

IN THE NAME OF ALLAH THE BENEFICENT THE MERCIFUL

THE CONSTITUTION

OF

THE AUSTRALIAN FEDERATION OF ISLAMIC COUNCILS

PREAMBLE

We, the Muslims of Australia, in our desire to order our lives according to the Holy *Qur'an* and the *Sunnah* and in order to promote religious, social and cultural welfare of the Muslims throughout Australia, humbly relying on the blessings of Almighty *Allah* (God), having formed local Islamic societies and in 1964 and the Australian Federation of Islamic Societies have further agreed to establish State Councils of Islamic societies in the States and Territories of Australia and now join together to form the Australian Federation of Islamic Councils thereby replacing the Australian Federation of Islamic Societies.

PART 1 - PRELIMINARY

1. Title

This Constitution shall be cited as the Constitution of the Australian Federation of Islamic Councils. (Short Title - A.F.I.C.)

2. Parts

This Constitution is divided into Parts as follows:

Part I	-	Preliminary
Part II	-	Organisation
Part III	-	Objects and Purposes
Part IV	-	Policy Making Government and Administration
Part V	-	Election and Appointments
Part VI	-	Meetings
Part VII	-	Finance, Accounts and Audit
Part VIII	-	Miscellaneous
Annex A	-	Rules for Conduct of Islamic Arbitration

3. Interpretation

In this Constitution unless there is something in the subject of context inconsistent therewith:

"The Act" means the Australian Corporations Law.

"Constitution" means the Constitution of the Australian Federation of Islamic Councils.

"Delegate" means a person accredited by a State Council as its representative to the Federal Congress.

"Executive Committee" is a body constituted in section 17 of this Constitution.

"Federal Council" is a body constituted in section 14 of this Constitution.

"Federation" means the Australian Federation of Islamic Councils.

"Member of Federation" means a person who is a member of a Society and a State Council which has contributed a subscription to the Federation as provided by this Constitution, such Society or State Council being entitled to be represented at the Federal Congress in accordance with this Constitution.

"Muslims Australia" refers to the operating name for the Australian Federation of Islamic Councils.

"Office bearer" means a member of the Federal Executive Committee elected or appointed under the provisions of this Constitution.

"Society" means any Muslim association that is established in accordance with the Constitution and is carried on with the objects substantially similar to those of the Federation. All references to society or societies refer to AFIC's member societies.

"State Council" means Council of AFIC Societies formed in each State or Territory of Australia as provided by this Constitution.

"Arbitration Rules" shall mean the Rules for the conduct of Islamic Arbitration attached herewith as Annex-A.

Unless the context otherwise directs, singular includes plural, and masculine includes feminine.

PART II - ORGANIZATION

4. Name

The name of the organisation shall be "The Australian Federation of Islamic Councils" hereinafter referred to as "Federation" or by its abbreviation "A.F.I.C." With the change of the operating name to Muslims Australia, all references to Australian Federation of Islamic Councils shall refer to Muslims Australia and vice versa.

5. Structure and Membership of AFIC

- (1) The organisation of the Federation shall consist of State Councils, themselves formed by the local AFIC member societies of each State or Territory of Australia. Where there is only one Society in a State or Territory that Society shall act as State Council of AFIC for that State or Territory until such time as other Society or Societies are formed and have become AFIC members in accordance with this Constitution.
- (2) It shall be incumbent on each State Council to remain a constituent body of the Federation, and on each local Islamic Society to be constituent part of the State Council. It shall also be incumbent on each Society and State Council to ensure that in principle its constitution is in conformity with this Constitution, and is registered with relevant State or Territory Government authorities.
- (3)
 - (a) For the purpose of this Constitution each Islamic Society should have a membership of not less than one hundred financial members except for Societies in remote areas where no other Society exists. Remote areas may be declared as such by the concerned State Council in agreement with the Executive Committee of AFIC.
 - (b) A person who is already a member of the Federation by virtue of membership in a Society may not enrol as a member of another Society unless he resigns his membership in that Society.
 - (c) Admission to the Federation as a member by a Society shall be by completion of a membership application form by the Society and such application shall be considered by the Executive Committee of the Federation and upon being satisfied that the constitution of the Society complies with the Federation's own Constitution, and upon being satisfied that the Society meets all other relevant criteria in accordance with the Federation's membership rules, such Society shall be admitted as a member of the Federation.

- (4) The membership subscription payable to the AFIC shall from time to time be determined by the Federal Council.
- (5) Each State Council shall be responsible for administering the Islamic affairs of the State or Territory co-ordinating Islamic activities and establishing communication between the member Societies, other State Councils and the AFIC.
- (6) Each State Council and Society shall have full control of its properties and full responsibility to administer them.
- (7) Acceptance of new member Societies or expulsion of an existing member Society shall be in accordance with the provisions of this Constitution and relevant resolutions of the Federal Congress/Council. Only member societies of the AFIC which have paid their membership subscription to the AFIC are eligible to participate in the affairs of the AFIC or the relevant State Council?
- (8) A Society which has been admitted as a member of the Federation according to the requirements of clause 5 (3) (c) shall hereby be admitted as a member of the respective State Islamic Council.”

6. Office

The office of the Federation shall be situated in such suitable location as the Federal Congress may from time to time determine.

PART III - OBJECTS AND PURPOSES

7. Objects and purposes of the AFIC.

- (1) The objects and purposes of the Federation shall be:
 - (a) To establish and maintain conduct of highest thought and practice of Islam in accordance with the teachings of the Holy Qur'an and Sunnah.
 - (b) To stimulate interest in and appreciation of Islamic way of life.
 - (c) To promote and maintain unity and brotherhood among the Muslims within and outside Australia.
 - (d) To ensure that practical steps are taken to advance progress and security in moral, social and cultural life of the Muslims of Australia with the object of enabling them to attain and maintain their rightful and honoured place

amongst the other communities of Australia and make their full contribution towards peace, prosperity and progress of Australia.

- (dd) To provide for the imparting of Islamic religious knowledge by qualified persons.
- (e) To provide Islamic religious services to the Muslim as well as non-Muslim individuals and organisations within and outside Australia, in accordance with Islamic teachings, traditions and rites.
- (ee) To establish and maintain schools and kindergartens with an Islamic atmosphere, and assist State Councils and Societies to establish and maintain mosques and Islamic libraries.
- (f) To promote, organise and encourage religious, cultural and recreational Muslim youth activities.
- (g) To undertake all or any such matters which are of common interest to all Muslims of Australia and which cannot effectively be undertaken by the State Councils or individual Societies, particularly matters related to:
 - (i) Recognition of Islam, its principles and practices in Australia.
 - (ii) Promotion of Islamic education for all Muslim children and adults.
 - (iii) Ensuring the welfare of all Muslims but in particular the orphans, poor, destitute, aged and handicapped persons.
 - (iv) Maintaining uniformity in Muslim Festivals and Celebrations throughout Australia.
 - (v) Promotion of Islamic principles and culture through newspapers, journals, periodicals, books, radio, television and other media.
 - (vi) The recruitment of qualified persons as Imams, and providing for the training of suitable persons as Imams in Australia or elsewhere.
- (h) To assist and support State Councils and Societies in Australia in the following manner:
 - (i) Representing on behalf of the State Councils to the Australian Government, State Governments and Local Authorities in Australia as well as Governments and Organisations overseas,

either on its own initiative or as requested by the State Councils on matters important to the community that may arise from time to time.

