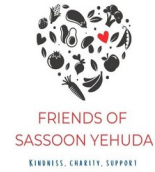




# The Sephardi Association of Victoria Inc.

Sassoon Yehuda Sephardi Synagogue  
Friends of Sassoon Yehuda Inc.  
Sephardi Heritage Museum Australia



*All policies have been reviewed April 2026*

## Rules for an Incorporated Association named

### “The Sephardi Association of Victoria Incorporated – The Sassoon Yehuda Sephardi Synagogue”

#### Note

The persons who from time to time are members of the Association are an incorporated association by the name given in

rule 1 of these Rules.

Under section 46 of the **Associations Incorporation Reform Act 2012** these Rules are taken to constitute the terms of a contract between the Association and its members.

#### RECITALS

Whereas:

- A. Sephardi Jews have been in Australia since January 1788 with the arrival of the First Fleet from England and the beginning of British colonisation of the continent.
- B. Those Sephardi Jews were principally descendants of Spanish and Portuguese Jews from the Netherlands who arrived in England after the readmission of the Jews to England by Oliver Cromwell following the intervention of Rabbi Manasseh ben Israel in 1656.
- C. In the nineteenth century, Sephardi Jews from such places as the Ottoman Empire, Persia, Afghanistan and India immigrated to the then Australian colonies of Great Britain, supplementing the Spanish and Portuguese Jews who had immigrated, and continued to migrate, from England.
- D. Following the adoption of the White Australia Policy soon after the Commonwealth of Australia was established on 1 January 1901, it became difficult for Sephardi Jews to immigrate to Australia.
- E. After the Second World War, Australia's restrictive immigration policies tended to be relaxed and by the middle 1950s, a new wave of Sephardic Jewish immigrants had begun to arrive from Arab countries, with many of them establishing themselves in Sydney, Melbourne and Adelaide.
- F. These Sephardi Jews wanted their own Synagogue where prayers were conducted in accordance with traditional Sephardic customs. In addition, tensions emerged between the established Jewish communal organisations and Sephardic Jewry over such matters as the perceived insufficient opposition by the established communal organisations to the last vestiges of the

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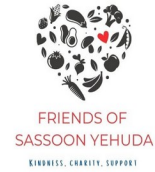
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White Australia Policy with its adverse effects on the migration of Sephardi Jews.

G. Sometime in August 1965, 14 members of the Sephardi Jewish community gathered together at the flat of Mr and Mrs Maurice and Viviane Levy, 14 Chapel Street, Windsor to found The Sephardi Association of Victoria as an unincorporated association principally by and for Sephardi Jews.

H. The first High Holy Day prayer services of The Sephardi Association of Victoria was held at the Moorabbin Synagogue in 1965.

I. At a subsequent larger meeting on 1 November 1965 at the residence of Mr and Mrs K Bekhor, 220 Cotham Road, Kew, a draft constitution was adopted and the first Executive Committee was elected.

J. In 1969 The Sephardi Association of Victoria and the Sephardi Association of New South Wales disaffiliated from the Jewish Boards of Deputies of their respective States following those Boards formally expressing their opposition to the conduct of a protest being organised by Sephardic Jewry over the 14 Jews who were hanged in Baghdad, Iraq in February 1969, as the Boards were organising protests in Melbourne and Sydney on the same day for Soviet Jewry.

K. In 1976, The Sephardi Association of Victoria completed building the Sassoon Yehuda Sephardi Synagogue at 73 Darling Street, Malvern, Victoria, and prayer services were commenced at the Synagogue for the High Holy Days of 1976.

L. On Sunday, 20 March 1977, the Sassoon Yehuda Sephardi Synagogue was officially opened by the then Prime Minister of Australia, the Rt Hon Malcolm Fraser CH MP, with the then Israeli Ambassador to Australia, Mr Michael Elizur, the then President of the Australian Federation of Sephardi Jewry, Mr Albert Hassid, and the then President of the Victorian Jewish Board of Deputies (now the Jewish Community Council of Victoria), Mr Arnold Bloch, also in attendance, with a message from the then Haham, Dr S Gaon, of the Spanish & Portuguese Jews' Congregation in London.

M. At the opening of the Sassoon Yehuda Sephardi Synagogue on Sunday, 20 March 1977, Mr Bloch spoke on behalf of the Victorian Jewish Board of Deputies, emphasising the importance of the Sephardic Jewish community for the broader Jewish community in Australia. Mr Bloch referred to the Sephardi commitment to traditional Orthodox Judaism which Mr Bloch said had always been practised by Sephardic Jewry in moderation providing a wonderful example for Jewry as a

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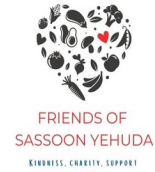
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whole given that in modern Western countries a tendency had emerged towards either ultra-Orthodoxy on the one hand or Reform on the other. Mr Bloch said it was important for Australian Jewry that The Sephardi Association of Victoria re-join the Victorian Jewish Board of Deputies. Following Mr Bloch's speech, The Sephardi Association of Victoria re-joined the Victorian Jewish Board of Deputies which it had left in 1969.

N. After the enactment and commencement of the *Associations Incorporation Act 1981* of the State

of Victoria, The Sephardi Association of Victoria became an incorporated association under that Act.

O. In the first half of the 1990s, The Sephardi Association of Victoria Incorporated, as it had become, built a new Synagogue at 79 Hotham Street, East St Kilda under the presidencies of Mrs Viviane Levy and then of Mr Johnny Mazza to accommodate religiously observant Sephardi Jews primarily resident in the vicinity of the new Synagogue, who did not want regularly to have to walk to Malvern to attend many of the prayer services, with the new building being officially opened by Australia's former Governor-General, Sir Zelman Cowen, in November 1994 in the presence of the Rabbis and Presidents of Melbourne's synagogues.

P. Since November 1994, the Sassoon Yehuda Sephardi Synagogue has been located at 79 Hotham Street, East St Kilda.

Q. In December 2000, Rabbi Eliyahu Bakshi-Doron, Harishon Lezion, The Sephardi Chief Rabbi of th

Israel, presided over celebrations commemorating the 35 anniversary of the establishment of The Sephardi Association of Victoria in 1965.

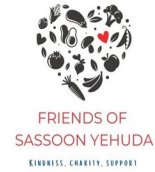
R. The Rules for The Sephardi Association of Victoria Incorporated have not been amended since 21 March 1999. Since then the *Associations Incorporation Reform Act 2012* of the State of Victoria (hereinafter **the Act** - see Rule 4 **Definitions**) has commenced operation. The provisions of the new legislation provide both for Model Rules and for many of those provisions to apply by direct force of that legislation. Accordingly, facilitating the efficient conduct of the Association's affairs requires the replacement of the old Rules by the new Rules so that the rules governing the Association are able to be found or referred to in an updated comprehensive document.





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S. The new Rules below therefore need to be adopted to reflect the provisions of the new legislation

while continuing to express the purposes and objects of our founding members.

T. In respect of the purposes and objects of our founding members, the pre-existing Rules as last amended on 21 March 1999 provides at clause 2(a)(v) that the “Haham” “means the Rishon-le-Sion, Sephardi Chief Rabbi of Israel”; at clause 2(a)(viii) that the customs of the Association are those of “the Orthodox ritual practised by the Spanish and Portuguese Jews Congregation, London”; at clause 2(a)(ix) that the “Rabbi of the Association” must be “a qualified orthodox Rabbi”; at clause 3(a) that: “The Association is open principally to Sephardi Jews”; and at clause 4 that the membership of the Association must be “Jewish”.

U. The Rules herein which are to replace the previous Rules as last amended on 21 March 1999 continue to reflect the purposes and objects of the pre-existing Rules as last so amended.

## PART 1—PRELIMINARY

### 1 Name

The name of the incorporated association is "The Sephardi Association of Victoria Incorporated – Sassoon Yehuda Sephardi Synagogue".

#### Note

A. This note is consistent with what the Government of the State of Victoria has stipulated in its *pro forma* note at the foot of Rule 1 in its *pro forma* model rules for incorporated associations.

B. As explained below, much of these Rules have been formulated with a view towards minimising any exposure on the Association’s part, to not continuing to be a charitable or religious body. In that regard, the Association is, and shall remain, a specific and unique kind of charitable and religious body, that is, one which is centred on orthodox Judaism practised in accordance with the Sephardi tradition.

C. In respect of what is set out immediately above, charitable institutions can attract a range of benefits including, amongst others, income tax exemption, income tax gift deductibility status, exemptions or concessional treatment in respect of other State, Territory or Federal taxes, eligibility for grants, and a range of concessions in respect of the application of many legislative and regulatory requirements.

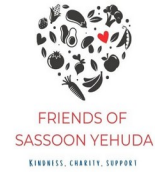
D. The definition of what is “charitable” can vary between Federal, State and Territory laws. It also can change from time to time. Prudently, it should be anticipated that a charity must have only charitable purposes which are likely to remain anchored in, although not rigidly confined to, the four traditional core ones. These involve relief of poverty, old age and sickness; advancement of education; advancement of religion; and pursuit of other purposes recognised as beneficial to the community. To have charitable status, it is insufficient for an organisation to be not-for-profit and to have purposes that





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are incidental to or conducive in furthering or aiding a charitable purpose. The organisation must have only charitable purposes or incidental or ancillary purposes which further or aid its principal charitable purpose or charitable purposes.

E. Of the charitable purposes that traditionally are regarded as of benefit to the community so as to qualify as charitable, the advancement of religion is the one that best fits the Association. By the Association remaining focused on being a charitable and religious body of a specific kind, that is, one which is centred on orthodox Judaism practised in accordance with the Sephardi tradition, the Association should be able to mitigate against its exposure of not continuing to be regarded as “charitable” under a broad range of laws that can become applicable, not only in the immediate future but well beyond what is prescribed now.

F. The importance of the Association continuing to be a charitable and religious body centred on orthodox Judaism practised in accordance with the Sephardi tradition in order to maximise its coverage under a range of relevant laws in force within the Commonwealth of Australia is illustrated below.

G. Section 23 of the Act requires that the name of the association and its registration number (that is, the registration number specified in its certificate of registration) must appear on its common seal (if any); and in all its notices, advertisements and other official notices; and in all its business documents. A business document includes a business letter, statement of account, invoice or order for goods or services; or a bill of exchange, promissory note, cheque or other negotiable instrument; or a receipt or letter of credit; or a document of a class that regulations issued under the Act may prescribe as a class of business documents, wherever such a document is issued, signed or endorsed for or on behalf of the Association.

H. Section 14 of the Act provides that a registrable body becomes an incorporated association on being so registered under the Act; and that, on registration, the Registrar of Incorporated Associations of the State of Victoria must issue a certificate of registration to the body that has been registered.

I. The requirement imposed by an Act of the Parliament of the State of Victoria to include an incorporated association's registration number on all its documentation as specified above, must not be confused with such requirements as may be imposed by an Act of the Parliament of the Commonwealth of Australia to include such additional information on the incorporated association's documentation, such as its Australian Business Number (should it have one) required to be used for all Commonwealth purposes by such Commonwealth legislation as *A New Tax System (Australian Business Number) Act 1999*.

J. This Commonwealth Act provides that its objects include “reducing the number of government registration and reporting requirements by making the system available to State, Territory and local government regulatory bodies”. However, such a provision in a Commonwealth Act for making the

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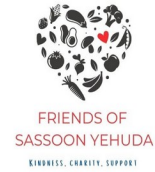
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Commonwealth system available to a State regulatory body, does not appear able to override a specific obligation imposed by a State Act on associations incorporated under that State Act should the State regulatory body enforce any such prescribed State law.

K. The Association prudently therefore will need ongoing legal advice as to the extent to which, if any, from time to time (as Commonwealth and State laws change from time to time) the inclusion of its Australian Business Number on its documentation might provide any protection against prosecution if the Association also does not include the registration number specified in its certificate of registration issued under State law.

L. The Association should note that the laws of the Commonwealth of Australia prescribe as at the time of the formulation of these Rules that only because the Association is a charitable or religious body it does not have to register with the Australian Securities and Investments Commission before it lawfully may begin to carry on any business outside the State of Victoria, thereafter becoming obliged to include directly after its name where it first appears on a dealing or document, the Association's nine digit Australian Registered Body Number that the Australian Securities and Investments Commission would issue to it.

M. Hence, one illustration – of the potentially many other illustrations – as to the importance of the Association not jeopardising the continuation of its status as a charitable and religious body centred on orthodox Judaism practised in accordance with the Sephardi tradition, if the Association wishes to continue having the benefit of coverage under a range of laws that can facilitate its operations.

## 2 Purposes

(1) The purposes of the Association are—

(a) In the State of Victoria, to operate at least one major orthodox Synagogue in compliance with the *halakha* interpreted and applied in accordance with the Sephardi tradition so that the prayer services and religious rituals conducted in the Synagogue conform to the Sephardi *Minhag* observed by the Association;

(b) To promote the knowledge and observance of orthodox Judaism practised in accordance with the Sephardi tradition;

(c) To provide for, and promote, an association principally for Sephardim, while also promoting membership of the Association to all Jews resident in Victoria, irrespective of whether, if at all, any Jewish member or applicant

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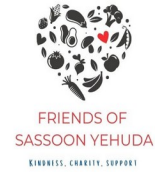
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for membership of the Association, is in any way observant, or is completely non-observant, of *halakha* in his or her private life outside the Synagogue and outside any other premises or function of the Association;

## Note

Examples of references substantiating the basis in Judaism for promoting membership of the Association to all Jews irrespective of their level (if any) of religious observance in their private lives are documented in the notes, examples and other explanatory materials contained or referenced in these Rules, including:

“Maran [Rabbi Ovadia Yosef] recalled: “*Many Jews who worked on Shabbat were careful not to desecrate Shabbat once they left work – they did not smoke on Shabbat, for example. Some prayed on Shabbat in the first minyan so as to get to their workplace on time. In secret their souls wept because they were forced to violate Shabbat for their livelihood.*” Yehuda Azoulay, *Maran: The Life and Scholarship of Hacham Ovadia Yosef* (2014) page 182 Sephardic Legacy Series, Lakewood New Jersey.

