



**CONSTITUTION  
OF  
DAR ALARQAM ARABIC MULTICULTURAL  
ASSOCIATION (DAAMA) INC**

**2018**

# **RULES OF THE ASSOCIATION**

## **1. NAME AND PLACE OF THE ASSOCIATION**

1- The name of the Association shall be DAR ALARQAM ARABIC MULTICULTURAL ASSOCIATION (DAAMA) INC.

2- The office of the Association shall be situated in Perth WA.

## **2. DEFINITIONS**

In these rules, unless the contrary intention appears:

“annual general meeting” is the meeting convened under paragraph (b) of rule 16 (1);

"Committee meeting" means a meeting referred to in rule 15;

"Committee member" means person referred to in paragraph (a), (b), (c), (d) or (e) of rule 10 (1);

“convene” means to call together for a formal meeting;

“department” means the government department with responsibility for administering the Associations Incorporation Act (1987); "financial year" means a period not exceeding 15 months fixed by the Committee, being a period commencing on the date of incorporation of the Association and ending on 30 June; and thereafter each period commencing 1 July and ending on 30 June in the following year;

"general meeting" means a meeting to which all members are invited;

"member" means member of the Association;

"ordinary resolution" means resolution other than a special resolution;

“poll” means voting conducted in written form (as opposed to a show of hands);

“special general meeting” means a general meeting other than the annual general meeting;

"special resolution" has the meaning given by section 24 of the Act, that is-

A resolution is a special resolution if it is passed by a majority of not less than three-fourths of the members of the Association who are entitled under the rules of the Association to vote in person or, where proxies or postal votes are allowed by the rules of the Association by proxy or postal vote, at a general meeting of which notice specifying the intention to propose the resolution as a special resolution was given in accordance with those rules.

At a meeting at which a resolution proposed as a special resolution is submitted, a declaration by the person presiding that the resolution has been passed as a special resolution shall be evidence of the fact unless, during the meeting at which the resolution is submitted, a poll is demanded in accordance with the rules of the Association or, if the rules do not make provision as to the manner in which a poll may be demanded, by at least 3 members of the Association present in person or, where proxies are allowed, by proxy.

If a poll is held, a declaration by the person presiding as to the result of a poll is evidence of the matter so declared.

"the Act" means the Associations Incorporation Act 1987;

"the Association" means the Association referred to in rule 1;

"the Director" means-

(a) in relation to the proceedings at a Committee meeting or general meeting, the person presiding at the Committee meeting or general meeting in accordance with rule 11; or

(b) otherwise than in relation to the proceedings referred to in paragraph (a), the person referred to in paragraph (a) of rule 10 (1) or, if that person is unable to perform his or her functions, the Assistant Director;

“the Commissioner” means the Commissioner for Consumer Protection exercising powers under the Act;

"the Committee" means the Committee of Management of the Association referred to in rule 10 (1);

"the Secretary" means the Secretary referred to in paragraph (c) of rule 10 (1);

"the Treasurer" means the Treasurer referred to in paragraph (d) of rule 10 (1);

"the Assistant Director" means the Assistant Director referred to in paragraph (b) of rule 10 (1).

### **3. AIMS AND OBJECTIVES OF DAR ALARQAM ARABIC MULTICULTURAL ASSOCIATION (DAAMA) INC.**

The Association is a public, non-profit organization established:

1- To Establish and maintain a cohesive, religious, cultural and educational institution that value lifelong learning that can contribute to a person complete development; mind, body, intelligence, appreciation and spiritual, and serves the needs of diverse local Muslims and to build bridges with the Australian wider society.

2- To build better community for all Australian by embracing and promoting moderation, unity, peace, gratitude, respect and harmony in our multicultural society.

3- To empower and encourage the Muslim community to be actively, responsibly and positively integrated into mainstream Australian society.

4- To research, plan, and provide resources to support moral and spiritual teaching which contribute to a complete person development; this translates itself into a clear focus on wholesome living, ethical choices, character development and human relation.

5- Fostering peace, good manners, coexisting and other positive social values through the activities of its member Associations.

7- To learn to live together and with others, and ensure that all people within our community are welcome without regard to race, creed, colour, or religion; where every individual is respected; a place that welcomes all.

8- To Foster friendship and develop support network within the community members by organizing functions associated with the cultural and educational life of the community to consolidate relationships.

9- To advance education by teaching other language, as well as exploration of a new culture to all Australian.

10- To provide pastoral care for the community members in hospitals and schools.

11- To promote awareness, understanding and acceptance of diversity through education, training, resources, and community network.

12- To fundraise charity event as a learned behaviour that is acquired by example and through hands on practice, which will teach youth and women a sense of social responsibility and instil a desire to actually do something to help others such as orphan fundraising.

13- To promote cooperation between the Association and all organization promoting similar objectives in Australia.

14-To assist service providers to meet their needs through culturally and linguistically diverse programs.

15-The property and income of the Association shall be solely towards the promotion of the objects of the Association.

16-No part of the property or income of the Association may be paid or otherwise distributed directly or indirectly to members except in good faith in the promotion of those objects.

17-To operate as a public benevolent institution in Western Australia.

