

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

**Public Hearing - Case Study 29  
(Day 149)**

Level 17, Governor Macquarie Tower  
Farrer Place, Sydney

On Wednesday, 29 July 2015 at 10am

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

Counsel Assisting:	Mr Angus Stewart SC
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1 THE CHAIR: Mr Stewart, I just need to indicate that the  
2 Commission will not be sitting tomorrow. There are some  
3 circumstances that make it unavoidable, but we will resume  
4 again after today on Friday.

5  
6 MR STEWART: As your Honour pleases. Mr Ali was in the  
7 witness box.

8  
9 <DINO ALI, on former oath: [10.05am]

10  
11 <EXAMINATION BY MR STEWART CONTINUING:

12  
13 MR STEWART: Q. Mr Ali, I want to deal first with the  
14 judicial committee and how the judicial committee dealt  
15 with the allegations that had been raised by [BCG].  
16 Firstly, as I understand it, you and Mr Bowditch and  
17 Mr de Rooy had already formed a judicial committee to deal  
18 with unrelated allegations; is that right?

19 A. Yes.

20  
21 Q. They were allegations, briefly put, to do with [BCG]'s  
22 father's relationship or possible relationship with another  
23 woman, not his wife; is that right?

24 A. That's correct.

25  
26 Q. Then, when these allegations of [BCG] were brought to  
27 the elders, you then dealt with them in the same judicial  
28 committee; is that right?

29 A. The same members of the judicial committee, yes.

30  
31 Q. So you didn't have an independent investigation first  
32 and then decide to form a judicial committee; you just  
33 subsumed them into the discussions and investigation you  
34 were already doing; is that right?

35 A. I know it followed fairly closely, but I'm not sure of  
36 the time element there, no, but it was tied in pretty much  
37 together, mmm.

38  
39 Q. Well, that's right, isn't it, that in the meetings  
40 that you had with various people who were involved, or had  
41 an interest, or were witnesses, you discussed these matters  
42 together; in other words, the question of [BCG]'s father's  
43 relationship with another woman as well as [BCG]'s  
44 allegations?

45 A. That, I believe, came at the end, later, after we had  
46 dealt with the father.

1 Q. I will show you some notes in a minute. We will come  
2 to that. But let's get it clear what you mean. Do you  
3 mean to say you had dealt with the other allegations and  
4 made a finding on them and then, only thereafter, you dealt  
5 with [BCG]'s allegations?

6 A. Yes, yes, followed through, yes.

7  
8 Q. I think your memory may be failing you on that,  
9 Mr Ali. In that regard, I will refer you to tab 3 of the  
10 tender bundle. Do you see this is the report of your  
11 judicial committee. If we can scroll down, do you see the  
12 names at the bottom. This was the report, where your  
13 finding was on the last line there: Loose conduct and  
14 lying and the brother was disfellowshipped. Do you see  
15 that?

16 A. Yes.

17  
18 Q. At the time that [BCG] raised her allegations and you  
19 dealt with them, her father was not disfellowshipped?

20 A. Not on those allegations, but on what we dealt with  
21 him of an immoral course that he had taken against - with  
22 his wife. That's the founding or the finding that we had,  
23 that we referred to on that loose conduct, lying.

24  
25 Q. I see that. But at the time you dealt with [BCG]'s  
26 allegations, you had not yet disfellowshipped the father;  
27 is that right?

28 A. We had taken the steps of announcing that  
29 disfellowshipping. We had completed that sitting with him  
30 and decided that he needs to be disfellowshipped for what  
31 he did.

32  
33 Q. Well, if he had already been disfellowshipped, why  
34 were you investigating further allegations against him?

35 A. The - what came through after that, they have - the  
36 person who has this loose conduct and lying and was  
37 referred to disfellowshipping had seven days to appeal. If  
38 he wanted others to hear his case against what we had  
39 decided, then a further committee could be made available  
40 to follow through. So there was at least seven days before  
41 we could announce that he was disfellowshipped, that he  
42 acted in that way of saying, "I would like another  
43 committee to sit in and hear my situation."

44  
45 Q. Let's just straighten out the chronology. Take a look  
46 at tab 4. Do you see this is a memo addressed to  
47 Ron de Rooy, Kevin Bowditch and Dino Ali; do you see that

1 at the top left?

2 A. I do.

3

4 Q. It is headed "Appeal - on basis of repentance", and it  
5 says:

6

7 *Dear Brothers, I wish to appeal ...*

8

9 And then it goes on and it is difficult to read, but at the  
10 end you will see that it is signed by [BCH] - that's  
11 [BCG]'s father, at the foot of the page - and you will see  
12 it is dated 19 July 1989?

13 A. Mmm-hmm.

14

15 Q. Do you accept he appealed on that date?

16 A. That's what the appeal was - that's what he appealed,  
17 yes, on that basis.

18

19 Q. So your decision to disfellowship him obviously  
20 preceded that?

21 A. Yes.

22

23 Q. It was on that day or it was before that day?

24 A. Yes.

25

26 Q. Now, if we go back to tab 3, and if we go to the top  
27 of the page, it is actually undated except for a date stamp  
28 that says "SD 7 AUG 1989"; do you know how that stamp came  
29 to be applied there?

30 A. No, not sure.

31

32 Q. That would suggest it was the service desk that  
33 received that on 7 August 1989?

34 A. Okay.

35

36 Q. If we go to tab 5, you will see this is the decision  
37 of the appeal. Do you recognise the names of the appeal  
38 committee there, Messrs Bennett, Wilson and Miraziz?

39 A. I do.

40

41 Q. That's dated 23 July 1989?

42 A. Yes.

43

44 Q. There is a stamp "SD 7 AUG 1989" at the top of that  
45 page as well?

46 A. Yes.

47

1 Q. I take it, again, you don't know how that came there,  
2 but it looks like it may have been the service desk?  
3 A. I assume so.  
4  
5 Q. I would like to show you some handwritten notes.  
6 I must just caution you - I understand you have been given  
7 a copy of some handwritten notes that have been redacted  
8 but with pseudonyms inserted where the redactions are; is  
9 that right?  
10 A. Yes.  
11  
12 Q. Is that what you have?  
13 A. I have, yes.  
14  
15 Q. What I have handed up, and which has also been given  
16 to my learned friends, as I understand, are some  
17 handwritten or manuscript notes, as well as a best effort  
18 to transcribe those notes and type them out.  
19  
20 Firstly, Mr Ali, are these notes yours - in other  
21 words, they are in your handwriting, are they?  
22 A. They appear to be so, yes.  
23  
24 Q. In fact, you gave evidence about these notes in one or  
25 other of the criminal trials; is that right?  
26 A. I can't remember, but I was there and I think that was  
27 the case, yes.  
28  
29 Q. You will see that these notes appear to be torn from  
30 a notebook with a spiral binder - do you see that?  
31 A. Yes.  
32  
33 Q. At the top of the pages, they are numbered in  
34 manuscript - 1, 2, 3 and so on; do you see that?  
35 A. I do.  
36  
37 Q. That numbering, is that also your manuscript?  
38 A. It appears to be so, yes.  
39  
40 Q. You will see the notes start, it says "Notes of  
41 investigating committee" and it has 1 June 1989; do you see  
42 that?  
43 A. Is that on the first page?  
44  
45 Q. On page 1, on the first and second lines. "Notes of  
46 investigating committee. 1-6-89"?  
47 A. It could be a "5th" or a "6th", the way it is shown to

1 me here.

2

3 Q. Either way, that is fine. If you look at the  
4 page which has page 14, it is Ringtail 1494 - do you see  
5 that? Now, the next page is actually unnumbered. It is at  
6 1495, and at the foot of that page it says "19-7-89 [BCH]  
7 appeals, fax to Kevin"; do you see that?

8 A. Is that after page 14, and there is another  
9 page without that 15 --

10

11 Q. Yes.

12 A. -- at the bottom of that?

13

14 Q. It is an unnumbered page between 14 and 15.

15 A. Yes, I see that.

16

17 Q. And then equally, after, at the back of page 15, there  
18 is an unnumbered page; at the back of page 16, there is an  
19 unnumbered page, and so on. So can we take it, Mr Ali,  
20 that the pages that precede that unnumbered page on the  
21 screen now, which is the back of 14, deal with matters that  
22 you dealt with prior to the appeal?

23 A. It's very difficult to read. It's okay to take a  
24 little bit of time to look at that?

25

26 Q. Yes.

27 A. I'm not sure, but it possibly could be.

28

29 Q. I will show you, Mr Ali, how it stands to reason. The  
30 pages are numbered in order and they are numbered in order  
31 by you. That's right?

32 A. Generally, the first pages are seemingly in order.  
33 I'm not sure where - I'd probably need a bit more time to  
34 sort of peruse through that to make a judgment on that.

35

36 Q. Have a look from page 11, Ringtail 1488.

37 A. Yes.

38

39 Q. You will see that that page, as it is reflected there,  
40 has the torn-off part of it at the top of the page?

41 A. Yes.

42

43 Q. Then the next page, which is unnumbered, has the  
44 torn-off part at the foot of the page.

45 A. At the bottom?

46

47 Q. Yes.

1 A. Yes.

2

3 Q. You will see, what's more, that those torn-off tabs  
4 actually match - do you see that?

5 A. So that - what's on the screen is reflecting what's on  
6 the page?

7

8 Q. You just look at the page, if you like, it is easier,  
9 Mr Ali.

10 A. Yes.

11

12 Q. If you look at page 11, and then you look at the next  
13 page, it is actually the reverse of page 11, isn't it?

14 A. Yes, yes.

15

16 Q. You can see how the tabs match up. Do you see what  
17 I mean?

18 A. Yes, I see, at the bottom, the tear?

19

20 Q. Yes.

21 A. Yes.

22

23 Q. Yes, the tear. And page 12, the reverse of page 12 is  
24 actually numbered 13A, for some reason.

25 A. I see.

26

27 Q. But you see that it is the reverse of the same page?

28 A. I see, yes. Mmm-hmm.

29

30 Q. And 13 then has the - the page following 13 is the  
31 reverse of page 13; do you see that?

32 A. Yes.

33

34 Q. If we go back to earlier in the piece and, in  
35 particular, if you take a look at page 4, which is Ringtail  
36 1481, in the middle of the page there are two names that  
37 are written there, it is [BCG] and [BCI] - that's [BCG]'s  
38 mother. Those are underlined twice, those names. Then it  
39 has a dash, and it says "Molesting! 4-5 times". Now, what  
40 this suggests is that your committee met with [BCG] and her  
41 mother; is that right? And below that are the notes, your  
42 notes, of what they told you?

43 A. It appears to be so, yes. Yes.

44

45 Q. And then you will see, towards the foot of that page,  
46 in the left-hand margin, it has [BCG]'s mother's name  
47 written there, [BCI], a colon, a dash, and it says:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
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41  
42  
43  
44  
45  
46  
47

*that [BCH] has gone to ...*

Something, and it carries on there; do you see that?

A. Yes.

Q. Now, what you have recorded there, next to those dashes, is what [BCG]'s mother told you - not so? Your note of what she told you.

A. I can't remember that.

Q. That's how the note is structured, isn't it? You have got her name, colon, and then you have got a number of points noted down, suggesting that that's what she told you? You seem to be struggling with that?

A. I - no, that's true, but I'm not - I'm trying to ascertain whether the mother was there or whether this was a flow-on from something that came up from - if it was [BCG]. That's the only thing I'm not very sure now.

Q. If you go back to the beginning of the notes, you will see the way in which you have structured them, which stands to reason and is the way anyone else would structure their notes, is you write the name of a person, you underline it, you put a colon and then you make notes of what that person has told you, and it starts on page 1 with a name which is redacted, but I can tell you, I have it in front of me, it is one of the people involved --

THE CHAIR: Do we have the original document?

MR STEWART: We don't have the original. We only have photocopies which we got from the police, but we can show the witness an unredacted copy.

THE CHAIR: I think you should do that. And are there lines on the page above [BCI] in the top third? The photocopy that I have rather suggests that someone's been drawing lines between people who speak.

MR STEWART: There are indeed lines on it. That's on the manuscript page 4.

THE CHAIR: Page 4. And it seems to be the same on 5. There seems to be a pattern of ruling a line across - and the same is true on 6, I think - when you get to a different person and notes being taken. It goes on



1 through the document, as I see this copy, anyway.

2

3 MR STEWART: Q. Do you see that?

4 A. I see what your Honour has been saying, yes.

5

6 Q. So, now, of course this happened a long time ago. You  
7 may not have a clear recollection of the actual events, and  
8 you can tell us that in a moment, but the important point  
9 here is we are asking you to interpret your own notes.

10 Now, the way in which it is structured makes it very clear,  
11 I suggest to you, that it is recording that, as you met  
12 with different people and they told you things, you have  
13 written their name and you have recorded what they have  
14 told you. Do you accept that?

15 A. Based on what has been written here, yes, I would  
16 accept that, yes.

17

18 Q. And there is no reason to suggest the contrary, is  
19 there?

20 A. On the face of that, I wouldn't object to that, no.

21

22 Q. We are getting you an unredacted copy, but we can deal  
23 with what's on page 4 in the meantime. Do you have page 4  
24 in front of you?

25 A. Yes, yes.

26

27 Q. That's the one on the screen. You will see the last  
28 line records "Says [BCH]" - that's [BCG]'s father - "has  
29 abused 2 younger children, possibly" - and then it says  
30 "[BCK]", that's the oldest daughter, "too, at age 2". Do  
31 you see that?

32 A. Yes.

33

34 Q. Now, that's what the mother told you, didn't she?

35 A. Again, I'm not sure that that was the mother. It - it  
36 may have been. It may have been, yes.

37

38 Q. And certainly you were told it, if not by the mother,  
39 then by [BCG] herself?

40 A. That I can't recall, but if it's in the notes that  
41 [BCG] did that --

42

43 Q. Well, the note suggests very clearly that it was the  
44 mother who told you that, because you've got the mother's  
45 name, colon, and then you jot down a few points that she  
46 made, apparently, and then it has a dash, being a new one:

47

1           Says [BCH] has abused 2 younger children,  
2           possibly [BCK] too at age 2.  
3

4           A.   That's on the basis - it's very difficult to do that.  
5           One can assume that wherever I've put a dash in the notes  
6           against a name, that - that one can assume that that person  
7           said that.  
8

9           Q.   Yes. And then if we look at page 5, you will see it  
10          has "[BCK]" - that's the eldest daughter. And it's  
11          underlined twice and there is a colon and then in brackets  
12          it says "(by herself)"; do you see that?

13         A.   Sorry, I'm just having a look. [BCK].  
14

15         Q.   There is an unredacted copy that you are being given  
16          now. Obviously, you appreciate, Mr Ali, that we are doing  
17          our very best not to mention the names of these people  
18          involved.

19         A.   Certainly, yes.  
20

21         Q.   So do you see page 5?

22         A.   Yes, I've got that now.  
23

24         Q.   Do you see it has the name of the oldest daughter?

25         A.   Correct.  
26

27         Q.   [REDACTED]?

28         A.   Yes.  
29

30         Q.   It says in brackets "(by herself)"?

31         A.   Yes.  
32

33         Q.   And then there are various things jotted down there,  
34          and in the ninth line, it says:

35                 *On abuse to ...*  
36  
37

38          And it mentions her name, a question mark, a dash, and then  
39          there's an arrow and it says:

40                 *Yes, at age 3 (remembers vividly).*  
41  
42

43         Do you see that?

44         A.   Yes.  
45

46         Q.   So she also told your committee about having been  
47          abused by her father?

1 A. Yes.

2

3 Q. This was your judicial committee, prior to the appeal  
4 committee?

5 A. It appears that way, yes.

6

7 Q. Then, if you look at page 8, you will see, on the  
8 sixth line, where it is indented, it says:

9

10 *She does not like what her dad is doing*  
11 *with ...*

12

13 and it has a redacted name that's the other woman, and:

14

15 *commendably, when pulled up before*  
16 *[REDACTED] by ... [the father] to deny*  
17 *charge of molestation to [the eldest*  
18 *daughter] [BCK] she insisted on the truth*  
19 *despite ... [the father's] efforts to the*  
20 *contrary.*

21

22 Do you see that?

23 A. I do.

24

25 Q. The "she" that's referred to, you will see, is the  
26 eldest daughter herself, if we go to the previous page,  
27 page 7, right at the foot of the page. You can see the  
28 page there, down the left-hand side there are a couple of  
29 bits that are underlined, and near the middle of the  
30 page it says "Next day", and then three lines below that it  
31 says "That night", and then right at the foot of the page,  
32 it says:

33

34 *Same night, we visit [BCK] [the eldest*  
35 *daughter] for some talk on Watchtower*  
36 *articles.*

37

38 And then it says "over". And when one goes over the  
39 page it carries on. What it records here, does it not, is  
40 again the eldest daughter confirming that she herself had  
41 been abused by her father?

42 A. It does, yes. Is that - your reference is to the  
43 second line?

44

45 Q. The second indented line - second and third. I beg  
46 your pardon, third and fourth, "Deny charge" - well, one  
47 really has to read it as a sentence:

1  
2       *She [the eldest daughter] does not like*  
3       *what her dad is doing with [the other*  
4       *woman] and commendably, when pulled up*  
5       *before [the other woman] by [the father] to*  
6       *deny charge of molestation to [BCK] she*  
7       *insisted on the truth despite [the*  
8       *father's] efforts to the contrary.*  
9

10       A.   Yes.

11  
12       Q.   If you then go to the reverse of page 11, Ringtail  
13       1489, perhaps if we can just go to the previous page, you  
14       will see at the foot of the previous page there is a date,  
15       17 June 1989, "Met with [BCI]" - that's the mother - "and  
16       [BCG]". And then over the page:

17  
18       *Counsel given on confiding matters of*  
19       *family to congregation members - used*  
20       *articles and scriptures.*

21  
22       *Counsel given to [BCG] also of same matters*  
23       *using above articles.*

24  
25       *- Also an attitude to mother; encouragement*  
26       *also given for her honesty and in seeking*  
27       *help ...*

28  
29       *Counsel given to [the mother] on her part*  
30       *as subjection to [the father] could have*  
31       *helped cause separation and consequent*  
32       *matters. Used article and scriptures of*  
33       *her responsibility - encouragement to help*  
34       *family.*

35  
36       Then it says:

37  
38       *Interesting that both mentioned [the eldest*  
39       *daughter] as admitting to another "attempt"*  
40       *when going to school at ...*  
41

42       And it is unclear. Can you read that, what age that is, at  
43       something?

44       A.   Probably primary school.

45  
46       Q.   Well, it has "primary" in brackets. The word before  
47       that looks like "age" and before that it looks like it

1 could be "10" - "at" - something crossed out - "10" --  
2 A. "Primary" with a question mark, is that what you are  
3 referring to?  
4  
5 Q. Just immediately before the "primary" with the  
6 question mark, what are the preceding two words?  
7 A. "When going to school at a later age".  
8  
9 Q. Do you think "at later age"? Okay. "Primary?" "Need  
10 to check statement".  
11  
12 And then:  
13  
14 *Quest.*  
15  
16 I take it that means "question".  
17 A. Question.  
18  
19 Q.  
20 *Should one be studying with*  
21 *younger children - even for short time*  
22 *until thing settle?*  
23  
24 Do you recall, what was that reference?  
25 A. I'm not sure.  
26  
27 Q. And then you see there is an arrow down from where it  
28 says "Need to check statement", down to what is then  
29 written below that?  
30 A. I do, yes.  
31  
32 Q. And then it says:  
33  
34 *[The father] took [the eldest daughter's]*  
35 *hand to place it on his private parts.*  
36 *- she pulled hand away and refused to speak*  
37 *with him for some time.*  
38  
39 So what this is, is a report from the mother and [BCG]  
40 about an incident involving the eldest daughter; is that  
41 right?  
42 A. This - yes, this was during our meeting, it seems,  
43 yes.  
44  
45 Q. Then, finally for now, at page 14 you will see at the  
46 foot of the page it is recorded, it has the father's name  
47 and then can you read it out - read your handwriting,

1 Mr Ali?

2 A. "[BCH] has admitted" - is that the line?

3

4 Q. Yes.

5 A.

6

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

10

11 So the father told you and your committee members that he  
12 admitted to all things - which you have underlined - and  
13 also said that whatever [BCG] had said on molesting was  
14 true. That's how it happened, isn't it?

