

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

COMMONWEALTH OF AUSTRALIA

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CASE STUDY 18

**THE RESPONSE OF AUSTRALIAN CHRISTIAN CHURCHES AND AFFILIATED PENTECOSTAL
CHURCHES TO ALLEGATIONS OF CHILD SEXUAL ABUSE**

SUBMISSIONS OF COUNSEL ASSISTING THE ROYAL COMMISSION

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INTRODUCTION

1. The 18th public hearing by the Royal Commission was held in Sydney from 7 October to 17 October 2014. The public hearing concerned the institutional response to child sexual abuse of the Australian Christian Churches and its affiliated churches. The Australian Christian Churches and its affiliates are all members of a Pentecostal movement of churches.
2. The scope and purpose for Case Study 18 was as follows
 1. *The response of the Sydney Christian Life Centre and Hills Christian Life Centre (now Hillsong Church) and Assemblies of God in Australia (now Australian Christian Churches) to allegations of child sexual abuse made against William Francis "Frank" Houston.*
 2. *The response of the Northside Christian College and the Northside Christian Centre (now Encompass Church) and Assemblies of God in Australia (now Australian Christian Churches) to allegations of child sexual abuse made against former teacher Kenneth Sandilands.*
 3. *The response of Australian Christian Churches to allegations of child sexual abuse made against Jonathan Baldwin.*
 4. *The systems, policies, practices and procedures for the reporting of and responding to allegations of child sexual abuse of:*
 - a. *Australian Christian Churches,*
 - b. *Hillsong Church, and*
 - c. *Northside Christian College and Encompass Church*
 5. *Any other related matters.*
3. These submissions are divided into four parts: Hillsong Church, Assemblies of God and Frank Houston, Northside Christian Centre and Kenneth Sandilands, Sunshine Coast Church and Jonathan Baldwin, and the Australian Christian Churches.
4. Part A of the submissions examines child sexual abuse allegations which arose in 1998 and 1999 against Frank Houston, the founder of Sydney Christian Life Centre (later part of Hillsong Church). The public hearing focused on the responses of Sydney and Hills Christian Life Centres and the Assemblies of God to the allegations. Frank Houston's son, Pastor Brian Houston, was at the time both the Senior Pastor at Sydney and Hills Christian Life Centres and the National President of the Assemblies of God in Australia.
5. Part B examines child sexual abuse allegations against Mr Sandilands, a teacher who taught at Northside Christian College in Bundoora Victoria, from 1983 to 1993. The hearing focused on the response of Northside Christian Centre Inc which operated the College as a ministry and which was headed by Pastor Denis Smith. Mr Sandilands was later convicted of sexual offences of children which occurred during his employment as a teacher at the College.

6. Part C examines child sexual abuse allegations against Mr Baldwin who was a Youth Pastor at a Sunshine Coast Church in Queensland from 2004 to 2006. The public hearing focused on the way in which each of those at the Sunshine Coast Church and the Assemblies of God responded to the allegations. In particular it examined the actions of Ian Lehmann, then Senior Pastor at Sunshine Coast Church, and the State Executive of the Assemblies of God (later Australian Christian Churches).
7. Part D considers the response of the Assemblies of God and its successor, the Australian Christian Churches, to the child sexual abuse allegations set out in the scope and purpose in light of its systems, policies, practices and procedures for the reporting of and responding to allegations of child sexual abuse. The Royal Commission heard from the State Presidents for New South Wales, Victoria and Queensland and the National President, Pastor Wayne Alcorn.

Pentecostalism

8. Pentecostalism refers to a grouping of different Christian churches together based on a belief in the physical manifestation of the Holy Spirit, signified by speaking in tongues, prophecy and healing.¹ The term comes from the day of the Pentecost, which occurs 50 days after Easter and marks the coming of the Holy Spirit to the Apostles. It is also described as a denomination of Protestantism, one of the branches in Christianity. The grouping of Pentecostal churches is called a '*movement*.'
9. All the Churches and related institutions in this case study are part of the Australian Christian Churches Pentecostal movement. Pentecostal churches voluntarily choose to affiliate and cooperate as a movement.² The Australian Christian Churches commenced in Australia in 1937 under the name '*Assemblies of God in Australia*.' In 2007 it changed its name to the Australian Christian Churches and currently has over 1,070 affiliated churches and over 272,000 constituents.³ There are other movements of Pentecostal churches in Australia, but the Australian Christian Churches is the largest national Pentecostal movement.⁴

Churches affiliated to Australian Christian Churches

10. Former National Secretary of the Australian Christian Churches, Pastor Keith Ainge, explained the nature of affiliation of individual churches

¹ 'Christianity – Pentecostalism' ABC <http://www.abc.net.au/religion/stories/s820631.htm> (accessed 27 October 2014).

² Ex 18-0038, 'Statement of Wayne Alcorn', STAT.0347.001.0001_R at [8].

³ Ex 18-0038, 'Statement of Wayne Alcorn', STAT.0347.001.0001_R at [10].

⁴ 'Who We Are' ACC Australian Christian Churches <http://www.acc.org.au/about-us/> (accessed 27 October 2014).

Each church is separately incorporated, and whilst some are unincorporated associations, the majority are incorporated as an entity, and the connection to the Assemblies of God is specifically referred to in the constitution as a "fellowship." That means that the Church voluntarily cooperates in relation to evangelism and in relation to activities, conferences, that sort of relationship.

They also agree to be subject to discipline processes, so that there is a centralised approach to administering discipline and issuing credentials to ministers. But beyond that, each church is responsible for its own administration, its own finances; it holds its own properties; it employs its own pastors.

11. Article 2.2.2 of the United Constitution of the Australian Christian Churches states that it

... recognises the autonomy of a local church within the movement, but cooperative fellowship places a responsibility on a local church to function consistently with the United Constitution, the State By-Laws and all policies approved by the National Conference of the movement.⁵

12. Each affiliated church can be incorporated under State or Territory associations incorporation legislation or the *Corporations Act 2001* (Cth), or may be unincorporated.⁶

13. National President, Pastor Alcorn, explained the relationship between the Australian Christian Churches and its affiliates as follows

The National Fellowship has a limited oversight of the affiliated churches. Its oversight primarily relates to the registration of affiliated churches and accreditation of pastors. ... An affiliated church retains complete responsibility for local governance and the ACC has no authority to direct individual churches or their board of directors/elders regarding this local governance other than through moral persuasion and provision of policy guidance.⁷

Structure of the Australian Christian Churches

14. The United Constitution of the Australian Christian Churches (the United Constitution) establishes that the National Conference is the supreme governing body.⁸ It is held biennially and elects the National Executive. A State Conference established under the authority of the national movement governs each state and territory.⁹ The State Conference has its own State Executive, and elected executive officers to perform administration of matters at a State level.¹⁰ The National Conference delegates to the state level matters such as managing ordination

⁵ Ex-18-0004 (POL TB Tab 60), ACC.0004.001.0174 at 0175.

⁶ Ex 18-0038, 'Statement of Wayne Alcorn', STAT.0347.001.0001_R at [11].

⁷ Ex 18-0038, 'Statement of Wayne Alcorn', STAT.0347.001.0001_R at [17].

⁸ Ex-18-0004 (POL TB Tab 60), ACC.0004.001.0174 at 0175.

⁹ Ex-18-0004 (POL TB Tab 60), ACC.0004.001.0174 at 0175-0176.

¹⁰ Ex 18-0038, 'Statement of Wayne Alcorn', STAT.0347.001.0001_R at [15], Ex-18-0004 (POL TB Tab 53), ACC.0004.001.0090, [9.2].

application, and investigation of grievances against credentialed ministers.¹¹ All State Conference and executive decisions are required to conform to the decision of the National Conference and National Executive.¹²

15. The State Executive level is broken up into District Branches headed by a District Superintendent and his or her Executive.¹³ The District Branch receives applications for credentials¹⁴ as well as complaints which are then communicated to the State Executive.

Credentialing of Churches

16. Churches that are affiliated with the Australian Christian Churches can be categorised as a *'Registered Church'* or a *'Provisional Church.'* Registered Churches hold a current Certificate of Fellowship issued by the National Executive.¹⁵ This is only issued when churches meet the specific requirements set out in the United Constitution.¹⁶ They may have their Certificate withdrawn at any time at the discretion of the National Executive.¹⁷
17. A registered church is generally required to have a Senior Pastor who has an Ordained Minister's Certificate often called a *'credential.'*¹⁸

Power to remove the credential of a church or disaffiliate a church

18. A registered church is one that holds a current Certificate of Fellowship issued by the Movement. The Certificate of Fellowship is issued by and may be withdrawn at any time at the discretion of the National Executive. There are certain requirements to be met before a church is eligible for a Certificate of Fellowship including acceptance of the United Constitution of Christian Churches and its by-laws, Code of Conduct and Policies, a minimum number of congregants, a Minister credentialed by the Australian Christian Churches and attendance of appropriate people at required compliance programs.¹⁹

¹¹ Ex 18-0038, 'Statement of Wayne Alcorn', STAT.0347.001.0001_R at [16].

¹² Ex-18-0004 (POL TB Tab 60), ACC.0004.001.0174 at 0185.

¹³ Peterson T9884: 1-2 (Day 93).

¹⁴ Houston T9407: 22-39 (Day 89).

¹⁵ Ex-18-0004 (POL TB Tab 60), ACC.0004.001.0174 at 0191.

¹⁶ Ex-18-0004 (POL TB Tab 60), ACC.0004.001.0174 at 0191.

¹⁷ Ex-18-0004 (POL TB Tab 60), ACC.0004.001.0174 at 0191.

¹⁸ Ex 18-0038, 'Statement of Wayne Alcorn', STAT.0347.001.0001_R at [29].

¹⁹ Ex-18-0004 (POL TB Tab 60), ACC.0004.001.0174 at 0191.

Credentialing of Ministers

19. A primary purpose of the Australian Christian Churches is to credential ministers in its affiliated churches.²⁰ A Specialised Ministries Certificate authorises the holder to engage in various types of ministries in a specific location or field of activity.²¹ A Provisional Minister's Certificate may be applied for after the satisfactory completion of at least one year as a Specialised Minister.²² The primary credential is the Ordained Ministers Certificate which may be obtained, generally, after the applicant has held a Provisional Ministerial Credential for two years.²³

Disciplining of Ministers

20. Article 11 of the United Constitution gives to the National Executive the power to issue as well as to suspend and withdraw ministerial certificates and credentials. In the case of improper conduct or false teaching Ordained Ministerial Certificates may be suspended or withdrawn on the recommendation of the State Executive.²⁴ However, in extreme and emergency cases the State or National Presidents can suspend a ministerial certificate for 30 days pending investigation and recommendation by the State Executive.²⁵ The United Constitution states: *'The National President should be immediately informed of a formal complaint against a credentialed minister that may in the opinion of the State President, lead to the suspension of the ministers credential or ministry certificate.'*

21. However, due to the autonomous nature of affiliated churches

*The ACC cannot direct a church to remove a disciplined Certificate holder from ministry. ... if a church refuses to remove a disciplined Certificate Holder the Church would need to withdraw from the national movement or have its affiliation cancelled.*²⁶

22. The Australian Christian Churches has adopted a policy known as 'A Program for the Restoration and Reinstatement of Disciplined Ministers Administration Manual' (the Administration Manual).²⁷ It provides for disciplinary action where a minister has engaged in any moral failure involving sexual misconduct. It is considered in detail in Part A below.

²⁰ Ainge T9297: 11-17 (Day 88).

²¹ Ex-18-0004 (POL TB Tab 60), ACC.0004.001.0174 at 0187-1088.

²² Ex-18-0004 (POL TB Tab 60), ACC.0004.001.0174 at 0187.

²³ Ex-18-0004 (POL TB Tab 60), ACC.0004.001.0174 at 0186-0187.

²⁴ Ex-18-0004 (POL TB Tab 60), ACC.0004.001.0174 at 0188-0189.

²⁵ Ex-18-0004 (POL TB Tab 60), ACC.0004.001.0174 at 0189.

²⁶ Ex 18-0038, 'Statement of Wayne Alcorn', STAT.0347.001.0001_R at [24].

²⁷ Ex 18-0004 (POL TB Tab 55) ACC.0001.001.0126 (2010 edition).

Part A: HILLSONG CHURCH, ASSEMBLIES OF GOD AND FRANK HOUSTON

Overview

23. In 1998 and 1999 allegations were made that Frank Houston had sexually abused a child (AHA) in about 1969 while visiting Australia from New Zealand to preach. At the time the allegations were made Frank Houston was the Senior Pastor of Sydney Christian Life Centre, an affiliated Church of Assemblies of God. At the same time Frank Houston's son, Pastor Brian Houston, was the Senior Pastor of Hills Christian Life Centre, also an affiliated Church of Assemblies of God, and National President of the Assemblies of God. This part of the public hearing examined the response of Hillsong Church (and its predecessors) and the Assemblies of God to the allegations of child sexual abuse.
24. On 4 November 1998 Pastor John McMartin, a State Executive member of the New South Wales Assemblies of God at the time, was informed of allegations of child sexual abuse against a Senior Pastor of the Assemblies of God but was not informed of the complainant's name or that the perpetrator was Frank Houston. In September 1999 Pastor McMartin was informed that the perpetrator was Frank Houston but he did not commence the process under the established complaints process of the Assemblies of God as, he said, he required a written complaint to do so.
25. Pastor Brian Houston was told about allegations of '*child molestation*' against his father, Frank Houston in October 1999. Pastor Brian Houston confronted his father with the allegation in mid-November 1999 and Frank Houston confessed to '*fondling genitals*' and said that it was a '*one-off occasion*.' In late 1999 Pastor Brian Houston suspended his father's minister's credentials, and the decision to do so was affirmed by the National Executive at a Special Executive Meeting of the Assemblies of God held on 22 December 1999. The National Executive placed conditions on the suspension, but permitted him to be restored to ministry after two years on recommendation of the New South Wales Superintendent. Pastor Brian Houston was directed to convey the decisions of the National Executive to Frank Houston and AHA.
26. In November 2000 the National Executive of the Assemblies of God responded to further allegations against Frank Houston by a New Zealand victim, received by Pastor Brian Houston. Two National Executive members of the Assemblies of God met with the New Zealand Executive of the Assemblies of God and learnt of further allegations that Frank Houston had touched the genitals of six boys about 30 years ago. The two members of the National Executive of the

Assemblies of God met with Frank Houston, confronted him about the allegations and Frank Houston admitted to some of the allegations. He was told he would never minister again.

27. The first public announcement by the Assemblies of God about the discipline of Frank Houston was made by letter to all Ordained and Probationary Ministers of the Assemblies of God dated 24 December 2001 explaining that Frank Houston has admitted to a *'serious moral failure'* and that Pastor Brian Houston had suspended his father's credentials.

1. Frank Houston

28. Frank Houston was ordained as a New Zealand Salvation Army officer in the 1940s. He left the Salvation Army after about 12 years to establish an Assemblies of God church in Lower Hutt, New Zealand in 1959.²⁸ From 1965 to 1971 he occupied the top position of Superintendent of the Assemblies of God New Zealand.²⁹ Frank Houston came to Australia on occasion during those years in order to preach.³⁰
29. AHA was seven years old in 1969 and at that time his family was heavily involved in the Assemblies of God movement in Sydney, New South Wales.³¹ His family were good friends with Frank Houston and he often visited from New Zealand to preach.³² In 1969 and 1970, Frank Houston came and stayed in AHA's home in Sydney, sometimes accompanied by his family. In January 1970, Frank Houston stayed with AHA's family for almost a week.³³
30. In 1977, Frank Houston moved to Australia and established the Sydney Christian Life Centre. He was the Senior Pastor³⁴ and the Church was affiliated with the Assemblies of God. In 1978 Frank Houston's son and daughter-in-law, Pastors Brian and Bobbie Houston, joined the ministry at Sydney Christian Life Centre.³⁵

²⁸ Houston T9304: 7-39 (Day 88).

²⁹ S Gibbs, 'Hillsong farewells a lost sheep pioneer', *Sydney Morning Herald*, 13 November 2004, [10]; Houston T9305: 1-2 (Day 88).

³⁰ Ex 18-0001, 'Statement of AHA', STAT.0367.001.0001_R at [4]; Houston T9305: 14-18 (Day 88).

³¹ Ex 18-0009, 'Statement of Pastor Houston', STAT.0361.001.0001_R at [5].

³² Ex 18-0009, 'Statement of Pastor Houston', STAT.0361.001.0001_R at [4].

³³ Ex 18-0001, 'Statement of AHA', STAT.0367.001.0001_R at [5]-[6].

³⁴ Ex 18-0009, 'Statement of Pastor Houston', STAT.0361.001.0001_R at [19].

³⁵ Hillsong Church, www.hillsong.com (Accessed 14 November 2014); Houston T9305: 40-47 (Day 88).

2. Hillsong Church

30. In 1983 Pastors Brian and Bobbie Houston founded the Hills Christian Life Centre which was also affiliated with the Assemblies of God.³⁶ Pastor Brian Houston's popularity as the Church's Senior Pastor grew dramatically and Hills Christian Life Centre enjoyed success because of its ability to draw large numbers of congregants.³⁷ In 1997, Pastor Brian Houston became the National President of the Assemblies of God, a position which he held until 2009.³⁸
31. Pastor Brian Houston said that his father spoke to him over a number of years about assuming the position of Senior Pastor at Sydney Christian Life Centre. In May 1999, Frank Houston suddenly retired from the position of Senior Pastor at Sydney Christian Life Centre and asked Pastor Brian Houston to take over his position.³⁹
32. Pastor Brian Houston was the only nominee for Senior Pastor put to the Board of Sydney Christian Life Centre for approval.⁴⁰ From May 1999 Pastor Brian Houston was the Senior Pastor of both churches for a period of 18 months.⁴¹ In that year the two churches merged and in 2001 were renamed Hillsong Church.⁴² Today Hillsong Church is an affiliate of the Australian Christian Churches, successor of the Assemblies of God.⁴³

3. National Policies of the Assemblies of God

33. In May 1999, the National Conference of the Assemblies of God in Australia adopted the Administration Manual.⁴⁴ The Administration Manual is the primary policy for the disciplining of those people who hold a certificate or credential to minister from the Assemblies of God and has been reissued by the Australian Christian Churches.

³⁶ Ex 18-0009, 'Statement of Pastor Houston', STAT.0361.001.0001_R at [6].

³⁷ Ainge T9267: 15-35 (Day 88).

³⁸ Ex 18-0009, 'Statement of Pastor Houston', STAT.0361.001.0001_R at [18].

³⁹ Houston T9306: 30-39 (Day 88).

⁴⁰ Houston T9307: 20-28. (Day 88).

⁴¹ Houston T9306: 30-39 (Day 88).

⁴² Ex 18-0009, 'Statement of Pastor Houston', STAT.0361.001.0001_R at [6].

⁴³ Ex 18-0009, 'Statement of Pastor Houston', STAT.0361.001.0001_R at [12].

⁴⁴ Ex 18-0004 (POL TB Tab 49), ACC.0001.001.0026. Note: subsequent references to the Administration Manual are to the 1999 edition unless otherwise stated.

Discipline of ministers for serious sexual misconduct

34. The Administration Manual provides for disciplinary action where a minister has engaged in *'any moral failure involving sexual misconduct.'*⁴⁵ Serious sexual misconduct is required to be dealt with in accordance with the Administration Manual.⁴⁶ Appendix 1, read with the Administration Manual, states that paedophilia is serious sexual misconduct.⁴⁷

35. The Administration Manual provides as follows

1. EXCLUSION FROM MEMBERSHIP

In the case of prolonged or perverse sexual misconduct which has been brought to light and which appears to be clear from the evidence available, and in the event of no acknowledgment of guilt, a person may be excluded from membership in an Australian Christian Churches church.

2. DISMISSAL FROM THE MINISTRY

In cases where sexual misconduct has been admitted or appears highly likely from the evidence available and the complaints procedure described on page 5 has been undertaken, a minister may be dismissed from ministry. All effort should be made to restore such persons in their relationship with God, their church, their spouse and their family but restoration to ministry may not be possible due to the extent or perversity of the sexual misconduct...

3. ADMISSION TO A PROGRAM OF REHABILITATION

In some cases (following the procedure set out in sections 3 and 4) the State Executive may recommend that a minister apply for admission to a program of rehabilitation to ministry...⁴⁸

36. Section 2 of the Administration Manual states that *'the National Conference has determined that no rehabilitation should be considered in the case of a minister who offends in the area of ... paedophilia.'*⁴⁹

Handling allegations of child sexual abuse: the Administration Manual

37. The Administration Manual sets out the following procedure for the handling of complaints against a minister

1. *Any complaint against a member of the ministry must be submitted in writing to the appropriate State Officer and be signed by the complainant or their representative. Each state should provide a telephone number and name of an independent person*

⁴⁵ Ex 18-0004 (POL TB Tab 49), ACC.0001.001.0026 at 0032.

⁴⁶ Ex 18-0004 (POL TB Tab 49), ACC.0001.001.0026 at 0032.

⁴⁷ Ex 18-0004 (POL TB Tab 49), ACC.0001.001.0026 at 0032-0033 and 0045.

⁴⁸ Ex 18-0004 (POL TB Tab 49), ACC.0001.001.0026 at 0033.

⁴⁹ Ex 18-0004 (POL TB Tab 49), ACC.0001.001.0026 at 0036.

(preferably female) who can be the first contact for a complainant. This contact should then arrange for the complaint to be taken to the appropriate State Officer. The name and number should be made available to all churches and pastors.

