

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

**Public Hearing - Case Study 29
(Day 151)**

Level 17, Governor Macquarie Tower
Farrer Place, Sydney

On Monday, 3 August 2015 at 10am

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

Counsel Assisting: Mr Angus Stewart SC

1 MR STEWART: Your Honour, the first witness today will be
2 Mr Ron de Rooy. His statement should be at tab 3 of the
3 statements bundle.

4
5 THE CHAIR: Will you take an affirmation or an oath on the
6 Bible?

7
8 MR DE ROOY: The Bible.

9
10 <ALBERT RONALD DE ROOY, sworn: [10.05am]

11
12 <EXAMINATION BY MR STEWART:

13
14 MR STEWART: Q. Mr De Rooy, will you state your full
15 names for the record, please?

16 A. Albert Ronald de Rooy.

17
18 Q. Do you have a copy of your statement dated 10 July
19 2015 with you?

20 A. Yes.

21
22 Q. Are there any amendments you'd like to make to that
23 statement?

24 A. The only, perhaps, amendment was to a question about
25 other allegations, if I can find where I've got that - on
26 4.

27
28 Q. Page 3, paragraph 4?

29 A. Page 3, 4.1. I know that it was - where I say
30 "I recall I was involved in one other case of child sexual
31 abuse in the early 1990s", I'm very vague. The only thing
32 I do remember was other aspects of that that I dealt with
33 that comes to my memory, and that there were other
34 complaints and that he was disfellowshipped, but I'm vague
35 on that. The only other, perhaps, case I remember that
36 came back since I've written this is where I had to find
37 out some other information about another person and delve
38 into that. And so that's what I would add.

39
40 Q. I'll come back to what you do recall about that case,
41 but as 4.1 is stated in its current terms, is there
42 anything which is inaccurate or erroneous about that?

43 A. No, that's all right. We can leave it like that, if
44 that's the case, from what I've just said.

45
46 Q. Do you otherwise confirm that your statement is true
47 and correct?

1 A. Yes.

2

3 MR STEWART: I tender the statement.

4

5 THE CHAIR: That will be exhibit 29-016.

6

7 **EXHIBIT #29-016 STATEMENT OF ALBERT RONALD DE ROOY DATED**
8 **10/07/2015**

9

10 MR STEWART: Q. Mr de Rooy, you've been a Jehovah's
11 Witness since a very young age; is that right?

12 A. That's right.

13

14 Q. How did you come to decide to be a Jehovah's
15 Witnesses?

16 A. I made a personal decision at the age of 16 that
17 I wanted to be baptised. I had studied the Bible and
18 accepted that as the truth, and then I proceeded to get
19 baptised as a Jehovah's Witness.

20

21 Q. Prior to that had you grown up in a Jehovah's Witness
22 family?

23 A. That's right, my parents were Jehovah's Witnesses, and
24 grandparents.

25

26 Q. You've been in the Mareeba congregation since 1981; is
27 that right?

28 A. That would be right.

29

30 Q. You've been an elder there for 29 years?

31 A. That would be correct.

32

33 Q. In other words, consistently in Mareeba?

34 A. Yes.

35

36 Q. Before we come specifically to the case of [BCG],
37 there are some more general aspects of your statement I'd
38 like to deal with. Perhaps we can have paragraphs 2.3 and
39 2.4 on page 2 up on the screen. Starting with 2.3, do you
40 see it there before you?

41 A. Yes.

42

43 Q. You say that:

44

45 *Child sexual abuse is absolutely not*
46 *tolerated in the congregation. Any Elder*
47 *or Ministerial Servant guilty of this is*

1 *immediately removed from serving in that*
2 *capacity. An unrepentant child abuser will*
3 *be disfellowshipped from the congregation,*
4 *and others from the congregation do not*
5 *associate with him.*

6
7 So am I to understand that a repentant child abuser is not
8 disfellowshipped?

9 A. If a person is repentant, yes, they will not be
10 disfellowshipped.

11
12 Q. So they will be reprovved; is that right?

13 A. That's true.

14
15 Q. The consequence of reprovval is they remain in the
16 congregation?

17 A. Yes, with certain restrictions.

18
19 Q. And the practice is that the reasons for reprovval are
20 not announced to the congregation; is that right?

21 A. Can you just repeat that, I didn't quite --

22
23 Q. The practice is that the reasons for someone's
24 reprovval are not announced to the congregation; is that
25 right?

26 A. The reproof, if it's publicly known, they are reprovved
27 before the congregation, but not the things that they are
28 reprovved for; that's true.

29
30 Q. Given that a repentant child abuser remains in the
31 congregation, do you still maintain that that practice
32 shows or is consistent with zero tolerance for child abuse?

33 A. Yes, because we would be certainly keeping an eye on
34 someone who was guilty of that in the congregation and they
35 would be monitored and certain restrictions would be in
36 place with regards to their involvement with young
37 children.

38
39 Q. You say you would keep an eye on them. I take it
40 that's you and the other elders?

41 A. As elders in the congregation, yes.

42
43 Q. Because you would be the people who would know as to
44 why the person was reprovved?

45 A. That's true.

46
47 Q. You would accept, of course, you couldn't keep an eye

1 on the person all the time?
2 A. No.
3
4 Q. And particularly if the repentant and now reprovved
5 child abuser had abused his own children, he would be back
6 in the home where you would not be able to keep an eye on
7 him?
8 A. That would be true in the home.
9
10 Q. In other words, back in the home with the very
11 children whose abuse he had confessed to and, thereby,
12 earned reprovval rather than disfellowship?
13 A. I might get you to clarify that there.
14
15 Q. He would be back in the home with his own children
16 whom he had abused and admitted to that abuse?
17 A. That's true. The family would know, though, that that
18 had also been handled and that he had been reprovved for
19 that.
20
21 Q. The family might have known it even prior - by "the
22 family", I presume you mean his wife?
23 A. His wife and children.
24
25 Q. She might have known it even prior to him being found
26 out and reported to the elders, but the abuse had
27 continued?
28 A. I can't add anything more to that.
29
30 Q. What steps do you take in a circumstance like that to
31 protect the children in his home?
32 A. Well, the person has been reprovved and repentant for
33 what he had done, and the family know that. Of course, we
34 would be able to talk with the family and monitor that as
35 well. That's all I can add.
36
37 Q. So you don't, as a matter of course, report to the
38 police or the child protection authorities, do you?
39 A. No.
40
41 Q. I suggest that that practice is not consistent with
42 zero tolerance of child sexual abuse in your congregation.
43 A. I believe that the person, the victim, has the right
44 to go to the police and to report that, and we do not - and
45 also in the sake of confidentiality, to protect
46 confidentiality there, we feel that it's the person's right
47 to go to the police.

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Q. What about the case of a young victim who doesn't have the independence or confidence to report to the police; do you just leave it on the basis that it's that victim's right?

A. In a case like that, because I don't have the answers, I would myself ring the service desk and I would get direction on that, because a lot of that might be out of my scope.

Q. If we look at your 2.4 you say:

The procedures for preventing sexual abuse of children are:

Then you've got a few dot points. Firstly:

- * keeping the congregation clean by disfellowshipping unrepentant sinners;*
- * teaching the congregation members the high moral standards of the Bible at our meeting;*
- * being vigilant as elders to follow through on any accusation made.*

I suggest that keeping repentant child abusers within your congregation is not keeping your congregation clean?

A. As an elder in the congregation looking after the congregation, the divine law and God's word and what principles are directed there is what we then put forth. So if a person is repentant and really shows that repentance, then he can remain in the congregation.

Q. I'll come back to the meaning of "repentance" and its implications shortly. Perhaps we can take a look at your paragraph 4.1 in the meanwhile, at page 3. This is the paragraph that you mentioned earlier, that you are quite vague on this case. I'll ask a couple of questions in relation to them and you can see how much you can remember. You say:

I recall I was involved in one other case of child sexual abuse in the early 1990s. A brother in the congregation was strongly counselled and was deleted as elder when the allegation of abuse first came to light. However a number of other

1 *complaints were reported in the next couple*
2 *of years and he was therefore*
3 *disfellowshipped.*
4

5 Am I to understand that the other complaints that were
6 reported in the next couple of years were with regard to
7 abuse that had occurred after he had been deleted as an
8 elder, or committed after he had been deleted as an elder?

9 A. That I cannot recall and give you an answer on that,
10 because what I've written there is from my vague memory.
11 It's such a long time ago, I cannot recall details.
12

13 Q. The reasons for his deletion as an elder or removal as
14 an elder would not have been announced; is that right?

15 A. It would just have been announced that he was deleted.
16

17 Q. He was not reported to the police or the child
18 protection authorities by anyone, was he?

19 A. Not that I'm aware of.
20

21 Q. Am I to understand this correctly, that congregation
22 members would not have been warned about his propensity for
23 child abuse?

24 A. That I can't remember at all.
25

26 Q. Well, it stands to reason, doesn't it, because he was
27 considered repentant and, therefore, not disfellowshipped
28 and, therefore, the reasons would not have been announced
29 and the congregation not made aware - is that not right?

30 A. I don't - the sequence of events there I don't really
31 understand, because he was disfellowshipped.
32

33 Q. Ultimately?

34 A. Yes.
35

36 Q. I'm talking about prior to disfellowship.

37 A. I really have no memory of that. The only memory
38 I have there is the vague memory of ones in the
39 congregation coming to a meeting and having to face him and
40 say what they had seen, and that I remember, because
41 I remember about three or four doing that. That's all
42 I remember. I don't remember anything else.
43

44 Q. So it was the case, was it, that there were a number
45 of witnesses to the abuse - is that right? Is that what
46 I'm to understand from what you've just said?

47 A. No. The memory I have was of this person - the ones

1 from our congregation coming and saying how - the way he
2 had been looking at - up people's skirts, and if they were
3 sitting on the convention and looking up, and deliberately
4 looking - that's what I remember, only, of that case.

5

6 Q. Now, you say you can't remember whether the further
7 allegations, which surfaced after he had been removed but
8 prior to him being disfellowshipped, occurred after he was
9 removed; is that right?

10 A. I have no other memory.

11

12 Q. Coming to the case of [BCG] - you know who it is to
13 whom I'm referring?

14 A. Yes.

15

16 Q. I'm going to endeavour not to use her name or the
17 names of others involved, and I'm sure you'll understand
18 and try and do the same?

19 A. I will very much try.

20

21 Q. Thank you. Did you watch or listen to [BCG]'s
22 testimony last week?

23 A. Only very little glimpses of it. I didn't want to
24 listen to it so I could be objective. That's how I thought
25 last week.

26

27 Q. I'm struggling to understand that, Mr de Rooy. In
28 what sense would you consider your objectivity might be
29 changed or compromised by listening to her testimony?

30 A. I wanted to be honest in any questions that you ask in
31 this Royal Commission from my memory of it at the time, and
32 in line with what I've written here as a statement. So
33 I felt my forthright answers would be better just coming
34 and listening from the questions you asked. So that's how
35 I felt at that time.

36

37 Q. Do you remember how you first came to learn of [BCG]'s
38 allegations of sexual abuse by her father?

39 A. We were handling a matter with the father with regards
40 to another woman and we were looking at what was happening
41 there, and it was in the context of that judicial meeting
42 that now [BCG] and her fiance came, and then the
43 allegations that were made against the father, so it's in
44 that respect.

45

46 Q. At that stage, do you remember what the allegations
47 were? In other words, what is it that [BCG] said that her

1 father had done?
2 A. The specifics of it, no, I can't remember. I have
3 been trying to remember from my own memories on that. The
4 only thing that I do remember was part of it when it came
5 to being in the shower and with the door and how he acted
6 there, that part I do remember.
7
8 Q. What are you referring to? You're speaking in
9 riddles. If you haven't heard [BCG]'s testimony, what is
10 it that you're referring to exactly? What is it that you
11 remember about the shower and the door?
12 A. No, you asked if I remember anything of that meeting
13 and that's - that's - they're the things that - I remember
14 little aspect of it.
15
16 Q. You just remember someone mentioned a shower and a
17 door?
18 A. No, I remember that little aspect of it.
19
20 Q. What is the aspect? That's what I'm trying to get at.
21 I'm asking you to say what is it that you remember that was
22 said which involved a shower and a door. The way you've
23 explained it so far --
24 A. I --
25
26 Q. Hold on, you and I must not speak at the same time.
27 A. Sorry about that.
28
29 Q. The way you've said it so far, you seem to be assuming
30 that I know what you're talking about. I am asking you to
31 not to assume that and just tell me what it is that you're
32 talking about?
33 A. What I remember is the accusation at the time that the
34 father was trying to get in through the bathroom door with
35 [BCG] there in the bathroom. That I remember.
36
37 Q. Do you remember that it went further than that and
38 [BCG] said she'd been sexually abused by her father?
39 A. Not at that particular time.
40
41 THE CHAIR: Q. Sorry, do you mean you don't remember her
42 speaking of that other allegation, or you remember it being
43 spoken of at a different time?
44 A. What's - what I remember is that part of the
45 allegation. It's only after all the years later that
46 I know that there were other things as well. So, at that
47 particular time, in the original meeting that we had,

1 that's all I knew at that time.

2

3 Q. So you say the other matters weren't discussed at the
4 meeting at all, do you?

5 A. Because I don't remember all the allegations at that
6 time, it was because it was just between her word against
7 the father. That is all I really remember of that. It's
8 just so long --

9

10 Q. I'm not understanding. You mean other things were
11 spoken about that you can't remember?

12 A. I can't remember. That's all - what I've said there
13 is all I can remember.

14

15 Q. Very well.

16 A. Sorry, your Honour.

17

18 MR STEWART: Q. I'll come back to some documents, in a
19 minute, which may assist in refreshing your memory on that.
20 But before I get to that, can I ask you to look - and it
21 will come up on the screen - at [BCG]'s statement to the
22 Royal Commission, paragraphs 47 and 48, at the foot of
23 Ringtail page 11. Do you see that [BCG] said:

24

25 *After my mother told me about what my*
26 *father had done to my older sister, it*
27 *occurred to me that I should check with my*
28 *two younger sisters if he had ever done*
29 *anything to them. Together my mother and*
30 *I spoke to my younger sisters. They were*
31 *about five and seven or eight at the time.*
32 *Both of them said to me, "Yes, dad has been*
33 *rude." I remember my youngest sister*
34 *saying words to the effect of, "He put his*
35 *penis between my legs when we were laying*
36 *down in the lounge room watching TV."*
37 *I remember my other younger sister saying*
38 *words to the effect of, "He made me have a*
39 *shower with him and he touched me and*
40 *massaged my pee in the shower."*

41

42 Then in paragraph 48:

43

44 *My mother came with me to tell the elders*
45 *about my younger sisters. I remember that*
46 *Ron de Rooy said to us, "We don't want to*
47 *talk to your sisters because they are too*

1 *young to know what they are talking about."*
2 *This response made me so upset because*
3 *irrespective of their ages, my sisters were*
4 *victims too and the abuse should have been*
5 *considered by the elders.*
6

7 Do you remember that report by [BCG] and her mother to you
8 and the other elders about her younger sisters?

9 A. No, I do not.

10
11 Q. I take it in saying you don't remember it, you're not
12 saying that [BCG] is wrong about her memory of it?

13 A. See, my recollection is that we were handling that
14 situation at that judicial committee, and I don't recall
15 that at all coming out of that judicial committee.
16

17 Q. So you just don't recall it - is that it?

18 A. I do not recall it.
19

20 Q. You're not saying that it didn't happen?

21 A. If that had happened, that would have given us more
22 witnesses to follow through on, and then we would have
23 handled that, but my recollection is that is not the case.
24

25 Q. Let me understand. You had a judicial committee
26 already formed, chaired by you; is that right?

27 A. That's right.
28

29 Q. And it had Mr Bowditch and Mr Ali as the other two
30 members?

31 A. That is correct.
32

33 Q. And it was considering some allegations with regard to
34 [BCH] - that's [BCG]'s father - and [BCH]'s intentions with
35 regard to another woman; is that right?

36 A. That's correct.
37

38 Q. You were in the process of investigating the issues
39 that arose around that?

40 A. That's correct.
41

42 Q. And you recall that in the context of that, [BCG] and
43 her then fiance, who I think is [BCJ], reported what you
44 remember as an incident about the father trying to break
45 the door to get into the shower while [BCG] was in the
46 shower; is that right?

47 A. I do recall that.

1
2 Q. And you say that you don't remember more?
3 A. I don't remember more than that.
4
5 Q. About [BCG]'s allegations with regard to her father?
6 A. No.
7
8 Q. But you remember enough to say that it was her
9 allegations against his and, on that basis, you weren't
10 able to resolve them?
11 A. That's right. It was one person's word against
12 another.
13
14 Q. Now, those allegations came to you as part of a
15 judicial committee already formed; is that right?
16 A. That's true.
17
18 Q. So, in hearing them and dealing with them, you didn't
19 go through the step of a preliminary investigative process
20 by two elders and then a report to the elders who then
21 decided to form a judicial committee, you just subsumed it
22 into the existing judicial committee; is that right?
23 A. I understand that's what happened.
24
25 Q. In the process of that judicial committee, you
26 questioned [BCG] about what she was alleging about her
27 father; is that right?
28 A. That's true.
29
30 Q. And you did that in the presence of her father?
31 A. Her father - when we were talking with [BCG] it would
32 have only been us, as three elders, talking with her.
33
34 Q. So are you saying you did not require her to make
35 those allegations also in the presence of her father?
36 A. At the time, from memory, she also faced [BCH] and
37 made that accusation straight to him.
38
39 Q. So, in other words, it was in the presence of her
40 father?
41 A. Then it was yes.
42
43 Q. That was part of your judicial committee?
44 A. It was. That was part of our committee.
45
46 Q. The father got aggressive; is that right?
47 A. He was quite angry at her.

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Q. And he had to be restrained?

A. I don't remember that at all.

Q. If we go back in [BCG]'s statement to paragraph 43, firstly, she says:

At the first committee meeting ...

It was the case that there was more than one meeting with [BCG] in relation to these allegations; is that right?

A. Yes.

Q. She says:

At the first committee meeting, the elders sat me in a room at the Kingdom Hall and came in one at a time and asked me to tell them what had happened.

Do you recall it like that?

A. I don't really recall that. All I recall is that we, as a committee, would have asked her in to talk to the whole three of us there.

Q. Perhaps that's captured in the next sentence:

After that they came in together and asked me more questions.

In other words, the three of you asked her questions?

A. The three of us asked her questions.

Q. Then she said:

They repeated this process several times.

Do you recall that?

A. No, but that possibly would be correct.

Q. She says:

It felt like I was being interrogated and that the elders were trying to find inconsistencies in my story to catch me out.

1 Would that be right?
2 A. I don't believe that's correct. The three of us as
3 elders there, we were also fathers. I have three daughters
4 as well, and we felt sickened by what a father would do to
5 his daughter. So when we were talking with [BCG] there,
6 that's how we felt - because we had known her for such a
7 long time, she was like our family, so the way that we
8 talked with [BCG] was to try to put her at ease, to help
9 her to be able to really make it clear to us what exactly
10 happened, so she'd feel comfortable to do that. So that's
11 the view.
12
13 Q. Mr de Rooy, what sickened you?
14 A. That a father would do anything like that to his
15 daughter.
16
17 Q. Anything like what?
18 A. Abuse his daughter.
19
20 Q. Abuse in what way?
21 A. In what way? In the - because my memory is so unclear
22 from that long ago, I know already how I felt towards a
23 father doing that to his children, so when the allegations
24 were made, which I can't remember much of, as I said, you
25 know, a father doing that was not what a father should do.
26
27 Q. So whilst you can't remember what it was exactly you
28 were told, certainly it sickened you - is that right?
29 A. Yes.
30
31 Q. It repulsed you?
32 A. That's - that would be - for me as a father, I view it
33 as despicable. So we - you know, here we were as three
34 family men, having someone who has been hurt by her father,
35 and we felt very much for her - every - that's the way -
36 how we felt.
37
38 Q. So the allegations that were made to you then were
39 serious allegations?
40 A. They were very serious allegations.
41
42 Q. They were more than forcing a door open?
43 A. Well, I can't remember any more of that, but they were
44 serious enough, but because they were - it was one person's
45 word against another, regardless of whether we believed it,
46 we could only go so far.
47

1 THE CHAIR: Q. Did you believe it?
2 A. Did I believe it?
3
4 Q. Yes.
5 A. Yes.
6
7 Q. So you believed it, you were sickened by it, but you
8 couldn't do anything about it?
9 A. No, the Bible principle --
10
11 Q. Do you think that's a fair position to end up in for a
12 young lady who, you say, was abused in a way that sickened
13 you?
14 A. No.
15
16 Q. No.
17 A. But it's - we are following the well-established
18 principle that we've got to have - it cannot be just one
19 witness.
20
21 Q. What's the Bible reference that underpins that?
22 A. Deuteronomy, chapter 19 verse 15, your Honour.
23
24 Q. Do you remember off by heart?
25 A. I do. I've written it here.
26
27 Q. What does it say?
28 A. It talks about --
29
30 Q. No, what does it actually say?
31 A. Can I look it up for you?
32
33 Q. Yes.
34 A. It reads:
35
36 *No single witness may convict another for*
37 *any error or any sin that he may commit.*
38 *On the testimony of two witnesses or on the*
39 *testimony of three witnesses the matter*
40 *should be established.*
41
42 Q. What's the context for that discussion?
43 A. I would like to read it all right through to get the
44 context, I'm sorry.
45
46 Q. We won't stop to do that now. I understand where the
47 Jehovah's Witnesses place their confidence, but do you

1 accept that we have a true conflict between an
2 understanding that we all have of human behaviour and, as
3 you say, your capacity to believe that she was telling the
4 truth, and what might be, by reason of adherence to that
5 particular piece in the Bible, a conflict?
6 A. I put a lot of store by what that principle says, and
7 I have a lot of store, also, to believe that other things
8 will come out that would provide that, but on the ground of
9 one person's word against another, we cannot act judicially
10 any further.
11
12 Q. No, but you appreciate the civil courts can?
13 A. Well, that's - that's where there's the difference for
14 the civil court then.
15
16 Q. Well, do you appreciate the civil courts can?
17 A. On one person's word?
18
19 Q. Yes.
20 A. I'm not - I don't know about the civil court,
21 your Honour.
22
23 Q. You don't know?
24 A. No.
25
26 Q. What I'm trying to get to is whether you accept that
27 there is a conflict between what the Bible is telling you
28 and what your experience as a human being tells you about
29 capacity to accept one person's word against another, based
30 upon your own assessment of what they're saying.
31 A. I don't believe that's correct, your Honour. I -
32 I really believe the saying there: having one witness, you
33 can't establish it beyond any doubt. You can't act on
34 that. If you have another witness to something similar
35 that that person has done, yes, then we've got two
36 witnesses, but on the evidence of one, that's my
37 understanding, is that we cannot act, and I - yes,
38 that's how --
39
40 Q. You say that in the face of telling me that you
41 believed what she told you?
42 A. Yes.
43
44 Q. Even though, at that point, it was word on word?
45 A. Yes, we believed her.
46
47 MR STEWART: Q. Mr de Rooy, if it was in your own rules,

1 you couldn't act internally. If you believed her, what you
2 could have done, surely, is to report her allegations to
3 the authorities?

