



Executive Council of Australian Jewry

ANNUAL CONFERENCE

2009

ANNUAL REPORT



Executive Council of Australian Jewry

**ANNUAL REPORT
OF THE
EXECUTIVE COUNCIL OF
AUSTRALIAN JEWRY Inc.
2009 / 5769 - 5770**

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Executive Council of Australian Jewry Inc.

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TABLE OF CONTENTS

Item	Page
Table of Contents	i
ECAJ Committee of Management and Councillors (2008 – 2009)	ii
Presidents of the ECAJ (1945 – 2009)	v
 President’s Report (including Appendices)	 1
 Reports of Constituent Bodies	
❖ Australian Capital Territory Jewish Community Inc.	141
❖ Hobart Hebrew Congregation	145
❖ Jewish Community Council of Victoria	146
❖ Jewish Community Council of Western Australia Inc.	153
❖ NSW Jewish Board of Deputies	154
❖ Queensland Jewish Board of Deputies	160
 Reports of Affiliated and Observer Bodies	
❖ Australasian Union of Jewish Students (AUJS)	164
❖ Australian Federation of WIZO	168
❖ National Council of Jewish Women of Australia (NCJW)	171
❖ B’nai B’rith Australia/New Zealand	173
❖ Australian and New Zealand Union for Progressive Judaism	175
❖ Union for Progressive Judaism	177
❖ Zionist Federation of Australia (ZFA)	178
❖ Auckland Jewish Council and New Zealand Jewish Council	179
❖ Maccabi Australia Inc.	184
 Other Reports	
❖ Community Relations: Josie Lacey AM	187
❖ Federation of Jewish Aged and Community Service Organisations: David Brous	189
❖ ECAJ – The year in snapshots	192

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Dr. Joachim Schneeweiss AM (NSW)
Diane Shteinman AM (NSW)
Nina Bassat AM (VIC)
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Anton Block (VIC)
Sharene Hambur (VIC)
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Judith Perlstein (VIC)
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Ron Finkel (VIC)
Dr George Foster (NSW)
Alan Gold (NSW)
David Knoll (NSW)
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Susi Brieger - Education
Peta Pellach Jones - Interfaith
Rabbi Jeffrey Kamins - Interfaith
Rabbi Jeremy Lawrence - Interfaith
Roman Mirkus – Russian Community
Nechama Bendet – Jewish Schools
Dr. Ron Weiser - Israel
David Rothman - Security
Dr. Geulah Solomon - Women
Yosi Tal – Public Relations

PUBLIC OFFICER

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HONORARY AUDITOR

Barry Mendel

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President

Daniel Kitay

AUSTRALIAN AND NEW ZEALAND UNION FOR PROGRESSIVE JUDAISM

President

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AUSTRALIAN FEDERATION OF WIZO

President

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David Brous

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President

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ZFA

President

Phillip Chester

ECAJ PRESIDENTS 1945 – 2008

A. MASEL	1945 – 1946
S. SYMONDS	1946 – 1948
M. ASHJKANASY CMG QC	1948 – 1950
	1954 – 1956
	1958 – 1960
	1962 – 1964
	1966 – 1968
H.B. NEWMAN	1949 - 1950
B. GREEN	1950 – 1952
THE HON. SD EINFELD AO	1952 – 1954
	1956 – 1958
	1960 – 1962
	1964 – 1966
G.Y. FALK OBE JP	1968 – 1970
N. JACOBSON OBE	1970 – 1972
	1974 – 1976
L. KLEIN CBE	1972 – 1974
J. SCHNEEWEISS AM	1976 – 1978
	1980 – 1982
L. CAPLAN AM	1985 – 1987
	1989 – 1992
I.J. LIEBLER AO CBE	1978 – 1980
	1982 – 1985
	1987 – 1989
	1987 – 1989
	1992 – 1995
D. SHTEINMAN AM	1996 – 1998
N. BASSAT AM	1998 – 2001
J.S. JONES AM	2001 – 2004
G.J. LEONARD	2004 – 2007
R. M. GOOT AM SC	2008 -



Executive Council of Australian Jewry Inc.

REPORT OF THE PRESIDENT

INTRODUCTION

1. In my Annual Report last year, I described the fundamental challenge for the ECAJ in 2009 in the following terms

“It is therefore past time to re-position the ECAJ as the pre-eminent national representative organ of the Jewish community and coordinator of community representation by putting it on a professional footing to enable the community’s voice to be listened to with respect, knowing that it is representative, measured and reasonable in its advocacy as well as focused on leveraging and coordinating views.”
2. I am delighted to report that the achievement of that objective was significantly advanced during 2009, with the appointment of Peter Wertheim AM as the ECAJ’s Executive Director in June 2009. Peter took up his duties on 1 September 2009 in the new ECAJ offices at 80 William Street, Sydney.
3. Further, the Committee of Management of the ECAJ agreed that for the duration of his employment the administrative centre of the ECAJ would be in Sydney regardless of the place of residence of the President. This new professional basis for the ECAJ’s operations is a major achievement in the history of the ECAJ and has already demonstrated significant results.
4. We are not however complacent. There is still much to be done to develop and enhance our representative capacity on behalf of the Australian Jewish community as its roof body.

MEETINGS

5. The Committee of Management met by National telephone conference on 1 February (32), 22 April (28), 12 August (26) and 14 October 2009 (28). Attendance (shown in brackets) at each meeting was high as was the quality of the discussion. The ECAJ continues to function as a united and committed group dealing with the challenges that face the community in a focused manner.

OVERVIEW

6. I commend the reports of the Constituent Bodies of the ECAJ and the other reports contained in this publication. They provide clear and compelling evidence that in the main the Australian Jewish community is vibrant, confident, well governed and meeting the challenges that it faces.
7. In particular the publication of the preliminary results of the Gen 08 survey, referred to later in this report, provides compelling evidence of the positive state of the community, and demonstrates once again why the Australian Jewish community is the envy of many other Jewish communities around the world.
8. Whilst such a state of affairs is a great source of pride and satisfaction to the ECAJ, we cannot be and are not, complacent. Much remains to be done to maintain our position and protect the manifold interests of the community.
9. In this respect the Report on Antisemitism once again comprehensively compiled by Jeremy Jones an Honorary Life Member and former President of the ECAJ, remains troubling especially in respect of the marked increase in hate material generated by email. Whilst it is early days, the extent of antisemitic comment associated with the global financial crisis, and the increasing attempts to de-legitimise Israel, are most disturbing.
10. There is an increasing trend among Israel's enemies to frame their polemical attacks in terms that appeal openly or subliminally to classic forms of Jew-hatred, which was once a marginal phenomenon in western democratic societies. This trend has reached alarming proportions in parts of academia and the media in Australia, and presents new challenges that must be met. Many of the mythologies about Jewish and Israeli history have been repeated so widely and so often, without sufficient contradiction, that they have become

established orthodoxies even among some educated people. The Goldstone Report referred to elsewhere in this report, has given an unfortunate impetus to this trend.

11. A small but growing number of Australian Jews working in the media and academic institutions have succumbed to intense peer group pressure and become mouthpieces for anti-Israel and anti-Jewish sentiment (e.g. Independent Australian Jewish Voices). Although so-called Jewish dissidents speak for only a tiny fraction of the Jewish community, they are increasingly being given an entirely disproportionate amount of media coverage in comparison with spokespeople for the mainstream of Jewish attitudes and this was particularly the case during and in the aftermath of Operation Cast Lead.
12. Particularly in Europe, Canada and New Zealand, the increased ascendancy of anti-Israel views in large parts of the quality media and in academia has already made the transition into mainstream politics, compromising Israel's relationships with once-friendly democratic governments. Although, thankfully that transition has not occurred in Australia, it may well do so. There is a continuing need for united action by the Jewish community, together with sympathetic parts of the wider community, to ensure that Australian governments will remain as forcefully committed as in the past, to Israel's right to exist in peace and security.
13. In that context it is reassuring to note that the Australian Government has remained steadfast in its support for Israel and a variety of Jewish causes. Most notably, the Australian government was among only 10 nations which boycotted the UN's Durban Review Conference (Durban II) held in Geneva in April 2009 and was one of the 18 nations that voted "No" in the UN General Assembly in early November to the adoption of the Goldstone Report. Further details concerning both of these matters are provided below.
14. The strong public affairs work done by Jewish organisations must also be maintained and advanced to properly meet the challenges ahead. The heightened challenges that we face will now be met by the ECAJ with a greatly enhanced professional capacity. The times demand a strong representative voice which will not quell other voices but which will to coordinate and leverage them. These are challenges which the ECAJ now is much more be equipped to meet, than at any time in its history.

STRATEGIC PLAN

15. The ECAJ's Strategic Plan adopted by the Committee OF Management in April 2009 (**Appendix 1 – pages 31 - 36**).

THE AUSTRALIAN GOVERNMENT AND PARLIAMENT

16. We are indeed extremely fortunate in Australia to have governments at the national and state level which are committed to policies and programs that are consistent with and supportive of, the attitudes and aspirations of the Jewish community. International Jewish organizations and communities increasingly recognise this regrettably all too rare situation.
17. During the year under review the ECAJ has had many occasions (summarised below) to interact with members of the Australian Parliament both in the Government and the Opposition. On all such occasions we have been listened to sympathetically and with an understanding and appreciation of the issues raised.

Operation Cast Lead

18. The ECAJ undertook a range of activities during and after the Gaza crisis and the aftermath (**Appendix 2, 3 & 4 – pages 37, 38, 39 & 40-42**).
19. The public statements made by Australian political leaders were most reassuring and letters of appreciation were sent to the Government and Opposition (**Appendix 5, 6 & 7 – pages 43-47**).
20. As a result of Operation Cast Lead and the public reaction to it, it became apparent that the ECAJ needed to maintain and build strategic alliances with a number of groups within the community. It was in that context that the ECAJ convened a national conference to combat antisemitism in Melbourne on 5 April 2009, in order to advance that discussion and determine priorities. The conference was most successful and several initiatives have developed from it. Details appear later in this report.

Durban 11

21. The UN World Conference Against Racism held in Durban 2001 (Durban 1 Conference) was preceded by the NGO Forum which was marred by virulent antisemitic behaviour

22. from representatives of a number of NGOs and by numerous abuses of process and outcomes prejudicial to genuine work to combat racism. The Durban I Conference produced outcome documents including the Declaration which singled out Israel for criticism (while naming no other countries) and introduced extraneous anti-Israel content under the pretext that Israel's actions are racist, which anti-Israel content overshadowed and distorted the critically important professed agenda of the conference.
23. The Durban Review Conference (Durban II) was scheduled to be held in Geneva in April 2009. The draft outcomes paper that was circulated in advance of the Review Conference gave every indication that Durban II would repeat some of the worst features of the Durban I Conference. For this reason, the ECAJ and other Jewish organizations campaigned strongly in favour of the Australian government boycotting the Conference.
24. Following a series of meetings with, and written representations to, the Foreign Minister, the Australian Government decided not to attend the Durban II Conference in Geneva. It made a formal announcement to that effect two days before the Conference was due to commence. The ECAJ worked tirelessly to achieve this result and I would like in particular to record our appreciation to Dr Geulah Solomon, Peter Wertheim, Jeremy Jones, Sam Salcman and Alan Gold.
25. The government's decision was dramatically vindicated when, during the Conference, the President of Iran, Mahmoud Ahmadinejad, indulged in an unprecedented and disgraceful antisemitic tirade from the podium, leading diplomats from 23 of the nations which attended the Conference to walk out of the Conference while Ahmadinejad was still speaking.
26. It is to the credit of the Australian government that it dissociated Australia from the Durban II outcome document which:
- reaffirmed without reservation in its opening paragraph the 2001 Durban Declaration and Program of Action, including the section titled "Victims of racism, racial discrimination, xenophobia and related intolerance," which specifically states: "We are concerned about the plight of the Palestinian people under foreign occupation" and falsely implies that Palestinians are victims of Israeli racism, racial discrimination, xenophobia, or related intolerance;

- failed to criticize or name any of the numerous non-democratic countries of the world whose human rights records are open to genuine criticism and which have in some cases committed or supported genocide; and
- omitted any criticism or mention of the Hamas Charter and, in particular, those of its provisions which incite hatred and genocide against Jews and affirm racist stereotypes about Jews as a people.

27. Once again we wrote to the Prime Minister and the Foreign Minister applauding the Government's decision (**Appendix 8 & 9 – pages 48, 49**).

28. In addition, through the leadership of Mark Dreyfus QC MP and Michael Danby MP, a group of parliamentary members of the ALP caucus comprising: senator Steven Hutchins; Senator Mark Arbib; Senator Helen Polley; Senator David Feeney; Senator Glenn Sterle; Senator Don Farrell; Senator Michael Forshaw; Senator Jacinta Collins; Senator Mark Bishop; Mike Kelly MP; Bill Shorten MP; Bernie Ripoll MP; Gary Gray MP and Richard Marles MP, provided invaluable assistance to the ECAJ in its efforts to achieve such a satisfying result.

Shechita

29. Commencing at the end of 2008, the ECAJ and the Organisation of Rabbis of Australasia (ORA) met with representatives of the Department of Agriculture regarding kosher slaughter methods and practices, particularly in relation to the slaughter of sheep. At the present time, in accordance with *halachic* standards, sheep for the kosher market are slaughtered without being stunned either before or after *shechita*.

30. Following a meeting in August 2009, the ECAJ was provided with the results of "recent NZ research" suggesting that *shechita* causes considerable pain to the animal during the period before the animal becomes insensible.

31. The Government official with whom ECAJ and ORA met appeared to be supporting a push by the Animal Welfare lobby to introduce a legal requirement that sheep be stunned immediately after neck cut. The Rabbinic advice to the ECAJ is that any such requirement would be contrary to *halacha* and would make it illegal in Australia to slaughter sheep in accordance with *halacha*.

32. By letter dated 18 September 2009, after consulting with ORA, I provided a detailed critique of “the recent NZ research” (**Appendix 10 – pages 50-52**) and later wrote to the Minister (**Appendix 11 – page 53**).
33. On 5 November 2009, I led a delegation from the ECAJ and ORA to meet with the Chief of Staff of the Federal Minister for Agriculture in Canberra ahead of a meeting of the Primary Industries Ministerial Council to consider, inter alia, *shechita* in Perth on 6 November.
34. Following that meeting the ECAJ has received confirmation from the Minister’s office that there is to be no change to the regulatory regime regarding *shechita*. The primary industry departments will continue to consult with relevant parties on appropriate risk management strategies to promote animal welfare in the ritual slaughter process.

Al Manar

35. On 14 September 2009, the ECAJ forwarded a submission to the Minister for Communications (Stephen Conroy) concerning the transmission of television programs into Australia by Al Manar Television. Al Manar Television is closely associated with the Lebanese Hezbollah movement, whose “External Security Organisation” is specified as a terrorist organisation under the *Criminal Code Regulations* 2002. A copy of the submission is (**Appendix 12 – pages 54-59**).
36. Formerly, an Australian corporation took responsibility for the transmission of Al Manar’s broadcasts into Australia. However, that corporation went into liquidation and was de-registered some time ago. Consequently, there is currently no Australian entity that can be held responsible for these transmissions. The transmissions are being beamed into Australia directly by *Indosat*, a satellite that is owned by the Indonesian government. Although the technical means exist to block the transmissions from being beamed into Australia, if the Federal government acted unilaterally in this regard, Australia would be in breach of a number of international conventions to which it is a party. Consequently, any action to stop the transmissions into Australia would have to be by agreement between the Australian and Indonesian governments.
37. The purpose of the ECAJ’s submission was to draw the government’s attention to the way in which the Al Manar transmissions violate Australian Federal law. The submission also responds specifically to the recent finding by Australian Communications and Media

Authority (ACMA) in its report dated 24 July 2009 that the Al Manar transmissions did not violate the Broadcasting Services (Anti Terrorism) Standard.

38. This submission was also discussed with the Minister when the Executive Director and I met with him at Parliament House, Canberra, on 8 September 2009.

Racial Vilification Legislation

39. On 14 September 2009, the ECAJ submitted a written proposal to the Federal Attorney General (Robert McClelland) and Federal Minister for Communications (Stephen Conroy) to provide a more streamlined and expeditious procedure for dealing with race hate on the internet (**Appendix 13 – pages 60-68**). The procedure would involve the Australian Communications and Media Authority (ACMA) issuing notices to internet service providers requiring them to remove material from the internet that has been found by a court, or in an advisory opinion of the President of the Australian Human Rights Commission, to offend against Part IIA of the *Racial Discrimination Act* (RDA).
40. The proposal had its genesis in a suggestion that was made by the Federal Attorney General at a meeting with representatives of the ECAJ in August 2009. The idea was further developed when the Executive Director and I met with the Minister for Communications at Parliament House, Canberra, on 8 September 2009.
41. The legal regulation of internet service providers, on any basis for any reason, is a politically sensitive issue. However, the ECAJ proposal has been framed specifically to try to overcome potential sensitivities. The regulatory mechanism that has been proposed is only triggered if there is a court order or a published advisory opinion of the President of the Australian Human Rights Commission to the effect that the internet material complained of is in breach of Part IIA of the Racial Discrimination Act. If implemented, therefore, the proposal would not require or allow the Minister or ACMA, or internet service providers themselves, to make that determination.
42. The need for a more expeditious system to deal with race hate on the internet has been made evident in the Töben litigation which commenced 13 years ago and which is dealt on later in this report.

Visits to Canberra

43. The ECAJ visited Canberra on a number of occasions during the year during parliamentary sittings. We were able to engage with a number of Ministers, shadow Ministers, and members of the House of Representatives and the Senate, on a variety of issues of concern to the community. This activity is invaluable and will be repeated with greater frequency in 2010. We aim in particular, to meet with parliamentarians both the minor parties and from non urban electorates.

Prague Conference on Holocaust Era Assets

44. In 2008 and again in 2009, the ECAJ has agitated for Australia to become a signatory to the International Task Force on Holocaust Remembrance and Education (ITF) and to that end requested that the Australian Government be represented at the Conference on Holocaust Era Assets in Prague in June 2009.

45. The Australian Government agreed to be represented at this important Conference and I was invited to be part of the Australian delegation led by Ambassador Ruth Pearce. The Terezin Declaration and the delegation's Report to the Foreign Minister is (**Appendix 14 & 15 – pages 69-77 & 78- 79**).

46. During the conference representations were made to the Australian Government to join the ITF. In addition, with the assistance of others, the ECAJ was able to advance the Australian Government's adherence to a protocol dealing with provenance of Holocaust Era looted art.

National Education Curriculum

47. The ECAJ has been actively promoting to the Australian Government, the need, consistent with the objectives of the ITF, to include a mandatory component on the Holocaust within the History curriculum to be taught in all Australian high schools.

48. This project has been ongoing since 2008. In early September 2009, an informal draft outline of the Australian National Curriculum for History was prepared by the Australian Curriculum Assessment and Reporting Authority (ACARA). It includes a compulsory component for the study of the Holocaust in year 10. However, we are somewhat concerned about the description of the component, in particular, the reference to the

study of the “significance” of the Holocaust. In a letter to ACARA dated 16 September 2009, the ECAJ suggested that this be changed to “the historical events and causes of the Holocaust” (**Appendix 16 – page 80-81**).

49. We will continue to monitor the development of this important initiative and I would like to thank in particular Susi Brieger the ECAJ’s Education Adviser, Peter Wertheim and Ian Lacey for their work on this project.

The Goldstone Report

50. Earlier this year, the United Nations Human Rights Council (UNHRC) commissioned a group of lawyers headed by Justice Richard Goldstone of South Africa to enquire into and prepare a report on Israel’s Operation Cast Lead in the Gaza Strip between 27 December 2008 and 18 January 2009. Although the report made a tokenistic attempt to appear to be even handed, it scrutinizes Israel’s actions and accuses Israel of having committed war crimes and possible crimes against humanity. The report makes similar accusations against Hamas, but only in a very perfunctory way.
51. Since the report was released, it has been criticized trenchantly by many legal and military commentators. The criticisms include, but are by no means limited to, the following:
- a) The UNHRC mandate that created the commission was irredeemably tainted with bias because the conclusions that the commission was expected to come to were incorporated in the terms of its mandate;
 - b) There was actual bias on the part of at least one of the commissioners, namely Christine Chinkin who, even before the commission was established, had publicly expressed her views on the very matters that the commission was called upon to investigate;
 - c) Witnesses called upon by Hamas were not cross examined on their “evidence” and their stories were not checked against other available sources which suggested that the “evidence” was false;
 - d) The commission failed to properly investigate serious allegations against Hamas such as its use of civilians as human shields, its use of civilian buildings and other structures for combat operations, its abuse of humanitarian symbols (e.g. using an ambulance to

transport fighters or weapons), its public incitement of genocide and the systematic and widespread nature of its attacks against civilian targets.

- e) The principle of proportionality was applied in a completely unrealistic (and unprecedented) way in the context of modern asymmetrical warfare. . No western or other nation accepts that the Goldstone version of international humanitarian law applies to its own military forces.

51. Even B'Tselem, an Israeli human rights group which is ordinarily highly critical of Israeli governments, described the Goldstone report as either biased or mistaken in its conclusions.

52. In Australia, one of the best and most devastating responses to the findings of the Goldstone report came from Australia's retired Major General, Jim Molan, the former Chief of Operations of the Iraq multinational force (2004-2005). In an article published in the Weekend Australian on 2 October 2009, Major General Molan highlighted the unrealistic nature of many of the Goldstone commission's interpretations of international law. The Report failed to interpret and apply the law in a way that addresses the context of contemporary conflicts in which conventional armies are opposed by terrorist organisations which are openly contemptuous of the laws of war. Molan's analysis is similar to that of retired Colonel Richard Kemp (UK) that was published in Britain.

53. An op-ed piece submitted by me was published in *The Australian* newspaper on 6 November 2009 (**Appendix 17 – page 82**). The previous day the UN General Assembly voted (114 for, 18 against and 44 abstentions) to adopt the report and refer it to the Security Council. I am proud to report that Australia was one of the nations which voted against the referral.

54. The Goldstone Report will regrettably be used in the ongoing campaign to de-legitimise Israel in the future. It is to be hoped however, that Israel will establish an independent judicial enquiry into the conduct of Operation Cast Lead, without which it will continue to leave itself vulnerable to allegations of war crimes. Such an enquiry would also almost certainly provide a devastating riposte to the unfounded allegations and conclusions of the Goldstone Report.

Asylum Seekers

55. In the latter part of the year the issue of Asylum Seekers once more assumed great importance in Australian domestic politics. In November, the ECAJ formulated and published a principled and widely acclaimed policy on this difficult issue (**Appendix 18 – page 83**). The ECAJ forwarded copies of the policy to both the Government and Opposition and to trade union and other community groups which had expressed concern about the issue.

Minister for Foreign Affairs

56. Representatives of the ECAJ met formally with the Hon Stephen Smith MP, Minister for Foreign Affairs on a number of occasions. All our discussions with the Minister have been entirely satisfactory.

57. On 19 May 2009 the ECAJ hosted a lunch in Melbourne at which the Minister for Foreign affairs was the guest of honour. The function was most successful and once again demonstrated the very close bonds that exist between the Jewish community and the Government.

58. The ECAJ has made representations to the Minister for Foreign Affairs on a number of matters throughout the year and, in addition to Durban 11, has written expressing the community's appreciation for the principled stance taken by the Government on issues such as the boycott of Durban II, the walk out of the United Nations General Assembly during the address by the President Ahmadinejad of Iran in September 2009 and Australia's vote against the adoption by the General Assembly of the Goldstone Report in November 2009 (**Appendix 19 & 20 – pages 84, 85**).

Attorney General

59. In addition to making representations and submissions to the Hon Robert McClelland MP the Attorney General referred to elsewhere in this report, the Attorney General has agreed to be a guest of honour at the ECAJ Annual Conference dinner which will honour the contribution to the establishment of the State of Israel in the late 1940's by the then Australian Minister for Foreign Affairs Dr H. V. (Doc) Evatt.

Security Funding

60. The ECAJ as the convenor of the “*Council for Jewish Community Security*” (CJCS), which came into existence by Federal legislation passed in June 2008 is responsible for administering the tax deductible fund established by the CJCS under that legislation. NSW conducted a successful appeal for funds for security expenditure on communal buildings in 2008 and in 2009 the Committee of Management approved a structure for the WAJCC to conduct an appeal.

School Security Funding

61. During 2009, the Australian Government paid the first tranche of \$20m payable over 4 years to schools demonstrably at risk from a security point of view. The Minister for Home Affairs allocated sixty four percent or \$3.2m of the first tranche to Jewish schools across Australia but in the process some anomalous results emerged especially in relation to schools in Victoria.

62. The Australian Council for Jewish Schools (ACJS) worked with the Government to try to address the anomalies and the ECAJ is optimistic that this will be successful. It appeared that there were some shortcomings in relation to co-ordination with and amongst Jewish schools relating to the first tranche of funding and the ECAJ is hopeful that this will be overcome in relation to the second and further tranches of funding. The ECAJ is appreciative of the efforts of ACJS, with the advice of Justice Stephen Rothman AM for the very successful results arising from the first tranche.

63. In August 2009, following representations in particular by Michael Danby MP further funding had been allocated to Jewish schools in Victoria although it was not clear what precise formula was used for determining the funding generally or in the case of any individual school. A further report will be made available to the Committee of Management by the ACJS to ensure that the funding was provided on a consistent basis in accordance with demonstrated needs.

Federal Opposition

64. The ECAJ met with the Hon Malcolm Turnbull Leader of the Opposition, Senator Julie Bishop the Shadow Minister for Foreign Affairs, Senator George Brandeis, Shadow Attorney General and other members of the opposition parties during 2009. The Hon

Malcolm Turnbull MP the Leader of the Opposition will address the ECAJ Annual Conference on Monday 30 November 2009.

Submissions

65. In addition to those referred to above, the ECAJ made the following submissions to the Australian Government during 2009:
- a) to the Human Rights Council, on Freedom of Religion (**Appendix 21 – pages 86 -98**);
 - b) to the Minister for Foreign Affairs, in respect to the trial of the Bangladeshi journalist Salah Uddin Shoaib Choudhury (**Appendix 22 pages 99-103**);
 - c) to the Attorney General on the “Lexicon of Terror” (**Appendix 23 – pages 104-105**)
 - d) to the Attorney General’s Department in response to the Department’s Discussion Paper on Australia’s National Security Legislation (**Appendix 24 – pages 106-111**).
66. The ECAJ submission on National Security Legislation supported the introduction of the proposed sections 80.2A and 80.2B to the *Criminal Code* which would specifically criminalize the urging of violence against racial and other groups and against members of such groups.
67. The ECAJ submission strongly opposed any suggestion that legal defences be available to a charge of urging violence based on the act having been done “in good faith” or “for a genuine academic, artistic or scientific purpose or any other genuine purpose in the public interest” or for any of the other purposes referred to in proposed subsection 80.3(3). The submission argued: “Civil prohibitions against incitement to racial hatred commonly allow for these sorts of defences. But such defences are not available in the relevant legislation of the various States in respect of the criminal proscription of incitement to racial hatred, and it would be completely misconceived and inappropriate to make such defences available in the context of the criminal proscription of incitement to racial violence. Such defences would merely create an opportunity for persons charged with urging violence against their fellow Australians to use the ensuing trial, with impunity, as a platform to promote their views and to engage in further incitement of violence. It is therefore our strong recommendation that the defences provided for in section 80.3 be expressly

excluded from applying to the new offences set out in proposed sections 80.2A and 80.2B.”

68. Regrettably, the proposed amendments to the *Criminal Code* do not seek to create a new Federal criminal offence based on the intentional or reckless incitement of racial and other forms of hatred in the community. The ECAJ urged the Government to consider introducing such an offence in line with the law in the UK and provided detailed submissions in support of its recommendation.

69. The ECAJ also recommended that further provisions be added to the *Criminal Code* similar to the “glorification of terrorism” provisions contained in the *Terrorism Act 2006* (UK) and that it should also be a specific offence to “advocate the doing of a terrorist act.”

EMBASSY OF ISRAEL

70. The ECAJ very much appreciates its frequent and most useful interactions with his Excellency Yuval Rotem, the Ambassador of Israel, and his staff including Eli Yerushalmi, Deputy Chef de Mission, and Dor Shapira, Political Officer. There is an assuring level of co-operation between us at all levels. We will have the pleasure of hearing from the Ambassador at the Annual Conference as our luncheon speaker on 29th November.

PUBLIC AFFAIRS

Victorian Bush Fires Appeal

71. In February 2009, parts of the State of Victoria were ravaged by bushfires with significant loss of life. The ECAJ issued a public statement inter alia calling on members of the Jewish community to assist the aid program and to donate to the funds that had been established to ease the suffering of the homeless and destitute (**Appendix 25 – page 112**).

72. The ECAJ has been particularly active on a range of issues especially involving the media and political parties. Some of those activities arose as a result of recommendations made at the ECAJ’s National Conference on Combating Antisemitism, held in Melbourne in April 2009.

Conference on Combating Antisemitism

73. The national conference arose out of the need to build and maintain strategic alliances between the Jewish community and key interest groups in the community. Sessions were conducted on: the Trade Union movement; the Media; Interfaith; Government, Politicians and Political Groups; Education; and NGOs. The outcomes from the sessions were recorded and the recommendations have formed the basis for action by the ECAJ. An introductory analysis on “Australian Attitudes to Jews, Israel and Conflict in the Middle East” (**Appendix 26 – pages 113-114**), set the stage for the deliberations.

Trade Unions

74. _Arising from the conference an ECAJ Trade Union Task Force was established and, in May 2009, the Committee of Management adopted the ECAJ Statement of Principles about Unions and the Jewish community (**Appendix 27 – pages 115-116**). This was an important initiative which was communicated to the ACTU and formed the basis for an ongoing dialogue between the ECAJ and the Australian Trade union movement.

75. That dialogue resulted in a number of positive results not the least of which were: co-ordination both within Australia and internationally of an anti BDS campaign amongst trade unions; the ALP National Conference Fringe Event referred to below; and the participation of the ECAJ at an ALP / Union Forum on “The Two State Solution” at Parliament House in Brisbane on 11 November 2009.

76. It is interesting that the Palestinian General Federation of Trade Unions has not officially called for BDS against Israel. Some of its branches have made that call but the leadership is opposed to it. The leadership actually places a very high priority on cooperation with Histadrut especially in the construction sector. Palestinian construction workers want more, not fewer, opportunities to work on construction projects in Israel and in the West Bank. The stance of the PGFTU maybe one of the positive outcomes of the establishment earlier this year of the international organization Trade unions Linking Israel and Palestine (TULIP), by amongst others Paul Howes the National Secretary of the Australian Workers Union.

77. The ALP / Union Forum in Brisbane will be covered by David Costello, the Foreign Editor of *The Courier Mail*.

78. In this area the ECAJ has been greatly assisted by many, particularly Uri Windt and Andrew Casey.
79. The ECAJ also formulated and published a statement in support of workers' rights in Iran (**Appendix 28 – pages 117-118**).

ALP National Conference Debate

80. In conjunction with the ALP National Conference held in Sydney on 30 July 2009, I participated in a debate on the Middle East inter alia with Izzat Abdulhadi, the Head of the Palestinian Delegation to Australia. Not only was this a unique event but it was attended by more than 300 political activists and was conducted in a refreshingly candid and positive manner (**Appendix 29 – pages 119-121**).

The Gen 08 Survey

81. This important report was released to the community in Sydney and Melbourne at the beginning of September 2009. Professor Andrew Markus (Monash University) presented some of the main findings of the report to communal leaders in both cities. Analysis of data from the report is ongoing. However, it is already clear that the data collected from an unusually wide sample will be of significance and benefit in communal planning for some years to come. The report was funded by an ARC grant and had the benefit of assistance from the JCA in Sydney. Some of the key findings are:
- a) Members of the community have a very strong sense of Jewish identification;
 - b) Between 80% and 90% of survey respondents see their "Jewishness" as an important characteristic of their lives;
 - c) Over 70% of respondents spend Friday night Shabbat with their families every week or most weeks;
 - d) In Sydney (compared to Melbourne), communal fundraising was perceived as a major strength and benefit. A lower proportion of respondents were concerned with duplication of organisations and services, highlighting the success of the JCA model;
 - e) 80% of respondents regarded themselves as Zionists, while only 3% did not;

- f) The survey indicated the importance of a person's home life in building their Jewish identity – having Jewish values reinforced in the home is a critical element in building Jewish continuity, along with attendance at Jewish day schools and youth groups;
- g) The impact of formal and informal Jewish education, through Jewish Day Schools, BJE and youth groups was explored. A formal Jewish education had clear benefits in areas of teaching, such as a person's ability to read Hebrew. Respondents who came from a secular home and either attended a Jewish day School or non-Jewish School and a youth group had similar feelings about the importance of being Jewish.

82. Other findings include information about immigrants, antisemitism, and other attitudes in the community.

Special Broadcasting Service – SBS

83. In October 2009, representatives of the ECAJ met with Dirk Anthony, Director Audio and Language Content, SBS, and Mark Cummings, Content Manager SBS Radio. The meeting was an opportunity for the leadership of the Jewish community to discuss issues of importance to the community. The issues discussed included:

- Hebrew and Yiddish programming on SBS radio.
- Possible programming on SBS radio for other segments of the Jewish community (e.g. Russian speaking and former South Africans).
- Previous history of bias in SBS television programming concerning Israel.
- Development of acceptable terminology to describe contentious events and ideas e.g. "terrorism", "illegal" settlements, "occupied territories" and the need to avoid trivial or facile analogies with Holocaust and dogmatic assertions about legality or illegality. We were informed that SBS and other broadcasters are developing a lexicon that will be as neutral as possible.
- Possible participation of SBS journalists on Journalists' Mission in 2010.

60 Minutes Program

84. A segment that appeared on the 60 Minutes program on 20 September 2009, which was broadcast nationally, was an outrageously biased and one sided account involving a dispute between settlers in a small settlement in the West Bank and a nearby Arab village.

85. The segment was entitled “Hate Thy Neighbour” and caused much anger and distress within the Australian Jewish community. Numerous Jewish organisations and individuals responded to it. The community’s response to 60 Minutes was put forward by the ECAJ in writing (**Appendix 30 – pages 122-128**).
86. The ECAJ has received a reply from the Executive Producer which highlights the wide gaps in the knowledge and understanding of the Israel-Palestinian conflict in parts of the mainstream media. The Executive Director and I will endeavor to meet with the producers of the program, and the reporter to promote a better understanding of the issues.

ABC’s “Q&A” Program

87. On October 16, the ECAJ wrote to the Executive producer of ABC TV’s “Q and A” program which, over the previous month, had been the source of a steady stream of complaints at the raw hatred that seems to be conveyed by every audience in every episode whenever the subject of Israel is discussed. The letter raised concerns about the "cheer squad/lynch mob" mentality emanating from the audience whenever anything to do with Israel is raised, without any attempt by the moderator, Tony Jones, to keep feelings of hatred out of the discussion.
88. Members of our community have also commented that whenever there are Jewish panellists on Q and A they never seem to be from the mainstream of the Jewish community or to have much knowledge about the major issues of concern to the community. They either join the "cheer squad/lynch mob" in attacking Israel (eg Louise Adler) or are only marginally interested in, and therefore unable to provide a well-informed response to, Israel-related issues.
89. The ECAJ welcomes high quality public debate about serious issues. On at least two occasions the issues being debated have been life-and-death issues for both Israelis and Palestinians. Our community expects better from the national broadcaster and we have now written to the Managing Director of the ABC requesting a meeting to discuss the matter (**Appendix 31 – pages 129-131**).

Töben Litigation

90. On 28 April 2009, Justice Lander in the Federal Court of Australia found Dr Töben guilty of wilful and contumacious contempt of Court (**Appendix 32 – page 132**).
91. Subsequently Dr Töben was sentenced to a term of imprisonment of 3 months, but he appealed both the conviction and sentence.
92. On 13 August 2009, Dr Töben’s appeal against conviction and imprisonment was dismissed by a Full Court of the Federal Court of Australia (**Appendix 33 – page 133**).
93. We are all extremely grateful to the ECAJ’s legal team comprising Robin Margo SC, Regina Graycar, Shane Price (Barrister) and Steven Lewis (Solicitor) who provided their services pro bono as well as Jeremy Jones for all the work that had been put into the Töben case.
94. Töben is due to be released from gaol on November 13 and is reported to have told friends that he will be resuming his previous activities as soon as he is released. The ECAJ is faced with 2 options, viz:
- a. Wait and see whether Töben re-offends, and if so commence fresh proceedings for contempt in the Federal Court of Australia; or
 - b. Regardless of what Töben does, commence the process of having the ECAJ’s legal costs in the contempt proceedings assessed, and then enter judgment for the costs in the amount assessed. If the costs are not paid, commence bankruptcy proceedings against Töben.
95. The Committee of Management has agreed to start the process of having the ECAJ’s costs in the contempt proceedings assessed and then enter judgment for the costs in the amount assessed. If the costs are not paid, the Committee of Management will decide at that time whether to commence bankruptcy proceedings.

Legal Fighting Fund

96. The Töben litigation which extended over 13 years, demonstrated starkly, the significant burden placed on lawyers providing *pro bono* services in litigation of this kind which required extensive preparation and Court time. In August 2009, the Committee of

Management considered a proposal formulated by Peter Wertheim and Jeremy Jones, dealing with the requirement for any such future litigation to be funded as a pre-condition to it being undertaken (**Appendix 34 – page 134-138**).

97. The Committee of Management agreed with the basic proposition contained in the position paper, namely that the ECAJ would not initiate legal proceedings in race hate cases in the absence of funding for those proceedings.

98. The ECAJ was most fortunate to receive donations from the Gandel Trust and the ADC, which facilitated the conduct of the Töben appeal consistent with the above principles.

ABC's Religious Broadcasts

99. The ECAJ participated in an interfaith delegation to the Managing Director of the ABC concerning the broadcasting of religious programs on the ABC. The meeting was cordial and productive and satisfactory assurances were provided by the Managing Director (**Appendix 35 – pages 139-140**).

Brit Milah

100. An Issues Paper of the Tasmanian Law Reform Institute released on 2 June 2009 is said to highlight the uncertainty in relation to whether doctors can legally perform circumcision on infant males. The Paper reviews the current law regulating non-therapeutic male circumcision in Australia, with particular reference to Tasmania.

101. The project examines the criminal and civil responsibility of those who perform, aid or instigate the procedure. The Institute paper made no recommendation to outlaw the practice but confined itself to an analysis of the existing law in Tasmania. The Queensland Law Reform Commission produced a similar analysis in 1993.

102. On 27 August 2009, the Royal Australasian College of Physicians issued a Statement on circumcision that concluded:

After extensive review of the literature the RACP does not recommend that routine circumcision in infancy be performed, but accepts that parents should be able to make this decision with their doctors. One reasonable option is for routine circumcision to be delayed until males are old enough to make an informed choice. In all cases where parents request a circumcision for their child the medical attendant is obliged to provide accurate information on the risks and benefits of the procedure. Up-to-date, unbiased written material summarising the evidence should be widely available to parents. In the absence of evidence of substantial harm, parental choice should be respected.

If the operation is to be performed, the medical attendant should ensure this is done by a competent surgeon, using appropriate anaesthesia and in a safe child-friendly environment.

103. More problematically, the Statement also said:

“The possibility that routine circumcision contravenes human rights has been raised because circumcision is performed on a minor for non-clinical reasons, and is potentially without net clinical benefit for the child.

104. The statement recognises that:

*“The most important conditions where some benefit may result from circumcision are urinary tract infections, and in adults HIV infection and cancer of the penis. The frequency of these conditions, the level of protection offered by circumcision and complication rate of circumcision do not warrant a recommendation of **universal** circumcision for newborn and infant males in an Australian and New Zealand context.”* (emphasis added).

105. The policy statement represents the consensus position of the RACP, Australasian Association of Paediatric Surgeons, the New Zealand Society of Paediatric Surgeons, the Urological Society of Australasia, the Royal Australasian College of Surgeons and the Paediatric Society of New Zealand. There is no recommendation that non-therapeutic infant male circumcision be outlawed, and so it was decided not to respond to the statement for the time being. However the ECAJ together with the ORA, is keeping the issue under review.

“Hinterland Voice”

106. This Queensland regional newspaper appears to have been taken over by persons who have a long association with the League of Rights in Queensland. The ECAJ received complaints from both a Jewish and a non-Jewish source about antisemitic material that has been published in this newspaper in the past six months. The Committee of Management decided that it was appropriate for this matter to be dealt with, at first instance, by the Queensland Jewish Board of Deputies, with back up assistance to be provided by the ECAJ if required. The Queensland Jewish Board of Deputies subsequently met and formulated a comprehensive strategy to deal with the issue which is currently being put into effect.

107. The President of the QJBD , David Paratz, and Vice President, Jason Steinberg, were due to meet with Annastacia Palaszczuk, the Queensland Minister for Disability Services and

Multicultural Affairs, one of her advisors and a departmental representative, early in November, to discuss the matter.

INTERNATIONAL

108. The ECAJ continues to be a respected contributor in the international organisations of which it is a member.

WJC

109. I attended the meeting of the Plenary Assembly of the WJC in Jerusalem in January 2009 where I was honoured to be elected to the Executive Committee as a Vice President of the WJC. I was also appointed as a member of the Budget and Finance Committee and the Chair of the Resolutions Committee.

110. I also attended a meeting of the Executive Committee of the WJC and a Strategic Planning Forum in October 2009, which dealt extensively with strategy, policies and plans for action to be put to a meeting of the Governing Board of the WJC in Jerusalem at the end of January 2010. The discussion that occurred on that occasion will inform the consideration of policies by the ECAJ at its Annual Conference in 2009.

111. It is clear that the ECAJ is regarded as an important constituent of the WJC and, we will continue to actively participate in its councils for the mutual benefit of both organisations.

Memorial Foundation

112. The ECAJ has been invited to nominate a representative to sit on the Executive of the Memorial Foundation and the Committee of Management has determined that I should represent the ECAJ on the Executive.

Claims Conference

113. Together with Graham Leonard, I attended the Annual Meeting of the directors of the Conference for Material Claims Against Germany Inc. in New York in July 2009. At that meeting Gideon Taylor the Executive Vice President of the Claims Conference retired and Greg Schneider was appointed as his successor. General Information: www.claimscon.org

- Financial Statements: www.claimscon.org/audit
- Summary of 2007 Financial Statements: www.claimscon.org/audit-summary
- Summary of assets: www.claimscon.org/assets-explanation
- 5-7 year Allocation Plan: www.claimscon.org/allocations-increase09

114. It is apparent that notwithstanding its remarkable transparency and accountability, the work of the Claims Conference and the complexity of its operations are still not well understood. A Special Committee of which I am a member was established to address those issues and will be meeting by telephone conference in December 2009. To assist in that understanding, the website addresses containing important information on all aspects of the work of the Claims Conference and in particular its financial arrangements are set out below.

