



REPORT OF CASE STUDY NO. 22

The response of Yeshiva Bondi
and Yeshivah Melbourne to
allegations of child sexual abuse
made against people associated
with those institutions

OCTOBER 2016

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Royal Commission into Institutional Responses to Child Sexual Abuse
GPO Box 5283
Sydney, NSW, 2001

Email: mediacommunication@childabuseroyalcommission.gov.au

Report of Case Study No. 22

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to allegations of child sexual abuse made against
people associated with those institutions

October 2016

COMMISSIONERS

Justice Jennifer Coate
Mr Robert Fitzgerald AM
Mr Andrew Murray

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Preface

The Royal Commission

The Letters Patent provided to the Royal Commission require that it ‘inquire into institutional responses to allegations and incidents of child sexual abuse and related matters’.

In carrying out this task, we are directed to focus on systemic issues but be informed by an understanding of individual cases. The Royal Commission must make findings and recommendations to better protect children against sexual abuse and alleviate the impact of abuse on children when it occurs.

For a copy of the Letters Patent, see Appendix A.

Public hearings

A Royal Commission commonly does its work through public hearings. A public hearing follows intensive investigation, research and preparation by Royal Commission staff and Counsel Assisting the Royal Commission. Although it may only occupy a limited number of days of hearing time, the preparatory work required by Royal Commission staff and by parties with an interest in the public hearing can be very significant.

The Royal Commission is aware that sexual abuse of children has occurred in many institutions, all of which could be investigated in a public hearing. However, if the Royal Commission were to attempt that task, a great many resources would need to be applied over an indeterminate, but lengthy, period of time. For this reason the Commissioners have accepted criteria by which Senior Counsel Assisting will identify appropriate matters for a public hearing and bring them forward as individual ‘case studies’.

The decision to conduct a case study will be informed by whether or not the hearing will advance an understanding of systemic issues and provide an opportunity to learn from previous mistakes, so that any findings and recommendations for future change which the Royal Commission makes will have a secure foundation. In some cases the relevance of the lessons to be learned will be confined to the institution the subject of the hearing. In other cases they will have relevance to many similar institutions in different parts of Australia.

Public hearings will also be held to assist in understanding the extent of abuse which may have occurred in particular institutions or types of institutions. This will enable the Royal Commission to understand the way in which various institutions were managed and how they responded to allegations of child sexual abuse. Where our investigations identify a significant concentration of abuse in one institution, it is likely that the matter will be brought forward to a public hearing.

Public hearings will also be held to tell the story of some individuals which will assist in a public understanding of the nature of sexual abuse, the circumstances in which it may occur and, most importantly, the devastating impact which it can have on some people's lives.

A detailed explanation of the rules and conduct of public hearings is available in the Practice Notes published on the Royal Commission's website at:

www.childabuseroyalcommission.gov.au

Public hearings are streamed live over the internet.

In reaching findings, the Royal Commission will apply the civil standard of proof which requires its 'reasonable satisfaction' as to the particular fact in question in accordance with the principles discussed by Dixon J in *Briginshaw v Briginshaw* (1938) 60 CLR 336:

it is enough that the affirmative of an allegation is made out to the reasonable satisfaction of the tribunal. But reasonable satisfaction is not a state of mind that is attained or established independently of the nature and consequence of the fact or facts to be proved. The seriousness of an allegation made, the inherent unlikelihood of an occurrence of a given description, or the gravity of the consequences flowing from a particular finding are considerations which must affect the answer to the question whether the issue has been proved to the reasonable satisfaction of the tribunal...the nature of the issue necessarily affects the process by which reasonable satisfaction is attained.

In other words, the more serious the allegation, the higher the degree of probability that is required before the Royal Commission can be reasonably satisfied as to the truth of that allegation.

Private sessions

When the Royal Commission was appointed, it was apparent to the Australian Government that many people (possibly thousands) would wish to tell us about their personal history of child sexual abuse in an institutional setting. As a result, the Commonwealth Parliament amended the Royal Commissions Act 1902 to create a process called a 'private session'.

A private session is conducted by one or two Commissioners and is an opportunity for a person to tell their story of abuse in a protected and supportive environment. As at 7 October 2016, the Royal Commission has held 6,038 private sessions and more than 1,861 people were waiting to attend one. Many accounts from these sessions will be recounted in later Royal Commission reports in a de-identified form.

Research program

The Royal Commission also has an extensive research program. Apart from the information we gain in public hearings and private sessions, the program will draw on research by consultants and the original work of our own staff. Significant issues will be considered in issues papers and discussed at roundtables.

This case study

In Case Study 22, the Royal Commission into Institutional Responses to Child Sexual Abuse examined two Jewish institutions in New South Wales and Victoria and their responses to allegations of child sexual abuse within their communities. The scope and purpose of the public hearing was to inquire into:

- The response of the Yeshivah Centre and the Yeshivah College in Melbourne to allegations of child sexual abuse made against David Cyprys, David Kramer and Aron Kestecher.
- The response of the Yeshiva Centre and the Yeshiva College Bondi to allegations of child sexual abuse made against Daniel Hayman.
- The systems, policies, practice and procedures for the reporting of and responding to allegations of child sexual abuse of:
 - Yeshivah Centre
 - Yeshivah–Beth Rivkah Colleges
 - The Yeshiva Centre – Chabad NSW
 - Yeshiva College Bondi, NSW.
- Any other related matters.

The Royal Commission heard from four survivors, two family members of survivors and 11 institutional witnesses. The Royal Commission also received statements from a number of witnesses without calling these witnesses to give evidence.

The Royal Commission received written submissions from:

- AVA
- AVR

- Mr Manny Waks
- Mr Zephaniah Waks
- AVB and AVC
- Rabbi Boruch Lesches
- Rabbi Moshe Gutnick
- Rabbi Meir Shlomo Kluwgant
- Rabbi Pinchus Feldman
- Rabbi Yosef Feldman
- Yeshivah Centre/Yeshivah–Beth Rivkah Colleges.

Oral submissions were held in Sydney on 17 September 2015.

We have carefully reviewed and considered all submissions made in this case study and have taken them into account in preparing this report.

Executive Summary

In Case Study 22, the Royal Commission into Institutional Responses to Child Sexual Abuse examined two Jewish institutions in New South Wales and Victoria and their responses to allegations of child sexual abuse within their communities. The institutions we examined were:

- the Yeshiva Centre and Yeshiva College at Bondi in Sydney, New South Wales (Yeshiva Bondi)
- the Yeshivah Centre and Yeshivah College in Melbourne, Victoria (Yeshivah Melbourne).

Yeshivah Melbourne was established in 1949 and Yeshiva Bondi was established in 1956.

Yeshiva Bondi and Yeshivah Melbourne are both part of the Chabad-Lubavitch movement of orthodox Judaism, which was founded approximately 250 years ago in Eastern Europe. The Chabad-Lubavitch movement currently has its headquarters in the United States.

The case study examined:

- the influence of Jewish (or ‘halachic’) law on the responses of the institutions to child sexual abuse allegations
- the experiences of survivors of child sexual abuse and their families and the community’s response to them
- the responses of the leadership of Yeshiva Bondi and Yeshivah Melbourne to survivors of child sexual abuse
- the actions of perpetrators of child sexual abuse and how their connections to the institutions gave them an apparent power or authority
- the present approaches of Yeshivah Melbourne and Yeshiva Bondi to child sexual abuse.

The Chabad-Lubavitch movement

Both Yeshivah Melbourne and Yeshiva Bondi are part of the Chabad-Lubavitch movement, which is a sect of orthodox Judaism within the general class of movements described as Hasidism. Members of the Chabad-Lubavitch movement are sometimes, but not uniformly, referred to as ‘ultra’ orthodox Jews.

Although both Yeshivah Melbourne and Yeshiva Bondi are part of the Chabad-Lubavitch movement, there is no formal relationship between the institutions and they operate independently of one another.

Jewish law

Concepts referred to in the case study

A number of Jewish law (or 'halachic') concepts assumed some importance in the case study:

- *arka'ot*: a requirement to resolve disputes between Jews by applying Jewish law rather than secular law
- *mesirah*: a prohibition upon a Jew informing upon, or handing over another Jew to, a secular authority (particularly where criminal conduct is alleged)
- *moser*: a term of contempt applied to a Jew who has committed *mesirah* (the definition of the term approximates the secular term 'informer' but with additional – and very negative – connotations)
- *loshon horo*: the act of gossiping (or speaking negatively) of another Jew or a Jewish institution or place. *Loshon horo* is discouraged under Jewish law, even if what is said about a person, institution or place is objectively true.

The evidence before the Royal Commission is that the Jewish law concepts identified above arose in response to historical discrimination against Jews, particularly by non-Jewish or secular authorities, in Europe in centuries past.

In the Chabad-Lubavitch communities of Yeshivah Melbourne and Yeshiva Bondi there has been a significant level of controversy over how those Jewish law concepts apply in contemporary Australian society and, in particular, how they apply to child sexual abuse.

There is a tension in the evidence as to whether that controversy has been genuine or whether some members have misused the concepts to limit communication about, and publication of, incidents of child sexual abuse in the Yeshivah Melbourne and Yeshiva Bondi communities.

Rabbinical Council of Victoria advisory resolution

The Rabbinical Council of Victoria (RCV) is a religious leadership body of Victoria's Jewish community. The RCV's primary role is to represent Victoria's congregational rabbis and to provide clear religious guidance on matters affecting the Jewish community.

In 2010, the RCV determined that the Jewish community needed authoritative leadership on how Jewish law applied to the issue of child sexual abuse. To clarify the situation, the RCV issued an advisory resolution (the 2010 RCV Resolution). The 2010 RCV Resolution stated that the prohibitions

of *mesirah* and *arka'ot* did not apply to information about child sexual abuse and that it was an obligation of Jewish law (a halachic obligation) to report child sexual abuse.

The 2010 RCV Resolution did not result in an immediate change in the community's approach to communication about child sexual abuse.

Experiences of survivors of child sexual abuse

This case study examined:

- the experiences of a number of survivors of child sexual abuse, including the community's response to survivors who publicly disclosed their abuse and/or provided information to secular authorities that led to members of the Chabad-Lubavitch community being prosecuted
- the experiences of the families of the survivors of child sexual abuse, including the community's response to them.

We heard from survivors, and family members of survivors, whose communities ostracised them, partly because the communities regarded them as having committed a sin in communicating with secular authorities about other Jews against whom allegations of child sexual abuse had been made. The communities held this belief despite the clarification contained in the 2010 RCV Resolution.

Responses of leadership to survivors and their families

Role in shaping community response

This case study examined the role of the leadership of Yeshiva Bondi and Yeshivah Melbourne in shaping the responses of the institutions and their communities to survivors of child sexual abuse and their families.

We were told that the responses of leadership groups to the adverse experiences of survivors and their families ranged from inaction to enabling those adverse experiences. The responses were perhaps in part to protect the reputations of individuals or the institutions concerned.

Responses to reports of child sexual abuse

This case study also examined the responses of the institutions to reports of child sexual abuse. The evidence revealed a pattern in the handling of incidents of child sexual abuse:

- repeated reports of child sexual abuse were made by or on behalf of survivors
- those reporting abuse were assured that action would be taken
- this was followed by apparent inaction (or no evidence of action) on the part of the institution.

Perpetrators of abuse

This case study examined a number of perpetrators of child sexual abuse in the institutions and the manner in which their apparent connection to an institution gave those perpetrators (in the minds of those abused) the power or authority of the institution.

Numerous complaints of child sexual abuse were made against perpetrators such as Shmuel David Cyprys, Rabbi David Kramer and Daniel Hayman.

However, despite those reports of child sexual abuse, the perpetrators had a continued association with, presence at or employment at the institutions.

The institutions' current approach to child sexual abuse

This case study examined the present approach of the institutions to child sexual abuse and child protection more generally.

The evidence identified that Yeshivah Melbourne has taken significant steps in implementing structured child protection measures, including drafting formal policies and giving training to children, parents and staff.

The evidence as to any steps Yeshiva Bondi has taken in implementing child protection measures is unclear.

1 The Chabad-Lubavitch Communities of Yeshivah Melbourne and Yeshiva Bondi

In Case Study 22, the Royal Commission into Institutional Responses to Child Sexual Abuse examined Jewish institutions in New South Wales and Victoria and their responses to child sexual abuse within their communities. The institutions we examined were:

- the Yeshiva Centre and Yeshiva College in Bondi, Sydney, New South Wales (Yeshiva Bondi)
- the Yeshivah Centre and Yeshivah College in Melbourne, Victoria (Yeshivah Melbourne).

Yeshiva Bondi and Yeshivah Melbourne are both part of the Chabad-Lubavitch movement of orthodox Judaism, which is discussed further below.

The evidence before the Royal Commission is that there is no formal relationship between Yeshivah Melbourne and Yeshiva Bondi; they operate independently, although they are both part of the Chabad-Lubavitch movement.¹

1.1 The Chabad-Lubavitch movement

History

The Chabad-Lubavitch movement is a sect of orthodox Judaism within the general class of movements described as Hasidism.² Members of the Chabad-Lubavitch movement are sometimes, but not uniformly, referred to as ‘ultra’ orthodox Jews.

The word ‘Chabad’ is an acronym derived from three Hebrew words: *chochmah*, *binah* and *da’at* (meaning wisdom, comprehension and knowledge). The movement was founded in the village of Lubavitch in Eastern Europe – a location sometimes described as White Russia – approximately 250 years ago. ‘Chabad-Lubavitch’ takes its name from both Chabad and Lubavitch.³

The headquarters of the Chabad-Lubavitch movement is in New York in the United States.⁴

Leadership

For a significant part of its history, the Chabad-Lubavitch movement was led by a spiritual leader given the title of ‘rebbe’.⁵ In 1951, Rabbi Menachem Mendel Schneerson became the seventh and final rebbe of the Chabad-Lubavitch movement, succeeding his own late father-in-law, the sixth rebbe, Rabbi Yosef Yitzchak Schneersohn, who was based in New York.⁶

The evidence identified that the seventh rebbe was widely revered and influential.⁷ He was known simply as ‘the Rebbe’ or ‘the Lubavitcher Rebbe’.⁸

The Rebbe's influence was not limited to matters of religion. We were told that members of the Chabad-Lubavitch community sought the guidance of the Rebbe on very many matters.⁹ For example, one witness gave evidence that he and his wife sought the Rebbe's guidance, via a written request, about a proposed biopsy procedure that a medical practitioner had recommended for his wife. He said that because they did not receive a reply from the Rebbe his wife did not have the biopsy.¹⁰

The Lubavitcher Rebbe died in New York in 1994.¹¹

Expansion under Rabbi Menachem Schneerson

The Chabad-Lubavitch movement is said to have grown significantly under the Rebbe's leadership. The Rebbe despatched emissaries (known as *shluchim*¹²) worldwide to encourage adherence to the precepts of ultra-orthodox Judaism.¹³

The Royal Commission was told that emissaries were, in effect, given the authority of the Rebbe and were answerable only to him.¹⁴ Once an emissary was appointed to a territory, that emissary had the responsibility and authority to manage, control and lead the activities of Chabad-Lubavitch within that territory. Each emissary was responsible for his own fundraising, legal entities, staffing management and control.¹⁵

Witnesses told us that the emissaries enjoyed significant status and influence in the communities to which they were sent because they had been chosen by the revered Rebbe.¹⁶

Chabad-Lubavitch communities

From evidence given to the Royal Commission, the experience of life for members of Chabad-Lubavitch communities appears to be very different from that of secular society.

The Royal Commission heard evidence that the following are aspects of life for those in Chabad-Lubavitch communities, which are defined by their strict adherence to the obligations of the practice of the orthodox Jewish faith. Those obligations include:

- requirements of modesty and gender segregation¹⁷
- daily prayer¹⁸
- dedication to Jewish study¹⁹

- outreach²⁰ to encourage non-orthodox Jews to believe in God, engage in Torah study and live according to orthodox Jewish law (outreach is described by the Hebrew word *kiruv*, which may be defined to mean ‘bringing close’).²¹

Witnesses confirmed that there is an expectation that members of the Chabad-Lubavitch community will marry other members of the community²² and that opportunities for marriage are predominantly influenced by standing in the community of an individual and their family – known as pedigree (which is described by the Hebrew word *yichus*).²³

Witnesses described Chabad-Lubavitch communities as ‘insular’.²⁴ The evidence revealed that some members of Chabad-Lubavitch communities had a limited level of engagement with the secular world.²⁵ A witness said that his friends all came from within the Chabad-Lubavitch community.²⁶ Another witness said that he could not recall having any significant contact with ‘any non-Jew’ during his childhood.²⁷

Yet another witness gave evidence that some ultra-orthodox parents restricted their children’s exposure to television, newspapers or other media deemed to contain material incompatible with the practice of the ultra-orthodox Jewish faith.²⁸

The role of the rabbi

We heard that the life of Chabad-Lubavitch communities typically revolves around the synagogue (the *shule*). The rabbi plays a fundamental role in guiding and leading their community – particularly in respect of the application of Jewish law (*halocho*) to daily life.²⁹

Members of Chabad-Lubavitch communities look to their rabbi for authoritative guidance and leadership (and perhaps all the more so if the rabbi is also an emissary of the Rebbe³⁰).

There was evidence that it is not unusual for community members to seek guidance from a rabbi when they are making life decisions (such as whether to apply for a job or return to study) and that, on occasion, the rabbi will actually make the decision for the member.³¹

The rabbi’s influence

The evidence identified that, in the period examined, the rabbis had significant influence upon the thinking and conduct of members of Yeshivah Melbourne and Yeshiva Bondi communities (particularly the responses of those communities to the issue of child sexual abuse).³²

The evidence identified a common tendency to report events of child sexual abuse to a rabbi rather than to a secular authority such as the police.³³

Instruction on and discussion of sex

We were told that, during the period examined, sex education was not a subject that was taught as part of the curriculum in Chabad-Lubavitch schools.³⁴ However, another witness said that there may have been some incidental reference to sex education as part of the program and teaching of Jewish studies and in the health curriculum at the Yeshivah College Melbourne.³⁵

The same witness told us that it was not uncommon for instruction about sex education to be given only at the time of marriage (the Chabad-Lubavitch community does not condone sexual behaviour outside of a union of marriage between a man and a woman).³⁶

Another witness observed that, outside of marriage, the word ‘sex’ is not uttered.³⁷

That witness – a survivor of child sexual abuse – described the difficulties he encountered in grappling with the abuse that he suffered given the silence on the subject of human sexual behaviour in his community:

I don’t talk about consensual relationships with my wife, and they are perfectly normal. But acts of child sexual abuse are forcible assaults on an individual which are totally against any normal values. It rips you apart. So, if you can’t talk about a consensual relationship, how are you going to talk about something that is just subhuman; and that is why I still don’t want to talk about it.³⁸

It is evident that in some instances limited knowledge about sex and limited sex education affected perceptions of child sexual abuse amongst members of the Chabad-Lubavitch communities; adversely impacted upon survivors’ comprehension of events of child sexual abuse and their responses to those events; and gave rise to difficulty in communicating with others on the subject and, further, reporting events of child sexual abuse.³⁹

In assessing the reactions of members of the Chabad-Lubavitch community to child sexual abuse, Rabbi Moshe David Gutnick, the senior judge of the Sydney Beth Din (rabbinical court), observed that ‘I think a lot of it is that people do not grasp or understand what has happened or what happens with sexual abuse’.⁴⁰

1.2 Jewish law (halocho)

Halocho may be described as the collective body of Jewish religious laws.

The evidence established that lawful (or ‘halachic’) conduct is of particular importance to members of the Chabad-Lubavitch community and there is significant individual and community focus upon whether an act (upon strict interpretation of Jewish law) is, or is not, halachically permitted.

Jewish law concepts in this case study

In this report, a number of Jewish law (halachic) terms assume central importance. The following definitions are taken from the evidence:

- *arka'ot*: a requirement to resolve disputes between Jews by applying Jewish law rather than secular law⁴¹
- *mesirah*: a prohibition upon a Jew informing upon, or handing over another Jew to, a secular authority (particularly where criminal conduct is alleged)⁴²
- *moser*: a term of contempt applied to a Jew who has committed *mesirah* (the definition of the term approximates the secular term 'informer' but with additional – and very negative – connotations)⁴³
- *loshon horo*: the act of gossiping (or speaking negatively) of another Jew or a Jewish institution or place.⁴⁴ *Loshon horo* is discouraged under Jewish law, even if what is said about a person, institution or place is objectively true.⁴⁵

The evidence before us is that the halachic concepts identified above arose in response to historical discrimination against Jews, particularly by secular authorities, in Europe in centuries past.

The consequences of sin and grave sin

We heard evidence that the concept of *loshon horo* could be invoked if a person asked for a Jewish institution or person to be held accountable for a failure to act, or for recognition that they had covered up child sexual abuse.⁴⁶

Publicly calling for people or institutions to be accountable for errors or failures was seen as committing a sin.⁴⁷ Saying something negative against a learned Jewish scholar such as a senior rabbi (even if that person is deceased) is considered to be a grave sin.⁴⁸

We were told that an ultra-orthodox Jew found to have committed a sin (or a grave sin) could be the subject of official and unofficial community punishment, including religious, social and economic exclusion known as 'shunning'.⁴⁹

Halachic controversy over communication about and reporting of child sexual abuse

In the events considered by this case study, there was a significant level of controversy over how Jewish law concepts apply in contemporary Australian society.

We are satisfied that the application of Jewish law (in particular, the concepts of *mesirah*, *moser* and *loshon horo*) to communications about and reporting of allegations of child sexual abuse to secular

authorities – in particular, police – caused significant concern, controversy and confusion amongst members of the Chabad-Lubavitch communities.

The evidence strongly suggests that, because of the way those concepts were applied, some members of those communities were discouraged from reporting child sexual abuse.

The evidence showed that some members of the Yeshivah Melbourne and Yeshiva Bondi communities (including some of the leadership) tended to focus on the conceptual application of *halocho* to communications about child sexual abuse rather than on the acts of child sexual abuse and inaction on reports of child sexual abuse.

We heard evidence that some members of the communities believed that those who were understood to have communicated about child sexual abuse were acting outside the bounds of acceptable halachic conduct (that is, they were sinning). Communication about child sexual abuse was widely perceived to be in contravention of the prohibition of *loshon horo*, while communicating with police about child sexual abuse was widely perceived to be an act of *mesirah* (and a contravention of the concept of *arka'ot*).

We heard evidence that those perceived by some in the community to be sinners because of communication about child sexual abuse, and family members of those perceived to be sinners, were met with disapproval by some leaders of the community and by some members of the community more generally.⁵⁰

Witnesses told the Royal Commission that they had observed the community to treat survivors of child sexual abuse as outcasts after it had become known that they had reported their experiences of child sexual abuse to secular authorities.⁵¹ The evidence before the Royal Commission is that the treatment extended to the families of the survivors of child sexual abuse.⁵²

Another witness (a father of a number of survivors of child sexual abuse) observed that 'disapproval of a family by the community would have dire consequences for the marriage prospects of the children'.⁵³ In the context of the prospects of marriage, another witness referred to *yichus* (the term denoting pedigree) and said:

So depending on your standing in the community and who you are related to dictates the degree – it sounds a little bit like the caste system in India, but dictates the degree where you might fall in the equation.

This probably goes a little bit to the notion of *mesirah*. If you became labelled as a *moser* or a person that goes against the system you straightaway slide down the bottom. If you can get married it will probably be to another *moser* ...

But it is very important to understand that when someone gets married it is not just the two people meeting; it is the two families coming together and it is that continuity of family and lineage that is very important.⁵⁴

Yet another witness observed that, to her understanding, ‘precious *yichus*’ was a prevalent concern for ‘almost all’ of the members of the community that she had encountered and was in her experience deemed to be far more important than doing what she described as ‘what [was] right’ (particularly in the context of the issue of child sexual abuse).⁵⁵

Rabbinical Council of Victoria resolution

In 2010, the Rabbinical Council of Victoria (the RCV) determined that the community required authoritative leadership on the application of Jewish law to the issue of child sexual abuse. The RCV issued an advisory⁵⁶ resolution (the 2010 RCV Resolution) that stated that the prohibition of *mesirah* and *arka’ot* did not apply to information about child sexual abuse and that it was an obligation of Jewish law (a halachic obligation) to report child sexual abuse.⁵⁷

It is difficult to understand the role of *mesirah* in particular in the context of the criminal justice system in Australia.

Rabbi Moshe David Gutnick’s evidence on the application of *mesirah*

Rabbi Moshe David Gutnick of the Sydney Beth Din (rabbinical court) gave evidence about the application of *mesirah* in modern Western society. Rabbi Gutnick said that a heralded rabbinic judge in Israel, Rabbi Ezra Batsri, had addressed the application of *mesirah* by observing that the ordinary response to a crime such as a robbery was to call the police: ‘if someone jumps your fence with intent to rob you, you call the police. You do not call your Rabbi first and ask him what to do.’⁵⁸ (The assumption underlying this observation is that both the robber and the intended victim are Jewish.)

Rabbi Gutnick said:

[Rabbi Batsri] confirmed my view in the application of *mesirah* in modern society. In Jewish law, sexual crimes are considered the most heinous, horrendous crime and are actually equated with murder. *Mesirah* does not apply. You don’t call your Rabbi; you call the police.⁵⁹

Rabbi Gutnick also referred to the Jewish law obligation to report crime, citing an example of a declaration made by the Rebbe on the topic:

In the early [19]80’s when there was an instance of assault in the New York community, Rabbi Schneerson, the Lubavitch Rebbe mentioned here before, evoked a biblical obligation

to those who witnessed the assault to report to the secular authorities and declared that whoever does not report a crime becomes a partner to the crime.⁶⁰

Rabbi Gutnick said that rabbis who contend that *mesirah* should apply to complaints of child sexual abuse were engaged in what he described to be a 'gross misuse of rabbinic power'.⁶¹

Rabbi Gutnick said he believed that in some instances those in leadership positions may not have reported instances of child sexual abuse out of a desire to protect the community and/or to retain power and control.⁶²

He said that it was his experience that, the more publicity there was on the nature of the abuse, the easier it became for people to come forward.⁶³

Culture

Chabad-Lubavitch communities are defined by a strict adherence to the obligations of the practice of the Jewish faith. Therefore, there is a strong community focus on whether or not a particular issue is 'halachically' permitted. The community relies heavily on the rabbis for guidance on such issues.

The Chabad-Lubavitch community has limited engagement in the secular world. Life typically revolves around the synagogue and places considerable authority in the rabbi for guidance in a number of aspects of daily life beyond religious or spiritual matters.

Members of the Chabad-Lubavitch community rely heavily on standing and connections inside the community for marriage, employment, education of children and social support.

A risked loss of standing inside the closed Chabad-Lubavitch community is a fearsome driver for compliance with the principles of Jewish law as interpreted by the rabbis.

There was evidence of a significant level of controversy and tension in the Chabad-Lubavitch communities in both Melbourne and Sydney over how some religious principles and some Jewish laws applied to the reporting of child sexual abuse.

There was considerable evidence that some members of the community believed that alleging that another Jewish person may have sexually abused a child is engaging in *loshon horo* (unlawful gossip), and that conduct is against Jewish law.

Similarly, there was considerable evidence that some members of the community believed that reporting a Jewish person to secular authorities such as police is considered to be engaging in conduct prohibited by either Jewish law or accepted principle (*mesirah*).

Such beliefs resulted in some community members behaving in a range of ways towards the victims of sexual abuse and their families which caused great distress to those victims and their families. In some cases, victims and their families experienced such severe ostracism and shunning that they felt unable to remain in the community.

In 2010, the RCV determined that this ongoing controversy and tension needed to be addressed authoritatively. To this end, the RCV issued the 2010 RCV Resolution mentioned above. The issuing of the 2010 RCV Resolution did not result in an end to the tensions, controversies and differing views.

1.3 The institutions

Yeshivah Melbourne

Yeshivah Melbourne was established in 1949 to assist post-war migrant Jews.⁶⁴ The centre includes a number of facilities such as the yeshivah synagogue, the yeshivah ritual bathhouse (the *mikveh*) and a number of day schools.

A day school for boys – the Yeshivah College Melbourne – was established in 1954; and a day school for girls – the Beth Rivkah Ladies College – was established in 1959. Both are located in St Kilda East in Melbourne and are near to the synagogue and the ritual bathhouse.⁶⁵

The evidence indicated that it was not uncommon for the Yeshivah College Melbourne and the Beth Rivkah Ladies College to discount or subsidise fees for students in cases of financial hardship.⁶⁶

There are three incorporated associations responsible for the activities of Yeshivah Melbourne:

- Yeshivah–Beth Rivkah Colleges Incorporated (which operates the day schools Yeshivah College Melbourne and Beth Rivkah Ladies College (Yeshivah–Beth Rivkah Colleges))
- Chabad Institutions of Australia Incorporated (which employs staff, operates the religious activity in the educational colleges and institutions and manages the youth organisation Chabad Youth)
- Chabad Properties Incorporated (which owns the real property of Yeshivah Melbourne).⁶⁷

During the period examined, a Committee of Management that included nine members from each of the incorporated associations managed Yeshivah Melbourne.⁶⁸ During the public hearing it became apparent that the employees and members of Yeshivah Melbourne are intimately connected by way of community, family, longstanding friendships and/or relationships of marriage.⁶⁹ The roles of some members (or former members) of Yeshivah Melbourne who feature in this report are described below.

Rabbi Yitchok David Groner

Some evidence before the Royal Commission suggests that in 1959 Rabbi Yitchok David Groner was appointed as emissary of the Rebbe and as the director of Yeshivah Melbourne and head rabbi of the synagogue. Other evidence suggests that Rabbi Groner was not appointed as an emissary in 1959 but, rather, that he later became an emissary.⁷⁰

It is not necessary for us to determine the date of Rabbi Groner's appointment as an emissary. We accept that Rabbi Groner was an emissary of the Rebbe. Rabbi Groner was an influential and indispensable member of the Yeshivah Melbourne community.⁷¹ As head rabbi, his role was to instruct the community in the application of Jewish law to the devout practice of the faith.⁷²

Rabbi Groner was head rabbi during the period examined in this case study and at the time that the reports of child sexual abuse at Yeshivah Melbourne were made.

Rabbi Groner remained head rabbi until 2007.⁷³ He died in 2008.

Rabbi Zvi Hersh Telsner

Rabbi Zvi Hersh Telsner succeeded Rabbi Groner as the head rabbi of Yeshivah Melbourne in 2007. Rabbi Telsner is the son-in-law of the late Rabbi Groner.⁷⁴

Rabbi Avrohom Glick

Rabbi Avrohom Glick was the principal of the Yeshivah College Melbourne from 1986 until 2007 (that is, at the time of the abuse examined in this case study). At the time of giving evidence he was still employed at the Yeshivah College Melbourne.⁷⁵

Rabbi Glick told us he worked closely with the late Rabbi Groner.⁷⁶

Rabbi Glick is the brother of Ms Nechama Bendet, who was the general manager of Yeshivah Melbourne from 2002 until 2014 (see below).⁷⁷

Rabbi Yehoshua Smukler

Rabbi Yehoshua Smukler is the presently the principal of Yeshivah–Beth Rivkah Colleges.⁷⁸

Rabbi Moshe Kahn

Rabbi Moshe Kahn is the present director of Chabad Youth (Yeshivah Melbourne's youth organisation).⁷⁹

Rabbi Meir Shlomo Kluwgant

Rabbi Meir Shlomo Kluwgant was the general manager of Cultural and Spiritual Services at Jewish Care Victoria, a Minister of Chabad Institutions of Australia, president of the Organisation of Rabbis of Australasia (ORA), the immediate past president of the RCV and a Victoria Police chaplain.⁸⁰

Mr Don Wolf

Mr Don Wolf was the chairman of the Committee of Management at Yeshivah Melbourne from 1997 until 2014.⁸¹

Ms Nechama Bendet

Ms Bendet commenced working for Yeshivah Melbourne in 1991 as a schoolteacher. She was the general manager of Yeshivah Melbourne from 2002 until September 2014.⁸² She commenced in the role of Director of Development in 2014.⁸³

Ms Bendet is the sister of Rabbi Glick.⁸⁴

Shmuel David Cyprys

Shmuel David Cyprys has been convicted of offences of child sexual abuse, including offences committed at the premises of Yeshivah Melbourne and during activities associated with Yeshivah Melbourne.