#### **4. POWERS OF ASSOCIATION**

The powers conferred on the Association are the same as those conferred by section 13 of the Act, so the Association may do all things necessary or convenient for carrying out its objects and purposes, and these rules should be passed by the Association in general meetings such as:

(a) To control and manage the affairs of the Association,

(b) To exercise all such functions as may be exercised by the Association other than those functions that are required by these rules to be exercised by the Association in general meetings; and

(c) To have power to perform all such acts and do all such things as appear to the Committee to be necessary or desirable for affairs of the Association,

(d) To purchase, take on lease or in exchange, hire or otherwise acquire and maintain any real or personal property and any rights and privileges in relation thereto,

(e) To sell, exchange, lease, mortgage, hire, and dispose of turn to account or otherwise deal with all or part of the real and personal property of the Association,

(f) To raise any monies required for the objects and purposes of the Association in such a manner and on such terms and securities as shall be lawfully determined,

(g) To borrow money upon such terms and conditions of the Association thinks fit,

(h) To enter into any other contract it considers necessary,

(k) To establish funds for the general conduct of the Association,

(l) To establish funds for constructing, maintaining, and furnishing the learning centre,

(m) To invest and deal with the monies of the Association:

- In any security in which trust monies may lawfully be invested; or
- In any other manner authorized by the rules of the Association

(n) To open an account and/or accounts with any banks and to operate by and in all usual ways with that account and/or accounts,

(o) May act as a trustee and accept and hold real and personal property upon trust, but does not have the power to do any act or thing as a trustee that, if done otherwise than a trustee, would contravene this act or the rules of the Association,

- (p) To provide and maintain suitable grounds, buildings and equipment for such purposes,
- (q) To appoint and remove employees and to determine the remuneration and the terms and conditions of such appointment, subject to normal and market conditions,
- (r) To ensure that the books of account, records or other documents relating to its affairs are:
- Kept in book form, retained and carefully preserved by any person in control of the organization for a period of four years after the date of the last entry in any such book or,
  - Where not kept in a book form are retained and carefully preserved by any person in control of the organization, for a period of four years after the completion of the transaction act or operation to which they relate.
- (s) To work in collaboration with other organizations with the same objectives or similar objectives in Australia and overseas,
- (t) To liaise with government and non-government agencies and funding bodies as may, from time to time, be appropriate,
- (u) Has not and will not use its resources directly or indirectly to support, advance, or oppose any political party.

## **5. QUALIFICATIONS FOR MEMBERSHIP OF ASSOCIATION**

(a) Membership of the Association is open to-

- Any person/s who believe in the stated Islamic objects and code of conduct of the Association,
- Any person/s who demonstrate a positive commitment and active participation in the working of the Association,

All applications for membership will be at the discretion of the Committee members.

(b) A person who wishes to become a member must apply for membership to the Committee in writing.

(c) The Committee members must consider each application made under sub-rule (2) at a Committee meeting and must at the Committee meeting or the next Committee meeting accept or reject the application.

(d) An applicant whose application for membership of the Association is rejected under sub-rule (3) must, if he or she wishes to appeal against that decision, give notice to the Secretary of his or her intention to do so within a period of 14 days from the date he or she is advised of the rejection.

(e) When notice is given under sub-rule (4), the Association in a general meeting, no later than the next annual general meeting, must either confirm or set aside the decision of the Committee to reject the application; after having afforded the applicant who gave that notice a reasonable opportunity to be heard by, or to make representations in writing to the Association in the general meeting.

## **6. REGISTER OF MEMBERS OF ASSOCIATION**

(a) The Secretary, on behalf of the Association, must comply with section 27 of the Act by keeping and maintaining, 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.

(b) The register must be kept and maintained at the Secretary's place of residence, or at such other place as the members at a general meeting decide.

(c) The Secretary must cause the name of a person who dies or who ceases to be a member under rule (8) to be deleted from the register of members referred to in sub-rule (1).

## **7. SUBSCRIPTIONS AND OBLIGATIONS OF MEMBERS OF ASSOCIATION**

(a) There will be no subscription fees to be a member of the Association.

(b) Members may be asked to donate funds towards a cause or fundraiser activity to further achieve the objects of the Association.

(c) Members shall pledge to abide by the provisions of the constitution, general policies and rules and regulations of the Association; as adopted by the general assembly.

(d) Members shall not engage or pursue in any course of action that may be inconsistent with the constitution and or the interests, rules and regulations, code of conduct of the Association.

(e) Members shall occasionally enlist their expertise in the conception and realization of the Association's projects.

## **8. TERMINATION OF MEMBERSHIP OF THE ASSOCIATION**

Membership of the Association may be terminated upon:

(a) Receipt by the Secretary or another Committee member of a notice in writing from a member of his or her resignation from the Association.

(b) Absence of a member from activities of the organisation over a six-month period unless a leave of absence has been applied for and granted.

(c) Expulsion of a member in accordance with rule 9.

## **9. SUSPENSION OR EXPULSION OF MEMBERS OF ASSOCIATION**

(1) If the Committee considers that a member should be suspended or expelled from membership of the Association because his or her conduct is detrimental to the interests of the Association, the Committee must communicate, either orally or in writing, to the member with:

(a) A notice of the proposed suspension or expulsion and of the time, date and place of the Committee meeting at which the question of that suspension or expulsion will be decided; and

(b) Particulars of that conduct, not less than 30 days before the date of the Committee meeting; referred to in paragraph (a).

(2) At the Committee meeting referred to in a notice communicated under sub-rule (1), the Committee may, having afforded the member concerned a reasonable opportunity to be heard by, or to make representations in writing to the Committee, suspend or expel or decline to suspend or expel that member from membership of the Association and must, after deciding whether or not to suspend or expel that member, communicate that decision in writing to that member.