(d) To promote knowledge of, and preserve the practise of, Sephardi traditions and customs;

(e) To preserve, and promote the use and knowledge of, Ladino and other languages and dialects spoken or used by Sephardim;

(f) To maintain on the Association’s premises and for its functions a standard of Kashrut that is inclusive of all Jews, Ashkenazim as well as Sephardim;

(g) To promote the use of the Association’s premises by other orthodox Jewish organisations;

(h) To promote the knowledge of and respect for the fact that the Sephardic *halackic* tradition encourages the engagement of women in a wide range of communal, business and other public affairs as leaders at the highest level (except where any such public affair involves the performance of a communal prayer service or of any other formal religious ritual or of any other religious function, specifically required to be performed by men);

## Some examples

See the authorities cited in detail throughout the Notes to these Rules to substantiate such exemplary facts as:

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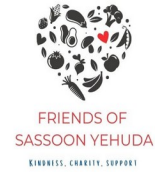
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- A. In 1920, elections were held in Mandatory Palestine for an Assembly of Representatives. The newly installed British authorities in Mandatory Palestine had created the new position of Ashkenazi Chief Rabbi alongside and parallel to the long-established position of Rishon Le Tzion, the Sephardi Chief Rabbi, a position that went back many centuries under Muslim rule having commenced at the latest in 1665. The newly installed Rabbi Avraham Yitzchaq Kook in the new position of Ashkenazi Chief Rabbi issued a ruling forbidding women to vote. By contrast, Rabbi Yaacov Meir, the Rishon Le Tzion, Sephardi Chief Rabbi, ruled that there was no *halakhic* prohibition on women's suffrage.
- B. There also was an analogous conflict between Rabbi Kook who prohibited women from being presidents of orthodox synagogues and the position of the Rishon Le Tzion, the Sephardi Chief Rabbis, such as Rabbi Meir and his successor Rabbi Benzion Uziel, who ruled that *halakhically* women were permitted to be orthodox synagogue presidents.
- C. Another example is that the Jews in the lands of Sepharad, the lands of Islam, stored their documentary records in a storage centre called a *Genizah*. A scrutiny of the historical documentation deposited in these storage centres has demonstrated that, in the Middle Ages, Jewish women in the lands of Sepharad, the lands of Islam, often took the leading role in business transactions, unlike the confinement of women in the lands of Ashkenaz.
- D. Yet another example is that a visit to Rabbi Yosef Karo's synagogue in Safed, Israel makes it obvious that there was no seclusion or confinement of women in that synagogue.
- E. As intimated above, further examples are given in the Notes to other analogous provisions in these Rules.

(i) To promote full restitution and compensation for Jews expelled from Arab lands and their families and descendants;

**Note**

As documented, for example, by:

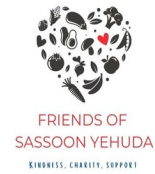
A. Jan Shure, "Persecution of Iraqi Jews airbrushed in media" (2 April 2021, 20 Nisan 5781) *Australian Jewish News* 16: "In 1948 alone, the Iraqi government forbade Jews to engage in banking or foreign currency transactions; dismissed Jewish employees and officials from all governmental departments; dismissed Jews from jobs in the railways, the post office and the telegraphic department; refused export and import licences to Jewish traders; told oil companies operating in Iraq that Jewish employees were no longer acceptable (even outside Iraq), and passed a law making "Zionism" punishable by death. ... There were public hangings of Jews in the 1960s and 70s. For those who might suggest that life only became perilous for Iraqi Jews due to the existence of the State of Israel, there is ample evidence that life started to become dangerous for Jews from 1932 when Iraq became independent. For example, in Baghdad in June 1941 – long before the establishment of Israel – around 200 Jews were killed (some reports claim that 750 were killed) and hundreds more raped and tortured and their homes looted in





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what is known as the Farhud Pogrom.”

B. Sara Lehmann, “Our Man in Dubai: An interview with Rabbi Dr Elie Abadie” (5 Av 5781, 14 July 2021) *Hamodia Prime Weekly News Magazine* 8, 13: “Only 70 years ago, over 1 million Jews living in Arab countries suffered persecution, imprisonment, expulsion and killing ... . Arab countries ... persecuted their Jews and ultimately expelled them. It was an ‘ethnic cleansing’ of their Jewish communities. That was a churban, a true destruction of Jewish communities that lived in those countries and lands for over 2000 years”.

(j) To publicise that Sephardim were also Holocaust victims, not only Ashkenazim;

### Note

As documented, for example, by Haham Dr Solomon Gaon and Dr M Mitchell Serels (eds), *Del Fuego: Sephardim and the Holocaust (5755-1995)* Sepher Hermon Press, Inc. New York, summarised at pages VII-VIII: “Scholars who have written on the Holocaust have hardly dealt with the almost total elimination of many Sephardi communities. The Sephardim who suffered in the pangs of the Holocaust were fewer in number

but the ravishment was almost complete. The story of the suffering of the Sephardim at the hands of the Nazis and local anti-Semites needs retelling in order to maintain the awareness that the Holocaust was aimed at all Jews. No Jew was to be excluded, for all were condemned by the Nazis. Part of the Nazi myth at world Jewry’s attempt at domination was the concept of Jews assimilating into the local culture in order to take over. Yet the Sephardim maintained their own culture, even maintaining the Iberian language [Ladino] rather than learning the local dialects. Jews in the Balkans continued to speak Judeo-Spanish {Ladino} and not Greek, Bulgarian, Serbian or Croatian. Jews in Moslem lands often spoke French and Spanish rather than Arabic or Berber dialects. But they were Jews and therefore condemned. In most areas the Sephardim had never experienced organized governmental anti-Semitism. The Nazis broke that tradition as well. Few, in any culture, came to the aid of the Jews. The realization of the State of Israel was not solely a product of the European Holocaust but also of pro-Nazi events in African and Asian lands. This lesson must never be lost nor forgotten. If it is, then we may be condemned to live the events over again.”

(k) To promote the safe rescue and prosperous secure settlement of Sephardi refugees in Israel under Israel’s Law of Return and Declaration of Independence, and where such a refugee decides not to go, or to leave, Israel, resettlement in any other country where that refugee wishes to go, where any resettlement of such a refugee in a country other than Israel, is consistent with the laws of that country;

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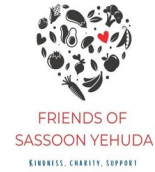
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- (l) To promote the relief of poverty among Sephardi refugees, their families and descendants, in Israel;
- (m) To advance the security, safety and prosperity of Israel and the Israeli public, both Jews and Arabs in Israel;
- (n) To promote the protection and advancement of the natural environment in Israel;

**Note**

The centrality of Israel to Judaism, and the imprisonment of Rabbis for performing their religious obligation sending charitable funds to Israel going back many centuries ago, is documented, for example, by HaRav Yisachar Shlomo Teichtal, *Eim Habanim Semeichah: Eretz Yisrael: A Joyous Mother of Children* (2000) pages 33 to 36 Kol Mevasar Publications, Mevaseret Zion 90805, Israel: "I discovered a letter written by the author of the *Tanya* [Rabbi Shneur Zalman of Liadi zt"l] [referred to hereinafter in this Note as the "Ba'al HaTanya"] [written] to the Rebbe of Berditchev, informing him of his release from prison in Petersburg [where the Ba'al Ha Tanya had been jailed by the Russian Orthodox Christian Czarist regime for sending charitable funds to *Eretz Yisrael* [the Land of Israel] then under the rule of the Muslim Ottoman Turks, in which letter the Ba'al HaTanya ascribed his release from prison] 'by virtue of the merit of the Holy Land and its inhabitants' which 'would always assist in relieving us from the oppressor and delivering us from distress'. ... After searching through many volumes, HaShem [G-d] enlightened me and enabled me to find a genuine source for the Ba'al HaTanya's notion. I found it in the Torah itself! In *parashat BeChukotai* it is written *...I will remember the Land (VaYikra 26:42)*. ... Thus, we have a 'pure' source from the holy Torah that the merit of *Eretz Yisrael* [the Land of Israel] stands above all other merits. ...I accept upon myself a vow to write a book dealing with the honor of *Eretz Yisrael* [the Land of Israel]. Its aim will be to seek out the virtues of *Eretz Yisrael* [the Land of Israel], to raise its pride and honor, to demonstrate to everyone our great obligation to build it, perfect it, establish it on high, and raise it out of the dust. Through this work I will try to impress upon every Jew the importance of taking part in the rebuilding of our Holy Land, for our entire redemption depends on this. I intend to demonstrate that *Eretz Yisrael* [the Land of Israel], the 'mother' of the Jewish nation [as explained in the Palestinian Talmud, *Yerushalmi, Berachot 2:8(18b)*], longs and awaits expectantly for all of us, young and old, to turn our attention towards her, to establish her, and to raise her walls in glory."

- (o) To cooperate with Muslim and other non-Jewish bodies in pursuing matters of common interest such as, without limitation, protection of Kashrut, protection of *Shechita*, opposition to any ban or restriction on women's

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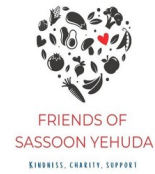
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# The Sephardi Association of Victoria Inc.

Sassoon Yehuda Sephardi Synagogue  
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head scarves or other head coverings of religious significance, opposition to any manifestation or reintroduction of a White Australia Policy and promoting the observance by non-Jews of the seven Noachide laws;

## Note

The basis for this purpose of the Association is referenced, for example, by:

- A. "And We said unto the Children of Israel after him: Dwell in the land; but when the promise of the Hereafter cometh to pass We shall bring you as a crowd (returning to the land) gathered out of various nations. [A reference to the dispersal of the Jews as the consequence of their own deeds after God had established them in the land.]: *Quran* Surah XVII headed THE CHILDREN OF ISRAEL verse 104, translation and commentary in brackets by Marmaduke Pickthall, *The Glorious Koran: Bilingual Edition* (1930) 378 Hyberdad-Deccan, India.
- B. "Muhammad first saw himself not as the founder of a new religion but as a prophet of an old – Judaism. Not until he failed to win acceptance by the adherents of either Judaism or Christianity did he formulate the theology of the sacred book of Islam, which leaned heavily upon the Hebraic tradition.": Abraham rd  
I Katsh, *Judaism in Islam: Biblical and Talmudic Backgrounds of the Koran and its Commentaries* (3 ed 1980) back-cover Sepher-Herman Press, Inc. New York.
- C. "What set [Rabbi Menachem Mendel] Schneerson apart from the Jewish establishment was his sense that the opportunity had arisen for the presiding Christian hegemony to be replaced by a more inclusive religious ethos with which Jewish, Muslim and Christian Americans could all identify." "[Rabbi Menachem Mendel] Schneerson once read an article [of a religious reporter for the *New York Times*]... in which [the author] used the term 'Judeo-Christian values' and asked his [Rabbi Schneerson's] secretary to call [the author] and relay some critical feedback: 'Why do you only write about Jews and Christians? It's really Judeo-Christian-Muslim values.": Philip Wexler, *Social Vision: The Lubavitcher Rebbe's Transformative Paradigm for the World* (2019) 153-4 and 175 n 25 Herder & Herder, New York.
- D. Rambam (Maimonides), *Mishneh Torah: hilchot melachim u milhamoteiehem:11:4* (both Christianity and Islam originate from and are related to Judaism).
- E. The wearing of women's head scarves is important for Sephardim as the former Rishon Le Tzion, Sephardi Chief Rabbi of Israel, Rabbi Ovadia Yosef, and the present Rishon Le Tzion, Sephardi Chief Rabbi of Israel, Rabbi Yitzchaq Yosef, have issued *halakhic* rulings mandating married Jewish women to cover their hair with head scarves, broadly analogous to the practice of Moslem women, prohibiting married Jewish women from wearing *sheitels* (wigs) as customary among ultra-orthodox Ashkenazy married women: Yehuda Azoulay, *Maran: The Life and Scholarship of Hacham Ovadia Yosef* (2014) 122 Sephardic Legacy Series, Lakewood New Jersey.
- F. The White Australia Policy was the official policy of the Liberal-Country Party Coalition Government in

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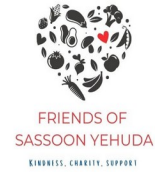
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Australia until 1966 and of the Australian Labor Party Federal Opposition until the previous year 1965. A major impetus for the formation of the Sephardi Association of Victoria in 1965, with the object of establishing a dedicated Sephardi synagogue independent of the Ashkenazi synagogues, was concern among Sephardi Jews at the perceived nonchalance which the established Jewish communal organisations in Australia seemed to have towards the White Australia Policy notwithstanding its potential to impact adversely on Jews, particularly on Sephardi Jewish refugees; e.g., Department of Immigration Memo, "Admission of Jews of Middle Eastern Origin" Australian Archive Office CRS A446 Item 72/077857/72 cited by Suzanne D Rutland, *Edge of the Diaspora: Two Centuries of Jewish*

*Settlement in Australia* (2 ed 1997) 242-3, 441 Brandl & Schlesinger, Rose Bay, NSW (1950s Australian Government policy was that if close relatives of Sephardic Jews were allowed unlimited entry, applications might snowball getting out of hand risking Australia's immigration schemes being brought into disrepute); Myer Bloom (ed), *Sephardi Narratives from Australia: Ancient Traditions Ruptured and*

*Reshaped* (2019) 253 Lamm Jewish Library of Australia (Jews from Arab countries seeking refuge from persecution found it easier to come to Australia if they were able to substantiate British nationality, as contrasted with the many Jews from Arab countries who had become stateless and therefore had a much harder time immigrating to Australia).

(p) To pursue other purposes that also are charitable pursuant to the provisions of the *Charities Act 2013* of the Commonwealth of Australia or any successor legislation of this kind as in operation from time to time, including without limitation, pursuing any one or more purposes of relieving poverty, providing support for aged persons, advancing health, advancing education, advancing social and public welfare, advancing religion, advancing culture, promoting reconciliation, mutual respect and tolerance between groups of individuals that are in Australia, promoting and protecting human rights, advancing the security and safety of Australia and the Australian public, preventing or relieving the suffering of animals, and protecting and advancing the natural environment in Australia;

(q) Overall, the principal purpose of the Association is to welcome all Jews in operating a Synagogue pursuant to *halakha* as applied and interpreted in accordance with the Sephardi tradition reflecting the original *halakhic*

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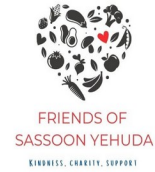
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rulings codified by Rabbi Moshe ben Maimon (the Rambam or Maimonides) and Rabbi Yosef Karo, and not having to follow the many innumerable glosses adding to, changing, modifying or varying, or imposing many innumerable stringencies than in, those original *halakhic* rulings, as subsequently had been introduced by Rabbi Moshe Isserles and his circle of later rabbinical codifiers based on what were the customs and practices in the lands of *Ashkenaz*.