4 A. The other principle that very much would apply is that
5 we're concerned about confidentiality and for the benefit
6 of the victim, and we feel that, well, it was the victim's
7 right, then, to go to the authorities to report that - not
8 our right.

9

10 Q. Did you ask her whether you had her consent to take
11 the matter to the authorities?

12 A. I have no recollection of that.

13

14 Q. Did you encourage her and support her to enable her to
15 take it to the authorities?

16 A. There's a few things, perhaps, in that answer - to
17 answer that, because years later, when it went to court,
18 I was very happy to be part of that arrangement to have him
19 prosecuted. So we supported that voluntarily. So whenever
20 it was her decision to want to take him to court, we were
21 behind her.

22

23 Q. That's quite a different time period and quite a
24 different set of considerations. I'm dealing with the time
25 of your judicial committee, when you believed her in
26 respect of very serious allegations that sickened you, yet
27 the rules governing the way in which your judicial
28 committee operates meant that you could not take any action
29 internally with regard to the father - that is, internal to
30 the church. My question is why did you not encourage her
31 and support her, then, to take the matter to the
32 authorities, who could have acted without those
33 restrictions?

34 A. Perhaps the only answer I could give was that if she
35 had wanted to at that time, we would have supported her.

36

37 Q. Isn't it the case --

38 A. But it wasn't our - we weren't --

39

40 THE CHAIR: Q. Mr de Rooy, I understand what you say
41 about that, but tell me this: what would you do in the
42 situation where, if you had an allegation such as this
43 against a father, and the daughter, for understandable
44 reasons, did not want to go to police, she didn't want to
45 make it a public trial, but you believed her and you,
46 therefore, knew that this girl was in grave danger of
47 further abuse by her father - what would you do if it was

1 still just word on word but you believed her?
2 A. Well, if I'm answering this correctly, your Honour,
3 from what we did actually do from that time, we
4 straightaway were able to make provision for her to get out
5 of that home. So she was, I think, about 18 years of age
6 at that time, but straightaway we made provision for her to
7 be out of the family, to be somewhere safe with another
8 family, and she was there for a while and so, in that way,
9 straightaway we did act. So we did believe her, we tried
10 to protect her then.

11
12 Q. That means separating this hypothetical daughter from
13 any siblings and her mother, doesn't it?

14 A. It did at the time, yes.

15
16 Q. Well, is that the right way to go? The girl hasn't
17 committed an offence?

18 A. But she needed protection, and we were giving that
19 protection by doing that.

20
21 Q. Do you think that that's the right thing to do, as
22 opposed to saying to the father that things have got to
23 change as far as he's concerned?

24 A. Well, if he cared about his daughter, he would have
25 made it a lot easier for her. I can't answer any more than
26 that, your Honour. But what we did at that time was try to
27 care for her, to get her out of that situation, and we saw
28 that that was the best way to do that at that time, in a
29 family that cared for her and looked after her and that
30 would also give her the support that she needed until the
31 time that she got married. So that was helping her.

32
33 MR STEWART: Q. I'd like to show you some manuscript
34 notes, exhibit 29-008. Mr de Rooy, you are also being
35 handed an unredacted copy of those notes. Before you look
36 at the notes, Mr de Rooy, I want to say something I want
37 you to understand. It's unredacted. In other words, there
38 are a lot of names that appear there, and the effort you
39 and I are going to make - because I have got the same
40 copy - is to not mention the names. We can perhaps
41 identify people by their relationship?

42 A. I'll try and do that.

43
44 Q. Thank you. Firstly, do you recognise these notes?

45 A. I haven't seen them for 26 years --

46
47 Q. But that implies you do recognise them?

1 A. I recognise that my name is there, yes.
2
3 Q. When you say you haven't seen them for 26 years, you
4 have seen them before, I take it - these notes?
5 A. Only - well, I'm really seeing this properly for the
6 first time right now, so --
7
8 Q. Do you recognise that that's the manuscript of Mr Ali?
9 A. I recall that, because that was brought up, yes.
10
11 Q. What do you mean, it was "brought up"?
12 A. I was watching the camera when these things were
13 brought up, so I saw these - these are the notes, yes.
14
15 Q. So last week when Mr Ali testified?
16 A. Yes.
17
18 Q. Did you see his testimony?
19 A. No.
20
21 Q. Well, how --
22 A. Parts of it, but no, I couldn't.
23
24 Q. Were you not concerned by seeing some of his
25 testimony, it might jeopardise your objectivity?
26 A. I wanted to be able to honestly say what I - what you
27 ask me, so --
28
29 Q. But you still saw part of his testimony?
30 A. I saw part of it, but I had to go.
31
32 Q. These are Mr Ali's notes. At the beginning it says
33 "Notes of investigating committee" and it is dated 1 June
34 1989, and he records that it's Ron de Rooy, chairman; Kevin
35 Bowditch, and himself, Mr D Ali, to distinguish him from
36 the other Mr Ali, also some-time member in your
37 congregation. I invite you to page through the notes, but
38 you'll see that he records various things - various
39 meetings with different people, it would appear, and things
40 being said to the elders, which he then notes down. Is it
41 the case that he was the scribe or the secretary for your
42 three-person committee?
43 A. Yes.
44
45 Q. So he was taking notes for the committee?
46 A. Yes, according to this - yes.
47

1 Q. And are you aware - he explained to us that these
2 notes then went into the congregation files. Are you aware
3 of that?
4 A. I would understand that, yes.
5
6 Q. Would that have happened in the ordinary course?
7 A. That would happen, yes.
8
9 Q. So that they could be referred to in the future,
10 should the need arise?
11 A. Yes.
12
13 Q. Should the need arise to determine who said what and
14 when, then the notes could be referred to for that purpose?
15 A. That would be the case.
16
17 Q. That's why they would be filed.
18 A. Mmm.
19
20 Q. Yes. If you look at page 4, Ringtail 1481, do you see
21 about a third of the way down two names appear - [BCG] and
22 that of her mother, and it's underlined? Do you see that,
23 Mr de Rooy?
24 A. Yes.
25
26 Q. Adjacent to that, it says:
27
28 *Molesting!*
29
30 Then it says "4-5 times", do you see that?
31 A. Yes.
32
33 Q. And then there are various - some of it I need not go
34 through. Various things are said there. Near the end,
35 about five lines up from the end on the left-hand side,
36 you'll see the name of [BCG]'s mother and a colon, and it
37 is underlined - do you see that?
38 A. Yes.
39
40 Q. Then a number of points are made adjacent to that.
41 Would you understand those to be notes of what her mother
42 told your committee? Is that how you would understand the
43 note?
44 A. I don't really understand the notes.
45
46 Q. Do you see at the very last line of the page there is
47 a dash?

1 A. Yes.

2

3 Q. And I'll quote:

4

5 - [BCH] has abused two younger children,
6 possibly at age 2.

7

8 And then immediately above that it's got the name of the
9 eldest daughter and then her name and then "too", as in "as
10 well". Do you see that?

11 A. Yes, I see that.

12

13 Q. At face value, those notes suggest that during your
14 investigation process you were told by [BCG]'s mother that
15 the father had also abused her younger daughters and, also,
16 the elder daughter. Does that help you remember?

17 A. No, it doesn't. I - I don't really recall that. It
18 never came up like that in our first - in that judicial
19 meeting that we conducted with - because that - if that had
20 been the case, we would have been able to say, well,
21 there's not only one witness; we would have been able to
22 then act on that. So that's - yes, it's --

23

24 Q. It's exactly that that's troubling me. On the face of
25 these notes, if they are to be accepted as recording what
26 they appear to be recording, then it would show you up for
27 not having acted as you should have acted; is that not so?

28 A. The only thing is it's notes of an investigating
29 committee that would have been perhaps ongoing. So at that
30 particular time when we were handling with [REDACTED] and
31 the father - when we were handling the matter with [BCH]
32 and the other woman, that did not - all this other wasn't
33 something that we - had come to our attention. If it had,
34 it wasn't just one person's word against another that we
35 had at that time, and we would have been able to add that
36 well and truly as part of the judicial committee.

37

38 Q. How do you respond to the suggestion that given all
39 that you've said about how vague your memory is on this
40 question, that the notes are likely to be a more reliable
41 record of what you were told than what your memory is?

42 A. True, my memory is not good, but I do remember very
43 precisely that at our first judicial meeting we only had
44 [BCG]'s word against her father. We did not have all these
45 other accusations.

46

47 Q. If you look at the next page, page 5, do you see at

1 the top of the page it's got the name of the eldest
2 daughter?

3 A. Yes.

4

5 Q. [BCK] and then in brackets it says "by herself", and
6 then it seems to record various things, or make a note of
7 various things, that she informed you, including, on that,
8 do you see where it says halfway down the page:

9

10 *On abuse of ...*

11

12 It's got her name again and a question mark and a dash and
13 then an arrow pointing down?

14 A. Yes.

15

16 Q. It says:

17

18 *Yes, at age 3 remembers vividly.*

19

20 Do you see that that seems to be a note that the eldest
21 daughter informed you and the other members of your
22 committee that she also had been abused at a young age?

23 A. I see that.

24

25 Q. What do you say to that?

26 A. What I would say to that is, yes, that these things
27 occurred, but they were not part of the information at the
28 first judicial meeting.

29

30 Q. By which you mean it's not information that you took
31 account of, albeit that you had been told it, but - as part
32 of an investigation?

33 A. No, we did not know of that information.

34

35 Q. And by "the first judicial meeting" that you refer
36 to - by that, do you mean all of the meetings of the
37 judicial committee that ended up in the decision to
38 disfellowship [BCH] for his conduct in relation to the
39 other woman, or do you mean just the first meeting of that
40 judicial committee in a process of meetings that culminated
41 in the decision to disfellowship?

42 A. I'll see if I can decipher that, but when I talk about
43 the judicial meeting, I refer to it as the whole judicial
44 meeting, as any meetings that would be part of that
45 judicial meeting that were involved, then to come to that
46 conclusion. But at the conclusion of that judicial
47 meeting, we could only disfellowship [BCH] for loose

1 conduct and lying and not for child abuse. We still only
2 had [BCG]'s accusation against her father. This
3 information would have had to have come in a lot later
4 after that, because that wasn't part of that meeting and
5 the information at that time, as I understand it.
6

7 Q. Do you recall that the date on which you took the
8 decision to disfellowship [BCH] was 12 July 1989?

9 A. I don't remember the exact date, but, yes.
10

11 Q. I'll show it to you. If we can look at tab 26 of
12 volume 1 of the tender bundle. This is the formal
13 Notification of Disfellowshipping or Disassociation. This
14 is a form that's completed in every case of
15 disfellowshipping, isn't it?

16 A. Yes.
17

18 Q. You'll see there the name of [BCH] has been redacted
19 and the pseudonym inserted, do you see that?

20 A. Yes.
21

22 Q. Adjacent to that towards the right, above the words
23 "Date of disfellowship." It's got 12 July 1989 - do you
24 see that?

25 A. Yes.
26

27 Q. And then if we scroll down, you'll see that this is
28 the form that you've signed - at least, I take it that's
29 your signature?

30 A. Yes.
31

32 Q. It would seem that you took your decision on 12 July
33 1989. If we can go back to Mr Ali's notes that we were
34 looking at a moment ago and, in particular, to page 13(a),
35 Ringtail 1491 - do you have that?

36 A. Page 13, is it?
37

38 Q. Page 13(a)?

39 A. Yes.
40

41 Q. So it's the one that comes after page 12 and before
42 page 13 itself. It's the one that's on the screen.
43 Perhaps you can compare that the hard copy you're looking
44 at and the one on the screen is the same?

45 A. Yes.
46

47 Q. You see it has a date right at the top 12 July 1989 -

1 do you see that?
2 A. Yes, I see that.
3
4 Q. And that's the same date that I mentioned a moment
5 ago, being the date of your decision?
6 A. Yes.
7
8 Q. And then various things follow. It starts with the
9 name of the other woman's husband, if I'm not mistaken? Do
10 you see that immediately below the date?
11 A. Yes, I can see that.
12
13 Q. Then various things are recorded. You can have a look
14 through page 13 and the reverse of page 13 and then to the
15 top of page 14. Do you see that in that period, so far as
16 I can see, no subsequent date, or indeed other date, is
17 recorded on those pages - 13(a), 13, the reverse of 13, and
18 then on 14. So this would appear, on the face of it, to
19 have all occurred on 12 July - do you see that?
20 A. I can see that.
21
22 Q. Then at the top of the page, page 14, so it's Ringtail
23 1494, do you see it has [BCH]'s name underlined and a dash
24 and then it says:
25
26 *Told of charges loose conduct and lying.*
27
28 Do you see that?
29 A. Yes.
30
31 Q. It suggests that he was told that those were the
32 charges?
33 A. Right.
34
35 Q. That would stand to reason - you would put to him what
36 charges you were ultimately settling on; would that be
37 right?
38 A. That'd be the case.
39
40 Q. Then various things are recorded. Then, further down
41 on the left-hand side, just below halfway, you'll see it
42 says:
43
44 *Lying!*
45
46 Underlined. Then some further things are recorded. Then
47 in the last sentence it says:

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

Do you recall that?

A. I can't see that page?

Q. The foot of the same page.

A. I've got page 14.

Q. Page 14, the bottom, the last two lines?

A. Yes, yes, thank you.

Q. So it says:

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

Do you see that? Is that something you were told during your judicial committee hearing?

A. I recall that wording.

Q. During your hearing?

A. I recall that wording at the end of the appeals committee meeting, yes.

Q. Just above that, do you see the two lines immediately above that and it says:

Call in ...

That's what it looks like. Then there are two names - without saying the names, I'm not sure - perhaps it's one name:

Call in on ...

and there's a name, and then that name again:

... tells ...

the initial for [BCH], it says "the something". That name that's there, without saying it, are you able to identify who that is?

A. Yes, they were members of the congregation.

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Q. Did that person perhaps tell you what's then recorded immediately below that; in other words,

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

A. No. The bottom line, where he has admitted to - no, that was not - that applied directly to the allegations, accusations, that [BCG] had made about her father. Those words are etched into my brain as to - I know for sure that that's what I heard. That's something I'll always remember.

Q. Because you'll see over the page, the following page, right at the foot of the page it says:

19 July 1989 [BCH] appeals, fax to Kevin.

Do you see that? That suggests, on the ordering of these notes, that what is recorded before that occurred prior to him appealing - in other words, during the judicial committee stage; do you accept that?

A. The sequence is not - not how I remember it, what you're saying as far as - or what I'm understanding the sequence there. I'll have to read it - go right through. I can't answer any more than that.

Q. Perhaps we can look at the report of your decision at tab 3. Do you recognise this. Perhaps we can ask that it be scrolled down and you can see the bottom of the page as well.

A. Yes.

Q. Do you recognise this being the report of your decision to disfellowship? Mr de Rooy, who wrote this report, do you remember?

A. Looking at the typing, I'd say I most probably did that.

Q. Then Mr Bowditch and Mr Ali signed off on it as well; is that right?

A. Yes.

Q. You'll see there that there is no mention of [BCG]'s complaint - do you see that?

1 A. That's right.

2

3 Q. So there is no mention of the complaint that you
4 believed, that sickened you, that was very serious, albeit
5 that you felt that you couldn't uphold it because of the
6 two-witness rule, but you don't report back to the branch
7 office in this report that you at least had received that
8 complaint. Why is that?

9 A. My memory, from what I understand, we've dealt -
10 whatever I've written here has dealt with what - the
11 grounds, and so on, for the disfellowshipping of [BCH], so,
12 from memory, I cannot say anything else from there.

13

14 Q. The process at that time, as I understand it, was that
15 in the event of receiving allegations which could not be
16 spiritually proved, or proved in accordance with the
17 requirements that are set out from which you take the
18 scriptures as your authority, they were then, nevertheless,
19 to be reported to the branch, in case similar allegations
20 might be made again, by someone else, and then the previous
21 ones could be used to form the proof. Isn't that the
22 process?

23 A. Look, I can't answer that now, off the spur of my
24 head, but this was an ongoing investigation into those
25 things. We - this was part, now of - we had dealt with
26 [BCH] to be able to carry through on that judicial matter,
27 but it was an ongoing investigation with regards to these
28 things. So by all those notes, we were obviously still
29 also doing further investigation, so this dealt primarily
30 with why he was now disfellowshipped and the grounds for
31 that. That's all I can say.

32

33 Q. Perhaps you can clarify for me, Mr de Rooy: do your
34 procedures provide for you to hold a judicial committee
35 into allegations against non-members of the Jehovah's
36 Witness Church?

37 A. Would you say that again, please?

38

39 Q. Do your procedures provide for your judicial committee
40 to have a hearing or make investigations into allegations
41 against non-Jehovah's Witnesses?

42 A. Well, we deal - the judicial matters are there with
43 regards to ones who are in the congregation, not those who
44 are not. But the members of the congregation, if they
45 bring accusations and there are other things that come out,
46 well, we are there to be able to go further on that.

47

1 Q. If I live in Mareeba and I'm not a Jehovah's Witness
2 and a member of your congregation has some allegation
3 against me and they take it to the elders, the elders are
4 not going to form an investigative committee to investigate
5 me, are they?

6 A. No, not you. No.

7

8 Q. So now you've taken a decision here to disfellowship
9 [BCH]; he's no longer a member of your congregation, is he?

10 A. No.

11

12 Q. He's not a member of any congregation?

13 A. No.

14

15 Q. He's outside of the church?

16 A. That's true.

17

18 Q. So how can it be that you regarded the child sexual
19 abuse allegations against him to still be subject to a
20 continuing investigation?

21 A. Because [BCG] is very much a part of our congregation,
22 along with her fiance, who became her husband. So we would
23 be supporting and helping them all the way through, because
24 the pain of everything hasn't gone away. So we are still
25 helping in that respect with them. And if the person then,
26 as in this case, wanted to bring it to the law, then we
27 give them that dignity that they bring that to the law and
28 we will fully support that, as was in this case.

29

30 Q. Mr de Rooy, I suggest you're avoiding the point?

31 A. I don't mean to, sorry.

32

33 Q. The point is this: you say that the reason why the
34 child sexual abuse allegations are not recorded or
35 reflected in this report is because they were the subject
36 of an ongoing investigation - that's what you said a few
37 moments ago. But there can be no ongoing investigation of
38 allegations against someone who is out of the church.

39 A. For the person who's disfellowshipped, yes, they're
40 disfellowshipped, but all I can say is that, as elders,
41 we're still helping the victim in this case, so --

42

43 Q. That I understand. But, you see, what appears to have
44 happened here - and I suggest it is what happened and I'll
45 give you the opportunity to respond - is these serious
46 child sexual abuse allegations were made. For whatever
47 reason, you decided to disfellowship on different grounds,

1 and the child sexual abuse allegations were then just
2 left - isn't that what happened?

