ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES TO CHILD SEXUAL ABUSE

Public Hearing - Case Study 29
(Day 147)

Level 17, Governor Macquarie Tower
Farrer Place, Sydney

On Monday, 27 July 2015 at 10am

Before
The Chair: Justice Peter McClellan AM
Commissioner: Professor Helen Milroy

Counsel Assisting: Mr Angus Stewart SC

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THE CHAIR: Yes.

MR STEWART: Your Honour, appearances? Stewart is my name, as your Honour and Commissioner Milroy know. I'm assisted by Joanna Blair and James Pender, solicitors assisting the Royal Commission.

MS GALLAGHER: I appear for [BCB], your Honour.

THE CHAIR: You have leave?

MS DAVID: David. I appear for [BCG].

THE CHAIR: And you have leave?

MS DAVID: I do have leave, your Honour.

MR TOKLEY: May it please the Commission, I appear with my learned friend Mr Gibson. I appear for the Watchtower Bible & Tract Society of Australia and also the witnesses Mr O'Brien, Mr Spinks and Mr Toole.

THE CHAIR: You have leave. Is there anyone else?

MR COYNE: Yes, Commissioner, I appear with Ms Tringali for the following witnesses: Max Horley, Doug Jackson, Joe Bello, Dino Ali, Kevin Bowditch, Ron de Rooy and Allan Pencheff.

THE CHAIR: You have leave.

MS McGLINCHEY: I have authorisation to appear for Mr Monty Baker.

THE CHAIR: Yes, you have leave.

MS McGLINCHEY: Thank you.

MR STEWART: Your Honour and Commissioner, this is the 29th public hearing of the Royal Commission. This case study concerns the response of the church of the Jehovah's Witnesses and its corporation, the Watchtower Bible & Tract Society of Australia, to reports of child sexual abuse within the Jehovah's Witness Church in Australia.

This case study will explore the experiences of two survivors of child sexual abuse and the Jehovah's Witness

Church's response to their complaints of sexual abuse whilst they were members of the Jehovah's Witness Church.

The case study will also involve an examination of the systems, policies and procedures in place within the Jehovah's Witness Church and Watchtower Australia for responding to allegations of child sexual abuse, and the mechanisms in place to prevent child sexual abuse within the Jehovah's Witness Church.

As will be seen, the Jehovah's Witness Church is a tightly controlled, rule-bound organisation, that seeks to keep its members in relative isolation from the rest of society. It has rules drawn from its own version of the Bible for, amongst other things, personal presentation, the avoidance of involvement in extra-curricular activities at school, maintenance of the constant awareness of the dangers of bad associations in the secular world, who is in the church and who is out of the church, and for family and home life.

For example, church doctrine places the father as head of the family with authority over his wife and children. The wife's role is that of helper or complement. The church teaches its members to be in subjection to it in all aspects of life.

The Jehovah's Witness Church is preoccupied with sin and sinning. If a congregation member becomes aware that another member has committed a serious sin, such as, as it is put, "fornication, adultery, homosexuality, blasphemy, apostasy, adultery and similar gross sins", he or she is obliged to report that to the congregation elders. In the case of lesser sins as between members, the church prescribes the steps that must be taken to reach a resolution. The more serious sins must be investigated by the elders who must pass judgment on the accused and his or her degree of repentance for the sin.

It is a system in which a group of men who are appointed from above, not by the congregation, stand in judgment over their fellow men, women and children on every aspect of their lives.

The result of this active involvement of the church in every aspect of the lives of congregation members is that there is no meaningful distinction between family and

church. The family is part of the church and what happens in the family is governed by the church.

During the investigation of this case study, Watchtower Australia produced some 5,000 documents pursuant to summonses issued by the Royal Commission on 4 and 28 February 2015. Those documents include 1,006 case files relating to allegations of child sexual abuse made against members of the Jehovah's Witness Church in Australia since 1950 - each file for a different alleged perpetrator of child sexual abuse. Royal Commission officers have analysed the case files and have recorded the outcomes of their analysis. The results of the analysis, together with the experiences described by two survivor witnesses, illustrate the practical application and effect of the church's policies and directives in relation to handling of complaints and managing the risk of child sexual abuse. I will say more about the results of that case file analysis a little later.

The facts identified in these submissions are drawn from witness statements and documents that will be tendered or from testimony that is expected to be given during the public hearing. It is not expected that these facts will be particularly in contest. They are set out here as a guide to the evidence that will be led.

I will structure the submissions going forward in three parts. Firstly, I will address the background to the Jehovah's Witness institution. I will then consider the child sexual abuse policies and procedures of the Jehovah's Witness Church, and finally, I will consider the child sexual abuse survivors in the church and, in particular, those who will give evidence in this study.

So, turning, then, to the background to the church as an institution, the Jehovah's Witness Church was founded towards the end of the 19th century in Pennsylvania by a small group of bible students led by Charles Taze Russell. Russell had become disillusioned with mainstream Christianity, which he argued had strayed from the first century vision of Christianity described in the Bible. Between 1870 and 1879, Russell distributed his group's first century interpretation of the Bible through a periodical that is now called "The Watchtower - Announcing Jehovah's Kingdom". In 1884, the Zion's Watchtower Tract Society was incorporated and carried on

the business of publishing and disseminating millenarian literature - that is, literature based on the belief that the end of the world is imminent.

Today the religion has a worldwide presence of 8.2 million active members in 239 countries. Over the last 25 years, the active membership of Jehovah's Witnesses worldwide has increased from 4 million members in 1990.

The Jehovah's Witness Church has been active in Australia since 1896, with a branch office first established in 1904. The Australia branch office is based in Sydney and coordinates the activities of all congregations in Australia, New Zealand and some other islands.

The primary legal entity used by the Jehovah's Witness Church today is the Watchtower Bible and Tract Society of Pennsylvania. The headquarters of Watchtower Pennsylvania is in Brooklyn, New York, and is known as "Bethel", meaning "House of God". The activity of Jehovah's Witnesses worldwide is overseen by the Governing Body. The Governing Body is a council of eight men based at the headquarters in Brooklyn. It is at the apex of a highly centralised and hierarchical structure.

The Jehovah's Witnesses believe that the teachings promulgated by the Governing Body are based on God's word, and not devised by men. Teachings take the form of the Awake! and Watchtower magazines, letters containing directives to branch officers and elders, handbooks and other publications.

The Governing Body supervises more than 90 branches worldwide. A branch office is the headquarters for the Jehovah's Witness Church in a particular country or region and is also referred to as "Bethel".

Each branch office is supervised by a branch committee, which oversees districts within the branch. The Australia branch office is represented around Australia by circuit overseers who have pastoral responsibility for about 20 congregations - that is, a circuit. A circuit overseer travels weekly to different congregations in his circuit and is responsible for, among other things, ensuring that each congregation is complying with all theocratic direction given by the Governing Body. By

"theocratic", I mean a form of government in which God is recognised as the supreme civil ruler.

Congregations form the basic organisational unit of the Jehovah's Witness Church. Each congregation is overseen by a Body of Elders. Each congregation in Australia is, in the legal sense, a voluntary association, and is registered separately as a charity.

There are currently 817 congregations in Australia with over 68,000 active members. Over the past 25 years, the active membership of the church in Australia has grown 29 per cent from approximately 53,000 members in 1990. In the same period, Australia's population growth has been 38 per cent.

The Australia branch office relevantly comprises the following structures: first, a branch committee, an ecclesiastical Body of Elders that oversees and manages the operation of the Australia branch office; second, the legal department; and, third, the service department, which cares for all aspects of the spiritual activities of the Jehovah's Witness Church.

The function of each of the above structures is relevant to the Royal Commission's examination of the Jehovah's Witness Church's response to child sexual abuse in its ranks. The Royal Commission will hear evidence from three institutional witnesses who serve in each of these structures.

Terrence O'Brien is the coordinator of the Australia branch and a director and secretary of the Watchtower Bible & Tract Society of Australia. He has actively served with the Jehovah's Witness Church for 40 years. Mr O'Brien will give evidence regarding the history and organisational structure of the Jehovah's Witness Church and he will provide an administrative perspective on the organisation's approach to the prevention and handling of child sexual abuse within Australia.

Rodney Spinks is the senior service desk elder who has served in the service department since January 2007. He is specifically responsible for inquiries related to child sexual abuse and for assisting congregation elders to implement the Australia branch office's guidelines for handling child abuse allegations and providing victim

support.

Mr Spinks will give evidence about the role of the service department in processes that relate to handling complaints of child sexual abuse in the Jehovah's Witness Church in Australia.

Vincent Toole is a solicitor who has, since 2010, overseen the operation of the legal department of the Australia branch office. Mr Toole will give evidence regarding the role of the legal department in responding to allegations and managing the risk of child sexual abuse within the Jehovah's Witness Church in Australia.

The Watchtower Bible & Tract Society of Australia is the legal entity which facilitates the production and distribution of Bible-based literature for the church throughout Australia. Watchtower Australia is a public company limited by guarantee and a registered charity.

Within each congregation, the members comprise elders, ministerial servants and publishers. A male publisher can make spiritual advancement by becoming a ministerial servant and then an elder.

Congregational responsibilities are split between elders and ministerial servants. Elders and ministerial servants are volunteer roles taken up by those men who have been actively involved in the congregation for a period of time. The Royal Commission will hear that the Jehovah's Witness Church does not have a salaried clergy and therefore considers that it has no employees. Appointments are based on scriptural qualifications and there is prescriptive guidance as to how a ministerial servant and an elder should serve, act and behave at all times.

Each congregation is overseen by a Body of Elders. Elders are appointed to shepherd the congregation and oversee spiritual matters. Their primary responsibilities include organising field work or door-to-door preaching, running congregational disciplinary committees, leading the congregation services and Bible studies and attending to the pastoral care of the congregation. It is said that elders must be experienced men who have displayed a pattern of integrity in their lives over a period of time as ministerial servants.

Ministerial servants predominantly provide administrative support and practical assistance to the elders and service to the congregation. They care for organisational tasks, such as acting as an attendant at congregation meetings, handling sound equipment, distributing literature and managing congregation accounts and general maintenance at the Kingdom Hall.

Members of the congregation are called publishers and call each other "brother" and "sister". Publishers may be baptised or unbaptised. Baptism is the symbol of the publisher's dedication to Jehovah. Unbaptised publishers are those who have not been baptised but have been given approval to join the congregation's formal ministry and to identify themselves publicly with the Jehovah's Witness Church.

Publishers who wish to devote many hours to field service preaching may be appointed as pioneers. Regular pioneers are exemplary congregation members who have volunteered to spend a certain amount of time in the public preaching activity each month. Special pioneers serve full time in preaching work and are selected from experienced, long-serving regular pioneers.

The evidence will show that the key imperative belief of the Jehovah's Witness Church is that the Bible is the inspired word of God. This means that Jehovah's Witnesses interpret the Bible literally and take living in accordance with Bible principles extremely seriously. It is expected that evidence will be given that the Jehovah's Witness Church is strongly theocratic, meaning that "almost all internal organisational rules as well as teachings are strictly based on biblical prescriptions on how best to live according to God's plans".

The English High Court has recently recognised that "[t]his distinguishes them from other religious denominations who use the bible to shape thinking, guide behaviour and teach lessons but do not use it directly to set policy and religious practices".

Being a Jehovah's Witness is a way of life for all members. The evidence will demonstrate that devotees are expected to adhere to all doctrines established by the Governing Body. These are a pervasive influence over almost every conceivable sphere of daily life. The strict

code of moral conduct by which all members strive to live based on the scriptures is enforced by the highly formalised disciplinary process for dealing with wrongdoing within the church and its jurisdiction over all aspects of the life of Jehovah's Witnesses.

The Royal Commission will hear evidence of how a uniform set of doctrines prescribed by the Governing Body unites devotees in a tightly bonded community and separates them symbolically from the outside world. The Jehovah's Witness Church is a world-renouncing theology. Jehovah's Witnesses are counselled to keep separate from the world and to beware of secular associates who have no love for Jehovah. Further, the Royal Commission will hear evidence from two survivor witnesses who will say that they were not permitted to associate with people outside the Jehovah's Witness community and that non-Jehovah's Witnesses are referred to as "worldly people" and, as it is put, "not in the Truth".

The Royal Commission will hear evidence that separateness from the world is reinforced by various policies of the Jehovah's Witness Church. Jehovah's Witnesses are encouraged to strictly adhere to biblical principles to the exclusion of all else, including pursuit of further education. Jehovah's Witness parents are encouraged to school their own children in matters of sex education, because the alternative of school-based sex education is considered likely to result in immorality. The general practice of the Jehovah's Witness Church is to deal with allegations of child sexual abuse internally, without reference to secular authorities.

The Royal Commission will hear that the Jehovah's Witness Church is a millenarian Christian religion, meaning that they believe that the end of the world is near. Mr O'Brien will give evidence that the Jehovah's Witnesses have a doctrinal understanding of Bible prophecies regarding the "conclusion of the system of things", as it is put, which is also referred to as "the last days". Documents will be tendered which show that Jehovah's Witnesses believe that the only way to finally end child abuse is to, as they put it, "embrace God's Kingdom under Christ" and to "love God with all your heart and your neighbour as yourself" so as to be saved when the end comes.

The Royal Commission will receive evidence that all members are expected to teach and can lead bible study. Bible study is conducted in a variety of ways, including by house-to-house ministry or on the street. Mr O'Brien will give evidence that members evangelise to glorify God and are instructed to go and make disciples of all people. Jehovah's Witnesses view evangelising as a personal responsibility and the extent to which they engage in this activity is a personal decision that they make as an expression of their love for God.

Jehovah's Witnesses worship and praise Jehovah by attending organised meetings, bible study, Theocratic Ministry Schools and field service. Jehovah's Witness meetings are generally held in a place of worship called "Kingdom Hall". The Royal Commission will hear that each week, Jehovah's Witnesses around the world study the same passages in The Watchtower as directed by the Governing Body in preparation for the same program of worship at Kingdom Hall.

Documents will be tendered which show that Jehovah's Witnesses are counselled to demonstrate submission to Christ's headship by obedience to the elders, who are taken to be controlled by God for the purposes of accomplishing Jehovah's will. Mr O'Brien will give evidence that Jehovah's Witnesses accept the divine standard that "the head of every man is the Christ, in turn the head of a woman is the man".

The evidence will reveal that this belief is reflected in the patriarchal structure of the institution, where men hold positions of authority within congregations and headship in the family. Women are expected to defer to the authority of their husbands, and children are taught to obey their parents.

Moving on, then, to child sexual abuse policies and procedures, the Jehovah's Witness Church relies primarily on Bible passages to set its policies and practices. The Jehovah's Witness Church says that it has had Bible-based policies on child sexual abuse for over 30 years. Mr O'Brien will tell the Royal Commission that these policies have been refined and periodically addressed in various publications over the past several decades. Mr O'Brien will testify that the Governing Body is not involved in the administration and implementation of child

sexual abuse policies and procedures in branch offices of the Jehovah's Witness Church.

The evidence will reveal that doctrinal information is transmitted by the Governing Body through the branch offices and Bodies of Elders to individual members. From at least the 1990s, the Australia branch office has, with guidance from the Governing Body, periodically issued directives in the form of letters addressed to All Bodies of Elders providing instruction on how to respond to allegations of child sexual abuse.

In 1991, a number of articles based on biblical principles for handling wrongdoing, including child sexual abuse, were compiled in a publication for elders called, "Pay Attention to Yourselves and All Your Flock". In 2010, that publication, "Pay Attention to Yourselves", was replaced with an updated compilation of articles entitled "Shepherd the Flock of God", which is now the primary text from which an elder takes guidance on his congregation.

Additional information in support of the Jehovah's Witness Church's theocratic policies is made available to congregation members through The Watchtower and Awake! magazines and other publications.

Rodney Spinks of the service department will give evidence that the current policies of the Jehovah's Witness Church for dealing with an accusation of child sexual abuse are outlined in the following four publications: firstly, the Bible - the English edition is the New World Translation of the Holy Scriptures; secondly, the Elders' Handbook; thirdly, Watchtower Society publications, such as Organised to Do Jehovah's Will; and, fourthly, letters sent to All Bodies of Elders. In particular, a letter dated 1 October 2012, which consolidated and replaced into one letter the spiritual advice and guidance provided in various past letters from preceding years as to how Jehovah's Witnesses handle allegations of child sexual abuse.

Evidence will be put before the Royal Commission that the current policies and procedures relating to child sexual abuse within the Jehovah's Witness Church are supplemented, in particular, by the following material: first, a pivotal Watchtower article entitled "Let us Abhor What is Wicked ", published in January 1997, which

clarified in biblical terms the principles to which a congregation should have regard in considering how a child molester should be viewed and treated; and, secondly, updated guidelines issued by the Governing Body to all branch officers in August 2013 regarding how service desks should field questions from elders regarding child abuse matters.

Elders within the Jehovah's Witness Church are given periodic training on the implementation of its policies and procedures. The training takes the form of one-day programs or seminars called Kingdom Ministry Schools.

There will be evidence regarding the established disciplinary procedure adopted by the church for responding to allegations of child sexual abuse in Australia. Documents will be tendered and evidence given showing that the Jehovah's Witness Church considers that it is only authorised to address child sexual abuse in accordance with scriptural direction.

The Jehovah's Witness Church recognises child abuse to be a gross sin and crime. Its official position is that they abhor child sexual abuse and will not protect any perpetrator of such repugnant acts. Child sexual abuse is defined by the Jehovah's Witness Church as follows:

> *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.*

According to the Jehovah's Witness Church, child sexual abuse is captured by the scriptural offences: firstly, "porneia", which is immoral use of the genitals between two people; secondly, "brazen or loose conduct", which includes fondling of breasts, explicitly immoral proposals, showing pornography to a child, voyeurism,

indecent exposure; and, thirdly, gross uncleanliness, which is heavy petting.

Jehovah's Witnesses are taught from the Bible that they have a personal responsibility to report wrongdoing to elders, if the wrongdoer does not voluntarily come forward. Upon receipt of an allegation, elders are directed to immediately call the branch office for direction based on the circumstances of each case. Two elders from the congregation are also directed to immediately call the legal department for legal advice on mandatory reporting obligations.

The legal department is instructed to refer the elders to the service department for scriptural direction on theocratic or judicial aspects of the case, and how to spiritually comfort and support the victim. The service department also provides guidance on when and how elders should interview a young victim of child abuse.

Two elders are directed to investigate every allegation of child sexual abuse by speaking with the victim, the alleged offender, and any other witnesses, if necessary. The weight given to the testimony of youths is at the discretion of the investigating elders. Elders are not authorised to take congregational action unless the child sexual abuse is proven according to biblical standards which are satisfied by evidence of: a confession from the accused; or the testimony of two credible witnesses to the same incident; or the testimony of two witnesses to separate incidents of the same kind of wrongdoing; or strong circumstantial evidence testified to by at least two witnesses.

Where by those rules there is insufficient evidence to substantiate the alleged child sexual abuse, the matter is held in abeyance and the elders are directed to "remain vigilant with regard to the conduct and activity of the accused". In this event, no further action is taken in relation to the complaint, and the matter is left in Jehovah's hands. If sufficient evidence is discovered, the elders must determine whether a judicial committee should be appointed to give scriptural discipline to the wrongdoer. Child sexual abuse is recognised as an offence for which a judicial committee should be formed.

