



COMMONWEALTH OF AUSTRALIA

# Official Committee Hansard

JOINT STANDING COMMITTEE ON IMPLEMENTATION OF THE  
NATIONAL REDRESS SCHEME

**Inquiry into the operation of the National Redress Scheme**

Public

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CANBERRA

BY AUTHORITY OF THE SENATE

# JOINT STANDING COMMITTEE ON IMPLEMENTATION OF THE NATIONAL REDRESS SCHEME

Friday, 20 October 2023

**Members in attendance:** Senators Bilyk, Shoebridge and Dean Smith

## **Terms of Reference for the Inquiry:**

That pursuant to Paragraph 1(a) of the Committee's resolution of appointment, the Committee inquire into and report upon:

1. Applications for redress from:
  - a. Persons with disability
  - b. First Nations people
2. Availability of data and information relating to applicants listed in Paragraph (1) above, including:
  - a. Total applications received compared to the number of applications expected when the Scheme commenced.
  - b. Possible reasons why current application trends could vary from expectations.
  - c. Time taken to process applications and pay compensation to applicants.
  - d. Whether applicants with disability had a disability at the time of their abuse or whether it was acquired later in life.
  - e. Other relevant trends and data.
3. Strategies that could assist applicants listed in Paragraph (1) to access the Scheme.
4. Availability of legal advice for survivors and their advocates and, in addition:
  - a. Quality of legal advice.
  - b. Opportunities for Scheme applicants to consider available legal options and to exercise their own choices.
  - c. Strategies to minimise instances of alleged claim farming or excessive fees.
5. The performance and effectiveness of support services for Scheme applicants, including:
  - a. Accessibility.
  - b. Resourcing and funding levels.
6. Whether 'Part 4-3—Protecting information under the scheme' in the National Redress Scheme for Child Sexual Abuse Act 2018 (Cth) enables the Scheme to operate to its greatest potential.
7. Any other relevant matters.

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**KAPUT, Ms Larissa, Private capacity**

**UNTHANK, Mr Steven, Advocate, Say Sorry [by video link]**

**Committee met at 09:31**

**CHAIR (Senator Bilyk):** I declare open this public hearing of the Joint Standing Committee on the Implementation of the National Redress Scheme. I acknowledge that where we meet today has been the meeting place for the Ngambri and Ngunnawal peoples for thousands of years. I also acknowledge the cultures of any Aboriginal or Torres Strait Islander people present with us today.

In accordance with the committee's resolutions on 8 September 2022, this hearing will be broadcast on the parliament's website and the proof and official transcripts of the proceedings will be published on the parliament's website.

I now welcome witnesses from SaySorry.org, in person and via video conference, who are going to give evidence today for the committee's inquiry into the operation of the National Redress Scheme. This hearing is a legal proceeding of the parliament. The giving of false or misleading evidence is a serious matter and may be regarded as a contempt of the parliament. The evidence given today will be recorded by Hansard and attracts parliamentary privilege.

I ask all witnesses to respect privacy and to refrain from naming or identifying individuals as being victims or survivors. The committee can hear evidence in private session if necessary. I now invite you to make a short opening statement of no more than five minutes before we proceed to discussion. Steven, do you want to kick off?

**Mr Unthank:** Certainly. I sent a submission in that outlines one particular concern I have in relation to section 98 of the National Redress Scheme for Institutional Child Sexual Abuse Act. We'll most likely discuss that a little further on.

In my opening statement I draw the committee's attention to my background. I was raised within the Jehovah's Witnesses institution. At the age of 12 I was abused within the institutional setting. I am aware of other child abuse victims of my perpetrator. At the moment I can identify five victims and four of them have either made a police statement or provided evidence to the police in that matter.

In my situation one of the most difficult things is the culture within the Jehovah's Witnesses religion of denying that child abuse victims exist within the institution. Through the use of many statements and copious amounts of words they've deflected and denied liability. That has had an adverse effect on me and other people. It's also preventing a lot of people from making an actual claim for redress, not just across the whole spectrum but also in relation to people who have disabilities and in relation to congregations of Jehovah's Witnesses that service First Nations people. I'm here today to share some of my experience and at least one case study in relation to a person with disability who is not able to make an application to the Redress Scheme because of fears. Thank you.

