

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

**Public Hearing - Case Study 29
(Day 148)**

Level 17, Governor Macquarie Tower
Farrer Place, Sydney

On Tuesday, 28 July 2015 at 10am

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

Counsel Assisting: Mr Angus Stewart SC

1 THE CHAIR: Yes, Mr Stewart.

2

3 MR STEWART: If your Honour pleases, Mr Jackson is still
4 giving evidence.

5

6 <DOUGLAS JAMES JACKSON, on former oath: [10.05am]

7

8 <EXAMINATION BY MR STEWART CONTINUING:

9

10 MR STEWART: Q. Mr Jackson, I'd like to show you
11 paragraph 57 of [BCB]'s statement. It will come up on the
12 screen. Perhaps you can start at paragraph 56. You'll see
13 that [BCB] here is talking about the meeting that you spoke
14 about yesterday, too, and she says she felt uncomfortable,
15 she could not bring herself to tell the elders everything
16 that had happened, she felt like she was still Bill's
17 victim, and she was so scared of saying anything that would
18 get her or Bill into trouble. Then at paragraph 57 she
19 says:

20

21 *I remember that at one point in the*
22 *meeting, Max said to me, "Is there anything*
23 *else you wish to tell us?" I remember*
24 *looking across the room at Bill and saying*
25 *"no". It was already very hard to talk*
26 *about sex in a room full of men. It was*
27 *especially hard to talk about what Bill had*
28 *done to me while he was sitting there in*
29 *front of me. I didn't feel like it was a*
30 *safe environment and I was scared of what*
31 *the consequences would be if I told the*
32 *whole truth. Perhaps if a Sister who I was*
33 *comfortable with had been there too, it*
34 *might have been easier.*

35

36 Mr Jackson, I take it you accept that it was very hard for
37 [BCB] to talk about sex in a room full of men?

38 A. I do, yes.

39

40 Q. And it was hard for her to talk in front of Bill -
41 Bill Neill that is - who was her abuser?

42 A. Yes, I'd say that, as she said, it would have been
43 very hard.

44

45 Q. And that it did not feel like a safe environment for
46 her?

47 A. Yes. I don't know why she would have felt that,

1 because we tried to comfort her. I just can't remember the
2 scriptures that we used and the way that we spoke, but
3 I would say that we tried to comfort her and to help her.
4

5 Q. But you appreciate that, whatever you might have said,
6 it couldn't have been enough in those circumstances?

7 A. I'd say that's correct, yes.
8

9 Q. In circumstances where she has to face a number of men
10 who are her elders in the church?

11 A. Yes.
12

13 Q. Including one of whom is the person whom she accuses
14 of having abused her?

15 A. Yes, yes.
16

17 Q. And she has to face him?

18 A. Yes, yes.
19

20 Q. And then she says, as you saw, that perhaps if a
21 sister whom she was comfortable with had been there it
22 might have been easier, and you suggested yesterday there
23 might be space for that, and we started a discussion about
24 that. I'd like to take you back to what I showed you just
25 before we finished yesterday, which is at tab 120, page 90
26 or Ringtail 91 of that document, paragraph 3.
27

28 This document, you'll recall, is the Shepherd the
29 Flock of God. Of course, it's the position now, not back
30 then, but I'm content to discuss what the position is now.
31 As I showed you yesterday, you see that it says that in a
32 judicial hearing, procedure observers should not be present
33 for moral support. You answered yesterday that you thought
34 that if the accused - not the accuser but the accused -
35 wanted moral support, there may be space for that. But
36 you'll accept that under this there's no space for the
37 accuser to have someone present for moral support?

38 A. In that particular paragraph, it demonstrates and it
39 mentions that, but I think in the publication around
40 chapter 12 it does talk about that. We need to take into
41 consideration the person and that we would, you know,
42 really try to help them and, if need be, now, certainly
43 have someone there to help. I think it was paragraph 18
44 and 19 - I think.
45

46 Q. So that's at Ringtail 132. This is dealing
47 specifically with child abuse. There are the paragraphs 18

1 and 19?

2 A. Yes, it must have been another one, but I know that,
3 if need be, and we certainly can have - they can have, the
4 one that is being abused, they can have someone there,
5 whether a friend, parents, ones of their choice, and make
6 them feel comfortable.

7

8 Q. It's not in those paragraphs 18 and 19, you accept
9 that - do you accept that?

10 A. Sorry, yes. I thought it was there.

11

12 Q. And it would be against the paragraph 3 we were
13 looking at earlier insofar as a judicial hearing is
14 concerned?

15 A. Yes, sorry.

16

17 Q. These guidelines are published by Bethel in Brooklyn -
18 that's right?

19 A. Yes.

20

21 Q. It says in paragraph 18 on the screen now, in the last
22 sentence:

23

24 *The branch office will then give direction*
25 *based on the circumstances involved in each*
26 *situation.*

27

28 Would it be your understanding that that is direction
29 within what these rules allow?

30 A. Yes.

31

32 Q. In other words, the branch office wouldn't have
33 authority to override these rules which are published and
34 distributed from New York?

35 A. No, but they could include saying we should give
36 support - as much support to the victims as possible.

37

38 Q. What about if the complainant is a child still at the
39 time that she's complaining, that she raises the
40 allegation, how do you deal with that?

41 A. In the KS10 - I'm just trying to think of the chapter,
42 whether it's - but there's, again, just the support - if
43 it's a child, then the parents would be permitted to come
44 there, unless, of course, one is an accuser, it's a little
45 bit different. But, again, we try to give them as much
46 support as we can to help them.

47

1 Q. Well, Mr Jackson, you and other overseers and elders
2 have given evidence or have in their statements that you
3 received training from time to time; is that right? Does
4 that training ever cover how you should deal with children
5 who are making complaints of child sexual abuse?

6 A. I cannot remember exactly when, but I'd say yes, that
7 it does deal with that, and appreciating that every
8 situation is different, the way that it would be handled.

9

10 Q. What training specifically on how, for example, to
11 interview a child complainant?

12 A. We, of course, try to be as kind and as considerate,
13 thinking of Bible principles involved, how we can be of
14 support to these ones. Again, looking to the publications
15 as well.

16

17 Q. Do you accept that it's a specialist area of how to
18 respond to children making allegations of abuse?

19 A. Yes, we do, and we certainly appreciate that, and even
20 after, we don't discourage if - if the parents or the
21 individual wants to seek other help through individuals or
22 through - depending on the circumstances - qualified
23 people.

24

25 Q. So --

26 A. A psychiatrist or counsellors.

27

28 Q. Insofar as the interviewing itself is concerned, you
29 wouldn't, though, be able to give up your role as an elder
30 in conducting an interview to a professional outside of the
31 church, would you?

32 A. Do you mean being involved in the meeting?

33

34 Q. Yes, interviewing the child.

35 A. No, that's true, we don't, no. But we try to give
36 them as much support as we can - as I've said, either
37 through an individual who they feel comfortable with - but
38 when the situation is dealt with, we certainly - you know,
39 don't encourage them, but we say that if they want to, they
40 can, you know, go to counsellors, psychiatric help or
41 within the congregation there may be someone that can give
42 them definite help.

43

44 Q. If we can look at tab 126, starting on the first page,
45 you'll see that this is from World Headquarters in August
46 2013 and it's to Branch Committees and it's Guidelines for
47 Branch Office Service Desks, in other words, how branch

1 offices should respond. Attached to the letter is some
2 Guidelines for Branch Office Service Desks. Is this a
3 document you've seen before? It wouldn't typically go to
4 you because you've not served in a branch office, have you?

5 A. No, no.

6
7 Q. In any event, you'll see there the guidelines are
8 there, but can I take you to, in particular, page 9,
9 Ringtail 84, question 14:

10
11 *When should elders interview a young child*
12 *who is a victim of child abuse?*

13
14 That's the question put, as it were, to the service desk,
15 and as I read the document this is what the direction to
16 the service desk is:

17
18 *When elders call the branch office*
19 *regarding a child abuse matter they may ask*
20 *about the need to interview the victim. In*
21 *such cases, help the elders to balance the*
22 *need to investigate with the dangers of*
23 *inadvertently further the traumatising a*
24 *young child abuse victim. For example, has*
25 *the accused already confessed to the*
26 *wrongdoing? Is there more than one accuser*
27 *and thereby already sufficient evidence to*
28 *handle the matter judicially. In such*
29 *cases there is likely no need to interview*
30 *the young child.*

31
32 Still nothing there about being able to get a trained
33 professional to do the interview, or to assist?

34 A. No, that's why I said generally it's after that we
35 encourage them, if need be, but if they do want support
36 during the meeting, then either the parents or somebody
37 else that they feel comfortable with, yeah.

38
39 Q. Returning to the direction in Shepherd the Flock that
40 we were looking at earlier, which says that observers
41 should not be present for moral support, can you conceive
42 of what the justification can be for that direction?

43 A. For moral support?

44
45 Q. Yes, that an observer should not be present for moral
46 support?

47 A. No, I can't, and that's why I thought in other

1 chapters of the book - but I just can't recall them,
2 I thought that one was in chapter 12 I just quoted, but
3 it's not - 18 and 19. But I find that - well, I don't
4 find, but with the letters and the publications, we
5 certainly do try to make the person feel at ease so they
6 feel free to be able to express themselves.

7
8 THE CHAIR: Q. The problem, Mr Jackson, is really not
9 addressed in that way, though, is it? The problem --

10 A. No.

11
12 Q. -- is the whole structure of the arrangement with two
13 male elders, a male accused and then a female, in an
14 environment in which she could never feel comfortable,
15 being asked to tell intimate details of a sexual nature -
16 the structure doesn't work, does it?

17 A. Well, I agree, your Honour, I certainly do.

18
19 Q. What can the church then do about changing the
20 structure?

21 A. Well, maybe, after hearings like this, where it's been
22 brought to the fore, I just feel that over a period of
23 time, only through matters of letters that I've read, that
24 it does indicate that other persons for support are able to
25 help them through.

26
27 Q. But even support is not going to help, given the
28 structure of the whole arrangement.

29 A. Yeah, yeah. Well, maybe, as I said, after meetings
30 like this - hearings like this, sorry - there could be a
31 structure change. You know, I'm not in that position to
32 say, but there could be.

33
34 Q. Well, how would structure change occur?

35 A. I guess just what you're saying, with the
36 individual --

37
38 Q. How would it be initiated inside the church? How does
39 the church make the changes that are necessary?

40 A. Oh, well, it would go through the governing body, or
41 suggestions would be to the governing body.

42
43 Q. Which is in America, is it?

44 A. Yes, but, in turn, it could go through the branch
45 here, the suggestions.

46
47 Q. Do people like you take forward suggestions to the

1 branch here?
2 A. Well, I haven't.
3
4 Q. But do they?
5 A. Yes, they do.
6
7 Q. I want to know how the system works?
8 A. Yes, they do.
9
10 Q. What's the process?
11 A. Yes, they do, they make recommendations, and these
12 recommendations go to the branch of the governing body and
13 then situations can change in those areas if - if the
14 governing body decides to do that. But we can make -
15 anyone is free to write and make these recommendations,
16 your Honour.
17
18 MR STEWART: Q. Mr Jackson, in your statement you say
19 that the complaint that was made when you were there,
20 investigating it - the complaint that was made involved
21 [BCB] discovering Bill Neill looking at her as she was
22 taking a shower, which Neill admitted to. You recall that.
23 And [BCB] complained that Neill had touched her breasts
24 from the outside of the night clothing when kissing her
25 good night, but he said that if it occurred it was
26 inadvertent. Do you remember that?
27 A. I just remember Bill Neill looking at her in the
28 shower and the comment made on the touching of the breasts.
29
30 Q. You don't remember the complaint about repeated
31 tongue-kissing over a period of time?
32 A. No.
33
34 Q. You don't remember that?
35 A. No, and, to me, I don't know if it was even raised.
36
37 Q. Let us look at tab 70. If we can scroll down so,
38 Mr Jackson, you can see this. Do you recognise that this
39 is your report to the branch following your investigation
40 with Mr Horley?
41 A. Yes, yes.
42
43 Q. I understand you wrote this letter; is that right?
44 A. I did, yes, with comments from Brother Horley or
45 Max Horley.
46
47 Q. If we see at the end, both you and Mr Horley signed

1 it?
2 A. Yes, correct.
3
4 Q. Did you write this letter from any notes you had taken
5 during the course of your interviews or investigations?
6 A. I would have taken, yes, on some of those days, but
7 also discussing it with Max Horley as well - like, the
8 contents of the letter.
9
10 Q. So you took notes during the interviews as to what was
11 being --
12 A. I think we both did - as far as I can remember,
13 I think we both took some notes.
14
15 Q. As to what the complaints were?
16 A. Yep.
17
18 Q. And, presumably, what the responses were?
19 A. Correct.
20
21 Q. And where are those notes now?
22 A. Well, I - I don't have them. I don't know whether
23 they were kept in the congregation file or --
24
25 Q. Well, you were the circuit overseer at that time.
26 Would your notes have ordinarily gone into the congregation
27 files?
28 A. Normally, if I was serving that congregation, it would
29 have gone there. The only letter would have been this to
30 the branch, but I really can't remember. I know I never
31 took notes - not only from this situation but any -
32 anything else that I dealt with; it went to the
33 congregation. Sometimes there may have been matters that
34 I passed on if I - another circuit overseer followed me or
35 took over the circuit that I was doing, but I cannot
36 remember with regards to that, and I would say that
37 possibly it was just left with the congregation.
38
39 Q. You see, the Royal Commission subpoenaed and received
40 documents from the congregation files, but there are no
41 notes there.
42 A. Yeah, well --
43
44 Q. Can you explain that?
45 A. I cannot, no.
46
47 Q. Are you really saying, Mr Jackson, that your ordinary

1 practice was that the overseer's notes would go into the
2 congregation file?

3 A. Yes, and information, as this letter, would go to the
4 branch. I don't think anything went to the branch other
5 than that letter.

6
7 Q. You see in this letter on the first page, where you
8 report to the branch, you say you're writing in reply to
9 another letter and you say:

10
11 *I investigated the matter further with the*
12 *other elder ...*

13
14 Then you set out some aspects of the investigation in the
15 first paragraph. Then in the second paragraph you say:

16
17 *We also spoke to other brothers and sisters*
18 *in the congregation who knew about the*
19 *matter through another sister who had*
20 *spread the story after being told about*
21 *it ...*

22
23 You go on dealing with other people knowing. Going to the
24 next paragraph, you say:

25
26 *After interviewing the brothers and sisters*
27 *and reviewing the scriptures ...*

28
29 You identify them:

30
31 *... we felt that "uncleanness" had been*
32 *committed on several occasion but it was*
33 *not "loose conduct". We felt that*
34 *Brother Neill could not speak with*
35 *confidence ...*

36
37 And so on. You don't identify in that letter at all what
38 the actual allegations were?

39 A. Well, that's true, yes. In hindsight, I'd say that we
40 should have done that, and - yeah.

41
42 Q. You see, both Mr Horley and [BCB] say that there were
43 also allegations made with regard to tongue-kissing - in
44 the meeting that you were at. I take it that you don't
45 contest that; you just say you don't remember it?

46 A. I don't remember it. I didn't think that it was, but
47 I don't remember.

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Q. So what was the uncleanness that you identify in that letter?

A. Well, the matter of the - Bill Neill watching her in the shower and the touching of the breast.

Q. Now, this report to the branch, is that a requirement, that you report to the branch when an elder is removed or deleted from being an elder?

A. Yes, yes, because the appointments back then came through the branch.

Q. The appointments of elders?

A. And recommendation, deletions, yes.

Q. And that's still the case, though, isn't it?

A. Yes, it is.

Q. And you say there:

... unfortunately there may be worldly people who also know but we are not sure.

In respect of people knowing, why is it that you drew the distinction between worldly people and people within the congregation, what's the relevance of that?

A. It was mainly just to show how far it had got and, therefore, his qualifications - how far the information about Bill Neill had got, not just in the congregation but outside, and therefore his qualifications came into question - because of that and because of ones in the congregation and because of what actually happened.

Q. Was the disqualification because he couldn't be trusted with young girls?

A. Well, in this particular case, yes.

Q. That isn't what you say in the letter. The disqualification is that he couldn't speak freely, he didn't have freedom of speech?

A. Oh, well, sorry, yes.

Q. That's different, isn't it?

A. Yes.

Q. You were concerned that he couldn't speak with authority in the congregation, because of how people in the

1 congregation might view him?
2 A. Yes, yes. Yes. So the wording, again, would be
3 something that we would - I would consider different.
4
5 THE CHAIR: Q. Mr Jackson, the letter refers to you
6 feeling that uncleanness had been committed, but not loose
7 conduct. What's the difference?
8 A. Uncleanness in the sense of what they actually did, or
9 he did I should say. Loose conduct is where it's actual
10 intercourse, other inappropriate things that could happen.
11
12 Q. So that's referred to as "loose conduct"?
13 A. Well, also in the Bible as immorality, porneia.
14
15 Q. Where does the expression "loose conduct" come from.
16 Is that a Jehovah's Witnesses expression?
17 A. No, just in that reference material - I'm not sure if
18 it's in there, but I would say that it's an expression that
19 is mentioned in the Bible. Just offhand I can't remember
20 the scripture, but also, too, the publications have
21 explained it and even going into more detail in later
22 publications, just explaining it.
23
24 Q. If a man deliberately touched the breast of a girl,
25 how would that be classified?
26 A. Deliberately?
27
28 Q. Yes.
29 A. I would say as uncleanness, yeah.
30
31 Q. And if a man deliberately touched the breast of a girl
32 on more than one occasion, how would that be described?
33 A. Well, you're getting into the area of loose conduct.
34
35 Q. Well, in this letter, you say that uncleanness had
36 been committed on several occasions. Do you see that?
37 A. Yes.
38
39 Q. Now, one can understand an accident?
40 A. Yes.
41
42 Q. But it's different, isn't it, if you've got several
43 occasions?
44 A. Yes. Yes, that's why I say with the wording of it,
45 I would probably word it as different.
46
47 Q. Well, if you've got several occasions, you're into the

1 area of finding deliberate conduct, aren't you?
2 A. Mmm.
3
4 Q. Well, does that suggest the way that you classified
5 these events, even on your limited reference to them, was
6 wrong?
7 A. At the time, I would say that I felt that, or we felt
8 that, it was correct, but I can also see what you're saying
9 now and also, too, with additional information that we've
10 received over the years, it could certainly be classified
11 as different.
12
13 Q. Leaving aside the different information over the
14 years, just looking back on what you knew then, as you
15 recall it --
16 A. Yes.
17
18 Q. -- is the letter correct?
19 A. Well, as I said, it's correct in the sense that we,
20 with our understanding then, but as you're saying, as it
21 mentions "several occasions", then it would come under the
22 field of loose conduct.
23
24 Q. Well, it's not my record; it's your words?
25 A. Yes, I know.
26
27 Q. Is the letter wrong?
28 A. I'd say the wording, yes.
29
30 Q. It might be suggested that the letter has been written
31 in a way which is favourable to Brother Neill and more
32 favourable than, in fact, the facts that you knew meant it
33 should have been.
34 A. Because of that comment or --
35
36 Q. Yes, because of the finding.
37 A. Yes, although we did - I did mention there - I just
38 noticed in the last sentence, "He has been given strong
39 counsel and we feel that no further action or restrictions"
40 are needed. So what we actually discussed with him from
41 the Bible or the publications, I'm not sure, I can't
42 remember, but I can't see how we showed him particular
43 favour.
44
45 Q. Well, I think we've agreed that the --
46 A. Yes.
47

1 Q. -- facts that you had fell into the category of loose
2 conduct?

3 A. Yes.

4

5 Q. But you didn't make that more serious finding; you'd
6 left it at uncleanness?

7 A. Yes, yes.

8

9 Q. Isn't that favourable to him?

10 A. Well, again, looking at it, you could say yes, that
11 possibly is the case, but, again, just the wording of it,
12 I would have certainly done it different in thinking about
13 it now.

14

15 Q. Again, it might be suggested that you fell into this
16 form of finding and form of words because you were
17 favourably disposed to Brother Neill, you see?

18 A. I don't think I was or we were, but, by the wording of
19 it, yes, I can see what you're saying, your Honour.

20

21 MR STEWART: Q. You see, Mr Jackson, there was only one
22 shower incident, or looking over the shower incident that
23 was complained of, wasn't there?

24 A. I thought that was the situation, yes.

25

26 Q. But there were many instances, over a long period of
27 time, of tongue-kissing.

28 A. Well, I was unaware of that. I didn't know.

29

30 Q. Because by using the words "several occasions", it
31 seems that this may be a reference actually to the several
32 occasions of tongue-kissing.

33 A. Yes, yes. I cannot say with confidence, but it could
34 have been. But I just cannot recall that that was raised.

35

36 Q. Now, the classification of these different sins or
37 severity of sinning, at that time, was as set out in Pay
38 Attention to Yourselves and to all the Flock - is that
39 right - that was published in 1991; is that right?

40 A. I think it was, yes.

41

42 Q. That's at tab 80. Perhaps we can look at Ringtail 24,
43 page 92 of the document. You'll see there under the
44 heading "Uphold Jehovah's Righteousness". The second bold
45 paragraph says:

46

47 *The Scriptures clearly show that Jehovah*

1 *forbids certain conduct among his clean*
2 *people; brothers need to uphold Jehovah's*
3 *righteous standards regarding the*
4 *following.*

5

6 It then sets out various categories of transgression. The
7 first is "Manslaughter".

8 A. Yes.

9

10 Q. Then there is "Sexual misconduct, including adultery,
11 fornication and other forms of 'porneia'". Under that
12 you'll see there are three subcategories?

13 A. Yes.

14

15 Q. The first one is:

16

17 *Uncleanness includes an intentional*
18 *momentary touching of sexual parts or*
19 *caressing of breasts.*

20 A. Yes.

21

22 Q. Then if we scroll down:

23

24 *Loose conduct is a shocking, flagrant*
25 *disregard for Jehovah's moral standards.*

26

27 A. Yes.

28

29 Q. And some examples are set out?

30 A. Yes.

31

32 Q. And, thirdly:

33

34 *"Porneia" involves immoral use of the*
35 *genitals of at least one human ...*

36

37 A. Yes.

38

39 Q. Then it goes on and sets out examples. So that was
40 the classification you were seeking to employ; is that
41 right?

42 A. Yes, yes.

43

44 Q. Do you know the origins, Mr Jackson, of this word
45 "porneia"?

46 A. Just scripturally from the Greek. Deals with - as it
47 mentions there - "'Porneia' involves immoral use of the

1 genitals of at least one human", so it involves fornication
2 and other forms of immorality, also including there oral
3 sex, anal sex and mutual masturbation.

4
5 Q. So the word itself is of Greek origin, you say?

6 A. It's of Greek origin.

7
8 Q. Going back to your letter at tab 70, at the top of the
9 second page, you'll see in the last sentence of that
10 paragraph you write:

11
12 *Also brothers, I would recommend that once*
13 *this has died down and it appears that*
14 *Brother Neill again has the freedom of*
15 *speech that he be recommended as an elder*
16 *again so that he can be of help in the*
17 *congregation as he has done in the past.*

18
19 Now, what does "freedom of speech" there mean to you, as
20 you employed it?

21 A. Well, freedom of speech is just, over a period of
22 time, if those that knew about it no longer see it,
23 themselves, as something that is a terrible thing that
24 disqualifies him as an elder. But looking at that now,
25 I certainly would re-write that area, because, even now,
26 you know, one wouldn't be recommended without first of all
27 considering the amount of time and years that that had
28 happened, if at all, that he be recommended as an elder or
29 ministerial servant.

30
31 Q. So you say that the time period should have to be
32 considered?

33 A. Now?

34
35 Q. Yes.

36 A. Yes, and even then - it wasn't just something that was
37 done within six months, but normally it would take a period
38 of time. One of our publications said - I think the
39 wording "many years" or - and even back then it was
40 recommended that it would be several years to live down
41 that sin that had happened.

42
43 Q. Because it's a reputational issue?

44 A. Yes.

45
46 Q. It's about Brother Neill's efficacy or potential
47 efficacy as an elder?

1 A. Yes, yes.
2
3 Q. And the moral authority that he might have in the
4 congregation?
5 A. Yes, and even - yes. Even, too, taking into
6 consideration that - dealing with young people: would he
7 be able to do that again? And, you know, with our recent
8 letters that we've had, it certainly shows that he wouldn't
9 be quickly recommended, if ever, no.
10
11 Q. But at the time that you considered what the proper
12 course was in relation to [BCB], or [BCB]'s complaints,
13 there was no consideration then about his potential
14 reoffending?
15 A. No, not - no.
16
17 Q. Well, shouldn't there have been?
18 A. Do you mean for him, that we warned him?
19
20 Q. No, not that you warned him?
21 A. I'm sorry.
22
23 Q. That you took steps to protect children in the
24 congregation, to ensure that he wouldn't offend against
25 them?
26 A. Oh, yes, yes, yes. I just can't recall what we said
27 to him or what happened, but we would have taken steps,
28 yeah, that he don't - that he wouldn't get into that
29 situation again.
30
31 Q. Insofar as him being reappointed as an elder some time
32 in the future, your recorded concern here is about his
33 reputation once this matter has died down - do you accept
34 that?
35 A. Yes, and as I say, in hindsight, I definitely wouldn't
36 have said that back then.
37
38 Q. But what you didn't consider is whether, over a
39 passage of time, he could be considered to be safe and
40 trustworthy with children?
41 A. Yes, yes, and that would certainly have been something
42 now that I would definitely put in a letter.
43
44 Q. And you should have considered it then?
45 A. Yes.
46
47 Q. Do you accept that?

1 A. Yes.
2
3 Q. Mr Jackson, did you consider at all, when those
4 complaints were made, that the conduct complained of may
5 have amounted to a criminal offence?
6 A. No, I did not. No.
7
8 Q. Did you consider at all reporting the matter to the
9 police?
10 A. No, I did not.
11
12 Q. Did you consider at all encouraging [BCB] to report
13 the matter to the police?
14 A. I am not sure if we recommended that to her. As far
15 as I'm aware, all we did was to have those meetings and to
16 write that letter. If the branch wanted that further to
17 happen, I guess they would have written to Max Horley on
18 it. But I just cannot recall whether we did talk to her
19 about that, or whether - yeah, I'm just not sure.
20
21 Q. In your considerable time and experience as an elder
22 and as a circuit and then district overseer, has there ever
23 been a case where you have reported wrongdoing that may
24 have constituted a criminal offence to the police?
25 A. Not that I'm aware, because I never really got
26 involved with those cases at all.
27
28 Q. So you say you were never involved in a case, within
29 your responsibilities in the church, where the wrongdoing
30 that was complained of was such that it may have
31 constituted a criminal offence?
32 A. Offhand, I - I cannot recall any situation.
33
34 Q. Other than the case of [BCB], of course?
35 A. Yes, yes.
36
37 Q. What is your understanding of when matters should be
38 reported to the police by elders or overseers, and when
39 not?
40 A. I think the procedure now is that we ring the branch
41 and we tell the person - the legal department - and we tell
42 the one involved about reporting it to the police. I think
43 every State has been different as regards to when this was
44 implemented. I'm not sure, but that's what we've
45 encouraged in the publications.
46
47 Q. But if there's no legal obligation to report, then the

1 practice is to not report; is that how you understand it?
2 A. For sexual abuse, do you mean?
3
4 Q. Or any crime, including --
5 A. No, no, we'd certainly recommend, if a crime has been
6 committed, that it be reported to the police.
7
8 Q. What about a crime of sexual abuse, you seem to treat
9 that differently?
10 A. You mean, first of all, ringing the branch and asking
11 for --
12
13 Q. Whether it should be reported?
14 A. I think we have direction that it should be reported.
15
16 Q. If there's a legal obligation to report?
17 A. Yes, yes.
18
19 Q. And if there's not a legal obligation to report?
20 A. Well, again, if there's any doubts, we are still
21 encouraged to ring the branch legal department, just to
22 seek direction from them what to do.
23
24 Q. And you would do as you were directed by them?
25 A. Yes. And not just one individual, but two individuals
26 doing it.
27
28 Q. You mean the two elders?
29 A. Yeah, yeah.
30
31 Q. In your understanding, where do you expect that line
32 to be drawn as to what is serious enough to be reported to
33 the police and what isn't?
34 A. In a matter of crime?
35
36 Q. Yes, that's what the police are principally concerned
37 with - crime?
38 A. Yeah, well, apart from child sexual abuse, areas of,
39 say, theft, murder - yeah, general crime where they are
40 breaking the law.
41
42 Q. As I understand it, you say you have never been
43 involved in reporting a matter to the police?
44 A. No, that's correct, yeah.
45
46 MR STEWART: Those are my questions, your Honour.
47

1 THE CHAIR: Does anyone else have any questions?
2
3 MS GALLAGHER: I do, your Honour.
4
5 THE CHAIR: Anyone else?
6
7 MR COYNE: Yes.
8
9 THE CHAIR: Who should go first?
10
11 MR COYNE: Probably my friend.
12
13 THE CHAIR: I think so. Does anyone else have any
14 questions?
15
16 MR TOKLEY: no, your Honour.
17
18 <EXAMINATION BY MS GALLAGHER:
19
20 MS GALLAGHER: Q. Just in reference to tab 70, the
21 letter that you wrote - I beg your pardon, my name is
22 Gallagher and I represent [BCB].
23 A. Yep.
24
25 Q. If tab 70 could be called up, please. Can I just
26 clarify, Mr Jackson, the second paragraph there where you
27 indicate:
28
29 *I investigated the matter further with the*
30 *other elder in the Narrogin congregation,*
31 *Brother Max Horley ...*
32
33 you say:
34
35 *... and spoke to the sister involved and*
36 *her husband and also other brothers and*
37 *sister in the congregation. We gave*
38 *counsel to both the husband and the wife*
39 *about going to the elders and setting the*
40 *matter straight with Jehovah ...*
41
42 Could I clarify with you who you are talking about when you
43 say, first of all, "I spoke to the sister", was that
44 [BCB] - is that who you were referring to?
45 A. So are we talking about the sister involved and her
46 husband?
47

1 Q. Yes. Is that [BCB] and [BCC]?
2 A. I'd say so, yes.
3
4 Q. And then when you talk about, "We gave counsel to both
5 the husband and wife about going to the elders and setting
6 the matter straight with Jehovah", which husband and wife
7 are you talking about there. Are you talking about Mr and
8 Mrs Neill or [BCB] and [BCC]?
9 A. I would say - I was unsure she was married then, but
10 I would say it would be to [BCD] [sic] and her husband.
11
12 Q. What did they have to set straight with Jehovah?
13 A. Well, it wasn't that, I think it was keeping in mind
14 that scriptural principle of James, was really just going
15 to the elders to try and get help from the elders, because
16 I think it had been spread - I'm not saying by them but by
17 somebody, I can't remember who it was - where other people
18 started to know about it.
19
20 Q. Was there an element then of her being chastised for
21 spreading something that could --
22 A. No.
23
24 Q. -- affect the congregation?
25 A. No.
26
27 Q. The reputation of Jehovah?
28 A. No, even the word "counsel" - again, I wouldn't use
29 that word again.
30
31 Q. But you did, and you said --
32 A. Yes.
33
34 Q. You've given evidence that you didn't keep any notes
35 about conversations?
36 A. Yes.
37
38 Q. That's right, isn't it?
39 A. Yes.
40
41 Q. So this is our best record, do you agree with that?
42 A. Yes.
43
44 Q. And it's dated around the time, obviously, 1992,
45 around the time --
46 A. Yes.
47

1 Q. -- that you spoke with [BCB] and [BCC]?
2 A. Yes.
3
4 Q. What do you think you might have meant, then - just
5 before leaving this topic, what do you mean by "setting the
6 matter straight with Jehovah"?
7 A. Well, just going to see what is - how they could be
8 helped or encouraged.
9
10 Q. And you didn't mention going to the police for help
11 and encouragement in reporting the matter?
12 A. No, that's correct.
13
14 Q. The next sentence is:
15
16 *Then showed that after we have done this,*
17 *that if we have repented Jehovah would*
18 *forgive us.*
19
20 An element there that these two - if it was reference to
21 [BCB] and [BCC] - that they were, the two of them,
22 actually, being chastised?
23 A. Yes. I would say, though, that referring it, too,
24 with [BCD] [sic], it was more to Bill Neill than to her,
25 that he needed to turn around and change.
26
27 Q. So you would deny that there was any element of [BCB]
28 and [BCC], her husband, in any way being chastised for
29 telling others about this conduct?
30 A. I don't think we would have chastised them, but we
31 would have encouraged them to try and settle the matter
32 within - you know, talking to the elder back there, who was
33 Max Horley, and try to do what we were doing here, as two
34 of us.
35
36 Q. If you go to the second page of tab 70, the top
37 right-hand reference is 0505. Could I just clarify: you
38 note in the middle of that paragraph - well, before I ask
39 that question, this paragraph really is very sympathetic to
40 Mr Neill, or Brother Neill, isn't it?
41 A. Yes.
42
43 Q. Indicating, from the previous page, that he has
44 accepted counsel and you were impressed by his humility
45 throughout the ordeal.
46 A. Yes. Yeah.
47

1 Q. So he was treated, it seems from this letter, with
2 kindness and sympathy; correct?
3 A. Yes, yes, because we try to do that as well as to the
4 guilty, to help them, yeah.
5
6 Q. You indicate in that paragraph, if I could take you to
7 the sentence:
8
9 *Now that it is all in the open and*
10 *discipline has been applied and accepted he*
11 *feels much better about his relationship*
12 *with Jehovah.*
13
14 Do you accept that everybody, including members of the
15 Jehovah's Witnesses, is subject to the discipline of the
16 State?
17 A. How do you mean, sorry?
18
19 Q. Well, the church had disciplined him.
20 A. Yes.
21
22 Q. But do you accept that - I think when being asked
23 questions by counsel assisting, your reference to "several
24 occasions" on the previous page may, indeed, have been a
25 reference to something you don't recall now, but the
26 kissing with the tongue. Now, "several", of course,
27 indicates that it was more than once, more than three
28 times. It's hard to calculate how many - do you agree with
29 that proposition?
30 A. Yes, yes.
31
32 Q. So that, as a child, this girl, [BCB] - of course she
33 was a young woman when you interviewed her, but she appears
34 to have been subject to several, multiple even, indecent
35 assaults - do you agree with that proposition?
36 A. Yes.
37
38 Q. Do you understand what an indecent assault is?
39 A. Well, from my recollection - I don't know what the law
40 is, but I'd say that it deals with things such as this type
41 of thing that happened to [BCD] [sic].
42
43 Q. Yes, sorry, the invasion of somebody's space - in
44 fact, their person - coupled --
45 A. Yes.
46
47 Q. So that's the assault, coupled with an act of

1 indecency, which of course would be the insertion of the
2 tongue in the mouth.
3 A. Mmm.
4
5 Q. Do you understand, do you have an appreciation that if
6 this matter had been reported to the police before this
7 young woman was confronted with her abuser, as occurred -
8 you accept that; correct?
9 A. Yes.
10
11 Q. Do you accept, or are you aware of this: if Mr Neill
12 had been charged with multiple acts of indecent assault,
13 just say - do you have an appreciation that he probably
14 would have received bail to stay away from [BCB]?
15 A. At that time, no.
16
17 Q. Do you understand also that he and anyone associated
18 with him would have had to have stayed away from her?
19 A. Yes.
20
21 Q. Do you have an appreciation that that's what would
22 have happened?
23 A. Yes.
24
25 Q. Likely have happened?
26 A. Yes, and our publications have certainly stressed that
27 over these years.
28
29 Q. Do you have an appreciation, also, that if the matter
30 had gone to hearing, [BCB] would not have had to face her
31 abuser, even then, because there are facilities available
32 for victims of sexual assaults to give evidence from remote
33 locations.
34 A. Yes, that I do know now. Then, no, I did not know.
35
36 Q. So you'd agree, given the care with which the State
37 deals with these sorts of allegations, that greater care
38 should have been given by members of the faith; do you
39 agree with that, in how you treated [BCB]?
40 A. Yeah, sure. Yes, I do believe that is the situation
41 and I feel that, you know, we really did - while I was
42 there for those six days, we did try to help her, encourage
43 her.
44
45 Q. Can I interject there, I beg your pardon. You didn't,
46 did you? You didn't encourage her to go to the police, did
47 you?

1 A. Well, that's true, yeah, I didn't do that. But I'm
2 saying that we still tried to help her.
3
4 THE CHAIR: Q. Mr Jackson, it's plain from her evidence
5 that she was very severely affected by these events - do
6 you agree?
7 A. I would say yes.
8
9 Q. It's also plain that the process that you engaged in
10 inflicted further trauma on her - do you understand that?
11 A. I understand it, but at the time I don't think
12 I appreciated it to that degree.
13
14 Q. There is no reference in this letter of any concern
15 for her or her welfare or what Jehovah's Witnesses might do
16 to help her, is there?
17 A. I thought there were some publications that we quoted
18 and scriptures that we would have used to help her - in the
19 letter, I thought.
20
21 Q. But it's clear that she needed psychiatric help?
22 A. Well, we - if she felt that and we felt that, then we
23 certainly - well, she would have questioned us on it and we
24 certainly would have recommended it.
25
26 Q. Did it occur to you at the time that she may need help
27 from medical professionals?
28 A. I'd say no.
29
30 Q. Well, you know now that she has done, and does need
31 it. Is Jehovah's Witness prepared to help her to receive
32 it?
33 A. I would say they certainly would, yeah. They would be
34 conscious of spending time with her and they would also
35 recommend her seeking medical help.
36
37 Q. Would they be prepared to pay for it?
38 A. Well, I don't think I could answer that question.
39
40 Q. Why not?
41 A. Well, you'd have to - they'd have to write to the
42 branch or the Governing Body just to seek out that.
43
44 Q. It's not an automatic matter, is it - if someone is
45 damaged by the actions of an elder?
46 A. Not that I'm aware of, sorry.
47

1 Q. Do you think the church should provide funds to help
2 her with her medical care?

3 A. I guess it would be something for them to consider,
4 but --

5

6 Q. No, what about you: do you think the church should?

7 A. Well, I think we give a lot of assistance to them.
8 I think it's an area that I really haven't thought about
9 and I wouldn't like to say. I think financial assistance
10 is a big thing that maybe, you know, they could be thinking
11 about, but I wouldn't make that statement that they would
12 do it or wouldn't do it.

13

14 Q. What would you recommend if you were asked your
15 opinion as to whether they should give her financial
16 support for medical care?

17 A. I think it could be considered.

18

19 MS GALLAGHER: Thank you, your Honour.

20

21 <EXAMINATION BY MR COYNE:

22

23 MR COYNE: Q. Mr Jackson, I just want to clarify --

24

25 THE CHAIR: You need to identify yourself, because people
26 are watching this on the screen.

27

28 MR COYNE: Certainly.

29

30 Q. My name is Mr Coyne and I appear for you, amongst
31 others. Ms Gallagher was just asking you questions about
32 tab 70, which was your letter. If that could be brought up
33 again, please. At paragraph 2 you were asked in relation
34 to where you have written:

35

36 *We gave counsel to both the husband and the*
37 *wife about going to the elders and setting*
38 *the matter straight with Jehovah.*

39

40 You were asked whether that referred to [BCB] and [BCC],
41 being her husband, or it referred to the Neills; correct?

42 A. Yes.

43

44 Q. After you have said that, it quotes James 5:13-15. Is
45 that in relation to what you've just said before, though?

46 A. Yes, it encourages ones who have been damaged in some
47 way just to go and try to talk to the elders so the elders

1 can help them and encourage them.
2
3 Q. Yesterday you were asked questions about how [BCB]
4 would have been aware of the process of how complaints were
5 dealt with; correct?
6 A. Yes.
7
8 Q. When a member of the congregation is approaching
9 baptism, are they given a book to study?
10 A. Yes, it's entitled "Organised for the Ministry"
11 I think.
12
13 Q. That book contains various questions relating to the
14 baptism?
15 A. Yes.
16
17 Q. And that is a book that those people are expected to
18 be conversant with?
19 A. Yes.
20
21 Q. And that is a book that they are expected to also
22 consult throughout their lives in relation to matters
23 relating to their faith?
24 A. Correct, yes.
25
26 Q. If we could bring up tab 109, please. Are you able to
27 identify that? Is that the book?
28 A. Yes, "Organized to do Jehovah's Will".
29
30 Q. And that is the book that people get when they are
31 approaching baptism?
32 A. Yes.
33
34 Q. If we go to Ringtail 88, please, and you see that
35 heading "Handling Cases of Serious Wrongdoing"?
36 A. Yes.
37
38 Q. So this is something that would be contained in the
39 book that each and every Jehovah's Witness should have when
40 they are approaching baptism?
41 A. That's correct.
42
43 Q. And should be aware of?
44 A. Should be, yes.
45
46 Q. Moving on from that document, you were also asked
47 yesterday various questions about the procedures by which

1 an investigation took place and you were shown various
2 sections from the book of elders?
3 A. Correct.
4
5 Q. One of your responses was that you would refer to the
6 book of elders, but you would also look to letters and
7 publications; correct?
8 A. Correct.
9
10 Q. You've said that again today. If we could go to
11 tab 124, please. Is that one of the letters to which you
12 refer?
13 A. It is, yes.
14
15 Q. That one is dated 1 October 2012?
16 A. Correct.
17
18 Q. It's addressed to "All Bodies of Elders"?
19 A. Yes.
20
21 Q. And it says there in the first paragraph:
22
23 *This letter updates the letters to All*
24 *Bodies of Elders regarding child abuse*
25 *dated August 1, 1995; March 14, 1997;*
26 *July 20, 1998; April 1, 2004; June 5, 2006;*
27 *and May 24, 2010.*
28
29 Correct?
30 A. Yes, correct.
31
32 Q. It also asks that all those previous letters be
33 removed from the congregation permanent files?
34 A. Yes.
35
36 Q. So as of 1 October 2012, this really was the document
37 that you would refer to for matters after that date; is
38 that right?
39 A. Correct, yes.
40
41 Q. And the contents of that letter related to "Legal
42 concerns regarding accusations of child abuse"?
43 A. Yes.
44
45 Q. "Congregational concerns regarding accusations of
46 child sexual abuse" - that's the second point under the
47 "Table of Contents", right at the top?

