WATCHTOWER BIBLE AND TRACT SOCIETY OF AUSTRALIA

Royal Commission into Institutional Responses to Child Sexual Abuse

SUBMISSION
IN RESPONSE TO SUMMONS TO PRODUCE
DOCUMENTS NO. S-NSW-391

Contents

Our Position Statement	3
Jehovah's Witnesses – Background	4
Jehovah's Witnesses – In Australia	5
Jehovah's Witnesses – Our View of Child Sexual Abuse	6
Ongoing Program of Worship and Education	8
Appointment and Screening Process for Elders and Ministerial Servants	10
Our Child Protection Policy	12
How We Address Accusations of Child Sexual Abuse	13
How We Assist Survivors of Child Sexual Abuse	18
Our Submission to the Victorian Parliamentary Inquiry	19
Contact Information	20

Our Position Statement

Jehovah's Witnesses abhor child abuse, a crime that sadly occurs in all sectors of society. The safety of our children is of the utmost importance. For decades, our journals *The Watchtower* and *Awake!*, as well as our website <u>jw.org</u>, have featured articles for both Jehovah's Witnesses and the general public on how to protect children from abuse.

These articles include:

- "Jehovah's Witnesses Educate Parents and Children to Protect Against Sexual Predators",
 jw.org, posted September 2014;
- "A Danger That Concerns Every Parent", "How to Protect Your Children" and "Make Your Family a Safe Haven", *Awake!* of October 2007;
- "Let Us Abhor What Is Wicked", *The Watchtower* of January 1, 1997;
- "Your Child Is in Danger!", "How Can We Protect Our Children?" and "Prevention in the Home", *Awake!* of October 8, 1993; and
- "Child Molesting—Every Mother's Nightmare", Awake! of January 22, 1985.

Jehovah's Witnesses do not separate children from their parents. We do not have any programs, such as Sunday Schools, youth groups or day care centres, in which we take custody of children from their parents. We believe that loving and protective parents are the best deterrent to child abuse. Thus, we continue to educate parents and provide them with valuable tools to help them educate and protect their children.—Deuteronomy 6:6, 7.

We have no paid clergy. Congregation elders comply with mandatory reporting laws. (Romans 13:1) They provide abuse victims and their families with spiritual comfort from the Bible. (Isaiah 32:2; 1 Thessalonians 5:14) The victim and his or her parents have the absolute right to report the matter to the governmental authorities. (Galatians 6:5) Congregation elders do not shield abusers from the authorities or from the consequences of their actions. (Galatians 6:7) Anyone who commits the sin of child abuse faces expulsion from the congregation. If such a person is serving in a position of responsibility, he is removed. Any suggestion that Jehovah's Witnesses cover up child abuse is absolutely false.

We are committed to doing all we can to prevent child sexual abuse and to provide spiritual comfort to any who have suffered from this terrible sin and crime.

Jehovah's Witnesses - Background

Jehovah's Witnesses are a Christian religion with 8,201,545 active members in 115,416 congregations in 239 lands. In 2014, a total of 19,950,019 attended the annual religious event commemorating the Memorial of Christ's Death. The 'Governing Body of Jehovah's Witnesses' is based in the United States and provides ecclesiastical guidance of our worship. Watchtower Bible and Tract Society of Pennsylvania is a legal entity used in the United States. Branch offices have been established around the world to assist in organising our worship which includes our well-known public ministry, the distribution of Bibles and Bible-based publications to members of the faith (equivalent to parishioners) and to the general public, and to provide assistance to congregations.

As stated on our website, Jehovah's Witnesses:

[C]ome from hundreds of ethnic and language backgrounds, yet we are united by common goals. Above all, we want to honor Jehovah, the God of the Bible and the Creator of all things. We do our best to imitate Jesus Christ and are proud to be called Christians. Each of us regularly spends time helping people learn about the Bible and God's Kingdom. Because we witness, or talk, about Jehovah God and his Kingdom, we are known as Jehovah's Witnesses.—http://www.jw.org/en/

Jehovah's Witnesses, although imperfect, take living in accordance with Bible principles extremely seriously and are known worldwide as law-abiding citizens. We actively promote respect for human rights and the care and protection of children.

Jehovah's Witness parents have the responsibility to train, educate, counsel, care and protect their children. Consequently, there are no activities or events which separate children from their parents.