**Note:** see the definitions in rule 4 below.

(2)The purposes of the Association include, without limitation, the achievement of any purpose set out in Rule 2(1), so as to do anything that is necessary, incidental or conducive to the attainment of any such purpose, including without limitation among other things:

- (ai) to conduct public programs including education programs, social and community programs and research programs;
- (b) to disseminate information relating to education and community programs and to produce, edit, publish, issue, sell, circulate and preserve such papers, periodicals, books, circulars and other literary matters as are conducive to these objects;
- (ci) to establish, maintain and enhance relationships and close communications with anybody or other person, such as corporations, entities, associations, foundations, institutions, organisations and groups including without limitation governments and their authorities in Australia and professionals that may have related interests to the Association and utilise their resources and facilities to provide and achieve the purposes of the Association;
- (d) to seek and co-ordinate funding from Federal, State and Territory Governments and governmental instrumentalities in Australia (including local Government), from governments and governmental government in such countries as Israel, Spain, Portugal and the Arab and Muslim lands with an interest in the survival and prosperity of Sephardic Jewry, and the private sector, in the form of

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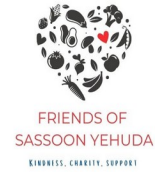
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grants, gifts, donations and bequests committed to the purposes of the Association;

(e) to encourage and promote and generally create greater community awareness, knowledge and understanding of the purposes of the Association;

(f) to provide or attract funds for the facilitation of any of the purposes of the Association.

### 3 Financial year

The financial year of the Association is each period of 12 months ending on 31 December.

### 4 Definitions

In these Rules—

**absolute majority**, of the Committee, means a majority of the committee members currently holding office and entitled to vote at the time (as distinct from a majority of committee members present at a committee meeting);

**Ashkenazi** refers to a Jewish person who if he or she were in Israel would be under the jurisdiction of the Ashkenazi Chief Rabbi of Israel and **Ashkenzim** refers to the plural of **Ashkenazi**;

**Note:** The following Note cites heavily from Yehuda Azoulay, *Maran: The Life and Scholarship of Hacham Ovadia Yosef* (2014) 104 Sephardic Legacy Series, Lakewood New Jersey from pages 103 to 106.

A. Ashkenazi Jews were in the lands of “Ashkenaz”, the European lands north of the Pyrenees Mountain Range, which marked the separation of lands in the European Christian domain, known as Christendom, from what, in the Middle Ages, was predominantly Muslim Spain south of that boundary.

B. Rabbi Moshe Isserlis (known as the Rema) in Cracow Poland composed a gloss known as the *Mapah*, the “Tablecloth”, which in “the Rema’s words” “spread a tablecloth over the *Shulchan Aruch*”, a contemporary halachic codification.

C. The *Shulchan Arukh* had been authored by Rabbi Yosef Karo in Safed, then part of the southern district of the Ottoman Turkish province or *villayet* of Syria, well inside the domain of Islam.

D. Rabbi Karo had been born in Spain in 1488 and, with the completion of the Christian reconquest of that entire country in 1492, had been expelled with his family as a 4 year old, “finally settling in Safed” “after his family wandered” from place to place within the Muslim domains.

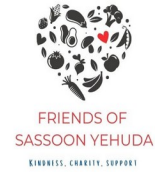
E. The *Shulchan Arukh* “largely followed” the “rulings” of the Rambam as the “Jews who lived in the countries of the Middle East had accepted the Rambam as their primary halachic authority”. “Rabbi Karo’s purpose” “was to enable every Jew to know the practical halachah”. Whereas the Rambam had





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codified all of the halachah from the entire written law in the “Old Testament” and the entire oral law recorded in the Talmud, including laws that required for their observance that the majority of the world’s Jews must be in Israel and for there to have been the rebuilding of the Temple, Rabbi Karo focused on what laws were practical for day-to-day living where the majority of Jews lived outside Israel and there was no Temple.

F. The “*Shulhan Aruch*” and the *Mapah* “together” “form the canonical code of laws for all Jews” with Sephardim following “the rulings of the *Shulhan Aruch*, and when there is a variance, the Ashkenazim follow the rulings of the Rema” ... “Although ideally, Maran [Rabbi Ovadia Yosef] would have liked to see all Jews who live in Israel, both Sephardic and Ashkenazic, completely accepting Rabbi Yosef Karo’s authority, his practical approach regarding Ashkenazic Jews, on whom he would have little influence halachically was that ‘they follow the traditions of their ancestors’”, so the Ashkenazim follow Rema, where there is a difference, as there frequently is, between the Rema for Ashkenazim, and what the Sephardim follow, namely what Rabbi Yosef Karo and the Rambam originally had codified without the Rema’s many glosses where the Rema had ruled in accordance with what were the Ashkenazi customs and practices in the lands of Ashkenaz: Yehuda Azoulay, *Maran: The Life and Scholarship of Hacham Ovadia Yosef* (2014) pages 103-6 Sephardic Legacy Series, Lakewood New Jersey.

G. Ashkenazi Chief Rabbi Avraham Yitzhaq Kook ruled that Ashkenazi Jews had to follow their own customs and practices “from the lands of Ashkenaz rather than the Sephardi ones practised in Israel for centuries, due Rabbi Kook cited to the halachic principle of *Al titosh Torat imecha* (Do not abandon the Torah of your mother). Rabbi Yehuda Heimowitz, *Maran Harav Ovadia: The Revered Gaon and Posek Who Restored the Crown of Sephardic Jewry* (2014) page 216 Mesorah Publications Ltd, New York.

**associate member** means a member referred to in rule 14;

**Association** means The Sephardi Association of Victoria Incorporated – Sassoon Yehuda Sephardi Synagogue;

**Chairperson**, of a general meeting or committee meeting, means the person chairing the meeting as required under rule 46;

**Committee** means the Committee having management of the business of the Association;

**committee meeting** means a meeting of the Committee held in accordance with these Rules;

**committee member** means a member of the Committee elected or appointed under Division 3 of Part 5;

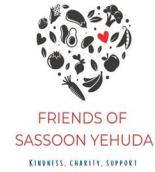
**direct relative** in relation to a person means a grandparent, grandchild, parent, child,





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brother, sister, spouse, uncle, aunt or first cousin of the person;

**Dispute Settlement Centre of Victoria** includes the body known by that name at the time of the adoption of these Rules if it has subsequently been renamed or any successor in law to such a body if it has subsequently been abolished, or if there is no such successor in law after the body has ceased to exist, any such body as determined by the Committee at each relevant time to have functions analogous to the body presently known as the **Dispute Settlement Centre of Victoria**;

**disciplinary appeal meeting** means a meeting of the members of the Association convened under rule 23(3);

**disciplinary meeting** means a meeting of the Committee convened for the purposes of rule 22;

**disciplinary subcommittee** means the subcommittee appointed under rule 20;

**eligible member** means a member of the Association who is entitled to vote in accordance with subrule 13(2);

**family membership** is a membership referred to in rule 14;

**financial year** means the 12 month period specified in rule 3;

**general meeting** means a general meeting of the members of the Association convened in accordance with Part 4 and includes an annual general meeting, a special general meeting and a disciplinary appeal meeting;

**Haham** means the Rishon le Tzion, Sephardi Chief Rabbi of Israel;

**Hazan** means any person appointed to act as Hazan for the Association;

**Halacha** or **Halakha** or **Halachah** or **Halakhah** means orthodox Jewish law;

**Holocaust** means the systemic mass murder of Jews by the German forces and their local collaborators during the years from 1933 to 1945 in Europe, in the German occupied areas of the Soviet Union, in the German aligned or occupied areas of North Africa and in the German aligned areas of the Arab East;

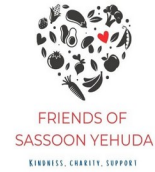
**Israel** means the country known by that name and includes all lands which at the relevant time are under Israeli jurisdiction or administration and all lands otherwise within the Mandate of Palestine established by resolution of the Supreme Council of the Principal





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Allied Powers at its San Remo Conference on 25 April 1920 based on Article 22 of the Covenant of the League of Nations of 28 June 1919 and approved by the Council of the League of Nations on 24 July 1922 in a document entitled “The Mandate for Palestine” which recognised the “historical connection of the Jewish people with Palestine” and the “grounds for reconstituting their national home in that country” prescribing at Article 6 that there be “close settlement by Jews, on the land, including State lands and waste lands not required for public purposes”, the terms of which were continued in force by Article 77 of the United Nations Charter which came into force on 24 October 1945, and as described by Menachem Begin, then Prime Minister of Israel, in July 1977 in the Foreword to the Second Edition of Samuel Katz, *Battleground: Fact and Fantasy in Palestine*, Bantam Book Inc, New York at pages x and xi: “Palestine was simply the name given over the centuries by non-Jews to the country of the Jews”; “Palestine as the Jewish heritage is an ineffaceable fact of world history, indeed of the Moslem as well as of the Christian tradition”;

## Note

The purpose of the above definition is to prevent such issues arising as to whether the collection of donations by the Association for charities in Israel, in accordance with the laws of the Commonwealth of Australia, must be spent only within the lands allocated to the Jewish State by the United Nations General Assembly Resolution 181 of 29 November 1947 or within the “Green Line” representing the armistice lines agreed between Israel and the Arab States in a series of negotiations under United Nations auspices during 1949 – for example, the above definition allows such charitable monies to be spent within what was “The Mandate for Palestine” irrespective of whether any lands within that Mandate will remain or be brought under Israeli jurisdiction or administration, a political matter to be resolved in negotiations between Israel and its Arab neighbours, the outcome of which the Association is not expressing any political view. For the removal of doubt (if any), the laws of the Commonwealth of Australia shall always be paramount, and must always be complied with, in respect of the collection of charitable donations by the Association for expenditure in Israel.

**Jew** or **Jewish** means a person born of a Jewish mother or converted to Judaism in accordance with *Halakha*;

**Judaism** means orthodox Judaism;

**Kashrut** means orthodox Jewish dietary laws;

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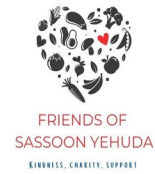
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**Ladino** refers to Judeo-Spanish, the old form of the Spanish language heavily based on old Castilian, which was on the verge of change in 1492 when Jews were expelled from Spain with the completion of the Christian reconquest, preserved today only in this Jewish dialect incorporating many Hebrew, Turkish and Arabic words, spoken by Sephardic Jews who were provided refuge in Turkey, the Balkans (then within the Muslim domain) and North Africa;

**member** means a member of the Association;

**member entitled to vote** means a member who under rule 13(2) is entitled to vote at a general meeting;

**Minhag** means the orthodox ritual practised by the Spanish and Portuguese Jews Congregation, London or such other orthodox ritual practised by Sephardim determined by the Committee, after consultation with the Rabbi, to be included within the **Minhag**;

**Mishneh Torah** means the codification of the entire *Halakha* contained in the Rambam's book of that name;

**Noachide laws** means the laws against idolatry, blasphemy, murder, rape, theft, cruelty to animals and for the establishment of laws and courts of justice codified as binding on all non-Jews by the Rambam (Maimonides) in chapter 9 of *hilchot melachim u milhamoteiehem*, *Mishneh Torah*;

**Rabbi** means a qualified orthodox Rabbi who is appointed to act as Rabbi for the Association;

**Rambam** means Rabbi Moshe ben Maimon or Maimonides, legal codifier, philosopher and physician to Saladin;

## Note

During the time that Rabbi Ovadia Yosef was Rishon Le Tzion Sephardi Chief Rabbi of Israel from 1973 to 1983, he visited King Juan Carlos of Spain. The King asked Rabbi Yosef why Jews of exclusively Eastern descent, such as Yemenite Jews, are considered Sephardi although none of their ancestors ever lived in Spain or Portugal. Rabbi Yosef answered that the Jewish nation is one of Torah laws, and that the laws and customs of Yemenite Jews and of Jews from other Eastern countries were established by a Sephardi Jew from Cordoba in Muslim Spain, the Rambam, "who is the halachic authority for all Jews of these countries": Yehuda Azoulay, *Maran: The Life and Scholarship of Hacham Ovadia Yosef* (2014) 388 Sephardic Legacy Series, Lakewood New Jersey.

**Sephardi** refers to a Jewish person who if he or she were in Israel would be under the

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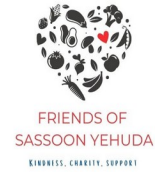
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jurisdiction of the Rishon le Tzion, Sephardi Chief Rabbi of Israel and **Sephardim** refers to the plural of **Sephardi**;

## Note

A. In the Middle Ages, the division between Islam and Christianity was denoted by the Pyrenees Mountain Range separating Muslim Spain from the rest of Europe which was Christian. Sephardi Jews and Ashkenazi Jews each developed their own customs which reflected their different environments with Sephardi Jews being in the Islamic domain and Ashkenazi Jews being in Christendom.

B. As Rabbi Yosef explained, the Sephardi customs reflected the *halakhic* authority of the Rambam, a Sephardi Jew, born in Cordoba in Muslim Spain who held senior esteemed positions in the Muslim world, including as physician to Saladin. In Israel, whether a Jew is under the jurisdiction of the Sephardi (and not the Ashkenazi) Rabbinate is determined by whether the Rabbis consider he or she is from a country such as Yemen whose Jewish laws and customs were established by a Sephardi Jew, namely, the Rambam "who is the halachic authority for all Jews of these countries", including "Iraq, Morocco, Syria and Yemen": Yehuda Azoulay, *Maran: The Life and Scholarship of Hacham Ovadia Yosef* (2014) pages 387-8 Sephardic Legacy Series, Lakewood New Jersey.

C. "Hacham Ovadia shared the following anecdote: *When I visited the palace of King Juan Carlos of Spain, he asked me why in Israel we refer to all Eastern Jews as Sephardic, which means Spanish. I explained that it is because in all respects we conduct ourselves according to the Spaniard from Cordoba, Maimonides [the Rambam]. As Jews are a nation only because of the Torah, all Jews who follow his teachings are referred to as Sephardic, meaning Spanish.*": Yehuda Azoulay, *Maran: The Life and Scholarship of Hacham Ovadia Yosef* (2014) page 104 Sephardic Legacy Series, Lakewood New Jersey.

D. Rabbi Yosef Karo, himself born in Spain and expelled from there aged four years old after completion of the Christian reconquest of Spain in 1492, wrote: "The Rambam, is the greatest of all the Torah authorities, and all the communities of the Land of Israel and the Arab-controlled lands, and the West [North Africa] practice according to his word, and accepted him upon themselves as their Chief Rabbi." A major work of Rabbi Yosef Karo was entitled the *Kesef Mishnah*, a commentary of the Rambam's code, the Mishneh Torah. Rabbi Karo cited the source in the Talmud or in the "Old Testament" of each law codified by the Rambam, explained why the Rambam adopted that view, and defended the Rambam against opinions who opposed that viewpoint. References accessed 15 May 2021: <https://www.jewishhistory.org/rabbi-joseph-caro/> and [https://en.wikipedia.org/wiki/Shulchan\\_Aruch](https://en.wikipedia.org/wiki/Shulchan_Aruch).