3 A. No, it's not. I may be looking at - through how
4 I recall it, but he was disfellowshipped. We had that
5 meeting, he was disfellowshipped for lying, for loose
6 conduct, and we had [BCG]'s word against [BCH]. We had
7 enough information to be able to say, yes, we will
8 disfellowship him from the Christian congregation. He
9 then, within seven days, appealed our decision of
10 disfellowshipping on the grounds of loose conduct and
11 lying.
12

13 So the appeals committee then is arranged and, from my
14 memory, it's at that time that now, really, the child
15 allegations - child molestation/abuse there, and those
16 words that I recall, that everything that [BCG] has said is
17 true by [BCH] - I recall that, and it was then, on that,
18 from my memory, that now this is added as the basis for -
19 on top of lying and loose conduct that was previously. So
20 from one week to then seven days and then having the
21 appeals, that's how I understand. So that was added then.
22

23 Q. If he had not appealed, then what would have become of
24 the sexual abuse allegation?

25 A. Well, from my understanding, [BCG] - we felt [BCG] had
26 the right to go to the police.
27

28 Q. Of course she had that right, but no-one was assisting
29 her or encouraging her to do that, were they?

30 A. I - I do not - cannot give any other reason.
31

32 Q. She wasn't, herself, able to do it until many years
33 later - you know that?

34 A. That's true. That's true. And may I add, I would
35 think that that would be the case, because, you know, it
36 was leading up to getting married, and then from there. So
37 that would have occupied a lot of the time.
38

39 Q. Well, it was many years later, and she's explained it
40 wasn't about because she got married; it was because no-one
41 helped or supported her, and it wasn't until she left the
42 Jehovah's Witness Church that she felt able to go to the
43 police?

44 A. See, I - I look - my memory is totally different to
45 that, as far as supporting her. We were very close, as
46 families. My younger children were very close. We had
47 many years of association afterwards, not only while the

1 two children were born there at Mareeba, and then later
2 when they moved further south to Townsville, we still had
3 very close association there with the family. We stayed in
4 their home. My wife had visited them - [BCG] - when the
5 baby was born.

6
7 Q. I'm sorry to interrupt you, Mr de Rooy, but we've got
8 limited time available and it's taking a lot of resources
9 to pursue this inquiry, which is obviously an important
10 one. I'm not asking you generally about your support of
11 [BCG]. I'm asking you specifically about whether you
12 supported or encouraged her to go to the authorities to
13 take her allegations further, since you, as the judicial
14 committee, felt you were unable do so --

15 A. I have no recollection of saying yes or no for her to
16 do that.

17
18 Q. Let's deal with the appeal. If we look at tab 4 of
19 the tender bundle, and dealing with the appeal, that is
20 [BCH]'s handwritten appeal document. Do you recognise
21 that. We can scroll it down if that will help you. You
22 see it's dated 19 July 1989 and is signed by [BCH]. Is it
23 that you don't really remember, it was too long ago - is
24 that the point?

25 A. I find it - I would have to really look at that,
26 because I can't even quite read it, sorry.

27
28 Q. Let's not delay on that. If we look at the next tab,
29 tab 5, this is now the report from the appeal committee.
30 Just before you take time reading that, I'll just clarify a
31 few things. As I understand it, you and the other members
32 of your judicial committee were present as observers in the
33 appeal committee hearing; is that right?

34 A. That's correct.

35
36 Q. In the appeal hearing, [BCH] confessed to the sexual
37 abuse allegations in respect of [BCG]; is that right?

38 A. That's correct.

39
40 Q. And then this, as you'll see, if we can scroll down a
41 little, you'll see coming on to the screen now, which has
42 been highlighted, it says:

43
44 *Fresh evidence under questioning of*
45 *witnesses and appellant produced further*
46 *more serious reasons for disfellowshipping.*

1 And that covers the child sexual abuse allegation, is that
2 right, the bit that's highlighted?

3 A. Yes.

4

5 Q. Do you recall what it is that was said in the meeting
6 which amounted to the admission or confession by [BCH] of
7 the abuse by him of his second daughter?

8 A. Did you say the second daughter?

9

10 Q. Yes, [BCG]. As I understand, [BCG] is the second
11 daughter?

12 A. Sorry, yes. As I said previously, the memory I have
13 was where [BCG] admitted to everything that - [BCH], sorry,
14 admitted to everything that [BCG] had said, so as far as
15 specifics, no, I have no memory.

16

17 Q. Perhaps I can show you tab 32. You'll see this is a
18 statement taken by the Queensland Police Service of
19 James Bennett. He was a member of the appeal committee,
20 wasn't he?

21 A. That's right.

22

23 Q. This was then a statement for the purposes of the
24 prosecution of [BCH]. If we look on the next page,
25 paragraph 6, this is talking about the appeal meeting when
26 Mr Bennett said:

27

28 *When [BCH] was confronted by the statement*
29 *made by his daughter [BCH] admitted that*
30 *they were true.*

31

32 Would that accord with your memory?

33 A. Yes.

34

35 Q. If we look at tab 36, you'll see this is a Queensland
36 Police Service statement of Donald Angus Wilson. He was
37 another member of the appeal committee; is that right?

38 A. That's correct.

39

40 Q. On the following page at paragraph 7, also speaking in
41 relation to the appeal committee meeting, Mr Wilson says:

42

43 *Initially [BCH] denied his daughter's*
44 *allegation, but I recall that he finally*
45 *admitted that he had done what [BCG]*
46 *alleged.*

47

1 Is that right?
2 A. That's correct.
3
4 Q. That's what happened?
5 A. That's correct.
6
7 Q. Following the appeal, which, of course, confirmed the
8 disfellowshipping and added the extra ground - not so?
9 That's right, isn't it?
10 A. That's right.
11
12 Q. So, following the appeal, you had confirmed
13 allegations of serious child sexual abuse and incest by
14 [BCH] - not so?
15 A. Yes.
16
17 Q. That he had admitted?
18 A. He admitted.
19
20 Q. And the approach taken by the elders was that [BCH]
21 should give up his pursuit of the other woman and return to
22 the family home - would that be right?
23 A. That would have been a decision for him.
24
25 Q. In the light of the information that you had at that
26 stage following the appeal, did you not then consider
27 reporting to the authorities or to the police?
28 A. No.
29
30 Q. Are you able, now looking back, to explain how it is
31 that that was not something you considered?
32 A. I would still go back to - for the sake of
33 confidentiality and, also, for the persons involved, that
34 it is their right to go to the police. We didn't say one
35 way or the other, but that's their right to do that.
36 I didn't feel it was mine.
37
38 Q. Whose confidentiality was that - in other words, who
39 had a claim, in your mind, for confidentiality in relation
40 to this information?
41 A. Very much for [BCG].
42
43 Q. It was [BCG]. So she could have consented for you to
44 take it to the police - not so?
45 A. At any time.
46
47 Q. And did you ask her whether she would like you to take

1 it to the police? You didn't?

2 A. I - I have no recollection one way or the other.

3

4 Q. Do you recall there was an occasion on which [BCG]
5 attempted suicide? This is in the period you say you were
6 caring for her a lot?

7 A. I don't have a recollection of that.

8

9 Q. Perhaps we can look at her paragraph 60. Do you see
10 that after the introductory sentences, in the second line
11 she says:

12

13 *Not long after I married [BCJ] I still felt*
14 *worthless and alone and I tried to commit*
15 *suicide by taking an overdose. I had to*
16 *report my suicide attempt to the elders as*
17 *it was a sin against Jehovah.*

18

19 Attempted suicide is regarded as a serious sin, isn't it,
20 Mr de Rooy?

21 A. For someone to commit suicide, really, we want to give
22 all the help we possibly can.

23

24 Q. You're not answering my question, Mr de Rooy. I'm
25 asking you, it's a serious sin, isn't it, attempted
26 suicide?

27 A. To answer that, for someone in their right mind to
28 kill themselves, yes, but this is totally different. This
29 is - this is someone who has been very much affected by
30 what's happened. It's different.

31

32 Q. Well --

33 A. It doesn't apply.

34

35 Q. I have to say I am not sure that I ever saw an
36 exception to it being a very serious sin in the
37 documentation. Perhaps that's something that the documents
38 will show one way or the other. We'll see how [BCG]
39 continues there. She says:

40

41 *I remember that I spoke to Ron ...*

42

43 Do you remember that she spoke to you about her attempted
44 suicide?

45 A. No, I don't.

46

47 Q. If we carry on to the next page, she says that she was

1 chastised by you, because attempting suicide is viewed as a
2 serious wrongdoing within the church. You say you don't
3 recall that?

4 A. No.

5
6 Q. Are you saying you did not chastise [BCG]?

7 A. My recollection of the times that I spoke with [BCG],
8 on occasions with her husband, was always to encourage, to
9 help her to think positively, to give her comfort and
10 support. I would not have - at all think of chastising
11 someone who felt like that. That is just not part of how
12 I shepherd and help ones who are distressed like that. So,
13 no, I don't believe that's correct.

14
15 Q. Could we look at tab 80, Ringtail page 24.
16 Mr de Rooy, you can see the document that you're going to
17 be shown - you're familiar with this document - Pay
18 Attention to Yourselves and to All the Flock. That was the
19 guide to the elders that applied from 1991; is that right?

20 A. Yes, I believe so.

21
22 Q. You'll see here various forms of wrongdoing are set
23 out. Perhaps this is what you had in mind. Do you see
24 under "Manslaughter"?

25 A. Yes.

26
27 Q. In the second main paragraph it says:

28
29 *Attempted suicide may be the result of deep*
30 *despair or major depression; deal carefully*
31 *and compassionately with such a person. In*
32 *most cases a judicial hearing is not*
33 *required.*

34
35 Is that what you had in mind?

36 A. That's what I had in mind.

37
38 Q. The right response to [BCG], in the event that her
39 attempted suicide came to your knowledge, would have been
40 to deal carefully and compassionately with her; is that
41 right?

42 A. Very much so.

43
44 Q. But you say you don't remember that --

45 A. I have no memory of that.

46
47 Q. If we can go back to tab 6 and scroll that up so the

1 whole letter can be seen. You'll see on 7 August 1989
2 [BCH] wrote to the Body of Elders and said:

3
4 *Dear Brothers,*

5
6 *I felt I must write to ask your*
7 *forgiveness for the trouble I have caused*
8 *and the reproach on Jehovah's name and the*
9 *Congregation.*

10
11 *Please forgive me.*

12
13 Do you recall receiving this letter?

14 A. No, I don't.

15
16 Q. Subsequently - and I'll take you to the correspondence
17 in a moment - [BCH] sought reinstatement into the Jehovah's
18 Witnesses; is that right?

19 A. That's true.

20
21 Q. Can you explain what are the principal considerations
22 when someone applies for reinstatement?

23 A. They would write a letter to want to be reinstated and
24 then that would - then a judicial - well, a judicial
25 committee would look at that plea for reinstatement.

26
27 Q. In deciding whether or not reinstatement should be
28 granted, what are the principal considerations? What is it
29 in your inquiry or your investigation in that judicial
30 committee - what is it that you have to consider?

31 A. The things to very much consider are: is he truly
32 sorry for the things that he has done; is he able to say
33 that to the ones that he has hurt; can he correct anything
34 that possibly can be corrected; is his being sorry sorry
35 because he got caught out and had the punishment, or is he
36 sorry because now he wants to actually be forgiven by our
37 creator, Jehovah, God. So we have a term for whether he's
38 really godly sorry for that, is he godly repentant. So by
39 his attitude and his repugnance for the terrible things he
40 had done, how that would all be conveyed is what it would
41 be based on.

42
43 MR STEWART: Would that be a convenient time, your Honour?

44
45 THE CHAIR: Q. Just before we do rise, you referenced
46 the book of Deuteronomy as the source of the need for there
47 to be two witnesses. The book of Deuteronomy, of course,

1 has some other fairly strong demands, including a murderer
2 being executed and an adulterous woman stoned to death. Do
3 the Jehovah's Witnesses accept those statements as
4 appropriate today?

5 A. Your Honour, no, we can't kill someone for adultery or
6 stone people to death, but under the Christian arrangement
7 we can disfellowship people for those things, which really,
8 if they want to make things right with God, they've got to
9 then change, to have that relationship back. So we can't
10 do that, but the principle of it is that we remove them
11 from the congregation.

12
13 Q. But, leaving aside that you can't do it, do the
14 Jehovahs think the appropriate punishment today for a
15 murderer is that they be put to death?

16 A. That's for the law to decide.

17
18 Q. I know, but what's the Jehovahs' position on it?

19 A. Our position?

20
21 Q. Yes.

22 A. Our position is that superior authorities, in
23 whichever country we are in, make the law on that, so
24 whichever country we're in makes the law on whether someone
25 should be put to death. That's my understanding.

26
27 Q. But that would override the Bible dictate in that
28 respect?

29 A. Well, we don't have the right to take someone's life
30 ourselves.

31
32 Q. No, but in terms of the principle, the civil law will
33 override the biblical injunction - is that the way it --

34 A. In this situation, the civil law has the right to do
35 that.

36
37 THE CHAIR: We'll take the morning adjournment.

38
39 **SHORT ADJOURNMENT**

40
41 *(The hearing resumed in the absence of the*
42 *court reporters.*

43
44 *Mr Stewart had asked a question of the*
45 *witness to the following effect: "You said*
46 *to the judge before we broke that the*
47 *Jehovah's Witnesses do not stone a woman to*

1 *death because you can't. Is the reason*
2 *that you can't because it is a serious*
3 *crime in the civil law?" The witness had*
4 *commenced his answer, but continued below.)*

5
6 THE WITNESS: ... That would be wrong, so we are not under
7 the Mosaic law with all its penalties for death and
8 stoning. We are not under that law at all. We are under
9 the law of Christ, and it's then, in that way of applying
10 those principles of Christ, that we do apply that in the
11 congregation.

12
13 THE CHAIR: Mr Stewart, we have made a grievous error. We
14 didn't have any transcription. We do now.

15
16 MR STEWART: I am not sure that it matters terribly much
17 on that one. We can take that up with the members from the
18 branch committee.

19
20 THE CHAIR: It is a matter for you, Mr Stewart.

21
22 MR STEWART: Q. Mr de Rooy, I'm not going to ask you to
23 give that explanation again. We'll ask people from the
24 branch office about that relationship that I asked you
25 about.

26 A. Thank you.

27
28 Q. Getting back to the question of reinstatement, I'd
29 like you to take a look at page 130, Ringtail 0060 of
30 tab 80. You'll understand that this is from the Pay
31 Attention to Yourselves and to All the Flock guide to
32 elders that applied from 1991 until 2010. You see there it
33 says:

34
35 *If it is determined that the wrongdoer is*
36 *sincerely repentant, has discontinued his*
37 *former wrong conduct, and is doing works*
38 *that benefit repentance, he can be*
39 *reinstated.*

40
41 *The decision to reinstate is made by a*
42 *judicial committee of the congregation that*
43 *took the disfellowshipping action. The*
44 *secretary should sign and return [the*
45 *form].*

46
47 Are we to understand that reinstatement is a question of

1 repentance?
2 A. Yes.
3
4 Q. In that period, at any rate, in 1991 to 2010, these
5 are the principles that would apply in any reinstatement
6 request?
7 A. Yes.
8
9 Q. In this particular case, as we'll see in a minute
10 because I'll take you to the documents, there were a number
11 of reinstatement requests from [BCH] via other
12 congregations whose meetings he was attending; is that
13 right?
14 A. That's correct.
15
16 Q. Was it the case that the decision, though, on whether
17 or not to reinstate still lay with the original
18 congregation who had disfellowshipped him?
19 A. It comes back to the original congregation.
20
21 Q. So, in other words, it lay with Mareeba through all
22 this?
23 A. That's right, yes.
24
25 Q. If we can look at tab 7, and while that's coming up,
26 can I ask you, Mr de Rooy, have you had the opportunity in
27 the last two or three weeks to go through these documents,
28 the letters backwards and forwards, about [BCH]'s requests
29 for reinstatement?
30 A. It's only in the last 24 hours, I suppose yesterday,
31 that I'm aware of some of these things.
32
33 Q. In that period you've had the opportunity to look at
34 these letters backwards and forwards about reinstatement?
35 A. Only some questions and some things of that, yes.
36
37 Q. So you haven't actually read each of the letters?
38 A. Not every - no.
39
40 Q. I was hoping you might have, because then it might
41 have been a quicker process of taking you to them. Is
42 there a particular reason why you didn't look at them in
43 detail?
44 A. I suppose time.
45
46 Q. You didn't have enough time?
47 A. I can't answer that, no.

1
2 Q. All right. You'll see at tab 7 in front of you the
3 Beenleigh East congregation asked the Mareeba congregation
4 for reinstatement in March 1990 - the reinstatement of
5 [BCH]; do you see that?
6 A. Yes.
7
8 Q. Beenleigh East is somewhere - south-east Brisbane, is
9 it?
10 A. I believe so.
11
12 Q. Do you recall having received this letter?
13 A. Not until I see it - I haven't - I don't recall the
14 letter, but I do now that it's in front of me. It is the
15 letter.
16
17 Q. Then you replied on the following page at tab 8 - do
18 you see that - in April 1990. Firstly, what we see here is
19 Beenleigh East has requested reinstatement less than a year
20 after the disfellowshipping. You'll recall your original
21 disfellowshipping decision was 12 July 1989 and already
22 in March of 1990 Beenleigh East is asking for
23 reinstatement. Now, just looking at the matter now, and
24 afresh, that would be an extraordinarily short period of
25 time, wouldn't it, to reinstate someone after child sexual
26 abuse allegations?
27 A. Yes.
28
29 Q. The current practice, I understand, or direction from
30 the service desk, is to wait a considerable period of time
31 before a reinstatement decision would be seriously
32 considered?
33 A. Yes.
34
35 Q. You replied here and you said that he shouldn't be
36 reinstated; is that right?
37 A. That's what - I can't read the rest of the letter,
38 it's not here, but that would be true.
39
40 Q. You'll see the first page really sets out the
41 background to the judicial committee decision for
42 disfellowshipping for loose conduct and lying - do you see
43 that? It can be scrolled down if you need it. Then you'll
44 see at the bottom it's recorded that [BCH] appealed the
45 decision - do you see that?
46 A. I'm just trying to match up exactly where - yes, I can
47 see that.

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Q. If we go to the top of the next page, you'll see there set out the appeal decision relating to the additional charges of, as it's put there, sexually molesting his two eldest daughters, the most recent occasion being in September 1988 - do you see that?

A. Yes.

Q. Then, beneath that, you then set out your reasons as to why he should not be reinstated; is that right?

A. That's right.

Q. Essentially you were concerned with the continuing relationship between him and the other woman; is that right?

A. That's true.

Q. And it even records, you'll see, just after where it says "Malicious Slander":

It should be noted that [BCI] when told of the findings and her scriptural grounds for divorce due to Porneia, did not wish to do so but desired [BCH] to consolidate their marriage, and assume his responsibilities. He has not done so.

Do you see that? So the wife, whose home he had left, wanted him back; is that right?

A. Yes, it points to that, yes.

Q. That's essentially what you as the elders supported - you regarded that to be his duty and he should do that - is that right?

A. Well, that was a decision now that he would have had to make, one way or the other. That was up to him, what he was going to do.

Q. That was the attitude you took, as I understand it - but correct me if I'm wrong - that that would have been the right thing for him to do, to go back to the home?

A. Because his wife, according to that, was still wanting him to come back to the marriage, yes, if he had --

Q. And that would have put him back in the home, still with his two youngest daughters?

A. It would have.

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Q. Which would not have been a safe situation, would it? That would not have been a safe situation, would it, in view of what you knew about him and his elder daughters?

A. That sounds correct.

Q. You see, there is no mention here in your reasons for advising against reinstatement - there is no mention here of the child sexual abuse; do you see that?

A. I cannot see it written there.

Q. Does it suggest that you didn't take that seriously; you were more concerned about whether he was pursuing this relationship with another woman?

A. I would say that that's not correct. From my memory, we were taking it very seriously, but I can't answer any more than that, because I haven't got the memory to be able to say any more.

Q. You see at tab 10 you then received a further letter approximately a year later - it's clearly wrongly dated, which I'll show you in a moment. You see it says "March 1990". Take it from me, for the moment, and I'll show you in a minute why that must be 1991. You then received this further letter from Beenleigh East, as I understand it, did you?

A. Yes.

Q. Do you remember that?

A. No, I don't, but this is definitely a letter to us.

Q. It encloses a letter from [BCH], being his plea for reinstatement. It starts off by saying:

Enclosed is a further request for reinstatement by [BCH]. As you can see by the date of the request we have held on to it for a couple of months.

The request is the following page, if we can see that. It's dated 2 September 1990. As the original disfellowshipping congregation, you then had to deal with this request as well, didn't you?

A. Yes.

Q. If we take a look at tab 11, do you recognise this to be your typing, Mr de Rooy?

1 A. Yes, it's definitely my typing.
2
3 Q. It sets out your reasons for not reinstating. You'll
4 see it's 6 April 1991 and it's replying to an earlier
5 letter and also a phone conversation with "Brother Monty" -
6 that would be Brother Monty Baker; am I right?
7 A. I would say so, yes.
8
9 Q. We'll show you the last page of that letter. It's at
10 Ringtail 0023. At the foot of the page you'll see that it
11 has been signed by you and now a differently constituted
12 committee - Mr Zini Ali is there, not Mr Bowditch. Do you
13 recall why that is particularly?
14 A. Only that he would have moved from our congregation,
15 if that was the case, or not serving as an elder.
16
17 Q. I take it we can rely on what's set out in that letter
18 as being your reasons for advising against the
19 reinstatement of [BCH]?
20 A. You might just repeat that?
21
22 Q. I take it we can rely on what's set out in that letter
23 as being the reasons for you declining the request for the
24 reinstatement of [BCH]?
25 A. Yes.
26
27 Q. Then if we can look at tab 13, do you recall you then
28 received a letter directly from [BCH] appealing to you - do
29 you recall this letter?
30 A. No.
31
32 Q. Perhaps we can look down to the bottom and we'll see
33 that it's from [BCH], although it has been redacted.
34 A. Yes.
35
36 Q. You don't recall receiving a letter directly from him?
37 A. No, it's too long ago, sorry.
38
39 Q. I understand that that letter was produced by the
40 Queensland Police or prosecution, having themselves got it
41 from the congregation at the time of the trial. Do you
42 know about that?
43 A. Well, I was at the first meeting - first court case,
44 so --
45
46 Q. And there were letters produced for the purpose of the
47 court case, weren't there?

