



**Royal Commission**  
into Institutional Responses  
to Child Sexual Abuse

# REPORT OF CASE STUDY NO. 29

The response of the Jehovah's  
Witnesses and Watchtower Bible  
and Tract Society of Australia  
Ltd to allegations of child  
sexual abuse

OCTOBER 2016

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# Report of Case Study No. 29

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The response of the Jehovah's Witnesses and Watchtower Bible and Tract Society of Australia Ltd to allegations of child sexual abuse

October 2016

## CHAIR

The Hon. Justice Peter McClellan AM

## COMMISSIONERS

Professor Helen Milroy

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# Preface

## The Royal Commission

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The Letters Patent provided to the Royal Commission require that it ‘inquire into institutional responses to allegations and incidents of child sexual abuse and related matters’.

In carrying out this task, we are directed to focus on systemic issues but be informed by an understanding of individual cases. The Royal Commission must make findings and recommendations to better protect children against sexual abuse and alleviate the impact of abuse on children when it occurs.

For a copy of the Letters Patent, see Appendix A.

### Public hearings

A Royal Commission commonly does its work through public hearings. A public hearing follows intensive investigation, research and preparation by Royal Commission staff and Counsel Assisting the Royal Commission. Although it may only occupy a limited number of days of hearing time, the preparatory work required by Royal Commission staff and by parties with an interest in the public hearing can be very significant.

The Royal Commission is aware that sexual abuse of children has occurred in many institutions, all of which could be investigated in a public hearing. However, if the Royal Commission were to attempt that task, a great many resources would need to be applied over an indeterminate, but lengthy, period of time. For this reason the Commissioners have accepted criteria by which Senior Counsel Assisting will identify appropriate matters for a public hearing and bring them forward as individual ‘case studies’.

The decision to conduct a case study will be informed by whether or not the hearing will advance an understanding of systemic issues and provide an opportunity to learn from previous mistakes, so that any findings and recommendations for future change which the Royal Commission makes will have a secure foundation. In some cases the relevance of the lessons to be learned will be confined to the institution the subject of the hearing. In other cases they will have relevance to many similar institutions in different parts of Australia.

Public hearings will also be held to assist in understanding the extent of abuse which may have occurred in particular institutions or types of institutions. This will enable the Royal Commission to understand the way in which various institutions were managed and how they responded to allegations of child sexual abuse. Where our investigations identify a significant concentration of abuse in one institution, it is likely that the matter will be brought forward to a public hearing.

Public hearings will also be held to tell the story of some individuals which will assist in a public understanding of the nature of sexual abuse, the circumstances in which it may occur and, most importantly, the devastating impact which it can have on some people’s lives.

A detailed explanation of the rules and conduct of public hearings is available in the Practice Notes published on the Royal Commission's website at:

[www.childabuseroyalcommission.gov.au](http://www.childabuseroyalcommission.gov.au)

Public hearings are streamed live over the internet.

In reaching findings, the Royal Commission will apply the civil standard of proof which requires its 'reasonable satisfaction' as to the particular fact in question in accordance with the principles discussed by Dixon J in *Briginshaw v Briginshaw (1938) 60 CLR 336*:

it is enough that the affirmative of an allegation is made out to the reasonable satisfaction of the tribunal. But reasonable satisfaction is not a state of mind that is attained or established independently of the nature and consequence of the fact or facts to be proved. The seriousness of an allegation made, the inherent unlikelihood of an occurrence of a given description, or the gravity of the consequences flowing from a particular finding are considerations which must affect the answer to the question whether the issue has been proved to the reasonable satisfaction of the tribunal...the nature of the issue necessarily affects the process by which reasonable satisfaction is attained.

In other words, the more serious the allegation, the higher the degree of probability that is required before the Royal Commission can be reasonably satisfied as to the truth of that allegation.

## Private sessions

When the Royal Commission was appointed, it was apparent to the Australian Government that many people (possibly thousands) would wish to tell us about their personal history of child sexual abuse in an institutional setting. As a result, the Commonwealth Parliament amended the Royal Commissions Act 1902 to create a process called a 'private session'.

A private session is conducted by one or two Commissioners and is an opportunity for a person to tell their story of abuse in a protected and supportive environment. As at 16 September 2016, the Royal Commission has held 5,925 private sessions and more than 1,687 people were waiting to attend one. Many accounts from these sessions will be recounted in later Royal Commission reports in a de-identified form.

## Research program

The Royal Commission also has an extensive research program. Apart from the information we gain in public hearings and private sessions, the program will draw on research by consultants and the original work of our own staff. Significant issues will be considered in issues papers and discussed at roundtables.

## This case study

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In Case Study 29, the Royal Commission into Institutional Responses to Child Sexual Abuse explored in detail:

- the experiences of two survivors of child sexual abuse within the Jehovah’s Witness Church (hereinafter, the Jehovah’s Witness organisation) in Australia and the response of the organisation to those survivors’ complaints
- the systems, policies and procedures in place within the Jehovah’s Witness organisation for raising and responding to allegations of child sexual abuse and for the prevention of child sexual abuse within the organisation.

The public hearing was held in Sydney from 27 July to 5 August 2015 and on 14 August 2015.

The scope and purpose of the public hearing of the case study was to inquire into:

- a. The experience of survivors of child sexual abuse within the church of the Jehovah’s Witnesses (the Jehovah’s Witness Church) in Australia.
- b. The responses of the Jehovah’s Witnesses Church and its corporation, the Watchtower Bible and Tract Society of Australia Ltd (Watchtower Australia), to allegations, reports or complaints of child sexual abuse within the Church.
- c. The systems, policies and procedures in place within the Jehovah’s Witnesses Church and Watchtower Australia for raising and responding to allegations of or concerns about child sexual abuse within the Church.
- d. The systems, policies and procedures in place in the Jehovah’s Witnesses Church and Watchtower Australia to prevent child sexual abuse within the Church.
- e. Any related matters.

The Royal Commission heard from two survivor witnesses, 12 institutional witnesses and an expert engaged by the Jehovah’s Witness organisation to give evidence about the organisation’s policies, procedures and practices.

The Royal Commission received combined submissions on behalf of Watchtower Australia and the Jehovah’s Witness elders who gave evidence at the public hearing (the Watchtower & Ors).<sup>1</sup> We also received submissions on behalf of BCG. The Royal Commission served additional draft findings on the Watchtower & Ors and received combined submissions in response.<sup>2</sup>

We have carefully reviewed and considered all submissions made in this case study and have taken them into account in preparing this report. We have addressed two key submissions made by the Watchtower & Ors in section 9.

Along with the findings and recommendations in this report, we have identified some issues of general significance (see section 11).

We have considered these issues and will consider these issues further in other public hearings and roundtables.

# Executive Summary

## Introduction

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In Case Study 29 the Royal Commission examined the institutional response of the Jehovah's Witness organisation in Australia to child sexual abuse. As a part of its examination, the Royal Commission considered:

- the experiences of two survivors of child sexual abuse and, in particular, their experiences of the Jehovah's Witness organisation's internal reporting and disciplinary process
- evidence before the Royal Commission of case files held by the organisation recording allegations of child sexual abuse made against 1,006 members of the organisation
- the policies, practices and procedures of the organisation on:
  - a. responding to allegations and/or reports of child sexual abuse
  - b. the protection of children.

The Royal Commission heard evidence from:

- BCG and BCB – two survivors of child sexual abuse whose complaints of abuse were first handled by the Jehovah's Witness organisation in or around 1989 and 1992 respectively
- the Jehovah's Witness elders involved in responding to BCG's and BCB's complaints of abuse
- three senior members of the Jehovah's Witness organisation in Australia
- one senior member of the Jehovah's Witness organisation internationally
- an expert engaged by the Jehovah's Witness organisation.

The Royal Commission received two sets of submissions made on behalf of the Watchtower & Ors. Two key submissions made by Watchtower Australia and the Jehovah's Witness elders who gave evidence at the public hearing (Watchtower & Ors) are as follows.

The first key submission made on behalf of the Watchtower & Ors was that:

- familial child sexual abuse is not institutional sexual abuse, as has been acknowledged by the Royal Commission. Similarly it is self-evident that, when child sexual abuse occurs outside 'institutional' contexts as defined, the response to it does not fall within the Terms of Reference of this Royal Commission
- the Royal Commission proceeds on the basis that, when an allegation of familial sexual abuse becomes known to an elder and is subsequently scripturally investigated by congregation elders, it ceases to be familial abuse and becomes institutional abuse. This conflation of familial and institutional sexual abuse does not accord with the Terms of Reference.

The second key submission made on behalf of the Watchtower & Ors was that the Jehovah's Witness organisation does not sponsor or operate 'crèches, schools, orphanages, Sunday Schools, hospitals, sports clubs, day-care centres, youth groups, or any other activities which separate children from their parents'. Therefore, it submits that the institutional settings that might present the greatest risk to the safety of children are not present within the Jehovah's Witness organisation and '[t]here can be no safer "institution" than one that does not present opportunities for predatory behaviour'.

We discuss these submissions further in section 9 of this report.

## The Jehovah's Witness organisation

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### Organisational structure

The Jehovah's Witness organisation was founded in the United States in the late 19th century. The organisation has been active in Australia since 1896. The organisation's Australian legal entity is the Watchtower Bible and Tract Society of Australia Ltd (Watchtower Australia).

The worldwide activities of the Jehovah's Witness organisation are overseen by the Governing Body, which is a council of Jehovah's Witness elders who look to Jehovah (God) and to Jesus Christ for direction in all matters. The Governing Body is based in the United States and supervises more than 90 branches worldwide. The Royal Commission heard evidence that the Governing Body is responsible for providing definitive and authoritative interpretation of the Scriptures and for developing and disseminating the policies of the organisation.

In each country, a Branch Office sits below the Governing Body. The Branch Office is overseen by a Branch Committee. The Branch Office has responsibility for each congregation of Jehovah's Witnesses in its country or geographical area.

Congregations are groups of members of the Jehovah's Witness organisation. A congregation's members are known as 'publishers'. A congregation comprises publishers, ministerial servants and elders.

Congregational responsibilities sit with elders and ministerial servants, which are roles that can only be filled by male members of the congregation. A body of elders 'shepherds' the congregation and oversees spiritual matters, while ministerial servants provide ministerial support and practical assistance to the congregation.

## Key beliefs

Key beliefs of the organisation include:

- literal interpretation of the Bible and reliance on 1st century principles to set practice, policy and procedure
- millenarianism, or the belief that the end of the world is imminent
- ‘male headship’, or the belief in a strict patriarchal authority structure involving obedience and submission in both the organisation and the family
- maintaining a separateness from, and exercising caution in associating with, those who are not members of the organisation
- the importance of door-to-door preaching, or evangelising.

## Policies relating to child sexual abuse

The Jehovah’s Witness organisation relies primarily on Bible passages to set policies and procedures, including those for responding to child sexual abuse. The Governing Body generally issues policies, and Branch Offices may adjust them locally to meet the requirements of local laws. Views to the contrary of the Governing Body’s interpretation of the Scriptures are not tolerated. This is also the case for the organisation’s policies and procedures on responding to allegations of child sexual abuse.

The Royal Commission heard evidence about the limited flexibility of the Jehovah’s Witness organisation’s scripturally based policies and procedures for responding to child sexual abuse.

The official position of the Jehovah’s Witness organisation is that it abhors child sexual abuse and that it will not protect any perpetrator. When an allegation of child sexual abuse is made to elders, the Jehovah’s Witness organisation conducts a ‘spiritual investigation’. Once a congregation member has reported an allegation to elders, the member is advised to leave the matter in the hands of the elders and ‘trust in Jehovah that it will be resolved’.

The Jehovah’s Witness organisation mandates that every allegation of child sexual abuse should be investigated by two (male) elders in order to establish the truth of the allegation. Before about 1998, it was the policy of the Jehovah’s Witness organisation to require a complainant of child sexual abuse to make their allegation in the presence of both the investigating elders and their alleged perpetrator. The Royal Commission heard that the organisation no longer requires this of complainants of child sexual abuse.

Investigating elders may take further action only if the truth of an allegation can be established according to the scriptural standards of proof. For those standards to be met, the elders must receive a confession by the accused and/or the testimony of two or three ‘credible’ eyewitnesses to the abuse. Investigating elders may also consider the evidence of two or three witnesses to separate but similar incidents of the same kind of abuse.

The evidence before the Royal Commission is that it is not the practice of the Jehovah's Witness organisation to report child sexual abuse to authorities unless it is required by law to do so. At the time of the public hearing, the Jehovah's Witness organisation in Australia had recorded allegations, reports or complaints of child sexual abuse made against 1,006 members of the organisation. There is no evidence before the Royal Commission that the organisation reported any of those allegations to police or any other secular authority.

## Evidence from survivors

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BCG and BCB are survivors of child sexual abuse. They gave evidence at the public hearing.

### BCG

BCG was raised in a strict Jehovah's Witness family. When she was a child she was sexually abused by her father, who was at the time a ministerial servant. BCG reported her abuse to the elders in her congregation. She was then required to make her allegation in the presence of the elders and her father as part of the Jehovah's Witness organisation's internal disciplinary process. At the time of her complaint, the elders were already investigating BCG's father over his extramarital relationship with a woman in the congregation. The elders investigated BCG's complaint concurrently with the extramarital matter.

Although BCG's sisters had also alleged abuse by their father, the elders concluded that there was not enough evidence to establish the truth of BCG's allegation. The elders decided to disfellowship (or expel from the congregation) BCG's father for his extramarital conduct. BCG's father appealed that decision. During his appeal committee hearing, he confessed to sexually abusing BCG. He was subsequently disfellowshipped on grounds relating to his abuse of BCG and his extramarital conduct. About three years later, BCG's father was reinstated (or permitted to return) to the congregation as a member of the Jehovah's Witness organisation.

Some 10 years later, BCG decided to leave the Jehovah's Witness organisation. After leaving, she reported her abuse to the police. After three trials, BCG's father was found guilty and sentenced to three years imprisonment. The Royal Commission heard that BCG had previously found it difficult to take her complaint to the police for fear of being disfellowshipped. BCG told the Royal Commission that when she decided to leave the organisation she was shunned and ostracised by her congregation for doing so.

### BCB

BCB was sexually abused as a child by a man who was an elder in her congregation and the father of a close Jehovah's Witness friend. BCB first disclosed her abuse as an adult while she was still a Jehovah's Witness. The investigating elders required her to make her allegation in the presence of

the two elders and her abuser. As there was no second witness to her abuse and her abuser did not confess, the elders concluded that there was not enough evidence to establish the truth of BCB's allegation. Following the elders' investigation, BCB's abuser stepped down from his position as an elder in the congregation.

## Reporting to authorities

There was no evidence before the Royal Commission of the Jehovah's Witness organisation having reported either BCG's or BCB's complaint to police or any other secular authority.

## Problematic policies, practices and procedures

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The Royal Commission identified the following policies and practices in the Jehovah's Witness organisation's response to child sexual abuse as problematic:

- the organisation does not have a practice of reporting child sexual abuse to police or any other authority
- before 1998, a survivor of child sexual abuse was required to make their allegation in the presence of their abuser
- if the accused does not confess, there is an inflexible requirement that there be two eyewitnesses to an incident of child sexual abuse
- women are absent from the decision-making processes of the internal disciplinary system
- there is no clear provision for a survivor to be accompanied by a support person during the internal disciplinary process
- the organisation has limited and ineffective risk management practices
- the organisation has a policy and practice of shunning those who wish to leave the organisation.

# 1 The Jehovah's Witness Organisation

In Case Study 29 the Royal Commission examined the institutional response of the Jehovah's Witness organisation in Australia to child sexual abuse. As a part of its examination, the Royal Commission considered:

- the experiences of two survivors of child sexual abuse and, in particular, their experiences of the Jehovah's Witness organisation's internal reporting and disciplinary process
- evidence before the Royal Commission of case files held by the organisation recording allegations of child sexual abuse made against 1,006 members of the organisation
- the policies, practices and procedures of the organisation on:
  - responding to allegations and/or reports of child sexual abuse
  - the protection of children.

In this report, in the context of responses to allegations, complaints, incidents or the risk of child sexual abuse, a reference to the Jehovah's Witness organisation is a reference to those who hold an official role within the organisation.

The Royal Commission heard evidence from:

- BCG and BCB – two survivors of child sexual abuse whose complaints of abuse were first handled by the Jehovah's Witness organisation in or around 1989 and 1992 respectively
- the Jehovah's Witness elders involved in responding to BCG's and BCB's complaints of abuse
- three senior members of the Jehovah's Witness organisation in Australia
- one senior member of the Jehovah's Witness organisation internationally
- an expert engaged by the Jehovah's Witness organisation.

## 1.1 Establishment

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The Jehovah's Witness organisation was founded towards the end of the 19th century in Pennsylvania by a small group of Bible students led by Mr Charles Taze Russell.<sup>3</sup> Mr Russell had become disillusioned with mainstream Christianity which, he argued, had strayed from the 1st century vision of Christianity described in the Bible.<sup>4</sup> By 1884, Mr Russell's group had become the Zion's Watch Tower Tract Society. The society was incorporated and carried on the business of publishing and disseminating millenarian literature – that is, literature based on the belief that the end of the world is imminent.<sup>5</sup>

Today, the religion has 8.2 million active members in 239 countries.<sup>6</sup>

The Jehovah's Witness organisation has been active in Australia since 1896. Its first Branch Office was established in 1904 (the Australia Branch Office).<sup>7</sup> The Australia Branch Office is based in Sydney and coordinates the activities of all congregations in Australia, New Zealand and 'various other islands'.<sup>8</sup>

## 1.2 Organisational structure

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The primary legal entity used by the Jehovah's Witness organisation today is the Watch Tower Bible and Tract Society of Pennsylvania (Watchtower Pennsylvania).<sup>9</sup> The headquarters of Watchtower Pennsylvania is in Brooklyn, New York, and is also known as 'Bethel', meaning 'House of God'.<sup>10</sup>

The pattern of organisation and operation of the Jehovah's Witness organisation today is said to adhere to that of 1st century Christian congregations.<sup>11</sup>

### The Governing Body

The activity of Jehovah's Witnesses worldwide is overseen by the Governing Body.<sup>12</sup> The Governing Body is a council of elders who consider themselves to be anointed by Jehovah (God) and who look to Jehovah and to Jesus Christ for direction in all matters.<sup>13</sup> It is based at the world headquarters of the Jehovah's Witness organisation in the United States and is at the apex of a highly centralised and hierarchical structure.<sup>14</sup>

The Royal Commission heard evidence from Mr Geoffrey Jackson, who is one of the seven members<sup>15</sup> of the Governing Body. Mr Jackson has been a member of the Governing Body since September 2005.<sup>16</sup> The work of the Governing Body is undertaken by several committees, and a total of 30 'helpers' serve on those committees. The work of each committee is overseen by the Governing Body itself.<sup>17</sup> Each member of the Governing Body is assigned to one or more of those committees.<sup>18</sup> Mr Jackson told the Royal Commission that he serves on three committees – namely, the Teaching, Writing, and Personnel Committees.<sup>19</sup>

Mr Geoffrey Jackson explained that the Governing Body is 'a spiritual group of men who are the guardians of our doctrine' and is responsible for 'giving direction and impetus to the Kingdom Work' in all matters.<sup>20</sup> Mr Jackson told the Royal Commission that the members of the Governing Body 'hope to be [Jesus's] disciples'.<sup>21</sup>

Mr Terrence O'Brien, Coordinator of the Australia Branch Committee and a director and secretary of Watchtower Bible and Tract Society of Australia Ltd, said that the Governing Body is Jehovah's representative on earth, providing definitive scriptural interpretation.<sup>22</sup>

When asked if the Governing Body members saw themselves as 'Jehovah God's spokespeople on earth', Mr Geoffrey Jackson answered that it 'would seem to be quite presumptuous to say that we are the only spokesperson that God is using'.<sup>23</sup>

Mr Jackson's response seems to be inconsistent with the documentary evidence before the Royal Commission, which shows that Jehovah's Witnesses believe that the Governing Body is the 'channel' by which Jehovah's 'will' is communicated to them.<sup>24</sup>

## Branch Offices

A Branch Office is the headquarters for the Jehovah's Witness organisation in a particular country or region and is also referred to as 'Bethel'.<sup>25</sup> Each Branch Office is supervised by a Branch Committee, which oversees districts within the branch.<sup>26</sup> Branch Committee members are appointed by the Governing Body.<sup>27</sup> The Governing Body supervises more than 90 branches worldwide.<sup>28</sup>

The Governing Body provides 'unified theocratic direction to Branch and Country committee members worldwide' through the 2015 *Branch Organization Manual*.<sup>29</sup>

## Congregations

Congregations form the basic organisational units of the Jehovah's Witness organisation.<sup>30</sup> Congregations are groups of members of the Jehovah's Witness organisation.

Congregations are organised into groups of about 20, known as 'circuits'. Branch Offices are represented in their geographic area by circuit overseers, who have pastoral responsibility for their circuits.<sup>31</sup> A circuit overseer travels weekly to different congregations in his circuit and is responsible for, among other things, ensuring that each congregation is complying with all theocratic direction given by the Governing Body.<sup>32</sup> Circuit overseers are appointed by the Governing Body.<sup>33</sup>

## Members

### Publishers

Members of the congregation are called 'publishers' and call each other 'brother' and 'sister'.<sup>34</sup> Publishers may be baptised or unbaptised. Baptism is a symbol of the publisher's dedication to Jehovah.<sup>35</sup> Unbaptised publishers are those who have not been baptised but have been given approval to join the congregation's formal ministry and to identify themselves publicly with the Jehovah's Witness organisation.<sup>36</sup> Just before publishers are baptised, they are given a copy of the *Organized to do Jehovah's Will* handbook.<sup>37</sup>

### Elders and ministerial servants

Congregational responsibilities sit with elders and ministerial servants. A woman can never be an elder or a ministerial servant in the Jehovah's Witness organisation.

Each congregation is overseen by a body of elders.<sup>38</sup> Elders are appointed to 'shepherd' the congregation and oversee spiritual matters.<sup>39</sup> Their primary responsibilities include organising fieldwork (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.<sup>40</sup> Upon appointment, each elder is given a copy of the *Shepherd the Flock of God* handbook, which is intended to ‘supply vital information that will help them care for congregation matters’.<sup>41</sup>

Ministerial servants predominantly provide administrative support and practical assistance to the elders and service to the congregation.<sup>42</sup> They perform organisational tasks such as acting as attendants at congregation meetings, handling sound equipment, distributing literature, and managing congregation accounts and general maintenance at the Kingdom Hall (the place of worship for Jehovah’s Witnesses).<sup>43</sup>

A male publisher can make spiritual advancement by first becoming a ministerial servant and then becoming an elder.<sup>44</sup> Elders and ministerial servants are volunteer roles taken up by men who have been actively involved in the congregation for a period of time.<sup>45</sup>

Congregational responsibilities are split between elders and ministerial servants. The Jehovah’s Witness organisation does not have a salaried clergy and therefore considers that it has no employees.<sup>46</sup> 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.<sup>47</sup>

Mr Geoffrey Jackson gave evidence that it is the belief of Jehovah’s Witnesses that elders and ministerial servants are appointed by the Holy Spirit.<sup>48</sup>

## 1.3 The Jehovah’s Witness organisation in Australia

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### Membership

There are currently 821 congregations in Australia with over 68,000 active members.<sup>49</sup> Each congregation in Australia is, in the legal sense, a voluntary association and a separately registered charity.<sup>50</sup>

Over the past 25 years, the active membership of the organisation in Australia has grown 29 per cent from approximately 53,000 members in 1990.<sup>51</sup> In the same period Australia’s population growth has been approximately 38 per cent.<sup>52</sup>

### Structure

The Governing Body oversees the work of the Australia Branch Office. The Australia Branch Office is responsible for all congregations in Australia.

The Jehovah’s Witness organisation’s Australian legal entity is the Watchtower Bible and Tract Society of Australia Ltd (Watchtower Australia). Watchtower Australia facilitates the production

and distribution of Bible-based literature for the Jehovah’s Witness organisation throughout Australasia.<sup>53</sup> Watchtower Australia is a public company limited by guarantee and is a registered charity.<sup>54</sup> In this report, unless otherwise specified, a reference to the Branch Office or Australia Branch Office is also a reference to Watchtower Australia.

The Australia Branch Office relevantly comprises the following structures:

- the Branch Committee, which is an ecclesiastical body of 12 full-time elders (at the time of the public hearing)<sup>55</sup> and which oversees and manages the operation of the Australia Branch Office<sup>56</sup>
- the Legal Department<sup>57</sup>
- the Service Department and Desk, which care for all aspects of the spiritual activities of the Jehovah’s Witness organisation.<sup>58</sup>

The function of each of these structures is relevant to the Royal Commission’s examination of the Jehovah’s Witness organisation’s response to child sexual abuse. The Royal Commission heard evidence from three institutional witnesses who serve in each of these structures:

- Mr O’Brien,<sup>59</sup> who has actively served with the Jehovah’s Witness organisation for 40 years<sup>60</sup>
- Mr Rodney Spinks, who is the senior Service Desk elder. He has served in the Service Department since January 2007.<sup>61</sup> He is specifically responsible for inquiries that concern child sexual abuse and for assisting congregation elders to implement the Australia Branch Office’s guidelines for handling child abuse allegations and providing victim support.<sup>62</sup> The Service Desk currently has five Branch Office staff<sup>63</sup>
- Mr Vincent Toole, who is a solicitor. Since 2010, he has overseen the operation of the Legal Department within the organisation’s Australia Branch Office.<sup>64</sup> Mr Toole told the Royal Commission that he has been involved with the Legal Department since 1989.<sup>65</sup>

## 1.4 The practices of Jehovah’s Witnesses

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### Publications

Jehovah’s Witnesses believe that the teachings promulgated by the Governing Body are ‘based on God’s Word’.<sup>66</sup> The teachings and direction of the Governing Body take the form of the *Awake!* and *The Watchtower* magazines, letters containing directives to branch offices and elders, handbooks and other publications.<sup>67</sup>

### Scriptural literalism

A central belief of the Jehovah’s Witness organisation is that the Bible is the inspired word of God.<sup>68</sup> Jehovah’s Witnesses interpret much of the Bible literally and take living in accordance with

Bible principles extremely seriously.<sup>69</sup> Jehovah's Witnesses use the Bible to set policy and religious practice.<sup>70</sup> Mr Geoffrey Jackson described the Bible as the Jehovah's Witness organisation's 'constitution'.<sup>71</sup> The scriptural basis of the organisation's policies is considered in more detail in section 2.

## Male headship

The Jehovah's Witness organisation teaches that being in subjection to Jehovah is essential and that it is important to observe the 'headship principle'.<sup>72</sup> Mr O'Brien explained that the 'headship principle' accepted by Jehovah's Witnesses is that 'the head of every man is the Christ, in turn the head of a woman is the man'.<sup>73</sup>

This belief is reflected in the patriarchal structure of the organisation, where men hold positions of authority within congregations and headship in the family.<sup>74</sup> Women are expected to defer to the authority of their husbands, and children are taught to obey their parents.<sup>75</sup>

## Way of life

Being a Jehovah's Witness is a way of life for all members.<sup>76</sup> Devotees are expected to adhere to all doctrines that the Governing Body establishes through its interpretation of the Bible. Branch Committees in each country or region and congregational elders oversee the implementation of that doctrine.<sup>77</sup> Members of the Jehovah's Witness organisation are taught to be obedient and submissive to those in the organisation in positions of authority, including congregational elders.<sup>78</sup>

## Separateness from the world

The Jehovah's Witness organisation teaches that 'it was of great importance to Jesus that his followers keep separate from the world' and offers guidance on how its members might themselves go about emulating Jesus and keeping separate from the world.<sup>79</sup> The organisation encourages its members to exercise caution when associating with those who are not members.<sup>80</sup> People who are not Jehovah's Witnesses are referred to within the organisation as 'worldly' people and those who are 'not in the Truth'.<sup>81</sup>

## Secular law versus biblical law

Several documents in evidence before the Royal Commission counsel members of the Jehovah's Witness organisation on the attitude expected of them towards secular government and law.<sup>82</sup>

On their face, those documents appear to advise a cautionary approach to secular law generally. However, Mr Spinks and Mr Toole told the Royal Commission that members of the Jehovah's

Witness organisation are instructed to subject themselves to secular laws and government as long as that subjection does not conflict with biblical law.<sup>83</sup>

## Evangelism

Members of the Jehovah's Witness organisation evangelise (convert or seek to convert) to glorify God and are instructed to go and make disciples of all people.<sup>84</sup> Evidence received by the Royal Commission shows that the Jehovah's Witness organisation expects each member to place his or her evangelising obligations above secular employment.<sup>85</sup>

Jehovah's Witnesses worship and praise Jehovah by attending organised meetings, Bible study and field service (or evangelising).<sup>86</sup> Jehovah's Witness meetings are generally held in the Kingdom Hall.<sup>87</sup> Each month the Governing Body publishes an edition of *The Watchtower* magazine, which contains four to five articles, for study by the congregations over the course of that month.<sup>88</sup>

## 2 Scriptural Basis for Child Sexual Abuse Policies

The Jehovah's Witness organisation relies primarily on Bible passages to set policies and practices.<sup>89</sup> The organisation says that it has had Bible-based policies on child sexual abuse for over 30 years and that it is authorised to address child sexual abuse only in accordance with scriptural direction.<sup>90</sup> Mr O'Brien gave evidence that these policies have been refined and periodically addressed in various publications over the past several decades.<sup>91</sup>

### 2.1 Policy formation

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#### Interpreting the Scriptures

Mr Geoffrey Jackson told the Royal Commission that the primary role of the Governing Body is to interpret the Scriptures.<sup>92</sup> He confirmed that the Governing Body's interpretation of the Scriptures in relation to particular issues might change or develop from time to time.<sup>93</sup>

Mr O'Brien told the Royal Commission that the Australia Branch Office is not involved in scriptural interpretation because it is the Governing Body that provides the definitive scriptural interpretation.<sup>94</sup> Mr O'Brien said that he was not aware of there being any scope for the Australia Branch Office to adopt a scriptural interpretation that is different from the one provided by the Governing Body.<sup>95</sup>

#### Formulation and promulgation of policy

Mr Geoffrey Jackson agreed that all policies of the Jehovah's Witness organisation are subject to scriptural principles and that the Governing Body approves all policies to ensure that they are in keeping with the Scriptures.<sup>96</sup>

The Governing Body gives final approval for new publications and audio and video programs.<sup>97</sup> The Governing Body gives final approval for such publications as:<sup>98</sup>

- *Awake!* and *The Watchtower* magazines
- *Shepherd the Flock of God* elders' handbook
- *Organized to do Jehovah's Will* handbook
- *2015 Branch Organization Manual*
- letters signed on behalf of the Governing Body
- templates for letters to bodies of elders.

Branch offices around the world, including the Australia Branch Office,<sup>99</sup> may write articles for the *Awake!* and *The Watchtower* publications, but the articles must be submitted to the Governing Body's Writing Committee for approval.<sup>100</sup>

Mr Jackson and Mr Toole told the Royal Commission that Branch Offices may adjust policy letters issued by the Governing Body to reflect the requirements of local laws.<sup>101</sup> Mr Jackson said that it would be unusual for a Branch Office to publish its own manual or guidelines on responding to allegations of child sexual abuse.<sup>102</sup>

From at least the 1990s, under the direction of the Governing Body,<sup>103</sup> the Australia Branch Office has periodically issued directives in the form of letters addressed to all bodies of elders providing instruction on how to respond to allegations of child sexual abuse.<sup>104</sup>

### Current policy on child sexual abuse

Mr Spinks told the Royal Commission that the current policies of the Jehovah's Witness organisation for dealing with an allegation of child sexual abuse are outlined in:<sup>105</sup>

- the Bible (the English edition published by the Jehovah's Witness organisation is the *New World Translation of the Holy Scriptures*)
- the current elders' handbook, *Shepherd the Flock of God*<sup>106</sup>
- Jehovah's Witness organisation publications available to all congregants approaching baptism,<sup>107</sup> such as *Organized to Do Jehovah's Will*<sup>108</sup>
- guidelines issued by the Governing Body to all branch offices in August 2013 on how Service Desks should field questions from elders about child abuse matters<sup>109</sup>
- letters sent to all bodies of elders – in particular, the letter of 1 October 2012,<sup>110</sup> which consolidated into one letter the spiritual advice and guidance provided in various letters from preceding years as to how Jehovah's Witnesses handle allegations of child abuse<sup>111</sup>
- *The Watchtower* magazine article entitled 'Let Us Abhor What is Wicked', published in January 1997, which clarifies in biblical terms the principles a congregation should have regard to in considering how a 'child molester' should be viewed and treated.<sup>112</sup>

### Authority to produce or revise child sexual abuse policy

Mr Geoffrey Jackson said that the Governing Body's expectation is that Branch Offices around the world will act in accordance with the procedures and guidelines set out in the *2015 Branch Organization Manual*.<sup>113</sup> Mr O'Brien told the Royal Commission that 'the theocratic or Scriptural direction that the Governing Body provides, is the same in every branch and for all Jehovah's Witnesses, worldwide'.<sup>114</sup>

Mr O'Brien explained that the Branch Committee faithfully implements and follows the direction of the Governing Body.<sup>115</sup> Mr Toole said that Jehovah's Witness congregations in Australia take their direction and instructions from the Branch Office.<sup>116</sup>

Mr Jackson explained that, although there is an expectation that Branch Committee members will follow the direction of the Governing Body, 'there are provisions for those branch committees to get back to us if they see that there is something that doesn't work, and then we can adjust it accordingly'.<sup>117</sup>

Documents in evidence before the Royal Commission include an exchange of correspondence between the Australia Branch Office and the Governing Body's Service Committee in which the Australia Branch Office seeks the Governing Body's agreement to the inclusion of an article on a particular subject in a newsletter.<sup>118</sup> There is also correspondence in evidence demonstrating that the Governing Body's committees set policies, procedures and guidelines for dealing with child sexual abuse issues that arise for the Australia Branch Office.<sup>119</sup>

It is apparent that the Governing Body retains authority over the general principle and framework of all publications in the name of the Jehovah's Witness organisation, and any view or perspective contrary to the Governing Body's interpretation of the Scriptures is not tolerated.

### Flexibility of scriptural interpretation

Mr O'Brien told the Royal Commission that, although the Jehovah's Witness organisation is governed by 1st century biblical principles, Jehovah's Witnesses believe that many of those principles 'are timeless, in any place, any time'.<sup>120</sup>

Mr Spinks told the Royal Commission that if the learnings of science concerning sexual abuse were in conflict with the Jehovah's Witnesses' understanding of the Bible then '[a]bsolutely the Bible will prevail'.<sup>121</sup> He also gave evidence that, where there is 'clear Scriptural arrangement' or 'clear instructions in the Scriptures', the Jehovah's Witness organisation's approach to the application of the Bible will not change as society changes.<sup>122</sup>

Mr Geoffrey Jackson told the Royal Commission that, when the Jehovah's Witness organisation interprets the Bible, it needs to take into consideration contemporary social attitudes and standards, 'but the primary responsibility [they] have is to think what does Jehovah God mean by this, and we look at other scriptures'.<sup>123</sup>

Mr Jackson<sup>124</sup> and Mr Spinks<sup>125</sup> both accepted that the Governing Body may change its interpretation of the Scriptures from time to time. However, several witnesses, including Mr Jackson, told the Royal Commission that there was no scope for flexibility in the interpretation of the Scriptures in relation to:

- scriptural standards of proof<sup>126</sup>
- the practice of shunning<sup>127</sup>
- the practice of disfellowshipping (or expelling from the congregation) unrepentant individuals

and reproofing repentant individuals<sup>128</sup>

- the reinstatement of disfellowshipped individuals who demonstrate genuine repentance<sup>129</sup>
- there being no role for women as decision-makers in the organisation's internal disciplinary process.<sup>130</sup>

These issues are considered in more detail in sections 3 and 7.

