

**ROYAL COMMISSION INTO INSTITUTIONAL
RESPONSES TO CHILD SEXUAL ABUSE**

**Public Hearing - Case Study 29
(Day 147)**

Level 17, Governor Macquarie Tower
Farrer Place, Sydney

On Monday, 27 July 2015 at 10am

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

Counsel Assisting: Mr Angus Stewart SC

1 THE CHAIR: Yes.

2

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

7

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

9

10 THE CHAIR: You have leave?

11

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

13

14 THE CHAIR: And you have leave?

15

16 MS DAVID: I do have leave, your Honour.

17

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

22

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

24

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

29

30 THE CHAIR: You have leave.

31

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

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35 THE CHAIR: Yes, you have leave.

36

37 MS McGLINCHEY: Thank you.

38

39 MR STEWART: Your Honour and Commissioner, this is the
40 29th public hearing of the Royal Commission. This case
41 study concerns the response of the church of the Jehovah's
42 Witnesses and its corporation, the Watchtower Bible & Tract
43 Society of Australia, to reports of child sexual abuse
44 within the Jehovah's Witness Church in Australia.

45

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

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

3
4 The case study will also involve an examination of the
5 systems, policies and procedures in place within the
6 Jehovah's Witness Church and Watchtower Australia for
7 responding to allegations of child sexual abuse, and the
8 mechanisms in place to prevent child sexual abuse within
9 the Jehovah's Witness Church.

10
11 As will be seen, the Jehovah's Witness Church is
12 a tightly controlled, rule-bound organisation, that seeks
13 to keep its members in relative isolation from the rest of
14 society. It has rules drawn from its own version of the
15 Bible for, amongst other things, personal presentation, the
16 avoidance of involvement in extra-curricular activities at
17 school, maintenance of the constant awareness of the
18 dangers of bad associations in the secular world, who is in
19 the church and who is out of the church, and for family and
20 home life.

21
22 For example, church doctrine places the father as head
23 of the family with authority over his wife and children.
24 The wife's role is that of helper or complement. The
25 church teaches its members to be in subjection to it in all
26 aspects of life.

27
28 The Jehovah's Witness Church is preoccupied with sin
29 and sinning. If a congregation member becomes aware that
30 another member has committed a serious sin, such as, as it
31 is put, "fornication, adultery, homosexuality, blasphemy,
32 apostasy, adultery and similar gross sins", he or she is
33 obliged to report that to the congregation elders. In the
34 case of lesser sins as between members, the church
35 prescribes the steps that must be taken to reach
36 a resolution. The more serious sins must be investigated
37 by the elders who must pass judgment on the accused and his
38 or her degree of repentance for the sin.

39
40 It is a system in which a group of men who are
41 appointed from above, not by the congregation, stand in
42 judgment over their fellow men, women and children on every
43 aspect of their lives.

44
45 The result of this active involvement of the church in
46 every aspect of the lives of congregation members is that
47 there is no meaningful distinction between family and

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

3
4 During the investigation of this case study,
5 Watchtower Australia produced some 5,000 documents pursuant
6 to summonses issued by the Royal Commission on 4 and
7 28 February 2015. Those documents include 1,006 case files
8 relating to allegations of child sexual abuse made against
9 members of the Jehovah's Witness Church in Australia since
10 1950 - each file for a different alleged perpetrator of
11 child sexual abuse. Royal Commission officers have
12 analysed the case files and have recorded the outcomes of
13 their analysis. The results of the analysis, together with
14 the experiences described by two survivor witnesses,
15 illustrate the practical application and effect of the
16 church's policies and directives in relation to handling of
17 complaints and managing the risk of child sexual abuse.
18 I will say more about the results of that case file
19 analysis a little later.

20
21 The facts identified in these submissions are drawn
22 from witness statements and documents that will be tendered
23 or from testimony that is expected to be given during the
24 public hearing. It is not expected that these facts will
25 be particularly in contest. They are set out here as
26 a guide to the evidence that will be led.

27
28 I will structure the submissions going forward in
29 three parts. Firstly, I will address the background to the
30 Jehovah's Witness institution. I will then consider the
31 child sexual abuse policies and procedures of the Jehovah's
32 Witness Church, and finally, I will consider the child
33 sexual abuse survivors in the church and, in particular,
34 those who will give evidence in this study.

35
36 So, turning, then, to the background to the church as
37 an institution, the Jehovah's Witness Church was founded
38 towards the end of the 19th century in Pennsylvania by
39 a small group of bible students led by Charles Taze
40 Russell. Russell had become disillusioned with mainstream
41 Christianity, which he argued had strayed from the first
42 century vision of Christianity described in the Bible.
43 Between 1870 and 1879, Russell distributed his group's
44 first century interpretation of the Bible through
45 a periodical that is now called "The Watchtower -
46 Announcing Jehovah's Kingdom". In 1884, the Zion's
47 Watchtower Tract Society was incorporated and carried on

1 the business of publishing and disseminating millenarian
2 literature - that is, literature based on the belief that
3 the end of the world is imminent.
4

5 Today the religion has a worldwide presence of
6 8.2 million active members in 239 countries. Over the last
7 25 years, the active membership of Jehovah's Witnesses
8 worldwide has increased from 4 million members in 1990.
9

10 The Jehovah's Witness Church has been active in
11 Australia since 1896, with a branch office first
12 established in 1904. The Australia branch office is based
13 in Sydney and coordinates the activities of all
14 congregations in Australia, New Zealand and some other
15 islands.
16

17 The primary legal entity used by the Jehovah's Witness
18 Church today is the Watchtower Bible and Tract Society of
19 Pennsylvania. The headquarters of Watchtower Pennsylvania
20 is in Brooklyn, New York, and is known as "Bethel", meaning
21 "House of God". The activity of Jehovah's Witnesses
22 worldwide is overseen by the Governing Body. The Governing
23 Body is a council of eight men based at the headquarters in
24 Brooklyn. It is at the apex of a highly centralised and
25 hierarchical structure.
26

27 The Jehovah's Witnesses believe that the teachings
28 promulgated by the Governing Body are based on God's word,
29 and not devised by men. Teachings take the form of the
30 Awake! and Watchtower magazines, letters containing
31 directives to branch officers and elders, handbooks and
32 other publications.
33

34 The Governing Body supervises more than 90 branches
35 worldwide. A branch office is the headquarters for the
36 Jehovah's Witness Church in a particular country or region
37 and is also referred to as "Bethel".
38

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

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

3
4 Congregations form the basic organisational unit of
5 the Jehovah's Witness Church. Each congregation is
6 overseen by a Body of Elders. Each congregation in
7 Australia is, in the legal sense, a voluntary association,
8 and is registered separately as a charity.

9
10 There are currently 817 congregations in Australia
11 with over 68,000 active members. Over the past 25 years,
12 the active membership of the church in Australia has grown
13 29 per cent from approximately 53,000 members in 1990. In
14 the same period, Australia's population growth has been
15 38 per cent.

16
17 The Australia branch office relevantly comprises the
18 following structures: first, a branch committee, an
19 ecclesiastical Body of Elders that oversees and manages the
20 operation of the Australia branch office; second, the legal
21 department; and, third, the service department, which cares
22 for all aspects of the spiritual activities of the
23 Jehovah's Witness Church.

24
25 The function of each of the above structures is
26 relevant to the Royal Commission's examination of the
27 Jehovah's Witness Church's response to child sexual abuse
28 in its ranks. The Royal Commission will hear evidence from
29 three institutional witnesses who serve in each of these
30 structures.

31
32 Terrence O'Brien is the coordinator of the Australia
33 branch and a director and secretary of the Watchtower Bible
34 & Tract Society of Australia. He has actively served with
35 the Jehovah's Witness Church for 40 years. Mr O'Brien will
36 give evidence regarding the history and organisational
37 structure of the Jehovah's Witness Church and he will
38 provide an administrative perspective on the organisation's
39 approach to the prevention and handling of child sexual
40 abuse within Australia.

41
42 Rodney Spinks is the senior service desk elder who has
43 served in the service department since January 2007. He is
44 specifically responsible for inquiries related to child
45 sexual abuse and for assisting congregation elders to
46 implement the Australia branch office's guidelines for
47 handling child abuse allegations and providing victim

1 support.

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

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

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

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

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

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

1 Ministerial servants predominantly provide
2 administrative support and practical assistance to the
3 elders and service to the congregation. They care for
4 organisational tasks, such as acting as an attendant at
5 congregation meetings, handling sound equipment,
6 distributing literature and managing congregation accounts
7 and general maintenance at the Kingdom Hall.
8

9 Members of the congregation are called publishers and
10 call each other "brother" and "sister". Publishers may be
11 baptised or unbaptised. Baptism is the symbol of the
12 publisher's dedication to Jehovah. Unbaptised publishers
13 are those who have not been baptised but have been given
14 approval to join the congregation's formal ministry and to
15 identify themselves publicly with the Jehovah's Witness
16 Church.
17

18 Publishers who wish to devote many hours to field
19 service preaching may be appointed as pioneers. Regular
20 pioneers are exemplary congregation members who have
21 volunteered to spend a certain amount of time in the public
22 preaching activity each month. Special pioneers serve full
23 time in preaching work and are selected from experienced,
24 long-serving regular pioneers.
25

26 The evidence will show that the key imperative belief
27 of the Jehovah's Witness Church is that the Bible is the
28 inspired word of God. This means that Jehovah's Witnesses
29 interpret the Bible literally and take living in accordance
30 with Bible principles extremely seriously. It is expected
31 that evidence will be given that the Jehovah's Witness
32 Church is strongly theocratic, meaning that "almost all
33 internal organisational rules as well as teachings are
34 strictly based on biblical prescriptions on how best to
35 live according to God's plans".
36

37 The English High Court has recently recognised that
38 "[t]his distinguishes them from other religious
39 denominations who use the bible to shape thinking, guide
40 behaviour and teach lessons but do not use it directly to
41 set policy and religious practices".
42

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

1 code of moral conduct by which all members strive to live
2 based on the scriptures is enforced by the highly
3 formalised disciplinary process for dealing with wrongdoing
4 within the church and its jurisdiction over all aspects of
5 the life of Jehovah's Witnesses.
6

7 The Royal Commission will hear evidence of how
8 a uniform set of doctrines prescribed by the Governing Body
9 unites devotees in a tightly bonded community and separates
10 them symbolically from the outside world. The Jehovah's
11 Witness Church is a world-renouncing theology. Jehovah's
12 Witnesses are counselled to keep separate from the world
13 and to beware of secular associates who have no love for
14 Jehovah. Further, the Royal Commission will hear evidence
15 from two survivor witnesses who will say that they were not
16 permitted to associate with people outside the Jehovah's
17 Witness community and that non-Jehovah's Witnesses are
18 referred to as "worldly people" and, as it is put, "not in
19 the Truth".
20

21 The Royal Commission will hear evidence that
22 separateness from the world is reinforced by various
23 policies of the Jehovah's Witness Church. Jehovah's
24 Witnesses are encouraged to strictly adhere to biblical
25 principles to the exclusion of all else, including pursuit
26 of further education. Jehovah's Witness parents are
27 encouraged to school their own children in matters of sex
28 education, because the alternative of school-based sex
29 education is considered likely to result in immorality.
30 The general practice of the Jehovah's Witness Church is to
31 deal with allegations of child sexual abuse internally,
32 without reference to secular authorities.
33

34 The Royal Commission will hear that the Jehovah's
35 Witness Church is a millenarian Christian religion, meaning
36 that they believe that the end of the world is near.
37 Mr O'Brien will give evidence that the Jehovah's Witnesses
38 have a doctrinal understanding of Bible prophecies
39 regarding the "conclusion of the system of things", as it
40 is put, which is also referred to as "the last days".
41 Documents will be tendered which show that Jehovah's
42 Witnesses believe that the only way to finally end child
43 abuse is to, as they put it, "embrace God's Kingdom under
44 Christ" and to "love God with all your heart and your
45 neighbour as yourself" so as to be saved when the end
46 comes.
47

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

11
12 Jehovah's Witnesses worship and praise Jehovah by
13 attending organised meetings, bible study, Theocratic
14 Ministry Schools and field service. Jehovah's Witness
15 meetings are generally held in a place of worship called
16 "Kingdom Hall". The Royal Commission will hear that each
17 week, Jehovah's Witnesses around the world study the same
18 passages in The Watchtower as directed by the Governing
19 Body in preparation for the same program of worship at
20 Kingdom Hall.

21
22 Documents will be tendered which show that Jehovah's
23 Witnesses are counselled to demonstrate submission to
24 Christ's headship by obedience to the elders, who are taken
25 to be controlled by God for the purposes of accomplishing
26 Jehovah's will. Mr O'Brien will give evidence that
27 Jehovah's Witnesses accept the divine standard that "the
28 head of every man is the Christ, in turn the head of
29 a woman is the man".

30
31 The evidence will reveal that this belief is reflected
32 in the patriarchal structure of the institution, where men
33 hold positions of authority within congregations and
34 headship in the family. Women are expected to defer to the
35 authority of their husbands, and children are taught to
36 obey their parents.

37
38 Moving on, then, to child sexual abuse policies and
39 procedures, the Jehovah's Witness Church relies primarily
40 on Bible passages to set its policies and practices. The
41 Jehovah's Witness Church says that it has had Bible-based
42 policies on child sexual abuse for over 30 years.
43 Mr O'Brien will tell the Royal Commission that these
44 policies have been refined and periodically addressed in
45 various publications over the past several decades.
46 Mr O'Brien will testify that the Governing Body is not
47 involved in the administration and implementation of child

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

3
4 The evidence will reveal that doctrinal information is
5 transmitted by the Governing Body through the branch
6 offices and Bodies of Elders to individual members. From
7 at least the 1990s, the Australia branch office has, with
8 guidance from the Governing Body, periodically issued
9 directives in the form of letters addressed to All Bodies
10 of Elders providing instruction on how to respond to
11 allegations of child sexual abuse.

12
13 In 1991, a number of articles based on biblical
14 principles for handling wrongdoing, including child sexual
15 abuse, were compiled in a publication for elders called,
16 "Pay Attention to Yourselves and All Your Flock". In 2010,
17 that publication, "Pay Attention to Yourselves", was
18 replaced with an updated compilation of articles entitled
19 "Shepherd the Flock of God", which is now the primary text
20 from which an elder takes guidance on his congregation.

21
22 Additional information in support of the Jehovah's
23 Witness Church's theocratic policies is made available to
24 congregation members through The Watchtower and Awake!
25 magazines and other publications.

26
27 Rodney Spinks of the service department will give
28 evidence that the current policies of the Jehovah's Witness
29 Church for dealing with an accusation of child sexual abuse
30 are outlined in the following four publications: firstly,
31 the Bible - the English edition is the New World
32 Translation of the Holy Scriptures; secondly, the Elders'
33 Handbook; thirdly, Watchtower Society publications, such as
34 Organised to Do Jehovah's Will; and, fourthly, letters sent
35 to All Bodies of Elders. In particular, a letter dated
36 1 October 2012, which consolidated and replaced into one
37 letter the spiritual advice and guidance provided in
38 various past letters from preceding years as to how
39 Jehovah's Witnesses handle allegations of child sexual
40 abuse.

41
42 Evidence will be put before the Royal Commission that
43 the current policies and procedures relating to child
44 sexual abuse within the Jehovah's Witness Church are
45 supplemented, in particular, by the following material:
46 first, a pivotal Watchtower article entitled "Let us Abhor
47 What is Wicked ", published in January 1997, which

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

8
9 Elders within the Jehovah's Witness Church are given
10 periodic training on the implementation of its policies and
11 procedures. The training takes the form of one-day
12 programs or seminars called Kingdom Ministry Schools.

13
14 There will be evidence regarding the established
15 disciplinary procedure adopted by the church for responding
16 to allegations of child sexual abuse in Australia.
17 Documents will be tendered and evidence given showing that
18 the Jehovah's Witness Church considers that it is only
19 authorised to address child sexual abuse in accordance with
20 scriptural direction.

21
22 The Jehovah's Witness Church recognises child abuse to
23 be a gross sin and crime. Its official position is that
24 they abhor child sexual abuse and will not protect any
25 perpetrator of such repugnant acts. Child sexual abuse is
26 defined by the Jehovah's Witness Church as follows:

27
28 *Child sexual abuse generally includes*
29 *sexual intercourse with a minor; oral or*
30 *anal sex with a minor; fondling the*
31 *genitals, breasts or buttocks of a minor;*
32 *voyeurism of a minor; indecent exposure to*
33 *a minor; soliciting a minor for sexual*
34 *conduct; or any kind of involvement with*
35 *child pornography. Depending on the*
36 *circumstances of the case, it may also*
37 *include "sexting" with a minor. "Sexting"*
38 *describes the sending of nude photos,*
39 *seminude photos, or sexually explicit text*
40 *messages electronically, such as by phone.*

41
42 According to the Jehovah's Witness Church, child
43 sexual abuse is captured by the scriptural offences:
44 firstly, "porneia", which is immoral use of the genitals
45 between two people; secondly, "brazen or loose conduct",
46 which includes fondling of breasts, explicitly immoral
47 proposals, showing pornography to a child, voyeurism,

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

3
4 Jehovah's Witnesses are taught from the Bible that
5 they have a personal responsibility to report wrongdoing to
6 elders, if the wrongdoer does not voluntarily come forward.
7 Upon receipt of an allegation, elders are directed to
8 immediately call the branch office for direction based on
9 the circumstances of each case. Two elders from the
10 congregation are also directed to immediately call the
11 legal department for legal advice on mandatory reporting
12 obligations.

13
14 The legal department is instructed to refer the elders
15 to the service department for scriptural direction on
16 theocratic or judicial aspects of the case, and how to
17 spiritually comfort and support the victim. The service
18 department also provides guidance on when and how elders
19 should interview a young victim of child abuse.

20
21 Two elders are directed to investigate every
22 allegation of child sexual abuse by speaking with the
23 victim, the alleged offender, and any other witnesses, if
24 necessary. The weight given to the testimony of youths is
25 at the discretion of the investigating elders. Elders are
26 not authorised to take congregational action unless the
27 child sexual abuse is proven according to biblical
28 standards which are satisfied by evidence of: a confession
29 from the accused; or the testimony of two credible
30 witnesses to the same incident; or the testimony of two
31 witnesses to separate incidents of the same kind of
32 wrongdoing; or strong circumstantial evidence testified to
33 by at least two witnesses.

34
35 Where by those rules there is insufficient evidence to
36 substantiate the alleged child sexual abuse, the matter is
37 held in abeyance and the elders are directed to "remain
38 vigilant with regard to the conduct and activity of the
39 accused". In this event, no further action is taken in
40 relation to the complaint, and the matter is left in
41 Jehovah's hands. If sufficient evidence is discovered, the
42 elders must determine whether a judicial committee should
43 be appointed to give scriptural discipline to the
44 wrongdoer. Child sexual abuse is recognised as an offence
45 for which a judicial committee should be formed.

