

Executive Council of Australian Jewry Inc.

הוועד הפועל של
יהודי אוסטרליה

The Representative Organisation of Australian Jewry

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Australasian Union of Jewish
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Union for Progressive Judaism
Federation of Jewish Aged
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B'nai B'rith of Australia/ NZ
Jewish National Fund of Australia
Joint Distribution Committee Australia

OBSERVERS

Council of Progressive Rabbis
Federation of Australian Jewish
Ex-Service Associations
New Zealand Jewish Council
Zionist Federation of Australia
Council of Orthodox Synagogues of
Australia



16 July 2024

Sophie Dunstone
Committee Secretary
The Senate
Legal and Constitutional Affairs References Committee
PO Box 6100
Parliament House, Canberra ACT 2600

Email: legcon.sen@aph.gov.au

Dear Ms. Dunstone

Re: Response to adverse comments by Jewish Council of Australia at Inquiry into right-wing extremist movements in Australia on 17 June 2024

Thank you for the opportunity to respond to the adverse comments concerning our organisation made on 17 June 2024 by two representatives of the Jewish Council of Australia in their oral testimony before the Senate Legal and Constitutional Affairs References Committee.

Characterisation of the ECAJ as “right-wing”

The Executive Council of Australian Jewry (the ECAJ) is the peak, elected, representative body of the Australian Jewish community. It was established for that purpose in 1944 by Australian Jewish organisations and their elected leaders. The ECAJ’s constituent organisations are the roof bodies of the Jewish community in each State and the ACT.¹ Other Jewish organisations which operate nationally are Affiliates of the ECAJ.² Altogether, the ECAJ’s constituent and affiliated organisations, and their respective constituent and affiliated organisations, number approximately 200 major Jewish organisations across Australia, including Jewish schools, places of worship, women’s organisations, student organisations, sporting clubs and cultural groups. The ECAJ is routinely invited to make submissions to Government

¹ Namely, the NSW Jewish Board of Deputies, the Jewish Community Council of Victoria Inc, the Jewish Community Council of Western Australia Inc, the Queensland Jewish Board of Deputies, the Jewish Community Council of South Australia, the Hobart Hebrew Congregation and the ACT Jewish Community Inc.

² Namely, Australasian Union of Jewish Students, Union for Progressive Judaism, Australian Federation of WIZO, Maccabi Australia Inc, National Council of Jewish Women of Australia, B’nai B’rith District 21 of Australia and New Zealand, Jewish National Fund of Australia Inc, Joint Distribution Committee Australia.

inquiries and reviews of legislation that impact upon the Jewish and wider community. The ECAJ's role is coordination by consensus and it arrives at positions on particular issues as a result of input from its constituent and affiliate organisations, their respective members, and members of the Jewish community more generally, who manifest a diverse range of political and religious views which belie any simplistic characterization as "left wing" or "right wing". As will be evident from the ECAJ's published policies,³ the ECAJ has no predetermined alignment with the ideological left or right of politics. It follows that the claim by the Jewish Council of Australia that the ECAJ is "right wing" is not only false, but also reveals an astonishing ignorance of the way the Jewish community is organised, and a remoteness from its central concerns. In 2023 and 2024 alone, the ECAJ took a public stand on particular issues which could not possibly be characterised as "right-wing" on any view. The following is a non-comprehensive list of examples:

- The ECAJ publicly supported a Yes vote in the 2023 referendum on establishing a constitutionally-recognised First Nations Voice to parliament and government.⁴
- The ECAJ publicly criticised the Israeli government in relation to the enactment of its planned overhaul of the Israeli judiciary.⁵
- The ECAJ publicly supported proposed amendments to the Crimes Act 1914 (Cth) to strengthen Federal protections and criminal justice outcomes for vulnerable witnesses and victim-survivors of sexual violence.⁶
- The ECAJ publicly supported the enactment of Federal legislation banning Nazi and terrorist symbols and trading in goods bearing such symbols, and banning Nazi salute.⁷
- The ECAJ has publicly supported extending the protections in the Online Safety Act to vulnerable groups, not just individuals.⁸

