ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES TO CHILD SEXUAL ABUSE

Public Hearing - Case Study 29
(Day 155)

Level 17, Governor Macquarie Tower
Farrer Place, Sydney

On Friday, 14 August 2015 at 10am

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

Counsel Assisting: Mr Angus Stewart SC
THE CHAIR: First of all, we need to check, Mr Stewart, is Commissioner Milroy linked in? Commissioner Milroy, can you hear and see us?

COMMISSIONER MILROY: I can hear you, but I can't see you on the screen at the moment. But I think that will be adjusted.

THE CHAIR: Is that something at the other end or at this end? We can see you now. Can you see us?

COMMISSIONER MILROY: Yes.

MR STEWART: Your Honour, as your Honour is aware, the witness this morning is Mr Geoffrey Jackson. There is an appearance to be noted on his behalf.

MR A BANNON SC: Could I announce my appearance on behalf of Mr Jackson. Bannon, your Honour.

THE CHAIR: Yes, you have leave.

MR BANNON: Thank you, your Honour.

THE CHAIR: Mr Jackson, you need to be sworn. Do you have a Bible there?

MR JACKSON: I certainly do.

<GEOFFREY WILLIAM JACKSON, sworn: [11.05am]

<EXAMINATION BY MR STEWART:

MR STEWART: Q. Mr Jackson, will you state your full name and your work address, please?
A. Yes, my name is Geoffrey William Jackson, and I work at 25 Columbia Heights, but the mailing address is 124 Columbia Heights, Brooklyn, New York.

Q. Mr Jackson, I understand you were born in Queensland, Australia, in 1955; is that right?
A. That is correct.

Q. And you were baptised as a Jehovah's Witness in Queensland in 1968?
A. That is correct.
Q. And you left school at the age of 15 and commenced pioneering work for the Jehovah's Witnesses in Tasmania; is that right?
A. That is correct.

Q. Thereafter, you fulfilled various roles as translator and then branch committee member, first in Fiji and then in Samoa?
A. If I could correct you, Mr Stewart, please, first of all in Samoa and then in Fiji.

Q. Thank you. As I understand it, in 2003, you were transferred to the translation services in New York; is that right?
A. Yes, in the State of New York, but in the educational facility of Jehovah's Witnesses upstate in Patterson.

Q. In September 2005, you were appointed as a member of the Governing Body of the Jehovah's Witnesses?
A. That is correct.

Q. As I understand it, you have served continuously in that capacity since then?
A. That is correct as well.

Q. On the Governing Body, I understand that you are a member of both the writing and the teaching committees; is that right?
A. If I may be allowed to explain, each Governing Body member has a home committee where his office is based. So in my case, I work in the writing department under the writing committee; but then, also, I have the role of a consultant with the teaching committee, as well as the personnel committee. But I do serve on the teaching and personnel committees.

Q. As I understand it, you serve on the writing, teaching and personnel committees; is that right?
A. That is correct.

Q. Could you just briefly explain what it means to be a consultant on one of the committees?
A. Yes. With regard to my role, each member of the Governing Body - of course, there are seven at the moment - each brings something to the table with regard to expertise. My field is translation, and as you realise and have mentioned, it has been for quite some time. But also,
obviously, I was appointed on the Governing Body because of my spiritual qualifications. So my role as a consultant with the teaching committee and personnel committee involves me evaluating recommendations that are made to see if, first of all, they are scripturally accurate and correct, and, secondly, whether they are translatable.

Q. So would that be with regard to all business and decisions of the committees on which you serve - you would fulfil that function you have just described?
A. That is the function that I fulfil.

Q. So, in other words, to give guidance and ensure that the decisions and work of those committees are scripturally accurate and correct?
A. As well as translatable.

Q. And by "translatable", do you mean translatable into various languages of the world?
A. Yes, just - you probably are aware of the fact that Jehovah's Witnesses translate their material into nearly 900 languages - I think it's something like 893 translation teams that we have - and our magazine, The Watchtower, is translated into approximately 250 languages, so at times these committees need my input with regard to how things will be translated into other languages.

Q. As I understand it, your input on those committees is not restricted to the question of translation; it would cover all the business of those committees; is that right?
A. It covers all the business in the aspect of me analysing the scriptural basis for decisions.

Q. Could you explain, Mr Jackson, the committee structure and how it relates to the Governing Body, which is to say, do the committees report to and are they accountable to the Governing Body as a whole, or how does it work?
A. Thank you, Mr Stewart. Yes, the Governing Body, as I mentioned, has seven members. As you would realise, with 8.2 million active members of Jehovah's Witnesses, with approximately 20 million associated with us, there is no way that the seven members of the Governing Body can be up to date with all aspects of every part of our work. So the Governing Body is broken up into various committees. The committees - there is a measure of trust, obviously, because the men who are appointed on those committees understand something about the operation of those various...
aspects.

But if I may also mention something I think the Commission hasn't noticed is that there are a roll of 30 helpers and these helpers join us in not the Governing Body committee, but the various subcommittees, and they help us by making recommendations and implementing the policies.

Q. Thank you, Mr Jackson. Is it the case that the helpers also attend the Governing Body meetings that occur weekly, but don't make decisions there?
A. No, they don't normally attend the one meeting the Governing Body has each Wednesday, unless, of course, we need some special input from one of them or from several, and then they may be invited as needed. But you are correct in saying they do not vote.

Q. So is it right to say that the committees then are accountable to the Governing Body?
A. There is a - yes, ultimately, the Governing Body oversees the work of the committees, but there is a measure of trust, obviously, that goes on, mainly - if I could use an example, I would be the last person on earth to ask with regard to construction details, but the publishing committee handles our construction worldwide, and so those that have more familiarity with that type of expertise, we would trust them to go ahead with most of the decisions.

Q. You have said that the Governing Body presently has seven members. How is it determined how many members there will be from time to time?
A. There can be any number of members on the Governing Body. In the past few decades - for example, when I was appointed on the Governing Body, there were 12 of us. I believe the number has been 18 at one stage. But the qualifications of a member for the Governing Body - it involves someone who is considered an anointed Witness, who has worked in scriptural, with a scriptural background, either as a missionary or a full-time servant for many years, and is able to fulfil the role of the Governing Body, which is, may I state, a group, a spiritual group of men who are the guardians of our doctrine, and as guardians of the doctrine, look at things that need to be decided based on our doctrines, which are based on the constitution of the Bible.

Q. I take it if the Governing Body is to be increased in
size, that that will be a decision of the Governing Body itself?
A. That is correct. But obviously, we would get information from other fields.

Q. And is it the case that the Governing Body then appoints new members of the Governing Body?
A. That is correct.

Q. Does someone have a designated role, such as coordinator or chairperson or president?
A. You mean of the Governing Body?

Q. Yes.
A. Or do you mean the subcommittees?

Q. No, I mean of the Governing Body?
A. Yes. We rotate each year. There is a chairman of the Governing Body, but the chairman's role is merely to chair the meetings.

Q. So there is no-one who has a permanent role of coordination or designation such as president or what have you?
A. That is correct. Only the committees, under the direction of the Governing Body, have a coordinator for each committee.

Q. Dealing with decisions of the Governing Body itself, how are decisions made, by which I mean are they made only by consensus or by majority or is there some other system you adopt?
A. So if a policy or a question comes up with regard to doctrine, or something that involves a biblical stand, we will allow someone to come in and present to us all the facts concerning that - obviously the seven involved cannot be familiar with every aspect that we need to consider. So once the proposal has been given to the Governing Body, it's an agenda point. Ahead of time, each Governing Body member, with prayer, by means of prayer and reading the Bible, then tries to see how the Bible would affect any particular decision. So then, in our discussion, generally, from my discussion, which has only just been the last 10 years, in most cases it's unanimous.

Q. If it's not, then it would be carried by majority; is that right?
A. That is the case but, as I said, it's a rare thing, because if someone - perhaps their conscience is not clear or feel comfortable with a certain decision, then more often than not, we would rely upon God's spirit by holding up on making a final decision until more research is done, and then we would meet again.

Q. By what mechanism would you understand God's spirit to direct your decisions?
A. Well, what I mean by that is, by prayer and using our constitution, God's word, we would go through the scriptures and see if there was any biblical principle at all that would influence our decision - and it could be that in our initial discussions there was something that maybe we were missing and then in another discussion that would come to light. So we would view that as God's spirit motivating us because we believe the Bible is God's word and came by means of holy spirit.

Q. And your reference to your constitution, I understand by the way in which you raised the Bible as you said that, you were referring to the Bible?
A. The Bible is our constitution, yes.

Q. The Governing Body is in the literature referred to as the "faithful and discreet slave". Can you briefly explain what that means?
A. Thank you for the question. The scripture, your Honour, if I may use my Bible --

THE CHAIR: Q. Yes.
A. I would like to turn to Matthew, chapter 24. Now, Mr Stewart, perhaps I could give you the page number to make it a little quicker.

MR STEWART: Q. I am on it already, Mr Jackson.
A. Very good. So Matthew 24, verses 45 and 46. This is how the Governing Body views their role, what they try to do. It says:

"Who really is the faithful and discreet slave whom his master appointed over his domestics, to give them their food at the proper time? Happy is that slave if his master on coming finds him doing so!

So the goal of the Governing Body as custodians of our
doctrines is to publish literature that helps people in everyday life using what the Bible says. And if I may just add a second scripture, which I feel is very important, it is the one found in the book of Acts, chapter 6. It's page 1468, Mr Stewart, Acts chapter 6. Here we have perhaps something that the Commission is more interested in, rather than just our overall spiritual teachings. We had a situation in the first century where there was a practical problem where the Greek-speaking widows were not receiving food from the arrangement that was in place. So the apostles at that point were asked to try to sort out this problem, and you notice there, in verses 3 and 4, it says:

“So, brothers, select for yourselves seven reputable men from among you, full of spirit and wisdom, that we may appoint them over this necessary matter; but we will devote ourselves to prayer and to the ministry of the word.”

So verse 4 describes the role of the Governing Body as we see it, to devote ourselves to prayer and the word of God, and that's why 30 helpers have been assigned that are involved more with the practical side of policy and implementation.

Q. Do correct me, Mr Jackson, if I misunderstand this, but this does seem to me to suggest, in the use of the words "brothers select for yourselves seven reputable men", that a broader congregation of believers would make the selection, rather than the seven themselves?
A. Well, this is one of the difficulties we have when a secular Commission is trying to analyse a religious subject. I humbly would like to mention that point. Our understanding of the scriptures is these ones were appointed by means of the apostles. Your point is well taken. Let's assume, hypothetically, that others selected these seven men, but it was at the direction of the apostles.

Q. Do you, as members of the Governing Body, regard yourselves as being appointed by Jehovah God or under the capacity or authority of Jehovah God?
A. What we view ourselves, as fellow workers with our brothers and sisters - we have been given a responsibility to guard or to be guardians of doctrine. So just the same
with elders, they are referred to as being appointed by
holy spirit, as you probably are aware, we believe that
means that when an elder is in harmony with what the Bible
says is required of an elder, then he is appointed by the
holy spirit. So the same is true with the Governing Body.

Q. So where it is said that the faithful and discreet
slave is made up of a small group of anointed brothers, are
we to understand the belief behind that being that you are
anointed by the holy spirit?
A. That is correct. But if I could just enlarge on that,
there are many anointed Jehovah's Witnesses who do not
serve on the Governing Body.

Q. And that would include all the elders around the
world; would that be right?
A. No, that is not correct. The anointing process that
we are referring to is referred to in the book of Romans,
chapter 8, where it speaks of a heavenly calling. So the
majority of Jehovah's Witnesses hope to live in a paradise
earth, whereas those who have been selected by means of
holy spirit have a hope to live in heaven - to go to heaven
when they die, in other words.

Q. Mr Jackson, is that the 144,000 that is referred to?
A. Ultimately, in the book of Revelation, chapter 14, it
refers to the total number being 144,000.

Q. Does the Governing Body, or do the members of the
Governing Body - do you see yourselves as modern-day
disciples, the modern-day equivalent of Jesus's disciples?
A. We certainly hope to follow Jesus and be his
disciples.

Q. And do you see yourselves as Jehovah God's
spokespeople on earth?
A. That I think would seem to be quite presumptuous to
say that we are the only spokesperson that God is using.
The scriptures clearly show that someone can act in harmony
with God's spirit in giving comfort and help in the
congregations, but if I could just clarify a little, going
back to Matthew 24, clearly, Jesus said that in the last
days - and Jehovah's Witnesses believe these are the last
days - there would be a slave, a group of persons who would
have responsibility to care for the spiritual food. So in
that respect, we view ourselves as trying to fulfil that
role.
Q. Mr Jackson, I would like to refer you to a document - I believe that there is someone there to assist you. It is exhibit 29-028, and it is the Branch Organisation January 2015 manual, an in particular, at chapter 1. Would you confirm that you have the opening page of chapter 1 available to you?
A. Yes, I do, thank you, Mr Stewart.

Q. In paragraph 1 it says:

The Governing Body of Jehovah’s Witnesses is made up of brothers who are anointed servants of Jehovah God.

I take it that is how you see it in the manner you have explained a few moments ago?
A. That’s correct.

Q. Then it is said:

They have the responsibility for giving direction and impetus to the Kingdom work.

And some scriptures are given. I take it that is how you see it?
A. That is correct.

