

## Extracts from Committee of Management Minutes

**Date: Tuesday March 29th 2011**

Time: 8.45am

Venue: Yeshivah Boardroom

Present: Nechama Bendet, Don Wolf, Michael Goldhirsch, Chaim New, Merv Adler, Shimshi Jurkowicz, Chaim Raitman,

Apologies: Yirmi Loebenstein, Shlomo Werdiger.

### **Other business**

NB has been notified by the police that they are seeking to extradite David Kramer to face charges. Yeshivah will fully cooperate with the police and subject to receiving legal advice and a police request in writing, will provide the class lists of students who were taught by David Kramer.

**Date: Tuesday June 21, 2011**

Time: 8.45am

Venue: Yeshivah Boardroom

Present: Don Wolf, Chaim Raitman, Merv Adler, Nechama Bendet, Sue Suskind, Yirmi Loebenstein.

Apologies: Chaim New, Shimshi Jurkowicz, Michael Goldhirsch, Shlomo Werdiger.

### **Kramer matter**

Rabbi Smukler will write to the parents regarding the police investigation confirming that Yeshivah is cooperating with the police and assuring parents that the College has a number of processes in place to protect the safety of the students.

**Date: Tuesday 15<sup>th</sup> May, 2012**

Time: 7.45am

Venue: Yeshivah Boardroom

Present: Nechama Bendet, Don Wolf, Chaim New, Sue Susskind, Merv Adler, Chaim Raitman, Shimshi Jurkowicz, Michael Goldhirsch.

Apologies: Shlomo Werdiger

### **VCAT application re FOI**

NB reported that a parent has applied to VCAT for the Victorian Police to release information under FOI in relation to SD Cyprus and his employment at Yeshivah. It was agreed that it is not appropriate for Yeshivah to be involved in this hearing.

### **Committee of Management Meeting 22.05.12**

#### **Yeshivah College Briefing Document**

<b>***Cyprys Case</b>	<ul style="list-style-type: none"> <li>• School proactively released a simple statement to the AJN.</li> <li>• The Age has produced 3 lead articles and as yet not contacted the school (to date: 15/5/2012)</li> <li>• To date it seems there is a clear separation between the past and the present, therefore the direct impact on Yeshivah College is minimal</li> </ul>
-----------------------	--

	<ul style="list-style-type: none"> <li>• Tremendous embarrassment to the legacy of Rabbi Groner and Rabbanei Chabad</li> <li>• Attack on Rabbi Glick's integrity – 15/5/12</li> <li>• Believe YC should send a letter to the parent body, alumni and major supporters reiterating our policy of assisting and supporting those in need as well as preventative measures and education occurring within the school in regards to child protection</li> </ul>
--	---

**Date: Tuesday, June 26, 2012**

Time: 8.45am

Venue: Yeshivah Boardroom

Present: Chaim Raitman, Don Wolf, Chaim New, Merv Adler, Shlomo Werdiger, Sue Susskind, Nechama Bendet, Yirmi Loebenstein, Shimshi Jurkowicz.

Apologies: Michael Goldhirsch

**Letter to the community.**

It was unanimously agreed that the COM should write a letter to the community regarding the current the sexual abuse issues. NB to recirculate the current draft letter and SW draft letter/s. The majority of members agreed that a reference to Rabbi Glick should not be included in the letter. Members are asked to feedback final comments within the next 2 days. Once settled, the letter will be posted to everyone on our mailing list being over 5,000 people.

**Date: Monday, August 6, 2012**

Time: 8pm

Venue: Yeshivah Boardroom

Present: Don Wolf, Chaim Raitman, Nechama Bendet, Sue Susskind, Merv Adler, Chaim New, Shimshi Jurkowicz, Michael Goldhirsch, Yirmi Loebenstein.

Apologies: Shlomo Werdiger

**Request for access to Yeshivah**

NB reported that last year, Yeshivah Centre excluded Ezzy Kestecher from the Yeshivah premises. Ezzy has sought, via a lawyer, access to the Yeshivah shule following the charges against him being withdrawn by the Victorian Police. Ezzy will be advised, via our lawyers, that he will continue to be precluded from the premises.