The ECAJ has also publicly called for Australia to join other nations in taking stronger measures against gross human rights abuses by the regime in Iran against its own citizens.⁹

³ <https://www.ecaj.org.au/policies/>

⁴ ECAJ Media Statement: The Voice Referendum, 5 September 2023: <https://www.ecaj.org.au/ecaj-media-statement-the-voice-referendum/>. See also Wright, Shane, 'The Demographics that felled the yes campaign', *Sydney Morning Herald*, 15 October 2023: [Voice referendum results: Australia's demographics that felled the Yes campaign \(smh.com.au\)](https://www.smh.com.au/news/politics/voice-referendum-results-australia-demographics-that-felled-the-yes-campaign-20231015-p5d98z.html). Note that the seats of Wentworth and Kooyong have the largest Jewish populations in the country.

⁵ Media statement, 26 July 2023: <https://www.ecaj.org.au/removal-of-power-of-israeli-supreme-court-to-apply-a-reasonableness-test-to-government-decisions-and-appointments/>

⁶ Submission to Department of Attorney-General, 8 June 2023

⁷ ECAJ submission to Parliamentary Joint Committee on Intelligence and Security, 21 July 2023: <https://www.ecaj.org.au/ecaj-submission-to-parliamentary-joint-committee-on-intelligence-and-security-review-of-the-counter-terrorism-legislation-amendment-prohibited-hate-symbols-and-other-measures-bill-2023/>

⁸ ECAJ Submission to Online Safety Review, 21 June 2024: <https://www.ecaj.org.au/ecaj-submission-to-online-safety-act-review-2024/>

⁹ ECAJ Submission to Senate Inquiry into Human rights implications of recent violence in Iran, 5 December 2022: <https://www.ecaj.org.au/ecaj-submission-on-human-rights-implications-of-recent-violence-in-iran-2/>.

This advocacy is neither “right-wing” nor “left-wing”. It is advocacy in support of the rights of women and other persecuted groups in Iran. This is but one example that makes a nonsense of the simplistic approach of the Jewish Council of Australia to cast other groups within a binary left-right political framework.

The fact that the ECAJ is widely recognised as the representative body of the Jewish community nationally, and is not captive to either the left or right of politics, is evidenced by the high level of trust and active cooperation that the organisation enjoys with federal government across a range of departments. A recent example was the federal government’s choice of the ECAJ as its partner in administering grants focused on improving security in the Jewish community.¹⁰ On 9 July 2024 the Federal government announced the appointment of Jillian Segal AO, the ECAJ’s immediate past President, as the first Australian Special Envoy on Combatting Antisemitism,¹¹ and this was endorsed by the Opposition. This also speaks to the level of confidence that both major political parties place in the ECAJ and its personnel to act and speak with moderation and to represent our diverse Jewish community’s interests with integrity.

The ECAJ also has deep, long-standing relationships with the recognised representatives of a range of other faith and ethnic communities and indeed as the national representative body of Australia’s Jewish community, inter-faith and inter-ethnic dialogue is an important aspect of the ECAJ’s work.

Israel and Zionism

The ECAJ makes no apology whatsoever for its consistent support for Israel’s right to exist and defend itself, like all other nations. These are fundamental principles which have the overwhelming support of Australian Jews, who feel deeply connected to Israel by ties of family, religion and history. These are feelings which are seldom if ever acknowledged, let alone articulated, by the Jewish Council of Australia. One of the more significant population studies of Australian Jewry,¹² found that:

- 92% of Australian Jews have visited Israel, more than 60% three or more times. One in five has lived in Israel for one year or longer. The majority indicate that they have relatives or close friends who live in Israel.
- 88% feel a personal ‘sense of responsibility to ensure that the state of Israel continues to exist.’
- 95% feel “more concerned” when Israel is in danger than when any other country is in danger, or some higher level of alarm.

