

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:

Commissioner:

Justice Peter McClellan AM

Professor Helen Milroy

Counsel Assisting:

Mr Angus Stewart SC

1 THE CHAIR: First of all, we need to check, Mr Stewart, is
2 Commissioner Milroy linked in? Commissioner Milroy, can
3 you hear and see us?
4
5 COMMISSIONER MILROY: I can hear you, but I can't see you
6 on the screen at the moment. But I think that will be
7 adjusted.
8
9 THE CHAIR: Is that something at the other end or at this
10 end? We can see you now. Can you see us?
11
12 COMMISSIONER MILROY: Yes.
13
14 MR STEWART: Your Honour, as your Honour is aware, the
15 witness this morning is Mr Geoffrey Jackson. There is an
16 appearance to be noted on his behalf.
17
18 MR A BANNON SC: Could I announce my appearance on behalf
19 of Mr Jackson. Bannon, your Honour.
20
21 THE CHAIR: Yes, you have leave.
22
23 MR BANNON: Thank you, your Honour.
24
25 THE CHAIR: Mr Jackson, you need to be sworn. Do you have
26 a Bible there?
27
28 MR JACKSON: I certainly do.
29
30 <GEOFFREY WILLIAM JACKSON, sworn: [11.05am]
31
32 <EXAMINATION BY MR STEWART:
33
34 MR STEWART: Q. Mr Jackson, will you state your full
35 name and your work address, please?
36 A. Yes, my name is Geoffrey William Jackson, and I work
37 at 25 Columbia Heights, but the mailing address is
38 124 Columbia Heights, Brooklyn, New York.
39
40 Q. Mr Jackson, I understand you were born in Queensland,
41 Australia, in 1955; is that right?
42 A. That is correct.
43
44 Q. And you were baptised as a Jehovah's Witness in
45 Queensland in 1968?
46 A. That is correct.
47

1 Q. And you left school at the age of 15 and commenced
2 pioneering work for the Jehovah's Witnesses in Tasmania; is
3 that right?
4 A. That is correct.
5
6 Q. Thereafter, you fulfilled various roles as translator
7 and then branch committee member, first in Fiji and then in
8 Samoa?
9 A. If I could correct you, Mr Stewart, please, first of
10 all in Samoa and then in Fiji.
11
12 Q. Thank you. As I understand it, in 2003, you were
13 transferred to the translation services in New York; is
14 that right?
15 A. Yes, in the State of New York, but in the educational
16 facility of Jehovah's Witnesses upstate in Patterson.
17
18 Q. In September 2005, you were appointed as a member of
19 the Governing Body of the Jehovah's Witnesses?
20 A. That is correct.
21
22 Q. As I understand it, you have served continuously in
23 that capacity since then?
24 A. That is correct as well.
25
26 Q. On the Governing Body, I understand that you are
27 a member of both the writing and the teaching committees;
28 is that right?
29 A. If I may be allowed to explain, each Governing Body
30 member has a home committee where his office is based. So
31 in my case, I work in the writing department under the
32 writing committee; but then, also, I have the role of
33 a consultant with the teaching committee, as well as the
34 personnel committee. But I do serve on the teaching and
35 personnel committees.
36
37 Q. As I understand it, you serve on the writing, teaching
38 and personnel committees; is that right?
39 A. That is correct.
40
41 Q. Could you just briefly explain what it means to be
42 a consultant on one of the committees?
43 A. Yes. With regard to my role, each member of the
44 Governing Body - of course, there are seven at the moment -
45 each brings something to the table with regard to
46 expertise. My field is translation, and as you realise and
47 have mentioned, it has been for quite some time. But also,

1 obviously, I was appointed on the Governing Body because of
2 my spiritual qualifications. So my role as a consultant
3 with the teaching committee and personnel committee
4 involves me evaluating recommendations that are made to see
5 if, first of all, they are scripturally accurate and
6 correct, and, secondly, whether they are translatable.

7
8 Q. So would that be with regard to all business and
9 decisions of the committees on which you serve - you would
10 fulfil that function you have just described?

11 A. That is the function that I fulfil.

12
13 Q. So, in other words, to give guidance and ensure that
14 the decisions and work of those committees are scripturally
15 accurate and correct?

16 A. As well as translatable.

17
18 Q. And by "translatable", do you mean translatable into
19 various languages of the world?

20 A. Yes, just - you probably are aware of the fact that
21 Jehovah's Witnesses translate their material into nearly
22 900 languages - I think it's something like 893 translation
23 teams that we have - and our magazine, The Watchtower, is
24 translated into approximately 250 languages, so at times
25 these committees need my input with regard to how things
26 will be translated into other languages.

27
28 Q. As I understand it, your input on those committees is
29 not restricted to the question of translation; it would
30 cover all the business of those committees; is that right?

31 A. It covers all the business in the aspect of me
32 analysing the scriptural basis for decisions.

33
34 Q. Could you explain, Mr Jackson, the committee structure
35 and how it relates to the Governing Body, which is to say,
36 do the committees report to and are they accountable to the
37 Governing Body as a whole, or how does it work?

38 A. Thank you, Mr Stewart. Yes, the Governing Body, as
39 I mentioned, has seven members. As you would realise, with
40 8.2 million active members of Jehovah's Witnesses, with
41 approximately 20 million associated with us, there is no
42 way that the seven members of the Governing Body can be up
43 to date with all aspects of every part of our work. So the
44 Governing Body is broken up into various committees. The
45 committees - there is a measure of trust, obviously,
46 because the men who are appointed on those committees
47 understand something about the operation of those various

1 aspects.

2
3 But if I may also mention something I think the
4 Commission hasn't noticed is that there are a roll of 30
5 helpers and these helpers join us in not the Governing Body
6 committee, but the various subcommittees, and they help us
7 by making recommendations and implementing the policies.

8
9 Q. Thank you, Mr Jackson. Is it the case that the
10 helpers also attend the Governing Body meetings that occur
11 weekly, but don't make decisions there?

12 A. No, they don't normally attend the one meeting the
13 Governing Body has each Wednesday, unless, of course, we
14 need some special input from one of them or from several,
15 and then they may be invited as needed. But you are
16 correct in saying they do not vote.

17
18 Q. So is it right to say that the committees then are
19 accountable to the Governing Body?

20 A. There is a - yes, ultimately, the Governing Body
21 oversees the work of the committees, but there is a measure
22 of trust, obviously, that goes on, mainly - if I could use
23 an example, I would be the last person on earth to ask with
24 regard to construction details, but the publishing
25 committee handles our construction worldwide, and so those
26 that have more familiarity with that type of expertise, we
27 would trust them to go ahead with most of the decisions.

28
29 Q. You have said that the Governing Body presently has
30 seven members. How is it determined how many members there
31 will be from time to time?

32 A. There can be any number of members on the Governing
33 Body. In the past few decades - for example, when I was
34 appointed on the Governing Body, there were 12 of us.
35 I believe the number has been 18 at one stage. But the
36 qualifications of a member for the Governing Body - it
37 involves someone who is considered an anointed Witness, who
38 has worked in scriptural, with a scriptural background,
39 either as a missionary or a full-time servant for many
40 years, and is able to fulfil the role of the Governing
41 Body, which is, may I state, a group, a spiritual group of
42 men who are the guardians of our doctrine, and as guardians
43 of the doctrine, look at things that need to be decided
44 based on our doctrines, which are based on the constitution
45 of the Bible.

46
47 Q. I take it if the Governing Body is to be increased in

1 size, that that will be a decision of the Governing Body
2 itself?

3 A. That is correct. But obviously, we would get
4 information from other fields.

5

6 Q. And is it the case that the Governing Body then
7 appoints new members of the Governing Body?

8 A. That is correct.

9

10 Q. Does someone have a designated role, such as
11 coordinator or chairperson or president?

12 A. You mean of the Governing Body?

13

14 Q. Yes.

15 A. Or do you mean the subcommittees?

16

17 Q. No, I mean of the Governing Body?

18 A. Yes. We rotate each year. There is a chairman of the
19 Governing Body, but the chairman's role is merely to chair
20 the meetings.

21

22 Q. So there is no-one who has a permanent role of
23 coordination or designation such as president or what have
24 you?

25 A. That is correct. Only the committees, under the
26 direction of the Governing Body, have a coordinator for
27 each committee.

28

29 Q. Dealing with decisions of the Governing Body itself,
30 how are decisions made, by which I mean are they made only
31 by consensus or by majority or is there some other system
32 you adopt?

33 A. So if a policy or a question comes up with regard to
34 doctrine, or something that involves a biblical stand, we
35 will allow someone to come in and present to us all the
36 facts concerning that - obviously the seven involved cannot
37 be familiar with every aspect that we need to consider. So
38 once the proposal has been given to the Governing Body,
39 it's an agenda point. Ahead of time, each Governing Body
40 member, with prayer, by means of prayer and reading the
41 Bible, then tries to see how the Bible would affect any
42 particular decision. So then, in our discussion,
43 generally, from my experience, which has only just been the
44 last 10 years, in most cases it's unanimous.

45

46 Q. If it's not, then it would be carried by majority; is
47 that right?

1 A. That is the case but, as I said, it's a rare thing,
2 because if someone - perhaps their conscience is not clear
3 or feel comfortable with a certain decision, then more
4 often than not, we would rely upon God's spirit by holding
5 up on making a final decision until more research is done,
6 and then we would meet again.

7
8 Q. By what mechanism would you understand God's spirit to
9 direct your decisions?

10 A. Well, what I mean by that is, by prayer and using our
11 constitution, God's word, we would go through the
12 scriptures and see if there was any biblical principle at
13 all that would influence our decision - and it could be
14 that in our initial discussions there was something that
15 maybe we were missing and then in another discussion that
16 would come to light. So we would view that as God's spirit
17 motivating us because we believe the Bible is God's word
18 and came by means of holy spirit.

19
20 Q. And your reference to your constitution, I understand
21 by the way in which you raised the Bible as you said that,
22 you were referring to the Bible?

23 A. The Bible is our constitution, yes.

24
25 Q. The Governing Body is in the literature referred to as
26 the "faithful and discreet slave". Can you briefly explain
27 what that means?

28 A. Thank you for the question. The scripture,
29 your Honour, if I may use my Bible --

30
31 THE CHAIR: Q. Yes.

32 A. I would like to turn to Matthew, chapter 24. Now,
33 Mr Stewart, perhaps I could give you the page number to
34 make it a little quicker.

35
36 MR STEWART: Q. I am on it already, Mr Jackson.

37 A. Very good. So Matthew 24, verses 45 and 46. This is
38 how the Governing Body views their role, what they try to
39 do. It says:

40
41 "Who really is the faithful and discreet
42 slave whom his master appointed over his
43 domestics, to give them their food at the
44 proper time? Happy is that slave if his
45 master on coming finds him doing so!

46
47 So the goal of the Governing Body as custodians of our

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

14
15 "So, brothers, select for yourselves seven
16 reputable men from among you, full of
17 spirit and wisdom, that we may appoint them
18 over this necessary matter; but we will
19 devote ourselves to prayer and to the
20 ministry of the word."

21
22 So verse 4 describes the role of the Governing Body as we
23 see it, to devote ourselves to prayer and the word of God,
24 and that's why 30 helpers have been assigned that are
25 involved more with the practical side of policy and
26 implementation.

27
28 Q. Do correct me, Mr Jackson, if I misunderstand this,
29 but this does seem to me to suggest, in the use of the
30 words "brothers select for yourselves seven reputable men",
31 that a broader congregation of believers would make the
32 selection, rather than the seven themselves?

33 A. Well, this is one of the difficulties we have when
34 a secular Commission is trying to analyse a religious
35 subject. I humbly would like to mention that point. Our
36 understanding of the scriptures is these ones were
37 appointed by means of the apostles. Your point is well
38 taken. Let's assume, hypothetically, that others selected
39 these seven men, but it was at the direction of the
40 apostles.

