ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES TO CHILD SEXUAL ABUSE

Public Hearing - Case Study 29
(Day 148)

Level 17, Governor Macquarie Tower
Farrer Place, Sydney

On Tuesday, 28 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.

MR STEWART: If your Honour pleases, Mr Jackson is still giving evidence.

<DOUGLAS JAMES JACKSON, on former oath: [10.05am]

<EXAMINATION BY MR STEWART CONTINUING:

MR STEWART: Q. Mr Jackson, I'd like to show you paragraph 57 of [BCB]'s statement. It will come up on the screen. Perhaps you can start at paragraph 56. You'll see that [BCB] here is talking about the meeting that you spoke about yesterday, too, and she says she felt uncomfortable, she could not bring herself to tell the elders everything that had happened, she felt like she was still Bill's victim, and she was so scared of saying anything that would get her or Bill into trouble. Then at paragraph 57 she says:

> *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.*

Mr Jackson, I take it you accept that it was very hard for [BCB] to talk about sex in a room full of men?
A. I do, yes.

Q. And it was hard for her to talk in front of Bill - Bill Neill that is - who was her abuser?
A. Yes, I'd say that, as she said, it would have been very hard.

Q. And that it did not feel like a safe environment for her?
A. Yes. I don't know why she would have felt that,

because we tried to comfort her. I just can't remember the scriptures that we used and the way that we spoke, but I would say that we tried to comfort her and to help her.

Q. But you appreciate that, whatever you might have said, it couldn't have been enough in those circumstances?
A. I'd say that's correct, yes.

Q. In circumstances where she has to face a number of men who are her elders in the church?
A. Yes.

Q. Including one of whom is the person whom she accuses of having abused her?
A. Yes, yes.

Q. And she has to face him?
A. Yes, yes.

Q. And then she says, as you saw, that perhaps if a sister whom she was comfortable with had been there it might have been easier, and you suggested yesterday there might be space for that, and we started a discussion about that. I'd like to take you back to what I showed you just before we finished yesterday, which is at tab 120, page 90 or Ringtail 91 of that document, paragraph 3.

This document, you'll recall, is the Shepherd the Flock of God. Of course, it's the position now, not back then, but I'm content to discuss what the position is now. As I showed you yesterday, you see that it says that in a judicial hearing, procedure observers should not be present for moral support. You answered yesterday that you thought that if the accused - not the accuser but the accused - wanted moral support, there may be space for that. But you'll accept that under this there's no space for the accuser to have someone present for moral support?
A. In that particular paragraph, it demonstrates and it mentions that, but I think in the publication around chapter 12 it does talk about that. We need to take into consideration the person and that we would, you know, really try to help them and, if need be, now, certainly have someone there to help. I think it was paragraph 18 and 19 - I think.

Q. So that's at Ringtail 132. This is dealing specifically with child abuse. There are the paragraphs 18

and 19?
A. Yes, it must have been another one, but I know that, if need be, and we certainly can have - they can have, the one that is being abused, they can have someone there, whether a friend, parents, ones of their choice, and make them feel comfortable.

Q. It's not in those paragraphs 18 and 19, you accept that - do you accept that?
A. Sorry, yes. I thought it was there.

Q. And it would be against the paragraph 3 we were looking at earlier insofar as a judicial hearing is concerned?
A. Yes, sorry.

Q. These guidelines are published by Bethel in Brooklyn - that's right?
A. Yes.

Q. It says in paragraph 18 on the screen now, in the last sentence:

> *The branch office will then give direction based on the circumstances involved in each situation.*

Would it be your understanding that that is direction within what these rules allow?
A. Yes.

Q. In other words, the branch office wouldn't have authority to override these rules which are published and distributed from New York?
A. No, but they could include saying we should give support - as much support to the victims as possible.

Q. What about if the complainant is a child still at the time that she's complaining, that she raises the allegation, how do you deal with that?
A. In the KS10 - I'm just trying to think of the chapter, whether it's - but there's, again, just the support - if it's a child, then the parents would be permitted to come there, unless, of course, one is an accuser, it's a little bit different. But, again, we try to give them as much support as we can to help them.

Q. Well, Mr Jackson, you and other overseers and elders have given evidence or have in their statements that you received training from time to time; is that right? Does that training ever cover how you should deal with children who are making complaints of child sexual abuse?
A. I cannot remember exactly when, but I'd say yes, that it does deal with that, and appreciating that every situation is different, the way that it would be handled.

Q. What training specifically on how, for example, to interview a child complainant?
A. We, of course, try to be as kind and as considerate, thinking of Bible principles involved, how we can be of support to these ones. Again, looking to the publications as well.

Q. Do you accept that it's a specialist area of how to respond to children making allegations of abuse?
A. Yes, we do, and we certainly appreciate that, and even after, we don't discourage if - if the parents or the individual wants to seek other help through individuals or through - depending on the circumstances - qualified people.

Q. So --
A. A psychiatrist or counsellors.

Q. Insofar as the interviewing itself is concerned, you wouldn't, though, be able to give up your role as an elder in conducting an interview to a professional outside of the church, would you?
A. Do you mean being involved in the meeting?

Q. Yes, interviewing the child.
A. No, that's true, we don't, no. But we try to give them as much support as we can - as I've said, either through an individual who they feel comfortable with - but when the situation is dealt with, we certainly - you know, don't encourage them, but we say that if they want to, they can, you know, go to counsellors, psychiatric help or within the congregation there may be someone that can give them definite help.

Q. If we can look at tab 126, starting on the first page, you'll see that this is from World Headquarters in August 2013 and it's to Branch Committees and it's Guidelines for Branch Office Service Desks, in other words, how branch

offices should respond. Attached to the letter is some Guidelines for Branch Office Service Desks. Is this a document you've seen before? It wouldn't typically go to you because you've not served in a branch office, have you?
A. No, no.

Q. In any event, you'll see there the guidelines are there, but can I take you to, in particular, page 9, Ringtail 84, question 14:

> *When should elders interview a young child who is a victim of child abuse?*

That's the question put, as it were, to the service desk, and as I read the document this is what the direction to the service desk is:

> *When elders call the branch office regarding a child abuse matter they may ask about the need to interview the victim. In such cases, help the elders to balance the need to investigate with the dangers of inadvertently further the traumatising a young child abuse victim. For example, has the accused already confessed to the wrongdoing? Is there more than one accuser and thereby already sufficient evidence to handle the matter judicially. In such cases there is likely no need to interview the young child.*

Still nothing there about being able to get a trained professional to do the interview, or to assist?
A. No, that's why I said generally it's after that we encourage them, if need be, but if they do want support during the meeting, then either the parents or somebody else that they feel comfortable with, yeah.

Q. Returning to the direction in Shepherd the Flock that we were looking at earlier, which says that observers should not be present for moral support, can you conceive of what the justification can be for that direction?
A. For moral support?

Q. Yes, that an observer should not be present for moral support?
A. No, I can't, and that's why I thought in other

chapters of the book - but I just can't recall them, I thought that one was in chapter 12 I just quoted, but it's not - 18 and 19. But I find that - well, I don't find, but with the letters and the publications, we certainly do try to make the person feel at ease so they feel free to be able to express themselves.

THE CHAIR: Q. The problem, Mr Jackson, is really not addressed in that way, though, is it? The problem --
A. No.

Q. -- is the whole structure of the arrangement with two male elders, a male accused and then a female, in an environment in which she could never feel comfortable, being asked to tell intimate details of a sexual nature - the structure doesn't work, does it?
A. Well, I agree, your Honour, I certainly do.

Q. What can the church then do about changing the structure?
A. Well, maybe, after hearings like this, where it's been brought to the fore, I just feel that over a period of time, only through matters of letters that I've read, that it does indicate that other persons for support are able to help them through.

Q. But even support is not going to help, given the structure of the whole arrangement.
A. Yeah, yeah. Well, maybe, as I said, after meetings like this - hearings like this, sorry - there could be a structure change. You know, I'm not in that position to say, but there could be.

Q. Well, how would structure change occur?
A. I guess just what you're saying, with the individual --

Q. How would it be initiated inside the church? How does the church make the changes that are necessary?
A. Oh, well, it would go through the governing body, or suggestions would be to the governing body.

Q. Which is in America, is it?
A. Yes, but, in turn, it could go through the branch here, the suggestions.

Q. Do people like you take forward suggestions to the

branch here?
A. Well, I haven't.

Q. But do they?
A. Yes, they do.

Q. I want to know how the system works?
A. Yes, they do.

Q. What's the process?
A. Yes, they do, they make recommendations, and these recommendations go to the branch of the governing body and then situations can change in those areas if - if the governing body decides to do that. But we can make - anyone is free to write and make these recommendations, your Honour.

MR STEWART: Q. Mr Jackson, in your statement you say that the complaint that was made when you were there, investigating it - the complaint that was made involved [BCB] discovering Bill Neill looking at her as she was taking a shower, which Neill admitted to. You recall that. And [BCB] complained that Neill had touched her breasts from the outside of the night clothing when kissing her good night, but he said that if it occurred it was inadvertent. Do you remember that?
A. I just remember Bill Neill looking at her in the shower and the comment made on the touching of the breasts.

Q. You don't remember the complaint about repeated tongue-kissing over a period of time?
A. No.

Q. You don't remember that?
A. No, and, to me, I don't know if it was even raised.

Q. Let us look at tab 70. If we can scroll down so, Mr Jackson, you can see this. Do you recognise that this is your report to the branch following your investigation with Mr Horley?
A. Yes, yes.

Q. I understand you wrote this letter; is that right?
A. I did, yes, with comments from Brother Horley or Max Horley.

Q. If we see at the end, both you and Mr Horley signed

it?
A. Yes, correct.

Q. Did you write this letter from any notes you had taken during the course of your interviews or investigations?
A. I would have taken, yes, on some of those days, but also discussing it with Max Horley as well - like, the contents of the letter.

Q. So you took notes during the interviews as to what was being --
A. I think we both did - as far as I can remember, I think we both took some notes.

Q. As to what the complaints were?
A. Yep.

Q. And, presumably, what the responses were?
A. Correct.

Q. And where are those notes now?
A. Well, I - I don't have them. I don't know whether they were kept in the congregation file or --

Q. Well, you were the circuit overseer at that time. Would your notes have ordinarily gone into the congregation files?
A. Normally, if I was serving that congregation, it would have gone there. The only letter would have been this to the branch, but I really can't remember. I know I never took notes - not only from this situation but any - anything else that I dealt with; it went to the congregation. Sometimes there may have been matters that I passed on if I - another circuit overseer followed me or took over the circuit that I was doing, but I cannot remember with regards to that, and I would say that possibly it was just left with the congregation.

Q. You see, the Royal Commission subpoenaed and received documents from the congregation files, but there are no notes there.
A. Yeah, well --

Q. Can you explain that?
A. I cannot, no.

Q. Are you really saying, Mr Jackson, that your ordinary

practice was that the overseer's notes would go into the congregation file?
A. Yes, and information, as this letter, would go to the branch. I don't think anything went to the branch other than that letter.

Q. You see in this letter on the first page, where you report to the branch, you say you're writing in reply to another letter and you say:

> *I investigated the matter further with the other elder ...*

Then you set out some aspects of the investigation in the first paragraph. Then in the second paragraph you say:

> *We also spoke to other brothers and sisters in the congregation who knew about the matter through another sister who had spread the story after being told about it ...*

You go on dealing with other people knowing. Going to the next paragraph, you say:

> *After interviewing the brothers and sisters and reviewing the scriptures ...*

You identify them:

> *... we felt that "uncleanness" had been committed on several occasion but it was not "loose conduct". We felt that Brother Neill could not speak with confidence ...*

And so on. You don't identify in that letter at all what the actual allegations were?
A. Well, that's true, yes. In hindsight, I'd say that we should have done that, and - yeah.

Q. You see, both Mr Horley and [BCB] say that there were also allegations made with regard to tongue-kissing - in the meeting that you were at. I take it that you don't contest that; you just say you don't remember it?
A. I don't remember it. I didn't think that it was, but I don't remember.

Q. So what was the uncleanness that you identify in that letter?
A. Well, the matter of the - Bill Neill watching her in the shower and the touching of the breast.

Q. Now, this report to the branch, is that a requirement, that you report to the branch when an elder is removed or deleted from being an elder?
A. Yes, yes, because the appointments back then came through the branch.

Q. The appointments of elders?
A. And recommendation, deletions, yes.

Q. And that's still the case, though, isn't it?
A. Yes, it is.

Q. And you say there:

... unfortunately there may be worldly people who also know but we are not sure.

In respect of people knowing, why is it that you drew the distinction between worldly people and people within the congregation, what's the relevance of that?
A. It was mainly just to show how far it had got and, therefore, his qualifications - how far the information about Bill Neill had got, not just in the congregation but outside, and therefore his qualifications came into question - because of that and because of ones in the congregation and because of what actually happened.

Q. Was the disqualification because he couldn't be trusted with young girls?
A. Well, in this particular case, yes.

Q. That isn't what you say in the letter. The disqualification is that he couldn't speak freely, he didn't have freedom of speech?
A. Oh, well, sorry, yes.

Q. That's different, isn't it?
A. Yes.

Q. You were concerned that he couldn't speak with authority in the congregation, because of how people in the

congregation might view him?
A. Yes, yes. Yes. So the wording, again, would be something that we would - I would consider different.

THE CHAIR: Q. Mr Jackson, the letter refers to you feeling that uncleanness had been committed, but not loose conduct. What's the difference?
A. Uncleanness in the sense of what they actually did, or he did I should say. Loose conduct is where it's actual intercourse, other inappropriate things that could happen.

Q. So that's referred to as "loose conduct"?
A. Well, also in the Bible as immorality, porneia.

Q. Where does the expression "loose conduct" come from. Is that a Jehovah's Witnesses expression?
A. No, just in that reference material - I'm not sure if it's in there, but I would say that it's an expression that is mentioned in the Bible. Just offhand I can't remember the scripture, but also, too, the publications have explained it and even going into more detail in later publications, just explaining it.

Q. If a man deliberately touched the breast of a girl, how would that be classified?
A. Deliberately?

Q. Yes.
A. I would say as uncleanness, yeah.

Q. And if a man deliberately touched the breast of a girl on more than one occasion, how would that be described?
A. Well, you're getting into the area of loose conduct.

Q. Well, in this letter, you say that uncleanness had been committed on several occasions. Do you see that?
A. Yes.

Q. Now, one can understand an accident?
A. Yes.

Q. But it's different, isn't it, if you've got several occasions?
A. Yes. Yes, that's why I say with the wording of it, I would probably word it as different.

Q. Well, if you've got several occasions, you're into the

area of finding deliberate conduct, aren't you?
A. Mmm.

Q. Well, does that suggest the way that you classified these events, even on your limited reference to them, was wrong?
A. At the time, I would say that I felt that, or we felt that, it was correct, but I can also see what you're saying now and also, too, with additional information that we've received over the years, it could certainly be classified as different.

Q. Leaving aside the different information over the years, just looking back on what you knew then, as you recall it --
A. Yes.

Q. -- is the letter correct?
A. Well, as I said, it's correct in the sense that we, with our understanding then, but as you're saying, as it mentions "several occasions", then it would come under the field of loose conduct.

Q. Well, it's not my record; it's your words?
A. Yes, I know.

Q. Is the letter wrong?
A. I'd say the wording, yes.

Q. It might be suggested that the letter has been written in a way which is favourable to Brother Neill and more favourable than, in fact, the facts that you knew meant it should have been.
A. Because of that comment or --

Q. Yes, because of the finding.
A. Yes, although we did - I did mention there - I just noticed in the last sentence, "He has been given strong counsel and we feel that no further action or restrictions" are needed. So what we actually discussed with him from the Bible or the publications, I'm not sure, I can't remember, but I can't see how we showed him particular favour.

Q. Well, I think we've agreed that the --
A. Yes.

Q. -- facts that you had fell into the category of loose conduct?
A. Yes.

Q. But you didn't make that more serious finding; you'd left it at uncleanness?
A. Yes, yes.

Q. Isn't that favourable to him?
A. Well, again, looking at it, you could say yes, that possibly is the case, but, again, just the wording of it, I would have certainly done it different in thinking about it now.

Q. Again, it might be suggested that you fell into this form of finding and form of words because you were favourably disposed to Brother Neill, you see?
A. I don't think I was or we were, but, by the wording of it, yes, I can see what you're saying, your Honour.

MR STEWART: Q. You see, Mr Jackson, there was only one shower incident, or looking over the shower incident that was complained of, wasn't there?
A. I thought that was the situation, yes.

Q. But there were many instances, over a long period of time, of tongue-kissing.
A. Well, I was unaware of that. I didn't know.

Q. Because by using the words "several occasions", it seems that this may be a reference actually to the several occasions of tongue-kissing.
A. Yes, yes. I cannot say with confidence, but it could have been. But I just cannot recall that that was raised.

Q. Now, the classification of these different sins or severity of sinning, at that time, was as set out in Pay Attention to Yourselves and to all the Flock - is that right - that was published in 1991; is that right?
A. I think it was, yes.

Q. That's at tab 80. Perhaps we can look at Ringtail 24, page 92 of the document. You'll see there under the heading "Uphold Jehovah's Righteousness". The second bold paragraph says:

The Scriptures clearly show that Jehovah

forbids certain conduct among his clean people; brothers need to uphold Jehovah's righteous standards regarding the following.