15 A. Is that a question?

16

17 Q. Yes. That is how it happened?

18 A. That's?

19

20 Q. He admitted to your committee?

21 A. Yes, it seems he did.

22

23 Q. And it was only thereafter that you disfellowshipped  
24 him, and that was on the other grounds in relation to his  
25 relationship with the other woman.

26 A. Yes.

27

28 Q. What did you do with these child abuse allegations  
29 that you had received from two daughters directly, and from  
30 the mother in respect of the much younger daughters? What  
31 did you do with those?

32 A. This was - from my memory, and from the notes - it  
33 would be good to read them in an entirety - I believe that  
34 at the end of our findings we could only, having dealt with  
35 one issue at that time, with him, on the first matter of  
36 leaving his wife, the father leaving his wife and going off  
37 with another woman, we had to deal with that. From my -  
38 what's been brought out here, it would seem that, having  
39 done that, he appealed that decision, and it may have  
40 been - and one would need to have to see any other notes  
41 with the appeals committee, that the other matter then may  
42 have been dealt with, but we needed to finalise that  
43 particular case against him in what he was doing at that  
44 moment.

45

46 THE CHAIR: Q. You told me yesterday that you didn't  
47 have corroboration or an admission that enabled you to find

1 the allegations to be proven. That's not right, is it?  
2 A. Well, it - on the basis of my notes, that was what was  
3 my recollection at that time, yes.  
4

5 Q. But that recollection is not correct, is it?

6 A. It appears from the notes that some allegations had  
7 been brought out, and that's taken - would need to be  
8 taken --  
9

10 Q. It was more than allegations brought out. You have,  
11 apparently, an admission.

12 A. Well, we still needed to then, in any judicial  
13 committee, follow through more thoroughly, because it's --  
14

15 Q. What more do you need, if you have an admission?

16 A. He - I believe that on the other notes he may have  
17 denied - that he only said that for - to do what he can to  
18 get out of that situation. But that's the aspect that we  
19 would look at. But in my recollection that beforehand,  
20 without the use of the notes, we needed to follow through  
21 with substantiating those matters as well.  
22

23 MR STEWART: Q. Mr Ali, you had received allegations of  
24 extremely serious conduct by a father against four of his  
25 daughters. Not so?

26 A. They were allegations, yes.  
27

28 Q. Yes, they were allegations. But they were directly  
29 from two of the daughters themselves, who by that time were  
30 adults, albeit young adults?

31 A. Mmm.  
32

33 Q. That's right, isn't it?

34 A. Yes. They - I'm sorry, I - can I ask, again, that  
35 last - what you said at the end there?  
36

37 Q. Two of the people who reported this abuse to you were  
38 themselves the victim of the abuse, and at the time they  
39 reported, they were adults?

40 A. Yes, yes.  
41

42 Q. They were not very young children?

43 A. You are talking about [BCG] and --  
44

45 Q. And her older sister?

46 A. Yes, yes.  
47

1 Q. And you then had the mother tell you about what the  
2 father had done to the two younger daughters?  
3 A. It seems that way, in that - that that's what she may  
4 have said.  
5  
6 Q. And you told us yesterday that you believed [BCG]?  
7 A. Yes, yes.  
8  
9 Q. And you said that you thought she was very courageous?  
10 A. Yes.  
11  
12 Q. And you believed her?  
13 A. I stipulate that again.  
14  
15 Q. Yet you regarded the adultery allegations as being  
16 more pressing, to deal with those, than these serious  
17 allegations. How can that be?  
18 A. Well, I don't think it's quite as simple as ignoring  
19 it. We didn't ignore it. It simply was in the process,  
20 because we've only taken a day, or two, or whatever -  
21 I think the dates look at how long this process took, and  
22 it was very, very quick. It did not take months or  
23 anything like that. It continued to be dealt with.  
24  
25 Q. The notes don't bear that out. It started on 1 June -  
26 you suggested it might even have been 1 May. By the time  
27 you were told by the mother and the sister, from the notes  
28 it appears still to be 1 June. And it goes all the way  
29 through, and it's only on 19 July that there is an appeal.  
30 So your finding on the adultery was on 19 July or shortly  
31 before. It took a very considerable time.  
32 A. Yes, within that month, but it was still - had not  
33 been ignored, I would suggest, from the notes here.  
34  
35 Q. This man, to your knowledge and belief, on the  
36 information you had received, was a danger to young girls,  
37 wasn't he?  
38 A. Certainly was.  
39  
40 Q. And what did you do about that to protect young girls  
41 in your congregation and worldly young girls?  
42 A. Well, in [BCG]'s case, for a start, because we had the  
43 charge or accusation made about other children within that  
44 family, though that needed to be substantiated, but it was  
45 a process of following through, and it was to acquaint even  
46 with the innocent parent, following through with what she  
47 had to say, what other things could we do to support that.



1  
2 In [BCG]'s case, she was taken out of that environment  
3 immediately, so the protection was extended to her, because  
4 it appeared that I think it was still current or had been  
5 current up to that time, that we needed to deal with that.  
6 So it was an immediate thing in her case, but it needed  
7 time, then, to follow through with the others.  
8

9 Q. Let's take a look at your statement. At Ringtail  
10 0003, paragraph 5, point 6, at the foot of the  
11 page numbered as 6.

12 A. Is this my personal statement?  
13

14 Q. Yes, your statement to this Commission dated 10 July.  
15 It will come up on the screen in a moment.

16 A. Yes. Could you give me that reference again, please?  
17

18 Q. It will come up on the screen for you, but it is on  
19 page 3 of your statement, and it is paragraph 5, point 6.  
20 You will see you say there:  
21

22 *The judicial committee did not feel it had*  
23 *clear proof of the allegations of child*  
24 *sexual abuse from either party.*  
25

26 Now, that's correct, isn't it? You did not feel you had  
27 clear proof?

28 A. At that time, no.  
29

30 Q. And that's wrong, because you did have ample proof,  
31 didn't you?

32 A. Again, we hadn't dealt with that; we did not have  
33 clear proof, because it was still on a one-to-one basis.  
34

35 Q. Well, that's what you go on to say. You say it was  
36 one person's word against another. Do you see that in that  
37 statement? But that's not true; it was three people's word  
38 against another. It was the eldest daughter, it was the  
39 next daughter, [BCG], who was 17 at that time, and it was  
40 the mother.

41 A. Mmm-hmm.  
42

43 Q. It is false what you have written here, isn't it - it  
44 wasn't one person's word against another.

45 A. Again, in making that statement, that's - that was my  
46 recollection.  
47

1 Q. And then you say:

2

3 *However the committee concluded it had*  
4 *a basis for disfellowshipping [BCH] for his*  
5 *conduct with [the other woman] and his*  
6 *lying.*

7

8 Do you see that?

9 A. Yes.

10

11 Q. So you dealt with them together. You felt that you  
12 didn't have sufficient proof on the child sexual abuse  
13 allegations but you did on the other allegations - not so?

14 A. Well, we had proof on one instance, which we could act  
15 on, and which we did.

16

17 Q. The adultery?

18 A. Yes.

19

20 Q. And notwithstanding the admission made by [BCH], and  
21 the evidence of the mother and two elder daughters, you  
22 felt you didn't have sufficient proof to act on the child  
23 sexual abuse allegation?

24 A. Not at that time, no.

25

26 Q. Let's take a look at your report to Bethel, back to  
27 the branch. It's at tab 3. This is the report that you  
28 wrote on your judicial committee hearing. It is signed by  
29 you at the foot of the page - do you see that?

30 A. Yes.

31

32 Q. I take it you agree with what is written in this  
33 report?

34 A. I do.

35

36 Q. That is why you signed it?

37 A. Yes.

38

39 Q. You can take a moment to read it, but there is nothing  
40 in there about the child sexual abuse allegations, is  
41 there?

42 A. No.

43

44 Q. So you don't even report to the branch that the  
45 allegations were made?

46 A. No, we don't - we didn't.

47

1 Q. That, even under your own procedure, is a very serious  
2 omission, isn't it?  
3 A. It would appear so, yes.  
4  
5 Q. Because very serious allegations are being made  
6 against someone, and even if they are not accepted by the  
7 judicial committee, because it is one person's word against  
8 another, they are supposed to be reported, in case other  
9 allegations are made in the future or other similar  
10 allegations have been made in the past - that's what is  
11 supposed to happen, isn't it?  
12 A. No, I - I think that the recent guidelines - not the  
13 recent ones, but the guidelines that we had at that time  
14 did not suggest that we report that to the branch. That  
15 came, I think, more prominently, anyway, in the 1990s,  
16 early 1990s - 1991, 1992.  
17  
18 Q. The 1991 guidelines?  
19 A. Yes.  
20  
21 Q. What is the name of the guidelines that had preceded  
22 the 1991 guidelines?  
23 A. I think that was Pay Attention to the Flock.  
24  
25 MR STEWART: I call for that, the preceding manual to  
26 elders, the one preceding the 1991 book, which is at  
27 tab 80.  
28  
29 MR TOKLEY: I haven't got it with me, your Honour,  
30 personally. But if we have it, we will produce it, I will  
31 have instructions taken straightaway to ascertain its  
32 location and have it produced to the Commission.  
33  
34 MR STEWART: Q. I suggest what happened here, Mr Ali, is  
35 that you and your fellow members of the committee wrongly  
36 concluded that there was insufficient evidence to accept  
37 [BCG]'s allegations?  
38 A. That we had wrongly concluded it?  
39  
40 Q. Yes.  
41 A. I don't see it that way, I'm sorry.  
42  
43 Q. And you have then just ignored those allegations?  
44 A. No, no, that's incorrect.  
45  
46 Q. You didn't even record it in your report to the  
47 branch?

1 A. No, as we needed to report what we had - our findings  
2 were as to this person, but we - we did follow up, I think,  
3 within a reasonably very short time on the other  
4 allegations.  
5  
6 Q. Well, what then happened was that there was an appeal,  
7 by [BCH]?  
8 A. Yes.  
9  
10 Q. And the allegations were resurfaced in the appeal; is  
11 that right?  
12 A. Yes.  
13  
14 Q. In the appeal, [BCH] admitted the allegations?  
15 A. I believe so. That could have been the case.  
16  
17 Q. You were there, weren't you?  
18 A. I was there, as a listener or a bystander, not  
19 directly involved.  
20  
21 Q. So there was an appeal committee of elders Bennett,  
22 Wilson and Joe Miraziz?  
23 A. Yes.  
24  
25 Q. Were they from another congregation?  
26 A. Yes.  
27  
28 Q. The judicial committee of you and Mr Bowditch and  
29 Mr de Rooy, you were also present during the appeal --  
30 A. As witnesses, yes.  
31  
32 Q. And in that hearing, when confronted with the  
33 allegations, [BCH] admitted that he had abused his  
34 daughter, [BCG]?  
35 A. I can't remember that. That may have happened.  
36  
37 Q. In any event, the appeal committee then confirmed the  
38 disfellowshipping and added to the grounds you had found,  
39 of loose conduct and lying - added the grounds of porneia  
40 in the form of gross sexual acts against his teenage  
41 daughter five or six times during the latter part of the  
42 previous year?  
43 A. I believe so, yes.  
44  
45 Q. If you felt you didn't have sufficient proof, Mr Ali,  
46 did you consider reporting these matters to the police?  
47 A. No.

1  
2 Q. [BCG] didn't ask you not to report to the police, did  
3 she?  
4 A. No.  
5  
6 Q. Even after the confession by [BCH], you still didn't  
7 consider reporting to the police?  
8 A. I can't recall that she did, no.  
9  
10 Q. I asked whether you considered reporting the matters,  
11 even after the confession?  
12 A. I did?  
13  
14 Q. Yes, did you? You didn't, did you?  
15 A. No, I didn't, no.  
16  
17 Q. Can you explain why not?  
18 A. Well - you mean after the appeals committee?  
19  
20 Q. At either stage. You had had two confessions, judging  
21 by your notes. But at either stage, why didn't you  
22 consider reporting to the police?  
23 A. Well, that was still in the process of finding the  
24 facts on the charge of porneia, that that had - he was  
25 guilty on porneia and needed to be disfellowshipped on  
26 that.  
27  
28 Q. After the appeal committee, the facts had been found.  
29 There was no fact-finding continuing. After the appeal  
30 committee, why did you not consider reporting to the  
31 police?  
32 A. Because it is still a matter of dignifying the person,  
33 of allowing them that opportunity to do that.  
34  
35 Q. Do you not think this man should go to gaol?  
36 A. I'm very happy that eventually he did, for what he  
37 did.  
38  
39 Q. Well, that was only because [BCG], some years later,  
40 found the strength, after she had left the church, to  
41 report to the police. In the interim, you and your  
42 colleagues didn't report to the police at all?  
43 A. No, we didn't.  
44  
45 Q. Did you think it was okay for this man to be walking  
46 the streets and continuing an ordinary life, having  
47 received these allegations and confession?

1 A. It's certainly not a good thing for him to be freely  
2 doing what he was doing. I agree.  
3  
4 Q. Wasn't it your duty to your fellow women, men and  
5 children, to report a man like this to the authorities so  
6 that he can be properly charged and, if found guilty, put  
7 in gaol?  
8 A. Well, the police tried to do that.  
9  
10 Q. Well, they only tried to do it years later, when [BCG]  
11 reported to the police. All those intervening years, you  
12 had it within your power to report it to the police and set  
13 the train in motion - not so?  
14 A. Still, we had - we did not have, I guess, the  
15 direction to be able to do that, and which I'm glad today  
16 that it has encouraged us now to follow through in seeking  
17 legal aid to do whatever we can, to not only protect the  
18 victim, but to prevent anybody else being molested.  
19  
20 Q. Well, the real reason is, isn't it, that you see your  
21 structures within the church as replacing, standing in the  
22 place of, the civil structures?  
23 A. Only when it comes to spiritual matters, and if those  
24 morals have - people - those within the church have crossed  
25 those, the guidelines are that they take the steps to  
26 remove the person, protect, then, through either  
27 instructions or personal counselling to those that are  
28 involved with that family, and warning them of not allowing  
29 their children to stay overnight with this person, never to  
30 be alone with this person, never to work alone or go  
31 anywhere with that person. So many have been made aware of  
32 that.  
33  
34 Q. You regard the police and prosecution authorities as  
35 worldly authorities and, therefore, not to be trusted;  
36 isn't that right?  
37 A. No, I don't - I don't agree with that.  
38  
39 Q. And that's because you have your own structures which  
40 displace the secular structures?  
41 A. No, we work - we try and work in all the time with the  
42 legal - with the legalities of anything. Where the  
43 authorities need to handle the cases like that, we will  
44 work in with that, on the advice that the legal department  
45 give us.  
46  
47 MR STEWART: No further questions, your Honour.

1  
2 THE CHAIR: Does anyone else have any questions?  
3  
4 MS DAVID: Yes.  
5  
6 MR COYNE: Yes, I will, your Honour. I'm just having some  
7 difficulty reading some of this, to formulate the  
8 questions. If I can have a little bit of time.  
9  
10 THE CHAIR: What do you want me to do?  
11  
12 MR COYNE: If I could have five minutes - I've now been  
13 given a transcript of the handwritten notes. I'm just  
14 trying to read that.  
15  
16 THE CHAIR: I think you should go second, anyway.  
17  
18 <EXAMINATION BY MS DAVID:  
19  
20 MS DAVID: Q. Just to be clear, in relation to the  
21 confession that you have noted in the notes that were just  
22 read out to you with counsel assisting, do you not agree  
23 that that, of itself, is proof, isn't it, according to the  
24 criteria, the judicial standards?  
25 A. It may be considered, but we needed to substantiate.  
26  
27 Q. But isn't the confession - of it itself, isn't that  
28 what your guidance says, that it can be either a number of  
29 witnesses to the one event or a confession?  
30 A. Of the same incident?  
31  
32 Q. Just a confession by the --  
33 A. Of the wrongdoer.  
34  
35 Q. Yes.  
36 A. Yes.  
37  
38 Q. So a confession of itself is sufficient evidence,  
39 isn't it, to prove that matter?  
40 A. It is, yes, yes. Quite true.  
41  
42 Q. But in this case, you just ignored it?  
43 A. No.  
44  
45 Q. Well, you weren't satisfied of it, were you?  
46 A. No, we needed - I think in - it's hard to define that,  
47 but - except to say that the person may - might say things

1 on the spur of the moment because they need to get out of  
2 that situation. We needed to follow through to make sure,  
3 eventually, that this was the case, that this was true,  
4 that we could act on that.

5  
6 Q. So you have a person that you considered to be brave,  
7 in the form of [BCG] --

8 A. Yes.

9  
10 Q. -- and a person you said yesterday that you believed  
11 and had no reason - in fact, you said you believed her?

12 A. Mmm. Mmm.

13  
14 Q. And then you also have a confession. But you choose  
15 to disbelieve the confession; is that the situation?

16 A. Well, the confession I don't think was a confession in  
17 the sense of saying that he meant it. This is what --

18  
19 THE CHAIR: Q. I don't understand this. I don't  
20 understand this. Someone says to you that they accept that  
21 they committed what amounts to a serious crime - correct?  
22 And you say they might do that, confess to a serious crime,  
23 to avoid a situation. I do not understand. Can you help  
24 me to understand what you mean by that?

25 A. A person may say things - whether to get around  
26 something or not - and then deny it later, or, "Well, try  
27 and prove it" - it was that manner, it was the manner,  
28 perhaps, that we needed to follow through to make  
29 absolutely sure that - because if a person says that and  
30 then backs away from it later, we are left stranded, and  
31 the victim is also left stranded, and we found that to be  
32 the case with what proceeded after that, with the courts,  
33 where even they found it difficult to go through a number  
34 of times, to get him to admit to that, and even then, they  
35 found that he wouldn't do that. So this is what we were  
36 faced with, I feel. I can't speak for the other members,  
37 but we needed to follow through to substantiate that  
38 thoroughly and make sure absolutely that it was absolutely  
39 true. That's the way I would comment on that reason.