41
42 Q. Do you, as members of the Governing Body, regard
43 yourselves as being appointed by Jehovah God or under the
44 capacity or authority of Jehovah God?

45 A. What we view ourselves, as fellow workers with our
46 brothers and sisters - we have been given a responsibility
47 to guard or to be guardians of doctrine. So just the same

1 with elders, they are referred to as being appointed by
2 holy spirit, as you probably are aware, we believe that
3 means that when an elder is in harmony with what the Bible
4 says is required of an elder, then he is appointed by the
5 holy spirit. So the same is true with the Governing Body.
6

7 Q. So where it is said that the faithful and discreet
8 slave is made up of a small group of anointed brothers, are
9 we to understand the belief behind that being that you are
10 anointed by the holy spirit?

11 A. That is correct. But if I could just enlarge on that,
12 there are many anointed Jehovah's Witnesses who do not
13 serve on the Governing Body.
14

15 Q. And that would include all the elders around the
16 world; would that be right?

17 A. No, that is not correct. The anointing process that
18 we are referring to is referred to in the book of Romans,
19 chapter 8, where it speaks of a heavenly calling. So the
20 majority of Jehovah's Witnesses hope to live in a paradise
21 earth, whereas those who have been selected by means of
22 holy spirit have a hope to live in heaven - to go to heaven
23 when they die, in other words.
24

25 Q. Mr Jackson, is that the 144,000 that is referred to?

26 A. Ultimately, in the book of Revelation, chapter 14, it
27 refers to the total number being 144,000.
28

29 Q. Does the Governing Body, or do the members of the
30 Governing Body - do you see yourselves as modern-day
31 disciples, the modern-day equivalent of Jesus's disciples?

32 A. We certainly hope to follow Jesus and be his
33 disciples.
34

35 Q. And do you see yourselves as Jehovah God's
36 spokespeople on earth?

37 A. That I think would seem to be quite presumptuous to
38 say that we are the only spokesperson that God is using.
39 The scriptures clearly show that someone can act in harmony
40 with God's spirit in giving comfort and help in the
41 congregations, but if I could just clarify a little, going
42 back to Matthew 24, clearly, Jesus said that in the last
43 days - and Jehovah's Witnesses believe these are the last
44 days - there would be a slave, a group of persons who would
45 have responsibility to care for the spiritual food. So in
46 that respect, we view ourselves as trying to fulfil that
47 role.

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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, 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

1 the congregations.

2

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

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

19

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

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

46

47 Q. Thank you, Mr Jackson. I will come to the question of

1 adjustments, and so on, in a moment, but from what you have
2 said, am I to understand that the Governing Body seeks to
3 obey Jehovah God?

4 A. Absolutely.

5
6 Q. And that the branches seek to obey the Governing Body?

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

13
14 Q. In turn, the congregations are expected to obey the
15 branches?

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

21
22 Q. And the definitive interpretation of the Bible from
23 time to time is the Governing Body; is that right?

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

29
30 Q. Could I ask you to look now at paragraph 4 on that
31 page? It says:

32
33 The Governing Body gives final approval for
34 new publications as well as new audio and
35 video programs.

36
37 I understand that comes very much under the responsibility
38 of the writing committee; is that right?

39 A. That is correct.

40
41 Q. And in paragraph 5:

42
43 The Governing Body cares for the
44 appointment and deletion of Branch and
45 Country committee members and designates
46 the brother who will serve as the
47 coordinator of the committee.

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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?

1 A. If it's signed on behalf of the Governing Body, yes,
2 but there are hundreds of letters that are sent out by
3 service departments that are not necessarily coming from
4 the Governing Body.

5
6 Q. Well, I should have been clearer, Mr Jackson. I'm
7 referring to the standard letters to Bodies of Elders
8 dealing with general matters in a normative way, not
9 particular letters dealing, perhaps, with a specific issue
10 that has arisen here or there?

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

20
21 Q. Those adjustments themselves, though, are adjustments
22 which require approval of Bethel in New York; is that not
23 right?

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

26
27 Q. No, no, carry on.

28 A. Okay. You can hear me okay?

29
30 Q. Yes, thank you.

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

35
36 Q. Yes, Mr Jackson.

37 A. So in many countries in the world, Jehovah's
38 Witnesses, in their preaching work, if they meet someone
39 who is interested in hearing the message, they may note
40 down their particulars and then return and visit them
41 later. But in some countries that is not a legal thing
42 that you are allowed to do, it's viewed as an invasion of
43 privacy. So if a letter were to go out that discussed some
44 of those aspects, we would expect the local branch would
45 make the necessary adjustments so that it was appropriate
46 to those countries.

47

1 Q. Perhaps I can show you an example, Mr Jackson. If you
2 can be shown from the tender bundle tab 94.
3 A. I have it here in front of me.
4
5 Q. Have you had the opportunity, Mr Jackson, to view this
6 correspondence previously?
7 A. No, I haven't. It's from, I believe, 1998, is it -
8 well before my time on the Governing Body.
9
10 Q. I am referring to the last week, Mr Jackson. Have you
11 had the opportunity to read this correspondence --
12 A. I have been caring for my father. I wish I could have
13 had time to prepare properly, but I haven't been able to,
14 and I assumed the Commission was wanting to know what
15 I could contribute personally from my experience. So, no,
16 I haven't had a chance to read all these.
17
18 Q. Well, I will take you through it, Mr Jackson.
19 A. Thank you.
20
21 Q. You will see this is a letter in April 1998 from the
22 Australia branch to the Governing Body's service committee.
23 I understand, of course, you are not on the service
24 committee, but you will see that the Australia branch says:
25
26 We are replying now to your letter ...
27
28 And it is referenced --
29
30 concerning the possibility of putting
31 something in writing on the subject of
32 confidentiality and the law in relation to
33 child abuse matters. We appreciate the
34 opinion of the Writing and Service
35 Committees and we thank you for the
36 opportunity to comment further. We are
37 sorry to be so long in replying ...
38
39 And so on. Then in the next paragraph:
40
41 Up till now the brothers generally expect
42 that the elders will keep all matters
43 confidential, since this has been stressed
44 a number of times. In Australia it has
45 happened that some elders have been
46 prepared to accept punishment for contempt
47 of court rather than disclose confidential

1 information. However, we are now saying
2 that elders should comply with the law
3 where mandatory reporting is required if
4 there is no exemption available to them.

5
6 Then in the next paragraph:

7
8 It has been suggested that the following be
9 printed in a Question Box in Our Kingdom
10 Ministry. It would be necessary to
11 schedule it as part of the service meeting
12 program, unless we simply ask the Presiding
13 Overseer or another elder simply to read
14 the question and answer in the
15 Announcements part of the meeting.

16
17 Then what is proposed is set out. Do you see that?

18 A. Yes, I see that.

19
20 Q. Then you will see there is a reply to that letter at
21 tab 96.

22 A. Tab 96.

23
24 Q. On 24 July 1998.

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

26
27 Q. You will see at the foot of the page, it is from the
28 Watchtower Bible & Tract Society of Pennsylvania for the
29 service committee, and it references the letter of 28 April
30 1998 referring to the suggestion for a possible question
31 box in the edition of Our Kingdom Ministry. Then it says:

32
33 After carefully considering the matter it
34 has been concluded that if the Branch
35 Committee in Australia continues to
36 recommend publishing the suggested
37 material, then it would be appropriate for
38 the branch to feature the suggested
39 question and answer as outlined in your
40 letter ... It will not be necessary to
41 schedule the information to be considered
42 on a service meeting program ... We will
43 leave it to the brothers to read the
44 information presented ...

45
46 Now, what that suggests - and I am providing you with the
47 opportunity to comment on this or answer it, Mr Jackson -

1 is that even matters of that detail are firstly, as
2 a matter of practice, put to Bethel in New York for
3 approval, and, secondly, require such approval or consent?
4 A. In this particular instance, obviously, the brothers
5 in Australia wrote to the service committee. But if
6 I could just mention, the importance of this to us is that
7 the Governing Body gives direction with regard to the
8 church services or the congregation meetings of Jehovah's
9 Witnesses, and this, I assume - and this is the first time
10 I've seen the document - is asking if they can include this
11 in the actual program at the Kingdom Halls, and I assume
12 from what is said here that the Governing Body, or the
13 service committee of the Governing Body, has given
14 direction on that. But if I could highlight, the reason
15 for that is it involves our spiritual programs.

16
17 Q. In making decisions on the publications, I understand
18 from what you say that you are guided by the scriptures?

19 A. That is correct.

20
21 Q. And that involves, obviously, interpreting the
22 scriptures from time to time?

23 A. That is the role of the Governing Body.

24
25 Q. Am I right in understanding that the Governing Body's
26 interpretation of the scriptures on any particular point
27 might change or develop from time to time?

28 A. That is correct as well.

29
30 Q. So I think some examples might be, for example,
31 firstly, the question of blood fractions and whether that
32 is or isn't covered by the prohibition for the receipt of
33 blood transfusions.

34 A. That is correct as well, but if I could just mention,
35 when blood transfusions were first introduced, there wasn't
36 a lot of options with regard to blood fractions.

37
38 Q. Yes, but my point is, or what I am seeking to
39 understand is, there was an interpretation at one point
40 which said that members of the Jehovah's Witnesses should
41 not receive blood fractions, but in more recent times it
42 has been accepted, as I understand it, that there is no
43 specific scriptural direction on that - on blood fractions,
44 that is - so that is a matter for the individual conscience
45 of Jehovah's Witnesses?

46 A. That is right. And Mr Stewart, if I may mention, this
47 is an example of the desire of the Governing Body not to go

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

11

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

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

22

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

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

33

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

39 A. I am aware of that, your Honour.

40

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

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

1 yes.
2
3 Q. I've described it by reference to the admonition that
4 was certainly prevalent when I was a child that children
5 are to be seen but not heard - you understand?
6 A. Mmm-hmm, I do understand.
7
8 Q. You are familiar with that concept?
9 A. Yes. Yes.
10
11 Q. Is it relevant to Jehovah's Witnesses?
12 A. Your Honour, in our publications - obviously I can't
13 give you examples now, but we would be very happy to do
14 that - one of the key things we try to help parents to do
15 is to encourage their children to communicate with them.
16 As a missionary in the South Pacific, the cultures in the
17 South Pacific definitely follow what your Honour just said.
18 If children are being disciplined or counselled, they are
19 not supposed to speak at all. And over and over again, we
20 encourage parents, "No, children need to express
21 themselves, they need to feel the love so that they can do
22 that."
23
24 Q. You have the Bible there. If you go to 1 Timothy
25 chapter 3 --
26 A. Yes.
27
28 Q. -- verse 4, there is a discussion of a man presiding
29 over his household having his children in subjection. Now,
30 what does that mean?
31 A. That's a very good question, your Honour. Biblically
32 speaking, the word "subjection" infers respect and
33 a willingness to comply with direction. It does not --
34
35 Q. Your Bible then provides a reference back to Ephesians
36 chapter 6 verse 4?
37 A. That is correct.
38
39 Q. Which imposes the obligation on fathers to bring their
40 children up in the discipline and admonition of Jehovah.
41 What is the "discipline of Jehovah"?
42 A. Your Honour, the original language, discipline,
43 indicates a process of teaching, educating, making
44 a disciple.
45
46 Q. Well, from that reference in Ephesians, your Bible
47 takes us back to Proverbs chapter 13, verse 34?