The Royal Commission will hear that over the past

65 years, the requirement that there be two or more witnesses has prevented at least 125 allegations of child sexual abuse from proceeding to a judicial committee. That is not unexpected, given that by its nature there are very seldom witnesses to child sexual abuse beyond the survivor and the perpetrator.

The judicial committee is comprised of three or more elders to determine, firstly, if the individual is guilty of violating God's laws; and, secondly, whether the individual is genuinely repentant. Repentance involves a deep regret over a damaged relationship with Jehovah, remorse over the reproach brought upon Jehovah's name, and a severe longing to come back into God's favour. Documents will be tendered which show that the Jehovah's Witnesses consider that the degree of repentance ought to be commensurate with the degree of deviation.

The Royal Commission will hear that since 1950, 563 alleged perpetrators of child sexual abuse were the subject of a judicial committee hearing.

The judicial committee has wide-ranging sanctions available to it to deal with proven wrongdoing. If the wrongdoer is unrepentant, he is to disfellowshipped from the congregation. To be disfellowshipped means to be excommunicated from, or cast out of, the Jehovah's Witness Church. Congregation members are directed not to associate with disfellowshipped persons. Disfellowshipping differs from disassociation, which is an action taken by an individual who no longer wants to be known as a Jehovah's Witness.

If the wrongdoer is judged to be genuinely repentant, the sanction is to administer reproof of the wrongdoer. Reproval may be public or private and is a lesser form of discipline that allows the wrongdoer to remain a member of the congregation. Public reproval is administered before onlookers and serves to discipline the wrongdoer whilst warning the congregation that wrongdoing has been committed. Private reproval involves telling the accused that he is reproved before only those aware of the wrongdoing. A person who is judicially reproved is disqualified from special privileges, such as serving in a position of authority. Judicial restrictions are also imposed on those who are reproved. The restrictions might include being counselled by the elders about appropriate

behaviour with children.

A public announcement is made to the congregation regarding the fact, but not the grounds, of disfellowshipping or reproval.

The Royal Commission will hear that since 1950, 401 alleged perpetrators of child sexual abuse were disfellowshipped, 78 of whom were disfellowshipped on more than one occasion; and 190 alleged perpetrators of child sexual abuse were reproved, 11 of whom were reproved on more than one occasion.

Disfellowshipping decisions may be appealed within seven days. Appeal committees are formed even if there seems to be no valid basis for it, comprising, to the extent possible, impartial elders from a different congregation, who hear the case ab initio.

A disfellowshipped person may be reinstated into the congregation after the passage of sufficient time if the judicial committee determines that the individual is truly repentant and the reasons for their removal from the congregation have been abandoned. In all cases of reinstatement, documents will be tendered which show that congregational restrictions should be applied.

Since 1950, of 401 disfellowshipped alleged perpetrators of child sexual abuse, 230 were later reinstated, 35 of whom were reinstated on more than one occasion.

The case study will explore a number of risk management measures that the Jehovah's Witness Church has in place regarding how a congregation might deal with a person against whom an accusation of "child molestation" has been made.

Mr O'Brien will give evidence that the Jehovah's Witness Church believes that loving and protective parents are the best deterrent to child abuse. Mr O'Brien's evidence will be that it is the position of the Jehovah's Witness Church that parental education of children about sex and the dangers of child sexual abuse can be a major factor in its prevention. He will say that the Jehovah's Witness Church continues to educate parents via study groups and publications to help protect their children from

child sexual abuse.

Documents will be tendered which show that the Jehovah's Witness Church considers the primary responsibility for the protection of children lies with parents. Mr O'Brien will say that this is particularly so as the Jehovah's Witness Church does not have programs or facilities that separate children from their parents, such as schools or Sunday schools, and so on.

Mr O'Brien will give evidence that elders are directed to report allegations of child abuse to authorities where mandatory reporting laws apply. The Royal Commission will hear evidence from Vincent Toole, of the legal department, of his understanding of the various mandatory reporting obligations that apply across Australian States. Documents will be tendered which show that if no mandatory reporting obligations apply, elders are directed that they do not themselves need to report. The evidence will show that where a matter becomes known to the authorities, elders are directed to disclose information in their possession where legally required to do so, unless ecclesiastical privilege applies.

The Royal Commission will hear evidence that elders are directed never to discourage or sanction anyone from reporting an allegation of child sexual abuse to the authorities, and that if asked, they must make clear that this is a personal decision and a victim's absolute right. The Royal Commission will hear evidence from at least one survivor witness who, contrary to this policy, was discouraged from reporting her abuse to secular authorities by elders in the Jehovah's Witness Church. Documents will be tendered which show this is consistent with the Jehovah's Witnesses' policy not to resort to secular courts to resolve personal disputes with fellow Christians, but to rely on the elders.

Evidence will be put before the Royal Commission that of the 1,006 alleged perpetrators of child sexual abuse identified by the Jehovah's Witness Church since 1950, not one was reported by the church to secular authorities. This suggests that it is the practice of the Jehovah's Witness Church to retain information regarding child sexual abuse offences but not to report allegations of child sexual abuse to the police or other relevant authorities.

This case study will consider whether the practice of the Jehovah's Witness Church of not reporting allegations of child sexual abuse to secular authorities potentially exposes members of the church to criminal lightly for concealment of serious indictable offences under section 316 of the Crimes Act 1900 in New South Wales and failure to disclose sexual offences against minors under section 327 of the Crimes Act 1958 of the State of Victoria. The case study will consider the interaction of these offences with the confessional privilege provided for in section 127 of the Evidence Act 1995 of the Commonwealth and replicated legislation in force in New South Wales, Victoria, Tasmania and the Northern Territory.

It is anticipated that documents will be tendered before the Royal Commission which will show that the Australia branch office have considered that confessional privilege would apply in circumstances where the perpetrator confessed to a child sexual abuse. The Royal Commission will hear evidence of the circumstances in which confessions relating to child sexual abuse are made to elders within a congregation and documents recording the circumstances of such confessions then provided to the branch office.

Mr O'Brien will say that the Jehovah's Witness Church complies fully with legislative requirements to ensure all relevant persons have the necessary clearances for working with children. Mr Toole will give evidence that there are approximately 7,000 elders and ministerial servants currently serving in Jehovah's Witnesses congregations in Australia who have obtained child-related police checks.

The Jehovah's Witness Church offers theocratic guidance on the sharing of information between relevant Bodies of Elders through "letters of introduction" when a member moves from one congregation to another.

When a known child molester moves to another congregation, elders are instructed to send a letter of introduction with full and complete information about the person's background and current situation to the elders of the new congregation.

Where an accused does not classify as a known child molester because there was an allegation of child abuse but this was not scripturally proven, the branch office

determines what information regarding the accusation may be shared with the new congregation.

Where a disfellowshipped person moves to a new congregation before applying for reinstatement, the new elders are directed to seek relevant information from the old congregation to determine genuine repentance for the purposes of any reinstatement application.

The Royal Commission will hear evidence that elders and ministerial servants hold positions of trust within the congregation. The Jehovah's Witness Church offers theocratic guidance on the qualification of a known child molester for such positions of responsibility.

Mr Spinks will give evidence that an Elder or ministerial servant is immediately removed if he is found to have engaged in child sexual abuse. Documents will be tendered at the hearing which show that elders are instructed to allow considerable time to pass before extending privileges of service to a former child abuser.

Since 1950, 28 alleged perpetrators of child sexual abuse were appointed to positions of authority after having been the subject of allegations of child sexual abuse. Further, of 127 alleged perpetrators of child sexual abuse deleted as elders or ministerial servants as a result of allegations of child sexual abuse, 16 were later reappointed.

In September 2014, the Jehovah's Witness Church revised its screening process for appointments to elder or ministerial positions. The current procedure requires the nominee to pass the service department's check for anything that may disqualify the individual from appointment and to answer certain questions regarding whether he has ever been involved with child sexual molestation.

Mr Toole will give evidence regarding the document retention policies of the Jehovah's Witness Church in relation to records of child sexual abuse. The current policy provides that records concerning an individual accused of child molestation are to be indefinitely retained in the congregational confidential file. The Royal Commission will hear evidence that this has been a long-standing practice of the Jehovah's Witness Church.

The Royal Commission has been contacted by 57 persons about child sexual abuse in the Jehovah's Witness Church. Of these, 34 are themselves survivors of child sexual abuse in the church.

The Royal Commission will hear evidence from two women, each of whom was sexually abused as a child in the Jehovah's Witness Church. Their cases are considered to be the most appropriate for the purposes of this case study. They are expected to testify about their experiences of: growing up as a Jehovah's Witness; being sexually abused by Jehovah's Witnesses who were in positions of authority; being discouraged from associating with non-Jehovah's Witnesses; the distress they experienced throughout the judicial committee hearing process, which involved being interviewed by a panel of males without any support; the blame that each accused sought to place on them as survivors; the absence of an explained purpose to the meetings and interviews to which they were subjected; and being discouraged from approaching authorities.

The Royal Commission will hear from both survivors that the impact of the child sexual abuse and the response of the Jehovah's Witness Church is ongoing.

I will summarise first the case of [BCB] and then the case of [BCG].

A person given the pseudonym [BCB] began associating with the Jehovah's Witness Church when she was 10 years old and was formally baptised as a Jehovah's Witness at age 18. Between 1980 and 1986, [BCB] regularly stayed overnight at the house of the Neill family, of whom the father was Bill Neill, one of two elders in the Narrogin congregation in Western Australia. [BCB]'s evidence will be that she attended weekly Bible studies led by Bill Neill at the Narrogin Kingdom Hall and his house.

From 15 years of age, [BCB] was groomed and sexually abused by Mr Neill. [BCB]'s evidence will be that Bill Neill remained a respected elder within the congregation whilst he continued to abuse [BCB]. Notwithstanding this abuse, it will be [BCB]'s evidence that she continued to respect Mr Neill and felt unable to disclose the abuse because of his position.

It will be [BCB]'s evidence that in about 1991 she

disclosed Mr Neill's abuse to a Jehovah's Witness acquaintance. Thereafter, the other elder in the congregation, Max Horley, approached [BCB] about Mr Neill's conduct. Mr Horley then arranged a meeting with Bill Neill, [BCB] and [BCB]'s husband. The Royal Commission will hear that during this meeting, [BCB] endured Bill Neill making inappropriate jokes about his conduct that was the subject of the meeting. It will be [BCB]'s evidence that having to discuss her abuse in front of a room full of men, including the perpetrator, was very distressing. The Royal Commission will hear that [BCB] felt unable to report the full extent of Bill Neill's abuse at the meeting.

Max Horley organised a second meeting, which was attended by [BCB], [BCB]'s husband, Bill Neill and Doug Jackson, who was the circuit overseer for the Narrogin congregation. During this meeting, Bill Neill lacked remorse and sought to blame [BCB] for wearing revealing clothing. It will be [BCB]'s evidence that at both meetings she felt unsafe and uncomfortable disclosing the full extent of Bill Neill's abuse. Further, [BCB]'s evidence will be that neither the purpose nor the outcome of the meetings was ever explained to her by the elders.

The Royal Commission will hear evidence that following the committee meeting, Max Horley discouraged [BCB] from further disclosures of abuse "out of respect for the Neill family". [BCB]'s evidence will be that she was left feeling unsupported by the congregation and was instead encouraged to respect her abuser. The Royal Commission will hear that Bill Neill stepped down as an elder, but that the grounds were not announced to the congregation.

Notwithstanding abuse by Bill Neill, the Royal Commission will hear that [BCB] was still expected to attend Bible studies held at the Neills' house and continued to see Bill Neill several times a week at congregational meetings. The Royal Commission will hear that Bill Neill may have later been reappointed as an elder.

[BCB] will give evidence that in about July 2014, after she had indicated that she was considering reporting her abuse to the Royal Commission, Joe Bello, an elder in her congregation at the time, asked if [BCB] "really wants to drag Jehovah's name through the mud". The Commission

will hear evidence that [BCB] felt brainwashed into believing that speaking with worldly people would bring reproach upon Jehovah's name. [BCB]'s evidence will be that, by reporting her story, she is riddled with guilt for betraying the Jehovah's Witness Church.

The Royal Commission will hear from three elders regarding their role in handling [BCB]'s allegation of abuse against Bill Neill.

Max Horley served as an elder in the Narrogin congregation from 1988. He will give evidence regarding his involvement in handling [BCB]'s allegations of child sexual abuse by Bill Neill, made in about 1991. Mr Horley's evidence will be that, in circumstances where Bill Neill denied any intentional conduct, the rule requiring two or more witnesses meant that [BCB]'s allegations could not be proven according to the scriptures. Ultimately, Bill Neill's removal as an elder was recommended by Mr Horley and Mr Jackson because [BCB]'s allegations had cast a cloud over Bill Neill's qualifications. Following Bill Neill's removal, he continued to attend meetings and was not placed on any specific restrictions. Documents will be tendered which show that the elders considered the spirituality and the seductiveness of the complainant in determining the complaint.

Doug Jackson served as a circuit overseer in Western Australia between 1990 and 1998. The Royal Commission will hear evidence regarding Mr Jackson's involvement in the judicial committee hearing into the allegations against Bill Neill during his visit to the Narrogin congregation in early 1992. Mr Jackson will give evidence regarding his recommendation that Bill Neill no longer met the scriptural qualifications for serving as an elder.

Notwithstanding Bill Neill's admission to improper conduct, a document will be tendered which shows that in the same letter that recommends his removal as an elder, Mr Jackson recommends that Bill Neill be reappointed "once this has died down and it appears that Brother Neill again has the freedom of speech."

Joe Bello has served as an elder since 1991. The Royal Commission will hear evidence regarding Mr Bello's involvement in providing shepherding care and assistance to

[BCB] during visits to her family in 2012 following [BCB]'s disclosure of Bill Neill's abuse. Mr Bello will give evidence that he did not intend to discourage [BCB] from approaching the Royal Commission.

A person given the pseudonym [BCG] was baptised as a Jehovah's Witness when she was about 16 years old. The Royal Commission will hear evidence of [BCG]'s experience growing up in a strict Jehovah's Witness family. [BCG] will give evidence that her father, [BCH], was a highly regarded Jehovah's Witness who was appointed as a ministerial servant in the Mareeba congregation in Far North Queensland in about 1984. [BCG]'s evidence will be that her father was influential within the congregation because he was well respected amongst members.

As head of the household, [BCH] dictated and enforced compliance with household rules. [BCG] was not permitted to associate with anybody outside the Jehovah's Witness community and was taught from a young age that "worldly" people could not be trusted. [BCG] was not permitted by her parents to attend school after year 10, because choosing higher education over Jehovah was frowned upon by the Jehovah's Witness Church.

When she was 17, [BCG] was sexually abused by her father on a number of occasions over a two-week period whilst her mother and siblings were away. [BCG] tried to report her father's abuse to two elders within the Mareeba congregation, both of whom were friends of her father. [BCG] will give evidence that both elders refused to speak with [BCG] without her father being present. It was not until [BCG] found the courage to tell a male friend, who approached [BCG]'s father and the elders, that the matter was investigated by the elders.

[BCG] was interviewed by three elders, all friends of her father, on a number of occasions. On each occasion, [BCG] was alone, without any support, and on one occasion, her father was also present. [BCG]'s evidence will be that instead of being protected and supported as a victim, the elders primarily sat in judgment of her credibility as a witness and made her feel to blame.

[BCG] will give evidence that the elders forced her to directly confront her father with her abuse allegations. Her father's response was to threaten [BCG] and to blame

her for seducing him.

The Royal Commission will hear that when [BCG] disclosed the abuse to her mother, her mother advised that her father had previously abused [BCG]'s older sister. At around the same time, [BCG]'s two younger sisters confirmed that they were also victims of their father's abuse. The Royal Commission will hear that although the elders were advised of the additional victims, they did not take them into consideration in their investigation.

[BCG]'s father was ultimately disfellowshipped, not for his sexual abuse of [BCG], but for unrelated, as it is put, "loose conduct" and "lying". [BCG] will give evidence that the elders would not consider the evidence of her sisters' abuse because they were not witnesses to the same event. [BCG] was devastated that her father's sexual abuse did not appear to qualify as wrongdoing in the eyes of the Jehovah's Witness Church.

[BCG]'s father immediately appealed his disfellowshipping. [BCG] was brought before an appeal committee alone to be interviewed again about the abuse. It was at this time that her father admitted the abuse and his disfellowshipping was upheld with grounds of "porneia" added.

The Royal Commission will hear that [BCG]'s father was reinstated after only a few years. [BCG] will testify that she was concerned for the safety of the congregation but was discouraged from reporting to the police and was herself threatened with disfellowshipping.

In December 1995, [BCG] wrote to Watchtower Australia regarding her father's premature reinstatement. Watchtower Australia responded in February 1996 by counselling faith in Jehovah and advising that it would make inquiries into the matters raised.

The Royal Commission will hear that when [BCG] eventually left the Jehovah's Witness Church, she was completely ostracised by members of her local congregation. [BCG] then reported her father's abuse to the police.

[BCG]'s father, [BCH], was ultimately convicted in 2004 for unlawful and indecent assault and attempted rape of [BCG] and sentenced to three years imprisonment.

[BCG]'s evidence will be that her experience of three criminal trials was easy compared to her experience of sitting through the judicial and appeal committee meetings.

The Royal Commission will hear evidence from the three elders of the Mareeba congregation - Dino Ali, Ronald de Rooy and Kevin Bowditch - regarding their role in handling [BCG]'s allegations of abuse by her father that she reported in about May 1989.

Dino Ali and Ronald de Rooy will give evidence that, in circumstances where [BCH] denied the allegations, the judicial committee was bound by the rule requiring two or more witnesses and did not have sufficient proof of the child sexual abuse to take judicial action. It was for this reason, the Royal Commission will hear, that [BCH] was ultimately disfellowshipped, not for child sexual abuse, but for "loose conduct" and for lying to the elders about his conduct.

Ronald de Rooy and Kevin Bowditch will give evidence that it was not until [BCH] confessed to the sexual abuse of [BCG] during the appeal committee hearing in 1989 that the grounds for [BCH]'s disfellowshipping were extended to include his sexual abuse of [BCG].

In 1990, [BCH] applied to the Beenleigh East congregation for reinstatement. The Royal Commission will hear evidence from Rodney Spinks and Monty Baker, both elders in the Beenleigh East congregation at that time, regarding their involvement on the judicial committee appointed to consider [BCH]'s reinstatement application.

Rodney Spinks will give evidence that [BCH]'s reinstatement application was rejected because he did not display "genuine repentance". Mr Baker will give evidence regarding the process of liaising with the Mareeba congregation, which was responsible for the decision to disfellowship [BCH], to obtain relevant information to assess [BCH]'s reinstatement application.

Allan Pencheff was an elder of the Loganholme congregation. He chaired the judicial committee that disfellowshipped [BCH] again in 2003 for lying. Mr Pencheff will give evidence that he was not aware of any reason to restrict [BCH]'s contact with children at the time [BCH] joined the Loganholme congregation, and that he

only became aware of [BCH]'s abuse allegations when criminal proceedings were brought against him between about 2001 and 2004. The Mareeba congregation recommended certain restrictions be placed on [BCH] due to the gravity of the wrongs committed, but did not recommend any restrictions regarding [BCH]'s exposure to children.