Global Forum on Antisemitism

115. Jeremy Jones represented the ECAJ at the forum in Jerusalem in November 2009.

INTERFAITH DIALOGUE

116. As the reports of Jeremy Jones and Josie Lacey elsewhere in this publication make clear, the ECAJ continues to be involved in the all important area of interfaith dialogue at various levels with the major faiths in Australia.

117. Unfortunately in the aftermath of Operation Cast Lead and as a result of analogies drawn publicly by Ikebal Patel of the Federation of Islamic Councils of Australia (FICA) equating Israeli conduct in the war with that of the Nazis during the Shoah, the Committee of Management decided to suspend its relations with FICA. Whilst attempts have been made subsequently to redress this situation, to date there has been no progress.

118. Since its inception a few years ago, the ECAJ had been actively involved in the Asia Pacific Regional Interfaith Dialogue (APRID). In November 2009, the fifth dialogue in the series will take place in Perth, Following representations to the Minister for Foreign Affairs by the ECAJ, the Jewish representatives at the at gathering will be Dvir Abramovich and Rabbi Zalman Kastel.

119. We are indebted to Rabbis Lawrence, Levi and Kamins, Jeremy Jones, Josie Lacey, Graham Lawrence, Peter Wertheim, Robin Margo and Peta Pellach in particular for the progress in this important area of ECAJ activity.

Parliament of World Religions

120. The Parliament of World Religions will convene in Melbourne in December 2009, when the organisers expect 6,000 delegates from Australia and overseas to be in attendance. Nina Bassat AM is a member of the Board of the PWR and discussions have taken place between representatives of the ECAJ and Rev Dirk Ficca the Executive Director of PWR, on matters of concern to the Jewish community. In particular, it is anticipated that issues relating to various conflicts in the Middle East will feature, possibly prominently, at the Melbourne meeting. The ECAJ has been informed that Tariq Ramadan from Europe has been invited to address the Parliament. Mr Ramadan's commentary on such issues is not widely noted as measured and balanced. The ECAJ has endeavoured to establish appropriate mechanisms for such discussion to take place fairly and responsibly and without being accorded disproportionate prominence on the Agenda so as to minimise the possibility of any adverse outcome for example along the lines of Durban 1.
121. Whilst the PWR requested funding for the Conference from the Jewish Community, unfortunately none was forthcoming in light of the local demands for funding and the effects of the global economic crisis. A number of overseas Jewish scholars led by Rabbi David Rosen will attend the PWR as will a number of local members of the community including: Rabbi Jeremy Lawrence, Rabbi John Levi AM, Rabbi Aviva Kipen, Rabbi Jonathan Keren-Black, Jeremy Jones AM, Peta Pellach, Josie Lacey OAM, Rachael Kohn, Rebecca Forgasz, Anthony Weldon, Kitia Altman, Victoria Myers, Grahame Leonard AM, Dvir Abramovich, Prof Andrew Markus, Di Hirsh, Kim Gotlieb, and Tanya Oziel.

WELFARE

122. The Federation of Jewish Aged and Community Service Organisations (Federation) formed in 2008, has made important progress in the vital area of monitoring the provision of services in aged care. Membership of the Federation now includes: B'nai B'rith Retirement

Villages; Chai Foundation; Jewish Centre for Ageing; Jewish Community Services South Australia; Jewish Care NSW; National Council of Jewish Women Australia (Victoria) Inc; Sir Moses Montefiore Jewish Home; Wolper Jewish Hospital; Jewish Care Victoria; Emmy Monash Homes and the Morris Zeffert Homes.

123. I commend each of these organizations and their representatives for their co-operation and the work they have put into the Federation. This is a welcome initiative of the ECAJ and will facilitate both the planning and delivery of services within the community in an environment where there will be an increasing demand for such services as the community ages.

ADC

124. Following the signing of a Memorandum of Understanding between the ADC and the ECAJ in 208, relationships between the two organisations have been most co-operative and the ECAJ has welcomed the assistance of the ADC especially in connection with the Al Manar issue and during our visits to Canberra. I thank in particular Doug Kirsner and Deborah Stone for their valuable work.

ORA

125. Although the Organisation of Rabbis of Australasia has not sought formally to join the ECAJ, the level of co-operation between the two organisations has been high, especially concerning the shechita issue referred to earlier in this report.

COSA

126. The ECAJ has received a request from the newly formed Council of Orthodox Synagogues of Australia, to become an affiliate of the ECAJ. The application will be dealt with at the Annual Conference of the ECAJ and if approved will further strengthen the ECAJ's unique representative role and capacity.

OTHER MATTERS

Council for Jewish Education in Schools - CJES

127. The CJES is a vitally important tax deductible scheme which is administered by the ECAJ. During 2009 steps have been taken to ensure that the scheme of Operation of the Council is consistent in NSW and Victoria. The Scheme in Victoria previously administered on behalf of the ECAJ by the United Jewish Education Board is being transferred to the JCCV, whilst the NSW Scheme, and that of the other States, continues to be administered by the NSW Jewish Board of Deputies.
128. In addition the CJES, has received applications for membership from organisations which applications require detailed consideration by the ECAJ to ensure that the objectives of the CJES are properly fulfilled. In October 2009, the Committee of Management set up a special committee to consider these matters.

DGR Fund

129. The Committee of Management resolved earlier this year to establish a Harm Prevention Fund as a deductible gift recipient (DGR), to help finance the Australian Jewish community's work in combating antisemitism, including the conduct of litigation against those who publicly incite hatred of the Jewish community in any form. The Trust Deed under which the Fund will be established, and the constitution of the company which will operate as the Trustee of the Fund, have both been finalised. The Settlor nominated in the Trust Deed is Isi Leibler AO CBE and the initial directors of the Trustee company will be Jillian Segal AM, Peter Wise, Yair Miller, Peter Wertheim AM and myself. I gratefully acknowledge the work of Anton Block and Leigh Gratzner at Arnold Bloch Leibler in preparing these documents. The Trust Deed has now been executed by Isi Leibler and will shortly be executed by the Trustee Company. An application for DGR status will then be made to the Australian Tax Office.

PASSINGS and HONOURS

130. During the year we were saddened to learn of the passing of Richard Pratt and the Committee of Management recorded its great esteem and high regard for him and his

lifetime achievements as a great and munificent Australian Jew and conveyed to him his wife Jeannie and family that our heartfelt thoughts are with them at this difficult time.

131. We were also saddened by the passing after a long illness of Bob Shteinman the late husband of our Honorary Life Member Diane Shteinman.
132. The ECAJ congratulated members of the community who had been named as recipients of the Order of Australia awards. It is most pleasing to note that many of the recipients have a close association with the ECAJ.
133. The recipients of Australia Day honours in the Australian Jewish community to whom I wrote letters of congratulations included Cheryl Bart, Justice Ronald Sackville, Max Walhaus (Posthumously), Andrew Havas, Ian Samuel, Raymond Kassel, Cynthia Jackson and Michael Naphtali.
134. The recipients of Queens Birthday honours in the Australian Jewish community to whom I wrote letters of congratulations included Assoc. Professor John Bernard Ziegler, Di Hirsh, Dr Laila Robstein, Helen Morris, Monty Leventhal, Peter Schiff, Robyn Gerber, Ruth Clayman, Dr. Larry Vogelneust, Mrs Carolyn Goldsmith, Dr. Jack Bendat, Mr Harry Gelbar, Mr Jim Cyngler, Mr Lionel Sharpe, Mr Norton Whitmont, Professor Arie Freiberg, Roz Feitelson (Posthumously), Mr Sydney Berinson, Mr Benjamin Alexander and Mrs Di Hirsh.
135. It was a source of great pleasure that at the ECAJ Annual Conference in 2008, Sam Salcman was appointed as an Honorary Life Member of the ECAJ.

THE CHALLENGES AHEAD

136. As can be seen from the summary of its work set out above and in other reports in this publication, the ECAJ's activities during 2009 have been most extensive and have included:
 - formulating policies and positions on a wide variety of issues;
 - providing public comment to the media and non-Jewish audiences on behalf of Australian Jewry about issues of concern to it;
 - making representations to government, politicians and bureaucrats;
 - preparing and submitting position papers;

- meeting with editors, journalists and other opinion-makers in the national media and coordinating responses at a State level;
- conducting interfaith dialogue with leaders of other faiths to promote a better understanding of Judaism;
- monitoring and coordinating the response to antisemitic events throughout Australia;
- conducting litigation against holocaust deniers and vilifiers of the Jewish people;
- liaising with intelligence and security agencies and coordinating the communal security services within the Jewish community;
- representing the Australian Jewish Community on world Jewish forums including the WJC and the Claims Conference;
- administering and coordinating the Council for Jewish Education in Schools, the tax deductible fund for education of Jewish children in schools and the Council for Jewish Community Security; and
- making representations to the Australian government, international organisations, NGO's and foreign governments in support of oppressed and distressed Jewish communities overseas and on other fundamental human rights issues.

137. The ECAJ receives its recurrent funding almost exclusively from its constituent bodies. The recurrent revenue received during 2009 was \$79,456.00 (ex GST) which includes contributions from each State (with the majority from each of NSW and VIC) as well as small contributions from each affiliate. The ECAJ is particularly grateful to the NSW Jewish Board of Deputies and through it the Jewish Communal Appeal for additional funding and assistance it has provided to the ECAJ in NSW.

138. Significantly, this year we were able to secure additional funds from a number of committed donors to enable the employment of the Executive Director. But even with this additional funding the ECAJ cannot discharge its important obligations at the appropriate level and steps will need to be taken to expand our donor base and to encourage our constituents and affiliates to contribute more significantly so that the ECAJ can be properly resourced with: personnel; finances; research capabilities and knowledge resources.

139. The necessary reaffirmation and strengthening of the role of the ECAJ which has already occurred and will doubtless continue, should not be seen as a move to exclude other organisations from their legitimate roles in the community, but rather as a necessary

refocusing of effort in a cooperative endeavour to maximise the effectiveness of representation on behalf of Australian Jewry.

ACKNOWLEDGMENTS

140. The year has been extremely busy with progress on a number of fronts. Such achievements as have occurred were only as a result of concerted co-operative efforts by many.
141. The Committee of Management has operated harmoniously and with great commitment. I am particularly grateful to the Executive in particular Peter Wertheim AM, Jillian Segal AM, Yair Miller, Graham Leonard AM and my Vice Presidents Robin Margo (NSW), John Searle (VIC), David Paratz (QLD), Dr Keith Shilkin AM and Tony Tate (WA), Norman Schueller (SA), Albert Daniel (Tas) and Dr Anita Shroot (ACT) for their wise and willing input and counsel.
142. The staff of the NSW Jewish Board of Deputies in particular Sarita Gold, Alla Pilman, Vic Alhadeff and Cynthia Herman, have been obliging and dedicated to the ECAJ.
143. Without all of the assistance willingly given by colleagues and staff including my personal assistant Wendy Herbert, we would simply not have achieved that which is reflected in this and the other reports. I am most grateful to all of them.

Robert M Goot AM SC

President

November 2009

ECAJ STRATEGIC PLAN

March 2009

A. Introduction

The ECAJ was founded in 1944 as the representative organisation of the Australian Jewish community. It is the effective roof body for the community and brings together state representative bodies as well as other national roof bodies.

The ECAJ has been served by outstanding volunteer Presidents and executives over its history with the President alternating between Sydney and Melbourne (the most recent transfer to Sydney beginning from 2008 for 3 years).

○ In light of recent developments particularly during 2008 and January 2009, the Executive wishes to re-position the ECAJ to enable it to discharge its increasingly significant responsibilities and, importantly, to hire a CEO to further professionalise the organisation to meet the growing challenges facing the community.

B. The ECAJ Structure and Governance

According to its Constitution, the ECAJ: a) represents and speaks officially for Australian Jewry, b) acts as it deems necessary on behalf of Australian Jewry on matters that concern it and, c) supports and strengthens the connection of Australian Jewry with Israel.

○ The ECAJ's representative status derives from its broad membership. The voting members of the ECAJ, including its office bearers and Committee of Management, are councillors who have been: elected by the plenary organs of the roof bodies of the Jewish community in each State and the ACT ("constituent bodies"); or elected or appointed by other national Jewish bodies ("affiliate bodies").

In addition, the ECAJ has in the past appointed and will continue to appoint individuals as non voting consultants to the ECAJ, to broaden the areas of expertise available to it.

The constituent bodies are the Board of Deputies from each of the States (including the JCCV in Victoria and the NSW Jewish Board of Deputies in NSW).

The affiliate bodies currently are: Australasian Union of Jewish Students, Australian and New Zealand Union for Progressive Judaism, Australian Federation of WIZO, Federation of Australian Jewish Welfare Societies, Maccabi Australia Inc., National Council of Jewish Women of Australia (Federal), and JNF Australia, which illustrates the breadth of its membership.

B'nai B'rith and ZFA have attendance rights as "observer bodies".

The ECAJ thus provides a major representative forum for the community. No other organisation draws its members from, and is accountable to, the whole Australian Jewish community.

The ECAJ is governed pursuant to its Constitution by its Executive (President, Deputy President, Secretary, Treasurer and Presidents of each of the State representative organisations) and Committee of Management (elected Councillors from each State and consultants). Its present key Executives are: President, Robert Goot; Deputy President, Jillian Segal; Hon. Treasurer, Peter Wise; Hon. Secretary, Peter Wertheim and the current Presidents of each of the State affiliates.

C. Current ECAJ Activities

The ECAJ's general range of activities include:

- Formulating policies and positions on a wide variety of issues to guide not only the ECAJ but its constituents;
- providing public comment to the media and non-Jewish audiences on behalf of Australian Jewry about issues of concern to it;
- making representations to the Australian government, politicians and bureaucrats on a wide range of issues including foreign policy, communal security issues and national education policy;
- preparing and submitting position papers;
- meeting with editors, journalists and other opinion makers in the national media and coordinating responses at a State level;
- conducting interfaith dialogue with leaders of other faiths to promote a better understanding of Judaism;
- monitoring and collecting data on anti-Semitic incidents and coordinating the response to anti-Semitic events throughout Australia;
- providing collated data to national and international fora;

- conducting litigation against holocaust deniers and vilifiers of the Jewish people (All professional fees involved in such litigation have thus far been provided *pro bono* by legal professionals, although this is unlikely to continue indefinitely);
- liaising with intelligence and security agencies and coordinating CSG - the communal security services within the Jewish community;
- representing the Australian Jewish Community on world Jewish forums including the WJC and the Claims Conference;
- administering and coordinating the Council for Jewish Education in Schools (the tax deductible fund for education of Jewish children in schools) and the Council for Jewish Communal Security (the tax deductible security fund);
- making representations to the Australian government, international organisations, NGO's and foreign governments in support of oppressed and distressed Jewish communities overseas and on other fundamental human rights issues.

D. Need for the ECAJ Reorganisation

The experiences of 2008 and the events of January 2009 (a change in federal government, Durban 11, Gaza and a rise in anti-Semitism), have powerfully brought home a realisation that the challenges for the community have increased and, as a result, a paradigm shift is required in the structure of the ECAJ.

Although the ECAJ has represented its constituency tirelessly and has achieved significant results, even in the last year, on a range of issues including Israel, security funding, hate litigation, inclusion in the National History Curriculum of mandatory study of the Shoah, and interfaith dialogue, the lack of resources available to the ECAJ makes the current level of effort unsustainable. It is entirely unrealistic to expect honorary officers no matter how committed, to continue to represent the community in the myriad of critical activities without serious professional assistance and a proper administrative infrastructure. It simply cannot be done effectively. Examples of the growing challenges include:

- The increasing trend to delegitimise Israel and to use Israel-hatred to promote Jew-hatred, which was once a marginal phenomenon in western democratic societies but which has reached alarming proportions in parts of academia and the media in Australia;

- The recent wars in Lebanon and Gaza have increased anti-Israel and anti-Jewish sentiment significantly. Many of the mythologies about Jewish and Israeli history have been repeated so widely and so often, without sufficient contradiction, that they have become established orthodoxies even among some educated people, particularly those relating to the Palestinians, e.g. the Palestinians are the indigenous inhabitants of the land - the Jews are colonialist interlopers; Resolution 242 requires Israel's unconditional withdrawal from all territories it captured in 1967, Israel's actions are the same as/worse than the Nazis etc);
- A small but growing number of Australian Jews working in the media and academic institutions have succumbed to intense peer group pressure and become mouthpieces for anti-Israel and anti-Jewish sentiment (eg Independent Australian Jewish Voices). Although so-called Jewish dissidents speak for only a tiny fraction of the Jewish community, they are increasingly being given an entirely disproportionate amount of media coverage in comparison with spokespeople for the mainstream of Jewish attitudes;
- Especially in the UK, Latin America Europe, Scandinavia, Canada and New Zealand, the ascendancy of anti-Israel views in large parts of the quality media and in academia has made the transition into mainstream politics, compromising Israel's relationships with once-friendly democratic governments. Although that transition has not yet occurred in Australia, urgent coordinated effort is required to prevent that happening in Australia to ensure that Australian governments, the media, Churches, trade unions and other groups, will remain as forcefully committed as in the past to Israel's right to exist in peace and security;
- The 2007 change in the federal Australian government has brought about increased challenges for the community such as the Government's changed votes in various UN committees or anti-Israel resolutions.

The strong work done by Jewish organisations in the past needs to be strengthened in view of the challenges ahead. The Jewish voices to government and other sections of society must be co-ordinated. Heightened challenges require a heightened and greater professional effort by the ECAJ which unarguably speaks for the community. The times demand a strong representative voice which does not seek to quell other voices but which seeks to coordinate and leverage them.

If the ECAJ is to fulfil its role and meet the increased challenges noted above as the official representative spokesperson of Australian Jewry and as a professional coordinator of representational views it needs to be properly resourced with: personnel; research capabilities; knowledge resources and infrastructure.

Specifically, the present patently inadequate national budget of \$85,000 per annum (paid by constituents and affiliates) will need to be substantially increased so the ECAJ can fund professional personnel, office facilities and services that will make it possible for its office-bearers and other councillors to carry out the ECAJ's functions and provide it with timely access to the best information and analysis available to the community on all matters that concern Australian Jewry, to optimize the quality and effectiveness of the ECAJ's work.

E. Response to the Challenges

In particular, the ECAJ needs to undertake three initiatives:

Firstly, the ECAJ needs to employ at a minimum a CEO who will have had experience in communal leadership at a high level, understands the community and the issues and is skilled and experienced as an advocate of the issues to be dealt with. Additionally, it would be desirable to have a research officer who will have experience in researching topics and in locating, assembling, accessing and maintaining research facilities and resources as well as a secretary/receptionist.

The ECAJ has been able to identify an outstanding person as CEO not only with all of the qualities referred to above, but who is also prepared to leave his successful career in the private sector to join the ECAJ in Sydney. This is an opportunity that we cannot allow to pass. Such an appointment is at the core of the ECAJ's strategic plan not only for the next 2 years but hopefully thereafter.

Secondly, in addition, such a properly resourced ECAJ needs to establish a regular presence in Canberra and reinforce relationships with senior and up-and-coming politicians on all sides of politics and with government agencies and senior public servants;

Thirdly, it must coordinate those activities conducted in common by ECAJ, AIJAC, ADC and ZFA to:

- a) clarify roles and responsibilities;

- b) establish lines of communication and regular times for meetings, consultation and planning;
 - c) co-ordinate advocacy activities and rationalisation of resources and activities;
 - d) establish a 'clearing house' for articulating communal policy;
 - e) formulate protocols and mechanisms for situations requiring urgent responses;
- as well as assisting State constituent bodies and national affiliate bodies to optimise their inputs into the ECAJ's policy-making processes.

The community response, led and coordinated by the ECAJ, but involving the ECAJ, ZFA and AIJAC, on Durban 11 and to the government's position on UN committee anti-Israel resolutions shows how effective the organised community can be when it works as a team. We need to coordinate views and responses better and as the official representative organisation, the ECAJ is in a position to do so with proper resources.

Its work focus will also need to include academia, other religions and ethnic communities, WJC and other international bodies which value the Australian community and ECAJ's thought leadership, claims conference representation.

F. The Way Forward

The increasing challenges for the community are undoubted. The opportunity to provide a strengthened and professional representative and co-ordinating voice is real. The President, other volunteer members of the Executive and Committee of Management are united. The time is therefore now for the community to support this new way forward for the ECAJ. The initiative proposed to hire a professional CEO (and the unique opportunity of having someone appropriately skilled keen to take on the role under a formal two year contractual arrangement), if properly funded and resourced, will enable the ECAJ to take the next step in its evolution.

STOP THE ROCKETS

The basic objective of Hamas, as set out in its Charter, is to destroy Israel and eradicate or drive out its Jewish population.

The persistent, intentional targeting of Israeli citizens by rockets fired from the Hamas-controlled Gaza strip is a war crime no other country would tolerate. International law clearly entitles Israel to use military force to defend its citizens by stopping Hamas's rocket attacks and preventing them from recurring.

The thousands of rockets fired by Hamas would have caused even more deaths and injuries but for the fact that Israel, unlike Hamas, protects its citizens with emergency warning systems and shelters.

Hamas spokesmen have boasted on Arab television how they use civilians in Gaza as human shields and deliberately locate weapons and military infrastructure in their midst, using homes, mosques, and other buildings and facilities, even hospitals, as cover.

Although Israel, unlike Hamas, selects only military targets, and gives warnings to civilians in conflict areas, it is inevitable given Hamas's use of human shields, that civilian casualties will occur.

Every civilian casualty is a tragedy. We deplore the loss of innocent lives whether Israeli or Palestinian.

Hamas must accept that their rocket attacks on Israel and their illegal smuggling of weapons, munitions and fighters into Gaza, must end for once and for all.

Only when Palestinians choose leaders who are committed to achieving an independent democratic Palestinian state alongside a secure Israel will Israelis and Palestinians live side by side in dignity and peace.

Published Sunday Telegraph 11 January 2009

MEDIA RELEASE

Statement of solidarity with the People and Government of Israel and support for a Palestinian state

The Jewish community of Australia declares its solidarity with the People and Government of Israel in the present conflict with Hamas.

The persistent, intentional targeting of Israeli citizens by rockets fired from the Hamas-controlled Gaza strip is a war crime and an act of violence and terror no other country would tolerate for its own citizens. Almost one million Israelis currently live within range of these rockets (which are financed by Iran, smuggled in from Egypt, and have warheads loaded with shrapnel to cause maximum injury to human beings). And this in the context of Hamas' openly declared ultimate objective to destroy Israel and kill or drive out its Jewish population.

Like any other country facing such an onslaught, Israel has full right under the UN Charter to use force to defend and protect its citizens against this continuing aggression, as has been recognised by the leaders of all responsible nations.

Israel's response is also proportional to the threat to its citizens. In international law, proportionality is not measured by comparing the number of casualties on each side or the extent of the force used by each side. Israel is entitled to use such force as is necessary to repel the source of the aggression against its people and territory and to prevent the aggression from recurring.

Hamas must accept that their rocket attacks on Israel must end. It is refreshing to note the condemnation of Hamas by leaders in the Arab world and elsewhere.

The thousands of rockets that have been fired by Hamas would have caused even more deaths and injuries were it not for the fact that Israel, unlike Hamas, values the lives of its citizens and protects them by emergency warning systems and shelters.

Hamas on the other hand uses civilians in Gaza as human shields and locates weapons and military infrastructure in their midst, deliberately using private homes, mosques, business premises, universities and other buildings and facilities, even hospitals, as cover.

Hamas continues its illegal smuggling of weapons, munitions and fighters into Gaza through tunnels, in the cynical knowledge that Israel's counter-measures will necessarily involve the imposition of restrictions into and out of Gaza, which Hamas uses to stoke the conflict.

Although Israel, unlike Hamas, selects only military targets, and gives warnings to civilians in conflict areas, it is inevitable given Hamas's use of its own population as human shields that Israel's attacks on military targets will cause civilian deaths and injuries. The proportion of civilian as opposed to other casualties acknowledged by Hamas and the UN is less than one-third. This demonstrates that civilians are not being deliberately targeted by Israel. If Israel were attacking indiscriminately, as Hamas does, thousands of civilians would have been killed or injured.

Every civilian casualty is nonetheless a true tragedy. We feel as much sadness at the loss of an innocent Palestinian father, mother or child as we do for the loss of Israeli lives.

We also empathise with the legitimate desire of Palestinians for self-determination and we support, as do most Israelis, the establishment of an independent, viable and democratic Palestinian state, alongside a secure Israel with defensible borders.

We pray that the Palestinians will support leaders who are committed to achieving that outcome and for the day when Israelis and Palestinians can live side by side in dignity and peace.

6 January 2009

For information: Robert Goot 0411 654 625

ADDRESS TO SOLIDARITY RALLY - 11 January 2009

Tonight I stand before you as a proud Australian Jew to declare that the Jewish community of Australia expresses its solidarity with the People and Government of Israel in the present conflict with Hamas.

I also stand before you as a proud Australian Jew to express the Jewish community's pride in and deep appreciation for, the balanced and principled statements made by the Australian Government, in the aftermath of the breakdown of the truce; including Hamas' official announcement that it would not under any circumstances renew the truce; the resumption by Hamas of rocket and mortar attacks on Israel's citizens; and the action taken in those circumstances against Hamas' terrorist infrastructure, by Israel.

In my letter to the Hon Julia Gillard the Acting Prime Minister on 2 January 2009, I said:
"We acknowledge the Government's continuing understanding of Israel's position and its need to act in the defence of its citizens, who have been subject to renewed, unrelenting and murderous rocket attacks and mortar fire across southern Israel.

We also acknowledge with gratitude on behalf of the Australian Jewish community, your Government's enduring friendship towards Israel and commitment to a lasting peace in the region."

I record also the apologies of the Hon Malcolm Turnbull Leader of the Opposition who supports this gathering.

The persistent, intentional targeting of Israeli citizens by rockets fired from the Hamas-controlled Gaza strip is a war crime and an act of violence and terror no other country would tolerate for its own citizens.

Hamas' Jihadist openly declared objective in its own right and on behalf of its sponsor Iran, is to destroy Israel, kill or drive out its Jewish population and create a radical Islamic dictatorship governed by Sharia law as a prelude to the coming of the Caliphate.

Israel will not allow it to succeed

Nearly 800 people have died in Gaza, 20% of them non combatants. This is a tragedy rightly to be deplored. We feel as much sadness at the loss of an innocent Palestinian as we do for the loss of Israeli lives.

But that loss must be seen in context.

Like any other country facing such an onslaught, Israel has full right under the UN Charter to use force to defend and protect its citizens against this continuing aggression, as has been recognised by the leaders of all responsible nations.

Israel has no incentive whatsoever to target civilians or to breach the accepted rules of war.

Israel's response is proportional to the threat to its citizens. In international law, proportionality is not measured by comparing the number of casualties on each side or the extent of the force used by each side. Israel is entitled to use such force as is necessary to repel the source of the aggression against its people and territory and to prevent the aggression from recurring.

Regrettably there is no magic formula for battling evil without harming the innocent. Even though no nation has discovered it, Israel is the one condemned.

Although Israel, unlike Hamas, selects only military targets, and gives warnings to civilians in conflict areas, it is inevitable given Hamas's use of its own population as human shields that Israel's attacks on military targets will cause civilian deaths and injuries.

The thousands of rockets that have been fired by Hamas would have caused even more deaths and injuries were it not for the fact that Israel, unlike Hamas, values the lives of its citizens and protects them by emergency warning systems and shelters.

Hamas' use of civilians in Gaza as human shields is well documented. Hamas legislator Fathi Hamad recently boasted on Al-Aksa TV:

"Palestinians formed human shields of women, children, the elderly and the mujahedeen in order to challenge the Zionist bombing machine. It was as if they were saying to the Zionist enemy: We desire death like you desire life."

Friends, that is a war crime!

Further, Hamas locates weapons and military infrastructure in their midst, deliberately using private homes, business premises, universities, and other buildings and facilities, even hospitals and mosques, as cover. That is also a war crime!

On 1 January, 2009, the Canadian Muslim Congress said this about Hamas and its use of Palestinians as "human bait" in Gaza:

"No other national liberation movement in modern history has offered martyrdom as a substitute for freedom and statehood. Hamas has set back the clock for the Palestinians and it is time for the Palestinians and it is time for all Palestinians to recognize that Hamas offers only death, destruction and a place in Paradise not a Palestinian state"

Amongst the welter of condemnation of Israel's "disproportionate" or "excessive" response, there has been a notable absence of any suggestions as to what Israel should have done to discharge its obligation to protect and defend its citizens from Hamas' attacks.

We know that the much criticized but entirely justified security barrier on the West Bank has effectively stopped suicide murderers from entering Israel. But there is no security barrier capable of stopping Hamas' rockets. They must be eliminated at source.

And Israel has done so to protect its citizens, its very existence and as a bulwark for the west, notwithstanding the criticism, the condemnation, the hypocrisy and the hand wringing.

If world opinion were enough - there would be no Israel.

If Israel put its faith in some sections of the international community and the UN - there would be no Israel.

If Israel laid down its arms - there would be no Israel

If Hamas and Hizbollah laid down their arms - there would be peace.

We stand united in our support for Israel.

We empathise with the legitimate desire of Palestinians for self-determination in the context of a secure Israel with defensible borders.

We pray that the Palestinians will support leaders who are committed to achieving that outcome and for the day when Israelis and Palestinians can live side by side in dignity and peace.

Robert M Goot AM SC
President
Executive Council of Australian Jewry

COPY

19 January 2009

The Hon Stephen Smith MP
Minister for Foreign Affairs
Parliament House
Canberra ACT 2600

Dear Minister,

On behalf of the Australian Jewish community, I write to express our deep appreciation for the balanced and principled statement made by you on behalf of the Government last week, in the aftermath of the breakdown of the truce in the Gaza Strip, the resumption by Hamas of rocket and mortar attacks, directed intentionally at civilians in Israel and the defensive military action taken by Israel in those circumstances to protect its citizens against Hamas' armed attacks and its terrorist infrastructure.

We acknowledge with gratitude on behalf of the Australian Jewish community, the Government's clear articulation of the principles at stake when a democracy finds its citizens under deliberate attack by a terrorist organisation and we thank the Government for its enduring friendship towards Israel and commitment to a lasting peace in the region based on a two-State solution to the Israel-Palestinian conflict.

Your further statement on 18 January 2009, in the context of Israel's ceasefire announcement, was a further and welcome manifestation of the Government's deep understanding of, and principled response to, the issues. The avoidance of the real issues by the small number of Hamas' apologists in the wider community and their vicious verbal attacks against the Government, the Prime Minister and Deputy Prime Minister, have been a thorough disgrace.

On a related matter you will doubtless be aware that on 12 January 2009, the UNHRC passed a resolution by 33 votes to 1 (Canada) with 13 abstentions, condemning "grave violations of human rights in the Gaza Strip". Predictably, the resolution was replete with tendentious allegations of human rights violations by Israel, the only fully-fledged democracy in the region. Equally predictably, the resolution was utterly silent about the amply documented flouting of the most fundamental human rights by States having a numerical majority on the UNHRC.

The 4 page Resolution in our view epitomises the one sided and grossly unfair approach by the UN generally, and the UNHRC in particular, towards Israel.

Whilst of course the UNHRC can express concern at the loss of civilian life in the Gaza, the resolution forfeits any claim to moral authority by its failure even to mention the actions of Hamas, which are intentionally directed at killing and maiming civilians in Israel.

The UNHRC is also silent about Hamas killing of Palestinian civilians. As a human rights body it is remarkable that it has had no statement to make about two Palestinian girls in Gaza, 5-year-old Hanin Abu Khoussa and her 12-year-old cousin, Sabah Abu Khoussa, who were murdered on 27 December 2008 by a Hamas rocket which fell short of its civilian target in Israel. Three other young people were wounded by the rocket.

Nor has the UNHCR seen fit to pronounce on Hamas' summary execution of its political opponents among Palestinians or its openly declared policy of using Palestinian civilians as human shields. I draw your attention to the recent public declaration on Al Aksa TV of Hamas legislator, Fathi Hamad:

"Palestinians formed human shields of women, children, the elderly and the mujahedeen in order to challenge the Zionist bombing machine. It was as if they were saying to the Zionist enemy: We desire death like you desire life."

Even though the military arm of Hamas has been listed as a terrorist organisation by many countries, including Australia, it seems that the UNHRC sets no limits on the methods used by Hamas that it is prepared to tolerate without criticism. All of these developments increase our concerns as to the outcome of the Durban 11 Conference under UNHCR auspices.

I will be attending the Plenary assembly of the World Jewish Congress in Jerusalem next week where I anticipate receiving up to date information on Durban 11 and I would welcome the opportunity to meet and share that information with you, when I return.

Yours faithfully,

Robert Goot AM SC

COPY

2 January 2009

The Hon Jullia Gillard MP
Acting Prime Minister
Parliament House
Canberra ACT 2600

Dear Acting Prime Minister,

On behalf of the Australian Jewish community, I write to express our deep appreciation for the balanced and principled statement made by you on behalf of the Government earlier this week, in the aftermath of the breakdown of the truce in the Gaza Strip including: Hamas' official announcement on 18 December that it would not under any circumstances renew the truce that had been in place for the previous 6 months; the resumption by Hamas of rocket and mortar attacks on Israel's citizens; and the action taken in those circumstances by Israel against Hamas' terrorist infrastructure.

We acknowledge the Government's continuing understanding of Israel's position and its need to act in the defence of its citizens who have been subject to renewed, unrelenting and murderous rocket attacks and mortar fire across southern Israel.

We also acknowledge with gratitude on behalf of the Australian Jewish community, your Government's enduring friendship towards Israel and commitment to a lasting peace in the region.

With kind regards,

Yours sincerely,

Robert M Goot AM SC
President



THE HON STEPHEN SMITH MP

MINISTER FOR FOREIGN AFFAIRS
PARLIAMENT HOUSE
CANBERRA ACT 2600

10 FEB 2009

Mr Robert M Goot AM SC
President
Executive Council of Australian Jewry Inc.
2nd Floor - 146 Darlinghurst Road
DARLINGHURST NSW 2010

Robert

Dear Mr Goot

Thank you for your letter dated 19 January 2009 expressing appreciation for the Government's position on the conflict in the Gaza Strip and southern Israel.

The Government has been deeply concerned by the conflict, and its grave impact on the people of the Gaza Strip and Israel. The Government condemns recent rocket fire into Israel following the declaration of unilateral cease-fires. This underlines the importance of consolidating current arrangements into a durable and fully respected cease-fire.

The Government will continue to support the implementation of United Nations Security Council Resolution (UNSCR) 1860, which called for an immediate, durable and fully respected cease-fire. This will need to involve an end to arms smuggling into the Gaza Strip and rocket attacks on Israel, and the opening of border crossings. We fully support negotiations in Cairo to this end.

In relation to the Human Rights Council resolution adopted on 12 January, Australia is not a member of the Council and therefore could not vote. However, our view was that, while we were deeply concerned by the impact of the conflict on civilians and recognised the need for Palestinian civilians to have access to humanitarian assistance the resolution was one-sided and unbalanced.

The recent hostilities highlight that a lasting resolution to the situation in the Gaza Strip and the West Bank can only be brought about through peaceful means. The Government remains committed to supporting a two-state solution to the Israeli-Palestinian conflict, based on Israel's right to live in peace within secure borders, and in recognition of the legitimate aspirations of the Palestinian people for their own state.

As you are aware, Australia was a strong critic of the anti-Israel and anti-Semitic focus of the 2001 Durban World Conference against Racism. The Government has not yet decided whether Australia will attend the 2009 Durban Review Conference against Racism. We will base this decision on a thorough consideration of whether Australia, and other countries with a genuine interest in countering racism, can positively influence the Review Conference outcomes, and the extent to which it is likely to be marred by anti-Semitism and anti-Israel propaganda.

I would be pleased to meet you following your return from the World Jewish Congress Plenary in Jerusalem. Please contact my Office on (02) 6277 7500 to arrange a mutually convenient time.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Stephen Smith', written over a horizontal line.

Stephen Smith

24 April 2009

COPY

The Hon. Kevin Rudd MP
Prime Minister
Parliament House
CANBERRA ACT 2600

Dear Prime Minister,

On behalf of the Executive Council of Australian Jewry and the Australian Jewish community, I write to once again welcome and applaud the Australian Government's decision announced by the Foreign Minister on Sunday 19 April 2009, that Australia will not participate in the Durban II Conference in Geneva commencing on 20 April 2009.

The decision was a principled one consistent with the Government's policy and consonant with similar decisions made by a number of governments prior to and in recent days. Indeed we are particularly grateful for what we understand was the Foreign Minister's personal intervention with some of his colleagues in other countries whose decisions mirrored that of Australia.

Like the Government, the Executive Council of Australian Jewry deplores racism and racial discrimination and whilst we are committed, as we know the Government is, to work tirelessly to eradicate the scourge of racism and bigotry, we believed that the Durban Review Conference would be used as a platform to air offensive, including antisemitic, views. Unfortunately our fears in that regard were borne out.

By not attending the Durban II Conference, the ECAJ believes that the Australian Government has struck a real blow in the fight against racism and bigotry.

I assure you that the ECAJ will continue to fight against racism and bigotry in whatever form it takes and stands ready to assist the Government in such endeavours.

Yours sincerely,

Robert M Goot AM SC
President

20 April 2009

The Hon. Senator Stephen Smith MP
Minister for Foreign Affairs
Parliament House
CANBERRA ACT 2600

COPY

Dear Minister,

On behalf of the Executive Council of Australian Jewry and the Australian Jewish community, I welcome and applaud the Australian Government's decision announced by you on Sunday 19 April 2009, that Australia will not participate in the Durban II Conference in Geneva commencing on 20 April 2009.

The decision was a principled one consistent with the Government's policy and consonant with similar decisions made by a number of governments prior to and in recent days. Indeed we are particularly grateful for what we understand was your personal intervention with your colleagues in some of the countries whose decision mirrors that of Australia.

Like the Government, the Executive Council of Australian Jewry deplores racism and racial discrimination and whilst we are committed, as we know the Government is, to work tirelessly to eradicate the scourge of racism and bigotry, we believe that the Durban Review Conference will be used as a platform to air offensive, including antisemitic, views.

By not attending the Durban II Conference, the ECAJ believes that the Australian Government has struck a real blow in the fight against racism and bigotry.

I assure you that the ECAJ will continue to fight against racism and bigotry in whatever form it takes and stands ready to assist the Government in such endeavours.

Yours faithfully

Robert M Goot AM SC
President

COPY

18 September 2009

Richard Bolt
Secretary
Department of Primary Industries
GPO Box 4440
Melbourne Victoria 3001

By email: richard.bolt@dpi.vic.gov.au

Dear Mr Bolt

Re: Kosher Slaughter

Thank you for your letter of 11 September 2009 the contents of which have been noted.

Dealing with the recent NZ research (dated 14 July 2009) upon which you rely, we make the following observations:

No Sheep

- 1) None of the NZ research was conducted on sheep.
- 2) The research appears to have been conducted on (bovine) calves weighing 125-178 kilograms (the Gibson et al 2007 Study); or 109-162 kilograms (the Gibson et al 2009 Sticking Without Prior Stunning Study); or 109-144 kilograms (the Gibson et al 2009 Stunning Study); or 134-207 kilograms (the Gibson et al 2009 Sticking and Stunning Study).
- 3) Ovine *shechita* is performed in Australia on lambs/hoggets generally of 16-26 kilograms dressed weight (see our 6 February 2009 letter to Nicole Hinder).

Pain

- 4) The study does not conclude that neck-cut slaughter of conscious animals (let alone sheep) would cause “**considerable pain during the period before the animal becomes insensible**”, as stated in your letter, rather it states: that is “*likely to cause pain*” (page 2 of the Executive Summary); “*pain may be experienced after the neck cut*” (paragraph 2); and “*is likely to cause pain*” (Overall Conclusions).
- 5) The fact that neck cut slaughter in non-stunned sheep may cause some pain, is not controversial. The real issue is the type and intensity of pain and whether it causes significant distress. The NZ research does not shed light on that issue.
- 6) The degree or intensity of pain is vitally important and there appears to be a connection between the degree of pain and the amount and type of tissue injury.
- 7) There is a difference in “*morphology*”, or the exact structure of these tissues, between sheep and cattle. Skin is one major difference. The haired skin of cattle is thick, tough and relatively hard to cut. The skin of sheep bears wool and is thin, soft and relatively easy to cut. The extent of damage to tissue is likely to be proportional to the ease with which that tissue is cut.
- 8) Additionally in *shechita*, the lamb’s neck area is shaved or clipped prior to cutting to remove wool from the site to facilitate the act of cutting (see Nicola Hinder email 29 January 2009).
- 9) Another important difference may be the layout of the blood supply to the brain through the carotid arteries and the vertebral arteries. The vertebral arteries are not transected during throat cutting of sheep and cattle. The blood supply via the vertebral arteries of cattle, but not sheep, can sustain consciousness for a relatively long period in animals where the carotid arteries have been cut.

Time to Insensibility

- 10) The NZ research does not appear to bear out the conclusion that “*a significant proportion of non-stunned ovines will experience this period of pain for at least 8 seconds following neck cut*”, as stated in your letter, rather it states that: the shortest estimate (for calves, not ovine) is “*2-8 seconds*” (page 1 of the Executive Summary); “*at least 2-8 seconds*” (page 2 of the Executive Summary); and “*at least 2-8 seconds*” (Overall Conclusions).
- 11) The NZ research itself indicates that there can be “*no unequivocal estimate of the interval to insensibility*” (page 1 of the Executive Summary), and “*the duration of this period of risk is not currently known with certainty*” (Overall Conclusions).

General

- 12) In your letter you advise that the neck cut was made with an “*exceptionally sharp, long bladed knife, cutting the neck with a swift even stroke, followed by a free bleed-out*”. That information (which we note does not appear in either of the two Gibson et al studies involving cutting), is nevertheless insufficient to determine whether the process was the same as the *shechita* process.
- 13) However, even assuming that the approach adopted in the NZ research was, as you state in your letter, we wish to record that neither the ECAJ nor the ORA accept that the slaughter of sheep by people (who may or may not use the *shechita* method), but who are not experienced *shochetim*, can in any way form a scientific basis for evaluating the physiological effects on sheep which are slaughtered by persons who are experienced *shochetim*.
- 14) The only proper scientific basis for evaluating those effects on sheep by *shechita* method, is to time the period between neck cut and insensibility for sheep that are slaughtered by experienced *shochetim*. All such research to date has confirmed the practical experience that, the period is considerably shorter than the “*at least 8 seconds*” period to which you refer.
- 15) We reiterate the recognition of an alternative view in the NZ research, that “*significant pain may be avoided with the use of an extremely sharp knife with a swift, clean incision followed by a free bleed out*”. In that respect we maintain the view that, as Professor Temple Grandin concludes, from an animal welfare stand point, *shechita* of ovine without post neck cut stunning, is acceptable.

