



EMMA NICHOLLS' REMAINING ALLEGATIONS

Would they have stood up in Court?

FIGTREE ANGLICAN CHURCH V THE DOBBS FAMILY

Ten years later, and there is still no resolution of the case of Lee Nicholls' complaint 'on behalf of' her adult daughter Emma Nicholls. In 2009, the Anglican church Sydney diocese Disciplinary Tribunal was forced to recommend to Archbishop Jensen that all the 'charges' be withdrawn and dismissed because no-one had jurisdiction to bring the case and it did not have jurisdiction to hear the case under the Discipline Ordinance 2006. A very great injustice was perpetrated by the people of Figtree Anglican church and the diocesan Professional Standards Committee, led by the Professional Standards Unit's director Phillip Gerber, in allowing the case to get that far. Now, certain people are telling the present Archbishop of Sydney Glenn Davies that the charges are still valid and would have succeeded but for the lack of jurisdiction. Really? I do not think so. Let's see what they were really about. Let the accusers be damned by the words out of their own mouths.

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Introduction

New Readers start here: On 1st February 2007, a woman, Lee Nicholls, who was not a parishioner of Figtree Anglican church (in a suburb of Wollongong NSW), made a complaint on behalf of her 20-year-old daughter Emma Nicholls, who was also not a parishioner, to Figtree Anglican church's Children's minister and child protection officer, Yvonne Gunning. The essence of the complaint was that Emma had 'fallen in love with' Dr. Dobbs, an accountant and lawyer. There weren't any allegations of sexual behaviour in Emma's statements, and as will be seen, the few slight instances that Emma eventually spoke about in her interviews did not constitute grooming.

On 1st March 2007 the Police took details, interviewed her and marked the file 'no action taken'. Two complaints were made to the Department of Youth & Community Services (DOCS, as it then was) and no action was taken.

Dr. Dobbs Ph.D. B.Comm. LL.B. was (and is) the husband of Mabelle and father of their six children, all of whom had been attending Figtree Anglican church for up to 12 years, with no complaints against any of them. Dr. Dobbs was not a leader in the congregation. From about the middle of 2006 he operated a commercial espresso coffee machine serving coffee after the three Sunday services and at special outreach events at the church. He had purchased the machine on eBay, fixed it up and offered the coffee service to the parish. One of his sons was also a trained barista and helped him.

The history of this extraordinary complaint, its' sexing-up at the hands of Lee Nicholls and Yvonne Gunning in versions that were not confirmed by Emma, and the various agendas operating that caused it to be pursued are examined in '*A Cautionary Tale*' on the website www.churchdispute.com

But above and beyond issues of the agendas was the fact that as Dr. Dobbs was not a 'church worker' he could not be disciplined by either the parish or the personnel of Sydney diocese of the Anglican church under church law, the Discipline Ordinance 2006. He did not hold a position of leadership in the church whether as parish clergy, staff or as a volunteer in a position of leadership. If the complaint had had any substance to it the best that could have been done by the parish would have been to urge him to undergo counselling. None-the-less, personnel from the parish and diocesan office attempted to make the complaint the subject of church disciplinary proceedings until, eventually, the Disciplinary Tribunal of the diocese had to agree that it did not have jurisdiction to deal with the allegations, and had no choice but to recommend to the Archbishop that the 'charges' be withdrawn and dismissed.

By this time the cost to the diocese would have been substantial, money thrown away because of the failure of Phillip Gerber, the director of the Sydney diocese' Professional Standards Unit (PSU) at the time, to take seriously Dr. Dobbs' immediate challenge to jurisdiction. For a detailed examination of this issue see '*Leadership, Ministry and a Coffee Machine*' on www.churchdispute.com

The present Archbishop, Glenn Davies, has concluded that a great injustice has been done to the Dobbs family. But there are still people in the diocesan office and the parish of Figtree who are trying to maintain that Dr. Dobbs would have been found 'guilty' of the charges had he been under the jurisdiction of the Tribunal. This is wrong, and could only be advanced by someone deeply ignorant of the nature of the charges, the evidence and the problems with running the case that Phillip Gerber and his barrister Mr. Nicholson would have faced.

The purpose of this article is to look at these issues and let the accusers' own words speak for themselves.

Part I Two overarching problems with the PSU case. (1) lack of any supporting witnesses for Emma Nicholls even when there were many potential witnesses except in one incident only, that one precipitated by Emma Nicholls herself; and (2) Emma Nicholls' state of physical and mental health: OCD and other psychiatric problems and physical issues.

Part II What were the allegations?

Part III Dr. Dobbs' defense to these allegations.

Part IV Other problems with the remaining four complaints.

Part V Three more fundamental problems with the case.

Part VI Running the case in a judicial forum: what would be the chances of a 'conviction' on these charges?

The Documents in the Case

At the end of this article there are the documents in the case. These contain reproductions of some documents and quotes from statements, statutory declarations and interviews with the investigator, Ken Taylor by the leading protagonists together with some commentary designed to assist the reader to untangle the conflicting stories of the various events that were the subject of the complaint.

Document 1: Email from Emma Nicholls to Ellesha Dobbs dated 12th November 2006 attaching (undated) letter to Garry.

Document 2: Emma Nicholls' allegations compiled from her statutory declaration dated 23rd February 2007.

Document 3: What happened to the multiplicity of Emma's allegations?

Emma Nicholls invades Dr. Dobbs' study:

Document 4A: When did it happen?

Document 4B: What the hell was she doing going downstairs to Dr. Dobbs' study? What does she and others say was the "real" reason she went down to Dr. Dobbs' study. Did Mabelle (or anyone else) ask her to do this/know that she was doing this?

Document 4C: What about going through the master bedroom? Did she call out/speak to him?

Document 4D: And she stands – where? What did he do with his arm or hand? What did she do with her hands?

Document 4E: Where did he place his head? What happened after that? Emma feels guilty – as well she might.

The hand-stroking:

Document 5A: An overview of Emma Nicholls' early account and Dr. Dobbs' response. Who was where before the hand-stroking?

Document 5B: Who says what about how this was done.

Document 5C: Why and when did it stop?

The 'very intimate' kiss on the neck in the driveway in January 2007:

Document 6A: Emma's interview.

Document 6B: How the story changes after Dr. Dobbs' response.

The hug on 22nd January 2007:

Document 7A: The story and how it changed after Dr. Dobbs' response.

Document 7B: The Des Brampton story.

Emma writes to Dr. Dobbs and Machel on 26th January 2006:

Document 8: Emma's letter to Dr. Dobbs.

The events of the evening of 28th January 2007:

Document 9A: An overview; the elements of the allegations.

Document 9B: Element 1: the conversation between Emma and Dr. Dobbs about the letter.

Document 9C: Element 2: who said what about the letter and what it meant.

Document 9D: Elements 3 to 8: a hug, 'great lady', two more conversations and love & kisses.

Document 9E: Elements 9 to 11: touching (where?), another 'hand-on-mine thing' and more conversation.

Was this a real case of grooming, child sex abuse and sexual harassment?

Document 10: the Beth Heinrich story. A real case of grooming, child sex abuse and sexual harassment.

What an unbiased observer said about Emma Nicholls and the Dobbs family.

Document 11: Why didn't they listen to Mrs. Goodhew?



Part I***Two over-arching problems with the case.***

The first problem is that no witnesses were produced to corroborate Emma's story, even when there were many available: for none of the allegations was Emma Nicholls able to produce any witnesses to support what she said had happened. This was the case even when there were many potential witnesses, and witnesses of good standing including clergy, parishioners and staff of Figtree Anglican church.

Originally in Emma's statutory declaration only three of some seventeen incidents were incapable of being witnessed. Then, after reading Dr. Dobbs' response, Emma acknowledged as correct that one of these incidents would also have had at least two witnesses. Then, even later when she was being interviewed by Ken Taylor who had been instructed by the diocese to investigate the complaints, she changed the venue of one of the complaints from the very large lounge/foyer of Figtree Anglican church where, at the time, there would have been many witnesses, as Dr. Dobbs pointed out, to the hallway of the Dobbs home when, she alleged she was alone with Dr. Dobbs. The effect of her changes to her original story is discussed as another issue undermining her credibility later in this article.

For all the others, there were multiple possible witnesses in public places in clear view. But no-one was produced as a witness. This casts considerable doubt on the validity of her complaints.

And what this also means is that ONLY Emma could give evidence of what, if anything, happened: in other words, she was the only witness of fact.

This also meant that any 'evidence' that her mother, Lee Nicholls, and Figtree Anglican church's Children's Minister Yvonne Gunning gave to Ken Taylor could not be from their own observations (except in one instance when, although present and observing, Lee Nicholls did not see anything happen that Emma had described): otherwise, they could only say what Emma told them. This, as will be seen, created real problems because of the serious differences between Emma's stories (and these even differed from one statement to another) and those that she was supposed to have told Lee Nicholls and Yvonne Gunning. This issue will come to the fore as a significant problem for Phillip Gerber and his barrister in the following discussion of the prospects of success of the case for the diocesan PSU.

The second problem with the case was Emma Nicholls' state of mental and physical health: Since the age of 7 or 8 she had suffered from Obsessive Compulsive Disorder (OCD). For part of her teenage years she had to be home schooled, being unable to cope with school, and manifestations of her symptoms in her parent's home was a sore trial to them. By the time that she was aged 20, at the time of all but three of the original allegations, this was a serious problem. She was still living with her parents, she had left school, but she was unable to work and unable to keep up with the TAFE studies she had started. It was exacerbated by the fact that intestinal problems had left her unable to tolerate the usual medication. She also suffered from bouts of anorexia and bulimia, as well as binge eating. She was photophobic, that is, she could not tolerate bright light and would often wear a hat or shelter under an umbrella when indoors. She was restless and wandered around during church services (even outside around the perimeter of the church) and around the house, even in the middle of the night, when visiting the Dobbs' family.

She suffered from significant depressive episodes, as demonstrated by her letter to her health professional 'Garry', which is reproduced as Document 1 in The Documents of the Case at the end of this article.

But above all, she wrote to an internet friend SanDee that she had conceived for Dr. Dobbs an unsuspected, adolescent 'crush', apparently from when she met him when she was 14 and she first met and became a friend of the Dobbs daughters, the eldest of whom was 4 years younger than her. Unfortunately, she did not grow out of this crush, but it developed into sexual desire for him, but also, more dangerously, the conviction born of her illness, that he loved her in return, despite there being no evidence on which to base this.

This is what she wrote to this internet friend from the prayer website answers2prayer.org, SanDee, whose real name was Sandra Hedwig, on 5th December 2007, when she was aged 20:

'I need to explain a little about me. Since age fourteen when I first met Scott we have gotten along well and been close and I have liked him and loved him a lot and vice versa, I think there's been a "special" thing there, some weird spark and/or chemistry, unless he's like that with everyone, and I'm not aware of it. He is a very charming, charismatic character. But I really don't think so, I always think there's been something more, whether it is sexual or not I'm not sure.'

Poor Emma. Dr. Dobbs had only ever been alone with her twice in the whole of the 6 years since she came into his daughters' lives, both times when she was aged 19-20. Once was when she came to his office at the University of Wollongong for a reference she had asked him to write to support her application for appointment as a JP. She collected the reference and left. The second was when she invaded his study, unasked, when he was alone there working, and tried to seduce him, which was part of the development of her alarming behaviour towards Dr. Dobbs indicating that she was in the grip of a serious delusion about this '*weird spark and/or chemistry*', as she wrote shortly after this episode. There was an alleged third occasion, also initiated by her when she was 20-years-old, which was the complaint for which she changed the venue. But this is contentious, and it is denied not only as to the sexual implication attributed to it by Ken Taylor (even though Emma said it was only a 'hullo' kind of hug) but also as to the venue, as discussed later in the article.

These are some things Dr. Richard Schloeffel, who was treating her for OCD and other disorders at the time, said about her concerning the effect of her illness and her complaint. He describes his first meeting with her in March 2006:

'Emma was suffering from obsessive compulsive thoughts, some degree of loss of appetite and anorexia.....She was getting panicked thoughts and she'd tried a range of medications that she wasn't able to tolerate. She had quite a bit of cognitive dysfunction, so thought memory problems, where she had poor memory and poor concentration..... she said that she was housebound. She was doing a correspondence course in child care and she also wanted to do creative writing but was struggling to keep up with the work that she was involved in. I don't think she was getting on very well with her family at that stage either.'

On Emma's own responses to Dr. Dobbs, Dr. Schloeffel has these things to say:

'Emma told me she had a crush on Scott. She felt infatuated with him, even felt sexually attracted to him'

'There is some possibility that Emma's recollections of the alleged behaviour are unreliable because of her medical condition.' (Emphasis added)

*'Emma has known Scott since she was fourteen and he's an affectionate open sort of person apparently. He may well have put his arms around her. He may well have hugged her. He may well have given her some affection when she was distressed or whatever. **Her perception of that may be delusional...**' (Emphasis added)*

'Her perception towards this gentleman is one of infatuation. I'm sure she did have some sexual feelings towards him, because he was a male showing her attention ...'

*'The extent to which it (the alleged behaviour) happened and **what she perceived it was and what he was actually doing, I can't be sure ...** It may well be inappropriate as she's perceived it. It may not be inappropriate as he's perceived it ...'*

*'In November last year (2006), when she first told me about this, **I think** there had been some incident that had happened, but **there'd also been some incidents involving her parents. I couldn't distinguish between them** (This is very disturbing in its' implications of Emma's sexualised, inappropriate behaviour in her home, but what had happened is not followed up in the interview.)*

*'**I think it is her mother who probably pushed this** (the complaint to Figtree parish and to the PSU). **I got the impression that Emma would like it to go away.'***

(Emphasis and comment added)

What both of these fundamental issues mean is that the whole of the case for the diocese rested on the unsupported evidence of a woman with severe health problems which include the strong possibility of a delusional interpretation of ordinary actions which would undermine her credibility. It is not uncommon for there to be unsupported evidence from complainants who have suffered some form of sexual abuse because the nature of such cases is that the abuse is carried out in secret and in private. But in this case, all but one incident (excluding the one where Emma changed the venue) was acknowledged to have taken place in public, and yet there are no independent, objective witnesses, no witnesses at all, not even Emma's mother. Not even, in relation to one cluster of complaints, from someone who would have been standing beside Emma and Dr. Dobbs.



Part II

What were the allegations?

Bearing these things in mind, I have taken the allegations not from the statements that Lee Nicholls gave to Yvonne Gunning, nor their later interviews with Ken Taylor and subsequent signed statements, because these are unreliable, but from Emma Nicholls' statutory declaration made 23rd February 2007. The full set of allegations and additional material is contained in Document 2.

But to give a summary:

There were 17 allegations, but some were divided up into different aspects of the one overall allegation. Only one, a hug, was said to have occurred when Emma was aged 14 and had just met the Dobbs family. The next incident was 2 years later: it was also a hug, when she was aged 16. The next incident was 3 years later: this was a compliment. All the allegations following these

occurred within the space of 2 months when Emma was aged 20 and they were alleged to have taken place on just 5 separate occasions: 3rd December 2006, an unspecified date in early January 2007, another unspecified date in January 2007, on 22nd January 2007 and 28th January 2007.

Five were hugs:

The first, when Emma was aged 14, did not get past the investigation; the next, two years later when Emma was aged 16, was dismissed by the Professional Standards Committee (PSC); two were in the presence of parishioners in the busy lounge/foyer area just outside the worship space at Figtree Anglican church, the allegations of which did not surface again after the investigation; and one which was described in Emma's original statement also to have taken place in the lounge/foyer area of the church, but the location of which was, mysteriously, moved to the Dobbs' family home when, she said, she and Dr. Dobbs were alone on Monday 22nd January 2007. This change came after Dr. Dobbs had responded to Emma's statutory declaration by pointing out that anything inappropriate between them would have been observed by clergy, staff, parishioners and others attending the Summerfest sessions at Figtree Anglican Church that day, where he was serving espresso coffee to all comers.

Emma's coaching to confirm her delusion that the hugs meant that Dr. Dobbs loved her is shown up when she says, artlessly, that she did not think that there was anything inappropriate about the hugs *until later* because *'all the family hugs like that'*.

Only one hug, the one on 22nd January 2007, which was accompanied by a rub on her back, survived the investigation, and this was the one which Emma said was not romantic, just a 'hullo' kind of hug, and the location of which she changed from her statutory declaration to her interview with the investigator, Ken Taylor six months later and her statement signed nine months after her statutory declaration.

Four were compliments:

None of these survived the investigation. The last one that, strangely, Emma refers to in passing, was this: that Dr. Dobbs said to her on Sunday 28th January 2007 that she was a great lady and he loved her, but neither were said romantically, according, she said, to what she wrote in her journal.

Two were 'hand-over-mine thing' incidents:

There were two incidents of Dr. Dobbs touching, or putting his hand over Emma's which she described as *'hand-over-mine thing'*. The first was when she fell against the side of the Dobbs' van which was parked in the street and the second was when he was teaching her, at her request, to operate the commercial espresso coffee machine.

Emma was indignant and emphatic that these were 'sexual', which gives some insight into the state of her understanding and perception.

Neither survived the investigation.

Five incidents of taking Emma's hand:

There were five other allegations that Dr. Dobbs had taken Emma's hand. Lee referred to the fourth one and one other, and Emma to the others but not the fourth. One of these Emma described as taking her hand to help her into the car and *'it didn't feel normal'* a revealing remark from this young woman who did not seem to know what *'normal'* was.

Then there was the one incident when Emma says Dr. Dobbs tickled the palm of her hand for about 10 minutes.

It was the only one that survived the investigation.

Two 'kissing the air' towards Emma, aged 20:

There were two occasions, both in January 2007, when Emma alleged Dr. Dobbs 'kissed the air' towards her.

Neither survived the investigation.

Two kisses on Emma's neck when she was aged 20:

Both were said to have occurred in January 2007.

The first was on an unspecified date, and apparently in the driveway of her parent's home, where Dr. Dobbs had driven her after she had been to church with the Dobbs family. Dr. Dobbs responded, denying it, and pointing out that he always had one or more of his daughters in the car with him when delivering Emma home, because she was no longer allowed to stay overnight. Emma then had to admit that this was the case, but, she said, the daughters would not have seen anything.

The second was among the cluster of allegations arising out of Emma's attendance at Figtree Anglican church on Sunday 28th January 2007. She had been taken there by Lee Nicholls (instead of the Dobbs family) so that Emma could see Dr. Dobbs and talk to him about her letter to him, which she described as telling him that '*the way I have been relating to him recently was inappropriate*'.

She says that this was a double kiss on her neck immediately following a brief hug and Dr. Dobbs telling her she was 'a great lady' and he loved her, in a heartfelt but unromantic way.

Both these survived the investigation, despite grave problems with credibility and many possible witnesses, including her mother Lee, none of whom saw anything inappropriate.

One incident precipitated by 20-year-old Emma who went through the house downstairs to find Dr. Dobbs in his study:

She admits that she stood close up to him and leaned across him to look at the computer screen. She says that he put an arm around her waist while looking at the screen, and in her email to SanDee she says she put her hand over his on her waist, and put her other hand on his hair when he leaned back. He looked up and left the room. Yvonne Gunning describes Emma as seeking out Dr. Dobbs wanting to have a sexual relationship with him. This was her 'theory of the case': that since Emma was aged 14 Dr. Dobbs had been grooming her for sex, and now she was aged 20 she was ready to push their relationship on to that point. However, with the rejection of the only three incidents before this, there was no evidence of grooming nor of any particular relationship between them.

This incident was not rejected by the investigator despite problems with the consent of the 20-year-old Emma who had gone down to Dr. Dobbs' study without being asked to do so and without any evidence of Dr. Dobbs having any sort of interest in her.

All of these incidents, the details and the interpretation of them, have to be viewed through the lens of Dr. Schloeffel's description of Emma: that her recollections of the alleged behaviour are unreliable because of her medical condition, that her perception may be delusional, and that what she perceived it was and what Dr. Dobbs was actually doing, one can't be sure.

For more details about what happened to the multiplicity of allegations and additional material, see Document 3.

Finally, only incidents on four separate dates survived the investigation and the PSC report.

And so, all that were left after the investigation and the deliberations of the PSC were allegations arising out of incidents that were said to have taken place over a period of *two months* only, commencing early December 2006 to the end of January 2007, all when Emma was aged 20.

Not only that. With the rejection of the previous incidents, there was no basis in reality for Emma's belief that Dr. Dobbs loved her, because there was no evidence of any course of conduct that would be in the nature of grooming.

The only ones that survived for further consideration were the following allegations, numbered according to the original set of allegations:

On the evening of 3rd December 2006 (Emma says it was, variously 'in November 2006 or on 20th November 2006. Lee says it was in February 2006). Our date is calculated from the date of her email to SanDee on 5th December 2006:

Allegation 5: that (on the same night as allegation 4), after the Figtree Anglican church service Emma went home with the family and she went downstairs to Dr. Dobbs' office/study, stood close beside him and leaned over to look at the (computer) screen on which he was looking at a University site; that he put his arm around her waist and he leant his head against her chest; that he then got up and went out of the room and upstairs.

Allegation 6: that (on the same night as allegations 4 & 5), after the evening meal Dr. Dobbs sat beside her in the lounge and stroked her hand for 5-10 minutes on the palm of her hand, while Mabelle had dropped off asleep in the same room, with one of her daughters sitting beside her mother on the lounge.

Some evening, unspecified, in January 2007:

Allegation 11: that when Emma was aged 20 - presuming a roughly chronological order to the paragraphs of the statutory declaration - on an unspecified date Dr. Dobbs dropped her home after church and he kissed her 'very intimately' on the neck.

Some day during FAC's Summerfest, probably Monday 22nd January 2007.

Allegation 13: that at age 20, later that day (of allegation 12) during Summerfest January 2007 he hugged her whereby she had her head against his chest, and he rubbed his hand up and down her spine.

Sunday 28th January 2007 before, during and/or after the evening service.

Allegation 15: that he kissed her neck twice (a double kiss).

Allegation 16: that when he walked past the coffee machine at different times he put his hand on her hip and waist and back.

The consequences of the removal of all complaints before the one arising from Emma going down to Dr. Dobbs' study when she knew he would be alone.

Thus, finally, the whole of the diocesan case of child sex abuse, sexual harassment and grooming only rested on a mere 4 occasions within the space of 2 months when Emma was aged 20. The significance of her age is that these few instances of contact between Dr. Dobbs and Emma were

demonstrably with her consent, and initiated by her being there when she did not need to be. Her confession in her email to Sandee that she had loved Dr. Dobbs since she met him when she was aged 14 'and vice versa' is a grave obstacle for the case for the PSU.

It is also a problem for the PSU's case that, as a 20-year-old with choices about where she spent her time, she kept going back to the Dobbs home; she kept trying to engineer more contact with Dr. Dobbs; and she failed to tell Machel and ask her to put a stop to the behaviour she was supposed to be distressed about even though she was counselled to do this very thing by another prayer partner on the same website as SanDee, Lance Wearmouth.

The other problem was that the rejection of these incidents meant that Emma's mental processes, *'falling in love with'* Dr. Dobbs and believing that he was in love with her, were shown to have absolutely no basis in fact. That she was delusional in this regard stands clear and unequivocal because there is no course of grooming conduct to support it. There was nothing to support her discernment of a 'weird spark or chemistry' between them since she was aged 14 that she wrote about to SanDee.

Her advisers did her a bad turn by including so much irrelevant material in her statutory declaration. It suggests that they were really forcing her to try to find something more, now that they had committed themselves and the parish and diocese to a case that, on closer examination of the 'evidence' from the only witness, had no substance to it.



Part III

Dr. Dobbs' defense to these allegations.

A general comment about Dr. Dobbs' response to Emma's statutory declaration:

When Emma's statutory declaration was, at last, served on Dr. Dobbs in late February 2007, he was outraged that he and his wife and family were suffering abuse, ostracism, shunning and, effectively excommunication, by Figtree Anglican church clergy, staff and parishioners for such slight, ludicrous even, allegations. He said in his response that he felt she had made the allegations maliciously because he would not respond to her overtures made so blatantly when she invaded his study when she knew he was alone there working.

What he did not know, and nor did Emma at this stage, was that the allegations were first put together by Lee Nicholls with the assistance of Yvonne Gunning. Lee had insisted to Yvonne Gunning that the complaint be kept anonymous, not only from Dr. Dobbs, but also from Emma herself. Yvonne Gunning agreed, which was in breach of the provisions of the Discipline Ordinance 2006 which prohibits acceptance of a complaint made on a condition of anonymity. So, Emma had no idea at first that the allegations had been made until shortly before she was (probably) coerced to attend a 3-hour meeting with Yvonne Gunning on 20th February 2007. This was the same day that Bruce Clarke had told the PSU's Jenni Woodhouse that Emma did not want to make a complaint at this stage and asked her whether they could proceed without her. Jenni Woodhouse told Bruce Clarke: no.

Such was the deceit that permeated the whole business on the part of Lee Nicholls, Yvonne Gunning, Bruce Clarke and others of Figtree Anglican church and the diocese. Once Dr. Dobbs knew this (after the author had read the documents of the investigation) he came to see that he had been

harsh in his judgment of Emma, and that the blame lay with others of which Emma was, at first anyway, an unwitting pawn.

First: *(a) after the service Emma went home with the family and she went downstairs to Dr. Dobbs' office/study, stood close beside him and leaned over to look at the (computer) screen on which he was looking at a University site; that he put his arm around her waist and he leant his head against her chest; that he then got up and went out of the room and upstairs.*

Only true up to a point.

He agrees that Emma came downstairs, crossed the TV room, but says that she then had to have entered and crossed the master bedroom, walking around the double bed, and she entered his study uninvited. She did not speak nor turn on any lights to announce her presence. Effectively she sneaked up on him.

The rooms were dark, and the only light was from his computer screen.

He was looking at the website for the University of NSW, reading possible vacancies for academic staff. He was leaning forward and concentrating on the job description and qualifications when he became aware that someone had come into the room and was standing very close to his side. He thought it was his eldest daughter, as she had sneaked up on him before.

He continued to read what he was concentrating on. The person beside him then leaned right over him and was reading the computer screen. He described this in this way: that she then came so close to him **that she was blatantly suggestive** and also that **'any observer would think that she was trying to climb into my lap.'** He looked up. In the light of the computer screen he saw that it was Emma Nicholls. He 'freaked out', aware that he and she were alone in a dark room well away from the other people in the house. He pushed her out of his way, thrusting his chair back so that a wheel almost ran over her foot, and walked straight out of the study.

Upstairs the house was buzzing with people, and children running all over the place. Food was being set out on the huge dining table.

A short time later Emma came upstairs and composedly sat down with everyone. She did not complain to Mabelle nor to anyone else there, she did not ask to be taken home nor did she even just walk out – her parents' home was within walking distance. Any of these things would have been an appropriate course of action had she really been distressed. But she wasn't. She was in a state of ecstasy as she says in her later email to SanDee say, fully delusional that she had, in her mind only, proved to herself that Dr. Dobbs loved her.

While eating together, Dr. Dobbs said to Mabelle, 'Don't let Emma come down to my office again.' Mabelle looked a bit puzzled, as well she might because she did not know that Emma had gone downstairs and certainly had not asked her to do so nor said anything to her about going to tell Dr. Dobbs that dinner was ready (see Documents 4A, 4B, 4C, 4D and 4E examining various elements of this strange episode).

Cross-examination: there are three different versions in Emma's own statements, and the versions given by Lee Nicholls and Yvonne Gunning as to what she told each of them are contradicted.

(b) Then after the evening meal Dr. Dobbs sat beside her in the lounge and stroked her hand for 5-10 minutes on the palm of her hand, while Mabelle had dropped off asleep in the same room, with one of her daughters sitting beside her mother on the lounge.

Absolutely denied.

Despite what Emma said in her email that she had held hands with everyone in his family, he did not engage in any sensuous stroking of her or anyone's hand and certainly not that very evening after Emma had broken house rules yet again (after wandering into one of the Dobbs son's bedrooms late at night and remaining there until the morning, after which she was banned from staying overnight: see "A Cautionary Tale"). Both he and Machele were seriously angry with her. This is a total fabrication pushed onto Emma by her mother or Yvonne Gunning or both.

For cross-examination:

What Emma says about this to SanDee is this –

'..again this is not unusual ...I hold all of their hands from time to time (his too) but he started playing with my hand in a way only he should play with his wife's hands and he stroked my wrist. And did this thing which my family and I would affectionately call 'the tickly thing' which unfortunately feels incredibly good, and only certain people really have the knack for doing it, he has that knack I won't give you particulars of what he did but it's not the thing you do to your child or adopted child... and it seems to have had sexual undertones or whatever. ... I didn't pull my hand away.'

Emma then describes how she went into what she calls 'receiving state (rolls eyes) BUT I didn't respond back to him'.

Apart from trying to understand how doing 'the tickly thing' to someone's hand is an activity that is prohibited other than between married couples (as if Emma would know this – and therefore this is evidence of coaching), there is the interesting piece of information that her own family have a name for it, and therefore it must be part of her own family's repertoire of behaviour. If, as she says, it had 'sexual undertones or whatever' does this say something about what had been happening in her own family?

The description of the activity as something that only married people should do to each other is repeated in Yvonne Gunning's version, raising the suspicion that it was she who planted that idea in Emma's mind, if not Lee Nicholls.

Again, there are different versions in her own statements, and she contradicts the versions given by Lee Nicholls and Yvonne Gunning which were apparently what she told each of them.

By the time that Emma signs the statement prepared from her interview with Ken Taylor, she is no longer sure about anything – who was there or who was not there, let alone what they were doing if they were there. And yet, it is a mere two and a half months between the date of the incident and her interview with Yvonne Gunning and making her statutory declaration, and then only six months to her second interview.

Finally, Emma admitted to Ken Taylor that there was a homestay student sitting next to Dr. Dobbs on the two-seater lounge that was next to her chair, there is no mention of one of the daughters sitting beside Machele on the three-seater lounge but instead one or two of them are playing with a dog in the middle of the room.

And, in particular, there is a problem with the kind of furniture owned by the Dobbs' and its placement that makes the likelihood of such a manoeuvre impossible, especially with so many people, plus the family dog, in the room and the homestay student sitting next to Dr. Dobbs on the two-seater sofa. The furniture was black leather, a single chair and the two-seater and a three-eater lounge. Each had a wide cushion fixed over the arms, which would prevent the sofa and chair from being pushed close together. And between the single lounge chair and the two-seater lounge was a large timber coffee table, which was a small dining table with the legs cut down and refurbished by

Machelle.

But no-one questioned Emma about this. And so, the demonstration organized by Ken Taylor and Yvonne Gunning had no validity because it did not reproduce the setting where this was supposed to have happened correctly. There is no evidence that either of these people ever questioned Emma about this to test her evidence.

For submissions: The over-sexed descriptions by Lee Nicholls to Yvonne Gunning and elicited from Yvonne Gunning in her interview with Ken Taylor do not agree with Emma's original description to SanDee. Emma's inability to describe and then demonstrate to Ken Taylor the hand stroking without being coerced against her will indicates that she, apparently a 'vulnerable person', and sufferer from OCD and other psychiatric issues was being forced into fabrication – see her farcical interview in this regard and a comparison with her earlier versions (see Documents 5A, 5B and 5C).

General comment about the remaining complaints, all in January 2007.

From the time that, in about October 2006, Emma roamed around the house after the family had gone to bed and ended up going into the room of one of the Dobbs sons and staying there until morning (nothing happened but it was very inappropriate for her to go into his room in the middle of the night); and then, within a matter of a few weeks, she invaded Dr. Dobbs' study uninvited (where in fact nothing inappropriate happened on Dr. Dobbs' part), he and Machelle were very wary of Emma and the whole family effectively put a ring of protection around him to prevent Emma trying to engineer further contact with him.

Whenever she telephoned asking to speak to Dr. Dobbs, which was frequently, she was always told that he was not available. She was never allowed to stay the night again, but she was always driven home by Dr. Dobbs with one or two Dobbs daughters in attendance.

***Second:** At age 20: Dr. Dobbs gave her a brief kiss on the back of the neck in the driveway of her parent's home. Later, after Dr. Dobbs had said so in his response to her statutory declaration, Emma had to acknowledge that this would have to have taken place in the presence of two of his daughters, who, on Emma's own evidence did not see it happen. (This appears to have taken place in January 2007).*

Absolutely denied.

He has never kissed Emma anywhere. He was always with one or more of his daughters when he took Emma home after she was no longer permitted to stay the night. The driveway into Lee and Greg Nicholls' L-shaped house is open and flat until it falls away beyond the long side to the garage underneath the short side of the L, facing the street. It would have been well lit by the headlights, and the probability of someone apart from his daughters seeing it happen, such as Lee or Greg Nicholls looking out of one of the windows overlooking the driveway, makes it even more unlikely.

Emma's inability to tell the date and describe the kiss indicates that it most likely did not happen and that she was coerced into making this fabrication – her interview is farcical in this regard (see Document 6) and represents the ideas of Ken Taylor and Yvonne Gunning rather than Emma's actual recollection of a real event.

For cross-examination: Emma changes her story *after* Dr. Dobbs pointed out that he was not alone with her but always had one or two daughters with him when he drove her home. (See Document 6)

Third: *At age 20 on 22nd January 2007: after staying the night Emma stayed on after everyone had left for the day. Dr. Dobbs came home, gave her a hug and rubbed her back while hugging her, while they were alone in the Dobbs' house.*

Absolutely denied.

Emma was not allowed to stay overnight after the incident of her going into the son's bedroom, but even had she come there in the morning from her own home, she would not have been allowed to stay on alone in the house.

Although he went down to Figtree Church to serve coffee at Summerfest, his six sons and daughters were doing their own things with friends (it was still school holidays and university break), and so was Machel. The chances of the house being empty were very remote those days with members of the family and their friends coming and going. In any event the story is a complete fabrication, wherever she thought it took place.

For cross-examination: Emma changed the venue after Dr. Dobbs had pointed out that there would have been possible witnesses had it taken place in the foyer of Figtree Anglican Church as she first said (Yvonne Gunning also believed that Emma told her that the venue was the foyer of Figtree Anglican church).

Other errors about where she remained in the house could not be corrected at this late stage, and they show the story up as a fabrication coached by Lee Nicholls or Yvonne Gunning.

In an earlier statement, she said that Machel would not allow her to stay overnight during Summerfest (see Document 7A).

Then we have the problem of the failure of the Des Brampton story that was supposed to "prove" that this had happened because there was (in Emma's revised authorised version) no possibility of a witness. Clearly Mrs. Faye Brampton and Yvonne Gunning were involved in the creation of a lie to try to "fill in the gaps" of a thin story (see Document 7B).

For submissions: this was the only hug that Emma did not describe as having any sexual element to it: she call it a 'hullo' kind of hug. The few others she selected to complain about were rejected despite her description of them as having a sexual element. The over-sexed descriptions by Lee Nicholls do not agree with Emma's description.

Fourth: *At age 20: Dr. Dobbs gave her a 'double kiss' on the back of the neck (28th January 2006). He touched her on the back, hip and side (not on the bottom as alleged by Lee Nicholls and Yvonne Gunning). On Emma's evidence, no-one saw it. This happened after Emma had written to Dr. Dobbs saying that she did not consent to him doing such things.*

Absolutely denied.

Yes, Emma sent Machel and him a strange letter each. While the letter to Machel clearly apologized for breaking trust by going into the son's bedroom and staying overnight, the one to him was strange and said something about her being responsible for not relating to him properly, which neither he nor Machel could understand unless it was an apology for going uninvited into his study

(see Document 8 for the text of her letter and what people thought that it said). She wanted to talk about her letter to him, but he was embarrassed about not knowing what she meant and made a joke, not necessarily a good joke but a joke all the same, or was it that he made the joke to Mabelle when they were comparing letters, and then reported what he had said and what Mabelle had said. The several reports about what the letter said and meant are unclear about this.

Then Emma hung around for the rest of the evening, getting in the way of Dr. Dobbs and his son while they made and served espresso coffee to the parishioners of Figtree Anglican church after the evening service.

He might have said something encouraging to her such as that she is a great lady but even Emma realized that this was not romantic in intention, as she says she recorded in her journal in an entry made at the time. Strangely, Ken Taylor did not ask her to produce her journal to confirm this.

Dr. Dobbs did not kiss her. Had he done so parishioners in the lounge/foyer and Mabelle would have seen it. Nor did he intentionally touch her, but she was in the way when his son and he were very busy serving coffee to the very large congregation of a hundred or more who were streaming out at the end of the service, and he kept having to push past her and tell her she was in the way and to move.

Mabelle was sitting out in the foyer virtually all evening, and Lee was there also after the service ended. And yet there were no witnesses. (See Documents 9A to 9D.)



Part IV

Other problems with the remaining four complaints.

Had the case come before a properly constituted State or Federal tribunal or court under civil law (because there was absolutely no criminality, and the Police had already rejected Emma's complaint to them), where jurisdiction was not an issue, then Emma's legal team would have to prove, on the balance of probabilities, firstly, that each of the four allegations had occurred as described by Emma; and secondly, that these four isolated events constituted sexual harassment of an adult woman, that is, that they occurred without Emma's consent and that a reasonable person would have known that the actions were likely to offend, humiliate or intimidate.

Firstly: There was no evidence to support a finding of sexual harassment of an adult woman.

Emma did not claim to be offended, humiliated or intimidated in her original complaint and nor would a reasonable person have known that the actions (had they occurred) would be likely to cause this.

In her interview with Ken Taylor she was led into a short series of answers about how intimidating she found Dr. Dobbs to be, but as the incidents she complains of were all initiated by her this was always going to be a difficult position to maintain, especially as this was the first time it was raised.

Then the interviewer led her into a statement of why, if that was so and she objected to Dr. Dobbs' behaviour towards her, did she continue going to see the family and asking to stay overnight and so forth. Her answer, shorn of all surrounding verbiage, was a clear statement that when she was having problems at home (as Dr. Schloeffel said she was in November 2006 – he says her parents were 'at their wits' end') she would spend more time with the Dobbs family. In other words,

she just used them, and then she cynically abused their trust by launching a series of actions to try to get Dr. Dobbs sexually interested in her.

Consequently, the decision of the PSC to 'downgrade' the allegations to '*sexual harassment of an adult woman by a married man*' (even though the marital status of the alleged perpetrator is irrelevant and not mentioned in any applicable law, church or secular) was not based on the law but, most likely, it was just a stratagem to try to defuse the disaster that the case had become and to protect the reputation of Figtree Anglican church and PSU personnel. Perhaps they thought that they could bully Dr. Dobbs into accepting the recommendations to avoid the next step, compulsory referral by the Archbishop of Sydney to the Disciplinary Tribunal. How wrong they were.

Nor were the isolated incidents of a kind that a reasonable person would know that they could be likely to do cause offence, humiliation or intimidation.

In fact, quite the opposite in view of Emma's self-confessed adolescent infatuation and 'falling in love' with Dr. Dobbs. Consider this: if Dr. Dobbs had returned Emma's ill-conceived passion, would he (and the reasonable person) not be entitled to think, after her admitted behaviour towards him when she invaded his study, that a couple of compliments, a hug and back rub, a couple of kisses on the neck (not even on the lips), blowing a kiss on 2 separate occasions, putting his hand over hers when she fell against the car and when teaching her to use the commercial espresso coffee machine at her request, and any amount of sensuous hand stroking was likely to be *welcomed* by Emma? And they were welcomed, on her own account, especially of the events in the study and the following hand-stroking, to SanDee in her email on 5th December 2006.

Of course, Bruce Clarke and Yvonne Gunning worked hard to make out that Dr. Dobbs was a very intimidating person. They claimed to be intimidated by him themselves, and Yvonne Gunning cited two or three others, female, two anonymous, who, she said, had told her that they found Dr. Dobbs intimidating. This rather missed the point of the legislation, and it also makes a nonsense of any expertise they claimed in that respect: it is not them, or any other woman, whose intimidated reaction is relevant, but in this case Emma's. And she never claimed to be intimidated until led by the interviewer to say so, and nor did she act as if she was.

As Dr. Dobbs was not a 'church worker' as defined, and the PSU did not have jurisdiction (as finally admitted), then the only proper approach of the PSC was to admit lack of jurisdiction, recommending that the case be withdrawn, recommend apologies and offer pastoral counselling all round. This would have been the honest approach. Did that happen? Of course not.

Secondly: the PSU's Phillip Gerber did not believe that the allegations constituted a case of grooming, nor of child or adult sex abuse nor sexual harassment:

In the correspondence and related material Phillip Gerber seemed to waver in his characterization of the complaints when based on the information that he was given by Yvonne Gunning, but finally, after reading the initial documents from both Emma and Dr. Dobbs, he formed the opinion that this was not a case of child or adult sex abuse (nor even sexual harassment) but an issue of "boundaries" which could be misunderstood by "a vulnerable person".

Grooming and/or child sex abuse: first, there was an early suggestion that the first three complaints (the age 14 and age 16 hugs and the compliment at age 19) might be evidence of grooming, but the wide separation between the three allegations – 2 years and 3 years respectively - and the absence of any other evidence of grooming made a nonsense of this. There was also, by implication, no evidence of intention to groom a child for sexual purposes, and intention is required.

By rejecting the 1st and the 3rd allegation, Ken Taylor provided the final nail in the coffin of that argument, because he removed any suggestion of a course of conduct that could be described as grooming. And then the PSC rejected the middle allegation.

Second, none of the two under-age allegations contained any evidence of a sexual character to accord with a definition of child sex abuse (apart of course from Emma's over-heated imagination, or 'gut feeling', as she describes it, which is still devoid of any details of an actual sexual nature).

So, the case had lost any allegation of child sex abuse or grooming.

Adult sex abuse/sexual harassment: this raised the problem of Emma's consent, up to and including all incidents and complaints and allegations from the date she turned 18 to the date 26th January 2007, when she and her mother after much drafting and re-drafting, produced the letter to Dr. Dobbs, apparently intended to say that she withdrew her consent to any sexual attentions from him. Unfortunately, the letter didn't actually say that.

Simply a matter of misunderstood boundaries: then, having received Emma's statutory declaration made 23rd February 2007 and Dr. Dobbs' statutory declaration answering the allegations with both an overall denial and specific denials, and raising the lack of jurisdiction, Phillip Gerber, as early as 20th March 2007, confirmed in a letter to the parish, *rejected* the complaints as evidence of serial sexual abuse of children or women, and instead categorized the complaints as arising from a misunderstanding of boundaries by a vulnerable woman, and proposed a conciliation meeting.

At that point the case collapsed, especially given Dr. Pratt's confirmation of what Machelie had been saying: that Emma Nicholls was mentally unwell with OCD which would affect her credibility.

Thirdly: the irrelevance of the University of Wollongong fabricated complaint introduced by Helen Irvine:

After Helen Irvine intermeddled (again) with the case, by raising the spurious claims of Corinne Cortese, a Girl X, Anika Rose (Girl Y), another anonymous 'girl' never identified by name and never asked for a statement, and a Girl Z who had not made a complaint of sexual harassment or abuse at all, Phillip Gerber faced a take-over of the case by the parish on the unsound argument that if Emma Nicholls' case was collapsing (as admitted by Executive minister the rev. Bruce Clarke to Dr. Pratt, an influential parishioner) it could somehow be propped up by the introduction of the UOW concocted case. This is not sound law.

The UOW lie was irrelevant and beyond the jurisdiction of the PSU, the PSC and the Disciplinary Tribunal. Only if it had been investigated within the UOW and found to be true and dealt with according to the UOW Code of Conduct could, as an outside chance, that decision be used as some sort of a prop. Otherwise it was a case of the PSU and the diocesan process intermeddling with UOW internal matters.

Emma Nicholls' case was collapsing for lack of consistent evidence that Dr. Dobbs was at all interested in her on the very few occasions over a period of 6 years when *she* perceived that he was, and the effect of her OCD on her credibility, confirmed by Dr. Schloeffel. It was also collapsing because the few incidents complained of did not on any reading of the relevant law constitute child or adult sex abuse or sexual harassment.

Therefore, using the fabricated UOW complaint could not save the case from its' inherent weakness, that on Emma's version it did not disclose a cause of action – that is, that it did not on the face of it, allege anything against the law, criminal, civil or ecclesiastical.

Although it would have been fun to cross-examine Corinne Cortese, and even force Helen Irvine to name Anika Rose and force the PSU to call her as a witness and for Dr. Dobbs' defense team to cross-examine her, and while it is not likely these women could have withstood sustained cross-

examination given the amount of material the defense had on them, ultimately, what they and Helen Irvine had to say was irrelevant.

Fourthly: neither Emma's complaint nor Dr. Dobbs' status as a parishioner brought the case under the jurisdiction of the PSU:

Emma Nicholls was not a parishioner of Figtree Anglican church. The Dobbs family started taking her to evening services to try to detach her from her involvement with the family which was becoming an increasing worry as her behaviour became more disturbing and inappropriate. This had been for only a few months before the last service in January 2007 when Lee took her to church to speak to Dr. Dobbs about her letter. The Anglican church owed her no duty of care because up until the fabricated incidents of that last service, nothing had taken place on church premises, and the relationship (such as it was) did not arise out of their mutual involvement in church activities. Ken Taylor dismissed both her complaints about a hug and a compliment in the church foyer in the presence of parishioners.

Dr. Dobbs was not a 'church worker' and so the Discipline Ordinance 2006 could not be applied to him. The PSU jurisdiction was created by the Ordinance and given powers ONLY over church workers as defined in the Ordinance. The Parish leadership was not authorised by the Discipline Ordinance to take any action against Dr. Dobbs (and certainly not against his wife and children): the only way forward was through the PSU.

And yet, after the disastrous postponed conciliation meeting which Helen Irvine took over with spurious accusations about the UOW fabricated complaint and which neither Emma nor her mother attended, there was an appreciable gap before Phillip Gerber was in some way forced to take up the case again and commission the investigation.

