



MINUTES OF THE PLENUM OF THE JEWISH COMMUNITY COUNCIL OF VICTORIA INC
Beth Weizmann Community Centre
8.00 pm, 4 March 2013

Members in attendance	There were 44 Members of the Executive, Delegates and Deputy Delegates representing 17 Affiliates.
AGENDA ITEM	DECISION / DISCUSSION / ACTION
1. Welcome	Nina Bassat welcomed the Plenum
2. Apologies	<ul style="list-style-type: none"> • As per Registers Book
3. Adoption of Minutes of Plenum Meeting held on 4 February 2013	<p>Amendments to Minutes of Plenum Meeting 4 February 2013</p> <p>Harold Zwier, Australian Jewish Democratic Society, delegate to the JCCV, raised concerns about some words John Searle was reported to have said in the Plenum Minutes and asked for part of Item 16 to be deleted.</p> <p><i>“This discussion is not about the right of people to criticise or comment on the activities of organisations in the Jewish community including the AJDS. I don’t agree with the comments about the AJDS made by John Searle at the February Plenum meeting during general business, but John has as much right to make those criticisms – fair or otherwise – as anyone.”</i></p> <p>Harold was upset by the reported words and was not satisfied with the responses and suggested amendments. After much discussion from the floor, there was agreement to delete the words from Item 16 as follows:</p> <ul style="list-style-type: none"> • Item 16 in General Business – the statement by John Searle – excise the first seven words: <i>“These attacks appear to be anti-Semitism”</i> <p>Moved by Nina Bassat Seconded by Richard Rozen Carried</p>
4. Correspondence	<p>Previously Circulated.</p> <p>Dr Danny Lamm commented on a letter sent by AJDS.</p> <p>Nina Bassat stated that a response was sent and Senator Carr was copied into the correspondence. The letter stated that AJDS is an affiliate of the JCCV but that the views expressed by it were in no way representative of the views of the JCCV.</p> <p>Andre Oboler highlighted Item 7 in the Incoming Mail, a letter of</p>

	<p>thanks to Jo Silver who assisted the NEJC in a strategic planning evening that went well and the assistance of the JCCV was very much appreciated.</p>
<p>5. Address by Professor Tim McCormack on “The Turkel Commission’s Report for Phase II – Inquiring Into Israel’s Processes for Investigating Alleged War Crimes”</p>	<p>Nina Bassat introduced Professor Tim McCormack, who is extraordinarily well-credentialed in the legal field and has a formidable mind. He has vast experience in the International Law area and was invited to participate as an international observer on the Turkel Commission.</p> <p>Tim McCormack is a Professor of Law at the University of Melbourne, Special Adviser on International Humanitarian Law to the Prosecutor of the International Criminal Court in The Hague and an Adjunct Professor of Law at the University of Tasmania.</p> <p>He was the Foundation Australian Red Cross Professor of International Humanitarian Law (1996-2010) and Foundation Director of the Asia Pacific Centre for Military Law (2001-2010) both at the Melbourne Law School.</p> <p>From 2002-2006 he served as <i>amicus curiae</i> on International Law issues in the trial of Slobodan Milosevic in The Hague and from 2004-2007 he provided expert law of war advice to Major Dan Mori in the defence of David Hicks before the US Military Commission at Guantanamo Bay. Tim completed his PhD at Monash University Law School on the Israeli Bombing of the Iraqi Nuclear Reactor and Anticipatory Self-Defence in International Law and was the inaugural Australian recipient of the Golda Meir Postdoctoral Fellowship to the Hebrew University of Jerusalem. He was appointed by the State of Israel in June 2011 as one of two international observers (joining Lord David Trimble of Northern Ireland) for Phase II of the Turkel Commission of Inquiry into Israel's Processes for Investigating Alleged War Crimes.</p> <ul style="list-style-type: none"> • Professor Tim McCormack Speech – Read Online
<p>6. Questions Arising from Professor Tim McCormack’s address</p>	<p>Andre Oboler asked that when you compared all the countries, things were taken out where everyone agreed. How did everyone stack up and if there are areas where Israel actually went beyond what was common practice, and where we can actually find some best practice from an Israeli situation that can maybe feedback internationally.</p> <p>Professor McCormack stated that this was a good question. The exercise was not to assess each of the six countries, but to try and identify the way they approached it and to draw what lessons they could from that. There is a whole chapter in the report which basically tries to synthesize various approaches of those countries. The reason why the four common law countries were selected is because their systems of Military Justice are more closely akin to Israel’s than the civil law jurisdictions, which were for contrast. The reality is that neither Germany nor the Netherlands have a unique separate autonomous system of Military Justice, and use their civilian court structures for their disciplinary measures.</p> <p>All the other four have their own independent Military Justice Systems and that is important as there is a popular misguided</p>