## 2.2 Scriptural wrongdoing and child sexual abuse

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The official position of the Jehovah's Witness organisation is that it abhors child sexual abuse and that it will not protect any perpetrator of such repugnant acts.<sup>131</sup>

Elders are today instructed that:<sup>132</sup>

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

### Relevant types of scriptural wrongdoing

For the purposes of the Jehovah's Witness organisation's internal disciplinary process, in its *Shepherd the Flock of God* handbook the organisation also instructs elders that child sexual abuse is captured by one or more of the following scriptural offences:

- 'porneia', which includes sexual intercourse, oral or anal sex, 'immoral use of the genitals, whether in a natural or perverted way, with lewd intent'<sup>133</sup>
- 'brazen or loose conduct', which is conduct that reflects 'an attitude that betrays disrespect, disregard, or even contempt for divine standards, laws, and authority' and includes child sexual abuse<sup>134</sup>
- 'gross uncleanness', which can include, to the extent that an adult involves a child in the viewing, 'an entrenched practice of viewing, perhaps over a considerable period of time, abhorrent forms of pornography that is sexually degrading', including child pornography.<sup>135</sup>

The predecessor handbook to *Shepherd the Flock of God* was *Pay Attention to Yourselves and All the Flock 1991* (Pay Attention 1991). That handbook also provided for the lesser scriptural offence of 'uncleanness', which included 'an intentional momentary touching of sexual parts or caressing of breasts'.<sup>136</sup>

## 3 Process for Responding to Allegations and Prevention of Child Sexual Abuse

The Jehovah's Witness organisation has handled allegations of child sexual abuse for at least the last 30 years for the most part in accordance with the organisation's internal disciplinary process for addressing other alleged sins or 'wrongdoing'.<sup>137</sup> When an allegation of child sexual abuse is made within a congregation, the Jehovah's Witness organisation conducts a 'spiritual investigation' to establish the truth of the allegation and to determine the degree of repentance of, and appropriate sanction for, the accused.

The key steps of the organisation's internal disciplinary process (both today and as they were in the case of the two survivors who gave evidence at the public hearing) are set out below.

### 3.1 Reporting and initial response

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The Jehovah's Witness organisation advises its members that 'Gross sins' (such as 'fornication', 'adultery', 'blasphemy', 'apostasy', 'homosexuality', and on our understanding, child sexual abuse) 'should be reported to the elders'.<sup>138</sup> Once a member reports this conduct, they are advised that they 'will have taken the matter as far as [they] can', that the matter should be left in the hands of the elders and that one should 'trust in Jehovah that it will be resolved'.<sup>139</sup>

Since 1992, the Jehovah's Witness organisation has directed elders to whom child sexual abuse is reported to immediately contact the Jehovah's Witness organisation's Branch Office Legal Department for advice about mandatory reporting obligations that apply to them as ministers of religion.<sup>140</sup> The organisation in Australia considers itself bound by mandatory reporting legislation in Victoria, South Australia and the Northern Territory.<sup>141</sup>

After calling the Legal Department, the 'elders may be directed to contact the Service Department for assistance with questions regarding theocratic or judicial aspects of the case or regarding how to protect children' and how to spiritually comfort and support the victim.<sup>142</sup>

#### Reporting to authorities

Evidence before the Royal Commission is that, since at least 2010, it has been the policy of the Jehovah's Witness organisation not to discourage a person from reporting a complaint of child sexual abuse to the authorities.<sup>143</sup>

However, there is no evidence before the Royal Commission of any scriptural requirement, policy or procedure requiring Jehovah's Witness elders to report child sexual abuse to the authorities when not otherwise required to do so by mandatory reporting laws.

Mr Spinks told the Royal Commission that it is not the practice of the Jehovah's Witness organisation to report child sexual abuse to the authorities,<sup>144</sup> and the organisation has never claimed 'to have instructed the elders to go to the authorities'.<sup>145</sup>

## 3.2 Investigation of a complaint

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The Jehovah's Witness organisation mandates that every allegation of child sexual abuse be investigated by two elders.<sup>146</sup> The purpose of the investigation is for the elders to establish the truth of the allegation and whether a so-called 'judicial committee' should be formed in order to consider the most appropriate sanction to impose on the accused.<sup>147</sup>

### Complainant to face abuser

Before at least 1998, it was the policy of the Jehovah's Witness organisation to require a complainant of child sexual abuse to make their allegation before the investigating elders in the presence of the person against whom the allegation was made.<sup>148</sup> The current elders' handbook, *Shepherd the Flock of God*, appears to require that a complainant do the same today.<sup>149</sup> However, witnesses who appeared on behalf of the Jehovah's Witness organisation gave evidence that, from at least 1998,<sup>150</sup> if not several years earlier,<sup>151</sup> the organisation has had an alternative way for a complainant of child sexual abuse to place their allegation before the accused (such as by written statement).<sup>152</sup>

### The 'two-witness rule'

In establishing the truth of an allegation, the investigating elders have regard to and are bound by scriptural standards of proof.<sup>153</sup> Elders are not authorised to take internal disciplinary action, including on an allegation of child sexual abuse, unless the 'wrongdoing' is proven by reference to one or more of the following scriptural standards of proof:<sup>154</sup>

- a confession from the accused, which 'may be accepted as conclusive proof without other corroborating evidence. (Josh 7:19)'<sup>155</sup>
- the testimony of two or three 'credible'<sup>156</sup> eyewitnesses to the same incident '(Deut.19:15; John 8:17)'<sup>157</sup>
- strong circumstantial evidence testified to by at least two witnesses.<sup>158</sup>

In addition, elders may consider the testimony of two or three witnesses to separate incidents of the same kind of wrongdoing, 'although it is preferable to have two witnesses to the same occurrence of wrongdoing'.<sup>159</sup>

- With the exception of the confession as proof of the truth of an allegation, the scriptural standards set out above are collectively referred to in this report as the 'two-witness rule'.

The Jehovah's Witness organisation considers that if a person is accused of child abuse and they deny that allegation then, without the evidence of a second witness, 'the congregation will continue to view the one accused as an innocent person'.<sup>160</sup>

If there is not enough evidence to prove an allegation of child sexual abuse according to the scriptural standards, the complaint can progress no further within the Jehovah's Witness organisation's internal disciplinary system and the matter is left 'in Jehovah's hands'.<sup>161</sup>

The Royal Commission is of the view that application of the two-witness rule in cases involving child sexual abuse is wrong. Our reasons for this view are discussed in section 7.3.

### 3.3 Judicial committee and sanctions

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In the event of a confession and/or satisfaction of the two-witness rule, the elders in the congregation form a 'judicial committee' to assess the degree of repentance of, and provide assistance to, the perpetrator and to determine an appropriate scriptural sanction.<sup>162</sup>

Where guilt and repentance have been established, the primary task of the elders on a judicial committee is to rehabilitate and 'restore' the wrongdoer regardless of the gravity of the wrongdoing or sin.<sup>163</sup>

#### Judicial committee

The evidence before the Royal Commission is that an accused person is brought before the judicial committee and the process and purpose of that process is explained to the accused.<sup>164</sup> There is no evidence before the Royal Commission of a policy or procedure requiring that the process be explained to a complainant.

Documents in evidence before the Royal Commission provide that, if an accused does not confess, the two or more witnesses to the 'wrongdoing' (including the survivor or survivors) must put their allegations before the judicial committee in the presence of the accused unless it is impractical for them to do so.<sup>165</sup>

Witnesses who gave evidence on behalf of the Jehovah's Witness organisation told the Royal Commission that a survivor of child sexual abuse is no longer required to confront their abuser in a judicial committee hearing.<sup>166</sup>

There is no clear provision in evidence before the Royal Commission that a survivor of child sexual abuse who appears at a judicial committee hearing may be accompanied by a support person of their choice.<sup>167</sup> However, Mr Spinks, appearing on behalf of the Jehovah's Witness organisation, gave evidence that, today, the organisation does allow a person complaining of child sexual abuse to have a support person present.<sup>168</sup>

The Royal Commission is of the view that no complainant of child sexual abuse should be required to disclose their abuse without a support person of their choosing. Our reasons for this view are discussed in section 7.5.

## Sanctions

The sanctions available within the Jehovah's Witness organisation's internal disciplinary system for a person found to have committed child sexual abuse are 'deletion' (if a perpetrator is an elder or ministerial servant), reproof and disfellowshipping.

### Deletion

Deletion as an elder or ministerial servant means the removal of that person from their position of authority in the congregation.<sup>169</sup> Mr Spinks told the Royal Commission that an elder or ministerial servant is immediately deleted if he is found to have engaged in child sexual abuse.<sup>170</sup>

### Reproof

If a judicial committee determines that a perpetrator of child sexual abuse is genuinely repentant then it reproves the perpetrator.<sup>171</sup>

Reproof is a form of discipline that allows a perpetrator to remain within the congregation.<sup>172</sup> It involves telling perpetrators that they are reproofed. This can take place entirely in private or before those aware of the accusation.<sup>173</sup>

A reproof, including the identity of the reproofed perpetrator, may be announced to the congregation, but the grounds of the reproof are not.<sup>174</sup>

### Disfellowshipping

If a perpetrator of child sexual abuse is unrepentant, that person is disfellowshipped from the congregation.<sup>175</sup> To be disfellowshipped means to be excommunicated from, or cast out of, the Jehovah's Witness organisation.<sup>176</sup> The organisation directs its members not to associate with disfellowshipped persons.<sup>177</sup>

The Jehovah's Witness organisation requires its elders to notify the Branch Office when a person is disfellowshipped.<sup>178</sup>

When a person is disfellowshipped for child sexual abuse, the elders make an announcement to the congregation to the effect that the person is 'no longer one of Jehovah's Witnesses'.<sup>179</sup> The elders do not disclose to the congregation the reason(s) that the person is disfellowshipped.<sup>180</sup>

A person may appeal a decision within seven days of the date of decision.<sup>181</sup>

Elders may consider a person who has been disfellowshipped for reinstatement into the congregation.<sup>182</sup> The Jehovah's Witness organisation instructs its elders that a disfellowshipped

person may be reinstated into the congregation after the passage of ‘sufficient’ time if the judicial committee determines that the individual is truly repentant and the reason(s) for their removal from the congregation have been abandoned.<sup>183</sup>

## 3.4 Risk management

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### Parental responsibility

The Jehovah’s Witness organisation considers that the primary responsibility for the protection of children lies with parents.<sup>184</sup> The organisation educates parents about protection of children from sexual abuse through Bible study groups and the organisation’s *Awake!* and *The Watchtower* magazines.<sup>185</sup>

The Royal Commission heard evidence that the Jehovah’s Witness organisation does not have programs or facilities that separate children from their parents, and this ‘further minimis[es] the potential for child abusers’.<sup>186</sup>

### Precautionary measures

There was no evidence before the Royal Commission of any specific formal and uniform procedure for the adoption or imposition of precautionary measures where a person has been reprovved, or disfellowshipped and then reinstated, for child sexual abuse.

The Royal Commission received evidence of the following precautionary measures that the Jehovah’s Witness organisation takes where a person is known or alleged to have perpetrated child sexual abuse:

- Even if there are not two witnesses to an incident of child sexual abuse, the elders are not restricted from taking precautions to protect children in the congregation.<sup>187</sup> Elders are advised to ‘remain vigilant with regard to the conduct and activity of the accused’.<sup>188</sup>
- Reproval in cases of child sexual abuse, together with public announcement of that reproval, puts the congregation ‘on guard concerning the repentant wrongdoer’ and ‘serve[s] as a protection for the congregation’.<sup>189</sup>
- Disfellowshipping ‘protect[s] the flock and safeguard[s] the cleanness of the congregation’.<sup>190</sup>
- Elders should impose restrictions on persons who have been reprovved, and/or disfellowshipped and then reinstated, for child sexual abuse.<sup>191</sup> These restrictions are for the purpose of child protection and might include, for example, an offender being counselled by the elders about not displaying affection for children or not being alone with children other than their own.<sup>192</sup>

## Working with Children Checks

Before it announces the appointment of an elder, the Jehovah's Witness organisation requires that the candidate obtain a Working with Children Check in Australian states and territories where it is required.<sup>193</sup>

Mr O'Brien told the Royal Commission that the Jehovah's Witness organisation complies fully with legislative requirements to ensure all relevant persons have the necessary clearances for working with children.<sup>194</sup> Mr Toole said that there are approximately 7,000 elders and ministerial servants currently serving in Jehovah's Witnesses congregations in Australia who have obtained child-related police checks.<sup>195</sup>

The utility of obtaining these checks is doubtful when the Jehovah's Witness organisation has a general practice of not reporting child sexual abuse to the authorities. The Royal Commission's view on this is discussed further in section 7.1.

## 4 BCG

BCG was one of two survivor witnesses who gave evidence at the public hearing.

BCG was born in Queensland and grew up in a strict Jehovah's Witness family.<sup>196</sup> BCG's father, BCH, joined a congregation of Jehovah's Witnesses in Queensland when she was very young and her mother joined the same congregation a short time after.<sup>197</sup> BCG was formally baptised as a Jehovah's Witness when she was about 16 years old.<sup>198</sup>

At the time of the public hearing, BCG was 43 years old and the mother of four children.<sup>199</sup> She was in the final year of a law degree<sup>200</sup> and was no longer a Jehovah's Witness.<sup>201</sup>

### 4.1 BCG's sexual abuse by her father, BCH

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BCG's father, BCH, was appointed as a ministerial servant in the Mareeba Congregation in Far North Queensland when BCG was about 13 years old.<sup>202</sup> BCH was well respected within the congregation and was given special privileges by the congregation elders, including conducting private Bible studies, managing door-to-door preaching, and teaching and counselling the members of the congregation.<sup>203</sup>

BCG told the Royal Commission that as head of the household BCH dictated and enforced compliance with household rules.<sup>204</sup> BCG said that her father would make her deliver scriptural talks before the congregation from the platform in the Kingdom Hall and take part in door-to-door preaching.<sup>205</sup> As a Jehovah's Witness, BCG was taught to love and fear Jehovah and never to question her parents or their decisions.<sup>206</sup>

BCG told the Royal Commission that she was not permitted to associate with people outside the Jehovah's Witness community.<sup>207</sup> She said that she was taught from a young age that 'worldly' people, including the police, were bad and not to be trusted, as they served Satan.<sup>208</sup> BCG's parents did not allow BCG to attend sex education classes at school or participate in extracurricular activities, such as sport, because the organisation advised against it.<sup>209</sup> BCG said that she was not permitted to attend school after year 10 because choosing higher education over Jehovah was frowned upon by the Jehovah's Witness organisation.<sup>210</sup>

The Royal Commission heard that, when she was 17, BCG was sexually abused by her father, BCH, on a number of occasions over a two-week period while her mother and siblings were away on holiday.<sup>211</sup>

### 4.2 BCG's attempted disclosure to the elders

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BCG told the Royal Commission that she initially tried to speak about her father's abuse to Mr Dino Ali and Mr Kevin Bowditch – two elders in the Mareeba Congregation who were also friends of her father's.<sup>212</sup> BCG said that she first approached Mr Bowditch's wife and said words to the effect of

‘I need to talk about some stuff that’s happened between me and dad’.<sup>213</sup> BCG said that she also called Mr Ali on the telephone and said words to the effect of ‘I want to talk to you about things in my family that you don’t know about. What my father is doing’.<sup>214</sup>

BCG said that both elders refused to speak with her before she spoke to her father or without her father being present.<sup>215</sup>

Mr Bowditch recalled his wife raising with him that BCG needed to talk with him but could not recall his response.<sup>216</sup> Mr Bowditch told the Royal Commission that at the time he did not know how serious the matter was but that ‘as she was a young adult [he] would have spoken to her anyway’.<sup>217</sup> He did not accept that he would have required BCH to be present before speaking with BCG.<sup>218</sup> Mr Bowditch’s evidence was that he ‘would never have said that’ because, he said, ‘that’s not me’.<sup>219</sup>

Mr Ali told the Royal Commission that he had no recollection of the conversation with BCG.<sup>220</sup> However, Mr Ali agreed that to require a person to speak to her father in the first instance was ‘consistent with the teaching of the [organisation]’.<sup>221</sup>

### 4.3 Investigation and judicial committee

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About eight months after BCG was sexually abused by BCH, BCH left BCG’s mother for another woman and moved out of the family home.<sup>222</sup> It was not until this time that BCG found the courage to tell her male friend, BCJ, about the abuse.<sup>223</sup> BCJ approached BCG’s father to confront him about the abuse and subsequently arranged for BCG to meet with the elders of the Mareeba Congregation.<sup>224</sup>

BCG was interviewed by the elders Mr Ali, Mr Bowditch and Mr Albert De Rooy about her allegations.<sup>225</sup> They ultimately decided to disfellowship BCH on charges that were not related to BCG’s allegations because there was not enough evidence to prove BCG’s allegations.<sup>226</sup> BCH later appealed that decision, and both he and BCG appeared before an ‘appeal committee’.<sup>227</sup>

#### Existing investigation and judicial committee

At the time that they became aware of BCG’s allegation, Mr Ali, Mr Bowditch and Mr De Rooy were already members of a judicial committee that was considering BCH’s extramarital relationship.<sup>228</sup>

Mr Bowditch told the Royal Commission that there was a lot of overlap between BCG’s complaint and the matters already before the judicial committee; therefore, some of BCG’s complaint was investigated concurrently with those matters.<sup>229</sup> Mr Ali said that the same judicial committee members also dealt with BCG’s allegations and that ‘it was tied in pretty much together’.<sup>230</sup>

Mr De Rooy, Mr Ali and Mr Bowditch told the Royal Commission that the elders on the judicial committee were well known to BCG and her family, including BCH, at least in the context of the ‘congregational group’.<sup>231</sup>

## Interviewing of BCG

BCG told the Royal Commission that she was interviewed on her own by Mr De Rooy, Mr Ali and Mr Bowditch on a number of occasions.<sup>232</sup> BCG said that she ‘had nobody to support’ her during the committee interview process and that the elders offered her ‘no emotional support or protection’.<sup>233</sup> On at least one occasion, BCH was also present at the interview.<sup>234</sup>

At the time that Mr Ali, Mr Bowditch and De Mr Rooy were investigating BCG’s complaint, high-level and generalised information on reporting and disciplinary procedures was available to ordinary members like BCG in the form of the members’ handbook, *Organized to Accomplish Our Ministry*.<sup>235</sup> That handbook did not discuss the investigative or judicial committee processes or the scriptural standards of proof relevant to the elders’ consideration of BCG’s complaint.

### Support and explanation of the purpose of the interviews

BCG said that she did not remember anyone explaining the purpose of the meetings to her but that she understood that the elders were investigating her allegations.<sup>236</sup>

BCG told the Royal Commission that, instead of being protected and supported as a victim of child sexual abuse, she felt that the elders sat in judgment of her credibility as a witness and made her feel to blame for what had happened.<sup>237</sup> She said that, because the elders were all male and were friends of her father, she was reluctant to speak in any detail about BCH’s abuse.<sup>238</sup>

Mr Ali told the Royal Commission that the three elders sought to offer BCG compassion and understanding during the process.<sup>239</sup> He also said that, while the interviews with BCG were held as a ‘closed session in a room, immediately beyond the door was her fiancé [BCJ], who was providing support’.<sup>240</sup>

Watchtower Australia and the Jehovah’s Witness elders who gave evidence at the public hearing (Watchtower & Ors) submitted that BCG had a ‘close association’ with the three elders dealing with the matter and that they ‘at all times sought to put BCG at ease’ and reassure her during the process.<sup>241</sup>

We accept BCG’s evidence and are satisfied that the elders did not explain to BCG the purpose of their investigation and their meetings with BCG. As a consequence, BCG did not fully understand the purpose of the meetings. This left her feeling confused and disempowered.

We are satisfied that the elders did not offer BCG the opportunity to have the support and involvement of another woman or women while they were investigating her allegations of abuse. The evidence before the Royal Commission suggests that the elders proceeded under the misapprehension that BCG did not need any support during the interview process beyond that which they themselves offered her. They had little regard to how BCG herself might feel in the circumstances.

### BCG confronts BCH with her allegations

BCG said that at one of the meetings the elders required her to directly confront her father with her abuse allegations.<sup>242</sup> BCG told the Royal Commission that when her father was brought into the room she was extremely terrified.<sup>243</sup> In the meeting, BCH threatened BCG verbally and physically and blamed her for seducing him.<sup>244</sup>

Mr Bowditch and Mr Ali accepted that it would have been a difficult and traumatising experience for BCG to be required to make her allegations in front of BCH.<sup>245</sup> They also accepted that requiring a victim of child sexual abuse to make their allegation in the presence of the offender was not an effective way of reaching the truth.<sup>246</sup>

The Watchtower & Ors submitted that the evidence before the Royal Commission is that BCG ‘involved herself voluntarily in the process of confronting her father and wanted to put her allegations to him face-to-face’.<sup>247</sup>

Mr Bowditch told the Royal Commission that, at the time, BCG had wanted to put her accusation to BCH; however, he was unable to remember if she had actually asked to confront BCH with her allegations.<sup>248</sup>

Mr Ali told the Royal Commission that BCG agreed to participate in the judicial committee process.<sup>249</sup> However, Mr Ali acknowledged that the judicial committee process was the only process or system available to BCG if she wanted to pursue her allegations against BCH.<sup>250</sup> Mr Ali accepted that the Jehovah’s Witness organisation requires its members to report child sexual abuse allegations to the elders.<sup>251</sup> He said that, in spite of this requirement, she had a choice about involving herself in the process.<sup>252</sup> He ultimately agreed that, in order to fulfil her obligations as a member of the organisation, she was required, as part of the process, to make her allegations before the three elders.<sup>253</sup>

We do not consider that BCG’s involvement in the process can be characterised as voluntary simply because she chose to take her allegations to the elders in accordance with her obligations as a Jehovah’s Witness.

Given Mr Bowditch’s evidence that he could not remember if BCG asked to confront BCH, we accept BCG’s evidence and are satisfied that she was required to make her allegations in the presence of BCH, her abuser.<sup>254</sup>

For the reasons given in section 7.2 of this report, it was wrong of the elders to require BCG to make her allegations of child sexual abuse against BCH while BCH was present.

We are satisfied that, in requiring BCG to disclose her abuse before a group of men, the elders caused BCG further trauma and distress. This requirement was not likely to and did not result in BCG disclosing the full extent of her abuse.

## Handwritten notes of the judicial committee meetings

During the public hearing, Mr Ali was shown a document comprising some 23 pages of photocopied handwritten notes.<sup>255</sup> He told the Royal Commission that the document constituted notes that he had taken during the judicial committee process regarding BCH.<sup>256</sup> Mr Ali agreed that the notes, including the page numbers, ‘appear[ed]’ to be in his handwriting.<sup>257</sup>

### Contemporaneity of the notes

In 2003, Mr Ali gave evidence about the handwritten notes during the first criminal trial of BCH.<sup>258</sup> Mr Ali then identified the notes as ‘my writing and the meetings – the comments that were made at the meetings and the notes about those meetings’.<sup>259</sup> Mr Ali also accepted that the handwritten notes record, ‘as [the committee] met with different people and they told [the committee] things, [he has] written their name and recorded what they told [the committee]’.<sup>260</sup> He told the court in 2003 that the notes recording BCG confronting BCH with her allegations were taken at the time that BCG was making her allegations.<sup>261</sup>

We are satisfied that Mr Ali’s notes are a contemporaneous record of the judicial committee meetings at least insofar as they record BCG making her allegation and BCH’s response. We are satisfied that the notes are a record of the judicial committee meetings and that they were made during or shortly after those meetings.

### Period and events recorded by the notes

Mr Ali did not dispute that the pages of the notes appeared to be ordered consecutively. He agreed that the page numbering starts at ‘1’ and each page following the numbered page is the reverse of its respective numbered page.<sup>262</sup> Mr Ali acknowledged that, where a page was unnumbered – for example, the page between the pages numbered 14 and 15 – it stood to reason that the unnumbered page was the reverse of the preceding numbered page.<sup>263</sup>

Mr Ali told the Royal Commission that, at least before the reverse of the page numbered 14, the notes possibly record matters that the judicial committee considered before BCH’s appeal against the judicial committee’s decision to disfellowship him.<sup>264</sup> In the 2003 court proceedings, Mr Ali also agreed that the notes ‘concern times before we get to the appeals committee’.<sup>265</sup>

We are satisfied that this is the correct understanding of the handwritten notes.

## The Royal Commission's reliance on the notes

The Watchtower & Ors submitted that the Royal Commission should take into account that:<sup>266</sup>

- the notes were written in 1989
- Mr Ali and Mr De Rooy were questioned 'without notice' in relation to the notes
- Mr Ali and Mr De Rooy had little recollection of the notes.

Mr Ali, Mr Bowditch and Mr De Rooy each told the Royal Commission that, owing to the passage of time, they were unable to recall specific details or the sequence of events in the case of BCG.<sup>267</sup>

Mr De Rooy in particular told the Royal Commission that his memory was vague and acknowledged that the notes were likely to be more reliable than his own memory as a record of what information the judicial committee considered at the time.<sup>268</sup>

Finally, the Royal Commission has before it the transcript of Mr Ali's oral evidence given during the first criminal trial of BCH in 2003 on the circumstances of the creation of the notes and what they purport to record.<sup>269</sup> That evidence assists with the interpretation of the notes today.

In these circumstances, we consider it reasonable to rely on the handwritten notes in order to ascertain the sequence and detail of events as they happened at the relevant time.

## Allegations of sexual abuse of BCG's sisters

Not long after disclosing her abuse to the elders, BCG disclosed her abuse to her mother, BCI.<sup>270</sup>

BCI told BCG that her father had previously abused BCG's older sister, BCK.<sup>271</sup> At around the same time, BCG's two younger sisters told BCG and her mother that they had also been sexually abused by BCH.<sup>272</sup>

## BCG's two younger sisters

BCG told the Royal Commission that she and her mother, BCI, went to the elders to tell them about the allegations that BCG's younger sisters made against BCH,<sup>273</sup> but the elders did not take those allegations into account when they considered BCG's own allegation against BCH.<sup>274</sup> BCG said that Mr De Rooy told her that the elders could not consider the evidence of her sisters' abuse, as they were too young to know what they were talking about and were not witnesses to the 'same event'.<sup>275</sup>

Page 4 of the handwritten notes that Mr Ali took during the judicial committee process appears to record BCG's mother, BCI, telling the committee that '[BCH] has abused 2 younger children, possibly [BCK] too at age 2'.<sup>276</sup>

Mr De Rooy, Mr Ali and Mr Bowditch each told the Royal Commission that they did not recall being told about the abuse of BCG's sisters during the judicial committee meetings.<sup>277</sup> Mr De Rooy told the Royal Commission that, if the judicial committee had been made aware of the allegations, it would have acted.<sup>278</sup>

Despite this evidence, Mr Ali's handwritten notes of the judicial committee meetings are clear. We are satisfied that during the judicial committee process BCG and her mother told Mr Ali, Mr Bowditch and Mr De Rooy that BCG's two younger sisters had each been sexually abused by BCH.

The Watchtower & Ors submitted that BCG's allegations about her younger sisters were 'hearsay allegations'.<sup>279</sup>

Regardless of the 'hearsay' nature of the allegations that BCG made to the elders, we are satisfied that BCG's report put the elders on notice that BCH may have abused other children. The then members' handbook, *Organized to Accomplish Our Ministry*, relevantly states that 'regardless of the exact manner in which elders first hear reports of serious wrongdoing on the part of a baptized member of the congregation, an initial investigation will be made'.<sup>280</sup>

There is no evidence before the Royal Commission that there was any investigation (initial or otherwise) of the allegations regarding BCG's younger sisters.

### **BCK's allegations**

Mr Ali agreed that his handwritten notes recorded that BCG's older sister, BCK, herself told the judicial committee about having been sexually abused by her father.<sup>281</sup> He also agreed that, on or around 17 June 1989, during the judicial committee process BCG and her mother reported to the committee an incident of abuse of BCK by BCH.<sup>282</sup>

The Watchtower & Ors did not contest the fact that BCK attended the judicial committee meeting 'at some point' and made a complaint against BCH.<sup>283</sup>

It is apparent that Mr De Rooy, Mr Ali and Mr Bowditch had received the testimony of two witnesses (BCG and BCK) to separate incidents of the same kind of wrongdoing – namely, child sexual abuse by BCH. If they accepted that evidence, the Jehovah's Witness organisation's own scriptural standards of proof had been met.

### **BCH's denial and apparent confession to the judicial committee**

When confronted with BCG's allegations, BCH initially denied the allegations.<sup>284</sup> However, when he appealed the judicial committee's decision, BCH confessed.<sup>285</sup> Mr Ali's handwritten notes also appear to record BCH's confession to the judicial committee that he had abused BCG.<sup>286</sup>

### What the handwritten notes record

Pages 4 and 5 of the handwritten notes record that BCH ‘When faced and hears accusations; denies all’. The notes then record BCH as having said, among other things, that:

- it was ‘all part of parental training and yes kissed on mouth and hugged tightly but that’s all!’
- ‘IF any “improper acts” – [BCG] looking for the opportunities’.<sup>287</sup>

Page 12 of Mr Ali’s chronologically arranged notes record that the judicial committee met on 10 July 1989 to discuss disfellowshipping BCH on ‘charges of “LOOSE CONDUCT” and “Lying”’.<sup>288</sup> On the same page, the notes record that an appointment was made over the telephone with BCH and someone else to meet at the Kingdom Hall at 7.30 pm on 12 July 1989.<sup>289</sup>

Page 14 of Mr Ali’s handwritten notes relevantly records:<sup>290</sup>

[BCH] – told of charges ‘Loose conduct + lying’

...

Call in [redacted] and [redacted] & [redacted] tells [BCH] he tells her about V.D & [BCI].

[BCH] has admitted to all things and also said that whatever [BCG] had said on molesting was true.

Mr Ali agreed that the notes seem to record BCH confessing to the judicial committee.<sup>291</sup>

However, in 2003, at the first criminal trial of BCH, Mr Ali gave evidence that at the ‘judicial committee hearings [BCH] denied the allegations raised by [BCG]’.<sup>292</sup> He was asked in 2003 about the alleged confessions recorded on page 14 of his handwritten notes and if he had an independent recollection of what was said.<sup>293</sup> Mr Ali responded as follows:<sup>294</sup>

[Ali] This was the so-called witnesses that had on hearsay. Apparently [BCG] had mentioned to them that what had happened to her concerning her dad, what her dad did to her, this is the individuals mentioned there were – if you noticed on the fourth line on the bottom, ‘[redacted] and [redacted]’, his wife –

[Prosecutor] Yeah?

[Ali] and ‘[redacted] tells [BCH] that he tells her’ –

[Prosecutor] I understand, I understand. So that’s some hearsay comment that you’ve recorded?

- [Ali] Yes.
- [Prosecutor] of witnesses?
- [Ali] Yes.
- [Prosecutor] That's not anything that you heard said by [BCH]?
- [Ali] No, she had claimed [BCH] had molested her.
- [Prosecutor] That's okay. But you didn't hear her say anything to that effect?
- [Ali] No, no.

### Independent recollections of the elders

In their written statements tendered in evidence, Mr Ali,<sup>295</sup> Mr Bowditch and Mr De Rooy described how BCH 'vehemently'<sup>296</sup> and 'strongly denied [the allegations] at first'.<sup>297</sup> Mr Ali also told the Royal Commission that each time they met with BCH he denied the allegations.<sup>298</sup>

BCG did not give evidence on any specific confession by BCH during the judicial committee. She said that when she confronted her father he responded with 'You seduced me'.<sup>299</sup>

Mr De Rooy told the Royal Commission that it was his recollection that BCH did not confess to abusing BCG until the appeals committee meeting.<sup>300</sup>

### Conclusions about the apparent confession

Mr Ali's evidence before the court in 2003 presents a plausible explanation for why his handwritten notes appear to record an admission of guilt by BCH before the original judicial committee. In that evidence it was suggested that the notes record a report to the judicial committee by a third party and that BCH had admitted to that third party that he had abused his daughter, BCG.

We accept that BCH might not have confessed directly to the judicial committee that he had abused BCG and that the notes recording the apparent confession might instead record a hearsay report of a confession. There is no evidence before the Royal Commission of any action taken by Mr Ali, Mr Bowditch or Mr De Rooy following this report.

## 4.4 The decision to disfellowship BCH

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Following their investigation of BCG's allegations concurrently with their judicial committee inquiry into BCH's extramarital conduct, Mr Ali, Mr Bowditch and Mr De Rooy ultimately decided to

disfellowship BCH. The decision to disfellowship was not made on grounds of child sexual abuse but on grounds of 'loose conduct' in relation to his extramarital relationship and for 'lying' about that relationship.<sup>301</sup>

Mr De Rooy, Mr Ali and Mr Bowditch each told the Royal Commission that they believed that BCG had been abused by BCH.<sup>302</sup> Mr Ali and Mr De Rooy said that, despite the fact they believed BCG's allegations were true, they concluded that, without a confession by BCH, they were bound by the two-witness rule and did not have enough evidence to take action.<sup>303</sup> Mr De Rooy accepted that this outcome was 'not fair' for BCG but told the Royal Commission that the elders were bound by their biblical principles.<sup>304</sup>

In any event, as set out above, we do not accept that Mr Ali, Mr Bowditch and Mr De Rooy did not have enough evidence before them that BCH had sexually abused BCG and BCK.

There is an obvious conflict between the biblical principles and the view that the committee members said they had of the evidence. Although they concluded that BCH was capable of lying and, furthermore, they accepted that BCG was telling the truth, their understanding of the Bible meant that they could not express their view of the true position. When a complainant has already been traumatised by an abuser, the potential impact of not having their allegation accepted is obvious. The Jehovah's Witness organisation's procedure in this regard had, and still has, the capacity to do serious harm to complainants. The impact on BCG is detailed in the following sections.

In these circumstances we have concluded that, during their judicial committee investigation or proceedings, Mr Ali, Mr Bowditch and Mr De Rooy received evidence that BCH had abused BCG's elder sister and her two younger sisters and that they took no action in relation to that evidence.

We are also of the view that the decision of Mr Ali, Mr Bowditch and Mr De Rooy to disfellowship BCH on grounds that related only to his infidelity was wrong because it took no account of the evidence presented to the judicial committee of BCH having abused his daughters BCG and BCK.