- (ii) Organizing a united effort for seeking funds, donations and other forms of assistance from Government and organisations in Australia as well as overseas.
 - (iii) Co-operating with and co-ordinating the activities of State Councils, and Societies.
- (2) In addition to and without any limitation upon or derogation from any of the aforesaid subjects and purposes, the objects and purposes of the Federation shall be deemed to include:
- (a) Procuring, receiving and accepting donations, endowments and gifts of monies, lands, hereditaments, stocks, funds, securities and any other assets whatsoever either subject or not subject to any special trusts or conditions when the undertaking of same seems desirable and expedient for any of the objects and purposes of the Federation.
 - (b) Purchasing, leasing and renting real property; exchanging, hiring or otherwise acquiring any property as may be deemed expedient or beneficial in any manner whatsoever for the attainment of the objects and purposes of the Federation.
 - (c) Selling, mortgaging or pledging any real or personal property in such manner or on such terms as may be deemed desirable provided always that such funds realised or obtained are applied only towards promotion of the Federation.
 - (d) Borrowing or raising money in such manner and on such terms as may be deemed necessary and expedient.
 - (e) Investing such funds of the Federation as are not immediately required for the purposes of the objects and purposes of the Federation in such manner and on such terms as may be considered desirable.
 - (f) Making or accepting the gifts of money or property to or from any Islamic organisation, trust or scheme established for the purpose of promoting any of the objects and purposes of the Federation.

- (g) Devising, implementing and administering such schemes, arrangements and trusts as may be deemed essential for the welfare and benefit of the Muslim community in Australia.
- (gg) The construction, maintenance, and alteration of buildings or works necessary or convenient for any of the objects and purposes of the Federation.
- (h) Conducting and performing all such lawful acts, deeds and other things as are incidental or conducive to the attainment of the objects and purposes of the Federation.
- (i) Guaranteeing, subject to the approval of the Federal Council or the Federal Congress, the payment of money and the performance of obligations and giving indemnities or securities to or on behalf of AFIC's subsidiary or associated companies and without limiting the generality of the foregoing to mortgage or charge the whole or any part of the assets of the Federation to secure the due performance of any contract agreement covenant or obligation of AFIC's subsidiary or associated companies and this power may be exercised alone or jointly or severally or both jointly and severally with AFIC's subsidiary or associated companies.

7A. Income and Property of the Federation

- (1) The income and property of the Federation, however derived, shall be applied solely towards the promotion of the objects and purposes of the Federation as set forth herein and no portion thereof shall be paid or transferred directly or indirectly by way of dividend bonus or otherwise howsoever by way of profits to members of the Federation. All assets and real properties of the Federation must at all times remain under the exclusive control of the Federation, and no part or whole of properties shall be transferred, mortgaged or disposed of, secured, indemnified, guaranteed without prior approval of the Federal Council or the Federal Congress.
- (2) The Federation shall not:
 - (a) Appoint a person who is a member of the Executive Committee to any office in the gift of which there is payable any remuneration by way of salary, fees or allowances; or
 - (b) Pay to any such person any remuneration or other benefit in money or money's worth (other than the payment of out-of-pocket expenses).

- (c) Shall not appoint a former member of the Executive Committee to a paid position unless a period of at least two (2) years has lapsed since the member last held an office in the Federation.
- (3) In the event that a relative of a member of the Executive Committee or of a staff or a Consultant of the Federation applies for a paid position, such member or staff or consultant shall not participate in the decision-making process relating to that appointment, or attempt to influence the decision, whether directly or indirectly.
- (4) Nothing in the foregoing provisions of this Section prevents the payment in good faith to a servant or member of the Federation of:
 - (a) Remuneration in return for services actually rendered to the Federation by the servant, or member or for goods supplied to the Federation by the servant or member in the ordinary course of business; or
 - (b) A reasonable and proper sum by way of rent for premises let to the Federation by the servant or Member.
- (5) In the event of winding up or dissolution of the Federation if there remains after the satisfaction of all its debts and liabilities and obligations, any property whatsoever, the same shall not be paid to or distributed among the members of the Federation. It shall, subject to the Corporations Law, be given or transferred to some other organisation having objects similar to the objects of the Federation as decided by the Federal Council.

PART IV - POLICY MAKING GOVERNMENT AND ADMINISTRATION

8. Policy making and Ultimate Responsibility

The Federal Congress shall be the highest policy-making organ of the Federation, and shall have ultimate responsibility to achieve the objects and purposes of the Federation.

9. General Government and Control

The general government and control of the affairs of the Federation shall be vested in the Federal Council and it shall exercise its power as the governing body subject to this Constitution and the resolutions of the Federal Congress.

10. Management and Administration

The business and affairs of the Federation shall be manned and administered by the Executive Committee in accordance with this Constitution and the resolutions of the Federal Congress and the Federal Council.

DIVISION 1 - FEDERAL CONGRESS

11. Composition of Congress

There shall be a Federal Congress consisting of the following delegates:

- (a) Members of the Executive Committee of the Federation.
- (b) Delegates representing the State Councils.

12. Delegates entitled to attend Federal Council and Federal Congress meetings

- (1) Every State Council shall be entitled to be represented at any meeting of the Federal Council or Federal Congress by one (1) delegate, being in order of priority:
 - (a) the chairman of the State Council executive committee (or equivalent); or a member of the State Council executive committee nominated in writing by its chairman; or
 - (b) a member of the State Council executive committee elected to represent the State Council by that committee; or
 - (c) a member of the executive committee of a member Society of that State Council who is elected by a majority of the member Societies of that State Council present at that Federal Congress meeting to represent that State Council.
- (2) Every Society shall be entitled to be represented at any meeting of the Federal Congress by one (1) delegate, being in order of priority:
 - (a) the chairman of the Society executive committee (or equivalent); or
 - (b) a member of the Society executive committee nominated in writing by its chairman; or
 - (c) a member of the Society executive committee elected to represent the Society by that committee; or
 - (d) a member of the Society who is nominated by a resolution of the members of the Society to represent the Society.
- (3) Where a Society is acting as the State Council pursuant to section 5(3), that Society shall be entitled to be represented by:

- (a) One delegate at any Federal Council meeting, such delegate to be determined in accordance with subsection (1); and
 - (b) two delegates at any Federal Congress meeting, being one delegate determined pursuant to subsection (1) and one delegate determined pursuant to subsection (2).
- (4) The members of the Executive Committee shall be entitled to attend and participate in every Federal Council and Federal Congress meeting, but are not entitled to separately vote on any resolution or in any election. For all resolutions at such meetings and in all elections the Executive Committee shall be entitled to cast one vote only, with that vote to be cast by its representative who shall be, in order of priority:
- (a) the President;
 - (b) the Vice President
 - (c) a member of the Executive Committee nominated in writing by the President; or
 - (d) a member of the Executive Committee elected by its members.
- (5) In the event of any doubt as to the authority of any person to be a delegate or representative at a Federal Council or Federal Congress meeting, the Chairman may require reasonable evidence of such authority and in the absence of such evidence, the AFIC Executive Committee may exclude that person from participating in the meeting.