40  
41 Q. Is this your own thoughts, or is this how the  
42 Jehovah's Witnesses decide issues?

43 A. Well, we need to find the evidence, your Honour, on -  
44 a person may say --

45  
46 Q. But are these your own thoughts, or are these how the  
47 Jehovah's Witnesses generally conduct their inquiries?



1 A. This is our guidelines that we need to follow through  
2 and substantiate that, yes.  
3  
4 Q. So even when someone confesses to a serious crime, you  
5 don't accept that and make a finding based upon  
6 a confession?  
7 A. No, I think in certain circumstances we may have  
8 doubts as to the truthfulness of this person who is in a  
9 situation of lying already. We found him time and time  
10 again to either say things, deny things, and so on and so  
11 forth, and we had a battle to try and make something  
12 concrete in his case, and this is why - you have seen that  
13 in the reports - that he continued - we put that charge of  
14 deliberately lying. And that's serious. That, in itself,  
15 can disfellowship a person.  
16  
17 Q. It may be serious, but sexual assault of a child is  
18 very serious, isn't it?  
19 A. It is.  
20  
21 Q. And here you had an account of what happened from  
22 a person who you have told this hearing you believed. You  
23 also had a confession from the person who was alleged to  
24 have committed the act, and you tell me that the rules of  
25 the Jehovah's Witnesses didn't allow you to make a finding  
26 based on that material; is that right?  
27 A. No, that's not correct, your Honour. We have someone  
28 that we believed what she said. We have another person who  
29 lies about what they said. He may say certain things, but  
30 we have no proof that we can believe this character,  
31 because he has a reputation of lying. So --  
32  
33 Q. Why couldn't you believe what he said based upon the  
34 fact that you accepted the truth of what the woman had  
35 said? Why wasn't that enough?  
36 A. Because we still need at least two witnesses to  
37 a matter, to - but reliable witnesses, I suppose we would  
38 need to say, to actually substantiate those charges, or to  
39 make a charge stick.  
40  
41 MS DAVID: Q. It is separate, isn't it? You are not  
42 authorised by the scriptures to take congregational action  
43 unless there is a confession or there are two credible  
44 witnesses?  
45 A. Mmm, yes.  
46  
47 Q. That's the position, just to be clear?

1 A. It is the position, yes.

2

3 Q. You just changed that in your previous answer. See,  
4 isn't it the situation that you are reluctant, aren't you,  
5 to make findings of such a nature against a brother who  
6 holds a senior position within the congregation?

7 A. No. Why would we try and hide him from a crime?

8

9 Q. Well, isn't it the case that within the Jehovah's  
10 Witness faith, you are of the belief that ministerial  
11 servants and elders are appointed by the holy spirit -  
12 isn't that the case?

13 A. Correct.

14

15 Q. And that the ministerial servant - [BCH] was  
16 a ministerial servant.

17 A. Yes, he was.

18

19 Q. And he was a person, therefore, who was regarded  
20 within the congregation as someone to be looked at highly?

21 A. No, we don't see it as "highly".

22

23 Q. Don't you see that appointments by the holy spirit is  
24 a rather special position within the congregation?

25 A. It is more of a slave than a position. It's not as if  
26 we hold some dignified role or dress differently or  
27 whatever. We are there to work, you could say, as  
28 shepherds, to care - to try and care for their needs and to  
29 help them.

30

31 Q. Just coming back to the appointment process, the  
32 appointment process, you believe, is that you are appointed  
33 to those positions by the holy spirit - isn't that the  
34 case?

35 A. One has to go through a process of defining that. One  
36 has to have the qualities, first, so it may take some time  
37 for them to demonstrate that, first, before they are  
38 recommended to that.

39

40 Q. That's right. So once they are recommended by the  
41 holy spirit - and it is really that, isn't it, an  
42 appointment by the holy spirit?

43 A. Well, we - as a congregation, we recommend that that  
44 person be appointed. We send that recommendation to the  
45 branch. They look at that situation. They pray over it.  
46 They look at the whole record and they decide when that  
47 person is appointed or not. We, in a local atmosphere,

1 don't do that.

2

3 Q. Did you have any involvement in the appointment -  
4 recommendations or appointment of [BCH] at all?

5 A. No.

6

7 Q. But you would agree, wouldn't you, that to find out  
8 that a brother had in fact - a person who was appointed by  
9 the holy spirit as a ministerial servant - would call into  
10 question your processes somewhat, wouldn't it?

11 A. No, I don't see why. What we need to do, then, as  
12 elders - and there is usually a body that is involved in  
13 the congregation - is monitor even each other. If one of  
14 those appointed men is displaying a particular sin or  
15 a weakness in a certain regard, that help would be given  
16 before he reaches a time where - before he can't be turned  
17 back. But if he continues in that course, then we can  
18 recommend his removal.

19

20 Q. But you would agree, though, wouldn't you, that it  
21 calls into question how people are appointed to these  
22 particular positions? It calls into question the process  
23 or the rigour of the process, doesn't it?

24 A. No, it doesn't.

25

26 Q. That people are appointed incorrectly?

27 A. No. No, it doesn't happen that way. We need to  
28 follow the guidelines that the scriptures proceed, for  
29 example, in the letters to Timothy, there is a whole list  
30 of things that those who do the appointments would go  
31 through, and the elders who go through that process would  
32 need to look at.

33

34 Q. You see, I want to suggest to you that the purpose of  
35 the committee or the interrogation - and I would like to  
36 call it an interrogation - of [BCG], during the committee  
37 process, is partly designed to test her against a person  
38 who is considered to be an esteemed member of your  
39 congregation?

40 A. I didn't quite understand what you meant by that.

41

42 Q. The process of interrogation is to protect the  
43 members, the elders, and the ministerial servants of your  
44 congregation?

45 A. Why would we want to do that, if I may ask?

46

47 Q. Because it's the case, isn't it, that women should be

1 subjective to men, in your religion, shouldn't they? They  
2 should defer to men?

3 A. They are directed by the Bible in its principles to  
4 act on a role that he has qualified for them. That doesn't  
5 mean subjection in a sense of "do as I say".  
6

7 Q. It means to defer to men, doesn't it?

8 A. It defers to the authority of certain men, yes.  
9

10 Q. When you said yesterday that [BCG] was very brave in  
11 the committee meetings, what did you observe about her that  
12 made you conclude that she was brave?

13 A. Look, it's not an easy - reading - you see, reading  
14 our articles and the direction from the branch on those  
15 things, and there are Awakes! and Watchtowers that acquaint  
16 us with the pain and the suffering that a person goes  
17 through and how they may feel, and even as a father one  
18 would imagine my own daughter, who was about the same age  
19 as [BCG] - to be able to stand up and tell the elders how  
20 she felt, it wasn't - it wouldn't have been easy at all for  
21 her. As a father, I felt - I felt for her and I could see  
22 that she took her time. We encouraged her to just relax,  
23 take her time, no matter how long it took, that as long as  
24 she felt comfortable with telling us - because she wanted  
25 to explain what had happened to her. And I believe we did  
26 that, we wanted to allow her that time. But I felt that  
27 she also had courage to be able to do that, to explain  
28 those feelings and the hurt and the pain and every detail  
29 that she went through of what her father did to her, which  
30 I guess brought out in me certain feelings of anger,  
31 perhaps.  
32

33 Q. Anger towards --

34 A. Him.  
35

36 Q. -- [BCH]?

37 A. Him, yes, the father.  
38

39 Q. But yet you chose not to do anything about it?

40 A. Well, my own feelings put aside, I still need to deal  
41 on a rational basis, keeping those feelings and knowing  
42 what she was going through. These are serious - one cannot  
43 ignore that. I know I spent some sleepless nights knowing  
44 things like that afterwards, as we dealt with her case.  
45

46 Q. You mentioned that in your statement, that you spent  
47 some sleepless nights, but none of that translated into any

1 action to give her - to give [BCG] any support, did it?  
2 A. No, it did. It did. Because the other two brothers  
3 who were closer, as a family, were doing everything to  
4 house and protect her. There was a neighbour that lived  
5 close to the family that also took her in.  
6

7 Q. You see, I want to suggest to you that she wasn't  
8 immediately removed from the environment in which she had  
9 been abused, was she? I am suggesting to you that, also,  
10 her father had ready access to her?

11 A. Well, my understanding at the time, that it was very,  
12 very quick, though, that that was given - very, very  
13 quickly.  
14

15 Q. And I also want to suggest to you - well, it is quite  
16 clear, isn't it - the young children weren't removed - the  
17 other sisters weren't removed from access to the father  
18 where he might further abuse them, were they?

19 A. They weren't removed, no.  
20

21 Q. No steps were taken, in fact, were they?

22 A. No - sorry?  
23

24 Q. No steps were taken to protect either [BCG] or any of  
25 her sisters?

26 A. Well, I wouldn't say that, because now the mother also  
27 was involved, and what we normally do, if things progress  
28 very quickly to that, is to make her know that these things  
29 have taken place and to make some steps about protecting  
30 her children as well. Again, even she had the right to go  
31 to the police about what her daughter had gone through  
32 against her husband, if she so desired.  
33

34 Q. You were aware that [BCG]'s mother, in fact, was aware  
35 of the abuse, had been aware of the abuse for some time,  
36 weren't you?

37 A. She may have been, yes.  
38

39 Q. But she took no steps to protect her children,  
40 notwithstanding her knowledge of the abuse?

41 A. Possibly, and that's a pity, if she did that.  
42

43 Q. You were aware of that at the time, weren't you?

44 A. But I - yes, but it was still an unsubstantiated - we  
45 needed to still follow through to prove that that's what he  
46 did to other children. But from - as my memory recalls, we  
47 took the steps that were open to us to try and acquaint

1       them with that danger.

2

3       Q.   Wouldn't you view going to the police as a system that  
4       would in fact assist you with ministering your faith, in  
5       this way: I want to suggest to you that if you had gone to  
6       the police, wouldn't it have been the case that they would  
7       have been able to properly investigate the nature and  
8       extent of the crime that was alleged?

9       A.   And that's why the abuser - the abused, or anybody in  
10      that family, had the right to do so.

11

12      Q.   But wouldn't it have been in your interests - wouldn't  
13      it have enabled you to better attend to the spiritual needs  
14      of both the accused and the accuser, if you had some other  
15      system which would have enabled you to have a better  
16      understanding of the nature of the crime that you were  
17      dealing with?

18      A.   And I think we have that now, we have that help. But  
19      back then, in 1988/1989, such was the case where we felt we  
20      took the appropriate steps, and you mentioned the police.  
21      That was a right that the family could follow through on.  
22      And we dignified that right. I mean, would we be stepping  
23      out of line? What if the person then didn't want that?

24

25      Q.   The situation is that the whole process of the  
26      committees has nothing to do with protecting a victim, does  
27      it?

28      A.   The interests of?

29

30      Q.   The process of the committee has nothing to do with  
31      protecting the victim of a crime, whether it is sex abuse  
32      or any other crime, does it?

33      A.   That's incorrect.

34

35      Q.   Because isn't the primary purpose of your committee to  
36      restore - in every situation where guilt is established the  
37      primary endeavour of the overseers is to restore the  
38      wrongdoer. Isn't that what it's all about? It's really  
39      about restoring the wrongdoer to come back to Jehovah,  
40      isn't it?

41      A.   We would like that to happen. But the - we also need  
42      to read the rest of that, where it says if a person does  
43      not have that intention, does not care to, then that - they  
44      will be dealt with.

45

46      Q.   But the point of my question is this: isn't it the  
47      case that it has nothing to do with support or finding

1 justice for a person who has been abused, for example?

2 A. No --

3

4 Q. The process has nothing to do with that, does it?

5 A. Of course it has. Of course it has. It's all part  
6 and parcel of finding facts and proving that, and then  
7 allowing that individual to follow through with any  
8 authority that he or she chooses to. But it's not within  
9 our capability or authority to override that and say,  
10 "I will do that. I don't care what you say." That would  
11 be up to that person to follow through with that course.  
12 That's my understanding.

13

14 Q. You would have to concede, though, wouldn't you, that  
15 you are completely ill-equipped, as an organisation, to  
16 protect victims such as [BCG]?

17 A. I disagree.

18

19 Q. In what ways do you say you are equipped to assist  
20 them - protect them?

21 A. Because we have the directions through our  
22 publications, through letters, through the schools that we  
23 attend every two years; we have visiting brothers or  
24 representatives called circuit overseers; we had district  
25 overseers who would visit every six months, and so forth,  
26 that we could discuss further or ring at any time, if we  
27 needed some little clarification on whatever we needed to  
28 do. So we had all the help that was available to  
29 understand and follow through on the guidelines that we had  
30 at that time.

31

32 Q. You talk about follow through, but you don't actually  
33 say what you actually do, because I want to suggest to you  
34 that at no stage did anybody from your congregation even  
35 try to assist [BCG] by giving her some spiritual guidance  
36 through the scriptures, by talking to her about the  
37 scriptures, how she might feel better about herself after  
38 her abuse. No-one did that.

39 A. There was a lot of follow-up. After what she went  
40 through, there was a lot of follow-up. There was a lot of  
41 interaction with certain families, and you will find that  
42 once Kevin or Ron are here - you will probably - because  
43 they were closer. I know that they did follow through with  
44 visiting and supporting her in every way, even with any  
45 activities that came from after that.

46

47 Q. You personally did not, and have no personal or direct

1 knowledge of her being given any guidance through the  
2 scriptures, do you?  
3 A. Yes, yes, yes.  
4  
5 Q. You were never present when she was given any guidance  
6 by the scriptures, were you?  
7 A. I think the notes, probably, in the next meeting that  
8 we had - there were many articles, I think, that were  
9 quoted there that suggest that.  
10  
11 Q. Outside of the committee meetings, there was no  
12 guidance given to her from the scriptures, was there?  
13 A. I can't recall myself doing that, no.  
14  
15 Q. And at no stage did you ever tell her that you  
16 believed her, did you - that you believed that what she  
17 said about the allegations against her father was true?  
18 A. I don't recall ever saying I don't believe her.  
19  
20 Q. No, my question was: you never told her that you  
21 believed her, did you?  
22 A. I can't recall that but - no.  
23  
24 Q. You never told her that you thought she was brave for  
25 coming forward, did you?  
26 A. I thought I did. I believed I did.  
27  
28 Q. Did you ever tell her that it wasn't her fault?  
29 A. Of course. It's something that she - she is a victim.  
30  
31 Q. Well, I'm suggesting to you that at no stage did you  
32 ever say to her, "It was not your fault."  
33 A. I believe we did.  
34  
35 Q. You see, were you aware of the gossip that was going  
36 around at the particular time, where people in the  
37 congregation were accusing her of lying?  
38 A. No.  
39  
40 Q. You weren't aware of that in your small congregation?  
41 A. That others were accusing her?  
42  
43 Q. Yes. There was gossip about her, that she had been  
44 telling lies?  
45 A. I can't recall that, no.  
46  
47 Q. After she attempted to commit suicide, obviously that



1 would have alerted you to the extreme distress that she was  
2 experiencing? You are aware that she attempted suicide  
3 some months --  
4 A. I can't recall that.  
5  
6 Q. You can't recall?  
7 A. No.  
8  
9 Q. So you certainly don't, then, recall giving her any  
10 comfort or guidance after that incident?  
11 A. I can't recall myself personally being involved in  
12 that. The other brothers, of course, did, because their  
13 families were closer --  
14  
15 Q. You don't have any recollection and you don't know  
16 what your other brothers did in relation to that, do you?  
17 A. Yes, I do.  
18  
19 Q. You just said a moment ago that you didn't even know  
20 that it occurred.  
21 A. No, but I know the support that they gave her, and the  
22 comfort, too, of taking her into their homes.  
23  
24 Q. During the judicial committee process, there was  
25 a period where you all individually questioned her -  
26 separately - do you recall doing that, with [BCG]?  
27 A. No, we were all together.  
28  
29 Q. I am suggesting that there was a period, wasn't there,  
30 that you all, separately, had the opportunity to question  
31 her without the others?  
32 A. No. No, that didn't happen. Our judicial meetings  
33 are always together, the three elders, whoever they may be.  
34 That is the process.  
35  
36 Q. You were testing her for inconsistencies, though,  
37 weren't you, when you were conducting your inquiry?  
38 A. Can you give an example of that.  
39  
40 Q. I'm just asking you: you were testing her for  
41 inconsistencies --  
42 A. No.  
43  
44 Q. -- by asking her repeatedly to tell her story?  
45 A. No. If we needed to clarify something and put that in  
46 place so that we could better understand, that would be the  
47 only occasions that we would ask those - that particular

1 question. But not - we wouldn't ask repeatedly if we  
2 already knew that it happened - why - there would be no  
3 sense of us doing that.

4  
5 Q. But you would agree, anyway, in the event that through  
6 seeking clarification, you were satisfied, then, that  
7 whatever she said - that her story was a consistent story  
8 and that it was a believable story?

9 A. Yes, we wanted to - we wanted to now make - ensure  
10 that, so that if we needed to follow up with the father,  
11 that we had - we had some of what happened in detail so  
12 that we could then follow through with that, too. But  
13 never - never to question [BCG] on her - whether we  
14 believed her or not. That's - that would be not correct.

15  
16 Q. Do you still have your notes in front of you that you  
17 had made of those meetings - the handwritten notes?

18 A. The handwritten notes of the meeting - yes.

19  
20 Q. Can you please turn to page 5 of those notes?

21 A. Yes.

22  
23 Q. If you could please turn to the bottom of page 5, do  
24 you see there that it says this - it has "[BCH]", "[BCG]"  
25 and "[BCI]". So that relates to [BCG] and both her  
26 parents?

27 A. Okay, yes.

28  
29 Q. If you look down, it says "when faced and hears  
30 accusations; denies all", at this point. And then it says:

31  
32 *Says all part of parental training and yes*  
33 *kissed on mouth and hugged tightly but*  
34 *that's all!*

35  
36 Did you counsel him about the appropriateness of that sort  
37 of parental training?

38 A. Well, some cultures do do that.

39  
40 Q. So kissing on the mouth and hugging in a way that  
41 clearly [BCG] considered to be inappropriate and  
42 frightening to her, you consider that to be appropriate  
43 parental training?

44 A. Not with everybody. Not with everybody. I'm - to  
45 explain, I'm an Albanian by birth. My parents were  
46 Albanian, so they are from Europe. There are cultures  
47 there where children and parents do kiss, as such. It

1 means affection and it is taken as such. And that's why in  
2 answer to you that even here, within our own area,  
3 Australia, country of Australia, we have cultures who do  
4 follow through that - with that. He was a person of  
5 Hungarian --  
6

7 Q. In Queensland, or in Australia, would you not consider  
8 that such a kissing of the mouth in a manner that clearly  
9 constituted an affront to the person being kissed would  
10 constitute some kind of an indecent assault?