2. *If a report of complaint is received, then the following should take place:*
 - a) *A full interview with the complainant whereby the allegations of the complaint are completely documented.*
 - b) *The accused minister is interviewed by the State Executive or at least two delegated individuals from the State and/or District Executives. At this meeting, the complaints are placed before the minister.*
3. *If the minister then denies the allegations, the following should take place:*
 - a) *If there is more than one complainant the minister's credential may be suspended for a period of thirty days ... pending that investigation.*
 - b) *If there is only one complainant the State Executive may strongly recommend that the minister take a period of paid leave pending the investigation.*
 - c) *Regardless of the number of complainants, the minister must not make any contact with the complainant(s).*
 - d) *An investigating committee should be established with strict terms of reference and that committee should interview the complainant and the minister involved in the alleged conduct.*
- ...
4. *The investigating committee will then prepare a full report, with recommendations, for the appropriate State Executive.*
5. *The State Executive will then make a recommendation to the National Executive for determination.*
6. *If a complaint is found to be false and malicious, disciplinary action may be taken against the complainant. This may be by the State Executive if the complainant holds a credential or by a local church if this is appropriate.⁵⁰*

Publication

38. The Administration Manual also provides for the circumstances in which disciplinary action against a minister will be publicised

PUBLICATION OF EXCLUSION OR DISMISSAL

No publication of a dismissed minister's name, or details of his/her offence, shall be made until all rights of appeal have expired and the State Executive has been authorized to do so by the National Executive. Any such publication will then be at the discretion of the State Executive as the circumstances demand. All other State Executives will be informed that the minister has been dismissed.

ANNOUNCEMENT OF ADMISSION TO A PROGRAM OF REHABILITATION

⁵⁰ Ex 18-0004 (POL TB Tab 49), ACC.0001.001.0026 at 0034-0035.

As much as possible, the names of ministers admitted to a program of rehabilitation should not be made public. However, all State Executives should be informed of relevant information on a confidential basis and may respond to inquiries with a simple statement that the minister has been admitted to a rehabilitation program.⁵¹

4. Sexual Abuse of AHA by Frank Houston

37. In January 1970 Frank Houston stayed with AHA's family for almost a week when AHA was about 8 years old.⁵² AHA said that Frank Houston came into his room 'nearly every night of the week' while he was sleeping and touched him inappropriately.⁵³ AHA said that the touching involved Frank Houston lying on top of him, placing his hands on his genitals, masturbating him and inserting a finger into AHA's anus.⁵⁴ He said that abuse of this nature occurred on more than one occasion.⁵⁵
38. AHA said that the abuse also occurred when he and his family went to different churches with Frank Houston. AHA sometimes went into an office alone with Frank Houston who felt between AHA's legs. This also occurred at an evangelical camp in Windsor.⁵⁶
39. AHA said that the abuse in his home and at the different churches continued over a period of years. It stopped when he reached puberty.⁵⁷

Disclosure of Sexual Abuse and Contact with Frank Houston

40. In 1978, when he was 16, AHA told his mother that Frank Houston had sexually abused him.⁵⁸ She said to AHA that she was concerned about the effect of such a disclosure on the Church because of Frank Houston's considerable standing in the Assemblies of God movement. As a result AHA did not pursue the allegations at that time.⁵⁹
41. Pastor Barbara Taylor was the Senior Pastor at the Assemblies of God affiliated Emmanuel Christian Family Church from 1977.⁶⁰ In mid-1998 AHA's mother asked Pastor Taylor to come to her home.⁶¹ She told Pastor Taylor that when AHA was seven years old Frank Houston had put

⁵¹ Ex 18-0004 (POL TB Tab 49), ACC.0001.001.0026 at 0035.

⁵² Ex 18-0001, 'Statement of AHA', STAT.0367.001.0001_R at [3], [5]-[6].

⁵³ Ex 18-0001, 'Statement of AHA', STAT.0367.001.0001_R at [8]

⁵⁴ AHA T9073: 1-23 (Day 86).

⁵⁵ AHA T9073: 1-23 (Day 86).

⁵⁶ Ex 18-0001, 'Statement of AHA', STAT.0367.001.0001_R at [7].

⁵⁷ Ex 18-0001, 'Statement of AHA', STAT.0367.001.0001_R at [9].

⁵⁸ Ex 18-0001, 'Statement of AHA', STAT.0367.001.0001_R at [11]; AHA T9074: 2-7 (Day 86).

⁵⁹ Ex 18-0001, 'Statement of AHA', STAT.0367.001.0001_R at [11]

⁶⁰ Taylor T9138: 46 - T9139: 2 (Day 87).

⁶¹ Taylor T9139: 24-30 (Day 87).

his hands down AHA's pyjamas and touched him inappropriately while staying with her family.⁶² AHA's mother asked Pastor Taylor not to disclose the information and Pastor Taylor agreed she would not.⁶³

42. At an evangelical meeting held at Emmanuel Christian Family Church on 3 November 1998, AHA's mother confided in an evangelist Kevin 'Mad-dog' Mudford that Frank Houston had sexually abused AHA.⁶⁴ The following day Mr Mudford told Pastor Taylor about AHA's mother's disclosure and asked her to meet with him and Pastor McMartin.⁶⁵ Pastor McMartin was at that time a State Executive member of the New South Wales Assemblies of God. Pastor Taylor's understanding at that time was that it was Assemblies of God protocol to report allegations against ministers to the State Executive.⁶⁶
43. At the meeting on 4 November 1998 Mr Mudford told Pastor McMartin about the allegations of child sexual abuse of a child by a Senior Pastor. He did not mention the names AHA or Frank Houston.⁶⁷
44. Pastor McMartin could not recall the meeting of 4 November 1998 but accepted that it occurred.⁶⁸ Pastor McMartin said that Pastor Taylor informed him of the complaint but he did not mention the name of the complainant or alleged perpetrator at the time.⁶⁹ Pastor Taylor said that Mr Mudford told Pastor McMartin that the *'particular minister had behaved inappropriately 30 years before with a young boy.'*⁷⁰
45. Pastor Taylor gave evidence that Pastor McMartin suggested in the meeting on 4 November 1998 that the allegations be taken to Pastor Brian Houston, then National President of the Assemblies of God.⁷¹ When asked why she did not take the matter to Pastor Brian Houston, she said *'Because it was his father, he was loved by everybody and I only had one case that I knew about to go on.'*⁷²

⁶² Taylor T9139: 43-46 (Day 87).

⁶³ Taylor T9140: 4-6 (Day 87); Taylor T9140: 12-14 (Day 87).

⁶⁴ Ex 18-0007, 'Annexure A', ACC.0006.001.0015_R; Ex 18-0007, 'Statement of Pastor Barbara Taylor', STAT.0360.001.0001_R at [9]-[10].

⁶⁵ Ex 18-0007, 'Statement of Pastor Barbara Taylor', STAT.0360.001.0001_R at [10]; Taylor T9141: 28-41 (Day 87).

⁶⁶ Ex 18-0007, 'Statement of Pastor Barbara Taylor', STAT.0360.001.0001_R at [11].

⁶⁷ Ex 18-0007, 'Statement of Pastor Barbara Taylor', STAT.0360.001.0001_R at [11].

⁶⁸ McMartin T9414: 2-3 (Day 89).

⁶⁹ Ex 18-0011, 'Statement of Pastor John McMartin', STAT.0361.001.0001_R at [54].

⁷⁰ Taylor T9143: 8-16 (Day 87).

⁷¹ Taylor T9150: 38 – T9151: 12 (Day 87); Ex 18-0007, 'Annexure F', ACC.0010.001.0002.

⁷² Taylor T9151: 14-21 (Day 87).

46. When asked about his suggestion to take the matter to Pastor Brian Houston on 4 November 1998, Pastor McMartin stated

Yes, this was step two of the frustration, that the name of the perpetrator wasn't coming forward, so my reflection to her would have been "If you don't trust me with the name, take it to a higher level."⁷³

47. Pastor Taylor said that on 5 November 1998 Mr Mudford went to see AHA at his home, and she arrived shortly after Mr Mudford.⁷⁴ Pastor Taylor said that Mr Mudford and AHA had a '*shouting match*' and that AHA was '*very shocked*' that AHA's mother had told anyone about his allegations against Frank Houston.⁷⁵ Pastor Taylor recalled that Mr Mudford was very angry and said '*Frank needs to be dealt with and confess.*'⁷⁶ AHA stated that Mr Mudford shouted at him in a very aggressive manner and said that he had made up the story about Frank Houston.⁷⁷ AHA said that both Pastor Taylor and Mr Mudford tried to tell him that his allegations against Frank Houston were not true. However, AHA got the impression that Pastor Taylor believed his story by the end of the conversation.⁷⁸ AHA accepted that Mr Mudford's anger could have been directed towards what was done to AHA by Frank Houston.⁷⁹ Pastor Taylor had told AHA that she would speak to senior executives of the Assemblies of God on his behalf.⁸⁰
48. On 25 November 1998 Pastor Taylor contacted Frank Houston and he agreed to a meeting with AHA.⁸¹ She said she had unsuccessfully attempted to arrange such a meeting on many occasions.⁸²
49. On 26 November 1998 Pastor Taylor had a discussion with AHA who told her that he had been to see a Chamber Magistrate to find out his rights to proceed legally against Frank Houston. She told him '*if he goes to the Church I will stand by him but if he goes to the secular courts I will not.*'⁸³ Pastor Taylor explained that she took this stance because she felt the Church should

⁷³ McMartin T9416: 6-12 (Day 89).

⁷⁴ Taylor T9143: 28 – T9143: 1 (Day 87).

⁷⁵ Taylor T9144: 6-16 (Day 87).

⁷⁶ Ex 18-0007, 'Statement of Pastor Barbara Taylor', STAT.0360.001.0001_R at [12].

⁷⁷ Ex 18-0001, 'Statement of AHA', STAT.0367.001.0001_R at [14].

⁷⁸ Ex 18-0001, 'Statement of AHA', STAT.0367.001.0001_R at [15].

⁷⁹ AHA T9097: 40 – T9098: 5 (Day 86).

⁸⁰ Ex 18-0001, 'Statement of AHA', STAT.0367.001.0001_R at [15]; AHA T9074: 39-45 (Day 86).

⁸¹ Ex 18-0007, 'Annexure A', ACC.0006.001.0015_R; Taylor T9146: 3-6 (Day 87).

⁸² Taylor T9145: 28 – T9146: 10 (Day 87).

⁸³ Ex 18-0007, 'Annexure A', ACC.0006.001.0015_R.

discipline Frank Houston and stand him down immediately, and then go to the secular courts.⁸⁴

At this time, Pastor Taylor did not discuss with AHA the option of going to the police.⁸⁵

50. On 26 February 1999 Pastor Taylor wrote to Frank Houston inviting him to meet with AHA in the privacy of her office on the basis that he had told her that he was willing to talk to AHA to resolve the matter.⁸⁶ However, Pastor Taylor said no such meeting occurred.⁸⁷
51. In April 1999 Pastor Taylor made further attempts to arrange a meeting between Frank Houston and AHA by telephone and sent a facsimile to him where she said '*procrastination is not the answer.*'⁸⁸ Following receipt of the facsimile Frank Houston called her and '*was extremely angry.*'⁸⁹
52. On 2 May 1999 Pastor Taylor said that AHA had contacted her to '*say that Frank had rung him and cried on the phone in such a prolonged apology [that] it made him feel sick.*'⁹⁰ AHA told her he was convinced that the apology was not genuine.⁹¹
53. On 19 May 1999 Pastor Taylor wrote a letter to Pastor McMartin stating that

... [I]t was brought to the attention of Kevin and Deanne Mudford that a high profile figure in the Assemblies of God had been involved in a paedophile incident 30 years ago in a Sydney home.

You will remember I am sure that Kevin asked me to accompany him and ask you what he should ethically and morally do in this case. As we did not feel free to reveal the perpetrator's name you told us to do [sic] lead by the Lord in the way we handle it. You then suggested we go to Pastor Brian Houston but we said we did not feel we could do that. ...

Since that time I have written to the perpetrator to ask him to meet the victim. ... The perpetrator rang the victim this week saying he had shed "buckets of tears" and agonised for the incident. He at first tried to trivialise the incident but had admitted it on the phone. ...

[AHA] wants to put the matter on hold for the moment for he is too upset to continue with anything and he, I detected, is angry. I told him the Holy Spirit will help him forgive the perpetrator. ...

⁸⁴ Taylor T9146: 39-44 (Day 87).

⁸⁵ Taylor T9147: 8-11 (Day 87).

⁸⁶ Ex 18-0007, 'Annexure B', ACC.0006.001.0002_R.

⁸⁷ Taylor T9148: 29-32 (Day 87).

⁸⁸ Ex 18-0007, 'Annexure A', ACC.0006.001.0015_R;

⁸⁹ Ex 18-0007, 'Annexure A', ACC.0006.001.0015_R.

⁹⁰ Ex 18-0007, 'Annexure A', ACC.0006.001.0015_R.

⁹¹ Taylor T9150: 13-18 (Day 87).

I wanted you to know that we didn't just "sit" on the matter but have tried unsuccessfully to bring this matter to some sort of conclusion...⁹²

54. Pastor Taylor also sent a copy of the letter to Frank Houston.⁹³ Pastor McMartin said he could not remember receiving the letter of 19 May 1999.⁹⁴
55. Pastor Brian Houston said that in May 1999, his father 'retired' abruptly from the Senior Pastor role at Sydney Christian Life Centre, and that Pastor Brian Houston was informed he was to replace him in the role.⁹⁵ Pastor Brian Houston said that he was not told of the reason for the sudden retirement other than 'it was time,' but he did note that his father had a high level of stress at the time.⁹⁶ Pastor Brian Houston said he believes that the retirement of his father from Sydney Christian Life Centre was caused by AHA's revelations 'coming to a head.'⁹⁷
56. AHA said there were frequent phone calls between him and Frank Houston prior to receiving a letter from Pastor Taylor dated 16 September 1999.⁹⁸ AHA said that the nature of the phone calls with Frank Houston was

... he wanted to get together with me. He was very frightened with what he'd been doing to myself and to other children, and he didn't want to die and go with this in front of God to answer for it. He was very fearful.⁹⁹

57. When asked what Frank Houston said about the allegations of child sexual abuse, AHA said

He just went straight into "We've got to get together and seek compensation and I want you to forgive me, so I can stand in front of God." They seemed to be the main two things. He wasn't concerned about me personally. It just seemed to be more about himself and protecting himself, and then so if he died, he could stand in front of God and say that he was absolved of it.¹⁰⁰

58. AHA stated that he eventually agreed to meeting with Pastor Frank Houston in about early 2000. The meeting was to be at Redfern Station in Sydney. AHA attended the meeting but when he saw Pastor Frank Houston pull up in his car he walked away because AHA 'did not want to be anywhere near him.'¹⁰¹

⁹² Ex 18-0007, 'Annexure D', ACC.0006.001.0004; Ex 18-0007, 'Annexure F', ACC.0010.001.0002.

⁹³ Ex 18-0007, 'Annexure F', ACC.0010.001.0002.

⁹⁴ Ex 18-0011, Statement of John McMartin [52] STAT.0361.001.0001_R

⁹⁵ Houston T9306: 30-39 (Day 88).

⁹⁶ Houston T9307: 15 (Day 88); Houston T9308: 8-11 (Day 88).

⁹⁷ Houston T9307: 46 – T9308: 1 (Day 88).

⁹⁸ AHA T9077: 27 – T9078 : 5 (Day 86).

⁹⁹ AHA T9078: 14-17 (Day 86).

¹⁰⁰ AHA T9078: 22-28 (Day 86).

¹⁰¹ Ex 18-0001, 'Statement of AHA', STAT.0367.001.0001_R at [16].

59. AHA said that in order to facilitate payment, he had given Frank Houston his account details in one of their conversations. AHA did not recall a payment being made until after their near meeting at Redfern station¹⁰²

*The first payment I can recall was that he was – we were supposed to meet at Redfern station, as I stated in my statement. I didn't meet with him, but later on that money appeared into my account and he'd been on the phone to me after that, because he was very concerned about why we couldn't get together.*¹⁰³

60. AHA stated

*Following the near-meeting at Redfern station, Pastor Frank continued to attempt to make contact with me and my mother. When he called me, he would say words to the following effect "Look, we need to meet. I want to organise some money for you, some compensation, and get this off."*¹⁰⁴

61. AHA said that

*In a phone call to my mother, he said he would pay \$2,000 a month till the day he died. I think that was his attempt to cover his trail, in my personal belief.*¹⁰⁵

62. Pastor Taylor next had contact with Pastor McMartin when they met on 16 September 1999.¹⁰⁶ On that day she wrote to him to confirm the content of the meeting.¹⁰⁷ In the letter she wrote

I want to thank you for receiving me this morning to follow through with the matter concerning the alleged child abuse accusation by [AHA]. This incident occurred 30 years ago whilst Frank Houston was sharing his bedroom whilst here in ministry from New Zealand.

...

*Thank you for making it so clear to me that the Assemblies of God have a structure in place that can and will deal with such allegations. I will convey this to [AHA] and ask him if he wants to pursue the matter further for healing of both parties. ...*¹⁰⁸

63. Pastor McMartin said he did not receive the letter dated 16 September 1999 but accepted the meeting took place on that day.¹⁰⁹ Pastor McMartin's recollection was that Pastor Taylor named Frank Houston but not AHA.¹¹⁰ Pastor Taylor said there was no doubt that there was a meeting

¹⁰² AHA T9078: 40 - T9079: 16 (Day 86).

¹⁰³ AHA T9079: 11-16 (Day 86).

¹⁰⁴ Ex 18-0001, 'Statement of AHA', STAT.0367.001.0001_R at [19].

¹⁰⁵ AHA T9079: 24-30 (Day 86).

¹⁰⁶ McMartin T9416: 36-42 (Day 89).

¹⁰⁷ Ex 18-0007, 'Statement of Pastor Barbara Taylor', STAT.0360.001.0001_R at [20]; Taylor T9153: 32 – T9154: 17 (Day 87); Ex 18-0007, 'Annexure H', ACC.0006.001.0007_R.

¹⁰⁸ Ex 18-0007, 'Annexure H', ACC.0006.001.0007_R.

¹⁰⁹ McMartin T9416: 33 (Day 89).

¹¹⁰ McMartin T9416: 46 (Day 89).

between her and Pastor McMartin in the morning of 16 September 1999.¹¹¹ Pastor Taylor said it was her understanding at this stage that there would be a response from the Assemblies of God, including disciplinary action against Frank Houston and counselling for AHA.¹¹²

64. It is submitted that, despite Pastor McMartin's evidence that AHA was not named on 16 September 1999, on that date Pastor McMartin was notified by Pastor Taylor that AHA alleged Frank Houston had sexually abused him as a child.

65. On 16 September 1999, Pastor Taylor also wrote to AHA stating, amongst other things

Pastor John McMartin has told me that the Assemblies of God have a structure in place that can and will deal with such matters if they have [a] written accusation with time and place.

...

*The secular courts is not the way, I believe to go but to the Church where I believe you will receive a fair hearing. I will stand with you [AHA] for I believe you.*¹¹³

66. Pastor McMartin said that when he received information about the identity of the perpetrator he spoke with Pastor Taylor and said he needed a written complaint to take the matter further.¹¹⁴ He did not attempt to write to the complainant and did not commence the process under the Administration Manual because he had not received a written complaint.¹¹⁵

Abuse reported to National Executive and Pastor Brian Houston

67. In late October 1999, Mr Mudford told the then Business Manager of the Hills Christian Life Centre, George Aghajanian, of AHA's allegation that Frank Houston had sexually abused him as a child.¹¹⁶ Mr Aghajanian said that Mr Mudford told him, '*no one was doing anything about it and ... there was a cover up.*'¹¹⁷

68. That same day, Mr Aghajanian spoke with Pastor Brian Houston and informed him about the phone call from Mr Mudford.¹¹⁸ Pastor Brian Houston said this was the first time he had been made aware of the allegation¹¹⁹ and that he had not had a conversation with Pastor McMartin prior to this time about the allegation.¹²⁰ He gave evidence to the Royal Commission that the

¹¹¹ Taylor T9154: 15-17 (Day 87).

¹¹² Taylor T9156: 1-19 (Day 87).

¹¹³ Ex 18-0007, 'Annexure G', ACC.0006.001.0006_R.

¹¹⁴ McMartin T9417: 11-17 (Day 89).

¹¹⁵ McMartin T9417: 29-32, 9419: 14-17 (Day 89).

¹¹⁶ Ex 18-0012, 'Statement of George Aghajanian', STAT.0359.001.0001_R at [7].

¹¹⁷ Ex 18-0012, 'Statement of George Aghajanian', STAT.0359.001.0001_R at [7].

¹¹⁸ Ex 18-0009, 'Statement of Pastor Houston', STAT.0361.001.0001_R at [24] and [25]; Houston T9313: 43 (Day 88).

¹¹⁹ Houston T9312: 42-46 (Day 88).

¹²⁰ Houston T9311: 31-41 (Day 88).

allegation against his father was of child molestation in Sydney¹²¹ and Pastor Brian Houston had no doubt that it was criminal conduct.¹²² Later he received more details from Mr Mudford and worked out the identity of the victim.¹²³ At that stage he said that he had some doubt in his mind about the truth of the allegations and *'didn't have any facts established.'*¹²⁴ He spoke with AHA's mother about the allegations but not with AHA himself because he had been told of *'his brittle condition.'*¹²⁵ The allegations against Frank Houston were not reported to the police at this stage (or later).

69. When Pastor Brian Houston was asked whether he thought that this was the time to refer his father to the police, he said

*No. ... Because [AHA] was 35, 36 years of age and I genuinely believed that it was his prerogative to do that. And I most certainly never, ever did, or tried to, suggest that nobody should go to the police. I knew, for the five years my father was still alive, there was every possibility that he would be charged.*¹²⁶

70. Pastor McMartin said that as soon as he was told that the victim was AHA and the perpetrator was Frank Houston, he contacted Pastor Alcorn for advice because Pastor Alcorn was on the National Executive.¹²⁷ Pastor McMartin believed this conversation occurred at the end of October 1999.¹²⁸ He and Pastor Alcorn discussed the matter and Pastor Alcorn decided that Pastor Brian Houston needed to be advised of the allegation. Pastor McMartin understood that the decision to refer the matter to Pastor Brian Houston was made because Frank Houston was a high profile minister.¹²⁹ Pastor McMartin said there were delays caused by Pastor Brian Houston's availability but he spoke with him about the allegations within two weeks of the conversation with Pastor Alcorn.¹³⁰
71. Pastor McMartin said that when he told Pastor Brian Houston, he was in shock and asked Pastor McMartin, *'How do you know if it's true?'* to which Pastor McMartin replied, *'I don't - but it needs to be investigated.'*¹³¹ Pastor McMartin gave evidence that he did not make any

¹²¹ Houston T9315: 7-18 (Day 88).

