

TRANSCRIPT

FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE

Inquiry into the handling of child abuse by religious and other organisations

Members

Mrs A. Coote

Ms G. Crozier

Ms B. Halfpenny

Mr F. McGuire

Mr D. O'Brien

Mr N. Wakeling

Chair: Ms G. Crozier

Deputy Chair: Mr F. McGuire

Staff

Executive Officer: Dr J. Bush

Research Officer: Ms V. Finn

Witness

Bishop Iakovos of Miletoupolis, Greek Orthodox Archdiocesan District of Victoria.

The CHAIR — Good afternoon.

Bishop IAKOVOS — Good afternoon.

The CHAIR — Apologies. Thank you for coming in a little bit earlier. We do appreciate it.

Bishop IAKOVOS — That is okay.

The CHAIR — On behalf of the committee I welcome His Grace Bishop Iakovos of Miletoupolis — my apologies for the pronunciation —

Bishop IAKOVOS — No, you are fine.

The CHAIR — from the Greek Orthodox Archdiocesan District of Victoria. Thank you very much for being with us this afternoon. All evidence taken by this committee is taken under the provisions of the Parliamentary Committees Act, attracts parliamentary privilege and is protected from judicial review. Any comments made outside the precincts of the hearings are not protected by parliamentary privilege. Witnesses may be asked to return at a later date to give further evidence if required. All evidence given today is being recorded. Witnesses will be given proof versions of the transcript. Please note that these proceedings are not being broadcast.

Again, thank you, Your Grace, for being with us this afternoon. We are particularly interested in looking at various organisations across our communities in relation to the prevention of child abuse and protecting Victoria's children. We are particularly interested in understanding a little bit about your church's position in relation to child abuse and some other areas in terms of processes, policies and procedures of any organisations that you come in contact with, any youth groups that the church might be involved with. We are very keen to hear from you.

My first question is in relation to the church itself. Could you explain to the committee the structure of the church and how that fits here in Victoria?

Bishop IAKOVOS — The Greek Orthodox Church here in Australia has as the main person in responsibility — in an executive role and responsible — the Archbishop. In the execution of his duties he is assisted by four assistant bishops throughout Australia and the archdiocesan council, which is made up of a composite of clergy and lay members. The archdiocesan council is headed by the president, the Archbishop. Vice-presidents are the four assistant bishops ex officio and three lay vice-presidents, and to memory 16 clergy and 27 lay members. The 16 clergy and 27 lay members are elected every four years after the Clergy–Laity Congress, which is a national body, meets.

The CHAIR — Thank you very much for that explanation. Obviously we are looking into a number of religious organisations; that is very helpful. Can you tell the committee if you are aware of any abuse that might have happened in your church at any time?

Bishop IAKOVOS — Officially we are not aware of anything that has occurred in living memory of our records, so there is nothing on record.

The CHAIR — In terms of your records, you say 'in living memory'. Is that your living memory or —

Bishop IAKOVOS — No, no, no, no.

The CHAIR — Could you explain a little bit.

Bishop IAKOVOS — No, more senior members of the church, as in age. Yes, they have no living memory of this.

The CHAIR — Okay. So the church keeps detailed records of any complaints?

Bishop IAKOVOS — We keep records on files on our clergy and situations within parishes and so on.

The CHAIR — Not necessarily complaints of abuse, but are there files kept on any complaints about clergy or the laypersons who are associated with your church?

Bishop IAKOVOS — There should be, but complaints vary from the priest speaking too long in his sermon, starting too early — things like this — to the severe, I suppose.

The CHAIR — But the point is that you do keep records of those complaints of a varied nature?

Bishop IAKOVOS — If they are of a serious nature, they would be on record.

The CHAIR — I will now ask Mr McGuire to ask a question of you. Thank you, Your Grace.