1 A. Yes.
2
3 Q. And the exact quote is:
4
5 Whoever holds back his rod hates his son.
6
7 What does that mean?
8 A. So, your Honour, you will notice there is an asterisk
9 there on the term "rod", and you see the footnote.
10
11 Q. Yes.
12 A. "Discipline or punishment". So in the application of
13 this, the term "rod" is used as a symbol or a metaphor to
14 indicate the authority to give some punishment. For
15 example, in a modern-day setting, my father could say to me
16 I don't go to the movies because I had broken some of the
17 rules of the home.
18
19 Q. So it's not about inflicting corporal punishment,
20 then?
21 A. It absolutely is not about inflicting corporal
22 punishment.
23
24 Q. It would have been when first written, wouldn't it?
25 A. How people applied it back then, at that time, of
26 course is open to question.
27
28 Q. Well, what you are telling me, as I understand it, is
29 that your religion, your church, is prepared to interpret
30 the Bible having regard to contemporary social attitudes
31 and standards; is that right?
32 A. Obviously, your Honour, we need to take that into
33 consideration, but the primary responsibility we have is to
34 think what does Jehovah God mean by this, and we look at
35 other scriptures. One of the problems that many folk have
36 when they read the Bible is they take one verse and they
37 assume it means something out of context or not in
38 reference to other scriptures. So for our understanding,
39 Jehovah has said that children should be raised in a loving
40 environment. Jesus was raised in such an environment.
41
42 Q. Well, I have taken you to the way your own church
43 constructs the biblical references, which, as we have
44 noticed, takes us back to Proverbs; correct?
45 A. That is correct.
46
47 Q. But what you have given us is the understanding which

1 your church now has about how that is to apply in
2 contemporary society; is that right?
3 A. That's a good question. Obviously, I can only speak
4 about what we understand this to mean now, but I would
5 argue the case that even back in ancient times God did not
6 have in mind for children to be beaten up in a bad way.
7
8 Q. Does your church accept corporal punishment of
9 children?
10 A. Our church accepts the family arrangement and expects
11 that parents have the responsibility to discipline and
12 raise their children.
13
14 Q. That doesn't answer my question. Do you accept
15 corporal punishment?
16 A. I see. In our literature, I think you will see time
17 and time again we've endeavoured to explain that here
18 "discipline" is referring to more a mental point of view,
19 not corporal punishment.
20
21 Q. I am going to tell you, you are still not answering my
22 question.
23 A. Oh, sorry.
24
25 Q. Do you accept corporal punishment?
26 A. No.
27
28 Q. You don't?
29 A. Not - not personally, no, and not as an organisation -
30 we don't encourage it.
31
32 Q. But do you prohibit it?
33 A. Our literature has pointed out that the true way to
34 discipline children is by educating them, not giving
35 corporal punishment. Your Honour, I can only tell you the
36 spirit behind our writings.
37
38 Q. Now, I'm sure you know that one of the problems for
39 survivors, revealed by their evidence in this very hearing,
40 is their concern about having to approach men within the
41 church to tell their story and then have that story
42 assessed and judged by men alone; do you understand?
43 A. I do understand that, your Honour.
44
45 Q. Now, in the society in which you live, and in which
46 I live, we have seen significant change, although perhaps
47 not yet complete, in the role which women play in the

1 decision-making and government of our society, haven't we?
2 A. We certainly have.
3
4 Q. That is a reflection of a contemporary understanding
5 of the role and contribution which everyone in our society
6 can make to the common good, isn't it?
7 A. Yes.
8
9 Q. Now, I am sure you know of the concerns expressed by
10 the women who have given evidence in this hearing about the
11 confrontation and difficulty in that confrontation which
12 they found in approaching a male-dominant structure; you
13 understand that?
14 A. I do understand that, your Honour.
15
16 Q. Is there room for the church to change that?
17 A. That's a very good question, and I'm glad you asked
18 it. Is there a chance to make elders women or make women
19 elders? No. There is no leeway there. But,
20 your Honour --
21
22 Q. Why is that? Can you tell me why that is?
23 A. Sure, yes. If we turn to --
24
25 Q. Is it because of a literal application of the Bible?
26 A. Your Honour, it goes back to the theme of the
27 scriptures right from the creation of Adam, right through
28 Israelite times, to the Christian era. But, in all
29 fairness, may I just say something with regard to that?
30
31 Q. Most certainly.
32 A. You see, the role of women in the Jehovah's Witness
33 religion is a very dignified role. We don't make women -
34 well, we certainly do not want women to feel like
35 second-rate citizens. In God's view, men and women are
36 equal. But even people who fly aeroplanes realise you
37 can't fly an aeroplane by committee - there has to be
38 a pilot and a copilot. And that's the Bible arrangement.
39 It's not because of any lack of intelligence or lack of
40 ability on the part of women; it is an arrangement that has
41 stood the test of time.
42
43 Now, within that arrangement, the Bible clearly states
44 that a man does not have absolute authority over a woman,
45 and a woman is a co-worker, a complement - the Bible refers
46 to her as. So I think in the context of understanding how
47 women are treated among Jehovah's Witnesses, I think if you

1 investigated it further, you would see there are very many
2 happy women in the marital arrangement.
3
4 Q. It used to be the case that all of our pilots were
5 women [sic], wasn't it, and we changed that.
6 A. All of our pilots were?
7
8 Q. Were men?
9 A. All men?
10
11 Q. Yes, that's right?
12 A. Oh, were men, yes.
13
14 Q. Were men and we've changed that now and we have women
15 who are pilots.
16 A. That's right. And that's because --
17
18 Q. Why couldn't the church accept that women can
19 contribute to the decision-making processes, particularly
20 in relation to allegations of sexual abuse brought forward
21 by women?
22 A. The answer, your Honour, is that we expect women to be
23 involved in that. But in the actual role as elders within
24 the Christian congregation there is a very firm standard
25 set there. There is no leeway whatsoever for that in the
26 belief of Jehovah's Witnesses. But if I could mention,
27 some of the reports that you have considered are from 25
28 years ago, and if I understand correctly, from what little
29 I heard of the Commission in the last few days, Mr Spinks
30 very accurately described that there has been more of an
31 awareness of Jehovah's Witnesses to make sure that any
32 victim who has been a victim of a horrible crime is not
33 required to actually go before three men. We've made
34 changes, your Honour, because those changes in the actual
35 technicalities of the policies don't change - they are not
36 affected by the actual Bible principles, except the very
37 important principle of showing love, empathy and concern
38 and trying to avoid any form of trauma. And that is our
39 desire. If it wasn't perfect before, which it wasn't,
40 we've tried to change that, and we will make further
41 changes when we consider the recommendations of the
42 Commission.
43
44 Q. Well, we will come back to your processes later on.
45 I will leave you now with Mr Stewart.
46 A. Thank you, your Honour.
47

1 MR STEWART: Q. Just on the last point, Mr Jackson, with
2 regard to a survivor of sexual abuse having to make the
3 allegation directly to the accused, do you agree that - in
4 those circumstances, should a survivor have to make the
5 allegation in the presence of the accused?
6 A. I agree that it would be better for them not to do
7 that unless the victim wants to do that.
8
9 Q. Yes. That's why I phrased my question in the way that
10 I did. So I will repeat it. Do you agree that in those
11 circumstances the survivor should have to make the
12 allegation in the presence of the accused?
13 A. Sorry, I don't understand your question. Could you
14 rephrase it?
15
16 Q. Do you agree that there are no circumstances in which
17 the survivor of a sexual assault should have to make her
18 allegation in the presence of the person whom she accuses
19 of having assaulted her?
20 A. I agree that that is the case.
21
22 Q. And as I understand you, you are saying on your
23 understanding that is not required by your rules - in other
24 words, your rules do not require the survivor of a sexual
25 assault to have to make her allegation in the presence of
26 the person whom she accuses as having assaulted her?
27 A. If I understand your question correctly, from what
28 I have heard from Mr Spinks' testimony, that is not
29 something that we require now. I preface this in the fact
30 that it is not my field that I work with every day.
31 Mr Spinks and those who work in the service department work
32 with these matters, but that is my understanding.
33
34 Q. So do you accept, then, that that should be made clear
35 in your documents, manuals and instructions - in other
36 words, that it should be made clear that a survivor of
37 a sexual assault should not have to make her allegation in
38 the presence of the person whom she accuses as having
39 assaulted her?
40 A. Absolutely.
41
42 Q. Mr Jackson, can a branch committee publish its own
43 manuals and guidelines in respect of judicial committee
44 procedures for responding to allegations of child sexual
45 abuse?
46 A. I would think it would be unusual for that to happen.
47 Seeing it is not my field per se, I couldn't give an

1 inclusive answer with regard to that, but as far as
2 the general principle goes, I would expect that they would
3 get back to the service committee on it.
4

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

9 A. That --

10
11 Q. Sorry, Mr Jackson?

12 A. Sorry. My apologies.
13

14 Q. So I'm referring to Organised to Do Jehovah's Will,
15 Shepherd the Flock of God, and the guidelines that are
16 published to the branch committees.

17 A. Thank you. That is a rather long question, but if
18 I've understood it correctly, we would expect the general
19 framework of what we do to be published as approved by the
20 Governing Body. But, you see, when we say "published",
21 letters are published by the local branches that indicate
22 any variance that may need to take place with regard to
23 those policies. So that's why I was just hesitant to say
24 that it's all-inclusive.
25

26 Q. Well, if the Australia branch, for example, was to
27 decide that the investigative step which precedes the
28 appointment of the judicial committee need not be done by
29 two elders but can, in Australia, be done by a woman acting
30 on their behalf, would that be something that would be open
31 to the Australia committee to follow or to adopt?

32 A. Mr Stewart, I certainly would hope that the Australia
33 branch committee would get back to the service committee
34 with the reasons why that is needed and then, eventually,
35 I would hope they would get to the Governing Body so that
36 we could approve whatever changes are needed worldwide.
37

38 Q. But it may be that the branch committee in Australia
39 has a different view on these matters than the branch
40 committee in some other country. We will take one close to
41 home - New Zealand, for example. Or let me do one further
42 afield, anywhere, if you like, the Philippines may take
43 a different view. Is there space for the branch committees
44 to have different investigative procedures in different
45 parts of the world?

46 A. To answer your question, the answer is yes, that is
47 possible, but if the reason for doing so is to avoid

1 trauma, then that is something the Governing Body is
2 interested in. We want to see how we can encourage all the
3 countries to avoid that. But if it is a matter of
4 technicality that they need to do it a certain way, then
5 yes, we would expect they would at least notify us and
6 there could be differences.

7
8 THE CHAIR: Q. Mr Jackson, is there any biblical
9 impediment to a woman being appointed to investigate an
10 allegation?

11 A. There is no biblical impediment to a woman being
12 involved with the investigation. In fact, I think - oh,
13 sorry. I am sorry, your Honour.

14
15 Q. No, you continue.

16 A. And I think that is one of the benefits of the
17 Royal Commission, what has been brought to light is that
18 certainly it is good for a woman to be involved with
19 particularly some of the sensitive areas. But if I could
20 just mention, many of our publications are very broad in
21 aspects. We're not just talking about this one aspect of
22 child abuse, which is a horrific crime, but it can also -
23 the same principles are used for other sins, such as
24 drunkenness and other things the Bible mentions. But in
25 this sensitive area, yes, I think the Commission has
26 clearly shown that it would be good for women to be
27 involved.

28
29 Q. Is there any biblical impediment to a determination,
30 a judicial determination, being made by a body which
31 includes women, although the elders thereafter may respond
32 as the decision-maker in relation to what happens to
33 someone after a decision has been made as to the truth or
34 not of an allegation?

35 A. That's a good question. Could I just mention first,
36 your Honour, something - please bear with me on this. The
37 judicial system that Jehovah's Witnesses use is not in
38 competition with the criminal justice system. We respect
39 that and we feel that that is something that the community
40 needs to make use of. But also, if I can just highlight,
41 any victim is not viewed as someone that needs to stand
42 before a judicial committee. They did not do anything
43 wrong. They are the ones that have been victimised. They
44 need the help.

45
46 Now, to answer your question directly, women can be
47 involved in this very sensitive area, but biblically

1 speaking, the role of the judges in the congregation lays
2 with men. That's what the Bible says and that's what we
3 endeavour to follow.

4
5 Q. Can you give me the reference for that?

6 A. Yes. In the scriptures --

7
8 Q. That is, judges being only men - not elders, but
9 judges being only men?