Our beliefs are widely published and distributed to all, without charge, in printed form and through the extensive information made publicly available on the <u>jw.org</u> website. *The Watchtower* magazine currently has a worldwide distribution of nearly 53 million copies in 228 languages and the *Awake!* magazine, 51 million copies in 101 languages, making these two journals the most widely distributed periodicals in the world. In addition, millions of people worldwide access these and other publications each month by visiting the <u>jw.org</u> website.

Jehovah's Witnesses - In Australia

Jehovah's Witnesses have been active in Australia since 1896, with a branch office first established here in 1904. There are presently 817 congregations in Australia with over 68,000 parishioners. In 2014, over 118,000 were in attendance at our annual religious event to commemorate the Memorial of Christ's Death. As with our publications, all congregation meetings and assemblies are open to the general public.

The translation, production and distribution of Christian publications throughout the Australasia region is facilitated by Watchtower Bible and Tract Society of Australia (ABN 42 002 861 225). This is the entity used to transmit our Bible-based guidance to congregations throughout the country. Each congregation in Australia is registered with the Australian Charities and Not-for-Profits Commission.

Oversight of Congregations

Elders (equivalent to pastors) and ministerial servants (equivalent to deacons) care for various responsibilities within congregations. The majority of elders are themselves parents and maintain secular employment to support their families. Our congregation structure does not involve a salaried clergy and as such, our organization has no employees. Therefore, we have no contractual arrangement that enables us to direct such persons to move from one congregation to another.

In addition to their teaching role, elders have the responsibility to provide spiritual support and pastoral care to members of the congregation. On the other hand, a ministerial servant's role in the congregation is predominately an administrative support function, such as congregation accounting and maintaining the meeting place known as a 'Kingdom Hall'.

For various periods of time over the past 10 years, 16,505 different individuals have served as elders and ministerial servants throughout Australia, although a large number have discontinued due to secular commitments, health, family, age, or are deceased. Currently, there are 6,978 elders and 4,693 ministerial servants in Australia.

Jehovah's Witnesses - Our View of Child Sexual Abuse

Child abuse is abhorrent to us and we do not protect any perpetrator of such repugnant acts from the consequences of their sin. Sexual abuse of children is both a terrible sin and a crime. This is in harmony with the Bible principle recorded at Romans 12:9: "Abhor what is wicked."

Additionally, at Romans 13:1 we are commanded to: "Let every person be in subjection to the superior [governmental] authorities." Consequently, we do not shield any perpetrator of child sexual abuse from the consequences, both spiritual and legal, of their offences.

For over 30 years our Bible-based policy on child sexual abuse has been available to the public. In situations where the abuse of a child is suspected, the *Awake!*, January 22, 1985, page 8, made it clear what is required:

First, the child—and other children too—must be protected from any further abuse. This must be done, whatever the cost. In many cases the accused molester will have to be confronted. But whatever it takes, it is important that the child should feel confident that the molester will never be able to get at her (or him) again.

Second, the child must be given a lot of love and emotional support. Parents must make it very clear that the little victim is not to blame. The crime and anything that happens as a result of it—even if a close relative goes to prison—is not her (or his) fault. But that reassurance will have to be given many times, so that the victim comes to believe it—and to believe that the parents believe it too!

This Bible-based policy has been restated in our publications over many decades. For instance, *The Watchtower*, January 1, 1997, page 29, stated that:

Depending on the law of the land where he lives, the molester may well have to serve a prison term or face other sanctions from the State. The congregation will not protect him from this.

A dedicated adult Christian who falls into the sin of child sexual abuse reveals an unnatural fleshly weakness.

Our religious beliefs and practices are epitomised in a letter to all bodies of elders dated *October 1*, 2012, *Re: Child Abuse* (Policy Letter) page 3, paragraph 9, which provides that:

As spiritual shepherds, elders should continue to make every effort to protect all in the congregation, especially children from the unwholesome practices of the world. (Isa 32:1,2) One of these is child sexual abuse. We abhor the sexual abuse of children and will not protect any perpetrator of such repugnant acts from the consequences of his gross sin. (Rom 12:9)

Therefore, given the extremely high importance we place on addressing child sexual abuse and protecting children, elders are instructed to conduct a spiritual investigation of each and every accusation of child abuse against a congregation member to determine whether the accused should be expelled from the congregation as an unrepentant child molester. (1 Corinthians 5:11-13) If the elders determine that a congregation member who committed child sexual abuse is genuinely repentant for his sin (Acts 3:19; 26:20), the genuinely repentant sinner will be allowed to remain a member of the congregation. However, the elders will monitor the repentant sinner's conduct to protect children and the sinner will be disqualified from serving in any position of responsibility in any congregation.