Mr McGuire — Your Grace, thanks for attending here today. What we are looking for obviously is to find out how deep this problem is, how broadly spread it is and what we can do to prevent it in the future. We have had expert opinion given to this inquiry that it is actually throughout the community, and obviously others have testified and said that sometimes there are cultural reasons why it may not be reported. I take what you say — that you have got no official records of complaints, and that is fair enough — but could there be some other inhibitors within the church and its organisation so that people would be reluctant to come forward? Remember we are just trying to find out what is the best thing we can do to make sure this is taken care of.

Bishop IAKOVOS — Yes. The church's administration would not seek to cover up or sweep under the carpet or belittle the importance of anything serious, but if you are talking more of a cultural mindset — and this may not be limited strictly to Greeks — generally there may be a reluctance for people to come forward out of embarrassment, out of fear. Yes.

Mr McGuire — That is what we are trying to drill down to, so to speak, to try and get to that. Quite often, as you would be aware, the reporting of these sorts of offences does not happen until mid life, so there is a time gap factor as well. What processes are established within the church to actually receive complaints? Do you have a process to try to open up this issue?

Bishop IAKOVOS — Yes, we do. Any complaint that we receive, we ask for it to be documented in written form. So if they ring up and say they want to complain, we say, 'Put it in writing', and then we look at it. The process is, we refer these complaints to our code of conduct council, which is chaired by the Archbishop, the Vicar-General and our legal representative. They look at the severity or not of the allegation, and then if it needs to be investigated further, they do call and establish a board, usually of four members, made up of a cleric, a clergyman, a legal person, a layperson to be a secretary and to document everything — minute everything — and also a health-care or social professional. They take the allegation, they speak with the victim and then they call for witnesses. They also notify the accused and get input from them as well. And then they go through the process of substantiating the allegation or not.

This process, if it is for a clergyman and if it is not resolved within that framework, then it goes back to the Archbishop. If further investigation is required, then it is given over to the spiritual council of the archdiocese, which is made up of the Archbishop and three clergymen, and they further the investigations according to the Bible, canon law and so on and so forth. If in all of this there is any criminal element, then the authorities are notified of course, and in the event of it being a clergyman we give the case over to the authorities. The clergyman is suspended from active duty. When we hear the results from the authorities, and according to the results, then the action is taken, either to reinstate him or to defrock him.

Mr McGuire — Just so I understand that, are you saying that there is a process, that there have been complaints?

The CHAIR — Hansard did not hear the Bishop's answer? Would you like to just repeat that last part of the answer?

Bishop IAKOVOS — Which part? No, I have not responded yet. Sorry, I will slow down.

Mr McGuire — That is okay. Take 2 on that; that is okay.

The CHAIR — Sorry, Hansard. Please continue. Just repeat that question if you could, Mr McGuire.

Mr McGuire — Yes. The point I am getting to is, you said there were no official records, but are you now describing an unofficial process that occurs?

Bishop IAKOVOS — Yes, yes. This is what we have in place. This has been executed, but not for child abuse; it may have been for other issues — other moral issues or breaches in the church’s canon law.

Mr McGuire — But how many child abuse cases would have come before this process?

Bishop IAKOVOS — None.

Mr McGuire — So you are still saying that — you have literally had none?

Bishop IAKOVOS — Yes.

Mr McGuire — From testimony that has been put forward to this inquiry, from a witness previously who said that he was concerned about the fact — and I am quoting him — that, for example, ‘Within the Orthodox side of things, if you google them there are no working-with-children guidelines on their websites’. Do you know if that is an accurate statement?

Bishop IAKOVOS — With the archdiocese’s website?

Mr McGuire — They were just saying the church websites, yes. Do you have working-with-children guidelines?

Bishop IAKOVOS — We have a child protection policy. That is available. And our schools have got the relevant material that is necessary to adhere to the ISV legislative requirements.

Mr McGuire — Okay. This witness also said that this had been raised as an issue with senior clergy. Have you had this put to you, or do you know of this being put to — —

Bishop IAKOVOS — Not to me personally, no, no.