Mr Toole will give evidence that in January 2003 he provided a memorandum to the service desk, which observed that the primary issue before the Loganholme judicial committee in 2003 was [BCH]'s lying as opposed to his sexual abuse of [BCG].

In about 2001, criminal proceedings commenced against [BCH] for child sexual abuse and, in 2004, he was convicted and sentenced to three years imprisonment. The Royal Commission will hear evidence from Jason Davies, a former Queensland DPP solicitor, regarding his involvement in the prosecution of the criminal proceedings against [BCH]. Mr Davies will give evidence of his obligations of the influence of the Jehovah's Witness faith on the behaviour of those involved in the criminal proceedings. Mr Davies' evidence will be that "matters of faith sometime [sic] take precedence over secular, moral obligations and norms", and that "the religious persuasion of those involved [in the criminal proceedings] was integral to understanding the behaviour of the accused, the victim and the witnesses, at least in their reluctance to go to the police". The Royal Commission will hear that the delay between the child sexual abuse and the time at which allegations came to police attention is in part attributable to the church's practice of dealing with offending internally in accordance with its theocratic rules, without referring matters to secular authorities.

The Royal Commission will hear of the repeated applications for reinstatement made by [BCH] following his release from prison and of the factors taken into consideration by the Jehovah's Witness Church in considering these applications. The Royal Commission will hear evidence of the involvement of the church's service desk in guiding the consideration of [BCH]'s pleas for reinstatement.

Mr O'Brien will give evidence that to date he is unaware of any claims for redress having been made in relation to child sexual abuse concerning the Jehovah's

Witnesses in Australia. Watchtower Australia does not hold any insurance policy which provides cover for any claims relating to child sexual abuse. Documents will be tendered which show that in 2008, Watchtower Australia considered the formation of a separate legal entity, apparently for the purposes of minimising liability in the case of litigation.

It is expected that the case study will provide the Royal Commission with insights into systemic issues within its terms of reference in the area of institutional responses to concerns and allegations about incidents of child sexual abuse. In particular, the systemic issues that are expected to be considered arising from this case study are the following:

1. The influence of theocratic beliefs on the way in which religious institutions handle complaints and manage the risk of child sexual abuse and their interaction with government authorities;

2. The management of complaints of allegations of child sexual abuse within an institution without reference to external authorities, and the impact that that approach may have on the institution's capacity to protect children;

3. The impact of an institution's internal disciplinary mechanisms on criminal processes;

4. The impact of the record-keeping practices of institutions on the ability of those institutions to manage the risk of child sexual abuse and to respond to victims of abuse;

5. The efficacy of mechanisms to prevent child sexual abuse;

6. The adequacy of systems to support and rehabilitate survivors of child sexual abuse.

This public hearing of the Royal Commission has been listed, obviously commencing today and until Friday 7 August.

THE CHAIR: Yes, thank you, Mr Stewart. I think we might take the short adjournment now so that the cameras can be reorganised.

MR STEWART: As your Honour pleases.

SHORT ADJOURNMENT

MR STEWART: Your Honour, the first witness will be the first survivor witness, [BCB]. Her name and address are known to the Royal Commission, and she is accompanied by her husband for support.

THE CHAIR: [BCB], it will be necessary for you to be sworn. Will you take an oath on the Bible or an affirmation?

[BCB]: An oath on the Bible

<[BCB], sworn: [11.30am]

<EXAMINATION BY MR STEWART:

MR STEWART: Q. Do you have a copy of your statement dated 10 July 2015 with you?
A. Yes.

Q. Are there any amendments or corrections you would like to make to that statement?
A. No.

Q. Do you confirm the statement?

MR STEWART: I tender the statement, your Honour.

EXHIBIT #29-001 STATEMENT OF [BCB] DATED 10/07/2015

MR STEWART: Q. I would ask you, [BCB], to read your statement, perhaps commencing at the third paragraph.
A. "My full name is [BCB]. I was born on [REDACTED] 1967 and I am 47 years old. I am married to [BCC] and we have two daughters. My husband owns a business and I work for him keeping the books. I was formally baptised as a Jehovah's Witness when I was 18 years old.

I grew up on a farm near Wickepin in Western Australia. I lived on the farm until I was around 19 with my dad, my mum, and my younger brother.

In 1977, when I was about 10 years old, my mum became

a Jehovah's Witness. Between about 1977 and 1979, my mum used to take me and my brother with her to a couple of Jehovah's Witness meetings each week in Corrigin. Corrigin was about an hour's drive away from where we lived.

My dad and I were quite close up until I was about 10 years old."

THE CHAIR: [BCB], would you like Mr Stewart to read your statement for you?

THE WITNESS: No, thank you, I should be all right.

THE CHAIR: If you need to pause, or if you want Mr Stewart or your husband to help, let me know.

THE WITNESS: Okay. I just need a minute. Can I just have a minute?

THE CHAIR: Would you like us to adjourn for a minute?

THE WITNESS: Just a minute, thank you.

THE CHAIR: We will adjourn very briefly. You let us know when you are ready. But if you want your husband to read or Mr Stewart to read, that is quite appropriate. We will take a brief pause and come back when you are ready.

SHORT ADJOURNMENT.

THE CHAIR: Q. Are you all right to go?
A. Yes. "My dad and I were quite close up until I was about 10 years old. However, when I started attending Jehovah's Witness meetings with my mum, we drifted apart emotionally. My dad wasn't a Jehovah's Witness and never attended Jehovah's Witness meetings with us. He never stopped my mum, my brother or me from attending Jehovah's Witness meetings.

In or around 1979, my mum and dad decided that I should go to high school in Narrogin. Narrogin was about an hour's drive from where we lived. Because I was at school in Narrogin, my mum decided to join the Narrogin congregation of Jehovah's Witnesses. My mum, brother and I attended meetings there every Wednesday, Friday and Sunday.

The Sunday and Wednesday meetings of the Narrogin congregation were held at the Narrogin Kingdom Hall and were attended by the whole congregation. At these meetings, one of the elders would usually deliver a public talk from the platform based on a reading from The Watchtower magazine or give a talk from the Bible. At these meetings, the elders would also lead question and answer sessions and give specific training about our door-to-door preaching.

The Wednesday meeting was referred to as the Theocratic Ministry School and children were allowed to give talks about the Jehovah's Witness beliefs at this meeting. I remember that I sometimes gave talks at these meetings.

The Friday meeting was referred to as book study and usually took place at someone's house. At this meeting, a small group of families would come together to discuss biblical scripture.

I first met Bill and Bronwyn Neill and their children at a large Jehovah's Witness party in or around 1979 when I was about 12 years old. Bill and Bronwyn had a daughter named [BCE] who was two years younger than me. [BCE] and I became very good friends.

In or around 1980, Bill Neill was one of two elders at the Narrogin congregation. At the time I understood that Bill's position as an elder gave him authority in the Jehovah's Witness community. He used to give talks at the weekly congregation meetings from the platform in the Kingdom Hall. The other elder in the Narrogin congregation at the time was Jack Shaylor.

I looked up to Bill because he was an elder. Everybody in the congregation respected and trusted Bill, including my mum.

Between about 1980 and 1986 I spent a lot of time with [BCE] at the Neill family house. I used to stay at [BCE]'s house at least once a week. Often, I would attend the Friday night book study meeting led by Bill at the Neills' house and then stay over at the Neills' house until the Sunday meeting at the Kingdom Hall. [BCE]'s mum, Bronwyn, treated me like a daughter and I felt really close to her. I used to call Bill "Uncle Bill".

I recall that the Neill family talked a lot about church issues in the house. They used to discuss their belief in Jehovah. Bill in particular used to explain that all ideas and ways of behaving should be figured out according to what the Bible says. I remember that Bill would discourage [BCE] and me from forming friendships with other children who were not Jehovah's Witnesses at school.

The Neill family always seemed to me to be an affectionate family, which I really liked. For example, everyone always kissed each other on the lips when they said good night or goodbye to one another.

I remember that Bill and Bronwyn were very open with their kids about sex. Bill would often make sexual jokes in front of me. My mum never talked about anything to do with sex. I had grown up understanding that it was not something that you were supposed to talk about.

In or around 1982, when I was about 14 years old, I was staying over at [BCE]'s house, as I did almost every week. I was having a shower and [BCE], who I often shared the bathroom with, said "What's that on your tummy?" I looked down and noticed I had a rash on my stomach. Despite me not wanting her to, [BCE] went and got her mum. I only had my knickers and a singlet on. Bronwyn said she wanted to show Bill. I said, 'I don't want him to see me'. I never let my dad see me in my knickers, so I was really embarrassed. Bill came and looked at my stomach and I remember feeling really uncomfortable about him seeing me like that.

Later in 1982, I was again staying over at [BCE]'s house. On this night, as I was saying good night to Bill in the hallway of their house, he kissed me good night on the lips. Initially, this did not seem unusual to me, but he then stuck his tongue into my mouth. I pulled away and looked at him in shock. He looked at me and gave me a queer smirk-type smile. I found myself half smiling back. I was so surprised by what he had done that I just froze. I didn't know what else to do.

Every time I stayed at the Neill family house after that night until the end of 1986, I had to endure Bill tongue-kissing me good night. This often occurred in the hallway just outside [BCE]'s bedroom.

Apart from putting his tongue in my mouth when I stayed over at [BCE]'s house, Bill's behaviour towards me did not seem to change. He continued to behave the same way around his family. He continued to leave the Jehovah's Witness meetings and to be respected by the rest of the congregation. Since nothing was said about what he was doing to me, I felt like I had to act like nothing was happening.

I really didn't know what to do. I was scared and ashamed. I felt that I was somehow responsible for what Bill was doing to me. I felt like I couldn't say anything about it, because I was worried that I would get into trouble and that Bill would belt me like he belted his kids when they were naughty.

I respected Bill because he was an elder. He was also [BCE]'s dad and head of the Neill household. But I had also come to fear him. Because of his position as an elder, I felt that I couldn't tell anyone about what he was doing to me. I felt that if I told someone, it would upset Bronwyn and [BCE] as well as the members of the congregation.

Every time I thought about bringing what was happening to me out in the open, the consequences were too scary, so I stopped thinking about it. I felt like no-one would believe me.

A few months later, after Bill had once again tongue-kissed me good night at his house, [BCE] said to me, 'Did my dad just kiss you for a long time?' I assumed that [BCE] must have seen Bill kiss me. I was scared of getting into trouble and so I said to her, 'Don't worry, it's okay.' I thought at the time that by not telling [BCE] what was happening, I was protecting her. I thought that if she found out, it might cause her family to break up. I now wish I had told her.

On one occasion in or around 1983, Bill and I were out doing door-to-door preaching together. I remember that at some point, we were alone in Bill's Kombi van. Bill said to me, 'What shall we do about our little problem?' I said to him, 'I don't know.' Bill then asked me, 'Do you want me to talk to Brother Shaylor about it? You know if I do that, though, your mum and dad will find out.' I replied

no to Bill, because when he mentioned that my parents would find out, I got scared.

I was surprised that Bill suggested speaking to Brother Shaylor. At the time, I already felt guilty about what Bill was doing to me, but when Bill suggested speaking to Brother Shaylor, it removed any doubt in my mind that what was happening between Bill and me was my fault.

At the end of 1983, having completed year 10, I left high school. The following year, I studied a business course and in around April 1984 I got a job. [REDACTED]. I continued to stay at the Neill house regularly from around this time until the end of 1986.

One night, in or around 1984 when I was about 17, I stayed overnight at the Neill family house. While I was showering in the bathroom with the door locked, I heard a noise. I looked up and saw Bill perving on me over the top of the shower curtain. I guess he must have been standing on the basin to be able to see. I don't know how, but I assume that Bill had unlocked the bathroom door from the outside. I screamed 'Get out' at Bill and he left the room. Bill and I never spoke of the shower incident.

On another night also in 1984, and not long after the shower incident, I remember that Bill came into [BCE]'s room where she and I were making lots of noise and threw me over the bed. He started belting me across my buttocks with his belt. It really stung me and afterwards I had a dark red welt across my backside. Apart from the physical pain, I remember feeling humiliated, angry and shocked by what Bill had done.

On 26 October 1985, I was formally baptised as a Jehovah's Witness in a ceremony that involved being submerged in a pool of water. At the baptism, many of the other girls wore modest swimming costumes with T-shirts over the top. I remember that Bill refused to let [BCE] or I wear T-shirts over the top of our swimming costumes.

In or around 1985, when I was around 18, I noticed Bill's behaviour towards me became more sexual. He used to say things to me in front of his wife Bronwyn and in front of [BCE] like, 'You're a nymphomaniac', and, 'If you weren't in the Truth, you'd be a prostitute.' What he said didn't make sense to me, because I was a virgin.

I recall that on one occasion in or around the end of 1985, Bill tongue-kissed me in his lounge room. As he was doing it I heard Bronwyn say sharply 'Bill'. I remember thinking that we would be in trouble but nothing more was said about the incident by Bronwyn or Bill.

Up until the summer of 1985-1986, I thought Bill's behaviour was just something unpleasant that I had to put up with so I could have a good time with [BCE] and the rest of the Neill family, who I liked.

One day in the summer of 1985-1986, while I was in the pantry in the kitchen of the Neill family house, Bill came in, shut the door and started kissing me. As I was older by then, I felt able to try and resist his kissing. Bill yelled at me and said to kiss him. He pushed me up against the wall and told me to pull my dress up so that he could see my underwear. Thankfully, someone came into the kitchen at that point and Bill stopped and left me alone in the pantry.

In or around October 1986, I left my job [REDACTED] and I was very unhappy at the time because I was feeling pressured by people in the Narrogin congregation to preach full time.

After I left my job [REDACTED], I moved in to the Neill's house for a couple of months while I was looking for a new job in Narrogin. [BCE] was still living at home when I moved in with the Neill family.

Bill continued to harass me while I lived at the Neill house. At the same time, he remained a respected elder in the congregation. I became really resentful of him. I stopped referring to him as "Uncle Bill" and instead referred to him as "Bill". Looking back, I think this was my way of rebelling against him.

One day, at the end of 1986, when I was 19, I had been having a shower in the family bathroom at the Neills' house. Although the rule in the Neill house was not to lock the bathroom door, I used to lock the door because I wanted my privacy. That day, I had just stepped out of the shower and was naked when the door suddenly opened and Bill walked in. I don't know how Bill unlocked the door. I guess that he may have unlocked it with a knife or even

his fingernail. I know that Bill didn't walk in by accident because of the way he quickly opened the door, closed it again behind him and stood against it, trapping me inside.

Bill then told me, 'Sit on the floor and open your legs.' I didn't want to do what he was asking but his manner was very threatening. I felt humiliated and scared." Angus, would you be able to read the next?

MR STEWART:

I felt humiliated and scared. Bill then started fondling me and put his finger in my vagina. He then told me to stand up and he proceeded to perform oral sex on me. I felt disgusted and uncomfortable. I knew that sex was something that people were meant to enjoy and I remember thinking that there must be something wrong with me because I didn't like what was happening.

The next day I was lying in bed in my room feeling sick when Bill came into the room. He said to me, "Did you like it?". I assumed he was referring to the bathroom incident. Pointing at his crotch he said to me, "It's better with this in." I asked him to leave and he did. Once he had left the room, I got up, packed my bags, and went home to my parents' farm without saying goodbye to [BCE].

In or around early 1987, I remember telling [BCE] that I had been seeing a couple of boys. Not long after I told her that, [BCE] told me that Bill wanted to talk to me about my relationship with boys. She told me to meet Bill at the Neill family house. Even though the meeting was at his house, I understood that I was being asked to see Bill in his capacity as an elder and that I had to do as I was told. I would never have chosen to speak to Bill about my relationships with boys otherwise.

When I got to his house, Bill asked me to

wait in [BCE]'s room. He came into the room and asked me: "Can you show me your boobs?" Although I had come to expect this behaviour from Bill, I remember feeling shocked that he was asking me this. I remember that I let him look down my top. I don't know why I did what he asked. Looking back, I feel as though he could control me. Bill then said to me something like: "Can you make yourself orgasm?" I said "Yes" and he replied to me, "I thought so, you dirty bitch."

Bill was an elder for as long as I knew him. I wasn't able to see at the time, but everything he did to me was in complete disregard of all the Jehovah's Witness rules, some of which he preached, about sex and association between Brothers and Sisters.

In 1989, I told my now husband, [BCC], that Bill used to kiss me. I dreaded telling him and I couldn't bring myself to tell him any more detail about what happened than this. When I told him, he started asking me questions about what exactly had happened, and I said to him, "Don't worry, it's all over now." I didn't want to say anything more because I was scared that [BCC] would tell someone.

Later, in or around 1991, a Jehovah's Witness acquaintance of mine, [BCF], told me that she had been abused by her uncle and that she had tried to commit suicide. I told her what happened to me but I didn't mention any names. Somehow she guessed that I was talking about Bill. I freaked out and asked her not to tell anyone.

THE WITNESS: "I guess that [BCF] did tell others in the congregation as, a week or so later, a young elder from the congregation called Max Horley came to speak to me. Initially, I had no idea why he had come to see me, but he eventually revealed that he had come to talk to me about Bill and me. When he said this, I burst into tears.

I told Max about most of what Bill had done but I couldn't mention the final bathroom incident when Bill had had oral sex with me. I was so ashamed. Max was very kind and supportive. He told me that what had happened was not my fault and that I shouldn't blame myself.

Soon after, Max arranged a meeting with Bill, [BCC] and me at my house. I don't remember anyone explaining the purpose of the meeting to me. At that meeting, Max said to me, 'I believe Bill asked you if you wanted to see his penis, and you said no.' I assumed that he was referring to the incident in the bedroom the morning after Bill had oral sex with me in the bathroom, even though I had not told him about this incident myself. Bill looked at me and said, 'Don't you think I was joking?' And I said, 'I don't know.' I didn't understand why someone would joke about that sort of thing. Nobody at the meeting said anything about Bill's comment. I still don't understand why no-one at the meeting told Bill that you shouldn't joke about those sorts of things.

I did not talk about the incident in the bathroom at the first meeting. I didn't feel comfortable talking while Bill was in the room.

After that first meeting, I felt like there was a lot of stuff I had been unable to say in front of Bill. I decided to go to Max's house after the meeting to clarify things. As a result of our conversation at his house, Max organised a second meeting at my house.

The second meeting was attended by Max Horley, Doug Jackson, Bill, my husband [BCC], and me. Doug Jackson was the circuit overseer for the Narrogin congregation. Max told me this meeting was a "Committee meeting". I was not aware at the time what the purpose of the meeting was or why Doug Jackson was attending.

During the committee meeting, Bill was defensive. He said that I used to wear revealing clothing. I remember that Doug Jackson made it quite clear to both of us that the church has never allowed the victim's clothing as an excuse.

Throughout the meeting, Bill looked at me defiantly. I felt like he was challenging me to tell the full story of

what he had done. I felt uncomfortable and could not bring myself to tell the elders everything that had happened. I felt like I was still Bill's victim. I was still so scared of saying anything that would get me or Bill into trouble.

