



Royal Commission
into Institutional Responses
to Child Sexual Abuse

29 July 2015

Mr Milton Bray
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By email: milton.bray@mbassociates.com.au

Dear Mr Bray

Royal Commission Case Study 29 – Verification of the Analysis Summary

1. We refer to your letter dated 20 July 2015 setting out your client's response to our letter dated 16 July 2015, which enclosed a summary of our analysis of the case files provided by your client to the Royal Commission (**Analysis Summary**). The Analysis Summary was prepared on the basis of data collated into a case file analysis spreadsheet.
2. In your letter, your client asserts that various matters in the Analysis Summary are based on inaccurate data contained in the case file analysis spreadsheet.
3. We have reviewed the relevant data identified as inaccurate by your client and address below your client's proposed corrections identified in the following tables:
 - Table 1 – Role of alleged perpetrator in the Church
 - Table 5 – Appointment as Elder or Ministerial Servant
 - Table 7 – Deletion as Elder or Ministerial Servant

Table 1: Role of alleged perpetrator at time of first abuse

4. At Table 1, your client identifies a number of alleged perpetrators whose role in the congregation at the time of the first alleged incident of abuse is incorrectly reflected in the case file analysis spreadsheet. We have conducted a review of the case files relating to the individuals identified in Table 1 and the results of our review are set out below. In the majority of cases, the Royal Commission has accepted your client's identification of the alleged perpetrator's role.

NO.	ROLE AT TIME OF FIRST ABUSE		
	ANALYSIS SUMMARY 16/07/2015	WATCHTOWER REVIEW 20/07/2015	RC REVIEW 27/07/2015
7	Congregation Elder	Parishioner	Parishioner
82	Ministerial Servant	Pioneer	Pioneer

91	Ministerial Servant	Parishioner	Parishioner
115	Elder or MS	Ministerial Servant	Ministerial Servant
121	Elder or MS	Unclear	Unclear
141	Elder or MS	Parishioner	Elder
177	Elder or MS	Elder	Elder
197	Elder or MS	Elder	Elder
206	Ministerial Servant	Parishioner	Ministerial Servant
208	Congregation Elder	Parishioner	Unclear
216	Ministerial Servant	Not a JW Member	Not a JW Member
222	Elder or MS	Unclear	Unclear
232	Ministerial Servant	Not a JW Member	Not a JW Member
312	Ministerial Servant	Unclear	Unclear
345	Elder or MS	Parishioner	Parishioner
378	Ministerial Servant	Parishioner	Unclear
415	Ministerial Servant	Parishioner	Unclear
430	Elder or MS	Ministerial Servant	Ministerial Servant
452	Ministerial Servant	Unclear	Unclear
464	Elder or MS	Parishioner	Parishioner
467	Elder or MS	Elder	Elder
468	Ministerial Servant	Not a JW member	Ministerial Servant
486	Ministerial Servant	Not a JW member	Not a JW member
540	Ministerial Servant	Parishioner	Parishioner
608	Ministerial Servant	Unbaptised	Unbaptised
615	Congregation Elder	Parishioner	Unclear
653	Ministerial Servant	Parishioner	Parishioner
669	Congregation Elder	Unclear	Unclear
688	Elder or MS	Parishioner	Unclear
694	Elder or MS	Parishioner	Unclear

771	Congregation Elder	Unclear	Unclear
799	Elder or MS	Elder	Elder
821	Ministerial Servant	Parishioner	Parishioner
867	Congregation Elder	Parishioner	Parishioner
868	Elder or MS	Elder	Elder
877	Elder or MS	Parishioner	Parishioner
927	Ministerial Servant	Unclear	Unclear
929	Ministerial Servant	Parishioner	Parishioner
974	Elder or MS	Ministerial Servant	Ministerial Servant

Table 5: Appoint as Elder or Ministerial Servant following an allegation of child sexual abuse

5. At Table 5, your client identifies two alleged perpetrators whom it considers are incorrectly classified in the case file analysis spreadsheet as having been appointed to positions of responsibility following an allegation of child sexual abuse. We have conducted a review of the case files relating to these individuals and the results of our review are as follows:

NO	WATCHTOWER REVIEW 20/07/2015	RC REVIEW 27/07/2015
528	Never served as elder or ministerial servant in Australia	Disagree – based on the documents provided, the complaint relates to REDACTED REDACTED
854	Never served as elder or ministerial servant in Australia	Agree - Initial eldership, deletion and reappointment occurred in REDACTED

Table 7: Deletion and reappointment as Elder or Ministerial Servant

6. At Table 7, your client identified one alleged perpetrator who was incorrectly classified as being reappointed as an elder or ministerial servant following deletion for child sexual abuse. We have reviewed the case file relating to this individual and set out the results of our review below:

NO	WATCHTOWER REVIEW 20/07/2015	RC REVIEW 27/07/2015
854	Never served as elder or ministerial servant in Australia	Agree - Initial eldership, deletion and reappointment occurred in REDACTED

7. To the extent that we agree with the inaccuracies claimed by your client (as set out in the above tables), we have incorporated your client's proposed corrections into a revised Analysis Summary

which is annexed at **Attachment A**. Where we do not agree with inaccuracies claimed by your client, we have reflected what your client says is the correct figure. Further, we have removed some of the figures from the original Attachment A so that there is a smaller set of final figures to deal with.