Q. It also then says:

Like its first-century counterpart, the Governing Body today looks to Jehovah, the Universal Sovereign, and to Jesus Christ, the Head of the congregation, for direction in all matters.

Would that be how you see it?
A. That is correct, yes.

Q. Then in paragraph 2, it says in the first sentence:

The Bible says: "Let all things take place decently and by arrangement." The Governing Body obeys this direction by putting in place various helpful procedures and guidelines that ensure the smooth and orderly operation of the branch offices and
the congregations.

Now, from that, are we to understand that the procedures and guidelines that are published by the Jehovah's Witnesses - in particular, the Watchtower Bible & Tract Society of Pennsylvania - are the procedures and guidelines referred to here?

A. If I understand your question correctly, Mr Stewart, if I could just explain, as it highlights here, there is a responsibility of the Governing Body - and may I remind you that you are quoting from a publication that is not a constitution, is not a legal document, is not a contract, it is an expression of the relationship and responsibilities between the Governing Body and the branch committee. So in this paragraph, we are highlighting to the branch committees the responsibility that we feel, that there is a need, yes, for certain procedures and for certain direction to be given in a spiritual nature.

Q. From the next sentence, "Responsible Christian men do their part by setting an example of obedience as they put such arrangements into effect", are we to understand that the expectation of the Governing Body is that the branches around the world will act in accordance with those procedures and guidelines?

A. That is the expectation. But may I put the proviso on this: you see, as paragraph 2 starts off, the second sentence, "The Governing Body obeys this direction" - Mr Stewart, what you need to understand with regard to our organisation is it is a faith-driven organisation. This is not an organisation of lawyers or those that are overly concerned with legal matters. So our primary allegiance is to Jehovah God. Now, the Governing Body realises that if we were to give some direction that is not in harmony with God's word, all of Jehovah's Witnesses worldwide who have the Bible would notice that and they would see that it was wrong direction. So we have responsibilities as guardians to make sure that everything is scripturally acceptable. So if the direction given is scripturally correct, then we would expect that these members of the branch committee, who themselves also are Christians, who accept the constitution, would follow that direction. But if I can also say, there are provisions for those branch committees to get back to us if they see that there is something that doesn't work, and then we can adjust it accordingly.

Q. Thank you, Mr Jackson. I will come to the question of
adjustments, and so on, in a moment, but from what you have said, am I to understand that the Governing Body seeks to obey Jehovah God?

A. Absolutely.

Q. And that the branches seek to obey the Governing Body?

A. First of all, the branches seek to obey Jehovah. We're all in the same arrangement. But because they recognise a central body of spiritual men who give spiritual direction, then we would assume that they would follow that direction or, if something is not appropriate, that they would identify that.

Q. In turn, the congregations are expected to obey the branches?

A. Again, first of all, they have to obey Jehovah God. That is the very first thing that they need to do. But if direction is given based on the Bible, we would expect that they would follow that because of their respect of the Bible.

Q. And the definitive interpretation of the Bible from time to time is the Governing Body; is that right?

A. Ultimately, as guardians of our doctrine and beliefs, yes, some central group needs to make that decision, but that doesn't mean to say that we are just on our own unilaterally making those decisions without research and input from others.

Q. Could I ask you to look now at paragraph 4 on that page? It says:

The Governing Body gives final approval for new publications as well as new audio and video programs.

I understand that comes very much under the responsibility of the writing committee; is that right?

A. That is correct.

Q. And in paragraph 5:

The Governing Body cares for the appointment and deletion of Branch and Country committee members and designates the brother who will serve as the coordinator of the committee.
I take it that is the manner in which things are done?
A. That is correct.

Q. Returning to the question of publications, where it says there in paragraph 4 that the Governing Body approves publications, does that include the Awake! and Watchtower publications?
A. Yes, that does. But may I explain. You see, we have a proofreading department that obviously reads everything before it is printed and they are responsible to make sure grammatically everything is correct. We have compositors who compose the magazines. We have a lot of people working on various things. The role of the Governing Body, and my role as a member of the Governing Body, is to read each of those publications, looking to see if it does harmonise the scriptures or not. I have no idea with the Awake! magazine, it may be talking about some technical issue that involves areas that I know nothing of, but the main thing for me to read it is: is it translatable and does it match what the Bible says?

Q. Do those publications which require approval of the Governing Body include the manuals, such as Shepherd the Flock of God, Organised to do Jehovah's Work, and this Branch Organisation manual that we're looking at?
A. Yes, again, but with the proviso that we do not write those manuals. Those that are involved with that aspect of our work write them. They do the research that is necessary. Then the Governing Body finally reads it to make sure not that the policy can work in every aspect, because obviously we are not familiar with all those various aspects of the issue, but to make sure scripturally nothing is wrong.

Q. But I take it the Governing Body takes responsibility for those publications?
A. We do take spiritual responsibility for it, yes. May I just mention, if there is a printing mistake and we say that penguins are found in the middle of Australia, then, yes, it's true, we take responsibility, but it's without - not within the realms of our expertise. But we would check to see who it was that had given that wrong information.

Q. And the publications that are referred to in paragraph 4, would that include the letters to elders, or the letters to the Bodies of Elders around the world?
A. If it's signed on behalf of the Governing Body, yes, but there are hundreds of letters that are sent out by service departments that are not necessarily coming from the Governing Body.

Q. Well, I should have been clearer, Mr Jackson. I'm referring to the standard letters to Bodies of Elders dealing with general matters in a normative way, not particular letters dealing, perhaps, with a specific issue that has arisen here or there?

A. True, Mr Stewart. But it's very rare for a congregation to receive a letter from the Governing Body signed by the Governing Body. What will happen is that a template may be approved of the basic principles, and so on, but branches are allowed in many cases to make adjustments according to their local circumstances - not adjustments to scriptural things, they would need to get back to us on that, but adjustments for local circumstances.

Q. Those adjustments themselves, though, are adjustments which require approval of Bethel in New York; is that not right?

A. I would beg to differ on that with all respect. Sorry, Mr Stewart, do you need me to stop?

Q. No, no, carry on.

A. Okay. You can hear me okay?

Q. Yes, thank you.

A. Okay. Thank you. So again, we're talking about a wide range of letters. Letters that are signed by the Governing Body, yes, definitely, but policy letters may be adjusted locally. Would it help if I gave you an example?

Q. Yes, Mr Jackson.

A. So in many countries in the world, Jehovah's Witnesses, in their preaching work, if they meet someone who is interested in hearing the message, they may note down their particulars and then return and visit them later. But in some countries that is not a legal thing that you are allowed to do, it's viewed as an invasion of privacy. So if a letter were to go out that discussed some of those aspects, we would expect the local branch would make the necessary adjustments so that it was appropriate to those countries.
Q. Perhaps I can show you an example, Mr Jackson. If you can be shown from the tender bundle tab 94.
A. I have it here in front of me.

Q. Have you had the opportunity, Mr Jackson, to view this correspondence previously?
A. No, I haven't. It's from, I believe, 1998, is it - well before my time on the Governing Body.

Q. I am referring to the last week, Mr Jackson. Have you had the opportunity to read this correspondence --
A. I have been caring for my father. I wish I could have had time to prepare properly, but I haven't been able to, and I assumed the Commission was wanting to know what I could contribute personally from my experience. So, no, I haven't had a chance to read all these.

Q. Well, I will take you through it, Mr Jackson.
A. Thank you.

Q. You will see this is a letter in April 1998 from the Australia branch to the Governing Body's service committee. I understand, of course, you are not on the service committee, but you will see that the Australia branch says:

We are replying now to your letter ...

And it is referenced --

concerning the possibility of putting something in writing on the subject of confidentiality and the law in relation to child abuse matters. We appreciate the opinion of the Writing and Service Committees and we thank you for the opportunity to comment further. We are sorry to be so long in replying ...

And so on. Then in the next paragraph:

Up till now the brothers generally expect that the elders will keep all matters confidential, since this has been stressed a number of times. In Australia it has happened that some elders have been prepared to accept punishment for contempt of court rather than disclose confidential
information. However, we are now saying that elders should comply with the law where mandatory reporting is required if there is no exemption available to them.

Then in the next paragraph:

It has been suggested that the following be printed in a Question Box in Our Kingdom Ministry. It would be necessary to schedule it as part of the service meeting program, unless we simply ask the Presiding Overseer or another elder simply to read the question and answer in the Announcements part of the meeting.

Then what is proposed is set out. Do you see that?

A. Yes, I see that.

Q. Then you will see there is a reply to that letter at tab 96.
A. Tab 96.

A. Okay, mmm-hmm. I see that.

Q. You will see at the foot of the page, it is from the Watchtower Bible & Tract Society of Pennsylvania for the service committee, and it references the letter of 28 April 1998 referring to the suggestion for a possible question box in the edition of Our Kingdom Ministry. Then it says:

After carefully considering the matter it has been concluded that if the Branch Committee in Australia continues to recommend publishing the suggested material, then it would be appropriate for the branch to feature the suggested question and answer as outlined in your letter ... It will not be necessary to schedule the information to be considered on a service meeting program ... We will leave it to the brothers to read the information presented ...

Now, what that suggests - and I am providing you with the opportunity to comment on this or answer it, Mr Jackson -
is that even matters of that detail are firstly, as
a matter of practice, put to Bethel in New York for
approval, and, secondly, require such approval or consent?
A. In this particular instance, obviously, the brothers
in Australia wrote to the service committee. But if
I could just mention, the importance of this to us is that
the Governing Body gives direction with regard to the
church services or the congregation meetings of Jehovah's
Witnesses, and this, I assume - and this is the first time
I've seen the document - is asking if they can include this
in the actual program at the Kingdom Halls, and I assume
from what is said here that the Governing Body, or the
service committee of the Governing Body, has given
direction on that. But if I could highlight, the reason
for that is it involves our spiritual programs.

Q. In making decisions on the publications, I understand
from what you say that you are guided by the scriptures?
A. That is correct.

Q. And that involves, obviously, interpreting the
scriptures from time to time?
A. That is the role of the Governing Body.

Q. Am I right in understanding that the Governing Body's
interpretation of the scriptures on any particular point
might change or develop from time to time?
A. That is correct as well.

Q. So I think some examples might be, for example,
firstly, the question of blood fractions and whether that
is or isn't covered by the prohibition for the receipt of
blood transfusions.
A. That is correct as well, but if I could just mention,
when blood transfusions were first introduced, there wasn't
a lot of options with regard to blood fractions.

Q. Yes, but my point is, or what I am seeking to
understand is, there was an interpretation at one point
which said that members of the Jehovah's Witnesses should
not receive blood fractions, but in more recent times it
has been accepted, as I understand it, that there is no
specific scriptural direction on that - on blood fractions,
that is - so that is a matter for the individual conscience
of Jehovah's Witnesses?
A. That is right. And Mr Stewart, if I may mention, this
is an example of the desire of the Governing Body not to go

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beyond the scriptures. Clearly, we have the direction in Acts chapter 15, 28 and 29 against blood. But if I could also mention, you see, as with anything in the community, more and more knowledge becomes available medically, it can be very overwhelming trying to see all the latest medical research, and so on. But the Governing Body tries to make sure that they don't go beyond what is written. If we see that a direction from the scriptures has perhaps been used too broadly, then we are the first ones to try to correct that.

Q. I take it, too, that the state of knowledge about the scriptures and, in particular, historical knowledge about scriptures, also improves or increases from time to time?

A. That is correct. But there are some basic things in the Bible that have not changed right from the beginnings of the Jehovah's Witness religion, and I won't take your time, obviously, going through those, but it is important to realise what are basic things in the Bible. For example, is the Bible from God? There is no possibility of us changing our viewpoint on that.

THE CHAIR: Q. Mr Jackson, you probably know that we have discussed with some of your members earlier in this hearing the relationship of the Bible, being written at a time of particular political and social structure, and its literal relevance in today's social and political context. Are you familiar with those discussions?

A. I am. I did hear your question, your Honour, and I at the time was quite frustrated that I didn't have an opportunity to answer, so it appears this opportunity is now coming.

Q. I am going to give you an opportunity. Now, it is plain that over time, in relation to matters of relevance to this Commission, our understanding, both medical, social and of the political issues that arise, has changed, and you are aware of that?

A. I am aware of that, your Honour.

Q. Now, one of the characteristics that we have identified, and I've spoken about it, and I'm sure you would know this, that is manifest in the area of sexual abuse of children within institutions is the child's incapacity to tell an adult about what has been happening to them. Are you familiar with that problem?

A. That is correct. I am familiar with that problem,
yes.

Q. I've described it by reference to the admonition that was certainly prevalent when I was a child that children are to be seen but not heard - you understand?
A. Mmm-hmm, I do understand.

Q. You are familiar with that concept?
A. Yes. Yes.

Q. Is it relevant to Jehovah's Witnesses?
A. Your Honour, in our publications - obviously I can't give you examples now, but we would be very happy to do that - one of the key things we try to help parents to do is to encourage their children to communicate with them. As a missionary in the South Pacific, the cultures in the South Pacific definitely follow what your Honour just said. If children are being disciplined or counselled, they are not supposed to speak at all. And over and over again, we encourage parents, "No, children need to express themselves, they need to feel the love so that they can do that."

