

SUBMISSION ON BEHALF OF THE JEWISH TASKFORCE AGAINST
FAMILY VIOLENCE AND SEXUAL ASSAULT TO PARLIAMENTARY
INQUIRY INTO CHILD ABUSE IN VICTORIA

MANDATORY REPORTING

13.6: Mandatory reporting should be extended to ministers of religion.

13.7 and 13.8

There is an inherent dilemma regarding this. The confessional was always regarded as sacred and unable to be broken save for extremely rare and circumscribed situations. An argument against the extension of mandatory reporting is that in certain cases clergy may be able to assist people who are perpetrators by enabling/facilitating /encouraging them to seek professional help. They may also be able to warn the victim or the family of the victim and prevent ongoing abuse. The negative is that they may not do enough in situations where they ought to act if there is not mandatory reporting. Thus the unwanted consequence is that perpetrators may not disclose anything or deny it if reporting is mandatory, thus preventing the cleric from doing anything.

However, religious practices should not be used as a shield to prevent someone acting when there is any suspicion of child abuse. Thus, on balance it is submitted that mandatory reporting should be extended to clerics, as there have been too many cases where they have failed to act. It would also help to remove any grey areas where, for example, a cleric is a teacher at a school and thus in that capacity is mandated to report, however, in other cases he/she may find themselves in possession of knowledge via their status as a cleric and not whilst a teacher. They may therefore have a moral obligation to report, but not be mandated to do so and in some cases may fail

to act. Were they mandated, such grey areas would disappear and it would only be of benefit to the community.

13.12 Yes new laws are required to address the situation of endemic and systemic child abuse. Those who knew and failed to act, whether by way of cover up or by way of actively ignoring it should be held responsible. It may be that there should be a range of sanctions depending on the severity of their action. For example, it may be appropriate for there to be different penalties depending on their level of moral culpability.

13.13 They should not be held criminally responsible unless they were aware or ought to have been aware of such activity. It may be that civil penalties would be enough to address the issue. However, it is arguable that in cases where they were aware of abuse and either covered it up, or shipped out the perpetrator to another location without warning anyone then they should face penalties. Any cover up should definitely be the subject of criminal sanctions. The argument against this is that they may have held a well meaning belief that by shipping out the perpetrator to a different location they have saved victims the ordeal of having to give evidence and perhaps in a small closed community for their identities to become known. However, there is no real justification for this for without doubt if the perpetrator has abused once they will continue to abuse again. Thus, by staying silent they have facilitated the ongoing abuse of additional victims.

14.1 -14.3

In these cases there is often an informal mechanism by which suspected perpetrators are told to stay away from a particular organization, or the organization does not accord them any honours in their services, or in certain

cases parents and other persons who should be aware of the possibility of abuse are quietly told that it would be preferable for their child or potential victim not to be brought into contact with the suspected person.

These cases are difficult as one doesn't want to defame anyone but on the other hand the protection of victims or potential victims is of paramount importance.

16.1 -16.3

The JTAFV has for many years been instrumental in facilitating education programs in schools which are aimed at prevention of child abuse. These have been developed by persons who are expert in dealing with these issues as well as being able to present them appropriately within a Jewish cultural and religious perspective. The programs are also taken into maternal and child health centres as well as pre schools. They are supposed to be ongoing but much depends on the particular school's willingness to facilitate them.

They are compulsory for the children to whom they are directed.

The JTAFV has conducted evaluations of the policies and found them to be very helpful to the schools. Yeshiva college has recently written to parents and members of the community referring to the "say no, run away and tell an adult" program that we facilitated and the person from Jerusalem we brought out to train teachers in it.

16.2 The JTAFV Inc. has trained 24 Rabbis in relation to disclosures of family violence and child sexual assault. It is in the process of training another 6 in areas of sexual assault which is to be extended to issues of family violence.

The training has led directly to a book called "Will my Rabbi believe me, will he understand?" which has been distributed to Rabbis in Australia and many overseas. We believe this has significantly raised awareness in relation to these issues. WE have received many letters saying how good this book is from both local and overseas organisations and individuals.

OTHER ORGANISATIONS

17.5-17.7

The JTAFV has informal liaison with the RCV (Rabbinical Council of Victoria). This is very useful as we are able to informally advise them when a situation arises.

Via our training we have also put many of the Rabbis and schools in touch with our trainer who is from the Gatehouse Centre and we are aware that some of them work closely with her.

We have worked with particular Rabbis during certain sensitive cases, including ones where there wasn't enough evidence to charge anyone but there were many concerns. In some cases, advice was given not to allow a person direct contact with children and also to advise parents not to allow a person to be alone with their child. In many cases it is difficult as there is not enough evidence to bring charges, but there is a clear need to protect potential victims.

The JTAFV has also worked with interfaith bodies including the ICV (Islamic Council of Victoria) and the Indian Taskforce Against Family Violence regarding family violence and to a lesser extent child abuse.

DEBORAH WIENER

CHAIR

JEWISH TASKFORCE AGAINST FAMILY VIOLENCE AND SEXUAL
ASSAULT INC.

NOTE- I am happy to attend the enquiry if that would be of assistance.