I remember that at one point in the meeting, Max said to me, 'Is there anything else you wish to tell us?' I remember looking across the room at Bill and saying 'No'. It was already very hard to talk about sex in a room full of men. It was especially hard to talk about what Bill had done to me while he was sitting there in front of me. I didn't feel like it was a safe environment and I was scared of what the consequences would be if I told the whole truth. Perhaps if a Sister who I was comfortable with had been there too, it might have been easier.

At the end of the meeting, the elders asked Bill to say something to me, so he said, 'I'm sorry.' I took that to mean that he was sorry for everything that had happened, although his demeanour was not in any way remorseful and I could tell that he wasn't sorry.

Nobody explained to me what the outcome of the meeting was or if anything would happen to Bill as a result of what I had reported.

After the meeting, Doug Jackson gave me a magazine article that had been published by The Watchtower a few years before. He encouraged me to read through it. The article was about child sexual abuse. At the time, I don't think I had thought of what had happened to me as child sexual abuse, because Bill hadn't had sex with me. But reading that article made me realise that what happened to me was child sexual abuse.

I don't remember discussing contacting the police with anybody at that time either before or after the committee meeting.

Not long after the committee meeting, Bronwyn Neill rang me and asked me about my conversation with [BCF]. I said to Bronwyn, '[BCF] told me that she had been abused by her uncle and I told [BCF] what had happened to me.' Bronwyn said to me, 'Bill didn't abuse you.' I got scared, so I said to Bronwyn, 'I didn't actually say that.' What I told Bronwyn was true. I had never actually used the

word 'abuse' when I spoke to [BCF] or during my discussions with elders as I hadn't understood at the time that I had been abused.

As soon as I got off the phone to Bronwyn, I rang Max Horley to tell him about what Bronwyn had said to me. He told me that he would sort it out. Later that day, Max rang me back and said to me, '[BCB], the Neills have asked that you not tell any more people about Bill out of respect for the family.' I respected Max and did as I was told. I didn't tell anyone else about what had happened to me, not even my best friend at the time. Thinking back, I now see that I was being asked to respect the man who had done those things to me, but nobody was offering me any respect or proper support.

A few weeks after the committee meeting, the elders announced to the congregation that Bill had stepped down as an elder. I was sitting in the congregation at the time. The elders did not announce to the congregation why Bill was standing down. Although I understood the reasons for privacy, I have since felt that people in the congregation should have been warned about someone like Bill.

After the committee meeting, I don't recall being offered any support by Doug Jackson or Max Horley, though it's possible that they may have said something to me. Overall, however, I remember that I didn't feel supported. No-one in the congregation talked to me about what had happened to me, and Bill's wife, Bronwyn, ignored me for some time. This was especially hard because I loved Bronwyn like a mother.

Even though I had reported what Bill had done, I was still expected to attend book study meetings that were being held at the Neills' house. I continued to see Bill several times a week at congregational meetings and at annual district conventions. Everything just seemed to carry on as normal, but I felt physically sick every time I saw Bill.

I continued to attend the Narrogin congregation for three more years and continued to see Bill at meetings during this period. In 1994, I moved out of the area and started attending a different Jehovah's Witness congregation.

I understand that Bill has since died, although I don't know when.

I still consider myself to be a Jehovah's Witness and, until very recently, attended meetings at the [REDACTED] congregation in Western Australia.

In or around December 2012, I provided a written statement to two elders in the [REDACTED] congregation. Their names are Joe Bello and David Wood. The statement summarised Bill's sexual abuse of me. I provided Joe and David with my statement as I thought that others might have also been abused by Bill and that my statement might be able to help support their cases.

In or around July 2014, Joe Bello came to visit [BCC] and me at my house on an unrelated matter. During this visit, I raised the subject of Bill's sexual abuse of me and told Joe that I was considering reporting my story to the Royal Commission.

Around the same time, Joe Bello rang and had a conversation with [BCC] on the phone. During the conversation, Joe said to [BCC], 'You should ask [BCB] if she really wants to drag Jehovah's name through the mud.' When [BCC] told me what Joe had said, I felt upset. It was not me that gave Jehovah a bad name; it was Bill.

For some time after the visit from Joe Bello I was quite upset. My mother encouraged me to write down my feelings, so I wrote a note recording my feelings at the time about Bill's sexual abuse of me, the response of the elders at Narrogin congregation, the response of the elders at the [REDACTED] congregation, and my reasons for reporting my story to the Royal Commission. Some time after, my mother handed this note to David Wood, one of the elders in the [REDACTED] congregation. The handwritten note is at WAT.0001.002.0497.

In around September 2014, I contacted the Royal Commission and reported my story. I have huge feelings of guilt about coming forward with my story. I feel as though I am betraying the Jehovah's Witnesses and bringing reproach on to them. When I speak to officers at the Royal Commission, my chest gets tight, I have heart palpitations, and I have difficulty breathing because of my anxiety about the betrayal.

Since reporting my story to the Royal Commission, I have stopped attending meetings at [REDACTED] congregation. I am sad about this, because it means that I no longer see a lot of my friends from the congregation. Telling my story to the Royal Commission has brought up a lot of feelings of anger in relation to what Bill did to me and the way I have been treated by the Jehovah's Witnesses.

I've spent too many years suffering over this whole situation. It has held me back from living a normal life and I really want to move on.

The abuse definitely changed who I was. It destroyed my confidence and my self-esteem. Even though the sexual abuse stopped when I was 19, I have continued to feel like Bill's victim well into my adult life.

I continued to keep Bill's sexual abuse of me a secret for a long time. Over the years of our marriage I have told [BCC] more detail of what happened with Bill. It wasn't until just before my nervous breakdown" - about 12 years ago - "that I finally confided fully in some of my friends. Once I started talking about what happened, it was like opening a can of worms and I became very ill. I was lucky to get help from a wonderful psychiatrist.

I've had a lot of therapy to address what Bill did to me, but I still have trouble feeling a sense of closure about what happened. I still feel that Bill was never made to face any consequences for what he did to me.

I feel like Bill's position as an elder contributed to his power over me. I now think that I was brainwashed into thinking that speaking to people outside the church or to the 'worldly' people would bring reproach upon Jehovah's name. I think that had I been allowed to speak to other non-Jehovah's Witness children at school, maybe someone might have reported what happened to me and I wouldn't have become the victim that I feel I am now.

As Bill is now dead, I don't have to worry about seeing him at Jehovah's Witness conventions any more. I still struggle with my thoughts and feelings about the abuse, but I have an amazing group of 'spiritual' sisters and friends, as well as my lovely husband, [BCC], and my

two beautiful daughters.

I would like to see a number of things change in the way that the Jehovah's Witnesses deal with child sexual abuse. First of all, I would like the Jehovah's Witnesses to take allegations of child abuse more seriously and to report them to the police.

I also think that those victims that are brave enough to report to elders should be properly supported and protected. I definitely did not feel protected when I disclosed my abuse to Max Horley and Doug Jackson in 1991. I found the experience of reporting my abuse to a room full of men, including the man who had abused me, very distressing.

I have never been offered any compensation by the Jehovah's Witnesses for what happened to me. I have never made any claim for compensation because I didn't think that I would be entitled to any. I am worried about what others will think of me asking for compensation. I know that many people have been through worse suffering than me in their lives. I don't want more than I'm entitled to. I only want to be treated fairly as a victim of abuse that was perpetrated by a member of the Jehovah's Witnesses. I just want fair and just compensation for what Bill did."

MR STEWART: Q. I do have a few questions I want to ask by way of clarification or elaboration.

You speak in paragraph 12 of your statement - and perhaps that can come up on the screen - about meetings being held, including at someone's house. Were those meetings organised by the elders?
A. Yes.

Q. After Bill Neill had stood down - after the elders had met with you and so on, and he stood down, you say in paragraph 16 that you continued to attend meetings at the Neills' home. Did he, as presiding overseer - who organised those meetings, because he was no longer an elder? Were those meetings organised by --
A. They must have been organised by Max Horley.

Q. So those types of meetings, were they always organised by the elders --
A. Yes.

Q. -- in the congregation?
A. Yes.

Q. Did you ask not to have to continue attending meetings at the Neills' home?
A. I didn't - did I ask? I did ask to change book study groups, that's right. I asked to go to the one at the hall.

Q. Was that so that you did not have to attend at the Neills' home?
A. Yes, I didn't want to, because Bronwyn wasn't talking to me, and I didn't want to see Bill in their house.

Q. And who did you ask that of?
A. I don't remember, but maybe I spoke to my mum, maybe I asked Max. [BCC] said maybe I spoke to Max. I don't remember.

Q. All right. That's fine. You don't remember. Do you remember what response you got?
A. I was just told that I had to go there.

Q. If we scroll up to paragraph 17 on the statement, you say in the last sentence that you remember being discouraged from forming friendships with other children who were not Jehovah's Witnesses. This is when you were still at school?
A. Yes.

Q. Did you have an understanding of why you were discouraged from forming such friendships or what was said to be the teaching behind that?
A. There were a couple of scriptures. One was "bad association spoils useful habits", and the other one was that Jesus said that we are no part of this world, so - I had friends at school, they were nice girls. But we were just friends at school, not outside of school.

Q. And in what you were taught as a young girl growing up in the Jehovah's Witness Church, were you taught anything about the police or how to view or understand the police and their role?
A. No, I don't remember anything specifically being said about the police.

Q. You say in paragraph 30, at the end of 1983, having completed year 10, you left high school. Why did you leave high school at that time?
A. I - the Neills didn't encourage further education, and they encouraged us to either get married and have children or to pioneer, which is preach full time, and so I didn't really consider doing TAE, as it was in those days - didn't consider going to university; didn't - it wasn't a consideration for me. And so I was going to leave after year 10, but my dad said, "You don't have any qualifications to get a job," so he encouraged me to do a year 11 vocational business course, which was actually part of the school. And I'm glad he did that, because then I was able to get a good job.

Q. And your father was not part of the Jehovah's Witness Church; is that right?
A. No.

Q. And your experience of what the Neills told you - and presumably their daughters - about leaving school, was that something you experienced in other families in the Jehovah's Witness Church?
A. It just wasn't - university wasn't really talked about as an option. Most people just left after year 10 and got a job.

Q. If we could look at your paragraph 73, you say that after you contacted the Royal Commission and reported your story, you had huge feelings of guilt about coming forward with the story, and you felt as though you were betraying the Jehovah's Witnesses in doing so. Are you able to identify what is the source of that guilt? Why do you feel that it is a betrayal?
A. Because it's - it's an ugly story and it doesn't portray them in a very good light, like the people who dealt with my - the brothers who dealt with my situation, and I feel like I'm - I do feel like I'm dragging Jehovah's name through the mud.

Q. You have given in your statement some details of the impact that the abuse has had on your health. Is there anything you would like to add in relation to that or anything you would like the brothers to know about the effect of child sexual abuse?
A. Yes, I've been - when I had my breakdown - I was not well before that, I was going downhill for a long time

before that. I was getting paranoid. I was thinking that - I was thinking that people at school - when I dropped the kids off at school, I was thinking that they were all talking about me and judging me. I was thinking that the neighbours were all judging me, talking about me. One morning, the lawnmower man came to mow the lawns and I thought he was going around to all the doors and windows and deliberately trying to scare me, and I went into the games room with the kids and hid behind the doll's house and I said to them, "Don't let him see me", and they were laughing and going "What's wrong with you mummy?" And I think I scared them a little bit, or they just thought I was being strange. And when I told my friend about what happened to me, because she - she knew, she guessed, that this is - when - the reason why I had my breakdown was because I told my close friend a little bit about what happened, and she knew who it was, and just - I got scared that it was all going to come out and everyone was going to know about it and it really scared me, and the next couple of weeks I lost 15 kilos because I was so anxious. I was really sick. I couldn't get out of bed. I had no energy. I was hyperventilating. I was breathing into a paper bag all day long, and one day - my dad was staying with me every day. They were probably scared for me. And he said, "Have you eaten anything today?" And I said "No", and he said, "You should eat something." So he made me a piece of toast and I was chewing it and chewing it, and I ended up having to spit it out because I had no saliva in my mouth, and thank goodness I ended up going to the psychiatrist and he put me on anti-depressants and - otherwise, I don't know what I would have done. I just wanted to go to sleep and not wake up. And I thought about taking sleeping pills, but - I just kept thinking about my husband and my kids and I couldn't do it to them.

MR STEWART: Thank you. I've no further questions, your Honour.

THE CHAIR: Does anyone else have any questions?

MR COYNE: No, your Honour.

MS GALLAGHER: I do, your Honour, if the Commission pleases.

<EXAMINATION BY MS GALLAGHER:

MS GALLAGHER: Q. [BCB], obviously I represent you before the Commission. If I could take you to your initial complaint, if you like, to [BCF]. You talk about it at paragraph 48 of your statement. She had indicated to you that she had suffered abuse from her uncle?
A. Yes.

Q. Then you told her, as you note in your statement, that something had happened to you. Is that right?
A. Yes.

Q. Did you give her any details - not about the perpetrator, but about what had happened to you?
A. A little bit. Like I know I said in my statement that I told her what happened to me, but I didn't tell her everything that happened to me. I just said - I said, "Something similar happened to me."

Q. Did she give you the specifics of her abuse?
A. Not really - oh, it was a long time ago. I can't really remember exactly.

Q. When you say "something similar happened to me" --
A. Yes.

Q. -- did you tell her any more about what had happened to you?
A. Yes, I - well, I told her about how my friend's father had - used to stick his tongue in my mouth when he kissed me and that he came into the bathroom and perved at me. I think that might have been all that I spoke to her about. Oh, I did tell her about him coming into my room and wanting to show me his penis.

Q. Is the next thing that you can recall, just in relation to how these meetings came about with Max Horley and Doug Jackson and Bill Neill - is it the case that you were out preaching --
A. Yes.

Q. -- and Max drove up to you?
A. He drove up to me, yes. I was out in preaching work, and he drove up to me and said, "Can I come and visit you this afternoon?" And he wanted to visit my husband and I.

Q. Who were you with at the time, if anybody?
A. I think I was with my husband.

Q. Do you remember what you said to him when he asked, "Can I come and visit?"
A. Yes, I said he could come round that afternoon, yes.

Q. And did Max come alone to your home on that occasion?
A. Yes, yes, the first time.

Q. Do you remember what he said to you?
A. Yes, he started talking about, "If you told a friend something, some information that was quite serious, and they said you should tell the elders and you didn't" - hold on. I can't remember exactly how he said it.

Q. Did you eventually work out what he was talking about?
A. Yes, he was trying to - he was trying to - I think he was trying to explain that [BCF] was obviously feeling bad because she had told someone about what I had said and was worried about my reaction.

Q. And is it the case that you realised that he was talking about --
A. That's when I realised --

Q. -- the contact with Bill Neill?
A. -- that [BCF] had told somebody about what I had told her.

Q. And you burst into tears at that time?
A. Yes, yes.

Q. The next thing you recall, is it the case, is that there was a meeting with Max present; is that right, Doug Jackson and --
A. No, the next one was - the next meeting was Max and Bill and my husband and I.

Q. So Max and Bill and your husband and yourself?
A. Yes.

Q. So two elders were present?
A. Yes.

Q. But one of them was your abuser?
A. Yes.

Q. Is that right?
A. Yes.

Q. And was that at your home?
A. That was in my lounge room.

Q. You were 22 at the time; is that right?
A. Yes, I think I was 22, yes. We had just been married for a couple of years.

Q. And you were both in the faith; is that right?
A. Yes.

Q. You remain in the faith; is that right?
A. I'm taking a break at the moment.

Q. But at the time, you certainly, is it the case, didn't feel that you could question the process of what was occurring?
A. I was just doing as I was told.

Q. When you say you were just doing as you were told, do you mean from Max Horley?
A. Yes. I assumed that he knew the correct procedure, and I was just going along with what he said, because I respected him.

Q. Were you told by Max that if there had been indecent contact between you and Bill, that you could go to the police?
A. No.

Q. That you should go to the police?
A. No.

Q. That it was criminal behaviour --
A. No.

Q. -- that you were alleging?
A. No.

Q. When Bill Neill attended with Max, were you pressed for detail as to what Bill had done to you?
A. Yes, Max said, "I believe that Bill" - in the course of whatever they were asking me, he said, "I believe that Bill asked you if you wanted to see his penis." And I said

"Yes", and then Bill said - looked at me and said, "Do you think I was joking?" And I said, "I don't know."

Q. Did you feel at the time that you were really being invited to question your own belief in what had happened?
A. Yes. I was - I was questioning whether I misunderstood.

Q. The next meeting was also at your home; is that right?
A. Yes.

Q. And present was Doug Jackson and Max Horley and Bill again?
A. Yes.

Q. Looking back on it now, how do you feel about the appropriateness of the first meeting - Max coming with Bill, your abuser, to your home?
A. I felt very, very uncomfortable. I couldn't say anything about what really happened, with him there, because I felt like he still had control over me in what I said, and that whatever I said would be - he would be cross-examining me and saying that it was my word against his.

Q. So when you say "he" would be cross-examining, you meant your abuser?
A. Bill.

Q. Bill Neill?
A. Yes.

Q. You were fearful of that, and, indeed, it did occur; is that right?
A. Yes.

Q. In relation to the second meeting, you describe in your statement that Bill was defensive and, I think you describe, defiant as well?
A. Yes.

Q. Spoke about you wearing revealing clothing?
A. Yes.

Q. Did you feel the same way, in the sense that your version, your credibility, was being tested?
A. Yes, definitely.

Q. And that you weren't being supported in your version of events?
A. Yes. I didn't feel supported at all.

Q. Did you understand what the process was?
A. No.

Q. Did you understand why this was occurring, why these people were attending your home and violating your space, if you like, in relation to this inquiry?
A. I didn't question their methods, because I thought they would know the correct procedure, because they were the authority in the church, in the Jehovah's Witnesses.

Q. And did you understand it was an inquiry as to whether or not Bill should remain an elder? Was that ever explained to you?
A. Not really. I guess I still just thought it was my word against his and that they were just trying to find out what happened.

Q. Having been raised from 10 in the faith of Jehovah's Witnesses, did you understand the rules, if you like, about when someone makes an accusation against another, that is --
A. With minor incidents, you approach the person and try to sort it out with each other, if you can. If you can't, you - I know now that you can talk to two trusted friends, two trusted sisters in the congregation. I didn't understand that at the time, though. I don't know whether that was ever a rule?

Q. When I say "a rule", do you understand that reliance upon biblical teaching is noted for this, that for someone to be found guilty within the church of wrongdoing, or within the faith, they have to either have confessed or that there be two or more witnesses?
A. I don't - I didn't know any kind of - I didn't know that then.

Q. Can I ask you this: did you feel, when the two elders were at your home at the second meeting and Max was present with Doug and Bill - did you feel in control of the process?
A. No.

Q. Did you feel supported?
A. No, I didn't feel supported. I guess in a way I was trying to control it, because I didn't tell the full story.

Q. Yes. Do you feel now that you should have been encouraged at that time to go to the police?
A. Yes.

Q. Do you have an understanding now that Bill Neill's conduct towards you in relation to the tongue kissing is at least assaults of an indecent kind?
A. Yes.

Q. And that the incident in the bathroom where you were penetrated and oral sex performed upon you were arguably incidents of sexual intercourse without consent?
A. Yes.