**CHAIR:** Thank you. Lara, have you got anything you would like to say as an opening statement?

**Ms Kaput:** Yes, I've got a lot that the committee needs to know. Thank you for inviting me to appear. I'm a survivor of the Jehovah's Witnesses, and I have a culturally diverse background. I'm part Ukrainian. The Ukrainian side of my family suffered persecution by both Stalin and the Nazis, and I'll circle back to that.

Since 2016, either together or separately, Steven and I have advocated for fellow exploited and vulnerable Jehovah's Witnesses victims and survivors. We have provided up-to-date factual and unique information to local and international law enforcement agencies, government bodies, politicians, inquiries, royal commissions, law firms and the media in over 13 countries in relation to the Jehovah's Witnesses and the Watch Tower Bible and Tract Society. I've personally made written submissions to the committee before this. I've also made submissions to, recently, the German independent inquiry into child sexual abuse, the Productivity Commission's review of philanthropy, the inquiry into the extent and nature of poverty in Australia, the disability royal commission, the Royal Commission into Victoria's Mental Health System, the New South Wales inquiry into the Modern Slavery Act 2018 and associated matters, and, originally, the royal commission into child abuse. That's just about the Jehovah's Witnesses.

Today is difficult for me because it's the one-year anniversary of the death of my late partner, Dan Beacom.

**Senator SHOEBRIDGE:** Sorry, Lara.

**CHAIR:** Yes, condolences.

**Ms Kaput:** Thank you. He died from stage 4 brain cancer one year ago today.

**Senator SHOEBRIDGE:** Lara, if you want to take a moment, that's fine too.

**CHAIR:** Yes, you don't have to rush.

**Ms Kaput:** He had been a great supporter of charities. I mention him not only because it's difficult to be here today but because Dan used to say, 'How does the government allow this institution to exist?'—that is, the Jehovah's Witnesses institution.

I'll address what I know about the barriers to Jehovah's Witnesses survivors generically. I can't speak for disabled survivors or those that are First Nations; however, I noted the overrepresentation of First Nations survivors at the national apology, and I understand that the Indigenous congregations of Jehovah's Witnesses are structured in a completely different way to all of the other congregations of Jehovah's Witnesses in that they come directly under the leadership of the Watch Tower Bible and Tract Society of Australia. Unfortunately, I don't know what this means for First Nations Jehovah's Witnesses survivors, but it should be noted.

I'm going to follow your format. The committee has asked for availability of data and information relating to applicants. The Department of Social Services and the scheme have refused to share statistical data on the Jehovah's Witnesses' compliance with the scheme, but I'll tell you what I've been able to find out anecdotally. There were 1,800 Jehovah's Witnesses survivors reported in the child abuse commission. I believe there have been between 17 and 30 applications to the scheme, but the number that we—that is, Steven Unthank—projected was 756 applications. So there were between 17 and 30 actual applications, but there should be hundreds.

**CHAIR:** Sorry to interrupt, it's easier for me to ask questions as the issue comes up, if you're happy for us to go that way. How did we get to the number of 756?

**Ms Kaput:** It was calculated in a previous submission that we made to the previous committee.

**CHAIR:** Right.

**Ms Kaput:** But, essentially, it's the number of non-familial survivors. Out of the 1,800 reported in the child abuse commission, there were 756 that were non-familial.

**CHAIR:** Right.

**Ms Kaput:** Do you want me to expand more, Steven?

**Mr Unthank:** I'll add something to that. Question 8 of the redress form application states:

Was an institution responsible for bringing you into contact with the person or people who sexually abused you?