## 4.5 Alleged ongoing investigation

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The report of the judicial committee to the Branch Office on the decision to disfellowship BCH referred only to the charges of 'loose conduct' and 'lying'.<sup>305</sup> The report did not mention BCG's allegation of child sexual abuse against BCH or the investigation that Mr De Rooy, Mr Ali and Mr Bowditch undertook in relation to that allegation.<sup>306</sup>

Mr Bowditch was unable to explain why the report did not mention BCG's allegation of child sexual abuse.<sup>307</sup>

Mr De Rooy told the Royal Commission that the report to the Branch Office did not refer to BCG's allegations because, in his view, the investigation of her allegations was ongoing.<sup>308</sup>

Mr De Rooy told the Royal Commission that there can be no ongoing investigation of a person who has been disfellowshipped.<sup>309</sup> However, disfellowshipping takes effect when it is announced to the congregation after the seven-day appeal period has expired, rather than from the date of decision.<sup>310</sup>

On 19 July 1989, before the seven-day appeal period had expired,<sup>311</sup> BCH sent a fax to Mr De Rooy, Mr Bowditch and Mr Ali appealing the judicial committee's decision to disfellowship him for 'loose conduct' and 'lying'.<sup>312</sup>

Implicit in Mr De Rooy's evidence is the fact that, where the organisation has decided to disfellowship a person, the organisation may continue to investigate that person for the duration of the appeal period or until that person appeals that decision. The reverse of page 14 of Mr Ali's handwritten notes records that BCH's notice of appeal was received on 19 July 1989.<sup>313</sup> The pages following that page, up to and including the final page of the handwritten notes, appear to record further discussion about BCH's infidelity.<sup>314</sup> The notes appear to refer to BCG only in the context of the counsel offered to her 'on talking too much to many others'.<sup>315</sup> The word 'CLOSE' is recorded on the final page of the notes.<sup>316</sup> There is no evidence in Mr Ali's handwritten notes of any ongoing investigation of BCG's allegations.

When Mr Ali gave evidence at BCH's first trial in 2003, he told the court that once he, Mr Bowditch and Mr De Rooy had advised BCH of their decision to disfellowship, they left the matter of BCG for the 'time being' because 'there was just a lack of further evidence on that'.<sup>317</sup>

We are satisfied that the elders ceased their investigation of BCG's complaint once they decided to disfellowship BCH on grounds that were unrelated to the abuse of BCG and BCK.

## 4.6 BCH's appeal

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Shortly after BCH appealed the decision to disfellowship him, an appeal committee was convened. It comprised three different elders from other congregations in the same area:<sup>318</sup> Mr Joe Mirarzi, Mr Don Wilson and Mr Jim Bennett.<sup>319</sup> Mr De Rooy, Mr Ali and Mr Bowditch also attended the appeal committee meeting as observers.<sup>320</sup>

### BCG's appearance before the appeal committee

BCG told the Royal Commission that she 'was called to appear alone before the [a]ppel [c]ommittee, although no one explained to [her] why'.<sup>321</sup>

Mr Ali told the Royal Commission that BCG's allegations of sexual abuse resurfaced during the appeal committee meeting.<sup>322</sup> When he gave evidence at BCH's committal hearing in 2001, Mr De Rooy told the court that 'BCG brought the accusations up again [before the appeal committee] ... I recall that BCG made the same accusations as we heard before'.<sup>323</sup>

BCG said that the appeal committee elders asked her questions and that she ‘had to say everything about the abuse all over again’.<sup>324</sup>

BCH was again present in the room when BCG appeared before the committee.<sup>325</sup>

For the reasons given in section 7.2 of this report, it was wrong of the elders on the appeal committee to require BCG to give details of her abuse by BCH in front of a group of men, including BCH.

## Decision of the appeal committee

Mr Ali, Mr Bowditch, Mr De Rooy and BCG each told the Royal Commission that during the appeal committee meeting BCH confessed to abusing BCG.<sup>326</sup>

The appeal committee upheld the decision to disfellowship BCH for ‘loose conduct’ and ‘lying’ and added, relevantly, the ground of ‘porneia’ to reflect BCH’s confession to ‘gross sexual acts against’ BCG on five or six occasions.<sup>327</sup>

In spite of the appeal committee’s decision to add the ground of ‘porneia’, the form recording BCH’s disfellowshipping only recorded the charges of ‘loose conduct’ and ‘lying’.<sup>328</sup> The form appears to be the notification form completed by the original judicial committee. That form had been updated to reflect the date of the appeal committee decision, but it had not been updated with the new charge. In oral evidence, Mr De Rooy accepted that this was an oversight.<sup>329</sup>

Mr Bowditch told the Royal Commission that the Mareeba Congregation was not told the reason for BCH’s disfellowshipping.<sup>330</sup>

Mr De Rooy and Mr Ali told the Royal Commission that, despite BCH’s admission to the appeal committee, they did not consider reporting the matter to police.<sup>331</sup> Mr Ali and Mr Bowditch accepted that the result of this was that BCH – a man they knew to have confessed to child sexual abuse – was left at large in the community.<sup>332</sup>

We are satisfied that the elders’ failure to report BCH’s sexual abuse of BCG to the police had the result that BCH remained at large in the community and therefore posed a risk to children.

We note the submission of the Watchtower & Ors that the above finding should reflect that the failure to report BCG’s abuse to the police was not just the failure of the elders but also the failure of ‘any other person’.<sup>333</sup> We do not agree with that submission. The Royal Commission’s investigation, as required by its Terms of Reference, examined the response of the institution (that is, the Jehovah’s Witness organisation) and not the response of ‘any other person’.

## 4.7 Impact of the investigation and judicial committee process on BCG

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BCG told the Royal Commission that she was devastated by the original judicial committee's decision to disfellowship BCH on grounds unrelated to his sexual abuse of her.<sup>334</sup> It appeared to her that BCH's abuse of her did not qualify as wrongdoing in the eyes of the Jehovah's Witness organisation.<sup>335</sup> This was the obvious conclusion for a person in BCG's position to reach.

Mr Ali's handwritten notes of the original investigation and judicial committee record that the elders counselled BCG against speaking to others, including her soon-to-be fiancé, about her case.<sup>336</sup> Mr De Rooy told the Royal Commission that they did this to protect the confidentiality of the matter and it was intended to be for BCG's benefit.<sup>337</sup> Mr De Rooy accepted that the counsel may have had the effect of making BCG feel silenced.<sup>338</sup>

BCG said that she was 'told and believed' that she could not report her abuse outside of the Jehovah's Witness organisation. This understanding made her scared of reporting her father to the police when the abuse was 'fresh' in her mind.<sup>339</sup>

BCG told the Royal Commission that, following BCH's disfellowshipping, many people in the congregation accused her of lying about BCH's abuse. As a result, she felt worthless, helpless and embarrassed.<sup>340</sup> This is not surprising. The Jehovah's Witness organisation's process of decision-making and desire for secrecy has the potential to cause very serious additional trauma for a person who has been sexually abused.

BCG told the Royal Commission that, after and as a result of her experience of the committee meetings with the elders, she attempted suicide.<sup>341</sup>

## 4.8 The reinstatement of BCH

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The Jehovah's Witness organisation had directed elders not to be hasty in reinstating individuals and to be careful to allow sufficient time – perhaps many months, a year or even longer – for the disfellowshipped person to prove genuine repentance.<sup>342</sup>

In February 1990, less than eight months after the appeal committee's decision to disfellowship him, BCH applied to the Beenleigh East Congregation for reinstatement as a Jehovah's Witness.<sup>343</sup>

Mr Spinks (now the senior Service Desk elder) and Mr Monty Baker were both elders in the Beenleigh East Congregation at the time that BCH applied for reinstatement.<sup>344</sup>

The elders of Beenleigh East Congregation wrote to the Mareeba Congregation elders asking for further information about the circumstances of BCH's disfellowshipping.<sup>345</sup>

Mr Baker said that the primary concern of the Beenleigh East judicial committee that was considering BCH's reinstatement was BCH's conduct underlying the charges of 'loose conduct' and 'lying'.<sup>346</sup>

The Mareeba Congregation recommended that BCH's application for reinstatement be rejected on the basis that BCH was not repentant for his wrongdoing.<sup>347</sup>

Mr De Rooy accepted that the reasons the Mareeba elders gave for rejecting BCH's reinstatement application were concerned only with the continuing relationship between BCH and another woman.<sup>348</sup>

In around June of 1990, the Beenleigh East judicial committee rejected BCH's first application for reinstatement.<sup>349</sup>

Between September 1990 and April 1992, BCH made repeated pleas for reinstatement to the Mareeba, Beenleigh and St George congregations and to the Australia Branch Office.<sup>350</sup>

By November 1992, after some correspondence had passed between the relevant congregations,<sup>351</sup> the Mareeba Congregation agreed that BCH had demonstrated sufficient repentance. On 13 November 1992 it reinstated him.<sup>352</sup>

Mr De Rooy said that, despite agreeing to BCH's reinstatement, he was 'very hesitant' about BCH being reinstated at the time.<sup>353</sup>

We are satisfied that the decision to reinstate BCH took no account of the risk that BCH may have posed to children. Although BCG's allegations were believed to be true, the decision to reinstate BCH was focused on his demonstration of repentance for his extramarital relationship.

### BCG's reaction to BCH's reinstatement

BCG told the Royal Commission that the decision to reinstate BCH left her feeling 'very upset and disappointed'.<sup>354</sup> She said that she felt as though she did not matter and that 'the abuse was not considered bad enough in the eyes of Jehovah'. She said that at the time she feared that she herself would be disfellowshipped.<sup>355</sup>

BCG said that, when she learned that her father had been reinstated, she told Mr De Rooy that she was concerned for the safety of the congregation and that she intended to report the matter to the police.<sup>356</sup> BCG said that Mr De Rooy responded by quoting her 'the scripture that says that we don't take brothers to court'.<sup>357</sup> BCG said that Mr De Rooy told her that, if she reported to police, she would be disfellowshipped.<sup>358</sup> Mr De Rooy could not recall this conversation with BCG and did not accept that he might have said that to BCG.<sup>359</sup> He told the Royal Commission that the Scripture BCG referred to did not apply to cases involving child sexual abuse.<sup>360</sup>

There is no reason to disbelieve BCG's account. A statement to this effect is entirely consistent with the Jehovah's Witness organisation's approach to BCG's allegations. We accept BCG's evidence on this point.

The decision to reinstate BCH left BCG feeling upset and disrespected. It appeared to her that the Jehovah's Witness organisation tolerated child sexual abuse within its ranks.

## 4.9 BCG's correspondence with the Branch Office

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On 19 December 1995, BCG wrote to the Branch Office expressing concern about her father's premature reinstatement.<sup>361</sup> In her letter, BCG informed the Branch Office that she was concerned that BCH would sexually abuse other children within the Jehovah's Witness organisation.<sup>362</sup>

On 26 February 1996, the Service Desk at the Branch Office responded to BCG, telling her that they would investigate the matter and counselling her to have faith in Jehovah and the elders in her congregation.<sup>363</sup>

BCG told the Royal Commission that upon receiving the Branch Office's letter she felt angry, upset and let down.<sup>364</sup> Mr Geoffrey Jackson (a member of the Governing Body) told the Royal Commission that he expected any letter from a Branch Office to be written with a spirit of love and concern and that the Australia Branch's letter did not, on its face, reflect that love and concern.<sup>365</sup>

On 25 July 1996, the Service Desk at the Branch Office wrote to the body of elders at the Mareeba Congregation asking whether the fact that BCH had not apologised to BCG was a factor taken into consideration in the decision to reinstate BCH.<sup>366</sup>

There is no evidence before the Royal Commission that the Jehovah's Witness organisation took any action subsequent to its letter of 25 July 1996 to address the concerns that BCG expressed in her letter, to respond to her letter or to offer her support.

We are satisfied that the Branch Office's response to BCG on 26 February 1996 caused BCG to feel angry, upset and let down. It did not convey support and concern to BCG on the part of the Jehovah's Witness organisation.

## 4.10 BCG's report to the police and BCH's conviction

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In or around 1998 or 1999, BCG decided to leave the Jehovah's Witness organisation.<sup>367</sup> BCG said that, as a result of this decision, she was shunned, ostracised and actively avoided by members of her local congregation.<sup>368</sup>

After leaving the Jehovah's Witness organisation, BCG reported the abuse by her father to the police.<sup>369</sup> In around 2001, criminal proceedings commenced against BCH in relation to his sexual abuse of BCG. BCH pleaded not guilty to the charges.<sup>370</sup>

BCH's first trial resulted in a hung jury. His second trial was declared a mistrial.<sup>371</sup> After a third trial, which concluded in December 2004, BCH was convicted for the unlawful and indecent assault and attempted rape of BCG and was sentenced to three years imprisonment.<sup>372</sup>

The Royal Commission heard that the elders from the Mareeba Congregation who had presided over the judicial committee meetings, and those who had presided over appeal committee meetings, gave evidence at the first trial of BCH.<sup>373</sup>

BCG told the Royal Commission that her experience of the three criminal trials was significantly less traumatic than her experience of sitting through the committee meetings.<sup>374</sup>

## 4.11 The second disfellowshipping of BCH

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The Royal Commission heard evidence from Mr Allan Pencheff, who was an elder in the Loganholme Congregation in Queensland between 1991 and 2005.<sup>375</sup>

Mr Pencheff told the Royal Commission that, after BCH's reinstatement in 1992, BCH started attending the Loganholme Congregation.<sup>376</sup>

### Risk management of BCH

In a letter to the Loganholme Congregation dated 17 December 1992, the Mareeba Congregation recommended that the congregation place certain restrictions on BCH due to the 'gravity of the wrongs committed'.<sup>377</sup> The letter did not refer to BCG's allegation of child sexual abuse or recommend any restrictions on BCH's exposure to children.

Mr Pencheff gave evidence that, at the time BCH joined the Loganholme Congregation, BCH was restricted from answering at meetings and giving talks from the platform.<sup>378</sup> Mr Pencheff said that he was not aware of any reason to restrict BCH's contact with children.<sup>379</sup> He said that he only became aware of BCH's history of child sexual abuse when criminal proceedings were commenced against BCH in 2001.<sup>380</sup>

The Watchtower & Ors submitted that there was no evidence before the Royal Commission that BCH was a risk to children other than his own.<sup>381</sup> Therefore, the Watchtower & Ors submitted, there can be no finding on the absence of restrictions on BCH's contact with children.<sup>382</sup>

We consider it unreasonable and wrong that the Jehovah's Witness organisation failed to take precautionary steps to protect other children in the congregation from the risk of sexual abuse by BCH on the basis that he was disfellowshipped for having only sexually abused a child of his own. We are satisfied that, when BCH was reinstated, no restrictions relevant to his risk to children were placed on him, despite his established history of child sexual abuse.

## Notification of prosecution

On 1 November 2002, the Service Desk at the Australia Branch Office wrote to the Loganholme Congregation advising that BCH had 'recently been prosecuted for sexually interfering with' BCG and her younger sister.<sup>383</sup>

The Service Desk instructed two elders of the Loganholme Congregation to meet with BCH to investigate his lying to elders about the abuse of his daughters.<sup>384</sup> The Loganholme elders were instructed that, if BCH refused to confess to his wrongdoing, he should be informed that he would probably be disfellowshipped for sexually abusing BCG's younger sister as well as for dishonesty.<sup>385</sup>

In a memorandum to the Service Desk dated 23 January 2003,<sup>386</sup> Mr Toole (writing from the Legal Department) observed that the primary issue before the Loganholme judicial committee in 2003 was BCH's lying and not his sexual abuse of BCG.<sup>387</sup>

## The decision to disfellowship BCH for lying

Mr Pencheff gave evidence that he was one of the two elders who met with BCH and later chaired the Loganholme judicial committee that was established to consider whether to disfellowship BCH for lying.<sup>388</sup>

In March 2003, despite accepting the truth of the allegations of BCH's three daughters<sup>389</sup> and the instruction from the Service Desk that upon conviction BCH 'will likely be disfellowshipped for sexually abusing' BCG's younger sister, the elders at Loganholme Congregation disfellowshipped BCH for 'deliberate, malicious lying and bearing false witness' and not for child sexual abuse.<sup>390</sup>

Mr Pencheff did not accept that the reasons for BCH's disfellowshipping recorded in the judicial committee's report suggest that the judicial committee considered the charge of lying to be more serious than a charge of 'porneia' or child sexual abuse.<sup>391</sup> Mr Pencheff said that the charge of child sexual abuse and the charge of dishonesty went 'hand in hand' and that the judicial committee took the charge of child sexual abuse very seriously.<sup>392</sup> He told the Royal Commission that, because the charges of child sexual abuse were before the courts at the time of the judicial committee, it was BCH's honesty about those charges that the judicial committee considered.<sup>393</sup>

Mr Pencheff's explanation is at odds with the record of reasons for BCH's disfellowshipping. It is plain that BCH was disfellowshipped a second time for lying about the child sexual abuse rather than for the child sexual abuse itself.

Furthermore, the reasons given for the second disfellowshipping of BCH suggest that those from the Jehovah's Witness organisation who were involved were more concerned about a charge of lying than they were about BCH's sexual abuse of his daughters.

## 4.12 BCH's continued requests for reinstatement

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Between at least May 2006 and the date of the public hearing, BCH continued to make repeated applications for reinstatement, first to the Loganholme Congregation in Queensland and later to the Kalamunda Congregation in Western Australia.<sup>394</sup>

Mr Spinks told the Royal Commission that the Service Department has been closely involved in providing guidance to the elders on the respective judicial committees considering BCH's applications for reinstatement.<sup>395</sup> Mr Spinks said that '[c]lear direction had been given to the elders that, until [BCH] fully acknowledges his sins of child abuse and lying in connection with these offences, it would be difficult for the committees or the victims to consider that he was repentant'.<sup>396</sup>

It is remarkable that, in all of the correspondence in evidence before the Royal Commission (dating from May 2006) between the relevant congregations and the Australia Branch Office regarding BCH's pleas for reinstatement, there does not appear to be a single reference to considerations of child safety in discussions about whether BCH should be reinstated.<sup>397</sup>

As at the date of the public hearing, BCH remained disfellowshipped as a Jehovah's Witness.<sup>398</sup>

## 4.13 Impact of the abuse on BCG

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We were impressed by BCG's evidence. She has suffered greatly from the wrong perpetrated by her father, which was exacerbated by the wrong approach of the Jehovah's Witness organisation.

BCG experienced depression during her teens and her depression became worse after she was sexually abused by her father.<sup>399</sup>

BCG has at times feared being ostracised, shunned and vilified by those around her. She said that she has always lived in fear of her father and that she had lived in fear of Jehovah.<sup>400</sup>

BCG told the Royal Commission that, during the criminal proceedings against her father, she was terrified that Jehovah would kill her for having reported to the police and for bringing reproach upon his name.<sup>401</sup>

In her written statement tendered in evidence, BCG told the Royal Commission that the current beliefs and practices of the Jehovah's Witness organisation – specifically, the two-witness rule, the practice of not reporting to authorities outside the organisation and the factors taken into

account when reinstating an alleged perpetrator of child sexual abuse – appear to favour and even protect paedophiles.<sup>402</sup>

BCG told the Royal Commission that in her view it was essential that uniform mandatory reporting laws be introduced across Australia to apply to organisations like the Jehovah’s Witnesses in order to protect children.<sup>403</sup>

BCG also gave evidence that the Jehovah’s Witness organisation needed to be made financially accountable in order to redress the suffering of past, present and future victims of child sexual abuse within the Jehovah’s Witness organisation.<sup>404</sup>

## 5 BCB

BCB grew up on a farm in Western Australia.<sup>405</sup> She began associating with the Jehovah's Witness organisation when she was 10 years old and was formally baptised as a Jehovah's Witness at age 18.<sup>406</sup>

At the time of the public hearing, BCB was 47 years old and the mother of two children.<sup>407</sup> BCB was then a Jehovah's Witness,<sup>408</sup> but she stopped attending congregational meetings after reporting her abuse to the Royal Commission in about September 2014.<sup>409</sup>

### 5.1 BCB's sexual abuse by Bill Neill

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Between 1980 and 1986, when BCB was aged between 12 and 18, she regularly stayed overnight at the home of her friend's father, Bill Neill, and his family.<sup>410</sup> Bill Neill was an elder in the Narrogin Congregation in Western Australia.<sup>411</sup> BCB attended weekly Bible studies led by Bill Neill at the Narrogin Kingdom Hall and at the Neill family house.<sup>412</sup>

BCB told the Royal Commission that Bill Neill discouraged her from forming friendships with people who were not Jehovah's Witnesses.<sup>413</sup> The Watchtower & Ors submitted that this fact is of 'no particular significance to child sexual abuse'.<sup>414</sup> However, we consider that this conduct by Bill Neill, who was not BCB's father or even a family member, demonstrates the institutional context in which BCB's sexual abuse occurred.

BCB told the Royal Commission that she left high school at the end of year 10.<sup>415</sup> She said that the Neill family encouraged marriage or full-time preaching rather than pursuit of further education.<sup>416</sup>

The Royal Commission heard that from 15 years of age BCB was groomed and sexually abused by Bill Neill when BCB was staying in the Neill family house.<sup>417</sup> Bill Neill remained a respected elder within the congregation while he continued to abuse BCB.<sup>418</sup> Despite his abuse of her, BCB said that she continued to respect Bill Neill and felt unable to disclose the abuse because of his position of authority in the congregation.<sup>419</sup> BCB also said that she felt that, if she said anything, it would upset Bill's wife, his daughter BCE and members of the congregation.<sup>420</sup>

BCB told the Royal Commission that she felt that Bill Neill's position as an elder contributed to his power over her.<sup>421</sup>

### 5.2 BCB's disclosure to the elders

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BCB first disclosed her abuse by Bill Neill to her husband, BCC, in 1989.<sup>422</sup> BCB said that she had 'dreaded' telling her husband and could not bring herself to tell him anything beyond that Bill Neill used to kiss her.<sup>423</sup>

In 1991, when she was 23 or 24 years old, BCB also disclosed her abuse to a Jehovah's Witness acquaintance.<sup>424</sup> BCB gave evidence that, about a week after she disclosed to her acquaintance,

another elder in the Narrogin Congregation, Mr Max Horley, approached her about Bill Neill's conduct.<sup>425</sup> It appeared that the acquaintance had passed on BCB's disclosure to Mr Horley.

BCB told the Royal Commission that she told Mr Horley 'most of what Bill had done' and that Mr Horley was 'very kind and supportive'.<sup>426</sup>

Mr Horley told the Royal Commission that at the time that he learnt of BCB's complaint he was 31 years old and had been an elder for just three years. He said that before he received BCB's complaint he had not dealt with an allegation of sexual abuse.<sup>427</sup> The Watchtower & Ors submitted that Mr Horley's age and experience is important contextual evidence.<sup>428</sup> However, in appointing Mr Horley to the role of elder, the Jehovah's Witness organisation clearly considered that, in accordance with the requirements set out in the then members' handbook, *Organized to Accomplish Our Ministry*, he was qualified to undertake the responsibilities associated with that role, including responding appropriately to complaints of misconduct from congregation members.<sup>429</sup>

### 5.3 Investigation of BCB's allegation

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At the time of BCB's disclosure, Mr Horley and Bill Neill were the only two elders serving in the Narrogin Congregation.<sup>430</sup> At that time, Mr Horley had known Bill Neill for 16 years.<sup>431</sup> Mr Doug Jackson, the then circuit overseer, said that Mr Horley told him of BCB's complaint during his visit to the Narrogin Congregation.<sup>432</sup>

The Jehovah's Witness organisation's internal disciplinary procedures required Mr Horley and Mr Doug Jackson to investigate BCB's complaint to decide whether a judicial committee should be formed.<sup>433</sup> If a judicial committee was formed, it would then determine the necessary action the elders should take in respect of Bill Neill.<sup>434</sup> Therefore, Mr Horley convened two meetings with, among others, BCB and Bill Neill.

#### BCB's meeting with Mr Horley and Bill Neill

BCB told the Royal Commission that shortly after she initially spoke with Mr Horley he arranged a meeting at her house between himself, Bill Neill, BCB and her husband, BCC.<sup>435</sup>

Mr Horley told the Royal Commission that he was unable to recall this first meeting with BCB.<sup>436</sup>

BCB said that during this first meeting Bill Neill had asked her, with reference to his alleged conduct, 'Don't you think I was joking?'.<sup>437</sup> She also said that Mr Horley repeated at the meeting some details of her abuse and asked her to confirm that it was what she had told him, which she did.<sup>438</sup>

BCB said that she had not did not feel comfortable 'talking while Bill was in the room' and felt unable to report the full extent of Bill Neill's abuse at the meeting.<sup>439</sup> She told the Royal Commission that after the meeting she went to Mr Horley's house to 'clarify things'.<sup>440</sup> BCB said that, as a result of their conversation at his house, Mr Horley organised a second meeting.<sup>441</sup>

## BCB's meeting with Mr Horley, Mr Doug Jackson and Bill Neill

BCB told the Royal Commission that the second meeting was again held at her house. She said that she attended the second meeting along with her husband, BCC; Bill Neill; and the then circuit overseer, Mr Doug Jackson.<sup>442</sup>

BCB told the Royal Commission that during the second meeting Bill Neill was defensive and said that she used to wear revealing clothing.<sup>443</sup> BCB said that she did not feel supported and that the elders were testing her credibility.<sup>444</sup>

BCB told the Royal Commission that it was very distressing for her to have to discuss her abuse in front of a 'room full of men', including her abuser.<sup>445</sup> The Royal Commission heard that again BCB felt too uncomfortable to disclose to the elders the full extent of her abuse by Bill Neill.<sup>446</sup> BCB told the Royal Commission that, if a female Jehovah's Witness with whom she was comfortable had been present, 'it might have been easier'.<sup>447</sup> Mr Horley said that he could not recall offering BCB the opportunity to have a support person or persons to assist her.<sup>448</sup>

BCB's response to her treatment is entirely to be expected. The elders appeared to have had little regard to how BCB might feel when confronted by the male elders and her abuser.

## Explanation of the purpose and outcome of the meetings

At the time of Mr Horley and Mr Doug Jackson's investigation of BCB's complaint, high-level and generalised information on reporting and disciplinary procedures was available to ordinary members like BCB in the form of the then members' handbook, *Organized to Accomplish Our Ministry*.<sup>449</sup> That handbook does not discuss the investigative or judicial committee process or the scriptural standards of proof relevant to the elders' consideration of BCB's complaint.

BCB told the Royal Commission that nobody explained to her the purpose of either meeting.<sup>450</sup> BCB said that her understanding of the meetings was that the elders 'were just trying to find out what happened' and that it was her word against Bill Neill's.<sup>451</sup> Mr Horley gave evidence that he could not recall what was explained to BCB.<sup>452</sup>

BCB said that after the second meeting Mr Doug Jackson encouraged her to read an Awake! magazine about child sexual abuse but that nobody explained to her what the outcome of the meetings was or if anything would happen to Bill Neill.<sup>453</sup>

Mr Doug Jackson did not accept that BCB was unaware of the purpose of those meetings.<sup>454</sup> However, he did accept that BCB would have been 'left in the relative dark about how [the meetings] fitted into whether there might be a judicial committee' and 'what evidence would be sufficient and what evidence would not be sufficient'.<sup>455</sup> Mr Jackson agreed that that lack of information given to BCB about the process would have left her 'in a position of vulnerability and perhaps confusion'.<sup>456</sup>

We accept BCB's evidence and are satisfied that the elders did not explain to BCB the purpose of their investigation and the meetings with her to ensure that she understood that purpose. This left her confused and disempowered.

### Mr Horley's and Mr Doug Jackson's evidence about their investigation

Mr Horley told the Royal Commission that, at the time, he understood that biblical principles required the accuser to face the accused<sup>457</sup> and that the relevant procedure was that set out in the then elders' handbook, Pay Attention 1991.<sup>458</sup>

Mr Horley accepted in evidence that it is inappropriate to require an accused and their accuser to meet together but said that he did not reflect on it at the time because he was just following the then procedure.<sup>459</sup> He agreed that it would be very hard for an abused person to disclose the full detail of their abuse before the accused and at least two other men.<sup>460</sup>

For the reasons given in section 7.2 of this report, it was wrong of the elders to require BCB to make her allegations of child sexual abuse against Bill Neill when Bill Neill was present.

We are satisfied that, in requiring BCB to disclose her abuse before a group of men, the elders caused BCB significant distress. This requirement was not likely to and did not result in BCB disclosing the full extent of her abuse.

Mr Horley accepted that it was inappropriate for him to take a person accused of sexual abuse into the victim's home to discuss the allegations.<sup>461</sup>

The elders should not have brought the man who BCB accused of abusing her to her home. It was traumatising for BCB.

### Sufficiency of evidence

Mr Doug Jackson agreed that the purpose of the meetings with BCB and Bill Neill was to establish the truth of BCB's allegation in accordance with the Jehovah's Witness organisation's scriptural standards of proof<sup>462</sup> as described in section 3.

Mr Horley gave evidence that, because Bill Neill denied any intentional misconduct or deliberate touching on his part, application of the two-witness rule meant that BCB's allegations could not be proven according to the Scriptures, so the matter could not progress to judicial committee stage.<sup>463</sup> This was the case even though Mr Horley had no reason to disbelieve BCB's allegations.<sup>464</sup>

In his written statement tendered in evidence, Mr Doug Jackson said that he considered that 'Bill Neill no longer met the Scriptural qualifications for serving as an elder since he was guilty of uncleanness, and was not free from accusation'.<sup>465</sup>

The Pay Attention 1991 handbook also advised elders that ‘uncleaness’ included ‘an intentional momentary touching of sexual parts or caressing of breasts’, which was ‘minor’ and could ‘be handled at the discretion of an elder or two; it does not require a judicial hearing’.<sup>466</sup>

It is clear that the application of the two-witness rule meant that the elders would not take judicial action against Bill Neill even though they believed BCB. Application of the two-witness rule meant that Bill Neill remained at large in the congregation, where he may have been a risk to other children.

## 5.4 Removal of Bill Neill as an elder

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Mr Horley said that BCB’s allegations had cast a cloud over Bill Neill’s qualifications as an elder<sup>467</sup> and that he, together with Mr Doug Jackson, recommended that Bill Neill step down.<sup>468</sup>

BCB told the Royal Commission that, a few weeks after the meetings with Mr Horley and Mr Doug Jackson, Bill Neill stepped down from the position of elder.<sup>469</sup> Both she and Mr Horley said that the fact, but not the grounds, of Bill Neill’s deletion as an elder was announced to the congregation.<sup>470</sup>

## 5.5 Risk management in relation to Bill Neill

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### Reporting to authorities

BCB did not remember reporting her complaint to the police or discussing it with anybody before or after the meetings.<sup>471</sup>

Mr Horley told the Royal Commission that he never said anything to BCB about ‘whether she should or should not report Bill Neill’s behaviour to the authorities’.<sup>472</sup> Mr Horley said that he gave no consideration to whether he or BCB should report the matter to police.<sup>473</sup>

Mr Horley said that there were very few internal policies and procedures at the time about whether elders should go to police when faced with allegations like those brought by BCB.<sup>474</sup>

We are satisfied that the elders did not tell BCB that she could, let alone that she should, report her abuse to the authorities.

### Congregational attitude to Bill Neill

BCB said that, even after she had disclosed her abuse by Bill Neill and had asked to change Bible study groups, she was expected to attend Bible study held at Bill Neill’s house.<sup>475</sup> She told the Royal Commission that it was the elders who always organised the Bible study meetings; therefore, after

Bill Neill's removal, Mr Horley must have been responsible for organising Bible study groups.<sup>476</sup> BCB also said that she continued to see Bill Neill several times a week at congregational meetings.<sup>477</sup>

BCB gave evidence that she was left feeling unsupported by the congregation and that she felt she was instead encouraged to respect her abuser.<sup>478</sup> We accept her evidence.

Mr Horley told the Royal Commission that he and Mr Doug Jackson did not consider it necessary to impose any specific restrictions on Bill Neill.<sup>479</sup> However, Mr Horley agreed that it would have been appropriate to place a restriction on Bill Neill that prevented him from holding Bible studies at his home.<sup>480</sup>

Given that both investigating elders agreed that there was substance to BCB's allegations, they should have taken further steps against Bill Neill to protect BCB and other children from the obvious risk that Bill Neill presented. The rigidity of reliance upon biblical text in the face of obvious danger to children was wrong.

## Report to the Branch Office

In a letter dated 1 February 1992, Mr Horley and Mr Doug Jackson reported to the Branch Office on the outcome of their investigation of BCB's allegations.<sup>481</sup> The letter reported their recommendation that Bill Neill step down as an elder because Mr Horley and Mr Doug Jackson had concluded that 'uncleanness' had been committed 'on several occasion [sic]'.<sup>482</sup>

Mr Horley told the Royal Commission that, although he signed the letter to the Branch Office, he did not believe that Bill Neill had only committed 'uncleanness' 'on several occasions'.<sup>483</sup> Mr Horley could not explain to the Royal Commission why BCB's other allegations had not been detailed in the report to the Branch Office.<sup>484</sup>

The letter of 1 February 1992 also reported that both Mr Horley and Mr Doug Jackson were 'impressed by Brother Neill's acceptance of counsel and his humility throughout the ordeal' and recommended that he be appointed as an elder again 'once this has died down'.<sup>485</sup> Mr Horley told the Royal Commission that in this regard the letter used 'unfortunate wording' and he acknowledged that '[m]atters of this nature take many years, if ever, to die down completely'.<sup>486</sup>

The letter of 1 February 1992 also reported that 'unfortunately there may be worldly people who also know' about Bill Neill's conduct.<sup>487</sup> Mr Horley told the Royal Commission that he had expressed concern about how widely known BCB's allegations were because he had wanted to preserve the cleanness of the congregation and was concerned about the reputation of Jehovah's name.<sup>488</sup>

Mr Horley agreed that he was concerned with Bill Neill's efficacy as an elder, his qualification to teach and the proper functioning of the organisation.<sup>489</sup> Mr Horley conceded that his concern was 'probably not' about protecting children in the congregation.<sup>490</sup>

The Watchtower & Ors submitted that it was Mr Horley's evidence that 'his aim in removing Bill Neill as an elder was to protect every member of the congregation from Bill Neill'.<sup>491</sup> However, the evidence before the Royal Commission does not support this conclusion.

The elders' recommendation to the Branch Office that Bill Neill be reinstated as an elder 'once this has died down' and their expressed concern 'that there may also be worldly people who also know' confirms that the elders were more concerned about the reputation of the congregation and Jehovah than about the risk that Bill Neill posed to children.