Q. You have the Bible there. If you go to 1 Timothy chapter 3 --
A. Yes.

Q. -- verse 4, there is a discussion of a man presiding over his household having his children in subjection. Now, what does that mean?
A. That's a very good question, your Honour. Biblically speaking, the word "subjection" infers respect and a willingness to comply with direction. It does not --

Q. Your Bible then provides a reference back to Ephesians chapter 6 verse 4?
A. That is correct.

Q. Which imposes the obligation on fathers to bring their children up in the discipline and admonition of Jehovah. What is the "discipline of Jehovah"?
A. Your Honour, the original language, discipline, indicates a process of teaching, educating, making a disciple.

Q. Well, from that reference in Ephesians, your Bible takes us back to Proverbs chapter 13, verse 34?
A. Yes.

Q. And the exact quote is:

   Whoever holds back his rod hates his son.

What does that mean?
A. So, your Honour, you will notice there is an asterisk there on the term "rod", and you see the footnote.

Q. Yes.
A. "Discipline or punishment". So in the application of this, the term "rod" is used as a symbol or a metaphor to indicate the authority to give some punishment. For example, in a modern-day setting, my father could say to me I don't go to the movies because I had broken some of the rules of the home.

Q. So it's not about inflicting corporal punishment, then?
A. It absolutely is not about inflicting corporal punishment.

Q. It would have been when first written, wouldn't it?
A. How people applied it back then, at that time, of course is open to question.

Q. Well, what you are telling me, as I understand it, is that your religion, your church, is prepared to interpret the Bible having regard to contemporary social attitudes and standards; is that right?
A. Obviously, your Honour, we need to take that into consideration, but the primary responsibility we have is to think what does Jehovah God mean by this, and we look at other scriptures. One of the problems that many folk have when they read the Bible is they take one verse and they assume it means something out of context or not in reference to other scriptures. So for our understanding, Jehovah has said that children should be raised in a loving environment. Jesus was raised in such an environment.

Q. Well, I have taken you to the way your own church constructs the biblical references, which, as we have noticed, takes us back to Proverbs; correct?
A. That is correct.

Q. But what you have given us is the understanding which
your church now has about how that is to apply in contemporary society; is that right?
A. That's a good question. Obviously, I can only speak about what we understand this to mean now, but I would argue the case that even back in ancient times God did not have in mind for children to be beaten up in a bad way.

Q. Does your church accept corporal punishment of children?
A. Our church accepts the family arrangement and expects that parents have the responsibility to discipline and raise their children.

Q. That doesn't answer my question. Do you accept corporal punishment?
A. I see. In our literature, I think you will see time and time again we've endeavoured to explain that here "discipline" is referring to more a mental point of view, not corporal punishment.

Q. I am going to tell you, you are still not answering my question.
A. Oh, sorry.

Q. Do you accept corporal punishment?
A. No.

Q. You don't?
A. Not - not personally, no, and not as an organisation - we don't encourage it.

Q. But do you prohibit it?
A. Our literature has pointed out that the true way to discipline children is by educating them, not giving corporal punishment. Your Honour, I can only tell you the spirit behind our writings.

Q. Now, I'm sure you know that one of the problems for survivors, revealed by their evidence in this very hearing, is their concern about having to approach men within the church to tell their story and then have that story assessed and judged by men alone; do you understand?
A. I do understand that, your Honour.

Q. Now, in the society in which you live, and in which I live, we have seen significant change, although perhaps not yet complete, in the role which women play in the
decision-making and government of our society, haven't we?
A. We certainly have.

Q. That is a reflection of a contemporary understanding of the role and contribution which everyone in our society can make to the common good, isn't it?
A. Yes.

Q. Now, I am sure you know of the concerns expressed by the women who have given evidence in this hearing about the confrontation and difficulty in that confrontation which they found in approaching a male-dominant structure; you understand that?
A. I do understand that, your Honour.

Q. Is there room for the church to change that?
A. That's a very good question, and I'm glad you asked it. Is there a chance to make elders women or make women elders? No. There is no leeway there. But, your Honour --

Q. Why is that? Can you tell me why that is?
A. Sure, yes. If we turn to --

Q. Is it because of a literal application of the Bible?
A. Your Honour, it goes back to the theme of the scriptures right from the creation of Adam, right through Israelite times, to the Christian era. But, in all fairness, may I just say something with regard to that?

Q. Most certainly.
A. You see, the role of women in the Jehovah's Witness religion is a very dignified role. We don't make women — well, we certainly do not want women to feel like second-rate citizens. In God's view, men and women are equal. But even people who fly aeroplanes realise you can't fly an aeroplane by committee — there has to be a pilot and a copilot. And that's the Bible arrangement. It's not because of any lack of intelligence or lack of ability on the part of women; it is an arrangement that has stood the test of time.

      Now, within that arrangement, the Bible clearly states that a man does not have absolute authority over a woman, and a woman is a co-worker, a complement — the Bible refers to her as. So I think in the context of understanding how women are treated among Jehovah's Witnesses, I think if you
investigated it further, you would see there are very many happy women in the marital arrangement.

Q. It used to be the case that all of our pilots were women [sic], wasn't it, and we changed that.
A. All of our pilots were?

Q. Were men?
A. All men?

Q. Yes, that's right?
A. Oh, were men, yes.

Q. Were men and we've changed that now and we have women who are pilots.
A. That's right. And that's because --

Q. Why couldn't the church accept that women can contribute to the decision-making processes, particularly in relation to allegations of sexual abuse brought forward by women?
A. The answer, your Honour, is that we expect women to be involved in that. But in the actual role as elders within the Christian congregation there is a very firm standard set there. There is no leeway whatsoever for that in the belief of Jehovah's Witnesses. But if I could mention, some of the reports that you have considered are from 25 years ago, and if I understand correctly, from what little I heard of the Commission in the last few days, Mr Spinks very accurately described that there has been more of an awareness of Jehovah's Witnesses to make sure that any victim who has been a victim of a horrible crime is not required to actually go before three men. We've made changes, your Honour, because those changes in the actual technicalities of the policies don't change - they are not affected by the actual Bible principles, except the very important principle of showing love, empathy and concern and trying to avoid any form of trauma. And that is our desire. If it wasn't perfect before, which it wasn't, we've tried to change that, and we will make further changes when we consider the recommendations of the Commission.

Q. Well, we will come back to your processes later on.
I will leave you now with Mr Stewart.
A. Thank you, your Honour.
MR STEWART: Q. Just on the last point, Mr Jackson, with regard to a survivor of sexual abuse having to make the allegation directly to the accused, do you agree that - in those circumstances, should a survivor have to make the allegation in the presence of the accused?
A. I agree that it would be better for them not to do that unless the victim wants to do that.

Q. Yes. That's why I phrased my question in the way that I did. So I will repeat it. Do you agree that in those circumstances the survivor should have to make the allegation in the presence of the accused?
A. Sorry, I don't understand your question. Could you rephrase it?

Q. Do you agree that there are no circumstances in which the survivor of a sexual assault should have to make her allegation in the presence of the person whom she accuses of having assaulted her?
A. I agree that that is the case.

Q. And as I understand you, you are saying on your understanding that is not required by your rules - in other words, your rules do not require the survivor of a sexual assault to have to make her allegation in the presence of the person whom she accuses as having assaulted her?
A. If I understand your question correctly, from what I have heard from Mr Spinks' testimony, that is not something that we require now. I preface this in the fact that it is not my field that I work with every day. Mr Spinks and those who work in the service department work with these matters, but that is my understanding.

Q. So do you accept, then, that that should be made clear in your documents, manuals and instructions - in other words, that it should be made clear that a survivor of a sexual assault should not have to make her allegation in the presence of the person whom she accuses as having assaulted her?
A. Absolutely.

Q. Mr Jackson, can a branch committee publish its own manuals and guidelines in respect of judicial committee procedures for responding to allegations of child sexual abuse?
A. I would think it would be unusual for that to happen. Seeing it is not my field per se, I couldn't give an
inclusive answer with regard to that, but as far as
the general principle goes, I would expect that they would
get back to the service committee on it.

Q. What we see in the documents that we have, that govern
this issue currently, is that they are documents which
originate under the auspices of or with the approval of the
Governing Body. So I'm referring to --
A. That --

Q. Sorry, Mr Jackson?
A. Sorry. My apologies.

Q. So I'm referring to Organised to Do Jehovah's Will,
Shepherd the Flock of God, and the guidelines that are
published to the branch committees.
A. Thank you. That is a rather long question, but if
I've understood it correctly, we would expect the general
framework of what we do to be published as approved by the
Governing Body. But, you see, when we say "published",
letters are published by the local branches that indicate
any variance that may need to take place with regard to
those policies. So that's why I was just hesitant to say
that it's all-inclusive.

Q. Well, if the Australia branch, for example, was to
decide that the investigative step which precedes the
appointment of the judicial committee need not be done by
two elders but can, in Australia, be done by a woman acting
on their behalf, would that be something that would be open
to the Australia committee to follow or to adopt?
A. Mr Stewart, I certainly would hope that the Australia
branch committee would get back to the service committee
with the reasons why that is needed and then, eventually,
I would hope they would get to the Governing Body so that
we could approve whatever changes are needed worldwide.

Q. But it may be that the branch committee in Australia
has a different view on these matters than the branch
committee in some other country. We will take one close to
home - New Zealand, for example. Or let me do one further
afield, anywhere, if you like, the Philippines may take
a different view. Is there space for the branch committees
to have different investigative procedures in different
parts of the world?
A. To answer your question, the answer is yes, that is
possible, but if the reason for doing so is to avoid
trauma, then that is something the Governing Body is interested in. We want to see how we can encourage all the countries to avoid that. But if it is a matter of technicality that they need to do it a certain way, then yes, we would expect they would at least notify us and there could be differences.

THE CHAIR: Q. Mr Jackson, is there any biblical impediment to a woman being appointed to investigate an allegation?
A. There is no biblical impediment to a woman being involved with the investigation. In fact, I think - oh, sorry. I am sorry, your Honour.

Q. No, you continue.
A. And I think that is one of the benefits of the Royal Commission, what has been brought to light is that certainly it is good for a woman to be involved with particularly some of the sensitive areas. But if I could just mention, many of our publications are very broad in aspects. We're not just talking about this one aspect of child abuse, which is a horrific crime, but it can also - the same principles are used for other sins, such as drunkenness and other things the Bible mentions. But in this sensitive area, yes, I think the Commission has clearly shown that it would be good for women to be involved.

Q. Is there any biblical impediment to a determination, a judicial determination, being made by a body which includes women, although the elders thereafter may respond as the decision-maker in relation to what happens to someone after a decision has been made as to the truth or not of an allegation?
A. That's a good question. Could I just mention first, your Honour, something - please bear with me on this. The judicial system that Jehovah's Witnesses use is not in competition with the criminal justice system. We respect that and we feel that that is something that the community needs to make use of. But also, if I can just highlight, any victim is not viewed as someone that needs to stand before a judicial committee. They did not do anything wrong. They are the ones that have been victimised. They need the help.

Now, to answer your question directly, women can be involved in this very sensitive area, but biblically
speaking, the role of the judges in the congregation lays with men. That's what the Bible says and that's what we endeavour to follow.

Q. Can you give me the reference for that?
A. Yes. In the scriptures --

Q. That is, judges being only men - not elders, but judges being only men?
A. Okay. I would have to check - I think Deuteronomy is one of them, but with regard to 1 Timothy, chapter 3 - and I'm sure, your Honour, you are very familiar with this, in verse 1:

This statement is trustworthy: If a man is reaching out to be an overseer, he is desirous of a fine work. The overseer should therefore be irreprehensible, a husband of one wife, moderate in habits, sound in mind, orderly, hospitable, qualified to teach, not a drunkard, not violent, but reasonable, not quarrelsome, not a lover of money, a man presiding over his own household in a fine manner, having his children in subjection with all seriousness.

In biblical times, the same expression that is used for "elder" is also used for "older man". And when we are translating - of course, that is my field - sometimes it is hard to decide whether it means "elder" as in a position or "older man". But definitely, when it speaks of judges at the gates of Israel, we are talking about older men. But I apologise, your Honour, seeing you asked this question, I cannot give you the exact scriptural reference but will be happy to do that.

Q. We would appreciate it, because one possible modification to meet this issue of the lack of women as judges of allegations brought forward by women against men may be a modification of your process to include women in the judicial determination step. You understand?
A. I do understand, your Honour, and we will make sure you get those references.

Q. Can you understand how a woman, a young woman - any woman - might feel when allegations which she makes of
having been sexually assaulted by a male are determined exclusively by men?
A. In the context of a police station, I can understand that, your Honour. But, please, may I also mention, the role of these elders, they are friends of those in the congregation. Their role is to shepherd, help, care for, and so although perhaps a young person may feel that way, and we would do everything we can within the Bible parameters to make sure that that is eased so that a person isn’t put in that very difficult situation. But still, ultimately the decision may be that person would be made, and the decision is not concerning the criminality - that is the criminal system. The decision is concerning the spiritual cleanliness of our congregation and the rehabilitation of those that commit sins.

Q. That's to concentrate on the abuser, but what I'm talking about is the position of the person who has been abused. Do you understand?
A. I do understand that, your Honour, and the women --

Q. All that you have just said is talking about it from only one perspective; do you see?
A. Mmm-hmm. So, from the other perspective, with a victim, the main thing for us is helping, supporting and guiding, and women will be involved with that. You see, the judicial committee is not judging the victim. The elders in the congregation and the women in the congregation have the obligation to give full support to any victim.