It is alleged that Cyprys engaged in many acts of child sexual abuse over very many years. There was evidence that many acts of child sexual abuse were committed at the premises of Yeshivah Melbourne or during activities associated with Yeshivah Melbourne.⁸⁵

We were told that Cyprys was regularly seen on Yeshivah Melbourne premises from the early 1970s until 1985 (as a student)⁸⁶ and thereafter until 2011.⁸⁷

Cyprys fulfilled many roles including caretaker, security guard, locksmith and martial arts instructor (or instructor's aide) and had wide-ranging key access to Yeshivah Melbourne facilities.⁸⁸

Cyprys volunteered at Camp Gan Israel youth camps until sometime in the 'early 1990's'.⁸⁹

It is not possible for us to determine the precise legal relationship that existed between Cyprys and Yeshivah Melbourne. It is not possible for us to discern whether Cyprys was an employee of Yeshivah Melbourne (or of any related entity, although he had made such representations in the past).⁹⁰

A summons issued to Yeshivah Melbourne for the production of records concerning Cyprys yielded only one document: a 'Creditors Invoice Inquiry' for Shomer Security⁹¹ (Cyprys' business trading name), which was created from records held on a computer on 18 July 2012.⁹²

Yeshivah Melbourne was unable to produce any other documents in answer to the summons (such as original invoices or contractual documents).

The document produced refers to invoices issued by Shomer Security to Yeshivah–Beth Rivkah Colleges in the period 16 May 2000 to 19 December 2003 and a single later invoice issued on 18 May 2007.⁹³

The date of the latter invoice is inconsistent with Ms Bendet's oral evidence, in which she said that Cyprys' services were terminated in 2003.⁹⁴

In any event, the services listed in the document appear to have been provided at frequent intervals and are primarily described as guarding and security patrol activities. The sum that Shomer Security claimed for services rendered (and apparently paid by the Yeshivah–Beth Rivkah Colleges) was \$208,521.98.⁹⁵

It is uncontroversial that Cyprys continued to attend Yeshivah Melbourne premises up until 2011. On 18 July 2011, Rabbi Telsner wrote to Cyprys and informed him that he was not authorised to attend Yeshivah Melbourne premises or to make contact with any students of Yeshivah–Beth Rivkah Colleges.⁹⁶

On 8 September 1992, in the Magistrates' Court of Victoria, Prahran, Cyprys pleaded guilty to an indecent assault perpetrated on AVR (a witness before the Royal Commission) on or about 24 August 1991.⁹⁷ Cyprys was placed on a good behaviour bond for a period of three years and no conviction was recorded against his name.

It is unclear whether Rabbi Groner and Yeshivah Melbourne were aware of the 1992 court proceedings and the plea that Cyprys entered.

On 28 August 2013, in the County Court of Victoria, Melbourne, a jury found Cyprys guilty of five charges of rape.⁹⁸ The offences were committed against AVR in 1990–1991 at a time when AVR was approximately 15 or 16 years of age.

Following the jury's decision, Cyprys pleaded guilty to a further 12 offences of child sexual abuse: five offences of indecent assault, one offence of attempted indecent assault, four offences of procuring an act of indecency and two offences of gross indecency.⁹⁹ Those acts were committed on more than one person.

Cyprys was sentenced on 20 December 2013.¹⁰⁰

Wischusen J of the County Court of Victoria found that Cyprys came into contact with those he abused through Yeshivah Melbourne and its associated sporting, educational, religious and youth programs. His Honour observed that activities such as teaching martial arts classes and means of access to buildings gave his victims the impression that Cyprys had official authority and standing at Yeshivah Melbourne.¹⁰¹

Cyprys was sentenced to a total effective sentence of eight years imprisonment with a non-parole period of five years and six months.¹⁰² He was sentenced as a serious sex offender. Orders were made that he be registered under the *Sex Offenders Registration Act 2004* (Vic) and have lifetime reporting obligations.¹⁰³

Rabbi David Kramer

Rabbi David Kramer has been convicted of offences of child sexual abuse in both Australia and the United States.¹⁰⁴

Kramer came to Australia in late 1989 and was employed as a primary school teacher at the Yeshivah College Melbourne primary school.¹⁰⁵

Kramer left Australia in 1993 following complaints from four parents of students of the primary school that he had committed various acts of child sexual abuse.¹⁰⁶

He ultimately travelled to the United States, where he was convicted of serious child sexual offences (in respect of acts committed in March 2007) and sentenced to seven years imprisonment with a statutory minimum term of four years and six months.¹⁰⁷

On 20 December 2011, Victoria Police charged Kramer with offences relating to the period from January 1990 until December 1991: five counts of indecent assault and one count of performing an indecent act with a child under 16 years of age.¹⁰⁸ The charges related to offences against four students from 10 to 11 years of age.¹⁰⁹

Kramer was extradited to Australia on 29 November 2012.¹¹⁰

On 17 July 2013, before the County Court of Victoria, Kramer pleaded guilty to the offences he was charged with.¹¹¹ He was sentenced (concurrently) to a term of imprisonment for three years and four months with a non-parole period of 18 months.¹¹² He was sentenced as a serious sex offender. Orders were made for his registration as a sex offender under the *Sex Offenders Registration Act 2004* (Vic) with lifetime reporting obligations.¹¹³

At the conclusion of his custodial sentence, Kramer was deported to the United States.¹¹⁴

Yeshiva Bondi

Yeshiva Bondi was established in 1956 and is located in Bondi in Sydney, New South Wales.¹¹⁵

Under the leadership of Rabbi Pinchus Feldman, the Yeshiva Bondi established the Yeshiva College Bondi – a segregated boys’ and girls’ day school – and the Yeshiva Gedolah Rabbinical College in Flood Street, Bondi.¹¹⁶

Yeshiva Bondi was operated through a charitable trust called the Sydney Talmudical College Association (STCA).¹¹⁷

The services offered by the Yeshiva Bondi included youth groups and camps.¹¹⁸

Before 2003, the schools were operated by Yeshiva College Ltd and Yeshiva Jewish Day School Ltd.

At the end of 2003, management of Yeshiva College Ltd was transferred to a group led by parents, and Yeshiva College Bondi went under the management of the new group. In 2004, Yeshiva College Ltd changed its name to Kesser Torah College Ltd. The school known as Yeshiva College became known as Kesser Torah College. This school is located in Dover Heights in Sydney, New South Wales, and is no longer associated with or run by Yeshiva Bondi.¹¹⁹

In 2004, unofficial schooling arrangements (which were described to us in evidence as ‘home schooling’) started at the Yeshiva Centre Bondi. By 2007, an application for registration of those studies was made with the Board of Studies (now known as the Board of Studies Teaching and Educational Standards NSW (BOSTES)) and in 2008 a new entity, Yeshiva College Bondi Ltd, was established.¹²⁰ This body ran the Yeshiva College Bondi.

The Yeshiva Gedolah Rabbinical College is a tertiary vocational school providing rabbinical education and training for young men, generally between 20 and 22 years of age, who are seeking ordination (*semicha*) as rabbis. Rabbinical students typically enrol for between one and two years and live on the yeshiva premises.¹²¹ It is common practice that rabbinical students assist with teaching at Yeshiva College Bondi and also attend camps, primarily on a volunteer basis.¹²²

The roles of some members (or former members) of Yeshiva Bondi who feature in this report are described below.

Rabbi Pinchus Feldman

In 1968, Rabbi Pinchus Feldman was appointed (as an emissary of the Rebbe) dean and spiritual leader of Yeshiva Bondi.¹²³ Rabbi Feldman is married to Rebbetzin Pnina Feldman. Rabbi Yosef Feldman is one of their sons.

Rabbi Pinchus Feldman gave evidence that he is the emissary of the Chabad-Lubavitch movement in New South Wales.¹²⁴

Rabbi Feldman's role at Yeshiva Bondi has altered over time. Before 2003, he was the dean and spiritual head of the gender-segregated day schools operated by Yeshiva College Ltd and Yeshiva Jewish Day School Ltd. In or about late 2003, the schools came to be operated by Kesser Torah College Ltd and Rabbi Feldman ceased to have any role in those schools.¹²⁵

Since 2008, Rabbi Feldman has been a director of Yeshiva College Bondi Ltd and dean and spiritual leader (or authority) of the gender-segregated school created by Yeshiva College Bondi Ltd.¹²⁶

Rabbi Feldman is the spiritual leader (or authority) of the Yeshiva Gedolah Rabbinical College.¹²⁷

Rabbi Yosef Feldman

Rabbi Yosef Feldman is the son of Rabbi Pinchus Feldman and Rebbetzin Pnina Feldman.¹²⁸

In 1993, Rabbi Yosef Feldman was appointed as a supervisor of students of the Yeshiva Gedolah Rabbinical College and subsequently as rabbinical administrator (a position he has held for approximately 15 years).¹²⁹

As rabbinical administrator,¹³⁰ Rabbi Feldman said he relied heavily upon his father for guidance and advice (on the assumption that Rabbi Pinchus Feldman would bring all matters of importance to his attention).¹³¹

Rabbi Yosef Feldman also held the position of president of the Rabbinical Council of NSW.¹³²

At the time of giving evidence, Rabbi Feldman was also the rabbi of Southern Sydney Synagogue at Allawah in New South Wales.¹³³

Rabbi Boruch Dov Lesches

In or about 1986, Rabbi Boruch Dov Lesches was an employee of the Yeshiva Centre Bondi and the Yeshiva Gedolah Rabbinical College¹³⁴ subject to the direction of Rabbi Pinchus Feldman.¹³⁵

Rabbi Lesches now lives in the United States, where he is a senior rabbi. Rabbi Lesches was notified that the public hearing was being held. He was invited to make himself available for questioning but declined to do so.¹³⁶

Rabbi Moshe David Gutnick

Rabbi Gutnick is a former teacher at Yeshiva Bondi, a former president of the ORA and a Senior Dayan (a judge) of the Sydney Beth Din (a rabbinical court).¹³⁷

Daniel Hayman

Daniel Hayman has been convicted of offences of child sexual abuse.¹³⁸

Hayman was known by the nickname 'Gug' and was described as someone who presented as a religious man and an active member of the Yeshiva Bondi community.

On 10 June 2014, in the New South Wales Local Court, Sydney, Hayman pleaded guilty to a charge in respect of AVB (indecent assault by a person in authority). Hayman was convicted and sentenced to a term of imprisonment of 19 months, suspended upon condition of entry into a bond to be of good behaviour for the same period.¹³⁹

2 The Experiences of Survivors of Child Sexual Abuse

The Royal Commission received evidence about the experiences of four survivors of child sexual abuse perpetrated within the Yeshivah Melbourne and Yeshiva Bondi communities: Mr Menahem (Manny) Leib Waks, AVA, AVB and AVR.

2.1 Mr Menahem (Manny) Leib Waks

Mr Waks gave evidence of his abuse by AVP (who he described as the adult son of a senior Yeshivah Melbourne rabbi)¹⁴⁰ and of being abused by Cyprys.¹⁴¹

Manny Waks lived with his family across the road from Yeshivah Melbourne. He was a student at the Yeshivah College Melbourne.¹⁴²

AVP

Mr Waks said that in or about 1988 he had suffered repeated acts of child sexual abuse by AVP in the synagogue of Yeshivah Melbourne and in the nearby bathrooms. The abuse was preceded by a period of what he now understands to be grooming by AVP. The abuse was perpetrated over a period of several months.¹⁴³

Around the time of the abuse, he confided in another student about the abuse. Unfortunately, that confidence was not maintained. He became the subject of widespread taunting and bullying and was pronounced to be 'homosexual' because the abuse was rumoured to have been perpetrated by another male.¹⁴⁴

Mr Waks said that some of the taunting and bullying occurred in the presence of Yeshivah College Melbourne teachers (or, alternatively, in the presence of authority figures of Yeshivah Melbourne); however, there was no intervention to stop it.¹⁴⁵

David Cyprys

Manny Waks attended martial arts classes taught by Cyprys. He gave evidence that those classes were generally conducted in the backyard of the Elwood Synagogue on Glen Eira Road in Melbourne as well as privately at the back of the Yeshivah Centre Melbourne. Mr Waks said that he was abused by Cyprys during those classes and during activities purportedly associated with those classes.¹⁴⁶

In addition, Mr Waks was abused by Cyprys in the ritual bathhouse (the mikveh) at Yeshivah Melbourne.¹⁴⁷

Mr Waks recalled that at the time of the abuse he regarded Cyprys to be ‘in a position of power and authority and [apparently] trusted by the Yeshivah Centre’¹⁴⁸ (not least because he had appeared to have keys to the entire Yeshivah Centre Melbourne).

He said that the abuse continued for approximately two years and ended in or about 1990.¹⁴⁹ Mr Waks does not recall telling anyone about the abuse by Cyprys because of his experience after he disclosed his abuse by AVP to another student.¹⁵⁰

Mr Waks told us that his abuse by AVP and Cyprys had a very substantial impact upon him.

He said that he ruminated about the events of abuse and experienced flashbacks. He described suffering a personality change from being happy, positive and free of behavioural problems to being an angry, rebellious teenager beset by behavioural problems.¹⁵¹

He told us that he rejected his religion, lost focus upon his studies and became dependent upon alcohol.¹⁵² He said that as a result he experienced alienation from family, friends and his community and suffered feelings of helplessness and despair.¹⁵³

Mr Waks reports his abuse

In 1994, Mr Waks moved to Israel to join the Israel Defense Forces. He said that it was at this time that he left the ultra-orthodox community of which he had been a part.¹⁵⁴

In September 1996, while visiting Australia for his sister’s wedding, Mr Waks heard a public radio broadcast about Operation Paradox – a community awareness campaign concerning child sexual abuse. He said that he immediately felt compelled to report the child sexual abuse that he had suffered.¹⁵⁵

He revealed the abuse to his father, Mr Zephaniah Waks, who appeared to him to be shocked but also supportive. Together they met with the Victoria Police. Mr Manny Waks made a formal complaint to police against AVP and Cyprys.¹⁵⁶

He was disappointed when a subsequent police investigation did not lead to charges against AVP and Cyprys.¹⁵⁷

Mr Waks told us that at around the same time in 1996 he told Rabbi Groner that Cyprys had abused him. He recalled that Rabbi Groner responded to that information by instructing him to ‘do nothing’, as Cyprys was being ‘dealt with’.¹⁵⁸

Mr Waks believed that nothing was done following his reports of abuse. He felt poorly served by the judicial system and his religion. He said that he lost faith in the police, the judicial system and

the religion he was brought up in and its leaders. He felt his powerlessness was reinforced – he had done what he could to obtain justice for Cyprys’ crimes and to protect others from Cyprys, but his efforts had been to no avail.¹⁵⁹

Mr Waks said he ultimately went back to Israel and did not return to Australia until 2000. His evidence was that many years then passed before he again took steps in respect of the abuse that he had suffered.

In the early 2000s, his continuing concern about the presence of Cyprys at Yeshivah Melbourne led him to again speak with Rabbi Groner. He said he spoke to Rabbi Groner about his concern that Cyprys was still at Yeshivah Melbourne and continued to have access to the students. Mr Waks recalled that once again Rabbi Groner instructed him to ‘do nothing’, as Cyprys was getting professional help and improving and Rabbi Groner was personally dealing with it.¹⁶⁰

Mr Waks gave evidence that he sought an assurance from Rabbi Groner that Cyprys would not offend again and that Rabbi Groner had responded that he was unable to give that assurance.¹⁶¹

The Age newspaper article

In or about July 2011, Mr Waks heard that Victoria Police were looking at historical cases of child sexual abuse at Yeshivah Melbourne. Mr Waks decided to publicise his experience of child sexual abuse.¹⁶²

He spoke to a journalist from *The Age* newspaper. On 8 July 2011, *The Age* newspaper published an article about Mr Waks entitled ‘Jewish Community leader tells of sex abuse’. The article contained Mr Waks’ allegations of child sexual abuse and allegations concerning Yeshivah Melbourne.¹⁶³

In the article Mr Waks said that he had been ‘repeatedly molested by a trusted figure of authority at the school who had unfettered access to the young boys’ and that the ‘man was in a position of power and authority, who was trusted by the school and who repeatedly took advantage of his position in preying on young boys’.

He said that ‘he wanted to hold to account the alleged perpetrators of the crimes and the Yeshivah Centre, which runs the college and which he says betrayed victims by persuading them to remain silent’.

In the article Yeshivah Melbourne was accused of covering up a scandal concerning Kramer and that, as a result of their failure to report him, Kramer had been able to travel to the United States, where he sodomised a 12-year-old boy.¹⁶⁴

Mr Waks was reported to be ‘furious that Yeshivah College did not take action at the time’.

In the article it was also reported that Mr Waks had approached Rabbi Groner to confront him about Cyprys continuing to work at Yeshivah Melbourne despite what he knew. Mr Waks was reported to have said of that encounter with Rabbi Groner: 'In my attempt to seek justice and closure I felt like I was working against an entrenched culture and system of covering up these crimes at any cost.'¹⁶⁵

Mr Waks told us that speaking publicly of his abuse was an experience that he found to be cathartic and very empowering.¹⁶⁶

The publication of the article in *The Age* gave rise to great controversy amongst some members of the Yeshivah Melbourne community.¹⁶⁷ Questions arose as to whether Jewish law permitted such allegations to be made publicly.

That view appears to have been in part due to public statements made at that time by Rabbi Telsner of Yeshivah Melbourne on the topic of *loshon horo* (discussed further below).

The publication of the article, and the perception that it was sinful, led to Mr Waks and his family being ostracised by many members of the Yeshivah Melbourne community. It is apparent that his family became the secondary victims of the child sexual abuse of which Mr Waks complained.¹⁶⁸

The responses of some members of the Yeshivah Melbourne community and the effect of those responses upon Mr Waks and his family are discussed in section 3 of this report.

Cyprys is convicted for the abuse of Mr Waks

On 28 August 2013, in the County Court of Victoria, Melbourne, Cyprys pleaded guilty to three charges concerning Mr Waks: two charges of indecent assault and one charge of procuring an act of gross indecency.¹⁶⁹

On 20 December 2013, Wischusen J sentenced Cyprys to concurrent periods of imprisonment: 12 months imprisonment for indecent assault, nine months imprisonment for a further indecent assault and six months imprisonment for procuring an act of gross indecency.¹⁷⁰

Wischusen J ordered that Cyprys be registered pursuant to the *Sex Offenders Registration Act 2004* (Vic) and noted that he would 'have reporting obligations under that legislation for ... life'.¹⁷¹

Mr Waks attended the court hearing. He said that he found that experience both cathartic and empowering, particularly because what had happened to him had been judicially recognised.¹⁷²

The continuing effect of child sexual abuse upon Mr Waks

Mr Waks told the Royal Commission that he continues to experience distressing memories of the child sexual abuse that he suffered and to feel guilt and shame because of the abuse.¹⁷³

He said that he remains troubled by his belief that Yeshivah Melbourne did not take any steps to protect its students from Cyprys and by the suffering of his family as a result of his public statements concerning his abuse.

Mr Waks told us that in 2015 he and his family relocated to Europe in part because of the community response to his public statements about his abuse.¹⁷⁴

2.2 AVA

AVA was a student at the Yeshivah College Melbourne.

In 1986, AVA was 14 years of age. He attended martial arts classes held in the gymnasium of the Beth Rivkah Ladies College. During those classes he met Cyprys, who was an instructor's aide.¹⁷⁵

Cyprys offered to give AVA one-on-one instruction in martial arts. Under that pretence Cyprys sexually abused AVA.¹⁷⁶

AVA gave evidence that the abuse continued over a period of three years and occurred mostly at night on the premises of the Yeshivah Centre Melbourne. He said that some of the abuse occurred in the ritual bathhouse and some of it occurred within the Yeshivah Gedolah Rabbinical College.¹⁷⁷

AVA said that at the time of the abuse it appeared that Cyprys had keys to all of Yeshivah Centre Melbourne.¹⁷⁸

A complaint by AVA's mother, AVQ

AVA gave evidence that one day in 1986 he was walking to his mother's house with his older brother. His brother discovered that AVA had extra money and asked him where he got it. AVA told his brother that Cyprys had paid him to expose himself. He did not tell his brother any more about the abuse.¹⁷⁹

AVA told us that his older brother told their mother, AVQ. AVA recalled that AVQ sent him to his room. He felt that he was in trouble.¹⁸⁰

AVQ provided a written statement about these events. She said she recollected telephoning Rabbi Groner to report what her son had told her.¹⁸¹ In her statement she said she believed that Rabbi Groner had agreed to speak with her because he had known her late father.¹⁸²

AVQ's evidence was that she had a conversation with Rabbi Groner to the following effect:¹⁸³

| | |
|---------------|---|
| AVQ: | It has come to my attention that David Cyprys has done something sexual towards my son. |
| Rabbi Groner: | Oh no, I thought we had cured him. ... Don't worry about it, I will take care of it, it will be fine. |

In her statement she said that Rabbi Groner's reference to 'curing' Cyprys led her to believe that Cyprys had done something similar in the past. She also stated that, based on the conversation, she believed that Rabbi Groner would do something about Cyprys and that she needed to do no more.¹⁸⁴

AVA meets with Rabbi Groner

AVA gave evidence that at school on the following Monday Rabbi Glick, the principal of Yeshivah College Melbourne, sent him to Rabbi Groner's office. AVA said that he had been alarmed by the prospect of meeting with Rabbi Groner, whom he thought of as an imposing man. AVA said that when he met with Rabbi Groner he had been assured that Rabbi Groner would 'look after' the situation with Cyprys.¹⁸⁵

AVA said that Rabbi Groner did not offer him any counselling or other assistance.¹⁸⁶

After the meeting AVA said that he returned to his classroom, where he immediately and spontaneously apologised to Cyprys' brother out of concern that he had got Cyprys into trouble. AVA said that he now feels ill whenever he thinks about that apology.¹⁸⁷

Cyprys was not removed from the school community. AVA continued to suffer abuse by Cyprys for another two years.¹⁸⁸

The effect of child sexual abuse upon AVA

AVA told us that the abuse caused him great distress, suffering and sadness. He said he felt robbed of his childhood innocence and his life. He felt guilt and shame because of the child sexual abuse perpetrated by Cyprys.¹⁸⁹

As a result of the abuse, AVA has suffered chronic dysthymia, episodes of major depression and post-traumatic stress disorder. He became socially withdrawn. For a period he became substance dependent.¹⁹⁰

AVA stated that he felt unable to achieve intimacy in relationships and felt guilt at keeping others at a distance.¹⁹¹

He believes that the abuse has caused him to suffer financial detriment and that he is afflicted with the stigma of having suffered child sexual abuse.¹⁹²

Cyprys is convicted for the abuse of AVA

On 28 August 2013, in the County Court of Victoria, Melbourne, Cyprys pleaded guilty to two charges in respect of AVA: one charge of indecent assault and one charge of procuring an act of gross indecency.¹⁹³

On 20 December 2013, Wischusen J sentenced Cyprys to concurrent terms of imprisonment: for indecent assault, a term of 18 months; and, for procuring an act of gross indecency, a term of 12 months.¹⁹⁴

Wischusen J ordered that Cyprys be registered pursuant to the *Sex Offenders Registration Act 2004* (Vic) and noted that he would 'have reporting obligations under that legislation for ... life'.¹⁹⁵

2.3 AVB

AVB was a student of Yeshiva College Bondi.

AVB gave evidence that in the 1980s students from Yeshivah College Melbourne attended a mid-year residential religious learning program at Yeshiva College Bondi. The classrooms of Yeshiva College Bondi were used for accommodation purposes.¹⁹⁶

AVB said that the students of Yeshiva College Bondi were encouraged to interact with the students from Yeshivah College Melbourne when they attended the residential learning program.¹⁹⁷

David Cyprys

AVB gave evidence that in the mid-year holidays around 1984 or 1985, Cyprys travelled to Sydney with the students from Yeshivah College Melbourne and befriended AVB.¹⁹⁸ AVB said that he was forcibly sexually assaulted by Cyprys in a classroom at the Yeshiva College Bondi.¹⁹⁹

He gave evidence that he was frightened by the experience and did not tell anyone about it.²⁰⁰

AVB said that in early 1988 he moved to Melbourne with his father and brothers to continue his education. He said that he heard rumours that others, including Mr Waks, had been abused by Cyprys, but he observed that ‘rabbis, leaders and teachers at the Yeshivah Centre and college all seemed to be friendly with Cyprys’.²⁰¹

AVB said that he did not feel he could tell anyone about what had happened to him and felt there was something wrong with him because Cyprys was ‘so embraced by everybody else’.²⁰²

He told us that he specifically recalled jokes and innuendo to the effect that Mr Waks was a homosexual. He said that, because he did not want to be similarly accused, he did not tell anyone of his experience.²⁰³

Daniel Hayman

AVB said that in the summer holidays of 1987–1988, when he was 14 years of age, he attended the Camp Gan Israel youth camp, held at Stanwell Tops in New South Wales. The youth camp was operated by Yeshiva Bondi. The camp had separate sites for boys and girls.²⁰⁴

Hayman attended Camp Gan Israel as a chaperone or house parent.²⁰⁵

AVB said that, under the pretence of setting up a bonfire for the girls’ camp before Sabbath, Hayman obtained permission from AVB’s camp counsellor to take AVB to an isolated location, where Hayman forcibly sexually assaulted him.²⁰⁶

AVB recalled that Hayman told him to tell no-one of the assault.²⁰⁷

AVB said that he felt unable to tell anyone of the assault for 20 years. He did not think anyone would believe him.²⁰⁸

AVB communicates with police

In 2011, a close friend of AVB’s revealed to him that he had also been sexually abused when he was a child. AVB said that the revelation prompted him to report the abuse that he had suffered.²⁰⁹

In May 2011, AVB met with Sergeant Scott Dwyer of the Moorabbin Sexual Offences and Child Abuse Investigation Team (SOCIT), Victoria Police, and provided a written account of his abuse by Hayman and Cyprys. He said that he felt unable to provide a verbal account.²¹⁰

AVB recalled:

I was hesitant to assist because of the insular nature of the Jewish community and also because of the prohibition of *mesirah*. The prohibition of *mesirah* is a prohibition against informing on Jews to civil authorities. The punishment for *mesirah* is spiritual death and ostracisation. I believed that if I assisted police I would be excommunicated from my community and lose my identity.²¹¹

AVB said that he did not tell anyone of his interaction with Victoria Police.²¹²

AVB's email of 17 June 2011

AVB told us that in the following months he was in regular contact with Victoria Police.²¹³ In June 2011, Sergeant Dwyer informed AVB that police had asked Yeshivah Melbourne to provide the names and addresses of former students. The list provided to the police was incomplete.²¹⁴

On 17 June 2011, AVB sent an email to his contacts within the community. He attached a copy of a letter from Victoria Police²¹⁵ requesting public assistance in its investigations of allegations of sexual abuse at Yeshivah College.²¹⁶

The email also attached what he described as 'a letter from the Rabbinical Council of Victoria that stated that the prohibition against *mesirah* did not apply in cases of sexual abuse'.²¹⁷

AVB was told that Rabbi Telsner, the head rabbi of Yeshivah Melbourne, had delivered a sermon at the synagogue in the days after the email was sent that appeared to criticise AVB's decision to send the email.²¹⁸

Rabbi Kluwgant, who at the time was a chaplain to Victoria Police and an employee of Yeshivah Melbourne, told AVB directly that he should not have sent the email.²¹⁹

AVB is labelled a moser

In early September 2011, Cyprys was arrested and charged with a number of offences of child sexual abuse (against AVB and others) and was refused bail.²²⁰

On 8 September 2011, AVB attended court for the hearing of Cyprys' bail application. He said it soon became known throughout the community that he had attended the hearing and his employer was informed.²²¹

AVB said that he was then the subject of virulent criticism in online blogs and was labelled a *moser*. AVB was very troubled by being described as a *moser*. He gave evidence that a *moser* was ‘the low of the low. You can’t get any lower than a *moser*’.²²²

AVB said that he telephoned Mr Alex Lewenberg, the lawyer for Cyprys, because he had been told that it was Mr Lewenberg who had publicised AVB’s attendance at court.²²³

AVB said that during their telephone conversation Mr Lewenberg expressed disapproval that ‘another Yid’ would assist police against a Jewish person who had been accused, no matter what the person was accused of. AVB recalled Mr Lewenberg telling him that ‘there is a tradition, if not a religious requirement, that you do not assist against Abraham [a Jew]’.²²⁴ AVB said that Mr Lewenberg also spoke of the concept of a *moser*.²²⁵

AVB told us that someone who breaches *mesirah* is referred to as a *moser*. AVB said that the conversation caused him to conclude that some Jews still believed that *mesirah* applied to cases of sexual abuse.²²⁶

AVB also said that it appeared to him at times that calling others to account was seen as committing a sin within the meaning of *loshon horo*.²²⁷

AVB described being ostracised and bullied. He believed that he was treated as a pariah. AVB said that his car was vandalised, signs he placed on the community noticeboard were torn down and he was pushed and jostled. He also said that he was denied the religious rite of being called to the Torah.²²⁸

Hayman is convicted of the abuse of AVB

On 10 June 2014, in the New South Wales Local Court, Sydney, Hayman pleaded guilty to a charge in respect of AVB (indecent assault by a person in authority). Hayman was convicted and sentenced to a term of imprisonment of 19 months, to be suspended upon entering a bond to be of good behaviour for the same period.²²⁹

The effect of child sexual abuse upon AVB

AVB gave evidence that he is traumatised and the effect of the abuse is ever present.

He explained that, while he can rationalise that a perpetrator of child sexual abuse often suffers some form of illness, he found it difficult to accept the inaction of community leaders:

The secondary trauma ... is greater than the original trauma because that is a conscious, deliberate and calculated decision by a person in whom by their mere position of

leadership you would expect or believe has ... knowledge and foresight. They have been elevated to that position because of some assumed ability, great insight, emotional intelligence, knowledge of the law and the world, and then they act, enable or incite others to act in that way ...²³⁰

AVB remains committed to a life within the ultra-orthodox Jewish community.

2.4 AVR

AVR said that in or about early 1991 he travelled from interstate to Melbourne to study as a scholarship student at the Yeshivah College Melbourne.²³¹

David Cyprys

AVR recalled that shortly after he arrived at Yeshivah College Melbourne Rabbi Groner introduced him to Cyprys, whom he described as the caretaker of the Yeshivah Centre Melbourne and a contact person who would be available to assist AVR.

AVR said that Cyprys repeatedly sexually abused him.²³²

AVR said that he had limited knowledge of human sexual behaviour. He said that he found it difficult to contextualise or describe the child sexual abuse that he suffered and that he felt embarrassed and helpless. He recalled being very concerned not to cause his mother distress – she had been unwell at the time and lived alone and interstate.²³³

AVR reports his abuse by Cyprys

AVR recalled that his abuse became known after a fellow student discovered AVR crying in the school playground and took him to his home. AVR believes he told his fellow student's mother something of his experience. AVR's mother was contacted and she travelled to Melbourne. AVR told his mother that Cyprys had been sexually abusing him.

AVR recalls that his mother immediately contacted Rabbi Groner and reported the abuse.²³⁴

He said that the next day he accompanied his mother to Yeshivah College Melbourne and together they spoke with Rabbi Glick about the abuse. Rabbi Glick said that AVR's scholarship was cancelled.²³⁵

AVR believes that, as a result of his disclosure of child sexual abuse by Cyprys, both Rabbi Glick and the people of the Yeshivah Centre Melbourne did not want him and that he and his mother were ostracised. AVR recalled that even his family refused to help.²³⁶

AVR made a complaint to the Victoria Police. At that time he was unable to disclose that the abuse he had suffered had included being raped by Cyprys.²³⁷

AVR later gave a more complete report to the police, which resulted in Cyprys' prosecution for the child sexual abuse of AVR (including rape).²³⁸

Cyprys is convicted for the abuse of AVR

On 8 September 1992, in the Magistrates' Court of Victoria, Prahran, Cyprys pleaded guilty to a charge of indecently assaulting AVR on or about 24 August 1991. No conviction was recorded. Cyprys was placed on a good behaviour bond for a period of three years.²³⁹

On 28 August 2013, in the County Court of Victoria, Melbourne, a jury found Cyprys guilty of five counts of rape of AVR in 1990–1991.²⁴⁰

Upon the jury's pronouncement of guilt, Cyprys pleaded guilty to a further 12 charges unrelated to AVR (for offences of attempted indecent assault, indecent assault, procuring an act of indecency and gross indecency).²⁴¹

On 20 December 2013, Wischusen J sentenced Cyprys (concurrently) to four years and six months imprisonment for the rape of AVR. He ordered that Cyprys be registered pursuant to the *Sex Offenders Registration Act 2004* (Vic) and noted that he would 'have reporting obligations under that legislation for ... life'.²⁴²

3 Child Sexual Abuse Reports to Yeshivah Melbourne

3.1 Complaints of child sexual abuse and Yeshivah Melbourne's response

The Royal Commission received evidence that many reports of child sexual abuse were made to Yeshivah Melbourne between 1984 and 2000. The evidence was that many of those reports were made to the late Rabbi Groner.