This is the only conclusion that can be drawn from Phillip Gerber's comment to the author that he never resiled from his earliest opinion that there was only an issue of boundaries that could be misunderstood by a vulnerable woman. This acknowledgment also placed the case outside the jurisdiction of the PSU: what Phillip Gerber in fact realised was that Emma had made allegations that did not fall under the Discipline Ordinance 2006, against a person who was not a church worker, placing him (as well as the allegations) outside the power of the PSC and Tribunal and undermining the authority of the investigation. In any event none of the Dobbs' family or their possible witnesses cooperated with this because of the fundamental flaw in its' commissioning.

Fifthly: the wide disparity between what Emma said had happened and what Lee Nicholls and Yvonne Gunning said that she had said had happened undermined Emma's credibility to the point where it was unsafe to rely on any of the evidence of any of these three women.

The whole of the PSU case rested on the very few instances, commencing with the situation where Emma put herself forward by going down to Dr. Dobbs' study and behaving in a provocative manner towards him, when Emma was aged 20, with her whole history of mental and physical illness casting doubt on her ability to give credible evidence.

Add to that the sexing-up of these few complaints by Lee and Yvonne Gunning and the whole of the evidence on which the PSU could rest its case the foundations look very unreliable indeed. Not only does Emma's evidence undermine the credibility of the hearsay evidence of Lee and Yvonne Gunning, but their versions, ostensibly reporting what Emma had told them, undermined her credibility. Given a choice between 3 or more different versions of events, how could the PSU choose which one to prosecute as the 'truth', let alone how could the tribunal decide that one and none of the others represented the truth. The only uncontradicted evidence before the tribunal would be that of Dr. Dobbs, and a decision by the tribunal to reject his evidence against a

choice from 3 or more different versions would be perverse and open, either to an appeal to the Supreme Court or defamation proceedings against those who had given that evidence.

On top of that is the choice that the PSU would have had to make as to which of Emma's own different versions to rely on.

An example of this is:

When Emma invaded Dr. Dobbs' study: in this one incident where there could have been no witnesses, when Emma went down to Dr. Dobbs' study and stood close beside him in the dark room, her version of what happened is the only one that the 'prosecution' could use to prove the case. However, first a decision would have to be made as to which of the versions she gave at various times was the one they would present to the Tribunal, especially because of the internal contradictions. The 'prosecution' would have to decide on one, and then watch Emma's credibility shredded in cross-examination because she gave other various versions in other documents and in her interview.

Then, the tribunal would have to consider very carefully whether to believe Emma against the word of Dr. Dobbs as to what happened in view of the wide disparity between what Emma said and the versions Lee Nicholls and Yvonne Gunning said that she said. And an almost insuperable problem was the fact that Emma finally admitted she had not been asked to go down to find Dr. Dobbs in his study, going through the master bedroom, but that she went down of her own volition and placed herself in very close proximity to him. Add to that she did not maintain after her first statement that she spoke to Dr. Dobbs, admitting in later versions that she did not speak. She did not turn on any lights and she was caught on the wrong foot by going through the master bedroom, and so there is an inescapable conclusion: she was creeping up on him. Then she admitted that she stroked one of his hands and put her other hand on his head, and the purpose for which she crept up on him, to put herself in his way to try to 'seduce' or 'arouse' him, is clear and undeniable. As a 20-year-old woman, her consent then stood in the way of acceptance of this incident as evidence of any illicit relationship.

She denied the sexed-up versions by her mother and by Yvonne Gunning, who would be easily discredited as 'witnesses', even if they did have anything of relevance to say despite the fact that they were not there. Their mutual desire to sex-up the incident did Emma a disservice because all they can say is that she told them this version, making her out to be an even more unreliable witness.

Even Ken Taylor was skeptical of this incident, stating that Emma did not have to go into the study, she could have called out to Dr. Dobbs to come up to dinner (if that was what she went down there intending to do) from the door of the master bedroom that, instead, she entered and crossed the master bedroom to go into the study.

Sixthly: even when there were possible witnesses, none of these gave evidence to support Emma's version of events (nor even any one of them):

The hand-holding just became more and more fantastic in Emma's interview, but the presence of a homestay student sitting next to Dr. Dobbs, Mabelle and two daughters - in a later version Emma said one of them was playing with the dog in the middle of the room - in the room and yet no-one saw anything; and the fact that both Mabelle and Dr. Dobbs were now very, very angry with Emma for her behaviour made it more likely that they were keeping an eye on her.

The kiss on the neck in the driveway of Emma's parents' home. The cross-examination would home in on this with the suggestion that it could not have happened, and in conjunction with the fact that it would have had to have taken place in front of two of his daughters, and would have been clearly visible to her parents and her two siblings from the house, would give the tribunal little

choice but to reject it as a fabrication, particularly faced with the earlier examples of fabrication by Lee Nicholls and Yvonne Gunning.

The 'double-kiss' on the back of the neck while in the foyer/lounge of Figtree Anglican church. This seems to have been a last grasp at a straw, when the parish already had taken steps to provide accommodation for Emma, and yet there still was nothing like enough to support a case against Dr. Dobbs. This was supposed to have taken place in full view of Machelles who was watching nearby, and other parishioners and possibly also two of Dr. Dobbs' children. When Emma arrived at Figtree Anglican church and saw Dr. Dobbs and he smiled and 'was as lovely as ever', she says one of the Dobbs' daughters (or even more members of the family) was with him until the service started and she went into the service; during the service, the lounge contained not only Machelles but other parishioners who preferred to listen to the service in the comfort of the lounge; after the service, Dr. Dobbs was joined by one of his sons, also trained as a barista, and they were busy serving a vast number of parishioners, under the watchful eyes of Machelles AND Lee Nicholls. Nobody saw anything. Not only were no witnesses produced, but the area is covered by CCTV and no tape was produced either.

Seventhly: The hug and rub on the back allegation poses major problems for the 'prosecution'.

First: the change of venue after Dr. Dobbs' response filed: the original venue was in the foyer of Figtree Anglican church on the Monday morning, 22nd January 2007, the commencement of Figtree's outreach program Summerfest, where Dr. Dobbs served espresso coffee to those attending the sessions. However, Dr. Dobbs in his response to Emma's statutory declaration pointed out that Figtree clergy staff and parishioners, particularly those volunteers manning the registration desk and directing people to the session they wanted to attend would be a large number of witnesses that should be available to confirm Emma's story. But, there were none.

Emma later alleged that it took place in the Dobbs home where she and Dr. Dobbs were alone. She would have been at risk of an embarrassing cross-examination because of the inconsistencies in her stories.

Second: the collapse of Des Brampton's story, the story reported by his wife as reported by Yvonne Gunning. This was a strange attempt to create some sort of confirmation of Emma's story by that of Des Brampton, whose memory was far from reliable as to the date and time of day that he met Dr. Dobbs in the Figtree Anglican church foyer and had a cup of coffee with him and a chat. It fell down because Yvonne Gunning had lied about what she had been told by Faye Brampton that Des told her that Dr. Dobbs said to Des, or, the only other possibility, that Faye Brampton had lied to Yvonne Gunning. Neither member of Figtree Anglican church staff come out well from this. Yvonne Gunning, (if she gave evidence) would have been in for strong cross-examination on the basis of what she said to Ken Taylor about this as well, because her story was not confirmed by either Des or his wife Faye.

Third: Emma lied about how she came to be alone in the Dobbs home by saying, first that she had stayed overnight (not so – she was banned by Machelles, and one of her earlier statements confirms that Machelles would not allow her to stay overnight during Summerfest) and that she had stayed on alone in the house after all the others left (over Machelles's dead body would that have been allowed to happen in view of Machelles's attitude towards Emma) and she spent the time until Dr. Dobbs came home reading in the library area. (What library area? The Dobbs home does not have a library area. They do have a bookcase in a narrow corridor, where the only place to sit and read is on the floor outside the bathroom door.)

Fourth: Emma had no need and no excuse to remain in the Dobbs home. She lived with her parents about 10 minutes' walk away. Staying on in the house until and after Dr. Dobbs came home,

had it occurred, would be open to being understood as yet another example of her provocative behaviour in which she tried to confirm her delusion that he loved her by getting herself alone with him.

Fifth: Emma's admitted consent in remaining in the house and not leaving when Dr. Dobbs came back, and staying on after the alleged hug and back rub occurred in order to have a chat and when nothing (else) occurred, according to this version of her story, is fatal to her claim of any form of sexual harassment.

Sixth: it was not 'sexual'. Unlike the other hugs she complained about (which were rejected by Ken Taylor) Emma did not claim any sexual something or other in respect of this hug but says that it was a 'hullo' kind of hug.

Eighthly: There was a problem of a conflict of theories of the case on the part of several senior people among Figtree Anglican church staff, the PSU and advisers.

There were at least 6 different theories advanced at different times, sometimes contradictorily:

First: Grooming. This was the story that appears in its most florid form in Yvonne Gunning's interview and it is this: that Dr. Dobbs had embarked on a course of grooming of the child Emma Nicholls since she was age 14 (in just two separate incidents, 2 years apart (!) which, of course, was exposed as nonsense); as a result of the grooming and the next incident of a compliment (three years later when Emma was an adult), Emma Nicholls, due to no fault of her own, was induced to believe that Dr. Dobbs loved her and wanted to have sex with her (although he had never asked her, nor even arranged to meet her privately to pursue a relationship). She in turn fell in love with him and although she was struggling with the idea that she would be betraying Mabelle and the Dobbs children, she was so dazzled by this '*weird spark and/or chemistry*' that she had perceived at the age of 14 when he hugged her when she was crying hysterically in the (open-plan) kitchen, despite the presence of family and friends.

For an idea of what a real case of grooming looks like and a comparison between it, the case of Beth Heinrich and (now ex-) bishop Donald Shearman, and this case, see Document 10. This is especially relevant to this case as Jenni Woodhouse was chaplain to the PSU for both cases: as Beth Heinrich's case preceded Emma Nicholls' case by some years, Jenni Woodhouse had plenty of experience to be able to distinguish between a real case and this later spurious case.

Second: Vulnerability. Emma as an adult was vulnerable to any attentions shown to her by Dr. Dobbs because of her OCD. This theory suffered from the fact that there is no such category of 'protected' complainant in the church legislation or Code of Conduct, and, as Dr. Dobbs was not a medical practitioner, nor psychiatrist nor psychologist with expertise in OCD, it was questionable how it could be appropriate that he should be made responsible for any of her misinterpretations of ordinary actions. And, more importantly from the point of view of running a case, this raised a problem of her reliability as a witness, as Dr. Clarrie Pratt pointed out in his letter to the PSU's Phillip Gerber and Figtree Anglican Church's ministers, revs Rod Irvine and Bruce Clarke on 22nd April 2007.

Third: Attractive and intelligent. And so, after advancing the 'vulnerability' theory, Yvonne Gunning immediately changed track to say that as an adult Emma is attractive and intelligent, and therefore (a) she is as attractive and intelligent as a pretty and intelligent female student at the university whom Dr. Dobbs was supposed to have had some attraction towards on just as little compelling evidence; and (b), her recollections and evidence generally would be believable. The former is disproved by photos; the second by Dr. Schloeffel's evidence.

Fourth: Innocent and unscathed. Yvonne Gunning again. This quite a complex theory of the case, which builds on the assertion that although the OCD has made Emma vulnerable but not lacking credibility, it is still the case that as she has not married, and in fact she was still a virgin (apparently not even having a boyfriend) although aged 19-21 when all this was happening. She is innocent and unscathed (Yvonne Gunning's words) and she would not understand that Dr. Dobbs was inviting her to a sexual relationship nor understand her stirrings of sexual response. She would not know what behaviour of Dr. Dobbs she should reject firmly: she could not be expected to be made responsible for her presumed consent to his behaviour.

Unfortunately, this same Yvonne Gunning tells Ken Taylor that when Emma hesitated about crossing the TV room, and so entering the bedroom and thence to Dr. Dobbs' study, she was hesitating because she intended to invite Dr. Dobbs into a sexual relationship but was having a few doubts. And so collapsed this theory of the case.

Fifth: Boundaries only. Phillip Gerber's rejection of the case of child and adult sex abuse/sexual harassment by letter dated 20th March 2007 to the parish as simply a matter of misunderstood boundaries.

Sixth: Dr. Dobbs had form. (a) Dr. Dobbs was supposed to have been a sexual predator of female students (now plural) at UOW all of whom were aged 20 at the time, the same age as Emma Nicholls at the time of the last 'assaults' on her virtue (Helen Irvine having taken up the false complaint of Corinne Cortese which had been designed to stop Dr. Dobbs from blowing the whistle on the culture of bribery and soft marking in UOW Faculty of Business); and (b) in his home there was a culture of inappropriate nudity and sexuality (perhaps even as much as incestuous) according to Bruce Clarke's clandestine lie based on his daughter Rebecca Clarke's lies, and taken up and spread also by Yvonne Gunning to other churches and people.

Ninthly: Emma Nicholls herself had wholly warranted doubts about her credibility: she did not want to make a complaint (and never did); she was counselled by Lance Wearmouth to withdraw; Dr. Schloeffel told Ken Taylor the case should have been dealt with by counselling from the first, and not allowed to 'come to this'.

It is difficult to think of Emma undergoing such a harrowing ordeal. Surely Lee Nicholls should have backed off and admitted her involvement in the whole disgraceful business of fabricating the complaints and coaching her daughter. Or was Lee Nicholls' OCD also filled with delusional thoughts? She had certainly failed her daughter, failed to help her to grow into adulthood with an understanding of her sexuality, misled her and allowed her to be misled about what is and what is not 'sexual' and, in what is her most disgraceful failure as a mother, allowed her unwell and deluded daughter to be used by others with their own agendas which had nothing to do with Emma's welfare.

All this was with the totally selfish aim of getting Emma accommodated elsewhere with other people taking responsibility for her. And she achieved that by the simple stratagem of unleashing the hostility of the leading people in the parish towards Dr. Dobbs, Mabelle Dobbs and their children even though they were sincere Christians and active members of the parish.

Not long before the case was to be considered by the PSC Lance Wearmouth emailed Emma advising her to withdraw from the case, as she was being used by other people. As further support of this he said to Emma that he knew that she has been '*warned not to speak to him about the case*'. (Separating a person from their friends and advisers is an act of spiritual and psychological abuse prevalent in cults and, as demonstrated by the program of dis-fellowship and shunning instituted by the Figtree Anglican church leadership against Scott, Mabelle and their six children before there

had been anything like a proper investigation of the complaints or even an intelligent appraisal, this church had become a cult under the leadership of Rod Irvine).

In his interview with Ken Taylor, Dr. Schloeffel anticipated the damage that could be done to her fragile personality and said that Emma feared interrogation by 'men in suits' in a court hearing.

Had she withdrawn or just refused to come to the tribunal hearing, or had a serious OCD or other mental episode due to the anticipated stress of having to give evidence, then the 'prosecution' would have had no case, they could not have gone ahead without her evidence-in-chief and without her being available for cross-examination.

The only appropriate thing for the PSU's Phillip Gerber to have done was to stop proceedings as soon as Emma's fragility and Dr. Schloeffel's concerns were made known, before the referral to the PSC, and to have negotiated honestly from there. However, once the PSC had made its' travesty of recommendations, it was too late, and Dr. Dobbs had nowhere to turn for a competent and professional dealing with the case, firstly on the matter of its' lack of jurisdiction, other than to force the Archbishop to refer the case to the tribunal.



Part V

Three more fundamental problems with the case

And another three fundamental problems with bringing the case to a hearing even had there been no issue of jurisdiction:

First: Emma's consent as an adult means none of the allegations before 28th January 2007 could be upheld.

It is clear that someone who was shadowing the developments in Lee's evidence-gathering in December 2006 and January 2007 if not before. It was almost certainly someone within the PSU, but not necessarily Phillip Gerber, who had advised Lee Nicholls (either directly or through Yvonne Gunning) that Emma had to write a letter to Dr. Dobbs withdrawing her consent. Once the first three complaints were rejected, and rightly so, the next starting point for allegations was the cluster of complaints on the evening after Figtree evening service on 3rd December 2006. Two of those four allegations were rejected, being the hug and compliment in the church foyer beforehand and Dr. Dobbs placing his hand over hers as she slipped and fell against the vehicle afterwards.

The only two remaining were the result of Emma's own misguided actions: her invasion of Dr. Dobbs' study (for which she admits 50% responsibility to San Dee – why not 100%?), and the alleged hand stroking which on her own evidence she did not withdraw from and thoroughly enjoyed (she says in her email to SanDee that her family call it '*the tickly thing*' – make of that what you can).

Therefore, none of the allegations relating to that evening could be sustained because of her admitted consent, let alone because of Dr. Dobbs' denials and the lack of witnesses where some were available.

And so, we reach the last week of January 2007 with only two 'sustained' complaints out of those which were ludicrous and did not disclose an offence (such as blowing a kiss and a penetrating

look) before the writing and delivery of the letter apparently intended to withdraw consent on 26th January 2007. These were the kiss on the back of the neck in her parents' driveway in front of two of the Dobbs daughters, and the peripatetic (was it in the Figtree Anglican church foyer or was it in the Dobbs' home?) and 'hullo kind of' hug and while her back was rubbed on 22nd January 2007.

The problem of Emma's consent remains a problem with prosecuting these, and for that reason alone, apart from all the other problems already identified, they should have been rejected.

The only allegations that should have remained for determination by the Disciplinary Tribunal would have been the bundle of allegations that arose after the delivery of the letter, when Lee Nicholls took Emma to Figtree's evening service on 28th January 2007 for Emma to approach Dr. Dobbs.

Which she did. Not only did Emma approach him after she left the service when the last songs were being sung, she remained with him throughout the evening, making a nuisance of herself yet again by placing herself in the way of Dr. Dobbs and his son while they were serving coffee to members of the large congregation leaving the worship space for the lounge/foyer. So even if her letter had in fact said, 'I am withdrawing my consent to you hugging me etc.' that letter would have been overridden by her subsequent behaviour, seeking him out and remaining with him. If there had been any sexual attraction towards her, surely this behaviour, especially combined with the incomprehensibility of her letter, would have signaled: 'I am still available and willing'.

Secondly: the clandestine lie created by Bruce Clarke on the basis of lies told by his daughter Rebecca Clarke collapsed when Rebecca gave her interview to Ken Taylor and retracted what she was reported by her father to have said.

In his letter of instructions to Ken Taylor, Phillip Gerber gave him the names of people to interview which included Rebecca Clarke (the name was redacted with heavy black pen in the copy we received, but it was not hard to conclude this was the name referred to because Ken Taylor mentions her by name in his report). Ken Taylor said that she refused to do more than be interviewed, she would not make a signed statement and she did not want to be involved in the case. Not bad for a woman, who when aged about 16 was told by her father details of the allegations against Dr. Dobbs in contravention of all principles of fairness, excused by Bruce Clarke on the basis that the eldest Dobbs daughter was at school with Rebecca and she might say something to Rebecca about it. And who then made up three devastatingly untruthful and malicious stories, although to be fair she may not have anticipated how enthusiastically her parents would take them up, embroidered them and spread them to all and sundry.

However, we have a cluster of activity that surrounds the dates on which Lee Nicholls gave her two interviews to Yvonne Gunning, Thursday 1st and Sunday 4th February 2007. Figtree staff were informed, officially that is. As discussed in the third point below there is evidence that some at least did know earlier. The school term commenced the following week. So that weekend most likely also saw Bruce Clarke telling his daughter Rebecca. And Rebecca told her lies, which were then spread throughout the parish – Mrs. Goodhew says that everyone was talking about one in particular, that none of the bathrooms in the Dobbs house had doors on them. This was specifically retracted by Rebecca Clarke in her interview, according to Ken Taylor's report (the transcript of her interview was withheld, or, perhaps, she did not even consent to it being recorded). But of course, a great deal of damage had been caused before that retraction.

The presumption of innocence, which is an important foundation of the Australian system of justice, did not get a look-in with the rapid spread of gossip generated by Yvonne Gunning and Bruce Clarke. And Bruce Clarke was diligent in his interview to draw Ken Taylor's attention to the three lies, although he had abandoned them by the time he made his signed statement. When Rebecca was

interviewed, she turned all that on its' head. I would like to think that she regretted the moment of madness when, perhaps, jealousy of the eldest Dobbs daughter motivated her desire to tell the lies. Perhaps, later, she was appalled at what was done to the Dobbs family. I hope so. In any event, most importantly, she withdrew her statement about bathroom doors and said she was referring to one bathroom, downstairs in what had been the foundation area that was renovated to provide living space, which had a sliding screen door.

Emma did her own bit in debunking that particular lie as well in her interview with Ken Taylor, confirming that all the bathrooms had doors on them.

On the other hand, in her interview and signed statement, Helen Irvine was diligent in making the most malicious statements trashing Mabelle and her daughters, and telling one large lie about them as well as pointed remarks demonstrating utmost hostility, and passing on gossip that was, as it happens, untrue, but which she had taken no steps to verify before passing it on and spreading it around.

Thirdly: Emma's January 2007 letter to Mrs. Goodhew seeking help to move out of the family home was given by Mrs. Goodhew to the Figtree pastoral care team because she was about to leave on a trip to Tasmania. When she returned later in January 2007, she approached a team member to offer her help. She was told that she was not needed, that they had everything in hand. This was *before* Lee Nicholls made her complaint to Yvonne Gunning on 1st February 2007. This meeting was represented to Ken Taylor by Yvonne as the first notification, and her first meeting with Lee Nicholls, which, as we have seen was a piece of misinformation that can only be explained by the desire to hide something about her dealing with the case before February 2007.

The existence of evidence that she had been speaking to Lee Nicholls in December 2006, from the content of Lance Wearmouth's email is also confirmation that there was already an orchestrated building of a case against Dr. Dobbs, using and abusing Emma Nicholls' adolescent crush and her OCD-affected misconception of reality.

This response to Mrs. Goodhew is also confirmation that there was a desire to mask the length of time that Yvonne Gunning and other staff members had been aware of, even advising about, the plot to use Emma Nicholls' pathetic fantasies to persecute the whole of the Dobbs family.

When Mabelle drove Emma home after the evening service on 11th February 2007, neither of them was aware of Lee Nicholls' 'anonymous' complaint. Mabelle had been firm with Emma and denied her request to come back to the Dobbs home. Emma was happily telling her about the 'granny flat' that the parish had already organized for her, and that there was just some furniture to be arranged and delivered and then she could move in. So, before 11th February, and within 'only' 11 days of Lee Nicholls' complaint, she had got her wish: Emma was to be removed from the family home. This, if anything, is a clear indication, first, just what Lee's agenda for making the complaint was – to get the responsibility for Emma taken over by the parish; and, second, that Lee had no belief that Emma was at risk from Dr. Dobbs, because if she had had such a belief, she would not have been keen to let her live on her own where Lee would have no idea what she was doing and where she was going and, most importantly, who she was seeing and, perhaps, sleeping with.



Part VI

*Running the case in a judicial forum.***What would be the chance of a 'conviction' on these charges?**

Had the case proceeded to the Disciplinary Tribunal on the charges (having got past the lack of jurisdiction) there would have been some preliminary issues to be dealt with before a full hearing.

In a court trial, there are procedures and rules of evidence. These are designed to make sure that the court's valuable time is not wasted and that only the evidence that is directly relevant to proving or defending the case is presented as facts, without the intrusion of inexpert opinion, by the person who directly witnessed whatever those facts are. There are rules of fairness, sometimes referred to as the principles or rules of natural justice: these are, basically, that a person on trial must be told the name of their accuser, the 'charges', hear the evidence of the accusation and must be allowed to defend themselves through cross-examination of the prosecution witnesses and to bring witnesses of their own.

Generally speaking, Tribunals do not bind themselves to all of the rules of evidence, but the basic rule, that of relevance – that the material relied on must be directly related to the 'charges' - and the rule against hearsay – that the evidence should be that which was directly witnessed, not the evidence of someone who, for example only heard about it from someone else – are usually applied with reasonable strictness for the sake of a fair hearing. The Discipline Ordinance 2006 specifically requires the tribunals to act in accordance with the principles of fairness and the rules of natural justice.

The first preliminary issue: voluminous irrelevant material.

There would be a major preliminary issue with the material that the PSU's Phillip Gerber had delivered to the Tribunal in support of its' case because over 95% of it was irrelevant, not only as to the statements relating solely to the allegations fabricated by Corinne Cortese and Anika Rose as reported by Helen Irvine but also those statements or parts of them that were hearsay about what Emma had purportedly told that person had happened (Lee Nicholls and Yvonne Gunning). Emma needed to give her direct evidence and she was available to do so, in the sense that she was not unconscious or dead, even if she was very reluctant to do so as reported by Dr. Schloeffel.

Thus, the first application to the Tribunal would be for a direction to the 'prosecution' to remove the voluminous quantity of irrelevant material that formed the report of the investigation and to limit the number of prosecution witnesses to two: Emma Nicholls, as she was the only person who could give direct evidence of what happened, and Dr. Schloeffel, as the Tribunal would already be on notice that Emma suffered from certain debilitating conditions that would affect her memory and credibility.

What is irrelevant material? That depends on what the 'prosecution's' theory of the case is – that is, what they believe they can prove, as it relates to what they must prove to make out a case.

The 'prosecution' theory of the case is this: that on the (admittedly) infrequent times that Dr. Dobbs was 'in contact' with Emma Nicholls, he acted towards her in a sexually abusive, grooming and/or sexually harassing way. The issue of what is sexually abusive or harassing is not a matter of someone's gut feeling (words that Emma Nicholls used): it is based on what the law says, in this case the Discipline Ordinance 2006, because the Disciplinary Tribunal is not empowered to act as a tribunal administering State or Federal law. That does not make that much difference in that the Discipline Ordinance attempts to replicate part at least of State and Federal law in its' lists of what can constitute sexual abuse or harassment.

Any material that is not directly related to proving what are called the elements of these offences is irrelevant. Any attempt to prop up inadequate evidence will be rejected. If the case is so weak that the evidence cannot stand on its' own merits, it should never have been brought to a hearing, and it will be dismissed.

There are two ways in which the evidence can be too weak to support the case: firstly, it can be contradicted by other stronger evidence, for example, an alibi – "I wasn't there and therefore it wasn't me, and I have 5 (reliable) witnesses to prove where I was at the time".

Secondly, the evidence does not establish the elements that the 'prosecution' has to prove, which is that the actions complained of fulfilled the description of the offence in the legislation. For example, the elements of the charge of murder is, one, that the victim died, second, that the accused killed the victim and, third, that the accused did so intentionally. Unless the prosecution proves all three elements, the case is not proved, a not guilty verdict must be returned by the jury and the accused is free to leave the court.

How does that apply to the case of Emma Nicholls and Dr. Dobbs? There are three areas:

A. Material that does not go towards proving the charges -

All material referring to the UOW would have to be removed. Dr. Dobbs had already warned the UOW Vice-Chancellor that it might be the case that the Sydney Anglican church Disciplinary Tribunal would be proposing to make findings about the truth, or otherwise, of Corinne Cortese's Record of Interview and the anonymous story of Anika Rose, thus shining a light on the difficulties the faculty was facing with the overseas students and overseas business courses. It would also involve Robyn Weekes in undesirable public questioning over her abuse of the UOW process. Media interest had already been aroused. The perpetrators of the UOW lie would find themselves, together with Dr. Dobbs' evidence of soft marking, cheating and attempted bribery, in the daily newspapers. They might even find themselves defending a civil court case brought by Dr. Dobbs for their role in denying him permanent appointment by denial of natural justice.

But apart from that, this has nothing to do with Emma Nicholls and her 'complaints'. It does not prove anything about her and the charges relating to her. It was a purely internal matter for UOW.

The Tribunal has no jurisdiction over UOW matters, as the PSU's Phillip Gerber should have been well aware, and had it persevered on this course, UOW could have instructed lawyers to bring Court action to prevent it from dealing with the material. That in itself would have taken place in open court and brought the matter to the attention of the media.

All of the other signed statements, except that of Emma Nicholls, were irrelevant to prove the charges because she was the only first-hand witness.

B. Inadequate or discredited evidence to support the charges.

The evidence for child sexual abuse was discredited and rejected by Ken Taylor and members of the PSC. The evidence of grooming was non-existent and always had been. That disposed of any allegations arising before 3rd December 2006.

The evidence of adult sexual abuse fell at the first fence because there was nothing in Emma's story that indicated that there was anything remotely like a sexual relationship between the two.

C. *Emma's initiation of and consent to whatever happened.*

The evidence of sexual harassment was going to fall at the tribunal fence because of Emma's initiation of all contact, her refusal to act to put an end to the alleged behaviour (such as her refusal to 'tell Mabelle' as Lance Wearmouth wisely advised her) or simply to stay away, and her rapturous consent to whatever did happen or she thought had happened: none of this was sexual harassment by any definition, only a possible conclusion if based on her deluded misinterpretation of ordinary actions, as warned by Dr. Schloeffel.

The letter she wrote on 26th January 2007, regardless of whether it had succeeded in conveying withdrawal of consent, was negated because of her subsequent actions: again, seeking out Dr. Dobbs and hanging around him, getting physically in the way of him and his son as they served coffee to a large number of parishioners (who would have been possible witnesses had there been anything to see) and demanding to be taught to operate the espresso coffee machine.

D. *Unreliable witness of fact.*

As we have explored earlier, the major problem the PSU faced was the unreliability of their only witness of fact, Emma Nicholls, who has been depicted as a liar by Lee Nicholls' and Yvonne Gunning's sexed-up interventions, misinterpretations and outright lies about what they say Emma told them.

The inconsistencies between Emma's initial statements in her statutory declaration and her later versions of the incidents, and between any of these versions with the versions produced by Lee Nicholls and Yvonne Gunning 'sexing up' Emma's stories would seriously undermine her credibility and reliability. After all, she did sign two statements, and produced some wildly inconsistent other writings. Not only that: her insistence that the two instances of '*hand-over-mine thing*' were sexual (Ken Taylor did not agree), and that Dr. Dobbs had intended to blow a kiss to her, and not his daughter (Ken Taylor did not agree with that either), and her admission that on one occasion when Dr. Dobbs took her hand and helped her into the car '*and it didn't feel normal*' (Ken Taylor left that one alone) all indicated how far from credible her evidence could be, distorted as it was by these admissions of fantasy and delusions.

The 'tainted' evidence obtained by Ken Taylor in his inappropriate questioning and his extraordinary collusion with Yvonne Gunning to force Emma to manufacture fantastical demonstrations would in themselves be enough to destroy Emma's credibility (including the disgraceful forced demonstrations of the incident in Dr. Dobbs' study and the hand stroking, which are examples discussed in more detail in Documents 4A-E).

Altogether, it would be difficult for the tribunal to justify any finding when the facts had been so distorted and tainted by the input of others, including Lee Nicholls, Yvonne Gunning, Bruce Clarke and the investigator Ken Taylor.

E. *Unreliable secondary witnesses with axes to grind and other impediments to credibility and relevance.*

In the (unlikely) event that the statements by Lee Nicholls, Yvonne Gunning, Bruce Clarke, Helen Irvine, Rod Irvine and Corinne Cortese were admitted into evidence, then

the PSU faced the problem of the malice and lies told by all except Rod Irvine. His evidence presented another problem, that of having nothing to say: he did not know Emma Nicholls, he did not know that Dr. Dobbs had been serving coffee to the evening congregation and he did not know when he started to do so, he did not appoint Dr. Dobbs to a position of leadership making expresso coffee. But as regards the others:

Lee Nicholls: the inconsistencies within her evidence and between Emma's evidence and her evidence have already been discussed. The inconsistencies between what she said in her interview (mostly hearsay) and what her signed statement says makes her an unreliable witness; her desire to get Emma out of the house (her conversation with Mrs. Goodhew and also with Dr. Schloeffel) and her refusal to talk to Machele to ensure that between the two of them, Emma did not continue to visit the Dobbs' home all point to her evidence being discredited. Ken Taylor noted certain features of her home and discussed her with Dr. Schloeffel, which appears in his interview.

Ken Taylor says of her in this regard: *"Mrs. Nicholls was interviewed in her home with her husband present as a support person. The Nicholls' home is unusually clean and tidy. Shoes are not permitted indoors and powder blue carpets are offset by white walls, white furnishings and white ornaments, predominantly, angels. The extreme cleanliness and 'purity' of the environment suggests an obsessive nature, presumably that of Mrs. Nicholls."*

Having read his interview with Dr. Schloeffel on this point and the doctor's confirmation that Lee Nicholls was both the genetic and environmental source of Emma Nicholls' OCD, Ken Taylor is a little less than definite. But we do get the picture. (We were never intended to see what he was told in the interview at first, we only received his report and the signed statements, which had significant omissions in some cases, including that of Mrs. Nicholls).

Ken Tylor describes her as *'credible'* which is a bit of a stretch considering how far her evidence was contradicted by Emma Nicholls, and that she was, for all but 1 hour on 28th January 2007, a hearsay witness, and which does not reflect well on his professionalism and competence.

Yvonne Gunning: Ken Taylor exposes her discredited evidence in two instances: that of the supposed conversation between her and Faye Brampton about a conversation between Des Brampton and Dr. Dobbs, and that of the location of the January 22nd hug. In other parts of her evidence the differences between her evidence and that of Le Nicholls, on the one hand and that of Emma Nicholls on the other hand supports Ken Taylor's assessment of her as a witness.

He writes this in his report: *"Yvonne Gunning presented as a passionate witness in Emma Nicholls' cause and demonstrated deep suspicion and dislike of Scott Dobbs."*

Bruce Clarke: Bruce Clarke really had no evidence to give at all about the complaints themselves, not even as a hearsay witness. Therefore, he should not have been interviewed as his evidence was irrelevant. He was able to poison the well with his

daughter Rebecca's lies, and his report to DOCS around his construction of the clandestine lie (even though DOCS did not act on either his or Yvonne Gunning's report). He postulated that Dr. Dobbs had had a complaint of sexual abuse against him in another church before the family moved to Wollongong, but when Ken Taylor tracked down the church and its' by then retired minister, he had not heard of any complaint.

What even Ken Taylor said about him was this (after recording that Bruce Clarke had complained bitterly to him that Dr. Dobbs had attacked him professionally and personally in relation to the management of the complaints – although, as Mrs. Goodhew said both to Bruce Clarke and to Ken Taylor, considering what had been said and done, Dr. Dobbs had every right to complain and to be upset about this): *“Bruce Clarke presented as an emotional witness who has clearly been scarred by his dealings with Scott Dobbs in relation to the management of the complaints in this matter. ... he presents as a witness with some animosity towards Scott Dobbs and has demonstrated a keen interest in the allegations being sustained.”*

Helen Irvine: there is only one relevant thing that Helen Irvine says in her signed statement: *“I do not know Emma Nichols”*. At that point her 'evidence' is clearly irrelevant, apart from the extreme malice that she demonstrates, particularly towards Mabelle Dobbs and her daughters, one thumping lie and reports of other lies which she has made no attempt to verify. At least they, having read her statement, are in no doubt that her apparently sweet persona concealed shocking hostility and a streak of sheer nastiness.

Corinne Cortese: is in the same category as Helen Irvine. Strangely, she displays in her interview some amnesia about whether she made a complaint to the UOW's director EEDU Robyn Weekes about Dr. Dobbs, and refers to having made a complaint about 'a guy' who was 'becoming a nuisance'. By no stretch of the imagination could Dr. Dobbs be said to have been becoming a nuisance, especially as they almost never met and not by design. And yet although not verified by her or even acknowledged by her, a strange document titled record of Interview, signed the day before Dr. Dobbs attended his interview with the Academic Probations Board seeking a permanent post as academic. For a full discussion on this see www.churchdispute.com

How the case would have had to be run:

The case would have produced some interesting hours of cross-examination of Emma Nicholls.

Firstly, only Emma's original statutory declaration and later signed statement were relevant to proving the charges and Dr. Dobbs' statutory declaration in reply and a later signed statement to answer Emma's later signed statement. She would have to have been very carefully, but none-the-less thoroughly cross-examined, especially about the contradictions within her evidence, thus realizing her worst nightmare, that of being in court interrogated by 'men in suits'.

There would have been witnesses for Dr. Dobbs, mainly those who could say they were present when something was alleged to have happened, but they saw nothing inappropriate. Mabelle and her adult children could give evidence of Emma's unacceptable behaviour towards her

husband and their father, and other friends of the family and homestay students (one in particular) could support the fact that nothing occurred between Dr. Dobbs and Emma when they were present at the time of an alleged incident.

Machelle Dobbs, in particular, some friends and the adult Dobbs children could give compelling evidence of Emma's behaviour in those last months, indicating a serious episode of her ongoing mental illness and the manifestation of her 'fixation' and 'obsession' with Dr. Dobbs.

Secondly: Emma's mental health at the time of the commencement of the few incidents in late 2006 to January 2007 would be under scrutiny. Dr. Schloeffel would have to give evidence to confirm his assessment of Emma's health as it affected her credibility, based on the assessment contained in his interview and signed statement, that her interpretation of events could be delusional, and that her memory could be adversely affected by her OCD.

It was intended by the defense to have Emma examined also by a forensic psychiatrist for the same purpose: to determine to what extent she could be regarded as a credible witness and what other aspects of her mental health could lead to her delusional misinterpretation of any incidents.

Mrs. Goodhew, if not made available for cross-examination by the PSU would have been called by the defense to give her eminently sane, sensible and rational evidence of her contact with Emma Nicholls and her mother, giving a further insight to the state of Emma Nicholls' mental health at the time: as demonstrated by her ruminations about having committed the unforgiveable sin, the sin against the Holy Spirit, that Jesus speaks of, and which Mrs. Goodhew referred to in her original statement to Bruce Clarke early in the case, and her later interview and signed statement. Emma's email to Ellesha and letter to Garry (Document 1) would be tendered to show how seriously ill she was at the time this strange behaviour commenced.

The real problem of a no-show witness: Emma did not want to be involved – she had never wanted to be involved.

Phillip Gerber and his barrister also faced the prospect that Emma would not show up at all, leaving them with no case. Just before the meeting of the PSC, Lance Wearmouth had been in touch with her urging her to withdraw because, he said, she was just being manipulated by people in the parish and the diocese with their own agendas. Whether she did or did not we do not know but we saw that letter and it was written out of very great concern for the gross disregard for her welfare at the hands of the Figtree Anglican church and PSU personnel.

And, of the greatest significance, is Ken Taylor's response to Dr. Schloeffel's report that Emma was so fearful of going to a hearing:

RS She doesn't want to go to court. She doesn't want to have to be dragged through interrogations by men in suits, you know, like the whole ...

KT She won't have any further involvement than she's had already. (Emphasis added.)

How was it that Ken Taylor was in a position to give such an assurance? Was he lying to Dr. Schloeffel? There was nothing in his letter of instructions from Phillip Gerber, a copy of which was provided to Dr. Dobbs with Ken Taylor's report, to indicate that this was just a matter of going through the motions because the PSU would not take it any further. Or were there 'secret' instructions, perhaps verbal rather than the letter of instructions, or another letter not produced by Philip Gerber to the defense.?

The useless process that is the Disciplinary Tribunal.

Then there is the problem that the Disciplinary Tribunal, unlike the Diocesan Tribunal which is created by Act of Parliament, has no power. It cannot compel witnesses to give evidence, it cannot

subpoena documents. All it can do is make recommendations to the Archbishop, who can ignore them. For a discussion of the futility of the Disciplinary Tribunal, see "*Drew's Adventures in Wonderland*" on www.churchdispute.com

All in all, setting aside the lack of evidence of jurisdiction, the 'prosecution' faced such significant hurdles in the evidence to render the case impossible to prosecute. And it is not as if most of these issues were not readily apparent from as early as Phillip Gerber's initial assessment in March 2007. Everything that happened after the date of his assessment constitutes disgraceful bullying of the whole Dobbs family by the clergy and staff of Figtree Anglican church (in particular, those responsible for children's and youth ministries) as well a significant failure of the PSU and other diocesan staff, the diocesan Chancellor and members of the PSC and the tribunal to see that justice was done.

Phillip Gerber was warned by the investigator's report that he had major problems.

Phillip Gerber faced the rejection and collapse of the majority of the complaints. There was the absence of anything to support the allegations of child abuse or grooming. This is particularly important because the basis of Yvonne Gunning's 'theory of the case' – that Emma was induced by Dr. Dobbs to fall in love with him by a course of grooming conduct, which would overcome the problem of her consent as an adult to what remained – falls over. Then, in addition to the problem of Emma's consent there is the problem that her own doctor described how she was a responsible adult and he was encouraging her to move away from the family and make a life for herself with a young man, which destroyed the PSU's dubious argument that Emma was a 'vulnerable person' and therefore not responsible for her actions.

Her first actions as a responsible adult in relation to Dr. Dobbs was to seek him out in his study where he was working alone. In her statutory declaration signed 23rd February 2007, Emma's words '*something inside me told me not to keep going*' (across the TV room, into the master bedroom and then into Dr. Dobbs' study) are an intriguing insight into Emma's real motivation, particularly as illuminated by Yvonne Gunning in her interview with Ken Taylor, telling him what Emma had told her in their interview as early in the case as 20th February 2007, thus:

'But she knew that there was a right and wrong so she was struggling at this point about how this could possibly lead. That was why she said (in her stat dec) that something told her not to keep going. I think that at this point she was struggling about whether she was wanting to be a willing participant. She said that in our interview, that there was a struggle going on and I think that she admitted it to her mother that it could reach the point where it became a sexual relationship, because Emma liked Scott. So she was sort of welcoming the attention and also sort of upset about it at the same time.'

This is a direct admission that Emma had told Yvonne Gunning that she was going into the office to find Scott with the intention of provoking a sexual encounter. The investigator tried to skate over this piece of thin ice in Emma's story. But when he had to deal with the fact that Emma confessed in her interview, that she had put her hand on Scott's head (there is a lovely bit of the interview when she seems to be saying that she had told Yvonne Gunning this in her interview on 20th February 2007, and yet this did not appear in the statutory declaration) he says this in his report to Phillip Gerber:

'Emma Nicholls' evidence makes it clear she did not object to (Dr. Dobbs') behaviour and did

*not pull away. At one point she recalls that, 'I don't remember the exact position of his head. I think it was the side of his head that was pressed against my breasts. He was at an angle, so that his mouth wasn't really close to my breasts, I don't think. I know I put my hand on the top of his head.' She states that she was 'probably a bit in love' with (Dr. Dobbs), but her action of placing a hand on (Dr. Dobbs') head clearly implies that his attentions were not altogether unwanted and any reasonable interpretation of her behaviour in approaching (Dr. Dobbs) in the way she did suggests that she was flirting with fate by standing beside him in a darkened and private room. **She could have stood at the door and called him for dinner.'***

'Flirting with fate' Mr. Taylor? You omitted to note here that in her email to Sandra Hardwig, which we know that you had read by this time because you quote from it elsewhere, Emma not only says she put her hand on his head but that she put her other hand over his on her waist. This is even more objective evidence that Emma Nicholls went into Dr. Dobbs' study in order to provoke a sexual encounter. It also militates against Dr. Dobbs being able to do anything with his arm and/or hand of the kind that was alleged in lurid and inaccurate detail by Lee Nicholls and Yvonne Gunning, or if he did, this was with the utmost cooperation of Emma Nicholls.

And 'his attentions were not altogether unwanted'? Come now Mr. Taylor. She wanted them all too much. She it was who engineered the whole episode. She did not even need to be there to call him for dinner, she was not asked to do so and no-one knew that she was going to do so.

This is what Dr. Dobbs said in his response to that:

'If dinner was ready, the entire household began to gather at the kitchen, and no one familiar with my household could fail to note that when dinner is ready everyone comes together RIGHT NOW, to eat it. My wife is militant in gathering the household together quickly for meals she cooks and this evening would have been no exception. If dinner had been ready, someone would have come for me without question.'

And yet, although Emma intended to provoke the sexual encounter, **she did not get one**, which is what her various accounts finally boil down to.

Once a judicial decision is made that the account of what was Emma Nicholls' first private encounter with Dr. Dobbs is incorrect, that her behaviour was intended to provoke a sexual encounter, that her memory of what actually happened was faulty and that her interpretation of events is in error, delusional (as predicted by Dr. Schloeffel), and that her admitted demeanor at the time and afterwards indicates consent, then her credibility in respect of everything else would fall to the ground. The inescapable conclusion would be that nothing of a sexual nature happened then and, despite her best efforts to continue to put herself forward as sexually willing and available in the very few later encounters that she engineered, her blatant invitations were not acted upon then or later.

Why didn't they listen to Mrs. Pam Goodhew?

It was in March 2007 that Mrs. Pam Goodhew, wife of the former Archbishop of Sydney Harry Goodhew who were parishioners of Figtree Anglican church, was invited to give a statement to Executive Minister Bruce Clarke. On 17th March 2006 she signed a document entitled "A MEMORANDUM OF PAM GOODHEW'S CONTACTS WITH EMMA NICHOLS (sic) AND MACHELLE

DOBBS". The content appears in Document 11 along with excerpts from her interview with Ken Taylor.

The essence of her statement is this: she was introduced by Machel Dobbs to Emma at Figtree Anglican church, and Emma started to talk about her problems, with her health, her difficulties in sleeping and her family. She then confided that she was afraid that she had committed the 'unpardonable sin' referred to in the Gospels – the sin against the Holy Spirit which will not be forgiven. There were other occasions of brief contact from Emma, who was seeking Mrs. Goodhew's help to find accommodation and someone to take her to her various appointments with medical and other health professionals.

In her interview with Ken Taylor, Mrs. Goodhew said she was nonplussed by this conversation, especially as she was a stranger to Emma. She describes Emma Nicholls as mixed up, and that her behaviour, always ringing the Dobbs family and asking to be taken to church, calling and asking to come over and stay the night, and, especially, going into the son's bedroom laying down on the bed and staying overnight, as unusual, to say the least. She details Machel's distress at this behaviour, and quotes Machel calling it 'crossing boundaries'.