Ongoing Program of Worship and Education

Our Activities Do Not Separate Parents from Children

Jehovah's Witnesses do not separate children from their parents. We do not have any programs, such as Sunday Schools, youth groups, or day care centres, in which we take custody of children from their parents. We believe that loving and protective parents are the best deterrent to child abuse. Thus, we continue to educate parents and provide them with valuable tools to help them educate and protect their children. This is in harmony with Scriptural principles at Deuteronomy 6:6, 7 and Ephesians 6:4.

Program of Parental and Child Education

For decades, *The Watchtower* and *Awake!* journals and other Bible-based publications have featured articles designed to educate both Jehovah's Witnesses and the general public on how to protect children from sexual abuse and to be alert to any inappropriate behavior. In recent years, our jw.org website has also made such resources accessible to a wider audience (see for example, http://www.jw.org/en/search/?q=child+abuse). These resources include advice for parents on how to initiate an age-appropriate conversation with each child concerning what to do if confronted by any inappropriate behaviour. We believe that parental education of children about sex and the dangers of child sexual abuse in this way can be a major factor in helping to prevent child sexual abuse. Child-safeguarding experts whom we have consulted, agree that in a religious organisation that does not sponsor programs that separate children from their parents, the best way to safeguard children is to educate parents on how they can protect their children from becoming a victim of child sexual abuse.

Regular Study Program

The information published by Jehovah's Witnesses also forms the basis for information considered at our weekly congregation meetings, in either a lecture format or through an audience discussion. Larger conventions held three times each year provide education for families through Bible-based lectures, video presentations, re-enactments and interviews. As part of their weekly routine of worship, each family schedules a Family Worship Evening, to consider resources relevant to their situation.

Training of Elders and Ministerial Servants

Each congregation is visited for review by an experienced travelling elder known as a 'circuit overseer', who is a representative of the organisation. Twice each year, he visits approximately 20 congregations in his circuit for a period of a week at a time. His role is to provide pastoral encouragement to the congregations. During each visit he also meets with the elders to review our Scriptural doctrine and the application of Bible principles to ensure each congregation is complying with any theocratic direction given, including that related to child protection.

Periodic one-day programs are also held for all congregation elders. For example, following the release of *Shepherd The Flock of God* (Elders' Handbook) in 2010, 'Kingdom Ministry Schools' as they are known, were scheduled for all congregation elders to review and discuss the contents of the Elders' Handbook and the implementation of its Bible-based procedures. In 2013, a further series of Kingdom Ministry Schools were conducted for all elders, which reviewed the theocratic direction outlined in our Policy Letter and other publicly available Bible-based publications. The outlines of these schools relevant to our policy on child sexual abuse are included as part of our Submission Documents.

Appointment and Screening Process for Elders and Ministerial Servants

Congregation elders and ministerial servants are volunteers who have been actively associated with a congregation for a period of time before appointment, usually several years or more. Ministerial servants are chosen from among Scripturally qualified congregation members. After a ministerial servant has served effectively in assisting the elders for some time, he may be recommended to serve as an elder.

Any appointment of an elder or ministerial servant occurs after a person meets the qualifying Scriptural criteria as recorded at 1 Timothy 3:1-13, Titus 1:5-9, 1 Peter 5:2 and James 3:17, 18. For example, a fundamental requirement is:

[H]e should also have a fine testimony from outsiders so that he does not fall into reproach... Also, let these be tested as to fitness first; then let them serve as ministers, as they are free from accusation... For the men who minister in a fine manner are acquiring for themselves a fine standing and great freeness of speech in the faith.—1 Timothy 3:7-13.

These Scriptural qualifications are explained in detail in the Jehovah's Witnesses' Handbook, *Organized to Do Jehovah's Will* (Chapters 5 & 6), an article entitled "Are You Qualified to Serve?", *The Watchtower*, September 1, 1990, and the Elders' Handbook (Chapter 3, paragraphs 1-10). Moreover, the current process to appoint elders and ministerial servants is outlined in the letter to all bodies of elders dated July 13, 2014 *Re: Appointment and Deletion of Elders and Ministerial Servants*.