46
47 The Royal Commission will hear that over the past

1 65 years, the requirement that there be two or more
2 witnesses has prevented at least 125 allegations of child
3 sexual abuse from proceeding to a judicial committee. That
4 is not unexpected, given that by its nature there are very
5 seldom witnesses to child sexual abuse beyond the survivor
6 and the perpetrator.

7
8 The judicial committee is comprised of three or more
9 elders to determine, firstly, if the individual is guilty
10 of violating God's laws; and, secondly, whether the
11 individual is genuinely repentant. Repentance involves
12 a deep regret over a damaged relationship with Jehovah,
13 remorse over the reproach brought upon Jehovah's name, and
14 a severe longing to come back into God's favour. Documents
15 will be tendered which show that the Jehovah's Witnesses
16 consider that the degree of repentance ought to be
17 commensurate with the degree of deviation.

18
19 The Royal Commission will hear that since 1950, 563
20 alleged perpetrators of child sexual abuse were the subject
21 of a judicial committee hearing.

22
23 The judicial committee has wide-ranging sanctions
24 available to it to deal with proven wrongdoing. If the
25 wrongdoer is unrepentant, he is to disfellowshipped from
26 the congregation. To be disfellowshipped means to be
27 excommunicated from, or cast out of, the Jehovah's Witness
28 Church. Congregation members are directed not to associate
29 with disfellowshipped persons. Disfellowshipping differs
30 from disassociation, which is an action taken by an
31 individual who no longer wants to be known as a Jehovah's
32 Witness.

33
34 If the wrongdoer is judged to be genuinely repentant,
35 the sanction is to administer reproof of the wrongdoer.
36 Reproval may be public or private and is a lesser form of
37 discipline that allows the wrongdoer to remain a member of
38 the congregation. Public reproof is administered before
39 onlookers and serves to discipline the wrongdoer whilst
40 warning the congregation that wrongdoing has been
41 committed. Private reproof involves telling the accused
42 that he is reprovved before only those aware of the
43 wrongdoing. A person who is judicially reprovved is
44 disqualified from special privileges, such as serving in a
45 position of authority. Judicial restrictions are also
46 imposed on those who are reprovved. The restrictions might
47 include being counselled by the elders about appropriate

1 behaviour with children.

2

3 A public announcement is made to the congregation
4 regarding the fact, but not the grounds, of
5 disfellowshipping or reproof.

6

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

13

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

19

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

27

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

32

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

38

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

1 child sexual abuse.

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

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

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

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

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

14
15 It is anticipated that documents will be tendered
16 before the Royal Commission which will show that the
17 Australia branch office have considered that confessional
18 privilege would apply in circumstances where the
19 perpetrator confessed to a child sexual abuse. The
20 Royal Commission will hear evidence of the circumstances in
21 which confessions relating to child sexual abuse are made
22 to elders within a congregation and documents recording the
23 circumstances of such confessions then provided to the
24 branch office.

25
26 Mr O'Brien will say that the Jehovah's Witness Church
27 complies fully with legislative requirements to ensure all
28 relevant persons have the necessary clearances for working
29 with children. Mr Toole will give evidence that there are
30 approximately 7,000 elders and ministerial servants
31 currently serving in Jehovah's Witnesses congregations in
32 Australia who have obtained child-related police checks.

33
34 The Jehovah's Witness Church offers theocratic
35 guidance on the sharing of information between relevant
36 Bodies of Elders through "letters of introduction" when
37 a member moves from one congregation to another.

38
39 When a known child molester moves to another
40 congregation, elders are instructed to send a letter of
41 introduction with full and complete information about the
42 person's background and current situation to the elders of
43 the new congregation.

44
45 Where an accused does not classify as a known child
46 molester because there was an allegation of child abuse but
47 this was not scripturally proven, the branch office

1 determines what information regarding the accusation may be
2 shared with the new congregation.
3

4 Where a disfellowshipped person moves to a new
5 congregation before applying for reinstatement, the new
6 elders are directed to seek relevant information from the
7 old congregation to determine genuine repentance for the
8 purposes of any reinstatement application.
9

10 The Royal Commission will hear evidence that elders
11 and ministerial servants hold positions of trust within the
12 congregation. The Jehovah's Witness Church offers
13 theocratic guidance on the qualification of a known child
14 molester for such positions of responsibility.
15

16 Mr Spinks will give evidence that an Elder or
17 ministerial servant is immediately removed if he is found
18 to have engaged in child sexual abuse. Documents will be
19 tendered at the hearing which show that elders are
20 instructed to allow considerable time to pass before
21 extending privileges of service to a former child abuser.
22

23 Since 1950, 28 alleged perpetrators of child sexual
24 abuse were appointed to positions of authority after having
25 been the subject of allegations of child sexual abuse.
26 Further, of 127 alleged perpetrators of child sexual abuse
27 deleted as elders or ministerial servants as a result of
28 allegations of child sexual abuse, 16 were later
29 reappointed.
30

31 In September 2014, the Jehovah's Witness Church
32 revised its screening process for appointments to elder or
33 ministerial positions. The current procedure requires the
34 nominee to pass the service department's check for anything
35 that may disqualify the individual from appointment and to
36 answer certain questions regarding whether he has ever been
37 involved with child sexual molestation.
38

39 Mr Toole will give evidence regarding the document
40 retention policies of the Jehovah's Witness Church in
41 relation to records of child sexual abuse. The current
42 policy provides that records concerning an individual
43 accused of child molestation are to be indefinitely
44 retained in the congregational confidential file. The
45 Royal Commission will hear evidence that this has been
46 a long-standing practice of the Jehovah's Witness Church.
47

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

5
6 The Royal Commission will hear evidence from two
7 women, each of whom was sexually abused as a child in the
8 Jehovah's Witness Church. Their cases are considered to be
9 the most appropriate for the purposes of this case study.
10 They are expected to testify about their experiences of:
11 growing up as a Jehovah's Witness; being sexually abused by
12 Jehovah's Witnesses who were in positions of authority;
13 being discouraged from associating with non-Jehovah's
14 Witnesses; the distress they experienced throughout the
15 judicial committee hearing process, which involved being
16 interviewed by a panel of males without any support; the
17 blame that each accused sought to place on them as
18 survivors; the absence of an explained purpose to the
19 meetings and interviews to which they were subjected; and
20 being discouraged from approaching authorities.

21
22 The Royal Commission will hear from both survivors
23 that the impact of the child sexual abuse and the response
24 of the Jehovah's Witness Church is ongoing.

25
26 I will summarise first the case of [BCB] and then the
27 case of [BCG].

28
29 A person given the pseudonym [BCB] began associating
30 with the Jehovah's Witness Church when she was 10 years old
31 and was formally baptised as a Jehovah's Witness at age 18.
32 Between 1980 and 1986, [BCB] regularly stayed overnight at
33 the house of the Neill family, of whom the father was
34 Bill Neill, one of two elders in the Narrogin congregation
35 in Western Australia. [BCB]'s evidence will be that she
36 attended weekly Bible studies led by Bill Neill at the
37 Narrogin Kingdom Hall and his house.

38
39 From 15 years of age, [BCB] was groomed and sexually
40 abused by Mr Neill. [BCB]'s evidence will be that
41 Bill Neill remained a respected elder within the
42 congregation whilst he continued to abuse [BCB].
43 Notwithstanding this abuse, it will be [BCB]'s evidence
44 that she continued to respect Mr Neill and felt unable to
45 disclose the abuse because of his position.

46
47 It will be [BCB]'s evidence that in about 1991 she

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

14
15 Max Horley organised a second meeting, which was
16 attended by [BCB], [BCB]'s husband, Bill Neill and
17 Doug Jackson, who was the circuit overseer for the Narrogin
18 congregation. During this meeting, Bill Neill lacked
19 remorse and sought to blame [BCB] for wearing revealing
20 clothing. It will be [BCB]'s evidence that at both
21 meetings she felt unsafe and uncomfortable disclosing the
22 full extent of Bill Neill's abuse. Further, [BCB]'s
23 evidence will be that neither the purpose nor the outcome
24 of the meetings was ever explained to her by the elders.

25
26 The Royal Commission will hear evidence that following
27 the committee meeting, Max Horley discouraged [BCB] from
28 further disclosures of abuse "out of respect for the Neill
29 family". [BCB]'s evidence will be that she was left
30 feeling unsupported by the congregation and was instead
31 encouraged to respect her abuser. The Royal Commission
32 will hear that Bill Neill stepped down as an elder, but
33 that the grounds were not announced to the congregation.

34
35 Notwithstanding abuse by Bill Neill, the
36 Royal Commission will hear that [BCB] was still expected to
37 attend Bible studies held at the Neills' house and
38 continued to see Bill Neill several times a week at
39 congregational meetings. The Royal Commission will hear
40 that Bill Neill may have later been reappointed as an
41 elder.

42
43 [BCB] will give evidence that in about July 2014,
44 after she had indicated that she was considering reporting
45 her abuse to the Royal Commission, Joe Bello, an elder in
46 her congregation at the time, asked if [BCB] "really wants
47 to drag Jehovah's name through the mud". The Commission

1 will hear evidence that [BCB] felt brainwashed into
2 believing that speaking with worldly people would bring
3 reproach upon Jehovah's name. [BCB]'s evidence will be
4 that, by reporting her story, she is riddled with guilt for
5 betraying the Jehovah's Witness Church.
6

7 The Royal Commission will hear from three elders
8 regarding their role in handling [BCB]'s allegation of
9 abuse against Bill Neill.
10

11 Max Horley served as an elder in the Narrogin
12 congregation from 1988. He will give evidence regarding
13 his involvement in handling [BCB]'s allegations of child
14 sexual abuse by Bill Neill, made in about 1991.
15 Mr Horley's evidence will be that, in circumstances where
16 Bill Neill denied any intentional conduct, the rule
17 requiring two or more witnesses meant that [BCB]'s
18 allegations could not be proven according to the
19 scriptures. Ultimately, Bill Neill's removal as an elder
20 was recommended by Mr Horley and Mr Jackson because [BCB]'s
21 allegations had cast a cloud over Bill Neill's
22 qualifications. Following Bill Neill's removal, he
23 continued to attend meetings and was not placed on any
24 specific restrictions. Documents will be tendered which
25 show that the elders considered the spirituality and the
26 seductiveness of the complainant in determining the
27 complaint.
28

29 Doug Jackson served as a circuit overseer in Western
30 Australia between 1990 and 1998. The Royal Commission will
31 hear evidence regarding Mr Jackson's involvement in the
32 judicial committee hearing into the allegations against
33 Bill Neill during his visit to the Narrogin congregation in
34 early 1992. Mr Jackson will give evidence regarding his
35 recommendation that Bill Neill no longer met the scriptural
36 qualifications for serving as an elder.
37

38 Notwithstanding Bill Neill's admission to improper
39 conduct, a document will be tendered which shows that in
40 the same letter that recommends his removal as an elder,
41 Mr Jackson recommends that Bill Neill be reappointed "once
42 this has died down and it appears that Brother Neill again
43 has the freedom of speech."
44

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

1 [BCB] during visits to her family in 2012 following [BCB]'s
2 disclosure of Bill Neill's abuse. Mr Bello will give
3 evidence that he did not intend to discourage [BCB] from
4 approaching the Royal Commission.
5

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

17 As head of the household, [BCH] dictated and enforced
18 compliance with household rules. [BCG] was not permitted
19 to associate with anybody outside the Jehovah's Witness
20 community and was taught from a young age that "worldly"
21 people could not be trusted. [BCG] was not permitted by
22 her parents to attend school after year 10, because
23 choosing higher education over Jehovah was frowned upon by
24 the Jehovah's Witness Church.
25

26 When she was 17, [BCG] was sexually abused by her
27 father on a number of occasions over a two-week period
28 whilst her mother and siblings were away. [BCG] tried to
29 report her father's abuse to two elders within the Mareeba
30 congregation, both of whom were friends of her father.
31 [BCG] will give evidence that both elders refused to speak
32 with [BCG] without her father being present. It was not
33 until [BCG] found the courage to tell a male friend, who
34 approached [BCG]'s father and the elders, that the matter
35 was investigated by the elders.
36

37 [BCG] was interviewed by three elders, all friends of
38 her father, on a number of occasions. On each occasion,
39 [BCG] was alone, without any support, and on one occasion,
40 her father was also present. [BCG]'s evidence will be that
41 instead of being protected and supported as a victim, the
42 elders primarily sat in judgment of her credibility as
43 a witness and made her feel to blame.
44

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

1 her for seducing him.

2
3 The Royal Commission will hear that when [BCG]
4 disclosed the abuse to her mother, her mother advised that
5 her father had previously abused [BCG]'s older sister. At
6 around the same time, [BCG]'s two younger sisters confirmed
7 that they were also victims of their father's abuse. The
8 Royal Commission will hear that although the elders were
9 advised of the additional victims, they did not take them
10 into consideration in their investigation.

11
12 [BCG]'s father was ultimately disfellowshipped, not
13 for his sexual abuse of [BCG], but for unrelated, as it is
14 put, "loose conduct" and "lying". [BCG] will give evidence
15 that the elders would not consider the evidence of her
16 sisters' abuse because they were not witnesses to the same
17 event. [BCG] was devastated that her father's sexual abuse
18 did not appear to qualify as wrongdoing in the eyes of the
19 Jehovah's Witness Church.

20
21 [BCG]'s father immediately appealed his
22 disfellowshipping. [BCG] was brought before an appeal
23 committee alone to be interviewed again about the abuse.
24 It was at this time that her father admitted the abuse and
25 his disfellowshipping was upheld with grounds of "porneia"
26 added.

27
28 The Royal Commission will hear that [BCG]'s father was
29 reinstated after only a few years. [BCG] will testify that
30 she was concerned for the safety of the congregation but
31 was discouraged from reporting to the police and was
32 herself threatened with disfellowshipping.

33
34 In December 1995, [BCG] wrote to Watchtower Australia
35 regarding her father's premature reinstatement. Watchtower
36 Australia responded in February 1996 by counselling faith
37 in Jehovah and advising that it would make inquiries into
38 the matters raised.

39
40 The Royal Commission will hear that when [BCG]
41 eventually left the Jehovah's Witness Church, she was
42 completely ostracised by members of her local congregation.
43 [BCG] then reported her father's abuse to the police.

44
45 [BCG]'s father, [BCH], was ultimately convicted in
46 2004 for unlawful and indecent assault and attempted rape
47 of [BCG] and sentenced to three years imprisonment.

1 [BCG]'s evidence will be that her experience of three
2 criminal trials was easy compared to her experience of
3 sitting through the judicial and appeal committee meetings.
4

5 The Royal Commission will hear evidence from the three
6 elders of the Mareeba congregation - Dino Ali,
7 Ronald de Rooy and Kevin Bowditch - regarding their role in
8 handling [BCG]'s allegations of abuse by her father that
9 she reported in about May 1989.
10

11 Dino Ali and Ronald de Rooy will give evidence that,
12 in circumstances where [BCH] denied the allegations, the
13 judicial committee was bound by the rule requiring two or
14 more witnesses and did not have sufficient proof of the
15 child sexual abuse to take judicial action. It was for
16 this reason, the Royal Commission will hear, that [BCH] was
17 ultimately disfellowshipped, not for child sexual abuse,
18 but for "loose conduct" and for lying to the elders about
19 his conduct.
20

21 Ronald de Rooy and Kevin Bowditch will give evidence
22 that it was not until [BCH] confessed to the sexual abuse
23 of [BCG] during the appeal committee hearing in 1989 that
24 the grounds for [BCH]'s disfellowshipping were extended to
25 include his sexual abuse of [BCG].
26

27 In 1990, [BCH] applied to the Beenleigh East
28 congregation for reinstatement. The Royal Commission will
29 hear evidence from Rodney Spinks and Monty Baker, both
30 elders in the Beenleigh East congregation at that time,
31 regarding their involvement on the judicial committee
32 appointed to consider [BCH]'s reinstatement application.
33

34 Rodney Spinks will give evidence that [BCH]'s
35 reinstatement application was rejected because he did not
36 display "genuine repentance". Mr Baker will give evidence
37 regarding the process of liaising with the Mareeba
38 congregation, which was responsible for the decision to
39 disfellowship [BCH], to obtain relevant information to
40 assess [BCH]'s reinstatement application.
41

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

1 only became aware of [BCH]'s abuse allegations when
2 criminal proceedings were brought against him between about
3 2001 and 2004. The Mareeba congregation recommended
4 certain restrictions be placed on [BCH] due to the gravity
5 of the wrongs committed, but did not recommend any
6 restrictions regarding [BCH]'s exposure to children.

7
8 Mr Toole will give evidence that in January 2003 he
9 provided a memorandum to the service desk, which observed
10 that the primary issue before the Loganholme judicial
11 committee in 2003 was [BCH]'s lying as opposed to his
12 sexual abuse of [BCG].

13
14 In about 2001, criminal proceedings commenced against
15 [BCH] for child sexual abuse and, in 2004, he was convicted
16 and sentenced to three years imprisonment. The
17 Royal Commission will hear evidence from Jason Davies,
18 a former Queensland DPP solicitor, regarding his
19 involvement in the prosecution of the criminal proceedings
20 against [BCH]. Mr Davies will give evidence of his
21 obligations of the influence of the Jehovah's Witness faith
22 on the behaviour of those involved in the criminal
23 proceedings. Mr Davies' evidence will be that "matters of
24 faith sometime [sic] take precedence over secular, moral
25 obligations and norms", and that "the religious persuasion
26 of those involved [in the criminal proceedings] was
27 integral to understanding the behaviour of the accused, the
28 victim and the witnesses, at least in their reluctance to
29 go to the police". The Royal Commission will hear that the
30 delay between the child sexual abuse and the time at which
31 allegations came to police attention is in part
32 attributable to the church's practice of dealing with
33 offending internally in accordance with its theocratic
34 rules, without referring matters to secular authorities.

35
36 The Royal Commission will hear of the repeated
37 applications for reinstatement made by [BCH] following his
38 release from prison and of the factors taken into
39 consideration by the Jehovah's Witness Church in
40 considering these applications. The Royal Commission will
41 hear evidence of the involvement of the church's service
42 desk in guiding the consideration of [BCH]'s pleas for
43 reinstatement.

44
45 Mr O'Brien will give evidence that to date he is
46 unaware of any claims for redress having been made in
47 relation to child sexual abuse concerning the Jehovah's

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

8
9 It is expected that the case study will provide the
10 Royal Commission with insights into systemic issues within
11 its terms of reference in the area of institutional
12 responses to concerns and allegations about incidents of
13 child sexual abuse. In particular, the systemic issues
14 that are expected to be considered arising from this case
15 study are the following:

16
17 1. The influence of theocratic beliefs on the way in
18 which religious institutions handle complaints and manage
19 the risk of child sexual abuse and their interaction with
20 government authorities;

21
22 2. The management of complaints of allegations of
23 child sexual abuse within an institution without reference
24 to external authorities, and the impact that that approach
25 may have on the institution's capacity to protect children;

26
27 3. The impact of an institution's internal
28 disciplinary mechanisms on criminal processes;

29
30 4. The impact of the record-keeping practices of
31 institutions on the ability of those institutions to manage
32 the risk of child sexual abuse and to respond to victims of
33 abuse;

34
35 5. The efficacy of mechanisms to prevent child sexual
36 abuse;

37
38 6. The adequacy of systems to support and
39 rehabilitate survivors of child sexual abuse.