We request that this letter be made available to members of the Animal Welfare and Product Integrity Task Force, before it next meets.

Yours faithfully,

Robert M Goot AM SC
President

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

Email info@ecaj.org.au

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Ex-Service Associations

Jewish National Fund

New Zealand Jewish Council

Zionist Federation of Australia



8 October 2009

The Hon. Tony Burke MP
Minister for Agriculture, Fisheries and Forestry
Parliament House
CANBERRA ACT 2600

By email: Tony.Burke.MP@aph.gov.au

Dear Minister

You will have noticed some reporting of a matter that is to be considered by the Primary Industries Ministerial Committee in November 2009, relating to a possible removal of the current exemption concerning post slaughter stunning of lambs the subject of ritual slaughter to satisfy the requirements both of Kosher and Halal meat consumption.

The ECAJ has been in discussion with various Government committees in relation to this issue for almost twelve months and has made submissions, which are supported by the Organisation of Rabbis of Australasia, in support of retention of the existing exemptions.

In light of the recent publicity, and the resultant awareness within the Jewish community of the potential threat to the continuation of Kosher practices both for domestic consumption of lamb and export of Australian lamb to other countries for Kosher consumption, the ECAJ wishes to meet with you as a matter of urgency to explain the position of the Jewish community in relation to the matter.

I would be most grateful if your Chief of Staff could contact me to arrange a meeting at a mutually convenient time and place.

Yours sincerely

**Robert M Goot AM SC
President**



Executive Council of Australian Jewry Inc.

Al-Manar Television Transmissions into Australia

Background

Under the *Broadcasting Services Act 1992* (Cth) (BSA), a television operator that provides open narrowcasting television services in Australia is required to hold a class licence as determined by the Australian Communications and Media Authority (ACMA) by notice published in the *Government Gazette* (ss 12(2), 117(e)). Class licences are not individually issued but provide operators of the relevant class of service with ongoing authority to enter the market and provide the service, subject in each case to the operator maintaining the capacity to deliver the service and adhering to the conditions of the relevant class licence.

Open narrowcasting television services are defined in subsection 18(1)(a) of the BSA as including broadcasting services "whose reception is limited (i) by being targeted to special interest groups; or ... (iv) because they provide programs of limited appeal". Al Manar television transmits television programs into Australia in the Arabic language. According to the Australian Census in 2006, Arabic is the language spoken at home by only 1.2% of Australians.¹ One can safely conclude therefore that the television service that Al-Manar provides is targeted to a special interest group and is of limited appeal in Australia and thus falls within the BSA definition of "open narrowcasting television services".

Under subsection 118(3) of the BSA each class licence is subject to the conditions set out in Part 7 of Schedule 2. Clause 11 in Part 7 of Schedule 2 provides that the conditions which apply to the provision by a person of a broadcasting service under a class licence include the following:

- (1) the person will comply with program standards applicable to the licence under Part 9 of [the BSA];²
- (2) the person will not use the broadcasting service in the commission of an offence against another Act or a law of a State or Territory;³
- (3) the person will comply with the requirements of clauses 3, 3A, 4, 5 and 6 [of BSA Schedule 2];⁴

¹ <http://www.abs.gov.au/ausstats/abs@.nsf/0/636F496B2B943F12CA2573D200109DA9?opendocument> (accessed on 7 September 2009).

² Paragraph 11(1)(b) of BSA Schedule 2.

³ Paragraph 11(1)(c) of BSA Schedule 2

⁴ Paragraph 11(1)(d) of BSA Schedule 2

- (4) the licensee will not broadcast a program that has been classified RC or X 18+ by the Classification Board [being the Classification Board established under section 45 of the *Classification (Publications, Films and Computer Games) Act 1995 (Cth)*].⁵

Al Manar television transmissions into Australia have given rise to concern because the program content makes little if any attempt to disguise the television station's sympathies and association with the Lebanese "Hezbollah" movement, whose "External Security Organisation", which also operates under several aliases, is a specified "terrorist organisation" under Regulation 4Q of the *Criminal Code Regulations 2002*. In light of those concerns, and exercising its powers under section 170 of the BSA, the ACMA conducted an investigation into whether or not Al Manar Television complies with Condition (1) (as above) of its class licence. **The ACMA investigation did not consider whether Al Manar Television complies with Conditions (2), (3) or (4) (as above) of its class licence. The question of compliance with those conditions by Al Manar Television is considered in this paper. This paper also considers the findings of the ACMA investigation as regards condition (1).**

Condition (1) - the person will comply with program standards applicable to the licence under Part 9 of [the BSA].

The ACMA has determined program standards under subsection 125(2) of the BSA to prevent the broadcasting of programs that encourage people to join or finance terrorist organisations. The standard is known as the *Broadcasting Services (Anti-terrorism Requirements for Open Narrowcasting Television Services) Standard 2006* (the Standard). Paragraphs 6 and 7 prohibit a licensee from broadcasting a program that can reasonably be construed as directly recruiting a person to join, or participate in the activities of, a terrorist organisation, or as soliciting funds for a terrorist organisation, or assisting in the collection or provision of funds for a terrorist organisation.

On 24 July 2009, the ACMA issued Investigation Report 2158 concluding that content broadcast into Australia on the Al-Manar TV channel between 28 August and 5 September 2008 (AEDST) could not be reasonably construed as:

- directly recruiting a person to join, or participate in the activities of, a terrorist organisation; or
- soliciting funds for a terrorist organisation, or assisting in the collection or provision of funds for a terrorist organisation.

Accordingly, the ACMA found that there was no breach of section 6 of the *Broadcasting Services (Anti-terrorism Requirements for Open Narrowcasting Television Services) Standard 2006* and therefore no breach of the licence condition at paragraph 11(1)(b) in Part 7 of Schedule 2 of the BSA.

The ACMA's conclusions were based upon an analysis of Al Manar Television transmissions recorded between 28 August 2008 and 5 September 2008. Content that was recorded on 29 August 2008 included a program called *The Pulse of Life – People of the Frontiers*⁶ which featured *inter alia*:

⁵ Paragraph 11(3)(a) of BSA Schedule 2

⁶ See pages 9 to 15 of ACMA Report 2158.

- (a) an interview with Umm Emad, the mother of the recently killed senior Hezbollah military commander, Emad Moghniyyeh;
- (b) an interview with a person purporting to be a camouflaged Hezbollah fighter (as part of a video montage of Hezbollah military operations); and
- (c) an interview with a Lebanese villager who claims to have assisted Hezbollah operatives during the 2006 war with Israel.

The description of the program and translations of the interviews in the ACMA report include statements by the interviewees and television images which together depict or describe violent acts by Hezbollah in a manner that directly praises the doing of those acts and could not reasonably be considered to be done merely as part of public discussion or debate. At one point in her interview, Umm Emad refers to assistance given to Hezbollah operatives in the past by the Lebanese villager and says *"We are brought up to uphold jihad...every person among us has a role to play...every person has a duty to perform"*.⁷

However, the ACMA concludes that direct praise of the terrorist organisation and general statements asserting a moral or religious duty to assist it do not constitute direct recruitment,⁸ although a reasonable person might interpret the statements and images in that way. The conclusions of the ACMA Report thus rely heavily on the word *"directly"* in paragraph 6 of the Standard.

In this respect, there appears to be an anomaly in the formulation of paragraph 6(1) of the Standard which reads:

6 Recruiting for a terrorist organisation

(1) A licensee must not broadcast a program that can reasonably be construed as directly recruiting a person to join, or participate in the activities of, a terrorist organisation.

In contrast, section 9A of the Classification (Publications, Films and Computer Games) Act 1995 (the Classification Act) provides:

9A Refused Classification for publications, films or computer games that advocate terrorist acts

- (1) A publication, film or computer game that advocates the doing of a terrorist act must be classified RC.*
- (2) Subject to subsection (3), for the purposes of this section, a publication, film or computer game **advocates** the doing of a terrorist act if:*
 - (a) it directly or indirectly counsels or urges the doing of a terrorist act; or*
 - (b) it directly or indirectly provides instruction on the doing of a terrorist act; or*
 - (c) it directly praises the doing of a terrorist act in circumstances where there is a risk that such praise might have the effect of leading a person (regardless of his or her age or any mental impairment (within the meaning of section 7.3 of the Criminal Code) that the person might suffer) to engage in a terrorist act.*

⁷ At page 12.

⁸ At page 13.

- (3) *A publication, film or computer game does not advocate the doing of a terrorist act if it depicts or describes a terrorist act, but the depiction or description could reasonably be considered to be done merely as part of public discussion or debate or as entertainment or satire.*
- (4) *In this section **terrorist act** has the meaning given by section 100.1 of the Criminal Code*

For the purposes of section 9A, television transmissions constitute "film".⁹ The terms of subsection (2) of section 9A stand in stark contrast to the terms of paragraph 6(1) of the Standard. Program content can "advocate the doing of a terrorist act" within the meaning of subsection 9A(2) of the Classification Act by "*indirectly*" counselling or urging the doing of a terrorist act or by directly praising the doing of a terrorist act, without breaching paragraph 6 of the Standard. Such content must be classified as "RC" (Refused Classification) pursuant to subsection 9A(2) of the Classification Act and, if provided through online and other content services, constitutes "prohibited content" for the purposes of the BSA.¹⁰ The ACMA has powers to issue notices to require online and other content providers to remove prohibited content from public access.¹¹ It is anomalous that paragraph 6 of the Standard does not necessarily prohibit material from being broadcast that would constitute prohibited content if provided on-line. The standard should, at a minimum, be brought into conformity with the terms of subsection 9A(2) of the Classification Act.

Condition (2) - the person will not use the broadcasting service in the commission of an offence against another Act or a law of a State or Territory

An "offence against another Act or a law of a State or Territory" includes, but is not limited to, a criminal or quasi-criminal offence attracting penalties. For example, under section 18C in Part IIA of the *Racial Discrimination Act 1975* (RDA) it is "unlawful for a person to do an act, otherwise than in private, if: the act is reasonably likely, in all the circumstances, to offend, insult, humiliate or intimidate another person or a group of people; and the act is done because of the race, colour or national or ethnic origin of the other person, or of some or all of the people in the group." In our submission, the commission of an act that is "unlawful" under that section is "an offence against" the RDA.

Al-Manar's programs have reportedly included viciously antisemitic material, interlacing anti Israel and anti US rhetoric with medieval antisemitic stereotypes and themes, including the infamous "blood libel" (the false and slanderous accusation that Jews kill non-Jewish children and use their blood for cooking).

If the insidious influence of Al-Manar's programs and their ability to foment hatred of Jews in Australia were in doubt, the statements attributed to the Chairman of the Australian Arabic Council, Mr Roland Jabbour, are conclusive.

Mr Jabbour was quoted in *the Age* newspaper on 22 August 2008, as saying:

⁹ Under section 5 of the Classification Act, "*film*" includes ... any other form of recording from which a visual image, including a computer generated image, can be produced (together with its sound track)".

¹⁰ Clause 20(1)(a) of BSA Schedule 7.

¹¹ Clause 47, 56 and 62 of BSA Schedule 7.

"...that anti-Semitism was wrong and that Judaism should be respected, but that Hezbollah was not anti-Semitic.

"We need to make a clear distinction between anti-Israel and anti-Semitic, and between a terrorist organisation and a resistance group," he said.

He said he would not call Jews the offspring of apes and pigs, but that in the context of "the crimes of the state of Israel" it was reasonable for al-Manar to do so and to portray Israeli rabbis as killing Christian children to use their blood in Passover meals."

The statements attributed to Mr Jabbour in the final paragraph are unquestionably racist and deeply offensive in any context and are only made worse by attempts to rationalise or excuse them. Derogatory generalisations about entire ethnic or ethno-religious groups cannot under any circumstances be passed off as legitimate political commentary. Public statements in this vein are clearly an offence against the provisions of Part IIA of the RDA and the anti racial-vilification legislation of the States.

Mr Jabbour is also quoted as saying that the al-Manar programs are widely watched in the Arab community in Australia. This highlights the seriousness of the breaches of Part IIA of the RDA by Al Manar program content and of the threat that it constitutes to the sense of safety and well-being of Jewish Australians and its potential to foment social conflict within Australia. It follows that the transmission of such material into Australia is a grave breach of Condition (2) of Al Manar's class licence.

Condition (3) - the person will comply with the requirements of clauses 3, 3A, 4, 5 and 6 [of BSA Schedule 2].

The relevant clause is clause 4 of BSA Schedule 2 which provides:

4 Identification of certain political matter

(1) In this clause, **broadcaster** means:

- (a) a commercial television broadcasting licensee; or
- (b) a commercial radio broadcasting licensee; or
- (c) a community broadcasting licensee; or
- (d) a subscription television broadcasting licensee; or
- (e) a person providing broadcasting services under a class licence.

(2) If a broadcaster broadcasts political matter at the request of another person, the broadcaster must, immediately afterwards, cause the required particulars in relation to the matter to be announced in a form approved in writing by the ACMA.

- (3) *A broadcaster must, in relation to political matter broadcast at the request of another person, keep a record of the name, address and occupation of the person or, if the person is a company, the name and the address of the principal office of the person for the required period and must give to the ACMA any particulars of the record that the ACMA, by written notice, requires.*
- (4) *For the purposes of this clause, a person authorises the broadcasting of political matter only if the person is responsible for approval of the content of the political matter and the decision to present it for broadcasting.*

"Political matter" is defined in clause 1 of BSA Schedule 2 and means "any political matter, including the policy launch of a political party".

Given the breadth of the definition of "political matter", and the prevalence of content in Al Manar transmissions that are openly supportive of Hezbollah, one part of which is a political party in Lebanon, Al Manar's compliance with the terms of clause 4 of BSA Schedule 2 is required by Condition (3). The transcripts and other material referred to in the ACMA's Investigation Report indicate that during the period in which Al Manar broadcasts were monitored and recorded by the ACMA no attempt was made by it to comply with the terms of clause 4 of BSA Schedule 2 and Condition (3) of its Class Licence has thus repeatedly been breached.

Condition (4) - the licensee will not broadcast a program that has been classified RC ... by the Classification Board.

The section (above) dealing with the question of whether Al Manar has complied with Condition (1) of its licence demonstrates that much of the content of Al Manar transmissions, as described in the Investigation Report of the ACMA, "advocates the doing of a terrorist act" within the meaning of subsection 9A(2) of the Classification Act. This is because the test prescribed by that section is much broader than that prescribed by clause 6 of the Standard.

Whether or not the Classification Board has in fact classified as RC (Refused Classification) content transmitted by Al Manar television that "advocates the doing of a terrorist act" within the meaning of subsection 9A(2) of the Classification Act, subsection 9A(1) of that Act provides that such content **"must"** be so classified.

The transmission of RC-classified content into Australia by Al Manar television therefore constitutes a breach of Condition (4) of its class licence.

Conclusion

Al Manar television has repeatedly breached various conditions of its class licence as described in this paper. The breaches are serious and should be acted upon by the ACMA. This paper is intended also to constitute a formal complaint to the ACMA against Al Manar television and the content of its television transmissions into Australia.

Peter Wertheim AM
Executive Director
Executive Council of Australian Jewry
14 September 2009.



Executive Council of Australian Jewry Inc.

PROPOSAL TO EXTEND ACMA's CURRENT REGULATORY POWERS OVER ON-LINE SERVICES TO HATEFUL OR RACIST MATERIALS ONLINE THAT ARE FOUND TO BE ILLEGAL UNDER THE RACIAL DISCRIMINATION ACT 1975

A The Current Regulatory Regime

1. Australian laws relating to the regulation and prohibition of offensive content are based on the powers delineated in the Australian Constitution, which gives the Parliament power to "make laws for the peace, order, and good government of the Commonwealth with respect to...postal, telegraphic, telephonic, and other like services."¹
2. The *Broadcasting Services Amendment (Online Services) Act* 1999, amended the *Broadcasting Services Act* 1992 (BSA) by adding section 216D that gives effect to BSA Schedule 7. Schedule 7 establishes the authority of the Australian Communications and Media Authority (ACMA)² to regulate on-line content that has an *Australian connection*. An *Australian connection* exists if any of the content provided by the content service is hosted in Australia or, in the case of a live content service, if the live content service is provided from Australia.³
3. The ACMA is required to look into complaints from Australians about *prohibited content*, or *potential prohibited content*, in relation to certain services,⁴ or it can conduct an investigation into such matters on its own initiative.⁵

¹ Australian Constitution, s.51(v).

² The Australian Communications and Media Authority was formed in July 2005, merging the Australian Broadcasting Authority and the Australian Communications Authority. See ACMA Overview, http://www.acma.gov.au/WEB/STANDARD//pc=ACMA_ORG_OVIEW.

³ Clause 3 of BSA Schedule 7.

⁴ Clause 43 of BSA Schedule 7.

⁵ Clause 44 of BSA Schedule 7.

4. Content (other than an eligible electronic publication, being an electronic or audio version of a book, magazine or newspaper) is ***prohibited content*** if the Classification Board established under section 45 of the *Commonwealth Classification (Publications, Films and Computer Games) Act 1995 (Classification Act)* finds that the content falls within certain categories as defined by the Classification Act. The levels and definitions of prohibited content are as follows:⁶
- (a) the content has been classified RC (Refused Classification) or X 18+ by the Classification Board; or
 - (b) the content has been classified R 18+ by the Classification Board and access to the content is not subject to a restricted access system; or
 - (c) the content has been classified MA 15+ by the Classification Board, access to the content is not subject to a restricted access system, the content does not consist of text and/or one or more still visual images, and the content is provided by a commercial service (other than a news service or a current affairs service); or
 - (d) the content has been classified MA 15+ by the Classification Board, access to the content is not subject to a restricted access system, and the content is provided by a mobile premium service.
5. Content that consists of an eligible electronic publication is ***prohibited content*** if the content has been classified RC, category 2 restricted or category 1 restricted (in each case as defined in the Classification Act) by the Classification Board.⁷
6. Generally, content is ***potential prohibited content*** if the content has not been classified by the Classification Board, but if it were to be classified, there is a substantial likelihood that the content would be prohibited content.⁸
7. The ACMA may take the following action to deal with prohibited content or potential prohibited content:
- (a) in the case of a hosting service—issue, a final or interim take-down notice;⁹

⁶ Clause 20(1) of BSA Schedule 7.

⁷ Clause 20(2) of BSA Schedule 7.

⁸ Clause 21 of BSA Schedule 7.

⁹ Clause 47 of BSA Schedule 7.

- (b) in the case of a live content service—issue, a final or interim service-cessation notice;¹⁰
 - (c) in the case of a links service—issue, a final or interim link-deletion notice.¹¹
8. These notices effectively require content service providers and hosting service providers to remove the prohibited content from public access.
 9. Bodies and associations that represent sections of the content industry may develop industry codes that are registered with the ACMA.¹² The ACMA has a reserve power to make an industry standard if there are no industry codes or if an industry code is deficient.¹³ Compliance with an industry code is voluntary unless the ACMA directs a particular participant in the content industry to comply with the code.¹⁴ Compliance with an industry standard is mandatory.¹⁵ The ACMA may also make determinations regulating certain content service providers and hosting service providers.¹⁶
 10. The *Broadcasting Services Amendment (Online Services) Act* 1999, also amended the (BSA) by adding section 216B that gives effect to BSA Schedule 5. Schedule 5 establishes the authority of the ACMA to regulate *Internet content hosted outside Australia*.¹⁷
 11. Bodies and associations that represent the Internet service provider section of the Internet industry may develop industry codes that may be registered with the ACMA under Part 5 of Schedule 5. Compliance with an industry code is voluntary unless the ACMA directs a particular participant in the Internet industry to comply with the code.¹⁸ The ACMA has a reserve power to make an industry standard if there are no industry codes or if an industry code is deficient.¹⁹ Compliance with industry standards is mandatory.²⁰
 12. The ACMA must look into complaints from Australians alleging that an internet service provider:
 - (a) has contravened a code registered under Part 5 of Schedule 5 that is applicable to the provider; or

¹⁰ Clause 56 of BSA Schedule 7.

¹¹ Clause 62 of BSA Schedule 7.

¹² Part 4 of BSA Schedule 7.

¹³ Division 5 of Part 4 of BSA Schedule 7.

¹⁴ Clause 89 of BSA Schedule 7.

¹⁵ Clause 95 of BSA Schedule 7.

¹⁶ Part 5 of BSA Schedule 7.

¹⁷ See simplified outline of BSA Schedule 5 as set out in Clause 2.

¹⁸ Clause 66 of Schedule 5.

¹⁹ Division 5 of Part 5 of Schedule 5.

²⁰ Clause 72 of Schedule 5.

(b) has contravened an online provider rule that is applicable to the provider;²¹
or, it can investigate a possible contravention on its own initiative.²²

13. The ACMA may issue standard access-prevention notices to internet service providers in relation to internet content hosted outside Australia²³ and special access prevention notices in respect of internet content that is the same as, or substantially similar to, the internet content identified in a standard access-prevention notice.²⁴ These notices direct the provider to take all reasonable steps to prevent end-users from accessing the internet content. An Internet service provider must comply with a standard or special access-prevention notice that applies to the provider as soon as practicable, and in any event by 6 pm on the next business day, after the notice was given to the provider.²⁵
14. For offensive content hosted from outside Australia, the ACMA itself determines whether content is prohibited and notifies a list of certified Web-filter manufacturers to include the prohibited sites in their filters.²⁶ To obtain certification, these certified “Family Friendly Filters” must agree to keep lists of prohibited sites confidential.²⁷ ISPs are then required to offer a Family Friendly Filter to all of their customers, though customers are not required to accept them.²⁸ As a result, content taken down in Australia could be posted outside of the country and still be accessible to the majority of Australian Internet users. Electronic Frontiers Australia reports that at least one site taken down has moved to the United States, even keeping its URL and “.au” domain. It is not known how many sites have moved overseas in this fashion.²⁹
15. States and territories have instituted a variety of laws that criminalize the downloading of illegal content and the distribution of content that is “objectionable” or “unsuitable for minors.”³⁰ There is not complete uniformity between the states, however.

²¹ Clause 26 of Schedule 5.

²² Clause 27 of Schedule 5.

²³ Clause 40 of Schedule 5.

²⁴ Clause 47 of Schedule 5.

²⁵ Clause 48 of Schedule 5.

²⁶ Australian Communications and Media Authority, “Internet regulation,” February 2007, http://www.acma.gov.au/web/STANDARD/pc%3DPC_90169.

²⁷ Schedule 1, Codes for Industry Co-Regulation in Areas of Internet and Mobile Content (Pursuant to the Requirements of the Broadcasting Services Act 1992), May 2005, http://www.acma.gov.au/acmainterwr/aba/contentreg/codes/internet/documents/iaa_code.pdf

²⁸ IIA Guide for ISPs, March 2006,

http://www.iaa.net.au/index.php?option=com_content&task=view&id=121&Itemid=33

²⁹ Electronic Frontiers Australia, “Internet censorship laws in Australia,” March 31, 2006,

<http://www.efa.org.au/Issues/Censor/cens1.html>.

³⁰ *Ibid.*

B. Legal prohibition of racial vilification

16. Commonwealth law in Australia addresses hate speech through the *Racial Discrimination Act* 1975, Part IIA of which makes it “unlawful for a person to do an act, otherwise than in private, if: the act is reasonably likely, in all the circumstances, to offend, insult, humiliate or intimidate another person or a group of people; and the act is done because of the race, colour or national or ethnic origin of the other person, or of some or all of the people in the group.”³¹
17. The Federal Court of Australia applied this law to the Internet for the first time in October 2002 in *Jones v. Toben* [2002] FCA 1150 (17 September 2002). Jeremy Jones for the Executive Council of Australian Jewry brought a lawsuit against Frederick Toben, the director of the Adelaide Institute, because of material on Toben’s Web site (www.adelaideinstitute.org) that denigrated Jews as a group and denied the Holocaust. The Federal Court, found that publication on the Internet without password protection is a “public act,” and that posting this material online was in direct violation of s.18C of the Racial Discrimination Act 1975. It ordered Toben to remove the material from the Internet.³² The Orders did not (and could not) apply to the relevant internet service provider which was not a party to the proceedings and not itself a publisher of the offending material.
18. Toben was subsequently found by the Federal Court to have breached the orders requiring him to remove the material from his website³³ and was gaoled for three months for contempt of court.³⁴ This was the culmination of litigation against him by a private individual over a period of 13 years. His web site is still on line, operated by another person. Only some of the offending material has been removed from the web site.
19. **Australian law and, in particular, the regulatory scheme of the BSA, does not at present give the ACMA authority to investigate complaints or issue take-down notices or standard or special access-prevention notices for hateful or racist materials online, even if they are found by the Federal Court of Australia to offend**

³¹ s.18C Racial Discrimination Act 1975.

³² Galexia, “Article: Jones v Toben: Racial discrimination on the Internet,” Oct 2002, http://www.galexia.com/public/research/articles/research_articles-art22.html#fn357

³³ *Jones v Toben* (Corrigendum dated 20 April 2009) [2009] FCA 354 (16 April 2009)

³⁴ *Jones v Toben* (No 2) [2009] FCA 477 (13 May 2009); upheld unanimously on appeal: *Toben v Jones* [2009] FCAFC 104 (13 August 2009).

against the Racial Discrimination Act 1975.³⁵ As a result, there appears to be no venue other than the courts in which to pursue complaints about hateful or racist materials online. Otherwise, the matter appears to be at the discretion of the service provider.

20. "Chilling Effects" reports that Google received a notice from a user on May 5, 2006 of a site in its search results that allegedly violated section 18C of the *Racial Discrimination Act 1975* and voluntarily removed it from the Google Australia site (www.google.com.au).³⁶ It received another "hate speech complaint" on 20 June 2009, alleging that material on another site in its search results "is pure anti-semitism and contravenes the law in most countries. In my opinion this should be removed and the poster banned for his constant incitement to hatred".³⁷ It is not clear whether reference to this site also was removed from the Google Australia site.

C. Proposal to extend the current regulatory regime of the BSA

21. It is proposed that the relevant statute law be amended so as to require the ACMA to issue an appropriate form of notice or notices under BSA Schedule 7 (in respect of content that has an Australian connection) or Schedule 5 (in respect of content that is hosted outside Australia) immediately upon the ACMA receiving either:

- (a) a formal notice from the President of the Australian Human Rights Commission (the President) that the President has issued an advisory opinion; or
- (b) a sealed copy of an order from either the Federal Court of Australia or the federal Magistrates Court,

to the effect that publication of the content is rendered unlawful by s.18C of the Racial Discrimination Act (RDA) and is not exempted by s.18D of that Act.

22. At present, a complaint alleging unlawful discrimination (which includes conduct made unlawful by Part IIA of the RDA³⁸) may be made in writing to the President of the Australian Human Rights Commission under subsection 46P(1) of the *Australian Human Rights Commission Act 1986* (AHRC Act). Under section 46PD of the AHRC Act, the

³⁵ Australian Department of Communications, Information Technology and the Arts, "Racism and the Internet," November 2002, www.dcita.gov.au/data/assets/word_doc/10892/Racism_and_the_Internet.doc/10892/

³⁶ Chilling Effects, "Google removal complaint: s.18C of Australia's Racial Discrimination Act of 1975," May 2006, <http://www.chillingeffects.org/international/notice.cgi?NoticeID=4266>

³⁷ <http://www.chillingeffects.org/international/notice.cgi?NoticeID=25762>

³⁸ See paragraph (c) of definition of "unlawful discrimination" in section 3, *Australian Human Rights Commission Act 1986*.

Australian Human Rights Commission (the Commission) must refer the complaint to the President of the Commission (the President). Unless the President is satisfied that the complainant³⁹ does not want the President to inquire into the complaint or that the complaint has been settled or resolved, the President **must** conduct an Inquiry into the complaint in accordance with section 46PF of the AHRC Act and attempt to conciliate the complaint.

23. The President may terminate a complaint if satisfied that there is no reasonable prospect of the matter being settled by conciliation. Under section 46PO of the AHRC Act, the complainant may then make an application to the Federal Court or the Federal Magistrates Court to have the matter determined by the court. If the President decides to terminate a complaint, the President must notify the complainant in writing of that decision and of the reasons for that decision.⁴⁰

PROPOSED AMENDMENT TO THE AHRC ACT

24. It is proposed that the AHRC Act be amended so as to provide that:

1. In respect of a complaint made under Part IIA of the RDA which in whole or in part concerns an alleged publication of material on the internet and which results in the holding of an Inquiry by the President pursuant to section 46PF of the AHRC Act, the complainant may, within 14 days after receipt of a notification from the President terminating the complaint, make a request in writing to the President that the President issue the complainant with an advisory opinion as to the merits of the complaint, and that the President must provide the complainant with such an advisory opinion within 28 days after receipt of the request.
2. The advisory opinion must describe and identify the material and expressly state (i) the President's opinion as to whether material has been published on the internet as alleged in the complaint (ii) the President's opinion as to whether the publication was unlawful under Part IIA of the RDA and (iii) if the President's opinion in respect of each of (i) and (ii) is in the affirmative, how and when the material was last accessed by the President (for example: set out a URL, a

³⁹ The expression "complainant" in this section of the Paper includes an "affected person" within the meaning of the AHRC Act.

⁴⁰ Subsection 46PH(2) of the AHRC Act.

password, or the name of a newsgroup) and, if the material is “stored content” within the meaning of the BSA, the name of the country or countries in which the content is believed to be hosted.

3. If the President’s opinion in respect of each of (i) and (ii) in 2 above is in the affirmative then, at the time of issuing the advisory opinion (an “affirmative advisory opinion”) to the complainant, the President must also deliver a copy of it to the ACMA.

PROPOSED AMENDMENTS TO THE *FEDERAL COURT OF AUSTRALIA ACT 1976* AND THE *FEDERAL MAGISTRATES ACT 1999*

25. It is further proposed that the *Federal Court of Australia Act 1976* and the *Federal Magistrates Act 1999* each be amended so as to provide that:

1. The amendment applies in respect of any application to the Court pursuant to subsection 46PO(1) of the *Australian Human Rights Commission Act 1986* in which the Applicant alleges:
 - (a) that material has been published on the internet; and
 - (b) the publication is unlawful under Part IIA of the RDA.
2. If the Court finds that the allegations are proved, the Court must include in any Orders it makes a schedule (an “internet hate site schedule”) in which:
 - (a) the material is described and identified; and
 - (b) there is a statement of how and when the material was last accessed on the internet by the Court (for example: by setting out a URL, a password, or the name of a newsgroup) and, if the material is “stored content” within the meaning of the BSA, there is a statement setting out the name of the country or countries in which the material is believed by the Court to be hosted.

PROPOSED AMENDMENT TO THE BSA

26. It is proposed that an amendment be made to the BSA so as to provide that upon receipt of either:
 1. a copy of an affirmative advisory opinion from the President; or

- 2 a sealed copy of an Order of either the Federal Court of Australia or the Federal Magistrates Court delivered to the ACMA by any party, being an Order that includes an internet hate site schedule;

the ACMA must determine which content providers have directly or indirectly facilitated the publication of the material identified therein and give them notice under BSA Schedule 7 or BSA Schedule 5, as may be appropriate, for the removal of the whole of the material from public access.

27. Further amendments would be needed to be made to the BSA for (i) the withdrawal by the ACMA of any notice it has issued in the event that it is established by a subsequent order of a court (including a court of appeal) that publication of the content identified in the notice is not rendered unlawful by s.18C of the Racial Discrimination Act; and (ii) the restoration of the notice if on appeal a superior court subsequently overturns an order referred to in (i).
28. The advantages of these amendments would be:
- (a) Neither the ACMA nor content service providers have the expertise to make an assessment of whether content offends against Part IIA of the Racial Discrimination Act. Under the proposed amendments they would not need to make any such assessment. Any assessment would be made by the AHRC which has the relevant expertise or, alternatively, the matter would be determined by a court.
 - (b) The issuing of appropriate notices by the ACMA to content service providers would provide a just, quick and inexpensive alternative to litigation in dealing with the publication online of material that is rendered unlawful by the provisions of Part IIA of the Racial Discrimination Act.

Peter Wertheim AM
Executive Director
Executive Council of Australian Jewry
14 September 2009

TEREZIN DECLARATION

June 30, 2009

Upon the invitation of the Prime Minister of the Czech Republic we the representatives of 46 states listed below met this day, June 30, 2009 in Terezin, where thousands of European Jews and other victims of Nazi persecution died or were sent to death camps during World War II. We participated in the Prague Holocaust Era Assets Conference organized by the Czech Republic and its partners in Prague and Terezin from 26-30 June 2009, discussed together with experts and non-governmental organization (NGO) representatives important issues such as Welfare of Holocaust (Shoah) Survivors and other Victims of Nazi Persecution, Immovable Property, Jewish Cemeteries and Burial Sites, Nazi-Confiscated and Looted Art, Judaica and Jewish Cultural Property, Archival Materials, and Education, Remembrance, Research and Memorial Sites. We join affirming in this

Terezin Declaration on Holocaust Era Assets and Related Issues

- Aware that Holocaust (Shoah) survivors and other victims of Nazi persecution have reached an advanced age and that it is imperative to respect their personal dignity and to deal with their social welfare needs, as an issue of utmost urgency,
- Having in mind the need to enshrine for the benefit of future generations and to remember forever the unique history and the legacy of the Holocaust (Shoah), which exterminated three fourths of European Jewry, including its premeditated nature as well as other Nazi crimes,
- Noting the tangible achievements of the 1997 London Nazi Gold Conference, and the 1998 Washington Conference on Holocaust-Era Assets, which addressed central issues relating to restitution and successfully set the stage for the significant advances of the next decade, as well as noting the January 2000 Stockholm Declaration, the October 2000 Vilnius Conference on Holocaust Era Looted Cultural Assets,
- Recognizing that despite those achievements there remain substantial issues to be addressed, because only a part of the confiscated property has been recovered or compensated,
- Taking note of the deliberations of the Working Groups and the Special Session on Social Welfare of Holocaust Survivors and their points of view and opinions which surveyed and addressed issues relating to the Social Welfare of Holocaust Survivors and other Victims of Nazi Persecution, Immovable Property, Nazi Confiscated Art, Judaica and Jewish Cultural Property, Holocaust Education, Remembrance and Research, which can be found on the weblink for the Prague Conference and will be published in the Conference Proceedings,
- Keeping in mind the legally non-binding nature of this Declaration and moral responsibilities thereof, and without prejudice to applicable international law and obligations,

1. Recognizing that Holocaust (Shoah) survivors and other victims of the Nazi regime and its collaborators suffered unprecedented physical and emotional trauma during their ordeal, the Participating States take note of the special social and medical needs of all survivors and strongly support both public and private efforts in their respective states to enable them to live in dignity with the necessary basic care that it implies.

2. Noting the importance of restituting communal and individual immovable property that belonged to the victims of the Holocaust (Shoah) and other victims of Nazi persecution, the Participating States urge that every effort be made to rectify the consequences of wrongful property seizures, such as confiscations, forced sales and sales under duress of property, which were part of the persecution of these innocent people and groups, the vast majority of whom died heirless.

3. Recognizing the progress that has been made in research, identification, and restitution of cultural property by governmental and non-governmental institutions in some states since the 1998 Washington Conference on Holocaust-Era Assets and the endorsement of the Washington Conference Principles on Nazi-Confiscated Art, the Participating States affirm an urgent need to strengthen and sustain these efforts in order to ensure just and fair solutions regarding cultural property, including Judaica that was looted or displaced during or as a result of the Holocaust (Shoah).

4. Taking into account the essential role of national governments, the Holocaust (Shoah) survivors' organizations, and other specialized NGOs, the Participating States call for a coherent and more effective approach by States and the international community to ensure the fullest possible, relevant archival access with due respect to national legislation. We also encourage States and the international community to establish and support research and education programs about the Holocaust (Shoah) and other Nazi crimes, ceremonies of remembrance and commemoration, and the preservation of memorials in former concentration camps, cemeteries and mass graves, as well as of other sites of memory.

5. Recognizing the rise of Anti-Semitism and Holocaust (Shoah) denial, the Participating States call on the international community to be stronger in monitoring and responding to such incidents and to develop measures to combat anti-Semitism.

The Welfare of Holocaust (Shoah) Survivors and other Victims of Nazi Persecution

Recognizing that Holocaust (Shoah) survivors and other victims of Nazi persecution, including those who experienced the horrors of the Holocaust (Shoah) as small and helpless children, suffered unprecedented physical and emotional trauma during their ordeal.

Mindful that scientific studies document that these experiences frequently result in heightened damage to health, particularly in old age, we place great priority on dealing with their social welfare needs in their lifetimes. It is unacceptable that those who suffered so greatly during the earlier part of their lives should live under impoverished circumstances at the end.

1. We take note of the fact that Holocaust (Shoah) survivors and other victims of Nazi persecution have today reached an advanced age and that they have special medical and health needs, and we therefore support, as a high priority, efforts to address in their

respective states the social welfare needs of the most vulnerable elderly victims of Nazi persecution – such as hunger relief, medicine and homecare as required, as well as measures that will encourage intergenerational contact and allow them to overcome their social isolation. These steps will enable them to live in dignity in the years to come. We strongly encourage cooperation on these issues.

2. We further take note that several states have used a variety of creative mechanisms to provide assistance to needy Holocaust (Shoah) survivors and other victims of Nazi persecution, including special pensions; social security benefits to non-residents; special funds; and the use of assets from heirless property. We encourage states to consider these and other alternative national actions, and we further encourage them to find ways to address survivors' needs.

Immovable (Real) Property

Noting that the protection of property rights is an essential component of a democratic society and the rule of law,

Acknowledging the immeasurable damage sustained by individuals and Jewish communities as a result of wrongful property seizures during the Holocaust (Shoah),

Recognizing the importance of restituting or compensating Holocaust-related confiscations made during the Holocaust era between 1933-45 and as its immediate consequence,

Noting the importance of recovering communal and religious immovable property in reviving and enhancing Jewish life, ensuring its future, assisting the welfare needs of Holocaust (Shoah) survivors, and fostering the preservation of Jewish cultural heritage,

1. We urge, where it has not yet been effectively achieved, to make every effort to provide for the restitution of former Jewish communal and religious property by either in rem restitution or compensation, as may be appropriate; and

2. We consider it important, where it has not yet been effectively achieved, to address the private property claims of Holocaust (Shoah) victims concerning immovable (real) property of former owners, heirs or successors, by either in rem restitution or compensation, as may be appropriate, in a fair, comprehensive and nondiscriminatory manner consistent with relevant national law and regulations, as well as international agreements. The process of such restitution or compensation should be expeditious, simple, accessible, transparent, and neither burdensome nor costly to the individual claimant; and we note other positive legislation in this area.

3. We note that in some states heirless property could serve as a basis for addressing the material necessities of needy Holocaust (Shoah) survivors and to ensure ongoing education about the Holocaust (Shoah), its causes and consequences.

4. We recommend, where it has not been done, that states participating in the Prague Conference consider implementing national programs to address immovable (real) property confiscated by Nazis, Fascists and their collaborators. If and when established by the Czech Government, the European Shoah Legacy Institute in Terezin shall facilitate an intergovernmental effort to develop non-binding guidelines and best practices

for restitution and compensation of wrongfully seized immovable property to be issued by the one-year anniversary of the Prague Conference, and no later than June 30, 2010, with due regard for relevant national laws and regulations as well as international agreements, and noting other positive legislation in this area.

Jewish Cemeteries and Burial Sites

Recognizing that the mass destruction perpetrated during the Holocaust (Shoah) put an end to centuries of Jewish life and included the extermination of thousands of Jewish communities in much of Europe, leaving the graves and cemeteries of generations of Jewish families and communities unattended, and

Aware that the genocide of the Jewish people left the human remains of hundreds of thousands of murdered Jewish victims in unmarked mass graves scattered throughout Central and Eastern Europe,

We urge governmental authorities and municipalities as well as civil society and competent institutions to ensure that these mass graves are identified and protected and that the Jewish cemeteries are demarcated, preserved and kept free from desecration, and where appropriate under national legislation could consider declaring these as national monuments.

Nazi-Confiscated and Looted Art

Recognizing that art and cultural property of victims of the Holocaust (Shoah) and other victims of Nazi persecution was confiscated, sequestered and spoliated, by the Nazis, the Fascists and their collaborators through various means including theft, coercion and confiscation, and on grounds of relinquishment as well as forced sales and sales under duress, during the Holocaust era between 1933-45 and as an immediate consequence, and

Recalling the Washington Conference Principles on Nazi-Confiscated Art as endorsed at the Washington Conference of 1998, which enumerated a set of voluntary commitments for governments that were based upon the moral principle that art and cultural property confiscated by the Nazis from Holocaust (Shoah) victims should be returned to them or their heirs, in a manner consistent with national laws and regulations as well as international obligations, in order to achieve just and fair solutions,

1. We reaffirm our support of the Washington Conference Principles on Nazi-Confiscated Art and we encourage all parties including public and private institutions and individuals to apply them as well,

2. In particular, recognizing that restitution cannot be accomplished without knowledge of potentially looted art and cultural property, we stress the importance for all stakeholders to continue and support intensified systematic provenance research, with due regard to legislation, in both public and private archives, and where relevant to make the results of this research, including ongoing updates, available via the internet, with due regard to privacy rules and regulations. Where it has not already been done, we also recommend the establishment of mechanisms to assist claimants and others in their efforts,

3. Keeping in mind the Washington Conference Principles on Nazi-Confiscated Art, and considering the experience acquired since the Washington Conference, we urge all stakeholders to ensure that their legal systems or alternative processes, while taking into account the different legal traditions, facilitate just and fair solutions with regard to Nazi-confiscated and looted art, and to make certain that claims to recover such art are resolved expeditiously and based on the facts and merits of the claims and all the relevant documents submitted by all parties. Governments should consider all relevant issues when applying various legal provisions that may impede the restitution of art and cultural property, in order to achieve just and fair solutions, as well as alternative dispute resolution, where appropriate under law.