In going through the data released by the royal commission in relation to the Jehovah's Witnesses, they produced a massive spreadsheet of all alleged perpetrators. We were able to extract from there instances of alleged child abuse that was not familial but was within the institutional setting. That gave us the number of 756. Now, that doesn't mean that all of those people are alive today—

**CHAIR:** No.

**Mr Unthank:** and it doesn't mean that all of them would be interested in making an application, because their abuse or their alleged abuse may actually fall outside of what is classified as abuse within the legislation. That's where we received that number from—

**CHAIR:** Okay, that's good.

**Senator SHOEBRIDGE:** And whilst we've just got this small interruption on this point, I might ask you, if you could, to reflect upon whether or not the redress scheme is rejecting claims from within the Jehovah's Witness community where the abuser was introduced through the church but is alleged to have some family connection as well? It's been raised with us—

**CHAIR:** Yes, by other witnesses.

**Senator SHOEBRIDGE:** It's a matter that I find quite troubling. The nature of the church and the kind of wholly-encompassing power that it has over members of the church doesn't seem to be properly assessed by the scheme when it's making those calls. It's ignoring the power of the institution, I think. I might address that once Lara finishes.

**Ms Kaput:** Steven, I don't know of any that have been rejected like that within the Jehovah's Witnesses, but I've certainly heard that about non-Jehovah's Witnesses survivors. What about you?

**Mr Unthank:** I'm not aware of any rejections. I am aware of a series of statements and claims that the church has prepared to reject claims. They include words and phrases such as, 'They were a family friend'. That means that a minister of religion within the church may be visiting the family in their home, and the abuse may have occurred there. While they're a family friend, they're also a minister of religion or they're associated with the church. And one way of knowing that it's more than just friendship is that if either of the people involved were excommunicated at the time then that visit wouldn't occur. Therefore, the institution and the religious beliefs of Jehovah's Witnesses play a big part in who your friends are and who you choose to—

**Ms Kaput:** I'll have more that relates to that shortly. I'm not aware of any successful applications by Jehovah's Witness survivors that include all three components of the scheme—the compensation component, the mental health component and then the apology. According to what's publicly available, to me there are only two partially-successful scheme applicants. So out of that 756 we've projected, we only know of two applicants that were partially successful. No applicants, to my knowledge, have had a direct personal response, and we're in the fifth year of the scheme. So that's two survivors out of the expected 756 who have received two out of three components to the scheme. According to my calculations, that's a 0.3 per cent success rate.

I'll come back to that quick query you asked about. I don't know if what I've just said matches with what you've heard, or whether you know, but I can't find information about the numbers.

**CHAIR:** Yes, there does appear to be difficulty in accessing numbers in some areas.

**Senator SHOEBRIDGE:** I find it ridiculous that these numbers and details aren't prominently published by the scheme, and aren't publicly available in easily identifiable form. Of all the things the scheme should be producing, the final, practical outcomes for survivors should be front and centre. I'm deeply frustrated that organisations like yours have to sift through databases.

**Ms Kaput:** I've formally requested that, and it was rejected. I've asked for figures through FOI, and it was rejected. If we don't know, we can't help.

**Senator SHOEBRIDGE:** Correct.

**Ms Kaput:** If we weren't monitoring it, we would never know that it was this bad. Now, you asked the question about how current applications vary from expectation. I've got six barriers and I can summarise them, or I can explain each one to you.

**CHAIR:** Maybe you can summarise them, and then if we've got questions we can ask either of you, if you're happy to do that.

**Ms Kaput:** Sure. The six reasons that I think applications vary from not being successful, or not being applied for, are: (1) document destruction; (2) education; (3) endogamy—I'll just pause to say that endogamy is the culture of marrying within your own faith, and it's a very strong doctrine in the Jehovah's Witnesses—(4) information control; (5) the legal entities; and (6) privacy breaches. Would you like me to explain, or would you like me to come back to it later?

**CHAIR:** I think we've got a general understanding. Do you want some more explanation?

**Senator SHOEBRIDGE:** I'm familiar with these concepts, but is there anything in particular you want to draw our attention to?

**Ms Kaput:** There is. I'll start with the first one: document destruction. Let me just to circle back to the question that you asked earlier by saying this: last week, I was in New Zealand, a place my mountaineering partner, Dan, had thoroughly enjoyed. I went there to attend a High Court case in which the Jehovah's Witnesses are trying to be excluded from the New Zealand abuse in care royal commission, and they tried that here too. The Attorney-General, or the Crown prosecution, recognised in their summation that, in terms of the Jehovah's Witness, familial abuse is institutional abuse. The case is not finalised. But they made that point, so I think that goes to your query.