## 5.6 Support for BCB

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BCB gave evidence that after the meeting Mr Horley telephoned her and said 'the Neills have asked that you not tell any more people about Bill out of respect for the family'.<sup>492</sup> Mr Horley told the Royal Commission that he had discouraged further disclosure because he believed 'that gossip and speculation about the matter would be hurtful to BCB and her family, and to Bill and his family'.<sup>493</sup> Mr Horley said that 'we wanted to keep [the matter] as quiet as possible, not to try and cover it up, or anything like that, but just to try and stop the conversation'.<sup>494</sup>

Mr Horley told the Royal Commission that BCB would have been able to speak about the matter in confidence with a 'mature woman in the congregation' and that 'she was encouraged to do that',<sup>495</sup> but BCB told the Royal Commission that 'nobody was offering [her] any respect or proper support'.<sup>496</sup>

We are satisfied that BCB felt silenced and unsupported when Mr Horley discouraged her from speaking with others about her abuse.<sup>497</sup>

## 5.7 BCB's disclosure in 2012

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In 2012, in a written statement, BCB disclosed her abuse by Bill Neill to two elders in her local congregation – Mr Joe Bello and Mr David Wood.<sup>498</sup>

In a letter dated 18 December 2012, Mr Bello and Mr Wood forwarded BCB's written statement to the Branch Office.<sup>499</sup>

BCB told the Royal Commission that in July 2014, when Mr Bello was visiting her house on an unrelated matter, she told him that she was considering reporting her abuse to the Royal Commission.<sup>500</sup> BCB gave evidence that at around the same time Mr Bello telephoned her husband, BCC, and asked if BCB 'really wants to drag Jehovah's name through the mud'.<sup>501</sup> Mr Bello told the Royal Commission that his conversation with BCC was 'informal' and that what he had said to BCC when 'thinking out loud' was: '[w]hat would that accomplish other than dragging Jehovah's name through the mud? Would it help move on from this at all?'<sup>502</sup> Mr Bello told the Royal Commission that BCC had replied that he thought it would 'accomplish' a 'measure of closure and also maybe financial compensation'.<sup>503</sup> Mr Bello said that he replied to BCC that he 'could see the point about closure'.<sup>504</sup>

BCC did not give evidence at the public hearing.

In his statement tendered in evidence, Mr Bello said that he ‘should not have made that remark to BCC’, that he ‘was wrong to say it’ and that he would never want to ‘discourage someone from going to the authorities’.<sup>505</sup>

We accept Mr Bello’s evidence that he would not want to discourage a person from going to the authorities. However, it is clear that the effect of what he said to BCC was that, if BCB took her complaint outside of the Jehovah’s Witness organisation, she would tarnish the reputation of Jehovah.

Implicit in Mr Bello’s remark to BCC was the suggestion, whether intentional or not, that BCB should not report her complaint to the Royal Commission. We are satisfied that Mr Bello’s question was contrary to the Jehovah’s Witness organisation’s explicit directive in the elders’ handbook, *Shepherd the Flock of God*, to ‘[n]ever suggest to anyone that they should not report an allegation of child abuse to the police or other authorities’.<sup>506</sup>

BCB told the Royal Commission that she was upset for some time after Mr Bello’s visit. Her mother encouraged her to write down her feelings about her abuse in a second letter.<sup>507</sup> On 17 December 2014, Mr Bello, Mr Wood and Mr Robert Boardman of BCB’s local congregation forwarded BCB’s second letter to the Branch Office.<sup>508</sup>

In his written statement tendered in evidence, Mr Bello described how he and another elder in the congregation were involved in providing ‘shepherding care and assistance’ to BCB and her family over a period of about four months. Mr Bello also described how he ‘spent many hours with [BCB] and [BCC]’ and that he ‘felt for [BCB’s] pain and the difficulties the whole family was going through’.<sup>509</sup>

We accept that Mr Bello attempted to provide support to BCB. However, more was required of both him and the Jehovah’s Witness organisation. Mr Bello should have encouraged BCB to go to the authorities, including to the Royal Commission. We can only conclude that he put the reputation of the Jehovah’s Witness organisation ahead of appropriately supporting BCB.

### Mr Horley’s correspondence with the Branch Office

In a letter dated 6 January 2015, at the request of the Service Desk at the Branch Office,<sup>510</sup> Mr Horley provided a brief summary of events leading to Bill Neill’s deletion as an elder ‘in around 1993’.<sup>511</sup> In his letter, Mr Horley reported that ‘it became a matter of her word against his as there were no witnesses to the alleged events. BCB was an attractive young sister and often got around the house in her nightwear’.<sup>512</sup> Mr Horley told the Royal Commission that this latter observation was in fact a comment that Bill Neill had made to him.<sup>513</sup> Mr Horley said that Bill Neill’s comment ‘should have raised stronger warning bells than it did at the time’.<sup>514</sup>

Counsel for BCB put to Mr Horley, and he accepted, that a child cannot validly consent to being sexually abused or be blamed for it.<sup>515</sup> So much is obvious. The comment that Bill Neill made to Mr Horley should have alerted Mr Horley and others to the risk that Bill Neill posed to BCB.

## 5.8 The impact of the abuse and the process on BCB

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BCB told the Royal Commission about the long-term effect that Bill Neill's abuse has had on her. She said that the abuse changed who she was, destroyed her confidence and held her back from living a normal life.<sup>516</sup> BCB said that, well into her adult life, she continued to feel as though she was Bill Neill's victim.<sup>517</sup>

BCB told the Royal Commission that she had a nervous breakdown 10 years ago<sup>518</sup> and has had a lot of therapy to address Bill Neill's abuse.<sup>519</sup> She said that the abuse has impacted on her health and she has required ongoing medical and therapeutic treatment.<sup>520</sup> BCB gave evidence that her medical treatment has cost her money and that she would welcome compensation if the Jehovah's Witness organisation offered it to her.<sup>521</sup>

BCB said that she felt brainwashed into believing that speaking with 'worldly' people would bring reproach upon Jehovah's name.<sup>522</sup> BCB said that, as a result of reporting her story to the Royal Commission, she is riddled with guilt for betraying the Jehovah's Witness organisation<sup>523</sup> and for 'dragging Jehovah's name through the mud'.<sup>524</sup>

BCB told the Royal Commission that in her view:

- the elders should have encouraged her to go to the police<sup>525</sup>
- she should not have been confronted by her abuser in her own home<sup>526</sup>
- there should have been women involved to support her through the process.<sup>527</sup>

BCB is clearly justified in her views. The process by which her allegations were received and investigated and the response of the Jehovah's Witness organisation were wrong. They could not but exacerbate the trauma she had suffered by being abused.

## 6 Child Sexual Abuse Data Held by the Jehovah's Witness Organisation

In investigating the response of the Jehovah's Witness organisation to child sexual abuse, the Royal Commission issued a summons to Watchtower Australia compelling production of all documents evidencing or relating to allegations or complaints of child sexual abuse involving members of the Jehovah's Witness organisation in Australia.<sup>528</sup>

In response to the Royal Commission's summons, Watchtower Australia produced some 5,000 documents comprising, among other things, case files relating to 1,006 alleged perpetrators of child sexual abuse dating back to 1950. Royal Commission staff analysed those files and produced data which was for the most part uncontested by Watchtower Australia.<sup>529</sup>

### 6.1 Historical data

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#### 1,006 alleged perpetrators

The case files show that since 1950 the Jehovah's Witness organisation in Australia has recorded allegations, reports or complaints of child sexual abuse against 1,006 members of the organisation.<sup>530</sup> The records include admissions of child sexual abuse made by 579 members of the organisation.<sup>531</sup>

Mr Spinks (a senior Service Desk elder) told the Royal Commission that 199 of the 1,006 alleged perpetrators were not members of the Jehovah's Witness organisation at the time of the first reported allegation.<sup>532</sup> He later accepted that it 'was probably true' that those 199 alleged perpetrators went on to become members of the organisation and that in many cases they were the subject of subsequent allegations of child sexual abuse while they were members.<sup>533</sup>

The Watchtower & Ors submitted that, since '200 persons were involved in child abuse, or were the subject of an allegation, prior to their becoming Jehovah's Witnesses', it would be wrong to include them as 'members' in the total count of members of the organisation against whom allegations had been made.<sup>534</sup>

In the light of Mr Spinks' acknowledgement above, we do not accept that the reference to 'members' in relation to the 1,006 figure is incorrect. The debate has no merit. It is not clear to us why the Jehovah's Witness organisation would maintain files relating to non-members. The simple fact is that the organisation has files relating to 1,006 alleged abusers.

#### Other data

Analysis of the Jehovah's Witness organisation's files also showed that:

- the allegations, reports or complaints that the organisation received relate to at least 1,800 alleged victims of child sexual abuse<sup>535</sup>

- 579 of those against whom allegations were made confessed to having committed child sexual abuse<sup>536</sup>
- of the 1,006 members against whom allegations of child sexual abuse were made, 108 were elders or ministerial servants at the time of the first instance of alleged abuse<sup>537</sup>
- 28 alleged perpetrators were appointed as elders or ministerial servants after an allegation of child sexual abuse was made against them<sup>538</sup>
- 401 alleged perpetrators were disfellowshipped as a result of an allegation of child sexual abuse<sup>539</sup> and 230 of those alleged perpetrators were later reinstated<sup>540</sup>
- of those disfellowshipped, 78 were disfellowshipped on more than one occasion as a result of an allegation of child sexual abuse.<sup>541</sup>
- In relation to the data, The Watchtower & Ors submitted that:
- there was no evidence before the Royal Commission that there were 1,800 victims
- the Jehovah's Witness organisation uses a broad definition of reportable sexual misconduct and that definition includes 'sexting'
- it is the right of an adult survivor of child sexual abuse to decide to report his or her abuse to the police and not that of the organisation
- there was no relevant legislated mandated reporting obligation in most of the jurisdictions in which the 1,006 alleged perpetrators were reported
- in many cases, 'victims or their families did not want the secular authorities involved'
- a 'mere recitation of numbers will not help the [Royal] Commission'.

We do not find it necessary to comment on these submissions. The numbers tell their own story. Most of these matters are addressed elsewhere in this report.

## 6.2 Internal reporting of child sexual abuse

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Mr Toole told the Royal Commission that for approximately the last two years, on behalf of the Legal Department, he has been responsible for receiving telephone calls from congregational elders about allegations of child sexual abuse.<sup>542</sup> He estimated that, over that period, he had received and continues to receive 'three, sometimes four' calls each month.<sup>543</sup>

The Watchtower & Ors submitted that 'no inquiry was made during the public hearing as to the circumstances' of the calls that Mr Toole received.<sup>544</sup> We note that, although the Jehovah's Witness organisation had the opportunity to lead evidence on the circumstances of those calls during the public hearing, it did not.

Mr Toole's evidence on the frequency of calls about child sexual abuse is consistent with the number and frequency of allegations of child sexual abuse that is shown in the files that Watchtower Australia produced to the Royal Commission. Therefore, we are satisfied that the Jehovah's Witness

organisation in Australia receives approximately three to four reports of allegations of child sexual abuse each month.

### 6.3 External reporting of child sexual abuse to authorities

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Although the position is not clear in relation to a few files, there is otherwise no evidence before the Royal Commission of the Jehovah's Witness organisation having reported to police or other secular authority a single one of the 1,006 alleged perpetrators of child sexual abuse recorded in the case files held by Watchtower Australia.<sup>545</sup>

No witness appearing on behalf of the Jehovah's Witness organisation could identify an instance of the organisation reporting an allegation of child sexual abuse to the police or other authorities.<sup>546</sup> Mr Spinks said that 'we are not going to at any point suggest that we have telephoned the authorities or have instructed elders to do that'.<sup>547</sup>

A letter in evidence before the Royal Commission shows that Watchtower Australia's own review of the 1,006 case files established that '383 alleged perpetrators had been dealt with by either police or secular authorities in the respective States or Territories in which they reside'.<sup>548</sup> That letter did not describe or otherwise suggest that the Jehovah's Witness organisation had an active role in bringing allegations against the 383 identified perpetrators to the attention of secular authorities. Furthermore, Mr Toole did not dispute that Watchtower Australia's review of the case files may have yielded some false positive results. That is, it is possible that some of the 383 identified case files may have contained reference to but not had the involvement of the authorities.<sup>549</sup>

Similarly, the case files record that 161 of the alleged perpetrators recorded in the files had been convicted of a child sexual abuse offence.<sup>550</sup> It is not possible to conclude on the basis of this data that any of those convictions came about because of reports to the authorities by the Jehovah's Witness organisation. What this data does suggest is that, although the Jehovah's Witness organisation did not report allegations against those 161 offenders to the authorities, the offenders had nonetheless come to the attention of police.

There is no evidence before the Royal Commission that the Jehovah's Witness organisation either had or did not have a role or any involvement in bringing to the attention of secular authorities any complaint of child sexual abuse that was investigated by secular authorities.<sup>551</sup>

## 7 Problematic Policies, Procedures and Practices

Documents in evidence and oral testimony before the Royal Commission betray a number of fundamental problems with the way in which the Jehovah's Witness organisation responds to allegations of child sexual abuse made within its ranks. We address each of these problems below.

### 7.1 General practice of not reporting child sexual abuse to secular authorities

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As described in section 6 of this report, there was no evidence before the Royal Commission of the Jehovah's Witness organisation having or not having reported to police any of the 1,006 alleged perpetrators of child sexual abuse identified by the organisation since 1950.<sup>552</sup>

Although the Jehovah's Witness organisation instructs elders to comply with mandatory reporting laws where relevant,<sup>553</sup> there was no evidence before the Royal Commission that the organisation has any general policy requiring or advising elders to report child sexual abuse to the authorities when not required to do so by law, even in cases involving a child complainant.

Rather, the evidence before the Royal Commission was of a passive policy advising congregational elders that, if they are asked, they should not discourage congregation members from reporting an allegation of child sexual abuse to the authorities and to ensure that a complainant and/or their family knows that it is their right to do so.<sup>554</sup>

Mr Toole and Mr O'Brien both told the Royal Commission that there may be some circumstances in which there would be a need for elders to report child sexual abuse to the authorities.<sup>555</sup> However, the Royal Commission heard evidence that the Jehovah's Witness organisation has no specific policy or procedure instructing elders to report to the authorities where a child has been sexually abused, that child or other children remain at risk of abuse and there are no other means of protecting that child.<sup>556</sup>

Witnesses appearing on behalf of the Jehovah's Witness organisation told the Royal Commission that the Scriptures make it difficult for the elders to override the 'absolute right' of a victim or a victim's family to report their complaint to authorities themselves.<sup>557</sup> Mr Jackson and Mr Spinks both said that this factor would not be an issue if the Jehovah's Witness organisation were required by the law in all states and territories to report child sexual abuse to the authorities.<sup>558</sup>

The Watchtower & Ors submitted that any finding that the Jehovah's Witness organisation has a "policy of not reporting" child sexual abuse to authorities is wrong'.<sup>559</sup> We accept that, although there may not be a specific policy, it is the practice of the organisation not to report such abuse in the absence of a legal requirement to do so.

We are satisfied that it is the general practice of the Jehovah's Witness organisation in Australia not to report allegations of child sexual abuse to the police or other authorities unless required to do so by law.

In our view, the Jehovah’s Witness organisation should always report allegations of child sexual abuse to authorities where a complainant is still a minor at the time that the abuse comes to the attention of the organisation or where there are others who may still be at risk at the hands of the alleged abuser. In the case of a complainant who is still a minor, the organisation’s justification that it is a survivor’s ‘absolute right’ to make the report themselves is wrong and does nothing to protect that child and other children from sexual abuse.

## Working with Children Checks

As described in section 3, the Royal Commission heard that the Jehovah’s Witness organisation currently complies with Working with Children Checks in all Australian jurisdictions.

Mr Toole accepted that to some degree the efficacy of the Working with Children Check system is undermined by the practice of Jehovah’s Witnesses of not systematically reporting those in their midst who are accused of child sexual abuse.<sup>560</sup> That is because the system depends on reports being made to authorities so that they can maintain a functional and effective database of reported allegations.

The general practice of the Jehovah’s Witness organisation of not reporting child sexual abuse to the authorities unless required to do so by law undermines the efficacy of the Working with Children Check system in relation to Jehovah’s Witnesses.<sup>561</sup>

## Concealment offences

The Royal Commission heard evidence that, before the public hearing of this case study, the Jehovah’s Witness organisation did not consider that concealment offences were independent of obligations under mandatory reporting laws to report child sexual abuse.<sup>562</sup> Mr Toole said the Jehovah’s Witness organisation had not reported child sexual abuse in New South Wales because it believed that only the mandatory reporting laws applied.<sup>563</sup>

In New South Wales, section 316(1) of the *Crimes Act 1900* (NSW) makes it a criminal offence for a person with knowledge or belief that a serious indictable offence has been committed not to report to authorities information that may materially assist in securing the apprehension or prosecution or conviction of the offender. Similarly, in Victoria, section 327(2) of the *Crimes Act 1958* (Vic) makes it a criminal offence for a person to not disclose to a police officer information that leads the person to form a reasonable belief that a sexual offence has been committed. Both jurisdictions provide a defence of reasonable excuse for withholding information.<sup>564</sup>

In Victoria, a person will not contravene section 327(2) if that person is (or was at the relevant time) a member of the clergy of any church or religious denomination and they learnt the information in the course of hearing a religious confession.<sup>565</sup> There is no equivalent provision in the *Crimes Act 1900* (NSW). However, in New South Wales a prosecution under section 316(1) of a person who learnt the relevant information in the course of practising a prescribed vocation (and a person

practising a ‘prescribed vocation’ includes a ‘member of the clergy or any church or religious denomination’<sup>566</sup>) must not be commenced without the approval of the Attorney-General (section 316(4)).<sup>567</sup>

The Watchtower & Ors submitted that when a survivor of child sexual abuse discloses their abuse to an elder in New South Wales.<sup>568</sup>

the elder is not required to report the same to the authorities because of the application of the qualification in s.316(1) of ‘without reasonable excuse’ when those words are considered and understood in the light of the requirements of s.316(4) of the [*Crimes Act 1900* (NSW)], s.127 of the *Evidence Act 1995* (NSW) and the usages and rituals of the Jehovah’s Witnesses faith.

First, section 316(4) of the *Crimes Act 1900* (NSW) does not offer a defence to a charge of failure to report under section 316(1). Rather, it is relevant only to when a prosecution in relation to a specified class of person may be commenced. We do not consider that section 316(4) is relevant to the determination of whether an excuse is ‘reasonable’ within the meaning of section 316(1).

Secondly, we disagree that section 127 of the *Evidence Act 1995* (NSW), read together with section 316(1), will mean that an elder of the Jehovah’s Witness organisation will always have a ‘reasonable excuse’ for withholding from authorities his belief or knowledge that child sexual abuse has been committed. Section 127 provides that a member of the clergy is entitled to refuse to divulge the fact and/or content of a religious confession made to that member of the clergy. Whether information has been obtained in the course of receipt of a religious confession will depend upon the specific facts of any given case.

It is not apparent to us how the example of a survivor disclosing their abuse to an elder in accordance with the documented policies of the Jehovah’s Witness organisation<sup>569</sup> would constitute a ‘religious confession’ within the meaning of section 127 of the *Evidence Act 1995* (NSW). On their face, those documented policies are directed primarily to the protection of the ‘spiritual and moral cleanness of the congregation’ from the threat of ‘such offenses as fornication, adultery, homosexuality, blasphemy’.<sup>570</sup> The policies do not appear to be directed to encouraging a person to seek absolution for their sins.

Even if the example given contemplated the disclosure of their crime to an elder by a perpetrator (rather than a survivor) of child sexual abuse, we are not satisfied, having regard to the evidence before the Royal Commission on the purpose and function of the internal disciplinary process of the Jehovah’s Witness organisation, that such a disclosure would on every occasion constitute a ‘religious confession’ within the meaning of section 127 of the *Evidence Act 1995* (NSW).

We do not accept that an elder of the Jehovah’s Witness organisation will never be obliged to report his knowledge or belief that child sexual abuse has been committed. Particularly where the abuser confesses to their crime, the obligation to report is compelling.

The Royal Commission will consider further the issue of the protection of the confessional in a later public hearing.

## 7.2 Complainant to face abuser

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The primary procedural document provided to the Royal Commission and currently available to Jehovah's Witness elders concerning complaints handling and internal disciplinary processes is the elders' handbook, *Shepherd the Flock of God*.<sup>571</sup>

In relation to both the investigative and judicial committee stages of the process, that handbook provides that a complainant of 'wrongdoing' should make their allegation in the presence of the accused unless there is some practical or logistical difficulty which might prevent them from doing so.<sup>572</sup>

Mr Spinks told the Royal Commission that two additional documents in evidence also inform the procedure to be adopted in the case of a complaint of child sexual abuse today. They are:

- an article in a 1995 edition of *The Watchtower magazine*<sup>573</sup>
- a two-page training outline dated 1998,<sup>574</sup> which recorded a policy that Mr Spinks said would not have been replicated in subsequent training outlines.<sup>575</sup>

What the documents and Mr Spink's testimony suggest is that since about 1995 the Jehovah's Witness organisation has reviewed its policy and contemplated circumstances, at least at the investigative stage of the process,<sup>576</sup> in which a complainant of child sexual abuse may be exempt from the requirement that they face their abuser. However, the documentary evidence only contemplates application of the exemption if the complainant is a child at the time of making their complaint.<sup>577</sup>

Witnesses appearing before the Royal Commission on behalf of the Jehovah's Witness organisation gave evidence that exemptions from this requirement apply when the complainant is a survivor of child sexual abuse.<sup>578</sup> Mr Spinks and Mr O'Brien both told the Royal Commission that a survivor of child sexual abuse may present their allegation to the elders and their accuser by way of written statement.<sup>579</sup>

Dr Monica Applewhite was engaged by Watchtower Australia to give her expert opinion on the Jehovah's Witness organisation's practices and procedures. Dr Applewhite agreed that an organisation should have a process for allegations of child sexual abuse that does not require a survivor to confront the alleged perpetrator of their abuse or be in the same room as the alleged perpetrator without support.<sup>580</sup> The issue of support is addressed in section 7.5.

It is clear – and Mr Geoffrey Jackson, a member of the Governing Body, agreed – that there are no circumstances in which a complainant of child sexual abuse, whether they are a child or an adult,

should be required to make their allegation in the presence of their abuser.<sup>581</sup> Any such policy would be inherently wrong because of the inevitable further trauma to a survivor, regardless of their age, that will invariably result from being in the presence of their abuser.

The documented policies and procedures in evidence before the Royal Commission do not make clear that a complainant of child sexual abuse must never be required to confront their abuser. Given that the oral evidence before the Royal Commission was that this confrontation is no longer a requirement in cases of child sexual abuse, the written policies and procedures that Jehovah's Witness elders are required to adhere to should clearly state this. Similarly, members of the organisation more generally should be advised in writing of the specific exemption from the requirements in cases of child sexual abuse.

### 7.3 The two-witness rule

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The two-witness rule remains a current procedural rule that is applied today within the Jehovah's Witness organisation in all cases of complaints of 'wrongdoing', including child sexual abuse.<sup>582</sup>

#### Suitability of the rule in the context of child sexual abuse

Child sexual abuse invariably occurs in private, where the only witnesses to the abuse are the perpetrator and the child victim. Mr Spinks accepted that this is the case.<sup>583</sup>

Both Mr Geoffrey Jackson and Mr Spinks also acknowledged that allegations of child sexual abuse are almost always justified and that this fact is reflected in the Jehovah's Witness organisation's own publications on the subject.<sup>584</sup>

Regardless of the biblical origins of the two-witness rule, the Jehovah's Witness organisation's retention of and continued application of the rule to a complaint of child sexual abuse is wrong. It fails to reflect the learning of the many people who have been involved in examining the behaviour of abusers and the circumstances of survivors. It shows a failure by the organisation to recognise that the rule will more often than not operate in favour of a perpetrator of child sexual abuse, who will not only avoid sanction but will also remain in the congregation and the community with their rights intact and with the capacity to interact with their victim.<sup>585</sup>

A complainant of child sexual abuse whose allegation has not been corroborated by confession by their abuser or a second 'credible' eyewitness is necessarily disempowered and subjected to ongoing traumatising. To place a victim of child sexual abuse in such a position is today, and was 30 years ago, unacceptable and wrong.

The Watchtower & Ors submitted that the two-witness rule is not a danger to children because, even if there are not the requisite two witnesses to authorise elders to take action, elders will

nevertheless ensure that precautionary measures are in place to protect the complainant and other children in the congregation.<sup>586</sup>

As discussed in section 7.6, on the basis of the evidence before the Royal Commission,<sup>587</sup> we do not consider that the precautionary or protective measures available within the Jehovah's Witness organisation are sufficient to protect a child victim of sexual abuse or other children in the community when the child victim is the only witness to the abuse and the perpetrator does not confess.

### Flexibility of the rule

The Royal Commission received and heard evidence in relation to the flexibility of the two-witness rule and the scope for revision of the rule, at least in cases of child sexual abuse.<sup>588</sup>

Both Mr Spinks and Mr O'Brien told the Royal Commission that the Jehovah's Witness organisation does not have the authority to change the two-witness rule.<sup>589</sup>

While Mr Geoffrey Jackson told the Royal Commission that the two-witness rule had a proper foundation in the Scriptures,<sup>590</sup> he did not say that there is no prospect of modifying the application of the rule within scriptural requirements so that it does not apply to cases of sexual abuse.

Mr Geoffrey Jackson gave evidence that suggested that there may be a role for circumstantial or corroborating evidence, such as the evident trauma that a victim of sexual abuse has experienced, in determining the truth of an allegation.<sup>591</sup>

The Royal Commission considers that, in the interests of child safety, institutions should review and improve all of their policies on child sexual abuse. The two-witness rule is an example of a policy position that, on the evidence before the Royal Commission, has not been revised or improved since the Jehovah's Witness organisation was founded in the late 19th century. The Jehovah's Witness organisation relies on, and applies inflexibly even in the context of child sexual abuse, a rule which was devised more than 2,000 years ago.

The Jehovah's Witness organisation should revise and modify its application of the two-witness rule, at least in cases involving complaints of child sexual abuse.

## 7.4 The absence of women from the process

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As stated in section 1.4, women cannot hold positions of authority, such as the role of elder, within the Jehovah's Witness organisation. Witnesses appearing on behalf of the Jehovah's Witness organisation told the Royal Commission that there is no flexibility whatsoever to this rule.<sup>592</sup>

Consequently, as all decision-making is undertaken by elders, women cannot ultimately be part of any process which would require a decision to be made. Mr Geoffrey Jackson said that the organisation's 'decision-making arrangement ... is based on the headship principle that we have in the family and in the whole Jehovah's Witness community as a whole that Scripturally the men make the final decisions'.<sup>593</sup>

Mr O'Brien and Mr Geoffrey Jackson both told the Royal Commission that women could nevertheless be involved in the investigation of an allegation of child sexual abuse and that a survivor need not present their allegation directly to three elders.<sup>594</sup> Mr Jackson said that, if elders cannot talk to a victim because to do so might traumatise the victim too much, two women close to the victim may take the victim's testimony and convey it to the investigating elders.<sup>595</sup>

However, the decision-making on the nature and occurrence of 'wrongdoing' in accordance with the two-witness rule lies ultimately with the investigating elders, whose role in making that decision is also to test the credibility of the survivor witness.<sup>596</sup>

The Royal Commission heard evidence from BCG and BCB of their experience of having to tell a group of male elders about their sexual abuse.<sup>597</sup>

It is the Royal Commission's experience, in conducting thousands of private sessions with survivors of child sexual abuse, that female and male survivors will not always be comfortable speaking with a male Commissioner. Failure to accommodate a survivor's preference can further traumatise that survivor.

In our opinion, the requirement that only elders (that is, men) can participate in making decisions in the investigation process on whether or not someone has committed child sexual abuse is a fundamental flaw in that process. It increases the potential for further traumatising of a survivor by excluding women from the making of that decision. The Jehovah's Witness organisation should explore ways in which women can be involved in the investigation and assessment of the credibility of allegations of child sexual abuse. This will offer survivors a choice about who they divulge the detail of their abuse to.

## 7.5 No clear provision for a support person

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The documented policy of the Jehovah's Witness organisation on support of a survivor witness during a judicial committee hearing appears to be that no 'moral support' is allowed.<sup>598</sup>

However, Mr Spinks told the Royal Commission that, today, the Jehovah's Witness organisation does allow a person complaining of child sexual abuse to have a support person present.<sup>599</sup>

The Royal Commission considers that any internal disciplinary system that an organisation uses to respond to allegations of child sexual abuse should be child and adult survivor focused. Accordingly, every effort should be made to minimise the potential for further trauma and to make a survivor of child sexual abuse feel comfortable and safe in disclosing their abuse.<sup>600</sup>

Under the Jehovah's Witness organisation's current documented internal disciplinary process, it is not clear that a survivor of child sexual abuse would be allowed to have a person or persons present with them for support during that process. The organisation should formally document its stated policy of allowing a survivor to have a support person or persons present in the process if a survivor chooses that.

## 7.6 Sanctions and risk management

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### Sanctions

The Jehovah's Witness organisation currently deals with perpetrators of child sexual abuse through assessment of how repentant they are.<sup>601</sup> A genuinely repentant perpetrator may be allowed to stay in the congregation (and in their family) but will be subject to the sanction of reproof.<sup>602</sup> An unrepentant perpetrator may be disfellowshipped (or expelled) from the congregation (but will remain in their family) until they can demonstrate that they are genuinely repentant.

Mr O'Brien accepted in evidence that, unlike child protection authorities, the Jehovah's Witness organisation does not have the power to intervene in a family situation to ensure a child is protected.<sup>603</sup>

Since it is the policy and/or practice of the Jehovah's Witness organisation not to report allegations of child sexual abuse to the police or other authorities other than if required by law to do so:

- if a known abuser is found to be repentant and for that reason is merely reproofed, the abuser remains at large in the congregation and the community
- if a known abuser is disfellowshipped and not otherwise dealt with by the authorities, the abuser remains at large in the community.<sup>604</sup>

### Risk of reoffending

Mr Spinks told the Royal Commission that the Jehovah's Witness organisation understands the risk of reoffending, but he agreed that the processes used by society generally to evaluate that risk are not used by the organisation.<sup>605</sup> He gave evidence that elders do not formally consider the risk of reoffending, other than reliance upon the word of the perpetrator, when they assess the degree of repentance of a perpetrator of child sexual abuse.<sup>606</sup> Therefore, a decision to reprove a person, rather than expel or disfellowship them from the congregation, involves no objective consideration of the risk that that person might reoffend.

Dr Applewhite, who was engaged by the Jehovah's Witness organisation to provide expert evidence about its practices and procedures, told the Royal Commission that 'once somebody abuses, once their internal mechanisms of control have allowed them to cross that line once, I don't have confidence in those internal mechanisms of control for the future'.<sup>607</sup>

## Precautionary measures

The Royal Commission heard and received evidence of the following types of precautions said to be taken by the Jehovah's Witness organisation in relation to known or suspected perpetrators of child sexual abuse who remain within the congregation:

- Some time after a reproof for child sexual abuse is made, the elders in a congregation will deliver a 'warning lecture' about child sexual abuse and how to prevent it.<sup>608</sup>
- An announcement of the fact (rather than the grounds) of reproof, including identification of the reproofed individual, is made to the congregation.<sup>609</sup>
- 'Restrictions' (as described in section 3) and/or 'severe discipline'<sup>610</sup> are imposed, largely at the congregational elders' discretion,<sup>611</sup> and they are removed when the 'individual's spiritual recovery becomes manifest',<sup>612</sup> although recent directives suggest that some restrictions against a perpetrator of child sexual abuse may never be lifted.<sup>613</sup> In relation to the application of 'restrictions', Mr O'Brien said that members of the congregation, other than the elders, would not be aware of the fact and nature of restrictions placed upon a person.<sup>614</sup> He accepted that supervision of that person is confined to when an elder is present to observe the person.<sup>615</sup>
- If an individual has been identified as a 'predator', congregational elders may meet with parents of children in the congregation and warn them about the individual.<sup>616</sup>
- A perpetrator of child sexual abuse should preferably not be appointed or reappointed to a position of authority within the organisation unless 20 years has passed since the incident of abuse, although a possible exception to this is if the abuse occurred before the perpetrator was baptised as a Jehovah's Witness.<sup>617</sup>

Reproof and disfellowshipping are not effective mechanisms for protecting children in the congregation and in the broader community.

The Royal Commission considers the management of the risk of reoffending to be an essential factor in the development of an institution's policies and procedures on the protection of children from sexual abuse.

There is no evidence before the Royal Commission that the Jehovah's Witness organisation has properly considered that risk in developing its precautionary measures for dealing with known or alleged perpetrators of child sexual abuse. This suggests a serious lack of understanding on the part of the Jehovah's Witness organisation about the nature of child sexual abuse and the risk of reoffending, and it places children within the organisation at significant risk of sexual abuse.

Since the Jehovah's Witness organisation cannot remove an alleged abuser from the family or take other positive steps to safeguard children in the family from continuing risk, the organisation should have a policy of reporting to the authorities all allegations of child sexual abuse made by or in relation to children or involving an alleged perpetrator who poses an ongoing risk to children.

The organisation should also have a policy of actively seeking the consent of adult victims of alleged child sexual abuse to report that alleged abuse to authorities.

## 7.7 Shunning

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Jehovah's Witnesses are counselled against associating, fraternising or conversing with a person who has been disfellowshipped or who has chosen to disassociate from the Jehovah's Witness organisation.<sup>618</sup> This practice is known as 'shunning'.<sup>619</sup>

Even family members are instructed not to associate with a disfellowshipped or disassociated relative unless the association is unavoidable – for example, if they share a house with the person.<sup>620</sup>

Violation by a Jehovah's Witness of the decree against associating with a disfellowshipped or disassociated person may itself, in certain circumstances, be a disfellowshipping offence.<sup>621</sup>

There is evidence before the Royal Commission of the difficulty that people experience in deciding to leave the Jehovah's Witness organisation because of the fear of being shunned by friends and loved ones.<sup>622</sup>

BCG told the Royal Commission that, when she decided to leave the Jehovah's Witness organisation, she and her three children 'were completely shunned, ostracised and actively avoided by members' of the congregation of Jehovah's Witnesses that she had left.<sup>623</sup>

### Disassociation

The Royal Commission heard evidence that a person who wishes to leave the Jehovah's Witness organisation must 'disassociate' from the organisation.<sup>624</sup> A person takes the action of 'disassociation' if that person 'deliberately repudiates his Christian standing' and rejects 'the congregation by his actions or by stating that he no longer wants to be recognised as or known as one of Jehovah's Witnesses'.<sup>625</sup>

Mr Geoffrey Jackson gave evidence that, if a person 'definitely' no longer wants to be subject to the Jehovah's Witness organisation's discipline and rules, they must actively leave the organisation by disassociating.<sup>626</sup>

The Royal Commission heard that, if a person does not want to formally disassociate, they may instead choose to become 'inactive'.<sup>627</sup> Documents in evidence describe an 'inactive' person as a person who might have 'failed to study God's word regularly', may be experiencing personal problems or may have 'lost his zeal for serving Jehovah'.<sup>628</sup>

The Jehovah's Witness organisation still considers a person who chooses to become 'inactive' to be a Jehovah's Witness and therefore still subject to its rules and disciplinary procedures.<sup>629</sup> Furthermore, that 'inactive' person will remain the concern of elders and others in the congregation in relation to the 'rendering [of] appropriate spiritual assistance' to that person.<sup>630</sup>

Mr O'Brien told the Royal Commission that a person who chooses to become 'inactive' rather than disassociating entirely from the Jehovah's Witness organisation is able to retain their 'spiritual and familial association'.<sup>631</sup>

It is clear that members of the Jehovah's Witness organisation who no longer want to be subject to the organisation's rules and discipline have no alternative but to actively leave (or disassociate from) the organisation.

### Shunning and survivors of child sexual abuse

It is conceivable that a survivor of child sexual abuse may no longer wish to be part of, or subject to the rules and discipline of, the Jehovah's Witness organisation at all. This might be the case especially if they feel that their complaint of abuse was not dealt with adequately or if their abuser remains in the organisation.<sup>632</sup> As discussed above, a survivor's decision to actively leave (disassociate from) the organisation would typically result in that person being shunned by other members of the organisation.