E. By contrast with the Ashkenazim, Sephardim such as "Yemenite Jewry, however, had followed the ruling of the Rambam and the Beit Yosef [Rabbi Yosef Karo] throughout the generations." Rabbi Yehuda Heimowitz, *Maran Harav Ovadia: The Revered Gaon and Posek Who Restored the Crown of Sephardic Jewry* (2014) page

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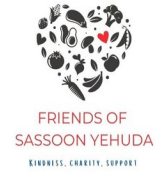
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213 Mesorah Publications Ltd, New York.

F. The Rambam is “Maimonides – arguably the greatest authority on Jewish law and Torah thought”: Rabbi Ytzhak Ginsburgh, *Kabbalah and Meditation for the Nations* (5767- 2006) page 22 Gal Einai, Jeruslaem.

**Shechita** means slaughtering of certain animals and birds in accordance with Kashrut;

**Synagogue** means the Sassoon Yehuda Sephardi Synagogue presently located at 79 Hotham Street, East St Kilda or any other additional Sephardi synagogue which the Association decides also to establish in other premises than those presently occupied by the Sassoon Yehuda Sephardi Synagogue by whatever other name the Association chooses to call any such additional Sephardi synagogue, PROVIDED ALWAYS that the Synagogue’s principal location shall continue to be called the Sassoon Yehuda Sephardi Synagogue;

**special resolution** means a resolution that requires not less than three-quarters of the members voting at a general meeting, whether in person or by proxy, to vote in favour of the resolution;

**the Act** means the **Associations Incorporation Reform Act 2012** of the State of Victoria and includes any regulations made under that Act and, where the context requires, any amendment to or supersession of that Act by superseding legislation;

**the Registrar** means the Registrar of Incorporated Associations.

## PART 2—POWERS OF ASSOCIATION

### 5 Powers of Association

(1) Subject to the Act, the Association has power to do all acts or things, whether inside or outside Australia, necessary, incidental or conducive to achieve or further any of its purposes including, without limitation, engaging in any commercial venture or activity.

(2) Without limiting subrule 5(1), the Association may—

- (a) acquire, hold and dispose of real or personal property;
- (b) open and operate accounts with financial institutions;
- (c) invest its money in any security in which trust monies may lawfully be invested;
- (d) raise and borrow money on any terms and in any manner as it thinks fit;
- (e) secure the repayment of money raised or borrowed, or the payment of a debt or liability;

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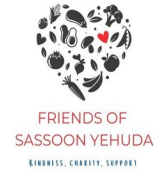
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- (f) appoint agents to transact business on its behalf;
  - (g) enter into any other contract it considers necessary or desirable.
- (3) The Association may only exercise its powers and use its income and assets (including any surplus) for its purposes.

## 6 Not for profit organisation

(1) The Association must not distribute any surplus, income or assets directly or indirectly to its members.

(2) Subrule 6(1) does not prevent the Association from paying a member—

- (a) reimbursement for expenses properly incurred by the member; or
- (b) for goods or services provided by the member—

if this is done in good faith on terms no more favourable than if the member was not a member.

### Note

Section 33 of the Act provides that an incorporated association must not secure pecuniary profit for its members. Section 4 of the Act sets out in more detail the circumstances under which an incorporated association is not taken to secure pecuniary profit for its members. Rule 76 **Winding up and cancellation** and rule 83 **Property, assets and income of Association** are also relevant here and are intended to fortify the protection of the Association's charitable status which can attract substantially more stringent requirements than those applicable only to not for profit status. This Rule 6 therefore is to be read together with those rules 76 and 83.

## PART 3—MEMBERS, DISCIPLINARY PROCEDURES AND GRIEVANCES

### Division 1—Membership

#### 7 Minimum number of members

The Association must have at least 5 members.

#### 8 Who is eligible to be a member

Any Jewish person who supports the purposes of the Association is eligible for membership.

#### 9 Application for membership

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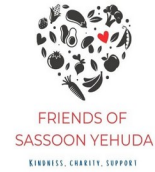
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(1) To apply to become a member of the Association, a Jewish person must submit a written application to a committee member stating that the person—

- (a) wishes to become a member of the Association; and
- (b) supports the purposes of the Association; and
- (c) agrees to comply with these Rules; and
- (d) is Jewish; and

(e) agrees to use his or her best endeavours while inside the Synagogue or while inside any other premises of the Association or while in attendance at any function of the Association or while representing the Association, to comply with *halakha* as interpreted and applied in accordance with the Sephardi tradition.

(2) The application—

- (a) must be signed by the applicant; and
- (b) may be accompanied by the joining fee.

**Note**

The joining fee is the fee (if any) determined by the Association under rule 12(3).

**10 Consideration of application**

(1) As soon as practicable after an application for membership is received, the Committee must decide by resolution whether to accept or reject the application.

(2) In deciding whether to accept or reject the application, the Committee must not include in its decision-making deliberations any consideration of the extent to which, if any, the applicant is observant of *halakha* in his or her private life outside the Synagogue and outside any other premises or function of the Association.

**Note**

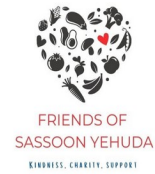
A. The Rambam (Maimonides) in *Mishneh Torah: Laws of Teshuvah (Repentance)* 3:4 codified Jewish law that with the observance of only one commandment, any individual has the capacity to overbalance the entire world to the side of virtue and salvation, which the Lubavitcher Rebbe, Rabbi Menachem Mendel Schneerson, cited in support of the Lubavitch approach “that each action in fulfilment of G-d’s commandments constitutes an eternal union with the divine, irrespective of what was done a moment before or a moment after”: *Tanya* Chapter 25, cited by Philip Wexler, *Social Vision: The Lubavitcher Rebbe’s Transformative Paradigm for the World* (2019) 53 Herder & Herder, New York (contrasting the Lubavitch approach, rooted in the Rambam (Maimonides), with the far more negative approach often taken by ultra-orthodox Ashkenazi congregations towards Jews who do not appear in their view to be fully religiously observant).





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B. "In the months leading up to his election as chief rabbi, Maran [Rabbi Ovadia Yosef] stated that his approach, and that of the Sephardi rabbinate in general, was that of Bet Hillel. He contrasted this with the Ashkenazic sages who push stringencies and the followers of Shammai. He repeated this at many junctures in that position. Maintaining the trust of the secular public was important to him, as he felt responsible for the larger Jewish community. To this end, building his image as a sensitive, open-minded rabbi mattered. However, when faced with head-on ideological secularism, Maran was inflexible. He held strong about issues where halachah gave no room for leniency, no matter how he would be branded by the media. Conversion, for example, is one of the hot topics he was asked about in interviews, and he stated clearly that there was no value in Reform conversion." Yehuda Azoulay, *Maran: The Life and Scholarship of Hacham Ovadia Yosef* (2014) page 313 Sephardic Legacy Series, Lakewood New Jersey.

(3) The Committee must notify the applicant in writing of its decision as soon as practicable after the decision is made.

(4) If the Committee rejects the application, it must return any money accompanying the application to the applicant.

(5) No reason need be given for the rejection of an application.

## 11 New membership

(1) If an application for membership is approved by the Committee—

(a) the resolution to accept the membership must be recorded in the minutes of the committee meeting; and

(b) the Secretary must, as soon as practicable, enter the name and address of the new member, and the date of becoming a member, in the register of members.

(2) A person becomes a member of the Association and, subject to subrule 12(4) and 13(2), is entitled to exercise his or her rights of membership from the date, whichever is the later, on which—

(a) the Committee approves the person's membership; or

(b) the person pays the joining fee.

## 12 Annual subscription and fee on joining

(1) At each annual general meeting, the Association must determine—

(a) the amount of the annual subscription (if any) for the following financial year; and

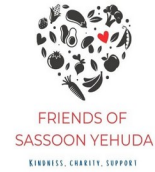
(b) the date for payment of the annual subscription.





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(2) The Association may determine that a lower annual subscription is payable by an associate member and that a different annual subscription is payable in respect of Family Membership.

(3) The Association may determine that any new member who joins after the start of a financial year must, for that financial year, pay a fee equal to—

- (a) the full annual subscription; or
- (b) a pro rata annual subscription based on the remaining part of the financial year; or
- (c) a fixed amount determined from time to time by the Association.

(4) The rights of a member (including the right to vote) whose annual subscription has not been paid within three months of such a payment having become due are suspended until the subscription is paid.

## 13 General rights of members

(1) A member of the Association who is entitled to vote in accordance with subrule 13(2) has the right—

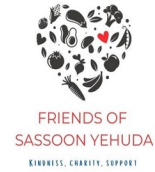
- (a) to receive notice of general meetings and of proposed special resolutions in the manner and time prescribed by these Rules; and
- (b) to submit items of business for consideration at a general meeting; and
- (c) to attend and be heard at general meetings; and
- (d) to vote at a general meeting of the Association and nominate, or be nominated, to fill a position declared vacant by the Chairperson at a general meeting of the Association or be appointed by the Committee to fill a casual vacancy in that position PROVIDED ALWAYS that a member of the Association who is entitled to vote in accordance with subrule 13(2) is only able to nominate or be nominated for the position of President, or be appointed by the Committee to fill a casual vacancy in the position of President, if he or she satisfies an additional requirement of, as well as being entitled to vote in accordance with subrule 13(2), having been a member of the Committee for not less than a period or periods totalling at least two years throughout the previous seven years as at the position of President having been declared vacant by the Chairperson at a general meeting of the Association or as at his or her appointment by the





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Committee to fill a casual vacancy in the position of President, which period or periods totalling at least two years, for the removal of doubt (if any), does or do not have to be consecutive but may be cumulative, so, as, for example, to constitute membership of the Committee during two separate terms of one year each, over the previous seven years; and

(e) to have access to the minutes of general meetings and other documents of the Association as provided under rule 75; and

(f) to inspect the register of members; and

(g) to be allocated a seat in the Synagogue at the absolute discretion of the Committee where the Committee is of the view that such a seat is available, and which seat may vary from time to time at the Committee's absolute discretion; and

(h) at the absolute discretion of the Committee, to be sold a seat in the Synagogue; and

(h) at the absolute discretion of the Committee, to lease a seat in the Synagogue for such a term, and on such terms and conditions, as the Committee may think fit; and

(i) to receive the assistance of the Association at all religious rites and ceremonies, and to have any such assistance extended to his or her close relatives as determined by the Committee in consultation with the Rabbi; and

(j) to be considered to be given an appropriate share in all honours connected with the religious services of the Synagogue as determined from time to time by the Committee in consultation with the Rabbi; and

(k) to receive notification of functions organised by the Association; and

(l) to receive any journal or communal bulletin or newsletter published by the Association.

(2) A member is entitled to vote if—

(a) the member is a member other than an associate member; and

(b) more than 10 business days have passed since he or she became a member of the Association; and

(c) the member's membership rights are not suspended for any reason; and

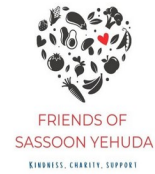
(d) the member's annual subscription to the Association has been paid for the applicable year or any part of such a payment is not more than three months in arrears.





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(3) For the removal of doubt, if any, wherever the Committee is conferred with any kind of discretion in respect of determining a member's rights, the Committee must not include in its decision-making deliberations any consideration of the extent to which, if any, the member is observant of *halakha* in his or her private life outside the Synagogue and outside any other premises or function of the Association.

## 14 Associate members and Family Membership

(1) Associate members of the Association include—

(a) any members under the age of 15 years, other than a Jewish boy between the ages of 13 and 15, and a Jewish girl between the ages of 12 and 15, who has applied for membership under rule 9 and has been admitted to membership under rule 10 or is covered by Family Membership in accordance with subrule 14(3); and

(b) any other category of member as determined by special resolution at a general meeting.

(2) An associate member must not vote but may have other rights as determined by the Committee or by resolution at a general meeting.

(3) At any relevant time, Family Membership covers each spouse of a member where such a spouse also is a member and any Jewish child under the age of 18 of those two spouses including, without limitation, a Jewish child under the age of 18 who has been adopted by those two spouses or who is in their custody or who regularly lives in their home.

(4) Each Jewish girl covered by Family Membership at or over the age of 12 shall be entitled to vote.

(5) Each Jewish boy covered by Family Membership at or over the age of 13 shall be entitled to vote.

## 15 Rights not transferable

The rights of a member are not transferable and end when membership ceases.

## 16 Ceasing membership

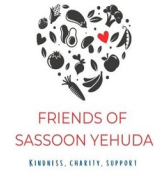
(1) The membership of a person ceases on resignation, expulsion, death or upon the





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completion of 12 months of him or her being in arrears for payment of any part of his or her annual subscription.

(2) If a person ceases to be a member of the Association, the Secretary must, as soon as practicable, enter the date the person ceased to be a member in the register of members.

## 17 Resigning as a member

(1) A member may resign by notice in writing given to the Association.

### Note

Rule 74(3) sets out how notice may be given to the association. It includes by post or by handing the notice to a member of the committee.

(2) A member is taken to have resigned if—

- (a) the member's annual subscription is more than 12 months in arrears; or
- (b) where no annual subscription is payable—

(i) the Secretary has made a written request to the member to confirm that he or she wishes to remain a member; and

(ii) the member has not, within three months after receiving that request, confirmed in writing that he or she wishes to remain a member.

## 18 Register of members

(1) The Secretary must keep and maintain a register of members that includes—

(a) for each current member—

(i) the member's name;

(ii) the address for notice last given by the member, which may, where he or she so chooses, include an email or other electronic address;

(iii) the date of becoming a member;

(iv) if the member is an associate member, a note to that effect;

(v) any other information determined by the Committee; and

(b) for each former member, the date of ceasing to be a member.

(2) Any member may, at a reasonable time and free of charge, inspect the register of members.

### Note

Under section 59 of the Act, access to the personal information of a person recorded in the register of

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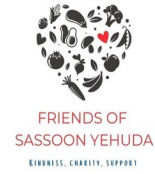
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members may be restricted in certain circumstances. Section 58 of the Act provides that it is an offence to make improper use of information about a person obtained from the Register of Members.

## Division 2—Disciplinary action

### 19 Grounds for taking disciplinary action

The Association may take disciplinary action against a member in accordance with this Division if it is determined that the member—

- (a) has failed to comply with these Rules or with the terms of any policy promulgated by the Committee consistent with these Rules; or
- (b) refuses to support the purposes of the Association; or
- (c) has engaged in conduct prejudicial to the Association or disruptive for its ongoing operations; or
- (d) while inside the Synagogue or inside any other premises of the Association or while in attendance at any function of the Association or while representing the Association, has refused to comply with, or wilfully has breached, *halakha* as interpreted and applied in accordance with the Sephardi tradition PROVIDED ALWAYS for the removal of doubt (if any) that no disciplinary action may ever be taken against a member on any such grounds as that he or she is not observant of *halakha* in his or her private life or is not observant of *halakha* in any other circumstance not specified in this paragraph; or
- (e) on the Association's premises or at its functions, wilfully has breached a standard of Kashrut adopted by the Association to be inclusive of all Jews, Asheknazim as well as Sephardim.

