



1 Wendy Way, Panorama Cape Town 7500

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PMCT AGM MINUTES

PART 1: 24/04/22 at 13:30 (adjourned @ Maghrib) PART 2 Continued 15/05/22 at 14:00

PRESENT:

Asger Khan (AK)	Shavaan Jardine (SJ)	Fawza Essa (FE)
Ya'eesh Cader (YC)	Noor Mohamed Fakie (NMF)	Ashraf Vanker (AV)
Nadeem Khan (NK)	Farouk Pangarkar (FP)	Dr Abdul Rahim Ashtiker (AA)
Abdul Qayyum Kader (QK)	Sarfaraz Mullah (SM)	M. Waseem Hendricks (MWH)
Khalid Khan (KK)	Faried Salie (FS)	Rafiek Parker (RP)
Ahmed Patel (AP)	Hamid Khan (HK)	

APOLOGIES:

NO APOLOGY:

None

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1. WELCOME & APOLOGIES

1.1. Meeting was opened by MWH and AK at 13:40. A quorum is present - Over 40 persons.

2. PRIOR MEETING MINUTES - CORRECTIONS/ACCEPTANCE

- 2.1. AK/YC read out the previous minutes. Minutes accepted by FS. Seconded by Arief Parker.
- 2.2. Comment made by NMF, as community update that KK has been tasked with opening an Islamic FNB account for the masjid.
- 2.3. A comment is made by Mushtaq Parker that the current trust deed references a "paid member" regarding AGM attendance and if not addressed, he feels that all meetings are therefore null & void.
- 2.4. Arief Parker noted that amendments have not been read out and therefore not being addressed. He questioned the validity of this meeting if the paid-up members have not been accounted for/verified. AK comments that only members who are on executive need be paid up members as per trust deed. AV then read out the clause on paid-up members within the trust deed.
- 2.5. Arief Parker then queries what constitutes a member. AV comments that there is no definition in the Trust Deed and that this definition is not clear.
- 2.6. AK further elaborates on the community used as the definition to constitute a member. NMF further clarifies the specific areas which form the catchment area, given the trust deed references a member must live within a certain catchment area.
- 2.7. Arief Parker comments on the bank accounts, and notes that shariah compliant bank accounts are critically important. SM confirms that we are in the process of applying for the shariah compliant bank account.
- 2.8. Arief Parker comments regarding the governance framework which was due to be created Requests an update on this. He further requests a copy of the trust deed, which was confirmed to be on the website by YC.
- 2.9. Sister Fawza introduced herself, confirms the points made by Arief are valid. She further commented that AK has formulated sub-committees to deal with many of the issues he has raised.
- 2.10. YC read out the Quarterly Minutes.
- 2.11. Abdul Kader Sungay queried if there was only 1 quarterly meeting. AK confirmed this to be true. He noted that Masjid Fundraiser events were held almost every other week, and with the rapid delivery of the building project, as well as December holidays and Eid in between, another quarterly meeting was not possible, even though that was the intention.
- 2.12. Abdul Kader Sungay queried whether 21 days is necessary for submitting questions.
- 2.13. Mubeen Sungay affirmed that 21 days is standard, and that AK confirmed that meetings will be more open-ended moving forward. He further noted the reasons for the Quarterly meetings, as per previous years. He noted that the closed EXCO meetings and single open Quarterly meeting was not applied correctly as per the rules.
- 2.14. Arief Parker affirms Mubeen's rationale for the need for Quarterly Meetings. He comments that 4 meetings are needed, and that only 2 is not fair. Proposes open EXCO meetings or more regular open meetings. AK affirms Ariefs comments and notes