**Date: Tuesday 4th December, 2012**

Time: 7.45am

Venue: Yeshivah Boardroom

Present: Nechama Bendet, Sue Susskind, Chaim Raitman, Don Wolf, Merv Adler, Shimshi Jurkowicz, Yirmi Loebenstein.

Apologies: Shlomo Werdiger

NB reported that there was a meeting with ECAJ representatives on 23 November 2012 regrading sexual abuse matters. Danny Lamm, Peter Wertheim, Nechama Bendet, Chaim

New, Michael Goldhirsch, Rabbi Smukler, Rabbi Telsner (towards end of meeting) were present. At the meeting:

1. CN and RS outlined steps being undertaken by Yeshivah to cooperate with police, provide best practice in child protection and encourage those with information to go to the police.
2. PW recommended that Yeshivah:
  - Ensure all staff including security staff and cleaners have working with children's check.
  - Prepare a comprehensive document outlining the chronology of steps we have taken with documents to back it up.
  - Record file notes of RT speech in shule from RT and other mispallelim re cooperating with police but refraining from Loshen Horah.
  - Review our procedures with a plaintiff lawyer to look for any potential 'holes'
  - Consult with Dr Cathy Kezelman (Sydney) a child abuse survivor and advocate
  - Identifying advocates for the centre and brief them on steps being done by YC so they can become ambassadors
  - Contact journalists including Zeddy Lawrence, Andrew Rule, Bolt, Harding etc. to provide them with a briefing
  - Meet with politicians from both sides of politics, state and federal to brief them (include Tony Lupton who is likely to return to politics)
  - Stay in contact with Police and ensure that they are aware of steps we are taking.

It was agreed that there should be a coordinated response to action some of the points above. It was noted that if past actions are raised, Yeshivah should respond by noting that the matter that is now before the courts and we are fully cooperating with the authorities.

**Date: Monday, April 8th, 2013**

Time: 8pm

Venue: Yeshivah Boardroom

Present: Don Wolf, Nechama Bendet, Shlomo Werdiger, Michael Goldhirsch, Shimshi Jurkowicz, Merv Adler, Sue Susskind, Chaim New.

Apologies: Chaim Raitman, Yirmi Loebenstein

### **Zephania Waks**

NB reported that ZW has lodged a complaint of religious vilification with the Victorian Equal Opportunity and Human Rights Commission. The Commission does not have the power to make orders or award compensation. Yeshivah will be appropriately represented on the Commission conciliation. Once the conciliation is completed, Yeshivah will consider making a statement to the community on the matter. Chaim new will consult with Ian Waller QC re issuing a statement to the community.

**Date: Tuesday April 23rd, 2013**

**Time:** 7.45am

**Venue:** Yeshivah Boardroom

**Present:** Don Wolf, Yirmi Loebenstein, Sue Suskind, Nechama Bendet, Merv Adler, Chaim Raitman, Shlomo Werdiger.

**Apologies:** Shimshi Jurkowicz, Michael Goldhirsch, Chaim New

### **Zephania Waks**

Yeshivah will notify the Victorian Equal Opportunity Commission that we are prepared to participate in conciliation on the basis that it is confidential, and we will be legally represented. If no agreement is reached at conciliation, the complainant may decide to take the matter to VCAT. SW suggested Ralph Greenberger or Max Casen as our legal representative. Sam Tatarka is also a possibility.

### **Herald Sun article**

NB and David Maddocks sought counsel from Jeremy Ruskin QC in relation to the Herald Sun article alleging that Yeshivah pressured Kramer to plead guilty. Yeshivah's lawyers have written to the Herald Sun editor seeking a retraction of the article. If no retraction is forthcoming, Yeshivah should report the matter to the Press Council. NB to seek information under FOI of visits to David Kramer while he was on remand.

**Date: Tuesday April 30th, 2013**

**Time:** 8am

**Venue:** Yeshivah Boardroom

**Present:** Don Wolf, Shlomo Werdiger, Merv Adler, Shimshi Jurkowicz, Sue Suskind, Nechama Bendet, Yirmi Loebenstein, Chaim Raitman

**Apologies:** Chaim New,

### **Zephania Waks**

The conciliation at the Human Rights Commission is scheduled to take place on May 21, 2013. Yeshivah will be represented by a barrister. Yeshivah has requested a confidentiality agreement be signed by the parties and ZW is seeking to place conditions on the confidentiality agreement. NB to discuss with Ian Waller SC

### **Herald Sun article**

The Herald Sun has not responded to our request for a retraction so we will be lodging a complaint with the Australian Press Council. We will also seek to obtain information regarding who visited David Kramer in prison.