13. Powers and Functions of the Federal Congress

In addition to any powers conferred upon it by the Constitution the Federal Congress shall have powers:

- (a) To control, manage and administer the affairs of the Federation generally.
- (b) To amend, alter or rescind the provisions of this Constitution.
- (c) To make, amend, alter or modify its 'by-laws, rules and regulations for proper management of the affairs the Federation in accordance with the objects set out.
- (d) To advise and adjudicate upon all disputes concerning the Federation and Islamic Affairs and give decisions in respect thereof.
- (e) To adjudicate upon all matters of controversy and differences between the Federal Council, Executive Committee and the State Councils or between State Councils and their member Societies and give decisions in respect thereof.

- (f) To have and exercise full powers in all matters relating to the Funds and Properties of the Federation.
- (g) To borrow, raise, Invest and utilize monies in such manner as it may think fit and proper.
- (h) To constitute a society in any part of Australia in the absence of a State Council and/or define the area of an existing society on the request of a State Council.
- (i) To appoint from its own members or otherwise, such Trusts, Boards, Committees or Sub-Committees as it may deem expedient and necessary.
- (j) To co-opt any person to serve on any Trust, Board Committee or Sub-Committee appointed by it, as it may deem expedient and necessary.
- (k) To amend, alter or rescind any resolution passed by any antecedent meeting of the Federal Congress as provided by this Constitution.
- (l) To make, amend, alter or rescind standing orders or rules of conduct for the proper management of the affairs of the Federation.
- (m) To remove any restrictions imposed upon any member or office-bearer of the Federation.
- (n) To delegate any of its powers and functions to the Federal Council and/or Executive Committee or any Trust, Board or Committee appointed by it.

DIVISION 2 : FEDERAL COUNCIL

14. Composition of Federal Council

There shall be a Federal Council consisting of the following members:

- (1) Composition:
 - (a) The President of the A.F.I.C. (Chairman)
 - (b) Vice-President of the A.F.I.C.
 - (c) President/Chairman of each State Council or his official nominee as notified to the Secretary in writing.
 - (d) Secretary of the A.F.I.C.
 - (e) Treasurer of the A.F.I.C.

- (2) The other members of the Executive Committee, who are not members of the Federal Council, shall be entitled to be present at the Councils meetings with the right to participate in the discussions, but without the right to vote.

15. Powers and Functions of the Federal Council

The powers and Functions of the Federal Council shall be:

- (a) To act for and exercise all the functions of the Congress between its meetings in all matters provided always that such actions or decisions must be ratified or reversed by the Congress.
 - (b) To determine the time, place and agenda of the Meetings of the Federal Congress.
 - (c) as expressly defined elsewhere in this Constitution.
16. The powers and functions of the Federal Council shall be subject to the control and scrutiny of the Federal Congress.

DIVISION 3 - EXECUTIVE COMMITTEE

17. Executive Committee

The Executive Committee of the Federation shall be comprised of the following members.

- (a) President of the A.F.I.C. elected by the Federal Congress.
- (b) Vice President of the A.F.I.C. elected by the Federal Congress.
- (c) Secretary to be elected by the Federal Congress.
- (d) Treasurer to be elected by the Federal Congress.
- (e) Assistant Secretary to be appointed by the elected President.
- (f) Assistant Treasurer to be appointed by the elected President
- (g) Three Executive members appointed by the Federal Congress, on the recommendation of the President.

18. Powers and Functions of the Executive Committee

The powers and functions of the Executive Committee shall include:

- (a) To manage and administer the business and affairs of the Federation.
- (b) To carry out decisions and resolutions of the Federal Congress and the Federal Council, and to exercise such powers and functions as may be delegated to it by them.
- (c) To appoint Sub-Committees to perform such functions as it may be decided upon by the Federal Council or Federal Congress, and co-opt such members of the organisation or individuals as may be regarded fit for the purpose.
- (d) To supervise the activities of any Trusts, Schools, Boards or Committees appointed by the Federal Congress and the Federal Council. To ensure that membership of any Trusts, Boards, Committees or Sub-Committees set up by or with the concurrence of the Federal Congress, the Federal Council or the Executive Committee shall only be by virtue of ex-officio positions, in the case of members of the Executive Committee, and for a period not exceeding two (2) years, in the case of other appointees.
- (e) To exercise emergency powers and directly intervene in the affairs of a State Council only if the situation warrants immediate action by A.F.I.C. The degree and form of intervention will be determined by the Executive Committee itself. The Executive Committee may seek and obtain the advice of all the members on the panel of Islamic Arbitrators as per Rules for the Conduct of Islamic Arbitration as per Section 60(12) and act on this advice as early as possible to address and resolve the problems / disputes occurring in a member state Council or Islamic Society. Examples of circumstances which require invoking of these powers are:
 - (i) Infiltration of non-Muslims in the State Council.
 - (ii) Infiltration of persons widely suspected to be non-Muslims in the State Council.
 - (iii) Persistent defiance of AFIC policies and AFIC Constitution by the State Council.
 - (iv) Long absence from meetings of the majority of the office-bearers of the State Council paralysing the affairs of the State Council.
 - (v) Serious division in the State Council members to run the affairs of the Council. Action taken under these powers shall be presented to and ratified by the Federal Council.

- (f) To appoint a suitable member of the Federation resident in Tasmania to be the public officer of the Federation under Section 14 of the Act.
- (g) To perform, subject to this Constitution, all such acts and things as appear to the Executive Committee to be essential for the proper management and administration of the business and affairs of the Federation.
- (h) To have the power to appoint, remove and exercise disciplinary control over the AFIC staff.

19. The powers and functions of the Executive Committee shall be subject to the control and scrutiny of the Federal Congress, which shall include the Federal Council acting on behalf of the Federal Congress pursuant to section 15(a).”

20. Responsibilities and Duties of the President of AFIC

- (1) The President shall -
 - (a) Preside at all meetings of the Federal Congress, Federal Council and the Executive Committee.
 - (b) Conduct himself in the best traditions of Islam and act impartially in all his actions and decisions without fear or favour and self-interest.
 - (c) Maintain the Federation's prestige and dignity among its members and seek to work for the unity between the Federation and its constituents.
 - (d) Ensure that the other office bearers are carrying out their duties to the best of their ability and in the best interests of Muslims and Islam.
 - (e) Carry out to the best of his ability all decisions of the Federation, and its instrumentalities set up under the Constitution.
 - (f) Have the power to appoint the Assistant Secretary and Assistant Treasurer of the Federation, who shall be members of the Executive Committee and to remove any of the appointed members with the concurrence of at least 5 other members of the Executive Committee.
 - (g) Be the custodian of the A.F.I.C. Seal.