10 A. Okay. I would have to check - I think Deuteronomy is
11 one of them, but with regard to 1 Timothy, chapter 3 - and
12 I'm sure, your Honour, you are very familiar with this, in
13 verse 1:

14
15 This statement is trustworthy: If a man is
16 reaching out to be an overseer, he is
17 desirous of a fine work. The overseer
18 should therefore be irreprehensible, a
19 husband of one wife, moderate in habits,
20 sound in mind, orderly, hospitable,
21 qualified to teach, not a drunkard, not
22 violent, but reasonable, not quarrelsome,
23 not a lover of money, a man presiding over
24 his own household in a fine manner, having
25 his children in subjection with all
26 seriousness.

27
28 In biblical times, the same expression that is used for
29 "elder" is also used for "older man". And when we are
30 translating - of course, that is my field - sometimes it is
31 hard to decide whether it means "elder" as in a position or
32 "older man". But definitely, when it speaks of judges at
33 the gates of Israel, we are talking about older men. But
34 I apologise, your Honour, seeing you asked this question,
35 I cannot give you the exact scriptural reference but will
36 be happy to do that.

37
38 Q. We would appreciate it, because one possible
39 modification to meet this issue of the lack of women as
40 judges of allegations brought forward by women against men
41 may be a modification of your process to include women in
42 the judicial determination step. You understand?

43 A. I do understand, your Honour, and we will make sure
44 you get those references.

45
46 Q. Can you understand how a woman, a young woman - any
47 woman - might feel when allegations which she makes of

1 having been sexually assaulted by a male are determined
2 exclusively by men?

3 A. In the context of a police station, I can understand
4 that, your Honour. But, please, may I also mention, the
5 role of these elders, they are friends of those in the
6 congregation. Their role is to shepherd, help, care for,
7 and so although perhaps a young person may feel that way,
8 and we would do everything we can within the Bible
9 parameters to make sure that that is eased so that a person
10 isn't put in that very difficult situation. But still,
11 ultimately the decision maybe without that person would be
12 made, and the decision is not concerning the criminality -
13 that is the criminal system. The decision is concerning
14 the spiritual cleanliness of our congregation and the
15 rehabilitation of those that commit sins.

16

17 Q. That's to concentrate on the abuser, but what I'm
18 talking about is the position of the person who has been
19 abused. Do you understand?

20 A. I do understand that, your Honour, and the women --

21

22 Q. All that you have just said is talking about it from
23 only one perspective; do you see?

24 A. Mmm-hmm. So, from the other perspective, with
25 a victim, the main thing for us is helping, supporting and
26 guiding, and women will be involved with that. You see,
27 the judicial committee is not judging the victim. The
28 elders in the congregation and the women in the
29 congregation have the obligation to give full support to
30 any victim.

31

32 Q. That may be so, but the point that I was seeking to
33 have you address was can you understand how a woman might
34 feel when allegations which she brings forward against
35 a man in the congregation are considered and judged
36 entirely by men?

37 A. Obviously I'm not a woman, so I wouldn't like to speak
38 on their behalf, but the two of us, I am sure, could
39 understand from what has been expressed and believe that
40 perhaps there would be a hesitancy there.

41

42 Q. Can I add this to the question, because it's one of
43 the factual circumstances we face in this hearing: can you
44 understand the circumstance for a woman who brings an
45 allegation against an elder, who is a friend of the others
46 who must judge the truth or otherwise of the allegation?
47 Can you understand how that person must feel?

1 A. I can try to understand it, your Honour, yes. But,
2 again, could I ask - and again, this is not my field of
3 activity, but as far as I understand, we have a process in
4 place whereby a neutral member, like a circuit overseer,
5 would be involved with such a case.

6
7 Q. It would be the case, would it not, that even
8 a circuit overseer is going to know an elder well?

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

16
17 Q. I don't know whether you have heard the evidence of
18 the survivors here - did you hear that evidence?

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

22
23 THE CHAIR: Yes, Mr Stewart.

24
25 MR STEWART: Q. Mr Jackson, for example, the elders who
26 hear these allegations, one of the things they have to do
27 is to measure the credibility of the person who says that
28 she suffered abuse; is that not right?

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

31
32 Q. Well, not so much the prosecutor, perhaps you are
33 thinking of the judge?

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

40
41 Q. Well, the point is this, Mr Jackson, isn't it: you
42 have appreciated, I think, that an elderly man may be in a
43 difficult position to understand just how a young woman,
44 for example, making an accusation or an allegation of child
45 sexual abuse feels in having to make that allegation?

46 A. That is true, but at the same time, perhaps someone
47 who has never experienced the trauma that these victims

1 have felt, even a woman may find that very hard as well
2 because it's such a personal experience.

3
4 Q. But you will accept, I'm sure, that in many instances
5 where a woman or young woman makes such an allegation, she
6 would feel a lot more comfortable having to make the
7 allegation and explain the circumstances to another woman?

8 A. I can't say that I would give a comment on that,
9 Mr Stewart, because you see, again, it takes away the
10 consideration of the relationships in our congregations.
11 It's not like your churches where people just go to church
12 and don't talk to one another. The congregations do become
13 familiar and there can be a friendship. So I agree that
14 the point you are trying to get at, we need to know what
15 the victim is comfortable in doing with regard to who they
16 speak to.

17
18 Q. You gave us a scripture, 1 Timothy, 3 verse 1, which,
19 as I understood it, was the authority for the principle
20 that as it is put there, an overseer, but I think in modern
21 language an elder, must be a man; is that right?

22 A. That's correct.

23
24 Q. And is there a scriptural reference - perhaps this is
25 the one you said you would need to come back to us on -
26 which says that the investigation of allegations of serious
27 misconduct must be done by an elder?

28 A. If I could just clarify your question a little,
29 Mr Stewart, you see, what I think you have heard in the
30 Commission is that we have said that women can be involved
31 in all these various aspects leading up to the actual
32 decision-making whether or not someone is spiritually
33 qualified to remain in the congregation. So just that one
34 aspect, the actual judicial committee itself, is where we
35 believe that men would be involved.

36
37 THE CHAIR: Q. Mr Jackson, that's the question I was
38 putting to you, you see. I was wondering whether you could
39 have a structure which meant that the judicial decision as
40 to whether or not the allegation was true could be
41 determined by a body capable of having women represented on
42 it, and that body's decision would then be taken to the
43 elders in relation to decisions to disfellowship; do you
44 understand?

45 A. I understand that, your Honour.

46
47 Q. Well, is it possible to make that change?

1 A. It is possible to make sure that elders are fully
2 aware of the whole story. But for women to be elders in
3 the congregation, that is not possible.
4

5 Q. No, Mr Jackson, I wasn't asking you that. I was
6 asking you --

7 A. Okay, sorry.
8

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

15 A. I do understand.
16

17 Q. Could women be involved in the determination of
18 whether or not the allegation is true?

19 A. Well, your Honour, if I could say, I think they
20 already are involved, in the sense --
21

22 Q. Not in the decision, Mr Jackson. Please address my
23 question.

24 A. Okay. But yes, in - well, please, could I just use an
25 example. If an underage child says that something has
26 happened and then two women are involved with helping that
27 person, surely they have to decide whether or not the facts
28 are true. They then present those to the elders.
29 Otherwise, how would the elders know what the facts are?
30

31 Q. Mr Jackson, you are not dealing with my question.

32 A. I am sorry. I apologise humbly, your Honour.
33

34 Q. Would you like me to put it again?

35 A. If you would, please.
36

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

41 A. Mmm-hmm.
42

43 Q. You do?

44 A. I do understand that, your Honour.
45

46 Q. Is it possible for the process to be modified so that
47 that decision can be made by a body which could include

1 women - that is, the decision as to whether or not the
2 allegation is true or false, made by a body which could
3 include women, and that decision would thereafter be acted
4 upon and a decision made as to whether or not to
5 disfellowship by the elders? Do you understand?

6 A. I do understand, and I apologise, your Honour, for not
7 answering directly. I didn't understand fully what you
8 were saying. The answer, your Honour, is such a situation
9 would be worthy of us considering and doing research and
10 checking the scriptures, yes. The possibility of
11 considering that is there.

12

13 Q. Thank you.

14 A. Thank you, and I apologise again.

15

16 MR STEWART: Q. Mr Jackson, I would like to refer you to
17 Shepherd the Flock of God, which is tab 120, at page 71,
18 Ringtail 72. This is the manual for elders, and it has
19 been applicable since, as I understand it, 2010; is that
20 right?

21 A. This is - yes. That appears to be the case.

22

23 Q. Would it be the case that this manual came through the
24 processes of the writing committee?

25 A. This manual would have been prepared with the help of
26 the service departments and the service committee would
27 have prepared this information and, yes, the writing
28 committee would have needed to read everything and check to
29 see if scripturally it was applicable.

30

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

37

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

43

44 And the word "established" is in italics. So my question
45 is who is it who decides whether the wrongdoing has been
46 established?

47 A. It is my understanding that two elders normally would

1 investigate the matter to see if there is some substance to
2 the accusation, having in mind, as you mentioned, this
3 could be ranging from someone getting drunk to someone
4 committing immorality, and so on. So those two elders
5 would at least see if there was some basis of the
6 accusation and they would get back to the Body of Elders,
7 who then would appoint the judicial committee.
8

9 Q. So then the question is, is it scripturally necessary
10 that that role is performed by two elders, as opposed to,
11 for example, a woman appointed for them?

12 A. May I ask, Mr Stewart, is this the same question that
13 his Honour asked, or is there a difference? Are you just
14 emphasising the point?
15

16 Q. Well, I'm trying to understand your answer,
17 Mr Jackson. So if you can just address yourself to my
18 question, what I've sought to do is to identify a very
19 specific decision in the process. It's the decision as to
20 is the wrongdoing established. You have said that that is
21 done by two elders who then report back to the Body of
22 Elders, which then appoints a judicial committee. So I am
23 asking scripturally is there room for that decision as to
24 whether the wrongdoing has been established to be anyone
25 other than elders?

26 A. Good, I understand your question, Mr Stewart. Could
27 we take the case of where the two elders cannot speak to
28 the victim, that perhaps they don't want to traumatise the
29 victim, and maybe two women that are very close to the
30 victim are able to speak to them. In a setting such as
31 that, all the elders would have is the testimony of the two
32 women with regard to the testimony of the victim. So in
33 that way, the women are saying whether they feel that it is
34 a valid case or not. So the answer to your question is
35 yes, women can be involved scripturally.
36

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

45 A. That is my understanding.
46

47 Q. And are you able to furnish a scriptural reference for

1 that - in other words, where it is that it is provided in
2 the scripture that that is necessarily so?
3 A. The principle that we were discussing before is the
4 headship principle found in 1 Corinthians chapter 11, and
5 I am sure, Mr Stewart, you have already referred to this in
6 the Commission, but bear with me please as I look at it. 1
7 Corinthians chapter 11 and verse 3 - do you have it there
8 already?
9
10 Q. This time I will be grateful for the page number,
11 Mr Jackson.
12 A. Okay. So 1536.
13
14 Q. I have it.
15 A. So verse 3 of chapter 11:
16
17 But I want you to know that the head of
18 every man is the Christ; in turn, the head
19 of a woman is the man; in turn, the head of
20 the Christ is God.
21
22 So in the church decision-making arrangement, it is based
23 on the headship principle that we have in the family and in
24 the Jehovah's Witnesses community as a whole that
25 scripturally the men make the final decisions. But that
26 does not mean that there is no input from the women.
27
28 Q. Thank you, Mr Jackson. While you are in
29 1 Corinthians, perhaps you would take a look at
30 1 Corinthians 14, verses 33 to 35?
31 A. I have it already, yes.
32
33 Q. Which says:
34
35 For God is a God not of disorder but of
36 peace. As in all the congregations of the
37 holy ones, let the women keep silent in the
38 congregations, for it is not permitted for
39 them to speak. Rather, let them be in
40 subjection, as the Law also says. If they
41 want to learn something, let them ask their
42 husbands at home, for it is disgraceful for
43 a woman to speak in the congregation.
44
45 Now, as I understand it, that is not applied in the
46 Jehovah's Witnesses organisation - in other words, you do
47 allow women to speak in the congregation?