It then sets out various categories of transgression. The first is "Manslaughter".
A. Yes.

Q. Then there is "Sexual misconduct, including adultery, fornication and other forms of 'porneia'". Under that you'll see there are three subcategories?
A. Yes.

Q. The first one is:

Uncleanness includes an intentional momentary touching of sexual parts or caressing of breasts.
A. Yes.

Q. Then if we scroll down:

Loose conduct is a shocking, flagrant disregard for Jehovah's moral standards.

A. Yes.

Q. And some examples are set out?
A. Yes.

Q. And, thirdly:

"Porneia" involves immoral use of the genitals of at least one human ...

A. Yes.

Q. Then it goes on and sets out examples. So that was the classification you were seeking to employ; is that right?
A. Yes, yes.

Q. Do you know the origins, Mr Jackson, of this word "porneia"?
A. Just scripturally from the Greek. Deals with - as it mentions there - "'Porneia' involves immoral use of the

genitals of at least one human", so it involves fornication and other forms of immorality, also including there oral sex, anal sex and mutual masturbation.

Q. So the word itself is of Greek origin, you say?
A. It's of Greek origin.

Q. Going back to your letter at tab 70, at the top of the second page, you'll see in the last sentence of that paragraph you write:

> *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.*

Now, what does "freedom of speech" there mean to you, as you employed it?
A. Well, freedom of speech is just, over a period of time, if those that knew about it no longer see it, themselves, as something that is a terrible thing that disqualifies him as an elder. But looking at that now, I certainly would re-write that area, because, even now, you know, one wouldn't be recommended without first of all considering the amount of time and years that that had happened, if at all, that he be recommended as an elder or ministerial servant.

Q. So you say that the time period should have to be considered?
A. Now?

Q. Yes.
A. Yes, and even then - it wasn't just something that was done within six months, but normally it would take a period of time. One of our publications said - I think the wording "many years" or - and even back then it was recommended that it would be several years to live down that sin that had happened.

Q. Because it's a reputational issue?
A. Yes.

Q. It's about Brother Neill's efficacy or potential efficacy as an elder?

A. Yes, yes.

Q. And the moral authority that he might have in the congregation?
A. Yes, and even - yes. Even, too, taking into consideration that - dealing with young people: would he be able to do that again? And, you know, with our recent letters that we've had, it certainly shows that he wouldn't be quickly recommended, if ever, no.

Q. But at the time that you considered what the proper course was in relation to [BCB], or [BCB]'s complaints, there was no consideration then about his potential reoffending?
A. No, not - no.

Q. Well, shouldn't there have been?
A. Do you mean for him, that we warned him?

Q. No, not that you warned him?
A. I'm sorry.

Q. That you took steps to protect children in the congregation, to ensure that he wouldn't offend against them?
A. Oh, yes, yes, yes. I just can't recall what we said to him or what happened, but we would have taken steps, yeah, that he don't - that he wouldn't get into that situation again.

Q. Insofar as him being reappointed as an elder some time in the future, your recorded concern here is about his reputation once this matter has died down - do you accept that?
A. Yes, and as I say, in hindsight, I definitely wouldn't have said that back then.

Q. But what you didn't consider is whether, over a passage of time, he could be considered to be safe and trustworthy with children?
A. Yes, yes, and that would certainly have been something now that I would definitely put in a letter.

Q. And you should have considered it then?
A. Yes.

Q. Do you accept that?

A. Yes.

Q. Mr Jackson, did you consider at all, when those complaints were made, that the conduct complained of may have amounted to a criminal offence?
A. No, I did not. No.

Q. Did you consider at all reporting the matter to the police?
A. No, I did not.

Q. Did you consider at all encouraging [BCB] to report the matter to the police?
A. I am not sure if we recommended that to her. As far as I'm aware, all we did was to have those meetings and to write that letter. If the branch wanted that further to happen, I guess they would have written to Max Horley on it. But I just cannot recall whether we did talk to her about that, or whether - yeah, I'm just not sure.

Q. In your considerable time and experience as an elder and as a circuit and then district overseer, has there ever been a case where you have reported wrongdoing that may have constituted a criminal offence to the police?
A. Not that I'm aware, because I never really got involved with those cases at all.

Q. So you say you were never involved in a case, within your responsibilities in the church, where the wrongdoing that was complained of was such that it may have constituted a criminal offence?
A. Offhand, I - I cannot recall any situation.

Q. Other than the case of [BCB], of course?
A. Yes, yes.

Q. What is your understanding of when matters should be reported to the police by elders or overseers, and when not?
A. I think the procedure now is that we ring the branch and we tell the person - the legal department - and we tell the one involved about reporting it to the police. I think every State has been different as regards to when this was implemented. I'm not sure, but that's what we've encouraged in the publications.

Q. But if there's no legal obligation to report, then the

practice is to not report; is that how you understand it?
A. For sexual abuse, do you mean?

Q. Or any crime, including --
A. No, no, we'd certainly recommend, if a crime has been committed, that it be reported to the police.

Q. What about a crime of sexual abuse, you seem to treat that differently?
A. You mean, first of all, ringing the branch and asking for --

Q. Whether it should be reported?
A. I think we have direction that it should be reported.

Q. If there's a legal obligation to report?
A. Yes, yes.

Q. And if there's not a legal obligation to report?
A. Well, again, if there's any doubts, we are still encouraged to ring the branch legal department, just to seek direction from them what to do.

Q. And you would do as you were directed by them?
A. Yes. And not just one individual, but two individuals doing it.

Q. You mean the two elders?
A. Yeah, yeah.

Q. In your understanding, where do you expect that line to be drawn as to what is serious enough to be reported to the police and what isn't?
A. In a matter of crime?

Q. Yes, that's what the police are principally concerned with - crime?
A. Yeah, well, apart from child sexual abuse, areas of, say, theft, murder - yeah, general crime where they are breaking the law.

Q. As I understand it, you say you have never been involved in reporting a matter to the police?
A. No, that's correct, yeah.

MR STEWART: Those are my questions, your Honour.

THE CHAIR: Does anyone else have any questions?

MS GALLAGHER: I do, your Honour.

THE CHAIR: Anyone else?

MR COYNE: Yes.

THE CHAIR: Who should go first?

MR COYNE: Probably my friend.

THE CHAIR: I think so. Does anyone else have any questions?

MR TOKLEY: no, your Honour.

<**EXAMINATION BY MS GALLAGHER:**

MS GALLAGHER: Q. Just in reference to tab 70, the letter that you wrote - I beg your pardon, my name is Gallagher and I represent [BCB].
A. Yep.

Q. If tab 70 could be called up, please. Can I just clarify, Mr Jackson, the second paragraph there where you indicate:

> *I investigated the matter further with the other elder in the Narrogin congregation, Brother Max Horley ...*

you say:

> *... and spoke to the sister involved and her husband and also other brothers and sister in the congregation. We gave counsel to both the husband and the wife about going to the elders and setting the matter straight with Jehovah ...*

Could I clarify with you who you are talking about when you say, first of all, "I spoke to the sister", was that [BCB] - is that who you were referring to?
A. So are we talking about the sister involved and her husband?

Q. Yes. Is that [BCB] and [BCC]?
A. I'd say so, yes.

Q. And then when you talk about, "We gave counsel to both the husband and wife about going to the elders and setting the matter straight with Jehovah", which husband and wife are you talking about there. Are you talking about Mr and Mrs Neill or [BCB] and [BCC]?
A. I would say - I was unsure she was married then, but I would say it would be to [BCD] [sic] and her husband.

Q. What did they have to set straight with Jehovah?
A. Well, it wasn't that, I think it was keeping in mind that scriptural principle of James, was really just going to the elders to try and get help from the elders, because I think it had been spread - I'm not saying by them but by somebody, I can't remember who it was - where other people started to know about it.

Q. Was there an element then of her being chastised for spreading something that could --
A. No.

Q. -- affect the congregation?
A. No.

Q. The reputation of Jehovah?
A. No, even the word "counsel" - again, I wouldn't use that word again.

Q. But you did, and you said --
A. Yes.

Q. You've given evidence that you didn't keep any notes about conversations?
A. Yes.

Q. That's right, isn't it?
A. Yes.

Q. So this is our best record, do you agree with that?
A. Yes.

Q. And it's dated around the time, obviously, 1992, around the time --
A. Yes.

Q. -- that you spoke with [BCB] and [BCC]?
A. Yes.

Q. What do you think you might have meant, then - just before leaving this topic, what do you mean by "setting the matter straight with Jehovah"?
A. Well, just going to see what is - how they could be helped or encouraged.

Q. And you didn't mention going to the police for help and encouragement in reporting the matter?
A. No, that's correct.

Q. The next sentence is:

Then showed that after we have done this, that if we have repented Jehovah would forgive us.

An element there that these two - if it was reference to [BCB] and [BCC] - that they were, the two of them, actually, being chastised?
A. Yes. I would say, though, that referring it, too, with [BCD] [sic], it was more to Bill Neill than to her, that he needed to turn around and change.

Q. So you would deny that there was any element of [BCB] and [BCC], her husband, in any way being chastised for telling others about this conduct?
A. I don't think we would have chastised them, but we would have encouraged them to try and settle the matter within - you know, talking to the elder back there, who was Max Horley, and try to do what we were doing here, as two of us.

Q. If you go to the second page of tab 70, the top right-hand reference is 0505. Could I just clarify: you note in the middle of that paragraph - well, before I ask that question, this paragraph really is very sympathetic to Mr Neill, or Brother Neill, isn't it?
A. Yes.

Q. Indicating, from the previous page, that he has accepted counsel and you were impressed by his humility throughout the ordeal.
A. Yes. Yeah.

Q. So he was treated, it seems from this letter, with kindness and sympathy; correct?
A. Yes, yes, because we try to do that as well as to the guilty, to help them, yeah.

Q. You indicate in that paragraph, if I could take you to the sentence:

> *Now that it is all in the open and discipline has been applied and accepted he feels much better about his relationship with Jehovah.*

Do you accept that everybody, including members of the Jehovah's Witnesses, is subject to the discipline of the State?
A. How do you mean, sorry?

Q. Well, the church had disciplined him.
A. Yes.

Q. But do you accept that - I think when being asked questions by counsel assisting, your reference to "several occasions" on the previous page may, indeed, have been a reference to something you don't recall now, but the kissing with the tongue. Now, "several", of course, indicates that it was more than once, more than three times. It's hard to calculate how many - do you agree with that proposition?
A. Yes, yes.

Q. So that, as a child, this girl, [BCB] - of course she was a young woman when you interviewed her, but she appears to have been subject to several, multiple even, indecent assaults - do you agree with that proposition?
A. Yes.

Q. Do you understand what an indecent assault is?
A. Well, from my recollection - I don't know what the law is, but I'd say that it deals with things such as this type of thing that happened to [BCD] [sic].

Q. Yes, sorry, the invasion of somebody's space - in fact, their person - coupled --
A. Yes.

Q. So that's the assault, coupled with an act of

indecency, which of course would be the insertion of the tongue in the mouth.
A. Mmm.

Q. Do you understand, do you have an appreciation that if this matter had been reported to the police before this young woman was confronted with her abuser, as occurred - you accept that; correct?
A. Yes.

Q. Do you accept, or are you aware of this: if Mr Neill had been charged with multiple acts of indecent assault, just say - do you have an appreciation that he probably would have received bail to stay away from [BCB]?
A. At that time, no.

Q. Do you understand also that he and anyone associated with him would have had to have stayed away from her?
A. Yes.

Q. Do you have an appreciation that that's what would have happened?
A. Yes.

Q. Likely have happened?
A. Yes, and our publications have certainly stressed that over these years.

Q. Do you have an appreciation, also, that if the matter had gone to hearing, [BCB] would not have had to face her abuser, even then, because there are facilities available for victims of sexual assaults to give evidence from remote locations.
A. Yes, that I do know now. Then, no, I did not know.

Q. So you'd agree, given the care with which the State deals with these sorts of allegations, that greater care should have been given by members of the faith; do you agree with that, in how you treated [BCB]?
A. Yeah, sure. Yes, I do believe that is the situation and I feel that, you know, we really did - while I was there for those six days, we did try to help her, encourage her.

Q. Can I interject there, I beg your pardon. You didn't, did you? You didn't encourage her to go to the police, did you?

A. Well, that's true, yeah, I didn't do that. But I'm saying that we still tried to help her.

THE CHAIR: Q. Mr Jackson, it's plain from her evidence that she was very severely affected by these events - do you agree?
A. I would say yes.

Q. It's also plain that the process that you engaged in inflicted further trauma on her - do you understand that?
A. I understand it, but at the time I don't think I appreciated it to that degree.

Q. There is no reference in this letter of any concern for her or her welfare or what Jehovah's Witnesses might do to help her, is there?
A. I thought there were some publications that we quoted and scriptures that we would have used to help her - in the letter, I thought.

Q. But it's clear that she needed psychiatric help?
A. Well, we - if she felt that and we felt that, then we certainly - well, she would have questioned us on it and we certainly would have recommended it.

Q. Did it occur to you at the time that she may need help from medical professionals?
A. I'd say no.

Q. Well, you know now that she has done, and does need it. Is Jehovah's Witness prepared to help her to receive it?
A. I would say they certainly would, yeah. They would be conscious of spending time with her and they would also recommend her seeking medical help.

Q. Would they be prepared to pay for it?
A. Well, I don't think I could answer that question.

Q. Why not?
A. Well, you'd have to - they'd have to write to the branch or the Governing Body just to seek out that.

Q. It's not an automatic matter, is it - if someone is damaged by the actions of an elder?
A. Not that I'm aware of, sorry.

Q. Do you think the church should provide funds to help her with her medical care?
A. I guess it would be something for them to consider, but --

Q. No, what about you: do you think the church should?
A. Well, I think we give a lot of assistance to them. I think it's an area that I really haven't thought about and I wouldn't like to say. I think financial assistance is a big thing that maybe, you know, they could be thinking about, but I wouldn't make that statement that they would do it or wouldn't do it.

Q. What would you recommend if you were asked your opinion as to whether they should give her financial support for medical care?
A. I think it could be considered.

MS GALLAGHER: Thank you, your Honour.

<**EXAMINATION BY MR COYNE:**

MR COYNE: Q. Mr Jackson, I just want to clarify --

THE CHAIR: You need to identify yourself, because people are watching this on the screen.

MR COYNE: Certainly.

Q. My name is Mr Coyne and I appear for you, amongst others. Ms Gallagher was just asking you questions about tab 70, which was your letter. If that could be brought up again, please. At paragraph 2 you were asked in relation to where you have written:

> *We gave counsel to both the husband and the wife about going to the elders and setting the matter straight with Jehovah.*

You were asked whether that referred to [BCB] and [BCC], being her husband, or it referred to the Neills; correct?
A. Yes.

Q. After you have said that, it quotes James 5:13-15. Is that in relation to what you've just said before, though?
A. Yes, it encourages ones who have been damaged in some way just to go and try to talk to the elders so the elders

can help them and encourage them.

Q. Yesterday you were asked questions about how [BCB] would have been aware of the process of how complaints were dealt with; correct?
A. Yes.

Q. When a member of the congregation is approaching baptism, are they given a book to study?
A. Yes, it's entitled "Organised for the Ministry" I think.

Q. That book contains various questions relating to the baptism?
A. Yes.

Q. And that is a book that those people are expected to be conversant with?
A. Yes.

Q. And that is a book that they are expected to also consult throughout their lives in relation to matters relating to their faith?
A. Correct, yes.

Q. If we could bring up tab 109, please. Are you able to identify that? Is that the book?
A. Yes, "Organized to do Jehovah's Will".

Q. And that is the book that people get when they are approaching baptism?
A. Yes.

Q. If we go to Ringtail 88, please, and you see that heading "Handling Cases of Serious Wrongdoing"?
A. Yes.

Q. So this is something that would be contained in the book that each and every Jehovah's Witness should have when they are approaching baptism?
A. That's correct.

Q. And should be aware of?
A. Should be, yes.

Q. Moving on from that document, you were also asked yesterday various questions about the procedures by which

an investigation took place and you were shown various sections from the book of elders?
A. Correct.

Q. One of your responses was that you would refer to the book of elders, but you would also look to letters and publications; correct?
A. Correct.

Q. You've said that again today. If we could go to tab 124, please. Is that one of the letters to which you refer?
A. It is, yes.

Q. That one is dated 1 October 2012?
A. Correct.

Q. It's addressed to "All Bodies of Elders"?
A. Yes.

Q. And it says there in the first paragraph:

This letter updates the letters to All Bodies of Elders regarding child abuse dated August 1, 1995; March 14, 1997; July 20, 1998; April 1, 2004; June 5, 2006; and May 24, 2010.

Correct?
A. Yes, correct.

Q. It also asks that all those previous letters be removed from the congregation permanent files?
A. Yes.

Q. So as of 1 October 2012, this really was the document that you would refer to for matters after that date; is that right?
A. Correct, yes.

Q. And the contents of that letter related to "Legal concerns regarding accusations of child abuse"?
A. Yes.

Q. "Congregational concerns regarding accusations of child sexual abuse" - that's the second point under the "Table of Contents", right at the top?

A. Yes.

Q. I'm sorry, it's right at the top of the document. Do you see that?
A. Yes, "Congregational concerns regarding accusations of child sexual abuse", yes.