21. Responsibilities and Duties of the Vice-President.

- (1) The Vice-President shall be responsible for the administrative duties of the Federation that may be assigned to him by the President.

- (2) The Vice-President shall:
- (a) In the absence of the President, preside at meetings of the Federation and act for President in the performance of his duties.
 - (b) Carry out such duties as may be entrusted to him by the President of the Federation.
 - (c) Conduct himself in the best traditions of Islam and the best interest of the Federation.
 - (d) Assist the President in the performance of his duties and functions generally.

22. Duties of the Secretary

The duties of the Secretary shall be as follows:

- (a) To keep a bound minute book wherein he shall record the proceedings of the meetings or special meetings of the Executive Committee, Federal Council and Federal Congress.
- (b) To conduct and attend to correspondence of the Federation as directed by the President and the Executive Committee.
- (c) To keep in safe custody all documents registers and papers of the Federation.
- (d) To call all meetings or special meetings of the Federation and give due notices of such meetings in accordance with this Constitution.
- (e) To maintain record of information of the State Councils' and Societies' Register of Members of the Federation.
- (f) To carry out any other duties assigned to him *by* the President.

23. Duties of Treasurer

The duties of the Treasurer shall be as follows:

- (a) To receive and have charge of all monies and make disbursements as directed by the Committee, Federal Council and Federal Congress.

- (b) To keep full and accurate records of all financial transactions of the Federation and report the same at each meeting of the Executive Committee and the Federal Council.
- (c) To prepare and produce audited Accounts at the annual Congress meeting.
- (d) To collect all funds, donations and contributions and subscriptions and deposit the same as soon as possible in the name of the A.F.I.C. into the authorised bank.
- (e) To issue receipts for payments received and to pay, bills passed for payments by the Executive Committee, Federal Council and Federal Congress as the case may be.
- (f) To carry out any other duties assigned to him by the President or imposed on him by this Constitution.

24. Duties of the Assistant Secretary

The Assistant Secretary shall assist the Secretary in his duties and perform such other duties as may be assigned to him by the Secretary and the President.

25. Duties of the Assistant Treasurer

The Assistant Treasurer shall assist the Treasurer in his duties and perform such other duties as may be assigned to him by the Treasurer and the President.

26. Qualifications for the office-bearers of the Federation

A candidate who wishes to become an office bearer of the Federation must possess the following qualifications:

- (a) He must be a Member of a Society which is a member of AFIC.
- (b) He must have served the Federation or its State Council for a period of at least two years in total at any time prior to his election or appointment.
- (c) Except as permitted pursuant to section 7A, he is not in receipt of any direct emolument from the Federation or a State Council or a Society.
- (d) He must possess integrity and a record of good service and good character.
- (e) He must be a citizen or permanent resident of Australia, and not an employee of a foreign government or organisation including a diplomatic mission.

- (f) He must be a Muslim (Ahmedis, Lahoris, Qadianis and Bahais are not Muslim).
- (g) He has not been declared as a “not fit and proper person to hold office in the AFIC structure” by a two-thirds majority of the Federal Council upon the recommendation of the Executive Committee provided, however, that he has been afforded an opportunity to appeal the decision before a meeting of the Federal Council.”

27. Term of Office of the Office-bearers of the Federation

- (1) The office bearers of the Federation shall hold office for a period of three years and shall be eligible for re-election for a maximum of two (2) consecutive terms.
- (2) Any person elected or appointed as an office bearer of the Federation shall not thereafter hold or continue to hold an executive position in a State Council or a Society.

28. Vacation of Office by Office-bearers

- (1) The office bearers elected or appointed under the Constitution shall remain in office until:
 - (a) The newly elected or appointed office bearers have taken charge of their duties as provided by this Constitution.
 - (b) They have ceased to be such office bearers by reason of death, resignation or expulsion as provided by this Constitution.
 - (c) They have become disqualified by reason of –
 - (i) Ceasing to be a resident of Australia.
 - (ii) Failing without reasonable excuse to attend three (3) consecutive meetings of the Executive Committee.
 - (iii) Becoming of unsound mind, bankrupt or insolvent.
 - (iv) A motion of no confidence being passed through a Special Resolution at a Federal Congress or Federal Council meeting, provided that the notice of such motion is delivered in writing by a State Council to the Secretary not less than three (3) weeks prior to the date of the meeting.

- (2) In the event of a casual vacancy occurring in any office of the Federation, the Federal Council may fill the vacancy by the appointment of an eligible person upon the Executive Committee's recommendation; and the person so appointed shall, subject to the provisions of subsection (1), hold office for the remainder of the three year term of that office.
- (3) A person who ceases to be an office-bearer of the Federation shall, unless decided otherwise by the Executive Committee, immediately resign his membership or any office in all Boards, Trusts, Committees, Sub-Committees or any other organisations whether in Australia or overseas, provided this membership or office was a consequence of his holding an office in the Federation. If he declines to do so he shall be deemed to have resigned from such membership or office one week after he ceases to be an office-bearer of the Federation.

29. Outgoing and incoming Office-bearers

- (1) The outgoing office bearers shall, upon the expiry of the term of their office and the installation of the new office bearers, immediately hand over all documents, registers and all other matters and things in their respective custody to the incoming office bearers and shall be responsible for all acts and things done during the tenure of their respective offices.
- (2) The incoming office bearers shall, after taking the charge from the outgoing office bearers, make a report to the next meeting of the Federal Council and shall present a tentative budget together with a summary of estimations for the ensuing year.

PART V - ELECTION AND APPOINTMENTS

30. Subject to other provisions in the Constitution, the procedure set out in this Part shall be observed in connection with the election and appointment of the office bearers of the Federation.

31. Nominations

- (1) State Councils shall have the right to nominate candidates for the positions of President, Vice-President, Secretary and Treasurer'.
- (2) Nominations shall be in writing, signed by the President/Chairman and the Secretary of the State Council for and on behalf of the State Council indicating clearly the position for which the nomination is made.

- (3) All nominations must be consented to by the nominee in writing.
- (4) Not more than one person shall be nominated for one position by a State Council.
- (5) Nominations including the consent of the nominee must be forwarded to the Secretary of the Federation by certified mail not later than twenty-eight days prior to the date of election.
- (6) A list of candidates nominated for the positions of the President, Vice-President, Secretary and Treasurer shall be returned to the State Councils by the Secretary of the Federation not later than fourteen (14) days prior to the date of election.
- (7) If no nominations are received for any particular position within the stipulated time, nominations may be called from the floor of the Federal Congress meeting. All such nominations must conform to sub-section (1), (3) and (4) of this Section.