Mr McGuire — Okay. And this witness also said that there was an Orthodox priest who has been jailed for 18 years for offences against children. This was testimony that said that it does occur rather than it is not occurring.

Bishop IAKOVOS — Where is this case?

Mr McGuire — This was testimony that was put before us.

Bishop IAKOVOS — Yes, but the clergyman for 18 years, where? Here in Australia?

Mr McGuire — Yes.

The CHAIR — No, I am not sure if that was confirmed that it was in Australia. I do not think that it was made clear.

Bishop IAKOVOS — No, not to my knowledge. Not here, not the Greek Orthodox archdiocese. You need to understand that there are many people who are in schism with the canonical church, and they put themselves forward as orthodox as well. So it may be something that is in their jurisdiction, responsibility; not in ours, though.

Mr McGuire — Okay, fair enough. If you want to come back on any detail, or we might come back to you if there is any more specific detail on that.

Bishop IAKOVOS — Please, please.

Mr McGuire — I guess the bigger picture issue I am trying to get to, though, is that the expert evidence to us is that this is across the board. I am just wondering if, even though you are maintaining that you have no official complaints about child sexual abuse, there is anything that you think that you need to be doing to be aware of this and to make sure that you are giving people the right education, they do have permission to provide complaints, and they are not sort of hidebound bound for cultural reasons.

Bishop IAKOVOS — Yes. I am hoping, and this is just my personal opinion, if I can put that forward — —

The CHAIR — Yes.

Bishop IAKOVOS — This being my personal baptism of fire in terms of appearing here for the first time — —

The CHAIR — You are doing very well.

Mr McGUIRE — It is not a baptism of fire. It is all right.

Mrs COOTE — We are not as ferocious as we look.

Bishop IAKOVOS — No, I know you are not. I see this as an opportunity for everyone to look at themselves and to meet the benchmark requirements in procedures, protocols and what have you. I am hoping that through all of this inquiry you will be able to give us guidelines and say, ‘You must meet these standards and have these things in place’, and what have you.

Mr McGUIRE — Is that something that you would be looking for? If we said there should be mandatory reporting or if we said that these issues need to be taken directly to the police, would you be happy to do that?

Bishop IAKOVOS — Yes.

Mr McGUIRE — And an education program in your community, as I said, to try to maybe lift any veil of secrecy. Would you be very happy about that?

Bishop IAKOVOS — Absolutely, yes.

Mrs COOTE — Thank you, Your Grace. I hope that we do not look nearly as scary as we sound.

Bishop IAKOVOS — No, you are not.

Mrs COOTE — Thank you very much indeed for being here. In the answer that you were giving to Mr McGuire, you alluded to canon law. Could you explain the role of canon law in the Greek Orthodox Church?

Bishop IAKOVOS — Canon law stems from holy scriptures and is based in the tradition of the church. It is the boundaries within which the church lives and the Christian lives. I suppose it is much like the juridical system of being legal or illegal, so it is the limits, boundaries and guidelines of a good and healthy Christian lifestyle.

Mrs COOTE — Would they be similar to the ones that the Catholic Church has?

Bishop IAKOVOS — I think so. They should be, yes; similar.

Mrs COOTE — Similar. Who has actually created this canon law?

Bishop IAKOVOS — The canon law has been created over centuries, from the very early centuries of the church, when the church had to start to put in place explanations, boundaries, guidelines and what have you of what is Orthodox and what is not Orthodox, what is correct practice and what is not, what is moral and what is immoral, and so on and so forth. It is from the very first centuries.

Mrs COOTE — In your canon law, the archbishops and bishops are seen to be representatives of God, presumably. Are they seen to be above the civil law of any place?

Bishop IAKOVOS — No.

Mrs COOTE — Civil law is actually above canon law in every case; is that right?

Bishop IAKOVOS — Civil law is above canon law?. We need to be careful in understanding that the church has to live and operate within the civil laws, so we must always be wary of that and ensure that a healthy relationship exists with the church canon law.

Mrs COOTE — If the church canon law and civil law came head to head, which would you adhere to?