So, as 17th March 2007, Bruce Clarke had a clear-eyed picture from a senior church-woman with no personal interest in the case, no axe to grind or position to protect, of just how unreliable Emma was. And yet, Mr. Geber was rudely dismissive of her evidence. None-the-less, on 20th March 2007, Mr. Gerber writes to the parish saying there is insufficient evidence that Dr. Dobbs is a serial child abuser, but that it is more a case of a misinterpretation of boundaries. He tries to wrap up the disaster the case is becoming by suggesting a conciliation meeting (even though he did not have jurisdiction to call one, because he did not have jurisdiction to receive the complaint, to act, to do anything about the matter at all.

Consequences and Conclusions

Once Phillip Gerber gave in to the strident demands of Helen Irvine that the UOW lie was relevant to Emma Nicholls' pathetic little story of deluded love, which in itself was not relevant to, nor the responsibility of, Figtree Anglican church, he opened the door to the massive abuse by the people of Figtree Anglican church and the Anglican church organisation Sydney diocese, including himself, of the members of the Dobbs family and of poor Emma Nicholls.

Had the Dobbs family taken civil court action against certain members of Figtree Anglican church past and present, the PSU and senior clergy, as well as Corinne Cortese and others of UOW, and Emma Nicholls was subjected to rigorous cross-examination, the whole business, including the lies told by Corinne Cortese, would have been exposed for the fraud that they are.

This case is a continuation of the fraud that started in the UOW Faculty of Business because of corruption in the Faculty among and for the benefit of foreign students; it travelled thence to that fateful day when Mary Kaidonis decided to use Corinne Cortese to manufacture a secret complaint to stop Dr. Dobbs from revealing the evidence he had to an investigative journalist who was following up the story at UOW; and thence to the fateful day that Helen Irvine decided to use Yvonne Gunning to stop Machel Dobbs from spreading the story about that corruption to the parishioners of Figtree Anglican church, some of whom were employed by UOW; and thence to the day that Yvonne Gunning encouraged Lee Nicholls to use Emma Nicholls to get 'evidence' on Dr. Dobbs, and both of them took her pathetic fantasies, and inflated them, and sexualized them and told Emma that her delusional responses to Dr. Dobbs and her guilty anxiety about them meant that she had been sexually abused: all this for the purpose of getting rid of *all* members of the Dobbs family from Figtree Anglican church, both child and adult.

That was a really bad day for Christians and Christianity. The fact that the case remains unresolved ten years later is a disgrace, as is the demonstration by members of the diocesan organisation and Figtree Anglican church leadership that the same culture that prevailed ten years ago, the culture of lies, bullying and an essential corruption of Christian principles still prevails in relation to their refusal to apologise to and reconcile with the Dobbs family. The Archbishop of Sydney, Glenn Davies is to be applauded for his attempts to start a healing process, but this is being obstructed by those who still hold a grudge against Mabelle Dobbs for being right - there *was* corruption, bribery and soft marking in UOW and Emma Nicholls was, and most likely still is, mentally and physically ill so that she was delusional about anything that Dr. Dobbs may have said or done.

Although Mabelle's statements about Emma's illness were not accepted by the Figtree Anglican church's leadership, they were forced to accept Dr. Clarrie Pratt's lengthy letter pointing out their failures in terms of process and confirming that Emma's illness includes the possibility of being delusional. He included a copy of Emma's email to the eldest Dobbs daughter and the attached letter to "Garry", which comprise Document 1. He wrote this letter on 23rd April 2007, just before the re-scheduled conciliation meeting on 2nd May 2007, and in a conversation shortly after that, Bruce Clarke admitted to him that the case could not proceed. And yet they went ahead with the farce of a conciliation meeting, banned Dr. Dobbs from coming to church at all, and on the day following the meeting, banned Mabelle and the children also from attending any Figtree Anglican church activities, even those for children and youth (which Emma could not have attended in any event).

And the case did go ahead. Helen Irvine would not let it rest despite the irrelevance of Corinne Cortese's and her own 'evidence'; despite the fact that Dr. Dobbs had been deliberately denied natural justice by Robyn Weekes with the involvement of senior academic Mary Kaidonis in the creation of the false and secret complaint; and despite the fact that the PSU, the PSC and the tribunal had no authority or jurisdiction to deal with a complaint that had nothing to do with the Anglican church Sydney diocese.

As PSU director Phillip Gerber said to the writer, bitterly, about the conduct of this case: *'Helen Irvine has a lot to answer for.'*



The Documents in the Case

Document 1

The full text of Emma's email to Ellesha Dobbs attaching the letter to Garry

The email to Ellesha Dobbs 12 November 2006: title "THE" letter. From Emma. For Lesha XxxOoo<3<3<3.'

'This is the letter I wanted to send you, Im gonna (sic) try and give you a bit of background to it first, though. It is written to someone you don't know, a talented health professional that has much of my childhood history that I haven't seen during this illness and everything that's happened in the past three years or so

You probably, couldnt imagine, but things are really tough. (I have so many problems its seriously not funny). I was in such a good mood when I came over on Thursday night, so that was really, really good. I think I wanted to be "problem free" for a bit, sometimes I feel the need to separate myself from the illness/es. Even though there (sic) always with me. But in a good moment, its great to pretend its not.

It feels virtually impossible to get well, I haven't really ever explained to you the extent of things and right at this very moment, I guess I don't really want too (sic), everythings really indepth.

I feel like, though, that it would be such a waste, so useless, for me to stay this way. A senseless loss. My dad said maybe my purpose is to try and live with things this way, but that made me cry, for fear, and desperation, and I really, really believe, that things weren't and aren't meant to be this way, even though Im so totally unsure of the possibility of taking authority over the situation and how the heck to turn, it around and heal.

So. My letter is below. Please try and read it from your heart. Try and put any prejudices aside and actually you probably wouldnt want to feel like me for a moment, as I was going to suggest, as its not a good feeling, you know??