### 20 Disciplinary subcommittee

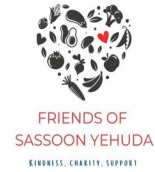
- (1) If the Committee is satisfied that there are sufficient grounds for taking disciplinary action against a member, the Committee must appoint a disciplinary subcommittee to hear the matter and determine what action, if any, to take against the member.
- (2) The members of the disciplinary subcommittee—
  - (a) may be Committee members, members of the Association or anyone else; but
  - (b) must not be biased against, or in favour of, the member concerned.





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## 21 Notice to member

(1) Before disciplinary action is taken against a member, the Secretary must give written notice to the member—

(a) stating that the Association proposes to take disciplinary action against the member;  
and

(b) stating the grounds for the proposed disciplinary action; and

(c) specifying the date, place and time of the meeting at which the disciplinary subcommittee intends to consider the disciplinary action (the **disciplinary meeting**);  
and

(d) advising the member that he or she may do one or both of the following—

(i) attend the disciplinary meeting and address the disciplinary subcommittee at that meeting;

(ii) give a written statement to the disciplinary subcommittee at any time before the disciplinary meeting; and

(e) setting out the member's appeal rights under rule 23.

(2) The notice must be given no earlier than 28 days, and no later than 14 days, before the disciplinary meeting is held.

## 22 Decision of subcommittee

(1) At the disciplinary meeting, the disciplinary subcommittee must—

(a) give the member an opportunity to be heard; and

(b) consider any written statement submitted by the member.

(2) After complying with subrule 22(1), the disciplinary subcommittee may—

(a) take no further action against the member; or

(b) subject to subrule 22(3)—

(i) reprimand the member; or

(ii) suspend the membership rights of the member for a specified period; or

(iii) expel the member from the Association.

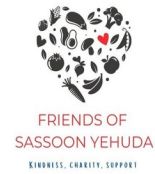
(3) The disciplinary subcommittee may not fine the member.





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(4) The suspension of membership rights or the expulsion of a member by the disciplinary subcommittee under this rule takes effect immediately after the vote is passed.

## 23 Appeal rights

(1) A person whose membership rights have been suspended or who has been expelled from the Association under rule 22 may give notice to the effect that he or she wishes to appeal against the suspension or expulsion.

(2) The notice must be in writing and given—

(a) to the disciplinary subcommittee immediately after the vote to suspend or expel the person is taken; or

(b) to the Secretary not later than 48 hours after the vote.

(3) If a person has given notice under subrule 23(2), a disciplinary appeal meeting must be convened by the Committee as soon as practicable, but in any event not later than 21 days, after the notice is received.

(4) Notice of the disciplinary appeal meeting must be given to each member of the Association who is entitled to vote as soon as practicable and must—

(a) specify the date, time and place of the meeting; and

(b) state—

(i) the name of the person against whom the disciplinary action has been taken;

and

(ii) the grounds for taking that action; and

(iii) that at the disciplinary appeal meeting the members present must vote on whether the decision to suspend or expel the person should be upheld or revoked.

## 24 Conduct of disciplinary appeal meeting

(1) At a disciplinary appeal meeting—

(a) no business other than the question of the appeal may be conducted; and

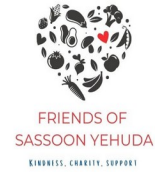
(b) the Committee must state the grounds for suspending or expelling the member and the reasons for taking that action; and





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(c) the person whose membership has been suspended or who has been expelled must be given an opportunity to be heard.

(2) After complying with subrule 24(1), the members present and entitled to vote at the meeting must vote by secret ballot on the question of whether the decision to suspend or expel the person should be upheld or revoked.

(3) A member may not vote by proxy at the meeting.

(4) The decision is upheld if not less than three quarters of the members voting at the meeting vote in favour of the decision.

## Division 3—Grievance procedure

### 25 Application

(1) The grievance procedure set out in this Division applies to disputes under these Rules between—

- (a) a member and another member;
- (b) a member and the Committee;
- (c) a member and the Association.

(2) A member must not initiate a grievance procedure in relation to a matter that is the subject of a disciplinary procedure until the disciplinary procedure has been completed.

### 26 Parties must attempt to resolve the dispute

The parties to a dispute must attempt to resolve the dispute between themselves within 14 days of the dispute coming to the attention of each party.

### 27 Appointment of mediator

(1) If the parties to a dispute are unable to resolve the dispute between themselves within the time required by rule 26, the parties must within 10 days—

- (a) notify the Committee of the dispute; and
- (b) agree to or request the appointment of a mediator; and
- (c) attempt in good faith to settle the dispute by mediation.

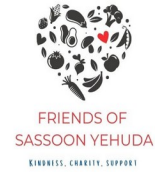
(2) The mediator must be—





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- (a) a person chosen by agreement between the parties; or
- (b) in the absence of agreement—
  - (i) if the dispute is between a member and another member—a person appointed by the Committee; or
  - (ii) if the dispute is between a member and the Committee or the Association—a person appointed or employed by the Dispute Settlement Centre of Victoria.
- (3) A mediator appointed by the Committee may be a member or former member of the Association but in any case must not be a person who—
  - (a) has a personal interest in the dispute; or
  - (b) is biased in favour of or against any party.

## 28 Mediation process

- (1) The mediator to the dispute, in conducting the mediation, must—
  - (a) give each party every opportunity to be heard; and
  - (b) allow due consideration by all parties of any written statement submitted by any party; and
  - (c) ensure that natural justice is accorded to the parties throughout the mediation process.
- (2) The mediator must not determine the dispute.

## 29 Failure to resolve dispute by mediation

If the mediation process does not resolve the dispute, the parties may seek to resolve the dispute in accordance with the Act or otherwise at law.

## PART 4—GENERAL MEETINGS OF THE ASSOCIATION

### 30 Annual general meetings

- (1) The Committee must convene an annual general meeting of the Association to be held within five months after the end of each financial year.
- (2) Despite subrule 30(1), the Association may hold its first annual general meeting at any time within 18 months after its incorporation.

#### Note

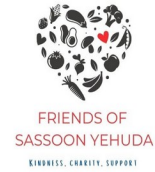
Subrule 30(1) is redundant as the Association has already held its first annual general meeting many years ago.





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(3) The Committee may determine the date, time and place of the annual general meeting.

(4) The ordinary business of the annual general meeting is as follows—

(a) to confirm the minutes of the previous annual general meeting and of any special general meeting held since then;

(b) to receive and consider—

(i) the annual report of the Committee on the activities of the Association during the preceding financial year; and

(ii) the financial statements of the Association for the preceding financial year submitted by the Committee in accordance with Part 7 of the Act;

(c) to elect the members of the Committee;

(d) to confirm or vary the amounts (if any) of the annual subscription and joining fee.

(5) The annual general meeting may also conduct any other business of which notice has been given in accordance with these Rules.

### 31 Special general meetings

(1) Any general meeting of the Association, other than an annual general meeting or a disciplinary appeal meeting, is a special general meeting.

(2) The Committee may convene a special general meeting whenever it thinks fit.

(3) No business other than that set out in the notice under rule 33 may be conducted at the meeting.

#### Note

General business may be considered at the meeting if it is included as an item for consideration in the notice under rule 33 and the majority of members at the meeting agree.

### 32 Special general meeting held at request of members

(1) The Committee must convene a special general meeting if a request to do so is made in accordance with subrule 32(2) by at least 10% of the total number of members.

(2) A request for a special general meeting must—

(a) be in writing; and

(b) state the business to be considered at the meeting and any resolutions to be

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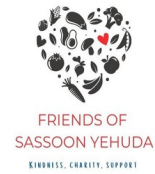
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proposed; and

- (c) include the names and signatures of the members requesting the meeting; and
- (d) be given to the Secretary.

(3) If the Committee does not convene a special general meeting within one month after the date on which the request is made, the members making the request (or any of them) may convene the special general meeting.

- (4) A special general meeting convened by members under subrule 32(3)—

(a) must be held within three months after the date on which the original request was made; and

- (b) may only consider the business stated in that request.

(5) The Association must reimburse all reasonable expenses incurred by the members convening a special general meeting under subrule 32(3).

### 33 Notice of general meetings

(1) The Secretary (or, in the case of a special general meeting convened under subrule 32(3), the members convening the meeting) must give to each member of the Association—

(a) at least 21 days' notice of a general meeting if a special resolution is to be proposed at the meeting; or

- (b) at least 14 days' notice of a general meeting in any other case.

(2) The notice must—

- (a) specify the date, time and place of the meeting; and
- (b) indicate the general nature of each item of business to be considered at the meeting;

and

(c) if a special resolution is to be proposed—

- (i) state in full the proposed resolution; and
- (ii) state the intention to propose the resolution as a special resolution; and
- (d) comply with subrule 34(5).

(3) This rule does not apply to a disciplinary appeal meeting.

### Note

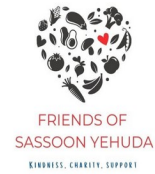
Rule 23(4) sets out the requirements for notice of a disciplinary appeal meeting.





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## 34 Proxies

(1) A member may appoint another member as his or her proxy to vote and speak on his or her behalf at a general meeting other than at a disciplinary appeal meeting.

(2) The appointment of a proxy must be in writing and signed by the member making the appointment.

(3) The member appointing the proxy may give specific directions as to how the proxy is to vote on his or her behalf, otherwise the proxy may vote on behalf of the member in any matter as he or she sees fit.

(4) If the Committee has approved a form for the appointment of a proxy, the member may use any other form that clearly identifies the person appointed as the member's proxy and that has been signed by the member.

(5) Notice of a general meeting given to a member under rule 33 must—

(a) state that the member may appoint another member as a proxy for the meeting; and

(b) include a copy of any form that the Committee has approved for the appointment of a proxy.

(6) A form appointing a proxy must be given to the Chairperson of the meeting before or at the commencement of the meeting.

(7) A form appointing a proxy sent by post or electronically is of no effect unless it is received by the Association no later than 24 hours before the commencement of the meeting.

## 35 Use of technology

(1) A member not physically present at a general meeting may be permitted to participate in the meeting by the use of technology that allows that member and the members present at the meeting to clearly and simultaneously communicate with each other.

(2) For the purposes of this Part, a member participating in a general meeting as permitted under subrule 35(1) is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

## 36 Quorum at general meetings

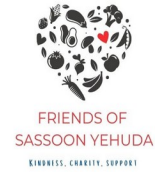
(1) No business may be conducted at a general meeting unless a quorum of members is





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present.

(2) The quorum for a general meeting is the presence (physically, by proxy or as allowed under rule 35) of 10% of the members entitled to vote.

(3) If a quorum is not present within 30 minutes after the notified commencement time of a general meeting—

(a) in the case of a meeting convened by, or at the request of, members under rule 32—  
the meeting must be dissolved;

#### Note

If a meeting convened by, or at the request of, members is dissolved under this subrule, the business that was to have been considered at the meeting is taken to have been dealt with. If members wish to have the business reconsidered at another special meeting, the members must make a new request under rule 32.

(b) in any other case—

(i) the meeting must be adjourned to a date not more than 21 days after the adjournment; and

(ii) notice of the date, time and place to which the meeting is adjourned must be given at the meeting and confirmed by written notice given to all members as soon as practicable after the meeting.

(4) If a quorum is not present within 30 minutes after the time to which a general meeting has been adjourned under subrule 36(3)(b), the members present at the meeting (if not fewer than three) may proceed with the business of the meeting as if a quorum were present.

### 37 Adjournment of general meeting

(1) The Chairperson of a general meeting at which a quorum is present may, with the consent of a majority of members present at the meeting, adjourn the meeting to another time at the same place or at another place.

(2) Without limiting subrule 37(1), a meeting may be adjourned—

(a) if there is insufficient time to deal with the business at hand; or

(b) to give the members more time to consider an item of business.

#### Example

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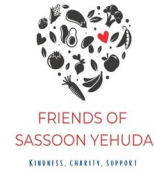
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The members may wish to have more time to examine the financial statements submitted by the Committee at an annual general meeting.

(3) No business may be conducted on the resumption of an adjourned meeting other than the business that remained unfinished when the meeting was adjourned.

(4) Notice of the adjournment of a meeting under this rule is not required unless the meeting is adjourned for 14 days or more, in which case notice of the meeting must be given in accordance with rule 33.

### 38 Voting at general meeting

(1) On any question arising at a general meeting—

(a) subject to subrule 38 (2) and(3), each member who is entitled to vote has one vote; and

(b) members may vote personally or by proxy; and

(c) except in the case of a special resolution, the question must be decided on a majority of votes.

(2) If votes are divided equally on a question, the President, where present at a general meeting, has a second or casting vote. If the President is not present at this general meeting, then it is the Vice-President, if he or she is present, who has such a second or casting vote. If neither the President nor the Vice-President is present at this general meeting, then it is the Chairperson of the general meeting who has such a second or casting vote if he or she is a member of the Association who is eligible to vote. For the removal of doubt (if any), the Chairperson of a general meeting must never vote at the general meeting unless he or she is a member of the Association who is eligible to vote.

(3) If the question is whether or not to confirm the minutes of a previous meeting, only members who were present at that meeting may vote.

(4) This rule does not apply to a vote at a disciplinary appeal meeting conducted under rule 24.

### 39 Special resolutions

A special resolution is passed if not less than three quarters of the members voting at a general meeting (whether in person or by proxy) vote in favour of the resolution.

#### Note

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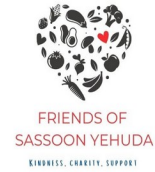
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In addition to certain matters specified in the Act, a special resolution is required—

- (a) to remove a committee member from office ;
- (b) to alter these Rules, including changing the name or any of the purposes of the Association.

## 40 Determining whether resolution carried

(1) Subject to subrule 40(2), the Chairperson of a general meeting may, on the basis of a show of hands, declare that a resolution has been—

- (a) carried; or
- (b) carried unanimously; or
- (c) carried by a particular majority; or
- (d) lost—

and an entry to that effect in the minutes of the meeting is conclusive proof of that fact.

(2) If a poll (where votes are cast in writing) is demanded by three or more members on any question—

(a) the poll must be taken at the meeting in the manner determined by the Chairperson of the meeting; and

(b) the Chairperson must declare the result of the resolution on the basis of the poll.

(3) A poll demanded on the election of the Chairperson or on a question of an adjournment must be taken immediately.

(4) A poll demanded on any other question must be taken before the close of the meeting at a time determined by the Chairperson.

## 41 Minutes of general meeting

(1) The Committee must ensure that minutes are taken and kept of each general meeting.

(2) The minutes must record the business considered at the meeting, any resolution on which a vote is taken and the result of the vote.