Bishop IAKOVOS — If something became illegal, then we would have to adhere to the law of the land.

Mrs COOTE — Therefore along those lines, with canon law and its relationship perhaps with the police, is canon law at all dismissive of the police?

Bishop IAKOVOS — No.

Mrs COOTE — Is it encouraging of going to the police? Does your canon law suggest, when there is a major issue such as child abuse, that first of all people go directly to the police?

Bishop IAKOVOS — Absolutely. We would be negligent of the basic biblical precept that the child is one that needs protecting and needs our care.

Mrs COOTE — That would come first and foremost?

Bishop IAKOVOS — Yes.

Mrs COOTE — Thank you very much indeed. That has been very helpful.

Ms HALFPENNY — You probably know this, but when we are referring to culture we are talking about the culture in an organisation rather than heritage.

Bishop IAKOVOS — Okay. Sorry about that.

Ms HALFPENNY — No, no. I want to ask a bit about the Orthodox Church and any groups that it runs that involve children, whether it be youth groups or those sorts of groups. Do you run them from individual parishes or on a broader scale.

Bishop IAKOVOS — We do. We try to establish youth fellowships in all our parishes, and they are usually run under the direct responsibility of the parish priest. He may have someone assisting him — it could be a layperson — but usually the priest is present at all the meetings and all the other social activities that can spring from these groups.

Ms HALFPENNY — With regard to laypeople and volunteers, in those situations are there any procedures or whatever put in place to ensure that children are in a safe environment?

Bishop IAKOVOS — I think that we allow people close to us to take up responsibilities from their good witness, from their character and from their personality. I think there is a bond that is built over time in knowing someone in your parish, and you ask them to take on a certain responsibility.

Ms HALFPENNY — Are there many opportunities where perhaps adults could be alone with children, for example? Would you encourage or discourage that in terms of those sorts of organised activities?

Bishop IAKOVOS — There could be. I cannot discount that someone may end up talking one to one with a child. Our fellowships are pretty much for teenage adolescents and older. We do have Sunday school — the catechetical school on Sundays — which is run by our Sunday school teachers. But there are usually one or two teachers present in a classroom format.

Mr O'BRIEN — Thank you very much, Your Grace. I will ask about a couple of matters. With regard to the practice within the church in relation to the celibacy of priests and bishops — and I understand that there is a significant difference between your church and the Catholic Church, for example — could you explain that practice first of all?

Bishop IAKOVOS — Yes. In the Orthodox Church we have a very deep respect for the person and the freedom of the person to choose their lifestyle within the boundaries of what the Bible and what God permit. In that there is the possibility for someone to pursue a monastic or celibate life, or to be married. In our church here in Victoria, for instance, we have 46 parishes; 44 of them are served by married clergy, and we have 2 celibate clergy. That tends to be right across Australia — we only have a handful of celibate clergy.

Mr O'BRIEN — As I understand it — I have googled the internet; forgive me, that is the research I have done — the position is that bishops in your church must be celibate, but it is voluntary or an option for priests.

Bishop IAKOVOS — Yes, that is correct.

Mr O'BRIEN — One of the items I googled — and it from overseas — indicated that there may be issues that occur from time to time in the church seeking to appoint bishops, who can only be drawn from the pool of in a sense celibate priests.

Bishop IAKOVOS — Yes, that is correct.

Mr O'BRIEN — And as you have said, there are only two in Victoria. Could you explain if that is an issue that occurs from time to time in discussions about the rules in the church and candidacy and selecting priests and bishops?

Bishop IAKOVOS — I think the primary reason for the celibacy of the bishops is that they need to be completely dedicated, with no time to give to anyone else as a personal responsibility to family and children. The priests that are married find this a problem as well. In a parish life where the demands are so great, even their own families feel neglected.

Mr O'BRIEN — I can tell you that politicians occasionally find that problem too, and many other people — truck drivers, oil rig workers. But continue.