1 A. Yes.
2
3 Q. I'm sorry, it's right at the top of the document. Do
4 you see that?
5 A. Yes, "Congregational concerns regarding accusations of
6 child sexual abuse", yes.
7
8 Q. "Helping victims of child sexual abuse"?
9 A. Yes.
10
11 Q. And "Restrictions and privileges"?
12 A. Yes.
13
14 Q. So when you were talking about referring to letters,
15 was that --
16 A. That's correct.
17
18 Q. -- this document, amongst others?
19 A. Yes.
20
21 Q. You spoke about also referring to publications. When
22 you say that, were you referring to articles that would
23 have appeared in the Watchtower and the Awake! magazine?
24 A. Yes, there have been articles, really, way back in
25 1970, in the 1980s and 1990s and in 2000.
26
27 Q. When you say "articles", you mean articles relating to
28 child sexual abuse?
29 A. Yes, yes.
30
31 Q. Are those publications available to everyone within
32 the congregation?
33 A. Yes.
34
35 MR COYNE: Nothing further.
36
37 THE CHAIR: Yes, Mr Stewart.
38
39 **<EXAMINATION BY MR STEWART:**
40
41 MR STEWART: Q. If you go to tab 109, please, the first
42 page, this is the "Organized to do Jehovah's Will" document
43 that you referred to?
44 A. Correct.
45
46 Q. Your involvement with [BCB]'s case was in 1992; right?
47 A. Yes.

1
2 Q. If you go to page 2 of tab 109, you'll see this
3 document came into effect in 2005?
4 A. Correct.
5
6 Q. I take it you then wouldn't have expected [BCB] to
7 have had this document in 1991-92?
8 A. No, but we did have a document prior to that.
9
10 Q. What was that?
11 A. I think it was entitled "Organised for the Ministry"
12 or "to do the Ministry".
13
14 Q. You don't know, offhand, just what that said about the
15 processes?
16 A. I can't remember. I can't remember the release or
17 just what it says - the release date, I should say.
18
19 MR STEWART: Thank you, your Honour.
20
21 THE CHAIR: Yes, thank you, Mr Jackson, you're excused.
22
23 THE WITNESS: Thank you very much.
24
25 MR STEWART: The next witness is Mr Bello. Would this be
26 a convenient time, your Honour?
27
28 THE CHAIR: All right. We'll take the morning
29 adjournment.
30
31 **<THE WITNESS WITHDREW**
32
33 **SHORT ADJOURNMENT**
34
35 THE CHAIR: Yes, Mr Stewart.
36
37 MR STEWART: Your Honour, the next witness is Mr Joe
38 Bello. His statement should be behind tab 9.
39
40 THE CHAIR: Mr Bello, it's necessary for you to be sworn.
41 Will you take an oath on the Bible or an affirmation?
42
43 MR BELLO: Whichever. I don't mind.
44
45 THE CHAIR: Well, it's a matter for you.
46
47 MR BELLO: Yeah, the Bible will be fine.

1
2 THE CHAIR: Sorry.
3
4 THE WITNESS: Yes, that's fine.
5
6 THE CHAIR: What's fine?
7
8 THE WITNESS: The Bible.
9
10 <JOSEPH BELLO, sworn: [11.46am]
11
12 <EXAMINATION BY MR STEWART:
13
14 MR STEWART: Q. Mr Bello, will you state your full name?
15 A. Joseph Bello.
16
17 Q. Do you have before you a copy of your statement dated
18 10 July 2015?
19 A. Yes, I do.
20
21 Q. Are there any amendments or corrections you wish to
22 make to the statement?
23 A. Not that I know of. As long as it says I submitted
24 it, that's fine.
25
26 THE CHAIR: Mr Bello, I wonder if you could come to the
27 closer to the microphone and could you speak a bit louder,
28 because that microphone is the resource for a lot of people
29 who aren't actually in this room who may wish to listen to
30 you.
31
32 THE WITNESS: Certainly.
33
34 THE CHAIR: Maybe just twist it up a bit, that might help.
35
36 Yes, Mr Stewart.
37
38 MR STEWART: Q. Do you confirm that your statement is
39 true and correct, Mr Bello?
40 A. Yes.
41
42 MR STEWART: I tender the statement.
43
44 THE CHAIR: That will become exhibit 29-005.
45
46 **EXHIBIT #29-005 STATEMENT OF JOSEPH BELLO DATED 10/07/2015**
47

1 MR STEWART: Q. Mr Bello, you were baptised as a
2 Jehovah's Witness in 1973; is that right?
3 A. Yes.
4
5 Q. You were appointed as an elder in 1991?
6 A. Yes.
7
8 Q. Since then you have served in that capacity in the
9 [REDACTED] congregation?
10 A. Yes.
11
12 Q. How big is that congregation?
13 A. About 90 publishers, or so, at the moment.
14
15 Q. In paragraph 2 of your statement, and perhaps if we
16 can scroll down, you deal with the subject of reporting or
17 how elders respond to complaints of child sexual abuse.
18 You'll see what you say at the foot of that page and over
19 the next page. You say there that you report immediately
20 to the branch office, which then advises of any
21 requirements of mandatory disclosure to relevant
22 authorities; is that right?
23 A. Yes.
24
25 Q. If you are not advised by the branch office to report
26 to a secular authority, such as the police, then I take it
27 that you don't do so?
28 A. I wouldn't unless somebody brought it to my attention
29 that there was some legal requirement.
30
31 Q. So if there's a legal requirement to report and that
32 is brought to your attention, you'll report?
33 A. If there's a legal requirement, we always try to do
34 what the law says, definitely.
35
36 Q. And if there's not a legal requirement, then you don't
37 report?
38 A. Not unless we were advised to do so.
39
40 Q. And by "advised to do so", you mean advised by the
41 branch?
42 A. Yes.
43
44 Q. So are there no circumstances, then, in which you
45 would report a matter to the police if you hadn't been
46 advised by the branch to do so?
47 A. Look, I don't know what situation would come up and

1 how it would come up. If I had a question about it, I'd
2 ask the branch.

3

4 Q. If we look at paragraph 2.2, the matter is then
5 handled internally, is it, if a complaint is made of child
6 sexual abuse, in the manner you set out in paragraph 2.2;
7 in other words, two elders are directed to investigate the
8 complaint; if substantiated a judicial committee of three
9 elders is appointed, and so on. Also, in 2.4, "Where a
10 person has been found guilty of child sexual abuse", that's
11 guilty by the judicial committee, is it, that you're
12 referring to?

13 A. Yes.

14

15 Q. Then:

16

17 *... the elders privately counsel him as to*
18 *appropriate behaviour with children, such*
19 *as not spending time with them without*
20 *another adult present, not inviting them to*
21 *his home, not engaging in displays of*
22 *affection with children and so on.*

23

24 If we go to paragraph 4.1, you see there you say:

25

26 *The case involving [BCB] is the only one*
27 *concerning child sexual abuse in which*
28 *I have been involved.*

29

30 A. Yes.

31

32 Q. Since you wrote the statement, have you thought of any
33 others you have been involved in, Mr Bello?

34

35 A. No.

36

37 Q. Our records suggest that there are two others that you
38 were involved in. You're going to be shown their names.
39 The idea is that you don't read the names out, nor will I.
40 It will be an aid to your memory. When you see those
41 names, does that help you remember two other cases?

42

43 A. One name here I recall as something that happened
44 before the [REDACTED] congregation was formed or I was part
45 of it. I don't even know the person. The other case was a
46 situation of someone who hadn't been attending for a long,
47 long time and it was handled by the police and I had no
involvement.

47

1 Q. So, dealing with the first case, which I understand
2 you to say was before the [REDACTED] congregation was
3 formed, was that a case of child sexual abuse?

4 A. From what I've been told, yes. I don't know anything
5 much about it.

6
7 Q. And you didn't have any involvement in it at all, you
8 say?

9 A. No, none at all.

10
11 Q. The second case was someone who had been in the
12 congregation but had been away from the congregation for
13 some time; is that right?

14 A. Yes, that's right, and events happened and I heard
15 about them after they'd been dealt with by the police and
16 everything, so I wasn't involved at all.

17
18 Q. Events happened outside of the congregation?

19 A. Mmm.

20
21 Q. In the case of [BCB], in your paragraph 5, which is on
22 the screen - and if we can scroll down to the substantive
23 part of the paragraph, further down the next page, 5.1 you
24 say:

25
26 *Sometime in 2012, I can't remember the*
27 *exact date, [BCB] asked the elders to visit*
28 *her to discuss an issue. I and David Wood*
29 *visited her and her husband ... at her*
30 *home.*

31
32 Then you carry on in that paragraph to set out your
33 involvement. Now, you then reported that involvement to
34 the branch office; is that right?

35 A. I didn't do it personally. Brother David Wood and
36 another elder phoned the branch.

37
38 Q. What was reported to you as to what the response was
39 from the branch?

40 A. I can't remember exactly, but the gist of it was to
41 provide whatever help we can, to get whatever information
42 [BCB] can provide us, and to provide that to the branch.

43
44 Q. Can I show you tab 71. Do you recognise this letter,
45 Mr Bello?

46 A. Yes, I do.

47

1 Q. It's 18 December 2012 and it's from you to the service
2 desk.
3 A. Mmm-hmm.
4
5 Q. Can you explain the circumstances in which this letter
6 came about, where you're writing to the service desk about
7 [BCB]'s case in 2012?
8 A. When we went to see [BCB], she provided us with
9 details of what had happened and then, after contacting the
10 branch, we asked [BCB] if she would be happy to put that
11 into some written form that we could send to the branch.
12 And after a couple of weeks she provided that to us and we
13 wrote a covering letter, this covering letter, and sent
14 that on with what was provided to us, to the branch.
15
16 Q. And, by that time, Mr Neill had been deceased for
17 quite some time?
18 A. I really don't know when he died. I don't know.
19 I believe he had died already, but I don't know.
20
21 Q. At the time that you wrote the letter, did you know
22 that he had died?
23 A. I really can't remember if [BCB] was able to tell us
24 what had happened or not. Could be, but I can't remember.
25
26 Q. What was the purpose, in your understanding, of making
27 this report to the branch about these events that had
28 occurred many years before?
29 A. We did it on the wording that [BCB] gave us, which is
30 she wanted to make sure the branch had these details in
31 case someone else had had similar experiences with the same
32 brother.
33
34 Q. Did you have any expectation as to what the branch
35 might do with this information?
36 A. No, I didn't know. I presumed that they would have
37 other details from when it was handled and that would help
38 them to work things out.
39
40 Q. So they may be able to match the information with --
41 A. Yes.
42
43 Q. -- some other information they already have?
44 A. Mmm.
45
46 Q. Then, if we look at the next tab, 72, two years
47 later, December 2014, you had cause to write again to the

1 branch. Do you recognise this letter? Perhaps we can
2 scroll down for you.

3 A. I don't remember writing that letter, but I probably
4 read it and signed it.

5
6 Q. Well, if you look at the end of the second page,
7 you'll see that you're quite right in that regard. Who
8 wrote this letter, do you remember?

9 A. This would have been written by David Wood and
10 Robert Boardman.

11
12 Q. What makes you conclude that?

13 A. Because I know that they were handling the matter
14 after I wasn't involved in it anymore.

15
16 Q. Well, your name is here and you've signed the letter.
17 In what sense were you not involved in it anymore?

18 A. I wasn't actively trying to help [BCB] or give support
19 at that time.

20
21 Q. You'll see on the first page of the letter, if we can
22 go back to paragraph 2, that it is recorded that the
23 alleged perpetrator is Brother Neill, now deceased. So at
24 the time you wrote that letter, you, of course, knew that
25 he was deceased?

26 A. Yes, at that time.

27
28 Q. What was your understanding of the writing of that
29 letter?

30 A. My understanding --

31
32 Q. Sorry, as to its purpose?

33 A. My understanding was that we had further details
34 provided by [BCB] and, from recollection, there were a lot
35 more details in terms of names, dates, things like that, so
36 it was providing further information as it became
37 available.

38
39 Q. If we go over the page to paragraph 6, you'll see it
40 says:

41
42 *In about July 2014, brother Bello paid a*
43 *friendly visit to both [BCC] and [BCB] at*
44 *their home. It was only at this time that*
45 *[BCB] made mention that she was considering*
46 *reporting the matter to the*
47 *Royal Commission on child abuse and seeking*

1 *compensation.*

2
3 Firstly, you were, of course, involved in this matter by
4 visiting [BCB] and her husband and discussing the matter;
5 is that so?

6 A. Yes.

7
8 Q. Perhaps you can tell us just what occurred in relation
9 to the possibility of the matter being reported to the
10 Royal Commission?

11 A. Well, that matter came up earlier when [BCB]'s husband
12 and I were out in the ministry and then afterwards, when we
13 went back to the car, we sat in the car and we were having
14 an informal conversation about how [BCB] was feeling and
15 coping, et cetera, and her husband said that they were
16 thinking of taking the matter to the Royal Commission and
17 I made - I asked the question, I said, "But what would that
18 accomplish" - sorry, my mouth is dry - "other than dragging
19 Jehovah's name through the mud?" So I guess it might be a
20 reference to that. Then [BCB]'s husband told me what he
21 felt would be accomplished. He said, "A measure of closure
22 and also maybe financial compensation", and I said I could
23 see the point about the closure. I also asked - I didn't
24 know that the Royal Commission was about financial
25 compensation, and he said, "Yes, we've looked into it", and
26 that was it.

27
28 Q. So you'll understand how, in you asking the question,
29 "What would that achieve other than dragging Jehovah's name
30 through the mud?", that would be understood as a
31 discouragement to go to the Royal Commission?

32 A. It might be understood that way, but that's not how it
33 was meant. It was an informal conversation. I asked the
34 question, "What would it accomplish" - yes, I was thinking
35 out aloud, and, thinking back on it, I shouldn't have said
36 the rest of the sentence.

37
38 Q. I take it within your faith, Jehovah is considered as
39 a loving God?

40 A. Definitely.

41
42 Q. Would Jehovah, then, not also then not be more
43 concerned about the victim than his own name?

44 A. Jehovah would be concerned about the victim, but
45 Jehovah is concerned about his own name, too, that's what
46 the scriptures told us.

47

1 Q. Would his name not withstand public knowledge of
2 dreadful things wrongly done by somebody professing to
3 follow him?

4 A. I don't think that that was my point. My point was
5 simply to ask the question, "What would be accomplished?",
6 and, yes, there was some thinking aloud, and that's all.

7
8 Q. Can you understand how, by putting that question in
9 that way, it contributes towards feelings of guilt that
10 [BCB] has in bringing the matter to the Royal Commission?

11 A. I was talking to her husband and, looking back,
12 I probably would have worded that different, but at the
13 time that's how it came out.

14
15 Q. If you look at your statement at paragraph 5.13, and
16 that's where you explain the statement as you've explained
17 it now in the witness box, and you say:

18
19 *I was wrong to say it ...*

20
21 In other words, ask that question about dragging Jehovah's
22 name through the mud:

23
24 *... and I would never want to discourage*
25 *someone going to the authorities with a*
26 *complaint of child sexual abuse. This is*
27 *also against the direction we receive as*
28 *elders from the Branch.*

29
30 I take it that the direction that you're referring to is
31 that if people want to report to the authorities, they
32 should not be discouraged from doing so?

33 A. That's right.

34
35 Q. You don't mean to say that there's a direction from
36 the branch to positively encourage people to go to the
37 authorities?

38 A. I just mean whatever the letter says. I can't
39 remember the exact wording, but whatever the letter says.

40
41 Q. Well, we're looking now at your statement, not at the
42 letter.

43 A. Yes.

44
45 Q. And your statement says:

46
47 *This goes against the direction we receive*

1 *as elders from the Branch.*

2

3 I'm seeking to understand what it is you're saying there.
4 You've agreed that it's a reference to a direction not to
5 discourage people from taking reports, or reporting to the
6 police - right?

7 A. That is the direction.

8

9 Q. And I'm seeking to understand, you're not saying there
10 is any direction to positively encourage people to go to
11 the authorities?

12 A. I don't believe the letter says that, so I'm not
13 saying that. I'm saying whatever the letter says.

14

15 Q. We're not talking about a letter. We're talking about
16 your evidence.

17 A. Mmm.

18

19 Q. There's no direction, to your knowledge, to positively
20 encourage people complaining of sexual abuse to go to the
21 authorities; is that right?

22 A. The direction is to encourage them to do whatever they
23 feel is best - whether that be to report it or not report
24 it, apart from whatever legal requirements there are,
25 which, of course, we would follow.

26

27 Q. Do you know of any case where a victim of a crime has
28 been encouraged to take a matter to the police?

29 A. No, but then I don't know the opposite, either.

30

31 Q. Do you know of any case where an elder has reported a
32 crime that has been reported to him to the police?

33 A. No, I don't, and I don't know the opposite, either.

34 Sorry, I don't mean to answer in the wrong way. I'm just
35 saying it's a hypothetical situation. I don't know.

36

37 MR STEWART: Those are my questions, your Honour.

38

39 THE CHAIR: Q. Can we just look at document 77. Are
40 you familiar with this document?

41 A. It would appear to be one of our articles in the
42 magazines.

43

44 Q. Yes. Are you familiar with it?

45 A. I can't say that I'm very familiar with it. I'm sure
46 I've read it in the past, but it's not as if I can remember
47 the details, no.

1
2 THE CHAIR: Do we have a hard copy of it?
3
4 Q. You're welcome to look at it, but it seems to be a
5 discussion of the trauma that a victim of incest might
6 suffer. Do you see that?
7 A. Yes.
8
9 Q. Then on page 30 it seems to be, from the publication,
10 which will be the fifth page, I think, what is said a
11 realistic view and the permanent solution. Do you see
12 that?
13 A. Mmm-hmm.
14
15 Q. Now, the realistic view is said to be the way of
16 helping the victim of emotional trauma - do you see that?
17 A. Mmm-hmm.
18
19 Q. And it talks about biblical references and goes on to
20 talk about the permanent solution in biblical terms. Do
21 you see that?
22 A. Yes.
23
24 Q. People who suffer incest can, of course, suffer great
25 trauma, can't they?
26 A. Yes.
27
28 Q. This document seems to be totally focused upon a
29 biblical response, not a medical, if you like, psychiatric
30 or psychological response. Do you understand what I'm
31 saying?
32 A. Yes, I understand.
33
34 Q. Does the doctrine that you're taught exclude or
35 confine in any way the need for a person who suffers trauma
36 to receive conventional help from qualified practitioners?
37 A. Certainly not. That's a personal choice. We don't
38 make a recommendation one way or the other, but sometimes
39 it's pretty obvious that professional help is needed to
40 help the person. All we can do is help the person
41 spiritually.
42
43 Q. [BCB] obviously needed professional help.
44 A. She told me that she had been seeing professional
45 help, yes.
46
47 Q. And, of course, professional help costs money; you've

1 got to pay them.
2 A. (Witness nods head).
3
4 Q. Does your church accept any obligation to assist those
5 who might have suffered at the hands of an elder, in
6 obtaining professional help?
7 A. I wouldn't know the answer to that - not that I've
8 ever been involved in. I can only speak from my
9 experience. I've never been involved in any experience
10 where the organisation has helped that way, but maybe they
11 have, I wouldn't know.
12
13 Q. Do you think it should help?
14 A. Well, that would be my personal opinion, and I don't
15 think my personal opinion is particularly that worthwhile.
16
17 Q. Why not?
18 A. I would talk from my limited experience, and I don't
19 think that that's appropriate. When I do things, I try to
20 research things and come up with some opinion that at least
21 demonstrates some thought, but answering here, at no
22 notice, I think I'd just say what came to the top of my
23 head and I don't think that would be appropriate.
24
25 Q. Have you been following the work of the
26 Royal Commission?
27 A. No, I haven't.
28
29 Q. Not at all?
30 A. Not at all.
31
32 Q. When did you first know you would have to give
33 evidence here?
34 A. A few weeks ago. It might be a couple of months ago,
35 but it was a matter of weeks.
36
37 Q. The work of the Royal Commission has received
38 publicity all over Australia.
39 A. Yes.
40
41 Q. And you haven't read an article about it?
42 A. To tell you the truth, I've scanned the headlines of
43 the Saturday paper and I might have read a couple of
44 paragraphs then and then moved on, and that's about it.
45
46 Q. What about the television news?
47 A. I don't watch the news.

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Q. What about the radio - the ABC?

A. I don't listen to the radio that much.

THE CHAIR: Does anyone else have any questions?

MR TOKLEY: No, your Honour.

MR COYNE: No, your Honour.

MS GALLAGHER: No, your Honour.

THE CHAIR: Very well, Mr Bello, that ends your evidence. You're excused.

THE WITNESS: Thank you.

<THE WITNESS WITHDREW

MR STEWART: The next witness, your Honour, will be [BCG].

THE CHAIR: [BCG], it's necessary for you to be sworn. Will you take an oath on the Bible or an affirmation?

[BCG]: Affirmation.

<[BCG], sworn: [12.14pm]

<EXAMINATION BY MR STEWART:

MR STEWART: [BCG]'s name and address are known to the Royal Commission and [BCG] is supported by her partner.

Q. Do you have a copy before you of your statement dated 10 July 2015?

A. Yes.

Q. I understand there is a correction that you wish to make in that statement. It's on page 5 at paragraph 20.

A. Yes. I would --

Q. I'll identify it. I'm just waiting for it to come up on the screen. Page 5, paragraph 20. It's the last sentence of that paragraph that you wish to delete; is that correct?

A. Yes, that's correct.

1 Q. Are there any other corrections you wish to make?
2 A. Actually, with that last sentence, could I delete it
3 up to the comma?
4
5 Q. So just the words "I was allowed to see a worldly
6 doctor about my depression" and also the word "but" I take
7 it?
8 A. That's correct.
9
10 Q. So it would remain "I was forbidden from speaking
11 about the church as it would bring reproach on Jehovah's
12 name" - that's to remain; is that right?
13 A. That's true.
14
15 Q. Subject to that correction, do you otherwise confirm
16 your statement as being true and correct?
17 A. Yes, I do.
18
19 MR STEWART: I tender the statement.
20
21 THE CHAIR: That will be exhibit 29-006.
22
23 **EXHIBIT #29-006 STATEMENT OF [BCG] DATED 10/07/2015**
24
25 MR STEWART: I'd ask you to read your statement commencing
26 at paragraph 3.
27
28 THE CHAIR: Q. Can I just understand, the change you've
29 made to paragraph 20, by taking those words out, it
30 doesn't - the last sentence doesn't quite make sense?
31 A. Your Honour, it's just that it may appear that I saw a
32 doctor about my depression whilst being a teenager, and
33 I didn't. It just may read that way, that's all.
34
35 Q. Right. Yes, all right.
36 A. It just could have that kind of effect, and I didn't
37 want to imply that.
38
39 MR STEWART: Q. So your evidence is you were allowed to
40 see a doctor, but that was only years later?
41 A. Yes, I was allowed to see a doctor, but it implied
42 that I saw a doctor during my teenage years, and I didn't.
43
44 THE CHAIR: Q. But you would have been allowed to see a
45 doctor if you had wanted to?
46 A. I didn't actually --
47

1 Q. You don't know?

2 A. I don't know, I never did it.

3

4 MR STEWART: Q. Thank you.

5 A. "I was born [BCG] in Brisbane, Queensland [REDACTED]
6 1971. My full name is now [BCG], a name my children chose
7 for me. I had previously been known as [BCG] and [BCG]
8 having taken the surnames of my partners at the time. I am
9 43 years old and have four children, the oldest of whom is
10 23 years old.

11

12 I am currently in my final year of a law degree and
13 I also work in the hairdressing and beauty industry.

14

15 I was formally baptised as a Jehovah's Witness when
16 I was about 16.

17

18 My father is [BCH] (sometimes called [BCH]) and my
19 motor is [BCI]. Together my mother and father had seven
20 children, of whom I was the second eldest. I have an older
21 sister who is two years older than me. I also have three
22 younger brothers and two younger sisters [REDACTED].

23

24 I don't know exactly when my parents became Jehovah's
25 Witnesses, but I think my father joined a congregation in
26 St George in Queensland when I was very young. My mother
27 joined the same Jehovah's Witnesses congregation a short
28 time after my father. My father initially worked as a
29 [REDACTED] and later worked as a [REDACTED]. My mother
30 stayed at home to look after the children.

31

32 When I was about ten years old, my family moved to
33 [REDACTED] north of Mareeba in Queensland. My parents
34 joined the Mareeba Jehovah's Witnesses Congregation.

35

36 My father was a very strict and highly regarded
37 Jehovah's Witnesses. When I was about 13 he was appointed
38 as a Ministerial Servant at the Mareeba Congregation.
39 Jehovah's Witnesses believe that when a man is appointed as
40 a Elder or a Ministerial Servant, he is appointed by God's
41 (Jehovah's) holy spirit to judge others. My father took
42 his role as an a Ministerial Servant very seriously. He
43 used to quote the scriptures constantly, both at the
44 Congregation's Kingdom Hall and at home. He regularly
45 delivered talks from an elevated platform at the Jehovah's
46 Witnesses meetings at the Kingdom Hall. My father was also
47 given special responsibilities by the Congregation Elders,

1 including conducting private Bible studies with other
2 congregation members, managing groups of Jehovah's
3 Witnesses for Field Service (or door-to-door preaching),
4 and teaching and counselling the Congregation.
5

6 When I was a child my father made me and my siblings
7 attend meetings at the Kingdom Hall at least three times a
8 week. There was a two-hour meeting every Sunday, another
9 two-hour meeting on a Friday, and usually a one-hour
10 meeting mid-week. The meetings involved the Elders and
11 Ministerial Servants teaching and counselling the
12 Congregation about keeping the Congregation 'clean' and
13 righteous. In order to prepare for the meetings, my
14 brothers and sisters and I had to study the Bible and read
15 daily scriptures.
16

17 During the meetings my father would pressure me and my
18 siblings to offer answers to questions posed by the Elders
19 and Ministerial Servants leading the meetings. He would
20 also make me deliver scriptural talks before the
21 Congregation from the platform in the Kingdom Hall and take
22 part in Field Service.
23

24 In the Jehovah's Witness Church, men are at the top of
25 the hierarchy and hold all the authority next to Jehovah.
26 Man is the head of the house and his wife and children have
27 to obey him and refrain from questioning his authority.
28 Adult females are next in line, and then children are at
29 the bottom of the hierarchy.
30

31 There were many rules to comply with and things that
32 I had to do in order to be a good Jehovah's Witness. As
33 head of the household, my father was the person who
34 dictated and enforced compliance with the rules in our
35 house. He was also answerable to the Elders in the
36 Congregation and I think he was therefore really keen to
37 impress the Elders and show how obedient his family was.
38 In our house, for example, we were only allowed to watch
39 certain television programs and listen to certain radio
40 programs. We were not allowed to read anything other than
41 Jehovah's Witness material.
42

43 As a child growing up in a strict Jehovah's Witness
44 family, the Church and my father dictated who I was and
45 wasn't allowed to associate with. I certainly wasn't
46 allowed to associate with anybody outside of the Jehovah's
47 Witnesses community, other than the children at the school

1 I attended. Even when I was at school, the Jehovah's
2 Witness Church decided which lessons I could and couldn't
3 attend. For example, I was not allowed to attend sex
4 education lessons at school as the Jehovah's Witnesses
5 counselled that it was the responsibility of the Jehovah's
6 Witness parents to teach their children about sex. My
7 father also never allowed me to attend any form of
8 extra-curricular activity (for example, sports), because
9 the Church advised against it.

10
11 In the late 1980s, school attendance in Years 11 and
12 12 was not compulsory. My parents didn't allow me to stay
13 at school after Year 10 because choosing higher education
14 over Jehovah was frowned upon by the Church. Even after
15 I finished school in Year 10, I wasn't allowed to pursue
16 full-time work because I needed time to dedicate to
17 preaching.

18
19 My father used to tell me that I was headstrong and
20 that I needed more training to be more obedient, but it
21 didn't matter how hard I tried, I was never good enough.
22 He used to tell people in the Congregation and my family
23 that I was a troublemaker. To the Congregation he appeared
24 righteous and spiritual, but at home my father had a very
25 short fuse and could become violent and abusive. He used
26 to beat me frequently, often using a black leather strap
27 that left welts on my skin. Out of my siblings, I was the
28 one who bore the brunt of his aggression.

29
30 As a Jehovah's Witness I was taught to love and fear
31 Jehovah and to respect my father and be obedient to my
32 parents. I was taught never to question my parents or
33 their decisions.

34
35 My father always threatened to kick me out and treat
36 me as though I was disfellowshipped if I ever disobeyed
37 him. A person would be disfellowshipped if they had sinned
38 and did not adhere to the counsel given by Elders in a
39 committee meeting. Disfellowshipped means excommunicated
40 from the Church and nobody (family and friends included)
41 would be allowed to associate with or talk to you until you
42 were reinstated. Disfellowshipped people are ostracised
43 and actively avoided by members of the congregation.

44
45 I was always terrified of being kicked out of home or
46 disfellowshipped because I feared what Jehovah would do to
47 me. I was taught from a young age that people outside the

1 Church (referred to by Jehovah's Witnesses as 'worldly
2 people') were bad and not to be trusted and they served
3 Satan. Even the prospect of speaking to the police was
4 extremely scary as they were also considered to be very bad
5 people.
6

7 I felt enormous pressure from the Church and from my
8 father to be a perfect, obedient child. By the time I was
9 in my early to mid-teens, I felt very isolated and alone.
10 I became quite depressed and at times suicidal. I was
11 forbidden from speaking about the church as it would bring
12 reproach on Jehovah's name.
13

14 By the time I was about 16, I was determined to leave
15 home for many reasons, including that I wanted to escape
16 the Jehovah's Witnesses without being disfellowshipped.
17 I wanted to do it on my own terms. By this I mean that
18 I wanted to fade away from the Church and become inactive,
19 while retaining my faith, as this course was less likely to
20 result in punishment from Jehovah. It is hard to explain,
21 but I didn't want to be shunned by the only people that
22 I knew, as well as live in fear of Jehovah.
23

24 I think my father abused me when I was about five
25 years old. I don't remember anything specific from that
26 time, but I do recall feeling extremely uncomfortable and
27 scared when my father put a nappy on me at night before
28 bed. That memory made a lot more sense to me once
29 I discovered what my father did to my sisters at a similar
30 age.
31

32 When I was in Year 7, I recall my father asking me and
33 my older sister to give him a kiss. It was a really sloppy
34 kiss on the lips and I remember thinking that it wasn't
35 right. I didn't like it at all. My father used to tell me
36 I was 'sexy' and would sometimes say to me, 'You have it
37 but your sister doesn't'. My father often removed my
38 bedroom door because I would either shut it to get dressed
39 or lock it to try to keep him out.
40

41 I don't remember any other clear instances of feeling
42 so uncomfortable again until I was 17. I suspect that
43 I may have blocked a few things out.
44

45 In October of 1988, my mother took my siblings to
46 Brisbane to see Expo '88. They were away for about two
47 weeks. I had just turned 17 years old and I wanted to save

1 money to buy a car, so I stayed at home with my father.
2 Although my father beat me a lot, he could also treat me
3 like a normal person. I wanted him to be proud of me, to
4 accept me, and to recognise that I wasn't bad or evil.
5 I thought it would be a good idea to stay at home with him
6 and cook for him whilst my mother was away. I didn't think
7 anything of staying at home alone with him, because he was
8 my father.

9
10 While my mother and siblings were away at Expo '88, my
11 father sexually assaulted me on a number of occasions. The
12 first time that he tried to have sex with me, he came naked
13 into my bed at night whilst I was sleeping and touched me
14 all over my body. When I protested I remember him saying
15 to me, 'Shhhh, it's okay I'm your father. Be obedient to
16 your father'. I couldn't believe what was happening.
17 After the first time, I tried to lock my bedroom door, but
18 this made him so angry. While my mother was away, my
19 father touched me and tried to have sex with me on at least
20 four or five different occasions. I resisted as much as
21 I could each time, but he was a violent man and prone to
22 snap. I was absolutely petrified of him and tried not to
23 make him angry. While my father sexually assaulted me, he
24 quoted Bible scriptures and referred to the scriptures
25 about being more obedient that he made me put up on my
26 bedroom wall. He said to me while he sexually assaulted
27 me, 'You have to be obedient to me'.
28

29 While my mother was away, my father also gave me
30 alcohol and made me watch pornographic movies with him.
31

32 After my father had touched me and tried to have sex
33 with me, he behaved completely normally towards me, as if
34 nothing had happened. I convinced myself that it was all
35 nightmares, but I always knew that it was real. I used to
36 pray to Jehovah to put angels around my bed to stop my
37 father from coming to me, but he didn't help me and my
38 father didn't stop.
39

40 While my mother and siblings were away at Expo '88, my
41 father took me on a motor bike to a Jehovah's Witness
42 working bee in Cooktown. When we got home, my back was
43 really sore from the motor bike ride and my father told me
44 he would massage my back for me. He started massaging my
45 back, but moved down and started touching me where I didn't
46 want him to. I told him I didn't want him to do that, but
47 he said, 'Shhh, be quiet. I am your father. Be obedient'.

1
2 On the last occasion that I remember my father
3 sexually assaulting me while my mother and siblings were
4 away in Brisbane, he started touching himself and tried to
5 make me touch him as well. When I refused, he said to me,
6 with money in his hand, 'I'll give you \$300 to help with
7 your car and \$300 after if you bend over the bed'. I said
8 to him, 'I don't want to do it. I don't need your money'.
9 My father became very angry with me and pushed me on to the
10 bed. I managed to get away from him and ran outside. My
11 father chased me through the backyard of our house, but
12 I managed to escape to a neighbour's property.
13

14 Once my mother and siblings returned from Expo '88, my
15 father started to tell everyone that I was 'mental', a 'nut
16 case', and that I 'served the devil'. He also continued to
17 tell everyone I was a 'troublemaker'. I think that because
18 he was so respected in the Congregation, the way he treated
19 me dictated how everybody else in the Congregation treated
20 me, including my own mother and my family. My father also
21 tightened his control over who I could talk to in the
22 Congregation, forbidding me to speak to anybody who he
23 thought I might tell about the abuse. If I broke his
24 rules, he flogged me.
25

26 I knew that as a Jehovah's Witness it was my duty to
27 report any wrongdoing to the Elders in the Congregation.
28 Although I wanted to tell them, I was terrified of doing
29 so. My father had threatened to beat me and to kick me out
30 of home if I ever spoke to anyone without him present.
31

32 I am sure that everyone in the Congregation knew that
33 my father was a violent man and beat me frequently. I was
34 often forced to attend meetings having just been beaten by
35 my father with his belt and still bleeding from the welts.
36

37 On one occasion after my mother returned from
38 Expo '88, I remember that my father wanted to get into the
39 bathroom when I was in there. He couldn't get in because
40 I had locked the door, which I wasn't allowed to do. He
41 bashed so violently on the door that it finally broke down.
42 Just before the door broke, I had managed to grab a towel
43 to cover myself and I was standing just behind the door.
44 The door hit me in the face. Not long after that, I went
45 to a meeting at the Kingdom Hall with a black eye.
46 I remember that one of the Elders, Zini Ali (Dino Ali's
47 brother), asked me, 'What happened to your eye?' I replied

1 to him, 'My father kicked the bathroom door in my face'.
2 Zini just laughed in response and said, 'Oh did he!'.
3 I felt that Zini was dismissing what I had told him as
4 though it was a joke.

5
6 After my mother returned from Expo '88 the sexual
7 abuse stopped, but my father kept knocking me around. He
8 took the door to my bedroom off its hinges. There was no
9 privacy and no safety for me at home, not even in the
10 toilet, which had no lock or properly closing door.

11
12 Some months after the sexual abuse that happened while
13 the rest of my family was away, I started to leave
14 Watchtower magazines open around our house so that my
15 father could see the articles on misconduct. I remember
16 saying to him on one occasion, 'I know what you did to me
17 and it's wrong'. He said to me in reply, 'You're mental'.
18

19 My father left home some eight or nine months
20 after October 1988. Before my father left, I tried to talk
21 about the abuse to Lyn Bowditch, who was married to one of
22 the Elders at the Congregation, Kevin Bowditch. Kevin was
23 a friend of my father's who had helped build parts of our
24 house. I said to Lyn, 'I need to talk to you about some
25 stuff that's happened between me and dad'. Lyn spoke to
26 Kevin and reported back to me, 'Kevin says that he can't
27 speak to you without your father present'.
28

29 I also tried speaking to another Elder called
30 Dino Ali. Dino was also a good friend of my father's.
31 I remember calling Dino on one occasion from the pay phones
32 near the Post Office in Mareeba while on my lunch break
33 from my part-time job. I remember sobbing and saying to
34 Dino 'I want to talk to you about things in my family that
35 you don't know about. What my father is doing'. Dino said
36 to me, 'No, you have to talk to your father first or he
37 must be present'. I said to him, 'I can't do that'. All
38 I can remember after that is crying. I called Dino to try
39 to talk to him about my father at least twice.
40

41 In May or June of 1989 - about eight months after my
42 father sexually abused me while the rest of my family was
43 away - my father left my mother for another woman and moved
44 out of the family home. Once my father left, I found the
45 courage to tell my friend (who later became my husband)
46 [BCJ] about the abuse. I told him that, 'My father has
47 been rude to me'. [BCJ]'s first response after I said this

1 was, 'Are you making this up to get back at your father for
2 belting you all the time?' I said to [BCJ], 'No, and if
3 you don't believe me, then no one will'. The next day when
4 I saw [BCJ] again he told me he had spoken to my father,
5 and he said to me, 'It all makes sense now'. [BCJ] did not
6 tell me everything that he and my father spoke about.
7 I don't recall what [BCJ] said to me, but I do remember
8 getting the impression that my father had admitted to [BCJ]
9 that something had happened. After that, [BCJ] said to me,
10 'We need to go to the elders'. At that time, [BCJ] and
11 another friend of mine were probably the only people in the
12 whole congregation who treated me nicely.
13

14 Soon after I told [BCJ] he arranged a meeting between
15 us and Dino Ali at Dino's workplace. I remember saying to
16 Dino Ali, 'My father has been rude to me'. He seemed
17 incensed and said to me, 'You do know that this is a very
18 serious allegation you are making'. I said to Dino,
19 'I know; that's why I'm saying it'. I assume that Dino
20 then spoke to Kevin and to another Elder called Ron
21 de Rooy, because within the next couple of days they wanted
22 me to attend what I understood to be a 'Committee Meeting'.
23

24 I didn't tell my mother about what had happened
25 because she was an emotional wreck after my father had
26 left.
27

28 I remember meeting with the Elders (Dino, Ron and
29 Kevin) by myself on a number of occasions for a couple of
30 hours at a time. On one occasion, they brought my father
31 into the room so that I could tell him what I had told the
32 Elders. I cannot recall exactly how many times I had to
33 meet with the Elders. I didn't want to be there and I felt
34 so uncomfortable. I had nobody to support me. I don't
35 remember anyone really explaining the purpose of the
36 Committee Meetings to me, but I understood at the time that
37 the Elders were investigating what I had alleged.
38

39 At the first Committee Meeting, the Elders sat me in a
40 room at the Kingdom Hall and came in one at a time and
41 asked me to tell them what had happened. After that they
42 all came in together and asked me more questions. They
43 repeated this process several times. It felt like I was
44 being interrogated and that the Elders were trying to find
45 inconsistencies in my story to catch me out. Now, in
46 hindsight, I understand that the Elders were investigating
47 whether or not I was a credible witness and if my

1 allegations could have been truthful.

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1 At some point after I told the Elders about my younger
2 sisters, the Elders told me that I had to meet with my
3 father and put my allegations of sexual abuse to him. They
4 sat him down at the opposite end of the table at which
5 I was sitting. I was extremely terrified but I was trying
6 to be strong and brave; I kept thinking of my little
7 sisters. I remember my hands shaking and my knees knocking
8 together with fear.

9
10 The Elders asked me to tell my father what I had told
11 them. My father became very angry and I remember him
12 saying to me, 'I will flog you', "I'll hit you", 'Just wait
13 till I get you out of this room'. The Elders didn't stop
14 him from saying all those things. I remember that later in
15 the meeting my father said to me, 'You seduced me'.
16 I responded by saying to him, 'You are my father, you are
17 big and fat, why would I want to seduce you?'

18
19 Then I confronted my father about my sisters. I said,
20 'You touched my little sisters. I suppose you are going to
21 say that a four-year-old and a six-year-old seduced you as
22 well. How could you do that? You always taught us not to
23 lie and here you are sitting here lying! You are a
24 hypocrite'. My father got very angry and said to me,
25 'I will kill you.' He stood up and started to move towards
26 me, but the Elders stopped him. I felt very intimidated
27 and anxious about the threats that he had made and I didn't
28 feel at all protected by the Elders.

29
30 The Elders decided to disfellowship my father.
31 I remember that Ron de Rooy came to visit me at home and he
32 said to me, 'We want to make it very clear that we are not
33 disfellowshipping him for what he did to you but for other
34 "loose conduct".' I asked in reply, 'Why?' Ron said to me,
35 'Well we need to have two or more witnesses to the same
36 event.' I said in reply, 'What about my sisters though?'
37 Ron said to me, 'It has to be the same event.'

38
39 I was mortified and devastated. It felt so wrong that
40 my father's abuse affected me so much yet it did not even
41 qualify as something wrong in the eyes of the Jehovah's
42 Witnesses, who professed to be acting with the authority of
43 Jehovah and the Holy Spirit, which is considered to be
44 above Australian law. I felt betrayed by my mother because
45 she didn't protect my sisters and me or warn us when she
46 knew what my father was capable of. I consider her to be
47 complicit in my abuse and in the abuse of my sisters.

1
2 About a week after he was disfellowshipped, my father
3 appealed the decision of the Elders. In or around July
4 1989, I remember that an Appeal Committee was formed.
5 Three Elders from other congregations in the area - Joe
6 Miraziz, Don Wilson and Jim Bennett - sat on the Appeal
7 Committee. Don Wilson was the father of my best friend at
8 the time. The Elders from the first committee - Kevin,
9 Dino and Ron - also attended the Appeal Committee meetings.