40
41 This public hearing of the Royal Commission has been
42 listed, obviously commencing today and until Friday
43 7 August.

44
45 THE CHAIR: Yes, thank you, Mr Stewart. I think we might
46 take the short adjournment now so that the cameras can be
47 reorganised.

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MR STEWART: As your Honour please.

SHORT ADJOURNMENT

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

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

[BCB]: An oath on the Bible

<[BCB], sworn: [11.30am]

<EXAMINATION BY MR STEWART:

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

A. Yes.

Q. Are there any amendments or corrections you would like to make to that statement?

A. No.

Q. Do you confirm the statement?

MR STEWART: I tender the statement, your Honour.

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

MR STEWART: Q. I would ask you, [BCB], to read your statement, perhaps commencing at the third paragraph.

A. "My full name is [BCB]. I was born on [REDACTED] 1967 and I am 47 years old. I am married to [BCC] and we have two daughters. My husband owns a business and I work for him keeping the books. I was formally baptised as a Jehovah's Witness when I was 18 years old.

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

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

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

5
6 My dad and I were quite close up until I was about
7 10 years old."

8
9 THE CHAIR: [BCB], would you like Mr Stewart to read your
10 statement for you?

11
12 THE WITNESS: No, thank you, I should be all right.

13
14 THE CHAIR: If you need to pause, or if you want
15 Mr Stewart or your husband to help, let me know.

16
17 THE WITNESS: Okay. I just need a minute. Can I just
18 have a minute?

19
20 THE CHAIR: Would you like us to adjourn for a minute?

21
22 THE WITNESS: Just a minute, thank you.

23
24 THE CHAIR: We will adjourn very briefly. You let us know
25 when you are ready. But if you want your husband to read
26 or Mr Stewart to read, that is quite appropriate. We will
27 take a brief pause and come back when you are ready.

28
29 **SHORT ADJOURNMENT.**

30
31 THE CHAIR: Q. Are you all right to go?

32 A. Yes. "My dad and I were quite close up until I was
33 about 10 years old. However, when I started attending
34 Jehovah's Witness meetings with my mum, we drifted apart
35 emotionally. My dad wasn't a Jehovah's Witness and never
36 attended Jehovah's Witness meetings with us. He never
37 stopped my mum, my brother or me from attending Jehovah's
38 Witness meetings.

39
40 In or around 1979, my mum and dad decided that
41 I should go to high school in Narrogin. Narrogin was about
42 an hour's drive from where we lived. Because I was at
43 school in Narrogin, my mum decided to join the Narrogin
44 congregation of Jehovah's Witnesses. My mum, brother and
45 I attended meetings there every Wednesday, Friday and
46 Sunday.

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

10
11 The Wednesday meeting was referred to as the
12 Theocratic Ministry School and children were allowed to
13 give talks about the Jehovah's Witness beliefs at this
14 meeting. I remember that I sometimes gave talks at these
15 meetings.

16
17 The Friday meeting was referred to as book study and
18 usually took place at someone's house. At this meeting,
19 a small group of families would come together to discuss
20 biblical scripture.

21
22 I first met Bill and Bronwyn Neill and their children
23 at a large Jehovah's Witness party in or around 1979 when
24 I was about 12 years old. Bill and Bronwyn had a daughter
25 named [BCE] who was two years younger than me. [BCE] and
26 I became very good friends.

27
28 In or around 1980, Bill Neill was one of two elders at
29 the Narrogin congregation. At the time I understood that
30 Bill's position as an elder gave him authority in the
31 Jehovah's Witness community. He used to give talks at the
32 weekly congregation meetings from the platform in the
33 Kingdom Hall. The other elder in the Narrogin congregation
34 at the time was Jack Shaylor.

35
36 I looked up to Bill because he was an elder.
37 Everybody in the congregation respected and trusted Bill,
38 including my mum.

39
40 Between about 1980 and 1986 I spent a lot of time with
41 [BCE] at the Neill family house. I used to stay at [BCE]'s
42 house at least once a week. Often, I would attend the
43 Friday night book study meeting led by Bill at the Neills'
44 house and then stay over at the Neills' house until the
45 Sunday meeting at the Kingdom Hall. [BCE]'s mum, Bronwyn,
46 treated me like a daughter and I felt really close to her.
47 I used to call Bill "Uncle Bill".

1
2 I recall that the Neill family talked a lot about
3 church issues in the house. They used to discuss their
4 belief in Jehovah. Bill in particular used to explain that
5 all ideas and ways of behaving should be figured out
6 according to what the Bible says. I remember that Bill
7 would discourage [BCE] and me from forming friendships with
8 other children who were not Jehovah's Witnesses at school.
9

10 The Neill family always seemed to me to be an
11 affectionate family, which I really liked. For example,
12 everyone always kissed each other on the lips when they
13 said good night or goodbye to one another.
14

15 I remember that Bill and Bronwyn were very open with
16 their kids about sex. Bill would often make sexual jokes
17 in front of me. My mum never talked about anything to do
18 with sex. I had grown up understanding that it was not
19 something that you were supposed to talk about.
20

21 In or around 1982, when I was about 14 years old,
22 I was staying over at [BCE]'s house, as I did almost every
23 week. I was having a shower and [BCE], who I often shared
24 the bathroom with, said "What's that on your tummy?"
25 I looked down and noticed I had a rash on my stomach.
26 Despite me not wanting her to, [BCE] went and got her mum.
27 I only had my knickers and a singlet on. Bronwyn said she
28 wanted to show Bill. I said, 'I don't want him to see me'.
29 I never let my dad see me in my knickers, so I was really
30 embarrassed. Bill came and looked at my stomach and I
31 remember feeling really uncomfortable about him seeing me
32 like that.
33

34 Later in 1982, I was again staying over at [BCE]'s
35 house. On this night, as I was saying good night to Bill
36 in the hallway of their house, he kissed me good night on
37 the lips. Initially, this did not seem unusual to me, but
38 he then stuck his tongue into my mouth. I pulled away and
39 looked at him in shock. He looked at me and gave me
40 a queer smirk-type smile. I found myself half smiling
41 back. I was so surprised by what he had done that I just
42 froze. I didn't know what else to do.
43

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

1
2 Apart from putting his tongue in my mouth when
3 I stayed over at [BCE]'s house, Bill's behaviour towards me
4 did not seem to change. He continued to behave the same
5 way around his family. He continued to leave the Jehovah's
6 Witness meetings and to be respected by the rest of the
7 congregation. Since nothing was said about what he was
8 doing to me, I felt like I had to act like nothing was
9 happening.

10
11 I really didn't know what to do. I was scared and
12 ashamed. I felt that I was somehow responsible for what
13 Bill was doing to me. I felt like I couldn't say anything
14 about it, because I was worried that I would get into
15 trouble and that Bill would belt me like he belted his kids
16 when they were naughty.

17
18 I respected Bill because he was an elder. He was also
19 [BCE]'s dad and head of the Neill household. But I had
20 also come to fear him. Because of his position as an
21 elder, I felt that I couldn't tell anyone about what he was
22 doing to me. I felt that if I told someone, it would upset
23 Bronwyn and [BCE] as well as the members of the
24 congregation.

25
26 Every time I thought about bringing what was happening
27 to me out in the open, the consequences were too scary, so
28 I stopped thinking about it. I felt like no-one would
29 believe me.

30
31 A few months later, after Bill had once again
32 tongue-kissed me good night at his house, [BCE] said to me,
33 'Did my dad just kiss you for a long time?' I assumed that
34 [BCE] must have seen Bill kiss me. I was scared of getting
35 into trouble and so I said to her, 'Don't worry, it's
36 okay.' I thought at the time that by not telling [BCE] what
37 was happening, I was protecting her. I thought that if she
38 found out, it might cause her family to break up. I now
39 wish I had told her.

40
41 On one occasion in or around 1983, Bill and I were out
42 doing door-to-door preaching together. I remember that at
43 some point, we were alone in Bill's Kombi van. Bill said
44 to me, 'What shall we do about our little problem?' I said
45 to him, 'I don't know.' Bill then asked me, 'Do you want me
46 to talk to Brother Shaylor about it? You know if I do
47 that, though, your mum and dad will find out.' I replied

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

3
4 I was surprised that Bill suggested speaking to
5 Brother Shaylor. At the time, I already felt guilty about
6 what Bill was doing to me, but when Bill suggested speaking
7 to Brother Shaylor, it removed any doubt in my mind that
8 what was happening between Bill and me was my fault.

9
10 At the end of 1983, having completed year 10, I left
11 high school. The following year, I studied a business
12 course and in around April 1984 I got a job. [REDACTED].
13 I continued to stay at the Neill house regularly from
14 around this time until the end of 1986.

15
16 One night, in or around 1984 when I was about 17,
17 I stayed overnight at the Neill family house. While I was
18 showering in the bathroom with the door locked, I heard
19 a noise. I looked up and saw Bill peering on me over the
20 top of the shower curtain. I guess he must have been
21 standing on the basin to be able to see. I don't know how,
22 but I assume that Bill had unlocked the bathroom door from
23 the outside. I screamed 'Get out' at Bill and he left the
24 room. Bill and I never spoke of the shower incident.

25
26 On another night also in 1984, and not long after the
27 shower incident, I remember that Bill came into [BCE]'s
28 room where she and I were making lots of noise and threw me
29 over the bed. He started belting me across my buttocks
30 with his belt. It really stung me and afterwards I had
31 a dark red welt across my backside. Apart from the
32 physical pain, I remember feeling humiliated, angry and
33 shocked by what Bill had done.

34
35 On 26 October 1985, I was formally baptised as
36 a Jehovah's Witness in a ceremony that involved being
37 submerged in a pool of water. At the baptism, many of the
38 other girls wore modest swimming costumes with T-shirts
39 over the top. I remember that Bill refused to let [BCE] or
40 I wear T-shirts over the top of our swimming costumes.

41
42 In or around 1985, when I was around 18, I noticed
43 Bill's behaviour towards me became more sexual. He used to
44 say things to me in front of his wife Bronwyn and in front
45 of [BCE] like, 'You're a nymphomaniac', and, 'If you
46 weren't in the Truth, you'd be a prostitute.' What he said
47 didn't make sense to me, because I was a virgin.

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

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

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

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

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

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

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

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

5
6 Bill then told me, 'Sit on the floor and open your
7 legs.' I didn't want to do what he was asking but his
8 manner was very threatening. I felt humiliated and
9 scared." Angus, would you be able to read the next?

10
11 MR STEWART:

12
13 *I felt humiliated and scared. Bill then*
14 *started fondling me and put his finger in*
15 *my vagina. He then told me to stand up and*
16 *he proceeded to perform oral sex on me.*
17 *I felt disgusted and uncomfortable. I knew*
18 *that sex was something that people were*
19 *meant to enjoy and I remember thinking that*
20 *there must be something wrong with me*
21 *because I didn't like what was happening.*

22
23 *The next day I was lying in bed in my room*
24 *feeling sick when Bill came into the room.*
25 *He said to me, "Did you like it?".*
26 *I assumed he was referring to the bathroom*
27 *incident. Pointing at his crotch he said*
28 *to me, "It's better with this in." I asked*
29 *him to leave and he did. Once he had left*
30 *the room, I got up, packed my bags, and*
31 *went home to my parents' farm without*
32 *saying goodbye to [BCE].*

33
34 *In or around early 1987, I remember telling*
35 *[BCE] that I had been seeing a couple of*
36 *boys. Not long after I told her that,*
37 *[BCE] told me that Bill wanted to talk to*
38 *me about my relationship with boys. She*
39 *told me to meet Bill at the Neill family*
40 *house. Even though the meeting was at his*
41 *house, I understood that I was being asked*
42 *to see Bill in his capacity as an elder and*
43 *that I had to do as I was told. I would*
44 *never have chosen to speak to Bill about my*
45 *relationships with boys otherwise.*

46
47 *When I got to his house, Bill asked me to*

1 wait in [BCE]'s room. He came into the
2 room and asked me: "Can you show me your
3 boobs?" Although I had come to expect this
4 behaviour from Bill, I remember feeling
5 shocked that he was asking me this. I
6 remember that I let him look down my top.
7 I don't know why I did what he asked.
8 Looking back, I feel as though he could
9 control me. Bill then said to me something
10 like: "Can you make yourself orgasm?"
11 I said "Yes" and he replied to me,
12 "I thought so, you dirty bitch."
13

14 Bill was an elder for as long as I knew
15 him. I wasn't able to see at the time, but
16 everything he did to me was in complete
17 disregard of all the Jehovah's Witness
18 rules, some of which he preached, about sex
19 and association between Brothers and
20 Sisters.
21

22 In 1989, I told my now husband, [BCC], that
23 Bill used to kiss me. I dreaded telling
24 him and I couldn't bring myself to tell him
25 any more detail about what happened than
26 this. When I told him, he started asking
27 me questions about what exactly had
28 happened, and I said to him, "Don't worry,
29 it's all over now." I didn't want to say
30 anything more because I was scared that
31 [BCC] would tell someone.
32

33 Later, in or around 1991, a Jehovah's
34 Witness acquaintance of mine, [BCF], told
35 me that she had been abused by her uncle
36 and that she had tried to commit suicide.
37 I told her what happened to me but I didn't
38 mention any names. Somehow she guessed
39 that I was talking about Bill. I freaked
40 out and asked her not to tell anyone.
41

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

1
2 I told Max about most of what Bill had done but
3 I couldn't mention the final bathroom incident when Bill
4 had had oral sex with me. I was so ashamed. Max was very
5 kind and supportive. He told me that what had happened was
6 not my fault and that I shouldn't blame myself.

7
8 Soon after, Max arranged a meeting with Bill, [BCC]
9 and me at my house. I don't remember anyone explaining the
10 purpose of the meeting to me. At that meeting, Max said to
11 me, 'I believe Bill asked you if you wanted to see his
12 penis, and you said no.' I assumed that he was referring to
13 the incident in the bedroom the morning after Bill had oral
14 sex with me in the bathroom, even though I had not told him
15 about this incident myself. Bill looked at me and said,
16 'Don't you think I was joking?' And I said, 'I don't know.'
17 I didn't understand why someone would joke about that sort
18 of thing. Nobody at the meeting said anything about Bill's
19 comment. I still don't understand why no-one at the
20 meeting told Bill that you shouldn't joke about those sorts
21 of things.

22
23 I did not talk about the incident in the bathroom at
24 the first meeting. I didn't feel comfortable talking while
25 Bill was in the room.

26
27 After that first meeting, I felt like there was a lot
28 of stuff I had been unable to say in front of Bill.
29 I decided to go to Max's house after the meeting to clarify
30 things. As a result of our conversation at his house, Max
31 organised a second meeting at my house.

32
33 The second meeting was attended by Max Horley,
34 Doug Jackson, Bill, my husband [BCC], and me. Doug Jackson
35 was the circuit overseer for the Narrogin congregation.
36 Max told me this meeting was a "Committee meeting". I was
37 not aware at the time what the purpose of the meeting was
38 or why Doug Jackson was attending.

39
40 During the committee meeting, Bill was defensive. He
41 said that I used to wear revealing clothing. I remember
42 that Doug Jackson made it quite clear to both of us that
43 the church has never allowed the victim's clothing as an
44 excuse.

45
46 Throughout the meeting, Bill looked at me defiantly.
47 I felt like he was challenging me to tell the full story of

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

6
7 I remember that at one point in the meeting, Max said
8 to me, 'Is there anything else you wish to tell us?' I
9 remember looking across the room at Bill and saying 'No'.
10 It was already very hard to talk about sex in a room full
11 of men. It was especially hard to talk about what Bill had
12 done to me while he was sitting there in front of me.
13 I didn't feel like it was a safe environment and I was
14 scared of what the consequences would be if I told the
15 whole truth. Perhaps if a Sister who I was comfortable
16 with had been there too, it might have been easier.

17
18 At the end of the meeting, the elders asked Bill to
19 say something to me, so he said, 'I'm sorry.' I took that
20 to mean that he was sorry for everything that had happened,
21 although his demeanour was not in any way remorseful and
22 I could tell that he wasn't sorry.

23
24 Nobody explained to me what the outcome of the meeting
25 was or if anything would happen to Bill as a result of what
26 I had reported.

27
28 After the meeting, Doug Jackson gave me a magazine
29 article that had been published by The Watchtower a few
30 years before. He encouraged me to read through it. The
31 article was about child sexual abuse. At the time, I don't
32 think I had thought of what had happened to me as child
33 sexual abuse, because Bill hadn't had sex with me. But
34 reading that article made me realise that what happened to
35 me was child sexual abuse.

36
37 I don't remember discussing contacting the police with
38 anybody at that time either before or after the committee
39 meeting.

40
41 Not long after the committee meeting, Bronwyn Neill
42 rang me and asked me about my conversation with [BCF].
43 I said to Bronwyn, '[BCF] told me that she had been abused
44 by her uncle and I told [BCF] what had happened to me.'
45 Bronwyn said to me, 'Bill didn't abuse you.' I got scared,
46 so I said to Bronwyn, 'I didn't actually say that.' What
47 I told Bronwyn was true. I had never actually used the

1 word 'abuse' when I spoke to [BCF] or during my discussions
2 with elders as I hadn't understood at the time that I had
3 been abused.
4

5 As soon as I got off the phone to Bronwyn, I rang
6 Max Horley to tell him about what Bronwyn had said to me.
7 He told me that he would sort it out. Later that day, Max
8 rang me back and said to me, '[BCB], the Neills have asked
9 that you not tell any more people about Bill out of respect
10 for the family.' I respected Max and did as I was told.
11 I didn't tell anyone else about what had happened to me,
12 not even my best friend at the time. Thinking back, I now
13 see that I was being asked to respect the man who had done
14 those things to me, but nobody was offering me any respect
15 or proper support.
16

17 A few weeks after the committee meeting, the elders
18 announced to the congregation that Bill had stepped down as
19 an elder. I was sitting in the congregation at the time.
20 The elders did not announce to the congregation why Bill
21 was standing down. Although I understood the reasons for
22 privacy, I have since felt that people in the congregation
23 should have been warned about someone like Bill.
24

25 After the committee meeting, I don't recall being
26 offered any support by Doug Jackson or Max Horley, though
27 it's possible that they may have said something to me.
28 Overall, however, I remember that I didn't feel supported.
29 No-one in the congregation talked to me about what had
30 happened to me, and Bill's wife, Bronwyn, ignored me for
31 some time. This was especially hard because I loved
32 Bronwyn like a mother.
33

34 Even though I had reported what Bill had done, I was
35 still expected to attend book study meetings that were
36 being held at the Neills' house. I continued to see Bill
37 several times a week at congregational meetings and at
38 annual district conventions. Everything just seemed to
39 carry on as normal, but I felt physically sick every time
40 I saw Bill.
41

42 I continued to attend the Narrogin congregation for
43 three more years and continued to see Bill at meetings
44 during this period. In 1994, I moved out of the area and
45 started attending a different Jehovah's Witness
46 congregation.
47

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

3
4 I still consider myself to be a Jehovah's Witness and,
5 until very recently, attended meetings at the [REDACTED]
6 congregation in Western Australia.