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- 2.15. Arief notes that the community must decide if the meetings are open, and not the EXCO. Proposes bi-monthly or quarterly. Mohadien Khan suggests meetings be opened. AK notes the complications such as continuity etc., of having meetings with those who don't attend regularly.
- 2.16. FE notes that it would need to be structured if meetings are to be opened. She notes the time and management required to facilitate productive discussions. Requests community input needed to setup the structures in these open discussions. Requests we formalize this process.
- 2.17. Dr Ashtiker seconded proposal by NMF to open up all meetings but requested a bi-annual official community meeting. AK notes the reasons why the meetings were closed due to COVID and run on Zoom. AK also notes that NDA's will need to be signed to ensure honesty of the spirit of the betterment of the masjid.
- 2.18. Mubeen Sungay notes FE's comment of the poor attendance. He notes that the reason some did not attend due to inability to ask questions. He also notes key decisions were not published on the website. He also notes the negativity around the need to require community to sign NDA's as this was never done in the past.
- 2.19. AK notes the previous AGM's vociferous activity and the decision taken to require NDA's were made off the back of that session. Noted his use of NDA is being used very loosely. Requests FE comment on the NDA.
- 2.20. FE notes that due to the POPI act, we need a confidentiality agreement. She noted salaries of employees and other personal information are being discussed in these meetings. Notes there are 2 drafts 1 for Employees and 1 for EXCO members.
- 2.21. Proposal made to open EXCO meetings. Agreed. AK requested 1 interim meeting to arrange. AK notes the days and times of EXCO meetings.

3. CHAIRMANS REPORT

3.1. AK read out the Chairman's Report.

4. FINANCE REPORT

- 4.1. SM read out the Financials Report, going through the financial statements and the subsequent line items.
- 4.2. Mubeen Sungay queried high unrecovered Madressah donations and requests an update on the progress made last year to alleviate this issue. SM notes a provision was raised last year and confirmed a new accounting package was installed this year. SM confirmed that previous years data is not 100% clear and easy to plug into this new system. He confirmed this new system will make madressah fee management easy moving forward. SM further notes that madressah fundraising in previous years was used to offset outstanding madressah donations.
- 4.3. Mubeen queries non-payment of fees. SM notes statements have been sent out to all parents and these were not checked first. He further notes that good feedback was received, and certain parents subsequently made contact to query outstanding fees. He expressed confidence in recouping outstanding fees.
- 4.4. Arief Parker notes that deficiency in process cannot be fixed by IT, expresses hope that FE can document in governance. FE clarifies why this is not a control issue, as raised by Arief Parker. He defers his point to after the governance presentation.
- 4.5. NMF notes that on 16 May 2021, R5.2m was held in bank accounts when new EXCO was elected.

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- 4.6. NMF queries note on Theft/Fraud which was removed from the financial amounting to R24k. Arief requests an explanation on why this was removed from the new financials. AK explains the reason why this was removed and capitalised as requested by a trustee. AK further explains the specifics around the container company fraud issue which resulted in this Theft/Fraud line item. AK queries NMF rationale for raising this issue now in this forum, after agreeing to it in EXCO. NMF confirms he was part of the decision, and that his desire is purely for the community to be made aware.
- 4.7. Arief Parker notes his feelings that these lost funds were hidden from the community, and that this is Waqaf money. MWH comments that mistakes happen and notes that this should be rested.
- 4.8. RP notes that the initial draft financials noted this as theft, when it should have been fraud. RP notes that we have erred by capitalising this cost and should have left it as fraud and noted it to the community.
- 4.9. Dr Ashtiker notes his discomfort at the discussions currently happening. He comments that the necessary due diligence was done by AK and notes no ill intent was intended by AK. He notes this happens in business.
- 4.10. Ashraf Vajat notes that the container issue/fraud was not hidden at all by EXCO

 he comments that any exco member was transparent about the issue and nothing was hidden. Comments that the Chair has been threatened because of this issue and that this is more important than the material loss which has been incurred.
- 4.11. MWH proposes that in future, AGM meetings cannot be held in Ramadaan due to the negativity it causes.
- 4.12. AV notes request by MWH to move this meeting to after Ramadaan. Uncle Ebrahim has seconded this proposal. AV looking for objections to this motion. Motion has passed.
- 4.13. Arief Parker comments that his opinions are not directed at any particular person.
- 4.14. Mubeen Sungay comments that he knows AK and that any comments that disparage his image are unnecessary. He further compliments the new EXCO, Chair and community on the progress made to date for the building project.
- 4.15. AK has outlined our current tax exemption status and how it relates to section 18A, as well our current entity status as a trust. He further mentions the need to be registered as an educational institute. Comments further how 37m2 complies with WCED standards as we move towards 18A status. Notes that PMCT creche will be run by PMCT. Further notes how PMCT is moving away from listing Madressah costs as fees, but rather Donations, as well as clarifying how fundraising by madressah in the past was used to offset costs. He further elaborates on the container fraud issue and how it was not a secret to any of the regular musallees as it was discussed openly.