11 A. I would, that in - now, yes, that would be considered  
12 by many as that, yes.  
13

14 THE CHAIR: Ms David, I think we might take the morning  
15 adjournment.  
16

17 MS DAVID: Yes, sorry, your Honour.  
18

#### 19 SHORT ADJOURNMENT 20

21 MS DAVID: Thank you, your Honour, I just have a few more  
22 brief questions.  
23

24 I don't think I stated for the record, your Honour,  
25 initially, that I am Ms David, appearing for [BCG], and  
26 I apologise for that, and also to Mr Ali.  
27

28 Q. Mr Ali, I asked you a few questions before morning tea  
29 in relation to a meeting whereby I suggested to you that  
30 you came in to the meeting - sorry, that you questioned  
31 [BCG], one at a time, at one particular meeting. Have you  
32 had an opportunity to see [BCG]'s statement since  
33 yesterday? I know you said yesterday that you hadn't read  
34 it?

35 A. No, I haven't.  
36

37 Q. Could you be shown a copy of statement 1, please,  
38 paragraph 43. Could you please read that paragraph?

39 A. Out loud?  
40

41 Q. Yes, the first - paragraph 43. That is the statement  
42 of [BCG].

43 A. Read to myself, do you mean?  
44

45 Q. Yes, just read it to yourself - really, the first two  
46 sentences or the first three sentences. So [BCG] suggests  
47 that that did happen, in fact. So I'm suggesting to you

1 that during the course of this process, she was asked  
2 questions by each of you separately, when you were alone  
3 with her - each of you separately?  
4 A. That's incorrect.  
5  
6 Q. You haven't read the statement of [BCG] up until this  
7 point, have you?  
8 A. No.  
9  
10 Q. Is there a reason for that?  
11 A. Do I need to? I'm not sure.  
12  
13 Q. Well, do you not think that reading the statement of  
14 a person who has made such an allegation, a victim of child  
15 sexual abuse, or sexual abuse - it would help to understand  
16 the position of a person such as [BCG]?  
17 A. I'm not sure what to say to that. I mean, that is  
18 something that the courts went through and dealt with at  
19 that time.  
20  
21 Q. What I'm asking you is would not it assist you to  
22 understand the plight of a victim of sexual abuse?  
23 A. I can read what's on that page and I appreciate you  
24 allowing me that opportunity to do that, but - I'm not  
25 sure --  
26  
27 Q. Mr Ali, I'm simply suggesting to you, do you not agree  
28 with the proposition that it would assist you to understand  
29 how victims of sexual abuse feel if you actually took some  
30 time to read statements from victims that were available to  
31 you?  
32 A. We have done that, or I have done that.  
33  
34 Q. But you didn't bother to read --  
35 A. Not this particular one, but there have been other  
36 cases that have been recorded, and how they felt and what  
37 circumstances they faced, and I appreciate the  
38 circumstances more.  
39  
40 THE CHAIR: Q. Just go to paragraph 44. Do you see that  
41 on the screen?  
42 A. Yes.  
43  
44 Q. Can you read that for me, please?  
45 A. Yes.  
46  
47 Q. Now, you understand what she is saying?

1 A. Yes.

2

3 Q. Do you now understand that to require a young woman to  
4 confront three males, who are friends of her father, to  
5 make allegations or bring allegations that her father has  
6 sexually abused her, was a very difficult process?

7 A. It was.

8

9 Q. It's not appropriate, is it?

10 A. That's the guidelines that we follow.

11

12 Q. It's not appropriate. As a way of receiving  
13 allegations from a young woman about sexual assault by her  
14 father, do you think, now, that it is appropriate that she  
15 be required to confront three men who are friends of her  
16 father, and there is no-one else present?

17 A. I think, under the circumstance and the guidelines,  
18 yes, I still feel it's appropriate, because of the fact of  
19 what we represent.

20

21 Q. Leave aside the guidelines. You see what she is  
22 saying. Do you understand what she is saying?

23 A. I understand what she is saying, your Honour.

24

25 Q. Do you think it's appropriate - leave aside the  
26 guidelines. Do you think it's appropriate to have a system  
27 which requires a woman, a young woman, when making  
28 allegations of sexual assault by her father, to speak with  
29 three men who are friends of her father's, and no-one else  
30 is present?

31 A. Yes, it is appropriate.

32

33 Q. Why?

34 A. She was requested or asked if she would like to do  
35 that, and she was quite agreeable to do that. How  
36 difficult it was for her - thus, my reason for saying that  
37 she is a very courageous person in following through with  
38 that. But she was requested if she would like to be part  
39 of the judicial committee to explain, and she agreed with  
40 that. Her feelings in that - in that instance, is -  
41 I recognise - I feel very much for what she had to go  
42 through, even more so. While I'm not in that situation,  
43 I do appreciate that.

44

45 Q. She had no choice. The only system that you made  
46 available to her, if she was to pursue the allegations, was  
47 this one, wasn't it?

1 A. Yes, it was, but we --  
2  
3 Q. There was just no choice. In your organisation, there  
4 was no choice?  
5 A. There is a choice, your Honour.  
6  
7 Q. What's the choice?  
8 A. The choice is that she is asked to come. But nobody  
9 is ever forced into that process.  
10  
11 Q. Very well. You see the last sentence:  
12  
13 *I didn't really offer the full detail of*  
14 *the sexual abuse.*  
15  
16 Do you understand what she is saying?  
17 A. Yes.  
18  
19 Q. What she is saying is because she had to confront the  
20 three of you, who were friends of her father's, she felt  
21 unable to detail the full extent of the sexual abuse - do  
22 you understand that?  
23 A. I understand that.  
24  
25 Q. Do you accept that as being a true position?  
26 A. On her behalf, yes, I understand what she would have  
27 gone through that way.  
28  
29 Q. Do you accept that that demonstrates a serious flaw in  
30 your process?  
31 A. No, I still maintain that because she had a choice -  
32 she didn't need to unless she was - she wanted to come and  
33 explain what she was going through. We do not force her to  
34 do that. I know how difficult - I understand how difficult  
35 it was for her.  
36  
37 Q. Your church requires people to report allegations or  
38 experiences of misconduct by members of the church, doesn't  
39 it?  
40 A. True.  
41  
42 Q. Requires. So she had an obligation to report, didn't  
43 she?  
44 A. Yes, she could report it. But whether she chose to  
45 come into that particular process herself or just simply -  
46 she's requested to come into that room and be part of that  
47 process.

1  
2 Q. How would she be faithful to her obligation to bring  
3 the allegation unless she came and spoke to you three men?  
4 A. Yes, that is a process --  
5  
6 Q. How could she do it otherwise?  
7 A. That is a process we need to take, and perhaps there  
8 may be other ways in which that can happen, but we still  
9 needed to understand, and she obviously wanted to, because  
10 she approached us to do that.  
11  
12 Q. But if she was to be faithful to her obligation to  
13 report the misconduct to the elders, she had to confront  
14 the three men who had been assembled, didn't she?  
15 A. With much reassurance - yes, I agree.  
16  
17 Q. And you still think that's an appropriate process for  
18 a young woman who is bringing allegations of sexual assault  
19 by her father, do you?  
20 A. I believe it's a step in understanding the process of  
21 what happened. It's - I understand how difficult it was  
22 for her.  
23  
24 Q. But what she is saying to you is, because of the way  
25 this process was conducted, she wasn't able to tell you all  
26 that she could have told you about what happened to her.  
27 Do you understand that?  
28 A. True, true. I understand that.  
29  
30 Q. So the three of you weren't actually receiving the  
31 whole story, because the process wouldn't allow it. Do you  
32 understand that?  
33 A. I understand that, too.  
34  
35 Q. Well is that not suggesting to you there is a flaw in  
36 the process?  
37 A. No. What it suggests to me, that we become aware of  
38 how difficult it can be and try and be as patient, without  
39 any force applied, but being patient and kind and showing  
40 some compassion in that regard, hopefully, then, that may  
41 help a little bit in doing that. But she - we understand  
42 she has gone through a terrible, terrible ordeal.  
43  
44 Q. Well, that's undoubtedly true. Did you show her the  
45 full compassion that you could show her at the time?  
46 A. We believed we did, yes.  
47

1 Q. But, still, you realise she wasn't able to give you  
2 the full detail?  
3 A. Yes, initially that was the case. But as the process  
4 went on, it got to the stage where she could talk about it,  
5 to the extent that she could, and it was commendable that  
6 she could do that, and it wasn't just the first time -  
7 there was probably a number of times that she did that, and  
8 that's why I say that she continued to do what she could to  
9 help us appreciate that - the gravity of that horrible act.

10  
11 THE CHAIR: Yes.

12  
13 MS DAVID: Q. You have described [BCG] as courageous and  
14 as brave?

15 A. I do.

16  
17 Q. And you have just stated in your evidence that that  
18 enabled her to ultimately give her story, through that  
19 process?

20 A. Any young - at that age, yes, it would be. Yes,  
21 I admire. I admire that.

22  
23 Q. Do you agree that a person who was a timid person  
24 would have absolutely no hope of finding a voice within  
25 that process, would they?

26 A. I doubt that.

27  
28 Q. They would have no chance, would they?

29 A. No, no, that's not what I meant.

30  
31 Q. Well, isn't it the case that you need to be brave, you  
32 need to be courageous, to even get to a point where you can  
33 tell your story in your committee process?

34 A. Well, from [BCG]'s own expressions there, how  
35 difficult it was for her, that's something that we want to  
36 realise even more so, but it doesn't - it doesn't prevent  
37 a person from continuing to come forward, and she did.

38  
39 Q. But do you not agree that such a process would cause  
40 a timid person great fear and very likely result in them  
41 not voicing the abuse that they were experiencing?

42 A. I can't answer that. I'm not sure what a person may  
43 feel in being timid. Each personality is different. But  
44 I'm sure that some way could be found to overcome that and  
45 relate whatever needs to be in that case.

46  
47 Q. But isn't it the case that it's most likely that you



1 would never hear about it, because they would be too timid  
2 to step forward?

3 A. This is a decision that each person takes. I just do  
4 not know how to answer that question.

5  
6 MS DAVID: Nothing further, thank you.

7  
8 <EXAMINATION BY MR COYNE:

9  
10 MR COYNE: Q. My name is Coyne. I represent Mr Ali and  
11 others in these proceedings. Mr Ali, in 1989, how long had  
12 you known [BCG]?

13 A. I was in the congregation, baptised in 1981. I'm not  
14 sure if they were there at that time, but it would be  
15 probably just a couple of years.

16  
17 Q. How well did you know [BCG] at that time?

18 A. We didn't socialise to that degree; we were part of  
19 the congregational group that were always meeting together,  
20 two or three times a week.

21  
22 Q. In 1989, was [BCG] engaged?

23 A. I think she was engaged.

24  
25 Q. And that was to [BCJ]?

26 A. Yes.

27  
28 Q. Did you know him?

29 A. We knew him.

30  
31 Q. What role, if any, did [BCJ] have in supporting [BCG]  
32 in these proceedings?

33 A. He was there all the time. She confided in him and he  
34 always made himself available during the process.

35  
36 Q. So whilst not present within the room, he was on and  
37 around the premises?

38 A. He was just outside that door, yes.

39  
40 Q. I want to ask you about these notes. Do you still  
41 have a copy of them in front of you?

42 A. Yes.

43  
44 Q. Those notes were prepared by yourself?

45 A. Yes.

46  
47 Q. Is it your handwriting throughout it?

1 A. It appears to be my handwriting.  
2  
3 Q. Were they all prepared on the same day, or on  
4 different days?  
5 A. Different days.  
6  
7 Q. The first date that appears there on page 1 is 1 June  
8 1989; do you agree with that?  
9 A. That's correct, yes.  
10  
11 Q. The last date, at page 15, being 19 July 1989 - would  
12 you agree?  
13 A. Yes, yes.  
14  
15 Q. It's headed "Notes of investigating committee"?  
16 A. That's correct.  
17  
18 Q. Was the purpose of that particular investigating  
19 committee to investigate allegations of adultery against  
20 [BCH]?  
21 A. Correct.  
22  
23 Q. Is it the case that the first three pages of those  
24 notes relate to that investigation?  
25 A. Perhaps a bit more.  
26  
27 Q. On page 4, allegations have been made in relation to  
28 the subject of these proceedings?  
29 A. Correct.  
30  
31 Q. Then, at page 5, it details his response to those  
32 allegations, and it says:  
33  
34 *When faced and hears allegations; denies*  
35 *all.*  
36  
37 A. He did, yes.  
38  
39 Q. It says:  
40  
41 *All part of parental training and, yes,*  
42 *kissed on mouth and hugged tightly but*  
43 *that's all.*  
44  
45 It says:  
46  
47 *That [BCG] asked questions about subject.*

1  
2  
3  
4  
5  
6  
7  
8  
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46  
47

Then it says:

*On looking into shower - walking past perhaps? and remembers [BCI] was home.*

It says:

*Chasing [BCG] to [another person's place] - playing with bucket of water!*

And then it says:

*Breaking down bath door? - hurry to bathe as glasses may have been in there (despite nakedness of [BCG]).*

So that's your record of his response to the specific allegations at that time.

A. It appears that's the case, yes.

Q. Throughout that meeting, at all times he denied the allegations?

A. He did.

Q. And gave an explanation of them?

A. That's correct.

Q. If we then move over to the next page, page 6, you will see about two-thirds of the way down it says "End of meeting".

A. Yes.

Q. On the next page, page 7, halfway down, it says "That day" and then, after that, it says "That night". So that's detailing ongoing investigation carried out by the committee; is that correct?

A. That's correct.

Q. If we could bring up tab 3, please. Is tab 3 the response of your original investigation, which was into his alleged adultery?

A. That's correct.

Q. And that's your result of that?

A. That's the result.

1 Q. And it recommended disfellowshipping?  
2 A. It does.  
3  
4 Q. Continuing on with your notes, on page 8, it has  
5 a date of 3 June, and then also at the bottom of the page,  
6 on 3 June, it says, "Go and see" another person, who is not  
7 connected with these allegations in any case; is that  
8 correct?  
9 A. That's correct.  
10  
11 Q. Then at page 9 it says:  
12  
13 *31 May. Met as a judicial committee. With*  
14 *the father and with --*  
15  
16 that other person?  
17 A. That's correct, yes.  
18  
19 Q. By the way, the numbering of the pages - is that your  
20 numbering?  
21 A. I believe it could be, yes. I'm not sure.  
22  
23 Q. At page 10, the date 12/6/89; correct?  
24 A. That's correct.  
25  
26 Q. Page 11, the date at the bottom is 17 June, "Met with  
27 [BCG] and her mother"?  
28 A. Yes.  
29  
30 Q. Page 12, the date is 28 June 1989.  
31 A. Yes.  
32  
33 Q. You met as a committee with the North Cns elders?  
34 A. Yes.  
35  
36 Q. Is that right?  
37 A. North Cairns. That's an abbreviation.  
38  
39 Q. Halfway down that page:  
40  
41 *Met on 10/7.89 to discuss*  
42 *disfellowshipping.*  
43  
44 A. That's correct.  
45  
46 Q. Just move forward a few pages. At the bottom of  
47 page 14, it says:

1  
2           *[REDACTED] has admitted to all things and*  
3           *has said that whatever [BCG] has said re*  
4           *molesting was true.*

5  
6 Do you see that?

7 A. That's what it says.  
8

9 Q. Do you know what date that was written?

10 A. I don't have a date there, I don't think. No, there's  
11 no date that I can see that I've written there.  
12

13 Q. Do you know what date that was said?

14 A. What day it was said?  
15

16 Q. What date he actually made that admission?

17 A. I couldn't - I couldn't put a date to that, no, I'm  
18 sorry.  
19

20 Q. The next date in this document is 19 July - this is  
21 page 15. It says to discuss with someone "our decision to  
22 publicly reprove"; correct?  
23

24 A. Is that page 15?  
25

26 Q. Page 15, at the top.

27 A. Because I've got another blank before that. Sorry,  
28 could you repeat that?

29 Q. It says there - sorry. Actually, I will backtrack  
30 a page. If I could just take you to the bottom of it - it  
31 is undated, but it must be page 15. Do you see that?  
32

33 A. The page doesn't have a number?  
34

35 Q. It says at the bottom "19/7/89" --

36 A. That's the one, yes.  
37

38 Q. "[REDACTED] APPEALS, fax to Kevin".

39 A. That's right.  
40

41 Q. It's dated 19 July 1989?

42 A. Mmm.  
43

44 Q. If we could bring up tab 5, please. You have noted  
45 there it is 19 July, and then this next document is in  
46 relation to the appeal committee.  
47

A. Yes.

1 Q. Can you see that?  
2 A. Yes.  
3  
4 Q. That's dated 23 July.  
5 A. That's correct.  
6  
7 Q. You were present at that meeting?  
8 A. I was.  
9  
10 Q. It says there:  
11  
12 *Fresh evidence under questioning of*  
13 *witnesses and appellant produced further*  
14 *more serious reasons for disfellowshipping.*  
15  
16 A. Yes, I see that.  
17  
18 Q. Did you provide these notes to the police as part of  
19 their investigation?  
20 A. We did later, yes. .  
21  
22 MR COYNE: Thank you. Nothing further.  
23  
24 THE CHAIR: Mr Stewart?  
25  
26 **<EXAMINATION BY MR STEWART:**  
27  
28 MR STEWART: Q. Mr Ali, you gave these notes to the  
29 police quite some years later; am I right?  
30 A. Could you repeat that, please?  
31  
32 Q. You gave these allegations to the police quite some  
33 years later?  
34 A. When asked for, yes.  
35  
36 Q. Where were they in the meanwhile? Where were they  
37 kept or filed?  
38 A. We had - we used to keep files at the local hall,  
39 locked, but generally, we would send either a copy or a  
40 form to the branch.  
41  
42 Q. This particular set of notes, were they filed at the  
43 Kingdom Hall; is that what you are saying?  
44 A. Initially. Initially, after the - after our hearing  
45 and judicial committee, the personal notes that we had were  
46 given to the chairman of that judicial committee. I think  
47 they were filed in the - at the hall. At the hall, yes.

1  
2 Q. So they are not notes that you retained personally,  
3 and the police got them from you personally?

4 A. No, no.

5  
6 Q. Just on the question of [BCG] receiving support from  
7 her fiancée, perhaps you can have a look at the page after  
8 page 16, which is Ringtail 1499. If you can look at the  
9 copy in front of you, you can see the context in the notes.  
10 This occurs after 19 July, or possibly on 19 July, but, in  
11 any event, after the decision to disfellowship and the  
12 institution of the appeal, and they are notes about  
13 counselling various people and assisting them. Do you see  
14 that?

15 A. No, I can't - what page was that on, sorry?

16  
17 Q. I am looking at the reverse of page 16. The  
18 particular page is on the screen.

19 A. Okay.

20  
21 Q. But I was just wanting - before I ask you about that,  
22 for your own sake, for fairness, I want you to be able to  
23 see the context in which that appears. It appears after  
24 the last page that my learned friend Mr Coyne had shown  
25 you, which was the one at 15, which is headed "19 July  
26 1989", and discussing with some people, and then there are  
27 various pages in between discussing things with different  
28 people, and then we get to this page, and it has [BCG]'s  
29 name at the top - do you see that?