(3) In addition, the minutes of each annual general meeting must include—

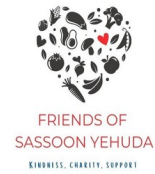
- (a) the names of the members attending the meeting; and
- (b) proxy forms given to the Chairperson of the meeting under subrule 34(6); and
- (c) the financial statements submitted to the members in accordance with subrule





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30(4)(b)(ii); and

(d) the certificate signed by two committee members who are not direct relatives certifying that the financial statements give a true and fair view of the financial position and performance of the Association; and

(e) any audited accounts and auditor's report or report of a review accompanying the financial statements that are required under the Act.

## PART 5—COMMITTEE

### Division 1—Powers of Committee

#### 42 Role and powers

(1) The business of the Association must be managed by or under the direction of a Committee.

(2) The Committee may exercise all the powers of the Association except those powers that these Rules or the Act require to be exercised by general meetings of the members of the Association.

(3) The Committee may—

- (a) appoint and remove staff;
- (b) establish subcommittees consisting of members with terms of reference it considers appropriate.

#### 43 Delegation

(1) The Committee may delegate to a member of the Committee, a subcommittee or staff, any of its powers and functions other than—

- (a) this power of delegation; or
- (b) a duty imposed on the Committee by the Act or any other law.

(2) The delegation must be in writing and may be subject to the conditions and limitations the Committee considers appropriate.

(3) The Committee may, in writing, revoke a delegation wholly or in part.

### Division 2—Composition of Committee and duties of members

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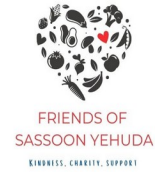
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## 44 Composition of Committee

The Committee consists of—

- (a) a President; and
- (b) a Vice-President; and
- (c) a Secretary; and
- (d) a Treasurer; and
- (e) ordinary members (if any) elected under rule 53.

## 45 General Duties

(1) As soon as practicable after being elected or appointed to the Committee, each committee member must become familiar with these Rules and the Act.

(2) The Committee is collectively responsible for ensuring that the Association complies with the Act and that individual members of the Committee comply with these Rules.

(3) Committee members must exercise their powers and discharge their duties with reasonable care and diligence.

(4) Committee members must exercise their powers and discharge their duties—

- (a) in good faith in the best interests of the Association; and
- (b) for a proper purpose.

(5) Committee members and former committee members must not make improper use of—

- (a) their position; or
- (b) information acquired by virtue of holding their position—

so as to gain an advantage for themselves or any other person or to cause detriment to the Association.

### Note

See also Division 3 of Part 6 of the Act which sets out the general duties of the office holders of an incorporated association.

(6) In addition to any duties imposed by these Rules, a committee member must perform any other duties imposed from time to time by resolution at a general meeting.

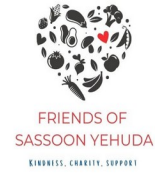
## 46 President and Vice-President





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(1) Subject to subrule 46(2) and (3), the President or, in the President's absence, the Vice-President is the Chairperson for any general meetings and for any committee meetings.

(2) If the President and the Vice-President are both absent, or are unable to preside, the Chairperson of the meeting must be—

(a) in the case of a general meeting (subject to subrule 46(3)) —a member elected by the other members present; or

(b) in the case of a committee meeting—a committee member elected by the other committee members present.

(3) The President, or in respect of the President's absence from a general meeting, the Vice-President, may recommend to the Committee that it appoints another person than the President or the Vice-President to be the Chairperson of a general meeting, in which event if the Committee has appointed that other person, as recommended by the President (or the Vice-President, as the case may be), to be Chairperson at the general meeting, this other person shall be the Chairperson at the general meeting.

## 47 Secretary

(1) The Secretary must perform any duty or function required under the Act to be performed by the secretary of an incorporated association.

### Example

Under the Act, the secretary of an incorporated association is responsible for lodging documents of the association with the Registrar.

(2) The Secretary must—

(a) maintain the register of members in accordance with rule 18; and

(b) keep custody of the common seal (if any) of the Association and, except for the financial records referred to in subrule 70(3), all books, documents and securities of the Association in accordance with rules 72 and 75; and

(c) subject to the Act and these Rules, provide members with access to the register of members, the minutes of general meetings and other books and documents; and

(d) perform any other duty or function imposed on the Secretary by these Rules.

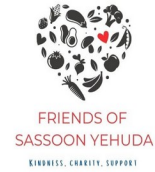
(3) The Secretary must give to the Registrar notice of his or her appointment within 14 days





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after the appointment.

## 48 Treasurer

(1) The Treasurer must—

(a) receive all moneys paid to or received by the Association and issue receipts for those moneys in the name of the Association; and

(b) ensure that all moneys received are paid into the account of the Association within fifteen working days after receipt; and

(c) make any payments authorised by the Committee or by a general meeting of the Association from the Association's funds; and

(d) ensure cheques are signed by at least two committee members who are not direct relatives.

(2) The Treasurer must—

(a) ensure that the financial records of the Association are kept in accordance with the Act; and

(b) coordinate the preparation of the financial statements of the Association and their certification by the Committee prior to their submission to the annual general meeting of the Association.

(3) The Treasurer must ensure that at least one other committee member who is not a direct relative of the Treasurer has access to the accounts and financial records of the Association.

## Division 3—Election of Committee members and tenure of office

### 49 Who is eligible to be a committee member

A member of the Association is eligible to be a committee member if the member—

(a) is 18 years or over; and

(b) is entitled to vote at a general meeting.

### 50 Positions to be declared vacant

(1) This rule applies to—

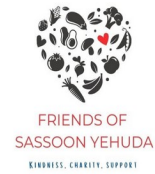
(a) the first annual general meeting of the Association after its incorporation; or





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(b) any subsequent annual general meeting of the Association, after the annual report and financial statements of the Association have been received.

(2) The Chairperson of the meeting must declare all positions on the Committee vacant and hold elections for those positions in accordance with rules 51 to 54.

## 51 Nominations

(1) Prior to the election of each position, the Chairperson of the meeting must call for nominations to fill that position.

(2) An eligible member of the Association may—

(a) nominate himself or herself; or

(b) with the member's consent, be nominated by another member,

to any position declared vacant by the Chairperson under subrule 50(2) PROVIDED ALWAYS that an eligible member is only able to nominate or be nominated for the position of President if he or she satisfies an additional requirement of, as well as being an eligible member, having been a member of the Committee for not less than a period or periods totalling at least two years throughout the previous seven years as at the position of President being declared vacant under subrule 50(2), which period or periods totalling at least two years, for the removal of doubt (if any), does or do not have to be consecutive but may be cumulative, so as, for example, to constitute membership of the Committee during two separate terms of one year each, over the previous seven years.

(3) A member who is nominated for a position and fails to be elected to that position may be nominated for any other position for which an election is yet to be held.

## 52 Election of President etc.

(1) At the annual general meeting, separate elections must be held for each of the following positions—

(a) President;

(b) Vice-President;

(c) Secretary;

(d) Treasurer.

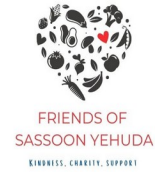
(2) If only one member is nominated for the position, the Chairperson of the meeting must





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declare the member elected to the position.

(3) If more than one member is nominated, a ballot must be held in accordance with rule 54.

(4) On his or her election, the new President may take over as Chairperson of the meeting.

(5) As the Association was the first orthodox Synagogue in Australia to have a women President (in the late 1980s and early 1990s), and often since then has had women holding at least one-half, if not more, of the positions specified in subrule 52(1) (including a second woman President), the Association aspires in every year for women members of the Association to continue holding

at least one, if not more, of the offices specified in subrule 52(1) (while not establishing any gender balance quotas, so, as prescribed in rule 49, any member of the Association irrespective of gender is eligible to hold any such office).

## Note

A. "it was a woman who instigated the miracle" of Chanukah: Rabbi Reuven Amar, *Kitzur Shulchan Arukh Sephardi* (2007) page 310 (a Short Code of Jewish Law and Customs in accordance with the Sephardic Heritage, "primarily based upon the renowned halachic masterpiece written by *Maran Beit Yosef*, Rabbi Yosef Karo"), with a letter of approbation by Rabbi Ovadia Yosef.

B. "Mordechai" "did exactly as Esther had commanded him." The Book of Esther, Chapter 4, verse 17 The Artscroll *Chumash* page 1256.

C. Rabbi Zion Meir Hai Uziel, Rishon le Tzion, Sepharid Chief Rabbi of Mandatory Palestine from 1939 to 1948 and of Israel from 1948 to 1953, ruled that an orthodox Jewish community may, at its discretion, choose any individual to occupy a position of communal leadership, irrespective of gender: J David Bleich, *Contemporary HalaKhic Problems Volume II* (1983) 260 Yeshiva University Press, New York.

D. "'Rabbi [Moshe] Feinstein" "Citing Rambam, Hilkhoh Melakhim 1:7", "if confronted with a choice between a non-observant male and an observant female, Rabbi [Moshe] Feinstein asserts that one should strive for the appointment of the observant woman" to a position of communal leadership: J David Bleich, *Contemporary HalaKhic Problems Volume II* (1983) 262-3 Yeshiva University Press, New York.

## 53 Election of ordinary members

(1) The annual general meeting must by resolution decide the number of ordinary members of the Committee (if any) it wishes to hold office for the next year.

(2) A single election may be held to fill all of those positions.

(3) If the number of members nominated for the position of ordinary committee member is

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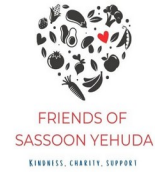
[kindness@fosy.com.au](mailto:kindness@fosy.com.au)





# The Sephardi Association of Victoria Inc.

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less than or equal to the number to be elected, the Chairperson of the meeting must declare each of those members to be elected to the position.

(4) If the number of members nominated exceeds the number to be elected, a ballot must be held in accordance with rule 54.

(5) In accordance with the aspiration stated in subrule 52(5), where pursuant to subrule 53(1), an annual general meeting by resolution decides that there are to be ordinary members of the Committee and the number of such ordinary Committee members, the Association aspires in every year for women members of the Association to hold at least one-third, if not more, of those offices specified in subrule 53(1) as ordinary members of the Committee (while not establishing any gender balance quotas, so, as prescribed in rule 49, any member of the Association irrespective of gender is eligible to hold any such office).

**Note**

See the notes under rule 52 **Election of President etc.**

**54. Ballot**

(1) If a ballot is required for the election for a position, the Chairperson of the meeting must appoint a member to act as returning officer to conduct the ballot.

(2) The returning officer must not be a member nominated for the position.

(3) Before the ballot is taken, each candidate may make a short speech in support of his or her election.

(4) The election must be by secret ballot.

(5) The returning officer must give a blank piece of paper to—

(a) each member present in person; and

(b) each proxy appointed by a member.

**Example**

If a member has been appointed the proxy of five other members, the member must be given six ballot papers—one for the member and one each for the other members.

(6) If the ballot is for a single position, the voter must write on the ballot paper the name of the candidate for whom they wish to vote.

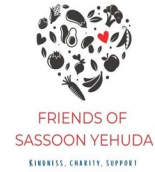
(7) If the ballot is for more than one position—





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- (a) the voter must write on the ballot paper the name of each candidate for whom they wish to vote;
- (b) the voter must not write the names of more candidates than the number to be elected.
- (8) Ballot papers that do not comply with subrule 54(7)(b) are not to be counted.
- (9) Each ballot paper on which the name of a candidate has been written counts as one vote for that candidate.
- (10) The returning officer must declare elected the candidate or, in the case of an election for more than one position, the candidates who received the most votes.
- (11) If the returning officer is unable to declare the result of an election under subrule 54(10) because two or more candidates received the same number of votes, the returning officer must—
  - (a) conduct a further election for the position in accordance with subrules 54(4) to (10) to decide which of those candidates is to be elected; or
  - (b) with the agreement of those candidates, decide by lot which of them is to be elected.

## Examples

The choice of candidate may be decided by the toss of a coin, drawing straws or drawing a name out of a hat.

- (12) In the event of a closure due to a pandemic, any election shall be conducted so as to comply with the government regulations that apply during any such closure.

## 55 Term of office

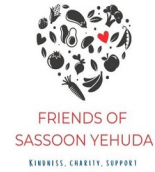
- (1) Subject to subrule 55(3) and rule 56, a committee member holds office until the positions of the Committee are declared vacant at the next annual general meeting.
- (2) A committee member may be re-elected.
- (3) A general meeting of the Association may—
  - (a) by special resolution remove a committee member from office; and
  - (b) elect an eligible member of the Association to fill the vacant position in accordance with this Division.
- (4) A member who is the subject of a proposed special resolution under subrule 55(3)(a) may





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make representations in writing to the Secretary or President of the Association (not exceeding a reasonable length) and may request that the representations be provided to the members of the Association.

(5) The Secretary or the President may give a copy of the representations to each member of the Association or, if they are not so given, the member may require that they be read out at the meeting at which the special resolution is to be proposed.

## 56 Vacation of office

(1) A committee member may resign from the Committee by written notice addressed to the Committee.

(2) A person ceases to be a committee member if he or she—

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

(b) fails to attend three consecutive committee meetings (other than special or urgent committee meetings) without providing an apology or without receiving the approval of the Committee for such an absence; or

(c) otherwise ceases to be a committee member by operation of section 78 of the Act.

### Note

A Committee member may not hold the office of secretary if they do not reside in Australia.

## 57 Filling casual vacancies

(1) The Committee may appoint an eligible member of the Association to fill a position on the Committee that—

(a) has become vacant under rule 56; or

(b) was not filled by election at the last annual general meeting,

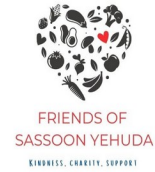
PROVIDED ALWAYS that an eligible member is only able to be appointed to fill a vacancy in the position of President if he or she satisfies an additional requirement of, as well as being an eligible member, having been a member of the Committee for not less than a period or periods totalling at least two years throughout the previous seven years as at the time of appointment by the Committee to fill a casual vacancy in the position of President which period or periods totalling at least two years for the removal of doubt (if any), does or do not have to be consecutive but may be cumulative, so as, for example, to constitute membership of the Committee during two separate terms of one year each, over the previous seven years.





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(2) If the position of Secretary becomes vacant, the Committee must appoint a member to the position within fourteen days after the vacancy arises.

(3) Rule 55 applies to any committee member appointed by the Committee under subrule 57(1) or (2).

(4) The Committee may continue to act despite any vacancy in its membership.

## Division 4—Meetings of Committee

### 58 Meetings of Committee

(1) The Committee must meet at least four times in each year at the dates, times and places determined by the Committee.

(2) The date, time and place of the first committee meeting must be determined by the members of the Committee as soon as practicable after the annual general meeting of the Association at which the members of the Committee were elected.

(3) Special committee meetings may be convened by the President or by any four members of the Committee.