5. GOVERNENCE AND POLICY REPORT

- 5.1. Governance report read by Ashraf Vanker.
- 5.2. Khalil Dalwai notes in previous EXCO there was a subcommittee to document policy, but nothing has happened on this, to his knowledge, since the new EXCO has joined. He would like to know if the work done previously will be continued. AK notes the formulation of the new sub committees when the new EXCO started. He notes a community circulation invitation was extended to ask for volunteers to assist, but no responses were received.
- 5.3. AK further elaborates how Moulana Khalil Hendricks was approached for advice on this governance issue, and after review from a Shariah perspective, it was decided to use InLight Foundation given their experience. AK further notes that donors covered

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the cost for the consulting services offered by InLight. He further comments how our blueprint can and will be used for other disadvantaged masaajid.

- 5.4. Khalil Dalwai queried again if the work done previously was unsuitable for the masjid. AK reaffirms that no one from the community came forward to volunteer for the Governance Committee. He also confirms that the work done previously forms the basis of the InLight Foundation work that is currently ongoing – Invites volunteers once again to join the sub-committee.
- 5.5. Sister Nazneen comments that the perception in the meeting currently is quite negative.
- 5.6. Mubeen Sungay notes 2 corrections to comments made by AK: Notes that when Moulana Fakier was approached, he gave guidance, but he declined to attend in person. Mubeen also confirms that the invitation to the community was sent out, but the minutes of the EXCO meeting show it was put on hold. Notes invitation to skilled members was done previously, and that brother Khalil Dalwai should have been approached to join the sub-committee. He further notes that policies around Donations was highlighted by Arief Parker, including an HR and other policies. AK responds saying work with InLight has started to formulate those policy documents highlighted as missing. He also notes the trust deed is being looked at by Inlight, who have giants of Imaamat and governance on hand such, as Moulana Muhammad Carr to assist. AK notes that disbandment and formulation of new sub-committees, as done on previous occasions when new EXCOs were formed after elections, were followed by the letter of the law. AK further notes that 1 workshop was done with InLight, but more are to come. He notes that previous work has been incorporated into the work currently being done.
- 5.7. FE gave background, high level, speaking to the work that has been done to date on this project with InLight. She notes the in-depth conversations that have been had via InLight have never been had with trustees before.
- 5.8. RP comments that he enquired about the previous work done on Governance, and that the community invitation went out subsequent to that.
- 5.9. Abdul Sungay queried: Which criteria was used when positions became available when a new EXCO member was elected, referring specifically to when brother Hamid Khan replaced Yunus Kajee. AV notes 17.4 of the trust deed to AK (*The Executive Committee shall be entitled to nominate a member to fill a vacancy on the Executive Committee caused by resignation, dismissal, death or for any other reason, until the next general meeting.*) AK comments that the same procedure was followed as with the previous EXCO where current EXCO can vote on the most active community member, who is possibly on a subcommittee. AK further comments that EXCO voted on Hamid Khan as the replacement EXCO member. NMF notes that a replacement member was due to serve until the next General Meeting.
- 5.10. Arief Parker notes that whilst developing policy, we have an ongoing policy requirement. He comments that the new building was allowed to be occupied without the necessary Health & Safety approvals.
- 5.11. Arief Parker comments further that a bulk email was sent out to the community which divulged email addresses of those recipients. He reaffirms the need to manage ongoing governance.
- 5.12. AK responds that he has done a walkabout with the architect and that the necessary safety measures have been put in place. He notes further that the disabled toilets need to be completed to obtain the occupational certificate. He notes that PMCT has been conscientious with our safety. AK also notes that the email sent was done accidentally, which AV has apologised for. AK Noted that a large national organisation, SANLAM, recently sent an erroneous email to him, followed by an

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apology, and that even with measures in place the odd mishap can happen, even with large organisations, as mentioned.