Q. That may be so, but the point that I was seeking to have you address was can you understand how a woman might feel when allegations which she brings forward against a man in the congregation are considered and judged entirely by men?
A. Obviously I'm not a woman, so I wouldn't like to speak on their behalf, but the two of us, I am sure, could understand from what has been expressed and believe that perhaps there would be a hesitancy there.

Q. Can I add this to the question, because it's one of the factual circumstances we face in this hearing: can you understand the circumstance for a woman who brings an allegation against an elder, who is a friend of the others who must judge the truth or otherwise of the allegation?
Can you understand how that person must feel?
A. I can try to understand it, your Honour, yes. But, again, could I ask - and again, this is not my field of activity, but as far as I understand, we have a process in place whereby a neutral member, like a circuit overseer, would be involved with such a case.

Q. It would be the case, would it not, that even a circuit overseer is going to know an elder well?

A. They should be familiar, but they also know the victim well. You see, it's not taking consideration of the spiritual responsibility - you see, these elders are not paid to do their job. They do it because of love and concern and wanting to shepherd the flock. And so I think what we're missing is the spiritual element to this whole thing, where people are comfortable talking to one another.

Q. I don't know whether you have heard the evidence of the survivors here - did you hear that evidence?

A. No, unfortunately that was a bad time for me caring for my father. I apologise, but I will look forward to hearing a summary of it.

THE CHAIR: Yes, Mr Stewart.

MR STEWART: Q. Mr Jackson, for example, the elders who hear these allegations, one of the things they have to do is to measure the credibility of the person who says that she suffered abuse; is that not right?

A. Yes, as a prosecutor would also measure the evidence that he has before he goes to a case.

Q. Well, not so much the prosecutor, perhaps you are thinking of the judge?

A. Sorry, no. If I understand correctly - well, I'm going way out of my field because I'm not a lawyer, but I thought any case that would go to the police and be brought to the prosecution, you would have to at least establish there was some validity. Maybe that's not the case in Australia.

Q. Well, the point is this, Mr Jackson, isn't it: you have appreciated, I think, that an elderly man may be in a difficult position to understand just how a young woman, for example, making an accusation or an allegation of child sexual abuse feels in having to make that allegation?

A. That is true, but at the same time, perhaps someone who has never experienced the trauma that these victims
have felt, even a woman may find that very hard as well because it's such a personal experience.

Q. But you will accept, I'm sure, that in many instances where a woman or young woman makes such an allegation, she would feel a lot more comfortable having to make the allegation and explain the circumstances to another woman?
A. I can't say that I would give a comment on that, Mr Stewart, because you see, again, it takes away the consideration of the relationships in our congregations. It's not like your churches where people just go to church and don't talk to one another. The congregations do become familiar and there can be a friendship. So I agree that the point you are trying to get at, we need to know what the victim is comfortable in doing with regard to who they speak to.

Q. You gave us a scripture, 1 Timothy, 3 verse 1, which, as I understood it, was the authority for the principle that as it is put there, an overseer, but I think in modern language an elder, must be a man; is that right?
A. That's correct.

Q. And is there a scriptural reference - perhaps this is the one you said you would need to come back to us on - which says that the investigation of allegations of serious misconduct must be done by an elder?
A. If I could just clarify your question a little, Mr Stewart, you see, what I think you have heard in the Commission is that we have said that women can be involved in all these various aspects leading up to the actual decision-making whether or not someone is spiritually qualified to remain in the congregation. So just that one aspect, the actual judicial committee itself, is where we believe that men would be involved.

THE CHAIR: Q. Mr Jackson, that's the question I was putting to you, you see. I was wondering whether you could have a structure which meant that the judicial decision as to whether or not the allegation was true could be determined by a body capable of having women represented on it, and that body's decision would then be taken to the elders in relation to decisions to disfellowship; do you understand?
A. I understand that, your Honour.

Q. Well, is it possible to make that change?

A. It is possible to make sure that elders are fully aware of the whole story. But for women to be elders in the congregation, that is not possible.

Q. No, Mr Jackson, I wasn't asking you that. I was asking you --
A. Okay, sorry.

Q. -- to consider whether the process may involve a determination, which we outside the church would call a judicial determination - that is, is the allegation true or false - and then, that decision having been made, the elders would then make a decision as to the consequence, being disfellowship or otherwise; do you understand?
A. I do understand.

Q. Could women be involved in the determination of whether or not the allegation is true?
A. Well, your Honour, if I could say, I think they already are involved, in the sense --

Q. Not in the decision, Mr Jackson. Please address my question.
A. Okay. But yes, in - well, please, could I just use an example. If an underage child says that something has happened and then two women are involved with helping that person, surely they have to decide whether or not the facts are true. They then present those to the elders. Otherwise, how would the elders know what the facts are?

Q. Mr Jackson, you are not dealing with my question.
A. I am sorry. I apologise humbly, your Honour.

Q. Would you like me to put it again?
A. If you would, please.

Q. Your process at the moment has a judicial determination which is made by the elders, and that is the point at which a decision is made as to whether the allegation is true or false; do you understand that?
A. Mmm-hmm.

Q. You do?
A. I do understand that, your Honour.

Q. Is it possible for the process to be modified so that that decision can be made by a body which could include
women - that is, the decision as to whether or not the
allegation is true or false, made by a body which could
include women, and that decision would thereafter be acted
upon and a decision made as to whether or not to
disfellowship by the elders? Do you understand?
A. I do understand, and I apologise, your Honour, for not
answering directly. I didn't understand fully what you
were saying. The answer, your Honour, is such a situation
would be worthy of us considering and doing research and
checking the scriptures, yes. The possibility of
considering that is there.

Q. Thank you.
A. Thank you, and I apologise again.

MR STEWART: Q. Mr Jackson, I would like to refer you to
Shepherd the Flock of God, which is tab 120, at page 71,
Ringtail 72. This is the manual for elders, and it has
been applicable since, as I understand it, 2010; is that
right?
A. This is - yes. That appears to be the case.

Q. Would it be the case that this manual came through the
processes of the writing committee?
A. This manual would have been prepared with the help of
the service departments and the service committee would
have prepared this information and, yes, the writing
committee would have needed to read everything and check to
see if scripturally it was applicable.

Q. I'm showing you page 71, but that is in chapter 5,
which is headed "Determining whether a judicial committee
should be formed", and it starts out by setting out various
wrongdoings, serious ones including manslaughter, attempted
suicide, porneia, and so on. So that is the context. But
you will see at paragraph 37 it says:

Even though a Christian has been accused of
wrongdoing serious enough to require
a judicial action, a judicial committee
should not be formed unless the wrongdoing
has been established.

And the word "established" is in italics. So my question
is who is it who decides whether the wrongdoing has been
established?
A. It is my understanding that two elders normally would
investigate the matter to see if there is some substance to
the accusation, having in mind, as you mentioned, this
could be ranging from someone getting drunk to someone
committing immorality, and so on. So those two elders
would at least see if there was some basis of the
accusation and they would get back to the Body of Elders,
who then would appoint the judicial committee.

Q. So then the question is, is it scripturally necessary
that that role is performed by two elders, as opposed to,
for example, a woman appointed for them?
A. May I ask, Mr Stewart, is this the same question that
his Honour asked, or is there a difference? Are you just
emphasising the point?

Q. Well, I'm trying to understand your answer,
Mr Jackson. So if you can just address yourself to my
question, what I've sought to do is to identify a very
specific decision in the process. It's the decision as to
is the wrongdoing established. You have said that that is
done by two elders who then report back to the Body of
Elders, which then appoints a judicial committee. So I am
asking scripturally is there room for that decision as to
whether the wrongdoing has been established to be anyone
other than elders?
A. Good, I understand your question, Mr Stewart. Could
we take the case of where the two elders cannot speak to
the victim, that perhaps they don't want to traumatis the
victim, and maybe two women that are very close to the
victim are able to speak to them. In a setting such as
that, all the elders would have is the testimony of the two
women with regard to the testimony of the victim. So in
that way, the women are saying whether they feel that it is
a valid case or not. So the answer to your question is
yes, women can be involved scripturally.

Q. But you know, Mr Jackson, my question had nothing to
do with involvement. It had to do with who makes the
decision. The person who makes the tea is involved, in a
sense, if they bring the tea in when the decision is being
considered. I'm not talking about involvement. I'm
talking about who makes the decision. Am I to understand
your evidence is that it must be elders who make the
decision?
A. That is my understanding.

Q. And are you able to furnish a scriptural reference for
that - in other words, where it is that it is provided in the scripture that that is necessarily so?
A. The principle that we were discussing before is the headship principle found in 1 Corinthians chapter 11, and I am sure, Mr Stewart, you have already referred to this in the Commission, but bear with me please as I look at it. 1 Corinthians chapter 11 and verse 3 - do you have it there already?

Q. This time I will be grateful for the page number, Mr Jackson.
A. Okay. So 1536.

Q. I have it.
A. So verse 3 of chapter 11:

    But I want you to know that the head of every man is the Christ; in turn, the head of a woman is the man; in turn, the head of the Christ is God.

So in the church decision-making arrangement, it is based on the headship principle that we have in the family and in the Jehovah's Witnesses community as a whole that scripturally the men make the final decisions. But that does not mean that there is no input from the women.

Q. Thank you, Mr Jackson. While you are in 1 Corinthians, perhaps you would take a look at 1 Corinthians 14, verses 33 to 35?
A. I have it already, yes.

Q. Which says:

    For God is a God not of disorder but of peace. As in all the congregations of the holy ones, let the women keep silent in the congregations, for it is not permitted for them to speak. Rather, let them be in subjection, as the Law also says. If they want to learn something, let them ask their husbands at home, for it is disgraceful for a woman to speak in the congregation.

Now, as I understand it, that is not applied in the Jehovah's Witnesses organisation - in other words, you do allow women to speak in the congregation?
A. I'm sorry, you have two questions there. Can I answer
the first one first. Jehovah's Witnesses do follow what is
stated here. I can explain. The second one is, yes, women
are allowed to speak in the congregation. May I explain to
you the reason why I feel we do follow what is here?

Q. Yes, of course.
A. So you notice in verse 34, that's where it says "keep
silent", but if you look at verse 28, there it says:

But if there is no interpreter, he must
keep silent.

So the expression "keep silent" is referred to a male, and
then verse 30, where it is talking about prophets, and in
verse 30 it says:

If another one receives a revelation whilst
sitting there, let the first speaker keep
silent.

So this chapter is talking about orderly conduct in the
church meetings or in the congregation meetings. So verse
28, if someone starts speaking in another language but
there is no interpreter, the scripture says "let him keep
silent". Now, it appears that in the congregation there
was a problem because some women were actually challenging,
arguing, debating with the men who were taking the lead in
giving teaching. Now, you may not feel that that is the
case, but that's the context of what is said here, and in
chapter 11, it refers to the fact that a woman could speak
with a head covering. So I think a very literal
interpretation of verse 34 and verse 35 is not appropriate
in the context.

Q. Are you able to give an overarching explanation as to
when it is that what is said in the Bible should be taken
literally and when it should be given an expansive
interpretation as in this instance?
A. Very good. The answer is Jehovah's Witnesses - you
see, it is not a matter of seven men in the Governing Body
taking one verse and saying, "What do you think it means?
What do you think it means?" Jehovah's Witnesses try to use
the Bible to explain itself. So here, in 1 Corinthians
chapter 4, if we were to take the viewpoint that this
literally means that a woman cannot speak, then we would be
not going in accordance with the context. So the answer to

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your question is you have to have the whole picture, and
that is something that, for yourself - and this is
obviously said in all due respect - someone who reads the
Bible their whole life should understand the whole picture.
And perhaps by means of helping you with regard to that,
there are two other scriptures. One is in 1 Timothy
chapter 2, which I believe his Honour referred to in the
Commission, page 1588, and there it says, verses 11 and 12:

Let a woman learn in silence with full
submissiveness. I do not permit a woman to
teach or to exercise authority over a man,
but she is to remain silent.

Now, you will notice the asterisk gives the alternative to
that "to remain calm, remain quiet". So obviously, this is
talking about the role of women not jumping up, excitedly
arguing with others. And it's similar to what 1 Peter -
and, please, bear with me - chapter 3 says with regard to
a woman who is married to a non-Christian. In 1 Peter
chapter 3, that's page 1623, Mr Stewart - have you got it?

Q. No, I haven't, but I am sure you will read it to me,
Mr Jackson?
A. Okay. Verse 1 of 1 Peter, chapter 3:

In the same way, you wives, be in
subjection to your husbands, so that if any
are not obedient to the word, they may be
won without a word through the conduct of
their wives ...

Now, to take the position that the expression "without
a word" means they would never, ever, ever speak to their
husband would be a misapplication of scripture. So the
Governing Body, when we consider these things, is very much
aware of trying to get the whole context of things.
Otherwise it's like asking two people for an opinion on
something and getting three different opinions. If someone
just takes one verse, they could have all sorts of opinions
about it, but the work of Jehovah's Witnesses is to try to
understand the whole Bible as one message from God. Now,
I don't expect that you would have the same viewpoint, but
I thank you for at least letting me express our viewpoint.

Q. Mr Jackson, let's make it a little more concrete,
then, in a very specific example. You will know that one
of the things that has emerged in the last couple of weeks is that in Australia at least, in the Jehovah's Witness organisation, there is a practice of not reporting child sexual abuse allegations to the authorities unless required by law to do so. Do you accept that?

A. I am not familiar with the statistics or the general practice, but I can tell you why there is a spiritual dilemma because of this question.