Bishop IAKOVOS — It is something we all share. I think the church somewhere in the first millennium came up with this decision that its bishops, its leadership, must be celibate to be able to give themselves completely.

Mr O'BRIEN — Okay. Just to draw you back, are there problems that you are aware of in terms of tensions that are occurring in relation to hierarchical issues within the church as to whether that should remain a rule in the present day?

Bishop IAKOVOS — No, I am not aware of anything like this — unless I am not understanding correctly what you are asking.

Mr O'BRIEN — I am just asking if there are tensions with that rule within the church that you would be prepared to tell us about or are aware of.

Bishop IAKOVOS — No.

Mr O'BRIEN — And I presume if you were aware, you would tell us.

Bishop IAKOVOS — No, I think it is an accepted structure that we have in the church, so that everyone that exists within the church knows that our bishops are celibate, and our clergy are both married and celibate.

Mr O'BRIEN — All right. If I could just go on to another matter, following on from McGuire's questioning. I believe I have looked at your web page, the Greek Orthodox Archdiocese of Australia. I could not find a separate Victorian one.

Bishop IAKOVOS — Yes.

Mr O'BRIEN — I do not necessarily want to put you to the spot, but I could not find a specific link to any working-with-children checks or policies on it. They may well be in your church, but I could not find them on the web page. I did find some theological teachings and background history.

Bishop IAKOVOS — Yes. I personally have not looked at that. I have been given our policy; they have assured me that it is one that it is accessible.

Mr O'BRIEN — And I do not doubt that. It may be my fault that I cannot find it on the link. Perhaps you could just check that, because it is an important issue. Perhaps you could come back to us and tell us.

Bishop IAKOVOS — Absolutely. Yes.

The CHAIR — Could we have a copy of your child protection policy?

Bishop IAKOVOS — Absolutely, yes. Certainly.

Mr O'BRIEN — Just one other matter, and again I do not want to be playing games with you here, necessarily — —

Bishop IAKOVOS — No, no, please.

Mr O'BRIEN — But when you first answered the question from the Chair as to whether there were any abuse cases, you did use the word 'officially' first, which I think led Mr McGuire and perhaps me to pause and ask, 'Are there unofficial abuse cases that you are aware of?'. So I will ask you again.

Bishop IAKOVOS — No. I just think it is just my expression.

Mr O'BRIEN — It was a choice of words?

Bishop IAKOVOS — Yes.

Mr O'BRIEN — Thank you. Just to finish off the evidence that I found in my research before I came here, from the evidence we received, there was an abuse case in your church but in another country, in America, for which a priest was jailed for six years, as the internet reveals it. Are you aware of that case, by way of example?

Bishop IAKOVOS — No.

Mr O'BRIEN — That would just complete that evidence. I think the witness said it was 18 years. I could only find it as six, but he was in the community for 18 years. But if you are not aware, you cannot take it further.

Bishop IAKOVOS — Well, yes.

Mr O'BRIEN — Thank you.

The CHAIR — I just wanted to follow on from that question, and it was in relation to that question that I initially asked on that unofficial line. In the child protection policy that you have just handed to me — thank you very much — the last dot point says, 'investigating and reporting all suspected child abuse allegations to the police authorities'. I am just wondering if you are aware if there have been any instances of child abuse that have been reported directly to the police.

Bishop IAKOVOS — No.

The CHAIR — You are not aware of any?

Bishop IAKOVOS — I am not. I have only been in this position for two years. That is why when I started I began by saying 'in living memory'; I have asked the more senior members, the senior bishops, if they recall any and they said no.

The CHAIR — Thank you. But you did reassure us you that you have very extensive records in relation to other complaints, so thank you.

Mr WAKELING — Your Grace, thank you very much for your presence today. I will just continue on from one of the questions that Ms Halfpenny raised in regard to the policies, and following on from the policy that you have just provided to us With regard to individual parishes, I am interested to know if you are aware of a policy that has been applied in specific parishes to protect children in relation to the behaviour of clergy and volunteers within individual parishes and the way they interact with younger members of those parishes.