I love you Leash. Heaps and heaps and heaps.

~~~~Emma xxxoooooooooooooooooooooxx'

The attached letter:

Dear Garry

I've wanted to write to you for sometime, and this morning, Ive finally taken the courage to attempt it. I really don't know where to start.

For a few years now and in particular the last 18-36 months, Ive been going through hell on earth. I cant possibly begin to explain, and yet Im really trying. My entire life, mind, health, everything a person can possess has fallen apart, everyday for quite some time has been, and is, a living nightmare. I wake up each morning and wonder how the hell I ended up like this, and I don't know, but Mum concludes it was both a gradual and fairly rapid decline.

Ive gotten to the point now where Im bargaining with God, "If you don't make a way forward through this God, Ill kill myself." The scary part is, I don't make bargains with God, and I mean it.

To be honest, Ive lost trust and hope in people, in myself and in God. My family and I have been to so many health professionals now, doctors, specialists, counselors, naturopaths, dieticians, homeopaths and on and on and on, throughout Wollongong, Sydney, and beyond.

You name it, we've been there. Everywhere we go, I come back with one thing. Im really messed up.

The thing that gives me hope is the reality that I cannot comprehend having or being able to live the rest of my life like this. That's probably the only motivator for positive change that I have.

Over the page I will share with you a list of what exactly Im dealing with or more accurately struggling with.

I believe every human body has some capacity for healing. When I was little I got this feeling that I was here for some grand reason, I couldn't tell you why, but now, seriously, I wonder if I was mad.

Financially things are really tough/hard. Being sick drains all your money. This is another really big hurdle.

I think that what makes "wellness" so difficult for me is that Im dealing with the most difficult combination of things, not only do I have a chronic debilitating physical illness, I have a mental illness and together they amount to both physical and mental torture, chronic pain and quite literally torment.

Ive gone through so much negative, that its painful just to want. I want so desperately for basic things. Health and sanity, but even those I cant have. Im really at my wits end. It feels unfair to share all this with you, but I feel/think its important that you know as much as I can tell you.

After dealing with the most horrific things one after the other after the other, and falling against more and more problems, the way I describe my situation is like being trapped within a cage of brick walls, impossible to climb out from, and I dont yet know if the cage has a floor or if it's a bottomless pit.

After all the negatives Ive been through I cant dare to hope, I cant because my mind and being are set to self-sabotage. I cant acknowledge anything good, anything positive, even getting myself to write this letter has been the upmost (sic) challenge because my mind wont let me have anything good or nice or positive or hopeful and the OCD literally condemns anything I need or want for me.

*I have no idea if God loves me but I know the suffering, pain and torture that has belonged to me for so long now, hurts and makes not only my heart bleed, but causes (unreadable) pain and suffering to my Mum and Dad, my brother and sister, my precious friends, extended family, God Gramma (*SanDee) and foster Poppy (*Lance Wearmouth), all the people who pray for me, my doctors, health professionals etc. and I think surely God, if not for me, do it for them. They don't deserve the burden of my pain and suffering.*

I want to get through this and be an inspiration for someone else in the depths of despair with health problems to show others that even the most impossible situation can find a way through. I want to be offered the hopes and joys of life that others can have. To have freedom. Im locked in chains. I actually everyday tell those Im close too, (sic) I think Im hexed. I feel like the whole Universe has shut me out of everything good and Im left to struggle. It kills me to know that there are others living with excruciating pain. It scares me too. I think why would God help me? When they are hurting too. What if this is my lot?

But somehow when I look deep within myself, I know its not. Im so useless like this. I don't believe my life was meant to be this way. But does anyone?

I don't know if my problems are beyond you too, I just know that you are a really good health professional and for a while Ive wanted to come see you. My good friend Renai Lee said

you put her on the right path and I wondered if that was some sort of a "sign" for me as earlier the same night she told me, I was convinced I needed to come and see you.

I've been through, lived with, and am in so much pain that I don't know if I can bear anymore. I feel so weak and yet I think to deal with and cope, however badly, with everything I'm faced with, I must be one of the strongest people in the world despite my weakness.

I do have many endearing qualities, but with the situation I'm in now, I can be very difficult. As I said before, I don't know if I can bare (sic) more pain, I don't know if I can get well, I dunno (sic) if I can. I'm paralysed with fear. Fear that all my 'hope' will die, when I dare to allow it to live, and that I'm stuck like this.

Two close friends say to me, "life is change, change is fluid, nothing remains the same and this too will pass.", but I feel stuck here/like this.

You are welcome to show this letter to anyone you feel may help.

I know your (sic) not God, or a miracle worker, and I don't know if I'm beyond you, Or if I'm just beyond myself.

But as my Grandma says to me, "magic happens, Emma darling. Miracles happen."

My sisters, "I'll pray for you Emi, I will"

And mine, "love can change all things".

And I'll die trying.

Yours most sincerely,

Emma Nicholls

* Emma explained to Ken Taylor that she meant these two people from the www.answers2prayer.org website by these descriptions and that she was not a foster-child of Lance Wearmouth and nor was Sandra Hedwig her godmother nor her grandmother.



The Documents in the Case

Document 2

Emma Nicholls' allegations contained in her Statutory Declaration made 23rd February 2007.

Part A: under the age of consent – at age 14:

Allegation 1: *that on one occasion very soon after Emma had been introduced to the Dobbs' family, at the age of 14 when she was standing in the kitchen of the Dobbs' family home and cooking something for her evening meal, Dr. Dobbs hugged her because she was crying, having burnt her hand on the pot and then misinterpreted something he had said, which was intended as a joke.*

Part B: over the age of consent – at ages 16, 19 – 20:

Allegation 2: *that when she was 16 Dr. Dobbs hugged her and 'he put his mouth on my ear'.*

Allegation 3: *that one day when Emma was aged 19, when she was with the Dobbs' daughters, Dr. Dobbs complimented her saying 'that looks good on you', referring to a skirt that she was wearing which belonged to one of the Dobbs daughters.*

On the one evening: Allegations 4 – 7.

Allegation 4: *that one day when Emma was aged 20 in November 2006 at the Fuse service at 6.00pm at Figtree Anglican Church, Dr. Dobbs greeted her ('Hi'), gave her a quick hug and said, 'You look great'.*

Allegation 5: *that on the same night as allegations 4, after the service Emma went home with the family and she went downstairs to Dr. Dobbs' office/study, stood close beside him and leaned over to look at the (computer) screen on which he was looking at a University site; that he put his arm around her waist and he leant his head against her chest; that he then got up and went out of the room and upstairs.*

Allegation 6: *that on the same night as allegations 4 & 5, after the evening meal Dr. Dobbs sat beside her in the lounge and stroked her hand for 5-10 minutes on the palm of her hand, while Mabelle had dropped off asleep in the same room, with one of her daughters sitting beside her mother on the lounge.*

Allegation 7: *that on the same night as allegations 4, 5 & 6, Dr. Dobbs, with his eldest daughter went with her down the path to the street to get into the car to drive her home; that she tripped and fell against the car and he put his hand on hers.*

Allegation 8: *that at age 20 on an unspecified date after that of allegations 4-7 she was at the Dobbs' family home when Dr. Dobbs came home at midnight and he hugged her and took her hand.*

Additional material: *after that, Mabelle followed her and didn't seem to want her to be in a room alone with Dr. Dobbs.*

Additional material: *that ever since she was 14 she felt Dr. Dobbs has watched her with an amused look on his face.*

Additional material: *after the Community Carols on 10th December 2006 (where 'everything was OK') she decided not to go back to the Dobbs home but she eventually did.*

Additional material: *that at age 20, on some unspecified date after Community Carols on 10th December 2006, she went into the kitchen and was a bit stooped and Dr. Dobbs stood her up to correct her posture. He went to take her downstairs and halfway down Mabelle yelled out to him, 'What are you doing?' He then went back upstairs.*

Additional material: *about 3 or 4 weeks after Community Carols (somewhere from 31st December 2006 – 7th January 2007) she visited the house again while Maxine (a friend of the Dobbs' family) was there. Mabelle glared at Scott. Emma felt that she was indicating to him to keep away from Emma. Emma felt that she knew something was happening.*

Allegation 9: *that at age 20 in January 2007 when there were guests at the Dobbs house and they were watching the film 'A Beautiful Mind' while Emma was on the phone to her mother Dr. Dobbs pretended to kiss the air.*

Allegation 10: *that at age 20, on the same evening as allegation 9, Dr. Dobbs with 2 of his daughters drove Emma home and he took her hand and helped her in(to) the car, and 'it didn't feel normal'.*

Allegation 11: *that at age 20 - presuming a roughly chronological order to the paragraphs of the statutory declaration - on an unspecified date Dr. Dobbs dropped her home after church and he kissed her 'very intimately' on the neck and held her hand.*

Allegation 12: *that at age 20 on 'another night' she visited the Dobbs family after church and stayed the night, and the next morning Dr. and Mrs. Dobbs had an argument. Later that day he apologised, he hugged her, he blew her a kiss. She says that 'his looks were penetrating.'*

Allegation 13: *that at age 20, later that day (of allegation 12) during Summerfest January 2007 he hugged her whereby she had her head against his chest, and he rubbed his hand up and down her spine.*

Additional material: *that he told her had had a conversation at the church with an older man about a personal issue.*

After writing a letter to Dr. Dobbs on 26th January 2007, see Document 8, which she says, 'told him that the way I'd been relating to him was inappropriate' and another to Mabelle apologising for going into the son's bedroom one night and staying there all night, she then went to talk to Dr. Dobbs at Figtree church at the evening service on 28th January 2007 when he and one of his sons had set up the commercial coffee machine to serve espresso coffee. On this occasion it was her mother, Lee, and not the Dobbs family who drove her there.

Additional material: *that when she asked Dr. Dobbs if he had got the letter he made a joke of it. This she said happened while one of the Dobbs daughters was with them.*

Allegation 14: *that he hugged her.*

Additional material: *'This is written in my journaling (sic) at home that he said, 'in a non-romantic way' that he loved her and that she 'was a great lady (near the coffee stand).'*

Allegation 15: *that he kissed her neck twice (a double kiss).*

Allegation 16: *that when he walked past the coffee machine at different times he put his hand on her hip and waist and back.*

Additional material: *that at some stage he said he was sorry.*

Additional material: *that she asked him to teach her to make coffee using the espresso coffee machine.*

Allegation 17: *that while teaching her to operate the espresso coffee machine, he put his hand on hers.*

To put some sort of perspective on the allegations, Emma says in her statutory declaration that *'all the family hugs like that'* and that she has *'held hands'* with all members of the family at various times.



The Documents in the Case

Document 3

What happened to the multiplicity of Emma Nicholls' allegations contained in her Statutory Declaration signed 23rd February 2007?

When Emma was aged 14:

There was only one allegation, a hug. She was in the Dobbs' kitchen along with Dr. Dobbs who was cooking a meal for the rest of the family. This was the first time she had met Dr. Dobbs. She had burnt her hand on a pot while preparing something that she could eat (due to her inability to tolerate some foods).

Emma says Dr. Dobbs made a joke which she thought was criticising her and she got upset and burst into tears. He hugged her until she calmed down. In a later statement, she said that the eldest son came into the kitchen during this episode, saw what was happening and went out again.

It was clear from her statement that there was a household full of people – family, friends and homestay students present and gathering for the meal. The kitchen is open on one side to the dining room, which is the short side of an L shaped room where the long side is the large sitting room giving out onto a full-length wrap-around terrace. It was not a private room cut off from the rest of the public rooms. Hardly a setting for an act of intended seduction or grooming, when anyone could, and did, come in.

But, of course, Dr. Dobbs' main accusers, Yvonne Gunning and Lee Nicholls had never been into the Dobbs home and would not have realised how ludicrous such an allegation would be in all the circumstances. They did need to try to get something in Emma's statutory declaration that was well under age because by this time the clandestine lie had been formed, alleging abuse in the home and a culture of an inappropriate nudity, with no doors on the bathrooms (based on Rebecca Clarke's lies to her parents) which had been enthusiastically adopted by Bruce Clarke and both he and Yvonne Gunning had zealously spread around the parish and to other Christian churches.

This complaint was rejected by the investigator Ken Taylor.

When Emma was aged 16:

Two years later there is only one, another hug. Emma's descriptions of this descended into the realms of farce from Lee Nicholls' first description on behalf of Emma with the addition by Lee that Dr. Dobbs, while hugging her, breathed on her ear and made it wet. Yvonne Gunning made this into an allegation of sexual arousal.

At first, in her statutory declaration, Emma said simply '*he hugged me and put his mouth on my ear*'.

Lee Nicholls described this in terms that meant that both Emma and Dr. Dobbs were standing up against each other – hence Yvonne Gunning's over-active sexual imagination at work. But this would be ludicrous. Dr. Dobbs is very tall, well over 180cms, and Emma Nicholls then was (and remains) very short. In describing another incident, Emma says specifically that in that case when standing and hugging her head only came up to his chest. If he was also placing his mouth on her ear he would have to have bent down a considerable degree and therefore arch his body away from her. In which case she would not be able to feel any erection. Or if she could, then he could not have had his mouth on her ear.

But from there things get worse: in her later interview and statement she disclosed that she was sitting on a sofa with one of the Dobbs daughters sitting next to her and that Dr. Dobbs was sitting or standing beside the sofa (she couldn't remember which) and, twisting sideways, used *both*

his arms to hug her, for some 5-10 minutes in what could have been a painful, if not dangerous, contortion for a middle-aged man.

Another problem for this fabricated incident was that neither Lee Nicholls nor Yvonne Gunning had been into the Dobbs home and neither of them, nor the investigator, asked Emma to describe the sofa. It was one with a high back and thin sides as high as the back. One end was pushed to the wall, and the other just fitted in the space beside the opening of the doorway into another room. So, Dr. Dobbs could not have been sitting on a chair beside it because there was no room for it, nor on the sofa beside her because one of his daughters was sitting there. Nor from that angle could he possibly have put his mouth on her ear, whether slobbery (Yvonne Gunning's word) or not.

A sideways hug for 5-10 minutes? Ouch! In front of his daughter? Really?

However, what came tumbling out of the mass of copies of documents provided by the PSU's director Phillip Gerber along with the investigator's report was an email written by Emma Nicholls on 5th December 2006 to SanDee (Sandra Hardwig) 'recalling' this incident which she described simply as '*something very minor*' and which, she said, she did not know whether it was 'sexual' or not.

Although Ken Taylor included this one (what was he thinking of?), the Professional Standards Committee rejected it, unconditionally.

When Emma was aged 19:

This was a compliment. The compliment itself and the circumstances in which it was given to Emma by Dr. Dobbs are equally unimpressive as evidence of intended seduction or grooming, for a different reason. The compliment concerned the skirt that Emma had borrowed from one of the Dobbs daughters and was wearing. As he, Emma and his four daughters carefully descended the very steep pathway beside the driveway to the road, Dr. Dobbs is said to have said to Emma: '*That looks good on you.*' Nobody until the investigator some 6 months later, thought to ask Emma to describe the skirt in question (why spoil a good story by eliciting the facts?). The investigator did ask and found out that it was an ankle length, full-skirted, brown, peasant-style skirt (hardly the kind of garment likely to cause the slightest flutter of sexual interest in a full-blooded male).

So, what happened to the multiplicity of allegations?

Eventually all three allegations were rejected, the age-14 hug and the age-19 compliment by the investigator, Ken Taylor, and the age-16 hug by the members of the diocesan Professional Standards Committee (PSC).

When Dr. Dobbs forced the charges to go ahead to the Disciplinary Tribunal, Phillip Gerber 'reinstated' this allegation. But it was reduced to absurdity because Emma clearly had no memory of it and was forced to make up more and more fantastic and impossible details. Her later evidence to Ken Taylor would have suffered from comparison with her original description of it in an email to a friend SanDee on 5th December 2007 as '*something very minor*' which she thought might have a sexual quality to it but which at the time when she told her mother about it, her mother said was not sexual. When Emma said in her statutory declaration that she had said to her mother that she '*would not be surprised if this person was to sexually abuse me one day*' the twisting and turning of Lee and Emma that followed to explain Lee's lack of an appropriate response to this highly surprising statement is a joy to read, and would be fodder for an entertaining cross-examination.

And so, all that were left then were allegations arising out of incidents that were said to have taken place over a period of two months only, commencing early December 2006 to the end of January 2007, all when Emma was aged 20 and all of which she initiated.

To put some sort of perspective on the multiplicity of allegations, when the report of the diocesan investigator was released, and after the report by the PSC, out of a total of seventeen allegations and a plethora of additional material thought by Emma's advisers to be relevant, only very few remained on four dates: ***one in December 2006 and three in January 2007.***

And to put another sort of perspective on the allegations, Emma wrote that she did not think that the hugs were inappropriate because *'all the family hugs like that'* and that she has *'held hands'* with members of the family at various times.

So, clearly, someone coached her to believe that these allegations were of behaviour that was inappropriate in Dr. Dobbs but not in the rest of the family.

Further to that: these were only a few of the hundreds of hugs that Emma would have received from Dr. Dobbs, let alone the rest of the family, over the period of six years that Emma was seeing the family, on-and-off.

What were the allegations in that two-month period when Emma was aged 20 that were dismissed by the investigator?

Two occasions of a hug and a compliment: In this period Emma made allegations of a hug and a compliment on two separate occasions, both times taking place in the lounge-foyer of Figtree Anglican church in the presence of other parishioners. Clearly these could not have had any whiff of intended seduction, and were rightly rejected.

Two 'hand-over-mine thing' incidents: There were two incidents of Dr. Dobbs touching, or putting his hand over Emma's which she described as a *'hand-over-mine thing'*. The first was when she fell against the side of the Dobbs' van and the second when he was teaching her, at her request to operate the commercial espresso coffee machine. Despite Emma insisting that both incidents were pregnant with sexual meaning the investigator dismissed them.

Four incidents of taking Emma's hand: There were four other incidents where, in the case of the first, second and third, Emma, and in the case of the fourth, only Lee, alleged that Dr. Dobbs had briefly taken Emma's hand. One of these Emma described as taking her hand to help her into the car and *'it didn't feel normal'* a revealing remark from this young woman who did not seem to know what *'normal'* was. None of these survived the investigation either by direct rejection or just disappearing without trace when it came to the interview with Ken Taylor.

Two 'kissing the air' towards Emma: There were two occasions when Emma alleged Dr. Dobbs *'kissed the air'* towards her. Dr. Dobbs recalled one (because of the surrounding details which allowed him to identify the evening in January 2007) and said that he was not kissing the air to Emma but to one of his daughters who was behind Emma. Emma was furious that this was rejected, and she was most insistent to Ken Taylor that the kiss was blown at her. The other occasion could not have occurred when Emma said it did because of easily demonstrated inaccuracies in the surrounding details that she gave, and Dr. Dobbs certainly had no recollection of it. It disappeared without trace.

None of the additional material was addressed in the interview, even, or especially, the manifestly embarrassing such as *'his (Dr. Dobbs') looks were penetrating'*. These had been

'rubbished' by Machel, by the author and by very highly-regarded FAC parishioner, Dr. Clarrie Pratt, as Mills & Boone-style writing, indicating Emma's fantasizing, delusional, mind-set.



The Documents in the Case

Document 4A

Emma Nicholls invades Dr. Dobbs' study.

When did it happen?

What Emma says:

On 4th December 2006.

According to Emma Nicholls' email to SanDee in her email dated 5th December 2006:

'Last night I went to church with the family ...'

She relates how Nathan Dobbs and his friend Anthony picked her up from her home; how she sat up front of the church with Charis and her friends; she found the light too much, and moved away and went outside. She then relates how she was driven to the Dobbs family home with Mabelle in their friend Michael's \$64,000 BMW, stopping to pick up some BBQ chicken for dinner after the others, including Dr. Dobbs, came home later after packing up the coffee machine and putting it away.

However, 4th December 2006 was a Monday night, and Sunday night was 3rd December 2006.

On 20th November 2006 (approximately) about two Sundays before Community Carols (10th December 2006)

What Emma Nicholls told Yvonne Gunning in her interview on 20th February 2007 as reported in Document 'Meeting with Emma Nicholls Tuesday 20 February 2007 7.50pm' and Document 'Confidential Statement from Miss Emma Nicholls' (no date). At end of both: 'statement taken by Yvonne Gunning Childrens (sic) Minister Figtree Anglican Church'.

'I told my Grandma in an email. I also told my foster Poppy (in her later interview with Ken Taylor she identifies 'my Grandma' as Sandra Hedwig, who is no relation, and her 'foster Poppy' as Lance Wearmouth and says she is not fostered by him) I still have copies of emails. I was scared I would be made out to be the (sic) blame; I didn't want to talk to him alone as it wouldn't look good. I wrote down what happened that night and kept a copy. I still have copies of the emails I sent asking for advice as these people are like mentors to me.'
(Emphasis added.)

Notes:

20th November 2006 was a Monday

2 Sundays before Sunday 10th December 2006 was 26th November 2006

Didn't anyone have a calendar for 2006 handy?

Only one email was produced, that to SanDee dated 5th December 2006.

In November 2006: as appears in her statutory declaration:

'6. ... In November 2006 I Came to Fuse Service (Figtree Anglican church Young Adult/Contemporary service at 6.00pm Sundays). ... After the service I talked with people. I went home with Mabelle (Scott's wife) ...'

When Lee and Greg Nicholls say it happened.

February last year (2006): to Ken Taylor in their interview on 24th August 2007 -

Ken Taylor: Well I'm just wondering when the next time was that Emma came to you with concerns about his behaviour?'

Lee Nicholls: 'As far as I am aware, her next concern was when she came home er, was it February last year, Greg?'

Greg Nicholls: 'It was around that time.'

LN: 'February last year, 2006, Greg and I were up. Greg was working on the computer and I was um doing something around the house, tidying or whatever. It was about ten to twelve, one o'clock in the morning. And she walked straight into the kitchen and she said "Mum," she said, "I need to talk to you." Or "Mum and Dad, I need to talk to you."'

GN: 'Yes, I think, you.'

LN: 'And so she began to tell me ah, my mind's gone blank Greg. It began ...'

KT: 'You said this was February this year?'

GN: 'Last year.'

LN: 'No last year.'

KT: 'February 2006.'

LN: 'Yeah.'

KT: 'So what age was she then? She was ...'

LN: 'Twenty.'

What Yvonne Gunning said.

No date: to Ken Taylor in her interview on 21st August 2007 no date is mentioned.

November 2006: in her statement signed 11th September 2007 -

18. On that same day (November 2006) after the Fuse service, Emma went home with Mabelle Dobbs. Scott stayed at church for a while and Mabelle cooked dinner.

The date adopted by Ken Taylor in his report.

One Sunday evening in November 2006: from his letter to Dr. Dobbs dated 6 October 2007 -

'4. One Sunday evening in November 2006, after the FUSE service at the Figtree Anglican church ...'

Note: This means that he has already made a 'judgment call' that ignores the different dates in Emma's own statutory declaration, let alone the variation in Lee's version. This misrepresents 'evidence' in his possession which indicates a concerning inability amongst his witnesses to be able to give a simple consistent fact.



The Documents in the Case

Document 4B

Emma invades Dr. Dobbs' study.

What the hell was she doing going downstairs to Dr. Dobbs' study?

What does she and others say was the "real" reason she went down to Dr. Dobbs' study?

Did Mabelle (or anyone else) ask her to do this/know that she was doing this?

What the hell? *What the hell was Emma doing going downstairs into his study, let alone through his and Mabelle's bedroom to get there?*

This is one of two episodes that causes Emma and her advisers very great trouble to try to explain, or explain away, to deflect any criticism of Emma's behaviour.

When this happened, she was not a child, neither at law nor in reality: she was 20-years-old.

The straightforward answer to this question is that there is no way that she should have gone where she went, and no way should she have behaved as she did. This incident is parallel with her earlier one, just a few weeks before: where she went wandering around the house after everyone had gone to bed, went into the bedroom of one of the Dobbs' sons and fell asleep on his bed, to be discovered there the next morning by an outraged Mabelle and Dr. Dobbs.

Her behaviour had gone off the rails, she had lost all sense of propriety. What the hell did this 20-year-old woman think she was doing?

In relation to the earlier incident, Yvonne Gunning was very keen to stress to Ken Taylor that 'nothing happened' – that is, there was no sexual activity – but this misses the point. Emma should not have been there at all. Just as, in this case, she should not have been there at all. Each of these incidents, precipitated entirely on her own initiative, was a gross betrayal of Mabelle's hospitality and the kindness of members of the Dobbs' family towards her.

And each of them raises the possibility of a decision being made by someone to use Emma to try to entrap one or other of the Dobbs' males into some form of compromising behaviour, to force the Dobbs family to take over responsibility for her. Mabelle had refused her request to come and live with the family only a matter of weeks before the first of these incidents.

And no-one, not Emma, not Lee nor Yvonne suggests that Emma's behaviour towards the Dobbs' son was caused by a course of behaviour leading her to believe that the son loved her, even though her behaviour was provocative. It is only in relation to her behaviour towards Dr. Dobbs that this allegation is made.

It is important to understand how the Dobbs family operated with so many people, children and adults, family, homestay students and friends and guests from overseas coming in and out of the home. Although Scott and Mabelle have 'open house' to the many friends of theirs and their children, this does not extend to giving everyone the run of the house. The usual courtesies are expected.

Apart from themselves the Dobbs had mostly 2, but at one stage up to 5, homestay students living with them, whose rights to privacy were required to be respected.

Mabelle has always maintained a very strict rule that no girl should go into a boy's bedroom or vice-versa, and of course she expected that those rooms private to her husband and herself – their bedroom and Scott's office - will not be entered without an express invitation from Dr. Dobbs or herself.

The real answer to this question came out in bits over the course of a couple (at least) of interviews, her email to SanDee and her statements, but the fiction contained in her statutory declaration reappears in her signed statement.

What Emma says.

To SanDee in her email dated 5th December 2006:

*'yeah so we talkd (sic) and had fun at their home and all the others arrived home too not long after like usual, and an hour or so later dinner was ready and I didn't want any and didn't want to be pressured to eat.(This is typical behaviour of someone like Emma with anorexia – editorial comment added) So because the dad was somewhere else in the house and didn't know dinner was ready and they were calling him but he couldn't hear, I **decided to take the oppurtunity** (sic) to get away from the meal and go get him.'*

Notes:

- (1) Mabelle did not ask her to go, and did not know she was going. This, the first recorded account of the incident, does not say so. her sole motivation according to this account was to get out of being pressured to eat – Emma was going through an anorexia stage.
- (2) It was not her place to go to tell him or fetch him. Dr. Dobbs in his response pointed out that he would be fetched by one of his daughters if he delayed in coming to the table once dinner was served. And Emma would have known this: after all, she had been inviting herself to family meals for 6 years.
- (3) Dinner had not started: the food was being put out on the table and people were gathering to sit down, but dinner would not start without Dr. Dobbs.
- (4) Later forms of her evidence will show that she wanted to get Dr. Dobbs alone and present herself as seductively as she knew how (which, admittedly, was not much).
- (5) So, from the first we have an attempt to mask Emma's real motive.
- (6) Remember also, that recently she had been ringing Dr. Dobbs up at home, and Mabelle and the family always answered the phone and put Emma off when she asked to speak to him. She had already started behaving unacceptably, seeking his attention whenever he came into the room.

To Yvonne Gunning in her first statement after her 3-hour interview on 20th February 2007:

*'Dinner was ready so I went downstairs, **something inside me told me not to keep going** but I did. I went to Scott's office ... '* (Emphasis added)

Notes:

- (1) The additional information that she had some sort of sense of reluctance to continue seeking out Dr. Dobbs is interesting. It is tendered here without explanation of why she felt like this.
- (2) Was it because she knew it was not her place to do so, but she should allow the usual routine to occur, knowing that one of the daughters would go and tell him? That would seem to be a reasonable interpretation.
- (3) But, as discussed further below, this is not what it turned out to be, but a whole new construct: the start of a very strange revelation of Emma's sexual interest in Dr. Dobbs, turned on its' head by Emma and Yvonne Gunning to blame Dr. Dobbs for Emma's uninvited actions. Quite a difficult and devilish piece of work, as will be seen.

In her statutory declaration signed 23rd February 2007:

8. That night Mabelle (wife) was aware I went downstairs. I couldn't eat; I was allergic to the dinner they were serving. ... We talked over dinner. ... '

Notes:

- (1) Mabelle was working in the kitchen and dining room setting out platters of the BBQ chicken she had purchased on the way home from church and the salads she had made earlier in the day.
- (2) In neither this and her signed statement, does Emma say Mabelle asked her to go. Nor does she say how Mabelle would have known because one does not go downstairs from the kitchen or dining room but from stairs at the end of the hallway, which are not visible from the kitchen and dining area.
- (3) In the absence of any request or some indication from Emma as to how Mabelle would have acquired that information (perhaps from eyes in the back of her head or X-ray vision?), which was certainly not from any conversation ('Hi, I'll just go and tell Scott that dinner is ready' before bolting down the stairs), the version in her statutory declaration has to be treated with considerable caution. There is most probably a contribution from Yvonne Gunning to shore up the story, anticipating, correctly, a problem with Emma's unprompted initiation of the encounter.
- (4) Also, had Mabelle known, she would have stopped Emma from going and asked one of the daughters to get their father, because by this time she and her daughters had observed Emma's attention-seeking behaviour and had set up systems to protect Dr. Dobbs from Emma. This was especially so, after Emma had invaded the son's bedroom in the middle of the night, her continued welcome into the Dobbs home was at a perilously low ebb, and she was no longer allowed to stay the night.
- (5) Emma is still clearly anxious and guilty about her behaviour on that occasion and the interpretations put on it, even in her interview with Ken Taylor and signed statement some 11 months later. In this case this is not because of her OCD but with reasonable justification because of her unacceptable behaviour. As she says to SanDee: *'i still played my part and actually encouraged to a certain degree what was happening.'*

To investigator Ken Taylor (in the presence of Yvonne Gunning) in her interview on 24th August 2007:

KT: Did someone ask you to do that?' (Tell him that dinner was ready)

EN: 'No, they were eating a dinner that I didn't want to be eating and I didn't want to be pressured into eating it.'

KT: 'Yeah.'

EN: 'So I kind of found an escape to, and I thought, "Well I'll go and tell him dinner's ready." That way ...'

Notes:

- (1) So, not only was she not asked to tell Scott that dinner was ready, she did not say to anyone that she was going to do this. Now, no-one knew that she was ducking off downstairs and what she intended to do.
- (2) The fact is, this was a fabricated reason, which I explore below.

In her signed statement dated 13th November 2007:

'18. ... Dinner was ready, so I went downstairs to tell him. Nobody asked me to go and tell Scott, but the family were eating a dinner that I didn't want to be eating and I didn't want to be

pressured into eating as well. So I kind of found an escape. I thought, well I'll tell him that dinner's ready. Mabelle knew that I was going down to tell him ... '

Notes:

- (1) The problem here is that there is nothing in the transcript of interview where Emma tells the interviewer that Mabelle knew. It is manifestly clear that Mabelle could not have known unless either Emma told her, or she saw her go down the stairs in the hallway. Neither is put forward as evidence of the veracity of this statement and the improbability of Mabelle allowing it to happen had she known is compulsive evidence to the opposite.
- (2) She repeats the fabricated reason for leaving the public spaces of the home to enter the private spaces, against the rules of propriety and appropriate behaviour.
- (3) Therefore, Emma has lied in this account twice, yet again.

What Lee Nicholls says that Emma told her.

In her interview with Yvonne Gunning on 1st February 2007:

'She (Emma) shared with her mum that on one evening she went down to the office to tell Scott that his dinner was ready ... '

In her interview with Ken Taylor on 24th August 2007:

KT: 'So she was asked to fetch him for dinner?'
LN: 'Yeah. I don't know if she was asked.'

In her signed statement dated 25th November 2007:

'8. She told me that she went home to the Dobbs after church and dinner was being served. She needed to call Scott for dinner. So she went down to his office to call him for dinner ... '

Notes:

There is a "nice" piece of drafting of the words '*she needed to call Scott for dinner*' to avoid disclosing that Lee is unable to say in her interview that Emma was actually asked to go down and call Scott up to dinner. As we see below, Emma's 'need' was entirely unrelated to calling Dr. Dobbs up for dinner.

What Yvonne Gunning says that Emma told her.

In her interview with Ken Taylor on 21st August 2007:

KT: 'Um, paragraph six (of Emma's statutory declaration) um that she went down into Scott's office. ...'
KT: 'But she did say she was going downstairs. What ...'
YG: 'Yes, to tell him dinner was ready.'

In her statement signed on 11th September 2007:

'18. On that same day (November 2006) after the Fuse service, Emma went home with Mabelle Dobbs. Scott stayed at church for a while and Mabelle cooked dinner. Later Scott came home with his family. When dinner was ready, Emma went downstairs to tell Scott. Mabelle knew she was doing that.'

Notes:

- (1) Mabelle did not 'cook dinner' and Emma knew this, having accompanied Mabelle to the BBQ chicken shop to purchase cooked chickens. And yet Yvonne Gunning presents this as 'evidence' as if she knew from firsthand experience what happened.
- (2) The last sentence does not appear in her interview transcript.
- (3) It is no credit to Ken Taylor that this interview was allowed to appear in a signed statement in such a misleading form.
- (4) This is not the only example in the statement of Yvonne Gunning and those of all the other first- and second-hand hearsay 'witnesses' and the totally irrelevant statements given by Rod and Helen Irvine where the signed statements are different from the answers given in the interviews, as if there has been editorial input, whether from Ken Taylor or others
- (5) The integrity of the signed statements is therefore strongly undermined.

What does she and others say about her excursion down to Dr. Dobbs' study?**What Emma writes to SanDee in her email dated 5th December 2006:**

She admits to doubting at the time the wisdom of embarking on the course of action she did:

*'Anyway I went to the top of the stairs and yelled for him, no answer, so i went down the stairs to the lower story of the house and he wasn't there **and i almost went back up, but for whatever i reason i took a few more steps forward**, heard (word obscured but likely from the context to be 'typing') and found him in his office, ...'*

Notes:

- (1) This could only have been the subject of sympathetic editorial interference, by someone who had never been inside the Dobbs home such as Lee and/or Yvonne Gunning, unlike Emma who had been there frequently over a period of 6 years.
- (2) In this instance, it is ridiculous to say '*I took a few steps forward ... and found him in his office*' when she had to take many steps forward from the bottom of the stairs. She needed to cross the TV room to the door into the master bedroom, a long, spacious room which she needed to walk through in order to get to the door to Scott's office.

What Emma told Yvonne Gunning in her 3-hour interview on 20th February 2007:

'Dinner was ready so I went downstairs, something inside me told me not to keep going but I did. I went to Scott's office.'

What Yvonne Gunning told Ken Taylor in her interview on 21st August 2007:

Emma's words '*something inside me told me not to keep going*' are an intriguing insight into Emma's real motivation, particularly as illuminated by Yvonne Gunning in her interview with the investigator, thus-

'But she knew that there was a right and wrong so she was struggling at this point about how this could possibly lead. That was why she said (in her stat dec) that something told her not to keep going. I think that at this point she was struggling about whether she was wanting to be a willing participant. She said that in our interview, that there was a struggle going on and I think that she admitted it to her mother that it could reach the point where it became a sexual relationship, because Emma liked Scott. So she was sort of welcoming the attention and also sort of upset about it at the same time.'

Notes:

- (1) This appears to be a direct admission by Emma to Yvonne Gunning that she was going into the office to find Scott with the intention of provoking a sexual encounter.
- (2) It also purports to indicate that there was a history of 'attention' from Dr. Dobbs that Emma was welcoming. This was false. It was clear that Emma only complained about 3 isolated instances before this, the last anything up to 18 months before, from when she turned 19 in July 2005 to December 2006, when she discerned (delusionally as it happened) that a hug or a compliment was sexually charged and therefore sexually abusive.

What Dr. Dobbs said in his statutory declaration in response made 12th March 2007

'The second thing to note is that Ms. Nicholls confesses that she knew somehow she shouldn't have gone downstairs but that she continued anyway. This appears to be a veiled confession that she has done something wrong, that she knows that she has done something wrong, and she is seeking comfort by making an allegation against me that somehow her actions were not wrong. Her actions, however, were wrong!

*In addition, in order to reach my office, where I had gone to check my emails before dinner, Ms. Nicholls came downstairs away from the rest of the family, **into my darkened bedroom, walked through it silently, and came upon me in my private office** checking a website for a job. ...'*

Later in the response, with some justification he says:

'How dare she come into my bedroom.'



The Documents in the Case**Document 4C*****Emma invades Dr. Dobbs' study.***

What about going through the master bedroom? Did she call out/speak to him?

What about going through the master bedroom?

What Emma writes to SanDee in her email dated 5th December 2006:

There is no mention of walking through a bedroom (whether the daughters' bedroom or the master bedroom).

'... so i went down the stairs to the lower story of the house and he wasn't there and i almost went back up, but for whatever i reason i took a few more steps forward, heard (word obscured but likely to be 'typing') and found him in his office, ...'

What Emma says to Yvonne Gunning according to her first statement from her interview on 20th February 2007.

Again, there is no mention of walking through a bedroom.

'Dinner was ready so I went downstairs, something inside me told me not to keep going but I did. I went to Scott's office. I heard typing. I went to look what he was doing ...'

What Emma says in her statutory declaration signed 23rd February 2007.

No mention is made of walking through a bedroom.

'Dinner was ready so I went downstairs, something inside me told me not to keep going but I did. I went to Scott's office. I heard typing; I went to look what he was doing as the web page he was looking at caught my eye.'

But things change after Dr. Dobbs submits his response pointing out that she went through the master bedroom to get to his study.

What Emma says to investigator Ken Taylor (in the presence of Yvonne Gunning) in her interview on 24th August 2007:

Ken Taylor: 'And was that quite normal for you to go to that part of the house?'

Emma Nicholls: 'Um, no. What i thought, at that, they had changed the house around. As I said, they'd been renovating.'

KT: 'Yeah.'

EN: 'And what used to be the girls' room, which is like a large kind of rumpus room, they changed it into a bedroom.'

KT: 'Yeah.'

EN: 'And when I walked down, the house was dark. Not pitch black, but fairly dark and I didn't take a lot of notice. Like you walk down the stairs, through ...'

KT: 'Yeah.'

EN: '... the TV room, through the long room um, yeah, so it's not unusual that I'd walk through these rooms. But I didn't know at the time it was their bedroom and I wouldn't have done that, had have (sic) I realised. And I walked to the door of his office and

that's ...'

KT: 'So you had to walk through a bedroom?'

EN: 'Yes, yeah.'

KT: 'and you wouldn't have done that if you had realised?'

EN: 'Not there. We never went, I went into the children's bedrooms but not the parent's bedroom. And they'd swapped, yeah.'

KT: 'So you, when you said that, um, um something inside said not to keep going, was that because you were walking through the bedroom?'

EN: 'I didn't notice that I was walking through the bedroom.'

Notes:

- (1) Scott's study was really more like an annex off the bedroom. In the bedroom there was (and is) a window in the wall above the bedhead through into the study as well as the doorway. The bedroom is also large enough to contain another annex, open to the room, where Machel's easel, paints and art equipment are set up. In a sense, the area constitutes an entire 'parent's retreat' where Scott could work at the computer and Machel could paint, in each other's company without the children.
- (2) It has to be said at the outset that none of the explanations include one as to why Emma, who acknowledged that the only light was from the bottom of the stairs going into the TV room, did not turn on some lights.
- (3) Had she turned on the light in the bedroom she would readily have seen that it contained a double bed and Machel's art equipment in the other annex. This might have caused her to pause and reflect a little more on what she was undertaking.
- (4) The only explanation for her failure to turn on lights, and risk falling over furniture in the dark, is that she intended to sneak up on Scott.
- (5) In addition, because she did not in fact fall over any of the furniture and thus draw attention to her presence, there must have been a limited glimmer of light from the TV room into the bedroom sufficient to show her where the furniture was, including Scott and Machel's double bed, as she needed to walk around the foot and side of it to get to the doorway to the study.
- (6) At no stage does the investigator ask her why she was walking into an equally private area – Scott's office.
- (7) And note there is no account of her calling out to Scott, or saying anything to him at this stage.

Unfortunately, Emma then goes on to say:

EN: 'So it wasn't directly, it was just, oh, maybe intuition kind of thing. Like there was nothing in my surroundings that actually, like I saw something and like stop. It was just a feeling I had. If that makes sense.'

And so, Ken Taylor has to help her out:

KT: 'Well I always defer to women's feelings and instincts and they've (sic) very reliable. But, um, did you continue to go?'

EN: 'Yes I did.'

KT: Um and considering what had happened to you in the past with him, it/s not surprising. Because you were going into a situation where you'd ...'

EN: 'Yeah.'

KT: '.. be alone with him.'

EN: 'I originally didn't think he was downstairs. But I went down there to check first.'

KT: 'Okay.'

Notes:

- (1) At that stage only three things had '*happened to her in the past*', two hugs and a compliment. Ken Taylor rejected one of the two hugs and the compliment. And the other hug was so ludicrous that no-one with a modicum of sense could have upheld it, as the members of the PSC demonstrated in rejecting it. So, what were the things that really had '*happened to her in the past*' that gave rise to her intuition not to go ahead through the bedroom?
- (2) This is but one example of Ken Taylor's enthusiasm to offer Emma a way out of the difficulties in the case that her actions have given rise to.
- (3) And the astute reader will have noticed that her previous evidence was that the feeling that she should not proceed arose when she was *at the foot of the stairs*, about to 'go a few steps' (in one version) and across the TV room, *before* getting to the bedroom door.

What Emma says in her signed statement dated 13th November 2007:

And in view of the above, this version that Emma signed gets a bit more confusing:

'I didn't notice that I was walking through their bedroom, but it was maybe intuition. I didn't see anything, but I just had a feeling and something told me not to keep going, if that makes sense.'

What Lee Nicholls says to Yvonne Gunning in her interview on 1st & 4th February 2007 that Emma told her.

There is no mention of this.

What Lee Nicholls says in her interview with Ken Taylor on 24th August 2007 with her husband Greg Nicholls who is present as support person (not as interviewee).

Greg Nicholls: 'What had happened also was, was the chil., the girls' bedroom had become the master bedroom and that was, she had to go through that to get to the office.'

And in response to Ken Taylor's request to 'say that again Greg' he repeats that and adds:-

GN: 'And um, she had to walk through that room down, from down, at the bottom of the stairs, walk through that room to go around to the office to see where he was.'

Lee Nicholls: 'Yeah.'

Note: Lee Nicholls had never been into the Dobbs' home.

What Lee Nicholls says in her signed statement dated 25th November 2007:

'Emma was welcome to go through their house. She was like one of their own. I think the girls' bedroom had become the master bedroom and she had to go through that to get to his office.'

What Yvonne Gunning says to Ken Taylor in her interview on 21st August 2007:

Yvonne Gunning: '... But Philip (Gerber of the PSU) shared with her that, about this and she was very angry and talked to me about it and she also wrote a response, because she said that that particular area was the daughter's bedroom before. And that area had

changed. So when she walked into his room, she thought she was walking into the girls' bedroom area, where she used to frequent for sleepovers and she went, and it had been changed.

Ken Taylor: *'But she did say she was going downstairs. What ...'*

YG: *'Yes, to tell him dinner was ready.'*

KT: *'... presumably she was, so he, we must, she must have been aware that he was down in this room.'* (Emma denies this in her interview)

YG: *'Yes, yes.'*

KT: *'But she felt comfortable going there because of the, the ...'*

YG: *'Because she felt she was walking into the girls' room.'*

KT: *'Right I see.'*

YG: *'And I think she said that that particular room was dark. The office was off to the side of that.'*

Note: The underlined part of Yvonne Gunning's evidence is different from how Emma describes it in her interview, that she did not notice that she was going through a bedroom, regardless of where her intuition told her, apparently, not to go ahead.

What Yvonne Gunning in her signed statement dated 11th September 2007.

'Scott was working in his office downstairs. Apparently his office adjoined his bedroom, but that particular room had previously been the daughters' bedroom. The area has been changed. So when Emma walked into the bedroom area, she thought she was walking into the girls' bedroom where she used to frequent for sleepovers. She said that the room was dark and that Scott's office was off to the side of it.'

What Dr. Dobbs said in his response signed 12th March 2007.

'In addition, in order to reach my office, where I had gone to check my emails before dinner, Ms. Nicholls came downstairs away from the rest of the family, into my darkened bedroom, walked through it silently, and came upon me in my private office checking a website for a job. ...'

'I was shocked that this person would come into my bedroom late at night, in the dark, sneak up behind me while in the room alone, and then come so close to me that she was blatantly suggestive.'

Later in this section of the reply he says *'How dare Ms. Nicholls come into my bedroom.'*

Did she call out/speak to him?

What Emma writes to SanDee in her email dated 5th December 2006:

There is one mention of Emma calling out and two of her speaking to Dr. Dobbs. However, Emma does not say that he acknowledges her or has a conversation with her: -

- (i) Calling out from the top of the stairs

'Anyway I went to the top of the stairs and yelled for him, no answer, so i went down the stairs to the lower story of the house ...'

- (ii) Speaking to him

'... i took a few more steps forward, heard (word obscured) and found him in his office, i went in and told him dinner was ready, and saw him doing something with then university'

with the computer and me being very interested in it, walked over next to him and asked him about it, first mistake.'

What Emma says to Yvonne Gunning in her interview on 20th February 2007:

There is no mention of Emma calling out or speaking to Dr. Dobbs.
'Scott came home with his family. Dinner was ready so I went downstairs, something inside me told me not to keep going but I did. I went to Scott's office. I heard typing. I went to look what he was doing as the uni web page he was looking at caught my eye.'

What Emma says in her statutory declaration signed 23rd February 2007:

There is no mention of Emma calling out or speaking to Dr. Dobbs.
'Machelle cooked dinner. Scott came home with his family. Dinner was ready so I went downstairs, something inside me told me not to keep going but I did. I went to Scott's office. I heard typing; I went to look what he was doing as the uni web page he was looking at caught my eye. I stood beside him to look at the screen; he was looking at a unit (sic) site.'

What Emma says to investigator Ken Taylor (in the presence of Yvonne Gunning) on 24th August 2007:

There is no mention of calling out from the top of the stairs but Emma speaking to Dr. Dobbs about what he was doing on the computer returns. The investigator does not ask whether Dr. Dobbs replied, so there is no primary evidence of whether he even heard Emma speak.

EN: 'Um, anyway I remember talking to him, because he was doing something on the computer and I asked, I asked him what he was doing, blah, blah, blah. ...'

What Emma says in her signed statement dated 13th November 2007:

'I heard typing and I walked to the door of his office and then I walked in. He was doing something on the computer. I think it was the university website. So I walked up beside him ... He was sitting at his computer and I was standing next to him. I asked him what he was doing ...'

What Lee Nicholls says to Ken Taylor in her interview on 24th August 2007.

There is no mention of Emma saying that she had called out to Dr. Dobbs from the top of the stairs.

'... Um, Emma went to call him for dinner and he was at the computer. And she just moved over to have a look on the computer what was happening and I think they started to talk or something. I'm not sure.' (Emphasis added.)

The investigator does not ask her whether Emma said anything about that to her.

What Yvonne Gunning says to Ken Taylor in her interview on 21st August 2007:

There is no mention of Emma saying that she had called out to Dr. Dobbs from the top of the stairs, nor that she spoke to him when she was standing next to him at the computer.

The investigator does not ask her whether Emma said anything about that to her.

What Dr. Dobbs said in his response signed 12th March 2007:

'Ms Nicholls said nothing, but walked silently into the room and came up from behind me, standing so closely to me that she was, literally, up against me. I had been looking at my computer screen and I thought it was my daughter Ellesha, who regularly sneaks up behind me when I am at my computer. Except for the computer screen the whole room was dark and Ms. Nicholls leaned over the desk so close to me that anyone watching would have thought she was going to climb into my lap.

As I turned my head to say something to "Ellesha" (as I thought this person was) I saw in the light of the monitor that it was Ms. Nicholls. In one instant the thought of my situation was clear. I was shocked that this person would come into my bedroom later at night, in the dark, sneak up behind me when I was in the room alone, and then come so close to me that she was blatantly suggestive.

I reacted immediately and physically pushed her slightly to the side in order for my chair to back away from the computer desk.'



The Documents in the Case

Document 4D

Emma invades Dr. Dobbs' study.

And stands - where?

What did he do with his arm or hand?

What did she do with her hands?

And Emma stands – where?

What Emma writes to SanDee in her email dated 5th December 2006.

'... and saw him doing something with the university with the computer and me being very interested in it, walked over next to him and asked him about it, first mistake.'

What Emma says to Yvonne Gunning in her interview on 20th February 2007:

'I stood beside him to look at the screen, he was looking at a uni site. ...'

What Emma says in her statutory declaration signed 23rd February 2007

'I stood beside him to look at the screen; he was looking at a Uni site.'

What Emma says to investigator Ken Taylor (in the presence of Yvonne Gunning) on 24th August 2007:

Emma Nicholls: So I walked up behi..., kind of behind him, beside him. Not really, really close, but ...

Ken Taylor: 'Left side or right side?'

EN: 'I think it was the left side. Good question. I think it was the left side.'

KT: Alright, so he's sitting and you're standing?

EN: 'Yes.'

What Emma says in her signed statement dated 13th November 2007.

'So I walked up beside him, not really close. I think I was on the left hand side.'

What Lee Nicholls says in her interview with Yvonne Gunning on 1st February 2007:

'... she went down to the office ... and as she stood next to the desk ...

What Lee Nicholls says in her interview with Ken Taylor on 24th August 2007:

'... he was at the computer. And she just moved over to have a look on the computer what was happening ... '

What Lee Nicholls says in her signed statement dated 25th November 2007:

'When Emma went to his office, he was at the computer. She moved over to have a look ...

What Yvonne Gunning says in her signed statement dated 11th September 2007.

'19. When Emma went into Scott's office, he was on his computer and she stood next to him to look at the screen.

What Dr. Dobbs said in his response signed 12th March 2007

'Ms Nicholls said nothing, but walked silently into the room and came up from behind me, standing so closely to me that she was, literally, up against me.

What did he do with his arm or hand?

Unlike the other sections in these documents I will take a chronological approach to listing the various stories, starting with Emma's first written account in her email to SanDee and following that with the stories that Lee Nicholls and Yvonne Gunning concocted. From there I will go to the interviews in the order in which they were conducted by Ken Taylor, ending with Dr. Dobbs' response and Ken Taylor's report.

5th December 2006: what Emma says to SanDee in her email.

'Hmm, well he put his arm around my waist, which is not too strange, as ive tried to make clear ive always had a very physically affectionate relationship with both parents and the four girls, but yeh, he was stroking/caressing my bare hip or whatever and his arm dropped lower, now he did not like grope my butt but his arm stayed there on it and my leg for a short time, which it shouldn't have, and then he brought it back up to my waist, and was still stroking etc. ...' (sic as to lack of capital letters and apostrophes, emphasis added.)

1st February 2007: what Lee Nicholls says to Yvonne Gunning in her interview.

'(Emma) shared with her mum that on one evening she went down to the office to tell Scott that his dinner was ready and as she stood next to the desk, he placed his head on her breast and his arms (note plural) on her bottom and began to rub her bottom and thighs (note plural).' (Comment added)

20th February 2007: what Emma Nicholls tells Yvonne Gunning in her interview.

*'He put his arm around my waist. He placed his hand on the flesh of my hip. He stroked my hip. I thought after, this is something he should do with Machel (wife). It was full on not a little bit, it felt like a really long time. He put his **hand** lower, lower down my hip onto my thigh; his whole arm was touching my butt – it stayed there, seemed like ages. He moved his arm down around my thigh. He stayed there a while – moved it back up my hip.'*

23rd February 2007: what Emma Nicholls says in her statutory declaration.

'He put his arm around my waist. He placed his hand on the flesh of my hip. He stroked my hip. I thought after, this is something he should do with Machel (wife). It was full on not a little bit; it felt like a really long time. He put his hand lower, lower down my hip onto my thigh; his whole arm was touching my butt – it stayed there, seemed like ages. He moved his arm down around my thigh. He stayed there a while – moved it back up to my hip.

12th March 2007: what Dr. Dobbs says in his response dated 12th March 2007:

I have NEVER physically touched the "flesh of her thigh" or "butt" or anywhere else on that part of her anatomy in the fashion she portrays. In addition the portrayal of time in this

paragraph, e.g., "it felt like a really long time", it stayed there a while ..." is nonsense. If my wife called dinner and I was not pretty much IMMEDIATELY there, children would have 'flown' downstairs to get me. (Ask them they will tell you frankly).