32. Elections

- (1) This section applies to the election of officers of the Federation only.
- (2) Where at the close of nominations only one nomination is received for a position, the person so nominated shall be deemed to be elected to that position.
- (3) Where at the close of nominations the number of nominations for a position to be filled is greater than one, then at the date of election at the appropriate meeting of the Federal Congress, an election will be held for that position by the following procedure:
 - (a) The meeting shall choose one returning officer to conduct the election.
 - (b) The voting for the election shall be by way of secret ballot.
 - (c) The candidate receiving the highest number of votes shall then be declared elected.
 - (d) The following persons shall be eligible to cast a vote:
 - (i) The delegate of each State Council; and
 - (ii) The representative of the Executive Committee as determined pursuant to section 12(4).

33. Appointments

- (1) The elected President at the bi-annual meetings of the Federal Congress in which elections are held shall, in consultation with the Vice President, Secretary

and Treasurer make and declare the appointments of the following office bearers:

Assistant Secretary
Assistant Treasurer

- (2) The Federal Congress shall also appoint, upon the President's recommendation, three members of the Executive Committee during its annual meeting at which elections are held.
- (3) The office bearers appointed under this section shall hold office for a period of two (2) years and until newly appointed office bearers are installed in those offices as provided by this Constitution.
- (4) The Executive Committee shall appoint a Chief Executive Officer (CEO), reporting to the President of AFIC, to manage the operations of AFIC. The employment of the CEO including remuneration and other employment conditions are to be determined by the Executive Committee. The qualifications and duties of the position are to be ratified by the AFIC Federal Congress.

PART VI - MEETINGS

DIVISION 1 - FEDERAL CONGRESS MEETINGS

34. Congress Meetings

- (1) The meetings of the Congress shall be as follows:
 - (a) Annual/Bi-annual Meetings.
 - (b) Special Meetings, if required.
- (2) The meetings of the Congress shall be called by the Secretary of the Federation:
 - (a) In the case of Annual/Bi-annual meetings as provided by this Constitution.
 - (b) In the case of Special Meetings, upon receipt of written request setting forth the object of such a meeting and signed by the Chairman-President of at least four (4) State Councils for and on behalf of their respective Councils, provided always that the interval between the meetings of the

Congress shall not be less than four (4) months, except in case of urgent need.

35. The Time and Place of Congress Meeting

- (1) The annual/Biannual Congress meeting shall be held within 4 calendar months after the close of the financial year at a place as the Federal Council and/or the Executive Committee may determine.
- (2) A special meeting of the Congress may be held at any time at a place as the Executive Committee may determine.

36. Persons Entitled to be present and to Attend Congress -Meetings

- (1) The delegates representing the State Councils and the members of the Federal Executive shall be entitled to be present at the Congress meetings and participate in the deliberations, the right to vote being regulated by Section 46.
- (2) Other members of the Federation may attend the meetings of the Federal Congress and participate in the discussions, if permitted to do so by the Chairman of the meeting.

37. Notice of Congress Meeting

- (1) Notice convening the meeting of the Congress shall be forwarded at least six (6) weeks before the date of the meeting informing the place, date and hour of such meeting to those who are entitled to vote at that meeting and to all members of the Federation through the respective State Councils except for Special Meetings of the Federal Congress for which only two (2) week's notice shall be required.
- (2) The Agenda of the Federal Congress Meeting shall be forwarded to those who are entitled to vote at the meeting at least two (2) weeks before the date of the meeting except for special meetings of the Federal Congress for which it may be forwarded one week prior to such meeting.

38. Notice of Motion at the Annual /Bi-annual Congress

- (1) Subject to Section 57(2) any State Council may submit motion by giving notice thereof to the Secretary of the Federation at least three (3) weeks prior to the date of the Annual/Bi-annual meetings. The motion shall then be placed on the Agenda.
- (2) Members of the Federation may submit a motion to the State Councils to be submitted to the Secretary of the Federation as provided herein.

39. Business at Annual/Bi-annual Congress Meetings

- (1) Minutes of the last Annual and Special meetings.
- (2) President's Report.
- (3) Secretary's Report on the activities of the Federation during the preceding year.
- (4) Treasurer's Report and the Auditor's Statement on the books and accounts and the finance of the Federation during the preceding year.
- (5) General Business including motions for which proper notice has been given.
- (6) Elections, if due.

DIVISION - 2 FEDERAL COUNCIL MEETING

- 40. The Federal Council** shall meet for the purpose of discharging its functions and conducting its business at such time and place as the Executive Committee shall think fit.
- 41. Subject to this Constitution, a Federal Council meeting** shall be called by the Secretary of the Federation as directed by the Federal Executive Committee or upon written, requests from four (4) or more State Councils.
- 42. Notice of Federal Council** together with its Agenda shall be given by the Secretary of the Federation to the members of the Council at least four (4) weeks prior to the date of such meeting.

DIVISION - 3 : FEDERAL EXECUTIVE COMMITTEE MEETINGS

- 43. The Federal Executive Committee** shall meet for its business at such time and place as it shall think fit.
- 44. (1)** Meetings of the Executive Committee shall be called by the Secretary of the Federation upon requests by four (4) members of the Committee, giving notice to the members of the Committee at least two (2) weeks prior to date of such meeting, provided always that it shall be lawful for the Executive Committee to hold emergency meetings with a shorter notice to the members of the Committee.

- (2) The decisions of the Committee shall be arrived at by informal discussions and by a majority of votes where deemed necessary. If no decision is arrived at, the President shall have powers to make a ruling.

DIVISION 4 - QUORUM, VOTING, CONDUCT & MINUTES OF MEETINGS

45. Quorum

- (1) At the Congress Meeting, one-third of the delegates constituting Federal Congress shall constitute a quorum.
- (2) At the Federal Council Meeting, one-half of the members of the Federal Council being one-half of the Executive Committee members and one-half of the State Councils representatives shall form a quorum.
- (3) The quorum for an Executive Committee meeting shall be (5) members of the Committee.
- (4) The quorum for the meetings of a special committee or a sub-committee appointed under this Constitution by the Federal Congress, Council or Executive Committee shall be three (3) members of such committee or sub-committee.

46. Voting other than Elections under Section 32.

- (1) The following persons may vote at the Federal Congress meetings on all matters other than the election of officers of the Federation:
 - (a) Each State Council delegate
 - (b) Each Society delegate
 - (c) The representative of the Executive Committee as determined pursuant to section 12(4).
- (2) The following persons may vote at the Federal Council meetings:
 - (a) Each State Council delegate; and
 - (b) The representative of the Executive Committee as determined pursuant to section 12(4).
- (3) Votes shall be indicated by a show of hands or poll when requested, unless the Chairman considers that a secret ballot is necessary.

- (4) All motions at meetings of the Federal Congress and Federal Council except motions which require carriage by Special Resolution shall be determined by a majority of votes of those present and entitled to vote.
- (5) In the event of a deadlock of votes on a motion the vote shall be determined by the Chairman of the meeting by exercising a casting vote.

