

BY-LAWS OF THE ST KILDA HEBREW CONGREGATION INC.

26th Aug 2013

INCLUDING AMENDMENTS AS PASSED

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1. INTERPRETATION

Words and expressions used in these By-Laws have the same meanings as ascribed to them in the Laws of the Congregation.

2. MEMBERSHIP PROCEDURES

All applications for membership must be submitted by the Secretary to a meeting of the Board as soon as possible and on approval and payment of the relevant fees the applicant becomes a Member of the Congregation in the category applied for and is entitled to all the privileges of membership applicable in that category.

3. POWERS OF BOARD

The Board:

- (a)
 - (i) The prior approval of the Board must be obtained for all expenditure (including, but not limited to goods, services and special projects) where the total amount payable is in excess of \$5,000 for any one purpose, except in respect of employee costs and entitlements (salaries, leave, superannuation and taxation) and emergencies (“the Exclusions”).
 - (ii) Unless otherwise required by the Board, where payment for a matter has been approved by the Board or such payment is the subject of the Exclusions, no further approval for payment of that matter is required where the sum approved exceeds \$5,000.
- (b) Must ensure that all functions conducted under the auspices of or in or upon the

premises of the Congregation comply with the laws of Kashrut.

- (c) Must consult the Chief Minister on all questions of Halacha.
- (d) Must draw up the Annual Report which must include a record of attendance of each Board Member at Board meetings.

4. DUTIES OF OFFICE BEARERS & SECRETARY

4.1 PRESIDENT

The President:

- (a) Takes precedence over all other Members in all official relations of the Congregation. In the absence of the President, the Vice-President or in his absence the Immediate Past President must perform all duties and exercise all powers appertaining to the office of President. In the absence of these officers the Board must appoint some other Board Member to act as President during such absence and any Board Member so appointed may during the period of appointment exercise all the powers and authorities of the President.
- (b) Is responsible to convene all Board meetings and if requested in writing by not less than three Board Members must convene a meeting of the Board and if he fails to do so within seven days of any request the Secretary must forthwith convene the same.
- (c) May suspend any paid officer for neglect of duties or misconduct but the circumstances relating to such suspension must be placed before the Board within fourteen days of the suspension for its consideration and the Board may dismiss such official except in the case of the Chief Minister or Assistant Minister the President must immediately convene a General Meeting to take such action in the matter as may be deemed advisable.
- (d) Is responsible for the allocation of honours (including aliyot) before and during religious services. However, he or she may delegate part or all of these duties to the Gabbai or any Member who is present and is eligible according to Halacha to act as Gabbai.
- (e) Is responsible for appointing the Chatan Torah and Chatan Bereshit but only those who are entitled according to Halacha and custom are eligible.

4.2 VICE-PRESIDENT

The Vice-President is responsible to assist the President in carrying out his or her duties and to deputise for the President as and when required.

4.3 TREASURER

The Treasurer is responsible:

- (a) For the receipt of all money paid to the Congregation and for it being deposited to the credit of the Congregation's account in a Bank approved by the Board.
- (b) For payment of all salaries as authorised by the Board and all other accounts after verification.
- (c) To see that the duties of the CEO as far as they relate to the accounts and money of the Congregation are correctly performed.

- (d) For the allocation transfer or exchange of seats.
- (e) To prepare and maintain an inventory of all property and chattels of the Congregation and to ensure all proper insurances are taken out.
- (f) In every year at a meeting of the Board to be held prior to the Annual General Meeting to present a duly audited balance sheet and income and expenditure statement for the year in question.
- (g) In addition to the above duties, the Treasurer may remit or reduce fees and charges or defer the payment thereof in all cases where he or she deems advisable.