Also, it is conceivable, if not likely, that a survivor's entire family and social networks comprise members of the Jehovah's Witness organisation.<sup>633</sup> A survivor of child sexual abuse may therefore be faced with the impossible choice between staying in an organisation which is protective of their abuser in order to retain their social and familial network and leaving the organisation and losing that entire network as a result.<sup>634</sup>

Mr Geoffrey Jackson gave evidence that the decision to disassociate and leave the Jehovah's Witnesses was a 'difficult' one that can be 'personally devastating because [a person] can lose their whole social network and their families'.<sup>635</sup>

The Watchtower & Ors submitted that the Royal Commission's consideration of the practice of shunning is 'outside the Terms of Reference and has no immediate relevance to institutional responses to child sexual abuse'.<sup>636</sup> We do not agree with this submission. In our view, it is clear that the practice of shunning is an inextricable component of the institutional response to child sexual abuse.

The Jehovah's Witness organisation's practice of shunning members who disassociate from the organisation has the very real potential of putting a survivor in the untenable position of having to choose between constant re-traumatisation at having to share a community with their abuser and losing that entire community altogether.

The Jehovah's Witness organisation's policy of requiring its members to shun and actively avoid those who leave (or disassociate from) the organisation:

- makes it extremely difficult for a person to leave the organisation

- can be upsetting for those who leave and for their friends and family who remain behind
- can be particularly devastating for those who have suffered child sexual abuse in the organisation and who wish to leave because they feel that their complaints about it have not been dealt with adequately or because their abuser remains in the congregation.

## 8 Expert Evidence for the Jehovah's Witness Organisation

At the request of Watchtower Australia,<sup>637</sup> the Royal Commission heard evidence from Dr Applewhite, who was engaged by Watchtower Australia to provide a report on the response of the Jehovah's Witness organisation to allegations of child sexual abuse.

### 8.1 Dr Monica Applewhite

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Dr Applewhite is not a member of the Jehovah's Witness organisation.<sup>638</sup> She holds a Bachelor of Science in Social Work from Texas Christian University and a Master of Science in Social Work and a PhD in Clinical Social Work from the University of Texas at Arlington.<sup>639</sup> Dr Applewhite's PhD is not specifically relevant to child sexual abuse.<sup>640</sup>

Dr Applewhite told the Royal Commission that she has not authored any peer-reviewed articles or publications.<sup>641</sup>

#### Relevant experience

In her report, Dr Applewhite told the Royal Commission that she has 'extensive experience working directly with sexual offenders who have perpetrated abuse in organisations, as well as 22 years of experience conducting root cause analysis of such cases for the purpose of determining the methods used by sexual offenders to access children within churches, schools and other organisations'.<sup>642</sup>

The Royal Commission heard that, over the course of her career, Dr Applewhite has consulted with numerous organisations to identify and analyse the best practices of organisations in relation to preventing and responding to incidents of abuse.<sup>643</sup> Dr Applewhite told the Royal Commission that she had never published the results of this analysis because the research methodology involved in the analysis was not up to the 'rigours of empirical research'. However, she agreed that those results, had they been published, might have been valuable to others working in the area.<sup>644</sup>

Dr Applewhite accepted that, since 2007, her work has primarily involved running educational programs for independent and private schools on the prevention of child sexual abuse and current standards of best practice.<sup>645</sup> Dr Applewhite also accepted that, for the most part, her work in Australia has involved conducting educational programs for Catholic education organisations.<sup>646</sup>

Dr Applewhite has previously been engaged by the Jehovah's Witness organisation to provide expert evidence in four separate civil liability cases – three in the United States and one in the United Kingdom.<sup>647</sup>

## 8.2 Dr Applewhite's report

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Dr Applewhite's report was tendered into evidence during the public hearing. Dr Applewhite then gave evidence in relation to aspects of that report.

### Materials considered

Dr Applewhite told the Royal Commission that in preparing her report she considered:

- documents and letters that are not publicly available and which had been provided to her, presumably by Watchtower Australia<sup>648</sup>
- publications that are or have been available on the Jehovah's Witness organisation's website<sup>649</sup>
- three of the written statements prepared for the Royal Commission by Mr Spinks, Mr O'Brien and Mr Toole.<sup>650</sup>
- Dr Applewhite told the Royal Commission that in preparing her report she did not consider:
  - the written statements prepared for the Royal Commission by BCB and BCG<sup>651</sup>
  - any independent studies or research about the Jehovah's Witness organisation.<sup>652</sup>

Dr Applewhite agreed that her report essentially constituted a documentary review of the Jehovah's Witness organisation's policies and procedures and did not consider the practical implementation of those policies or procedures.<sup>653</sup>

### Dr Applewhite's opinions

Dr Applewhite expressed three opinions in her report.

In paragraph 36 of her report, Dr Applewhite stated:<sup>654</sup>

In my opinion, the current messages to those who have experienced abuse and the guidelines that have been provided to elders in congregations of Jehovah's Witnesses are consistent with, and in some respects better than, the current practices of religious organizations throughout the world.

In paragraph 45 of her report, Dr Applewhite stated:<sup>655</sup>

In my opinion, Jehovah's Witnesses were well in advance of other religious organizations in providing educational materials to parents and families. The quality of the materials they provided during the 1980's and 1990's exceeded the standards of care for the time and continue to be more substantial than what many religious organizations offer parents and guardians today.

In paragraph 46 of her report, Dr Applewhite stated:<sup>656</sup>

In my own experience, I have not found examples in Australia of religious organizations that have provided parents, guardians, and the general public with the quality or consistency of information about prevention and response to sexual abuse or about how to support for [sic] those who have been abused that Jehovah's Witnesses have provided in their publications.

Dr Applewhite acknowledged that her report did not identify the basis on which she had formed her opinions.<sup>657</sup> She accepted that her report failed to identify the 'current standards' of other religious organisations<sup>658</sup> or which 'religious organisations' she referred to in writing her report.<sup>659</sup> Dr Applewhite told the Royal Commission that her understanding of material provided to parents and families about sexual development in children by other faith-based organisations was 'anecdotal'.<sup>660</sup>

Dr Applewhite accepted that it would be difficult for the Royal Commission to accept the opinions expressed in paragraphs 36, 45, and 46 of her report because her report did not identify the basis on which those opinions were formed.<sup>661</sup>

We do not consider that Dr Applewhite's report and the opinions expressed therein assist the Royal Commission in its inquiry for the following reasons:

- Dr Applewhite did not identify in her report or in oral evidence the facts and assumptions that she relied upon in forming her opinions.
- Opinions that Dr Applewhite expressed were in large part directed to how the Jehovah's Witness organisation compares with other religious organisations in its response to child sexual abuse. The material on which the comparison could be made was not apparent in the report.
- Dr Applewhite's report did not include consideration of the experiences of BCG and BCB or of any other survivor of child sexual abuse whose complaint was dealt with by the Jehovah's Witness organisation. The report is limited to an opinion about the documented policies and other material rather than about the practical application and effect of those documented policies.

In these circumstances, we do not accept the opinions that Dr Applewhite expressed in paragraphs 36, 45 and 46 of her report. The evidence before the Royal Commission reveals serious failures in the practices and procedures of the Jehovah's Witness organisation with respect to the sexual abuse of children.

## 9 Key submissions made by the Watchtower & Ors

As noted in the Preface to this report, the Royal Commission received two sets of combined submissions made on behalf the Watchtower & Ors. We consider it appropriate to specifically address here two of the key submissions that were made.

A key submission made on behalf of the Watchtower & Ors was that:<sup>662</sup>

Familial child sexual abuse is not institutional sexual abuse, as has been acknowledged by the Commission. Similarly it is self-evident that when child sexual abuse occurs outside 'institutional' contexts as defined, the response to it does not fall within the Terms of Reference of this Commission.

The Commission proceeds on the basis that when an allegation of familial sexual abuse becomes known to an elder and is subsequently Scripturally investigated by congregation elders, it ceases to be familial abuse and becomes institutional abuse. This conflation of familial and institutional sexual abuse does not accord with the Terms of Reference.

We do not accept that the child sexual abuse revealed in this case study has no connection with the activities of the Jehovah's Witness organisation. This is so for two reasons:

- First, in each of the two complaints of child sexual abuse considered during the public hearing of this case study, an official of the organisation perpetrated the abuse (see sections 4 and 5). The Jehovah's Witness organisation's policies then (and now) encouraged reporting of both familial and non-familial child sexual abuse to officials of the organisation (see section 3). The organisation received and responded to each of the two complaints. The subject of the Royal Commission's inquiry was the organisation's response to those complaints.
- Secondly, since at least 1950, the Jehovah's Witness organisation has systematically recorded allegations of child sexual abuse made against its members, regardless of whether or not those allegations concerned familial or non-familial abuse (see section 6).<sup>663</sup> This case study examined the way that the Jehovah's Witness organisation has responded to allegations of child sexual abuse and how it has managed the risk of child sexual abuse that those allegations should bring to the organisation's attention.

A further significant submission made on behalf of the Watchtower & Ors was that the Jehovah's Witness organisation does not sponsor or operate 'crèches, schools, orphanages, Sunday Schools, hospitals, sports clubs, day-care centres, youth groups, or any other activities which separate children from their parents'.<sup>664</sup> Therefore, it submits that the institutional settings that might present the greatest risk to the safety of children are not present within the Jehovah's Witness organisation and '[t]here can be no safer "institution" than one that does not present opportunities for predatory behaviour'.<sup>665</sup>

We do not agree with this submission. In our view, the fact that the Jehovah's Witness organisation does not provide these types of services is not relevant to the Royal Commission's consideration of the way that the organisation responds to allegations, incidents or the risk of child sexual abuse. The Royal Commission's Terms of Reference require us to consider such matters and other 'related matters in institutional contexts'. The definitions in the Terms of Reference of both 'institution' and 'institutional context' are not exhaustive and, in our view, they encompass the institution of the Jehovah's Witness organisation and its activities.

# 10 Response of the Jehovah's Witness Organisation to the Sexual Abuse of Children

Having regard to the various matters we have discussed in this report, we have reached a number of general conclusions on the Jehovah's Witness organisation's response to the sexual abuse of children.

We do not consider the Jehovah's Witness organisation to be an organisation which responds adequately to child sexual abuse. We do not believe that children are adequately protected from the risk of sexual abuse for the following reasons:

- The organisation relies on outdated policies and practices to respond to allegations of child sexual abuse. Also, those policies and practices are not subject to ongoing and continuous review. The policies and practices are, by and large, wholly inappropriate and unsuitable for application in cases of child sexual abuse. The organisation's retention and continued application of policies such as the two-witness rule in cases of child sexual abuse shows a serious lack of understanding of the nature of child sexual abuse.
- The organisation's internal disciplinary system for addressing complaints of child sexual abuse is not child or survivor focused in that it is presided over by males and offers a survivor little or no choice about how their complaint is addressed.
- The sanctions available within the organisation's internal disciplinary system are weak and leave perpetrators of child sexual abuse at large in the organisation and the community.
- In deciding the sanctions to impose and/or precautions to take in relation to a known or suspected perpetrator, the organisation has inadequate regard to the risk that that perpetrator might reoffend. This demonstrates a serious lack of understanding of the nature and impact of child sexual abuse.
- The organisation's general practice of not reporting serious instances of child sexual abuse to police or authorities – in particular, where the complainant is a child – demonstrates a serious failure by the organisation to provide for the safety and protection of children in the organisation and in the community.

# 11 Systemic Issues

The systemic issues arising in Case Study 29 are:

- internal responses by institutions to allegations, and risk management, of child sexual abuse
- the role of the secular authorities in responding to child sexual abuse in closed organisations
- restrictive internal rules in relation to accepting and acting on allegations of child sexual abuse
- organisational understanding of the scope and impact of child sexual abuse
- organisational understanding of principles of offending and reoffending
- social/cultural environments that facilitate offending
- the role and responsibility of religious institutions in the protection of children
- organisational understanding of the scope and impact of investigative and quasi-judicial processes on survivors of child sexual abuse.

# Appendix A: Terms of Reference

## Letters Patent dated 11 January 2013

ELIZABETH THE SECOND, by the Grace of God Queen of Australia and Her other Realms and Territories, Head of the Commonwealth:

TO

The Honourable Justice Peter David McClellan AM,  
Mr Robert Atkinson,  
The Honourable Justice Jennifer Ann Coate,  
Mr Robert William Fitzgerald AM,  
Dr Helen Mary Milroy, and  
Mr Andrew James Marshall Murray

GREETING

WHEREAS all children deserve a safe and happy childhood.

AND Australia has undertaken international obligations to take all appropriate legislative, administrative, social and educational measures to protect children from sexual abuse and other forms of abuse, including measures for the prevention, identification, reporting, referral, investigation, treatment and follow up of incidents of child abuse.

AND all forms of child sexual abuse are a gross violation of a child's right to this protection and a crime under Australian law and may be accompanied by other unlawful or improper treatment of children, including physical assault, exploitation, deprivation and neglect.

AND child sexual abuse and other related unlawful or improper treatment of children have a long-term cost to individuals, the economy and society.

AND public and private institutions, including child-care, cultural, educational, religious, sporting and other institutions, provide important services and support for children and their families that are beneficial to children's development.

AND it is important that claims of systemic failures by institutions in relation to allegations and incidents of child sexual abuse and any related unlawful or improper treatment of children be fully explored, and that best practice is identified so that it may be followed in the future both to protect against the occurrence of child sexual abuse and to respond appropriately when any allegations and incidents of child sexual abuse occur, including holding perpetrators to account and providing justice to victims.

AND it is important that those sexually abused as a child in an Australian institution can share their experiences to assist with healing and to inform the development of strategies and reforms that your inquiry will seek to identify.

AND noting that, without diminishing its criminality or seriousness, your inquiry will not specifically examine the issue of child sexual abuse and related matters outside institutional contexts, but that any recommendations you make are likely to improve the response to all forms of child sexual abuse in all contexts.

AND all Australian Governments have expressed their support for, and undertaken to cooperate with, your inquiry.

NOW THEREFORE We do, by these Our Letters Patent issued in Our name by Our Governor-General of the Commonwealth of Australia on the advice of the Federal Executive Council and under the Constitution of the Commonwealth of Australia, the Royal Commissions Act 1902 and every other enabling power, appoint you to be a Commission of inquiry, and require and authorise you, to inquire into institutional responses to allegations and incidents of child sexual abuse and related matters, and in particular, without limiting the scope of your inquiry, the following matters:

- a. what institutions and governments should do to better protect children against child sexual abuse and related matters in institutional contexts in the future;
- b. what institutions and governments should do to achieve best practice in encouraging the reporting of, and responding to reports or information about, allegations, incidents or risks of child sexual abuse and related matters in institutional contexts;
- c. what should be done to eliminate or reduce impediments that currently exist for responding appropriately to child sexual abuse and related matters in institutional contexts, including addressing failures in, and impediments to, reporting, investigating and responding to allegations and incidents of abuse;
- d. what institutions and governments should do to address, or alleviate the impact of, past and future child sexual abuse and related matters in institutional contexts, including, in particular, in ensuring justice for victims through the provision of redress by institutions, processes for referral for investigation and prosecution and support services.

AND We direct you to make any recommendations arising out of your inquiry that you consider appropriate, including recommendations about any policy, legislative, administrative or structural reforms.

AND, without limiting the scope of your inquiry or the scope of any recommendations arising out of your inquiry that you may consider appropriate, We direct you, for the purposes of your inquiry and recommendations, to have regard to the following matters:

- e. the experience of people directly or indirectly affected by child sexual abuse and related matters in institutional contexts, and the provision of opportunities for

them to share their experiences in appropriate ways while recognising that many of them will be severely traumatised or will have special support needs;

- f. the need to focus your inquiry and recommendations on systemic issues, recognising nevertheless that you will be informed by individual cases and may need to make referrals to appropriate authorities in individual cases;
- g. the adequacy and appropriateness of the responses by institutions, and their officials, to reports and information about allegations, incidents or risks of child sexual abuse and related matters in institutional contexts;
- h. changes to laws, policies, practices and systems that have improved over time the ability of institutions and governments to better protect against and respond to child sexual abuse and related matters in institutional contexts.

AND We further declare that you are not required by these Our Letters Patent to inquire, or to continue to inquire, into a particular matter to the extent that you are satisfied that the matter has been, is being, or will be, sufficiently and appropriately dealt with by another inquiry or investigation or a criminal or civil proceeding.

AND, without limiting the scope of your inquiry or the scope of any recommendations arising out of your inquiry that you may consider appropriate, We direct you, for the purposes of your inquiry and recommendations, to consider the following matters, and We authorise you to take (or refrain from taking) any action that you consider appropriate arising out of your consideration:

- i. the need to establish mechanisms to facilitate the timely communication of information, or the furnishing of evidence, documents or things, in accordance with section 6P of the Royal Commissions Act 1902 or any other relevant law, including, for example, for the purpose of enabling the timely investigation and prosecution of offences;
- j. the need to establish investigation units to support your inquiry;
- k. the need to ensure that evidence that may be received by you that identifies particular individuals as having been involved in child sexual abuse or related matters is dealt with in a way that does not prejudice current or future criminal or civil proceedings or other contemporaneous inquiries;
- l. the need to establish appropriate arrangements in relation to current and previous inquiries, in Australia and elsewhere, for evidence and information to be shared with you in ways consistent with relevant obligations so that the work of those inquiries, including, with any necessary consents, the testimony of witnesses, can be taken into account by you in a way that avoids unnecessary duplication, improves efficiency and avoids unnecessary trauma to witnesses;

- m. the need to ensure that institutions and other parties are given a sufficient opportunity to respond to requests and requirements for information, documents and things, including, for example, having regard to any need to obtain archived material.

AND We appoint you, the Honourable Justice Peter David McClellan AM, to be the Chair of the Commission.

AND We declare that you are a relevant Commission for the purposes of sections 4 and 5 of the *Royal Commissions Act 1902*.

AND We declare that you are authorised to conduct your inquiry into any matter under these Our Letters Patent in combination with any inquiry into the same matter, or a matter related to that matter, that you are directed or authorised to conduct by any Commission, or under any order or appointment, made by any of Our Governors of the States or by the Government of any of Our Territories.

AND We declare that in these Our Letters Patent:

**child** means a child within the meaning of the Convention on the Rights of the Child of 20 November 1989.

**government** means the Government of the Commonwealth or of a State or Territory, and includes any non-government institution that undertakes, or has undertaken, activities on behalf of a government.

**institution** means any public or private body, agency, association, club, institution, organisation or other entity or group of entities of any kind (whether incorporated or unincorporated), and however described, and:

- i. includes, for example, an entity or group of entities (including an entity or group of entities that no longer exists) that provides, or has at any time provided, activities, facilities, programs or services of any kind that provide the means through which adults have contact with children, including through their families; and
- ii. does not include the family.

**institutional context:** child sexual abuse happens in an institutional context if, for example:

- i. it happens on premises of an institution, where activities of an institution take place, or in connection with the activities of an institution; or
- ii. it is engaged in by an official of an institution in circumstances (including circumstances involving settings not directly controlled by the institution) where you consider that

the institution has, or its activities have, created, facilitated, increased, or in any way contributed to, (whether by act or omission) the risk of child sexual abuse or the circumstances or conditions giving rise to that risk; or

- iii. it happens in any other circumstances where you consider that an institution is, or should be treated as being, responsible for adults having contact with children.

**law** means a law of the Commonwealth or of a State or Territory.

**official**, of an institution, includes:

- i. any representative (however described) of the institution or a related entity; and
- ii. any member, officer, employee, associate, contractor or volunteer (however described) of the institution or a related entity; and
- iii. any person, or any member, officer, employee, associate, contractor or volunteer (however described) of a body or other entity, who provides services to, or for, the institution or a related entity; and
- iv. any other person who you consider is, or should be treated as if the person were, an official of the institution.

**related matters** means any unlawful or improper treatment of children that is, either generally or in any particular instance, connected or associated with child sexual abuse.

AND We:

- n. require you to begin your inquiry as soon as practicable, and
- o. require you to make your inquiry as expeditiously as possible; and
- p. require you to submit to Our Governor-General:
  - i. first and as soon as possible, and in any event not later than 30 June 2014 (or such later date as Our Prime Minister may, by notice in the Gazette, fix on your recommendation), an initial report of the results of your inquiry, the recommendations for early consideration you may consider appropriate to make in this initial report, and your recommendation for the date, not later than 31 December 2015, to be fixed for the submission of your final report; and
  - ii. then and as soon as possible, and in any event not later than the date Our Prime Minister may, by notice in the Gazette, fix on your recommendation, your final report of the results of your inquiry and your recommendations; and

- q. authorise you to submit to Our Governor-General any additional interim reports that you consider appropriate.

IN WITNESS, We have caused these Our Letters to be made Patent.

WITNESS Quentin Bryce, Governor-General of the Commonwealth of Australia.

Dated 11th January 2013

Governor-General

By Her Excellency's Command

Prime Minister

## Letters Patent dated 13 November 2014

ELIZABETH THE SECOND, by the Grace of God Queen of Australia and Her other Realms and Territories, Head of the Commonwealth:

TO

The Honourable Justice Peter David McClellan AM,  
Mr Robert Atkinson,  
The Honourable Justice Jennifer Ann Coate,  
Mr Robert William Fitzgerald AM,  
Dr Helen Mary Milroy, and  
Mr Andrew James Marshall Murray

GREETING

WHEREAS We, by Our Letters Patent issued in Our name by Our Governor-General of the Commonwealth of Australia, appointed you to be a Commission of inquiry, required and authorised you to inquire into certain matters, and required you to submit to Our Governor-General a report of the results of your inquiry, and your recommendations, not later than 31 December 2015.

AND it is desired to amend Our Letters Patent to require you to submit to Our Governor-General a report of the results of your inquiry, and your recommendations, not later than 15 December 2017.

NOW THEREFORE We do, by these Our Letters Patent issued in Our name by Our Governor-General of the Commonwealth of Australia on the advice of the Federal Executive Council and under the Constitution of the Commonwealth of Australia, the *Royal Commissions Act 1902* and every other enabling power, amend the Letters Patent issued to you by omitting from subparagraph (p)(i) of the Letters Patent “31 December 2015” and substituting “15 December 2017”.

IN WITNESS, We have caused these Our Letters to be made Patent.

WITNESS General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia.

Dated 13th November 2014  
Governor-General  
By Her Excellency's Command  
Prime Minister

## Appendix B: Public Hearing

<b>The Royal Commission</b>	Justice Peter McClellan AM (Chair) Justice Jennifer Coate Mr Bob Atkinson AO APM Mr Robert Fitzgerald AM Professor Helen Milroy Mr Andrew Murray
<b>Commissioners who presided</b>	Justice Peter McClellan AM (Chair) Professor Helen Milroy
<b>Date of hearing</b>	27 July to 5 August 2015; 14 August 2015
<b>Legislation</b>	Royal Commissions Act 1902 (Cth) Royal Commissions Act 1923 (NSW)
<b>Leave to appear</b>	BCB BCG Max Horley Doug Jackson Joe Bello Dino Ali Kevin Bowditch Albert Ronald De Rooy Alan Pencheff Monty Baker Watchtower Bible and Tract Society of Australia Ltd Geoffrey Jackson Jason Davies
<b>Legal representation</b>	Angus Stewart SC, Counsel Assisting the Royal Commission P David, appearing for BCG J Gallagher, appearing for BCB A Tokley SC and J Gibson, instructed by M Bray, appearing for the Watchtower Bible and Tract Society of Australia Ltd F Coyne and E Tringali, instructed by S Teece, appearing for M Horley, D Jackson, A Pencheff, D Ali, A De Rooy, J Bello, K Bowditch

<b>Legal representation</b>	K McGlinchey, appearing for M Baker  A Bannon SC, instructed by G Foster of Allens, appearing for G Jackson  B McMillan, instructed by GR Cooper of the Queensland Crown Solicitor, appearing for the State of Queensland
<b>Pages of transcript</b>	1,029
<b>Summons to Attend issued under Royal Commissions Act 1902 (Cth)</b>	13
<b>Notices/Summons to Produce Documents issued under Royal Commissions Act 1902 (Cth), Royal Commissions Act 1923 (NSW), Commissions of Inquiry Act 1950 (Qld) and Evidence (Miscellaneous Provisions) Act 1958 (Vic) and documents produced</b>	36
<b>Number of exhibits</b>	42
<b>Witnesses</b>	<p><b>BCB</b> Survivor witness</p> <p><b>BCG</b> Survivor witness</p> <p><b>Max Horley</b> Jehovah’s Witness congregational elder</p> <p><b>Doug Jackson</b> Jehovah’s Witness congregational elder</p> <p><b>Joe Bello</b> Jehovah’s Witness congregational elder</p> <p><b>Dino Ali</b> Jehovah’s Witness congregational elder</p> <p><b>Kevin Bowditch</b> Jehovah’s Witness congregational elder</p> <p><b>Albert Ronald De Rooy</b> Jehovah’s Witness congregational elder</p>

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**Witnesses****Alan Pencheff**

Jehovah's Witness congregational elder

**Monty Baker**

Former Jehovah's Witness and congregational elder

**Jason Davies**

Former prosecutor with the Queensland DPP

**Rodney Spinks**

Jehovah's Witness Australia Branch Office elder

**Vincent Toole**

Jehovah's Witness Australia Branch Office elder

**Terrence O'Brien**

Jehovah's Witness Australia Branch Office elder

**Geoffrey Jackson**

Jehovah's Witness member of the Governing Body

**Dr Monica Applewhite**

Expert engaged by Watchtower Australia

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# Endnotes

- 1 Submissions of Mr A Tokley SC and Mr F Coyne on behalf of the Watchtower & Ors, Case Study 29, November 2015, SUBM.1029.001.0001.
- 2 Further Submissions of Mr A Tokley SC and Mr F Coyne on behalf of the Watchtower & Ors, Case Study 29, 7 July 2016, SUBM.1029.003.0001.
- 3 Exhibit 29-0003, Case Study 29, WEB.0053.002.0001 at 0004.
- 4 Exhibit 29-0003, Case Study 29, WEB.0053.002.0001 at 0007.
- 5 Exhibit 29-0003, Case Study 29, WEB.0053.002.0001 at 0005.
- 6 Exhibit 29-0003, Case Study 29, WAT.0013.003.0001 at 0004; Exhibit 29-0003, Case Study 29, WAT.0001.001.0001 at 0004.
- 7 Exhibit 29-0024, 'Statement of TJ O'Brien', Case Study 29, STAT.0592.001.0001\_R at [6].
- 8 Exhibit 29-0024, 'Statement of TJ O'Brien', Case Study 29, STAT.0592.001.0001\_R at [8]; Exhibit 29-0025, 'Second Statement of TJ O'Brien' Case Study 29, STAT.0592.002.0001 at [9].
- 9 Exhibit 29-0024, 'Statement of TJ O'Brien', Case Study 29, STAT.0592.001.0001\_R at [12].
- 10 Exhibit 29-0003, Case Study 29, WAT.0013.001.0001 at 0075.
- 11 Exhibit 29-0003, Case Study 29, WAT.0013.001.0001 at 0008.
- 12 Exhibit 29-0025, 'Second Statement of TJ O'Brien' Case Study 29, STAT.0592.002.0001 at [8].
- 13 Exhibit 29-0028, Case Study 29, EXH.029.028.0001\_R at 0005\_R; Transcript of GW Jackson, Case Study 29, 14 August 2015, 15938:10–38.
- 14 Exhibit 29-0003, Case Study 29, WAT.0013.001.0001 at 0007–0013; Exhibit 29-0003, Case Study 29, WAT.0001.001.0001 at 0004.
- 15 Transcript of GW Jackson, Case Study 29, 14 August 2015, 15931:43–4.
- 16 Transcript of GW Jackson, Case Study 29, 14 August 2015, 15931:18–20.
- 17 Transcript of GW Jackson, Case Study 29, 14 August 2015, 15932:34–15933:7, 15933:20–7, 15977:9–11.
- 18 Transcript of TJ O'Brien, Case Study 29, 5 August 2015, 15842:18–21.
- 19 Transcript of GW Jackson, Case Study 29, 14 August 2015, 15931:37–9.
- 20 Exhibit 29-0028, Case Study 29, EXH.029.028.0001\_R at 0005\_R; Transcript of GW Jackson, Case Study 29, 14 August 2015, 15933:32–45; Transcript of TJ O'Brien, Case Study 29, 5 August 2015, 15818:23–41.
- 21 Transcript of GW Jackson, Case Study 29, 14 August 2015, 15937:29–33.
- 22 Transcript of TJ O'Brien, Case Study 29, 5 August 2015, 15817:17–27.
- 23 Transcript of GW Jackson, Case Study 29, 14 August 2015, 15937:35–8.
- 24 Transcript of TJ O'Brien, Case Study 29, 5 August 2015, 15822:9–18; Exhibit 29-0003, Case Study 29, WAT.0013.001.0001 at 0007; Exhibit 29-0028, Case Study 29, EXH.029.028.0001\_R at 0005\_R[1].
- 25 Exhibit 29-0003, Case Study 29, WAT.0013.001.0001 at 0012, 0038, 0075.
- 26 Exhibit 29-0003, Case Study 29, WAT.0013.001.0001 at 0012.
- 27 Transcript of TJ O'Brien, Case Study 29, 5 August 2015, 15816:12–14, 15820:2–29; Exhibit 29-0028, Case Study 29, EXH.029.028.0001\_R at 0005\_R, 0011\_R; Exhibit 29-0003, Case Study 29, WAT.0013.001.0001 at 0032; Transcript of VJ Toole, Case Study 29, 5 August 2015, 15756:21–35; Transcript of GW Jackson, Case Study 29, 14 August 2015, 15940:41–15941:3.
- 28 Exhibit 29-0024, 'Statement of TJ O'Brien', Case Study 29, STAT.0592.001.0001\_R at [8].
- 29 Exhibit 29-0028, Case Study 29, EXH.029.028.0001\_R at 0004\_R.
- 30 Exhibit 29-0003, Case Study 29, WAT.0013.001.0001 at 0010–0011; Exhibit 29-0024, 'Statement of TJ O'Brien', Case Study 29, STAT.0592.001.0001\_R at [6]–[8].
- 31 Exhibit 29-0003, Case Study 29, WAT.0001.001.0001 at 0009.
- 32 Exhibit 29-0003, Case Study 29, WAT.0001.001.0001 at 0012; Exhibit 29-0024, 'Statement of TJ O'Brien', Case Study 29, STAT.0592.001.0001\_R at [43].
- 33 Transcript of TJ O'Brien, Case Study 29, 5 August 2015, 15816:12–14, 15820:2–29; Exhibit 29-0028, Case Study 29, EXH.029.028.0001\_R at 0005\_R, 0011\_R; Exhibit 29-0003, Case Study 29, WAT.0013.001.0001 at 0032; Transcript of VJ Toole, Case Study 29, 5 August 2015, 15756:21–35; Transcript of GW Jackson, Case Study 29, 14 August 2015, 15940:41–15941:3.
- 34 Exhibit 29-0003, Case Study 29, WAT.0013.001.0001 at 0069; Transcript of TJ O'Brien, Case Study 29, 5 August 2015, 15844:23–31.
- 35 Exhibit 29-0003, Case Study 29, WAT.0013.001.0001 at 0060.
- 36 Exhibit 29-0003, Case Study 29, WAT.0013.001.0001 at 0065.
- 37 Transcript of TJ O'Brien, Case Study 29, 5 August 2015, 15843:27–36 – note that Mr O'Brien referred in evidence to this text by the name of its predecessor publication, *Organized to Accomplish Our Ministry*.

- 38 Exhibit 29-0024, 'Statement of TJ O'Brien', Case Study 29, STAT.0592.001.0001\_R at [9].
- 39 Exhibit 29-0003, Case Study 29, WAT.0013.001.0001 at 0018, 0023; Exhibit 29-0003, Case Study 29, WAT.0003.001.0001 at 0007[1], 0008[3]; Transcript of TJ O'Brien, Case Study 29, 5 August 2015, 15847:13–18.
- 40 Exhibit 29-0003, Case Study 29, WAT.0001.001.0001 at 0005; Exhibit 29-0016, 'Statement of AR De Rooy', Case Study 29, STAT.0597.001.0001\_R at [1.3].
- 41 Exhibit 29-0003, Case Study 29, WAT.0003.001.0001 at 0007[2].
- 42 Exhibit 29-0003, Case Study 29, WAT.0013.001.0001 at 0042; Exhibit 29-0019, 'Statement of RP Spinks', Case Study 29, STAT.0591.001.0001\_R at [71].
- 43 Exhibit 29-0003, Case Study 29, WAT.0013.001.0001 at 0041–0045; Exhibit 29-0003, Case Study 29, WAT.0001.001.0001 at 0005; Exhibit 29-0003, Case Study 29, WAT.0013.001.0001 at 0077.
- 44 Exhibit 29-0003, Case Study 29, WAT.0013.001.0001 at 0069–0070; Exhibit 29-0019, 'Statement of RP Spinks', Case Study 29, STAT.0591.001.0001\_R at [73]; Exhibit 29-0024, 'Statement of TJ O'Brien', Case Study 29, STAT.0592.001.0001\_R at [40].
- 45 Transcript of GW Jackson, Case Study 29, 14 August 2015, 15951:23–6; Transcript of TJ O'Brien, Case Study 29, 5 August 2015, 15863:19–45.
- 46 Exhibit 29-0024, 'Statement of TJ O'Brien', Case Study 29, STAT.0592.001.0001\_R at [9].
- 47 Exhibit 29-0003, Case Study 29, WAT.0013.001.0001 at 0013–0022; Exhibit 29-0003, Case Study 29, WAT.0003.001.0001 at 0031–0033.
- 48 Exhibit 29-0003, Case Study 29, WAT.0013.001.0001 at 0014, 0015, 0023, 0024, 0044; Transcript of GW Jackson, Case Study 29, 14 August 2015, 15936:42–15937:5; see also Transcript of D Ali, Case Study 29, 28 July 2015, 15363:9–13.
- 49 Transcript of TJ O'Brien, Case Study 29, 5 August 2015, 15844:11–16; Exhibit 29-0024, 'Statement of TJ O'Brien', Case Study 29, STAT.0592.001.0001\_R at [6].
- 50 Exhibit 29-0024, 'Statement of TJ O'Brien', Case Study 29, STAT.0592.001.0001\_R at [23].
- 51 Exhibit 29-0029, Case Study 29, WAT.9999.012.0001.
- 52 See Australian Bureau of Statistics, *Census of Population and Housing 6 August 1991: Australia in Profile* (1993) (population recorded as 17.28 million) and Australian Bureau of Statistics Population Clock at: [http://www.abs.gov.au/ausstats/abs%40.nsf/94713ad445ff1425ca25682000192af2/1647509ef7e25faac\\_a2568a900154b63?OpenDocument](http://www.abs.gov.au/ausstats/abs%40.nsf/94713ad445ff1425ca25682000192af2/1647509ef7e25faac_a2568a900154b63?OpenDocument) (viewed 22 September 2015 at 9.37 pm), recording current Australian population as 23,905,342.
- 53 Exhibit 29-0024, 'Statement of TJ O'Brien', Case Study 29, STAT.0592.001.0001\_R at [23], [21].
- 54 Exhibit 29-0003, Case Study 29, WAT.0009.001.0001; Exhibit 29-0003, Case Study 29, WAT.0001.001.0001 at 0005.
- 55 Transcript of TJ O'Brien, Case Study 29, 5 August 2015, 15815:10–12, 40–2.
- 56 Exhibit 29-0024, 'Statement of TJ O'Brien', Case Study 29, STAT.0592.001.0001\_R at [8]; Exhibit 29-0025, 'Second Statement of TJ O'Brien', Case Study 29, STAT.0592.002.0001 at [9]; Exhibit 29-0003, Case Study 29, WAT.0013.001.0001 at 0012, 0037–0038.
- 57 Transcript of RP Spinks, Case Study 29, 4 August 2015, 15656:37–40.
- 58 Transcript of RP Spinks, Case Study 29, 4 August 2015, 15657:25–7; Exhibit 29-0019, 'Statement of RP Spinks', Case Study 29, STAT.0591.001.0001\_R at [52].
- 59 Exhibit 29-0024, 'Statement of TJ O'Brien', Case Study 29, STAT.0592.001.0001\_R at [3], [45]; Exhibit 29-0003, Case Study 29, WAT.0009.001.0001 at 0002.
- 60 Exhibit 29-0024, 'Statement of TJ O'Brien', Case Study 29, STAT.0592.001.0001\_R at [41].
- 61 Exhibit 29-0019, 'Statement of RP Spinks', Case Study 29, STAT.0591.001.0001\_R at [16], [53].
- 62 Exhibit 29-0019, 'Statement of RP Spinks', Case Study 29, STAT.0591.001.0001\_R at [20], [53].
- 63 Transcript of RP Spinks, Case Study 29, 4 August 2015, 15656:4–9.
- 64 Exhibit 29-0023, 'Statement of VJ Toole', Case Study 29, STAT.0593.001.0001\_R at [8], [11].
- 65 Transcript of VJ Toole, Case Study 29, 5 August 2015, 15751:27–33.
- 66 Exhibit 29-0024, 'Statement of TJ O'Brien', Case Study 29, STAT.0592.001.0001\_R at [13].
- 67 Transcript of TJ O'Brien, Case Study 29, 5 August 2015, 15816:34–42; Exhibit 29-0003, Case Study 29, WAT.0001.001.0001 at 0004; Exhibit 29-0003, Case Study 29, WAT.0013.001.0001; Exhibit 29-0003, Case Study 29, WAT.0003.001.0001.
- 68 Transcript of TJ O'Brien, Case Study 29, 5 August 2015, 15828:41–15829:2; Exhibit 29-0003, Case Study 29, WEB.0053.002.0001 at 0007.