(3) Subject to sub-rule (5), a member has his or her membership suspended or ceased to be a member 14 days after the day on which the decision to suspend or expel a member is communicated to him or her under sub-rule (2).

(4) A member who is suspended or expelled under sub-rule (2) must, if he or she wishes to appeal against that suspension or expulsion, give notice to the Secretary of his or her intention to do so within the period of 14 days referred to in sub-rule (3).

(5) When notice is given under sub-rule (4):

(a) the Association in a general meeting, must either confirm or set aside the decision of the Committee to suspend or expel the member, after having afforded the member who gave that notice a reasonable opportunity to be heard by, or to make representations in writing to, the Association in the general meeting; and

(b) the member who gave that notice is not suspended or does not cease to be a member unless and until the decision of the Committee to suspend or expel him or her is confirmed under this sub-rule

## **10. COMMITTEE OF MANAGEMENT**

(1) Subject to sub-rule (8), the affairs of the Association will be managed exclusively by a Committee of Management consisting of:

(a) A Director;

(b) An Assistant Director;

(c) A Secretary;

(d) A Treasurer;

all of whom must be members of the Association.

This Association has been formed by a group of Muslim people from different background Palestine, Egypt, Jordan, Syria, Iraq, Yemen, and Libya that have been serving the community for years.

This group of eight Committee members will form the core group of the Association. Should a casual vacancy arise as specified in rule 14, the remaining Committee members will prayerfully follow through the process below and appoint a member to fill the vacancy as stipulated in sub-rule (2).

(2) Committee members must be elected to membership of the Committee at an annual general meeting or appointed under sub-rule (8).

(3) Subject to sub-rule (8), a Committee member's term will be from his or her election at an annual general meeting until the election referred to in sub-rule (2) at the next annual general meeting after his or her election, but he or she is eligible for re-election to membership of the Committee.

(4) Except for nominees under sub-rule (7), a person is not eligible for election to membership of the Committee unless a member has nominated him or her for election by delivering notice in writing of that nomination, signed by:

(a) The nominator; and

(b) The nominee is to signify his or her willingness to stand for election to the Secretary not less than 7 days before the day on which the annual general meeting concerned is to be held.

(5) A person who is eligible for election or re-election under this rule may:

- (a) Propose or second himself or herself for election or re-election; and
  - (b) Vote for himself or herself.
- (6) If the number of persons nominated in accordance with sub-rule (4) for election to membership of the Committee does not exceed the number of vacancies in that membership to be filled:

- (a) The Secretary must report accordingly to; and
  - (b) The Chairperson must declare those persons to be duly elected as members of the Committee at the annual general meeting concerned.
- (7) If vacancies remain on the Committee after the declaration under sub-rule (6), additional nominations of Committee members may be accepted from the floor of the annual general meeting.

If such nominations from the floor do not exceed the number of vacancies, the Chairperson must declare those persons to be duly elected as members of Committee. Where the number of nominations from the floor exceeds the remaining number of vacancies on the Committee, elections for those positions must be conducted.

- (8) If a vacancy remains on the Committee after the application of sub-rule (7), or when a casual vacancy within the meaning of rule 14 occurs in the membership of the Committee:

- (a) The Committee may appoint a member to fill that vacancy; and
- (b) A member appointed under this sub-rule will:
  - (i) hold office until the election referred to in sub-rule (2); and
  - (ii) be eligible for election to membership of the Committee at the next following annual general meeting.

- (9) The Committee may delegate, in writing, to one or more sub-Committees (consisting of such member or members of the Association as the Committee thinks fit) the exercise of such functions of the Committee as are specified in the delegation other than:

- (a) The power of delegation; and
- (b) A function which is a duty imposed on the Committee by the Act or any other law.

- (10) Any delegation under sub-rule (9) may be subject to such conditions and limitations as to the exercise of that function or as to time and circumstances as are specified in the written delegation and the Committee may continue to exercise any function delegated.

- (11) The Committee may, in writing, revoke wholly or in part any delegation under sub-rule (9).

## **11. DIRECTOR AND ASSISTANT DIRECTOR**

- (1) Subject to this rule, the Director must preside at all general meetings and Committee meetings;
- (2) In the event of the absence from a general meeting of:
- (a) The Director, the Assistant Director; or
  - (b) Both the Director and the Assistant Director,
- a member elected by other members present at the general meeting must preside at the general meeting.



(3) In the event of the absence from a Committee meeting of:

- (a) The Director, the Assistant Director; or
- (b) Both the Director and the Assistant Director,

a Committee member elected by the other Committee members present at the Committee meeting must preside at the Committee meeting.