Now, the document destruction itself happened with an Australian legal entity, the Christian Congregation of Jehovah's Witnesses Australasia, or CCJWA. A few months after it was first registered, in 2019, its first action was to order the destruction of thousands of files for Jehovah's Witnesses in Australia and New Zealand held by our local branch and individuals which may have been used as evidence to support redress applications. If they have no information, they won't be able to support their application.

**Senator SHOEBRIDGE:** Larissa, how do you know that happened?

**Ms Kaput:** I know that happened because Steven runs a website called JW Leaks, and he received the letter to destroy documents, before it was released publicly. It was then covered in the news media. We reported it to the police in three different jurisdictions, and nothing's happened. Steven can expand because it came from him.

**Senator SHOEBRIDGE:** Perhaps on notice you could provide the letter. They would be very helpful.

**Ms Kaput:** Sure. I'll do that.

**Mr Unthank:** I'll do that.

**Ms Kaput:** Thanks, Steven. On education, I'll just quickly say that the Jehovah's Witnesses had, according to a Pew Research Center report, the second-lowest education of all religions. And they're not allowed to take part in politics or to vote. They are very undemocratic. This means they're often very naive to what's happening in government and parliament, so their awareness is low. The endogamy—you know that already. But the population of Jehovah's Witnesses is very low compared to the Australian population; it's less than 0.5 per cent of the population. It means, again, that survivors are very often related to their perpetrator in some way, so the pressure is intense. You don't want to apply for redress, because your relatives might find out, but, if you do apply, the endogamy levers can be pulled by the leaders to influence you to stop going through the process.

**CHAIR:** That was mentioned in Steven's submission.

**Ms Kaput:** Yes. Information control: if you know about high-control institutions, you'll understand. In the Jehovah's Witnesses case, they haven't shared any information about the scheme on their official website: [jw.org](http://jw.org). They have not included anything in their elders manual, known as *Shepherd the Flock of God*. They have not shared any information on the scheme via their regular body of elders letters, nor in their weekly congregational meetings, or posted anything on their kingdom halls. They're controlling the information to such a degree that people will never see it through their official channel, which is the one they often choose to believe.

I'll come back to why I mentioned that I'm part-Ukrainian. Many years ago—when I was a teenager, perhaps—I remember that there was a compensation scheme run after the Second World War and the Holocaust that

happened. At that time, the Jehovah's Witnesses were very diligent in showing their followers, like my great aunt and grandmother, how to claim money from their time as forced labourers. So why is it that the Jehovah's Witnesses can't help people to find the redress scheme but can help people to find money from another avenue?

The fifth one I mentioned was the legal entities. I say that, effectively, the Jehovah's Witnesses still haven't joined the scheme. I'm making a claim about four entities which I haven't been able to submit, because only two of these are listed as joined. The entity I mentioned earlier—the Christian Congregation of Jehovah's Witnesses Australasia—has not joined. And there are the privacy breaches. Steven touched on this earlier, but I think you're going to come back to the case study, or you have submitted the case study—

**Mr Unthank:** Yes.

**Ms Kaput:** and that will show how retribution happens.

I'll move on to the next point, where you've asked for other relevant trends and data. The trend is that the Jehovah's Witness institution appears to have had no compliant applications by the fifth year, as mentioned earlier, and so they will not achieve the scheme's goals. It seems that they're trying to collect information, in questions such as, 'Describe the abuse'—I think that's question 5—and then they're stalling to run out the scheme deadline. Remember that they took two years to sign up? We've only had two survivors and so we cannot possibly hope to meet the deadline within the 10-year time frame. We remain concerned that, generally, the government does not really understand the level of corporate manoeuvring by this coercive institution. It uses a doctrine called 'theocratic warfare' as an avoidance mechanism. It's a way that they can lie, literally.