7
8 In or around December 2012, I provided a written
9 statement to two elders in the [REDACTED] congregation.
10 Their names are Joe Bello and David Wood. The statement
11 summarised Bill's sexual abuse of me. I provided Joe and
12 David with my statement as I thought that others might have
13 also been abused by Bill and that my statement might be
14 able to help support their cases.

15
16 In or around July 2014, Joe Bello came to visit [BCC]
17 and me at my house on an unrelated matter. During this
18 visit, I raised the subject of Bill's sexual abuse of me
19 and told Joe that I was considering reporting my story to
20 the Royal Commission.

21
22 Around the same time, Joe Bello rang and had
23 a conversation with [BCC] on the phone. During the
24 conversation, Joe said to [BCC], 'You should ask [BCB] if
25 she really wants to drag Jehovah's name through the mud.'
26 When [BCC] told me what Joe had said, I felt upset. It was
27 not me that gave Jehovah a bad name; it was Bill.

28
29 For some time after the visit from Joe Bello I was
30 quite upset. My mother encouraged me to write down my
31 feelings, so I wrote a note recording my feelings at the
32 time about Bill's sexual abuse of me, the response of the
33 elders at Narrogin congregation, the response of the elders
34 at the [REDACTED] congregation, and my reasons for
35 reporting my story to the Royal Commission. Some time
36 after, my mother handed this note to David Wood, one of the
37 elders in the [REDACTED] congregation. The handwritten
38 note is at WAT.0001.002.0497.

39
40 In around September 2014, I contacted the
41 Royal Commission and reported my story. I have huge
42 feelings of guilt about coming forward with my story.
43 I feel as though I am betraying the Jehovah's Witnesses and
44 bringing reproach on to them. When I speak to officers at
45 the Royal Commission, my chest gets tight, I have heart
46 palpitations, and I have difficulty breathing because of my
47 anxiety about the betrayal.

1
2 Since reporting my story to the Royal Commission,
3 I have stopped attending meetings at [REDACTED]
4 congregation. I am sad about this, because it means that
5 I no longer see a lot of my friends from the congregation.
6 Telling my story to the Royal Commission has brought up
7 a lot of feelings of anger in relation to what Bill did to
8 me and the way I have been treated by the Jehovah's
9 Witnesses.

10
11 I've spent too many years suffering over this whole
12 situation. It has held me back from living a normal life
13 and I really want to move on.

14
15 The abuse definitely changed who I was. It destroyed
16 my confidence and my self-esteem. Even though the sexual
17 abuse stopped when I was 19, I have continued to feel like
18 Bill's victim well into my adult life.

19
20 I continued to keep Bill's sexual abuse of me a secret
21 for a long time. Over the years of our marriage I have
22 told [BCC] more detail of what happened with Bill. It
23 wasn't until just before my nervous breakdown" - about 12
24 years ago - "that I finally confided fully in some of my
25 friends. Once I started talking about what happened, it
26 was like opening a can of worms and I became very ill.
27 I was lucky to get help from a wonderful psychiatrist.

28
29 I've had a lot of therapy to address what Bill did to
30 me, but I still have trouble feeling a sense of closure
31 about what happened. I still feel that Bill was never made
32 to face any consequences for what he did to me.

33
34 I feel like Bill's position as an elder contributed to
35 his power over me. I now think that I was brainwashed into
36 thinking that speaking to people outside the church or to
37 the 'worldly' people would bring reproach upon Jehovah's
38 name. I think that had I been allowed to speak to other
39 non-Jehovah's Witness children at school, maybe someone
40 might have reported what happened to me and I wouldn't have
41 become the victim that I feel I am now.

42
43 As Bill is now dead, I don't have to worry about
44 seeing him at Jehovah's Witness conventions any more.
45 I still struggle with my thoughts and feelings about the
46 abuse, but I have an amazing group of 'spiritual' sisters
47 and friends, as well as my lovely husband, [BCC], and my

1 two beautiful daughters.

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1
2 Q. -- in the congregation?
3 A. Yes.
4
5 Q. Did you ask not to have to continue attending meetings
6 at the Neills' home?
7 A. I didn't - did I ask? I did ask to change book study
8 groups, that's right. I asked to go to the one at the
9 hall.
10
11 Q. Was that so that you did not have to attend at the
12 Neills' home?
13 A. Yes, I didn't want to, because Bronwyn wasn't talking
14 to me, and I didn't want to see Bill in their house.
15
16 Q. And who did you ask that of?
17 A. I don't remember, but maybe I spoke to my mum, maybe
18 I asked Max. [BCC] said maybe I spoke to Max. I don't
19 remember.
20
21 Q. All right. That's fine. You don't remember. Do you
22 remember what response you got?
23 A. I was just told that I had to go there.
24
25 Q. If we scroll up to paragraph 17 on the statement, you
26 say in the last sentence that you remember being
27 discouraged from forming friendships with other children
28 who were not Jehovah's Witnesses. This is when you were
29 still at school?
30 A. Yes.
31
32 Q. Did you have an understanding of why you were
33 discouraged from forming such friendships or what was said
34 to be the teaching behind that?
35 A. There were a couple of scriptures. One was "bad
36 association spoils useful habits", and the other one was
37 that Jesus said that we are no part of this world, so -
38 I had friends at school, they were nice girls. But we were
39 just friends at school, not outside of school.
40
41 Q. And in what you were taught as a young girl growing up
42 in the Jehovah's Witness Church, were you taught anything
43 about the police or how to view or understand the police
44 and their role?
45 A. No, I don't remember anything specifically being said
46 about the police.
47

1 Q. You say in paragraph 30, at the end of 1983, having
2 completed year 10, you left high school. Why did you leave
3 high school at that time?

4 A. I - the Neills didn't encourage further education, and
5 they encouraged us to either get married and have children
6 or to pioneer, which is preach full time, and so I didn't
7 really consider doing TAE, as it was in those days - didn't
8 consider going to university; didn't - it wasn't
9 a consideration for me. And so I was going to leave after
10 year 10, but my dad said, "You don't have any
11 qualifications to get a job," so he encouraged me to do
12 a year 11 vocational business course, which was actually
13 part of the school. And I'm glad he did that, because then
14 I was able to get a good job.

15
16 Q. And your father was not part of the Jehovah's Witness
17 Church; is that right?

18 A. No.

19
20 Q. And your experience of what the Neills told you - and
21 presumably their daughters - about leaving school, was that
22 something you experienced in other families in the
23 Jehovah's Witness Church?

24 A. It just wasn't - university wasn't really talked about
25 as an option. Most people just left after year 10 and got
26 a job.

27
28 Q. If we could look at your paragraph 73, you say that
29 after you contacted the Royal Commission and reported your
30 story, you had huge feelings of guilt about coming forward
31 with the story, and you felt as though you were betraying
32 the Jehovah's Witnesses in doing so. Are you able to
33 identify what is the source of that guilt? Why do you feel
34 that it is a betrayal?

35 A. Because it's - it's an ugly story and it doesn't
36 portray them in a very good light, like the people who
37 dealt with my - the brothers who dealt with my situation,
38 and I feel like I'm - I do feel like I'm dragging Jehovah's
39 name through the mud.

40
41 Q. You have given in your statement some details of the
42 impact that the abuse has had on your health. Is there
43 anything you would like to add in relation to that or
44 anything you would like the brothers to know about the
45 effect of child sexual abuse?

46 A. Yes, I've been - when I had my breakdown - I was not
47 well before that, I was going downhill for a long time

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

35
36 MR STEWART: Thank you. I've no further questions,
37 your Honour.

38
39 THE CHAIR: Does anyone else have any questions?

40
41 MR COYNE: No, your Honour.

42
43 MS GALLAGHER: I do, your Honour, if the Commission
44 pleases.

45
46
47

1 <EXAMINATION BY MS GALLAGHER:
2

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

8 A. Yes.
9

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

12 A. Yes.
13

14 Q. Did you give her any details - not about the
15 perpetrator, but about what had happened to you?

16 A. A little bit. Like I know I said in my statement that
17 I told her what happened to me, but I didn't tell her
18 everything that happened to me. I just said - I said,
19 "Something similar happened to me."
20

21 Q. Did she give you the specifics of her abuse?

22 A. Not really - oh, it was a long time ago. I can't
23 really remember exactly.
24

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

26 A. Yes.
27

28 Q. -- did you tell her any more about what had happened
29 to you?

30 A. Yes, I - well, I told her about how my friend's father
31 had - used to stick his tongue in my mouth when he kissed
32 me and that he came into the bathroom and perved at me.
33 I think that might have been all that I spoke to her about.
34 Oh, I did tell her about him coming into my room and
35 wanting to show me his penis.
36

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

41 A. Yes.
42

43 Q. -- and Max drove up to you?

44 A. He drove up to me, yes. I was out in preaching work,
45 and he drove up to me and said, "Can I come and visit you
46 this afternoon?" And he wanted to visit my husband and I.
47

1 Q. Who were you with at the time, if anybody?
2 A. I think I was with my husband.
3
4 Q. Do you remember what you said to him when he asked,
5 "Can I come and visit?"
6 A. Yes, I said he could come round that afternoon, yes.
7
8 Q. And did Max come alone to your home on that occasion?
9 A. Yes, yes, the first time.
10
11 Q. Do you remember what he said to you?
12 A. Yes, he started talking about, "If you told a friend
13 something, some information that was quite serious, and
14 they said you should tell the elders and you didn't" - hold
15 on. I can't remember exactly how he said it.
16
17 Q. Did you eventually work out what he was talking about?
18 A. Yes, he was trying to - he was trying to - I think he
19 was trying to explain that [BCF] was obviously feeling bad
20 because she had told someone about what I had said and was
21 worried about my reaction.
22
23 Q. And is it the case that you realised that he was
24 talking about --
25 A. That's when I realised --
26
27 Q. -- the contact with Bill Neill?
28 A. -- that [BCF] had told somebody about what I had told
29 her.
30
31 Q. And you burst into tears at that time?
32 A. Yes, yes.
33
34 Q. The next thing you recall, is it the case, is that
35 there was a meeting with Max present; is that right,
36 Doug Jackson and --
37 A. No, the next one was - the next meeting was Max and
38 Bill and my husband and I.
39
40 Q. So Max and Bill and your husband and yourself?
41 A. Yes.
42
43 Q. So two elders were present?
44 A. Yes.
45
46 Q. But one of them was your abuser?
47 A. Yes.

1
2 Q. Is that right?
3 A. Yes.
4
5 Q. And was that at your home?
6 A. That was in my lounge room.
7
8 Q. You were 22 at the time; is that right?
9 A. Yes, I think I was 22, yes. We had just been married
10 for a couple of years.
11
12 Q. And you were both in the faith; is that right?
13 A. Yes.
14
15 Q. You remain in the faith; is that right?
16 A. I'm taking a break at the moment.
17
18 Q. But at the time, you certainly, is it the case, didn't
19 feel that you could question the process of what was
20 occurring?
21 A. I was just doing as I was told.
22
23 Q. When you say you were just doing as you were told, do
24 you mean from Max Horley?
25 A. Yes. I assumed that he knew the correct procedure,
26 and I was just going along with what he said, because
27 I respected him.
28
29 Q. Were you told by Max that if there had been indecent
30 contact between you and Bill, that you could go to the
31 police?
32 A. No.
33
34 Q. That you should go to the police?
35 A. No.
36
37 Q. That it was criminal behaviour --
38 A. No.
39
40 Q. -- that you were alleging?
41 A. No.
42
43 Q. When Bill Neill attended with Max, were you pressed
44 for detail as to what Bill had done to you?
45 A. Yes, Max said, "I believe that Bill" - in the course
46 of whatever they were asking me, he said, "I believe that
47 Bill asked you if you wanted to see his penis." And I said

1 "Yes", and then Bill said - looked at me and said, "Do you
2 think I was joking?" And I said, "I don't know."
3
4 Q. Did you feel at the time that you were really being
5 invited to question your own belief in what had happened?
6 A. Yes. I was - I was questioning whether
7 I misunderstood.
8
9 Q. The next meeting was also at your home; is that right?
10 A. Yes.
11
12 Q. And present was Doug Jackson and Max Horley and Bill
13 again?
14 A. Yes.
15
16 Q. Looking back on it now, how do you feel about the
17 appropriateness of the first meeting - Max coming with
18 Bill, your abuser, to your home?
19 A. I felt very, very uncomfortable. I couldn't say
20 anything about what really happened, with him there,
21 because I felt like he still had control over me in what
22 I said, and that whatever I said would be - he would be
23 cross-examining me and saying that it was my word against
24 his.
25
26 Q. So when you say "he" would be cross-examining, you
27 meant your abuser?
28 A. Bill.
29
30 Q. Bill Neill?
31 A. Yes.
32
33 Q. You were fearful of that, and, indeed, it did occur;
34 is that right?
35 A. Yes.
36
37 Q. In relation to the second meeting, you describe in
38 your statement that Bill was defensive and, I think you
39 describe, defiant as well?
40 A. Yes.
41
42 Q. Spoke about you wearing revealing clothing?
43 A. Yes.
44
45 Q. Did you feel the same way, in the sense that your
46 version, your credibility, was being tested?
47 A. Yes, definitely.

1
2 Q. And that you weren't being supported in your version
3 of events?
4 A. Yes. I didn't feel supported at all.
5
6 Q. Did you understand what the process was?
7 A. No.
8
9 Q. Did you understand why this was occurring, why these
10 people were attending your home and violating your space,
11 if you like, in relation to this inquiry?
12 A. I didn't question their methods, because I thought
13 they would know the correct procedure, because they were
14 the authority in the church, in the Jehovah's Witnesses.
15
16 Q. And did you understand it was an inquiry as to whether
17 or not Bill should remain an elder? Was that ever
18 explained to you?
19 A. Not really. I guess I still just thought it was my
20 word against his and that they were just trying to find out
21 what happened.
22
23 Q. Having been raised from 10 in the faith of Jehovah's
24 Witnesses, did you understand the rules, if you like, about
25 when someone makes an accusation against another, that
26 is --
27 A. With minor incidents, you approach the person and try
28 to sort it out with each other, if you can. If you can't,
29 you - I know now that you can talk to two trusted friends,
30 two trusted sisters in the congregation. I didn't
31 understand that at the time, though. I don't know whether
32 that was ever a rule?
33
34 Q. When I say "a rule", do you understand that reliance
35 upon biblical teaching is noted for this, that for someone
36 to be found guilty within the church of wrongdoing, or
37 within the faith, they have to either have confessed or
38 that there be two or more witnesses?
39 A. I don't - I didn't know any kind of - I didn't know
40 that then.
41
42 Q. Can I ask you this: did you feel, when the two elders
43 were at your home at the second meeting and Max was present
44 with Doug and Bill - did you feel in control of the
45 process?
46 A. No.
47

1 Q. Did you feel supported?
2 A. No, I didn't feel supported. I guess in a way I was
3 trying to control it, because I didn't tell the full story.
4
5 Q. Yes. Do you feel now that you should have been
6 encouraged at that time to go to the police?
7 A. Yes.
8
9 Q. Do you have an understanding now that Bill Neill's
10 conduct towards you in relation to the tongue kissing is at
11 least assaults of an indecent kind?
12 A. Yes.
13
14 Q. And that the incident in the bathroom where you were
15 penetrated and oral sex performed upon you were arguably
16 incidents of sexual intercourse without consent?
17 A. Yes.
18
19 Q. Just in relation to the process that took place, do
20 you think you should have been confronted by your abuser at
21 the time, in your own home?
22 A. No.
23
24 Q. And do you think there should have been females
25 involved?
26 A. Yes.
27
28 Q. Did you feel, during the process, particularly when
29 Bronwyn phoned you - someone that you loved and cared
30 about, and indicated to you that Bill hadn't abused you -
31 you have given evidence about phoning Max and telling him
32 about that, and then Max calling you back and saying,
33 "Please stop talking about this", effectively, out of
34 respect for --
35 A. The family.
36
37 Q. -- the Neill family - did you feel that that was the
38 emphasis, respect for the Neill family?
39 A. At the time, I just did as I was told.
40
41 Q. In relation to the issue of compensation, it's the
42 case that you have spent seven years in therapy with
43 a psychiatrist. You are no longer seeing a psychiatrist at
44 the moment; is that right?
45 A. No.
46
47 Q. You are currently on antidepressants, you remain on

1 antidepressants?
2 A. Yes.
3
4 Q. You are currently undergoing neuro-emotional therapy
5 with a chiropractor?
6 A. Yes.
7
8 Q. All of those things of course cost you money; correct?
9 A. Yes.
10
11 Q. And you would welcome compensation, if it were offered
12 by the Faith; is that right?
13 A. I would, yes.
14
15 Q. Is it the case that you are also grateful to the
16 Royal Commission?
17 A. Absolutely. Absolutely.
18
19 MS GALLAGHER: Thank you.
20
21 THE WITNESS: Thank you, thank you so much.
22
23 THE CHAIR: Does anyone else have any questions? .
24
25 MR COYNE: No, your Honour.
26
27 THE CHAIR: Thank you, [BCB]. Thank you for coming in and
28 telling us your story. You are formally excused.
29
30 **<THE WITNESS WITHDREW**
31
32 MR STEWART: The next witness, your Honour, will be
33 Max Horley.
34
35 THE CHAIR: Do you have any better copies of Mr Horley's
36 statement? The ones we have are quite hard to read.
37
38 MR STEWART: That is being arranged, I am told,
39 your Honour.
40
41 THE CHAIR: Mr Horley, it's necessary for you to be sworn.
42 Will you take an oath on the Bible or an affirmation?
43
44 MR HORLEY: An oath on the Bible, thank you.
45
46
47

1 <MAXWELL FREDERICK HORLEY, sworn: [12.40pm]

2

3 <EXAMINATION BY MR STEWART:

4

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

7

8 THE CHAIR: No, no, keep going.

9

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

12

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

14

15 MR STEWART: Q. What are your full names, Mr Horley?

16 A. Full name, Maxwell Frederick Horley.

17

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

20 A. Yes.

21

22 Q. Are there any corrections or amendments you would like
23 to make to that statement?

24 A. No, I think it's complete.

25

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

27 A. Yes.

28

29 MR STEWART: I tender the statement.

30

31 THE CHAIR: It will become exhibit 29-002.

32

33 **EXHIBIT #29-002 STATEMENT OF MAXWELL FREDERICK HORLEY DATED**
34 **07/07/2015**

35

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

38 A. That's correct.

39

40 Q. You have been a Dawesville congregation elder
41 since November 2012, and you served there as secretary; is
42 that right?