Q. Just in relation to the process that took place, do you think you should have been confronted by your abuser at the time, in your own home?
A. No.

Q. And do you think there should have been females involved?
A. Yes.

Q. Did you feel, during the process, particularly when Bronwyn phoned you - someone that you loved and cared about, and indicated to you that Bill hadn't abused you - you have given evidence about phoning Max and telling him about that, and then Max calling you back and saying, "Please stop talking about this", effectively, out of respect for --
A. The family.

Q. -- the Neill family - did you feel that that was the emphasis, respect for the Neill family?
A. At the time, I just did as I was told.

Q. In relation to the issue of compensation, it's the case that you have spent seven years in therapy with a psychiatrist. You are no longer seeing a psychiatrist at the moment; is that right?
A. No.

Q. You are currently on antidepressants, you remain on

antidepressants?
A. Yes.

Q. You are currently undergoing neuro-emotional therapy with a chiropractor?
A. Yes.

Q. All of those things of course cost you money; correct?
A. Yes.

Q. And you would welcome compensation, if it were offered by the Faith; is that right?
A. I would, yes.

Q. Is it the case that you are also grateful to the Royal Commission?
A. Absolutely. Absolutely.

MS GALLAGHER: Thank you.

THE WITNESS: Thank you, thank you so much.

THE CHAIR: Does anyone else have any questions? .

MR COYNE: No, your Honour.

THE CHAIR: Thank you, [BCB]. Thank you for coming in and telling us your story. You are formally excused.

<THE WITNESS WITHDREW

MR STEWART: The next witness, your Honour, will be Max Horley.

THE CHAIR: Do you have any better copies of Mr Horley's statement? The ones we have are quite hard to read.

MR STEWART: That is being arranged, I am told, your Honour.

THE CHAIR: Mr Horley, it's necessary for you to be sworn. Will you take an oath on the Bible or an affirmation?

MR HORLEY: An oath on the Bible, thank you.

<MAXWELL FREDERICK HORLEY, sworn: [12.40pm]

<EXAMINATION BY MR STEWART:

MR STEWART: Would your Honour like me to wait until we have copies --

THE CHAIR: No, no, keep going.

MR STEWART: Q. Mr Horley, do you have before you a copy of your statement?

THE CHAIR: I think we need to identify him first.

MR STEWART: Q. What are your full names, Mr Horley?
A. Full name, Maxwell Frederick Horley.

Q. Do you have a copy of your statement dated 7 July 2015 before you?
A. Yes.

Q. Are there any corrections or amendments you would like to make to that statement?
A. No, I think it's complete.

Q. Do you confirm the statement as true and correct?
A. Yes.

MR STEWART: I tender the statement.

THE CHAIR: It will become exhibit 29-002.

EXHIBIT #29-002 STATEMENT OF MAXWELL FREDERICK HORLEY DATED 07/07/2015

MR STEWART: Q. You have been a Jehovah's Witness essentially your whole life; is that right?
A. That's correct.

Q. You have been a Dawesville congregation elder since November 2012, and you served there as secretary; is that right?
A. That's correct, yes.

Q. You were appointed an elder in the Narrogin congregation in 1988 and you served there as secretary too; is that right?

A. Yes. That's correct, yes.

Q. And there was only one other elder there at that time, and that was Bill Neill?
A. When I was first appointed there were two elders. One was quite elderly and I think he then moved back to Perth. So that left Bill and I. Later on, there were two other elders appointed, and we had a situation arose where they - one was stood down and one moved away, so that left Bill and I at the time that this incident occurred.

Q. And the first elderly elder that you referred to, who moved back to Perth, was that Jack Shaylor?
A. That's correct.

Q. When Bill Neill was stood down in 1992, you became the presiding overseer; is that right?
A. That's correct, yes.

Q. Speaking generally now, but in your experience, as secretary of a congregation, what files or records do you keep?
A. We keep copies of the letters that are sent from the branch; we keep publisher record cards that report all their time spent in the ministry, collate that information each month and send the details to the branch; we write letters when someone moves to another congregation, send a letter of introduction along with that. We also receive letters from other congregations when publishers move in. We keep records of committee cases that are held, judicial committee cases and things like that, of a sensitive nature, are kept on file, too, in case we need to refer back to them at a later time. But those are usually only seen by the ones acting on that committee at the time.

Q. Is there a file or a record for each member of the congregation?
A. No, only the publisher record card, which details how much time they've spent in the ministry each month.

Q. In respect of the files of a sensitive nature or records of a sensitive nature that you describe following committee hearings, judicial committee hearings, and so on, for how long are those retained?
A. I know we've had some information recently that after a certain period of time they are destroyed. But ones involving this particular type of case are supposed to be

kept indefinitely.

Q. And who has access to those records?
A. If it's a judicial case, then only the committee members that served on that committee, I understand, have access to go into that. They are all kept in the same place, but in the congregation I serve in now, all of the elders have access to the congregation file if they need to refer back to some of the letters that are on there or other reports, and so on.

Q. And what information or records are passed on to the branch office?
A. The report each month for how much ministry is conducted by the congregation is compiled, and that is sent each month. Each year there is information logged about different activities that the congregation - how many publishers there are, how many unbaptised publishers, and so on. That's just a brief overview that's also sent to the branch. If we need - if they request information, then we might need to send a letter to them requesting that information; and sometimes for clarification of information we might contact them in that way.

Q. I gather from the documents I've seen that the congregation elders will also report to the branch on the outcome of judicial committee hearings?
A. Oh, that's correct, sorry, yes. Yes.

Q. If we could have a look at paragraph 2.2 of your statement, on page 2, you will see in the last line you mention victims being encouraged to report abuse. Are we to understand that as reports to the elders; is that right?
A. Yes.

Q. Also, in 2.3, in the last sentence, you say:

The relevant Bible principles make it clear that failure to report another's wrongdoing can make one responsible before God, and this is emphasised to the congregation.

I take it again that the reference there to reporting another's wrongdoing is the report to an elder?
A. Yes, in Leviticus, those who become aware of a wrongdoing, not actually having done it themselves, but if they hear of it, then they report it to the elders so

that if the person isn't forthcoming, then the elders can step in and handle it.

Q. So these references in these paragraphs to reporting - that's not reporting to the secular authorities?
A. No, it is just to the elders at that stage.

Q. Now, is it the expectation that a member of the church must report any other member's wrongdoing to the elders, or is it only particular types of wrongdoing?
A. The encouragement is, depending on the seriousness of it, I guess, too, that they go to the person that has committed the wrongdoing and encourage them to go to the elders first, and basically making a proviso that if they don't, then the person who has become aware of it will approach the elders and let them know of it. Does that make myself clear enough?

Q. So I can understand that in respect of, say, less-serious issues that arise between people. Are there particular kinds of transgressions or wrongdoing, or sins as I understand you would call it, that must be reported to the elders?
A. Sins that we would have brought to the elders' attention more are of the serious nature - things that could result in a judicial committee case being formed, so matters of a sexual nature and things like that.

Other matters, where it's just someone is upset at somebody, we would encourage them to go ahead and try and sort that problem out themselves. If it became worse and eventually the elders were called in to try and arbitrate, or whatever - but normally following the Bible principles, they try to work those situations out themselves.

Q. Can you assist by explaining where the line is drawn or how the line is drawn between what is of a more serious nature requiring reporting and what isn't?
A. Yes, the more serious-nature are things set out in the scriptures that could result in someone being removed from the congregation if they are unrepentant. So sexual immorality and all the stages and things that that covers - homosexuality, bestiality, all of those sorts of things.

Q. And that would include child sexual abuse?
A. Absolutely, yes.

Q. And those things are the ones, I take it, that are set out in the handbooks?
A. Yes, how we go about instituting the protocol and handling of those aspects, yes.

Q. Turning to the case specifically of [BCB], and perhaps we can have up on the screen paragraph 49 of [BCB]'s statement, you will see that [BCB] has said that you asked to speak to her on the basis of information you had received. Do you recall or remember the person [BCF] who is referred to there? That is a friend of hers to whom she had spoken. The first name of that person, which we are avoiding saying, should be on a list in front of you?
A. Yes. I remember, but I don't remember her coming to see me.

Q. Do you remember how you first got to hear of these issues that [BCB] raised in relation to Bill Neill?
A. From my recollection, it was [BCB] and [BCC] that came to see me at my home and tell me about the allegations.

Q. When you say from your recollection, you seem somewhat hesitant about that. Is that because of the passage of time?
A. Yes, yes.

THE CHAIR: Q. Mr Horley, this allegation, I take it, when it came to you, you would have seen as a serious one?
A. Absolutely. It was a huge breach of trust, your Honour.

Q. As a consequence, I assume it would have stood out for you at the time as something unusual?
A. At the time it was something that I hadn't dealt with before and, yes, it was a very serious nature. I took it as a huge breach of trust, not only for the person involved but for the whole congregation. It would have repercussions that would flow through.

Q. The matter was reported to you because you were in a position of responsibility?
A. Yes.

Q. Did you take any notes?
A. No, I didn't.

Q. Can you help us --

A. I may have done at the time, I'm sorry, but --

Q. You may have done?
A. I may have.

Q. Where are they now?
A. They would have been destroyed.

Q. Why?
A. We don't like to have any notes outside of what's kept on file in the congregation.

Q. Why don't you like to have notes of a serious allegation?
A. There are brief notes kept in the file, but all other notes are destroyed.

Q. Why is that?
A. I guess it's because we don't want them to fall into the wrong hands and other people to find them and they go through them.

Q. What are the "wrong hands"?
A. Well, we don't want our wives knowing what our stuff - what sort of things we are dealing with; we don't want other people in the congregation coming across that information.

Q. So you want to keep it secret to the elders; is that what it amounts to?
A. I don't know about "secret", but we want to try and limit the amount of people that have to have a look at that information, yes.

Q. And why is it that you want to limit the people who will have access to the information?
A. Just to protect them, I guess. We don't --

Q. Protect who?
A. Protect the person that's involved in it and the rest of the congregation, so that they don't have to know these - I don't know, it's just - it's the protocol that we've had and so we've just followed that information, yes.

Q. And would you do the same thing today if someone came and reported to you a serious allegation of sexual assault? Would you destroy any notes?

A. Yes, that's our practice.

Q. What about telling other authorities - are you aware of your obligations if someone tells you of a serious allegation of sexual assault?
A. We - if we have any hesitation, we contact the branch for advice on how we should proceed legally and scripturally. We don't attend - we don't report it to the police; I think we encourage them to do that, but we give them the assistance to do that if they need that.

Q. How do you encourage people to report to the police?
A. My understanding is a little bit unclear, because I've never had to do it, so I'm not fully aware on the process, but if it did come to me, I would be just saying, "Look, this is a matter that you need to talk to the police about, or the legal authorities, and pursue it that way."

Q. The allegation that came to you you accepted was serious. Have you, in your time as an elder, had any other people come to you to report a serious allegation of a sexual nature?
A. Not of sexual assault, but generally misconduct on their own part or someone that they know of.

Q. What do you mean by "misconduct"?
A. Well, if someone has committed immorality with somebody else, then that has been brought to my attention, either by the person that has done it, in the way of confession, or it may be that they have heard about it and brought it to my attention and we have investigated it and handled it that way.

THE CHAIR: Yes, Mr Stewart.

MR STEWART: Q. You said a moment ago to his Honour, Mr Horley, in relation to reporting to the police, that you would say to the person, "Look, this is a matter that you need to talk to the police about, or the legal authorities, and pursue it in that way." Now, what sort of matter would that be? What sort of matter, in your mind, would be one that you would say to someone they must go and report to the police?
A. It would be in the matters of an abuse situation, where someone had been forcibly - something like this instance or probably even worse, or if someone had been raped or, you know, that sort of a matter, where police

proceedings would be needed.

Q. In this particular case, what were you told initially? You say you spoke with [BCB] and her husband. What was reported to you?
A. That the elder concerned had acted inappropriately whilst she had been staying at his home. From my recollection, it was more to do with the fondling of her breasts, but I think there was also an accusation about him watching her in the shower and - and that's - from the most of my recollection, I think there was some sort of inappropriate kissing of some sort, too, but --

Q. And these events occurred when she was a minor?
A. That's correct. She was staying at his home. She had finished school and was working at a [REDACTED], and because her family lived 45 minutes out of town she would stay with them during the week and go home to her family on the weekends.

Q. And did it occur to you that these were serious allegations that were made?
A. Any breach of trust, and particularly by an elder in that situation, was viewed very seriously.

Q. And that fondling the breasts of a minor, but, indeed, anyone without their consent, would be a crime?
A. I think that occurred to me at the time, and certainly has done since then, but the way that we handle it now is totally different to what we did back then.

Q. We will stick with back then for now.
A. Yes.

Q. And observing someone whilst showering without their consent is a serious allegation, not only within the church's view --
A. Absolutely.

Q. -- but even outside the church?
A. Mmm.

Q. And inappropriate kissing - in other words, by that I take it you mean tongue-kissing?
A. That's what I understand.

Q. Of a minor?

A. Yes.

Q. That's a crime, too. Did you appreciate that at the time?
A. Probably not like I should have done. Well, it shocked me to have that accusation brought to my attention. I knew it wasn't right. I didn't realise it might have been a criminal matter, though.

Q. And did you give any consideration to whether you should report it to the police?
A. I didn't, no.

Q. Did you give any consideration to whether [BCB] should be encouraged to report it to the police?
A. No, I didn't.

MR STEWART: Would this be a convenient time?

THE CHAIR: Very well, we will take the luncheon adjournment.

LUNCHEON ADJOURNMENT

MR STEWART: Your Honour, as I will probably be referring to it during the course of the afternoon, now would be a good time to tender the tender bundle. There should be two volumes at this stage and they can be tendered.

THE CHAIR: The tender bundle will be exhibit 29-003.

EXHIBIT #29-003 TWO-VOLUME TENDER BUNDLE

MR STEWART: Q. You spoke, Mr Horley, about receiving a report from [BCB] and her husband. There was a meeting, too, with you and Bill Neill and [BCB] and her husband where this matter was discussed; is that right?
A. I don't recall that particular meeting, no.

Q. [BCB] has given evidence with regard to that meeting. It's paragraph 51 of [BCB]'s statement. She gave further evidence about it orally earlier.
A. I'm sorry, I don't recall any of that.

Q. You're not saying it didn't happen?
A. No, I'm not saying it didn't happen. I don't recall it happening.

Q. Because it would be in keeping with the practice, wouldn't it, that an accuser must make the accusation to the accused, in the face of the accused; is that right?
A. It would have been done with another elder present. That's why - the only meeting I remember taking place was with Doug Jackson and myself and [BCB] and possibly her husband there and the accused, too.

Q. And Bill Neill as well?
A. Yes.

Q. So there was a meeting, in your memory, too, where [BCB] had to make her allegations to Bill Neill?
A. Yes.

Q. And with you and Mr Jackson present as well, and [BCB]'s husband?
A. I can't be positive that her husband was there, but, yes, that was - that meeting took place.

Q. Because it's a biblical principle for Jehovah's Witnesses, as I understand it, that an accused must be faced by the accuser, or has the right to be faced by the

accuser; is that right?
A. That's the way we understood it at that time. Our process has changed slightly now that we - in certain circumstances, and in this case in particular, the accuser, in that situation, would not have to meet accused. They could do that separately.

THE CHAIR: Q. When did the process change?
A. During the 1990s, your Honour.

Q. Do you realise how inappropriate that process is?
A. Having the two meet together?

Q. Yes.
A. I can understand that, yes, and I guess that's why it had to change.

Q. You do understand the position it puts --
A. Absolutely.

Q. -- a young woman in, do you?
A. Yes.

Q. Did you, at the time, reflect on that, when it was happening that way?
A. No, I didn't. I was just following the procedure that we had in place.

MR STEWART: Q. On the question of it changing, which I'll come to in a moment, let's deal with what it was at the time you dealt with it. That was governed by the Pay Attention to Yourselves manual; is that right?
A. I can't recall whether that had been released yet. I had three handbooks prior to that, when I was first appointed as an elder, that we used to refer to, and the ks91 book basically compiled that information and had updates in it as well.

Q. We'll have a look at it. That's in the tender bundle, 29-003 and, in particular, it's at tab 80. Perhaps we can scroll down, and then on to the next page. As you've indicated, that was 1991. It is 1991. So that was applicable from 1991, I take it, and through until when Shepherd the Flock of God was published in 2010, if I'm not mistaken; is that right?
A. That's correct. But even though it's copyrighted 1991, the elder schools weren't all held in 1991, to my

understanding. I think our elder school might have been taking place in 1992, after this event had already occurred.

Q. All right. Your inquiry into this was in early 1992, wasn't it?
A. Yes.

Q. Was there any change on this point; in other words, the point of the process of someone who has an accusation having to make it in the presence of the person against whom the accusation was made?
A. I don't believe so, at this stage.

Q. I'd be surprised if there was, because it comes from the Old Testament, doesn't it?
A. To establish, yes.

Q. It comes from Deuteronomy.
A. Okay.

Q. If we have look in tab 80, which we have, the Pay Attention to Yourselves and to all the Flock, and particularly at page 119, which has the Ringtail reference 0051, scroll down so that we have the heading at the top of the page. "Judicial Committee Hearing Procedure", and "After opening with prayer" and so on, the next bold heading, "Present the witnesses one at a time unless the wrongdoer confesses". In the second paragraph it says:

> *Accusers should be willing to assume their responsibility, as was required in Israel.*

That was the responsibility to face those whom they accused; am I right?
A. That's correct.

Q. I think, Mr Horley, you've got a copy of the New World Translation there with you, because that particular scripture, Deuteronomy, bears having regard to. Deuteronomy 17:6 and 7 says:

> *On the testimony of two witnesses or of three witnesses the one who is to die should be put to death. He must not be put to death on the testimony of one witness. The hand of the witnesses should be the*

first to come against him to put him to death, and the hand of all the people afterward. You must remove what is bad from your midst.

From that, as I understand it, it was taken that the accuser must make the accusation in the face of the accused; is that right?
A. That's the understanding, yes.

Q. Then if we have regard to the next edition of the Elders' Handbook, the current one at tab 120, at page 89, Ringtail reference 0090, and scroll down to the foot of the page:

The chairman should invite the accused to make a personal statement. If the accused contends that he is innocent, the witnesses to the wrongdoing should be presented and their testimony should be given in the presence of the accused. It is best that the witnesses give their testimony in person.

So this is what has applied since 2010. So in the light of that, what is the change of the procedure that you are referring to, Mr Horley, because these documents don't seem to bear it out?
A. These are dealing with judicial committee cases of serious - in matters of serious wrongdoing that could result in removal from the congregation or disfellowshipping. The information or the way that we looked at handling the situation at the time was to establish what actually had taken place, so two elders investigate the matter and establish the facts, and try to decide whether it needs to go to a judicial committee hearing and, in this particular case, we couldn't establish - we didn't have either a confession or witnesses to the events to go to a judicial committee.

Q. You didn't have a second witness?
A. That's right.

Q. I'll come back to that. But dealing with this question --

THE CHAIR: Q. Would it be the same today, if you didn't

have a second witness?
A. We would take our - we contact the branch first and follow their advice, but, as I think was brought out in the preamble this morning, that is still the procedure, that we'd have to establish it with two witnesses to be able to take it to a judicial committee hearing.