30 A. Yes.

31  
32 Q. And this appears to be a note of your counselling  
33 [BCG]; would that be right. It says, "To counsel", and  
34 then it has an initial, which is the first letter of her  
35 name. Do you see that?

36 A. [BCG] is mentioned a number of times. Is that the one  
37 you are talking about, on the page?

38  
39 Q. Yes. It says:

40  
41 *To counsel [BCG] --*

42  
43 so the person who did the redaction has perhaps --

44 A. Oh, yes, at the top of the page.

45  
46 Q. -- made the assumption that the capital letter, which  
47 actually appears there on the unredacted copy, is the first

1 letter in [BCG]'s name. It says:

2

3 *To counsel [BCG] on talking to many others*  
4 *(including writing letters to friends about*  
5 *situation).*

6

7 MR COYNE: That's not accurate, the reading of that.

8

9 MR STEWART: No, it's not. "On talking to many others" --

10

11 MR COYNE: "Too much".

12

13 MR STEWART: Q. Do you see that?

14

15 A. Yes, I see that.

16

17 Q. Are we to understand this as a note of what you

18

19 A. To talk to [BCG] about it.

20

21 Q. Yes.

22

23 A. Yes.

24

25 Q. So this is a note of what you had spoken to [BCG]

26

27 about?

28

29 A. Yes, to follow up - a follow-up on --

30

31 Q. Yes.

32

33 A. Yes.

34

35 Q. And so you counselled her against talking too much to

36

37 too many others; is that right?

38

39 A. It seems that way, yes.

40

41 Q. And you quoted a scripture to her, 1 Timothy 5:13?

42

43 A. Yes.

44

45 Q. That scripture was about not gossiping.

46

47 A. I believe so.

Q. Would you like to check, or do you accept --

A. I don't have a Bible, but --

Q. There is one at your elbow, but I can read it for

you --

A. Oh, okay.

Q. -- very quickly and easily, I think. It says:



1  
2           *At the same time they also learn to be*  
3           *unoccupied, going around from one house to*  
4           *another; yes, not only unoccupied but also*  
5           *gossipers and meddlers in other people's*  
6           *affairs, talking about things they should*  
7           *not.*

8  
9           That's at page 1591.

10          A.   Mmm. Yes, it talks about gossiping.

11  
12          Q.   And you told her that that scripture applies to her  
13               situation; is that right?

14          A.   It appears so.

15  
16          Q.   And then you say:

17  
18               *even talking of family matters to [her*  
19               *fiance] ...*

20  
21          And it says that's "unloving to other members"?

22          A.   Yes, I see that.

23  
24          Q.   Also, if you look at page 6 of the notes, do you see  
25               that it says:

26  
27               *[BCH] also stated that IF any "improper*  
28               *acts"*  
29               *- [BCG] looking for the opportunities!*

30  
31          Do you see that?

32          A.   I noticed that, yes.

33  
34          Q.   So I take it that's also what he told you - he took  
35               that position, if there was anything improper that  
36               happened, she was looking for it - looking for the  
37               opportunities?

38          A.   That's what he seems to have stated there.

39  
40          MR STEWART:   I have no further questions, your Honour.

41  
42          THE CHAIR:    Thank you, Mr Ali. Your evidence is  
43               concluded. You are excused.

44  
45          <THE WITNESS WITHDREW

46  
47          MR STEWART:    The next witness is Kevin Bowditch, and his

1 statement is at tab 4 of the statements.

2

3 Your Honour, I should have tendered the notes. They  
4 are, I'm told, redacted appropriately.

5

6 THE CHAIR: I will make the handwritten version  
7 exhibit 29-008.

8

9 **EXHIBIT #29-008 HANDWRITTEN NOTES PREPARED BY DINO ALI**

10

11 THE CHAIR: And exhibit 29-009 will be the typewritten  
12 copy of notes.

13

14 **EXHIBIT #29-009 TYPEWRITTEN COPY OF NOTES PREPARED BY DINO**  
15 **ALI**

16

17 THE CHAIR: Mr Bowditch, it is necessary for you to be  
18 sworn. Will you take an affirmation or an oath on the  
19 Bible?

20

21 MR BOWDITCH: I will take the oath.

22

23 <KEVIN DOUGLAS BOWDITCH, sworn: [12.32pm]

24

25 <EXAMINATION BY MR STEWART:

26

27 MR STEWART: Q. Mr Bowditch, will you state your full  
28 name for the record, please?

29 A. Kevin Douglas Bowditch.

30

31 Q. Do you have before you a copy of your statement to the  
32 Royal Commission?

33 A. Yes.

34

35 Q. Are there any amendments to that statement that is  
36 dated 12 July 2015 that you wish to make?

37 A. I don't think so.

38

39 Q. Do you confirm that the statement is true and correct?

40 A. Probably - the only thing that I can think of, I said  
41 in - somewhere - I think it's in my statement, I said I was  
42 the chairman of that committee. I wasn't the chairman.  
43 I think that's somewhere in there, anyway.

44

45 Q. Mr de Rooy was the chairman; is that right?

46 A. Yes.

47

1 Q. Subject to that, do you confirm the statement?

2 A. Yes.

3

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

5

6 THE CHAIR: It will be exhibit 29-010.

7

8 **EXHIBIT #29-010 STATEMENT OF KEVIN DOUGLAS BOWDITCH DATED**  
9 **12/07/2015**

10

11 MR STEWART: Q. You were baptised as a Jehovah's Witness  
12 in 1974; is that right?

13 A. No, 1964.

14

15 Q. I beg your pardon. You served as an elder in various  
16 congregations since the 1970s?

17 A. Yes.

18

19 Q. You were an elder in the Mareeba congregation in the  
20 period 1976 to 1994; is that right?

21 A. Yes.

22

23 Q. In that capacity, you served on the judicial committee  
24 that considered [BCG]'s allegations of child sexual abuse  
25 by her father?

26 A. Yes. Sorry, sir, I'm just having a bit of trouble  
27 hearing you. I haven't got real, real good hearing. But  
28 I'm okay.

29

30 Q. Any time you don't hear me, you just raise it with me.

31 A. I will.

32

33 THE CHAIR: Q. We can give you a device that will help  
34 you here, would you prefer that?

35 A. I wouldn't be used to it, so I will give it a go like  
36 this. But just if I ask to repeat something,  
37 your Honour --

38

39 Q. If you want a device, you just let us know.

40 A. Okay, thank you.

41

42 MR STEWART: Q. Your statement, at paragraph 1.6, says  
43 that from 1994 to the present, you've served as an elder in  
44 the Mossman congregation. That's Mossman in Far North  
45 Queensland; is that right?

46 A. I was - I was in the Mossman congregation, but I was  
47 not an elder from 1994 - that's a mistake on there - 1994

1 to 1998.

2

3 Q. That is recorded there, to be fair, Mr Bowditch, you  
4 say "apart from a period from 1994 to 1998" - yes.

5 A. Yes.

6

7 Q. Why were you not an elder in that period?

8 A. Why?

9

10 Q. Yes.

11 A. It was personal reasons, basically stress; it was  
12 suggested that I have a rest during that period of time,  
13 and I agreed with it.

14

15 Q. In paragraph 2.3 of your statement - it's there in  
16 front of you - you say that if a judicial committee - I am  
17 talking generally now, not about the specific case of  
18 [BCG], I will come to that in a moment. You say that if  
19 a judicial committee found a child sexual abuse wrongdoer  
20 repentant, he would lose privileges and be reproved; is  
21 that right?

22 A. That's point 2.3?

23

24 Q. Yes.

25 A. Yes.

26

27 Q. As I understand the point you are making it is this:  
28 if someone is found by a judicial committee to have  
29 committed serious wrongdoing, then, essentially, two things  
30 might thereafter happen: one, if they show repentance,  
31 they will be reproved; if they don't show adequate  
32 repentance, they will be disfellowshipped. Is that right?

33 A. That is true.

34

35 Q. Can you explain what are the considerations that you  
36 apply, in the judicial committees you have served on, in  
37 deciding whether someone has shown repentance or not?

38 A. There is a number of things. True repentance will be  
39 shown - are we talking about child molestation, are we  
40 using that as a base?

41

42 Q. You can use that as an example, yes.

43 A. Yes, yes. If that was the case, then the person - and  
44 every case is different, of course, but the person would  
45 need to show the person that they have abused  
46 consideration, apologise to that person, show that they in  
47 some ways - you know, it's more towards that person than

1 anything else, they would have to show that consideration.  
2  
3 Q. If they did that sufficiently to the judicial  
4 committee's satisfaction, then the person would be reprov'd  
5 rather than disfellowshipped?  
6 A. In some cases.  
7  
8 Q. Well, are there any factors other than adequate  
9 repentance, as you have described it, that a judicial  
10 committee will take into consideration in determining  
11 whether reprov'al or disfellowship is the appropriate  
12 remedy?  
13 A. Apparent repentance can be more than just words, and  
14 a person can use just words, but that may be not enough if  
15 the person, over a period of time, has shown that they have  
16 a tendency towards doing that - that wrong.  
17  
18 Q. Is it part of the considerations, in your experience,  
19 whether or not other children in the congregation will be  
20 at risk?  
21 A. Yes.  
22  
23 Q. How do you apply that to a decision on whether or not  
24 to reprove? How is that part of repentance?  
25 A. If they - well, you'd have to take that into  
26 consideration. If they were going to be a danger to the  
27 congregation, they would be removed. Is that what you are  
28 asking - or if they stay in the congregation?  
29  
30 Q. Well, I'm asking how it is you come to a decision  
31 about whether to reprove or not and what factors you take  
32 into consideration?  
33 A. That is one - one factor that is taken into  
34 consideration.  
35  
36 Q. So if you are not satisfied that this person will not  
37 offend again, then you won't reprove; you will  
38 disfellowship?  
39 A. Yes.  
40  
41 Q. And when a person is disfellowshipped, they then can  
42 still attend meetings, and so on, but under some  
43 restriction; is that right?  
44 A. Under a lot of restrictions.  
45  
46 Q. And members of the congregation cannot associate with  
47 them socially?

1 A. Socially or spiritually.  
2  
3 Q. But the person is still, otherwise, in the world and  
4 can associate with people outside of the church?  
5 A. Yes.  
6  
7 Q. And you don't take into consideration, do you, how  
8 people outside of the church might be kept safe from such  
9 a person whom you are not satisfied will not reoffend?  
10 A. If they were outside the church and they were a close  
11 friend, I would tell them.  
12  
13 Q. How would you know if they were a close friend and  
14 outside of the church?  
15 A. If they are a close friend of mine.  
16  
17 Q. A close friend of yours?  
18 A. Yes, if I was - if I had associated with them.  
19  
20 Q. What about people who are not close friends of yours,  
21 others outside of the church - you don't take any steps, do  
22 you, to protect them from this potential reoffending? You  
23 don't, do you? You are concerned with the congregation  
24 principally, aren't you?  
25 A. Yes, we are concerned with the congregation. We are  
26 shepherds of the congregation.  
27  
28 Q. And you are not a shepherd to those who are not in the  
29 congregation?  
30 A. No.  
31  
32 Q. And as an organisation, in your experience, you don't  
33 seek to protect or take care of children who are outside of  
34 the congregation?  
35 A. That's a broad statement.  
36  
37 Q. Well, I can limit it.  
38 A. Yes, limit it, please.  
39  
40 Q. In your decision on whether or not to disfellowship  
41 someone, you don't take consideration of children outside  
42 of the congregation?  
43 A. We do take consideration of them, but what ability  
44 have we got to protect every child in Australia?  
45  
46 Q. Well, what you can do is you can report to the child  
47 protection authorities.

1 A. And that is done in some cases.  
2  
3 Q. But generally it's not done, is it?  
4 A. No.  
5  
6 Q. It's not done unless there is a legal requirement for  
7 it to be done, is it?  
8 A. That is true.  
9  
10 Q. Equally, as a practice, in your experience, judicial  
11 committees don't report these serious allegations of sexual  
12 abuse to the police unless there is a legal requirement for  
13 them to do so?  
14 A. That would be true.  
15  
16 Q. And that's because, within your church, you see  
17 yourselves as having the structures to deal with these  
18 things internally?  
19 A. That is within our church.  
20  
21 Q. Yes.  
22 A. Not outside, yes.  
23  
24 Q. And your structures are based on first century  
25 Christendom as set out in the Bible?  
26 A. Yes.  
27  
28 Q. Turning specifically to the case of [BCG], I would  
29 like to show you part of [BCG]'s statement, paragraph 37.  
30 While we're waiting for that to come up, perhaps,  
31 Mr Bowditch, if you can look at me and we will get to the  
32 screen in a moment. Did you listen to or watch [BCG]'s  
33 testimony yesterday?  
34 A. No.  
35  
36 Q. Is there a particular reason why you didn't do that?  
37 A. I preferred not to, so I could answer any questions  
38 truthfully and I wouldn't be just trying to cover what  
39 [BCG] said; I'd - I prefer to be truthful and say it from  
40 my own point of view.  
41  
42 Q. To be fair, were you advised that that's an approach  
43 you should take?  
44 A. No, it's - it was my own choice.  
45  
46 Q. And I take it, then, you haven't read [BCG]'s  
47 statement?

1 A. No.  
2  
3 Q. So is it the case that you don't know what it is,  
4 particularly, that she said here yesterday?  
5 A. No.  
6  
7 Q. Have you read the press overnight, where her statement  
8 was reported in some detail?  
9 A. No, I didn't read the press.  
10  
11 Q. Let's look at paragraph 37. So this is what [BCG]  
12 said. She said:  
13  
14 *My father left home some eight or nine*  
15 *months after October 1988. Before my*  
16 *father left, I tried to talk about the*  
17 *abuse --*  
18  
19 that's the abuse she had suffered from him --  
20  
21 *to Lyn Bowditch, who was married to one of*  
22 *the Elders at the Congregation, Kevin*  
23 *Bowditch.*  
24  
25 I take it your wife is Lyn, is she?  
26 A. Yes.  
27  
28 Q. She says:  
29  
30 *Kevin was a friend of my father's ...*  
31  
32 Is that right? Back in 1988 were you a friend of [BCH],  
33 that's [BCG]'s father?  
34 A. Yes.  
35  
36 Q. And you had helped build parts of their house; is that  
37 right?  
38 A. Yes.  
39  
40 Q. And [BCG] says:  
41  
42 *I said to Lyn, "I need to talk about some*  
43 *stuff that's happened between me and dad".*  
44  
45 Then she says that her understanding is that Lyn spoke to  
46 you. Now, did your wife raise that with you, that [BCG]  
47 had said to her that she needs to talk about some stuff



1 that's happened between her and her dad? Do you remember  
2 that?  
3 A. Yes. That's --  
4  
5 Q. And did you then send a message back via your wife  
6 that you can't speak with her "without your father being  
7 present"?  
8 A. I would have never said that.  
9  
10 Q. Why would you have never said that?  
11 A. Because that's not me, and what happened after would  
12 prove that.  
13  
14 Q. Of course, at that time, when that was raised with  
15 you, I take it you didn't know just what it was that [BCG]  
16 wished to raise; is that right? You didn't know how  
17 serious it was or what the matter was?  
18 A. I didn't know how serious it was, and as she was  
19 a young adult, I would have spoken to her anyway.  
20  
21 Q. You wouldn't have spoken to her with just you and her  
22 present, would you?  
23 A. No, I would speak to her with somebody else - yes,  
24 I would speak to her by herself, but with somebody else,  
25 like my wife, in a room that's close or - you know - in an  
26 adjoining room.  
27  
28 Q. Yes, because you are counselled not otherwise to be  
29 alone with other women; is that right?  
30 A. That's right.  
31  
32 Q. It is also part of the church's teaching, isn't it,  
33 that if a member of the congregation has an issue,  
34 a problem with another member, they must take it up with  
35 that member first, and only if they can't resolve it must  
36 they take it to the elders; is that right?  
37 A. Not in all cases.  
38  
39 Q. If it is a serious wrongdoing, then they should take  
40 it up with the elders directly; is that right?  
41 A. Yes.  
42  
43 Q. But if it is not serious, then they should take it up,  
44 first, with the person concerned?  
45 A. Yes. You are talking about Matthew? The scriptures  
46 of Matthew.  
47

1 Q. It may be, Mr Bowditch, you have got me there.  
2 A. Okay, cool.  
3  
4 Q. So if you didn't know what it was that [BCG] wished to  
5 raise, you therefore didn't know whether it was a very  
6 serious matter or not, did you?  
7 A. But how could I give advice if I didn't know - that's  
8 why I would sit down with a person first.  
9  
10 Q. Doesn't it stand to reason that you might have said to  
11 your wife, "Well, tell her that she must raise it first  
12 with her father"?  
13 A. It's not in my personality.  
14  
15 Q. You wouldn't have expected it to be a serious issue,  
16 I take it, given your friendship with the father?  
17 A. I still would not have said that. I would have let  
18 the person talk to me.  
19  
20 THE CHAIR: Q. Do you say that she's making it up, do  
21 you?  
22 A. No, I'm not saying that. It's just not --  
23  
24 Q. Well, she says quite clearly that you said this. Are  
25 you saying she is making it up?  
26 A. I think she said that my wife said that, your Honour.  
27  
28 Q. Correct. You are correct. So you say you would never  
29 have said that to your wife, do you?  
30 A. No, I would never have said that to my wife.  
31  
32 Q. So your wife, then, has made something up?  
33 A. I'm unsure. But I would have never said that to my  
34 wife.  
35  
36 Q. That's what it amounts to, isn't it? I mean, someone  
37 has to be telling the truth here?  
38 A. Yes.  
39  
40 Q. And we have to work that out.  
41 A. I understand that.  
42  
43 Q. Well, can you help me?  
44 A. I can only say what I said at the time. I can't go  
45 beyond that, you know, that's --  
46  
47 Q. Well, what did you say to your wife?

1 A. I'm unsure, but I wouldn't have said that, because I -  
2 I will sit down and I will speak to anyone.  
3  
4 Q. I will ask you again: what did you say to your wife?  
5 A. I am unsure.  
6  
7 Q. You have no recollection at all of what you said to  
8 your wife?  
9 A. No.  
10  
11 Q. Just that you deny saying this?  
12 A. Yes, because I know I wouldn't have said that.  
13  
14 Q. But you can't help me with --  
15 A. No.  
16  
17 Q. -- anything at all as to what you did say?  
18 A. No. No. No, your Honour, I'm sorry. It's 26 years  
19 ago.  
20  
21 THE CHAIR: Very well.  
22  
23 MR STEWART: Q. You served in the judicial committee  
24 with your fellow elders, Mr Ali and Mr de Rooy, and you had  
25 before you, as it were, an issue concerning [BCH] and his  
26 relationship with another woman, not his wife; is that  
27 right?  
28 A. That is true.  
29  
30 Q. And whilst you were investigating and considering that  
31 matter, the allegations that [BCG] made that she had been  
32 abused by her father came to your attention; is that right?  
33 A. That is true.  
34  
35 Q. And by "you" I mean you and the other members of the  
36 judicial committee?  
37 A. Yes.  
38  
39 Q. So the --  
40 A. Oh, yes.  
41  
42 Q. So you then, as a judicial committee, investigated  
43 those matters, too? In other words --  
44 A. Yes.  
45  
46 Q. -- [BCG]'s matters?  
47 A. Yes.