¹²² Houston T9315: 36-37 (Day 88).

¹²³ Houston T9315: 21-28 (Day 88).

¹²⁴ Houston T9319: 14-18 (Day 88).

¹²⁵ Houston T9320: 5-12 (Day 88).

¹²⁶ Houston T9327: 39 - T9328: 2 (Day 88).

¹²⁷ Ex 18-0011, 'Statement of Pastor John McMartin', STAT.0361.001.0001_R at [54].

¹²⁸ McMartin T9421: 24-25 (Day 89).

¹²⁹ Ex 18-0011, 'Statement of Pastor John McMartin', STAT.0361.001.0001_R at [55].

¹³⁰ Ex 18-0011, 'Statement of Pastor John McMartin', STAT.0361.001.0001_R at [56]; McMartin T9421: 26-27

¹³¹ Ex 18-0011, 'Statement of Pastor John McMartin', STAT.0361.001.0001_R at [57].

- suggestion to Pastor Brian Houston about the process to undertake the investigation, and that he thought that the National Executive would do its own investigation.¹³²
72. When asked why people were not appointed from the State Executive to interview Frank Houston about the allegations, Pastor McMartin said he thought that was a *'good point'* but said the State Executive were waiting for a written complaint.¹³³
73. Pastor Brian Houston determined that he would confront Frank Houston with the allegations when Frank Houston returned from overseas.¹³⁴ He said that Frank Houston came to see him in mid-November 1999 after his return. Pastor Brian Houston confronted him and Frank Houston accepted that, *'Yes these things did happen.'*¹³⁵ Pastor Brian Houston said that *'he confessed, essentially, to fondling genitals'*¹³⁶ and *'he told me it was a one-off occasion.'*¹³⁷ Frank Houston also told Pastor Brian Houston in that conversation that he met AHA at Redfern Railway Station and paid him \$2,000.¹³⁸
74. AHA thought that the payment of \$2,000 occurred in 2000.¹³⁹ However, it is submitted that because Frank Houston mentioned both the meeting at Redfern and the payment to his son at the time he was confronted about the allegations, it is more likely that the payment occurred in 1999.
75. AHA said that at the time his attitude was that he was prepared to reveal that the abuse had occurred but he didn't want the allegations made public: *'To me, it was a hideous secret and I just didn't want to have it exposed.'*¹⁴⁰
76. On 25 November 1999 Pastor Taylor spoke with AHA about the allegations against Frank Houston. In a contemporaneous file note she recorded that AHA was *'weighing up whether to go to the secular courts for compensation'* and *'he has been to a Chamber Magistrate who said charge him immediately.'*¹⁴¹ AHA is also recorded as saying, *'it is of no benefit to go to the Church'* and *'the Church wouldn't do anything about it anyhow.'*¹⁴²

¹³² McMartin T9423: 18-39 (Day 89).

¹³³ McMartin T9420: 41-46. (Day 89).

¹³⁴ Houston T9314: 35-38 (Day 88).

¹³⁵ Houston T9325: 47 - T9326: 6 (Day 88).

¹³⁶ Houston T9326: 11 (Day 88).

¹³⁷ Houston T9326: 15 (Day 88).

¹³⁸ Ex 18-0009, 'Statement of Pastor Houston', STAT.0361.001.0001_R at [32].

¹³⁹ Ex 18-0001, 'Statement of AHA', STAT.0367.001.0001_R at [18].

¹⁴⁰ AHA T9099: 34-44 (Day 86).

¹⁴¹ Ex 18-0007, 'Annexure J', ACC.0006.001.0009_R.

¹⁴² Ex 18-0007, 'Annexure J', ACC.0006.001.0009_R.

77. On 28 November 1999, Pastor Taylor met with Pastors Brian Houston and McMartin. She recorded the following after the meeting

1. Frank Houston had confessed to a lesser incident than the truthful one but it was further than I had been able to get.
2. Frank said it was a "one of" [sic] incident. (which I did not and do not believe)
3. Pastor said he and his family were in shock and that his father would be stood down from preaching. They would do it wisely.
4. I said that [AHA] should receive counselling organised and paid for by the Assemblies of God.
5. I said there was a possibility that [AHA] would go to court. I had told [AHA] that I would not stand with him in court unless the Church refused to deal with the matter.
6. Pastor said he had spoken to a barrister who had told him that if it goes to court his father would surely be incarcerated for the crime.¹⁴³

78. Both Pastors Brian Houston and McMartin accepted they were at the meeting on 28 November 1999.¹⁴⁴

79. Pastor McMartin recalled that at the meeting

*[We were] trying to ascertain the facts of the matter, as we were unsure of the legitimacy of the allegation. This doubt arose from the fact that the victim [AHA] wished to remain anonymous, even though he was making the accusation.*¹⁴⁵

80. When asked to clarify the term 'legitimacy of the allegation' Pastor McMartin said

*Again, we go back to our protocol, and our system is 'written time and place, where the incident took place.' So that's what we were looking for.*¹⁴⁶

81. Pastor McMartin said this meeting was the end of his involvement in the matter.¹⁴⁷

82. Pastor Taylor said that the 'lesser incident' she was told about in the meeting was 'that [AHA], as a little boy, had just walked through the room without his clothes on'¹⁴⁸ and that Pastor Brian Houston had told her that Frank Houston had confessed, and he said that it was a one-off incident.¹⁴⁹ Pastor Brian Houston's evidence was that Frank Houston had confessed to a one-off incident but the assertion that there had been a naked boy walking across a room was

¹⁴³ Ex 18-0007, 'Annexure K', ACC.0006.001.0010_R.

¹⁴⁴ Houston T9329: 2-6 (Day 88); McMartin T9424: 1-3 (Day 89).

¹⁴⁵ Ex 18-0011, 'Statement of Pastor John McMartin', STAT.0361.001.0001_R at [56].

¹⁴⁶ McMartin T9425: 24-28 (Day 89).

¹⁴⁷ McMartin T9425: 38-40 (Day 89).

¹⁴⁸ Taylor T9159: 6-8 (Day 87).

¹⁴⁹ Taylor T9159: 14-2 (Day 87).

'absolute nonsense', and he had not heard it before Pastor Taylor gave oral evidence to the Royal Commission.¹⁵⁰

83. Asked about whether Frank Houston had been suspended by 28 November 1999 Pastor Brian Houston said

I suspended him, if you remember, on the initial meeting I had with him. I suspended him and started the process of taking it to the national executive. ... Frank was an ordained Assemblies of God pastor; he was a former pastor of Sydney Christian Life Centre; he was now an itinerant pastor attached to Sydney Christian Life Centre, and I saw my main responsibility, in terms of Frank, as addressing that, and, in my mind, he would never preach again, and he never did.¹⁵¹

84. Pastor Brian Houston also accepted that by the meeting on 28 November 1999, he had been to see a lawyer at law firm Mallesons about the issue and that the reference to advice from a barrister was likely to be a reference to that advice.¹⁵² He said, 'I was well aware that ... if [my father] was charged, there was every chance he would end up in prison.'¹⁵³
85. On 29 November 1999 Pastor Taylor wrote to Pastor Brian Houston saying she was 'overwhelmed' that he wanted to 'do right' and 'be seen to be doing right' concerning the incident.¹⁵⁴ She had spoken to AHA about the meeting the day before and said that AHA was 'in absolute shock that [Frank Houston] had actually not denied the incident.'¹⁵⁵ On 30 November and 1 December 1999 Pastor Taylor knew that AHA was trying to contact Pastor Brian Houston and communicated this to Pastor McMartin.¹⁵⁶
86. Pastor Taylor recorded in a further file note on 21 December 1999 that she was aware that Frank Houston had preached in Canberra on 4 and 5 December 1999.¹⁵⁷ She also recorded an account of a telephone conversation between AHA and Pastor Brian Houston. AHA told her that in the conversation Brain Houston had been 'defensive of his father' and that no counselling had been offered.¹⁵⁸ Pastor Brian Houston denied he was defensive of his father.¹⁵⁹

¹⁵⁰ Houston T9326: 17-20 (Day 88); Houston T9326: 28-32 (Day 88).

¹⁵¹ Houston T9329: 33-43 (Day 88).

¹⁵² Houston T9331: 43 - T9332: 6 (Day 88).

¹⁵³ Houston T9332: 16-18 (Day 88).

¹⁵⁴ Ex 18-0007, 'Annexure L', ACC.0006.001.0011_R.

¹⁵⁵ Ex 18-0007, 'Annexure L', ACC.0006.001.0011_R.

¹⁵⁶ Ex 18-0007, 'Annexure L', ACC.0006.001.0011_R.

¹⁵⁷ Ex 18-0007, 'Annexure M', ACC.0006.001.0012_R.

¹⁵⁸ Ex 18-0007, 'Annexure M', ACC.0006.001.0012_R.

¹⁵⁹ Houston T9341: 14-20 (Day 88).

87. Pastor Brian Houston said that sometime in the weeks immediately after AHA's allegations came to light he called AHA:

I made the call as much because the abuse suffered by [AHA] was committed by my father as I did because I was President of the Australian Assemblies of God. At the time I estimated that [AHA] was probably about thirty-five to forty years of age. I was compassionate and genuinely heartbroken regarding my father's conduct and the suffering experienced by [AHA]. During this phone call [AHA] did not give particulars of the abuse except to suggest that "whatever Frank had told me had happened, it was probably worse." [AHA] said "no matter what Frank's version is it was bad." [AHA] said "I don't want to go public about the abuse or go to the Police."¹⁶⁰

88. Pastor Taylor had suggested at the meeting on 28 November 1999 that AHA be offered counselling paid for by the Assemblies of God. AHA said, however, that he was never offered counselling.¹⁶¹ Pastor Brian Houston agreed that AHA had not received counselling by 28 November 1999¹⁶² but said he did later offer counselling in a phone call with AHA

I offered [AHA] the opportunity to get counselling and asked how else I could help him. He said "I just want to be believed, for you to know it was bad and that is the end of it as far as I am concerned. I don't want my identity to become public."¹⁶³

89. As mentioned, on 28 November 1999 Pastor Taylor recorded the suspension of Frank Houston as being 'prospective'. On 21 December 1999 she recorded that she had been told that Frank Houston had preached on 4 and 5 December 1999. There was no written documentation evidencing the suspension by Pastor Brian Houston prior to the National Executive meeting on 22 December 1999. Accordingly, it is submitted that Pastor Brian Houston did not immediately suspend his father's Ordained Minister's Certificate on hearing his father's confession to child sexual abuse but did so between 5 and 22 December 1999.
90. Although Pastor Brian Houston said he may have taken notes at the time,¹⁶⁴ there was no formal record of Frank Houston's admission. Further, neither Pastor Brian Houston nor the other members of the National or New South Wales State Executive of the Assemblies of God wrote to AHA to inform him of the disciplinary process to be followed under the Administration Manual.
91. The then National Secretary of Assemblies of God, Pastor Keith Ainge, was asked about whether the 'Complaint Procedure' under the Administration Manual had been followed in AHA's case.

¹⁶⁰ Ex 18-0009, 'Statement of Pastor Houston', STAT.0361.001.0001_R at [38].

¹⁶¹ AHA T9072: 30-32 (Day 86).

¹⁶² Houston T9330: 22-27 (Day 88).

¹⁶³ Houston T9340: 17-19 (Day 88).

¹⁶⁴ Houston T9317: 40-44 (Day 88).

He accepted that by 22 December 1999 no *'independent contact person'* had been appointed to contact the complainant, the complainant had not been interviewed by the State or National Executive and the perpetrator had also not been interviewed.¹⁶⁵ It is submitted that notwithstanding the fact that AHA had not provided a written complaint, the Assemblies of God had, through Pastor Brian Houston, commenced a disciplinary process including ascertaining the allegations, interviewing the alleged perpetrator and suspending him from ministry.

92. On the basis of the evidence set out above it is further submitted that the following breaches of the Assemblies of God Administration Manual occurred
- a. The Assemblies of God did not provide AHA with a contact person, contrary to clause 1 of the Complaint Procedure
 - b. The Assemblies of God did not conduct a *'full interview'* with AHA to *'completely document'* his allegations, contrary to clause 2(a) of the Complaint Procedure, and
 - c. Pastor Brian Houston and not the National Executive interviewed the accused minister, contrary to clause 2(b) of the Complaint Procedure.
93. In the period 1969-1970 s. 81 of the *Crimes Act 1900* (NSW) (Crimes Act), made indecent assault upon a male a criminal offence punishable by five years imprisonment. In 1999, s. 316(1) of the Crimes Act was in the following terms
- (1) If a person has committed a serious offence and another person who knows or believes that the offence has been committed and that he or she has information which might be of material assistance in securing the apprehension of the offender or the prosecution or conviction of the offender for it fails without reasonable excuse to bring that information to the attention of a member of the Police Force or other appropriate authority, that other person is liable to imprisonment for 2 years.*
94. Pastor Brian Houston gave evidence that in November 1999 Frank Houston told him that he had *'fondled'* the genitals of a child.¹⁶⁶ The indecent assault of a child contrary to s. 81 of the Crimes Act was in 1999 a *'serious offence'* as defined in s. 311 of the Crimes Act. Frank Houston's admission to the criminal offence was information which might be of material assistance in ensuring a conviction against Frank Houston and that information was not passed to the New South Wales Police by Pastor Brian Houston. As that information may relate to contravention of a law of New South Wales it is submitted it is appropriate to refer Pastor Brian Houston's conduct to the New South Wales Police Commissioner pursuant to s. 6P(1) of the *Royal Commissions Act 1902* (Cth) for further investigation.

¹⁶⁵ Ainge T9264: 20-25, 30-33, 42-44 (Day 88).

¹⁶⁶ Houston T9326: 11 (Day 88)

5. Brian Houston Reports to the National Executive

95. On 22 December 1999, a Special Executive Meeting of the Assemblies of God was convened at the Qantas Club at Sydney Airport¹⁶⁷ at the request of the National President, Pastor Brian Houston.¹⁶⁸ Vice-President Pastor John Lewis, Pastor Ainge, Pastor Alcorn and five others attended the meeting.¹⁶⁹ Minutes were recorded by Pastor Ainge.¹⁷⁰
96. Pastor Brian Houston chaired the meeting and advised that he had convened the special meeting of the National Executive to consider the allegations against his father.¹⁷¹ Pastor Brian Houston provided a report in relation to the allegations of child sexual abuse against his father.¹⁷² He accepted he was asked to stand down from the chair because of the conflict.¹⁷³ He remained in the room for the entirety of the meeting¹⁷⁴ but, according to Pastor Ainge, did not participate in any of the decision making.¹⁷⁵ Pastor Brian Houston said that he could not chair the meeting because he was *'a mess'* after he had told the National Executive AHA's story¹⁷⁶ and was experiencing *'extreme trauma.'*¹⁷⁷ In relation to remaining in the room he said, *'I think I was a passenger, but I was there.'*¹⁷⁸
97. Pastor Ainge said this was the first time he became aware of the allegations.¹⁷⁹ Pastor Ainge said that Pastor Brian Houston was the sole conduit for information about the allegations at the meeting.¹⁸⁰ He also accepted that it was a failure in his minute taking that he did not record that Pastor Brian Houston stood aside from the chair.¹⁸¹
98. Pastor Brian Houston told the meeting that his father had confessed to a single act of sexual abuse of a child 30 years ago.¹⁸² He did not tell the meeting AHA's name because he said he

¹⁶⁷ Ex 18-0008, 'Annexure KA-1', STAT.0348.001.0011 at 0011.

¹⁶⁸ Ex 18-0008, 'Statement of Pastor Ainge', STAT.0348.001.0001_R at [9]; Houston T9343: 4-5 (Day 88).

¹⁶⁹ Ex 18-0008, 'Annexure KA-1', STAT.0348.001.0011 at 0011.

¹⁷⁰ Ainge T9236: 33 (Day 87).

¹⁷¹ Houston T9343: 4-5, 33-39 (Day 88).

¹⁷² Ainge T9237: 17-21 (Day 87).

¹⁷³ Houston T9350: 15-20 (Day 88).

¹⁷⁴ Ainge T9237: 27-28 (Day 87).

¹⁷⁵ Ex 18-0008, 'Statement of Pastor Ainge', STAT.0348.001.0001_R at [10].

¹⁷⁶ Houston T9343: 37-39 (Day 88).

¹⁷⁷ Houston T9350: 20 (Day 88).

¹⁷⁸ Houston T9343: 43 (Day 88).

¹⁷⁹ Ex 18-0008, 'Statement of Pastor Ainge', STAT.0348.001.0001_R at [9]; Ainge T9235: 34-35 (Day 87).

¹⁸⁰ Ainge T9264: 6-9, 15-18 (Day 88).

¹⁸¹ Ainge T9265: 45-9266: 4 (Day 88).

¹⁸² Ex 18-0008, 'Statement of Pastor Ainge', STAT.0348.001.0001_R at [10].

- thought he was looking after the best interests of AHA.¹⁸³ He said that the complainant did not wish to make a formal complaint.¹⁸⁴ It was noted that Pastor Brian Houston had already suspended the credential of his father and this was endorsed by the meeting.¹⁸⁵ Pastor Ainge, confirmed that the allegations and admission were so serious that it was important for the National Executive to deal with the matter even though it did not have a formal complaint.¹⁸⁶
99. The minutes record that Frank Houston be invited to enter the *'Assemblies of God restoration program'* and be placed under the supervision of the New South Wales Superintendent, Ian Woods.¹⁸⁷ He was also to refrain from *'public ministry'* for 12 months and would *'not receive his credential'* until the New South Wales Superintendent recommended restoration, which could occur only after 2 years.¹⁸⁸ Pastor Ainge said this meant there could be a 12 month period where Frank Houston could minister in public but not as a credentialed minister of the Assemblies of God.¹⁸⁹
100. The National Executive gave Pastor Brian Houston the task of conveying the decisions to Frank Houston.¹⁹⁰ It was also agreed that Pastor Brian Houston meet with the complainant to explain the discipline and restoration process, to tell him that his identity had been kept confidential and to offer counselling.¹⁹¹
101. The National Executive also determined not to notify the Assemblies of God movement of the disciplinary action *'in the interest of the complainant'* and in line with the *'restoration policy.'*¹⁹² In the minutes recorded by Pastor Ainge, and all ten items were agreed by consensus (without a vote).¹⁹³
102. Pastor Ainge accepted that the National Conference of the Assemblies of God had determined in May 1999 that there was to be no rehabilitation in the case of a minister who committed an act of paedophilia.¹⁹⁴ When asked why, given the policy, the meeting had considered the rehabilitation of Frank Houston at all, Pastor Ainge said *'I wish I could answer that question.'*¹⁹⁵

¹⁸³ Houston T9344: 1-4 (Day 88).

¹⁸⁴ Ex 18-0008, 'Statement of Pastor Ainge', STAT.0348.001.0001_R at [11].

¹⁸⁵ Ex 18-0008, 'Annexure KA-1', STAT.0348.001.0011 at 0011, [3].

¹⁸⁶ Ainge T9247: 7-12 (Day 87).

¹⁸⁷ Ex 18-0008, 'Annexure KA-1', STAT.0348.001.0011 at 0011, [4].

¹⁸⁸ Ex 18-0008, 'Annexure KA-1', STAT.0348.001.0011 at 0011, [4]; Ainge T9242: 17-40 (Day 87).

¹⁸⁹ Ainge T9243: 4-10 (Day 87).

¹⁹⁰ Ex 18-0008, 'Annexure KA-1', STAT.0348.001.0011 at 0011, [6].

¹⁹¹ Ex 18-0008, 'Annexure KA-1', STAT.0348.001.0011 at 0011, [6].

¹⁹² Ex 18-0008, 'Annexure KA-1', STAT.0348.001.0011 at 0011, [5].

¹⁹³ Ainge T9238: 1-3 (Day 87).

¹⁹⁴ Ainge T9257: 34-43 (Day 88).

¹⁹⁵ Ainge T9269: 32-38 (Day 88).

He agreed the decision to permit rehabilitation was a breach of the policy adopted in May 1999.¹⁹⁶

103. Pastor Ainge also agreed that Pastor Brian Houston was a prominent Pastor with the Assemblies of God at the time, he had a very successful church with a growing congregation, a presence on television, he was well known in Australia and had the largest congregation within the Assemblies of God at that time.¹⁹⁷ He said, *'the pressure ... came as a result of the fact that Frank Houston was a well known, respected and appreciated member of the Assemblies of God movement'* and he was a founding member of the Church.¹⁹⁸ Pastor Brian Houston denied that he intended to have the National Executive act contrary to its policy.¹⁹⁹
104. Pastor Ainge said that the National Executive was *'not happy'* to have Pastor Brian Houston take on the roles of communicating with the complainant and his father but *'we had no access to [the complainant].'*²⁰⁰ He agreed that no independent contact person was appointed at that point.²⁰¹ He also agreed that the whole matter should have been taken out of Pastor Brian Houston's hands and passed on to an independent person.²⁰² Pastor Ainge agreed that the Administration Manual provided for such a process.²⁰³
105. Pastor Ainge agreed that Pastor Brian Houston had a conflict of interest at the meeting because the allegations were against his father.²⁰⁴ However, notwithstanding the conflict, the National Executive relied on advice from Pastor Brian Houston that the complainant did not want to go to the police.²⁰⁵
106. Pastor Ainge said that there was discussion at the meeting about whether the National Executive was required to compulsorily report the offence to police.²⁰⁶ In relation to the note in the minutes that *'legal advice has been obtained as to our obligations in this matter'*, Pastor Ainge agreed that the advice related to the matter being taken to the police²⁰⁷ and said

My recollection is that the advice was that if the complainant was of age - and we're talking someone who was over the age of 30 - and did not wish us to go to the

¹⁹⁶ Ainge T9270: 2 (Day 88).

¹⁹⁷ Ainge T9267: 15-35 (Day 88).

¹⁹⁸ Ainge T9267: 43-T9268: 9 (Day 88).

¹⁹⁹ Houston T9349: 32-42 (Day 88).

²⁰⁰ Ainge T9272: 17-20 (Day 88).

²⁰¹ Ainge T9272: 33-42 (Day 88).

²⁰² Ainge T9272: 44-9273: 3 (Day 88).