47. Conduct of Meetings

- (1) Subject to this Constitution, the President shall preside over all meetings of the Federation at which he is present.
- (2) If the President is not present, the Vice-President if present shall preside.
- (3) If neither the President nor the Vice-President is present, the Federation Secretary shall Chair the meeting or call a Council Chairman to chair the meeting.
- (4) The meetings of a Special Committee or a Sub-Committee shall be presided by a Chairman nominated or appointed by the members of such Committee or Sub-Committee.
- (5) The mode of debate of any meeting of the Federation or any of instrumentality, Committee or Sub-Committee shall be governed by the established rules of meeting procedure in Australia unless Standing Orders are adopted by the Federal Congress.

48. Minutes

- (1) The Secretary of the Federation shall:
 - (a) Record in writing in a bound book the proceedings of the meetings of the Federal Congress, Federal Council and Executive Committee.
 - (b) Prepare from the completed record a summary, which shall constitute Minutes of that meeting.
- (2) Minutes in respect of the meetings shall contain:
 - (a) The name of the persons present.
 - (b) Apologies received.
 - (c) A summary of the correspondence.

- (d) Where appropriate, the Treasurer's financial statement.
 - (e) Full text of any motion (including any amendments) together with the names of the mover and seconder and whether the motion was carried.
- (3) Minutes of meetings shall be circulated to the members through State Councils by the Secretary of the Federation four. (4) weeks from the date of the meeting.
- (4) Minutes of meetings shall be confirmed in the following manner:
- (a) The minutes of the Federal Congress meeting shall be confirmed at the next Federal Congress meeting on the motion of a delegate, after being seconded by another delegate, present at the meeting.
 - (b) The minutes of the Federal Council meeting shall be confirmed at the next Federal Council meeting on the motion of a Federal Council member, after being seconded by another Federal Council member, present at the meeting.
 - (c) The minutes of the Federal Executive Committee shall be confirmed at the next Executive Committee meeting on the motion of a Committee member after being seconded by another Executive Committee member, present at the meeting.



PART V11 - FINANCE ACCOUNTS AND AUDIT

49. The financial resources of the Federation shall be derived as follows:

- (a) Annual membership subscriptions.
- (b) Voluntary contributions by Muslims in Australia.
- (c) Donations by overseas Muslims.
- (d) Any other source which the Federal Council may approve upon the recommendation from the Executive Committee.

50. (1) Each State Council shall collect and pay the Federation the annual membership subscription as the Federal Council shall from time to time approve upon recommendation from the Executive Committee.

- (2) The annual membership subscription shall be due and payable on or before the first day of the financial year and must be paid within thirty (30) days from the date.

- 51.** The financial year of the Federation shall commence on the first day of January and end on the thirty first day of December of the same year.
- 52.** The Executive Committee shall prepare an annual budget (the “Budget”) for the approval of the Federal Council within one month of the commencement of the financial year and forward a copy thereof to each member of the Federal Council. The Federal Council must promptly consider the proposed Budget and may not unreasonably refuse to approve it. Where the Budget is refused in whole or in part, the Executive Committee and the Federal Council must cooperate in good faith to resolve the concerns such that the Budget is approved as quickly as possible.
- 53.** (1) True accounts shall be kept of the sums of money received and expended by the Federation and the matters in respect of which such receipts and expenditure take place and of the assets and liabilities of the Federation.
- (2) All accounts shall be approved before payment by the Treasurer and one other of either the President, Vice-President or CEO. In the event of the Treasurer being unavailable then the accounts shall be approved by two of the President, Vice-President or Secretary and the CEO of the organisation. The Treasurer is to be notified of any such accounts prior to disbursement.
- (3) Expenditure in excess of 10% of any Budget line item shall only be made after approval of the Federal Council pursuant to the following process:
- (a) An expenditure request describing the purpose of the proposed expenditure shall be sent to the members of the Federal Council requesting approval within but not less than two (2) weeks from the date of the request.
- (b) Each member of the Federal Council must notify the Executive Committee in writing of their approval or rejection of the requested expenditure within the time specified in the request. If no notification is received from a member within this specified time, the member is deemed to have approved the request.
- (c) Notwithstanding section 53(3)(b), where a meeting of the Federal Council occurs within the time specified in the request, the members of the Federal Council may approve or reject the request by a special resolution passed at that meeting.
- (d) Neither the Federal Council nor a member of the Federal Council may unreasonably reject an expenditure request.

- 54.** (1) Payments of all accounts shall be made by cheque and or by electronic funds transfer (EFT) other than petty cash expenditure as defined by the Federal Council.
- (2) All cheques, drafts, bills, notes, negotiable instruments and electronic funds transfer (EFT) drawn on account of the Federation shall be signed or authorised in writing by the President, Vice President or Secretary and countersigned and authorised in writing by the Treasurer or in his absence the Assistant Treasurer.
- (3) The mode of all transactions except those involving the petty cash float shall be by the AFIC cheques and or electronic funds transfer (EFT), in the case of disbursements, and by cheques drawn in favour of the AFIC and or by direct deposit into the nominated accounts by electronic funds transfer (EFT) in the case of all income items. In the rare cases where this is not possible, any cash transactions must be brought immediately to the attention of the Treasurer, who shall arrange for proper supporting documents to be issued for such transactions.

55. Limitations in Financial Dealings

A member, office bearer or official, or any other person involved directly or indirectly with the Federation shall not without the written authority of the Federal Council:

- (a) Do any act or thing which may involve the Federation in any financial liability.
- (b) Organise any effort on his own initiative to raise funds for or on behalf of the Federation.

56. Auditor

- (1) The accounts of the Federation shall be audited by the Auditor appointed by the Federal Congress.
- (2) A person so appointed shall hold office until the annual Congress meeting next after his appointment and is eligible for reappointment.
- (3) The Auditor may only be removed from office by special resolution passed by the Congress.
- (4) The Auditor appointed shall examine the accounts of the Federation in each financial year and shall report thereon to the Federal Congress at the Annual Congress Meeting.

- (5) The accounts of the Federation shall be open to the inspection of the members at such time and place, and in such manner as determine by the Executive Committee.

PART VII - MISCELLANEOUS

57. Amendments of the Constitution

- (1) (a) By a first resolution of the Federal Congress passed at the annual or special congress meeting by three fourths (3/4) majority of those present and voting from among the persons eligible to vote under Section 46(1)(a); and
- (b) By a second resolution of the Federal Council passed by three fourths (3/4) majority of those present and voting from among the persons eligible to vote under Section 46(1) (b) conducted at one of its next meetings following the Congress
- (2) Motions to amend the Constitution may be initiated by the Executive Committee of the Federation or of a State Council, and no such motion shall be placed on the Agenda of the Federal Congress unless written notice thereof setting out its scope and nature has been received by the Secretary of the Federation at least four weeks before the relevant Congress meeting.
- (3) Upon receipt of the notice, the Secretary shall as soon as possible, and in any case not less than 3 weeks before the Congress meeting, circulate it among all the State Councils and member societies.