10
11 I was called back to appear alone before the Appeal
12 Committee, although no-one explained to me why. This time
13 my father was sat in a corner of the room and was not
14 allowed to speak to me or threaten me. The Appeal
15 Committee Elders asked me questions and I had to say
16 everything all over again. This time, they were not as
17 accusing as the Elders in the original Committee Meetings.
18

19 Towards the end of the Appeal Committee meeting,
20 I remember that Kevin Bowditch said to the room, 'Can [BCH]
21 confirm what he did to [BCG] for her sake?' My father said
22 words to the effect, 'Yes, I stepped out of line.' At that
23 time, I understood that, in saying this, my father was
24 admitting to having sexually abused me.
25

26 At some point not long after the Appeal Committee
27 finished their meeting, one of the Elders came and told me
28 that my father's disfellowshipping had been upheld. I
29 don't remember which Elder spoke to me or exactly what he
30 said.
31

32 After his appeal was rejected, my father moved away
33 from Mareeba to live in Cairns. Before he left, he used to
34 stalk me and tamper with my mail by opening it and adding
35 handwritten notes, which I tore up and never read.
36 I remember telling Kevin Bowditch about what my father was
37 doing as it was very intimidating. At one point I moved
38 out of home to stay with another Jehovah's Witness couple
39 to try and escape my father's stalking and intimidation,
40 but he still managed to find me.
41

42 I am aware that my mother told a lot of people in the
43 Congregation about what my father had done to me. After he
44 was disfellowshipped, many people said things to me like,
45 'I don't believe this happened' and 'I think you lied'.
46 I felt worthless, helpless and embarrassed.
47

1 I continued to live in Mareeba and remained a member
2 of the Jehovah's Witnesses Mareeba Congregation.
3 In November 1989 I married [BCJ]. Not long after I married
4 [BCJ] I still felt worthless and alone and I tried to
5 commit suicide by taking an overdose. I had to report my
6 suicide attempt to the Elders as it was a sin against
7 Jehovah. I remember that I spoke to Ron de Rooy about it
8 and I was chastised because attempting suicide is viewed as
9 a serious wrongdoing within the Church.

10
11 A few years later, I can't recall exactly when,
12 Ron de Rooy came to tell me that my father was going to be
13 reinstated. Nobody had ever asked me if my father had
14 apologised to me so I said to Ron, 'Why are you letting him
15 be reinstated?' Ron replied to me, 'There comes a time
16 when we can't hold him back any more. He is doing all the
17 right things.' I asked Ron, 'What right things?' Ron
18 replied, 'He's attending meetings.' I said to Ron, 'How
19 can you say that? He was attending all the meetings and
20 giving talks from the platform while he was touching all
21 four of his daughters. He's been tampering with my mail.
22 He's been stalking me. He's not sorry.' Ron said to me,
23 'We can't judge that.'

24
25 After Ron de Rooy told me about my father's
26 reinstatement, I said to Ron, 'Well, I want to take it to
27 the police because the congregation is not safe. Children
28 are at risk.' Ron replied to me, 'He is now a Brother
29 again' and he quoted me the scripture that says that we
30 don't take brothers to court. Ron said to me, 'So if you
31 take it to the police, you will bring reproach upon
32 Jehovah's name and you can be disfellowshipped for doing
33 that.' I was very upset and disappointed. It seemed that
34 there was to be no justice or acknowledgment for what my
35 father had done to my sisters and me. I felt like we
36 didn't matter; that the abuse was not considered bad enough
37 in the eyes of Jehovah. Once again I felt helpless because
38 I feared Jehovah and I feared being disfellowshipped; my
39 life would be worse than it already was.

40
41 In or around November 1992, my father returned to
42 Mareeba to be reinstated. I remember that when it was
43 announced to the Congregation, all of the Brothers crowded
44 around my father, shaking his hand and patting him on the
45 back. Despite many people in the Congregation knowing what
46 he had done to me and my sisters I heard members of the
47 Congregation say, 'Welcome back, [BCH]' and

1 'Congratulations [BCH], it's good to see you.' I was
2 petrified to be so close to my father, but I stood my
3 ground and refused to acknowledge him.
4

5 On 19 December 1995, I wrote a letter to the
6 Watchtower Bible & Tract Society about the reinstatement of
7 my father. In my letter I described what he had done and
8 the way in which the Elders had responded to my
9 allegations. That letter is at QLD.0068.001.1410. In
10 response I received a letter from the Watchtower Bible &
11 -Tract Society dated 26 February 1996, which said that the
12 Watchtower would look into the points of concern that
13 I raised in my letter. The letter also counselled faith in
14 Jehovah. That letter is at QLD.0068.001.1409.
15

16 I did not believe that The Watchtower would or could
17 do anything, and I considered the letter to be a token
18 gesture only. I had already put my faith in Jehovah and
19 prayed to him to protect me from the abuse when it was
20 happening, and he didn't. I had already put my faith in
21 the Elders when I reported the abuse to them and they
22 didn't protect or support me either. I felt angry, upset
23 and let down, and I began to feel suicidal again because
24 I felt as though there was no way out for me.
25

26 In or around 1998 or 1999, my then husband [BCJ] and
27 I moved to Townsville with our two sons. Not long after
28 I had my third son in Townsville, [BCJ] and I separated and
29 I left the Jehovah's Witness Church. I couldn't stand the
30 hypocrisy anymore and I was finding it hard to believe that
31 the Elders and Ministerial Servants were really appointed
32 by the Holy Spirit. Once I left the Church my three
33 children and I were completely shunned, ostracised and
34 actively avoided by members of the Townsville Jehovah's
35 Witnesses congregation.
36

37 The very first thing I did after I left the Church was
38 call the police. I was initially scared of the police
39 because I had grown up being taught that everyone outside
40 of the Jehovah's Witness Church was to be feared. But the
41 officer in charge of my case, Natalie Bennett, had an
42 awesome manner and she was very supportive. Throughout the
43 court cases, my only support was from the police and a
44 support person assigned by the court.
45

46 I gave a statement to police in or about September
47 2000. In my statement I limited what I said to the police

1 about my interactions with the Elders. I didn't include in
2 my statement that I had tried to speak to Dino Ali and
3 Kevin Bowditch whilst my father was still at home, and
4 I didn't go into detail about the Committee Meetings. When
5 I made that statement to the police, I had only just left
6 the Jehovah's Witness Church and I was still very fearful
7 that if I said too much about the Elders at the Mareeba
8 Congregation I would bring reproach upon Jehovah's name.
9 I was still scared of making Jehovah angry, and suffering
10 punishment from him. I didn't immediately give my letter
11 to The Watchtower of December 1995 to the police for the
12 same reason.

13
14 At my trial" --

15
16 MR STEWART: Your Honour, the statement has a little way
17 to go.

18
19 THE CHAIR: Q. Would you like to break now, or do you
20 want to keep going?

21 A. Could I have a little break?

22
23 Q. We can have the luncheon break and come back at
24 2 o'clock. Is that suitable?

25 A. Yes, thank you.

26
27 THE CHAIR: We'll take the adjournment.

28
29 **LUNCHEON ADJOURNMENT**

30
31 THE CHAIR: Yes, Mr Stewart?

32
33 [BCG], are you happy to continue?

34
35 THE WITNESS: Yes, your Honour.

36
37 THE CHAIR: Q. When you are ready?

38 A. Can I read it on the screen?

39
40 Q. Yes, sure.

41 A. Okay. "At trial my father denied all charges against
42 him. It took six years and three trials before he was
43 finally convicted for the indecent assault of me. The
44 Elders who presided over the Committee Meetings and the
45 Appeal Committee Meeting gave evidence at the committal and
46 at a voir dire during the first trial, but the trial
47 resulted in a hung jury. The second trial was declared

1 a mistrial. My father was convicted at the third trial at
2 the end of 2004. He was sentenced to three years'
3 imprisonment.
4

5 The trials were easy compared to what I had been
6 through with the Elders during the Committee Meetings.
7 I would go through it twenty more times if I had to. At
8 least the court has rules when questioning survivor
9 witnesses; the Jehovah's Witnesses can do and insinuate
10 whatever they want and there are no protections for the
11 victims at all.
12

13 I have had no contact with any of the Elders involved
14 in the Committee Meetings, or from the Mareeba Congregation
15 or from The Watchtower since my father was convicted.
16

17 During my teens, I was at times depressed and suicidal
18 and this became worse after my father's sexual abuse of me
19 while my mother was away at Expo '88. I also attempted
20 suicide several months after the Committee Meetings in 1989
21 as a result of my experience of the Committee Meetings with
22 the Elders. I couldn't bear the judgment of those around
23 me, the public vilification and ostracism. I wanted to dig
24 a hole and die.
25

26 My relationship with my mother is now strained but
27 civil. This is because I still hold her partly responsible
28 for the abuse of my sisters and me. To this day, I have
29 never felt I had her full support or protection. The only
30 time I felt my upset feelings were heard was when I went to
31 the police. Nobody else, up until that point, had
32 acknowledged that what my father did to me was wrong and
33 that he should be made to answer for it.
34

35 I have at times lived a life in fear of being
36 ostracised, shunned and vilified by those around me.
37 I have always lived in fear of my father. I have lived in
38 fear of Jehovah. I thought I had done all the right
39 things. I had put my trust in Jehovah, but nobody
40 protected me. They only made it worse.
41

42 During the criminal trials, I felt as though all of my
43 nightmares had gathered together in the one place and I was
44 terrified that Jehovah would kill me for having reported to
45 the police and for bringing reproach upon his name.
46

47 I now have four children of whom I am fiercely

1 protective. When I separated from my partner last year,
2 I felt like I didn't belong anywhere and didn't really have
3 a name that wasn't associated with an unhappy past.
4 I talked to my eldest son about it and he suggested that he
5 make up a name for me. He did this [REDACTED] and made up
6 my current surname.

7
8 Jehovah's Witness Elders sit in judgment of
9 congregation members in relation to matters of wrongdoing.
10 My experience is that when a person reports wrongdoing, the
11 Elders judge that person's credibility as a witness by
12 reference to his or her position within the congregation,
13 their age, their sex and their outward displays of
14 spirituality. In assessing spirituality, the Elders will
15 take into consideration how frequently a person attends and
16 offers answers at congregation meetings, how well they know
17 the Bible, how they are treated by their family and that
18 family's reputation within the congregation, how often they
19 go out preaching, and how submissive they are to the
20 Elders.

21
22 I had reported my father's abuse to the Elders because
23 that was what I believed I was supposed to do in accordance
24 with Jehovah's expectations. I thought that Jehovah and
25 the Elders would protect me and my sisters. Instead I felt
26 that rather than protect me as the victim, the Elders
27 primarily sat in judgment of me and my credibility as
28 a witness. The Elders refused to speak to my younger
29 sisters because of their ages at the time and they did not
30 even entertain consideration of their credibility as
31 witnesses to their own abuse.

32
33 Even when a victim is assessed by Elders as a credible
34 witness, if an alleged abuser denies an allegation, then
35 the Elders will only believe the victim's testimony if
36 there are two or three credible witnesses to the same
37 incident of abuse (see Deuteronomy 19:15; John 8:17).

38
39 Although they receive reports and investigate
40 wrongdoing, and then make assessments as to a witness's
41 credibility, it is my understanding that Elders have no
42 training in interviewing techniques, counselling, or
43 psychology. Elders interview and interrogate child victims
44 of sexual abuse and, in my experience, cause more damage to
45 the victim. In my case the Elders, who were friends of my
46 father, interrogated me, offered me no emotional support or
47 protection, and made me feel as though I was insulting them

1 and that I was to blame.

2

3 The Jehovah's Witnesses believe that they should not
4 take one another to court. They use a scripture in First
5 Corinthians, 6:1-8. I understand that this includes
6 reporting child sexual abuse to the police. I was told and
7 believed that to take such matters outside the Church would
8 bring reproach upon Jehovah's name. Child sexual abuse is
9 a crime. The Church and the Elders have no right to
10 interfere with, prevent, or threaten victims of abuse if
11 they choose to report their abuse to the police. I felt
12 unable to report my father to the police when the events
13 were fresh in my mind, and in the minds of others who were
14 or could have been witnesses. If I hadn't been so scared
15 of reporting to police, I don't think I would have been
16 subjected to such a drawn-out criminal process in which
17 I had to relive the abuse and the subsequent interrogation
18 by the Elders over and over again.

19

20 I feel that the children in the Jehovah's Witness
21 Church are vulnerable and will continue to be easy targets.
22 This is because in my experience, the Church's current
23 beliefs and practices - such as the rule requiring two
24 witnesses to the same event, the practice of dealing with
25 allegations privately and within the Church, and the
26 factors that are taken into consideration by Elders when
27 determining whether to reinstate a person against whom an
28 allegation of child sexual abuse has been made - appear to
29 favour and even protect paedophiles. I think it is
30 paramount that uniform mandatory reporting laws are
31 introduced across Australia to apply to institutions like
32 the Jehovah's Witness Church in order to protect children.
33 I believe that making the Watchtower Bible & Tract Society
34 and the Church financially accountable is essential for the
35 protection of children and to redress the suffering of
36 past, present and future victims of child sexual abuse
37 within the Church.

38

39 I hope that my traumatic experience of abuse and of
40 the Jehovah's Witness Church beliefs, practices and
41 processes can be used in a positive way. I have come
42 forward today because I want to advocate for all victims
43 who have been sexually assaulted within the Jehovah's
44 Witness Church. I know so many victims of sexual abuse
45 within the Church whose fear of repercussion prevents them
46 from coming forward. I would like to promote change and
47 set a precedent by exposing the way my case of sexual abuse

1 was handled and encouraging other victims to speak out."

2
3 MR STEWART: Q. Thank you, [BCG]. I just have a few
4 questions to ask to clarify some aspects of your statement
5 or to ask you to expand on them. Firstly, you deal in your
6 statement with what happens when someone is
7 disfellowshipped from or disassociated from the church.
8 You describe them as being shunned and ostracised. Do you
9 have experience of people who were disfellowshipped and how
10 they were treated?

11 A. Yes. I remember there was a young girl in the
12 congregation who was shunned and ostracised. I remember
13 she got a tattoo, so that was bad, and associated with
14 worldly people.

15
16 Q. What was your experience of the position of family
17 members - in other words, were family members in the
18 congregation also expected to shun or ostracise
19 disfellowshipped or disassociated family members?

20 A. Yes, they were. They wouldn't even speak to them.

21
22 Q. Did you have experience of that?

23 A. For me personally?

24
25 Q. No, I mean people that you knew and you saw this
26 happening?

27 A. Oh, yes. Oh, yes, definitely.

28
29 Q. Could disfellowshipped people still attend meetings of
30 the congregation?

31 A. They could attend meetings, but there were rules about
32 where they sat and what time they entered the Kingdom Hall
33 and what time they left the Kingdom Hall.

34
35 THE CHAIR: Q. What were those rules?

36 A. I think they had to sit down the back of the Kingdom
37 Hall and not speak to anyone. They couldn't enter the
38 Kingdom Hall until the meeting had already started and they
39 had to leave prior to the meeting finishing.

40
41 MR STEWART: Q. You say in your statement that once you
42 left the church you and your children were completely
43 shunned, ostracised and actively avoided by members of the
44 congregation. In what way was this done? Can you give any
45 real examples?

46 A. Yes. Well, my family, particularly my oldest sister,
47 would not speak to me any more. Also, when taking my

1 children to school, there were Jehovah's Witness mothers
2 there with their children, and they used to grab them,
3 their children, away from me and walk around me. So - yes.
4

5 Q. You say in your statement that the police were scary,
6 as they were considered to be very bad people. Where did
7 you get this idea from?

8 A. I got that idea from the Jehovah's Witness practices
9 and beliefs in a way that they used to liken worldly people
10 in a derogatory sense as, like, the people in Sodom and
11 Gomorrah - bad people, not to be trusted.
12

13 Q. So what was your experience of how people in the
14 church regarded secular authorities?

15 A. It was like they didn't matter. The laws and
16 standards outside the Jehovah's Witness Church didn't
17 matter, because they seemed to think that they were the
18 ultimate authority, so that's why nobody is encouraged to
19 report to the police; it should always be dealt within,
20 because, in my belief, they appear to have higher standards
21 and they think they have higher standards than the law.
22

23 Q. Does that have to do with being in the world but not
24 of the world?

25 A. How do you mean?
26

27 Q. Well, if I recall - I may be wrong - that's something
28 you mentioned to me, but if that's not familiar to you, or
29 you don't have an explanation of that --

30 A. Well, they would say that associating with worldly
31 people would, you know, spoil - spoil their good name,
32 beliefs and maybe they might be influenced by the other
33 people's beliefs, the worldly people's beliefs, I suppose.
34

35 Q. And you say in your statement that Ron de Rooy, who
36 was the presiding overseer, quoted scripture which said
37 that Jehovah's Witnesses don't take brothers to court, and
38 then you later in your statement record that scripture as
39 being in First Corinthians; do you remember that?

40 A. Yes.
41

42 Q. If one looks at that scripture, it might be understood
43 as to just referring to civil claims between people, as
44 opposed to criminal complaints?

45 A. Mmm.
46

47 Q. How did you understand it?

1 A. No, it was a blanket rule: there was no distinction
2 between civil claims and criminal, and I believe that's
3 what my mother thought as well.

4
5 Q. How did you come to that understanding?

6 A. It was just - with my mother or - the belief that
7 I had?

8
9 Q. The understanding that the prescription about not
10 taking matters to court included not taking criminal
11 matters to court?

12 A. Because - particularly because there was no
13 distinction. So if there was a wrongdoing in the
14 congregation, you were always told that you had to tell the
15 elders. The legal authorities never even came into the
16 picture. And they would often say, from the platform in
17 their talks, that you shouldn't take a brother to court, so
18 that meant everything.

19
20 Q. You say also in your statement that you were taught
21 there was a responsibility to report wrongdoing to the
22 elders within the congregation. What sort of wrongdoing,
23 in your understanding, was required to be reported?

24 A. Oh, smoking - smoking - things you could be
25 disfellowshipped for - lying, getting a tattoo,
26 overdrinking, doing drugs, I suppose, and sexual relations
27 with another person you are not married to, homosexuality,
28 mmm. I can't think of any more. Lying - and lying. Yes.

29
30 Q. And did you have experience as to what the elders did
31 with such reports?

32 A. Yes, I knew that if they looked at that, sometimes,
33 and the person wasn't repentant, or whatever, they would
34 disfellowship them. They would use - so all the members of
35 the congregation were mandated to do that. There was like
36 little spies everywhere.

37
38 Q. So if the wrongdoing was serious enough and there
39 wasn't sufficient or adequate repentance, then there would
40 be disfellowshipping?

41 A. Yes.

42
43 Q. You wrote to the Watchtower Bible & Tract Society
44 essentially complaining about the reinstatement of your
45 father. Do you remember that?

46 A. Yes.

47

1 Q. So your letter is at tab 29. Perhaps we can have
2 a look at that on the screen. So that's the covering
3 letter that has been forwarded on by Ron de Rooy, and then
4 starting the next page is your letter. You recognise that
5 letter?
6 A. Yes.
7
8 Q. Then you received a reply, which is at tab 30, and you
9 mention that reply in your statement.
10 A. Mmm-hmm.
11
12 Q. How did you respond to that reply - to receiving that
13 reply?
14 A. A little bit insulted, I suppose, and I - I felt like
15 it was a token gesture, particularly where I was counselled
16 to preserve tears in a skin bottle.
17
18 Q. Did you feel comforted by that?
19 A. Not at all.
20
21 Q. Did you know which individual or individuals were
22 behind this letter - who wrote it?
23 A. No.
24
25 Q. We will see at the top of the letter, if we can scroll
26 down a bit, there is a reference there "SD:SSB" - did you
27 know what that represented?
28 A. No.
29
30 Q. Whether that was a particular individual?
31 A. No.
32
33 Q. Did it concern you at all that the letter was
34 apparently written anonymously?
35 A. I didn't really probably think about that. You know,
36 given my knowledge of things that were outside the church
37 then, I just saw the Watchtower Bible & Tract Society and
38 figured it was them - their organisation.
39
40 MR STEWART: Those are my questions, your Honour.
41
42 THE CHAIR: Does anyone else have any questions?
43
44 MR COYNE: Yes, your Honour.
45
46 MS DAVID: Yes.
47

1 THE CHAIR: Who should go first?

2

3 MR COYNE: Probably me on this occasion.

4

5 <EXAMINATION BY MR COYNE:

6

7 MR COYNE: Q. I'm representing Dino Ali, Kevin
8 Bowditch, Ron de Rooy, Allan Pencheff and some other people
9 who you don't know. I just want to ask you only a couple
10 of questions. You made your complaint to the elders
11 around June 1989; is that right?

12 A. I don't recall exactly when I made it.

13

14 Q. My friend will correct me if I have got that wrong.
15 After you made your complaint to the elders, did they
16 arrange alternate accommodation for you in the
17 congregation?

18 A. Initially I was - I stayed at home with my mother. My
19 father came back to - she invited him in and he come back
20 and knocked me around. And then once the committee
21 meetings had finished, my sister was counselled and she
22 decided to move back into our house, and I was pretty badly
23 treated by her and my mother at that stage, even to the
24 point where I couldn't access my bedroom. I would have to
25 get in through an outside window. And then I couldn't - I
26 remember going to Kevin Bowditch in the walkway of the
27 Kingdom Hall and I said to him, "I can't live here any
28 more. I don't want to be in the house with my mother."
29

30

31 Q. And they arranged accommodation for you within the
32 congregation; is that right?

33 A. Kevin Bowditch arranged for me to stay with Kerry and
34 Mark Grigor. I didn't really know them very well. And
35 I stayed at their house for a while, helped them look after
36 their children and --

37

38 Q. You were then married around November 1989; is that
39 right?

40 A. Yes, that's correct.

41

42 Q. At the time of your marriage, you were living with the
43 Bowditch family?

44 A. Yes.

45

46 Q. How long did you live with the Bowditch family?

47 A. I don't remember the exact time, but I know that I had
stayed there just before I got married.

1
2 Q. The Bowditch family assisted you with planning for the
3 wedding?
4 A. Planning as in?
5
6 Q. Paying for --
7 A. No, no, they did not pay for it.
8
9 Q. Just the general planning for the wedding in relation
10 to the ceremony?
11 A. Yes, I remember Lyn Bowditch made my little sisters' -
12 I bought the fabric and she said she would make their
13 little flowergirl dresses.
14
15 Q. Did Kevin Bowditch give you away at your wedding?
16 A. Yes, he did. I asked him to.
17
18 Q. After you were married, you moved to Townsville; is
19 that right?
20 A. Are you talking about a particular time? Yes, I did
21 move to Townsville, yes.
22
23 Q. Yes, shortly after that.
24 A. Oh, no, no, I had two children first and then I moved
25 to Townsville.
26
27 Q. Then you moved to Townsville. When you were in
28 Townsville, were you still with the Jehovah's Witness
29 faith?
30 A. Yes.
31
32 Q. Did Ron de Rooy and his family come and stay with you
33 a number of times whilst you were up there?
34 A. No, I don't recall him staying. I do remember a photo
35 with them, so they must have visited at one point. But
36 I don't recall them staying with us.
37
38 Q. Just to be more specific, during the conventions that
39 were held in Townsville, did they ever stay with you during
40 that?
41 A. I - I can't recall, to be honest. But I do remember
42 them visiting. There was a photo taken.
43
44 Q. Do you have a son named [REDACTED]; is that right?
45 A. Yes.
46
47 Q. He was born whilst you were in Townsville?

1
2 THE CHAIR: We have stopped that?
3
4 MR COYNE: My apologies, your Honour.
5
6 THE CHAIR: You understand, [BCG], there is a delay and
7 the operators have chopped that, so it hasn't been
8 broadcast.
9
10 THE WITNESS: Okay.
11
12 MR COYNE: Q. Was your son born whilst you were in
13 Townsville?
14 A. My last son, yes.
15
16 Q. Did Lyn Bowditch come and stay with you and assist you
17 with him after he was born?
18 A. Not that I can recall.
19
20 MR COYNE: Nothing further, your Honour.
21
22 THE CHAIR: Yes.
23
24 **<EXAMINATION BY MS DAVID:**
25
26 MS DAVID: For the record, David, I am appearing for [BCG]
27 and I have some questions as [BCG] is aware. I'm
28 representing her.
29
30 Q. You were just asked some questions about what occurred
31 after you made the complaint. It is the case, isn't it,
32 that you initially made a complaint, or you attempted to
33 tell some of the elders but nothing really came from that,
34 and that was during the period that your father was still
35 living at home?
36 A. Yes, that's correct.
37
38 Q. And then you made a complaint and the committee
39 process began. Where was your father living at the time
40 that the committee process began?
41 A. He was living in Cairns. He had left the family home.
42 Somewhere in Cairns, yes.
43
44 Q. Was he returning during that period of time, to your
45 family home?
46 A. Yes, yes.
47

1 Q. Can you just give a brief explanation of what was
2 going on at that time between your parents?
3 A. My parents were separating, and my father had wanted
4 to leave my mother for another woman in the congregation,
5 that was married, and he was matching up my older sister
6 with the woman's husband.
7
8 Q. But he was coming home to your place during that
9 regularly?
10 A. Oh, yes, yes.
11
12 Q. And you were there?
13 A. Yes.
14
15 Q. And that was during that committee process and around
16 that period of time?
17 A. Yes, yes.
18
19 Q. So at that stage, you were having to deal with him
20 outside the committee process, in your own home?
21 A. Yes.
22
23 Q. At that time that you were abused, do you consider
24 yourself to have been a devout Jehovah's Witness?
25 A. Oh, yes, very.
26
27 Q. So the beliefs were very strong beliefs that you held?
28 A. Yes.
29
30 Q. And during throughout the time, the whole period of
31 time that you were a Jehovah's Witness, you felt very
32 strong in your commitment to Jehovah?
33 A. Yes, certainly, yes.
34
35 Q. Are you able to just assist, perhaps to explain in
36 your own words, some of the terms that you have used in the
37 course of your statement. One is a term you have used on
38 a number of occasions, "reproach on Jehovah's name". Could
39 you please explain to the Commission, what does "reproach
40 of Jehovah's name" mean?
41 A. It would mean talking or telling anybody that was
42 classified - anybody outside the church about negative
43 things that happened within the congregation, meetings, or
44 with my father, for example, even - yes, couldn't -
45 couldn't disclose that. We were pretty much counselled
46 from the platform to keep things within the organisation.
47

1 Q. So if you did, if I could say, do that - reproach on
2 Jehovah's name - what did you think the outcome would be?
3 What would happen to you?
4 A. Oh, that not only would you get into trouble by the
5 elders and the congregation, disfellowshipped, Jehovah
6 would kill you, definitely.
7
8 Q. So when you say "Jehovah would kill you", what do you
9 mean? What is your understanding of what would happen?
10 What was your belief at that time about Jehovah killing
11 you?
12 A. Well, the Jehovah's Witnesses foundation or belief was
13 that Armageddon was coming, and it was so close that, you
14 know, people weren't encouraged to pursue careers, buy
15 houses, anything like that - that they should devote all
16 their time to preaching. So, in that sense, yes, it was -
17 like it was going to happen in the next year, that
18 Armageddon was going to come. It was like judgment day and
19 you would be killed if you weren't in the Jehovah's Witness
20 Church.
21
22 Q. So you wouldn't be saved --
23 A. Oh, no.
24
25 Q. -- along with the other Jehovah's Witnesses?
26 A. No - yes.
27
28 Q. Was that a powerful belief?
29 A. Oh, yes.
30
31 Q. Just in relation to that, if you were
32 disfellowshipped, what do you think Jehovah would do to
33 you?
34 A. He would kill you.
35
36 Q. So it's the same sort of process?
37 A. Same thing, yes.
38
39 Q. During the time that you were at the committee
40 hearings - I just want to go back to your statement. You
41 missed a line in your statement. It was the case, wasn't
42 it, that during that committee meeting, your father was
43 brought in to the room?
44 A. Yes.
45
46 Q. At one of those meetings, and he was sat at the other
47 end of the table?

1 A. Yes.

2

3 Q. How did you feel sitting in that room with the three
4 elders and your father?

5 A. I felt extremely uncomfortable, talking to the men
6 that were his friends, you know, being his age, and I
7 remember I have never been, in my entire life, so petrified
8 and scared of my father and his threats and the process.

9

10 Q. What was it that made you - you talked about your
11 father's threats, but was there anything else that made you
12 feel threatened or petrified?

13 A. He was stalking me and he had that ability to follow
14 through with his threats.

15

16 Q. Coming back to the committee meeting, when you were in
17 the room, what can you say to the Commission about the tone
18 of the questioning of you?

19 A. The tone of the questioning from the elders was almost
20 accusatory, in a sense, that, you know, I was to blame for
21 what happened, or whether I enjoyed it, or it was my fault.
22 It was almost like they were insulted that I would even
23 speak against my father, who was a brother, anointed by
24 a holy spirit. And I also felt like they were taking
25 delight, I suppose, in asking the same questions over and
26 over again, all different people asking me questions, and
27 my father could say whatever he liked to me. It was very
28 threatening, very scary.

29

30 Q. What did you think that they were doing by asking you
31 questions over and over again?

32 A. I felt like the questions - they were trying to test
33 me, to see if I was lying, whether there were any
34 inconsistencies in my story, and I also felt like I was
35 reliving it all and they were having fun with that.

36

37 Q. You said in your statement, or you deleted a line from
38 your statement earlier today about having gone to
39 a psychologist - a worldly psychologist. Firstly, I want
40 to ask you about what your understanding is of a worldly
41 person. What was the idea in your mind about what
42 a worldly person was?

43 A. My belief was probably based on the way the Jehovah's
44 Witnesses spoke about worldly people. I actually now think
45 it's quite a derogatory term and they use it in a
46 derogatory sense, like the worldly people don't have any
47 morals, they are lower than the Jehovah's Witnesses.

1 Because they seem to hold themselves up having the high
2 moral ground in every part of their lives.
3
4 Q. During that period of, say, 1988 and 1989, did you
5 have any friends other than in the Jehovah's Witness
6 congregation?
7 A. No.
8
9 Q. You went to school, but did you ever associate with
10 any of the people that you went to school with outside of
11 school?
12 A. Never allowed to associate with them outside.
13
14 Q. Were you allowed to engage in extra-curricular
15 activities at the school?
16 A. Definitely not.
17
18 Q. And the sex education, that was not permitted?
19 A. Yes, definitely not.
20
21 Q. That was done, wasn't it, by way of a note that was
22 sent to the school, that you not participate in certain
23 classes?
24 A. Yes, my parents were directed by the publications,
25 elders, meetings, to write to the school and write a note
26 that we couldn't participate in sex education classes,
27 birthdays, Christmas, Easter.
28
29 Q. At the time - so outside of the Jehovah's Witness
30 congregation, was there anybody that you believed that you
31 could go and talk to?
32 A. No.
33
34 Q. In terms of seeing any counsellor or psychologist or
35 psychiatrist, you have seen a psychologist?
36 A. Yes.
37
38 Q. When was the first time you went to see, or had any
39 engagement with, a psychologist?
40 A. It wouldn't have been long after I got married, and it
41 was when I attempted suicide, took an overdose and I was
42 put into hospital, and a psychologist came in then to talk
43 to me, but he was a male, so I wouldn't speak to him.
44
45 Q. So you didn't have any counselling at that stage?
46 A. No.
47

1 Q. Did you ultimately get some counselling?
2 A. I eventually - the feelings of suicide just kept
3 getting - they're always there. And given that I had
4 a little son to look after, even though that was a positive
5 for me, it was very hard to fight those feelings. And my
6 nightmares were pretty bad, my sleep, and I went to go see
7 a doctor.
8
9 Q. When was that?
10 A. That would have been after my first son was born,
11 probably about a year and a half, and I think she
12 prescribed me some medication, because I didn't want to
13 talk to any males.
14
15 Q. When your father came back into the Mareeba
16 congregation, you continued to live there for some years
17 after that?
18 A. Yes.
19
20 Q. How did you feel, having him in the congregation?
21 A. I don't think he came back to live, but he came back
22 when - not long after his reinstatement was announced, and
23 I remember him coming to the Kingdom Hall and I could hear
24 all the brothers and sisters coming up, because he was
25 standing quite close to me to, I felt, intimidate me.
26 I was very scared, shaking, and I remember all the brothers
27 and sisters that knew what he had done shaking his hand and
28 saying, "Congratulations. Welcome back. Good on you."
29 And I just felt pretty worthless, because he didn't even
30 apologise.
31
32 Q. Did you ever receive an apology from your father?
33 A. No, never.
34
35 Q. You have read some of the statements of some of the
36 elders that were involved in the committee meetings.
37 A. Yes.
38
39 Q. And they have spoken about having provided support to
40 you. What can you say about that?
41 A. I am actually probably really insulted that they - all
42 this time, they have believed that they have supported me
43 and I think, from my experience, dealing with the different
44 systems, the religious system and the secular system, or
45 the legal system, the support - I can compare the support
46 and the processes, and I think it would probably hold a bit
47 of weight to those particular elders, Dino, Kevin, Ron,

1 Vincent Toole and The Watchtower Society, that their
2 processes aren't processes. There are no processes. There
3 is no protection at all. And the way that they dealt with
4 it is very, very traumatic and very difficult to do and, on
5 the other hand, the people that were supposed to be worldly
6 and scary were complete strangers to me, particularly the
7 first detective that I spoke to, Natalie Bennett, and even
8 the people here at the Royal Commission, the team here -
9 they are complete strangers and I have had more support,
10 acknowledgment and acceptance from complete strangers than
11 I have ever had from anyone in the congregation.
12

13 Q. You talked about the officer, Natalie Bennett - the
14 officer that was the officer in charge of your case against
15 your father?

16 A. Yes.
17

18 Q. Or the case against your father, I should say. Now,
19 you had a good relationship with her, you trusted her?

20 A. Yes.
21

22 Q. Initially, it was the case that you were reluctant to
23 talk to other police; is that the situation?

24 A. Oh, yes. I was very nervous making that phone call,
25 very, very scared because of the - you know, obviously not
26 bringing reproach on Jehovah's name. But I initially spoke
27 to a male and I said to him, "Can I please speak to
28 a female?" And her voice was very caring, non-judgmental,
29 supportive and she actually reminded me of one of the two
30 people that I was not allowed to speak with in the Mareeba
31 congregation. And I remember that she said to me, "Oh,
32 look, can you do a statement" at the place where I live,
33 and I said - she said, "You just have to go in and do" -
34 I said, "Oh, no, I'm not doing it", unless I speak to her.
35 So she flew all the way up from where she was and took my
36 statement.
37

38 Q. You just mentioned that she reminded you of two people
39 in the congregation that you were --

40 A. One of two, yes.
41

42 Q. One of two people that you weren't allowed to speak
43 with. Can you explain to the Commission what you mean by
44 that?

45 A. My father had specific people that he would not allow
46 me to talk to even within the Jehovah's Witnesses. Am
47 I allowed to say this person's name?

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MS DAVID: It probably doesn't matter, does it? Perhaps to - it's up to you, sorry.

THE CHAIR: You can write it down, if you want.

THE WITNESS: Okay. And she was kind to me, she wasn't mean like all of the other women in the congregation, people, males, whatever, and she seemed to have an empathy for me, and - yeah, a little bit of protectiveness, I think, yeah. And I think that's why my father didn't allow me to speak to her.

MS DAVID: Q. Were you ever offered any sort of support person during the committee process, other than to have your mother involved at one stage?

A. No. My mother wasn't in my committee meetings. She was only allowed in one. No.

Q. Did you ever indicate to anyone that you would like some person that you trusted there?

A. I didn't even know I was allowed to do that.

Q. Were you ever given any biblical guidance from the scriptures about how a person who has experienced sexual abuse might deal with it?

A. Apart from putting my tears in a bottle, in that letter.

Q. And the letter that you are referring to, that is the letter from the Watchtower Bible & Tract Society?

A. Yes.

Q. In response to your letter in 1995. So that was in early 1996?

A. Yes. There were no talks or - talks given from the platform are normally something - if it was important, it would have been given not just in the magazine articles; it would be given as a talk to the congregation.

Q. So if there was an issue in the congregation, that would be the subject of a talk at Kingdom Hall?

A. Yes.

Q. And so a matter of topic --

A. Yes.

1 Q. -- would be put up there. You experienced a period of
2 vilification, I think you have said, after the committee
3 meetings; you felt that people mistrusted you? Sorry,
4 I will withdraw that. Had said that you had been a liar?

5 A. Yes, that's correct.

6

7 Q. Were there ever any talks from Kingdom Hall about
8 encouraging the congregation not to speak ill of people who
9 might have made such accusations?

10 A. No.

11

12 Q. Was there any support given to you at all about your
13 own feelings of shame?

14 A. No.

15

16 Q. You have said in your statement and to counsel
17 assisting that the process, the legal process, was a much
18 better one for you.

19 A. Mmm.

20

21 Q. How did it make you feel as a result of that final
22 outcome, obtaining an outcome through the court process?

23 A. I'd like to let all the victims know, that are
24 listening to this, and the elders, that by going to the
25 police and speaking to Natalie Bennett and - it was the
26 very first time that somebody actually thought that what he
27 did, my father did, was wrong and he needed to answer for
28 that. I didn't even really know that it was a crime, and
29 just that acknowledgment and knowing that the court process
30 of rules of evidence and rules - he couldn't just come up
31 and say what he wanted and he couldn't threaten me. Yes.
32 I felt protected and I felt supported, because they
33 provided counsellors before and after and they looked after
34 me, and even to this day, I still stay in contact with
35 Ronald Swannick, which was the DPP at that stage, and the
36 police investigator, Natalie Bennett. So, yeah, I still,
37 you know - when you compare that --

38

39 Q. You would agree, nevertheless, that three trials was,
40 nevertheless, a fairly gruelling process, of itself -
41 having to give evidence at three trials and be
42 cross-examined was of itself a difficult process?

43 A. Yes, it was difficult, but nowhere near as traumatic
44 as what the elders put me through and the vilification of
45 the congregation in Mareeba. Nowhere near it.

46

47 Q. You have mentioned previously a recommendation about

1 what outcomes you would like to see from this Commission.
2 Is there anything further that you would like to see?
3 I think you mentioned that you advocate that people
4 obviously go through a legal process, that they go to the
5 police. Are there any other recommendations that you would
6 like to see or changes that you think would assist the
7 young Jehovah's Witness child who was abused - what would
8 assist to ensure that their voice was heard?

9 A. I feel that if mandatory reporting laws were
10 introduced across Australia, given the nature of the
11 Jehovah's Witness organisation and the way they work, with
12 their vilification practices, I feel that they could still
13 act in the same way. So from that perspective, I think it
14 is really essential that they need to be financially
15 accountable and also criminally, if they don't protect the
16 children in the congregation.

17
18 Q. What about information within the congregation to
19 ensure that that person - that other children are not
20 exposed to a person who may commit a sexual abuse offence?

21 A. The practice of reinstating them into the congregation
22 after they said "sorry ", or they appear to be repentant
23 isn't enough. Paedophiles generally re-offend, as in the
24 case of my father - couldn't control himself with just one
25 daughter, had to assault all of us. I think there needs to
26 be a database and I honestly believe that once they have
27 offended in the congregation of Jehovah's Witnesses, and
28 even externally, that - well, particularly in the
29 congregation, because it is like a family network,
30 everybody is trusted and they don't disclose to other
31 people in the congregation. In fact, if I could just say
32 this, you know, from time to time Witnesses will come and
33 knock on my door and I normally sort of say, "I'm not
34 interested." Last year, actually, there was a lady that
35 came to my door and she had a son with her, and I felt
36 compelled to tell her to be careful of people in the
37 congregations, particularly those ones that appear to be
38 really righteous, and she was grateful that I said that to
39 her, and then I explained that I was no longer a practising
40 Jehovah's Witness, and she knew of what had happened to me.
41 She knew who I was. She knew all the details. She was
42 asking me questions. Yes. So I think the confidentiality,
43 even - like the elders speak about their confidentiality
44 and they can't disclose anything to the police or whatever,
45 but all of my details are out there. They have disclosed
46 every - they protect the accused in that sense, and my
47 details are out there. Everybody knows what's happened.

1 They have breached my confidentiality.

2

3 Q. And did you feel protected at all by the Jehovah's
4 Witnesses?

5 A. Definitely not.

6

7 MS DAVID: Thank you. Nothing further.

8

9 THE CHAIR: Q. [BCG], in paragraph 69 of your statement
10 you mention that the elders who presided over the committee
11 and the appeal meeting gave evidence at the committal and
12 at a voir dire during the first trial. Did they give
13 evidence, to your knowledge, in the latter two trials?

14 A. I don't recall that they did, and I was really quite
15 upset about that, because I had done the right thing and
16 I spoke up straightaway while it was fresh in my memory,
17 and I believe they even took notes and details in meetings,
18 and I thought for sure they will be able to corroborate
19 that I am - that this happened, instead of me coming back
20 so many years later and all of a sudden, out of the blue -
21 oh, I've remembered some abuse that's happened. I've
22 spoken about my father's abuse ever since it's happened
23 every chance I've gotten, so I was very disappointed that
24 they didn't give evidence.

25

26 Q. When they gave evidence at the committal, were they
27 called by the Crown, by the prosecution; or by your
28 father's defence team? Do you remember?

29 A. They were called by the DPP, Belinda Merrin, yes.

30

31 MR STEWART: I have nothing arising, your Honour.

32

33 THE CHAIR: Thank you, [BCG]. Thank you for coming and
34 telling us your story. You are now formally excused.

35

36 THE WITNESS: Thank you, your Honour.

37

38 <THE WITNESS WITHDREW

39

40 MR STEWART: The next witness, your Honour, is
41 Mr Dino Ali. His statement is at tab 2 of the statements
42 bundle.

43

44 THE CHAIR: Mr Ali, it is necessary for you to be sworn to
45 give your evidence. Will you take an oath on the Bible or
46 an affirmation?