1  
2 Q. In a sense, there was a bit of overlap, because there  
3 were common families, and so on; is that right?  
4 A. Sorry, can you --  
5  
6 Q. There was some overlap between the issues - that is,  
7 the ones concerning [BCH] and the other woman - and  
8 [BCH] --  
9 A. Yes, there was a lot of overlap at that time. There  
10 was, you know, information coming in.  
11  
12 Q. So you investigated them concurrently?  
13 A. Some of it, yes.  
14  
15 Q. Because, for example, [BCG]'s mother had things to say  
16 to you which were relevant to both inquiries?  
17 A. That could be the case.  
18  
19 Q. Did you first conduct a preliminary investigation by  
20 two elders and then decide to refer it to the judicial  
21 committee, or did you just subsume it into your existing  
22 judicial committee?  
23 A. I would not be able to remember all the details on  
24 that, but, yes, it would have started off with  
25 a preliminary investigation.  
26  
27 Q. Well, it should have, but it seems in this case it  
28 probably didn't, that since you already sat on a judicial  
29 committee, you just dealt with it - isn't that what  
30 happened?  
31 A. It could have been the case, because the evidence was  
32 there. Not the evidence of [BCG], but the other evidence  
33 that was there, with [BCH].  
34  
35 Q. During your meetings, you required [BCG] and [BCH] to  
36 attend at the same time, and you required [BCG] to put her  
37 allegations to her father in his presence; is that right?  
38 A. [BCH] was in the meeting. [BCG] wanted to put the  
39 allegations to [BCH]. Sorry, I'm just being careful.  
40  
41 Q. You seem to be reading from something. What are you  
42 reading from?  
43 A. I've just got the [BCG] and the [BCH] in my notes, so  
44 I don't get mixed up there.  
45  
46 Q. Perhaps you can put your handwritten notes to one  
47 side. There is a list there which --

1 A. Oh, okay.

2

3 Q. It will be shown to you, so you can see the people's  
4 names. Of course, thank you for attempting to avoid saying  
5 people's names. So you say [BCH] was in the meeting, and  
6 [BCG] was also in the meeting; is that right?

7 A. For a period of time.

8

9 Q. For a period of time. And it's the practice to  
10 require someone - or it was the practice then to require  
11 someone - who made allegations about someone else to make  
12 them directly to the person; is that right?

13 A. It was a practice, but at the same time - can  
14 I qualify?

15

16 Q. Yes, of course.

17 A. At the same time, if a person was to be able to face  
18 their accuser, quite often that was the start of a healing  
19 practice.

20

21 Q. So I understand you to be saying that it was  
22 a justification for that requirement that the accuser faces  
23 the accused - because it can have a healing component to  
24 it, or healing result?

25 A. That was one reason, yes.

26

27 Q. And do you understand that to be a justification for  
28 that rule that existed that required an accuser to put an  
29 accusation to the accused?

30 A. That was what the accused - sorry, that is what [BCG]  
31 was - wanted to do at that time.

32

33 Q. You say she would have wanted to do it. She didn't  
34 ask to have her father present so that she could confront  
35 him with the allegations, did she?

36 A. I can't remember that.

37

38 Q. She was presented with a process which included having  
39 her father in a meeting that she then had to - if she was  
40 to pursue her allegations, she had to make them in that  
41 meeting to her father; that's right, isn't it?

42 A. We would have pursued the allegations anyway.

43

44 Q. Do you see in your paragraph 4.8 - perhaps we can call  
45 that up --

46 A. 4.8?

47

1 Q. It should be on the screen?

2 A. Yes, I have got it.

3

4 Q. You will see you say in your statement:

5

6 *The judicial committee informed [BCH] of*  
7 *the allegations but he strongly denied them*  
8 *at first and was quite verbally aggressive*  
9 *towards [BCG]. At the committee meeting*  
10 *hearing I recall his body language was*  
11 *physically threatening and [BCG] appeared*  
12 *frightened of him.*

13

14 You will accept, of course, that for that young woman,  
15 at that time, having suffered, as she did, at the hands  
16 of her father, that was a traumatising experience to face  
17 that, wasn't it?

18 A. It would have been.

19

20 Q. And it wasn't conducive to arriving at the truth, was  
21 it?

22 A. It didn't arrive at the truth at that time.

23

24 Q. But to have a process like that, where the victim of  
25 the abuse has to face the abuser and put the accusations to  
26 him is not conducive to arriving at the truth, is it,  
27 because she feels silenced by his presence and frightened  
28 of him - don't you see that?

29 A. That is - that is true. She would have felt  
30 frightened of him, but at the same time, there was three  
31 people, three men that knew her quite well, she had grown  
32 up around, and we were there to protect her, anyway, from  
33 her father.

34

35 Q. You accept that what she was being required to do was  
36 to speak about very personal and intimate matters about  
37 sexual contact by her father - you accept that?

38 A. In front of her father?

39

40 Q. Well, in front of you and your two colleagues as well.

41 A. She didn't have to go into detail.

42

43 Q. Well, how is she going to bring home her allegations  
44 and have you accept them if she doesn't detail what they  
45 are?

46 A. The allegations were as far as she wanted to go with  
47 the detail.

1  
2 Q. Perhaps they were as far as she was able to go within  
3 the circumstances of your hearing?

4 A. I believe that.

5  
6 Q. Because let's have a look, since you don't know -  
7 let's have a look at what she said about this --

8  
9 THE CHAIR: I think we might come back to that after  
10 lunch.

11  
12 **LUNCHEON ADJOURNMENT**

13  
14 MR STEWART: Q. Can we have paragraph 42 of BCG's  
15 statement on the screen. You see this is what BCG says.  
16 She says she remembers meeting with the elders - you,  
17 Mr De Rooy and Mr Ali - by herself on a number of occasions  
18 for a couple of hours at a time. On one occasion you  
19 brought her father into the room so that she could tell him  
20 what she had told the elders. She can't recall exactly how  
21 many times she had to meet with the elders. She didn't  
22 want to be there, she felt so uncomfortable. She says:

23  
24 *I had nobody to support me, I don't*  
25 *remember anyone really explaining the*  
26 *purpose of the Committee Meetings to me,*  
27 *but I understood at the time that the*  
28 *Elders were investigating what I had*  
29 *alleged.*

30  
31 Then if we look over the next page, perhaps you can read  
32 paragraph 43 to yourself. Then you see in paragraph 44 she  
33 says:

34  
35 *Because the Elders were all male, and all*  
36 *were friends of my father's, I was*  
37 *reluctant to speak to them about what had*  
38 *happened. Unless they asked me a direct*  
39 *question, I didn't really offer the full*  
40 *detail of the sexual abuse.*

41  
42 So you'll appreciate the constraints BCG felt under about  
43 being able to speak freely?

44 A. Yeah, I can understand that.

45  
46 Q. I think in your statement you recognise that, in the  
47 sense that you say the story came out in bits over time; is

1 that right?  
2 A. Yes.  
3  
4 Q. Do you appreciate that a process where the victim has  
5 to put her allegations to the accused in front of a number  
6 of men is not one that is conducive to arriving at the full  
7 story?  
8 A. I can understand that, and I felt for her then and I'm  
9 still feeling for her now.  
10  
11 Q. It's not a good process, is it?  
12 A. It could be better. I think that's what we're all  
13 trying to arrive at here, is processes that are better for  
14 ones that are victims.  
15  
16 Q. So if we might identify the respects in which it might  
17 be made better: firstly, that a person raising sexual  
18 abuse allegations have someone with her to support her if  
19 she should want it. That would be an improvement, wouldn't  
20 it?  
21 A. Yes.  
22  
23 Q. And that she not be required to put those allegations  
24 in the presence of her alleged abuser?  
25 A. Yes.  
26  
27 Q. And that she not be required to put it to a committee  
28 of three men - that would improve it, wouldn't it?  
29 A. Sorry?  
30  
31 Q. That would improve the process, wouldn't it?  
32 A. Yes, I - the committee of three has got a purpose,  
33 because every one of us will hear different things, and  
34 it's to make sure that we get to the truth as much as we  
35 can.  
36  
37 Q. Well, what [BCG] is really saying here is that she  
38 felt unable to tell the whole truth, in part because she  
39 was having to say these intimate things to three elders who  
40 were friends of her father - that was hard for her.  
41 A. At that time, we thought that he was a disgusting man.  
42 We believed her 100 per cent and we just wanted to see him  
43 out of the congregation.  
44  
45 THE CHAIR: Q. Mr Bowditch that's not the point of the  
46 question.  
47 A. Oh, sorry.



1  
2 Q. The point of the question is that the process you  
3 engaged in required this young woman to disclose intimate  
4 details about what her father did to her sexually - to  
5 three men, each of whom was a friend of her father. Now,  
6 do you not understand the difficulty that a young woman  
7 would have --  
8 A. Yes.  
9  
10 Q. -- disclosing personal sexual details to three men?  
11 A. Yes, I understand that, your Honour.  
12  
13 Q. Is it appropriate that your processes require that to  
14 happen?  
15 A. I understand that, your Honour.  
16  
17 Q. Is it appropriate?  
18 A. Is it appropriate? Probably could be a better way of  
19 doing it.  
20  
21 Q. What's the better way?  
22 A. I'm unsure of that.  
23  
24 Q. You do understand, I assume, how difficult it would be  
25 for a young woman to speak in those circumstances?  
26 A. Yes, your Honour.  
27  
28 MR STEWART: Q. Can you look at paragraph 5.1 of your  
29 statement at page 0004 on Ringtail?  
30 A. Sorry, what was the number again?  
31  
32 Q. Paragraph 5.1 of your statement.  
33 A. Yes.  
34  
35 Q. You'll see under the heading, "The decision of the  
36 Elders in the Mareeba Congregation to disfellowship [BCH]  
37 in 1989 and the reasons for that decision", you say:  
38  
39 *The decision to disfellowship... was based*  
40 *on his immoral relationship with another*  
41 *woman and leaving his wife and family, and*  
42 *his lying about this to the elders.*  
43 *I recall also that we felt the sexual abuse*  
44 *had been established. The appeal committee*  
45 *confirmed the decision to disfellowship*  
46 *him. Both committees found that he was*  
47 *unrepentant.*

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47

Now, in fact, you did accept, in the sense you believed [BCG]'s allegations about her father, didn't you?

A. Can you repeat that, sorry?

Q. You personally - you believed what [BCG] told you about her father?

A. I believed it right from the start.

Q. And is it right that her father admitted those allegations in the presence of the committee eventually?

A. In the presence of the appeals committee.

Q. You say that in a paragraph I'll come to in a moment but dealing first with the judicial committee, did he not admit it in the presence of the judicial committee?

A. Not to my recollection, no.

Q. Take a look at tab 3 of the tender bundle. Perhaps we can scroll down and show you the foot of that page as well, the end of the document. It's just a one-page document. Do you see it has your name, and I take it that's your signature, is it?

A. Yes, my signature's on top there.

Q. And this is the report of the judicial committee back to the branch office on the disfellowshipping of [BCH]; is that right?

A. Yes.

Q. When last did you have the opportunity to look at this document, Mr Bowditch?

A. Probably 26 years ago.

Q. You haven't seen it in the last few days or few weeks?

A. No.

Q. Let's scroll to the top. I'd like you to read it to yourself, and at the end of it see if you agree that there's nothing in there about [BCG]'s allegations about her father.

A. No.

Q. Now, what did you - by which I mean what did the judicial committee - decide with regard to [BCG]'s allegations?

A. With putting it in this document?

1  
2 Q. Well, it's not in the document.  
3 A. No.  
4  
5 Q. So I'm asking you what conclusion did you reach with  
6 regard to the allegations that [BCG] made and which you  
7 investigated?  
8 A. We believed [BCG] from the very start. We never  
9 believed [BCH] I think it is.  
10  
11 Q. Her father?  
12 A. Yes. We never, ever believed him and that's why we  
13 pushed, if you want, you know - that's why we tried so hard  
14 to get him removed from the congregation.  
15  
16 Q. And you removed him on these grounds of loose conduct  
17 and lying?  
18 A. Yes.  
19  
20 Q. Related to his relationship with another woman?  
21 A. And, also, that lying - I'm not real sure now, because  
22 I cannot remember the total details of that, but I think  
23 that lying would have come in with the allegations about  
24 [BCG].  
25  
26 Q. On the scale on which you deal with these things, how  
27 do you compare the seriousness of sexual abuse allegations,  
28 on the one hand, compared with the pursuit of an adulterous  
29 relationship, on the other?  
30 A. My personal opinion right now is I would consider that  
31 the - any abuse is going to affect the person - I'm just  
32 trying to think of a better word.  
33  
34 Q. It's far more serious, isn't it?  
35 A. Oh, yes.  
36  
37 Q. It's a criminal offence, to start with, sexual abuse -  
38 child sexual abuse is a criminal offence?  
39 A. Yes, yes.  
40  
41 Q. And back then, in 1989, you would have had that same  
42 view, I take it? You would have regarded --  
43 A. With a passion.  
44  
45 Q. -- sexual abuse of a daughter by a father, firstly,  
46 very seriously?  
47 A. I've got a daughter of my own around the same age, so

1       yes.

2

3       Q.   And more seriously than the pursuit of an adulterous  
4       relationship by someone?

5       A.   Personally, that is my opinion.  The Bible would state  
6       it as bad as, if not worse.

7

8       Q.   In reaching a decision, you and your colleagues on the  
9       judicial committee, I suppose, were applying the Bible  
10      standards, were you?

11      A.   Can I just have that again, please?

12

13      Q.   In reaching a decision on the judicial committee on  
14      these matters that were before you, were you applying the  
15      Bible's standards as to the respective seriousness of the  
16      two different sets of allegations?

17      A.   We were applying the Bible standards at that time.

18

19      Q.   In other words, you were regarding the sexual abuse  
20      allegations as being of the same degree of seriousness, or  
21      perhaps less than, the allegations of the adulterous  
22      relationship?

23      A.   Definitely not.

24

25      Q.   Well, if that's so, how do you explain that this  
26      report doesn't mention anything about the sexual abuse  
27      allegations?

28      A.   I'm unsure on that.

29

30      Q.   And, at that stage, in other words, when you reached  
31      your decision, you also knew, did you not, that the elder  
32      daughter had said that she had also been abused by her  
33      father?

34      A.   I can't remember that at that stage.  I'm not - you  
35      know, I'm not trying to skirt around it.

36

37      Q.   So it may have been like that?

38      A.   I'm unsure.

39

40      Q.   And that the mother had reported that the two younger  
41      daughters, who, at this time, 1989, were still quite young,  
42      had also been abused by the father?

43      A.   I don't remember that.

44

45      Q.   Was the problem for you here that you somehow regarded  
46      the two-witness rule as applying and you didn't have a  
47      second witness of the actual events?

1 A. That wasn't the case.  
2  
3 Q. Well, what would appear to be the case is that you  
4 didn't uphold the sexual abuse allegations. Are you able  
5 to explain why not? Why is there not a finding recorded  
6 here by your judicial committee that [BCG] had been abused  
7 by her father?  
8 A. I'm unsure, but I would rather guess, because he was  
9 not admitting to it at that time, that I'm unsure.  
10  
11 Q. You say that's a guess?  
12 A. I beg your pardon.  
13  
14 Q. You say that is a guess?  
15 A. I'm not saying for sure, yes.  
16  
17 MR STEWART: No more questions, your Honour.  
18  
19 THE CHAIR: Q. You say that although it may have been  
20 that he wasn't admitting to it at the time, you've said a  
21 number of times that you always believed [BCG]?  
22 A. Yes.  
23  
24 Q. Why wasn't that enough to found a decision to  
25 disfellowship?  
26 A. On those grounds?  
27  
28 Q. Yes.  
29 A. I am unsure, and I don't know why we didn't put that  
30 in there, but, at the same time, he was being  
31 disfellowshipped.  
32  
33 Q. Yes, but you understand that for [BCG], the trauma of  
34 having been abused and then the traumatic experience of  
35 being interviewed by the three of you, having to confront  
36 her father, and then the decision that you make paying no  
37 regard, as recorded, to what she went through and the  
38 process of your committee - do you understand that, in  
39 itself --  
40 A. Yes.  
41  
42 Q. -- was an extraordinarily negative thing for her to  
43 receive?  
44 A. I can understand that, yes.  
45  
46 Q. Can you give me any explanation as to why you let that  
47 happen?