- 69 Exhibit 29-0003, Case Study 29, WEB.0053.002.0001 at 0007, 0016.
- 70 Exhibit 29-0003, Case Study 29, WAT.0001.001.0001 at 0006.
- 71 Transcript of GW Jackson, Case Study 29, 14 August 2015, 15935:20–3.
- 72 Exhibit 29-0003, Case Study 29, WAT.0013.001.0001 at 0096.
- 73 Exhibit 29-0024, ‘Statement of TJ O’Brien’, Case Study 29, STAT.0592.001.0001\_R at [38]; Exhibit 29-0003, Case Study 29, WAT.0013.001.0001 at 0096.
- 74 Exhibit 29-0024, ‘Statement of TJ O’Brien’, Case Study 29, STAT.0592.001.0001\_R at [37]; Transcript of TJ O’Brien, Case Study 29, 5 August 2015, 15863:19–34.
- 75 Exhibit 29-0003, Case Study 29, WAT.0013.001.0001 at 0099.
- 76 Exhibit 29-0003, Case Study 29, WAT.0013.001.0001 at 0097–0098.
- 77 Transcript of GW Jackson, Case Study 29, 14 August 2015, 15933:32–45, 15939:20–6; Exhibit 29-0003, Case Study 29, WAT.0013.001.0001 at 0075, 0107; Transcript of VJ Toole, Case Study 29, 5 August 2015, 15754:11–15.
- 78 Exhibit 29-0003, Case Study 29, WAT.0013.001.0001 at 0024, 0039; Exhibit 29-0003, Case Study 29, WAT.0013.001.0001 at 0084–0091; Exhibit 29-0003, Case Study 29, WAT.0013.001.0001 at 0039.
- 79 Exhibit 29-0003, Case Study 29, WEB.0053.001.0001 at 0007.
- 80 Exhibit 29-0003, Case Study 29, WAT.0013.001.0001 at 0082.
- 81 Exhibit 29-0006, ‘Statement of BCG’, Case Study 29, STAT.0590.001.0001\_R at [19].
- 82 Exhibit 29-0003, Case Study 29, WAT.0013.001.0001 at 0105; Exhibit 29-0003, Case Study 29, WEB.0053.001.0001 at 0016.
- 83 Exhibit 29-0003, Case Study 29, WAT.0013.001.0001 at 0099–0100; Transcript of VJ Toole, Case Study 29, 5 August 2015, 15767:33–15768:9; Transcript of RP Spinks, Case Study 29, 4 August 2015, 15700:25–37.
- 84 Exhibit 29-0024, ‘Statement of TJ O’Brien’, Case Study 29, STAT.0592.001.0001\_R at [30]–[31].
- 85 Exhibit 29-0003, Case Study 29, WAT.0013.001.0001 at 0082.
- 86 Exhibit 29-0003, Case Study 29, WAT.0013.001.0001 at 0045–0058.
- 87 Exhibit 29-0003, Case Study 29, WAT.0013.001.0001 at 0077.
- 88 Transcript of TJ O’Brien, Case Study 29, 5 August 2015, 15843:15–25; Exhibit 29-0003, Case Study 29, WAT.0013.001.0001 at 0047–0048, 0051.
- 89 Exhibit 29-0024, ‘Statement of TJ O’Brien’, Case Study 29, STAT.0592.001.0001\_R at [75]; Exhibit 29-0019, ‘Statement of RP Spinks’, Case Study 29, STAT.0591.001.0001\_R at [23]–[24]; Transcript of RP Spinks, Case Study 29, 4 August 2015, 15682:22–9.
- 90 Exhibit 28-0003, Case Study 29, WAT.0001.001.0001 at 0006, 0012.
- 91 Exhibit 29-0024, ‘Statement of TJ O’Brien’, Case Study 29, STAT.0592.001.0001\_R at [66].
- 92 Transcript of GW Jackson, Case Study 29, 14 August 2015, 15945:17–19.
- 93 Transcript of GW Jackson, Case Study 29, 14 August 2015, 15945:25–36.
- 94 Transcript of TJ O’Brien, Case Study 29, 5 August 2015, 15817:6–22.
- 95 Transcript of TJ O’Brien, Case Study 29, 5 August 2015, 15817:29–31.
- 96 Transcript of GW Jackson, Case Study 29, 14 August 2015, 15977:20–8.
- 97 Exhibit 29-0028, Case Study 29, EXH.029.028.0001\_R at 0005\_R; Transcript of GW Jackson, Case Study 29, 14 August 2015, 15940:30–9; Transcript of TJ O’Brien, Case Study 29, 5 August 2015, 15819:13–20, 30–47.
- 98 Transcript of GW Jackson, Case Study 29, 14 August 2015, 15941:23–15942:4; see also Transcript of TJ O’Brien, Case Study 29, 5 August 2015, 15840:25–30.
- 99 Transcript of TJ O’Brien, Case Study 29, 5 August 2015, 15819:22–8.
- 100 Exhibit 29-0028, Case Study 29, EXH.029.028.0001\_R at 0137\_R–0138\_R [12], [15]–[16].
- 101 Transcript of GW Jackson, Case Study 29, 14 August 2015, 15942:30–46; Transcript of VJ Toole, Case Study 29, 5 August 2015, 15752:34–41, 15753:6–17; Exhibit 29-0028, Case Study 29, EXH.029.028.0001\_R at 0067\_R[29]–[30].
- 102 Transcript of GW Jackson, Case Study 29, 14 August 2015, 15952:42–15953:3.
- 103 Exhibit 29-0003, Case Study 29, WAT.0001.004.0007; Exhibit 29-0003, Case Study 29, WAT.0012.001.0025; Exhibit 29-0003, Case Study 29, WAT.0004.001.0021; Exhibit 29-0003, Case Study 29, WAT.0001.004.0020; Exhibit 29-0003, Case Study 29, WAT.0001.004.0023; Exhibit 29-0003, Case Study 29, WAT.0001.004.0075.
- 104 Namely, but not limited to: Exhibit 29-0003, Case Study 29, WAT.0001.004.0004; Exhibit 29-0003, Case Study 29, WAT.0001.004.0005; Exhibit 29-0003, Case Study 29, WAT.0001.004.0011; Exhibit 29-0003, Case Study 29, WAT.0002.001.0001; Exhibit 29-0003, Case Study 29, WAT.0002.001.0015; Exhibit 29-0003, Case Study 29, WAT.0001.004.0066; Exhibit 29-0002, ‘Statement of M Horley’, Case Study 29, STAT.0601.001.0001\_R at [3.1]; Exhibit 29-0007, ‘Statement of D Ali’, Case Study 29, STAT.0598.001.0001\_R at [3.2].

- 105 Exhibit 29-0019, 'Statement of RP Spinks', Case Study 29, STAT.0591.001.0001\_R at [23]–[24].
- 106 Exhibit 29-0003, Case Study 29, WAT.0003.001.0001.
- 107 Transcript of DJ Jackson, Case Study 29, 28 July 2015, 15263:30–2; Transcript of RP Spinks, Case Study 29, 4 August 2015, 15672:12–14; Transcript of TJ O'Brien, Case Study 29, 5 August 2015, 15843:32–6.
- 108 Exhibit 29-0003, Case Study 29, WAT.0013.001.0001.
- 109 Exhibit 29-0003, Case Study 29, WAT.0001.004.0076.
- 110 Exhibit 29-0003, Case Study 29, WAT.0001.004.0066.
- 111 Exhibit 29-0019, 'Statement of RP Spinks', Case Study 29, STAT.0591.001.0001\_R at [18]; Exhibit 29-0003, Case Study 29, WAT.0001.004.0066 at [1].
- 112 Exhibit 29-0003, Case Study 29, WAT.0001.004.0306; Exhibit 29-0024, 'Statement of TJ O'Brien', Case Study 29, STAT.0592.001.0001\_R at [57]; Exhibit 29-0019, 'Statement of RP Spinks', Case Study 29, STAT.0591.001.0001\_R at [19].
- 113 Transcript of GW Jackson, Case Study 29, 14 August 2015, 15931:39–15932:32; Exhibit 29-0028, Case Study 29, EXH.029.028.0001 at 0005\_R; Transcript of TJ O'Brien, Case Study 29, 5 August 2015, 15822:15–23.
- 114 Exhibit 29-0024, 'Statement of TJ O'Brien', Case Study 29, STAT.0592.001.0001\_R at [8].
- 115 Transcript of TJ O'Brien, Case Study 29, 5 August 2015, 15822:15–23.
- 116 Exhibit 29-0003, Case Study 29, WAT.0013.001.0001\_R at 0075[2]; Transcript of VJ Toole, Case Study 29, 5 August 2015, 15754:11–15.
- 117 Transcript of GW Jackson, Case Study 29, 14 August 2015, 15939:39–45.
- 118 Exhibit 29-0003, Case Study 29, WAT.0001.004.0014; Exhibit 29-0003, Case Study 29, WAT.0012.001.0009; Exhibit 29-0003, Case Study 29, WAT.0004.001.0026; Exhibit 29-0003, Case Study 29, WAT.0004.001.0027.
- 119 Exhibit 29-0003, Case Study 29, WAT.0004.001.0010; Exhibit 29-0003, Case Study 29, WAT.0001.004.0007; Exhibit 29-0003, Case Study 29, WAT.0012.001.0025; Exhibit 29-0003, Case Study 29, WAT.0004.001.0014; Exhibit 29-0003, Case Study 29, WAT.0012.001.0013; Exhibit 29-0003, Case Study 29, WAT.0012.001.0014; Exhibit 29-0003, Case Study 29, WAT.0012.001.0011; Exhibit 29-0003, Case Study 29, WAT.0004.001.0021; Exhibit 29-0003, Case Study 29, WAT.0001.004.0020; Exhibit 29-0003, Case Study 29, WAT.0012.001.0023; Exhibit 29-0003, Case Study 29, WAT.0012.001.0016; Exhibit 29-0003, Case Study 29, WAT.0012.001.0022; Exhibit 29-0003, Case Study 29, WAT.0001.004.0023; Exhibit 29-0003, Case Study 29, WAT.0001.004.0025; Exhibit 29-0003, Case Study 29, WAT.0004.001.0058; Exhibit 29-0003, Case Study 29, WAT.0004.001.0060; Exhibit 29-0003, Case Study 29, WAT.0012.001.0027; Exhibit 29-0003, Case Study 29, WAT.0002.001.0011; Exhibit 29-0003, Case Study 29, WAT.0002.001.0013; Exhibit 29-0003, Case Study 29, WAT.0001.004.0046.
- 120 Transcript of TJ O'Brien, Case Study 29, 5 August 2015, 15826:18–34.
- 121 Transcript of RP Spinks, Case Study 29, 4 August 2015, 15700:13–19.
- 122 Transcript of RP Spinks, Case Study 29, 4 August 2015, 15699:19–22.
- 123 Transcript of GW Jackson, Case Study 29, 14 August 2015, 15948:28–35.
- 124 Transcript of GW Jackson, Case Study 29, 14 August 2015, 15945:25–8, 15946:12–15.
- 125 Transcript of RP Spinks, Case Study 29, 4 August 2015, 15689:25–9, 31–8.
- 126 Transcript of RP Spinks, Case Study 29, 4 August 2015, 15705:27–40; Transcript of TJ O'Brien, Case Study 29, 5 August 2015, 15833:21–8.
- 127 Transcript of GW Jackson, Case Study 29, 14 August 2015, 15983:35–15984:4; Transcript of TJ O'Brien, Case Study 29, 5 August 2015, 15851:44–15852:3.
- 128 Transcript of RP Spinks, Case Study 29, 4 August 2015, 15707:5–12.
- 129 Transcript of RP Spinks, Case Study 29, 4 August 2015, 15707:5–13.
- 130 Transcript of GW Jackson, Case Study 29, 14 August 2015, 15954:46–15955:3; Transcript of TJ O'Brien, Case Study 29, 5 August 2015, 15831:40–15832:6 (contra).
- 131 Exhibit 29-0019, 'Statement of RP Spinks', Case Study 29, STAT.0591.001.0001\_R at [21(a)], [22]; Exhibit 29-0003, Case Study 29, WAT.0001.004.0066 at 0068[9]; Exhibit 29-0003, Case Study 29, WAT.0001.001.0001 at 0015.
- 132 Exhibit 29-0003, Case Study 29, WAT.0001.004.0066 at 0066[3].
- 133 Exhibit 29-0003, Case Study 29, WAT.0003.001.0001 at 0060[5]; Exhibit 29-0003, Case Study 29, WAT.0001.004.0076 at 0078[16].
- 134 Exhibit 29-0003, Case Study 29, WAT.0003.001.0001 at 0061–0062, [9]–[10]; Exhibit 29-0003, Case Study 29, WAT.0001.004.0076 at 0078[16].
- 135 Exhibit 29-0003, Case Study 29, WAT.0003.001.0001 at 0064–0065, [13]–[14]; Exhibit 29-0003, Case Study 29, WAT.0001.004.0076 at 0079[19].

- 136 Exhibit 29-0003, Case Study 29, WAT.0013.002.0001 at 0024–0025.
- 137 Exhibit 29-0033, Case Study 29, WAT.0019.001.0001; Exhibit 29-0003, Case Study 29, WAT.0013.002.0001; Exhibit 29-0003, Case Study 29, WAT.0003.001.0001; Exhibit 29-0006, ‘Statement of AR De Rooy’, Case Study 29, STAT.0597.001.0001\_R at [2.2], [3.1], [3.2], [3.4]; Exhibit 29-0007, ‘Statement of D Ali’, Case Study 29, STAT.0598.001.0001\_R at [2.2], [3.2], [3.3]; Exhibit 29-0010, ‘Statement of K Bowditch’, Case Study 29, STAT.0602.001.0001\_R at [2.2], [3.1], [3.3]; Exhibit 29-0002, ‘Statement of M Horley’, Case Study 29, STAT.0601.001.0001\_R at [2.1], [2.3], [3.1]; Exhibit 29-0004, ‘Statement of D Jackson’, Case Study 29, STAT.0600.001.0001\_R at [2.1], [2.2], [2.3], [3.1], [3.2]; Exhibit 29-0005, ‘Statement of J Bello’, Case Study 29, STAT.0594.001.0001\_R at [2.2], [2.6], [3.3].
- 138 Exhibit 29-0032, Case Study 29, WAT.0020.001.0001 at 0100; Exhibit 29-0003, Case Study 29, WAT.0013.001.0001 at 0085, 0088.
- 139 Exhibit 29-0032, Case Study 29, WAT.0020.001.0001 at 0101; Exhibit 29-0003, Case Study 29, WAT.0013.001.0001 at 0086.
- 140 Exhibit 29-0003, Case Study 29, WAT.0001.004.0066 at 0066–0067, [4]–[5]; Exhibit 29-0003, Case Study 29, WAT.0003.001.0001 at 0132[18]; Exhibit 29-0003, Case Study 29, WAT.0014.001.0009 at 0011[14]; Exhibit 29-0003, Case Study 29, WAT.0001.004.0005 at 0005; Exhibit 29-0023, ‘Statement of VJ Toole’, Case Study 29, STAT.0593.001.0001\_R at [13]–[14]; Exhibit 29-0003, Case Study 29, WAT.0001.004.0001 at 0003; Transcript of VJ Toole, Case Study 29, 5 August 2015, 15752:19–32. On the evidence before the Royal Commission, there was no explicit directive to contact the Branch Office prior to 1992.
- 141 Exhibit 29-0023, ‘Statement of VJ Toole’, Case Study 29, STAT.0593.001.0001\_R at [29]–[30]; Exhibit 29-0003, Case Study 29, WAT.0001.004.0065.
- 142 Exhibit 29-0003, Case Study 29, WAT.0001.004.0066 at 0067[5]; Exhibit 29-0019, ‘Statement of RP Spinks’, Case Study 29, STAT.0591.001.0001\_R at [25]–[26], [28]–[33]; Transcript of VJ Toole, Case Study 29, 5 August 2015, 15763:32–4.
- 143 Exhibit 29-0003, Case Study 29, WAT.0003.001.0001 at 0132[19]; Exhibit 29-0003, WAT.0001.004.0076 at 0081[33].
- 144 Transcript of RP Spinks, Case Study 29, 4 August 2015, 15663:8–12, 15665:10–15.
- 145 Transcript of RP Spinks, Case Study 29, 4 August 2015, 15671:45–15672:1.
- 146 Exhibit 29-0003, Case Study 29, WAT.0001.004.0066 at 0068[11]; Exhibit 29-0003, Case Study 29, WAT.0013.001.0001 at 0088; Exhibit 29-0003, Case Study 29, WAT.0003.001.0001 at 0073[38]; Exhibit 29-0033, Case Study 29, WAT.0019.001.0001 at 0032; Exhibit 29-0003, Case Study 29, WAT.0013.002.0001 at 0029.
- 147 Exhibit 29-0033, Case Study 29, WAT.0019.001.0001 at 0032–0034; Exhibit 29-0003, Case Study 29, WAT.0013.001.0001 at 0088; Exhibit 29-0003, Case Study 29, WAT.0003.001.0001 at 0059[1], 0082[1].
- 148 Exhibit 29-0033, Case Study 29, WAT.0019.001.0001 at 0035; Exhibit 29-0003, Case Study 29, WAT.0013.002.0001 at 0050–0051; Transcript of TJ O’Brien, Case Study 29, 5 August 2015, 15828:2–4, 15830:1–4.
- 149 Exhibit 20-0003, Case Study 29, WAT.0003.001.0001 at 0073[38]–[39].
- 150 Exhibit 29-0020, Case Study 29, EXH.029.020.0001; Transcript of RP Spinks, Case Study 29, 4 August 2015, 15702:5, 15686:36–9.
- 151 Exhibit 29-0003, Case Study 29, WAT.0001.004.0310 at 0313; Transcript of RP Spinks, Case Study 29, 4 August 2015, 15683:43–15684:7.
- 152 Transcript of TJ O’Brien, Case Study 29, 5 August 2015, 15833:43–15834:26; Transcript of RP Spinks, Case Study 29, 4 August 2015, 15704:5–14, 15706:39–45.
- 153 Exhibit 29-0003, Case Study 29, WAT.0013.002.0001 at 0041, 0043; Exhibit 29-0033, Case Study 29, WAT.0019.001.0001 at 0032, 0033, 0035; Exhibit 29-0003, Case Study 29, WAT.0003.001.0001 at 0072[37].
- 154 Exhibit 29-0019, ‘Statement of RP Spinks’, Annexure 2, Case Study 29, STAT.0591.001.0018 at [2.2]; Exhibit 29-0003, Case Study 29, WAT.0001.004.0066 at 0068[11]; Exhibit 29-0003, Case Study 29, WAT.0013.002.0001 at 0043.
- 155 Exhibit 29-0003, Case Study 29, WAT.0013.002.0001 at 0041, 0043; Exhibit 29-0003, Case Study 29, WAT.0003.001.0001 at 0072[37]; Exhibit 29-0003, Case Study 29, WAT.0001.004.0066 at 0068.
- 156 Exhibit 29-0003, Case Study 29, WAT.0001.004.0066 at 0068[11].
- 157 Exhibit 29-0003, Case Study 29, WAT.0013.002.0001 at 0041, 0043; Exhibit 29-0003, Case Study 29, WAT.0003.001.0001 at 0072[37]; Exhibit 29-0003, WAT.0013.001.0001 at 0084; Exhibit 29-0033, Case Study 29, WAT.0019.001.0001 at 0035.

- 158 Exhibit 29-0003, Case Study 29, WAT.0013.002.0001 at 0041, 0043; Exhibit 29-0019, 'Statement of RP Spinks', Annexure 2, Case Study 29, STAT.0591.001.0018 at [2.2]; Exhibit 29-0003, Case Study 29, WAT.0003.001.0001 at 0062[11].
- 159 Exhibit 29-0003, Case Study 29, WAT.0013.002.0001 at 0041, 0043; Exhibit 29-0003, Case Study 29, WAT.0003.001.0001 at 0072–0073, [37]; Exhibit 29-0003, WAT.0001.004.0066 at 0068[11].
- 160 Exhibit 29-0003, Case Study 29, WAT.0001.004.0310 at 0313.
- 161 Exhibit 29-0003, Case Study 29, WAT.0001.004.0310 at 0314; Exhibit 29-0003, Case Study 29, WAT.0003.001.0001 at 0073[39].
- 162 Exhibit 29-0033, Case Study 29, WAT.0019.001.0001 at 0033–0034; Exhibit 29-0003, Case Study 29, WAT.0013.001.0001 at 0088–0089; Exhibit 29-0003, Case Study 29, WAT.0003.001.0001 at 0059[1], 0082[1], 0092–0103.
- 163 Exhibit 29-0003, Case Study 29, WAT.0013.001.0001 at 0089; Exhibit 29-0003, Case Study 29, WAT.0003.001.0001 at 0092[7]; Exhibit 29-0003, Case Study 29, WAT.0013.002.0001 at 0045; Exhibit 29-0003, Case Study 29, WAT.0004.001.0027.
- 164 Exhibit 29-0003, Case Study 29, WAT.0019.001.0001 at 0033; Exhibit 29-0003, Case Study 29, WAT.0003.001.0001 at 0083–0084, [6], 0090; Exhibit 29-0003, Case Study 29, WAT.0013.002.0001 at 0051.
- 165 Exhibit 29-0003, Case Study 29, WAT.0019.001.0001 at 0035; Exhibit 29-0020, Case Study 29, EXH.029.020.0001 at 0003; Exhibit 29-0003, Case Study 29, WAT.0013.002.0001 at 0051; Exhibit 29-0003, Case Study 29, WAT.0003.001.0001 at 0090–0091, [2].
- 166 Transcript of TJ O'Brien, Case Study 29, 5 August 2015, 15827:43–15828:8, 15833:43–15834:26; Transcript of VJ Toole, Case Study 29, 5 August 2015, 15802:16–22; Transcript of RP Spinks, Case Study 29, 4 August 2015, 15704:21–37; Transcript of GW Jackson, Case Study 29, 14 August 2015, 15952:16–29.
- 167 Exhibit 29-0003, Case Study 29, WAT.0003.001.0001 at 0091[3]; Transcript of RP Spinks, Case Study 29, 4 August 2015, 15693:16–15694:18.
- 168 Transcript of RP Spinks, Case Study 29, 4 August 2015, 15693:29–33.
- 169 Exhibit 29-0003, Case Study 29, WAT.0013.002.0001 at 0029–0030, 0056; Exhibit 29-0003, Case Study 29, WAT.0003.001.0001 at 0039–0040; Exhibit 29-0003, Case Study 29, WAT.0013.001.0001 at 0018, 0024.
- 170 Exhibit 29-0019, 'Statement of RP Spinks', Case Study 29, STAT.0591.001.0001\_R at [72], [74]; Exhibit 29-0003, Case Study 29, WAT.0002.001.0034 at [10]–[12].
- 171 Exhibit 29-0033, Case Study 29, WAT.0019.001.0001 at 0045–0047; Exhibit 29-0003, Case Study 29, WAT.0013.002.0001 at 0055–0056; Exhibit 29-0003, Case Study 29, WAT.0001.004.0066 at 0068[11]; Exhibit 29-0003, Case Study 29, WAT.0003.001.0001 at 0097–0098, [18]; Exhibit 29-0003, Case Study 29, WAT.0013.001.0001 at 0089–0090; Exhibit 29-0019, 'Statement of RP Spinks', Case Study 29, STAT.0591.001.0001\_R at [43], [4.9]; Exhibit 29-0003, Case Study 29, WAT.0001.001.0001 at 0007, 0016.
- 172 Exhibit 29-0003, Case Study 29, WAT.0013.002.0001 at 0055–0056; Exhibit 29-0003, Case Study 29, WAT.0001.004.0066 at 0068; Exhibit 29-0003, Case Study 29, WAT.0001.001.0001 at 0007, 0016; Exhibit 29-0003, Case Study 29, WAT.0003.001.0001 at 0097–0098; Exhibit 29-0019, 'Statement of RP Spinks', Case Study 29, STAT.0591.001.0001\_R at [43]; Exhibit 29-0019, 'Statement of RP Spinks', Annexure 2, Case Study 29, STAT.0591.001.0023 at [4.9].
- 173 Exhibit 29-0003, Case Study 29, WAT.0013.002.0001 at 0055–0056; Exhibit 29-0003, Case Study 29, WAT.0003.001.0001 at 0097–0101; Exhibit 29-0019, 'Statement of RP Spinks', Annexure 2, Case Study 29, STAT.0591.001.0023 at [4.10].
- 174 Exhibit 29-0003, Case Study 29, WAT.0013.002.0001 at 0055–0056; Exhibit 29-0003, Case Study 29, WAT.0003.001.0001 at 0098–0100; Exhibit 29-0024, 'Statement of TJ O'Brien', Case Study 29, STAT.0592.001.0001\_R at [62].
- 175 Exhibit 29-0033, Case Study 29, WAT.0019.001.0001 at 0050; Exhibit 29-0032, Case Study 29, WAT.0020.001.0001 at 0102–0104; Exhibit 29-0003, Case Study 29, WAT.0013.001.0001 at 0090; Exhibit 29-0003, Case Study 29, WAT.0001.004.0066 at 0068[11]; Exhibit 29-0003, Case Study 29, WAT.0003.001.0001 at 0101[26]; Exhibit 29-0003, Case Study 29, WAT.0013.002.0001 at 0053; Exhibit 29-0019, 'Statement of RP Spinks', Annexure 2, Case Study 29, STAT.0591.001.0018 at [4.7]–[4.8]; Exhibit 29-0024, 'Statement of TJ O'Brien', Case Study 29, STAT.0592.001.0001\_R at [89].
- 176 Exhibit 29-0003, Case Study 29, WAT.0001.001.0001 at 0007, 0016.
- 177 Exhibit 29-0003, Case Study 29, WAT.0013.001.0001 at 0091; Exhibit 29-0007, 'Statement of D Ali', Case Study 29, STAT.0598.001.0001\_R at [2.3]; Exhibit 29-0003, Case Study 29, WAT.0003.001.0001 at 01117; Exhibit 29-0032, Case Study 29, WAT.0020.001.0001 at 0105; Exhibit 29-0033, Case Study 29, WAT.0019.001.0001 at 0042; Exhibit 29-0003, Case Study 29, WAT.0013.002.0001 at 0035.

- 178 Exhibit 29-0003, Case Study 29, WAT.0003.001.0001 at 0102[33]; Exhibit 29-0003, Case Study 29, WAT.0013.002.0001 at 0054; Exhibit 29-0033, Case Study 29, WAT.0019.001.0001 at 0034.
- 179 Exhibit 29-0003, Case Study 29, WAT.0003.001.0001 at 0102[31]–[32]; Exhibit 29-0003, Case Study 29, WAT.0013.002.0001 at 0054; Exhibit 29-0033, Case Study 29, WAT.0019.001.0001 at 0033; Exhibit 29-0003, Case Study 29, WAT.0013.001.0001 at 0091; Exhibit 29-0032, Case Study 29, WAT.0020.001.00001 at 0105.
- 180 Exhibit 29-0003, Case Study 29, WAT.0003.001.0001 at 0102[31]; Exhibit 29-0003, Case Study 29, WAT.0013.001.0001 at 0091; Exhibit 29-0032, Case Study 29, WAT.0020.001.00001 at 0105; Exhibit 29-0024, ‘Statement of TJ O’Brien’, Case Study 29, STAT.0592.001.0001\_R at [62]; Exhibit 29-0019, ‘Statement of RP Spinks’, Case Study 29, STAT.0591.001.0001\_R at [41].
- 181 Exhibit 29-0003, Case Study 29, WAT.0003.001.0001 at 0102, 0105; Exhibit 29-0003, Case Study 29, WAT.0013.002.0001 at 0054; Exhibit 29-0033, Case Study 29, WAT.0019.001.0001 at 51; Exhibit 29-0003, Case Study 29, WAT.0013.001.0001 at 0090–0091; Exhibit 29-0032, Case Study 29, WAT.0020.001.0001 at 0104.
- 182 Exhibit 29-0003, Case Study 29, WAT.0013.001.0001 at 0093; Exhibit 29-0032, Case Study 29, WAT.0020.001.0001 at 0106; Exhibit 29-0003, Case Study 29, WAT.0013.002.0001 at 0053, 0060; Exhibit 29-0033, Case Study 29, WAT.0019.001.0001 at 0037, 0053; Exhibit 29-0003, Case Study 29, WAT.0003.001.0001 at 0119.
- 183 Exhibit 29-0003, Case Study 29, WAT.0003.001.0001 at 0120; Exhibit 29-0033, Case Study 29, WAT.0019.001.0001 at 0037; Exhibit 29-0003, Case Study 29, WAT.0013.002.0001 at 0060; Exhibit 29-0024, ‘Statement of TJ O’Brien’, Case Study 29, STAT.0592.001.0001\_R at [94]; Exhibit 29-0003, Case Study 29, WAT.0013.001.0001 at 0093; Exhibit 29-0032, Case Study 29, WAT.0020.001.0001 at 0106–0107.
- 184 Exhibit 29-0003, Case Study 29, WAT.0001.004.0066 at 0068[10]; Exhibit 29-0003, Case Study 29, WAT.0001.001.0001 at 0003; Exhibit 29-0024, ‘Statement of TJ O’Brien’, Case Study 29, STAT.0592.001.0001\_R at [55].
- 185 Exhibit 29-0024, ‘Statement of TJ O’Brien’, Case Study 29, STAT.0592.001.0001\_R at [65]; Exhibit 29-0003, Case Study 29, WAT.0001.004.0225; Exhibit 29-0003, Case Study 29, WAT.0001.004.0223; Exhibit 29-0003, Case Study 29, WAT.0001.004.0205; Exhibit 29-0003, Case Study 29, WAT.0001.004.0238; Exhibit 29-0003, Case Study 29, WAT.0001.004.0128; Exhibit 29-0003, Case Study 29, WAT.0001.004.0253; Exhibit 29-0003, Case Study 29, WAT.0001.004.0066 at 0068[10].
- 186 Exhibit 29-0024, ‘Statement of TJ O’Brien’, Case Study 29, STAT.0592.001.0001\_R at [67]; Exhibit 29-0003, Case Study 29, WAT.0001.001.0001 at 0003.
- 187 Transcript of GW Jackson, Case Study 29, 14 August 2015, 15968:16–32; Transcript of TJ O’Brien, Case Study 29, 5 August 2015, 15833:21–33, 15847:34–41.
- 188 Exhibit 29-0003, Case Study 29, WAT.0001.004.0066 at 0068[11]; Exhibit 29-0019, ‘Statement of RP Spinks’, Annexure 2, STAT.0591.001.0018 at [3.1].
- 189 Exhibit 29-0003, Case Study 29, WAT.0003.001.0001 at 0099[20].
- 190 Exhibit 29-0003, Case Study 29, WAT.0013.001.0001 at 0086–0087, 0090.
- 191 Exhibit 29-0003, Case Study 29, WAT.0003.001.0001 at 0098[19]; Exhibit 29-0019, ‘Statement of RP Spinks’, Case Study 29, STAT.0591.001.0001\_R at [45]–[46]; Exhibit 29-0019, ‘Statement of RP Spinks’, Annexure 2, Case Study 29, STAT.0591.001.0023 at [4.16]; Exhibit 29-0003, Case Study 29, WAT.0013.001.0001 at 0089; Exhibit 29-0003, Case Study 29, WAT.0001.004.0066 at 0068[12].
- 192 Exhibit 29-0003, Case Study 29, WAT.0001.004.0066 at 0068–0069, [12]; Exhibit 29-0003, Case Study 29, WAT.0001.004.0076 at 0082[35].
- 193 Exhibit 29-0003, Case Study 29, WAT.0002.001.0034 at 0035.
- 194 Exhibit 29-0024, ‘Statement of TJ O’Brien’, Case Study 29, STAT.0592.001.0001\_R at [78].
- 195 Exhibit 29-0023, ‘Statement of VJ Toole’, Case Study 29, STAT.0593.001.0001\_R at [31].
- 196 Exhibit 29-0006, ‘Statement of BCG’, Case Study 29, STAT.0590.001.0001\_R at [3], [8], [14].
- 197 Exhibit 29-0006, ‘Statement of BCG’, Case Study 29, STAT.0590.001.0001\_R at [7].
- 198 Exhibit 29-0006, ‘Statement of BCG’, Case Study 29, STAT.0590.001.0001\_R at [5].
- 199 Exhibit 29-0006, ‘Statement of BCG’, Case Study 29, STAT.0590.001.0001\_R at [3].
- 200 Exhibit 29-0006, ‘Statement of BCG’, Case Study 29, STAT.0590.001.0001\_R at [4].
- 201 Exhibit 29-0006, ‘Statement of BCG’, Case Study 29, STAT.0590.001.0001\_R at [66].
- 202 Exhibit 29-0006, ‘Statement of BCG’, Case Study 29, STAT.0590.001.0001\_R at [9].
- 203 Exhibit 29-0006, ‘Statement of BCG’, Case Study 29, STAT.0590.001.0001\_R at [9].

