

# Executive Council of Australian Jewry Inc.

הוועד הפועל של  
יהודי אוסטרליה

## The Representative Organisation of Australian Jewry

Level 2, 80 William Street  
Sydney NSW 2000

Address all correspondence to:  
PO Box 1114, Edgecliff NSW 2027

Tel (+61 2) 8353 8500  
Fax (+61 2) 9361 5888  
Web: [www.ecaj.org.au](http://www.ecaj.org.au)  
E-mail [info@ecaj.org.au](mailto:info@ecaj.org.au)

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Federation of Australian Jewish  
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New Zealand Jewish Council  
Zionist Federation of Australia



17 December 2012

Family and Community Development Committee  
Parliament House  
Spring Street  
EAST MELBOURNE VIC 3002

Email: [fcfdc@parliament.vic.gov](mailto:fcfdc@parliament.vic.gov)

Dear Madam Chair

### **Victorian Government Inquiry into Handling of Child Abuse by Religious and Other Non-Government Organisations ('the Inquiry')**

Our organisation ('the ECAJ') is the national peak body of the Australian Jewish community. Our constituent organisations are the roof bodies of the Jewish community in each State and the ACT. Other Jewish organisations which operate nationally are our Affiliates.

Ordinarily, as a national body, we would leave it to our State constituent organisations to deal with their respective State governments on any matters of concern to the community they represent. In this respect I note that a detailed submission was made to the Inquiry by our Victorian constituent organisation, the Jewish Community Council of Victoria, on 21 September 2012, which is accessible at:

[http://www.parliament.vic.gov.au/images/stories/committees/fcdc/inquiries/57th/Child\\_Abuse\\_Inquiry/Submissions/Jewish\\_Community\\_Council\\_of\\_Victoria.pdf](http://www.parliament.vic.gov.au/images/stories/committees/fcdc/inquiries/57th/Child_Abuse_Inquiry/Submissions/Jewish_Community_Council_of_Victoria.pdf)

The reason for this submission is to respond to certain statements about the ECAJ, which were part of a more general statement made to the Inquiry by Manny Waks on 10 December 2012.

Mr Waks' allegations both of child sex abuse and the covering up by various institutions of that conduct must of course be treated seriously, and we would repeat our numerous public statements urging those making the allegations to provide full particulars to the police and other authorities and to render them every assistance in their investigations and in any resulting prosecutions.

We appreciate that it is often very difficult for victims of child sexual abuse to come forward to the authorities, and even to close family and friends, to report what has happened to them. Victims often ‘block out’ the horrendous abuse they have suffered and go to great lengths to avoid having to ‘relive’ that suffering by telling their stories to others. They may fear that they will not be believed.

The prospect of having to recount their experiences in the stressful environment of a courtroom in the context of a criminal trial in which they are to be questioned and cross-examined must be especially daunting for victims. If the abuse has occurred within a school or other organisation that has had a culture or practices that discourage victims from coming forward, or which appear to side with alleged perpetrators, this puts redress even further beyond the reach of victims.

Those victims who have come forward, including Mr Waks, are therefore to be commended for their courage, and for raising public awareness of the issue and encouraging other victims to come forward.

Because of the obstacles – institutional and otherwise – which victims face in making complaints, instances of abuse may not be reported for many years, if ever. It is therefore fair to infer that the incidence of child sex abuse in religious or non-government organizations across Australia, is almost certainly far greater than the number of reported cases would suggest.

Nevertheless, caution needs to be exercised in drawing generalized conclusions about entire communities from allegations that concern specific individuals and specific organisations, and especially from those allegations that are yet to be proven, or even investigated.

In his statement to the Inquiry, Mr Waks has described allegations of abuse that he says have been communicated to him by others, and he has characterised the alleged abuse as occurring in “the Yeshiva community”, “the ultra-Orthodox community”, “the Melbourne Jewish community”, and “the Sydney and Perth Jewish communities”.

These communities vary greatly from one another in numbers, cultural ethos and diversity, and it is a serious misrepresentation to suggest that the Jewish community is a unitary organisation, let alone a hierarchy. Even within smaller sections of the community, such as Yeshiva, there are different organisations with different functions, objectives and practices. The ECAJ, while a roof body, exercises no control over other organisations, or over members of the community. Its role is coordination by consensus and it usually arrives at positions as a result of input from its constituent and affiliate organisations. It is on this basis that the ECAJ offers the community leadership and advice which is generally followed.

If individuals who are Jewish, are ultimately convicted of child sex abuse crimes and the organisations within which the crimes were committed are found to have engaged in an attempted cover-up, this may justify conclusions about an “endemic” problem of child sex abuse and a culture of suppression existing within those organisations, but it would

be a gross injustice to apply such conclusions collectively to all members of the local communities within which those organisations operate, let alone to the Jewish community as a whole.

It is for this reason, and this reason alone, that the ECAJ has taken exception to attempts by sections of the media, and others, to use what is undoubtedly an extremely serious problem, as an opportunity to make scandalous generalisations that unfairly taint the whole Jewish community. We do not wish to downplay in any way, the incidence of child sex abuse or of any culture of cover up that may have existed, or that may continue to exist, in any Jewish community organisation. Equally, we will not remain silent in the face of ill-conceived attempts to attribute collective guilt to the whole Jewish community for any individual or organizational wrong-doing.

We note that the terms of Reference of the Inquiry are limited to an investigation into *“the processes by which religious and other non-government organisations respond to the criminal abuse of children by personnel within their organisations,”* (emphasis added). No allegations have been made of criminal abuse of children “by personnel within” the ECAJ. It follows that Mr Waks’ statements to the Inquiry concerning the ECAJ, in addition to being scandalous, are outside the Terms of Reference, and for both of those reasons should be disregarded by the Inquiry.

