

**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. This statement is an addendum to the statement I provided to the Royal Commission dated 8 July 2015.
2. I have been asked to address the following additional matters, outlined in bold below.

The factual basis of your understanding, as referred to or otherwise expressed in paragraphs 15, 19 and 21 of your Statement, of the relationship between the faith of members of the Jehovah's Witnesses Church and the reluctance to report child sexual abuse to police or other authorities.

3. The factual basis of my views expressed in paragraphs 15, 19 and 21, is simply the chain of events between the time of the alleged offences and the time when the complainants approached the police. It was apparent to me that church elders appeared to seek to deal with the offending internally rather than by reference to police. The only explanation I could find for that attitude, in respect of the adults, was that they were all acting strictly in accordance with the rules governing their faith.
4. For example, BCG related that when she revealed her sexual assault to BCJ BCJ she was counselled to speak to the Church Elders about it. When BCG subsequently spoke to Elder Ali, she was further referred onto Elder Bowditch and then Elder De Rooy. This led to a meeting of the judicial committee within the church, which caused a meeting to be conducted where BCG was had to reveal her allegations in the presence of her alleged attacker and the Elders. She also relates a further meeting where six elders were present and she had to recount matters again.
5. At no stage during or after this process did BCG relate that she was advised to speak to the police to report the crimes against her. I also do not recall any evidence that any of the church Elders or even BCG mother approached the police to report the matter, even after Mr BCH made admissions.

With reference to paragraphs 16 to 18 of your statement, the prejudicial impact, if any, of the practices of the Jehovah's Witnesses in relation to investigation and adjudication of

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allegations, reports, or complaints of child sexual abuse, on the criminal proceedings generally.

6. My concern was entirely practical. The inculpatory statements made by Mr BCH had, from a prosecutor's perspective, potentially great evidential value. I was alert to this because in most complaints of this nature it is usually a contest of credibility between accuser and accused with little or no independent, corroborative evidence.
7. I recall speaking to my legal practice manager at the time I was preparing the matter (I believe it was Todd Fuller) and discussing the admissibility issue. I thought that the admissions would be excluded and he did not.
8. In hindsight, a more pressing concern should have been the delay in the allegations coming to police attention. I attribute this to the church processes and disfellowshipping, which given the religious mindset of all relevant parties at the time, was seemingly accepted as the end of the matter with no need to refer matters to the secular authorities.


The factual basis of your opinion, as expressed in paragraph 20 of your statement, that the privacy of the victims of Mr BCH was not preserved following those victims' reports of child sexual abuse to elders at the Mareeba Congregation of Jehovah's Witnesses.

9. I recall that BCG said that some of the details of her allegations against her father had got out into the local community where they lived when the matter was dealt with by the Elders. I recall that she said that she had been subject to gossip and innuendo as a consequence.
10. In my view this was in part a consequence of the process adopted by the church for dealing with BCG complaints. The sheer number of people that were involved in hearing the complaints, the closeness of the Jehovah's Witness Community, and the nature of disfellowshipping Mr BCH makes it somewhat inevitable that embarrassing details would leak into the community.

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

Dated at Brisbane this twentieth day of July 2015.


Jason Davies


Witness

Signature: 

Witness: 