Q. So if there was an allegation of a rape, and even though you might have formed the view that the complainant was clearly telling the truth, having regard to what she said, if there was no other person to give evidence about the rape, it wouldn't go any further?
A. I would have to seek counsel from the society to handle that situation. I don't know how we would proceed. I've never had to come across that yet.

Q. Do you understand that a great many allegations of sexual assault --
A. Absolutely.

Q. -- are not witnessed by another person?
A. That's right, your Honour.

Q. How does your church handle that situation then?
A. Usually, it would be by interviewing the person and trying to get them to confess to the wrongdoing that had taken place. That's - that's generally been - in the instances I've been involved with, that's the solution that we've had so far. The person has - or we've had more than one witness, actually, to the event, but usually the ones that I've dealt with so far we've had a confession from the wrongdoer and we've been able to proceed to a judicial committee case from that.

Q. Are you saying to us that without that confession it couldn't go to a judicial committee?
A. I think - that's the understanding that I have at the moment, yes.

Q. Do you think that's a good place for the church to end up?
A. Not - not for the people that are bringing the accusations forward. It's a very sad situation for them.

Q. Would the church be accepting of that situation?
A. I'm - again, I'm not aware of what the intricate policies are on that, what we would be advised to do in

that situation now. The information we have is that we approach the branch and we take direction from them on how to proceed. Whether that would go to a judicial committee or further investigation or whatever - I've never been in that situation, so I don't know what the advice would be from them.

Q. What about your own perspective, though, on it?
A. Well, I know --

Q. You've been an elder for many years. Do you think it's appropriate for the church to operate in that way?
A. I guess in matters of this nature it would be handled differently from some case where someone is admitting to sexual immorality, particularly when you've got a victim, and in particular a young victim like this, that, yes, it would need to be investigated fully and followed through with, yes.

THE CHAIR: Yes, Mr Stewart.

MR STEWART: Q. Just dealing still with the present situation, requiring a single witness, still on tab 120, which is Shepherd the Flock of God, but at page 72, Ringtail WAT.0003.001.0073 - if we could go back one page, to the previous page, you'll see the heading "Evidence Establishing Wrongdoing", and under that heading it then deals with what evidence is acceptable in order to decide whether a judicial committee should be formed. If we then go to paragraph 39 on WAT.0003.001.0073, it deals with the situation you were just addressing, Mr Horley:

> *If the accused denies the accusation ...*

And if you go about six or seven lines down, it says:

> *If the accuser or the accused is unwilling to meet with the elders or if the accused continues to deny the accusation of a single witness and the wrongdoing is not established, the elders will leave matters in Jehovah's hands.*

So the position would seem to be that that is the current position, 2010 and subsequent, that the single witness rule still applies.
A. That's correct.

Q. So to the extent that you said earlier that you thought that the current procedure may be different, that would not be right.
A. I stand corrected. I'd go on what the publication here says, yes.

Q. There's another aspect to the two-witnesses rule, as I understand it, because two references are given. One is in Deuteronomy and the other is in John, where it says if there are two witnesses, then guilt is regarded as established. Is the rule applied in that way, too; in other words, one witness is not enough and two witnesses are conclusive?
A. That's correct.

Q. What happens if there is a situation where there are two witnesses but you have grounds to disbelieve them?
A. To disbelieve them?

Q. Yes.
A. I don't know. I've never come across that. Yeah, interesting.

Q. Your understanding of the origin of this one-witness rule is that passage in Deuteronomy that I looked at earlier; is that right?
A. Going on the information there, it would be one of the references, yes.

Q. We'll ask other people this in due course, obviously from the branch office, but in your understanding, does the church have the flexibility to move from that, to say, "Well, that may have been the case back then, but in the modern world we recognise that the two-witnesses rule is a problem and we will not apply it anymore." Does the church have the flexibility to do that?
A. Not to my knowledge.

Q. Because it's written in the scripture?
A. That's what we base our teachings on mainly, yes.

Q. But that same passage that I read you says that the accused *[sic]* must essentially throw the first stone to kill the accused. I take it you don't do that?
A. No, obviously not.

Q. So what's the distinction? Why flexibility on the one and not on the other?
A. Again, I'd take my advice from the branch on how we would proceed with a situation like that today. At the time we followed the procedures that we had in place, and I haven't had a modern or more modern example of how to proceed in that situation. But looking at what the publication says there, we would follow those directions after the advice of the branch.

Q. Something else that [BCB] says in her testimony - she says she had these meetings but no-one explained to her what the purpose was or how they fitted into any sort of procedure. Do you accept that?
A. I can't recall her questioning it at the time and I don't know exactly what was said in that meeting. It's basically just the allegations that I recall from that meeting.

Q. Do you accept this, at least, that for someone who is feeling vulnerable and struggling to give details of intimate things that have happened to her, that part of the support that might be offered is to ensure that it is explained to her just what process she is engaged in?
A. Yes, and there are support - support things in place to - to help a victim like that. The publications that come out through the 1990s that were available to everyone basically set out what those support practices were, and if she didn't feel comfortable coming to the elders to discuss those things, then it was possible for her to speak to a mature sister in the congregation, confide in her and draw comfort from her. If the mature sister didn't know how to handle the situation she might approach the elders to find direction and be able to help the one that was ailing.

Q. Even if an allegation had come to the elders in that way, via, as you describe it, a mature sister, you would still require the survivor of that abuse to put her allegations to the abuser in the abuser's presence?
A. Again, I think that's where the shepherding books have brought the information, in that they don't have to face the accused nowadays. It's - we can take her information from her and then we speak to the accused separately.

Q. Well, I don't see that in the shepherding book. I showed you the passage which seems to require exactly the opposite. Is there some other passage you wish to refer

to?
A. I can't recall where it is offhand, but I thought that was the procedure that I've looked at in the past.

Q. The point is, though, that you do have a procedure, so even if the allegation comes through a mature sister, you then have a procedure to follow to investigate whether to accept those allegations or not; is that right?
A. The provision of her being able to speak to another sister was to provide the comfort after the fact, or to draw - yes, to try and have someone else to speak to her about it other than the elders, if she didn't feel comfortable talking to the elders.

Q. So are you saying in your understanding the elders would not have to speak to the victim herself?
A. No, that's not true. No, we would still have to handle it. If the matter hadn't been handled already, then the elders would have to speak to her and try and establish the facts and speak to the accused --

THE CHAIR: Q. I'm not sure I'm understanding. She speaks to a mature sister, but I think Mr Stewart is asking you whether the process of investigation after that would be the same, and that is, she would have to bring her accusation against the abuser before two elders?
A. That's correct.

Q. And that would be, in that circumstance, two men, the elders --
A. Yes.

Q. -- the alleged abuser and the woman; is that right?
A. My understanding of it is that the accused would not have to be present at that meeting. The two elders would discuss it with the victim, and we would speak to the accused person separately.

Q. But if it was only the woman's allegation, without any eyewitness to it, that would be where it would end unless the --
A. No.

Q. -- abuser --
A. Confessed.

Q. -- confessed. If he didn't confess, that's the end of

it?
A. Yes.

Q. That's true today?
A. Yes.

Q. Let's assume that you had an allegation from a 12-year-old girl, say. Would it be the same process?
A. Well, again, I'd have to seek advice from the branch on that to see what our process would be, because the circumstances and all those things are involved in it; we would proceed following their direction.

Q. But I assume that from the manuals, from the written documents, the process, as you would understand it without seeking further advice, would require the 12-year-old girl to speak to two mature men --
A. Yes.

Q. -- to make her allegation?
A. In that case, presuming that her parents weren't the instigators of the case, then they would probably be there as a support for her as well.

Q. What do you mean by "instigators"? Do you mean if her father wasn't the abuser?
A. That's right.

Q. What's the point at which one's parents would not be there?
A. Again, not knowing exactly what the branch would direct, we would follow their direction on what they would advise in each individual circumstance. They may feel if the girl was old enough to make her own decisions and talk openly, that that would - yes. Again, I haven't dealt with a situation like that, so I can't really say.

MR STEWART: Q. Just to clarify, in saying that your understanding of the current procedure is that it would not be required that the victim makes allegations in the accused's presence, that would be in the investigation as to whether or not there should be a judicial committee; is that right?
A. That's my understanding, yes.

Q. Once a judicial committee is formed, once the decision is made to form a judicial committee, then those

allegations or accusations would have to be made by the victim in the face of the abuser or the accused; is that right?
A. Yes, if he hadn't confessed to wrongdoing, then the witnesses are brought forward to add weight to the accusations.

Q. And one of the witnesses, obviously, would be the person who had suffered the abuse?
A. That's correct, yes.

Q. Can [BCB]'s statement at paragraphs 52 and 53 be shown, please. Here [BCB] is talking about what she was able to speak about. She says she did not talk about the incident in the bathroom, so one might say that's the most severe of the various incidents:

> *I didn't feel comfortable talking while Bill was in the room. After that first meeting I felt that there was a lot of stuff I had been unable to say in front of Bill. I decided to go to Max's house after the meeting to clarify things.*

Then there was a second meeting. The point is, do you accept that in the face of the person accused, it may be very difficult for a person who has suffered abuse to say everything that happened to them?
A. Absolutely, yes.

Q. And in front of other men as well, at least two elders; is that right?
A. That's true, yes.

Q. So it's not a process that is necessarily going to come out with the full story, is it?
A. Obviously not at the first meeting and, in this case, that's borne out, but - yep.

Q. If we can look at paragraph 62 of [BCB]'s statement, you'll see that this is dealing with a conversation after, as I understand it, Bill Neill had accepted the recommendation to stand down, and [BCB] says that you called her and said that the Neills had asked that she not tell any more people about Bill out of respect for the family. Do you recall that conversation?
A. Not the way it's presented here. I remember talking

to [BCB], and the intent was that we didn't want any more gossip spreading through the congregation, and it wasn't to protect the Neill family; it was try and protect the congregation, keep it so that there wasn't so many people talking about it. We didn't want people in the community talking about it as well. We tried - we wanted to keep it as quiet as possible, not to try to cover it up, or anything like that, but just to try to stop the conversation.

Q. The essence of it, though, was to say to her that she should not talk to anyone else about it?
A. That was in the recommendation to her not to talk to others, as it would have been to the Neill family and anyone else that tried to raise the matter. We would have tried to keep it under wraps or keep it - yeah, try and limit the conversation about Neill.

Q. You appreciate she couldn't have spoken to anybody outside the congregation, could she, because she shouldn't be associating with them?
A. She was still working in the community. She had other people that she would have known, so it was possible to have spoken to other people.

Q. But to speak to them about something as intimate as this would be associating with them in a way beyond what her secular employment required?
A. That's correct, yes.

Q. Therefore, in the eyes of the church, she shouldn't do that; she shouldn't speak to anyone outside the Jehovah's Witnesses about this incident?
A. Whom she chose as associates was still left entirely to her. She may have had close friends. I don't think that's the case here, but, again, it was just to limit the conversation, we would have asked her not to spread things.

Q. Isn't it the case that she's not supposed to have close friends or associates outside of the Jehovah's Witnesses?
A. We discourage them from having close relationships with people outside of Jehovah's Witnesses, but whether they take that advice or not is entirely up to them. We don't police it; we don't go around with a big stick, beating them because they choose to associate with other people.

Q. The point is, though, from your perspective, that she should not be discussing something of this level of intimacy with someone outside of the Jehovah's Witnesses; am I right?
A. That was - that was basically the input, the intent behind that conversation, to try and limit the conversation.

Q. Yes, well, it's slightly different, isn't it? It's directed at the congregation. Are you saying she shouldn't talk about it to anyone else so that it protects the congregation; it doesn't get around within the congregation; is that right?
A. As well, yes. We wanted to limit the spread of the gossip about the --

Q. Do you see that leaves her with no-one she can talk to?
A. No. As I said before, she was able to talk to - if she could find someone that she could communicate and confide in, like a mature woman in the congregation, she was encouraged to do that. If she wanted to speak to the elders - either to myself or something like that - she could do that as well. We didn't - it was entirely just to try and stop the spread of gossip within and outside.

Q. That's the point, isn't it. You're saying two different things. On the one hand you're saying she's told not to tell anyone or speak to anyone; then, on the other hand, you're saying she can speak to someone. Now, which is it?
A. If she chose to speak to another sister, that would have to be done in confidence, so the woman that she spoke to would have to keep her confidence and not talk about it to anyone else either.

Q. Do you understand or appreciate how she felt silenced and unsupported by this instruction or request from you? Do you appreciate that?
A. Yes, I do.

Q. Of course, the teachings of the church are that victims of sexual abuse need to be treated with extreme thoughtfulness and kindness - I quoted from the Pay Attention to Yourselves. You're familiar with that, aren't you?

A. Yes.

Q. So, in this case, would you accept that you didn't meet that standard?
A. I didn't speak to her in a harsh manner. I feel sad if she interpreted it that way. I didn't mean to cut off any support or the feeling that she had support in the congregation and, as I said, the intent was purely to try and limit the conversation around the incident in the congregation and spreading further. But I in no way meant it to come across as harsh or leaving her with nowhere to go or anything like that.

Q. Well, did you offer to her alternatives? Did you offer to her a support person or support people who might assist her through this period?
A. I can't recall doing that at the time, no.

Q. You say that ultimately it was due to lack of clear proof from either party which left you and Doug Jackson unable to assemble a judicial committee and take the matter further. Was this, then, an instance of the application of the two-witnesses rule?
A. Yes.

Q. I'm just looking at how that rule was formulated back then. So that's back to tab 80, the Pay Attention to Yourselves and to All the Flock and, in particular, at page 111, which is Ringtail 43. "What kind of evidence is acceptable?" It sets out there:

> *There must be two or three eyewitnesses, not just persons repeating what they have heard; no action can be taken if there is only one witness.*

Then there are two biblical origins for that rule. Do you have an appreciation as to why that rule is still applied in the 21st century when availability of evidence and notions of proof have changed and developed?
A. I guess because we still stick to the Bible principles, we try to follow that line of reasoning. I'm trying to remember what the latest publication says on that type of evidence, too, but I still - I think the two or three witnesses is still - still the current teaching in the new book.

Q. In this particular case you've expressed the sympathy and concern you had for [BCB]. You didn't have any reason to disbelieve her, did you?
A. No, I didn't - as shocking as it was.

Q. She was clearly quite distressed?
A. Absolutely, yes.

Q. When you say in your statement that you didn't have clear proof, what sort of clear proof might there be in a case like this?
A. If the accused had said, "Yes, I did this," or, "Yes, I did that," or there was evidence that he had done something else along similar lines, then it would have.

Q. I'll take you to the documents in a minute, but as we'll see from those, it became a situation of you and Mr Jackson recommending to Mr Neill that he stand down; is that right?
A. That was the ultimate outcome, yes.

Q. Stand down as presiding overseer and as elder and, in a sense, be returned to be a normal congregation member - is that how we're to understand it?
A. That's right, yes.

Q. And an announcement was made to the congregation that he was standing down?
A. No. The wording would be that he had been removed as an elder. That terminology of "standing down" was something that was used commonly, but it was - always means they were removed from the congregation. It was not a decision that he made; it was a decision that was made by the elders in harmony with the branch decision as well. That recommendation was sent to the branch. The branch would write back and say, "Yes, that decision is accepted, he's no longer serving as an elder."

Q. So by saying he's removed as an elder, are you saying that necessarily conveys that that's been a decision by others about him, not his own decision?
A. Yes.

Q. So does it then necessarily convey some --
A. Disciplinary action.

Q. -- criticism or sanction of him?

A. Absolutely.

Q. So the congregation would typically be left not knowing --
A. The details.

Q. -- what had happened or what it was?
A. Yes.

Q. Would an announcement of the reasons for this decision not have assisted in protecting members of the congregation, at least knowing what it is that is being said about him?
A. Those that were aware of the situation would have known exactly why he was being removed. Those that weren't would have known that the congregation - that there would have been reasons for it, although not knowing the details. They trust in our decisions then to do that.

Q. Any particular steps taken to protect children in the congregation?
A. Are there now?

Q. No, then, following the decision to remove Bill Neill as an elder?
A. The publications that we have encourage families to discuss that situation with their children and to warn them and to be aware of the dangers. Appreciating that sometimes it's the father that instigates that, that makes it very difficult, but, still, the mother has a role in it as well. And in a situation if we can see a danger area, for example, if another young girl had been going to stay at Bill's place, then we would perhaps speak to the parents about that and warn them that that not be an appropriate place for them to let their daughter visit. We would probably even speak to the accused at that time and say, "It's probably better you don't have that person stay there," too.

Q. How big was the congregation at that time?
A. We had around 90 publishers.

Q. That's a typical size congregation, is it?
A. No. You can get a lot smaller. That one had originally been about 50. It had grown to 90 by that time. Visiting that congregation recently, there were around about 60 publishers at the time. So anywhere between 50 to

100 is fairly average.

Q. Just on the question of establishing what happened, you would accept, I take it, that police have better resources than you, as elders do, to investigate the commission of a crime?
A. And, yes, different training and abilities to do that as well. Yes, yes.

Q. And technology available to them - they have lawful authority, they can do things, they have expertise, you accept all of that?
A. Mmm.

Q. So should you not have at least told [BCB] that she has this option available to her, to go to the police, who may be able to get to the bottom of it?
A. I wasn't aware of the policies and procedures at that time. We hadn't - there was very little information available on whether we should go to the police or anything like that. I have to admit that I didn't consider that at the time.

Q. By policies and procedures, are you talking about internal to the church?
A. Yes.

Q. Because going down to the police station or phoning the police doesn't require a policy or procedure, does it?
A. I guess not, no. If I may say, if she had pursued that, I wouldn't have tried to stop her from doing it. As I said, I just wasn't aware of the situation at that time.

Q. Now, if we can look at the reports that you and Mr Jackson then sent to the branch, it's at tab 70 in the bundle. Have you had the opportunity to see this document in the last days or weeks?
A. Yes.

Q. You have? So you'll see it's dated 1 February 1992, addressed to Watchtower Society, which is the branch office, and on the second page, if we scroll to the end, you'll see that it's signed off by Doug Jackson as the circuit overseer and yourself as the secretary. I take it you signed that, did you?
A. Yes, that's my signature.

Q. And you agreed with what was in it?
A. Yes.

Q. If we go back to the first page, the third paragraph, or perhaps the start:

Dear Brothers,
I am writing in reply to your letter...
concerning Brother William Neill now
serving as an elder ...

And then it goes on. You will see the paragraph starting:

We also spoke to other brothers and sisters
in the congregation who knew about the
matter through another sister ...

You'll see it then says:

The sister who has spread the information
has since left Narrogin. It appears that a
number of brothers know about the matter
and unfortunately there may be worldly
people who also know but we are not sure.

This distinction between the brothers and the worldly people knowing - what is the relevance of that? Why did it matter if there were worldly people who knew?
A. I guess we didn't want anything to detract about - from the cleanness of the congregation.

Q. Are you concerned about the reputation of the congregation?
A. Yes, and Jehovah's name.

Q. Then the next paragraph:

After interviewing the brothers and sisters
and reviewing the scriptures, Our Kingdom
Ministry, November 1972, Question Box and
the Watchtower November 15, 1977 ... we
felt that "uncleanness" had been committed
on several occasion but it was not "loose
conduct".