## **12. SECRETARY**

The Secretary must:

- (a) Co-ordinate the correspondence of the Association;
- (b) Keep full and correct minutes of the proceedings of the Committee and of the Association;
- (c) Comply on behalf of the Association with:
  - (i) Section 27 of the Act with respect to the register of members of the Association, as referred to in rule 6;
  - (ii) Section 28 of the Act by keeping and maintaining, in an up to date condition, the rules of the Association and, upon the request of a member of the Association, must 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 will have no right to remove the rules for that purpose; and
  - (iii) Section 29 of the Act by maintaining a record of:
    - the names and residential or postal addresses of the persons who hold the offices of the Association provided for by these rules; including all offices held by the persons who constitute the Committee and persons who are authorised to use the common seal of the Association under rule 22; and
    - the names and residential or postal addresses of all persons who are appointed or act as trustees on behalf of the Association,

and the Secretary must, upon request of a member of the Association, make available the record for the inspection of the member and the member may make a copy of or take an extract from the record but will have no right to remove the record for that purpose;

(d) unless the members resolve otherwise at a general meeting, have custody of all books, documents, records and registers of the Association, including those referred to in paragraph (c) but other than those required by rule (13) to be kept and maintained by, or in the custody of, the Treasurer; and

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

## **13. TREASURER**

The Treasurer must:

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

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

(c) make payments from the funds of the Association with the authority of a general meeting or of the Committee, and in doing so ensure that all cheques are signed by himself or herself and at least one other authorised Committee member, or by any two others as are authorised by the Committee;

(d) comply on behalf of the Association with sections (25) and (26) of the Act with respect to the accounting records of the Association by:

(i) keeping such accounting records as a correct record and explain the financial transactions and financial position of the Association;

(ii) keeping its accounting records in such a manner as will enable true and fair accounts of the Association to be prepared from time to time;

(iii) keeping its accounting records in such a manner as will enable true and fair accounts of the Association to be conveniently and properly audited; and

(iv) submitting to members at each annual general meeting 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 Director, submit to the Committee a report, balance sheet or financial statement in accordance with that direction;

(f) unless the members resolve otherwise at a general meeting, 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.

#### **14. CASUAL VACANCIES IN MEMBERSHIP OF COMMITTEE**

A casual vacancy occurs in the office of a Committee member and that office becomes vacant if the Committee member:

(a) dies;

(b) resigns by notice in writing delivered to the Director or, if the Committee member is the Director, to the Assistant Director and that resignation is accepted by resolution of the Committee;

(c) is convicted of an offence under the Act;

(d) is permanently incapacitated by mental or physical ill-health;

(e) is absent for more than:

(i) 3 consecutive Committee meetings; or

(ii) 3 Committee meetings in the same financial year without tendering an apology to the person presiding at each of those Committee meetings;

of which meetings the member received notice, and the Committee has resolved to declare the office vacant;

(f) ceases to be a member of the Association; or

(g) is the subject of a resolution passed by a general meeting of members terminating his or her appointment as a Committee member.

#### **15. PROCEEDINGS OF COMMITTEE**

- (1) The Committee must meet together for the dispatch of business not less than four times in each year and the Director, or at least half the members of the Committee, may at any time convene a meeting of the Committee.
- (2) Each Committee member has a deliberative vote.
- (3) A question arising at a Committee meeting must be decided by a majority of votes, but, if there is no majority, the person presiding at the Committee meeting will have a casting vote in addition to his or her deliberative vote.
- (4) At a Committee meeting, sixty percent of Committee members constitute a quorum.
- (5) Subject to these rules, the procedure and order of business to be followed at a Committee meeting must be determined by the Committee members present at the Committee meeting.
- (6) As required under sections 21 and 22 of the Act, a Committee member with any direct or indirect pecuniary interest in a contract, or proposed contract, made by, or in the contemplation of, the Committee (except if that pecuniary interest exists only by virtue of the fact that the member of the Committee is a member of a class of persons for whose benefit the Association is established), must:
  - (a) as soon as he or she becomes aware of that interest, disclose the nature and extent of his or her interest to the Committee; and
  - (b) not take part in any deliberations or decisions of the Committee with respect to that contract.
- (7) Sub-rule (6) (a) does not apply with respect to a pecuniary interest that exists only by virtue of the fact that the member of the Committee is an employee of the Association.
- (8) The Secretary must cause every disclosure made under sub-rule (6) (a) by a member of the Committee to be recorded in the minutes of the meeting of the Committee at which it is made.

## 16. GENERAL MEETINGS

- (1) The Committee:
  - (a) may at any time convene a special general meeting;
  - (b) must convene annual general meetings within the time limits provided for the holding of such meetings by section (23) of the Act; that is, 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, except for the first annual general meeting which may be held at any time within 18 months after incorporation; and
  - (c) must, within 30 days of:
    - (i) receiving a request in writing to do so from not less than three quarters of members, convene a special general meeting for the purpose specified in that request; or
    - (ii) the Secretary receiving a notice under rule 9 (4), convene a general meeting to deal with the appeal to which that notice relates.
  - (d) must, after receiving a notice under rule 5 (4), convene a general meeting, no later than the next annual general meeting, at which the appeal referred to in the notice will be dealt with.

Failing that, the applicant is entitled to address the Association at that next annual general meeting in relation to the Committee's rejection of his or her application and the Association at that meeting must confirm or set aside the decision of the Committee.