²⁰³ Ainge T9273: 5-9 (Day 88).

²⁰⁴ Ainge T9275: 1-14 (Day 88).

²⁰⁵ Ainge T9275: 16-19 (Day 88).

²⁰⁶ Ex 18-0008, 'Statement of Pastor Ainge', STAT.0348.001.0001_R at [14]; Ainge T9246: 26-29 (Day 87).

²⁰⁷ Ainge T9246: 21-24 (Day 87).

*police and report the matter, then we were not legally required to do it because he had the ability to do it himself.*²⁰⁸

107. Pastor Ainge said that there was no discussion of payment of money by Frank Houston or Pastor Brian Houston to the complainant at the Special Executive Meeting of 22 December 1999, and that he would have noted it if there was.²⁰⁹
108. Pastor Brian Houston accepted that he had responsibility for a number of interests including being the National President of the Assemblies of God, the leader of Hills Christian Life Centre and his father's son.²¹⁰ However, he did not think at the time, that he had a conflict of interest²¹¹ and said this did not '*cross my mind*' at the time.²¹²
109. Pastor Brian Houston denied that there was a potential or actual conflict of interest between those roles²¹³ and said

*For a start, I don't feel I ever thought, from now on, that I could defend my father or my father's actions, so I don't feel like I was defending my father. On the Assemblies of God side, I did feel like it was my role to inform others and start the processes and get other people involved in what needs to happen, what needs to come.*²¹⁴

...

*Internally, definitely I was conflicted, so I don't doubt that at all, if you're talking about my own, you know, coming to grips emotionally with what my father did. But if you're talking about defending my father, I don't - what he did was undefendable, and so I don't feel like that was a consideration at all.*²¹⁵

110. When asked about whether the payment of money to AHA was mentioned at the meeting, Pastor Brian Houston was '*not so sure that it wasn't mentioned*' but couldn't say '*absolutely that it was.*'²¹⁶ The payment of money to the complainant is not recorded in the minutes of the meeting.
111. According to the United Constitution, the Churches affiliated to the Assemblies of God are '*in voluntary co-operation*' together for '*aggressive evangelism, unity, fellowship, order, discipline ...*'²¹⁷ Article 3(a) lists '*the order of government and discipline obtaining to the Church*' as one of its objectives. The National By-Laws state that the powers and duties of the National Executive

²⁰⁸ Ainge T9245: 42 – T9246: 3 (Day 87).

²⁰⁹ Ainge T9277: 34-41 (Day 88).

²¹⁰ Houston T9321: 39-T9322: 9 (Day 88).

²¹¹ Houston T9322: 21, T9351: 32-41 (Day 88).

²¹² Houston T9324: 4 (Day 88).

²¹³ Houston T9321: 39 – T9322: 21 (Day 88).

²¹⁴ Houston T9323: 8-13 (Day 88).

²¹⁵ Houston T9323: 29-34 (Day 88).

²¹⁶ Houston T9346: 29-34 (Day 88).

²¹⁷ Ex 18-0004 (POL TB Tab 50) ACC.0004.001.0002 at 0008.

*'shall be to do all those acts and things which, in its opinion, are necessary and beneficial to further the aims of the Assemblies of God Australia.'*²¹⁸ The National President stands at the apex of both the National Conference and the National Executive and is charged with *'oversight of the work of the movement on behalf of the National Executive'* and to *'carry out any other duties usual and customary as presiding officer.'*²¹⁹

112. It is submitted that the President is responsible for pursuing the aims of the Assemblies of God which include upholding the policies and procedures governing discipline of its ministers. The affiliated churches have an interest in seeing ministers appropriately disciplined to ensure that they do not engage in improper conduct and the movement is not undermined.
113. It is submitted that Pastor Brian Houston had a conflict of interest in dealing with the allegations against his father, including his presence at the meeting of the National Executive on 22 December 1999 and in implementing the decision of the National Executive. It is submitted the conflict of interest was not removed by him stepping down from the chair. He remained in the room, and was able to exert indirect pressure on individuals, such as the National Secretary, because of his prominent position in the Assemblies of God.²²⁰ It is submitted that in 1999 the National Executive of the Assemblies of God set aside its own policy for handling allegations against ministers, and Pastor Brian Houston's conflict of interest, in order to permit Pastor Brian Houston to handle the allegations of child sexual abuse against his father.
114. It is further submitted that the National Executive acted contrary to its own policy in permitting Frank Houston to apply for restoration of his credential as a minister of the Assemblies of God when he had admitted sexually abusing a child.

Further Contact with AHA

115. After the National Executive meeting of 22 December 1999, AHA did not receive any formal notification of the suspension of Frank Houston or of the offer of rehabilitation, nor was Frank Houston referred to the State or National Executive.²²¹ The Assemblies of God did not write to AHA to offer him support or sympathy, or to offer an apology for the abuse which one of its ministers had admitted doing to him. There was no written offer of counselling given to him by the Assemblies of God.²²²

²¹⁸ Ex 18-0004 (POL TB Tab 50) ACC.0004.001.0002 at 0026.

²¹⁹ Ex 18-0004 (POL TB Tab 50) ACC.0004.001.0002 at 0028-0029.

²²⁰ Ainge T9267: 43-T9268: 9 (Day 88).

²²¹ AHA T9081: 4-17, T9082: 39-45, T9083: 36 (Day 86).

²²² Ex 18-0001 Statement of AHA [17]. Pastor Brian Houston said this was offered verbally the next day.

116. Pastor Ainge said NSW State President, Ian Woods, told him that *'Frank was actually attending Ian's church at that time. ... Ian was dealing with him, counselling with him and working with him in relation to [restoration].'*²²³ *... As far as [Frank Houston] was concerned, his ministry was over; it was all finished.'*²²⁴
117. AHA said that on or about late 2000, AHA had a meeting with Frank Houston and another man at Thornleigh McDonalds, close to the premises of Hills Christian Life Centre.²²⁵ AHA accepted that the meeting occurred after he received Pastor Taylor's letter of 16 September 1999, but he could not be more accurate.²²⁶ At the meeting Frank Houston offered AHA \$10,000 and said, *'I want your forgiveness for this. I don't want to die and have to face God with this on my head.'*²²⁷
118. AHA said he was then passed a soiled napkin by the third man to sign who said, *'You put your signature there and I'll give you the \$10,000.'*²²⁸ He said Frank Houston said, *'Just do it and say you forgive me, and that'll be it.'* After AHA signed the napkin he was told that a cheque would be sent to him and to contact Pastor Brian Houston if there was any problem.²²⁹ He said he did not sign a *'typed document.'*²³⁰
119. Pastor Brian Houston said he knew his father had gone to the meeting with AHA with a friend, Nabi Saleh, an elder of Hillsong Church.²³¹ He said that Mr Saleh told him that he had something to eat and it was possible that he had asked AHA to sign a napkin.²³² Pastor Houston said he recalled a document which was not formal but was shown to him by his father prior to the meeting.²³³ He thought it concerned something about *'we agree this amount of money is final.'* The document was not signed when AHA saw it.²³⁴ He checked to see whether it said anything about *'keeping [AHA] quiet'* and it did not.²³⁵ It is submitted that the evidence of AHA in relation to what he signed is to be preferred.

²²³ Ainge T9277: 18-25 (Day 88).

²²⁴ Ainge T9301: 14-18 (Day 88).

²²⁵ Ex 18-0001, 'Statement of AHA', STAT.0367.001.0001_R at [20].

²²⁶ AHA T9089: 45-46 (Day 86).

²²⁷ Ex 18-0001, 'Statement of AHA', STAT.0367.001.0001_R at [20].

²²⁸ Ex 18-0001, 'Statement of AHA', STAT.0367.001.0001_R at [20].

²²⁹ Ex 18-0001, 'Statement of AHA', STAT.0367.001.0001_R at [20].

²³⁰ AHA T9080: 4-6 (Day 86)

²³¹ Houston T9333: 32-37 (Day 88).

²³² Houston T9334: 11-13, 19-30 (Day 88).

²³³ Houston T9334: 34-39 (Day 88).

²³⁴ Houston T9335: 34-36 (Day 88).

²³⁵ Houston T9336: 18-21 (Day 88).

120. In Pastor Taylor's file note of 19 July 2000 there is reference to a meeting between AHA, Frank Houston and an elder.²³⁶ As this is the first written reference to such a meeting it is submitted that it is more likely that the meeting at Thornleigh occurred between 22 December 1999 and 19 July 2000.
121. AHA said that when he had not received the \$10,000 as agreed, he contacted Pastor Brian Houston directly by telephone as suggested by Frank Houston at the meeting at Thornleigh.²³⁷ AHA said that Pastor Brian Houston said to him, 'Yes, OK, I'll get the money to you. There's no problem. ... You know, it's your fault all of this happened. You tempted my father.' AHA said that during the phone call he was not offered counselling by Pastor Brian Houston,²³⁸ but he was told about the suspension of Frank Houston.²³⁹ AHA said that the telephone conversation between them was in 'late 2000' although he agreed that may not be the exact date.²⁴⁰
122. Pastor Brian Houston thought that his phone call with AHA where payment of the money was discussed was immediately after the meeting of the National Executive on 22 December 1999.²⁴¹ He said this was the occasion when AHA told him he did not wish to go to the police.²⁴² Pastor Brian Houston said during that call he did offer counselling to AHA.²⁴³ He also said that his father had not blamed AHA for the sexual abuse.²⁴⁴
123. Both AHA and Pastor Brian Houston said they only spoke on one occasion, although AHA accepted that he could not recall whether there were others.²⁴⁵ It is submitted that it is more likely that there was one phone call prior to the 22 December 1999 meeting and another after the meeting.
124. When asked why it was the case that there was no record of the National Executive being informed of the payment to AHA, Pastor Brian Houston said

*... the payment of money to [AHA] had nothing to do with the national executive, because I was adamant that this was not about Hillsong; this was not about the Australian Assemblies of God. This payment was between Frank and [AHA].*²⁴⁶

²³⁶ Ex 18-0007, 'Annexure O' ACC.0006.001.0014_R.

²³⁷ Ex 18-0001, 'Statement of AHA', STAT.0367.001.0001_R at [21]. Houston T9337: 11-20 (Day 88).

²³⁸ AHA T9081: 41-44 (Day 86).

²³⁹ AHA T9084: 12-14 (Day 86).

²⁴⁰ AHA T9113: 36-37 (Day 86).

²⁴¹ Houston T9340: 7-10 (Day 88).

²⁴² Houston T9340: 17-20. (Day 88).

²⁴³ Houston T9341: 22-24 (Day 88).

²⁴⁴ Houston T9328: 25-30 (Day 88).

²⁴⁵ AHA T9080: 24-26, T9106: 31-33, T9110: 14-18 (Day 86).

²⁴⁶ Houston T9347: 8-12 (Day 88).

125. Pastor Ainge said he later learned of a payment to AHA from Pastor Brian Houston, in 2000,²⁴⁷ but no payment was recorded in the minutes when the National Executive met to next consider allegations against Frank Houston in November 2000 (see below).
126. AHA said that he decided to not do anything further after he received the money. He said, '*I was just going to stop at that because I was deeply ashamed and upset with what had taken place and I didn't want to have any more to do with it.*'²⁴⁸

6. Allegations from New Zealand

Response of the National Executive

127. Pastor Ainge said that AHA's allegations against Frank Houston were not further considered until November 2000 because no '*formal complaint*' was received from AHA and Frank Houston had not formally applied for acceptance into the restoration program.²⁴⁹
128. On 22 November 2000, a further Special Executive meeting of the Assemblies of God was held at Hillsong Church, Castle Hill.²⁵⁰ Pastor Brian Houston informed the meeting that he had met with a man who said he had also been sexually abused by Frank Houston in New Zealand about 33 years ago.²⁵¹ He also told the meeting that the Assemblies of God New Zealand was investigating further allegations against Frank Houston from two to five people.²⁵² Pastor Brian Houston said that Wayne Hughes, the General Superintendent of the Assemblies of God New Zealand, had informed him of the complaints.²⁵³
129. After providing the introduction at the meeting, Pastor Brian Houston left the room and the matter continued under the chairmanship of Pastor Lewis.²⁵⁴ The National Executive determined that Frank Houston would be provided with an opportunity to respond to the allegations and State Executive member Pastor Robert Fergusson was given the task of confronting Frank Houston with the accusations to ascertain whether he admitted them.²⁵⁵ Pastor Fergusson was authorised to inform Frank Houston that his credential remained

²⁴⁷ Ainge T9277: 47- T9278: 1-4 Day 88).

²⁴⁸ AHA T9080: 46-T9081: 2 (Day 86).

²⁴⁹ Ainge T9276: 18-24 (Day 88).

²⁵⁰ Ex 18-0002 (HIL TB Tab 5), ACC.001.001.0002_R at 0002_R.

²⁵¹ Ex 18-0002 (HIL TB Tab 5), ACC.001.001.0002_R at 0002_R.

²⁵² Ex 18-0002 (HIL TB Tab 5), ACC.001.001.0002_R at 0002_R.

²⁵³ Houston T9354: 24-29 (Day 88).

²⁵⁴ Ainge T9280: 20-23 (Day 88).

²⁵⁵ Ex 18-0002 (HIL TB Tab 5), ACC.001.001.0002_R at 0003_R.

withdrawn and he was not free to preach until all accusations were *'dealt with'* to the satisfaction of the National Executive.²⁵⁶

130. The meeting determined that if Frank Houston admitted to the accusations it was agreed that *'he should never have his credential reissued and he will never be allowed to preach again.'*²⁵⁷ Pastors Lewis and Ainge were asked to travel to New Zealand to explain the position to the Assemblies of God New Zealand, assess the allegations and prepare a statement for ratification by the National Executive.²⁵⁸
131. Pastors Lewis and Ainge then flew to New Zealand on or about 28 or 29 November 2000 and met with the Executive of the Assemblies of God New Zealand some days after the meeting. Pastor Hughes said that rumours had been circulating in New Zealand for at least three years in relation to Frank Houston having *'improper dealings'* with young boys over 30 years ago.²⁵⁹ Pastor Ainge had not heard of these allegations prior to the meeting with the Assemblies of God New Zealand.²⁶⁰
132. Pastor Lewis and Pastor Ainge were informed that the Assemblies of God New Zealand had found that Frank Houston had touched the genitals of six boys 30 years ago.²⁶¹ It was revealed to them that at least 50 New Zealand pastors were aware of such allegations against Frank Houston.²⁶² Pastor Brian Houston said that he had never heard any of these rumours and the first time he had any inkling of his father being a paedophile was in 1999.²⁶³
133. When Pastors Lewis and Ainge returned to Australia a meeting was arranged with Frank Houston and Pastor Fergusson. In that meeting, Pastor Lewis outlined the accusations and the course of action that had been determined by the executive. Frank Houston was asked to respond to four of the six allegations. Two specific allegations were not put to Frank Houston because the complainants did not want to reveal their identities.²⁶⁴
134. Frank Houston could not remember the first three *'incidents'* but did not deny them.²⁶⁵ He agreed there was *'a continuing problem during this period of time'* and confessed that *'an*

²⁵⁶ Ex 18-0002 (HIL TB Tab 5), ACC.001.001.0002_R at [3d].

²⁵⁷ Ex 18-0002 (HIL TB Tab 5), ACC.001.001.0002_R at [3f].

²⁵⁸ Ex 18-0008, 'Annexure KA-2', STAT.0348.001.0012_R; Ex 18-0008, 'Statement of Pastor Ainge', STAT.0348.001.0001_R at [3].

²⁵⁹ Ex 18-0008, 'Annexure KA-4', STAT.0348.001.0015_R at 0015_R.

²⁶⁰ Ainge T9283: 17-24 (Day 88).

²⁶¹ Ex 18-0008, 'Annexure KA-4', STAT.0348.001.0015_R at 0015_R, Ainge T9282: 18-25 (Day 88).

²⁶² Ex 18-0008, 'Annexure KA-4', STAT.0348.001.0015_R at 0015_R.

²⁶³ Houston T9359: 4-8 (Day 88).

²⁶⁴ Ainge T9285: 2-5 (Day 88).

²⁶⁵ Ex 18-0008, 'Annexure KA-4', STAT.0348.001.0015_R at 0015_R; Ainge T9285: 7-11 (Day 88).

*improper incident had taken place with the fourth complainant.*²⁶⁶ Pastor Ainge understood that the phrase *'continuing problem'* was a problem of sexual abuse of children during that time.²⁶⁷ Pastor Lewis then explained to Frank Houston that his credential could never be reissued. In response Frank Houston said that he *'has now'* retired and will not preach any more.²⁶⁸ On or about 28 November 2000, Pastors Lewis and Ainge finalised their report to the Assemblies of God Australia concerning the events in New Zealand and the interview with Frank Houston.²⁶⁹

Hills Christian Life Centre Considers 'Resignation'

135. On 29 November 2000, a meeting of Hills Christian Life Centre was held, chaired by Pastor Brian Houston, in which Frank Houston's resignation letter of 24 November 2000²⁷⁰ was tabled.²⁷¹ Pastor Brian Houston said his father was asked to leave Hillsong Church, although it was recorded as a resignation.²⁷² The meeting determined that a retirement package including financial support would be offered to Frank Houston and his wife.²⁷³
136. The minutes also record that a *'simple announcement concerning Frank's retirement'* would be made.²⁷⁴ When asked if the announcement was an attempt to avoid mention of the allegations of child sexual abuse, Pastor Brian Houston said that he thought the allegations were well known by that time.²⁷⁵
137. At the same time of completing the report on their return from New Zealand, Pastors Lewis and Ainge prepared a statement on behalf of the National Executives of the Assemblies of God in Australia and New Zealand concerning Frank Houston.²⁷⁶ The statement referred to Frank Houston's admissions of child sexual abuse as a *'serious moral failure.'*²⁷⁷ It was proposed that the statement only be used to respond to rumours if Frank Houston engaged in *'public ministry'*, or if the National Executive wished to make a public decision.²⁷⁸

²⁶⁶ Ex 18-0008, 'Annexure KA-4', STAT.0348.001.0015_R at 0015_R.

²⁶⁷ Ainge T9285: 13-19 (Day 88).

²⁶⁸ Ex 18-0008, 'Annexure KA-4', STAT.0348.001.0015_R at 0015_R.

²⁶⁹ Ex 18-0008, 'Annexure KA-4', STAT.0348.001.0015_R at 0015_R.

²⁷⁰ Ex 18-0002 (HIL TB Tab 6), HIL.0001.001.0008_R.

²⁷¹ Ex 18-0002 (HIL TB Tab 8), HIL.0001.001.0007_R.

²⁷² Houston T9361: 15-20 (Day 88).

²⁷³ Ex 18-0002 (HIL TB Tab 8), HIL.0001.001.0007_R.

²⁷⁴ Ex 18-0002 (HIL TB Tab 8), HIL.0001.001.0007_R.

²⁷⁵ Houston T9361: 41-46 (Day 88).

²⁷⁶ Ex 18-0008, 'Annexure KA-3', STAT.0348.001.0014 at 0014.

²⁷⁷ Ex 18-0008, 'Annexure KA-3', STAT.0348.001.0014 at 0014.

²⁷⁸ Ex 18-0008, 'Annexure KA-3', STAT.0348.001.0014 at 0014.

138. On 9 May 2001, Neil Hetrick, General Secretary of the Assemblies of God New Zealand wrote to Pastor Brian Houston asking whether a public announcement would be made.²⁷⁹ Pastor Brian Houston wrote on the letter '*... I was in Auckland in April – at this point we are not planning to make a public announcement over here.*'²⁸⁰
139. On 24 December 2001 Pastor Lewis authored a letter, marked '*extremely confidential*' and addressed '*To all Ordained and Probationary Ministers of the Assemblies of God in Australia.*' The letter informed the recipients that Frank Houston had admitted to a '*serious moral failure*'²⁸¹ and that Pastor Brian Houston had suspended his father's credential.²⁸² Ministers were requested not to announce the disciplinary action at their church or further afield.²⁸³
140. Pastor Ainge accepted there was no public notification by the Assemblies of God prior to the 2001 letter.²⁸⁴ Pastor Brian Houston agreed that this was the first time that the Assemblies of God wrote to ordained and probationary ministers of the Assemblies of God '*as a blanket statement to the entire nation... [B]ut before that... state superintendents, other people... churches that were close to Hillsong... were already in the loop.*'²⁸⁵
141. However, Pastor Brian Houston said that he *had* made various announcements across the 12 month period after December 1999 to the board, staff, leaders and at various public church services of Hillsong Church. He said no two announcements were exactly the same, but the recurring theme was that '*there were victims, people were badly hurt ... and more often than not that it involved minors.*'²⁸⁶ Pastor Brian Houston was asked whether he had told his congregation of the sexual allegations, and he replied that he used the words '*serious moral failing*' and indicated to them that there were '*extremely serious offences and that it involves minors.*'²⁸⁷
142. Both Pastors Ainge and Brian Houston accepted that they did not consider that other victims might come forward if they publicised Frank Houston's admissions and action taken in response.²⁸⁸

²⁷⁹ Ex 18-0002 (HIL TB Tab 10), HIL.0001.001.0016.

²⁸⁰ Ex 18-0002 (HIL TB Tab 10), HIL.0001.001.0016; Houston T9362: 41-43 (Day 88).

²⁸¹ Ex 18-0008, 'Annexure KA-5', STAT.0348.001.0018_R.

²⁸² Ex 18-0008, 'Statement of Pastor Ainge', STAT.0348.001.0001_R at [50].

²⁸³ Ex 18-0008, 'Annexure KA-5', STAT.0348.001.0018_R.

²⁸⁴ Ainge T9287: 34-37 (Day 88).

²⁸⁵ Houston T9365: 19-28 (Day 88).

²⁸⁶ Houston T9353: 19-27 (Day 88).

²⁸⁷ Houston T9353: 41-45 (Day 88).

²⁸⁸ Ainge T9287: 39-47 (Day 88), Houston T9367: 39-40 (Day 88).