Bishop IAKOVOS — I know of a policy if they need to report anything, but as far as the way people carry themselves and interact, we tend to try and live as Christian as we can, and that is something that is known to the community.

Mr WAKELING — Sure. If I may, Your Grace — —

Bishop IAKOVOS — Yes, please.

Mr WAKELING — I know that in some other religions they have adopted policies in addition to what you have there, but at a parish level, which has not only involved the establishment of a policy but more importantly an education process for its clergy and its volunteers on appropriate and inappropriate behaviour. Do you believe that may well be of some assistance to your parishes for that to be at a localised level and also, more importantly, for the provision of training to volunteers and to priests in terms of — —

Bishop IAKOVOS — Yes, if I have understood. This is something I mentioned earlier that could come from all of this activity: that we would all benefit from guidelines and structures and what have you.

Mr WAKELING — Okay. I appreciate that. Do you believe that you, as the Greek Orthodox Church, would be in a position to manage that within all of your parishes, or do you believe that you may actually require another organisation, namely government, to impose a regime for implementation?

Bishop IAKOVOS — I do not know. We would have to sit down together and look at what is required and how it would be administered.

Mr WAKELING — I am happy for you to take that on notice. One final one, if I may, and I acknowledge that in good faith you in your position have asked senior members of the church about reported abuse, of which there is none. A question may be put by some in the community that it could be a culture within the church that people perhaps do not feel comfortable in raising child abuse, meaning, ‘Yes, it is occurring, but we do not feel comfortable raising it with the hierarchy, because of the way we are going to be treated’. Can I ask you to comment on that? Let me put it another way. Do you believe there is a culture within your church of openness where people, if they did have a concern, they could provide — —

Bishop IAKOVOS — They feel free to approach us?

Mr WAKELING — Feel free to raise those concerns.

Bishop IAKOVOS — I would like to believe we have that openness and closeness with our people, if not directly with their bishop, then through their parish priest or through some other means — even speaking to relatives and what have you and then they contacting us.

The CHAIR — Thank you. I think Mr O’Brien has a further question for you.

Mr O’BRIEN — Just a couple more arising — —

Bishop IAKOVOS — Yes, please.

Mr O’BRIEN — Thank you, Your Grace. Just this document — it is issued by His Eminence Archbishop Stylianos Harkianakis, the primate. Could you just explain the structure of the church in Australia — I know it is available, but within the international context in terms of making rules for the church and the hierarchical structure?

Bishop IAKOVOS — Okay. As I said, the archbishop has the full executive responsibility of the church here in Australia. He is under the ecumenical patriarchate, which is in Istanbul, Constantinople historically. He is bound to operate within the church’s canon law and the law of the land. What have I missed?

Mr O’BRIEN — Just how the top level’s hierarchy then operates in Istanbul. I was raised a Catholic, so I am familiar with the Vatican. We have had evidence of the Vatican structure, or the eastern side of it. On the western side of Christianity, if you could explain just for the record how rule making and decision making occurs at the higher levels internationally.

Bishop IAKOVOS — Internationally? Well, there is a synod around — internationally it is the patriarchate of Constantinople. That is the jurisdiction we are under. They would make decisions and rulings through the synod that is around the patriarch. This would then be ratified by all Orthodox hierarchs throughout the world, and that is the structure. It comes from there. Locally the archbishop is the one who is responsible for ministering to the church here — directly responsible. From him, then he has his assistant bishops and the structure I outlined earlier.

Mr O'BRIEN — Yes, within Australia.

Bishop IAKOVOS — Yes.

Mr O'BRIEN — Thank you. The last thing, just for your reference — I referred to it, but I did not give you the reference. The document was an article, *Orthodox priests have the option*, Greek Orthodox. It is by a *Washington Post* writer, Saturday, 27 April. It explains the dilemma. To be fair to you, I should explain it talks about the difficult choices the priest made, but it explains this priest — it says:

Paris knew the drill. Because Orthodox bishops come only from the ranks of unmarried priests, he faced the choice of all Orthodox seminary graduates: be ordained unmarried and promise to remain that way throughout your career, or get married and then be ordained. Once ordained, there's no turning back.