1 A. Yes, I imagine so - yes.

2

3 Q. Then if we can look at tab 19, you'll see in March
4 1992 there was a further letter from Beenleigh East
5 congregation, which says:

6

7 *We as members of the committee who were*
8 *hearing the appeal for reinstatement by*
9 *[BCH] would like to give you an up to date*
10 *picture, as we see matters thus far. We*
11 *find it necessary to do this due to the*
12 *fact that [BCH] has now moved to St George*
13 *congregation, Queensland West.*

14

15 Do you recall that [BCH] then moved to St George?

16 A. Yes.

17

18 Q. What's to happen then? So there is the original
19 Mareeba congregation, responsible for the
20 disfellowshipping. The Beenleigh East congregation had
21 been looking into the reinstatement requests from time to
22 time and asking for a reinstatement. Now [BCH] had gone to
23 yet another congregation. What role did each of those
24 congregations play in making a decision about
25 reinstatement?

26 A. As the letters show there, though, in each
27 congregation they also would have a committee, and then
28 they would be the ones that would actually talk to the
29 person, and then - but that would be conveyed, then, back
30 to the original judicial committee. That was us here in
31 Mareeba. So when he moved then, then that would again
32 happen in the next congregation, as it was in St George,
33 then, and then that would go through a committee of the
34 brothers in that congregation, but it ultimately would have
35 to come back, then, to us.

36

37 Q. So would it be the case that ultimately both bodies of
38 elders would have to agree to the reinstatement, albeit
39 that Mareeba would have a right of veto, as it were?

40 A. Well, that's why we said no to the various pleas of
41 reinstatement there, until --

42

43 Q. Until a bit later.

44 A. Mmm.

45

46 Q. You'll see at tab 20 a letter was then sent to the
47 Mareeba congregation judicial committee from St George. Do

1 you recall getting this request from St George in March
2 1992?

3 A. I don't, but obviously this is the letter.

4

5 Q. They say, starting in the second line:

6

7 *We are writing this letter with regard to*
8 *the written plea for reinstatement that we*
9 *have received from [BCH].*

10

11 There are a couple of other paragraphs. They say:

12

13 *In talking to Brother Monte Baker from*
14 *Beenleigh he mentioned that they too felt*
15 *that his conduct of late met with their*
16 *approval and they were contemplating a*
17 *favourable recommendation too.*

18

19 Missing a paragraph:

20

21 *As his recent letter to us indicated --*

22

23 that's [BCH]'s letter --

24

25 *it is his earnest appeal and desire to*
26 *return to Jehovah's organisation we*
27 *therefore unitedly request that you give*
28 *this matter your earliest, heartfelt and*
29 *prayerful consideration.*

30

31 Under the way the system worked, you then had to reconsider
32 the matters; is that right?

33 A. That's right.

34

35 Q. You also received a letter, as I understand it, from
36 the branch. Perhaps you can look at tab 22. Do you see
37 this is a letter to the St George congregation, but at the
38 foot of the page it says that it's copied to you --

39 A. Yes.

40

41 Q. -- at the Mareeba congregation. Do you remember
42 receiving this advice from the branch?

43 A. I don't remember it, but we would have received that.

44

45 Q. Perhaps we can go back to the top of the page. Do you
46 see that at the top of the page it says "SD:SSA". Do you
47 know what that stands for?

1 A. It would have been from the service desk.

2

3 Q. And the "SSA"?

4 A. No, just off memory, I can't.

5

6 Q. Would that be someone's initials or reflective of
7 something else, do you know?

8 A. To tell you honestly, I don't know.

9

10 Q. You don't know. At the foot of the page, also,
11 there's no name identified, as with all the correspondence
12 I've seen from the service desk. Is that the usual case -
13 the service desk correspondence does not identify who it is
14 from?

15 A. That's the case.

16

17 Q. You'll see that the service desk wrote to the
18 St George congregation, in the second line:

19

20 *We were a little surprised to hear that you*
21 *have recommended his reinstatement seeing*
22 *that he has only recently moved into your*
23 *area.*

24

25 They go on. Essentially the position is that in April 1992
26 it is still only two and a half years or so since the
27 disfellowshipping. That would be a short period of time
28 for a serious offence like this, wouldn't it?

29 A. It's a short period of time. May I qualify that,
30 though, by saying it still depends on the repentance.

31

32 Q. If we go to tab 24, in October 1992, the St George
33 congregation then wrote to the Mareeba congregation saying:

34

35 *After ten months of observation and after*
36 *applying the counsel received from the*
37 *society in letters SD:SSA April 3 and*
38 *SD:SSA May 16 1992, we feel that there is*
39 *ample reasons for his reinstatement.*

40

41 They set out some reasons. Do you have a recollection of
42 the receipt of that request for reinstatement?

43 A. No, I don't, but that letter would have - we would
44 have had that letter.

45

46 Q. Then, ultimately, you then agreed to reinstatement on
47 the basis of that request; is that right?

1 A. That's right.

2

3 Q. That, as I understand it, is it at tab 25. Perhaps
4 you can take a look at it and confirm that one way or the
5 other. Do you see this is a copy, "Mareeba Congregation",
6 it looks to be a file copy. Perhaps we can scroll to the
7 foot of the page. It has your name, and if it's scrolled
8 down a little more, and also the names of the Brothers Ali?

9 A. Yes.

10

11 Q. Are we to take it that this was your letter back to
12 St George?

13 A. Yes.

14

15 Q. If we can scroll back up again:

16

17 *We thank you for your letter concerning*
18 *[BCH] and his appeal for reinstatement.*

19

20 *From your comments and observations of*
21 *[BCH] it appears that he is earnestly*
22 *seeking Jehovah's forgiveness by "works*
23 *befitting repentance".*

24

25 *Because of the complexity of the case*
26 *involving [BCH] and others involved, we*
27 *have been hesitant about recommending his*
28 *appeal for reinstatement in the past.*

29

30 *However, your comments in your letter show*
31 *that you are satisfied that he is*
32 *demonstrating Godly sorrow and true and*
33 *genuine repentance.*

34

35 *Therefore we, the Judicial committee in*
36 *Mareeba go along with your recommendation*
37 *for reinstatement.*

38

39 Now, that was three years after the disfellowshipping.
40 That seems a short time in the case of, amongst other
41 things, child sexual abuse. Would you respond to that?

42 A. It was very serious, but we were also looking at
43 repentance and whether the person has really changed -
44 heartfelt repentance, as that letter said. So here we had
45 a plea for reinstatement after that period of time, and a
46 number of requests, but this time we responded "yes" to
47 this.

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THE CHAIR: Q. Do you have any understanding of the pattern of offending that people who are paedophiles may engage in?

A. Your Honour, I'm not trained --

Q. I appreciate that, but do you have any understanding?

A. -- that way, but I do know - personally, myself, ones who have offended, I would be very hesitant. I would think, yeah, there is a likelihood of reoffending. That's my personal - from what I've observed.

Q. How do you reconcile your understanding that there is a likelihood of reoffending with the church's teaching in relation to repentance?

A. The repentance that we try to look for is actually, when it talks about "godly repentance", a feeling from the heart that what you've done is repugnant and that it moves you to change your whole mental looking at things with regard to such a serious sin. So we are trying - it's very hard, of course, for us to try to see the heart of a person: do they have a changed way of heart to what they have done? That's what, as a committee, you're trying to discern, and then the other committees and their recommendations.

Q. How do you reconcile that with your understanding of the likelihood of reoffending?

A. With someone like that, who is guilty of such a terrible thing, my understanding is that I'd look for direction from the branch - things that we would have to do as restrictions; positive things to actually still - so that we can safeguard our congregation. So I would have to ask for direction for that.

Q. I'm not sure I understand. It seems, from what you're saying, you appreciate that to allow someone back into the congregation in the way that your church is structured brings a risk for other children.

A. That's why I, personally, now look over the years, and all the instructions and letters and direction that we have now does look at all those issues and concerns. So that's why I would say I would actually get direction on that so that we do take whatever precautions are necessary.

Q. And you would do that because of your knowledge that people who have offended in this way may offend again - is

1 that what you're saying?
2 A. For that, but also for the protection of our young
3 ones, because I feel strongly about protecting the young
4 ones in our congregation - maybe even more so having gone
5 through having to do things like this.
6
7 MR STEWART: Q. What about an apology to the victim of
8 the offence, of the wrongdoing - is that not an important
9 component to consider in this repentance question?
10 A. I would agree.
11
12 Q. In this particular instance, there has been no
13 apology, has there, by [BCH] to [BCG] or her elder sister?
14 A. My recollection is I have no - I do not know that.
15
16 Q. This letter, the one we had before us a moment ago at
17 tab 25, does not really record the engagement by your
18 committee with the question. Basically it's saying: we
19 accept that you, St George, are satisfied, and we will
20 therefore be satisfied - isn't that right?
21 A. That's true.
22
23 Q. You didn't, yourselves, have a further engagement with
24 [BCH] to judge his repentance?
25 A. No, we did not have him face-to-face to talk to, no.
26
27 Q. Did you ask [BCG] what her views were in relation to
28 the repentance or whether [BCH] had apologised to her?
29 A. Not that I can recall, no.
30
31 Q. Well, you didn't, did you?
32 A. No, not that I can recall - no.
33
34 Q. And you should have - you would accept that you should
35 have?
36 A. The recommendations that came after that period of
37 time, with all the letters to and fro, which obviously I've
38 seen now, the brothers then looking at - as a committee in
39 the congregation, they are also in a very good position
40 then, face-to-face, to be able to then convey that to us.
41 So that's - I didn't ask the question, no.
42
43 Q. Because the impression one gets is that you and your
44 committee were worn down by these serial reinstatement
45 requests, and eventually you gave up and said "yes" - would
46 that be fair?
47 A. Personally, I felt very hesitant in having him

1 reinstated - very much so.

2

3 Q. Feeling very hesitant doesn't square with what you
4 told us about your concern about people in the
5 congregations, and particularly, as you put it, the young
6 ones, does it?

7 A. I disagree. In this situation here, these brothers in
8 that committee were on face-to-face with him. From what
9 I've read just there, now, what is shown in this, they also
10 apparently had information from the other congregation. So
11 looking at - I'm just looking now at the letter. We're
12 taking the advice of those brothers who were on the scene,
13 in making that decision, and we have then said "yes". So,
14 no, I have not personally then asked [BCG].

15

16 Q. Then, having decided on reinstatement, there then had
17 to be a formal form signed and sent to the branch office;
18 is that right?

19 A. That's right.

20

21 Q. If we could look at tab 26, which I showed you earlier
22 in relation to the disfellowshipping, we'll see that the
23 reinstatement was recorded as 13 November 1992. Do you see
24 that?

25 A. Yes.

26

27 Q. Taking a look at that form, you'll see it has
28 recorded, "Offence for which disfellowshipped" and "Loose
29 conduct" and "lying". That again looks to be your typing;
30 would that be right?

31 A. It may have been. I'm not sure there.

32

33 Q. Those, of course, were the grounds upon which the
34 original judicial committee had disfellowshipped?

35 A. That's correct.

36

37 Q. But then the appeal committee, in confirming that,
38 actually added a further charge, which was upheld and which
39 related to the child sexual abuse?

40 A. That's correct.

41

42 Q. Are you able to explain why that isn't recorded on
43 this form for future reference?

44 A. It should have been. It's certainly not there. It's
45 an oversight, it should have been.

46

47 Q. When a committee upholds a decision to disfellowship,

1 whose responsibility is it to complete this form. Is it
2 still the original judicial committee, or is it the appeal
3 committee?

4 A. Look, just from memory, I think the appeals committee
5 sends all our paperwork and that to the branch. So I don't
6 know whether I should have added that, whether it was my
7 responsibility. I cannot recall.

8

9 Q. It may have been that you completed and signed this
10 prior to the appeal committee decision, I suppose, but you
11 wouldn't remember one way or the other, I take it?

12 A. No, it's a mistake.

13

14 Q. Going to tab 27, we see you here writing to the
15 Loganholme congregation in December 1992, which says:

16

17 *During a very recent phone call from*
18 *Br Bert Hatton asking us what restrictions*
19 *should be imposed to help Br [BCH] to see*
20 *the need as the KS book says "make straight*
21 *paths for his feet" ... we as the judicial*
22 *committee feel because of the gravity of*
23 *the wrongs committed full restrictions*
24 *should apply, such as,*
25 *Not commenting at meetings.*
26 *Being involved in parts on the platform.*
27 *Offering prayer.*
28 *Being used for any privileges.*

29

30 Do you recall how it came about that you wrote this letter?
31 What was Loganholme's interest in this?

32 A. I believe that as soon as [BCH] was reinstated, he
33 went straight to this congregation. From memory, that's
34 what I believe happened.

35

36 Q. None of these restrictions that you advised relate
37 particularly to child safety. Were there any restrictions
38 you consider you might have advised that would have
39 assisted with regard to child safety?

40 A. Looking at it in hindsight, in the way that we -
41 information that I would have now and get direction on,
42 there'd be a lot of other things that I would have had -
43 added to that.

44

45 Q. What sort of restrictions?

46 A. Restrictions about being alone with young ones,
47 perhaps even if he was going in the ministry, not being

1 with a young one - things like that, of that nature, but
2 that's - that's hindsight.

3
4 Q. And your failure to recommend those types of
5 restrictions suggests that you didn't really consider the
6 question of the child sexual abuse allegations, did you?

7 A. I would say that's not correct, because the brothers
8 in this congregation knew very well about - from what I can
9 remember, with the child abuse.

10
11 Q. Can we look at [BCG]'s statement, paragraph 61. You
12 see under the heading of "Reinstatement of my father" [BCG]
13 says:

14
15 *A few years later, I can't recall exactly*
16 *when, Ron de Rooy came to tell me that my*
17 *father was going to be reinstated. Nobody*
18 *had ever asked me if my father had*
19 *apologised to me so I said to Ron, "Why are*
20 *you letting him be reinstated?" Ron*
21 *replied to me, "There comes a time when we*
22 *can't hold him back any more. He is doing*
23 *all the right things." I asked, "What*
24 *right things?"*

25
26 [BCG] goes on. Can you recall that conversation?

27 A. I'm sorry I don't.

28
29 Q. I take it that, out of your concern for [BCG], you
30 would have told her that you were recommending the
31 reinstatement of [BCH]?

32 A. I can't recall that, sorry.

33
34 Q. Do you see how [BCG] there, as a victim of [BCH]'s
35 abuse, felt that her interests were ignored in the
36 reinstatement process - can you see that?

37 A. I can see that.

38
39 Q. A much better process would be to include someone who
40 has been offended against in consideration of
41 reinstatement, wouldn't it?

42 A. I'm not too sure exactly what you mean there.

43
44 Q. Well, to have, in this case, spoken to [BCG] prior to
45 having recommended or decided that [BCH] be reinstated?

46 A. I would agree that that would need to take place.

47

1 Q. I think you agreed that you should have asked whether
2 there had been any apology to her, or whether [BCH] had in
3 any other way made good to her?

4 A. I agree with that.

5

6 Q. In paragraph 62 she says that she said to you:

7

8 *Well, I want to take it to the police*
9 *because the congregation is not safe.*
10 *Children are at risk.*

11

12 She says:

13

14 *Ron replied to me, "He is now a brother*
15 *again" and he quoted me the scripture that*
16 *says that we don't take brothers to court.*
17 *Ron said to me, "So if you take it to the*
18 *police, you will bring reproach upon*
19 *Jehovah's name and you will be*
20 *disfellowshipped for doing that." I was*
21 *very upset and disappointed.*

22

23 Did you say that to her?

24 A. I don't recall that at all.

25

26 Q. But you might have done?

27 A. I understand what she's saying there about taking a
28 brother to court, that it doesn't apply in this situation,
29 so no.

30

31 Q. The scripture you're likely to have quoted her is
32 Matthew 18:15-17 and First Corinthians 6:1-8, is it not?
33 Are you familiar with those scriptures?

34 A. Yes, I am.

35

36 Q. She has explained in evidence that she understood and
37 has been taught in her time in the Jehovah's Witness Church
38 that those scriptures do apply to this sort of situation -
39 in other words, a criminal charge or complaint?

40 A. It doesn't apply in that case.

41

42 Q. Why not?

43 A. The First Corinthians there is really applying between
44 personal matters, not - not a legal matter, such as that,
45 of such a serious nature that it does not apply.

46

47 Q. Well, the discouragement about taking brothers to

1 court is obviously referring to a legal matter, otherwise
2 there'd be no mention of a court, do you accept that?

3 A. Mmm.

4

5 Q. Do you accept that?

6 A. Some were --

7

8 Q. It's clearly a legal matter for it to be covered by
9 the scripture at all?

10 A. I think I'd have to look at that in the context, but
11 these were personal matters that the congregation -
12 different members of the congregation were actually taking
13 to court that could be handled between each other, didn't
14 need to actually go to court to do that. But when it comes
15 now - and this is my understanding - that does not apply to
16 this when it comes to the area of child abuse.

17

18 Q. What is the basis of that understanding?

19 A. I've understood - my basis of understanding? From my
20 study of the scriptures and from what that scripture
21 applies to.

22

23 Q. That it doesn't apply to child sexual abuse
24 specifically, or to any criminal complaint?

25 A. I'm trying to answer this correctly, but if you - how
26 can I say it? I believe that where legal matters are
27 concerned, when it comes to a legal matter, then it can be
28 taken to court.

29

30 Q. What do you mean by "legal matter"?

31 A. If - well, divorce, it goes to - if that is to be
32 taken to court, or if you have a car accident, things like
33 that, they obviously go to court, if there's brothers. And
34 then things like this, which are serious - sexual abuse -
35 and if a person then wants to take that to court, my view
36 has always been that they can do that, and I feel very much
37 in this case that that was something that she had the legal
38 right to do all along. So this scripture I've not felt
39 applied in this case. So that's misconstrued.

40

41 Q. Perhaps we can take a look at the Pay Attention to
42 Yourselves manual for elders, tab 80, Ringtail 64. You see
43 it says:

44

45 *Certain disputes between brothers should*
46 *not be taken to secular courts but should*
47 *be resolved in harmony with Jesus' counsel*

1 at Matthew 18:15-17 ...

2
3 At 1 Corinthians 6:1-8, the apostle Paul
4 gave strong counsel that Christians should
5 not take other Christians before secular
6 courts to settle personal disputes that
7 should be settled with the help of the
8 congregation elders.

9
10 For some disputes, a neutral brother, or
11 elders, may act as arbitrator.

12
13 If an individual ignores God's Word on this
14 matter, it may affect his congregation
15 privileges ...

16
17 However, there are legal matters over which
18 the congregation does not have authority
19 and which may therefore be taken to a
20 secular court for judgment without
21 violating the principle or the spirit of
22 1 Corinthians 6:1-8. These
23 include ...

24
25 Then there is a list: getting a divorce decree, child
26 custody and support, alimony. Then on the next page,
27 various other things: obtaining insurance compensation,
28 being listed among creditors in bankruptcy procedures,
29 probating wills and certain countersuits, for example:

30
31 *If a worldly creditor sues a brother, it*
32 *might be necessary for the brother, for his*
33 *own protection, to file a countersuit ...*

34
35 *If a brother takes legal action against*
36 *another baptised Witness, it would not be a*
37 *violation of [the scriptures] for the one*
38 *being sued to defend himself ...*

39
40 Those are the exceptions, aren't they, to the prohibition
41 on witnesses taking other Witnesses to a secular court?

42 A. They are giving an example of where you take ones to
43 court.

44
45 Q. That would not include the one you gave, which was a
46 motor vehicle accident - a brother should not take another
47 brother to court for that?

1 A. No, that may be necessary, because to get compensation
2 you may have to go to court as part of the insurance.
3
4 Q. For an insurance claim?
5 A. Mmm.
6
7 Q. For that reason?
8 A. Because it becomes legal matters.
9
10 Q. Well, not because it's a legal matter, but because
11 this specifically says there are legal matters that mustn't
12 be taken to court - not so? Then it provides exceptions?
13 A. I don't think I'm on the same wavelength as that is,
14 because I look at - when I talk about legal matters, they
15 are legal matters as in a court. They were - from my
16 understanding, they were taking matters to a legal court
17 when it wasn't necessary to take it to a legal court, but
18 the examples that are given there, and I would include
19 child abuse among those examples, of ones where you do -
20 can take a brother to court. That's how I understand it.
21
22 Q. And that would be even where that brother has been
23 judged to be repentant by the responsible committee of
24 elders with jurisdiction over it and welcomed back into the
25 church?
26 A. Yes. As in this case, we fully supported the court
27 case.
28
29 Q. But, by then - I may have the chronology wrong - was
30 it not the case that [BCH] had already been
31 disfellowshipped again by another congregation?
32 A. I believe that's the case, yes.
33
34 Q. In giving support, that was supporting [BCG] in going
35 to court against someone who was no longer a Jehovah's
36 Witness?
37 A. She had the right to take him to court even a lot
38 earlier while he was a baptised Witness.
39
40 Q. Perhaps we will explore these scriptural matters with
41 another witness in due course. Can you look at tab 29.
42 You see here is a letter, as I understand, from you
43 in December 1995 where you seem, if I understand it,
44 correct me if I am wrong, to forward to the branch office a
45 handwritten letter given to you by [BCG]. The letter
46 starts on the next page. Do you see that? Do you remember
47 that?