1 A. I'm sorry, you have two questions there. Can I answer
2 the first one first. Jehovah's Witnesses do follow what is
3 stated here. I can explain. The second one is, yes, women
4 are allowed to speak in the congregation. May I explain to
5 you the reason why I feel we do follow what is here?

6
7 Q. Yes, of course.

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

10
11 But if there is no interpreter, he must
12 keep silent.

13
14 So the expression "keep silent" is referred to a male, and
15 then verse 30, where it is talking about prophets, and in
16 verse 30 it says:

17
18 If another one receives a revelation whilst
19 sitting there, let the first speaker keep
20 silent.

21
22 So this chapter is talking about orderly conduct in the
23 church meetings or in the congregation meetings. So verse
24 28, if someone starts speaking in another language but
25 there is no interpreter, the scripture says "let him keep
26 silent". Now, it appears that in the congregation there
27 was a problem because some women were actually challenging,
28 arguing, debating with the men who were taking the lead in
29 giving teaching. Now, you may not feel that that is the
30 case, but that's the context of what is said here, and in
31 chapter 11, it refers to the fact that a woman could speak
32 with a head covering. So I think a very literal
33 interpretation of verse 34 and verse 35 is not appropriate
34 in the context.

35
36 Q. Are you able to give an overarching explanation as to
37 when it is that what is said in the Bible should be taken
38 literally and when it should be given an expansive
39 interpretation as in this instance?

40 A. Very good. The answer is Jehovah's Witnesses - you
41 see, it is not a matter of seven men in the Governing Body
42 taking one verse and saying, "What do you think it means?
43 What do you think it means?" Jehovah's Witnesses try to use
44 the Bible to explain itself. So here, in 1 Corinthians
45 chapter 4, if we were to take the viewpoint that this
46 literally means that a woman cannot speak, then we would be
47 not going in accordance with the context. So the answer to

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

9
10 Let a woman learn in silence with full
11 submissiveness. I do not permit a woman to
12 teach or to exercise authority over a man,
13 but she is to remain silent.
14

15 Now, you will notice the asterisk gives the alternative to
16 that "to remain calm, remain quiet". So obviously, this is
17 talking about the role of women not jumping up, excitedly
18 arguing with others. And it's similar to what 1 Peter -
19 and, please, bear with me - chapter 3 says with regard to
20 a woman who is married to a non-Christian. In 1 Peter
21 chapter 3, that's page 1623, Mr Stewart - have you got it?
22

23 Q. No, I haven't, but I am sure you will read it to me,
24 Mr Jackson?

25 A. Okay. Verse 1 of 1 Peter, chapter 3:

26
27 In the same way, you wives, be in
28 subjection to your husbands, so that if any
29 are not obedient to the word, they may be
30 won without a word through the conduct of
31 their wives ...
32

33 Now, to take the position that the expression "without
34 a word" means they would never, ever, ever speak to their
35 husband would be a misapplication of scripture. So the
36 Governing Body, when we consider these things, is very much
37 aware of trying to get the whole context of things.
38 Otherwise it's like asking two people for an opinion on
39 something and getting three different opinions. If someone
40 just takes one verse, they could have all sorts of opinions
41 about it, but the work of Jehovah's Witnesses is to try to
42 understand the whole Bible as one message from God. Now,
43 I don't expect that you would have the same viewpoint, but
44 I thank you for at least letting me express our viewpoint.
45

46 Q. Mr Jackson, let's make it a little more concrete,
47 then, in a very specific example. You will know that one

1 of the things that has emerged in the last couple of weeks
2 is that in Australia at least, in the Jehovah's Witness
3 organisation, there is a practice of not reporting child
4 sexual abuse allegations to the authorities unless required
5 by law to do so. Do you accept that?

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

9
10 Q. Well, that's what I'm driving at. Perhaps you can
11 address that question specifically, which is this: is
12 there a scriptural basis to that policy or practice, being
13 not to report child sexual abuse allegations to the
14 authorities unless required by law to do so?

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

27
28 Do not rush into a legal dispute,
29 for what will you do later if your
30 neighbour humiliates you? Plead your case
31 with your neighbour, but do not reveal what
32 you were told confidentially, so that the
33 one listening will not put you to shame and
34 you spread a bad report that cannot be
35 recalled.

36
37 Now, I'm not saying, Mr Stewart, this is the only factor,
38 but it is one factor that all ministers of religion have
39 grappled with when it comes to an issue such as this.

40
41 The second issue is that elders are told, as is
42 mentioned in 1 Peter, chapter 5, page 1625, verses 2 and
43 3 - do you have that, Mr Stewart?

44
45 Q. I do?

46 A. Yes:

47

1 Shepherd the flock of God under your care,
2 serving as overseers, not under compulsion,
3 but willingly before God; not for love of
4 dishonest gain, but eagerly --

5
6 and then this is the point --

7
8 not lording it over those who are God's
9 inheritance, but becoming examples to the
10 flock.

11
12 The point being, here, another aspect that an elder needs
13 to consider is he does not have the authority to lord it
14 over or take over control of a family arrangement, where
15 a person - let's say it is a victim who is 24 or 25 years
16 of age - has a right to decide whether or not they will
17 report that incident.

18
19 They also respect the family arrangement that the
20 appointed guardian, who is not the perpetrator, has
21 a certain right, too. So this is the spiritual dilemma
22 that we have, because at the same time, we want to make
23 sure that children are cared for.

24
25 So if the government does happen to make mandatory
26 reporting, that will make this dilemma so much easier for
27 us, because we all want the same goal, that children will
28 be cared for properly.

29
30 Q. Let's take the situation in a family where one of the
31 children, let's say the eldest, reports having been abused
32 by her father.

33 A. Yes, sorry, sir, a question?

34

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

38 A. That is correct.

39

40 Q. And by not reporting to the authorities, is the case
41 not that the confidentiality of the one who reported is
42 regarded as being more important than to protect those who
43 are still at risk?

44 A. No, Mr Stewart, if I could just - what I'm trying to
45 highlight is there are several factors that make it hard
46 for a minister of religion to make a clear-cut or quick
47 decision on this matter. Obviously, I think, again, what

1 has been highlighted to the Commission, the elders should
2 encourage the guardian of the child, or whoever is in that
3 family arrangement that is not the perpetrator, to notify
4 the authorities.

5
6 Q. Leaving aside the question of overriding mandatory law
7 from the civil authorities, do you see the possibility
8 within the scriptures as you have identified them for
9 a change in the practice of Jehovah's Witnesses? In other
10 words, would it be within the scriptures for the Jehovah's
11 Witnesses organisation to adopt a policy which says that in
12 cases where there are others at risk, a report must be made
13 to the authorities?

14 A. That is a possible thing for us to consider, and
15 I think, already, the assumption is there, that if any
16 elder was to see that there was some definite risk, that
17 their conscience should move them to do that.

18
19 But the point I was trying to make, Mr Stewart, is
20 there are other scriptural factors that maybe make that a
21 little complicated, and it would certainly be a lot easier
22 if we had mandatory laws on that.

23
24 Q. Turning to another aspect that we have dealt with,
25 which is the question of the two-witness rule, you will be
26 aware that if there is no confession, then two witnesses to
27 serious wrongdoing are required, or to two similar events
28 of serious wrongdoing, in order that there is sufficient
29 evidence to establish a judicial committee. Do you
30 understand that?

31 A. I do understand that.

32
33 Q. Is there a scriptural basis to that?

34 A. The two-witness testimony? Is that what you are
35 asking, Mr Stewart?

36
37 Q. That's right.

38 A. Absolutely. If I could take you to the book of
39 Matthew, chapter 18, that is on page 1330, here are the
40 words of our Lord - verse 16 - the words of our Lord Jesus
41 Christ. This is talking in the sense of a judicial
42 setting:

43
44 But if he does not listen, take along with
45 you one or two more, so that on the
46 testimony of two or three witnesses every
47 matter may be established.

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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 exonerated 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.

1 As I understand it - and correct me if I am wrong - that,
2 in turn, really, is a reference back to Deuteronomy, 19
3 verse 15. In other words, what Jesus Christ was doing is
4 referring back to that aspect of Mosaic law dealing with
5 evidence?

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

8
9 Q. But that is an element to be found in the Mosaic law,
10 as set out in Deuteronomy 19:15; is that right?

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

13
14 Q. What I am interested in, and perhaps you can help me
15 on this, is why that applies to a case of sexual assault,
16 when clearly what was being addressed in the reference in
17 Matthew that you gave us was not a question of sexual
18 assault?

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

23
24 Q. Yes, carry on?

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

31
32 The judicial system - and if I can save the
33 Commission's time, I'm sure you are going to want to refer
34 me back to Deuteronomy where it mentions the penalty of
35 stoning. But what we need to remember is the laws that
36 were given back in the nation of Israel, you had the
37 judiciary, you had the punishment system, everything
38 combined together.

39
40 When the Christian arrangement came about, with our
41 Lord Jesus Christ giving us direction, the Christian church
42 does not have the authority to throw people into prison, to
43 execute or to do anything to them. So the judicial system
44 in the Christian arrangement involves the spiritual
45 cleanliness of the congregation, and the rules of evidence
46 remain the same all the way through.

47

1 Q. Mr Jackson, that is exactly the point I want to get
2 to. You will be familiar - and perhaps we can go to it -
3 with Deuteronomy 22:23-27?
4 A. Deuteronomy 22:23-27.

5
6 Q. That's at page 304, where it is said:
7
8 If a man is found lying down with a woman
9 who is the wife of another man, both of
10 them must die together ...

11
12 Now, let me preface this: I'm not addressing the question
13 of the stoning, I am addressing the question of evidence.

14
15 ... both of them must die together, the man
16 who lay down with the woman as well as the
17 woman. So you must remove what is bad out
18 of Israel.

19
20 Then it says:

21
22 If a virgin is engaged to a man, and
23 another man happens to meet her in the city
24 and lies down with her, you should bring
25 them both out to the gate of that city and
26 stone them to death, the girl because she
27 did not scream in the city and the man
28 because he humiliated the wife of his
29 fellow man. So you must remove what is
30 evil from your midst.

31
32 And then the next example is the one I am particularly
33 interested in:

34
35 If, however, the man happened to meet the
36 engaged girl in the field and the man
37 overpowered her and lay down with her, the
38 man who lay down with her is to die by
39 himself, and you must do nothing to the
40 girl. The girl has not committed a sin
41 deserving of death. This case is the same
42 as when a man attacks his fellow man and
43 murders him. For he happened to meet her
44 in the field, and the engaged girl
45 screamed, but there was no one to rescue
46 her.

47

1 So the point of this last example is that there's no second
2 witness, is there, because the woman is in the field, she
3 screamed, but there was no-one to rescue her; do you accept
4 that?
5 A. Could I explain, Mr Stewart, that - you see, I think
6 already under testimony some of Jehovah's Witnesses have
7 explained that the two-witnesses needed can be, in some
8 cases, the circumstances. I think there was an example
9 given --
10
11 Q. I will come to that, Mr Jackson. We will get through
12 this a lot quicker and easier if we just address it one
13 step at a time?
14 A. Okay. So the answer to your question --
15
16 Q. The present step is this: in that example, you accept
17 it is a case where there was no other witness beyond the
18 woman herself?
19 A. There was no other witness except the woman herself,
20 but added to that were the circumstances.
21
22 Q. Yes. Well, the circumstances were that she was raped
23 in the field?
24 A. Mmm-hmm. Yes, they were the circumstances.
25
26 Q. There being only one witness, it was nevertheless
27 sufficient for the conclusion that the man should be stoned
28 to death.
29 A. Mmm-hmm. Yes.
30
31 Q. Now, is it --
32 A. I think we're agreeing on the point.
33
34 Q. Is it not the case that had Jesus been asked about
35 a case of sexual abuse, he may have referred back to this
36 part of Deuteronomy and said that it's not required to have
37 two witnesses?
38 A. I certainly would like to ask Jesus that, and I can't
39 at the moment, I hope to in the future. But that's
40 a hypothetical question which, if we had an answer, then we
41 could support what you said.
42
43 Q. Well, it is hypothetical in a sense, but really what
44 I'm driving at is, is the scriptural basis - and you are
45 the scholar, I'm not - to the two-witness rule really so
46 solid or is there not space for your Governing Body to
47 recognise that in cases of sexual abuse it need not apply?