5.13. AA notes that the trustees may have been hasty to occupy the new building, sometimes against AK's wishes.

1. Trust deed amendments: (Addendum with detail attached)

5.14. **1.4:** Definition of a member. KD notes a person staying in another area has influence over our trust deed, with the inclusion of employees for voting rights. He has raised his objection. FE further elaborates the need for this amendment, whilst AK clarifies even further. Mubeen requests that we postpone this to another day due to time constraints: Adjourned AGM to resume on date by notice of EXCO. Liaqat Dalvie confirms that we can adjourn to complete this AGM. AGM adjourned at 17:50.

PART 1: 24/04/22 Adjourned @ Maghrib

AGM PART 2 Continued 15/05/22 at 14:00

AGM meeting resumed – Sunday 15/05/2022 at 14:00

- 5.15. Objections to the above amendment noted by Khalil Dalwai (KD). Mushtaq Parker makes recommendation on grammar, that it should refer to either employee or local resident. KD requests his objection to be noted. FE clarifies further the need for this particular amendment, and its suggestion. KD notes that the people of Panorama retain the right of self-determination. He further notes that workers work for the sake of Allah, rather than the ability to vote. MWH responds from a shariah perspective, and requests Moulana Muhammad Carr to give his feedback. Moulana Carr gives examples of the current norm within Cape Town, as well as the endowments of the wafiqoon. He further comments that including employees in voting rights would be a good idea given they are stakeholders in the masjid. FS requests that registered members be used, instead of paid-up members. AA notes his views on external residents who have their own masjid in their area, as well as having to extend this option to other institutions working on our premises and should not be allowed to vote here. He further requests clarity from a shariah perspective from Moulana Carr. AK gives the BoKaap example and all its Masaaj, with it being very difficult to establish exact constituency of each Masjid. AK further comments on the right of an Imam to vote if he were to live outside the area where the Masjid is and gives the example of Sheikh Muhammad West who resides in Plattekloof but is the Imam of the Boorhanol Masjid in Bo-Kaap.4 Objections noted. 27 Approved. 2 abstentions. Amendment approved.
- 5.16. **7.3:** AV comments to elaborate the amendment further. NMF queries clarity on the amendment regarding the need to be a continuous member, with AV clarifying it can be any 2 years. **Amendment approved**.
- 5.17. 7.9.2: This is an extension of a previous point discussed, i.e.: The definition of a member. **Amendment approved**.
- 5.18. MWH notes his objection to have AGM's in Ramadaan. RP further clarifies the need for this amendment to be written and decided at the next AGM.
- 5.19. **16.2.9:** NMF queries rationale for the amendment. AV notes the request came from Mubeen Sungay, and further elaborates the availability of community members to serve on both trustee and executive positions. SM suggests that we amend to state

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5.20. **16.4:** No questions. **Amendment approved**

- 5.21. **17.7:** NMF queries if this affects trustees. FE confirms that it would include everyone on the executive committee. NMF notes his objection. Sister Nazneen comments her support of this amendment. FE further clarifies the need for the amendment noting specifically the time lost bringing members up to speed who continuously miss meetings. 6 Objections noted. 0 abstentions. **Amendment approved**
- 5.22. **18.2:** Voting for amendment takes place. **Amendment approved**
- 5.23. **18.4:** Voting for amendment takes place. **Amendment approved**
- 5.24. **18.6:** Voting for amendment takes place. **Amendment approved**
- 5.25. **13.3:** Voting for amendment takes place. **Amendment approved**
- 5.26. 13.3.1: Amendment approved
- 5.27. 19.7: Amendment approved

6. DIGITAL & MEDIA REPORT:

6.1. Report read out by YC

7. SECRETARIAT REPORT:

7.1. Report read out by YC

8. IMAAMAT REPORT:

8.1. Report read out by YC

9. MADRESSAH REPORT:

9.1. Report read out by YC

10. SOCIAL AND OUTREACH REPORT:

10.1. Report read out by YC

11. BUILDING REPORT:

11.1. Report read out by AK.

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12. FACILITIES MANAGEMENT REPORT