David Cyprys

Complaint in 1984

In a written statement before the Royal Commission, Mr Ron Tatarka (the former head of Chabad Youth) recalled that in 1984 a father and his young son approached him and insisted that the three immediately attend a meeting with Rabbi Groner. The father did not tell him what the meeting was about.²⁴³

The meeting was held at Rabbi Groner's home. The father informed Rabbi Groner that something had happened to his son. Rabbi Groner asked Mr Tatarka to leave the meeting.²⁴⁴

Mr Tatarka recalled that he was later called back into the meeting and Rabbi Groner assured him that he would deal with 'the issue' (although the issue was not identified). After leaving Rabbi Groner's house, Mr Tatarka asked the father for information about what had happened to the son, but the father did not give it to him.²⁴⁵

In his written statement Mr Tatarka said that in 2012 he discovered that the subject of the meeting had been an allegation of sexual abuse against Cyprys.²⁴⁶

On 28 August 2013, in the County Court of Victoria, Melbourne, Cyprys pleaded guilty to a charge of gross indecency upon the boy who had accompanied his father to the 1984 meeting with Rabbi Groner. The offence was committed in or about April 1984. Cyprys was convicted and sentenced to three months imprisonment.²⁴⁷

It appears that Cyprys was not removed from the Yeshivah Centre Melbourne in or immediately after 1984.

Rabbi Glick gave evidence that, if Rabbi Groner received complaints of that nature, it ought to have been conveyed to the Committee of Management.²⁴⁸ It was not.

There is no evidence before us that Rabbi Groner took any step in respect of Cyprys in 1984.

Complaint in 1986

AVQ, the mother of AVA, gave evidence that in 1986 she telephoned Rabbi Groner and reported that Cyprys had 'done something sexual' to AVA.²⁴⁹ AVA gave evidence that the following day Rabbi Glick directed AVA to attend Rabbi Groner's office, where Rabbi Groner advised him that he would 'look after' the situation with Cyprys.²⁵⁰

There is no evidence before the Royal Commission that Rabbi Groner took any step in respect of Cyprys in 1986.

Complaint in 1991

AVR told us that in 1991, in the company of his mother, he reported to Rabbi Glick that Cyprys had sexually abused him. Rabbi Glick told us that he had no recollection of AVR being a student at the Yeshivah College Melbourne or of receiving a complaint from AVR and his mother about Cyprys.²⁵¹

Mr Waks told us that he recalled AVR being a student at Yeshivah College Melbourne and that AVR's mother had told him that Cyprys had been abusing her son.²⁵²

Rabbi Glick did recall Rabbi Groner asking him in 2008 (not long before Rabbi Groner died) whether he knew anything about a complaint by the mother of an interstate student that Cyprys had abused her son.²⁵³ At that time, he was unable to recall such a complaint.

We are satisfied that AVR and his mother reported AVR's abuse by Cyprys to Rabbi Glick.

There is no evidence that the allegations that AVR and his mother made were ever recorded or that Yeshivah College Melbourne took any steps in respect of Cyprys.

Complaint in 1996

Mr Waks gave evidence that in September 1996 he told Rabbi Groner that he had been sexually abused by Cyprys.²⁵⁴

Mr Waks gave evidence that Rabbi Groner assured him that the Yeshivah Centre Melbourne was dealing with Cyprys and that he should do nothing of his own accord.²⁵⁵

There is no evidence before us that Rabbi Groner took any steps in respect of the report of abuse that Mr Waks made in 1996.

Complaint in 2000

Mr Waks gave evidence that in the early 2000s he had again met with Rabbi Groner about Cyprys²⁵⁶ because he was concerned about Cyprys' continued access to children. Mr Waks asked Rabbi Groner for an assurance that Cyprys would not offend in the future.²⁵⁷ Rabbi Groner was unable to give him that assurance.

There is no evidence before us that Rabbi Groner took any steps in response to Mr Waks' report. Cyprys was not removed from the Yeshivah Centre Melbourne until 2011.

Rabbi David Kramer

Complaint in 1992

In 1992, parents of students of the Yeshivah College Melbourne made a complaint to Rabbi Groner, Rabbi Glick and Rabbi Pinchus Ash (then principal of the primary school) that Kramer, a teacher at Yeshivah College Melbourne, was sexually abusing students. One of those students was the son of Mr Zephaniah Waks and brother of Mr Manny Waks. The parents demanded Kramer's removal.²⁵⁸

Mr Zephaniah Waks told us that a group of parents had proposed to meet to discuss whether to involve Victoria Police. The parents intended to tell the leaders of Yeshivah Melbourne that they would go to the police if Kramer's employment was not terminated.²⁵⁹

Rabbi Groner, Rabbi Glick, Rabbi Ash and Mr Hersh Cooper, then chair of the Committee of Management, met and discussed the allegations.²⁶⁰

In a written statement tendered before the Royal Commission, Mr Cooper recounted that, following a lengthy discussion, Rabbi Groner decided to act 'immediately' and ordered the removal of Kramer from classes. Mr Cooper then instructed Rabbi Ash to dismiss Kramer.

Mr Zephaniah Waks recalled that Mr Cooper later called him and told him that the meeting could be cancelled, as Kramer's employment had been terminated.²⁶¹ He also recalled that Rabbi Glick had told him that Kramer had partly admitted to what had happened.²⁶²

A police statement from Professor Ramon Lewis, who had a background in educational psychology, records that a member of Yeshivah Melbourne asked him to interview Kramer about the allegations. He did so. Kramer made a number of disclosures, including an admission that he had touched boys. Professor Lewis went back to the person who had requested the interview and told that person what Kramer had said.²⁶³

After Kramer had been informed that his employment position had been terminated, he told Mr Cooper that he would challenge the 'unfair dismissal'. Mr Cooper offered an alternative: immediate departure to Israel on an airline ticket paid for by the Yeshivah College Melbourne. A day or two later Kramer left.²⁶⁴

When a school in northern Israel subsequently contacted Mr Cooper about an application for employment by Kramer, Mr Cooper was less than frank in his explanation as to why Kramer should not be employed. He advised only that 'he had left Melbourne under a cloud'.²⁶⁵

There is no evidence available to us of any contemporaneous record of the complaints that parents made or of actions taken in response to the complaints.²⁶⁶

There is no record that the allegations were ever reported to Victoria Police.

Kramer ultimately moved to the United States, where he was convicted of serious child sexual offences and sentenced to seven years imprisonment with a statutory minimum term of four years and six months.²⁶⁷

As mentioned earlier in this report, in December 2011 Victoria Police charged Kramer with offences of child sexual abuse and extradited him to Australia.²⁶⁸ He ultimately pleaded guilty to those charges and was convicted and sentenced to a term of imprisonment.²⁶⁹ He was registered as a sex offender under the *Sex Offenders Registration Act 2004* (Vic) with lifetime reporting obligations.²⁷⁰

Rabbi Groner's response

The evidence before us establishes that Rabbi Groner's response to reported incidents of child sexual abuse was wholly inadequate.

The nature and frequency of reports to Rabbi Groner strongly suggest a pattern of total inaction.

3.2 Yeshivah Melbourne's reactions to public disclosures

Responses to police investigations

It is perhaps unsurprising that a community described in the evidence as being insular would be concerned by communication with those external to the community about child sexual abuse reportedly perpetrated by Jews. That is particularly so given principles of Jewish law forbidding communication about Jews to non-Jews.

The evidence strongly suggests many leaders within the community focused insufficient attention upon the community's concerns and the intersection between the secular criminal law and Jewish law.

Police request for assistance

Around 2009, Victoria Police began to investigate allegations of abuse against Kramer. Around March 2011, police sought to further their enquiries by contacting former students of Kramer. The police asked the Yeshivah Centre Melbourne for the contact details of former students of Kramer.²⁷¹ The records the Yeshivah Centre provided were incomplete.

Ms Bendet gave evidence that the records of the Yeshivah College Melbourne did not readily identify the students taught by Kramer and that she had been unable to make a complete student list. The incomplete list was provided to Victoria Police.²⁷²

In early June 2011, Victoria Police issued a notice entitled 'Public Assistance Requested', which advised former students of the Yeshivah College Melbourne of an investigation of sexual assaults at the college between 1989 and 1993.²⁷³

Rabbi Kluwgant told us that at that time he brokered a meeting between the Yeshivah Centre Melbourne and the police. During that meeting Rabbi Telsner undertook to place a letter at the front of the synagogue stating that there was no impediment to cooperation with the police in their call for public assistance and encouraging members of the community to report child sexual abuse.²⁷⁴

Rabbi Telsner told us that around this time the leaders and managers of the school were 'very sensitive to the problem and they wanted to make sure that it should be dealt with properly'.²⁷⁵ He was aware of a marked reluctance amongst some members of the community to interact with a secular authority on the issue of child sexual abuse.²⁷⁶

AVB's email of 17 June 2011

On 17 June 2011, out of concern that the Victoria Police required further assistance in the investigation of Kramer, AVB sent an email to all of his friends and contacts within the Yeshivah Melbourne community,²⁷⁷ including Ms Bendet,²⁷⁸ Rabbi Telsner²⁷⁹ and Rabbi Kluwgant,²⁸⁰ urging them to cooperate with the police and noting that the 2010 RCV Resolution made plain that those in possession of information had a halachic obligation to come forward.²⁸¹

In evidence, Rabbi Telsner,²⁸² Rabbi Kluwgant,²⁸³ Rabbi Glick²⁸⁴ and Rabbi Mordechai Gutnick²⁸⁵ (the senior rabbi of the Elwood Shule) all agreed the content of the email was appropriate and there was no justification for any criticism of its content.

AVB's email asserted that many in the community had long known of allegations of child sexual abuse.²⁸⁶ It is not unreasonable to understand that reference to include the late Rabbi Groner.

Rabbi Telsner's sermon of 18 June 2011

The following day, on 18 June 2011, Rabbi Telsner delivered a sermon in the synagogue of Yeshivah Melbourne. It is not disputed that the subject matter of the sermon was a comparison of the gravity of the sin of sending emails containing gossip or slander (*loshon horo*) with the tragic Torah reading of the story of the spies (which led to the Jews wandering the desert for 40 years before entering Israel).²⁸⁷

AVB was not present at the sermon but said that he was later told of its content and of the apparent connection between the sermon and his email of 17 June 2011.²⁸⁸

AVB said that he immediately complained about the sermon to Rabbi Yaakov Glasman, the then president of the RCV. AVB said that Rabbi Glasman told him later that many members of the community believed the sermon to have been directed at AVB and his email of 17 June 2011.²⁸⁹

AVB told us about a conversation that he had with Rabbi Glasman in which Rabbi Glasman recounted a conversation with Rabbi Telsner about the sermon. Rabbi Glasman said to AVB that, when he had asked Rabbi Telsner whether the sermon of 18 June 2011 was directed at AVB and his 17 June 2011 email, Rabbi Telsner had responded that it was directed at those sending emails and making trouble and that 'If that's what [AVB] understood that it was in relation to him, then it was in relation to him'.²⁹⁰

Rabbi Telsner told us that the sermon was not directed at AVB or at AVB's 17 June 2011 email.²⁹¹ Rabbi Telsner gave evidence that the issue of 'emails, blogging, websites which are slanderous, attacking people anonymously' had been the topic of more than one sermon.²⁹² Rabbi Telsner accepted that he knew there was a perception in the Yeshivah Melbourne community that the sermon had been directed at AVB.²⁹³ Rabbi Telsner did not take steps to counter that perception,²⁹⁴ nor did he seek to contact AVB about the sermon. He told us that '[he] did not see at the moment there were so many people who thought [he] meant [AVB] and it was causing agitation'.²⁹⁵

Rabbi Telsner accepted that he did not correct misconceptions about his sermon and that was a failure in his leadership to adhere to the obligations stated in the 2010 RCV Resolution²⁹⁶ – to provide pastoral leadership, support, direction and affirmation for abuse survivors, their families and advocates.

Rabbi Telsner had approved and affirmed his commitment to the 2010 RCV Resolution before 18 June 2011.²⁹⁷

The timing of the sermon and the understanding that it was directed at AVB (comparing AVB's conduct to the 'sin of the spies') was likely to have the effect of dissuading some members of the Yeshivah Melbourne community from communicating with the secular authorities about child sexual abuse.

Rabbi Kluwgant speaks to AVB

AVB said that on Monday, 20 June 2011, Rabbi Kluwgant told him that he should not have sent the email.²⁹⁸ Rabbi Kluwgant confirmed this, telling the Royal Commission that the email could have a 'consequential impact on the work [Rabbi Kluwgant] had done to date in [his] capacity as Victoria Police chaplain working together with the Yeshivah'.²⁹⁹

It is difficult to understand the consequential impact to which Rabbi Kluwgant referred.

Rabbi Kluwgant did not have any official relationship with Victoria Police in relation to the investigation of child sexual assault offences.³⁰⁰

Rabbi Kluwgant said that he had understood the need for the community to be informed of the police request for assistance³⁰¹ and agreed with the content of AVB's email. However, he said that he had thought that a single voice from Yeshivah Melbourne would have had greater impact.³⁰²

Rabbi Kluwgant gave evidence that, had he known that AVB had been sexually abused, he probably would have taken a different approach.³⁰³

AVB said he considered Rabbi Kluwgant's response to him to be a form of intimidation and an implied threat.³⁰⁴

Response to article in *The Age* newspaper

Mr Zephaniah Waks asks for public statement from Yeshivah Melbourne

On 8 July 2011 the article concerning Mr Manny Waks (discussed in section 2.1 above) was published in *The Age* newspaper.³⁰⁵ The article caused controversy amongst some members of the Yeshivah Melbourne community.

Mr Zephaniah Waks gave evidence that he was so concerned by the community's response that he thought a public statement from Yeshivah Melbourne supportive of Mr Manny Waks and the Waks family was required.³⁰⁶

On 11 July 2011, he sent an email to Ms Bendet seeking a public statement from Yeshivah Melbourne. In the email he said that he and members of his family were being wrongly accused of being involved in, or responsible for, the investigation of Kramer and, more generally, of trying to bring down Yeshivah Melbourne. Mr Zephaniah Waks asserted that he was being blamed for his son publicising the abuse that he had suffered.³⁰⁷

Mr Zephaniah Waks sought a ‘believable’ and genuine statement from Yeshivah Melbourne.³⁰⁸

Ms Bendet forwarded the email to Rabbi Glick, Rabbi Telsner, Mr Wolf and members of the Committee of Management.³⁰⁹

There was perhaps some confusion in the minds of the Committee of Management of Yeshivah Melbourne about what Mr Zephaniah Waks was asking for. An initial response to him stated that it would be inappropriate for Yeshivah Melbourne to comment upon a police investigation that had not yet concluded.³¹⁰

Mr Zephaniah Waks clarified that he sought no comment on the police investigation. Ultimately, Mr Wolf informed Mr Waks that ‘a letter’ would be sent to the school community.³¹¹

On 13 July 2011, Yeshivah Melbourne sent a letter to parents of children at the school³¹² which confirmed that discussions had taken place between Yeshivah Melbourne and police about the investigation of Mr Manny Waks’ allegations. The letter made direct reference to the article published in *The Age* on 8 July 2011 and contained the following observation: ‘the school has been advised by the Police that the allegations ... do not relate to a member of staff.’³¹³

In this letter Yeshivah Melbourne did not say it supported Mr Manny Waks (or his family) or that it would provide support for members of the community who had suffered child sexual abuse or publicised their experience of child sexual abuse.

Mr Zephaniah Waks thought the letter was inadequate and did not respond to his concerns.³¹⁴ Up until the time of the public hearing Yeshivah Melbourne had never provided the type of fulsome public support that Mr Zephaniah Waks sought.

Rabbi Telsner’s sermon of 16 July 2011

On 16 July 2011, soon after the article in *The Age* was published, Rabbi Telsner delivered a sermon in response to widespread press coverage of the issue of child sexual abuse.³¹⁵

Rabbi Telsner gave evidence about that sermon. He said that he had ‘mentioned at the very beginning’ that anyone with information should go directly to the police rather than engage in *loshon horo*.³¹⁶ In the sermon, Rabbi Telsner addressed a rhetorical question to the congregants:

‘Who gave you permission to talk to anyone? Which Rabbi gave you permission?’³¹⁷ That rhetorical question could only have added to the impression in the community that discussing child sexual abuse was in breach of *loshon horo* and therefore a sin.

On that date Mr Zephaniah Waks was at synagogue with his wife, Haya. Together they heard the sermon.³¹⁸

Mr Zephaniah Waks specifically recalled Rabbi Telsner saying, ‘The worst sin is besmirching the name of the late Rabbi Groner’³¹⁹ and then speaking of the powers of rabbis to take measures (including exclusion³²⁰) against those held to have disobeyed a rabbi.³²¹

Ms Bendet was not in the synagogue when the sermon was delivered. However, she received many reports about the content of the sermon.³²² She was told that in the sermon Rabbi Telsner had spoken of his late father-in-law, Rabbi Groner.³²³

Rabbi Telsner gave evidence that he could not recall ever mentioning Rabbi Groner’s name.³²⁴

We are satisfied that Rabbi Telsner’s recollection is inaccurate.

Mr Zephaniah Waks said that he and his wife immediately thought that the sermon was a reference to their son speaking to *The Age* newspaper. They walked out of the synagogue together with several women, who left in support of his wife.³²⁵

Mr Zephaniah Waks believed the sermon to have been an attempt to obstruct justice. He reported Rabbi Telsner’s sermon to Sergeant Dwyer of Victoria Police.³²⁶ He also complained to Yeshivah Melbourne about the sermon.³²⁷

Before the Royal Commission, Rabbi Telsner denied that the sermon was directed at Mr Manny Waks:³²⁸

[The sermon] wasn’t against Manny Waks personally. It was against ... a few members of the community who were sending out all these anonymous emails and Facebooks [sic] degrading the Yeshivah at the present time ...³²⁹

Rabbi Telsner gave evidence that he was aware that some community members had been upset by his sermon,³³⁰ Mr Zephaniah Waks had complained about it, and Mr Manny Waks believed the sermon to have been directed at him.³³¹ Despite his knowledge about those matters, Rabbi Telsner did not speak publicly to counter community misconceptions and explain that the sermon was not directed at Mr Manny Waks.³³²

Rabbi Telsner agreed that his failure to come out and correct the misconceptions he was aware of was a failure in his leadership to adhere to the obligations stated in the 2010 RCV Resolution.³³³

To our understanding, the first occasion on which Rabbi Telsner publicly stated that the sermon was not about Mr Manny Waks was when he gave evidence at the public hearing.³³⁴

We do not accept the evidence of Rabbi Telsner that the sermon was not about Mr Manny Waks and was not designed to limit public criticism of Rabbi Telsner's father-in-law, the late Rabbi Groner.

In giving evidence, Rabbi Telsner had evident difficulty accepting any criticism of Rabbi Groner's legacy in the area of child protection and the response to child sexual abuse.³³⁵ Rabbi Telsner remained firmly of the opinion that anyone who said that Rabbi Groner had failed to prevent child sexual abuse or that he had been negligent in his care of children was besmirching the name of Rabbi Groner and engaging in *loshon horo*.³³⁶

Mr Manny Waks and Mr Zephaniah Waks seek a meeting with Yeshivah Melbourne

In the period after the publication of *The Age* article, Mr Manny Waks and Mr Zephaniah Waks requested meetings with the Committee of Management to address the tensions that they perceived had developed between Yeshivah Melbourne and the members of the Waks family. The Committee of Management did not agree to a meeting.³³⁷

The experience of being criticised and shunned

AVB,³³⁸ AVR³³⁹ and Mr Manny Waks³⁴⁰ gave evidence about their experiences following their reports of child sexual abuse. AVC³⁴¹ and Mr Zephaniah Waks³⁴² gave evidence of the secondary effect of child sexual abuse, including public condemnation and ostracism.

AVC's evidence about her family's experience

AVC is the wife of AVB and mother of their four children.³⁴³

In a written statement, AVC described the pain and suffering that the family endured as a result of the adverse response to AVB's participation in a police investigation and the response of rabbis at Yeshivah Melbourne to the issue of child sexual abuse.³⁴⁴

AVC described witnessing the community turning on the survivors of abuse and making the survivors the subject of suspicion. She described how she and AVB were falsely accused of being responsible for allegations of child sexual abuse against Rabbi Glick.

Following AVB's calls for accountability, AVC experienced the loss of friends and invitations, smart quips, clips on the shoulder and vicious accusations shouted out in the synagogue. AVC spoke of the

horror of realising the ‘cruelty of people and the power of an act of abuse to ripple out and affect the lives of so many’.³⁴⁵

AVC told us that she had waited in vain for people to stand up for the truth and to speak out for those who had been abused and who had been failed. AVC said she came to understand that self-preservation, one’s standing in the community and one’s pedigree (‘precious *yichus*’) were the main concerns of many.

AVC described the vicious gossip, anonymous posts on the internet and approaches made to her husband’s employer to seek to have his employment terminated.

AVC said that, beyond the horrible acts of the perpetrators, she felt that she and AVB were abused a second time by the callous response of the community. As the spouse of a survivor, AVC said she felt hated and isolated in her own community and had lost faith in the leadership of the Jewish community.

Mr Zephaniah Waks’ evidence about his family’s experience

The evidence is that the experience that AVC described was not unique.

Mr Zephaniah Waks told the Royal Commission that he and his wife lost most of their friends in 2011 and in the years that followed as a result of their son’s public statements about his abuse.³⁴⁶

There appears to have been a perception, at least amongst some in the community, that those calling for the leaders of Yeshivah Melbourne to answer for inaction or those calling for change³⁴⁷ were doing no more than attacking or trying to ‘bring down’ Yeshivah Melbourne.³⁴⁸

Mr Waks said that, to his observation, support in the community was age related: many of the younger members of the community were very supportive of Mr Manny Waks speaking of his experience of child sexual abuse, but many older members were not.³⁴⁹

Mr Waks said that Rabbi Telsner’s sermon of 16 July 2011 caused some in the community to ostracise him and his family.³⁵⁰

AVB gave evidence that he believed that Rabbi Telsner’s sermon of 18 June 2011 contributed to his ostracism or at the least that the sermon condoned such behaviour.³⁵¹

AVB and Mr Waks both described being denied religious honours (*aliyah* – being called to the Torah) in the synagogue.³⁵²

Rabbi Moshe Gutnick gave evidence about the practice of refusing religious honours in the ultra-orthodox community. He said that it was rare and used as a way to express frank disapproval.³⁵³ In

a community where standing and reputation were very important, such an act could not have been expected to escape attention.

Rabbi Telsner gave evidence that Mr Zephaniah Waks was refused *aliyah* because he had exhibited disrespect toward Rabbi Telsner by walking out during sermons and by sending emails critical of Yeshivah Melbourne's inaction following allegations of abuse from 2011 onward.³⁵⁴

In any event, those reasons indirectly related to Mr Manny Waks' public disclosure of his experience of child sexual abuse.

Conclusions

On the evidence of AVA, AVB, AVR, Mr Manny Waks, AVC and Mr Zephaniah Waks, we are satisfied that there was a marked absence of supportive leadership for survivors of child sexual abuse and their families within Yeshivah Melbourne. Halachic principles were stridently – even if incorrectly – applied. Criticism of those who spoke out was forceful. There were many occasions upon which Yeshivah Melbourne, the Committee of Management and Rabbi Telsner could have spoken in support of survivors of child sexual abuse and their families, drawn attention to the 2010 RCV Resolution and reinforced the halachic obligation to provide information about child sexual abuse.

However, after public notices advised members of the community to provide information, public statements were made criticising discussion of the topic.

The leadership did not create an environment conducive to the communication of information about child sexual abuse. If anything, the mixed messages were likely to have produced inaction.

It would appear unlikely that members of the community would have reported information without first seeking to discuss the issue with other community members. However, according to Rabbi Telsner's sermons, that discussion was prohibited.

If the Yeshivah Melbourne, the Committee of Management and Rabbi Telsner had shown leadership, survivors of sexual abuse and their families and supporters might have received a very different response from the members of the Yeshivah Melbourne community.

We heard evidence that on 3 February 2015 – the second day of the public hearing – Rabbi Kluwgant sent a text message to a journalist at the *Australian Jewish News*³⁵⁵ about the evidence of Mr Zephaniah Waks in this case study. Rabbi Kluwgant wrote:

Zephaniah is killing us. Zephaniah is attacking Chabad. He is a lunatic on the fringe, guilty of neglect of his own children. Where was he when all of this was happening?³⁵⁶

Written submissions on behalf of Rabbi Kluwgant identified that he had been medicated at the time that he sent the text message as a result of an injury and that he ‘would not under normal circumstances have made the comments attributed to him in the text message’.³⁵⁷

3.3 Apology by Yeshivah Melbourne

On 20 August 2012, Yeshivah Centre Melbourne, Rabbi Telsner (on behalf of the synagogue), Rabbi Smukler (on behalf of Yeshivah College Melbourne) and Mr Wolf (on behalf of the Committee of Management) wrote to the Yeshivah Melbourne community and apologised for ‘any historical wrongs that may have occurred’.³⁵⁸

The letter urged the community to refer allegations of child sexual abuse to police and other authorities and to support survivors.

Mr Manny Waks said that the letter was so qualified in its terms that he found it to be insulting.³⁵⁹

On 24 July 2013 – the day that Kramer was sentenced – Rabbi Smukler sent an email to the parents of students of Yeshivah–Beth Rivkah Colleges.³⁶⁰ The email contained an apology. The precise breadth of distribution of that apology is not known.³⁶¹

There was no evidence that it has been a practice of Yeshivah Melbourne to directly apologise to survivors of child sexual abuse.

3.4 Formal redress

It is evident that at all times examined in this case study Yeshivah Melbourne had not considered creating a formal redress policy.³⁶²

The issue of redress loomed large for many survivors. The evidence is that the motivation for seeking redress is multifaceted. In particular, AVA observed:

Seeking redress is something that I thought long and hard about. It’s not about the money. It’s about making the Yeshivah Centre and the Yeshivah College feel it where it hurts. I hold David [Cyprys] responsible for molesting me. He is broken and he will never change, but the Yeshivah Centre and the Yeshivah College knew that David was molesting me and it went on for another two years after they were told. They had a duty of care to me and I believe they are responsible for failing to prevent that abuse.³⁶³

AVA also observed that, in order to prompt change, he believed that institutions needed to be motivated by the fear of the consequences (such as the financial consequences) of failing to

act: 'At the end of the day, an institution needs to be responsible for what it did or didn't do to protect children.'³⁶⁴

3.5 Leadership, structure and governance

The Royal Commission heard evidence that the majority of synagogues in Melbourne would have contractual agreements between the rabbi and the community. This is to ensure that the rabbi is accountable to the board of management and that the board of management is accountable to the members of the synagogue.³⁶⁵

The leadership and governance of Yeshivah Melbourne revolved around a head rabbi and a Committee of Management. The Committee of Management was responsible for managing the legal affairs and obligations of each association.³⁶⁶ This included overseeing the activities of the associations' key employees.³⁶⁷ Mr Wolf, former chairman of the Committee of Management of the Yeshivah Centre Melbourne from 1998 to 2014, accepted that the Committee of Management had a legal responsibility to oversee the activities of Rabbi Groner.³⁶⁸

Despite these formal governance arrangements, Rabbi Groner was, in practice, in charge of the Yeshivah Centre.

We heard evidence from numerous witnesses who described Rabbi Groner as a large figure in the community; he was both the community's spiritual head and in charge of the Yeshivah Centre and its operations.³⁶⁹

Mr Wolf said that Rabbi Groner oversaw the affairs of all Yeshivah Centre entities on a day-to-day basis. He was the rabbi, chief executive officer and decision maker and, while he may have discussed matters with the Committee of Management or asked for its input from time to time as he saw fit, he was definitely in absolute control.³⁷⁰

Mr Wolf described the relationship between the Rabbi Groner and the associations in the following way:

Rabbi Groner preceded all of the committees. He set up the organization, virtually, or built it. He asked people like myself and others to come and other volunteers or employees work for him. So in fact Rabbi Groner was paid a wage from the institution, but I'm not sure that the right characterisation is – he was an employee legally, but in practice he was the employer and everybody else was the employee.³⁷¹

In practice, the Committee of Management did not oversee Rabbi Groner. The relationship between the head rabbi and the Committee of Management was one of deference to the rabbi rather than oversight and control.

Historically, and presently, members of the incorporated associations and the Committee of Management were often connected through personal friendships and familial ties.³⁷² Key employees of the Yeshivah Centre and the members of the Committee of Management were closely connected by family, longstanding friendships or relationships of marriage.³⁷³

The close-knit nature of the community required the leadership of Yeshivah Melbourne to be alive to, and deal transparently with, perceived or actual familial and personal conflicts of interest.

Mr Wolf gave evidence that to his knowledge there is no documented dispute resolution process published by the Yeshivah Centre.³⁷⁴ AVB told the Royal Commission that he would have been assisted by a documented dispute resolution process within the Yeshivah Centre for members of the community and others aggrieved with the actions of an employee.³⁷⁵ AVB said that any such process would need to address conflicts, familial or otherwise, that might arise in the community.³⁷⁶

We are satisfied that the failure to recognise and deal transparently with perceived and actual conflicts of interest contributed to poor governance on the part of the Committee of Management.

Rabbi Glick was principal of Yeshivah College Melbourne from 1986 until 2007. Rabbi Glick told us that Rabbi Groner dealt with many sensitive issues and that he dealt with them in strict confidence.³⁷⁷ This included Rabbi Groner not informing him of a complaint that a child was being sexually abused by a person associated with the centre.³⁷⁸

In his practice of keeping complaints confidential, including not informing the principal, Rabbi Glick, Rabbi Groner failed in his obligation to the students of Yeshivah College Melbourne.

Mr Wolf gave the following evidence about how serious allegations, including allegations of child sexual abuse, were managed during Rabbi Groner's time as head rabbi:

All major issues or problems landed in his office, be it his office at Shule or at home. In particular, it was Rabbi Groner who handled any matter perceived to be sensitive or confidential; including any allegations of violence, child abuse, discipline or matters that might require counselling. Committee members were not necessarily informed of issues.³⁷⁹

In relation to the documenting of complaints, Rabbi Glick accepted that all complaints of child sexual abuse should have been documented.³⁸⁰ Mr Wolf also accepted that not documenting complaints was a problem from a governance perspective.³⁸¹

Proper governance required that all complaints of child sexual abuse should have been conveyed to the Committee of Management. Proper governance also required that these complaints be properly documented.

Mandatory reporting was introduced in Victoria in 1993.³⁸² Despite its application to teachers and principals from mid-1994, Yeshivah College did not have a formal policy for responding to

complaints of child sexual abuse until 2007.³⁸³ Despite his status as principal, Rabbi Glick told us that he himself had no training in relation to child sexual abuse, including recognising its nature or incidence, until 2007.³⁸⁴

Yeshivah Melbourne submitted that:

Serious mistakes were made in Yeshivah Melbourne's responses to crimes committed by David Cyprys and David Kramer from approximately 1984 to 1992. Further, Yeshivah Melbourne acknowledges that in the period from 1984 to 2007, Yeshivah Melbourne was a less than safe place from the perspective of best practice in child protection as it lacked a framework to recognize and respond to child sexual abuse issues.³⁸⁵

3.6 Child protection policies and practices at Yeshivah Melbourne

Yeshivah College Melbourne: 1984–2007

Yeshivah College Melbourne did not introduce a formal policy for responding to reports of child sexual abuse until 2007.³⁸⁶ Further, there was no practice of recording complaints.³⁸⁷

Rabbi Glick told us that there were no formal policies, as it was 'Rabbi Groner's way to deal with things personally and he was not in the practice of preparing or adopting formal written policies'.³⁸⁸

The legal obligation of certain professionals and community members to report incidences of child sexual abuse (commonly known as mandatory reporting) was introduced in Victoria in 1994.³⁸⁹

Rabbi Glick told us that he and Rabbi Groner did not routinely discuss the issue of child sexual abuse.³⁹⁰ Rabbi Glick gave evidence that, in the period in which he was the principal of the Yeshivah College Melbourne from 1986 to 2007, teachers received no training about child sexual abuse and students received no education about sex³⁹¹ or child sexual abuse.³⁹² Rabbi Glick did not undertake training about child sexual abuse until 2007.³⁹³

Rabbi Smukler has been the principal of Yeshivah College Melbourne since August 2010.³⁹⁴ He gave evidence that before his appointment there had been a failure to employ what he would describe as best practice in respect of child protection.³⁹⁵

We are satisfied that, for the period from 1984 to 2007, the Yeshivah College Melbourne did not have adequate policies, processes and practices for responding to complaints of child sexual abuse.