- (2) The members making a request referred to in sub-rule (1) (c) (i) must:
- (a) state in that request the purpose for which the special general meeting concerned is required; and
  - (b) sign that request.
- (3) If a special general meeting is not convened within the relevant period of 30 days referred to:
- (a) in sub-rule (1) (c) (i), the members who made the request concerned may themselves convene a special general meeting as if they were the Committee; or
  - (b) in sub-rule (1) (c) (ii), the member who gave the notice concerned may him or herself convene a special general meeting as if he or she were the Committee.
- (4) When a special general meeting is convened under sub-rule (3) (a) or (b), the Association must pay the reasonable expenses of convening and holding the special general meeting.
- (5) Subject to sub-rule (7), the Secretary must give to all members not less than 14 days' notice of a special general meeting and that notice must specify:
- (a) when and where the general meeting concerned is to be held; and
  - (b) particulars of the business to be transacted at the general meeting concerned, and the order in which that business is to be transacted.
- (6) Subject to sub-rule (7), the Secretary must give to all members not less than 21 days' notice of an annual general meeting and that notice must specify:
- (a) when and where the annual general meeting is to be held;
  - (b) the particulars and order in which business is to be transacted, as follows:
    - (i) first, the consideration of the accounts and reports of the Committee;
    - (ii) second, the appointment of Committee members to replace outgoing Committee members; and
    - (iii) third, any other business requiring consideration by the Association at the general meeting.
- (7) A special resolution may be moved either at a special general meeting or at an annual general meeting. However, the Secretary must give to all members not less than 21 days' notice of the meeting at which a special resolution is to be proposed. In addition to those matters specified in sub-rule (5) or (6), as relevant, the notice must also include the resolution to be proposed and the intention to propose the resolution as a special resolution.
- (8) The Secretary must give a notice under sub-rule (5), (6) or (7) by:
- (a) sending it to 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 under rule 6.
- (9) When a notice is sent by post under sub-rule (8) (b), sending of the notice will be deemed to be properly effected if the notice is sufficiently addressed and posted to the member concerned by ordinary prepaid mail.

## **17. QUORUM AND PROCEEDINGS AT GENERAL MEETINGS**

- (1) At a general meeting sixty percent of members present in person constitute a quorum.

(2) If within 30 minutes after the time specified for the holding of a general meeting in a notice given under rule 16 (5) or (6):

(a) as a result of a request or notice referred to in rule 16 (1) (c) or as a result of action taken under rule 16 (3) a quorum is not present, the general meeting lapses; or

(b) otherwise than as a result of a request, notice or action referred to in paragraph (a), the general meeting stands adjourned to a suitable time, venue and date as agreed upon by the members present.

(c) adjournment of a meeting is not applicable if an urgent matter needs to be dealt with and requires a decision to be made.

(3) If within 30 minutes of the time appointed by sub-rule (2) (b) for the resumption of an adjourned general meeting a quorum is not present, the members who are present in person or by proxy may nevertheless proceed with the business of that general meeting as if a quorum were present.

(4) The Chairperson may, with the consent of a general meeting at which a quorum is present, and must, if so directed by such a general meeting, adjourn that general meeting from time to time and from place to place

(5) There must not transacted at an adjourned general meeting any business other than business left unfinished or on the agenda at the time when the general meeting was adjourned.

(6) When a general meeting is adjourned for a period of 30 days or more, the Secretary must give notice under rule 16 of the adjourned general meeting as if that general meeting were a fresh general meeting.

(7) At a general meeting:

(a) an ordinary resolution put to the vote will be decided by a majority of votes cast on a show of hands, subject to sub-rule (9); and

(b) a special resolution put to the vote will be decided in accordance with section (24) of the Act as defined in rule 2, and, if a poll is demanded, in accordance with sub-rules (9) and (11).

(8) A declaration by the Chairperson of a general meeting that a resolution has been passed as an ordinary resolution at the meeting will be evidence of that fact unless, during the general meeting at which the resolution is submitted, a poll is demanded in accordance with sub-rule (9).

(9) At a general meeting, a poll may be demanded by the Chairperson or by three or more members present in person or by proxy and, if so demanded, must be taken in such manner as the Chairperson directs.

(10) If a poll is demanded and taken under sub-rule (9) in respect of an ordinary resolution, a declaration by the Chairperson of the result of the poll is an evidence of the matter declared.

(11) A poll demanded under sub-rule (9) must be taken immediately on that demand being made.

## **18. MINUTES OF MEETINGS OF ASSOCIATION**

(1) The Secretary must cause minutes of all proceedings of all general meetings and Committee meetings to be taken and then to be entered within 30 days after the holding of each general meeting or Committee meeting, as the case requires, in a minute book kept for that purpose.

(2) The Director must ensure that the minutes taken of a general meeting or Committee meeting under sub-rule (1) are checked and signed as correct by the Director of the general meeting or Committee meeting to which those minutes relate or by the Director of the next succeeding general meeting or Committee meeting, as the case requires.

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

(a) the general meeting or Committee meeting to which they relate (in this sub-rule called "the meeting") was duly convened and held;

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

(c) all appointments or elections purporting to have been made at the meeting have been validly made.

## **19. VOTING RIGHTS OF MEMBERS OF ASSOCIATION**

(1) Subject to these rules, each member present in person or by proxy at a general meeting is entitled to a deliberative vote.

(2) A member which is a body corporate may appoint in writing a person, whether or not he or she is a member, to represent it at a particular general meeting or at all general meetings.

(3) An appointment made under sub-rule (2) must be made by a resolution of the board or other governing body of the body corporate concerned-

(a) which resolution is authenticated under the common seal of that body corporate; and

(b) a copy of which resolution is lodged with the Secretary.

(4) A person appointed under sub-rule (2) to represent a member which is a body corporate is deemed for all purposes to be a member until that appointment is revoked by the body corporate or, in the case of an appointment in respect of a particular general meeting, which appointment is not so revoked, the conclusion of that general meeting.