4.4 SECRETARY

The duties of the Secretary are to:

- (a) To carry out and perform the duties and responsibilities of Secretary in accordance with the provisions of the Act and the Regulations.
- (b) Convene and attend Board and General Meetings and take minutes.
- (c) Prepare and maintain a register of all Bar Mitzvahs, Bat Mitzvahs, marriages and deaths.
- (d) Prepare a report showing the number of meetings held by the Board and the respective attendance of each Board member.
- (e) Prepare and maintain a register of seats and seat holders arranged both alphabetically and numerically including the seat rental charge.
- (f) Receive all inward and attend to all outward correspondence.
- (g) Keep all books and documents in his custody or under his or her control subject to the directions of the Board.
- (h) Prepare and issue accounts under the direction of the Treasurer.
- (i) Control, supervise and direct the caretaker and office staff.
- (j) Attend to such other duties as may be determined by the Board.

4.5 WARDENS

- (a) The President and Vice President shall act as Wardens.
- (b) In the event that either the President and/or Vice President are ineligible to act as Wardens in accordance with Halacha, either the President or the Vice President may appoint a Member who is eligible to act as Warden in accordance with Halacha, to act as Warden.
- (c) The Wardens are responsible for the management of the religious services which shall include but not be limited to:
 - (i) Recording of offerings made on the Bimah;
 - (ii) The opening and closing of the Ark (including indicating to any honouree when and how this should happen);
 - (iii) Standing at the Reading of the Torah and ensuring that those with an aliyah to the Torah recite the appropriate blessings at the correct time (being the role historically known as the Segan);
 - (iv) Ensuring that Members to whom honours have been accorded enter

and leave the Bimah at the appropriate time; and

- (v) Allocating available honours where necessary.

4.6 GABBAI

The duties of the Gabbi are to:

- (a) assist the Wardens in the smooth running of religious services as requested by the Wardens from time to time.
- (b) allocate honours (including aliyot) before and during religious services if so requested by the President.

5. ALIYOT

- 5.1 Any Member wishing to be called to the Torah must give at least seven days' notice to the Shule office,, which must, if practicable, comply with the request.
- 5.2 Subject to by-laws 3(c) and 4.2(e) a male person of the Jewish faith who is entitled to become a Member or Junior Member may be given an aliyah or other honour.

6. ELECTIONS

- 6.1 Elections are to be by ballot conducted in the following manner:
 - (a) The President appoints a returning officer who may be the Secretary;
 - (b) The returning officer must not be a member nominated for the contested position.
 - (c) The returning officer may send the ballot to a member by:
 - A. post to the member's principal address; or
 - B. electronic transmission to the member's electronic mail address
 - (d) The order in which the names of candidates for election appear on the ballot is determined by lot.
 - (e) Each ballot must be accompanied by a statement containing the candidate's name, photograph and any statement up to 100 words that the candidate wishes to make to support the candidacy.
 - (f) In order to be counted in the ballot, completed ballots must be returned and received at the Congregation's registered office no later than 5pm on the day which is 7 clear days before the day on which the General Meeting is to be held.
 - (g) A completed ballot returned to the Congregation must be returned in the same manner in which the ballot was sent to the member.
 - (h) If the ballot is for a single position, the voter must indicate the name of the candidate for whom they wish to vote.
 - (i) If the ballot is for more than one position—
 - A. the voter must indicate the name of each candidate for whom they wish to vote;
 - B. the voter must not indicate the names of more candidates than the number to be elected.
 - (j) Ballots that do not comply with subrule (6.1)(i)A are not to be counted.
 - (k) Each ballot on which the name of a candidate has been indicated counts as one vote for that candidate.
 - (l) The returning officer is responsible for overall supervision of the opening of ballot and for calculating votes. The returning officer must report the result of the ballot to the President before the Annual General Meeting and the chairperson

must, at the meeting, declare the names of the candidates who have been elected and announce the number of votes recorded in favour of each candidate.