Judaica and Jewish Cultural Property

Recognizing that the Holocaust (Shoah) also resulted in the wholesale looting of Judaica and Jewish cultural property including sacred scrolls, synagogue and ceremonial objects as well as the libraries, manuscripts, archives and records of Jewish communities, and

Aware that the murder of six million Jews, including entire communities, during the Holocaust (Shoah) meant that much of this historical patrimony could not be reclaimed after World War II, and

Recognizing the urgent need to identify ways to achieve a just and fair solution to the issue of Judaica and Jewish cultural property, where original owners, or heirs of former original Jewish owners, individuals or legal persons cannot be identified, while acknowledging there is no universal model,

1. We encourage and support efforts to identify and catalogue these items which may be found in archives, libraries, museums and other government and non-government repositories, to return them to their original rightful owners and other appropriate individuals or institutions according to national law, and to consider a voluntary international registration of Torah scrolls and other Judaica objects where appropriate, and

2. We encourage measures that will ensure their protection, will make appropriate materials available to scholars, and where appropriate and possible in terms of conservation, will restore sacred scrolls and ceremonial objects currently in government hands to synagogue use, where needed, and will facilitate the circulation and display of such Judaica internationally by adequate and agreed upon solutions.

Archival Materials

Whereas access to archival documents for both claimants and scholars is an essential element for resolving questions of the ownership of Holocaust-era assets and for advancing education and research on the Holocaust (Shoah) and other Nazi crimes,

Acknowledging in particular that more and more archives have become accessible to researchers and the general public, as witnessed by the Agreement reached on the archives of the International Tracing Service (ITS) in Bad Arolsen, Germany,

Welcoming the return of archives to the states from whose territory they were removed during or as an immediate consequence of the Holocaust (Shoah),

We encourage governments and other bodies that maintain or oversee relevant archives to make them available to the fullest extent possible to the public and researchers in accordance with the guidelines of the International Council on Archives, with due regard to national legislation, including provisions on privacy and data protection, while also taking into account the special circumstances created by the Holocaust era and the needs of the survivors and their families, especially in cases concerning documents that have their origin in Nazi rules and laws.

Education, Remembrance, Research and Memorial Sites

Acknowledging the importance of education and remembrance about the Holocaust (Shoah) and other Nazi crimes as an eternal lesson for all humanity,

Recognizing the preeminence of the Stockholm Declaration on Holocaust Education, Remembrance and Research of January 2000,

Recognizing that the Universal Declaration of Human Rights was drafted in significant part in the realization of the horrors that took place during the Holocaust, and further recognizing the U.N. Convention on the Prevention and Punishment of the Crime of Genocide,

Recalling the action of the United Nations and of other international and national bodies in establishing an annual day of Holocaust remembrance,

Saluting the work of the Task Force for International Cooperation on Holocaust Education, Remembrance and Research (ITF) as it marks its tenth anniversary, and encouraging the States participating in the Prague Conference to cooperate closely with the Task Force, and

Repudiating any denial of the Holocaust (Shoah) and combating its trivialization or diminishment, while encouraging public opinion leaders to stand up against such denial, trivialization or diminishment,

1. We strongly encourage all states to support or establish regular, annual ceremonies of remembrance and commemoration, and to preserve memorials and other sites of memory and martyrdom. We consider it important to include all individuals and all nations who were victims of the Nazi regime in a worthy commemoration of their respective fates,

2. We encourage all states as a matter of priority to include education about the Holocaust (Shoah) and other Nazi crimes in the curriculum of their public education systems and to provide funding for the training of teachers and the development or procurement of the resources and materials required for such education.

3. Believing strongly that international human rights law reflects important lessons from history, and that the understanding of human rights is essential for confronting and preventing all forms of racial, religious or ethnic discrimination, including Anti-Semitism, and Anti-Romani sentiment, today we are committed to including human rights education into the curricula of our educational systems. States may wish to consider using a variety of additional means to support such education, including heirless property where appropriate.

4. As the era is approaching when eye witnesses of the Holocaust (Shoah) will no longer be with us and when the sites of former Nazi concentration and extermination camps, will be the most important and undeniable evidence of the tragedy of the Holocaust (Shoah), the significance and integrity of these sites including all their movable and immovable remnants, will constitute a fundamental value regarding all the actions concerning these sites, and will become especially important for our civilization including, in particular, the education of future generations. We, therefore, appeal for broad support of all conservation efforts in order to save those remnants as the testimony of the crimes committed there to the memory and warning for the generations to come and where appropriate to consider declaring these as national monuments under national legislation.

Future Action

Further to these ends we welcome and are grateful for the Czech Government's initiative to establish the European Shoah Legacy Institute in Terezin (Terezin Institute) to follow up on the work of the Prague Conference and the Terezin Declaration. The Institute will serve as a voluntary forum for countries, organisations representing Holocaust (Shoah) survivors and other Nazi victims, and NGOs to note and promote developments in the areas covered by the Conference and this Declaration, and to develop and share best practices and guidelines in these areas and as indicated in paragraph four of Immovable (Real) Property. It will operate within the network of other national, European and international institutions, ensuring that duplicative efforts are avoided, for example, duplication of the activities of the Task Force for International Cooperation on Holocaust Education, Remembrance and Research (ITF).

Following the conference proceedings and the Terezin Declaration, the European Commission and the Czech Presidency have noted the importance of the Institute as one of the instruments in the fight against racism, xenophobia and anti-Semitism in Europe and the rest of the world, and have called for other countries and institutions to support and cooperate with this Institute.

To facilitate the dissemination of information, the Institute will publish regular reports on activities related to the Terezin Declaration. The Institute will develop websites to facilitate sharing of information, particularly in the fields of art provenance, immovable property, social welfare needs of survivors, Judaica, and Holocaust education. As a useful service for all users, the Institute will maintain and post lists of websites that Participating States, organizations representing Holocaust (Shoah) survivors and other Nazi victims and NGOs sponsor as well as a website of websites on Holocaust issues.

We also urge the States participating in the Prague Conference to promote and disseminate the principles in the Terezin Declaration, and encourage those states that are members of agencies, organizations and other entities which address educational, cultural and social issues around the world, to help disseminate information about resolutions and principles dealing with the areas covered by the Terezin Declaration.

A more complete description of the Czech Government's concept for the Terezin Institute and the Joint Declaration of the European Commission and the Czech EU Presidency can be found on the website for the Prague Conference and will be published in the conference proceedings.

List of States

1. Albania
2. Argentina
3. Australia
4. Austria
5. Belarus
6. Belgium
7. Bosnia and Herzegovina
8. Brazil
9. Bulgaria
10. Canada
11. Croatia
12. Cyprus
13. Czech Republic
14. Denmark
15. Estonia
16. Finland
17. France
18. FYROM
19. Germany
20. Greece
21. Hungary
22. Ireland
23. Israel
24. Italy
25. Latvia
26. Lithuania
27. Luxembourg
28. Malta
29. Moldova
30. Montenegro
31. The Netherlands
32. Norway
33. Poland
34. Portugal
35. Romania
36. Russia
37. Slovakia
38. Slovenia
39. Spain
40. Sweden
41. Switzerland
42. Turkey
43. Ukraine
44. United Kingdom
45. United States
46. Uruguay

The Holy See (*observer*)
Serbia (*observer*)

Holocaust Era Assets Conference: Prague 26-30 June 2009

Australia was one of the 46 Governments invited by the Prime Minister of the Czech Republic to participate in the Prague Holocaust Era Assets Conference 26-30 June 2009. Australia was represented by HOM (Poland and the Czech Republic) and Mr Robert Goot AM SC, President of the Executive Council of Australian Jewry Inc.

The Conference was presented by the Czech Government as its final EU Presidency activity. The Minister for European Affairs in opening the Conference referred to it as the "essential moral issue for the Czech Presidency". Foreign Minister Kohout in his presentation at the 29th June Plenary Session said that as President of the EU his Government intended to give the Conference a clear "European dimension focus". The EU Declaration signed at the session supports the Conference's main outcome, the Terezin Declaration, specifically the Terezin Institute as a permanent follow up mechanism.

Key issues:

The US Government organised a number of Working Groups to prepare drafts on the key issues identified as essential to address. Government and NGO representatives worked over several months on issues related to the welfare of Holocaust survivors and other victims of Nazi persecution ; immovable (real) property; Jewish cemeteries and burial sites; Nazi-certified and Looted Art; Judaica and Jewish Cultural Property; Archive materials and Education, Remembrance, Research and Memorial Sites.

Consideration of these issues was shaped by two key concerns: the special social and medical needs of all survivors (10% of Holocaust victims die each year) that must be supported by public and private efforts; and secondly, to encourage states as a "matter of priority" to include education about the Holocaust in public education curriculums.

The US delegation called for urgent action on both these issues, noting that many ageing survivors, including in the US, live in "abject poverty". This is a world-wide problem requiring a world-wide response. Restitution of heirless property to Holocaust victims or "*reasonable and affordable*" compensation was proposed as the best financial support option.

Most governments resisted language in the Declaration that went beyond "moral obligation" on the restitution issue. Poland, with the largest "heirless property" profile, was particularly sensitive, stating that the Government is working on legislation that would cover all Polish citizens who have lost property, during and after WW2. The Russian delegation was especially concerned that the Terezin Declaration did not include specific support for "post war settlement" principles which covered property restitution issues. But the overwhelming majority of government representatives strongly supported the urgent need for property restitution principles.

Education Remembrance and Research was the second "urgent" priority. As an example the UK delegation declared this essential to keep all forms of extremism away. The UK public education system makes compulsory the teaching of the Holocaust and organises regular students visits to Auschwitz Concentration Camp.

The work of the Task Force for International Cooperation on Holocaust Education, Remembrance and Research (ITF) was emphasised in this context. The Declaration itself specifically covers the ITF priorities and commits the Terezin Institute to coordinate closely with the ITF on these issues. The ITF representative reiterated the concern of many European Government representatives at the increasing political influence of extreme right political parties in Europe and declared the ITF's key priority is to be more proactive "across the world".

We were approached by several ITF members noting our "special guest" status at the recent Oslo meeting and encouraging Australia to join the ITF as a full member. Canada's Minister for Immigration spoke to the Conference about Canada's recent ITF membership and the essential complementarity of the ITF and Terezin Institute agendas.

The Polish delegation emphasised on the Education and Remembrance priority the need for international support for the conservation of former Nazi concentration camps. It recently requested EU partners to support a special fund to help carry out repair and restoration of the Auschwitz-Birkenau camp. International support was raised when Defence Minister and CDF officially visited the camp in February.

Next steps

The Terezin Declaration empowers the Terezin Institute to follow up on the Prague Conference and Declaration agendas. The Czech Government is expecting EU financial support for the Institute and its mandate. Whether the "moral obligations" of the Declaration are effective will depend essentially on funds. Expectations are huge, as US representative Eisenstat conveyed at the Conference, emphasising the Institute is the first ever follow up mechanism, especially on restitution and financial activities. He called on the EU to take a greater leadership role now being empowered by the Terezin Institute.

NGOs such as Bnai Brith also emphasised Europe's central responsibility given the property restitution links to Nazi occupied countries. Government intervention, NGOs consistently stressed, is crucial to turn the "restitution and compensation failure" around.

COPY

16 September 2009

Rob Randall,
A/General Manager, Curriculum
Australian Curriculum, Assessment and Reporting Authority
(ACARA)
PO Box 177
Carlton South Victoria 3053

By email: jackie.whyte@acara.edu.au

Dear Robert

**Re: Australian National Curriculum for History - Draft
Content Descriptions**

I understand that a draft (dated 7 September 2009), has been prepared of the broad description of the content to be included in the National Curriculum for History. I would be grateful if the following matters could be taken into account before the final version of the document is settled.

1. In Year 6, students explore the "origins of key democratic concepts". It would be useful at this point to consider the manner in which democracy was destroyed *according to the rules and laws of parliamentary democracy* in Nazi Germany. This is consistent with the Civics and Citizenship perspective in Years 5 and 6. The suggested focus question is: *"What are the rights and freedoms that underpin democratic government and how can these be safeguarded?"*
2. Year 10. Depth Study 1. War and Peace.
Arguably, students need to learn the facts about an historical event before they can evaluate its significance. We have a serious concern that an emphasis on the "significance" of the Holocaust in the content description will detract from an exploration of the relevant source material and the underlying causes of the Holocaust and will open the door to tendentious interpretations of the "significance" of events. Students could thus be left with a limited and possibly skewed understanding of Holocaust history. We therefore suggest that

*Students will be taught about: The changing nature of conflict in the twentieth century, introducing WW1, WWII and the **historical events and causes of the Holocaust**.....*

3. The amount of content to be covered in Year 10 will require very careful programming. Rather than reducing the scope, it is suggested that each depth study is accompanied by a suggested set of resources for teacher support. As detailed in our previous submissions, we offer the expertise of specialist educators to develop the resources for a study of the Holocaust.
4. We acknowledge that the time available for the depth study in Year 10 will of necessity prevent a comprehensive coverage of the topic. We therefore suggest that a study of the Holocaust is also included as an elective in the Senior Curriculum.

Please do not hesitate to contact Peter Wertheim on (02) 8353 8500 if you seek any further input from us.

Yours sincerely,

Robert M Goot AM SC
President

A blind eye to Hamas atrocities

- Robert Goot
- From: *The Australian*
- November 05, 2009 9:48PM

THE UN Security Council is tonight debating the Goldstone report. Yet from the moment the UN Human Rights Council decided to establish a "fact finding" mission "to investigate all violations of international human rights law and international humanitarian law by the occupying power, Israel, against the Palestinian people throughout the Occupied Palestinian Territory, particularly in the occupied Gaza Strip, due to the current aggression", it was obvious that it was not intended to, nor would it be an impartial inquiry.

The terms of reference were crafted to ignore the hundreds of rockets deliberately aimed and fired by Hamas at civilians in Israel prior to the Gaza war, and to pillory Israel for defending its citizens.

Even the head of the mission, Richard Goldstone, has since denounced what he called a "one-sided mandate" that was "stacked against Israel". He was so repelled by the bias that he only accepted his appointment on the basis of a verbal assurance by the president of the UNHRC that the mission would also be empowered to investigate violations of international law committed by Hamas during the Gaza conflict.

It is now clear that in accepting this assurance Goldstone allowed himself to be deceived. On October 16, 2009, when the UNHRC resolved, without the support of a single western democracy from among its 47 members, to refer the matter to the UN Security Council; the text of the resolution was directed exclusively at Israel and made no mention whatsoever of Hamas. It closely reflected the wording of the original mandate that Goldstone himself had rejected.

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Little wonder that Goldstone complained bitterly to the Swiss paper *Le Temps* that the recent UNHRC resolution "saddens me; there is not a single phrase condemning Hamas as we have done in the report. I hope the council can modify the text." Modifications were subsequently made, but there was still no mention of Hamas.

Not every member of the Goldstone commission seems to have been troubled by its biased mandate. Months before her appointment as a commissioner, Christine Chinkin went on the public record to accuse Israel of "collective punishment of Gaza's 1.5 million inhabitants" and "aggression" and to condemn Israel for "prima facie war crimes" in Gaza. Any reasonable person would see she was incapable of bringing an impartial mind to her task.

The actual evidence compiled against Israel in the 574-page Goldstone report is extraordinarily thin. None of the material contained in the statements of "witnesses" has been tested in any way. Much of it is second, third or fourth-hand hearsay. Palestinians who spoke to the commission knew that anything they said would ultimately get back to Hamas. Turning a blind eye, the Goldstone report merely notes that "those interviewed in Gaza appeared reluctant to speak about the presence of or conduct of hostilities by the Palestinian armed groups." Small wonder that Goldstone later conceded, "We had to do the best we could with the material we had."

The Goldstone commission was at best a preliminary "fact finding" investigation, not a court of law. Goldstone himself has complained that his report is being treated as conclusive when it was never intended that way, stating, "If this was a court of law, there would have been nothing proven".

He went on to say that his report was no more than a "road map" for real investigators, containing no actual "evidence" of wrongdoing by Israel, and that he "would not consider it in any way embarrassing if many of the allegations turned out to be unproved".

Yet Goldstone has only himself to blame for the widespread misapprehension that his report is determinative. Notwithstanding his attempts to suggest the contrary, many of the allegations against Israel are expressed as conclusive findings of fact.

The allegations against Hamas, in contrast, are perfunctory. Punches have been pulled and contrary evidence ignored. For example, in condemning Israel for the many civilian deaths in Gaza, the Goldstone report ignores or



Executive Council of Australian Jewry Inc.

POLICY OF THE EXECUTIVE COUNCIL OF AUSTRALIAN JEWRY

ASYLUM SEEKERS

The Executive Council of Australian Jewry:

- 1 NOTES with grave concern the increase in the number of people around the world who have been made refugees as a result of war and civil conflict;
- 2 NOTES that a small number of these refugees seek asylum in Australia;
- 3 RECOGNIZES the difficulties faced by successive Australian Governments in balancing the Government's obligations to its citizens to carry out proper screening (including health and security checks), on all potential new entrants to Australia, in particular unauthorised arrivals, and the Government's humanitarian obligations under the *International Convention on the Status of Refugees* (1951) (the Refugee Convention) and the 1967 *Protocol* to the Refugee Convention, as well as under customary international law;
- 4 RECALLS WITH SHAME that especially prior to, but also during and immediately after, World War II, many thousands of Jewish refugees attempting to flee persecution in Europe were denied entry into other countries or forced to engage "smugglers" to try to escape to freedom;
- 5 RECALLS in particular the fate of the German Jews aboard the *MS St Louis*, who were forced to return to their certain death in Germany because uncaring nations refused to accept them as refugees or to grant them asylum;
- 6 RECALLS that the Refugee Convention came into existence in belated recognition by the international community of the great wrong that had been done by ostensibly civilised nations in refusing to grant asylum to Jewish refugees fleeing from Europe prior to and during World War II, and as a principled and compassionate response to the moral imperative of assisting European Jews in seeking new homes after the Holocaust;

- 7 RECALLS the important and positive contribution that Jewish and other refugees, from many countries, have made to Australian society and the development of Australia;
- 8 NOTES that in the past, after proper processing of their claims by Australian officials, the vast majority of those seeking asylum in Australia have been found to be genuine refugees who had fled their country of usual residence because of a well-founded fear of persecution;
- 9 ACCORDINGLY CALLS UPON the Australian Government:
 - (a) to process applications by persons seeking asylum in Australia as expeditiously as possible and in a spirit of compassion, regardless of whether or not those applications are made through the offices of the United Nations High Commissioner for Refugees;
 - (b) to work constructively with other governments and appropriate non-government organisations to ameliorate the plight of refugees around the world and in Australia;
 - (c) to implement in good faith and with humanity, Australia's important legal and moral obligations with respect to refugees;
 - (d) not to hold women and children asylum seekers in mandatory detention while their applications for recognition of their refugee status are being processed; and
 - (e) to desist from actions that are likely to result in persons who seek asylum in Australia being sent to countries which are not parties to the Refugee Convention.
- 10 URGES all Australians to engage in discussion of the issues in a considered and respectful manner and without resorting to pejorative generalisations, which are unhelpful and can be misleading and very unfair.
- 11 FURTHER CALLS UPON all political parties in Australia to adopt policies in respect of asylum seekers that adhere to the foregoing principles.

4 NOVEMBER 2009

24 September 2009

COPY

The Hon Stephen Smith MP
Minister for Foreign Affairs
Parliament House
Canberra ACT 2600

Dear Minister,

The Australian Jewish community is both proud of and grateful for, the principled stand of the Australian Government resulting in the Australian delegation to the UN General Assembly walking out of the Assembly during the speech of the President of Iran.

As at Durban 11 in Geneva earlier this year, Ahmadinejad's address to the General Assembly was an entirely unacceptable tirade against Israel and the Jewish people regurgitating age old racist lies, canards and stereotypes.

The Australian Government's reaction to the address, together with the government's of regrettably, only 12 other nations, helps to restore our faith not in the UN, but in the basic decency and adherence to civilised values and principles in international relations of those courageous nations.

We applaud your government and its steadfast support of these fundamental values.

With kindest regards,

Yours sincerely,

Robert M Goot AM SC
President

COPY

6 November 2009

The Hon. Stephen Smith MP
Minister for Foreign Affairs
Parliament House
CANBERRA ACT 2600

Dear Minister,

I write on this occasion to congratulate you and the Australian Government on today voting against the adoption of the "Goldstone Report" in the General Assembly of the United Nations.

The continued principled stance adopted by the Australian Government on these issues is very much appreciated, not just by the Australian Jewish community, but by Jewish communities and organisations throughout the world.

I enclose my op-ed piece which was published on the Goldstone Report in today's Australian newspaper.

With kind regards.

Yours sincerely

Robert M Goot AM SC
President

FREEDOM OF RELIGION AND BELIEF IN THE 21ST CENTURY

Submission by the Executive Council of Australian Jewry

The Executive Council of Australian Jewry (ECAJ) is the elected representative organisation of the Jewish community in Australia, and we welcome this opportunity to participate in the process of consultation and research being pursued by the Human Rights Commission.

Introductory Note

By way of introduction we note that the section headed: "Focus: What this report will explore": observes among other things that a factor contributing to "a revitalisation of religion and the rise of religious fundamentalism " is "an increased presence of Muslims, Buddhists, Hindus, Jews and other religious communities who in practicing their religion sometimes challenge current public policies".

The ECAJ does not consider that the practice of the Jewish faith in any way challenges public policies. Indeed central to Jewish practice is the concept that "The law of the land is the law". (The concept is known in Jewish law as the rule of *dina demalchuta dina*.)

Section 1: Evaluation of 1998 HREOC Report on Article 18: Freedom of Religion and Belief

1.1, 1.2 Issues and areas of concern regarding freedom to practice religion

The Jewish community has no current issues. In general we support religious communities wishing to establish schools and places of worship.

Some faiths have on occasion been misinterpreted by some adherents, to require the defamation of the followers of other religions, or the incitement of hatred against

them. It is our view that there should be no protection under the guise of freedom of religion, for such activities.

1.3 Protection against Discrimination on the ground of Religion

Discrimination on the basis of religion is unlawful in the ACT, Western Australia, Queensland, the Northern Territory, Tasmania and Victoria. In NSW, the Jewish community (and the Sikh community and possibly others) are protected against discrimination on the ground of ethno-religious origin.

There is no protection against specifically religious discrimination in South Australia or the Commonwealth. However it is settled law that Jews are protected under such legislation as a “race”, and are considered to be protected against discrimination in these jurisdictions on that basis.

1.4 Protection against Incitement of Religious Hatred

The present law

Vilification based on ‘religion’ is against the law in Queensland, while vilification based on ‘religious belief or activity’ is against the law in Victoria and Tasmania, with the Tasmanian provisions also covering vilification based on ‘religious affiliation’.

There is also protection against vilification on the ground of “race” under the federal Racial Discrimination Act (RDA), and in the ACT, South Australia, Western Australia and the Northern Territory, and it is settled law that Jews are protected under these provisions as they are for discrimination. In NSW Jews are similarly more clearly protected by the inclusion of “ethno-religious origin” in the definition of “race”. (For example, in Australia, with regard to the Jewish community, see *Miller v Wertheim* [2002] FCAFC 156)

The experience of the *Catch the Fire Ministries Case* has demonstrated the problems which can arise if religious belief rather than religious affiliation or identity is protected. Our view is that the right to discuss the content of religious belief in a

civilised manner is an essential part of our democratic liberties. However we know from experience that the vilification of religious groups, based on the identity of those who are vilified, can represent a serious infringement of the right of the members of those groups to live a peaceful life free from insult or danger.

Defects in the law

The Jewish community's main difficulties with the current anti-vilification laws are the lack of effective straightforward remedies, and the slow and cumbersome nature of the proceedings. The *Jones v Toben* proceedings have continued for a decade, and the vilification of Jews by Toben continues unabated.

The present law provides for the availability of a process of conciliation, and this has proved useful on occasion in cases involving the media. On the other hand a process of conciliation with dedicated racists such as Nazis is obviously inconceivable.

The next step is to seek a court order for remedies under the RDA, which include damages, and orders for apologies and retractions, or against repetition etc. However these remedies require separate contempt proceedings for enforcement if the orders are ignored, and this has proved to be a difficult process.

It is also the view of the ECAJ is that in cases which can continue for years, the law cannot work effectively if further vilification continues throughout the process.

We would therefore propose that the Court should be given the power to make an Interim Order in appropriate circumstances, at any time after the complaint has been lodged.

Difficulties have sometimes arisen in establishing the legal standing of the complainant to bring a complaint under Part IIA of the RDA. In one case, *Executive Council of Australian Jewry & Anor v Olga Scully & Anor* [1998] FCA 66 (13 February 1998), a complaint was set aside and restored on appeal, on the basis of varying interpretations of the standing provisions in the statutory predecessors of section 46PB of the Human Rights and Equal Opportunity Act.

The law needs to be made clearer by granting standing to organisations to act as representative bodies in relation to the subject matter of the complaint or proceeding. In our view the kinds of “special responsibility” that would give rise to standing should be defined in broad terms so as to enable a body like the ECAJ, for example, to make complaints under Part IIA of the RDA on behalf of Australian Jews to seek redress against antisemitic behaviour, instead of compelling individual members of the Jewish community or individual officers of the ECAJ to make such complaints and participate personally in any consequent proceedings.

Reforms recommended

The ECAJ proposes the following reforms:

1. The racial hatred provisions of the RDA should be amended to include protection against vilification on the ground of ethno-religious origin.
2. There should be a special provision in section 18C of the RDA for interim administrative remedies in the nature of “*cease and desist*” orders, after lodgement of a complaint, and pending the outcome of conciliation or court action.
3. In appropriate cases there should be available:
 - a. a criminal sanction including a summary offence, in the case of “*offensive behaviour on the ground of race*”; as well as
 - b. an indictable offence of “*intentional incitement of racial hatred*”.

However the present civil proceedings, including the option of asking the Human Rights Commission to conciliate and arrange retractions and apologies, should remain available.

4. Representative bodies such as the ECAJ should be entitled to make complaints in circumstances where the court is satisfied that the body is generally representative of, and accountable to, the group of people on whose behalf the complaint is made. The formal consent of members of the group should not be required and it should be provided that it should not be necessary to establish

that every person in the group actually has or will be affected by the relevant conduct.

5. The ECAJ opposes any attempt to revive "blasphemy" laws.

1.5 Recommendations of the 1998 HREOC Report

The ECAJ does not support a federal Religious Freedom Act.

Otherwise we support the 1998 recommendations on indigenous rights, female genital mutilation, witchcraft, religious coercion, and a working group on medical procedures.

Section 2: Religion and the State – the Constitution, roles and responsibilities

2.1, 2.2, 2.5 Freedom of Religion

The ECAJ does not seek amendment of section 116 of the Constitution.

Whilst the ECAJ will separately address the national consultation process recently announced by the Attorney General on whether a Charter or Bill of Rights is necessary, its preliminary view is that it is possible that such a Charter might be interpreted in such a fashion as to limit the capacity of government to deal with threats and emergencies, or to deal effectively with outbreaks of serious vilification.

2.3 Separation of Religion and State

In a submission previously made by the ECAJ in conjunction with the Organisation of Rabbis of Australasia, the Australian Jewish community called for legislation to give the Family Court power to make orders which would assist innocent parties affected by refusal of the other party to consent to a Jewish divorce. The submission was approved by the Family Law Council, which recommended enactment to the Attorney General. Regrettably however this recommendation has yet to be implemented.

The ECAJ submits that any interpretation of the concept of the separation of Church and State which limited the power of government to deal with such problems is neither correct nor desirable. The concept of separation should be clarified to make it clear that it refers only to the provisions of section 116 of the Constitution, and in

particular to the exclusion of the idea of an established church in Australian constitutional law and practice.

2.4 Undue Influence by or over Religious Groups

All groups, including religious groups, have a democratic right to convey their concerns to government by lawful means, and we would strongly oppose any interference with that right.

Similarly all groups, including religious groups, have a right to freedom of expression and freedom of assembly within the law. However the ECAJ would not support any blanket rule which gave special rights to religious bodies or limited the lawful powers of the government or the judiciary to intervene in their affairs.

2.6 The roles, rights and responsibilities of religious, spiritual and civil society (including secular) organisations in implementing the commitment to freedom of religion and belief

The ECAJ submits that all religious, spiritual and civil society (including secular) organisations, have the same obligations as other participants in our society to preserve and foster democracy and freedom in Australia.

2.7, 2.8 A cooperative approach in responding to issues of freedom of religion and belief; interfaith understanding and inclusion?

Multi-faith and interfaith conversations with a number of religions exist on a range of levels, and the ECAJ on behalf of the Australian Jewish community, as well as many organisations and individuals within the community, are active participants. We find that personal communication enriches the cultural and spiritual perspective of those who are engaged, and we believe that such activities improve the texture and atmosphere of Australian life.

2.9 The changing role and face of religion, nationally and internationally?

Participation in religious activity is growing in some faiths, and diminishing in others. This ebb and flow is far from new in history, and provided that all faith institutions behave respectfully towards one another, and act as responsible citizens, society will accommodate the ebb and flow, and accommodate the changes in the way in which religions operate in our civil society.

Section 3: Religion and the State - practice and expression

3.1 Faith-based Government service delivery

The ECAJ is opposed to the delivery of government services such as employment agencies, by religious bodies, as we feel that this may lead both to the possibility of discrimination and to the undue influence of religious doctrine in the provision of such services.

3.2 Accommodation of religious practices and needs

The ECAJ submits that governments and private enterprise should make reasonable efforts to accommodate the requirements of religious practice in the areas of education, employment and the provision of services. We believe that the accommodation of peaceful religious observance should be enshrined in employment legislation so that in exchange for an employer allowing time necessary for religious observance, the worker will make up the time to do the work which would otherwise have been performed.

One issue that continues to arise is in the employment context, where under WorkChoices Sabbath observance was no longer protected. The Fair Work Bill may need some fine tuning to restore that protection, and it is currently being reviewed by the ECAJ.

3.3 Burial practice and Autopsy

The Jewish faith requires prompt burial, and burial in perpetuity. Jewish law allows surgical autopsy only for the purpose of saving another life.

Australia does not have a uniform system of laws governing a coroner's power to order an autopsy, but *Abernethy v Deitz* (1996) 39 NSWLR 701 makes consideration of religious objections to autopsy relevant to the exercise of the discretion, at least in NSW. Radiological alternatives to surgical autopsy now exist, and the NSW coroner at least, has used CAT scanners where possible. See e.g., *Krantz v Hand* [1999] NSWSC 432.

Section 4: Security issues in the aftermath of September 11

4.1 Security Issues and changes in Federal and State Laws

The ECAJ expresses its appreciation for the legislative measures which have been implemented to date. These measures enhance our security against the possibility of terrorist attack, and have our strong support.

4.2 The balance of physical security and civil liberties

The ECAJ views the balance in the current legislation as appropriate.

In particular we recognise that the anticipation and prevention of attacks by organised groups requires the application of suitable investigative measures under responsible judicial control.

4.3 The relationship between legal administration and religious communities

The ECAJ supports measures to educate immigrant communities in their basic legal rights and obligations, and also about the appropriate channels of communication between communities and the relevant legal authorities.

4.4 Religious radicalism and political extremism

The ECAJ supports efforts to ensure that religious and political extremism does not present a threat to any group in the community. In particular, calls for violence against or vilification of, others by any religious person in authority, should not constitute protected speech in Australia.

4.5 Social exclusion on the ground of religion

This has historically been a serious problem for members of the Australian Jewish community. Fortunately only remnants of antisemitic exclusion now remain in Australia, and the protection which the ECAJ now seeks from government lies in the area of improving laws against discrimination and vilification.

We believe that it is also necessary to improve education in the general community about Jews in Australia, about Judaism and Israel, and against racism in general.

Section 5: The interface of religious, political and cultural aspirations

5.1 The interface between religion and politics and cultural aspirations in contemporary Australia

The ECAJ strongly supports the maintenance as government policy of multiculturalism, which we believe has led to the development of Australia as a highly successful multi-ethnic and multi-religious society. It is important that prejudice and bigotry be firmly denounced by our political and community leaders whenever they emerge, and that they remain totally unacceptable.

5.2 Tensions between aspirations

The ECAJ believes that the present harmony between the different religious groups in Australian society can be maintained and extended through contact and discussion at a personal level. We do not think that government involvement is particularly useful or necessary, except in setting the "*tone from the top*" as noted in the previous section.

5.3, 5.4 and 5.5 Gender in faith communities

Gender is not an issue in Liberal and Conservative Judaism, where women have complete equality in ritual and secular matters. There is, for example, no difficulty in women serving as Rabbis.

Gender is a theological issue for Jews affiliated to orthodox synagogues. Women are separated in the synagogue, excluded from a number of the rituals, and cannot serve as Ministers or Rabbis. This does not carry over to any other spheres of activity, with

a woman, for example, currently serving as President of the Board of the orthodox Great Synagogue in Sydney.

Two women have also been elected as President of the ECAJ, the representative body of Australian Jewry, which is responsible for this submission.

Respect between genders is an essential element of social cohesion. Discrimination on the ground of gender undermines Australian society and its prosperity as a nation and creates hurdles for social cohesions. That said, the law should not require religious bodies to appoint women to positions that theologically can only be occupied by men, or vice-versa.

5.6 Citizenship and Australian values

Jews have traditionally seen no issue whatsoever between full integration and the preservation of our religious and cultural heritage. We believe that a policy of multiculturalism should continue to encourage all religious and ethnic groups to maintain a pride in their various identities, while committing themselves to the essential values of Australian society.

5.7 Civic responsibility and participation

This is not an issue within the Australian Jewish community, which has provided two Governor-generals, a number of Chief Justices and many other judges in the Commonwealth and the States, leaders of the Australian armed forces and countless others discharging all manner of civic responsibilities. This is a tribute to the openness of the Australian civic culture, which will no doubt continue to provide such opportunities for all its citizens.

5.8 Religious voices in national policy debates

The genius of our democratic process allows for all voices to be heard, and we know this will continue.

Section 6: Technology and its implications

6.1, 6.2, 6.3 *Technology and religion*

Information technology has had a mostly positive impact on the practice or dissemination of Judaism. We are not aware of any substantial impact on Judaism by new religions or “*spiritualities*” using such technology.

6.4, 6.5 *Impact of the media*

The ECAJ’s main concern with the media relates to some reporting of events in Israel which at times is so inaccurate and tendentious as to imply an element of antisemitism. Reporting about Judaism and issues arising in the Jewish community is, however, generally unexceptional. Occasionally incidents of vilification do occur in the press, and these are usually dealt with adequately by the existing processes.

On occasions there are still gratuitous and irrelevant references in the media to the fact that a person is Jewish, but the ECAJ readily accepts that there have been great improvements in this area of concern over recent years.

6.6 *Religious Vilification and the Internet*

This is a problem for the Australian Jewish community, and it is increasing in intensity and frequency. However the legal remedies are inadequate (see above on vilification generally) and difficult to enforce where material appears on the internet. The provision of useful protection will require the development of appropriate legal and technological remedies in domestic and possibly international, law.

Section 7: Religion, cultural expression and human rights

7.1 *Freedom of cultural expression and practice within the normative social and legal framework*

There is no present problem for the Australian Jewish community in this regard.

7.2 Service providers and cultural security and competence

There is no significant problem for the Australian Jewish community in this regard.

7.3 and 7.4 Cultural aspirations and human rights of Aboriginal and Torres Strait Islanders

Aboriginal and Torres Strait Islanders face levels of discrimination that should long ago have disappeared, and the discrimination is often on multiple bases, race, religion, and culture being among them.

The Australian Jewish community actively supports reconciliation and redress for Aboriginal and Torres Strait Islanders. Individual members of the community have been active in medical and dental care and tertiary education programs.

7.5 Participation in the faith community for people with disabilities

The ECAJ recognises it has much to do to improve access and equity for Jewish persons with disabilities. We provide special resources in our schools and through our welfare organisations, but it is never enough.

7.6, 7.7 and 7.8 Religion and sexuality

This is not an issue for Liberal and Conservative Judaism which have occasional homosexual commitment ceremonies.

Orthodox interpretations of Jewish religious law forbid homosexual acts including those between consenting adult males. In practice however it is accepted as a matter of little if any, consequence at all in all Jewish religious organisations, including the orthodox.

7.8 Environmental concerns

Environmental concerns are central to Judaism, with Jewish poetry and law directed at the preservation of the beauties of nature and the fertility of the land, including the celebration of a "New Year for Trees". The Jewish National Fund is recognised by the

Australian government as an environmental fund distinguished particularly for its work in afforestation in the land of Israel, and for tree-planting in Australia.

7.10 *Fringe religious groups "of concern"*

Our view is that all groups, religious or not, are bound by the law.

12 January 2009

COPY

22 July 2009

The Hon Stephen Smith MP
Minister for Foreign Affairs,
Parliament House
Canberra ACT 2600

Dear Minister,

I write on a matter of some urgency.

As noted in media reports this week, the Bangladeshi journalist and peace activist Salah Uddin Shoaib Choudhury, faces court this week after having been investigated by Bangladeshi authorities on charges of sedition, treason and insulting religious belief, since 2003.

He is accused of insulting Islam and harming the state's reputation abroad, charges which, when couched as "sedition," carry a possible death penalty.

On 27 February 2007, the Australian Senate, on the motion of Ursula Stephens, adopted general business notice of motion no. 717, as follows:

"That the Senate -

(a) notes:

- (i) the plight of Mr Salah Uddin Shoaib Choudhury, a Bangladeshi journalist who is on trial for sedition, an offence punishable by death, because as editor of an English-language newspaper he has been critical of Islamic extremism and has expressed his belief in interfaith dialogue, particularly between Christians, Muslims and Jews,
- (ii) that Mr Choudhury was detained in Dhaka Central Jail in November 2003 for passport violation, was charged with sedition, interrogated and was held in prison for 17 months without legal recourse until April 2005 when he was released on bail after intervention by the United States Department of State,
- (iii) that on 6 July 2006 Mr Choudhury's newspaper offices were bombed by an Islamic extremist organisation after the newspaper published articles in support of the Ahmadiyya Muslim minority,

- (iv) that on 18 September 2006 a Bangladeshi judge ruled that Mr Choudhury would stand trial for sedition and that his trial commenced, only to be suspended when a state of emergency was declared in Bangladesh on 11 January 2007 and a caretaker government was installed by the military on 22 January 2007,
- (v) that Mr Chouldhury's trial has been suspended while the new government is established, and
- (vi) that the previous government admitted that there was no basis for the charges against Mr. Choudhury and the Public Prosecutor testified that there was no evidence against him; and

(b) calls on the Government of Bangladesh to:

- (i) ensure a fair trial for Mr Choudhury,
- (ii) ensure his confiscated possessions are returned, and
- (iii) investigate those responsible for his harassment and intimidation".

Mr Choudhury was also the subject of US House Resolution 64 of March 13, 2007, which objected to continued "harassment and intimidation" and his incarceration in 2004 for 17 months without legal recourse, during which he was placed in solitary confinement and "suffered harsh interrogation techniques and received no treatment for a debilitating case of glaucoma," according to the resolution.

The US House resolution called on the Bangladeshi government to "immediately drop all pending charges against Bangladeshi journalist Salah Uddin Shoaib Choudhury... and take steps to protect Mr. Choudhury."

The Resolution also noted that the "US Commission on International Religious Freedom visited with Mr. Choudhury on their trip to Bangladesh in February and March 2006... and identified Mr. Choudhury as one of those voices that should not be silenced."

In the past, Mr Choudhury has recorded his gratitude to the Australia for its activities in making it clear to the Bangladeshi authorities that we take this matter seriously and regard the legal persecution of Mr Choudhury as completely unacceptable.

The ECAJ implores the Australian Government to do all in its power to protect Mr Choudhury's basic human rights as he faces trial.

Yours faithfully,

Robert M Goot AM SC

President



THE HON STEPHEN SMITH MP

MINISTER FOR FOREIGN AFFAIRS
PARLIAMENT HOUSE
CANBERRA ACT 2600

Mr Robert Goot AM SC
President
Executive Council of Australian Jewry
52 Martin Place
SYDNEY NSW 2000

14 AUG 2009

Robert
Dear Mr Goot

Thank you for your letter dated 22 July 2009 concerning the trial of Bangladeshi journalist Mr Salah Uddin Shoaib Choudhury.

The Australian Government is aware of the charge of sedition against Mr Choudhury and the human rights concerns which his case has raised internationally. The Australian High Commission in Dhaka continues to monitor Mr Choudhury's trial, and remains in close consultation with other international missions, including the United States and Canada, about Mr Choudhury's case.

The Australian High Commissioner in Dhaka has previously agreed to meet with Mr Choudhury's lawyer, Dr Richard Benkin, at his request. To date, I understand that Dr Benkin has not taken up this offer to meet, however the High Commissioner remains available to meet with Dr Benkin to discuss Mr Choudhury's case at a time convenient for Dr Benkin.

The Australian Government is committed to promoting democratic values, including religious tolerance and the right to freedom of speech. During the United Nations Universal Periodic Review held on 4 February 2009, Australia recommended Bangladesh take measures to protect human rights defenders, including journalists, from harassment and repression.

I understand from our High Commission in Dhaka that Mr Choudhury's trial is continuing, and I have asked the High Commissioner to continue to monitor Mr Choudhury's trial to ensure that it is conducted in an expeditious and transparent fashion and that his human rights are respected.

Thank you for bringing your views to the attention of the Government.

Yours sincerely

Best wish

Stephen Smith
Stephen Smith

dismisses without reason photographs and video footage taken by Israeli forces during the Gaza operation showing Hamas gunmen using civilians as human shields and concentrating their forces in civilian areas.

Yet Hamas makes no secret of its policy of using Palestinian civilians as human shields. In 2008, Hamas spokesman Fathi Hamad went on the record to boast about his organisation's use of "human shields of the women, the children, the elderly and the mujahideen, in order to challenge the Zionist bombing machine".

Incredibly, the Goldstone commission considered this public admission of a war crime by a Hamas leader to be "irrelevant".

In stark contrast, Richard Kemp, a British commander in Bosnia and Afghanistan told the UNHRC that "the Israeli forces did more to safeguard the rights of civilians in a combat zone than any other army in the history of warfare." Kemp was comparing the actions of Israeli forces to those of NATO and other western forces in similar types of conflict. The Goldstone report interprets and applies the standards set by international humanitarian law in a way that no western or other military force accepts in practice.

The report describes the Israeli attack on Gaza's Islamic University and concludes: "These were civilian, educational buildings and the mission did not find any information about their use as a military facility." No mention is made of the fact that this same university was featured on Palestinian television in 2007 as a site uncovered by Fatah in which Hamas had established a weapons laboratory for new and improved Qassam rockets. The footage included a full display of the weapons cache found in the university at the time.

The Goldstone commission also condemns the destruction of several mosques in Gaza by Israeli fire, finding no basis for Israeli allegations that mosques were used as launching points for Hamas attacks and as weapons storage facilities. Publicly available evidence to the contrary is simply ignored, including videos and photographs taken by Israeli soldiers during the Gaza operation that show weapons stored in Gaza mosques and Hamas gunmen using mosques as firing platforms.