Q. "Helping victims of child sexual abuse"?
A. Yes.

Q. And "Restrictions and privileges"?
A. Yes.

Q. So when you were talking about referring to letters, was that --
A. That's correct.

Q. -- this document, amongst others?
A. Yes.

Q. You spoke about also referring to publications. When you say that, were you referring to articles that would have appeared in the Watchtower and the Awake! magazine?
A. Yes, there have been articles, really, way back in 1970, in the 1980s and 1990s and in 2000.

Q. When you say "articles", you mean articles relating to child sexual abuse?
A. Yes, yes.

Q. Are those publications available to everyone within the congregation?
A. Yes.

MR COYNE: Nothing further.

THE CHAIR: Yes, Mr Stewart.

<**EXAMINATION BY MR STEWART:**

MR STEWART: Q. If you go to tab 109, please, the first page, this is the "Organized to do Jehovah's Will" document that you referred to?
A. Correct.

Q. Your involvement with [BCB]'s case was in 1992; right?
A. Yes.

Q. If you go to page 2 of tab 109, you'll see this document came into effect in 2005?
A. Correct.

Q. I take it you then wouldn't have expected [BCB] to have had this document in 1991-92?
A. No, but we did have a document prior to that.

Q. What was that?
A. I think it was entitled "Organised for the Ministry" or "to do the Ministry".

Q. You don't know, offhand, just what that said about the processes?
A. I can't remember. I can't remember the release or just what it says - the release date, I should say.

MR STEWART: Thank you, your Honour.

THE CHAIR: Yes, thank you, Mr Jackson, you're excused.

THE WITNESS: Thank you very much.

MR STEWART: The next witness is Mr Bello. Would this be a convenient time, your Honour?

THE CHAIR: All right. We'll take the morning adjournment.

<THE WITNESS WITHDREW

SHORT ADJOURNMENT

THE CHAIR: Yes, Mr Stewart.

MR STEWART: Your Honour, the next witness is Mr Joe Bello. His statement should be behind tab 9.

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

MR BELLO: Whichever. I don't mind.

THE CHAIR: Well, it's a matter for you.

MR BELLO: Yeah, the Bible will be fine.

THE CHAIR: Sorry.

THE WITNESS: Yes, that's fine.

THE CHAIR: What's fine?

THE WITNESS: The Bible.

<JOSEPH BELLO, sworn: [11.46am]

<EXAMINATION BY MR STEWART:

MR STEWART: Q. Mr Bello, will you state your full name?
A. Joseph Bello.

Q. Do you have before you a copy of your statement dated 10 July 2015?
A. Yes, I do.

Q. Are there any amendments or corrections you wish to make to the statement?
A. Not that I know of. As long as it says I submitted it, that's fine.

THE CHAIR: Mr Bello, I wonder if you could come to the closer to the microphone and could you speak a bit louder, because that microphone is the resource for a lot of people who aren't actually in this room who may wish to listen to you.

THE WITNESS: Certainly.

THE CHAIR: Maybe just twist it up a bit, that might help.

Yes, Mr Stewart.

MR STEWART: Q. Do you confirm that your statement is true and correct, Mr Bello?
A. Yes.

MR STEWART: I tender the statement.

THE CHAIR: That will become exhibit 29-005.

EXHIBIT #29-005 STATEMENT OF JOSEPH BELLO DATED 10/07/2015

MR STEWART: Q. Mr Bello, you were baptised as a Jehovah's Witness in 1973; is that right?
A. Yes.

Q. You were appointed as an elder in 1991?
A. Yes.

Q. Since then you have served in that capacity in the [REDACTED] congregation?
A. Yes.

Q. How big is that congregation?
A. About 90 publishers, or so, at the moment.

Q. In paragraph 2 of your statement, and perhaps if we can scroll down, you deal with the subject of reporting or how elders respond to complaints of child sexual abuse. You'll see what you say at the foot of that page and over the next page. You say there that you report immediately to the branch office, which then advises of any requirements of mandatory disclosure to relevant authorities; is that right?
A. Yes.

Q. If you are not advised by the branch office to report to a secular authority, such as the police, then I take it that you don't do so?
A. I wouldn't unless somebody brought it to my attention that there was some legal requirement.

Q. So if there's a legal requirement to report and that is brought to your attention, you'll report?
A. If there's a legal requirement, we always try to do what the law says, definitely.

Q. And if there's not a legal requirement, then you don't report?
A. Not unless we were advised to do so.

Q. And by "advised to do so", you mean advised by the branch?
A. Yes.

Q. So are there no circumstances, then, in which you would report a matter to the police if you hadn't been advised by the branch to do so?
A. Look, I don't know what situation would come up and

how it would come up. If I had a question about it, I'd ask the branch.

Q. If we look at paragraph 2.2, the matter is then handled internally, is it, if a complaint is made of child sexual abuse, in the manner you set out in paragraph 2.2; in other words, two elders are directed to investigate the complaint; if substantiated a judicial committee of three elders is appointed, and so on. Also, in 2.4, "Where a person has been found guilty of child sexual abuse", that's guilty by the judicial committee, is it, that you're referring to?
A. Yes.

Q. Then:

> *... the elders privately counsel him as to appropriate behaviour with children, such as not spending time with them without another adult present, not inviting them to his home, not engaging in displays of affection with children and so on.*

If we go to paragraph 4.1, you see there you say:

> *The case involving [BCB] is the only one concerning child sexual abuse in which I have been involved.*

A. Yes.

Q. Since you wrote the statement, have you thought of any others you have been involved in, Mr Bello?
A. No.

Q. Our records suggest that there are two others that you were involved in. You're going to be shown their names. The idea is that you don't read the names out, nor will I. It will be an aid to your memory. When you see those names, does that help you remember two other cases?
A. One name here I recall as something that happened before the [REDACTED] congregation was formed or I was part of it. I don't even know the person. The other case was a situation of someone who hadn't been attending for a long, long time and it was handled by the police and I had no involvement.

Q. So, dealing with the first case, which I understand you to say was before the [REDACTED] congregation was formed, was that a case of child sexual abuse?
A. From what I've been told, yes. I don't know anything much about it.

Q. And you didn't have any involvement in it at all, you say?
A. No, none at all.

Q. The second case was someone who had been in the congregation but had been away from the congregation for some time; is that right?
A. Yes, that's right, and events happened and I heard about them after they'd been dealt with by the police and everything, so I wasn't involved at all.

Q. Events happened outside of the congregation?
A. Mmm.

Q. In the case of [BCB], in your paragraph 5, which is on the screen - and if we can scroll down to the substantive part of the paragraph, further down the next page, 5.1 you say:

> *Sometime in 2012, I can't remember the exact date, [BCB] asked the elders to visit her to discuss an issue. I and David Wood visited her and her husband ... at her home.*

Then you carry on in that paragraph to set out your involvement. Now, you then reported that involvement to the branch office; is that right?
A. I didn't do it personally. Brother David Wood and another elder phoned the branch.

Q. What was reported to you as to what the response was from the branch?
A. I can't remember exactly, but the gist of it was to provide whatever help we can, to get whatever information [BCB] can provide us, and to provide that to the branch.

Q. Can I show you tab 71. Do you recognise this letter, Mr Bello?
A. Yes, I do.

Q. It's 18 December 2012 and it's from you to the service desk.
A. Mmm-hmm.

Q. Can you explain the circumstances in which this letter came about, where you're writing to the service desk about [BCB]'s case in 2012?
A. When we went to see [BCB], she provided us with details of what had happened and then, after contacting the branch, we asked [BCB] if she would be happy to put that into some written form that we could send to the branch. And after a couple of weeks she provided that to us and we wrote a covering letter, this covering letter, and sent that on with what was provided to us, to the branch.

Q. And, by that time, Mr Neill had been deceased for quite some time?
A. I really don't know when he died. I don't know. I believe he had died already, but I don't know.

Q. At the time that you wrote the letter, did you know that he had died?
A. I really can't remember if [BCB] was able to tell us what had happened or not. Could be, but I can't remember.

Q. What was the purpose, in your understanding, of making this report to the branch about these events that had occurred many years before?
A. We did it on the wording that [BCB] gave us, which is she wanted to make sure the branch had these details in case someone else had had similar experiences with the same brother.

Q. Did you have any expectation as to what the branch might do with this information?
A. No, I didn't know. I presumed that they would have other details from when it was handled and that would help them to work things out.

Q. So they may be able to match the information with --
A. Yes.

Q. -- some other information they already have?
A. Mmm.

Q. Then, if we look at the next tab, 72, two years later, December 2014, you had cause to write again to the

branch. Do you recognise this letter? Perhaps we can scroll down for you.
A. I don't remember writing that letter, but I probably read it and signed it.

Q. Well, if you look at the end of the second page, you'll see that you're quite right in that regard. Who wrote this letter, do you remember?
A. This would have been written by David Wood and Robert Boardman.

Q. What makes you conclude that?
A. Because I know that they were handling the matter after I wasn't involved in it anymore.

Q. Well, your name is here and you've signed the letter. In what sense were you not involved in it anymore?
A. I wasn't actively trying to help [BCB] or give support at that time.

Q. You'll see on the first page of the letter, if we can go back to paragraph 2, that it is recorded that the alleged perpetrator is Brother Neill, now deceased. So at the time you wrote that letter, you, of course, knew that he was deceased?
A. Yes, at that time.

Q. What was your understanding of the writing of that letter?
A. My understanding --

Q. Sorry, as to its purpose?
A. My understanding was that we had further details provided by [BCB] and, from recollection, there were a lot more details in terms of names, dates, things like that, so it was providing further information as it became available.

Q. If we go over the page to paragraph 6, you'll see it says:

> *In about July 2014, brother Bello paid a friendly visit to both [BCC] and [BCB] at their home. It was only at this time that [BCB] made mention that she was considering reporting the matter to the Royal Commission on child abuse and seeking*

compensation.

Firstly, you were, of course, involved in this matter by visiting [BCB] and her husband and discussing the matter; is that so?
A. Yes.

Q. Perhaps you can tell us just what occurred in relation to the possibility of the matter being reported to the Royal Commission?
A. Well, that matter came up earlier when [BCB]'s husband and I were out in the ministry and then afterwards, when we went back to the car, we sat in the car and we were having an informal conversation about how [BCB] was feeling and coping, et cetera, and her husband said that they were thinking of taking the matter to the Royal Commission and I made - I asked the question, I said, "But what would that accomplish" - sorry, my mouth is dry - "other than dragging Jehovah's name through the mud?" So I guess it might be a reference to that. Then [BCB]'s husband told me what he felt would be accomplished. He said, "A measure of closure and also maybe financial compensation", and I said I could see the point about the closure. I also asked - I didn't know that the Royal Commission was about financial compensation, and he said, "Yes, we've looked into it", and that was it.

Q. So you'll understand how, in you asking the question, "What would that achieve other than dragging Jehovah's name through the mud?", that would be understood as a discouragement to go to the Royal Commission?
A. It might be understood that way, but that's not how it was meant. It was an informal conversation. I asked the question, "What would it accomplish" - yes, I was thinking out aloud, and, thinking back on it, I shouldn't have said the rest of the sentence.

Q. I take it within your faith, Jehovah is considered as a loving God?
A. Definitely.

Q. Would Jehovah, then, not also then not be more concerned about the victim than his own name?
A. Jehovah would be concerned about the victim, but Jehovah is concerned about his own name, too, that's what the scriptures told us.

Q. Would his name not withstand public knowledge of dreadful things wrongly done by somebody professing to follow him?
A. I don't think that that was my point. My point was simply to ask the question, "What would be accomplished?", and, yes, there was some thinking aloud, and that's all.

Q. Can you understand how, by putting that question in that way, it contributes towards feelings of guilt that [BCB] has in bringing the matter to the Royal Commission?
A. I was talking to her husband and, looking back, I probably would have worded that different, but at the time that's how it came out.

Q. If you look at your statement at paragraph 5.13, and that's where you explain the statement as you've explained it now in the witness box, and you say:

I was wrong to say it ...

In other words, ask that question about dragging Jehovah's name through the mud:

... and I would never want to discourage someone going to the authorities with a complaint of child sexual abuse. This is also against the direction we receive as elders from the Branch.

I take it that the direction that you're referring to is that if people want to report to the authorities, they should not be discouraged from doing so?
A. That's right.

Q. You don't mean to say that there's a direction from the branch to positively encourage people to go to the authorities?
A. I just mean whatever the letter says. I can't remember the exact wording, but whatever the letter says.

Q. Well, we're looking now at your statement, not at the letter.
A. Yes.

Q. And your statement says:

This goes against the direction we receive

as elders from the Branch.

I'm seeking to understand what it is you're saying there. You've agreed that it's a reference to a direction not to discourage people from taking reports, or reporting to the police - right?
A. That is the direction.

Q. And I'm seeking to understand, you're not saying there is any direction to positively encourage people to go to the authorities?
A. I don't believe the letter says that, so I'm not saying that. I'm saying whatever the letter says.

Q. We're not talking about a letter. We're talking about your evidence.
A. Mmm.

Q. There's no direction, to your knowledge, to positively encourage people complaining of sexual abuse to go to the authorities; is that right?
A. The direction is to encourage them to do whatever they feel is best - whether that be to report it or not report it, apart from whatever legal requirements there are, which, of course, we would follow.

Q. Do you know of any case where a victim of a crime has been encouraged to take a matter to the police?
A. No, but then I don't know the opposite, either.

Q. Do you know of any case where an elder has reported a crime that has been reported to him to the police?
A. No, I don't, and I don't know the opposite, either. Sorry, I don't mean to answer in the wrong way. I'm just saying it's a hypothetical situation. I don't know.

MR STEWART: Those are my questions, your Honour.

THE CHAIR: Q. Can we just look at document 77. Are you familiar with this document?
A. It would appear to be one of our articles in the magazines.

Q. Yes. Are you familiar with it?
A. I can't say that I'm very familiar with it. I'm sure I've read it in the past, but it's not as if I can remember the details, no.

THE CHAIR: Do we have a hard copy of it?

Q. You're welcome to look at it, but it seems to be a discussion of the trauma that a victim of incest might suffer. Do you see that?
A. Yes.

Q. Then on page 30 it seems to be, from the publication, which will be the fifth page, I think, what is said a realistic view and the permanent solution. Do you see that?
A. Mmm-hmm.

Q. Now, the realistic view is said to be the way of helping the victim of emotional trauma - do you see that?
A. Mmm-hmm.

Q. And it talks about biblical references and goes on to talk about the permanent solution in biblical terms. Do you see that?
A. Yes.

Q. People who suffer incest can, of course, suffer great trauma, can't they?
A. Yes.

Q. This document seems to be totally focused upon a biblical response, not a medical, if you like, psychiatric or psychological response. Do you understand what I'm saying?
A. Yes, I understand.

Q. Does the doctrine that you're taught exclude or confine in any way the need for a person who suffers trauma to receive conventional help from qualified practitioners?
A. Certainly not. That's a personal choice. We don't make a recommendation one way or the other, but sometimes it's pretty obvious that professional help is needed to help the person. All we can do is help the person spiritually.

Q. [BCB] obviously needed professional help.
A. She told me that she had been seeing professional help, yes.

Q. And, of course, professional help costs money; you've

got to pay them.
A. (Witness nods head).

Q. Does your church accept any obligation to assist those who might have suffered at the hands of an elder, in obtaining professional help?
A. I wouldn't know the answer to that - not that I've ever been involved in. I can only speak from my experience. I've never been involved in any experience where the organisation has helped that way, but maybe they have, I wouldn't know.

Q. Do you think it should help?
A. Well, that would be my personal opinion, and I don't think my personal opinion is particularly that worthwhile.

Q. Why not?
A. I would talk from my limited experience, and I don't think that that's appropriate. When I do things, I try to research things and come up with some opinion that at least demonstrates some thought, but answering here, at no notice, I think I'd just say what came to the top of my head and I don't think that would be appropriate.

Q. Have you been following the work of the Royal Commission?
A. No, I haven't.

Q. Not at all?
A. Not at all.

Q. When did you first know you would have to give evidence here?
A. A few weeks ago. It might be a couple of months ago, but it was a matter of weeks.

Q. The work of the Royal Commission has received publicity all over Australia.
A. Yes.

Q. And you haven't read an article about it?
A. To tell you the truth, I've scanned the headlines of the Saturday paper and I might have read a couple of paragraphs then and then moved on, and that's about it.

Q. What about the television news?
A. I don't watch the news.

Q. What about the radio - the ABC?
A. I don't listen to the radio that much.

THE CHAIR: Does anyone else have any questions?

MR TOKLEY: No, your Honour.

MR COYNE: No, your Honour.

MS GALLAGHER: No, your Honour.

THE CHAIR: Very well, Mr Bello, that ends your evidence. You're excused.

THE WITNESS: Thank you.

<THE WITNESS WITHDREW

MR STEWART: The next witness, your Honour, will be [BCG].

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

[BCG]: Affirmation.

<[BCG], sworn: [12.14pm]

<EXAMINATION BY MR STEWART:

MR STEWART: [BCG]'s name and address are known to the Royal Commission and [BCG] is supported by her partner.

Q. Do you have a copy before you of your statement dated 10 July 2015?
A. Yes.

Q. I understand there is a correction that you wish to make in that statement. It's on page 5 at paragraph 20.
A. Yes. I would --

Q. I'll identify it. I'm just waiting for it to come up on the screen. Page 5, paragraph 20. It's the last sentence of that paragraph that you wish to delete; is that correct?
A. Yes, that's correct.