43 A. That's correct, yes.

44

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

1 A. Yes. That's correct, yes.
2
3 Q. And there was only one other elder there at that time,
4 and that was Bill Neill?
5 A. When I was first appointed there were two elders. One
6 was quite elderly and I think he then moved back to Perth.
7 So that left Bill and I. Later on, there were two other
8 elders appointed, and we had a situation arose where they -
9 one was stood down and one moved away, so that left Bill
10 and I at the time that this incident occurred.
11
12 Q. And the first elderly elder that you referred to, who
13 moved back to Perth, was that Jack Shaylor?
14 A. That's correct.
15
16 Q. When Bill Neill was stood down in 1992, you became the
17 presiding overseer; is that right?
18 A. That's correct, yes.
19
20 Q. Speaking generally now, but in your experience, as
21 secretary of a congregation, what files or records do you
22 keep?
23 A. We keep copies of the letters that are sent from the
24 branch; we keep publisher record cards that report all
25 their time spent in the ministry, collate that information
26 each month and send the details to the branch; we write
27 letters when someone moves to another congregation, send
28 a letter of introduction along with that. We also receive
29 letters from other congregations when publishers move in.
30 We keep records of committee cases that are held, judicial
31 committee cases and things like that, of a sensitive
32 nature, are kept on file, too, in case we need to refer
33 back to them at a later time. But those are usually only
34 seen by the ones acting on that committee at the time.
35
36 Q. Is there a file or a record for each member of the
37 congregation?
38 A. No, only the publisher record card, which details how
39 much time they've spent in the ministry each month.
40
41 Q. In respect of the files of a sensitive nature or
42 records of a sensitive nature that you describe following
43 committee hearings, judicial committee hearings, and so on,
44 for how long are those retained?
45 A. I know we've had some information recently that after
46 a certain period of time they are destroyed. But ones
47 involving this particular type of case are supposed to be

1 kept indefinitely.

2

3 Q. And who has access to those records?

4 A. If it's a judicial case, then only the committee
5 members that served on that committee, I understand, have
6 access to go into that. They are all kept in the same
7 place, but in the congregation I serve in now, all of the
8 elders have access to the congregation file if they need to
9 refer back to some of the letters that are on there or
10 other reports, and so on.

11

12 Q. And what information or records are passed on to the
13 branch office?

14 A. The report each month for how much ministry is
15 conducted by the congregation is compiled, and that is sent
16 each month. Each year there is information logged about
17 different activities that the congregation - how many
18 publishers there are, how many unbaptised publishers, and
19 so on. That's just a brief overview that's also sent to
20 the branch. If we need - if they request information, then
21 we might need to send a letter to them requesting that
22 information; and sometimes for clarification of information
23 we might contact them in that way.

24

25 Q. I gather from the documents I've seen that the
26 congregation elders will also report to the branch on the
27 outcome of judicial committee hearings?

28 A. Oh, that's correct, sorry, yes. Yes.

29

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

34 A. Yes.

35

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

37

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

42

43 I take it again that the reference there to reporting
44 another's wrongdoing is the report to an elder?

45 A. Yes, in Leviticus, those who become aware of
46 a wrongdoing, not actually having done it themselves, but
47 if they hear of it, then they report it to the elders so

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

3

4 Q. So these references in these paragraphs to reporting -
5 that's not reporting to the secular authorities?

6 A. No, it is just to the elders at that stage.

7

8 Q. Now, is it the expectation that a member of the church
9 must report any other member's wrongdoing to the elders, or
10 is it only particular types of wrongdoing?

11 A. The encouragement is, depending on the seriousness of
12 it, I guess, too, that they go to the person that has
13 committed the wrongdoing and encourage them to go to the
14 elders first, and basically making a proviso that if they
15 don't, then the person who has become aware of it will
16 approach the elders and let them know of it. Does that
17 make myself clear enough?

18

19 Q. So I can understand that in respect of, say,
20 less-serious issues that arise between people. Are there
21 particular kinds of transgressions or wrongdoing, or sins
22 as I understand you would call it, that must be reported to
23 the elders?

24 A. Sins that we would have brought to the elders'
25 attention more are of the serious nature - things that
26 could result in a judicial committee case being formed, so
27 matters of a sexual nature and things like that.

28

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

35

36 Q. Can you assist by explaining where the line is drawn
37 or how the line is drawn between what is of a more serious
38 nature requiring reporting and what isn't?

39 A. Yes, the more serious-nature are things set out in the
40 scriptures that could result in someone being removed from
41 the congregation if they are unrepentant. So sexual
42 immorality and all the stages and things that that covers -
43 homosexuality, bestiality, all of those sorts of things.

44

45 Q. And that would include child sexual abuse?

46 A. Absolutely, yes.

47

1 Q. And those things are the ones, I take it, that are set
2 out in the handbooks?
3 A. Yes, how we go about instituting the protocol and
4 handling of those aspects, yes.
5
6 Q. Turning to the case specifically of [BCB], and perhaps
7 we can have up on the screen paragraph 49 of [BCB]'s
8 statement, you will see that [BCB] has said that you asked
9 to speak to her on the basis of information you had
10 received. Do you recall or remember the person [BCF] who
11 is referred to there? That is a friend of hers to whom she
12 had spoken. The first name of that person, which we are
13 avoiding saying, should be on a list in front of you?
14 A. Yes. I remember, but I don't remember her coming to
15 see me.
16
17 Q. Do you remember how you first got to hear of these
18 issues that [BCB] raised in relation to Bill Neill?
19 A. From my recollection, it was [BCB] and [BCC] that came
20 to see me at my home and tell me about the allegations.
21
22 Q. When you say from your recollection, you seem somewhat
23 hesitant about that. Is that because of the passage of
24 time?
25 A. Yes, yes.
26
27 THE CHAIR: Q. Mr Horley, this allegation, I take it,
28 when it came to you, you would have seen as a serious one?
29 A. Absolutely. It was a huge breach of trust,
30 your Honour.
31
32 Q. As a consequence, I assume it would have stood out for
33 you at the time as something unusual?
34 A. At the time it was something that I hadn't dealt with
35 before and, yes, it was a very serious nature. I took it
36 as a huge breach of trust, not only for the person involved
37 but for the whole congregation. It would have
38 repercussions that would flow through.
39
40 Q. The matter was reported to you because you were in a
41 position of responsibility?
42 A. Yes.
43
44 Q. Did you take any notes?
45 A. No, I didn't.
46
47 Q. Can you help us --

1 A. I may have done at the time, I'm sorry, but --
2
3 Q. You may have done?
4 A. I may have.
5
6 Q. Where are they now?
7 A. They would have been destroyed.
8
9 Q. Why?
10 A. We don't like to have any notes outside of what's kept
11 on file in the congregation.
12
13 Q. Why don't you like to have notes of a serious
14 allegation?
15 A. There are brief notes kept in the file, but all other
16 notes are destroyed.
17
18 Q. Why is that?
19 A. I guess it's because we don't want them to fall into
20 the wrong hands and other people to find them and they go
21 through them.
22
23 Q. What are the "wrong hands"?
24 A. Well, we don't want our wives knowing what our stuff -
25 what sort of things we are dealing with; we don't want
26 other people in the congregation coming across that
27 information.
28
29 Q. So you want to keep it secret to the elders; is that
30 what it amounts to?
31 A. I don't know about "secret", but we want to try and
32 limit the amount of people that have to have a look at that
33 information, yes.
34
35 Q. And why is it that you want to limit the people who
36 will have access to the information?
37 A. Just to protect them, I guess. We don't --
38
39 Q. Protect who?
40 A. Protect the person that's involved in it and the rest
41 of the congregation, so that they don't have to know
42 these - I don't know, it's just - it's the protocol that
43 we've had and so we've just followed that information, yes.
44
45 Q. And would you do the same thing today if someone came
46 and reported to you a serious allegation of sexual assault?
47 Would you destroy any notes?

1 A. Yes, that's our practice.

2

3 Q. What about telling other authorities - are you aware
4 of your obligations if someone tells you of a serious
5 allegation of sexual assault?

6 A. We - if we have any hesitation, we contact the branch
7 for advice on how we should proceed legally and
8 scripturally. We don't attend - we don't report it to the
9 police; I think we encourage them to do that, but we give
10 them the assistance to do that if they need that.

11

12 Q. How do you encourage people to report to the police?

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

18

19 Q. The allegation that came to you you accepted was
20 serious. Have you, in your time as an elder, had any other
21 people come to you to report a serious allegation of
22 a sexual nature?

23 A. Not of sexual assault, but generally misconduct on
24 their own part or someone that they know of.

25

26 Q. What do you mean by "misconduct"?

27 A. Well, if someone has committed immorality with
28 somebody else, then that has been brought to my attention,
29 either by the person that has done it, in the way of
30 confession, or it may be that they have heard about it and
31 brought it to my attention and we have investigated it and
32 handled it that way.

33

34 THE CHAIR: Yes, Mr Stewart.

35

36 MR STEWART: Q. You said a moment ago to his Honour,
37 Mr Horley, in relation to reporting to the police, that you
38 would say to the person, "Look, this is a matter that you
39 need to talk to the police about, or the legal authorities,
40 and pursue it in that way." Now, what sort of matter would
41 that be? What sort of matter, in your mind, would be one
42 that you would say to someone they must go and report to
43 the police?

44 A. It would be in the matters of an abuse situation,
45 where someone had been forcibly - something like this
46 instance or probably even worse, or if someone had been
47 raped or, you know, that sort of a matter, where police

1 proceedings would be needed.

2

3 Q. In this particular case, what were you told initially?
4 You say you spoke with [BCB] and her husband. What was
5 reported to you?

6 A. That the elder concerned had acted inappropriately
7 whilst she had been staying at his home. From my
8 recollection, it was more to do with the fondling of her
9 breasts, but I think there was also an accusation about him
10 watching her in the shower and - and that's - from the most
11 of my recollection, I think there was some sort of
12 inappropriate kissing of some sort, too, but --

13

14 Q. And these events occurred when she was a minor?

15 A. That's correct. She was staying at his home. She had
16 finished school and was working at a [REDACTED], and
17 because her family lived 45 minutes out of town she would
18 stay with them during the week and go home to her family on
19 the weekends.

20

21 Q. And did it occur to you that these were serious
22 allegations that were made?

23 A. Any breach of trust, and particularly by an elder in
24 that situation, was viewed very seriously.

25

26 Q. And that fondling the breasts of a minor, but, indeed,
27 anyone without their consent, would be a crime?

28 A. I think that occurred to me at the time, and certainly
29 has done since then, but the way that we handle it now is
30 totally different to what we did back then.

31

32 Q. We will stick with back then for now.

33 A. Yes.

34

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

38 A. Absolutely.

39

40 Q. -- but even outside the church?

41 A. Mmm.

42

43 Q. And inappropriate kissing - in other words, by that
44 I take it you mean tongue-kissing?

45 A. That's what I understand.

46

47 Q. Of a minor?

1 A. Yes.

2

3 Q. That's a crime, too. Did you appreciate that at the
4 time?

5 A. Probably not like I should have done. Well, it
6 shocked me to have that accusation brought to my attention.
7 I knew it wasn't right. I didn't realise it might have
8 been a criminal matter, though.

9

10 Q. And did you give any consideration to whether you
11 should report it to the police?

12 A. I didn't, no.

13

14 Q. Did you give any consideration to whether [BCB] should
15 be encouraged to report it to the police?

16 A. No, I didn't.

17

18 MR STEWART: Would this be a convenient time?

19

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

22

23 **LUNCHEON ADJOURNMENT**

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

5
6 THE CHAIR: The tender bundle will be exhibit 29-003.

7
8 **EXHIBIT #29-003 TWO-VOLUME TENDER BUNDLE**

9
10 MR STEWART: Q. You spoke, Mr Horley, about receiving a
11 report from [BCB] and her husband. There was a meeting,
12 too, with you and Bill Neill and [BCB] and her husband
13 where this matter was discussed; is that right?

14 A. I don't recall that particular meeting, no.

15
16 Q. [BCB] has given evidence with regard to that meeting.
17 It's paragraph 51 of [BCB]'s statement. She gave further
18 evidence about it orally earlier.

19 A. I'm sorry, I don't recall any of that.

20
21 Q. You're not saying it didn't happen?

22 A. No, I'm not saying it didn't happen. I don't recall
23 it happening.

24
25 Q. Because it would be in keeping with the practice,
26 wouldn't it, that an accuser must make the accusation to
27 the accused, in the face of the accused; is that right?

28 A. It would have been done with another elder present.
29 That's why - the only meeting I remember taking place was
30 with Doug Jackson and myself and [BCB] and possibly her
31 husband there and the accused, too.

32
33 Q. And Bill Neill as well?

34 A. Yes.

35
36 Q. So there was a meeting, in your memory, too, where
37 [BCB] had to make her allegations to Bill Neill?

38 A. Yes.

39
40 Q. And with you and Mr Jackson present as well, and
41 [BCB]'s husband?

42 A. I can't be positive that her husband was there, but,
43 yes, that was - that meeting took place.

44
45 Q. Because it's a biblical principle for Jehovah's
46 Witnesses, as I understand it, that an accused must be
47 faced by the accuser, or has the right to be faced by the

1 accuser; is that right?

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

7

8 THE CHAIR: Q. When did the process change?

9 A. During the 1990s, your Honour.

10

11 Q. Do you realise how inappropriate that process is?

12 A. Having the two meet together?

13

14 Q. Yes.

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

17

18 Q. You do understand the position it puts --

19 A. Absolutely.

20

21 Q. -- a young woman in, do you?

22 A. Yes.

23

24 Q. Did you, at the time, reflect on that, when it was
25 happening that way?

26 A. No, I didn't. I was just following the procedure that
27 we had in place.

28

29 MR STEWART: Q. On the question of it changing, which
30 I'll come to in a moment, let's deal with what it was at
31 the time you dealt with it. That was governed by the Pay
32 Attention to Yourselves manual; is that right?

33 A. I can't recall whether that had been released yet.

34 I had three handbooks prior to that, when I was first
35 appointed as an elder, that we used to refer to, and the
36 ks91 book basically compiled that information and had
37 updates in it as well.

38

39 Q. We'll have a look at it. That's in the tender bundle,
40 29-003 and, in particular, it's at tab 80. Perhaps we can
41 scroll down, and then on to the next page. As you've
42 indicated, that was 1991. It is 1991. So that was
43 applicable from 1991, I take it, and through until when
44 Shepherd the Flock of God was published in 2010, if I'm not
45 mistaken; is that right?

46 A. That's correct. But even though it's copyrighted
47 1991, the elder schools weren't all held in 1991, to my

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

4
5 Q. All right. Your inquiry into this was in early 1992,
6 wasn't it?

7 A. Yes.

8
9 Q. Was there any change on this point; in other words,
10 the point of the process of someone who has an accusation
11 having to make it in the presence of the person against
12 whom the accusation was made?

13 A. I don't believe so, at this stage.

14
15 Q. I'd be surprised if there was, because it comes from
16 the Old Testament, doesn't it?

17 A. To establish, yes.

18
19 Q. It comes from Deuteronomy.

20 A. Okay.

21
22 Q. If we have look in tab 80, which we have, the Pay
23 Attention to Yourselves and to all the Flock, and
24 particularly at page 119, which has the Ringtail reference
25 0051, scroll down so that we have the heading at the top of
26 the page. "Judicial Committee Hearing Procedure", and
27 "After opening with prayer" and so on, the next bold
28 heading, "Present the witnesses one at a time unless the
29 wrongdoer confesses". In the second paragraph it says:

30
31 *Accusers should be willing to assume their*
32 *responsibility, as was required in Israel.*

33
34 That was the responsibility to face those whom they
35 accused; am I right?

36 A. That's correct.

37
38 Q. I think, Mr Horley, you've got a copy of the New World
39 Translation there with you, because that particular
40 scripture, Deuteronomy, bears having regard to.
41 Deuteronomy 17:6 and 7 says:

42
43 *On the testimony of two witnesses or of*
44 *three witnesses the one who is to die*
45 *should be put to death. He must not be put*
46 *to death on the testimony of one witness.*
47 *The hand of the witnesses should be the*

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

5
6 From that, as I understand it, it was taken that the
7 accuser must make the accusation in the face of the
8 accused; is that right?

9 A. That's the understanding, yes.

10
11 Q. Then if we have regard to the next edition of the
12 Elders' Handbook, the current one at tab 120, at page 89,
13 Ringtail reference 0090, and scroll down to the foot of the
14 page:

15
16 *The chairman should invite the accused to*
17 *make a personal statement. If the accused*
18 *contends that he is innocent, the witnesses*
19 *to the wrongdoing should be presented and*
20 *their testimony should be given in the*
21 *presence of the accused. It is best that*
22 *the witnesses give their testimony in*
23 *person.*

24
25 So this is what has applied since 2010. So in the light of
26 that, what is the change of the procedure that you are
27 referring to, Mr Horley, because these documents don't seem
28 to bear it out?

29 A. These are dealing with judicial committee cases of
30 serious - in matters of serious wrongdoing that could
31 result in removal from the congregation or
32 disfellowshipping. The information or the way that we
33 looked at handling the situation at the time was to
34 establish what actually had taken place, so two elders
35 investigate the matter and establish the facts, and try to
36 decide whether it needs to go to a judicial committee
37 hearing and, in this particular case, we couldn't
38 establish - we didn't have either a confession or witnesses
39 to the events to go to a judicial committee.

40
41 Q. You didn't have a second witness?

42 A. That's right.

43
44 Q. I'll come back to that. But dealing with this
45 question --

46
47 THE CHAIR: Q. Would it be the same today, if you didn't

1 have a second witness?

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

7

8 Q. So if there was an allegation of a rape, and even
9 though you might have formed the view that the complainant
10 was clearly telling the truth, having regard to what she
11 said, if there was no other person to give evidence about
12 the rape, it wouldn't go any further?

13 A. I would have to seek counsel from the society to
14 handle that situation. I don't know how we would proceed.
15 I've never had to come across that yet.

16

17 Q. Do you understand that a great many allegations of
18 sexual assault --

19 A. Absolutely.

20

21 Q. -- are not witnessed by another person?

22 A. That's right, your Honour.

23

24 Q. How does your church handle that situation then?

25 A. Usually, it would be by interviewing the person and
26 trying to get them to confess to the wrongdoing that had
27 taken place. That's - that's generally been - in the
28 instances I've been involved with, that's the solution that
29 we've had so far. The person has - or we've had more than
30 one witness, actually, to the event, but usually the ones
31 that I've dealt with so far we've had a confession from the
32 wrongdoer and we've been able to proceed to a judicial
33 committee case from that.

34

35 Q. Are you saying to us that without that confession it
36 couldn't go to a judicial committee?

37 A. I think - that's the understanding that I have at the
38 moment, yes.

39

40 Q. Do you think that's a good place for the church to end
41 up?

42 A. Not - not for the people that are bringing the
43 accusations forward. It's a very sad situation for them.

44

45 Q. Would the church be accepting of that situation?

46 A. I'm - again, I'm not aware of what the intricate
47 policies are on that, what we would be advised to do in

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

7

8 Q. What about your own perspective, though, on it?

9 A. Well, I know --

10

11 Q. You've been an elder for many years. Do you think
12 it's appropriate for the church to operate in that way?

13 A. I guess in matters of this nature it would be handled
14 differently from some case where someone is admitting to
15 sexual immorality, particularly when you've got a victim,
16 and in particular a young victim like this, that, yes, it
17 would need to be investigated fully and followed through
18 with, yes.