Q. Well, that's what I'm driving at. Perhaps you can address that question specifically, which is this: is there a scriptural basis to that policy or practice, being not to report child sexual abuse allegations to the authorities unless required by law to do so?

A. Thank you for the opportunity to explain this. I think very clearly Mr Toole pointed out that if the Australian Government, in all the States, was to make mandatory reporting, it would make it so much easier for us. But, let's say, the spiritual dilemma that an elder has is to consider how did he get the information that he has been told? Now, there is a scriptural principle in the book of Proverbs, chapter 25 - and I'm not saying, Mr Stewart, that any one of these principles takes precedence, but it is something that the elder would need to take into consideration. So Proverbs 25 verses 8 through 10. That's on page 905:

Do not rush into a legal dispute, for what will you do later if your neighbour humiliates you? Plead your case with your neighbour, but do not reveal what you were told confidentially, so that the one listening will not put you to shame and you spread a bad report that cannot be recalled.

Now, I'm not saying, Mr Stewart, this is the only factor, but it is one factor that all ministers of religion have grappled with when it comes to an issue such as this.

The second issue is that elders are told, as is mentioned in 1 Peter, chapter 5, page 1625, verses 2 and 3 - do you have that, Mr Stewart?

Q. I do?

A. Yes:

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Shepherd the flock of God under your care, serving as overseers, not under compulsion, but willingly before God; not for love of dishonest gain, but eagerly -- and then this is the point --

not lording it over those who are God’s inheritance, but becoming examples to the flock.

The point being, here, another aspect that an elder needs to consider is he does not have the authority to lord it over or take over control of a family arrangement, where a person - let’s say it is a victim who is 24 or 25 years of age - has a right to decide whether or not they will report that incident.

They also respect the family arrangement that the appointed guardian, who is not the perpetrator, has a certain right, too. So this is the spiritual dilemma that we have, because at the same time, we want to make sure that children are cared for.

So if the government does happen to make mandatory reporting, that will make this dilemma so much easier for us, because we all want the same goal, that children will be cared for properly.

Q. Let’s take the situation in a family where one of the children, let’s say the eldest, reports having been abused by her father.
A. Yes, sorry, sir, a question?

Q. Yes, if that report is accepted as having validity, you would accept that the potential is that the other children in the family remain at risk?
A. That is correct.

Q. And by not reporting to the authorities, is the case not that the confidentiality of the one who reported is regarded as being more important than to protect those who are still at risk?
A. No, Mr Stewart, if I could just - what I'm trying to highlight is there are several factors that make it hard for a minister of religion to make a clear-cut or quick decision on this matter. Obviously, I think, again, what
has been highlighted to the Commission, the elders should encourage the guardian of the child, or whoever is in that family arrangement that is not the perpetrator, to notify the authorities.

Q. Leaving aside the question of overriding mandatory law from the civil authorities, do you see the possibility within the scriptures as you have identified them for a change in the practice of Jehovah's Witnesses? In other words, would it be within the scriptures for the Jehovah's Witnesses organisation to adopt a policy which says that in cases where there are others at risk, a report must be made to the authorities?
A. That is a possible thing for us to consider, and I think, already, the assumption is there, that if any elder was to see that there was some definite risk, that their conscience should move them to do that.

But the point I was trying to make, Mr Stewart, is there are other scriptural factors that maybe make that a little complicated, and it would certainly be a lot easier if we had mandatory laws on that.

Q. Turning to another aspect that we have dealt with, which is the question of the two-witness rule, you will be aware that if there is no confession, then two witnesses to serious wrongdoing are required, or to two similar events of serious wrongdoing, in order that there is sufficient evidence to establish a judicial committee. Do you understand that?
A. I do understand that.

Q. Is there a scriptural basis to that?
A. The two-witness testimony? Is that what you are asking, Mr Stewart?

Q. That's right.
A. Absolutely. If I could take you to the book of Matthew, chapter 18, that is on page 1330, here are the words of our Lord - verse 16 - the words of our Lord Jesus Christ. This is talking in the sense of a judicial setting:

But if he does not listen, take along with you one or two more, so that on the testimony of two or three witnesses every matter may be established.
So from this - and I can give you a list of several other scriptures, but I don't want to test your patience and take you to all these verses, but basically, this is a theme right through the Christian Greek scriptures, the New Testament, that the rules of evidence for a judicial hearing involve two witnesses.

But please allow me to say further: this is only talking about setting up a judicial committee. It doesn't mean to say that Jehovah's Witnesses would feel that someone is totally, a hundred per cent squeaky clean, just because there was only one witness to the crime.

Q. I'm not sure what you mean by "a hundred per cent squeaky clean". I mean, the reality is if there is only one witness, in the case of child sexual abuse, then it cannot be taken further by the elders and, as it is put in the literature, it is left in the hands of Jehovah?
A. Yes, but please may I correct your comment on that, with all due respect. You see, by "squeaky clean", I'm meaning that it's not like someone being exonered by judicial hearing, whereby there's double jeopardy and they can't be taken before the judicial hearing again.

Our literature has said, and we agree, that in most cases with children, with child abuse, they are telling the truth. That is an established thing. They are not making up these stories. So, immediately, the elders would put into place protection measures to help, to make sure that the family cares for the child and that due steps are taken to protect the child.

Q. So I take it you say that that is what elders around the world should definitely do?
A. They should do, because Christian principles indicate that if they realise a child is in a dangerous situation, action should be taken.

The judicial hearing is simply us determining whether a person, the perpetrator, has committed a sin that would warrant them being put out of the congregation. But that doesn't mean to say we are stupid and that we think that someone hasn't done something.

Q. I want to take you back, then, to the scriptural basis for that. So you have referred to Matthew 18, verse 16.
As I understand it - and correct me if I am wrong - that, in turn, really, is a reference back to Deuteronomy, 19 verse 15. In other words, what Jesus Christ was doing is referring back to that aspect of Mosaic law dealing with evidence?

A. He did quote, as he often did, from the Mosaic law, but he gave it Christian application.

Q. But that is an element to be found in the Mosaic law, as set out in Deuteronomy 19:15; is that right?

A. It is, an element that is found in both the Old Testament and the New Testament.

Q. What I am interested in, and perhaps you can help me on this, is why that applies to a case of sexual assault, when clearly what was being addressed in the reference in Matthew that you gave us was not a question of sexual assault?

A. Yes, if I can just clarify that a little further, then, there are basic principles that the Bible highlights - and I can give you 2 Corinthians 13, verse 1. Sorry, Mr Stewart, can you hear me okay?

Q. Yes, carry on?

A. 1 Timothy chapter 5 verse 19 is not just a one-off verse. This is a basic principle for rules of evidence as found in the Bible. But if I can just emphasise again, this is only referring to a church-appointed committee that determines whether a person should remain in the congregation or not.

The judicial system - and if I can save the Commission's time, I'm sure you are going to want to refer me back to Deuteronomy where it mentions the penalty of stoning. But what we need to remember is the laws that were given back in the nation of Israel, you had the judiciary, you had the punishment system, everything combined together.

When the Christian arrangement came about, with our Lord Jesus Christ giving us direction, the Christian church does not have the authority to throw people into prison, to execute or to do anything to them. So the judicial system in the Christian arrangement involves the spiritual cleanliness of the congregation, and the rules of evidence remain the same all the way through.
Q. Mr Jackson, that is exactly the point I want to get to. You will be familiar - and perhaps we can go to it - with Deuteronomy 22:23-27?

Q. That's at page 304, where it is said:

If a man is found lying down with a woman who is the wife of another man, both of them must die together ...

Now, let me preface this: I'm not addressing the question of the stoning, I am addressing the question of evidence.

... both of them must die together, the man who lay down with the woman as well as the woman. So you must remove what is bad out of Israel.

Then it says:

If a virgin is engaged to a man, and another man happens to meet her in the city and lies down with her, you should bring them both out to the gate of that city and stone them to death, the girl because she did not scream in the city and the man because he humiliated the wife of his fellow man. So you must remove what is evil from your midst.

And then the next example is the one I am particularly interested in:

If, however, the man happened to meet the engaged girl in the field and the man overpowered her and lay down with her, the man who lay down with her is to die by himself, and you must do nothing to the girl. The girl has not committed a sin deserving of death. This case is the same as when a man attacks his fellow man and murders him. For he happened to meet her in the field, and the engaged girl screamed, but there was no one to rescue her.
So the point of this last example is that there's no second witness, is there, because the woman is in the field, she screamed, but there was no-one to rescue her; do you accept that?
A. Could I explain, Mr Stewart, that - you see, I think already under testimony some of Jehovah's Witnesses have explained that the two-witnesses needed can be, in some cases, the circumstances. I think there was an example given --

Q. I will come to that, Mr Jackson. We will get through this a lot quicker and easier if we just address it one step at a time?
A. Okay. So the answer to your question --

Q. The present step is this: in that example, you accept it is a case where there was no other witness beyond the woman herself?
A. There was no other witness except the woman herself, but added to that were the circumstances.

Q. Yes. Well, the circumstances were that she was raped in the field?
A. Mmm-hmm. Yes, they were the circumstances.

Q. There being only one witness, it was nevertheless sufficient for the conclusion that the man should be stoned to death.
A. Mmm-hmm. Yes.

Q. Now, is it --
A. I think we're agreeing on the point.

Q. Is it not the case that had Jesus been asked about a case of sexual abuse, he may have referred back to this part of Deuteronomy and said that it's not required to have two witnesses?
A. I certainly would like to ask Jesus that, and I can't at the moment, I hope to in the future. But that's a hypothetical question which, if we had an answer, then we could support what you said.

Q. Well, it is hypothetical in a sense, but really what I'm driving at is, is the scriptural basis - and you are the scholar, I'm not - to the two-witness rule really so solid or is there not space for your Governing Body to recognise that in cases of sexual abuse it need not apply?
A. Again, if I could just mention the fact that we've already acknowledged that circumstances can also be one of the witnesses.

Q. Well, I will come to that, but my question is a different one. It's whether the scriptural basis to the two-witness rule in relation to cases of sexual abuse has a proper foundation?
A. We believe it does because of the number of times that that principle is emphasised in the scriptures.

Q. You will be aware, of course, in the case of adultery, so long as there are two witnesses to the circumstances of opportunity, that will be sufficient?
A. Yes.

Q. So, in other words, there need not be two witnesses to the act of adultery itself, but only to the circumstances of opportunity?
A. Sorry, you would need to walk me through that a little further. I'm not quite sure.

Q. I was trying to do it by a shortcut, but I will take you to the document. It is in the same Shepherd the Flock book, which is tab 120, at page 61. So you will see in - do you have paragraph 11 there?
A. Paragraph 11 - yes, I do.

Q. This is also in the chapter dealing with determining whether a judicial committee should be formed:

Evidence (testified to by at least two witnesses) that the accused stayed all night in the same house with a person of the opposite sex (or in the same house as a known homosexual) under improper circumstances.

That's the heading. Then it goes on to say:

Elders should use good judgment in assessing the situation before forming a judicial committee.

And in the second dot point it says:

If there are no extenuating circumstances,
a judicial committee would be formed on the basis of strong circumstantial evidence of porneia.

A. Mmm-hmm.

Q. You will see at the foot of the page there is an example of a married brother spending an inordinate amount of time with his female secretary, and two lines from the bottom it says:

Later, when he claims to be leaving overnight for a "business trip", his suspicious wife and a relative follow him to the secretary's home.

They observe the opportunity for adultery to have taken place. Then those two witnesses will be sufficient to establish the case. Do you see that?

A. I do see that.

Q. So now, in the case of child sexual abuse, it should be, should it not, that a witness to an opportunity for the sexual abuse to have taken place would be the sufficient second witness?

A. Yes, if it's - if there is no - what does it say here?

Q. "Extenuating circumstances"?

A. Under improper circumstances.

Q. So a second witness to circumstantial or corroborating evidence would be sufficient to fulfil the second witness requirement?

A. That's a very large question and I think it's something that we would need to consider carefully.

Q. Well, it's just important as to whether the second witness has to be a witness to the abuse itself or to what extent he or she can be a witness to circumstantial or corroborating evidence. So let me use an example. What about the trauma, evident trauma of the survivor - would that be able to be taken into account as corroborating evidence?

A. Yes, it would need to be taken into account, and if I could mention, Mr Stewart, these are the things that we're interested in following up on after the Royal Commission, just to make sure that everything is in
place, because certainly these are the things we are interested in.

Q. But you will understand, Mr Jackson, what we are interested in is how much room you have to move, as it were, to what extent you are bound by the scriptures and to what extent you have flexibility to change your processes.
A. That's right. Well, may I mention - I'm sorry.

MR STEWART: I was going to say to his Honour, would that be a convenient time for a luncheon adjournment.

THE CHAIR: Q. Mr Jackson, what did you want to say?
A. I was just going to say, I thought that that had already been established in the hearings, but, if not, certainly that is something that we need to follow up on.

THE CHAIR: Very well. Mr Jackson, it's appropriate that we now take a break for lunch here. We will come back at 2 o'clock Sydney time.

LUNCHEON ADJOURNMENT

MR STEWART: Q. Mr Jackson, I just briefly want to deal with a couple of principles, or guiding beliefs, of the Jehovah's Witness organisation. Firstly, do you consider Jehovah God to be a loving God?
A. Absolutely, plus 1 John 4:8 says so.