1 A. Again, if I could just mention the fact that we've
2 already acknowledged that circumstances can also be one of
3 the witnesses.

4
5 Q. Well, I will come to that, but my question is
6 a different one. It's whether the scriptural basis to the
7 two-witness rule in relation to cases of sexual abuse has
8 a proper foundation?

9 A. We believe it does because of the number of times that
10 that principle is emphasised in the scriptures.

11
12 Q. You will be aware, of course, in the case of adultery,
13 so long as there are two witnesses to the circumstances of
14 opportunity, that will be sufficient?

15 A. Yes.

16
17 Q. So, in other words, there need not be two witnesses to
18 the act of adultery itself, but only to the circumstances
19 of opportunity?

20 A. Sorry, you would need to walk me through that a little
21 further. I'm not quite sure.

22
23 Q. I was trying to do it by a shortcut, but I will take
24 you to the document. It is in the same Shepherd the Flock
25 book, which is tab 120, at page 61. So you will see in -
26 do you have paragraph 11 there?

27 A. Paragraph 11 - yes, I do.

28
29 Q. This is also in the chapter dealing with determining
30 whether a judicial committee should be formed:

31
32 Evidence (testified to by at least two
33 witnesses) that the accused stayed all
34 night in the same house with a person of
35 the opposite sex (or in the same house as a
36 known homosexual) under improper
37 circumstances.

38
39 That's the heading. Then it goes on to say:

40
41 Elders should use good judgment in
42 assessing the situation before forming
43 a judicial committee.

44
45 And in the second dot point it says:

46
47 If there are no extenuating circumstances,

1 a judicial committee would be formed on the
2 basis of strong circumstantial evidence of
3 porneia.

4
5 A. Mmm-hmm.

6
7 Q. You will see at the foot of the page there is an
8 example of a married brother spending an inordinate amount
9 of time with his female secretary, and two lines from the
10 bottom it says:

11
12 Later, when he claims to be leaving
13 overnight for a "business trip", his
14 suspicious wife and a relative follow him
15 to the secretary's home.

16
17 They observe the opportunity for adultery to have taken
18 place. Then those two witnesses will be sufficient to
19 establish the case. Do you see that?

20 A. I do see that.

21
22 Q. So now, in the case of child sexual abuse, it should
23 be, should it not, that a witness to an opportunity for the
24 sexual abuse to have taken place would be the sufficient
25 second witness?

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

27
28 Q. "Extenuating circumstances"?

29 A. Under improper circumstances.

30
31 Q. So a second witness to circumstantial or corroborating
32 evidence would be sufficient to fulfil the second witness
33 requirement?

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

36
37 Q. Well, it's just important as to whether the second
38 witness has to be a witness to the abuse itself or to what
39 extent he or she can be a witness to circumstantial or
40 corroborating evidence. So let me use an example. What
41 about the trauma, evident trauma of the survivor - would
42 that be able to be taken into account as corroborating
43 evidence?

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

1 place, because certainly these are the things we are
2 interested in.
3
4 Q. But you will understand, Mr Jackson, what we are
5 interested in is how much room you have to move, as it
6 were, to what extent you are bound by the scriptures and to
7 what extent you have flexibility to change your processes.
8 A. That's right. Well, may I mention - I'm sorry.
9
10 MR STEWART: I was going to say to his Honour, would that
11 be a convenient time for a luncheon adjournment.
12
13 THE CHAIR: Q. Mr Jackson, what did you want to say?
14 A. I was just going to say, I thought that that had
15 already been established in the hearings, but, if not,
16 certainly that is something that we need to follow up on.
17
18 THE CHAIR: Very well. Mr Jackson, it's appropriate that
19 we now take a break for lunch here. We will come back at
20 2 o'clock Sydney time.
21
22 LUNCHEON ADJOURNMENT
23
24 MR STEWART: Q. Mr Jackson, I just briefly want to deal
25 with a couple of principles, or guiding beliefs, of the
26 Jehovah's Witness organisation. Firstly, do you consider
27 Jehovah God to be a loving God?
28 A. Absolutely, plus 1 John 4:8 says so.
29
30 Q. Do you consider Jehovah God to be a compassionate God?
31 A. Yes, I do.
32
33 Q. Does Jehovah God recognise the worth and dignity of
34 all human beings?
35 A. Absolutely.
36
37 Q. So, in other words, not restricted only to those who
38 are members of Jehovah's Witnesses?
39 A. No. That's why Jesus was sent into the world, for all
40 mankind.
41
42 Q. And obviously that includes women and children?
43 A. Women and children as well.
44
45 Q. Does the Jehovah's Witness organisation then recognise
46 an individual's freedom to make religious choices?
47 A. Yes, we do.

1
2 Q. As I understand it, your organisation does recognise
3 an individual's freedom to report crimes to the
4 authorities?
5 A. Absolutely.
6
7 Q. As I understand it, people who no longer want to be
8 known as one of Jehovah's Witnesses, but who have been,
9 must then dissociate; is that right?
10 A. No, not necessarily. I meet many people in my travels
11 that perhaps were Jehovah's Witnesses at one stage but then
12 have decided no longer to be active. So they haven't gone
13 through a formal process.
14
15 Q. Well, I have chosen my words deliberately, Mr Jackson.
16 A. Okay.
17
18 Q. If someone no longer wants to be known as one of
19 Jehovah's Witnesses, they must then disassociate; is that
20 right?
21 A. Again, please, if they want to take the action of
22 doing that. But, of course, they have total freedom. If
23 they don't want to apply to officially be removed as one of
24 Jehovah's Witnesses, they can tell anyone they want that
25 they are no longer a Jehovah's Witness.
26
27 Q. I will come back to that, but perhaps I can take you
28 to tab 109, page 155. This is the manual Organised to Do
29 Jehovah's Will?
30 A. Is this the section on disassociation?
31
32 Q. Yes, that's right. This is a manual which is issued
33 to all baptised Jehovah's Witnesses; is that right?
34 A. That is correct, or - no, let me clarify. Sorry, let
35 me be precise: those who are approved to go from door to
36 door. So someone who is preparing for baptism and is an
37 unbaptised publisher would be allowed to have a copy.
38
39 Q. So all baptised Jehovah's Witnesses would be guided by
40 this, but, in addition, you say some who are not yet
41 baptised may also have a copy of this?
42 A. That is correct.
43
44 Q. Thank you. And this is the current edition, 2005.
45 There isn't a more recent edition, is there?
46 A. No, there isn't one available.
47

1 Q. So if we have a look, in the first sentence, it says:
2
3 The term disassociation applies to the
4 action taken by a person who, although
5 a baptised member of the congregation,
6 deliberately repudiates his Christian
7 standing, rejecting the congregation by his
8 actions or by stating that he no longer
9 wants to be recognised as or known as one
10 of Jehovah's Witnesses.

11
12 So is it the case, then, that someone who no longer wants
13 to be recognised as or known as one of Jehovah's Witnesses
14 must then disassociate?

15 A. No, it doesn't say they must do anything. If you read
16 on, you will see there is a process. This gives the person
17 the right to officially have an announcement made that they
18 are no longer one of Jehovah's Witnesses. But, as
19 I already said, if they decide they don't want to exercise
20 that right, they don't automatically come under this
21 provision.

22
23 Q. But then people who don't exercise that right are
24 then - in other words, they are, as you described,
25 inactive - still subject to the rules and discipline of the
26 organisation, aren't they?

27 A. I would have to check on that, because personally
28 that's not my field. But my understanding is, if a person
29 has made it known by their actions in the community over
30 a period of years that they are not witnesses, we would
31 only hold any reports in abeyance until they decided they
32 wanted to return.

33
34 Q. Mr Jackson, I have to say that my understanding is if
35 someone in that position is caught transgressing one of the
36 rules, they would still be subject to the disciplinary
37 proceedings, including possibly disfellowshipping; is that
38 not right?

39 A. That is a possibility, but in all fairness to your
40 question, I think there are circumstances, but I couldn't
41 make a definitive comment on that.

42
43 Q. So, for example, if they had become inactive or sought
44 to fade without formally disassociating, and the elders
45 came to visit and found them celebrating Christmas or
46 a birthday, they would be found to be in transgression of
47 the rules, would they not?

1 A. That is not my understanding. But again, as I said,
2 it is not my field, that goes into policy with regard to
3 those type of things, but from my personal experience,
4 that's not the case.

5

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

11 A. That is correct.

12

13 Q. So it is your field, isn't it?

14 A. Only as far as approving the basic scriptural
15 principles. So is there a scriptural principle that you
16 have in mind you want to ask me about, or are you talking
17 about policies and implementation of policies? There is
18 a difference there.

19

20 Q. Yes. And the policies are all subject to the
21 scriptural principles, aren't they?

22 A. Yes, and if you have a question on the scriptural
23 principle, I'm very happy to try and explain it.

24

25 Q. And, for that reason, the policies have to be approved
26 by the Governing Body to ensure that they are in keeping
27 with scriptural principles?

28 A. That's correct. But the fact that the policies at
29 times need to be changed shows that there is leeway there.

30

31 Q. And if it is not the case, as you seem to suggest
32 might be a possibility, although you say you don't know,
33 that someone who has not actively disassociated but merely
34 sought to fade or become inactive is not governed by the
35 rules, then where is the line drawn between those who are
36 subject to the rules and those who aren't?

37 A. That's a good question, and that's where judgment
38 comes in. By "judgment", I mean using a person's nous as
39 to whether someone is still perceived as one of Jehovah's
40 Witnesses in the community.

41

42 Q. Isn't that the point, that if someone is perceived as
43 one of Jehovah's Witnesses in the community, that's because
44 they have not disassociated or been disfellowshipped?

45 A. Well, it has to do with what the person is telling
46 other persons.

47

1 Q. Well, there's no middle road, is there? I mean, you
2 are either a member and subject to the organisation or you
3 are not - isn't that the case?
4 A. Yes, but I thought you were asking me about
5 disassociation.
6
7 Q. Well, I am, indeed. So if someone hasn't
8 disassociated but has sought merely to become inactive or
9 to fade, they are then still subject to the organisation's
10 discipline and rules?
11 A. If they acknowledge being one of Jehovah's Witnesses.
12
13 Q. And if they do the contrary - which is to say they are
14 not one of Jehovah's Witnesses - the effect of that is
15 disassociation?
16 A. That's if they decide to go down that course.
17
18 Q. And if they don't actively disassociate, then they
19 will be disfellowshipped as apostate?
20 A. No, an apostate is someone who actively goes against
21 what the Bible teaches.
22
23 Q. Well, if the elders come and knock on the door to
24 a member who has been inactive and sought to fade away and
25 says, "Well, are you still a Jehovah's Witness or not?",
26 and the person says, "Well, no, I don't want to be
27 a Jehovah's Witness", the consequence of that will be
28 either disfellowshipping or disassociation, won't it?
29 A. No, I don't agree with that, not from what I have
30 seen. Can I just say, this hypothetical situation, which
31 is probably one that could happen - two elders call at the
32 door of someone, they are not going to come out and say,
33 "Hello, I'm celebrating Christmas". It presupposes that
34 Jehovah's Witnesses have some sort of spy network to
35 monitor these people, which we don't. But if that person
36 says, "Look, I was baptised as one of Jehovah's Witnesses,
37 but I'm no longer active", no doubt the elders will say,
38 "Well, we would encourage you to return. Is there anything
39 we can do to help you?" Now, in that process of them
40 returning, if they feel prompted to say that they have been
41 living a lifestyle that is contrary to what Jehovah's
42 Witnesses would live, then certainly we would handle that.
43
44 Q. Let's take that hypothesis. Say they visit this
45 household. Mr Jackson, can you hear me?
46 A. I can, yes. Sorry, you started - I didn't hear
47 a question.