1 A. I don't remember it, but, yes, I acknowledge that.

2

3 Q. The letter suggests that [BCG] was told, after ringing
4 Bethel - that's the branch office - that she should write a
5 letter, and you are assisting her in getting this letter to
6 the branch office - would that be right?

7 A. That's correct.

8

9 Q. You'll see - I'm not going to take you through this
10 whole letter - she says at the beginning:

11

12 *I'm writing to you on a matter of great*
13 *importance. I rang the Bros at the service*
14 *desk last week and it was suggested I write*
15 *a letter.*

16

17 She sets it out:

18

19 *My name is [BCG] ...*

20

21 And so on. She sets out about having been sexually,
22 mentally and physically abused by her fleshly father [BCH]
23 and she goes on. Perhaps if you look at page 5, which is
24 Ringtail 1414, she says in the third paragraph:

25

26 *After 2 measly years he got reinstated in*
27 *the congregation of St George. I really*
28 *think that is a very, very small price to*
29 *pay for scheming to leave his wife and*
30 *children for a younger woman. Not to*
31 *mention what he did to his 4 daughters in*
32 *sentencing them for life, trying to heal*
33 *the wounds and memories. When he got*
34 *reinstated I asked the elders why??? They*
35 *said there comes a point when they can no*
36 *longer hold him back, as they can't read*
37 *hearts. According to the ...*

38

39 She goes on. Do you see that? Do you accept that it was a
40 very brave and unusual thing for [BCG] to write directly to
41 the branch to complain about the reinstatement decision?

42 A. Was it a brave thing?

43

44 Q. Yes.

45 A. I think it was a brave thing. I'll be very - it's
46 very good that she did that.

47

1 Q. She's got a point, doesn't she, that it's easy to
2 attend meetings and perhaps indicate some form of
3 repentance, but does that really justify reinstatement?
4 A. Just on going to meetings and outwardly doing the
5 right things is not enough in itself, no.
6
7 Q. If we look at tab 30, the branch office reply to
8 [BCG], with a copy to the Body of Elders at Mareeba - do
9 you remember that?
10 A. I don't, but --
11
12 Q. In any event, they also wrote at tab 31 directly to
13 the Body of Elders at Mareeba. They say:
14
15 *We are writing in connection with our*
16 *correspondence --*
17
18 And it's referred to --
19
20 *One of the Elders telephoned the Society*
21 *in March regarding this matter involving*
22 *Brother [BCH]. Brother [BCH]'s daughter*
23 *says that he has not apologised for*
24 *sexually, mentally and physically abusing*
25 *her, and the elder confirmed that this was*
26 *the case.*
27
28 *Was this factor taken into consideration*
29 *... If Brother [BCH] is genuinely repentant*
30 *for his wrong conduct, he ought to do what*
31 *he can to assist his family members ...*
32 *because of his wrong actions.*
33
34 Do you remember getting that letter?
35 A. I don't, but it certainly was to us.
36
37 Q. That was a very valid point they raised, wasn't it,
38 that he should have apologised to [BCG] before
39 reinstatement was considered?
40 A. Very true.
41
42 MR STEWART: I have no further questions.
43
44 THE CHAIR: Does anyone else have any questions?
45
46 MR COYNE: Yes, your Honour.
47

1 MS DAVID: Yes, your Honour.

2

3 THE CHAIR: You go first.

4

5 <EXAMINATION BY MS DAVID:

6

7 MS DAVID: Q. Just in relation to the point about going
8 to the police, do you agree that there is an overwhelming
9 message within the congregation to deal with matters within
10 that congregation?

11 A. Because we look at it as serious - we have the Bible
12 principles and what is serious sins against Jehovah God
13 and, as shepherds, then we've got to handle those things
14 judicially to keep the congregation clean to do that.

15

16 Q. Just for the record, I apologise. I will introduce
17 myself. I'm David and I represent [BCG] in this Commission
18 inquiry. I'm sorry for that.

19 A. Thank you.

20

21 Q. Just coming back to that, the message you are the
22 shepherds; the members of the congregation, members such as
23 [BCG] at the time, are your flock essentially, aren't they?

24 A. Mmm.

25

26 Q. They are guided by you, they follow you. They follow
27 the lead of the elders - do you agree?

28 A. They do. As elders, you're trying to set the lead for
29 the congregation. Very true.

30

31 Q. So your endeavour, isn't it, to resolve all matters
32 within the congregation - to resolve all issues within the
33 congregation?

34 A. To resolve matters, when matters of - well, resolve
35 all matters, shepherding and helping, counselling, and then
36 when serious matters, to actually handle it judicially.

37

38 Q. In relation to your talking about the issue of going
39 to the police, you would have no knowledge, would you, of
40 whether [BCG], when the investigation was first being
41 carried out in 1989, was aware that she had a right to go
42 to the police? You don't know whether she knew about that,
43 do you?

44 A. I can't - no, I cannot make comment on that.

45

46 Q. Would you agree that there is, within the
47 congregation, no education to young children about their

1 options, if I can put it like that - their options to go to
2 the police, or deal with it, or even how to deal with any
3 inappropriate conduct towards them sexually?

4 A. I would not agree with that.

5

6 Q. Are you able to point to any teachings to young
7 children about how they might deal with the abuse by their
8 own father, for example?

9 A. No, offhand I would not be able to do that.

10

11 Q. Are you aware of any teachings or some guidelines to
12 young children as to what they might do if they sense that
13 they are being dealt with in a way that - if somebody is,
14 for example, rude to them?

15 A. The way that I would answer that is perhaps, like even
16 in my own case, I look at all the years of Bible study, of
17 all the warnings that our magazines have given, and looking
18 at all the situations that have been recorded there, some
19 of the specific directions to parents - I look at with my
20 own children when they were really young, I remember taking
21 some of the advice that was in our magazines to warn them
22 that if anyone was to touch them in inappropriate places,
23 they were things that I was teaching my children from what
24 I had been taught. So, yes, the warnings are there as to
25 what is wrong, and we try to help our children to learn
26 that.

27

28 Q. With no disrespect to what you may have done in your
29 family, the reality is you have no idea of how other people
30 may have interpreted those scriptures and what they might
31 have passed on to their children, do you?

32 A. The parents are responsible for helping their
33 children.

34

35 Q. So that raises a huge problem, as counsel assisting
36 has clearly touched on quite considerably, when the victim,
37 such as [BCG] and her sisters, are abused by their parent,
38 doesn't it? Do you agree that there is no information,
39 there is no guidance given within your congregation to
40 young children outside what a parent may choose or not
41 choose to give that young child?

42 A. I don't know how to answer that.

43

44 Q. Well, do you know of any such guidance or education
45 programs within your congregation? In your experience,
46 have you ever known of any such education programs directed
47 towards young children - not just what you hope that the

1 parents might give?

2 A. If I was to give an example now, I can give you a very
3 good example. If you go on to the website under the videos
4 there for young children, there is a - and I only recently
5 looked at that, and that is very, very specific to teach
6 young ones to actually be able to say "no" to those
7 circumstances. That's now. I cannot give you a specific
8 example, but I know, as I said, in my own case, what I had
9 learnt I implemented in my family.

10

11 Q. But just coming back to [BCG], counsel assisting has
12 pointed out to you that she has quite clearly stated at
13 paragraphs 61 and 62 of her statement that she came to you,
14 or said to you after she learned of her father's
15 reinstatement, that she wanted to go to the police. You
16 said you have no recollection of that; is that correct?

17 A. That's correct.

18

19 Q. But you are not able to say it's not true? You're not
20 suggesting that she's not telling the truth here, are you?

21 A. I have no recollection at all of that.

22

23 Q. Again, I won't cover ground that counsel assisting has
24 covered on that point, but I just want to ask you this:
25 you have no idea, do you, given that you can't recall
26 whether even at that point she had any understanding that
27 it was her right to go to the police if she wanted to?

28 A. Because that wasn't brought up with me, I can't answer
29 that question.

30

31 Q. So it's really the case that you have no idea, do you,
32 whether any member of your congregation at any point in
33 time - who might be abused - has that understanding that,
34 as you say, they have that option to go to the police?

35 A. I believe they would have that understanding that they
36 could go to the police.

37

38 Q. Where does that come from? Where does that
39 understanding come from? How do you say that they would
40 learn or gain that understanding?

41 A. I honestly don't know how to answer that question.

42

43 Q. Would you agree that the reason that you don't know
44 how to answer that question is because there is nothing
45 that's done particularly of anybody with that
46 understanding? At that time that you were dealing with
47 this complaint, there was nothing that was done to ensure

1 that people, vulnerable children who might be abused, had
2 the understanding that they could go to the police?
3 A. Because we - I suppose I'm looking at this particular
4 case - because as young adults - it was her right to do
5 that, to go to the police. I wasn't going to - as far as -
6 for me, one way or the other, I wouldn't - I don't recall
7 ever having brought that up.
8
9 Q. As an adult - you wouldn't know even whether an adult
10 would have a mind - given that she was a devout member of
11 the Jehovah's Witness congregation, that it was open for
12 her to go to the police, do you?
13 A. You'll have to repeat that. I didn't get the first
14 part.
15
16 Q. What I'm suggesting to you is that, even as an adult,
17 you wouldn't know whether as an adult she would have a mind
18 to go to the police - that is, even as an adult person, as
19 a devout Jehovah's Witness, they might still be of the mind
20 that it was not open, and it was not an option, for them to
21 go to the police?
22 A. For [BCG], I cannot say what was in her mind on that.
23
24 Q. You gave her no scriptural guidance, did you, outside
25 of the committee meeting about how she may deal with having
26 been a person who was abused?
27 A. That's not correct.
28
29 Q. What scriptural guidance do you say you gave to her
30 and when do you say you did that?
31 A. The specifics of what I said I couldn't remember,
32 because it being 26 years ago, or perhaps less. When she
33 was living there in Mareeba as a member of the
34 congregation, I had reminders by my wife that we at times -
35 that myself at times spent many hours talking with [BCG]
36 and her husband because of the pain that she was still
37 going through and experiencing and the emotional turmoil.
38 Now, as far as specifics, no, but that was over a period of
39 time that she was still in Mareeba and then, when they
40 moved, that was not the case anymore, but it was for a
41 period of time.
42
43 Q. I want to suggest to you that that didn't occur, that
44 she was not given any scriptural guidance about how she
45 might deal with it - from you, or from anybody in that
46 congregation?
47 A. That is incorrect.

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Q. Are you able to point to any specific scriptures that you referred her to?

A. It's too long ago for me to be that specific. I can't. But I know that as a shepherd and caring about someone who had gone through that, that was ongoing. She was part of family and we had so much to do, our whole family, with [BCG]. So the care - it's not just me, it's the others involved as well - we were concerned to help her to be able to continue to actually do what she had dedicated her life to do, to actually serve Jehovah God, so using the scriptures - scriptures that are of comfort, they are scriptures that I would use, where Jehovah - it says that he cares for people. But for me now to say what scriptures I used, I couldn't say. I'm acting as a shepherd, I use scriptures that I think are for listening to a person that will actually be of comfort.

Q. You haven't had any particular training about what scriptures might be appropriate in the particular circumstances?

A. The training that I have received is through a lot of study of the scriptures and the reading of articles. I have things come to my mind that I have used as far as a basis for how you act. In the scripture, in the Thessalonians, I think it talks about speaking consolingly to depressed souls. There are other scriptures about never being harsh or unkind, that your words are to have a healing effect, that you're actually a refreshment. I have all these scriptures that come to my mind, so when I'm talking to someone, especially [BCG] in this case, my heart - I would try to put myself - you can't imagine what [BCG] was going through, but I'm trying to use scriptures that she knows, that she has read, to convince her that Jehovah does care for her and that we'll help her through what she is going through. So I do the research, too, on it to find scriptures that are very appropriate.

Q. But you haven't had any specific training on what to do in a case of a victim of abuse, have you - what scriptures to give? You haven't had any specific training about that?

A. Specific? What I can point to - as an elder and using what we've been - the publication that we're using there, that's given me direction; like I said, the articles have given direction, any letters that perhaps were received at that time. That's the training.

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MS DAVID: I note the time, your Honour.

THE CHAIR: We'll take the luncheon adjournment.

LUNCHEON ADJOURNMENT

MS DAVID: Q. Thank you, Mr de Rooy. I was just asking you some questions prior to the break about scriptures. I want to explore or suggest to you - would you agree that in the absence of having some comprehensive expert input into what scriptures you might give a person after they have been the victim of abuse, that it could have a serious negative impact upon a victim?

A. Saying the wrong things?

Q. Yes.

A. Could have an impact like that?

Q. Yes. Yes. So would you agree, then, that it is really important for you, as an elder, if you are going to use the scriptures, that they be incorporated into some program that takes care of the person not only ecclesiastically, but emotionally, physically, psychiatrically - in all ways; do you agree with that?

A. I really don't know, perhaps, where you are coming from there. I look at the scriptures that we use for comforting ones when they go through tribulations and situations like this. The scriptures - Philippians talks about the comfort that we get from the scriptures, so then, using the right scriptures after listening and how they are feeling and perhaps trying to help them readjust to Jehovah's way of thinking from God's word, that they know themselves, and just reinforcing what they already know can actually help them to heal.

Q. The first thing, you would agree, they would have to be the right scriptures and the right response to a particular individual, wouldn't they?

A. You have got to keep the individual in mind, yes.

Q. Pardon?

A. Yes, we have got to keep the individual in mind and use the right scriptures.

Q. What I'm suggesting to you is - I'm suggesting two things. Firstly, that of itself, just the scriptures

1 alone, would you agree, are just simply not enough to deal
2 with how a victim may feel?
3 A. You could be very right there, I would agree. I would
4 agree with that.

5
6 Q. So it would be important to ensure that they were
7 aware of the existence of counselling - counselling and
8 support from trained people?

9 A. It would be good for them to know that. Can I just
10 say that that would be, then, something that the individual
11 would have to decide. As an elder, I'm trying to give
12 comfort from the scriptures that will help them to be
13 fortified in dealing with what they are going through,
14 helping them recall things that they have learnt in the
15 past or examples that will actually help them. So cope
16 with the stressful situation and the feelings that they
17 have.

18
19 Q. But, for example, with [BCG], you didn't at any time
20 encourage her, did you, to go to a counsellor or for some
21 outside assistance, did you?

22 A. No, that I can recall.

23
24 Q. I just want to point to two matters. Do you recall in
25 the investigative committee meetings that [BCG] was in fact
26 counselled against talking about the abuse upon her?

27 A. I don't recall that.

28
29 Q. Perhaps if the witness could be shown exhibit 29-009,
30 the investigative report notes. I'm sorry, I am going from
31 the exhibit list. Yes, "Notes of Investigating Committee".
32 If you look at page 11 of those notes, and if we go down to
33 the bottom of page 11, you see that on 17 June 1989 there
34 is a meeting with [BCI] and [BCG] - [BCI] being [BCG]'s
35 mother. Do you accept that?

36 A. Right, I - yes, yes, I can see that.

37
38 Q. If you just go over to the next page, please. Do you
39 agree that up the top it says:

40
41 *Counsel given on confiding matters of*
42 *family to cong. members ...*
43

44 It says that articles and scriptures were used within the
45 meeting, and that counsel was also given to [BCG], also of
46 the same matters, "using above articles"?

47 A. I would think that's correct.

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Q. So do you agree that she was counselled about speaking about this issue?

A. On keeping it confidential, she would have been - we would have encouraged them not to speak to others about that, at that particular time.

Q. Do you also agree that she was told, in fact, through the course of that meeting, not to speak to her husband about it at the time, as well?

A. I don't recall that at all.

Q. I am sorry, I will just find that. Perhaps if we could go to page 16 of the notes. I am trying to find the reference at the top. It doesn't seem to have a page number. I am sorry, page 17. It seems to be 17, or a note that is before page 17. So over to the next page, please. If we could have a look at those notes, do you agree that there it says:

To counsel ...

And there was a capital M under "BC", under where it is redacted. That is a reference to [BCG].

A. Right, yes.

Q.

*... on talking too much to many others
(including writing letters to friends about
situation.)*

And then it goes down and it talks of:

*... even of talking of family matters
to ...*

It says a name there. I don't want you to say the name. It refers to 1 Timothy 5:13. Do you agree that that is in relation to gossiping and meddling, that chapter?

A. Yes, I do - I would like to look at the scripture but I would take it that that is the case.

Q. So do you agree that [BCG] was in fact effectively told not to discuss these matters, even to her future husband?

A. I cannot recall those things, so --

1 Q. But do you accept that those notes were taken at that
2 meeting?

3 A. Those notes were taken, yes.
4

5 Q. Would you also accept that that is an example of the
6 danger of a scripture being given in isolation to a person
7 who has been abused - that telling them to be quiet about
8 it may have a very negative impact upon them?

9 A. The way I perceive it and understand is that the
10 confidentiality is so important for the person involved,
11 that not everyone knows of what has happened in the
12 congregation. As the elders, we know, and we can continue
13 to give her the comfort. But as far as confidentiality for
14 the person, we - I looked at that as always being very
15 important for the person, as well. So that - if she wants
16 to say - if the person involved wants to say things, well,
17 they are going to do that.
18

19 Q. But do you not agree, then - I will put it this way -
20 that she might feel silenced by the reference to those
21 scriptures?

22 A. She may have.
23

24 Q. That's what I'm saying to you: do you not agree that
25 that might have a very detrimental impact upon someone, if
26 they felt that they could not speak or talk to others about
27 the trauma that they were experiencing?

28 A. See, talking, though, to everyone is very different to
29 talking to ones who are going to give her help to - of
30 what's going through. So not everyone, then, is going to
31 be able to be encouraging and say the right things. So
32 I think it's - just looking at it from saying, all right,
33 who's going to actually be of help, those in the best
34 position to help are the ones that really know all the
35 situation of what she has gone through, and perhaps she has
36 a close friend, but as elders, we have that - to shepherd
37 ones in that situation. So --
38

39 Q. Do you believe that you would benefit from specific
40 training of how to apply your scriptures in dealing with
41 these matters internally? And I'm not suggesting that be
42 done in isolation from other counselling, but just for you
43 alone?

44 A. Look, I value - I look back over the time and I can
45 see the training, like, for me, that I have received,
46 through all the - our schools, the updated information,
47 that has most probably - if you are looking at hindsight,

1 I have a lot more training now and more understanding now
2 than 25 years ago. Back then, I had training, but - of
3 course not tertiary training, but training in using the
4 scriptures, at that particular time, which was good
5 training at that time. But now, when I look back for my
6 own self, I am now equipped with a lot more information,
7 a lot more understanding and a lot more direction that
8 I can avail myself on that most probably is a lot better
9 than back then.

10

11 Q. Just on another point, in your statement at
12 paragraph 6.1 it is indicated that you couldn't make
13 a conclusive finding about the allegation in your committee
14 meetings, because it was one person's word against another.
15 And she was informed of that. In fact, you informed her of
16 that, didn't you?

17 A. From - I will just explain from my understanding - my
18 memory and my understanding. When our initial judicial
19 meeting - when it wasn't conclusive, but we had evidence
20 for disfellowshipping the father on the grounds, there, of
21 loose conduct and lying, then there is a seven-day time for
22 appealing that. We encourage ones not to - we keep
23 confidentiality on that. No-one knows the reason for him
24 being disfellowshipped from the congregation. You are
25 given seven days. So as far as me saying anything to
26 anyone, no, confidentiality dictates that we don't. So --

27

28 Q. Just on this point, the point I'm making is that she
29 was told, wasn't she, that the reason for disfellowship had
30 nothing to do with her allegation, because it was not
31 established by you and the other elders?

32 A. It was not established at that first meeting, but
33 I don't ever recall saying that.

34

35 Q. If you have a look at the investigative notes, it is
36 referred to in the investigative notes. If you have a look
37 at the investigative notes, exhibit 29-009, at page 15, or
38 the 15th page, I don't know whether it is numbered. It
39 must be page 14(a), perhaps. Down the bottom it has:

40

41 *Tell [BCG] [sic] of decision to*
42 *disfellowship! on GROUNDS OF "LOOSE*
43 *CONDUCT" and procedure to take for*
44 *reinstatement.*

45

46 So she was told, wasn't she, that the grounds were other
47 than the grounds that she had complained of? Do you accept

1 that?
2 A. It's written there. I can see that it's written
3 there.
4
5 Q. So do you accept that? It is really a simple --
6 A. Whether - no, I'm trying to be very honest in what I'm
7 saying. I'm looking at a page where - it could have been
8 at that time. I am - I accurately can't, from that page,
9 say that, or whether that is then part of the notes -
10 I cannot answer that.
11
12 Q. Well, [BCG] has also stated that - that she was told
13 by you, at paragraph 52 of her statement, and you were
14 taken to it before, so I don't want to keep going over
15 covered ground, but she also stated that he was being
16 disfellowshipped for loose conduct and not for what he did
17 to her. So you would agree that those notes tend to
18 support what [BCG] has said, don't they?
19 A. It tends to support that, if that's the case.
20
21 Q. Do you agree that the impact upon a complainant of
22 being told that their offence has not been established in
23 accordance with Jehovah's Witness principles - would you
24 accept that that can have a very damning effect on
25 a victim, if they are a devout - a victim of a Jehovah's
26 Witness, a devout Jehovah's Witness, as [BCG] was?
27 A. I think, under the circumstance, she would have been
28 very upset that the father did not acknowledge what had
29 been done --
30
31 THE CHAIR: Q. That's not the question you were asked.
32 A. Okay, sorry. You had better repeat it for me, sorry.
33
34 MS DAVID: Q. The question was, do you not think the
35 impact upon a complainant - sorry, I will try it again.
36 The fact that a complainant has made a complaint of serious
37 wrongdoing and she has been told that that hasn't been
38 established in accordance with the judicial committee
39 process - what I'm suggesting to you is do you not agree
40 that that can have a very damning impact upon that victim,
41 because they have been told, essentially, that the
42 processes set in place by Jehovah's Witnesses, the
43 Jehovah's Witness process, do not accept her complaint. Do
44 you accept --
45 A. I can understand what you are saying, yes.
46
47 Q. Do you agree with me?