And the report blamed Israel for an attack on an UNWRA school in Jabalya, a false accusation that went across the world inciting violence against Israel and Jews, before the UN itself admitted that it was entirely false and that the school had not been shelled at all. The Goldstone report repeated the false allegation and omitted the retraction.

Although the death and destruction in the Gaza war was a tragedy that deserves a proper and impartial investigation, it was minuscule compared with that of other contemporary conflicts elsewhere in the world, which remain uninvestigated by UNHRC or anyone else. The Israeli government has announced that it will conduct an independent investigation under an eminent jurist. The investigation will be in addition to those that the IDF opened into over 100 allegations regarding the conduct of its forces during the Gaza operation, most of which have been found to be baseless. Some 23 criminal investigations are ongoing.

Goldstone was probably sincere in intending to conduct an impartial legal investigation into the Gaza operation. But the report that bears his name has been perverted into a crude polemic, a blunt political weapon to be wielded solely against Israel, as the subsequent UNHRC resolution makes plain.

As Susan Rice, the US ambassador to the UN, told The Washington Post last month, "the fundamental problem with this particular report is it was hatched with a bias inherent in its mandate. It is as a consequence a product that largely reflects that imbalance".

Robert M. Goot SC is president of the Executive Council of Australian Jewry.

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28 July 2009

The Honourable Robert McClelland
Attorney General
Parliament House
CANBERRA ACT 2600

Dear Attorney

I write on behalf of the Executive Council of Australian Jewry the representative roof organisation of the Australian Jewish community, regarding the "*Lexicon of Terrorism*" project being led by the Victorian Police Department together with partners that include your department. I also refer to the speech made by you to the Australian Strategic Policy Institute in Canberra, on 21 July 2009.

The Executive Council of Australian Jewry readily accepts that the racial/ethnic/religious identity of wrong doers is mostly irrelevant to the commission of any offence and that making reference to that identity can negatively stereotype a particular group or community for no good reason.

The ECAJ also readily accepts that commission of extreme violence including acts of terrorism or attempted terrorism however called, is not the province of any one faith/ethnic/racial system.

However, we believe that in countering violent extremism including acts of terrorism, sometimes it may both be relevant and necessary, notwithstanding that it may lead to misunderstanding, to label the suspects or offenders as members of an ethnic or religious group.

We accept that such cases would constitute a minority, but where there is a direct link between religious or racial belief and a criminal act, such as the terrorist acts recently perpetrated in Jakarta, where the perpetrator believes that he or she has a religious obligation to commit the act, the ECAJ submits that it would be a disservice to the larger Australian community, if such motivation was not mentioned as relevant.

This is particularly so because in our view understanding and defining the reasons behind violent extremism and terrorism will assist Australian society in general and where relevant, the wrongdoer's community in particular, in countering such violent extremism.

We would be grateful if these views were shared with the partners in the "*Lexicom of Terrorism*" project and of course we would be happy to either provide a comprehensive written submission or discuss the matter with you at an appropriate time.

Kind regards.

Yours sincerely

Robert M Goot AM SC
President

COPY

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

Email info@ecaj.org.au

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B'nai B'rith of Australia/NZ

Council of Progressive Rabbis

Federation of Australian Jewish

Ex-Service Associations

Jewish National Fund

New Zealand Jewish Council

Zionist Federation of Australia



8 October 2009

The Assistant Secretary
Security Law Branch
Attorney-General's Department
3-5 National Circuit
BARTON ACT 2600

By email: CTconsultation@ag.gov.au

Dear Sir / Madam

Discussion Paper – National Security Legislation (July 2009)

The Executive Council of Australian Jewry (ECAJ) presents the following submissions on behalf of the Australian Jewish Community, in relation to the abovementioned Discussion Paper.

The ECAJ is the elected representative organisation of the Jewish community in Australia, and we welcome this opportunity to make submissions as to matters addressed by the Discussion Paper.

Introduction

The Australian Jewish community acknowledges that the Government faces a particularly difficult task in enacting and administering provisions that effectively protect Australian society and Australian values whilst providing sufficient flexibility to both pre-empt and respond to attempts to undermine our society and values.

We commend the amendments to Chapter 5 of the Criminal Code, the Crimes Act 1914, the Charter of the United Nations Act 1945 and the National Security Information (Criminal and Civil Proceedings) Act

2004. The amendments overall provide significant and constructive refinements which have been in the offing since at least 2006.

The submissions below address only those matters in respect of which the Executive Council of Australian Jewry considers that further refinements to the proposed legislation are in order.

Inditing hatred against groups and against members of groups

4. The proposed amendments do not seek to create a new Federal criminal offence based on the intentional or reckless incitement of racial and other forms of hatred in the community. In our view this is a regrettable omission. In Australia, the Report of the National Inquiry into Racist Violence in Australia (Human Rights and Equal Opportunity Commission (HREOC) 1991) noted high levels of hatred-induced violence as did the report of the Royal Commission into Aboriginal Deaths in Custody (1991). Both reports recommended legislative intervention to proscribe racial vilification. They recommended the introduction of a range of remedies including, in the case of the HREOC Report, criminal sanctions. In 2005, the NSW Bureau of Crime Statistics and Research released a report that concluded that racist taunts are a principal cause of violence in schools.
5. According to the 2006 Census conducted by the Australian Bureau of Statistics, almost a quarter of Australia's population was born overseas. For 44% of Australians, one or both parents were born overseas. 17% of Australians nominated a language other than English as their "language spoken at home". More than 200 linguistic, cultural or ethno-religious groups are represented in the total population. (See [http://www.ausstats.abs.gov.au/ausstats/subscriber.nsf/LookupAttach/2070.0Publication29_01.0910/\\$File/20700_Cultural_overview.pdf](http://www.ausstats.abs.gov.au/ausstats/subscriber.nsf/LookupAttach/2070.0Publication29_01.0910/$File/20700_Cultural_overview.pdf)). Australia's laws therefore operate in a social environment of cultural diversity. As the Cronulla Riots and revenge attacks in Sydney in 2005 demonstrated all too clearly, the failure to proscribe public acts of incitement to racial hatred tears at the social fabric and gravely compromises the peace, order and good government of the community.
6. There is also the harm to specific minority groups who are the targets of vilificatory conduct. The harm is in the impairment of their ability to go about their daily lives with a sense of safety and security. Such a sense of security is necessary for all members of the community to make a meaningful contribution to and develop a sense of belonging in the society in which they live. Failure by the state to provide this security for minority groups

can have devastating consequences. The UK Crown Prosecution Service Guidelines for prosecuting racist crime describes the effect of these crimes on victims as follows:

"The impact on victims is different for each individual, but many experience similar problems. They can feel extremely isolated or fearful of going out or even staying at home. They may become withdrawn, and suspicious of organisations and strangers. Their mental and physical health may suffer in a variety of ways. For young people in particular the impact can be damaging to self-esteem and identity and, without potential support, a form of self-hatred of their racial or religious identity can result which may take the form of self-harm or even suicide."

7. The confusion, fear and lack of safety felt by individuals has a ripple effect in the wider community of their racial or religious group. Communities can feel victimised and vulnerable to further attack.
8. Further, the absence of any Federal offence based on intentional or reckless incitement of racial hatred overlooks the fact that such incitement is almost always the precursor to racially motivated acts of violence, even though the nexus may be difficult to prove to the criminal standard. Those who engage in hate-motivated violent behaviour are liable to criminal prosecution under the existing law. But those who incite them to acts of hatred in the first place by appealing to, and seeking to manipulate, their prejudices, fears and grievances, are at present effectively beyond the reach of the criminal law, if they themselves do not engage in overt acts or threats of violence, or clearly and unambiguously procure others to do so. The 2006 conviction in the UK of the extremist Muslim cleric, Abu Hamza, for racial incitement demonstrates that a workable criminal law against serious vilification is achievable and is effective.
9. The criminal proscription should extend to serious vilification of those *presumed* to have the characteristic giving rise to the proscribed conduct, as is provided for under section 80F of the Criminal Code of Western Australia.
10. The publication, including on the internet, of material which incites, counsels, condones, encourages, praises or urges such acts of violence should be specifically proscribed, and media regulators such as the Australian Communications and Media Authority and the Classification Board should be required under the *Commonwealth Services Act 1992* and

the *Classification (Publications, Films and Computer Games) Act 1995* respectively, to proscribe such material.

Urging violence against groups and against members of groups

11. The Australian Jewish community wholeheartedly supports the introduction of the proposed sections 80.2A and 80.2B to the Criminal Code. We would however suggest some refinements to more accurately achieve the goal of the amendments.
 - 11.1. For abundant caution, we suggest that the reference to “the peace, order and good government of the Commonwealth” in paragraph (1) (d) of both of the proposed new sections be amended to read “the peace, order and good government of the Commonwealth or any part thereof”.
 - 11.2. We observe that proposed section 80.2B addresses the circumstance where a single person is the target, but not where multiple persons who are members of the group are a target. For abundant caution, we suggest that the words “a group (the *targeted group*)” in 80.2A(1) be amended to read “a group (the *targeted group*) or two or more members of the targeted group”.
 - 11.3. It is a grave mistake in our view to make available any of the defences in existing section 80.3 to the new offences set out in proposed sections 80.2A and 80.2B. The defences in section 80.3 were drafted specifically to apply to the existing offences of treason and sedition. Such defences are completely inappropriate in relation to offences based on the urging of violence against groups or members of groups. In our submission, the urging of violence against one’s fellow Australians can never and in no circumstances be regarded as having been done “in good faith” or “for a genuine academic, artistic or scientific purpose or any other genuine purpose in the public interest” or any of the other purposes referred to in proposed subsection 80.3(3). Civil prohibitions against incitement to racial *hatred* commonly allow for these sorts of defences. But such defences are not available in the relevant legislation of the various States in respect of the criminal proscription of incitement to racial hatred, and it would be completely misconceived and inappropriate to make such defences available in the context of the criminal proscription of incitement to racial *violence*. Such defences would merely create an opportunity for persons charged with urging violence against

their fellow Australians to use the ensuing trial, with impunity, as a platform to promote their views and to engage in further incitement of violence. It is therefore our strong recommendation that the defences provided for in section 80.3 be expressly excluded from applying to the new offences set out in proposed sections 80.2A and 80.2B.

- 11.4. Finally, we agree with the recommendation of the ALRC that the Attorney-General's consent not be required before proceedings for an offence against Division 80 commences. Alternatively, the requirements should be maintained in the context of treason offences but not in the context of urging violence against groups and against members of groups.

Narrowing the Treason Offence

12. Relevantly, armed hostilities will often not be against the Australian Defence Force. They will be against Australians, and usually civilians. That is the nature of terrorism in the 21st century. We therefore submit that the words: "*or Australians*" be inserted after the words: "*the Australian Defence Force*" in proposed section 80.1AA(4).
13. In addition, we do not support the proposed amendment to proposed section 80.1AA(2) because the declaration of enemy status in the context of 21st century terrorism often occurs after the terrorist act has occurred, and significantly, after the assistance has been provided. Moreover, if the assistance is provided to an organisation that is a listed and prohibited terrorist organisation, the absence of a declaration of enemy status should not preclude the finding of a contravention.
14. Finally, as is the case with so many other criminal laws, the requirement of intention should be capable of fulfilment by conduct that is reckless as to the provision of the assistance. We submit that the words "intentionally" should be replaced in each case by the words: "*intentionally or recklessly*".
15. One particularly dangerous manifestation of the encouragement of terrorism which has occurred in Australia is the selling of a manual which instructs the reader in suicide bombing techniques. We believe that such activity should be expressly proscribed.

Amendments to the Terrorist Act definition and offences in Division 100 and 101 of the Criminal Code.

16. It is the view of the Australian Jewish community, that to protect society against incitements to terror, the Government should adopt a similar standard to the glorification of terrorism provisions contained in the *Terrorism Act 2006* (UK).
17. It follows that there needs to be a limited offence of Glorification of Terrorism on the model of Sections 1-4 of the UK legislation. At the very least it should be a criminal offence to "advocate the doing of a terrorist act" within the meaning of subsection 9A(2) of the *Classification (Publications, Films and Computer Games) Act 1995*.

Yours sincerely,

P.S. Wertheim
Executive Director
for & on behalf of

Robert M Goot AM SC
President

Executive Council of Australian Jewry Inc.

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MEDIA RELEASE – VICTORIAN BUSHFIRES 10 February 2009

The President of the Executive Council of Australian Jewry, today expressed the shock, sadness and distress of the Australian Jewish Community, at the tragic loss of life, loss of property and suffering that has been inflicted on so many by the ongoing bushfires in Victoria.

Together with other Australians, the Australian Jewish community has rapidly mobilised to provide both practical and spiritual help for the victims of the bushfires that have struck Victorians with such devastating effects.

Executive Council of Australian Jewry president Robert Goot stated today:

“It is impossible to comprehend the magnitude of the disaster that has struck Victorian families, so quickly and with such a brutal impact. Our thoughts are with all those who have suffered losses in this tragedy.

“The courage and fortitude shown by all fire fighters, emergency services workers and ordinary people alike is extraordinary and must be recognised.

“Yet this is not a time for reflection. Rather it is a time to provide practical and spiritual solace and this is what we are requesting of the Australian Jewish community.

There are numerous Jewish organisations in Victoria taking their own initiatives to ensure aid relief reaches those who need it and for that we commend them. However the ECAJ's Victorian affiliate, the JCCV is largely working with Jewish Aid Australia and Magen David Adom.

Magen David Adom is assisting with material aid, including clothing, shoes, toys and linen. However I understand that what is most useful now is donations of money. The JCCV is collaborating with Jewish Aid Australia in this regard. The most effective way of providing such donations is online at: <http://www.jewishaid.org.au/donate-2.html>.

The ECAJ urges all within the Jewish community to dig deep to support our fellow Australians and to join in prayer so that those suffering in this terrible disaster will soon find relief, and that the courageous fire-fighters, emergency service workers and other volunteers will find the strength to continue until it is over.”

For information: Robert Goot 0411 654 625

Australian Attitudes to Jews, Israel and Conflict in the Middle East

Murray Goot

EXECUTIVE SUMMARY

Attitudes to Jews, 1948-1988

- Forty years after the birth of Israel, attitudes to Jews in Australia weren't too bad: Jews weren't particularly liked, but we weren't particularly disliked. This is important. If it means that people were indifferent to whether their fellow citizens were Jews or gentiles this may be no bad thing.
- By 1971, attitudes to Jews were certainly better than they had been at the time of Israel's birth.
- To what extent they have changed in the last twenty years is one of the great unknowns.

Attitudes to Israel, 2003-2009

- In recent years Israel's image and the image of Israelis have been pretty poor; in the various league tables pollsters have constructed, Israel and Israelis are ranked near the bottom.
- Ranked internationally Israel is in bad company. It's ranked variously with Indonesia, Iran, North Korea and Pakistan— countries associated with militant Islam or threats to regional stability.

Attitudes to Israel in relation to the Conflict in the Middle East, 1969-2006

- While it still has the edge over its enemies, in the contest for support in the opinion polls, the gap between Israel and those with whom it is in conflict is narrowing.

One reason why the gap is closing, I suspect, is that the David and Goliath narrative has changed: whereas Israel was once the David and the Arab states Goliath now the non-state actors, or quasi-non-state actors like Hamas and Hezbollah, are the Davids and Israel the Goliath.

Another reason might be that the threats posed by these new actors are not seen as existential threats in the way earlier threats might have been.

(This is one reason why Israel's argument against those who said its use of force against Hamas was 'disproportionate' got nowhere: the argument may have been perfectly sound in international law, but in the court of public opinion it held no sway at all. In common understandings of proportionality, Israel's actions looked disproportionate: much more blood and guts on the Palestinian side of the border than on Israel's).

A third reason for Israel's slide, again related, might have to do with the end of the Cold War:

Israel's enemies can no longer be painted as the cat's paw of the Soviet Union. (Added to this has been the extraordinary unpopularity of the foreign policy pursued in Iraq by Israel's most important ally, the US, under George W. Bush).

- Even in the mid-1970s, when polled opinion favored Israel over the Arabs, respondents overwhelmingly rejected the idea that the Australian Government should support either side.

Caveats

There are a number of things about the respondents these data do not throw much light on, including:

- How interested respondents were in any of the questions
- How strongly felt their views were.
- How robust their views were – whether these would change: (a) if they were asked differently worded questions; (b) if they were given different information; or (c) if they were confronted by counter arguments.

For most of the questions we have no idea whether respondents' views had changed. This is particularly true about their attitudes to Jews, least true about their attitudes to conflicts involving Israel.

We have no idea about the demographic correlates or drivers of most of the opinions respondents ventured.

And we do not know about the way respondents' attitudes interact; in particular, whether views increasingly critical of Israel's actions in the Middle East are influencing respondents' attitudes to Jews.

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ECAJ Statement of Principles about Unions and the Jewish Community – 4 May 2009

The Australian Jewish community, because of its long held commitment to social harmony and inclusion, calls on all employers to treat their workers with respect and decency in these hard economic times and, wherever possible, to keep providing real employment opportunities for them.

The current global economic crisis brings with it the potential for social divisions and a fracturing of civil society, including outbreaks of racism and xenophobia, especially if unemployment continues to rise and there is severe competition for available jobs.

The Australian Jewish community therefore urges all Australians to be vigilant against racist or xenophobic attacks on, or scapegoating of, any sector of our society,

Traditional Jewish religious texts strongly advocate the rights of workers, and firmly support their right to form and join unions. In the 21st century we continue to honour those traditions and to support the right to freedom of association in Australia. See further on labour rights in our tradition:

<http://www.jewishlaborcommittee.org/LaborRightsInTheJewishTradition.pdf>

Many members of the Jewish community are members of their respective trade unions and the Australian Jewish community respects the role and responsibility of Australian Trade Unions to voice concerns that workers be treated with respect and decency and to stand up for the job security of their members.

We believe that both unions and employers have important roles to play in this current global economic crisis – to ensure that Australia's fair go traditions are maintained for all peoples living in our great country and that organisations providing employment for Australians remain strong.

Strong and independent civil society organisations like Trade Unions and a vibrant private and corporate sector are essential elements of a democratic society that respects human rights and the rule of law.

The ECAJ adopts the above Statement of Principles and will promote them to leaders of all organisations representing employers and workers, through the general and Jewish media and on our communal websites.

Robert M Goot AM SC	President, Executive Council of Australian Jewry
Robin Margo SC	President, NSW Jewish Board of Deputies
John Searle	President, Jewish Community Council of Victoria
Dr Keith Shilkin AM	President, Jewish Community Council of Western Australia
Mr Norman Schueler	President, Jewish Community Council of South Australia
Dr Anita Shroot	President, A.C.T. Jewish Community
Daniel Albert	President, Hobart Hebrew Congregation
David Paratz	President, Queensland Jewish Board of Deputies

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Statement of support for Australian trade unions in calling for workers rights in Iran

The Executive Council of Australian Jewry (ECAJ), on behalf of the Australian Jewish community, joins with Australian trade unions in calling upon the government of the Islamic Republic of Iran to cease its persecution and harassment of trade union activists in Iran and to respect basic labour rights - freedom of association; the right to organise; collective bargaining; abolition of forced labour; equality of opportunity and treatment; and other internationally-accepted standards regulating conditions across the entire spectrum of work-related issues.

Iranian labour activists are facing some of the harshest conditions in the world. For merely expressing their opinions and engaging in peaceful organising activities, they are frequently sacked from workplaces, persecuted, kidnapped, jailed, beaten or exiled. Iranian labour leaders, like Mansour Osanlu, Mahmoud Salehi and Ebrahim Madadi, have repeatedly been incarcerated, beaten and deprived of urgent and necessary medical treatment while their health is at great risk.

These three leaders have also been the targets of assassination attempts by Iranian government agents seeking to terrorise and crush the rising progressive labour movement in the country. The assassination attempts on the lives of Iranian labour activists must be condemned forcefully by workers and their organisations and all fair-minded people all over the world.

Although the Islamic Republic of Iran is a member of the International Labour Organization (ILO) and a party to its conventions, the Iranian government systematically represses all independent activities of workers in Iran. The ILO has found that the Islamic Republic of Iran is in violation of the Discrimination (Employment and Occupation) Convention, 1958 (No. C111) because of widespread inequality in access to employment and educational opportunities afforded to members of religious minority groups, including the Baha'i and Jewish communities, who do not enjoy equality of treatment in practice. Discrimination in employment on the basis of religion is especially entrenched with regard to posts within the judiciary system, election to Islamic Labour Councils and access to university education. The ILO has also expressed its "concern with regard to the lack of equality for women in society and at work".

The ECAJ expresses its solidarity with Australian trade unionists and other Australians in calling upon the Australian and other governments and the ILO, to increase pressure on the Iranian government to stop the assassination attempts, persecutions, arrests, threats, violence and other repressive measures against workers and labour activists and to honour Iran's treaty obligations.

Robert Goot AM SC
ECAJ President
23 June 2009

**ADDRESS BY THE PRESIDENT OF THE ECAJ
TO THE ALP NATIONAL CONFERENCE FRINGE EVENT
“PEACE, JUSTICE, RECONCILIATION FOR PALESTINE AND ISRAEL”**

At the outset I would like to say that our hopes and prayers are with the Easson family labour stalwarts, and that Mary Easson a longstanding and ardent supporter of peace in the middle east, will have a speedy and complete recovery from her illness.

Mr Chairman, it is of course a great privilege to participate in this “fringe event”. Now I know what it means to appear “off Broadway”.

I want to congratulate the ALP for holding this event as part of National Conference and to particularly thank Paddy Crumlin and the MUA and Paul Howes and the AWU for sponsoring this important panel discussion.

I want also like to take this opportunity to congratulate Paul and the AWU for being at the forefront of the establishment with others internationally, of TULIP - Trade Unions Linking Israel and Palestine.

TULIP is the very type of practical initiative that can and no doubt will, promote understanding, justice and reconciliation between Israeli and Palestinian workers as a vital part of building peace where it really counts - not only between States and governments, but at the grass roots between the people they represent.

Before I deal with some other practical initiatives for the Australian Labor movement of which I am a proud member, allow me to say something about the prospects for peace.

I do not wish to be polemical, dogmatic or to focus on the past or to lay blame. Rather, I hope that we can express our views in a context of what I understand and expect will be a respectful and temperate exchange of ideas amongst well meaning and concerned supporters of peace, justice and reconciliation for Palestine and Israel.

It is trite to observe that the resolution of the issues involving Israelis and Palestinians is difficult and complex. But without wishing to be overly simplistic, it seems to me that such resolution hinges on one fundamental proposition, viz: a 2 state solution.

That phrase “a 2 state solution” contains 2 notions: a solution; and 2 states. What the world wants, and what Israelis and Palestinians desperately need, is the creation of 2 States as part of a comprehensive peace settlement that will bring about an END to the conflict, and not merely mark the beginning of a new PHASE of the conflict.

That is, there must be universal recognition that the establishment of a Palestinian State will end the conflict and will also end any claims that one side may have on the other that are not dealt with in the terms of the final peace settlement.

The peace treaties between Israel and Egypt and between Israel and Jordan in each case terminated the conflict between the parties. Similarly, a peace settlement between Israel and the Palestinians must terminate the conflict between Israel and the Palestinians and not merely become a springboard for new claims, demands, violence or war. In industrial language well understood here, it must be a “no further claims” agreement. Anything less than that would be a 2-State “NON-solution” that would only guarantee more bloodshed and privation for both peoples.

Let me explain what I mean by “2 states”. I refer to a Jewish state of Israel, that is, a State of the Jewish people, and an adjacent State of Palestine, which is the State of the Palestinian people. This is the essential concept that was adopted by the UN General Assembly in its historic resolution on 29 November 1947, endorsing the partition of the country.

Back in 2003, Israel’s then Prime Minister Ariel Sharon expressly recognised that the Palestinian state will have territorial contiguity and be economically viable. It will most likely consist of the Gaza Strip and about 93% of the West Bank. That part of the West Bank on which the major settlements are located – about 7% of the total area – would be absorbed into Israel and in return Israel would cede part of its pre-1967 territory of equivalent size, to the new State of Palestine.

It goes without saying that within each of the 2 states of Israel and Palestine, the civil and religious rights of members of ethnic and religious minority groups must be recognized and properly protected. In each case, individual members of minority groups must have equal civil, religious and voting rights and equal legal status to individual members of the majority group.

All the rest – borders, Jerusalem, settlements, refugees, security arrangements, international guarantees, water-sharing arrangements and the like, are properly matters for negotiation between the parties. Imposed solutions are problematic because it is hard to make them stick in the long term, even in conflicts where one of the parties has been comprehensively defeated. In the case of the Israel-Palestinian conflict, where there is no comprehensive winner or loser, imposing a solution on either party is not only undesirable but also impossible.

I am optimistic that a 2 state solution is achievable. Indeed recent positive developments especially in the West Bank demonstrate that such confidence is not misplaced. The New York Times and the International Herald Tribune both carried reports in the last month of the growing sense of personal security and economic potential spreading across the west bank as the Palestinian Authority’s security forces move into the second year of consolidating law and order. This is of critical importance. Israel can give the Palestinians land, but it cannot give them statehood. Statehood is something the Palestinians must build and achieve for themselves, although others can and no doubt will, render assistance. The preconditions of State-building are peace, stability and security protected by the rule of law. Only if these pre-conditions are satisfied will a Palestinian economy and civil society be able to function and flourish.

There are encouraging signs that this has started to happen. The IMF is about to release its most upbeat report in years forecasting economic growth of 7% in 2009 in the west bank, while much of the rest of the world has been in recession. Car sales in 2008 doubled over the previous year, new town construction is underway, new businesses have opened, the total number of

checkpoints have been reduced from 43 to 19 and it is now possible for Palestinians to travel from Jenin in the north to Hebron in the south without passing through any check points. Of course this is only a beginning. Further improvements to the economy and to life on the west bank involving the parties and the international community still remain to be made. But the positive trend is unmistakably there, including it must be observed, the drastic reduction in the loss of innocent civilian life.

And it is in that particular context that the Australian Labor Movement ought now to consider practical initiatives to assist the parties and particularly the Palestinians. I have already mentioned the work of TULIP.

Australia and Australians are well placed to offer knowledge, expertise and assistance in a number of key areas of civic improvement to facilitate or enhance the prospects of a viable Palestinian State, whether it be by: assisting workers to develop active and vibrant trade unions; assisting with the development of a legal system to supplement or replace the myriad layers of legal systems that more or less operate in what will become Palestine; providing assistance and advice concerning sustainable farming practices, water conservation, health care, education, sport and in any number of like areas.

The Labor Government has increased its monetary aid and assistance to the Palestinian Authority. The Government, the ALP and the ACTU might now consider getting more directly involved in these critically important nation building activities in an attempt to inspire sorely needed confidence and trust to give the peace when it comes, as I believe it will, a real prospect of succeeding.

Robert M Goot AM SC
30 July 2009



Executive Council of Australian Jewry Inc.

Executive Council of Australian Jewry claims the 60 Minutes “*Hate Thy Neighbour*” program, (broadcast nationally in Australia on Sunday 20 September 2009), lacked accuracy, fairness and balance.

The long-running conflicts between Israel and the Palestinians and between Israel and the wider Arab world are of course matters of wide public concern which are quite properly the subjects of intense media coverage. Palestinian political organisations have made no secret of the fact that they seek to harness that coverage whenever possible in support of their cause as a tactic in their long-term struggle against Israel’s existence. This makes it all the more important for journalists to maintain the highest professional standards when reporting on any aspect of these conflicts.

Regrettably, there were some notable lapses in those standards in the 60 Minutes program “*Hate Thy Neighbour*”, screened in Australia recently.

In order to set the record straight and promote a better understanding of these issues, the ECAJ believes that it is necessary to examine some of the statements contained in the program and contrast them with the easily ascertained facts. Some examples follow.

1. The title of the program “*Hate thy neighbor*” was not justified by anything in the program itself. The fact that Israelis and Palestinians are in conflict, sometimes in violent conflict in which they shoot at and occasionally kill one another, does not mean that all or most of them hate each other. At its heart, the Israel-Palestinian conflict is about

ownership of land, not hatred. In fact the program was notable for its failure to produce a single example of anyone from either side expressing hatred for the other.

No doubt the conflict has produced hatred among some people on both sides, but it is the contest over land rather than hatred itself, that is the central driver of this particular conflict.

2. In fact, Palestinian organisations are engaged in a constant effort to foment hatred against Israel and Jews through racist incitement in the authorised text-books used by Palestinian school-children and in the Palestinian media. If the producers of the program were genuinely interested in exploring the "*Hate thy neighbor*" theme in a fair and comprehensive way, some examination of racist indoctrination by Palestinian institutions would have been essential.
3. The subject of racist incitement was completely omitted from the program, as was the failure of the Palestinian Authority to comply with its commitment under the 2003 Road Map to ensure that "*all official Palestinian institutions end incitement against Israel.*" The Road map requires the Palestinians to meet this commitment "*at the outset of Phase I*", that is before implementation of any Israeli freeze on settlement construction. The Palestinians have never complied with their obligation to "*end incitement against Israel*" and the pre-conditions for a settlement freeze have therefore never been satisfied.
4. The reporter misused his authority as a supposedly objective narrator to say that "*hundreds of thousands of Jewish settlers are moving into the West Bank*". The use of the present tense makes this statement quite misleading. No settlements have been established under Israeli government authority since 1996. Most of the settlements were established in the 1970's and 1980's. Whilst small illegal outposts are set up from time to time, and often demolished by the Israeli government, it is simply false to suggest that the numbers of people now "*moving into the West Bank*" are in the "*hundreds of thousands*".
5. The program's assertion that settlers are "*building new towns on Palestinian land*" is similarly misleading and tendentious. The last major settlement to be established was Modi'in Illit in 1996, a town of about 30,000 people situated immediately adjacent to the pre-1967 Green line. Since 1996, no "*new towns*" have been built. Officially-sanctioned

construction activity has only occurred within the existing perimeters of existing settlements.

6. To refer to the land as "*Palestinian land*" is to pre-judge the outcome of the issue that lies at the heart of the conflict. Neither the UN nor any of its agencies has ever purported to determine which party is the sovereign title-holder to the West Bank. Only the parties themselves, or an international tribunal lawfully exercising its jurisdiction, could determine that question in a way that would be legally binding on all parties. In fact, later in the program the reporter contradicted himself in this regard when he said: "*The UN says this is disputed territory*" and that the conflict over land has continued "*without the question of its ownership ever being resolved*". If the question of ownership has never been resolved, where is the justification in calling it "*Palestinian land*"?
7. "*And if there's ever going to peace in the Middle East, this is one problem that has to be fixed. The settlers will have to move out.*" Not according to all of the blueprints for a final peace settlement that have been put forward both by governments and the parties themselves. The Abu Mazen-Yossi Beilin plan (1995), the Clinton bridging proposals (Taba, January 2001), the Nusseibeh-Ayalon Agreement (September 2002) and the Geneva Accords Draft Final Status Agreement (October 2003), all endorse the concept of a "*land swap*". That is, they all propose that the major settlement blocs which are located close to the pre-1967 Green Line be incorporated into the territory of Israel in return for Israel ceding an equivalent area of its pre-1967 territory to a Palestinian state.
8. In reference to the settlers the reporter said: "*They're obstinate and refuse to budge.*" In fact Israel unilaterally dismantled all settlements in the Gaza Strip in August 2005 and withdrew all settlers and military forces. Instead of advancing the cause of peace, this move led to the forcible takeover of Gaza by Hamas in July 2007. Hamas then rapidly stepped up the smuggling of weapons and munitions into the Gaza Strip and the conversion of the whole area into a base from which it fired hundreds of rockets deliberately aimed at civilian targets in Israel. The opposition of the settlers to another unilateral withdrawal is based on bitter experience, not on obstinacy. Unilateral withdrawal has been tried, and it failed.

9. *"Palestinian Hosni Matrie despises the Jewish settlers who have moved into his town - and the feeling is mutual."* The reporter put words in the mouths of both Mr Matrie and *"the Jewish settlers"*. In the program, none of them voiced any such sentiment.
10. *"Their settlements are in breach of international law"*. Some international law experts believe that the settlements are illegal. Others have a contrary view. In 2004, the International Court of Justice expressed the view that the settlements are illegal, but this too was a non-binding (and much-criticized) legal opinion, not a binding and conclusive determination of the issue. To repeat the reporter's own words: *"The UN says this is disputed territory"*, and the dispute over territory has continued *"without the question of its ownership ever being resolved"*. Until the sovereign title-holder to the territory has been determined in a manner that is legally binding on all parties, dogmatic assertions that the *"settlements are in breach of international law"* are misleading to the extent that they purport to be statements of fact, rather than contested statements of opinion.
11. *"Remarkably, despite the compelling video evidence all charges were dropped and he walked free."* Once again the reporter has purported to act as judge and jury. The statement that *"remarkably, despite the compelling video evidence all charges were dropped and he walked free,"* is not only highly misleading but quite wrong. In fact, the charges were not *"dropped"*. Mr Braude was prosecuted by the Israeli police in the Jerusalem Magistrate's court but was acquitted.
12. *"The fact is, Israeli settlers like Zev Braude have become a law unto themselves. A man who shot three people and was proud of it. Just ask him why he shot three men at point-blank range...without provocation?"* In this segment the reporter once again put words in Mr Braude's mouth and acted as judge and jury. There was absolutely nothing in the program that indicated that Mr Braude even admitted to shooting three people, let alone being *"proud of it"*. And what could possibly be the foundation of the statement that the shooting was *"without provocation"*? Was the reporter there when it happened? He has given one side of this story only, without even attempting to give an alternative account.
13. Indeed, according to Mr Braude's statement to the court, he was out looking for his son and took a short cut near an Arab village. Here is the account given by Mr Braude's attorney as to what happened next:

"As my client was walking down the wadi he noticed the Palestinians approaching him with large stones, so he pulled out his gun and asked that they let him pass. One of the Arabs came close and my client backed away. Then three more Arabs holding large rocks surrounded him, at which point he shot two bullets above the shoulders of two of the Palestinians."

"Then the Palestinians pushed him, threw him to the ground, jumped on him and hurled stones. He was evacuated to the hospital and required 36 stitches on his head."

14. Although the court accepted the police position that Mr Braude's initial act of walking near an Arab village constituted a provocation, Judge Malka Aviv also made the following findings:

"There is no doubt that the events the suspect was allegedly involved in are very severe and are indicative of the tension between the Jewish and Arab residents of the Kiryat Arba and Hebron area."

"The suspect can be seen veering off the trail he was supposed to walk on and confronting the locals face to face. At a certain point the suspect pushes and strikes (the Palestinian)", (referring to the video that documented the incident, part of which was shown on 60 Minutes).

"There are a number of question marks regarding the behavior of the (Palestinians) who were allegedly shot by the suspect, as they can be seen (in the video) getting up and continuing to throw stones at him. In their behavior the Palestinians contributed greatly to the incident's grave consequences."

15. The story featured video of an alleged shooting by Mr Braude. Yet there was no semblance of an attempt to provide his side of the story or the Judge's findings. Instead of presenting all the relevant material to viewers and giving them the opportunity to form their own opinions, the reporter decided both to restrict the material to one side of the story only and to tell the viewers what to think.
16. *"To protect the settlers, Israel controls the movement of Palestinians. To travel from one town to another, there can be humiliating delays at checkpoints. There are hundreds of them"*. This assertion is not only exaggerated it is also now very much out of date. There

were a total of 41 fixed, manned checkpoints. There are now only 14. There is now free passage of vehicles between Ramallah and the villages to the east and west. There are also “flying” (moveable) checkpoints but the number of these has also been dramatically reduced, as has the number of unmanned dirt roadblocks. It was reported in the International Herald Tribune in July that it is now possible for a Palestinian to travel from Jenin (in the north) to Hebron (in the south) without passing through any checkpoints. Additional measures adopted include the opening of 422 crossings east of Qalqilya, to free movement of Palestinian vehicles between Qalqilya and the villages to the east, and the extension of the working hours of many of the remaining key checkpoints. Fifteen hundred permits have been issued to Palestinian public officials, allowing them to pass through the Israeli crossings into Israel. This is a very significant move aimed at improving the quality of life of these individuals, who are the prime movers of the Palestinian economy in the West Bank. The reason for the easing of restrictions is the dramatic improvement in the effectiveness of the Palestinian security forces and in security co-operation between the Israelis and Palestinians in the West Bank since the death of Yasser Arafat. The checkpoints were established in the first place to prevent the entry of suicide bombers from the West Bank into Israel and to prevent them from perpetrating further acts of murder and mayhem among Israeli civilians. The improvement in day-to-day security has had other benefits. According to the IMF, the growth in GDP in the West Bank in 2009 is expected to reach 7% pa, an especially impressive figure when one considers that much of the rest of the world has been in recession. New shops and businesses have been opened and new jobs created for Palestinians in the West Bank who are now far better off than those who live under the rule of Hamas in the Gaza Strip. This is a seldom-reported story that belies the “*Hate Thy Neighbour*” theme of the 60 Minutes program.

17. “By contrast, the Israelis use a network of new highways, built for settlers only.” This is an old fallacy. The highways are there for the use of Israelis (ie Jewish and Arab citizens of Israel) because in the past the old roads were often used by armed Palestinian groups to ambush Israelis who drove along them.
18. “DR MUSTAFA BARGHOUTH: *If I am caught driving on any of these roads, although I am a member of parliament in Palestine, I would be sentenced to six months in jail.*”

REPORTER: Automatically?

DR MUSTAFA BARGHOUTHI: *Automatically.* “

Yet the reporter did not provide a single actual example of a Palestinian who was “*automatically....sentenced to six months in jail*”, simply for using such a road. The fact that Barghouti’s use of emotive expressions like “*cancer*” and “*rape*” to describe the settlers goes unchallenged by the interviewer, highlights the unprofessional and inflammatory nature of this piece of journalism.

19. “*The oppression is sometimes very brutal. Some settlers resort to extreme tactics to protect their homes. So Palestinians are fighting back with - of all things - video cameras. The theory being that the camera doesn't lie.*” Not only are cameras capable of lying, but 60 Minutes’ own footage shows the Palestinians throwing rocks.
20. “*Every day they are using violence against the Palestinians even when we are trying to protest in the most peaceful, non-violent manner.*” Again, 60 Minutes’ own footage shows that the Palestinian protest is anything but “*non-violent*”.
21. This program clearly attempted to use the Braude incident and an interview with Ms Nadia Matar to portray all Israeli settlers as extremists and thereby to demonize an entire sector of Israeli society. Matar is a prominent leader of the right-wing Women in Green group and whether one agrees with her politics or not, she is certainly not representative of the mainstream settler leadership - something that the program conspicuously omitted to mention. Indeed, Mr Bartlett’s aggressive line of questioning with Ms Matar was in stark contrast with “*kid gloves*” treatment in his interview with Hosni Matre and Palestinian official Mustafa Barghouti.

The ECAJ expects journalists in Australia to abide by their Code of Ethics which relevantly provides:

“Report and interpret honestly, striving for accuracy, fairness and disclosure of all essential facts. Do not suppress relevant available facts, or give distorting emphasis. Do your utmost to give a fair opportunity for reply.”

24 September 2009

COPY

3 November 2009

Mr Mark Scott
Managing Director
ABC
700 Harris Street
ULTIMO NSW 2007

By email: patania.mary@abc.net.au

Dear Mark

I enclose a copy of my letter to the Executive Producer of the Q&A Program dated 16 October 2009, to which I have not yet received a reply.

The Jewish community is concerned in respect of the matters raised in that letter and we wish to discuss those matters with you.

I would be most grateful if you could let us know when we might meet with you for that purpose.

With kind regards.

Yours sincerely,

Robert M Goot AM SC
President

16 October 2009

The Executive Producer
Q & A Program
ABC Television
GPOP Box 9994
Sydney NSW 2001

COPY

Dear Sir/Madam

I am writing to you in connection with the Q & A program which, over the last month or so, has been the source of a steady stream of complaints to our body and its constituents from members of our community throughout Australia, who have been distressed at the raw hatred that seems to be conveyed by every audience in every episode whenever the subject of Israel is discussed.

In the program that went to air on 1 October 2009, the following question was directed to guest panelist Christopher Hitchens:

"Why is the international community condemning Iran's nuclear program and not Israel's, when both are equally illegal under international law?" Brodan

The reading of the question was accompanied by cheers and applause from a section of the audience.

The false premise of the question was allowed to *"hang in the air"* without contradiction. Assuming that Israel has nuclear weapons, it has not violated any treaty obligation or any rule of customary international law. So in what sense is Israel's nuclear program *"illegal"*?

Legality is quite a separate issue from questions of policy. Iran on the other hand has unambiguously cheated on its treaty obligations under its 1974 NPT Safeguards Agreement (See the IAEA Board of Governors Res. GOV/2006/14 (4 Feb. 2006)). Egypt, the Saudis, and Gulf States as well as Turkey are now talking about going nuclear. (None of these States was contemplating going nuclear when Israel was the only nuclear power in the region.)

But what detracted from the Q & A program was not just the poor quality of the question. It was the *"cheer squad/lynch mob"* mentality emanating from the audience without any attempt by Tony Jones to keep feelings of ridicule or hatred out of the discussion. We welcome high quality public debate about serious issues. On this occasion the issues being debated are life-and-death issues for both Israelis and Palestinians. It was therefore distressing for many of us to see such a discussion reduced to the level of

name-calling in a primary school playground. The Australian community expects better from the ABC.

Unfortunately, we saw the same unedifying spectacle in the audience reaction to Alexei Sayle's comments on the program on 15 October 2009 after he characterised Israel as a western colonial enterprise (but without naming the alleged "mother country", because there is none). He called for a cultural boycott of Israel. No one objects to audience participation in a real debate. But the whoops and cheers that followed Sayle's comments were simply puerile. Are we being encouraged to assess the merits of serious arguments about life-and-death issues, by way of a crude a popularity contest?

Although both Anthony Albanese MP and Christopher Pyne MP provided principled responses to Sayle's comments, the way in which the audience behaviour was not managed by Tony Jones, and the failure to address what are serious issues in a serious and respectful way on the program, remains entirely unacceptable.

Members of our community have also commented that whenever there are Jewish panelists on Q & A they are never from the mainstream of the Jewish community nor have much knowledge about the major issues of concern to the Jewish community. They either join the "*cheer squad/lynch mob*" in attacking Israel (e.g. Louise Adler), or are only marginally interested in, and therefore unable to provide a well-informed response to, Israel-related issues (eg Sally Warhaft). Can't we have a real debate with people qualified and informed putting the best case for each side, and without the accompanying cheers and boos?