Q. Do you consider Jehovah God to be a compassionate God?
A. Yes, I do.

Q. Does Jehovah God recognise the worth and dignity of all human beings?
A. Absolutely.

Q. So, in other words, not restricted only to those who are members of Jehovah's Witnesses?
A. No. That's why Jesus was sent into the world, for all mankind.

Q. And obviously that includes women and children?
A. Women and children as well.

Q. Does the Jehovah's Witness organisation then recognise an individual's freedom to make religious choices?
A. Yes, we do.
Q. As I understand it, your organisation does recognise an individual's freedom to report crimes to the authorities?
A. Absolutely.

Q. As I understand it, people who no longer want to be known as one of Jehovah's Witnesses, but who have been, must then dissociate; is that right?
A. No, not necessarily. I meet many people in my travels that perhaps were Jehovah's Witnesses at one stage but then have decided no longer to be active. So they haven't gone through a formal process.

Q. Well, I have chosen my words deliberately, Mr Jackson.
A. Okay.

Q. If someone no longer wants to be known as one of Jehovah's Witnesses, they must then disassociate; is that right?
A. Again, please, if they want to take the action of doing that. But, of course, they have total freedom. If they don't want to apply to officially be removed as one of Jehovah's Witnesses, they can tell anyone they want that they are no longer a Jehovah's Witness.

Q. I will come back to that, but perhaps I can take you to tab 109, page 155. This is the manual Organised to Do Jehovah's Will?
A. Is this the section on disassociation?

Q. Yes, that's right. This is a manual which is issued to all baptised Jehovah's Witnesses; is that right?
A. That is correct, or - no, let me clarify. Sorry, let me be precise: those who are approved to go from door to door. So someone who is preparing for baptism and is an unbaptised publisher would be allowed to have a copy.

Q. So all baptised Jehovah's Witnesses would be guided by this, but, in addition, you say some who are not yet baptised may also have a copy of this?
A. That is correct.

Q. Thank you. And this is the current edition, 2005. There isn't a more recent edition, is there?
A. No, there isn't one available.
Q. So if we have a look, in the first sentence, it says:

The term disassociation applies to the action taken by a person who, although a baptised member of the congregation, deliberately repudiates his Christian standing, rejecting the congregation by his actions or by stating that he no longer wants to be recognised as or known as one of Jehovah's Witnesses.

So is it the case, then, that someone who no longer wants to be recognised as or known as one of Jehovah's Witnesses must then disassociate?
A. No, it doesn't say they must do anything. If you read on, you will see there is a process. This gives the person the right to officially have an announcement made that they are no longer one of Jehovah's Witnesses. But, as I already said, if they decide they don't want to exercise that right, they don't automatically come under this provision.

Q. But then people who don't exercise that right are then - in other words, they are, as you described, inactive - still subject to the rules and discipline of the organisation, aren't they?
A. I would have to check on that, because personally that's not my field. But my understanding is, if a person has made it known by their actions in the community over a period of years that they are not witnesses, we would only hold any reports in abeyance until they decided they wanted to return.

Q. Mr Jackson, I have to say that my understanding is if someone in that position is caught transgressing one of the rules, they would still be subject to the disciplinary proceedings, including possibly disfellowshipping; is that not right?
A. That is a possibility, but in all fairness to your question, I think there are circumstances, but I couldn't make a definitive comment on that.

Q. So, for example, if they had become inactive or sought to fade without formally disassociating, and the elders came to visit and found them celebrating Christmas or a birthday, they would be found to be in transgression of the rules, would they not?
A. That is not my understanding. But again, as I said, it is not my field, that goes into policy with regard to those type of things, but from my personal experience, that's not the case.

Q. Mr Jackson, you say it's not your field, but you are a member of the Governing Body which is responsible, as you have said, for the whole field, and you have been a member for 10 years, and all the committees are responsible to and accountable to the Governing Body.
A. That is correct.

Q. So it is your field, isn't it?
A. Only as far as approving the basic scriptural principles. So is there a scriptural principle that you have in mind you want to ask me about, or are you talking about policies and implementation of policies? There is a difference there.

Q. Yes. And the policies are all subject to the scriptural principles, aren't they?
A. Yes, and if you have a question on the scriptural principle, I'm very happy to try and explain it.

Q. And, for that reason, the policies have to be approved by the Governing Body to ensure that they are in keeping with scriptural principles?
A. That's correct. But the fact that the policies at times need to be changed shows that there is leeway there.

Q. And if it is not the case, as you seem to suggest might be a possibility, although you say you don't know, that someone who has not actively disassociated but merely sought to fade or become inactive is not governed by the rules, then where is the line drawn between those who are subject to the rules and those who aren't?
A. That's a good question, and that's where judgment comes in. By "judgment", I mean using a person's nous as to whether someone is still perceived as one of Jehovah's Witnesses in the community.

Q. Isn't that the point, that if someone is perceived as one of Jehovah's Witnesses in the community, that's because they have not disassociated or been disfellowshipped?
A. Well, it has to do with what the person is telling other persons.
Q. Well, there's no middle road, is there? I mean, you are either a member and subject to the organisation or you are not - isn't that the case?
A. Yes, but I thought you were asking me about disassociation.

Q. Well, I am, indeed. So if someone hasn't disassociated but has sought merely to become inactive or to fade, they are then still subject to the organisation's discipline and rules?
A. If they acknowledge being one of Jehovah's Witnesses.

Q. And if they do the contrary - which is to say they are not one of Jehovah's Witnesses - the effect of that is disassociation?
A. That's if they decide to go down that course.

Q. And if they don't actively disassociate, then they will be disfellowshipped as apostate?
A. No, an apostate is someone who actively goes against what the Bible teaches.

Q. Well, if the elders come and knock on the door to a member who has been inactive and sought to fade away and says, "Well, are you still a Jehovah's Witness or not?", and the person says, "Well, no, I don't want to be a Jehovah's Witness", the consequence of that will be either disfellowshipping or disassociation, won't it?
A. No, I don't agree with that, not from what I have seen. Can I just say, this hypothetical situation, which is probably one that could happen - two elders call at the door of someone, they are not going to come out and say, "Hello, I'm celebrating Christmas". It presupposes that Jehovah's Witnesses have some sort of spy network to monitor these people, which we don't. But if that person says, "Look, I was baptised as one of Jehovah's Witnesses, but I'm no longer active", no doubt the elders will say, "Well, we would encourage you to return. Is there anything we can do to help you?" Now, in that process of them returning, if they feel prompted to say that they have been living a lifestyle that is contrary to what Jehovah's Witnesses would live, then certainly we would handle that.

Q. Let's take that hypothesis. Say they visit this household. Mr Jackson, can you hear me?
A. I can, yes. Sorry, you started - I didn't hear a question.
Q. Yes, it was echoing back at me, but it seems to have been resolved. Mr Jackson, let's take that hypothesis of the two elders visiting the household of someone who has been inactive for some time, and seek to explore whether that person would come back to the active fold and encourage them to do so, in the process of which, in visiting that household, they find that that person is, in the eyes of a Jehovah's Witness, living in sin. That person would then be subject to the discipline of the organisation, wouldn't they?
A. In a case such as that, yes.

Q. And the only way to avoid that would be to disassociate?
A. If they didn't want to go through the process. But might I mention in your hypothetical situation, the person has indicated that they want to come back, and many, many people in that situation do want to come back.

Q. No, Mr Jackson, my hypothetical had nothing to do with anyone wanting to come back. My hypothetical was premised on the basis that someone wants to leave or not be involved, and I'm exploring the possibility which you put out there of them being able to just become inactive and not actually end up outside the organisation or not end up disassociating. Do you understand?
A. I do, sorry. I had misunderstood the fact that you said that they had indicated they wanted to come back. I'm sorry.

Q. So the point we've got to, then, is that, as I understand it, a person who has become inactive and wishes merely to remain inactive is still subject to the organisation's rules and discipline - not so?
A. If they want to come back. But we don't - we don't run a police state where we go and try and force people to follow our beliefs.

Q. Leaving that to one side, the point is, for example, if the elders visited and found the person to be living in sin in the eyes of the Jehovah's Witnesses, then the elders would, following the process and procedures, discipline that person under the rules of the organisation - not so?
A. Yes, like, in a situation where it was found that someone who claimed to be one of Jehovah's Witnesses was living in sin, then the elders would try to ascertain,
well, what needs to be done? We obviously want to help the person, so the first step would be to ascertain, do they want to come back, are they willing to change what they are doing? And if, ultimately, the person is willing to talk to us, then, yes, that would be involved with the judicial process.

Q. But if they are not, then either they must disassociate or they will be disfellowshipped?
A. That would be in that particular case, but I can think of many scenarios where it wouldn't be.

Q. It's right, isn't it, that in the case of both disassociation and disfellowshipping, the remaining members of the Jehovah's Witnesses cannot associate with the disassociated or disfellowshipped person?
A. Yes, that's according to the Bible principles, which I'm sure you have already read.

Q. And that includes even family members not living in the same household?
A. That is correct.

Q. So someone who wants to leave the organisation must choose, you accept, between freedom from the organisation on the one hand and friends, family and social network on the other?
A. I thought I made it quite clear that I don't agree with that supposition. Are you talking about a gross sin that has been committed or someone who just wants to leave Jehovah's Witnesses? Let me clarify it. If someone no longer wants to be an active Jehovah's Witness and they are not in the community viewed as a Jehovah's Witness, we do not have a so-called spiritual police force to go and handle that.

Q. Mr Jackson, the reality of the situation is that a person who has been baptised a Jehovah's Witness is thereafter either in the organisation or out of it; is that not right?
A. I think perhaps you have got your facts a little wrong there.

Q. I don't think that's correct, because you have accepted already, Mr Jackson, that a person in the situation you have postulated of merely becoming inactive is still subject to the rules of the organisation?
A. Yes, but if I could mention, Mr Stewart, your first proposition you put forward, that they meet someone who is celebrating Christmas - you know, this person is not associating with other Jehovah's Witnesses, not actively trying to change other people, and so on - a person such as that is not going to be handled judicially, as far as I understand. So, sorry, I have to disagree with you, but I hope you can see --

Q. Mr Jackson, you are agreeing on the example of what they do wrong. That's not my point. My point is they may do nothing wrong, but they are still subject to the rules of the organisation in the event that at some point they do do something wrong?

A. I will agree with that. But I don't agree with the sweeping statement that they only have the two choices. That was the point I was disagreeing with.

Q. Well, it's right, then, isn't it, because if they don't want to be subject to the discipline and rules of the organisation, then they have to leave by actively dissociating; isn't that the truth?

A. That's if they definitely don't want to be, yes.

Q. Yes.  
A. But there are some that do not want to make that active move.

Q. Well, the result, then, is that they are faced with the choice between freedom from the organisation on the one hand and having to lose their family and friends and social network on the other?  
A. That's how you would like to put it, Mr Stewart, but I thought I'm trying to say that there are those, some of whom I have heard of, that just fade away and they are not actively Jehovah's Witnesses.

Q. And, Mr Jackson, you have put it that they have a choice to leave or not to leave. For someone who wants to leave, perhaps because they have suffered abuse by someone in the organisation and don't feel that it has been treated properly or adequately, it's a very difficult choice, isn't it, because they must choose --

A. I agree, yes.

Q. And it can be a very cruel choice for them - not so?  
A. I agree, it's a difficult choice.
Q. And it can be personally devastating, because they can lose their whole social network and their families?
A. That can be the case, yes.

Q. Would you accept, then, that putting people to that choice, through this system of disassociating from them or shunning, as it is sometimes referred to, is contrary to the Jehovah's Witness belief in freedom of religious choice?
A. No, I don't accept that. I think you are jumping to a conclusion there, but I understand that you have that opinion.

Q. Well, on what basis do you not accept that?
A. Because right throughout the arrangement with Jehovah's Witnesses, people have to make choices based on their own free will. For example, to be baptised - if someone walks up to us and says, "I want to get baptised", we're not going to allow them to be baptised. They have to first of all understand the arrangement of Christian living. Usually, it takes one or two years for them to go through both the publications that we have, so that they personally can make that commitment. So that is the choice that they make. Now, we are not forcing them in any way to remain in our organisation. But a point to remember is that the ultimate standard that we believe in is the Bible, and we feel it's good for people to live by the Bible. The fact that many who have been disfellowshipped return of their own free will is an indication that they, likewise, still believe that it is a good lifestyle.

Q. Mr Jackson, you were baptised at age 13, am I right?
A. I certainly was, yes.

Q. And in fact many Jehovah's Witnesses are baptised at an age even younger than that?
A. There have been some I have met that have been baptised younger.

Q. Do you consider that at that age someone is old enough and mature enough to make a decision affecting the rest of their lives?
A. Yes, I do in some cases. Obviously there are some children that wouldn't be able to make that decision, and perhaps some question whether I could make that decision at 13 years of age, but I work with people that have been
baptised when they were 11 and they have stuck by that
determination their whole life.

Q. That may be because they can't leave the organisation
without leaving behind everyone whom they know.
A. Anything is possible.

Q. You see, let's take someone who is baptised at a young
age and then, as a young adult, decides that actually their
beliefs lie elsewhere and they want to choose some other
system of belief. They then are still going to be faced
with the stark choice that we have identified, aren't they?
A. That's true.