58. Indemnity

- (1) No member shall incur any liability except as provided in this Constitution as in force from time to time or the resolutions and regulations validly made thereunder.
- (2) Every office bearer, committee member, officer or servant of the Federation shall be indemnified by the Federation against all costs, losses or expenses incurred in the exercise in good faith of his office or under the express authority of the Federal Council or Federal Congress, provided always that such costs, losses or expenses are incurred for the purpose of the objects of the Federation.

59. Rules and Regulations

The Federal Congress may subject to this Constitution enact, adapt, alter or rescind any Rules, Regulations for proper conduct of the affairs, business and meetings of the

Federation by a resolution passed by a majority of eligible votes at its Annual Meeting.

60. Disputes

- (1) In the event of any dispute arising between the members, societies or institutions, State or Territory Councils and/or any instrumentality of the A.F.I.C., the parties concerned shall first seek mediation from the appropriate level of A.F.I.C. organisational structure.
- (2)
 - (i) Where mediation as aforesaid fails to bring about a settlement and the dispute cannot be referred to the Congress as the supreme body due to time constraints, the matter shall be referred to the Federal Council or the Executive Committee for arbitration.
 - (ii) All matters of controversy and differences within the Muslim community or within the structure of the Federation or among individual Muslims or groups could be referred to, with the agreement of parties concerned, directly to the Panel of Muslim Arbitrators under the provision of the Arbitration Rules adopted by the Federal Congress of AFIC.
 - (iii) The Rules referred to in 60(2) shall be incorporated in the Constitution as Annex-A.

61. Seal of the Federation

- (1) The Seal of the Federation shall be in the form of a rubber stamp with the name of the Federation and the word "Seal" inscribed therein.
- (2) This seal shall be affixed to the documents as required by law on the instructions of the Executive Committee.
- (3) The Seal of the Federation shall remain in the custody of the President of the Federation.

62. Interestedness of Members

- (1) The provisions of the Corporations Law as amended from time to time, shall be deemed to form part of these rules as provided for under the Act and in particular the provisions in relation to the disclosure of interest in contracts.
- (2) A member or members, subject to disclosures being made in accordance with the Corporations Law, may vote and be counted for the purposes of a quorum and be a party to the affixing of AFIC's seals in

transactions/arrangements in which they have an interest.

END

Amendments Inserted

Approved amendments 2003 Congress (ratified by FC) March 2005.

Approved amendments 2010 Congress (ratified by FC) May 2010.

Approved amendments 2011 Congress (ratified by FC) 9 October 2011.

ANNEX - A

RULES FOR THE CONDUCT OF ISLAMIC ARBITRATION.

Preamble

These Rules are subject to the Status Law which governs arbitration in the place where the is held and to any other submission to arbitration agreed between the parties and are designed to maintain and bring to order the arbitration process. Otherwise where the parties to a dispute where one, both or all of them are Muslims, have agreed to arbitration in accordance with these rules they are thereby bound to comply with these Rules.

Authority for Rules

The Australian Federation of Islamic Councils resolved in the meeting of its Executive Committee and affirmed by the meeting of the Annual Congress on 13 April 1990 that where any, two or more parties have agreed between them that a dispute arising or having arisen between them shall be submitted to arbitration in accordance with the Rules for the Conduct of Islamic Arbitration then the Rules Nos. 1 to 22 inclusive as set down hereinafter shall apply.

PART - I: GENERAL

Rule 1:

- (1) **Nomination of Arbitrators.** The Australian Federation of Islamic Councils (hereinafter shall mean the Federation) by resolution of the Federal Congress and in accordance with its Rules may delegate the power of nominating arbitrators for appointment to the person acting as the President for the time being of the Federation or in the alternative any Chairman for the time being of any State or Territory Councils from a list of Arbitrators prepared by the Executive Council of the Federation and from time to time revised with the concurrence of the Federal Congress.
- (2) The President for the time being of the Federation or in alternative any Chairman for the time being of any State or Territory Islamic Councils from a list prepared by the Executive Council of the Federation and from time to time revised with the concurrence of the Federal Congress.

Rule 2

- (1) Notice of Dispute: If a dispute or difference arises, any party to an agreement to refer the dispute to arbitration may, but only by Certified Mail, give written notice of dispute to the other party or parties served at the last address specified in the agreement out of which such dispute arises and after ten (10) days of notice such dispute or difference (unless settled) shall be and is hereby referred to arbitration in accordance with these rules.

- (2) If the parties agree the giving of notice under this Rule shall not be required and the parties may jointly call for the nomination of an arbitrator in accordance with Rule 4 and shall lodge therewith the security of \$250 as provided in Rule 3. Failure by the party giving notice to lodge the security shall not invalidate the notice but shall be a pre-requisite to a nomination of an arbitrator under Rule 4.

Rule 3

Security: The party giving notice of dispute shall furnish with such notice evidence that he has deposited with the Australian Federation of Islamic Councils, the sum of \$250 by way of security for the cost of the Award.

Rule 4

- (1) Call for Nomination: The notice of dispute having been given and such dispute being not settled within the time provided any party may call upon the Federation in writing to nominate an arbitrator and shall submit therewith to the Federation the following information:
 - (a) a copy of the notice of dispute;
 - (b) the names and addresses of the parties in dispute as shown in any agreement or otherwise;
 - (c) a general but brief description of the dispute containing such particulars of the dispute as may permit an appropriate arbitrator to be nominated and such further information as the Federation may require;
 - (d) a copy of the submission or agreement to arbitrate.
- (2) The Federation Action: Upon receipt of such call The Federation (subject to Rule 1) shall within ten (10) days nominate two arbitrators, one of whom shall be a Barrister or a Solicitor, and advise the parties and the nominated arbitrator accordingly.

Rule 5

- (1) Action of Nominated Arbitrators: The nominated arbitrators shall within seven days following receipt of advice of their nomination give written notice to the parties of the time and place of a preliminary conference or hearing at which they or their representatives shall attend. At such preliminary conference or immediately prior to the commencement of the hearing the nominated arbitrators may advise of any conditions they wish to impose and request the parties' agreement to such conditions and to their jurisdiction.
- (2) Entering on the Reference: The parties having agreed thereto, the nominated arbitrators shall accept their appointment and thereupon enter on the reference as arbitrator.

- (3) Discretion's: If any party disagrees with the nominated arbitrators' conditions or their jurisdiction the nominated arbitrators may either decline the reference and so advise the Federation stating that their nomination is thereby void or not such disagreement and enter on the reference.
- (4) After entering on the reference the two arbitrators, before commencing the formal hearing, may appoint an umpire, who in the normal course of events and if the parties have no objection, will be the President of the Federation. The umpire will have no powers unless there is a disagreement between the Arbitrators, in which case the procedure in Rules 7(2) and 7(3) will be followed.