47

1 MR ALI: I will take an oath on the Bible, thanks.

2

3 <DINO ALI, sworn: [3.05pm]

4

5 <EXAMINATION BY MR STEWART:

6

7 MR STEWART: Q. Sir, will you state your full name for
8 the record, please?

9 A. Dino Ali.

10

11 Q. Mr Ali, when did you become a Jehovah's Witness?

12 A. I was baptised in September of 1981.

13

14 Q. How old were you then?

15 A. 32.

16

17 Q. You served two periods as an elder in the Mareeba
18 congregation; is that right?

19 A. That's correct.

20

21 Q. The first was from 1986 to 1997?

22 A. Yes, as close as I can recall, yes.

23

24 Q. And then you served again from 2006 to 2015?

25 A. Yes.

26

27 Q. So are you currently an elder in that congregation?

28 A. I am.

29

30 Q. When you ceased being an elder in 1997, or
31 thereabouts, what were the circumstances that caused you to
32 cease being an elder?

33 A. Personal reasons.

34

35 Q. By which do you mean you voluntarily resigned, or you
36 were removed?

37 A. No, I was - I voluntarily resigned.

38

39 Q. In your statement you say congregation members do not
40 associate with disfellowshipped persons. What does that
41 mean in a practical sense?

42 A. Sorry, could you - I didn't quite catch the first
43 part.

44

45 Q. In your statement, you say that someone who has been
46 disfellowshipped - let me put it the other way around:
47 congregation members do not associate with someone who has

1 been disfellowshipped. What does that mean in a practical
2 sense? In what way do they not associate with
3 a disfellowshipped person?

4 A. Well, if it's someone who is not in the family, not
5 living under the same roof, if someone is disfellowshipped,
6 that means simply that a person would not have any more
7 relationship, generally, with that person who is
8 disfellowshipped.

9

10 Q. So no social interaction?

11 A. Correct.

12

13 Q. And if it is a member of the family in the same house?

14 A. If the member is still living under that roof, then
15 some precautions are taken as to how far that will go, but
16 if it's a minor, they will continue to care for the needs
17 of that person and continue to provide whatever services
18 that is required, as a parent, for example, to a younger
19 child or children.

20

21 Q. And if a disfellowshipped family member is not living
22 under the same roof, does the usual rule of not associating
23 with them apply?

24 A. No, there is a cut-off rule - not quite a rule, but
25 the principle, a scriptural principle, that does quote that
26 we should not even eat with a person like that, which means
27 that we don't fellowship to the same extent as we did in
28 the past. There would be a removal, if you like, for that
29 time that the person is in that state, that wouldn't belong
30 to that family in the same condition as they were
31 beforehand.

32

33 Q. And that would last until such time as they were
34 reinstated, if ever?

35 A. Correct.

36

37 Q. You also say in your statement that members of the
38 congregation have a personal responsibility to report
39 wrongdoing to elders if they become aware of it and the
40 wrongdoer does not come forward. How serious does that
41 wrongdoing have to be that requires a member to report to
42 an elder?

43 A. Well, there are sins that the Bible mentions, like
44 porneia, which involves immoral activities; stealing, which
45 goes beyond the point of a one-off, but it is a practice -
46 so something that is willfully done in accordance with what
47 the Bible says crosses the line, then we would, of course,

1 take action against that.

2

3 Q. I would understand that may lead to disfellowshipping,
4 but I'm really addressing an earlier phase. I'm addressing
5 the question of how serious does a wrongdoing have to be in
6 order that a member of the congregation has a
7 responsibility to report it to an elder?

8 A. Well, cross those lines, those principles, like, for
9 example, in this case, if a person has, in the sense of
10 porneia, molested a young one in their family or someone
11 outside the family.

12

13 Q. What about, for example, being unchaperoned with
14 someone of the opposite sex to whom one is not married?

15 A. Yes, there would be some - no, that - that is not - to
16 define that, though, exactly at what stage is that that
17 they are unchaperoning?

18

19 Q. Well, I'm really asking you: at what stage would it
20 have to be before a congregation member would be obliged to
21 report it?

22 A. I don't think unchaperoning is as serious as what is
23 being discussed here today, but if a person is aware of
24 a situation of being unchaperoned, it's for their
25 protection, of course, to report that as soon as someone
26 may observe that, and particularly if it was someone within
27 the family, of course, it would be appropriate to let the
28 parents, or whoever that is close, to know that.

29

30 Q. So teenagers kissing in the park, for example - that's
31 something that, if observed, should be reported?

32 A. Teenagers? One has to be careful about being
33 unchaperoned, if it's one of the opposite sex, yes, because
34 we want to try and protect children from doing something
35 that may bring some harm to them.

36

37 Q. In your statement you also say that reporting to the
38 police is a personal decision for a victim and his or her
39 parents, if a minor. Is it a personal decision for an
40 elder as to whether to report to the police something that
41 has been reported to the elder which might constitute
42 a crime?

43 A. Is it the elder's responsibility to do that? Is that
44 what you are asking?

45

46 Q. Is it the elder's personal decision as to whether to
47 report information received by the elder that would amount

1 to a crime?
2 A. No, it's not the elder's decision. We respect the
3 right of the person who has been - who has been a victim.
4 We reserve her the right or his right to do that. But we
5 will do everything we can to support it.
6
7 THE CHAIR: Q. If a different crime, to take the most
8 extreme, murder. If you were told that a member of the
9 congregation had killed someone else, would you report that
10 to the police?
11 A. We would encourage the person to do that.
12
13 Q. Would you do it yourself?
14 A. No. I would try very hard not to - not that I would
15 try very hard not to, but I would encourage the person
16 continually to do that. That's a decision they need to
17 make.
18
19 Q. What if the person wasn't prepared to go to the
20 police, but they told you that they saw the killing
21 happen - what would you do?
22 A. Am I being asked on the present day circumstances?
23
24 Q. Yes.
25 A. Yes. I would take the action of ringing the branch
26 and getting some legal advice on that.
27
28 Q. You are living in Queensland, aren't you?
29 A. Yes.
30
31 Q. Do you have any knowledge of the law or legal
32 obligations to report knowledge of crimes at all?
33 A. Not - not really, no.
34
35 MR STEWART: Q. Do you know of any case, Mr Ali, in
36 which an elder has reported a criminal matter to the
37 police?
38 A. No, I can't say that I have, no.
39
40 Q. In your statement, you say you were only aware of one
41 other case of child sexual abuse, and that was in the late
42 1980s. You are going to be shown a name in a moment.
43 I want to ask whether it is the case concerning that
44 person.
45 A. Yes, I've heard of that.
46
47 Q. Is that the one you are referring to in your

1 statement? If you look at paragraph 4.4 of your statement?
2 A. No, that wasn't the one I was thinking of.
3
4 Q. I have given you the wrong reference there. It is
5 4.1. I am showing you a second name. If we could refer to
6 the first name as the first name and the second name as the
7 second name, is that the one you had in mind?
8 A. That's the one, yes.
9
10 Q. Would you just explain that case very briefly, without
11 mentioning any names, as to what it entailed?
12 A. Well, it was very vague in the sense of all the
13 details, because we were just simply informed that this
14 certain individual had taken those steps of touching young
15 children, and from there, the process would be that then we
16 would form a judicial committee to deal with that.
17
18 Q. Just to stop you for a moment, did that information
19 come to you as an elder?
20 A. No, it - yes, I was an elder at that time.
21
22 Q. And then did you deal with it personally as an elder,
23 or are you referring to it having been dealt with by
24 others?
25 A. I didn't understand that one.
26
27 Q. Did you deal with it personally, yourself?
28 A. No. No, I didn't.
29
30 Q. Did other elders within your congregation deal with
31 it?
32 A. Yes, they certainly did, yes.
33
34 Q. The first name that you were given - that seems to
35 ring some bell of memory for you - is that a case you dealt
36 with yourself, personally?
37 A. We're probably - the one that affected me more would
38 be the present case that is under discussion.
39
40 Q. I understand that the present case may have affected
41 you more, but my question is different. Did you deal
42 personally with the first case?
43 A. Not personally, no.
44
45 Q. Were either of those cases, to your knowledge,
46 reported to the police?
47 A. To my knowledge, no, they weren't.

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Q. Dealing, then, with the present case, you say in your statement that [BCG] moved into the Bowditch home for a while after she had made the allegations about her father?

A. Mmm-hmm.

Q. She says she moved first into Kerry and Mark Grigor's home and only later, for a short while, to the Bowditch home; do you accept that?

A. It is vague, but I do know that the Bowditches - where that fitted in with the Grigors, I'm not sure, but I do know there was another family, the Belchers, that were living close by to the victim and the father. I believe that they also were involved, but at what stage - but I do know that both those families, the Belchers and the Bowditches, had given refuge to [BCG].

Q. The question I am asking is quite a simple one, so I would ask you to try to answer the question: do you accept that what [BCG] says is correct as to the order. She was first with the Grigors and after that for a short time at the Bowditches; do you accept that?

A. I accept that, yes.

Q. Perhaps we can have [BCG]'s statement at paragraph 33 on the screen, page 0008. You will see in those two paragraphs, 33 and 34, [BCG] talks about her father being a violent man and refers to a particular incident. Did you know her father to be a violent man and to beat his children?

A. No, I'm not - I wasn't aware of that, no.

Q. What, in your understanding, is the scriptural teaching of the Jehovah's Witness Church with regard to corporal punishment of children by their parents?

A. They are allowed to discipline to the degree that's necessary, without crossing the line into abuse, physical abuse or any other type of abuse.

Q. And what guidance is given as to where that line is?

A. We have many magazines that help - and books, that help parents to appreciate their responsibility in that regard, that they must do any discipline in a loving way; to always do that, not in anger, and to continue to train the children so that they understand the principles that will help them in later life, as well as in growing up as

1 the children.
2
3 Q. Mr Ali, did you see or listen to [BCG] give her
4 evidence earlier today?
5 A. No.
6
7 Q. Did you not hear what she had to say?
8 A. No.
9
10 Q. Have you been provided with a copy of her statement?
11 A. No.
12
13 Q. You haven't read her statement?
14 A. On today, are you talking about?
15
16 Q. Her statement for this hearing, a statement which was
17 dated 10 July, but which she read in this hearing earlier
18 today?
19 A. Not her statement, no, I haven't read her statement.
20
21 Q. In that case --
22 A. There was just a few - there was just a few thoughts,
23 I think, that I have been privy to, but that's - that's
24 about it.
25
26 Q. What do you mean by "a few thoughts"?
27 A. I think that they came up in the sense that I told -
28 I think they were in my statement, weren't they, where
29 I told my brother, Zini - or she told my brother Zini that
30 she had a black eye, and his response to that.
31
32 Q. Well, your statement is dated 10 July 2015; is that
33 right?
34 A. Yes.
35
36 Q. And [BCG]'s statement is dated 10 July 2015?
37 A. Okay.
38
39 Q. I take it that you did not have [BCG]'s statement
40 available to you at the time that you prepared your
41 statement; is that right?
42 A. No, no.
43
44 Q. So subsequent to 10 July 2015, have you had the
45 opportunity to read [BCG]'s statement?
46 A. I have been handed something that I think is her
47 statement, but only in certain portions.

1
2 Q. Do you mean some particular aspects of it have been
3 drawn out and brought to your attention, and you have been
4 told, "These are things that she says"; is that right?
5 A. Yes, yes.
6
7 Q. One of them is this incident at paragraph 34 that is
8 on the screen before you concerning your brother; is that
9 right?
10 A. Yes, that's the one about her eye. I think he - not
11 the one about the belt, but the eye. I understood it was a
12 black eye, or something along those lines.
13
14 Q. That's what she says. She said she had a black eye at
15 the Kingdom Hall and one of the elders, Zini Ali - that's
16 your brother; is that right?
17 A. Yes, that's correct.
18
19 Q. -- asked her, "What happened to your eye?" And she
20 replied, "My father kicked the bedroom [sic] door in my
21 face", and she says that Zini just laughed in response and
22 said "Oh, did he!" And she said that she "felt that Zini
23 was dismissing what I had told him as though it were
24 a joke". Did you know about that incident at the time?
25 A. No, I can't recall that.
26
27 Q. Can we go to paragraph 38. Is this another
28 paragraph that was brought to your attention?
29 A. I don't recall that.
30
31 Q. What don't you recall? You don't recall it being
32 brought to your attention - this paragraph of her
33 statement?
34 A. That's right. In the context, and what [BCG] is
35 saying there, I don't recall that phone call or that she
36 brought that to my attention, I'm sorry.
37
38 Q. Mr Ali, let me deal with two things separately. The
39 first thing is this: is this paragraph, or what is stated
40 in this paragraph, one of the matters that, in the last
41 week or two, was brought to your attention as being
42 something that [BCG] says?
43 A. No.
44
45 Q. No?
46 A. No.
47

1 Q. So you haven't seen this before?
2 A. No.
3
4 Q. The first time you have ever seen this, that [BCG]
5 says what is written in paragraph 38, is now, while you sit
6 in the witness box; is that right?
7 A. That's right, yes.
8
9 Q. And you say you don't recall her phoning you and
10 saying that she has matters to talk to you about, about
11 things in her family?
12 A. No, I don't recall any - any of that whatsoever, no.
13
14 Q. That's the sort of thing that an elder would handle,
15 isn't it - if someone had something close to their heart
16 and was troubling them, they would contact an elder to
17 discuss it; is that right?
18 A. I agree, yes.
19
20 Q. Would it be the usual response, if what they were
21 raising was to do with their father, to say that they
22 should raise it with their father first, if it was a minor?
23 A. I wouldn't have said that, if that was the case. If
24 it was as serious as that, that would be my response --
25
26 Q. If it was as serious as what?
27 A. If that - what is being said here, what had - her
28 father had been doing to her, in that sense.
29
30 Q. Well, just read the paragraph, Mr Ali. It doesn't say
31 what her father had been doing. She says she said to you,
32 "I want to talk to you about things in my family that you
33 don't know about. What my father is doing." Now, she
34 doesn't say what it is that he's doing.
35 A. Yes, well, I can't remember that conversation, I'm
36 sorry.
37
38 Q. And the way in which the church views things, the
39 father is the head of the family; is that right?
40 A. Yes.
41
42 Q. And would it be right that in the ordinary course,
43 a child who might have complaints about something in the
44 family should raise it, first, with their father?
45 A. If we're talking generally in the sense that a person
46 or a young child has been disciplined, and it may be
47 responding in this way, perhaps, but I may say, "You need

1 to speak to your father", or provide the help of talking to
2 the father to correct the situation if a certain discipline
3 has gone too far.

4
5 Q. Well, in a case where it's not made apparent what the
6 issue is, it's just that she says, "I've got something
7 I want to tell you about what's going on in my family,
8 things my father is doing" - you don't know what it is --

9 A. No.

10
11 Q. -- would that be the kind of case where you would say,
12 "Well, raise it first with your father"?

13 A. Well, there's possibly not enough information for me
14 to comment on that. I don't recall that conversation, if
15 it occurred. I'm not denying that she did --

16
17 THE CHAIR: Q. Just a minute, Mr Ali. You are being
18 asked something else. You are being asked a hypothetical
19 question. Assume that you were told what she says she told
20 you. What is your response?

21 A. If I were to assume that that's what she told me, you
22 are asking what would my reaction be?

23
24 Q. Yes.

25 A. If she needed help, if it was in that situation,
26 I would provide the help. I would talk to the father.

27
28 Q. There are a couple of steps there. She says that she
29 said she wanted to talk to you. Now, if a young female
30 member of the congregation says she wants to talk to you
31 about things "in my family", would you talk to her?

32 A. Yes, yes, I would.

33
34 Q. Would you require her to talk to her father first, if
35 she said she wanted to talk to you about what her father
36 was doing?

37 A. No, no. She's quite - she would be quite welcome to
38 express whatever her concerns were.

39
40 Q. So, just to be clear, if we, the Commissioner and I,
41 accept that she said these things to you, that she wanted
42 to talk to you, and you didn't talk to her, then you didn't
43 do what you should have done; is that right?

44 A. That would be true, yes.

45
46 Q. Well, if you need an opportunity to reflect, but she
47 says she said this to you.

1 A. I'm not denying that - what she's saying. I'm simply
2 saying that I don't remember this happening.
3
4 Q. She says that, having raised the question with you,
5 you said, "No, you have to talk to your father first"; do
6 you see that?
7 A. Yes, I see that.
8
9 Q. Well, you have no recollection of that, either?
10 A. No, I don't have a recollection.
11
12 Q. If we accept her evidence, it means that you have not
13 spoken with her in response to her request, doesn't it?
14 A. I don't see it that way, your Honour.
15
16 Q. Well, she says she wants to talk to you, and you say,
17 "No, you have to talk to your father first"?
18 A. Well, I don't have a recollection of her saying that,
19 and I'm not saying that I'm denying that that's something
20 that she may have assumed that I said, or that she said;
21 it's just that I have no recollection to comment on that.
22
23 Q. But if we accept that you had this conversation, then
24 you declined to speak with her; isn't that right?
25 A. No, I don't think that would be correct to say that,
26 either.
27
28 Q. Well, what does the word "no" mean?
29 A. "No" - well, when I say "no", if I - I wouldn't have
30 said, "no" to talk to her. That's what I - I'm - I don't
31 recollect having said anything; I don't recollect that
32 [BCG], with this conversation, so --
33
34 Q. Did you talk to her about problems with her father?
35 A. I can't recollect that I did.
36
37 Q. It's something that you would recollect, isn't it?
38 A. One would hope so, and I wish I could, because
39 I understand the gravity of what she was going through, as
40 we continued to look into that, and I appreciate the
41 situation afterwards more so, and in retrospect, you know,
42 it's things that - there are certain things that stick more
43 often in memory than others, and to me, it was her going
44 through those - that situation - the very serious situation
45 and explaining herself afterwards, during the judicial
46 case, that I got to appreciate the depth of her concern.
47

1 Q. You mean it was only when the matter went to court
2 that you understood the serious nature of the events that
3 had happened?
4 A. No, no, it was well before that. It was when the
5 motions we started to go through when it became something
6 that was clearly a real victimisation of a young person by
7 her parent that all of us elders then acted very swiftly in
8 dealing with that situation. Now, this may have been
9 a prelude to that, I don't know, I cannot recollect this
10 particular discussion. But the other things --
11
12 Q. We will come to what you did do in response to what
13 you knew, but is it right to understand that the teaching
14 of your church requires someone who has a disagreement with
15 another member of the congregation to, first of all, seek
16 to put matters right with that other person?
17 A. That would be the first step.
18
19 Q. So what [BCG] says in her statement about her
20 conversation with you and your response - your response is
21 consistent with the teaching of the church; is that right?
22 A. It should be, yes, but I --
23
24 Q. Well, the response that she says you made, as
25 I understand it, from what you have told me, is consistent
26 with the teachings of the church - that is, "No, you have
27 to talk to your father first."
28 A. Well, again, your Honour, I'm sorry, but I can't
29 recollect that.
30
31 Q. No, no, no. What she says you said, as I understand
32 it, is consistent with the teachings of the church, that
33 is, you have to speak to your father first.
34 A. Generally, if it was something of a minor concern,
35 yes.
36
37 Q. Well, you don't know, from this conversation --
38 A. No, I don't.
39
40 Q. -- whether it is major or minor?
41 A. Mmm.
42
43 Q. So do I then understand that what you are saying to us
44 is that what she reports you as having said is consistent
45 with the teachings of the church?
46 A. I would have to think very carefully on that whole
47 aspect, because if I could remember the rest of

1 a conversation that we might have - then perhaps I can
2 comment. But I cannot recall this having happened.

3

4 Q. I'm sorry, I have to put it to you again. We're just
5 looking at the conversation that she says occurred. Now,
6 you may not remember it, but that's what she says happened.
7 What I want to know is whether that conversation, as she
8 records it, from you, is consistent with the teachings of
9 the church - and that is, "No, you have got to talk to your
10 father first"?

11 A. If this did really happen - I'm not doubting that it
12 did - then it would be consistent with myself to follow
13 through and have a discussion with her, and to also
14 approach the parent if it was something of concern, yes.

15

16 Q. I'm lost. She says you said, "No, you have to talk to
17 your father first." Now, as I understand it from what you
18 have already told me, a statement such as that by you is
19 consistent with the teachings of the church.

20 A. Mmm-hmm. It would be, yes, yes. Definitely.

21

22 MR STEWART: Q. Do you recall, Mr Ali, how you first
23 became aware of allegations being made by [BCG] that her
24 father had sexually assaulted her?

25 A. I thought it was through another elder who brought it
26 to our attention that these things had come to our
27 attention so we needed to act on that.

28

29 Q. And who was that other elder?

30 A. I - I believe it may have been Kevin.

31

32 Q. Well, do you remember who it was?

33 A. Not offhand.

34

35 Q. Is it not the case that these allegations were brought
36 to your attention by someone else in the congregation who
37 was a friend of [BCG], who has a pseudonym in these
38 proceedings, [BCJ]? There should be a list in front of
39 you, which we will give you who [BCJ] is. Was it not that
40 person, without saying his name? Was it not him who raised
41 these matters with you?

42 A. Possibly it could have been.

43

44 Q. It may have been?

45 A. Possibly.

46

47 Q. And then, if it was, you would then have raised that

1 with the other elders; is that right?
2 A. Yes, yes.
3
4 Q. Sitting there now, do you recall what it is that was
5 said to you, as to what [BCG]'s allegations were?
6 A. In - as a judicial beforehand - which - in what
7 context?
8
9 Q. When they were first brought to your attention?
10 A. Right.
11
12 Q. And it was first brought to your attention through, as
13 [BCG] says, [BCJ], and you say it could have been. When
14 they were first brought to your attention, do you recall
15 what it was that was said that [BCG] was saying: in other
16 words, what was the complaint? Do you remember that?
17 A. That she had been abused sexually, molested.
18
19 Q. At that stage - in other words, what was first
20 reported to you - were details, beyond that she had been
21 abused sexually, given to you?
22 A. Not to me personally. That would have come through
23 another elder informing the Body of Elders that
24 such-and-such had happened and then the action would be
25 taken.
26
27 Q. Addressing, then, when you were informed what the
28 allegations were in some detail, what were you informed as
29 to what they were?
30 A. That her father had abused her, sexually abused her,
31 for some time.
32
33 Q. Do you recall whether it was said what the nature of
34 that abuse was?
35 A. It was on a sexual level.
36
37 Q. You have said that already.
38 A. Yes.
39
40 Q. Was any more detail as to the nature of the abuse
41 conveyed to you at that time?
42 A. That it had been carried on for a while. If I recall
43 this, this may have come through after we had, or were
44 dealing with her father on another issue, that this
45 particular charge came up. But at the moment, no, I can't
46 recall what else would have come up.
47

1 Q. But at least that her father had abused her sexually
2 for some time?

3 A. Correct.
4

5 Q. In the part of your statement where you deal generally
6 with what is supposed to happen when allegations of child
7 sexual abuse are brought to the elders' attention, you say
8 that the elders are immediately to call the branch office
9 on receiving the allegation. Did that occur on this
10 occasion?

11 A. No. That instruction came through, I think, a little
12 bit later. During, as I recall, that time that we dealt
13 with this particular case, that wasn't something that,
14 I don't think, was in the instruction about how to deal
15 with that. The elders followed through by dealing with it
16 promptly, though.
17

18 Q. So at that time, we're talking about approximately the
19 middle of 1989, to your recollection, at that time there
20 was no standing instruction that the elders must
21 immediately contact the branch for direction in the case of
22 child sexual abuse?

23 A. Not at that time, no. No. That's my understanding.
24

25 Q. You have said that these allegations came to the
26 attention of the elders - that's the three of you, as
27 I understand it: that is you, Mr Ali, also Mr Bowditch and
28 Mr de Rooy; is that correct?

29 A. That's correct.
30

31 Q. Can you explain what did the three of you do with
32 regard to those allegations?

33 A. We immediately followed through by just asking
34 questions in a closed environment.
35

36 Q. Asking questions of each other, Mr Ali? Asking
37 questions of whom?

38 A. Of the perpetrator and of the victim herself, because
39 we sat down and we wanted to understand exactly what had
40 happened and her version of what the tragic circumstances
41 were that she had faced. So I remember that she was a very
42 brave person for her age to be able to do that - that's
43 something that stands out in my mind, and to explain some
44 of those horrible things that had happened to her. So we
45 sat together, three elders and herself. There was nobody
46 else within that environment. And we allowed her to tell
47 us, and we allowed - we allowed her the time to do that.

1 We didn't want to rush, we wanted her to tell us and
2 explain, to the extent that she could, what had happened.
3
4 Q. And as I understand it, you asked her questions; is
5 that right?
6 A. Only to fully understand the situation - certain
7 situations.
8
9 Q. And did you meet with her a number of times in that
10 way?
11 A. I believe we did. Yes.
12
13 Q. And did you meet separately with her father?
14 A. We met with her father, yes, yes.
15
16 Q. Also a number of times?
17 A. A number of times.
18
19 Q. And he denied the abuse; is that right?
20 A. Every time.
21
22 Q. And when you met again, then, with [BCG], did you
23 convey to her her father's denial?
24 A. That's right, yes, we informed her of that, yes.
25
26 Q. And did you then seek further information or
27 clarification from her about her allegation?
28 A. Yes, to the extent that she was able to, if there was
29 more that she wanted to add, because it takes - I found
30 that it took a lot more than one sitting to understand, and
31 for her, also, to tell us what she had been through.
32
33 Q. And at that time she was about 18; is that right?
34 A. I think so, yes.
35
36 Q. You were about 39; is that right - or 40?
37 A. Something like that.
38
39 Q. And Mr Bowditch and Mr de Rooy, are they older than
40 you?
41 A. No, I think Kevin is about a year or so younger and
42 Ron is a few years younger again.
43
44 Q. In those meetings that you had with [BCG] that you
45 have described, did you offer to her the possibility of
46 having someone to sit with her in support of her - someone
47 of her choosing?

1 A. No. No, not while we are in a closed session. This
2 was kept private, first, so that she could explain. It was
3 an environment, I believed - because being a father myself
4 and having young - I had five children - of dealing with
5 her on the basis of that - and allowing her the opportunity
6 to say what she needed to say without any influence from
7 anybody outside.

8

9 THE CHAIR: Q. Mr Ali, how many men were present at this
10 meeting?

11 A. At that judicial committee?

12

13 Q. No, at the initial meeting.

14 A. That would be the judicial committee.

15

16 Q. How many were present?

17 A. Three.

18

19 Q. And only [BCG]?

20 A. Yes.

21

22 Q. Did it ever occur to you that given the requirement to
23 speak to three men about intimate detail in relation to her
24 father's accusations was an entirely inappropriate task to
25 put upon her, on her own?

26 A. No, not in that - not in that time, because it
27 wasn't - it wasn't that she was alone; we - even though we
28 had a closed session in a room, immediately beyond the door
29 was her fiancée, who was providing support. So it - we
30 could break at any time if she felt that, "Look, I need
31 to". So recalling our sessions with her, though it was
32 difficult to go through those - recounting that, she did
33 rather well, I must admit, and I'm very proud of the way in
34 which she did it. I really felt for her for doing that.

35

36 Q. Well, you speak in those terms, but the fact of the
37 matter is the three of you came to the view that there
38 wasn't clear proof of her abuse, didn't you?

39 A. Not true. If I may just clarify that, your Honour --

40

41 Q. I'm just looking at your own words.

42 A. Yes. To explain that, we didn't disbelieve what had
43 happened; we believed her. But when you have to deal with
44 how many know of this or are aware of it, that is
45 a different matter. If you have got two witnesses to
46 something, or if the perpetrator had confessed to doing
47 that, that would be sufficient. So we, all three of us,

1 believed what she was saying.
2
3 Q. Well then, why didn't you just say so?
4 A. I believe we would have. We didn't ever discount that
5 that didn't happen [sic].
6
7 Q. Well, why didn't you just say, "We do accept her
8 account; we don't accept the father's and we act upon her
9 account." Why didn't you do that?
10 A. We have to go through the process, first, of letting
11 her explain what she wanted to tell us. Then we had to
12 follow through, because the direction is that we also need
13 to talk to the other person and find out from your side of
14 things what happened and why, and we needed to delve into
15 that to get the full story, what was going on.
16
17 Q. So much is plain. But after you had got the full
18 story, do you say you didn't believe her?
19 A. No, no.
20
21 Q. You did?
22 A. We did believe her.
23
24 Q. But you didn't act on that belief, did you?
25 A. Well, we couldn't, because there was only the one
26 person who was aware or knew that that had happened. We
27 did not have another person to corroborate, if you like, so
28 that we could then deal with that situation in a way that
29 our Bible principles allowed us to do.
30
31 Q. You do appreciate that in most cases of sexual assault
32 there will only be the complainant and the alleged
33 assaulter who are witnesses to the event; you understand
34 that?
35 A. I am starting to, even more so now, because we have
36 received many updates with what we can do. But, at that
37 time, this is what we believed to be the best, under those
38 circumstances.
39
40 Q. Do you believe it now to be the best situation?
41 A. I admit that, looking back, there could have been
42 different - things could have been done differently that
43 maybe would have brought closure in some ways, yes.
44 I agree.
45
46 Q. What should have been done differently?
47 A. Well, if we knew --

1
2 Q. Should you have acted upon your belief that she had
3 been assaulted as she said?
4 A. If we knew then what we know now, yes.
5
6 Q. What do you mean by that?
7 A. Well, if we had the evidence before us, because it's
8 difficult to follow through with something when there is
9 only a one-on-one, he said, she said. We're not doubting
10 that she - what happened to her is true, but for us to act
11 as shepherds or even if we call ourselves judges in that
12 case, on the principles of God's word, we still need what
13 God himself has outlined, even in any sin, serious sin,
14 there must be two witnesses to that. So we - sorry,
15 your Honour, but we can't ignore divine law.
16
17 Q. Well, the courts were quite happy, ultimately, to
18 convict the father; correct?
19 A. Correct.
20
21 Q. On the evidence of [BCG]?
22 A. And another person.
23
24 Q. Who was a witness to the event?
25 A. A same thing happened to another in the same way, yes.
26
27 Q. So that's accepted as corroboration?
28 A. It did. But it also --
29
30 Q. So if there hadn't been such a person, do you say you
31 could never have reached a conclusion that [BCG] had been
32 assaulted by her father?
33 A. We didn't disbelieve that it happened, but to prove it
34 to the extent that is required by divine law, we still
35 needed the two witnesses - or a confession would be enough
36 to do that.
37
38 Q. Is that the position today?
39 A. It is, but added to that is the updates we received
40 that we are guided even more so, since that time, 26 years,
41 by other things now that we can follow up with, as has been
42 brought up here, to take that further through the legal
43 action, which I'm glad that has come through, because it
44 helps us, as elders, to deal a lot better, and something
45 that we can really give more help to victims of this type.
46
47 Q. I am sorry, I don't understand what that's all about.

1 What has come through in later updates?
2 A. Well, the fact is that our branch now can advise what
3 are the things that we can take - steps that we can take in
4 a legal sense, so that we can follow through.

5
6 Q. What do you mean?

7 A. Well, I haven't been through that, but I've been - I'm
8 aware of the fact that now the branch has allowed us the
9 opportunity, we have a legal department that immediately,
10 as soon as any complaint or a sexual assault of any nature,
11 a serious one, is made, we immediately ring the branch,
12 asking them for the help in the legal sense, "What can we
13 do to support the victim?" And we've got better guidance
14 today than we did back then.

15
16 Q. You speak, then, in terms of the victim, supporting
17 the victim. Do you mean after you have determined that the
18 person was assaulted, or when does the person become
19 a victim?

20 A. Well, we believe what they say initially, but we need
21 also to follow through in proving that we can do something
22 with that. We would love to do something with that. And
23 in [BCG]'s case, we wish we had, or we could have done
24 more, but at that time we did not have the means and the
25 help to understand as we do today, because there's been so
26 much printed out, now, of the helps that can be given to
27 victims of this sort, too, and we would like to - very much
28 to have follow-through with that, but we can do so today,
29 because we're aware of them now.

30
31 Q. Do you appreciate that the criminal law doesn't
32 require corroboration before convicting someone of sexual
33 assault?

34 A. No, I'm still learning, your Honour.

35
36 MR STEWART: Q. When you say you get legal direction
37 from the branch, you mean legal in the sense of within the
38 church's law?

39 A. We do have lawyers who are involved in law, I believe,
40 within the branch, who can - who are qualified to do that.

41
42 Q. So they will guide you as to what you should do within
43 the church's rules?

44 A. And taking in, I believe, what is required by the
45 community or the --

46
47 Q. And they will tell you if there is a legal obligation

1 to report to the police or some other authority; they will
2 tell you that as well?
3 A. Possibly. I have not been through that, but I believe
4 that it's quite possible, and it's ever-changing.
5
6 Q. The position is still that the two-witness rule is
7 applied, isn't it?
8 A. Mmm.
9
10 Q. You are required to apply the two-witness rule?
11 A. Generally, yes, yes, we do. As I explained, too, that
12 there is also the confession. If a person - during our
13 times in dealing with a particular matter that the person
14 admits what he has done, then we don't need two witnesses.
15
16 Q. Yes. But if there is no confession, then you do
17 require two witnesses; that's still the position?
18 A. Yes, we would do.
19
20 Q. And in the light of the evidence that you have already
21 given over the last few minutes, what justification can you
22 see for such a rule, for the two-witness rule? What
23 justification is there for it?
24 A. Well, scripturally.
25
26 Q. Rationally?
27 A. Well, it is rational. Well, see, we believe,
28 rationally, that divine law establishes - and it is
29 a higher law in that respect - that from the time of Moses,
30 for example, Deuteronomy, I believe, 19:15, establishes
31 that even the most serious sin requires not one witness,
32 but two, and coming into the first century that same law
33 continued to apply. How can we ignore it?
34
35 Q. In the modern world where there are other forms of
36 evidence that might be available, is there no space to
37 revisit that rule, in your understanding?
38 A. That would be up to those who would see into that,
39 yes, I - who knows.
40
41 THE CHAIR: Q. Mr Ali, Mr de Rooy was a member of your
42 committee, wasn't he?
43 A. Yes.
44
45 Q. [BCG] says in her evidence that she raised with you
46 allegations made by her younger sisters.
47 A. I can't recall that, I'm sorry.

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Q. And she says that you - that is, the committee - through Mr de Rooy, said, "We won't talk to them because they are too young."

A. I'm not aware of that.

Q. This is what [BCG] says happened. You don't remember?

A. No.

Q. If it is true, then even in your terms, there was corroborative evidence being offered which you declined to accept or receive?

A. I'm not quite sure what that means - what you mean?

Q. Well, she was offering to you the account of her young sisters about being abused by their father, but if what she says is correct, the committee, through Mr de Rooy, said, "We're not going to take the corroborative evidence that might be available"?

A. I'm not aware of that, your Honour, I'm sorry.

Q. But that's what it amounts to, isn't it?

A. Mmm.

Q. In other words, she says the committee said, "They're too young, therefore, there won't be corroboration, and therefore, the result will be we can't determine the proceedings in [BCG]'s favour." Do you understand?

A. I understand what you are saying, yes.

THE CHAIR: Very well.

MR STEWART: Q. In your statement you say that you appeared in court proceedings in Brisbane as a witness for the prosecution. Was that in the first trial, or also in subsequent trials?

A. I think it was in the first.

Q. And not in subsequent trials?

A. No.

Q. Were you requested or required to give evidence in subsequent trials?

A. No.

Q. You referred earlier - you said that you thought that there was, in the criminal trial, a witness of another

1 incident, similar incident or abuse, which is what enabled
2 the conviction to be entered in that case?
3 A. In the subsequent trials?
4
5 Q. Yes.
6 A. I believe so, yes.
7
8 Q. That belief is gained from what - from where?
9 A. That person coming forward.
10
11 Q. But where did you get your information?
12 A. Where did I get?
13
14 Q. You say you believed someone else had come forward and
15 given evidence in that trial about other abuse by the
16 father?
17 A. Yes.
18
19 Q. Where did you get that belief from?
20 A. I don't want to mention names, but you have a [BCK] on
21 the list.
22
23 Q. We do. Yes.
24 A. [REDACTED]
25 I believe, from what I recall, that she appeared on the -
26 to support [BCG] in that court case, because she had gone
27 through some similar --
28
29 Q. Because I have to say that my understanding is there
30 was a neighbour who gave evidence, who was able to testify
31 to an incident of seeing [BCG] running away from her
32 father, and there was her sister's ticket from attending
33 Expo '88, and that was the additional evidence, but no
34 evidence of someone else having been abused.
35 A. No, I'm not aware of that one, no.
36
37 Q. Do you confirm your statement as true and correct,
38 Mr Ali?
39 A. I do.
40
41 MR STEWART: I tender the statement, your Honour.
42
43 THE CHAIR: I will make it exhibit 29-007.
44
45 **EXHIBIT #29-007 STATEMENT OF DINO ALI DATED 10/7/2015.**
46
47 MR STEWART: Would that be an appropriate time,

1 your Honour?