Current child protection policies and practices

The schools operated by Yeshivah–Beth Rivkah Colleges Incorporated (the segregated day schools) and Chabad Youth all have current child protection policies.

The Yeshivah Centre Melbourne does not have its own child protection policy.

Yeshivah–Beth Rivkah Colleges

In a statement dated 22 December 2014, Rabbi Smukler, principal of Yeshivah–Beth Rivkah Colleges, identified the colleges' current child protection policy and protocol.³⁹⁶

Upon his appointment in 2010, Rabbi Smukler revised the existing policy to make it more succinct. The policy, entitled 'Policy – Child First – Child Protection',³⁹⁷ was again reviewed in June 2014. Rabbi Smukler told the Royal Commission its content was checked against current practice and updated annually. Rabbi Smukler said that the policy and its application are part of the induction for new staff and form part of annual in-service training.³⁹⁸

Rabbi Smukler is responsible for the response to reports of child sexual abuse within the school. He said that the procedure was first to document the detail of the report in writing and then to inform Victoria Police, the Department of Human Services and the executive of the Committee of Management.³⁹⁹

A child protection staff code of conduct, which is based upon equivalent codes from the United States and modified upon consultation with his senior staff, forms part of all contracts of employment.⁴⁰⁰ Rabbi Smukler believes that the Yeshivah–Beth Rivkah Colleges are amongst the first Victorian schools to adopt such a code of conduct.

In evidence before the Royal Commission, Rabbi Smukler described the basis of the code of conduct:

The key premise that is that: where there are children there are people that are a threat to children. And it is our obligation and the obligation of every single adult in the community to keep children safe; it is not the obligation of the child to keep themselves safe, although you can instill in a child certain behaviours that make it a lot more difficult for anyone to take advantage of them. But that never abrogates the adults' responsibility to actively take care of children.⁴⁰¹

He identified the four elements of the schools' approach to child protection: staff, parents, the children themselves, and community partnerships.⁴⁰²

All staff of Yeshivah–Beth Rivkah Colleges must undergo Working with Children Checks and be registered with the Victorian Institute of Teaching.⁴⁰³

Before a staff member is employed, extensive official and unofficial enquiries are made about them. In Rabbi Smukler's statement he observes that 'even the faintest suggestion of a child protection concern' would prevent him from hiring a person.⁴⁰⁴ He gave an example of acting upon such information in the past and not hiring a prospective employee.⁴⁰⁵

Staff undertake what he described to be an 'enormous amount of training'⁴⁰⁶ and workshops which include regular consultation with child protection experts on detecting both child sexual abuse and hazards of abuse, supporting a child through disclosure and supporting a family.⁴⁰⁷

Rabbi Smukler has appointed welfare heads on each school campus. He said the welfare heads are highly trained and aware of child protection related matters and they work closely with him.⁴⁰⁸ His statement refers to regular meetings and regular revision of the content of child protection workshops to ensure that they remained engaging and relevant.⁴⁰⁹

As part of the schools' commitment to child protection, Rabbi Smukler said that the present philosophy of the Yeshivah–Beth Rivkah Colleges was that parents should be educated and empowered.

The schools hold education seminars for parents and invite contribution from those that the schools regard to be leading experts in the area.⁴¹⁰ Video workshops are provided to parents before periods of summer camps and festivals, which Rabbi Smukler described as high-risk times.⁴¹¹

Rabbi Smukler's opinion is that conversations between parents and children about sexuality, intimacy, sexual abuse and appropriate touching are the lynchpin of child protection and make a child more comfortable with communicating about the issue.⁴¹²

Rabbi Smukler said that the schools hold annual workshops for students until year 12 to train them in protective behaviours.⁴¹³ The content of the workshops is designed to be age appropriate.

A team of internal therapists and educators work together with an external expert consultant therapist to ensure the schools are employing best practice.⁴¹⁴

Rabbi Smukler conducts the workshops with the middle school aged boys and other facilities do other workshops with different groups.⁴¹⁵ The schools have trained approximately eight staff who go from classroom to classroom in pairs conducting the workshops. The workshops include dramatic presentations, role-plays, PowerPoint presentations and a feedback session. There are always at least two staff members present for the workshops.⁴¹⁶

Rabbi Smukler said that the schools work closely with law enforcement and the Department of Human Services.⁴¹⁷

The schools also work, to varying degrees, with the Jewish Taskforce Against Family Violence, Jewish Care, the Child and Family Information Referral and Support Team (also known as Child FIRST), the South Eastern Centre Against Sexual Assault, local rabbis and community-based social services.⁴¹⁸

Chabad Youth

In or about 2007, Chabad Youth introduced a policy document entitled 'Chabad Youth Safeguarding Children and Young People Policy and Practice and Behaviour Guidelines'.⁴¹⁹

In a written statement, Rabbi Kahn of Chabad Youth explained that the policy was prepared in consultation with leading authorities, including the Jewish Taskforce Against Family Violence.⁴²⁰ Rabbi Kahn said as 'part of the process of implementing the policies in 2007, [the] Jewish Taskforce came out to do the training for our staff in this area'.⁴²¹

Rabbi Kahn said the Chabad Youth policies and procedures are reviewed every year together with biennial staff training and internal presentations to staff addressing the application of those policies and procedures.⁴²² The current policy is entitled 'Chabad Youth – Policies and Procedures 2015'.⁴²³

Rabbi Kahn stated that Chabad Youth had sought and obtained external recognition of its policy from the Australian Childhood Foundation (an independent body described as being dedicated to child protection) following an audit process spanning approximately two years.

Rabbi Kahn stated that, to his understanding, Chabad Youth is the first and only Jewish youth organisation to receive such accreditation.

He said Chabad Youth also provides leadership on child protection to other Jewish organisations by conducting external presentations and providing copies of its policy documents.⁴²⁴

Mr Aron Ezriel Kestecher

We received evidence concerning Mr Aron Ezriel Kestecher, who was described as volunteering at Chabad Youth, including at the summer camps run by Chabad Youth, from 2005 until 2008.⁴²⁵

Rabbi Kahn stated that Mr Kestecher was fully aware of, and in part helped to formulate, the Chabad Youth child protection policies.⁴²⁶

In 2008, Rabbi Kahn received a complaint that Mr Kestecher had fallen asleep on a teenage boy's bed at a summer camp.⁴²⁷ After consulting with the Yeshivah Melbourne Committee of Management, Rabbi Kahn states that he drove approximately five hours to the boys' camp site. He spoke with Mr Kestecher, a number of the teenage boys and the teenage boy's mother about the incident.⁴²⁸

Mr Kestecher, the teenage boys and the particular teenage boy's mother are all recorded to have denied that anything inappropriate had occurred and that it was 'no big deal'.⁴²⁹ In any event, Rabbi Kahn states that he asked Mr Kestecher to leave the camp.

After discussion with Mr Chaim (Harry) New (the chairperson of the Committee of Management) and the Committee of Management, Mr Kestecher was asked to cease all volunteering and involvement with Chabad Youth⁴³⁰ and was directed to see Ms Mary Mass, a counsellor at the South Eastern Centre Against Sexual Assault.⁴³¹

Rabbi Khan said that Ms Mass recommended that Mr Kestecher be allowed to remain with Chabad Youth on the basis that he did not pose a risk. Rabbi Kahn stated that he regarded the risk to be unacceptable and did not follow the recommendation.⁴³²

Mr Kestecher also conducted a co-curricular choir with students in the Yeshivah College Melbourne. On 13 June 2011, Rabbi Smukler received a telephone call from a community therapist advising him that she had received a report of child sexual abuse relating to Mr Kestecher.⁴³³ The counsellor advised that she had contacted the police.⁴³⁴

Rabbi Smukler stated that he had immediately cancelled the choir⁴³⁵ and that the Yeshivah College Melbourne had then emailed the parents of choir members advising that the choir had been temporarily cancelled.⁴³⁶

Rabbi Smukler recalled that, shortly after the incident at the Chabad Youth summer camp, he was told that another student had reported inappropriate touching by Mr Kestecher (outside of school hours)⁴³⁷ to Rabbi Glick.⁴³⁸

Rabbi Smukler stated that he had contacted Rabbi Glick and obtained the details of the allegation. Together they then reported the allegation to the Victoria Police and the Department of Human Services. Rabbi Smukler stated that Rabbi Glick had encouraged the family to go to the police and press charges, but the family had decided that they would not.⁴³⁹

The evidence before us is that on 1 July 2011 Rabbi Telsner sent a letter to Mr Kestecher prohibiting him from contact with the Yeshivah–Beth Rivkah Colleges and Yeshivah Melbourne.⁴⁴⁰

Rabbi Smukler recalled receiving a letter, dated 26 July 2012, from Mr David Grace QC advising that Mr Kestecher had been cleared of all charges and asking that Mr Kestecher be given permission to attend the Yeshivah Melbourne synagogue.⁴⁴¹ Rabbi Smukler stated that the ban upon Mr Kestecher was not lifted.⁴⁴²

Rabbi Smukler told us of another incident involving a company, Victorian Touring Coaches, which provided bus services for the Yeshivah College Melbourne. He said that around 10 August 2012 he received a telephone call from a parent advising that Mr Kestecher had been the bus driver for a grade 3 excursion.⁴⁴³ Rabbi Smukler confirmed the report with Victorian Touring Coaches.⁴⁴⁴

On 14 August 2012, Rabbi Smukler advised Victorian Touring Coaches that, until further notice, Mr Kestecher must not drive buses hired by the Yeshivah–Beth Rivkah Colleges.⁴⁴⁵ Rabbi Smukler

stated that he then notified the heads of staff and youth organisations to ensure they were aware of the issue and would be vigilant.⁴⁴⁶

The evidence before us identifies that both the Yeshivah–Beth Rivkah Colleges and Chabad Youth utilised and adhered to their policies on child protection when dealing with the reports about Mr Kestecher.

4 Child Sexual Abuse Reports to Yeshiva Bondi

4.1 Complaints of child sexual abuse and Yeshiva Bondi's responses

Daniel Hayman

Complaints in 1985–1986

The Royal Commission received into evidence a redacted statement made to NSW Police dated 15 November 2013.⁴⁴⁷

The statement claims that in 1985 or 1986 (as a 16- or 17-year-old) the male author was invited to attend a religious festival in Bondi and to stay at the residence of Hayman's sister. That night, the author shared a bed with Hayman and another boy (Hayman slept between the two). During the night, the author woke when Hayman reached into his pants and fondled his penis. He 'froze' and was 'too embarrassed' to speak. He attempted to push Hayman away. However, Hayman was very strong. He continued to masturbate the author's penis until he ejaculated. The following day the author's friend made a comment to him suggesting he knew what had happened, but the author was too embarrassed to speak of the assault.⁴⁴⁸

The author subsequently came to realise, in speaking with several of his peers, that Hayman had abused each of them.⁴⁴⁹

The author and his peers knew that Hayman was a volunteer at the Yeshiva Gedolah Rabbinical College, where Rabbi Lesches was the senior rabbi. They decided to tell Rabbi Lesches and went to see him as a group. The author told Rabbi Lesches that Hayman had been 'inappropriate with myself and the others here, we're all victims of his [and] we've all been touched inappropriately, I think he is gay ... We weren't sure what to do, so we've come to you'.⁴⁵⁰

The other boys also spoke to Rabbi Lesches. The author recalled Rabbi Lesches saying, 'Oh, we have a problem with him [and] I will deal with it'.⁴⁵¹ Rabbi Lesches did not suggest that the boys seek counselling or contact the police.⁴⁵²

The Royal Commission sought a response from Rabbi Lesches. In a written statement, Rabbi Lesches said he did not recollect the meeting but, based upon his good faith in the author of the statement, he accepted that the meeting took place. Rabbi Lesches denied that the subject matter of the meeting could have been any act of child sexual abuse perpetrated by Hayman because in his estimation he would not have forgotten a discussion on that subject.⁴⁵³

Complaints in 1987

In a written statement, Rabbi Moshe David Gutnick identified that in 1987 he received an anonymous telephone call from a boy who complained of having been sexually abused by Hayman.⁴⁵⁴ Rabbi Gutnick thought the telephone call was likely to have been a prank. Nevertheless, he contacted the yeshiva and, to the best of his recollection, notified Rabbi Lesches of the allegation because he knew that Rabbi Lesches was in charge of senior students and was close to Hayman.⁴⁵⁵

Rabbi Gutnick did not hear anything more from Rabbi Lesches about the issue.

In August 2011, a man well known to Rabbi Gutnick contacted him and sought a meeting. Rabbi Gutnick told us that at the meeting the man told him that he had been the boy who had telephoned in the 1980s and complained of having been sexually abused by Hayman.⁴⁵⁶

Rabbi Gutnick said that it was not until that moment that he had ‘actually come to the realisation that [Hayman] was indeed a perpetrator’.⁴⁵⁷

Complaints in 1989

The Royal Commission received into evidence a redacted statement dated 15 November 2013 made to NSW Police.⁴⁵⁸

The statement says that the female author of the statement had been enrolled at Yeshiva Ladies College, Bondi,⁴⁵⁹ at 12 years of age. In October 1989, her father placed her under the care and guidance of Rabbi Lesches.⁴⁶⁰

The author travelled to Sydney and boarded at the home of Hayman and his wife, Daniela. The author recalled that she stayed at the Haymans’ home for one month at most.⁴⁶¹

She recalled that Hayman used to exhibit himself naked to her when his wife was not at home.⁴⁶² One evening as she slept, Hayman entered her room. He was naked. He tried to remove the quilt she was sleeping under. She recoiled and he eventually left the room. The author hurriedly dressed and left Hayman’s home. It was 4.30 am.⁴⁶³

The author travelled to Yeshiva Bondi and reported her experience to Rabbi Lesches. She recalled that Rabbi Lesches had responded: ‘I do not believe you. Why would you invent such a story?’⁴⁶⁴ Rabbi Lesches told her to ‘Go to school. Get over it’.⁴⁶⁵

The author telephoned her father and told him that she did not want to ‘go back there’.⁴⁶⁶

The author did not return alone to Hayman's home. A family friend took her to Hayman's house to collect her belongings. The author then stayed with the family friend for the rest of the school term.⁴⁶⁷

The Royal Commission also received into evidence redacted statements from the author's parents.⁴⁶⁸

The statements say that the parents had entrusted Rabbi Lesches with the care of their daughter, including making arrangements for her to board with families in Sydney.⁴⁶⁹

The author's father recalled receiving a telephone call from Rabbi Lesches. Rabbi Lesches told him that he had received the complaint from his daughter about Hayman but suggested that she might have dreamt or imagined the alleged event. Rabbi Lesches told the father that his daughter 'can't stay there any longer as there is a doubt about the propriety of it'.⁴⁷⁰

The author's mother stated that they contacted their daughter that night and their daughter was 'adamant that it did happen'.⁴⁷¹

The Royal Commission sought a response from Rabbi Lesches.

In a written statement, Rabbi Lesches confirmed that he had received the complaint about Hayman but denied that the girl told him Hayman was naked.⁴⁷² Rabbi Lesches accepted that he might have expressed doubt about the veracity of the author's account to her father.⁴⁷³

AVB confronts Hayman

AVB stated that in November 2011 he telephoned Hayman and confronted him about the abuse that he had perpetrated upon AVB.⁴⁷⁴

AVB recalled that during the conversation Hayman told him that 'both Rabbi Lesches and Rabbi Feldman' (Hayman did not say whether it was Rabbi Pinchus Feldman or Rabbi Yosef Feldman) had spoken to him about his conduct with boys⁴⁷⁵ and more particularly about the abuse of a student at Yeshiva College Bondi.⁴⁷⁶

AVB recalled that Hayman said that both Rabbi Lesches and Rabbi Feldman (again, he did not say whether it was Rabbi Pinchus Feldman or Rabbi Yosef Feldman) had told him to keep away from that student.⁴⁷⁷

Before the Royal Commission, AVB confirmed that he believed Hayman was referring to Rabbi Pinchus Feldman.⁴⁷⁸

AVB confronts Rabbi Lesches about Hayman

On 3 April 2012, AVB telephoned Rabbi Lesches (who was at that time in New York City in the United States) to confront him about his knowledge of child sexual abuse perpetrated by Hayman.⁴⁷⁹ In particular, AVB said that he had sought to confirm whether Rabbi Lesches had told Hayman to keep away from a student that he had abused.

AVB said that Rabbi Lesches had admitted to just such a conversation and had said to him, ‘Yes. I spoke with him that he has to stop. I told him that he must stop what he is doing’.⁴⁸⁰

AVB said that the telephone call also included the following exchange:

- AVB: [Hayman] told me he was confronted recently and he said that you spoke to him a few times about it. He remembers specifically in the early stages that you told him to stay away from [redacted] when the story first came out.
- Rabbi Lesches: I told him to stay away and I told him if this will not stop both of them will have to go away, absolutely emes (truth) you got it right.
- ...
- I explained to him at this time that if he will not stop to do it then he will not be able to come to the Yeshiva anymore, because it is something that is absolutely wrong and you cannot do things like this. Right. This is what I told him.
- AVB: I am being blunt. If I can use the word I am very angry to find out all these years later that you knew and I am told Feldman knew, and all these people knew, and nothing happened.
- Rabbi Lesches: Because we are speaking about very young boys, that everybody said about the other one, that he agreed to this and he agreed to this.
- AVB: No, what are you talking about? How could a kid that is 12 or 13 years old agree? It doesn’t even come into the imagination such a thing.
- Rabbi Lesches: You will be surprised, you will be surprised.⁴⁸¹

AVB recalled that during the telephone conversation he asked Rabbi Lesches to advise as to what was ‘the right thing to do in regard to the situation’. AVB recalled that Rabbi Lesches replied:

If you are asking me, it is really up to you kind of, I don't have to tell you in America in a lot of places they will say that you have to go to the police and make sure that it will not happen again and so on, maybe yeah maybe not. I cannot tell you exactly, but when you are speaking about a person in your age in your stage, and [Hayman] in his age and his stage, when people already have children and they have to marry children and so on, you have the expression in Australia, 'it is not a big thing to open up a can of worms'. If so just to open up things like this and so on, sometimes could not be productive not to anybody and so on, especially when things like this are done between people basically the same age. ⁴⁸²

The Royal Commission sought a response from Rabbi Lesches. ⁴⁸³

In a written statement, Rabbi Lesches accepted that he had received a telephone call from AVB about Hayman ⁴⁸⁴ but did not accept AVB's recollection of the subject matter of the conversation. Rabbi Lesches said he had only told Hayman to stop discussing sex and sexuality with children, which was the only issue involving Hayman he said he had knowledge of. ⁴⁸⁵

In his statement, Rabbi Lesches denied the substance of the conversation and, in particular, any knowledge of reports of Hayman engaging in child sexual abuse. ⁴⁸⁶

In his statement, Rabbi Lesches accepted that he had said the words that AVB attributed to him but that they 'had nothing to do with [his] attitude toward the protection of children who are or might be being abused'. ⁴⁸⁷ Rather, Rabbi Lesches said:

I was referring to the fact that the events that AVB had revealed to me occurred nearly 30 years earlier. The view I expressed was that it was entirely up to AVB to decide whether or not he wished to take his complaint against Hayman to police at that stage of his life, but I was concerned about the secondary impact on AVB and his family that this could have. I respect both his right and his decision to do so. My remarks also had regard to the impact on Hayman and his family so many years after the events complained of. I have reflected on those remarks and recognise that they may be seen as implying that the impact on Hayman himself of reporting the matter to police so many years after the fact ought figure in AVB's thinking. In that respect I was wrong and I apologise. ⁴⁸⁸

Rabbi Pinchus Feldman

In a recorded interview with police, Hayman said that he had a vague recollection that Rabbi Pinchus Feldman had spoken to him about his conduct with boys. ⁴⁸⁹ Hayman told the police that he did not recall the content of the conversation but recalled it taking place. ⁴⁹⁰

In evidence, Rabbi Pinchus Feldman denied any recollection of such a conversation. ⁴⁹¹

Rabbi Feldman said that he could not recall Rabbi Lesches informing him of any allegations against Hayman.⁴⁹²

Rabbi Feldman gave evidence that it is ‘very likely’ that in 1986–1987 there were no formal policies in place at Yeshiva Bondi that required complaints to be recorded or set out what should be done in response to complaints. Rabbi Feldman said, ‘although in the school there may have been. But in regard to the Yeshiva Gedola I do not believe that there was any’.⁴⁹³

Yeshiva Bondi did not produce any documents recording the allegations and Rabbi Feldman gave evidence that he was ‘convinced that there were no written reports of this matter’.⁴⁹⁴

Allegation against rabbinical student AVL

In July 2002, AVL – a rabbinical student of the Yeshiva Gedolah Rabbinical College – attended a youth camp run by the South Head Synagogue to assist in the management of the camp.⁴⁹⁵

AVL is a nephew of Rabbi Mordechai Gutnick. Rabbi Mordechai Gutnick is Rabbi Pinchus Feldman’s brother-in-law, Rabbi Yosef Feldman’s uncle and Rabbi Moshe Gutnick’s brother.⁴⁹⁶

A complaint arose that on 12 July 2002 AVL had lain down in the bed of a young boy who was an attendee at the camp, touched the boy’s genitals and attempted to force the boy to touch AVL’s genitals.⁴⁹⁷

The boy told his mother.⁴⁹⁸ On 23 July 2002 the boy’s mother made a complaint to Mr William Conway, the then principal of the primary school at Yeshiva College Bondi.⁴⁹⁹ Mr Conway informed Rabbi Zev Simons, the head of Jewish studies at Yeshiva College Bondi.

Mr Conway and Rabbi Simons met with the mother and the boy. In a written statement, Mr Conway observed that at the meeting the boy ‘definitely indicated that he had been touched inappropriately (on the genitals)’.⁵⁰⁰

Around 1.45 pm on 24 July 2002, Mr Conway made a note that he informed Rabbi Pinchus Feldman of the complaint.⁵⁰¹ Mr Conway’s notes also record that Rabbi Feldman instructed him to tell AVL not to return to work until further notice.⁵⁰²

At 2.00 pm on 24 July 2002, Mr Conway and Rabbi Simons met with AVL. Mr Conway’s notes record that AVL was told that ‘there would be an investigation of the matter that would involve him at some point’ but that Mr Conway and Rabbi Simons were ‘not prepared to divulge the details of the situation’ at that time.⁵⁰³ The notes record a response, attributed to AVL, that he ‘said he thought he knew what it might be about, but that he felt it wasn’t serious’.⁵⁰⁴

AVL denied any wrongdoing during the meeting. To Mr Conway's observation, AVL became angry.⁵⁰⁵

In accordance with Rabbi Pinchus Feldman's instruction, Mr Conway informed AVL that he was stood down from duties at the Yeshiva College Bondi and was not to return until after an investigation had concluded.⁵⁰⁶

Mr Conway's statement records that he then immediately took steps to report the allegations to what he regarded as the appropriate external authorities. Mr Conway's statement contains the following observation about his motivation for making an immediate report: 'I wanted to do this immediately because I felt that I may be discouraged from reporting the matter externally or denied permission to do so.'⁵⁰⁷

Mr Conway's statement records that:

- On 24 July 2002 at 2.15 pm he attempted to make a telephone report of the complaint to the then Department of Community Services (DOCS) but disengaged after waiting for 20 minutes. He did manage to record details of the complaint on the DOCS automated system.⁵⁰⁸
- On 24 July 2002, at or about 2.30 pm, he consulted Dr Geoff Newcombe from the Association of Independent Schools (AIS). Dr Newcombe informed him that the complaint was subject to the requirements of mandatory reporting.⁵⁰⁹

Rabbi Pinchus Feldman and Rabbi Yosef Feldman met with AVL on the afternoon of 24 July 2002.⁵¹⁰

Rabbi Yosef Feldman recalled that before the meeting his father had given him limited but sufficient information about the complaint for him to understand that it concerned 'inappropriate behaviour with regard to children'.⁵¹¹

Rabbi Yosef Feldman said that he also understood that the complaint was to be reported to 'the authorities' (apparently meaning the police).⁵¹²

Rabbi Pinchus Feldman and Rabbi Yosef Feldman both have limited recollection of the content of their meeting with AVL. Neither of them made contemporaneous or subsequent notes of the meeting.⁵¹³

Rabbi Pinchus Feldman's intention in calling the meeting is unclear. He said that he did not take notes of the meeting because Mr Conway was responsible for reporting the complaint and communicating with the relevant government departments.⁵¹⁴

In any event, Rabbi Pinchus Feldman and Rabbi Yosef Feldman met with AVL and discussed the complaint. Rabbi Yosef Feldman recalled that AVL denied any wrongdoing.⁵¹⁵

Rabbi Yosef Feldman recalled that AVL had spoken of leaving Australia and returning to the United States.⁵¹⁶ Rabbi Yosef Feldman said:

There was no discussion [of] what might happen. It was I think just an innate – his own feelings, and he told us that what if he wants to leave, meaning like any normal person who knows that he’s been reported, it’s obvious that there would be a concern and they would want to leave.⁵¹⁷

Rabbi Pinchus Feldman informed AVL that Yeshiva Bondi would not give AVL a *semicha* (which might be imperfectly translated as the ordination of a rabbi) unless he remained to complete his studies.⁵¹⁸

Rabbi Yosef Feldman gave evidence that shortly after the meeting with his father and AVL he met privately with AVL.⁵¹⁹

At that meeting, Rabbi Yosef Feldman said that AVL had informed him that *semicha* was not so important to him and that he had received an assurance from Rabbi Moshe Gutnick that he would obtain his *semicha*.⁵²⁰ Rabbi Yosef Feldman said that during the discussion AVL admitted that he had lain with and massaged a child.⁵²¹

Rabbi Yosef Feldman said that at the time of the conversation he suspected that AVL might have been thinking of leaving Australia. At that time he understood that the process of reporting the complaint to the authorities was underway, although he gave evidence that he had no conception of the effect of that reporting.⁵²²

Rabbi Yosef Feldman and Rabbi Pinchus Feldman did not take any steps to inform anyone that AVL was contemplating leaving Australia.⁵²³ Rabbi Pinchus Feldman told us that he ‘did not believe that [he] had that obligation’ to report to police that a complaint had been made and that he believed AVL might leave the country.⁵²⁴

AVL left Australia soon after the meeting⁵²⁵ and travelled to New York.⁵²⁶ We are unable to determine whether any assistance was given to AVL to leave Australia.

Rabbi Yosef Feldman said that he did not discover until after AVL had left that the complaint was to the effect that AVL had touched a child’s genitals.⁵²⁷ He said that he thought that conduct was probably a criminal offence.⁵²⁸

The complaint about AVL concerned conduct that was, to the mind of Rabbi Yosef Feldman (and from a Jewish law perspective), ‘wrong, very wrong’.⁵²⁹ Although he did not know whether the conduct would constitute a secular crime,⁵³⁰ he did perceive that there could be civil or criminal ramifications for AVL arising from the complaint.⁵³¹

Mr Conway’s evidence to the Royal Commission also records that:

- On 25 July 2002 at 8.30 am he faxed a ‘Form A’ to DOCS (that form was acknowledged to have been received on that day).⁵³²

- On 25 July 2002 at 9.30 am he spoke with a DOCS services caseworker, reported the complaint and informed the caseworker that AVL's usual place of residence was outside of Australia.⁵³³
- On 25 July 2002 at about 1.30 pm or 2.15 pm Rabbi Pinchus Feldman informed Mr Conway that Rabbi Yosef Feldman had told him that AVL 'had vacated his room and was gone, presumably on a plane to the US'. Mr Conway made a note that Rabbi Pinchus Feldman told him to follow the procedures required by law.⁵³⁴
- On 5 August 2002, Mr Conway spoke with the mother who had made the complaint. She told him that Joint Investigation Response Team (JIRT) – a police and departmental partnership that investigates statutory child protection matters – had 'requested information in order to pursue their investigation, but indicated there wasn't much they could do if [AVL] was in the US'.⁵³⁵
- On 5 August 2002, Mr Conway completed a report to the NSW Ombudsman requiring the signature of 'Rabbi Feldman'.⁵³⁶ On the same day, Mr Conway also wrote to Dr Newcombe of the AIS notifying him of the steps he had taken in respect of the complaint.⁵³⁷

The notification to the NSW Ombudsman of the complaint about AVL was stamped as received on 12 August 2002.⁵³⁸ A letter acknowledging receipt of the notification and report was sent to Rabbi Pinchus Feldman on 4 September 2002.⁵³⁹

On 23 October 2002, Mr Conway wrote to the NSW Ombudsman and enclosed his written notes of the investigation following the complaint.⁵⁴⁰

We are satisfied that Mr Conway appropriately documented the complaint against AVL and reported the allegations made against AVL to the relevant authorities.

Rabbi Moshe David Gutnick's knowledge of the complaint against AVL before AVL's departure

In his statement dated 2 January 2015,⁵⁴¹ Rabbi Moshe David Gutnick gave evidence about his knowledge of the complaint made against AVL. He said:

At the time the allegations were made against the rabbinic student [AVL] my family and I were away on holidays. When I returned to Sydney the rabbinic student was no longer at the Yeshiva campus. I was told that he had returned home to the United States but I was not told why. Eventually, the reason why he returned to the United States leaked out.⁵⁴²

Rabbi Gutnick gave evidence that the first he heard of an issue with AVL was when one of his brothers called him to say that AVL had left the country and that there was a 'suspicion or an allegation of abuse'.⁵⁴³ Rabbi Gutnick said that he did not speak to AVL before he left the country.⁵⁴⁴

Rabbi Gutnick said that after he had learned of the complaint against AVL⁵⁴⁵ he had received a telephone call from AVL's father, who asked whether he would still examine AVL for his *semicha*.⁵⁴⁶ Rabbi Gutnick replied that, because of the complaint, he would not.⁵⁴⁷ Rabbi Gutnick said that

AVL's father acknowledged that something had occurred but did not go into detail.⁵⁴⁸ Rabbi Gutnick recalled AVL's father saying that his son was receiving therapy.⁵⁴⁹

Rabbi Gutnick gave evidence that he did not remember the name of the person 'overseeing' AVL but that he recalled speaking to that person to ascertain that AVL was 'being overseen'.⁵⁵⁰ Rabbi Gutnick said that he understands that to this day AVL remains under care and is being kept away from children, but he is unaware of the extent and nature of the supervision.⁵⁵¹

Rabbi Gutnick gave evidence that he agreed to test AVL for his rabbinic ordination provided he remained under care.⁵⁵² However, Rabbi Gutnick categorically denied that he had agreed to test AVL, or provided some assurance to AVL that he would still be able to be tested, for rabbinical ordination before AVL left the country.⁵⁵³

There is no evidence that Rabbi Moshe Gutnick knew of the allegations against AVL or of AVL's intended departure from Australia or that he provided any assurance to AVL that he would still be able to be tested for *semicha* if he left Australia.

Rabbi Yosef Feldman's understanding of issues in AVL's case

Understanding AVL's conduct as criminal

Rabbi Yosef Feldman gave evidence that he did not recognise that AVL's conduct was a crime⁵⁵⁴ or that it was possible that AVL would be charged with a criminal offence.⁵⁵⁵

Rabbi Yosef Feldman said he 'didn't know much about sex abuse at all'⁵⁵⁶ and that 'it didn't enter into [his] mind the whole idea of what's considered a legal crime or not; what should be reported to the police or not'.⁵⁵⁷

He said that he had only recently learnt of the serious criminal nature of child sexual abuse.⁵⁵⁸

Rabbi Yosef Feldman said his understanding was that the allegations involving AVL were that he touched the genitals of an underage boy.⁵⁵⁹ Rabbi Yosef Feldman gave evidence that AVL told him that 'I did not actually do anything wrong. I just laid with him. I may have massaged him but not inappropriately'.⁵⁶⁰

Rabbi Yosef Feldman said he thought the behaviour both highly inappropriate⁵⁶¹ and suggestive of being sexual in nature.⁵⁶²

When asked whether he agreed that a teacher should not lie down in a bed and massage a child, he said that the conduct was wrong from a 'Jewish perspective', as he considered it an abuse, but not necessarily wrong from a legal perspective.⁵⁶³

Understanding of mandatory reporting obligations

At the time of the complaint made against AVL, Rabbi Yosef Feldman was unaware of the introduction in New South Wales of mandatory reporting.⁵⁶⁴ An express provision for mandatory reporting of child sexual abuse was introduced in 1988.