There are a number of other serious areas of concern that we have with the scheme, but we're not at liberty to reveal them publicly at the moment because as soon as we attempt to resolve the issue the Jehovah's Witnesses will restructure their corporations, update their internal policy manuals, produce a corporate video and publish an article on their website saying, 'We don't do that.' All of this will be to deny or cover up what they're being questioned about to prove their case.

**Senator SHOEBRIDGE:** Lara, I'm sorry to interrupt, but we have a limited amount of time. I know that there's a bunch of stuff that you want to get through, but can you be really focused?

**Ms Kaput:** Yes, okay.

**CHAIR:** Are you happy to table that document you're reading from?

**Ms Kaput:** Yes, I'll just make some minor changes and I can do that.

**CHAIR:** Great, thank you.

**Ms Kaput:** You asked about availability of legal advice; knowmore has struggled to support us. In my own case, I don't have access to their legal advice and I was told they could not support me. I asked them why and they said they couldn't tell me.

**Senator SHOEBRIDGE:** Do you mean that knowmore said they couldn't tell you?

**Ms Kaput:** Yes.

**Senator SHOEBRIDGE:** Okay.

**Ms Kaput:** Quality of legal advice: lawyers don't necessarily have an adequate understanding of the Jehovah's Witnesses. For example: in one case that somebody told me about recently, a survivor has tried at least three lawyers and waited four years to obtain their information from the institution. Recently, three people contacted me and each has been using a lawyer to ask which entity should be used within their applications. It seems that survivors, their lawyers and support services don't know which legal entities are responsible for their abuse and don't know which entities to name in their applications.

It would be too daunting for the survivors to go directly, so that's not really an option—that is if they have a direct legal case. When they try to access direct redress option through the institution—Steven and I have done that and we were rejected. Despite their claim of doing this in a fair and principled manner, they just asked us for more information, gave us no process and no application form to apply directly. That isn't an option. Also, a class action is not an option. We have approached a number of legal firms and they've all said, 'No, we cannot run a class action.' The main barrier cited was the fact that the redress scheme exists and so we can't do a class action. So the only option really is the National Redress Scheme. We need to make it work.

You have asked about performance and effectiveness of support services. I have spoken to three support providers who were available but I received differing advice. One provider said, 'You have too much detail. The Jehovah's Witnesses will get information you don't want them to have.' The other two providers said, 'If you don't provide enough detail, the independent decision-makers won't be able to decide your claim.'

**Senator SHOEBRIDGE:** Heads you lose; tails you lose.

**Ms Kaput:** Yes, exactly that. The scheme needs qualified advice and the government needs qualified advice to help to support the scheme. I will just fast forward. I have been trying to get onto the survivor roundtable within the scheme. I have now tried for four years. Recently I received an invitation from John Riley, the DSS branch manager—you know him—offering to meet. One meeting is not sufficient. You need regular and consistent updates, because the Jehovah's Witnesses will change as soon as you find out something they are doing.

**Senator SHOEBRIDGE:** Just to be clear, you are seeking to be on the roundtable on behalf of Say Sorry?

**Ms Kaput:** Yes, Steven and me. As a male, he knows things females weren't allowed to know, such as that the elders' manual existed.

**Senator SHOEBRIDGE:** Steven, just for the record, we have read the case study and the material that were provided to the committee. Having read that and being aware of your history, you have our enormous sympathy and concern and respect for the way you have stuck to this task.

**Mr Unthank:** Thank you, Senator. There was one thing that Lara mentioned in the barriers. I forgot to mention this. Within the Jehovah's Witnesses institution there is a committee that assesses redress applications. They have access to the information. That committee uses various corporations under its control to perform functions within the Jehovah's Witnesses. On that committee sits my perpetrator. I am not the only person who has complaints against him. Four others have so far reported into the police and I know of one more. The police have not effected a prosecution because the individual is too old to stand trial, but he is not too old to lead the church in reviewing redress applications. When I made a direct redress claim to the Jehovah's Witnesses institution after I appeared on both the Channel 10 program and BBC radio, my claim was sent back to that committee that my perpetrator chairs. A law firm was engaged that challenged me on why I believe that I was abused within an institutional setting. I found that a very, very traumatic experience, to know that if I put an application in, my perpetrator is on that committee. Something needs to be done. That is not acceptable.

