



WATCHTOWER

BIBLE AND TRACT SOCIETY OF AUSTRALIA

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LLA April 9, 2013

The Honourable Georgie Crozier, MP
Chair of the Family and Community
Development Committee
Parliament House, Spring Street
EAST MELBOURNE VIC 3002

Email: fcdc@parliament.vic.gov.au

Dear Ms Crozier

Inquiry into the Handling of Child Abuse by Religious and Other Non-Government Organisations

Thank you for your letter dated 2 April 2013, in relation to the public hearing to be held on 11 April 2013. Prior to our appearance at that hearing, we would like to provide you with the following background information.

Legal Governance Structure

We are the organisation responsible for coordinating the activities of Jehovah's Witnesses in Australia. The Australian branch office of Jehovah's Witnesses is based in Denham Court, New South Wales.

Profile of Jehovah's Witnesses in Victoria

There are almost 13,000 Jehovah's Witnesses, including approximately 2,000 ministers, in congregations throughout Victoria.

Our Letter to Bodies of Elders dated October 1, 2012

The seriousness with which we view our responsibility in relation to protecting children can be seen from the contents of our letter to the Bodies of Elders dated October 1, 2012. We understand that you already have a copy of the letter from the Christian Congregation of Jehovah's Witnesses New York, which we have reproduced with minor amendments. Please find attached a copy of our October 1, 2012 letter, noting the amendments, which we provided to all elders in Australia (Annexure 1).

Following the distribution of our October 1, 2012 letter to all Bodies of Elders, we conducted seminars with over 5,500 elders throughout Australia to ensure that they were thoroughly familiar with the directions provided therein.

Elders are directed in that letter to contact the branch office immediately when they learn of an allegation of child abuse. This is done to ensure that elders fully comply with any legal requirements that may be applicable in the State in which they reside, as well as to ensure that the matter is fully dealt with according to theocratic procedures.

Framework to Protect the Safety of Children

Our October 1, 2012 letter to the Bodies of Elders, however, was prepared within the following framework established by Jehovah's Witnesses, which is based on the articles set forth in Annexure 2:

1. All children have the right to be protected from abuse.
2. Safeguarding children is of the utmost importance. We abhor child abuse and consider it to be a serious sin and a crime. —Romans 12:9.

3. Jehovah's Witnesses do not condone child abuse under any circumstances or endeavour to shield from the authorities those committing offences of this nature. —Romans 13:1-4.
4. We believe that parents have the primary responsibility for the protection and the safety of their children. Thus, we do not separate children from their parents for the purpose of instruction. —Ephesians 6:4.
5. Therefore, parents who are members of a congregation must be vigilant in exercising this responsibility at all times and are expected to:
 - a. have direct and active involvement in their children's lives;
 - b. appropriately educate themselves and their children about child abuse; and
 - c. encourage, promote, and maintain regular communication with their children.
—Deuteronomy 6:6, 7; Proverbs 22:3.
6. To assist parents to fulfil this responsibility, the congregations make use of the abundant information and advice published by Jehovah's Witnesses.¹
7. The congregations do not provide or sponsor any activities that isolate children from their parents, such as crèches, playgroups, Sunday schools, youth groups, clubs, choirs or camps.
8. We believe that the interests of children are best served by encouraging, promoting, and maintaining good communication between members of the congregation and congregation elders based on trust, a shared respect for Bible principles, and a mutual interest in caring for and safeguarding children. —Galatians 6:5.
9. Conversations with congregation elders relating to spiritual counselling or assistance are confidential and are not shared with third parties other than other elders and the branch office, as the case may require, based on Jehovah's Witnesses' established religious procedures. However, should such conversations include information which indicates that a child may be at risk of harm then that information is conveyed to the extent necessary to ensure that children are safeguarded.
10. For the safeguarding of children and because child abuse is a serious sin, any congregation member who in any way learns of child abuse involving someone who associates with Jehovah's Witnesses are directed to advise an elder of the situation as soon as possible. —Leviticus 5:1.
11. If an allegation involving child abuse is brought to the attention of congregation elders, two elders are directed to contact the branch office of Jehovah's Witnesses as soon as possible to request situation-specific guidance and direction. Congregation elders are directed to comply with all relevant laws. —Romans 13:1.
12. Congregation elders are directed to treat victims of child abuse with compassion, understanding, and kindness. (Colossians 3:12) As patient spiritual and confidential counsellors, they are directed and expected to carefully listen with empathy and respect whenever such a victim desires to express himself or herself to them. —James 1:19; Proverbs 21:13.²
13. In the case of any discussion with a child abuse victim, elders are directed that no one elder is to be alone with the child but they must include another elder and the child's parent, guardian, or another holder of parental responsibility for the child, other than a person who is the alleged abuser.