1 A. Yes, I can understand that.
2
3 Q. Do you agree that that, therefore, would highlight
4 some area that needs real change in your processes?
5 A. Look, I'm - I would welcome any direction that would
6 make it better. I welcome that very much so.
7
8 Q. I just want to ask you on that point: how do you
9 reconcile a situation, for example, where you might believe
10 a complainant such as [BCG], but yet it's not established?
11 How can you really act to support [BCG] in those
12 circumstances? If it is not really established according
13 to the processes and policies set in place or set down
14 through the scriptures and coming out as processes for
15 Jehovah's Witness elders to follow, how can you reconcile
16 that? I'm sorry, I'm not making it particularly clear,
17 I will try again.
18 A. That's all right, I think I understand.
19
20 Q. How do you reconcile the fact that, on the one hand,
21 you have a complainant who is believed, for example, such
22 as [BCG], but, on the other, because the wrongdoing is not
23 established in accordance with the Jehovah's Witness
24 scriptures, how can you then turn around and support the
25 complainant? Do you understand what I'm saying?
26 A. I don't understand how saying that we are supporting
27 the complainant - I don't --
28
29 Q. What I'm saying is if you don't accept that
30 a wrongdoing is established, where is your authority or
31 right to then turn around and support a victim or
32 a complainant? How do you reconcile those factors?
33 A. How do I reconcile?
34
35 Q. We have an unproven complaint with a complainant who
36 you might feel is credible?
37 A. Well, the first thing that we were doing with someone
38 like that is actually to make sure we do comfort the person
39 who that has happened to. That is certainly a priority.
40 In this case, it was a very priority. But until - like,
41 for us as a congregation and as brothers handling this,
42 until we have another witness, just on the basis of the one
43 alone we can't act judicially. So that's how we acted. So
44 until that further information comes to mind, in that way
45 we're having to support the victim in this case. I don't
46 know what else I could say to that, sorry.
47

1 Q. But that would be very dependent, wouldn't it, upon
2 your own assessment of the victim? Wouldn't that leave
3 a very fraught situation - a dangerous situation?

4 A. In what way?
5

6 Q. Well, you have an unproven complaint. It leaves the
7 victim, or the complainant, hanging in the air, doesn't it?
8 Because you can't really address the complaint, so --

9 A. No, that's true.
10

11 Q. -- the complainant is left hanging in the air without
12 any form of justice to her?

13 A. If it's - it depends what way you look at justice for
14 her, but from the congregation, we're just going to
15 continue to give her that support and also have the
16 confidence that other things will come to light. So we'll
17 continue to very much look at that and anything that comes
18 to our attention we will then follow through on, but in the
19 meantime, you are actually helping - would help the person,
20 the victim, to really see, well, we are putting our trust
21 totally that, yes, Jehovah is seeing it, he knows that the
22 person is guilty, or it will certainly be made evident.
23 And as it was in this case, we look at that from the first
24 committee meeting and then, by a week later, that's
25 verified, that child abuse has taken place so --
26

27 Q. Verified by virtue of his confession?

28 A. By at that appeals meeting where he then said, "Yes,
29 everything that [BCG] has said was true."
30

31 Q. You see, I don't want to labour the issue, I'm
32 conscious of time, but it's the case, isn't it, that you
33 were aware of that confession prior to the appeal meeting;
34 he made that confession prior to the appeal meeting - he in
35 fact made it at a meeting in July?

36 A. My recollection is that it was there at the appeals
37 that that confession was made.
38

39 Q. But you do accept, don't you, that the process, your
40 process, is fraught with the danger of leaving victims
41 feeling that they are not believed?

42 A. I disagree with that.
43

44 MS DAVID: Nothing further, your Honour.
45
46
47

1 <EXAMINATION BY MR COYNE:

2

3 MR COYNE: Q. For the record, I represent Mr de Rooy and
4 other elders. Ms David was just asking you some questions
5 in relation to a transcript of Mr Ali's notes. Do you
6 recall that?

7 A. Yes.

8

9 Q. I think it is exhibit 29-008, if that can be brought
10 up again please. Specifically, about halfway down, you
11 were asked in relation to the portion where it says, "Tell
12 [BCG] of decision to disfellowship! on GROUNDS OF 'LOOSE
13 CONDUCT'" - do you see that?

14 A. Yes.

15

16 Q. If the witness could be given a copy of the unredacted
17 version of that. Have you got that?

18 A. Yes.

19

20 Q. Do you have the unredacted version there?

21 A. Yes.

22

23 Q. The page numbers are at the top. If you could go to
24 Ringtail 1495, you should find that same sentence that you
25 have been asked about?

26 A. Yes.

27

28 Q. Do you agree that that, in fact, talks about [BCH] and
29 not [BCG]?

30 A. Yes.

31

32 Q. All I would like to do now, Mr de Rooy, is just
33 clarify your knowledge and involvement in this matter,
34 okay? In 1989, you were an elder of the Mareeba
35 congregation?

36 A. That's right.

37

38 Q. You had been so for quite a while?

39 A. Until presently.

40

41 Q. You knew [BCG] at that time?

42 A. Yes.

43

44 Q. In 1989, the elders received a complaint in relation
45 to [BCH] in relation to him having an adulterous affair?

46 A. That's correct.

47

1 Q. The elders investigated that matter?
2 A. Yes.
3
4 Q. And after investigating that matter, formed a judicial
5 committee to determine that matter?
6 A. That's correct.
7
8 Q. That was the judicial committee which was held on
9 12 July 1989?
10 A. Yes. I don't remember the date, but that would be
11 correct.
12
13 Q. The judicial committee found that allegation to be
14 proven?
15 A. Yes.
16
17 Q. And the judicial committee determined to disfellowship
18 [BCH]?
19 A. That's correct.
20
21 Q. If we could bring up tab 3, please. Do you need to
22 see the whole of that document?
23 A. That's all right.
24
25 Q. Is that document the finding of the judicial committee
26 that we've just been discussing?
27 A. Yes.
28
29 Q. You have signed that?
30 A. That's correct, yes.
31
32 Q. Can I take you to the top of that document. It has
33 a stamp on it that says "SD 7 Aug 1989"; is that right?
34 A. Yes.
35
36 Q. Do you know what the "SD" stands for?
37 A. That would be the service desk.
38
39 Q. What did you do with that document, having prepared
40 it?
41 A. That - this was actually sent to the service desk for
42 them to be able to stamp that and - with that.
43
44 Q. Was it sent by you to the service desk, or was it sent
45 to the appeal committee?
46 A. It originally would have went to the appeals committee
47 and then they would have sent it through to the - from what

1 I can remember.
2
3 Q. In relation to a disfellowship, having made that
4 decision, when does it become effective?
5 A. The - you usually still allow the seven days and then
6 we will announce it to the congregation, that the person
7 has been disfellowshipped.
8
9 Q. I have some more questions on the judicial committee.
10 At that judicial committee, is it the case that [BCG] and
11 her mother attended the meeting?
12 A. From my memory, I can't remember the mother.
13
14 Q. Did [BCG]'s fiance attend that meeting?
15 A. I remember him being at the first meeting.
16
17 Q. During that meeting, [BCG] made allegations which are
18 the subject of these proceedings at that meeting?
19 A. Yes.
20
21 Q. During that meeting, [BCH] at all times refused to
22 admit those allegations?
23 A. That's correct.
24
25 Q. So after the committee meeting, did the elders
26 continue to investigate those allegations?
27 A. I can say yes, but I have no - you know, I can't be
28 specific.
29
30 Q. If we could bring up tab 5, please, that's the record
31 of the appeal committee; is that right?
32 A. That's right.
33
34 Q. Which you attended?
35 A. Yes.
36
37 Q. Do you see at the top the date "SD 7 Aug 1989"?
38 A. Yes.
39
40 Q. That's the same date that the other committee one went
41 to the service desk; correct?
42 A. Right.
43
44 Q. Would your original document from the judicial
45 committee have gone with this?
46 A. That would have been the case.
47

1 Q. In this one, at the appeal committee, even though it
2 was an appeal in relation to his disfellowshipping, [BCH]
3 was questioned at length about [BCG]'s allegations?
4 A. That's correct.
5
6 Q. And as a consequence of that, ultimately, he admitted
7 to carrying out those acts?
8 A. That's true.
9
10 Q. And it was acknowledged in this document - if we could
11 go up a bit - that those allegations were more serious?
12 A. That's very much so.
13
14 Q. And those allegations were then added to the reason
15 for disfellowshipping?
16 A. That's true.
17
18 Q. After that meeting, did the elders make any
19 arrangements for the care and welfare of [BCG]?
20 A. From my memory, we had a couple that took [BCG] in to
21 their home for a long period of time, and then Kevin
22 Bowditch - she then went to her *[sic]* home just before they
23 got married, or at the marriage.
24
25 Q. She lived with Mr Bowditch?
26 A. Yes.
27
28 Q. Mr Bowditch being another elder of the Mareeba
29 congregation; correct?
30 A. That's right.
31
32 Q. Shortly after disfellowshipping, [BCH] moved away from
33 the community; is that right?
34 A. That's correct.
35
36 Q. Shortly thereafter, towards the end of 1989, [BCG] was
37 married?
38 A. That's true, yes.
39
40 Q. And was married in the congregation?
41 A. That's true.
42
43 Q. At the Kingdom Hall?
44 A. That's the case.
45
46 Q. And, after her wedding, lived for a time in a flat
47 attached to the Kingdom Hall?

1 A. That's true.
2
3 Q. And following that, she at some point moved away to
4 Townsville?
5 A. That's correct, yes.
6
7 Q. Did you remain in contact with her when she moved to
8 Townsville?
9 A. Because we were very close, we did. We stayed there -
10 when we went to one of the conventions we actually stayed
11 there at her home. I have photographs to that effect. And
12 then, because she was expecting her third child, and then
13 my wife actually went down and stayed there for a few days
14 with my daughter, to help.
15
16 Q. After he was disfellowshipped, [BCH] made a number of
17 requests for reinstatement?
18 A. Yes.
19
20 Q. The first two that you were consulted on you refused
21 to reinstate him?
22 A. That's correct.
23
24 Q. Ultimately, after three years and on the
25 recommendation of another community that had observed him
26 for 10 months, it was agreed that he would be reinstated?
27 A. That's the case, yes.
28
29 Q. After that, after you were informed of that - and this
30 is at tab 27, you don't need to look at it - you wrote to
31 that new congregation suggesting that a number of
32 restrictions be imposed upon him?
33 A. That's right.
34
35 Q. On 19 December 1995, [BCG] gave you a letter detailing
36 her concerns about [BCH]'s reinstatement?
37 A. That's correct.
38
39 Q. On that very same day, you sent that through to the
40 service desk?
41 A. That's correct.
42
43 MR COYNE: Nothing further, thank you.
44
45 MS McGLINCHEY: Commissioner, I have one question if
46 I might.
47

1 <EXAMINATION BY MS McGLINCHEY:

2

3 MS McGLINCHEY: Q. Mr de Rooy, can you hear me?

4 A. Yes.

5

6 Q. My name is Ms McGlinchey, and I appear for Monty Baker
7 in these proceedings. Mr de Rooy, you would be aware that
8 Mr Baker is a disfellowshipped person?

9 A. I'm not really aware of that.

10

11 Q. You are not aware?

12 A. From what - no.

13

14 Q. You are not aware at all that he is in a - I think you
15 call it a disfellowshipped state?

16 A. I'm not aware of that.

17

18 Q. Have you discussed that with your other Jehovah's
19 Witness witnesses in these proceedings?

20 A. No.

21

22 Q. As a disfellowshipped person, you would not be allowed
23 to speak to him; is that right?

24 A. I would choose not to speak to him.

25

26 Q. Or recognise him in any way?

27 A. I have no - I don't even - I wouldn't even know what
28 he looks like.

29

30 Q. But you would know from the documents that were
31 provided through your counsel that he has provided
32 a statement in these proceedings. Do you know that?

33 A. I saw the name, I think, but I'm not aware.

34

35 Q. Did you read the statement?

36 A. No.

37

38 Q. Was that because he is a disfellowshipped person?

39 A. Not at all, no.

40

41 Q. I noticed that a number of Jehovah's Witness witnesses
42 have not read the statements of the two victims of sexual
43 abuse. Is that because they are critical of the church?

44 A. Not at all, no.

45

46 Q. Was there any discussion, prior to coming to these
47 hearings, about what materials you would read and what

1 materials you would not read?
2 A. Not at all. That's a total personal, yeah, decision,
3 what I would do.
4
5 Q. And you decided not to read Mr Baker's statement?
6 A. It never entered into my head to do so.
7
8 MS McGLINCHEY: Thank you, Commissioner.
9
10 THE CHAIR: Mr Stewart?
11
12 MR STEWART: No questions, your Honour.
13
14 THE CHAIR: Thank you, Mr de Rooy. Your evidence has
15 finished. You are now excused.
16
17 THE WITNESS: Thank you.
18
19 **<THE WITNESS WITHDREW**
20
21 MR STEWART: The next witness, your Honour, will be
22 Mr Monty Baker. He will be giving evidence by video from
23 Brisbane, and I'm advised that for purposes of establishing
24 the connection, and so on, it will be most convenient if we
25 might take a five-minute break.
26
27 THE CHAIR: Tell us when you are ready.
28
29 MR STEWART: As your Honour pleases.
30
31 **SHORT ADJOURNMENT**
32
33 MR STEWART: Your Honour, as indicated, the next witness
34 is Mr Monty Baker.
35
36 THE CHAIR: Mr Baker, can you see and hear me?
37
38 MR BAKER: Yes, your Honour.
39
40 THE CHAIR: It will be necessary for you to be sworn to
41 give evidence. Do you want to take an oath on the Bible or
42 make an affirmation?
43
44 MR BAKER: I have a Bible here.
45
46
47

1 <MONTAGUE JOHN BAKER, sworn:

[2.53pm]

2

3

<EXAMINATION BY MR STEWART:

4

5

MR STEWART: Q. Mr Baker, will you state your full name, please?

6

7

A. Montague John Baker.

8

9

Q. Do you have with you a copy of your statement to the Royal Commission dated 7 July 2015?

10

11

A. Yes.

12

13

Q. Do you also have a copy of a selection of some of the documents, the correspondence, that was given to you last week before you returned to Brisbane?

14

15

16

A. Yes, I do.

17

18

Q. Reverting to your statement, is there any part of your statement that you would wish to amend or change?

19

20

A. Yes.

21

22

Q. Can you identify that?

23

A. All right. There's one that you have already removed, 2(a). I made a statement --

24

25

26

Q. I'm not sure --

27

A. I've said I could not recall - yeah, I could not recall. Okay. And then the next one is --

28

29

30

Q. Sorry, Mr Baker, before you carry on, I didn't follow you on 2(a). Are you referring to paragraph 2(a) on page 2?

31

32

33

A. Yes.

34

35

Q. I have a paragraph there. What is it that you want to say about that?

36

37

A. The amendment has already been done by whoever sent me the new copy.

38

39

40

Q. Not in the copy I have, Mr Baker, which I understand is the one that you signed.

41

42

A. Okay.

43

44

Q. There is no amendment in it. Perhaps you could tell us what it should say?

45

46

A. Okay. The first sentence in 2(a) "Response to allegation or complaints". The removal should be where it

47

1 says "While I am unaware", and then it goes right up to the
2 first comma.

3

4 Q. Perhaps that has been removed.

5 A. Yes. It seems to be already done.

6

7 Q. Thank you. Is there another one, Mr Baker?

8 A. Yes, in question 3 on the next page, "Any training
9 received in relation to child abuse?" - the first sentence.
10 "As I recall" --

11

12 Q. "As I recall, no specific training was given in
13 regards to child abuse" - that sentence?

14 A. Yes.

15

16 Q. What change is it that you want to make?

17 A. Well, I recall that there were publications given to
18 the elders, such as Elders Shepherd of the Flock of God.
19 You must recall, when I gave this statement I had no notes,
20 I had no records. I purposely tried to erase anything to
21 do with my time in the church over the last 22 years, so
22 trying to recall this information was impossible. But
23 since I've been subpoenaed, I've found that the counsel
24 that was - that I received has patiently and gently
25 recalled a lot of my letters to mind, and as a result, the
26 feelings I have now are different to when I first made the
27 statement.

28

29 Q. Thank you. So, Mr Baker, would it be right, then, to
30 delete the words "no specific" and replace them with the
31 word "some", in other words, "As I recall, some training
32 was given" - would that be accurate?

33 A. Yes.

34

35 Q. Are there any other amendments?

36 A. Yes. And the next question, 4, "A summary of my
37 overall experience" - I stated at the time I thought I was
38 only involved in one request, and information has come to
39 light that I was obviously involved in a number of requests
40 for [BCH]'s reinstatement.

41

42 Q. The paragraph here says, starting in the third
43 sentence --

44

45 (Mobile telephone rings)

46

47 A. Excuse me, your Honour.

1
2 THE CHAIR: That's okay. I've made the same mistake
3 myself.
4
5 MR STEWART: Q. Mr Baker, in the last sentence, it says:
6
7 *Well I am quite sure that I personally was*
8 *only involved in "One" request by [BCH] for*
9 *reinstatement.*
10
11 Is that what you are referring to?
12 A. Yes.
13
14 Q. So are you saying you were personally involved in
15 several requests; is that it?
16 A. It's more than one. At this time, when I was first
17 contacted by the Commission and subpoenaed, I could not
18 even remember [BCH]'s name, let alone anything else.
19
20 Q. Sir, if we were to insert the words "more than",
21 immediately in front of the word "one", that would do it,
22 would it?
23 A. More than one, yes.
24
25 Q. Any other amendments?
26 A. Yes. I mentioned in the next paragraph, entitled
27 "(NB)" - I mentioned I was unable to recall the names of
28 others involved in the committee. Well, as a result of my
29 seeing the letters, I can recall now.
30
31 Q. So would it be right to then say, "I was unable",
32 rather than "I am unable" - "I was unable to recall the
33 names"?
34 A. I was unable, yes.
35
36 Q. And then to insert at the end of that sentence, "until
37 I saw the correspondence"?
38 A. Yes.
39
40 Q. Are there any others?
41 A. 5(e).
42
43 Q. Yes.
44 A. "Any correspondence with Watchtower", I stated I could
45 not recall. Now I've seen the obvious letters.
46
47 Q. So shall we just delete that paragraph, Mr Baker?