1 A. I cannot give you any explanation. I honestly cannot.  
2 [REDACTED] - sorry - [BCG] - sorry, that's thrown me.  
3  
4 Q. It was cut, everyone understands that.  
5 A. Yeah. I personally done everything I could, after the  
6 event, to support [BCG].  
7  
8 Q. But you left this very important step out?  
9 A. Yes.  
10  
11 THE CHAIR: Does anyone else have any questions?  
12  
13 MS DAVID: Yes, your Honour.  
14  
15 <EXAMINATION BY MS DAVID:  
16  
17 MS DAVID: Q. My name is Ms David and I represent [BCG]  
18 at this hearing?  
19 A. Sorry, I am having trouble.  
20  
21 Q. My name is David and --  
22  
23 THE CHAIR: Maybe move that microphone, so your voice --  
24  
25 MS DAVID: Q. My name is David and I'm representing  
26 [BCG] at this hearing. I just have a few questions for  
27 you.  
28 A. Okay, thank you.  
29  
30 Q. Just on the point - because the allegation was not  
31 substantiated under your judicial committee proceeding, do  
32 you agree that, therefore, it was not known within the  
33 congregation that, in fact, [BCH] had been what was known  
34 to have actually abused his daughter sexually?  
35 A. Just clarify that a little bit and I will give you the  
36 truthful answer.  
37  
38 Q. If you go to your statement, please go to your  
39 statement.  
40 A. What page?  
41  
42 Q. It's 8.1.  
43  
44 MR STEWART: Page 4.  
45  
46 MS DAVID: Q. Do you agree - you've stated in your  
47 evidence that the reasons for [BCH]'s disfellowshipping as

1 we have established, had nothing to do with the allegations  
2 from [BCG]?  
3 A. So what it's saying is the congregation or the  
4 committee, right, informed [REDACTED] of what he was being  
5 disfellowshipped for.  
6  
7 Q. We'll just refer to [BCH].  
8 A. Yep.  
9  
10 Q. Firstly, I'll just go back?  
11 A. Sorry.  
12  
13 Q. I may have confused you, but do you agree that there  
14 was no information passed on to any member of the  
15 congregation that [BCH] had, in fact, sexually abused his  
16 daughter, because isn't it the case that that wasn't a  
17 finding that came from your judicial committee?  
18 A. And the finding wouldn't have been stated from the  
19 platform, but, at the same time, those that were caring for  
20 [BCG] at that time would have been informed that she needed  
21 help and protection and love, care, whatever - shepherding.  
22  
23 Q. But what I want to suggest to you is that the fact  
24 that it was not acknowledged within the congregation -  
25 because there were no findings against [BCH], it was never  
26 acknowledged within the congregation that [BCH] was, in  
27 fact, a child abuser - that it exposed [BCG] to the  
28 suggestion that she was, in fact, a liar?  
29 A. I can't even see how that would have come up, and I'm  
30 not trying to be evasive either. I'm just trying to work  
31 with you. There were seven - there's usually about seven  
32 days between a judicial committee and an appeals committee.  
33 That appeals committee, I believe, upheld the decision of  
34 the judicial committee and, also - and that is where he  
35 admitted in front of the appeals committee of a  
36 molestation, and so that would have been added at that  
37 time.  
38  
39 Q. But that information is not ever released within the  
40 congregation, is it?  
41 A. No.  
42  
43 Q. No. So, therefore, do you agree that the process - by  
44 keeping it in-house, your processes do not enable a measure  
45 of protection to be put in place to protect people from the  
46 likes of [BCH]?  
47 A. The protection was he was - you know, if you're

1 talking about that particular case, he was no longer in the  
2 congregation.  
3  
4 Q. But he went to another congregation, didn't he?  
5 A. Yes.  
6  
7 Q. And that information wasn't passed on, was it?  
8 A. I don't know, because I wasn't there at that time.  
9  
10 Q. So he was left out there in the community, wasn't he?  
11 A. Yes.  
12  
13 Q. Just coming back to [BCG], you did take her in at some  
14 point, didn't you?  
15 A. Yes.  
16  
17 Q. You looked after her. I want to suggest to you it was  
18 close to the wedding - in fact, no more than a couple of  
19 weeks before the wedding that she actually moved in with  
20 you and your family?  
21 A. I wouldn't - I wouldn't have any idea. I tried to  
22 work that out, but I really --  
23  
24 Q. Before that, you did assist with her and you were  
25 helpful in organising for her to stay with another family,  
26 the Grigors?  
27 A. Yes.  
28  
29 Q. But that wasn't immediate, was it. I want to suggest  
30 to you that it wasn't immediate after the committee  
31 meetings; it was actually some months before any measure  
32 was put in place to put her in a housing situation that  
33 protected her?  
34 A. I'm unsure of that now.  
35  
36 Q. What I'm suggesting to you is that for some months she  
37 was exposed to her father coming back into the house that  
38 she had been living in with her mother and the rest of her  
39 family?  
40 A. I have no recollection of that, because my  
41 recollection is the father moved away pretty well straight  
42 away.  
43  
44 Q. Are you aware from your knowledge within the community  
45 that there were attempts at reconciliation between [BCH] -  
46 [BCG]'s mother and father, and that he returned to the  
47 community on a number of occasions?



1 A. No. I have no recollection of it anyway.  
2  
3 Q. But you're not disagreeing that it couldn't have  
4 happened *[sic]*?  
5 A. I beg your pardon?  
6  
7 Q. You're not disagreeing that it happened?  
8 A. No, I'm not disagreeing. I really just don't know,  
9 sorry.  
10  
11 Q. So, in reality, she was very exposed, wasn't she,  
12 [BCG], to a man that you observed to be quite violent, even  
13 an aggressive sort of a man. You observed him to have a  
14 violent nature even within the committee process, didn't  
15 you?  
16 A. Yes, in the committee process. That's why we told him  
17 to back off.  
18  
19 Q. But you had some measure of control within that  
20 process, because there were a number of men there who may  
21 have been able to protect her - you agree with that?  
22 A. Yes.  
23  
24 Q. But outside of that committee process, there was no  
25 such protection afforded her, was there?  
26 A. I know [BCG] stayed with at least one other family,  
27 but I thought there was other families as well, but I can't  
28 confirm that.  
29  
30 Q. In this particular case, given that you are dealing  
31 with a man whom you've described as "disgusting" and who  
32 you knew to have a violent predisposition from your own  
33 observations, wouldn't that have been the very particular  
34 case that you might have thought would be appropriate to  
35 send to the police, to notify the police, to ensure that  
36 [BCG] was protected?  
37 A. I agree with that, but at the same time, there were  
38 discussions about that very point with [BCG], and you've  
39 got to realise - maybe if I explain the situation to you,  
40 can I do that?  
41  
42 Q. Yes.  
43 A. Here you have a gracious young lady who was about to  
44 get married to a young man, and there was - and she wanted  
45 to get on with her life, okay? And I guess, for that  
46 reason, even though that was spoken about with her, and she  
47 spoke about it with me, going to the police, we said that

1 was a decision - I said that was a decision that she would  
2 have to make herself.  
3  
4 Q. Is that a decision she was actively dissuaded from  
5 doing?  
6 A. Sorry?  
7  
8 Q. Her going to the police - she was dissuaded from going  
9 to the police by you and other elders, wasn't she?  
10 A. Never by me - never.  
11  
12 Q. But you're not aware --  
13 A. I'd never do that.  
14  
15 Q. -- of other elders. But wouldn't you think that by  
16 going to the police or some other organisation, they would  
17 be sensitive to this, as you describe her, gracious young  
18 lady, sensitive to her needs and deal with it appropriately  
19 to protect her?  
20 A. That could be the case.  
21  
22 Q. Were you aware of her suicide attempts?  
23 A. No.  
24  
25 Q. You had no involvement in that?  
26 A. No.  
27  
28 Q. Did you take any steps to ensure that she had proper  
29 counselling to deal with the distress of her experience at  
30 being abused?  
31 A. You mean outside involvement?  
32  
33 Q. Firstly, outside involvement, yes, outside of the  
34 congregation?  
35 A. Did I personally take her somewhere?  
36  
37 Q. Did you take any steps to encourage her to seek  
38 counselling outside the congregation?  
39 A. I can't remember if I did or not, but it would be  
40 something that I would normally do.  
41  
42 Q. But you --  
43  
44 THE CHAIR: Q. Is there any inhibition on a member of  
45 the Jehovah's Witnesses seeking professional counselling  
46 from someone who is not a Jehovah's Witness?  
47 A. No.

1  
2 Q. Is there any inhibition on you as a member or an elder  
3 encouraging someone to go to outside professional help?  
4 A. No. I can - I've just got to be careful how I say  
5 this. There are people in the congregation who have got  
6 outside help, and it's even encouraged in our magazines -  
7 one this year - for that sort of thing.  
8  
9 MS DAVID: Q. You said, I think, before, that you would  
10 normally do something like that. Have you ever done that  
11 in a situation where you have been faced with a person who  
12 has made an allegation of sexual abuse?  
13 A. Not an allegation of sexual abuse have I encouraged  
14 somebody, but I have on other matters.  
15  
16 Q. I just want to ask you this briefly: it is the  
17 practice within the congregation, isn't it, that a child  
18 must be obedient to her father?  
19 A. There's limitations on that.  
20  
21 Q. That is the rule, isn't it?  
22 A. There are limitations on that. You know, that's not  
23 for everything. Like, if the father told her to steal a  
24 lolly out of a shop - I know this is different, but it just  
25 brings something - that child is not to be obedient to  
26 their parents. There's a higher - does that make sense?  
27  
28 Q. But the person primarily responsible for the  
29 disciplining of a child is clearly the father in the  
30 family, isn't it?  
31 A. Parents.  
32  
33 Q. But, in particular, in the Jehovah's Witness faith, it  
34 is the father?  
35 A. The father has a responsibility, but the parents work  
36 with that together.  
37  
38 Q. But you would expect, wouldn't you, if a young woman  
39 had something to say about her father - you would expect  
40 her to go and talk that out with her father, wouldn't you?  
41 As in this case, what I'm suggesting to you is that [BCG] -  
42 you, at the time, expected that [BCG] confront her father  
43 and speak to her father about all the allegations?  
44 A. No, I didn't expect that.  
45  
46 Q. And that no-one would listen to her in the absence of  
47 her being confronted by her father within a very short

1 period of time?  
2 A. I don't - I understand the first part of that, but  
3 I just don't understand the second part.  
4  
5 Q. Well, the committee process involved the accuser  
6 facing the person she's accusing, didn't it?  
7 A. Mmm.  
8  
9 Q. And that's what you would expect. That's what your  
10 faith expects, isn't it, of a young woman, that she must  
11 confront the accuser?  
12 A. She doesn't have to - and particularly now, because  
13 this is changing, right?  
14  
15 Q. But, at the time, that was the case and that's how the  
16 procedures occurred?  
17 A. Yes, and as much as anything, that was for a healing  
18 process, and I think even the law of the land understood  
19 that at the time - it was for a healing process so she  
20 could get it out and tell the person that had carried out  
21 this vile act against them.  
22  
23 Q. But the healing process would also involve, would it  
24 not, the receipt of an apology - wouldn't it?  
25 A. There was no --  
26  
27 Q. The apology is a big part of the healing process?  
28 A. Yes, I agree with that.  
29  
30 Q. And that never occurred, did it, throughout that  
31 committee process?  
32 A. No.  
33  
34 Q. And it never occurred at any time, did it?  
35 A. No.  
36  
37 Q. And she was never told, was she, at any time that, in  
38 fact, the committee believed her 100 per cent?  
39 A. I told her.  
40  
41 Q. I'm suggesting neither you nor anyone else ever told  
42 her that she was believed?  
43 A. I told her.  
44  
45 Q. And I'm suggesting that, in fact, all she was told was  
46 that because of the manner in which you needed to prove an  
47 allegation, with at least two additional statements or

1 eyewitnesses, that you were not able to take the matter  
2 further?

3 A. I've never said that.

4

5 Q. No, I'm saying that that was your procedure at the  
6 time, wasn't it, that you needed the additional witnesses?  
7 You believed that you needed to have two statements, at  
8 least, to corroborate what she had said?

9 A. Two people? Just what are you saying there? You  
10 know --

11

12 Q. What I'm suggesting to you is that the only thing that  
13 she was told was that, because there were no witnesses to  
14 corroborate what she had said, that you couldn't take any  
15 action in relation to the abuse upon her?

16 A. We were taking action.

17

18 Q. But not in relation to her abuse. You were taking  
19 action in relation to those other matters?

20 A. And that as well.

21

22 Q. Did you arrange for her to have any sister from the  
23 congregation or someone to give her - to assist her and  
24 support her through this process?

25 A. There was a number of sisters in the congregation that  
26 supported her.

27

28 Q. She was never referred to any of the sisters, was she,  
29 for support or scriptural guidance?

30 A. There were sisters that were informed that [REDACTED]  
31 needed support.

32

33 Q. She was never referred to any of those sisters, was  
34 she? There was no specific referral to any of the sisters  
35 for her to have spiritual or other guidance within the  
36 community, was there?

37 A. Not that I can remember.

38

39 MS DAVID: Thank you.

40

41 <EXAMINATION BY MR COYNE:

42

43 MR COYNE: My name is Mr Coyne and I represent Mr Bowditch  
44 and others.

45

46 Q. Mr Bowditch, in 1989, how long had you known [BCG]?

47 A. Around 12 years or so.

1  
2 Q. And how well did you know her at that time?  
3 A. I knew her quite well - not as well as my own  
4 children, but quite well.  
5  
6 Q. Was she a friend of your children back then?  
7 A. Yes.  
8  
9 Q. Back in 1989, [BCG] was engaged?  
10 A. Beg your pardon?  
11  
12 Q. [BCG] was engaged back in 1989?  
13 A. Yes.  
14  
15 Q. Did you know her fiance?  
16 A. Yes.  
17  
18 Q. How well did you know him?  
19 A. Probably not as well as [BCG], but I knew him well.  
20  
21 Q. Did [BCG]'s fiance have anything to do with supporting  
22 her during the judicial committee and appeal process?  
23 A. He was there with her at one period - not in the  
24 actual room, but he was there at the Kingdom Hall.  
25  
26 Q. The appeal committee was in July 1989. You've given  
27 evidence that you tried to support [BCG] after that time;  
28 is that correct?  
29 A. Yes.  
30  
31 Q. How did you do that?  
32 A. In a number of ways. This was done by, first of all,  
33 the sisters, or some of the sisters, in the congregation  
34 were told that she needed support, tried to find her --  
35  
36 Q. Let me stop you there. Who were they? Have you got  
37 any names?  
38 A. Yes, I can tell you some. Am I allowed to say their  
39 name?  
40  
41 THE CHAIR: Q. Perhaps you can just write them down.  
42 A. Okay.  
43  
44 MR COYNE: Your Honour, is the process then to tender that  
45 document?  
46  
47 THE CHAIR: You can look at it and see what you want to do

1 with it. I'm not sure for our purposes we need the names  
2 at all, but if you've got a different purpose --  
3  
4 MR COYNE: No, I don't.  
5  
6 Q. We'll move on from that. Aside from the sisters, what  
7 else did you do to support [BCG]?  
8 A. Well, getting close to the wedding, and [REDACTED] -  
9 sorry, I'm not used to calling people by code - [BCG] was a  
10 young lady who was out of home, so we supported her with  
11 whatever we could for that wedding. We supported her and  
12 [BCG] asked me would I - not take the place of her father,  
13 but would I give her away at the wedding.  
14  
15 Q. And you did that?  
16 A. And I did that, yes.  
17  
18 Q. If I could just show you two documents.  
19  
20 MR COYNE: Your Honour, I intend to tender these documents  
21 and my friend has copies of them and has seen them.  
22  
23 MR STEWART: Your Honour will see they are photographs,  
24 and we will ask for a non publication in relation to them,  
25 because there is no need for - and they identify people.  
26 We will prepare an order in due course, your Honour.  
27  
28 THE CHAIR: The purpose is to demonstrate that Mr Bowditch  
29 gave [BCG] away?  
30  
31 MR COYNE: And was supporting her in November 1989.  
32  
33 THE CHAIR: Is November 1989 the wedding time?  
34  
35 MR COYNE: Yes.  
36  
37 THE CHAIR: We know that already.  
38  
39 MR COYNE: Yes.  
40  
41 THE CHAIR: Do we need photographs? There are two  
42 photographs that are clearly wedding photographs.  
43  
44 MR COYNE: Yes.  
45  
46 THE CHAIR: I don't think we need those.  
47

1 MR COYNE: Okay. I concede that, your Honour.  
2  
3 THE CHAIR: We'll hand them back.  
4  
5 MR COYNE: Thank you.  
6  
7 Q. Mr Bowditch, you did give [BCG] away at the wedding?  
8 A. Yes.  
9  
10 Q. You used your vehicle as the wedding vehicle?  
11 A. Yes - yes.  
12  
13 Q. Did your wife assist at all in relation to the  
14 wedding?  
15 A. Yes, my wife is a seamstress and I believe she made  
16 the dresses for the two young girls. We were also involved  
17 in the planning for that. The congregation, along with the  
18 family - our family - provided much of the food for that,  
19 and any other support - entertainment - that was provided  
20 by the congregation as well. So there was support all  
21 round.  
22  
23 Q. Thank you. Did you assist [BCG] and her husband after  
24 the wedding, as far as somewhere to live?  
25 A. Yes, we did. I can't say whether it was straight  
26 after or not, but they were given the use of the flat at  
27 the back of the Kingdom Hall.  
28  
29 Q. Yes.  
30 A. Which is a little bit unusual, because that's usually  
31 reserved for one of the elders, ministers, or a retired  
32 missionary, but it was given to them so that they could  
33 use --  
34  
35 Q. How long did they live there?  
36 A. A couple of years I think.  
37  
38 MR COYNE: Thank you.  
39  
40 MR STEWART: I have nothing further, your Honour.  
41  
42 THE CHAIR: Mr Stewart, I think [BCG] just wants to --  
43  
44 MS DAVID: If I could just raise one matter.  
45  
46 <EXAMINATION BY MS DAVID:  
47



1 MS DAVID: Q. Just in relation to the supply of the  
2 house, [BCG] and her husband actually paid for that --  
3 A. Yes.

4  
5 Q. -- as anybody else would. It wasn't given to her at  
6 all, was it?

7 A. No, it wasn't. They paid rent there.

8

9 Q. Yes, so they rented it? It was rental accommodation  
10 for which they paid?

11 A. Yes.

12

13 MR STEWART: I have nothing further for Mr Bowditch,  
14 your Honour.

15

16 THE CHAIR: Thank you, Mr Bowditch, that concludes your  
17 evidence. You're excused.

18

19 <THE WITNESS WITHDREW

20

21 MR STEWART: Your Honour, the next witness is  
22 Mr Jason Davies. He is to give evidence via video link  
23 from Queensland. I am advised by those who handle the  
24 technology that they need a couple of minutes to make it  
25 work.

26

27 THE CHAIR: We'll take a brief adjournment. Let us know  
28 when you're ready.

29

30 **SHORT ADJOURNMENT**

31

32 MR STEWART: Your Honour, Mr Jason Davies, wearing the  
33 purple tie, is on the screen, and he's accompanied by a  
34 legal representative who will announce himself to  
35 your Honour.

36

37 MR B I McMILLAN: Good afternoon. May it please the  
38 Royal Commission, my name is McMillan, initials B I. I'm a  
39 barrister instructed by the Crown Law Office of Queensland.  
40 I appear for the State of Queensland and Mr Jason Davies.  
41 I understand that the State of Queensland has previously  
42 been granted leave to appear in this case study.

43

44 THE CHAIR: That's so, so you have leave to appear. It's  
45 Mr Davies, is it?

46

47 MR DAVIES: Yes, your Honour.

1  
2 THE CHAIR: You'll need to be sworn. Do you want to be  
3 sworn or take an affirmation?  
4

5 MR DAVIES: Affirmation, please.  
6

7 <JASON PETER DAVIES, affirmed: [3.04pm]  
8

9 <EXAMINATION BY MR STEWART:  
10

11 MR STEWART: Q. Mr Davies, would you state your full  
12 name for the record, please?

13 A. Jason Peter Davies.  
14

15 Q. Mr Davies, do you have with you two statements by you,  
16 provided to the Royal Commission, one dated 8 July 2015 and  
17 the other dated 20 July 2015?

18 A. I have my two statements, yes.  
19

20 Q. Is there any respect in which you would like to  
21 correct or amend the statements?

22 A. No.  
23

24 Q. Do you confirm them to be true and correct?

25 A. I do.  
26

27 MR STEWART: I tender the statements, your Honour.  
28

29 THE CHAIR: The first one will be exhibit 29-011, the one  
30 of 8 July and the second one, exhibit 29-012.  
31

32 **EXHIBIT #29-011 STATEMENT OF JASON PETER DAVIES DATED**  
33 **8/07/2015**  
34

35 **EXHIBIT #29-012 STATEMENT OF JASON PETER DAVIES DATED**  
36 **8/07/2015**  
37

38 MR STEWART: Q. Mr Davies, you are presently employed as  
39 the principal legal officer for the Department of Education  
40 and Training for the State of Queensland; is that right?

41 A. Yes.  
42

43 Q. You are a barrister admitted to practise in  
44 Queensland?

45 A. Yes.  
46

47 Q. You have been since September 1998?

1 A. That's correct.

2

3 Q. As I understand it, prior to commencing your present  
4 role, you were a legal officer at the Office of the  
5 Director of Public Prosecutions?