view that the military is incapable of investigating itself. Some of the global NGO's tend to have that view of things if investigations undertaken by the military can't possibly have been independent and partial. Israel has its own Military Justice System independent from the civilian court system. We are very interested to look at those countries we know have an independent Military Justice System to see what Israel does is similar or better than or not as good as most countries.

The general finding is that there are all sorts of intricacies and nuances in the way the different Governments approach the question of how we actually investigate. It is also interesting to see what in those four common law countries constitutes independence as far as the Military Justice System is concerned. For example in Australia's case, a few years ago there was a Senate inquiry and not an independent government commission inquiry, into our Military Justice System. There arose a concern in some of the way the allegations of bastardisation of new recruits into the ADF had been handled or not handled. There was a lot of criticism of the way the ADF had its investigation system setup. Responsibility was principally with the Military Police, in all of the three services, the army, air force and navy, who each had their own Military Police structures. There was a concern that giving those organisations within the three services responsibility for investigation is not sufficiently independent or transparent. In each case they are under the chain of command of each respective service. One of the recommendations was that the Australian Defence Force needed its own independent investigative service, which has now been setup called ADFIS that reports to the Minister of Defence rather than any of the operational chiefs and creates an autonomous arm from the operational chain of command. In Israel's case there is not an independent investigative service although the Military Police structures are more independent in the Israeli Military structure than they were in the ADF structure. That was what was identified and talked about and didn't make recommendations that that should be changed, but talked about what independence means from the internationally obligations that were looked at as well as these examples from different states.

Claude Fromm stated that Israel needs to be applauded for taking your recommendations aboard, but all commissions once they are setup, who has the jurisdiction to ensure that those commissions go ahead and take action when your body doesn't have a jurisdiction.

Professor McCormack stated that if nothing happens in response to the recommendations it was a fairly expensive exercise to undertake a review of the national legal obligations. It would be very disappointing if that is the outcome but in the end the commission has no authority to implement. No commissions, even the Royal Commission who can force people to come and testify under oath still have any authority to change the law. It makes recommendations to the Government and it is up to them if they take those recommendations seriously or not. The technical legal answer is that the Commissions don't have the

	<p>jurisdiction. The Government does. The political answer is that why is a Government going to go to the effort to setup a commission which takes quite a long time to conclude its findings, and just to ignore it. The policy part of the argument is that he will be shocked if that was the outcome, if there is no interest in the substance, why go through the process in the first place. He is speculating that the Israeli government will implement all the recommendations or much of them.</p> <p>Nina Bassat thanked Professor McCormack for his concise and comprehensive analysis of what must have been an extremely rigorous process. As you so rightly pointed out, if you go to the trouble of doing ground breaking analysis of international law, and there are twenty eight recommendations which some bodies don't agree on any way, then hopefully something will come out of it. She asked for his view on that she doesn't think Israel can afford to ignore a Commission such as this,</p> <p>Professor McCormack replied that one of the motivations of extending the mandate Commission to Phase II, to look at how Israel investigates alleged violations of the law, is to minimise the chance of the international criminal board of jurisdiction and the risk that the Israeli Government takes if they don't implement some of the recommendations is that the scope and possibility of Exercising jurisdiction in the Hague is expanding, and that is a very big incentive.</p>
<p>7. President's Report</p>	<p>JCCV CELEBRATES 75 YEARS The JCCV and its predecessors have sought to be a representative voice for the community and a cohesive force within it. We continue this role because you, the affiliates empower us to do so and we do so fully aware of the responsibility which this places on us.</p> <p>YOM HASHOAH COMMEMORATIONS Planning is proceeding for both functions. The evening commemoration will be focusing on commemorating the 70th anniversary of the Warsaw Ghetto Uprising. The afternoon commemoration will have AUJS and AZYC participating in that event.</p> <p>CHILD PROTECTION POLICY Much work is being done by the Steering Committee and we are mindful of the complexity and sensitivity of this area and of how important it is to ensure that all aspects are considered.</p> <p>YAP Congratulations to Debbie Zauder on the Youth Alcohol Project. The Jewish Day Schools are on deck and the program is proceeding. The "Alcohol and Youth, Your Say Forum" Report has now been published and is available on the JCCV website. Feedback is requested by 5 April 2013.</p> <p>YOUTH SUMMIT Jo Silver has been working very hard on planning a Youth Summit, designed to bring together young people from disparate sections of our community, with the aim of developing a plan for the</p>