Rule 6

Powers of Arbitrators: The Arbitrators having entered on the reference and thereafter may make such orders for the conduct of the proceedings, in conformity with the Qur'an and Sunnah-as they see fit, and from time to time may with the concurrence of the Federation order further security for the costs of the arbitration proceedings and such security shall be applied in accordance with the directions from time to time made by the arbitrator.

Rule 7

- (1) One Arbitrator: Upon a call to nominate the Federation shall nominate two arbitrators unless the parties, having agreed thereto, require the nomination of one arbitrator in which case the Federation shall comply.
- (2) Two Arbitrators: If they disagree the arbitrators shall provide the umpire with a written statement of the points of agreement and points of disagreement but without reasons thereof together with all other written matters relevant to the arbitration including exhibits and things marked for identification but excepting private notes of the arbitrators.
- (3) Umpire in Case of Disagreement between the Arbitrators: The parties shall be furnished with copies of the statement of points and the umpire shall then enter on the reference in place of the arbitrators. Unless the parties agree otherwise the umpire shall then enter the parties as they may require but documents or other exhibits or things marked for identification before the arbitrators may not be withdrawn. The umpire in making his award shall not be bound by any of the points of agreement expressed by the arbitrators unless the parties otherwise agree.

Rule 8

Loss of Arbitrator: If a nominated arbitrator declines a reference or after entering on the reference an arbitrator shall die or shall otherwise be incapable or debarred in law from continuing on the reference then The Federation shall nominate an arbitrator in his stead unless parties otherwise agree or a Court otherwise orders.

Rule 9

Nominated Arbitrator Failing to Act: If a nominated arbitrator does not enter upon the reference within one month of his nomination then The Federation may and shall if so called upon by a party nominate another arbitrator in his stead unless the parties agree otherwise.

Rule 10

Rule Applying to Two Arbitrators and Umpire: Where the term arbitrator or umpire is used then these Rules shall apply as if they were a sole arbitrator.

Rule 11

Free Choice of Arbitrator: Nothing in these Rules shall prevent the parties in dispute from agreeing to an arbitrator or arbitrators of their own choice.

Rule 12

Preliminaries not to Prejudice Pleadings: Any description identifying a claim given in a notice of dispute under Rule 2 or by way of description in accordance with Rule 4 shall not be taken as defining or limiting a claim and any party may thereafter raise by way of further claim or by way of defence, set-off, or counterclaim any dispute or difference which has arisen from the agreement embodying the submission to arbitration but prior to the commencement of a hearing. Thereafter any amendment or addition to claims will be subject to any conditions as to costs or otherwise that the arbitrator may impose.

Rule 13

Costs: Special or Delayed Address by parties:
Immediately prior to the conclusion of a hearing, but before any address on costs, any party may make application to the arbitrator that the hearing be adjourned to a further date when the arbitrator shall deliver his findings in writing to the parties (or beforehand if the arbitrator sees fit) and when the parties may address the arbitrator on costs (or make written submission if the arbitrator sees fit) and the arbitrator shall accede to such application. At the conclusion of an address or addresses on costs at the adjourned hearing or upon the arbitrator having received a written address or addresses the hearing will be deemed to have been completed. Such delivery of findings by the arbitrator shall not constitute an award in law. The arbitrator, at his

sole discretion, shall fix the future date referred to in this Rule which shall then be the latest time at which addresses on costs (either verbal or written) may be made. In default the application for adjournment shall be void and the hearing shall be deemed to have been completed and the arbitrator may make the award.

Rule 14

- (1) Payment of Moneys into the Arbitration: Should a party seek to mitigate liability for costs by paying moneys into the arbitration (Federation) by way of a sealed offer of settlement such offer, together with a copy thereof (both signed) and with a bank cheque, shall be forwarded to the Chief Administrative Officer of The Federation. Upon receipt, the Chief Administrative Officer shall immediately inform the offeree in writing of the particulars of the offer and shall then place the offer in an envelope under seal with particulars endorsed on the outside and hold until the offer is either accepted or the arbitrator calls for the sealed offer. The Chief Administrative Officer shall not inform the arbitrator of the offer or of its existence.
- (2) If the offer is not accepted Rule 13 shall then apply and the party paying in the money shall in his address or written submission required by Rule 13 inform the arbitrator of the offer. The arbitrator shall then call for the offer deposited with The Federation to be handed to him and determine his findings on costs and disposition of the bank cheque and make his award.

Rule 15

Conditions for View: The arbitrator may view the subject matter of any dispute or any site the view of which might assist him in determining the issues and may use his own observation not merely to assist him in understanding the evidence but also as material which he may use in determining the issues submitted to him: provided that he puts the parties on notice that he intends to do so and affords them adequate opportunity to investigate, test and answer on matters as observed and to be used as evidence.

Rule 16

- (1) The Award: The award of the arbitrator shall as far as possible be in conformity with spirit of the Qur'an and Sunnah, shall be made within reasonable time in writing and either forwarded by mail to the successful party (and signed copy thereof shall be forwarded to the other party or parties) or the arbitrator may advise the parties that the award may be picked up at some place determined by him.
- (2) In the event that the security money lodged with The Federation are less than that required to meet the costs of the award the arbitrator may withhold his

award until a party pays in to The Federation the required balance of money at which time such party may pick up the award.

Rule 17

Federation Indemnification against Damages: No action for damages whatsoever shall lie against The Federation or its officers for any action or omission arising from the performance of the duties required by these Rules.

Rule 18

- (1) Counting of Days: For the purpose of counting days under these Rules, such period shall begin to run on the day following the day when notice, notification, communication or proposals is received. If the last day of such period is an official holiday or a non-business day at the residence or place of business of the addressee, the period is extended until the first business day, which follows. Official holidays or non-business days occurring during the running of the period of time are included in calculating the period.
- (2) Such notice, notification, communication or proposal shall be deemed to have been received on the day following the day of posting.

PART II - INTERNATIONAL ARBITRATION

Rule 19

Definition: International arbitration means arbitration between parties of whom one at least does not carry on business within the Commonwealth of Australia. Part 11 shall apply only to International arbitration.

Rule 20

UNCITRAL Rules Apply: International arbitration shall be conducted in accordance with Part 1 of the Rules, this part and the UNCITRAL Rules of the United Nations Commission on International Trade Law in force at the time the Arbitration proceedings commence and to the exclusion of such Rules in part 1 as are at variance with the UNCITRAL Rules.

Rule 21

Appointing Body: The appointing body referred to in the UNCITRAL Rules shall be The Australian Federation of Islamic Councils but Rule 1 shall be restricted to The President for the time being or the person so acting.

Rule 22

- (1) Interpretation: In these Rules unless the context otherwise provides, subject to Rule 10, singular includes plural and vice versa; and a reference to Rule will include a reference to a sub-Rule or a part of it.
- (2) In the interpretation of a Rule of these rules, a construction that would promote the underlying purpose or object of this Deed (whether that purpose or object is expressly stated in these Rules or not) shall be preferred to a construction that would not promote that purpose or object.

END