12.1. Maintenance report read out by Nadeem Khan.

13. GENERAL

- 13.1. Sheikh West commented on the community involvement in the AGM, as well as voicing his admiration of our process. He further elaborates on the importance of mutawallihs, as well as the character of these individuals.
- 13.2. AK thanks the community, as well as the executive, and his family, as well as the ladies jamaat for their continued support this past year.
- 13.3. AV narrates a story at the mass iftar one of joy and inspiration.

14. CLOSING

14.1. Meeting was closed at 16:40 by MWH.

DECISIONS TAKEN:

- 1. AGM Meetings to take place outside of Ramadaan moving forward.
- 2. EXCO meetings will be open to the public.

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RESOLUTION PASSED AT THE 2022 AGM OF THE EXECUTIVE COMMITTEE / TRUSTEES OF

THE PAROW MUSLIM COMMUNITY TRUST Registration Number IT1071/2008

HELD AT PANORAMA

ON THE 24th APRIL 2022

RESOLVED THAT:

 The Trust Deed be amended by the following highlighted clauses (yellow amended; grey to be removed and green new additions):

<u>CLAUSES RELATING TO AMENDMENT REQUEST <DEFINITION OF MEMBER, REMOVAL OF</u> <u>SUBSCRPTION FEES TO BE MEMBER/NOMINEE></u> <pls note all numbering in deed will be updated if required due to additions>

- 1.4 "Member" means any employee of the PMCT or any "Muslim" as defined in Clause 1.3 of this Trust deed, over the age of 18, residing within "Parow" as defined in Clause 1.12 of this Trust deed.
- 7.3 In order to be eligible for the nomination, appointment and serving as trustee /executive member, a person must:
 - 7.3.9 He must be a paid up registered Member (annual fees) and have served for at least 1(ONE) full term on the PMCT Executive Committee on the date of election to be eligible to serve as a Trustee.
- 7.9 In the event that there are less than 5 (FIVE) trustees in office at any given time, then such remaining trustees shall not be entitled to exercise the power of co-option provided herein in Clause 7.10 nor shall they perform their duties as trustees other than that necessary for the continued administration of the trust. In such event the remaining trustees shall arrange public elections for trustees within 60 (SIXTY) days of the date on which there are less than 5 (FIVE) trustees in office for the purposes of appointing such

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further trustee(s) to ensure that there are at least 5 (FIVE) trustees in office at any given time, whereupon the trustees shall resume their full power as outlined in this deed.

Notwithstanding anything stated to the contrary herein and for the purposes of such public elections, the following procedure shall be adopted:

7.9.2 Every such nominee must be a paid up registered Member and have served for at least 1(ONE) full term on the PMCT Executive Committee on the date of election to be eligible to serve as a Trustee; and / or be an active participant in the daily activities of the trust;

18.5 e) shall keep a register of subscription fees of each and every member.

20. ANNUAL GENERAL MEETINGS

The Executive Committee shall be obliged to hold annually an Annual General Meeting that shall be open to Members. Such Meeting shall be held at such place designated for that purpose each year by the Trustees/Executive Committee and shall be held during the month of Ramadaan of each year or such later date that the AGM may be held in the same year coinciding with the AGM of the Executive Committee (due to the fact that the Lunar Calendar is 11 days shorter than the Gregorian Calendar, a fixed date cannot be set). Written notice of such meeting shall be displayed in the Mosque under administration by the trustees in accordance with this Trust Deed at least 15 (FIFTEEN) days before the date of such meeting. At such meeting the trustees shall present an audited Account/ independent annual review of their Financial Administration of the trust and its funds for the relevant financial year, including an overview of their activities over the period under review, as well as present and future activities. The persons entitled to attend such meeting shall be such persons who are entitled in terms of this Trust Deed to nominate trustees. All such persons who attend an Annual General Meeting shall be entitled to question the trustees/executive committee as to any matter on the agenda of such Annual General Meeting. The quorum for such Annual General Meeting shall be 25 (twenty five) Members and surrounding areas as defined in Clause 1.4.