Rabbi Yosef Feldman gave evidence that between 2002 and 2015 he had not undertaken any formal training or study in how to respond to allegations of conduct amounting to child sexual abuse.⁵⁶⁵

Rabbi Yosef Feldman gave evidence that he met AVL in New York after AVL had become a rabbi but had never mentioned the complaint, as he did not want to ‘embarrass’ AVL.⁵⁶⁶

Despite his role as a director of Yeshiva College and the Dean of Yeshiva Gedolah Rabbinical College, Rabbi Yosef Feldman was either ignorant of or ill-informed about:

- conduct amounting to child sexual abuse
- the criminal nature of child sexual abuse
- the obligations in New South Wales to report complaints of child sexual abuse to external authorities, including the NSW Ombudsman.

Jewish law obligations concerning reports of child sexual abuse: views in July 2011

On 21 July 2011, Rabbi Yosef Feldman wrote an email addressed to rabbis and others questioning the need to report to secular authorities ‘something of serious *loshon horo* is heard about someone of even child molestation’.⁵⁶⁷

Rabbi Yosef Feldman said that the email was written about Cyprys, whom he considered to be a friend.⁵⁶⁸

Rabbi Yosef Feldman argued that the rabbinate should adopt a position that was consistent with his understanding of the view of Agudah Yisroel of America (a Haredi Jewish umbrella organisation) that all complaints of sexual abuse should first be made to a rabbi, who should then determine whether to involve the secular authorities.⁵⁶⁹ Rabbi Yosef Feldman questioned the ORA’s position that all allegations should be reported to the police immediately.⁵⁷⁰

An exchange of emails ensued.

Rabbi Moshe Gutnick rejected Rabbi Yosef Feldman’s position. He observed that rabbis lacked the capacity to conduct a proper investigation of allegations of abuse⁵⁷¹ and argued for the immediate reporting of allegations to police.⁵⁷²

Rabbi Mendel Kastel identified the requirements of mandatory reporting and the need for formal training when dealing with allegations of abuse concerning children.⁵⁷³

Rabbi Kluwgant stated that victims should be encouraged to go to the police.⁵⁷⁴

Rabbi Laibl Wolf labelled Rabbi Yosef Feldman's views 'socially dangerous for Jews'.⁵⁷⁵

In oral evidence, Rabbi Yosef Feldman told us that the emails were a discussion among rabbis and that the words '*Toiroh hee velilmoid unee tzorich*' used at the beginning of his first email sent on 21 July 2011 were a form of disclaimer identifying that the matter was being raised for debate.⁵⁷⁶

Rabbi Yosef Feldman said that he was motivated to send the emails because of what was going on in the community, which had caused him hurt and upset.⁵⁷⁷ He explained that the reasons he sent the emails were:

- because of his perception that Rabbi Groner was being vilified and the way the media was treating him⁵⁷⁸
- because accusations of child sexual abuse were being made against friends of his, including Cyprys, and he was 'wondering from the Jewish perspective if they [were] being treated properly'.⁵⁷⁹

Rabbi Yosef Feldman said that the purpose of his emails was to encourage the Jewish community to address its problem internally and not just leave it to others to address.⁵⁸⁰

He conceded that some of the views that he expressed in the emails were halachically wrong (something about which he had been ignorant at the time)⁵⁸¹ and that he no longer adhered to the views he had expressed.⁵⁸²

Rabbi Yosef Feldman told us that sometime on either 25 or 26 July 2011 some of the email exchange between the rabbis was leaked to the press, resulting in public discussion and criticism.⁵⁸³

We received into evidence a statement that Rabbi Yosef Feldman made to the *Australian Jewish News* on 26 July 2011 in response to the leaked emails.⁵⁸⁴ Rabbi Yosef Feldman said:

Over the past few days there has been an internal Halachic debate amongst the Rabbinate of Australia relating to the serious and reprehensible issues of child abuse and the appropriate response.

Notwithstanding the complex Halachic nuances and varied opinions, the Rabbinate of NSW under my Presidency has unanimously endorsed the attached the resolution from 2010 on this matter.

I would like to unequivocally publicise my support and encouragement of the adoption of that resolution within the NSW Rabbinate and the wider Jewish community.⁵⁸⁵

Rabbi Yosef Feldman's statement to the *Australian Jewish News* included a copy of the 2010 RCV Resolution.⁵⁸⁶ Rabbi Yosef Feldman asked the *Australian Jewish News* to print his statement in full.⁵⁸⁷

Rabbi Yosef Feldman sought to rely on that statement as evidence of his actual views on responding to child sexual abuse as at 26 July 2011.⁵⁸⁸ Rabbi Yosef Feldman told us that the statement ‘was a genuine position’ but ‘obviously it’s a [public relations] thing also. It’s going public’.⁵⁸⁹ Rabbi Yosef Feldman said that he wanted the community to know that he unequivocally supported the adoption of the 2010 RCV Resolution by the rabbinate and the broader Jewish community.⁵⁹⁰ While Rabbi Yosef Feldman stated unequivocal support for the Resolution, he said:

I did have issues with [the halachic obligation to report allegations of abuse even if the abuse had occurred a long time ago], as it can be seen. But I ultimately accepted that’s the right way to go, notwithstanding my expressed views of issues with regard to that. It has always bothered me, but the right thing was nonetheless to be able to go to the police.⁵⁹¹

There was further evidence that called into question Rabbi Yosef Feldman’s position on the reporting of child sexual abuse.

On 27 July 2011, the day after Rabbi Yosef Feldman’s statement was published in the *Australian Jewish News*, Rabbi Yosef Feldman emailed Rabbi Moshe Gutnick.⁵⁹² In his email, Rabbi Yosef Feldman observed that he had heard the Beth Din was going to issue a public statement ‘to report abuse’⁵⁹³ and that he was concerned that a friend of his, Cyprys, was having his life ruined ‘for no good reason’ even though he had done *Tshuva* (repentance).⁵⁹⁴

Rabbi Kluwгант responded, copying Rabbi Moshe Gutnick into his response, requesting that Rabbi Yosef Feldman ‘back off and let this be’, that if he continued his campaign ‘we would all be losers here’⁵⁹⁵ and that Jewish leaders could not be seen ‘in ANY WAY supporting the covering up of such crimes – telling people not to go to the police but to come to us first so we can decide whether they should go or not is wrong!’⁵⁹⁶

Rabbi Yosef Feldman replied the same day:

Anyway my main issue was not so much for the victims themselves but also and mainly that hearsay allegations that we must report i.e. in loshoin of the act reasonable risk of significant harm, if in doubt, should be first determined by a Rabbi who would also do his utmost not just for the victim but also keeping in mind messiro in any gray area that the authorities in conjunction with an expert wouldn’t consider.⁵⁹⁷

Rabbi Yosef Feldman was of the view that there was a ‘grey area’, from a halachic perspective, in the concept of *mesirah* and its application to child sexual abuse.⁵⁹⁸ He explained as follows:

Let’s say in a case where they wouldn’t consider such an issue, for example a crime that was committed 20 or 30 years ago; correct? That would be according to Halacha a grey area because it’s not the same as a crime which is considered now, which is certainly something that has to be dealt with; someone is on a rampage, someone who could be a danger to

society. So they wouldn't consider the fact that something happened, like, 20 years ago or 30 years ago making a difference, meaning if it is so long ago maybe the person has changed and has done Teshuvo ... I think that's the grey area I was referring to.⁵⁹⁹

Rabbi Yosef Feldman agreed that the halachic position about the 'grey area' was something which concerned him.⁶⁰⁰ He said the following in relation to secular law:

It would be something which I would feel that went against something that would be in Jewish law which I wouldn't be happy about. It's the right thing to do, because we have to follow the secular law, but I wouldn't be happy about it.⁶⁰¹

He disagreed that it was his position that complaints about child sexual abuse should be directed to rabbis in the first instance:

My position was [the] Rabbinical Council's position ... my position personally may have been to lobby and according to Torah this should be, and I would lobby the government about this if I could. But my ultimate position is they report it. It doesn't mean I'm happy about it. I'm very unhappy about it and I don't think it's a good law, in my opinion. But, practically, we have to listen to the law.⁶⁰²

Rabbi Yosef Feldman told us that his email of 27 July 2011 puts forward 'a Halachic position without the secular law'⁶⁰³ and 'cannot be construed as a retraction from his position that the secular law overrides any Halachic position'.⁶⁰⁴ In sending the email, he was 'inviting debate' and asking for comment. He told us that '[he] never once saying [sic] "This is my position and please follow it" sort of thing'.⁶⁰⁵

We are satisfied that Rabbi Yosef Feldman expressed similar views in the 21–25 July 2011 emails and the emails of 27 July 2011. These views included that:

- the prohibition of *mesirah* was relevant when considering whether or not to report allegations of child sexual abuse made against a Jewish person to authorities
- allegations of child sexual abuse should in the first instance be reported to a rabbi, who should investigate the complaint and determine whether or not to report to the authorities
- a relevant consideration for a rabbi in deciding whether or not to report an allegation was when the abuse was committed and whether the perpetrator had repented or changed.

At the time Rabbi Yosef Feldman expressed these views, he was not an ordinary member of the community. He held the positions of president of the Rabbinical Council of NSW and rabbinical administrator at the Yeshiva Gedolah Rabbinical College. The views he was expressing in these emails were not private – they were views he was expressing to other leaders in the community. These views were in part motivated by his friendship with Cyprys, who at the time was being investigated for historical allegations of child sexual abuse.

We are satisfied that Rabbi Yosef Feldman’s statement published in the *Australian Jewish News* on 26 July 2011 was not a true statement of his beliefs but an exercise in public relations to seek to mitigate damage to his reputation following the public dissemination of the 21–25 July 2011 emails and the controversial views he expressed in these emails about child sexual abuse.

The views expressed in the emails of 27 July 2011 are not consistent with the views of a person who unequivocally accepted the 2010 RCV Resolution.

4.2 Yeshiva Bondi’s reactions to the charging and conviction of Hayman

Rabbi Yosef Feldman’s email of 4 November 2013

In November 2013, Hayman was charged in relation to child sexual assaults committed against underage teenage boys from Yeshiva Bondi.⁶⁰⁶

On 4 November 2013, Rabbi Yosef Feldman sent an email to Rabbi Moshe Gutnick and copied it to Rabbi Pinchus Feldman, Rabbi Mordechai Gutnick and Rabbi Yoram Ulman. In the email he asked whether Rabbi Moshe Gutnick was ‘happy that your strong statement to musser in all instances’ may result in Hayman going to jail for a crime he committed 25 years earlier.⁶⁰⁷

Rabbi Yosef Feldman explained his actions at the public hearing, saying that:

The reality is I wasn’t happy about it, him ending up in jail. Someone who has done Teshuvo, ending up in gaol for many years I didn’t think is a good thing.⁶⁰⁸

In a 4 November 2013 email sent to Rabbi Moshe Gutnick, Rabbi Yosef Feldman observed:

My thoughts on the matter ... was that the idea of going to a rabbi should be seriously considered mainly for such instances where the offence was committed decades ago as a young person and now the person has certainly changed.⁶⁰⁹

Rabbi Yosef Feldman explained that, as at November 2013, he did not know the ‘real situation’ with Hayman, that he had heard that Hayman had an assessment, that he had not offended in the last 25 years and that it was highly unlikely that he would reoffend.⁶¹⁰

Rabbi Yosef Feldman's contact with AVB

Rabbi Yosef Feldman told us that Hayman was a friend.⁶¹¹ After Hayman's arrest, Rabbi Yosef Feldman asked Hayman who had made the complaint against him.⁶¹² Hayman said that it was AVB.⁶¹³

Rabbi Yosef Feldman told us that he called and then emailed AVB.⁶¹⁴

On 6 November 2013, AVB received an email from Rabbi Yosef Feldman in which he said that he had heard AVB was a victim of Hayman and that AVB had 'reported it to the police and this was the basis of [Hayman] being arrested'.⁶¹⁵

In the email, Rabbi Yosef Feldman asked AVB whether 'The Rabbinical Council's statements and specifically the position of ORA and of [his] uncle Rabbi Moshe Gutnick was a contributing factor for [AVB] to have known that it was Halachically essential for [AVB] to report it' and whether the statements were a factor that gave AVB the courage to go to the police.⁶¹⁶

Rabbi Yosef Feldman asked AVB if he felt 'that if [Hayman] is convicted and jailed it will heal any emotional damage caused'.⁶¹⁷ Rabbi Yosef Feldman also told AVB 'Just by the way he also told me that he was shocked that it was you as he thought that he had worked things out with you'.⁶¹⁸

AVB asked Rabbi Yosef Feldman who had disclosed his identity.⁶¹⁹ Rabbi Feldman responded that Hayman had told people who had in turn told Rabbi Feldman.⁶²⁰ In his emails to AVB, Rabbi Feldman claimed that if he named the people who told him it would be '*loshon horo* and is *Rechilus*'.⁶²¹

When he was giving evidence to the Royal Commission, Rabbi Yosef Feldman was asked whether he thought such contact with a survivor was appropriate. Rabbi Yosef Feldman said he 'didn't think it's much of an issue'.⁶²² However, he admitted 'It may be something which in retrospect is a bit insensitive'.⁶²³

Rabbi Yosef Feldman argued that the issue regarding Hayman 'was an issue which was very relevant to [him] and [his] involvement in the past and [he] was just interested to hear what [AVB] had to say about it'.⁶²⁴

Responses to Hayman's conviction and sentencing

On 12 May 2014, Hayman sent an email to family and friends saying that his court case was scheduled for the next day and that 'God willing all would go well'.⁶²⁵

Rabbi Yosef Feldman sent an email in response using words to the effect, 'may God grant you a real victory in all respects'.⁶²⁶

On 27 May 2014, Mr Yomin Postelnik (who described himself as a friend of Hayman) sent a group email prompting people to do ‘something constructive’ for Hayman.⁶²⁷ Also on 27 May 2014, Hayman sent a further group email advising that it was the final day in court.⁶²⁸ Rabbi Yosef Feldman was copied in to both of these group emails.

A number of emails were circulated in response to the group email initially sent by Hayman. There were various views expressed in those emails, including:

- that ‘[Hayman] has no recollection of the incident so we are relying on a 12 year old’s memory’⁶²⁹
- that the truth could not be found in the court, as Hayman had to ‘cut a deal’⁶³⁰
- that Hayman was innocent and the allegations were similar to the ‘orchestrated testimony’ against Rabbi Glick⁶³¹
- that a man in his fifties should not be punished for allegations made about his youth.⁶³²

Before the Royal Commission, Rabbi Yosef Feldman was asked about these emails.⁶³³

Rabbi Feldman accepted that at the time he received them he knew that Hayman had reached an agreement with AVB and accepted responsibility for assaulting AVB.⁶³⁴ However, Rabbi Yosef Feldman did not counter the views expressed in the emails. He explained:

when it comes to public emails like this, for me to be able to start writing ‘there are victims’, ‘there aren’t victims’ and ‘I know that there are victims’, and this and that, I could get vilified. So I didn’t want to comment at all on that issue. You have to remember I’m writing to a group of people who are very sympathetic to [Hayman’s] situation, and I didn’t want to start a whole debate about that.⁶³⁵

When a participant described the discussion as ‘shameful’ and observed that there had been no consideration of the victims or their families, Rabbi Yosef Feldman was silent.⁶³⁶

On 10 June 2014, Hayman received a suspended sentence for his assault of AVB.⁶³⁷

On 11 or 12 June 2014, that fact was reported in the *Australian Jewish News*. The article quoted the ORA, which applauded the survivors who had come forward.⁶³⁸

On 12 June 2014, Hayman emailed Rabbi Yosef Feldman stating that he had read the article. In that email he called Rabbi Moshe Gutnick ‘a disgrace to the Sydney Rabbinate’ and said that he did not know how Rabbi Moshe Gutnick ‘considers himself a Lubavitcher’.⁶³⁹

The email casts some doubt upon Rabbi Yosef Feldman’s assertion that Hayman repented his past criminal conduct.⁶⁴⁰

Rabbi Yosef Feldman replied to Hayman that the president of the ORA was Rabbi Kluwgant and that he, Rabbi Yosef Feldman, had told Rabbi Kluwgant ‘to be careful with his words in these issues’.⁶⁴¹ Rabbi Yosef Feldman said he would not disagree with Hayman about Rabbi Moshe Gutnick.⁶⁴²

On 1 July 2014, the Yeshiva Centre Chabad NSW Headquarters held a community event to celebrate Gimmel Tammuz – a day to commemorate the death and celebrate the life and work of the Rebbe.⁶⁴³ The Hayman family was identified as a sponsor of the event.⁶⁴⁴ This was brought to AVB’s attention.⁶⁴⁵

AVB said that he was troubled by Yeshiva Bondi’s inappropriate recognition of the contribution of a convicted paedophile (Hayman was convicted only three weeks earlier).⁶⁴⁶

In evidence, Rabbi Yosef Feldman observed that Hayman was a very significant donor to Yeshiva Bondi both before and at the time of his conviction.⁶⁴⁷

4.3 Rabbi Yosef Feldman’s knowledge and understanding of child sexual abuse

In giving evidence to the Royal Commission, Rabbi Yosef Feldman expressed various views in relation to the nature, incidence and appropriate responses to child sexual abuse.

At the time of the public hearing in February 2015, Rabbi Yosef Feldman had not undertaken any formal training on child sexual abuse or any training on how to recognise child sexual abuse, ‘besides what’s in Jewish law’.⁶⁴⁸ He accepted that he would benefit from further education and training.⁶⁴⁹

Rabbi Feldman freely admitted to a lack of technical knowledge about child sexual abuse but expressed the belief that his ignorance was unimportant, partly because he believed child sexual abuse to be uncommon⁶⁵⁰ – he did not hear of child sexual abuse or complaints of child sexual abuse ‘much’⁶⁵¹ and believed that ‘only’ 5 to 10 per cent of the community ‘are involved’ in child sexual abuse.⁶⁵²

He said that the nominated percentile range had been arrived at based upon things he had read, his understanding, and his thoughts about what he had read.⁶⁵³

Rabbi Feldman described grooming in the context of child sexual abuse in the following way:

I understand grooming means just talking to the child and trying to get close to him. I don’t know what this grooming that you are referring is punishable. If someone talks to a child a few times ...⁶⁵⁴

Rabbi Yosef Feldman drew a distinction between conduct that did not result in an act of child sexual abuse and conduct that did result in an act of child sexual abuse.⁶⁵⁵ He said that, to his understanding, grooming in the absence of an act of child sexual abuse would not be a criminal offence.⁶⁵⁶

Rabbi Feldman gave evidence that he regarded age to be a factor of influence in assessing a report of child sexual abuse. He observed:

Someone under 10 or 12 is more innocent. The older you get, the less innocent you become, and there could be a possibility – not that I know of, and I haven't investigated this sort of thing, but I could imagine that there could be false accusations with regards to teenagers, who are not so innocent. Children who come to you – when I say 'children' you know the younger you are, the more innocent you are. It's much more believable ...⁶⁵⁷

He added that 'common sense'⁶⁵⁸ dictated that 'a person is his own individual' at an age such as 13 years (he noted that in Jewish law a boy becomes a man at 13 years of age) and was therefore more likely than a younger child to make false accusations or allegations.⁶⁵⁹

Rabbi Feldman also said that he knows 'a few paedophiles [who] have been suspected and they have committed suicide'⁶⁶⁰ which is 'a terrible thing'.⁶⁶¹ Rabbi Feldman said that knowledge caused him to conclude that paedophiles who have repented 'deserve a bit more respect'.⁶⁶²

It is evident that, when considering the issue of child sexual abuse, Rabbi Yosef Feldman's focus is on the perspective of the perpetrator rather than that of the victim. He appears to be particularly concerned by a belief that the conviction of a repentant perpetrator would be productive of some unfairness⁶⁶³ and by the possibility of false accusation.⁶⁶⁴

Rabbi Yosef Feldman gave evidence of his belief that 'all rabbis should receive training in how to identify, handle and report sexual abuse'.⁶⁶⁵ However, he has not undertaken any formal training.⁶⁶⁶ He said that there was no pressing requirement for him to undertake this training, as he viewed the required approach to the issue to be 'common sense'⁶⁶⁷ and while he is of the view that formal studies are 'appropriate and good ... there's very little time for me at the present with 10 children ... to do a lot of things which I think is extremely necessary to do'.⁶⁶⁸

In a written statement dated 6 February 2015 before the conclusion of his oral evidence, Rabbi Feldman observed that:

- he agrees 'without qualification that it is obligatory to immediately report all allegations of sexual abuse to the police'⁶⁶⁹
- he 'agree[s] that such an obligation arises whenever that sexual abuse is alleged to have occurred and whatever the form of that sexual abuse'⁶⁷⁰
- he believes that, after reporting incidents of child sexual abuse, no survivor should be 'subjected to shunning or bullying or being labelled a *moseh*'.⁶⁷¹

Rabbi Yosef Feldman accepted that some in the community would be sceptical that this statement was a genuine reflection of his views on the appropriate response to child sexual abuse.⁶⁷²

Rabbi Yosef Feldman expressed very different views in 2011,⁶⁷³ 2013⁶⁷⁴ and 2014.⁶⁷⁵ That is not to say that his position has not changed over time or that his 6 February 2015 statement does not record his current thinking on the subject. However, we find the evidence of Rabbi Feldman, at the very least, perplexing and difficult to follow.

Counsel for Rabbi Yosef Feldman has submitted that none of the personal views held by Rabbi Yosef Feldman are relevant to the matters investigated in this case study and the submissions of Counsel Assisting the Royal Commission concerning his personal views traverse beyond the Royal Commission's Terms of Reference:⁶⁷⁶

Like any individual, [Rabbi Yosef Feldman] is entitled to hold his own personal beliefs about matters, The [Royal] Commission's function do not include proscribing the holding or private expression of [Rabbi Yosef Feldman's] personal views. The issue is whether [Rabbi Yosef Feldman's] personal beliefs are an impediment to reporting, investigating or responding to allegations and incidents of abuse.⁶⁷⁷

An institution can only act through its senior members. The views of senior members shape the responses of institutions to allegations and incidents of child sexual abuse and impact on the way the community thinks about child sexual abuse and how victims are treated when they decide to come forward. The actions and views of those senior members have a direct bearing on whether survivors may come forward at all.

Within the Jewish community, a rabbi is a person to whom members look to for spiritual, moral and practical guidance and leadership.⁶⁷⁸ The rabbi exerts significant influence over the people who congregate in the synagogue, and it is common within the movement for significant decisions to be run past the rabbi. In some cases, the rabbi will make the decision for the individual.⁶⁷⁹

Rabbi Yosef Feldman's views were and are influential and were and are capable of affecting the decision of a member of the community to report incidents of child sexual abuse.

Rabbi Yosef Feldman sought to engage in debate with other rabbinical leaders about his views on responding to incidents and allegations of child sexual abuse so as to persuade them to adopt his approach. The views held by Rabbi Yosef Feldman were not shared by other leaders within the community, and efforts were made by others to try to dissuade him from holding those views. Despite these efforts, Rabbi Yosef Feldman continued to hold these views, even after he made his public statement on 26 July 2011.

4.4 Apology by Yeshiva Bondi

AVB said that he had never received an apology from the Yeshiva Bondi in respect of his assault by Hayman at a camp that was organised and run by the Yeshiva Bondi.⁶⁸⁰

Rabbi Pinchus Feldman's 2015 statement for Chabad NSW

At the public hearing, Rabbi Pinchus Feldman expressed a general apology to all of those whom the Yeshiva Bondi had failed to protect.⁶⁸¹

Rabbi Feldman gave a statement to the Royal Commission in which, on behalf of the Yeshiva Centre Bondi, he expressed 'deep sorrow' to those who had suffered child sexual abuse and vowed 'to do everything in our power both to protect the children in our care and to support those who have suffered'.⁶⁸²

Rabbi Feldman also said in his statement to the Royal Commission:

I would like to now publicly state as not just a position of Jewish law but the official policy of the Chabad movement in New South Wales: the reporting of cases of abuse to the authorities is not just 'permitted' but an 'obligation', a holy obligation that will keep our children safer and our communities healthier.⁶⁸³

He accepted that victims of sexual abuse should always be able to speak out about their abuse and seek accountability of the perpetrator or others who may have failed to protect them without being subject to ostracism, shunning and bullying.⁶⁸⁴

Rabbi Feldman gave evidence that:

- his statement would be circulated to all of the members in Chabad NSW
- he would consider putting in place a formal document that encapsulates the position in his statement, and he will ensure that it is circulated and that emissaries that he appoints in New South Wales adhere to it
- his position on his official response and the responses of those within Chabad NSW remains precisely the same no matter when the abuse occurred.⁶⁸⁵

4.5 Child protection policies and procedures at Yeshiva Bondi

Child protection policies and procedures at the time of complaints

Rabbi Pinchus Feldman stated that at the time complaints were received about Daniel Hayman in the 1980s, he wasn't aware of any 'formal manuals or procedures [which] within the school at that time'⁶⁸⁶ for responding to allegations of child sexual abuse. He told us that this also applied to the Yeshiva Gedolah Rabbinical College.⁶⁸⁷

When questioned during the public hearing, Rabbi Pinchus Feldman admitted that there was no formal written policy at the time that set out what was to occur if a complaint about child sexual abuse reached him (as dean of Yeshiva College) or the dean of the Yeshiva Gedolah Rabbinical College.⁶⁸⁸

In relation to child protection policies, processes and procedures at the time complaints against AVL were received in 2002, Rabbi Pinchus Feldman provided the following information:

Bill Conway made contact with the Association of Independent Schools and ... the reporting of the incident to the authorities was a consequence of that contact.⁶⁸⁹

Current policies and training

Yeshiva College Bondi

On 1 November 2014 the Yeshiva College Bondi published its *Staff Handbook* for full-time employees. The *Staff Handbook* outlines the school's formal child protection policies of the school and the procedures for staff to report serious incidents.⁶⁹⁰

The Yeshiva College Bondi also has published an abridged version that is provided to all non-permanent staff undertaking supervision of children.⁶⁹¹

Camps and courses that are operated under the aegis of Rabbi Pinchus Feldman, whether they are operated through the Yeshiva Centre Bondi, Yeshiva College Bondi, Chabad Youth or otherwise, are conducted under the umbrella of Yeshiva College Bondi.⁶⁹²

Rabbi Pinchus Feldman said that, while the guidelines of the New South Wales Department of Education and Communities call for biennial 'in service' staff training on the topic of child sexual abuse, the Yeshiva College Bondi has opted to undertake annual training.⁶⁹³

We received into evidence a document dated November 2014 which identifies Yeshiva Bondi's proposed rules for the ritual bathhouse (the *mikveh*). The document proposes that:⁶⁹⁴

- children of 12 years and under must be accompanied by a parent and/or guardian
- teenage children (from 13 to 17 years) must provide written permission to attend the bathhouse authored by a parent and/or guardian
- any concern about inappropriate or unlawful conduct at the bathhouse is to be immediately reported to a nominated person and/or notified to the relevant law enforcement authority.⁶⁹⁵

It is envisaged that the proposed rules will be sent to members and placed as a notice in the bathhouse.

Yeshiva Bondi plans to explore the utility of installing external CCTV security devices, an electronic card access system for members and a coin access system for guests.⁶⁹⁶

At the public hearing, Rabbi Pinchus Feldman and Rabbi Yosef Feldman each told us that they have not undertaken any formal training in respect of child sexual abuse.⁶⁹⁷

Rabbi Pinchus Feldman acknowledged that it would be helpful for all rabbis to undertake formal training in recognising and responding to complaints of child sexual abuse.⁶⁹⁸

Yeshiva Gedolah Rabbinical College

The Yeshiva Gedolah Rabbinical College provides education and training to young men seeking ordination as rabbis.⁶⁹⁹

The college does not have formal policies for responding to and reporting allegations of child sexual abuse.⁷⁰⁰ It adopts (where necessary) the Yeshiva College Bondi policies.

Rabbi Pinchus Feldman said that the Yeshiva Gedolah Rabbinical College students do not undertake any studies concerning child sexual abuse and they do not receive training about recognising and responding to child sexual abuse.⁷⁰¹

As part of their training, Yeshiva Gedolah Rabbinical College students have frequent interaction with children through activities of volunteering as assistant teachers at the Yeshiva Centre Bondi and assisting at youth camps.⁷⁰²

Yeshiva Gedolah Rabbinical College students who are to work with children are subject to a Working with Children Check.⁷⁰³ That check provides limited protection given that many of the students come from interstate or overseas.

Students of the Yeshiva Gedolah Rabbinical College are trained and housed at the Yeshiva Centre Bondi and Yeshiva College Bondi site.⁷⁰⁴

5 Systemic Issues

This case study raised systemic issues within its Terms of Reference in the areas of institutional responses to concerns and allegations about incidents of child sexual abuse. The following systemic issues were considered by the Royal Commission:

- the influence of Jewish (or ‘halachic’) law on the responses of the Yeshiva Bondi and Yeshivah Melbourne to child sexual abuse allegations
- the role of the leadership of Yeshiva Bondi and Yeshivah Melbourne in shaping those institutions’ responses to concerns, allegations and incidents of child sexual abuse.

APPENDIX A: Terms of Reference

Letters Patent dated 11 January 2013

ELIZABETH THE SECOND, by the Grace of God Queen of Australia and Her other Realms and Territories, Head of the Commonwealth:

TO

The Honourable Justice Peter David McClellan AM,
Mr Robert Atkinson,
The Honourable Justice Jennifer Ann Coate,
Mr Robert William Fitzgerald AM,
Dr Helen Mary Milroy, and
Mr Andrew James Marshall Murray

GREETING

WHEREAS all children deserve a safe and happy childhood.

AND Australia has undertaken international obligations to take all appropriate legislative, administrative, social and educational measures to protect children from sexual abuse and other forms of abuse, including measures for the prevention, identification, reporting, referral, investigation, treatment and follow up of incidents of child abuse.

AND all forms of child sexual abuse are a gross violation of a child's right to this protection and a crime under Australian law and may be accompanied by other unlawful or improper treatment of children, including physical assault, exploitation, deprivation and neglect.

AND child sexual abuse and other related unlawful or improper treatment of children have a long-term cost to individuals, the economy and society.

AND public and private institutions, including child-care, cultural, educational, religious, sporting and other institutions, provide important services and support for children and their families that are beneficial to children's development.

AND it is important that claims of systemic failures by institutions in relation to allegations and incidents of child sexual abuse and any related unlawful or improper treatment of children be fully explored, and that best practice is identified so that it may be followed in the future both to protect against the occurrence of child sexual abuse and to respond appropriately when any allegations and incidents of child sexual abuse occur, including holding perpetrators to account and providing justice to victims.

AND it is important that those sexually abused as a child in an Australian institution can share their experiences to assist with healing and to inform the development of strategies and reforms that your inquiry will seek to identify.

AND noting that, without diminishing its criminality or seriousness, your inquiry will not specifically examine the issue of child sexual abuse and related matters outside institutional contexts, but that any recommendations you make are likely to improve the response to all forms of child sexual abuse in all contexts.

AND all Australian Governments have expressed their support for, and undertaken to cooperate with, your inquiry.

NOW THEREFORE We do, by these Our Letters Patent issued in Our name by Our Governor-General of the Commonwealth of Australia on the advice of the Federal Executive Council and under the Constitution of the Commonwealth of Australia, the Royal Commissions Act 1902 and every other enabling power, appoint you to be a Commission of inquiry, and require and authorise you, to inquire into institutional responses to allegations and incidents of child sexual abuse and related matters, and in particular, without limiting the scope of your inquiry, the following matters:

- a. what institutions and governments should do to better protect children against child sexual abuse and related matters in institutional contexts in the future;
- b. what institutions and governments should do to achieve best practice in encouraging the reporting of, and responding to reports or information about, allegations, incidents or risks of child sexual abuse and related matters in institutional contexts;
- c. what should be done to eliminate or reduce impediments that currently exist for responding appropriately to child sexual abuse and related matters in institutional contexts, including addressing failures in, and impediments to, reporting, investigating and responding to allegations and incidents of abuse;
- d. what institutions and governments should do to address, or alleviate the impact of, past and future child sexual abuse and related matters in institutional contexts, including, in particular, in ensuring justice for victims through the provision of redress by institutions, processes for referral for investigation and prosecution and support services.

AND We direct you to make any recommendations arising out of your inquiry that you consider appropriate, including recommendations about any policy, legislative, administrative or structural reforms.