2

3 THE CHAIR: 10 o'clock in the morning.

4

5 **AT 4PM THE COMMISSION WAS ADJOURNED TO**

6 **WEDNESDAY, 29 JULY 2015 AT 10AM**

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#	15289:36, 15291:17	15240:1, 15240:8,	15272:42	7
#29-005 [1] - 15267:46	'why' [2] - 15289:34,	15243:3, 15292:5	2015 [8] - 15237:31,	7 [1] - 15283:32
#29-006 [1] - 15279:23	15291:14	1970 [1] - 15265:25	15267:18, 15278:35,	70 [6] - 15244:37,
#29-007 [1] - 15336:45	'worldly' [1] - 15283:1	1971 [1] - 15280:6	15314:24, 15320:32,	15252:8, 15256:20,
\$	'yes' [2] - 15288:32,	1973 [1] - 15268:2	15320:36, 15320:44,	15256:25, 15258:36,
\$	15290:22	1980s [3] - 15265:25,	15337:6	15262:32
\$300 [2] - 15285:6,	'you' [6] - 15283:36,	15282:11, 15317:42	23 [1] - 15280:10	71 [1] - 15270:44
15285:7	15284:27, 15287:17,	1981 [1] - 15314:12	24 [2] - 15250:42,	72 [1] - 15271:46
'	15289:15, 15289:16,	1986 [1] - 15314:21	15264:27	77 [1] - 15275:39
'	15289:20	1988 [3] - 15283:45,	26 [2] - 15292:11,	8
'	'You're' [1] - 15286:17	15286:20, 15307:4	15332:40	80 [1] - 15250:42
0	0	1989 [8] - 15286:41,	28 [1] - 15237:31	84 [1] - 15242:9
'88' [8] - 15283:46,	0008 [1] - 15319:27	15290:4, 15291:3,	29 [3] - 15237:22,	88 [1] - 15263:34
15284:10, 15284:40,	0505 [1] - 15258:37	15294:20, 15301:11,	15300:1, 15337:6	8:17 [1] - 15295:37
15285:14, 15285:38,	1	15301:37, 15307:4,	29-005 [1] - 15267:44	
15286:6, 15294:19,		15328:19	29-006 [1] - 15279:21	
15336:33		1990s [1] - 15265:25	29-007 [1] - 15336:43	
'Are' [1] - 15287:1		1991 [2] - 15250:39,		9
'can' [1] - 15290:20		15268:5	3	9 [2] - 15242:8,
'clean' [1] - 15281:12	1 [4] - 15264:15,	1991-92 [1] - 15266:7	3 [3] - 15239:26,	15266:38
'Committee' [1] -	15264:25, 15264:26,	1992 [3] - 15257:44,	15240:12, 15279:26	90 [2] - 15239:25,
15287:22	15264:36	15265:46, 15291:41	3.05pm [1] - 15314:3	15268:13
'congratulations' [1] -	10 [9] - 15267:18,	1995 [4] - 15264:25,	30 [2] - 15276:9,	91 [1] - 15239:26
15292:1	15278:35, 15282:13,	15292:5, 15293:11,	15300:8	92 [1] - 15250:43
'Did' [1] - 15288:12	15282:15, 15320:17,	15310:34	32 [1] - 15314:15	
'he' [5] - 15288:19,	15320:32, 15320:36,	1996 [2] - 15292:11,	33 [2] - 15319:26,	A
15288:20, 15288:34,	15320:44, 15337:3	15310:35	15319:28	ABC [1] - 15278:2
15288:36, 15291:28	10.05am [1] - 15238:6	1997 [3] - 15264:25,	34 [2] - 15319:28,	ability [1] - 15306:13
'how' [3] - 15288:12,	10/07/2015 [2] -	15314:21, 15314:30	15321:7	able [13] - 15241:29,
15288:22, 15291:18	15267:46, 15279:23	1998 [2] - 15264:26,	38 [2] - 15321:27,	15242:32, 15243:6,
'I'll' [1] - 15285:6	10/7/2015 [1] -	15292:26	15322:5	15243:24, 15253:7,
'it' [2] - 15287:5,	15336:45	1999 [1] - 15292:26	39 [1] - 15329:36	15263:26, 15271:23,
15289:37	109 [3] - 15263:26,	19:15 [2] - 15295:37,		15313:18, 15328:42,
'Just' [1] - 15289:12	15265:41, 15266:2	15334:30	4	15329:28, 15336:30
'Kevin' [1] - 15286:26	10AM [1] - 15337:6		4.1 [2] - 15269:24,	about [1] - 15288:43
'mental' [1] - 15285:15	10am [1] - 15237:31	2	15318:5	absolutely [2] -
'My' [3] - 15286:1,	11 [1] - 15282:11	2 [6] - 15262:33,	4.4 [1] - 15318:1	15284:22, 15288:21
15286:46, 15287:16	11.46am [1] -	15266:2, 15268:15,	40 [1] - 15329:36	ABUSE [1] - 15237:18
'No' [2] - 15286:36,	15267:10	15272:22, 15293:24,	43 [1] - 15280:9	abuse [70] - 15239:47,
15287:2	12 [3] - 15239:40,	15313:41	4PM [1] - 15337:5	15241:5, 15241:18,
'nut' [1] - 15285:15	15243:2, 15282:12	2.2 [2] - 15269:4,		15242:12, 15242:19,
'Oh' [1] - 15286:2	12.14pm [1] -	15269:6	5	15255:2, 15255:38,
'Porneia' [1] -	15278:27	2.4 [1] - 15269:9	5 [4] - 15264:26,	15264:24, 15264:42,
15251:47	120 [1] - 15239:25	20 [4] - 15264:26,	15270:21, 15278:39,	15264:46, 15265:6,
'really' [1] - 15288:18	124 [1] - 15264:11	15278:39, 15278:43,	15278:43	15265:8, 15265:28,
'served' [1] - 15285:16	126 [1] - 15241:44	15279:29	5.1 [1] - 15270:23	15268:17, 15269:6,
'sexy' [1] - 15283:36	13 [1] - 15280:37	2000 [2] - 15265:25,	5.13 [1] - 15274:15	15269:10, 15269:27,
'Shhh' [1] - 15284:47	132 [1] - 15239:46	15292:47	56 [1] - 15238:12	15270:3, 15272:47,
'Shhhh' [1] - 15284:15	14 [2] - 15242:9,	2004 [2] - 15264:26,	57 [2] - 15238:11,	15274:26, 15275:20,
'so' [1] - 15291:30	15264:25	15294:2	15238:18	15285:23, 15286:7,
'there' [1] - 15291:15	148 [1] - 15237:23	2005 [1] - 15266:3	5:13-15 [1] - 15262:44	15286:12, 15286:21,
'we' [4] - 15287:10,	16 [2] - 15280:16,	2006 [2] - 15264:26,		15286:46, 15288:7,
15288:42, 15289:32,	15283:14	15314:24	6	15288:17, 15288:45,
15291:23	17 [3] - 15237:27,	2010 [1] - 15264:27	6 [1] - 15272:39	15289:3, 15289:40,
'Welcome' [1] -	15283:42, 15283:47	2012 [5] - 15264:15,	6:1-8 [1] - 15296:5	15289:47, 15291:36,
15291:47	18 [7] - 15239:43,	15264:36, 15270:26,		
'well' [2] - 15289:35,	15239:47, 15240:8,	15271:1, 15271:7		
15291:26	15240:21, 15243:3,	2013 [1] - 15241:46		
'what' [3] - 15285:47,	15271:1, 15329:33	2014 [2] - 15271:47,		
	19 [5] - 15239:44,			

15292:19, 15292:21, 15294:18, 15294:28, 15295:22, 15295:31, 15295:37, 15295:44, 15296:6, 15296:8, 15296:10, 15296:11, 15296:17, 15296:28, 15296:36, 15296:39, 15296:44, 15296:47, 15310:26, 15312:20, 15313:21, 15313:22, 15317:41, 15319:38, 15319:39, 15327:34, 15327:40, 15328:7, 15328:22, 15329:19, 15330:38, 15336:1, 15336:15

abused [15] - 15239:14, 15240:4, 15283:24, 15286:42, 15288:17, 15290:24, 15304:23, 15312:7, 15327:17, 15327:21, 15327:30, 15328:1, 15335:16, 15336:34

abuser [4] - 15238:41, 15260:7, 15260:31, 15295:34

abusive [1] - 15282:25

accept [23] - 15238:36, 15239:36, 15240:8, 15240:9, 15241:17, 15253:33, 15253:47, 15259:14, 15259:22, 15260:8, 15260:11, 15277:4, 15284:4, 15319:10, 15319:21, 15319:23, 15319:24, 15323:41, 15324:12, 15324:23, 15331:7, 15331:8, 15335:12

acceptance [1] - 15309:10

accepted [3] - 15258:44, 15259:10, 15332:27

access [1] - 15301:24

accident [1] - 15248:39

accommodation [2] - 15301:16, 15301:30

accomplish [2] - 15273:18, 15273:34

accomplished [2] - 15273:21, 15274:5

accordance [2] - 15295:23, 15315:46

account [3] - 15331:8, 15331:9, 15335:15

accountable [2] - 15296:34, 15312:15

accusations [5] - 15264:42, 15264:45, 15265:5, 15311:9, 15330:24

accusatory [1] - 15306:20

accused [5] - 15239:34, 15242:25, 15243:13, 15312:46

accuser [4] - 15239:34, 15239:37, 15240:44, 15242:26

accuses [1] - 15239:13

accusing [1] - 15290:17

achieve [1] - 15273:29

acknowledge [1] - 15292:3

acknowledged [1] - 15294:32

acknowledgment [3] - 15291:34, 15309:10, 15311:29

act [6] - 15259:47, 15312:13, 15326:27, 15331:8, 15331:24, 15332:10

acted [2] - 15325:7, 15332:2

acting [1] - 15289:42

action [5] - 15249:39, 15316:1, 15317:25, 15327:24, 15332:43

actions [1] - 15261:45

actively [4] - 15272:18, 15282:43, 15292:34, 15297:43

activities [2] - 15307:15, 15315:44

activity [1] - 15282:8

acts [1] - 15260:12

actual [2] - 15246:38, 15248:9

add [1] - 15329:29

added [1] - 15332:39

adding [1] - 15290:34

additional [2] - 15249:9, 15336:33

address [1] - 15278:31

addressed [2] - 15243:9, 15264:18

addressing [3] - 15316:4, 15327:27

adequate [1] - 15299:39

adhere [1] - 15282:38

adjournment [2] - 15266:29, 15293:27

admit [2] - 15330:33, 15331:41

admits [1] - 15334:14

admitted [2] - 15244:22, 15287:8

admitting [1] - 15290:24

adult [2] - 15269:20, 15281:28

adultery [1] - 15251:10

advice [1] - 15317:26

advise [1] - 15333:2

advised [6] - 15268:25, 15268:38, 15268:40, 15268:46, 15282:9

advises [1] - 15268:20

advocate [2] - 15296:42, 15312:3

affect [1] - 15257:24

affected [4] - 15261:5, 15289:40, 15318:37, 15318:40

affection [1] - 15269:22

affirmation [4] - 15266:41, 15278:23, 15278:25, 15313:46

afterwards [3] - 15273:12, 15324:41, 15324:45

again [1] - 15291:29

age [5] - 15282:47, 15283:30, 15295:13, 15306:6, 15328:42

ages [2] - 15288:44, 15295:29

aggression [1] - 15282:28

ago [2] - 15277:34

agree [10] - 15243:17, 15257:41, 15259:28, 15259:35, 15260:36, 15260:39, 15261:6, 15311:39, 15322:18, 15331:44

agreed [2] - 15249:45, 15275:4

aid [1] - 15269:39

alcohol [1] - 15284:30

Ali [22] - 15285:46, 15286:30, 15287:15, 15287:16, 15293:2, 15301:7, 15313:41, 15313:44, 15314:9, 15314:11, 15317:35, 15320:3, 15321:15, 15321:38, 15322:30, 15323:17, 15326:22, 15328:27, 15328:36, 15330:9, 15334:41, 15336:38

ALI [3] - 15314:1, 15314:3, 15336:45

Ali's [1] - 15285:46

Allan [1] - 15301:8

allegation [6] - 15240:40, 15287:18, 15295:34, 15296:28, 15328:9, 15329:27

allegations [18] - 15241:18, 15246:38, 15246:43, 15260:37, 15288:1, 15288:11, 15289:3, 15292:9, 15296:25, 15319:4, 15326:23, 15326:35, 15327:5, 15327:28, 15328:6, 15328:25, 15328:32, 15334:46

alleged [4] - 15272:23, 15287:37, 15295:34, 15331:32

allow [4] - 15240:29, 15282:12, 15309:45, 15310:12

allowed [27] - 15279:5, 15279:39, 15279:41, 15279:44, 15281:38, 15281:40, 15281:45, 15281:46, 15282:3, 15282:7, 15282:15, 15282:41, 15285:40, 15290:14, 15307:12, 15307:14, 15309:30, 15309:42, 15309:47, 15310:18, 15310:22, 15319:37, 15328:46, 15328:47, 15331:29, 15333:8

allowing [1] - 15330:5

almost [2] - 15306:19, 15306:22

alone [6] - 15283:9, 15284:7, 15288:23, 15290:11, 15291:4, 15330:27

aloud [2] - 15273:35, 15274:6

alternate [1] - 15301:16

amendments [1] - 15267:21

America [1] - 15243:43

amount [2] - 15252:27, 15316:47

amounted [1] - 15254:5

amounts [1] - 15335:22

anal [1] - 15252:3

angels [1] - 15284:36

anger [1] - 15319:45

angry [7] - 15284:18, 15284:23, 15285:9, 15289:11, 15289:24, 15292:22, 15293:9

Angus [1] - 15237:43

announced [2] - 15291:43, 15308:22

anointed [1] - 15306:23

anonymously [1] - 15300:34

answer [6] - 15261:38, 15275:34, 15277:7, 15294:33, 15311:27, 15319:20

answerable [1] - 15281:35

answered [1] - 15239:33

answering [1] - 15277:21

answers [2] - 15281:18, 15295:16

anxious [1] - 15289:27

apart [3] - 15255:38, 15275:24, 15310:27

apologies [1] - 15303:4

apologist [1] - 15308:30

apologised [1] - 15291:14

apology [1] - 15308:32

apparent [1] - 15323:5

appeal [10] - 15290:4, 15290:6, 15290:9, 15290:11, 15290:14, 15290:19, 15290:26, 15290:32, 15293:45, 15313:11

appealed [1] - 15290:3

appear [8] - 15262:30, 15275:41, 15279:31, 15290:11, 15296:28, 15298:20, 15312:22, 15312:37

appeared [4] - 15265:23, 15282:23, 15335:34, 15336:25

appearing [1] -

15303:26
applied [2] -
15259:10, 15334:7
apply [4] - 15296:31,
15315:23, 15334:10,
15334:33
appointed [6] -
15268:5, 15269:9,
15280:37, 15280:39,
15280:40, 15292:31
appointments [2] -
15247:10, 15247:13
appreciate [7] -
15239:5, 15241:19,
15319:43, 15324:40,
15324:46, 15331:31,
15333:31
appreciated [1] -
15261:12
appreciating [1] -
15241:7
appreciation [4] -
15260:5, 15260:13,
15260:21, 15260:29
approach [1] -
15326:14
approaching [3] -
15263:8, 15263:31,
15263:40
appropriate [5] -
15269:18, 15277:19,
15277:23, 15316:27,
15336:47
April [1] - 15264:26
area [6] - 15241:17,
15248:33, 15249:1,
15252:25, 15262:8,
15290:5
areas [2] - 15244:13,
15255:38
arising [1] - 15313:31
Armageddon [2] -
15305:13, 15305:18
arrange [1] - 15301:16
arranged [3] -
15287:14, 15301:30,
15301:32
arrangement [2] -
15243:12, 15243:28
article [1] - 15277:41
articles [7] - 15265:22,
15265:24, 15265:27,
15275:41, 15286:15,
15310:38
aside [1] - 15249:13
aspect [1] - 15325:47
aspects [3] -
15246:14, 15297:4,
15321:2
assault [8] - 15259:38,
15259:47, 15260:12,
15293:43, 15312:25,
15331:31, 15333:10,
15333:33
assaulted [8] -
15284:11, 15284:23,
15284:26, 15296:43,
15326:24, 15332:3,
15332:32, 15333:18
assaulter [1] -
15331:33
assaulting [1] -
15285:3
assaults [2] -
15259:35, 15260:32
assessed [1] -
15295:33
assessing [1] -
15295:14
assessments [1] -
15295:40
assigned [1] -
15292:44
assist [6] - 15242:33,
15277:4, 15303:16,
15304:35, 15312:6,
15312:8
assistance [2] -
15262:7, 15262:9
assisted [1] - 15302:2
Assisting [1] -
15237:43
assisting [2] -
15259:23, 15311:17
associate [8] -
15281:45, 15281:46,
15282:41, 15307:9,
15307:12, 15314:40,
15314:47, 15315:2
associated [3] -
15260:17, 15295:3,
15297:13
associating [2] -
15298:30, 15315:22
assume [3] -
15287:19, 15323:19,
15323:21
assumed [1] -
15324:20
AT [2] - 15337:5,
15337:6
attached [1] - 15242:1
attempt [1] - 15291:6
attempted [3] -
15294:19, 15303:32,
15307:41
attempting [1] -
15291:8
attend [8] - 15281:7,
15282:3, 15282:7,
15285:34, 15287:22,
15297:29, 15297:31
attendance [1] -
15282:11
attended [2] -
15282:1, 15290:9
attending [4] -
15269:44, 15291:18,
15291:19, 15336:32
attends [1] - 15295:15
Attention [1] -
15250:38
attention [15] -
15268:28, 15268:32,
15321:3, 15321:28,
15321:32, 15321:36,
15321:41, 15326:26,
15326:27, 15326:36,
15327:9, 15327:12,
15327:14, 15328:7,
15328:26
August [2] - 15241:45,
15264:25
Australia [3] -
15277:38, 15296:31,
15312:10
Australian [1] -
15289:44
authorities [8] -
15268:22, 15274:25,
15274:31, 15274:37,
15275:11, 15275:21,
15298:14, 15299:15
authority [9] -
15240:33, 15247:47,
15253:3, 15268:26,
15281:25, 15281:27,
15289:42, 15298:18,
15334:1
automatic [1] -
15261:44
available [6] -
15260:31, 15265:31,
15272:37, 15320:40,
15334:36, 15335:19
avoided [3] -
15282:43, 15292:34,
15297:43
Awake [1] - 15265:23
aware [20] - 15254:15,
15254:25, 15260:11,
15261:46, 15263:4,
15263:43, 15290:42,
15303:27, 15315:39,
15316:23, 15317:40,
15319:32, 15326:23,
15330:44, 15331:26,
15333:8, 15333:29,
15335:5, 15335:20,
15336:35
awesome [1] -
15292:42

B

backyard [1] -
15285:11
bad [8] - 15283:2,
15283:4, 15284:4,
15291:36, 15297:13,
15298:6, 15298:11,
15308:6
badly [1] - 15301:22
bail [1] - 15260:14
balance [1] - 15242:21
baptised [3] -
15268:1, 15280:15,
15314:12
baptism [4] - 15263:9,
15263:14, 15263:31,
15263:40
based [2] - 15240:25,
15306:43
bashed [1] - 15285:41
basis [1] - 15330:5
bathroom [2] -
15285:39, 15286:1
BCB [37] - 15238:13,
15238:37, 15244:21,
15244:23, 15246:42,
15253:12, 15254:12,
15254:34, 15256:44,
15257:1, 15257:8,
15258:1, 15258:21,
15258:27, 15259:32,
15260:14, 15260:30,
15260:39, 15262:40,
15263:3, 15266:6,
15269:26, 15270:21,
15270:27, 15270:42,
15271:8, 15271:10,
15271:23, 15271:29,
15272:18, 15272:34,
15272:43, 15272:45,
15273:4, 15273:14,
15274:10, 15276:43
BCB] [1] - 15256:22
BCB]'s [6] - 15238:11,
15253:12, 15265:46,
15271:7, 15273:11,
15273:20
BCC [7] - 15257:1,
15257:8, 15258:1,
15258:21, 15258:28,
15262:40, 15272:43
BCD [3] - 15257:10,
15258:24, 15259:41
BCG [37] - 15278:22,
15278:25, 15278:27,
15278:32, 15279:23,
15280:5, 15280:6,
15280:7, 15290:21,
15293:33, 15303:6,
15303:26, 15303:27,
15313:9, 15319:3,
15319:21, 15319:28,
15320:3, 15321:34,
15321:42, 15322:4,
15324:32, 15325:19,
15326:23, 15326:37,
15327:13, 15327:15,
15329:22, 15329:44,
15330:19, 15332:21,
15332:31, 15334:45,
15335:7, 15336:26,
15336:31
BCG] [4] - 15278:20,
15297:3, 15313:33,
15319:17
BCG]'s [8] - 15278:31,
15319:26, 15320:36,
15320:39, 15320:45,
15327:5, 15333:23,
15335:28
BCH [5] - 15280:18,
15290:20, 15291:47,
15292:1
BCI] [1] - 15280:19
BCJ [15] - 15286:46,
15287:2, 15287:4,
15287:5, 15287:7,
15287:8, 15287:9,
15287:10, 15287:14,
15291:4, 15292:26,
15292:28, 15326:38,
15326:39, 15327:13
BCJ] [1] - 15291:3
BCJ]'s [1] - 15286:47
BCK [1] - 15336:20
bear [1] - 15294:22
beat [5] - 15282:26,
15284:2, 15285:29,
15285:33, 15319:30
beaten [1] - 15285:34
beauty [1] - 15280:13
became [9] -
15272:36, 15280:24,
15283:10, 15285:9,
15286:45, 15289:11,
15294:18, 15325:5,
15326:23
become [7] -
15267:44, 15282:25,
15283:18, 15288:25,
15314:11, 15315:39,
15333:18
bed [4] - 15283:28,
15284:13, 15284:36,
15285:10
bed' [1] - 15285:7

bedroom [6] - 15283:38, 15284:17, 15284:26, 15286:8, 15301:24, 15321:20
bee [1] - 15284:42
beforehand [2] - 15315:31, 15327:6
beg [2] - 15256:21, 15260:45
began [3] - 15292:23, 15303:39, 15303:40
behaved [1] - 15284:33
behaviour [1] - 15269:18
behind [3] - 15266:38, 15285:43, 15300:22
Belchers [2] - 15319:13, 15319:16
belief [10] - 15298:20, 15299:6, 15305:10, 15305:12, 15305:28, 15306:43, 15331:24, 15332:2, 15336:8, 15336:19
beliefs [8] - 15296:23, 15296:40, 15298:9, 15298:32, 15298:33, 15304:27
Belinda [1] - 15313:29
bell [1] - 15318:35
Bello [12] - 15266:25, 15266:38, 15266:40, 15267:14, 15267:15, 15267:26, 15267:39, 15268:1, 15269:33, 15270:45, 15272:42, 15278:13
BELLO [4] - 15266:43, 15266:47, 15267:10, 15267:46
belong [2] - 15295:2, 15315:29
belt [2] - 15285:35, 15321:11
belting [1] - 15287:2
bend [1] - 15285:7
Bennett [6] - 15290:6, 15292:41, 15309:7, 15309:13, 15311:25, 15311:36
best [5] - 15257:41, 15275:23, 15290:7, 15331:37, 15331:40
Bethel [1] - 15240:17
betrayed [1] - 15289:44
better [4] - 15259:11, 15311:18, 15332:44, 15333:13
between [7] - 15247:25, 15286:25, 15287:14, 15288:34, 15298:43, 15299:2, 15304:2
beyond [3] - 15315:45, 15327:20, 15330:28
Bible [23] - 15241:13, 15248:13, 15248:19, 15249:41, 15266:41, 15266:47, 15267:8, 15278:23, 15281:1, 15281:14, 15284:24, 15292:6, 15292:10, 15295:17, 15296:33, 15299:43, 15300:37, 15310:31, 15313:45, 15314:1, 15315:43, 15315:47, 15331:29
biblical [4] - 15276:19, 15276:20, 15276:29, 15310:24
big [3] - 15262:10, 15268:12, 15289:17
bike [2] - 15284:41, 15284:43
Bill [10] - 15238:18, 15238:24, 15238:27, 15238:40, 15238:41, 15244:21, 15244:27, 15247:4, 15247:29, 15258:24
Bill's [1] - 15238:16
birthdays [1] - 15307:27
bit [8] - 15240:45, 15267:27, 15267:34, 15300:14, 15300:26, 15308:46, 15310:10, 15328:12
black [5] - 15282:26, 15285:45, 15320:30, 15321:12, 15321:14
blame [2] - 15296:1, 15306:20
blanket [1] - 15299:1
bleeding [1] - 15285:35
blocked [1] - 15283:43
blue [1] - 15313:20
Boardman [1] - 15272:10
Bodies [2] - 15264:18, 15264:24
body [5] - 15243:40, 15243:41, 15244:12, 15244:14, 15284:14
Body [2] - 15261:42, 15327:23
bold [1] - 15250:44
book [10] - 15243:1, 15263:9, 15263:13, 15263:17, 15263:21, 15263:27, 15263:30, 15263:39, 15264:2, 15264:6
books [1] - 15319:42
bore [1] - 15282:28
born [5] - 15280:5, 15302:47, 15303:12, 15303:17, 15308:10
bottle [2] - 15300:16, 15310:27
bottom [1] - 15281:29
bought [1] - 15302:12
Bowditch [18] - 15286:21, 15286:22, 15290:20, 15290:36, 15293:3, 15301:8, 15301:26, 15301:32, 15301:42, 15301:45, 15302:2, 15302:11, 15302:15, 15303:16, 15319:3, 15319:9, 15328:27, 15329:39
Bowditches [3] - 15319:11, 15319:17, 15319:23
box [2] - 15274:17, 15322:6
Branch [3] - 15241:46, 15241:47, 15242:2
branch [48] - 15240:24, 15240:32, 15241:47, 15242:4, 15242:18, 15243:44, 15244:1, 15244:12, 15244:39, 15245:30, 15246:4, 15246:8, 15247:7, 15247:8, 15247:11, 15254:16, 15254:40, 15255:10, 15255:21, 15261:42, 15268:20, 15268:25, 15268:41, 15268:46, 15269:2, 15270:34, 15270:36, 15270:39, 15270:42, 15271:10, 15271:11, 15271:14, 15271:27, 15271:30, 15271:34, 15272:1, 15274:28, 15274:36, 15275:1, 15317:25, 15328:8, 15328:21, 15333:2, 15333:8, 15333:11, 15333:37, 15333:40
brave [2] - 15289:6, 15328:42
breached [1] - 15313:1
break [5] - 15286:32, 15293:19, 15293:21, 15293:23, 15330:30
breaking [1] - 15255:40
breast [3] - 15247:5, 15248:24, 15248:31
breasts [3] - 15244:23, 15244:28, 15251:19
brief [1] - 15304:1
briefly [1] - 15318:10
bring [8] - 15238:15, 15263:26, 15279:11, 15283:11, 15291:31, 15293:8, 15296:8, 15316:35
bringing [3] - 15274:10, 15294:45, 15309:26
Brisbane [4] - 15280:5, 15283:46, 15285:4, 15335:34
broadcast [1] - 15303:8
broke [3] - 15285:23, 15285:41, 15285:42
Brooklyn [1] - 15240:17
brother [11] - 15270:35, 15271:32, 15272:42, 15285:47, 15291:28, 15299:17, 15306:23, 15320:29, 15321:8, 15321:16
Brother [9] - 15244:44, 15246:34, 15249:31, 15250:17, 15252:14, 15252:46, 15256:31, 15258:40, 15272:23
brothers [12] - 15246:17, 15246:26, 15251:2, 15252:12, 15256:36, 15280:22, 15281:14, 15291:30, 15291:43, 15298:37, 15308:24, 15308:26
brought [19] - 15243:22, 15262:32, 15268:28, 15268:32, 15287:30, 15305:43, 15321:3, 15321:28, 15321:32, 15321:36, 15321:41, 15326:25, 15326:35, 15327:9, 15327:12, 15327:14, 15328:7, 15331:43, 15332:42
brunt [1] - 15282:28
build [1] - 15286:23
bundle [1] - 15313:42
buy [2] - 15284:1, 15305:14
BY [9] - 15238:8, 15256:18, 15262:21, 15265:39, 15267:12, 15278:29, 15301:5, 15303:24, 15314:5

C

Cairns [3] - 15290:33, 15303:41, 15303:42
calculate [1] - 15259:28
cannot [10] - 15241:6, 15245:35, 15245:45, 15250:33, 15250:34, 15254:18, 15254:32, 15287:32, 15325:9, 15326:2
capable [1] - 15289:46
capacity [1] - 15268:8
car [4] - 15273:13, 15284:1, 15285:7
care [5] - 15260:36, 15260:37, 15262:2, 15262:16, 15315:16
careers [1] - 15305:14
careful [2] - 15312:36, 15316:32
carefully [1] - 15325:46
caressing [1] - 15251:19
caring [1] - 15309:28
carried [1] - 15327:42
carry [1] - 15270:32
case [48] - 15247:16, 15247:36, 15250:11, 15254:23, 15254:28, 15254:34, 15265:46, 15269:26, 15269:43, 15270:1, 15270:3, 15270:11, 15270:21, 15271:7, 15271:31, 15275:27, 15275:31, 15292:41, 15295:45, 15296:47, 15303:31, 15305:41, 15309:14, 15309:18, 15309:22, 15312:24, 15316:9, 15317:35, 15317:41, 15317:43, 15318:10, 15318:35, 15318:38, 15318:40, 15318:42

15319:2, 15320:21, 15322:23, 15323:5, 15323:11, 15324:46, 15326:35, 15328:13, 15328:21, 15332:12, 15333:23, 15336:2, 15336:26

Case [1] - 15237:22

case [1] - 15285:16

Cases [1] - 15263:35

cases [7] - 15242:21, 15242:29, 15254:26, 15269:40, 15292:43, 15318:45, 15331:31

catch [2] - 15287:45, 15314:42

categories [1] - 15251:6

category [1] - 15250:1

caused [1] - 15314:31

cease [1] - 15314:32

ceased [1] - 15314:30

century [1] - 15334:32

ceremony [1] - 15302:10

certain [9] - 15251:1, 15281:39, 15307:22, 15318:14, 15320:47, 15323:2, 15324:42, 15329:6

certainly [21] - 15239:42, 15240:3, 15241:19, 15241:38, 15243:5, 15243:17, 15249:10, 15250:12, 15252:25, 15253:8, 15253:41, 15255:5, 15260:26, 15261:23, 15261:24, 15261:33, 15267:32, 15276:37, 15281:45, 15304:33, 15318:32

Certainly [1] - 15262:28

cetera [1] - 15273:15

Chair [1] - 15237:37

CHAIR [49] - 15238:1, 15243:8, 15248:5, 15256:1, 15256:5, 15256:9, 15256:13, 15261:4, 15262:25, 15265:37, 15266:21, 15266:28, 15266:35, 15266:40, 15266:45, 15267:2, 15267:6, 15267:26, 15267:34, 15267:44, 15275:39, 15276:2, 15278:5, 15278:13, 15278:22, 15279:21, 15279:28,

15279:44, 15293:19, 15293:27, 15293:31, 15293:37, 15297:35, 15300:42, 15301:1, 15303:2, 15303:6, 15303:22, 15310:5, 15313:9, 15313:33, 15313:44, 15317:7, 15323:17, 15330:9, 15334:41, 15335:31, 15336:43, 15337:3

chance [1] - 15313:23

change [6] - 15243:31, 15243:34, 15244:13, 15258:25, 15279:28, 15296:46

changes [2] - 15243:39, 15312:6

changing [2] - 15243:19, 15334:4

chapter [3] - 15239:40, 15240:41, 15243:2

chapters [1] - 15243:1

charge [3] - 15292:41, 15309:14, 15327:45

charged [1] - 15260:12

charges [1] - 15293:41

chased [1] - 15285:11

chastised [5] - 15257:20, 15258:22, 15258:28, 15258:30, 15291:8

check [1] - 15288:28

CHILD [1] - 15237:18

child [41] - 15239:47, 15240:38, 15240:43, 15241:5, 15241:11, 15241:34, 15242:11, 15242:12, 15242:19, 15242:24, 15242:30, 15255:38, 15259:32, 15264:24, 15264:42, 15264:46, 15265:6, 15265:8, 15265:28, 15268:17, 15269:5, 15269:10, 15269:27, 15270:3, 15272:47, 15274:26, 15281:6, 15281:43, 15283:8, 15295:43, 15296:6, 15296:8, 15296:28, 15296:36, 15312:7, 15315:19, 15317:41, 15322:43, 15322:46, 15328:6, 15328:22

children [36] - 15241:4, 15241:18,

15253:23, 15253:40, 15269:18, 15269:22, 15280:6, 15280:9, 15280:20, 15280:30, 15281:26, 15281:28, 15281:47, 15282:6, 15291:27, 15292:33, 15294:47, 15296:20, 15296:32, 15296:35, 15297:42, 15298:1, 15298:2, 15298:3, 15301:35, 15302:24, 15312:16, 15312:19, 15315:19, 15316:34, 15318:15, 15319:31, 15319:36, 15319:46, 15320:1, 15330:4

choice [2] - 15240:5, 15276:37

choose [1] - 15296:11

choosing [2] - 15282:13, 15329:47

chopped [1] - 15303:7

chose [1] - 15280:6

Christmas [1] - 15307:27

church [41] - 15239:10, 15241:31, 15243:19, 15243:38, 15243:39, 15254:29, 15259:19, 15262:1, 15262:6, 15277:4, 15279:11, 15281:44, 15282:9, 15282:14, 15282:40, 15283:1, 15283:7, 15283:11, 15283:18, 15291:9, 15292:32, 15292:37, 15296:7, 15296:9, 15296:25, 15296:34, 15296:37, 15296:45, 15297:7, 15297:42, 15298:14, 15300:36, 15304:42, 15322:38, 15325:14, 15325:21, 15325:26, 15325:32, 15325:45, 15326:9, 15326:19

Church [12] - 15281:24, 15282:2, 15292:29, 15292:40, 15293:6, 15296:21, 15296:32, 15296:40, 15296:44, 15298:16, 15305:20, 15319:35

church's [3] - 15296:22, 15333:38, 15333:43

circuit [4] - 15245:25, 15245:34, 15245:35,

15254:22

circumstances [10] - 15239:6, 15239:9, 15240:25, 15241:22, 15268:44, 15271:5, 15314:31, 15317:22, 15328:40, 15331:38

civil [3] - 15294:27, 15298:43, 15299:2

claims [2] - 15298:43, 15299:2

clarification [1] - 15329:27

clarify [6] - 15256:26, 15256:42, 15258:37, 15262:23, 15297:4, 15330:39

classes [2] - 15307:23, 15307:26

classification [2] - 15250:36, 15251:40

classified [4] - 15248:25, 15249:4, 15249:10, 15304:42

clean [1] - 15251:1

clear [5] - 15261:21, 15283:41, 15289:32, 15323:40, 15330:38

clearly [2] - 15250:47, 15325:6

close [7] - 15292:2, 15305:13, 15308:25, 15314:22, 15316:28, 15319:14, 15322:15

closed [3] - 15328:34, 15330:1, 15330:38

closer [1] - 15267:27

closing [1] - 15286:10

closure [3] - 15273:21, 15273:23, 15331:43

clothing [1] - 15244:24

comfort [2] - 15239:1, 15239:3

comfortable [6] - 15238:33, 15239:21, 15240:6, 15241:37, 15242:37, 15243:14

comforted [1] - 15300:18

coming [11] - 15284:37, 15296:46, 15304:8, 15305:13, 15306:16, 15308:23, 15308:24, 15313:19, 15313:33, 15334:32, 15336:9

comma [1] - 15279:3

commencing [1] - 15279:25

comment [5] - 15244:28, 15249:34, 15323:14, 15324:21, 15326:2

comments [1] - 15244:44

COMMISSION [2] - 15237:17, 15337:5

Commission [15] - 15245:39, 15272:47, 15273:10, 15273:16, 15273:24, 15273:31, 15274:10, 15277:26, 15277:37, 15278:32, 15304:39, 15306:17, 15309:8, 15309:43, 15312:1

Commissioner [2] - 15237:38, 15323:40

commit [2] - 15291:5, 15312:20

commitment [1] - 15304:32

committal [3] - 15293:45, 15313:11, 15313:26

committed [4] - 15246:32, 15248:6, 15248:36, 15255:6

committee [40] - 15269:8, 15269:11, 15282:39, 15287:36, 15287:39, 15290:4, 15290:7, 15290:8, 15290:9, 15290:12, 15290:15, 15290:17, 15290:19, 15290:26, 15293:4, 15293:44, 15293:45, 15294:6, 15294:14, 15294:20, 15301:20, 15303:38, 15303:40, 15304:15, 15304:20, 15305:39, 15305:42, 15306:16, 15308:36, 15310:15, 15310:17, 15311:2, 15313:10, 15318:16, 15330:11, 15330:14, 15334:42, 15335:2, 15335:17, 15335:25

Committee [1] - 15294:21

Committees [1] - 15241:46

community [2] - 15281:47, 15333:45

compare [2] - 15308:45, 15311:37

compared [1] -

15294:5
compelled [1] -
15312:36
compensation [3] -
15273:1, 15273:22,
15273:25
complainant [3] -
15240:38, 15241:11,
15331:32
complained [4] -
15244:23, 15250:23,
15254:4, 15254:30
complaining [3] -
15240:39, 15275:20,
15299:44
complaint [13] -
15244:19, 15244:20,
15244:30, 15269:5,
15269:8, 15274:26,
15301:10, 15301:15,
15303:31, 15303:32,
15303:38, 15327:16,
15333:10
complaints [8] -
15241:5, 15245:15,
15253:12, 15254:4,
15263:4, 15268:17,
15298:44, 15322:43
complete [3] -
15309:6, 15309:9,
15309:10
completely [3] -
15284:33, 15292:33,
15297:42
compliance [1] -
15281:34
complicit [1] -
15289:47
comply [1] - 15281:31
compulsory [1] -
15282:12
conceive [1] -
15242:41
concern [7] -
15253:32, 15261:14,
15292:12, 15300:33,
15324:46, 15325:34,
15326:14
concerned [7] -
15240:14, 15241:28,
15247:46, 15255:36,
15273:43, 15273:44,
15273:45
concerning [3] -
15269:27, 15317:43,
15321:8
concerns [4] -
15264:42, 15264:45,
15265:5, 15323:38
conclude [1] -
15272:12
conclusion [1] -
15332:31
condition [1] -
15315:30
conduct [12] -
15248:7, 15248:9,
15248:12, 15248:15,
15248:33, 15249:1,
15249:22, 15250:2,
15251:1, 15251:24,
15254:4, 15258:29
conduct" [2] -
15246:33, 15289:34
conducting [2] -
15241:30, 15281:1
confessed [2] -
15242:25, 15330:46
confession [3] -
15332:35, 15334:12,
15334:16
confidence [2] -
15246:35, 15250:33
confidentiality [3] -
15312:42, 15312:43,
15313:1
confine [1] - 15276:35
confirm [4] -
15267:38, 15279:15,
15290:21, 15336:37
confronted [2] -
15260:7, 15289:19
congratulations [1] -
15308:28
congregation [106] -
15241:41, 15245:23,
15245:26, 15245:28,
15245:33, 15245:37,
15245:40, 15246:2,
15246:18, 15247:26,
15247:29, 15247:32,
15247:47, 15248:1,
15252:17, 15253:4,
15253:24, 15256:30,
15256:37, 15257:24,
15263:8, 15264:33,
15265:32, 15268:9,
15268:12, 15269:42,
15270:2, 15270:12,
15270:18, 15280:25,
15280:27, 15280:34,
15280:38, 15280:47,
15281:2, 15281:4,
15281:12, 15281:21,
15281:36, 15282:22,
15282:23, 15282:43,
15285:18, 15285:19,
15285:22, 15285:27,
15285:32, 15286:22,
15287:12, 15290:43,
15291:2, 15291:27,
15291:43, 15291:45,
15291:47, 15292:35,
15293:8, 15294:14,
15295:9, 15295:12,
15295:16, 15295:18,
15297:12, 15297:18,
15297:30, 15297:44,
15299:14, 15299:22,
15299:35, 15301:17,
15301:31, 15304:4,
15304:43, 15305:5,
15307:6, 15307:30,
15308:16, 15308:20,
15309:11, 15309:31,
15309:39, 15310:8,
15310:39, 15310:41,
15311:8, 15311:45,
15312:16, 15312:18,
15312:21, 15312:27,
15312:29, 15312:31,
15314:18, 15314:27,
15314:39, 15314:47,
15315:38, 15316:6,
15316:20, 15317:9,
15318:30, 15323:30,
15325:15, 15326:36
congregation's [1] -
15280:44
congregational [1] -
15264:45
Congregational [1] -
15265:5
congregations [2] -
15290:5, 15312:37
conscious [1] -
15261:34
consequences [1] -
15238:31
consider [8] -
15248:3, 15253:38,
15254:3, 15254:8,
15254:12, 15262:3,
15289:46, 15304:23
considerable [1] -
15254:21
considerate [1] -
15241:12
consideration [6] -
15239:41, 15253:6,
15253:13, 15295:15,
15295:30, 15296:26
considered [12] -
15252:32, 15253:11,
15253:39, 15253:44,
15262:17, 15273:38,
15283:4, 15288:46,
15289:43, 15291:36,
15292:17, 15298:6
considering [2] -
15252:27, 15272:45
consistent [7] -
15325:21, 15325:25,
15325:32, 15325:44,
15326:8, 15326:12,
15326:19
constantly [1] -
15280:43
constitute [1] -
15316:41
constituted [2] -
15254:24, 15254:31
consult [1] - 15263:22
contact [4] -
15294:13, 15311:34,
15322:16, 15328:21
contacting [1] -
15271:9
contained [1] -
15263:38
contains [1] -
15263:13
content [1] - 15239:30
Contents [1] -
15264:47
contents [2] -
15245:8, 15264:41
contest [1] - 15246:45
context [2] -
15321:34, 15327:7
continually [1] -
15317:16
continue [5] -
15293:33, 15296:21,
15315:16, 15315:17,
15319:45
continued [5] -
15285:16, 15291:1,
15308:16, 15324:40,
15334:33
CONTINUING [1] -
15238:8
contributes [1] -
15274:9
control [2] - 15285:21,
15312:24
convenient [1] -
15266:26
conventional [1] -
15276:36
conventions [1] -
15302:38
conversant [1] -
15263:18
conversation [11] -
15273:14, 15273:33,
15322:35, 15323:14,
15324:23, 15324:32,
15325:20, 15325:37,
15326:1, 15326:5,
15326:7
conversations [1] -
15257:35
convey [1] - 15329:23
conveyed [1] -
15327:41
convicted [1] - 15332:18
convicted [3] -
15293:43, 15294:1,
15294:15
convicting [1] -
15333:32
conviction [1] -
15336:2
convinced [1] -
15284:34
cook [1] - 15284:6
cooktown [1] -
15284:42
coping [1] - 15273:15
copy [4] - 15267:17,
15276:2, 15278:34,
15320:10
Corinthians [2] -
15296:5, 15298:39
corner [1] - 15290:13
corporal [1] -
15319:36
correct [47] - 15239:7,
15245:2, 15245:19,
15249:8, 15249:18,
15249:19, 15255:44,
15258:12, 15259:2,
15260:8, 15262:41,
15263:5, 15263:24,
15263:41, 15264:3,
15264:7, 15264:8,
15264:16, 15264:29,
15264:30, 15264:39,
15265:16, 15265:44,
15266:4, 15267:39,
15278:45, 15278:46,
15279:8, 15279:16,
15301:14, 15301:39,
15303:36, 15311:5,
15314:19, 15315:11,
15315:35, 15319:21,
15321:17, 15323:2,
15324:25, 15328:3,
15328:28, 15328:29,
15332:18, 15332:19,
15335:17, 15336:37
correction [2] -
15278:38, 15279:15
corrections [2] -
15267:21, 15279:1
corroborate [2] -
15313:18, 15331:27
corroboration [3] -
15332:27, 15333:32,

15335:26
corroborative [2] -
15335:11, 15335:18
costs [1] - 15276:47
counsel [10] -
15249:39, 15256:38,
15257:4, 15257:28,
15258:44, 15259:23,
15262:36, 15269:17,
15282:38, 15311:16
Counsel [1] -
15237:43
counselled [5] -
15282:5, 15292:13,
15300:15, 15301:21,
15304:45
counselling [5] -
15281:4, 15281:11,
15295:42, 15307:45,
15308:1
counsellor [1] -
15307:34
counsellors [3] -
15241:26, 15241:40,
15311:33
couple [8] - 15271:12,
15277:34, 15277:43,
15287:21, 15287:29,
15290:38, 15301:9,
15323:28
coupled [2] -
15259:44, 15259:47
courage [1] -
15286:45
course [20] -
15239:29, 15240:44,
15241:12, 15245:5,
15253:12, 15254:34,
15259:26, 15259:32,
15260:1, 15272:24,
15273:3, 15275:25,
15276:24, 15276:47,
15283:19, 15304:37,
15315:47, 15316:25,
15316:27, 15322:42
court [14] - 15291:30,
15292:43, 15292:44,
15294:8, 15296:4,
15298:37, 15299:10,
15299:11, 15299:17,
15311:22, 15311:29,
15325:1, 15335:34,
15336:26
courts [1] - 15332:17
cover [2] - 15241:4,
15285:43
covering [3] -
15271:13, 15300:2
Coyne [1] - 15262:30
COYNE [14] - 15256:7,
15256:11, 15262:21,
15262:23, 15262:28,
15265:35, 15278:9,
15300:44, 15301:3,
15301:5, 15301:7,
15303:4, 15303:12,
15303:20
credibility [4] -
15295:11, 15295:27,
15295:30, 15295:41
credible [3] -
15287:47, 15295:33,
15295:36
crime [13] - 15255:4,
15255:5, 15255:8,
15255:34, 15255:37,
15255:39, 15275:27,
15275:32, 15296:9,
15311:28, 15316:42,
15317:1, 15317:7
crimes [1] - 15317:32
criminal [11] -
15254:5, 15254:24,
15254:31, 15294:42,
15296:16, 15298:44,
15299:2, 15299:10,
15317:36, 15333:31,
15335:47
criminally [1] -
15312:15
cross [2] - 15311:42,
15316:8
cross-examined [1] -
15311:42
crosses [1] - 15315:47
crossing [1] -
15319:38
crowded [1] -
15291:43
Crown [1] - 15313:27
crying [1] - 15286:38
current [2] - 15295:6,
15296:22
curricular [2] -
15282:8, 15307:14
cut [1] - 15315:24
cut-off [1] - 15315:24