**Senator SHOEBRIDGE:** It is deeply wrong.

**CHAIR:** The other issue I got out of your submission was the issue of the wording in the act about—

**Senator SHOEBRIDGE:** That impacts on disfellowship?

**CHAIR:** No. Do I call it a church? Sorry I'm not very into Jehovah's Witnesses

**Mr Unthank:** Yes, that's correct.

**CHAIR:** For example, if you are a child, it allows the perpetrator, the church, to blame the child, basically, or the victim. You were worried about some of the wording in the act. This relates to why the church received your claim, because they need the claim to be able to respond.

**Mr Unthank:** I did my claim through their redress scheme. I made a direct claim after they invited me to.

**CHAIR:** But you did have concerns with the wording of the act?

**Mr Unthank:** Section 98 is part of question 6 in the terms of reference. I've gone through the explanatory memorandum and I have a big concern. The Jehovah's Witnesses have a saying that they use a lot, which is, 'There was unclarity in the law.' In my experience, what this means is when they have either circumvented the law or breached the law, or even acted in a way that is adversarial to people, they'll claim a defence of that. My concern about section 98 of the act is it appears to me, from an applicant's viewpoint, that the information could be used to discipline a person who is the applicant rather than the alleged perpetrator. I say that because the Jehovah's Witnesses have introduced over the last few years a series of doctrinal teachings that they have never had children in their care, that there is no child abuse within the religion at an institutional level, so anybody who makes a claim, whether they are First Nations or whether they are disabled or whether they are a person like myself or Lara, they are already making a false claim against the religion. The ramifications of that could be very serious in that situation. I know we are running out of time.

**CHAIR:** We can go for a few more minutes.

**Mr Unthank:** I would like to briefly mention the case study that I have. This is a young person who would like to make an application to the redress scheme. The person was abused in an institutional setting within the Jehovah's Witnesses religion but the person is concerned that they will be labelled an apostate or mentally diseased or have our—

**CHAIR:** We've lost you, Steven. Can you still hear us?

**Mr Unthank:** I can still hear you.



**CHAIR:** Can you repeat the last answer.

**Senator SHOEBRIDGE:** Everything from apostate on.

**Mr Unthank:** This young person who wants to make a claim under the redress scheme has epilepsy and so suffers from seizures. The Jehovah's Witnesses have a teaching that some seizures are caused by demonic influence and that there is no harm in their behaviour; however—

**CHAIR:** You are dropping out, Steven.

**Senator SHOEBRIDGE:** Maybe if you turn the video off there might be more bandwidth for your voice.

**Mr Unthank:** Is that clearer?

**Senator SHOEBRIDGE:** Yes.

**CHAIR:** We are running out of time but I would be happy to try and organise something so we have some more time to talk to you about these issues. I don't want you to feel that we don't take them seriously because we certainly do. I think there are a lot more comments both you and Lara would like to make and there are questions from us that we would like to ask, so if you are happy with that I will talk to the rest of the committee. It might not be until next year but we will try and organise something so we have more time with you.

**Senator SHOEBRIDGE:** We have had some other contact in relation to the Jehovah's Witnesses, so we may bundle them together.

**Ms Kaput:** Yes, thank you.

**CHAIR:** If you're happy with that, we might finish today but please be assured that we do believe you but we need to find out some more information for us to be able to move forward regarding your concerns.

**Ms Kaput:** Given that the man Steven describes is the most senior architect of the Jehovah's Witnesses response to the scheme, would it be appropriate to name him?

**Senator SHOEBRIDGE:** Could I suggest that, because we don't have the whole committee here, the appropriate way may be if you send that communication to the secretariat and we will consider it on receipt with the whole committee. Do you approve of that, Chair?

**CHAIR:** Yes, I think that is good way to go. I thank you both for appearing today. If you were asked to provide additional information, please forward it to the secretariat by Monday 20 November 2023. You will be sent a transcript of your evidence and will have an opportunity to request corrections to transcription errors. Thank you again for your time today.

**Ms Kaput:** Thank you.

**Proceedings suspended from 10:05 to 10:35**