Q. Are there any other corrections you wish to make?
A. Actually, with that last sentence, could I delete it up to the comma?

Q. So just the words "I was allowed to see a worldly doctor about my depression" and also the word "but" I take it?
A. That's correct.

Q. So it would remain "I was forbidden from speaking about the church as it would bring reproach on Jehovah's name" - that's to remain; is that right?
A. That's true.

Q. Subject to that correction, do you otherwise confirm your statement as being true and correct?
A. Yes, I do.

MR STEWART: I tender the statement.

THE CHAIR: That will be exhibit 29-006.

EXHIBIT #29-006 STATEMENT OF [BCG] DATED 10/07/2015

MR STEWART: I'd ask you to read your statement commencing at paragraph 3.

THE CHAIR: Q. Can I just understand, the change you've made to paragraph 20, by taking those words out, it doesn't - the last sentence doesn't quite make sense?
A. Your Honour, it's just that it may appear that I saw a doctor about my depression whilst being a teenager, and I didn't. It just may read that way, that's all.

Q. Right. Yes, all right.
A. It just could have that kind of effect, and I didn't want to imply that.

MR STEWART: Q. So your evidence is you were allowed to see a doctor, but that was only years later?
A. Yes, I was allowed to see a doctor, but it implied that I saw a doctor during my teenage years, and I didn't.

THE CHAIR: Q. But you would have been allowed to see a doctor if you had wanted to?
A. I didn't actually --

Q. You don't know?
A. I don't know, I never did it.

MR STEWART: Q. Thank you.
A. "I was born [BCG] in Brisbane, Queensland [REDACTED] 1971. My full name is now [BCG], a name my children chose for me. I had previously been known as [BCG] and [BCG] having taken the surnames of my partners at the time. I am 43 years old and have four children, the oldest of whom is 23 years old.

I am currently in my final year of a law degree and I also work in the hairdressing and beauty industry.

I was formally baptised as a Jehovah's Witness when I was about 16.

My father is [BCH] (sometimes called [BCH]) and my motor is [BCI]. Together my mother and father had seven children, of whom I was the second eldest. I have an older sister who is two years older than me. I also have three younger brothers and two younger sisters [REDACTED].

I don't know exactly when my parents became Jehovah's Witnesses, but I think my father joined a congregation in St George in Queensland when I was very young. My mother joined the same Jehovah's Witnesses congregation a short time after my father. My father initially worked as a [REDACTED] and later worked as a [REDACTED]. My mother stayed at home to look after the children.

When I was about ten years old, my family moved to [REDACTED] north of Mareeba in Queensland. My parents joined the Mareeba Jehovah's Witnesses Congregation.

My father was a very strict and highly regarded Jehovah's Witnesses. When I was about 13 he was appointed as a Ministerial Servant at the Mareeba Congregation. Jehovah's Witnesses believe that when a man is appointed as a Elder or a Ministerial Servant, he is appointed by God's (Jehovah's) holy spirit to judge others. My father took his role as an a Ministerial Servant very seriously. He used to quote the scriptures constantly, both at the Congregation's Kingdom Hall and at home. He regularly delivered talks from an elevated platform at the Jehovah's Witnesses meetings at the Kingdom Hall. My father was also given special responsibilities by the Congregation Elders,

including conducting private Bible studies with other congregation members, managing groups of Jehovah's Witnesses for Field Service (or door-to-door preaching), and teaching and counselling the Congregation.

When I was a child my father made me and my siblings attend meetings at the Kingdom Hall at least three times a week. There was a two-hour meeting every Sunday, another two-hour meeting on a Friday, and usually a one-hour meeting mid-week. The meetings involved the Elders and Ministerial Servants teaching and counselling the Congregation about keeping the Congregation 'clean' and righteous. In order to prepare for the meetings, my brothers and sisters and I had to study the Bible and read daily scriptures.

During the meetings my father would pressure me and my siblings to offer answers to questions posed by the Elders and Ministerial Servants leading the meetings. He would also make me deliver scriptural talks before the Congregation from the platform in the Kingdom Hall and take part in Field Service.

In the Jehovah's Witness Church, men are at the top of the hierarchy and hold all the authority next to Jehovah. Man is the head of the house and his wife and children have to obey him and refrain from questioning his authority. Adult females are next in line, and then children are at the bottom of the hierarchy.

There were many rules to comply with and things that I had to do in order to be a good Jehovah's Witness. As head of the household, my father was the person who dictated and enforced compliance with the rules in our house. He was also answerable to the Elders in the Congregation and I think he was therefore really keen to impress the Elders and show how obedient his family was. In our house, for example, we were only allowed to watch certain television programs and listen to certain radio programs. We were not allowed to read anything other than Jehovah's Witness material.

As a child growing up in a strict Jehovah's Witness family, the Church and my father dictated who I was and wasn't allowed to associate with. I certainly wasn't allowed to associate with anybody outside of the Jehovah's Witnesses community, other than the children at the school

I attended. Even when I was at school, the Jehovah's Witness Church decided which lessons I could and couldn't attend. For example, I was not allowed to attend sex education lessons at school as the Jehovah's Witnesses counselled that it was the responsibility of the Jehovah's Witness parents to teach their children about sex. My father also never allowed me to attend any form of extra-curricular activity (for example, sports), because the Church advised against it.

In the late 1980s, school attendance in Years 11 and 12 was not compulsory. My parents didn't allow me to stay at school after Year 10 because choosing higher education over Jehovah was frowned upon by the Church. Even after I finished school in Year 10, I wasn't allowed to pursue full-time work because I needed time to dedicate to preaching.

My father used to tell me that I was headstrong and that I needed more training to be more obedient, but it didn't matter how hard I tried, I was never good enough. He used to tell people in the Congregation and my family that I was a troublemaker. To the Congregation he appeared righteous and spiritual, but at home my father had a very short fuse and could become violent and abusive. He used to beat me frequently, often using a black leather strap that left welts on my skin. Out of my siblings, I was the one who bore the brunt of his aggression.

As a Jehovah's Witness I was taught to love and fear Jehovah and to respect my father and be obedient to my parents. I was taught never to question my parents or their decisions.

My father always threatened to kick me out and treat me as though I was disfellowshipped if I ever disobeyed him. A person would be disfellowshipped if they had sinned and did not adhere to the counsel given by Elders in a committee meeting. Disfellowshipped means excommunicated from the Church and nobody (family and friends included) would be allowed to associate with or talk to you until you were reinstated. Disfellowshipped people are ostracised and actively avoided by members of the congregation.

I was always terrified of being kicked out of home or disfellowshipped because I feared what Jehovah would do to me. I was taught from a young age that people outside the

Church (referred to by Jehovah's Witnesses as 'worldly people') were bad and not to be trusted and they served Satan. Even the prospect of speaking to the police was extremely scary as they were also considered to be very bad people.

I felt enormous pressure from the Church and from my father to be a perfect, obedient child. By the time I was in my early to mid-teens, I felt very isolated and alone. I became quite depressed and at times suicidal. I was forbidden from speaking about the church as it would bring reproach on Jehovah's name.

By the time I was about 16, I was determined to leave home for many reasons, including that I wanted to escape the Jehovah's Witnesses without being disfellowshipped. I wanted to do it on my own terms. By this I mean that I wanted to fade away from the Church and become inactive, while retaining my faith, as this course was less likely to result in punishment from Jehovah. It is hard to explain, but I didn't want to be shunned by the only people that I knew, as well as live in fear of Jehovah.

I think my father abused me when I was about five years old. I don't remember anything specific from that time, but I do recall feeling extremely uncomfortable and scared when my father put a nappy on me at night before bed. That memory made a lot more sense to me once I discovered what my father did to my sisters at a similar age.

When I was in Year 7, I recall my father asking me and my older sister to give him a kiss. It was a really sloppy kiss on the lips and I remember thinking that it wasn't right. I didn't like it at all. My father used to tell me I was 'sexy' and would sometimes say to me, 'You have it but your sister doesn't'. My father often removed my bedroom door because I would either shut it to get dressed or lock it to try to keep him out.

I don't remember any other clear instances of feeling so uncomfortable again until I was 17. I suspect that I may have blocked a few things out.

In October of 1988, my mother took my siblings to Brisbane to see Expo '88. They were away for about two weeks. I had just turned 17 years old and I wanted to save

money to buy a car, so I stayed at home with my father. Although my father beat me a lot, he could also treat me like a normal person. I wanted him to be proud of me, to accept me, and to recognise that I wasn't bad or evil. I thought it would be a good idea to stay at home with him and cook for him whilst my mother was away. I didn't think anything of staying at home alone with him, because he was my father.

While my mother and siblings were away at Expo '88, my father sexually assaulted me on a number of occasions. The first time that he tried to have sex with me, he came naked into my bed at night whilst I was sleeping and touched me all over my body. When I protested I remember him saying to me, 'Shhhh, it's okay I'm your father. Be obedient to your father'. I couldn't believe what was happening. After the first time, I tried to lock my bedroom door, but this made him so angry. While my mother was away, my father touched me and tried to have sex with me on at least four or five different occasions. I resisted as much as I could each time, but he was a violent man and prone to snap. I was absolutely petrified of him and tried not to make him angry. While my father sexually assaulted me, he quoted Bible scriptures and referred to the scriptures about being more obedient that he made me put up on my bedroom wall. He said to me while he sexually assaulted me, 'You have to be obedient to me'.

While my mother was away, my father also gave me alcohol and made me watch pornographic movies with him.

After my father had touched me and tried to have sex with me, he behaved completely normally towards me, as if nothing had happened. I convinced myself that it was all nightmares, but I always knew that it was real. I used to pray to Jehovah to put angels around my bed to stop my father from coming to me, but he didn't help me and my father didn't stop.

While my mother and siblings were away at Expo '88, my father took me on a motor bike to a Jehovah's Witness working bee in Cooktown. When we got home, my back was really sore from the motor bike ride and my father told me he would massage my back for me. He started massaging my back, but moved down and started touching me where I didn't want him to. I told him I didn't want him to do that, but he said, 'Shhh, be quiet. I am your father. Be obedient'.

On the last occasion that I remember my father sexually assaulting me while my mother and siblings were away in Brisbane, he started touching himself and tried to make me touch him as well. When I refused, he said to me, with money in his hand, 'I'll give you $300 to help with your car and $300 after if you bend over the bed'. I said to him, 'I don't want to do it. I don't need your money'. My father became very angry with me and pushed me on to the bed. I managed to get away from him and ran outside. My father chased me through the backyard of our house, but I managed to escape to a neighbour's property.

Once my mother and siblings returned from Expo '88, my father started to tell everyone that I was 'mental', a 'nut case', and that I 'served the devil'. He also continued to tell everyone I was a 'troublemaker'. I think that because he was so respected in the Congregation, the way he treated me dictated how everybody else in the Congregation treated me, including my own mother and my family. My father also tightened his control over who I could talk to in the Congregation, forbidding me to speak to anybody who he thought I might tell about the abuse. If I broke his rules, he flogged me.

I knew that as a Jehovah's Witness it was my duty to report any wrongdoing to the Elders in the Congregation. Although I wanted to tell them, I was terrified of doing so. My father had threatened to beat me and to kick me out of home if I ever spoke to anyone without him present.

I am sure that everyone in the Congregation knew that my father was a violent man and beat me frequently. I was often forced to attend meetings having just been beaten by my father with his belt and still bleeding from the welts.

On one occasion after my mother returned from Expo '88, I remember that my father wanted to get into the bathroom when I was in there. He couldn't get in because I had locked the door, which I wasn't allowed to do. He bashed so violently on the door that it finally broke down. Just before the door broke, I had managed to grab a towel to cover myself and I was standing just behind the door. The door hit me in the face. Not long after that, I went to a meeting at the Kingdom Hall with a black eye. I remember that one of the Elders, Zini Ali (Dino Ali's brother), asked me, 'What happened to your eye?' I replied

to him, 'My father kicked the bathroom door in my face'. Zini just laughed in response and said, 'Oh did he!'. I felt that Zini was dismissing what I had told him as though it was a joke.

After my mother returned from Expo '88 the sexual abuse stopped, but my father kept knocking me around. He took the door to my bedroom off its hinges. There was no privacy and no safety for me at home, not even in the toilet, which had no lock or properly closing door.

Some months after the sexual abuse that happened while the rest of my family was away, I started to leave Watchtower magazines open around our house so that my father could see the articles on misconduct. I remember saying to him on one occasion, 'I know what you did to me and it's wrong'. He said to me in reply, 'You're mental'.

My father left home some eight or nine months after October 1988. Before my father left, I tried to talk about the abuse to Lyn Bowditch, who was married to one of the Elders at the Congregation, Kevin Bowditch. Kevin was a friend of my father's who had helped build parts of our house. I said to Lyn, 'I need to talk to you about some stuff that's happened between me and dad'. Lyn spoke to Kevin and reported back to me, 'Kevin says that he can't speak to you without your father present'.

I also tried speaking to another Elder called Dino Ali. Dino was also a good friend of my father's. I remember calling Dino on one occasion from the pay phones near the Post Office in Mareeba while on my lunch break from my part-time job. I remember sobbing and saying to Dino 'I want to talk to you about things in my family that you don't know about. What my father is doing'. Dino said to me, 'No, you have to talk to your father first or he must be present'. I said to him, 'I can't do that'. All I can remember after that is crying. I called Dino to try to talk to him about my father at least twice.

In May or June of 1989 - about eight months after my father sexually abused me while the rest of my family was away - my father left my mother for another woman and moved out of the family home. Once my father left, I found the courage to tell my friend (who later became my husband) [BCJ] about the abuse. I told him that, 'My father has been rude to me'. [BCJ]'s first response after I said this

was, 'Are you making this up to get back at your father for belting you all the time?' I said to [BCJ], 'No, and if you don't believe me, then no one will'. The next day when I saw [BCJ] again he told me he had spoken to my father, and he said to me, 'It all makes sense now'. [BCJ] did not tell me everything that he and my father spoke about. I don't recall what [BCJ] said to me, but I do remember getting the impression that my father had admitted to [BCJ] that something had happened. After that, [BCJ] said to me, 'We need to go to the elders'. At that time, [BCJ] and another friend of mine were probably the only people in the whole congregation who treated me nicely.

Soon after I told [BCJ] he arranged a meeting between us and Dino Ali at Dino's workplace. I remember saying to Dino Ali, 'My father has been rude to me'. He seemed incensed and said to me, 'You do know that this is a very serious allegation you are making'. I said to Dino, 'I know; that's why I'm saying it'. I assume that Dino then spoke to Kevin and to another Elder called Ron de Rooy, because within the next couple of days they wanted me to attend what I understood to be a 'Committee Meeting'.

I didn't tell my mother about what had happened because she was an emotional wreck after my father had left.

I remember meeting with the Elders (Dino, Ron and Kevin) by myself on a number of occasions for a couple of hours at a time. On one occasion, they brought my father into the room so that I could tell him what I had told the Elders. I cannot recall exactly how many times I had to meet with the Elders. I didn't want to be there and I felt so uncomfortable. I had nobody to support me. I don't remember anyone really explaining the purpose of the Committee Meetings to me, but I understood at the time that the Elders were investigating what I had alleged.

At the first Committee Meeting, the Elders sat me in a room at the Kingdom Hall and came in one at a time and asked me to tell them what had happened. After that they all came in together and asked me more questions. They repeated this process several times. It felt like I was being interrogated and that the Elders were trying to find inconsistencies in my story to catch me out. Now, in hindsight, I understand that the Elders were investigating whether or not I was a credible witness and if my

allegations could have been truthful.

Because the Elders were all male and all were my father's friends, I was very reluctant to speak to them about what had happened. Unless they asked me a direct question, I didn't really offer the full detail of the sexual abuse.

I never felt as though any of the Elders believed me. In fact, they seemed incensed by what I was saying and took the allegations personally. They asked me questions like, 'Did you enjoy it?' and, 'How did you react to that?' At times, it felt as though they were getting off on what I was telling them.

The Elders told me that I had to tell my mother about my abuse. When I told her that my father had abused me, she asked, 'Really? What did he do?' I didn't want to tell my mother any detail so I said to her, 'He has been rude to me'. She said to me, 'He did that to [your older sister] when she was two'. I was absolutely gutted and upset. I asked my mother, 'How could you have left us alone with him knowing that he had done to my sister?' My mother said to me, 'I didn't think he would do it again because he had become a Jehovah's Witness'.

After my mother had told me what my father had done to my older sister, it occurred to me that I should check with my two younger sisters if he had ever done anything to them. Together my mother and I spoke to my younger sisters. They were about five and seven or eight at the time. Both of them said to me, 'Yes, dad has been rude'. I remember my youngest sister saying words to the effect of, 'He put his penis between my legs when we were laying down in the lounge room watching TV'. I remember my other younger sister saying words to the effect of, 'He made me have a shower with him and he touched me and massaged my pee in the shower'.

My mother came with me to tell the Elders about my younger sisters. I remember that Ron de Rooy said to us, 'We don't want to talk to your sisters because they are too young to know what they are talking about'. This response made me so upset because, irrespective of their ages, my sisters were also victims too and the abuse should have been considered by the Elders.