D

dad [1] - 15288:32
dad' [1] - 15286:25
daily [1] - 15281:15
damage [1] - 15295:44
damaged [2] -
15261:45, 15262:46
dangers [1] -
15242:22
database [1] -
15312:26
date [3] - 15264:37,
15266:17, 15270:27
DATED [3] - 15267:46,
15279:23, 15336:45
dated [9] - 15257:44,
15264:15, 15264:25,
15267:17, 15278:34,
15292:11, 15320:17,
15320:32, 15320:36
dates [1] - 15272:35
daughter [1] -
15312:25
daughters [1] -
15291:21
DAVID [6] - 15300:46,
15303:24, 15303:26,
15310:2, 15310:14,
15313:7
David [4] - 15270:28,
15270:35, 15272:9,
15303:26
days [3] - 15245:6,
15260:42, 15287:21
de [15] - 15287:21,
15288:41, 15289:31,
15291:7, 15291:12,
15291:25, 15298:35,
15300:3, 15301:8,
15302:32, 15328:28,
15329:39, 15334:41,
15335:3, 15335:17
deal [18] - 15240:40,
15241:4, 15241:7,
15268:16, 15297:5,
15304:19, 15310:26,
15318:16, 15318:22,
15318:27, 15318:30,
15318:41, 15321:38,
15328:5, 15328:14,
15330:43, 15331:28,
15332:44
dealing [12] -
15239:46, 15246:23,
15253:6, 15270:1,
15296:24, 15308:43,
15319:2, 15325:8,
15327:44, 15328:15,
15330:4, 15334:13
deals [3] - 15251:46,
15259:40, 15260:37
dealt [9] - 15241:38,
15245:32, 15263:5,
15270:15, 15298:19,
15309:3, 15318:23,
15318:35, 15328:12
deceased [3] -
15271:16, 15272:23,
15272:25
December [4] -
15271:1, 15271:47,
15292:5, 15293:11
decided [3] - 15282:2,
15289:30, 15301:22
decides [1] - 15244:14
decision [6] -
15290:3, 15316:38,
15316:39, 15316:46,
15317:2, 15317:16
decisions [1] -
15282:33
declared [1] -
15293:47
declined [2] -
15324:24, 15335:11
dedicate [1] -
15282:16
defence [1] - 15313:28
define [1] - 15316:16
definite [1] - 15241:42
definitely [10] -
15253:35, 15253:42,
15268:34, 15273:40,
15297:27, 15305:6,
15307:16, 15307:19,
15313:5, 15326:20
degree [3] - 15261:12,
15280:12, 15319:37
delay [1] - 15303:6
delete [2] - 15278:44,
15279:2
deleted [2] - 15247:9,
15306:37
deletions [1] -
15247:14
deliberate [1] -
15249:1
deliberately [3] -
15248:24, 15248:26,
15248:31
delight [1] - 15306:25
deliver [1] - 15281:20
delivered [1] -
15280:45
delve [1] - 15331:14
demonstrates [2] -
15239:38, 15277:21
denial [1] - 15329:23
denied [2] - 15293:41,
15329:19
denies [1] - 15295:34
deny [1] - 15258:27
denying [3] -
15323:15, 15324:1,
15324:19
department [3] -
15254:41, 15255:21,
15333:9
depressed [2] -
15283:10, 15294:17
depression [2] -
15279:6, 15279:32
depth [1] - 15324:46
derogatory [3] -
15298:10, 15306:45,
15306:46
describe [1] - 15297:8
described [3] -
15248:32, 15292:7,
15329:45
desk [4] - 15242:14,
15242:16, 15271:2,
15271:6
Desks [2] - 15241:47,
15242:2
despite [1] - 15291:45
detail [7] - 15248:21,
15288:6, 15288:19,
15293:4, 15327:28,
15327:40, 15330:23
details [13] -
15243:15, 15271:9,
15271:30, 15271:37,
15272:33, 15272:35,
15275:47, 15312:41,
15312:45, 15312:47,
15313:17, 15318:13,
15327:20
detective [1] - 15309:7
determine [1] -
15335:27
determined [2] -
15283:14, 15333:17
determining [1] -
15296:27
Deuteronomy [2] -
15295:37, 15334:30
devastated [1] -
15289:39
devil' [1] - 15285:16
devote [1] - 15305:15
devout [1] - 15304:24
dictated [3] -
15281:34, 15281:44,
15285:19
die [1] - 15294:24
died [5] - 15252:13,
15253:33, 15271:18,
15271:19, 15271:22
difference [1] -
15248:7
different [19] -
15240:45, 15241:8,
15247:43, 15248:3,
15248:42, 15248:45,
15249:11, 15249:13,
15250:12, 15250:36,
15254:43, 15274:12,
15284:20, 15306:26,
15308:43, 15317:7,
15318:41, 15330:45

15331:42
differently [3] -
15255:9, 15331:42,
15331:46
difficult [5] - 15309:4,
15311:42, 15311:43,
15330:32, 15332:8
dig [1] - 15294:23
DINO [2] - 15314:3,
15336:45
Dino [18] - 15285:46,
15286:30, 15286:31,
15286:34, 15286:35,
15286:38, 15287:15,
15287:16, 15287:18,
15287:19, 15287:28,
15290:9, 15293:2,
15301:7, 15308:47,
15313:41, 15314:9
Dino's [1] - 15287:15
dire [2] - 15293:46,
15313:12
direct [1] - 15288:5
directed [3] -
15255:24, 15269:7,
15307:22
direction [19] -
15240:24, 15240:28,
15242:15, 15242:39,
15242:42, 15255:14,
15255:22, 15274:27,
15274:30, 15274:35,
15274:47, 15275:4,
15275:7, 15275:10,
15275:19, 15275:22,
15328:21, 15331:12,
15333:36
disagreement [1] -
15325:14
disappointed [2] -
15291:33, 15313:23
disassociated [2] -
15297:7, 15297:19
disbelieve [2] -
15330:42, 15332:33
discipline [5] -
15259:10, 15259:15,
15319:37, 15319:44,
15323:2
disciplined [2] -
15259:19, 15322:46
disclose [3] -
15304:45, 15312:30,
15312:44
disclosed [1] -
15312:45
disclosure [1] -
15268:21
discount [1] - 15331:4
discourage [3] -
15241:20, 15274:24,
15275:5
discouraged [1] -
15274:32
discouragement [1] -
15273:31
discovered [1] -
15283:29
discovering [1] -
15244:21
discuss [3] -
15239:30, 15270:28,
15322:17
discussed [2] -
15249:40, 15316:23
discussing [2] -
15245:7, 15273:4
discussion [5] -
15239:23, 15276:5,
15318:38, 15325:10,
15326:13
disfellowship [2] -
15289:30, 15299:34
disfellowshipped [24]
- 15282:36,
15282:37, 15282:39,
15282:42, 15282:46,
15283:16, 15290:2,
15290:44, 15291:32,
15291:38, 15297:7,
15297:9, 15297:19,
15297:29, 15299:25,
15305:5, 15305:32,
15314:40, 15314:46,
15315:1, 15315:3,
15315:5, 15315:8,
15315:21
disfellowshipping [4]
- 15289:33,
15290:28, 15299:40,
15316:3
dismissing [2] -
15286:3, 15321:23
disobeyed [1] -
15282:36
displays [2] -
15269:21, 15295:13
disposed [1] -
15250:17
disqualification [2] -
15247:34, 15247:39
disqualifies [1] -
15252:24
disregard [1] -
15251:25
distinction [3] -
15247:25, 15299:1,
15299:13
distributed [1] -
15240:34
district [1] - 15254:22
divine [3] - 15332:15,
15332:34, 15334:28
doctor [7] - 15279:6,
15279:32, 15279:40,
15279:41, 15279:42,
15279:45, 15308:7
doctrine [1] -
15276:34
document [16] -
15239:26, 15239:28,
15242:3, 15242:15,
15250:43, 15263:46,
15264:36, 15265:3,
15265:18, 15265:42,
15266:3, 15266:7,
15266:8, 15275:39,
15275:40, 15276:28
documents [1] -
15245:40
doesn't [1] - 15283:37
doing [1] - 15286:35
Don [2] - 15290:6,
15290:7
done [26] - 15238:28,
15246:40, 15250:12,
15252:17, 15252:37,
15258:16, 15261:30,
15274:2, 15288:23,
15288:27, 15288:29,
15290:43, 15291:35,
15291:46, 15292:7,
15294:38, 15297:44,
15307:21, 15308:27,
15313:15, 15315:46,
15323:43, 15331:42,
15331:46, 15333:23,
15334:14
door [16] - 15281:3,
15283:38, 15284:17,
15285:40, 15285:41,
15285:42, 15285:43,
15285:44, 15286:1,
15286:8, 15286:10,
15312:33, 15312:35,
15321:20, 15330:28
door-to-door [1] -
15281:3
doubting [2] -
15326:11, 15332:9
doubts [1] - 15255:20
DOUGLAS [1] -
15238:6
down [18] - 15244:37,
15251:22, 15252:13,
15252:40, 15253:33,
15268:16, 15270:22,
15270:23, 15272:2,
15284:45, 15285:41,
15288:35, 15289:4,
15292:23, 15297:36,
15300:26, 15310:5,
15328:39
DPP [2] - 15311:35,
15313:29
dragging [3] -
15273:18, 15273:29,
15274:21
drawn [3] - 15255:32,
15296:16, 15321:3
drawn-out [1] -
15296:16
dreadful [1] - 15274:2
dressed [1] -
15283:38
dresses [1] - 15302:13
drew [1] - 15247:24
drugs [1] - 15299:26
dry [1] - 15273:18
during [24] -
15242:36, 15245:5,
15245:10, 15279:42,
15281:17, 15293:46,
15294:6, 15294:17,
15294:42, 15302:38,
15302:39, 15303:34,
15303:44, 15304:8,
15304:15, 15304:30,
15305:39, 15305:42,
15307:4, 15310:15,
15313:12, 15324:45,
15328:12, 15334:12
duty [1] - 15285:26

E

early [2] - 15283:9,
15310:35
ease [1] - 15243:5
easier [2] - 15238:34,
15239:22
Easter [1] - 15307:27
easy [2] - 15294:5,
15296:21
eat [1] - 15315:26
education [4] -
15282:4, 15282:13,
15307:18, 15307:26
effect [5] - 15266:3,
15279:36, 15288:33,
15288:36, 15290:22
efficacy [2] -
15252:46, 15252:47
eight [3] - 15286:19,
15286:41, 15288:31
either [9] - 15241:36,
15242:36, 15275:29,
15275:33, 15283:38,
15292:22, 15318:45,
15324:9, 15324:26
elder [39] - 15241:29,
15246:12, 15247:8,
15247:9, 15252:15,
15252:24, 15252:28,
15252:47, 15253:31,
15254:21, 15256:30,
15258:32, 15261:45,
15268:5, 15270:36,
15275:31, 15277:5,
15280:40, 15286:29,
15287:20, 15290:29,
15314:17, 15314:27,
15314:30, 15314:32,
15315:42, 15316:7,
15316:40, 15316:41,
15316:47, 15317:36,
15318:19, 15318:20,
15318:22, 15322:14,
15322:16, 15326:25,
15326:29, 15327:23
elder's [3] - 15316:43,
15316:46, 15317:2
elders [112] -
15238:15, 15239:10,
15241:1, 15242:11,
15242:18, 15242:21,
15243:13, 15247:13,
15254:38, 15255:28,
15256:39, 15257:5,
15257:15, 15262:37,
15262:47, 15264:2,
15264:6, 15268:17,
15269:7, 15269:9,
15269:17, 15270:27,
15274:28, 15275:1,
15280:47, 15281:10,
15281:18, 15281:35,
15281:37, 15282:38,
15285:27, 15285:46,
15286:22, 15287:28,
15287:32, 15287:33,
15287:37, 15287:39,
15287:44, 15287:46,
15288:3, 15288:9,
15288:16, 15288:40,
15288:46, 15289:1,
15289:2, 15289:10,
15289:13, 15289:28,
15289:30, 15290:3,
15290:5, 15290:8,
15290:15, 15290:17,
15290:27, 15291:6,
15292:8, 15292:21,
15292:31, 15293:1,
15293:7, 15293:44,
15294:6, 15294:13,
15294:22, 15295:8,
15295:11, 15295:14,
15295:20, 15295:22,
15295:25, 15295:26,
15295:28, 15295:33,

15295:35, 15295:41, 15295:43, 15295:45, 15296:9, 15296:18, 15296:26, 15299:15, 15299:22, 15299:30, 15301:10, 15301:15, 15303:33, 15305:5, 15306:4, 15306:19, 15307:25, 15308:36, 15308:47, 15311:24, 15311:44, 15312:43, 15313:10, 15315:39, 15318:30, 15321:15, 15325:7, 15327:1, 15328:8, 15328:15, 15328:20, 15328:26, 15328:45, 15332:44

Elders [4] - 15264:18, 15264:24, 15289:26, 15327:23

elders' [2] - 15287:10, 15328:7

eldest [2] - 15280:20, 15295:4

element [3] - 15257:20, 15258:20, 15258:27

elevated [1] - 15280:45

embarrassed [1] - 15290:46

emotional [3] - 15276:16, 15287:25, 15295:46

empathy [1] - 15310:9

employ [1] - 15251:40

employed [1] - 15252:20

enabled [1] - 15336:1

encourage [1] - 15241:39, 15242:35, 15260:42, 15260:46, 15263:1, 15274:36, 15275:10, 15275:20, 15275:22, 15317:11, 15317:15

encouraged [7] - 15254:45, 15255:21, 15258:8, 15258:31, 15275:28, 15298:18, 15305:14

encouragement [1] - 15258:11

encourages [1] - 15262:46

encouraging [3] - 15254:12, 15297:1, 15311:8

end [6] - 15244:47, 15272:6, 15289:4, 15290:19, 15294:2, 15305:47

ends [1] - 15278:13

enforced [1] - 15281:34

engage [1] - 15307:14

engaged [1] - 15261:9

engagement [1] - 15307:39

engaging [1] - 15269:21

enjoy [1] - 15288:12

enjoyed [1] - 15306:21

enormous [1] - 15283:7

ensure [3] - 15253:24, 15312:8, 15312:19

entailed [1] - 15318:11

enter [1] - 15297:37

entered [2] - 15297:32, 15336:2

entertain [1] - 15295:30

entire [1] - 15306:7

entirely [1] - 15330:24

entitled [2] - 15263:10, 15266:11

environment [6] - 15238:30, 15238:45, 15243:14, 15328:34, 15328:46, 15330:3

escape [3] - 15283:15, 15285:12, 15290:39

especially [1] - 15238:27

essential [2] - 15296:34, 15312:14

essentially [1] - 15299:44

establishes [2] - 15334:28, 15334:30

et [1] - 15273:15

event [6] - 15242:7, 15289:36, 15289:37, 15296:24, 15331:33, 15332:24

events [7] - 15249:5, 15261:5, 15270:14, 15270:18, 15271:27, 15296:12, 15325:2

eventually [1] - 15308:2

ever-changing [1] - 15334:4

everywhere [1] - 15299:36

evidence [32] - 15238:4, 15241:2, 15242:27, 15257:34, 15260:32, 15261:4, 15275:16, 15277:33, 15278:13, 15279:39, 15293:45, 15311:30, 15311:41, 15313:11, 15313:13, 15313:24, 15313:26, 15313:45, 15320:4, 15324:12, 15332:7, 15332:21, 15334:20, 15334:36, 15334:45, 15335:11, 15335:18, 15335:42, 15336:15, 15336:30, 15336:33, 15336:34

evil [1] - 15284:4

exact [3] - 15270:27, 15274:39, 15301:46

exactly [9] - 15241:6, 15270:40, 15280:24, 15287:32, 15290:29, 15291:11, 15301:12, 15316:16, 15328:39

examined [1] - 15311:42

example [11] - 15241:10, 15242:24, 15281:38, 15282:3, 15282:8, 15304:44, 15315:18, 15316:9, 15316:13, 15316:30, 15334:30

examples [3] - 15251:29, 15251:39, 15297:45

exclude [1] - 15276:34

excommunicated [1] - 15282:39

excused [3] - 15266:21, 15278:14, 15313:34

exhibit [3] - 15267:44, 15279:21, 15336:43

EXHIBIT [3] - 15267:46, 15279:23, 15336:45

expand [1] - 15297:5

expect [1] - 15255:31

expectation [1] - 15271:34

expectations [1] - 15295:24

expected [4] - 15263:17, 15263:21, 15266:6, 15297:18

experience [15] - 15254:21, 15277:9, 15277:18, 15294:21, 15295:10, 15295:44, 15296:22, 15296:39, 15297:9, 15297:16, 15297:22, 15298:13, 15299:30, 15308:43

experienced [2] - 15310:25, 15311:1

experiences [1] - 15271:31

explain [14] - 15245:44, 15271:5, 15274:16, 15283:20, 15304:35, 15304:39, 15309:43, 15318:10, 15328:31, 15328:43, 15329:2, 15330:2, 15330:42, 15331:11

explained [5] - 15248:21, 15274:16, 15290:12, 15312:39, 15334:11

explaining [3] - 15248:22, 15287:35, 15324:45

explanation [2] - 15298:29, 15304:1

Expo [8] - 15283:46, 15284:10, 15284:40, 15285:14, 15285:38, 15286:6, 15294:19, 15336:33

exposed [1] - 15312:20

exposing [1] - 15296:47

express [2] - 15243:6, 15323:38

expression [3] - 15248:15, 15248:16, 15248:18

extent [4] - 15315:27, 15329:2, 15329:28, 15332:34

externally [1] - 15312:28

extra [2] - 15282:8, 15307:14

extra-curricular [2] - 15282:8, 15307:14

extreme [1] - 15317:8

extremely [4] - 15283:4, 15283:26, 15289:5, 15306:5

eye [8] - 15285:45, 15285:47, 15320:30, 15321:10, 15321:11, 15321:12, 15321:14, 15321:19

eyes [2] - 15289:41, 15291:37

F

fabric [1] - 15302:12

face [5] - 15239:9, 15239:17, 15260:30, 15285:44, 15321:21

face' [1] - 15286:1

faced [1] - 15328:41

facilities [1] - 15260:31

fact [7] - 15249:32, 15259:44, 15288:10, 15312:31, 15330:36, 15333:2, 15333:8

factors [1] - 15296:26

facts [2] - 15249:32, 15250:1

fade [1] - 15283:18

fairly [1] - 15311:40

faith [8] - 15260:38, 15263:23, 15273:38, 15283:19, 15292:13, 15292:18, 15292:20, 15302:29

familiar [4] - 15275:40, 15275:44, 15275:45, 15298:28

families [1] - 15319:16

family [36] - 15280:32, 15281:37, 15281:44, 15282:22, 15282:40, 15285:20, 15286:13, 15286:34, 15286:42, 15286:44, 15295:17, 15297:16, 15297:17, 15297:19, 15297:46, 15301:42, 15301:45, 15302:2, 15302:32, 15303:41, 15303:45, 15312:29, 15315:4, 15315:13, 15315:21, 15315:30, 15316:10, 15316:11, 15316:27, 15319:13, 15322:11, 15322:32, 15322:39, 15322:44, 15323:7, 15323:31

family's [1] - 15295:18

far [6] - 15245:12, 15247:27, 15247:28, 15254:14, 15315:15, 15323:3

Farrer [1] - 15237:28

fat [1] - 15289:17

father [158] - 15280:18, 15280:19, 15280:25, 15280:28, 15280:36, 15280:41, 15280:46, 15281:6, 15281:17, 15281:33,

15281:44, 15282:7, 15282:19, 15282:24, 15282:31, 15282:35, 15283:8, 15283:24, 15283:27, 15283:29, 15283:32, 15283:35, 15283:37, 15284:1, 15284:2, 15284:8, 15284:11, 15284:15, 15284:19, 15284:23, 15284:29, 15284:32, 15284:37, 15284:38, 15284:41, 15284:43, 15284:47, 15285:2, 15285:9, 15285:11, 15285:15, 15285:20, 15285:29, 15285:33, 15285:35, 15285:38, 15286:1, 15286:7, 15286:15, 15286:19, 15286:20, 15286:27, 15286:35, 15286:36, 15286:39, 15286:42, 15286:43, 15286:44, 15286:46, 15287:1, 15287:4, 15287:6, 15287:8, 15287:16, 15287:25, 15287:30, 15288:17, 15288:27, 15289:3, 15289:10, 15289:11, 15289:15, 15289:16, 15289:19, 15289:24, 15289:30, 15289:46, 15290:2, 15290:7, 15290:13, 15290:21, 15290:23, 15290:32, 15290:36, 15290:43, 15291:12, 15291:13, 15291:35, 15291:41, 15291:44, 15292:2, 15292:7, 15293:3, 15293:41, 15294:1, 15294:15, 15294:32, 15294:37, 15295:46, 15296:12, 15299:45, 15301:19, 15303:34, 15303:39, 15304:3, 15304:44, 15305:42, 15306:4, 15306:8, 15306:23, 15306:27, 15308:15, 15308:32, 15309:15, 15309:18, 15309:45, 15310:11, 15311:27, 15312:24, 15319:5, 15319:14, 15319:28, 15319:30, 15321:20, 15322:21, 15322:22, 15322:28, 15322:31, 15322:33, 15322:39, 15322:44, 15323:1, 15323:2, 15323:8, 15323:12, 15323:26, 15323:34, 15323:35, 15324:5, 15324:17, 15324:34, 15325:27, 15325:33, 15326:10, 15326:17, 15326:24, 15327:30, 15327:44, 15328:1, 15329:13, 15329:14, 15330:3, 15332:18, 15332:32, 15335:16, 15336:16, 15336:32

father^[1] - 15284:16
father's^[15] - 15286:23, 15286:30, 15288:4, 15289:40, 15290:28, 15290:39, 15291:25, 15294:18, 15295:22, 15306:11, 15313:22, 15313:28, 15329:23, 15330:24, 15331:8
fault^[1] - 15306:21
favour^[3] - 15249:43, 15296:29, 15335:28
favourable^[3] - 15249:31, 15249:32, 15250:9
favourably^[1] - 15250:17
fear^[7] - 15282:30, 15283:22, 15289:8, 15294:35, 15294:37, 15294:38, 15296:45
feared^[4] - 15282:46, 15291:38, 15292:40
fearful^[1] - 15293:6
February^[1] - 15292:11
feelings^[5] - 15274:9, 15294:30, 15308:2, 15308:5, 15311:13
fell^[2] - 15250:1, 15250:15
fellowship^[1] - 15315:27
felt^[47] - 15238:14, 15238:16, 15238:47, 15246:31, 15246:33, 15249:7, 15261:22, 15273:21, 15283:7, 15283:9, 15286:3, 15287:33, 15287:43, 15288:9, 15288:13, 15289:26, 15289:39, 15289:44, 15290:46, 15291:4, 15291:35, 15291:37, 15292:22, 15292:24, 15294:29, 15294:30, 15294:42, 15295:2, 15295:25, 15296:11, 15297:3, 15300:14, 15304:31, 15306:5, 15306:24, 15306:32, 15308:29, 15311:3, 15311:32, 15312:35, 15321:22, 15330:30, 15330:34
female^[3] - 15243:13, 15309:28, 15323:29
females^[1] - 15281:28
few^[9] - 15277:34, 15283:43, 15291:11, 15297:3, 15320:22, 15320:26, 15329:42, 15334:21
fiancee^[1] - 15330:29
field^[3] - 15249:22, 15281:3, 15281:22
fiercely^[1] - 15294:47
fifth^[1] - 15276:10
fight^[1] - 15308:5
figured^[1] - 15300:38
file^[2] - 15245:23, 15246:2
files^[3] - 15245:27, 15245:40, 15264:33
final^[2] - 15280:12, 15311:21
finally^[2] - 15285:41, 15293:43
financial^[4] - 15262:9, 15262:15, 15273:22, 15273:24
financially^[2] - 15296:34, 15312:14
fine^[4] - 15266:47, 15267:4, 15267:6, 15267:24
finished^[4] - 15239:25, 15282:15, 15290:27, 15301:21
finishing^[1] - 15297:39
first^[62] - 15241:44, 15246:7, 15246:15, 15251:7, 15251:15, 15252:26, 15255:10, 15256:9, 15256:43, 15264:21, 15265:41, 15270:1, 15272:21, 15277:32, 15284:12, 15284:17, 15286:36, 15286:47, 15287:39, 15290:8, 15292:37, 15293:46, 15296:4, 15301:1, 15302:24, 15307:38, 15308:10, 15309:7, 15311:26, 15313:12, 15314:21, 15318:6, 15318:34, 15318:42, 15319:8, 15319:22, 15321:39, 15322:4, 15322:22, 15322:44, 15323:12, 15323:34, 15324:5, 15324:17, 15325:15, 15325:17, 15325:27, 15325:33, 15326:10, 15326:17, 15326:22, 15327:9, 15327:12, 15327:14, 15327:19, 15330:2, 15331:10, 15334:32, 15335:35, 15335:37
First^[1] - 15298:39
firstly^[3] - 15273:3, 15297:5, 15306:39
fitted^[1] - 15319:12
five^[4] - 15283:24, 15284:20, 15288:31, 15330:4
flagrant^[1] - 15251:24
flew^[1] - 15309:35
Flock^[3] - 15239:29, 15242:39, 15250:38
flog^[1] - 15289:12
flogged^[1] - 15285:24
flowergirl^[1] - 15302:13
focused^[1] - 15276:28
follow^[10] - 15274:3, 15275:25, 15306:13, 15326:12, 15331:12, 15332:8, 15332:41, 15333:4, 15333:21, 15333:28
follow-through^[1] - 15333:28
followed^[3] - 15245:34, 15328:15, 15328:33
following^[3] - 15244:39, 15251:4, 15277:25
foot^[1] - 15268:18
forbidden^[2] - 15279:10, 15283:11
forbidding^[1] - 15285:22
forbids^[1] - 15251:1
forced^[1] - 15285:34
fore^[1] - 15243:22
forgive^[1] - 15258:18
form^[5] - 15250:16, 15271:11, 15282:7, 15318:16
formally^[2] - 15280:15, 15313:34
formed^[3] - 15269:42, 15270:3, 15290:4
former^[1] - 15238:6
forms^[3] - 15251:11, 15252:2, 15334:35
fornication^[2] - 15251:11, 15252:1
forward^[6] - 15243:47, 15296:42, 15296:46, 15315:40, 15336:9, 15336:14
forwarded^[1] - 15300:3
foundation^[1] - 15305:12
four^[5] - 15280:9, 15284:20, 15289:21, 15291:21, 15294:47
four-year-old^[1] - 15289:21
free^[2] - 15243:6, 15244:15
freedom^[4] - 15247:40, 15252:14, 15252:19, 15252:21
freely^[1] - 15247:39
frequently^[3] - 15282:26, 15285:33, 15295:15
fresh^[2] - 15296:13, 15313:16
Friday^[1] - 15281:9
friend^[9] - 15240:5, 15256:11, 15286:23, 15286:30, 15286:45, 15287:11, 15290:7, 15301:14, 15326:37
friendly^[1] - 15272:43
friends^[5] - 15282:40, 15288:4, 15295:45, 15306:6, 15307:5
front^[3] - 15238:29, 15238:40, 15326:38
frowned^[1] - 15282:14
full^[10] - 15238:26, 15238:37, 15267:14, 15280:6, 15282:16, 15288:6, 15294:29, 15314:7, 15331:15, 15331:17
full-time^[1] - 15282:16
fully^[1] - 15329:6
fun^[1] - 15306:35
funds^[1] - 15262:1
fuse^[1] - 15282:25
future^[2] - 15253:32,

15296:36

G

gained [1] - 15336:8

GALLAGHER [5] -

15256:3, 15256:18,
15256:20, 15262:19,
15278:11

Gallagher [2] -

15256:22, 15262:31

gathered [1] -

15294:43

general [2] -

15255:39, 15302:9

generally [7] -

15242:34, 15312:23,
15315:7, 15322:45,
15325:34, 15328:5,
15334:11

genitals [2] -

15251:35, 15252:1

George [1] - 15280:26

gesture [2] -

15292:18, 15300:15

girl [4] - 15248:24,

15248:31, 15259:32,
15297:11

girls [1] - 15247:35

gist [1] - 15270:40

given [26] - 15241:2,

15243:27, 15249:38,
15257:34, 15260:36,
15260:38, 15263:9,
15280:47, 15282:38,
15300:36, 15308:3,
15310:24, 15310:36,
15310:38, 15310:39,
15311:12, 15312:10,
15318:4, 15318:34,
15319:17, 15319:41,
15327:21, 15330:22,
15333:26, 15334:21,
15336:15

glad [1] - 15332:43

God [3] - 15239:29,

15273:39, 15332:13

God's [2] - 15280:40,

15332:12

Gomorra [1] -

15298:11

governing [4] -

15243:40, 15243:41,
15244:12, 15244:14

Governing [1] -

15261:42

Governor [1] -

15237:27

grab [2] - 15285:42,

15298:2

grateful [1] - 15312:38

gravity [1] - 15324:39

great [1] - 15276:24

greater [1] - 15260:37

Greek [3] - 15251:46,

15252:5, 15252:6

Grigor [1] - 15301:33

Grigor's [1] - 15319:8

Grigors [2] -

15319:12, 15319:22

ground [2] - 15292:3,

15307:2

groups [1] - 15281:2

growing [2] -

15281:43, 15319:47

grown [1] - 15292:39

gruelling [1] -

15311:40

guess [4] - 15243:35,

15254:17, 15262:3,
15273:19

guidance [3] -

15310:24, 15319:41,
15333:13

guide [1] - 15333:42

guided [1] - 15332:40

guidelines [2] -

15240:17, 15242:7

Guidelines [2] -

15241:46, 15242:2

guilt [1] - 15274:9

guilty [3] - 15259:4,

15269:10, 15269:11

gutted [1] - 15288:21

H

hairdressing [1] -

15280:13

half [1] - 15308:11

Hall [15] - 15280:44,

15280:46, 15281:7,
15281:21, 15285:45,
15287:40, 15297:32,
15297:33, 15297:37,
15297:38, 15301:27,
15308:23, 15310:42,
15311:7, 15321:15

hand [5] - 15258:37,

15285:6, 15291:44,
15308:27, 15309:5

handed [1] - 15320:46

handle [2] - 15242:28,

15322:14

handled [5] - 15241:8,

15269:5, 15269:45,
15271:37, 15297:1

handling [2] -

15263:35, 15272:13

hands [2] - 15277:5,

15289:7

handwritten [1] -

15290:35

happened' [1] -

15290:45

happy [3] - 15271:10,

15293:33, 15332:17

hard [13] - 15238:25,

15238:27, 15238:36,
15238:40, 15238:43,

15259:28, 15276:2,

15282:21, 15283:20,

15292:30, 15308:5,

15317:14, 15317:15

harm [1] - 15316:35

he! [1] - 15286:2

head [4] - 15277:23,

15281:26, 15281:33,

15322:39

head) [1] - 15277:2

heading [2] -

15250:44, 15263:35

headlines [1] -

15277:42

Headquarters [1] -

15241:45

headstrong [1] -

15282:19

hear [2] - 15308:23,

15320:7

heard [5] - 15270:14,

15291:46, 15294:30,

15312:8, 15317:45

Hearing [1] - 15237:22

hearing [5] -

15239:32, 15240:13,
15260:30, 15320:16,
15320:17

hearings [3] -

15243:21, 15243:30,

15305:40

heart [1] - 15322:15

held [2] - 15302:39,

15304:27

Helen [1] - 15237:38

help [49] - 15239:3,

15239:42, 15239:43,
15240:46, 15241:21,

15241:40, 15241:42,

15242:21, 15243:25,

15243:27, 15252:16,

15257:15, 15258:10,

15259:4, 15260:42,

15261:2, 15261:16,

15261:18, 15261:21,

15261:26, 15261:31,

15261:35, 15262:1,

15263:1, 15267:34,

15269:40, 15270:41,

15271:37, 15272:18,

15276:36, 15276:39,

15276:40, 15276:43,

15276:45, 15276:47,

15277:6, 15277:13,

15284:37, 15285:6,

15319:42, 15319:43,

15319:47, 15323:1,

15323:25, 15323:26,

15332:45, 15333:12,

15333:25

helped [4] - 15258:8,

15277:10, 15286:23,

15301:34

helping [2] - 15265:8,

15276:16

helpless [2] -

15290:46, 15291:37

helps [2] - 15332:44,

15333:26

herself [4] - 15238:15,

15324:45, 15328:38,

15328:45

hierarchy [2] -

15281:25, 15281:29

high [1] - 15307:1

higher [4] - 15282:13,

15298:20, 15298:21,

15334:29

highly [1] - 15280:36

himself [3] - 15285:4,

15312:24, 15332:13

hindsight [3] -

15246:39, 15253:35,

15287:46

hinges [1] - 15286:8

hit [2] - 15285:44,

15289:12

hmm [6] - 15271:3,

15276:13, 15276:17,

15300:10, 15319:6,

15326:20

hold [5] - 15281:25,

15291:16, 15294:27,

15307:1, 15308:46

hole [1] - 15294:24

holy [4] - 15280:41,

15289:43, 15292:32,

15306:24

home [28] - 15269:21,

15270:30, 15272:44,

15280:30, 15280:44,

15282:24, 15282:45,

15283:15, 15284:1,

15284:5, 15284:7,

15284:42, 15285:30,

15286:9, 15286:19,

15286:44, 15289:31,

15290:38, 15293:3,

15301:18, 15303:35,

15303:41, 15303:45,

15304:8, 15304:20,

15319:3, 15319:9,

15319:10

homosexuality [1] -

15299:27

honest [1] - 15302:41

honestly [1] -

15312:26

Honour [34] - 15238:3,

15243:17, 15244:16,

15250:19, 15255:46,

15256:3, 15256:16,

15262:19, 15266:19,

15266:26, 15266:37,

15275:37, 15278:7,

15278:9, 15278:11,

15278:20, 15279:31,

15293:16, 15293:35,

15300:40, 15300:44,

15303:4, 15303:20,

15313:31, 15313:36,

15313:40, 15324:14,

15325:28, 15330:39,

15332:15, 15333:34,

15335:20, 15336:41,

15337:1

hope [2] - 15296:39,

15324:38

Horley [9] - 15244:40,

15244:44, 15244:45,

15244:47, 15245:7,

15246:42, 15254:17,

15256:31, 15258:33

horrible [1] - 15328:44

hospital [1] -

15307:42

hour [3] - 15281:8,

15281:9

hours [1] - 15287:30

<

15273:15, 15273:20,
15274:11, 15286:45,
15292:26, 15304:6

hypocrisy [1] -
15292:30

hypocrite [1] -
15289:24

hypothetical [2] -
15275:35, 15323:18

I

idea [5] - 15269:38,
15284:5, 15298:7,
15298:8, 15306:41

identify [6] -
15246:29, 15246:37,
15247:2, 15262:25,
15263:27, 15278:42

ignore [2] - 15332:15,
15334:33

ill [1] - 15311:8

immediately [8] -
15268:19, 15293:10,
15328:8, 15328:21,
15328:33, 15330:28,
15333:9, 15333:11

immoral [3] -
15251:34, 15251:47,
15315:44

immorality [2] -
15248:13, 15252:2

implemented [1] -
15254:44

implied [1] - 15279:41

imply [1] - 15279:37

important [1] -
15310:37

impress [1] -
15281:37

impressed [1] -
15258:44

impression [1] -
15287:8

imprisonment [1] -
15294:3

inactive [1] - 15283:18

inadvertent [1] -
15244:26

inadvertently [1] -
15242:23

inappropriate [2] -
15248:10, 15330:24

incensed [2] -
15287:17, 15288:10

incest [2] - 15276:5,
15276:24

incident [9] -
15250:22, 15295:37,
15319:29, 15321:7,

15321:24, 15336:1,
15336:31

include [2] -
15240:35, 15293:1

included [2] -
15282:40, 15299:10

includes [2] -
15251:17, 15296:5

including [8] -
15239:13, 15251:10,
15252:2, 15255:4,
15259:14, 15281:1,
15283:15, 15285:20

inconsistencies [2] -
15287:45, 15306:34

indecency [1] -
15260:1

indecent [4] -
15259:34, 15259:38,
15260:12, 15293:43

indeed [1] - 15259:24

indicate [4] -
15243:24, 15256:27,
15259:6, 15310:20

indicates [1] -
15259:27

indicating [1] -
15258:43

individual [7] -
15241:21, 15241:37,
15243:36, 15255:25,
15300:21, 15300:30,
15318:14

individuals [3] -
15241:21, 15255:25,
15300:21

industry [1] -
15280:13

inflicted [1] -
15261:10

influence [1] -
15330:6

influenced [1] -
15298:32

informal [2] -
15273:14, 15273:33

information [15] -
15246:3, 15247:28,
15249:9, 15249:13,
15270:41, 15271:35,
15271:40, 15271:43,
15272:36, 15312:18,
15316:47, 15318:18,
15323:13, 15329:26,
15336:11

informed [4] -
15318:13, 15327:27,
15327:28, 15329:24

informing [1] -
15327:23

initial [1] - 15330:13

initiated [1] -
15243:38

insertion [1] - 15260:1

inside [1] - 15243:38

insinuate [1] -
15294:9

insofar [3] - 15240:13,
15241:28, 15253:31

instances [2] -
15250:26, 15283:41

instead [2] -
15295:25, 15313:19

INSTITUTIONAL [1] -
15237:17

institutions [1] -
15296:31

instruction [3] -
15328:11, 15328:14,
15328:20

insulted [3] -
15300:14, 15306:22,
15308:41

insulting [1] -
15295:47

intentional [1] -
15251:17

interaction [1] -
15315:10

interactions [1] -
15293:1

intercourse [1] -
15248:10

interested [1] -
15312:34

interfere [1] -
15296:10

interject [1] -
15260:45

internally [1] -
15269:5

interrogate [1] -
15295:43

interrogated [2] -
15287:44, 15295:46

interrogation [1] -
15296:17

interview [7] -
15241:11, 15241:30,
15242:11, 15242:20,
15242:29, 15242:33,
15295:43

interviewed [1] -
15259:33

interviewing [4] -
15241:28, 15241:34,
15246:26, 15295:42

interviews [2] -
15245:5, 15245:10

intimate [2] -

15243:15, 15330:23

intimidate [1] -
15308:25

intimidated [1] -
15289:26

intimidating [1] -
15290:37

intimidation [1] -
15290:39

INTO [1] - 15237:17

introduced [2] -
15296:31, 15312:10

invasion [1] -
15259:43

investigate [3] -
15242:22, 15269:7,
15295:39

investigated [2] -
15246:11, 15256:29

investigating [3] -
15244:20, 15287:37,
15287:46

investigation [3] -
15244:39, 15246:14,
15264:1

investigations [1] -
15245:5

investigator [1] -
15311:36

invited [1] - 15301:19

inviting [1] - 15269:20

involved [25] -
15240:25, 15241:13,
15241:32, 15244:20,
15254:26, 15254:28,
15254:42, 15255:43,
15256:35, 15256:45,
15269:28, 15269:33,
15269:37, 15270:16,
15272:14, 15272:17,
15273:3, 15277:8,
15277:9, 15281:10,
15294:13, 15308:36,
15310:16, 15319:15,
15333:39

involvement [5] -
15265:46, 15269:46,
15270:7, 15270:33

involves [4] -
15251:34, 15251:47,
15252:1, 15315:44

involving [1] -
15269:26

irrespective [1] -
15288:44

isolated [1] - 15283:9

issue [5] - 15252:43,
15270:28, 15310:41,
15323:6, 15327:44

it [1] - 15287:19

itself [4] - 15241:28,
15252:5, 15311:40,
15311:42

J

Jackson [16] -
15238:3, 15238:10,
15238:36, 15241:1,
15243:8, 15244:18,
15244:38, 15245:47,
15248:5, 15250:21,
15251:44, 15254:3,
15256:26, 15261:4,
15262:23, 15266:21

JACKSON [1] -
15238:6

James [2] - 15257:14,
15262:44

JAMES [1] - 15238:6

Jehovah [36] -
15250:47, 15256:40,
15257:6, 15257:12,
15257:27, 15258:6,
15258:14, 15259:12,
15262:38, 15273:38,
15273:42, 15273:44,
15273:45, 15281:25,
15282:14, 15282:31,
15282:46, 15283:20,
15283:22, 15284:36,
15289:43, 15291:7,
15291:37, 15291:38,
15292:14, 15292:18,
15293:9, 15294:38,
15294:39, 15294:44,
15295:24, 15304:32,
15305:5, 15305:8,
15305:10, 15305:32

Jehovah's [83] -
15248:16, 15250:44,
15251:2, 15251:25,
15259:15, 15261:15,
15261:31, 15263:28,
15263:39, 15265:42,
15268:2, 15273:19,
15273:29, 15274:21,
15279:11, 15280:15,
15280:24, 15280:27,
15280:34, 15280:37,
15280:39, 15280:41,
15280:45, 15281:2,
15281:24, 15281:32,
15281:41, 15281:43,
15281:46, 15282:1,
15282:4, 15282:5,
15282:30, 15283:1,
15283:12, 15283:16,
15284:41, 15285:26,
15288:25, 15289:41,
15290:38, 15291:2,

15291:32, 15292:29, 15292:34, 15292:40, 15293:6, 15293:8, 15294:9, 15295:8, 15295:24, 15296:3, 15296:8, 15296:20, 15296:32, 15296:40, 15296:43, 15298:1, 15298:8, 15298:16, 15298:37, 15302:28, 15304:24, 15304:31, 15304:38, 15304:40, 15305:2, 15305:12, 15305:19, 15305:25, 15306:43, 15306:47, 15307:5, 15307:29, 15309:26, 15309:46, 15312:7, 15312:11, 15312:27, 15312:40, 15313:3, 15314:11, 15319:35

Jim [1] - 15290:6

job [1] - 15286:33

Joe [2] - 15266:37, 15290:5

John [1] - 15295:37

joined [3] - 15280:25, 15280:27, 15280:34

joke [1] - 15286:4

joke" [1] - 15321:24

JOSEPH [2] - 15267:10, 15267:46

Joseph [1] - 15267:15

judge [3] - 15280:41, 15291:23, 15295:11

judges [1] - 15332:11

judgment [4] - 15294:22, 15295:8, 15295:27, 15305:18

judgmental [1] - 15309:28

judicial [9] - 15239:32, 15240:13, 15269:8, 15269:11, 15318:16, 15324:45, 15327:6, 15330:11, 15330:14

judicially [1] - 15242:28

July [10] - 15237:31, 15264:26, 15267:18, 15272:42, 15278:35, 15290:3, 15320:17, 15320:32, 15320:36, 15320:44