I would welcome the opportunity to discuss these matters with you and Tony Jones in person. I will be overseas next week but please feel free to contact our Executive Director, Peter Wertheim, in my absence on 0408 160 904.

Yours sincerely

Robert Goot AM SC
President

Executive Council of Australian Jewry Inc.

הוועד הפועל של
יהודי אוסטרליה

The Representative Organisation of Australian Jewry

2nd Floor
146 Darlinghurst Road
Darlinghurst NSW 2010
Australia
Tel (+61 2) 9360 1600
Fax (+61 2) 9331 4712
Web www.ecaj.org.au
Email info@ecaj.org.au

PRESIDENT

Robert M. Goot A.M., S.C.

DEPUTY PRESIDENT

Jillian Segal A.M.

HON. TREASURER

Peter Wise

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Peter Wertheim A.M.

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Dr Anita Shroot (ACT)

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Jewish Community Council
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Jewish Community Council of
Western Australia Inc.
Queensland Jewish Board of
Deputies
Jewish Community Council
of South Australia
Hobart Hebrew Congregation
ACT Jewish Community Inc.

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Australian Federation of WIZO
Union of Progressive
Judaism – Australia
Federation of Jewish Aged
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Maccabi Australia Inc.
National Council of Jewish
Women of Australia

OBSERVERS

B'nai B'rith of Australia/NZ
Council of Progressive Rabbis
Federation of Australian Jewish
Ex-Service Associations
Jewish National Fund
New Zealand Jewish Council
Zionist Federation of Australia



MEDIA RELEASE

Dr Toben Sentenced for contempt of Court

The President of the Executive Council of Australian Jewry Robert Goot, today welcomed the decision of Justice Lander given in the Federal Court of Australia in the contempt of court proceedings brought by the ECAJ against Dr Toben.

“As Justice Lander made clear in his Judgment, the Court today vindicated its own authority in sentencing Dr Toben to a term of imprisonment of 3 months”, Mr Goot said.

“It is clear from a reading of the Judgment that the public interest reasons for punishing Dr Toben’s contempt outweigh the ECAJ’s private interest in securing obedience to the Court’s orders and the undertakings previously given by Dr Toben to the Court”, Mr Goot added.

“The Court also reiterated that Dr Toben had a continuing attitude of contumacy to the Court; that his *‘conduct evinces a calculated intention to disobey orders of the Court and undertakings given to the Court for the purpose of bringing the Court into disrepute. He has no respect for this Court or the authority of this Court’*”.

“As the Court observed, the purpose of punishment for contempt in this case is to vindicate the authority of the Court by punishing Dr Toben and at the same time seeking to deter both him and other like-minded people from disobeying orders of the Court”, Mr Goot added.

“It is to be hoped that Dr Toben will heed the views of the Court in the future”, Mr Goot concluded.

13 May 2009

For information: Robert Goot 0411 654 625

Executive Council of Australian Jewry Inc.

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The Representative
Organisation of
Australian Jewry

2nd Floor
146 Darlinghurst Road
Darlinghurst NSW 2010
Australia
Tel (+61 2) 9360 1600
Fax (+61 2) 9331 4712
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Zionist Federation of Australia



MEDIA RELEASE EXECUTIVE COUNCIL OF AUSTRALIAN JEWRY'S ACTION AGAINST TOBEN VINDICATED

Robert M Goot, the President of the Executive Council of Australian Jewry (ECAJ), today welcomed the decision of a Full Court of the Federal Court of Australia, in rejecting the appeal by Dr Toben, against the earlier finding by Justice Lander that he was in contempt of the Court and the sentence of 3 months' imprisonment.

"As the Full Court made clear, Justice Lander in his May 2009 Judgment had vindicated the Court's own authority in sentencing Dr Toben to a term of imprisonment of 3 months", Mr Goot said.

"It is also clear that the public interest reasons for punishing Dr Toben's contempt, outweigh the ECAJ's private interest in securing obedience to the Court's orders and the undertakings previously given by Dr Toben to the Court", Mr Goot added.

"As Justice Spender today emphasized - 'this case was and is about the orders of the court... and obedience to the orders of the court is not optional.'"

"Dr Toben's contempt was contumelious and today the Court described Dr Toben's contempt as 'the most serious' and committed 'in a serial way', Mr Goot said".

"The rejection of the appeal on sentence by the Court, which held that given the seriousness and repetitiveness of the contempt, the sentence was neither 'excessive or unwarranted', is most reassuring", Mr Goot added.

"The ECAJ has been dealing with Dr Toben's outrageous denial that the holocaust occurred and that 6 million Jews were murdered by the Nazis, for 13 years. It is to be hoped that Dr Toben will heed the views of the Court in the future. If he fails to do so, the ECAJ will not hesitate to bring the matter back before the Court", Mr Goot concluded.

13 August 2009

For Information: Robert Goot 0411 654 625

PROPOSAL FOR THE ESTABLISHMENT OF AN ECAJ LEGAL FIGHTING FUND

History

In the late 1940's the Australian Jewish community began to advocate the introduction of laws prohibiting the public incitement of racial hatred. At that time, the late Dr Fanny Reading, founder of the National Council of Jewish Women and Vice President of Youth Aliyah in Australia, failed in a defamation suit against *Smiths Weekly* in the Supreme Court of NSW. A *Smiths Weekly* poster had been displayed on news stands throughout Australia reading: "Australian Jews financing terrorists in Palestine – killing British soldiers". The paper claimed that Youth Aliyah was organising the "financing". The court found that the article did not refer to Dr Reading, either expressly or by necessary implication, and the law did not recognise or provide a remedy for "group defamation".

In 1989, New South Wales introduced the first anti-vilification laws in Australia. The Anti Discrimination Act 1977 (NSW) was amended so as to make it unlawful for a person, by a public act, to incite hatred towards, contempt for, or severe ridicule of, others on the ground of their race. This followed the making of detailed submissions to the then NSW government by the NSW Jewish Board of Deputies advocating the introduction of such a law. The new provisions were enacted with bipartisan support.

The Board of Deputies utilised the new law to make several complaints to the NSW Anti Discrimination Board against newspapers that were alleged to have published material vilifying the Jewish people. The most significant complaint was made in 1992 against the Arabic language newspaper, *An Nahar*. Throughout the 1980's this newspaper had periodically published anti-Jewish articles for which, at the time, no legal redress had been available. The 1992 complaint concerned an article published by *An Nahar* earlier that year affirming a version of the notorious anti-Jewish "blood libel". The complaint was successfully conciliated, with *An Nahar* publishing, in Arabic, a full apology and a corrective article, both drafted by the Board of Deputies.

An article in similar vein published by the Arabic language *Al Moharer al Arabi* was the subject of another complaint by the NSW Jewish Board of Deputies under the Anti Discrimination Act. The complaint was terminated when the newspaper ceased publication.

During the early 1990's most other States in Australia introduced anti-vilification laws. However, these laws were not in uniform terms from State to State, and in some States and Territories no such laws were enacted at all. The Jewish community strongly advocated the introduction of Federal anti-vilification laws to apply throughout Australia. In 1994-5, the ECAJ prepared and delivered to the Federal government a detailed written submission to that effect. In drafting its submission the ECAJ liaised closely with other ethnic communities, most notably the Australian Chinese community, which made its own written submission to similar effect.

In late 1995, the Federal government enacted amendments to the Racial Discrimination Act 1975 (Cth), inserting new provisions, Part IIA, that prohibit public acts that are reasonably likely to offend, insult, humiliate or intimidate others by reason of their race. Complaints concerning conduct that is prohibited by Part IIA may be made to the Human Rights Commission (formerly the Human Rights and Equal Opportunity Commission), and ultimately to the Federal Court of Australia.

Since 1996 the ECAJ has brought a succession of complaints to the Human Rights Commission concerning the publication of anti-Jewish material in newspapers, books and leaflets, in radio broadcasts and on the internet. Some of these complaints have successfully been resolved by conciliation, either informally or through a formal conciliation process in the Human Rights and Equal Opportunity Commission.

For example, in 1997 the ECAJ lodged a formal complaint with the Commission concerning an article published that year by the Arabic language *El Telegraph* which had affirmed the authenticity of the fabricated "Protocols of the Elders of Zion". The complaint was successfully conciliated, with *El Telegraph* publishing, in Arabic, a full apology and a corrective article, both drafted by the ECAJ. Its editor and staff also agreed to undergo counselling about their obligations to identify, and refrain from publishing, racially vilificatory material.

Three complaints, however, were not capable of being resolved through conciliation. The first of these concerned a large volume of stridently antisemitic material published by Fredrick Toben on his "Adelaide Institute" website. The second concerned equally gross antisemitic material published and distributed in the form of leaflets in Launceston, Tasmania, by Olga Scully. The third was against The Bible believers Church based on the far North Coast of New South Wales.

The ECAJ lodged the Scully and Toben complaints with the Human Rights and Equal Opportunity Commission in 1996 and over the next 13 years litigated the complaints through the Commission, the Federal Court of Australia and the Full Court of the Federal Court of Australia. The relevant case citations are:

- Executive Council of Australian Jewry v Olga Scully [1997] HREOCA 59 (21 October 1997)
- Executive Council of Australian Jewry & Anor v Olga Scully & Anor [1998] FCA 66 (13 February 1998)
- Executive Council of Australian Jewry v Olga Scully [2000] HREOC (unreported)
- Executive Council of Australian Jewry v Fredrick Toben [2000] HREOC (unreported)
- Jones v Scully [2001] FCA 879 (13 July 2001)
- Jones v Scully [2002] FCA 1080 (2 September 2002)
- Toben v Jones [2002] FCAFC 158 (21 May 2002)
- Jones v Toben [2002] FCA 1150 (17 September 2002)
- Toben v Jones [2003] FCAFC 137 (27 June 2003)
- Jones v Toben [2009] FCA 354 (16 April 2009) (contempt proceedings)

It can be seen that the proceedings against Scully were concluded in 2002. Olga Scully went into voluntary bankruptcy and ceased her former activities. The Toben proceedings were concluded in 2003 but, in defiance of the orders of the Federal Court, he continued to offend. In 2006, the ECAJ commenced contempt proceedings against him in the Federal Court. On 16 April 2009 the Court found him guilty of 24 counts of contumacious contempt. He is currently awaiting sentencing.

The cases against Bible Believers and One Nation were fought in the Federal Court over three years. The relevant case citations are:

- Jones v Evan [2006] FCA 320 (6 February 2006) (*Matter of One nation Queensland as publisher of The Nation*)
- Jones v The Bible Believers Church & Grigor-Scott [2007] FCA 55 (2 February 2007)
- Grigor-Scott v Jones [2008] FCAFC 14 (28 February 2008)

The need for a legal fighting fund

Jewish community organisations, Federal and State, agitated for the introduction of anti-vilification laws for decades. The Jewish community leaders who spearheaded these efforts included lawyers who volunteered their time to assist in the writing of submissions to, and the lobbying of, government. After these laws were enacted, the ECAJ and the State roof bodies needed lawyers to represent the interests of the Jewish community in its pursuit of those against whom complaints of vilification of Jews had been made.

Whether the Jewish community's complaints of racial vilification have been resolved through conciliation or litigated through various tribunals or courts, the organisations which represent the community have needed lawyers to properly prepare cases and to provide skilled advocacy. Lawyers who have been active in the Jewish community have volunteered their services *pro bono*. In some cases their non-Jewish colleagues have provided substantial assistance, also *pro bono*.

In the first 9 of the 13 cases listed above, one barrister (Stephen Rothman SC, as he then was) and one solicitor (Peter Wertheim) acted for the ECAJ. Several of the cases were appeal cases before the Full Court of the Federal Court. The 8-year period during which these cases were fought coincided with the periods of their respective Presidencies of the NSW Jewish Board of Deputies when they were also immersed in other volunteer work for the Jewish community.

In the remaining cases, the ECAJ has been represented by the following counsel, namely Robin Margo SC (the current President of the NSW Jewish Board of Deputies), Robert Goot SC (before he became President of the ECAJ), Shane Prince and Reg Graycar. The latter two counsel are not members of our community. The instructing solicitor has been Steven Lewis. The Toben contempt case has lasted for 4 years. Several of these cases have also been appeal cases before the Full Court of the Federal Court.

The expectation that these lawyers will continue to act for the ECAJ (or the State roof bodies) in racial vilification cases *pro bono* is neither sustainable nor fair. The

financial burden they have borne in lost time and foregone fees amounts in total to several million dollars. They are not in a position to bear this burden any longer. As the number of community-minded lawyers who are prepared to act *pro bono* diminishes, the pool of committed, experienced lawyers who are available to replace them on a *pro bono* basis also diminishes. As a community, Australian Jewry is neither destitute nor disadvantaged in comparison to the wider community. It can and should pay its way.

The establishment of a legal fighting fund would expand the pool of suitable lawyers available to act for the ECAJ, even if they acted at less than their ordinary commercial rates. Any financial burden in lost time and foregone fees would be much less significant than has hitherto been the case and could be spread across a larger number of lawyers.

It is recommended that the fighting fund have a float of \$250,000.00, which is an approximation of the legal costs that an applicant conducting a contested application in the Federal Court of Australia for relief pursuant to Part IIA of the Racial Discrimination Act can currently expect to incur. The adequacy of this sum should be reviewed by the Committee of Management every two years.

Purpose of the Fund

1. Subject to paragraph 2, the Fund may be used solely for the payment of legal fees and expenses reasonably incurred by the ECAJ in the prosecution of racial vilification complaints in the Human Rights Commission or in any Australian court or in obtaining professional legal advice about the merits of a prospective complaint, where:
 - (i) "legal fees" means counsel's fees and solicitors' fees;
 - (ii) "expenses" includes court fees, process servers' fees, bulk copying charges, the cost of title and other searches and travelling and accommodation expenses incurred by the ECAJ's lawyers and witnesses; and
 - (iii) "racial vilification complaints" means complaints under Part IIA of the Racial Discrimination Act 1975 (Cth) concerning acts directed, or allegedly directed, against the Jewish people or Jews as a group, and "prospective complaint" means a possible such complaint.
2. The Fund may be used to provide funding for the legal representation of a party in litigation that does not meet one or more of the criteria in paragraph 1 if but only if:
 - (i) the ECAJ Committee of Management formally resolves that the provision of such funding is necessary to prevent or remedy harm to the Australian Jewish community caused by actual or threatened vilification of Jews as a group; and
 - (ii) the resolution is passed by a majority of not less than two-thirds of the total number of members of the Committee of Management.

Inclusion on ECAJ Legal Panel and agreed fee rates

Any lawyer (whether a solicitor or a barrister) having not less than 10 years full-time experience practising as a lawyer may be included on the ECAJ legal panel but only by ordinary resolution of the ECAJ Committee of Management and only if the lawyer and the ECAJ enter into a formal retainer pursuant to which the lawyer's fees are fixed at the agreed rate. For the year commencing 1 July 2009, the agreed rate (excluding GST) is:

For a solicitor or junior counsel each of not less than 10 years standing:	\$400 per hour but not more than \$3,200 per day
For senior counsel	\$700 per hour but not more than \$5,600 per day

The ECAJ will review the agreed rate annually with effect from 1 July 2010 and from 1 July each year thereafter. Lawyers must render itemised tax invoices for their work to the ECAJ every three months.

Any lawyer willing to be included on the ECAJ legal panel who is also a member of the Committee of Management must exclude himself or herself from any meeting of the Committee of Management at which the question of that lawyer's inclusion on the panel is to be decided.

Proposed DGR Status of Fund

The ECAJ should explore the possibility of amending the ECAJ Constitution in accordance with this proposal so as to establish the proposed Legal Fighting Fund formally as a separate harm prevention fund of the ECAJ and applying to the Australian Tax Office to recognise the Fund as having DGR status.

Amendment

The foregoing provisions concerning the Purpose of the Fund, and these provisions concerning Amendment, may only be amended by a resolution passed by a majority of not less than two-thirds of the total number of members of the Committee of Management. The provisions concerning Inclusion on the ECAJ Legal Panel and agreed fee rates may be amended by an ordinary resolution of the Committee of Management.

Peter Wertheim
30 April 2009

Executive Council of Australian Jewry Inc.

הוועד הפועל של
יהודי אוסטרליה

The Representative
Organisation of
Australian Jewry

2nd Floor
146 Darlinghurst Road
Darlinghurst NSW 2010
Australia
Tel (+61 2) 9360 1600
Fax (+61 2) 9331 4712
Web www.ecaj.org.au
Email info@ecaj.org.au

PRESIDENT

Robert M. Goot A.M., S.C.

DEPUTY PRESIDENT

Jillian Segal A.M.

HON. TREASURER

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HON. SECRETARY

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Norman Schueler (SA)
David Paratz (QLD)
Daniel Albert (TAS)
Dr Anita Shroot (ACT)

CONSTITUENTS

New South Wales Jewish
Board of Deputies
Jewish Community Council
of Victoria Inc.
Jewish Community Council of
Western Australia Inc.
Queensland Jewish Board of
Deputies
Jewish Community Council
of South Australia
Hobart Hebrew Congregation
ACT Jewish Community Inc.

AFFILIATES

Australasian Union of
Jewish Students
Australian Federation of WIZO
Union of Progressive
Judaism – Australia
Federation of Jewish Aged
and Community Organisations
Maccabi Australia Inc.
National Council of Jewish
Women of Australia

OBSERVERS

B'nai B'rith of Australia/NZ
Council of Progressive Rabbis
Federation of Australian Jewish
Ex-Service Associations
Jewish National Fund
New Zealand Jewish Council
Zionist Federation of Australia



MEDIA RELEASE

RELIGIOUS PROGRAMMING ON THE ABC

12 February 2009

On Friday 6 February 2009 representatives of the Uniting Church, the National Council of Churches in Australia, the Australian Catholic Bishop's Conference, the Executive Council of Australian Jewry and the Anglican General Synod, met with Mark Scott the Managing Director of the ABC, to discuss religious broadcasts on the ABC.

The faith leaders requested that:

1. the ABC maintain a religious program unit, with appropriate staff, editorial and budget resources;
2. there be a return to the broadcast schedule of a dedicated religious current affairs program along the lines of The Religion Report under the editorial control of the religion unit; and
3. specialist religious journalists continue to be employed and supported by the ABC.

Mr Scott told the faith leaders that the ABC had no plans to scrap the religion unit or to scrap specialisation in reporting, but that it proposed to continue to modify programmes, noting that in the past the Religion Report has been removed from the broadcasting schedule and brought back when appropriate.

He noted that in addition to other programming slots, religion will feature in Background Briefing which will reach a broader audience and allow for in-depth reporting. He also referred to the ABC's plans for future specialisation which will manifest itself in different ways, such as a portal on religion (archival records, research, old programs, transcripts) and program choices, looking at the best way to use all available time slots.

Mr Scott assured the faith leaders that the effects of the religious programming decisions made late last year are being considered within the review of radio currently underway. The appointment of a new head of radio in mid-2009 will be of significance to the review. The review will provide scope to better articulate questions on specialities, digital media and rural broadcasting.

The faith leaders and Mr Scott agreed that 2009 will provide a suitable period to monitor and review the impact of the recent changes which will remain on the ABC's agenda and that the

concerns expressed could be discussed further after that monitoring period.

Contacts for further comment:

Anglican - Martin Drevikovsky, contact via Darrin Davies 07 3835 2210 or 0420 970 605

Catholic - Fr Brian Lucas, 0419 243 959

Jewish - Robert Goot, 02 9360 1600

Uniting - Rev. Gregor Henderson, contact via Penny Monger 0417 416 674

ACT Jewish Community President's Report AGM September 30th 2009

At the end of my second year as President I have taken stock of what the Community has achieved and the goals that are a priority for the coming year. The membership has grown to around 400 individuals, with many others associated but not members. The JCA, our major sponsor, without which our Community would struggle to operate, is urging us to produce a 5 year plan. They are encouraging the use of existing resources in Sydney rather than duplicating in the current economic climate. By following this advice, two sectors of our Community have benefited with extra grants, the Cheder, through the BPJE, and the Young Adult Network Group, through the Shalom Institute. An initial meeting with the JCA Capital appeals Chairman has been arranged for November in order to gain support for an extension and further refurbishment of our building. We thank the JCA for their continual support and my Vice-President, Bill Arnold, who represents us on the Board of Governors.

The Executive Council of Australia Jewry (ECAJ) has had a busy year lobbying governments. A permanent office has recently opened in Sydney with Peter Wertheim being appointed as Executive Director for a 2 year term. This will raise the profile of the ECAJ to a highly professional and efficient body.

In our own Community, Dr Robert Lewin visits from Sydney to perform Brith Milah. Veronica Leydman, who convenes our Playgroup, has identified 40 local families who have children under 6. A dedicated play area may attract more families to join the Community. Thank you to Veronica, and Sivan & Offira who have organised craft activities prior to Chagim.

The biggest success story of the year is the Cheder. Twenty six primary aged children are enrolled with a large proportion attending regularly. Attendance has stayed static throughout the year. The well-structured curriculum has been welcomed by the parents and children. A class for Hebrew speakers will begin next term in an effort to attract more Israeli families. Thank you to Sarah Weisman, principal, Veronica Leydman, Tessa Forshaw, Elyse Waks and Lily Dixon.

Meir Rosenberg and David Rosalky have been teaching Barmitzvah and Kim Rubenstein has started a Batmitzvah programme for a number of girls.

Adult education has been a weak point in the education programme. The visit by Professor Steven Katz, Melton scholar in residence, was a highlight. There has been a demand for Hebrew classes at all levels. We hope to employ suitable Ivrit teachers next year. A weekly Talmud Shiur takes place. Recently, the group has finished the first book of Tractate Berachos.

Youth Group led by Dane Mair & Tessa Forshaw have been supported by Hineni & Netzer with several children attending summer & winter camps.

Raffi Lehrer & Harry Opperman have given classes in Judaism to a large number of visiting schools. They have promoted knowledge & understanding of Judaism to both private & government schools throughout the ACT & region. Talks on Judaism have also been given by Raffi to U3A.

Our Centre has hosted visiting interstate Jewish Schools and National AUJS for their annual Political Seminar. Canberra AUJS, headed by Tessa Forshaw, has identified 85 Jewish students between ANU and University of Canberra campuses. It is the Community's duty to engage with these students, many from interstate, to ensure continuity.

With an increasing number of young Jewish adults moving to Canberra for employment, Network, convened by Sharon Benporath, is an essential meeting point. Support from Sydney Network Group has enabled Sharon to involve almost 100 young adults.

Our seniors groups, convened by Ben Selinger and Pam Fein, are well attended and enjoyed by all, as is the monthly lunch n' lecture which is run by Miriam Gellibrand of Jewish Care. Refer to reports from groups.

Jewish Care would like to provide more services but due to part of our membership aging and too few volunteers it has become necessary to seek the employment of a professional Jewish Care worker.

The Historical & Genealogical Societies have had a busy year with the inaugural conference of the Australasian Jewish Genealogical Society being held in our Centre last October. The retrospectives in Hamerkaz by Ben Selinger are nostalgic for our older members and informative for our newer members. Sylvia Deutsch, as well as chairing the Historical society, has resurrected the Library Committee which will hopefully move forward with reorganisation in the New Year. It has an offer of assistance from the Makor Library in Melbourne. NCJWA continues to support our Community running film shows and other activities.

We have had a host of interesting speakers, many of whom have been visiting Canberra, including overseas guests. We thank the Israeli Embassy for including our Community in the busy schedule of Israelis on official visits. The Community's relationship with the Embassy is excellent and we thank the ambassador, Yuval Rotem, and his staff.

Thanks To Ben and Veronica Selinger for increasing the principle of the Hollander Selinger prize and offering an opportunity for rewarding young achievers in the Community.

I thank the Kievit family. Olga produces the membership cards and Marcel looks after the grounds. Our handyman, Lionel, not only keeps the building clean but has also completed numerous maintenance jobs throughout the year. Thank you!

The renovations, project managed by Adele Rosalky, continued with painting of the foyer, upstairs kitchen & hall, and new heaters. Bringing the building up to compliance with fire safety has begun and should be completed within the next few months. Thanks to Ilya Leydman and Raffi Lehrer who have been looking after the building as well as installing a new camera system for security. Ilya also services and upgrades our computers and other technical equipment.

Thanks to Jerzy Jagiello who retired as Security convenor during the year. Danny Burrows is now in charge of Security and Peter Neeson is organising the roster. As always, more volunteers are required.

The religious services have been well attended with both Progressive and Orthodox congregations hosting visiting Rabbis over the last year. For further details on services refer to congregational reports. A weekly Kiddush organised by Veronica Leydman and an increasing number of sponsored Kiddushim and Shabbat Lunches have added to the popularity of services. Thanks to Vernon Kronenberg for sponsoring the Kiddushim wine throughout the year and to all who have helped with sponsorship and catering. Also thanks to Sacha Weisman our professional kosher caterer who donates many scrumptious dishes. Recently, with the help of Sarah Zelig and her committee, a large variety of kosher products including meat has been introduced to Manuka Coles.

Chagim have been celebrated with family oriented events organised by Jo Dixon and her team and the communal seder was organised by Veronica Leydman

A Chabad House was opened in Giralang in December with plans being submitted for the building of a Mikvah in the near future.

The Centre has welcomed local church groups, local Muslims and visitors from Indonesia as well as being on the itinerary of the Multicultural Bus during the Canberra Multicultural Festival. Bill, Pam, George and I are kept busy with interfaith commitments throughout the year, including Christian Jewish Dialogue group and IFFACT, who are planting an interfaith garden adjacent to the Hospice. We hosted a large interfaith gathering in August with the three Abrahamic Faiths committing to continual dialogue. I will be attending the World Parliament of Religion in Melbourne in December.

With a busy schedule to communicate to our members, regular email Grapevines and our new Facebook social networking are invaluable. Thank you to Miri and Tania B. The monthly Hamerkaz, edited by Rebecca Burrows & Dane Mair, continues to be an excellent publication. Due to the increasing expense of printing the Board has discussed online options. Unfortunately, our website is in need of webmaster.

My thanks to my hard working executive, Bill Arnold, George Rothman & Sharon Polishuk, and the Board of Management, Sharon Benporath, Rebecca Burrows, Dane Mair, Peter Wise, Sarah Zelig, Michael Zuckerman. Also thanks to Allan Doobov who has facilitated grant applications. Last, but by no means least, Toda Raba to our Executive Secretary, Miri Barhen, who has worked tirelessly over the last year with a smile on her face. I urge the membership to help Miri when needed as her work load is increasing. Having an Ivrit speaker in the office has encouraged a larger proportion of Israelis in Canberra to be involved. The membership has been incredibly active this past year. I thank everyone who has been actively involved and not been mentioned individually I hope your enthusiasm to work for our growing Community continues.

Anita Shroot
President

30th September, 2009 (12th Tishri, 5770)

Life Cycle Events

Births To Amanda and Ian Zarkon a girl Emmiline
To Kafir and Michal Beker a girl Gali
To Yael and Lior Rosenberg a boy Itai
To Dan and Naomi Avital a girl Chaya
To Danny and Rebecca Burrow a boy Jacob

New Grandchildren....To Veronica and Ben Selinger
To Shuly and Eli Yerushalmi
To Ruth and Clive Landau
To Vicki and Raffi Lehrer
...To Val and Len Leitch
...To Helen and Wally Blumenfeld
.
...To Peggy and David Gould

Barmitzvah Shir Maron

Engagement....Howard Shroot to Gila Levy

Marriage.....Ari Doobov to Dalia Black

Deaths.....Yael Hartstein
Ania Glickson
Abigail (Markam)
Hedi Spooner
Tony Kestenbaum

THE HOBART HEBREW CONGREGATION INC

2009 ANNUAL REPORT

A major threat to the Tasmanian Jewish community emerged during the year in the form of a review of the law on male circumcision by the Tasmanian Law Reform Institute. The Tasmanian Commissioner for children “suggested” the matter to the Institute for review. The Commissioner wants male circumcision on babies, for religious reasons, banned in Tasmania. The Institute is not a government institution, but was established “by agreement between the State Government”. It is an institution within the University of Tasmania. The Institute did consult with the Jewish Community in the preparation of its discussion paper, which has now been released. A submission has also been made in response to the discussion paper. The deadline for responses to the discussion paper has passed. We are now waiting on the Institute's recommendations.

Another threat to emerge during the year is the apparent inability of a senior educationalist to understand that it is unacceptable to use hate symbols, in this instance, the swastika, as a fashion statement. It would have been expected that a principal of a senior secondary college (large schools for year 11 and 12 students) would understand that it is offensive to not only Jews, but others who suffered or had family or friends suffer at the hands of the Nazis, to use swastika as part of the dress for a fashion show. The principal's justification that it was okay because the fashion show was publicising the school play ‘Cabaret’ and rather attempted to lay the blame on a local newspaper, because they “chose to focus” on it (published a photo of the outfit with the swastika). This showed a complete lack of understanding of the revulsion of many to the use of hate symbols as fashion statements. It is all the more worrying that this comes from someone who teaches the next generation the norms and acceptability of society. The Minister of Education was approached and asked to develop a set of guidelines on the use of hate symbols in government education institutions. At the time of writing this report, we are still waiting for a response from the government.

On a more positive note the general press and most of the Tasmanian public has failed to buy into the anti-Israel, Anti-Semitic views of the United Nations and there has been virtually no press coverage or comment on the Goldstone report. In fact, at present in Tasmania, anti-Semitism appears at a low ebb.

There is an active and vibrant Jewish community in Tasmania. Present leaders of the community have a responsibility not only to deal with the present, but ensure the future. And here is our dilemma. Tasmania is part of regional Australia we suffer not only from the nationwide issue of aging membership, but the constant drain of Jews to metropolitan Australia. While Tasmanian membership numbers remain constant, there are indications of a decline in attendance at services and active participation in community life, due to the aging of the membership. This constitutes a threat to the community if active numbers fall below the critical mass needed to maintain a vibrant community in Tasmania. Given the small numbers in Tasmania, there is a realistic possibility of this happening in the future.

Daniel Albert
President Hobart Hebrew Congregation

REPORT OF THE JEWISH COMMUNITY COUNCIL OF VICTORIA

INTRODUCTION

In assuming the presidency in November 2008 I found the JCCV in excellent shape thanks largely to the wonderful work of my predecessor Anton Block together with his outgoing executive and the JCCV professional staff. Their combined dedication and hard work meant I took over at a time when the JCCV enjoyed a higher level of standing, respect and success both in our own and the wider community than it had for some time.

Building on this solid foundation, I came to office with views on areas where I felt the JCCV could be of greater service to our community. These included the need to provide further leadership training to both our lay leaders and professional staff; issues relating to our youth; the affordability of Jewish school fees; the question of bringing in disaffected members of our community; and also the need for greater cooperation between communal organisations to avoid waste of resources. At the time of my assuming the presidency of the JCCV we were already seeking to establish a communal appeal and this work is continuing.

I am delighted to say that as I near completion of my first year of office we have had made significant progress in tackling most of these issues both directly and tangentially.

My involvement with the ECAJ has been both enjoyable and fulfilling. Under the leadership of Robert Goot AM SC, the ECAJ has served the Australian Jewish community well in representing its views on significant issues to government, government instrumentalities (including policing bodies), the media and in other forums. My congratulations go to Robert and his team for the achievements of the past year.

There are numerous matters that have occupied my attention since last November, some continuing and others one off. Below I elaborate on some of the more outstanding ones, in no particular order of importance.

THE WILLIAM COOPER FUNCTION

In an event conceived by the Jewish Community Council of Victoria, Victoria's Jewish, Indigenous and other communities paid homage to Aboriginal leader William Cooper on the 70th anniversary of his stand against the mistreatment of German Jewry.

On 2 December 2008 at Queen's Hall at Victoria's Parliament house before Premier John Brumby, Federal Indigenous Affairs minister Jenny Macklin and Israel's ambassador Yuval Rotem, various communal dignitaries and others honoured the moral courage of Cooper, a founder of the Australian Aborigines' League and one of the most important Indigenous leaders in modern Australian history.

As I stated at that time, "What made arranging this commemoration so compelling is the powerful symbolism of a man whose people had no rights in their own country standing up for the rights of another ancient people. The Jews too had been deprived of their ancestral home. Forced to wander to new lands, their vulnerability permitted further mistreatment, including loss of citizenship. The beauty of Cooper's act was his ability to transcend his own people's misfortune and not only identify with those of another, but actually do something about it. His action was truly a light unto the nations."

This event early in my presidency received considerable public attention and comment, resulting in very positive relationships with a wide range of influential individuals and organisations.

TRIBUTE TO GREGORY SHER

It was with a heavy heart that I represented the organised Victorian Jewish community in paying tribute to Private Greg Sher, a Jewish Australian soldier who was tragically killed in Afghanistan on 4 January 2009. Greg had for a number of years been a valued member of the Community Security Group. Our thoughts were then and are still with his family and partner.

RESPONSE TO BUSHFIRES

As most Australians know, Victoria suffered devastating bushfires at the beginning of the year. The response from the Victorian Jewish community to these horrific events was extraordinary. Many organisations and individuals developed or joined aid efforts of varying descriptions.

As part of this communal effort, the JCCV played a significant role in liaison, coordination and publicizing of relief activities. Prayer services were also held in conjunction with both the Orthodox and Progressive branches of our community. The JCCV is now involved in the State Government's preparation for this coming summer.

IMPACT OF HOSTILITIES IN GAZA

There is no doubt that the war in Gaza had a significant impact on our community. Indeed some of the aftershocks are still being felt, particularly in the area of interfaith activities.

Much time was spent in dealing with the impacts of the war upon our community. In this context, the JCCV dealt with the media, in addressing community concerns, and liaising with policing authorities in regard to security issues. We were instrumental in the organisation of the rally to support Israel that was held on the steps of Parliament House on Sunday 4 January 2009. The level of cooperation between the JCCV and the ZCV was excellent (and continues to be so).

MEDIA ISSUES

The manner in which The Age newspaper reported the war in Gaza caused concern about the resultant increase in antisemitic activities. Accordingly the JCCV together with the ZCV met with a representative of The Age to discuss issues of bias against Israel which had spun off into local antisemitism.

On Saturday 17 January 2009 The Age published an article by Michael Backman. It was regarded as a slur on the Jewish community and caused widespread outrage. JCCV vice-president Daniel Aghion together with Sam Tatarka (ZCV) and Deborah Stone (ADC) met with The Age editor Paul Ramadge to discuss the issues. Ramadge advised that the piece had been published in error and that he wished to maintain a close relationship with the Jewish community. Backman was suspended and an apology was published. An offer of cultural sensitivity training for Age staff was made to Ramadge, but has not as yet been taken up.

We continued our dialogue with The Age and we were given excellent coverage over the Khatami visit to Australia including publication of an opinion piece. However we were concerned when The Age subsequently reported (23 July 2009) a road accident in which a visiting elderly Orthodox Jew was killed; an obscure link was drawn to an alleged scandal involving the principal at the Adass school. We wrote to Ramadge seeking an explanation, received an entirely unsatisfactory response and have now lodged a complaint with the Australian Press Council.

Ramadge is shortly due to address a combined JCCV/ZCV meeting where undoubtedly these issues will be canvassed.

As an aside I am pleased to say that the JCCV is now regularly called upon by other media representatives to comment on issues that affect our community and we are generally given a good run.

INTERFAITH ISSUES

The war in Gaza clearly had an impact upon interfaith relations. There were several large pro-Palestinian demonstrations in the City of Melbourne that were attended by Muslim and Christian clergy. Unfortunately, there was a significant amount of conduct that could be described as antisemitic, in particular offensively worded placards. As a result, the JCCV together with the ZCV made joint representations to parliamentarians and police in relation to strict enforcement of the relevant legislation.

In this context, I was delighted to see the recent announcement by the Attorney General concerning the proposed amendments to the Sentencing Act. These amendments will require a sentencing court to increase a penalty if it is shown that an offence was motivated by bias against a particular minority group. I regard this as a positive step but we shall continue to push for further legislative reform as deemed necessary and further changes to the way in which Victoria Police deal with racist attacks. In this regard we are continuing to hold productive meetings with members of Parliament on both sides. We are also forging strong links with other communities so that joint representations can be put to government and Victoria Police.

There are now a range of views regarding the value of interfaith dialogue within our community. Accordingly, the JCCV organised a number of symposiums of Jewish community representatives currently involved in interfaith dialogue in order to assess the ongoing nature and extent of such activity.

These symposiums were most successful and we have almost completed a paper that will then be released to the community as a set of suggested guidelines for the conduct of interfaith activities. We believe that this process has provided a better understanding of interfaith activity in our community and will allow us to develop a more coordinated and strategic approach to dialogue.

We have had a very successful Jewish community/Catholic community dinner and meetings have also been held between our Executive and the Executives of the Baha'i, Buddhist and Hindu communities. We are also to shortly hold the Jewish Community/Anglican Community dinner.

It should also be mentioned that the JCCV is represented on a variety of interfaith and interethnic bodies and its contribution to communal harmony is well recognised.

THE VICTORIAN JEWISH COMMUNAL APPEAL

The establishment of a VJCA has long been debated by the Victorian Jewish community. It has been the JCCV's view that it is long overdue, not only as a body that will avoid duplication and the waste of resources, but even more importantly as a professional planning group that will have an overview of the community's needs and take it into the future.

To this end, a working party was established (and remains chaired) by Anton Block in early 2008. It is important to understand that while this is a JCCV initiative, members were chosen solely for their skills and their potential contribution, not by virtue of any relationship to the JCCV. If and when a VJCA is created, it will be totally and transparently independent of all other community bodies and the JCCV will be merely one of its clients.

The process has been long and at times difficult, but great progress has been made. Nonetheless it is fair to say that the VJCA has now reached a make or break point and current discussions taking place will determine its future.

RELATIONS WITH VICTORIA POLICE

Generally, we continue to enjoy excellent relations with Victoria Police at all levels. We have made submissions to the police in relation to their 'Lexicon of Terror' project and explained why we do not agree with the proposal. We have also raised the need for better and different forms of reporting of antisemitic incidents and have taken urgent steps to ensure that all incidents are reported to the police. In this way we are seeking to ensure that the JCCV or other appropriate community organisation can report incidents to the police without the need for a victim statement/report.

The annual Victoria Police/Jewish Community dinner was held on 1 July 2009 and was a highly successful event.

It is also noteworthy that the JCCV is represented on a number of Victoria Police committees and is well regarded at the highest levels.

HATE CRIMES

The JCCV has long sought the establishment of a Hate/Identity motivated Crimes unit in discussions with the Government and Victoria Police. It is fair to say that we have taken the lead on this with the support of the Ethnic Communities Council of Victoria and a number of other minority communities. I am optimistic that Victoria Police will shortly announce the establishment of a so-called Bias Unit which will be a step in the right direction.

FUNCTIONS AND MEETINGS ATTENDED

The office of President involves attending a great number of functions and meetings on behalf of the community. Space precludes listing all of these. Suffice it to say that I have sought to cast my net as widely as possible, both within the Jewish community and outside of it. I believe it is essential that the President be both recognisable and available and I am confident that I have succeeded in this regard. Consequently I think it fair to say that the hearing given to the Victorian Jewish community by Government, academia, the media and other important and influential bodies and individuals has increased markedly during the past year.

YOUTH AND ALCOHOL ABUSE

The issue of youth alcohol consumption continues to be a problem faced by our community. Our social justice committee is working on this matter and we are receiving input from Victoria Police, representatives from Community Services, health professionals and other experts in the area as we continue to develop a strategy to deal with this important community issue.

Recently the JCCV received a \$20,000 grant for a community education program. We have commenced a campaign to raise awareness of the issue and the need for measures to be implemented on a community wide basis to deal with the problem. We are working with a number of community partners including representatives of the Rabbinical Council of Victoria, Hatzolah, Jewish Care and the Taskforce Against Domestic Violence.

We have received excellent coverage in the Australian Jewish News in relation to this matter and intend to develop substantial strategies to deal with the issue for the community's benefit.

RELATIONSHIPS WITH POLITICIANS

We have established and consolidated strong relationships with the Government and Opposition, the Lord Mayor of Melbourne and with local councillors through regular individual and group meetings. The latter include lunches and an annual cocktail party, held in conjunction with the ZCV. These provide excellent opportunities for informally getting the community's views heard. At one lunch, for example, we raised concerns re increased antisemitism and possible breaches of the racial vilification legislation. Follow up meetings were held as result which had a strong influence upon the Attorney General's decision to amend the Sentencing Act.

AUTOMATION OF TRAFFIC LIGHTS ON YOM TOV

Following a jaywalking charge laid against an Orthodox woman on a Yomtov, the JCCV undertook negotiations with Vicroads, councils and Victoria Police to have the traffic lights within the heavily Jewish populated areas switched to automatic 'green man' cycle on Shabbats and festivals. This has alleviated the problem for religious members of our community who cannot press the buttons on those days.

FUNCTIONS

The JCCV holds a number of ceremonial activities during the course of the year.

The Yom Hashoah commemoration was well attended as always and professionally presented. The feedback has once again been excellent and the organising committee and all those associated with the evening are to be congratulated.

Chanukah in the City was also an outstanding event that was attended by many thousands of people. It is a great opportunity for our community to engage in some positive PR.

The JCCV also has an annual event where we present awards in recognition of the vital role volunteers play in our community organisations. Last year's winner of the chief award was Rabbi Dr John Levi AM. We are currently planning and looking forward to another excellent evening in November.

JCCV COMMUNITY LEADERSHIP TRAINING

The JCCV has received funding from the Victorian Multicultural Commission and the Gandel Foundation to provide training for community professionals and committee members. This is being undertaken in conjunction with the Australian Centre for Jewish Civilisation at Monash University. We recently ran the first units, in fundraising and project management, which were well attended and received. In November we will provide our initial course on governance, targeted at Presidents and committee members of community organisations and Executive Directors/CEOs.

TAX DEDUCTABILITY

We have received DGR status for our cultural fund which is already proving to be of enormous benefit for us.

RELEASE OF GEN08 SURVEY KEY FINDINGS

The Markus Report (Australian Centre for Jewish Civilisation) released in July included some of the following key findings:

- Population (based on 2006 census) 60,080
- 1.2% of Victoria's population
- An increase from 2001 of 8.3% (4,630)
- Victoria has 46.3% of Australia's Jewish population
- 75% of our population live in 3 neighbouring Local Government Areas, Glen Eira (53.6%), Stonnington (11%) and Port Phillip (9.5%).
- We have a higher than general proportion in the older age groups.(47% aged 45 plus)
- Gender distribution is female 51.7%, male 48.3%
- A declining percentage of our community is born overseas
- There is a continuing decline in marriages where both partners are Jewish; in the younger age group (25-34), almost 40% of marriages involve one partner who is not Jewish
- In primary school, 70.1% attend a private school
- In secondary school, 78.8% attend a private school

These and other findings have important implications and will help determine the directions we take into the foreseeable future. Professor Markus and his team deserve the thanks of the Australian Jewish community.