AND, without limiting the scope of your inquiry or the scope of any recommendations arising out of your inquiry that you may consider appropriate, We direct you, for the purposes of your inquiry and recommendations, to have regard to the following matters:

- e. the experience of people directly or indirectly affected by child sexual abuse and related matters in institutional contexts, and the provision of opportunities for them to share their experiences in appropriate ways while recognising that many of them will be severely traumatised or will have special support needs;
- f. the need to focus your inquiry and recommendations on systemic issues, recognising nevertheless that you will be informed by individual cases and may need to make referrals to appropriate authorities in individual cases;
- g. the adequacy and appropriateness of the responses by institutions, and their officials, to reports and information about allegations, incidents or risks of child sexual abuse and related matters in institutional contexts;
- h. changes to laws, policies, practices and systems that have improved over time the ability of institutions and governments to better protect against and respond to child sexual abuse and related matters in institutional contexts.

AND We further declare that you are not required by these Our Letters Patent to inquire, or to continue to inquire, into a particular matter to the extent that you are satisfied that the matter has been, is being, or will be, sufficiently and appropriately dealt with by another inquiry or investigation or a criminal or civil proceeding.

AND, without limiting the scope of your inquiry or the scope of any recommendations arising out of your inquiry that you may consider appropriate, We direct you, for the purposes of your inquiry and recommendations, to consider the following matters, and We authorise you to take (or refrain from taking) any action that you consider appropriate arising out of your consideration:

- i. the need to establish mechanisms to facilitate the timely communication of information, or the furnishing of evidence, documents or things, in accordance with section 6P of the Royal Commissions Act 1902 or any other relevant law, including, for example, for the purpose of enabling the timely investigation and prosecution of offences;
- j. the need to establish investigation units to support your inquiry;
- k. the need to ensure that evidence that may be received by you that identifies particular individuals as having been involved in child sexual abuse or related matters is dealt with in a way that does not prejudice current or future criminal or civil proceedings or other contemporaneous inquiries;

- l. the need to establish appropriate arrangements in relation to current and previous inquiries, in Australia and elsewhere, for evidence and information to be shared with you in ways consistent with relevant obligations so that the work of those inquiries, including, with any necessary consents, the testimony of witnesses, can be taken into account by you in a way that avoids unnecessary duplication, improves efficiency and avoids unnecessary trauma to witnesses;
- m. the need to ensure that institutions and other parties are given a sufficient opportunity to respond to requests and requirements for information, documents and things, including, for example, having regard to any need to obtain archived material.

AND We appoint you, the Honourable Justice Peter David McClellan AM, to be the Chair of the Commission.

AND We declare that you are a relevant Commission for the purposes of sections 4 and 5 of the *Royal Commissions Act 1902*.

AND We declare that you are authorised to conduct your inquiry into any matter under these Our Letters Patent in combination with any inquiry into the same matter, or a matter related to that matter, that you are directed or authorised to conduct by any Commission, or under any order or appointment, made by any of Our Governors of the States or by the Government of any of Our Territories.

AND We declare that in these Our Letters Patent:

child means a child within the meaning of the Convention on the Rights of the Child of 20 November 1989.

government means the Government of the Commonwealth or of a State or Territory, and includes any non-government institution that undertakes, or has undertaken, activities on behalf of a government.

institution means any public or private body, agency, association, club, institution, organisation or other entity or group of entities of any kind (whether incorporated or unincorporated), and however described, and:

- i. includes, for example, an entity or group of entities (including an entity or group of entities that no longer exists) that provides, or has at any time provided, activities, facilities, programs or services of any kind that provide the means through which adults have contact with children, including through their families; and

ii. does not include the family.

institutional context: child sexual abuse happens in an institutional context if, for example:

- i. it happens on premises of an institution, where activities of an institution take place, or in connection with the activities of an institution; or
- ii. it is engaged in by an official of an institution in circumstances (including circumstances involving settings not directly controlled by the institution) where you consider that the institution has, or its activities have, created, facilitated, increased, or in any way contributed to, (whether by act or omission) the risk of child sexual abuse or the circumstances or conditions giving rise to that risk; or
- iii. it happens in any other circumstances where you consider that an institution is, or should be treated as being, responsible for adults having contact with children.

law means a law of the Commonwealth or of a State or Territory.

official, of an institution, includes:

- i. any representative (however described) of the institution or a related entity; and
- ii. any member, officer, employee, associate, contractor or volunteer (however described) of the institution or a related entity; and
- iii. any person, or any member, officer, employee, associate, contractor or volunteer (however described) of a body or other entity, who provides services to, or for, the institution or a related entity; and
- iv. any other person who you consider is, or should be treated as if the person were, an official of the institution.

related matters means any unlawful or improper treatment of children that is, either generally or in any particular instance, connected or associated with child sexual abuse.

AND We:

- n. require you to begin your inquiry as soon as practicable, and
- o. require you to make your inquiry as expeditiously as possible; and
- p. require you to submit to Our Governor-General:

- i. first and as soon as possible, and in any event not later than 30 June 2014 (or such later date as Our Prime Minister may, by notice in the Gazette, fix on your recommendation), an initial report of the results of your inquiry, the recommendations for early consideration you may consider appropriate to make in this initial report, and your recommendation for the date, not later than 31 December 2015, to be fixed for the submission of your final report; and
- ii. then and as soon as possible, and in any event not later than the date Our Prime Minister may, by notice in the Gazette, fix on your recommendation, your final report of the results of your inquiry and your recommendations; and
- q. authorise you to submit to Our Governor-General any additional interim reports that you consider appropriate.

IN WITNESS, We have caused these Our Letters to be made Patent.

WITNESS Quentin Bryce, Governor-General of the Commonwealth of Australia.

Dated 11th January 2013
Governor-General
By Her Excellency's Command
Prime Minister

Letters Patent dated 13 November 2014

ELIZABETH THE SECOND, by the Grace of God Queen of Australia and Her other Realms and Territories, Head of the Commonwealth:

TO

The Honourable Justice Peter David McClellan AM,
Mr Robert Atkinson,
The Honourable Justice Jennifer Ann Coate,
Mr Robert William Fitzgerald AM,
Dr Helen Mary Milroy, and
Mr Andrew James Marshall Murray

GREETING

WHEREAS We, by Our Letters Patent issued in Our name by Our Governor-General of the Commonwealth of Australia, appointed you to be a Commission of inquiry, required and authorised you to inquire into certain matters, and required you to submit to Our Governor-General a report of the results of your inquiry, and your recommendations, not later than 31 December 2015.

AND it is desired to amend Our Letters Patent to require you to submit to Our Governor-General a report of the results of your inquiry, and your recommendations, not later than 15 December 2017.

NOW THEREFORE We do, by these Our Letters Patent issued in Our name by Our Governor-General of the Commonwealth of Australia on the advice of the Federal Executive Council and under the Constitution of the Commonwealth of Australia, the *Royal Commissions Act 1902* and every other enabling power, amend the Letters Patent issued to you by omitting from subparagraph (p)(i) of the Letters Patent “31 December 2015” and substituting “15 December 2017”.

IN WITNESS, We have caused these Our Letters to be made Patent.

WITNESS General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia.

Dated 13th November 2014
Governor-General
By His Excellency's Command
Prime Minister

APPENDIX B: Public Hearing

| | |
|-----------------------------------|--|
| The Royal Commission | Justice Peter McClellan AM (Chair) Justice Jennifer Coate Mr Bob Atkinson AO APM Mr Robert Fitzgerald AM Professor Helen Milroy Mr Andrew Murray |
| Commissioners who presided | Justice Jennifer Coate Mr Robert Fitzgerald AM Mr Andrew Murray |
| Date of hearing | 2 February 2015 – 13 February 2015 |
| Legislation | <i>Royal Commissions Act 1902</i> (Cth) <i>Royal Commissions Act 1923</i> (NSW) <i>Evidence (Miscellaneous Provisions) Act 1958</i> |
| Leave to appear | Menachem (Manny) Waks AVA AVB Yeshivah Melbourne – Yeshivah Centre and Yeshivah College AVC Rabbi Moshe Gutnick Rabbi Pinchus Feldman Rabbi Yosef Feldman Zephaniah Waks Rabbi Yaakov Glasman Rabbi Meir Kluwgant Rabbi Mordechai Gutnick Rabbi Lesches AVR Rabbi Jacks Note: Yeshiva Bondi was unrepresented and did not seek leave to appear. |

| | |
|---|--|
| Legal representation | <p>M Gerace, Counsel Assisting the Royal Commission</p> <p>K Hanscombe QC, instructed by L Kane of Waller Legal, appearing for AVA and AVR</p> <p>M Richards SC, instructed by Waller Legal, appearing for Menachem (Manny) Waks and Zephaniah Waks</p> <p>I Barker QC, instructed by David Austin Solicitors, appearing for Rabbi Pinchus Feldman</p> <p>P Noonan, instructed by Perry Maddocks Trollope Lawyers, appearing for Yeshivah Melbourne – Yeshivah Centre and Yeshivah College</p> <p>P Strickland SC, instructed by Eddy Neumann Lawyers, appearing for Rabbi Yosef Feldman</p> <p>I Neil SC, instructed by D Chin, appearing for Rabbi Moshe Gutnick</p> <p>R Van De Wiel QC, instructed by J Gerritsen and N Boag of Robinson Gill Solicitors, appearing for AVB and AVC</p> <p>T Danos, instructed by J Appel of SBA Law, appearing for Rabbi Yaakov Glasman, Rabbi Meir Kluwgant, Rabbi Mordechai Gutnick and Rabbinical Council of Victoria</p> <p>C Randazzo, appearing for Rabbi Jacks</p> |
| Pages of transcript | 1,475 |
| Notice to Produce issues under the <i>Royal Commissions Act 1902</i> (Cth) and documents produced | 29 notices to produce, producing approximately 3,128 documents |
| Summonses to Produce issued under the <i>Royal Commissions Act 1923</i> (NSW) and documents produced | 8 summonses to produce, producing approximately 277 documents |
| Summonses to Produce issued under the <i>Evidence (Miscellaneous Provisions) Act 1958</i> (Vic) and documents produced | 12 summonses to produce, producing approximately 832 documents |

| | |
|---|--|
| Summonses to Attend issued under the <i>Royal Commissions Act 1902</i> (Cth) | 17 |
| Number of exhibits | 56 exhibits consisting of a total of 295 documents tendered at the hearing |
| Witnesses | <p>AVA Former student of Yeshivah College Melbourne</p> <p>AVQ Mother of AVA</p> <p>Menachem (Manny) Waks Former student of Yeshivah College Melbourne</p> <p>Zephaniah Waks Father of Menachem (Manny) Waks</p> <p>AVC Wife of AVB</p> <p>AVB Former student of Yeshiva College Bondi</p> <p>Rabbi Moshe Gutnick Senior Dayan of the Sydney Beth Din, former teacher at Yeshiva Bondi and former President of the Organisation of Rabbis of Australasia</p> <p>Rabbi Pinchus Feldman Chabad Emissary for New South Wales, Head Rabbi and spiritual leader for Chabad-Lubavitch, New South Wales</p> <p>Rabbi Yosef Feldman Rabbinical Administrator of Yeshiva Gedolah Rabbinical College</p> <p>AVR Former student of Yeshivah College Melbourne</p> <p>Mrs Nechama Bendet Director of Development and former General Manager of Yeshivah Centre</p> <p>Mr Don Wolf Former member and Chairman of the Committee of Management at Yeshivah Centre</p> <p>Rabbi Mordechai Gutnick Senior Rabbi of Elwood Shule, Melbourne and President of the Rabbinical Council of Victoria</p> |

Witnesses**Rabbi Abraham Glick**

Former Principal of Yeshivah College Melbourne

Rabbi Zvi Telsner

Head Rabbi of the Yeshivah Centre Victoria

Rabbi Yaakov Glasman

Former President of the Rabbinical Council of Victoria

Rabbi Meir Kluwgant

President of the Organisation of Rabbis of Australasia and former
President of the Rabbinical Council of Victoria

Rabbi Joshua (Yehoshua) Smukler

Principal of Yeshivah–Beth Rivkah Colleges

Endnotes

- 1 Transcript of P Feldman, Case Study 22, 5 February 2015, 6325:22–40.
- 2 Exhibit 22-0022, ‘Statement of P Feldman’, Case Study 22, STAT.0448.002.0001_R at [1.1].
- 3 Yeshiva Centre, ‘About Chabad-Lubavitch’, www.yeshiva.org.au/library/article_cdo/aid/36226/jewish/About-Chabad-Lubavitch.htm (viewed 19 March 2015).
- 4 Transcript of P Feldman, Case Study 22, 5 February 2015, 6322:32–41.
- 5 See Yeshiva Centre, ‘About Chabad-Lubavitch’, www.yeshiva.org.au/library/article_cdo/aid/36226/jewish/About-Chabad-Lubavitch.htm (viewed 19 March 2015).
- 6 The Rebbe was the great-grandson of the third Rebbe. He died in 1994. The Royal Commission examined the website of West Coast Chabad Lubavitch at www.chabad.org/therebbe/article_cdo/aid/244372/jewish/The-Rebbe-A-Brief-Biography.htm (viewed 22 December 2015); see also Exhibit 22-0022, ‘Statement of P Feldman’, Case Study 22, STAT.0448.002.0001_R at [1.1].
- 7 Transcript of Z Waks, Case Study 22, 3 February 2015, 6083:28–6084:20; Transcript of AVB, Case Study 22, 4 February 2015, 6252:24–30.
- 8 Transcript of Z Waks, Case Study 22, 3 February 2015, 6084:3–4.
- 9 Transcript of Z Waks, Case Study 22, 3 February 2015, 6083:12–6084:4.
- 10 Transcript of Z Waks, Case Study 22, 3 February 2015, 6083:37–6084:4.
- 11 West Coast Chabad Lubavitch, ‘The Rebbe: A Brief Biography’, www.chabad.org/therebbe/article_cdo/aid/244372/jewish/The-Rebbe-A-Brief-Biography.htm (viewed 21 July 2016).
- 12 The Schluchim Office: Global Chabad Lubavitch Resource Centre, www.shluchim.org (viewed 29 December 2015).
- 13 Exhibit 22-0022, ‘Statement of P Feldman’, Case Study 22, STAT.0448.002.0001_R at [1.1].
- 14 After the Rebbe’s death in 1994, emissaries became answerable to a religious tribunal of the Central Chabad Organisation: see Exhibit 22-0022, ‘Statement of P Feldman’, Case Study 22, STAT.0448.002.0001_R at [1.2], [1.4].
- 15 Exhibit 22-0022, ‘Statement of P Feldman’, Case Study 22, STAT.0448.002.0001_R at [1.1], [1.3].
- 16 Transcript of Z Waks, Case Study 22, 3 February 2015, 6084:21–34.
- 17 Transcript of M Waks, Case Study 22, 2 February 2015, 6002:46–6003:7.
- 18 Transcript of M Waks, Case Study 22, 2 February 2015, 6010:40–6012:9; Transcript of Z Waks, Case Study 22, 3 February 2015, 6074:30–6075:2.
- 19 Transcript of M Waks, Case Study 22, 2 February 2015, 6010:40–6012:9.
- 20 See, for example, Transcript of Z Waks, Case Study 22, 3 February 2015, 6076:27–36.
- 21 West Coast Chabad Lubavitch, ‘What is “Kiruv”?’’, www.chabad.org/library/article_cdo/aid/676588/jewish/What-is-Kiruv.htm (viewed 29 December 2015).
- 22 Transcript of M Waks, Case Study 22, 2 February 2015, 6022:27–6023:8.
- 23 Transcript of AVC, Case Study 22, 3 February 2015, 6177:33–5; Transcript of ACB, Case Study 22, 4 February 2015, 6212:36–6213:18.
- 24 Transcript of M Waks, Case Study 22, 2 February 2015, 6002:40–44; Transcript of AVB, Case Study 22, 4 February 2015, 6210:13–20.
- 25 Transcript of A Glick, Case Study 22, 12 February 2015, 6994:3–30.
- 26 Transcript of Z Waks, Case Study 22, 3 February 2015, 6075:10–14.
- 27 Transcript of M Waks, Case Study 22, 2 February 2015, 6010:11–21.
- 28 Transcript of A Glick, Case Study 22, 12 February 2015, 6994:3–30.
- 29 Transcript of A Glick, Case Study 22, 12 February 2015, 6995:14–6996:13.
- 30 See, for example, Transcript of A Glick, Case Study 22, 12 February 2015, 6995:18–6996:40.
- 31 Transcript of M Waks, Case Study 22, 2 February 2015, 6040:12–6041:35.
- 32 Transcript of D Wolf, Case Study 22, 11 February 2015, 6859:21–6860:16; Transcript of A Glick, Case Study 22, 12 February 2015, 6995:14–6996:36.
- 33 For example, Exhibit 22-0002, ‘Statement of AVQ’, Case Study 22, STAT.0470.001.0001_R; Exhibit 22-0024, ‘Statement of Redacted’, Case Study 22, NSW.2021.001.0221_R.
- 34 Transcript of M Waks, Case Study 22, 2 February 2015, 6003:7–9; Transcript of A Glick, Case Study 22, 12 February 2015, 6992:33–6993:16.
- 35 Transcript of A Glick, Case Study 22, 12 February 2015, 6992:33–6993:7.

- 36 Transcript of A Glick, Case Study 22, 12 February 2015, 6993:18–22, 6993:32–43.
- 37 Transcript of AVB, Case Study 22, 4 February 2015, 6211:42–5.
- 38 Transcript of AVB, Case Study 22, 4 February 2015, 6211:14–30.
- 39 Exhibit 22-0029, ‘Statement of AVR’, Case Study 22, STAT.0471.001.0001_R [11]; Transcript of AVA, Case Study 22, 2 February 2015, 5989:5–7, 5995:46–5996:5; Transcript of M Waks, Case Study 22, 2 February 2015 6004:4–7, 6007:15–28.
- 40 Transcript of MD Gutnick, Case Study 22, 4 February 2015, 6288:43–5.
- 41 Transcript of MD Gutnick, Case Study 22, 4 February 2015, 6285:23–6286:29; and see Transcript of MD Gutnick, Case Study 22, 12 February 2015, 6983:40–1.
- 42 Exhibit 22-0019, ‘Statement of MD Gutnick’, Case Study 22, STAT.0458.001.0001 at [44]–[49].
- 43 Transcript of AVB, Case Study 22, 4 February 2015, 6232:29–6233:14.
- 44 Transcript of Y Feldman, Case Study 22, 9 February 2015, 6649:23–38.
- 45 Transcript of Y Feldman, Case Study 22, 9 February 2015, 6649:23–38.
- 46 Transcript of AVB, Case Study 22, 10 February 2015, 6681:29–6682:37.
- 47 Transcript of AVB, Case Study 22, 10 February 2015, 6681:29–36.
- 48 Transcript of Z Telsner, Case Study 22, 13 February 2015, 7106:12–24.
- 49 Transcript of Z Telsner, Case Study 22, 13 February 2015, 7106:21–8; Transcript of M Waks, Case Study 22, 2 February 2015, 6055:4–47.
- 50 Exhibit 22-0005, ‘Statement of Z Waks’, Case Study 22, STAT.0469.001.0013_R at [15]–[18], [36], [41]–[45]; Exhibit 22-0053, ‘Statement of AVB’, Case Study 22, STAT.0463.001.0001_R at [61]–[73], [134]–[149]; Exhibit 22-0013, ‘Statement of AVC’, Case Study 22, STAT.0467.001.0001_R at [19], [23]–[24].
- 51 Transcript of MD Gutnick, Case Study 22, 4 February 2015, 6297:36–42; Exhibit 22-0013, ‘Statement of AVC’, Case Study 22, STAT.0467.001.001_R at [14], [19].
- 52 Transcript of MD Gutnick, Case Study 22, 4 February 2015, 6297:36–42; Transcript of AVC, Case Study 22, 3 February 2015, 6174:37–6178:23.
- 53 Transcript of Z Waks, Case Study 22, 3 February 2015, 6087:4–11; see also Exhibit 22-0005, ‘Statement of Z Waks’, Case Study 22, STAT.0469.001.0013_R at [63]–[65].
- 54 Transcript of AVB, Case Study 22, 4 February 2015, 6212:36–6213:23.
- 55 Transcript of AVC, Case Study 22, 3 February 2015, 6177:33–7, 6178:5–19.
- 56 Transcript of MD Gutnick, Case Study 22, 4 February 2015, 6297:18–28.
- 57 Exhibit 22-0023, Case Study 22, RCV.0001.001.0054.
- 58 Transcript of MD Gutnick, Case Study 22, 4 February 2015, 6283:24–36.
- 59 Transcript of MD Gutnick, Case Study 22, 4 February 2015, 6283:32–36.
- 60 Transcript of MD Gutnick, Case Study 22, 4 February 2015, 6291:10–15.
- 61 Transcript of MD Gutnick, Case Study 22, 4 February 2015, 6288:19–23.
- 62 Transcript of MD Gutnick, Case Study 22, 4 February 2015, 6288:25–9, 6288:42–3.
- 63 Exhibit 22-0023, Case Study 22, IND.0233.001.0001.
- 64 Yeshivah–Beth Rivkah Colleges, ‘History’, www.ybr.vic.edu.au/about-us/history/ (viewed 18 March 2015).
- 65 Yeshivah–Beth Rivkah Colleges, ‘History’, www.ybr.vic.edu.au/about-us/history/ (viewed 18 March 2015); Yeshivah–Beth Rivkah Colleges, ‘Contact Us’, www.ybr.vic.edu.au/contact/ (viewed 18 March 2015).
- 66 Transcript of N Bendet, Case Study 22, 11 February 2015, 6806:31–41.
- 67 Exhibit 22-0023, Case Study 22, YSV.0001.001.0655_R at 0657_R.
- 68 Exhibit 22-0023, Case Study 22, YSV.0001.001.0655_R at 0657_R.
- 69 Transcript of M Kluwgant, Case Study 22, 13 February 2015, 7183:29–37.
- 70 Transcript of Z Waks, Case Study 22, 3 February 2015, 6085:3–24.
- 71 Transcript of A Glick, Case Study 22, 12 February 2015, 6995:18–6996:36; Transcript of M Waks, Case Study 22, 2 February 2015, 6056:39–6057:1.
- 72 Transcript of A Glick, Case Study 22, 12 February 2015, 6995:29–6996:2–19.
- 73 Rabbi Groner was also the chief executive officer, figurehead and decision maker of the Yeshiva Centre: Exhibit 22-0034, ‘Statement of D Wolf’ Case Study 22, STAT.0453.002.0001_R at [4], [9].
- 74 Exhibit 22-0040, ‘Statement of Z Telsner’, Case Study 22, STAT.0456.002.0001_R at [5]–[6].
- 75 Exhibit 22-0039, ‘Statement of A Glick’, Case Study 22, STAT.0452.002.0001_R at [2].

- 76 Transcript of A Glick, Case Study 22, 12 February 2015, 6987:36–9; Exhibit 22-0039, ‘Statement of A Glick’, Case Study 22, STAT.0452.002.0001_R at [5].
- 77 Transcript of N Bendet, Case Study 22, 10 February 2015, 6815:3–6; Transcript of N Bendet, Case Study 22, 10 February 2015, 6721:28–30.
- 78 Exhibit 22-0048, ‘Statement of Y Smukler’, Case Study 22, STAT.0457.002.0001_R at [2].
- 79 Exhibit 22-0045, ‘Statement of M Kahn’, Case Study 22, STAT.0454.002.0001_R at [3].
- 80 Transcript of M Kluwgant, Case Study 22, 13 February 2015, 7179:10–17, 7187:10.
- 81 Exhibit 22-0034, ‘Statement of D Wolf’, Case Study 22, STAT.0453.002.0001_R at [2].
- 82 Transcript of N Bendet, Case Study 22, 10 February 2015, 6721:28–30.
- 83 Transcript of N Bendet, Case Study 22, 10 February 2015, 6721:24–6.
- 84 Transcript of N Bendet, Case Study 22, 11 February 2015, 6815:3–6.
- 85 The Royal Commission does not make any findings concerning criminal allegations.
- 86 Exhibit 23-0023, Case Study 22, YSV.0001.001.0655_R at 0658_R.
- 87 Transcript of N Bendet, Case Study 22, 10 February 2015, 6737:33–6738:9; Transcript of N Bendet, Case Study 22, 11 February 2015, 6817:41–3.
- 88 Exhibit 22-0029, ‘Statement of AVR’, Case Study 22, STAT.0471.001.0001_R at [7]–[9]; Exhibit 22-0001, ‘Statement of AVA’, Case Study 22, STAT.0461.001.0001_R at [7]–[12]; Exhibit 22-0003, ‘Statement of M Waks’, Case Study 22, STAT.0460.001.0001_R at [18], [20], [25], [43]–[44], [49]–[53]; Exhibit 22-0005, ‘Statement of Z Waks’, Case Study 22, STAT.0169.001.0001_R at [31]; Exhibit 22-0013, ‘Statement of AVC’, Case Study 22, STAT.0467.001.0001_R at [8]; Exhibit 22-0023, Case Study 22, YSV.0001.001.0655_R at 0658_R; Transcript of A Glick, Case Study 22, 12 February 2015, 7017:38–7018:24, 7020:46–7021:7; Exhibit 22-0053, ‘Statement of AVB’, Case Study 22, STAT.0463.001.0001_R at [36]; Transcript of N Bendet, Case Study 22, 10 February 2015, 6737:33–6738:9 .
- 89 Exhibit 23-0023, Case Study 22, YSV.0001.001.0655_R at 0658_R.
- 90 Transcript of N Bendet, Case Study 22, 11 February 2015, 6816:46–6817:15.
- 91 Exhibit 22-0023, Case Study 22, YSV.0001.001.0013.
- 92 Exhibit 22-0023, Case Study 22, YSV.0001.001.0013; Transcript of N Bendet, Case Study 22, 10 February 2015, 6741:46–6742:1.
- 93 Exhibit 22-0023, Case Study 22, YSV.0001.001.0013; Transcript of N Bendet, Case Study 22, 10 February 2015, 6736:35–6737:16, 6740:20–6741:11, 6741:39–6744:14.
- 94 Transcript of N Bendet, Case Study 22, 11 February 2015, 6817:45–6818:3.
- 95 Exhibit 22-0023, Case Study 22, YSV.0001.001.0013.
- 96 Exhibit 22-0023, Case Study 22, VRQA.3001.008.0018_R.
- 97 Exhibit 22-0023, Case Study 22, OPP.3017.008.0037; Exhibit 22-0023, Case Study 22, OPP.3017.011.0026_R at 0029_R.
- 98 Exhibit 22-0023, Case Study 22, OPP.3017.011.0026_R at 0027_R.
- 99 Exhibit 22-0023, Case Study 22, OPP.3017.011.0026_R at 0030_R, 0033_R.
- 100 Exhibit 22-0023, Case Study 22, OPP.3017.011.0026_R.
- 101 Exhibit 22-0023, Case Study 22, OPP.3017.011.0026_R at 0031_R.
- 102 Exhibit 22-0023, Case Study 22, OPP.3017.011.0026_R at 0042_R–0043_R.
- 103 Exhibit 22-0023, Case Study 22, OPP.3017.011.0026_R at 0043_R–0044_R.
- 104 Exhibit 22-0023, Case Study 22, YSV.0010.001.0042 at 0043.
- 105 Exhibit 22-0023, Case Study 22, OPP.3016.002.0108_E_R; Exhibit 22-0023, Case Study 22, YSV.0010.001.0042 at 0043.
- 106 See Exhibit 22-0023, Case Study 22, OPP.3016.002.0113_E_R.
- 107 Exhibit 22-0023, Case Study 22, YSV.0010.001.0042 at 0043.
- 108 Exhibit 22-0023, Case Study 22, YSV.0010.001.0042 at 0043.
- 109 Exhibit 22-0023, Case Study 22, YSV.0010.001.0042 at 0045.
- 110 Exhibit 22-0023, Case Study 22, YSV.0010.001.0042 at 0043–0044.
- 111 Exhibit 22-0023, Case Study 22, YSV.0010.001.0042 at 0043.
- 112 Exhibit 22-0023, Case Study 22, YSV.0010.001.0042 at 0051.
- 113 Exhibit 22-0023, Case Study 22, YSV.0010.001.0042 at 0051.

- 114 B Donnelly, 'Child-molesting rabbi David Kramer deported from Australia', The Age, 25 November 2014, www.theage.com.au/victoria/childmolesting-rabbi-david-kramer-deported-from-australia-20141125-11tum4.html (viewed 21 July 2016).
- 115 Transcript of P Feldman, Case Study 22, 5 February 2015, 6328:27–32.
- 116 Transcript of P Feldman, Case Study 22, 5 February 2015, 6327–6328.
- 117 Exhibit 22-0022, 'Statement of P Feldman', Case Study 22, STAT.0449.002.001_R at [4.1].
- 118 Transcript of P Feldman, Case Study 22, 5 February 2015, 6332:33–47.
- 119 Exhibit 22-0022, 'Statement of P Feldman', Case Study 22, STAT.0448.002.0001_R at [4.3]–[4.6].
- 120 Exhibit 22-0022, 'Statement of P Feldman', Case Study 22, STAT.0448.002.0001_R at [4.4].
- 121 Transcript of Y Feldman, Case Study 22, 6 February 2015, 6396:33–6, 6399:40–3; 6402:39–44. Before August 2003, the students lived in a student dormitory separate from the main premises. After August 2003, students lived in a dormitory on the main premises of Yeshiva: Transcript of Y Feldman, Case Study 22, 6 February 2015, 6400:5–18, 6406.36–41.
- 122 Transcript of Y Feldman, Case Study 22, 6 February 2015, 6408:2–33.
- 123 Transcript of P Feldman, Case Study 22, 5 February 2015, 6316:35–6317:22, 6327:21–3.
- 124 Transcript of P Feldman, Case Study 22, 5 February 2015, 6316:35–6319:38.
- 125 Transcript of P Feldman, Case Study 22, 5 February 2015, 6327:26–41.
- 126 Transcript of P Feldman, Case Study 22, 5 February 2015, 6330:39–6331:01.
- 127 Transcript of P Feldman, Case Study 22, 5 February 2015, 6331:3–5.
- 128 Transcript of Y Feldman, Case Study 22, 9 February 2015, 6618:43–4; Exhibit 22-0022, 'Statement of P Feldman', Case Study 22, STAT.0448.002.0001_R at [6.3.7].
- 129 Exhibit 22-0025, 'Statement of Y Feldman', Case Study 22, STAT.0468.001.0001_R at [1.R.3]–[1.R.4].
- 130 Rabbi Yosef Feldman is also a director of the Sydney Talmudical College Association (STCA), which owns and operates the Yeshiva Gedolah Rabbinical College: Transcript of Y Feldman, Case Study 22, 6 February 2015, 6440:31–9, 6399:13–14.
- 131 Transcript of Y Feldman, Case Study 22, 6 February 2015, 6433:33–6435:17.
- 132 Transcript of Y Feldman, Case Study 22, 6 February 2015, 6472:36.
- 133 Transcript of Y Feldman, Case Study 22, 6 February 2015, 6397:4–7.
- 134 Exhibit 22-0050, 'Statement of BD Lesches', Case Study 22, STAT.0493.001.0001_R at [5]–[8].
- 135 Transcript of P Feldman, Case Study 22, 5 February 2015, 6345:25.
- 136 Transcript, Counsel Assisting the Royal Commission, Ms Gerace, Case Study 22, 13 February 2015, 7257:8–32.
- 137 Transcript of MD Gutnick, Case Study 22, 4 February 2015, 6253:47–6254:15.
- 138 Exhibit 22-0023, Case Study 22, IND.0214.001.0110_R.
- 139 Exhibit 22-0023, Case Study 22, IND.0214.001.0110_R at 0118_R.
- 140 Exhibit 22-0003, 'Statement of M Waks', Case Study 22, STAT.0460.001.0001_R at [11].
- 141 Exhibit 22-0003, 'Statement of M Waks', Case Study 22, STAT.0460.001.0001_R at [18].
- 142 Exhibit 22-0003, 'Statement of M Waks', Case Study 22, STAT.0460.001.0001_R at [6], [7].
- 143 Exhibit 22-0003, 'Statement of M Waks', Case Study 22, STAT.0460.001.0001_R at [11]–[14].
- 144 Exhibit 22-0003, 'Statement of M Waks', Case Study 22, STAT.0460.001.0001_R at [15].
- 145 Exhibit 22-0003, 'Statement of M Waks', Case Study 22, STAT.0460.001.0001_R at [16].
- 146 Exhibit 22-0003, 'Statement of M Waks', Case Study 22, STAT.0460.001.0001_R at [18]–[20].
- 147 Exhibit 22-0003, 'Statement of M Waks', Case Study 22, STAT.0460.001.0001_R at [25].
- 148 Exhibit 22-0003, 'Statement of M Waks', Case Study 22, STAT.0460.001.0001_R at [18]–[19].
- 149 Exhibit 22-0003, 'Statement of M Waks', Case Study 22, STAT.0460.001.0001_R at [28].
- 150 Transcript of M Waks, Case Study 22, 2 February 2015, 6009:42–7.
- 151 Exhibit 22-0003, 'Statement of M Waks', Case Study 22, STAT.0460.001.0001_R at [30], [33], [85].
- 152 Exhibit 22-0003, 'Statement of M Waks', Case Study 22, STAT.0460.001.0001_R at [33].
- 153 Exhibit 22-0003, 'Statement of M Waks', Case Study 22, STAT.0460.001.0001_R at [31], [85].
- 154 Exhibit 22-0003, 'Statement of M Waks', Case Study 22, STAT.0460.001.0001_R at [37].
- 155 Exhibit 22-0003, 'Statement of M Waks', Case Study 22, STAT.0460.001.0001_R at [36], [39].
- 156 Exhibit 22-0003, 'Statement of M Waks', Case Study 22, STAT.0460.001.0001_R at [39], [40].