19

20 THE CHAIR: Yes, Mr Stewart.

21

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

32

33 *If the accused denies the accusation ...*

34

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

36

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

43

44 So the position would seem to be that that is the current
45 position, 2010 and subsequent, that the single witness rule
46 still applies.

47

A. That's correct.

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Q. So to the extent that you said earlier that you thought that the current procedure may be different, that would not be right.

A. I stand corrected. I'd go on what the publication here says, yes.

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

A. That's correct.

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

A. To disbelieve them?

Q. Yes.

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

Q. Your understanding of the origin of this one-witness rule is that passage in Deuteronomy that I looked at earlier; is that right?

A. Going on the information there, it would be one of the references, yes.

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

A. Not to my knowledge.

Q. Because it's written in the scripture?

A. That's what we base our teachings on mainly, yes.

Q. But that same passage that I read you says that the accused [*sic*] must essentially throw the first stone to kill the accused. I take it you don't do that?

A. No, obviously not.

1 Q. So what's the distinction? Why flexibility on the one
2 and not on the other?

3 A. Again, I'd take my advice from the branch on how we
4 would proceed with a situation like that today. At the
5 time we followed the procedures that we had in place, and
6 I haven't had a modern or more modern example of how to
7 proceed in that situation. But looking at what the
8 publication says there, we would follow those directions
9 after the advice of the branch.

10

11 Q. Something else that [BCB] says in her testimony - she
12 says she had these meetings but no-one explained to her
13 what the purpose was or how they fitted into any sort of
14 procedure. Do you accept that?

15 A. I can't recall her questioning it at the time and
16 I don't know exactly what was said in that meeting. It's
17 basically just the allegations that I recall from that
18 meeting.

19

20 Q. Do you accept this, at least, that for someone who is
21 feeling vulnerable and struggling to give details of
22 intimate things that have happened to her, that part of the
23 support that might be offered is to ensure that it is
24 explained to her just what process she is engaged in?

25 A. Yes, and there are support - support things in place
26 to - to help a victim like that. The publications that
27 come out through the 1990s that were available to everyone
28 basically set out what those support practices were, and if
29 she didn't feel comfortable coming to the elders to discuss
30 those things, then it was possible for her to speak to a
31 mature sister in the congregation, confide in her and draw
32 comfort from her. If the mature sister didn't know how to
33 handle the situation she might approach the elders to find
34 direction and be able to help the one that was ailing.

35

36 Q. Even if an allegation had come to the elders in that
37 way, via, as you describe it, a mature sister, you would
38 still require the survivor of that abuse to put her
39 allegations to the abuser in the abuser's presence?

40 A. Again, I think that's where the shepherding books have
41 brought the information, in that they don't have to face
42 the accused nowadays. It's - we can take her information
43 from her and then we speak to the accused separately.

44

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

1 to?
2 A. I can't recall where it is offhand, but I thought that
3 was the procedure that I've looked at in the past.
4
5 Q. The point is, though, that you do have a procedure, so
6 even if the allegation comes through a mature sister, you
7 then have a procedure to follow to investigate whether to
8 accept those allegations or not; is that right?
9 A. The provision of her being able to speak to another
10 sister was to provide the comfort after the fact, or to
11 draw - yes, to try and have someone else to speak to her
12 about it other than the elders, if she didn't feel
13 comfortable talking to the elders.
14
15 Q. So are you saying in your understanding the elders
16 would not have to speak to the victim herself?
17 A. No, that's not true. No, we would still have to
18 handle it. If the matter hadn't been handled already, then
19 the elders would have to speak to her and try and establish
20 the facts and speak to the accused --
21
22 THE CHAIR: Q. I'm not sure I'm understanding. She
23 speaks to a mature sister, but I think Mr Stewart is asking
24 you whether the process of investigation after that would
25 be the same, and that is, she would have to bring her
26 accusation against the abuser before two elders?
27 A. That's correct.
28
29 Q. And that would be, in that circumstance, two men, the
30 elders --
31 A. Yes.
32
33 Q. -- the alleged abuser and the woman; is that right?
34 A. My understanding of it is that the accused would not
35 have to be present at that meeting. The two elders would
36 discuss it with the victim, and we would speak to the
37 accused person separately.
38
39 Q. But if it was only the woman's allegation, without any
40 eyewitness to it, that would be where it would end unless
41 the --
42 A. No.
43
44 Q. -- abuser --
45 A. Confessed.
46
47 Q. -- confessed. If he didn't confess, that's the end of

1 it?
2 A. Yes.
3
4 Q. That's true today?
5 A. Yes.
6
7 Q. Let's assume that you had an allegation from a
8 12-year-old girl, say. Would it be the same process?
9 A. Well, again, I'd have to seek advice from the branch
10 on that to see what our process would be, because the
11 circumstances and all those things are involved in it; we
12 would proceed following their direction.
13
14 Q. But I assume that from the manuals, from the written
15 documents, the process, as you would understand it without
16 seeking further advice, would require the 12-year-old girl
17 to speak to two mature men --
18 A. Yes.
19
20 Q. -- to make her allegation?
21 A. In that case, presuming that her parents weren't the
22 instigators of the case, then they would probably be there
23 as a support for her as well.
24
25 Q. What do you mean by "instigators"? Do you mean if her
26 father wasn't the abuser?
27 A. That's right.
28
29 Q. What's the point at which one's parents would not be
30 there?
31 A. Again, not knowing exactly what the branch would
32 direct, we would follow their direction on what they would
33 advise in each individual circumstance. They may feel if
34 the girl was old enough to make her own decisions and talk
35 openly, that that would - yes. Again, I haven't dealt with
36 a situation like that, so I can't really say.
37
38 MR STEWART: Q. Just to clarify, in saying that your
39 understanding of the current procedure is that it would not
40 be required that the victim makes allegations in the
41 accused's presence, that would be in the investigation as
42 to whether or not there should be a judicial committee; is
43 that right?
44 A. That's my understanding, yes.
45
46 Q. Once a judicial committee is formed, once the decision
47 is made to form a judicial committee, then those

1 allegations or accusations would have to be made by the
2 victim in the face of the abuser or the accused; is that
3 right?

4 A. Yes, if he hadn't confessed to wrongdoing, then the
5 witnesses are brought forward to add weight to the
6 accusations.

7
8 Q. And one of the witnesses, obviously, would be the
9 person who had suffered the abuse?

10 A. That's correct, yes.

11
12 Q. Can [BCB]'s statement at paragraphs 52 and 53 be
13 shown, please. Here [BCB] is talking about what she was
14 able to speak about. She says she did not talk about the
15 incident in the bathroom, so one might say that's the most
16 severe of the various incidents:

17
18 *I didn't feel comfortable talking while*
19 *Bill was in the room. After that first*
20 *meeting I felt that there was a lot of*
21 *stuff I had been unable to say in front of*
22 *Bill. I decided to go to Max's house after*
23 *the meeting to clarify things.*

24
25 Then there was a second meeting. The point is, do you
26 accept that in the face of the person accused, it may be
27 very difficult for a person who has suffered abuse to say
28 everything that happened to them?

29 A. Absolutely, yes.

30
31 Q. And in front of other men as well, at least two
32 elders; is that right?

33 A. That's true, yes.

34
35 Q. So it's not a process that is necessarily going to
36 come out with the full story, is it?

37 A. Obviously not at the first meeting and, in this case,
38 that's borne out, but - yep.

39
40 Q. If we can look at paragraph 62 of [BCB]'s statement,
41 you'll see that this is dealing with a conversation after,
42 as I understand it, Bill Neill had accepted the
43 recommendation to stand down, and [BCB] says that you
44 called her and said that the Neills had asked that she not
45 tell any more people about Bill out of respect for the
46 family. Do you recall that conversation?

47 A. Not the way it's presented here. I remember talking

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

10
11 Q. The essence of it, though, was to say to her that she
12 should not talk to anyone else about it?

13 A. That was in the recommendation to her not to talk to
14 others, as it would have been to the Neill family and
15 anyone else that tried to raise the matter. We would have
16 tried to keep it under wraps or keep it - yeah, try and
17 limit the conversation about Neill.

18
19 Q. You appreciate she couldn't have spoken to anybody
20 outside the congregation, could she, because she shouldn't
21 be associating with them?

22 A. She was still working in the community. She had other
23 people that she would have known, so it was possible to
24 have spoken to other people.

25
26 Q. But to speak to them about something as intimate as
27 this would be associating with them in a way beyond what
28 her secular employment required?

29 A. That's correct, yes.

30
31 Q. Therefore, in the eyes of the church, she shouldn't do
32 that; she shouldn't speak to anyone outside the Jehovah's
33 Witnesses about this incident?

34 A. Whom she chose as associates was still left entirely
35 to her. She may have had close friends. I don't think
36 that's the case here, but, again, it was just to limit the
37 conversation, we would have asked her not to spread things.

38
39 Q. Isn't it the case that she's not supposed to have
40 close friends or associates outside of the Jehovah's
41 Witnesses?

42 A. We discourage them from having close relationships
43 with people outside of Jehovah's Witnesses, but whether
44 they take that advice or not is entirely up to them. We
45 don't police it; we don't go around with a big stick,
46 beating them because they choose to associate with other
47 people.

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Q. The point is, though, from your perspective, that she should not be discussing something of this level of intimacy with someone outside of the Jehovah's Witnesses; am I right?

A. That was - that was basically the input, the intent behind that conversation, to try and limit the conversation.

Q. Yes, well, it's slightly different, isn't it? It's directed at the congregation. Are you saying she shouldn't talk about it to anyone else so that it protects the congregation; it doesn't get around within the congregation; is that right?

A. As well, yes. We wanted to limit the spread of the gossip about the --

Q. Do you see that leaves her with no-one she can talk to?

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

Q. That's the point, isn't it. You're saying two different things. On the one hand you're saying she's told not to tell anyone or speak to anyone; then, on the other hand, you're saying she can speak to someone. Now, which is it?

A. If she chose to speak to another sister, that would have to be done in confidence, so the woman that she spoke to would have to keep her confidence and not talk about it to anyone else either.

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

A. Yes, I do.

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

1 A. Yes.

2

3 Q. So, in this case, would you accept that you didn't
4 meet that standard?

5 A. I didn't speak to her in a harsh manner. I feel sad
6 if she interpreted it that way. I didn't mean to cut off
7 any support or the feeling that she had support in the
8 congregation and, as I said, the intent was purely to try
9 and limit the conversation around the incident in the
10 congregation and spreading further. But I in no way meant
11 it to come across as harsh or leaving her with nowhere to
12 go or anything like that.

13

14 Q. Well, did you offer to her alternatives? Did you
15 offer to her a support person or support people who might
16 assist her through this period?

17 A. I can't recall doing that at the time, no.

18

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

24 A. Yes.

25

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

31

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

36

37 Then there are two biblical origins for that rule. Do you
38 have an appreciation as to why that rule is still applied
39 in the 21st century when availability of evidence and
40 notions of proof have changed and developed?

41 A. I guess because we still stick to the Bible
42 principles, we try to follow that line of reasoning. I'm
43 trying to remember what the latest publication says on that
44 type of evidence, too, but I still - I think the two or
45 three witnesses is still - still the current teaching in
46 the new book.

47

1 Q. In this particular case you've expressed the sympathy
2 and concern you had for [BCB]. You didn't have any reason
3 to disbelieve her, did you?
4 A. No, I didn't - as shocking as it was.
5
6 Q. She was clearly quite distressed?
7 A. Absolutely, yes.
8
9 Q. When you say in your statement that you didn't have
10 clear proof, what sort of clear proof might there be in a
11 case like this?
12 A. If the accused had said, "Yes, I did this," or, "Yes,
13 I did that," or there was evidence that he had done
14 something else along similar lines, then it would have.
15
16 Q. I'll take you to the documents in a minute, but as
17 we'll see from those, it became a situation of you and
18 Mr Jackson recommending to Mr Neill that he stand down; is
19 that right?
20 A. That was the ultimate outcome, yes.
21
22 Q. Stand down as presiding overseer and as elder and, in
23 a sense, be returned to be a normal congregation member -
24 is that how we're to understand it?
25 A. That's right, yes.
26
27 Q. And an announcement was made to the congregation that
28 he was standing down?
29 A. No. The wording would be that he had been removed as
30 an elder. That terminology of "standing down" was
31 something that was used commonly, but it was - always means
32 they were removed from the congregation. It was not a
33 decision that he made; it was a decision that was made by
34 the elders in harmony with the branch decision as well.
35 That recommendation was sent to the branch. The branch
36 would write back and say, "Yes, that decision is accepted,
37 he's no longer serving as an elder."
38
39 Q. So by saying he's removed as an elder, are you saying
40 that necessarily conveys that that's been a decision by
41 others about him, not his own decision?
42 A. Yes.
43
44 Q. So does it then necessarily convey some --
45 A. Disciplinary action.
46
47 Q. -- criticism or sanction of him?

1 A. Absolutely.
2
3 Q. So the congregation would typically be left not
4 knowing --
5 A. The details.
6
7 Q. -- what had happened or what it was?
8 A. Yes.
9
10 Q. Would an announcement of the reasons for this decision
11 not have assisted in protecting members of the
12 congregation, at least knowing what it is that is being
13 said about him?
14 A. Those that were aware of the situation would have
15 known exactly why he was being removed. Those that weren't
16 would have known that the congregation - that there would
17 have been reasons for it, although not knowing the details.
18 They trust in our decisions then to do that.
19
20 Q. Any particular steps taken to protect children in the
21 congregation?
22 A. Are there now?
23
24 Q. No, then, following the decision to remove Bill Neill
25 as an elder?
26 A. The publications that we have encourage families to
27 discuss that situation with their children and to warn them
28 and to be aware of the dangers. Appreciating that
29 sometimes it's the father that instigates that, that makes
30 it very difficult, but, still, the mother has a role in it
31 as well. And in a situation if we can see a danger area,
32 for example, if another young girl had been going to stay
33 at Bill's place, then we would perhaps speak to the parents
34 about that and warn them that that not be an appropriate
35 place for them to let their daughter visit. We would
36 probably even speak to the accused at that time and say,
37 "It's probably better you don't have that person stay
38 there," too.
39
40 Q. How big was the congregation at that time?
41 A. We had around 90 publishers.
42
43 Q. That's a typical size congregation, is it?
44 A. No. You can get a lot smaller. That one had
45 originally been about 50. It had grown to 90 by that time.
46 Visiting that congregation recently, there were around
47 about 60 publishers at the time. So anywhere between 50 to

1 100 is fairly average.

2

3 Q. Just on the question of establishing what happened,
4 you would accept, I take it, that police have better
5 resources than you, as elders do, to investigate the
6 commission of a crime?

7 A. And, yes, different training and abilities to do that
8 as well. Yes, yes.

9

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

13 A. Mmm.

14

15 Q. So should you not have at least told [BCB] that she
16 has this option available to her, to go to the police, who
17 may be able to get to the bottom of it?

18 A. I wasn't aware of the policies and procedures at that
19 time. We hadn't - there was very little information
20 available on whether we should go to the police or anything
21 like that. I have to admit that I didn't consider that at
22 the time.

23

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

26 A. Yes.

27

28 Q. Because going down to the police station or phoning
29 the police doesn't require a policy or procedure, does it?

30 A. I guess not, no. If I may say, if she had pursued
31 that, I wouldn't have tried to stop her from doing it. As
32 I said, I just wasn't aware of the situation at that time.

33

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

38 A. Yes.

39

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

46 A. Yes, that's my signature.

47

1 Q. And you agreed with what was in it?

2 A. Yes.

3

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

6

7 *Dear Brothers,*

8 *I am writing in reply to your letter...*

9 *concerning Brother William Neill now*

10 *servicing as an elder ...*

11

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

13

14 *We also spoke to other brothers and sisters*

15 *in the congregation who knew about the*

16 *matter through another sister ...*

17

18 You'll see it then says:

19

20 *The sister who has spread the information*

21 *has since left Narrogin. It appears that a*

22 *number of brothers know about the matter*

23 *and unfortunately there may be worldly*

24 *people who also know but we are not sure.*

25

26 This distinction between the brothers and the worldly
27 people knowing - what is the relevance of that? Why did it
28 matter if there were worldly people who knew?

29 A. I guess we didn't want anything to detract about -
30 from the cleanness of the congregation.

31

32 Q. Are you concerned about the reputation of the
33 congregation?

34 A. Yes, and Jehovah's name.

35

36 Q. Then the next paragraph:

37

38 *After interviewing the brothers and sisters*

39 *and reviewing the scriptures, Our Kingdom*

40 *Ministry, November 1972, Question Box and*

41 *the Watchtower November 15, 1977 ... we*

42 *felt that "uncleanness" had been committed*

43 *on several occasion but it was not "loose*

44 *conduct".*

45

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

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

4
5 Q. So you accepted that some acts had occurred, but you
6 felt unable to accept that they were intentional; is that
7 the point you got to?

8 A. The accused - that was all that he actually owned up
9 to when the accusations were put to him. He said, "I may
10 have touched her breasts when saying goodnight to her," but
11 he didn't say anything about - well, he refused to admit to
12 deliberately touching her.

13
14 Q. Then you say:

15
16 *We felt that Brother Neill could not speak*
17 *with confidence and we recommended to him*
18 *that he step down as an elder due to those*
19 *points which we reviewed with him.*

20
21 What are you intending to convey there? How are we to
22 understand that, that he was not able to speak with
23 confidence?

24 A. He no longer had freedom of speech in front of the
25 congregation. If he had to stand up and give counsel to
26 the congregation relating to sexual matters, or, in
27 particular, child abuse, then he would not have the
28 confidence of the congregation, or he wouldn't have had
29 freeness of speech in being able to say those sorts of
30 things.

31
32 Q. That's because there were members in the congregation
33 who knew this story?

34 A. That's true.

35
36 THE CHAIR: Q. You say in the letter that uncleanness
37 had been committed on "several occasions". Do you see
38 that?

39 A. Yes, I - I don't know if that's - would have been a
40 little bit exaggerated there, but --

41
42 Q. Well, they're your words.