143. Pastors Ainge and Brian Houston were also asked whether any risk management strategies were put in place at the Church where Frank Houston was to worship. Pastor Ainge said the Pastor of Coastlife Church in Erina, New South Wales was told about Frank Houston's discipline, probably by Pastor Lewis who was managing the process.²⁸⁹ By 2004 the Pastor at Coastlife Church was aware of his '*discipline and restoration period*' but sought clarification as to whether it was acceptable for Frank Houston to pray for someone at the altar or deliver a prophetic word.²⁹⁰

Response to New Zealand Victims

144. Pastor Brian Houston gave evidence that after he met with the first New Zealand complainant

*I took it back to the elders of the Church - the board and the elders - and we discussed it and we really basically pointed him towards the New Zealand Assemblies of God and the Lower Hutt Assemblies of God.*²⁹¹

145. When asked whether there was a role for Hillsong Church in Australia in relation to the New Zealand victims, Pastor Brian Houston said

*When these things happened, Hillsong didn't exist at all. It was long before Hillsong existed. So in that sense, I do not feel and did not feel that we have any legal responsibility. We could debate a moral responsibility, but I feel like the recourse for things that happened in New Zealand is in New Zealand.*²⁹²

146. Pastor Brian Houston later also became aware of allegations against Frank Houston of child sexual abuse of AHG in New Zealand in 1972.²⁹³ The New Zealand Assemblies of God contacted the Assemblies of God secretary with the suggestion, "[M]aybe you guys can help us on this." Pastor Brian Houston said that the Australian National Executive agreed it was a New Zealand issue²⁹⁴ and '*we didn't feel it was appropriate to do so.*'²⁹⁵
147. When asked whether he was told that AHG would have preferred to receive compensation and an apology directly from both him and his father, Pastor Brian Houston said '*I take no responsibility for that whatsoever.*'²⁹⁶

²⁸⁹ Ainge T9289: 8-19 (Day 88).

²⁹⁰ Ex 18-0002 (HIL TB Tab 19), ACC.0001.001.0025.

²⁹¹ Houston T9356: 39-42 (Day 88).

²⁹² Houston T9356: 47 – T9357: 5 (Day 88).

²⁹³ Ex 18-0002 (HIL TB Tab 17), HIL.0001.001.0054_R.

²⁹⁴ Houston T9373: 2-11 (Day 88).

²⁹⁵ Houston T9369: 20-24 (Day 88).

²⁹⁶ Houston T9369: 46 – T9370: 3 (Day 88).

148. On 10 September 2002, Pastor Brian Houston sent a letter to the Assemblies of God New Zealand stating that the correspondence he received in relation to AHG should be sent directly to Frank Houston and his wife.²⁹⁷
149. On 3 April 2003, the solicitor for the Assemblies of God New Zealand sent a letter to Frank Houston's other son, Graeme Houston, concerning the legal action by AHG. The solicitor said that AHG wished to meet with Frank Houston and/or his legal representative to receive an acknowledgement that the offence took place, obtain an apology and negotiate financial compensation.²⁹⁸ The letter sought co-operation from Frank Houston and his lawyer in order to avoid expensive legal costs and damages. Pastor Brian Houston said that the matter was being handled by his brother and not by Hillsong Church because of the '*obvious conflict*' and because he was wearing '*two hats*.'²⁹⁹
150. In 2004, after his father's death, Pastor Brian Houston answered questions from a journalist about the settlement of AHG's civil proceedings in New Zealand. He told the journalist that his father was at the time of the abuse an accredited pastor with the Assemblies of God New Zealand and a New Zealand resident. He denied any liability on behalf of his own or Hillsong Church in relation to AHG's claims, denied any involvement in the New Zealand settlement, and said that his father never made any admissions in relation to AHG.³⁰⁰
151. It is submitted that Pastor Brian Houston did not feel it was appropriate, notwithstanding their request, to assist the New Zealand victims of his father whether as the National President of the Assemblies of God, as the Senior Pastor at Hillsong Church where his father had preached, or as his father's son.

7. Effect on AHA

152. In his statement to the Royal Commission AHA said that he believes that the abuse inflicted by Frank Houston on him destroyed his childhood³⁰¹ and has resulted in long term adverse

²⁹⁷ Ex 18-0002 (HIL TB Tab 14), HIL.0001.001.0028_R.

²⁹⁸ Ex 18-0002 (HIL TB Tab 17), HIL.0001.001.0054_R at 0054_R.

²⁹⁹ Houston T9370: 10-14, 30-39 (Day 88).

³⁰⁰ Ex 18-0002 (HIL TB Tab 21), HIL.0001.001.0051_R.

³⁰¹ Ex 18-0001, 'Statement of AHA', STAT.0367.001.0001_R at [28].

effects.³⁰² AHA said he dropped out of school in Year 10,³⁰³ he has not had a good work history³⁰⁴ and is currently on a disability pension at the age of 52.³⁰⁵

153. AHA said he has had anger issues³⁰⁶ and suffers from depression and post-traumatic stress disorder.³⁰⁷ He also continues to have flashbacks of Frank Houston in his bedroom.³⁰⁸ AHA said his doctor has attributed his depression and post-traumatic stress disorder to the abuse he suffered as a child.³⁰⁹
154. AHA said *'I have received absolutely no support, counselling, apology or acknowledgement of the abuse.'*³¹⁰
155. It is submitted that AHA did not receive any acknowledgement from the Assemblies of God that Frank Houston had admitted abusing him. Nor did the Assemblies of God arrange for Frank Houston to provide an apology to AHA. Further, AHA was not formally offered assistance by the Assemblies of God for him to obtain counselling or legal advice.

8. Hillsong's Child Protection Policies

156. Hillsong Church and its predecessor Hills Christian Life Centre have had child safety and protection practices in place since 1995.³¹¹ The *Hillsong Church Protecting and Supporting Young People: Policies and Procedures*³¹² (Hillsong Policies and Procedures) was adopted in 2013.³¹³
157. The General Manager of Hillsong, Mr Aghajanian, stated that the Hillsong Policies and Procedures were developed from several sources including the Australian Christian Churches, the New South Wales Department of Family and Community Services and the 2005 Australian

³⁰² Ex 18-0001, 'Statement of AHA', STAT.0367.001.0001_R at [29].

³⁰³ AHA T9134: 3-9 (Day 86).

³⁰⁴ AHA T9134: 11-13 (Day 86).

³⁰⁵ AHA T9134: 23-24 (Day 86).

³⁰⁶ AHA T9134: 13-14 (Day 86).

³⁰⁷ AHA T9134: 35-40 (Day 86); Ex 18-0001, 'Statement of AHA', STAT.0367.001.0001_R at [29].

³⁰⁸ Ex 18-0001, 'Statement of AHA', STAT.0367.001.0001_R at [29].

³⁰⁹ Ex 18-0001, 'Statement of AHA', STAT.0367.001.0001_R at [29].

³¹⁰ Ex 18-0001, 'Statement of AHA', STAT.0367.001.0001_R at [30].

³¹¹ Ex 18-0002 (HIL TB Tab 23), HIL.0001.003.0005.

³¹² Ex 18-0004 (POL TB Tab 11), HIL.0001.003.0009.

³¹³ Aghajanian T9455: 30-41 (Day 89).

Christian Churches New South Wales, Child Protection Policy.³¹⁴ The Hillsong Policies and Procedures were also developed with the assistance of a psychologist and legal practitioners.³¹⁵

158. The Hillsong Policies and Procedures apply when a child (defined as 0-16 years) or young person (16-17 years) may be at risk of harm or may have been assaulted or when someone else discloses that a child or a young person is at risk of harm or has been assaulted.³¹⁶ They apply to all staff (including pastors) and volunteers of Hillsong Church.³¹⁷
159. Chapter 4 of the Hillsong Policies and Procedures sets out the legislative requirements in relation to screening of employees and volunteers, and mandatory reporting of child sexual abuse.³¹⁸ Chapter 5 provides definitions and indicators of child sexual abuse.³¹⁹
160. Chapters 6 and 7 of the Hillsong Policies and Procedures set out various steps of how Hillsong should handle complaints of child sexual abuse.³²⁰ Section 6.2 stipulates that all complaints must be reported including disclosure of abuse (covered by Chapter 7), inappropriate behaviour around children and young people and suspicion of abuse or harm to a child and young person.³²¹ A complaint is to be reported to the Campus Pastoral Care Department Head and to community services (Section 6.3). The *'Pastoral Care Department Head is required to make a record of the complaint and report it to the "relevant authorities"'* (Section 6.4).³²²
161. Chapter 7 outlines how to respond to a disclosure of abuse

7.1 RESPONDING TO A DISCLOSURE

You may obtain this information, for example:

- *When a child or young person tells you something*
- *When a volunteer or a student tells you something*
- *When you observe something*

Listen to the person and take it seriously

...

Don't probe or investigate

...

Support the person

³¹⁴ Aghajanian T9460: 39-41 (Day 89).

³¹⁵ Aghajanian T9460: 47 – T9461: 9 (Day 89).

³¹⁶ Ex 18-0004 (POL TB Tab 11), HIL.0001.003.0009 at 0011.

³¹⁷ Aghajanian T9456: 47- T9457: 10 (Day 89).

³¹⁸ Ex 18-0004 (POL TB Tab 3), HIL.0001.003.0010 at 0015; Aghajanian T9456: 7-13 (Day 89).

³¹⁹ Ex 18-0004 (POL TB Tab 11), HIL.0001.003.0009 at 0016.

³²⁰ Ex 18-0004 (POL TB Tab 11), HIL.0001.003.0009 at 0019-23.

³²¹ Ex 18-0004 (POL TB Tab 11), HIL.0001.003.0009 at 0019.

³²² Ex 18-0004 (POL TB Tab 11), HIL.0001.003.0009 at 0020.

- *Help the person feel safe and comfortable.*
- *Don't promise not to tell, explain that you will need to report the matter and explain what will happen next.*
- *Ensure that the Church and/or other agencies offer to address the pastoral, welfare and legal needs of the person.*

Privacy and Communication

...

Let the person know exactly who will be told about the matter:

- *You will tell the Pastoral Care oversight;*
- *You will tell your state agency/or police if appropriate;*
- *The local government agency will contact the person's family*

Under no circumstances try to contact the alleged perpetrator. This could endanger the person and complicate police investigations. If the alleged perpetrator comes to, or is at the Church/agency, ask them to leave immediately.

...

7.2 Internal Reporting

- *Complete the 'Notification of Allegation of Child Abuse' form. Hand to Pastoral Care Department Head.*
- *This information will be kept confidential by Pastoral Care Department Heard within Pastoral Departmental records*
- *The Pastoral Care Department Head will notify within 24 hours the General Manager or Lead Pastor to discuss that a report has been made.*³²³

162. Mr Aghajanian explained that there were no other guidelines or policy documents that covered what occurs once the General Manager or Lead Pastor receives the report.³²⁴ Once the matter is referred to the Senior Pastor or General Manager a decision by senior management of Hillsong will be made about the further handling of the allegations including whether or not it should be reported to Family and Community Services and/or the police.³²⁵ Mr Aghajanian said Hillsong relies heavily on legal advice and the seriousness of the allegation to determine whether to refer a matter to the police.³²⁶

163. If the matter relates to a member of staff, it is dealt with under Hillsong's Discipline and Termination Policy.³²⁷ If a matter has not been referred to police, Hillsong immediately suspends that staff member, investigates and then presents the findings to the staff member. The actions Hillsong will take vary from putting the staff member on probation through to

³²³ Ex 18-0004 (POL TB Tab 3), HIL.0001.003.0010 at 0023.

³²⁴ Aghajanian T9460: 31-37 (Day 89).

³²⁵ Ex 18-0012, 'Statement of George Aghajanian' STAT.0359.001.0001_R at [15].

³²⁶ Aghajanian T9462: 6-12 (Day 89).

³²⁷ Ex 18-0005, EXH.018.005.0001.

termination.³²⁸ If there are allegations against a member, volunteer or staff member, and the police have decided not to prosecute, Mr Aghajanian said he would report them to the *'Children's Guardian.'*³²⁹ If there were any doubts he would seek advice from Hillsong's lawyers.³³⁰ Mr Aghajanian agreed that Hillsong would benefit from upgrading its policies to deal with situations not currently covered by the policy.³³¹

164. If the allegations are *'historical'* or *'not confirmed'* sufficiently to ask the person to leave Hillsong, the person against whom they are made may become a *'Person of Interest.'* In those cases, information will be disseminated about the person to key pastoral staff so that he or she can be monitored.³³² Mr Aghajanian explained that *'historical'* in this context meant situations where a person may have transferred from another church and there are suspicions only about that person. If there is no conviction against that person, the Hillsong pastoral team places them under observation whilst they are attending the Church.³³³
165. Mr Aghajanian said that where allegations are substantiated or convictions are known the person is asked not to attend Hillsong Church or related activities.³³⁴ He said that due to the size of the Church and the diversity of its activities, Hillsong Church has chosen to adopt a *'zero tolerance'* policy towards any person who has committed any form of sexual abuse of children or young people. These people are not permitted to be involved in Hillsong activities.³³⁵
166. Mr Aghajanian was asked whether the Hillsong Church process required a written complaint against a pastor. He said that the complaint may be provided in *'any form'*, oral or written.³³⁶ He said such complaints often emerge at pastoral meetings or *'in a camp situation.'*³³⁷ He said, *'that is when the matter is dealt with according to our policy and escalated to me.'*³³⁸
167. On 7 August 2000 the NSW Commission for Children and Young People sent a letter to the Business Manager at Hillsong City Church acknowledging Hillsong Church's registration for the Working with Children Check. The letter stated that *'[I]t is important to remember that any completed relevant disciplinary proceedings must be reported to the Commission.'*³³⁹ The

³²⁸ Aghajanian T9465: 12-27 (Day 89).

³²⁹ Aghajanian T9465: 44-47 (Day 89).

³³⁰ Aghajanian T9465: 42 – 9466: 5 (Day 89).

³³¹ Aghajanian T9466: 9-15 (Day 89).

³³² Ex 18-0012, 'Statement of George Aghajanian' STAT.0359.001.0001_R at [15].

³³³ Aghajanian T9462: 36-45 and T94639-10 (Day 89).

³³⁴ Ex 18-0012, 'Statement of George Aghajanian' STAT.0359.001.0001_R at [15].

³³⁵ Ex 18-0004 (POL TB 11) HIL.0001.003.0009 at 0025.

³³⁶ Aghajanian T9466: 17-35 (Day 89).

³³⁷ Aghajanian T9466: 30-35 (Day 89).

³³⁸ Aghajanian T9466: 30-35 (Day 89).

³³⁹ Ex 18-0002 (HIL TB Tab 4), HIL.0001.003.0222.

requirement applied to all disciplinary proceedings including those completed in the five years before the commencement of the *Commission for Children and Young People Act 1998* (NSW) in 2000.

168. Mr Aghajanian accepted that Hillsong Church did not report the suspension of Frank Houston and the withdrawal of his credential to the Commission for Children and Young People. He said *'the matter was overlooked due to a lack of understanding at the time in the context of complying with the comprehensive legislative child protection regime that came into force in and around the year 2000.'*³⁴⁰
169. Representatives of Hillsong Church said that a *'gap analysis'* had been undertaken with respect to protection of children from child sexual abuse at about the time of the hearings of the Royal Commission. The following gaps were identified
- *Hillsong's obligations in NSW as a 'reporting body' to the NSW Children's Guardian needs to be described;*
 - *The new Working With Children Check requirements in NSW, which have been explained in the current Hillsong application forms, have to be explained in the current policy and procedure manual;*
 - *The specification of child abuse as a 'criminal offence' needs to be clearly stated and explained;*
 - *An explanation is needed of the reporting responsibilities under s. 316 of the Crimes Act 1900 (NSW);*
 - *Processes for keeping records of allegations and their handling in a standardised format needs to be stated;*
 - *Specification of minimum requirements for staff and volunteers of initial and ongoing Child Protection training including the handling of complaints handling needs to be stated;*
 - *A formalisation of a conflict of interest policy.*
170. Mr Aghajanian confirmed that there is no formal policy that exists which deals with conflict of interest matters and that it was a policy that would be developed by Hillsong Church.³⁴¹

Available Findings

1. **Between November 1998 and 21 December 1999 the Assemblies of God did not follow its complaint procedure as set out in its Administration Manual when handling AHA's allegations of child sexual abuse against Frank Houston by:**
 - a. **not appointing a contact person for the complainant**
 - b. **not interviewing the complainant to determine the precise nature of the allegations**

³⁴⁰ Ex 18-0013, EXH.018.013.0003.

³⁴¹ Aghajanian T9467: 2-10 (Day 89).

- c. not having the State or National Executive interview the alleged perpetrator
 - d. not documenting any of the steps it took.
2. In 1999 and 2000 Pastor Brian Houston had a conflict of interest in assuming responsibility for dealing with AHA's allegations because he was both the National President of the Assemblies of God and the son of Frank Houston.
 3. In 1999 the Assemblies of God set aside its own policy for handling allegations against ministers, and ignored Pastor Brian Houston's conflict of interest, in order to permit Pastor Brian Houston to handle the allegations of child sexual abuse against his father.
 4. In 1999 the Assemblies of God offered Frank Houston rehabilitation to ministry contrary to its national policy that ministers found to have sexually abused children were not to be rehabilitated, in the knowledge that Frank Houston had admitted to child sexual abuse.
 5. In 1999 and 2000 Pastor Brian Houston and the National Executive of the Assemblies of God did not refer the allegations of child sexual abuse against Frank Houston to the police.
 6. In 2000 the Sydney Christian Life Centre did not report the suspension and withdrawal of Frank Houston's credential as a minister to the Commission for Children and Young People as required by s. 39(1) of the *Commission for Children and Young People Act 1998 (NSW)*.

PART B: NORTHSIDE CHRISTIAN COLLEGE AND KENNETH SANDILANDS

171. This part of the submissions concerns the response of Northside Christian College (the College) and Northside Christian Centre (the Church), now Encompass Church, to allegations of child sexual abuse against Kenneth Sandilands. The allegations concern the period 1983 to 1992 when he was employed as a teacher at the College.
172. The public hearing focussed on the way in which the allegations were handled during the time that Mr Sandilands was a teacher at the College. Further allegations arose after he left the College, and in 2000 he was charged and convicted of sexual offences against a number of children at the College. Civil proceedings were also then commenced in 2000 against Mr Sandilands and the Church and all were settled.
174. According to a document prepared by the current Senior Pastor of Encompass Church, Pastor John Spinella, he estimated that about 30 children may have been abused by Mr Sandilands during his period teaching at the College.³⁴²

³⁴² Ex 18-0023, 'Statement of John Spinella', STAT.0352.002.0001_R at 0025-0028.

1. Northside Christian Centre and Northside Christian College

Foundation of Northside Christian Centre and Northside Christian College

175. Northside Christian Centre was established in 1952 as an unincorporated and autonomous³⁴³ church, affiliated with the Assemblies of God since its inception.³⁴⁴ It was referred to at the time it was established as the Reservoir Assembly of God Church,³⁴⁵ and changed its name to Northside Christian Centre around 1978.³⁴⁶
176. In 1979, the College was established as a ministry of the Church. At the time of establishment, the College was not a separate legal entity to the Church.³⁴⁷
177. The Church was incorporated in July 1985³⁴⁸ pursuant to the *Associations and Incorporations Act 1981* (VIC) after the Assemblies of God requested all its churches to move from the *Religious Successory & Charitable Trust Act 1958* (VIC).³⁴⁹
178. Key aspects of the new governance arrangements arising from incorporation were that the Senior Minister and Associate Minister be appointed by the Church membership.³⁵⁰ The Senior Minister is to hold the positions of Chairman of the Board and ‘*all Councils or sub-committees within the assembly.*’ Further, the College Council is to be appointed by the Church Board.³⁵¹ The Church Board is comprised of the Senior Minister, Associate Ministers, Assistant Pastors and Elders of the Church.³⁵² The College Council is comprised of the Senior Minister, Associate Minister, Principal of the College and parents at the College.³⁵³
179. The College Council was responsible for the ‘*general activities of the College under the leadership of the Church Board.*’³⁵⁴ Although the Principal of the College and the College Council

³⁴³ ‘Encompass Church History, Beliefs and Vision’, <http://encompass.org.au/im-new/church-history-beliefs-and-vision/> (accessed 7 November 2014) and Ex 18-0023, ‘Statement of John Spinella’, STAT.0352.002.0001_R at [17].

³⁴⁴ Ex 18-0023, ‘Statement of John Spinella’, STAT.0352.002.0001_R at [28].

³⁴⁵ Ex 18-0021, ‘Statement of Reverend Denis Smith’ STAT.0366.001.0001_R at [5].

³⁴⁶ Ex 18-0021, ‘Statement of Reverend Denis Smith’ STAT.0366.001.0001_R at [6].

³⁴⁷ Ex 18-0023, ‘Statement of John Spinella’, STAT.0352.002.0001_R at [29]; <http://ncc.vic.edu.au/our-college/strategic-plan>.

³⁴⁸ Ex 18-0016 (NS TB Tab 4) NSC.001.008.0002.

³⁴⁹ Ex 18-0016 (NS TB Tab 3) NSC.004.001.0005 at 0005.

³⁵⁰ Ex 18-0016 (NS TB Tab 3) NSC.004.001.0005 at 0006.

³⁵¹ Ex 18-0016 (NS TB Tab 3) NSC.004.001.0005 at 0006 and Ex 18-0023, ‘Statement of John Spinella’, STAT.0352.002.0001_R at [19].

³⁵² Ex 18-0016 (NS TB Tab 3) NSC.004.001.0005 at 0007.

³⁵³ Ex 18-0023, ‘Statement of John Spinella’, STAT.0352.002.0001_R at [46].