COUNCIL FOR JEWISH EDUCATION IN SCHOOLS

The JCCV is having discussions with UJEB, the current administrator of the CJES, about taking over this role.

WEBSITE

Our web site has not yet reached its full potential as a window into the JCCV and activities for the community. In this regard, I am intending that significant improvements will be made to the web site by the end of 2009, including full reports and photographs of all JCCV functions, copies of all speeches and media releases, details of plenum meetings, brief blurbs about our other activities together with other relevant material. The site will be interactive enabling community comments.

The JCCV has also received a grant of \$15,000 from the Victorian Multicultural Commission to set up a website aimed at Jewish tourists. This will operate from the same platform as our own website.

APPEAL

Our annual appeal ran satisfactorily with donations still coming in on a daily basis. I estimate that we will reach a similar total to last year's appeal, namely \$60,000.

COUNCIL FOR JEWISH COMMUNITY SECURITY

The Community Security Group and Caulfield Hebrew Congregation have been approved for this scheme. South Caulfield Hebrew Congregation has submitted an application for approval which I expect will be granted shortly.

The JCCV is encouraging all organisations to familiarise themselves with this set up and if appropriate to lodge an application.

COMMUNITY SECURITY GROUP

The CSG is continuing to perform in an outstanding manner. Amit Bar Giora has replaced Gavin Queit as Director and has settled into the role with a minimum of fuss. Gavin was thanked for the extraordinary job he has done over the years at both a CSG event and a JCCV event.

JEMP

Following a request from the Red Cross, JEMP volunteers were made available to assist at the Red Cross call centre during the bushfire crisis. This led to the signing of a memorandum of understanding between JEMP and the Red Cross pursuant to which JEMP volunteers will be given additional training and will then be available to assist with the manning of Red Cross call centres during an emergency. This is a wonderful outcome for all parties.

GRANTS

I am pleased to advise that most of our funding applications have been successful. Some have been mentioned above. We have also received funding for various interfaith events and a grant of \$120,000 from the State Government to assist CSG to purchase digital communication equipment.

CONCLUSION

The JCCV has enjoyed a productive and successful year, particularly given that we are a small organisation. We have been involved in a very diverse range of activities and I believe have served both the Jewish and larger community well. We have a record of achievement and reputation well beyond our small staffing structure and I owe our Executive Director, Geoffrey Zygiel and our Business Manager, Hilary McMahon an enormous debt of thanks for their hard work and dedication. They have also been ably supported by our Administrative Officer, Julie Batty. We are financially stable and hope to increase our staff in 2010.

Of course, I also wish to thank all members of my Executive who have all worked to ensure the success of the JCCV.

John Searle
President
JCCV

October 2009



E-mail: jccwa@bigpond.com
Tel: 0407 516 254

P.O. Box 659
North Perth WA 6006

Report to ECAJ October 2009

Jewish Community Council of Western Australia (JCCWA)

The past year has seen the JCCWA function well during a difficult time for our community in Perth.

We organised the Yom Hasoah and Anzac Day commemorations. Both were well attended by the community and were supported by the general community dignitaries.

Communal security has been high on our agenda during the past year. We have seen our Community Security Group reorganise itself by establishing a Management Committee and complete the process of associating itself with the Council of Jewish Community Security through the ECAJ. Through this group we have developed a good working relationship with both the State and Federal Police. There have been a number of minor anti-Semitic incidents during the year, and one major incident that is currently before the courts.

Western Australia participated in the National Jewish Democratic Survey conducted by Monash University, through JCCWA, and we are awaiting the results, which we expect to be beneficial to our members in their future planning.

Our Public Affairs activities have been successful throughout the year with a number of visiting speakers addressing general, as well as communal audiences. We were also fortunate to be able to utilise Eli Yerushalmi, the Deputy Chief of Mission at the Embassy of Israel, to address a Gaza war Solidarity Meeting as well as briefing political leaders within our State.

The Parliamentary Friends of Israel, with Co-Convenors from both the Government and the Opposition, has been a useful body to allow us to get our message into the parliamentary arena. The relationships with politicians, both State and Federal, have remained strong and supportive of the Jewish community.

We were pleased to have Robert Goot in Perth for our recent AGM and his time with us was well spent in meeting a large cross section of our community as well as the Parliamentary Friends of Israel. His address to our members at the AGM was an enlightening overview of the national and international challenges facing the Jewish communities today.

The AGM saw the end of Keith Shilkin's four years as President of JCCWA and all present acknowledged his thoughtful and strong leadership during his term of office.

After two years as his Vice President I have commenced a two year term of office, with an Executive that is a good blend of experience and new members. I look forward to working for JCCWA in particular and the common good of Jewry in Australia more generally.

Tony Tate, President JCCWA
September 2009



REPORT OF THE NSW JEWISH BOARD OF DEPUTIES

Rising antisemitism remains the biggest risk that our community faces today, followed closely by increasingly well-organised attempts to undermine our community's standing in the wider Australian community.

The Board of Deputies manages such risks on behalf of the New South Wales community.

There was a marked upsurge in vitriol, on a broad range of fronts, against both Israel and *"the Jews"*, following the war in Gaza. We have seen it at street level, in corporate boardrooms, on university campuses, in NGOs, in the industrial and labour arena, in politics and in the media. That presented new challenges in our work because the way Israel is perceived and understood in the wider community always has an impact on the well-being of Jews in our community, both directly and indirectly. Whenever there is an eruption in the Middle East, it is used as a pretext by those so inclined to step up attacks against *"the Jews"* and to try and delegitimise Israel by demonising it as a serial abuser of human rights.

There has also been the added factor of the global financial crisis which history tells us carries increased risk of xenophobia and racism, including hostility against the Jewish community.

Relationships matter. In a contest between any two parties, fully as important as their relative strength is the range of allies that each can count on. With that rationale, the Board of Deputies has continued to work strategically to expand its anti-racism and social justice work in alliance with diverse partners. Partnerships and alliances with a positive focus can help reframe the conversation about Israel and the Middle East conflict. Such relationships also make it possible for the NSW Jewish community to have valuable and effective access to Government on a range of issues that concern us (including school security and planning issues, work towards an eruv for the North Shore, provision of more burial space, State cooperation in sponsoring visas for Jewish migrants and a State contribution of \$2.5 million to the Security Capital Appeal).

This work of the Board of Deputies is a strategic, long-term investment for the community - not a one-off transactional operation. Our success depends on the creation and maintenance of meaningful relations with key players. These take time to establish, yet dissipate quickly if not maintained. And they are vital in our work with all sectors - political, media, education, unions, interfaith, multicultural and NGOs.

In addition to carrying out this work ourselves, we work closely with other sectors to empower them to do more on behalf of the community. This can have an enormous multiplier effect but takes time, skill and resources.

The Sydney Alliance

The Board is a foundation member of the Sydney Alliance, which now has about 20 unions, religious, community and other member organisations. It is based on the grass roots organising principles developed in Chicago last century by a Jew, Saul Alinsky, and others and aims to strengthen the voice of civic

organisations (as distinct from those of big business and government) on matters of civic concern. Other examples of such alliances exist in Canada, the United States and the United Kingdom. The Alliance is still in the experimental building phase. Whether the experiment is ultimately successful or not, we will derive strengthened bilateral and multilateral relationships from it, including relationships with organisations we might not otherwise encounter.

Public Affairs

Media

The Board of Deputies went into overdrive during Operation Cast Lead, the aim being to ensure that the rationale behind Israel's action was understood. Overwhelmingly, this was indeed the case, with Australian media acknowledging from the outset that Israel's incursion into Gaza was in response to thousands of rocket and mortar attacks over the previous eight years.

We organised a press conference for the Deputy Chef de Mission of the Israeli Embassy, Eli Yerushalmi, in the first week of the war, with 15 major outlets attending. Within hours, reports went out on over 60 language channels. We also arranged numerous interviews for the President of the Executive Council of Australian Jewry, Robert Goot AM SC.

In addition, we had numerous opinion pieces and letters published in a broad spectrum of newspapers in metropolitan Sydney and regional NSW, from the Sydney Morning Herald and Dubbo Daily Liberal to the Mudgee Guardian and Gulgong Advertiser, as well as conducting numerous radio interviews.

We have continued to devote significant effort to building relations with the media sector through briefings with editors, presenters, producers and journalists; arranging briefings with visiting experts and including them in special events. For example, extensive briefings and interviews were organised for Ehud Ya'ari, whom the Board brought to Sydney as our contribution to Limmud-Oz.

Our 2008 Journalists Mission to Israel took place, in association with AIJAC, with four outstanding participants: Paul Sheehan, senior writer on the Sydney Morning Herald; Janet Albrechtsen, senior writer on The Australian; Jacinta Tynan, a presenter on Sky News; and Peter Charley, producer of Insight on SBS TV. The Journalists Mission is generously supported by the JCA Haberman-Kulawicz Fund. The 2009 mission includes Peter Hartcher, Political Editor of the Sydney Morning Herald; Connie Levett, Foreign Editor of the Sydney Morning Herald; Michelle Ainsworth, Senior Producer on Channel 7; and Nick Tabakoff, Associate Editor on the Daily Telegraph.

Political relationships

The Board of Deputies continued to be actively involved in building relationships with politicians on all sides of NSW politics. We do this through regular one-on-one briefings with ministers, shadow ministers and backbenchers, as well as at Luncheon Club meetings and by involving them in special events such as our outreach Passover Dinners and annual Yom Ha'atzmaut reception.

In addition, the Board has been working hard to strengthen relationships with political and NGO leaders and organisations on the left (eg Green politicians, unions and the Sydney Alliance). This is vital in a climate where sympathy for the Palestinian cause can cause otherwise well-intentioned individuals to become involved with extremists who demonize Israel and "the Jews".

Local Councils

The Board of Deputies has worked closely with the Inner West Chavurah in Leichhardt and Marrickville, receiving support from and providing support to them as they seek to have these Councils adopt peace-

enhancing policies and activities in contrast to aggressive stands taken by such organisations as Friends of Hebron. As referred to below, our annual Passover Dinner this year focussed on Local Government.

Luncheon Club

The Board of Deputies Luncheon Club continues to thrive as a forum in which opinion-makers engage with leaders of the Jewish community. Speakers in the past year included:

Senator Mark Arbib, Australian Workers Union National Secretary Paul Howes, NSW Treasurer Eric Roozendaal, NSW Department of Education Director-General Michael Coutts-Trotter, Australian Ambassador to Israel James Larsen, NSW Nationals Leader Andrew Stoner MP, Unions NSW Secretary Mark Lennon, Shadow Education Minister Chris Pyne, political adviser Peter Khalil, Jonathan O'Dea MP, NSW Minister for Social Services Lynda Burney MP, Rob Stokes MP, NSW Deputy Premier Carmel Tebbutt and media identities Alan Oakley, Bruce Wolpe, Paul Sheehan, Janet Albrechtsen, Jacinta Tynan, Philip Clarke and John Mangos.

We also established a Young Luncheon Club, the rationale being to engage with future leaders in specific sectors. The first events were a Young Liberals Luncheon Club and a Young Labor Luncheon Club. Recently we held such an event for young leaders in the NSW union movement, with Vic Alhadeff and Paul Howes as guest speakers. Paul spoke about the global initiative he co-founded – Trade Unions Linking Israel and Palestine (TULIP) and Vic spoke about Israel's human rights and humanitarian achievements.

Speaking Tours

In addition to visits to individual schools and organisations throughout the year, three Speaking Tours of Regional NSW have been conducted - to the Wollongong and Shoalhaven areas, to Gosford and to Armidale, Coffs Harbour, Port Macquarie and Kempsey. The first comprised 24 meetings in five days, including engagements with 11 schools, four church leaders, two Rotary clubs, the Shoalhaven Christian Educators Teachers Federation, Shoalhaven City Council and the Jewish communities of Nowra and Wollongong, as well as media interviews. The second involved 26 engagements with a similar range of people and organisations.

Regional NSW is a significant part of our State and it is essential to build bridges there, dispelling myths and generating understanding of Jews and Israel. Previous tours have led to visits of regional schools to the Sydney Jewish Museum and the Great Synagogue, exchange visits with Sydney Jewish schools and invitations for return presentations.

Events

Unions Chanukah function: The Board partnered with the AWU to hold a Chanukah function, a first with the union movement. The event was held at Trades Hall, with Paul Howes delivering a warm welcome. The first candle was lit by Maritime Union of Australia National Secretary Paddy Crumlin.

Local Government Passover Dinner: The theme of the Board's Passover Dinner this year was Local Government. Addressed by Local Government Minister Barbara Perry, it was attended by 120 people, the majority of them mayors and councillors. The event was generously supported by the JCA Lotben Fund.

Yom Ha'atzmaut cocktail function: Our high-profile Yom Ha'atzmaut cocktail party attracted 650 people – including diplomats, government ministers, business, religious and faith leaders - and was addressed by Premier Nathan Rees. It is a vital event in terms of relationship-building with major sectors. This is a joint event with the ECAJ, ZFA and SZC of NSW.

Home website

Various speeches and statements made by our CEO, me and others during the year are posted on our home website <http://www.nswjbd.org/>

Advocacy

The Advocacy Program (TAP)

This has flourished at two levels – university and senior high school. About 30 university students have participated in the 2009 Advocacy Program, which the Board runs in conjunction with the State Zionist Council of NSW and Hillel. TAP is co-ordinated by the Board's Public Affairs Officer. The high school programme is administered by the Board's Education Secretariat and is now an integral part of the syllabus at Masada College, Moriah College, Academy BJE and Emanuel School.

Answering the Tough Questions

The Board continues to run sessions titled "Answering the Tough Questions" for organisations throughout the community, the objective being to give members of the community tools to advocate on Israel's behalf..

'Talking about Israel' free course

The Board delivered its first, five-session course to 25 members of the community to educate them on Israel's history; provide counter-points to common accusations against Israel and equip them to respond.

Education

NSW Education

The Education Committee, chaired by Di Englander, and our Education Secretariat, have worked extensively with the NSW Department of Education and Training to incorporate awareness of antisemitism into anti-racism policies and programmes. This includes the Department's "Racism No Way" resources, training of anti-racism officers in NSW schools and a focus on programmes in South-Western Sydney.

The Secretariat is also working with the NSW Minister for Education and Training and the Board of Studies to review NSW school curricula with the purpose of introducing mandatory study of racism, genocide and the Holocaust.

"Youth Encounters" and "Respect, Understanding & Acceptance" programmes in schools

The Secretariat has brought together almost 1000 students of Jewish, Muslim, Christian, Indigenous and other backgrounds in interfaith and intercultural programmes in the past year. We are working towards extending the impact of Respect, Understanding and Acceptance by interesting faith, civic, union and other organisations to use the RUA model.

Jewish Educators Forum

The Board's Jewish Educators Forum continues to support 200+ Jewish educators in NSW, providing them with resources, opportunities to meet and learn together (including successful "Talking About Israel" courses) and to network with professional peers in the wider education community through special events.

Educational website

The Board's Speaker and Information Service has been enhanced by the expansion of our educational website, www.ijs.org.au, which is used extensively.

Police sensitisation training

The NSW Police continue to attend the Sydney Jewish Museum as part of their training.

Shoah remembrance

Shoah Awareness Week

The Board's Shoah Remembrance Committee, chaired by Alan Gold for part of the year and by Michael Jaku currently, again delivered a meaningful Shoah Awareness Week, with former premier Bob Carr the keynote speaker at a large Eastern Suburbs ceremony at Moriah and Federal Member for Isaacs, Mark Dreyfus MP, addressing a packed North Shore ceremony at Masada College.

NSW Education Minister Verity Firth MP was the keynote speaker at a moving name-reading ceremony at the Sydney Jewish Museum (the event was co-ordinated with the museum and the Australian Association of Jewish Holocaust Survivors and Descendants), while I gave an address at the Rookwood ceremony in the shadow of the Martyrs' Memorial.

Two Mitzvah of Memory programs were held for bar/bat mitzvah-aged students, giving them a gentle introduction to Holocaust awareness.

Kristallnacht

In November 2008, this was commemorated at the Great Synagogue and co-hosted by the Board of Deputies, Emanuel Synagogue, the Great Synagogue and the Council of Christian and Jews. Dr Paul O'Shea talked about his latest research and book dealing with the papacy under the wartime Pope, Pius XII. Other speakers included the head of the Goethe Institute, Dr Klaus Krischok, Rabbi Jeremy Lawrence and Rabbi Jeffrey Kamins.

The commemoration on 9 November 2009, took place at Emanuel School, honouring also William Cooper, a founder and first secretary of the Australian Aborigines League who, in December 1938 led a delegation to the German Consulate in Melbourne to deliver a petition protesting at the *"cruel persecution of the Jewish people by the Nazi government of Germany"*.

Interfaith

Parliament of World Religions

Our Interfaith & Multicultural Relations Committee chair, Josie Lacey, helped to organise a Pre-Parliament of World Religions event in Parramatta. It included significant Jewish participation. We will also have some representatives at the Parliament in Melbourne this December.

Affinity Cultural Foundation

Affinity issued a statement after the Gaza war alleging that the Jewish community was indifferent to the suffering of people in Gaza. They also cancelled this year's Abraham Conference, citing Gaza as the reason. Our CEO and I went immediately to Auburn, to show the President and CEO of Affinity public statements made by myself, Robert Goot and others, on radio, TV and in the press, expressing our heartfelt concern for the suffering on both sides of the conflict, and we redoubled our efforts during the year to strengthen our relationship with Affinity. We visited Gallipoli Mosque, took part in the Women of Faith dinner, and attended iftars and a shabbat meal in each others' homes. In July, Affinity organised a conference "Challenging Islamophobia towards Social Justice & Inclusion" at Sydney University, and invited me to give a paper on the subject *"What is Antisemitism?"* (copy at <http://www.nswjbd.org/> or <http://www.affinity.org.au/index.php/events/86-challenging-islamophobia-report.html>). We regard it as a sign of good faith that, despite some uncomfortable content in my paper, Affinity put it on their website. I believe there is now a greater degree of mutual trust, respect and understanding between us and Affinity than there was before the Gaza war.

Social Justice

The work of the Social Justice Committee, chaired by Prof Bettina Cass AO, has been engaged in an extensive project to documenting co-operative initiatives between Jewish and Indigenous people in a book. Dr Anne Sarzin and Lisa Sarzin were commissioned to conduct 78 interviews with Jewish and Indigenous people engaged in such projects and a Steering Committee was established, comprising Professor Bettina Cass, Ilona Lee AM, Jenny Symonds and Professor Lisa Jackson-Pulver. The book will be published early next year.

Jennifer Symonds organised a Panel discussion at the Board Plenum which highlighted some themes from the book, with presentations by Dr Anne Sarzin, Jenny Symonds and HIPPY Program co-ordinator Cherri Longbottom. The HIPPY Program - Home Instruction for Parents of Preschool Youngsters - originated in Israel and has been adapted in Australia to Indigenous traditions.

The Committee also organised a well-attended panel discussion at the Plenum on Early Childhood Education, Care and Family Support.

Further re Unions

The Board, especially through Andrew Casey, Uri Windt, Lucy Taksa and Stephen Rothman, and to a lesser extent myself, has played an active role in the work of the ECAJ Task Force on Unions.

General Franchise Deputy Elections

The biennial election for General Franchise Deputies attracted 96 nominations, with a gratifying increase in the number of candidates under 30 years of age. A postal ballot will be conducted during November.

Thanks

I record my sincere thanks to my Executive and especially to the immediate Past President, David Knoll, who has given me and the Board enormous assistance, to the elected Honorary Officers, Yair Miller, Roma Shell, Uri Windt, Sam Zweig and Jeremy Spinak, who have worked so hard during the past year, and to our first-class professional staff, Vic Alhadeff, Chief Executive Officer (who has just completed five years in that position), Alla Pilman, Office and Information Systems Manager, Lynda Ben-Menashe, Education Manager, Natalee Pozniak, Public Affairs Officer, Ydele Nathan, Events Co-ordinator and my personal assistant, Sarita Gold, Projects Co-ordinator and assistant to the ECAJ, Cynthia Herman, Accounts Administrator and Etty Ayalon, Administrative Co-ordinator (currently on maternity leave). The NSW Jewish community is indebted to them all. I thank also Robert Goot AM S.C. and Peter Wertheim AM, who continue to assist in many ways and to work harmoniously with the Board where our activities overlap.

Robin Margo S.C.

President



ECAJ Annual Report 2009

1. Introduction

The past year has been one of both achievement and of some frustration for the Board.

2. Board Meetings

Regular meetings of the Management Committee have been held. These consisted of the President, Vice-President, Treasurer and Secretary, as well as a Brisbane representative. Unfortunately no Gold Coast representative has put themselves forward for appointment this year.

Our meetings have been productive and convivial.

3. Brisbane

Communal activity in Brisbane has continued vibrantly.

Sinai College, the Day School is operating well after the merger with the Gold Coast school, and the appointment of a new Principal who has been well received.

Orthodox services continue to be held regularly at both Margaret Street Synagogue in the CBD and the Synagogue at South Brisbane. Chabad House has continued its work, and its Adult Education Director has been very active.

Progressive services have been held regularly both at Beit Knesset Shalom at Camp Hill, and at various premises by The Brisbane Progressive Jewish Congregation.

The women's groups of NCJW and WIZO have continued their busy calendar of varied functions and fund-raising.

Both UIA and JNF have maintained their efforts and results despite difficult economic conditions. Due to a reorganisation, JNF are now moving their administration back to the State Zionist Council offices in the Brisbane CBD, and sharing an administrator, which will provide economies for both organisations and facilitate their working easily together.

Betar and Maccabi have arranged regular events for our youth.

4. Gold Coast

The Gold Coast community is active, but has no discernible common communal leadership. The various organisations are generally operating well independently of each other, but there is an apparent lack of an overall communal identity.

Regular orthodox services continue to be conducted at The Gold Coast Hebrew Congregation and Chabad House is active in its operations.

5. Sunshine Coast

The Sunshine Coast community continues to develop. A Communal Association is being put together and a Constitution is under discussion. Services are held at various premises on Festivals.

6. Community database

There has long been felt that a central communal database would be of benefit, as many of our organisations are small and have difficulty maintaining comprehensive records.

A successful trial has been conducted using a system known as "Vision 6" which has high confidentiality and security provisions. This provides for community members to nominate which organisation mailing lists they wish to be included on. It also provides for very economical bulk email facilities by organisations.

We will now proceed to implement the system, which will work together with a new Board website which is being developed.

7. Marta Goldsmid Bursary

After extensive discussions with the Solicitors who were the independent trustees of a long-standing bursary known as the "Marta Goldsmid" bursary, it has been updated and reactivated.

The bursary provides funds to Jewish university students to assist with their studies. Two awards have been recently made.

8. Aged care

The most vexing question that has occupied the Board for the past several years has been the question of the establishment of aged-care facilities, and disbursement of the funds from the Unger Estate which are currently about \$2.5m.

Early in 2009 a very successful Open day was held at a commercial aged care centre and this demonstrated a high degree of interest in the provision of full-care services.

Commercial discussions are continuing, but the current economic conditions are impacting on developers on this type of accommodation, and the issue remains under active investigation.

9. Finances

Our Board continues to be in a healthy financial position with about \$130k in its own funds. Whilst our investments have been impacted by conditions over the past year, they are conservatively diversified and have fared relatively well.

10. Security

Our CSG of enthusiastic younger people has operated well, and a new leader is settling in well. Significantly, the group has an enthusiastic Gold Coast member and it is hoped to build on this initiative.

We have not experienced any major concerns over the past year.

Recently a concern has developed with a regional newspaper in the Sunshine Coast Hinterland, which is promulgating extreme right-wing material, and issues may arise in relation to it. We are liaising closely with the ECAJ in this regard.

11. Multi-Faith

Our long serving Chair of our Inter-Faith Committee, Garek Fysch, has resigned as he is retiring and relocating part of the year away from Brisbane. Ari Heber has been appointed as Chair, and he is energetically pursuing these matters.

The Queensland Forum of Christians Jews and Muslims has continued to meet on a regular basis.

12. Ambassador

It was with enormous pleasure that we welcomed the Ambassador for Israel, Yuval Rotem, to Queensland this year for his first official visit.

A very pleasant evening function was held at which communal leaders were able to meet with the Ambassador.

13. ECAJ

We have participated in regular teleconferences, and receive frequent emails keeping us informed of ECAJ activities.

We wish the new ECAJ Executive Director, Peter Wertheim, all the best, and have been in contact with him on several matters already.

Together with the rest of Australian Jewry we congratulate the President, Robert Goot, on his appointment to the Executive of the WJC, and appreciate his industry and enormous effort overall.

14. Honours

We were delighted to learn of the conferring of an Order of Australia on our long-serving secretary, Carolyn Goldsmith. This honour is well deserved, and we congratulate her on this recognition.

15. Presidency

I have now been President of the Board since 1998 continuously. I feel strongly that all organisations benefit from a periodic change of leadership. I am fortunate in having a very capable Vice-President in Jason Steinberg.

I propose to reverse positions with Jason after our AGM in November, remaining on as Vice-President to assist as required in the transition. Jason will bring a youthful vigour and enthusiasm to the position of President and I wish him all the best.

16. Thanks

Our thanks go as always to our long-serving Secretary, Carolyn Goldsmith, for her continuing efforts; and to our new Treasurer Scott Leonard who has taken on his role with capable efficiency.

17. Summary

The Queensland community remains an active and vibrant Jewish community. We have some exciting initiatives underway, and will continue to work on some continuing issues.

May I thank you all for your friendship and camaraderie during my period as President and look forward to continuing to work with you and maintaining our relationships in the future.

David Paratz

President

Report of the Australasian Union of Jewish Students to the Executive Council of Australian Jewry

Introduction

The Australasian Union of Jewish Students (AUJS) is the federal body for Jewish student societies at universities, colleges and TAFEs across Australia and New Zealand. Our mission is to unite Jewish students throughout Australasia, promote Jewish identity, support the needs and interests of all Jewish students, and foster a positive relationship with Israel.

AUJS provides a wide variety of activities for Jewish students including cultural, social, educational, political and religious forums, national conferences and Israel Programs. AUJS was founded in 1948 at the University of Sydney and is now established across eight regions and almost 30 campuses throughout Australia and New Zealand.

The Executive of AUJS is elected at the AUJS Annual General Meeting, which is held in September or October each year. The 2009 AUJS Executive was:

President	Daniel Kitay
Vice-President	Daniel Meyerowitz-Katz
Treasurer	Tal Shmerling
Education Officer	Natalie Mittleman
NSW President	Nicky Beutem
VIC President	Stefan Oberman
WA President	Stanley Keyser
NZ President	Alon Meltzer
SA President	Jarrold Dean
ACT President	Tessa Forshaw

Activities in 2009

Israel Programs

Thanks to the ZFA, together with the support and initiative of the UIA, and the generosity of Taglit-Birthright Israel, AUJS was able to send four Taglit-Birthright Israel buses and out of those four, there were two buses that stayed for an additional 10 days as part of the bonus packages. AUJS also sent three Academy buses in 2008/2009. All the programs were very successful.

AUJS Aviv, our 5½ month MASA-approved program, was also very successful with 14 participants. Our Leadership Development Program (LDP), led by Gary Samowiz, visited Washington, New York, Germany and Israel in 2008/2009. AUJS LDP aims to equip a select group of approximately 15 student leaders with the skills and knowledge they will require to become community leaders in the coming years.

In 2009, AUJS followed a recently developed follow up program and initiated an Israel Programs follow up. Although not as successful as we would have hoped, organised reunions were held simultaneously in both Sydney and Melbourne. The follow up event, which was a photo gallery filled with photos that the participants took in Israel and was offered to Israel Program returnees their families.

In 2008/2009, AUJS Israel Programs changed significantly. Taglit-Birthright Israel was a 10-day free gift. AUJS then offered bonus packages to Taglit-Birthright Israel participants to extend their stay in Israel.

These packages were categorized as; Tzedek and Tikkun Olam Tour and either a cultural tour or an adventure tour.

As it was in 2008, AUJS Academy is still a stand-alone six week program. In addition to the traditional Gadna and Desert Experience options, AUJS has added two new Academy options to the program: Sviva and Politics.

National Conferences

Executive Conference - February

Held at Bacchus Marsh, in 2009, AUJS Executive Conference brings together many of the AUJS executive members from around Australia and New Zealand. The key themes of the 2009 conference were 'Challenge', 'Innovate' and 'Create' and participants looked at each theme and extrapolated from each different ways of applying them to AUJS.

Winter Retreat – July

AUJS Winter Retreat was held near Sydney, NSW from the 5th-8th of July. Attended by over 70 participants, the Conference effectively combined night activities and engaging educational activities. A highlight of the conference was a presentation by Benjy Maor from the JNF and dance classes by professional salsa instructors.

Political Training Seminar - August

Political Training Seminar was held on the 16-18th of August in Canberra. We managed to secure many prominent speakers including three Federal party leaders; Malcolm Turnbull, Steve Fielding and Bob Brown. Speakers from the ALP included Michael Danby, Mark Dreyfus, Mike Kelly and Robert McClelland. Speakers from the Liberal Party included Julie Bishop, George Brandis, Bronwyn Bishop and Marise Payne. This year the decision was made to widen the scope from the traditional Labor/Liberal group to accommodate speakers from a variety of political backgrounds. During the seminar we met with political Correspondent Paul Bongiorno, NUS President David Barrow and the Special Envoy for Tibet Tenzin Atisha. The Israeli Ambassador Yuval Rotem concluded the seminar with an address.

NZ Ski Trip

AUJS held a successful Ski Trip in New Zealand from the 15-18 September, 2009, with about 30 participants including 4 Australians.

Many thanks to Hillel NSW for all their help with National Conferences.

Projects

Orientation Weeks

Orientation weeks and O-camps were held across the country in February and March, 2009. The structure of O-weeks has changed significantly since the introduction of voluntary student unionism. New members were given orientation packs with information about the community and various other gimmicks. AUJS made the decision to not give students countless amounts of paper, rather CD with information about the communal organizations that sponsored O-Week.

Holocaust Awareness Week

Holocaust Awareness Week was held around the country in September. It educates both Jews and non-Jews about the atrocities of the Shoah. The general theme of Holocaust Awareness Week in 2009 was uprising in the Holocaust.

Israel Week

AUJS moved Israel Week to first semester to coincide with Yom Ha'atzmaut and the huge celebrations for the 60th. AUJS Israel Week took place from 5 – 15 May on over 20 campuses around Australia and New Zealand. Campuses supplied students with among many things Israeli food and drink, BBQs and Yom Ha'atzmaut Birthday cake. Events included, Krav Maga, Israel Bands and in Perth there was a dove release.

Political Activities

Building relationships with non-Jewish student leaders is a priority for AUJS politically. We also support Jewish students running in campus elections.

AUJS initiated a joint nation-wide campaign with the National Union of Students (NUS) that represents over one million students throughout Australian Universities. The campaign entitled Students Against Racism and Hatred (SARAH) has been incredibly successful throughout this year to forge relationships with interfaith groups on campus.

AUJS hosted Noam Bedein from Sderot in August 2009. Noam spoke at Schools, Universities, Jewish and Non-Jewish communal functions, Newspapers and was on national radio.

Student Leadership Program

The AIJAC/AUJS Student Leadership Program took six non-Jewish student politicians on a week-long educational mission to Israel in July 2009. These students are leaders of various student political parties and are from NSW and Victoria.

Alumni

The first AUJS Alumni function is to occur on October the 25th in Melbourne. Guest speaker is Evan Thornley, CEO of Better Place. It will be held at Nectar Lounge in Melbourne CBD. Funds will go towards AUJS & the Dave Burnett Fund.

Region specific activities

The regions are the backbone of the Union and they have all been particularly active this year.

Victoria

AUJS Victoria has been very inventive in 2009, with a number of successful new initiatives, notably Leadership Development Institute (LDI) that hosted Yuval Rotem, Sam Lipski and the US Attorney General in Australia. Social events included a Purim party with about 380 people, a Yom Ha'atzmaut after-party and the annual AUJS Ball on September 11th, which sold out with over 300 students supporting the event. Sporting activities include a Netball Tournament. AUJS participated in the fundraiser for Sderot with the help of Noam Bedein.

AUJS is very grateful for the support of the State Zionist Council of Victoria and the Jewish Community Council of Victoria.

New South Wales

NSW highlights include a Shabbat dinner, the annual Pub Crawl, Political Training Seminar and Challah for hunger, which is a brand new SZC initiative and captured new faces into AUJS. AUJS joined with many other young adult organisations for the successful Young Adult Yom Ha'atzmaut party. Many international students were placed with families for Pesach. Weekly shiurs were also held at Sydney University, UNSW and Macquarie University. The AUJS presence at the University of Wollongong is also particularly noteworthy.

A large part of AUJS' success in NSW is thanks to the support it receives from the community and in particular the Jewish Communal Appeal, The Shalom Institute, Hillel Jewish student services, the NSW Jewish Board of Deputies, the State Zionist Council and Mandelbaum House (at Sydney University).

Western Australia

AUJS WA continues to produce strong leaders and hold a wide variety of events, including a Shabbaton, an indoor Soccer Competition and a blood drive with the Red Cross. AUJS WA also initiated, AUJS 21+ due to the closure of the Hagshama branch in WA. AUJS WA will host its first ball ever in October 2009

Smaller regions

The numerous activities of AUJS Canberra and AUJS Adelaide are particularly noteworthy, given the small and remote nature of these communities. AUJS New Zealand has been present at all major conferences and continued to develop, particularly its educational focus, in 2009.

Organisational Development

In addition to our wide array of annual program and activities, 2009 has been a year of huge organisational development for AUJS.

Professional Staff

Brandon Srot finishes his two year position as the AUJS Executive Director in March 2010. He is a wonderful asset to the AUJS team and it has made a great difference to the operations of AUJS to have a full-time professional staff member. We are very grateful to the Jewish Communal Appeal of NSW for their support of this vital initiative.

Another exciting initiative was the appointment of an AUJS Shlichon. Tal Dror, the 2008 Aviv madrich, has recently returned back to Israel after a 12-month stint working for AUJS. Tal was an extraordinary individual and helped developed specifically AUJS Victoria. AUJS welcomes its newest Shaliach, Aviram Grinberg in mid October 2009. AUJS is very grateful for the generous contributions of the Pratt Foundation, the Jewish Agency and the ZFA towards the AUJS Shlichon.

Leora Hyman has been appointed our Israel Programs Director for Israel Programs 2009/2010. It is very exciting to have a former AUJS activist and ex-Madricha in our team.

Other developments

AUJS has been developing a new interactive website that is very relevant for its students. It appeals to students by offering them a range of services for their university lives

We have also greatly improved our email communications to members with standardised professional newsletters. AUJS also utilises SMS's and Facebook.

Communal Relations

As one of six Executive members of the World Union of Jewish Students, AUJS is held in high esteem by Jewish student unions around the world. It is exciting to see WUJS creating programs again for Jewish students.

Thanks to all our communal partners and the ECAJ, ZFA, UIA and JNF especially. You have been a great support to AUJS this year, as in every year, and we look forward to continuing the excellent relationship between our organisations.

Daniel Kitay

AUJS President

WIZO AUSTRALIA'S 2009 REPORT TO THE ECAJ

WIZO Australia, under the guidance and leadership of its President, Jo Gostin, and Honorary Treasurer, Marlis Cohen has once again completed a most successful year.

The State Presidents are Esther Wakerman (New South Wales), Anita Bejerano (Victoria), Miriam Millingen & Kaye Edelman (South Australia), Anne Topelberg (Western Australia) and Myrna Freed (Queensland). All State Presidents are also Vice Presidents of the Federation. Rony Bogner is Immediate Past President.

WIZO Worldwide

In London on July 11, 1920 Rebecca Sieff, Dr. Vera Weizmann, Edith Eder, Romana Goodman and Henrietta Irwell founded WIZO. They were proud, independent-minded Zionist women with the goal of helping women and children in Israel. Having visited Palestine-Eretz Israel with their husbands and seeing the conditions, or lack thereof, in which people were living, these women decided to take action. They addressed these urgent needs and established social, welfare and educational services and institutions that later became the foundation for the infrastructure of the Israeli society as we know it today.

WIZO has grown as a non-party, world-wide movement of 250,000 women in 50 Federations world-wide, with its headquarters in Israel. WIZO has had consultative status at the UN from the year 1959 with ECOSOC (Economic and Social Commission), and from 1960 with UNICEF (United Nations Children's Education Fund). As a non-Governmental Organisation, this special status gives us unique and special opportunities to be part of the United Nations family. World WIZO has been very active and well represented during previous UN Women's conferences and World WIZO has permanent representatives at the UN – in New York, Geneva and Vienna. WIZO is represented at all meetings of the United Nations Commission on the Status of Women giving Jewish women a voice in this largely hostile forum.

Today, WIZO in Israel maintains a comprehensive network of services and projects for the care of children, youth, families and the elderly from all sections of the community. All of WIZO's services fulfill vital social welfare needs and many of WIZO's facilities are specifically designed to assist in the integration of the vast number of immigrants who have come to Israel during the past 60 years.

WIZO is an acknowledged leader in the field of child care and maintains 164 projects for children of pre-school age. Over 14,000 toddlers attend WIZO's day care centres. For teenagers, WIZO conducts eleven secondary agricultural and vocational schools, at which 6,600 pupils prepare for careers ranging from agriculture to computer technology and from electronics to secretarial skills. WIZO also maintains a community college for post-high school studies.

WIZO runs 54 youth clubs throughout Israel and some 22,000 youngsters find opportunities for supervised study, recreation, sport and friendship. WIZO's work for the women of Israel is centred around 200 women's clubs, including several that cater especially for Arab, Druze, Bedouin and Caucasian women. WIZO is actively involved in advancing the status of women, with a committee for the advancement of women in politics and four information centres on women's rights. WIZO also provides vocational training and advancement for women. WIZO has established Schools for Political Leadership in Jerusalem, Be'er Sheva and Haifa to train women for political office and provides a wide range of services for families, which include shelters and a hotline service for battered women, centres for the prevention and treatment of domestic violence, summer camps for needy mothers of large families, legal advice bureaux on family matters, centres and groups for single parent families, and a computerised information centre for single-parent families. WIZO's services extend through to the Third Age, with 100 social clubs and sheltered employment clubs, a parents' home and a phone-in assistance service.

2009 Plenary

WIZO Australia held its annual Plenary in Melbourne from July 25- 27, 2009. We were honoured to have as our guest from Israel, Mr Dani Segre, who specializes in fundraising techniques and ran motivational workshops. He dealt with issues such as membership, leadership and fundraising before going to Adelaide, Perth and Sydney to address our WIZO women there.

WIZO tour to Israel

30 people participated in the WIZO Tour held from May 23-29, 2009. The tour coincided with the birthday party held at WIZO Ahuzat Yeladim in Haifa to mark the opening of the House of Dreams and the inauguration of the extension of the Korsunski Youth Club in Kfar Saba.

The birthday party at WIZO Ahuzat Yeladim was attended by 400 people, many of them students who had graduated from the school. Dignitaries were present and the festivities matched the celebrations and merriment.

WIZO Australia proudly continues to sponsor the following projects in Israel:

- *The Chorley Day Care Centre* in Ra'anana has 103 children in 3 classes. The windows have been repaired with new curtains and we are about to embark on renovating the kitchen.

- *WIZO Ahuzat Yeladim* in Haifa boards more than 90 emotionally disturbed teenagers.

Since our last report, The House of Dreams, a multi-purpose building which houses counseling rooms and rooms for various workshops is up and running.

The refurbished Mandel dormitory houses the boys at the school with 3 boys now sharing a room with their own en-suite.

The refurbished Marejn dormitory houses the girls who also now only share 3 to a room with each room having its own en-suite.

A new campaign has been launched known as the "Road of Hope" which links the road at the school to all our WIZO projects in Israel. The road is paved with bricks inscribed with donors names.

- *The Fanya and Godel Korsunski Youth Club* in Kfar Saba offers gymnastics, drama, karate and after school programs. The Youth Club coordinates a major soccer program and hundreds of youth from Kfar Saba and local Arab villages take part. The club has just undergone a huge extension and renovation which is being put to good use.

- *The Raya Jaglom Day Care Centre* in Tel Aviv, is one of six Australian day care Centres where there are four classes for 120 children. 80% of the children are from single parents.

- *The Hatzor Air force Base* which houses four WIZO day care centres and crèches which provide a service to the staff and crew of the base.

WIZO Australia is proud to announce that new young groups have been formed in Melbourne, Sydney, Perth and Brisbane and we wish them many happy WIZO years ahead.

In 2010 the Federal office will be moving back to Sydney after 6 most successful years in Melbourne. We are preparing for the smooth transition of handing over the reins to our New South Wales counterparts.

Today, WIZO is as vital and important as ever, ready to face new challenges and secure in the knowledge that its membership worldwide will always be there to support its very important work.

WIZO is one of the largest Women's International Zionist Organisations in the world. It derives its strength and endurance from its Federations and volunteers worldwide, and its members and Chaverot (friends) who are the movement's ground force and backbone.

WIZO Australia is grateful for the support and generosity of its members and friends who together continue to

MAKE A DIFFERENCE

Founder: Dr Fanny Reading MBE 1923
An Affiliate of International Council of Jewish Women

National President
Rysia Rozen OAM

It gives me pleasure to present an Annual Report on behalf of NCJWA.

National Council of Jewish Women of Australia promotes social justice, human welfare and works for the advancement of women locally, nationally and internationally.

NCJWA is affiliated with ICJW, ECAJ, ZFA, UIA, NCWA, and AWC.

In the last twelve months we have celebrated milestones in several of our Sections: Gold Coast 40th; W.A. 80th, S.A. 80th and nationally, 80th anniversary. We salute the many dedicated leaders and members for their contribution on behalf of Jewish women.

W.A. Section's 80th Anniversary coincided with a Plenary Conference, held in Perth, June this year. National board members gathered to review the past two years' achievements and confirm our projects for the future. The highlight of the Plenary was the gala dinner, attended by over 100 guests, including leaders from Jewish and non Jewish community. Hon. Mr. John Castrilli MLA, Minister for Local Government and Hon. Lord Mayor of Perth, Lisa Scaffidi gave an outstanding tributes to our work around Australia.

We were delighted that two of our members received Medals of the Order of Australia. Di Hirsh (Vic.) for her outstanding work for interfaith and intercultural activities. Carolyn Goldsmith (Brisbane) for her untiring work for NCJWA Brisbane Section and other Jewish organisations over many years.