It says, 'The decision was not difficult'. I did not want to put to you that there was necessarily tension that is not there, but it is rather something the individual clergy have to go through at various points.

Bishop IAKOVOS — Once the decision is made to enter the priesthood, the church takes you as you are. If you are celibate, that is how you continue. If you are married, that is how you continue. Our clergy know that if you are celibate, that can lead to elevation to the office of bishop, but as married clergy you remain within that framework. They know this, so there is no real tension or problem with that.

Mr O'BRIEN — I suppose it may be helpful — what practices go on in the seminaries, then, if any, to guide and assist young seminarians into this very important life choice they are going to make?

Bishop IAKOVOS — It is good that you mention this. We have in Australia one theological college: St Andrew's Greek Orthodox Theological College, back in Sydney. There is someone who is responsible for the formation, along with all the other academic activity that takes place, of students, assisting them to choose, to find their calling in either married or celibate ministry.

Mr O'BRIEN — I suppose one final question that arises from that, if I can: are there many issues of a celibate priest in Australia you are aware of or otherwise aware of internationally wishing to depart but feeling they cannot depart, say, to marry, because there will be some cultural argument — 'You're letting your side down. You've become a priest, and now you're going to be failing'?

Bishop IAKOVOS — Thank you for bringing that up. Just last year we had a young man in Sydney who was celibate. He fell in love, left the priesthood, married and is living his life happily as a married man.

Mr O'BRIEN — Okay, but I just need to confirm that under your rules presently he cannot re-enter.

Bishop IAKOVOS — No.

Mr O'BRIEN — Is there a theological basis that you are comfortable with for that non-re-entry or is that something you may be — —

Bishop IAKOVOS — There would be. I am not versed in everything adequately enough to express it here.

Mr O'BRIEN — Thank you.

Mrs COOTE — There is something coming out of what you just said to Mr O'Brien, and that is about the role of the primate. Does he give you all the rules? Do you have to be directed by him? For example, does he have a view on child abuse internationally that he makes any discoveries about or any comments about or any rules about?

Bishop IAKOVOS — I know that his view would be the view of the Orthodox Church, which is that it is absolutely unacceptable. The church sees the person as being sacred and the child as being absolutely vulnerable and dependent.

Mrs COOTE — Do you send any of your records to him, any records that you keep within your own parishes or dioceses? Do you send any of those to the primate?

Bishop IAKOVOS — If they are of a severe nature, yes.

Mrs COOTE — What does he do with them if they are of a severe nature?

Bishop IAKOVOS — He follows the procedure that was outlined before.

Mrs COOTE — The primate is the person in Istanbul?

Bishop IAKOVOS — No, in Sydney. The primate is the archbishop. He is called primate in relation to — thank you, I did not get back to that — all the other bishops from other cultural jurisdictions in the Orthodox Church. They could be Russian, Romanian and as the primatus, the first in responsibility, the first amongst equals, coming from the jurisdiction of the patriarchate of Constantinople he is the first bishop that would preside — —

Mrs COOTE — Okay, the patriarch. I am sorry, I got the terminology incorrect. Therefore, if something was very serious, really serious, you would send it first of all to the primate in Sydney?

Bishop IAKOVOS — Yes, to the archbishop.

Mrs COOTE — Then he in turn would send it to Istanbul?

Bishop IAKOVOS — He would only send it to the patriarchate if it was in direct relation to defrocking a priest. That would need to be ratified by them.

Mrs COOTE — If the priest was found to be a child abuser, the process would be that first of all you would go to the civil authorities; you would go to the police?

Bishop IAKOVOS — Yes.