1 A. Yes, yes.
2
3 Q. Anything else?
4 A. 6(a), the second sentence, "I do recall possibly
5 seeing" [BCH] at one meeting - in fact, he attended
6 a number of meetings. In fact, tab 12 says I gave him
7 a commendation for his meeting attendance.
8
9 Q. So is the position that you do recall seeing him
10 sitting during a number of meetings?
11 A. Yes.
12
13 Q. Any other changes, Mr Baker?
14 A. No.
15
16 Q. Do you otherwise confirm the statement to be true and
17 correct?
18 A. Yes.
19
20 MR STEWART: I tender the statement, your Honour.
21
22 THE CHAIR: That will become exhibit 29-017.
23
24 **EXHIBIT #29-017 STATEMENT OF MONTAGUE JOHN BAKER DATED**
25 **7/7/2015**
26
27 MR STEWART: Q. When did you become a Jehovah's Witness?
28 A. I've known it all my life, but I was baptised in 1969.
29
30 Q. So were you essentially born into the Jehovah's
31 Witness faith through your family?
32 A. Yes.
33
34 Q. Were your parents Witnesses?
35 A. My solo mother, yes.
36
37 Q. When did you become an elder, Mr Baker?
38 A. 1974.
39
40 Q. You were an elder in the Beenleigh East congregation;
41 is that right?
42 A. Yes.
43
44 Q. It's in that capacity that you dealt with [BCH]'s
45 requests for reinstatement?
46 A. Yes. I was the presiding overseer at the time.
47

1 Q. Do you recall, what were the dates that you served as
2 an elder in Beenleigh East?
3 A. It would have been late 1989, I was sent by the
4 circuit overseer across to - from Loganholme to Beenleigh
5 East in order to assist some of the older brothers there.
6
7 Q. Do you recall when you ceased being an elder at
8 Beenleigh East?
9 A. Yes, mid to late 1993.
10
11 Q. Is that, in fact, when you left the Jehovah's Witness
12 Church?
13 A. Yes.
14
15 Q. If I can ask you to just explain briefly what caused
16 you to leave?
17 A. Well, I chose a lifestyle that was not compatible with
18 their lifestyle. So, as a result, I had to leave.
19
20 Q. Were you disfellowshipped or did you disassociate?
21 A. Yes, I was disfellowshipped.
22
23 Q. After you were disfellowshipped, did the remaining
24 members of the congregation cut themselves off from you?
25 A. Oh, yes, indeed. That was their requirement, and
26 I fully expected that.
27
28 Q. Is that what is referred to as "shunning"?
29 A. Yes, that's one way of putting it, yes.
30
31 Q. Would you explain your experience of that having
32 occurred to you?
33 A. Well, I fully expected it and it wasn't really
34 a problem for me, it was more embarrassing for a lot of the
35 Witnesses that used to work for me, and they eventually, of
36 course, all had to leave working for me and - I think it's
37 more embarrassing for the Witnesses than it was for me,
38 because I was fully expecting to go through that.
39
40 Q. Is it a practice, in your experience in the church -
41 so I'm not talking about the current period, but in your
42 experience in the church - that was taught? In other
43 words, it was part of the teaching of the church to its
44 members that they should shun those who disassociate or are
45 disfellowshipped?
46 A. Oh, indeed. The requirement is for them to actually
47 not even say a greeting, that's based on the scripture, to

1 such a person; not to have a meal with them. The only
2 association I've had with them since is either in business
3 matters, where we had to attend these things, or situations
4 like this. Otherwise, I keep well clear of them and they
5 keep well clear of me. I would be considered as an
6 apostate to them, and the scriptures clearly state that an
7 apostate brings his neighbour to ruin, it says in Proverbs
8 11:9.
9
10 Q. Is that a document you are referring to there,
11 Mr Baker?
12 A. That's just some mental notes I've made myself.
13
14 Q. Perhaps if you wouldn't mind putting them to one side.
15 A. Mmm-hmm.
16
17 Q. If you want to refer to or be reminded of a scriptural
18 reference, of course you are welcome to do so.
19 A. That's what I was using it for.
20
21 Q. All right. Thank you. Mr Baker, you were down here
22 in Sydney for part of last week; is that right?
23 A. Yes, that's correct.
24
25 Q. Here at the Royal Commission?
26 A. Yes.
27
28 Q. Did you follow the proceedings?
29 A. Yes.
30
31 Q. Did you --
32 A. Closely.
33
34 Q. Did you hear each of the witnesses give their
35 evidence?
36 A. Yes. I heard portions of where the doctor was being
37 interviewed - I missed some portions of that.
38
39 Q. Have you studied the documents that have been
40 tendered?
41 A. Yes, to the best of my ability.
42
43 Q. Did you meet with [BCG] last week when you were in
44 Sydney?
45 A. Yes, I did. I had the fortunate experience of
46 actually meeting her in person.
47

1 Q. Can you explain why you chose to meet with her?

2 A. Well, initially she didn't want to meet with me
3 because she thought I was just another reporter, or
4 something, and - but as time went on, when she found out
5 who I was, she gladly came up and spoke to me and it was
6 certainly an emotional occasion.

7

8 Q. Did you feel it was a productive meeting?

9 A. Oh, indeed.

10

11 Q. Obviously you have no way of knowing what is in the
12 minds of other people, Mr Baker, but from your
13 understanding of the Jehovah's Witnesses Church and
14 teaching, are you able to offer an explanation as to why
15 other elders, or former elders who are still part of the
16 church, who have given evidence, have not watched the
17 proceedings or read the statements or studied the
18 documents? Would you have an answer to that?

19 A. Well, I'm quite surprised. I mean, I have nothing to
20 lose in this hearing, yet I've taken the time out to do it.
21 I'm not trying to elevate myself, but I'm sure that the
22 significance of this occasion would have motivated everyone
23 that was giving evidence to be fully clear on every aspect.
24 That's how I feel. I don't - I don't know what they felt,
25 if they felt there are suits sitting behind you that would
26 handle it all for them - I don't know.

27

28 Q. But there is no reason in the teaching of the church
29 you can point to that would explain that to you?

30 A. Not really, no.

31

32 Q. I'm not asking you to speculate, so thank you.

33 A. No, I won't, no.

34

35 Q. Mr Baker, would you have a look at paragraph 2(a) of
36 your statement.

37 A. Yes.

38

39 Q. You say:

40

41 *If after investigations the allegations are*
42 *proved to be founded, the first response of*
43 *the body of elders would be to the*
44 *condition and welfare of the victim/s,*
45 *making sure they were cared for during*
46 *their traumatic ordeal. After that,*
47 *a committee of three elders would be formed*

1 *immediately to meet with the offender to*
2 *render whatever discipline was needed*
3 *according to Scriptural Laws. This would*
4 *include disfellowshipping and in the case*
5 *of a violation against the Law of the land,*
6 *the various authorities would be notified.*

7
8 Now, in referring to notification of the authorities, do
9 you mean to say that that would be as a matter of course,
10 or that would be if required by the law?

11 A. Well, if it was required by the law, definitely. But
12 also there is a scriptural reference here to chapter 13, to
13 be in subjection to the superior authorities, because they
14 are close there by God. An authority is needed today in
15 order to maintain some form of order in society today. So
16 if these laws are violated, then, really, the law of the
17 land has to take its course, especially if it's a law of
18 the land that is seriously violated.

19
20 Q. Specifically referring back to your experience in the
21 Beenleigh East congregation, are you saying that it was the
22 case that, as a matter of course, if there was a violation
23 by a congregation member of the law of the land, it would
24 be notified to the authorities?

25 A. Yes. Yes, for example, if it's a robbery, we wouldn't
26 cover it over; we would encourage the individual, first, to
27 go to the law of the land. We wouldn't want to be seen as
28 harbouring a criminal.

29
30 Q. It's hard to imagine a robber voluntarily going and
31 handing himself or herself in, although I suppose it's
32 possible. Did you have any experience of that actually
33 happening?

34 A. Not really, not for a brother in the congregation.

35
36 Q. And in respect --

37 A. But - mmm.

38
39 Q. Was there any instance in which a brother or sister in
40 the congregation was found by your elders to have broken
41 the law of the land and that he or she was then turned in
42 to the authorities?

43 A. I believe in my early days there was one case, but
44 I was not involved in - I was not privy to that.

45
46 Q. Do you know what the crime was in that case?

47 A. Yes, it was robbery. Whether he was a member of the

1 congregation or not, I don't know, but he did attend.

2

3 Q. Now dealing specifically with the case of [BCG], would
4 you go to what we refer to as tab 7. Do you have them
5 numbered by their tab numbers, Mr Baker?

6 A. Yes, I do.

7

8 Q. This is a letter apparently signed by you, amongst
9 others; is that right?

10 A. Yes.

11

12 Q. I see that it is also apparently signed by someone
13 reflected there as Rod Spinks, chairman?

14 A. Yes.

15

16 Q. Is that the Rodney Spinks who is now at the service
17 desk at the branch office?

18 A. Yes.

19

20 Q. This letter was the elders at Beenleigh East making
21 inquiries with regard to the possible reinstatement of
22 [BCH]; is that right?

23 A. Yes.

24

25 Q. Do you recall how this request came about?

26 A. Well, in actual fact, Rod Spinks was the chairman at
27 the time, and he did have a phone conversation with
28 Brother de Rooy in Mareeba. The actual application for
29 reinstatement must have - in fact, I think there is
30 a letter stating that [BCH] did approach Rod Spinks at the
31 recommendation of the Mareeba brothers. Rod Spinks's name
32 was given to him to contact in order to consider a plea for
33 reinstatement.

34

35 Q. And are we to understand that then the elders at
36 Beenleigh East established a judicial committee to consider
37 that request?

38 A. Oh, yes, that's the committee shown there.

39

40 Q. Do you recall what it is that [BCH] told you in
41 relation to why he had been disfellowshipped at Mareeba?

42 A. Yes, he told us it was for lying. He did not say that
43 - he did not mention at all the porneia that was
44 established in the second appeal. All he mentioned was the
45 reason that he was disfellowshipped by the original Body of
46 Elders, which I believe was lying and - what was it?

47

1 Q. Loose conduct?
2 A. Loose conduct. That's it, yeah.
3
4 Q. That is how it was put there. But you see in the
5 middle of this page, it says:
6
7 *Firstly, [BCH] says that the reasons for*
8 *his disfellowshipping were: Lying and*
9 *Disregarding theocratic order" although the*
10 *latter appears a little vague. Could you*
11 *please clarify this for us.*
12
13 So that's your request, obviously, to Mareeba to clarify -
14 not so?
15 A. Yes, disregarding theocratic order is an unusual one
16 for me. I hadn't heard of a person being disfellowshipped
17 for that.
18
19 Q. And there is no mention in that letter of, as you put
20 it, the porneia or the child sexual abuse, and is that
21 because [BCH] didn't tell you about it?
22 A. Dead right. Yes.
23
24 Q. Are we to understand that at that stage the appeal
25 committee findings had not been conveyed to you?
26 A. Well, if they had - I'm pretty sure they must have
27 been conveyed to us, because the first meeting with us,
28 [BCH] came to my attention, it was mentioned of what he'd
29 done - the porneia and the slander. So it must have been
30 mentioned for it to come up in that meeting, yeah.
31
32 Q. Where does it come up - with reference to what are you
33 saying that it came up in that meeting, in what you call
34 the first meeting?
35 A. Well, this is a matter where there's three brothers.
36 The information is brought verbally to the meeting, the
37 whole Body of Elders. Before we establish the committee,
38 what [BCH] - who he was, he's making a plea for
39 reinstatement, and it was also brought out, as I mentioned
40 in my statement, that he was disciplined for it,
41 disfellowshipped, and I'm absolutely sure it was mentioned
42 that he faced the authorities as well for it and went to
43 gaol. But obviously this didn't happen at that time.
44
45 Q. Yes. Perhaps if we look at tab 9 - do you have that?
46 A. Yes.
47

1 Q. That's a report on the reinstatement plea by [BCH],
2 and it's also signed by each of the elders at Beenleigh
3 East?

4 A. Mmm-hmm.

5
6 Q. Do you have that document?

7 A. Yes.

8
9 Q. Do you see it sets out what happened:

10
11 *First contacted us Feb. 21, 1990 at Kingdom*
12 *Hall.*
13 *Spoke to Rod Spinks. Given contact in --*

14
15 And it's redacted, but it's the Mareeba congregation --
16
17 *as Bro Ron de Rooy --*

18
19 And his address has been redacted:

20
21 *Mareeba ... Rod Spinks contacted Ron De*
22 *Rooy to determine nature of problem and*
23 *informed case very complex and that [BCH]*
24 *had recently applied elsewhere for*
25 *reinstatement.*

26
27 And then the committee, being yourself and Messrs Spinks
28 and Johnson, met with [BCH] on 6 March 1990, and it
29 outlines what his statement was. If you just have a look
30 through that, you will see right down to the end of that
31 paragraph where it says:

32
33 *[BCH] reasons for disfellowshipping: Lying*
34 *and disregarding theocratic order.*

35
36 So is it not the case that that's where you got up to when
37 you sent the previous letter we were looking at? You then
38 sent a letter asking for clarification?

39 A. The focus that was brought to the attention of the
40 meeting of the elders in Beenleigh was of his lying and
41 loose conduct. Now, you will see later on in the letters
42 that come up that [BCH] complains to The Watchtower Society
43 about the Beenleigh elders requiring a point-by-point
44 confession of what he'd done wrong. You see, part of the -
45 part of the reinstatement process, or the qualifications to
46 be reinstated, is that a person acknowledges their
47 wrongdoing. Now, if he was unable to - if we had to

1 extract his real wrongdoing out of him, then we had to do
2 it in a point-by-point basis, and that's why we got
3 a letter back from The Watchtower Society saying there's no
4 need for us to - it wasn't rake over old coals - or go by a
5 point-by-point confession of the wrongdoing. But because
6 of his obfuscation, we felt the need that he had to bring
7 it out, and he was reluctant to bring it out all through
8 his - from the letter that I've seen of the person who is
9 the victim, he still wouldn't acknowledge what he had done.

10
11 Q. Mr Baker, this particular document is dated 15 June
12 1990 - do you see that at the end?

13 A. Which one is that?

14
15 Q. Tab 9.

16 A. Tab 9. Where is the date on that?

17
18 Q. At the end, just above the signature.

19 A. Oh, okay.

20
21 Q. Do you see that?

22 A. Yes.

23
24 Q. So this is the record of your decision and the reasons
25 for it not to agree to the request for reinstatement; is
26 that right?

27 A. That's correct.

28
29 Q. And you recorded in the last paragraph, you say:

30
31 *At this point we have told [BCH] that we*
32 *wish to have no further contact with him as*
33 *he has continued to approach us with little*
34 *or no indication that he has changed his*
35 *view of the discipline.*

36
37 Do you see that?

38 A. Yes.

39
40 Q. When I have a look at the reasons that you give here,
41 - other than a mention of porneia - I see no mention in
42 your reasoning of the child sexual abuse. Are you able to
43 explain that?

44 A. Well, our primary focus at the time was his continuing
45 to make overtures to the person for which he was originally
46 disfellowshipped. We felt it was still going on. So we
47 focused on that. But at the same time, with regard to the

1 porneia, as mentioned, as I said earlier, we did press it
2 with him and he refused - he always tried to diminish that
3 part of his wrongdoing. But I think we might have dropped
4 the ball here by not actually mentioning it with regard to
5 his - our decision.
6

7 MS McGLINCHEY: Could I just draw counsel assisting's
8 attention to the second-last paragraph where there is some
9 discussion of a denial of any incest, if I'm on the right
10 document.
11

12 MR STEWART: I must say, I don't see it, but I have
13 misread documents before.
14

15 MS McGLINCHEY: The first page.
16

17 MR STEWART: "He denied any incest" - that's what is being
18 referred to?
19

20 MS McGLINCHEY: Yes.
21

22 MR STEWART: Q. It has been pointed out to me, Mr Baker,
23 that there is one reference where it says he denied incest,
24 but as you have given evidence, your principal concern was
25 this potential adulterous relationship, wasn't it?

26 A. That was our focus at the time. We thought that the
27 whole incest matter had been thoroughly dealt with by the
28 Mareeba congregation. I'm not trying to pass
29 responsibility or - I'm not trying to diminish our
30 responsibility, but we thought at that time the whole
31 matter regarding the incest had been established. That's
32 why later on we had to get it out of him again, and we were
33 mildly chastised for it.
34

35 Q. Mr Baker, when you say it had been established, what
36 you were now seeking or needing to do was to establish
37 whether he was repentant in relation to it; is that right?

38 A. Yes.
39

40 Q. Your focus here, though, seems to be rather in
41 relation to the potential adultery, suggesting that that
42 was seen as more important than the child sexual abuse - or
43 am I misunderstanding it?

44 A. No, that's not correct. If you look at the statement
45 I made right at the outset, there was a concern among the
46 Body of Elders as to the welfare of the abused, because
47 apparently her own mother was not supporting her; her

1 father was the violator. We did have real concern. In
2 fact, I'm quite sure we raised the question as to the
3 welfare of the victim.
4

5 Q. Mr Baker, perhaps we can move on to the next request.
6 If you have a look at tab 10. That's actually a letter
7 from Beenleigh East, signed by you as committee chairman.
8 I suppose by then you had taken over the chairmanship of
9 that judicial committee, had you?

10 A. Yes. It appears that way.
11

12 Q. And attached to it is a letter that you had received
13 some months earlier from [BCH]; is that right?

14 A. Yes.
15

16 Q. And if you see the date of [BCH]'s letter of September
17 1990, do you see that the date of your letter, 19 March
18 1990, must be wrong - it must be 1991; do you accept that?

19 A. Yes. There has been a mistake.
20

21 Q. Yes.

22 A. Mmm. Probably 1991, yes.
23

24 Q. We can see that from the reply to that letter, which
25 was at tab 11, which is on 6 April 1991.

26 A. Mmm.
27

28 Q. You record there that you have made further
29 investigations about whether [BCH] was having any further
30 communications with the other woman; is that right?

31 A. Yes.
32

33 Q. And you were concerned about the relatively short
34 period of time since the previous reinstatement request had
35 been declined.

36 A. Yes.
37

38 Q. You do not express any concern about the child sexual
39 abuse. Did you consider it at all?

40 A. Yes. Once again, I feel I may have dropped the ball
41 there, because we honestly thought it was fully dealt with
42 by the congregation that handled that matter, and that's
43 how it was.
44

45 Q. Are you saying, Mr Baker, that it's not the case that
46 this potential consensual extra-marital contact between
47 [BCH] and another woman was taken to be more serious than

1 the child sexual abuse?
2 A. At that particular time that was the focus, yes.
3 I would say - it wasn't more serious, because as I've
4 already stated, we were of the opinion that the matter with
5 regard to his abuse had been settled. The fact that
6 there's no letters from Mareeba that I can recall stating
7 anything to do with the child abuse - I could be wrong, but
8 I don't think there is any letters, that I'm aware of.
9
10 Q. Although you did know, from what you said to us
11 earlier, as I understood it, that one of the reasons he had
12 been disfellowshipped was under the label "porneia" for
13 sexual abuse of his daughter. So you were aware of it?
14 A. Yes. Yes, we were aware of it.
15
16 Q. And being aware of it, you would have had to have been
17 satisfied that he had repented in relation to it before you
18 could recommend reinstatement; would that be right?
19 A. Yes.
20
21 Q. And it would then have been something that one would
22 have expected that you would investigate in your
23 consideration of the reinstatement request?
24 A. Well, I guess we would have got on to that having felt
25 that the matter was handled. There was - there was much
26 obfuscation on his part and diminishing that aspect of it.
27 So whenever it came up, he tended to gloss over it and move
28 on to the next point. I don't want to assign any motives,
29 but he was very clever at that.
30
31 Q. Do you have tab 11 there, Mr Baker?
32 A. Yes.
33
34 Q. It is a letter dated 6 April 1991 from Mareeba to
35 Beenleigh East - do you have that?
36 A. Yes.
37
38 Q. So you may take some comfort from the fact that in
39 that letter, which is nearly three pages, the Mareeba
40 congregation does not, in writing to you, raise the child
41 sexual abuse as an issue?
42 A. Mmm.
43
44 Q. Looking back on it now, does that strike you as odd?
45 A. Without putting the Mareeba brothers in a bad light,
46 and in hindsight, yes, it strikes me as odd.
47

1 Q. And then at tab 12 you will see you received a further
2 letter from [BCH] seeking to justify reinstatement. Do you
3 have that?
4 A. Yes, mmm-hmm.
5
6 Q. At tab 14 you received a letter from the branch - in
7 other words, Watchtower Bible & Tract Society of
8 Australia - dated 12 July?
9 A. Yes.
10
11 Q. You were still dealing with the matter at that stage,
12 I take it, because you left in 1993, as I recall?
13 A. Yes, yes, that's right.
14
15 Q. So you would have been presiding overseer at Beenleigh
16 East at that time - July 1991?
17 A. Mmm-hmm, yes.
18
19 Q. And essentially, that letter from the branch advised
20 that you should meet with [BCH] and give him some direction
21 towards possible reinstatement in the future; do you see
22 that?
23 A. Yes.
24
25 Q. Did you do that? Did you meet with [BCH]?
26 A. Yes.
27
28 Q. I take it that you were not satisfied as to his
29 repentance at that stage?
30 A. That's correct. In fact, at any point in time, while
31 I was still there.
32
33 Q. Then at tab 15 - do you have that - you sent a further
34 letter to the judicial committee at Mareeba?
35 A. Yes.
36
37 Q. Dated 14 August 1991?
38 A. Yes.
39
40 Q. You will see in the sixth paragraph, the one beginning
41 with "Subsequently we have had another meeting with [BCH]
42 on the 7th August" --
43 A. Yes.
44
45 Q. -- you raised the question of lying. In the next
46 paragraph you raised the question of the other woman, and
47 in the next paragraph starting "Sadly", you raised the

1 question of porneia with his daughter, as established by
2 the appeal committee?

3 A. Yes.

4
5 Q. The outcome of that was that you were still not
6 satisfied with regard to repentance; is that right?

7 A. Yes. I think he felt that the Beenleigh elders were
8 an obstacle for him to being reinstated.

9
10 Q. At tab 16 - do you have that - it's not actually
11 signed by you, it's just apparently from your brothers,
12 Beenleigh East congregation, and it's directed to the
13 Watchtower Bible & Tract Society at Ingleburn. Is that
14 a letter that came from you and the fellow members of your
15 committee?

16 A. Yes. Paragraph 3 I mention:

17
18 *He still refuses to acknowledge the porneia*
19 *he committed with his daughters ...*

20
21 Q. Yes. Then at tab 18 you will see the branch office
22 replied. And in the third paragraph they said:

23
24 *Regarding the offences with his teenage*
25 *daughter, we understand you have*
26 *information from the elders in Mareeba on*
27 *this matter. Mr [BCH] says he is willing*
28 *to go to Mareeba to meet with the elders*
29 *there if need be. This would be a personal*
30 *decision.*

31
32 I take it you received that letter, did you?

33 A. Yes.

34
35 Q. Do you see at the top of the letter it has a reference
36 "SD", which I understand to be "service desk", and then
37 after that it says "SSA" - do you know what that
38 represents?

