



Diwan Al Dawla

DIWAN AL DAWLA
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BY REGISTERED POST
and EMAIL

16 March 2018

Dear Mr Khalifeh

Re: Your letter dated 19th February 2018 (Your Ref: P20640).

As a member of **Diwan Al Dawla** ('the Association') and its Imam, I wish to state that I am responsible for decisions in relation to work that is carried out at 1855 Putty Road Colo ('the Land').

Since the purchase of the Land in 2017, it has been my initiative, in compliance with the governing rules of the Association, to cleanup, renovate and run a weed management plan on site in order to prepare the Land for running the Association's spiritual services. All such works that have been carried out are ancillary to running the spiritual services on the Land.

A. COLO WILDERNESS RELIGIOUS SITE

The Colo Wilderness site on 1855 Putty Road is a religious site that is owned by the members of **Diwan Al Dawla** (ABN 99 761 464 044) for the carrying out of religious activities of devotion, self-discipline, ritual baptism, inter-community prayers, contemplation and religious study. The Land with its Colo River access serves as a reclusive place of worship.

Members of **Diwan Al Dawla**, known as *aṣḥāb al dawla*, live as a religious guild separated from secular lifestyles to pursue a religious mode of worship and an ascetic lifestyle under an oath of self-sacrifice and dedication to the purposes of **Diwan Al Dawla**.

Of particular note is the practice of baptism which involves individual access to the Colo River for the process of ritual immersion and washing known as *wuḍū* (purification by partial washing) and *ghusul* (purification by total washing). The frequent practice of baptism as a ritual of purification for prayer is a common activity not just for initiation purposes.

In contradistinction to the direct utility of the river for ritual baptism, water transmitted in urban pipelines and that which is pumped from the river using fuel is dependent upon entities that represent secular socioeconomic structures and modes of living. In this way, the free flowing river serves a spiritual purpose that is not met by town water.

This leads to the importance of the walkway ramp (suitable for a disabled chair) that was renovated from an old preexisting slipway. My work on the Land with the cleanup, renovation and weed management plan was, thus, ancillary to the Land being prepared to be used for ritual baptism in the river and for prayer service in glorification and praise to God.

B. CLEANUP, RENOVATION AND WEED MANAGEMENT WORK

1. Pre-work assessment

Upon the purchase of the Land, we found an old rusted winch and a truck that were partly buried in a preexisting slipway ramp along with other metal scrap, building materials, old bottles, plastic packaging, pipes and other general trash that was scattered along the bank covered with thick lantana and other weed species. According to neighbors, the slipway ramp and the old winch were previously used for transporting melons and other produce from the Land.

The Land had a severe weed invasion problem that had a negative environmental and social impact including the presence of insects that can cause illness in both humans and animals. Due to a lack of management, various weed species had overgrown especially around trash polluted sites smothering native vegetation and outcompeting with native fauna for space, light and water.

2. The work

Initially, I devised a rubbish removal plan that saw the collection and piling of rubbish material and scrap using manual labor, hand tools and a suitable machine for pulling out the old winch and truck. I estimated the total rubbish that was removed and carried off site to be at least 20 tons.

After the removal of the rusted winch and truck, as well as, the other rubbish from the old slipway, I implemented my prior decision to restore the preexisting slipway ramp and to renovate a walkway from it. For this purpose, a natural sandstone rock face was put in place to one side of the walkway and sandstone gravel was laid on the floor to achieve the aim of soil stabilisation.

I next implemented a weed control plan based on leading practice from local experts designed to eradicate and prevent the spread and the impact of the weed infestation on the Land. The plan included the use of resources, which helped with weed identification,

diagnosis and control. Local experts also helped with identifying the following types of weeds on the Land:

1. Lantana (*Lantana camara*)
2. Creeping lantana (*Lantana montevidensis*)
3. Black willow (*Salix nigra*)
4. Honey locust (*Gleditsia triacanthos*)
5. Cape ivy (*Delairea odorata*)

The plan involved the use of natural herbicides and control agents, as well as, slashing, mulching and hand pulling. The areas were then remediated for holes and ridges in order to reduce soil erosion.

In degraded areas, where the rubbish had been deposited, native ground cover plants have been re-established by seeding and planting of local species that are already adapted to the local environment in order to stabilise the soil and to support the local wildlife habitat. Temporary quick germinating grasses such as rye and oats were used to stabilise the soil until the slower growing native plants are re-established.