**Date: Tuesday 11 June 2013**

**Time:** 7.45am

**Venue:** Yeshivah Boardroom

**Present:** Don Wolf, Shlomo Werdiger, Merv Adler, Shimshi Jurkowicz, Nechama Bendet, Chaim New, Sue Suskind, Chaim Raitman.

**Apologies:** Michael Goldhirsch

**Zephania Waks**

Ian Waller QC was approached by Colin Galvin QC to attempt to resolve issues with ZW through a meeting between Yeshivah and ZW with the lawyers present. Yeshivah has previously told ZW that they would allocate aliyas on the same basis as others, if he is prepared to act in a respectful manner to Rabbi Telsner. CN will speak with Ian Waller to ascertain whether a meeting is a viable way forward on the basis that Yeshivah position on the matter is clear.

**Date: Tuesday 8 April, 2014**

Time: 7.45am

Venue: Yeshivah Boardroom

Present: Chaim Raitman, Don Wolf, Shlomo Werdiger, Merv Adler, Sue Suskind, Nechama Bendet, Shimshi Jurkowicz

Apologies: Chaim New, Michael Goldhirsch

**Claim by victims of sexual abuse**

NB reported that Yeshivah has received notification from a lawyer that victims of Kramer and Cyprys are claiming that Yeshivah breached its duty of care to protect them. Yeshivah has referred the correspondence to our lawyers and insurers.

**Date: Tuesday, May 13 2014**

Time: 7.45am

Venue: Yeshivah Boardroom

Present: Chaim Raitman, Don Wolf, Shlomo Werdiger, Yirmi Loebenstein, Shimshi Jurkowicz, Merv Adler, Sue Susskind, Nechama Bendet.

**Claim by victims of sexual abuse**

NB reported that recently a lawyer acting for a number of clients who were sexually assaulted, contacted the Yeshivah, alleging that Yeshivah was negligent and breached their duty of care.

Our legal advisors and insurers have been notified of the claim and we are in the process of seeking legal advice.

We were also provided, as a courtesy, with a copy of a writ that Manny Waks has filed with the Supreme Court. At this stage, the writ has not been served on the defendants but it is likely that this will occur in the future.

There has been, and is likely to continue to be, some media coverage about this matter.

Yeshivah needs to take a strong independent advice from senior counsel. The COM agreed to approach Robert Richter QC for preliminary advice

SY suggests obtaining advice regarding the heavily discounted school fees that were provided to ZW over many years.

**Date: Tuesday 19 August 2014**

**Time: 7.45am**

**Venue: Yeshivah Boardroom**

**Present: Don Wolf, Moshe Kahn, Yirmi Loebenstein, Merv Adler, Sue Suskind, Nechama Bendet, Chaim New, Chaim Raitman, Shimshi Jurkowicz**

**Apologies: Michael Goldhirsch, Shlomo Werdiger**

### **Sexual abuse claim**

Yeshivah has been issued with a writ from three victims for damages.

### **First 2 claims**

Yeshivah is seeking confirmation from the insurers that we are covered for the first 2 claims and early indications are that we are insured with a \$25,000 excess per plaintiff. The plaintiffs' lawyer has indicated a willingness to suspend legal proceedings and enter into informal negotiations. At this stage, Yeshivah is waiting for confirmation from the insurers that we are covered for the first 2 claims and will obtain independent legal advice before deciding on how best to proceed.

### **Third claim**

Insurance will not cover the claim by the third victim as the offence occurred in 1984, prior to their retroactive date of coverage. Yeshivah has not accepted service from the third victim as the entity didn't exist in 1984. Ronny Tatarka has been listed as a defendant and has filed a notice of appearance. Ronny is seeking confirmation that Yeshivah will cover/support his defence. Once the statement of claim has been served, Yeshivah will seek legal advice regarding next steps.