In each instance, before making a recommendation for appointment, the local body of elders carefully reviews the above-mentioned references. The recommendation is forwarded to the circuit overseer who contacts the branch office to determine whether there is a record of child sexual abuse in the past. If not, at the circuit overseer's next scheduled visit to the congregation, he would chair a meeting of the body of elders to process the appointment.

If the decision is unanimous in the affirmative, the circuit overseer and another elder meet with the individual and ask the following questions:

- "Is there anything from your past, even before baptism, or in your personal or family life that disqualifies you or that would prevent you from accepting this appointment?
- Is there any reason why your appointment should not be announced to the congregation?
- Have you ever been involved at any time in the past with child molestation?"

(Please refer to the Letter to all bodies of elders dated July 13, 2014, Re: Appointments and Deletions of Elders and Ministerial Servants, paragraph 4.)

Working With Children Checks

The footnote on page two of the July 13, 2014 letter states that: "In the states or territory of Australia where an appointed brother is required to obtain a Working With Children Check (WWCC), the announcement will be held in abeyance until he provides a WWCC number/notification to the coordinator of the body of elders." Once all the requirements of the WWCC have been met, the body of elders notifies the branch office and then the announcement is made. (Please refer to our Submission Documents.)

Removal of Elders and Ministerial Servants

If an elder or ministerial servant is found to no longer Scripturally qualify because of an issue relating to child sexual abuse, the matter is immediately referred to the circuit overseer. The circuit overseer advises the congregation and the branch office of the deletion, and the deletion is then announced to the congregation. (Letter to all bodies of elders dated July 13, 2014, *Re: Appointments and Deletions of Elders and Ministerial Servants*, paragraphs 10-12.)

Our Child Protection Policy

Our approach to child protection is outlined in the Policy Letter and in the Elders' Handbook, which are made available to every elder. However, additional information in support of our theocratic policy is made available to congregation members and the general public through *The Watchtower* and *Awake!* journals and other publications.

Concerning the protection of children from sexual predators, our Policy Letter at paragraph 9 clearly states that:

We abhor the sexual abuse of children and will not protect any perpetrator of such repugnant acts from the consequences of his gross sin. (Rom 12:9) Elders should take seriously their responsibility in this matter so that the congregation will be safeguarded from any valid accusation of neglect in protecting children from sexual abuse.

While our Bible-based religious beliefs and practices remain unchanged, our procedures for child protection have continued to be refined. Over the years, as we have noted areas where our procedures could be strengthened, we have followed through in making necessary changes. This is a continual process to ensure that we have a strong, Scripturally-based policy that protects children and complies with the law.

Our Policy Letter addresses both the legal and the congregational issues regarding any accusation of child sexual abuse. As a religious organisation, we are only authorised to address these matters in accord with Scriptural direction when dealing with them internally. Therefore, dealing with allegations of child sexual abuse spiritually in no way precludes any other options for redress a survivor or their parent/guardian may choose to pursue.

How We Address Accusations of Child Sexual Abuse

In our Policy Letter, elders are given a clear, unambiguous definition of what constitutes child sexual abuse. Paragraph 3 of the Policy Letter states:

Child sexual abuse generally includes sexual intercourse with a minor; oral or anal sex with a minor; fondling the genitals, breasts, or buttocks of a minor; voyeurism of a minor; indecent exposure to a minor; soliciting a minor for sexual conduct; or any kind of involvement with child pornography. Depending on the circumstances of the case, it may also include "sexting" with a minor. "Sexting" describes the sending of nude photos, seminude photos, or sexually explicit text messages electronically, such as by phone.

In any circumstances, where the elders learn that the victim remains in danger of further abuse, the elders are reminded that, "First, the child—and other children too—must be protected from any further abuse. This must be done, whatever the cost."—Awake!, January 22, 1985, page 8.

Concerning reporting of child abuse to the authorities, we believe that a victim or parent/guardian has the absolute right to do so. Thus, our elders have been given clear instruction in this regard in chapter 12 of the Elders' Handbook, page 131, paragraph 19, which states:

Child abuse is a crime. Never suggest to anyone that they should not report an allegation of child abuse to the police or other authorities. If you are asked, make it clear that whether to report the matter to the authorities or not is a personal decision for each individual to make and that there are no congregation sanctions for either decision. Elders will not criticize anyone who reports such an allegation to the authorities. If the victim wishes to make a report, it is his or her absolute right to do so. —Gal[atians]. 6:5.