## **20. PROXIES OF MEMBERS OF ASSOCIATION**

A member (in this rule called "the appointing member") may appoint in writing another member who is a natural person to be the proxy of the appointing member and to attend, and vote on behalf of the appointing member at, any general meeting.

## **21. RULES OF ASSOCIATION**

(1) The Association may alter or rescind these rules, or make rules additional to these rules, in accordance with the procedure set out in sections 17, 18 and 19 of the Act, which is as follows-

(a) Subject to sub-rule (1) (d) and (1) (e), the Association may alter its rules by special resolution but not otherwise;

(b) Within one month of the passing of a special resolution altering its rules, or such further time as the Commissioner may in a particular case allow (on written application by the Association), the Association must lodge with the Commissioner notice of the special resolution setting out particulars of the alteration together with a certificate given by a member of the Committee certifying that the resolution was duly passed as a special resolution and that the rules of the Association as so altered conform to the requirements of this Act;

(c) An alteration of the rules of the Association does not take effect until sub-rule (1) (b) is complied with;

(d) An alteration of the rules of the Association having effect to change the name of the Association does not take effect until sub-rules (1) (a) to (1) (c) are complied with and the approval of the Commissioner is given to the change of name;

(e) An alteration of the rules of the Association having effect to alter the objects or purposes of the Association does not take effect until sub-rules (1) (a) to (1) (c) are complied with and the approval of the Commissioner is given to the alteration of the objects or purposes.

(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.

## **22. COMMON SEAL OF ASSOCIATION**

(1) The Association must have a common seal on which its corporate name appears in legible characters.

(2) The common seal of the Association must not be used without the express authority of the Committee and every use of that common seal must be recorded in the minute book referred to in rule 18.

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

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

## **23. INSPECTION OF RECORDS, ETC. OF ASSOCIATION**

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

## **24. DISPUTES AND MEDIATION**

(1) The grievance procedure set out in this rule applies to disputes under these rules between-

(a) a member and another member; or

(b) a member and the Association; or

if the Association provides services to non-members, those non-members who receive services from the Association, and the Association.

(2) The parties to the dispute must meet and discuss the matter in dispute, and, if possible, resolve the dispute within 14 days after the dispute comes to the attention of all of the parties.

(3) If the parties are unable to resolve the dispute at the meeting, or if a party fails to attend that meeting, then the parties must, within 10 days, hold a meeting in the presence of a mediator.

(4) The mediator must be-

(a) a person chosen by agreement between the parties; or

(b) in the absence of agreement-

(i) in the case of a dispute between a member and another member, a person appointed by the Committee of the Association;

(ii) in the case of a dispute between a member or relevant non-member (as defined by sub-rule (1) and the Association, a person who is a mediator appointed to, or employed with, a not for profit organisation.

(5) A member of the Association can be a mediator.

(6) The mediator cannot be a member who is a party to the dispute.

(7) The parties to the dispute must, in good faith, attempt to settle the dispute by mediation.

(8) The mediator, in conducting the mediation, must-

(a) give the parties to the mediation process every opportunity to be heard;

(b) allow due consideration by all parties of any written statement submitted by any party; and

(c) ensure that natural justice is accorded to the parties to the dispute throughout the mediation process.

(9) The mediator must not determine the dispute.

(10) The mediation must be confidential and without prejudice.

(11) If the mediation process does not result in the dispute being resolved, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

## **25. FUNDS – SOURCE**

The funds of the Association will be categorised into two mutually exclusive accounts:

(a) DAR ALARQAM Arabic Multicultural Assoc. (DAAMA) Inc. General Account. The funds for this account shall be derived from annual subscription of members, donations and charities.

(b) DAR ALARQAM Arabic Multicultural Assoc. (DAAMA) Inc. Building Fund. The funds for this account shall be derived from donations and charities made specifically for the purpose of building the DAR ALARQAM Arabic Multicultural Assoc. (DAAMA) Inc. Islamic educational centre that value lifelong learning

(c) All money received by the Association shall be deposited as soon as practicable and without deduction to the credit of the Association's bank account.

(d) The Association shall, as soon as practicable after receiving any money, issue an appropriate receipt.

## **26. FUNDS -- MANAGEMENT**

(a) Subject to any resolution passed by the Association in general meeting, the funds of the Association shall be used in pursuance of the objects of the Association in such manner as the Committee determines.

(b) All cheques, drafts, bills of exchange, promissory note and other negotiable instruments shall be signed by any 2 members of the Committee or employees of the Association, being members of the Association or employees authorised to do so by the Committee.



(c) that money collected for the building of the Islamic educational institution that value lifelong learning shall be used exclusively for that purpose and will be deposited in a separate account “DAR ALARQAM Arabic Multicultural Assoc. (DAAMA) Inc. Building Fund”

(d) That for any expenditure above ten thousand dollars, the Committee would seek approval from the general body.

(e) Alteration of objects and rules

(f) Neither the objects of the Association referred to in section 29 of neither the Act nor this rule shall be altered except in accordance with the Act.

## **27. CUSTODY OF BOOKS**

Subject to the Act, the Regulations and these rules, the secretary shall have in his or her custody or under his or her control all documents relating to the Association.

## **28. LEGAL STATUS**

The Association is an incorporated body with its own legal identity which is separate from its individual members.

The Association may own property, enter into contracts, and sue or be sued in its own name.

The members and officers of the Association enter into transactions on its behalf, within the powers granted to them by the Constitution, such transactions will be considered to be those of the Association, not those of the office bearer whose personal liability is limited.