43 A. I've signed the letter, yes. That was - I wasn't the
44 one that wrote it, but --

45
46 Q. Are we to understand that you were conveying that you
47 accepted that there was accidental touching on several

1 occasions?
2 A. I don't - I don't agree with the "several" occasions.
3
4 Q. But it's in the letter?
5 A. Yes, it is.
6
7 Q. Well, what are we to understand. Did you sign a
8 letter that wasn't true?
9 A. I probably didn't think seriously enough about that
10 wording at the time when I signed it. It was a
11 generalisation of the situation and - yes, I guess,
12 your Honour, I didn't take seriously the wording of it at
13 that time.
14
15 Q. Well, here you were reporting on a serious allegation,
16 but you say you didn't take the reporting, or the wording,
17 seriously at the time?
18 A. I don't really know how to answer that, your Honour.
19 It's - what you're saying is probably true, yes.
20
21 Q. How would you feel if you had made the complaint and
22 the person who was reporting on the outcome didn't take
23 seriously the wording in the letter that they were signing?
24 A. I can see the point that you're making, sir, yes.
25
26 Q. Tell me this: you told us earlier that apart from the
27 touching of the breast allegation, [BCB] made other
28 allegations to you; correct?
29 A. Yes, I believe so. Yes.
30
31 Q. There's no reference to those allegations at all in
32 this letter, is there?
33 A. No.
34
35 Q. Why not?
36 A. I can't answer that, I'm sorry - not that I'm refusing
37 to, it's just that I can't think of reasons why they're not
38 in there.
39
40 MR STEWART: Q. When you record there "we recommended to
41 him that he step down as an elder" and "He agreed to this",
42 that seems to suggest you offered him the opportunity to
43 step down, and he did, rather than you removed him. Is
44 there a distinction to be had. How are we to understand
45 that?
46 A. No, it's just an unfortunate choice of words there.
47

1 Q. So he was definitely deleted or removed?

2 A. Removed, yes.

3

4 Q. Then you say in the letter:

5

6 *... we feel no further action or*
7 *restrictions need apply.*

8

9 Why was that? Did you consider there were actions or
10 restrictions that might be imposed?

11 A. In the case of a judicial committee, restrictions
12 against commenting and having parts on meetings and things
13 are what we refer to as restrictions. At this time we
14 didn't believe that Bill Neill needed to have those
15 restrictions put upon him.

16

17 Q. What about not having church meetings, Bible studies,
18 in his home? That strikes as an appropriate or potentially
19 appropriate restriction which might offer some safety?

20 A. I agree, yes. I don't think that action was taken at
21 the time.

22

23 Q. Well, it wasn't taken. The point is: did you
24 consider it?

25 A. I can't recall considering it, no.

26

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

29

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

36

37 By this "dying down", you mean once the controversy has
38 abated, I take it?

39 A. It would take a long time, many years in fact, for
40 that - for that to have died down. Again, it's an
41 unfortunate wording. In hindsight we would have worded
42 that much differently to what it is there. Matters of this
43 nature take many years, if ever, to die down completely.

44

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

1 A. Not at all.
2
3 Q. Well, his reputation in the congregation, his freedom
4 of speech?
5 A. His - sorry, what was the question again?
6
7 Q. That was at the centre of your concern in deciding to
8 remove him as an elder - his reputation in the
9 congregation?
10 A. Not so much his reputation, but - oh, how can I word
11 it?
12
13 Q. It appears your concern is with his efficacy as an
14 elder?
15 A. Yes.
16
17 Q. Is that right?
18 A. That's right.
19
20 Q. Your concern as an elder there, as I understand it
21 from this letter, was about the proper functioning of your
22 organisation; is that right?
23 A. Yes.
24
25 Q. It wasn't about the protection of children in your
26 congregation?
27 A. Probably not.
28
29 Q. It wasn't about what support you could offer to [BCB]?
30 A. That must have had some bearing on it, but, yes, it
31 was more with his qualifications to teach.
32
33 Q. You say in your statement that you understand that
34 Bill Neill was later reappointed as an elder in a different
35 congregation; is that right?
36 A. Yes.
37
38 Q. As I understand it, you had nothing to do with that?
39 A. No, that's true.
40
41 Q. Under the existing practices, should you not have been
42 consulted about that, having been the elder involved in his
43 removal?
44 A. I was surprised at the time, yes.
45
46 Q. Then if we look at tab 74 of that bundle, this is now
47 a letter from you earlier this year. You'll see it is to

1 the service desk on 6 January 2015 and what you describe as
2
3 *... a brief summary of events leading to*
4 *the deletion of Brother Neill from serving*
5 *as an elder in the Narrogin, WA,*
6 *Congregation whilst I was serving there.*
7

8 How did this letter come about?

9 A. I beg your pardon?

10

11 Q. How did this letter come about. What brought you to
12 write this letter in 2015 to the branch?

13 A. Someone from the branch contacted me and asked me what
14 my recollections were and would I please put them in a
15 letter and send it to them.
16

17 Q. Was it explained to you why that information was being
18 sought?

19 A. I think mention was made about the Royal Commission,
20 but I thought it was one of the - one of the situations
21 that was being looked at and it might proceed to the
22 Royal Commission.
23

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

25 A. Yes.
26

27 Q. And you knew that?

28 A. Yes. I attended his funeral.
29

30 Q. And that was, as I understand it, about 11 years ago -
31 would that be right?

32 A. Quite possibly. I don't know exactly the time, but,
33 yes, that sounds about right.
34

35 Q. A goodly number of years ago?

36 A. Yes.
37

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

41 A. Yes.
42

43 Q. In your understanding, what's the distinction between
44 when you correspond with the service desk or the legal
45 department?

46 A. It may have been a member of the legal department that
47 contacted me, but the letter was addressed to the service

1 department - service desk, yes.

2

3 Q. Moving away from this particular letter, generally as
4 an elder when you're corresponding with the branch --

5 A. You send stuff to the service desk.

6

7 Q. -- it seems to me that some correspondence is with the
8 legal department and some is with the service desk. I'm
9 asking what your understanding is as to when you would
10 communicate with the service desk as distinct from when you
11 would communicate with the legal department?

12 A. If the legal department had said, "Send it to us at
13 the legal department", that's how the letter would have
14 been addressed. In this case they asked us to send it to
15 the service department, or the service desk.

16

17 Q. But moving away from this letter, generally in your
18 work as an elder, when would you contact the service desk
19 as opposed to the legal department, and vice versa?

20 A. The legal department I would contact in cases
21 pertaining to legal matters. Our information now is if a
22 case of child abuse was raised, we would contact the legal
23 desk straightaway. But, normally, anything goes through
24 the service desk, then they assign it to the appropriate
25 department from there.

26

27 Q. Just to understand you, so you'd contact the service
28 desk but expect it to be passed on to the legal department,
29 is that what you say?

30 A. They would decide if that's where it needed to go,
31 yes. But as I said about contacting the legal department
32 in matters pertaining to legal cases and things like that,
33 if we needed direction in a hurry, that's who we'd contact.

34

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

38 A. Yes.

39

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

41

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

1 witnesses ... [BCB] was an attractive young
2 sister and often got around the house in
3 her nightwear as was the custom of the
4 other children.
5

6 What do you consider to be the relevance of that
7 observation?

8 A. That was one comment that Bill had made to me, that
9 she was wearing her nightwear at the time.

10
11 Q. Well, it suggests that you thought that might have
12 somehow lessened Bill Neill's culpability?

13 A. Not at all, no. In fact, it should have raised
14 stronger warning bells than it did at the time, because it
15 all - it pointed to the fact that he obviously had noticed
16 it and he was affected by that.

17
18 Q. Because you accept, of course, that a child can't
19 consent, can't validly consent to being sexually abused -
20 you accept that, of course?

21 A. Yes.

22
23 Q. And can never be blamed for it?

24 A. Yes.

25
26 Q. That's in the church's own teachings, isn't it, that
27 children can't seduce and should not be blamed?

28 A. Mmm.

29
30 MR STEWART: Those are my questions, your Honour.

31
32 THE CHAIR: Does anyone else have any questions?

33
34 MS GALLAGHER: Yes, I do.

35
36 <EXAMINATION BY MS GALLAGHER:

37
38 MS GALLAGHER: Q. My name is Gallagher and I represent
39 [BCB].

40 A. Okay.

41
42 Q. Just in relation to the letter that counsel assisting
43 was just referring to behind tab 74, you note in that
44 letter, don't you - is that in front of you there?

45 A. Yes.

46
47 Q. Not only the part of the letter that was just referred

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

4 A. Yes.

5

6 Q. That was very much lessening Mr Neill's conduct,
7 wasn't it? Do you understand what I mean by that? You
8 know the allegation to have been, don't you, that he
9 inserted his tongue into her mouth when he kissed her good
10 night?

11 A. Bill never admitted to that. The way that he put it
12 across was that he would say good night to all of the girls
13 before they went to bed.

14

15 Q. So what about the accusation from the person who was
16 abused - the accusation was, wasn't it, that the tongue was
17 inserted into her mouth?

18 A. I believe so, yes. I can't - I can't recall that
19 being said at the time, but it's quite possible that it
20 was.

21

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

24 A. No.

25

26 Q. Your recollection was that they came to your home,
27 that is [BCB] and [BCC]; is that right?

28 A. That's what I recall, yes.

29

30 Q. You understand that [BCB]'s recollection is that you
31 approached her after being told of an allegation from
32 another member of the faith; correct?

33 A. That may be so. I don't recall that.

34

35 Q. And certainly if somebody has been told of an
36 allegation of wrongdoing, the faith requires them to come
37 forward and tell an elder; is that right?

38 A. Sorry, I don't understand that question.

39

40 Q. If somebody is told of a wrongdoing --

41 A. Yes.

42

43 Q. -- the Jehovah's Witness faith requires that person to
44 inform an elder; isn't that so?

45 A. They give the - yes - the short answer, yes.

46

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

1 you came upon the information that there was an allegation
2 of wrongdoing from Bill Neill, not from [BCB], but from
3 another source?
4 A. No, I don't recall that.
5
6 Q. In some questions asked by counsel assisting, just as
7 to taking Mr Neill to [BCB]'s home, your evidence was, is
8 this correct, that you did not explain what the process was
9 that was under way at that time; is that correct?
10 A. That's possible.
11
12 Q. Well, did you or did you not explain to her what was
13 going on?
14 A. In the information here, it's put across that I went
15 to see them with Bill on my own. I don't recall that
16 happening. I thought I only went to see them with
17 Doug Jackson and I don't recall it being in their home.
18 Normally, those sort of events take place at the Kingdom
19 Hall, which --
20
21 Q. You were 28 at the time, weren't you? Does that
22 accord with your recollection?
23 A. I was about 30, 32.
24
25 Q. 32?
26 A. By 1992, yes.
27
28 Q. So still quite a young man?
29 A. That's right.
30
31 Q. How old was Bill Neill at the time, do you know?
32 A. I wouldn't like to hazard a guess.
33
34 Q. Certainly, he was more senior than you?
35 A. Absolutely, yes.
36
37 Q. He was a presiding overseer, wasn't he?
38 A. Yes.
39
40 Q. So that certainly if [BCB]'s recollection is accurate
41 that you attended with Bill Neill, it would have been a
42 situation where he would have been the most senior person
43 in the room - do you agree with that proposition?
44 A. Certainly would have been the oldest, yes.
45
46 Q. Sorry?
47 A. He would have been the oldest and the most experienced

1 from the church, yes.

2

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

4 A. Mmm.

5

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

8 A. Yes.

9

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

12 A. Yep.

13

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

16 A. Yes.

17

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

21 A. Yes.

22

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

26 A. Yes.

27

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

32

33 *It is not his status as an authority*
34 *figure ...*

35

36 Can you see that there in the second column?

37 A. No, not yet.

38

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

43

44 *It is not his status as an authority*
45 *figure ...*

46

47 Do you see that, sir?

1 A. Not yet. Oh, yes.
2
3 Q.
4 *It is not his status as an authority figure*
5 *that should be of concern, but, rather, the*
6 *unblemished purity of the congregation.*
7
8 A. Yes.
9
10 Q. That was the purpose of your inquiry, wasn't it - to
11 protect the congregation from Bill Neill?
12 A. Yes, yes.
13
14 Q. Not to protect [BCB]?
15 A. Well, her included in the congregation. She was part
16 of the congregation.
17
18 Q. As a victim of abuse --
19 A. Yes.
20
21 Q. -- she wasn't protected, but as a member of the
22 congregation you were seeking to protect her; is that
23 right?
24 A. As well, yes.
25
26 Q. You indicated that you did not speak harshly to [BCB].
27 When you were being asked questions by counsel assisting
28 he put to you that victims should be treated with kindness,
29 and you agreed with that and indicated you didn't speak
30 harshly to her?
31 A. Yes.
32
33 Q. Do you agree, though, that when a young woman has made
34 allegations of sexual impropriety against an elder, that
35 taking that elder to her is harsh treatment of her?
36 A. I can understand how she would view it that way, yes,
37 and --
38
39 Q. Well, do you?
40 A. -- on the surface - if I try to put myself in her
41 position, yes, I would feel exactly the same.
42
43 Q. In making this inquiry and going to her and having her
44 face her abuser, or, that is, the accused face his accuser,
45 it was all about disciplining Bill Neill, wasn't it?
46 A. Mmm-hmm.
47

1 Q. And certainly it's the case now that if there is a
2 police inquiry on foot in regards to a matter, that
3 disciplinary proceedings run parallel with that - do you
4 agree with that?
5 A. I don't have any experience with that at this time, so
6 I --
7
8 Q. In the sense that --
9 A. Sorry.
10
11 Q. -- if there is a police inquiry on foot, certainly
12 members of the church and the congregation are told not to
13 interfere with the police inquiry; is that right?
14 A. I would think that would be reasonable, yes. I don't
15 remember instructions in that way, but it does make sense,
16 yes.
17
18 Q. If you were to be confronted with this situation
19 today, what would you do differently to what you did then?
20 A. The first thing would be to contact the branch for
21 direction, look up any of the relevant information that
22 we've got, the latest information, and proceed following
23 their direction.
24
25 Q. Before contacting the branch, what would you do in
26 relation to what you knew of the complaint?
27 A. Try and establish the facts from the information --
28
29 Q. How would you do that?
30 A. Often times, if someone comes to us, we hear the
31 information just on a one-on-one, but I think the
32 indications are that it's better to have two elders there
33 so that we can present that to the branch with the two of
34 us, like on a conference call or something.
35
36 Q. Specifically in relation to [BCB]'s situation, what
37 would you do differently today, or would you conduct
38 yourself in exactly the same way as you did?
39 A. No, I wouldn't do the same.
40
41 Q. What would you do differently?
42 A. Being the only other elder there, and if the circuit
43 overseer wasn't due to visit like that, like he was in that
44 case, I would have called an elder from another
45 congregation and we would have heard her allegations
46 together and then we would approach the branch for
47 direction.

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Q. Would you have a female, a sister, involved in relation to talking with the person who was making complaint about sexual impropriety?

A. That would be up to the person making the accusations, I would think. If she wanted to have someone there as a support, I think that would be the case.

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

A. I'm sorry, the --

Q. The investigation within the church is conducted entirely by men?

A. That's correct, yes.

Q. Do you think that's appropriate when the allegation comes from a woman, and maybe a young woman?

A. That's - that's the procedure that we have in place.

Q. I know, but I'm asking you a different question.

A. Well, that sort of comes into my personal feelings. I think I would still have to be bound by what the branch directs me to do.

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

A. Yes.

Q. Now, to an outsider, that doesn't seem like a fair process. Do you understand why that is?

A. Yes, and that's why we would have another elder there - in this case, the circuit overseer visited. He didn't know Bill as well as I did, so he tended to be a little bit more impersonal in the --

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

A. Yes.

Q. And you know this elder well and had worked with him.

A. Yes, and I remember at the time I was very shocked at the treatment or the allegations that were made against him. So, to me, he had betrayed me as much as the congregation - obviously not as much as the person that -

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

15
16 Q. You ultimately reported that his conduct was the
17 result of accidental touching, didn't you?

18 A. That was his description.

19

20 Q. That's what you reported.

21 A. Okay.

22

23 Q. That's what you found.

24 A. Right.

25

26 Q. Correct?

27 A. That was - yes, that was only - that's all that he
28 admitted to.

29

30 Q. Yes, and that's what your finding was. Now, again, to
31 an outsider, could you see that an outsider may think that
32 when someone who you know well is being investigated by
33 you, that that may not be a fair process?

34 A. I can understand how they would see that, yes.

35

36 Q. Do you think that that's a process that the church
37 should change?

38 A. I don't know how to comment on that. They may have
39 made changes in that process - not according to the book
40 that we have, but where it says that we contact the branch,
41 then - then the direction that they give in that instance
42 would - may give us further bearing on that.

43

44 THE CHAIR: Yes.

45

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

1 of [BCB]'s allegation against Bill Neill?
2 A. No. I only know what was dealt with at the time.
3
4 Q. So you don't know that, for about three or four years,
5 she was subject to indecent assaults, effectively, where
6 she was tongue-kissed by this elder?
7 A. No, I'm not aware of that.
8
9 Q. That she was, on one occasion, forced to sit on the
10 bathroom floor, spread her legs and have his finger
11 inserted into her vagina?
12 A. No, I'm not aware of that.
13
14 Q. Does that come as a shock to you --
15 A. Absolutely.
16
17 Q. -- that she actually endured that, or experienced that
18 at the hands of Bill Neill?
19 A. Yes, it's a shock, yes.
20
21 Q. And do you think the fact that it's only coming to
22 light now has something to do with the process that you
23 engaged in when she made an initial complaint?
24 A. I feel very saddened if that is the case.
25
26 Q. It's understandable that it would be - do you agree
27 with that - in the sense that she's confronted with her
28 abuser and somebody who she would know was close to her
29 abuser, and you've just given that evidence. It's
30 understandable that she wouldn't make full disclosure -
31 that's correct, isn't it?
32 A. I can see what you're saying, yes.
33
34 Q. She needs a more nurturing and supportive environment
35 in which to make full disclosure, doesn't she?
36 A. It would appear that way, yes, from what you're
37 saying.
38
39 Q. What is the church going to do about that? Do you
40 have any thoughts on that, going into the future?
41 A. I don't have any comments on how they arrive at the
42 decisions that they make. I just follow the procedures
43 that they have there in place. At the time we did the best
44 we could with the information that we had. Now, handling
45 the situation again might be completely different.
46
47 MS GALLAGHER: Thank you, your Honour, nothing further.

1
2 THE CHAIR: Does anyone else have any questions.
3
4 MR COYNE: No, your Honour.
5
6 MR TOKLEY: No, your Honour.
7
8 MR STEWART: Nothing further, your Honour.
9
10 THE CHAIR: Thank you, Mr Horley, you're excused.
11
12 **THE WITNESS WITHDREW**
13
14 MR STEWART: The next witness is Mr Doug Jackson.
15
16 THE CHAIR: Mr Jackson, it's necessary for you to be
17 sworn. Will you take an oath on the Bible or an
18 affirmation?
19
20 MR JACKSON: Affirmation.
21
22 THE CHAIR: Affirmation?
23
24 THE WITNESS: On the Bible.
25
26 THE CHAIR: It's your choice, which one would you do.
27
28 THE WITNESS: The Bible.
29
30 **<DOUGLAS JAMES JACKSON, sworn: [3.31pm]**
31
32 **<EXAMINATION BY MR STEWART:**
33
34 MR STEWART: Q. Will you state your full name,
35 Mr Jackson?
36 A. Douglas James Jackson.
37
38 Q. And, Mr Jackson, do you have before you a copy of your
39 statement dated 10 July 2015?
40 A. I do.
41
42 Q. Are there any amendments or corrections you'd like to
43 make to the statement?
44 A. I don't think so.
45
46 Q. Will you confirm the statement as being true and
47 correct?