(4) In the event of a closure due to a pandemic, all meetings of the Committee shall be conducted so as to comply with the government regulations that apply during any such closure.

(5) The President shall preside as Chairperson at each meeting of the Committee. If the President is not present at a meeting of the Committee, the Vice-President shall preside as Chairperson at any such meeting. If neither the President nor the Vice-President is present at a meeting of the Committee, the members of the Committee who are present shall elect from among their number a Chairperson to preside at the meeting.

#### Note

Rule 46 is consistent with subrule 58(5). Rule 62 provides for the use of technology to participate in a Committee meeting.

### 59 Notice of meetings

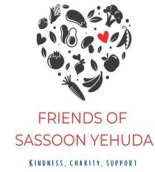
(1) Notice of each committee meeting must be given to each committee member no later than seven days before the date of the meeting.





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- (2) Notice may be given of more than one committee meeting at the same time.
- (3) The notice must state the date, time and place of the meeting.
- (4) If a special committee meeting is convened, the notice must include the general nature of the business to be conducted.
- (5) The only business that may be conducted at the meeting is the business for which the meeting is convened.

## 60 Urgent meetings

(1) In cases of urgency, a meeting can be held without notice being given in accordance with rule 59 provided that as much notice as practicable is given to each committee member by the quickest means practicable.

(2) Any resolution made at the meeting must be passed by an absolute majority of the Committee.

(3) The only business that may be conducted at an urgent meeting is the business for which the meeting is convened.

## 61 Procedure and order of business

(1) The procedure to be followed at a meeting of a Committee must be determined from time to time by the Committee.

(2) The order of business may be determined by the members present at the meeting.

## 62 Use of technology

(1) A committee member who is not physically present at a committee meeting may participate in the meeting by the use of technology that allows that committee member and the committee members present at the meeting to clearly and simultaneously communicate with each other.

(2) For the purposes of this Part, a committee member participating in a committee meeting as permitted under subrule 62(1) is taken to be present at the meeting and, if the member votes at the meeting, is taken to have voted in person.

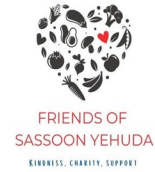
## 63 Quorum





# The Sephardi Association of Victoria Inc.

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- (1) No business may be conducted at a Committee meeting unless a quorum is present.
- (2) The quorum for a committee meeting is the presence (in person or as allowed under rule 62) of a majority of the committee members holding office.
- (3) If a quorum is not present within thirty minutes after the notified commencement time of a committee meeting—
  - (a) in the case of a special meeting—the meeting lapses;
  - (b) in any other case—the meeting must be adjourned to a date no later than 14 days after the adjournment and notice of the time, date and place to which the meeting is adjourned must be given in accordance with rule 59.

## 64 Voting

- (1) On any question arising at a committee meeting, each committee member present at the meeting has one vote.
- (2) A motion is carried if a majority of committee members present at the meeting vote in favour of the motion.
- (3) Subrule 64(2) does not apply to any motion or question which is required by these Rules to be passed by an absolute majority of the Committee.
- (4) If votes are divided equally on a question, the Chairperson of the meeting has a second or casting vote.

(5) Voting by proxy is not permitted. However, a committee member personally may vote on any specific question or proposal before the committee by submitting his or her vote in writing to the Chairperson of the meeting or informing the committee meeting orally how he or she is to vote, even if he or she is not present at the committee meeting when the votes actually are being counted.

### Note

Voting by proxy on the part of board or committee members who are responsible for directing and overseeing the management of bodies corporate is almost universally regarded by corporate experts as a dereliction of their duties as board or committee members.

## 65 Conflict of interest

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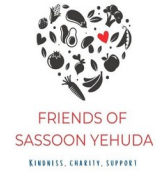
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(1) A committee member who has a material personal interest in a matter being considered at a committee meeting must disclose the nature and extent of that interest to the Committee.

(2) The member—

- (a) must not be present while the matter is being considered at the meeting; and
- (b) must not vote on the matter.

## Note

Under section 81(3) of the Act, if there are insufficient committee members to form a quorum because a member who has a material personal interest is disqualified from voting on a matter, a general meeting may be called to deal with the matter.

(3) This rule does not apply to a material personal interest—

- (a) that exists only because the member belongs to a class of persons for whose benefit the Association is established; or
- (b) that the member has in common with all, or a substantial proportion of, the members of the Association.

## 66 Minutes of meeting

- (1) The Committee must ensure that minutes are taken and kept of each committee meeting.
- (2) The minutes must record the following—
  - (a) the names of the members in attendance at the meeting;
  - (b) the business considered at the meeting;
  - (c) any resolution on which a vote is taken and the result of the vote;
  - (d) any material personal interest disclosed under rule 65.

## 67 Leave of absence

(1) The Committee may grant a committee member leave of absence from committee meetings.

(2) The Committee must not grant leave of absence retrospectively unless it is satisfied that it was not feasible for the committee member to seek the leave in advance.

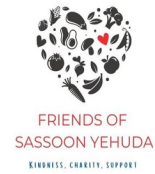
## PART 6—FINANCIAL MATTERS





# The Sephardi Association of Victoria Inc.

Sassoon Yehuda Sephardi Synagogue  
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## 68 Source of funds

The funds of the Association may be derived from joining fees, annual subscriptions, donations, gifts, fund-raising activities, grants, interest and any other sources approved by the Committee.

## 69 Management of funds

(1) The Association must open an account with a financial institution from which all expenditure of the Association is made and into which all of the Association's revenue is deposited.

(2) Subject to any restrictions imposed by a general meeting of the Association, the Committee may approve expenditure on behalf of the Association.

(3) The Committee may authorise the Treasurer to expend funds on behalf of the Association (including by electronic funds transfer) up to a specified limit without requiring approval from the Committee for each item on which the funds are expended.

(4) All cheques, drafts, bills of exchange, promissory notes and other negotiable instruments must be signed by two committee members who are not direct relatives of one another.

(5) All funds of the Association must be deposited into the financial account of the Association no later than fifteen working days after receipt.

(6) With the approval of the Committee, the Treasurer may maintain a cash float provided that all money paid from or paid into the float is accurately recorded at the time of the transaction.

## 70 Financial records

(1) The Association must keep financial records that—

- (a) correctly record and explain its transactions, financial position and performance; and
- (b) enable financial statements to be prepared as required by the Act.

(2) The Association must retain the financial records for seven years after the transactions covered by the records are completed.

(3) The Treasurer must keep in his or her custody, or under his or her control—

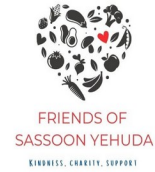
- (a) the financial records for the current financial year; and
- (b) any other financial records as authorised by the Committee.





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## 71 Financial statements

(1) For each financial year, the Committee must ensure that the requirements under the Act relating to the financial statements of the Association are met.

(2) Without limiting subrule 71(1), those requirements include—

- (a) the preparation of the financial statements;
- (b) if required, the review or auditing of the financial statements;
- (c) the certification of the financial statements by the Committee;
- (d) the submission of the financial statements to the annual general meeting of the Association;

(e) the lodgement with the Registrar of the financial statements and accompanying reports, certificates, statements and fee.

## PART 7—GENERAL MATTERS

### 72 Common seal

(1) The Association may have a common seal.

(2) If the Association has a common seal—

- (a) the name of the Association must appear in legible characters on the common seal;
- (b) a document may only be sealed with the common seal by the authority of the Committee and the sealing must be witnessed by the signatures of two committee members who are not direct relatives;
- (c) the common seal must be kept in the custody of the Secretary.

### 73 Registered address

The registered address of the Association is—

- (a) the address determined from time to time by resolution of the Committee; or
- (b) if the Committee has not determined an address to be the registered address—  
the postal address of the Secretary.

### 74 Notice requirements

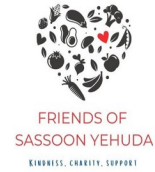
(1) Any notice required to be given to a member or a committee member under these Rules





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may be given—

- (a) by handing the notice to the member personally; or
- (b) by sending it by post to the member at the address recorded for the member on the register of members; or
- (c) by email or facsimile transmission to the email address or facsimile number recorded by the Secretary as the email address or facsimile number to which the member has notified his or her notices should be transmitted.

(2) Subrule 74(1) does not apply to notice given under rule 60.

(3) Any notice required to be given to the Association or the Committee may be given—

- (a) by handing the notice to a member of the Committee; or
- (b) by sending the notice by post to the registered address; or
- (c) by leaving the notice at the registered address; or
- (d) if the Committee determines that it is appropriate in the circumstances—
  - (i) by email to the email address of the Association or the Secretary; or
  - (ii) by facsimile transmission to the facsimile number of the Association.

## 75 Custody and inspection of books and records

(1) Members may on request inspect free of charge—

- (a) the register of members;
- (b) the minutes of general meetings;
- (c) subject to subrule 75(2), the financial records, books, securities and any other relevant document of the Association, including minutes of Committee meetings.

### Note

See note following rule 18 for details of access to the register of members.

(2) The Committee may refuse to permit a member to inspect records of the Association that relate to confidential, personal, employment, commercial or legal matters or where to do so may be prejudicial to the interests of the Association.

(3) The Committee must on request make copies of these rules available to members and applicants for membership free of charge.

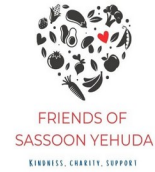
(4) Subject to subrule 75(2), a member may make a copy of any of the other records of the





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Association referred to in this rule and the Association may charge a reasonable fee for provision of a copy of such a record.

(5) For purposes of this rule—

**relevant documents** means the records and other documents, however compiled, recorded or stored, that relate to the incorporation and management of the Association and includes the following—

- (a) its membership records;
- (b) its financial statements;
- (c) its financial records;
- (d) records and documents relating to transactions, dealings, business or property of the Association.

## 76 Winding up and cancellation

(1) The Association may be wound up voluntarily by special resolution.

(2) In the event of the winding up and dissolution or any other cancellation of the incorporation of the Association, the surplus assets of the Association must not be distributed to any members or former members of the Association, but must be dealt with in accordance with subrules 76(3) and (4).

(3) Subject to the Act and any court order made under section 133 of the Act (Court order relating to distribution of surplus assets), in the event of the Association being wound up and dissolved, the surplus assets of the Association must be given to a body that has similar purposes to the Association and which is not carried on for the profit or gain of its individual members.

(4) The body to which the surplus assets are to be given must be decided by special resolution.

(5) In this rule 76, **surplus assets** refers to the amount that remains after the dissolution of the Association and the satisfaction of all its debts and liabilities including, without limitation, payment of the costs, charges and expenses of winding up and dissolving the Association.

### Note

This Rule is to be read together with Rule 6 **Not for profit organisation** and Rule 83 **Property, assets and income of**

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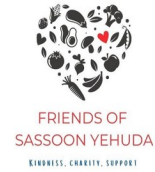
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**Association** to fortify the protection of the Association's charitable status.

## 77 Alteration of Rules

These Rules may only be altered by special resolution of a general meeting of the Association.

### Note

An alteration of these Rules does not take effect unless or until it is approved by the Registrar. If these Rules (other than rule 1, 2 or 3) are altered, the Association is taken to have adopted its own rules, not the model rules.

## 79 Appointment of Rabbi for the Association

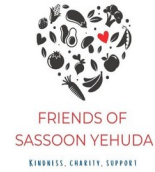
- (1) The appointment of the Rabbi for the Association and of any other rabbis of the Association is vested in the Committee.
- (2) Where there is a vacancy in the office of Rabbi for the Association, the Committee shall use its best endeavours to fill the vacancy.
- (3) Where, notwithstanding its best endeavours, the Committee is of the opinion that it is not practicable to fill a vacancy in the office of Rabbi for the Association in the near future, or there is a temporary vacancy in that office because the incumbent is on leave or otherwise away from duty, the Committee may appoint such rabbis who the Committee believes are qualified to provide religious services to the Association, to provide any such services as allocated by the Committee from time to time.
- (4) In deciding to make an appointment to the office of Rabbi for the Association or of such other rabbis to provide religious services to the Association, the Committee must determine that any such Rabbi or rabbis is, or are, qualified to oversee the conduct of religious services in the Synagogue in accordance with the *Minhag* of the Synagogue and, in relation to all matters of *halakha*, is, or are, qualified to rule in accordance with the Sephardi tradition.
- (5) Always subject to subrule 79(4), the Rabbi for the Association or any other rabbis providing religious services to the Association may be Ashkenazi.





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## 80 Appointment of Hazan

The Committee may appoint a Hazan.

## 81 Role of the Haham

Where the Committee believes, after consultation with the Rabbi, that there is a doubt as to how the *halakha* should be applied in accordance with the Sephardi tradition which requires an authoritative resolution beyond that of the Rabbi, the Committee shall refer its doubt to the Haham whose decision shall be binding on the Association and all its members, officers, servants, employees, agents and the Rabbi PROVIDED ALWAYS, for the removal of doubt (if any), that:

- (a) any such decision of the Haham is given in response to, and answers, a specific query or question asked of the Haham by the Committee after consultation with the Rabbi; and
- (b) there is no restriction or limitation imposed by the Committee on the Haham, or on any orthodox rabbi designated by the Haham for that purpose, from hearing the Rabbi's views in relation to the matter or on the Rabbi from expressing any such view to the Haham or on the Rabbi from expressing any such view to any orthodox rabbi designated by the Haham for the purpose of hearing from the Rabbi.

## 82 Indemnity

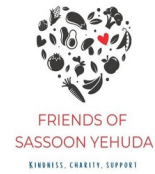
The Association must indemnify every officer of the Association, including without limitation, every committee member and the Rabbi, as well as every employee, servant or agent of the Association against all costs, losses and expenses which any such person may incur or be liable for by reason of any contract entered into or any act done by him or her or any omission on his or her part except where any such person has been guilty of any default, breach of duty or breach of trust in relation to the Association PROVIDED THAT the Association shall indemnify any such person in any case against all liability incurred by him or her in defending any proceedings whether civil or criminal, in which judgment is given in his or her favour or in which he or she is acquitted, and the amount for which such an indemnity is provided shall immediately attach as a lien on the property of the Association and have priority (as between him or her and the members of the





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Association) over all claims; and the Association must pay all such costs, losses and expenses out of its funds.