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CLAUSES RELATING TO AMENDMENT REQUEST < DIVISION OF DUTIES FOR GREATER COMMUNITY PARTICIPATION, ALIGNMENT OF CRITERIA OF NOMINEES FOR TRUSTEE, CHAIR, VICE CHAIR & TREASURER>

- 16.2.9 The Trustees may NOT hold any of the other aforesaid Executive Portfolio Positions while serving as a Trustee, NOR may any elected Executive member hold a Trustee position while serving on any of the other aforesaid Portfolio Positions.
 - 1. 16.4 All nominees must be Members at the time of their nomination. In addition, nominees for the portfolios of Chairman, Vice-Chairman and Treasurer must have served for at least 1(ONE) full term on the PMCT Executive Committee on the date of election to be eligible.

CLAUSES RELATING TO AMENDMENT REQUEST <ENSURING EXCO AVAILABILITY & CONTINUITY >

- 17.7 Any Executive Committee member absent from three consecutive meetings or any four meetings within a twelve month rolling period, without written or verbal apology at the next meeting shall forfeit his post, unless otherwise agreed by the Executive Committee.
- 18.2 Vice Chairman

In the absence of the Chairman, the Vice Chairman shall exercise the powers and discharge the duties of the Chairman. He shall also assist the Chairman and be actively involved in all key activities which enable him to fulfil the duties of the Chairman in his absence.

18.4 Assistant Secretary

Shall render every possible assistance to the Secretary and be actively involved in all key activities which enable him to fulfil the duties of the Secretary in his absence. In the absence of the Secretary, he shall fulfil all the duties of the Secretary

18.6 Assistant Treasurer

Shall assist the Treasurer <mark>and be actively involved in all key activities which enable him</mark> to fulfil the duties of the Treasurer in his absence<mark>.</mark> In the absence of the Treasurer, the Assistant Treasurer shall fulfil all the duties of the Treasurer.

CLAUSES RELATING TO AMENDMENT REQUEST <REMOVE TERMS THAT BECOME OBSOLETE WITH TIME>

- 13.3 The Executive Committee shall at all times be vested with such powers to deal with the trust assets which they in their exclusive discretion deem necessary to best control the trust fund in pursuance of the purpose and objects of this trust. Without restricting the general powers of the Executive Committee but subject to paragraphs 13.1 above, the Executive Committee shall have the power to:
 - 13.3.1 Open bank accounts for the trust, draw cheques on such accounts, or deposit moneys in it, to issue bills and guarantees in favour of third parties against the account and to hand to the bank, bills for collection in favour of the trust;

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Executive Committee: Asger Khan (Chairman), Shavaan Jardine (Vice-Chairman), Ya'eesh Cader (Secretary), Sarfaraaz Mullah (Treasurer), Ashraf Vanker (Assistant Secretary), Khalid Khan (Assistant Treasurer), Fawza Essa, Hamid Khan, Nadeem Khan, Ahmed Patel
 Trustees: Dr Abdul Rahim Ashtiker, Mohammed Noori Fakie, Abdul Qayyum Kader, Farouk Pangarker, Rafiek Parker, Faried Salie
 Imaamat: Moulana Waseem Hendricks

19.7 Notices of meetings shall be in writing with an agenda. Notices shall include two channels of communication.

TRUSTEES ABDUL RAHIM ASHTIKER	Signatures
NOOR MOHAMED FAKIE	
FAQIH ABDUL QAYOOM KADER	
MOHAMED RAFIEK PARKER	
MOHAMED FAROUK PANGARKER	
FARIED SALIE	

The Executive, Trustees and Imaamat of the PMCT

Executive Committee: Asger Khan (Chairman), Shavaan Jardine (Vice-Chairman), Ya'eesh Cader (Secretary), Sarfaraaz Mullah (Treasurer), Ashraf Vanker (Assistant Secretary), Khalid Khan (Assistant Treasurer), Fawza Essa, Hamid Khan, Nadeem Khan, Ahmed Patel
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