## **29. INDEMNITY**

The Members of the Managing Committee and Sub-Committee of the Association are not personally liable for any of its obligations and debts and shall be indemnified from the funds of the Association against any charges, costs, losses, damages, and expenses which they or any of them shall incur or sustain or about the execution of the respective offices or duties, except as may be occasioned by or through their own welfare default and none of them shall be answerable for the acts of other of them.

## **30. DISTRIBUTION OF SURPLUS PROPERTY ON WINDING UP OF ASSOCIATION**

If upon the winding up or dissolution of the Association there remains after satisfaction of all its debts and liabilities any property whatsoever, the same must not be paid to or distributed among the members, or former members. The surplus property must be given or transferred to another Association incorporated under the Act which has similar objects and which is not carried out for the purposes of profit or gain to its individual members, and which Association shall be determined by resolution of the members.

## **31. CLOSURE OR DISSOLUTION OF THE ASSOCIATION**

(a) The Association shall not be dissolved except by special resolution passed by not less than 75% of the members present and voting at a meeting called for that purpose, of which not less than twenty-eight (28) days written notice, including notice of the proposed dissolution, has given to all members.

(b) The Deputy Commissioner of Taxation in Western Australia and the Department of Commerce will be advised of the date of dissolution should occur.

(c) The Executive Committee in consultation shall sell the assets of the network as they may consider it appropriate for the best price reasonably attainable and settle the debts and liabilities of the network its property will be given to an organisation with similar objectives. According to Clause 33(2) of the Act; the distribution of surplus property to either an Association incorporated or for charitable purposes is restricted.

## **32. AFFILIATIONS**

Stage two:

Is to Establish building Fund for Islamic educational institute that value Life long and it is established and operated in WA

32.1. The fund and its account shall be known as “DAR ALARQAM ARABIC MULTICULTURAL ASSOCIATION (DAAMA) Inc. Building fund”

32.2. The fund shall be collected and maintained solely for the principle purpose of DAR ALARQAM ARABIC MULTICULTURAL ASSOCIATION (DAAMA) Inc objectives, and through a separate account with a nominated bank.

Each donation will be acknowledged by an official receipt of DAR ALARQAM Inc.

Fund and will bear the gift deductibility inclusion.

32.3. The account shall be maintained and operated by the office bearers; namely the chairperson, Vice chairperson and the treasurer of the Executive Committee of the DAR ALARQAM ARABIC MULTICULTURAL ASSOCIATION (DAAMA) Inc. according to the terms and conditions as applicable to any other funds operated by DAR ALARQAM ARABIC MULTICULTURAL ASSOCIATION (DAAMA) Inc. under its constitution

32.4. This fund will be used for the principle purpose of the organization:

(a) The planning and the construction of the premises which will be used as Saturday/Sunday school, spiritual and moral education, by non-profit organization DAR ALARQAM ARABIC MULTICULTURAL ASSOCIATION (DAAMA) Inc.

(b) The purchase of the land for which the plan is to construct a building for the use of education centre.

(c) The purchase of fixtures and fitting and the furnishing of the premise for use as a Saturday/Sunday school and education centre, the purchase of stock, books, magazines and other material in non-printed form; audio- visual appliances, furniture, shelves, and other equipment commonly used in any other education centre.

(d) To use the said premises, and maintain its stock and equipment in reasonable state; for general maintenance of the building such as painting and insurance, and for administration cost of the fund including bank fees accounting costs and fundraising activities.

(e) To purchase, from time to time, material which will be current and relevant to the need of the institution.

(f) And if needed, be to pay the salary or wages of person(s) engaged to administering, teaching, coordinating the centre under the guidance of the DAR ALARQAM ARABIC MULTICULTURAL ASSOCIATION (DAAMA) Inc. Committee.

(g) No part of this fund shall be used for a profit making operation, nor it shall it be used for any pecuniary benefit to any of its office bearers or membership.

(h) No part of this fund shall be used for any purpose other than solely for the purpose for which it was established.

(k) Has not and will not use its resources directly or indirectly to support, advance, or oppose any political party

(l) Ensure that the books of account, records or other documents relating to its affairs are:

1- Kept in book form, retained and carefully preserved by any person in control of the organization for a period of four years after the date of the last entry in any such book or

2- Where not kept in a book form are retained and carefully preserved by any person in control of the organization, for a period of four years after the completion of the transaction act or operation to which they relate

(m) That upon the winding up of the fund, or endorsement is revoked whichever occurs first, authority or the institution; all assets remaining after the payment of just debts and liabilities attributable to it are to be transferred to another fund, institution with similar purpose and with gift-deductibility status.

(n) The account of all incomes and expenditures pertaining to the centre will be maintained separately from all other accounts but subject to the same public accountability as any other public fund.

(o) The DAR ALARQAM ARABIC MULTICULTURAL ASSOCIATION (DAAMA) Inc. assets and institution would be administered by a Committee selected from the elected members of the executive Committee.

This DAR ALARQAM ARABIC MULTICULTURAL ASSOCIATION (DAAMA) Inc. Committee shall be responsible for the policies, procedures and administration programs on day to day basis.

(p) That the titles of all the assets of DAR ALARQAM ARABIC MULTICULTURAL ASSOCIATION (DAAMA) Inc. be registered in the collective name of the members of DAR ALARQAM ARABIC MULTICULTURAL ASSOCIATION (DAAMA) Inc. through the trust.