At some point after I told the Elders about my younger sisters, the Elders told me that I had to meet with my father and put my allegations of sexual abuse to him. They sat him down at the opposite end of the table at which I was sitting. I was extremely terrified but I was trying to be strong and brave; I kept thinking of my little sisters. I remember my hands shaking and my knees knocking together with fear.

The Elders asked me to tell my father what I had told them. My father became very angry and I remember him saying to me, 'I will flog you', "I'll hit you', 'Just wait till I get you out of this room'. The Elders didn't stop him from saying all those things. I remember that later in the meeting my father said to me, 'You seduced me'. I responded by saying to him, 'You are my father, you are big and fat, why would I want to seduce you?'

Then I confronted my father about my sisters. I said, 'You touched my little sisters. I suppose you are going to say that a four-year-old and a six-year-old seduced you as well. How could you do that? You always taught us not to lie and here you are sitting here lying! You are a hypocrite'. My father got very angry and said to me, 'I will kill you.' He stood up and started to move towards me, but the Elders stopped him. I felt very intimidated and anxious about the threats that he had made and I didn't feel at all protected by the Elders.

The Elders decided to disfellowship my father. I remember that Ron de Rooy came to visit me at home and he said to me, 'We want to make it very clear that we are not disfellowshipping him for what he did to you but for other "loose conduct".' I asked in reply, 'Why?' Ron said to me, 'Well we need to have two or more witnesses to the same event.' I said in reply, 'What about my sisters though?' Ron said to me, 'It has to be the same event.'

I was mortified and devastated. It felt so wrong that my father's abuse affected me so much yet it did not even qualify as something wrong in the eyes of the Jehovah's Witnesses, who professed to be acting with the authority of Jehovah and the Holy Spirit, which is considered to be above Australian law. I felt betrayed by my mother because she didn't protect my sisters and me or warn us when she knew what my father was capable of. I consider her to be complicit in my abuse and in the abuse of my sisters.

About a week after he was disfellowshipped, my father appealed the decision of the Elders. In or around July 1989, I remember that an Appeal Committee was formed. Three Elders from other congregations in the area - Joe Miraziz, Don Wilson and Jim Bennett - sat on the Appeal Committee. Don Wilson was the father of my best friend at the time. The Elders from the first committee - Kevin, Dino and Ron - also attended the Appeal Committee meetings.

I was called back to appear alone before the Appeal Committee, although no-one explained to me why. This time my father was sat in a corner of the room and was not allowed to speak to me or threaten me. The Appeal Committee Elders asked me questions and I had to say everything all over again. This time, they were not as accusing as the Elders in the original Committee Meetings.

Towards the end of the Appeal Committee meeting, I remember that Kevin Bowditch said to the room, 'Can [BCH] confirm what he did to [BCG] for her sake?' My father said words to the effect, 'Yes, I stepped out of line.' At that time, I understood that, in saying this, my father was admitting to having sexually abused me.

At some point not long after the Appeal Committee finished their meeting, one of the Elders came and told me that my father's disfellowshipping had been upheld. I don't remember which Elder spoke to me or exactly what he said.

After his appeal was rejected, my father moved away from Mareeba to live in Cairns. Before he left, he used to stalk me and tamper with my mail by opening it and adding handwritten notes, which I tore up and never read. I remember telling Kevin Bowditch about what my father was doing as it was very intimidating. At one point I moved out of home to stay with another Jehovah's Witness couple to try and escape my father's stalking and intimidation, but he still managed to find me.

I am aware that my mother told a lot of people in the Congregation about what my father had done to me. After he was disfellowshipped, many people said things to me like, 'I don't believe this happened' and 'I think you lied'. I felt worthless, helpless and embarrassed.

I continued to live in Mareeba and remained a member of the Jehovah's Witnesses Mareeba Congregation. In November 1989 I married [BCJ]. Not long after I married [BCJ] I still felt worthless and alone and I tried to commit suicide by taking an overdose. I had to report my suicide attempt to the Elders as it was a sin against Jehovah. I remember that I spoke to Ron de Rooy about it and I was chastised because attempting suicide is viewed as a serious wrongdoing within the Church.

A few years later, I can't recall exactly when, Ron de Rooy came to tell me that my father was going to be reinstated. Nobody had ever asked me if my father had apologised to me so I said to Ron, 'Why are you letting him be reinstated?' Ron replied to me, 'There comes a time when we can't hold him back any more. He is doing all the right things.' I asked Ron, 'What right things?' Ron replied, 'He's attending meetings.' I said to Ron, 'How can you say that? He was attending all the meetings and giving talks from the platform while he was touching all four of his daughters. He's been tampering with my mail. He's been stalking me. He's not sorry.' Ron said to me, 'We can't judge that.'

After Ron de Rooy told me about my father's reinstatement, I said to Ron, 'Well, I want to take it to the police because the congregation is not safe. Children are at risk.' Ron replied to me, 'He is now a Brother again' and he quoted me the scripture that says that we don't take brothers to court. Ron said to me, 'So if you take it to the police, you will bring reproach upon Jehovah's name and you can be disfellowshipped for doing that.' I was very upset and disappointed. It seemed that there was to be no justice or acknowledgment for what my father had done to my sisters and me. I felt like we didn't matter; that the abuse was not considered bad enough in the eyes of Jehovah. Once again I felt helpless because I feared Jehovah and I feared being disfellowshipped; my life would be worse than it already was.

In or around November 1992, my father returned to Mareeba to be reinstated. I remember that when it was announced to the Congregation, all of the Brothers crowded around my father, shaking his hand and patting him on the back. Despite many people in the Congregation knowing what he had done to me and my sisters I heard members of the Congregation say, 'Welcome back, [BCH]' and

'Congratulations [BCH], it's good to see you.' I was petrified to be so close to my father, but I stood my ground and refused to acknowledge him.

On 19 December 1995, I wrote a letter to the Watchtower Bible & Tract Society about the reinstatement of my father. In my letter I described what he had done and the way in which the Elders had responded to my allegations. That letter is at QLD.0068.001.1410. In response I received a letter from the Watchtower Bible & -Tract Society dated 26 February 1996, which said that the Watchtower would look into the points of concern that I raised in my letter. The letter also counselled faith in Jehovah. That letter is at QLD.0068.001.1409.

I did not believe that The Watchtower would or could do anything, and I considered the letter to be a token gesture only. I had already put my faith in Jehovah and prayed to him to protect me from the abuse when it was happening, and he didn't. I had already put my faith in the Elders when I reported the abuse to them and they didn't protect or support me either. I felt angry, upset and let down, and I began to feel suicidal again because I felt as though there was no way out for me.

In or around 1998 or 1999, my then husband [BCJ] and I moved to Townsville with our two sons. Not long after I had my third son in Townsville, [BCJ] and I separated and I left the Jehovah's Witness Church. I couldn't stand the hypocrisy anymore and I was finding it hard to believe that the Elders and Ministerial Servants were really appointed by the Holy Spirit. Once I left the Church my three children and I were completely shunned, ostracised and actively avoided by members of the Townsville Jehovah's Witnesses congregation.

The very first thing I did after I left the Church was call the police. I was initially scared of the police because I had grown up being taught that everyone outside of the Jehovah's Witness Church was to be feared. But the officer in charge of my case, Natalie Bennett, had an awesome manner and she was very supportive. Throughout the court cases, my only support was from the police and a support person assigned by the court.

I gave a statement to police in or about September 2000. In my statement I limited what I said to the police

about my interactions with the Elders. I didn't include in my statement that I had tried to speak to Dino Ali and Kevin Bowditch whilst my father was still at home, and I didn't go into detail about the Committee Meetings. When I made that statement to the police, I had only just left the Jehovah's Witness Church and I was still very fearful that if I said too much about the Elders at the Mareeba Congregation I would bring reproach upon Jehovah's name. I was still scared of making Jehovah angry, and suffering punishment from him. I didn't immediately give my letter to The Watchtower of December 1995 to the police for the same reason.

At my trial" --

MR STEWART: Your Honour, the statement has a little way to go.

THE CHAIR: Q. Would you like to break now, or do you want to keep going?
A. Could I have a little break?

Q. We can have the luncheon break and come back at 2 o'clock. Is that suitable?
A. Yes, thank you.

THE CHAIR: We'll take the adjournment.

LUNCHEON ADJOURNMENT

THE CHAIR: Yes, Mr Stewart?

[BCG], are you happy to continue?

THE WITNESS: Yes, your Honour.

THE CHAIR: Q. When you are ready?
A. Can I read it on the screen?

Q. Yes, sure.
A. Okay. "At trial my father denied all charges against him. It took six years and three trials before he was finally convicted for the indecent assault of me. The Elders who presided over the Committee Meetings and the Appeal Committee Meeting gave evidence at the committal and at a voir dire during the first trial, but the trial resulted in a hung jury. The second trial was declared

a mistrial. My father was convicted at the third trial at the end of 2004. He was sentenced to three years' imprisonment.

The trials were easy compared to what I had been through with the Elders during the Committee Meetings. I would go through it twenty more times if I had to. At least the court has rules when questioning survivor witnesses; the Jehovah's Witnesses can do and insinuate whatever they want and there are no protections for the victims at all.

I have had no contact with any of the Elders involved in the Committee Meetings, or from the Mareeba Congregation or from The Watchtower since my father was convicted.

During my teens, I was at times depressed and suicidal and this became worse after my father's sexual abuse of me while my mother was away at Expo '88. I also attempted suicide several months after the Committee Meetings in 1989 as a result of my experience of the Committee Meetings with the Elders. I couldn't bear the judgment of those around me, the public vilification and ostracism. I wanted to dig a hole and die.

My relationship with my mother is now strained but civil. This is because I still hold her partly responsible for the abuse of my sisters and me. To this day, I have never felt I had her full support or protection. The only time I felt my upset feelings were heard was when I went to the police. Nobody else, up until that point, had acknowledged that what my father did to me was wrong and that he should be made to answer for it.

I have at times lived a life in fear of being ostracised, shunned and vilified by those around me. I have always lived in fear of my father. I have lived in fear of Jehovah. I thought I had done all the right things. I had put my trust in Jehovah, but nobody protected me. They only made it worse.

During the criminal trials, I felt as though all of my nightmares had gathered together in the one place and I was terrified that Jehovah would kill me for having reported to the police and for bringing reproach upon his name.

I now have four children of whom I am fiercely

protective. When I separated from my partner last year, I felt like I didn't belong anywhere and didn't really have a name that wasn't associated with an unhappy past. I talked to my eldest son about it and he suggested that he make up a name for me. He did this [REDACTED] and made up my current surname.

Jehovah's Witness Elders sit in judgment of congregation members in relation to matters of wrongdoing. My experience is that when a person reports wrongdoing, the Elders judge that person's credibility as a witness by reference to his or her position within the congregation, their age, their sex and their outward displays of spirituality. In assessing spirituality, the Elders will take into consideration how frequently a person attends and offers answers at congregation meetings, how well they know the Bible, how they are treated by their family and that family's reputation within the congregation, how often they go out preaching, and how submissive they are to the Elders.

I had reported my father's abuse to the Elders because that was what I believed I was supposed to do in accordance with Jehovah's expectations. I thought that Jehovah and the Elders would protect me and my sisters. Instead I felt that rather than protect me as the victim, the Elders primarily sat in judgment of me and my credibility as a witness. The Elders refused to speak to my younger sisters because of their ages at the time and they did not even entertain consideration of their credibility as witnesses to their own abuse.

Even when a victim is assessed by Elders as a credible witness, if an alleged abuser denies an allegation, then the Elders will only believe the victim's testimony if there are two or three credible witnesses to the same incident of abuse (see Deuteronomy 19:15; John 8:17).

Although they receive reports and investigate wrongdoing, and then make assessments as to a witness's credibility, it is my understanding that Elders have no training in interviewing techniques, counselling, or psychology. Elders interview and interrogate child victims of sexual abuse and, in my experience, cause more damage to the victim. In my case the Elders, who were friends of my father, interrogated me, offered me no emotional support or protection, and made me feel as though I was insulting them

and that I was to blame.

The Jehovah's Witnesses believe that they should not take one another to court. They use a scripture in First Corinthians, 6:1-8. I understand that this includes reporting child sexual abuse to the police. I was told and believed that to take such matters outside the Church would bring reproach upon Jehovah's name. Child sexual abuse is a crime. The Church and the Elders have no right to interfere with, prevent, or threaten victims of abuse if they choose to report their abuse to the police. I felt unable to report my father to the police when the events were fresh in my mind, and in the minds of others who were or could have been witnesses. If I hadn't been so scared of reporting to police, I don't think I would have been subjected to such a drawn-out criminal process in which I had to relive the abuse and the subsequent interrogation by the Elders over and over again.

I feel that the children in the Jehovah's Witness Church are vulnerable and will continue to be easy targets. This is because in my experience, the Church's current beliefs and practices - such as the rule requiring two witnesses to the same event, the practice of dealing with allegations privately and within the Church, and the factors that are taken into consideration by Elders when determining whether to reinstate a person against whom an allegation of child sexual abuse has been made - appear to favour and even protect paedophiles. I think it is paramount that uniform mandatory reporting laws are introduced across Australia to apply to institutions like the Jehovah's Witness Church in order to protect children. I believe that making the Watchtower Bible & Tract Society and the Church financially accountable is essential for the protection of children and to redress the suffering of past, present and future victims of child sexual abuse within the Church.

I hope that my traumatic experience of abuse and of the Jehovah's Witness Church beliefs, practices and processes can be used in a positive way. I have come forward today because I want to advocate for all victims who have been sexually assaulted within the Jehovah's Witness Church. I know so many victims of sexual abuse within the Church whose fear of repercussion prevents them from coming forward. I would like to promote change and set a precedent by exposing the way my case of sexual abuse

was handled and encouraging other victims to speak out."

MR STEWART: Q. Thank you, [BCG]. I just have a few questions to ask to clarify some aspects of your statement or to ask you to expand on them. Firstly, you deal in your statement with what happens when someone is disfellowshipped from or disassociated from the church. You describe them as being shunned and ostracised. Do you have experience of people who were disfellowshipped and how they were treated?
A. Yes. I remember there was a young girl in the congregation who was shunned and ostracised. I remember she got a tattoo, so that was bad, and associated with worldly people.

Q. What was your experience of the position of family members - in other words, were family members in the congregation also expected to shun or ostracise disfellowshipped or disassociated family members?
A. Yes, they were. They wouldn't even speak to them.

Q. Did you have experience of that?
A. For me personally?

Q. No, I mean people that you knew and you saw this happening?
A. Oh, yes. Oh, yes, definitely.

Q. Could disfellowshipped people still attend meetings of the congregation?
A. They could attend meetings, but there were rules about where they sat and what time they entered the Kingdom Hall and what time they left the Kingdom Hall.

THE CHAIR: Q. What were those rules?
A. I think they had to sit down the back of the Kingdom Hall and not speak to anyone. They couldn't enter the Kingdom Hall until the meeting had already started and they had to leave prior to the meeting finishing.

MR STEWART: Q. You say in your statement that once you left the church you and your children were completely shunned, ostracised and actively avoided by members of the congregation. In what way was this done? Can you give any real examples?
A. Yes. Well, my family, particularly my oldest sister, would not speak to me any more. Also, when taking my

children to school, there were Jehovah's Witness mothers there with their children, and they used to grab them, their children, away from me and walk around me. So - yes.

Q. You say in your statement that the police were scary, as they were considered to be very bad people. Where did you get this idea from?
A. I got that idea from the Jehovah's Witness practices and beliefs in a way that they used to liken worldly people in a derogatory sense as, like, the people in Sodom and Gomorrah - bad people, not to be trusted.

Q. So what was your experience of how people in the church regarded secular authorities?
A. It was like they didn't matter. The laws and standards outside the Jehovah's Witness Church didn't matter, because they seemed to think that they were the ultimate authority, so that's why nobody is encouraged to report to the police; it should always be dealt within, because, in my belief, they appear to have higher standards and they think they have higher standards than the law.

Q. Does that have to do with being in the world but not of the world?
A. How do you mean?

Q. Well, if I recall - I may be wrong - that's something you mentioned to me, but if that's not familiar to you, or you don't have an explanation of that --
A. Well, they would say that associating with worldly people would, you know, spoil - spoil their good name, beliefs and maybe they might be influenced by the other people's beliefs, the worldly people's beliefs, I suppose.

Q. And you say in your statement that Ron de Rooy, who was the presiding overseer, quoted scripture which said that Jehovah's Witnesses don't take brothers to court, and then you later in your statement record that scripture as being in First Corinthians; do you remember that?
A. Yes.

Q. If one looks at that scripture, it might be understood as to just referring to civil claims between people, as opposed to criminal complaints?
A. Mmm.

Q. How did you understand it?

A. No, it was a blanket rule: there was no distinction between civil claims and criminal, and I believe that's what my mother thought as well.

Q. How did you come to that understanding?
A. It was just - with my mother or - the belief that I had?

Q. The understanding that the prescription about not taking matters to court included not taking criminal matters to court?
A. Because - particularly because there was no distinction. So if there was a wrongdoing in the congregation, you were always told that you had to tell the elders. The legal authorities never even came into the picture. And they would often say, from the platform in their talks, that you shouldn't take a brother to court, so that meant everything.