- (m) A candidate or a scrutineer appointed by the candidate is entitled to be present during the opening and calculating of votes.
 - (n) The President must, if a candidate requests this, give that candidate written information which that candidate reasonably requires concerning the calculation of the votes cast at the ballot held to fill the particular vacancy for which that candidate was nominated for election.
 - (o) If the returning officer is unable to declare the result of an election under subrule (6.1)(l) because 2 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 (c) to (l) 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.
- 6.2 Before the issue of the ballot papers any candidate may withdraw his or her name by giving written notice to the Secretary.

7. MINISTERS AND SALARIED OFFICIALS

- 7.1 Candidates for the office of Chief Minister must submit his credentials and testimonials to the Board who must nominate the candidate or candidates they think competent to a General Meeting for approval.
- 7.2 All other paid officers are appointed by the Board.
- 7.3 Salaried officials are to be guided in the performance of their duties and in all matters affecting the interests of the Congregation by the President or other person nominated by him.
- 7.4 No officer of the Congregation may participate celebrate or take part in any religious ceremony or service outside of the Congregation without first obtaining the approval of the President.

DUTIES OF MINISTERS

8.1 Chief Minister

The Chief Minister shall:

- (a) Perform religious services in the Synagogue but may delegate portions thereof to any other person after first obtaining the approval of the President.
- (b) Deliver sermons in English on Sabbaths and Festivals.
- (c) Perform marriage funeral and consecration services and attend prayers at the houses of mourners but may delegate the performance to any other person approved by the President.
- (d) Make no alteration in the form or content of service without the permission of the Board.
- (e) Be the sole arbiter of and have final jurisdiction over all matters of or concerning Halachah in or in relation to the Synagogue.
- (f) In the event of any dispute or difference as to whether a particular matter is or is not a matter of or concerning Halachah:
 - (i) Such dispute or difference shall be referred to the arbitration of a Beth Din comprising three Orthodox Rabbis one of whom shall be nominated by the Rabbi of the Congregation, another of whom shall be nominated by the Board and the third of whom shall be appointed by the two Rabbis so nominated AND the ruling of such Beth Din shall be final and binding; and
 - (ii) If such ruling is to the effect that the said dispute or difference is a matter of or concerning Halachah, sub-paragraph (e) hereof shall apply.

8.2 Assistant Minister

The Assistant Minister is responsible:

- (a) To assist the Chief Minister in the performance of religious services and to carry out such other duties as may be assigned to him by the Chief Minister.
- (b) As directed by the Chief Minister to attend marriage ceremonies and see that the Chuppah and all other requirements are ready for use.
- (c) As directed by the Chief Minister to attend funerals, recite prayers at the houses of mourners and conduct consecration services.

9. SERVICES

9.1 Religious Services

- (a) Religious Services are to be held on Sabbaths and Festivals and on all other occasions at such time as the Chief Minister and Board determines.
- (b) The Wardens and Members of the Board are responsible for the due observance of decorum at all services in the Synagogue.

9.2 Marriages

Any person wishing to be married must make written application to the Secretary at least one month prior to the proposed date of the marriage.

9.3 Deaths

When a death occurs in the family of a Member notice thereof must be given immediately to the Chief Minister or in his absence the Assistant Minister who is responsible to make the necessary arrangements for the appropriate services.

9.4 Fees

The Board is responsible to determine the fee charged by the Congregation from time to time for marriages and funerals.

10. ALTERATION OF BY-LAWS

These By-Laws may be rescinded altered or added to in the same manner as the Laws of the Congregation.

11. GENERAL

- 11.1 No announcement may be made in the Synagogue without the permission of the Wardens and/or such person to whom the Wardens have delegated that responsibility.
- 11.2 All offerings made in the Synagogue may only be used for the benefit of the funds of the Congregation.
- 11.3 If any case occurs which has not been provided for by these Laws or any doubt arises as to their interpretation the decision of the Board shall be conclusive but if such doubt arises at any General Meeting the decision of the Chairman shall be final for the purpose of that meeting only.