

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

**STATEMENT**

I, **Jason Davies**, Principal Legal Officer, Department of Education and Training, C/- Crown Law, 50 Ann Street, Brisbane, in the State of Queensland, state as follows:

1. I am a Barrister admitted to practice in Queensland in September 1998.
2. I am presently employed as a government lawyer and I hold the position of Principal Legal Officer at the Department of Education and Training ('the Department'), having commenced employment with the Department in June 2004.
3. Prior to commencing this role, I was a Legal Officer at the Office of the Director of Public Prosecutions ('ODPP'). I held this position from August 1999 to August 2003.

**An overview of my role and responsibilities at the Queensland DPP between 1 January 2000 and 31 December 2004, with particular reference to my role and responsibilities in relation to criminal proceedings against** BCH

4. In my role as a Legal Officer at the ODPP I was engaged in the preparation and conduct of Committal proceedings concerning criminal matters at the Brisbane Magistrates Court, and the preparation of indictments for presentation in the superior courts of Queensland, concerning matters that I had conducted at Committal on behalf of the ODPP, and certain other matters that were conducted at Committal by the Queensland Police Service.
5. In relation to criminal proceedings against BCH I have had reference to file material provided by the ODPP to refresh my memory.
6. I recall that at some point in 2001 I took over the cypher 'CPA' in the Committals Workgroup at ODPP from Legal Officer, Ms Belinda Merrin. The cypher CPA is a designation of a particular legal officer position in the Committals Workgroup.
7. In taking over the CPA cypher, I became responsible for all of the prosecution files prepared or awaiting preparation and allocated to the CPA cypher. The prosecution file of BCH was one of those files.

Signature: .....

*Jason Davies*

Witness: .....

*John C. Forsley*

8. I recall that the Committal proceeding for [BCH] was part heard when I took over the cypher (the committal of [BCH] had already had two days of hearings conducted by Ms Merrin and a further day was listed). I recall that I undertook the remainder of the hearing, which involved telephone evidence from several witnesses, on 24 October 2001.
9. After the conclusion of [BCH] Committal I was responsible for generally getting the matter ready for trial in the District Court, which in the main involved the preparation of the indictment and Schedule of Facts.

**My recollection of the involvement of the Jehovah's Witness Church in the criminal proceedings against [BCH], in particular in relation to the assistance, if any, that the Church provided to the Crown in the preparation of the Crown's case.**

10. I do not recall having any difficulty in obtaining co-operation from the witnesses I examined who were, in the main, lay representatives of the Jehovah's Witness Church as elder members of the congregation attended by [BCH]
11. I do recall at one point contacting a lawyer who acted on behalf of the Jehovah's Witness Church as I was trying to locate records of meetings between [BCH] and church elders relevant to the proceedings. I do not recall any reluctance or hesitation to assist me in obtaining the records in question.
12. In respect of the witnesses I examined, I do not recall feeling that they had been uncooperative or mendacious in any respect.
13. I have been asked to explain my knowledge and understanding of the annotation outlined at the top of the Schedule of Facts I prepared, namely:

*A crucial factor in this trial is the social environment created by the congregation of Jehovah's Witnesses which has strongly influenced the behaviour of the defendant and all witnesses*

14. To the best of my recollection I made the annotation because I wanted to warn any officers that subsequently handled the file (including other Legal Officers, Crown Prosecutors) that there was a unifying dynamic underpinning all of the evidence in the matter, namely the Jehovah's Witness faith.
15. On reflection, before I undertook the committal process in this matter, I was naïve enough to think that people of faith would be so horrified by sexual abuse in respect of children and women that they would not hesitate to contact the police and let justice take its course.
16. Subsequently, I was also concerned that the inculpatory admissions made by [BCH] in the context of meetings with elders of his congregation, which made the matter superficially seem more likely to lead to a conviction, would be rendered inadmissible at trial.

Signature: \_\_\_\_\_

*John Davis*

Witness: \_\_\_\_\_

*John C. Hunsley*



17. This concern arose due the risk that an application could be made at trial by [BCH] to exclude the evidence on the basis of unfairness, because the admissions were made in circumstances in which [BCH] could claim they were involuntary and also subject to inducement.
18. My understanding from the evidence I heard was that [BCH] would be treated less harshly by the congregation for his sins if he confessed and that even if he was disfellowshipped (excluded from the Jehovah's Witness Church), his confession would count in his favour if he later sought reinstatement on the basis of repentance.
19. As a consequence of the committal I finally understood that matters of faith sometime take precedence over secular, moral obligations and norms, namely referral of such matters to police.
20. It was also my opinion, based on the evidence and discussion with the victims, that the victims were not treated well by some members of the congregation, at least at the time of Mr [BCH] disfellowshipping and immediately afterward, and that their privacy was not preserved.
21. The annotation was meant to ensure that whoever followed me in the handling of this file understood that this was not a "run of the mill" sex offence matter. That the religious persuasion of those involved was integral to understanding the behaviour of the accused, the victims and witnesses, at least in their reluctance to go to the police. In my opinion, the annotation supplied valuable context in what was, at that stage, a very busy and under resourced office.
22. I have no knowledge as to whether the context expressed in my annotation had any impact, positive or negative, over the course of the criminal proceedings against [BCH] between 2001 and 2004.

I make this statement of my own free will believing its contents to be true and correct.

Dated at Brisbane this eighth day of July 2015.

Jason Davies  
Jason Davies

John C. Hensley  
Witness

Signature: Jason Davies

Witness: John C. Hensley