Q. You say also in your statement that you were taught there was a responsibility to report wrongdoing to the elders within the congregation. What sort of wrongdoing, in your understanding, was required to be reported?
A. Oh, smoking - smoking - things you could be disfellowshipped for - lying, getting a tattoo, overdrinking, doing drugs, I suppose, and sexual relations with another person you are not married to, homosexuality, mmm. I can't think of any more. Lying - and lying. Yes.

Q. And did you have experience as to what the elders did with such reports?
A. Yes, I knew that if they looked at that, sometimes, and the person wasn't repentant, or whatever, they would disfellowship them. They would use - so all the members of the congregation were mandated to do that. There was like little spies everywhere.

Q. So if the wrongdoing was serious enough and there wasn't sufficient or adequate repentance, then there would be disfellowshipping?
A. Yes.

Q. You wrote to the Watchtower Bible & Tract Society essentially complaining about the reinstatement of your father. Do you remember that?
A. Yes.

Q. So your letter is at tab 29. Perhaps we can have a look at that on the screen. So that's the covering letter that has been forwarded on by Ron de Rooy, and then starting the next page is your letter. You recognise that letter?
A. Yes.

Q. Then you received a reply, which is at tab 30, and you mention that reply in your statement.
A. Mmm-hmm.

Q. How did you respond to that reply - to receiving that reply?
A. A little bit insulted, I suppose, and I - I felt like it was a token gesture, particularly where I was counselled to preserve tears in a skin bottle.

Q. Did you feel comforted by that?
A. Not at all.

Q. Did you know which individual or individuals were behind this letter - who wrote it?
A. No.

Q. We will see at the top of the letter, if we can scroll down a bit, there is a reference there "SD:SSB" - did you know what that represented?
A. No.

Q. Whether that was a particular individual?
A. No.

Q. Did it concern you at all that the letter was apparently written anonymously?
A. I didn't really probably think about that. You know, given my knowledge of things that were outside the church then, I just saw the Watchtower Bible & Tract Society and figured it was them - their organisation.

MR STEWART: Those are my questions, your Honour.

THE CHAIR: Does anyone else have any questions?

MR COYNE: Yes, your Honour.

MS DAVID: Yes.

THE CHAIR: Who should go first?

MR COYNE: Probably me on this occasion.

<EXAMINATION BY MR COYNE:

MR COYNE: Q. I'm representing Dino Ali, Kevin Bowditch, Ron de Rooy, Allan Pencheff and some other people who you don't know. I just want to ask you only a couple of questions. You made your complaint to the elders around June 1989; is that right?
A. I don't recall exactly when I made it.

Q. My friend will correct me if I have got that wrong. After you made your complaint to the elders, did they arrange alternate accommodation for you in the congregation?
A. Initially I was - I stayed at home with my mother. My father came back to - she invited him in and he come back and knocked me around. And then once the committee meetings had finished, my sister was counselled and she decided to move back into our house, and I was pretty badly treated by her and my mother at that stage, even to the point where I couldn't access my bedroom. I would have to get in through an outside window. And then I couldn't - I remember going to Kevin Bowditch in the walkway of the Kingdom Hall and I said to him, "I can't live here any more. I don't want to be in the house with my mother."

Q. And they arranged accommodation for you within the congregation; is that right?
A. Kevin Bowditch arranged for me to stay with Kerry and Mark Grigor. I didn't really know them very well. And I stayed at their house for a while, helped them look after their children and --

Q. You were then married around November 1989; is that right?
A. Yes, that's correct.

Q. At the time of your marriage, you were living with the Bowditch family?
A. Yes.

Q. How long did you live with the Bowditch family?
A. I don't remember the exact time, but I know that I had stayed there just before I got married.

Q. The Bowditch family assisted you with planning for the wedding?
A. Planning as in?

Q. Paying for --
A. No, no, they did not pay for it.

Q. Just the general planning for the wedding in relation to the ceremony?
A. Yes, I remember Lyn Bowditch made my little sisters' - I bought the fabric and she said she would make their little flowergirl dresses.

Q. Did Kevin Bowditch give you away at your wedding?
A. Yes, he did. I asked him to.

Q. After you were married, you moved to Townsville; is that right?
A. Are you talking about a particular time? Yes, I did move to Townsville, yes.

Q. Yes, shortly after that.
A. Oh, no, no, I had two children first and then I moved to Townsville.

Q. Then you moved to Townsville. When you were in Townsville, were you still with the Jehovah's Witness faith?
A. Yes.

Q. Did Ron de Rooy and his family come and stay with you a number of times whilst you were up there?
A. No, I don't recall him staying. I do remember a photo with them, so they must have visited at one point. But I don't recall them staying with us.

Q. Just to be more specific, during the conventions that were held in Townsville, did they ever stay with you during that?
A. I - I can't recall, to be honest. But I do remember them visiting. There was a photo taken.

Q. Do you have a son named [REDACTED]; is that right?
A. Yes.

Q. He was born whilst you were in Townsville?

THE CHAIR: We have stopped that?

MR COYNE: My apologies, your Honour.

THE CHAIR: You understand, [BCG], there is a delay and the operators have chopped that, so it hasn't been broadcast.

THE WITNESS: Okay.

MR COYNE: Q. Was your son born whilst you were in Townsville?
A. My last son, yes.

Q. Did Lyn Bowditch come and stay with you and assist you with him after he was born?
A. Not that I can recall.

MR COYNE: Nothing further, your Honour.

THE CHAIR: Yes.

<EXAMINATION BY MS DAVID:

MS DAVID: For the record, David, I am appearing for [BCG] and I have some questions as [BCG] is aware. I'm representing her.

Q. You were just asked some questions about what occurred after you made the complaint. It is the case, isn't it, that you initially made a complaint, or you attempted to tell some of the elders but nothing really came from that, and that was during the period that your father was still living at home?
A. Yes, that's correct.

Q. And then you made a complaint and the committee process began. Where was your father living at the time that the committee process began?
A. He was living in Cairns. He had left the family home. Somewhere in Cairns, yes.

Q. Was he returning during that period of time, to your family home?
A. Yes, yes.

Q. Can you just give a brief explanation of what was going on at that time between your parents?
A. My parents were separating, and my father had wanted to leave my mother for another woman in the congregation, that was married, and he was matching up my older sister with the woman's husband.

Q. But he was coming home to your place during that regularly?
A. Oh, yes, yes.

Q. And you were there?
A. Yes.

Q. And that was during that committee process and around that period of time?
A. Yes, yes.

Q. So at that stage, you were having to deal with him outside the committee process, in your own home?
A. Yes.

Q. At that time that you were abused, do you consider yourself to have been a devout Jehovah's Witness?
A. Oh, yes, very.

Q. So the beliefs were very strong beliefs that you held?
A. Yes.

Q. And during throughout the time, the whole period of time that you were a Jehovah's Witness, you felt very strong in your commitment to Jehovah?
A. Yes, certainly, yes.

Q. Are you able to just assist, perhaps to explain in your own words, some of the terms that you have used in the course of your statement. One is a term you have used on a number of occasions, "reproach on Jehovah's name". Could you please explain to the Commission, what does "reproach of Jehovah's name" mean?
A. It would mean talking or telling anybody that was classified - anybody outside the church about negative things that happened within the congregation, meetings, or with my father, for example, even - yes, couldn't - couldn't disclose that. We were pretty much counselled from the platform to keep things within the organisation.

Q. So if you did, if I could say, do that - reproach on Jehovah's name - what did you think the outcome would be? What would happen to you?
A. Oh, that not only would you get into trouble by the elders and the congregation, disfellowshipped, Jehovah would kill you, definitely.

Q. So when you say "Jehovah would kill you", what do you mean? What is your understanding of what would happen? What was your belief at that time about Jehovah killing you?
A. Well, the Jehovah's Witnesses foundation or belief was that Armageddon was coming, and it was so close that, you know, people weren't encouraged to pursue careers, buy houses, anything like that - that they should devote all their time to preaching. So, in that sense, yes, it was - like it was going to happen in the next year, that Armageddon was going to come. It was like judgment day and you would be killed if you weren't in the Jehovah's Witness Church.

Q. So you wouldn't be saved --
A. Oh, no.

Q. -- along with the other Jehovah's Witnesses?
A. No - yes.

Q. Was that a powerful belief?
A. Oh, yes.

Q. Just in relation to that, if you were disfellowshipped, what do you think Jehovah would do to you?
A. He would kill you.

Q. So it's the same sort of process?
A. Same thing, yes.

Q. During the time that you were at the committee hearings - I just want to go back to your statement. You missed a line in your statement. It was the case, wasn't it, that during that committee meeting, your father was brought in to the room?
A. Yes.

Q. At one of those meetings, and he was sat at the other end of the table?

A. Yes.

Q. How did you feel sitting in that room with the three elders and your father?
A. I felt extremely uncomfortable, talking to the men that were his friends, you know, being his age, and I remember I have never been, in my entire life, so petrified and scared of my father and his threats and the process.

Q. What was it that made you - you talked about your father's threats, but was there anything else that made you feel threatened or petrified?
A. He was stalking me and he had that ability to follow through with his threats.

Q. Coming back to the committee meeting, when you were in the room, what can you say to the Commission about the tone of the questioning of you?
A. The tone of the questioning from the elders was almost accusatory, in a sense, that, you know, I was to blame for what happened, or whether I enjoyed it, or it was my fault. It was almost like they were insulted that I would even speak against my father, who was a brother, anointed by a holy spirit. And I also felt like they were taking delight, I suppose, in asking the same questions over and over again, all different people asking me questions, and my father could say whatever he liked to me. It was very threatening, very scary.

Q. What did you think that they were doing by asking you questions over and over again?
A. I felt like the questions - they were trying to test me, to see if I was lying, whether there were any inconsistencies in my story, and I also felt like I was reliving it all and they were having fun with that.

Q. You said in your statement, or you deleted a line from your statement earlier today about having gone to a psychologist - a worldly psychologist. Firstly, I want to ask you about what your understanding is of a worldly person. What was the idea in your mind about what a worldly person was?
A. My belief was probably based on the way the Jehovah's Witnesses spoke about worldly people. I actually now think it's quite a derogatory term and they use it in a derogatory sense, like the worldly people don't have any morals, they are lower than the Jehovah's Witnesses.

Because they seem to hold themselves up having the high moral ground in every part of their lives.

Q. During that period of, say, 1988 and 1989, did you have any friends other than in the Jehovah's Witness congregation?
A. No.

Q. You went to school, but did you ever associate with any of the people that you went to school with outside of school?
A. Never allowed to associate with them outside.

Q. Were you allowed to engage in extra-curricular activities at the school?
A. Definitely not.

Q. And the sex education, that was not permitted?
A. Yes, definitely not.

Q. That was done, wasn't it, by way of a note that was sent to the school, that you not participate in certain classes?
A. Yes, my parents were directed by the publications, elders, meetings, to write to the school and write a note that we couldn't participate in sex education classes, birthdays, Christmas, Easter.

Q. At the time - so outside of the Jehovah's Witness congregation, was there anybody that you believed that you could go and talk to?
A. No.

Q. In terms of seeing any counsellor or psychologist or psychiatrist, you have seen a psychologist?
A. Yes.

Q. When was the first time you went to see, or had any engagement with, a psychologist?
A. It wouldn't have been long after I got married, and it was when I attempted suicide, took an overdose and I was put into hospital, and a psychologist came in then to talk to me, but he was a male, so I wouldn't speak to him.

Q. So you didn't have any counselling at that stage?
A. No.

Q. Did you ultimately get some counselling?
A. I eventually - the feelings of suicide just kept getting - they're always there. And given that I had a little son to look after, even though that was a positive for me, it was very hard to fight those feelings. And my nightmares were pretty bad, my sleep, and I went to go see a doctor.

Q. When was that?
A. That would have been after my first son was born, probably about a year and a half, and I think she prescribed me some medication, because I didn't want to talk to any males.

Q. When your father came back into the Mareeba congregation, you continued to live there for some years after that?
A. Yes.

Q. How did you feel, having him in the congregation?
A. I don't think he came back to live, but he came back when - not long after his reinstatement was announced, and I remember him coming to the Kingdom Hall and I could hear all the brothers and sisters coming up, because he was standing quite close to me to, I felt, intimidate me. I was very scared, shaking, and I remember all the brothers and sisters that knew what he had done shaking his hand and saying, "Congratulations. Welcome back. Good on you." And I just felt pretty worthless, because he didn't even apologise.

Q. Did you ever receive an apology from your father?
A. No, never.

Q. You have read some of the statements of some of the elders that were involved in the committee meetings.
A. Yes.

Q. And they have spoken about having provided support to you. What can you say about that?
A. I am actually probably really insulted that they - all this time, they have believed that they have supported me and I think, from my experience, dealing with the different systems, the religious system and the secular system, or the legal system, the support - I can compare the support and the processes, and I think it would probably hold a bit of weight to those particular elders, Dino, Kevin, Ron,

Vincent Toole and The Watchtower Society, that their processes aren't processes. There are no processes. There is no protection at all. And the way that they dealt with it is very, very traumatic and very difficult to do and, on the other hand, the people that were supposed to be worldly and scary were complete strangers to me, particularly the first detective that I spoke to, Natalie Bennett, and even the people here at the Royal Commission, the team here - they are complete strangers and I have had more support, acknowledgment and acceptance from complete strangers than I have ever had from anyone in the congregation.

Q. You talked about the officer, Natalie Bennett - the officer that was the officer in charge of your case against your father?
A. Yes.

Q. Or the case against your father, I should say. Now, you had a good relationship with her, you trusted her?
A. Yes.

Q. Initially, it was the case that you were reluctant to talk to other police; is that the situation?
A. Oh, yes. I was very nervous making that phone call, very, very scared because of the - you know, obviously not bringing reproach on Jehovah's name. But I initially spoke to a male and I said to him, "Can I please speak to a female?" And her voice was very caring, non-judgmental, supportive and she actually reminded me of one of the two people that I was not allowed to speak with in the Mareeba congregation. And I remember that she said to me, "Oh, look, can you do a statement" at the place where I live, and I said - she said, "You just have to go in and do" - I said, "Oh, no, I'm not doing it", unless I speak to her. So she flew all the way up from where she was and took my statement.

Q. You just mentioned that she reminded you of two people in the congregation that you were --
A. One of two, yes.

Q. One of two people that you weren't allowed to speak with. Can you explain to the Commission what you mean by that?
A. My father had specific people that he would not allow me to talk to even within the Jehovah's Witnesses. Am I allowed to say this person's name?

MS DAVID: It probably doesn't matter, does it? Perhaps to - it's up to you, sorry.

THE CHAIR: You can write it down, if you want.

THE WITNESS: Okay. And she was kind to me, she wasn't mean like all of the other women in the congregation, people, males, whatever, and she seemed to have an empathy for me, and - yeah, a little bit of protectiveness, I think, yeah. And I think that's why my father didn't allow me to speak to her.

MS DAVID: Q. Were you ever offered any sort of support person during the committee process, other than to have your mother involved at one stage?
A. No. My mother wasn't in my committee meetings. She was only allowed in one. No.

Q. Did you ever indicate to anyone that you would like some person that you trusted there?
A. I didn't even know I was allowed to do that.

Q. Were you ever given any biblical guidance from the scriptures about how a person who has experienced sexual abuse might deal with it?
A. Apart from putting my tears in a bottle, in that letter.

Q. And the letter that you are referring to, that is the letter from the Watchtower Bible & Tract Society?
A. Yes.

Q. In response to your letter in 1995. So that was in early 1996?
A. Yes. There were no talks or - talks given from the platform are normally something - if it was important, it would have been given not just in the magazine articles; it would be given as a talk to the congregation.

Q. So if there was an issue in the congregation, that would be the subject of a talk at Kingdom Hall?
A. Yes.

Q. And so a matter of topic --
A. Yes.

Q. -- would be put up there. You experienced a period of vilification, I think you have said, after the committee meetings; you felt that people mistrusted you? Sorry, I will withdraw that. Had said that you had been a liar?
A. Yes, that's correct.

Q. Were there ever any talks from Kingdom Hall about encouraging the congregation not to speak ill of people who might have made such accusations?
A. No.

Q. Was there any support given to you at all about your own feelings of shame?
A. No.

Q. You have said in your statement and to counsel assisting that the process, the legal process, was a much better one for you.
A. Mmm.

Q. How did it make you feel as a result of that final outcome, obtaining an outcome through the court process?
A. I'd like to let all the victims know, that are listening to this, and the elders, that by going to the police and speaking to Natalie Bennett and - it was the very first time that somebody actually thought that what he did, my father did, was wrong and he needed to answer for that. I didn't even really know that it was a crime, and just that acknowledgment and knowing that the court process of rules of evidence and rules - he couldn't just come up and say what he wanted and he couldn't threaten me. Yes. I felt protected and I felt supported, because they provided counsellors before and after and they looked after me, and even to this day, I still stay in contact with Ronald Swannick, which was the DPP at that stage, and the police investigator, Natalie Bennett. So, yeah, I still, you know - when you compare that --

Q. You would agree, nevertheless, that three trials was, nevertheless, a fairly gruelling process, of itself - having to give evidence at three trials and be cross-examined was of itself a difficult process?
A. Yes, it was difficult, but nowhere near as traumatic as what the elders put me through and the vilification of the congregation in Mareeba. Nowhere near it.