	<p>future by the people who will be the leaders in the future. This is very exciting and something we are looking forward to be involved with any young organisation that would like to participate.</p> <p>AFFILIATION FEES At the JCCV Council of Presidents Meeting on 10 April 2013, we will be raising the question of affiliation fees. We are currently preparing a briefing paper that will be provided beforehand. We urge the organisations to be represented at the meeting.</p> <p>MAY PLENUM Please note that there will be three exceptions this year to the venue for the Plenum Meetings, with the first one taking place on 6 May 2013 at the Jewish Holocaust Centre.</p> <p>Moved by Nina Bassat AM Seconded by Vivien Brass Passed</p>
<p>8. Questions Arising from President's Report</p>	<p>Helen Shardey raised a query regarding the Steering Committee for the Child Protection Policy.</p> <p>Nina Bassat stated that a Steering Committee has been formed under the Chairmanship of Andrew Blode who has extensive experience in dealing with matters of child protection and child abuse. The Steering committee has been working very hard and has a lot of expertise on it with members of the JCCV, Jo Silver and Rimma Sverdlin, as well as JTFAFV, Jewish Care as observers and members outside of our organisation but are now calling on stake holders in the wider community to provide input into the Steering Committee to finalise and scope our guidelines and then have education sessions and open forums for discussion</p> <p>Helen Shardey asked whether there is any thought of contribution being sought from the community to place on the record.</p> <p>Nina Bassat stated that there has been input from Jewish roof bodies. It is difficult for us to make a meaningful contribution as we don't work in areas related to children, so we have made generic submissions, as has ECAJ, and we are on the record.</p> <p>Michael Neuhauser stated that each and every member of every organisation should somehow pay affiliation fees.</p> <p>Nina Bassat remarked that suggestion was made last time she was President of the JCCV, it has a lot of merit, but we can't enforce it. There is an executive meeting on 18 March to discuss this. At the last Council of Presidents meeting we asked for proposals to be put through to us within the context of your budget and we will look at it.</p> <p>Moved by Nina Bassat AM Seconded by Brian Samuel Passed</p>

<p>9. Treasurer's Report</p>	<p>Previously Circulated.</p> <p>The Treasurer referred to combined financials of JCCV and JCCV Cultural Fund for the last 8 months, which shows a deficit.</p> <p>The Treasurer pointed out that in comparing financials in the same period of the previous year, the deficit has considerably decreased. This is due to a range of components which include the efforts of the JCCV office to keep expenses down and donations had improved over the comparative year.</p> <p>Moved by Ian Jones Seconded by John Searle Passed</p>
<p>10. Questions Arising from Treasurer's Report</p>	<p>No Questions Arising</p>
<p>11. General Business</p>	<ul style="list-style-type: none"> • Vivienne Brass, NCJWA have given Russell Jaffe Consulting the opportunity to devise a very strategic plan which will involve talking to stake holders and interested parties. The community might be approached so please speak honestly about us. • NCJWA together with PJV are hosting Irris Makler on Sunday 17 March in the evening. • Nina Bassat remarked that MDA together with Hadassah have a daytime event with Irris Makler on Sunday 17 March. • Harold Zwier has the Danny Jacobs Report which was handed out during the demonstration. • Harold Zwier announced his retirement as a delegate and executive of AJDS. His replacement is Sivan Barak. • Debbie Zauder, YAP, has requested feedback by 5 April 2013 on The "Alcohol and Youth, Your Say Forum" Report which has now been published and is available on the JCCV website. • Grahame Leonard, VMC Cultural Diversity Week on Sunday 17 March at the Viva Festival in Federation Square - Ultimate climate with free entertainment from all ethnic groups, where our community is encouraged to participate. <p>Nina Bassat wished everyone a Chag Sameach and a Kosher L'Pesach.</p>
<p>12. Next Meeting</p>	<p>6 May 2013 at the Jewish Holocaust Centre</p>