JULY [1] - 15337:6

June [3] - 15264:26, 15286:41, 15301:11

jury [1] - 15293:47

justice [1] - 15291:34

Justice [1] - 15237:37

justification [3] - 15242:42, 15334:21, 15334:23

K

keen [1] - 15281:36

keep [4] - 15257:34, 15283:39, 15293:20, 15304:46

keeping [2] - 15257:13, 15281:12

kept [5] - 15245:23, 15286:7, 15289:6, 15308:2, 15330:2

Kerry [2] - 15301:32, 15319:8

Kevin [16] - 15286:22, 15286:26, 15287:20, 15287:29, 15290:8, 15290:20, 15290:36, 15293:3, 15301:7, 15301:26, 15301:32, 15302:15, 15308:47, 15326:30, 15329:41

kick [2] - 15282:35, 15285:29

kicked [3] - 15282:45, 15286:1, 15321:20

kill [5] - 15289:25, 15294:44, 15305:6, 15305:8, 15305:34

killed [2] - 15305:19, 15317:9

killing [2] - 15305:10, 15317:20

kind [4] - 15241:12, 15279:36, 15310:7, 15323:11

kindness [1] - 15259:2

Kingdom [15] - 15280:44, 15280:46, 15281:7, 15281:21, 15285:45, 15287:40, 15297:32, 15297:33, 15297:36, 15297:38, 15301:27, 15308:23, 15310:42, 15311:7, 15321:15

kiss [2] - 15283:33, 15283:34

kissing [7] - 15244:24, 15244:31, 15246:43, 15250:27, 15250:32, 15259:26, 15316:30

knees [1] - 15289:7

knock [1] - 15312:33

knocked [1] - 15301:20

knocking [2] - 15286:7, 15289:7

knowing [5] - 15246:23, 15247:24, 15288:23, 15291:45, 15311:29

knowledge [8] - 15274:1, 15275:19, 15300:36, 15313:13, 15317:31, 15317:32, 15318:45, 15318:47

known [2] - 15278:31, 15280:7

knows [2] - 15312:47, 15334:39

KS10 [1] - 15240:41

L

lady [1] - 15312:34

last [13] - 15240:21, 15249:38, 15252:9, 15278:43, 15279:2, 15279:30, 15285:2, 15295:1, 15303:14, 15312:34, 15315:33, 15321:40, 15334:21

late [2] - 15282:11, 15317:41

latter [1] - 15313:13

laughed [2] - 15286:2, 15321:21

law [15] - 15255:40, 15259:39, 15268:34, 15280:12, 15289:44, 15298:21, 15317:31, 15332:15, 15332:34, 15333:31, 15333:38, 15333:39, 15334:28, 15334:29, 15334:32

laws [3] - 15296:30, 15298:15, 15312:9

lawyers [1] - 15333:39

laying [1] - 15288:34

lead [1] - 15316:3

leading [1] - 15281:19

learning [1] - 15333:34

least [8] - 15251:35, 15252:1, 15277:20, 15281:7, 15284:19, 15286:39, 15294:8, 15328:1

leather [1] - 15282:26

leave [4] - 15283:14, 15286:13, 15297:39, 15304:4

leaving [2] - 15249:13, 15258:5

left [17] - 15245:37, 15250:6, 15282:27, 15286:19, 15286:20, 15286:43, 15286:44, 15287:26, 15288:22, 15290:33, 15292:29, 15292:32, 15292:37, 15293:5, 15297:33, 15297:42, 15303:41

Legal [1] - 15264:41

legal [23] - 15254:41, 15254:47, 15255:16, 15255:19, 15255:21, 15268:29, 15268:31, 15268:33, 15268:36, 15275:24, 15299:15, 15308:45, 15311:17, 15312:4, 15317:26, 15317:31, 15332:42, 15333:4, 15333:9, 15333:12, 15333:36, 15333:37, 15333:47

legs [1] - 15288:34

less [1] - 15283:19

lessons [2] - 15282:2, 15282:4

letter [65] - 15242:1, 15244:43, 15245:4, 15245:8, 15245:29, 15246:3, 15246:5, 15246:7, 15246:9, 15246:37, 15247:3, 15247:38, 15248:5, 15248:35, 15249:18, 15249:27, 15249:30, 15252:8, 15253:42, 15254:16, 15256:21, 15259:1, 15261:14, 15261:19, 15262:32, 15264:23, 15264:41, 15270:44, 15271:5, 15271:13, 15271:21, 15272:1, 15272:3, 15272:8, 15272:16, 15272:21, 15272:24, 15272:29, 15274:38, 15274:39, 15274:42, 15275:12, 15275:13, 15275:15, 15292:5, 15292:7, 15292:9, 15292:10, 15292:13, 15292:14, 15292:17, 15293:10, 15300:1, 15300:3, 15300:4, 15300:5, 15300:22, 15300:25, 15300:33, 15310:28, 15310:30, 15310:31, 15310:34

letters [8] - 15243:4, 15243:23, 15253:8, 15264:6, 15264:11, 15264:23, 15264:32, 15265:14

letting [2] - 15291:14, 15331:10

level [1] - 15327:35

Level [1] - 15237:27

liar [1] - 15311:4

lie [1] - 15289:23

lied' [1] - 15290:45

life [4] - 15291:39, 15294:35, 15306:7, 15319:47

light [1] - 15334:20

likely [3] - 15242:29, 15260:25, 15283:19

liken [1] - 15298:9

limited [3] - 15249:5, 15277:18, 15292:47

line [8] - 15255:31, 15281:28, 15290:22, 15305:41, 15306:37, 15315:47, 15319:38, 15319:41

lines [2] - 15316:8, 15321:12

lips [1] - 15283:34

list [2] - 15326:38, 15336:21

listen [4] - 15267:29, 15278:3, 15281:39, 15320:3

listening [1] - 15311:24

live [9] - 15252:40, 15283:22, 15290:33, 15291:1, 15301:27, 15301:45, 15308:16, 15308:21, 15309:32

lived [3] - 15294:35, 15294:37

lives [2] - 15263:22, 15307:2

living [9] - 15301:41, 15303:35, 15303:39, 15303:41, 15315:5, 15315:14, 15315:21, 15317:28, 15319:14

locations [1] - 15260:33

lock [3] - 15283:39, 15284:17, 15286:10

locked [1] - 15285:40

look [20] - 15241:44, 15244:37, 15250:42, 15264:6, 15268:47, 15269:4, 15271:46, 15272:6, 15274:15, 15275:39, 15276:4, 15280:30, 15292:12, 15300:2, 15301:34,

15308:4, 15309:32, 15318:1, 15324:40, 15330:30
looked [3] - 15273:25, 15299:32, 15311:33
looking [15] - 15238:24, 15240:13, 15241:14, 15242:40, 15244:21, 15244:27, 15249:14, 15250:10, 15250:22, 15252:24, 15274:11, 15274:41, 15326:5, 15330:41, 15331:41
looks [1] - 15298:42
Loose [1] - 15251:24
loose [9] - 15246:33, 15248:6, 15248:9, 15248:12, 15248:15, 15248:33, 15249:22, 15250:1, 15289:34
lost [1] - 15326:16
louder [1] - 15267:27
lounge [1] - 15288:35
love [2] - 15282:30, 15333:22
loving [2] - 15273:39, 15319:44
lower [1] - 15306:47
lunch [1] - 15286:32
luncheon [1] - 15293:23
lying [5] - 15289:23, 15299:25, 15299:28, 15306:33
Lyn [5] - 15286:21, 15286:24, 15286:25, 15302:11, 15303:16

M

Macquarie [1] - 15237:27
magazine [2] - 15265:23, 15310:38
magazines [3] - 15275:42, 15286:14, 15319:42
mail [2] - 15290:34, 15291:21
major [1] - 15325:40
making [1] - 15287:18
male [5] - 15243:13, 15288:3, 15307:43, 15309:27
males [2] - 15308:13, 15310:9
man [8] - 15248:24, 15248:31, 15280:39, 15281:26, 15284:21, 15285:33, 15319:29, 15319:30
managed [4] - 15285:10, 15285:12, 15285:42, 15290:40
managing [1] - 15281:2
mandated [1] - 15299:35
mandatory [3] - 15268:21, 15296:30, 15312:9
manner [2] - 15269:6, 15292:42
Manslaughter [1] - 15251:7
March [1] - 15264:25
Mareeba [14] - 15280:33, 15280:34, 15280:38, 15286:32, 15290:33, 15291:1, 15291:2, 15291:42, 15293:7, 15294:14, 15308:15, 15309:30, 15311:45, 15314:17
Mark [2] - 15301:33, 15319:8
marriage [1] - 15301:41
married [11] - 15257:9, 15286:21, 15291:3, 15299:27, 15301:37, 15301:47, 15302:18, 15304:5, 15307:40, 15316:14
massage [1] - 15284:44
massaged [1] - 15288:37
massaging [1] - 15284:44
masturbation [1] - 15252:3
match [1] - 15271:40
matching [1] - 15304:5
material [2] - 15248:17, 15281:41
matter [44] - 15242:19, 15242:28, 15246:11, 15246:19, 15247:4, 15253:33, 15254:8, 15254:13, 15255:34, 15255:43, 15256:29, 15256:40, 15257:6, 15258:6, 15258:11, 15258:31, 15260:6, 15260:29, 15261:44, 15262:38, 15266:45, 15268:45, 15269:4, 15272:13, 15272:46, 15273:3, 15273:4, 15273:9, 15273:11, 15273:16, 15274:10, 15275:28, 15277:35, 15282:21, 15291:36, 15298:15, 15298:17, 15310:2, 15310:45, 15317:36, 15325:1, 15330:37, 15330:45, 15334:13
matters [13] - 15243:23, 15245:33, 15254:37, 15263:22, 15264:37, 15295:9, 15296:7, 15299:10, 15299:11, 15321:40, 15322:10, 15325:16, 15326:41
Max [6] - 15238:22, 15244:45, 15245:7, 15254:17, 15256:31, 15258:33
McClellan [1] - 15237:37
me [5] - 15284:27, 15286:47, 15287:16, 15288:20, 15289:15
mean [33] - 15241:32, 15252:19, 15253:18, 15255:2, 15255:10, 15255:28, 15258:5, 15259:17, 15265:27, 15268:40, 15274:35, 15274:38, 15275:34, 15283:17, 15297:25, 15298:25, 15304:40, 15304:41, 15305:9, 15309:43, 15310:8, 15314:35, 15314:41, 15315:1, 15320:26, 15321:2, 15324:28, 15325:1, 15332:6, 15333:6, 15333:17, 15333:37, 15335:13
means [6] - 15282:39, 15315:6, 15315:26, 15324:12, 15333:24, 15335:13
meant [4] - 15249:32, 15258:4, 15273:33, 15299:18
measure [1] - 15273:21
medical [5] - 15261:27, 15261:35, 15262:2, 15262:16, 15276:29
medication [1] - 15308:12
meet [4] - 15287:33, 15289:2, 15329:9, 15329:13
meeting [24] - 15238:13, 15238:22, 15241:32, 15242:36, 15246:44, 15281:8, 15281:9, 15281:10, 15282:39, 15285:45, 15287:14, 15287:28, 15287:39, 15289:15, 15290:19, 15290:27, 15293:45, 15297:38, 15297:39, 15305:42, 15306:16, 15313:11, 15330:10, 15330:13
Meeting [1] - 15287:22
Meetings [1] - 15294:21
meetings [31] - 15243:29, 15254:15, 15280:46, 15281:7, 15281:10, 15281:13, 15281:17, 15281:19, 15285:34, 15287:36, 15290:9, 15290:17, 15291:18, 15291:19, 15293:4, 15293:44, 15294:6, 15294:14, 15294:20, 15295:16, 15297:29, 15297:31, 15301:21, 15304:43, 15305:46, 15307:25, 15308:36, 15310:17, 15311:3, 15313:17, 15329:44
member [12] - 15263:8, 15291:1, 15315:13, 15315:14, 15315:21, 15315:41, 15316:6, 15316:20, 15317:8, 15323:30, 15325:15, 15334:41
members [15] - 15259:14, 15260:38, 15281:2, 15282:43, 15291:46, 15292:34, 15295:9, 15297:17, 15297:19, 15297:43, 15299:34, 15314:39, 15314:47, 15315:37
memory [5] - 15269:39, 15283:28, 15313:16, 15318:35, 15324:43
men [7] - 15238:26, 15238:37, 15239:9, 15281:24, 15306:5, 15330:9, 15330:23
mental [1] - 15286:17
mention [6] - 15249:37, 15258:10, 15272:45, 15300:9, 15313:10, 15336:20
mentioned [5] - 15248:19, 15298:28, 15309:38, 15311:47, 15312:3
mentioning [1] - 15318:11
mentions [4] - 15239:39, 15249:21, 15251:47, 15315:43
Merrin [1] - 15313:29
met [2] - 15329:14, 15329:22
microphone [2] - 15267:27, 15267:28
mid [2] - 15281:10, 15283:9
mid-teens [1] - 15283:9
mid-week [1] - 15281:10
middle [2] - 15258:38, 15328:19
might [28] - 15238:34, 15239:5, 15239:22, 15239:23, 15248:1, 15249:30, 15250:15, 15253:3, 15258:4, 15261:15, 15267:34, 15271:35, 15273:19, 15273:32, 15276:5, 15277:5, 15277:34, 15277:43, 15285:23, 15298:32, 15298:42, 15310:26, 15311:9, 15316:41, 15322:43, 15326:1, 15334:36, 15335:19
Milroy [1] - 15237:38
mind [6] - 15257:13, 15266:43, 15296:13, 15306:41, 15318:7, 15328:43
minds [1] - 15296:13
mine [1] - 15287:11
ministerial [7] - 15252:29, 15280:38, 15280:40, 15280:42, 15281:11, 15281:19, 15292:31
ministry [1] - 15273:12
Ministry [2] - 15263:10, 15266:11
Ministry [1] - 15266:12

minor [5] - 15315:16, 15316:39, 15322:22, 15325:34, 15325:40
minute [1] - 15323:17
minutes [1] - 15334:21
Miraziz [1] - 15290:6
misconduct [2] - 15251:10, 15286:15
missed [1] - 15305:41
mistrial [1] - 15294:1
mistrusted [1] - 15311:3
mmm-hmm [6] - 15271:3, 15276:13, 15276:17, 15300:10, 15319:6, 15326:20
modern [1] - 15334:35
molested [2] - 15316:10, 15327:17
moment [4] - 15268:13, 15317:42, 15318:18, 15327:45
momentary [1] - 15251:18
money [3] - 15276:47, 15284:1, 15285:6
money' [1] - 15285:8
months [6] - 15252:37, 15277:34, 15286:12, 15286:19, 15286:41, 15294:20
moral [9] - 15239:33, 15239:35, 15239:37, 15242:41, 15242:43, 15242:45, 15251:25, 15253:3, 15307:2
morals [1] - 15306:47
morning [2] - 15266:28, 15337:3
mortified [1] - 15289:39
Moses [1] - 15334:29
most [3] - 15317:7, 15331:31, 15334:31
mother [35] - 15280:19, 15280:26, 15280:29, 15283:45, 15284:6, 15284:10, 15284:18, 15284:29, 15284:40, 15285:3, 15285:14, 15285:20, 15285:37, 15286:6, 15286:43, 15287:24, 15288:16, 15288:19, 15288:22, 15288:24, 15288:27, 15288:30, 15288:40, 15289:44, 15290:42, 15294:19, 15294:26, 15299:3, 15299:6, 15301:18, 15301:23, 15301:28, 15304:4, 15310:16, 15310:17
mothers [1] - 15298:1
motions [1] - 15325:5
motor [3] - 15280:19, 15284:41, 15284:43
mouth [2] - 15260:2, 15273:18
move [3] - 15289:25, 15301:22, 15302:21
moved [12] - 15277:44, 15280:32, 15284:45, 15286:43, 15290:32, 15290:37, 15292:27, 15302:18, 15302:24, 15302:27, 15319:3, 15319:8
movies [1] - 15284:30
moving [1] - 15263:46
mud [3] - 15273:19, 15273:30, 15274:22
multiple [2] - 15259:34, 15260:12
murder [2] - 15255:39, 15317:8
must [7] - 15240:2, 15286:37, 15302:35, 15319:44, 15328:20, 15330:33, 15332:14
mutual [1] - 15252:3

N

naked [1] - 15284:12
name [36] - 15256:21, 15262:30, 15267:14, 15269:41, 15272:16, 15273:19, 15273:29, 15273:43, 15273:45, 15274:1, 15274:22, 15278:31, 15279:12, 15280:6, 15283:12, 15291:32, 15293:8, 15294:45, 15295:3, 15295:5, 15296:8, 15298:31, 15304:40, 15305:2, 15309:26, 15309:47, 15314:7, 15317:42, 15318:5, 15318:6, 15318:7, 15318:34, 15326:40
name'' [1] - 15304:38
named [1] - 15302:44
names [6] - 15269:37, 15269:38, 15269:40, 15272:35, 15318:11, 15336:20
nappy [1] - 15283:27

Narrogin [1] - 15256:30
Natalie [5] - 15292:41, 15309:7, 15309:13, 15311:25, 15311:36
nature [6] - 15243:15, 15312:10, 15325:2, 15327:33, 15327:40, 15333:10
near [3] - 15286:32, 15311:43, 15311:45
necessary [5] - 15243:39, 15266:40, 15278:22, 15313:44, 15319:38
need [25] - 15239:40, 15239:42, 15240:3, 15242:20, 15242:22, 15242:29, 15242:35, 15251:2, 15261:26, 15261:30, 15262:25, 15276:35, 15285:8, 15286:24, 15287:10, 15289:35, 15312:14, 15317:16, 15322:47, 15323:46, 15330:30, 15331:12, 15332:12, 15333:20, 15334:14
needed [13] - 15249:40, 15258:25, 15261:21, 15276:39, 15276:43, 15282:16, 15282:20, 15311:27, 15323:25, 15326:27, 15330:6, 15331:14, 15332:35
needs [2] - 15312:25, 15315:16
negative [1] - 15304:42
neighbour [1] - 15336:30
neighbour's [1] - 15285:12
Neill [18] - 15238:41, 15244:21, 15244:22, 15244:23, 15244:27, 15246:34, 15247:4, 15247:29, 15249:31, 15250:17, 15252:14, 15257:8, 15258:24, 15258:40, 15260:11, 15271:16, 15272:23
Neill's [1] - 15252:46
Neills [1] - 15262:41
nervous [1] - 15309:24
network [1] - 15312:29
never [19] - 15243:14, 15245:30, 15254:25, 15254:28, 15255:42, 15274:24, 15277:9, 15280:2, 15282:7, 15282:21, 15282:32, 15288:9, 15290:35, 15294:29, 15299:15, 15306:7, 15307:12, 15308:33, 15332:31
nevertheless [2] - 15311:39, 15311:40
New [1] - 15240:34
news [2] - 15277:46, 15277:47
next [15] - 15246:24, 15258:14, 15266:25, 15266:37, 15268:19, 15270:23, 15271:46, 15278:20, 15281:25, 15281:28, 15287:3, 15287:21, 15300:4, 15305:17, 15313:40
nicely [1] - 15287:12
night [4] - 15244:24, 15244:25, 15283:27, 15284:13
nightmares [3] - 15284:35, 15294:43, 15308:6
nine [1] - 15286:19
no [1] - 15238:25
no-one [1] - 15290:12
nobody [7] - 15282:40, 15287:34, 15291:13, 15294:31, 15294:39, 15298:18, 15328:45
non [1] - 15309:28
non-judgmental [1] - 15309:28
none [1] - 15270:9
normal [1] - 15284:3
normally [5] - 15245:28, 15252:37, 15284:33, 15310:37, 15312:33
north [1] - 15280:33
note [3] - 15258:38, 15307:21, 15307:25
notes [11] - 15245:4, 15245:10, 15245:13, 15245:21, 15245:26, 15245:31, 15245:41, 15246:1, 15257:34, 15290:35, 15313:17
nothing [7] - 15242:32, 15265:35, 15284:34, 15303:20, 15303:33, 15313:7, 15313:31

notice [1] - 15277:22
noticed [1] - 15249:38
November [3] - 15291:3, 15291:41, 15301:37
now [1] - 15287:5
nowhere [2] - 15311:43, 15311:45
number [8] - 15239:9, 15284:11, 15287:29, 15302:33, 15304:38, 15329:9, 15329:16, 15329:17

O

o'clock [2] - 15293:24, 15337:3
oath [5] - 15238:6, 15266:41, 15278:23, 15313:45, 15314:1
obedient [7] - 15281:37, 15282:20, 15282:31, 15283:8, 15284:15, 15284:25, 15284:27
obedient' [1] - 15284:47
obey [1] - 15281:27
obligation [5] - 15254:47, 15255:16, 15255:19, 15277:4, 15333:47
obligations [1] - 15317:32
obliged [1] - 15316:20
observe [1] - 15316:26
observed [1] - 15316:31
observer [1] - 15242:45
observers [2] - 15239:32, 15242:40
obtaining [2] - 15277:6, 15311:22
obvious [1] - 15276:39
obviously [4] - 15257:44, 15276:43, 15309:25, 15312:4
occasion [9] - 15246:32, 15248:32, 15285:2, 15285:37, 15286:16, 15286:31, 15287:30, 15301:3, 15328:10
occasions [11] - 15248:36, 15248:43, 15248:47, 15249:21,

15250:30, 15250:32, 15259:24, 15284:11, 15284:20, 15287:29, 15304:38
occur [4] - 15243:34, 15261:26, 15328:9, 15330:22
occurred [8] - 15244:25, 15260:7, 15271:28, 15273:8, 15288:28, 15303:30, 15323:15, 15326:5
October [4] - 15264:15, 15264:36, 15283:45, 15286:20
OF [3] - 15267:46, 15279:23, 15336:45
offence [4] - 15254:5, 15254:24, 15254:31, 15312:20
offend [2] - 15253:24, 15312:23
offended [1] - 15312:27
offer [3] - 15281:18, 15288:6, 15329:45
offered [3] - 15295:46, 15310:14, 15335:11
offering [1] - 15335:15
offers [1] - 15295:16
offhand [4] - 15248:19, 15254:32, 15266:14, 15326:33
office [9] - 15240:24, 15240:32, 15242:4, 15242:18, 15268:20, 15268:25, 15270:34, 15286:32, 15328:8
Office [2] - 15241:47, 15242:2
officer [4] - 15292:41, 15309:13, 15309:14
offices [1] - 15242:1
often [6] - 15282:26, 15283:37, 15285:34, 15295:18, 15299:16, 15324:43
old [8] - 15280:9, 15280:10, 15280:32, 15283:25, 15283:47, 15289:21, 15314:14
older [7] - 15280:20, 15280:21, 15283:33, 15288:20, 15288:28, 15304:5, 15329:39
oldest [2] - 15280:9, 15297:46
once [11] - 15252:12, 15253:33, 15259:27, 15283:28, 15285:14, 15286:44, 15291:37, 15292:32, 15297:41, 15301:20, 15312:26
one [76] - 15238:21, 15239:13, 15240:2, 15240:4, 15240:44, 15242:26, 15243:2, 15248:32, 15248:39, 15250:21, 15251:15, 15251:35, 15252:1, 15252:26, 15252:38, 15254:42, 15255:25, 15264:5, 15264:11, 15264:15, 15269:26, 15269:41, 15275:41, 15276:38, 15281:9, 15282:28, 15285:37, 15285:46, 15286:16, 15286:21, 15286:31, 15287:3, 15287:30, 15287:40, 15290:12, 15290:27, 15290:37, 15294:43, 15296:4, 15298:42, 15302:35, 15304:37, 15305:46, 15309:29, 15309:40, 15309:42, 15310:16, 15310:18, 15311:18, 15312:24, 15315:45, 15316:10, 15316:14, 15316:32, 15316:33, 15317:40, 15317:47, 15318:2, 15318:7, 15318:8, 15318:25, 15318:37, 15319:19, 15321:7, 15321:10, 15321:11, 15321:15, 15321:40, 15324:38, 15329:30, 15331:25, 15332:9, 15333:11, 15334:31, 15336:35
one-hour [1] - 15281:9
one-off [1] - 15315:45
one-on-one [1] - 15332:9
ones [5] - 15240:5, 15241:14, 15247:31, 15262:46, 15312:37
open [2] - 15259:9, 15286:14
opening [1] - 15290:34
operators [1] - 15303:7
opinion [4] - 15262:15, 15277:14, 15277:15, 15277:20
opportunity [4] - 15320:45, 15323:46, 15330:5, 15333:9
opposed [1] - 15298:44
opposite [5] - 15275:29, 15275:33, 15289:4, 15316:14, 15316:33
oral [1] - 15252:2
ordeal [1] - 15258:45
order [5] - 15281:13, 15281:32, 15296:32, 15316:6, 15319:21
ordinarily [1] - 15245:26
ordinary [2] - 15245:47, 15322:42
organisation [4] - 15277:10, 15300:38, 15304:46, 15312:11
Organised [2] - 15263:10, 15266:11
Organized [2] - 15263:28, 15265:42
origin [2] - 15252:5, 15252:6
original [1] - 15290:17
origins [1] - 15251:44
ostracise [1] - 15297:18
ostracised [6] - 15282:42, 15292:33, 15294:36, 15297:8, 15297:12, 15297:43
ostracism [1] - 15294:23
otherwise [1] - 15279:15
ourselves [1] - 15332:11
outcome [3] - 15305:2, 15311:22
outcomes [1] - 15312:1
outlined [1] - 15332:13
outside [19] - 15241:30, 15244:24, 15247:30, 15270:18, 15281:46, 15282:47, 15285:10, 15292:39, 15296:7, 15298:16, 15300:36, 15301:25, 15304:20, 15304:42, 15307:10, 15307:12, 15307:29, 15316:11, 15330:7
outward [1] - 15295:13
overdose [2] - 15291:5, 15307:41
overdrinking [1] - 15299:26
override [1] - 15240:33
overseer [4] - 15245:25, 15245:34, 15254:22, 15298:36
overseer's [1] - 15246:1
overseers [2] - 15241:1, 15254:38
own [10] - 15273:43, 15273:45, 15283:17, 15285:20, 15295:31, 15304:20, 15304:36, 15311:13, 15330:25, 15330:41

P

paedophiles [2] - 15296:29, 15312:23
page [23] - 15239:25, 15241:44, 15242:8, 15246:7, 15250:43, 15252:9, 15258:36, 15258:43, 15259:24, 15265:42, 15266:2, 15268:18, 15268:19, 15270:23, 15272:6, 15272:21, 15272:39, 15276:9, 15276:10, 15278:39, 15278:43, 15300:4, 15319:27
paid [1] - 15272:42
paper [1] - 15277:43
paragraph [45] - 15238:11, 15238:12, 15238:18, 15239:26, 15239:38, 15239:43, 15240:12, 15240:21, 15246:15, 15246:24, 15250:45, 15252:10, 15256:26, 15258:38, 15258:39, 15259:6, 15262:33, 15264:21, 15268:15, 15269:4, 15269:6, 15269:24, 15270:21, 15270:23, 15270:32, 15272:22, 15272:39, 15274:15, 15278:39, 15278:43, 15278:44, 15279:26, 15279:29, 15313:9, 15318:1, 15319:26, 15321:7, 15321:27, 15321:28, 15321:32, 15321:39, 15321:40, 15322:5, 15322:30
paragraphs [4] - 15239:47, 15240:8, 15277:44, 15319:28
paramount [1] - 15296:30
pardon [2] - 15256:21, 15260:45
parent [3] - 15315:18, 15325:7, 15326:14
parents [17] - 15240:5, 15240:43, 15241:20, 15242:36, 15280:24, 15280:33, 15282:6, 15282:12, 15282:32, 15304:2, 15304:3, 15307:24, 15316:28, 15316:39, 15319:36, 15319:43
park [1] - 15316:30
part [7] - 15269:42, 15270:23, 15281:22, 15286:33, 15307:2, 15314:43, 15328:5
part-time [1] - 15286:33
participate [2] - 15307:22, 15307:26
particular [13] - 15239:38, 15242:8, 15247:36, 15249:42, 15300:30, 15302:20, 15308:47, 15319:29, 15321:2, 15325:10, 15327:45, 15328:13, 15334:13
particularly [8] - 15277:15, 15297:46, 15299:12, 15300:15, 15309:6, 15312:28, 15312:37, 15316:26
partly [1] - 15294:27
partner [2] - 15278:32, 15295:1
partners [1] - 15280:8
parts [2] - 15251:18, 15286:23
passage [1] - 15253:39
passed [1] - 15245:34
past [5] - 15252:17, 15275:46, 15295:3, 15296:36, 15315:28
patting [1] - 15291:44
Pay [1] - 15250:37
pay [4] - 15261:37, 15277:1, 15286:31, 15302:7
paying [1] - 15302:6
pee [1] - 15288:38
Pencheff [1] - 15301:8
penis [1] - 15288:34

people [59] - 15243:5, 15254:41, 15259:44, 15269:10, 15269:43, 15276:35, 15276:40, 15281:33, 15282:37, 15284:3, 15292:44, 15295:10, 15295:15, 15296:27, 15299:27, 15299:33, 15306:41, 15306:42, 15310:15, 15310:21, 15310:25, 15312:19, 15312:20, 15315:3, 15315:6, 15315:7, 15315:17, 15315:26, 15315:29, 15316:9, 15316:23, 15317:3, 15317:11, 15317:15, 15317:19, 15317:44, 15322:45, 15325:6, 15325:16, 15326:40, 15328:42, 15331:13, 15331:26, 15331:27, 15332:22, 15332:30, 15333:18, 15334:12, 15334:13, 15336:9
person's [2] - 15295:11, 15309:47
personal [8] - 15276:37, 15277:14, 15277:15, 15314:33, 15315:38, 15316:38, 15316:39, 15316:46
personally [9] - 15270:35, 15288:11, 15297:23, 15318:22, 15318:27, 15318:36, 15318:42, 15318:43, 15327:22
persons [2] - 15243:24, 15314:40
perspective [1] - 15312:13
Peter [1] - 15237:37
petrified [4] - 15284:22, 15292:2, 15306:7, 15306:12
phase [1] - 15316:4
phone [2] - 15309:24, 15321:35
phoned [1] - 15270:36
phones [1] - 15286:31
phoning [1] - 15322:9
photo [2] - 15302:34, 15302:42
physical [1] - 15319:38
picture [1] - 15299:16
Place [1] - 15237:28
place [4] - 15264:1, 15294:43, 15304:8, 15309:32
plain [3] - 15261:4, 15261:9, 15331:17
planning [3] - 15302:2, 15302:4, 15302:9
platform [6] - 15280:45, 15281:21, 15291:20, 15299:16, 15304:46, 15310:37
pleases [1] - 15238:3
point [12] - 15238:21, 15264:46, 15273:23, 15274:4, 15289:1, 15290:26, 15290:37, 15294:31, 15301:24, 15302:35, 15315:45
points [1] - 15292:12
police [49] - 15254:9, 15254:13, 15254:24, 15254:38, 15254:42, 15255:6, 15255:33, 15255:36, 15255:43, 15258:10, 15260:6, 15260:46, 15268:26, 15268:45, 15269:45, 15270:15, 15275:6, 15275:28, 15275:32, 15283:3, 15291:27, 15291:31, 15292:38, 15292:43, 15292:46, 15292:47, 15293:5, 15293:11, 15294:31, 15294:45, 15296:6, 15296:11, 15296:12, 15296:15, 15298:5, 15298:19, 15309:23, 15311:25, 15311:36, 15312:5, 15312:44, 15316:38, 15316:40, 15317:10, 15317:20, 15317:37, 15318:46, 15334:1
porneia [5] - 15248:13, 15251:34, 15251:45, 15315:44, 15316:10
porneia [1] - 15251:11
pornographic [1] - 15284:30
portions [1] - 15320:47
posed [1] - 15281:18
position [8] - 15239:29, 15239:30, 15243:31, 15295:12, 15297:16, 15332:38, 15334:6, 15334:17
positive [2] - 15296:41, 15308:4
positively [3] - 15274:36, 15275:10, 15275:19
possibility [2] - 15273:9, 15329:45
possible [2] - 15240:36, 15334:4
possibly [6] - 15245:37, 15250:11, 15323:13, 15326:42, 15326:45, 15334:3
post [1] - 15286:32
potential [2] - 15252:46, 15253:13
powerful [1] - 15305:28
practical [2] - 15314:41, 15315:1
practice [5] - 15246:1, 15255:1, 15296:24, 15312:21, 15315:45
practices [4] - 15296:23, 15296:40, 15298:8, 15312:12
practising [1] - 15312:39
practitioners [1] - 15276:36
pray [1] - 15284:36
prayed [1] - 15292:19
preaching [4] - 15281:3, 15282:17, 15295:19, 15305:16
precautions [1] - 15315:15
precedent [1] - 15296:47
prelude [1] - 15325:9
prepare [1] - 15281:13
prepared [4] - 15261:31, 15261:37, 15317:19, 15320:40
prescribed [1] - 15308:12
prescription [1] - 15299:9
present [13] - 15239:32, 15239:37, 15242:41, 15242:45, 15269:20, 15285:30, 15296:36, 15317:22, 15318:38, 15318:40, 15319:2, 15330:9, 15330:16
present' [2] - 15286:27, 15286:37
preserve [1] - 15300:16
presided [2] - 15293:44, 15313:10
presiding [1] - 15298:36
pressure [2] - 15281:17, 15283:7
presumably [1] - 15245:18
presumed [1] - 15271:36
pretty [5] - 15276:39, 15301:22, 15304:45, 15308:6, 15308:29
prevent [1] - 15296:10
prevents [1] - 15296:45
previous [3] - 15258:43, 15259:24, 15264:32
previously [2] - 15280:7, 15311:47
primarily [1] - 15295:27
principally [1] - 15255:36
principle [3] - 15257:14, 15315:25
principles [5] - 15241:13, 15316:8, 15319:46, 15331:29, 15332:12
printed [1] - 15333:26
privacy [1] - 15286:9
private [2] - 15281:1, 15330:2
privately [2] - 15269:17, 15296:25
privileges [1] - 15265:11
privy [1] - 15320:23
problem [2] - 15243:8, 15243:9
problems [1] - 15324:34
procedure [2] - 15239:32, 15254:40
procedures [1] - 15263:47
proceedings [3] - 15326:38, 15335:28, 15335:34
process [21] - 15244:10, 15261:9, 15263:4, 15287:43, 15296:16, 15303:39, 15303:40, 15304:15, 15304:20, 15305:36, 15306:8, 15310:15, 15311:17, 15311:22, 15311:29, 15311:40, 15311:42, 15312:4,

15318:15, 15331:10
processes [6] -
15266:15, 15296:41,
15308:46, 15309:2
professed [1] -
15289:42
professing [1] -
15274:2
professional [7] -
15241:30, 15242:33,
15276:39, 15276:43,
15276:44, 15276:47,
15277:6
professionals [1] -
15261:27
professor [1] -
15237:38
programs [2] -
15281:39, 15281:40
promote [1] -
15296:46
promptly [1] -
15328:16
prone [1] - 15284:21
proof [1] - 15330:38
proper [1] - 15253:11
properly [1] -
15286:10
property [1] -
15285:12
proposition [2] -
15259:29, 15259:35
prosecution [2] -
15313:27, 15335:35
prospect [1] - 15283:3
protect [11] -
15253:23, 15289:45,
15292:19, 15292:22,
15295:25, 15295:26,
15296:29, 15296:32,
15312:15, 15312:46,
15316:34
protected [4] -
15289:28, 15294:40,
15311:32, 15313:3
protection [5] -
15294:29, 15295:47,
15296:35, 15309:3,
15316:25
protections [1] -
15294:10
protective [1] -
15295:1
protectiveness [1] -
15310:10
protested [1] -
15284:14
proud [2] - 15284:3,
15330:33
prove [1] - 15332:33
provide [7] - 15262:1,
15270:41, 15270:42,
15315:17, 15323:1,
15323:26
provided [7] -
15271:8, 15271:12,
15271:14, 15272:34,
15308:39, 15311:33,
15320:10
providing [2] -
15272:36, 15330:29
proving [1] - 15333:21
pseudonym [1] -
15326:37
psychiatric [3] -
15241:40, 15261:21,
15276:29
psychiatrist [2] -
15241:26, 15307:35
psychological [1] -
15276:30
psychologist [6] -
15306:39, 15307:34,
15307:35, 15307:39,
15307:42
psychology [1] -
15295:43
Public [1] - 15237:22
public [2] - 15274:1,
15294:23
publication [2] -
15239:39, 15276:9
publications [13] -
15241:14, 15243:4,
15248:20, 15248:22,
15249:41, 15252:38,
15254:45, 15260:26,
15261:17, 15264:7,
15265:21, 15265:31,
15307:24
publicity [1] -
15277:38
published [3] -
15240:17, 15240:33,
15250:39
publishers [1] -
15268:13
punishment [3] -
15283:20, 15293:10,
15319:36
purpose [3] -
15271:26, 15272:32,
15287:35
pursue [2] - 15282:15,
15305:14
pushed [1] - 15285:9
put [18] - 15242:14,
15253:42, 15271:10,
15283:27, 15284:25,
15284:36, 15288:34,
15289:3, 15292:18,
15292:20, 15294:39,
15307:42, 15311:1,
15311:44, 15314:46,
15325:16, 15326:4,
15330:25
putting [2] - 15274:8,
15310:27

Q

QLD.0068.001.1409
[1] - 15292:14
QLD.0068.001.1410
[1] - 15292:9
qualifications [2] -
15247:28, 15247:30
qualified [3] -
15241:22, 15276:36,
15333:40
qualify [1] - 15289:41
Queensland [4] -
15280:5, 15280:26,
15280:33, 15317:28
questioned [1] -
15261:23
questioning [4] -
15281:27, 15294:8,
15306:18, 15306:19
questions [29] -
15255:46, 15256:1,
15256:14, 15259:23,
15262:31, 15263:3,
15263:13, 15263:47,
15275:37, 15278:5,
15281:18, 15287:42,
15288:11, 15290:15,
15297:4, 15300:40,
15300:42, 15301:10,
15303:27, 15303:30,
15306:25, 15306:26,
15306:31, 15306:32,
15312:42, 15328:34,
15328:36, 15328:37,
15329:4
quickly [1] - 15253:9
quiet [1] - 15284:47
quite [15] - 15271:17,
15272:7, 15279:30,
15283:10, 15306:45,
15308:25, 15313:14,
15314:42, 15315:24,
15319:19, 15323:37,
15332:17, 15334:4,
15335:13
quote [2] - 15280:43,
15315:25
quoted [5] - 15243:2,
15261:17, 15284:24,
15291:29, 15298:36
quotes [1] - 15262:44

R

radio [3] - 15278:2,
15278:3, 15281:39
raise [3] - 15322:22,
15322:44, 15323:12
raised [7] - 15244:35,
15250:34, 15292:13,
15324:4, 15326:40,
15326:47, 15334:45
raises [1] - 15240:39
raising [1] - 15322:21
ran [1] - 15285:10
rather [2] - 15295:26,
15330:33
rational [1] - 15334:27
rationality [2] -
15334:26, 15334:28
re [2] - 15252:25,
15312:23
re-offend [1] -
15312:23
re-write [1] - 15252:25
reached [1] -
15332:31
react [1] - 15288:12
reaction [1] -
15323:22
read [19] - 15242:15,
15243:23, 15269:38,
15272:4, 15275:46,
15277:41, 15277:43,
15279:25, 15279:33,
15281:14, 15281:40,
15290:35, 15293:38,
15308:35, 15320:13,
15320:17, 15320:19,
15320:45, 15322:30
ready [1] - 15293:37
real [3] - 15284:35,
15297:45, 15325:6
realistic [2] -
15276:11, 15276:15
really [34] - 15239:42,
15243:8, 15245:30,
15245:47, 15254:25,
15257:14, 15258:39,
15260:41, 15262:8,
15264:36, 15265:24,
15271:18, 15271:23,
15281:36, 15283:33,
15284:43, 15287:35,
15288:6, 15292:31,
15295:2, 15300:35,
15301:33, 15303:33,
15308:41, 15311:28,
15312:14, 15312:38,
15313:14, 15316:4,
15316:19, 15317:33,
15326:11, 15330:34,
15332:45
reappointed [1] -
15253:31
reason [1] - 15293:12
reasons [2] -
15283:15, 15314:33
recalling [1] -
15330:31
receive [7] - 15261:31,
15274:27, 15274:47,
15276:36, 15295:39,
15308:32, 15335:12
received [10] -
15241:3, 15245:39,
15249:10, 15260:14,
15277:37, 15292:10,
15300:8, 15316:47,
15331:36, 15332:39
receiving [2] -
15300:12, 15328:9
recent [1] - 15253:7
recognise [5] -
15244:38, 15270:44,
15272:1, 15284:4,
15300:4
recollect [6] -
15324:31, 15324:35,
15324:37, 15325:9,
15325:29
recollection [7] -
15259:39, 15272:34,
15324:9, 15324:10,
15324:18, 15324:21,
15328:19
recommend [4] -
15252:12, 15255:5,
15261:35, 15262:14
recommendation [3] -
15247:14, 15276:38,
15311:47
recommendations [4]
- 15244:11,
15244:12, 15244:15,
15312:5
recommended [7] -
15252:15, 15252:26,
15252:28, 15252:40,
15253:9, 15254:14,
15261:24
record [5] - 15249:24,
15257:41, 15298:38,
15303:26, 15314:8
recorded [2] -
15253:32, 15272:22
records [2] -
15269:36, 15326:8
recounting [1] -
15330:32