The events portrayed in this paragraph fit neatly into the way that the whole document of allegation is crafted, i.e., taking part of the factual information and then building it into something completely untrue. If this had been true (which it is not) Ms. Nicholls could have objected, pushed me away, or otherwise refrained from coming to my household. The fact that both the narrative of the document of allegation, as well as her admissions and habits, say otherwise, points to the conclusion that her allegations are untrue.

The facts of her paragraph are not true, and this is not the end of the fabrications of the document of allegation. In addition her actions point starkly to the fact that she is the one committing inappropriate actions of a sexual nature. How dare this person even enter my bedroom, especially late at night, and ESPECIALLY WITHOUT THE LIGHTS ON, and sneak up on me alone!!! She KNEW it was wrong to do this (she admits this) and yet she plowed ahead and did it anyway.

Bearing in mind that at this stage Dr. Dobbs did not know that Emma had not wanted to make a complaint and that it had been made by Lee Nicholls coming to Yvonne Gunning and then the pair of them making the formal complaint to the PSU's Margaret Fuller, Dr. Dobbs' anger and the vehemence of his expression are understandable:

She is a deceiving charlatan. I did not make a stink about this event, not wanting to cause trouble for her, for during the previous period of time (perhaps several months or a year or so) it began to be evident from the conversations of my children and my wife that there was something seriously wrong with this person. Ms Nicholls had written emails to my daughters confessing how bad she really is, how her life is hell, and that she has seen what appears to be every type of doctor and health professional about her condition and yet she still continues to suffer.

21st August 2007: what Yvonne Gunning tells Ken Taylor in her interview.

KT: *'Did she demonstrate what she meant when she described that to you?'*

YG: *'Yes. She did. She got me to stand up next to her.' ...*

KT: *'But would you be comfortable just showing me on yourself where, where she put her hand? Where like she says the flesh of her hip. I'm not quite ...?'*

YG: *'Yeah so he had his hand down, on my understanding was down behind whatever it was that she had on.'*

KT: *'Right.'*

YG: *'And down, down ...'*

KT: *'Down behind?'*

YG: *'Yeah.'*

KT: *'Under her clothes?'*

YG: *'Yep.'*

KT: *'Under her clothes?''*

YG: *'Well that was the impression I got.'*

KT: *'So what would she have been wearing?'*

YG: *'I don't know. I could be incorrect about that.'*

KT: 'So for instance if she had ... '

YG: '... but that's the impression I got. I thought she said, um flesh. Just, I can't, oh, caressed my skin near my hip.'

KT: 'So, you think that might have been bare skin?'

YG: 'Yes.'

KT: 'So presumably she must have had jeans on or something like that?'

YG: 'Yeah, or even just your top. It's ...'

KT: 'Yeah.'

24th August 2007: what Lee Nicholls tells Ken Taylor in her interview.

LN '... And she just moved over to have a look on the computer what was happening and I think they started to talk or something. I'm not sure. And, ah, he, he relaxed back in his chair and he put his arm around her. And I don't know what came first, but his arm, ah went up her leg, under her skirt. (sighs) ... And he ran his hand up under her skirt and on her leg. ...

KT: 'Can you remember, I need to know a little more detail if possible. His hand was on her leg, so on her thigh. Um can you recall exactly where his hand went, i mean how high on her thigh.'

LN: 'Under her skirt. Oh, and if I remember rightly, he caressed her hips and part of her bottom.'

KT: 'So his hand was, right up high on, almost towards her hips by the sounds of it?'

LN: 'Oh, it was yes.

KT: 'On her buttocks?'

LN: 'Yep, yes, yes, yes.'

24th August 2007: what Emma Nicholls tells Ken Taylor in her interview.

EN: '... and he put his hand round, kind of my waist. But to do that, like from behind, um, and to do that, he had to get his hand kind of under my short like the T shirt that I was wearing. And he was just kind of stroking, like here kind of thing. Um he did that ... '

KT: 'What were you wearing?'

EN: 'just a skirt, like a hipster skirt and like a turtle neck top. Um ...'

KT: 'So his hand under your, under the top, is that right?'

EN: 'Yes, yeah, Not um, not kind of like this kind of thing. Like it's just, like it would have been to there, so it's not all that hard to do, um ...'

KT: 'Well, I'm sorry to interrupt. You tell me all, and then I'll'

EN: 'it's okay.'

KT: '... and then, and then I'll ask you some questions about some detail.'

EN: 'Okay, I'm trying to make sure I remember it correctly. Um ...'

KT: 'So he put his arm around your waist?'

EN: 'Yes.'

KT: 'Put his hands on the, on your flesh?'

EN: 'Yes.'

KT: 'Right. Now he deliberately did that?'

EN: 'Yes.'

KT: 'Okay. Go on, what happ..., else happened?'

EN: 'Um, he just moved it down, like to the top of my legs at the back. And then if I remember rightly, he moved it back off or something.

Then there is a demonstration by Emma (being Dr. Dobbs) on Yvonne Gunning (a lady more amply built than anorexia-beset Emma):

KT: 'Yeah, so do it that way, that's good.'
 EN: 'Yeah, and then his hand kind of just went like that.'
 KT: 'Now do it slowly because I'm going to describe it for the tape recorder.'
 EN: 'Oh okay.'
 KT: 'Alright, now Emma's hand is now on Yvonne's hip.'
 EN: 'Yes.'
 KT: 'And now it's moving down.'
 EN: '(laughs)'
 KT: 'And so his arm is sort of around your, your bottom.'
 EN: 'Yes.'
 KT: 'Around ...'
 EN: 'Yes.'
 KT: 'Around your bottom, yes.'
 EN: 'And then he just kind of went down there and stopped short about there.'
 KT: 'So his hand went lower, say six inches below the sort of buttocks ...'
 EN: 'Yeah.'
 KT: '... and just on the outer thigh.'
 EN: 'Yeah, except his arms still like ...'
 KT: 'Thank you.'
 EN: 'Yeah.'
 KT: 'Thanks Yvonne.'
 YG: 'That's OK.'
 KT: 'I do understand now, I didn't before, thank you.'
 EN: 'Thank you. (laughs)'
 KT: 'It's good to have a laugh about it.'
 EN: '(laughs) Oh dear, I can't stop laughing.'

When she had stopped laughing, Ken Taylor is forced to ask in view of the wild disparity between this account and the ones of Lee Nicholls and Yvonne Gunning which he had heard before:

KT: 'So um, you're absolutely confident that that's your, your memory of what happened?'
 EN: 'Yes, I think so. I know that when I wrote ...'
 KT: 'It wasn't anything more serious than that?'
 EN: 'I know that what I wrote down on here (the stat. dec.) is exactly word for word what happened. In that time, I've actually literally blocked out a lot of what happened.'
 KT: 'Okay, but you're not, you're not minimizing this in any way?'
 EN: 'No.'
 KT: 'You didn't, there wasn't more happening?'
 EN: 'No.'
 KT: 'Do you think you might have given your mother the impression that more happened than that?'
 EN: 'Me?'
 KT: 'Mmm'
 EN: 'No.'
 KT: 'No?'
 EN: 'No.'
 KT: 'Do you think you might have given your mother the impression that he's, that he put his

hand under your skirt?'

EN: 'No.'

What he does not ask (perhaps because the interview was in the presence of Yvonne Gunning) was whether Emma *'might have given Yvonne Gunning the impression that more happened than that'*. Both these women had given their sexed-up stories saying that Dr. Dobbs was putting his hand (or both hands) up under or down under her clothes and caressing her bare skin on her hips and squeezing her thigh and buttocks. So where did those two accounts come from if not from Emma, who was the only person apart from Dr. Dobbs present?

11th September 2007: what Yvonne Gunning said in her signed statement.

19. When Emma went into Scott's office, he was on his computer and she stood next to him to look at the screen. He put his arm around her waist. He placed his hand on the flesh of her hip and caressed her skin near her hip. Then he slid his arm lower, so that his whole arm was touching her across her bottom. She demonstrated this at our interview. She got me to stand up next to her. He had his hand down behind whatever it was that she had on. My impression was that he had his hand under her clothes, I could be wrong about that, but I thought she said he was touching her flesh, that he caressed her bare skin near her hip.

24th November 2007: what Lee Nicholls said in her signed statement.

'He relaxed back in his chair and he put his arm around her. I don't know what came first, but his arm went up her leg and under her skirt. If I remember rightly he caressed her hips and part of her bottom. Emma wasn't upset. She was aware of the intimacy, the physical intimacy between them. She was aware he was caressing her in a way that was inappropriate and she was aware that it was sensual touching, but she didn't pull away.'

Where were Emma's hands?

Again, I will treat this chronologically.

5th December 2006: what Emma says to SanDee in her email.

'... and i made the horrific mistake of putting my hand on his hair and my other hand on his other hand which was on my waist ... '

1st February 2007: what Lee Nicholls says to Yvonne.

There is no mention of what Emma did with her hands.

20th February 2007: what Emma Nicholls tells Yvonne Gunning in her interview.

There is no mention of what Emma did with her hands.

23rd February 2007: what Emma Nicholls says in her statutory declaration.

There is no mention of what Emma did with her hands.

12th March 2007: what Dr. Dobbs says in his statutory declaration.

This is not addressed because there is no mention of what Emma did with her hands in her statutory declaration.

21st August 2007: what Yvonne Gunning tells Ken Taylor in her interview.

There is no mention of what Emma did with her hands.

24th August 2007: what Lee Nicholls tells Ken Taylor in her interview.

There is no mention of what Emma did with her hands.

24th August 2007: what Emma Nicholls tells Ken Taylor in her interview.

(This follows on immediately after Emma was talking about Dr. Dobbs leaning his head back into her 'breasts' which is discussed in document 4E.)

EN: 'I don't know, I don't remember. I know that I put my hand on his head.'

KT: 'You put your hand on his head when he did that?'

...

KT: 'So was it the top of his head, or I'm just wondering whether ...'

EN: 'It wasn't the top, because I, I remember putting my hand on the top of his head.'

11th September 2007: what Yvonne Gunning said in her signed statement.

There is no mention of what Emma did with her hands.

25th November 2007: what Lee Nicholls said in her signed statement.

There is no mention of what Emma did with her hands.

Note: in Emma's interview she does not repeat the information she gave SanDee that she also had her other hand over his on her waist, which means of course that his hand could not be wandering around her nether regions, only his arm drooping for a short time while he concentrated on what he was reading on the computer.



The Documents in the Case**Document 4E***Emma invades Dr. Dobbs' study.***Where did he place his head?****What happened after that?****Emma feels guilty – as well she might.*****Where did he place his head?*****5th December 2006: what Emma says to SanDee in her email.**

' ... any way things went a little further, not too much and he put his head back on my chest, ...' (emphasis added)

20th February 2007: what Emma says to Yvonne Gunning in her first statement.

'He put his head into my breasts and lifted it up, looked at me and put it back into my breasts.'

23rd February 2007: what Emma says in her statutory declaration.

'He put his head into my breasts and lifts (sic) it up, looked at me and put it back into my breasts.'

12th March 2007: what Dr. Dobbs says in his response.

'I had been looking at my computer screen and I thought it was my daughter Ellesha, who regularly sneaks up behind me when I am at my computer. Except for the computer screen the whole room was dark and Ms. Nicholls leaned over the desk so close to me that anyone watching would have thought she was going to climb into my lap.'

'As I turned my head to say something to "Ellesha" (as I thought this person was) I saw in the light of the monitor that it was Ms. Nicholls. In one instant the thought of my situation was clear. I was shocked that this person would come into my bedroom later at night, in the dark, sneak up behind me when I was in the room alone, and then come so close to me that she was blatantly suggestive.

I reacted immediately and physically pushed her slightly to the side in order for my chair to back away from the computer desk.'

21st August 2007: what Yvonne Gunning said to Ken Taylor in her interview that Emma told her/demonstrated to her:

KT: 'Okay. Um, and then the comment, that he put his head into my breasts. Did she demonstrate that as well?'

YG: 'Yes, as much as she was able to. And once again, extreme embarrassment. Um, she had trouble telling me the details of that.'

KT: 'And how did you take that? Was he just resting his head there or was there something ...?'

YG: 'No, that he, that it was a sexual move on her. That um, 'cause he's sitting in the, so I was sitting in Rod's chair and she came and stood next to me, and so it's the height of, like his head straight into her breasts.'

KT: 'So like her face, his face?'

YG: 'His face.'

KT: 'His face. So he's sort of nuzzling between her breasts?'

YG: 'Yeah.'

KT: 'Is that what, that sort of thing that you took it to mean?'

YG: 'Yes. Yes I did take it to mean that.'

24th August 2007: what Lee Nicholls told Ken Taylor in her interview:

'... and rested his head on her chest. And they were looking at the computer.'

24th August 2007: what Emma says to Ken Taylor in her interview (in the presence of Yvonne Gunning).

Emma Nicholls: '... And at one stage he **leaned his head back onto my chest**, so I must, um, I must have, I was, I was beside, I don't know how, I'm just trying to think of the way. I think I was kind of beside him and he was on the chair and he must have kind of leant back and he just put his head back on my chest and stayed there. He didn't say anything. I think he looked up at ...'

Ken Taylor: 'Now here it says on your breasts but ...?'

EN: 'Yeah.'

KT: 'Is that what you mean?'

EN: 'Yes, yes.'

KT: 'So where was his head on your breast?'

EN: 'Just there?'

KT: 'Like between your breasts? Like was it, was it the side of his head the back of his head?'

EN: 'Um ...'

KT: 'The front, with his face?'

EN: 'I don't know, I don't remember. **I know that I put my hand on his head.'**

KT: 'You put your hand on his head when he did that?'

EN: 'Um, Yvonne and I, remember kind of talking to you about this when we wrote the stat dec., 'cause I explained to her what happened and she was kind of saying between. I was going, between, **like it was kind of just on**, if you know what ...'

KT: 'You see if it's the side of his head, ...'

EN: 'Yeah.'

KT: 'And you think it, it seems to be in that position, it would be the side of his head, ...'

EN: 'Yeah.'

KT: 'So was it the top of his head, or I'm just wondering whether ...'

EN: 'It wasn't the top, because I, **I remember putting my hand on the top of his head.'**

KT: 'Okay so was his, his face and mouth quite close to your breasts?'

EN: 'I don't think so but ...'

KT: 'They would have to be wouldn't they?'

EN: 'No, because **I think he just kind of leaned back.'**

KT: 'So it's the back of his head?'

EN: 'I think like on an angle, but I think so, yeah. Like his mouth and stuff wasn't really close to my chest I don't think.'

KT: Okay, and what were you wearing? A turtle ...?'

EN: 'Just a white, yeah a turtle neck long sleeve top.'

KT: 'You had a, you were wearing underclothes, a bra and that were you?'

EN: 'Just a bra, yeah.'

KT: 'And how long do you, was his head in that position?'

EN: 'I think it felt like a while again, but I don't know.'

KT: 'Again, like a minute or so, or a couple of minutes, a few minutes?'

EN: 'I think so.'

KT: 'And you were saying nothing?'

EN: 'I didn't say anything.'

KT: 'And he was saying nothing?'

EN: 'yes.'

The investigator explores how she felt about this incident. The only other useful piece of evidentiary value is this question and answer:

KT: 'Did you pull away at any stage?'

EN: 'No I didn't. ...'

11th September 2007: what Yvonne Gunning says in her signed statement:

Then he put his head into her breasts. He was just resting his head between her breasts. It was a sexual move on her. He was sitting down so his head was at that height and he pressed his face into her breasts. I understood that he sort of nuzzled between her breasts. I don't think he was saying anything at the time. Emma was highly embarrassed to tell me about it. I had no reason to doubt that she was telling me the truth. She didn't try to pull away from him. I suppose there was some pleasure at receiving attention from him, but at the same time feeling very guilty. That was my impression.

25th November 2007: what Lee Nicholls said in her signed statement.

'He relaxed back in his chair and he put his arm around her. And he rested his head on her breasts.'

13th November 2007: what Emma says in her signed statement.

- 20 *At one stage he leaned his head back into my chest and just stayed there. He didn't say anything. His head was pressed against my breasts. I don't remember the exact position of his head. I think it was the side of his head that was pressed against my breasts. He was at an angle, so his mouth wasn't really close to my breasts, I don't think. I know that I put my hand on top of his head. I was wearing a bra under my turtle neck top.*
- 21 *Scott left his head pressed against my breasts for a couple of minutes, I'd say. At one point he looked up at me and then put his head back onto my breasts.*

Notes: is it a case of Dr. Dobbs 'leaning back into Emma's' chest' or 'breasts'? Was Yvonne Gunning over-reaching herself in guiding Emma Nicholls' account into more sexualised versions later rejected by her?

1. Emma, in her first story calls the incident Dr. Dobbs leaning back into her chest. In her last version given to Ken Taylor she repeats this but adds the words 'and just stayed there' which do not appear in her first version.
2. The sexualised version that is produced in her statement to Yvonne Gunning does not actually 'stick' because Emma reverts to the first version.
3. Ken Taylor 'reminds' her that she used the words 'breasts' in her statutory declaration and, obediently, Emma alters her evidence.

EN '... I think I was kind of beside him and he was on the chair and he must have kind of leant back and he just put his head back on my chest and stayed there. He didn't say anything. I think he looked up at ...'

KT: 'Now here it says on your breasts but ...?'

EN: 'Yeah.'

KT: 'Is that what you mean?'

EN: 'Yes, yes.'

KT: 'So where was his head on your breast?'

EN: 'Just there?'

KT: 'Like between your breasts? Like was it, was it the side of his head the back of his head?'

EN: 'Um ...'

KT: 'The front, with his face?'

EN: 'I don't know, I don't remember. I know that I put my hand on his head.'

4. Yvonne Gunning is the source of the most extreme version, using the word 'nuzzled' between her breasts, which paints a scene that is not confirmed by Emma.
5. But, even after altering her evidence to Ken Taylor at his request, later Emma returns to her first version in that interview:

KT: 'Okay so was his, his face and mouth quite close to your breasts?'

EN: 'I don't think so but ...'

KT: 'They would have to be wouldn't they?'

EN: 'No, because I think he just kind of leaned back.'

KT: 'So it's the back of his head?'

EN: 'I think like on an angle, but I think so, yeah. Like his mouth and stuff wasn't really close to my chest I don't think.'

6. Dr. Dobbs says he did neither: he turned his head and saw, in the light from the computer screen (as the room was now dark) that it was not his daughter but Emma Nicholls who was the last person he expected to come down into his study, having walked through his and Mabelle's bedroom. He was so shocked that he physically pushed her to the side so that the wheels of his chair would not run over her foot (which presupposes that she was very close to him, even still leaning over him – he had previously described her position as looking as if she was about to climb into his lap – to look at the computer screen) and running his chair back so he could stand up and get away from her, out of the room and upstairs.

Comment: *thinking about the actual physical dynamics of the scene:*

Ken Taylor relies on a totally inadequate demonstration between Emma (short and thin) pretending to be Dr. Dobbs who is about 185cms tall and well-proportioned for his height, and Yvonne Gunning (perhaps a bit taller but stouter) pretending to be Emma, while Emma is sitting on a chair that is not the same as the chair Dr. Dobbs was sitting on. How unprofessional is that, with all of its' potential for distortion? Yvonne Gunning draws conclusions from comparative heights in the demonstration, but these cannot be sound conclusions because of these substantial differences between her 'demonstration' and the reality of the two people actually there.

Emma says she heard typing and went into the study from the bedroom. She and Dr. Dobbs are agreed that when she came up beside him she leaned over to look at the computer screen that he was working on. That means that he is sitting at the computer, feet under the desk with both hands on the keyboard. According to him she was leaning so far forward over the desk that it would look to an onlooker as if she was trying to climb into his lap. From his point of view, he is concentrating on the computer screen when this person suddenly appears in his line of sight between him and the computer. Her face necessarily is turned away from him, as she is between him and the computer screen which she is reading.

He is supposed to have then put his arm around her. How? It could only be his left arm because to bring his right arm across his body and hers to put around her waist would be an absurdity. His left arm would have been underneath her body as she leant across it as he was typing. Did she move? She does not say so. She says that from that position he put his arm around her waist. But, she is not real close, she says, so he has to extricate his arm from under her leaning body to put it around her back at the waist, across a distance between her lower body and the desk. From that position, she says that he caressed her bare skin 'or whatever' on her hip with his hand.

What bare skin? She is wearing a long-sleeved turtle-neck sweater and something on her lower body. Ken Taylor asks Yvonne but she does not know, but agrees that she was wearing a top and probably jeans or something. Emma describes her top, but Ken Taylor does not ask about whether it was cropped or tucked into the bottom garment, whatever that was.

And is it at all possible that with his hand still on her waist his arm could droop down onto her 'butt' and below to the top of her legs? He would need very long arms but equally she would need to have been much closer to him for this to be remotely feasible.

She is clear that he was not groping her. Always, her descriptions are of his arm drooping down and then bringing his arm back up, as if he is concentrating on the screen and is almost absentmindedly acknowledging her presence; in his mind, if this happened it would have been the presence of his eldest daughter. He has no recollection of even touching her.

Then, she says, that she put her hand over his on her waist.

Bear this image in mind when the later elaborations of the story are considered.

Note B: *How then did Dr. Dobbs lean back and nuzzle Emma's breasts*, to adopt the worst description that of what Yvonne Gunning says happened, or what Emma told her happened? And how did Emma put her hand on his hand on her waist and her other hand on his head while he was doing this?

In Emma's chronology of the incident, after putting his arm around Emma's waist, Dr. Dobbs leaned back and made contact with her 'chest' or 'breasts'.

How?

If he leaned back, his head would rest against or even slightly above the high back of his office chair (he describes it in his response as having a star-shaped leg with 5 wheels – it is the usual

style of office chair which can be purchased at office supply outlets like Officeworks everywhere). His head could not end up on any part of Emma let alone her chest unless she had moved back to lean behind him between the back of his office chair. He would miss her entirely. And his head would travel past her at the side and out of her range for her to put her hand on his hair as she says she did unless she turned sideways which would be likely to dislodge his hand on her waist with her hand over it.

If she was behind him where he would lean back onto her chest, so that she could then put her hand on his hair, then in the earlier part of her account he would have to have stretched his arm backwards to put it, and keep it, around her waist. This is another position that could be painful and counter-productive to a passionate encounter. Otherwise, Emma has to have moved out of his space and to be standing beside him on his left, not looking at the computer screen.

Then as he leaned back, or just straightened up from leaning forward towards the screen, he could not collide with her chest or breasts because they would be at his side. Hence Ken Taylor's attempt to suggest that Dr. Dobbs must have turned his head and put his face in between her breasts. But Emma does not agree with this. At best, all she can say is that the side of his head came in contact with her chest (until prompted by Ken Taylor to change the word to 'breasts'). And, she is clear that his mouth was nowhere near her breasts. So, no nuzzling, Yvonne Gunning.

On this scenario, he is still looking at the computer screen and, inexplicably and without saying anything, he leans his head sideways where it collides with her chest.

Ken Taylor is puzzled by the physical dynamics, but backs off from pushing Emma to get a proper account of what happened. She pleads that she doesn't know, she doesn't remember. Possibly because this was yet another lie pushed onto her by Lee Nicholls and Yvonne Gunning to sex-up the complaint.

Note C: *Did Dr. Dobbs, leaning back into her breasts, lift his head and look at her than put his head back on or between her breasts?* This does not appear in the first account, only after the 3-hour interview with Yvonne Gunning. It raises the possibility that Yvonne Gunning, who had a great deal to lose in credibility and power if the case failed, had seen a problem: that Dr. Dobbs would not have known it was Emma if it was not said that he looked and saw her and then continued the 'sexual' behaviour.

EN '... I think I was kind of beside him and he was on the chair and he must have kind of leant back and he just put his head back on my chest and stayed there. He didn't say anything. I think he looked up at ...'

KT: 'Now here it says on your breasts but ...?'

EN: 'Yeah.'

Because the flaws in the story about Dr. Dobbs leaning back into Emma's chest or breasts are so marked as to make it unlikely to have happened, then this could not have happened either. Ken Taylor does not test her on it. Dr. Dobbs says nothing about leaning back, but that he turned his head and that when he saw reflected in the light of the screen that it was Emma and not his daughter he physically pushed her slightly to the side so he could push his chair back, almost running the wheels across her feet, and he got up and left the room. This is entirely consistent. He is sitting facing ahead while someone stands very close and leans over him, but looking at the computer screen ('as if she was trying to climb into his lap'). Something prompts him to look sideways – turning his head to look at whoever is standing beside him. If his head collided with her chest or

breasts it/they would have to have been already very close to his head: where Emma had placed them.

What happened after that? Well – nothing much.

5th December 2006: what Emma says to SanDee in her email.

'anyway, after that episode we went upstairs for dinner and i felt fine, nothing weird, or anything, and just joined back in with everything, the night progressed normally.

23rd February 2007: what Emma says in her statutory declaration.

'Then all of a sudden he stopped, got up and walked up to dinner.'

12th March 2007: what Dr. Dobbs says in his response.

'I saw in the light of the monitor that it was Ms. Nicholls. ... I reacted immediately and physically pushed her slightly to the side in order for my chair to back away from the computer desk ... I then got up immediately and left the room.'

24th August 2007: what Emma told Ken Taylor in her interview.

KT: 'So how did it finish? He had his head on the chest?'

EN: 'He just, again he just, at one, he just got up. He, um, it was rea..., it was, most of these things were like that, where he just stopped and got up and walked up and walked up to dinner. And I followed him.'

KT: 'Now of course nobody saw this did they?'

EN: 'No, not that I'm aware of, no.'

KT: 'And did you join them for dinner then?'

EN: 'Yes.'

KT: 'Was it all very awkward or strange or?'

EN: Um, not really. It was as if it didn't happen. Um, yeah to be, yeah it was just, no ...'

13th November 2007: what Emma said in her signed statement.

21. ... Eventually Scott just got up. He just got up and walked up to dinner. And I followed him. Nobody saw what happened. Then I joined the family for dinner. It was like nothing happened.

Emma feels guilty – as well she might.

What does she feel guilty about?

Take Yvonne Gunning's description of what Emma told her (apparently): it appears that she specifically went down to seek out Dr. Dobbs in his study to provoke a sexual encounter (this woman whom Yvonne Gunning describes elsewhere as so innocent and 'untouched', who is still a virgin at the age of 20 as confirmed by Dr. Schloeffel):

'I think that at this point she was struggling about whether she was wanting to be a willing participant. She said that in our interview, that there was a struggle going on and I think that she admitted it to her mother that it could reach the point where it became a sexual relationship, because Emma liked Scott. So she was sort of welcoming the attention and also

sort of upset about it at the same time.'

Compare Emma's account of her romantic attachment to Dr. Dobbs as she writes in her email to SanDee on 5th December 2006:

'I need to explain a little about me. Since age fourteen when I first met Scott we have gotten along well and been close and I have liked him and loved him a lot and vice versa, I think there's been a "special" thing there, some weird spark and/or chemistry, unless he's like that with everyone, and I'm not aware of it. He is a very charming, charismatic character. But I really don't think so, I always think there's been something more, whether it is sexual or not I'm not sure.'

Notes:

- (1) Dr. Schloeffel says about Emma when she was aged 19-20: *'there is some possibility that Emma's recollections of the alleged behaviour are unreliable because of her medical condition.'*
- (2) This caveat must be borne in mind when trying to interpret **all** her writings and her interviews.
- (3) What Emma says at age 20 that she recollects of her relationship with the Dobbs family and Dr. Dobbs in particular, is not necessarily what in fact she thought or felt at the time, or even what was true or what happened, if anything, and even what she said a day or two later may be tainted by intervening ruminations and thought processes that are delusional.
- (4) I would suggest that this also makes her vulnerable to suggestion, persuasion and coaching.

What was her first reaction, as she writes in her email to SanDee on 5th December 2006:

*'... we went upstairs for dinner **and i felt fine, nothing weird, or anything**, and just joined back in with everything, the night progressed normally.*

What was her second reaction, as she writes in her email to SanDee on 5th December 2006:

'... and i made the horrific mistake of putting my hand on his hair and my other hand on his other hand which was on my waist. Good God Emma! I then started to realise my own stupid feelings. Anyway i need to take fifty percent responsibility for what happened ...'
'... i still played my part and actually encouraged to a certain degree what was happening.'
*'i couldn't sleep all night and woke feeling really shaky. Still going through doubt, and think what if this what if that, but it all happened and unfortunately **it felt completely normal, natural and enjoyable to me, not even weird or strange and i encouraged it in the most subtle and unknowing way even to myself.**' (Sic as to lack of capital letters; emphasis added.)*

What were her third and fourth reactions, as she tells Yvonne Gunning for her statement made 20th February 2007?

'I was scared I would be made out to be the (sic) blame;'

'I always looked at him as a father and I felt confused and guilty. I felt this should be happening with Mabelle (wife). I like Mabelle and felt guilty and confused. I still feel very confused. I keep trying to tell myself part of this is my fault. This started when I was 16, but I can see how it has all led up to it since 14. At that point I thought it was inappropriate.'

Compare this with her outpouring to Sandee in the email on 5th December 2006 quoted above, regarding her discernment of some *'weird spark and/or chemistry'* between them, nothing about looking on him as a father. And yet this perception of the *'weird spark or chemistry'* was on the basis of just one encounter, in the kitchen just after she had started coming to the house, based on a hug to comfort her as she was crying hysterically, which Ken Taylor rejected, not sustainable as abuse or grooming. Emma did not think it was inappropriate.

And regarding the hug at age 16, she describes it to SanDee in the same email as this:

'at about age sixteen i became aware that the dad had what i felt was a 'sexual' predisposition towards me, and I told my mum after something very minor which happened (sic) that I felt really uncomfortable about. she wasn't concerned about it and trusts him greatly, and advised me not to worry about it and she didn't think it was a sexual thing'. (sic as to lack of capital letters and emphasis added).

When she is aged 20, of course both she and her mother are *'over-ruled,'* undoubtedly by Yvonne Gunning who was searching for something more preceding Emma's own questionable actions invading Dr. Dobbs' study to blame him for what Emma did.

And again, when she was 19 turning 20, as she later tells SanDee, there was earlier in 2006 –

'possibly a slightly sexual thing there with him' and she goes on to say *'but because it wasn't acted on, or anything like that, etc etc, i didn't take much notice or worry about it.'*

Nobody seems to have asked her what she meant by a slightly sexual thing that wasn't acted on: how did she assess it as slightly sexual when there was no manifestation of it in the real world? It seems that this is more likely to be an indication of Emma's inability to know and understand what is a *'sexual thing'* and what isn't, an example of what Dr. Schloeffel identifies as her propensity to misconstrue ordinary interactions as a result of her OCD.

What we have is a thread of a sexual imagination that bears no relation to reality, possibly because of her OCD but equally because she is struggling with adolescent sexual longings which she has transferred to the handsome and charismatic Dr. Dobbs. This is despite the fact that he is barely aware of her existence and pays her no more attention than to his daughters and the many friends of the family who enjoy the open house and hospitality of this Christian family.

When it comes down to it, Emma cannot say that she ever was singled out by Dr. Dobbs in any way. There were no secret meetings when she was underage. No physical contact of overt sexuality. It was in those disastrous last months of November/December 2006 and January 2007 when, aged 20, she was *'old enough to know better'*, she chased him, he did not chase her.



The Documents in the Case

Document 5A

The hand stroking: an overview of Emma Nicholls' early account and Dr. Dobbs' response.

Who was where before the hand stroking?

Emma's description to SanDee on 5th December 2006, 2 days later:

"... later on, after Michael the other guest had gone, those of the family who were at home or not in bed, being his two youngest daughters, aged ten and twelve, his wife, me, and their Japanese homestay Hyoto all settled in the lounge room. His wife lay across one lounge and his daughter (Tiara apparently from the later description) sat in front of her, i took the single-seater, and Hyoto sat in the middle of the other two-seater right next to mine. The dad pulled up a chair and i cant remembr (sic) where cheyenne the ten year old daughter was. The other kids and homestay were in bed or not home, ... (Sic as to lack of apostrophes and capital letters)

"... and a bitlater (sic) the husband and girls went on the verandah to feed the baby possum which was outside the doors there, then they came back in and the dad sat right next to me, on the lounge where Hyoto was, Hyoto must have needed to move over a bit because there wasn't much room. Anyway the wife fell asleep on the other lounge, Tiara was still there and not taking much notice ... "

Note the use of the words "the husband", "the dad", "his wife" and "the wife" – indicating that this had been drafted at least in part by someone other than Emma, who would have used the names of Scott and Mabelle, or at least Mr. (or Dr.) and Mrs. Dobbs, whom she had been visiting on and off over 6 years.

Emma's statement drafted after her interview with Yvonne Gunning on 20th February 2007:

"We (Scott, Mabelle, other members of the Dobbs' family, Michael, a friend and a homestay student) talked over dinner. Later, I sat in the lounge in a single seat by myself so no one could sit near me. Mabelle (wife) fell asleep."

Notes:

(1) This is a considerable truncation of the original story. There is no reference to the family feeding the baby possum, going in and out of the sitting room around to the kitchen. And now, it would appear, Michael is still with the family as there is no mention of him having left to go home. And by the time that this is drafted into her statutory declaration made 23 February 2007 it is truncated even more from the original.

Emma's statutory declaration signed 23rd February 2007:

7. *We talked over dinner. Later I sat in the lounge in a single seat by myself so no one could sit near me. After dinner Scott and the girls fed a possum on the front verandah. He came inside and sat down. Mabelle (Scott's wife) fell asleep. Scott took my hand and sat stroking my wrist. He stroked the top of my hand for ages, about 5-10 minutes, on the palm, inside my*

fingers. I shifted and possibly Mabelle woke, but he stopped.

Note: So where did he sit? Clearly no-where near Emma because she had chosen to sit in the single lounge chair so that no-one could sit near her, as stated in her first go at telling the story to Yvonne Gunning but left out of this second (possibly third) attempt to tell the story to Yvonne Gunning. Or 'right next to her on the lounge' with Hyoto having to budge up to make room (as she writes to SanDee). Or had he come back into the sitting room from feeding the possum to sit on the chair that he had pulled up earlier when Emma first sat down? It gets more interesting as she has to go through the interview, as we see below.

Dr. Dobbs' response to Emma's statutory declaration signed 23rd February 2007 by statutory declaration signed 12th March 2007: (He was unaware that Lee Nicholls had been the complainant and that Emma did not want to make a complaint and only gave a statement after a 3-hour interview with Yvonne Gunning, which explains his incredulity and anger.)

"Paragraph 8

This appears to be an extension of paragraph 6. (Emma's invasion of Scott's study) This paragraph doesn't make any sense when viewed carefully, for she says she sat in a lounge chair where no-one could sit next to her, that the children were around, and yet I somehow found a way to get near enough to begin "stroking [her] wrist". And further alleges that it took place for five to ten minutes. This is preposterous! I admit freely that I have held her hand, hugged her, given her open encouragement and support, but I have absolutely never "stroked her wrist or her hand, or "on the palm, inside [her] fingers as she has said. I deny these allegations completely and assert that she is a liar and a deceiver. Her phrasing in this paragraph is also particularly disjointed e.g., "possibly" Mabelle awoke??? Either Mabelle woke up, or she did not, and any reasonable person would be able to make this distinction. In addition, looking at this paragraph, any normal person would ask, "Well, if this guy stroked your hand for 5 or 10 minutes, what were you doing all that time, if you didn't like it?" She says that there were children all around, feeding the possum (just outside the balcony with open uncurtained, glass panels, with my wife "asleep" in the room but somehow I was able to "stroke" her hand for "five or ten minutes" without detection?"

Lee Nicholl's statements to Yvonne Gunning on 1st & 4th February 2007:

There is no mention of these particulars.

Lee Nicholls' interview with Ken Taylor on 24th August 2007 (remember, she can only say what Emma has told her as she was not a direct witness):

"LN: 'Well on one occasion, it was late after dinner and Mabelle was asleep on the lounge in the same room. And Scott Dobbs and Emma were in the lounge room too. They must have been watching television or something. And she was sitting near him, and he started to caress her hand."

Note: This seems to be on the same day as Emma invading Dr. Dobbs' study, which Lee and Greg told Ken Taylor was in February 2006.

Emma's interview with Ken Taylor (with Yvonne Gunning present) on 24th August 2007:

"Ken Taylor: 'Okay, so you were on the single seat ... '

Emma Nicholls: 'Yes
 KT: '... of the lounge.'
 EN: 'I was.
 KT: 'Like a, well like a single lounge chair?'
 EN: 'Yeah
 KT: 'So where did he sit? Did he sit next to you?'
 EN: 'There's a single seater next to the double seater and he sat on the, there was a homestay on the one side of the double seater and then he sat on the other. Yeah he did, I think he kind of had to squeeze himself in a little bit.'
 KT: 'He sat on the double chair?'
 EN: 'Yes he did, next to me on the single one, yes.'
 KT: 'Why he (sic) had to squeeze in?'
 EN: 'Oh there's a homestay, an overseas student that lives with them ... '
 KT: 'Yeah.'
 EN: '... sitting on the lounge, kind of in the middle ... '
 KT: 'Right next to him?'
 EN: 'Yes.'
 KT: 'So there was somebody right there when he was stroking your hand?'
 EN: 'Yes.'"

Emma Nicholls' signed statement dated 13th November 2007:

"22. continued. '... and then he came inside and sat down. **I think** that Tiara and Cheyenne were in the room too. They were doing their own thing. **I think** Tiara was on the floor playing with the dog. **I don't remember** what Cheyenne was doing. Mabelle had fallen asleep in the lounge room. There was a single seat lounge chair that I was sitting on and **I think** Scott sat on the double seater lounge chair that was next to my chair. A homestay overseas student was also sitting on the double seater lounge chair, kind of in the middle, and Scott sat next to him. **I don't remember** the name of the homestay student. He wouldn't be there anymore and I don't think he would have seen what happened that night. **He was a small person and Scott Dobbs is a big man. Scott was sitting between him and me. I think that Scott's body would have blocked his vision of what Scott was doing with me.** The homestay student **might have been** there when that happened. **I'm not 100% sure, but I don't remember him getting up and going.**" (Emphasis added)

Note: Here we have additional information that does not appear in the interview or in any other form of Emma's story: an explanation for the homestay student sitting next to Dr. Dobbs throughout the hand-stroking exercise but not seeing anything. Clearly this is the result of Ken Taylor's incredulity when she discloses that there was someone sitting right next to Dr. Dobbs when he was supposed to have been stroking Emma's hand in a sexually arousing manner.

Say that again: who as well as Dr. Dobbs was actually in the room at the time that all this was supposed to be going on and what were they doing?

What Lee Nicholls says on 24th August 2007 to Ken Taylor: one wife.

"Machelle was asleep on the lounge in the same room. And Scott Dobbs and Emma were in the lounge room too. They must have been watching television or something."

Watching television or something is not mentioned by anyone else, let alone Emma.

What Emma Nicholls says:

On 5th December 2006 to SanDee: one wife, two daughters and homestay student.

'... being his two youngest daughters, aged ten and twelve, his wife, me, and their Japanese homestay Hyoto all settled in the lounge room. His wife lay across one lounge and his daughter (Tiara apparently from the later description) sat in front of her, ... i cant remembr (sic) where cheyenne the ten year old daughter was'.

On 23rd February 2007: a wife.

(Daughters went out to feed possum but no mention of their return.)

On 24th August 2007 to Ken Taylor: one wife, two daughters), a homestay student and a dog. (which might have been played with).

'The little girls were in. Tiara was there but I, like she was doing something, either playing with their dog or I mean Tiara's twelve.'

KT: 'Yeah.'

EN: 'Um, but yeah, and I think Cheyenne was there and I'm not sure what she was doing.'

On 13th November 2007 in her signed statement: one wife, two daughters (she thinks), a homestay student and a dog (possibly being played with).

'I think that Tiara and Cheyenne were in the room too. They were doing their own thing. I think Tiara was on the floor playing with the dog. I don't remember what Cheyenne was doing. Machelle had fallen asleep in the lounge room. There was a single seat lounge chair that I was sitting on and I think Scott sat on the double seater lounge chair that was next to my chair. A homestay overseas student was also sitting on the double seater lounge chair, kind of in the middle ...'

Say that again: Machelle was asleep? Or was she?

What Lee Nicholls says:

To Yvonne Gunning on 1st or 4th February 2007: this is not mentioned.

On 24th August 2007 to Ken Taylor:

"Machelle was asleep on the lounge in the same room."

What Emma says:

On 5th December 2006 to SanDee:

'Anyway the wife fell asleep on the other lounge, Tiara was still there and not taking much notice ...'

On 23rd February 2007 in her statutory declaration:

'Machelle (Scott's wife) fell asleep.'

On 24th August 2007 to Ken Taylor:

*'... (Machelle) was asleep. But I thought, **she might not have been for all I knew kind of thing.** ... '*

In her signed statement dated 13th November 2007:

'Machelle had fallen asleep in the lounge room.'

Say that again: would Machelle have seen anything (the hand-stroking?)

What Emma says on 24th August 2007 to Ken Taylor: well, perhaps.

KT: 'Okay, alright. And, um, would anyone else have seen that?'

*EN: 'I questioned that. I thought that maybe Machelle had seen it, but she was asleep. But I thought, **she might not have been for all I knew kind of thing.** ... '*

....

KT: 'Did he, did Machelle wake at any stage?'

EN: 'Not that I'm aware. I don't think she did, but through this whole period, I felt that she knew stuff like was going on, so, and I wondered how she knew.'

Note: the investigator seems to have been impervious to the straight-out contradictions between Emma's earlier evidence and these two replies only a few questions apart.



The Documents in the Case

Document 5B

The hand stroking: who says what about how this was done.

Emma's email to SanDee on 5th December 2006

" ... And the dad took my hand, again this is not unusual sandee, i hold all of their hands from time to time, (his too) but he started playing with my hand in a way only he should play with his wife's hands and he stroked my wrist. And did this thing which my family and i would affectionately call 'the tickly thing' which unfortunately feels incredibly good, and only certain people have the knack for doing it, he has that knack. !@#%\$^&\$& (sic) i wont give you particulars of what he did, but it's not the thing that you do to your child or 'adopted child' lol, and it seems to have had sexual undertones or whatever. this (sic) was progressive and i didn't think it was going to happen or continue once it started but it did. I didn't pull my hand away. I actually went into receiving state, (rolls eyes) ... "

Notes:

- (1) The use of the phrase *"in a way only he should play with his wife's hands ... "*: a similar statement comes up in Yvonne Gunning's interview with Ken Taylor. And the phrase *"but it's not the thing that you do to your child or 'adopted child' lol ... "* is a similar line of thought, that this hand stroking was sexual foreplay. Not that Emma would have had any experience or knowledge of that: Dr. Schloeffel says she was still a virgin at 21.
- (2) And so, the information that this was sexually arousing, along with the continuation of the use of "the dad" instead of Dr. Dobbs' name is confirmation that this email was drafted at least in part by someone other than Emma. If it was Yvonne Gunning, and I think that is a reasonable deduction, then her involvement pre-dated Lee's "first", "formal" interview with her by about two months, at the least.
- (3) We also have the apparent contradiction between -

"... this thing which my family and i would affectionately call 'the tickly thing'..." and "and it seems to have had sexual undertones or whatever ..."

So was there something unwholesome going on in Emma's parent's home?

- (4) And, finally, Yvonne Gunning herself tells Ken Taylor in his interview with Emma on 24th August 2007 that as Emma is not married, she would not understand his comments about sexually suggestive hand-stroking, thus:

"Ken Taylor: 'There's all sorts of symbolic things you can do with the hand, to be, you know, sexually suggestive. Look at Yvonne, she's just dying for her hand to be ... '

Emma Nicholls: (laughs)

Yvonne Gunning: 'No I'm just thinking, 'cause I'm a married woman, so I understand your comments I'm not sure that someone that isn't married necessarily would pick that up.'"

Emma's statement drafted by Yvonne Gunning after her interview on 20th February 2007:

"Scott put his hand on mine and took it and sat stroking my wrist. He stroked the top of my hand for ages, about 5-10 minutes, on the palm inside my fingers."

Note:

- (1) It is not possible to hold a hand AND to tickle it at the same time (do try this at home). So how was this achieved?
- (2) Is Emma suggesting that he held her hand with one of his hands and tickled it with the other? That would mean that, presumably, he secured and held her hand with the hand nearest her and then brought his other hand, the one furthest from her, across his body to do the tickling (and the fantastic additional 'handling' - pun intended – that is demonstrated in her interview, discussed below). Or vice versa.
- (3) The result would be the same: he would have had to have leaned forward thereby drawing Hyoto's attention to himself (regardless of their difference in size). When we find out how many others were in the room, including the dog, while this was supposed to have taken place, it is clear that none of this could have been carried out covertly.

Emma's statutory declaration signed on 23rd February 2007:

"Scott took my hand and sat stroking my wrist. He stroked the top of my hand for ages, about 5-10 minutes, on the palm, inside my fingers."

Lee Nicholl's statements to Yvonne Gunning on 1st & 4th February 2007 (again, what Emma told her, apparently):

Interview 1st February 2007

"On several occasions he has sat next to her caressing her hand."

Interview 4th February 2007

"She also expanded on the issue of Scott lingering hugs and caressing Emmas, (sic) hand arms and lower back over the period from age 16 till now."

Yvonne Gunning's account to Ken Taylor in her interview on 21st August 2007 of Emma's demonstration in an interview with her on an undisclosed date (note that Ken Taylor is referring Yvonne Gunning to Emma's statutory declaration signed 23rd February 2007, paragraph 8):

Ken Taylor: 'Now she says in paragraph eight, that later that night, Scott sat down on her chair and stroked her hand and ...?'

Yvonne Gunning: 'In, sorry, in ...?'

KT: 'This is in paragraph eight.'

YG: 'Oh, okay, so that's over here.'

KT: 'Yes. Um, now I'm wondering, what was your understanding there, that, that Michelle (sic) was in the same room when that happened?'

YG: 'Yes, and that Michelle was asleep on the lounge.'

KT: 'Okay. And he's stroking her hand?'

YG: 'Yes. And my indication was that was a fairly intimate sort of stroking. Something I'd only let my husband do, not someone that I didn't know.'

KT: 'Now you're just demonstrating. And you're suggesting that his fingers were running between her fingers.'

YG: 'Yes, yes.'

KT: 'Yes. Did she ...?'

YG: 'Emma actually ...'

KT: 'She described it to you?'

YG: 'Yes. Well she actually did it, on her hand.'
 KT: 'Right, so his fingers (sic) right between her fingers?'
 YG: 'Yeah and down.'
 KT: 'and caressing and running down very gently.'
 YG: 'Yes.'

Note: this does not bear comparison with Emma's versions on 5th December 2006 and 20th & 23rd February 2007. So, who is the liar? Emma or Yvonne Gunning, or both, Emma having been inexpertly coached so that there are discrepancies as to content?

Emma's interview with Ken Taylor on 24th August 2007:

A. Emma's reluctant and mostly prompted account of what happened:

Ken Taylor: 'And he, and he starts um, like where are we, he starts sort of stroking your hand. Can you show me with your other hand, how he was stroking your hand?'
 Emma Nicholls: No. I don't really want to. Um, ah ...'
 KT: 'But was it, was it ... '
 EN: It was sexual.
 KT: 'It was sexual was it?'
 EN: Yes, yeah.
 KT: 'So you, you can't just demonstrate that to me?'
 EN: No.'
 KT: 'No?'
 EN: No. I don't know'.
 KT: 'On Yvonne?'
 EN: No (laughs) I can't.'
 KT: 'Is it because it was very sexual and it's embarrassing for you?'
 EN: 'Yes, and I don't really know how to replicate it and I don't want to and yeah, it's ... '
 KT: 'Was he putting his fingers between your fingers?'
 EN: 'Yes he did that in the end.'
 KT: 'Like what, sort of massaging your hand?'
 EN: 'No, like feather touching kind of thing.'
 KT: 'Feather touching on your ... '
 EN: 'Really, really gently
 KT: ' ... inside of your, the underside of your wrist?,
 EN: 'Yeah all over, yeah wrist, here, here, it would have been there'.
 KT: 'And his fingers were intertwined with yours?'
 EN: 'Yep, yeah, that was at the end.'
 KT: 'Anything else suggestive about what he was doing?'
 EN: 'No, not that I remember.'

Note: If you take away the responses to Ken Taylor's utterly unprofessional suggestions to Emma of the answers he wants, what we get, unprompted, is this: the actions were –

Emma Nicholls: It was sexual.
 I don't really know how to replicate it and I don't want to ...

Like feather touching kind of thing.'

Really, really gently.

Ken Taylor: *Anything else ... ?*

Emma Nicholls: *'No, not that I remember.'*

B. Emma's reluctance to demonstrate is overborn by both Ken Taylor and Yvonne Gunning:

Ken Taylor: *'And he, and he starts um, like where are we, he starts sort of stroking your hand.*

Can you show me with your other hand, how he was stroking your hand?'

Emma Nicholls: *No. I don't really want to. Um, ah ...'*

KT: *'But was it, was it ... '*

EN: *It was sexual.*

KT: *'It was sexual was it?'*

EN: *Yes, yeah.*

KT: *'So you, you can't just demonstrate that to me?'*

EN: *No.'*

KT: *'No?'*

EN: *No. I don't know.'*

KT: *'On Yvonne?'*

EN: *No (laughs) I can't.'*

KT: *'Is it because it was very sexual and it's embarrassing for you?'*

EN: *'Yes, and I don't really know how to replicate it and I don't want to and yeah, it's ... '*

KT: *'There's all sorts of symbolic things you can do with the hand, to be, you know, sexually suggestive. Look at Yvonne, she's just dying for her hand to be ... '*

EN: *(laughs)*

Yvonne Gunning: *'No I'm just thinking, 'cause I'm a married woman, so I understand your comments I'm not sure that someone that isn't married necessarily would pick that up.'*

KT: *'That's why it's best if you just show me what he did.'*

EN: *I can't'*

KT: *'Why? Is it because I'm a man?'*

EN: *I, yes.'*

KT: *'What if I left the room? And then Yvonne can tell me about it later.'*

EN: *Oh okay, maybe. Yeah I guess. It's just ...'*

KT: *'Well would you be embarrassed if Yvonne telling (sic) me in front of you?'*

EN: *No, I don't think so. I, I don't think so.'*

KT: *'Alright, well how about I just put this in front of my face?'*

EN: *Oh, Yvonne, I don't want to do it.'*

KT: *'I'll just stand over here.'*

EN: *'Um okay, it would have been that a way and then he's like stroking my wrist. I don't want to do it to you, okay. And um ... '*

YG: *'Well you need to, because I have to ... '*

C. How Yvonne Gunning describes Emma's demonstration (because Ken Taylor is not watching) and then demonstrates as Ken Taylor describes it for the tape:

Emma Nicholls: *'I can't like you know that kind of thing and it would have, it went up you know, here as well and on this side as well. And it was for ages he did it really nicely. And it, he would have done it like through my fingers kind of thing. I can't really do it exactly, but*

um ... ‘

Yvonne Gunning: ‘Yeah.’

EN: ‘... if that makes sense. And it went on for ages. Un, yeah and he did it really ... ‘

YG: ‘All his fingers at once or did he ...?’

EN: ‘Uh, no he started with the thumb like that, yeah, and then it’s, started like, then it would have been all and there and then the stuff you, you know, like that kind of thing and yeah. It’s what, that’s what I remember, yeah. Okay.’

Ken Taylor: ‘Okay?’

YG: ‘You can come back, yes. Sorry.’

KT: ‘That’s alright. I’m quite intrigued now.’

YG: (laughs)

KT: ‘Alright, Yvonne, now you’ve got to tell me.’

YG: um, fairly intimate touching, something you know, my husband would do to me that I wouldn’t let anyone else do to me. Um, stroking the wrist first and then gently carousing (sic) the palm of the hand, turning the hand over and stroking the arm and in and out the fingers.’

EN: ‘Yeah.’

KT: ‘Right, so what the index finger, I’m just describing it for the tape, index finger is um, well the hand is just sort of feather touching the underside of the wrist and then caressing the palm and then the index finger, sort of going between each finger at a time, so sliding in and out to sort of, you know, kind of symbolic of you know. Intercourse.’

YG: ‘Mmm.’

EN: ‘It was all the hand. Like it was all of ... ‘

YG: ‘Mmm.’

EN: ‘Yeah.’

KT: ‘Each finger of both hands?’

EN: ‘well ... ‘

YG: ‘Like that.’

EN: ‘No, no.’

YG: ‘No? Oh.’

EN: ‘Literally kind of like this kind of thing. Like ... ‘

KT: ‘Oh he’s putting his whole hand down between each finger, ... ‘

EN: ‘Yeah, that’s what I remember.’

KT: ‘... up and down slowly ... ‘

EN: ‘Yes.’

KT: ‘Suggestively.’

EN: ‘Yeah, that’s ... ‘

KT: ‘Yeah you poor thing, that’s, that is creepy. Or maybe not creepy but um, potentially so.’

EN: ‘Yeah.’

KT: ‘Alright, thanks Yvonne, thanks Emma. Um, well you see that’s important because ... ‘

EN: ‘Yeah.’

KT: ‘... that’s more than just stroking person’s hand.’

EN: ‘Yeah, yeah’.

Notes:

- (1) This antic demonstration is a long way away from Emma’s original descriptions, to SanDee (she seems uncertain about sexual overtones “or whatever”) and to Yvonne Gunning for her statement and statutory declaration (where there is no mention of a sexual overtone).

(2) Who was it that suggested that this is not going to be enough to bring a case against Dr. Dobbs? In fact, the absence of such detail that Yvonne Gunning describes Emma Nicholls demonstrating to her in an interview means it could not have been in the one before her statutory declaration was drawn up. This raises the strong suspicion that Yvonne Gunning spent some time with Emma coaching her just before her interview with Ken Taylor.

D. Ken Taylor picks up on one disparity between Lee Nicholls' account and Emma's and asks a little later in the interview:

KT: 'Um, you did, then you told your mother about all of that, about this, the finger touching as well as the ... ?'

EN: 'Yes, I think I did.'



The Documents in the Case

Document 5 C

The hand stroking: what happened next.

A. Why and when did it stop?

Emma's email to San Dee on 5th December 2006

"And finally when it got to the point where he was playing with my bloody fingers in a way he really shouldn't, he must have either had an attack of conscience or realised that i didn't know what the hell he was doing, and didn't respond back. so, that was the episode. Anyway, it ended"

Emma's statement drafted by Yvonne Gunning after her interview on 20th February 2007

"I shifted and possibly Machelle woke, but he stopped."

Emma's statutory declaration signed 23rd February 2007

"I shifted and possibly Machelle woke, but he stopped."

Scott's response to Emma's statutory declaration by statutory declaration signed 12th March 2007:

(He addresses the whole of Emma's paragraph 8, quoted in full in Document 5A; quoted here is the sentence in respect of the last sentence of her paragraph 8 quoted above.)

"Her phrasing in this paragraph is also particularly disjointed e.g., "possibly" Machelle awoke??? Either Machelle woke up, or she did not, and any reasonable person would be able to make this distinction".

Yvonne Gunning's interview with Ken Taylor on 21st August 2007 (what Emma told her, as she is not a direct witness):

"Ken Taylor: 'And was there suggestion that um, that he stopped doing that when Machelle woke up?'

Yvonne Gunning: 'The suggestion was yeah that Michelle was not aware that he was doing that.'

KT: 'Right.'

YG: 'That he was doing that while she was dozing.'"

It is interesting that Yvonne Gunning does not answer the question, but an entirely different one, and Ken Taylor does not get her to do so.

Emma's interview with Ken Taylor on 24th August 2007:

Ken Taylor: 'So when exactly did he stop?'

Emma Nicholls: 'Again, at the point where I didn't do anything back kind of thing.'

KT: 'So how long did it go on for?'

EN: 'I couldn't say, ten minutes, but I'm not sure. Five minutes, ten minutes.'

KT: 'Did he, did Machelle wake at any stage?'

EN: 'Not that I'm aware. I don't think she did, but through this whole period, I felt that

she knew stuff like was going on, so, and I wondered how she knew.'
 KT: *'I'm just wondering if he may have stopped when she woke up?'*
 EN: *'That's what I thought, but I felt ... '*
 KT: *'But that wasn't the case?'*
 EN: *' ... I shifted somehow and he just stopped. Like yeah.'*
 KT: *'Okay. Um alright, now we'll move on'*

B. The curious story of Laura.

This story is an indication of how unsure Emma was about her interpretation of the events that she said were taking place that evening. She was hoping that her interpretation, that Dr. Dobbs was in love with her, was correct.

Emma's email to SanDee on 5th December 2006:

"... and it ended, and i don't rememebr (sic)what we all did next, o h (sic) yeah hes (sic) oldest daughter lesha came home from hillsong church in sydney with her friend and we talked to them awhile etc etc (sic) ... "