- 204 Exhibit 29-0006, 'Statement of BCG', Case Study 29, STAT.0590.001.0001\_R at [13]–[14].
- 205 Exhibit 29-0006, 'Statement of BCG', Case Study 29, STAT.0590.001.0001\_R at [9], [11].
- 206 Exhibit 29-0006, 'Statement of BCG', Case Study 29, STAT.0590.001.0001\_R at [17].
- 207 Exhibit 29-0006, 'Statement of BCG', Case Study 29, STAT.0590.001.0001\_R at [14].
- 208 Exhibit 29-0006, 'Statement of BCG', Case Study 29, STAT.0590.001.0001\_R at [14], [19].
- 209 Exhibit 29-0006, 'Statement of BCG', Case Study 29, STAT.0590.001.0001\_R at [14].
- 210 Exhibit 29-0006, 'Statement of BCG', Case Study 29, STAT.0590.001.0001\_R at [15].
- 211 Exhibit 29-0006, 'Statement of BCG', Case Study 29, STAT.0590.001.0001\_R at [26]–[27].
- 212 Exhibit 29-0006, 'Statement of BCG', Case Study 29, STAT.0590.001.0001\_R at [37], [38].
- 213 Exhibit 29-0006, 'Statement of BCG', Case Study 29, STAT.0590.001.0001\_R at [37].
- 214 Exhibit 29-0006, 'Statement of BCG', Case Study 29, STAT.0590.001.0001\_R at [38].
- 215 Exhibit 29-0006, 'Statement of BCG', Case Study 29, STAT.0590.001.0001\_R at [37], [38].
- 216 Transcript of KD Bowditch, Case Study 29, 29 July 2015, 15393:46–15396:3.
- 217 Transcript of KD Bowditch, Case Study 29, 29 July 2015, 15394:5–19.
- 218 Transcript of KD Bowditch, Case Study 29, 29 July 2015, 15394:5–12.
- 219 Transcript of KD Bowditch, Case Study 29, 29 July 2015, 15394:5–15394:5–8.
- 220 Transcript of D Ali, Case Study 29, 28 July 2015, 15322:9–12.
- 221 Transcript of D Ali, Case Study 29, 28 July 2015, 15325:19–15326:18.
- 222 Exhibit 29-0006, 'Statement of BCG', Case Study 29, STAT.0590.001.0001\_R at [39].
- 223 Exhibit 29-0006, 'Statement of BCG', Case Study 29, STAT.0590.001.0001\_R at [39].
- 224 Exhibit 29-0006, 'Statement of BCG', Case Study 29, STAT.0590.001.0001\_R at [39]–[40].
- 225 Exhibit 29-0006, 'Statement of BCG', Case Study 29, STAT.0590.001.0001\_R at [42]–[43].
- 226 Exhibit 29-0016, 'Statement of AR De Rooy', Case Study 29, STAT.0597.001.0001\_R at [6.1]–[6.2].
- 227 Exhibit 29-0003, Case Study 29, QLD.0068.001.1474\_R; Exhibit 29-0016, 'Statement of AR De Rooy', Case Study 29, STAT.0597.001.0001\_R at [5.2]; Exhibit 29-0010, 'Statement of KD Bowditch', Case Study 29, STAT.0602.001.0001\_R at [4.12]; Exhibit 29-0006, 'Statement of BCG', Case Study 29, STAT.0590.001.0001\_R at [54]–[55].
- 228 Transcript of AR De Rooy, Case Study 29, 3 August 2015, 15540:37–44, 15544:14–28; Transcript of D Ali, Case Study 29, 28 July 2015, 15327:42–5; Transcript of KD Bowditch, Case Study 29, 29 July 2015, 15396:23–37.
- 229 Transcript of KD Bowditch, Case Study 29, 29 July 2015, 15397:6–13.
- 230 Transcript of D Ali, Case Study 29, 28 July 2015, 15339:26–37.
- 231 Transcript of D Ali, Case Study 29, 29 July 2015, 15378:17–20; Transcript of AR De Rooy, Case Study 29, 3 August 2015, 15546:2–11; Transcript of KD Bowditch, Case Study 29, 29 July 2015, 15393:32–8, 15399:24–33, 15414:46–15415:4; Exhibit 29-0037, Case Study 29, QLD.0068.001.0845\_R at 0854\_R.
- 232 Exhibit 29-0006, 'Statement of BCG', Case Study 29, STAT.0590.001.0001\_R at [42]–[43].
- 233 Exhibit 29-0006, 'Statement of BCG', Case Study 29, STAT.0590.001.0001\_R at [42], [80]; Transcript of BCG, Case Study 29, 28 July 2015, 15310:14–18.
- 234 Exhibit 29-0006, 'Statement of BCG', Case Study 29, STAT.0590.001.0001\_R at [42], [49].
- 235 Transcript of TJ O'Brien, Case Study 29, 5 August 2015, 15843:27–39; Exhibit 29-0032, Case Study 29, WAT.0020.001.0001 at 0004, 0102.
- 236 Exhibit 29-0006, 'Statement of BCG', Case Study 29, STAT.0590.001.0001\_R at [42].
- 237 Exhibit 29-0006, 'Statement of BCG', Case Study 29, STAT.0590.001.0001\_R at [43], [78], [80].
- 238 Exhibit 29-0006, 'Statement of BCG', Case Study 29, STAT.0590.001.0001\_R at [44].
- 239 Transcript of D Ali, Case Study 29, 29 July 2015, 15365:13–31, 15376:15, 37–42.
- 240 Transcript of D Ali, Case Study 29, 28 July 2015, 15330:27–9; Transcript of D Ali, Case Study 29, 28 July 2015, 15378:31–8.
- 241 Submissions of Mr A Tokley SC and Mr F Coyne on behalf of The Watchtower & Ors, Case Study 29, 9 November 2015, SUBM1029.001.0001 at [9.92].
- 242 Exhibit 29-0006, 'Statement of BCG', Case Study 29, STAT.0590.001.0001\_R at [49].
- 243 Exhibit 29-0006, 'Statement of BCG', Case Study 29, STAT.0590.001.0001\_R at [49].
- 244 Exhibit 29-0006, 'Statement of BCG', Case Study 29, STAT.0590.001.0001\_R at [50]; Exhibit 29-0010, 'Statement of KD Bowditch', Case Study 29, STAT.0602.001.0001\_R at [4.8].
- 245 Transcript of KD Bowditch, Case Study 29, 29 July 2015, 15399:14–33; Transcript of D Ali, Case Study 29, 29 July 2015, 15376:17–33.

- 246 Transcript of KD Bowditch, Case Study 29, 29 July 2015, 15399:14–33; Transcript of D Ali, Case Study 29, 29 July 2015, 15376:17–33.
- 247 Submissions of Mr A Tokley SC and Mr F Coyne on behalf of The Watchtower & Ors, Case Study 29, 9 November 2015, SUBM1029.001.0035 at [9.99].
- 248 Transcript of KD Bowditch, Case Study 29, 29 July 2015, 15398:27–36.
- 249 Transcript of D Ali, Case Study 29, 29 July 2015, 15374:34–43.
- 250 Transcript of D Ali, Case Study 29, 29 July 2015, 15374:45–15375:9.
- 251 Transcript of D Ali, Case Study 29, 29 July 2015, 15375:37–40.
- 252 Transcript of D Ali, Case Study 29, 29 July 2015, 15375:42–7.
- 253 Transcript of D Ali, Case Study 29, 29 July 2015, 15376:2–15.
- 254 Exhibit 29-0033, Case Study 29, WAT.0019.001.0001 at 0035.
- 255 Exhibit 29-0008, Case Study 29, QLD.0068.001.1478\_R.
- 256 Transcript of D Ali, Case Study 29, 29 July 2015, 15342:20–2, 15346:6–15348:5.
- 257 Transcript of D Ali, Case Study 29, 29 July 2015, 15342:20–2, 37–8.
- 258 Transcript of D Ali, Case Study 29, 29 July 2015, 15342:24–7.
- 259 Exhibit 29-0039, Case Study 29, QLD.0068.001.0937\_R at 1005\_R.
- 260 Transcript of D Ali, Case Study 29, 29 July 2015, 15346:6–20.
- 261 Exhibit 29-0039, Case Study 29, QLD.0068.001.0937\_R at 1004\_R, 1006\_R.
- 262 Transcript of D Ali, Case Study 29, 29 July 2015, 15342:33–5, 15343:29–15344:32; Exhibit 29-0039, Case Study 29, QLD.0068.001.0937\_R at 1005\_R.
- 263 Transcript of D Ali, Case Study 29, 29 July 2015, 15343:8–15344:32.
- 264 Transcript of D Ali, Case Study 29, 29 July 2015, 15343:3–27.
- 265 Exhibit 29-0040, Case Study 29, QLD.0068.001.1010\_R at 1018\_R.
- 266 Submissions of Mr A Tokley SC and Mr F Coyne on behalf of The Watchtower & Ors, Case Study 29, 9 November 2015, SUBM1029.001.0001 at [9.117]–[9.119].
- 267 Exhibit 29-0007, ‘Statement of D Ali’, Case Study 29, STAT.0598.001.0001\_R at [5(1)]; Exhibit 29-0010, ‘Statement of KD Bowditch’, Case Study 29, STAT.0602.001.0001\_R at 0003\_R [4.1]; Exhibit 29-0016, ‘Statement of AR De Rooy’, Case Study 29, STAT.0597.001.0001\_R at [5.1].
- 268 Transcript of AR De Rooy, Case Study 29, 3 August 2015, 15553:38–45.
- 269 Exhibit 29-0040, Case Study 29, QLD.0068.001.1010\_R at 1018\_R; Exhibit 29-0039, Case Study 29, QLD.0068.001.0937\_R at 1005\_R; Exhibit 29-0040, Case Study 29, QLD.0068.001.1010\_R at 1017\_R–1018\_R, 1023\_R.
- 270 Exhibit 29-0006, ‘Statement of BCG’, Case Study 29, STAT.0590.001.0001\_R at [46].
- 271 Exhibit 29-0006, ‘Statement of BCG’, Case Study 29, STAT.0590.001.0001\_R at [46].
- 272 Exhibit 29-0006, ‘Statement of BCG’, Case Study 29, STAT.0590.001.0001\_R at [47].
- 273 Exhibit 29-0006, ‘Statement of BCG’, Case Study 29, STAT.0590.001.0001\_R at [48]; Transcript of BCG, Case Study 29, 28 July 2015, 15288:40–1.
- 274 Exhibit 29-0006, ‘Statement of BCG’, Case Study 29, STAT.0590.001.0001\_R at [52].
- 275 Exhibit 29-0006, ‘Statement of BCG’, Case Study 29, STAT.0590.001.0001\_R at [48], [52].
- 276 Exhibit 29-0008, Case Study 29, QLD.0068.001.1478\_R at 1481\_R; Transcript of D Ali, Case Study 29, 29 July 2015, 15345:12–15347:7.
- 277 Transcript of D Ali, Case Study 29, 28 July 2015, 15334:45–7; Transcript of AR De Rooy, Case Study 29, 3 August 2015, 15553:13–22, 15554:20–33; Transcript of KD Bowditch, Case Study 29, 29 July 2015, 15405:40–3.
- 278 Transcript of AR De Rooy, Case Study 29, 3 August 2015, 15553:17–36.
- 279 Submissions of Mr A Tokley SC and Mr F Coyne on behalf of The Watchtower & Ors, Case Study 29, 9 November 2015, SUBM1029.001.0001 at [9.104].
- 280 Exhibit 29-0032, Case Study 29, WAT.0020.001.0001 at 0102.
- 281 Transcript of D Ali, Case Study 29, 29 July 2015, 15347:46–15348:5.
- 282 Transcript of D Ali, Case Study 29, 29 July 2015, 15350:32–43.
- 283 Submissions of Mr A Tokley SC and Mr F Coyne on behalf of The Watchtower & Ors, Case Study 29, 9 November 2015, SUBM1029.001.0001 at [9.113].
- 284 Exhibit 29-0016, ‘Statement of AR De Rooy’, Case Study 29, STAT.0597.001.0001\_R at [5.1]; Exhibit 29-0010, ‘Statement of KD Bowditch’, Case Study 29, STAT.0602.001.0001\_R at 0003[4.8].

285 Exhibit 29-0010, 'Statement of KD Bowditch', Case Study 29, STAT.0602.001.0001\_R at 0004[4.12];  
 Exhibit 29-0016, 'Statement of AR De Rooy', Case Study 29, STAT.0597.001.0001\_R at [6.2]; Transcript  
 of D Ali, Case Study 29, 29 July 2015, 15357:14–15; Exhibit 29-0006, 'Statement of BCG', Case Study 29,  
 STAT.0590.001.0001\_R at [56].

286 Exhibit 29-0008, Case Study 29, QLD.0068.001.1478\_R at 1494\_R.  
 287 Exhibit 29-0008, Case Study 29, QLD.0068.001.1478\_R at 1482\_R–1483\_R.  
 288 Exhibit 29-0008, Case Study 29, QLD.0068.001.1478\_R at 1490\_R.  
 289 Exhibit 29-0008, Case Study 29, QLD.0068.001.1478\_R at 1490\_R.  
 290 Exhibit 29-0008, Case Study 29, QLD.0068.001.1478\_R at 1494\_R.  
 291 Transcript of D Ali, Case Study 29, 29 July 2015, 15351:20–6.  
 292 Exhibit 29-0040, Case Study 29, QLD.0068.001.1010\_R at 1023\_R.  
 293 Exhibit 29-0040, Case Study 29, QLD.0068.001.1010\_R at 1017\_R.  
 294 Exhibit 29-0040, Case Study 29, QLD.0068.001.1010\_R at 1017\_R–1018\_R.  
 295 Exhibit 29-0007, 'Statement of D Ali', Case Study 29, STAT.0598.001.0001\_R at [5.5].  
 296 Exhibit 29-0016, 'Statement of AR De Rooy', Case Study 29, STAT.0597.001.0001\_R at [5.1].  
 297 Exhibit 29-0010, 'Statement of KD Bowditch', Case Study 29, STAT.0602.001.0001\_R at 0003[4.8].  
 298 Transcript of D Ali, Case Study 29, 28 July 2015, 15329:19–20.  
 299 Exhibit 29-0006, 'Statement of BCG', Case Study 29, STAT.0590.001.0001\_R at [50].  
 300 Exhibit 29-0016, 'Statement of AR De Rooy', Case Study 29, STAT.0597.001.0001\_R at [6.2].  
 301 Exhibit 29-0007, 'Statement of D Ali', Case Study 29, STAT.0598.001.0001\_R at [5.6], [6.1]; Exhibit 29-  
 0016, 'Statement of AR De Rooy', Case Study 29, STAT.0597.001.0001\_R at [6.1]; Exhibit 29-0010,  
 'Statement of KD Bowditch', Case Study 29, STAT.0602.001.0001\_R at [5.1]; Exhibit 29-0003, Case Study 29,  
 WAT.0001.002.0134\_R; Exhibit 29-0003, Case Study 29, WAT.0001.002.0135\_R; Exhibit 29-0003, Case Study  
 29, WAT.0001.002.0136\_R.

302 Transcript of KD Bowditch, Case Study 29, 29 July 2015, 15404:5–9, 15413:37–43; Transcript of D Ali, Case  
 Study 29, 28 July 2015, 15330:36–15331:29; Transcript of D Ali, Case Study 29, 29 July 2015, 15353:1–13,  
 15361:10–12; Transcript of AR De Rooy, Case Study 29, 3 August 2015, 15547:1–5, 15548:26–45.

303 Exhibit 29-0007, 'Statement of D Ali', Case Study 29, STAT.0598.001.0001\_R at [5.5], [5.6]; Transcript of D  
 Ali, Case Study 29, 28 July 2015, 15331:7–29; Exhibit 29-0016, 'Statement of AR De Rooy', Case Study 29,  
 STAT.0597.001.0001\_R at [6.1].

304 Transcript of AR De Rooy, Case Study 29, 3 August 2015, 15547:7–15548:10.  
 305 Exhibit 29-0003, Case Study 29, WAT.0001.002.0134\_R.  
 306 Exhibit 29-0003, Case Study 29, WAT.0001.002.0134\_R.  
 307 Transcript of KD Bowditch, Case Study 29, 29 July 2015, 15405:25–8.  
 308 Transcript of AR De Rooy, Case Study 29, 3 August 2015, 15559:3–31.  
 309 Transcript of AR De Rooy, Case Study 29, 3 August 2015, 15560:33–41.  
 310 Transcript of AR De Rooy, Case Study 29, 3 August 2015, 15605:3–7; Exhibit 29-0032, Case Study 29,  
 WAT.0020.001.0001 at 0104–0105; Exhibit 29-0033, Case Study 29, WAT.0019.001.0001 at 0033.

311 Exhibit 29-0033, Case Study 29, WAT.0019.001.0001 at 0033; Exhibit 29-0032, Case Study 29,  
 WAT.0020.001.0001 at 0104–0105.

312 Exhibit 29-0003, Case Study 29, QLD.0068.001.1474\_R.  
 313 Exhibit 29-0008, Case Study 29, QLD.0068.001.1478\_R at 1495\_R.  
 314 Exhibit 29-0008, Case Study 29, QLD.0068.001.1478\_R at 1495\_R–1500\_R.  
 315 Exhibit 29-0008, Case Study 29, QLD.0068.001.1478\_R at 1499\_R.  
 316 Exhibit 29-0008, Case Study 29, QLD.0068.001.1478\_R at 1500\_R.  
 317 Exhibit 29-0040, Case Study 29, QLD.0068.001.1010\_R at 1016\_R.  
 318 Exhibit 29-0006, 'Statement of BCG', Case Study 29, STAT.0590.001.0001\_R at [54].  
 319 Exhibit 29-0003, Case Study 29, WAT.0001.002.0135\_R.  
 320 Exhibit 29-0006, 'Statement of BCG', Case Study 29, STAT.0590.001.0001\_R at [54].  
 321 Exhibit 29-0006, 'Statement of BCG', Case Study 29, STAT.0590.001.0001\_R at [55].  
 322 Transcript of D Ali, Case Study 29, 29 July 2015, 15357:10–12.  
 323 Exhibit 29-0037, Case Study 29, QLD.0068.001.0845\_R at 0877\_R.  
 324 Exhibit 29-0006, 'Statement of BCG', Case Study 29, STAT.0590.001.0001\_R at [55].  
 325 Exhibit 29-0006, 'Statement of BCG', Case Study 29, STAT.0590.001.0001\_R at [55]; Exhibit 29-0016,  
 'Statement of AR De Rooy', Case Study 29, STAT.0597.001.0001\_R at [6.2].

- 326 Exhibit 29-0010, 'Statement of KD Bowditch', Case Study 29, STAT.0602.001.0001\_R at 0004[4.12]; Exhibit 29-0016, 'Statement of AR De Rooy', Case Study 29, STAT.0597.001.0001\_R at [6.2]; Transcript of D Ali, Case Study 29, 29 July 2015, 15357:14–15; Exhibit 29-0006, 'Statement of BCG', Case Study 29, STAT.0590.001.0001\_R at [56].
- 327 Exhibit 29-0003, Case Study 29, WAT.0001.002.0135\_R; Exhibit 29-0016, 'Statement of AR De Rooy', Case Study 29, STAT.0597.001.0001\_R at [6.2]; Exhibit 29-0010, 'Statement of K Bowditch', Case Study 29, STAT.0602.001.0001\_R at 0004[4.13].
- 328 Exhibit 29-0003, Case Study 29, WAT.0001.002.0136\_R.
- 329 Transcript of AR De Rooy, Case Study 29, 3 August 2015, 15581:27–45.
- 330 Transcript of KD Bowditch, Case Study 29, 29 July 2015, 15408:39–41.
- 331 Transcript of D Ali, Case Study 29, 29 July 2015, 15358:10–15, 15358:39–15359:2; Transcript of AR De Rooy, Case Study 29, 3 August 2015, 15564:25–8.
- 332 Transcript of KD Bowditch, Case Study 29, 29 July 2015, 15409:10–11; Transcript of D Ali, Case Study 29, 29 July 2015, 15358:45–15359:2.
- 333 Further Submissions of Mr A Tokley SC and Mr F Coyne on behalf of the Watchtower & Ors, Case Study 29, 7 July 2016, SUBM.1029.003.0001 at [4.16].
- 334 Exhibit 29-0006, 'Statement of BCG', Case Study 29, STAT.0590.001.0001\_R at [53].
- 335 Exhibit 29-0006, 'Statement of BCG', Case Study 29, STAT.0590.001.0001\_R at [53].
- 336 Exhibit 29-0008, Case Study 29, QLD.0068.001.1478\_R at 1482\_R, 1499\_R.
- 337 Transcript of AR De Rooy, Case Study 29, 3 August 2015, 15598:9–17.
- 338 Transcript of AR De Rooy, Case Study 29, 3 August 2015, 15598:19–22.
- 339 Exhibit 29-0006, 'Statement of BCG', Case Study 29, STAT.0590.001.0001\_R at [81].
- 340 Exhibit 29-0006, 'Statement of BCG', Case Study 29, STAT.0590.001.0001\_R at [59].
- 341 Exhibit 29-0006, 'Statement of BCG', Case Study 29, STAT.0590.001.0001\_R at [72].
- 342 Exhibit 29-0032, Case Study 29, WAT.0020.001.0001 at 0106; Exhibit 29-0033, Case Study 29, WAT.0019.001.0001 at 0037.
- 343 Exhibit 29-0003, Case Study 29, QLD.0068.001.1466\_R.
- 344 Exhibit 29-0019, 'Statement of RP Spinks', Case Study 29, STAT.0591.001.0001\_R at [14], [82]–[83].
- 345 Exhibit 20-0003, Case Study 29, WAT.0006.001.0036\_R.
- 346 Transcript of MJ Baker, Case Study 29, 3 August 2015, 15620:39–41, 15621:40–15622:5, 15622:22–8.
- 347 Exhibit 29-0003, Case Study 29, WAT.0006.001.0026\_R.
- 348 Transcript of AR De Rooy, Case Study 29, 3 August 2015, 15572:13–16.
- 349 Exhibit 29-0018, 'Statement of RP Spinks', Case Study 29, STAT.0591.001.0001\_R at [85]; Exhibit 29-0003, Case Study 29, WAT.0006.001.0034\_R.
- 350 Exhibit 29-0003, Case Study 29, QLD.0068.001.1465\_R; Exhibit 29-0003, Case Study 29, QLD.0068.001.1461\_R; Exhibit 29-0003, Case Study 29, WAT.0006.001.0017\_R; Exhibit 29-0003, Case Study 29, QLD.0068.001.1457\_R; Exhibit 29-0003, Case Study 29, QLD.0068.001.1451\_R.
- 351 Exhibit 29-0003, Case Study 29, QLD.0068.001.1450\_R; Exhibit 29-0003, Case Study 29, QLD.0068.001.1449\_R; Exhibit 29-0003 Case Study 29, QLD.0068.001.1448\_R.
- 352 Exhibit 29-0003, Case Study 29, QLD.0068.001.1447\_R; Exhibit 29-0006, 'Statement of BCG', Case Study 29, STAT.0590.001.0001\_R at [61]; Exhibit 29-0003, Case Study 29, WAT.0001.002.0136\_R; Exhibit 29-0016, 'Statement of AR De Rooy', Case Study 29, STAT.0597.001.0001\_R at [7.2].
- 353 Transcript of AR De Rooy, Case Study 29, 3 August 2015, 15580:43–15581:1.
- 354 Exhibit 29-0006, 'Statement of BCG', Case Study 29, STAT.0590.001.0001\_R at [62].
- 355 Exhibit 29-0006, 'Statement of BCG', Case Study 29, STAT.0590.001.0001\_R at [62].
- 356 Exhibit 29-0006, 'Statement of BCG', Case Study 29, STAT.0590.001.0001\_R at [62].
- 357 Exhibit 29-0006, 'Statement of BCG', Case Study 29, STAT.0590.001.0001\_R at [62].
- 358 Exhibit 29-0006, 'Statement of BCG', Case Study 29, STAT.0590.001.0001\_R at [62].
- 359 Transcript of AR De Rooy, Case Study 29, 3 August 2015, 15584:23–9.
- 360 Transcript of AR De Rooy, Case Study 29, 3 August 2015, 15584:26–15585:16.
- 361 Exhibit 29-0006, 'Statement of BCG', Case Study 29, STAT.0590.001.0001\_R at [64]; Exhibit 29-0003, Case Study 29, QLD.0068.001.1410\_R.
- 362 Exhibit 29-0003, Case Study 29, QLD.0068.001.1410\_R at 1417\_R–1418\_R.
- 363 Exhibit 29-0006, 'Statement of BCG', Case Study 29, STAT.0590.001.0001\_R at [64]; Exhibit 29-0003, Case Study 29, QLD.0068.001.1409\_R.

364 Exhibit 29-0006, 'Statement of BCG', Case Study 29, STAT.0590.001.0001\_R at [65].  
365 Transcript of GW Jackson, Case Study 29, 14 August 2015, 15993:42–15994:5.  
366 Exhibit 29-0003, Case Study 29, QLD.0068.001.1408\_R.  
367 Exhibit 29-0006, 'Statement of BCG', Case Study 29, STAT.0590.001.0001\_R at [66].  
368 Exhibit 29-0006, 'Statement of BCG', Case Study 29, STAT.0590.001.0001\_R at [66].  
369 Exhibit 29-0006, 'Statement of BCG', Case Study 29, STAT.0590.001.0001\_R at [67].  
370 Exhibit 29-0006, 'Statement of BCG', Case Study 29, STAT.0590.001.0001\_R at [69]; Exhibit 29-0033, Case  
Study 29, QLD.0068.001.0692\_R.  
371 Exhibit 29-0006, 'Statement of BCG', Case Study 29, STAT.0590.001.0001\_R at [69].  
372 Exhibit 29-0006, 'Statement of BCG', Case Study 29, STAT.0590.001.0001\_R at [69]; Exhibit 29-0003, Case  
Study 29, QLD.0068.003.0104.  
373 Exhibit 29-0006, 'Statement of BCG', Case Study 29, STAT.0590.001.0001\_R at [69].  
374 Transcript of BCG, Case Study 29, 28 July 2015, 15311:39–45; Exhibit 29-0006, 'Statement of BCG',  
STAT.0590.001.0001\_R at [70].  
375 Transcript of AC Pencheff, Case Study 29, 4 August 2015, 15642:39–42.  
376 Transcript of AC Pencheff, Case Study 29, 4 August 2015, 15643:38–40.  
377 Exhibit 29-0003, Case Study 29, QLD.0068.001.1446\_R.  
378 Exhibit 29-0018, 'Statement of AC Pencheff', Case Study 29, STAT.0604.001.0001\_R at [6.3].  
379 Exhibit 29-0018, 'Statement of AC Pencheff', Case Study 29, STAT.0604.001.0001\_R at [6.4].  
380 Exhibit 29-0018, 'Statement of AC Pencheff', Case Study 29, STAT.0604.001.0001\_R at [5.1].  
381 Submissions of Mr A Tokley SC and Mr F Coyne on behalf of The Watchtower & Ors, Case Study 29, 9  
November 2015, SUBM.1029.001.0001 at [9.177].  
382 Submissions of Mr A Tokley SC and Mr F Coyne on behalf of The Watchtower & Ors, Case Study 29, 9  
November 2015, SUBM.1029.001.0001 at [9.177].  
383 Exhibit 29-0003, Case Study 29, WAT.0001.002.0112\_R.  
384 Exhibit 29-0003, Case Study 29, WAT.0001.002.0112\_R at 0113\_R.  
385 Exhibit 29-0003, Case Study 29, WAT.0001.002.0112\_R at 0113\_R.  
386 Exhibit 29-0003, Case Study 29, WAT.0001.002.0109.  
387 Exhibit 29-0003, Case Study 29, WAT.0001.002.0109; Exhibit 29-0023, 'Statement of VJ Toole', Case Study  
29, STAT.0593.001.0001\_R at [25].  
388 Exhibit 29-0018, 'Statement of AC Pencheff', Case Study 29, STAT.0604.001.0001\_R at [1.4], [5.5], [7.1];  
Exhibit 29-0003, Case Study 29, WAT.0001.002.0107\_R; Transcript of AC Pencheff, Case Study 29, 4 August  
2015, 15645:16–24.  
389 Transcript of AC Pencheff, Case Study 29, 4 August 2015, 15646:36–47.  
390 Exhibit 29-0003, Case Study 29, WAT.0001.002.0107\_R; Exhibit 29-0003, Case Study 29,  
WAT.0001.002.0108\_R.  
391 Exhibit 29-0003, Case Study 29, WAT.0001.002.0108\_R; Transcript of AC Pencheff, Case Study 29, 4 August  
2015, 15650:30–15651:1.  
392 Transcript of AC Pencheff, Case Study 29, 4 August 2015, 15650:30–15651:1.  
393 Transcript of AC Pencheff, Case Study 29, 4 August 2015, 15650:24–36.  
394 Exhibit 29-0003, Case Study 29, WAT.0001.002.0104\_R; Exhibit 29-0003, Case Study 29,  
WAT.0012.001.0004\_R; Exhibit 29-0003, Case Study 29, WAT.0012.001.0005\_R; Exhibit 29-0003, Case Study  
29, LOCO.0001.001.0018\_R; Exhibit 29-0003, Case Study 29, LOCO.0001.001.0025\_R; Exhibit 29-0003, Case  
Study 29, WAT.0012.001.0007\_R; Exhibit 29-0003, Case Study 29, WAT.0001.002.0101\_R; Exhibit 29-0003,  
Case Study 29, WAT.0001.002.0098\_R; Exhibit 29-0003, Case Study 29, WAT.0001.002.0096\_R; Exhibit 29-  
0003, Case Study 29, WAT.0001.002.0094\_R.  
395 Exhibit 29-0019, 'Statement of RP Spinks', Case Study 29, STAT.0591.001.0001\_R at [88]–[89].  
396 Exhibit 29-0019, 'Statement of RP Spinks', Case Study 29, STAT.0591.001.0001\_R at [89]; see also Exhibit 29-  
0003, Case Study 29, WAT.0001.002.0091\_R.  
397 Exhibit 29-0003, Case Study 29, WAT.0001.002.0104\_R; Exhibit 29-0003, Case Study 29,  
LOCO.0001.002.0014\_R; Exhibit 29-0003, Case Study 29, LOCO.0001.002.0010\_R; Exhibit 29-0003, Case  
Study 29, LOCO.001.002.0008\_R; Exhibit 29-0003, Case Study 29, WAT.0012.001.0005\_R; Exhibit 29-0003,  
Case Study 29, LOCO.0001.002.0007\_R; Exhibit 29-0003, Case Study 29, LOCO.0001.002.0012\_R; Exhibit  
29-0003, Case Study 29, LOCO.0001.001.0018\_R; Exhibit 29-0003, Case Study 29, LOCO.0001.001.0025\_R;  
Exhibit 29-0003, Case Study 29, LOCO.0001.002.0006\_R; Exhibit 29-0003, Case Study 29,

WAT.0012.001.0007\_R; Exhibit 29-0003, Case Study 29, LOCO.0001.002.0011\_R; Exhibit 29-0003, Case Study 29, WAT.0001.002.0100\_R; Exhibit 29-0003, Case Study 29, WAT.0001.002.0099\_R; Exhibit 29-0003, Case Study 29, WAT.0001.002.0096\_R; Exhibit 29-0003, Case Study 29, WAT.0001.002.0095\_R; Exhibit 29-0003, Case Study 29, WAT.0001.002.0094\_R; Exhibit 29-0003, Case Study 29, WAT.0001.002.0092\_R; Exhibit 29-0003, Case Study 29, WAT.0001.002.0091\_R.

398 Exhibit 29-0019, 'Statement of RP Spinks', Case Study 29, STAT.0591.001.0001\_R at [88]–[89].

399 Exhibit 29-0006, 'Statement of BCG', Case Study 29, STAT.0590.001.0001\_R at [72].

400 Exhibit 29-0006, 'Statement of BCG', Case Study 29, STAT.0590.001.0001\_R at [74].

401 Exhibit 29-0006, 'Statement of BCG', Case Study 29, STAT.0590.001.0001\_R at [75].

402 Exhibit 29-0006, 'Statement of BCG', Case Study 29, STAT.0590.001.0001\_R at [82].

403 Exhibit 29-0006, 'Statement of BCG', Case Study 29, STAT.0590.001.0001\_R at [82].

404 Exhibit 29-0006, 'Statement of BCG', Case Study 29, STAT.0590.001.0001\_R at [82].

405 Exhibit 29-0001, 'Statement of BCB', Case Study 29, STAT.0603.001.0001\_R at [6].

406 Exhibit 29-0001, 'Statement of BCB', Case Study 29, STAT.0603.001.0001\_R at [5], [7].

407 Exhibit 29-0001, 'Statement of BCB', Case Study 29, STAT.0603.001.0001\_R at [3]–[4].

408 Transcript of BCB, Case Study 29, 27 July 2015, 15175:15–16.

409 Exhibit 29-0001, 'Statement of BCB', Case Study 29, STAT.0603.001.0001\_R at [73]–[74].

410 Exhibit 29-0001, 'Statement of BCB', Case Study 29, STAT.0603.001.0001\_R at [16].

411 Exhibit 29-0001, 'Statement of BCB', Case Study 29, STAT.0603.001.0001\_R at [14]–[15].

412 Exhibit 29-0001, 'Statement of BCB', Case Study 29, STAT.0603.001.0001\_R at [16].

413 Exhibit 29-0001, 'Statement of BCB', Case Study 29, STAT.0603.001.0001\_R at [17].

414 Submissions of Mr A Tokley SC and Mr F Coyne on behalf of The Watchtower & Ors, Case Study 29, 9 November 2015, SUBM1029.001.0001 at [9.31].

415 Exhibit 29-0001, 'Statement of BCB', Case Study 29, STAT.0603.001.0001\_R at [30].

416 Transcript of BCB, Case Study 29, 27 July 2015, 15171:1–14.

417 Exhibit 29-0001, 'Statement of BCB', Case Study 29, STAT.0603.001.0001\_R at [20]–[46].

418 Exhibit 29-0001, 'Statement of BCB', Case Study 29, STAT.0603.001.0001\_R at [40].

419 Exhibit 29-0001, 'Statement of BCB', Case Study 29, STAT.0603.001.0001\_R at [25].

420 Exhibit 29-0001, 'Statement of BCB', Case Study 29, STAT.0603.001.0001\_R at [25].

421 Exhibit 29-0001, 'Statement of BCB', Case Study 29, STAT.0603.001.0001\_R at [79].

422 Exhibit 29-0001, 'Statement of BCB', Case Study 29, STAT.0603.001.0001\_R at [47].

423 Exhibit 29-0001, 'Statement of BCB', Case Study 29, STAT.0603.001.0001\_R at [47].

424 Exhibit 29-0001, 'Statement of BCB', Case Study 29, STAT.0603.001.0001\_R at [48]; Transcript of BCB, Case Study 29, 27 July 2015, 15173:3–35.

