



MALEK FAHD ISLAMIC SCHOOL

ABN: 41003 864 891

KNOWLEDGE IS LIGHT & WORK IS WORSHIP

www.mfis.nsw.edu.au

INFORMATION UPDATE

FROM THE BOARD OF MALEK FAHD ISLAMIC SCHOOL

Monday, 20 March 2018

Assalamualaikum

Full Court of the Federal Court decision

In a split decision today, three judges of the Federal Court dismissed our appeal against the Administrative Appeals Tribunal's decision in 2016 in relation to Commonwealth funding.

The two judges who argued to dismiss our appeal concluded that they could not admit new evidence and so could not take into consideration any changes or new information not available to the Tribunal when it made its decision. This includes all the matters that were resolved in our case against AFIC.

We must now decide our next steps. Over coming days, the Board will consider a range of options that include:

- Applying for leave to appeal to the High Court
- Submitting a new approval application to the Commonwealth
- Seeking a meeting with the Commonwealth Education Minister to resolve all matters

You may be assured that the Board will continue to make decisions that are in the best interests of your children and our staff. We take heart from this statement yesterday by Justice Wigney:

'I agree with what both Perram J and Mortimer J have said in relation to the events that occurred after the hearing of the appeal and the refusal of the School's application to lead fresh evidence. One can only hope and expect that, given those developments and the circumstances generally, any new approval application by the School [to the Commonwealth] would receive favourable consideration.'

We will keep you informed of developments.

Welcome to new Board Member

I am very pleased to advise you that we have a new Board member, Fehraz Fallil, who joined the Board on 7 March.

Fehraz is the General Manager – Financial Management and Treasury for icare NSW. He also is a member of the Audit and Risk Committee for the Sargood Foundation. Before joining icare, Fehraz was the Director – Total State Sector Accounts and Systems for the NSW Treasury and worked in senior positions at AMP Ltd for nearly 10 years.

Fehraz has a Masters in Finance from Melbourne University and is a qualified Chartered Accountant. He has a strong background in Finance and Risk Assessment.

I am confident that Fehraz will contribute significantly to the work of the School Board.

Finalising matters with AFIC

Last Thursday, we were back in Court to finalise our case against AFIC. This appearance was for the judge to make final orders that give effect to his judgment based on what the lawyers from both sides agreed upon, make a decision on the matters where there was disagreement between the parties and rule on costs.

The final outcome to settle what AFIC owes the School and what the School owes AFIC will be \$845,540, in the School's favour. This is a lot less than what was reported earlier as a result of the concessions by AFIC in early November.

The reason is that the School had paid very little rent to AFIC since 2013. The good news is that this debt is now cleared. Furthermore, the School will have paid rent for Hoxton Park and Greenacre up until 1 January 2019 in accordance with its rental obligations. As you know, the Beaumont Hills was awarded to the School.

The judge reserved his decision on costs.

Farewell to Ben Marsh

Sadly we must say 'good bye' to our Business Manager, Ben Marsh, and thank him for all he did for us.

In Ben's nine months with us he made a mighty contribution to the future of Malek Fahd Islamic School. He provided great assistance to the Board as we work towards overcoming all the problems of the past. He will continue to assist us until his replacement is in position.

We wish him every happiness and success in his new role.

Jazakallah Khairan for your ongoing support.

Wassalam

DR JOHN BENNETT

Chair