Congregation members are well aware of their absolute right to report child abuse to the authorities. For example, *The Watchtower*, August 1, 2005, page 14, stated:

In our time, rape is also a major crime with severe penalties. The victim has every right to report the matter to the police. In this way the proper authorities can punish the offender. And if the victim is a minor, the parents may want to initiate these actions.

Also, the *Awake!* of October 8, 1993, in the Teaching Box at page 9, "If Your Child Is Abused," states:

Some legal experts advise reporting the abuse to the authorities as soon as possible. In some lands the legal system may require this.

Further, paragraph 10 of the Policy Letter states:

Regardless of whether the law requires the elders to report an accusation to the authorities, steps need to be taken to protect children.

As an organisation, we direct our elders to comply with legislation regarding mandatory reporting by clergy of allegations of child sexual abuse.

Contacting the Legal Department

Elders are directed to immediately contact the Legal Department when an allegation of child sexual abuse comes to their attention. Paragraph 4 of our Policy Letter states:

... when elders learn of an accusation of child abuse, two elders from their congregation should immediately call the Legal Department for legal advice.

State and Territory mandatory reporting laws differ and are subject to change over time. Our elders may not be able to keep up-to-date with all of the developments in these laws. Therefore, elders are specifically instructed, upon hearing of any accusation, and before addressing the allegations with the alleged perpetrator, to contact the Legal Department.

The purpose of this direction is two-fold:

- 1. To ensure that congregation elders are fully apprised of and comply with the relevant and up-to-date reporting obligations applicable in the State or Territory in which they reside; and
- 2. Even in the absence of a mandatory reporting obligation, to ensure that elders convey to the victim (and/or their parent/guardian) that they have an absolute right to report the matter to the police and that elders should provide whatever support is needed in each instance.

We have instructed our Legal Department to specifically direct all elders who contact us that they are to advise the victim (and/or their parent/guardian) that they are completely free to report the matter to the police or other appropriate authority. Further, the Legal Department is instructed to then refer the call to the Service Department, which will provide Scriptural direction to the elders on how they can spiritually comfort and support the victim and his or her family. Elders are also reminded on how to handle the matter in harmony with Bible principles.

Elders Serve as Spiritual Shepherds of the Flock

Congregation elders are encouraged by the Bible to "Shepherd the flock of God in their care." (1 Peter 5:2) This means that each elder would serve as a spiritual protection for members of the congregation or to "... be like a hiding place from the wind, A place of concealment from the rain storm." (Isaiah 32:2) Likewise, the elders serve as a source of spiritual refreshment and encouragement as they "speak consolingly to those who are depressed, [and] support the weak." (1 Thessalonians 5:14) This protective concern for each member of the congregation would especially extend to the protection of children from any type of sexual abuse.

Our Policy Letter dated October 1, 2012, paragraph 9 puts it this way:

As spiritual shepherds, elders should continue to make every effort to protect all in the congregation, especially children, from the unwholesome practices of the world. (Isa. 32:1, 2) One of these is child sexual abuse. We abhor the sexual abuse of children and will not protect any perpetrator of such repugnant acts from the consequences of his gross sin. (Rom. 12:9) Elders should take seriously their responsibility in this matter so that the congregations will be safeguarded from any valid accusation of neglect in protecting children from sexual abuse.

Thus, when an allegation is made against a congregation member of the sin of child sexual abuse or any other gross violation of God's law comes to the attention of the body of elders, they are instructed to conduct a spiritual investigation according to Bible guidelines. To do so, they select two elders to look into the allegation. The two elders, with the consent of the parent(s)/guardian, would talk to the victim with the parent(s)/guardian present. If the victim is a very young minor, the two elders would talk just with the parent(s)/guardian alone, to ascertain the exact nature of the allegation. The elders would also privately talk to the allegad offender, without the victim being present. The elders would ask the accused questions about the allegations, and if necessary, seek information from any other witnesses.

If sufficient evidence is discovered by the two elders that establishes, under the rules of evidence set out in the Bible (as discussed under the next sub-heading), that the sin has been committed, the two elders make a verbal report to the body of elders. A decision is then made to form what Jehovah's Witnesses call a 'judicial committee'. The elders would contact the circuit overseer to designate an experienced elder from the circuit to serve as chairman of the committee. Two or more elders from the congregation would also be appointed to serve on this committee.