³⁵⁴ Ex 18-0016 (NS TB Tab 3) NSC.004.001.0005 at 0007.

managed the day-to-day business of the College,³⁵⁵ certain matters were to be referred to the Church Board for ratification including appointment of staff, policies, budgets, capital expenditure and property development and discipline.³⁵⁶

180. Pastor Denis Smith was the Chair of the College Council throughout Mr Sandilands' tenure at the College and until 1998.³⁵⁷ He gave evidence at the public hearing but the former Principal, Neil Rookes, was deceased.
181. The governance structure introduced in 1985 remained in place until the College was incorporated as a separate entity to the Church in 2002.³⁵⁸ Incorporation of the College gave the College Board autonomy in operational matters, whilst maintaining strong ties with the Church through the College Constitution.³⁵⁹

Affiliation with the Assemblies of God

182. The Church joined the congregation of the Assemblies of God in 1959 and continues to be affiliated with the Australian Christian Churches.³⁶⁰
183. Pastor Spinella, the current Senior Pastor of Encompass Church outlined the practical connection between the Australian Christian Churches and Encompass Church. He said that Australian Christian Churches personnel are available to all the Australian Christian Churches affiliated churches to provide advice as required. The Church is required to observe the doctrines prescribed by the Australian Christian Churches. The Australian Christian Churches may be involved in disciplinary action against the Church's Senior Pastor. The Senior Pastor, Associate Pastor and Assistant Pastors of the Church must hold an Ordained Ministers Certificate from the Australian Christian Churches in Victoria. If the office of Senior Pastor remains vacant for more than four months, the Australian Christian Churches State Executive may appoint an interim pastor until a permanent appointment is made.³⁶¹

³⁵⁵ Ex 18-0021, 'Statement of Reverend Denis Smith', STAT.0366.001.0001_R at [14]; Smith T9586: 23-39 (Day 9).

³⁵⁶ Ex 18-0017 (NS Supp TB Tab 85) NSC.004.001.0060 at 0063, Ex 18-0021, 'Statement of Reverend Denis Smith' STAT.0366.001.0001_R at [14]; Smith T9586: 23-28 (Day 90).

³⁵⁷ Ex 18-0021, 'Statement of Reverend Denis Smith', STAT.0366.001.0001_R at [10].

³⁵⁸ Ex 18-0016 (NS TB Tab 79) NSC.500.001.0338.

³⁵⁹ Ex 18-0023, 'Statement of John Spinella', STAT.0352.002.0001_R at [33]-[34].

³⁶⁰ Ex 18-0021, 'Statement of Reverend Denis Smith', STAT.0366.001.0001_R at [5]; Ex 18-0023, 'Statement of John Spinella', STAT.0352.002.0001_R at [35].

³⁶¹ Ex 18-0023, 'Statement of John Spinella', STAT.0352.002.0001_R at [35].

2. Mr Sandilands

Employment of Mr Sandilands

184. Mr Sandilands was born in 1945 and completed teacher training at Mercer House in 1969.³⁶² He taught at St Pauls Anglican School Primary School in Frankston, Victoria (now the Woodleigh School) prior to commencing at the College.
185. He commenced at the College in February 1983 on a three month probationary period³⁶³ and was formally appointed by Pastor Smith as a permanent member of staff in April 1983.³⁶⁴
186. Mr Sandilands was employed under the pre-incorporation process in a contract with the Church.³⁶⁵ After incorporation, he was employed by the Church pursuant to a written contract countersigned by the Principal.³⁶⁶ The unincorporated College did not have the right at that stage to employ teachers.³⁶⁷ Pastor Smith said that any appointments, including Mr Sandilands, were done after police checks had been successfully completed.³⁶⁸
187. When questioned about the recruitment and vetting process for Mr Sandilands, Pastor Smith stated that he was not *'involved in vetting him.'*³⁶⁹ Pastor Smith said that his involvement in the recruitment was *'that a recommendation would come to me that he was an available teacher and ... [that] he had met the criteria of the Victorian Education Department.'*³⁷⁰ Pastor Smith stated that he *'imagined he would have [called for references]'* for Mr Sandilands but the checking *'would have been handled by the principal at that time.'*³⁷¹ He did not recall speaking to anyone at St Pauls Anglican Primary School, Mr Sandilands previous employer.³⁷² He then later agreed that he did not ask for reference checks to be made available to him and instead he relied solely on the approval and endorsement of the Education Department.³⁷³
188. As part of the recruitment process, Pastor Smith advised that teachers received a responsibility description, Code of Conduct and staff handbooks.³⁷⁴ Pastor Smith said that the Code of

³⁶² Ex 18-0016 (NS TB Tab 1) DECD.3003.001.0022_R at 0022.

³⁶³ Smith T9586: 45-9587: 2 (Day 90).

³⁶⁴ Ex 18-0016 (NS TB Tab 2) NSC.004.001.0015_R.

³⁶⁵ Ex 18-0016 (NS TB Tab 2) NSC.004.001.0015_R.

³⁶⁶ Ex 18-0021, 'Statement of Reverend Denis Smith' STAT.0366.001.0001_R at [17].

³⁶⁷ Smith T9587: 44-9588: 1 (Day 90).

³⁶⁸ Ex 18-0021, 'Statement of Reverend Denis Smith' STAT.0366.001.0001_R at [17]

³⁶⁹ Smith T9587: 4-8 (Day 90).

³⁷⁰ Smith T9587: 10-16 (Day 90).

³⁷¹ Smith T9587: 38-42 (Day 90).

³⁷² Smith T9587: 27-29 (Day 90).

³⁷³ Smith T9588: 8-14 (Day 90).

³⁷⁴ Ex 18-0021 'Statement of Reverend Denis Smith' STAT.0366.001.0001_R at [17].

Conduct was focused on general Christian principles and was not specific to conduct towards children.³⁷⁵

189. Pastor Smith was not aware of any allegations against Mr Sandilands of inappropriate behaviour or treatment of children at St Pauls Anglican Primary School and said that *'everything I received was positive, upon that basis I agreed to the appointment of him.'*³⁷⁶

3. Abuse of Emma Fretton

190. Emma Fretton commenced in Mr Sandilands' class at the College in 1986 at the age of six.³⁷⁷ Ms Fretton was taught by Mr Sandilands for Grades 1, 2 and 3. She said she was sexually abused by him during those three years and also in Grades 4 and 5.³⁷⁸ Ms Fretton said that the abuse occurred during class, at lunch time and sometimes outside of class time.³⁷⁹

191. She said that Mr Sandilands took her outside the classroom with his typewriter on a number of occasions, leaving the rest of the class inside with two of her class mates to read stories. Mr Sandilands sat with Ms Fretton on a wooden bench where he made up stories about her family having vaginal or oral sex, typed them out and then make her sign each story. Ms Fretton recalled

*I remember that he made me sign one piece of paper that he told me was a contract saying that I would not tell anyone what was happening. He told me that if I ever told anyone that they would not believe me and he would show them the stories and tell them that I had come to him about them.*³⁸⁰

192. Ms Fretton said that when she tried to *'deny that things in the stories had happened,'* Mr Sandilands took her into the sports room at the back of the classroom and hit her with a wooden paddle on her backside, *'behind the posters so no-one could see what was happening.'*³⁸¹
193. Ms Fretton also gave evidence that on one occasion, she wore bloomers over the top of her knickers, *'so it didn't hurt as much when he hit me.'* Mr Sandilands hit Ms Fretton once and then pulled up her dress and pulled down her bloomers and knickers. Ms Fretton asked Mr Sandilands what he was doing, but he did not *'answer me or speak to me.'*³⁸² He then touched

³⁷⁵ Smith T9589: 39-9590: 2 (Day 90).

³⁷⁶ Smith T9588: 16-25 (Day 90).

³⁷⁷ Ex 18-0014, 'Statement of Emma Fretton' STAT.0378.001.0001_R at [4]; Fretton T9470: 8-13 (Day 89).

³⁷⁸ Ex 18-0014, 'Statement of Emma Fretton' STAT.0378.001.0001_R at [17]; Fretton T9473: 17-26 (Day 89).

³⁷⁹ Ex 18-0014, 'Statement of Emma Fretton' STAT.0378.001.0001_R at [17]; Fretton T9473: 17-26 (Day 89).

³⁸⁰ Ex 18-0014, 'Statement of Emma Fretton' STAT.0378.001.0001_R at [7]; Fretton T9470: 27-28 (Day 89).

³⁸¹ Ex 18-0014, 'Statement of Emma Fretton' STAT.0378.001.0001_R at [8].

³⁸² Ex 18-0014, 'Statement of Emma Fretton' STAT.0378.001.0001_R at [9]; Fretton T9471: 3-18 (Day 89).

her vagina from behind. Ms Fretton recalled that she *'was crying and asking him to stop. He kept going. He was rough and it made me feel sick in my stomach.'*³⁸³ Mr Sandilands stopped only to hit her on the backside with the paddle. Ms Fretton recalled

*Mr Sandilands counts when he hits and I remember he counted up to 12. I was crying and my backside was really sore. Mr Sandilands made me sit on the seat and left me there. He left me sitting there for a while and then came back in and told me I couldn't come back in the classroom unless I stopped crying.*³⁸⁴

194. Ms Fretton said there were also other times when Mr Sandilands hit her or touched then hit her. However this particular instance *'stuck in my mind because he hit me so many times.'* To avoid being hit, Ms Fretton agreed that the stories were true when asked by Mr Sandilands.³⁸⁵

195. Ms Fretton also gave evidence that Mr Sandilands treated boys and girls differently in her class. Mr Sandilands often did not allow the girls in the class to go to the toilet and this sometimes resulted in girls wetting themselves. Mr Sandilands made the girls take off their knickers and then left the room to wash their underwear, which he hung up outside the class. Ms Fretton stated that she remembered there were *'sometimes ... 10 or 11 pairs of knickers hanging on the clothes line.'*³⁸⁶ The girls did not receive any replacement underwear to put on and were only given back their underwear after they had dried.³⁸⁷

196. Ms Fretton also gave evidence that when the class lined up to go into the classroom, the boys would go in first. When it was time for the girls to go in, Mr Sandilands *'would touch us on the head and tell us that he loved us.'* Ms Fretton stated that if she did not tell Mr Sandilands that she loved him, he hit her with the paddle.³⁸⁸ When reading stories to the class Mr Sandilands had the girls sit on the floor in the front and the boys behind

*Mr Sandilands would tell two of the girls to sit on either side of his legs and tell them to rub his legs underneath his pants. We had to rub between the knees and the ankles. If we stopped he would tell us to keep rubbing. ...He would then tell one of the girls to sit on his lap...When I was made to sit in between his legs, he had my backside right up against his groin. Mr Sandilands would then move his legs in and out and up and down all at the same time. He also moved his hips front and back. He would pick different girls every day to sit between his legs and to rub his legs.*³⁸⁹

³⁸³ Ex 18-0014, 'Statement of Emma Fretton' STAT.0378.001.0001_R at [9].

³⁸⁴ Ex 18-0014, 'Statement of Emma Fretton' STAT.0378.001.0001_R at [9]; Fretton T9471: 3-18 (Day 89).

³⁸⁵ Ex 18-0014, 'Statement of Emma Fretton', STAT.0378.001.0001_R at [10]; Fretton T9471: 20-26 (Day 89).

³⁸⁶ Fretton T9471: 2-5 (Day 89).

³⁸⁷ Ex 18-0014, 'Statement of Emma Fretton', STAT.0378.001.0001_R at [12]; Fretton T9471: 35, T9472: 5 (Day 89).

³⁸⁸ Ex 18-0014, 'Statement of Emma Fretton', STAT.0378.001.0001_R at [13]; Fretton T9472: 7-13 (Day 89).

³⁸⁹ Ex 18-0014, 'Statement of Emma Fretton', STAT.0378.001.0001_R at [14]; Fretton T9472: 26-42 (Day 89).

197. Mr Sandilands was convicted in 2000 of three counts of indecent assault against Ms Fretton when she was in Grades 1 to 3.

Disclosure of abuse

198. In 1987 Ms Fretton disclosed the abuse to Ann Brown, a teacher at the College, at the start of one of the school holidays. Ms Fretton told Mrs Brown about Mr Sandilands unzipping the side of her dress and putting his hands inside, touching her breasts and stomach.³⁹⁰ She also disclosed to Mrs Brown how Mr Sandilands hit her *'on the bare buttocks with a wooden paddle'* and also told her about the obscene stories. Ms Fretton recalled that Mrs Brown said words to the following effect *'the school knows what he is like and are looking into it'* and told her not to say anything to anyone else.³⁹¹

199. Ms Fretton recalled that the next time the matter was discussed was sometime during Grade 2 when she was called out of class with her friend, AGB, to attend a meeting. In attendance at this meeting was Pastor Smith, Mr Rookes (the then Principal of the College), Mrs Brown and a number of other people she said. During this meeting, Ms Fretton and AGB both disclosed what Mr Sandilands *'had been doing to [them].'* Ms Fretton gave evidence that she was told not to tell anyone about what Mr Sandilands had done. Ms Fretton requested at this meeting to be moved to another class but this was rejected, and she was later placed in Mr Sandilands' class for Grade 3.³⁹²

200. Ms Fretton made further complaints about Mr Sandilands indecent assaults to Mrs Brown but was told by Mrs Brown words to the effect of *'Don't worry, it's okay. Don't say anything to anyone. I'll talk it through with other people and we will deal with it.'*³⁹³ She also recalls seeing Mr Rookes in his office about the touching and him saying to her, *'I will look into it and I won't have Mr Sandilands as a teacher if he is doing what you are alleging.'*³⁹⁴

201. At one of the meetings with Mrs Brown, Ms Fretton recalled being told that her mother had been contacted but could not make it to the meeting. Ms Fretton later discovered that the

³⁹⁰ Ex 18-0014, 'Statement of Emma Fretton', STAT.0378.001.0001_R at [21]; Fretton T9473: 46-T9474: 4 (Day 89).

³⁹¹ Ex 18-0014, 'Statement of Emma Fretton' STAT.0378.001.0001_R at [22]; Fretton T9474: 6-10 (Day 89).

³⁹² Ex 18-0014, 'Statement of Emma Fretton' STAT.0378.001.0001_R at [23]-[25]; Fretton T9474: 12-31 (Day 89).

³⁹³ Ex 18-0014, 'Statement of Emma Fretton' STAT.0378.001.0001_R at [26]; Fretton T9474: 33-40 (Day 89).

³⁹⁴ Ex 18-0014, 'Statement of Emma Fretton' STAT.0378.001.0001_R at [27].

College had not informed her mother of her complaints to the school.³⁹⁵ At the start of Grade 3 Ms Fretton said she made further reports of the abuse to Mrs Brown.³⁹⁶

202. As is set out below, in 2000 Ms Fretton was a complainant in criminal proceedings against Mr Sandilands and pursued Mr Sandilands and the Church in civil proceedings concerning sexual abuse of her at the College.

4. Allegations against Mr Sandilands in 1986-1987

'Ripples' and a Warning

203. On 30 December 1986, the then Principal, Ken Ellery, wrote a memorandum to Pastor Smith, concerning allegations against Mr Sandilands.³⁹⁷ Mr Ellery stated that,

*... it would seem important to avoid, by innuendo, culpability on his part: at the moment the situation is one of no case or at least no case proven. ... However, in the context of past ripples ... whilst it would be our desire and hope to defend him to the hilt, any appearances of imprudent relationships would be difficult to defend to the extent we would like. Such would be an untenable situation for us ...*³⁹⁸

204. Mr Ellery gave Mr Sandilands a warning to *'avoid studiously any situation where anybody could impute "evil" or put an unfavourable construction' on his behaviour.*³⁹⁹
205. Pastor Smith gave evidence that the memorandum concerned Mr Sandilands' practice of hugging children.⁴⁰⁰ He said it was the first time he had heard of any allegations against Mr Sandilands.⁴⁰¹ In evidence he first said he had *'no idea'* what the *'past ripples'* were⁴⁰² but then said that he thought it referred to Mr Sandilands *'continuing to hug or to have children walk around with [his or her] hand in his hand.'*⁴⁰³
206. Pastor Smith said there was no College policy that governed the physical touching of children at the time and was advised by the Principal that *'teachers should keep a good distance from students.'*⁴⁰⁴ He understood at the time he received the memorandum that Mr Ellery intended

³⁹⁵ Ex 18-0014, 'Statement of Emma Fretton' STAT.0378.001.0001_R at [29]; Fretton T9475: 10-17 (Day 89).

³⁹⁶ Ex 18-0014, 'Statement of Emma Fretton' STAT.0378.001.0001_R at [30]; Fretton T9475: 19-24 (Day 89).

³⁹⁷ Ex 18-0016 (NS TB Tab 5) NSC.001.001.0022.

³⁹⁸ Ex 18-0016 (NS TB Tab 5) NSC.001.001.0022.

³⁹⁹ Ex 18-0016 (NS TB Tab 5) NSC.001.001.0022 at and (NS TB Tab 19) NSC.001.005.0031

⁴⁰⁰ Smith T9590: 30 (Day 90).

⁴⁰¹ Smith T9592: 3-6; T9593: 4-9; T9594: 37-42 (Day 90).

⁴⁰² Smith T9591: 11-15, 25-26 (Day 90).

⁴⁰³ Smith T9591: 11-31 (Day 90).

⁴⁰⁴ Smith T9591: 33-45 (Day 90).

to warn Mr Sandilands to, *'watch yourself and don't be put in a position where there could be any appearance of imprudent relationships.'*⁴⁰⁵

207. Pastor Smith said it did not enter his mind that the allegations against Mr Sandilands may have been sexual abuse.⁴⁰⁶ It was Pastor Smith's understanding that the *'innuendo'* referred to by Mr Ellery meant that *'he was in close proximity to children at that point in time'* but the innuendo *'certainly was not sexual.'*⁴⁰⁷ He agreed with the proposition that there was nothing in the memorandum that provided an *'implication, indication or danger'* that Mr Sandilands was involved in sexual abuse.⁴⁰⁸ He accepted Mr Ellery's recommendation of a warning.⁴⁰⁹
208. It is submitted that the use of the term *'imprudent relationship'* combined with the concerns about the hugging of children raised the possibility that Mr Sandilands was involved in sexual abuse of children at the College. It is further submitted that notwithstanding those matters, Pastor Smith did not, at the time, consider that Mr Sandilands may have been involved in sexual abuse of children.

March 1987 allegations and setting of guidelines

209. On 20 March 1987 Mr Rookes, the new Principal of the College, wrote to Pastor Smith advising him of allegations that Mr Sandilands had one of his female students seated on his knee and was touching her *'on the lower stomach and on her legs.'*⁴¹⁰ The allegations were reported by three Grade 5/6 girls who had seen the incident involving the young girl.⁴¹¹
210. Mr Rookes and Mrs Brown, interviewed each girl individually and discovered some inconsistencies in the girls' account of what had happened, but perceived *"an element of sincerity and concern."*⁴¹² Mrs Brown talked to the Grade 1/2 girl who said she had sat on Mr Sandilands' knee and was cuddled by him but denied being touched otherwise. Mr Rookes reported that *'Mr Sandilands also encourages the children to express verbally their love for him by whispering such things as "Who do you love?" in their ears.'*⁴¹³

⁴⁰⁵ Smith T9593: 19-23 (Day 90).

⁴⁰⁶ Smith T9603: 9-16 (Day 91).

⁴⁰⁷ Smith T9603: 18-29; T9604: 2 (Day 91).

⁴⁰⁸ Smith T9603: 31-35 (Day 91).

⁴⁰⁹ Smith T9593: 19-23 (Day 90).

⁴¹⁰ Ex 18-0016 (NS TB Tab 6) NSC.001.001.0021; Smith T9596: 40-44 (Day 90).

⁴¹¹ Ex 18-0016 (NS TB Tab 6) NSC.001.001.0021.

⁴¹² Ex 18-0016 (NS TB Tab 6) NSC.001.001.0021.

⁴¹³ Ex 18-0016 (NS TB Tab 6) NSC.001.001.0021.

211. Mr Rookes noted that Mr Sandilands had been warned about his actions and '*specifically instructed not to touch the children.*'⁴¹⁴ He suggested that another severe warning, probably in writing, would be necessary. Mr Rookes said

*... the potential damage to the school's reputation is immense if alleged incidents such as these are allowed to continue. If any future such incidents were able to be proved undeniably then I would have no hesitation at all to recommend instant suspension and dismissal.*⁴¹⁵

212. Mr Rookes concluded that the situation would need to be monitored closely and noted that the allegations were a '*long-standing situation with which I am only recently acquainted.*'⁴¹⁶

213. Upon receiving the memorandum, Pastor Smith said his '*immediate response, following what [he] considered was the law of jurisprudence*' was '*that the matter be fully investigated.*'⁴¹⁷ Pastor Smith did not think that he asked Mr Rookes about the '*long-standing situation.*'⁴¹⁸ He said that the '*long-standing situation*' was what was set out in Mr Ellery's report of December 1986⁴¹⁹ and did not inquire further,⁴²⁰ other than to ask for the new allegations to be investigated.

214. On 24 March 1987, Pastor Smith wrote a short memorandum to Keith Ingram, Assistant Pastor of the Church, and Mr Rookes

*In the light of the information shared with me recently I am requesting you to fully investigate the situation and report to me prior to the interview with Ken Sandilands. I am very concerned with the report and wish you to treat it with great seriousness and urgency.*⁴²¹

215. Pastor Smith said Pastor Ingram did not have qualifications in education and was not a teacher at the College although he did fill the position of '*a deputy principal.*'⁴²² Pastor Smith said he wanted a report so he could make a decision as chairman of the Church Board.⁴²³

216. Pastor Smith said that at the time he did not construe the nature of the activities alleged against Mr Sandilands as anything of an '*overt sexual nature.*'⁴²⁴ When questioned whether the

⁴¹⁴ Ex 18-0016 (NS TB Tab 6) NSC.001.001.0021.

⁴¹⁵ Ex 18-0016 (NS TB Tab 6) NSC.001.001.0021.

⁴¹⁶ Ex 18-0016 (NS TB Tab 6) NSC.001.001.0021.

⁴¹⁷ Smith T9597: 30-34 (Day 90).

⁴¹⁸ Smith T9597: 36-42 (Day 90).

⁴¹⁹ Smith T9597: 7-28 (Day 90).

⁴²⁰ Smith T9597: 32 (Day 90).

⁴²¹ Ex 18-0016 (NS TB Tab 7) NSC.001.001.0065.

⁴²² Smith T9608: 14-15 (Day 90).

⁴²³ Smith T9608: 27-30 (Day 90).