1
2 Q. Yes, it was echoing back at me, but it seems to have
3 been resolved. Mr Jackson, let's take that hypothesis of
4 the two elders visiting the household of someone who has
5 been inactive for some time, and seek to explore whether
6 that person would come back to the active fold and
7 encourage them to do so, in the process of which, in
8 visiting that household, they find that that person is, in
9 the eyes of a Jehovah's Witness, living in sin. That
10 person would then be subject to the discipline of the
11 organisation, wouldn't they?

12 A. In a case such as that, yes.

13
14 Q. And the only way to avoid that would be to
15 disassociate?

16 A. If they didn't want to go through the process. But
17 might I mention in your hypothetical situation, the person
18 has indicated that they want to come back, and many, many
19 people in that situation do want to come back.

20
21 Q. No, Mr Jackson, my hypothetical had nothing to do with
22 anyone wanting to come back. My hypothetical was premised
23 on the basis that someone wants to leave or not be
24 involved, and I'm exploring the possibility which you put
25 out there of them being able to just become inactive and
26 not actually end up outside the organisation or not end up
27 disassociating. Do you understand?

28 A. I do, sorry. I had misunderstood the fact that you
29 said that they had indicated they wanted to come back. I'm
30 sorry.

31
32 Q. So the point we've got to, then, is that, as
33 I understand it, a person who has become inactive and
34 wishes merely to remain inactive is still subject to the
35 organisation's rules and discipline - not so?

36 A. If they want to come back. But we don't - we don't
37 run a police state where we go and try and force people to
38 follow our beliefs.

39
40 Q. Leaving that to one side, the point is, for example,
41 if the elders visited and found the person to be living in
42 sin in the eyes of the Jehovah's Witnesses, then the elders
43 would, following the process and procedures, discipline
44 that person under the rules of the organisation - not so?

45 A. Yes, like, in a situation where it was found that
46 someone who claimed to be one of Jehovah's Witnesses was
47 living in sin, then the elders would try to ascertain,

1 well, what needs to be done? We obviously want to help the
2 person, so the first step would be to ascertain, do they
3 want to come back, are they willing to change what they are
4 doing? And if, ultimately, the person is willing to talk
5 to us, then, yes, that would be involved with the judicial
6 process.

7
8 Q. But if they are not, then either they must
9 disassociate or they will be disfellowshipped?

10 A. That would be in that particular case, but I can think
11 of many scenarios where it wouldn't be.

12
13 Q. It's right, isn't it, that in the case of both
14 disassociation and disfellowshipping, the remaining members
15 of the Jehovah's Witnesses cannot associate with the
16 disassociated or disfellowshipped person?

17 A. Yes, that's according to the Bible principles, which
18 I'm sure you have already read.

19
20 Q. And that includes even family members not living in
21 the same household?

22 A. That is correct.

23
24 Q. So someone who wants to leave the organisation must
25 choose, you accept, between freedom from the organisation
26 on the one hand and friends, family and social network on
27 the other?

28 A. I thought I made it quite clear that I don't agree
29 with that supposition. Are you talking about a gross sin
30 that has been committed or someone who just wants to leave
31 Jehovah's Witnesses? Let me clarify it. If someone no
32 longer wants to be an active Jehovah's Witness and they are
33 not in the community viewed as a Jehovah's Witness, we do
34 not have a so-called spiritual police force to go and
35 handle that.

36
37 Q. Mr Jackson, the reality of the situation is that
38 a person who has been baptised a Jehovah's Witness is
39 thereafter either in the organisation or out of it; is that
40 not right?

41 A. I think perhaps you have got your facts a little wrong
42 there.

43
44 Q. I don't think that's correct, because you have
45 accepted already, Mr Jackson, that a person in the
46 situation you have postulated of merely becoming inactive
47 is still subject to the rules of the organisation?

1 A. Yes, but if I could mention, Mr Stewart, your first
2 proposition you put forward, that they meet someone who is
3 celebrating Christmas - you know, this person is not
4 associating with other Jehovah's Witnesses, not actively
5 trying to change other people, and so on - a person such as
6 that is not going to be handled judicially, as far as
7 I understand. So, sorry, I have to disagree with you, but
8 I hope you can see --

9

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

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

18

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

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

24

25 Q. Yes.

26 A. But there are some that do not want to make that
27 active move.

28

29 Q. Well, the result, then, is that they are faced with
30 the choice between freedom from the organisation on the one
31 hand and having to lose their family and friends and social
32 network on the other?

33 A. That's how you would like to put it, Mr Stewart, but
34 I thought I'm trying to say that there are those, some of
35 whom I have heard of, that just fade away and they are not
36 actively Jehovah's Witnesses.

37

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

44 A. I agree, yes.

45

46 Q. And it can be a very cruel choice for them - not so?

47 A. I agree, it's a difficult choice.

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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

1 baptised when they were 11 and they have stuck by that
2 determination their whole life.
3
4 Q. That may be because they can't leave the organisation
5 without leaving behind everyone whom they know.
6 A. Anything is possible.
7
8 Q. You see, let's take someone who is baptised at a young
9 age and then, as a young adult, decides that actually their
10 beliefs lie elsewhere and they want to choose some other
11 system of belief. They then are still going to be faced
12 with the stark choice that we have identified, aren't they?
13 A. That's true.
14
15 Q. And it's on that basis, I suggest to you, that that
16 policy and practice of the organisation is in conflict with
17 the Jehovah's Witnesses' belief, as you have said it is, in
18 freedom of religious choice?
19 A. No, we don't see it that way, but you are entitled to
20 your opinion.
21
22 Q. I suggest also that it is in conflict with the idea of
23 a loving and a compassionate God.
24 A. Certainly that wouldn't be in harmony with what the
25 Bible says, because at times Jehovah disciplined his people
26 by having them go into exile and come back. So Jehovah is
27 someone who believes in the ultimate overall benefit of
28 good for persons, and sometimes that includes some form of
29 discipline.
30
31 Q. Do you accept that putting people to that choice makes
32 your organisation in many respects a captive organisation?
33 A. I do not accept that at all.
34
35 Q. Is there a scriptural basis to this policy of
36 shunning?
37 A. Yes. Thank you very much for the opportunity to
38 express it. 1 Corinthians is the scripture - no doubt you
39 have seen it already. 1 Corinthians, page 1530 --
40
41 Q. Can you just identify it --
42 A. 1 Corinthians, chapter 5, starting at verse 1, it
43 speaks of a situation where there was sexual immorality in
44 the congregation in Corinth --
45
46 Q. Sorry, Mr Jackson, I am really just asking is there
47 a scriptural basis, and you have identified what it is,

1 because my next question is can it change? In other words,
2 is there a basis upon which you foresee that your
3 organisation might be able to change that policy?

4 A. No.

5

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

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

15

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

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

24

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

29 A. That appears to be the case.

30

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

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

37

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

40 A. We understand that, too.

41

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

46 A. I certainly do. And that's why we came in to the
47 Royal Commission hoping that collectively something would

1 come forward that would help us as well as everybody else.

2
3 Q. Would you disagree, then, with anyone who said that
4 the efforts to highlight and deal with child sexual abuse
5 in the Jehovah's Witness church are engaging in apostate
6 lies?

7 A. I guess that's a broad question, because sometimes
8 those who make these accusations make many other
9 accusations as well. But let me assure you, the person
10 making the accusation is not the main thing. The main
11 thing is: is there some basis to the accusation. And if
12 there is some way that we could improve, the Governing Body
13 is always interested in seeing how we can refine our
14 policies.

15
16 You see, Mr Stewart, could I just emphasise, as
17 a religion, two very strong things we feel. One is, we try
18 to keep a high moral standard. Secondly, there is love
19 among the organisation. So we want to treat victims in a
20 loving way.

21
22 Q. Just on that point, Mr Jackson, has the Governing Body
23 considered apologising to survivors of child sexual abuse
24 at the hands of elders within the organisation?

25 A. I haven't been in any discussions with regard to that.

26
27 Q. Is that something that you foresee might happen - in
28 other words, that an apology at least be considered?

29 A. The Governing Body has apologised on other matters, so
30 for me to say - I can't speak collectively for everybody,
31 but we have apologised on things in the past, in other
32 areas, so it is perceivable.

33
34 Q. Has the Governing Body considered the introduction of
35 a scheme of paying compensation to people within the
36 organisation who have suffered child sexual abuse at the
37 hands of elders?

38 A. Well, let me say, there are many schemes that we've
39 had with regard to humanitarian areas, like flood victims,
40 and so on. I know this is not related, I'm just
41 explaining. The Governing Body is happy for our
42 organisation to spend money helping persons - how much more
43 so someone who has been traumatised or affected in a bad
44 way.

45
46 MR STEWART: Those are my questions for Mr Jackson,
47 your Honour.

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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.

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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

1 this is beyond the parameters of --

2

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

9 A. Yes.

10

11 Q. What do you do?

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

23

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

26 A. Yes.

27

28 Q. What do you do?

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

34

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

37 A. Yes.

38

39 Q. -- instruction that they are to act in that way?

40 A. You know, your Honour, this is not my field. I can't
41 tell you all the sections where we've said that, but that
42 is my understanding, but if that instruction isn't given,
43 that's perhaps something that we need to look at.

44

45 Q. And if the girl says, "No, I don't want the matter to
46 go to the police. I don't want the prospect of a criminal
47 trial, but please can the church help me", what do you do?

1 A. So, then, scriptural help would be given. But we
2 can't go in and take a child away from parents.

3
4 Q. What do you mean by scriptural help? What would that
5 be?

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

20
21 Then the scriptural help that we would give is similar
22 to other situations where people have experienced horrific
23 travesties in their lives and their hope and trust in the
24 Bible will give them some comfort. We found at 9/11 when
25 the Twin Towers went down, Jehovah's Witnesses were invited
26 actually to go in and help persons by sharing scriptures
27 with them.

28
29 Q. Now, if the circumstance is that the young person
30 alleges that they were abused by a member of the
31 congregation but not a member of their own family, and
32 again you, as the elder, are persuaded, totally persuaded,
33 that the person is telling the truth, what do you do then?

34 A. Yes --

35
36 Q. The assumption behind it, of course, is that the
37 alleged abuser is a risk to others. What do you do?

38 A. That's correct, yes. So there is a process - and
39 I think at the moment we are in the process of adjusting
40 some of our policies, so that's why it is a good time for
41 this Royal Commission. But definitely it becomes obvious
42 that we need to inform some, we need to put restrictions on
43 that person as to any type of association with minors, and
44 if a person is genuinely innocent, they are not doing this,
45 they should not mind the fact that they can clear their
46 name by not being involved at all with dealing with
47 children.

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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?