Emma's statement drafted by Yvonne Gunning after her interview on 20th February 2007:

"That night another girl (Laura) came home with Elisha (sic) (Scott's daughter) from Hillsong conference. I watched way (sic) Scott interacted with Laura as I was comparing it."

Emma's statutory declaration signed 23rd February 2007:

"10. That night another girl (Laura) came home with Ellesha (Scott's daughter) from Hillsong conference. I watched the way Scott interacted with Laura, as I was comparing it."

Note: The famous Hillsong Church, in Sydney, has two conferences annually: one for women, called Colour Your World held in March each year, and a general Conference held in July each year for the last 30 years. There was and is no Hillside Conference in November or December in Sydney. So it is clear that this could not have happened in November or early December 2006.

Emma's interview with Ken Taylor on 24th August 2007:

KT: *'Yeah okay. Now you said in paragraph ten, that that night, so this is the same night, another girl Laura came home with Ellesha ... '*
 EN: *Yes.'*
 KT: *' ... and you watched the way Scott behaved with her.*
 EN: *Yeah I did*
 KT: *'and what was the significance of that?'*
 EN: *'Um, well she's my age.'*
 KT: *'Yeah.'*
 EN: *'She's a friend of Ellesha's and Christopher's. She spent a lot of time with the family and she liked them and I was just, I guess I was trying, 'cause in my mind, I was still thin..., I was confused about what had happened. I couldn't work out whether it was appropriate or not.'*
 KT: *'But did you see anything, the way he behaved to Laura that ...?'*
 EN: *'Not really, no. He's very friendly and they joked around, but no not particularly.'*
 KT: *'But that was just an indication you were looking for ... '*

EN: 'Yeah.'

KT: 'Clarity and understanding.'

Emma's statement signed on 25th November 2007:

"25. Later that same night, a friend of Ellesha and Christopher visited the house. Her name was Laura and she's about my age. Laura spent a lot of time with the Dobbs family and I remember watching the way Scott interacted with her. I guess I was trying to work out whether Scott's behaviour towards me was inappropriate, because in my mind I was confused about what had happened. I couldn't work out if it was appropriate or not. Scott was very friendly with Laura and they joked around, but I didn't see anything inappropriate or anything similar to his behaviour with me."

Scott's response to Emma's statutory declaration by statutory declaration signed 12th March 2007:

'Paragraph 10

The girl portrayed in this paragraph is Laura Moffat, a member of the congregation who normally attends on Sunday night. I have known Laura for a much shorter time than Ms. Nicholls, and I have taken the same posture with Laura (encouragement and support) that I have assumed in the past with Ms. Nicholls. If there is anything I have done which portrays objectionable character, then Laura Moffat can give witness and deposition regarding this. To my knowledge, the relationship between Laura and myself is open, reasonably transparent, and supportive. I have spoken to Laura in the same manner and used the same phrasing of compliments and encouragement that I have with Ms. Nicholls, but I don't see her making allegations of sexual misconduct and it is inconceivable to me that any should be laid. I have always encouraged others to follow Jesus and the bitterness of generating this document is appalling.'

C. What Emma says about her response to the hand-stroking.

And then, finally, she says to Sandra Hardwig:

'I didn't pull my hand away. I actually went into receiving state, (rolls eyes) ... '

Note that with that statement her case falls completely to the ground because not only has she consented to whatever was happening or she thought was happening this time but she has welcomed the contact, in whatever form it was taking, in reality.



The Documents in the Case

Document 6

A (very) intimate kiss on the back of the neck in the driveway of Emma's parent's home.

What Emma says.

Statement to Yvonne Gunning on 20th February 2007:

*'Scott dropped me home after church; he kissed me very intimately on the neck **and held my hand.**'*

Note: This version appeared in the first of the drafts prepared from Yvonne Gunning's statement, but presumably Emma Nicholls rejected it because it disappears after that.

Statutory Declaration signed 23rd February 2007:

'16. Scott dropped me home after church; he kissed me intimately on the neck.'

Dr. Dobbs' response in his statutory declaration made 12th March 2007:

'I know that this paragraph in the statement of allegation is not true, for I have not ever, to my knowledge, dropped her home by myself. At least I am certain that this is true for at least the last year or year and a half. I have always had children with me during the time, as I have stated above, especially during the last year or so when her true character was beginning to be manifest. The only time that I even have hugged her when I dropped her home was one night when all of my daughters were with me and they were actually standing up, outside the car all around me. Nathan was driving, and the girls left the car for some reason. I think we were joking around and the girls were playing in the light of the streetlight or something and I got out, or perhaps it was that we were changing drivers. Ms. Nicholls left her seat and actually came to me and HUGGED ME TIGHTLY AS SHE LEFT. I have ABSOLUTELY NEVER EVER KISSED MS. NICHOLLS INTIMATELY ON THE NECK', which implies something sinister. In addition, I have never tried to kiss Ms. Nicholls on the lips either. Her whole perspective, as though she is some desirable object, would be amusing if I had not been hurt through these allegations. I assert that Ms. Nicholls has no knowledge whatsoever of what constitutes a person kissing her "intimately on the neck". To assert that I did this with my daughters present, standing only one meter from me is absolutely astounding. Daughters will be faithful witnesses to my actions towards Ms. Nicholls. Her bald faced lies about my actions are, therefore, to be rejected for the fabrications that they are. Her actions have only and always been focused on me, craving my attention, and seeking my approval. Although I endeavoured to treat Ms. Nicholls in the same accepting way that I treat others, I reject her allegations and point out that SHE is the deceiving liar in this scenario and no amount of her manipulation of the facts will change that.'

Notes:

- (1) When Emma was interviewed about this by Ken Taylor, she had been told already about Scott's response that there were some of his daughters with him in the car every time he dropped Emma at home.
- (2) What she apparently had not been told was that Scott said that Nathan was with them, having

been driving the car in the episode that Scott quotes when Emma rushed around the car and hugged him.

Emma's interview with Ken Taylor on 24th August 2007:

KT: Okay, fine. Ah, now paragraph sixteen, you say, Scott dropped me home after school. He, sorry, after church. He kissed me intimately on the neck.'

EN: 'Yes.'

KT: 'Now can you give me the time and date of that?'

EN: 'Nope. Except that it was after the January thing, so it would have been in January, like within two weeks of the Beautiful Mind episode, I'd assume.' (Emphasis added.)

KT: 'So probably in January you'd say.'

EN: 'Yes.'

Note: so, when did it (probably) happen? When was there time for this to have occurred in the very tight timeline between early January 2007 and Sunday 21st January 2007 (when Emma says she stayed overnight)?

- (1) 'The Beautiful Mind episode' occurred, according to Emma, on another visit 2 weeks after the one that was 3 or 4 weeks after Community Carols (10th December 2006) when Maxine was there which had to have been somewhere on or between 31st December 2006 and 7th January 2007.
- (2) It was not on New Year's Eve. Nor did Emma come to see the family after 10th December 2006 until sometime in January 2007, according to her story.
- (3) This alleged kiss occurred, according to Emma, on a Sunday evening after church: there is only one Sunday between 7th January (the last possible date of the visit when Maxine was there, according to Emma) and 21st January 2007, which is 14th January 2007.
- (4) But we have to fit in the Beautiful Mind episode after which Scott and two of his daughters took her home and he helped her into the car and '*it didn't feel normal*'.
- (5) And then Emma is saying that the kiss episode could have taken place up to 2 weeks after that. If the Beautiful Mind episode was in the week before 7th January 2007 it carries the possible time frame right up to Sunday 21st January (when she says, erroneously, she stayed the night and was hugged the next day) and Sunday 28th January (when she talked to Dr. Dobbs at the coffee machine and kept getting in his and Nathan's way as they set up and made and served espresso coffee to the members of the evening service congregation).
- (6) If it was after that it takes it up to or beyond 28th January 2007.
- (7) The allegations about Monday 22nd January and Sunday 28th January 2007 follow after this complaint in Emma's statutory declaration and are not linked to them in any way.
- (8) It could not have taken place after 28th January 2007 as Lee Nicholls made her complaint on 1st and 4th February 2007.
- (9) When Mabelle saw Emma on the next Sunday 11th February 2007 she told her she was not allowed to come back home to the Dobbs family that evening (for dinner) and Mabelle drove her straight home.

Untroubled by these considerations, Ken Taylor proceeded:

KT: 'And what time of day?'

EN: 'Ah, it was reasonably late. Well they used to do the coffee, so they might have been finished at eight-thirty or nine o'clock at night.'

KT: 'Nine o'clock at night? Okay, were you in the car alone with him?'

EN: 'Ah, no.'

KT: 'But he, so where did he kiss you intimately on the neck?'

EN: 'He ... '

KT: 'In the car?'

EN: 'No. Um, they park like on the str... **I think** it was on the street, **or** on the driveway and then you have to walk up my driveway.'

Notes:

- (1) The road in which Emma's parents lived is a dead end. When Dr. Dobbs and the family took Emma home the driver would swing the car into the driveway, which would mean that the headlights were left shining on the driveway, and after seeing that Emma had made it safely the short distance to the front door, reverse out and go back the way they had come.
- (2) As on this occasion, according to Emma, it was between eight thirty and nine o'clock in the evening the car's headlights would have been on, illuminating the whole of the driveway and the stairs up to the front door.

KT: 'Who parked?'

EN: 'Scott. And **I think** he was with Charis and **I think** it was Cheyenne.

KT: 'Okay, so we're talking about your home?'

EN: 'Yeah we were at my ... '

KT: 'Outside your, your ... '

EN: 'Yeah he dropped me home.'

KT: '... your parent's home, is that right?'

EN: 'Yes he did.'

KT: 'And he walked you up to the house?'

EN: 'Yes, he did.'

Notes:

- (1) Ken Taylor is now fabricating the 'evidence': there is no mention of Scott walking Emma up to the front door in the material that Emma has already given, and Emma settles into gratuitous concurrence (simply agreeing to whatever is suggested to her regardless of the truth).
- (2) As the driveway is so short, walking her up it was hardly necessary. It is more likely that both the girls would have got out to give her a goodbye hug, such being the language of love of the whole family.

Where did the kiss take place?

The interview descends into farce as Emma tries to describe where the kiss took place.

KT: 'So where did the kiss take place?'

EN: 'On, on the driveway. Like you have my, well you've been to my house.'

KT: 'Sorry?'

EN: 'You've been to Mum and Dad's house haven't you?'

KT: 'Yeah, yeah I have.' (Comment: just several hours before this interview.)

EN: 'So near the fish pond.'

KT: 'I didn't see a fish pond.'

EN: 'Oh, okay.'

KT: 'But, but it's just near the front door somewhere is it?'

EN: 'No.'

KT: 'Oh.'

EN: 'You've got to go up like fifteen stairs before you get to the front door ...'
 KT: 'Oh okay.'
 EN: '... so it's still down on the driveway.'
 KT: 'Alright, I've got some near that, yes, yeah.' (Whatever he means by that).

The interview goes off on a tangent while Ken Taylor explains why he needed to interview Emma's parents.

Eventually it comes back to the issue:

KT: 'And you, so that's not near the door?'
 EN: 'No.'

Did Dr. Dobbs stop her (walking)?

KT: 'So he sort of stopped you did he?'
 EN: 'Yes, yeah, he, um **I don't remember** him stopping me but we obviously stopped, yes.'
 KT: 'But it's not a natural place to stop if he's walking you to your door?'
 EN: 'No. Yeah, so, **I think he probably** stopped and I, **I would have stopped or turned around** or wai..., you know, something like that. **I don't remember, but that's what I'm assuming, yeah.**'
 KT: 'So what did you think was happening? **Was this him kissing you goodnight?**'
 EN: 'Yes.'
 KT: 'That's what it was?'
 EN: 'Yes.'
 KT: 'And did he hug you?'
 EN: '**I don't remember.**'

Notes:

- (1) At this stage what Ken Taylor has from Emma is that Dr. Dobbs apparently walked Emma up the driveway (this is Emma concurring with his suggestion which is not based on the version in the statutory declaration), although it is a very short level driveway and the whole length up to and including the stairs up to the verandah outside the front door is clearly visible from the street. It is also clearly visible from the front windows of the house.
- (2) It is not as if Emma would be likely to come to any harm walking to the foot of the stairs to the front door on her own as she would be visible all along the driveway to Dr. Dobbs and his two daughters, both of whom would have got out of the car to give Emma a hug goodbye, as well as anyone else in the car, such as Nathan.
- (3) Ken Taylor is also unaware that the car's headlights would have been shining on the driveway.
- (4) According to Ken Taylor's story Dr. Dobbs, apparently, has kissed Emma goodnight on the neck somewhere on the short level drive near the fish pond, wherever that is but not near the front door, while clearly visible to his daughters.
- (5) It is a 'goodnight kiss', which is not a romantic sexually-charged kiss.

What was the kiss like?

Ken Taylor works hard to get Emma to describe the kiss. And just as he did in the part of the interview concerning the alleged 'age 16 sideways hug and breathing on the neck' incident, he is the one who 'gives the evidence', as he does acknowledge, and yet again and again he pushes Emma into

agreeing with him, thus:

KT: *'Now you've said, you've used the word intimately on the neck.'*

EN: *'Yes.'*

KT: *'Um ... '*

EN: *'Oh, no ... (laughs)*

Yvonne Gunning: *'You're not kissing me there.'* (laughs)

KT: *'Describe the kiss, was it a little peck?'*

EN: *'No.'*

KT: *'Was it sloppy ... '*

EN: *'Yes.'*

KT: *'... extended ...?'*

EN: *'Yes.'*

KT: *'I don't want to put it in my words but ... '*

EN: *'Um, yeah.'*

KT: *'Was it like a wet ...?'*

EN: *'Yes.'*

KT: *'With his lips, loose with the lips?'*

EN: *'Um, mmm ... '*

KT: *'Was it, was it you know extended?'*

EN: *'Yeah, kind of yeah. Like it wasn't like a really quick peck kind of thing, yeah so it was extended, yeah.'*

Notes:

- (1) At this point in the interview Ken Taylor has suggested that the kiss was sloppy, extended, like a wet ... (something or other – it is hard to tell where Ken Taylor was going with that suggestion).
- (2) However, Emma has not concurred with the suggestion that it was *'with his lips, loose with the lips.'* Emma has not given any description of the kiss herself unaided.

Ken Taylor has another go a little later in the interview after trying to establish where the kiss was placed. He gets some surprising answers, thus –

KT: *'But he held the kiss?'*

EN: *'It was slow. **He didn't hold it**, but it was really slow.'*

What does one make of this piece of evidence? If he wasn't holding the kiss, then how was it slow – that he moved towards her slowly, that he approached her neck slowly, that he moved away from her neck slowly? If that is so, then one has to ask what was 20-year-old Emma doing all the time that this slow-motion action was taking place because she had plenty of time to step back or to the side, especially as she has no memory of Dr. Dobbs hugging her while performing this manoeuvre.

Ken Taylor tries again:

KT: *'Slow, was it like tender?'*

EN: *'Yes, yeah.'*

KT: *'It's mostly me providing the words here. I don't ... '*

EN: *'Yeah. **I don't know.**'*

Perhaps Ken Taylor needed a thesaurus: 'slow' does not equate with 'tender'. Synonyms for 'slow' divide into the following categories: sluggish, time-consuming or stupid. Synonyms for 'tender' divide into the following categories: loving (adj.), sensitive, young, proposal (noun) such as a tender or bid, and offer.

Again, he comes back to it after trying unsuccessfully to ascertain what she meant by 'intimately':

KT: '*... Um and he, can you describe his lips? Were his lips open?*'

EN: '**No I don't think so. I don't remember.**'

KT: '*No? Did it leave you wet on your neck?*'

EN: '**I think so, slightly. I think yeah, yes.**'

KT: '*Yes?*'

EN: '**I think so.**'

Notes: So, putting all the reluctant 'evidence' about the kiss together we have this:

- (1) Ken Taylor has suggested that the kiss was sloppy, extended, like a wet ... (something or other), that it was slow, like tender, and it left her slightly wet on her neck.
- (2) Emma has not concurred with the suggestion that it was '*with his lips, loose with the lips.*' And she rejected the suggestion that he held the kiss but said that it was slow.
- (3) By the end of that part of the interview dealing with what this kiss was like, Emma has not given any description of the kiss herself unaided and she has said: 'I don't know'; 'I don't think so'; 'I think so'; 'I don't remember'; and just 'Um, mmm' in reply to most of Ken Taylor's suggestions.
- (4) One has to conclude at this point that she really had no idea what the kiss was like. And that could only be because it did not happen. If it had, and she had enjoyed it with the guilty pleasure in being the focus of Dr. Dobbs' sexual interest as she desired, there would have been rhapsodies again.

When it comes to finding out where it was, we find a similar lack of clarity:

KT: '*Can you point to me whereabouts on your neck it was?*'

EN: '**I think it was kind of there somewhere. Like um ...**'

KT: '*So sort of, sort of ...*'

EN: '**Kind of the side, like ...**'

KT: '*So below your ear.*'

EN: '**Yeah, quite in ..., somewhere there.**'

Ken Taylor asks: '*Did he say anything when he, when he kissed you there?*'

EN: '**No um, I just think he said goodnight or something, but no, not, yeah nothing unusual kind of thing.**'

It is Ken Taylor who suggests to Emma something about how she felt. He starts with this:

KT: '*And how did that make you feel when he kissed you like that?*'

EN: '**Um ...**'

A little later, he comes back to the task:

KT: '*But um, but you used the word intimately so ...*'

EN: '**Yeah.**'

KT: '*... so it felt intimate. It felt like something that, like between a girlfriend and a boyfriend ...*'

EN: 'Yes, definitely, yeah.'

KT: '... you know, rather than a ... '

EN: 'Yeah.'

KT: '... a father figure ... '

EN: 'Yeah.'

KT: '... or an uncle or something.'

As Emma, this 'innocent' and 'unscathed' woman, to use Yvonne Gunning's description of her lack of sexual knowledge and experience, had never had a kiss from a boyfriend, she really would have had no idea what such a kiss would feel like. The only question that Emma answered clearly and without prompting was this:

KT: 'He ever kiss you on the lips ... '

EN: 'No.'

Notes:

(1) So, Emma's account of this incident - really her third account because there was the original account in her interview with Yvonne Gunning and the first draft statutory declaration that included the words '*and he held my hand*', and second account in the statutory declaration that was signed which omitted those words, and now this third account constructed by the investigator – contains definite confirmation of Scott's response as to the following –

1. He was never alone with Emma when he took her home but had two or more of his children with him.
2. That he had never kissed Emma on the lips.

(2) Emma's original response to Ken Taylor was that it was a goodbye kiss.

(3) By the end of the interview dealing with the alleged kiss, Emma still has not given any description of the kiss herself unaided, nor any coherent description of where it occurred and where on her it was placed, and she has said '*I don't remember*', '*I don't remember, but that's what I'm assuming, yeah.*'; '*I don't know*'; '*I don't think so*'; and '*I think so*'; and just '*Um, mmm*', in reply to some of the investigator's more significant suggestions.

(4) One has to conclude at this point that she never had any idea about the kiss. In fact, in the light of Emma's inability to describe it unprompted, it is a safe conclusion that this never happened and was fabricated.

(5) By whom? There are two very partisan mentors of Emma, one who had committed herself by reporting (untruthfully) to Yvonne Gunning that she had seen Dr. Dobbs embracing Emma and he had been hugging and kissing her since she was 14 (Lee Nicholls' account, which was later withdrawn) and Yvonne Gunning who spread that story around the parish and to the diocese before ever even talking to Emma Nicholls.

(6) And neither of them ever envisaged that Emma would have to go through an investigation and certainly not that she would face the real possibility of cross-examination in a more formal arena. So, they didn't bother about detail. Rather like the accusers in witch hunts of earlier centuries ('I saw Lizzie Harris talking to the Devil'), they thought that it was enough to simply say something was true even when, manifestly, it was not.



The Documents in the Case

Document 7A

The hug on 22nd January 2007.

Initial comment:

There are two fundamental problems with this complaint: the first is that Emma does not mention the complaint in her first, three-hour interview with Yvonne Gunning 28 days later, and nor does her mother Lee mention it, although it apparently took place a mere 10 days before she went to Yvonne Gunning on 1st February 2007.

The second is that Emma's account of this and the other information surrounding it all depends on her statement that she stayed overnight the Sunday before the Monday on which it was supposed to have occurred being true. If it is proved to be untrue, then her credibility would suffer damage. Her credibility is already weak because she changed the venue of the hug, alleging she stayed alone in the Dobbs' home after staying overnight.

There is also the disparity between later versions and her statement that appeared in a draft of her statutory declaration in which she said that Mabelle would not let her stay overnight during Summerfest 2007 (which was held in Figtree Anglican church 22nd to 24th January 2007).

Problem 1: there is no early mention of this allegation:

Note: I am including the paragraphs each side of the relevant one to compare with Emma's statutory declaration and later interview and signed statement.

Emma's statement to Yvonne Gunning on 20th February 2007:

Another night I slept over after church one night and spent the night. Scott and Mabelle had a big fight. He hugged me, I walked upstairs and he blew me a kiss. His looks were penetrating.

Summerfest 22nd, 23rd, 24th January

That night Mabelle would not let me sleep over. Scott said "I don't know why she doesn't want you to sleep over"

I wrote a letter to Scott and told him about what had happened (Australia Day) was inappropriate. I also wrote to Mabelle about another issue hoping I hadn't offended her. The way Scott had been relating was inappropriate (no detail). Emma still has drafts of these letters

This is the only reference in the original statement to anything happening during Summerfest 2007.

In the first draft of Emma's statutory declaration:

'17. Another night I slept over after church one night and spent the night. Scott and Mabelle had a big fight. He hugged me, I walked upstairs and he blew me a kiss. His looks were penetrating.

18. During Summerfest 22nd, 23rd, 24th January 2007 on one night Mabelle would not let me sleep over. Scott said "I don't know why she doesn't want you to sleep over"

19. On 26th January 2007 I wrote a letter to Scott and told him what had happened was inappropriate. I also wrote to Machelles about another issue hoping I hadn't offended her. The way Scott had been relating was inappropriate. I still have drafts of these letters.'

Again, there is no reference to anything happening during Summerfest.

However: in the final draft of Emma's statutory declaration signed 23rd February 2007:

Out of the blue, as it had not been discussed in the first interview, we find an expanded paragraph 17 and a new paragraph 18.

'17. Another night I slept over after church and spent the night. The next morning Scott and Machelles had an argument. Later that day he apologized to me for witnessing their argument we were outside, he hugged me, we both went to walk away he called my name I turned around and he blew me a kiss. His looks were penetrating.

18. Later that day during Summerfest January 2007. He shared with me that he (Scott) had spoken to an older man at church about a personal issue. He then hugged me whereby I had my head against his chest, he rubbed his hand up and down my spine.'

(Paragraph 19 remains unchanged.)

Note:

- (1) this amended paragraph would have been drafted after Figtree Anglican church staff had been told about the complaint against Dr. Dobbs, and Mrs. Faye Brampton had come forward "the next day" in much perturbation of mind, according to Yvonne Gunning, to say that her husband Des had had a conversation with Dr. Dobbs during Summerfest and that, again according to Yvonne Gunning, Faye Brampton had said that Des Brampton had said that Dr. Dobbs had said that he, Dr. Dobbs was about to start an affair.
- (2) This was not confirmed by either Des or Faye Brampton in their interviews with Ken Taylor. Moreover, until prompted, Des was not able to confirm even that any conversation he did have with Dr. Dobbs while getting a cup of coffee from him took place during the Summerfest program, but, unprompted, could only say it was in January that year. Even with prompting he was unable to say that it took place on Monday 22nd January 2007 and never did so. See Document 7B. The significance of this is that it negates the allegation that Emma had stayed overnight **after church**.

Problem two: Emma's contradictory claims about being allowed or not allowed to stay overnight.

Dr. Dobbs had already pointed out that steps had been taken well before this time to stop Emma staying overnight after her earlier behaviour (especially staying the night on the son's bed and invading Dr. Dobbs' study without permission) had given rise to serious concerns. She was thwarted in her continuing attempts to engage Scott's attention, whether at the house, at church, at the Community Carols on 10th December 2006 or on the telephone.

After the episode of Emma entering the son's bedroom late at night, Machelles had banned her daughters from asking Emma to stay overnight, and she was ALWAYS delivered home, whatever the hour, and Dr. Dobbs ALWAYS took one or more of his daughters with him when he drove her there.

Other issues # 1: When did this occur?

Note: 'later that day during Summerfest' would have to mean Monday 22nd January 2007, being 'later that day' after Emma says she slept over after church on Sunday and there was an argument between Dr. Dobbs and Machelie 'the next morning'.

What Emma (and Yvonne Gunning) said to Ken Taylor in Emma's interview on 24th August 2007:

Ken Taylor: 'So what day are we talking about there? Later that day, um. So we don't really know when the date was, do we?'

Emma Nicholls: 'No I ... '

KT: 'Can you give me some idea?'

EN: 'Ah late Jan ..., it was not long, when was Summerfest? 21st or?'

Yvonne Gunning: 'It's the Monday and Tuesday, Wednesday ...'

EN: 'Yeah it was Monday.'

YG: '... before the long weekend.'

EN: 'So yeah ...'

YG: 'So the 26th, the public holiday.'

EN: 'Was the Friday, ... '

KT: 'So just prior to ... '

EN: '... so it was the Monday of that week.'

YG: 'It's got to be about 22nd.'

EN: 'Yeah, 'cause I slept over the Sunday night.'

Note: Ken Taylor allows the support person, Yvonne Gunning to coach the person being interviewed away from her original negative reply.

Other issues #2: Where did this occur?

Emma's statutory declaration does not indicate where she was when Scott allegedly says and does these things. There is a sense that the words 'during Summerfest January 2007' meant in the midst of the Summerfest activities **at Figtree Anglican church**.

This is what Dr. Dobbs took it to mean, probably because he spent most of the days and evenings of Summerfest down at the church serving coffee to the many people, clergy, staff, volunteers manning the information desk, other parishioners and visitors to the church. This is certainly what Yvonne Gunning says that Emma meant:

What Yvonne Gunning told Ken Taylor in her interview on 21st August 2007:

KT: 'Yes. Ah, now in paragraph eighteen ...'

YG: 'Yes.'

KT: 'Um, can you recall any further information about that, like where it happened and ...?'

*YG: 'Yes, that was, **my understanding was that that happened in the foyer, down where Scott did the coffee ministry.**' (Emphasis added.)*

KT: 'Oh okay.'

Where Emma tells Ken Taylor it happened in her interview on 24th August 2007.

Note: She says that this was on Monday 22nd January 2007.

EN: 'Oh he just, he'd been, he'd gone out after um, like after the phone thing, I told you about just then. Um and he'd come back in a couple of hours later I think.

Other Issues #3: What was the context and why did Scott hug Emma?**What Emma tells Ken Taylor in her interview on 24th August 2007:**

*EN: 'Oh he just, he'd been, he'd gone out after um, like after the phone thing, I told you about just then. Um and he'd come back in a couple of hours later I think. Um and he just kind, I was, I was over stairs, like they've got a library kind of thing and I was sitting reading books. And then somebody came home and I went out because I thought it was Mabelle and it was Scott. **And he just kind of hugged me like a hello kind of thing.**'*

Notes:

- (1) One has to conclude that Emma and Yvonne Gunning had not been able to synchronize their stories before speaking to the investigator. Or else that Emma had to say something to counteract the force and effect of Scott's defense that there were many people around at all times at the church in the foyer, particularly near where he was serving coffee during the Summerfest 07 activities.
- (2) The other problem with Emma's story is that the Dobbs house does not have a 'library kind of thing'. It had a small bookshelf in a corridor. There is no room to sit and read as Emma asserts unless sitting on the floor outside the laundry and bathroom.
- (3) Emma implies now that there was no-one else at home but she says nothing about what Mabelle (who did not hold employment outside the home) and the six Dobbs children were doing this day in school holidays and University vacation.
- (4) And why would Emma have been left there alone? Apart from the attractions of a surfing beach 10 minutes away in the height of summer, this Monday was the commencement of a full program of events at the church during the day and evening; Emma surely would have been invited to go to the church activities. As she was not able to hold a job she would have been free to enjoy a day at the church if not at the beach. And it is just so much more likely that this is exactly what happened, and that she saw Scott making coffee at his espresso machine there.
- (5) Mabelle denies that Emma was ever allowed to remain alone in their house, and this would seem most reasonable, even before she had started behaving so badly, especially as Emma's parents' home is a mere 10 minutes away.
- (6) Given the unreality of Emma's account of what she was doing alone in the Dobbs house it would seem that Yvonne Gunning's 'understanding' of where the hug happened was most likely correct: the place that it was intended to imply that it happened, at the church, until after Dr. Dobbs had given his statutory declaration in response pointing out the abundance of possible witnesses.

Other issues #4: what about the conversation between Dr. Dobbs and somebody at Figtree Anglican church that day (which day? Morning, afternoon or evening?)**The interview with Emma goes on:**

EN 'Um, and yeah, ah he, I had asked him what he did, generally, like just a kind of regular question, 'cause you kind of just saying something, like, "Hi, how was your day?" Or what,

you know, "What do you do?" or something like that. And he ended up giving me a running commentary of his day, which I was surprised about, because it was just kind of a general social question.

KT: 'Yeah.'

EN: 'And he said he'd gone to the church um. I can't remember what else he'd done but the thing, he said he'd talked to somebody at the church about something, like yeah, **something that was going on.**'

That is the full extent of the discussion of talking to someone at church 'about a personal issue'.

In his report Ken Taylor quotes additional evidence to that given to him in the interview concerning the alleged conversation with the, as yet, unidentified person at the church, saying this:

*7.10.6 Emma Nicholls recalls asking (Dr. Dobbs) how his day was and being told that 'he'd gone to the church and that he'd talked to somebody at the church about something that was going on. **It was some personal issue. He didn't give any details that I recall.**'*

Notes:

- (1) Comparison with the interview above and this statement demonstrates that the words in bold do not appear in Emma's interview. Clearly this was added to Emma's signed statement made 25th November 2007, 3 months after the interview. Clearly someone thought she had not answered the interviewer's questions as she was required to do in order to use this incident – the one which Emma never said anything about in her first interview with Yvonne Gunning on 20th February 2007 when it would have taken place barely a month before.
- (2) This was the piece of 'evidence' that was intended to provide some confirmation that what Emma said was true. However, it turned out that the conversation that Scott had with Des Brampton was nothing like that which Yvonne Gunning reported that he had had. In Emma's mind, not having actually experienced this conversation with Scott on that day, it was not a personal issue but something that was 'going on' at the church – perhaps about the commencement of the Summerfest activities.
- (3) The other problem with the credibility of this story is that Des Brampton never did identify when over the several days of the Summerfest program he actually spoke to Scott. He did not nominate Monday 22 February 2007. See document 7B.

Other Issues #5: one hug or two?

Ken Taylor also makes the extraordinary claim in his 'version' of the allegation in his report that there were two hugs. There is no evidence, in the statutory declaration, in the interview and in paragraph 36 of Emma's signed statement, that there were two hugs:

The statutory declaration:

'18. Later that day during Summerfest January 2007. He shared with me that he (Scott) had spoken to an older man at church about a personal issue. He then hugged me whereby I had my head against his chest, he rubbed his hand up and down my spine.'

The interview:

EN: 'Oh he just, he'd been, he'd gone out after um, like after the phone thing, I told you about

*just then. Um and he'd come back in a couple of hours later I think. Um and he just kind, I was, I was over stairs, like they've got a library kind of thing and I was sitting reading books. And then somebody came home and I went out because I thought it was Machel and it was Scott. **And he just kind of hugged me like a hello kind of thing.**'*

As quoted above the investigator goes on to explore the 'head on chest' and 'rubbing hand up and down the spine' but nowhere does Emma or the investigator delineate that they are talking about two hugs.

The signed statement:

*36. Later that same day, which was during Summerfest, in January 2007, Scott **hugged me again**. It was Monday, about 22 January 2007. ... And Scott just kind of hugged me, like a hullo thing ... When he was hugging me, he rubbed his hand up and down my spine.*

Here the word 'again' refers to the allegation of a hug in the preceding paragraph 35 which concerned the content of paragraph 17 of the statutory declaration described by Emma as 'the phone thing' in her interview. It is clear that Emma is only ever talking about **one hug** at this time.

Other Issues #6: What kind of a hug? What kind of rubbing up and down her spine? One hand or two?

Note that Emma has already described the hug as 'like a hullo kind of thing.' But this was not satisfactory for Ken Taylor who goes on to explore what the hug and the rubbing up and down her spine was like:

KT: 'So, describe to me, how he rubbed his hands (note plural) up and down your spine? That was during the hug was it?'

EN: 'Yes, that, it actually hurt. Um ... '

KT: 'It was hard was it?'

EN: 'Yeah, it was hard, he pushed me against him really hard and just yeah ...'

KT: 'Is that why your head was against his chest, 'cause he pushed ... ?'

EN: 'No, he, that's just the way, he's so tall, that if you hug him closely, your head just goes on his chest, or yeah. Well I guess he does kind of, yeah, he doesn't force it there, but yeah.'

KT: 'But he hugs you closely?'

EN: 'Yes.'

KT: 'Tightly?'

EN: 'Yes.'

The use of the plural 'hands' goes beyond what Emma said in her statutory declaration –

*18. Later that day during Summerfest January 2007. ... He then hugged me whereby I had my head against his chest, he rubbed his **hand** up and down my spine.'*

Note: And no matter how tight the hug, Ken Taylor is not able to get Emma to say that there was any 'sexual something or other' to this hug that she attributed to other hugs that were rejected, notably the first hug referred to in paragraph 35 which was even accompanied by a look that was 'penetrating'.

Other issues # 7: Which came first the hug or the conversation?

Emma is not able to be consistent in whether Dr. Dobbs hugged her first upon her going to meet him as he came in the door of his home, and then answered her question about how was his day or whether the conversation came before the hug.

The statutory declaration: conversation first, and then hug -

*'18. Later that day during Summerfest January 2007. He **shared with me** that he (Scott) had spoken to an older man at church about a personal issue. He **then hugged** me whereby I had my head against his chest, he rubbed his hand up and down my spine.'*

The interview: hug first and then the conversation -

*EN: 'Oh he just, he'd been, he'd gone out after um, like after the phone thing, I told you about just then. Um and he'd come back in a couple of hours later I think. Um and he just kind, I was, I was over stairs, like they've got a library kind of thing and I was sitting reading books. And then somebody came home and I went out because I thought it was Mabelle and it was Scott. **And he just kind of hugged me like a hello kind of thing.'***

The signed statement –

*36. ... **And Scott just kind of hugged me, like a hullo thing**, and I just asked him, 'How was your day?' or something like that. He ended up giving me a running commentary of his day, which surprised me, because it was just a social question.*

Either way, Emma, taking one of her versions on the face of it, still does not satisfactorily answer the question: why be there in the first place and why stand around waiting to be hugged, which is what all the members of the Dobbs' family do, according to what she said in her statutory declaration. Nor does she explain why she makes an allegation of this even though on her own account it did not involve any sexual quality at all in either the 'hullo hug' and the hand rubbing her spine.

Other issues #8: why did she keep coming to the Dobbs family home when she did not need to (and was not wanted)?**What Emma tells Ken Taylor in her interview on 24th August 2007:**

In confirmation of Scott's observation that Emma was '*always seeking to be part of my family instead of her own*' is Emma's answer to Ken Taylor –

KT: '... Um, well first of all, I need to know why you went back?'

EN: 'Um, I was having a really bad time with my own mum and dad ...'

KT: 'Yeah.'

EN: '... and they were kind of the family that, they were my adopted family. Like if I was having a hard time with Mum and Dad, I would spend a lot of time with them, kind of thing.'

KT: 'Alright.'

The fact that she was having fights with her parents in November 2006 is confirmed by Dr. Schloeffel in his interview with Ken Taylor based on his consultation with Emma on 28th November 2006:

*'In November last year (2006), when she first told me about this, I think there had been some incident that had happened, but **there'd also been some incidents involving her parents. I couldn't distinguish between them***

Dr. Dobbs' response:

Dr. Dobbs' response is that of a man tired and sickened by these seemingly trivial allegations, as a result of which he and his family were suffering tremendous abuse at the hands of the parish leadership and staff and members of the Figtree congregation. In his response to the allegation of the kiss in the driveway of Emma's parent's home, where she was living at the time, Scott had referred to an incident when, upon getting out of the car at her parent's home, Emma herself had launched herself at him and hugged him in the presence of Nathan and several daughters.

He then had to read the inanities of the next allegation in paragraph 18. He responded with heavy irony (that apparently was lost on Ken Taylor):

'This paragraph is actually quite amusing. Since Ms. Nicholls has apparently been outraged and accused me of putting my head to her chest (point 6 of the statement of allegations), I wondered if any of the readers of her document have actually picked up that it is apparently OK for her to put her head on MY chest. There are no words in this paragraph of her document which apologises for her touching me in the same way she alleges I touched her. If this defense were not so painful, it would be funny.'

The next part has to be read in the light of the fact that paragraph 18 does not give any indication of where this was alleged to have happened. Clearly Dr. Dobbs had been at the church for the commencement of the Summerfest activities serving coffee to the participants, and he is saying that Emma was there also:

'In this paragraph she asserts something so dastardly about the events, but the actual portrayal of what happened during the time when there were dozens of people milling about the place, whether sessions were active or adjourned, is vague and I fail to see what, limiting consideration to this paragraph alone, I am being charged with.'

This interpretation is confirmed by Yvonne Gunning in her interview with the investigator as quoted in full above:

YG: 'Yes, that was, my understanding was that that happened in the foyer, down where Scott did the coffee ministry.'

Scott goes on:

'I have hugged Ms. Nicholls on many occasions, but never in the suggestive way as she has asserted, so within this paragraph I deny I have done anything wrong. It is submitted that even if the facts of this paragraph are admitted (which I do not admit), if I had done something wrong to Ms. Nicholls (which I did not) she had ample opportunity to bring an objection, mention a discomfort or uneasiness, or simply to stay away from me.'

Note: Dr. Dobbs comprehensively denies every fact in the paragraph of the statutory declaration that he is responding to. Therefore, it was quite reprehensible of Ken Taylor to say in his report the following:

'We note that he does not specifically address the allegation of rubbing his hand up and down her spine.'

Notes for submissions to a Court or Tribunal.

Consider the following anomalies in the 'evidence' of the two women, Emma Nicholls and Yvonne Gunning: -

- that in the interview material Emma did not describe the hug as anything more than a 'hullo' kind of hug;
- that Emma rejected the suggestion that Dr. Dobbs had forced her head against his chest;
- that it is clear on Emma's account that the hug was not a lengthy one;
- that nothing else happened after the hug because Emma says that she and Dr. Dobbs then had quite a detailed conversation about all the things he had done, in her later version, and does not say that anything else happened;
- that the so-called confirmatory evidence from Des Brampton proved to be nothing of the sort, and it does not even support a conclusion that the conversation with Des occurred on the same day that Emma asserted that this incident occurred, namely Monday 22nd January 2007;
- that Emma's account of being left alone in the house and what she was doing and where she was doing it does not accord with the reality of the layout of the house and the 'history' of her being refused any invitation to stay overnight since she went into the son's bedroom late at night in October 2006;
- Machel's evidence and that of the adult sons and older daughters, and the evidence of Mrs. Goodhew of her conversation with Machel about Emma and her behaviour;

and, most damningly of all to Emma's credibility –

- the contradictions between what Yvonne Gunning says that Emma told her: that the hug occurred in the coffee area of the foyer of the church where the Summerfest 07 program was in full swing; and Emma's later story to the investigator (after she had been told about Scott's response by Phillip Gerber) that it took place in an entirely different place and context, when Emma was (allegedly) alone in the Dobbs' house.
- There is also the problem of her consent, remaining there and not going home.

As Scott said in his continuation of his response to this paragraph:

I never actively sought her out, but she consistently sought to find me, I never tried to meet her in a secret fashion, but she sought me out, even going so far as to seek me out at my University office to get me to write letters of recommendation so she could allegedly get a JP

status conferred on her. I never called her, but she called my house sometimes so often as to be a nuisance. Many times when she called the house, she would ask for me, and I would shift her phone call over to my wife or one of my daughters, or, more recently, my wife would shield me from her phone call, knowing that something was wrong with her.

It is worrying that Ken Taylor chose to ignore these facts, which were readily confirmable even from the statutory declaration that Emma Nicholls had made. But instead of checking the facts, he only asked Emma to explain her feelings, and explain why she kept going back to the house. Although Emma's explanation had to be obtained as a matter of procedural fairness, the same fairness was not extended by the investigator to the very real issue that Scott Dobbs raised as early as 12 March 2007 – that he had never sought Emma out, that she was the 'aggressor' in trying to establish a relationship with him, and that his family had been active in trying to shield him from her unpalatable attentions.



The Documents in the Case

Document 7B

The hug on 22nd January 2007: The Des Brampton story

Comment:

One of the most pathetic of the subsidiary lies told in the PSU case against Dr. Dobbs was that which was told by Yvonne Gunning to Ken Taylor and which was said to have come originally from an elderly man Desmond Brampton, via his wife, Figtree Anglican church part-time staff member Faye Brampton.

It was said to have arisen during Summerfest, an outreach program held each year in Figtree Anglican church with sessions scheduled during the day and evening in the week before the Australia Day long weekend. In 2007, this was held over three days 22nd, 23rd and 24th January 2007.

The story was that Dr. Dobbs had a conversation with Desmond over a cup of coffee at the espresso machine in the large lounge area of the church on one of those days. What Yvonne Gunning said that Faye Brampton said that Des Brampton said, reporting what Dr. Dobbs was supposed to have said, was this: that Dr. Dobbs told Des Brampton that he was about to embark on an affair with an unnamed woman – whom gossip (Yvonne Gunning in particular) named as Emma Nicholls.

What Yvonne Gunning told Ken Taylor in her interview on 21st August 2007:

YG: 'I'm not a hundred percent certain, but I know that he (Dr. Dobbs) spoke with um, one of the husbands of a staff member, because the following day that this was announced to the staff, um, Faye Brampton came and spoke to me in my office and said that her husband, she went home and she felt, you know, what do I do, I need to tell Yvonne about this, that her husband was the person Scott spoke to that evening.'

KT: 'Oh, right.'

YG: 'And he made some comment about how he was um possibly launching into an affair.'

KT: 'And this is what the male friend said?'

(In the ensuing few exchanges it is clear that the investigator thinks it is Des who is saying that he, Des, is launching into an affair. Yvonne puts him right.)

KT: 'Oh, Scott made that?'

YG: 'Yes.'

KT: 'And do you think he was referring to Emma?'

YG: 'I think so, yes.'

KT: 'He was seeing the signs of there of some potential?'

YG: 'Yes, I, I, in reflection, thinking about Scott's character I wondered whether that was a you know, manipulative measure on his part, to make it look like he'd dealt with it and he'd sought someone's counsel and they'd advised him not to do the wrong thing. I suppose I've just got a suspicious mind.'

Well, certainly a very convoluted mind.

A little further on, Yvonne Gunning says:

YG: *'And, but I went and spoke to Bruce (the Rev. Bruce Clarke, Figtree Executive minister) about it. So ...'*

The sad fact, which was disclosed by Des early in his interview with Ken Taylor, is that Des says that he suffers from Alzheimer's, although a little later in the interview he retracts that and says it is just that his memory *'on when things happen, that's what I've got a problem with see.'* As he says: *'I can remember stuff and I can remember that incident. (His conversation with Dr. Dobbs.) But I can't remember when it was.'* However, after some discussion he is content that it occurred during Summerfest 07 although his recollection does not enable him to say on which day or evening of Summerfest 07. Note that Yvonne Gunning says that Des's wife says it was in the evening. This contradicts Emma's evidence that it was later in the day, when Dr. Dobbs returned home before the others of the household.

And this is his unprompted recollection of the conversation:

DB: *'So well, see, what it was, I was, I was walking along the hallway there and he was sitting in front of his coffee machine. And he usually called me over and I'd, I come over and I said, and he's sitting there looking rather glum actually, rather down in the mouth. And I said: "what's the matter?" I said, "Aren't you making coffee today?" And he said, "Oh yeah." He said, "I can make you a cup of coffee if you want." And I said, "What's the problem?" And he said, "Oh," he said, "Well," he said, "I've got woman trouble." Now woman trouble to me referred to woman trouble with his wife, right.'* Des then launches into a story about 'woman trouble' he had one time with his own wife, and that he said to Scott things like *'I've had problems with my wife.'* And *'You'll be able to probably sort things out.'* And then he *'had to rush off and do something'*.

KT: *'That was it? He didn't say anything more than that?'*

DB: *'No.'*

KT: *'So you didn't get the impression that, that he wasn't talking about his wife?'*

DB: *'No, not really. He didn't say anything about anything else.'*

KT: *'No.'*

DB: *'No.'*

Now, this conversation was thought to be important, for the reason Ken Taylor finally discloses later in the interview, namely to confirm something that Emma alleged that Dr. Dobbs told her at the same time as the hug and back-rubbing that she said that he did to her during Summerfest 2007: *'Cause if he did say something of that nature at that time, it would be consistent with what this girl is saying and um, we're just curious to know whether it occurred nor not.'*

Ken Taylor goes on to tell Des what he wants Des to remember: following on from Des' denial that Dr. Dobbs did say anything of that nature (omitting occasional comments such as 'yeah' and 'mmm' from Des):

KT: *'Yes, well at the time that um, that Scott Dobbs was, you know, became aware that a complaint had been lodged about him ...'* (presumably Ken Taylor is referring to Tuesday 6th February 2007) *... 'and I think at that time um, perhaps your wife, it's Faye, isn't it?' ... 'perhaps your wife became aware because you know she works here occasionally. And um, when that, when she became aware of it, she thought it was um relevant and important to*

pass on a comment to Yvonne Gunning.' ... 'And she said to Yvonne that um, that you'd had a conversation with Scott Dobbs, when he advised you that he was you know, one, in some words, he said, um that he was about to launch into an affair with another woman or something to, to that effect. And I'm just wondering whether you can recall him saying anything like that?'

DB: *'Mmm, yeah now, my wife's got a better memory than me.'*

Des goes on to agree with Ken Taylor anything that is put to him, saying *'so if I've told that to my wife she has a better memory than me.'*

However, almost at the end of the interview, Ken Taylor says –

KT: *'... he might have been talking about the complaint.'*

In saying 'the complaint' Ken Taylor must have been referring to the idea that Scott was confiding his desire to have a sexual relationship with Emma which was to become the subject of the complaint, which was not made until 1st February 2007 by Lee Nicholls, and of which Dr. Dobbs remained unaware of its' existence until 6th February (as an anonymous complaint) and finally in late February when a copy of Emma Nicholls' statutory declaration signed 23rd January 2007 was delivered to him.

However, in answer, Des says the following without prompting:

DB: *'... he didn't tell me that he had an affair.'*

KT: *'Mmm.'*

DB: *'That's for sure.'*

KT: *'Or that he was going to have an affair.'*

DB: *'No, he didn't say that. He didn't say anything like that.'*

KT: *'Right.'*

DB: *'He wasn't confessing his sins like I, like I did. Well I didn't but I did actually.'*

What Ken Taylor's report says.

Ken Taylor gives it up as a bad job shortly after that. His report to the diocese contains this:

*When I spoke to Faye Brampton after interviewing her husband, I did so before she had an opportunity to speak to her husband. I asked her what she could remember Des telling her about his conversation with Scott Dobbs. Her reply was, 'Scott said he had women problems.' I asked her if she could remember her husband telling her that Scott Dobbs said he was 'launching into an affair' or words to that effect. She could not recall Des Brampton saying that. In the circumstances, I accepted that Des Brampton's recollection of the conversation was probably accurate and considering that his wife corroborated his evidence, **I assume that Yvonne Gunning may have misinterpreted Faye Brampton's report to her in some way.** I elected not to formally interview Faye Brampton.' (Emphasis added.)*

- **Notably**, this is the fourth major piece of misinformation that Yvonne Gunning has passed on that Ken Taylor has labelled as misinterpretation, if labelled at all, rather than suspecting outright fabrication:
- her sexed-up descriptions of what was supposed to have happened during the hug that Emma alleged that she had received when she was aged 16;
- her sexed-up description of what happened to Emma when she invaded Dr. Dobbs' study;
- her sexed-up demonstration of the supposed hand-stroking;

- her sexed-up description of what was supposed to have happened to Emma when she hung around Dr. Dobbs when he and his son were trying to serve coffee to the evening congregation on the 28th January 2007; and now,
- this vast overstatement of a harmless, wry comment made by Dr. Dobbs to Des on one of the three days of Summerfest 2007 while he was there serving coffee during the day and evening. With a wife and four daughters in the house there was plenty of scope. He could just as easily have meant that Mabelle was hassling him about something as innocuous as buying a new suit!

If he was serving coffee at the church, then he was not at home apparently giving Emma a hug and rubbing her spine and confiding that he had had a personal conversation with an older man in the congregation.



The Documents in the Case**Document 8*****Emma Nicholls' letter to Dr. Dobbs 26th January 2007*****The Letter.**

This is the final version, taken from the letter Dr. Dobbs received and which, although he had consigned to the bin, Mabelle rescued and kept because she was now very concerned at what Emma might be up to, to cause the whole family grief. She alone had foreseen that Emma was now dangerous to them.

Dear Scott,

I've been a bit confused about the way I've been relating to you lately.

I'm not sure if its (sic) just me, that I've misconstrued everything, but I'm feeling that the way I've been relating to you, at times, has been inappropriate.

I feel as if I haven't utilised appropriate boundaries and I want to apologize to you if my actions have in any way caused this.

You, Mabelle and your children are really important to me, I love you all dearly and value the friendship I have with you very much.

I hope you understand.

Love, Emma

Note: The draft version provided to the investigator varies in the second last sentence, thus:

'You Mabelle (this word appears to have been partially erased) & your children are really important to me. I love you all dearly & value the friendship I have with you very much and I wouldn't want to damage that in anyway.' (omission noted in italics).

The draft did not contain the last sentence.

What other people said about the letter, what it was supposed to have said and what its' purpose was.

What Lee Nicholls told Ken Taylor in her interview on 24th August 2007 (with her husband in attendance):

KT 'My understanding is that she wrote a letter.

LN 'Yeah she did.'

GN 'She was trying, yes that's right.'

LN 'Yes she did.'

KT 'Yes. Yes, and that, that her relationship presumably must have changed ... '

LN 'Yeah.'

KT '... with the Dobbs family after that.'

LN *'Yes, she was a grown, yeah, and Emma was a grown woman and she became aware that that man had sexual feelings for her and there were, at times when he behaved inappropriately sexually towards Emma, considering he was a married man, considering he had six children, considering he'd known her since he, she was fourteen, and considering he embraced and loved her like a father ...'*

GN *'And her relationship with the whole family was very strong and she wanted to stay, remain part of the family ...'*

LN *'Yes.'*

GN *'... and she was trying to work out, how can she resolve this situation, and still be part of the family,'*

KT *'It must have been very difficult.'*

LN *'Incredibly confusing.'*

GN *'She, wrote, she wrote ...'*

KT *'She wrote a letter to try and solve this.'*

GN *'Well not just one letter.'*

LN *'Yeah she wrote a letter to Scott and she wrote a letter to Machel. She wanted to, ah, write letters to the parents so that she was being responsible as a grown woman.'*

GN *'And she wasn't wanting to get the blame put on Scott. She wanted to be, she wanted to try and keep the family rela .., keep that relationship going and um, she wrote letters to both of them.'*

LN *'She did yeah. Emma wrote a letter to the lady Machel and she wrote a letter to the man.'*

Note at this point: if Emma's relationship with the family was so strong then she would not have needed to write to Machel, surely, because Emma would not have done anything to upset her and cause her to ban Emma from staying overnight ever again. But maybe Emma hadn't told her parents the full story about that.

Also, Emma's lack of parental guidance: it is clear that Emma did not have responsible and appropriate advice and guidance from either of her parents: any parent would have said to her, in the circumstances that they believed were true, that Dr. Dobbs had sexual feelings for their daughter, there is no way that you can have a relationship with the family in these circumstances. They would have spoken to Machel, as previously Emma was advised by Lance Wearmouth, and formed an alliance to prevent Emma from going to the house or contacting the daughters or all the other ways in which she had been intruding upon the Dobbs family over the years.

And finally, there is still some obfuscation going on: Lee's comments that Emma was a grown woman seemed to be going down the route to say that consent was a problem with Emma's behaviour and that she needed to tell Dr. Dobbs that she was withdrawing her consent to what she perceived as his sexual behaviour, whenever it should occur on the future. Her husband's interjections pushed Lee back onto the story that had been clearly worked up beforehand (although as support person he should have been told to keep quiet as he was not being interviewed, or if he was, he should have been interviewed separately – just another problem with the conduct of the interviews by Ken Taylor).

What Lee said in her signed statement dated 25th November 2007:

29. Afterwards, Emma talked about varying details that had occurred and situations that she now realized weren't appropriate over time. So Emma decided to write Scott a letter. She wrote the letter to try and solve this. She wrote a letter to Scott and a letter to Mabelle. She wanted to write letters to the parents so that she was being responsible as a grown woman. She wasn't wanting to place the blame onto Scott. She wanted to try to keep the family relationship going.

30. ... (about her letter to Mabelle) ... In her letter to Scott, she said she felt that the boundaries in their relating had been crossed and that she needed to get that out in the open.

What Yvonne Gunning said to Ken Taylor in her interview on 21st August 2007:

YG 'Yes. She felt that he was, um, it was intimate and this is where she felt he'd crossed the boundary of what was appropriate, because she felt she'd made it very clear that she did not want to be in an intimate relationship and she did not want this behaviour to continue.'

KT 'She'd made that clear in the letter?'

YG 'That he, in the letter, but he was blatantly ignoring it.'

...

YG 'I would think that if he, if a girl has written you a letter indicating that she's uncomfortable with her, with the behaviour ...' (Comment: do the words indicate an inadvertent statement of the truth?)

KT 'Yes.'

YG '... that you then would be very careful about how you touched her. I would think that you would not even hug her ...'

At one point in that interview Yvonne Gunning tells the interviewer that she had seen a draft of it: 'Her, she said she did quite a few copies, because um because of Emma's condition and wanting to have things word perfect, she went over it with her mum. And her mum read it and they rechecked it so ... I'm fairly certain Emma still has a draft of what she sent.'