¹⁰ Announcement on 19 October 2023 by the Hon. Mark Dreyfus KC MP: [Supporting Australian communities | Ministers' Media Centre \(education.gov.au\)](https://www.ministers.gov.au/ministers-media-centre/education/2023/10/19/supporting-australian-communities)

¹¹ ‘Special envoy to combat Antisemitism’, Prime Minister’s Office, 9 July 2024: <https://www.pm.gov.au/media/special-envoy-combat-antisemitism>

¹² Gen17 Survey of the Australian Jewish community, Monash University, 2018: https://www.monash.edu/_data/assets/pdf_file/0009/1531791/gen17-initial-findings-report-online-version-final-22_3.pdf

The Jewish Council of Australia and the openly anti-Israel non-Jewish groups which have endorsed and promoted it,¹³ use the word “Zionism” deceptively without defining its meaning. Zionism is the belief in the right of national self-determination of the Jewish people in their historic homeland, Israel, where the Jewish people have had an enduring spiritual, religious and physical connection for more than 3,000 years, including more than 1,000 years of national self-government. This right has been recognised in resolutions of the United Nations and its predecessor the League of Nations, and is grounded in the right of self-determination of peoples enshrined in the UN Charter, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.¹⁴ For the ECAJ and the Jewish community it represents, and for many other people, the attempt to deny this basic, universal right to the Jewish people is self-evidently discriminatory against, and dehumanising of, Jews and is therefore a form of antisemitism.

Zionism does not necessitate any views about the borders of Israel, settlements, the legal status of Jerusalem or Palestinian statehood. Among Israelis, the Jewish people and others who accept the validity of Zionism there is a wide range of views about these issues.

One can be a Zionist and also believe in the principle of two States for two peoples,¹⁵ meaning that within the territory of the former British Mandate there is room for a Jewish State and a Palestinian Arab State existing side by side. In 1947, the UN General Assembly voted in favour of this two-State principle (Resolution 181) which the Jewish side accepted and the Arab side not only rejected but commenced a war to prevent. The rejection of the two-State principle and of the Jewish people’s collective right of self-determination within any borders persists within the ideology of Hamas and other terrorist groups to this day,¹⁶ and helped motivate the attacks they carried out and the atrocities they committed in Israel on 7 October 2023. This rejectionist posture remains the basic driver of the conflict.

In Australia, Israel’s right to exist as the national home of the Jewish people and to defend itself against armed attack is supported by Labor, the Coalition and Independent MPs. It is therefore false and misleading to characterise support for these rights as “right-wing”.

Antisemitism

For more than thirty years, the ECAJ has been responsible for producing and publishing the Annual Report on Antisemitism in Australia, which rigorously gathers and analyses data on antisemitic incidents and discourse reported across Australia.¹⁷ Each report is thoroughly

¹³ For details of its supporters outside the Jewish community, see the section headed “Jewish Council of Australia – what it is, and what it is not”, below.

¹⁴ ‘Right to Self-determination’, *Australian Human Rights Commission*, available at: [Right to self determination | Australian Human Rights Commission](https://www.humanrights.gov.au/right-to-self-determination).

¹⁵ This has been the ECAJ’s policy position for many years: ECAJ Policies, para 33.7: <https://www.ecaj.org.au/policies/>

¹⁶ “Israel will exist and will continue to exist until Islam will obliterate it, just as it obliterated others before it”. Hamas Covenant, 18 August 1988: https://avalon.law.yale.edu/20th_century/hamas.asp

¹⁷ Reports from the most recent years can be accessed via the ECAJ website: <https://www.ecaj.org.au/antisemitism-report/>

detailed and includes a section explaining the methodology used and definitions which have been adopted. Sources are carefully checked and verified. The report is provided to the Australian government and government agencies, among others, and is frequently cited in parliamentary proceedings and in the local and international media.