Sediment control devices were also put in place, in line with best practice, along the bank in areas where there was remediation work. This involved the use of a silt fence, mulch on open beds to protect soil and support plant growth and hay bales on the renovated walkway.

3. *Post-work assessment*

Weed propagules and their root systems have generally been eradicated, however, there has been regeneration in some areas. I, therefore, have decided to carry out an adaptive containment strategy in those limited areas rather than to carry out any renewed eradication activity.

With the cleanup, renovation and weed management work, native vegetation has remained along the bank and local sandstone from the Colo region has been utilised in order to stabilise the renovated slipway and to prevent soil loss or pollution from where the winch and truck were pulled out. The general terrain of the Land is a natural sandstone plateau, and, thus, the use of sandstone aesthetically blends in well with the native ecosystem of plants and trees that is left intact.

The desired outcome from the work was to preserve human health, spiritual livelihood, natural habitat and landscape amenity on the Land. I am happy to state that the aim of the carried out work has been achieved, and therefore, no further cleanup, renovation or removal of weed vegetation is planned for the Land. In addition, sediment control measures have achieved the objective of stabilising any potential soil erosion along the bank.

C. BASIC RELIGIOUS CHARITY

Diwan Al Dawla is a religious body that is registered with the Australian Charities and Not-for-profits Commission (ACNC) as a 'Basic Religious Charity'.

According to the ACNC, a Basic Religious Charity is a registered charity with the purpose of 'advancing religion' and which meets five other requirements. Only a small number of charities that are registered to advance religion meet all of these requirements. The first requirement is being unincorporated, which means the association is not incorporated in Australian law, such as the *Associations Incorporation Act 2009* or the *Corporations Act 2001*. The second requirement refers to its charitable purposes as being solely for the 'advancement of religion'. Activities that are done to further the purpose of 'advancing religion' are treated as being ancillary to (and part of) the purpose of 'advancing religion'. However, if the charity is registered, or could be registered, with an additional charitable subtype, it is not a Basic Religious Charity. The other three requirements relate to the charity not reporting as part of a group, not being a deductible gift recipient (DGR) and not receiving public grants. (ACNC: *Basic Religious Charities Guide*, 2014)

Charities who meet the definition of Basic Religious Charity do not have to submit annual financial reports, and they do not have to comply with the ACNC governance standards, which include Standard 3 headed 'Compliance with Australian laws'. In particular, the *Australian Charities and Not-for-profits Commission Act 2012* states in section 45-10 (Regulations establishing governance standards) subsection (5) that "the regulations must not require a registered entity to do, or not to do, a thing ... if the registered entity is a basic religious charity".

In addition, "the activities performed by a religious practitioner in pursuit of his or her vocation and as a member of a religious institution are taken to be the activities of the religious institution (and not the activities of the religious practitioner)" (*ATO Miscellaneous Taxation Ruling MT 2006/1* (117) and *GST Act 1999* (50-1)). Also, "the duties or activities may include secular activities if it can be shown that there is a direct link between those activities and the religious beliefs of the person concerned" (*ATO Taxation Ruling TR 92/17* (22)).

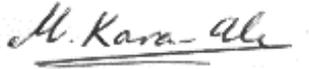
D. REQUEST

Religious activities, according to our ACNC registered governing rules, must be carried out based upon a unitarian epistemology and narrative that bind the collaborative effort of members upon autonomous standards of self-governance, and which, therefore, must remain independent of entities that represent secular socioeconomic structures and modes of living.

In addition, the *Australian Charities and Not-for-profits Commission (ACNC) Act 2012* stipulates that when it is carrying out religious activities that are related to the practice, study, teaching or propagation of its religious beliefs, or other activities ancillary to them that are carried out by a religious practitioner, such as the cleanup, renovation and weed management work on the Land, **Diwan Al Dawla**, as a Basic Religious Charity, is not required to comply with Australian laws.

As the Imam of **Diwan Al Dawla** and its spiritual leader, I, therefore, ask the Hawkesbury City Council to revoke its letter dated 19 February 2018 that refers to Section 76A of the *EPA Act 1979*, and to do so on the basis that its demands infringe upon our religious freedom and tamper with our mode of worship in contravention of our ACNC status as a Basic Religious Charity.

Kind regards,



Dr Mustapha Kara-Ali
Imam, DIWAN AL DAWLA