We nevertheless take this opportunity to outline to the Inquiry some of the measures taken by the ECAJ and its constituents to increase vigilance and raise awareness of the risks and symptoms of abuse and avenues of victim counseling within our community, and to emphasise to schools and other organisations under (and beyond) our umbrella that they are obliged to implement proper safeguards against sexual abuse of children under their care and to report allegations of sexual abuse to the relevant police and other authorities immediately and co-operate with their investigations.

- Although the ECAJ does not exercise any control over Jewish private schools, we took the opportunity in 2005 to work with Jewish schools throughout Australia to produce Governance Guidelines for Jewish Schools, for adaptation by schools in each State. A copy of the Guidelines operating in NSW is attached. We refer you in particular to paragraphs 20-25 dealing with a school’s obligations to provide students with a safe, supportive and secure environment, and to be able to produce evidence of compliance.
- With regard to Victoria, we refer you to the measures taken by the Jewish Community Council of Victoria from 2009 onwards, as outlined in their submission to the Inquiry.
- When allegations of child abuse within Yeshiva College in Melbourne in the 1980’s and 1990’s first became public in July 2011, concerns were raised that possible victims, witnesses and people in authority might not come forward and co-operate fully with the police due to misplaced loyalties or as a result of an incorrect understanding of their religious duties in such circumstances. The ECAJ immediately drafted and issued a joint statement together with the Jewish

Community Council of Victoria, the Organisation of Rabbis of Australia and the Rabbinical Council of Victoria to get the message out to all members of our community that it is obligatory to report cases of sexual abuse to the relevant authorities and to provide the police with all relevant information and do everything to assist the police with their enquiries.

- The ECAJ also took the view that we should seek a meeting with any organisation in relation to which the police or other authorities decide to conduct investigations, to the extent that we became aware of any such investigation. We immediately sought a meeting with the Board of Yeshiva Melbourne which ultimately occurred in November 2012. We note that Yeshiva Melbourne does not come under the umbrella of the ECAJ or its relevant constituent the Jewish Community Council of Victoria.
- At the ECAJ's Annual General Meeting in November 2011, there was an extensive discussion of allegations of child sex abuse and cover-ups in which both Mr Waks and Mr Ari Heber from Queensland Jewish Community Services made substantial contributions. This was an important step in raising awareness of the issues among the communal leadership nationally and in each State.
- During 2012, as allegations concerning two other organisations in the Jewish community came to our notice, we immediately discussed the allegations with the leaders of those organisations in order to reconfirm our previous message urging that the police be given all information relating to the allegations and full co-operation. We were repeatedly assured in each case that that was already occurring and would continue.
- When, in November this year, the Federal government announced the Royal Commission to investigate institutional responses to allegations of child sexual abuse the ECAJ immediately welcomed and supported the proposal and issued a public statement that *"The sexual, physical and psychological abuse of children is a pervasive problem in Australian society, and probably all societies. It is certainly not limited to any one institution or segment of society... We are now calling on anybody with knowledge of instances of alleged child sexual abuse in any institution to co-operate fully with the Royal Commission, and for the families, friends and advisers of alleged victims to give them every support"*. We do not see how any fair minded observer would interpret this statement as an attempt to play down the problem.
- Following our meeting with the board of Yeshiva in Melbourne, the ECAJ issued a detailed statement to the wider community reporting on our meeting. We were given an exhaustive explanation of the policies and practices that have been developed by Yeshiva College to avoid abuse and to ensure that allegations of abuse are dealt with promptly and reported to the relevant law enforcement and welfare authorities. Among other initiatives, the College says that it has undertaken regular training sessions and workshops with students, staff and the parent body in close consultation with South Eastern Centre Against Sexual Abuse, Gatehouse

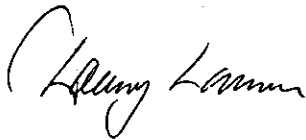
Centre of the Royal Children's Hospital (Department of Human Services / Child Protection), Jerusalem Crisis Centre (Director, Debbie Gross) and Jewish Task Force Against Family Violence.

- We gave the board every encouragement to build on these initiatives and were particularly impressed by the serious and knowledgeable approach adopted by the College's new principal, Rabbi Yehoshua Smukler.
- In our statement we concluded that once the publicly known allegations of sexual abuse and cover-ups have been dealt with by the courts and the Royal Commission, *"...we will have a better idea of the extent of the problem in the community. In the meantime there does not appear to be any basis for concluding that these problems are endemic throughout the Jewish community, although it is possible that other organisations might yet come under scrutiny"*. That remains the ECAJ's view.
- The ECAJ prepared a detailed submission to the Royal Commission and a draft was circulated to our Councillors for comment in advance of our Annual General Meeting on November 25. In preparing the draft we sought and received guidance from a professional person with expertise and many years of experience in dealing with child sex abuse cases. We received an extension of time to lodge the submission and these matters were reported at our Annual General Meeting. The submission itself was lodged four days later and a copy was provided to all Jewish community media outlets and placed on our website.

The foregoing is by no means an exhaustive account of steps the ECAJ has taken. There is always more that can be done even by an organisation like ours with limited authority and resources. We remain open to specific, constructive suggestions.

We wish the Inquiry well in its task. If there is any assistance or co-operation required from the ECAJ, it will be readily forthcoming.

Yours sincerely



**Dr Danny Lamm**  
President



**Peter Wertheim AM**  
Executive Director