157 Exhibit 22-0003, 'Statement of M Waks', Case Study 22, STAT.0460.001.0001_R at [39]–[42].
 158 Exhibit 22-0003, 'Statement of M Waks', Case Study 22, STAT.0460.001.0001_R at [43].
 159 Exhibit 22-0003, 'Statement of M Waks', Case Study 22, STAT.0460.001.0001_R at [85]. See also Transcript of
 M Waks, Case Study 22, 2 February 2015, 6037:16–24.
 160 Exhibit 22-003, 'Statement of M Waks', Case Study 22, STAT.0460.001.0001_R at [51]–[53].
 161 Exhibit 22-003, 'Statement of M Waks', Case Study 22, STAT.0460.001.0001_R at [51].
 162 Exhibit 22-0003, 'Statement of M Waks', Case Study 22, STAT.0460.001.0001_R at [58]–[61].
 163 Exhibit 22-0041, Case Study 22, MED.0004.001.0001.
 164 Exhibit 22-0041, Case Study 22, MED.0004.001.0001 at 0002.
 165 Exhibit 22-0041, Case Study 22, MED.0004.001.0001 at 0002.
 166 Transcript of M Waks, Case Study 22, 2 February 2015, 6038:31–2.
 167 Transcript of Z Waks, Case Study 22, 3 February 2015, 6110:23–37, 6111:1–14.
 168 Exhibit 22-0003, 'Statement of M Waks', Case Study 22, STAT.0460.001.0001_R at [93]–[97].
 169 Exhibit 22-0023, Case Study 22, OPP.3017.011.0026_R at 0030_R–0031_R, 0032_R–0033_R.
 170 Exhibit 22-0023, Case Study 22, OPP.3017.011.0026_R at 0030_R–0031_R, 0033_R, 0041_R–0042_R.
 171 Exhibit 22-0023, Case Study 22, OPP.3017.011.0026_R at 0043_R–0044_R.
 172 Transcript of M Waks, Case Study 22, 2 February 2015, 6017:34–40.
 173 Transcript of M Waks, Case Study 22, 2 February 2015, 6038:31–43.
 174 Transcript of M Waks, Case Study 22, 2 February 2015, 6050:22–6.
 175 Exhibit 22-0001, 'Statement of AVA', Case Study 22, STAT.0461.001.0001_R at [7].
 176 Exhibit 22-0001, 'Statement of AVA', Case Study 22, STAT.0461.001.0001_R at [8]–[10].
 177 Exhibit 22-0001, 'Statement of AVA', Case Study 22, STAT.0461.001.0001_R at [12].
 178 Exhibit 22-0001, 'Statement of AVA', Case Study 22, STAT.0461.001.0001_R at [12].
 179 Exhibit 22-0001, 'Statement of AVA', Case Study 22, STAT.0461.001.0001_R at [13].
 180 Exhibit 22-0001, 'Statement of AVA', Case Study 22, STAT.0461.001.0001_R at [13], [14].
 181 AVQ was unwell at the time of the public hearings. AVQ's statement may be found at Exhibit 22-0002,
 'Statement of AVQ', Case Study 22, STAT.0470.001.0001_R; Exhibit 22-0001, 'Statement of AVA', Case Study
 22, STAT.0461.001.0001_R at [14].
 182 Exhibit 22-0002, 'Statement of AVQ', Case Study 22, STAT.0470.001.0001_R at [9].
 183 Exhibit 22-0002, 'Statement of AVQ', Case Study 22, STAT.0470.001.0001_R at [9].
 184 Exhibit 22-0002, 'Statement of AVQ', Case Study 22, STAT.0470.001.0001_R at [9].
 185 Exhibit 22-0001, 'Statement of AVA', Case Study 22, STAT.0461.001.0001_R at [17], [18].
 186 Exhibit 22-0001, 'Statement of AVA', Case Study 22, STAT.0461.001.0001_R at [18].
 187 Exhibit 22-0001, 'Statement of AVA', Case Study 22, STAT.0461.001.0001_R at [19].
 188 Exhibit 22-0001, 'Statement of AVA', Case Study 22, STAT.0461.001.0001_R at [22].
 189 Transcript of AVA, Case Study 22, 2 February 2015, 5993:1–9.
 190 Transcript of AVA, Case Study 22, 2 February 2015, 5993:26–9.
 191 Transcript of AVA, Case Study 22, 2 February 2015, 5993:39–41.
 192 Transcript of AVA, Case Study 22, 2 February 2015, 5993:26–46, 5994:1–22.
 193 Exhibit 22-0023, Case Study 22, OPP.3017.011.0026_R.
 194 Exhibit 22-0023, Case Study 22, OPP.3017.011.0026_R at 0030_R–0031_R, 0033_R, 0041_R.
 195 Exhibit 22-0023, Case Study 22, OPP.3017.011.0026_R at 0043_R–0044_R.
 196 Transcript of AVB, Case Study 22, 4 February 2015, 6202:31–7.
 197 Transcript of AVB, Case Study 22, 4 February 2015, 6202:36–7.
 198 Transcript of AVB, Case Study 22, 4 February 2015, 6202:39–41.
 199 Transcript of AVB, Case Study 22, 4 February 2015, 6202:42–4.
 200 Transcript of AVB, Case Study 22, 4 February 2015, 6202:44–5.
 201 Transcript of AVB, Case Study 22, 4 February 2015, 6208:14–34.
 202 Transcript of AVB, Case Study 22, 4 February 2015, 6208:18–24.
 203 Transcript of AVB, Case Study 22, 4 February 2015, 6208:31–4.
 204 Transcript of AVB, Case Study 22, 4 February 2015, 6203:44–7.
 205 Exhibit 22-0023, Case Study 22, IND.0214.001.0110_R.

- 206 Transcript of AVB, Case Study 22, 4 February 2015, 6204:6–19.
- 207 Transcript of AVB, Case Study 22, 4 February 2015, 6204:28–9.
- 208 Transcript of AVB, Case Study 22, 4 February 2015, 6204:35–7.
- 209 Transcript of AVB, Case Study 22, 4 February 2015, 6209:14–45.
- 210 Transcript of AVB, Case Study 22, 4 February 2015, 6209:47–6210:6.
- 211 Transcript of AVB, Case Study 22, 4 February 2015, 6210:13–20.
- 212 Transcript of AVB, Case Study 22, 4 February 2015, 6214:20–38.
- 213 Exhibit 22-0053, ‘Statement of AVB’, Case Study 22, STAT.0463.001.0001_R at [47].
- 214 Exhibit 22-0053, ‘Statement of AVB’, Case Study 22, STAT.0463.001.0001_R at [48].
- 215 Exhibit 22-0023, Case Study 22, IND.0214.001.0172.
- 216 Exhibit 22-0053, ‘Statement of AVB’, Case Study 22, STAT.0463.001.0001_R at [49].
- 217 Transcript of AVB, Case Study 22, 4 February 2015, 6216:12–25, 6219:37–45.
- 218 Transcript of AVB, Case Study 22, 4 February 2015, 6222:19–37.
- 219 Transcript of AVB, Case Study 22, 4 February 2015, 6222:19–37.
- 220 Transcript of AVB, Case Study 22, 4 February 2015, 6224:35–47.
- 221 Transcript of AVB, Case Study 22, 4 February 2015, 6231:2–34; see also Transcript of AVB, Case Study 22, 4 February 2015, 6229:3–6.
- 222 Transcript of AVB, Case Study 22, 4 February 2015, 6233:5–14.
- 223 Transcript of AVB, Case Study 22, 4 February 2015, 6230:46–6231:8.
- 224 Transcript of AVB, Case Study 22, 4 February 2015, 6232:4–6232:22.
- 225 Transcript of AVB, Case Study 22, 4 February 2015, 6232:24–31. We note that this issue was the subject of a complaint to the Victorian Legal Services Commissioner.
- 226 Transcript of AVB, Case Study 22, 4 February 2015, 6232:29–6233:3.
- 227 Transcript of AVB, Case Study 22, 10 February 2015, 6681:29–6682:37.
- 228 Transcript of AVB, Case Study 22, 10 February 2015, 6683:13–30.
- 229 Exhibit 22-0023, IND.0214.001.0110_R at 0118_R–0019_R.
- 230 Transcript of AVB, Case Study 22, 10 February 2015, 6669:35–44.
- 231 Exhibit 22-0029, ‘Statement of AVR’, Case Study 22, STAT.0471.001.0001_R at [6].
- 232 Exhibit 22-0029, ‘Statement of AVR’, Case Study 22, STAT.0471.001.0001_R at [7], [10].
- 233 Exhibit 22-0029, ‘Statement of AVR’, Case Study 22, STAT.0471.001.0001_R at [11].
- 234 Exhibit 22-0029, ‘Statement of AVR’, Case Study 22, STAT.0471.001.0001_R at [11]–[12].
- 235 Exhibit 22-0029, ‘Statement of AVR’, Case Study 22, STAT.0471.001.0001_R at [13].
- 236 Exhibit 22-0029, ‘Statement of AVR’, Case Study 22, STAT.0471.001.0001_R at [14]–[15].
- 237 Exhibit 22-0029, ‘Statement of AVR’, Case Study 22, STAT.0471.001.0001_R at [10].
- 238 Exhibit 22-0029, ‘Statement of AVR’, Case Study 22, STAT.0471.001.0001_R at [10].
- 239 Exhibit 22-0023, Case Study 22, OPP.3017.008.0037; Exhibit 22-0023, Case Study 22, OPP.3017.011.0026_R at 0029_R.
- 240 Exhibit 22-0023, Case Study 22, OPP.3017.011.0026_R at 0027_R–0030_R, 0040_R–0041_R.
- 241 Exhibit 22-0023, Case Study 22, OPP.3017.011.0026_R at 0030_R–0031_R, 0033_R.
- 242 Exhibit 22-0023, Case Study 22, OPP.3017.011.0026_R at 0040_R–0041_R, 0043_R–0044_R.
- 243 Exhibit 22-0043, ‘Statement of R Tatarka’, Case Study 22, STAT.0487.001.0001_R at [4]–[6], [8]–[11].
- 244 Exhibit 22-0043, ‘Statement of R Tatarka’, Case Study 22, STAT.0487.001.0001_R at [12].
- 245 Exhibit 22-0043, ‘Statement of R Tatarka’, Case Study 22, STAT.0487.001.0001_R at [13]–[14].
- 246 Exhibit 22-0043, ‘Statement of R Tatarka’, Case Study 22, STAT.0487.001.0001_R at [17]–[18].
- 247 Exhibit 22-0023, Case Study 22, OPP.3017.011.0026_R.
- 248 Transcript of A Glick, Case Study 22, 12 February 2015, 7037:29–39.
- 249 Exhibit 22-0002, ‘Statement of AVQ’, Case Study 22, STAT.0470.001.0001_R at [9].
- 250 Exhibit 22-0001, ‘Statement of AVA’, Case Study 22, STAT.0461.001.0001_R at [17]–[18].
- 251 Transcript of A Glick, Case Study 22, 12 February 2015, 7031:15–27.
- 252 Transcript of M Waks, Case Study 22, 2 February 2015, 6007:37–6008:32.
- 253 Transcript of A Glick, Case Study 22, 12 February 2015, 7031:43–7032:11.
- 254 Exhibit 22-0003, ‘Statement of M Waks’, Case Study 22, STAT.0460.001.0001_R at [41]–[43].

255 Exhibit 22-0003, 'Statement of M Waks', Case Study 22, STAT.0460.001.0001_R at [43].

256 Exhibit 22-0003, 'Statement of M Waks', Case Study 22, STAT.0460.001.0001_R at [51].

257 Exhibit 22-0003, 'Statement of M Waks', Case Study 22, STAT.0460.001.0001_R at [51].

258 Exhibit 22-0039, 'Statement of A Glick', Case Study 22, STAT.0452.002.0001_R at [20].

259 Transcript of Z Waks, Case Study 22, 3 February 2015, 6088:5–18.

260 Exhibit 22-0039, 'Statement of A Glick', Case Study 22, STAT.0452.002.0001_R at [17]–[21]; Exhibit 22-0007, Case Study 22, OPP.3016.002.0113_E_R at [4], [6], [7]–[11].

261 Transcript of Z Waks, Case Study 22, 3 February 2015, 6092:6–18.

262 Exhibit 22-005, 'Statement of Z Waks', Case Study 22, STAT.0469.001.0001_R at [13].

263 Exhibit 22-0006, Case Study 22, OPP.3016.002.0105_E_R.

264 Exhibit 22-0007, Case Study 22, OPP.3016.002.0113_E_R at 0115_E_R; Transcript of Z Waks, Case Study 22, 3 February 2015, 6093:1–9.

265 Exhibit 22-0007, Case Study 22, OPP.3016.002.0113_E_R at 0115_E_R.

266 Transcript of A Glick, Case Study 22, 12 February 2015, 7006:9–25; Transcript of D Wolf, Case Study 22, 11 February 2015, 6866:45–6867:10; Transcript of N Bendet, Case Study 22, 11 February 2015, 6766:15–37.

267 Exhibit 22-0023, Case Study 22, YSV.0010.001.0042 at 0043.

268 Exhibit 22-0023, Case Study 22, YSV.0010.001.0042 at 0043–0044.

269 Exhibit 22-0023, Case Study 22, YSV.0010.001.0042 at 0043, 0050–0051.

270 Exhibit 22-0023, Case Study 22, YSV.0010.001.0042 at 0053.

271 Exhibit 22-0023, Case Study 22, YSV.0001.001.0417 at 0417.

272 Transcript of N Bendet, Case Study 22, 10 February 2015, 6742:16–6743:18, 6752:16–6753:7.

273 Exhibit 22-0023, Case Study 22, IND.0214.001.0172.

274 Transcript of M Kluwgant, Case Study 22, 13 February 2015, 7186:37–44.

275 Transcript of Z Telsner, Case Study 22, 12 February 2015, 7077:33–40.

276 Transcript of Z Telsner, Case Study 22, 12 February 2015, 7080:11–16.

277 Transcript of AVB, Case Study 22, 4 February 2015, 6219:29–45.

278 Transcript of N Bendet, Case Study 22, 10 February 2015, 6757:26–30.

279 Transcript of Z Telsner, Case Study 22, 12 February 2015, 7080:33–42.

280 Transcript of M Kluwgant, Case Study 22, 13 February 2015, 7186:14–17.

281 Exhibit 22.0015, Case Study 22, YSV.0001.001.0512_R.

282 Transcript of Z Telsner, Case Study 22, 12 February 2015, 7081:1–4.

283 Transcript of M Kluwgant, Case Study 22, 13 February 2015, 7186:7–7187:11.

284 Transcript of A Glick, Case Study 22, 12 February 2015, 7041:14–24.

285 Transcript of M Gutnick, Case Study 22, 12 February 2015, 6979:5–9.

286 Exhibit 22-0023, Case Study 22, YSV.0001.001.0512_R.

287 Transcript of AVB, Case Study 22, 4 February 2015, 6223:21; Transcript of Z Telsner, Case Study 22, 12 February 2015, 7082:19–7084:20.

288 Exhibit 22-0053, 'Statement of AVB', Case Study 22, STAT.0463.001.0001_R at [55].

289 Exhibit 22-0053, 'Statement of AVB', Case Study 22, STAT.0463.001.0001_R at [56].

290 Transcript of AVB, Case Study 22, 10 February 2015, 6673:18–33, 6674:10.

291 Transcript of Z Telsner, Case Study 22, 12 February 2015, 7081:12–7084:20.

292 Transcript of Z Telsner, Case Study 22, 12 February 2015, 7082:19–29.

293 Transcript of Z Telsner, Case Study 22, 13 February 2015, 7100:14–36, 7102:35–7103:13.

294 Transcript of Z Telsner, Case Study 22, 13 February 2015, 7100:14–36, 7102:12–26.

295 Transcript of Z Telsner, Case Study 22, 13 February 2015, 7103:35–47.

296 Transcript of Z Telsner, Case Study 22, 13 February 2015, 7154:20–7155:12.

297 Transcript of Z Telsner, Case Study 22, 13 February 2015, 7154:20–42.

298 Exhibit 22-0053, 'Statement of AVB', Case Study 22, STAT.0463.001.0001_R at [57]–[59]. Rabbi Kluwgant was known to AVB as a rabbi and employee of the Yeshiva Centre. See Transcript of AVB, Case Study 22, 4 February 2015, 6224:29–36.

299 Transcript of M Kluwgant, Case Study 22, 13 February 2015, 7187:7–11.

300 Exhibit 22-0023, Case Study 22, IND.0214.001.0166_R.

301 Transcript of M Kluwgant, Case Study 22, 13 February 2015, 7188:11–36.
302 Transcript of M Kluwgant, Case Study 22, 13 February 2015, 7190:32–41.
303 Transcript of M Kluwgant, Case Study 22, 13 February 2015, 7190:38–46.
304 Exhibit 22-0053, ‘Statement of AVB’, Case Study 22, STAT.0463.001.0001_R at [59]; Exhibit 22-0023, Case Study 22, IND.0214.003.0728_R; Transcript of AVB, Case Study 22, 4 February 2015, 6224:42–6225:3.
305 Exhibit 22-0041, Case Study 22, MED.0004.001.0001.
306 Exhibit 22-0005, ‘Statement of Z Waks’, Case Study 22, STAT.0469.001.0008_R at [37].
307 Exhibit 22-0023, Case Study 22, YSV.0001.001.0425_R at 0428.
308 Exhibit 22-0023, Case Study 22, YSV.0001.001.0425_R at 0428_R.
309 Exhibit 22-0023, Case Study 22, YSV.0001.001.0425_R at 0427_R.
310 Exhibit 22-0023, Case Study 22, YSV.0001.001.0425_R at 0427_R.
311 Exhibit 22-0023, Case Study 22, YSV.0001.001.0425_R at 0425_R–0426_R.
312 Exhibit 22-0011, Case Study 22, YSV.0001.001.0339; Transcript of N Bendet, Case Study 22, 11 February 2015, 6792:36–6794:3.
313 Exhibit 22-0023, Case Study 22, YSV.0001.001.0339.
314 Transcript of Z Waks, Case Study 22, 3 February 2015, 6136:22–34.
315 Transcript of Z Telsner, Case Study 22, 13 February 2015, 7088:9–24.
316 Transcript of Z Telsner, Case Study 22, 13 February 2015, 7087:31–47.
317 Transcript of Z Telsner, Case Study 22, 13 February 2015, 7098:19–40.
318 Transcript of Z Waks, Case Study 22, 3 February 2015, 6140:38–6141:11.
319 Transcript of Z Waks, Case Study 22, 3 February 2015, 6140:38–6141:11.
320 Transcript of Z Waks, Case Study 22, 3 February 2015, 6146:13–6147:20.
321 Transcript of Z Waks, Case Study 22, 3 February 2015, 6140:38–6141:11.
322 Transcript of N Bendet, Case Study 22, 10 February 2015, 6730:8–6731:4
323 Transcript of N Bendet, Case Study 22, 10 February 2015, 6731:6–33.
324 Transcript of Z Telsner, Case Study 22, 13 February 2015, 7087:3–12.
325 Transcript of Z Waks, Case Study 22, 3 February 2015, 6141:8–12; Exhibit 22-0005, ‘Statement of Z Waks’, Case Study 22, STAT.0469.001.0001_R at [38]–[39].
326 Exhibit 22-0012, Case Study 22, YSV.0001.001.0465_R.
327 Transcript of Z Telsner, Case Study 22, 13 February 2015, 7097:9–12.
328 Transcript of Z Telsner, Case Study 22, 13 February 2015, 7096:8–19, 7102:2–19.
329 Transcript of Z Telsner, Case Study 22, 13 February 2015, 7090:39–43.
330 Transcript of Z Telsner, Case Study 22, 13 February 2015, 7097:14–31.
331 Transcript of Z Telsner, Case Study 22, 13 February 2015, 7096:41–7097:30, 7104:10–17.
332 Transcript of Z Telsner, Case Study 22, 13 February 2015, 7104:19–24.
333 Transcript of Z Telsner, Case Study 22, 13 February 2015, 7154:20–7155:12.
334 Transcript of Z Telsner, Case Study 22, 13 February 2015, 7154:20–42.
335 Transcript of Z Telsner, Case Study 22, 13 February 2015, 7132:43–7134:4.
336 Transcript of Z Telsner, Case Study 22, 13 February 2015, 7132:43–7133:46.
337 Transcript of Z Waks, Case Study 22, 3 February 2015, 6144:42–6146:7.
338 Exhibit 22-0053, ‘Statement of AVB’, Case Study 22, STAT.0463.001.0001_R.
339 Exhibit 22-0029, ‘Statement of AVR’, Case Study 22, STAT.0471.001.0001_R.
340 Exhibit 22-0003, ‘Statement of M Waks’, Case Study 22, STAT.0460.001.0001_R.
341 Exhibit 22-0013, ‘Statement of AVC’, Case Study 22, STAT.0467.001.0001_R.
342 Exhibit 22-0005, ‘Statement of Z Waks’, Case Study 22, STAT.0469.001.0001_R; Transcript of Z Waks, Case Study 22, 3 February 2015, 6109:36–6111:6.
343 Exhibit 22-0013, ‘Statement of AVC’, Case Study 22, STAT.0467.001.0001_R at [5].
344 Exhibit 22-0013, ‘Statement of AVC’, Case Study 22, STAT.0467.001.0001_R at [12]–[14].
345 Exhibit 22-0013, ‘Statement of AVC’, Case Study 22, STAT.0467.001.0001_R at [16].
346 Exhibit 22-0005, ‘Statement of Z Waks’, Case Study 22, STAT.0469.001.0001_R at [36].
347 Exhibit 22-0023, Case Study 22, YSV.0001.001.0425_R; Transcript of M Waks, Case Study 22, 2 February 2015, 6043:3–43; Transcript of AVB, Case Study 22, 10 February 2015, 6251:33–45.

- 348 Exhibit 22-0023, Case Study 22, YSV.0001.001.0425_R at 0428; Transcript of Z Waks, Case Study 22, 3 February 2015, 6170:14–26; Exhibit 22-0004, Case Study 22, IND.0199.014.0001_R; Transcript of AVB, Case Study 22, 4 February 2015, 6236:3–11; Exhibit 22-0013, ‘Statement of AVC’, Case Study 22, STAT.0467.001.0001_R at [12]–[24].
- 349 Exhibit 22-0010, Case Study 22, YSV.0001.001.0425_R at 0428_R; Transcript of Z Waks, Case Study 22, 3 February 2015, 6126:21–46.
- 350 Transcript of Z Waks, Case Study 22, 3 February 2015, 6143:23–6144:40.
- 351 Transcript of AVB, Case Study 22, 10 February 2015, 6672:26–34.
- 352 Exhibit 22-0005, ‘Statement of Z Waks’, Case Study 22, STAT.0469.001.0001_R at [44]–[48]; Exhibit 22-0053, ‘Statement of AVB’, Case Study 22, STAT.0463.001.0001_R at [138].
- 353 Transcript of MD Gutnick, Case Study 22, 4 February 2015, 6292:14–20.
- 354 Transcript of Z Telsner, Case Study 22, 13 February 2015, 7121:1–7124:19; Exhibit 22-0023, Case Study 22, YSV.0001.001.0442_R.
- 355 Transcript of M Kluwgant, Case Study 22, 13 February 2015, 7197:12–44.
- 356 Transcript of M Kluwgant, Case Study 22, 13 February 2015, 7197:12–44.
- 357 Submissions on behalf of M Kluwgant, Case Study 22, SUBM.1022.008.0001_R at 0009_R.
- 358 Exhibit 22-0023, Case Study 22, YSV.0001.001.0343.
- 359 Transcript of M Waks, Case Study 22, 2 February 2016, 6025:24–38.
- 360 Exhibit 22-0023, Case Study 22, YSV.0001.001.0353.
- 361 Exhibit 22-0052, Case Study 22, IND.0248.001.0051.
- 362 Transcript of N Bendet, Case Study 22, 11 February 2015, 6782:17–25; Transcript of D Wolf, Case Study 22, 11 February 2015, 6868:33–8.
- 363 Transcript of AVA, Case Study 22, 2 February 2015, 5995:23–31.
- 364 Transcript of AVA, Case Study 22, 2 February 2015, 5996:7–14.
- 365 Transcript of Y Glasman, Case Study 22, 13 February 2015, 7173:1–21.
- 366 Transcript of D Wolf, Case Study 22, 11 February 2015, 6847:11–21.
- 367 Transcript of D Wolf, Case Study 22, 11 February 2015, 6851:8–16.
- 368 Transcript of D Wolf, Case Study 22, 11 February 2015, 6849:45–6850:13, 6851:2–20.
- 369 Exhibit 22-0001, ‘Statement of AVA’, Case Study 22, STAT.0461.001.0001_R at [17]; Exhibit 22-0003, ‘Statement of M Waks’, Case Study 22, STAT.0460.001.0001_R at [7]; Exhibit 22-0040, ‘Statement of Z Telsner’, Case Study 22, STAT.0456.002.0001_R at [6].
- 370 Exhibit 22-0034, ‘Statement of D Wolf’, Case Study 22, STAT.0453.002.0001_R at [9]–[10].
- 371 Transcript of D Wolf, Case Study 22, 11 February 2015, 6848:15–22.
- 372 Transcript of M Kluwgant, Case Study 22, 13 February 2015, 7183:13–37.
- 373 Transcript of M Kluwgant, Case Study 22, 13 February 2015, 7183:29–37.
- 374 Transcript of D Wolf, Case Study 22, 11 February 2015, 6871:30–7.
- 375 Transcript of AVB, Case Study 22, 10 February 2015, 6678:24–6679:41.
- 376 Transcript of AVB, Case Study 22, 10 February 2015, 6680:10–21.
- 377 Transcript of A Glick, Case Study 22, 12 February 2015, 7013:8–22.
- 378 Transcript of A Glick, Case Study 22, 12 February 2015, 7013:8–22.
- 379 Exhibit 22-0034, ‘Statement of D Wolf’, Case Study 22, STAT.0453.002.0001_R at [10].
- 380 Transcript of A Glick, Case Study 22, 12 February 2015, 7037:41–3.
- 381 Transcript of D Wolf, Case Study 22, 11 February 2015, 6866:11–6868:31.
- 382 *Children and Young Persons (Further Amendment) Act 1993* (Vic) inserted s 64(1A) into the *Children and Young Persons Act 1989* (Vic). Teachers and principals were proclaimed as mandated reporters effective 18 July 1994 (Government Gazette, 14 July 1994, p 1977).
- 383 Transcript of A Glick, Case Study 22, 12 February 2015, 6988:21–9.
- 384 Transcript of A Glick, Case Study 22, 12 February 2015, 7040:39–40.
- 385 Submissions on behalf of Yeshivah Melbourne, Case Study 22, SUBM.1022.011.0001.
- 386 Transcript of A Glick, Case Study 22, 12 February 2015, 6988:21–9.
- 387 Transcript of A Glick, Case Study 22, 12 February 2015, 7037:41–7038:2; Transcript of D Wolf, Case Study 22, 11 February 2015, 6866:11–6868:6.

- 388 Exhibit 22-0039, 'Statement of A Glick', Case Study 22, STAT.0452.002.0001_R at [43].
 389 *Children, Youth and Families Act 2005* (Vic).
 390 Transcript of A Glick, Case Study 22, 12 February 2015, 7005:22–43.
 391 Transcript of A Glick, Case Study 22, 12 February 2015, 6993:3–16.
 392 Transcript of A Glick, Case Study 22, 12 February 2015, 7045:40–5.
 393 Transcript of A Glick, Case Study 22, 12 February 2015, 7040:39–40.
 394 Exhibit 22-0048, 'Statement of Y Smukler', Case Study 22, STAT.0457.002.0001_R at [2].
 395 Transcript of Y Smukler, Case Study 22, 13 February 2015, 7229:26–32.
 396 Exhibit 22-0048, 'Statement of Y Smukler', Case Study 22, STAT.0457.002.0001_R at [55]–[93].
 397 Exhibit 22-0023, Case Study 22, YSV.0001.001.0271.
 398 Exhibit 22-0048, 'Statement of Y Smukler', Case Study 22, STAT.0457.002.0001_R at [60]; Transcript of Y Smukler, Case Study 22, 13 February 2015, 7246:1–34.
 399 Exhibit 22-0048, 'Statement of Y Smukler', Case Study 22, STAT.0457.002.0001_R at [7(a)]–[7(b)]; Transcript of Y Smukler, Case Study 22, 13 February 2015, 7221:14–19.
 400 Exhibit 22-0048, 'Statement of Y Smukler', Case Study 22, STAT.0457.002.0001_R at [61], [63].
 401 Exhibit 22-0048, 'Statement of Y Smukler', Case Study 22, STAT.0457.002.0001_R at [66].
 402 Exhibit 22-0048, 'Statement of Y Smukler', Case Study 22, STAT.0457.002.0001_R at [67]–[85].
 403 Exhibit 22-0048, 'Statement of Y Smukler', Case Study 22, STAT.0457.002.0001_R at [68(a)].
 404 Exhibit 22-0048, 'Statement of Y Smukler', Case Study 22, STAT.0457.002.0001_R at [68(b)(i)]; Transcript of Y Smukler, Case Study 22, 13 February 2015, 7217:29–34.
 405 Exhibit 22-0048, 'Statement of Y Smukler', Case Study 22, STAT.0457.002.0001_R at [68(b)(ii)].
 406 Exhibit 22-0048, 'Statement of Y Smukler', Case Study 22, STAT.0457.002.0001_R at [68(c)(i)]–[68(c)(iii)].
 407 Exhibit 22-0048, 'Statement of Y Smukler', Case Study 22, STAT.0457.002.0001_R at [68(c)(iv)].
 408 Exhibit 22-0048, 'Statement of Y Smukler', Case Study 22, STAT.0457.002.0001_R at [78].
 409 Exhibit 22-0048, 'Statement of Y Smukler', Case Study 22, STAT.0457.002.0001_R at [79].
 410 Exhibit 22-0048, 'Statement of Y Smukler', Case Study 22, STAT.0457.002.0001_R at [73].
 411 Exhibit 22-0048, 'Statement of Y Smukler', Case Study 22, STAT.0457.002.0001_R at [73(e)].
 412 Exhibit 22-0048, 'Statement of Y Smukler', Case Study 22, STAT.0457.002.0001_R at [71].
 413 Exhibit 22-0048, 'Statement of Y Smukler', Case Study 22, STAT.0457.002.0001_R at [75].
 414 Exhibit 22-0048, 'Statement of Y Smukler', Case Study 22, STAT.0457.002.0001_R at [76(c)].
 415 Exhibit 22-0048, 'Statement of Y Smukler', Case Study 22, STAT.0457.002.0001_R at [77].
 416 Exhibit 22-0048, 'Statement of Y Smukler', Case Study 22, STAT.0457.002.0001_R at [77].
 417 Exhibit 22-0048, 'Statement of Y Smukler', Case Study 22, STAT.0457.002.0001_R at [81].
 418 Exhibit 22-0048, 'Statement of Y Smukler', Case Study 22, STAT.0457.002.0001_R at [84].
 419 Exhibit 22-0023, Case Study 22, STAT.0454.002.0036; Exhibit 22-0045, 'Statement of M Kahn', Case Study 22, STAT.0454.002.0001_R at [12].
 420 Exhibit 22-0045, 'Statement of M Kahn', Case Study 22, STAT.0454.002.0001_R at [13].
 421 Exhibit 22-0045, 'Statement of M Kahn', Case Study 22, STAT.0454.002.0001_R at [13].
 422 Exhibit 22-0045, 'Statement of M Kahn', Case Study 22, STAT.0454.002.0001_R at [14].
 423 Exhibit 22-0023, Case Study 22, STAT.0454.002.0008 at 0036.
 424 Exhibit 22-0045, 'Statement of M Kahn', Case Study 22, STAT.0454.002.0001_R at [14].
 425 Exhibit 22-0045, 'Statement of M Kahn', Case Study 22, STAT.0454.002.0001_R at [20], [22].
 426 Exhibit 22-0045, 'Statement of M Kahn', Case Study 22, STAT.0454.002.0001_R at [23].
 427 Exhibit 22-0045, 'Statement of M Kahn', Case Study 22, STAT.0454.002.0001_R at [24]–[25].
 428 Exhibit 22-0045, 'Statement of M Kahn', Case Study 22, STAT.0454.002.0001_R at [26]–[30].
 429 Exhibit 22-0045, 'Statement of M Kahn', Case Study 22, STAT.0454.002.0001_R at [29]–[30].
 430 Exhibit 22-0045, 'Statement of M Kahn', Case Study 22, STAT.0454.002.0001_R at [31]–[32].
 431 Exhibit 22-0045, 'Statement of M Kahn', Case Study 22, STAT.0454.002.0001_R at [31], [33].
 432 Exhibit 22-0045, 'Statement of M Kahn', Case Study 22, STAT.0454.002.0001_R at [39]; Exhibit 22-0023, Case Study 22, YSV.0001.001.0080.
 433 Exhibit 22-0048, 'Statement of Y Smukler', Case Study 22, STAT.0457.002.0001_R at [16].
 434 Exhibit 22-0048, 'Statement of Y Smukler', Case Study 22, STAT.0457.002.0001_R at [18].