When necessary, the ECAJ has taken legal action against people – including notorious Holocaust deniers – who have published antisemitic statements. The ECAJ is the only Jewish organisation to have successfully taken such action in Australia.¹⁸

During the Committee’s hearings on June 17, a representative of the Jewish Council of Australia alluded to “*one Jewish communal group which collects statistics in regard to antisemitism*”,¹⁹ which we assume was intended as a reference to the ECAJ and its annual report on antisemitism in Australia. The representative went on to refer to the report’s “*trumped-up statistics*” which she falsely claimed “*uses the International Holocaust Remembrance Alliance definition of antisemitism*”.

The “statistics” that appear in the ECAJ’s reports on antisemitism are a tally of the number of antisemitic **incidents** which are reported to the ECAJ and other Jewish organisations. “Incidents” include assaults, threats of violence, vandalism and harassment directed at specific individuals and organisations. The definition used by the ECAJ for **incidents** is based on the definition of “Racially Motivated or 'Racist' Violence” adopted by the Report of the National Inquiry into Racist Violence in Australia in 1991.²⁰

The ECAJ fully supports the International Holocaust Remembrance Alliance Working Definition of Antisemitism, as do most democratic countries including Australia.²¹ However, the ECAJ uses the Working Definition as a tool for analysing general antisemitic **discourse**, which is dealt with completely separately from **incidents** in the ECAJ’s Antisemitism report. Instances of antisemitic **discourse** are not included in the tally of antisemitic **incidents**. No “statistics” are kept of antisemitic **discourse**. All of this is set out explicitly in the ECAJ’s Antisemitism Reports.²² Evidently, the representative of the Jewish Council of Australia had either not read or understood the reports or chose deliberately to misrepresent the basis on which statistics of incidents are compiled.

This was not the only obvious inaccuracy in her testimony before the Committee. At one point she referred to the shocking killings that took place at Westfield Bondi Junction on 13

¹⁸ A summary of these cases, with links to relevant court judgments, appears on the ECAJ website: <https://www.ecaj.org.au/category/vilification-cases/>

¹⁹ Transcript, p.26.

²⁰ Irene Moss and Ron Castan QC, *Racist Violence: Report of the National Inquiry into Racist Violence in Australia*, (Canberra: Australian Government Publishing Service, 1991). See definition of Racially Motivated or 'Racist' Violence at p.14: <https://humanrights.gov.au/sites/default/files/document/publication/NIRV.pdf>

²¹ Why international acceptance of the IHRA Working Definition of Antisemitism is growing: Explained by two of the original drafters, ECAJ, 10 November 2021: <https://www.ecaj.org.au/why-international-acceptance-of-the-the-ihra-working-definition-of-antisemitism-is-growing-explained-by-two-of-the-original-drafters/>

²² For example, ‘Annual Report on Antisemitism in Australia 2023’, pp. 32-34: <https://www.ecaj.org.au/wordpress/wp-content/uploads/ECAJ-Antisemitism-Report-2023.pdf>

April 2024 as a “shooting” and the perpetrator as a “shooter”.²³ In fact, the perpetrator stabbed six people to death, and wounded many others, with a knife.

The other representative of the Jewish Council of Australia also told the Committee at one point that the ECAJ and other mainstream Jewish organisations had been “*openly collaborating with the far right since 7 October... through promotion of the rallies organised by Never Again is Now, which is a Christian Zionist fundamentalist group.*” He said: “*Key organisers behind this movement are openly Islamophobic and Christian supremacists*”.²⁴

Public vigils under the slogan “*Never Again is Now*” have been held in several capital cities across Australia in response to disgraceful displays of violent antisemitism that have occurred at numerous anti-Israel events in Australia over the last nine months. These events have included: the burning of the Israeli flag and chants of “F...the Jews” on the steps of the Sydney Opera House only two days after the Hamas atrocities were carried out in Israel; Islamic preachers delivering speeches with apparent impunity praising the Hamas atrocities and whipping their followers into a frenzy; a pro-Palestine rally in Caulfield which included motor vehicles roaming the streets of Caulfield in Melbourne, even mounting the footpath, threatening pedestrians and forcing worshippers to be evacuated for their safety from a nearby synagogue during Shabbat services; a convoy of pro-Palestinian motorbikes and vehicles from Lidcombe travelling to Coogee beach in Sydney, with the clear aim of intimidating the Jewish community; and on 14 July 2024 the Great Synagogue in Sydney was targeted by anti-Israel protestors and damaged through acts of vandalism.