⁴²⁴ Smith T9598: 4-11 (Day 90).

touching of a 6 to 8 year old child on the lower stomach area implied some form of sexual contact in his mind, Pastor Smith stated that *"I would say now it would have to certainly do that, but I was being again guided by the educators, the principal, as they would know what is right and what is wrong."*⁴²⁵ When asked whether the conduct may well have been sexual, he said *'I believed better of my staff at that point of time.'*⁴²⁶

217. Pastor Smith was of the view that the *'seriousness and urgency'* of the investigation was *'because the whole thing had the overtones of being improper.'*⁴²⁷ He again denied that the allegations in Mr Rookes' memorandum had connotations of child sexual abuse and said the thought of child sexual abuse *'never entered my mind.'*⁴²⁸ However, he then said that the information provided to him by the Principal *'had overtones of sexual impropriety.'*⁴²⁹
218. It is submitted that Pastor Smith wanted the allegations investigated with seriousness and urgency because there was a risk that Mr Sandilands had sexually abused children at the College.

Pastor Ingram's report

219. On 6 April 1987 Pastor Ingram reported to Pastor Smith on completion of the investigation. He concluded that the allegations were *'largely embellished by the girls concerned and certain connotations put upon it that were constructed more on their imaginations than fact.'*⁴³⁰ He determined that *'Mr Sandilands was not touching [AGB] in any untoward way, certainly not stroking abdomen, thighs etc, the Grade 5/6 have since rescinded their story.'*⁴³¹ Pastor Ingram reported that Mr Sandilands *'either had the child on his knee or next to him'* and that Mr Sandilands had *'specifically and categorically denied any untoward action.'*⁴³²
220. Pastor Ingram said the Principal and another teacher told him that *'the scenario that actually took place would be quite normal in a teaching situation although there is some question whether a child be allowed to sit on a teacher's knee.'*⁴³³

⁴²⁵ Smith T9598: 13-24 (Day 90).

⁴²⁶ Smith T9598: 21-24 (Day 90).

⁴²⁷ Smith T9671: 8-17 (Day 90).

⁴²⁸ Smith T9671: 19-24 (Day 90).

⁴²⁹ Smith T9671: 29-35 (Day 90).

⁴³⁰ Ex 18-0016 (NS TB Tab 8) NSC.001.001.0018_R at 0018_R.

⁴³¹ Ex 18-0016 (NS TB Tab 8) NSC.001.001.0018_R at 0018_R.

⁴³² Ex 18-0016 (NS TB Tab 8) NSC.001.001.0018_R at 0018_R.

⁴³³ Ex 18-0016 (NS TB Tab 8) NSC.001.001.0018_R at 0018_R.

221. Pastor Ingram reported that he had checked with Mr Sandilands about Mr Ellery's warning and had viewed Mr Ellery's memorandum of 30 December 1986.⁴³⁴ He determined that the warning was '*rather nebulous*' and that Mr Sandilands had not been given instructions '*not to have children on his knee*.'⁴³⁵
222. Pastor Ingram determined that there was '*no case*' against Mr Sandilands but '*the only questionable part is whether he was following instructions as handed down from the previous incident*.'⁴³⁶ He then proposed the following recommendations: no disciplinary action and that Mr Sandilands be required to comply with guidelines. Pastor Ingram further noted that all interviews were in the presence of up to four teachers including the Principal and that the Grade 5/6 girls who reported had been given a '*firm lecture*.'⁴³⁷
223. Pastor Smith said he received the memorandum from Pastor Ingram. In evidence he said that he understood Mr Ellery '*had spoken to him to not be cuddling children and have children on his knees*.' In questioning what the warning from Mr Ellery was, he said, '*nothing is nebulous about that*.'⁴³⁸ He agreed that in Pastor Ingram's memorandum Mr Sandilands had been found to have had children on his knee and that was contrary to Mr Ellery's warning.⁴³⁹ When asked why he did not suspend or dismiss Mr Sandilands he said, '*I would be dependent upon the principal's recommendations to me*.'⁴⁴⁰
224. Pastor Smith said he was not concerned that the children had been intimidated by a panel of three to four adults⁴⁴¹ or that the parents were not, apparently, in the interviews of the children.⁴⁴²
225. Pastor Smith said he accepted that there was no case proven, that there be no disciplining of Mr Sandilands, that the girls had been admonished and the recommendations in Pastor Ingram's memorandum of 6 April 1987 to set guidelines.⁴⁴³
226. It is submitted that Pastor Smith determined not to discipline Mr Sandilands even though there had been a clear breach of the warning given to Mr Sandilands in December 1986.

⁴³⁴ Pastor Smith accepted that the memorandum of Mr Ellery of 30 December 1986 referred to an incorrect date: Smith T9611: 5-9 (Day 90).

⁴³⁵ Ex 18-0016 (NS TB Tab 8) NSC.001.001.0018_R at [2].

⁴³⁶ Ex 18-0016 (NS TB Tab 8) NSC.001.001.0018_R at [2].

⁴³⁷ Ex 18-0016 (NS TB Tab 8) NSC.001.001.0018_R at [2].

⁴³⁸ Smith T9612: 6 (Day 91).

⁴³⁹ Smith T9612: 32 (Day 91).

⁴⁴⁰ Smith T9612: 36-38 (Day 90).

⁴⁴¹ Smith T9615: 14-T9616: 9 (Day 91).

⁴⁴² Smith T9616: 6-31 (Day 91).

⁴⁴³ Smith T9617: 5-15; T9618: 29-30; T9613: 4-15 (Day 91).

Setting of guidelines

227. Pastor Smith said he was aware of guidelines being imposed on Mr Sandilands.⁴⁴⁴ He said that the guidelines were agreed and endorsed by him with the Principal, but it was the Principal who *'imposed'* the guidelines.⁴⁴⁵ He accepted he was at a meeting in April 1987 where he and the Principal explained the guidelines to Mr Sandilands.⁴⁴⁶

228. The guidelines were as follows

1. *Do not touch any child apart from a pat on the back, handshake*
2. *Do not pick up a child*
3. *Do not place, instruct or allow any child to sit on your knee*
4. *Do not remain in any room with a child on his/her own*
5. *Re discipline. Refer to the principal or deputy principal for usual discipline procedure*
6. *If any female child seeks attention about a sore knee, pain in the stomach, a problem with clothing etc. Refer them to a female teacher*
7. *Do not use sick room as a teaching area*⁴⁴⁷

229. Pastor Smith accepted that the guidelines had emerged, at least in part, from past behaviour by Mr Sandilands. Pastor Smith agreed that Mr Sandilands had breached the guidelines by having children sit on his knee.⁴⁴⁸ He said the Principal was responding to those concerns about Mr Sandilands' behaviour.⁴⁴⁹ He said that the guidelines were *'an adequate safeguard to protect anything further happening'* such as the allegations which had arisen.⁴⁵⁰

230. Pastor Smith said he did not take the allegations against Mr Sandilands to the May 1987 College Council meeting, saying that the Principal set the agenda, notwithstanding that he was the chair of the College Council and agreed he could amend the agenda.⁴⁵¹

Breach of guidelines in October 1987

231. In October 1987, Mr Rookes and Pastor Ingram reported to Pastor Smith that Mr Sandilands had children on his lap and that he had kissed Ms Fretton.⁴⁵² Mr Sandilands was confronted by

⁴⁴⁴ Smith T9618: 11-17 (Day 91).

⁴⁴⁵ Smith T9618: 15-27 (Day 91).

⁴⁴⁶ Smith T9624: 24-45 (Day 91); Ex 18-0016 (NS TB Tab 40) NSC.001.005.0080 at [9].

⁴⁴⁷ Ex 18-0016 (NS TB Tab 9) NSC.001.001.0020 at [1].

⁴⁴⁸ Smith T9619: 35-41 (Day 91).

⁴⁴⁹ Smith T9620: 45-47 (Day 91).

⁴⁵⁰ Smith T9623: 36-45 (Day 91).

⁴⁵¹ Smith T9633: 30-T9634: 5 (Day 91).

⁴⁵² Ex 18-0016 (NS TB Tab 19) NSC.001.005.0031_R at 0032.

the Principal and Pastor Ingram and he admitted to breaching the guidelines. He admitted to having children on his knee and admitted to kissing Ms Fretton *'as a reward for work'* and that he did so regularly – *'perhaps weekly.'*⁴⁵³ He also admitted to kissing a girl on her birthday.⁴⁵⁴ A memorandum prepared by Mr Rookes in 1993 records that Mr Sandilands was given a severe reprimand and adherence to the guidelines was made a condition of his position at the College.⁴⁵⁵

232. Pastor Smith said he recalled that in October 1987 that there were further allegations that Mr Sandilands had children on his knee but did not recall allegations that he kissed two girls in his class.⁴⁵⁶ He recalled that he administered a *'severe reprimand'* to Mr Sandilands with the Principal.⁴⁵⁷
233. Pastor Smith agreed that Mr Sandilands had, in March 1987, breached a warning given to him in 1986. He agreed that guidelines had been set in April 1987 and that Mr Sandilands had breached them in October 1987 by again having children on his knee.⁴⁵⁸ Pastor Smith said he did not dismiss Mr Sandilands for breach of guidelines in October 1987,

*Because the recommendation for the continuity of his teaching there would have been recommended by the principal at that stage, and ... the information I had then was that there were unproven allegations and there was a breaching of the guidelines, but there was no recommendation that that was serious enough for him to be fired.*⁴⁵⁹

234. Pastor Smith was asked why as Chair of both the College Council and the Church Board he had not determined that Mr Sandilands was unable to abide by warnings or guidelines and was not to be trusted around children. He replied

*... the principal evidently felt that it was still insufficient reason because he had broken these guidelines to sack him, and I had no recommendation to do so, and I normally only worked on those recommendations at that stage given by the principal.*⁴⁶⁰

235. Pastor Smith said *'the sexual side of [the 1987 allegations] had not come to my attention or thoughts at that stage.'*⁴⁶¹

⁴⁵³ Ex 18-0016 (NS TB Tab 19) NSC.001.005.0031_R at 0032.

⁴⁵⁴ Ex 18-0016 (NS TB Tab 19) NSC.001.005.0031_R at 0032.

⁴⁵⁵ Ex 18-0016 (NS TB Tab 19) NSC.001.005.0031_R at 0032.

⁴⁵⁶ Smith T9627: 47-T9628: 20 (Day 91).

⁴⁵⁷ Smith T9628: 24-34 (Day 91).

⁴⁵⁸ Smith T9628: 36-T9629: 24; T9630: 39-42 (Day 91).

⁴⁵⁹ Smith T9630: 23-32 (Day 91).

⁴⁶⁰ Smith T9631: 22-28 (Day 91).

⁴⁶¹ Smith T9631: 33-34 (Day 91).

236. Pastor Smith also said that he was not concerned about the safety to children caused by Mr Sandilands' behaviour because the *'guidelines were set and the principal was closely supervising him.'*⁴⁶² However, he did not know what the protections were nor did he ask the Principal.⁴⁶³ He agreed that, in hindsight, the guidelines had little effect in controlling Mr Sandilands' behaviour towards children⁴⁶⁴ and that it was appropriate to seriously consider whether Mr Sandilands had a future role at the College.⁴⁶⁵
237. It is submitted that Pastor Smith received allegations against and admissions by Mr Sandilands of physical contact with children including cuddling, sitting on laps and kissing in 1986, and in March and October 1987. Notwithstanding those matters, Pastor Smith did not consider that Mr Sandilands may have been involved in the sexual abuse of children. It is further submitted that in October 1987 Pastor Smith did not remove Mr Sandilands from his position as a teacher at the College, even though there had been a breach of the 1986 warning and the 1987 guidelines.

5. Allegations against Mr Sandilands in 1987-1989

238. Margaret Furlong commenced teaching at the College in April 1987. She said that from the beginning of her employment she was told that the College was a ministry of the Church and *'we were under Pastor Smith.'*⁴⁶⁶ She was told by Pastor Smith that the teachers were not to join a union, that female teachers could not wear pants and that wage levels were determined by him and not by a scale.⁴⁶⁷ She said *'everything in relation to the College was kept secret and private.'*⁴⁶⁸
239. Ms Furlong gave evidence that she was not aware of the allegations concerning Mr Sandilands touching AGB in 1987.⁴⁶⁹ She said that no allegations against Mr Sandilands were discussed at staff meetings in 1987.⁴⁷⁰ She also said she was not aware of the guidelines set by the College with regards to Mr Sandilands in April 1987.⁴⁷¹

⁴⁶² Smith T9632: 28-29 (Day 91).

⁴⁶³ Smith T9632: 36-40 (Day 91).

⁴⁶⁴ Smith T9632: 42-43 (Day 91).

⁴⁶⁵ Smith T9633: 2-5 (Day 91).

⁴⁶⁶ Furlong T9499: 46- T9500: 2 (Day 90).

⁴⁶⁷ Furlong T9500: 2-5 and 24-31 (Day 90).

⁴⁶⁸ Furlong T9500: 33-34 (Day 90).

⁴⁶⁹ Furlong T9504: 36-45 (Day 90).

⁴⁷⁰ Furlong T9504: 40-45 (Day 90).

⁴⁷¹ Furlong T9504: 15 (Day 90).

240. However, in the second half of 1987, Mr Sandilands approached Ms Furlong and said that AGV, a student in her class, had been misbehaving and pulling down her pants.⁴⁷² She spoke with AGV who said that Mr Sandilands, in fact, had *'touched'* her in an old tram situated on the College grounds.⁴⁷³ She interpreted the touching to be *'inappropriate'* but she was uncertain whether it was sexual.⁴⁷⁴
241. Ms Furlong put the allegations to Mr Sandilands and he said AGV had made it up.⁴⁷⁵ Ms Furlong then said she reported to Mr Rookes that *'the victim had told me that she had been touched by Kenneth Sandilands.'*⁴⁷⁶ Mr Rookes said *'leave it to me.'*⁴⁷⁷ She said she was not told by Mr Rookes about the guidelines when she reported the incident about AGV.⁴⁷⁸ She also said she did not hear anything further from Mr Rookes about the allegations.⁴⁷⁹ Ms Furlong said she would have expected to know if there had been an interview with AGV or if the child's parents were informed.⁴⁸⁰
242. In 1988, Ms Fretton told Ms Furlong that Mr Sandilands had *'touched her.'*⁴⁸¹ Ms Furlong recalled that Ms Fretton was not specific about where Mr Sandilands had touched her but Ms Furlong *'knew exactly what she meant ... that there had been some sort of sexual touching on Ms Fretton.'*⁴⁸² She came to this conclusion because of *'the amount of stress [the child] was in, and looking back at the prior student who had disclosed it to me.'*⁴⁸³ Ms Furlong then reported the matter to Mr Rookes in the corner of the staff room and she recalled *'he really didn't say very much at all ... he acknowledged that I had spoken to him, but he didn't really say much at all about what he was going to do.'*⁴⁸⁴
243. Ms Furlong said she was not asked to put anything in writing, contact the parents or to take steps to interview Ms Fretton at greater length.⁴⁸⁵ Ms Furlong did not know what Mr Rookes

⁴⁷² Ex 18-0018, 'Statement of Margaret Furlong', STAT.9354.001.0001_R at [14].

⁴⁷³ Ex 18-0018, 'Statement of Margaret Furlong', STAT.9354.001.0001_R at [15].

⁴⁷⁴ Ex 18-0018, 'Statement of Margaret Furlong', STAT.9354.001.0001_R at [15].

⁴⁷⁵ Ex 18-0018, 'Statement of Margaret Furlong', STAT.9354.001.0001_R at [16].

⁴⁷⁶ Furlong T9502: 33-34 (Day 90).

⁴⁷⁷ Ex 18-0018, 'Statement of Margaret Furlong', STAT.9354.001.0001_R at [17]; Furlong T9502: 20-37 (Day 90).

⁴⁷⁸ Furlong T9504: 12-38 (Day 90).

⁴⁷⁹ Furlong T9502: 39-41 (Day 90).

⁴⁸⁰ Furlong T9502: 46- T9503: 5 (Day 90).

⁴⁸¹ Ex 18-0018, 'Statement of Margaret Furlong', STAT.9354.001.0001_R at [19].

⁴⁸² Furlong T9505: 43- T9506: 13 (Day 90).

⁴⁸³ Furlong T9506: 15-17 (Day 90).

⁴⁸⁴ Furlong T9506: 33-36 (Day 90).

⁴⁸⁵ Furlong T9506: 38- T9507: 6 (Day 90).

did with the information she had given to him about Ms Fretton. She did not receive any further communication from him or Pastor Smith regarding Ms Fretton.⁴⁸⁶

244. Mr Furlong said that on four occasions in 1989, Mr Sandilands sent messages for Ms Fretton to attend his classroom.⁴⁸⁷ On the first occasion, Ms Furlong was suspicious because while Mr Sandilands said that she was in trouble for pulling her pants down on the bus, Ms Fretton's mother said she had not taken the bus.⁴⁸⁸ On the second and third occasions, Ms Furlong did not allow Ms Fretton to go to Mr Sandilands' classroom because *'there was either no reason given or I did not accept the reason was valid.'*⁴⁸⁹ On the fourth occasion, Ms Furlong allowed Ms Fretton to go to Mr Sandilands' classroom based there was legitimate grounds but Ms Fretton was to be accompanied by another student. Ms Furlong said she was *'worried for Emma.'*⁴⁹⁰
245. Also in 1989, AGW complained to Ms Furlong that she had been *'touched'* by Mr Sandilands when she was younger.⁴⁹¹ Ms Furlong said she told Mr Rookes⁴⁹² about the allegation and mentioned that she believed that the touching was sexual.⁴⁹³ She said she heard nothing further from Mr Rookes.⁴⁹⁴ Ms Furlong did not speak to AGW's parents at the time.⁴⁹⁵ Ms Furlong gave evidence that during the period she was a teacher at the College from 1987 to 1989, she did not hear from either Pastor Smith or Mr Rookes of any concerns about Mr Sandilands' touching of children.⁴⁹⁶ Pastor Smith gave evidence that he was not informed of the allegation by AGW,⁴⁹⁷ the further allegations from Ms Fretton or those from AGW.⁴⁹⁸ Ms Furlong was asked whether she would have known if there were interviews conducted with AGW or be told by the College if a child's parents were informed and she replied *'definitely.'*⁴⁹⁹ In addition, Mr Rookes compiled a detailed chronology of all the allegations made against Mr Sandilands from December 1983 through to 1993 and there is no mention in that document of any allegations from Ms Furlong in 1987, 1988 and 1989.⁵⁰⁰ No documentation was produced by the

⁴⁸⁶ Furlong T9507: 8-16 (Day 90).

⁴⁸⁷ Ex 18-0018, 'Statement of Margaret Furlong', STAT.9354.001.0001_R at [24].

⁴⁸⁸ Ex 18-0018, 'Statement of Margaret Furlong', STAT.9354.001.0001_R at [24].

⁴⁸⁹ Ex 18-0018, 'Statement of Margaret Furlong', STAT.9354.001.0001_R at [24(b)].

⁴⁹⁰ Furlong T9508: 37-38 (Day 90).

⁴⁹¹ Ex 18-0018, 'Statement of Margaret Furlong', STAT.9354.001.0001_R at [29].

⁴⁹² Furlong T9510: 5-7 (Day 90).

⁴⁹³ Furlong T9510: 16-25 (Day 90).

⁴⁹⁴ Furlong T9510: 30 (Day 90).

⁴⁹⁵ Furlong T9510: 35-37 (Day 90).

⁴⁹⁶ Furlong T9510: 44- T9511: 2 (Day 90).

⁴⁹⁷ Smith T9634: 11-16 (Day 90).

⁴⁹⁸ Smith T9643: 41 (Day 90).

⁴⁹⁹ Furlong T9502: 46 – T9503: 5 (Day 90).

⁵⁰⁰ Ex 18-0016 (NS TB Tab 19) NSC.001.005.0031.

Church that records Ms Furlong's allegations or any investigation into such allegations. It is submitted that no investigation occurred into the allegations by Ms Furlong against Mr Sandilands which were conveyed to Mr Rookes in 1987, 1988 and 1989.

6. Allegations against Mr Sandilands in 1991-1992

August 1991 allegations

246. On 22 August 1991, AGT's mother came forward to Pastor Sharman from an Assemblies of God affiliated church in Glenroy and made allegations against Mr Sandilands. She said that he had invited four girls at the College to frontally embrace him, wiggle around and embrace him from behind and touch his genital area.⁵⁰¹ The allegations were communicated to Pastor Smith and Mr Sandilands was interviewed. He denied any impropriety but said that *'the students were overly friendly.'*⁵⁰²
247. The Principal asked Kerry Lovell, a part-time teacher and counsellor, to speak to the students.⁵⁰³ Ms Lovell interviewed AGT and other girls and boys who witnessed or were involved in the incident.⁵⁰⁴ In the first interview AGT said to Ms Lovell that Mr Sandilands displayed favouritism to girls and *'hugged them heaps of time,'*⁵⁰⁵ He also said that Mr Sandilands said *'I love you'* to them and had them say *'I love you back.'* AGT also said that Mr Sandilands approached the girls and told them to touch his genital area.⁵⁰⁶ Prior to the interview, Ms Lovell said that she was not informed of previous allegations against Mr Sandilands in 1986 and 1987⁵⁰⁷ or given a copy of the 1987 Guidelines.⁵⁰⁸
248. As a result of her interviews, Ms Lovell said she was convinced that hugging was occurring in the classroom.⁵⁰⁹ She gave evidence that she could not *'verify'* the touching of genitals as it was mentioned by AGT and not the other girls and boys.⁵¹⁰ Nonetheless she said she documented

⁵⁰¹ Ex 18-0016 (NS TB Tab 19) NSC.001.005.0031_R at 0032.

⁵⁰² Ex 18-0016 (NS TB Tab 19) NSC.001.005.0031_R at 0032.

⁵⁰³ Lovell T9536: 39-47 (Day 90).

⁵⁰⁴ Lovell T9534: 25-29 (Day 90).

⁵⁰⁵ Ex 18-0016 (NS TB Tab 38) VPOL.0007.001.0153_E_R at [12].

⁵⁰⁶ Ex 18-0016 (NS TB Tab 38) VPOL.0007.001.0153_E_R at [12].

⁵⁰⁷ Lovell T9537: 2-5 (Day 90).

⁵⁰⁸ Lovell T9538: 5-9 (Day 90).

⁵⁰⁹ Ex 18-0019, 'Statement of Kerry Lovell' STAT.0377.001.0001_R [15]; Lovell T9535: 33-43 (Day 90).