What Emma Nicholls said about the letter, what it was supposed to have said and what its' purpose was.

What Emma Nicholls said to Yvonne Gunning in her interview on 20th February 2007 and as it appears in both drafts of the statutory declaration prepared from this.

20. ... He hugged me again – even though I thought I had made it clear this was inappropriate. ...'

What Emma Nicholls said to Ken Taylor in her interview with him on 24th August 2007.

KT '... Now on the 26th of January you wrote him a letter.'

EN 'Yes.'

KT 'Now I'm hoping you might be able to give me a copy of that letter?'

EN 'Áh yes, do you, yes.'

KT 'Can you give it to me today?'

EN 'Úm yes. It's in a file in my filing thing.'

KT 'Okay.'

EN 'I'll have to go and get it.'

That is all that Ken Taylor asked Emma about her letter, its' contents and her motivation in writing the letter.

What Ken Taylor tells Emma Nicholls in his interview with her on 24th August 2007 about the letter:

He says this in the interview:

KT 'And the letter you'd wrote, written him.'

EN 'Yeah, it was in response to what I'd asked.'

KT 'I don't need to ask you about the letter, because you're going to give me a copy of it.'

EN 'Yes.'

KT 'Um, and I've got some idea of what you were probably trying to communicate.'

EN 'Yeah.'

Well, if Ken Taylor really had some idea of what Emma was trying to communicate in the letter, he was far ahead of the rest of us, including Yvonne Gunning, Lee Nicholls and even Emma herself, as to what in fact the letter said and what each of them thought it said and/or meant, bearing in mind that Dr. Dobbs had already indicated that he did not know what she meant. And what it was meant to achieve. Once he had been told by Yvonne Gunning on 21st August 2007 that it was likely that there were copies of the letter available, it might have been better to have made sure that a copy was available to him before he interviewed Lee Nicholls and Emma Nicholls three days later.

Dr. Dobbs thought Emma was apologizing for invading his study. As she should have done – it was provocative and inappropriate on her part, just as her behaviour in going into the son's bedroom, for which she apologized to Machel. For Machel and Dr. Dobbs both incidents of Emma's behaviour were of a piece and totally unacceptable.

What Emma said in her signed statement dated 13th November 2007:

40. On 26 January 2007 I wrote Scott a letter. I have kept a handwritten copy ... I told him I was confused about the way I had been relating to him and I felt that it was inappropriate. ... '

And that is all that Emma says in her signed statement about the contents of the letter and what she hoped to achieve with it.

Dr. Dobbs' response to the paragraph in Emma's statutory declaration about the letters in his statutory declaration dated 12th March 2007:

'The letters Ms. Nicholls wrote were quite amusing, really. My wife and I got them the same day (not the 26th of January as the Paragraph implies, for that was Australia Day and the letters would not have been delivered prior to about Monday 29 January, only a few days prior to the open accusation that was levelled against me). I admit that I didn't carefully read the letter, although I did skim the contents, for the opening statement was that Ms. Nicholls had "Crossed the boundary" with me and my family and it sounded like a letter from a real "flip". I showed it to my wife who asked what it meant and I told her I thought that Ms. Nicholls was a real "flip" and we should stay away from her more completely. My wife said a few words that indicted that she was not altogether happy about the letter to me and*

showed me the letter she had received. In the letter to my wife Ms. Nicholls apologised for her own "inappropriate" behaviour and both my wife and I thought it was because we had been upset with Ms. Nicholls for spending the night in bed with my son in his bedroom.'

* Dr. Dobbs did not realise that the letters had been hand delivered by Emma and her mother as this information was not contained in Emma's statutory declaration.

Continuing on: it is clear from reading Scott's response to this paragraph in Emma's statutory declaration, continuing from above, that Machel and Scott's anger and concern caused by this incident almost eclipsed their responses to Emma's invasion of Scott's study a week or so later:

'Our house has a rule that girls are not allowed in the bedrooms of the boys and vice versa ESPECIALLY at night. We were both quite shocked at the behaviour of this woman in finding her in bed with our son the next morning after my wife allocated her a room by herself. She apparently started wandering around the house, going around and around the house, annoying the girls in the top bedroom, until she finally was able to wake Christopher and get his attention. My wife and I have pretty trenchantly criticized these actions and I have conjectured after all the allegations have been tendered to me, that this represented the final rejection to Ms. Nicholls with respect to our family.'

Dr. Dobbs returns to the issue that Emma herself had been the initiator of attention-seeking behaviour and the accusations are a response to the realisation that the Dobbs family were stopping her from any further contact with them (and Scott):

'She has focused on me as the centre of her attention, seeking me out for approval, always seeking to be part of my family instead of her own, and when we started to erect barriers against her further involvement with my family, she could stand it no longer. She has now levelled heinous accusations against me and I will not be silent about the type of person she really is and the untruthfulness of her accusations.'

A reminder: Dr. Dobbs was unaware at this time that Emma had not wanted to make a complaint and that her mother, aided by Yvonne Gunning, had made the complaint.



The Documents in the Case

Document 9A

The events of the evening of 28th January 2007.

An overview of the allegations.

The earlier accounts of the events of 28th January 2007 by Lee & Emma Nicholls

The first account, by Lee Nicholls in her interview with Yvonne Gunning on 1st February 2007:

'Last Sunday evening Lee came to church with Emma and her 2 other children. Emma sat out in the welcome lounge and told her mum she would speak with Scott and ask him if he received the letter. Emma asked Scott if he had received the letter and Scott responded to her by saying "Machelle went through the roof screaming at him asking what he had done to her?" Scott told Emma that he said to Machelle "what do you think a bus ran over Emma and I (sic) and we made out under the bus." After this statement Emma told her mother Scott placed his hand on her bottom & lower back and told her he loved her. He held her hand then Scott kissed her twice intimately on the neck. Lee said Emma told her after church on Sunday night that she was very confused saying "mummy I am so confused."'

The second and third accounts, by Emma Nicholls:

Emma finally gave her statement to Yvonne Gunning on 20th February 2007. A draft statutory declaration was drawn up by the PSU but returned amended for a re-draft which was finally signed on 23rd February 2007 with more amendments.

Here is the version that appeared in Emma's statutory declaration signed 23 February 2007. The earlier version is shown in bold italics in brackets, where it differs from the later version and words added to the later version are underlined and the comment added in brackets in ordinary type that these words do not appear in the earlier version. If the reader starts to get confused, please see the chart of a summary of the variations, below:

*'20. Two days later, I saw Scott with Charis **(the family)** at church. He smiled at me. Mum saw this and he was as lovely as ever. I asked him did he get the letter. He said Machelle freaked out. He joked and minimized in a crude way about what happened. He joked that he took me into the car park and made out on a car **(He crudely said he took me into the car park and made out under the car)**. I think he did this to minimize what I had written. He hugged me again – even though I thought I had made it clear this was inappropriate. This is written in my journaling at home **(This is written in my journal)**. He told me he loved me, that I was a great lady (these words do not appear in the earlier version) (near **(behind)** the coffee stand) he kissed my neck twice. This is when the last songs were on and no-one else was outside. We talked for awhile and he asked me not to go. When he walked past the coffee machine at different times (these words do not appear in the earlier version) he put his hand on my hip and waist **(upper thigh)** and back. At some stage in the conversation he said he was sorry **(After he told me he loved me I said "I was confused" and he said he was sorry)** I asked him to teach me how to make coffee **(He taught me how to make coffee)** and during that process he put his hand on mine **(he kept putting his hand on mine)**. I didn't need his hand guiding me. I was still confused **(I still feel confused)**. I can't understand how it all happened."*

Already there is confusion and inconsistency between the three accounts, even though the one given by Lee Nicholls reporting what Emma told her as well as her own observations was made a mere four days after the events of that Sunday and Emma's conversation with her after Emma was given a lift home after church by Scott with some of his family with him in the car. Emma's statement to Yvonne Gunning was made 20 days later. Her altered statutory declaration was made a mere 3 days after that.

Immediate difficulties with the three versions that came into existence in February 2007

The first difficulty is that we have variations between what Emma told Yvonne Gunning in the interview on 20th February 2007 (and reflected in the first draft of the statutory declaration) and what she appears to have said in later interviews so that the first draft statutory declaration prepared from her statement was altered and appears as her statutory declaration signed 23 February 2007.

Some of the alterations are significant. For ease of reference, here is a summary of the variations in the two stories, 3 days apart.

The reference numbers are to the elements of the story listed above.

Original version in interview 20 th February 2007 & first draft statutory declaration	Version in statutory declaration signed 23 rd February 2007
1. Two days later, I saw Scott with the family at church I asked him whether he had received my letter (implication – as she walked into the Figtree lounge)	1. Two days later, I saw Scott with Charis at church I asked him whether he had received my letter (when she came out into the lounge before the end of the service)
2. He crudely said he took me into the car park and made out under the car . This is written in my journal .	2. He joked that he took me into the car park and made out on a car . This is written in my journaling at home .
4. He told me he loved me, (behind the coffee stand) Element 6 does not appear in this first version	4 & 6 He told me he loved me, that I was a great lady (near the coffee stand)
5. After he told me he loved me I said "I was confused" and he said he was sorry	5. At some stage in the conversation he said he was sorry
9. When he walked past the coffee machine	9. When he walked past the coffee machine at different times
9. he put his hand on my hip and upper thigh and back	9. he put his hand on my hip and waist and back
10. He taught me how to make coffee	10. I asked him to teach me how to make coffee
10. and during that process he kept putting his hand on mine .	10. and during that process he put his hand on mine
I still feel confused	I was still confused

The second difficulty is that there are also significant differences between Emma's accounts and Lee Nicholls' account of what they say happened. Apart from omissions on each side, Lee Nicholls' version adds the 'sexy bits' that are not confirmed by Emma. For convenience sake, this chart only refers to the second of Emma's versions, the one in her statutory declaration signed on 23rd February 2007.

Emma's version in statutory declaration signed 23 rd February 2007	Lee Nicholls' version in her statement to Yvonne Gunning on 1 st February 2007
A. The 'sexy' bits	
2. He said Machelles freaked out. He joked and minimized in a crude way about what happened. He crudely said he took me into the car park and made out under a car.	Scott responded to her by saying "Machelle went through the roof screaming at him asking what he had done to her?" Scott told Emma that he said to Machelles "what do you think a bus ran over Emma and I (sic) and we made out under the bus."
7. he kissed my neck twice.	7. then Scott kissed her twice intimately on the neck. (Note the use of the word 'intimately', which Lee also used to describe the earlier January kiss which Emma was unable to describe to the investigator.)
8. When he walked past the coffee machine from time to time he put his hand on my hip and waist and back.	8. After this statement (about making out under a bus) Emma told her mother Scott placed his hand on her bottom & lower back
B. The omissions	
The hug	Not referred to
Scott saying that Emma was a great lady	Not referred to
Not referred to	Scott held her hand
Scott said he was sorry	Not referred to
Scott asked her not to go	Not referred to
She asked Scott to teach her to make coffee and in the process he put his hand over hers	Not referred to

The third difficulty is that there is a different sequence of events in Lee Nicholls' version and both of Emma's versions:

Element number: Emma Nicholls' account in paragraph 20 of her statutory declaration 23 rd February 2007	Position in Emma Nicholls' statutory declaration	Position in Lee Nicholls' account to Yvonne Gunning	Lee Nicholls' account to Yvonne Gunning on 1 st February 2007
1. <i>Two days later, I saw Scott with Charis at church. He smiled at me. Mum saw this and he was as lovely as ever. I asked him did he get the letter.</i>	1.	1.	<i>Last Sunday evening Lee came to church with Emma and her 2 other children. Emma sat out in the welcome lounge and told her mum she would speak with Scott and ask him if he received the letter. Emma asked Scott if he had received the letter</i>
2. <i>He said Machelle freaked out. He joked that he took me into the car park and made out on a car.</i>	2.	2.	<i>Scott responded to her by saying "Machelle went through the roof screaming at him asking what he had done to her?" Scott told Emma that he said to Machelle "what do you think a bus ran over Emma and I (sic) and we made out under the bus."</i>
3. <i>He hugged me again – even though I thought I had made it clear this was inappropriate. This is written in my journaling at home.</i>	3.		Not referred to
4. <i>He told me he loved me ...</i>	4.	4.	<i>and told her he loved her.</i>
Not referred to		5.	<i>He held her hand</i>
5. <i>Scott said he was sorry.</i>	9.		Not referred to
6. <i>He said ... that I was a great lady (near the coffee stand)</i>	6.		Not referred to
7. <i>he kissed my neck twice. This is when the last songs were on and no-one else was outside.</i>	7.	6.	<i>then Scott kissed her twice intimately on the neck.</i>
8. <i>We talked for a while and he asked me not to go</i>	8.		Not referred to
9. <i>When he walked past the coffee machine from time to time he put his hand on my hip and waist and back.</i>	9.	3.	<i>After this statement (making out under a bus) Emma told her mother Scott placed his hand on her bottom & lower back</i>
10. <i>I asked him to teach me how to make coffee and during that process he put his hand on mine</i>	9.		Not referred to.
11. <i>I was still confused</i>	11.	7.	<i>Lee said Emma told her after church that she was very confused saying "mummy I am so confused.</i>

The Documents in the Case

Document 9B

The events of the evening of 28th January 2007.

Element 1: Emma asked Scott whether he had got her letter. When and where?

What Lee Nicholls says in her interview with Yvonne Gunning on 1st February 2007:

Note: in this early part, she is reporting her own eye-witness account of what happened as she accompanied Emma Nicholls into Figtree Anglican church that evening, but what Lee said is filtered through Yvonne Gunning's interpretation, as these are not Lee's direct words, but Yvonne Gunning's description.

*'Last Sunday evening Lee came to church with Emma and her 2 other children. **Emma sat out in the welcome lounge** and told her mum she would speak with Scott and ask him if he received the letter. Emma asked Scott if he had received the letter ...'*

What Emma Nicholls said in the statement given to Yvonne Gunning on 20th February 2007:

*'... , **I saw Scott with the family at church.** He smiled at me. **Mum saw this** and he was as lovely as ever. I asked him did he get the letter....'*

What Emma Nicholls said in her statutory declaration signed 23rd February 2007:

*'... , I saw Scott with **Charis** at church.'*

What Lee Nicholls said her interview with Ken Taylor on 25th August 2006:

Note: the final sentence is not Lee's eyewitness account.

*'... When we were, when **we went to church together, Emma and I, um, Scott Dobbs was at the coffee machine. Coffee, he was somewhere in the foyer area.** And Emma wanted to acknow..., Emma wanted to know that they received the letters, 'cause Emma slipped them into the letterbox one late ev..., afternoon. I drove her up. And we slipped them in the letter box and then we went home. But the parents, neither of them had acknowledged receiving the letters. And Emma needed to have closure on this. **So she went to church. Went with her. She was always in my sight. And she went over and she approached Scott Dobbs and asked if he received the letter** and he said, yes. And Scott Dobbs made a comment in regards to, um ah it was Scott Dobbs made a comment ...'*

What Yvonne Gunning said to Ken Taylor in her interview on 21st August 2007:

Note: the investigator is showing to Yvonne Gunning Emma Nicholls' statutory declaration made 23rd February 2007 and inviting her comments on it:

KT 'Okay. Now um in paragraph twenty she talks about um, ah and you also raised this, that um, she asked um Scott Dobbs whether he got the letter and this ...'

YG 'Yes.'

KT '... **was at attendance at church by the sounds of it and she stayed outside to speak to him.**'

YG 'Yes I'm pretty sure this is the evening her mum came to church with her.'

KT Yeah.'

YG 'And her feeling quite uncomfortable, but feeling she needed to be around with Emma ...' (from the context the 'her' in this sentence seems to be Lee Nicholls who is feeling uncomfortable).

KT 'Yeah.'

YG '... and her mum had started attending our church on and off. We had a, you know, interesting teaching series happening at the time and she wanted to come.'

KT 'Yep'

YG '**So she came with Emma and she left Emma as Emma was getting clarification from Scott whether or not he had got the letter,...**'

What Yvonne Gunning says in her signed statement dated 11th September 2007:

9. *Soon after (Ms Emma Nicholls wrote and delivered the letters to each of Mrs. Mabelle Dobbs and Dr. Dobbs, with the assistance of her mother Mrs. Lee Nicholls) Lee Nicholls came to church with Emma and Lee was concerned about interacting with Scott, so **she slipped inside the church and Emma stayed outside to talk with Scott.***

26. *... after that, Emma saw Scott at church and spoke to him about the letter. I think that was in the evening and her mother came to church with her. **She left Emma to speak to Scott about whether he'd got the letter.***

What Emma Nicholls says to Ken Taylor in her interview on 24th August 2007:

EN *Um I'd asked him basically, did he, had he gotten my letter and he said "yes". **And I went out about ten minutes before the service ended, when he was setting up the coffee machine, because I didn't want to be overheard, but it was important to me to know whether he'd gotten it,** 'cause they weren't home. I just put it in the letterbox. Um, what did you ask me again? My head just went blank.'*

KT 'Well just, what happened. You sent him a letter.'

EN 'Yup, and he said that he'd got it and Mabelle had got it, ...'

Notes:

- (1) According to this Emma actually went into the service and stayed there until just before it was ending.
- (2) This contradicts both the story told by Lee Nicholls, who says she was there at the time watching, that they came across Dr. Dobbs (and Charis) at the coffee machine when they arrived and Lee went on in leaving Emma talking to Dr. Dobbs, although in one version she says that Emma was never out of her sight.
- (3) She also contradicts Yvonne Gunning's version which aligns with the first version by Lee Nicholls and Emma.

What Lee Nicholls says in her signed statement dated 25th November 2007:

*'31. ... on a Sunday evening, I went to the Figtree Anglican Church with Emma. I remember that Scott Dobbs was at the coffee machine somewhere in the foyer area. We passed Scott and then turned into the entrance to the auditorium. **After a while the lights started to bother Emma and she left the auditorium** and went back out into the foyer. ... '*

Notes:

- (1) Now there was no conversation with Dr. Dobbs before the service and Lee is not a witness to any of the interaction between Emma and Scott before the end of the church service.
- (2) There is also confirmation of Emma's usual inability to remain in the church service for its duration and her usual behaviour in walking around, and out of the worship space while the service was still in progress.

What Emma Nicholls says in her signed statement dated 13th November 2007:

'Two days later, I saw Scott at church. I was with Mum. I went out of the service about 10 minutes before it ended, when Scott was setting up the coffee machine, because I didn't want to be overheard, but it was important for me to know whether or not he'd got the letter.'

Notes:

- (1) What is also interesting about the form of the signed statement is that it completely omits the earlier part of Emma's statutory declaration and her interview with Yvonne Gunning, particularly where Emma said that as she and her mother entered the lounge they saw Dr. Dobbs with Charis and he smiled at her and *'he was as lovely as ever'*.
- (2) It also places Dr. Dobbs as setting up the coffee machine when Emma comes out of the service 10 minutes before the end, not when she and her mother arrived.
- (3) Neither Emma nor Lee now confirm what Yvonne Gunning says that each of them had told her.
- (4) With such contradictory statements from Emma as direct witness and Lee as a witness of part only, and Yvonne as the hearsay witness, it is difficult to know which one, if any of them, can be believed.

Dr. Dobbs' response:

In his response to Emma's statutory declaration Dr. Dobbs says this, referring to her paragraph 20:

'The night of this incident, I spoke with Ms. Nicholls about the letter and I think her mother was not far off in the church (at least there were many people around us and the conversation took place in the midst of an open area, not, as she asserts while there was no one else around).'

Another slant on this question of when the alleged conversations and actions took place:

Lee Nicholls adds another slant on this in her signed statement, that was entirely different from her interview:

*31. ... Soon after (delivering Emma's letters to Mabelle and Dr. Dobbs), on a Sunday evening, I went to the Figtree Anglican Church with Emma. I remember that Scott Dobbs was at the coffee machine somewhere in the foyer area. **We passed Scott** then turned into the entrance to the auditorium. After a while the lights started to bother Emma **and she left the***

auditorium and went back into the foyer. I knew that Emma wanted to know if Scott and Mabelle had received the letters. She needed closure on this.

32. After the service I walked out of the main entrance to the auditorium and walked past Scott and Emma who were sitting on a couch with another woman. And I think I went to the Ladies and **when I came out Emma and Scott were at the coffee making table with Mabelle not far away.** I remember I stood near the Ladies at a distance just observing. I didn't see Scott hug or kiss Emma or touch her inappropriately in any way.

Notes:

- (1) So, now, Lee Nicholls' story is completely changed. There is no suggestion that she went on into the service leaving Emma behind talking to Dr. Dobbs. Emma went into the service with her, but left the service – at some stage, described by Lee as 'after a while' and by Emma herself as '10 minutes before the end' to talk to him about whether he had received her letter.
- (2) It also denies Ken Taylor's attempt at giving evidence in his interview with Yvonne Gunning: 'she **stayed outside** to speak to him.'

Another slant on the question of where the alleged conversations and actions took place:

Note: Emma herself waivers between 'behind' and 'near' the coffee machine: -

In her interview with Yvonne Gunning on 20th January 2007 and in the first draft of her statutory declaration:

*'He told me he loved me (**behind** the coffee stand) ... '*

In her statutory declaration dated 23rd January 2007:

*'He told me he loved me, that I was a great lady (**near** the coffee stand) ... '*

Was there any conversation before the service when Emma and Lee Nicholls arrived at church?

Lee Nicholls in her signed statement dated 25th November 2007:

'31. ... on a Sunday evening, I went to the Figtree Anglican Church with Emma. I remember that Scott Dobbs was at the coffee machine somewhere in the foyer area. We passed Scott and then turned into the entrance to the auditorium.

Note: this account does not allow any time for a conversation.

Emma Nicholls in her signed statement dated 25th November 2007:

'Two days later, I saw Scott at church. I was with Mum. I went out of the service about 10 minutes before it ended, when Scott was setting up the coffee machine, because I didn't want to be overheard, but it was important for me to know whether or not he'd got the letter.'

Note: this account makes it clear that there was not any conversation before she went into the service.

Conclusions**Notes:**

(1) Given that -

- (a) In the final form of their statements, neither Lee nor Emma allege that there was a conversation between Dr. Dobbs and Emma about the letter before the service as she and her mother arrived at the church (which otherwise would have had to have taken place in front of his 'family' or just Charis, depending on which of Emma's versions you prefer); and
- (b) Emma went into the service with her mother (not at a separate time as appears in the earlier statements);

there was no conversation between them before the service or after Emma's mother had gone into the service.

(2) And, given that: -

- (c) the conversation took place within a window of about 10 minutes before the end of the service and the time that Lee came out at the end of the service when she saw that Dr. Dobbs was sitting with Emma *and another woman* on a couch in the lounge/foyer; and
- (d) Dr. Dobbs did not get up to go behind the coffee machine to get ready to serve coffee until that window of time between Lee coming out of the service and coming out of the Ladies;

just where did the conversation take place?

(3) And, given that: -

- (e) there were other people in the area even **before** the service ended including an unidentified woman they were sitting with; and
- (f) along with Lee a large number of other people left the worship area for the lounge/foyer at the end of the service; and
- (g) Emma and Dr. Dobbs were under the observation of Machel and Lee Nicholls at all relevant times (and Machel was able to give evidence that she had not gone into the service, but also sat outside and Lee gives evidence that she watched them for an hour after coming out of the Ladies and did not see anything of concern); and
- (h) when Dr. Dobbs started to get ready to serve coffee, one of his sons was also there assisting him (also being a trained barista) and therefore, the son was behind the coffee machine with him;

just how was there time to include all of the alleged conversations and alleged actions without being overheard and observed by significant people as well as the mass of parishioners streaming out to mingle and chat and enjoy refreshments?

(4) These inconsistencies and improbabilities are the first of many in the accounts of that evening where it would be difficult for the PSU to present coherent evidence and difficult for a court or tribunal to resist the defense submission that the whole story is a fabrication born of desperation because there simply was no evidence of any relationship between Emma and Dr. Dobbs.



The Documents in the Case

Document 9C

The events of the evening of 28th January 2007.

Element 2: What were the terms of the conversation about the letter?

This turns into such a bizarre story from a flippant comment that apparently Dr. Dobbs made to Mabelle about the letter to cover up the fact that he did not really know what Emma was on about in the letter. He thought she was also apologizing to him, as she did in her letter to Mabelle, for her own inappropriate behaviour in their home.

He did not realize how far Emma had gone in her delusional belief that he returned her love and sexual desire for him. It is hard to believe that anyone intelligent would have given the slightest credence to it in the several forms it is given by Lee and then Emma Nicholls and Yvonne Gunning. Always remember: neither Lee Nicholls nor Yvonne Gunning was there. They can only report what Emma Nicholls told them.

There is also confusion about whether Dr. Dobbs was reporting to Emma (who is reporting to the others) what he said to Mabelle or she said to him when she read his letter, or whether Emma is reporting what Dr. Dobbs said to her on his own account.

What Yvonne Gunning said to Ken Taylor in her interview on 21st August 2007:

KT: *'So on this occasion she's (Lee's) told you that, um, that ah, he joked crudely about taking her (Emma) into the car park and making out?'*

YG *'Yes.'*

KT *'Is that, can you remember any more detail about that?'*

YG *'Yes she said it was um something to do with the, Mabelle seeking clarification about what the letter was about, or what it was that Emma was talking about. And so he said to her that, um, that was something he'd said to Mabelle.'*

KT *'Oh I see right.'*

What Lee Nicholls said to Yvonne Gunning according to the notes she prepared of her interview of on 1st February 2007, introducing a story involving the intervention of a bus:

'Scott responded to her by saying "Mabelle went through the roof screaming at him asking what he had done to her?" Scott told Emma that he said to Mabelle "what do you think a bus ran over Emma and I (sic) and we made out under the bus."'

What Lee Nicholls told Ken Taylor on 24th August 2007, with her husband (GN) in attendance:

KT *'Now I understand that there was a response to that. Um, looking at your, the notes of what Yvonne recorded for you, um, at the end of January 2007, on a Sunday evening, I gather that you and Emma went to church and Emma spoke to Scott about the letter at the time of being at church.'*

LN *'Yep.'*

KT *'Can you um, can you tell me what you recall happening?'*

LN *'My head's a blank. This is a terrible, terrible interview. I can't remember things.'*

KT *'Well I gather he, I gather you related to Yvonne that Emma, that um, Scott Dobbs told*

Emma he had received the letter, ...'

LN 'Yep.'

KT '... and that his wife was upset about it.'

LN 'Yep.'

KT 'And he made a sort of joke about it.'

Lee Nicholls launches into a long tirade which does not address the question. Ken Taylor tries again:

KT 'Well you told Yvonne ...'

Greg Nicholls 'It was a joking comment.'

LN 'Yeah'

KT 'Yeah, you told Yvonne, I'm sorry to hurry it up, but he told Yvonne, you told Yvonne, that he said, um "what do you think, a bus ran over Emma and me and we made out under the bus?"'

LN 'Yeah, that's right. Yes, that's right. Yep.'

KT 'Was that, was that the phrase?'

LN 'Yeah, something like that. Yeah very close to it, my word. It was about a bus yep. And he said that and laughed. Um.'

What Lee Nicholls said in her signed statement made 25th November 2007 says:

It does not contain any reference at all to this part of Lee Nicholls' 'evidence'. Nor do many other parts of her interview with Ken Taylor where she makes wild accusations and bizarre claims, interspersed with statements that she cannot remember, her head hurts and 'Emma would know'. So, what happened in the three months between the interview and signing the statement?

We do not know, but we can hazard a guess that Lee Nicholls may well have taken some legal advice that her unrestrained, over-imaginative and untrue statements could be construed as part of a course of defamation of Dr. Dobbs, who, as a professional man, would have a claim for substantial damages.

Emma Nicholls has several goes at the story.

What Emma Nicholls said to Yvonne Gunning according to the notes of their interview on 20th February 2007 which was then transcribed into paragraph 20 of the first draft statutory declaration:

'I asked him did he get the letter. He said Machelle freaked out. He joked and minimized in a crude way about what had happened. He crudely said he took me into the car park and made out under a car. I think he did this to minimize what I had written.'

What Emma Nicholls said in her statutory declaration signed 23rd February 2007: there is a slight change -

'20. ... I asked him did he get the letter. He said Machelle freaked out. He joked and minimized in a crude way about what happened. He joked that he took me into the car park and made out on a car. ...'

What Emma said in her interview with Ken Taylor on 24th August 2007:

EN Um I'd asked him basically, did he, had he gotten my letter and he said "yes". And I went out about ten minutes before the service ended, when he was setting up the coffee

machine, because I didn't want to be overheard, but it was important to me to know whether he'd gotten it, 'cause they weren't home. I just put it in the letterbox. Um, what did you ask me again? My head just went blank.'

KT *'Well just, what happened. You sent him a letter.'*

EN *'Yup, and he said that he'd got it and Mabelle had got it, she had yelled at him something like, "What did you do?" kind of thing. And he, he also joked and said like I felt like he was just, ah yeah, minimizing it, so that it didn't seem as bad to me what had happened. And he made some joke, "Oh its not like, like I dragged you under a car or on top of a car or something in the church car park and made out," and laughed, like something like that.'*

What Emma Nicholls said in her signed statement dated 13th November 2007: the words 'my head just went blank' are of course omitted, and this is how Emma's story ends up: -

41. Two days later, I saw Scott at church. I was with Mum. I went out of the service about 10 minutes before it ended, when Scott was setting up the coffee machine, because I didn't want to be overheard, but it was important to me to know whether or not he'd got the letter. He said that he'd got it and Mabelle had got it and that she'd yelled at him something like 'What did you do?' And Scott joked about it. I felt he was just trying to minimise it, so that it didn't seem as bad to me. He said something like, 'Oh it's not like I dragged you under a car or on top of a car or something in the church car park and made out' and he laughed. I thought it was a very odd thing to say. I think he was just trying to make it sound less serious. We were standing just behind the coffee machine in the foyer of the church. ...'

Note: so, was Emma reporting what Scott said that he said to Mabelle or is she now saying that what Scott said to her when they had the conversation that Sunday evening just behind the coffee machine he was saying direct to her? Let the reader choose.

Dr. Dobbs' response:

In his response to Emma's statutory declaration Scott says this referring to her paragraph 20:

'I did NOT, as asserted, joke with her that I "took [her] into the car park and made out on a car" although I did mention that the letter she wrote sounded as though she was apologizing for something bad. "It sounded like we had gone out to the car park" [and you are asking for forgiveness]. I did make light of it, I admit. I was sort of caught off guard by her question regarding the letter she had written me, and a little embarrassed that I couldn't actually remember much about the letter, as I had only skimmed it and tossed it into the bin after giving it to my wife to read. Ms. Nicholls and her mother have written many letters to us over the years and they have nearly always had a certain something about them which seemed weird or not right.'

The timetable of events on 28th January 2007 in the foyer of Figtree Anglican church (so far).

The timetable of Emma's encounter with Dr. Dobbs engineered by her (and her mother Lee) is this, so far:

Elements 1 & 2:

1. Emma, Lee and her two siblings came to the evening service (called FUSE) at Figtree Anglican

church on 28th January 2007. *For Emma, it was with the express intention of going up to Dr. Dobbs and asking him whether he had got her letter that, in fact, she and her mother had put in the mail box at the Dobbs' home on 26th January 2007. As there was no reason to suppose that it had not been taken out of the mailbox, the real purpose was to resume the relationship with the whole family (having, hopefully, appeased Machel with the apology in Emma's letter to her) that had been fractured by her unacceptable behaviour in the home and towards Dr. Dobbs.*

2. When they arrived, Dr. Dobbs was in the foyer and his family (or, at least, his daughter Charis) was with him. Lee went on into the service and after saying something to Dr. Dobbs, but apparently not the full conversation, or even not speaking to him at all at this stage, Emma also went into the service. *By implication, Dr. Dobbs remained outside the service. (Comment: the service is broadcast into the large foyer/lounge area of the church and people do choose to remain outside to sit comfortably and listen.)*
3. Emma came out of the service 10 minutes early so that she could have a private conversation with Dr. Dobbs.
4. The terms of that conversation are confused as to whether Dr. Dobbs was reporting what Machel said about Emma's letter to him, or he was speaking on his own account; and whether it involved making out under a bus or under or on a car. It is also unclear whether it was said jokingly or not. *Dr. Dobbs says he did not pay much attention to the letter and was embarrassed at being asked about it, because of previous experience with letters from both Emma and Lee to the family which was that they usually contained something weird or not quite right.*

This timetable will be continued on the following documents about each element of the complaint.



The Documents in the Case

Document 9D

The events of the evening of 28th January 2007.

Elements 3, 4, 5, 6 and 7: a hug, 'great lady', two more conversations and love & kisses.

These five elements are considered together because they are said by Emma and Lee to have been crowded into a space of less than 10 minutes before the end of the church service, when Emma says she went outside to talk to Dr. Dobbs and when a large number of parishioners started streaming out of the worship space, Dr. Dobbs was joined by his son who was a trained barista, as he was, and they started serving espresso coffees.

Element 3: A hug (or was it two hugs?), did it/they happen? If so when/where?

What Lee Nicholls said about the hug:

There is no reference to this alleged hug in Lee Nicholls' account to Yvonne Gunning. So, the report closest to the event, a matter of 4 days, omitted all reference to it. Nor does she refer to it in her interview with Ken Taylor and so, it does not appear in her signed statement. The conclusion is that Emma did not mention any hug to her mother later that evening or the next day, whenever Emma did make a complaint to her mother about the events of the evening (Lee cannot remember which).

What Emma Nicholls said to Yvonne Gunning in her interview on 20th February 2007 and as it appears in both drafts of the statutory declaration prepared from this.

20. '*... He hugged me again ...*'

Notes:

- (1) This is the entire description. There is no allegation that this is anything other than one of the usual Dobbs' family hugs.
- (2) The use of the word 'again' is puzzling – does it mean again that evening or again after a hug on another day – and Yvonne Gunning does not try to clear up the ambiguity.

What Emma said in her interview with Ken Taylor on 24th August 2007:

KT '*Yeah, um, but I gather he hugged you, is that right?*'

EN '*Yes*'

Notes:

- (1) This is the entire interview concerning the existence of an alleged hug.
- (2) There is no attempt to clear up the ambiguity of the statement in the statutory declaration nor obtain a description of the hug to indicate that there was some sexual significance to it rather than just being the usual Dobbs' family hug.

What Emma Nicholls said in her signed statement dated 13th November 2007:

41. '*... He hugged me again ...*'

Note: the word 'again' re-appears, with no explanation of its' meaning.

Why was the hug important even though Emma attached no sexual significance to it?

This was because the letter was supposed to have stopped Dr. Dobbs from hugging her by indicating that Emma now did not want that to happen. However, as shown in Document 8, that was not the meaning that the letter conveyed. The other problem is that the only other recent hug she complained about she described as a 'hullo' kind of hug. Just like all the other hugs that the family members gave her and everyone else.

The best way for Emma to have avoided being hugged by Dr. Dobbs – and the rest of the family – was to leave them alone and make friends of her own age, as Dr. Schloeffel advised her in November 2006.

What Yvonne Gunning says in her signed statement dated 11th September 2007

'9. Lee Nicholls came to church with Emma ... Emma asked Scott if he'd received the letter. He then apparently touched her inappropriately. (There is nothing more in this paragraph about this alleged incident.)

26. On 26 January 2007, Emma wrote a letter to Scott about what she felt was his inappropriate behaviour and asking him to stop. After that, Emma saw Scott at church and spoke to him about the letter. (Details of the conversation.) Then Scott apparently hugged Emma ... '

Note:

- (1) As we know from Document 9C this account is wrong and contradicted by both Emma and Lee Nicholls, and the encounter and conversation occurred after Emma had been in the service from the beginning until about 10 minutes before the end, according to Emma's signed statement.
- (2) It is also revealing that Yvonne Gunning describes Dr. Dobbs' 'touching' as inappropriate: it could not possibly be so in the circumstances that did prevail. Emma put herself in the way of Dr. Dobbs, and, as a 20-year-old woman, she was responsible for any advances (if that had been what they were) that were made because of her provocative behaviour.

Dr. Dobbs' response to Element 3: a hug:

In his response, Dr. Dobbs does not directly address the allegation of a hug, mainly because he was so incensed by the accusation that followed immediately after. In the absence of any material describing the hug as anything with any sexual content or context (unlike the fantastic efforts to describe 'the age 16 sideways hug' and the other fabricated hug in January 2007), it was hardly necessary to even comment on it: Emma had already said: *'All the family hug like that.'*

Because of this, Emma's indignation that he continued to behave towards her in exactly the same way as he had behaved in the past, with so many such hugs, and behaved towards so many others in the same way in her presence, is irrational and confected.

Elements 4, 5 & 6: Dr. Dobbs told Emma that he loved her (and she was a great lady) and kissed her (on the neck).

What Lee Nicholls told Yvonne Gunning in her interviews on 1st and 4th February 2007:

*'After this statement (about the letter) Emma told her mother Scott ... told her he loved her. He held her hand then Scott **kissed her twice intimately on the neck.**'*

What Lee Nicholls told Ken Taylor in her interview on 24th August 2007:

LN (about the bus)
 KT *'But then I gather he um, he touched her again ...'*
 LN *'Yeah he did.'*
 KT *'... and said something to her?'*
 LN *'He did'*
 KT *'What, what ...'*
 LN *'He told her that he loved her, he **touched** her tenderly on the neck.'*

What Lee Nicholls said in her signed statement dated 25th November 2007

33. (the conversation about the letter)
*... He said something like that and then he laughed. Then Emma told me later **he held her hand gently** and he told her he loved her and **kissed her tenderly** on the neck.*

Note: in view of the absence of mention of holding her hand gently, or at all, in Ken Taylor's interview, where did this allegation in the signed statement come from?

What Emma said to Yvonne Gunning in her interview on 20th February 2007 and as it appears in the drafts of her statutory declaration including the one signed on 23 February 2007:

Note: contradictorily, she rejects that sequence of events and creates another:

'20. '... This is written in my journaling at home. He told me he loved me and that I was a great lady (near the coffee stand).'

What Emma told Ken Taylor in her interview on 24th August 2007:

KT *'Um, but when he said he loved you, I mean the tone of that. Was that, was that just sort of um you know, ...?'*
 EN *'It was nor..., it was pretty normal. They do tell, like the family, like they'll, they kind, they tell people they love them kind of thing. But it was heartfelt, but I didn't feel it was particularly sexual. But I still didn't think it was the right thing to say in that situation.'*
 KT *'In the context, perhaps not. But it wasn't like a romantic, "I love you?"'*
 EN *'No, I don't think so.'*
 KT *'It was a bit like, you know, yeah, as you say, just loving people.'*
 EN *'Yeah.'*

What Emma said in her statement signed on 13th November 2007 - the interview material is transformed into this:

42. When Scott said that he loved me, it was pretty normal. The Dobbs family, they tell people they love them. It was heartfelt what Scott said to me, but I didn't feel that it was particularly sexual. It wasn't a romantic statement, I don't think so, ...'

Dr. Dobbs' response to Element 4: he told her that he loved her.

This is what Dr. Dobbs wrote having only read paragraph 20 of Emma's statutory declaration dated 23 February 2007 (quoted above) about this allegation:

'I admit that I have told Ms. Nicholls that I love her, as I tell many people I love them, but I have never told her in a romantic or intimate fashion that I loved her, alluding to some underhanded or filthy romantic affair. Plenty of people within the congregation might testify that I have openly spoken of my love for them, their families and others, but in the twelve years that I have attended Figtree Anglican Church no one has ever criticized or upbraided me for this. The fractured nature of Ms. Nicholls character has now distorted even one of the basic tenets of the faith by somehow alluding to a dark intention by my simple expression. I have spoken the same words of affirmation and encouragement to everyone I know within the congregation of that church, both male and female, and any simple investigation will reveal this to be true.'

Perhaps a simple investigation did just that, and Emma had to alter her story. But then why did not Ken Taylor, having found that what Dr. Dobbs said here was true, and therefore Emma's and Lee's original attribution of sexuality to this statement was just plain wrong, extend to him an appropriate presumption of innocence when Emma's other allegations were being considered? Once the 'sexualisation' of this statement had to be abandoned then its' juxtaposition with another sexual allegation – a kiss (twice or a double kiss in Emma's later version) surely should have been reconsidered as fabricated?

Where was this happening?

And just as a sidelight: where did the alleged hug and these other elements of the complaint take place? Well, we know that between giving her statement to Yvonne Gunning on 20th February 2007 and signing her statutory declaration on 23rd February 2007, Emma altered her 'evidence' from saying that they were *near* and the coffee machine to *behind* the coffee machine.

What Emma said in her statutory declaration dated 23rd February 2007:

'20. '... He hugged me again – even though I thought I had made it clear this was inappropriate. This is written in my journaling at home. He told me he loved me and that I was a great lady (near the coffee stand).

What Emma said to Ken Taylor in her interview on 24th August 2007, describing the dimensions of the space behind the coffee machine:

KT *'And where were you when that happened? In the sort of foyer there?'*
 EN *'Yeah kind of, standing just **behind the coffee machine**. It's like kind of, kind of like on a table. Like that would be the table and then its maybe, I don't know, that much room so we were behind it here.'*

KT *'Yeah, yeah'*

EN *'So we were behind it. I don't, I'm going to have to read it again, because I don't remember what happened after that.'*

Dr. Dobbs' response to element 5: telling Emma she was a great lady.

He does not respond as such to the 'complaint' that he told Emma she was 'a great lady' behind (or wherever) the coffee machine (or coffee stand). It was, clearly, a non-sexual statement,

and, as with element 4, it was perceived as such by Emma.

Element 6: the “tender”, “intimate” kiss(s)

Lee Nicholls' account to Yvonne Gunning on 1st February 2007 (4 days later):

'Last Sunday evening Lee came to church with Emma and her 2 other children. ... He held her (Emma's) hand then Scott kissed her twice intimately on the neck.'

Emma Nicholls' first version on 20th February 2007 in her interview with Yvonne Gunning and in the first draft statutory declaration:

'20. Two days later (28 January 2007), I saw Scott with the family at church. ... He told me he loved me (behind the coffee stand) he kissed my neck twice. This is when the last songs were on and no-one else was outside.'

Emma Nicholls' second version in her statutory declaration signed 3 days later on 23rd February 2007. We get a variation and an addition:

'20. Two days later (28 January 2007), I saw Scott with Charis at church. ... He told me he loved me, that I was a great lady (behind the coffee stand) he kissed my neck twice. This is when the last songs were on and no-one else was outside.'

Yvonne Gunning in her interview with Ken Taylor on 21st August 2007:

Surprisingly, the investigator does not even touch on this in his interview with Yvonne Gunning. The last part of events of that evening that he asks her about is Dr. Dobbs telling Emma that he loved her, and this part of the transcript is quoted above. The interpretation that Yvonne Gunning says that Emma told her, that it was a romantic and sexually charged declaration of love, is flatly denied in Emma's later interview.

So, we have to ignore Yvonne Gunning's interpretation of events that she was not present at, unless it is to demonstrate that if Yvonne Gunning is telling the truth that this is what Emma told her in the interview on 20th February 2007, this means that Emma is a liar in her later statements.

Lee Nicholls in the interview with Ken Taylor on 24th August 2007 (taking up from the questions and answers concerning the alleged conversation about the letter) a very garbled version of what happened and when:

LN *'Yeah, something like that. Yeah very close to it, my word. It was about a bus yep. And he said that and laughed. Um.'*

KT *'But then I gather he um, he touched her again ...'*

LN *'Yeah he did.'*

KT *'... and said something to her?'*

LN *'He did'*

KT *'What, what ...'*

LN *'He told her that he loved her, he touched her tenderly on the neck. He kissed her tenderly on the neck. Um, ah, in regards to the coffee machine, at some stage or other the letters said, ah that she apologised, that she wasn't ah, that her behaviour, that he put his hand on her hand to show her how it worked. He manoeuvred himself around when she was there at the coffee machine, in an unnecessary way. Uh ...'*

KT 'You told Yvonne that he, that he put his hand on her bottom and lower back.'

LN 'Yes. Yes, so even after the letters were received, and even after Emma specifically in the wasn't behaving appropriately and that she hadn't been firm with her boundaries, as a man at church, after the man received the letter and after Mabelle received her letter, still said to her tenderly, that he loved her. He still tenderly kissed her lingeringly on the neck and he still um behaved in a sexual way towards Emma that was most, one hundred percent inappropriate. More so inappropriate because he had received the letter from Emma in regards to her saying her behaviour was really inappropriate at the time and her boundaries hadn't been strong.'

Note:

- (1) there is a major problem with this dramatic account of what Scott and Emma did, or did not do: if this occurred when Lee Nicholls was not there, being the 10 minutes at the very end of the service, then she is not an eye-witness.
- (2) If it occurred after the service ended, then she says in her signed statement (see below) she watched them for about an hour after coming out of the Ladies after the end of the service, and she did not see anything.

Contradictions between Lee Nicholls' statements in her interview with Ken Taylor and her signed statement

There are contradictions even here, between what Lee Nicholls says to the investigator in an earlier part of the interview and what she says in the signed statement prepared from the transcript of interview.

Firstly, from an earlier part of the interview with Ken Taylor:

*'... When we were, when we went to church together, Emma and I, um, Scott Dobbs was at the coffee machine. Coffee, he was somewhere in the foyer area. And Emma wanted to know... Emma wanted to know that they received the letters, 'cause Emma slipped them into the letterbox one late ev..., afternoon. I drove her up. And we slipped them in the letter box and then we went home. But the parents, neither of them had acknowledged receiving the letters. And Emma needed to have closure on this. **So she went to church. Went with her. She was always in my sight.**(Emphasis added.) **And she went over and she approached Scott Dobbs and asked if he received the letter and he said, yes.** And Scott Dobbs made a comment in regards to, um ah it was Scott Dobbs made a comment ...'*

Notes:

- (1) Emma clearly was not always in Lee's sight, and Lee implies here what Yvonne Gunning thought was the case: that when Emma and Lee arrived at the church, Lee left Emma talking to Dr. Dobbs while Lee went on into the service. Which Emma completely contradicts, and Lee contradicts in a later part of her interview.
- (2) It is also clear from what Emma says that when she and Lee saw Dr. Dobbs when they arrived, his family (or Charis at least) was with him, and so there was not the opportunity for Emma to have the private conversation with him that she wished.

Secondly, what Lee Nicholls said in her signed statement dated 25th November 2007:

31. ... Soon after, on a Sunday evening, I went to the Figtree Anglican Church with Emma. I

remember that Scott Dobbs was at the coffee machine somewhere in the foyer area. We passed Scott then turned into the entrance to the auditorium. After a while the lights started to bother Emma and she left the auditorium and went back into the foyer. I knew that Emma wanted to know if Scott and Machelles had received the letters. She needed closure on this.

32. After the service *I walked out of the main entrance to the auditorium and walked past Scott and Emma who were sitting on a couch with another woman. And I think I went to the Ladies and when I came out Emma and Scott were at the coffee making table with Machelles not far away. I remember I stood near the Ladies at a distance just observing. I didn't see Scott hug or kiss Emma or touch her inappropriately in any way.* (Emphasis added.) ...

33. *Emma was driven home by Scott Dobbs, with Ellesha Dobbs also in the car. She got home at about 9.00pm. Later that night or the next day, Emma told me what had happened earlier in the church foyer.'*

It is in the continuation of paragraph 33 that Lee purports to tell us what Emma told her, whenever she did tell her:

She said that she went over and approached Scott Dobbs and asked him if he'd received the letter and he said "Yes", and he made a comment and somehow in the conversation Scott turned to Machelles and said, "What do you think, we made out under a bus?" He said something like that and then he laughed. Then Emma told me that later he held her hand gently and he told her that he loved her and kissed her tenderly on the neck

34. So after the letter had been received by Scott, and even after Emma had specifically apologised in the letter and said she wasn't behaving appropriately herself and that she hadn't been firm with her boundaries he still kissed her lingeringly on the neck. This was most inappropriate. More so because he'd received the letter from Emma whereby she had written that her behaviour had been inappropriate and her boundaries hadn't been strong. She didn't want to accuse him. She wanted to protect him and she wanted to protect her relationship with the Dobbs family. When I'd spoken to Scott in the foyer after the church service, I had no idea that he'd kissed Emma or touched her inappropriately or told her that he loved her. I hadn't witnessed that because I was in the church service and Emma didn't tell me about it until later. That was when I decided to report Scott Dobbs to the Church.'
(That is the end of the signed statement)

Notes:

- (1) none of this material appears in this form or at all in the interview with the investigator.
- (2) It would seem that Lee Nicholls was an absolute washout as a witness to whatever she and Emma herself were trying to achieve by going to the church service and having Emma accost Dr. Dobbs at the coffee machine.
- (3) So, Emma and her advisers were left with Emma's unsupported statement.

What Emma said in her interview with Ken Taylor on 24th August 2007:

KT: But he kissed you on the neck again?'

EN 'Yes, he did.'

KT 'In the same way as before?'

EN 'yes, but **I think** he did it twice. Like one, and then again under it.'

KT 'And that was near the coffee machine again?'

EN 'Yeah, it was all in the same place.'

This is the entire part of the interview concerning this kiss, it comprises only leading questions (ones where Ken Taylor tells Emma what he wants her to agree with, instead of getting her to tell her story unprompted, especially to see how she would stand up to giving evidence in a more formal arena).

In Emma's signed statement dated 13th November 2007, it becomes this:

'42. ... It wasn't a romantic statement, I don't think so, but he kissed my neck again, twice. That was when we were standing near the coffee machine. ...'

Notes: now we have to imagine a peripatetic conversation between Scott and Emma, on her evidence:

- (1) *Firstly*, while they were standing behind the coffee machine this happened: they had the conversation about the letter; Scott hugged her; he said (non-romantically) that he loved her and that she was a great lady, or something like that.
- (2) *Secondly*, although in her statement Emma goes straight on from detailing the above to say that Dr. Dobbs kissed her neck, it appears that in some intervening moment or two, they moved out so that they were no longer *behind* the coffee machine but only *near* it. This would have to have brought them out into the lounge area where there were tables and chairs set up 'cafe-style' where everyone would have had an unobstructed view of them. There, according to Emma, he kissed her twice on the neck.
- (3) And despite Emma saying that when she came out of the worship space in the last ten minutes while the last songs were being sung to talk to Dr. Dobbs about the letter, there was no one around in the lounge area the kiss must have been after the expiry of at least ten minutes during which Emma left the service, came over to him and had their conversation about the letter, he hugged her, and said the other things and then they moved into the area where parishioners would be streaming out when he is supposed to have kissed her. And Emma is forced to agree, eventually, that there were people around who could have seen this but did not.
- (4) But it gets even more puzzling. Lee Nicholls says that when she came out at the end of the service she saw Dr. Dobbs and Emma sitting on one of the lounges with another woman and that Mabelle was nearby. Then Lee went to the Ladies. When she came back Emma and Dr. Dobbs were behind the coffee machine (as was Nathan, but Lee does not say so). So, after kissing her on the neck, it appears from the piecing together of these two accounts that Dr. Dobbs took Emma over to a couch and they sat down there with a woman parishioner. And it appears that Mabelle would have been in a position to witness whatever Dr. Dobbs and Emma did in those last minutes before and after the end of the service.

Fertile ground for a really damaging cross-examination of Emma.

Dr. Dobbs' response:

Dr. Dobbs did not waste time in his response to paragraph 20 of Emma's statutory declaration specifically answering the allegation that he had kissed Emma on this occasion, once or twice or as a double kiss on the neck. He had already said quite emphatically in relation to the other January kiss (paragraph 16) this:

*'I have **ABSOLUTELY NEVER EVER KISSED MS NICHOLLS 'INTIMATELY ON THE NECK,' ... I have never tried to kiss Ms. Nicholls on the lips either.'** (emphasis added.)*

Emma confirmed the last part of this statement in her interview previously quoted.

Element 7: conversation – Dr. Dobbs said, ‘I’m sorry’.

What Emma said in the first draft of her statutory declaration:

‘After he told me he loved me I said “I was confused” and he said he was sorry.’

What Emma said in her statutory declaration signed 23rd February 2007:

‘20. ... At some stage in the conversation he said he was sorry ...’

What Emma said in her interview with Ken Taylor on 24th August 2007:

In her interview Emma finds it difficult to remember what she has said happened (to her mother and to Yvonne Gunning, and she changes the meaning of the apology, having removed it from the words it followed: Emma saying, ‘I’m confused’.

*EN: ‘ ... Oh, he’d apol... , in that, yeah he apologised. He said, “I’m sorry.” He didn’t say what for. **But I assumed that it was just, I think, “I’m sorry for confusing your (sic) or disturbing you.” Or something like that. And I assumed that it was just to do with everything.’***

Instead of asking Emma to clarify what she meant by that, Ken Taylor helps her out again by saying:

KT: And the letter you’d wrote, written him.’

And, obligingly, Emma responded (rather strangely) to the suggestion:

EN: ‘Yeah, it was in response to what I asked.’

What Emma said in her signed statement dated 13th November 2007:

41. ... He also apologised. He said, ‘I’m sorry’. He didn’t say what for. But I assumed he was saying sorry for confusing me or disturbing me or something like that. His apology was in response to the letter I’d written to him.

Well, how so? Seeing that Emma herself describes the content of the letter as her apologising to him for her inappropriate behaviour, how could it have elicited an apology for its contents from Dr. Dobbs? This comment is not said to have been made immediately after the discussion about the letter. And what does she mean by ‘in response to what I asked’ in her reply to Ken Taylor, which is omitted from her signed statement? She does not ask anything in the letter.

It is an interesting example of re-phrasing of what Emma actually said in her interview to try to clarify something that she was all too confused about. Perhaps this is because Dr. Dobbs did not say this. After all there was nothing for Dr. Dobbs to apologise for.

Element 8: conversation – Dr. Dobbs said, ‘Don’t go’.

There was no contemporaneous complaint. Lee Nicholls does not raise it with Yvonne Gunning in either of her interviews on 1st and 4th February 2007, even though it was part of the whole ‘scene’ that Emma set up at the coffee machine just 4 days earlier.

Notes:

- (1) However, it is important, because of the suggestion that Emma did not need to stay around Dr. Dobbs if she did not consent to his behaviour.
- (2) Except, that if she did not consent to his behaviour, she still did not have to stay there even if he asked her to.
- (3) And she could have gone over to her mother or even Mabelle, both of whom were watching them and asked for shelter and assistance.
- (4) The argument that she has been groomed to love him has fallen to the ground with the rejection of all incidents and allegations before her invasion of his study. And in that incident he all too obviously (to us, if not to deluded Emma) indicated that her advances were not welcome, as he left the room hurriedly.
- (5) Dr. Schloeffel's assessment that, on the one hand, he had advised her to look for someone her own age to love, and to get herself into her own accommodation away from her parents, and, on the other hand, that she had a sexual response to Dr. Dobbs, she could be delusional about her interpretation of his actions (whatever they were), and her recollection of things would be adversely affected by her illness: all these factors undermine everything that her mother and she told Yvonne Gunning and what Yvonne Gunning, Lee and she told Ken Taylor.

What Emma said in her statutory declaration dated 23rd January 2007:

'20 ... We talked for a while and he asked me not to go'

Note: There is no discussion of this in her interview with Ken Taylor. And yet, when Ken Taylor put together Emma's statement it reappears.

What Emma said in her signed statement dated 13th November 2007:

42. *' ... That was when we were standing **near** the coffee machine. We talked for a while **and he asked me not to go. ...'***

Notes: But, there is a problem with this, that of timing.

- (1) There is already the problem of Emma leaving the service 10 minutes before the end, while the last songs were being sung. According to her, she goes over to Dr. Dobbs who, apparently, was somewhere in relation to the coffee machine, sometimes behind it and sometimes near it.
- (2) She has, by this time, less than 10 minutes- say 7 or even less - in which to conduct the lengthy conversation about the letter, and have some conversation, including telling her in admittedly non-romantic terms that he loves her (agape) and she is a great lady, and then, inexplicably and without any preparation, hugging her and giving her a double kiss behind/below her ear.
- (3) Then they have to move to sitting down on one of the lounges in the foyer/lounge area next to a woman parishioner, because that is where Lee sees them when she comes out, and then goes to the Ladies. She must have come out among the first of those to leave at the end of the service because otherwise, as people left the auditorium, they would have started queueing up to order coffee and Dr. Dobbs' presence would have been required.
- (4) When she comes out of the Ladies, by which time there would be a large flow of parishioners leaving the auditorium, they have moved behind the coffee machine and Dr. Dobbs and his son are making and serving coffee.

What Dr. Dobbs responded in his statutory declaration dated 12th March 2007:

'That very evening, however, Ms. Nicholls glued herself to the coffee machine area, was obtrusive, ... and when I gave her hints like "Why don't you go and talk to people?" she reacted by saying "I want to learn how to make coffee ... teach me.". My son Nathan was present during this time ... '

It would seem that her presence was not welcome, but she ignored strong hints to go away.

The 'phantom' element: Dr. Dobbs holds Emma's hand

I call this the phantom element because it only ever comes and goes and comes again in the three accounts that Lee Nicholls gives of what she says Emma told her, and the 'second coming' was in a signed statement based on the second account which did not mention it at all.

In her interview with Yvonne Gunning on 1st February 2007 Lee says that Emma told her that Dr. Dobbs held her hand in conjunction with the hug and/or the statement that he loved her and/or the kiss on the back of the neck.

But in her interview with Ken Taylor on 24th August 2007 the hand-holding was nowhere to be found:

LN 'Yeah, something like that. Yeah very close to it, my word. It was about a bus yep. And he said that and laughed. Um.

KT 'But then I gather he um, he touched her again ... '

LN 'Yeah he did.

KT '... and said something to her?'

LN 'He did

KT 'What, what ...'

LN 'He told her that he loved her, he touched her tenderly on the neck. ... (she goes on to talk about the alleged kiss on the neck.)

However, in Lee's statement signed 25th November 2007 the hand-holding re-appears, even though it was, supposedly, prepared from her interview:

33. (the conversation about the letter)

... He said something like that and then he laughed. Then Emma told me later he held her hand gently and he told her he loved her and kissed her tenderly on the neck.

However, in all of Emma Nicholls' accounts of this part of the encounter between her and Dr. Dobbs there is absolutely no mention of hand holding.

So where did Lee get this from? From her imagination, of course, just as in her account of both Emma's encounter with Dr. Dobbs in his study and in this case when he and Nathan were serving coffee, she fabricates in order to sexualise her account by saying that he caressed (under her clothing in the study) or touched Emma (behind the coffee machine) several times on her bottom. And again, Emma's account was completely devoid of any such an allegation and in fact she directly contradicts what Lee has said in both cases.

And yet nobody notices and comments on the fact that these two accounts – by Lee and by Emma - cannot both be true. And this means that one or the other, or both in some instances, are lying. And yet, Ken Taylor described both of these ladies as reliable witnesses!

***Continuing the summary of Emma's encounter with Dr. Dobbs engineered by her
(and her mother Lee) on 28th January 2007:***

Elements 3, 4, 5, 6, 7 and 8.

1. Still within this 10 minute 'envelope' before the end of the service until Lee Nicholls came out and saw Emma sitting with Dr. Dobbs and a woman parishioner on a lounge, Emma says that Dr. Dobbs hugged her, although she had told him not to in her letter (which did not say that, but, as she herself said in another part of her evidence, that her own behaviour had been inappropriate); he said he loved her, in a heartfelt but non-romantic way and that she was a great lady. Dr. Dobbs agrees, saying that he has said similar things to many other people as an expression of Christian love and encouragement, as do his wife and children. (See discussion of Agape love below).
2. He may or may not have taken her hand, depending on Lee's evidence, and he may or may not have touched her tenderly in the neck (also Lee's evidence, apparently instead of a kiss).
3. He might have kissed (a double kiss) on the neck. No other details are offered, apparently this was without preparation and without any sort of conversation of a romantic nature. It is strongly denied by Dr. Dobbs.
4. Some of these actions and conversation took place behind the coffee machine, and some near the coffee machine.
5. There was some more conversation. It started out as being Emma saying she was confused (see element 11) and Dr. Dobbs saying, 'I'm sorry' around the time that they were talking about his response to her letter in which she said that her behaviour wasn't appropriate. But in a later version this part of the conversation was divorced from any other conversation or actions and just became something that Dr. Dobbs said at some stage.
6. At some stage, but before Emma said Dr. Dobbs touched her on her waist and back as he moved around the coffee machine (see element 9), he might have said to her, 'Don't go'.

Agape love.

A slight but important detour into the meaning of the Greek word *agape* is needed here to explain, first, what Dr. Dobbs means when he tells people (other than his wife and family members) than he loves them, and then to understand the outrage in his response to Emma's accusation, whereby, in bringing this into her statutory declaration and linking it in one way or another with allegations of sexual actions, he perceived that she was accusing him of a sexual comment. I am indebted to Wikipedia for the following brief discourse:

Agape (/ˈæɡəpiː/ or /əˈɡɑːpeɪ/; Classical Greek: ἀγάπη, *agápe*; Modern Greek: αγάπη [aˈɣapi]) is one of the Greek words translated into English as love, one which became particularly appropriated in American Christian theology as the love of God or Christ for mankind. Many have thought that this word represents divine, unconditional, self-sacrificing, active, volitional, and thoughtful love. Although the word does not have specific religious connotation, the word has been used by a variety of contemporary and ancient sources, including Biblical authors and Christian authors.

The term *agape* is rarely used in ancient manuscripts, but was used by the early Christians to refer to the self-sacrificing love of God for humanity, which they were committed to reciprocating and practicing towards God and among one another (also see *kenosis*). When 1 John 4:8 says "*God is love,*" the Greek New Testament uses the word *agape* to describe God's

love.

Agapē has been expounded on by many Christian writers in a specifically Christian context. C. S. Lewis, in his book *The Four Loves*, used *agapē* to describe what he believed was the highest level of love known to humanity—a selfless love, a love that was passionately committed to the well-being of the other.

The Christian usage of the term *agapē* comes almost directly from the canonical Gospels' accounts of the teachings of Jesus. When asked what was the greatest commandment, Jesus said, "Love (agapē) the Lord your God with all your heart and with all your soul and with all your mind.' This is the first and greatest commandment. And the second is like it: 'Love (agapē) your neighbor as yourself.' All the Law and the Prophets hang on these two commandments." (Matthew 22:37-40)

In the Sermon on the Mount, Jesus said: *You have heard that it was said, 'Love (agapē) your neighbor and hate your enemy.' But I tell you: Love (agapē) your enemies and pray for those who persecute you, that you may be sons of your Father in heaven. He causes his sun to rise on the evil and the good, and sends rain on the righteous and the unrighteous. If you love those who love you, what reward will you get? — Matthew 5:43-46 (NIV)*

Christian writers have generally described *agapē* as a form of love which is both unconditional and voluntary. Tertullian, in his 2nd century defense of Christians, remarks how Christian love attracted pagan notice: "What marks us in the eyes of our enemies is our loving kindness. 'Only look,' they say, 'look how they love one another'" (*Apology* 39).

Clearly this was not something to be seen among the 'Christians' of Figtree Anglican church and the various persons within the diocesan offices who persecuted the whole of the Dobbs family.



The Documents in the Case

Document 9E

The events of the evening of 28th January 2007.

Elements 9 to 11: touching (where?), hand-on-mine thing and more conversation. Emma is confused

Element 9: When he walked past the coffee machine from time to time he put his hand on her - somewhere.

This is another part of Emma's statement that varies between its first and second telling, and it flatly contradicts her mother Lee's sexualised account to Yvonne Gunning. Starting, as usual, with her mother:

What Lee Nicholls said in her interview with Yvonne Gunning on 1st February 2007:

'After this statement Emma told her mother Scott placed his hand on her bottom & lower back and told her he loved her'

What Lee Nicholls said to Ken Taylor in her interview on 24th August 2007:

KT *'You told Yvonne that he, that he put his hand on her bottom and lower back.'*

LN *'Yes.*

Note: Ken Taylor phrases the question so that it appears that Lee's answer is from personal observation, not from what Emma told her. But, this could not have been the case:

- when Lee and Emma saw Dr. Dobbs and family (or one of them) before the service, and walked past them to go in to the service there was no contact before the service; nor
- after the service in the 10 minutes before the end when Emma came out to speak to Dr. Dobbs and when Lee came out at the end of the service, because Lee was not there; nor
- from when Lee came out and went into the Ladies and then came out again, because she saw Dr. Dobbs and Emma sitting on one of the lounges next to a woman parishioner when she came out of the service, and upon leaving the Ladies, she saw Dr. Dobbs and Emma behind the coffee machine; nor
- during the hour that Lee had them under her eye and says that she did not see any inappropriate behaviour before she left home.

Note also: that it could not have happened in the 10 minutes before Lee came out or after she left the church, and Emma refused to go with her, because –

- there were other people around to observe before the end of the service, and
- after Lee went home, there were still a lot of people around, including the Dobbs son, Mabelle and the Dobbs daughter who accompanied Dr. Dobbs when he drove Emma home, all able to observe if anything happened, and
- Emma had the opportunity to complain to her mother then and there if anything had happened in the 10 minutes before the service, when they talked about Lee going home and asking Emma to come with her, and
- Dr. Dobbs did not go behind the machine to start serving until after Lee had come out, gone to the Ladies and come out again.

Note also: Lee's order of events suggests that the statement that Dr. Dobbs loves Emma *follows* putting his hand on her bottom. As we have seen, Emma characterises the statement as normal – what all the members of the family say to people - and denies that it is a romantic statement. Later we see that she denies Lee's order of events and denies that Dr. Dobbs put his hand on her bottom, but says that he touched her waist.

What Lee Nicholls said in her signed statement dated 25th November 2007:

32. (as previously quoted) ... I didn't see Scott hug or kiss Emma or touch her inappropriately in any way. ...'

Note: There is no reference at all to this allegation - see paragraphs 32, 33 and 34 quoted in Document 9D re element 6, the kiss. Lee Nicholls cannot say that she saw any such thing, and neither can she say that Emma told her any such thing.

What Emma Nicholls said to Yvonne Gunning on 20th February 2007 and transcribed into the first draft statutory declaration:

*'20. Two days later (28 January 2007), I saw Scott with the family at church. ... When he walked past the coffee machine he put his hand on my hip and **upper thigh** and back. ...'*

What Emma Nicholls said in her statutory declaration dated 23rd February 2007:

Three days later Emma signs this altered version in her statutory declaration:

*'20. Two days later (28 January 2007), I saw Scott with Charis at church. ... When he walked past the coffee machine from time to time he put his hand on my hip and **waist** and back. ...'*

What Emma said to Ken Taylor in her interview on 24th August 2007:

There is no mention of this allegation let alone an exploration of the circumstances in her interview with Ken Taylor.

What Emma said in her signed statement dated 13th November 2007:

And yet, when Ken Taylor put together Emma's statement this is what it says:

*42. '... That was when we were standing near the coffee machine. We talked for a while and he asked me not to go. At different times when he was walking past the coffee machine, he put his hand on my hip, **waist** and back. ...'*

Dr. Dobbs' response:

Dr. Dobbs' response is that any contact would have been accidental and brought about by Emma's refusal to move out of his and his son's way as they were trying to move around behind the coffee machine to take orders, make and serve coffee:

'That very evening, however, Ms. Nicholls glued herself to the coffee machine area, was obtrusive, stood in a position where it was impossible to exit or enter the area behind the machine without physically coming into contact with her, or at least coming so close as to violate social courtesy, and when I gave her hints like "Why don't you go and talk to people?"

she reacted by saying "I want to learn how to make coffee ... teach me.". My son Nathan was present during this time ... '

Note: the fact that Dr. Dobbs' son was there working behind the coffee machine also makes it clear that any contact could not have been the sort of deliberate touching anywhere with an intent to arouse sexual feelings that Lee was clearly trying to convey in her first version. Obviously, later, she got cold feet about sticking to the story, particularly once it was apparent that Dr. Dobbs had denied everything and was carrying out a campaign of informing the congregation of the truth about the lies being circulated around the parish. And, surely, she was told that there was every risk that he would commence civil court proceedings against her for defamation.

Element 10: She asked him to teach her how to make coffee and in the process put his hand over hers.

What Lee Nicholls said in her interview with Yvonne Gunning on 1st & 4th February 2007:

Nothing. This does not appear in Lee Nicholls' complaint to Yvonne Gunning on 1st or 4th February 2007.

What Yvonne Gunning said to Ken Taylor in her interview on 21st August 2007:

Nothing. When Yvonne Gunning is interviewed by Ken Taylor it is not referred to.

This is another of Emma's complaints that was transformed from the first version in her interview with Yvonne Gunning on 20th February 2007 and the first draft statutory declaration, to her statutory declaration, thus:

What Emma Nicholls said to Yvonne Gunning on 20th February 2007 which was transcribed into the first draft statutory declaration:

*'20. Two days later (28 January 2007), I saw Scott with the family at church. ... He **taught me how to make coffee**; he **kept putting** his hand on mine. I didn't need his hand guiding me. '*

What Emma Nicholls said in her statutory declaration dated 23rd February 2007:

Three days later Emma signs this altered version in her statutory declaration:

*'20. Two days later, I saw Scott with Charis at church. ... **I asked him to teach me how to make coffee** and during that process he **put** his hand on mine. I didn't need his hand guiding me ...'*

What Emma said to Ken Taylor in her interview on 24th August 2007:

But when it comes to Emma's interview with the investigator this is the discussion.

Note again the investigator's use of his suggestions rather than asking, and allowing, the person interviewed to put things in their own words:

KT 'Right, and uh, and I, I also, I'm just going through your stat dec too, that he had his hand on yours when he when you were making a coffee. He was showing you how to make a

coffee, is that right?'

EN *'Yeah, yeah he put his, like I didn't need, yeah like ... '*

KT: *'So was that like romantic behaviour?'*

EN *'I think that it was, yeah. Like nobody, I don't think you would normally do that, but he claimed in his stat dec that he does, but I don't think, and in the context again, like if all this was happening, why should you do something like that?'*

KT: *'Mmm.'*

Note: Throughout Emma's interview with the investigator there is a worrying recurrence of loss of memory. She does tender the explanation that she has 'blocked it out', but this does not seem an appropriate thing to do, or for anyone to counsel her to do, in her position: that of the PSU needing her story as the sole witness of fact supporting Lee's complaint to Yvonne Gunning. It is obviously such an impediment to Ken Taylor interviewing her in an orthodox manner that he just puts her statutory declaration in front of her and asks his questions and suggests the answers he wants her to give.

What Emma said in her signed statement dated 13th November 2007:

This is how the above questions and answers appeared in the statement signed by Emma on 13th November 2007:

'42. ... I asked him to teach me how to make coffee and during that process he put his hand on mine. I didn't need his hand guiding me. I was still confused. He was showing me how to make coffee, but I don't think that anyone would normally do that, not in the context of all that was happening. Why would he do that? I'd said in my letter I didn't want that sort of thing to happen.

43. ... Afterwards I told my Mum what happened that day. She knew that I'd written Scott a letter asking for his inappropriate behaviour to stop.

Just as a side issue: as shown above Lee knew no such thing (about the real content of the letter) when it came to the point, and she kept describing the letter as expressing Emma's apology for her inappropriate behaviour. Obviously, Emma had not been told about this change to the 'official' story.

Dr. Dobbs' response:

This is how Dr. Dobbs responded in the 'stat dec' that Emma refers to:

'I admit I put my hand on her hand when she struggled with her attempt to connect the group handle on the machine, but I do this with everyone to whom I teach barista skills (even Bruce).' 'Bruce' is Bruce Clarke, the then Executive Minister at Figtree Anglican church.

Note: In the light of this measured response, Emma's carrying on in her interview about *'I don't think you would normally do that', 'why would he do that', 'I didn't need his hand guiding me'* (you can almost hear her stamping her foot) seems to indicate that she is refusing to have her 'dream' of Dr. Dobbs putting his hand over hers with romantic intent shattered, that she wants to hang on to her delusion that in this he was indicating that he loved her. This is like her insistence that Scott was blowing a kiss at her, when he said that he was blowing a kiss at his daughter who was out of Emma's sight. There is the same sense of foot stamping in her statement: *'it was at me. No-one else but me'.*

Note: only someone already deluded and confused in a very broad way about what was or was not 'romantic' could interpret Dr. Dobbs' action putting a hand over his or hers to get them to feel how the connection of the group handle was made on the espresso coffee machine in that way; especially in the environment in which it occurred - in the church lounge with lots of people around including the Dobbs' son, Mabelle and Lee: someone just like Emma Nicholls, described by Dr. Schloeffel as likely to be deluded about the interpretation of ordinary actions and words.

This is another indication that Emma Nicholls over these few months was suffering from a strong flare-up of her OCD and that her interpretations, whether sexual or religious were not just unreliable, but delusional.

This element of the evening of 28th January 2007, the only element that Emma described as 'romantic', was rejected by Ken Taylor, who found it unsustainable as *prima facie* sexually abusive of an adult woman.

Element 11: the mystery of Emma's confusion.

Note: there are two points at which Emma confesses to being confused: first, she says it to Dr. Dobbs (touched on in Document 9D), when the statement is attached to Dr. Dobbs saying he loves her – in an admittedly unromantic manner – to which she responds that she is confused and he says that he is sorry; second is what she said to her mother, according to Lee whenever it is was she told Lee about the 'inappropriate' behaviour at church.

Note:

- (1) Emma's conversation with Lee took place either immediately after she was driven home by Dr. Dobbs with one of his daughters, or on the next day.
- (2) The complaints were articulated after Emma had been hanging around Dr. Dobbs from 10 minutes before the service ended until he had cleaned and packed up the coffee machine and was ready to leave; and, she had refused her mother's offer to drive her home earlier, after about an hour after the end of the service, saying that everything was all right.
- (3) It is an inescapable conclusion that she did not think that anything inappropriate had happened (more likely she thought that everything was back to normal in her relationship with the whole family), but that Lee interpreted these incidents for her as inappropriate behaviour.

This is also a fertile field for cross-examination which would have exposed even further Emma's unreliability .

What Lee Nicholls told Yvonne Gunning in her interview on 1st February 2007:

'Lee said Emma told her after church on Sunday night that she was very confused saying "mummy I am so confused.'

Note: She does not make any reference to any other time when Emma might have told Dr. Dobbs that she was confused.

Apparently Lee Nicholls interpreted Emma's confession of confusion as relating to Dr. Dobbs 'continuing' with words and actions that were interpreted as having romantic and sexual content even after he had been told in Emma's letter that she did not want this to happen.

What Lee Nicholls told Ken Taylor in her interview on 24th August 2007:

And when Lee Nicholls starts to describe the episode to Ken Taylor she reinforces this interpretation of the content of the letter. Yvonne Gunning does this also. This is the case, even though Lee Nicholls was a co-author of the letter and that Yvonne Gunning had seen a draft of it by the time, at least, that she was being interviewed on 21st August 2007 by Ken Taylor.

As we know this is not what the letter said. And by the time that the content of Lee Nicholls' statement has been reviewed and altered from the content in her interview with Ken Taylor, she is no longer saying that that is what the letter said, she is saying that Emma is apologising for her behaviour. Perhaps she just got confused herself about what the letter did or did not say.

What Emma Nicholls told Yvonne Gunning in her interview on 20th February 2007:

But when we get to what Emma says about being confused we have in her first version of the story a different, and I would suggest more honest account. In her first version to Yvonne Gunning, which also appeared in the first draft of her statutory declaration she says this:

'After he told me he loved me I said "I was confused" and he said he was sorry.'

So according to Emma this confession of being confused occurred after having the conversation about the letter with Scott (in which she apologises for her inappropriate behaviour), after a hug (in the usual Dobbs family fashion) and a non-romantic declaration of 'love' (really *agape* love – which Emma acknowledges) and before the allegation of a double kiss on her neck.

A rational interpretation of what Emma could have meant by saying this just after these events is that Emma is again apologising for her bad behaviour and for her interpretation that she put on Scott's response to her second invasion of private areas of the Dobbs family home, Scott's study, with a few weeks of each other. It is clear that she wants this cleared up so that she can resume her former relationship with the family. She is saying that she did these things because she was confused. Scott makes a non-committal response of agreement and commiseration. What he is not reported as saying is a denial that she was confused in doing these things and that he really loves and desires her.

What Emma says in her statutory declaration dated 23rd February 2007:

'20. ... At some stage in the conversation he said he was sorry ...'

When she changes that part of the story three days later in the statutory declaration, her confession to Dr. Dobbs of being confused (for behaving badly) is wiped out and his statement that he was sorry is wrenched out of context, loses rational explanation.

What Emma said in her interview with Ken Taylor on 24th August 2007:

In her interview with the investigator she is hard pressed, firstly to remember what she had said had happened, where they were when whatever happened did or did not happen, and about the meaning of his apology, now divorced from her confession of being confused:

EN: 'Yeah, so we were behind it. I don't, I'm going to have to read it again, because I don't remember what happened after then.'

KT: 'Well, according to that he said that he loved you.'

EN: 'Yes he did. He said, he thought I was a great lady or something like that. Oh, he'd apol., in that, yeah he apologised. He said, "I'm sorry." He didn't say what for. **But I assumed that it was just, I think, "I'm sorry for confusing your (sic) or disturbing you."** Or something like that. **And I assumed that it was just to do with everything.'**

This assumption would not be rational unless Emma had not herself said at the time that she was confused. It is easy to dismiss this as yet another example of the irrationality of Emma's understanding, but when she gave her first version that contained an account that was rational there is more likelihood that she was persuaded to alter her account, or was just confused about what happened when she gave her later accounts.

What Emma said in her signed statement made 13th November 2007:

Finally, Ken Taylor places her statement, originally '*I still feel confused*' but changed to '*I was still confused*' into juxtaposition with the account of Dr. Dobbs placing his hand over hers as she struggled to connect the group handle on the espresso coffee machine:

From this in the statutory declaration, with the amendments to the previous draft in bold –

'... during that process he put his hand on mine (he kept putting his hand on mine). I didn't need his hand guiding me. I was still confused (I still feel confused). I can't understand how it all happened.'

- to this in the signed statement:

'42. ... I asked him to teach me how to make coffee and during that process he put his hand on mine. I didn't need his hand guiding me. I was still confused. He was showing me how to make coffee, but I don't think that anyone would normally do that, not in the context of all that was happening.

But the reality was that she was not confused about his hand guiding hers – she was emphatic to Ken Taylor that this was a sexual gesture. Her confusion arose after she had talked to her mother. It is Lee who reports her as saying then: '*mummy I am so confused.*' Her confusion with her mother more likely has its roots in Lee's interpretation of ordinary actions and kindness as sexually abusive, all to serve her purpose to get Emma out of her house at the expense of the parish.

And this is reasonable considering that it was Lee who created the fabrications and pushed Emma into agreeing with them: Emma not knowing then that Lee was going to use these to create a nightmare for her where she would be cut off from the Dobbs family completely, and placed in jeopardy of being cross-examined by '*men in suits*', something she feared, as Dr. Schloeffel told Ken Taylor when criticising the diocesan process that allowed things to '*come to this*'.



The Documents in the Case

Document 9F

The timetable of events at, near or behind the coffee machine on 28th January 2007.

Elements 1 & 2:

1. Emma, Lee and her two siblings came to the evening service (called FUSE) at Figtree Anglican church on 28th January 2007. *For Emma, it was with the express intention of going up to Dr. Dobbs and asking him whether he had got her letter that, in fact, she and her mother had put in the mail box at the Dobbs' home on 26th January 2007. As there was no reason to suppose that it had not been taken out of the mailbox, the real purpose was to resume the relationship with the whole family (having, hopefully, appeased Machel with the apology in Emma's letter to her) that had been fractured by her unacceptable behaviour in the home and towards Dr. Dobbs.*
2. When they arrived, Dr. Dobbs was in the foyer and his family (or, at least, his daughter Charis) was with him. Lee went on into the service and after saying something to Dr. Dobbs, but apparently not the full conversation, or even not speaking to him at all at this stage, Emma also went into the service. *By implication, Dr. Dobbs remained outside the service. (Comment: the service is broadcast into the large foyer/lounge area of the church and people do choose to remain outside to sit comfortably and listen.)*
3. Emma came out of the service 10 minutes early so that she could have a private conversation with Dr. Dobbs.
4. The terms of that conversation are confused as to whether Dr. Dobbs was reporting what Machel said about Emma's letter to him, or he was speaking on his own account; and whether it involved making out under a bus or under or on a car. It is also unclear whether it was said jokingly or not. *Dr. Dobbs says he did not pay much attention to the letter and was embarrassed at being asked about it, because of previous experience with letters from both Emma and Lee to the family which was that they usually contained something weird or not quite right.*

Elements 3, 4, 5, 6, 7 and 8.

1. Still within this 10 minute 'envelope' before the end of the service until Lee Nicholls came out and saw Emma sitting with Dr. Dobbs and a woman parishioner on a lounge, Emma says that Dr. Dobbs hugged her although she had told him not to in her letter (which did not say that, but, as she herself said in another part of her evidence, as did Lee, that her own behaviour had been inappropriate); he said he loved her, in a heartfelt but non-romantic way and that she was a great lady. *Dr. Dobbs agrees, saying that he has said similar things to many other people as an expression of Christian love and encouragement, as do his wife and children.*
2. He may or may not have taken her hand, depending on Lee's evidence, and he may or may not have touched her tenderly in the neck (also Lee's evidence, apparently instead of a kiss).
3. He kissed her (a double kiss) on the neck. *No other details are offered: apparently this was without preparation and without any sort of conversation of a romantic nature. It is strongly denied by Dr. Dobbs.*
4. Some of these actions and conversation took place behind the coffee machine, and some near the coffee machine.
5. There was some more conversation. It started out as Emma saying she was confused and Dr.

Dobbs saying, 'I'm sorry' around the time that they were talking about his response to her letter in which she said that her behaviour wasn't appropriate. *But in a later version this part of the conversation was divorced from any other conversation or actions and just became something that Dr. Dobbs said 'at some stage'. It then becomes a mystery as to why he would have said it.*

6. At some stage (but before Emma said Dr. Dobbs touched her on her waist and back as he moved around the coffee machine) he said to her, 'Don't go'. *Dr. Dobbs says that, to the contrary, he kept asking Emma to go away and talk to other people, because he and his son were busy preparing to serve coffee and she was in the way. If it was earlier in the confrontation between them, then it does not make sense, because the other conversation, admittedly, was not romantic or sexual.*

Elements 9, 10 & 11.

The timetable remains confused.

1. When he walked past the coffee machine he put his hand on her - somewhere (for how many times)? *Dr. Dobbs agrees that both he and his son were bumping into Emma or trying to avoid her, as she stood in their way while they were making coffee and handing it out to parishioners, and they asked her to move away. She refused and just asked to be taught to make a cup of coffee. Presumably this was after the first rush of orders had been made, and there was a lull in which to do this. It must have been during the time that Lee spent an hour watching Emma with Dr. Dobbs. Lee's attempt to sex it up failed to be confirmed by Emma. Despite what Lee said in her interview, she said in the signed statement that she did not see any inappropriate behaviour.*
2. She asked him to teach her how to make coffee or he taught her to make coffee and she objected that he kept putting his hand on hers or that he put his hand over hers once. *Dr. Dobbs agrees with the second variation of her story, saying that this was part of how, at one point, he taught everyone to operate the machine.*
3. Emma said to Dr. Dobbs that she was confused. *In her first version, she said this as part of their conversation about her letter in which she apologised for her inappropriate behaviour (her words, confirmed by Lee). In her next version she says she said this at some later stage (where if she did say it, it made no sense). Lee says Emma told her that she was confused.*

So what in fact have we got in the way of credible elements of the stories of this evening on Sunday 28 January 2007?

- Four: Scott told Emma he loved her:* there is agreement between Scott and Emma that such a statement was unromantic, that he said this to many other people as an expression of Christian agape.
- Six: He told her she was a great lady (somewhere in relation to the coffee stand):* regardless of where in relation to the coffee stand Scott said this, there is general agreement that Scott's compliment to Emma had no romantic content or intent.
- Nine: When he walked past the coffee machine he put his hand on her somewhere (for how many times?):* Regardless of how many times, Scott agrees that Emma stood in their way while they were making coffee and handing it out to parishioners, and they asked her to move away, which she refused to do. Lee's attempt to sex it up failed to be confirmed by Emma. In those circumstances it is difficult to maintain that there could possibly be any romantic or sexual actions or intent.
- Ten: She asked him to teach her how to make coffee or he taught her to make coffee and she objected that he kept putting his hand on hers or that he put his hand over hers once.* Scott agrees with the second variation of the story, saying that this was part of how he

taught everyone, even the Figtree Executive Minister Bruce Clarke, to use the machine and that any sexual interpretation was irrational. The investigator also specifically agreed, ignoring Emma's heated and passionate assertion that this was sexual.

Thus, the problem with each of these is that, rationally, none of them have a sexual or grooming character to them. And, again, despite the letter (whatever it said), Emma's consent in attaching herself to Dr. Dobbs and, after only a few minutes, his son as they made coffee for the congregation, indicates her consent and would over-ride whatever her letter might have (but did not) say. She need not have gone to see him. She need not have stayed with him. The collapse of all the earlier allegations one way or another, meant there was no rational basis for her belief that Dr. Dobbs loved her.

But for Lee, the motivation of taking her to Figtree Anglican church that evening was much more ruthless in its' disregard for Emma's mental and psychological health, as evidenced by her consent to Emma attaching herself to Dr. Dobbs, and watching their interaction for an hour after the end of the service. She was trying to gather evidence.

For this reason alone, the allegation of the double kiss on the neck cannot be included among the 'credible' elements, being just as much a fabrication as the one alleged to have taken place in the driveway of Emma's parent's home. Both would have been in the presence of witnesses and yet none came forward. This also means that the possibility of this action being witnessed would argue against Dr. Dobbs acting in this fashion, especially as, in the first case, in early January 2007, two of the witnesses would certainly be his own daughters, and in the second case, a multiple number of parishioners included Machel and Lee.

In addition, first, when Emma invaded Dr. Dobbs study and stood, alone, close to him, and, second, when she changed the venue of the hug and back-rub on 22nd January 2007 (barely a week before this last-ditch attempt to get evidence against him) and Dr. Dobbs had her alone in his home (according to her second version): there is no allegation of a kiss, anywhere, and there is a specific denial of Dr. Dobbs ever having kissed her on the lips.

Is it really the case for the PSU that Dr. Dobbs only kisses Emma when there are witnesses? How credible is that?

As to the trivial remainder, the attempts to make the conversations sexual are irrational. And the peripatetic nature of Emma's confusion is of no concern to the making of a case for sexual abuse although significant in assessing how much if at all Emma can be relied upon, both as to her OCD-affected interpretations of ordinary actions and as a result of Lee's coaching and Yvonne's coaching of Lee, and someone's coaching of the both of them from within the PSU.



The Documents in the Case

Document 10

Comparing Emma Nicholl's alleged incidents with a real case of child grooming: the Beth Heinrich and Donald Shearman case.

It is instructive to look at details of a real, acknowledged case of child grooming resulting in sexual intercourse taking place, and to compare what happened there with what did not happen in this case. This is an extract from a two-part program for the ABC series Australia Story, telling in the words of the abused girl, now a woman, Beth Heinrich, the tragic story of her grooming and seduction when she was in her early teens by the reverend (later Bishop until de-frocked) Donald Shearman.

This became national news when it led to the resignation of Governor-General Peter Hollingworth, formerly Archbishop of Brisbane, in 2003.

This tells a story of grooming and seduction that is so different from the tale of alleged grooming and sexual misconduct claimed by the 'supporters' of Emma Nicholls.

Note that Jenni Woodhouse in this extract is the same chaplain to the PSU who was involved in the Dobbs case. It is surprising that she did not see the difference between a real case and the sham case that was constructed by Lee Nicholls and Yvonne Gunning.

Extract from the transcript of ABC TV program Australia Story: The Gathering Storm part 1

READING OF LETTER FROM DONALD SHEARMAN TO BETH HEINRICH: My body has come alive to your touch and your tenderness and your love is a resurrection experience. How beautiful you are, my love, how perfect you are. I have entered my garden, my sweetheart, my bride.

BISHOP RICHARD HURFORD – SHEARMAN'S FORMER DEAN: The letters are a potent symbol of betrayal. She has, it appears a few hundred of them and what I find mind-blowing is that his protestations of love for her, the sexually explicit material in the letters, ...

BETH HEINRICH: I went to live at St John's Hostel in Forbes when I was 14. My parents had a farm, it was a long way from town, so I had to go there to attend high school. The hostel was run by the Anglican Church. There were about 20 boys and 20 girls living there. Donald Shearman was the assistant priest in Forbes and he and his wife Fay were in charge of the hostel, so they took the place of my parents while I was there. We called him Padre and she was known as Matron Shearman.

JENNI WOODHOUSE – CHAPLAIN & COUNSELLOR: I'm astonished at the amount of evidence that Beth has about what happened between herself and Donald Shearman. ... Beth's always been a great reader and Donald Shearman had lots of books, so she began to read them. And he spotted her, young and impressionable, and he began to let her know that she was a bit special to him and she was flattered by that. Then he started to talk about himself and his private life with Beth and that was a special thing for Beth. He was saying to her that his relationship with his wife had been so difficult and 'you understand me better than she does'.

BETH HEINRICH: Then one night Padre actually kissed me. I was astounded and confused. I

didn't know what to do. I went upstairs to the dormitory and told a senior girl about it and she said, "Padre must really love you." Whenever his wife was away, Padre used to get me to lie naked on their bed with him or else in front of the fire in their lounge room on a fox rug made from skins of foxes that he'd shot. He bought a record called "I'm In the Mood For Love" and used to like to play that. And he got me to read a book called "Love in Marriage" which was about sexual techniques and he said, "This is the way it should be, this is what God wants it to be and my marriage isn't like that and you're going to be the one that makes it all different for me."

JENNI WOODHOUSE – CHAPLAIN & COUNSELLOR: Donald Shearman then began to give presents to Beth. She still has a string of pearls from Christmas 1954. And it was just a few months later, when she was 15, that he first had sexual intercourse with her.

BETH HEINRICH: I suppose you'd say I wasn't sexually aware. I liked him kissing me and holding me, but nothing else really. But I complied because that was what he told me God wanted. ... From then on, Padre Shearman would have sex with me at every opportunity. He was always talking about our future and he used to say, "What will your parents say when I tell them I want to marry you?"

From this description of her seduction it can be seen that there are a number of important elements:

First, singling her out for attention: Her former roommate, Wendy McCarthy, who went on to become Chancellor of Canberra University, comments that she was not a particular beauty and she was lacking in self-confidence. Therefore, she was a perfect 'target' for predatory attentions: unworldly, impressionable and ready to enter into the secretive world of being the 'special friend' that was being offered her.

Second, private talks, making her feel 'special' to him.

Third, lending her books.

Fourth, talking to her about himself and his private life.

Fifth, saying to her not only that his marriage was difficult, but that she understood him better than his wife.

Sixth, kissing her (on the lips) in a romantic fashion.

Seventh, undertaking a course of actions as a prelude to seduction - in this case lying naked together in the home, when Mrs. Shearman was absent, playing her a record of 'I'm in the mood for love', and reading together a book on sexual techniques.

Eighth, saying that it was God's will that she and he should have a sexual relationship (this is spiritual abuse).

Ninth, talking about their marriage to each other in the future.

Tenth, giving her gifts – especially valuable ones of jewelry.

Eleventh, having sexual intercourse with her.

Twelfth, sending her love letters containing promises of love and marriage with sexually explicit material.

The description of the grooming process has all the ingredients of a B-grade Hollywood movie. Suddenly, an ordinary country girl has become alluring, she is intuitive and understanding where his difficult wife is not. She is the womanly woman, with a touch of the femme fatale. For her at age, 14 going on 15, this would have been irresistible. And even more so because of the position of authority

and trust that he held in relations to her, and his blasphemy that it was 'God's will' for the relationship to develop into a sexual one notwithstanding that it involved the Rev. Shearman committing adultery, in contravention of the Seventh Commandment as well as seduction of an under-age girl.

Taking a closer look at the elements of her story it is easy to see that none of them appear in the allegations made on behalf of Emma Nicholls:

Beth Heinrich	Emma Nicholls
Singling her out for attention	<p>No.</p> <p>The first 'evidence' of Emma Nicholls' tragic misinterpretation of interest in her by Dr. Dobbs is the age 14 hug account in her email to Sandra Hardwig, which is not followed by any other evidence of special interest in her. The account is of an incident that did not arise out of Dr. Dobbs singling her out, merely of him responding to her distress in a kindly fashion.</p> <p>On the contrary, it was Emma Nicholls who was trying to draw Dr. Dobbs' attention to herself. After the age 14 hug, about which Emma Nicholls goes into rhapsodies in her email to Sandra Hardwig, there is absolutely no other reported contact between them until the alleged 'minor something' that she reports at age 16 which was transformed by her mother and Yvonne Gunning into the age 16 hug. After that she has to wait another 3 years until she is aged 19 for him to compliment her on the skirt she was wearing, which belonged to one of his daughters.</p> <p>All these allegations were dismissed along with later examples of Ms. Nicholls' deluded interpretations of ordinary actions, until she invaded his study in early December 2006 when she was 20-years-old.</p>
Private talks with her in which he made her feel special to him.	<p>No, none.</p> <p>The first private meeting that she says occurred was when she was aged 20 and in early December 2006 she invaded his study and snuggled up to him, putting her hand on his hair and her other hand on his hand. When she did that he looked up and saw that it was her and he leapt to his feet and ran out of the room.</p> <p>The only other private meeting that she had with Scott is not referred to at all in the various versions of Emma and Lee's complaint: seeing him in his office at UOW to obtain a reference, apparently for her to apply to be appointed a JP. Nothing out of the ordinary occurred.</p>
Lending her books.	<p>No.</p> <p><i>Is it possible that Emma's strange re-positioning of the January hug on Monday 22 February 2007 from the church premises during the Summerfest activities there during the day and evening to the Dobbs family home where she says that she remained alone after everyone went out and spent the time reading in the Dobbs' library somehow supposed to be an echo of this?</i></p>

Beth Heinrich	Emma Nicholls
Talking about himself & his private life.	<p>No.</p> <p>Scott and Machelles talked to each other in front of their own children and any others in the house about financial difficulties and the inevitable stresses and strains that a marriage can have, as part of their open approach to family life. They always then committed the problem to God in prayer.</p> <p>But not in private sessions between Dr. Dobbs and Emma Nicholls.</p> <p>There is a passing reference in relation to blowing a kiss to her (the second one) in the morning and saying something about Dr. Dobbs saying to her he was sorry she had to witness his argument with Machelles. That just did not surface again.</p> <p>The nearest she comes to this is the allegation that when she was aged 20, on 22nd January 2007 she says they were alone in the house when he returned from work and he hugged her and said he'd had a conversation at Figtree Anglican church about a private matter, with no further detail. The alleged conversation with the man, identified as Des Brampton, which was supposed to be that Dr. Dobbs was thinking of starting an affair was denied by Des Brampton, and the story collapsed.</p> <p>Scott has always denied this allegation, and her statement and the first draft statutory declaration contains material that directly contradicts this.</p>
Saying to her not only that his marriage was difficult, but that Beth understood him better than his wife.	No.
Kissing her (on the lips) in a romantic fashion.	<p>No. She absolutely denied that Dr. Dobbs had ever kissed her on the lips.</p> <p>The only allegations of kisses (on the back of the neck) arise in two of the January allegations, which turned out supposedly to have taken place in public places, in front of possible witnesses including members of his own family, none of whom, according to Emma Nicholls saw anything. Further, at no time has Emma alleged that on the two occasions when she and Scott were alone he kissed her anywhere at all.</p>
Undertaking a course of actions as a prelude to seduction - in this case lying naked together in the home, when Mrs. Shearman was absent, playing her a record of 'I'm in the mood for love', and reading together a book on sexual techniques.	<p>No.</p> <p>There is no report of time spent together alone in the house, apart from the highly suspect allegation that when she and Scott were alone in the house on Monday 22 January 2007 he hugged her and rubbed his hand up and down her back.</p> <p>There is no report of being together engaged in anything involving grooming preparations for a sexual relationship.</p> <p>At no time was Emma ever naked, or even partially unclothed when Dr. Dobbs was present.</p>

Beth Heinrich	Emma Nicholls
Saying that it was God's will that she and he should have a sexual relationship.	No.
Talking about their marriage to each other in the future.	No.
Giving her gifts – especially valuable ones of jewelry.	No, no gifts at all, let alone valuable ones of jewelry.
Having sexual intercourse with her.	No.
Sending her love letters containing promises of love and marriage with sexually explicit material.	No.



The Documents in the Case**Document 11*****Why didn't they listen to Mrs. Goodhew?***

The text of Mrs. Goodhew's statement dated 17th March 2007 to Figtree Executive Minister Bruce Clarke.

**A MEMORANDUM OF PAM GOODHEW'S CONTACT WITH EMMA
NICHOLS AND MACHELLE DOBBS**

Sometime in November 2006 I was first introduced to Emma Nichols (sic) by Machelles Dobbs. Machelles thought that Emma would appreciate contact with an older woman.

Emma told me about her health problems, difficulty in sleeping, family issues, and of a fear that she had committed the unpardonable sin.

Some time in December Emma left a phone message for me to contact her. I phoned on three occasions. Either morning or afternoon, she was asleep and unable to come to the phone. When I commented to her mother that I did not know how I could help Emma, her mother said that thought I would be able to do so.

In early January 2007 Emma wrote to me asking if I knew of anyone who would take her in as a boarder. See the attached letter.*

I replied in writing telling her I would be in Hobart until the end of January but that I would contact the pastoral care people at Figtree Anglican Church about her request.

In early February I spoke to Louise Doughton and showed her Emma's letter. Louise said that I should leave the matter with her as there might be other issues involved.

On one of the Sundays of early February I had a conversation with both Scott and Machelles Dobbs. Scott's comments were that the members of Emma's family were strange, particularly her mother and that her father was OK though 'laid back' and not very involved.

On this same occasion in early February Machelles told me of an incident one night when Emma asked if she could stay over (not for the first time I gather). She indicated that Emma enjoyed contact with the Dobbs family. She got on well with the girls. Machelles felt that Emma also enjoyed the fact that the Dobbs family ate normal meals, contrasting them favourably with the meals that were served in her home.

The incident referred to by Machelles was, as far as I could gather, that Emma had gone into Machelles's son's (Nathan) bedroom. Nathan said Emma only wanted to talk, and he comforted her. Machelles conveyed the impression to me that Emma had spent the night with Nathan but that he denied any sexual contact with or attraction to Emma.

Machelles was angry that Emma had crossed the boundaries of acceptable behaviour in their home and needed to be told so.

Scott remarked that any comments made to Emma had to be tempered with love.

Some days later Yvonne Gunning spoke to me. She had observed Machelles and me in conversation on the previous Sunday and asked what we were discussing. She said she hoped that Machelles might have been telling me the full story – something of which I was ignorant. Yvonne then told me that Emma had been accommodated and I need not be involved any further. She alluded to further investigation, but did not think that Nathen had done anything improper with Emma.

Machelles also told me that Emma called them whenever she wanted to come to church asking if they would provide her with transport to the services. Machelles said that at the end of the service Emma would not mix with other people but would walk around outside the building.

I gathered from Emma that she was over 20 years of age and because of health problems had never worked or been able to attend any courses. She indicated that some of her problems may have been eating disorders.

There were other brief conversations at various times when either Scott or Machelles mentioned to me Emma's attachment to their family.

(signed Pam Goodhew 17/3/2007)

*A copy of the letter, which Mrs. Goodhew gave to Louise Doughton of the Figtree pastoral care team in early February 2007, was not produced with the copy of this memorandum furnished to Dr. Dobbs by Philip Gerber Director PSU.

Other things that Mrs. Pam Goodhew said about Emma Nicholls.

In her interview with Ken Taylor on 19th October 2007:

(Note: several obvious spelling mistakes and mis-transcriptions, such as 'Michelle' for 'Machelles' and 'Dodds' for 'Dobbs' have been corrected for ease of reading.)

'But I thought she was a troubled girl. She told me of a theological problem she had that stunned me. And ... She said she thought she had committed the ... unpardonable sin. Now this is a girl of 20. ... this is within minutes of meeting her.'

'... after that Machelles spoke to me on a number of occasions and it was always about Emma. I had to say, I had a sort of suspicion that she was almost stalking the family. ... she said oh Emma often rings up and wants us to take her church and I'm thinking, "what about her family?" "Why can't they do things like that?"'

'I said (to Machelles) "why is she wanting to be with your family because I thought she was older than the girls." And she said, "I think the, my girls show her love and she complains that her sister at home is given more attention than she is, she says I think we just eat ordinary food and her mother's got strange ideas." Now I've since discovered that they're 7th Day Adventists, so there may well be differences in diet.'

'So she (Emma) came across as a most unusual young woman who as I said hadn't done anything after school. She indicated to me that she had a, some sort of sickness and she hadn't been well enough.'

(at the end of December) 'I received a letter from her asking if I could find accommodation for her and it would need to be with someone who understood her situation ... who could get her to

appointments and the letter had, was very artistic with little hearts and flowers and things all over the letter and also the envelope.'

'Somewhere along the line ... Machelles told me about an incident in their home with Emma, where she'd asked if she could stay the night and how ... Machelles discovered she's made her way into one of the boy's bedrooms and I gather had spent the night in his room. ... The son told his mother there was nothing in it, she had just wanted comfort. I thought it was all very strange and Machelles was obviously upset, said she had crossed the boundaries of ...'

KT: *'Is that, is that fully how Machelles described the situation?'*

PG: *'Yes, yes. Said she ...'*

KT: *'She didn't provide you with any further explanation of why Emma was in that room?'*

PG: *'No, she said she (Emma) was up, apparently upset, she (Machelles) said I've given her, her own room, she was apparently upset and she'd gone down, I don't know which one of the boys, and had, had laid on his bed and he had tried to help her, ... comfort her or something. ... but then Yvonne Gunning said to me ... there was nothing in it and I thought okay it's none of my business but Machelles had spoken to me as being an inappropriate thing to have done.'*

KT: *'... Would you say that, she came across as vulnerable?'*

PG: *'Well,'*

KT: *'Unstable perhaps?'*

PG: *'I thought mixed up ...'*

KT: *'Now when Machelles spoke to you before you met Emma, did you get the feeling whether directly or indirectly, Machelles was referring to concerns about Emma and Scott?'*

PG: *'No, no. Not at all.'*

KT: *'You didn't get the feeling that she was concerned about Emma's relationship with Scott?'*

PG: *'Never in all the conversations did that happen.'*

KT: *'No?'*

PG: *'No. It was mainly trying to help Emma, and I thought Emma had, had, this was my opinion, from the things Machelles had said, that she was really was, not preying on the family but, using the family. You don't normally ring people up and ask them if you can come over and stay the night, it just seemed to me to be unusual behaviour.'*

What Dr. Dobbs wrote in his response to Emma's statutory declaration and read out to Mrs. Goodhew by Ken Taylor:

"The truth is that Miss Nicholls has been an emotional parasite on my household, distracting and draining. And over the past year or so, the family has discussed what actions could be done to steer her away from our household. Pamela Goodhew was approached to take some of the burden of our household ... "

What Mrs. Goodhew said to Ken Taylor about Dr. Dobbs' response:

KT: *'Was that a fair comment?'*

PG: *'Ahhh yeah, I think it is expecting more from me than I might have been prepared to give, but certainly we have spoken, in fact it was all they ever spoke to me about.'*

KT: *'Was it?'*

PG: *'Hmmm. ... if Machelles saw me (at church) she'd talk and I got the feeling, I said stalking, perhaps it's not that, the word. But she made demands on them that I thought that her parents might have*

been prepared to, to drive her to church occasionally but they said, you know, she'd ring up and ask and they'd just go and pick her up. It seemed to me that they were ... always at her beck and call somewhat ... '

PG: '... after the incident with the son, I think that was very inappropriate and that it obviously happened. Mabelle always came across as a sweet child like sort of person and so she would never say harsh things about Emma. But I just thought this girl is, is for ever on to them and they're, trying to respond calmly and lovingly to her but, yes, I thought it was strange she wanted to sleep over and I don't think it was the first time that that had happened. I think it is unusual behaviour.

KT: 'Did you get the feeling that the Dobbs were rejecting Emma at that stage?'

PG: 'No I didn't. I think they were doing their best in a weary sort of way.'

'... I think the only thing we (Mabelle and Mrs. Goodhew) had in common ... was that, the fact that she had someone to talk to about Emma. And I think that that is what she did with me and I really didn't make much of a contribution at all but I listened and I guess formed the opinion that perhaps Emma was being a bit of a trial for them to have to cope with.'