The Jewish Council of Australia seems to have had little if anything to say about these incidents. In the words of its own representative: “*We are particularly concerned about the rise in neo-Nazi activities, fascism and far-right extremism.*”²⁵ In contrast, antisemitism from far-left and Islamist extremist sources barely rate a mention. This is a key reason why the Jewish Council of Australia has been said to lack all credibility with the vast majority of Australian Jews.²⁶

The “*Never Again is Now*” events have been directed at sending a message of opposition to the post-October 7 surge of antisemitism in Australia. The organisers have set forward two key objectives under the slogan “*Stop the Hate Mate*” and “*Make antisemitism unthinkable*”:

“1. *We want to be a comfort to the Jewish community - to tell them that they are not alone.*”

²³ Transcript, p.27.

²⁴ Transcript, p.22.

²⁵ *Ibid.*

²⁶ Philip Mendes, ‘The Jewish Council of Australia: how can they learn from the earlier JCCFAS?’, *Times of Israel*, May 6, 2024: <https://blogs.timesofisrael.com/the-jewish-council-of-australia-how-can-they-learn-from-the-earlier-jccfas/>; Sharonne Blum, ‘Australia has its own ‘JVP’ and it calls itself the Jewish Council of Australia’, *Times of Israel blog*, July 12, 2024: <https://blogs.timesofisrael.com/australia-has-its-own-jvp-and-it-calls-itself-the-jewish-council-of-australia/>; Michael Gawenda, ‘Identity Journalism’, 10 July 2024: <https://michaelgawenda.substack.com/p/identity-journalism>

2. *We want to stop the hate of Jewish people in Australia.*²⁷

Similar events have been held in other countries as an act of solidarity by non-Jews with their Jewish fellow-citizens. The Australian events were addressed by political figures from both the major parties and Independents, and a former Prime Minister. Attendees reflected a broad cross-section of Australian society. Despite the attempt by the Jewish Council of Australia to smear this campaign, there have been no manifestations whatsoever at these events of “Islamophobic” or “Christian supremacist” conduct. Unlike the ugly, violent and antisemitic conduct that has been evident at certain anti-Israel rallies and marches, the “*Never Again is Now*” events have all been peaceful and non-disruptive of the general community, and have been conducted in an atmosphere of celebration and good humour. Whilst the ECAJ was not one of the sponsors of *Never Again is Now*,²⁸ we welcomed the events and the campaign’s stated objectives and themes.

The Jewish Council of Australia – what it is, and what it is not

The Jewish Council of Australia obtained its registration on 1 May 2024²⁹. The organisation’s registered office and principal place of business is given as 15 Russell Street Kallangur in Queensland, which appears to be the site of an engineering company and an energy company and/or their carpark.³⁰ At that address there is no sign of any office or other presence carrying on activities corresponding to those of the Jewish Council of Australia.

Under clause 8.1 of its Constitution its members consist of the four individuals who are its directors and secretary, and “*any other person that the directors allow to be a member*”.³¹ In other words, membership is restricted to a small self-selecting group of people with a narrow range of views.

Despite the use of the words “Jewish” and “Council” in its name, this group has no claim whatsoever to represent the Jewish community. No Jewish schools, places of worship, hospitals, aged care facilities, youth groups, student organisations, sporting clubs, cultural groups, organisations for women, or for ex- servicemen and women, or Holocaust survivors, or other communal organisations come under its aegis, formally or informally.