¹ Please refer to Annexure 2.

² Prior to offering counselling assistance, it is recommended that elders review information such as that found in *Awake!*, October 8, 1993, "Consoling Adult Survivors of Childhood Trauma."

14. Elders have been directed that *any* Jehovah's Witness who sexually abuses a child is either to be disfellowshipped from the congregation or is to receive severe discipline, part of which will always include a public announcement for the protection of the congregation. (1 Corinthians 5:13) However, if the individual concerned serves in any appointed capacity in the congregation, such as an elder, even prior to any decision being made as to whether or not he is to be disfellowshipped, he will *immediately* be removed from his position as a minister and an announcement will be made to the congregation confirming his removal. —1 Timothy 3:1-7, 10; Titus 1:7.

Evidence Acts

In Victoria, statutory provisions govern the obligations of ministers of religion in relation to disclosing religious confessions. Under the *Evidence Act 1958*,³ the privilege belonged to the person making the communication, namely the penitent. The privilege could be waived with the consent of the penitent. Therefore, an elder who was asked to give evidence about communications which fell under that section was required to claim privilege on behalf of the penitent unless the penitent gave his/her consent for the information to be disclosed.

Since the introduction of the *Evidence Act 2008*, however, the privilege belongs to the minister and the penitent's consent to divulge a religious confession is no longer required.⁴ Therefore, there is no longer any statutory impediment to an elder disclosing confessions in relation to child abuse.

Mandatory Reporting

In Victoria, mandatory reporting of physical or sexual abuse is currently required of professionals such as doctors, nurses, police and school teachers.⁵ We note that the mandatory reporting of suspected cases of child abuse does not currently apply to ministers of religion.

Nevertheless, [REDACTED] if the Victorian Government extends mandatory reporting under the *Children, Youth and Families Act 2005* to ministers of religion, we will fully comply with such provisions, as we already do in every country where such reporting is mandatory.

In the absence of a legal obligation to report, the decision to report an allegation is a matter for the victim and/or the victim's family. When elders contact the branch office of Jehovah's Witnesses, from jurisdictions where there is no mandatory reporting requirement for ministers of religion, on every occasion elders are specifically directed that they are to advise the victim and/or the victim's family that they are completely free to report the matter to the police or other appropriate authority and, regardless of what decision they make, the elders will continue to fully support them. Elders are directed that they are never to infer that a report involving an allegation of child abuse should not be made to the authorities. Whether to report the matter is a personal decision and if the victim and/or the victim's family wish to do so, it is their absolute right. If the matter is reported to the police, the elders are directed to fully cooperate with police investigations.

Working With Children Check

Moreover, we have cooperated in every way possible in connection with the Working With Children ("WWC") Check in Victoria. Currently, the approximately 2,000 ministers in congregations of Jehovah's Witnesses in Victoria have obtained a WWC Check. [REDACTED]

³ *Evidence Act 1958*, s. 28(1)

⁴ *Evidence Act 2008*, s. 127(1)

⁵ *Children, Youth and Families Act 2005*, s.182(a)-(e)

[REDACTED]

We look forward to appearing at the hearing before you on 11 April 2013. In the meantime, if you require any further information, please do not hesitate to contact us.

Yours faithfully,
WATCHTOWER BIBLE AND TRACT SOCIETY
OF AUSTRALIA



T. J. O'Brien
Director