Q. And it's on that basis, I suggest to you, that that
policy and practice of the organisation is in conflict with
the Jehovah's Witnesses' belief, as you have said it is, in
freedom of religious choice?
A. No, we don't see it that way, but you are entitled to
your opinion.

Q. I suggest also that it is in conflict with the idea of
a loving and a compassionate God.
A. Certainly that wouldn't be in harmony with what the
Bible says, because at times Jehovah disciplined his people
by having them go into exile and come back. So Jehovah is
someone who believes in the ultimate overall benefit of
good for persons, and sometimes that includes some form of
discipline.

Q. Do you accept that putting people to that choice makes
your organisation in many respects a captive organisation?
A. I do not accept that at all.

Q. Is there a scriptural basis to this policy of
shunning?
A. Yes. Thank you very much for the opportunity to
express it. 1 Corinthians is the scripture - no doubt you
have seen it already. 1 Corinthians, page 1530 --

Q. Can you just identify it --
A. 1 Corinthians, chapter 5, starting at verse 1, it
speaks of a situation where there was sexual immorality in
the congregation in Corinth --

Q. Sorry, Mr Jackson, I am really just asking is there
a scriptural basis, and you have identified what it is,
because my next question is can it change? In other words, is there a basis upon which you foresee that your organisation might be able to change that policy?

A. No.

Q. Do you recognise, Mr Jackson - and in asking this question, let me make it clear, I'm not suggesting it is peculiar to the Jehovah's Witness organisation, there are many, many organisations in this position - but do you accept that the Jehovah's Witness organisation has a problem with child abuse amongst its members?

A. I accept that child abuse is a problem right throughout the community and it's something that we've had to deal with as well.

Q. Do you accept that the manner in which your organisation has dealt with allegations of child sexual abuse has also presented problems?

A. There have been changes in policies over the last 20 or 30 years, where we've tried to address some of those problem areas, and by the fact that they have changed the policy would indicate that the original policies weren't perfect.

Q. And you accept, of course, that your organisation, including people in positions of responsibility, like elders, is not immune from the problem of child sexual abuse?

A. That appears to be the case.

Q. Do you accept, Mr Jackson, that many of the efforts that are being made by different people and organisations to highlight the issue of child sexual abuse and try and find solutions are genuine efforts to improve the situation?

A. I do accept that, and that's why I'm happy to testify.

Q. And that such efforts are not necessarily an attack on your organisation or its system of beliefs?

A. We understand that, too.

Q. You described earlier in your testimony that the work of this Royal Commission is beneficial. Do you accept, then, that the Royal Commission's efforts are genuine and well-intentioned?

A. I certainly do. And that's why we came in to the Royal Commission hoping that collectively something would
come forward that would help us as well as everybody else.

Q. Would you disagree, then, with anyone who said that
the efforts to highlight and deal with child sexual abuse
in the Jehovah’s Witness church are engaging in apostate
lies?
A. I guess that's a broad question, because sometimes
those who make these accusations make many other
accusations as well. But let me assure you, the person
making the accusation is not the main thing. The main
thing is: is there some basis to the accusation. And if
there is some way that we could improve, the Governing Body
is always interested in seeing how we can refine our
policies.

You see, Mr Stewart, could I just emphasise, as
a religion, two very strong things we feel. One is, we try
to keep a high moral standard. Secondly, there is love
among the organisation. So we want to treat victims in a
loving way.

Q. Just on that point, Mr Jackson, has the Governing Body
considered apologising to survivors of child sexual abuse
at the hands of elders within the organisation?
A. I haven't been in any discussions with regard to that.

Q. Is that something that you foresee might happen - in
other words, that an apology at least be considered?
A. The Governing Body has apologised on other matters, so
for me to say - I can't speak collectively for everybody,
but we have apologised on things in the past, in other
areas, so it is perceivable.

Q. Has the Governing Body considered the introduction of
a scheme of paying compensation to people within the
organisation who have suffered child sexual abuse at the
hands of elders?
A. Well, let me say, there are many schemes that we've
had with regard to humanitarian areas, like flood victims,
and so on. I know this is not related, I'm just
explaining. The Governing Body is happy for our
organisation to spend money helping persons - how much more
so someone who has been traumatised or affected in a bad
way.

MR STEWART: Those are my questions for Mr Jackson,
your Honour.
THE CHAIR: Q. You know, I suspect, Mr Jackson, that the Commission is considering a redress scheme for survivors. Are you aware of that?
A. I did hear it mentioned, your Honour, but I have no idea of the details.

Q. One of the suggestions is that there should be a scheme, national or otherwise, in which all of the institutions in which people were abused come together and provide for an independent decision-making process which would enable a fair distribution of compensation for those who were abused. Do you understand?
A. I do understand, your Honour.

Q. Would the Jehovah's Witnesses be prepared to cooperate in a joint scheme with other institutions where people were abused?
A. Your Honour, the answer is we would need to see the details. But the possibility of us making sure help is given to those that have been victims - certainly, that is a possibility.

Q. Does that mean that the Jehovah's Witnesses would not, as a matter of principle, decline to join with other institutions in a coordinated redress scheme?
A. Your Honour, we would need to see that nothing was scripturally against us doing that. But there are many times when we have to deal with others with regard to financial matters, so per se, it's not something that is totally out of the option pool.

Q. I want to ask you a question about a different matter.
A. Yes.

Q. Mr Stewart raised with you the difficulty of your adherence to the biblical references that require two witnesses before an allegation can be accepted. You understand?
A. I do understand that.

Q. We had evidence - and, indeed, this will, I'm sure, be your experience - that you hear from a person who alleges that something wrong has happened, and you, yourself, are entirely convinced of what they are saying to you and are satisfied that it is correct. Do you understand?
A. I do understand.
Q. And you can be in that position when there is no other witness to the event?
A. That is correct.

Q. What does the church do in the circumstance where the allegation may be against a father or someone who otherwise has close contact with a family, but there is only the allegation of the child, perhaps a girl, teenage girl, so the allegation can't be established? What does the church do about helping that child and/or that family?
A. That's a very good question. First of all, the elders should let the responsible adult or the victim, if possible, know that they have a right to take this to the criminal authorities, the judicial system. But that's just a matter of notifying them of that. But because we are concerned about the actual physical welfare of someone in a situation like that, we would make sure that there are provisions made that - of course, if it is in the family, we can't take the child out of the family physically, but at least make sure that things are put into place so that this person gets the best possible care and protection.

Q. What would you put in place?
A. So, first of all, we would notify or allow the - say it is the guardian of this victim, what they need to do. Of course, if it goes to the police, then it goes right into that whole government-type arrangement, whereby the government has authority to perhaps come in and separate families and so on.

Q. But, Mr Jackson, many of these people don't want to go to the police because that involves potentially a public process, trial, and so on. It's very common that people don't want to go to the police. But in the assumptions that I've put to you, the young person has acknowledged the church's obligation imposed upon them to report the misbehaviour to the church - you understand?
A. That's correct.

Q. And then they find that the church won't determine the allegation to be true and act accordingly, because there's only one witness - that is, the young person. What does the church do to help that person or that family in those circumstances?
A. Well, as I mentioned, first of all, we would let them know that they should go to the police and try - because
this is beyond the parameters of --

Q. Mr Jackson, we covered that. This is a person, and there are many of them, who don't want to go to the police, but they've come to your organisation because they are required to, to report misbehaviour. Underlying my proposition is, of course, that they would expect your organisation to help them.
A. Yes.

Q. What do you do?
A. And the help that is - well, can I just mention first of all, your Honour, our organisation, people come to our Christian meetings twice a week and they go on the preaching work, but what happens in the home is beyond the actual jurisdiction of the elders to tell the parents how they should organise these things with their children. And the point that I'd just like to make is, you see, then everyone is put on alert. Once the accusation is made, now we are aware. Could it be that the father, in an improper situation, another time, is seen by the mother and then she brings this forward - then we have two witnesses.

Q. Yes, but I'm putting to you the proposition that you have one witness who you absolutely believe.
A. Yes.

Q. What do you do?
A. Well, for the ultimate protection of that child, I could - if they feel that child, and other children, are in danger, I can - well, I would hope that the conscience of the elders would notify the police if the parent is not willing to do that.

Q. So you would hope that the elders would act in that way. Is there any --
A. Yes.

Q. -- instruction that they are to act in that way?
A. You know, your Honour, this is not my field. I can't tell you all the sections where we've said that, but that is my understanding, but if that instruction isn't given, that's perhaps something that we need to look at.

Q. And if the girl says, "No, I don't want the matter to go to the police. I don't want the prospect of a criminal trial, but please can the church help me", what do you do?
A. So, then, scriptural help would be given. But we can't go in and take a child away from parents.

Q. What do you mean by scriptural help? What would that be?
A. Well, perhaps one of the scriptural things that we could show is, you know, the God's Love book that was referred to in this Commission I think. I don't think you have the last couple of pages of that book for me to refer to. But there is a footnote there that talks about secular action with regard to other witnesses, and there is a very clear footnote that says there, "If someone does something like rape or a serious crime, definitely that should not stop a witness from reporting it to the authorities". So we would try to spiritually help them to become aware of their rights and the need, because mainly it is their decision, but if this affects other children, neighbours and so on, surely they need to think a little beyond just the one person.

Then the scriptural help that we would give is similar to other situations where people have experienced horrific travesties in their lives and their hope and trust in the Bible will give them some comfort. We found at 9/11 when the Twin Towers went down, Jehovah's Witnesses were invited actually to go in and help persons by sharing scriptures with them.

Q. Now, if the circumstance is that the young person alleges that they were abused by a member of the congregation but not a member of their own family, and again you, as the elder, are persuaded, totally persuaded, that the person is telling the truth, what do you do then?
A. Yes --

Q. The assumption behind it, of course, is that the alleged abuser is a risk to others. What do you do?
A. That's correct, yes. So there is a process - and I think at the moment we are in the process of adjusting some of our policies, so that's why it is a good time for this Royal Commission. But definitely it becomes obvious that we need to inform some, we need to put restrictions on that person as to any type of association with minors, and if a person is genuinely innocent, they are not doing this, they should not mind the fact that they can clear their name by not being involved at all with dealing with children.
Your Honour, could I just mention as a reminder, you see, Jehovah's Witnesses, because we respect the family unit, we don't have separate Sunday schools, we don't run youth camps separately, so we believe that things should be done within the family. But the spiritual help that we can give, and trying to protect, avoiding contact with someone who is accused with minors, is a little easier for us because we don't have those youth group, separate type arrangements.

THE CHAIR:  Does anyone else have any questions?

MS DAVID:  Yes, your Honour.

<EXAMINATION BY MS DAVID:

MS DAVID:  Q.  Thank you, Mr Jackson.  I am Ms David and I represent [BCG].  Are you familiar with [BCG]'s case?
A.  I am sorry, I am not, no.  I haven't lived in Australia for 36 years, and I haven't certainly had a chance to look through the files.

Q.  [BCG] was one of the witness statements, she gave evidence at this Commission.  Have you had the opportunity to read her evidence or to look at her statement?
A.  I haven't, I'm sorry.  The reason I came here was to care for my ailing father, and that has taken a lot of my time.  Plus, I wasn't aware of the fact that I would be called before the Commission.

Q.  I understand that, Mr Jackson, but do you not think that it is important - and I appreciate your own personal circumstances, and it is not a criticism.  Do you appreciate that it is very important for people in such senior positions as yours to really have a good understanding of the perspective of a survivor of abuse as [BCG] is?
A.  I agree with that comment, and let me say, I empathise.  I don't know the details of what happened to the person you represent, but I certainly empathise with whatever tragedy he or she has had to face.

Q.  But you agree that unless your organisation organises some research or study into the plight of people such as [BCG], you will never really understand how the processes you have in place affect them?
A. That is a valid comment.

Q. At this stage, would you agree that you have not really undertaken, or organised to undertake, any such research or studies into the experience of people, young people or people of any age, that have been abused within the organisation?
A. That is a little hard for me to say, to give a definitive answer. Within the parameters of how we normally do research for our publications, and so on, and the fact that our service departments are handling cases such as your client, they have considered a lot of the approaches that we’ve taken, and that’s why we have changed things, and I’m sure the policies have changed since the time the person you are representing was actually helped or handled.

Q. Just remaining on that point, you are aware that Dr Monica Applewhite gave evidence before the Commission?
A. I am aware, but I certainly didn't get a chance to see it. I apologise.

Q. Are you aware that she was provided with some documentation, or some witness statements, from the Jehovah's Witness elders, but she was not provided with any witness statements from the survivors of abuse that have been provided during the course of this proceedings?
A. I'm sorry, I really am not in a position to say anything about it, because - could I just explain? As empathetic as I am to the case, what I would hope for is that at the end of this Commission, those who have had far more experience than I have in this subject will be giving recommendations to the Governing Body.

Q. I appreciate that, and I certainly have noted what you have said in your evidence today. I just want to make the point: can you understand how people like [BCG], who have had nothing but just really very traumatic experiences, feel very concerned when they feel that their voices are not being listened to at all by the senior members of your organisation?
A. I would be very disappointed if that's the case, and certainly I would hate for that impression to be given to the person you are representing.

Q. And so in your effort to ensure that in the future the processes will be reviewed to ensure that the perspective
of the abused person is given proper heed, do you think it would be a good idea for your organisation to actually conduct some sort of research?
A. I think the more information we can get, the better, because all of us are trying to deal with a very horrific problem, and any amount of information we can get would be beneficial.