Q. You have mentioned previously a recommendation about

what outcomes you would like to see from this Commission. Is there anything further that you would like to see? I think you mentioned that you advocate that people obviously go through a legal process, that they go to the police. Are there any other recommendations that you would like to see or changes that you think would assist the young Jehovah's Witness child who was abused - what would assist to ensure that their voice was heard?
A. I feel that if mandatory reporting laws were introduced across Australia, given the nature of the Jehovah's Witness organisation and the way they work, with their vilification practices, I feel that they could still act in the same way. So from that perspective, I think it is really essential that they need to be financially accountable and also criminally, if they don't protect the children in the congregation.

Q. What about information within the congregation to ensure that that person - that other children are not exposed to a person who may commit a sexual abuse offence?
A. The practice of reinstating them into the congregation after they said "sorry ", or they appear to be repentant isn't enough. Paedophiles generally re-offend, as in the case of my father - couldn't control himself with just one daughter, had to assault all of us. I think there needs to be a database and I honestly believe that once they have offended in the congregation of Jehovah's Witnesses, and even externally, that - well, particularly in the congregation, because it is like a family network, everybody is trusted and they don't disclose to other people in the congregation. In fact, if I could just say this, you know, from time to time Witnesses will come and knock on my door and I normally sort of say, "I'm not interested." Last year, actually, there was a lady that came to my door and she had a son with her, and I felt compelled to tell her to be careful of people in the congregations, particularly those ones that appear to be really righteous, and she was grateful that I said that to her, and then I explained that I was no longer a practising Jehovah's Witness, and she knew of what had happened to me. She knew who I was. She knew all the details. She was asking me questions. Yes. So I think the confidentiality, even - like the elders speak about their confidentiality and they can't disclose anything to the police or whatever, but all of my details are out there. They have disclosed every - they protect the accused in that sense, and my details are out there. Everybody knows what's happened.

They have breached my confidentiality.

Q. And did you feel protected at all by the Jehovah's Witnesses?
A. Definitely not.

MS DAVID: Thank you. Nothing further.

THE CHAIR: Q. [BCG], in paragraph 69 of your statement you mention that the elders who presided over the committee and the appeal meeting gave evidence at the committal and at a voir dire during the first trial. Did they give evidence, to your knowledge, in the latter two trials?
A. I don't recall that they did, and I was really quite upset about that, because I had done the right thing and I spoke up straightaway while it was fresh in my memory, and I believe they even took notes and details in meetings, and I thought for sure they will be able to corroborate that I am - that this happened, instead of me coming back so many years later and all of a sudden, out of the blue - oh, I've remembered some abuse that's happened. I've spoken about my father's abuse ever since it's happened every chance I've gotten, so I was very disappointed that they didn't give evidence.

Q. When they gave evidence at the committal, were they called by the Crown, by the prosecution; or by your father's defence team? Do you remember?
A. They were called by the DPP, Belinda Merrin, yes.

MR STEWART: I have nothing arising, your Honour.

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

THE WITNESS: Thank you, your Honour.

<THE WITNESS WITHDREW

MR STEWART: The next witness, your Honour, is Mr Dino Ali. His statement is at tab 2 of the statements bundle.

THE CHAIR: Mr Ali, it is necessary for you to be sworn to give your evidence. Will you take an oath on the Bible or an affirmation?

MR ALI: I will take an oath on the Bible, thanks.

<DINO ALI, sworn: [3.05pm]

<EXAMINATION BY MR STEWART:

MR STEWART: Q. Sir, will you state your full name for the record, please?
A. Dino Ali.

Q. Mr Ali, when did you become a Jehovah's Witness?
A. I was baptised in September of 1981.

Q. How old were you then?
A. 32.

Q. You served two periods as an elder in the Mareeba congregation; is that right?
A. That's correct.

Q. The first was from 1986 to 1997?
A. Yes, as close as I can recall, yes.

Q. And then you served again from 2006 to 2015?
A. Yes.

Q. So are you currently an elder in that congregation?
A. I am.

Q. When you ceased being an elder in 1997, or thereabouts, what were the circumstances that caused you to cease being an elder?
A. Personal reasons.

Q. By which do you mean you voluntarily resigned, or you were removed?
A. No, I was - I voluntarily resigned.

Q. In your statement you say congregation members do not associate with disfellowshipped persons. What does that mean in a practical sense?
A. Sorry, could you - I didn't quite catch the first part.

Q. In your statement, you say that someone who has been disfellowshipped - let me put it the other way around: congregation members do not associate with someone who has

been disfellowshipped. What does that mean in a practical sense? In what way do they not associate with a disfellowshipped person?
A. Well, if it's someone who is not in the family, not living under the same roof, if someone is disfellowshipped, that means simply that a person would not have any more relationship, generally, with that person who is disfellowshipped.

Q. So no social interaction?
A. Correct.

Q. And if it is a member of the family in the same house?
A. If the member is still living under that roof, then some precautions are taken as to how far that will go, but if it's a minor, they will continue to care for the needs of that person and continue to provide whatever services that is required, as a parent, for example, to a younger child or children.

Q. And if a disfellowshipped family member is not living under the same roof, does the usual rule of not associating with them apply?
A. No, there is a cut-off rule - not quite a rule, but the principle, a scriptural principle, that does quote that we should not even eat with a person like that, which means that we don't fellowship to the same extent as we did in the past. There would be a removal, if you like, for that time that the person is in that state, that wouldn't belong to that family in the same condition as they were beforehand.

Q. And that would last until such time as they were reinstated, if ever?
A. Correct.

Q. You also say in your statement that members of the congregation have a personal responsibility to report wrongdoing to elders if they become aware of it and the wrongdoer does not come forward. How serious does that wrongdoing have to be that requires a member to report to an elder?
A. Well, there are sins that the Bible mentions, like porneia, which involves immoral activities; stealing, which goes beyond the point of a one-off, but it is a practice - so something that is willfully done in accordance with what the Bible says crosses the line, then we would, of course,

take action against that.

Q. I would understand that may lead to disfellowshipping, but I'm really addressing an earlier phase. I'm addressing the question of how serious does a wrongdoing have to be in order that a member of the congregation has a responsibility to report it to an elder?
A. Well, cross those lines, those principles, like, for example, in this case, if a person has, in the sense of porneia, molested a young one in their family or someone outside the family.

Q. What about, for example, being unchaperoned with someone of the opposite sex to whom one is not married?
A. Yes, there would be some - no, that - that is not - to define that, though, exactly at what stage is that that they are unchaperoning?

Q. Well, I'm really asking you: at what stage would it have to be before a congregation member would be obliged to report it?
A. I don't think unchaperoning is as serious as what is being discussed here today, but if a person is aware of a situation of being unchaperoned, it's for their protection, of course, to report that as soon as someone may observe that, and particularly if it was someone within the family, of course, it would be appropriate to let the parents, or whoever that is close, to know that.

Q. So teenagers kissing in the park, for example - that's something that, if observed, should be reported?
A. Teenagers? One has to be careful about being unchaperoned, if it's one of the opposite sex, yes, because we want to try and protect children from doing something that may bring some harm to them.

Q. In your statement you also say that reporting to the police is a personal decision for a victim and his or her parents, if a minor. Is it a personal decision for an elder as to whether to report to the police something that has been reported to the elder which might constitute a crime?
A. Is it the elder's responsibility to do that? Is that what you are asking?

Q. Is it the elder's personal decision as to whether to report information received by the elder that would amount

to a crime?
A. No, it's not the elder's decision. We respect the right of the person who has been - who has been a victim. We reserve her the right or his right to do that. But we will do everything we can to support it.

THE CHAIR: Q. If a different crime, to take the most extreme, murder. If you were told that a member of the congregation had killed someone else, would you report that to the police?
A. We would encourage the person to do that.

Q. Would you do it yourself?
A. No. I would try very hard not to - not that I would try very hard not to, but I would encourage the person continually to do that. That's a decision they need to make.

Q. What if the person wasn't prepared to go to the police, but they told you that they saw the killing happen - what would you do?
A. Am I being asked on the present day circumstances?

Q. Yes.
A. Yes. I would take the action of ringing the branch and getting some legal advice on that.

Q. You are living in Queensland, aren't you?
A. Yes.

Q. Do you have any knowledge of the law or legal obligations to report knowledge of crimes at all?
A. Not - not really, no.

MR STEWART: Q. Do you know of any case, Mr Ali, in which an elder has reported a criminal matter to the police?
A. No, I can't say that I have, no.

Q. In your statement, you say you were only aware of one other case of child sexual abuse, and that was in the late 1980s. You are going to be shown a name in a moment. I want to ask whether it is the case concerning that person.
A. Yes, I've heard of that.

Q. Is that the one you are referring to in your

statement? If you look at paragraph 4.4 of your statement?
A. No, that wasn't the one I was thinking of.

Q. I have given you the wrong reference there. It is 4.1. I am showing you a second name. If we could refer to the first name as the first name and the second name as the second name, is that the one you had in mind?
A. That's the one, yes.

Q. Would you just explain that case very briefly, without mentioning any names, as to what it entailed?
A. Well, it was very vague in the sense of all the details, because we were just simply informed that this certain individual had taken those steps of touching young children, and from there, the process would be that then we would form a judicial committee to deal with that.

Q. Just to stop you for a moment, did that information come to you as an elder?
A. No, it - yes, I was an elder at that time.

Q. And then did you deal with it personally as an elder, or are you referring to it having been dealt with by others?
A. I didn't understand that one.

Q. Did you deal with it personally, yourself?
A. No. No, I didn't.

Q. Did other elders within your congregation deal with it?
A. Yes, they certainly did, yes.

Q. The first name that you were given - that seems to ring some bell of memory for you - is that a case you dealt with yourself, personally?
A. We're probably - the one that affected me more would be the present case that is under discussion.

Q. I understand that the present case may have affected you more, but my question is different. Did you deal personally with the first case?
A. Not personally, no.

Q. Were either of those cases, to your knowledge, reported to the police?
A. To my knowledge, no, they weren't.

Q. Dealing, then, with the present case, you say in your statement that [BCG] moved into the Bowditch home for a while after she had made the allegations about her father?
A. Mmm-hmm.

Q. She says she moved first into Kerry and Mark Grigor's home and only later, for a short while, to the Bowditch home; do you accept that?
A. It is vague, but I do know that the Bowditches - where that fitted in with the Grigors, I'm not sure, but I do know there was another family, the Belchers, that were living close by to the victim and the father. I believe that they also were involved, but at what stage - but I do know that both those families, the Belchers and the Bowditches, had given refuge to [BCG].

Q. The question I am asking is quite a simple one, so I would ask you to try to answer the question: do you accept that what [BCG] says is correct as to the order. She was first with the Grigors and after that for a short time at the Bowditches; do you accept that?
A. I accept that, yes.

Q. Perhaps we can have [BCG]'s statement at paragraph 33 on the screen, page 0008. You will see in those two paragraphs, 33 and 34, [BCG] talks about her father being a violent man and refers to a particular incident. Did you know her father to be a violent man and to beat his children?
A. No, I'm not - I wasn't aware of that, no.

Q. What, in your understanding, is the scriptural teaching of the Jehovah's Witness Church with regard to corporal punishment of children by their parents?
A. They are allowed to discipline to the degree that's necessary, without crossing the line into abuse, physical abuse or any other type of abuse.

Q. And what guidance is given as to where that line is?
A. We have many magazines that help - and books, that help parents to appreciate their responsibility in that regard, that they must do any discipline in a loving way; to always do that, not in anger, and to continue to train the children so that they understand the principles that will help them in later life, as well as in growing up as

the children.

Q. Mr Ali, did you see or listen to [BCG] give her evidence earlier today?
A. No.

Q. Did you not hear what she had to say?
A. No.

Q. Have you been provided with a copy of her statement?
A. No.

Q. You haven't read her statement?
A. On today, are you talking about?

Q. Her statement for this hearing, a statement which was dated 10 July, but which she read in this hearing earlier today?
A. Not her statement, no, I haven't read her statement.

Q. In that case --
A. There was just a few - there was just a few thoughts, I think, that I have been privy to, but that's - that's about it.

Q. What do you mean by "a few thoughts"?
A. I think that they came up in the sense that I told - I think they were in my statement, weren't they, where I told my brother, Zini - or she told my brother Zini that she had a black eye, and his response to that.

Q. Well, your statement is dated 10 July 2015; is that right?
A. Yes.

Q. And [BCG]'s statement is dated 10 July 2015?
A. Okay.

Q. I take it that you did not have [BCG]'s statement available to you at the time that you prepared your statement; is that right?
A. No, no.

Q. So subsequent to 10 July 2015, have you had the opportunity to read [BCG]'s statement?
A. I have been handed something that I think is her statement, but only in certain portions.

Q. Do you mean some particular aspects of it have been drawn out and brought to your attention, and you have been told, "These are things that she says"; is that right?
A. Yes, yes.

Q. One of them is this incident at paragraph 34 that is on the screen before you concerning your brother; is that right?
A. Yes, that's the one about her eye. I think he - not the one about the belt, but the eye. I understood it was a black eye, or something along those lines.

Q. That's what she says. She said she had a black eye at the Kingdom Hall and one of the elders, Zini Ali - that's your brother; is that right?
A. Yes, that's correct.

Q. -- asked her, "What happened to your eye?" And she replied, "My father kicked the bedroom *[sic]* door in my face", and she says that Zini just laughed in response and said "Oh, did he!" And she said that she "felt that Zini was dismissing what I had told him as though it were a joke". Did you know about that incident at the time?
A. No, I can't recall that.

Q. Can we go to paragraph 38. Is this another paragraph that was brought to your attention?
A. I don't recall that.

Q. What don't you recall? You don't recall it being brought to your attention - this paragraph of her statement?
A. That's right. In the context, and what [BCG] is saying there, I don't recall that phone call or that she brought that to my attention, I'm sorry.

Q. Mr Ali, let me deal with two things separately. The first thing is this: is this paragraph, or what is stated in this paragraph, one of the matters that, in the last week or two, was brought to your attention as being something that [BCG] says?
A. No.

Q. No?
A. No.

Q. So you haven't seen this before?
A. No.

Q. The first time you have ever seen this, that [BCG] says what is written in paragraph 38, is now, while you sit in the witness box; is that right?
A. That's right, yes.

Q. And you say you don't recall her phoning you and saying that she has matters to talk to you about, about things in her family?
A. No, I don't recall any - any of that whatsoever, no.

Q. That's the sort of thing that an elder would handle, isn't it - if someone had something close to their heart and was troubling them, they would contact an elder to discuss it; is that right?
A. I agree, yes.

Q. Would it be the usual response, if what they were raising was to do with their father, to say that they should raise it with their father first, if it was a minor?
A. I wouldn't have said that, if that was the case. If it was as serious as that, that would be my response --

Q. If it was as serious as what?
A. If that - what is being said here, what had - her father had been doing to her, in that sense.

Q. Well, just read the paragraph, Mr Ali. It doesn't say what her father had been doing. She says she said to you, "I want to talk to you about things in my family that you don't know about. What my father is doing." Now, she doesn't say what it is that he's doing.
A. Yes, well, I can't remember that conversation, I'm sorry.

Q. And the way in which the church views things, the father is the head of the family; is that right?
A. Yes.

Q. And would it be right that in the ordinary course, a child who might have complaints about something in the family should raise it, first, with their father?
A. If we're talking generally in the sense that a person or a young child has been disciplined, and it may be responding in this way, perhaps, but I may say, "You need

to speak to your father", or provide the help of talking to the father to correct the situation if a certain discipline has gone too far.

Q. Well, in a case where it's not made apparent what the issue is, it's just that she says, "I've got something I want to tell you about what's going on in my family, things my father is doing" - you don't know what it is --
A. No.

Q. -- would that be the kind of case where you would say, "Well, raise it first with your father"?
A. Well, there's possibly not enough information for me to comment on that. I don't recall that conversation, if it occurred. I'm not denying that she did --

THE CHAIR: Q. Just a minute, Mr Ali. You are being asked something else. You are being asked a hypothetical question. Assume that you were told what she says she told you. What is your response?
A. If I were to assume that that's what she told me, you are asking what would my reaction be?

Q. Yes.
A. If she needed help, if it was in that situation, I would provide the help. I would talk to the father.

Q. There are a couple of steps there. She says that she said she wanted to talk to you. Now, if a young female member of the congregation says she wants to talk to you about things "in my family", would you talk to her?
A. Yes, yes, I would.

Q. Would you require her to talk to her father first, if she said she wanted to talk to you about what her father was doing?
A. No, no. She's quite - she would be quite welcome to express whatever her concerns were.

Q. So, just to be clear, if we, the Commissioner and I, accept that she said these things to you, that she wanted to talk to you, and you didn't talk to her, then you didn't do what you should have done; is that right?
A. That would be true, yes.

Q. Well, if you need an opportunity to reflect, but she says she said this to you.

A. I'm not denying that - what she's saying. I'm simply saying that I don't remember this happening.

Q. She says that, having raised the question with you, you said, "No, you have to talk to your father first"; do you see that?
A. Yes, I see that.

Q. Well, you have no recollection of that, either?
A. No, I don't have a recollection.

Q. If we accept her evidence, it means that you have not spoken with her in response to her request, doesn't it?
A. I don't see it that way, your Honour.

Q. Well, she says she wants to talk to you, and you say, "No, you have to talk to your father first"?
A. Well, I don't have a recollection of her saying that, and I'm not saying that I'm denying that that's something that she may have assumed that I said, or that she said; it's just that I have no recollection to comment on that.