The Jewish Council of Australia thus appears to be a micro-group which represents only a thin sliver of opinion on the far-left margins of the Australian Jewish community. We have already referred to evidence of the close sense of connection to Israel felt by most Australian

²⁷ Never Again is Now website: <https://www.neveragainisnow.com.au/whoarewe>; and ‘Push back the hate, mate’: Australia fights antisemitism, *Jewish Independent*, 19 February 2024: <https://thejewishindependent.com.au/push-back-the-hate-mate-australia-fights-antisemitism>

²⁸ Never Again is Now website: <https://www.neveragainisnow.com.au/whoarewe>

²⁹ [JEWISH COUNCIL OF AUSTRALIA LIMITED | ACNC](https://www.acnc.gov.au/organisations/jewish-council-of-australia-limited)

³⁰ [View Details - Organisations and Business Names \(asic.gov.au\)](https://www.asic.gov.au/view-details-organisations-and-business-names); Google Earth

³¹ ACNC Records: <https://acncpubfilesprodstorage.blob.core.windows.net/public/a9cfefb6-a412-ef11-9f8a-00224893b304-2d01b5ef-711e-43bc-b800-d5d8d7886dac-Governing%20Document-cfb9a8b1-a412-ef11-9f89-0022489700ad-JCA Constitution May 2024.pdf>

Jews, and noted how this bedrock element of our identity is seldom if ever acknowledged, let alone articulated, by the Jewish Council of Australia.

As previously noted, the Jewish Council of Australia is a critic of the International Holocaust Remembrance Alliance Working Definition of Antisemitism, even though this is the only definition of antisemitism that has been officially endorsed in Australia by Labor, the Coalition and various Independent MPs, as well as by the ECAJ, Jewish State and Territory roof bodies and many other organisations comprising the heartland of the Australian Jewish community.

The Working Definition recognises that “*denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor*” can, “*taking into account the overall context*”, amount to antisemitism. It should be obvious that this formulation does *not* automatically characterise as antisemitic any criticism of Israeli laws and policies, whether on the grounds of alleged racism or otherwise.

The contention that the Working Definition precludes such criticism is a common fallacy propagated by the Jewish Council of Australia, among others. Under the Working Definition, criticism of Israel can only be characterised as antisemitic if the criticism amounts to a denial of the collective right of the Jewish people to self-determination, which is a basic right of all peoples. As previously noted, this denial is anathema to virtually all Jews, in Australia and globally, because it is discriminatory and dehumanising.

The effect of propagating this fallacy concerning the Working Definition, if not the intent, is to give social license to precisely this form of antisemitism, and thereby to lend legitimacy to groups which are opposed to Israel’s very existence on any terms as the national home of the Jewish people.

For example, one of the numerous posts published by the Jewish Council of Australia across social media platforms was quoted by Quds News Network on 8 July 2024. Quds News Network has been ranked by Media Bias Fact Check as “Left-leaning in bias and questionable due to a lack of transparency, the promotion of propaganda, poor sourcing, and numerous failed fact checks”³² and has a reputation for being associated with militant groups.³³

Conclusion

We appreciate the Senate Legal and Constitutional Affairs References Committee affording the ECAJ an opportunity to respond to the adverse comment made by the Jewish Council of Australia, and also its efforts to address rising extremism. We trust that the record will be

³² [Quds News Network - Bias and Credibility - Media Bias/Fact Check \(mediabiasfactcheck.com\)](https://mediabiasfactcheck.com/quds-news-network-bias-and-credibility/)

³³ [Quds News Network - Wikipedia](https://en.wikipedia.org/wiki/Quds_News_Network), as at 12 July 2024.

amended in light of our response, and that the contents of this letter will be made known to MPs in both Houses of the Federal parliament for future reference.

Yours sincerely

Daniel Aghion KC
President

Peter Wertheim AM
Co-CEO

Alex Ryvchin
Co-CEO