8. The figures cited in senior counsel assisting's opening submissions were drawn from Attachment A in its present form, i.e. after having been corrected in the light of the points raised by you in your letter.
9. It is senior counsel assisting's intention to tender this letter and the correspondence that preceded it (being our letter of 16 July 2015 and your reply of 20 July 2015), duly redacted as appropriate, and to rely on the figures as set out in Attachment A.
10. Please do not hesitate to contact either me or Joanna Blair on 02 8284 2448 if you would like to discuss any aspect of this matter.

Yours sincerely,



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ATTACHMENT A

SUMMARY OF WATCHTOWER AUSTRALIA CASE FILE ANALYSIS

In response to summons S-NSW-391 issued by the Royal Commission on 4 February 2015, the Watchtower Bible & Tract Society of Australia Ltd (**Watchtower Australia**) produced documents that include case files held by Watchtower Australia which relate to complaints or allegations of child sexual abuse against members of the Jehovah's Witnesses Church in Australia (**Case Files**).

The Royal Commission's analysis of documents contained in the Case Files has produced the following outcomes:¹

Total number of alleged perpetrators

1. Since 1950, Watchtower Australia has recorded in Case Files allegations, reports or complaints of child sexual abuse against 1006 members of the Jehovah's Witnesses Church in Australia (the **alleged perpetrators**).

State/Territory total number of alleged perpetrators

2. By reference to State or Territory of first report or allegation, the Case Files record the following numbers of allegations of child sexual abuse:
 - i) Australian Capital Territory – 10 Case Files.
 - ii) New South Wales – 270 Case Files.
 - iii) Northern Territory – 10 Case Files.
 - iv) Queensland – 306 Case Files.
 - v) South Australia – 69 Case Files.
 - vi) Tasmania – 24 Case Files.
 - vii) Victoria – 140 Case Files.
 - viii) Western Australia – 137 Case Files.
 - ix) Unclear – 39 Case Files.

Familial vs Non-Familial

3. 325 of the Case Files record allegations of non-familial child sexual abuse.
4. 564 of the Case Files record allegations of familial child sexual abuse.
5. 89 of the Case Files record allegations of both non-familial and familial child sexual abuse.

¹ In conducting the analysis of Case Files produced by Watchtower Australia, the Royal Commission has only recorded data where it is positively evidenced by material within a Case File. Where material within a Case File did not provide evidence of the data sought by the Royal Commission, it has been recorded as "unclear", and has not been included in the above analysis.

Role of alleged perpetrator in the Church

6. 108 alleged perpetrators were elders or ministerial servants at the time of the first alleged incident of abuse. [WTA says 104.]

Operation of Two-Witness Rule and Confessions

7. Application of the two-witness rule prevented 125 allegations of child sexual abuse from proceeding to a judicial committee.
8. 579 alleged perpetrators confessed to having committed child sexual abuse.

Progress of matter to judicial committee

9. 563 alleged perpetrators were the subject of a judicial committee hearing by congregational elders.

Reproval

10. 190 alleged perpetrators were reprovved in relation to an allegation of child sexual abuse.
11. 11 alleged perpetrators were reprovved on more than one occasion in relation to allegations of child sexual abuse.

Disfellowshipping

12. 401 alleged perpetrators were disfellowshipped in relation to an allegation of child sexual abuse.
13. 78 alleged perpetrators were disfellowshipped on more than one occasion in relation to allegations of child sexual abuse.

Reinstatement

14. Of 401 alleged perpetrators disfellowshipped in relation to an allegation of child sexual abuse (see [12] above), 230 were later reinstated.
15. 35 alleged perpetrators who were disfellowshipped on more than one occasion in relation to allegations of child sexual abuse were reinstated on more than one occasion.

Appointment as Elder or Ministerial Servant

16. 28 alleged perpetrators were appointed as an elder or ministerial servant after having been the subject of an allegation of child sexual abuse.

Deletion as Elder or Ministerial Servant

17. 127 alleged perpetrators were deleted as an elder or ministerial servant as a result of an allegation of child sexual abuse.
18. Of 127 alleged perpetrators deleted as an elder or ministerial servant as a result of an allegation of child sexual abuse (see [17] above), 16 were later reappointed as an elder or ministerial servant.

Convictions

19. 161 alleged perpetrators have been convicted of a child sexual abuse offence.

Reporting to secular authorities by the Church and/or Watchtower Australia

20. We identified no record in the Case Files of the JW Church or Watchtower Australia having reported any allegation of child sexual abuse in relation to any of the 1006 alleged perpetrators to the police or other secular authority.