NCJWA's platform is: Community Service, Education and Israel.

In Israel, for over 30 years we proudly support KKL Projects in partnership with JNF Australia; ILAN Foundation for Handicapped Children in Tel-Aviv; Haifa Rape crisis Centre, to protect women who escape from domestic violence situations and Haifa University Ethiopian Scholarships provided for students. Some of our National board members visited our Projects and presented them with the money raised by NCJWA.

Interfaith and Intercultural issues are on top of NCJWA'S Agenda.

Recently, Di Hirsh OAM represented ICJW at the Asia Pacific Women's Conference on Peace and Security held in Manila, Philippines. The 2009 Parliament of Religions will be held in Melbourne, December 2009, Di Hirsh is on one of the Committees. Di has strong ties with the Turkish Muslim women (AIS), whom we invite to our Interfaith Seders in Melbourne. Sudanese women were treated to a cooking demonstration at Council House in Melbourne, prior to Rosh Hashanah. Gold Coast and NSW also held interfaith meetings to share and learn from each other. Members of NCJWA in Victoria participated in Harmony Walk, to add our voice against Racism.

We celebrate and support Israel in more ways than fundraising for our Projects. NSW has established an annual Israel Day at the end of November, Brisbane Section followed by holding an 'Israeli Weekend' – a song and dance experience in June this year.

In Canberra, an evening was held to in support of Israel and Israeli women who are residents of Canberra, in February this year. Sylvia Deutsch read out the Resolution on the Gaza operation passed by the World Jewish Congress at its meeting in Jerusalem, which condemned Hamas, and expressed support and solidarity for Israel.

Regularly, I circulate information to all National board members, received from ECAJ and give detailed reports from teleconferences and

Conferences I attend on behalf of NCJWA.

Australian Women's Coalition, where I serve as Vice President, I am able to promote our work, and add our voice to the Commonwealth Government on women's issues. There are 19 National Women's organisations; NCJWA is the only Jewish member.

Marcia Pinski, Co-Chair Status of Women and I took part in a survey – Review of the Equal Opportunity for Women in the Workplace Act and Agency, undertaken by the University of Sydney, for the Submission to the Commonwealth Government.

Workshops on Advocacy will be held around Australia starting in October. Other projects undertaken by AWC are: Women trafficking, National Women's Health Policy Submission; Young Offenders; Parental Leave; Role of Consumers on Medical Boards; Interfaith dialogue/Bridge building; Women's Refuges; Lifeline suicide crisis support; Durrie (Aboriginal) Women's Health and a Reach Out Project.

NCJWA members have generously supported the Victorian Bushfire Appeal.

The NCJWA Vic. Golden Age Club, for elderly migrants from the former Soviet Union, residents of Housing Commission flats in South Melbourne will be celebrating their 10th Anniversary, supported by Jewish Care. We operate 3 clubs: St.Kilda, Prahran and South Melbourne, bringing Yiddishkeit to them. We are also supported by local Councils and Victorian Multicultural Commission.

We continue the 'Mum for Mum' project in NSW, assisting young mothers and babies. The Jewish Breast Cancer Support Group and Single mothers group are examples of the service NCJWA to the community. We continue to offer our support for all Jewish Day schools, plus an annual Melbourne University scholarship for a final year Hebrew language student in the name of our founder Dr. Fanny Reading MBE. The annual NCJWA Victoria award in the name of Life Governor, Sylvia Gelman AM MBE is a prestigious award, bestowed to a woman who is an outstanding Jewish educator. We hold regular seminars and panels in all sections dealing with Israel, women's health issues and anti-Semitism.

NCJWA 2010 Scholar-in-Residence, Sharon Shenhav, an international lawyer and human rights activist will tour all Sections, in March, giving presentations to the Jewish and wider community. National Australia Bank has shown interest in having Sharon speak to their women, for celebration of International Women's Day. Sharon's is a pioneer in advocacy on behalf of Agunot since 1980. Sharon is currently the deputy Chair of the Israel Bar Association Committee on Rabbinical Courts.

We look forward to hosting Sharon and sharing her with the community.

A large delegation of National Board members will be attending the ICJW Convention in May 2010, in Cape Town South Africa. The topic will be: Jewish Women United – ICJWA A Century of Achievement The Future Beckons.

I wish to congratulate Robert Goot AM SC, President, his Executive and office team for their excellent work on behalf of Australian Jewry.

It has been a pleasure and a privilege to work with ECAJ and wish you continued success in your work.

Rysia Rozen OAM
National President
September 2009

B'NAI B'RITH AUSTRALIA NEW ZEALAND

2009 REPORT

It gives me great pleasure to present this report on the activities of B'nai B'rith Australia New Zealand (BBANZ) to be included in the ECAJ Annual Report.

Courage to Care in both Victoria and New South Wales has continued to be a large part of B'nai B'rith in both states. This exhibition visits country as well as local communities in both states. Over the past few years it has grown, attracting more volunteers to act as facilitators & guides. Courage to Care also receives grants from Federal and Local Government, which is essential to the ongoing activities of a very dedicated group of people. This is a major flagship of our organization. It is a travelling exhibition and associated with education programs and is a major outreach program for the benefit of Australian communities, aimed at promoting racial tolerance, harmony and understanding. School students are targeted, because this group is most likely to take our message to heart.

One of the most valuable projects undertaken in Victoria is the Yad Vashem scholarships, which enables secondary school teachers from both State and private schools to attend an Annual program held each January at Yad Vashem in Israel. This scholarship covers all of their expenses. 12 scholarships are to be awarded this year. On their return, they bring a wealth of information about the Holocaust to their students which is then included in the curriculum.

Our Jewish youth are also catered for with an Annual Youth Art Show and Annual Youth Eisteddfod which encourages them to bring out their talents in both entertainment and art. The age group is 11 – 18 years. These two programs have been going for many years.

BBANZ sits on the board of the Anti Defamation Commission here in Victoria with voting rights. In the past B'nai B'rith members paid an annual membership fee to the ADC, but now it is up to the individual member. ADC is still under the B'nai B'rith umbrella, although it is an independent incorporated body.

The Israel commission continues to support a range of needy causes in Israel. Among the projects are the training of guide dogs for soldiers who have been blinded, the Wingate Institute to assist in the rehabilitation of injured soldiers, soup kitchens in Beersheba, assisting families in need and supporting needy children in Jaffa. Money is raised from all BB Constituents in Victoria and New South Wales. New Zealand raises money, and sends it direct to Magen David Adom in Israel.

B'nai B'rith raises money for charitable causes including the Victorian Bush Fire Relief Fund which raised in excess of \$100,000.00. An appeal for the tsunami victims in Samoa was launched in October.

B'nai B'rith operates retirement village complexes in Sydney and Melbourne, offering affordable self-care accommodation in a congenial and caring environment for Jewish seniors.

Moishe Smith, President of B'nai B'rith International visited us last year for our 2008 Convention. He met with leaders of Federal and State Governments during his visit to Sydney and Melbourne. B'nai B'rith has Lodges & Units in approximately 58 countries in the world today and BBI is the only Jewish organization with representation on the United Nations.

One of B'nai B'rith's main objectives is to attract new young members, as with any organization, younger members are needed so that we have a succession plan in place.

This is my second term as President of B'nai B'rith Australia New Zealand and I am enjoying working with members of other Jewish organizations here in Melbourne. The experience and knowledge gained is a valuable tool for the future.

Adrienne Perch

**President – B'nai B'rith Australia New Zealand
November 2009**



Report to Executive Council of Australian Jewry Annual General Meeting December 2009

It is my pleasure to submit my first report to the Executive Council of Australian Jewry on behalf of the Union for Progressive Judaism, the peak body of Progressive Jews in Australia, Asia and New Zealand.

The UPJ exists to promote Judaism and to unite and support 19 Progressive congregations and 6 affiliated organisations through consultation, religious and cultural programs and educational opportunities.. It is pleasing to report that the organisation has continued its commitment to understand and respond to the needs of its constituent members; increased its efforts to develop the organisation as a true regional representative; expanded its systems of communication; and, in partnership with ARZA and the UIA Progressive Trust, increased its financial, moral and political support for Israel.

A few highlights from the past year include:

- **Leadership team:** One important change occurred in November 2008 when Phyllis Dorey stepped down as President of the UPJ. Her contribution to the organisation and to the community is immense. Her amazing dedication is an outstanding example for us all. I offer her and the other members of my committee, huge thanks. With the election of a President based in New Zealand, our Executive Director in Sydney and Executive Committee members from various congregations we are now truly a regional body with representation at Executive level from throughout our region.
- **Regional conference:** In November 2008 Temple Beth Israel, Melbourne hosted the conference "Yachad: Living the dream - together" for more than 80 delegates, from Hong Kong, New Zealand, and all parts of Australia, including rabbis, cantors, educators, youth directors and Community Shlichim, as well as congregational and organisational lay leaders. Focussing on understanding the challenges of congregational development and leadership and planning for the future, the conference was a success at every level, with special guest presenters from the World Union for Progressive Judaism (WUPJ), Kibbutz Yahel and the Union for Reform Judaism in America (URJ) as well as the Vice Principal of Djarragun College in Queensland, the Executive Director of NSW Jewish Board of Deputies, Vic Alhadeff and the Education Director of JNF, Benji Maor providing keynote workshops. In November 2010 the biennial Conference will be the culmination of our 80th anniversary celebrations. Located in Canberra, the conference will include international guests including the leadership of the WUPJ.
- **Communications:** *ProjeNews* the online subscriber newsletter continues to provide news and views from the region, Israel and the Jewish world - particularly the Progressive Jewish world – and continues to be widely read throughout the region and internationally. In addition, we now distribute a fortnightly ARZA newsletter, providing information about the social, religious and political issues taking place in Israel.

At the time of writing we are about to launch the UPJ's newest communication *Gal Chadash* ('New Wave'), an electronic newsletter that will highlight the activities and achievements of Progressive

congregations in the region as well as promoting Judaism and the cause of Israel.

- **Delegations:** Regional delegates traveled to attend the WUPJ conference “Connections 2009” held in Jerusalem and Tel-Aviv in March. We are currently planning for a delegation to attend the Union for Reform Judaism (URJ) biennial conference that will be held in Toronto in November 2009. This offers a wonderful opportunity to meet international counterparts, develop social networks, access resources and bring back a range of ideas and initiatives for future activities.
- **Leadership development:** The commitment to develop new leadership remained a priority, with delegates sent to the Beutel program at the Anita Saltz Centre in Jerusalem. We provide scholarships to assist applicants who are nominated by their congregations. We are planning a program for 2010 in Australia for all the graduates of this program. We continue to support and nominate candidates for the Nahum Goldmann program and were delighted to sponsor Rabbi Paul Jacobson’s attendance in 2009.
- **Moetzah:** The Council of Progressive Rabbis is a vital and integral part of the UPJ. Under the chairmanship of Rabbi Jeffrey Kamins they have been deeply involved in the adaptation of *Mishkan T’filah* to make it the first-ever Siddur produced specifically for our region. It is particularly pleasing to note the recent appointment of a Rabbi for Temple David, the Progressive congregation in Perth, and the recent induction of Rabbi Gersh Lazarow as the rabbi for the King David School, Melbourne. The Moetzah has also been very involved in the development of a range of policy reviews and statements relating to key areas of religious and social policy.
- **Professional development:** As part of our commitment to maintaining and developing the calibre of the professionals serving our community we actively encourage and support those who seek formal training and qualification as a rabbi, cantor or Jewish educator. At this time we are providing assistance for one rabbinical student and for one post-graduate student teacher in America. The UPJ provides loans to those undertaking approved courses and these funds are converted into grants as the person returns and works in the region.
- **ARZA:** The Association of Reform Zionists in Australia continues its work of promoting Israel under the tireless leadership of Ian Samuel. As the voice of Progressive religious Zionists, ARZA sends out fortnightly e-mails detailing the political, social and religious debates and events in Israel and around the Jewish world, highlighting the continuing struggle to ensure that Israel fully embraces pluralism and other tenets of its Declaration of Independence. ARZA has also employed ex-Netzer leader, Nicola Ossher to promote and develop the presence of ARZA throughout the community.
- **UIA Progressive Trust:** The activities of the UIA Progressive Trust have included hosting a visit by the Lior Zalmanson, a member of the Board of the Israel Movement for Progressive Judaism in support of the United Israel Appeal campaign. Through this Trust we continue to provide vital funds to support Israel and, in particular, the work of the Israel Movement for Progressive Judaism in its work with refugees and migrants.
- **Netzer:** UPJ’s support for Netzer has been maintained, including financial support for their operational activities, their involvement in outreach to smaller communities in Australia and New Zealand; their social action programs; and to helping send young people on year-long programs in Israel. We never cease to be impressed by the dedication and talent of the leadership and are delighted to have them as part of the UPJ leadership team.
- **Tamar:** With the appointment of a part-time coordinator for the Young Adults in our communities we have been more proactive in reaching out to and engaging with this age group. Through the provision

of a range of cultural, recreational and social activities we are heartened by the initial response and hope to build on this in the coming months.

Shlichut: In June of this year NSW Shaliach, Sharon Shteinbock returned to Israel after a highly successful 3-year shlichut and his replacement – Anat Baruch - will be arriving in the near future. The importance of maintaining a strong program of shlichut is undoubtedly being challenged by the dramatic increases being mooted in the costs but we are committed to maintaining the consistently high level of our Shlichim.

- **Educators' Network:** The skills and expertise of the lay and professional educators in the region have been linked through the establishment of an e-mail based network. At the conclusion of each ZFA Educators' Conference, we hold a special meeting for the UPJ educators, with scholarships provided for them to attend the conference and other programs, including Limmud Oz. We are planning a major seminar for them in Melbourne in 2010.
- **Social Action:** Thanks to the grant from the United Nations Foundation we have run an excellent campaign, involving congregations and individuals, especially young people at Bar/bat mitzvah level called 'Nothing but Nets' aimed at the eradication of malaria in Africa. Members of the various Progressive congregations continue to be at the forefront of most interfaith and social action initiatives in the Jewish and general community. The breadth of these initiatives should be a source of pride for the entire community.
- **Executive Director:** Our new Executive Director, Steve Denenberg, has spent considerable time visiting our existing congregations as well as assisting with the development of new congregations throughout the region. The past year has been a time of consolidation and development, with a focus on the development of the organisation throughout the region and in ensuring that the voice of Progressive Jews is heard at all levels of the community.

Our sincere thanks and appreciation go to Steve for ensuring the move of our offices from Melbourne to Sydney was accomplished with minimal disruption. His enthusiastic and passionate approach to his role has ensured Progressive Judaism maintains a high profile in our region.

- **Executive Committee:** This group meets by teleconference every 6 weeks. Earlier this year they met with the presidents of our constituents and members of the Moetzah in Melbourne to work on issues of concern and needs that they had identified.

On behalf of the Executive Committee and constituents of the Union for Progressive Judaism, I would like to extend our gratitude to and support for the wonderful work undertaken by the ECAJ on behalf of the Jewish community. In addition, I offer special thanks to our representative on the ECAJ, Phyllis Dorey for her wonderful work and boundless energy. It is our hope that our partnership with Robert Goot and his committee, as well as the wonderful staff, will continue to go from strength to strength.

David Robinson
President
Union for Progressive Judaism

September 2009

306 Hawthorn Rd
Caulfield S. Vic. 3162
Australia

T (61-3) 9272 5644
F (61-3) 9272 5640
E zfa@zfa.com.au
www.zfa.com.au

3/146 Darlinghurst Rd
Darlinghurst NSW 2010
Australia

T (61-2) 9360 6300
F (61-2) 9360 6004
E zfasyd@zfa.com.au
www.zfa.com.au

**MESSAGE FROM PHILIP CHESTER
PRESIDENT, ZIONIST FEDERATION OF AUSTRALIA
TO THE EXECUTIVE COUNCIL OF AUSTRALIAN JEWRY
ANNUAL GENERAL MEETING 2009**

It is with great pleasure that I extend warm greetings on behalf of the Zionist Federation of Australia to the Executive Council of Australian Jewry on the occasion of your 2009 Annual General Meeting which takes place during Tel Aviv's 100 Anniversary.

Many functions have been held by the Zionist movement as part of the Tel Aviv celebrations, the highlight of which was the visit to Australia of the ZFA/Israeli Embassy guest speaker Rabbi Yisrael Meir Lau, Chief Rabbi of Tel Aviv and former Chief Rabbi of Israel.

It was, of course, a momentous year for Israel, with a change of government and Prime Minister as well as the carrying out of Operation Cast Lead in Gaza in order to stem the barrage of Hamas bombs in Southern Israel.

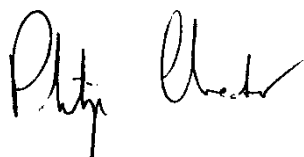
Almost predictably, the world has condemned Israel's legitimate acts of self defence as typified by the biased and morally equivalent Goldstone Report.

As Zionists we can take much pride from the result of the just released communal survey which reinforced the absolutely central role of Israel and Zionism in Australian Jewish life.

I wish to congratulate the President, Robert Goot and his executive on another successful year in office and for your effective efforts in representing the Australian Jewish Community to the Australian Government and many other institutions.

I look forward to continuing the close and productive relationship between our two national roof bodies. I also wish to acknowledge the close cooperation between the ZFA and ECAJ in making representations to the Australian Government that helped lead to Australia's decision not to participate in Durban II.

Despite the challenges that Israel continues to face there is so much for all of us to be proud of in the Jewish state. Just last week, an Israeli scientist won the Nobel Prize for Chemistry. Let us hope that the coming year brings peace and continued prosperity to the State of Israel and that Gilad Shalit will soon return to his home and family, safe and sound.



Auckland Jewish Council Annual Report 2009

Activities

The year up to June 2009 has been relatively quiet for the Auckland Jewish Council.

Some of the major events for the year include:

- Prime Network Billboard and Time Magazine advertisement; The Council was concerned about the potentially anti-Semitic nature of advertisements around the Prime TV Mad Men series. The Billboard was removed with apologies.
- Funding of the Community Security Group that is at a significant number of community events and services.
- Wellington Regional Jewish Council: The Auckland Jewish Council has worked hard to cement strong relationships with Wellington. There is a regular flow of information between the two councils.
- Charitable Status: The Auckland Jewish Council is now registered under the Charities Act. This means that all donations to the council are tax deductible. We hope that this provide additional income to the council.
- New Zealand Jewish Council: Having a formal constitution and incorporated status is considered important for the national umbrella body. As such we are working on getting appropriate structure and rules put in place.
- Holocaust Web Site: Under the sponsorship of the Jewish Council over the past 18 months a subcommittee of Mike Regan in Wellington and Claire and Peter Bruell and Deborah Knowles in Auckland have been working with Richard Carstens of Townsquare Ltd to set up a site for students and teachers and the general public in NZ which would be a repository for Holocaust data as it pertains to the NZ experience. This is expected to go live later this year

The Auckland Jewish Council

The Auckland Jewish Council is the representative body of the wider Jewish Community. It has as its members the diverse variety of Jewish groups within our community. The Auckland Jewish Council is inclusive of Jewish groups of all religious affiliation.

- Auckland and Chevra Kadisha and Benevolent Society
- Auckland Hebrew Congregation
- Auckland Jewish Burial and Benevolent Society
- Australasian Union of Jewish Students Auckland
- B'nai Brith Lodge
- B'nei Akiva
- Habonim Dror
- Hadassah International
- Jewish Oral History Group
- Kadimah College
- Maccabi
- New Zealand Israel Trade Association

- The Council of Jewish Women
- The Progressive Jewish Congregation of Auckland
- WIZO.
- Zionist Federation of New Zealand

These organisations elect the executive who are responsible for the activities of the Auckland Jewish Council.

Estimates of the total number of Jews in New Zealand in 2004-5 put the figure at around 10,000. Of this at most half are within the greater Auckland Region. It is in their interest, on lay matters, that the Auckland Jewish Council represents them publicly to the press, politicians and in other ways as appropriate. The Auckland Jewish Council focuses on making New Zealand a place where all Jews are free to practise their religion away from discrimination, anti-Semitism, and harassment.

The New Zealand Jewish Council

The New Zealand Jewish Council is an umbrella organisation, non-religious, with representatives from the main community groups. It has regional affiliates throughout the country with the most active being in Auckland, Wellington and the Waikato.

The current presidency of the New Zealand Jewish Council resides in Auckland and is the responsibility of the Auckland Jewish Council.

The Council speaks for the New Zealand Jewish community on matters of defamation, Jewish issues and ethnic affairs and also aims to co-ordinate cultural and social activities.

The role of the New Zealand Jewish Council includes:

- Working with the media to ensure that there is a fair representation of Jews and Jewish views.
- Ensuring that local and national government has a clear understanding of the issues affecting Jews in New Zealand, and gaining appropriate attention for such issues where necessary.
- Being the prime sponsor of the Community Security Group ("CSG"), and ensuring that it has the structure and resources necessary to carry out its important activities.
- Encouraging a wider public understanding of what it means to be Jewish in New Zealand.

Community Events

The Auckland Jewish Council has been a key sponsor of a number of community events and activities.

These are wide ranging and have included:

- Sponsorship of Radio Shalom providing Jewish broadcasts.
- Meeting with various overseas dignitaries.
- Organising speakers including Michael Ronen, Moshe Ya'alon and Hagai Segal.
- Contributing to sponsoring of Israel Week

Political

The Auckland Jewish Council maintains its active role in safeguarding the political presence of the Jewish Community. It does not take a partisan approach but focuses on the issues that are important to Jews in New Zealand – continuing its close contacts with all the parties as required.

In this regard, it also recognises the insidious danger of one-sided views at a governmental level, often under an anti-Israel guise, and is gathering resources to address this.

In view of the fact that anti-Israel sentiments can often mask, or lead to anti-Semitic ones, the Council has decided to embark on an active wave of public education correcting some of the more prevalent distortions of fact regarding Israel and the wider Jewish community, to coincide with the 60th anniversary of Israel.

Media

The Auckland Jewish Council and New Zealand Jewish Council continue to monitor the local media to ensure balanced reporting on items relating to Israel and the Jewish people. Reporting on the Middle East is often biased against Israel. Last year, this was directed mainly at Israel; however, as a result of comments made in the media by various government officials, there was some attention focused on the local Jewish population as well. As time has distanced us all from the passport scandal, this has largely settled down. The Council continues to keep a watchful eye on news reports and documentaries etc. Last year the Auckland Jewish Council imported copies of the book “Myths & Facts –Guide to the Arab Israeli Conflict” and copies are still being distributed where evidence suggests a lack of balanced knowledge.

Other publications continue to be reviewed by the council as they come to attention.

International Representation

The Jewish Council has affiliation and maintains contact with:

World Jewish Congress

Eur-Asian Jewish Congress

Commonwealth Jewish Congress

Executive Council of Australian Jewry

These channels keep New Zealand informed about world issues as well giving the avenue to express a New Zealand viewpoint.

Overseas Events

Overseas events do have impact on us here in New Zealand and are sometimes a cause of concern. The Jewish Council maintains a careful watch on international affairs and takes action where appropriate.

Current events:

- The Durban II Conference and similar United Nations events that use Human Rights as a veil for anti-Zionism and anti-Semitism.
- In the ***Middle East***, including the Iranian Holocaust Conference, statements and nuclear issues.
- Possible extremist potential in ***Australia*** and worldwide.
- Calls for ***academic boycotts*** by, for example, British academic institutions and journalists are all closely monitored, as is their reporting here in the local media.
- ***Israeli Actions in Gaza and Lebanon***. While it is not the role of the Jewish Council to either support or criticise the actions of the government of the state of Israel the Jewish Council is often asked for its comments. In these cases appropriate political spokespeople from outside the Jewish Council are put in contact with the media organisations.

Other Activities

Christian-Jewish relations

Christians are a majority of the population of New Zealand, 2.04 million out of the total population of 4.3 million. Christian attitudes, where negative to Jews, are largely based on religious anti-Semitism and ignorance. Hopefully with increasing dissemination of balanced information, some attitudes will be improved. Good relationships with many Christian leaders are maintained.

The Council of Christians and Jews was established in Auckland and Wellington about 25 years ago. They are affiliated to the International Council of Christians and Jews and do good work but on a small scale. The Jewish Council sees its role as fostering better understanding between the communities.

Holocaust education

The Jewish community has since World War 2 continued to inform New Zealanders about the Shoah by putting up monuments, holding regular observance of Yom Hashoah to which non-Jews are often invited, and maintaining numerous museum displays.

The challenge is to maintain the Shoah education among younger generations, including the Jewish community. As survivors pass on and the uniqueness of the Shoah becomes blurred by more recent genocides this need becomes even more important.

Recent developments in this area include:

- The promotion of the March of the Living program – with a letter of endorsement from the Governor General.
- The work of the Oral History Group, which has now extended its scope to include Jewish History as well as Holocaust material, and is transferring all interviews from tape to CD. Approximately eighty interviews completed to date.

Jewish-Muslim Relations

With increasing immigration, particularly of Asian people, the number of Muslims in New Zealand has gone up rapidly from 13,545 in 1996 to 23,631 in 2001 (according to the optional question in the census). In 2005 the number of Muslims in New Zealand is estimated at 40,000. (New Zealand's total population is now estimated at 4.3 million).

New Zealand Muslims come from about 35 different nationalities. The Muslim community in New Zealand does not typically have a high profile however, as a result of 9/11 and the recent London terror attacks, this profile have increased.

Jewish-Muslim relations occur mainly in the framework of inter-faith groups which exist in many centres. There has been tension in recent years because of the Israel-Palestine conflict but there have also been strong attempts to prevent that conflict outside New Zealand from harming good relations within New Zealand society. Although individual Muslims speak out against Israel in the media from time to time, there are no Muslim leaders who publicly attack Israel or Jews, and vice versa.

An area of increasing concern remains the very active efforts by anti-Israel activists on University campuses, with demonstrations, often vehement and misleading articles to student magazines and a strong presence at relevant public talks. At times we have had passionate Jewish student response to this, but at the moment there would appear to be a dearth of such interested students on campus. The Council is considering options available so as not to leave the many charges and distortions unanswered.

Auckland Regional Ethnic Council

20 years ago Auckland Jewish Council was one of the founding members of the Auckland Regional Ethnic Council. We continue to play an integral role with this group ensuring that they are aware of the Jewish point of view and that all ethnic groups are free to practise their beliefs and traditions in New Zealand without prejudice or discrimination.

Security Issues

The Community Security Group “CSG” provides the community with regular updates and advice in relation to security matters. The Jewish Council is the primary sponsor of the CSG and, in addition to providing significant direct financial support, elicits funds and equipment from other groups within the community as well as performing a mentoring role for the group.

As security issues become more troubling world-wide, this dedicated group of volunteers does an outstanding job of keeping our community safe, and deserve our fullest appreciation.

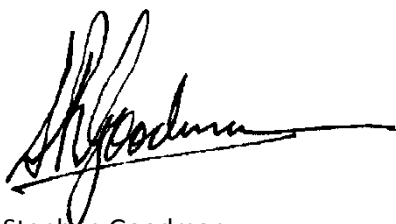
Diplomatic Relations with Israel

The New Zealand Jewish community has been strongly affected by the closing (due to fiscal cut-backs) of the Embassy of Israel in August 2002. Official Israeli representation strengthened the community’s Zionism and helped in the public defence of Israel when required. The nearest Israeli diplomatic presence, for the last 3 years, has been in Australia (Canberra). There has been an Honorary Consul of Israel in Wellington – Mr David Zwartz, the immediate past President of the New Zealand Jewish Council. He has now resigned and no replacement has yet been appointed. We are however pleased that the Israeli government is intending to open a new embassy in 2010.

Conclusion

The Auckland Jewish Council has been very active and we should like to acknowledge the efforts from the entire executive: Peter Bruell, Dan Cohen, Stephen Goodman, Vicky Gross, Geoff Levy, Boris Lubetzky, Mike Nathan, and Edward Robinson. They have all made great contributions to the activity of the Auckland Jewish Council and assisted in what has been a successful year.

We trust that we can count on the support of the member organisations and the wider Jewish community for the year ahead. As an independent organisation we receive no money from any other community group or organisation and are totally funded from contributions received from supporters. We, once again, ask for your continued financial support.



Stephen Goodman
Co-President
Auckland Jewish Council



Geoff Levy
Co-President
Auckland Jewish Council

MACCABI AUSTRALIA REPORT TO ECAJ AGM NOVEMBER 2009



Maccabi Australia together with our member States and affiliated Clubs exist to promote Jewish identity and continuity – connecting our community through sport.

We are the largest Jewish organisation in Australia, boasting an 85-year heritage and 9,000 members ranging in age from 5 to 85 years across over 50 clubs. Worldwide Maccabi is represented in over 60 countries and has more than 400,000 members.

Every week hundreds of parents transport their children to participate in Maccabi clubs. These teams provide an opportunity for Jewish children to connect and form lifelong friendships. Many of these children graduate to our senior and masters' teams. Our event calendar includes an annual Junior Sports Carnival, quadrennial Maccabi Australia International Games, participation in the Maccabiah Games in Israel, interstate sport challenges and Maccabi regional events.

2009 has been an incredible year for Maccabi:

27th Junior Carnival – Sydney, January 2009

More than 600 youngsters enjoyed an outstanding Junior Carnival in Sydney in January. Carnival Manager Jackie Vilensky and her team worked tirelessly to ensure a memorable event for all. Participants from across Australia and New Zealand were billeted by local families and joined local juniors in earnest competition by day and a variety of social events at night, including a dance party featuring Potbelleez, a movie night, talent quest, pool party and Shabbat dinner.

Maccabi WA Inaugural Hall of Fame

On Sunday 8 March Maccabi Western Australia inducted 22 prominent sportspeople into their newly created Hall of Fame. The milestone event enjoyed a large attendance, including guest speaker His Excellency Dr Ken Michael AC Governor of Western Australia.

Appointment of Executive Director, Robert Weisz

In April, Maccabi Australia appointed a full-time Executive Director for the first time in its 85-year history. Robert Weisz, a 34-year-old sports marketing expert, set up office in Melbourne with plans to take Maccabi to the next level. Robert brings youth and enthusiasm and, with his background and experience, I look forward to seeing Maccabi take its rightful place as a major constituent body within the Australian Jewish community.

18th Maccabiah - Israel, July 2009

July was a golden month for Australian Jewish sport. Our 400-strong team enjoyed a record medal-haul (24 gold, 27 Silver, 30 Bronze) finishing third overall behind hosts Israel and the United States. This was a phenomenal achievement considering we had 120 fewer competitors than the last Games but won many more medals. Thanks go to the incredible leadership and hard work of Head of Delegation Tom Goldman, General Manager Lisa Borowick, the Executive team, Team management, volunteers and the support of valued sponsors.

In addition to the sport, the Games will be remembered for:

- The inspiring Opening Ceremony at the national stadium in Ramat Gan
- Memorial service for Australians killed in the 1997 Bridge disaster
- Function hosted by Australian Ambassador to Israel James Larsen and his wife Antoinette
- Romantic Proposal and engagement involving two team members
- Team visits to the Kotel, Yad Vashem, Dead Sea and Massada
- Stirring closing ceremony at the Latrun Amphitheatre featuring President Shimon Peres

Considerable effort has already been spent on preparations for the **Maccabi Junior Sports Carnival in Perth** December 29 – January 6. This will be a great sporting week and a chance to make new friends or get together with friends made at previous Carnivals. We may even have teams from Singapore and Hong Kong participating.

Preparations are already underway for the **Maccabi Australia International Games (MAIGs)** in Sydney 26 December 2010 – 2 January 2011. Maccabi Australia welcomes the world for a festival of sport, fun and friendship. As you may know the inaugural MAIGs were held in Sydney in 2006 and attracted over 600 athletes from around the world.

Maccabi Australia Jewish Sports Awards

Maccabi Australia congratulates the following recipients of the Maccabi Australia Jewish Sports Awards for efforts during 2008:

Australian Jewish Sportsman

David Zalcborg (Vic – table tennis)

Australian Jewish Sportswoman

Tal Karp (Vic – football)

Australian Jewish Masters Sportsman

Michael Besser (NSW – triathlon)

Australian Jewish Masters Sportswoman

Anne Besser (NSW – triathlon)

Australian Jewish Junior Sportsman

Noam Tidhar (Vic – judo)

Australian Jewish Junior Sportswoman

Jodie Cohen (NSW – diving)

The Maccabi Australia Board and Board of Governors have worked diligently to promote Maccabi and manage events. My thanks to the following members:

Maccabi Australia Board

Harry Procel (President), Tom Goldman OAM, Lisa Borowick, Sam Parasol OAM, Barry Smorgon, Michael Swibel, Helen Synman, Ilan Kogus, Robert Weisz (Executive Director)

Maccabi Board of Governors

Barry Smorgon (Chairman), David Payes, David Grace, David Fuchs, Bruce Fink, Richelle Marks, Harry Procel, Miles Clemans (Maccabi Victoria President), Ruth Nissim (Maccabi NSW President)

This is an exciting time to be a Maccabi member. The organisation is determined to preserve our uniqueness but is also open to new thinking and opportunities.

We can do what many organisations in our community cannot. We can encourage a healthy and active lifestyle and promote Jewish continuity without the need to actively promote our religion or Zionism. Many

Maccabiah representatives had never been to Israel, but the team environment and competitiveness nurtured through Maccabi clubs meant they strived to represent their country and compete against the best Jewish athletes from around the world.

We know that not everyone enjoys sport. We can create more non-sporting clubs. Solid infrastructure and best practice is transferrable to any club of like-minded people. Maccabi Victoria has an All Abilities, Toastmasters and Active Living Clubs. WA has a Social Club, Israeli Dancing, Martial Arts and Bridge. Why not a national Self-Defence course, or First-Aid, Theatre Clubs, Filmmaking or Design? These clubs will connect Jewish people who may otherwise be lost to our community.

The new Maccabi seeks and emulates best practice from community and professional-sporting organisations, and from other Maccabi Territorial Organisations. A key project is the use of technology to create efficiencies, reduce the burden on volunteers and drive revenue. Key projects to be tackled include:

- A national web portal for all clubs with online member registration
- An extranet for training and best-practice
- A national Jewish sports news hub online
- More Maccabi clubs across the country
- A strong Maccabi presence in New Zealand and Asia
- National member benefits
- National sponsorships and partnerships
- Improved facilities
- A new generation of volunteers working with experienced Maccabi leaders across all levels
- Strong, regular State of Origin sporting events.

I encourage members of our community to join a team, volunteer at a local Club or help manage an event. Play your part in helping to keep our community connected. I hope each of you will derive as much enjoyment from Jewish sport as I have over the past 42 years.

Harry Procel
President

COMMUNITY RELATIONS REPORT

By Josie Lacey OAM

During the past year, we have continued our participation in the various multi-ethnic and multi-religious organisations, and continued to develop good relations with the various ethnic groups and religious bodies.

Australian Partnership of Religious Organisations An APRO forum, entitled? Building Community Together?, was held in Adelaide on 16 June 2009. As Interfaith Adviser to APRO, Together with another Apro member from the Baha?I community , organised the forum and chaired the main panel of discussion on the Role of Interfaith Dialogue. Rabbi Shoshana Kaminsky of the Beth Shalom synagogue was one of the keynote panel speakers and Jeremy Jones and Ian Lacey facilitated two of the workshops.

It was good to have representatives of the Adelaide Community present including president Norman Schueler.

The recommendations of the Forum were transmitted to the Commonwealth government and to relevant government agencies. These included the following:

- * Multi-faith education to be included in primary and secondary school curricula to promote respect for diversity.
- * RDA to provide remedies for vilification or incitement on ground of religious identity or affiliation, but not genuine religious critique
- * Code of conduct for internet providers.

Parliament of World Religions

The Parliament is to be held in Melbourne in December and thousands of participants are expected..

A Pre-Parliament event was held in August at Parramatta Park, attended by PWR CEO, the Rev Dirk Ficca and the NSW Premier. It included significant Jewish participation, with contributions by Rachael Kohn, Judith Levitan, and Glen Falkenstein and a brilliant multi-faith concert organised by Fay Sussman. Fay joined me on the steering committee for a few months preceding the event.

Freedom of Religion and Belief Project - HREOC Steering Group I am an ad hoc member of the HREOC Steering Group for the Freedom of Religion and Belief Project. A Discussion Paper has been completed and ECAJ has made a formal written submission and attended a consultation meeting. A report is expected later this year.

Ian took part in a panel at a legal conference in Canberra on Freedom of Religion and a Charter of Rights, which was later broadcast, in which he expressed the Jewish community's concerns as set out in the ECAJ submission.

Federation of Ethnic Communities Councils of Australia The annual conference of FECCA will be held in Shepparton on 30-31 October 2009, and I will be participating in a plenary panel entitled Interfaith: Cutting Edge or Cups of Tea??

I continue as a Vice-Chairperson of the ECC of NSW and as Adviser to FECCA on Interfaith issues, and Ian is Legal Adviser to FECCA.

World Council of Religions for Peace

WCRP is an International organisation and I remain an active member.

Catholic Religious Australia Assembly (CRA) this is a national assembly of Heads of Catholic Orders which was held in Sydney in July 2009. I was invited to present a workshop on Jewish Prayer and Spirituality and Judith Levitan participated in a Youth Panel. In the afternoon I accompanied a group of 18 priests and nuns on a visit to the Jewish Museum.

National Council of Churches of Australia Ian and I were invited to attend the Commissioning of Tara Curlewis as General Secretary of the NCCA

Uniting Church

Representing ECAJ Ian and I attended the installation of Ian McRae as the new President. Two days later we attended the launch of the UCA website, also attended by Jeremy Jones and Peta Pellah.

I remain on The National Dialogue of Muslims, Christians and Jews and the National Uniting Church dialogue.

I thank President Robert Goot, Peter Wertheim for their leadership and Sarita Gold for all her help.

Josie Lacey OAM
September 2009



Federation of Jewish Aged and Community Services Organisations

A Policy Arm of the Executive Council of Australian Jewry

619 St Kilda Road Melbourne Victoria Australia 3004 • Tel 613 8611 0444 • Fax 613 9620 2643 impact@c031.aone.net.au

2009 Report to the ECAJ

Robyne Schwarz	Chairperson
Claire Vernon	Member, Executive
Phil Samuel	Member, Executive
David Brous	Pro Bono Executive Director

1. Membership

The following organisations are currently **members** of the Federation:

- ACT Jewish Community, Inc;
- B'nai B'rith Retirement Villages, Sydney;
- Chai Foundation, Sydney;
- Emmy Monash Homes for the Aged, Melbourne;
- Hobart Hebrew Congregation;
- Jewish Care NSW;
- Jewish Care Victoria;
- Jewish Centre for Ageing, Sydney;
- Jewish Community Services South Australia;
- Jewish Taskforce on Family Violence, Melbourne;
- Maurice Zeffert Home, Perth;
- National Council of Jewish Women Australia (Victoria) Inc;
- Queensland Jewish Board of Deputies;
- Sir Moses Montefiore Jewish Home, Sydney; and
- Wolper Jewish Hospital, Sydney

The following organisations are **affiliates** of the Federation:

- Jewish Care WA; and
- Queensland Jewish Community Services.

Fees are currently \$500 per annum for members and \$250 per annum for affiliates. Members and affiliates in Tasmania, ACT and Queensland do not pay a fee.

2. Relationship with the ECAJ

The Federation is the 'aged, health and community services policy arm' of the ECAJ. It works in the space occupied by the ECAJ that is concerned with the funding and provision of aged, health and community services to Jews and the Jewish communities in Australia and the policy environment in which the agencies supporting the Jewish communities are required to operate.

The Federation seeks to be financially independent of the ECAJ to ensure that it is not financially encumbered with the responsibility of financing the Federation's activities. As a policy arm, the Federation is accountable to the ECAJ and its constituents and reports accordingly to the ECAJ Committee of Management.

3. Incorporation

With pro bono support from DLA Phillips Fox in Melbourne, incorporation is being sought in the ACT on terms similar to those applying to the ECAJ, with the ability to accept funds and strike contractual agreements with other entities. It is hoped that the structure will be finalised by December 2009.

4. Federation Forum

Five editions of **Federation Forum** have been issued in 2009 to members and affiliates. Copies are electronically distributed to members of the Federation and the ECAJ and to each of the State and Territory roof bodies.

5. Member Teleconferences

A teleconference of members was convened in October 2009 to receive a presentation on the results of the Jewish Community Survey Project, by Professor Andrew Markus from the Australian Centre for Jewish Civilisation at Monash University.

The JCSP is a significant initiative and has gathered data and information that will benefit service planning of all providers of aged and community services to the Jewish community across Australia. It has been supported financially by the Australian Research Council, Jewish Care Victoria, the Jewish Community Appeal NSW and a number of private foundations and charitable trusts.

6. Budget and Fund Raising

Fund raising is being held back pending finalisation of incorporation.

It is intended that funding will be sought from Government and private sources to enable the employment of a 0.5 EFT Executive Director and the funding of communications and liaison across the membership and with the Commonwealth Government, as required.

Other costs will include the payment of affiliation fees to the Australian Council for Social Services (ACOSS) and the National Aged Care Association (NACA).

In the interim, Jewish Care Victoria holds membership funds as the trustee for the Federation.

7. German Ghetto Work Payment Program

Following an approach from DLA Phillips Fox, arrangements were made for Jewish Care New South Wales and Jewish Care Victoria to collaborate with the law firm to mount a pro bono program to register claimants under the Program and to facilitate the submission and processing of claims.

Grahame Leonard and Nina Bassatt were involved in the discussions, in their capacity as the Australian liaison with the Claims Conference.

8. Support in the Preparation of Funding Applications

Following a request from the Jewish Taskforce Against Family Violence, the Federation provided consultancy support in the preparation of an application for funding from the Respectful Relationships Program of the Department of Families, Housing, Community Services and Indigenous Affairs.

November 9 2009

ECAJ – The year in snapshots



Solidarity Rally January 2009
Robin Margo SC, Deputy Chief of Mission Eli Yerushalmi and Robert Goot AM SC



Luncheon held in Melbourne May 2009
Philip Chester, Robert Goot AM SC, Minister for Foreign Affairs The Hon. Stephen Smith and John Searle



ECAJ appointment of Executive Director 2009
ECAJ Executive Director Peter Wertheim, Robert Goot AM SC and Jillian Segal AM



ECAJ Annual Conference 2008
Nina Bassat with guest speaker Ehud Ya'ari



ECAJ Annual Conference 2008
Robert Goot AM SC, Guest Speaker Justice Catherine Branson and Justice Stephen Rothman AM



Chris Pyne Lunch October 2009
Peter Wertheim AM and Jeremy Spinak