1 A. That is a valid comment.
2
3 Q. At this stage, would you agree that you have not
4 really undertaken, or organised to undertake, any such
5 research or studies into the experience of people, young
6 people or people of any age, that have been abused within
7 the organisation?
8 A. That is a little hard for me to say, to give
9 a definitive answer. Within the parameters of how we
10 normally do research for our publications, and so on, and
11 the fact that our service departments are handling cases
12 such as your client, they have considered a lot of the
13 approaches that we've taken, and that's why we have changed
14 things, and I'm sure the policies have changed since the
15 time the person you are representing was actually helped or
16 handled.
17
18 Q. Just remaining on that point, you are aware that
19 Dr Monica Applewhite gave evidence before the Commission?
20 A. I am aware, but I certainly didn't get a chance to see
21 it. I apologise.
22
23 Q. Are you aware that she was provided with some
24 documentation, or some witness statements, from the
25 Jehovah's Witness elders, but she was not provided with any
26 witness statements from the survivors of abuse that have
27 been provided during the course of this proceedings?
28 A. I'm sorry, I really am not in a position to say
29 anything about it, because - could I just explain? As
30 empathetic as I am to the case, what I would hope for is
31 that at the end of this Commission, those who have had far
32 more experience than I have in this subject will be giving
33 recommendations to the Governing Body.
34
35 Q. I appreciate that, and I certainly have noted what you
36 have said in your evidence today. I just want to make the
37 point: can you understand how people like [BCG], who have
38 had nothing but just really very traumatic experiences,
39 feel very concerned when they feel that their voices are
40 not being listened to at all by the senior members of your
41 organisation?
42 A. I would be very disappointed if that's the case, and
43 certainly I would hate for that impression to be given to
44 the person you are representing.
45
46 Q. And so in your effort to ensure that in the future the
47 processes will be reviewed to ensure that the perspective

1 of the abused person is given proper heed, do you think it
2 would be a good idea for your organisation to actually
3 conduct some sort of research?

4 A. I think the more information we can get, the better,
5 because all of us are trying to deal with a very horrific
6 problem, and any amount of information we can get would be
7 beneficial.

8
9 Q. I just want to make the point here, it's a very
10 horrific problem, but the problems that [BCG] and others
11 like her have experienced are compounded by their
12 experiences having to go through the processes within your
13 own congregation. So what I'm saying is, it is a universal
14 problem, but there are specific issues that clearly just
15 relate to how the Jehovah's Witnesses have been dealing
16 with it. I guess what I'm suggesting, how important it is
17 that it be a review that has specific regard to your
18 processes.

19 A. I take your point. It is a valid point.

20
21 Q. On the issue of [BCG], I know you are not aware of her
22 case, but I will just very briefly give an overview, having
23 regard to trying not to take too much time. She made
24 a complaint. Initially, because of the one-witness rule,
25 it was not accepted. Ultimately, on an appeal and with
26 a confession, there was an acceptance of her complaint.
27 She essentially did not make a full complaint to the
28 authorities until after she left the congregation, I think
29 approximately 15 years later. The abuse was by her father.

30
31 In the interim, approximately seven years after she
32 was initially abused, she learned that her father, [BCH],
33 had been reinstated back into the church. That is a very
34 short history, but upon that event, she wrote an
35 impassioned, five-page letter to the head office in
36 Australia about her position and sought help. What she
37 also sought was an assurance that the matter would be
38 handled. She was leaving it absolutely - her issue was
39 entirely - this is a devout young Jehovah's Witness woman.
40 She was leaving it in the care of the Jehovah's Witness
41 Church to do something. She wrote a letter. She said,
42 "Now, I can only leave the matter in your hands and pray
43 Jehovah directs the outcome, whatever it may be", but she
44 implored head office, to Bethel, not to ignore the letter
45 and to do something about the terrible situation. She
46 explained about her suicide attempt. She explained the
47 devastation to her and to her sisters, who were also

1 abused.

2

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

5 A. Yes, I have that here.

6

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

12

13 "Always Throw Your Burden on Jehovah."

14

15 Can you see that in the second paragraph?

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

17

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

21 A. I can see that.

22

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

26

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

30

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

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

41

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

46 A. What I accept is that sometimes when a letter is
47 written, it is very hard to convey the spirit behind the

1 letter. I certainly would expect, as a member of the
2 Governing Body, that anyone writing a letter from a branch
3 would do so in the spirit of love and concern. So
4 perhaps - but I do admit that if someone read this, they
5 perhaps could not see that love and concern.
6

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

15 A. I agree with what you said. They need far more than
16 just one letter.
17

18 Q. And do you agree that given the special nature of the
19 congregation, as I think you have said before, that it is
20 not just a case of a congregation where people turn up and
21 go to church, it is a family - there is, therefore, an even
22 greater duty within that family to ensure that people like
23 [BCG] are cared for in a comprehensive way?

24 A. I agree totally with you, probably more so than you
25 realise. Each sheep in the congregation is someone that
26 needs to be cared for and loved. I find it very, very hard
27 to believe that this is the only help that was given to
28 her, and if, in fact, that was the case, my heart goes out
29 to her and certainly we need to make sure that more help is
30 given than this.
31

32 Q. I just want to come back to the point I made before,
33 or the questions that I asked you before, in relation to
34 ensuring that there was some research done - for example,
35 Dr Applewhite came here to really say that the education
36 program was a good one and perhaps better than some others,
37 but there was no research to demonstrate how effective, in
38 fact, the Jehovah's Witness program was. And again,
39 I apologise for the length of my question, but I'm trying
40 to get to a point, which is that it is really disheartening
41 for the survivors that evidence from people such as
42 Dr Applewhite, without any reference whatsoever to the
43 victims 'experience, suggests to them that the reason for
44 engaging experts is to in fact rather, if I can say - it is
45 more to do with the reputation of the Jehovah's Witnesses
46 than any real attempt to get to a deep understanding of
47 their experience.

1 A. I certainly hope that is not the case, and that
2 certainly was not the intent of it. So please, be assured
3 that we are interested in the individuals such as the
4 client that you are representing. And may I take this
5 opportunity, I don't know your client, but please, could
6 you convey an expression of my love and concern and
7 reassure her that obviously she has had an opportunity to
8 speak about how she feels, and hopefully this will help the
9 policies and procedures to improve.

10

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

18 A. Mmm-hmm.

19

20 Q. I note that it says here:

21

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

25

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

27 A. Mmm-hmm.

28

29 Q. Are you able to assist?

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

33

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

38 A. Thank you very much for asking the question. It is
39 a very good question. May I just mention, this is in the
40 context of general disputes or things that may be handled.
41 Could I give you an example that is not related to the
42 Commission. It could be, say, for example, a mother and
43 a father decide to separate, there is a divorce, and now
44 the children - maybe the mother has primed the children to
45 say certain things about the father in order to get custody
46 of the child. Now, of course, Jehovah's Witnesses are not
47 involved with deciding if parents - how they do divorce,

1 and so on, but, you see, in a case like that, in the
2 testimony of a child, you would have to take into
3 consideration in that situation whether or not they were
4 influenced by one of the parents or otherwise. It's just
5 only a caution to make sure that the evidence is credible.
6 But may I stress, this is a general principle across all
7 the types of things that we're handling.

8
9 THE CHAIR: Q. Can I just understand - I'm not quite
10 sure I'm understanding. Wouldn't it be the case that you
11 would have to consider the evidence of anyone to determine
12 whether it had the ring of truth, whether they were
13 a youth, child or adult? What's the difference?

14 A. That is true, your Honour. That is true.

15
16 Q. Well, why are youths singled out in the document?

17 A. Well, for a start, could I just say, with regard to
18 sexual abuse, we've already made this statement that the
19 child would be believed. But in these general principles
20 that I tried to highlight with regard to a divorce or some
21 other things, perhaps a child who is dependent upon
22 a parent may be influenced in some way by them.

23
24 Q. So this is here to mark out the risk that someone's
25 evidence might be influenced by another person, including
26 an adult; is that --

27 A. That's correct, your Honour, yes. And it's only
28 a reminder. It's in no way designed to say that children
29 cannot give evidence.

30
31 THE CHAIR: Very well.

32
33 MS DAVID: Q. Given that you have categorised the
34 testimony of youths, the testimony of children - the
35 testimony of children is not mentioned at all there, so
36 I am just concerned as to whether the testimony of children
37 would have even lesser weight because of the age of a child
38 and perhaps their vulnerability to influence.

39 A. I'm not quite sure of your question, I'm sorry. This
40 is just in the context of - like you will see in the next
41 bullet point, it mentions the testimony of unbelievers and
42 disfellowshipped or disassociated ones, it says "may also
43 be considered". So, again, if someone has disassociated
44 themselves, perhaps they have a grudge against someone in
45 the organisation, but if this person is credible and giving
46 a witness, they could give a testimony. So it is just
47 giving some general guidelines, commonsense, nous type

1 things, to those who are handling these cases. But in no
2 way is it designed to stop --

3
4 THE CHAIR: Q. I was going to ask you about that next
5 bullet point, but you took us to it. It separates out the
6 testimony of unbelievers and disfellowshipped or
7 disassociated ones. It says "it may be considered but it
8 must be weighed carefully". It suggests to an outsider
9 that what the document is doing is expressing a need for
10 extra caution when it's the evidence of an unbeliever as
11 opposed to a believer that is being considered. Is that
12 a correct reading of the document?

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

23
24 Q. So my assumption is correct, that the document is
25 saying, "Be more careful with the evidence of unbelievers
26 than you would be with the evidence of believers"; is that
27 right?

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

29
30 MS DAVID: Q. To be clear on the issue of the testimony
31 of a child, again, is there an age that you might define
32 a child compared with a youth - does it make that
33 distinction? Is there any age category or some criteria
34 that you would use?

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

37
38 Q. Just coming to that, would that be an area that you
39 would review in the context - or in relation to any
40 wrongdoing, but particularly in relation to obviously the
41 matters in issue here, in relation to the testimony of
42 youths, because do you agree that that could very much
43 confuse an elder who took that literally to begin with
44 a level of scepticism about the testimony of youth?

45 A. Your point is well taken, and that is why we update
46 this book from time to time when we see, perhaps,
47 inadequacies in it.

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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.

1
2 MS DAVID: Thank you.
3
4 THE CHAIR: Does anyone else have any questions?
5
6 MR TOKLEY: No.
7
8 MR BANNON: No, your Honour.
9
10 THE CHAIR: Mr Stewart, do you have any questions?
11
12 MR STEWART: No, I don't, your Honour.
13
14 THE CHAIR: Very well. That completes your evidence, sir.
15 Thank you very much for your time today. You are now
16 formally excused from your summons.
17
18 THE WITNESS: Thank you.
19
20 <THE WITNESS WITHDREW
21
22 THE CHAIR: Mr Stewart, I think we have made directions in
23 relation to submissions; is that right.
24
25 MR STEWART: Yes, your Honour. Two things. One, in
26 relation to the directions, those were made a week ago on
27 the basis of four weeks for submissions and four weeks
28 thereafter. Given that we have had this evidence today,
29 a week later, and that --
30
31 THE CHAIR: No.
32
33 MR STEWART: -- Dr Applewhite's report is still to come --
34
35 THE CHAIR: No.
36
37 MR STEWART: I was going to ask whether --
38
39 THE CHAIR: No, we will leave the directions in place. It
40 is important, like it is with all matters, that we ensure
41 that we dispose of them as efficiently as possible. I'm
42 not prepared today, by reason of the fact that we have had
43 this further evidence, to vary the directions.
44
45 MR STEWART: As your Honour pleases.
46
47 THE CHAIR: If, however, there are circumstances that

1 emerge down the track, then I won't be so hard as to say
2 there can never be an application, but not today.

3
4 MR STEWART: As your Honour pleases.

5
6 THE CHAIR: Very well.

7
8 MR STEWART: Then the only remaining issue, in the
9 intervening week, a further document has come to light
10 which really just sits in the sequence of correspondence
11 relating to correspondence to All Bodies of Elders and
12 I would like to have leave to tender it.

13
14 THE CHAIR: Should I mark it separately?

15
16 MR STEWART: It should be marked separately, your Honour.

17
18 THE CHAIR: I will mark it exhibit 29-034.

19
20 MR STEWART: It is a letter dated 10 October 2002 from
21 Watchtower Bible & Tract Society of Australia to All Bodies
22 of Elders in Australia.

23
24 EXHIBIT #29-034 LETTER DATED 10/10/2002 FROM WATCHTOWER
25 BIBLE & TRACT SOCIETY OF AUSTRALIA TO ALL BODIES OF ELDERS
26 IN AUSTRALIA

27
28 MR STEWART: That is all I have.

29
30 THE CHAIR: If there is nothing further, I will adjourn.

31
32 AT 3.13PM THE COMMISSION WAS ADJOURNED ACCORDINGLY

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