A judicial committee is a special shepherding arrangement to determine if the individual accused is guilty of a violation of God's law and also to determine whether or not he is repentant. If the offender is unrepentant he will be 'disfellowshipped' (equivalent to being excommunicated) from the congregation. Following a disfellowshipping, an announcement of the decision is made to the congregation informing them that the perpetrator is no longer one of Jehovah's Witnesses. A disfellowshipped person will be treated by all Jehovah's Witnesses in harmony with the admonition of the Apostle John: ". . . do not receive him into your homes or say a greeting to him." (2 John 10) Thus, in the case of child sexual abuse, disfellowshipping is clearly a strong measure toward protecting children.

Even if a sinner is determined by the judicial committee to be genuinely repentant, the committee will follow the Scriptural injunction to "Reprove before all onlookers those who practice sin, as a warning to the rest." (1 Timothy 5:20) This includes an announcement made to the congregation that the sinner "has been reproved". A few weeks after an announcement of reproof is made, a warning lecture about the wrongness of the conduct and how to avoid it will generally be presented to the entire congregation. In cases of child sexual abuse, this will serve as a warning to help parents protect their children from any potential danger. Therefore, whether the judicial committee disfellowships or reproves, congregation members are aided in their ability to protect children from child sexual abuse should a congregation member commit this sin.

Allegations for Which Scriptural Proof is Insufficient

As in the case of rules of evidence in any secular legal system, congregations also have rules of evidence. These are set out in the Bible. Bible standards require clear evidence for the elders to judge an errant one guilty of serious sin. That evidence may be in the form of an admission, the testimony of two or more witnesses, or compelling circumstantial evidence testified to by at least two witnesses.

The Policy Letter states this on page 3, paragraph 11:

However, in evaluating the evidence for internal congregational purposes, they must bear in mind the Bible's clear direction: "No single witness should rise up against a man respecting any error or any sin . . . At the mouth of two witnesses or at the mouth of three witnesses the matter should stand good." (Deut. 19:15) This requirement to consider testimony of two or three witnesses was confirmed by Jesus. (Matt. 18:16 ["On the testimony of two or three witnesses every matter may be established."]) Thus, although they investigate every

allegation, the elders are not authorized by the Scriptures to take congregational action unless there is a confession or there are two credible witnesses. . . . [However,] if two persons are witnesses to separate incidents of the same kind of wrongdoing, their testimony can be deemed sufficient to take judicial action. (1 Tim. 5:19, 24, 25)

When the rules of evidence of the Bible do not authorise the elders to take further judicial action and the matter has to be held in abeyance, our Policy Letter further directs that "the elders should remain vigilant with regard to the conduct and activity of the accused".

How We Assist Survivors of Child Sexual Abuse

As well as supporting the efforts of parents/guardians in protecting their children, congregation elders are encouraged to be supportive of child and adult survivors of abuse. Ancillary to any mental health care or professional therapy that a survivor may seek, local congregation elders will provide spiritual comfort and pastoral care from the Scriptures. For example, elders are encouraged to "Speak consolingly to those who are depressed." (1 Thessalonians 5:14) Elders also need to be good listeners and to use the Bible to "Be quick to listen, slow to speak."—James 1:19.

Spiritual comfort provided by elders to a survivor is not viewed as a substitute for professional therapy or legal redress. Elders focus on reassuring the survivor that he or she is the innocent victim, that they are loved by God, and that they have the care and full support of the elders and the congregation.

As expressed in the Awake!, January 22, 1985, page 8:

[T]he child must be given a lot of love and emotional support. Parents must make it very clear that the little victim is not to blame. The crime and anything that happens as a result of it—even if a close relative goes to prison—is not her (or his) fault. But that reassurance will have to be given many times, so that the victim comes to believe it—and to believe that the parents believe it too!

Extensive material is published by Jehovah's Witnesses to assist elders and members of the congregation on how best to provide such spiritual support.

Our Submission to the Victorian Parliamentary Inquiry

Pursuant to Item 2 of the Schedule, we enclose a copy of our complete submission to the <u>Victorian</u> <u>Parliamentary Inquiry into the Handling of Child Abuse by Religious and Other Organisations.</u>

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