REDACTED [8] - 15291:26, 15292:6, 15288:41, 15289:7, 15315:41, 15316:7, 15315:41, 15325:14,
 15268:9, 15269:42, 15299:44, 15308:22, 15289:11, 15289:14, 15316:21, 15316:25, 15334:31
 15270:2, 15280:5, **reinstating** [1] - 15289:31, 15290:4, 15316:40, 15316:47, **requiring** [1] -
 15280:29, 15280:33, 15312:21, 15290:20, 15290:29, 15317:9, 15317:32, 15296:23
 15295:5, 15302:44, **rejected** [1] - 15290:36, 15291:7, 15334:1, **research** [1] -
 15277:20
REDACTED [2] - 15290:32, **related** [1] - 15264:41, **reported** [22] -
 15254:23, 15254:38, **reserve** [1] - 15317:4
 15280:22, 15280:29, **relating** [3] - 15255:6, 15255:13, **resigned** [2] -
 15314:35, 15314:37
redress [1] - 15296:35, **relating** [3] - 15263:13, 15263:23, 15265:27, **resisted** [1] -
 15284:20
refer [4] - 15264:5, 15264:12, 15264:37, 15318:5, **relation** [9] -
 15253:12, 15262:33, **resource** [1] -
 15267:28
reference [14] - 15248:17, 15249:5, 15250:31, 15256:20, 15258:20, 15258:37, 15259:23, 15259:25, 15261:14, 15273:20, 15275:4, 15295:12, 15300:26, 15318:4, **respect** [4] -
 15247:24, 15282:31,
 15317:2, 15334:29
references [1] - 15259:11, 15294:26, 15309:19, 15315:7, **respected** [1] -
 15285:18
referred [7] - 15248:12, 15262:40, 15262:41, 15265:43, 15283:1, 15284:24, 15335:46, **respond** [4] -
 15241:18, 15242:1,
 15268:17, 15300:12
referring [11] - 15256:44, 15258:23, 15265:14, 15265:21, 15265:22, 15269:12, 15274:30, 15298:43, 15310:30, 15317:47, 15318:23, **responded** [2] -
 15289:16, 15292:8
refers [2] - 15248:5, 15319:29, **responding** [1] -
 15322:47
reflect [1] - 15323:46, **response** [18] -
 15270:38, 15276:29,
 15276:30, 15286:2,
 15286:47, 15288:43,
 15292:10, 15310:34,
 15320:30, 15321:21,
 15322:20, 15322:24,
 15323:20, 15324:13,
 15325:12, 15325:20,
 15325:24
refrain [1] - 15281:27, **responses** [2] -
 15245:18, 15264:5
refuge [1] - 15319:17, **RESPONSES** [1] -
 15237:18
refused [3] - 15285:5, 15292:3, 15295:28, **responsibilities** [2] -
 15254:29, 15280:47
regard [5] - 15246:43, 15272:7, 15319:35, 15319:44, 15328:32, **responsibility** [6] -
 15282:5, 15299:21,
 15315:38, 15316:7,
 15316:43, 15319:43
regarded [2] - 15280:36, 15298:14, **request** [1] - 15324:13
regarding [6] - 15242:19, 15251:3, 15264:24, 15264:42, 15264:45, 15265:5, **requested** [1] -
 15335:42
regards [2] - 15245:36, 15254:43, **require** [3] - 15323:34, 15333:32, 15334:17
regularly [2] - 15280:44, 15304:9, **required** [6] -
 15299:23, 15315:18,
 15332:34, 15333:44,
 15334:10, 15335:42
reinstate [1] - 15296:27, **requirement** [6] -
 15247:7, 15268:29,
 15268:31, 15268:33,
 15268:36, 15330:22
reinstated [5] - 15282:42, 15291:13, 15291:15, 15291:42, 15315:34, **requirements** [2] -
 15268:21, 15275:24
reinstatement [4] - 15288:33, 15288:35, 15299:21, 15315:38, **requires** [3] -

15283:19
retrospect [1] - 15324:41
returned [4] - 15285:14, 15285:37, 15286:6, 15291:41
returning [2] - 15242:39, 15303:44
reviewing [1] - 15246:27
revisit [1] - 15334:37
ride [1] - 15284:43
right-hand [1] - 15258:37
righteous [4] - 15251:3, 15281:13, 15282:24, 15312:38
Righteousness" [1] - 15250:44
ring [4] - 15254:40, 15255:21, 15318:35, 15333:11
ringing [2] - 15255:10, 15317:25
Ringtail [5] - 15239:26, 15239:46, 15242:9, 15250:42, 15263:34
risk [1] - 15291:28
Robert [1] - 15272:10
role [2] - 15241:29, 15280:42
Ron [25] - 15287:20, 15287:28, 15288:41, 15289:31, 15289:34, 15289:37, 15290:9, 15291:7, 15291:12, 15291:14, 15291:15, 15291:17, 15291:18, 15291:22, 15291:25, 15291:26, 15291:28, 15291:30, 15298:35, 15300:3, 15301:8, 15302:32, 15308:47, 15329:42
Ronald [1] - 15311:35
roof [3] - 15315:5, 15315:14, 15315:22
room [13] - 15238:24, 15238:26, 15238:37, 15267:29, 15287:31, 15287:40, 15288:35, 15290:13, 15290:20, 15305:43, 15306:3, 15306:17, 15330:28
room' [1] - 15289:13
Rooy [15] - 15287:21, 15288:41, 15289:31, 15291:7, 15291:12, 15291:25, 15298:35, 15300:3, 15301:8, 15302:32, 15328:28, 15329:39, 15334:41, 15335:3, 15335:17
Royal [11] - 15245:39, 15272:47, 15273:10, 15273:16, 15273:24, 15273:31, 15274:10, 15277:26, 15277:37, 15278:32, 15309:8
ROYAL [1] - 15237:17
rude [3] - 15286:47, 15287:16, 15288:20
rude' [1] - 15288:32
rule [10] - 15296:23, 15299:1, 15315:22, 15315:24, 15334:6, 15334:10, 15334:22, 15334:37
rules [11] - 15240:29, 15240:33, 15281:31, 15281:34, 15285:24, 15294:8, 15297:31, 15297:35, 15311:30, 15333:43
running [1] - 15336:31
rush [1] - 15329:1

S

safe [4] - 15238:30, 15238:45, 15253:39, 15291:27
safety [1] - 15286:9
sake [1] - 15290:21
sat [10] - 15273:13, 15287:39, 15289:4, 15290:6, 15290:13, 15295:27, 15297:32, 15305:46, 15328:39, 15328:45
Satan [1] - 15283:3
Saturday [1] - 15277:43
save [1] - 15283:47
saved [1] - 15305:22
saw [7] - 15239:20, 15279:31, 15279:42, 15287:4, 15297:25, 15300:37, 15317:20
SC [1] - 15237:43
scanned [1] - 15277:42
scared [9] - 15238:17, 15238:30, 15283:27, 15292:38, 15293:9, 15296:14, 15306:8, 15308:26, 15309:25
scary [4] - 15283:4, 15298:5, 15306:28, 15309:6
school [13] - 15281:47, 15282:1, 15282:4, 15282:11, 15282:13, 15282:15, 15298:1, 15307:9, 15307:10, 15307:11, 15307:15, 15307:22, 15307:25
screen [9] - 15238:12, 15240:21, 15262:26, 15270:22, 15278:43, 15293:38, 15300:2, 15319:27, 15321:8
scriptural [4] - 15257:14, 15281:20, 15315:25, 15319:34
scripturally [2] - 15251:46, 15334:24
scripture [6] - 15248:20, 15291:29, 15296:4, 15298:36, 15298:38, 15298:42
scriptures [9] - 15239:2, 15246:27, 15261:18, 15273:46, 15280:43, 15281:15, 15284:24, 15310:25
Scriptures [1] - 15250:47
scroll [6] - 15244:37, 15251:22, 15268:16, 15270:22, 15272:2, 15300:25
SD:SSB [1] - 15300:26
second [13] - 15246:15, 15250:44, 15252:9, 15256:26, 15258:36, 15264:46, 15270:11, 15272:6, 15280:20, 15293:47, 15318:5, 15318:6, 15318:7
sections [1] - 15264:2
secular [3] - 15268:26, 15298:14, 15308:44
seduce [1] - 15289:17
seduced [2] - 15289:15, 15289:21
see [58] - 15238:12, 15239:31, 15241:45, 15242:7, 15244:38, 15244:47, 15245:39, 15246:7, 15246:42, 15248:36, 15249:8, 15249:42, 15250:17, 15250:19, 15250:21, 15250:43, 15251:12, 15252:9, 15252:22, 15258:7, 15263:34, 15265:4, 15266:2, 15268:18, 15269:24, 15269:39, 15271:8, 15272:7, 15272:21, 15272:39, 15273:23, 15276:6, 15276:11, 15276:16, 15276:21, 15279:5, 15279:40, 15279:41, 15279:44, 15283:46, 15286:15, 15292:1, 15295:37, 15300:25, 15306:33, 15307:38, 15308:6, 15312:1, 15312:2, 15312:6, 15319:27, 15320:3, 15324:6, 15324:7, 15324:14, 15334:22, 15334:27, 15334:38
seeing [3] - 15276:44, 15307:34, 15336:31
seek [5] - 15241:21, 15255:22, 15261:42, 15325:15, 15329:26
seeking [5] - 15251:40, 15261:35, 15272:47, 15275:3, 15275:9
seem [2] - 15255:8, 15307:1
send [1] - 15271:11
sense [21] - 15248:8, 15249:19, 15272:17, 15279:30, 15283:28, 15287:5, 15298:10, 15305:16, 15306:20, 15306:46, 15312:46, 15314:41, 15315:2, 15316:9, 15318:12, 15320:27, 15322:28, 15322:45, 15333:4, 15333:12, 15333:37
sent [2] - 15271:13, 15307:22
sentence [9] - 15240:22, 15249:38, 15252:9, 15258:14, 15259:7, 15273:36, 15278:44, 15279:2, 15279:30
sentenced [1] - 15294:2
separated [2] - 15292:28, 15295:1
separately [2] - 15321:38, 15329:13
separating [1] - 15304:3
September [2] - 15292:46, 15314:12
Serious [1] - 15263:35
serious [15] - 15250:5, 15255:32, 15287:18, 15291:9, 15299:38, 15315:40, 15316:5, 15316:22, 15322:24, 15322:26, 15324:44, 15325:2, 15332:13, 15333:11, 15334:31
seriously [1] - 15280:42
servant [4] - 15252:29, 15280:38, 15280:40, 15280:42
servants [3] - 15281:11, 15281:19, 15292:31
served [5] - 15242:4, 15268:8, 15283:2, 15314:17, 15314:24
Service [2] - 15241:47, 15242:2
service [6] - 15242:14, 15242:16, 15271:1, 15271:6, 15281:3, 15281:22
services [1] - 15315:17
servicing [1] - 15245:28
session [2] - 15330:1, 15330:28
sessions [1] - 15330:31
set [7] - 15246:14, 15250:37, 15251:29, 15257:12, 15269:6, 15270:32, 15296:47
sets [2] - 15251:6, 15251:39
setting [4] - 15256:39, 15257:5, 15258:5, 15262:37
settle [1] - 15258:31
seven [2] - 15280:19, 15288:31
several [13] - 15246:32, 15248:36, 15248:42, 15248:47, 15249:21, 15250:30, 15250:31, 15252:40, 15259:23, 15259:26, 15259:34, 15287:43, 15294:20
severely [1] - 15261:5
severity [1] - 15250:37
sex [14] - 15238:26, 15238:37, 15252:3, 15282:3, 15282:6, 15284:12, 15284:19, 15284:32, 15295:13,

15307:18, 15307:26,
15316:14, 15316:33
SEXUAL [1] -
15237:18
sexual [40] - 15241:5,
15243:15, 15251:18,
15255:2, 15255:8,
15255:38, 15260:32,
15264:46, 15265:6,
15265:8, 15265:28,
15268:17, 15269:6,
15269:10, 15269:27,
15270:3, 15274:26,
15275:20, 15286:6,
15286:12, 15288:7,
15289:3, 15294:18,
15295:44, 15296:6,
15296:8, 15296:28,
15296:36, 15296:44,
15296:47, 15299:26,
15310:25, 15312:20,
15317:41, 15327:35,
15328:7, 15328:22,
15331:31, 15333:10,
15333:32
Sexual [1] - 15251:10
sexually [12] -
15284:11, 15284:23,
15284:26, 15285:3,
15286:42, 15290:24,
15296:43, 15326:24,
15327:17, 15327:21,
15327:30, 15328:1
shaking [4] - 15289:7,
15291:44, 15308:26,
15308:27
shame [1] - 15311:13
Shepherd [2] -
15239:28, 15242:39
shepherds [1] -
15332:11
shocking [1] -
15251:24
short [4] - 15280:27,
15282:25, 15319:9,
15319:22
shortly [1] - 15302:23
show [5] - 15238:10,
15247:27, 15250:47,
15270:44, 15281:37
showed [4] -
15239:24, 15239:31,
15249:42, 15258:16
shower [6] -
15244:22, 15244:28,
15247:5, 15250:22,
15288:37
shower' [1] - 15288:38
showing [1] - 15318:5
shown [3] - 15264:1,
15269:37, 15317:42
shows [1] - 15253:8
shun [1] - 15297:18
shunned [6] -
15283:21, 15292:33,
15294:36, 15297:8,
15297:12, 15297:43
shut [1] - 15283:38
siblings [8] - 15281:6,
15281:18, 15282:27,
15283:45, 15284:10,
15284:40, 15285:3,
15285:14
sic [3] - 15257:10,
15258:24, 15321:20
sic] [2] - 15259:41,
15331:5
side [1] - 15331:13
signed [3] - 15244:47,
15272:4, 15272:16
similar [4] - 15271:31,
15283:29, 15336:1,
15336:27
simple [1] - 15319:19
simply [4] - 15274:5,
15315:6, 15318:13,
15324:1
sin [5] - 15252:41,
15291:6, 15332:13,
15334:31
sinned [1] - 15282:37
sinning [1] - 15250:37
sins [2] - 15250:36,
15315:43
sister [18] - 15238:32,
15239:21, 15246:19,
15256:35, 15256:37,
15256:43, 15256:45,
15280:21, 15283:33,
15283:37, 15288:21,
15288:23, 15288:28,
15288:33, 15288:36,
15297:46, 15301:21,
15304:5
sister's [1] - 15336:32
sisters [26] -
15246:17, 15246:26,
15280:22, 15281:14,
15283:29, 15288:29,
15288:31, 15288:41,
15288:42, 15288:45,
15289:2, 15289:7,
15289:19, 15289:20,
15289:36, 15289:45,
15289:47, 15291:35,
15291:46, 15294:28,
15295:25, 15295:29,
15308:24, 15308:27,
15334:46, 15335:16
sisters' [1] - 15302:11
sit [4] - 15295:8,
15297:36, 15322:5,
15329:46
sitting [6] - 15238:28,
15289:5, 15289:23,
15306:3, 15327:4,
15329:30
situation [22] -
15240:26, 15241:8,
15241:38, 15245:31,
15250:24, 15253:29,
15254:32, 15260:40,
15268:47, 15269:44,
15275:35, 15309:23,
15316:24, 15323:2,
15323:25, 15324:41,
15324:44, 15325:8,
15329:6, 15331:28,
15331:40
situations [2] -
15244:13, 15329:7
six [4] - 15252:37,
15260:42, 15289:21,
15293:42
six-year-old [1] -
15289:21
skin [2] - 15282:27,
15300:16
sleep [1] - 15308:6
sleeping [1] -
15284:13
sloppy [1] - 15283:33
smoking [2] -
15299:24
snap [1] - 15284:22
sobbing [1] -
15286:33
social [1] - 15315:10
society [1] - 15309:1
Society [6] - 15292:6,
15292:11, 15296:33,
15299:43, 15300:37,
15310:31
Sodom [1] - 15298:10
solution [2] -
15276:11, 15276:20
someone [27] -
15239:37, 15239:43,
15240:4, 15241:41,
15261:44, 15269:44,
15270:11, 15271:31,
15274:25, 15297:6,
15314:45, 15314:47,
15315:4, 15315:5,
15316:10, 15316:14,
15316:25, 15316:26,
15317:9, 15322:15,
15325:14, 15326:36,
15329:46, 15333:32,
15336:14, 15336:34
sometime [1] -
15270:26
sometimes [5] -
15245:33, 15276:38,
15280:18, 15283:36,
15299:32
somewhere [1] -
15303:42
son [8] - 15292:28,
15295:4, 15302:44,
15303:12, 15303:14,
15308:4, 15308:10,
15312:35
sons [1] - 15292:27
soon [3] - 15287:14,
15316:25, 15333:10
sore [1] - 15284:43
sorry [26] - 15240:10,
15240:15, 15243:30,
15247:41, 15253:21,
15259:17, 15259:43,
15261:46, 15265:3,
15267:2, 15272:32,
15273:18, 15275:34,
15291:22, 15310:3,
15311:3, 15312:22,
15314:42, 15321:36,
15322:36, 15325:28,
15326:4, 15332:14,
15332:47, 15334:47,
15335:20
sort [6] - 15299:22,
15305:36, 15310:14,
15312:33, 15322:14,
15333:27
sorts [1] - 15260:37
space [5] - 15239:23,
15239:35, 15239:36,
15259:43, 15334:36
speaking [5] -
15279:10, 15283:3,
15283:11, 15286:29,
15311:25
special [1] - 15280:47
specialist [1] -
15241:17
specific [3] -
15283:25, 15302:38,
15309:45
specifically [2] -
15239:47, 15241:10
speech [4] - 15247:40,
15252:15, 15252:19,
15252:21
spending [2] -
15261:34, 15269:19
spies [1] - 15299:36
spirit [4] - 15280:41,
15289:43, 15292:32,
15306:24
spiritual [1] -
15282:24
spirituality [2] -
15295:14
spiritually [1] -
15276:41
spoil [2] - 15298:31
spoken [4] - 15287:4,
15308:39, 15313:22,
15324:13
sports [1] - 15282:8
spread [2] - 15246:20,
15257:16
spreading [1] -
15257:21
St [1] - 15280:26
stage [9] - 15301:23,
15304:19, 15307:45,
15310:16, 15311:35,
15316:16, 15316:19,
15319:15, 15327:19
stalk [1] - 15290:34
stalking [3] -
15290:39, 15291:22,
15306:13
stand [1] - 15292:29
standards [5] -
15251:3, 15251:25,
15298:16, 15298:20,
15298:21
standing [3] -
15285:43, 15308:25,
15328:20
stands [1] - 15328:43
start [1] - 15238:12
started [10] -
15239:23, 15257:18,
15284:44, 15284:45,
15285:4, 15285:15,
15286:13, 15289:25,
15297:38, 15325:5
starting [3] -
15241:44, 15300:4,
15331:35
state [3] - 15267:14,
15314:7, 15315:29
State [3] - 15254:43,
15259:16, 15260:36
statement [71] -
15238:11, 15244:18,
15262:11, 15266:38,
15267:17, 15267:22,
15267:38, 15267:42,
15268:15, 15269:32,
15274:15, 15274:16,
15274:41, 15274:45,
15278:34, 15278:39,
15279:16, 15279:19,
15279:25, 15292:46,
15292:47, 15293:2,

15293:5, 15293:16, 15297:4, 15297:6, 15297:41, 15298:5, 15298:35, 15298:38, 15299:20, 15300:9, 15304:37, 15305:40, 15305:41, 15306:37, 15306:38, 15309:32, 15309:36, 15311:16, 15313:9, 15313:41, 15314:39, 15314:45, 15315:37, 15316:37, 15317:40, 15318:1, 15319:3, 15319:26, 15320:10, 15320:13, 15320:16, 15320:19, 15320:28, 15320:32, 15320:36, 15320:39, 15320:41, 15320:45, 15320:47, 15321:33, 15325:19, 15326:18, 15328:5, 15335:33, 15336:37, 15336:41

STATEMENT [3] - 15267:46, 15279:23, 15336:45

statements [3] - 15241:2, 15308:35, 15313:41

stay [9] - 15260:14, 15282:12, 15284:5, 15290:38, 15301:32, 15302:32, 15302:39, 15303:16, 15311:34

stayed [6] - 15260:18, 15280:30, 15284:1, 15301:18, 15301:34, 15301:47

staying [3] - 15284:7, 15302:34, 15302:36

stealing [1] - 15315:44

step [1] - 15325:17

stepped [1] - 15290:22

steps [5] - 15253:23, 15253:27, 15318:14, 15323:28, 15333:3

Stewart [6] - 15237:43, 15238:1, 15265:37, 15266:35, 15267:36, 15293:31

STEWART [38] - 15238:3, 15238:8, 15238:10, 15244:18, 15250:21, 15255:46, 15265:39, 15265:41, 15266:19, 15266:25, 15266:37, 15267:12, 15267:14, 15267:38, 15267:42, 15268:1, 15275:37, 15278:20, 15278:29, 15278:31, 15279:19, 15279:25, 15279:39, 15280:4, 15293:16, 15297:3, 15297:41, 15300:40, 15313:31, 15313:40, 15314:5, 15314:7, 15317:35, 15326:22, 15333:36, 15335:33, 15336:41, 15336:47

stick [1] - 15324:42

still [26] - 15238:3, 15238:16, 15240:38, 15242:32, 15247:16, 15255:20, 15261:2, 15285:35, 15290:40, 15291:4, 15293:3, 15293:6, 15293:9, 15294:27, 15297:29, 15302:28, 15303:34, 15311:34, 15311:36, 15312:12, 15315:14, 15332:12, 15332:34, 15333:34, 15334:6, 15334:17

stood [2] - 15289:25, 15292:2

stop [4] - 15284:36, 15284:38, 15289:13, 15318:18

stopped [3] - 15286:7, 15289:26, 15303:2

story [6] - 15246:20, 15287:45, 15306:34, 15313:34, 15331:15, 15331:18

straight [5] - 15256:40, 15257:6, 15257:12, 15258:6, 15262:38

straightaway [1] - 15313:16

strained [1] - 15294:26

strangers [3] - 15309:6, 15309:9, 15309:10

strap [1] - 15282:26

stressed [1] - 15260:26

strict [2] - 15280:36, 15281:43

strong [4] - 15249:38, 15289:6, 15304:27, 15304:32

structure [6] - 15243:12, 15243:16, 15243:20, 15243:28, 15243:31, 15243:34

studies [1] - 15281:1

study [2] - 15263:9, 15281:14

Study [1] - 15237:22

stuff [1] - 15286:25

subcategories [1] - 15251:12

subject [5] - 15259:15, 15259:34, 15268:16, 15279:15, 15310:42

subjected [1] - 15296:16

submissive [1] - 15295:19

submitted [1] - 15267:23

subpoenaed [1] - 15245:39

subsequent [6] - 15296:17, 15320:44, 15335:36, 15335:39, 15335:43, 15336:3

substantiated [1] - 15269:8

substantive [1] - 15270:22

such-and-such [1] - 15327:24

sudden [1] - 15313:20

suffer [3] - 15276:6, 15276:24

suffered [1] - 15277:5

suffering [2] - 15293:9, 15296:35

suffers [1] - 15276:35

sufficient [3] - 15242:27, 15299:39, 15330:47

suggest [2] - 15249:4, 15269:36

suggested [4] - 15239:22, 15249:30, 15250:15, 15295:4

suggestions [3] - 15243:41, 15243:45, 15243:47

suicidal [3] - 15283:10, 15292:23, 15294:17

suicide [6] - 15291:5, 15291:6, 15291:8, 15294:20, 15307:41, 15308:2

suitable [1] - 15293:24

Sunday [1] - 15281:8

support [34] - 15239:33, 15239:35, 15239:37, 15240:36, 15240:42, 15240:46, 15241:14, 15241:36, 15242:35, 15242:41, 15242:43, 15242:46, 15243:24, 15243:27, 15262:16, 15272:18, 15287:34, 15292:22, 15292:43, 15292:44, 15294:29, 15295:46, 15308:39, 15308:45, 15309:9, 15310:14, 15311:12, 15317:5, 15329:46, 15330:29, 15333:13, 15336:26

supported [3] - 15278:32, 15308:42, 15311:32

supporting [1] - 15333:16

supportive [2] - 15292:42, 15309:29

suppose [5] - 15289:20, 15298:33, 15299:26, 15300:14, 15306:25

supposed [3] - 15295:23, 15309:5, 15328:6

surname [1] - 15295:6

surnames [1] - 15280:8

survivor [1] - 15294:8

suspect [1] - 15283:42

Swannick [1] - 15311:35

swiftly [1] - 15325:7

sworn [6] - 15266:40, 15267:10, 15278:22, 15278:27, 15313:44, 15314:3

Sydney [1] - 15237:28

sympathetic [1] - 15258:39

sympathy [1] - 15259:2

system [4] - 15244:7, 15308:44, 15308:45

systems [1] - 15308:44

T

tab [19] - 15239:25, 15241:44, 15244:37, 15250:42, 15252:8, 15256:20, 15256:25, 15258:36, 15262:32, 15263:26, 15264:11, 15265:41, 15266:2, 15266:38, 15270:44, 15271:46, 15300:1, 15300:8, 15313:41

table [2] - 15289:4, 15305:47

Table [1] - 15264:47

talks [9] - 15276:19, 15280:45, 15281:20, 15291:20, 15299:17, 15310:36, 15311:7, 15319:28

tamper [1] - 15290:34

tampering [1] - 15291:21

targets [1] - 15296:21

task [1] - 15330:24

tattoo [2] - 15297:13, 15299:25

taught [7] - 15276:34, 15282:30, 15282:32, 15282:47, 15289:22, 15292:39, 15299:20

teach [1] - 15282:6

teaching [5] - 15281:4, 15281:11, 15319:35, 15325:13, 15325:21

teachings [5] - 15325:26, 15325:32, 15325:45, 15326:8, 15326:19

team [2] - 15309:8, 15313:28

tears [2] - 15300:16, 15310:27

techniques [1] - 15295:42

teenage [1] - 15279:42

teenager [1] - 15279:32

teenagers [2] - 15316:30, 15316:32

teens [2] - 15283:9, 15294:17

television [2] - 15277:46, 15281:39

ten [1] - 15280:32

tender [3] - 15267:42, 15279:19, 15336:41

term [2] - 15304:37, 15306:45

terms [8] - 15272:35, 15276:20, 15283:17, 15304:36, 15307:34, 15330:36, 15333:16, 15335:10

terrible [1] - 15252:23

terrified [4] - 15282:45, 15285:28, 15289:5, 15294:44

test [1] - 15306:32

testify [1] - 15336:30
testimony [1] - 15295:35
that' [1] - 15286:37
theft [1] - 15255:39
themselves [3] - 15243:6, 15252:23, 15307:1
thereabouts [1] - 15314:31
thereby [1] - 15242:27
therefore [5] - 15247:28, 15247:30, 15281:36, 15335:26, 15335:27
thinking [10] - 15241:13, 15250:12, 15262:10, 15273:16, 15273:34, 15273:35, 15274:6, 15283:34, 15289:6, 15318:2
third [2] - 15292:28, 15294:1
thirdly [1] - 15251:32
thoughts [2] - 15320:22, 15320:26
threaten [3] - 15290:14, 15296:10, 15311:31
threatened [3] - 15282:35, 15285:29, 15306:12
threatening [1] - 15306:28
threats [4] - 15289:27, 15306:8, 15306:11, 15306:14
three [20] - 15251:12, 15259:27, 15269:8, 15280:21, 15281:7, 15290:5, 15292:32, 15293:42, 15294:2, 15295:36, 15306:3, 15311:39, 15311:41, 15328:26, 15328:31, 15328:45, 15330:17, 15330:23, 15330:37, 15330:47
throughout [4] - 15258:45, 15263:22, 15292:42, 15304:30
ticket [1] - 15336:32
tightened [1] - 15285:21
TO [2] - 15237:18, 15337:5
to" [1] - 15330:31
today [11] - 15264:10, 15296:42, 15306:38, 15316:23, 15320:4, 15320:14, 15320:18, 15332:38, 15333:14, 15333:25, 15333:28
together [6] - 15280:19, 15287:42, 15288:30, 15289:8, 15294:43, 15328:45
toilet [1] - 15286:10
token [2] - 15292:17, 15300:15
TOKLEY [2] - 15256:16, 15278:7
tone [2] - 15306:17, 15306:19
tongue [6] - 15244:31, 15246:43, 15250:27, 15259:26, 15260:2
tongue-kissing [4] - 15244:31, 15246:43, 15250:27, 15250:32
took [16] - 15245:10, 15245:13, 15245:31, 15245:35, 15253:23, 15264:1, 15280:41, 15283:45, 15284:41, 15286:8, 15288:10, 15293:42, 15307:41, 15309:35, 15313:17, 15329:30
Toole [1] - 15309:1
top [7] - 15252:8, 15258:36, 15264:47, 15265:3, 15277:22, 15281:24, 15300:25
topic [2] - 15258:5, 15310:45
tore [1] - 15290:35
totally [1] - 15276:28
touch [1] - 15285:5
touched [8] - 15244:23, 15248:24, 15248:31, 15284:13, 15284:19, 15284:32, 15288:37, 15289:20
touching [7] - 15244:28, 15247:5, 15251:18, 15284:45, 15285:4, 15291:20, 15318:14
towards [4] - 15274:9, 15284:33, 15289:25, 15290:19
towel [1] - 15285:42
Tower [1] - 15237:27
Townsville [11] - 15292:27, 15292:28, 15292:34, 15302:18, 15302:21, 15302:25, 15302:27, 15302:28, 15302:39, 15302:47, 15303:13
Tract [6] - 15292:6, 15292:11, 15296:33, 15299:43, 15300:37, 15310:31
tragic [1] - 15328:40
train [1] - 15319:45
trained [1] - 15242:32
training [5] - 15241:3, 15241:4, 15241:10, 15282:20, 15295:42
transgression [1] - 15251:6
trauma [5] - 15261:10, 15276:5, 15276:16, 15276:25, 15276:35
traumatic [3] - 15296:39, 15309:4, 15311:43
traumatising [1] - 15242:23
treat [3] - 15255:8, 15282:35, 15284:2
treated [8] - 15259:1, 15260:39, 15285:18, 15285:19, 15287:12, 15295:17, 15297:10, 15301:23
trial [10] - 15293:14, 15293:41, 15293:46, 15293:47, 15294:1, 15313:12, 15335:35, 15335:47, 15336:15
trials [10] - 15293:42, 15294:5, 15294:42, 15311:39, 15311:41, 15313:13, 15335:36, 15335:39, 15335:43, 15336:3
tried [14] - 15239:1, 15239:3, 15261:2, 15282:21, 15284:12, 15284:17, 15284:19, 15284:22, 15284:32, 15285:4, 15286:20, 15286:29, 15291:4, 15293:2
trouble [2] - 15238:18, 15305:4
troublemaker [1] - 15282:23
troublemaker' [1] - 15285:17
troubling [1] - 15322:16
true [1] - 15241:35, 15246:39, 15261:1, 15267:39, 15279:13, 15279:16, 15323:44, 15330:39, 15332:10, 15336:37
trust [1] - 15294:39
trusted [6] - 15247:35, 15283:2, 15298:11, 15309:19, 15310:21, 15312:30
trustworthy [1] - 15253:40
truth [2] - 15238:32, 15277:42
truthful [1] - 15288:1
try [20] - 15239:42, 15240:45, 15241:12, 15241:35, 15243:5, 15257:15, 15258:31, 15258:33, 15259:3, 15260:42, 15262:47, 15268:33, 15277:19, 15283:39, 15286:38, 15290:39, 15316:34, 15317:14, 15317:15, 15319:20
trying [5] - 15240:41, 15272:18, 15287:44, 15289:5, 15306:32
Tuesday [1] - 15237:31
turn [2] - 15243:44, 15258:25
turned [1] - 15283:47
TV' [1] - 15288:35
twenty [1] - 15294:7
twice [1] - 15286:39
twist [1] - 15267:34
two [39] - 15243:12, 15255:25, 15255:28, 15258:20, 15258:21, 15258:33, 15269:7, 15269:36, 15269:40, 15271:46, 15280:21, 15280:22, 15281:8, 15281:9, 15283:46, 15288:29, 15289:35, 15292:27, 15295:36, 15296:23, 15302:24, 15309:29, 15309:38, 15309:40, 15309:42, 15313:13, 15314:17, 15319:27, 15321:38, 15321:41, 15330:45, 15332:14, 15332:35, 15334:6, 15334:10, 15334:14, 15334:17, 15334:22, 15334:32
two' [1] - 15288:21
two-hour [2] - 15281:8, 15281:9
two-witness [3] - 15334:6, 15334:10, 15334:22
type [3] - 15259:40, 15319:39, 15332:45
typically [1] - 15242:3

U

ultimate [1] - 15298:18
ultimately [2] - 15308:1, 15332:17
unable [1] - 15296:12
unaware [1] - 15250:28
unchaperoned [3] - 15316:13, 15316:24, 15316:33
unchaperoning [2] - 15316:17, 15316:22
Uncleanness [1] - 15251:17
uncleanness [7] - 15246:31, 15247:2, 15248:6, 15248:8, 15248:29, 15248:35, 15250:6
uncomfortable [5] - 15238:14, 15283:26, 15283:42, 15287:34, 15306:5
under [10] - 15239:36, 15249:21, 15250:43, 15251:11, 15264:46, 15315:5, 15315:14, 15315:22, 15318:38, 15331:37
understood [8] - 15273:30, 15273:32, 15287:22, 15287:36, 15290:23, 15298:42, 15321:11, 15325:2
unfortunately [1] - 15247:21
unhappy [1] - 15295:3
uniform [1] - 15296:30
unless [5] - 15240:44, 15268:28, 15268:38, 15288:5, 15309:34
unsure [1] - 15257:9
up [37] - 15238:11, 15241:29, 15256:25, 15262:32, 15263:26, 15267:34, 15268:47, 15269:1, 15273:11, 15277:20, 15278:42, 15279:3, 15281:43, 15284:25, 15287:1, 15289:25, 15290:35, 15292:39, 15294:31, 15295:5, 15302:33,

15304:5, 15307:1, 15308:24, 15309:35, 15310:3, 15311:1, 15311:30, 15313:16, 15319:47, 15320:27, 15327:45, 15327:46, 15332:41, 15332:42, 15334:38	Vincent [1] - 15309:1 violent [5] - 15282:25, 15284:21, 15285:33, 15319:29, 15319:30 violently [1] - 15285:41 visit [3] - 15270:27, 15272:43, 15289:31 visited [2] - 15270:29, 15302:35 visiting [2] - 15273:4, 15302:42 voice [2] - 15309:28, 15312:8 voir [2] - 15293:46, 15313:12 voluntarily [2] - 15314:35, 15314:37 vulnerable [1] - 15296:21	welcome [3] - 15276:4, 15308:28, 15323:37 welfare [1] - 15261:15 welts [2] - 15282:27, 15285:35 whatsoever [1] - 15322:12 whichever [1] - 15266:43 whilst [7] - 15279:32, 15284:6, 15284:13, 15293:3, 15302:33, 15302:47, 15303:12 whole [6] - 15238:32, 15243:12, 15243:28, 15287:12, 15304:30, 15325:46 wife [5] - 15256:38, 15257:5, 15257:6, 15262:37, 15281:26 Will " [1] - 15263:28 will " [1] - 15287:3 willfully [1] - 15315:46 Wilson [2] - 15290:6, 15290:7 window [1] - 15301:25 wish [8] - 15238:23, 15267:21, 15267:29, 15278:38, 15278:44, 15279:1, 15324:38, 15333:23 withdraw [1] - 15311:4 WITHDREW [3] - 15266:31, 15278:18, 15313:38 withstand [1] - 15274:1 WITNESS [12] - 15266:23, 15266:31, 15267:4, 15267:8, 15267:32, 15278:16, 15278:18, 15293:35, 15303:10, 15310:7, 15313:36, 15313:38 Witness [36] - 15261:31, 15263:39, 15268:2, 15280:15, 15281:24, 15281:32, 15281:41, 15281:43, 15282:2, 15282:6, 15282:30, 15284:41, 15285:26, 15290:38, 15292:29, 15292:40, 15293:6, 15295:8, 15296:20, 15296:32, 15296:40, 15296:44, 15298:1, 15298:8, 15298:16, 15302:28,	15304:24, 15304:31, 15305:19, 15307:5, 15307:29, 15312:7, 15312:11, 15312:40, 15314:11, 15319:35 witness [18] - 15266:25, 15266:37, 15274:17, 15277:2, 15278:20, 15287:47, 15295:11, 15295:28, 15295:34, 15313:40, 15322:6, 15332:24, 15334:6, 15334:10, 15334:22, 15334:31, 15335:34, 15335:47 Witness' [1] - 15288:25 witness's [1] - 15295:40 witnesses [13] - 15289:35, 15294:9, 15295:31, 15295:36, 15296:14, 15296:24, 15312:32, 15330:45, 15331:33, 15332:14, 15332:35, 15334:14, 15334:17 Witnesses [27] - 15248:16, 15259:15, 15261:15, 15280:25, 15280:27, 15280:34, 15280:37, 15280:39, 15280:46, 15281:3, 15281:47, 15282:4, 15283:1, 15283:16, 15289:42, 15291:2, 15292:35, 15294:9, 15296:3, 15298:37, 15305:12, 15305:25, 15306:44, 15306:47, 15309:46, 15312:27, 15313:4 woman [4] - 15259:33, 15260:7, 15286:43, 15304:4 woman's [1] - 15304:6 women [1] - 15310:8 wonder [1] - 15267:26 Wood [3] - 15270:28, 15270:35, 15272:9 word [8] - 15248:45, 15251:44, 15252:5, 15257:28, 15257:29, 15279:6, 15324:28, 15332:12 worded [1] - 15274:12 wording [8] - 15248:2, 15248:44, 15249:28, 15250:11, 15250:18, 15252:39, 15271:29, 15274:39 words [18] - 15240:32, 15241:47, 15249:24, 15250:16, 15250:30, 15269:7, 15274:21, 15279:5, 15279:29, 15288:33, 15288:36, 15290:22, 15297:17, 15304:36, 15327:16, 15327:19, 15330:41, 15335:25 workplace [1] - 15287:15 works [1] - 15244:7 world [3] - 15298:23, 15298:24, 15334:35 World [1] - 15241:45 worldly [13] - 15247:21, 15247:25, 15279:5, 15297:14, 15298:9, 15298:30, 15298:33, 15306:39, 15306:40, 15306:42, 15306:44, 15306:46, 15309:5 worse [3] - 15291:39, 15294:18, 15294:40 worthless [3] - 15290:46, 15291:4, 15308:29 worthwhile [1] - 15277:15 wreck [1] - 15287:25 write [10] - 15244:15, 15245:4, 15252:10, 15252:25, 15254:16, 15261:41, 15271:47, 15307:25, 15310:5 writing [4] - 15246:8, 15271:6, 15272:3, 15272:28 written [7] - 15249:30, 15254:17, 15262:34, 15271:11, 15272:9, 15300:34, 15322:5 wrong' [1] - 15286:17 wrongdoer [1] - 15315:40 wrongdoing [15] - 15242:26, 15254:23, 15254:29, 15285:27, 15291:9, 15295:9, 15295:10, 15295:40, 15299:13, 15299:21, 15299:22, 15299:38, 15315:39, 15315:41, 15316:5 Wrongdoing [1] - 15263:35 wrongly [1] - 15274:2
V	W		
vague [2] - 15318:12, 15319:11 various [4] - 15251:6, 15263:13, 15263:47, 15264:1 version [1] - 15328:40 victim [20] - 15238:17, 15242:12, 15242:20, 15242:24, 15273:43, 15273:44, 15275:27, 15276:5, 15276:16, 15295:26, 15295:33, 15295:45, 15316:38, 15317:3, 15319:14, 15328:38, 15333:13, 15333:16, 15333:17, 15333:19 victim's [1] - 15295:35 victimisation [1] - 15325:6 victims [14] - 15240:36, 15260:32, 15265:8, 15288:45, 15294:11, 15295:43, 15296:10, 15296:36, 15296:42, 15296:44, 15297:1, 15311:23, 15332:45, 15333:27 view [4] - 15248:1, 15276:11, 15276:15, 15330:37 viewed [1] - 15291:8 views [1] - 15322:38 vilification [4] - 15294:23, 15311:2, 15311:44, 15312:12 vilified [1] - 15294:36	wait [1] - 15289:12 waiting [1] - 15278:42 walk [1] - 15298:3 walkway [1] - 15301:26 wall [1] - 15284:26 wants [3] - 15241:21, 15323:30, 15324:16 warn [1] - 15289:45 warned [2] - 15253:18, 15253:20 watch [3] - 15277:47, 15281:38, 15284:30 watching [3] - 15247:4, 15262:26, 15288:35 Watchtower [13] - 15265:23, 15286:14, 15292:6, 15292:10, 15292:12, 15292:16, 15293:11, 15294:15, 15296:33, 15299:43, 15300:37, 15309:1, 15310:31 ways [1] - 15331:43 wedding [3] - 15302:3, 15302:9, 15302:15 WEDNESDAY [1] - 15337:6 week [4] - 15281:8, 15281:10, 15290:2, 15321:41 weeks [4] - 15271:12, 15277:34, 15277:35, 15283:47 weight [1] - 15308:47		

wrote ^[10] - 15244:43,
15256:21, 15269:32,
15271:13, 15271:21,
15272:8, 15272:24,
15292:5, 15299:43,
15300:22

15250:38

Z

Zini ^[8] - 15285:46,
15286:2, 15286:3,
15320:29, 15321:15,
15321:21, 15321:22

Y

year ^[11] - 15280:12,
15282:13, 15282:15,
15283:32, 15289:21,
15295:1, 15305:17,
15308:11, 15312:34,
15329:41

years ^[23] - 15249:10,
15249:14, 15252:27,
15252:39, 15252:40,
15260:27, 15271:28,
15271:46, 15279:40,
15279:42, 15280:9,
15280:10, 15280:21,
15280:32, 15282:11,
15283:25, 15283:47,
15291:11, 15293:42,
15308:16, 15313:20,
15329:42, 15332:40

years' ^[1] - 15294:2

yesterday ^[7] -
15238:14, 15239:22,
15239:25, 15239:31,
15239:33, 15263:3,
15263:47

York ^[1] - 15240:34

you' ^[2] - 15289:12

young ^[21] - 15242:11,
15242:24, 15242:30,
15247:35, 15253:6,
15259:33, 15260:7,
15280:26, 15282:47,
15288:43, 15297:11,
15312:7, 15316:10,
15318:14, 15322:46,
15323:29, 15325:6,
15330:4, 15335:4,
15335:15, 15335:26

younger ^[12] -
15280:22, 15288:29,
15288:30, 15288:36,
15288:41, 15289:1,
15295:28, 15315:18,
15329:41, 15329:42,
15334:46

youngest ^[1] -
15288:33

yourself ^[5] -
15262:25, 15304:24,
15317:13, 15318:27,
15318:36

Yourselves ^[1] -