39 A. Well, "SD" I understood to be the service desk. The
40 "SSA", I don't know, secret service agent? I don't know.

41
42 Q. I take it you weren't being serious about that,
43 Mr Baker?

44 A. No, I'm sorry.

45
46 Q. Then at tab 19, as I understand it, you reply and set
47 out another decision with regard to not reinstating; is

1 that right?

2 A. Yes. Wherever - "understating wherever possible the
3 gravity of the wrongs for which he was disfellowshipped".

4

5 Q. And are we to understand that by this time he had
6 moved on to St George; is that right?

7 A. Yes. That's about the time that I exit the scene.
8 But I do recall St George contacting me and, once again,
9 there was what appears to be an untruth made.

10

11 Q. At tab 20 there seems to be, I think, a reference from
12 that.

13 A. Is that in the third paragraph down?

14

15 Q. Yes, that's a letter that you weren't party to, of
16 course. It was from St George to Mareeba; is that right?

17 A. Yes.

18

19 Q. But it says, in the fourth paragraph:

20

21 *In talking to brother Monty Baker from*
22 *Beenleigh he mentioned that they too felt*
23 *that his conduct of late met with their*
24 *approval and they were contemplating*
25 *a favourable recommendation too.*

26

27 What is your response to that?

28 A. I question who the "he" is. It says:

29

30 *In talking to brother Monty Baker from*
31 *Beenleigh he mentioned that they too felt*
32 *that his conduct of late met with their*
33 *approval.*

34

35 Now, who mentioned that - me? Or was it [BCH]'s talking to
36 me?

37

38 Q. I suggest, Mr Baker, on the ordinary reading of it, it
39 would be a reference to you, but what are you saying in
40 relation to that - that you did not mention that position?
41 In other words, you did not say that it met with the
42 approval of Beenleigh?

43 A. I seem to recall having a phone call - oh, it's so far
44 back now. And I might have said something along the lines,
45 "He's showing all the outward signs", but I think I did put
46 a caveat on it, and earlier letters, saying, you know, "We
47 still have this nagging doubt in our minds. He vehemently

1 denied until recently that he interfered with his
2 daughters." Mmm. I'm just trying to find it.

3
4 Q. So are you saying you don't recall ever reaching the
5 position where you were supportive of, or accepting of,
6 a reinstatement?

7 A. Yes. This is in the letter dated 14/3/92, it says:

8
9 *In our last meeting before he left for*
10 *St George we were right to the point of*
11 *recommending that he was ready due to his*
12 *showing outwardly all the correct*
13 *manifestations of repentance, along with*
14 *a strong desire to be part of the*
15 *organisation.*

16
17 It says:

18
19 *We did, however, have just one matter that*
20 *we wanted to follow up before we would make*
21 *a recommendation to you. In this matter,*
22 *we wanted to clarify with you. From your*
23 *reply, it appears that [BCH] is still*
24 *untruthful and still withholding*
25 *information and appears to be understating*
26 *wherever possible the gravity of the*
27 *reasons that he was disfellowshipped.*

28
29 Are you still there?

30
31 Q. Yes, we are, Mr Baker. Do you not see us?

32 A. Hello?

33
34 Q. Can you hear us?

35
36 THE CHAIR: Q. Can you see and hear us?

37
38 MR STEWART: Apparently not, your Honour.

39
40 Q. Can you see or hear us yet, Mr Baker?

41
42 THE CHAIR: Have we lost the connection? He still can't
43 hear us; is that right?

44
45 MR STEWART: We might do it on the telephone, with
46 your Honour's leave?

47

1 THE CHAIR: Yes, we can do that. Is there much more to
2 go?
3
4 MR STEWART: No, we can wrap it up in a couple of minutes.
5
6 THE CHAIR: Bring him back and do it on the telephone.
7
8 MS McGLINCHEY: I have rung Mr Baker, your Honour, and
9 I have told him to wait.
10
11 MR STEWART: Apparently, your Honour, the video-link will
12 be re-established within two minutes, I'm told. In my
13 experience, it is always wishful thinking with technology,
14 but if we do it on the telephone, then it won't be
15 recorded. If your Honour would wish to adjourn briefly,
16 we're obviously in your Honour's hands.
17
18 THE CHAIR: If you hold the telephone, why won't it be
19 recorded?
20
21 MR STEWART: I don't know, your Honour.
22
23 THE CHAIR: There's not much point at the moment. We've
24 lost it altogether.
25
26 MR STEWART: Q. Mr Baker, it is Mr Stewart here, are you
27 now hearing us on the video yet?
28 A. No. I was about to pack up. Oh, it's appeared now,
29 yes.
30
31 THE CHAIR: Q. Can you hear me, Mr Baker?
32
33 MR STEWART: Q. Mr Baker, can you hear us?
34 A. Yes.
35
36 Q. Thank you. You are in the hearing again, Mr Baker.
37 We've lost video, I'm told, but we do have audio. We can
38 hear you. We do have a small video of you, so we can see
39 you. Do you not see us?
40 A. Yes, clearly.
41
42 Q. There you go. Good. We will take up where we were,
43 Mr Baker. In your paragraph 5(c) of your statement, you
44 say that:
45
46 *At the above mentioned Elders meeting --*
47

1 so I understand that was the meeting that you remembered at
2 that time to discuss reinstatement --

3 A. Yes.

4

5 Q.

6

7 *it was revealed by the protagonist/s ...*
8 *that he was expelled from the Mareeba*
9 *congregation for his abusing his two*
10 *daughters. At the meeting my only input*
11 *was to ask about the welfare of his two*
12 *daughters. In view of the statement that*
13 *the mother of his daughters was aware of*
14 *the wrongdoing at the time of the abuse,*
15 *this would unlikely make her a fit person*
16 *to care for them.*

17

18 And you go on a little bit about that. Do you see that?

19 A. Yes.

20

21 Q. Are you suggesting that the welfare of the two
22 daughters was your principal concern throughout the
23 reinstatement issues that you dealt with over a period of
24 time?

25 A. Well, being truthful, at the time - I don't know if
26 you've ever felt personally that you regret not having
27 followed through on a matter - I'm sure we've all done
28 that. And on this occasion I regret not having followed
29 through the answer to my question at that time, was: what
30 about the daughters?

31

32 Q. Looking back now, is there anything else you might
33 have done differently in your involvement in the matter,
34 Mr Baker?

35 A. Well, in the light of what I know now, of course, in
36 hindsight, I would have followed through, to inquire about
37 the welfare of the daughters. In fact, I'm sure any elder
38 would do so.

39

40 Q. Is there any way in which you think that the Jehovah's
41 Witnesses' response to child sexual abuse can or should be
42 improved?

43 A. Well, at that time, yes, but I understand there have
44 been a number of improvements since. I've not seen them.
45 As I said, I've taken - I've made - taken great efforts to
46 try and erase my memory from anything associated with the
47 Witnesses.

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Q. From what you knew of the processes at that time, was there any particular criticism or weakness that you would identify for improvement?

A. Well, I'm sure there'd be a number of things, not necessarily with this case, but a number of things there are questions come to your mind, and there are occasions to express your opinions to travelling overseers, and so forth, but it's - that's way above my pay scale.

MR STEWART: Thank you, Mr Baker. Those are my questions, although it may be that there are others who wish to ask you questions.

THE CHAIR: Does anyone have any questions?

MS DAVID: Just one brief question.

<EXAMINATION BY MS DAVID:

MS DAVID: Q. Mr Baker, it is Ms David here. I represent [BCG].

A. Yes.

Q. Just very briefly, you were asked about the things that you might do to change the Jehovah's Witness system. Would you agree that one important thing to do, in the reinstatement process, that the victim must have a voice in that reinstatement process?

A. Without a doubt. Without a doubt.

MS DAVID: Thank you.

THE CHAIR: Does anyone else have any questions?

<EXAMINATION BY MS McGLINCHEY:

MS McGLINCHEY: Q. Mr Baker, as you know, my name is Ms McGlinchey and I represent you in these proceedings.

A. Yes.

Q. Mr Baker, you have given some evidence about your recollection of the two attempts or the two approaches that [BCH] made to your committee making a plea for reinstatement and, as you recall it, he was rejected on both of those occasions; is that correct?

A. Yes.

1
2 Q. Did you know that after, at a time later than that, he
3 was actually reinstated to the church?
4 A. No. I think I had made my exit before then, but when
5 you mentioned it to me at this hearing - at this
6 Commission, I was flabbergasted.
7
8 Q. Are you saying that you not only didn't hear about it
9 while you were at the church, but that surprises you now to
10 hear that?
11 A. Even today.
12
13 Q. Are you able to say why?
14 A. Well, it's, as I've mentioned, the obfuscation, the
15 diminishing of the wrongdoing, and - it just seems - I just
16 find it unfathomable that he would be allowed back in. And
17 I believe it's so soon - two years.
18
19 Q. Do you recall ever telling [BCH] that his chances of
20 getting reinstated would be better or improved if he moved
21 to a different location?
22 A. Yes.
23
24 Q. You recall saying that to him?
25 A. Yes, well, at the time, he was seen by Witnesses to be
26 making overtures to a woman in the congregation who was
27 a reprovved Witness, and he would have made it hard for her
28 - and I believe he did make contact with her and her
29 children. So I recommended to him that he should really
30 get out of the country, if he really wanted to be
31 reinstated, because that was probably an exaggeration, that
32 he shouldn't have been anywhere near her.
33
34 Q. So when you told [BCH] that, just to be clear, it
35 wasn't an effort to perhaps suggest to go somewhere where
36 people didn't know about his history of sexually abusing
37 his children?
38 A. Oh, no, that wasn't the reason. He was - he was so
39 persistent for reinstatement, and I just told him his
40 chances where he was were not good.
41
42 Q. I just want to ask you some questions about your
43 knowledge of allegations of sexual abuse in the Jehovah's
44 Witness Church. You have said in your statement at
45 paragraph 3 - and you don't need to go to it, I will read
46 it to you:
47

1 *This was not endemic within the Jehovah's*
2 *Witness Church as it is in some*
3 *institutions.*

4
5 Now, you were referring to allegations of sexual abuse when
6 you put that in your statement; is that correct?

7 A. Yes.

8
9 Q. Since making your statement, you have heard the
10 opening to this hearing from counsel assisting; is that
11 correct?

12 A. Yes.

13
14 Q. And do you recall that he said words to the effect
15 that documents handed to the Commission from the Jehovah's
16 Witness Church included 1,006 files relating to allegations
17 of child sexual abuse - do you recall that?

18 A. Yes.

19
20 Q. What was your reaction to that?

21 A. That statement was made over a period from 1950 until
22 today.

23
24 Q. Yes, correct.

25 A. 1,065 - so that works out at about 15 a year, in my
26 calculation, but I was still flabbergasted and I still
27 questioned the data gathering for that information. Were
28 they cases that were actually proven, or were they just
29 reported cases? I just find it so hard to believe.

30
31 Q. When you were still in the church, was it a matter
32 that you heard discussed as you moved around the
33 congregations about the child sexual abuse was an issue or
34 a problem - did you ever hear that discussed?

35 A. No. No, this is the first occasion that I've come
36 across in all the years that I was serving in the
37 congregation.

38
39 Q. So the first case you came across was the matter of
40 [BCG]?

41 A. I think - I remotely knew of one in New Zealand, but
42 I had nothing to do with it then. I happened to be working
43 in the Bethel at the time in New Zealand.

44
45 Q. And you didn't have any knowledge that perhaps the
46 church hierarchy, or anybody in the hierarchy, may have
47 been handling allegations of child sexual abuse?

1 A. I seem to recall it was reported in a newspaper in
2 New Zealand. That - I'm afraid - I'm afraid I cannot
3 recall. But that's - that was such a remote case in some
4 village somewhere, from what I remember. I - I'm quite
5 sure that this is the first I've ever come across it
6 personally.

7

8 THE CHAIR: Q. Mr Baker, you expressed surprise that the
9 Jehovah's Witnesses had this number of files --

10 A. Yes.

11

12 Q. -- because you say you hadn't personally come across
13 the problem. The conclusion, which appears to be
14 available, is that the people who did know didn't talk and
15 certainly didn't talk to you about what the church's
16 history might be.

17 A. Obviously, your Honour.

18

19 Q. And I would assume, but you might be able to confirm
20 for me, that the church would have been embarrassed if
21 knowledge had got out about allegations of this type in any
22 number being made against members of the church.

23 A. Well, yes, their reputation for cleanness in the
24 congregation is one of the assets of the church. In fact,
25 that's what attracts a lot of people to the organisation,
26 is their reputation for their cleanness and their upholding
27 of righteous principles. Now, for that information to come
28 out, that would have damaged the asset, as it were. So
29 I would imagine it would have been embarrassing for them to
30 bring it out, and I still question the credibility of the
31 data.

32

33 Q. Well, it's just the files - it's the church's files.
34 That's what it is.

35 A. I understand, your Honour.

36

37 MS McGLINCHEY: Q. Just one other matter. Mr Baker, in
38 hearing the evidence of [BCG] and also in your discussion
39 with her, you heard about her experience and the trauma she
40 experienced by going through the process of having to make
41 her allegations and be judged by three men. You are aware
42 that that is her evidence, aren't you?

43 A. Yes, I am. Mmm.

44

45 Q. As I understand it, elders are always men; is that the
46 case?

47 A. Yes, that's correct.

1
2 Q. In your understanding of the church and the scriptures
3 that underpin the workings of the church, do you see any
4 possibility of women becoming elders in the church?
5 A. No. It's a scriptural principle. This in no way
6 diminishes the role of women in the organisation, but
7 a scriptural principle is held to. The mores of society
8 change over a period of time, and I feel that it was only
9 in the last 10 years that we had women Premier in
10 Queensland. Society is changing all the time, but I don't
11 think the truth of the Bible will ever change, and as
12 a result - I know that Jehovah's Witnesses are not the only
13 ones that hold to this, that women are not to be elders.
14 There are very capable women who assist other women in the
15 congregation, but - mmm.
16
17 Q. But not as elders; is that correct?
18 A. No, no.
19
20 Q. And not as teachers?
21 A. They can be teachers in the sense that the Bible
22 refers to them as "a great army of preachers who are
23 working for God", and they are teaching people - Bible
24 studies. In fact, they carry the bulk of the work.
25
26 Q. But they can't actually teach in Kingdom Hall; is that
27 correct?
28 A. They do have discussions with each other, but they
29 don't teach from the podium.
30
31 Q. And when they have discussions with each other, that
32 is other women, they are required to wear a head scarf; is
33 that correct?
34 A. No.
35
36 Q. A head covering?
37 A. No. No, they're only required to wear a head covering
38 if they happen to be a small group and there was another
39 unbaptised male there, and obviously the only one who could
40 conduct the meeting would be a mature sister, and on that
41 occasion, she would acknowledge her subjection by wearing
42 a head covering. I say "subjection", not subjugation.
43
44 MS McGLINCHEY: Thank you, Mr Baker. I don't have
45 anything further, Commissioner.
46
47 THE CHAIR: Q. Mr Baker, you appear to still have

1 significant knowledge of the scriptures and the teachings
2 of the Bible; is that right?

3 A. Yes, that's correct - I wouldn't say that. I'm -
4 I mean, I just listened to some of those brothers when they
5 were making their statements, and they were way ahead of
6 me, but on that aspect, I still actually read the Bible
7 often, but when I said I was trying to erase any memories,
8 it was to do with the church.

9

10 Q. Can you just help me with this, then, and I appreciate
11 that for the church, and maybe for you, too, the Bible is
12 the divine word of God?

13 A. Yes, it exerts power, yes.

14

15 Q. But is there ever a discussion about that word having
16 been expressed in the social contexts and mores of its
17 time?

18 A. Yes, yes, of course. The time it was written.

19

20 Q. That's right, and expresses the society as it was
21 then. Is that ever talked about?

22 A. Of course. Just in earlier conversations you had, you
23 felt that when the brothers brought up the matter of two
24 witnesses, from Deuteronomy 19 :15 - you put it in context
25 and say, yes, the result was the death penalty, but, in
26 actual fact, in Matthew 18, in verse 6, Jesus also made the
27 comment about if a matter is not resolved with two
28 witnesses, then the wrongdoer was considered as a "man of
29 the nations", which is the same as disfellowshipping.

30

31 Q. What I'm seeking to understand is whether - let me go
32 back a step. You appreciate that one of the very
33 significant issues for the Royal Commission in this case
34 study is the way the church responds to allegations of
35 sexual abuse, and we will have to make findings and
36 recommendations in relation to the way the church does
37 respond to those allegations. Do you understand?

38 A. Yes.

39

40 Q. And do you understand that, for many people, the fact
41 that women are excluded from a process of adjudication in
42 relation to the allegation of sexual abuse is a significant
43 issue and a problem?

44 A. Well, I know - while I've never been in this case
45 before, I know in other cases where the parents have been
46 present at the time of questioning.

47

1 Q. That's a different issue. At the moment, I'm just
2 looking at the question of the people who determine the
3 truth of the allegation, which is the elders - do you
4 understand?

5 A. Yes, yes.

6

7 Q. And as you know, and rightly point out, in our
8 society, although by no means perfected, but, nevertheless,
9 the role of women has changed, and changed significantly,
10 since probably World War II, but maybe back to World War I;
11 do you understand?

12 A. Yes, I fully understand. And, in fact, a lot of the
13 mores of society have changed in other areas, too.

14

15 Q. That may be so, but when we look at the role of women
16 in our community, it has changed and is in the process of
17 continuing change - do you understand?

18 A. I fully understand, and I can see problems coming out
19 in the future in certain areas. Because --

20

21 Q. Stay with me for a second. If it's the case that one
22 may look at the Bible as reflecting the mores in the
23 context, social context, of its time, is there room for
24 a discussion now about whether or not the insistence upon
25 elders being confined to men should change?

26 A. I can't see that. The primary reason is because there
27 was a direct edict from Paul to the Ephesians, I think it
28 was, where each one has a role in the congregation, and the
29 responsibility comes upon the males, and in society in that
30 day it would not have even been thought unusual, in fact,
31 they would have thought of it unusual when those with the
32 gifts of the spirit - gifts of prophecy stood up and they
33 were women in the congregation. Now, that would have
34 seemed so much out of place to them. But, today, it's the
35 other way around.

36

37 Q. Maybe it's not an opportunity for us to take the
38 discussion too much further, but there are a number of
39 churches, of course, which have come to understand the
40 biblical injunctions in the context of the 20th and 21st
41 century, haven't they?

42 A. Yes.

43

44 Q. And those churches have, in fact, in some cases, made
45 bishops of women.

46 A. Oh, of course. I see that. The Catholic Church seems
47 to be holding up at this stage, but for how much longer we

1 don't know. But on the other side of the coin, you have to
2 remember that while Jehovah's Witnesses may seem out of
3 step with society's thinking, there have been other
4 occasions - for example, in 1974, if you were caught with
5 evidence of using tobacco, you were disfellowshipped by the
6 congregation. Now, in those days, people thought, "Wow,
7 Jehovah's Witnesses are really harsh, cruel people,
8 disfellowshipping someone for using tobacco", and yet, by
9 today's standards, they would be applauded for having such
10 standards.

11
12 Q. Well, finally on this topic, do you think that the
13 process that you engaged in in seeking to identify the
14 truth of the allegation of a young lady in relation to her
15 allegation of sexual assault - do you think that process
16 would have benefited if one of you in the adjudicating
17 panel had been a woman?

18 A. I think it would have taken the heat off the
19 situation. I can imagine how intimidating it would be for
20 a young girl - in fact, I've seen it, where a young girl
21 has to come before three elders, and I'm sure they would
22 have done everything they could to put her at ease and they
23 would have - I know on my own occasion, I used to say a
24 little joke, just to try and put everything at ease. But
25 I do believe if - and I've seen situations where sisters
26 have been present, as well, to supply the moral support,
27 and it has worked out for the better.

28
29 Q. But would it be a better process if a woman was
30 engaged in actually making the decision, was one of the
31 adjudicators - at least one of the adjudicators?

32 A. I don't want to get involved in the gender battle, but
33 I would assume that if that was the case, the woman would
34 still use the same scriptures as what the men would use.

35
36 Q. It's not a question of using the scriptures, it's
37 a question of the tribunal, the constitution of the
38 tribunal that has to be confronted by a young woman to tell
39 her story of intimate sexual assault.

40 A. Mmm.

41
42 Q. Do you think it's appropriate that that tribunal only
43 ever be comprised of three men?

44 A. My way of thinking, and my wife, who is not a Witness,
45 of 20 years - she would agree with what you say, and, of
46 course you know I've been indoctrinated to the way, with my
47 beliefs, but I would say what you say is a fairly fair

1 decision, a recommendation.
2
3 THE CHAIR: Yes. Does anyone have any questions on those
4 matters?
5
6 MR TOKLEY: No, your Honour.
7
8 THE CHAIR: Mr Stewart?
9
10 MR STEWART: Your Honour, that's all for Mr Baker.
11
12 THE CHAIR: Mr Baker, thank you for your evidence. You
13 are now formally excused.
14
15 THE WITNESS: Thank you, your Honour.
16
17 **<THE WITNESS WITHDREW**
18
19 MR STEWART: Tomorrow morning I would plan to start with
20 Mr Pencheff, also via video to Brisbane.
21
22 THE CHAIR: Very well, 10 o'clock in the morning.
23
24 **AT 4.10PM THE COMMISSION WAS ADJOURNED TO**
25 **TUESDAY, 4 AUGUST 2015 AT 10AM**
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