Starting with "uncleanness", what was your conception of what uncleanness is, as distinct from loose conduct?

A. In this case, unintentional touching of the breast, as opposed to loose conduct, where it's brazen, a deliberate act.

Q. So you accepted that some acts had occurred, but you felt unable to accept that they were intentional; is that the point you got to?
A. The accused - that was all that he actually owned up to when the accusations were put to him. He said, "I may have touched her breasts when saying goodnight to her," but he didn't say anything about - well, he refused to admit to deliberately touching her.

Q. Then you say:

We felt that Brother Neill could not speak with confidence and we recommended to him that he step down as an elder due to those points which we reviewed with him.

What are you intending to convey there? How are we to understand that, that he was not able to speak with confidence?
A. He no longer had freedom of speech in front of the congregation. If he had to stand up and give counsel to the congregation relating to sexual matters, or, in particular, child abuse, then he would not have the confidence of the congregation, or he wouldn't have had freeness of speech in being able to say those sorts of things.

Q. That's because there were members in the congregation who knew this story?
A. That's true.

THE CHAIR: Q. You say in the letter that uncleanness had been committed on "several occasions". Do you see that?
A. Yes, I - I don't know if that's - would have been a little bit exaggerated there, but --

Q. Well, they're your words.
A. I've signed the letter, yes. That was - I wasn't the one that wrote it, but --

Q. Are we to understand that you were conveying that you accepted that there was accidental touching on several

occasions?
A. I don't - I don't agree with the "several" occasions.

Q. But it's in the letter?
A. Yes, it is.

Q. Well, what are we to understand. Did you sign a letter that wasn't true?
A. I probably didn't think seriously enough about that wording at the time when I signed it. It was a generalisation of the situation and - yes, I guess, your Honour, I didn't take seriously the wording of it at that time.

Q. Well, here you were reporting on a serious allegation, but you say you didn't take the reporting, or the wording, seriously at the time?
A. I don't really know how to answer that, your Honour. It's - what you're saying is probably true, yes.

Q. How would you feel if you had made the complaint and the person who was reporting on the outcome didn't take seriously the wording in the letter that they were signing?
A. I can see the point that you're making, sir, yes.

Q. Tell me this: you told us earlier that apart from the touching of the breast allegation, [BCB] made other allegations to you; correct?
A. Yes, I believe so. Yes.

Q. There's no reference to those allegations at all in this letter, is there?
A. No.

Q. Why not?
A. I can't answer that, I'm sorry - not that I'm refusing to, it's just that I can't think of reasons why they're not in there.

MR STEWART: Q. When you record there "we recommended to him that he step down as an elder" and "He agreed to this", that seems to suggest you offered him the opportunity to step down, and he did, rather than you removed him. Is there a distinction to be had. How are we to understand that?
A. No, it's just an unfortunate choice of words there.

Q. So he was definitely deleted or removed?
A. Removed, yes.

Q. Then you say in the letter:

... we feel no further action or restrictions need apply.

Why was that? Did you consider there were actions or restrictions that might be imposed?
A. In the case of a judicial committee, restrictions against commenting and having parts on meetings and things are what we refer to as restrictions. At this time we didn't believe that Bill Neill needed to have those restrictions put upon him.

Q. What about not having church meetings, Bible studies, in his home? That strikes as an appropriate or potentially appropriate restriction which might offer some safety?
A. I agree, yes. I don't think that action was taken at the time.

Q. Well, it wasn't taken. The point is: did you consider it?
A. I can't recall considering it, no.

Q. Then if we look at the second-to-last paragraph on the second page, near the end of the paragraph, it says:

Also, brothers, I would recommend that once this has died down and it appears that Brother Neill again has the freedom of speech that he be recommended as an elder again so that he can be of help in the congregation as he has done in the past.

By this "dying down", you mean once the controversy has abated, I take it?
A. It would take a long time, many years in fact, for that - for that to have died down. Again, it's an unfortunate wording. In hindsight we would have worded that much differently to what it is there. Matters of this nature take many years, if ever, to die down completely.

Q. That was really the focus of your concern there, in taking action against Mr Neill was about his reputation; is that right?

A. Not at all.

Q. Well, his reputation in the congregation, his freedom of speech?
A. His - sorry, what was the question again?

Q. That was at the centre of your concern in deciding to remove him as an elder - his reputation in the congregation?
A. Not so much his reputation, but - oh, how can I word it?

Q. It appears your concern is with his efficacy as an elder?
A. Yes.

Q. Is that right?
A. That's right.

Q. Your concern as an elder there, as I understand it from this letter, was about the proper functioning of your organisation; is that right?
A. Yes.

Q. It wasn't about the protection of children in your congregation?
A. Probably not.

Q. It wasn't about what support you could offer to [BCB]?
A. That must have had some bearing on it, but, yes, it was more with his qualifications to teach.

Q. You say in your statement that you understand that Bill Neill was later reappointed as an elder in a different congregation; is that right?
A. Yes.

Q. As I understand it, you had nothing to do with that?
A. No, that's true.

Q. Under the existing practices, should you not have been consulted about that, having been the elder involved in his removal?
A. I was surprised at the time, yes.

Q. Then if we look at tab 74 of that bundle, this is now a letter from you earlier this year. You'll see it is to

the service desk on 6 January 2015 and what you describe as

> *... a brief summary of events leading to the deletion of Brother Neill from serving as an elder in the Narrogin, WA, Congregation whilst I was serving there.*

How did this letter come about?
A. I beg your pardon?

Q. How did this letter come about. What brought you to write this letter in 2015 to the branch?
A. Someone from the branch contacted me and asked me what my recollections were and would I please put them in a letter and send it to them.

Q. Was it explained to you why that information was being sought?
A. I think mention was made about the Royal Commission, but I thought it was one of the - one of the situations that was being looked at and it might proceed to the Royal Commission.

Q. By this time, of course, Bill Neill was deceased?
A. Yes.

Q. And you knew that?
A. Yes. I attended his funeral.

Q. And that was, as I understand it, about 11 years ago - would that be right?
A. Quite possibly. I don't know exactly the time, but, yes, that sounds about right.

Q. A goodly number of years ago?
A. Yes.

Q. Now, this correspondence is addressed to the service desk. I take it that it was someone from the service desk who contacted you in the way which you've mentioned?
A. Yes.

Q. In your understanding, what's the distinction between when you correspond with the service desk or the legal department?
A. It may have been a member of the legal department that contacted me, but the letter was addressed to the service

department - service desk, yes.

Q. Moving away from this particular letter, generally as an elder when you're corresponding with the branch --
A. You send stuff to the service desk.

Q. -- it seems to me that some correspondence is with the legal department and some is with the service desk. I'm asking what your understanding is as to when you would communicate with the service desk as distinct from when you would communicate with the legal department?
A. If the legal department had said, "Send it to us at the legal department", that's how the letter would have been addressed. In this case they asked us to send it to the service department, or the service desk.

Q. But moving away from this letter, generally in your work as an elder, when would you contact the service desk as opposed to the legal department, and vice versa?
A. The legal department I would contact in cases pertaining to legal matters. Our information now is if a case of child abuse was raised, we would contact the legal desk straightaway. But, normally, anything goes through the service desk, then they assign it to the appropriate department from there.

Q. Just to understand you, so you'd contact the service desk but expect it to be passed on to the legal department, is that what you say?
A. They would decide if that's where it needed to go, yes. But as I said about contacting the legal department in matters pertaining to legal cases and things like that, if we needed direction in a hurry, that's who we'd contact.

Q. Generally, with regard to direction as to how to handle investigations and complaints, would that come from the service desk?
A. Yes.

Q. You say in that letter in the fourth paragraph:

> *When [BCB] raised the allegations against Brother Bill concerning being touched inappropriately I viewed it very seriously. I listened to both to try and ascertain the facts ... Sadly, it became a matter of her word against his as there were no*

witnesses ... [BCB] was an attractive young sister and often got around the house in her nightwear as was the custom of the other children.

What do you consider to be the relevance of that observation?
A. That was one comment that Bill had made to me, that she was wearing her nightwear at the time.

Q. Well, it suggests that you thought that might have somehow lessened Bill Neill's culpability?
A. Not at all, no. In fact, it should have raised stronger warning bells than it did at the time, because it all - it pointed to the fact that he obviously had noticed it and he was affected by that.

Q. Because you accept, of course, that a child can't consent, can't validly consent to being sexually abused - you accept that, of course?
A. Yes.

Q. And can never be blamed for it?
A. Yes.

Q. That's in the church's own teachings, isn't it, that children can't seduce and should not be blamed?
A. Mmm.

MR STEWART: Those are my questions, your Honour.

THE CHAIR: Does anyone else have any questions?

MS GALLAGHER: Yes, I do.

<**EXAMINATION BY MS GALLAGHER:**

MS GALLAGHER: Q. My name is Gallagher and I represent [BCB].
A. Okay.

Q. Just in relation to the letter that counsel assisting was just referring to behind tab 74, you note in that letter, don't you - is that in front of you there?
A. Yes.

Q. Not only the part of the letter that was just referred

to by counsel assisting, but you note also, don't you, that "Bill would kiss her good night as he did with his daughters" - do you see that there?
A. Yes.

Q. That was very much lessening Mr Neill's conduct, wasn't it? Do you understand what I mean by that? You know the allegation to have been, don't you, that he inserted his tongue into her mouth when he kissed her good night?
A. Bill never admitted to that. The way that he put it across was that he would say good night to all of the girls before they went to bed.

Q. So what about the accusation from the person who was abused - the accusation was, wasn't it, that the tongue was inserted into her mouth?
A. I believe so, yes. I can't - I can't recall that being said at the time, but it's quite possible that it was.

Q. You took no notes of your initial discussion with [BCB] and [BCC]?
A. No.

Q. Your recollection was that they came to your home, that is [BCB] and [BCC]; is that right?
A. That's what I recall, yes.

Q. You understand that [BCB]'s recollection is that you approached her after being told of an allegation from another member of the faith; correct?
A. That may be so. I don't recall that.

Q. And certainly if somebody has been told of an allegation of wrongdoing, the faith requires them to come forward and tell an elder; is that right?
A. Sorry, I don't understand that question.

Q. If somebody is told of a wrongdoing --
A. Yes.

Q. -- the Jehovah's Witness faith requires that person to inform an elder; isn't that so?
A. They give the - yes - the short answer, yes.

Q. And that's how you came - do you recall, that's how

you came upon the information that there was an allegation of wrongdoing from Bill Neill, not from [BCB], but from another source?
A. No, I don't recall that.

Q. In some questions asked by counsel assisting, just as to taking Mr Neill to [BCB]'s home, your evidence was, is this correct, that you did not explain what the process was that was under way at that time; is that correct?
A. That's possible.

Q. Well, did you or did you not explain to her what was going on?
A. In the information here, it's put across that I went to see them with Bill on my own. I don't recall that happening. I thought I only went to see them with Doug Jackson and I don't recall it being in their home. Normally, those sort of events take place at the Kingdom Hall, which --

Q. You were 28 at the time, weren't you? Does that accord with your recollection?
A. I was about 30, 32.

Q. 32?
A. By 1992, yes.

Q. So still quite a young man?
A. That's right.

Q. How old was Bill Neill at the time, do you know?
A. I wouldn't like to hazard a guess.

Q. Certainly, he was more senior than you?
A. Absolutely, yes.

Q. He was a presiding overseer, wasn't he?
A. Yes.

Q. So that certainly if [BCB]'s recollection is accurate that you attended with Bill Neill, it would have been a situation where he would have been the most senior person in the room - do you agree with that proposition?
A. Certainly would have been the oldest, yes.

Q. Sorry?
A. He would have been the oldest and the most experienced

from the church, yes.

Q. And the more senior member of the church in the room?
A. Mmm.

Q. And you know, don't you, that [BCB] and [BCC] were both quite devout at that time?
A. Yes.

Q. In the sense that it would have been obvious to you that you were, as an elder, trusted by them?
A. Yep.

Q. And that they were handing themselves over to your guidance - do you agree with that proposition?
A. Yes.

Q. So that, looking back on it now, can you see that taking the abuser to somebody's home is totally inappropriate?
A. Yes.

Q. Is it the case, sir, that the thrust of the inquiry in relation to somebody being involved in wrongdoing is to protect the congregation?
A. Yes.

Q. Could we go to tab 84 and page 0309, which is page 29, the second column. If I could refer you to the second column at about point 7 down the page, the sentence commencing:

It is not his status as an authority figure ...

Can you see that there in the second column?
A. No, not yet.

Q. I'm sorry, your Honour, I understand it is tab 84. I beg your pardon. It is Let Us Abhor What is Wicked. It is tab 85, page 29 in the top right of the page 0309. If you could go to the second column, about point 7 down that:

It is not his status as an authority figure ...

Do you see that, sir?

A. Not yet. Oh, yes.

Q.
It is not his status as an authority figure that should be of concern, but, rather, the unblemished purity of the congregation.

A. Yes.

Q. That was the purpose of your inquiry, wasn't it - to protect the congregation from Bill Neill?
A. Yes, yes.

Q. Not to protect [BCB]?
A. Well, her included in the congregation. She was part of the congregation.

Q. As a victim of abuse --
A. Yes.

Q. -- she wasn't protected, but as a member of the congregation you were seeking to protect her; is that right?
A. As well, yes.

Q. You indicated that you did not speak harshly to [BCB]. When you were being asked questions by counsel assisting he put to you that victims should be treated with kindness, and you agreed with that and indicated you didn't speak harshly to her?
A. Yes.

Q. Do you agree, though, that when a young woman has made allegations of sexual impropriety against an elder, that taking that elder to her is harsh treatment of her?
A. I can understand how she would view it that way, yes, and --

Q. Well, do you?
A. -- on the surface - if I try to put myself in her position, yes, I would feel exactly the same.

Q. In making this inquiry and going to her and having her face her abuser, or, that is, the accused face his accuser, it was all about disciplining Bill Neill, wasn't it?
A. Mmm-hmm.

Q. And certainly it's the case now that if there is a police inquiry on foot in regards to a matter, that disciplinary proceedings run parallel with that - do you agree with that?
A. I don't have any experience with that at this time, so I --

Q. In the sense that --
A. Sorry.

Q. -- if there is a police inquiry on foot, certainly members of the church and the congregation are told not to interfere with the police inquiry; is that right?
A. I would think that would be reasonable, yes. I don't remember instructions in that way, but it does make sense, yes.

Q. If you were to be confronted with this situation today, what would you do differently to what you did then?
A. The first thing would be to contact the branch for direction, look up any of the relevant information that we've got, the latest information, and proceed following their direction.

Q. Before contacting the branch, what would you do in relation to what you knew of the complaint?
A. Try and establish the facts from the information --

Q. How would you do that?
A. Often times, if someone comes to us, we hear the information just on a one-on-one, but I think the indications are that it's better to have two elders there so that we can present that to the branch with the two of us, like on a conference call or something.

Q. Specifically in relation to [BCB]'s situation, what would you do differently today, or would you conduct yourself in exactly the same way as you did?
A. No, I wouldn't do the same.

Q. What would you do differently?
A. Being the only other elder there, and if the circuit overseer wasn't due to visit like that, like he was in that case, I would have called an elder from another congregation and we would have heard her allegations together and then we would approach the branch for direction.

Q. Would you have a female, a sister, involved in relation to talking with the person who was making complaint about sexual impropriety?
A. That would be up to the person making the accusations, I would think. If she wanted to have someone there as a support, I think that would be the case.

THE CHAIR: Q. Mr Horley, I understand how the church is organised, but what the process means is that the investigation, in a case such as this one, of a woman's allegations is made entirely by men; correct?
A. I'm sorry, the --

Q. The investigation within the church is conducted entirely by men?
A. That's correct, yes.

Q. Do you think that's appropriate when the allegation comes from a woman, and maybe a young woman?
A. That's - that's the procedure that we have in place.

Q. I know, but I'm asking you a different question.
A. Well, that sort of comes into my personal feelings. I think I would still have to be bound by what the branch directs me to do.

Q. Secondly, as here, you, as an elder, were being asked to investigate allegations of a person who you had worked with as an elder.
A. Yes.

Q. Now, to an outsider, that doesn't seem like a fair process. Do you understand why that is?
A. Yes, and that's why we would have another elder there - in this case, the circuit overseer visited. He didn't know Bill as well as I did, so he tended to be a little bit more impersonal in the --

Q. Well, he might, but you are still there?
A. Yes.

Q. And you know this elder well and had worked with him.
A. Yes, and I remember at the time I was very shocked at the treatment or the allegations that were made against him. So, to me, he had betrayed me as much as the congregation - obviously not as much as the person that -

the victim in this case, but, to me, it went against everything that we'd been taught and trained as as elders. Bill was a man that I had known for about 16 years, in growing up as a teenager in the congregation and looking to him and respecting him. Then being appointed as an elder, myself, being mentored by him in the way that we should treat the flock, with tenderness and care, and we were taught to be a hiding place, a refuge, somewhere they could go and seek help and to really care for their spiritual needs, and now this situation, Bill had completely betrayed all of those things. So it wasn't like I was looking at things from a siding with him. It was sticking with the teachings that I had been trained in and looking at it impartially and trying to look at it that way.

Q. You ultimately reported that his conduct was the result of accidental touching, didn't you?
A. That was his description.

Q. That's what you reported.
A. Okay.

Q. That's what you found.
A. Right.

Q. Correct?
A. That was - yes, that was only - that's all that he admitted to.

Q. Yes, and that's what your finding was. Now, again, to an outsider, could you see that an outsider may think that when someone who you know well is being investigated by you, that that may not be a fair process?
A. I can understand how they would see that, yes.

Q. Do you think that that's a process that the church should change?
A. I don't know how to comment on that. They may have made changes in that process - not according to the book that we have, but where it says that we contact the branch, then - then the direction that they give in that instance would - may give us further bearing on that.

THE CHAIR: Yes.

MS GALLAGHER: Q. I won't keep you much longer, Mr Horley, but have you come to know about the full extent

of [BCB]'s allegation against Bill Neill?
A. No. I only know what was dealt with at the time.

Q. So you don't know that, for about three or four years, she was subject to indecent assaults, effectively, where she was tongue-kissed by this elder?
A. No, I'm not aware of that.

Q. That she was, on one occasion, forced to sit on the bathroom floor, spread her legs and have his finger inserted into her vagina?
A. No, I'm not aware of that.

Q. Does that come as a shock to you --
A. Absolutely.

Q. -- that she actually endured that, or experienced that at the hands of Bill Neill?
A. Yes, it's a shock, yes.

Q. And do you think the fact that it's only coming to light now has something to do with the process that you engaged in when she made an initial complaint?
A. I feel very saddened if that is the case.

Q. It's understandable that it would be - do you agree with that - in the sense that she's confronted with her abuser and somebody who she would know was close to her abuser, and you've just given that evidence. It's understandable that she wouldn't make full disclosure - that's correct, isn't it?
A. I can see what you're saying, yes.

Q. She needs a more nurturing and supportive environment in which to make full disclosure, doesn't she?
A. It would appear that way, yes, from what you're saying.

Q. What is the church going to do about that? Do you have any thoughts on that, going into the future?
A. I don't have any comments on how they arrive at the decisions that they make. I just follow the procedures that they have there in place. At the time we did the best we could with the information that we had. Now, handling the situation again might be completely different.

