of Allah";

"Adult" means an adult according to the Tenets of Islam;

"Alim" means one who is recognized as being knowledgeable of the Religion of Islam;

"Shurah" means Shurah as described in rule **11.**, subrule (8)(c);

"Governing Shurah" means meeting referred to in rule **17.** (1);

"Governing Shurah Member" means person referred to in paragraph (a), (b), (c), (d), (e) or (f) of rule **11.** (1);

"financial year" in relation to an incorporated association, means.....

(a) a period not exceeding 15 months fixed by the Governing Shurah of the Association being a period commencing on the date of incorporation of the Association; and

(b) each period of 12 months, or such other period fixed by the Governing Shurah of the Association (after having regard as to the requirements as to the holding of an annual General Shurah), commencing at the expiration of the previous financial year of the Association, a reference to....

(i) "an incorporated Association" or "the Association" being construed as a reference to the Association; and

(ii) "the Shurah" being construed as a reference to the Shurah;

“General Shurah” means Shurah convened under rule **18.**:

“member” means member of the Association;

"ordinary resolution" means a resolution, as decided by the Governing Shurah according to rule **11.**, subrule (8)(c), other than special resolution;

"special resolution" has the meaning given in rule **20.**, subrule (3);

"the Act" means the Associations Incorporation Act 1987;

"School rules and guidelines" referred to in rule **13.**, subrule (1)(a) means any rules or guidelines which after first being approved by the Governing Shurah may be introduced at any stage during the development of the School(s) to regulate and direct the day to day running and activities of the School(s);

"the Association" means the Association Referred to in rule **1.**;

"the Governing Shurah" means the Shurah of Management of the Association referred to in rule **11.**(1);

"the Amir" means.....

(a) in relation to the proceedings at a Governing Shurah or General Shurah, the person presiding at the Governing Shurah or General Shurah in accordance with rule **12.**; or

(b) otherwise than in relationship to the proceedings referred to in paragraph (a), the person referred to in rule **11.**(1)(a) or, if that person is unable to perform his function, the Deputy Amir;

"the Deputy Amir" means the Deputy Amir referred to in rule **11.**(1)(b),

"the Secretary" means the Secretary referred to in rule **11.**(1)(c);

"the Treasurer" means the Treasurer referred to in rule **11.**(1)(d);

"the Religious Adviser" means the Religious Adviser referred to in rule **11.** (1)(e);

"AL-HIDAYAH" referred to in rule **1.** means “The Guidance” (Divine Guidance of Allah”..