- 435 Exhibit 22-0048, 'Statement of Y Smukler', Case Study 22, STAT.0457.002.0001_R at [19].
- 436 Exhibit 22-0048, 'Statement of Y Smukler', Case Study 22, STAT.0457.002.0001_R at [20].
- 437 Exhibit 22-0048, 'Statement of Y Smukler', Case Study 22, STAT.0457.002.0001_R at [21].
- 438 Exhibit 22-0048, 'Statement of Y Smukler', Case Study 22, STAT.0457.002.0001_R at [21].
- 439 Exhibit 22-0048, 'Statement of Y Smukler', Case Study 22, STAT.0457.002.0001_R at [22].
- 440 Exhibit 22-0023, Case Study 22, YSV.0001.001.0081_R.
- 441 Exhibit 22-0048, 'Statement of Y Smukler', Case Study 22, STAT.0457.002.0001_R at [29]; Exhibit 22-0023, Case Study 22, YSV.0001.001.0086.
- 442 Exhibit 22-0048, 'Statement of Y Smukler', Case Study 22, STAT.0457.002.0001_R at [29].
- 443 Exhibit 22-0023, Case Study 22, YSV.0001.001.0087; Exhibit 22-0048, 'Statement of Y Smukler', Case Study 22, STAT.0457.002.0001_R at [30].
- 444 Exhibit 22-0023, Case Study 22, YSV.0001.001.0087.
- 445 Exhibit 22-0023, Case Study 22, YSV.0001.001.0090_R.
- 446 Exhibit 22-0023, Case Study 22, YSV.0001.001.0090_R; Exhibit 22-0048, 'Statement of Y Smukler', STAT.0457.002.0001_R at [31].
- 447 Exhibit 22-0024, 'Statement of Redacted', Case Study 22, NSW.2021.001.0221_R.
- 448 Exhibit 22-0024, 'Statement of Redacted', Case Study 22, NSW.2021.001.0221_R at [4]–[8].
- 449 Exhibit 22-0024, 'Statement of Redacted', Case Study 22, NSW.2021.001.0221_R at [10].
- 450 Exhibit 22-0024, 'Statement of Redacted', Case Study 22, NSW.2021.001.0221_R at [10]–[11].
- 451 Exhibit 22-0024, 'Statement of Redacted', Case Study 22, NSW.2021.001.0221_R at [11].
- 452 Exhibit 22-0024, 'Statement of Redacted', Case Study 22, NSW.2021.001.0221_R at [11].
- 453 Exhibit 22-0050, 'Statement of BD Lesches', Case Study 22, STAT.0493.001.0001_R at [17]–[18].
- 454 Exhibit 22-0019, 'Statement of MD Gutnick', Case Study 22, STAT.0458.001.0001 at [17].
- 455 Exhibit 22-0019, 'Statement of MD Gutnick', Case Study 22, STAT.0458.001.0001 at [15]–[17].
- 456 Exhibit 22-0019, 'Statement of MD Gutnick', Case Study 22, STAT.0458.001.0001 at [32]–[33].
- 457 Exhibit 22-0019, 'Statement of MD Gutnick', Case Study 22, STAT.0458.001.0001 at [33].
- 458 Exhibit 22-0024, 'Statement of Redacted', Case Study 22, NSW.2021.001.0225_R.
- 459 Exhibit 22-0024, 'Statement of Redacted', Case Study 22, NSW.2021.001.0225_R at [9].
- 460 Exhibit 22-0024, 'Statement of Redacted', Case Study 22, NSW.2021.001.0225_R at [9]; Exhibit 22-0024, 'Statement of Redacted', Case Study 22, NSW.2021.001.0239_R at [6]–[8].
- 461 Exhibit 22-0024, 'Statement of Redacted', Case Study 22, NSW.2021.001.0225_R at [10].
- 462 Exhibit 22-0024, 'Statement of Redacted', Case Study 22, NSW.2021.001.0225_R at [15].
- 463 Exhibit 22-0024, 'Statement of Redacted', Case Study 22, NSW.2021.001.0225_R at [17]–[18].
- 464 Exhibit 22-0024, 'Statement of Redacted', Case Study 22, NSW.2021.001.0225_R at [19].
- 465 Exhibit 22-0024, 'Statement of Redacted', Case Study 22, NSW.2021.001.0225_R at [19].
- 466 Exhibit 22-0024, 'Statement of Redacted', Case Study 22, NSW.2021.001.0225_R at [19].
- 467 Exhibit 22-0024, 'Statement of Redacted', Case Study 22, NSW.2021.001.0225_R at [19].
- 468 Exhibit 22-0024, 'Statement of Redacted', Case Study 22, NSW.2021.001.0239_R; Exhibit 22-0024, 'Statement of Redacted', Case Study 22, NSW.2021.001.0242_R.
- 469 Exhibit 22-0024, 'Statement of Redacted', Case Study 22, NSW.2021.001.0239_R at [6]–[7]; Exhibit 22-0024, 'Statement of Redacted', Case Study 22, NSW.2021.001.0242_R at [8].
- 470 Exhibit 22-0024, 'Statement of Redacted', Case Study 22, NSW.2021.001.0242_R at [9]; Exhibit 22-0024, 'Statement of Redacted', Case Study 22, NSW.2021.001.0239_R at [9].
- 471 Exhibit 22-0024, 'Statement of Redacted', Case Study 22, NSW.2021.001.0239_R at [10].
- 472 Exhibit 22-0050, 'Statement of BD Lesches', Case Study 22, STAT.0493.001.0001_R at [23].
- 473 Exhibit 22-0050, 'Statement of BD Lesches', Case Study 22, STAT.0493.001.0001_R at [24].
- 474 Exhibit 22-0053, 'Statement of AVB', Case Study 22, STAT.0463.001.0001_R at [76].
- 475 Transcript of AVB, Case Study 22, 4 February 2015, 6237:12–21.
- 476 Transcript of AVB, Case Study 22, 4 February 2015, 6237:34–6.
- 477 Exhibit 22-0053, 'Statement of AVB', Case Study 22, STAT.0463.001.0001_R at [78].
- 478 Transcript of AVB, Case Study 22, 4 February 2015, 6238:20–34.
- 479 Transcript of AVB, Case Study 22, 4 February 2015, 6241:36–9; Exhibit 22-0053, 'Statement of AVB', Case

Study 22, STAT.0463.001.0001_R at [83]–[91].

480 Transcript of AVB, Case Study 22, 4 February 2015, 6241:43–6.

481 Transcript of AVB, Case Study 22, 4 February 2015, 6242:1–6423:6.

482 Transcript of AVB, Case Study 22, 4 February 2015, 6243:26–43.

483 Rabbi Lesches was notified that the public hearing was being held and was invited to make himself available for questioning, but he declined to do so: see Transcript, Counsel Assisting the Royal Commission, Ms Gerace, Case Study 22, 13 February 2015, 7257:8–32.

484 Exhibit 22-0050, ‘Statement of BD Lesches’, STAT.0493.001.0001_R at [27].

485 Exhibit 22-0050, ‘Statement of BD Lesches’, STAT.0493.001.0001_R at [12], [14]–[15], [30].

486 Exhibit 22-0050, ‘Statement of BD Lesches’, STAT.0493.001.0001_R at [28].

487 Exhibit 22-0050, ‘Statement of BD Lesches’, STAT.0493.001.0001_R at [31].

488 Exhibit 22-0050, ‘Statement of BD Lesches’, STAT.0493.001.0001_R at [31].

489 Exhibit 22-0023, Case Study 22, NPF.053.002.0030_E_R at 0031_E_R.

490 Exhibit 22-0023, Case Study 22, NPF.053.002.0030_E_R at 0031_E_R.

491 Transcript of P Feldman, Case Study 22, 5 February 2015, 6341:44.

492 Transcript of P Feldman, Case Study 22, 5 February 2015, 6353:7–11, 6361:28.

493 Transcript of P Feldman, Case Study 22, 5 February 2015, 6342:21–3.

494 Transcript of P Feldman, Case Study 22, 5 February 2015, 6362:16–31.

495 Transcript of P Feldman, Case Study 22, 5 February 2015, 6374:18–21.

496 Transcript of Y Feldman, Case Study 22, 6 February 2015, 6420:14–22.

497 Exhibit 22-0023, Case Study 22, NPF.053.002.0507_E_R at 0508_E_R.

498 Exhibit 22-0023, Case Study 22, NPF.053.002.0507_E_R at 0508_E_R.

499 Exhibit 22-0023, Case Study 22, NPF.053.002.0507_E_R at 0508_E_R.

500 Exhibit 22-0044, ‘Statement of William Conway’, Case Study 22, STAT.0492.001.0001 at [8].

501 Exhibit 22-0023, Case Study 22, NPF.053.002.0507_E_R at 0508_E_R.

502 Exhibit 22-0023, Case Study 22, NPF.053.002.0507_E_R at 0508_E_R.

503 Exhibit 22-0023, Case Study 22, NPF.053.002.0507_E_R at 0508_E_R.

504 Exhibit 22-0023, Case Study 22, NPF.053.002.0507_E_R at 0508_E_R.

505 Exhibit 22-0044, ‘Statement of William Conway’, Case Study 22, STAT.0492.001.0001 at [10].

506 Exhibit 22-0023, Case Study 22, NPF.053.002.0507_E_R at 0508.

507 Exhibit 22-0044, ‘Statement of William Conway’, Case Study 22, STAT.0492.001.0001 at [11].

508 Exhibit 22-0023, Case Study 22, NPF.053.002.0507_E_R at 0508_E_R.

509 Exhibit 22-0023, Case Study 22, NPF.053.002.0507_E_R at 0509_E_R; Exhibit 22-0044, ‘Statement of William Conway’, Case Study 22 at [11]–[12]; Exhibit 22-0023, Case Study 22, YSV.0005.001.0026_R.

510 Transcript of Y Feldman, Case Study 22, 6 February 2015, 6410:44–5, 6411:1–3, 6411:5–9, 6411:19–34.

511 Transcript of Y Feldman, Case Study 22, 6 February 2015, 6410:25–42.

512 Transcript of Y Feldman, Case Study 22, 6 February 2015, 6422:12–15, 6423:39–6424:8.

513 Transcript of P Feldman, Case Study 22, 5 February 2015, 6372:47, 6373:1–3; Transcript of Y Feldman, Case Study 22, 6 February 2015, 6432:11–15.

514 Transcript of P Feldman, Case Study 22, 5 February 2015, 6371:1–6.

515 Transcript of Y Feldman, Case Study 22, 6 February 2015, 6412:2–21.

516 Transcript of P Feldman, Case Study 22, 5 February 2015, 6377:28–32; Transcript of Y Feldman, Case Study 22, 6 February 2015, 6411:27–38.

517 Transcript of Y Feldman, Case Study 22, 6 February 2015, 6412:40–47.

518 Transcript of Y Feldman, Case Study 22, 6 February 2015, 6413:16–31.

519 Transcript of Y Feldman, Case Study 22, 6 February 2015, 6417:25–30.

520 Transcript of Y Feldman, Case Study 22, 6 February 2015, 6417:32–6418:13.

521 Transcript of Y Feldman, Case Study 22, 6 February 2015, 6425:13–17.

522 Transcript of Y Feldman, Case Study 22, 6 February 2015, 6429:11–29.

523 Transcript of P Feldman, Case Study 22, 5 February 2015, 6377:14–46; Exhibit 22-0025, ‘Statement of Y Feldman’, Case Study 22, STAT.0468.001.0001_R at [2.R.(b).1]–[2.R.(b).1].

524 Transcript of P Feldman, Case Study 22, 5 February 2015, 6377:39–46.

525 Transcript of Y Feldman, Case Study 22, 6 February 2015, 6418:36–9.
 526 Transcript of Y Feldman, Case Study 22, 6 February 2015, 6419:11.
 527 Transcript of Y Feldman, Case Study 22, 6 February 2015, 6431:4–13.
 528 Transcript of Y Feldman, Case Study 22, 6 February 2015, 6431:4–13.
 529 Transcript of Y Feldman, Case Study 22, 6 February 2015, 6423:39–6424:8.
 530 Transcript of Y Feldman, Case Study 22, 6 February 2015, 6424:10–34, 6425:29–45.
 531 Transcript of Y Feldman, Case Study 22, 6 February 2015, 6425:47–6427:3.
 532 Exhibit 22-0023, Case Study 22, KTC.0001.001.0033_R.
 533 Exhibit 22-0023, Case Study 22, NPF.053.002.0507_E_R at 0509_E_R.
 534 Exhibit 22-0023, Case Study 22, NPF.053.002.0507_E_R at 0509_E_R.
 535 Exhibit 22-0023, Case Study 22, NPF.053.002.0507_E_R at 0510_E_R.
 536 Exhibit 22-0023, Case Study 22, NPF.053.002.0507_E_R at 0510_E_R.
 537 Exhibit 22-0023, Case Study 22, KTC.0001.001.0043.
 538 Exhibit 22-0023, Case Study 22, OMB.0008.001.0294_R at 0296_R.
 539 Exhibit 22-0023, Case Study 22, OMB.0008.001.0293_R.
 540 Exhibit 22-0023, Case Study 22, OMB.0008.001.0282_R.
 541 Exhibit 22-0019, ‘Statement of M Gutnick’, Case Study 22, STAT.0458.001.0001.
 542 Exhibit 22-0019, ‘Statement of M Gutnick’, Case Study 22, STAT.0458.001.0001 at [20].
 543 Transcript of MD Gutnick, Case Study 22, 4 February 2015, 6263:16–36.
 544 Transcript of MD Gutnick, Case Study 22, 4 February 2015, 6264:7–24.
 545 Transcript of MD Gutnick, Case Study 22, 4 February 2015, 6264:7–24.
 546 Transcript of MD Gutnick, Case Study 22, 4 February 2015, 6264:28–32; Exhibit 22-0019, ‘Statement of M Gutnick’, Case Study 22, STAT.0458.001.0001 at [21].
 547 Transcript of MD Gutnick, Case Study 22, 4 February 2015, 6264:32–3; Exhibit 22-0019, ‘Statement of M Gutnick’, Case Study 22, STAT.0458.001.0001 at [21].
 548 Transcript of MD Gutnick, Case Study 22, 4 February 2015, 6264:33–5; Exhibit 22-0019, ‘Statement of M Gutnick’, Case Study 22, STAT.0458.001.0001 at [21].
 549 Transcript of MD Gutnick, Case Study 22, 4 February 2015, 6264:36–7, 6264:2–7; Exhibit 22-0019, ‘Statement of M Gutnick’, Case Study 22, STAT.0458.001.0001 at [21].
 550 Transcript of MD Gutnick, Case Study 22, 4 February 2015, 6264:38–44.
 551 Transcript of MD Gutnick, Case Study 22, 4 February 2015, 6264:38–44, 6264:2–7.
 552 Transcript of MD Gutnick, Case Study 22, 4 February 2015, 6264:26–47, 6264:9–11.
 553 Transcript of MD Gutnick, Case Study 22, 4 February 2015, 6265:37.
 554 Transcript of Y Feldman, Case Study 22, 6 February 2015, 6423:39–6424:34.
 555 Transcript of Y Feldman, Case Study 22, 6 February 2015, 6433:12–22, 6430:39–6431:2, 6423:39–41.
 556 Transcript of Y Feldman, Case Study 22, 6 February 2015, 6422:23.
 557 Transcript of Y Feldman, Case Study 22, 6 February 2015, 6425:37–40.
 558 Transcript of Y Feldman, Case Study 22, 6 February 2015, 6424:27–31.
 559 Exhibit 22-0025, ‘Statement of Y Feldman’, Case Study 22, STAT.0468.001.0004_R at [2.R.(b).7].
 560 Exhibit 22-0025, ‘Statement of Y Feldman’, Case Study 22, STAT.0468.001.0001_R at [2.R.(b).5].
 561 Transcript of Y Feldman, Case Study 22, 6 February 2015, 6422:31, 6429:31–41.
 562 Transcript of Y Feldman, Case Study 22, 6 February 2015, 6429:39.
 563 Transcript of Y Feldman, Case Study 22, 6 February 2015, 6427:5–14, 6427:16–28.
 564 Transcript of Y Feldman, Case Study 22, 6 February 2015, 6428:22–8, 6428:43–6429:09.
 565 Transcript of Y Feldman, Case Study 22, 6 February 2015, 6438:27–6439:8.
 566 Transcript of Y Feldman, Case Study 22, 6 February 2015, 6419:7–16.
 567 Exhibit 22-0023, Case Study 22, IND.0214.001.0179_R.
 568 Transcript of Y Feldman, Case Study 22, 6 February 2015, 6445:33–42, 6446:38–6447:4, 6447:11–14.
 569 Exhibit 22-0023, Case Study 22, KAA.0001.001.0102_R at 0102_R.
 570 Exhibit 22-0023, Case Study 22, IND.0214.001.0179_R at 0179_R.
 571 Exhibit 22-0023, Case Study 22, KAA.0001.001.0102_R at 0107_R.
 572 Exhibit 22-0023, Case Study 22, IND.0214.001.0179 at 0181_R.

- 573 Exhibit 22-0023, Case Study 22, IND.0214.001.0179 at 0180_R.
574 Exhibit 22-0023, Case Study 22, IND.0214.001.0179 at 0180_R.
575 Exhibit 22-0023, Case Study 22, KAA.0001.001.0071 at 0075_R.
576 Exhibit 22-0023, Case Study 22, KAA.0001.001.0102_R at 0109_R; Transcript of Y Feldman, Case Study 22, 6 February 2015, 6444:10–11.
577 Transcript of Y Feldman, Case Study 22, 6 February 2015, 6445:18–20.
578 Transcript of Y Feldman, Case Study 22, 6 February 2015, 6445:20–5.
579 Transcript of Y Feldman, Case Study 22, 6 February 2015, 6445:27–42.
580 Transcript of Y Feldman, Case Study 22, 6 February 2015, 6457:5–8.
581 Transcript of Y Feldman, Case Study 22, 6 February 2015, 6472:44–6473:5, 6480:25–38, 6481:13–15, 6481:38–47.
582 Transcript of Y Feldman, Case Study 22, 6 February 2015, 6444:45–6445:14, 6472:23–42; Exhibit 22-0025, ‘Supplementary Statement of Y Feldman’, Case Study 22, STAT.0468.002.0001.
583 Transcript of Y Feldman, Case Study 22, 9 February 2015, 6507:45–6508:12.
584 Exhibit 22-0026, Case Study 22, IND.0236.001.0001_R.
585 Exhibit 22-0026, Case Study 22, IND.0236.001.0001_R.
586 Exhibit 22-0026, Case Study 22, IND.0236.001.0001_R at 0004_R.
587 Exhibit 22-0026, Case Study 22, IND.0236.001.0001_R at 0002_R.
588 Transcript of Y Feldman, Case Study 22, 9 February 2015, 6509:7–9; Exhibit 22-0026, Case Study 22, IND.0236.001.0001_R.
589 Transcript of Y Feldman, Case Study 22, 9 February 2015, 6512:12–18.
590 Transcript of Y Feldman, Case Study 22, 9 February 2015, 6512:2–6.
591 Transcript of Y Feldman, Case Study 22, 9 February 2015, 6514:17–25.
592 Exhibit 22-0023, Case Study 22, KAA.0001.001.0022_R.
593 Exhibit 22-0023, Case Study 22, KAA.0001.001.0022_R at 0023_R.
594 Exhibit 22-0023, Case Study 22, KAA.0001.001.0022_R at 0023_R.
595 Exhibit 22-0023, Case Study 22, KAA.0001.001.0022_R.
596 Exhibit 22-0023, Case Study 22, KAA.0001.001.0022_R.
597 Exhibit 22-0023, Case Study 22, KAA.0001.001.0022_R.
598 Transcript of Y Feldman, Case Study 22, 9 February 2015, 6537:29–32.
599 Transcript of Y Feldman, Case Study 22, 9 February 2015, 6539:42–6540:15.
600 Transcript of Y Feldman, Case Study 22, 9 February 2015, 6540:17–27.
601 Transcript of Y Feldman, Case Study 22, 9 February 2015, 6540:34–38.
602 Transcript of Y Feldman, Case Study 22, 9 February 2015, 6524:27–34.
603 Transcript of Y Feldman, Case Study 22, 9 February 2015, 6540:34–38.
604 Submissions on behalf of Y Feldman, Case Study 22, SUBM.1022.010.0001 at 0024–0025.
605 Transcript of Y Feldman, Case Study 22, 9 February 2015, 6537:43–6538:1.
606 Exhibit 22-0053, ‘Statement of AVB’, Case Study 22, STAT.0463.001.0001_R at [95].
607 Exhibit 22-0027, Case Study 22, IND.0236.004.0001_R.
608 Transcript of Y Feldman, Case Study 22, 9 February 2015, 6556:44–47, 6557:4–11.
609 Exhibit 22-0027, Case Study 22, IND.0236.004.001_R.
610 Transcript of Y Feldman, Case Study 22, 9 February 2015, 6553:38–6556:47.
611 Transcript of Y Feldman, Case Study 22, 9 February 2015, 6543:8–11.
612 Transcript of Y Feldman, Case Study 22, 9 February 2015, 6543:21–31.
613 Transcript of Y Feldman, Case Study 22, 9 February 2015, 6543:33–6.
614 Transcript of Y Feldman, Case Study 22, 9 February 2015, 6543:41–6.
615 Exhibit 22-0028, Case Study 22, IND.0214.004.0001_R at 0004_R.
616 Exhibit 22-0028, Case Study 22, IND.0214.004.0001_R at 0004_R.
617 Exhibit 22-0028, Case Study 22, IND.0214.004.0001_R at 0004_R.
618 Exhibit 22-0028, Case Study 22, IND.0214.004.0001_R at 0002_R; Transcript of Y Feldman, Case Study 22, 9 February 2015, 6559:43–6560:10.
619 Exhibit 22-0028, Case Study 22, IND.0214.004.0001_R at 0003_R.

- 620 Exhibit 22-0028, Case Study 22, IND.0214.004.0001_R at 0003_R.
- 621 Exhibit 22-0028, Case Study 22, IND.0214.004.0001_R at 0002_R.
- 622 Transcript of Y Feldman, Case Study 22, 9 February 2015, 6544:42–6545:6.
- 623 Transcript of Y Feldman, Case Study 22, 9 February 2015, 6547:46–6548:2–3.
- 624 Transcript of Y Feldman, Case Study 22, 9 February 2015, 6550:46–7, 6551:1–2.
- 625 Exhibit 22-0023, Case Study 22, YSV.0016.001.0004_R; Transcript of Y Feldman, Case Study 22, 9 February 2015, 6573:4–12.
- 626 Exhibit 22-0023, Case Study 22, YSV.0016.001.0004_R; Transcript of Y Feldman, Case Study 22, 9 February 2015, 6573:26–8.
- 627 Exhibit 22-0023, Case Study 22, YSV.0016.001.0001_R.
- 628 Exhibit 22-0023, Case Study 22, YSV.0016.001.0002_R.
- 629 Exhibit 22-0023, Case Study 22, YSV.0016.001.0001_R.
- 630 Exhibit 22-0023, Case Study 22, YSV.0016.001.0008_R at 0013_R.
- 631 Exhibit 22-0023, Case Study 22, YSV.0016.001.0008 at 0013_R–0014_R.
- 632 Exhibit 22-0023, Case Study 22, YSV.0016.001.0008 at 00013_R–00014_R.
- 633 Transcript of Y Feldman, Case Study 22, 9 February 2015, 6574:4–6581:2.
- 634 Transcript of Y Feldman, Case Study 22, 9 February 2015, 6576:45–6577:2.
- 635 Transcript of Y Feldman, Case Study 22, 9 February 2015, 6578:36–43.
- 636 Exhibit 22-0023, Case Study 22, YSV.0016.001.0008_R at 0012_R–00013_R.
- 637 Exhibit 22-0023, Case Study 22, IND.0214.001.0110_R.
- 638 Transcript of Y Feldman, Case Study 22, 9 February 2015, 6582:33–46.
- 639 Exhibit 22-0023, Case Study 22, YSV.0016.001.0005_R.
- 640 See, for example, Transcript of Y Feldman, Case Study 22, 9 February 2015, 6556:16–6557:13.
- 641 Exhibit 22-0023, Case Study 22, YSV.0016.001.0005_R.
- 642 Exhibit 22-0023, Case Study 22, YSV.0016.001.0005_R.
- 643 Transcript of AVB, Case Study 22, 4 February 2015, 6252:24–30.
- 644 Exhibit 22-0031, Case Study 22, IND.0236.002.0001.
- 645 Transcript of AVB, Case Study 22, 4 February 2015, 6252:32–3.
- 646 Transcript of AVB, Case Study 22, 4 February 2015, 6252:32–6253:5.
- 647 Transcript of Y Feldman, Case Study 22, 9 February 2015, 6572:3–19, 6647:16–26.
- 648 Transcript of Y Feldman, Case Study 22, 6 February 2015, 6438:12–31.
- 649 Transcript of Y Feldman, Case Study 22, 6 February 2015, 6636:43–45.
- 650 Transcript of Y Feldman, Case Study 22, 6 February 2015, 6437:32–40.
- 651 Transcript of Y Feldman, Case Study 22, 9 February 2015, 6604:36–37.
- 652 Transcript of Y Feldman, Case Study 22, 6 February 2015, 6438:3–5, which ought be read together with Transcript of Y Feldman, Case Study 22, 9 February 2015, 6604:27–31.
- 653 Transcript of Y Feldman, Case Study 22, 6 February 2015, 6438:8–10.
- 654 Transcript of Y Feldman, Case Study 22, 9 February 2015, 6606:18–21.
- 655 Transcript of Y Feldman, Case Study 22, 6 February 2015, 6439:38–44.
- 656 Transcript of Y Feldman, Case Study 22, 6 February 2015, 6439:38–44; see also Transcript of Y Feldman, Case Study 22, 9 February 2015, 6606:17.
- 657 Transcript of Y Feldman, Case Study 22, 9 February 2015, 6600:26–8.
- 658 Transcript of Y Feldman, Case Study 22, 9 February 2015, 6600:40.
- 659 Transcript of Y Feldman, Case Study 22, 9 February 2015, 6601:4–7.
- 660 Transcript of Y Feldman, Case Study 22, 9 February 2015, 6525:45–6.
- 661 Transcript of Y Feldman, Case Study 22, 9 February 2015, 6525:47.
- 662 Transcript of Y Feldman, Case Study 22, 9 February 2015, 6526:34.
- 663 Transcript of Y Feldman, Case Study 22, 9 February 2015, 6524:44–6525:6.
- 664 Transcript of Y Feldman, Case Study 22, 9 February 2015, 6513:2–35.
- 665 Exhibit 22-0025, ‘Statement of Y Feldman’, Case Study 22, STAT.0468.002.0001.
- 666 Transcript of Y Feldman, Case Study 22, 6 February 2015, 6438:22–3.
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669 Exhibit 22-0025, 'Further Statement of Y Feldman', Case Study 22, STAT.0468.002.0001.
670 Exhibit 22-0025, 'Further Statement of Y Feldman', Case Study 22, STAT.0468.002.0001.
671 Exhibit 22-0025, 'Further Statement of Y Feldman', Case Study 22, STAT.0468.002.0001.
672 Transcript of Y Feldman, Case Study 22, 9 February 2015, 6650:33–41.
673 Exhibit 22-0023, Case Study 22, IND.0214.001.0179; Exhibit 22-0023, Case Study 22, KAA.0001.001.0002_R;
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KAA.0001.001.0071_R; Exhibit 22-0023, Case Study 22, KAA.0001.001.0119_R; Exhibit 22-0023, Case Study
22, KAA.0001.001.0061_R; Exhibit 22-0026, Case Study 22, IND.0236.001.0001_R; Exhibit 22-0023, Case
Study 22, KAA.0001.001.0022_R.
674 Exhibit 22-0027, Case Study 22, IND.0236.004.0001_R.
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676 Submissions on behalf of Y Feldman, Case Study 22, SUBM.1022.010.0001; Submissions on behalf of Y
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677 Submissions on behalf of Y Feldman, Case Study 22, SUBM.1022.010.0001 at 0002.
678 Transcript of M Waks, Case Study 22, 2 February 2015, 6040:12–46; Transcript of A Glick, Case Study 22, 12
February 2015, 6996:6–13.
679 Transcript of M Waks, Case Study 22, 2 February 2015, 6040:12–6041:17.
680 Exhibit 22-0053, 'Statement of AVB', Case Study 22, STAT.0463.001.0001_R at [100].
681 Transcript of P Feldman, Case Study 22, 5 February 2015, 6380:18–26, 6384:7–12.
682 Exhibit 22-0022, 'Supplementary Statement of P Feldman', Case Study 33, STAT.0448.004.0001_R at [19];
Transcript of P Feldman, Case Study 22, 5 February 2015, 6380:18–26, 6384:7–12.
683 Exhibit 22-0022, 'Supplementary Statement of P Feldman', Case Study 33, STAT.0448.004.0001_R at [20];
Transcript of P Feldman, Case Study 22, 5 February 2015, 6384:14–19.
684 Transcript of P Feldman, Case Study 22, 5 February 2015, 6385:26–32.
685 Transcript of P Feldman, Case Study 22, 5 February 2015, 6385:34–6386:22.
686 Exhibit 22-0022, 'Statement of P Feldman', Case Study 22, STAT.0448.002.0001_R at [6.6.1], [6.6.2].
687 Transcript of P Feldman, Case Study 22, 5 February 2015, 6342:16–23.
688 Transcript of P Feldman, Case Study 22, 5 February 2015, 6342:25–31.
689 Exhibit 22-0022, 'Statement of P Feldman', Case Study 22, STAT.0449.002.0001_R at [6.6.2].
690 Exhibit 22-0023, Case Study 22, YSV.0008.001.0001 at 0006–0012, 0063.
691 Exhibit 22-0023, Case Study 22, YSV.0005.001.0001.
692 Exhibit 22-0023, Case Study 22, YSV.0005.001.0013 at 0014.
693 Exhibit 22-0023, Case Study 22, YSV.0005.001.0013 at 0013–0014; Exhibit 22-0023, Case Study 22,
YSV.0005.001.0001 at 0007.
694 Exhibit 22-0023, Case Study 22, YSV.0005.001.0023_R.
695 Exhibit 22-0023, Case Study 22, YSV.0005.001.0023_R.
696 Exhibit 22-0023, Case Study 22, YSV.0005.001.0023_R.
697 Transcript of P Feldman, 5 February 2015, 6363:12; Transcript of Y Feldman, 6 February 2015, 6438:22–
6439:8.
698 Transcript of P Feldman, 5 February 2015, 6363:27–30.
699 Exhibit 22-0025 'Statement of Y Feldman', Case Study 22, STAT.0468.001.0001_R.
700 Transcript of P Feldman, Case Study 22, 5 February 2015, 6342:31.
701 Transcript of P Feldman, Case Study 22, 5 February 2015, 6363:22–5, 6363:25, 6331:22–6332:8.
702 Transcript of Y Feldman, Case Study 22, 6 February 2015, 6408:2–33.
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