Q. I just want to make the point here, it's a very horrific problem, but the problems that [BCG] and others like her have experienced are compounded by their experiences having to go through the processes within your own congregation. So what I'm saying is, it is a universal problem, but there are specific issues that clearly just relate to how the Jehovah's Witnesses have been dealing with it. I guess what I'm suggesting, how important it is that it be a review that has specific regard to your processes.
A. I take your point. It is a valid point.

Q. On the issue of [BCG], I know you are not aware of her case, but I will just very briefly give an overview, having regard to trying not to take too much time. She made a complaint. Initially, because of the one-witness rule, it was not accepted. Ultimately, on an appeal and with a confession, there was an acceptance of her complaint. She essentially did not make a full complaint to the authorities until after she left the congregation, I think approximately 15 years later. The abuse was by her father.

In the interim, approximately seven years after she was initially abused, she learned that her father, [BCH], had been reinstated back into the church. That is a very short history, but upon that event, she wrote an impassioned, five-page letter to the head office in Australia about her position and sought help. What she also sought was an assurance that the matter would be handled. She was leaving it absolutely - her issue was entirely - this is a devout young Jehovah's Witness woman. She was leaving it in the care of the Jehovah's Witness Church to do something. She wrote a letter. She said, "Now, I can only leave the matter in your hands and pray Jehovah directs the outcome, whatever it may be", but she implored head office, to Bethel, not to ignore the letter and to do something about the terrible situation. She explained about her suicide attempt. She explained the devastation to her and to her sisters, who were also
abused.

What was sent back to her was a letter, and if we could look, please, at tender bundle tab 30 --

A. Yes, I have that here.

Q. This was after seven years. [BCG] has given evidence that after she made the complaint, she did not receive any assistance or certainly sufficient support, or even scriptural support. But if you could look at that letter, you can see that it says, firstly:

"Always Throw Your Burden on Jehovah."

Can you see that in the second paragraph?

A. In the second paragraph, yes, I can.

Q. She was also told "The heart warming prayer of David is appropriate where he entreated Jehovah to preserve his tears in his 'skin bottle'."

A. I can see that.

Q. She has given evidence to the effect that she felt silenced by what she was told. And she also said - she was essentially advised, if you go to the third paragraph:

With Jehovah's help and your own efforts,
you can look forward to the new world of peace.

She was really given no solace to deal with what was going to continue to be very painful for her in this world; do you agree with that? Read through that letter.

A. Yes, and this is the first time I've seen the letter. My apologies. But I would agree with you that if this is the only help she got, certainly, that is not enough. But, as I said, I don't know the case. What help did the elders give her personally? What are the circumstances? But I agree with you, something far more than a letter like this would be required to help her.

Q. Do you also appreciate that strict reliance on just giving scriptural guidance to someone who has suffered extreme trauma can in fact result in an even more damaging outcome for that particular person? Do you accept that?

A. What I accept is that sometimes when a letter is written, it is very hard to convey the spirit behind the
letter. I certainly would expect, as a member of the
Governing Body, that anyone writing a letter from a branch
would do so in the spirit of love and concern. So
perhaps - but I do admit that if someone read this, they
perhaps could not see that love and concern.

Q. Would you accept that by what she has said in her
letter, which was "now I can only leave the matter in your
hands" - and it is a five-page letter that there is not
enough time to go through clearly here now, but throughout
that letter she is seeking assistance, guidance, help. She
has told you about the trauma she has experienced. But
there is a real duty, isn't there, to do something about
the overall wellbeing of a person such as [BCG]?
A. I agree with what you said. They need far more than
just one letter.

Q. And do you agree that given the special nature of the
congregation, as I think you have said before, that it is
not just a case of a congregation where people turn up and
go to church, it is a family - there is, therefore, an even
greater duty within that family to ensure that people like
[BCG] are cared for in a comprehensive way?
A. I agree totally with you, probably more so than you
realise. Each sheep in the congregation is someone that
needs to be cared for and loved. I find it very, very hard
to believe that this is the only help that was given to
her, and if, in fact, that was the case, my heart goes out
to her and certainly we need to make sure that more help is
given than this.

Q. I just want to come back to the point I made before,
or the questions that I asked you before, in relation to
ensuring that there was some research done - for example,
Dr Applewhite came here to really say that the education
program was a good one and perhaps better than some others,
but there was no research to demonstrate how effective, in
fact, the Jehovah's Witness program was. And again,
I apologise for the length of my question, but I'm trying
to get to a point, which is that it is really disheartening
for the survivors that evidence from people such as
Dr Applewhite, without any reference whatsoever to the
victims' experience, suggests to them that the reason for
engaging experts is to in fact rather, if I can say - it is
more to do with the reputation of the Jehovah's Witnesses
than any real attempt to get to a deep understanding of
their experience.
A. I certainly hope that is not the case, and that certainly was not the intent of it. So please, be assured that we are interested in the individuals such as the client that you are representing. And may I take this opportunity, I don't know your client, but please, could you convey an expression of my love and concern and reassure her that obviously she has had an opportunity to speak about how she feels, and hopefully this will help the policies and procedures to improve.

Q. I just want to now go to something a little bit more technical. If we can go to tender bundle tab 120 at page 72. I just want to ask you, it refers there to the "testimony of youths", under paragraph 37, where we're looking at evidence to establish wrongdoing, and just how the Jehovah's Witnesses would view the testimony of a youth.

A. Mmm-hmm.

Q. I note that it says here:

The testimony of youths may be considered;
    it is up to the elders to determine whether
    the testimony has the ring of truth.

In relation to that, firstly, how would you define a youth?

A. Mmm-hmm.

Q. Are you able to assist?

A. As someone still in the family arrangement under the legal age, but perhaps, in this context, I'm sure it means probably someone younger.

Q. Is there some doubt about the testimony of youth, that you wouldn't accept that, it would carry less weight, perhaps, than the testimony of an adult? I'm just trying to understand what the basis for that is.

A. Thank you very much for asking the question. It is a very good question. May I just mention, this is in the context of general disputes or things that may be handled. Could I give you an example that is not related to the Commission. It could be, say, for example, a mother and a father decide to separate, there is a divorce, and now the children - maybe the mother has primed the children to say certain things about the father in order to get custody of the child. Now, of course, Jehovah's Witnesses are not involved with deciding if parents - how they do divorce,
and so on, but, you see, in a case like that, in the
testimony of a child, you would have to take into
consideration in that situation whether or not they were
influenced by one of the parents or otherwise. It's just
only a caution to make sure that the evidence is credible.
But may I stress, this is a general principle across all
the types of things that we're handling.

THE CHAIR: Q. Can I just understand - I'm not quite
sure I'm understanding. Wouldn't it be the case that you
would have to consider the evidence of anyone to determine
whether it had the ring of truth, whether they were
a youth, child or adult? What's the difference?
A. That is true, your Honour. That is true.

Q. Well, why are youths singled out in the document?
A. Well, for a start, could I just say, with regard to
sexual abuse, we've already made this statement that the
child would be believed. But in these general principles
that I tried to highlight with regard to a divorce or some
other things, perhaps a child who is dependent upon
a parent may be influenced in some way by them.

Q. So this is here to mark out the risk that someone's
evidence might be influenced by another person, including
an adult; is that --
A. That's correct, your Honour, yes. And it's only
a reminder. It's in no way designed to say that children
cannot give evidence.

THE CHAIR: Very well.

MS DAVID: Q. Given that you have categorised the
testimony of youths, the testimony of children - the
testimony of children is not mentioned at all there, so
I am just concerned as to whether the testimony of children
would have even lesser weight because of the age of a child
and perhaps their vulnerability to influence.
A. I'm not quite sure of your question, I'm sorry. This
is just in the context of - like you will see in the next
bullet point, it mentions the testimony of unbelievers and
disfellowshipped or disassociated ones, it says "may also
be considered". So, again, if someone has disassociated
themselves, perhaps they have a grudge against someone in
the organisation, but if this person is credible and giving
a witness, they could give a testimony. So it is just
giving some general guidelines, commonsense, nous type
things, to those who are handling these cases. But in no way is it designed to stop --

THE CHAIR: Q. I was going to ask you about that next bullet point, but you took us to it. It separates out the testimony of unbelievers and disfellowshipped or disassociated ones. It says "it may be considered but it must be weighed carefully". It suggests to an outsider that what the document is doing is expressing a need for extra caution when it's the evidence of an unbeliever as opposed to a believer that is being considered. Is that a correct reading of the document?

A. The reading of the document is saying that someone who doesn't agree with or feel the same way we do about the scriptures perhaps may take a different viewpoint on certain things - for example, the matter of lying. You see, Jehovah's Witnesses endeavour to be truthful and present facts in a truthful manner. Someone who is not a Witness may have no difficulties at all about telling a lie. I'm not saying, your Honour, that Jehovah's Witnesses are perfect, but that's a reminder that these ones perhaps could make a false statement.

Q. So my assumption is correct, that the document is saying, "Be more careful with the evidence of unbelievers than you would be with the evidence of believers"; is that right?

A. That's what it says, yes, your Honour.

MS DAVID: Q. To be clear on the issue of the testimony of a child, again, is there an age that you might define a child compared with a youth - does it make that distinction? Is there any age category or some criteria that you would use?

A. I'm sorry, I wish I could answer your question, but I think that goes to people more qualified than I am.

Q. Just coming to that, would that be an area that you would review in the context - or in relation to any wrongdoing, but particularly in relation to obviously the matters in issue here, in relation to the testimony of youths, because do you agree that that could very much confuse an elder who took that literally to begin with a level of scepticism about the testimony of youth?

A. Your point is well taken, and that is why we update this book from time to time when we see, perhaps, inadequacies in it.
Q. And that, read as a whole, it might, by omitting reference to a child, make the reader consider, well, what is the status of the evidence of a child, does it have any value at all?
A. Mmm-hmm, they are all valid points.

Q. Just going to the previous page of that same document, when you were answering questions earlier to counsel assisting and his Honour, you clearly seemed open to the idea that perhaps prior to the judicial committee it might be an opportunity for women to be involved in that preliminary, if I could say, investigative stage. I'm just coming down to the point where it says there must be two or three eyewitnesses, not just people repeating hearsay - I just see that if you look at that point there, that there must be two or three eyewitnesses, not just people repeating hearsay, you would really have to formalise a process whereby if an abused person spoke to, for example, a couple of female sisters, that that wouldn't then just take on the character of hearsay evidence. Do you understand the point I'm making there?
A. I understand your point, and - yes.

Q. I guess what I am saying is that when you are looking at policies, do you agree that it would be worthy of ensuring that that did not perhaps confuse an elder attempting to interpret this policy that in fact it would diminish the value of involving women at that point?
A. It is a good point, and let me say, we're always interested in trying to improve whatever we can.

Q. Just coming back to the scriptures, clearly, as [BCG] was a very devout young Jehovah's Witness, the importance of ensuring that whatever scriptural guidance a devout Jehovah's Witness survivor is given, it just can't come from a one-size-fits-all scriptural package?
A. Mmm-hmm.

Q. Do you agree?
A. I agree totally. I do agree totally.

Q. That it must be tempered by having real experts consider how a young person, like [BCG], might internalise certain scriptures in a way that is ultimately quite destructive?
A. Mmm-hmm, yes, I agree.
MS DAVID: Thank you.

THE CHAIR: Does anyone else have any questions?

MR TOKLEY: No.

MR BANNON: No, your Honour.

THE CHAIR: Mr Stewart, do you have any questions?

MR STEWART: No, I don't, your Honour.

THE CHAIR: Very well. That completes your evidence, sir. Thank you very much for your time today. You are now formally excused from your summons.

THE WITNESS: Thank you.

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THE CHAIR: Mr Stewart, I think we have made directions in relation to submissions; is that right.

MR STEWART: Yes, your Honour. Two things. One, in relation to the directions, those were made a week ago on the basis of four weeks for submissions and four weeks thereafter. Given that we have had this evidence today, a week later, and that --

THE CHAIR: No.

MR STEWART: -- Dr Applewhite's report is still to come --

THE CHAIR: No.

MR STEWART: I was going to ask whether --

THE CHAIR: No, we will leave the directions in place. It is important, like it is with all matters, that we ensure that we dispose of them as efficiently as possible. I'm not prepared today, by reason of the fact that we have had this further evidence, to vary the directions.

MR STEWART: As your Honour pleases.

THE CHAIR: If, however, there are circumstances that
emerge down the track, then I won't be so hard as to say there can never be an application, but not today.

MR STEWART: As your Honour pleases.

THE CHAIR: Very well.

MR STEWART: Then the only remaining issue, in the intervening week, a further document has come to light which really just sits in the sequence of correspondence relating to correspondence to All Bodies of Elders and I would like to have leave to tender it.

THE CHAIR: Should I mark it separately?

MR STEWART: It should be marked separately, your Honour.

THE CHAIR: I will mark it exhibit 29-034.

MR STEWART: It is a letter dated 10 October 2002 from Watchtower Bible & Tract Society of Australia to All Bodies of Elders in Australia.

EXHIBIT #29-034 LETTER DATED 10/10/2002 FROM WATCHTOWER BIBLE & TRACT SOCIETY OF AUSTRALIA TO ALL BODIES OF ELDERS IN AUSTRALIA

MR STEWART: That is all I have.

THE CHAIR: If there is nothing further, I will adjourn.

AT 3.13PM THE COMMISSION WAS ADJOURNED ACCORDINGLY