Mrs COOTE — Then you would go through the process of asking the archbishop in Sydney and then to — —

Bishop IAKOVOS — The archbishop would be informed immediately. Anything that we receive we take seriously and he is informed immediately. Then we follow the procedure action plan to substantiate or not. If there is something there then it goes through the spiritual court to substantiate that these are valid allegations. Then it is handed to the authorities.

Mrs COOTE — With the spiritual court part, have you been to the police before you get to the spiritual court or does that happen after?

Bishop IAKOVOS — They can happen simultaneously. We do not inhibit or prohibit the victim from doing so. But as a church we would be responsible. If they have not already gone, we would then take it to the police.

Mrs COOTE — You would take it to the police: the spiritual —

Bishop IAKOVOS — Court.

Mrs COOTE — Order.

Bishop IAKOVOS — Yes.

Mrs COOTE — They would not hold it back from the police, they would tell the police as well?

Bishop IAKOVOS — No, we are bound to do that.

Mrs COOTE — You are bound to tell the police?

Bishop IAKOVOS — Yes.

Mrs COOTE — Fine. So you are not directed from Istanbul at all? They do not keep the records on child abuse, for example, if there were to be any here?

Bishop IAKOVOS — No.

Mrs COOTE — So you do not send any records of child abuse through to them, if there were to be any child abuse?

Bishop IAKOVOS — Only if — —

Mrs COOTE — You are wanting someone to be defrocked.

Bishop IAKOVOS — Only if we have and it is part of the whole file on this particular cleric who needs to be defrocked — ‘These are the reasons we’ve found; we have handed him to the law’; they have come back to us and said he needs to be dealt with by the law; we are asking on our part to defrock him and we need their ratification.

Mrs COOTE — Has anybody in Australia been defrocked?

Bishop IAKOVOS — Yes, but not for child abuse — for other things; for other breaches in canon law. In the church we have had a priest who was not passing on the funds received for marriage licenses and what have you. He was roting the church, and he was doing the same to the government — the civil marriage authority. He still operates though, but not under us.

Mrs COOTE — Thank you. That is very clear.

Mr O’BRIEN — I have one other matter, and again it is a comparative matter. Forgive me that I am not familiar, precisely, with the rights et cetera, but do you have a concept in your church called ‘mental reservation’?

Bishop IAKOVOS — Mental reservation?

Mr O’BRIEN — Yes.

Bishop IAKOVOS — No. Explain it to me.

Mr O’BRIEN — I will explain it. We have received evidence that within the Catholic Church there is a doctrine, a very old doctrine, that permits the recipient, a priest or a bishop in a church who is a recipient of sensitive information, to not tell a lie but refrain from telling the whole truth so as to not reveal that information, so as to protect the receiver of the information. In a sense, it is a white lie type of situation. So if you asked a direct question — I am sorry for this explanation, but hopefully I will be quick — ‘Is someone home’, the recipient, because they would know there was a danger or something, would say, ‘No, they are not’, and in their mind they would say to themselves, ‘Not for you’, but they do not tell the other person, so in a sense they have misled them. They have mentally reserved the bit they wanted to say. That is what the doctrine is. Do you have any similar doctrine?

Bishop IAKOVOS — No. Not that I am aware of.

Mr O’BRIEN — We had a privilege as a lawyer where you would be very careful not to mislead a court, for example, but you did not have to volunteer information provided you were not misleading. There is evidence that such a doctrine of mental reservation could not apply to anything but to protect an innocent. It could not, for example, be validly used to protect a crime, which is some of the evidence we might have received.

The CHAIR — I think His Grace has answered that.

The CHAIR — I do not believe there are any further questions from committee members. Are there any further comments you would like to make to the committee before we conclude this afternoon?

Bishop IAKOVOS — We have spoken about most things. You asked me about the structure of the church and so on. No, I think I am just happy to participate and, even in my limited capacity, be part of this. Hopefully this can really bring out some good results for everyone.

The CHAIR — On behalf of the committee I thank you very much for your time this afternoon. We do appreciate it. Your evidence has been most helpful. Thank you again, Your Grace.

Witness withdrew.