**DAR ALARQAM ARABIC MULTICULTURAL ASSOCIATION  
(DAAMA) INC.**

**APPLICATION FOR MEMBERSHIP**

I, \_\_\_\_\_  
(Insert APPLICANT'S name)

of \_\_\_\_\_  
(insert APPLICANT'S residential or postal address -  
required under section 27 of the Associations Incorporation Act (1987))

apply to become a member of the above Association.

If my application is accepted, I agree to be bound by the rules of the Association.

**Signature:**..... **Date:**.....

Rule 5(2) "A person who wishes to become a member must be ... proposed by one **member** and seconded by another **member**."

**PROPOSED:**

**SECONDED:**

Name:.....

Name:.....

Signature:.....

Signature:.....

Date:.....

Date:.....

----- *Applicants to detach and keep* -----

**INFORMATION for APPLICANTS**

- If your application is accepted, your name and address, as provided above, **must** be recorded in a register of members and be made available to other members, upon request, under section 27 of the *Associations Incorporation Act*.
- If the obligations under the *Associations Incorporation Act* are not complied with the Association can be wound up.
- You can contact the Association at.....
- You can access or correct personal information (your name and address) by contacting the Association as indicated above.

**OTHER INFORMATION**

- If your application is accepted, you are entitled to inspect and make a copy of the register of members under section 27 of the *Associations Incorporation Act*.
- If your application is accepted, you are entitled to inspect and make a copy of the rules (constitution) of the Association under section 28 of the *Associations Incorporation Act*.

**If your application for membership is rejected by the Committee:** You may give notice of your intention to appeal within 14 days of being advised of the rejection (rule 5(4)). The Association in a general meeting, no later than the next annual general meeting, must confirm or set aside the decision of the Committee rejecting your application, after giving you a reasonable opportunity to be heard or to make written representations to the general meeting (rule 5(5)).

# APPOINTMENT OF CORPORATE MEMBER

## REPRESENTATIVE

DAR ALARQAM ARABIC MULTICULTURAL ASSOCIATION (DAAMA) INC.

advises that, on \_\_\_\_\_, it **RESOLVED** that

*(Insert date of meeting)*

\_\_\_\_\_  
*(Insert name of REPRESENTATIVE of the above corporate member)*

represent it at:

(Tick  only **ONE** of the following)

the general meeting/s on \_\_\_\_\_  
*(Insert relevant date/s)*

**OR**

all general meetings

of \_\_\_\_\_  
*(Insert name of INCORPORATED ASSOCIATION)*

WITNESSED/AUTHORISED BY:

*(if required under the CORPORATE MEMBER'S rules)*

SIGNATURE:

NAME:

POSITION:

DATE:

SIGNATURE:

NAME:

POSITION:

DATE:

*(Insert CORPORATE MEMBER'S common seal)*

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The corporate member acknowledges that according to rule 19(4) of the Association a person appointed to represent a member which is a body corporate is deemed for all purposes to be a member until that appointment is revoked by the body corporate or, in the case of an appointment in respect of a particular general meeting, which appointment is not so revoked, the conclusion of that general meeting.

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## APPOINTMENT OF PROXY

Model rule 20

I, \_\_\_\_\_  
(Insert MEMBER'S name)

of \_\_\_\_\_  
(Insert MEMBER'S address)

being a member of **DAR ALARQAM ARABIC MULTICULTURAL ASSOCIATION (DAAMA) INC.**

**APPOINT**

\_\_\_\_\_  
(Insert PROXY'S name)

who also is a member of the Association, as my proxy.

My proxy is authorised to vote on my behalf: (Tick  only **ONE** of the following)

at the general meeting/s (and any adjournments of the meeting/s) on:

\_\_\_\_\_  
*relevant date/s* (Insert

**OR**

in relation to the following resolutions and/or nominations

**In favour:**

**Against:**

In favour:	Against:

(Insert resolution Nos, brief description or nominees' name/s)

(Insert resolution Nos, brief description or nominees' name/s)

**Signature:** \_\_\_\_\_  
(of Member appointing Proxy)

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

# NOTICE OF GENERAL MEETING TO ALTER THE RULES (CONSTITUTION)

DAR ALARQAM ARABIC MULTICULTURAL ASSOCIATION (DAAMA) INC.

is convening a general meeting at which the following resolution/s will be proposed as special resolutions to alter the rules of the Association.

The meeting will be held at \_\_\_\_\_ a.m./p.m. on \_\_\_\_\_ the \_\_\_\_\_ 200\_\_\_\_\_

The meeting will take place at \_\_\_\_\_

**SPECIAL RESOLUTION/S:**

<p>Currently rule.....states:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>It is proposed to alter this rule so that it states as follows:</p> <p>.....</p> <p>.....</p> <p>.....</p>
--

<p>Currently rule.....states:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>It is proposed to alter this rule so that it states as follows:</p> <p>.....</p> <p>.....</p> <p>.....</p>
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**OR**

A list of alterations to the rules which will be proposed as special resolutions at the meeting is attached.

**INFORMATION for MEMBERS**

- Rule 20 allows for proxy votes. A proxy form is enclosed for you to nominate another member to vote on your behalf if you cannot attend the meeting.
- Alterations to the rules can only be made if supported by 75% of members voting at the meeting or by proxy.
- Alterations to the rules only take effect when lodged with the Department of Consumer & Employment Protection.