6 A. Yes.

7

8 Q. You were in that position from August 1999  
9 until August 2003?

10 A. Yes.

11

12 Q. Was it in that capacity that you came to handle the  
13 prosecution against the person known in these proceedings  
14 as [BCH] for offences in relation to the abuse of his  
15 daughter, [BCG]?

16 A. Yes.

17

18 Q. Can you explain when in the criminal proceedings you  
19 became involved?

20 A. I was a case lawyer in the office of Director of  
21 Public Prosecutions. I worked in what was known then as  
22 the committals work group in Brisbane. The committals work  
23 group handled committal matters conducted in the Brisbane  
24 Magistrates Court, and I took over a particular cipher  
25 within the committals work group. The cipher was known as  
26 "CPA" which is a designation they give a particular  
27 position. The lawyer before me in that position was  
28 Belinda Merrin who is now a prosecutor. I took over her  
29 files and one of those files was one involving the people  
30 you mentioned. At that point in time the proceeding was a  
31 part-heard committal - I think two days had already been  
32 heard in the matter, and I had about one day to go to  
33 conduct the committal. And that's really the context in  
34 which I came into contact with the matter.

35

36 Q. And thereafter did you have the conduct of the matter  
37 in its preparation for trial in the District Court?

38 A. Yes, which - sorry.

39

40 Q. You finish.

41 A. Which entailed simply preparing a precis, which is  
42 described as a schedule of facts, and the material for the  
43 prosecutor, preparing the indictment and attending to the  
44 instructions for the presentation of the indictment.

45

46 Q. So is it the case that you didn't personally prosecute  
47 the matter?

1 A. No.

2

3 Q. Now, were you involved in the capacity you've  
4 described right through the case until ultimately  
5 conviction and sentence?

6 A. No. I was involved, from memory - really the way it  
7 worked in the Office of the DPP was you would - in terms of  
8 being a preparation officer, you would be responsible for a  
9 file - really, you'd have core responsibility for the file  
10 until the indictment was presented. Then, in effect, the  
11 file would move then - it would sit in your cupboard until  
12 it was allocated to a prosecutor, and then the prosecutor  
13 effectively would take carriage of the matter. They would  
14 have a clerk who would assist them, from the office. They  
15 would mainly rely upon that clerk and police officers until  
16 the matter was resolved. They'd only come back to the case  
17 lawyer, really, if there was something specifically they  
18 wanted the case lawyer to do. I don't recall, for example,  
19 in the remaining time that I worked at the Office of the  
20 DPP, anybody coming back to me specifically about this  
21 matter, except, I think, to advise me of the outcome of the  
22 voir dire in relation to the first trial.

23

24 Q. What were you advised in that regard?

25 A. It was in relation to the admissibility of some  
26 inculpatory statements made by the accused. I'd formed the  
27 view that we might have some difficulty in relation to that  
28 and I was advised subsequently that they'd been excluded on  
29 voir dire. That's what I recall, anyway.

30

31 Q. I understand from other evidence that there were three  
32 trials - the first resulted in a hung jury, the second a  
33 mistrial, and then the third a conviction on a number of  
34 counts. Is it the case that those outcomes were not  
35 reported to you over time?

36 A. No.

37

38 Q. The schedule of facts that you've spoken of, do you  
39 have a copy of it with you by any chance?

40 A. I do.

41

42 Q. We have it here. It's at tender bundle tab 37. The  
43 form in which you have it, Mr Davies, does it have a  
44 Ringtail reference in the top right-hand corner?

45 A. It does.

46

47 Q. Can you identify the reference of the document you're

1 look at?

2 A. It says QLD.0068.001.1267.

3

4 Q. There is a statement in that schedule of facts in  
5 capital letters in the middle column, which says:

6

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

12

13 Did you cause that statement to be recorded there?

14 A. Yes.

15

16 Q. Why did you write that, Mr Davies?

17 A. I had done a lot of preparation of offence matters  
18 involving sexual abuse of children, but this matter stuck  
19 out for me, because I really had had no exposure to matters  
20 involving the Jehovah's Witnesses, and when I read the  
21 material, conducted the last day of the committal, had  
22 spoken to the complainant I think on more than one  
23 occasion, I formed the view that it was important that  
24 whoever subsequently had the file after I had done the  
25 initial preparation work should instantly know that there  
26 was a context that underpinned the whole case. And I think  
27 perhaps I was just naive in that I had no understanding of  
28 the Jehovah's and how they approached these types of  
29 matters. To be frank with you, I assumed that any adult  
30 who had heard the type of complaints that the victim in  
31 this case mentioned would instantly go to the police. So,  
32 really, what I was doing by putting that on the schedule  
33 was just making sure that people were alerted to the fact  
34 that this was not a run-of-the-mill type of matter.

35

36 Q. Beyond what you've explained with regard to going to  
37 the police, is there anything you were referring to in  
38 saying the "influence" and "behaviour" of the Jehovah's  
39 Witness faith?

40 A. Yes. It also, I think, covered off two other matters,  
41 in my thinking at least. One was the time frame - an  
42 explanation for the time frame between the allegations  
43 first being made by the complainant and then subsequently  
44 coming to the attention of the police, which was a period  
45 of some years - just in working in the Office of the DPP  
46 you become aware it's not uncommon for defence counsel,  
47 particularly in so-called historical sexual abuse cases, to

1 raise delay as almost a form of impeachment of the  
2 complainant. So that part of my thinking there was that  
3 this would be partially to explain, when you looked at the  
4 evidence that the complainant gave - her faith was a  
5 significant explanation for why it took so long for her to  
6 go to the police.

7  
8 Secondly, it related to the circumstances in which the  
9 accused made the inculpatory statements I referred to  
10 earlier, which was something I'd never encountered before,  
11 I considered highly unusual, and I considered it would have  
12 an impact on the admissibility of those statements.

13  
14 Q. Do you recall what those circumstances were?

15 A. In terms of the inculpatory statements?

16  
17 Q. Yes, the circumstances of the inculpatory statements?

18 A. The circumstances were that he went before a couple of  
19 committees of the Jehovah's Witnesses and had allegations  
20 put to him in front of a panel of elders and he gave a  
21 response and they made findings. That was one aspect of  
22 it. It was kind of like a court proceeding, in a way.

23  
24 The second aspect is that he, as part of his faith, as  
25 it was explained to me I think, possibly by the  
26 complainant, was that the more truthful he was at a certain  
27 point, the more chance later on he would get to be returned  
28 to the faith, after being disfellowshipped. So two aspects  
29 I suppose - one, he was encouraged or required to be  
30 truthful by the tenets of his faith; and the second was the  
31 more truthful and honest he was, the more chance his  
32 punishment would end early.

33  
34 Q. So the one aspect you've identified is the delay  
35 that's caused by the handling of the matter internally to  
36 the church. Are there other consequences that you  
37 experienced in the preparation of this particular case  
38 that the handling of the matter internally to the church  
39 caused?

40 A. I'm sorry, I don't understand your question.

41  
42 Q. You've explained that, because the matter was handled  
43 internally to the church and not reported to the police,  
44 there was a considerable delay before it was ultimately  
45 reported to the police. And --

46 A. That's correct.  
47

1 Q. -- you've explained the problem with the delay. Were  
2 there other difficulties that arose because of the manner  
3 in which the matter was handled internally to the church?

4 A. To my thinking, the only other major problem was in  
5 relation to the admissibility of the accused's statements.  
6 I think that there were - the other problem that I probably  
7 didn't focus on as much, because it didn't necessarily  
8 impact directly on the prosecution of the matter, but  
9 I acknowledge it, is that the way the complaints were  
10 handled internally by the church must have had a terrible  
11 impact on the complainant, and it led her complaints to be  
12 exposed to a very wide variety of people, more so than you  
13 would normally see in a sexual abuse case where a young  
14 victim would speak to maybe one other person, perhaps, and  
15 then the matter would end up in the hands of the police.  
16 In this particular case, the complainant was forced to go  
17 before at least three other members of the church - I think  
18 her mother was present, her father was there, I'm not sure  
19 whether any other persons were there. That was only on the  
20 first occasion. On the second occasion it was even a  
21 bigger panel. And these are - at least on the first  
22 occasion - people who live in her local community. So  
23 undoubtedly she was subject to some, you know, gossip and  
24 innuendo that might have resulted from the revelation of  
25 those matters.

26  
27 Q. And whether in this case or more generally, do you  
28 conceive of there being potentially a difficulty with  
29 regard to the contamination of evidence?

30 A. Yes, that's true, probably not as important in this  
31 case because of the age of the complainant and the relevant  
32 consistency of her statements over the years. I wouldn't  
33 have anticipated that as being specifically necessarily a  
34 problem in this case, but potentially in other cases, yes,  
35 it's true to say that the fewer people who discuss the  
36 matters directly with the complainant the better, at least  
37 until it's in the hands of the police where they can  
38 conduct a proper interviewing process with non-leading  
39 process.

40  
41 Q. I don't wish to put you on the spot on a legal  
42 question, Mr Davies, but you may be aware that in New South  
43 Wales and Victoria there are statutory offences for the  
44 concealment of certain types of offences. I understand  
45 that there is no such statutory offence in Queensland.  
46 Would that be right?

47 A. I understand that the relevant law, which would have

1       been misprision of felony, ceased to be in operation in  
2       Queensland many years before I became a prosecutor, from  
3       memory I think in the 1980s.

4  
5       Q.    1985 my research tells me, Mr Davies.

6       A.    There you go. That was only an educated guess on my  
7       part. That meant you didn't have, I suppose, the same  
8       prosecutorial influence over people in terms of them  
9       reporting offences, so technically I don't think that the  
10      elders in this case committed any offence at the time by  
11      simply failing to report the matter, and, you know, in  
12      Queensland there still isn't a general offence of failing  
13      to report these type of matters, except in limited  
14      circumstances where you might be a mandated reporter in a  
15      particular profession or occupation such as teachers,  
16      doctors, police officers, child safety officers, et cetera.  
17      I've done a lot of work on that type of stuff in my  
18      capacity as a lawyer for the education department.

19  
20      THE CHAIR:   Q.   Mr Davies, do you know the motivation for  
21      legislating to do away with the misprision law?

22      A.    Look, no, I don't. The only reason I know about it at  
23      all is because I've had to do research on the issue in  
24      terms of my current employment to see what the laws were  
25      and how they affected departmental staff, and I had access,  
26      I think, to an Australian Law Reform Commission report that  
27      had some background research. All I needed to know was it  
28      didn't exist anymore and there wasn't anything else to  
29      replace it.

30  
31      Q.    You may not know the answer to this off the top of  
32      your head, but is a Sunday school teacher a mandated  
33      reporter under your legislation, or would they be?

34      A.    Very unlikely, because it would only apply if they  
35      were a registered teacher.

36  
37      Q.    They have to be registered?

38      A.    You have to be a registered teacher. I don't wish to  
39      say I'm an expert on the matter at all, but that was a  
40      limitation that was imposed in the adoption of the Carmody  
41      Report that occurred in Queensland a couple of years ago  
42      into child protection. There had to be - a lot of thinking  
43      was done about how you would define specifically the people  
44      who were going to be caught, and I was part of the  
45      discussions, I'll admit, and I think coming up, identifying  
46      people as registered teachers was just the simplest way.



1 Q. I take it clergy weren't included?

2 A. I don't know. I don't think so.

3

4 Q. No. That would run you into other problems.

5 A. And you must understand that the mandatory reporting  
6 provisions in Queensland relate to child harm, so it's a  
7 much broader spectrum of matters than simply sexual abuse.  
8 If you look at the Education (General Provisions) Act, for  
9 example, in Queensland, which I have a lot to do with,  
10 you'll see that there is a specific reporting provision,  
11 mandatory reporting provision, on school staff in relation  
12 to any sexual abuse, and that was amended only a couple of  
13 years ago in respect of a report authored by  
14 Dr Ben Matthews from the Griffith University, I think, or  
15 QUT, I think he'll forgive me, I think it's QUT - where he  
16 examined the nature of the mandatory reporting provisions  
17 in Queensland, and we changed them. It used to be you only  
18 had to report sexual abuse committed by another teacher.  
19 Now it's broader.

20

21 Q. So if it's happening in the home, it has to be  
22 reported if the teacher knows about it?

23 A. In the course of their duties, yes, but there is no  
24 criminal offence related to the non-reporting in the Child  
25 Protection Act area. It's not an offence. The only - the  
26 only comeback, I suppose, you have against a person who is  
27 a mandatory reporter who doesn't report is really an  
28 administrative one such as discipline.

29

30 Q. So it's not an offence not to report?

31 A. Not under the Child Protection Act, no. There is an  
32 obligation, but it's not an offence - unless you -  
33 I haven't explored the question of whether - there is a  
34 provision in the Queensland Criminal Code that applies in  
35 relation to people who have a duty to do something and, if  
36 they fail to do it, there is a default term of imprisonment  
37 that applies. So I don't recall specifically whether or  
38 not that has been ameliorated in terms of that particular  
39 obligation.

40

41 Q. It's odd to have an obligation without a sanction.

42 A. Well, I think - as I said, I'm not speaking on behalf  
43 of the State of Queensland in relation to this, but I would  
44 say that the thinking there really was - because the  
45 Carmody report was trying to triage the number of reports  
46 that were coming into the child safety system. About  
47 80 per cent of matters reported were not acted on. They

1 didn't reach the thresholds necessary for child protection  
2 statutory action, and they were effectively clogging up the  
3 system and wasting time and taking resources away from what  
4 were considered the core concerns - really, the sexual  
5 abuse and severe other abuse matters. So I think the  
6 thinking probably was that if we make it an offence  
7 provision, that's going to encourage people to report  
8 everything rather than give effect to the policy aim of the  
9 reforms, which was to only get the most important stuff  
10 reported.

11  
12 Q. You could do that by making it an offence provision in  
13 relation to the important matters, couldn't you?

14 A. Perhaps, yes.

15  
16 MR STEWART: Q. Mr Davies, in your role in the  
17 prosecution service, did you have any involvement in other  
18 cases where there was some Jehovah's Witness element to  
19 it - relevant element?

20 A. Not that I recall.

21  
22 MR STEWART: Those are my questions, your Honour.

23  
24 THE CHAIR: Does anyone else have questions of Mr Davies?

25  
26 MR COYNE: Yes, your Honour.

27  
28 MS DAVID: No, your Honour.

29  
30 <EXAMINATION BY MR COYNE:

31  
32 MR COYNE: My name is Coyne. I represent Dino Ali, Kevin  
33 Bowditch, Ron de Rooy and others in these proceedings.

34  
35 THE CHAIR: I think you need to identify they are elders  
36 of Jehovah's Witness Church.

37  
38 MR COYNE: Q. Who are each elders in the Jehovah's  
39 Witness Church. Mr Davies, you made a statement on 8 July  
40 2015; correct?

41 A. Yes.

42  
43 Q. That statement was about your dealings with members of  
44 the Jehovah's Witness Church as part of the prosecution of  
45 someone - yes?

46 A. Yes.

1 Q. Yes. Did that include Mr Dino Ali? Did you deal with  
2 him?  
3 A. I don't recall specifically. I did have access to the  
4 committal transcript, but I didn't check it specifically.  
5 I do recall that I took the - I led evidence from the  
6 elders at least in relation to the first appeal matter, but  
7 I can't recall specifically who they were.  
8  
9 Q. Do you recall which elders made statements in relation  
10 to this matter?  
11 A. I recognise the names de Rooy, Ali, Bowditch. Those  
12 are the ones that stick in my memory.  
13  
14 Q. As elders who made statements in relation to the  
15 prosecution?  
16 A. That's correct.  
17  
18 Q. You say in your statement you did not have any  
19 difficulty "in obtaining cooperation from the witnesses I  
20 examined who were, in the main, lay representatives of the  
21 Jehovah's Witness Church". Correct?  
22 A. Correct.  
23  
24 Q. Would that include those three persons that I've  
25 named?  
26 A. Yes.  
27  
28 Q. You've said, "I do not recall any reluctance or  
29 hesitation to assist me in obtaining records in question"  
30 in relation to the proceedings.  
31 A. Yes.  
32  
33 Q. And you have also said:  
34  
35 *... I do not recall feeling that they had*  
36 *been uncooperative or mendacious in any*  
37 *respect.*  
38  
39 A. Yes.  
40  
41 Q. And that's referring to the witnesses again?  
42 A. That's correct.  
43  
44 Q. And that would be the three named people before - Ali,  
45 de Rooy and Bowditch?  
46 A. That would be inclusive of them. I didn't - I don't  
47 recall any problem with any of the witnesses, really, in

1 the matter that I dealt with.

2

3 Q. And you requested statements for the prosecution,  
4 which they made.

5 A. Well, I didn't request them; they would have been  
6 prepared and obtained by the police. They would have been  
7 part of the prosecution brief before I ever obtained the  
8 matter, but I may - I may have spoken to them on the phone  
9 before the hearing. If, for example, the matter was going  
10 to be full evidence, I might have wanted to speak to them  
11 and take them through their evidence beforehand,  
12 effectively conferencing them, and then I would have led  
13 their evidence in court, but that's probably the only  
14 contact I would have had with those particular witnesses.

15

16 Q. If you had to characterise their statements from a  
17 prosecution standpoint, would it be correct to say that  
18 they were corroborative of the complaint?

19 A. I think so.

20

21 Q. Would you also say that they contained alleged  
22 admissions of the accused?

23 A. I think if they didn't specifically contain them, they  
24 certainly referred to them, because I think, from memory,  
25 there were admissions outlined in other documents that we  
26 obtained directly from The Watchtower Society, I think from  
27 memory, and there was a solicitor I spoke to and I had to  
28 organise the subpoena of the documents.

29

30 Q. So each of those statements of de Rooy, Bowditch, Ali,  
31 were all in support of the prosecution of the accused?

32 A. Yes.

33

34 MR COYNE: Thank you.

35

36 THE CHAIR: No other questions? Mr Stewart?

37

38 MR STEWART: Nothing further, your Honour, for Mr Davies.

39

40 THE CHAIR: Thank you, Mr Davies. That concludes your  
41 evidence and you are formally excused.

42

43 THE WITNESS: Thank you.

44

45 <THE WITNESS WITHDREW

46

47 MR McMILLAN: Might I also be excused, your Honour.

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THE CHAIR: Yes, certainly. I'm sorry, Mr McMillan.

MR STEWART: Your Honour, the witness whom I would call next ordinarily would take some time and, given that we've committed to have the expert witness of The Watchtower Society on Friday, it means that that witness's evidence would hang over at least tomorrow and part of Friday maybe.

THE CHAIR: I think we're travelling well in accordance with our schedule, so we're not troubled by adjourning now, if that's what you're asking.

MR STEWART: That's what I'm suggesting, your Honour.

THE CHAIR: We'll adjourn until 10 o'clock, Friday morning.

**AT 3.30PM THE COMMISSION WAS ADJOURNED TO  
FRIDAY, 31 JULY 2015 AT 10AM**

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