## 83 Policies

The Committee may promulgate policies not inconsistent with these Rules where, in the Committee's opinion, it is necessary or conducive so to do for achievement of the

Association's purposes or objects as promulgated by these Rules, including, without limitation:

- (a) after consultation with the Rabbi, to promote or facilitate compliance with *halakha* as interpreted and applied in accordance with the Sephardi tradition PROVIDED ALWAYS for the removal of doubt (if any) that no such policy may mandate a standard of religious observance by any person in his or her private life away from the Synagogue or away from any other premises of the Association or away from any function involving the Association;
  - (b) after consultation with the Rabbi, to promote or facilitate or mandate appropriate behaviour by all persons while inside the Synagogue or while inside any other premises of the Association or while in attendance at any function of the Association or while representing the Association, that is consistent with *halakha* as interpreted and applied in accordance with the Sephardi tradition; or
  - (c) to minimise the legal exposures under the laws in force in Victoria of the Association, its officers, servants, employees, members or the Rabbi; or
  - (d) in respect of life membership of the Association, and the entitlements and prerogatives of life membership PROVIDED ALWAYS that no such policy shall derogate from, detract in any way or otherwise withdraw any entitlement, eligibility, prerogative, concession or absolution which any person who is a life member of the Association as at the date of the commencement of these Rules shall continue to have as such a life member,
- which policies shall be binding on all members of the Association.

## 84 Property, assets and income of Association

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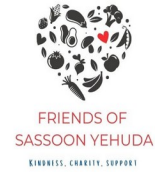
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- (1) All the assets, income and other property of the Association must only be used or otherwise applied solely in furtherance of its purposes.
- (2) For the removal of doubt (if any), no member or former member of the Association may, or shall be allowed to, retain or otherwise hold, occupy or receive any assets, income or other property of the Association except in accordance with:
- (a) the Act or these Rules; or
  - (b) a resolution of a general meeting of the Association, any which resolution (for the removal of doubt (if any)) must be consistent with the Act and with these Rules; or
  - (c) a resolution of the Committee, any which resolution (for the removal of doubt (if any)) must be consistent with the Act and with these Rules.
- (3) For the removal of doubt (if any), no portion of any assets, income or other property of the Association shall be distributed directly or indirectly to any member or former member of the Association except as genuine compensation paid and received fairly in good faith for services which the Committee has resolved were required to be rendered by such a member or former member to the Association of a kind that would not ordinarily be expected to be provided to the Association by the member or former member in the usual course of his or her membership of the Association (including, without limitation, in the usual course of his or her performing the roles of any elected offices which these Rules provide may be held by a member of the Association) or except for reimbursement of reasonable expenses incurred on behalf of the Association.
- (4) For the removal of doubt (if any), where any person makes a donation or gives a gift to the Association, all of that donation or gift shall forthwith be included among the assets, income and other property of the Association, all of which thereupon must only be used or otherwise applied solely in furtherance of the Association's purposes; and the Association shall give no consideration whatsoever for any such donation or gift or for any part thereof except where, after obtaining and considering outside independent legal advice, the Committee decides that, in a specific circumstance or in a specific set or class of circumstances, the giving of any such consideration by the Association to a donor is consistent with the Act and with the Association's charitable status; and also either is

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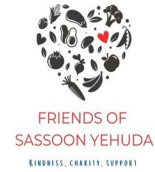
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consistent with the making by the donor of a charitable donation or gift to the Association or is not to attract under any applicable law for any benefit of the donor the status of a charitable donation or gift.

## Note

A. This Rule is to be read together with Rule 6 **Not for profit organisation** and Rule 76 **Winding up and cancellation** to fortify the protection of the Association's charitable status.

B. Generally, it is not consistent with the making of a charitable donation or gift for a recipient or donee to provide a donor with any consideration for the donation or gift. However, in limited circumstances, it may be so consistent. For example, it is a common practice for charitable institutions to provide public recognition to their donors. The matter is complex and a range of potentially applicable Federal, State and Territory laws can change from time to time.

## 85 Postal or electronic ballots, and electronic and remote meetings/proceedings etc. – to supplement

rules 35 and 62 given the uncertain times in which we live, where invoked by an absolute majority of

### Committee members

#### 85.1 Power to hold postal or electronic ballots

The Association may hold a postal or electronic ballot (as the Committee determines) to determine any issue or proposal (other than an appeal under Rule 23).

#### 85.2 Ballots

The Committee must:

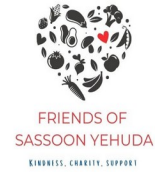
- (a) cause the details of the matter on which the ballot is to be held to be set out in a statement, and
- (b) fix the dates for:
  - (i) the forwarding of postal ballot papers, or the giving of access to electronic ballot papers, to Members;
  - and
  - (ii) the closing of the ballot.





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## 85.3 Preparation of voting roll

(a) The Secretary must prepare a roll of the full names and addresses of the Members of the Association

who are eligible to vote.

(b) A Member whose name is on the roll is entitled to vote in the ballot, and no Member is otherwise so entitled.

## 85.4 Electronic voting

(a) This Rule 85.4 applies to a ballot for the determination of a matter by the Association that is to be

conducted by means of electronic voting.

(b) Electronic voting is to be by means of email or other electronic means determined by the Committee.

The other electronic means of voting may include requiring Members to access a voting website and to

vote in accordance with directions contained on that website.

(c) The Secretary must ensure that the form for the electronic ballot paper contains:

(i) instructions for completing the voting paper;

(ii) the question to be determined; and

(iii) the means of indicating the voter's choice on the question to be determined.

(d) The Secretary must, at least 14 days (or 21 days in the case of a special resolution) before the date

fixed for the closing of the ballot, give each Member entitled to vote:

(i) access to an electronic ballot paper, or to a voting website or electronic application containing an electronic ballot paper, that complies with this rule; and

(ii) access to information about:

(A) how the ballot paper must be completed;

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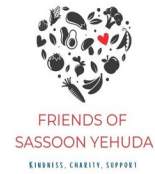
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- (B) the closing date of the ballot; and
- (C) if voting is by email - the address where the ballot paper is to be returned; or
- (D) if voting is by other electronic means, the means of accessing the electronic voting system and how the completed electronic ballot paper is to be sent to the Secretary.
- (e) Each Member entitled to vote must vote in accordance with the instructions contained in the information.
- (f) If the ballot is a secret ballot, the Secretary must ensure that the identity of the voter cannot be ascertained from the form of the electronic ballot paper.
- (g) An electronic ballot paper must be sent to the Secretary no later than the close of the ballot.
- (h) The Secretary must ensure that all electronic ballot papers are stored securely until the counting of the votes begins.

### 85.5 Postal voting

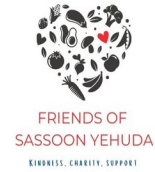
- (a) This Rule 85.5 applies to a ballot for the determination of a matter by the Association that is to be conducted by means of postal voting.
- (b) The Secretary must prepare ballot papers that contain:
- (i) instructions for completing the voting paper;
  - (ii) the question to be determined; and
  - (iii) a box opposite and to the left of each question.
- (c) The Secretary must, at least 14 days (or 21 days in the case of a special resolution) before the date fixed for the closing of the ballot, give each Member entitled to vote:
- (i) a ballot paper prepared in accordance with this Rule 85.5; and
  - (ii) a notice describing:
    - (A) how the ballot paper must be completed;
    - (B) the closing date of the ballot;
    - (C) the address where the ballot paper is to be returned;





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(D) a returning envelope addressed to the Secretary and the reverse side of which is noted or printed

with the name and address of the member and, if the ballot is a secret ballot, an envelope marked "Voting Paper".

(d) Each Member entitled to vote must vote by marking the ballot paper in accordance with the instructions contained in the notice.

(e) If the ballot is a secret ballot, a voter must, after completing the ballot paper:

- (i) enclose and seal the ballot paper in the envelope marked "Voting Paper";
- (ii) enclose and seal that envelope in the returning envelope addressed to the Secretary; and
- (iii) give the envelope to the Secretary so that it is received no later than the close of the ballot.

(f) If the ballot is not a secret ballot, a voter must, after completing the ballot paper:

- (i) enclose and seal the ballot paper in the returning envelope addressed to the Secretary, and
- (ii) give the envelope to the Secretary so that it is received no later than the close of the ballot.

(g) On receipt of a returning envelope, the Secretary must:

- (i) compare the information on each returning envelope with the information on the voting roll to confirm that the vote was cast by a Member entitled to vote in the ballot; and
- (ii) ensure that the ballot papers are securely stored until the counting of the votes begins.

(h) A voter may give a returning envelope to the Secretary by post or personal delivery.

## 85.6 Informal votes

(a) A ballot paper of a voter who votes by means of electronic voting or postal voting is informal if the

voter has failed to record a vote in accordance with the information provided by the Secretary.

(b) Despite Rule 85.6(a), if, in the opinion of the Secretary, a voter's intention is clearly indicated on a

ballot paper for a postal vote, the ballot paper is not informal merely because it contains an unnecessary mark.

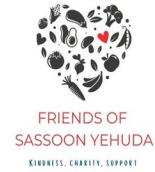
(c) If voting is carried out by electronic voting using a voting website or other electronic application (but





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not if voting is by email), the website or application is to provide a warning message to a Member casting

an informal vote that the proposed vote is informal.

## 85.7 Ascertaining result of the ballot

(a) As soon as practicable after the close of the ballot for a postal vote, the Secretary must:

(i) in the case of a secret ballot, open the envelopes marked "Voting Paper" and remove the ballot papers;

(ii) in the case of any ballot, reject as informal any ballot papers that do not comply with the requirements

of this Rule 85; and

(iii) ascertain the result of the ballot by counting the votes not rejected.

(b) As soon as practicable after the close of a ballot conducted by electronic voting, the Secretary must:

(i) review all information and reports about the electronic ballot;

(ii) reject as informal any votes that do not comply with the requirements of this Rule 85; and

(iii) ascertain the results of the electronic ballot.

## 85.8 Statement by the Secretary

(a) The Secretary must make out and sign a statement of the result of the ballot.

(b) On the declaration of the Secretary of the result of the ballot, the Committee must cause an entry to

be made in the minute book showing the result of the ballot.

(c) The Secretary must forward a copy of the statement to the President, or in the President's absence,

the Vice President, who must announce the result of the ballot at the next General Meeting.

## 85.9 Notification of result of ballot for special resolutions

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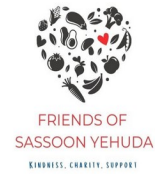
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In the case of a special resolution, the Association must cause the result of the ballot to be notified in writing to its Members as soon as practicable after the ballot.

## 85.10 Retention of ballot papers

(a) The Secretary must retain:

- (i) all ballot papers;
- (ii) all rejected returning envelopes relating to postal voting;
- (iii) all records relating to electronic voting (whether formal or otherwise); and
- (iv) all rolls,

used in connection with the conduct of the ballot, in accordance with this Rule 85.

(b) The Secretary must retain those items in secure storage for a period of not less than 8 weeks after

the date fixed for the closing of the ballot unless directed in writing by the Committee to retain those

items for a longer period.

## 85.11 Electronic and remote meetings

(a) A General Meeting may be held using any audio, audio-visual or other technology that enables the

participating Members to simultaneously hear each other and participate in discussion.

(b) A Committee meeting may be held using any audio, audio-visual or other technology:

(i) that enables the participating Committee Members to simultaneously hear each other and participate

in discussion; or

(ii) to which all Committee Members have consented.

(c) A meeting referred to in Rules 85(11)(a) and (b) may be held by audio or audio-visual technology for

all participating Members or Committee Members, or only for Members or Committee Members who

are unable to be physically present.

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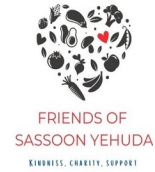
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- (d) meeting held by audio or audio-visual technology must comply with all general requirements of proceedings as contained in Rule 33 for General Meetings or Rule 59 for Committee meetings.
- (e) Notice given in accordance with Rule 33 for General Meetings or Rule 59 for Committee meetings must specify if a meeting is to be held by audio or audio-visual technology, and the technology that will be used for the meeting.
- (f) A minute certified by the Chairperson of such a meeting will be conclusive evidence of the proceedings at that meeting and the observance of all necessary formalities.
- (g) A Committee Member's consent under Rule 85.11(b)(ii) may be a standing one and may only be withdrawn within a reasonable period before the meeting.
- (h) If a General Meeting or Committee meeting is held by audio or audio-visual technology:
- (i) a Member or Committee Member is treated as present if the Member or Committee Member is able to hear and be heard by all others attending; and
- (ii) unless the Chairperson is notified that a Member or Committee Member is leaving the meeting, the Member or Committee Member will be assumed to have been present for the duration of the meeting.
- (j) If a meeting is held using any other technology consented to by all Committee Members, the Committee must determine the basis on which Committee Members are treated as present.

## 85.12 Electronic and remote proceedings

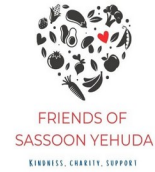
Other than where expressly prohibited by these Rules, the Committee may determine that any proceedings of the Association may be conducted by any audio, audio-visual or other technology or by





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any other means that enables the participants to participate in the proceeding or otherwise to express a view or position in relation to the proceeding.

## 85.13 Application of this Rule 85

This Rule 85 shall only apply where the Committee determines by an absolute majority of its members that it should apply. In the absence of such a determination by the Committee, this Rule 85 shall have no operation. In determining whether this Rule 85 shall apply, the Committee may take into consideration such uncertainties as pandemics and disasters which may affect how the Association is able to conduct its affairs; and it may also take into consideration its opinion of what is conducive or otherwise of assistance in effectively conducting the Association's affairs even in the absence of a pandemic or disaster. For the removal of doubt (if any), the Committee's discretion by an absolute majority of its members to determine that this Rule 85 shall apply does not extend to purporting to authorise anything prohibited by these Rules or otherwise inconsistent with a substantive provision of the Rules. This Rule 85 is directed to the procedures by which the Association is to conduct its affairs; the Committee must not use this Rule 85 to purport to authorise any departure from the substantive provisions of these Rules.

### Note

This Rule 85 is considered to be excessively prescriptive and unnecessarily legalistic given what is contained in such Rules as 35 and 62. Nevertheless, the COVID-19 pandemic demonstrates that the Association is operating in uncertain times. This Rule 85 is intended to give the Association flexibility in respect of the conduct of its affairs in circumstances where it might become necessary to supplement such Rules as 35 and 62. The COVID-19 pandemic demonstrates that these circumstances are not necessarily foreseeable.

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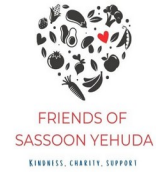
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## 86 Interpretation

(1) In interpreting or applying a provision of these Rules, there must always be regard to the purposes and objects of these Rules, and to the notes, examples and other explanatory materials contained or referenced herein, so as to achieve or adopt an interpretation that would best achieve the purposes and objects of these Rules.

(2) For the removal of doubt (if any), where a provision of these Rules conflicts with a law that is applicable to any activity of the Association which is in force in the State of Victoria

or elsewhere throughout the Commonwealth of Australia or within any of its Federal, State or Territory jurisdictions, including without limitation extraterritorially, it is any such law which shall prevail while such a law continues to remain applicable and in force.