425 Exhibit 29-0001, 'Statement of BCB', Case Study 29, STAT.0603.001.0001\_R at [49]; Transcript of BCB, Case Study 29, 27 July 2015, 15173:37–15174:32.

426 Exhibit 29-0001, 'Statement of BCB', Case Study 29, STAT.0603.001.0001\_R at [50].

427 Exhibit 29-0002, 'Statement of M Horley', Case Study 29, STAT.0601.001.0001\_R at [1], [4.1].

428 Submissions of Mr A Tokley SC and Mr F Coyne on behalf of The Watchtower & Ors, Case Study 29, 9 November 2015, SUBM1029.001.0001 at [9.37].

429 Exhibit 29-0032, Case Study 29, WAT.0020.001.0001 at 0017–0018.

430 Transcript of M Horley, Case Study 29, 27 July 2015, 15181:3–10.

431 Transcript of M Horley, Case Study 29, 27 July 2015, 15220:3.

432 Exhibit 29-0004, 'Statement of DJ Jackson', Case Study 29, STAT.0600.001.0001\_R at [5.1].

433 Exhibit 29-0033, Case Study 29, WAT.0019.001.0001 at 0032; Exhibit 29-0003, Case Study 29, WAT.0013.002.0001 at 0041.

434 Exhibit 29-0033, Case Study 29, WAT.0019.001.0001 at 0033–0034.

435 Exhibit 29-0001, 'Statement of BCB', Case Study 29, STAT.0603.001.0001\_R at [51]; Transcript of BCB, Case Study 29, 27 July 2015, 15174:34–8.

436 Transcript of M Horley, Case Study 29, 27 July 2015, 15189:10–43, 15215:14–19.

437 Exhibit 29-0001, 'Statement of BCB', Case Study 29, STAT.0603.001.0001\_R at [51].

438 Transcript of BCB, Case Study 29, 27 July 2015, 15175:43–15176:7.

439 Exhibit 29-0001, 'Statement of BCB', Case Study 29, STAT.0603.001.0001\_R at [52]–[53].

440 Exhibit 29-0001, 'Statement of BCB', Case Study 29, STAT.0603.001.0001\_R at [53].

441 Exhibit 29-0001, 'Statement of BCB', Case Study 29, STAT.0603.001.0001\_R at [53].

442 Exhibit 29-0001, 'Statement of BCB', Case Study 29, STAT.0603.001.0001\_R at [53]–[54].

443 Exhibit 29-0001, 'Statement of BCB', Case Study 29, STAT.0603.001.0001\_R at [55]–[56].

444 Transcript of BCB, Case Study 29, 27 July 2015, 15176:45–15177:4.

445 Exhibit 29-0001, 'Statement of BCB', Case Study 29, STAT.0603.001.0001\_R at [82].

446 Exhibit 29-0001, 'Statement of BCB', Case Study 29, STAT.0603.001.0001\_R at [55]–[56].

447 Exhibit 29-0001, 'Statement of BCB', Case Study 29, STAT.0603.001.0001\_R at [57]. See also Transcript of BCB, Case Study 29, 27 July 2015, 15178:24–6.

448 Transcript of M Horley, Case Study 29, 27 July 2015, 15202:14–17.

449 Transcript of TJ O'Brien, Case Study 29, 5 August 2015, 15843:27–39; Exhibit 29-0032, Case Study 29, WAT.0020.001.0001 at 0004, 0102.

450 Exhibit 29-0001, 'Statement of BCB', Case Study 29, STAT.0603.001.0001\_R at [51], [54].

451 Transcript of BCB, Case Study 29, 27 July 2015, T15177:16–21.

452 Transcript of M Horley, Case Study 29, 27 July 2015, 15196:11–18.

453 Exhibit 29-0001, 'Statement of BCB', Case Study 29, STAT.0603.001.0001\_R at [58]–[59].

454 Transcript of DJ Jackson, Case Study 29, 27 July 2015, 15227:23–7, 15227:29–33.

455 Transcript of DJ Jackson, Case Study 29, 27 July 2015, 15229:38–15230:5.

456 Transcript of DJ Jackson, Case Study 29, 27 July 2015, 15230:7–9.

457 Transcript of M Horley, Case Study 29, 27 July 2015, 15189:45–15190:2.

458 Transcript of M Horley, Case Study 29, 27 July 2015, 15190:39–15191:36.

459 Transcript of M Horley, Case Study 29, 27 July 2015, 15189:45–15190:27.

460 Transcript of M Horley, Case Study 29, 27 July 2015, 15199:25–38.

461 Transcript of M Horley, Case Study 29, 27 July 2015, 15216:18–21.

462 Transcript of DJ Jackson, Case Study 29, 27 July 2015, 15228:15–18, 15228:20–4.

463 Exhibit 29-0002, 'Statement of M Horley', Case Study 29, STAT.0601.001.0001\_R at [5.1]; Transcript of M Horley, Case Study 29, 27 July 2015, 15192:37–9, 15202:19–24, 15207:5–12.

464 Transcript of M Horley, Case Study 29, 27 July 2015, 15203:1–7.

465 Exhibit 29-0004, 'Statement of DJ Jackson', Case Study 29, STAT.0600.001.0001\_R at [6.1]; Exhibit 29-0003, Case Study 29, WAT.0013.002.0001 at 0029–0030, 0056.

466 Exhibit 29-0003, Case Study 29, WAT.0013.002.0001 at 0024–0025.

467 Exhibit 29-0002, 'Statement of M Horley', Case Study 29, STAT.0601.001.0001\_R at [5.1].

468 Exhibit 29-0002, 'Statement of M Horley', Case Study 29, STAT.0601.001.0001\_R at [6.1].

469 Exhibit 29-0001, 'Statement of BCB', Case Study 29, STAT.0603.001.0001\_R at [63].

470 Exhibit 29-0001, 'Statement of BCB', Case Study 29, STAT.0603.001.0001\_R at [63]; Exhibit 29-0002, 'Statement of M Horley', Case Study 29, STAT.0601.001.0001\_R at [6.1].

471 Exhibit 29-0001, 'Statement of BCB', Case Study 29, STAT.0603.001.0001\_R at [60].

472 Transcript of BCB, Case Study 29, 27 July 2015, 15175:29–38; Exhibit 29-0002, 'Statement of M Horley', Case Study 29, STAT.0601.001.0001\_R at [5.4].

473 Transcript of M Horley, Case Study 29, 27 July 2015, 15188:10–16.

474 Transcript of M Horley, Case Study 29, 27 July 2015, 15205:3–32; Exhibit 29-0003, Case Study 29, WAT.0013.002.0001 at 0024–0025.

475 Exhibit 29-0001, 'Statement of BCB', Case Study 29, STAT.0603.001.0001\_R at [65].

476 Transcript of BCB, Case Study 29, 27 July 2015, 15169:37–15170:23.

477 Exhibit 29-0001, 'Statement of BCB', Case Study 29, STAT.0603.001.0001\_R at [65].

478 Exhibit 29-0001, 'Statement of BCB', Case Study 29, STAT.0603.001.0001\_R at [62], [64].

479 Transcript of M Horley, Case Study 29, 27 July 2015, 15209:11–15; Exhibit 29-0002, 'Statement of M Horley', Case Study 29, STAT.0601.001.0001\_R at [9.1]; Exhibit 29-0004, 'Statement of DJ Jackson', Case Study 29, STAT.0600.001.0001\_R at [9.2]; Exhibit 29-0003, Case Study 29, WAT.0001.002.0504\_R.

480 Transcript of M Horley, Case Study 29, 27 July 2015, 15209:4–25.

481 Exhibit 29-0003, Case Study 29, WAT.0001.002.0504\_R.

482 Exhibit 29-0003, Case Study 29, WAT.0001.002.0504\_R.

483 Transcript of M Horley, Case Study 29, 27 July 2015, 15205:34–15206:2.

484 Transcript of M Horley, Case Study 29, 27 July 2015, 15207:36–15208:38.

485 Exhibit 29-0003, Case Study 29, WAT.0001.002.0504\_R at 0505\_R.

486 Transcript of M Horley, Case Study 29, 27 July 2015, 15209:37–43.  
487 Exhibit 29-0003, Case Study 29, WAT.0001.002.0504\_R.  
488 Transcript of M Horley, Case Study 29, 27 July 2015, 15206:26–34.  
489 Transcript of M Horley, Case Study 29, 27 July 2015, 15210:13–31.  
490 Transcript of M Horley, Case Study 29, 27 July 2015, 15209:45–15210:31.  
491 Submissions of Mr A Tokley SC and Mr F Coyne on behalf of The Watchtower & Ors, Case Study 29, 9  
November 2015, SUBM.1029.001.0001 at [9.58].  
492 Exhibit 29-0001, ‘Statement of BCB’, Case Study 29, STAT.0603.001.0001\_R at [62].  
493 Exhibit 29-0002, ‘Statement of M Horley’, Case Study 29, STAT.0601.001.0001\_R at [5.3].  
494 Transcript of M Horley, Case Study 29, 27 July 2015, 15199:40–15200:17.  
495 Transcript of M Horley, Case Study 29, 27 July 2015, 15201:10–23.  
496 Exhibit 29-0001, ‘Statement of BCB’, Case Study 29, STAT.0603.001.0001\_R at [62].  
497 Transcript of M Horley, Case Study 29, 27 July 2015, 15200:19–15201:41.  
498 Exhibit 29-0001, ‘Statement of BCB’, Case Study 29, STAT.0603.001.0001\_R at [69]; Exhibit 29-0005,  
‘Statement of J Bello’, Case Study 29, STAT.0594.001.0001\_R at [5.1].  
499 Exhibit 29-0003, Case Study 29, WAT.0001.002.0501\_R.  
500 Exhibit 29-0001, ‘Statement of BCB’, Case Study 29, STAT.0603.001.0001\_R at [70].  
501 Exhibit 29-0001, ‘Statement of BCB’, Case Study 29, STAT.0603.001.0001\_R at [71].  
502 Transcript of J Bello, Case Study 29, 28 July 2015, 15273:11–19; Exhibit 29-0005, ‘Statement of J Bello’, Case  
Study 29, STAT.0594.001.0001\_R at [5.12].  
503 Transcript of J Bello, Case Study 29, 28 July 2015, 15273:20–2.  
504 Transcript of J Bello, Case Study 29, 28 July 2015, 15273:22–3.  
505 Exhibit 29-0005, ‘Statement of J Bello’, Case Study 29, STAT.0594.001.0001\_R at [5.13].  
506 Exhibit 29-0003, Case Study 29, WAT.0003.001.0001 at 0132[19].  
507 Exhibit 29-0001, ‘Statement of BCB’, Case Study 29, STAT.0603.001.0001\_R at [72].  
508 Exhibit 29-0003, Case Study 29, WAT.0001.002.0495.  
509 Exhibit 29-0005, ‘Statement of J Bello’, Case Study 29, STAT.0594.001.0001\_R at [5.10].  
510 Transcript of M Horley, Case Study 29, 27 July 2015, 15210:46–15211:25.  
511 Exhibit 29-0003, Case Study 29, WAT.0001.002.0493\_R.  
512 Exhibit 29-0003, Case Study 29, WAT.0001.002.0493\_R.  
513 Transcript of M Horley, Case Study 29, 27 July 2015, 15212:42–15213:9.  
514 Transcript of M Horley, Case Study 29, 27 July 2015, 15213:11–16.  
515 Transcript of M Horley, Case Study 29, 27 July 2015, 15213:18–28.  
516 Exhibit 29-0001, ‘Statement of BCB’, Case Study 29, STAT.0603.001.0001\_R at [75]–[76].  
517 Exhibit 29-0001, ‘Statement of BCB’, Case Study 29, STAT.0603.001.0001\_R at [76].  
518 Exhibit 29-0001, ‘Statement of BCB’, Case Study 29, STAT.0603.001.0001\_R at [77].  
519 Exhibit 29-0001, ‘Statement of BCB’, Case Study 29, STAT.0603.001.0001\_R at [78].  
520 Transcript of BCB, Case Study 29, 27 July 2015, 15171:41–15172:34, 15178:47–15179:6.  
521 Transcript of BCB, Case Study 29, 27 July 2015, 15179:8–13.  
522 Exhibit 29-0001, ‘Statement of BCB’, Case Study 29, STAT.0603.001.0001\_R at [79].  
523 Exhibit 29-0001, ‘Statement of BCB’, Case Study 29, STAT.0603.001.0001\_R at [73].  
524 Transcript of BCB, Case Study 29, 27 July 2015, 15171:28–39.  
525 Transcript of BCB, Case Study 29, 27 July 2015, 15178:5–7.  
526 Transcript of BCB, Case Study 29, 27 July 2015, 15178:19–22.  
527 Transcript of BCB, Case Study 29, 27 July 2015, 15178:24–6.  
528 Exhibit 29-0021, Case Study 29, WAT.9999.013.0001\_R.  
529 Exhibit 29-0031, Case Study 29, WAT.0021.001.0001; Exhibit 29-0021, Case Study 29, WAT.9999.013.0005\_R.  
530 Exhibit 29-0021, Case Study 29, WAT.9999.013.0012 at [1].  
531 Exhibit 29-0021, Case Study 29, WAT.9999.013.0012 at [8].  
532 Transcript of RP Spinks, Case Study 29, 4 August 2015, 15663:39–44.  
533 Transcript of RP Spinks, Case Study 29, 4 August 2015, 15718:43–15719:9.  
534 Submissions of Mr A Tokley SC and Mr F Coyne on behalf of The Watchtower & Ors, Case Study 29, 9  
November 2015, SUBM.1029.001.0001 at [9.13].  
535 Exhibit 29-0031, Case Study 29, WAT.0021.001.0001 – note that the figure of 1,800 in the table at the  
bottom of the column entitled ‘Total number of alleged victims’ does not take into account cells where the  
number of victims was recorded as ‘10+’.

- 536 Exhibit 29-0021, Case Study 29, WAT.9999.013.0012 at [8].
- 537 Exhibit 29-0021, Case Study 29, WAT.9999.013.0012 at [6].
- 538 Exhibit 29-0021, Case Study 29, WAT.9999.013.0012 at [16].
- 539 Exhibit 29-0021, Case Study 29, WAT.9999.013.0012 at [12].
- 540 Exhibit 29-0021, Case Study 29, WAT.9999.013.0012 at [14].
- 541 Exhibit 29-0021, Case Study 29, WAT.9999.013.0012 at [13].
- 542 Transcript of VJ Toole, Case Study 29, 5 August 2015, 15760:18–25.
- 543 Transcript of VJ Toole, Case Study 29, 5 August 2015, 15760:18–30.
- 544 Submissions of Mr A Tokley SC and Mr F Coyne on behalf of The Watchtower & Ors, Case Study 29, 9 November 2015, SUBM1029.001.0001 at [9.23].
- 545 Exhibit 29-0021, Case Study 29, WAT.9999.013.0012 at [20].
- 546 Transcript of VJ Toole, Case Study 29, 5 August 2015, 15776:46–15777:3, 15777:24–15778:22; Transcript of TJ O’Brien, Case Study 29, 5 August 2015, 15860:39–15861:17.
- 547 Transcript of RP Spinks, Case Study 29, 4 August 2015, 15663:22–9.
- 548 Exhibit 29-0021, Case Study 29, WAT.0018.001.0001\_R at [10]; Transcript of RP Spinks, Case Study 29, 4 August 2015, 15717:4–15718:3.
- 549 Exhibit 29-0021, Case Study 29, WAT.0018.001.0001\_R at [10]; Transcript of VJ Toole, Case Study 29, 5 August 2015, 15777:6–22.
- 550 Exhibit 29-0021, Case Study 29, WAT.9999.013.0012 at [19].
- 551 Further Submissions of Mr A Tokley SC and Mr F Coyne on behalf of the Watchtower & Ors, Case Study 29, 7 July 2016, SUBM.1029.003.0001 at [2.40].
- 552 Exhibit 29-0021, Case Study 29, WAT.999.013.0012.
- 553 Exhibit 29-0003, Case Study 29, WAT.0003.001.0001 at 0132–0133[19]; Exhibit 29-0003, Case Study 29, WAT.0004.001.0001 at 0002.
- 554 Exhibit 29-0023, ‘Statement of VJ Toole’, Case Study 29, STAT.0593.001.0001\_R at [16]; Exhibit 29-0003, Case Study 29, WAT.0001.004.0020 at 0020; Exhibit 29-0003, Case Study 29, WAT.0003.001.0001 at 0132–0133, [19]; Exhibit 29-0003, Case Study 29, WAT.0004.001.0001 at 0002; Exhibit 29-0034, Case Study 29, CORR.0182.001.0005 at 0005; Exhibit 29-0003, Case Study 29, WAT.0001.004.0076 at 0081[33]; Transcript of VJ Toole, Case Study 29, 5 August 2015, 15759:41–15760:16; Transcript of RP Spinks, Case Study 29, 4 August 2015, 15662:5–19, 15708:33–15709:4; Transcript of GW Jackson, Case Study 29, 14 August 2015, 15966:30–15967:4.
- 555 Transcript of VJ Toole, Case Study 29, 5 August 2015, 15763:42–5, 15794:23–6, 15794:41–15795:9; Transcript of TJ O’Brien, Case Study 29, 5 August 2015, 15860:34–7.
- 556 Transcript of VJ Toole, Case Study 29, 5 August 2015, 15794:11–26; Transcript of GW Jackson, Case Study 29, 14 August 2015, 15988:24–43.
- 557 Transcript of GW Jackson, Case Study 29, 14 August 2015, 15965:41–15966:23; Transcript of RP Spinks, Case Study 29, 4 August 2015, 15721:3–8.
- 558 Transcript of GW Jackson, Case Study 29, 14 August 2015, 15967:19–22; Transcript of RP Spinks, Case Study 29, 4 August 2015, 15665:37–42.
- 559 Further Submissions of Mr A Tokley SC and Mr F Coyne on behalf of the Watchtower & Ors, Case Study 29, 7 July 2016, SUBM.1029.003.0001 at [7.2].
- 560 Transcript of VJ Toole, Case Study 29, 5 August 2015, 15775:35–47.
- 561 This is particularly so in states such as New South Wales, Queensland and Western Australia, where clergy were and are not, as at the date of this report, mandatory reporters. See, for example, Exhibit 29-0021, Case Study 29, WAT.9999.013.0012 at 0012, which shows in summary form, among other things, the total number of allegations received by Watchtower Australia since 1950 in those states: New South Wales (270), Queensland (306) and Western Australia (137).
- 562 Transcript of VJ Toole, Case Study 29, 5 August 2015, 15789: 8–27, 15791:3–33. Note that clergy are not currently mandatory reporters in New South Wales. See *Children and Young Persons (Care and Protection) Act 1998 (NSW)*, s 27.
- 563 Transcript of VJ Toole, Case Study 29, 5 August 2015, 15789:8–21, 15791:3–33.
- 564 *Crimes Act 1958 (Vic)*, s 327(2); *Crimes Act 1900 (NSW)*, s 316(1).
- 565 *Crimes Act 1958 (Vic)*, s 327(7); *Evidence Act 2008 (Vic)*, s 127(1) and (4).
- 566 *Crimes Act 1900 (NSW)*, s 316(4) and (5); *Crimes Regulation 2015 (NSW)*, r 4(f).

- 567 *Crimes Act 1900 (NSW), s 316(4) and (5); Crimes Regulation 2010 (NSW), r 4(f).*  
 568 Submissions of Mr A Tokley SC and Mr F Coyne on behalf of The Watchtower & Ors, Case Study 29, 9  
 November 2015, SUBM.1029.001.0001 at [9.306].
- 569 Exhibit 29-0003, Case Study 29, WAT.0013.001.0001 at 0085.  
 570 Exhibit 29-0003, Case Study 29, WAT.0013.001.0001 at 0085–0086.  
 571 Exhibit 29-0003, Case Study 29, WAT.0003.001.0001.  
 572 Exhibit 20-0003, Case Study 29, WAT.0003.001.0001 at 0073[38]–[39], 0090–0091[2].  
 573 Exhibit 29-0003, Case Study 29, WAT.0001.004.0310 at 0313; Transcript of RP Spinks, Case Study 29, 4  
 August 2015, 15683:43–15684:7.  
 574 Exhibit 29-0020, Case Study 29, EXH.029.020.0001; Transcript of RP Spinks, Case Study 29, 4 August 2015,  
 15702:5, 15686:36–9.  
 575 Transcript of RP Spinks, Case Study 29, 4 August 2015, 15702:5–38.  
 576 Transcript of RP Spinks, Case Study 29, 4 August 2015, 15704:47–15705:20.  
 577 Exhibit 29-0003, Case Study 29, WAT.0001.004.0310 at 0313; Transcript of RP Spinks, Case Study  
 29, 4 August 2015, 15683:43–15684:7, 15686:36–9, 15705:10–15; Exhibit 29-0020, Case Study 29,  
 EXH.029.020.0001 at 0003.  
 578 Transcript of TJ O’Brien, Case Study 29, 5 August 2015, 15833:43–15834:26; Transcript of VJ Toole, Case  
 Study 29, 5 August 2015, 15802:16–22; Transcript of RP Spinks, Case Study 29, 4 August 2015, 15694:15–17,  
 15704:21–37.  
 579 Transcript of TJ O’Brien, Case Study 29, 5 August 2015, 15828:4–8, 15833:43–15834:26; Transcript of RP  
 Spinks, Case Study 29, 4 August 2015, 15704:11–14.  
 580 Transcript of ML Applewhite, Case Study 29, 31 July 2015, 15494:2–15.  
 581 Transcript of GW Jackson, Case Study 29, 14 August 2015, 15952:16–20.  
 582 Exhibit 29-0003, Case Study 29, WAT.0003.001.0001 at 0072[37]; Exhibit 29-0019, ‘Statement of RP Spinks’,  
 Case Study 29, STAT.0591.001.0001\_R at [23]–[24].  
 583 Transcript of RP Spinks, Case Study 29, 4 August 2015, 15710:40–3.  
 584 Transcript of RP Spinks, Case Study 29, 4 August 2015, 15710:45–15711:7, 15716:25–39; Transcript of GW  
 Jackson, Case Study 29, 14 August 2015, 15968:16–32; Exhibit 29-0003, Case Study 29, WAT.0001.004.0205  
 at 0210; Exhibit 29-0003, Case Study 29, WAT.0001.004.0238 at 0241.  
 585 Transcript of ML Applewhite, Case Study 29, 31 July 2015, 15503:7–28, 15516:35–15517:6.  
 586 Submissions of Mr A Tokley SC and Mr F Coyne on behalf of The Watchtower & Ors, Case Study 29, 9  
 November 2015, SUBM.1029.001.0001 at [9.210]–[9.218].  
 587 Transcript of GW Jackson, Case Study 29, 14 August 2015, 15968:16–32; Transcript of TJ O’Brien, Case Study  
 29, 5 August 2015, 15833:21–33, 15847:34–15848:16; Exhibit 29-0003, Case Study 29, WAT.0001.004.0066  
 at 0068[11]; Exhibit 29-0019, ‘Statement of RP Spinks’, Annexure 2, Case Study 29, STAT.0591.001.0018 at  
 [3.1].  
 588 Transcript of GW Jackson, Case Study 29, 14 August 2015, 15970:1–15972:10; Exhibit 29-0035, ‘Statement  
 of GW Jackson’, Case Study 29, STAT.0670.001.0001 at [15]–[21].  
 589 Transcript of RP Spinks, Case Study 29, 4 August 2015, 15705:22–40; Transcript of TJ O’Brien, Case Study 29,  
 5 August 2015, 15833:21–8.  
 590 Transcript of GW Jackson, Case Study 29, 14 August 2015, 15967:33–15969:46, 15971:43–15972:10.  
 591 Transcript of GW Jackson, Case Study 29, 14 August 2015, 15973:37–15974:2.  
 592 Transcript of GW Jackson, Case Study 29, 14 August 2015, 15951:18–26; Transcript of TJ O’Brien, Case Study  
 29, 5 August 2015, 15831:40–15832:6, 15863:23–34, 15866:21–6; Transcript of RP Spinks, Case Study 29, 4  
 August 2015, 15706:20–7.  
 593 Transcript of GW Jackson, Case Study 29, 14 August 2015, 15962:3–7, 22–6.  
 594 Transcript of TJ O’Brien, Case Study 29, 5 August 2015, 15827:35–47; Transcript of GW Jackson, Case Study  
 29, 14 August 2015, 15954:11–27.  
 595 Transcript of GW Jackson, Case Study 29, 14 August 2015, 15961:26–35.  
 596 Transcript of GW Jackson, Case Study 29, 14 August 2015, 15959:46–15960:11, 15961:16–45.  
 597 Exhibit 29-0006, ‘Statement of BCG’, Case Study 29, STAT.0590.001.0001\_R at [44]; Exhibit 29-0001,  
 ‘Statement of BCB’, Case Study 29, STAT.0603.001.0001\_R at [55]–[56].  
 598 Exhibit 29-0003, Case Study 29, WAT.0003.001.0001 at 0091[3]; Transcript of ML Applewhite, Case Study  
 29, 31 July 2015, 15490:34–15491:19; Transcript of RP Spinks, Case Study 29, 4 August 2015, 15693:16–  
 15695:18.

599 Transcript of RP Spinks, Case Study 29, 4 August 2015, 15693:13–33.

600 Transcript of ML Applewhite, Case Study 29, 31 July 2015, 15448:35–15449:10.

601 Exhibit 29-0003, Case Study 29, WAT.0003.001.0001 at 0092–0094.

602 Transcript of TJ O’Brien, Case Study 29, 5 August 2015, 15834:28–32; Exhibit 29-0003, Case Study 29, WAT.0003.001.0001 at 0097–0098, [18].

603 Transcript of TJ O’Brien, Case Study 29, 5 August 2015, 15835:22–31.

604 Transcript of TJ O’Brien, Case Study 29, 5 August 2015, 15834:34–6.

605 Transcript of RP Spinks, Case Study 29, 4 August 2015, 15714:23–4, 15715:45–15716:1.

606 Transcript of RP Spinks, Case Study 29, 4 August 2015, 15713:44–15714:10, 15715:45–15716:1.

607 Transcript of ML Applewhite, Case Study 29, 31 July 2015, 15498:9–13.

608 Exhibit 29-0019, ‘Statement of RP Spinks’, Case Study 29, STAT.0591.001.0001\_R at [44]; Exhibit 29-0003, Case Study 29, WAT.0003.001.0001 at 0100[23].

609 Exhibit 29-0003, Case Study 29, WAT.0003.001.0001 at 0098–0099, [20]–[21].

610 Exhibit 29-0024, ‘Statement of TJ O’Brien’, Case Study 29, STAT.0592.001.0001\_R at [62].

611 Exhibit 29-0003, Case Study 29, WAT.0003.001.0001 at 0098[19]; Exhibit 29-0019, ‘Statement of RP Spinks’, Case Study 29, STAT.0591.001.0001\_R at [45]–[46]; Exhibit 29-0019, ‘Statement of RP Spinks’, Annexure 2, Case Study 29, STAT.0591.001.0018 at [4.16]; Exhibit 29-0003, Case Study 29, WAT.0013.001.0001 at 0089; Exhibit 29-0003, Case Study 29, WAT.0001.004.0066 at 0068–0069; Exhibit 29-0003, Case Study 29, WAT.0001.004.0076 at 0082, [35]–[36].

612 Exhibit 29-0003, Case Study 29, WAT.0013.001.0001 at 0089.

613 Exhibit 29-0003, Case Study 29, WAT.0001.004.0066 at 0069–0071, [15], [23]; Exhibit 29-0003, Case Study 29, WAT.0001.004.0076 at 0080–0081, [28].

614 Transcript of TJ O’Brien, Case Study 29, 5 August 2015, 15847:43–5.

615 Transcript of TJ O’Brien, Case Study 29, 5 August 2015, 15847:47–15848:16.

616 Exhibit 29-0003, Case Study 29, WAT.0001.004.0066 at 0069[13]; Exhibit 29-0003, Case Study 29, WAT.0001.004.0076 at 0083[40].

617 Exhibit 29-0003, Case Study 29, WAT.0004.001.0021 at [1]–[2].

618 Exhibit 29-0027, Case Study 29, EXH.029.027.0001 at 0006; Exhibit 29-0003, Case Study 29, WAT.0003.001.0001 at 0117; Transcript of TJ O’Brien, Case Study 29, 5 August 2015, 15848:30–15849:16.

619 Exhibit 29-0006, ‘Statement of BCG’, Case Study 29, STAT.0590.001.0001\_R at [18], [21], [66]; Transcript of MJ Baker, Case Study 29, 3 August 2015, 15614:23–9, 15614:40–15615:8.

620 Exhibit 29-0027, Case Study 29, EXH.029.027.0001 at 0006–0007; Exhibit 29-0003, Case Study 29, WAT.0003.001.0001 at 0117; Transcript of TJ O’Brien, Case Study 29, 5 August 2015, 15849:18–41; Transcript of GW Jackson, Case Study 29, 14 August 2015, 15980:13–22.

621 Exhibit 29-0003, Case Study 29, WAT.0003.001.0001 at 0117.

622 Exhibit 29-0006, ‘Statement of BCG’, Case Study 29, STAT.0590.001.0001\_R at [21].

623 Exhibit 29-0006, ‘Statement of BCG’, Case Study 29, STAT.0590.001.0001\_R at [66].

624 Transcript of TJ O’Brien, Case Study 29, 5 August 2015, 15845:43–15846:15.

625 Exhibit 29-0003, Case Study 29, WAT.0013.001.0001 at 0092; see also Exhibit 29-0003, Case Study 29, WAT.0003.001.0001 at 0117.

626 Transcript of GW Jackson, Case Study 29, 14 August 2015, 15981:19–23.

627 Transcript of GW Jackson, Case Study 29, 14 August 2015, 15975:7–13, 15976:1–32.

628 Exhibit 29-0003, Case Study 29, WAT.0013.001.0001 at 0092; see also Exhibit 29-0003, Case Study 29, WAT.0003.001.0001 at 0117.

629 Transcript of GW Jackson, Case Study 29, 14 August 2015, 15978:7–16, 15980:44–15981:23.

630 Exhibit 29-0003, Case Study 29, WAT.0013.001.0001 at 0092; see also Exhibit 29-0003, Case Study 29, WAT.0003.001.0001 at 0117.

631 Transcript of TJ O’Brien, Case Study 29, 5 August 2015, 15846:2–6, 15852:28–31.

632 Transcript of TJ O’Brien, Case Study 29, 5 August 2015, 15847:2–11.

633 Exhibit 29-0001, ‘Statement of BCB’, Case Study 29, STAT.0603.001.0001\_R at [17]; Exhibit 29-0006, ‘Statement of BCG’, Case Study 29, STAT.0590.001.0001\_R at [14], [19], [21]; Transcript of TJ O’Brien, Case Study 29, 5 August 2015, 15844:23–39, 15845:16–18.

634 Transcript of TJ O’Brien, Case Study 29, 5 August 2015, 15851:22–42.

635 Transcript of GW Jackson, Case Study 29, 14 August 2015, 15981:38–15982:4, 15983:8–13.

- 636 Further Submissions of Mr A Tokley SC and Mr F Coyne on behalf of the Watchtower & Ors, Case Study 29, 7 July 2016, SUBM.1029.003.0001 at [7.29].
- 637 Exhibit 29-0013, 'Statement of Dr ML Applewhite', Case Study 29, STAT.0606.001.0001 at 0001[1].
- 638 Transcript of ML Applewhite, Case Study 29, 31 July 2015, 15433:21–2.
- 639 Exhibit 29-0013, 'Statement of Dr ML Applewhite', Annexure 2, Case Study 29, STAT.0606.001.0017; Exhibit 29-0013, 'Statement of Dr ML Applewhite', Case Study 29, STAT.0606.001.0001 at [2].
- 640 Transcript of ML Applewhite, Case Study 29, 31 July 2015, 15434:32–41.
- 641 Transcript of ML Applewhite, Case Study 29, 31 July 2015, 15434:43–7.
- 642 Exhibit 29-0013, 'Statement of Dr ML Applewhite', Case Study 29, STAT.0606.001.0001 at [2].
- 643 Transcript of ML Applewhite, Case Study 29, 31 July 2015, 15437:35–15438:21.
- 644 Transcript of ML Applewhite, Case Study 29, 31 July 2015, 15438:23–46.
- 645 Exhibit 29-0013, 'Statement of Dr ML Applewhite', Annexure 2, Case Study 29, STAT.0606.001.0017; Transcript of ML Applewhite, Case Study 29, 31 July 2015, 15442:38–42.
- 646 Transcript of ML Applewhite, Case Study 29, 31 July 2015, 15444:10–15447:9.
- 647 Exhibit 29-0013, 'Statement of Dr ML Applewhite', Case Study 29, STAT.0606.001.0001 at [4].
- 648 Transcript of ML Applewhite, Case Study 29, 31 July 2015, 15461:10–14.
- 649 Transcript of ML Applewhite, Case Study 29, 31 July 2015, 15460:19–15461:8.
- 650 Transcript of ML Applewhite, Case Study 29, 31 July 2015, 15461:16–29.
- 651 Transcript of ML Applewhite, Case Study 29, 31 July 2015, 15461:31–3.
- 652 Transcript of ML Applewhite, Case Study 29, 31 July 2015, 15461:35–7.
- 653 Transcript of ML Applewhite, Case Study 29, 31 July 2015, 15463:2–5.
- 654 Exhibit 29-0013, 'Statement of Dr ML Applewhite', Case Study 29, STAT.0606.001.0001 at [36].
- 655 Exhibit 29-0013, 'Statement of Dr ML Applewhite', Case Study 29, STAT.0606.001.0001 at [45].
- 656 Exhibit 29-0013, 'Statement of Dr ML Applewhite', Case Study 29, STAT.0606.001.0001 at [46].
- 657 Transcript of ML Applewhite, Case Study 29, 31 July 2015, 15459:20–15460:4, 15463:35–15464:6.
- 658 Transcript of ML Applewhite, Case Study 29, 31 July 2015, 15504:22–32.
- 659 Transcript of ML Applewhite, Case Study 29, 31 July 2015, 15504:22–15505:14.
- 660 Transcript of ML Applewhite, Case Study 29, 31 July 2015, 15459:13–35.
- 661 Transcript of ML Applewhite, Case Study 29, 31 July 2015, 15458:36–15460:4, 15463:7–15464:6.
- 662 Further Submissions of Mr A Tokley SC and Mr F Coyne on behalf of the Watchtower & Ors, Case Study 29, 7 July 2016, SUBM.1029.003.0001 at [2.16], [2.17].
- 663 Exhibit 29-0021, Case Study 29, WAT.9999.013.0012 at 0012.
- 664 Further Submissions of Mr A Tokley SC and Mr F Coyne on behalf of the Watchtower & Ors, Case Study 29, 7 July 2016, SUBM.1029.003.0001 at [1.4], [2.20], [10]; See also Exhibit 29-0003, Case Study 29, WAT.0001.001.0001 at 0003; Exhibit 29-0024, 'Statement of TJ O'Brien', Case Study 29, STAT.0592.001.0001\_R at [67].
- 665 Further Submissions of Mr A Tokley SC and Mr F Coyne on behalf of the Watchtower & Ors, Case Study 29, 7 July 2016, SUBM.1029.003.0001 at [2.21]–[2.22].



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