Q. But if we accept that you had this conversation, then you declined to speak with her; isn't that right?
A. No, I don't think that would be correct to say that, either.

Q. Well, what does the word "no" mean?
A. "No" - well, when I say "no", if I - I wouldn't have said, "no" to talk to her. That's what I - I'm - I don't recollect having said anything; I don't recollect that [BCG], with this conversation, so --

Q. Did you talk to her about problems with her father?
A. I can't recollect that I did.

Q. It's something that you would recollect, isn't it?
A. One would hope so, and I wish I could, because I understand the gravity of what she was going through, as we continued to look into that, and I appreciate the situation afterwards more so, and in retrospect, you know, it's things that - there are certain things that stick more often in memory than others, and to me, it was her going through those - that situation - the very serious situation and explaining herself afterwards, during the judicial case, that I got to appreciate the depth of her concern.

Q. You mean it was only when the matter went to court that you understood the serious nature of the events that had happened?
A. No, no, it was well before that. It was when the motions we started to go through when it became something that was clearly a real victimisation of a young person by her parent that all of us elders then acted very swiftly in dealing with that situation. Now, this may have been a prelude to that, I don't know, I cannot recollect this particular discussion. But the other things --

Q. We will come to what you did do in response to what you knew, but is it right to understand that the teaching of your church requires someone who has a disagreement with another member of the congregation to, first of all, seek to put matters right with that other person?
A. That would be the first step.

Q. So what [BCG] says in her statement about her conversation with you and your response - your response is consistent with the teaching of the church; is that right?
A. It should be, yes, but I --

Q. Well, the response that she says you made, as I understand it, from what you have told me, is consistent with the teachings of the church - that is, "No, you have to talk to your father first."
A. Well, again, your Honour, I'm sorry, but I can't recollect that.

Q. No, no, no. What she says you said, as I understand it, is consistent with the teachings of the church, that is, you have to speak to your father first.
A. Generally, if it was something of a minor concern, yes.

Q. Well, you don't know, from this conversation --
A. No, I don't.

Q. -- whether it is major or minor?
A. Mmm.

Q. So do I then understand that what you are saying to us is that what she reports you as having said is consistent with the teachings of the church?
A. I would have to think very carefully on that whole aspect, because if I could remember the rest of

a conversation that we might have - then perhaps I can comment. But I cannot recall this having happened.

Q. I'm sorry, I have to put it to you again. We're just looking at the conversation that she says occurred. Now, you may not remember it, but that's what she says happened. What I want to know is whether that conversation, as she records it, from you, is consistent with the teachings of the church - and that is, "No, you have got to talk to your father first"?
A. If this did really happen - I'm not doubting that it did - then it would be consistent with myself to follow through and have a discussion with her, and to also approach the parent if it was something of concern, yes.

Q. I'm lost. She says you said, "No, you have to talk to your father first." Now, as I understand it from what you have already told me, a statement such as that by you is consistent with the teachings of the church.
A. Mmm-hmm. It would be, yes, yes. Definitely.

MR STEWART: Q. Do you recall, Mr Ali, how you first became aware of allegations being made by [BCG] that her father had sexually assaulted her?
A. I thought it was through another elder who brought it to our attention that these things had come to our attention so we needed to act on that.

Q. And who was that other elder?
A. I - I believe it may have been Kevin.

Q. Well, do you remember who it was?
A. Not offhand.

Q. Is it not the case that these allegations were brought to your attention by someone else in the congregation who was a friend of [BCG], who has a pseudonym in these proceedings, [BCJ]? There should be a list in front of you, which we will give you who [BCJ] is. Was it not that person, without saying his name? Was it not him who raised these matters with you?
A. Possibly it could have been.

Q. It may have been?
A. Possibly.

Q. And then, if it was, you would then have raised that

with the other elders; is that right?
A. Yes, yes.

Q. Sitting there now, do you recall what it is that was said to you, as to what [BCG]'s allegations were?
A. In - as a judicial beforehand - which - in what context?

Q. When they were first brought to your attention?
A. Right.

Q. And it was first brought to your attention through, as [BCG] says, [BCJ], and you say it could have been. When they were first brought to your attention, do you recall what it was that was said that [BCG] was saying: in other words, what was the complaint? Do you remember that?
A. That she had been abused sexually, molested.

Q. At that stage - in other words, what was first reported to you - were details, beyond that she had been abused sexually, given to you?
A. Not to me personally. That would have come through another elder informing the Body of Elders that such-and-such had happened and then the action would be taken.

Q. Addressing, then, when you were informed what the allegations were in some detail, what were you informed as to what they were?
A. That her father had abused her, sexually abused her, for some time.

Q. Do you recall whether it was said what the nature of that abuse was?
A. It was on a sexual level.

Q. You have said that already.
A. Yes.

Q. Was any more detail as to the nature of the abuse conveyed to you at that time?
A. That it had been carried on for a while. If I recall this, this may have come through after we had, or were dealing with her father on another issue, that this particular charge came up. But at the moment, no, I can't recall what else would have come up.

Q. But at least that her father had abused her sexually for some time?
A. Correct.

Q. In the part of your statement where you deal generally with what is supposed to happen when allegations of child sexual abuse are brought to the elders' attention, you say that the elders are immediately to call the branch office on receiving the allegation. Did that occur on this occasion?
A. No. That instruction came through, I think, a little bit later. During, as I recall, that time that we dealt with this particular case, that wasn't something that, I don't think, was in the instruction about how to deal with that. The elders followed through by dealing with it promptly, though.

Q. So at that time, we're talking about approximately the middle of 1989, to your recollection, at that time there was no standing instruction that the elders must immediately contact the branch for direction in the case of child sexual abuse?
A. Not at that time, no. No. That's my understanding.

Q. You have said that these allegations came to the attention of the elders - that's the three of you, as I understand it: that is you, Mr Ali, also Mr Bowditch and Mr de Rooy; is that correct?
A. That's correct.

Q. Can you explain what did the three of you do with regard to those allegations?
A. We immediately followed through by just asking questions in a closed environment.

Q. Asking questions of each other, Mr Ali? Asking questions of whom?
A. Of the perpetrator and of the victim herself, because we sat down and we wanted to understand exactly what had happened and her version of what the tragic circumstances were that she had faced. So I remember that she was a very brave person for her age to be able to do that - that's something that stands out in my mind, and to explain some of those horrible things that had happened to her. So we sat together, three elders and herself. There was nobody else within that environment. And we allowed her to tell us, and we allowed - we allowed her the time to do that.

We didn't want to rush, we wanted her to tell us and explain, to the extent that she could, what had happened.

Q. And as I understand it, you asked her questions; is that right?
A. Only to fully understand the situation - certain situations.

Q. And did you meet with her a number of times in that way?
A. I believe we did. Yes.

Q. And did you meet separately with her father?
A. We met with her father, yes, yes.

Q. Also a number of times?
A. A number of times.

Q. And he denied the abuse; is that right?
A. Every time.

Q. And when you met again, then, with [BCG], did you convey to her her father's denial?
A. That's right, yes, we informed her of that, yes.

Q. And did you then seek further information or clarification from her about her allegation?
A. Yes, to the extent that she was able to, if there was more that she wanted to add, because it takes - I found that it took a lot more than one sitting to understand, and for her, also, to tell us what she had been through.

Q. And at that time she was about 18; is that right?
A. I think so, yes.

Q. You were about 39; is that right - or 40?
A. Something like that.

Q. And Mr Bowditch and Mr de Rooy, are they older than you?
A. No, I think Kevin is about a year or so younger and Ron is a few years younger again.

Q. In those meetings that you had with [BCG] that you have described, did you offer to her the possibility of having someone to sit with her in support of her - someone of her choosing?

A. No. No, not while we are in a closed session. This was kept private, first, so that she could explain. It was an environment, I believed - because being a father myself and having young - I had five children - of dealing with her on the basis of that - and allowing her the opportunity to say what she needed to say without any influence from anybody outside.

THE CHAIR: Q. Mr Ali, how many men were present at this meeting?
A. At that judicial committee?

Q. No, at the initial meeting.
A. That would be the judicial committee.

Q. How many were present?
A. Three.

Q. And only [BCG]?
A. Yes.

Q. Did it ever occur to you that given the requirement to speak to three men about intimate detail in relation to her father's accusations was an entirely inappropriate task to put upon her, on her own?
A. No, not in that - not in that time, because it wasn't - it wasn't that she was alone; we - even though we had a closed session in a room, immediately beyond the door was her fiancee, who was providing support. So it - we could break at any time if she felt that, "Look, I need to". So recalling our sessions with her, though it was difficult to go through those - recounting that, she did rather well, I must admit, and I'm very proud of the way in which she did it. I really felt for her for doing that.

Q. Well, you speak in those terms, but the fact of the matter is the three of you came to the view that there wasn't clear proof of her abuse, didn't you?
A. Not true. If I may just clarify that, your Honour --

Q. I'm just looking at your own words.
A. Yes. To explain that, we didn't disbelieve what had happened; we believed her. But when you have to deal with how many know of this or are aware of it, that is a different matter. If you have got two witnesses to something, or if the perpetrator had confessed to doing that, that would be sufficient. So we, all three of us,

believed what she was saying.

Q. Well then, why didn't you just say so?
A. I believe we would have. We didn't ever discount that that didn't happen *[sic]*.

Q. Well, why didn't you just say, "We do accept her account; we don't accept the father's and we act upon her account." Why didn't you do that?
A. We have to go through the process, first, of letting her explain what she wanted to tell us. Then we had to follow through, because the direction is that we also need to talk to the other person and find out from your side of things what happened and why, and we needed to delve into that to get the full story, what was going on.

Q. So much is plain. But after you had got the full story, do you say you didn't believe her?
A. No, no.

Q. You did?
A. We did believe her.

Q. But you didn't act on that belief, did you?
A. Well, we couldn't, because there was only the one person who was aware or knew that that had happened. We did not have another person to corroborate, if you like, so that we could then deal with that situation in a way that our Bible principles allowed us to do.

Q. You do appreciate that in most cases of sexual assault there will only be the complainant and the alleged assaulter who are witnesses to the event; you understand that?
A. I am starting to, even more so now, because we have received many updates with what we can do. But, at that time, this is what we believed to be the best, under those circumstances.

Q. Do you believe it now to be the best situation?
A. I admit that, looking back, there could have been different - things could have been done differently that maybe would have brought closure in some ways, yes. I agree.

Q. What should have been done differently?
A. Well, if we knew --

Q. Should you have acted upon your belief that she had been assaulted as she said?
A. If we knew then what we know now, yes.

Q. What do you mean by that?
A. Well, if we had the evidence before us, because it's difficult to follow through with something when there is only a one-on-one, he said, she said. We're not doubting that she - what happened to her is true, but for us to act as shepherds or even if we call ourselves judges in that case, on the principles of God's word, we still need what God himself has outlined, even in any sin, serious sin, there must be two witnesses to that. So we - sorry, your Honour, but we can't ignore divine law.

Q. Well, the courts were quite happy, ultimately, to convict the father; correct?
A. Correct.

Q. On the evidence of [BCG]?
A. And another person.

Q. Who was a witness to the event?
A. A same thing happened to another in the same way, yes.

Q. So that's accepted as corroboration?
A. It did. But it also --

Q. So if there hadn't been such a person, do you say you could never have reached a conclusion that [BCG] had been assaulted by her father?
A. We didn't disbelieve that it happened, but to prove it to the extent that is required by divine law, we still needed the two witnesses - or a confession would be enough to do that.

Q. Is that the position today?
A. It is, but added to that is the updates we received that we are guided even more so, since that time, 26 years, by other things now that we can follow up with, as has been brought up here, to take that further through the legal action, which I'm glad that has come through, because it helps us, as elders, to deal a lot better, and something that we can really give more help to victims of this type.

Q. I am sorry, I don't understand what that's all about.

What has come through in later updates?
A. Well, the fact is that our branch now can advise what are the things that we can take - steps that we can take in a legal sense, so that we can follow through.

Q. What do you mean?
A. Well, I haven't been through that, but I've been - I'm aware of the fact that now the branch has allowed us the opportunity, we have a legal department that immediately, as soon as any complaint or a sexual assault of any nature, a serious one, is made, we immediately ring the branch, asking them for the help in the legal sense, "What can we do to support the victim?" And we've got better guidance today than we did back then.

Q. You speak, then, in terms of the victim, supporting the victim. Do you mean after you have determined that the person was assaulted, or when does the person become a victim?
A. Well, we believe what they say initially, but we need also to follow through in proving that we can do something with that. We would love to do something with that. And in [BCG]'s case, we wish we had, or we could have done more, but at that time we did not have the means and the help to understand as we do today, because there's been so much printed out, now, of the helps that can be given to victims of this sort, too, and we would like to - very much to have follow-through with that, but we can do so today, because we're aware of them now.

Q. Do you appreciate that the criminal law doesn't require corroboration before convicting someone of sexual assault?
A. No, I'm still learning, your Honour.

MR STEWART: Q. When you say you get legal direction from the branch, you mean legal in the sense of within the church's law?
A. We do have lawyers who are involved in law, I believe, within the branch, who can - who are qualified to do that.

Q. So they will guide you as to what you should do within the church's rules?
A. And taking in, I believe, what is required by the community or the --

Q. And they will tell you if there is a legal obligation

to report to the police or some other authority; they will tell you that as well?
A. Possibly. I have not been through that, but I believe that it's quite possible, and it's ever-changing.

Q. The position is still that the two-witness rule is applied, isn't it?
A. Mmm.

Q. You are required to apply the two-witness rule?
A. Generally, yes, yes, we do. As I explained, too, that there is also the confession. If a person - during our times in dealing with a particular matter that the person admits what he has done, then we don't need two witnesses.

Q. Yes. But if there is no confession, then you do require two witnesses; that's still the position?
A. Yes, we would do.

Q. And in the light of the evidence that you have already given over the last few minutes, what justification can you see for such a rule, for the two-witness rule? What justification is there for it?
A. Well, scripturally.

Q. Rationally?
A. Well, it is rational. Well, see, we believe, rationally, that divine law establishes - and it is a higher law in that respect - that from the time of Moses, for example, Deuteronomy, I believe, 19:15, establishes that even the most serious sin requires not one witness, but two, and coming into the first century that same law continued to apply. How can we ignore it?

Q. In the modern world where there are other forms of evidence that might be available, is there no space to revisit that rule, in your understanding?
A. That would be up to those who would see into that, yes, I - who knows.

THE CHAIR: Q. Mr Ali, Mr de Rooy was a member of your committee, wasn't he?
A. Yes.

Q. [BCG] says in her evidence that she raised with you allegations made by her younger sisters.
A. I can't recall that, I'm sorry.

Q. And she says that you - that is, the committee - through Mr de Rooy, said, "We won't talk to them because they are too young."
A. I'm not aware of that.

Q. This is what [BCG] says happened. You don't remember?
A. No.

Q. If it is true, then even in your terms, there was corroborative evidence being offered which you declined to accept or receive?
A. I'm not quite sure what that means - what you mean?

Q. Well, she was offering to you the account of her young sisters about being abused by their father, but if what she says is correct, the committee, through Mr de Rooy, said, "We're not going to take the corroborative evidence that might be available"?
A. I'm not aware of that, your Honour, I'm sorry.

Q. But that's what it amounts to, isn't it?
A. Mmm.

Q. In other words, she says the committee said, "They're too young, therefore, there won't be corroboration, and therefore, the result will be we can't determine the proceedings in [BCG]'s favour." Do you understand?
A. I understand what you are saying, yes.

THE CHAIR: Very well.

MR STEWART: Q. In your statement you say that you appeared in court proceedings in Brisbane as a witness for the prosecution. Was that in the first trial, or also in subsequent trials?
A. I think it was in the first.

Q. And not in subsequent trials?
A. No.

Q. Were you requested or required to give evidence in subsequent trials?
A. No.

Q. You referred earlier - you said that you thought that there was, in the criminal trial, a witness of another

incident, similar incident or abuse, which is what enabled the conviction to be entered in that case?
A. In the subsequent trials?

Q. Yes.
A. I believe so, yes.

Q. That belief is gained from what - from where?
A. That person coming forward.

Q. But where did you get your information?
A. Where did I get?

Q. You say you believed someone else had come forward and given evidence in that trial about other abuse by the father?
A. Yes.

Q. Where did you get that belief from?
A. I don't want to mention names, but you have a [BCK] on the list.

Q. We do. Yes.
A. [redacted] I believe, from what I recall, that she appeared on the - to support [BCG] in that court case, because she had gone through some similar --

Q. Because I have to say that my understanding is there was a neighbour who gave evidence, who was able to testify to an incident of seeing [BCG] running away from her father, and there was her sister's ticket from attending Expo '88, and that was the additional evidence, but no evidence of someone else having been abused.
A. No, I'm not aware of that one, no.

Q. Do you confirm your statement as true and correct, Mr Ali?
A. I do.

MR STEWART: I tender the statement, your Honour.

THE CHAIR: I will make it exhibit 29-007.

EXHIBIT #29-007 STATEMENT OF DINO ALI DATED 10/7/2015.

MR STEWART: Would that be an appropriate time,

your Honour?

THE CHAIR: 10 o'clock in the morning.

AT 4PM THE COMMISSION WAS ADJOURNED TO WEDNESDAY, 29 JULY 2015 AT 10AM

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