1 A. I do.

2

3 MR STEWART: I tender the statement, your Honour.

4

5 THE CHAIR: That will be exhibit 29-004.

6

7 **EXHIBIT #29-004 STATEMENT OF DOUGLAS JAMES JACKSON DATED**
8 **10/07/2015**

9

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

12 A. Correct.

13

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

16 A. Correct.

17

18 Q. Having been a Witness for only four years; is that
19 right?

20 A. Four years?

21

22 Q. You had been, when you were first appointed an elder?

23 A. Oh - no, 1963 I was baptised, 1971 an elder.

24

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

30 A. Yes.

31

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

34 A. Correct.

35

36 Q. What does that entail, Mr Jackson?

37 A. I would visit 20 congregations in a circuit - around
38 20, it could be less, could be more - and it involved
39 giving - having at that time, which is not the case now,
40 three meetings, Tuesday, Thursday and then one on Sunday
41 with the congregation, and also a meeting that was held
42 with the elders and ministerial servants with an outline
43 from the governing body, and we'd share in the ministry as
44 well during that particular week with various ones in the
45 congregation.

46

47 Q. How many congregations would you typically have within

1 your responsibility?

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

4

5 Q. You were the circuit overseer responsible for the
6 Narrogin congregation from 1990 to the end of 1992; is that
7 right?

8 A. I don't think it was the end, but it was some time in
9 1992 that I changed, but I'm not too sure.

10

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

13 A. Correct.

14

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

17 A. Correct.

18

19 Q. To your recollection, how big was the Narrogin
20 congregation?

21 A. Oh, I'm not too sure - around 80.

22

23 Q. And you then served as circuit overseer until 1998; is
24 that right?

25 A. That's correct - not on that circuit, though.

26

27 Q. And then as district overseer until 2014?

28 A. Correct.

29

30 Q. What is the role of a district overseer?

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

36

37 Q. Do you hold any position of responsibility in the
38 church currently?

39 A. Only serving as an elder.

40

41 Q. In which congregation is that?

42 A. Windsor Gardens in South Australia.

43

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

46

47 *From about the 1990s I recall that matters*

1 of child sexual abuse began to be dealt
2 with as a special category and elders were
3 directed to report any such complaints or
4 allegations immediately to the Branch
5 Office and to follow their direction in
6 regard to reporting the matter to the
7 authorities ...
8

9 Do you know what brought about that change?

10 A. I don't know for sure. I would say it was because of
11 the situation of child abuse starting to be increased and
12 these matters being brought to the fore.
13

14 Q. Was it that the particular issue was about giving
15 direction with regard to reporting the matters to the
16 authorities, or was it handling it more generally?

17 A. At that time, there was information relating to
18 reporting the matter to the authorities, but that was
19 brought about later on in the 1990s and into the 2000s.
20

21 Q. In paragraph 4.1 of your statement --

22 A. I don't seem to have that. Sorry.
23

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

25 A. Oh.
26

27 Q. You say:

28
29 *[BCB]'s case is the only case involving*
30 *child sexual abuse in which I have ever*
31 *been involved.*
32

33 The records available to the Royal Commission suggest there
34 has been another case. You are going to be shown a name.
35 I am not wanting you to say the name out aloud, because I'd
36 rather keep it confidential, but it's to see whether that
37 perhaps jogs your memory as to another case that you were
38 involved in?

39 A. No, sorry.
40

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

45 A. Yes.
46

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

1 were told by Max Horley about the allegations against
2 Bill Neill; is that right?

3 A. Correct.

4

5 Q. Horley and Neill were the two elders of that
6 congregation at that time - the only two elders; is that
7 right?

8 A. As far as I can remember, I think that was the case,
9 yes.

10

11 Q. Because Frank Shaylor had retired and moved back to
12 Perth is evidence we've heard from Mr Horley?

13 A. Yeah, I - yeah.

14

15 Q. What do you recall Mr Horley telling you?

16 A. Well, as far as I know, it is that he approached me
17 and mentioned to me regarding the allegations that had been
18 made and that we - and then we decided that we were going
19 to investigate it more.

20

21 Q. And what were the allegations?

22 A. Well, I was under the impression that it was just that
23 Bill Neill had been watching [BCB] in the shower and, also,
24 too, I think it was mentioning the touching of the breast
25 once.

26

27 Q. That's the most you can remember of what Max Horley
28 told you when he informed you about this matter?

29 A. I think that was the case, yes.

30

31 Q. At the stage that he informed you, what did he tell
32 you that he had done about it up until then?

33 A. I would say that he would have investigated it, but
34 I can't remember exactly what he said.

35

36 Q. Did he tell you whether he had met with [BCB] and/or
37 with Mr Neill?

38 A. I would say that he would have met with both, yes, but
39 I can't remember if he told me that.

40

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

43 A. Correct.

44

45 Q. What did you do in order to investigate it?

46 A. Well, we had meetings with [BCB] and with Mr Neill
47 and, also, others knew about it and we also got some

1 information from them as well within the congregation.
2 I can't remember how many, but I know that possibly there
3 was a few others as well.
4

5 Q. Do you remember what information they were able to
6 give you?

7 A. I cannot remember that, no, just the allegations that
8 had been made regarding the watching in the shower. I
9 don't know if it dealt with touching of the breast or any
10 other activity at all by him.
11

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

14 A. No, no.
15

16 Q. So you say you met with [BCB] and with Bill Neill.
17 That was in a common meeting; is that right?

18 A. I can't recall whether it was, first of all, just
19 through a common meeting, or whether we met separately with
20 [BCB] and, also, with Bill Neill, and then even
21 collectively, I'm not sure.
22

23 Q. [BCB] says that she was unaware of the purpose of the
24 meetings that she was attending or what role those meetings
25 were playing. Do you accept that?

26 A. Oh, no, I don't, because we would have told her why we
27 were meeting because of her concern of what was happening.
28

29 Q. I'll come back to the question of what you would have
30 told her, but dealing first with the question of what you
31 actually remember, do you remember anything that you did
32 tell her, or is it too long ago?

33 A. No, too long, I'm sorry.
34

35 Q. Reverting to the less safe ground, as it were, what do
36 you say you would have told her?

37 A. How do you mean, what would I say?
38

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

42 A. I just said --
43

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

45 A. Sorry.
46

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

1 have told her in explaining what the meeting or meetings
2 were about?
3 A. Well, about the allegations that she made against
4 Bill Neill.
5
6 Q. That you were investigating them?
7 A. Yes.
8
9 Q. And more than that?
10 A. Possibly we would have told her - asked her whether
11 these were true, the watching in the shower and the
12 touching of the breast as well. That would be - I'd say
13 that's what I would have said the meeting was about.
14
15 Q. You would appreciate that what you were doing was part
16 of a process which is set out in the church's documents and
17 protocols; is that right?
18 A. Correct, yes.
19
20 Q. You and Mr Horley were doing an investigation to see
21 whether there was sufficient evidence to establish these
22 allegations as true which, had they been established, would
23 have led to a judicial committee; is that right?
24 A. Yes, yes. Yes, that's true.
25
26 Q. And you were experienced in those matters - those
27 procedural matters?
28 A. Well, it was the first situation that I've ever had
29 where I was dealing with that type of thing.
30
31 Q. Well, specifically, child sexual abuse?
32 A. Yes, yes.
33
34 Q. But you'd had other investigations in relation to --
35 A. Yes.
36
37 Q. -- other serious allegations of one form or another,
38 I take it?
39 A. Yes. Yes, but nothing like that.
40
41 Q. Perhaps adultery?
42 A. Yes.
43
44 Q. Or --
45 A. Yes.
46
47 Q. -- lying?

1 A. Yeah - not lying, but adultery, yes.
2
3 Q. And various others. So you were familiar with the
4 procedure you were embarking on?
5 A. Yes.
6
7 Q. And you understand that [BCB] would not have been
8 familiar with that procedure?
9 A. Correct.
10
11 Q. So she would have these two men - you and Mr Horley -
12 asking her questions, but not knowing how that fitted in to
13 an overall procedure?
14 A. That's correct, although in the publications, with
15 situations like that, or adultery, lying, there is mention,
16 even back then in the 1990s of the procedures, so the
17 publications did have a bit of information regarding what
18 would happen.
19
20 Q. Well, the publication you're referring to is the
21 publication which is for elders - the Elders' Handbook,
22 isn't it?
23 A. No, there's information in The Watchtowers and the
24 Awake! relating to that. Even with child abuse, there's
25 information there.
26
27 Q. Well, specifically, I'm addressing the procedures to
28 be followed.
29 A. Oh, right, sorry.
30
31 Q. Because what [BCB] says is that she didn't know what
32 these meetings were about or how they fitted in to any
33 overall procedure, and you would accept that she wouldn't
34 know that?
35 A. Well, as far as I can recall, maybe she didn't, but
36 I thought I - we would have explained it to her.
37
38 Q. Well, all you've said you would have explained is that
39 you were investigating her allegations and asked her --
40 A. Yes.
41
42 Q. -- whether they were true?
43 A. Yes.
44
45 Q. And she'd be left in the relative dark as to how that
46 fitted into whether there might be a judicial committee,
47 what might happen thereafter --

1 A. Yes.
2
3 Q. -- what evidence would be sufficient, what evidence
4 would not be sufficient, do you agree?
5 A. Yes, correct
6
7 Q. And you see that that would leave her in a position of
8 vulnerability and perhaps confusion?
9 A. Yes. I do now, yes.
10
11 Q. So you would accept that in investigative procedures
12 such as this, an important component to support someone who
13 is making allegations of abuse is to fully apprise them of
14 the procedure and what's happening so they feel comfortable
15 in it?
16 A. Yes, and I think that's what we've been trained to do
17 more so in these later years.
18
19 Q. Mr Jackson, back to the particular meetings that you
20 had, do I understand you to say that you're not sure
21 whether there was a meeting that had [BCB] and Mr Neill in
22 at the same time, or do you accept that there was such a
23 meeting?
24 A. I cannot recall it, but I'd say, yes, there was.
25
26 Q. That would be the normal procedure at that time,
27 wouldn't it?
28 A. Yes.
29
30 Q. Would that be the normal procedure even today, in
31 other words, that someone who is making serious allegations
32 against someone must be prepared to make them in their
33 presence?
34 A. Well, now it's a matter of, first of all, hearing both
35 sides separately and then maybe trying to get them together
36 to see if it's correct or not.
37
38 Q. Even hearing them separately, if you then decided as
39 part of that preliminary investigation that there was
40 sufficient evidence and to convene a judicial committee,
41 you would then have to put them together; is that right -
42 in other words, the witnesses, including the abused, would
43 have to speak in the presence of the accused?
44 A. Well, not - yes, but not necessarily always the case.
45 It could be that, you know, there was convincing evidence
46 from others as well. Yes, you put them under pressure if
47 you put them both together.

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

A. Yes.

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

A. Yes.

Q. -- to give evidence in the presence of the accused?

A. Yes. I just can't remember whether we did or whether we didn't under those circumstances.

Q. Well, you didn't - to be fair, what you were doing, you hadn't reached judicial committee stage --

A. No.

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

A. Yes, yes.

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

A. Yes.

Q. -- handbook, isn't it?

A. Yes.

Q. And you yourself I think accepted a moment ago that that puts a lot of strain and pressure on the person who has suffered, doesn't it?

A. Yes, it does, and that's where, even now, we're encouraged - if there's some type of support, for example, in child abuse, maybe the parents, the husband or wife, or other supports, maybe a close friend, something like that. It just depends on the circumstances.

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

1 assault matters in the ordinary course?
2 A. No, sorry, I don't, your Honour.
3
4 Q. You don't know anything about the research which has
5 led to changes in process so that victims don't have to
6 face the alleged abuser in the course of the trial?
7 A. I don't, but I'd say that's why our organisation has
8 changed where it's not necessarily doing that anymore, and
9 that we do have a support with us, if required.
10
11 Q. It's not a question of support; it's a question of the
12 traumatic circumstance for a victim --
13 A. Yes.
14
15 Q. -- in having to confront --
16 A. Yes.
17
18 Q. -- their alleged abuser. You understand?
19 A. Yes.
20
21 Q. You say that's now understood by your church?
22 A. I'd say - I'd say it would be, yes.
23
24 Q. When you say you say it would be, can you point to
25 anything that confirms that it is understood?
26 A. Well, offhand, no, I can't, sorry, but I'd say the way
27 that now we are dealing with matters that we must be taking
28 that into consideration.
29
30 Q. Perhaps you can explain that to me? How are you
31 dealing with matters that suggests you're taking that into
32 consideration?
33 A. In a situation of child abuse then, one, we would have
34 some type of support there maybe from - not "maybe", but
35 from those sources, either friend, parents, husband, wives,
36 and maybe we don't - because I haven't been involved with
37 them, maybe we don't directly have that one-on-one, where
38 we used to many times, if it was just one-on-one basis of
39 one accusation against the other.
40
41 Q. I'm not sure I'm understanding, but the civil courts
42 have come to understand that the trauma that can be
43 involved for a victim in having face-to-face contact with
44 the alleged abuser - it can be a very traumatic experience.
45 A. Yes.
46
47 Q. Does your church understand that?

1 A. I would say yes, they do now, yes.
2
3 Q. How would it be accommodated then if the investigation
4 is in relation to an allegation by a woman that she was
5 abused by a man in the church?
6 A. Well, first of all, we would - maybe two would listen
7 to her and get some comments from her about the allegation
8 and then we would see the person separately and talk to
9 that individual.
10
11 Q. Then what would you do after that?
12 A. Well, we'd contact the branch if we felt there was -
13 those allegations were correct and were truthful and follow
14 the procedures, either talking to the legal side of the
15 branch, and then take the procedure or take the information
16 from them that they would give us.
17
18 Q. When you say you'd take those steps if you thought the
19 allegation was truthful, if you just have an interview with
20 a female complainant, who says she's the victim, and then
21 follow that with an interview with the alleged abuser,
22 would that be sufficient for you to be able to determine
23 that the allegation was truthful?
24 A. Yes, it would.
25
26 Q. So you wouldn't need a second witness?
27 A. Not necessary under those circumstances like that.
28
29 Q. Is that a significant change from some years ago?
30 A. Very significant, yes.
31
32 Q. Is that change relevant to sexual assault and other
33 types of misconduct, or only sexual assault?
34 A. Well, offhand, I'm not too sure just how to answer
35 that, because I'm not aware of it, and I haven't been
36 involved in anything lately and I'm just not sure the
37 material really has any - that we have had anything
38 relevant to that.
39
40 THE CHAIR: Yes, Mr Stewart.
41
42 MR STEWART: As your Honour pleases.
43
44 Q. Mr Jackson, are you familiar with the manual or guide
45 Shepherd the Flock of God? Can we have tab 120 on the
46 screen, and particularly at Ringtail 90, otherwise page 89.
47 This has applied since 2010; is that right?

1 A. Yes.
2
3 Q. It's essentially a guide to elders; is that right?
4 A. Yes, it is.
5
6 Q. And as to how to handle various situations. You'll
7 see this particular chapter, chapter 7, sets out the
8 judicial hearing procedure - do you see that?
9 A. Yes.

10
11 Q. Towards the foot of that page you'll see in
12 paragraph 2:

13
14 *The Chairman should invite the accused to*
15 *make a personal statement. If the accused*
16 *contends that he is innocent, the witnesses*
17 *to the wrongdoing should be presented and*
18 *their testimony be given in the presence of*
19 *the accused. It is best that the witnesses*
20 *give their testimony in person.*

21
22 Then --
23 A. I just haven't got that coming up. I've got 2, but
24 not the rest of it.

25
26 Q. The top of the next page. There is the possibility
27 then:

28
29 *However, it may be that the witnesses live*
30 *a great distance away or for some reason*
31 *are not able to be physically present. If*
32 *so, their testimony may be presented in the*
33 *hearing of the accused by a secure phone*
34 *call or perhaps submitted in writing and*
35 *read to the accused.*

36
37 A. Yes.

38
39 Q. Are you saying that that exception might also be used
40 to allow, in cases of child sexual abuse, or sexual assault
41 generally, the accuser to not be in the presence of the
42 accused?

43 A. Here it's if the person lives a long distance away,
44 but it can still - again, you're looking at the
45 circumstances of the case and just the emotional condition
46 of the person.

47

1 THE CHAIR: Q. I think Mr Stewart is suggesting to you
2 that that is not to be found in this document.
3 A. Oh, I'm using the principle of that, though, just with
4 your question.
5
6 Q. I think he's putting to you that the principle is not
7 there, either.
8 A. No. Okay, so maybe then it doesn't apply.
9
10 Q. Well, he'd like to know what the true position is.
11 A. This is the position here where it says:
12
13 *However, it may be that the witnesses live*
14 *a great distance away or for some reason*
15 *are not able to be physically present.*
16
17 So I can't go beyond that. But sometimes situations arise
18 where, you know, the emotional state of the person, we try
19 to help them as much as we can.
20
21 Q. This document proceeds, you'll see in the previous
22 page I think it is, the starting point for the judicial
23 hearing procedure is to try to put the accused at ease. Do
24 you see that?
25 A. Yep, I do, thank you.
26
27 Q. Then in the first paragraph those words are placed in
28 heavy type. Do you see that?
29 A. Yes.
30
31 Q. There is no mention there, or anywhere, of how you
32 manage the victim, is there - or the accuser?
33 A. No, but we have had Watchtowers that relate to how we
34 need to be very conscious of the person as well as regards
35 to the way that they are going through what they're going
36 through, the emotional state.
37
38 Q. Well, you mean that the person who brings the
39 allegation may be suffering considerable stress --
40 A. Sorry, no, I thought you meant the person. Yeah.
41
42 Q. My question is directed to: there doesn't seem to be
43 any acknowledgment that the person who brings the
44 allegation may be suffering stress and need assistance. Do
45 you see that?
46 A. Yes, yes. Yeah.
47

1 Q. Can you help me --

2 A. That's correct.

3

4 Q. -- with why that's not there?

5 A. No, I can't. Sorry, no.

6

7 THE CHAIR: Mr Stewart, I think we'll come back in the
8 morning.

9

10 MR STEWART: I have just one question about this
11 page that's open, if I might.

12

13 Q. At page 90, Ringtail 91, just on this question, you
14 see paragraph 3 on this question of observers, I understood
15 you to say that your understanding is that the present
16 position is that observers can be present to give moral
17 support, but you see this document says expressly observers
18 should not be present for moral support. Do you see that?

19 A. Yes, yes. Yes, but --

20

21 Q. This is the guide you have to follow, isn't it?

22 A. Yes, it is, but again, there have been information as
23 regards to situations where, for example, parents, if they
24 have been asked, they can go there, through letters that
25 we've had, where they have been told - we have been told
26 that if it is a minor, parents can be there, a husband or
27 wife, if the guilty party wants to have them there, they
28 can do that. But, again, that does say that there. I'm
29 just quoting other information that we've had, for example,
30 letters later than 2010.

31

32 THE CHAIR: We'll come back to that in the morning. We'll
33 adjourn until 10 o'clock.

34

35 **AT 4PM THE COMMISSION WAS ADJOURNED TO**
36 **TUESDAY, 28 JULY 2015 AT 10AM**

37

38

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