MS GALLAGHER: Thank you, your Honour, nothing further.

THE CHAIR: Does anyone else have any questions.

MR COYNE: No, your Honour.

MR TOKLEY: No, your Honour.

MR STEWART: Nothing further, your Honour.

THE CHAIR: Thank you, Mr Horley, you're excused.

THE WITNESS WITHDREW

MR STEWART: The next witness is Mr Doug Jackson.

THE CHAIR: Mr Jackson, it's necessary for you to be sworn. Will you take an oath on the Bible or an affirmation?

MR JACKSON: Affirmation.

THE CHAIR: Affirmation?

THE WITNESS: On the Bible.

THE CHAIR: It's your choice, which one would you do.

THE WITNESS: The Bible.

<DOUGLAS JAMES JACKSON, sworn: [3.31pm]

<EXAMINATION BY MR STEWART:

MR STEWART: Q. Will you state your full name, Mr Jackson?
A. Douglas James Jackson.

Q. And, Mr Jackson, do you have before you a copy of your statement dated 10 July 2015?
A. I do.

Q. Are there any amendments or corrections you'd like to make to the statement?
A. I don't think so.

Q. Will you confirm the statement as being true and correct?

A. I do.

MR STEWART: I tender the statement, your Honour.

THE CHAIR: That will be exhibit 29-004.

EXHIBIT #29-004 STATEMENT OF DOUGLAS JAMES JACKSON DATED 10/07/2015

MR STEWART: Q. You were baptised as a Jehovah's Witness in 1963; is that right?
A. Correct.

Q. You were appointed as an elder in the Swan Hill congregation in Victoria in 1971?
A. Correct.

Q. Having been a Witness for only four years; is that right?
A. Four years?

Q. You had been, when you were first appointed an elder?
A. Oh - no, 1963 I was baptised, 1971 an elder.

Q. In other words, only four years from being baptised to being an elder - I beg your pardon, that's my arithmetic there. I apologise. You subsequently served as an elder in other congregations in Victoria, South Australia and Western Australia; is that right?
A. Yes.

Q. And in 1990 you were appointed by the Australia branch to serve as a circuit overseer?
A. Correct.

Q. What does that entail, Mr Jackson?
A. I would visit 20 congregations in a circuit - around 20, it could be less, could be more - and it involved giving - having at that time, which is not the case now, three meetings, Tuesday, Thursday and then one on Sunday with the congregation, and also a meeting that was held with the elders and ministerial servants with an outline from the governing body, and we'd share in the ministry as well during that particular week with various ones in the congregation.

Q. How many congregations would you typically have within

your responsibility?
A. Around 20, but it could be more, it could be less. It just depends. In that circuit, I can't remember now.

Q. You were the circuit overseer responsible for the Narrogin congregation from 1990 to the end of 1992; is that right?
A. I don't think it was the end, but it was some time in 1992 that I changed, but I'm not too sure.

Q. But it's in that period that you had an involvement in the allegations by [BCB] against Bill Neill; is that right?
A. Correct.

Q. So it was in that capacity as circuit overseer responsible for, amongst others, the Narrogin congregation?
A. Correct.

Q. To your recollection, how big was the Narrogin congregation?
A. Oh, I'm not too sure - around 80.

Q. And you then served as circuit overseer until 1998; is that right?
A. That's correct - not on that circuit, though.

Q. And then as district overseer until 2014?
A. Correct.

Q. What is the role of a district overseer?
A. A district overseer is mainly looking after what we used to call circuit assemblies on weekends which were two days, and they took up the majority of our time, plus we'd share in the ministry with the circuit overseer as well - basically, it was giving talks at these circuit assemblies.

Q. Do you hold any position of responsibility in the church currently?
A. Only serving as an elder.

Q. In which congregation is that?
A. Windsor Gardens in South Australia.

Q. In your statement, paragraph 2.2, if we can call that up, you say:

From about the 1990s I recall that matters

of child sexual abuse began to be dealt with as a special category and elders were directed to report any such complaints or allegations immediately to the Branch Office and to follow their direction in regard to reporting the matter to the authorities ...

Do you know what brought about that change?
A. I don't know for sure. I would say it was because of the situation of child abuse starting to be increased and these matters being brought to the fore.

Q. Was it that the particular issue was about giving direction with regard to reporting the matters to the authorities, or was it handling it more generally?
A. At that time, there was information relating to reporting the matter to the authorities, but that was brought about later on in the 1990s and into the 2000s.

Q. In paragraph 4.1 of your statement --
A. I don't seem to have that. Sorry.

Q. It should also be on the screen in front of you.
A. Oh.

Q. You say:

[BCB]'s case is the only case involving child sexual abuse in which I have ever been involved.

The records available to the Royal Commission suggest there has been another case. You are going to be shown a name. I am not wanting you to say the name out aloud, because I'd rather keep it confidential, but it's to see whether that perhaps jogs your memory as to another case that you were involved in?
A. No, sorry.

Q. It doesn't jog your memory? So as far as you can remember, sitting there now, there was just this one case of child sexual abuse in your years that you had to deal with?
A. Yes.

Q. You were the circuit overseer and in that capacity you

were told by Max Horley about the allegations against Bill Neill; is that right?
A. Correct.

Q. Horley and Neill were the two elders of that congregation at that time - the only two elders; is that right?
A. As far as I can remember, I think that was the case, yes.

Q. Because Frank Shaylor had retired and moved back to Perth is evidence we've heard from Mr Horley?
A. Yeah, I - yeah.

Q. What do you recall Mr Horley telling you?
A. Well, as far as I know, it is that he approached me and mentioned to me regarding the allegations that had been made and that we - and then we decided that we were going to investigate it more.

Q. And what were the allegations?
A. Well, I was under the impression that it was just that Bill Neill had been watching [BCB] in the shower and, also, too, I think it was mentioning the touching of the breast once.

Q. That's the most you can remember of what Max Horley told you when he informed you about this matter?
A. I think that was the case, yes.

Q. At the stage that he informed you, what did he tell you that he had done about it up until then?
A. I would say that he would have investigated it, but I can't remember exactly what he said.

Q. Did he tell you whether he had met with [BCB] and/or with Mr Neill?
A. I would say that he would have met with both, yes, but I can't remember if he told me that.

Q. And then, as I understand it, you and he resolved to investigate the matter together; is that right?
A. Correct.

Q. What did you do in order to investigate it?
A. Well, we had meetings with [BCB] and with Mr Neill and, also, others knew about it and we also got some

information from them as well within the congregation. I can't remember how many, but I know that possibly there was a few others as well.

Q. Do you remember what information they were able to give you?
A. I cannot remember that, no, just the allegations that had been made regarding the watching in the shower. I don't know if it dealt with touching of the breast or any other activity at all by him.

Q. Because there was no-one else who was a witness to these events, was there?
A. No, no.

Q. So you say you met with [BCB] and with Bill Neill. That was in a common meeting; is that right?
A. I can't recall whether it was, first of all, just through a common meeting, or whether we met separately with [BCB] and, also, with Bill Neill, and then even collectively, I'm not sure.

Q. [BCB] says that she was unaware of the purpose of the meetings that she was attending or what role those meetings were playing. Do you accept that?
A. Oh, no, I don't, because we would have told her why we were meeting because of her concern of what was happening.

Q. I'll come back to the question of what you would have told her, but dealing first with the question of what you actually remember, do you remember anything that you did tell her, or is it too long ago?
A. No, too long, I'm sorry.

Q. Reverting to the less safe ground, as it were, what do you say you would have told her?
A. How do you mean, what would I say?

Q. You started saying earlier, "I would have told her something about what the meeting was about." I'm just asking you --
A. I just said --

Q. You and I must try to not speak at the same time --
A. Sorry.

Q. -- Mr Jackson. What is it that you think you would

have told her in explaining what the meeting or meetings were about?
A. Well, about the allegations that she made against Bill Neill.

Q. That you were investigating them?
A. Yes.

Q. And more than that?
A. Possibly we would have told her - asked her whether these were true, the watching in the shower and the touching of the breast as well. That would be - I'd say that's what I would have said the meeting was about.

Q. You would appreciate that what you were doing was part of a process which is set out in the church's documents and protocols; is that right?
A. Correct, yes.

Q. You and Mr Horley were doing an investigation to see whether there was sufficient evidence to establish these allegations as true which, had they been established, would have led to a judicial committee; is that right?
A. Yes, yes. Yes, that's true.

Q. And you were experienced in those matters - those procedural matters?
A. Well, it was the first situation that I've ever had where I was dealing with that type of thing.

Q. Well, specifically, child sexual abuse?
A. Yes, yes.

Q. But you'd had other investigations in relation to --
A. Yes.

Q. -- other serious allegations of one form or another, I take it?
A. Yes. Yes, but nothing like that.

Q. Perhaps adultery?
A. Yes.

Q. Or --
A. Yes.

Q. -- lying?

A. Yeah - not lying, but adultery, yes.

Q. And various others. So you were familiar with the procedure you were embarking on?
A. Yes.

Q. And you understand that [BCB] would not have been familiar with that procedure?
A. Correct.

Q. So she would have these two men - you and Mr Horley - asking her questions, but not knowing how that fitted in to an overall procedure?
A. That's correct, although in the publications, with situations like that, or adultery, lying, there is mention, even back then in the 1990s of the procedures, so the publications did have a bit of information regarding what would happen.

Q. Well, the publication you're referring to is the publication which is for elders - the Elders' Handbook, isn't it?
A. No, there's information in The Watchtowers and the Awake! relating to that. Even with child abuse, there's information there.

Q. Well, specifically, I'm addressing the procedures to be followed.
A. Oh, right, sorry.

Q. Because what [BCB] says is that she didn't know what these meetings were about or how they fitted in to any overall procedure, and you would accept that she wouldn't know that?
A. Well, as far as I can recall, maybe she didn't, but I thought I - we would have explained it to her.

Q. Well, all you've said you would have explained is that you were investigating her allegations and asked her --
A. Yes.

Q. -- whether they were true?
A. Yes.

Q. And she'd be left in the relative dark as to how that fitted into whether there might be a judicial committee, what might happen thereafter --

A. Yes.

Q. -- what evidence would be sufficient, what evidence would not be sufficient, do you agree?
A. Yes, correct

Q. And you see that that would leave her in a position of vulnerability and perhaps confusion?
A. Yes. I do now, yes.

Q. So you would accept that in investigative procedures such as this, an important component to support someone who is making allegations of abuse is to fully apprise them of the procedure and what's happening so they feel comfortable in it?
A. Yes, and I think that's what we've been trained to do more so in these later years.

Q. Mr Jackson, back to the particular meetings that you had, do I understand you to say that you're not sure whether there was a meeting that had [BCB] and Mr Neill in at the same time, or do you accept that there was such a meeting?
A. I cannot recall it, but I'd say, yes, there was.

Q. That would be the normal procedure at that time, wouldn't it?
A. Yes.

Q. Would that be the normal procedure even today, in other words, that someone who is making serious allegations against someone must be prepared to make them in their presence?
A. Well, now it's a matter of, first of all, hearing both sides separately and then maybe trying to get them together to see if it's correct or not.

Q. Even hearing them separately, if you then decided as part of that preliminary investigation that there was sufficient evidence and to convene a judicial committee, you would then have to put them together; is that right - in other words, the witnesses, including the abused, would have to speak in the presence of the accused?
A. Well, not - yes, but not necessarily always the case. It could be that, you know, there was convincing evidence from others as well. Yes, you put them under pressure if you put them both together.

Q. That's my point. You say if there were two other witnesses of the incident, not the person who was abused, and the perpetrator hasn't admitted or confessed - you have two other witnesses. In that situation you may not have to have the person who has suffered the abuse giving evidence in the presence of the accused; is that right?
A. Yes.

Q. But where there isn't that situation, where there aren't two independent witnesses, then she would have to? She would have --
A. Yes.

Q. -- to give evidence in the presence of the accused?
A. Yes. I just can't remember whether we did or whether we didn't under those circumstances.

Q. Well, you didn't - to be fair, what you were doing, you hadn't reached judicial committee stage --
A. No.

Q. -- and you never did; is that right? But talking generally now, even the present position is that if a judicial committee is formed, leaving aside the situation where one has at least two other independent witnesses, the victim of the abuse would have to bear witness or give evidence in the face of the accused; is that right?
A. Yes, yes.

Q. And that's set out in the Shepherd the Flock of God --
A. Yes.

Q. -- handbook, isn't it?
A. Yes.

Q. And you yourself I think accepted a moment ago that that puts a lot of strain and pressure on the person who has suffered, doesn't it?
A. Yes, it does, and that's where, even now, we're encouraged - if there's some type of support, for example, in child abuse, maybe the parents, the husband or wife, or other supports, maybe a close friend, something like that. It just depends on the circumstances.

THE CHAIR: Q. Mr Jackson, do you have any knowledge of the developments in the investigation and trial of sexual

assault matters in the ordinary course?
A. No, sorry, I don't, your Honour.

Q. You don't know anything about the research which has led to changes in process so that victims don't have to face the alleged abuser in the course of the trial?
A. I don't, but I'd say that's why our organisation has changed where it's not necessarily doing that anymore, and that we do have a support with us, if required.

Q. It's not a question of support; it's a question of the traumatic circumstance for a victim --
A. Yes.

Q. -- in having to confront --
A. Yes.

Q. -- their alleged abuser. You understand?
A. Yes.

Q. You say that's now understood by your church?
A. I'd say - I'd say it would be, yes.

Q. When you say you say it would be, can you point to anything that confirms that it is understood?
A. Well, offhand, no, I can't, sorry, but I'd say the way that now we are dealing with matters that we must be taking that into consideration.

Q. Perhaps you can explain that to me? How are you dealing with matters that suggests you're taking that into consideration?
A. In a situation of child abuse then, one, we would have some type of support there maybe from - not "maybe", but from those sources, either friend, parents, husband, wives, and maybe we don't - because I haven't been involved with them, maybe we don't directly have that one-on-one, where we used to many times, if it was just one-on-one basis of one accusation against the other.

Q. I'm not sure I'm understanding, but the civil courts have come to understand that the trauma that can be involved for a victim in having face-to-face contact with the alleged abuser - it can be a very traumatic experience.
A. Yes.

Q. Does your church understand that?

A. I would say yes, they do now, yes.

Q. How would it be accommodated then if the investigation is in relation to an allegation by a woman that she was abused by a man in the church?
A. Well, first of all, we would - maybe two would listen to her and get some comments from her about the allegation and then we would see the person separately and talk to that individual.

Q. Then what would you do after that?
A. Well, we'd contact the branch if we felt there was - those allegations were correct and were truthful and follow the procedures, either talking to the legal side of the branch, and then take the procedure or take the information from them that they would give us.

Q. When you say you'd take those steps if you thought the allegation was truthful, if you just have an interview with a female complainant, who says she's the victim, and then follow that with an interview with the alleged abuser, would that be sufficient for you to be able to determine that the allegation was truthful?
A. Yes, it would.

Q. So you wouldn't need a second witness?
A. Not necessary under those circumstances like that.

Q. Is that a significant change from some years ago?
A. Very significant, yes.

Q. Is that change relevant to sexual assault and other types of misconduct, or only sexual assault?
A. Well, offhand, I'm not too sure just how to answer that, because I'm not aware of it, and I haven't been involved in anything lately and I'm just not sure the material really has any - that we have had anything relevant to that.

THE CHAIR: Yes, Mr Stewart.

MR STEWART: As your Honour pleases.

Q. Mr Jackson, are you familiar with the manual or guide Shepherd the Flock of God? Can we have tab 120 on the screen, and particularly at Ringtail 90, otherwise page 89. This has applied since 2010; is that right?

A. Yes.

Q. It's essentially a guide to elders; is that right?
A. Yes, it is.

Q. And as to how to handle various situations. You'll see this particular chapter, chapter 7, sets out the judicial hearing procedure - do you see that?
A. Yes.

Q. Towards the foot of that page you'll see in paragraph 2:

> *The Chairman should invite the accused to make a personal statement. If the accused contends that he is innocent, the witnesses to the wrongdoing should be presented and their testimony be given in the presence of the accused. It is best that the witnesses give their testimony in person.*

Then --
A. I just haven't got that coming up. I've got 2, but not the rest of it.

Q. The top of the next page. There is the possibility then:

> *However, it may be that the witnesses live a great distance away or for some reason are not able to be physically present. If so, their testimony may be presented in the hearing of the accused by a secure phone call or perhaps submitted in writing and read to the accused.*

A. Yes.

Q. Are you saying that that exception might also be used to allow, in cases of child sexual abuse, or sexual assault generally, the accuser to not be in the presence of the accused?
A. Here it's if the person lives a long distance away, but it can still - again, you're looking at the circumstances of the case and just the emotional condition of the person.

THE CHAIR: Q. I think Mr Stewart is suggesting to you that that is not to be found in this document.
A. Oh, I'm using the principle of that, though, just with your question.

Q. I think he's putting to you that the principle is not there, either.
A. No. Okay, so maybe then it doesn't apply.

Q. Well, he'd like to know what the true position is.
A. This is the position here where it says:

> *However, it may be that the witnesses live a great distance away or for some reason are not able to be physically present.*

So I can't go beyond that. But sometimes situations arise where, you know, the emotional state of the person, we try to help them as much as we can.

Q. This document proceeds, you'll see in the previous page I think it is, the starting point for the judicial hearing procedure is to try to put the accused at ease. Do you see that?
A. Yep, I do, thank you.

Q. Then in the first paragraph those words are placed in heavy type. Do you see that?
A. Yes.

Q. There is no mention there, or anywhere, of how you manage the victim, is there - or the accuser?
A. No, but we have had Watchtowers that relate to how we need to be very conscious of the person as well as regards to the way that they are going through what they're going through, the emotional state.

Q. Well, you mean that the person who brings the allegation may be suffering considerable stress --
A. Sorry, no, I thought you meant the person. Yeah.

Q. My question is directed to: there doesn't seem to be any acknowledgment that the person who brings the allegation may be suffering stress and need assistance. Do you see that?
A. Yes, yes. Yeah.

Q. Can you help me --
A. That's correct.

Q. -- with why that's not there?
A. No, I can't. Sorry, no.

THE CHAIR: Mr Stewart, I think we'll come back in the morning.

MR STEWART: I have just one question about this page that's open, if I might.

Q. At page 90, Ringtail 91, just on this question, you see paragraph 3 on this question of observers, I understood you to say that your understanding is that the present position is that observers can be present to give moral support, but you see this document says expressly observers should not be present for moral support. Do you see that?
A. Yes, yes. Yes, but --

Q. This is the guide you have to follow, isn't it?
A. Yes, it is, but again, there have been information as regards to situations where, for example, parents, if they have been asked, they can go there, through letters that we've had, where they have been told - we have been told that if it is a minor, parents can be there, a husband or wife, if the guilty party wants to have them there, they can do that. But, again, that does say that there. I'm just quoting other information that we've had, for example, letters later than 2010.

THE CHAIR: We'll come back to that in the morning. We'll adjourn until 10 o'clock.

AT 4PM THE COMMISSION WAS ADJOURNED TO TUESDAY, 28 JULY 2015 AT 10AM

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