⁵¹⁰ Lovell T9535: 33- T9536: 3 (Day 90); Ex 18-0019, 'Statement of Kerry Lovell' STAT.0377.001.0001_R [13]-[15].

the allegation from AGT.⁵¹¹ However, AGT's account does not appear in the Principal's later summary of the action taken.⁵¹²

249. Ms Lovell was concerned that there was an '*unhealthy dynamic*' in Mr Sandilands' classroom.⁵¹³ She explained that it was '*both in relationships between him and the students and also the hugging girls and asking them, "Do you love me?"*' The Principal then gave Ms Lovell materials relating to the past allegations of Mr Sandilands and she determined that there was a pattern of behaviour.⁵¹⁴ In evidence Ms Lovell said

*...personally I didn't feel Ken Sandilands should have been teaching in a classroom, but I had no doubt that hugging was occurring, girls were asked if they loved him ... he'd sat children on his knee and it had gone over quite a period of time.*⁵¹⁵

250. Ms Lovell spoke with Mr Rookes and told him that Mr Sandilands should not be in the classroom.⁵¹⁶ However, the Principal noted in his chronological summary that Ms Lovell concluded that there was no reason to doubt Mr Sandilands' integrity but '*the cuddling of students was cause for concern.*'⁵¹⁷ Ms Lovell gave her summary to Mr Rookes and she understood that it was to be taken to Pastor Smith.⁵¹⁸
251. On about 3 September 1991, a meeting was held between Pastors Smith and Ingram, the Principal and a new Deputy Principal, Simon Murray, to discuss the conduct of Mr Sandilands.⁵¹⁹
252. The Principal's chronological summary records that it was determined at the meeting that although Mr Sandilands had not broken the '*legality of the guidelines*', he had in fact broken '*the spirit of it.*'⁵²⁰ It was also recorded that Mr Sandilands' employment beyond the end of 1991 would be subject to '*significant and measurable change of behaviour*' with respect to favouritism and soliciting affection from students.⁵²¹

⁵¹¹ Lovell T9536: 11-12 (Day 90).

⁵¹² Ex 18-0016, (NS TB Tab 19) NSC.001.005.0031_R at 0032.

⁵¹³ Ex 18-0019, 'Statement of Kerry Lovell' STAT.0377.001.0001_R at [16].

⁵¹⁴ Lovell T9538: 15-16 (Day 90).

⁵¹⁵ Lovell T9538: 18-24 (Day 90).

⁵¹⁶ Lovell T9538: 26-37 (Day 90).

⁵¹⁷ Ex 18-0016, (NS TB Tab 19) NSC.001.005.0031_R at 0032.

⁵¹⁸ Lovell T9538: 39-46 (Day 90).

⁵¹⁹ Ex 18-0020, 'Statement of Simon Murray' STAT.0376.001.0001_R at [14]-[15]; Ex 18-16, (NS TB Tab 39) VPOL.0007.001.0153_E_R.

⁵²⁰ Ex 18-0016, (NS TB Tab 19) NSC.001.005.0031_R at 0033.

⁵²¹ Ex 18-0016, (NS TB Tab 19) NSC.001.005.0031_R at 0033.

253. The chronology records that on or about 3 September 1991, Pastor Smith gave Mr Sandilands an admonishment and rebuked him for breaking the guidelines.⁵²² He was told to change his approach to teaching.
254. Pastors Smith and Ingram, the Principal and Mr Murray then met later that day. The chronology records that those at the meeting determined that *'there was no doubt that [Mr Sandilands'] intention and motives were pure and in no way sexually oriented.'*⁵²³
255. Mr Murray gave evidence and disagreed with the finding that the *'legality of the guidelines'* had not been broken. He said
- My feeling was that he had definitely broken the legality of the guidelines. I was never given an opportunity to read this report and, if I had, I would have very clearly made that change: He had broken the legality of those guidelines.*⁵²⁴
256. Mr Murray said if Mr Sandilands had broken the legality of the guidelines, the appropriate action was to terminate his employment *'at that point.'*⁵²⁵
257. Pastor Smith said he did not receive Ms Lovell's report and, despite having spoken with the Pastor from Glenroy, he said he was not aware of allegations of genital touching.⁵²⁶
258. Pastor Smith said he accepted the recommendation of the Principal that Mr Sandilands had broken the *'spirit'* of the guidelines but not *'the legality'*.⁵²⁷ He then said that *'technically'*, the cuddling of children was a breach of the guidelines, but that hugging and cuddling of children was *'a normal part of life.'*⁵²⁸ He agreed that, in hindsight, his conclusion that the guidelines had not been breached was *'absolutely'* wrong.⁵²⁹
259. Pastor Smith agreed that he knew at the time that Mr Sandilands *'had no capacity to abide by warnings or guidelines imposed on him.'*⁵³⁰ He agreed that he realised, by 1991, Mr Sandilands had breached the guidelines twice and that the guidelines had completely broken down.⁵³¹ He said he took no other actions to protect the children Mr Sandilands had been cuddling other

⁵²² Ex 18-0016, (NS TB Tab 19) NSC.001.005.0031_R at 0033.

⁵²³ Ex 18-0016, (NS TB Tab 19) NSC.001.005.0031_R at 0033. Mr Murray said that he was not in a position to make that judgment at that stage: T9569: 18 (Day 90).

⁵²⁴ Murray T9566: 39-43 (Day 90).

⁵²⁵ Murray T9567: 1-5 (Day 90).

⁵²⁶ Smith T9636: 33-41 (Day 91).

⁵²⁷ Smith T9637: 34-35 (Day 91).

⁵²⁸ Smith T9638: 9-13 (Day 91).

⁵²⁹ Smith T9638: 43-44 (Day 91).

⁵³⁰ Smith T9639: 4-17 (Day 91).

⁵³¹ Smith T9640: 5-10 (Day 91).

than relying on the Principal and the guidelines.⁵³² He also accepted a recommendation that Mr Sandilands continue teaching.⁵³³

260. Pastor Smith agreed that the matter had come to him for decision because there was an imputation available that the conduct alleged was sexual.⁵³⁴ However, he agreed with the conclusion recorded in the Principal's record that Mr Sandilands' intention and motives were *'pure and in no way sexually oriented.'*⁵³⁵
261. Ms Lovell gave evidence that around September 1991, arrangements were made for a monitor to be placed in Mr Sandilands' classroom by organising roster mothers. Ms Lovell understood the organisation was in relation to Mr Sandilands' *'eyesight'*⁵³⁶ and she was not aware whether Mr Rookes or Pastor Smith advised the roster mothers about allegations concerning Mr Sandilands.⁵³⁷
262. In November 1991, Pastor Spinella was appointed as a member of the College Board. He said that the College Board meeting did not discuss concerns in relation to allegations against Mr Sandilands. Pastor Spinella gave evidence that from August/September 1991 to the end of 1992, concerns about Mr Sandilands' behaviour were never raised at Board meetings nor the issue of guidelines provided to Mr Sandilands in 1987.⁵³⁸
263. Pastor Smith allowed Mr Sandilands to continue teaching children at the College notwithstanding further allegations of genital touching of children, two breaches of the guidelines and the likelihood that Mr Sandilands' actions towards children were sexual.

1992 allegations

AGP meets with Pastor Smith

264. In early 1992, AGP was told by her daughter (AGS) that when she was in Mr Sandilands' Grade 2 class in 1989, Mr Sandilands told her and other students *'about growing up and what men and women do.'*⁵³⁹ AGS said that Mr Sandilands showed them *'rude'* pictures out of a magazine of *'pictures of men and women without clothes on.'*⁵⁴⁰

⁵³² Smith T9639: 26–35 (Day 91).

⁵³³ Smith T9640: 22-23 (Day 91).

⁵³⁴ Smith T9643: 5-8 (Day 91).

⁵³⁵ Smith T9642: 20-22 (Day 91).

⁵³⁶ Lovell T9541: 12-15 (Day 90).

⁵³⁷ Lovell T9542: 12-24 (Day 90).

⁵³⁸ Spinella T9687: 29- T9688: 11 (Day 91).

⁵³⁹ Ex 18-0016 (NS TB Tab 32) NSC.001.005.0107_R at 0108.

⁵⁴⁰ Ex 18-0016 (NS TB Tab 32) NSC.001.005.0107_R at 0108.

265. In early April 1992, AGP and her husband met with Pastor Smith and told him the *'whole story'* of what AGS had said and that she did not want Mr Sandilands working with children.⁵⁴¹ She said that Pastor Smith told them that *'children can make up things'* and *'[we were] throwing things out of proportion ... and perhaps we were overreacting about what [AGS] had told us.'*⁵⁴² Pastor Smith told them that *'an investigation may not be the best way to proceed.'*⁵⁴³
266. On 2 April 1992, the Principal's chronology records that Pastor Smith reported the interview as concerning *'mental scarring'* from an incident of sex education teaching.⁵⁴⁴ The Principal recorded that there was an investigation which comprised speaking to a number of parents independently who expressed concerns about past incidents.⁵⁴⁵ It was noted that there was no evidence of *'anything untoward occurring in the present.'*⁵⁴⁶ The investigation was attributed to Ms Lovell but in evidence she denied she was involved and was not aware of the allegations concerning sex education.⁵⁴⁷
267. Pastor Smith recalled the interview with the parents but said he was unaware of the showing of the pictures of naked men and women.⁵⁴⁸ He said the parents had simply asked him *'why is sex education being taught in the school?'*⁵⁴⁹ He said that the *'actual details of how he was doing that - I had no idea.'*⁵⁵⁰
268. He agreed that he said to AGP and her husband that *'children can make things up.'*⁵⁵¹ He said he based this on past allegations against Mr Sandilands which *'had not been proven'* rather than allegations about showing magazine pictures of naked men and women to children.⁵⁵² He did not recall saying *'an investigation may not be the best way to proceed.'*⁵⁵³
269. He said he took the matter back to the Principal who raised it with Mr Sandilands and told him not to teach sex education.⁵⁵⁴

⁵⁴¹ Ex 18-0016 (NS TB Tab 32) NSC.001.005.0107_R at 0108.

⁵⁴² Smith T9645: 25-34 (Day 91); Ex 18-0016 (NS TB Tab 32) NSC.001.005.0107_R at 0108.

⁵⁴³ Ex 18-0016 (NS TB Tab 32) NSC.001.005.0107_R at 0108.

⁵⁴⁴ Ex 18-0016 (NS TB Tab 19) NSC.001.005.0031_R at 0033.

⁵⁴⁵ Ex 18-0016 (NS TB Tab 19) NSC.001.005.0031_R at 0033.

⁵⁴⁶ Ex 18-0016 (NS TB Tab 19) NSC.001.005.0031_R at 0033.

⁵⁴⁷ Lovell T9543: 47- T9544: 6 (Day 90).

⁵⁴⁸ Smith T9650: 30-34 (Day 91).

⁵⁴⁹ Smith T9651: 9-11 (Day 91).

⁵⁵⁰ Smith T9650: 36-40 (Day 91).

⁵⁵¹ Smith T9645: 25-34 (Day 91).

⁵⁵² Smith T9646: 26-T9647: 2 (Day 91).

⁵⁵³ Smith T9647: 41-45 (Day 91).

⁵⁵⁴ Smith T9651: 21-33 (Day 91).

270. Pastor Smith was asked whether he drew an association between previous allegations and sex education. He said

This was the first indication I had concerning the relationship with Mr Sandilands with hugging children and putting them on his knees and the possibility of sex, sexual overtones.

271. He said he was not able to determine in April 1992 that Mr Sandilands was engaging in sexually motivated conduct towards children because *'for four years I had no report of anything [of] a negative nature of Mr Sandilands during that period, until that time.'*⁵⁵⁵

272. He then agreed that he had received multiple allegations of Mr Sandilands *'being in proximity to children'* in 1986, in April and October 1987 and in 1991. However, he said he did not conclude that Mr Sandilands was acting in a sexually motivated way to children in 1992 because *'I had none of the details that are in that report there at present.'*⁵⁵⁶

273. It is submitted that the Royal Commission should not accept Pastor Smith's evidence that he was not told that Mr Sandilands had shown *'magazine pictures of naked people'* to a child at the College. AGP's statement of 23 February 2000, made 8 years after the event, is a more contemporaneous account of the conversation. AGP said Pastor Smith was told the *'whole story'* and it is inherently unlikely that the showing of the magazine pictures of naked people would have been omitted.

274. It is submitted that the Royal Commission should not accept that April 1992 was the first time Pastor Smith had a concern that hugging children may have had sexual overtones. As set out above, the reason for Pastor Smith seeking an *'urgent and serious'* investigation by Pastor Ingram on 24 March 1987 was because the allegations raised the possibility of sexual abuse.

275. It is further submitted that there was sufficient material provided to Pastor Smith in 1986, March and October 1987, 1991 and April 1992 for him to conclude that there was a risk that Mr Sandilands had engaged in sexual contact with children.

Interviews with Mr Sandilands

276. On 19 and 26 June 1992 the Principal, Mr Murray and Ms Lovell met with Mr Sandilands to discuss a list of 11 areas of Mr Sandilands' *'teaching style.'*⁵⁵⁷ Those areas included the *'sex education and other matters involving sexuality'* with children in the past.⁵⁵⁸ Mr Sandilands

⁵⁵⁵ Smith T9652: 18-24 (Day 91).

⁵⁵⁶ Smith T9653: 6-10 (Day 91).

⁵⁵⁷ Ex 18-0016 (NS TB Tab 19) NSC.001.005.0031_R at 0033; (NS TB Tab 12) NSC.001.005.0040.

⁵⁵⁸ Ex 18-0016 (NS TB Tab 12) NSC.001.005.0040.

- denied that the information given was *'unhealthy or negative'* but admitted that his answers to the questions of sex education may have been too detailed.⁵⁵⁹ He gave an undertaking not to discuss those matters in the future.⁵⁶⁰
277. Arrangements were made to ensure an adult was present in his class because the *'cause of most of the concerns ... could be attributed to the failing eyesight.'*⁵⁶¹ Those at the meeting expressed the opinion that the sex education matters were *'of a historical nature and that present students were not receiving any instruction in this area.'*⁵⁶²
278. It was also found that Mr Sandilands had *'breached the guidelines by administering corporal punishment to female students.'*⁵⁶³ Mr Sandilands expressed ignorance of the rule and said that *'the guideline was there only for matters of a sexual nature eg. lifting up one's skirt.'*⁵⁶⁴ Mr Murray noted that, in fact, the rule had been announced at the staff meeting the previous year.⁵⁶⁵ In evidence Mr Murray said that it was generally known within the Victorian education system in 1991 that a teacher disciplining a child was to be of the same gender as the child.⁵⁶⁶ Ms Lovell said that the form of corporal punishment used at the College at that time was hitting children on the bottom with a wooden paddle.⁵⁶⁷
279. The file notes record that Mr Murray said *'that the area of sexuality and the many accusations in this area was still a strong concern and he encouraged Ken to deal with this matter thoroughly before the Lord.'*⁵⁶⁸
280. Mr Sandilands continued to teach children at the College until 1992.

Mr Sandilands' departure from the College

281. On 6 and 8 October 1992 Pastor Smith raised the issue of Mr Sandilands' failing eyesight with the Church Board and with the Principal with a view to determining his future in light of the risk to children under his supervision caused by his disability.⁵⁶⁹ Pastor Smith said he had encouraged Mr Sandilands and his wife to consider ministry to the blind within the parameters

⁵⁵⁹ Ex 18-0016 (NS TB Tab 12) NSC.001.005.0040 at 0040.

⁵⁶⁰ Ex 18-0016 (NS TB Tab 12) NSC.001.005.0040 at 0040.

⁵⁶¹ Ex 18-0016 (NS TB Tab 19) NSC.001.005.0031_R at 0033.

⁵⁶² Ex 18-0016 (NS TB Tab 12) NSC.001.005.0040 at 0040.

⁵⁶³ Ex 18-0016 (NS TB Tab 19) NSC.001.005.0031_R at 0033.

⁵⁶⁴ Ex 18-0016 (NS TB Tab 12) NSC.001.005.0040 at 0041.

⁵⁶⁵ Ex 18-0016 (NS TB Tab 12) NSC.001.005.0040 at 0041.

⁵⁶⁶ Murray T9571: 35-43 (Day 90).

⁵⁶⁷ Lovell T9544: 27-45 (Day 90).

⁵⁶⁸ Ex 18-0016 (NS TB Tab 12) NSC.001.005.0040 at 0041.

⁵⁶⁹ Ex 18-0016 (NS TB Tab 13) NSC.003.001.0118.

- of a Christian Education ministry.⁵⁷⁰ Pastor Smith said he did not mention the concerns about Mr Sandilands' conduct towards children during the Church Board meeting.⁵⁷¹
282. On 10 November 1992, Pastor Smith wrote to Mr Sandilands to inquire whether he had the intention of staying in the teaching system given his visual disability and asked for a comprehensive medical report. Pastor Smith mentioned a number of potential financial benefits that may be available to him should he leave teaching.⁵⁷²
283. On 30 November 1992, the Principal submitted a report to Pastor Smith on the teaching effectiveness of Mr Sandilands.⁵⁷³ Five days later the Principal recommended to Pastor Smith that Mr Sandilands' contract be reviewed in the light of '*a lack of confidence expressed by a number of parents, a concern for the safety of children, ... the raising of historical allegations and breach of established guidelines, the difficulty in him performing all of his duties.*'⁵⁷⁴ Pastor Smith accepted that the Principal in his memorandum was referring to earlier breaches of the guidelines and the '*lack of confidence*' of parents concerned cuddling of children and having them on his knee.⁵⁷⁵ However, the reference to '*safety of children*' was, he said, related to his poor eyesight.⁵⁷⁶ By 5 December 1992, Pastor Smith had received Mr Sandilands' comprehensive medical report and a letter stating his desire to remain in the teaching system.⁵⁷⁷
284. On 8 December 1992, Mr Sandilands ceased teaching and went on indefinite sick leave due to his failing eyesight. Ms Furlong gave evidence that Mr Sandilands' departure was told to students, parents and staff at an assembly.⁵⁷⁸ Mr Murray and Pastor Spinella understood Mr Sandilands' departure was because of his deteriorating visual condition rather than allegations of sexual abuse of children.⁵⁷⁹
285. Pastor Smith accepted that at no time between 1987 and 1992 was indication given to the College Board that there were concerns about Mr Sandilands' contact with children.⁵⁸⁰ Pastor Smith said from 1987 to 1992, there was no reason to report to the College Board concerning

⁵⁷⁰ Ex 18-0016 (NS TB Tab 13) NSC.003.001.0118.

⁵⁷¹ Smith T9655: 5-19; T9657: 7-12 (Day 91).

⁵⁷² Ex 18-0016 (NS TB Tab 14) NSC.003.001.0122 at 0122-0123.

⁵⁷³ Ex 18-0016 (NS TB Tab 19) NSC.001.005.0031_R at 0034.

⁵⁷⁴ Ex 18-0016 (NS TB Tab 19) NSC.001.005.0031_R at 0034.

⁵⁷⁵ Smith T9653: 38-42; T9654: 11 (Day 91).

⁵⁷⁶ Smith T9654: 16-17 (Day 91).

⁵⁷⁷ Smith T9656: 30-36 (Day 91).

⁵⁷⁸ Furlong T9512: 23-42 (Day 90).

⁵⁷⁹ Murray T9573: 19-42 (Day 90); Spinella T9689: 30-34 (Day 91).

⁵⁸⁰ Smith T9657: 7-12 (Day 91).

allegations of Mr Sandilands' because *'the principal had made no comment to me as he was supervising him, not me.'*⁵⁸¹ Despite the fact that that Mr Sandilands had breached a warning and guidelines between 1987 and 1992, Pastor Smith said he did not think those matters were worthy of report to the Church Board.⁵⁸² He said that in hindsight he thought the Church Board would have wanted to know of the allegations but at the time it did not occur to him.⁵⁸³

286. Pastor Spinella, a Board member from November 1992, gave evidence that until 2000 *'the seriousness of the allegations against Sandilands had never been formally raised at a Church Board meeting.'*⁵⁸⁴ Pastor Spinella agreed that allegations that may have indicated sexual abuse are something which he would have expected to be reported to the Church Board, even if at that stage the matters were being dealt with by the Principal.⁵⁸⁵ This was due to the fact that any such allegations are

*...a very significant disciplinary problem. It was also an expectation that disciplinary issues are brought to the board which are of a significant nature. I would have expected that.*⁵⁸⁶

287. It is submitted that Pastor Smith removed Mr Sandilands from teaching at the College in 1992 for the primary reason that his eyesight was failing and not because of suspicions that he had engaged in the sexual abuse of children. It is further submitted that Pastor Smith did not remove Mr Sandilands from teaching at the College even though he was aware of parental concerns about physical contact with children, multiple allegations of sexual abuse of children, and breaches in March and October 1987, 1991 and 1992 of a warning and guidelines set for Mr Sandilands.

Pastor Smith's knowledge of allegations against Mr Sandilands

288. Pastor Smith obtained knowledge of allegations against Mr Sandilands during the period of 1986 to 1992 which may be summarised as follows
- a. In December 1986 Pastor Smith was told of allegations of *'cuddling of children and imprudent relationships'* between Mr Sandilands and children but the allegations were found *'not proven'* by the Principal and Mr Sandilands was warned but not disciplined;

⁵⁸¹ Smith T9657: 14-23 (Day 91).

⁵⁸² Smith T9658: 18 – T9659: 5 (Day 91).

⁵⁸³ Smith T9658: 47-T9659: 5 (Day 91).

⁵⁸⁴ Ex 18-0023, 'Statement of John Spinella' STAT.0352.002.0001_R at [60].

⁵⁸⁵ Spinella T9688: 25-28 (Day 91).

⁵⁸⁶ Spinella T9688: 13-23 (Day 91).

- b. In March 1987 Pastor Smith was told of further allegations which he said had *'overtones of sexual impropriety'* but after Pastor Ingram's investigation he accepted there was *'no case proven'*, did not discipline Mr Sandilands but did set guidelines;
- c. In October 1987 Pastor Smith was told of admissions by Mr Sandilands that he had kissed children and had them on his lap and Pastor Smith administered a *'severe reprimand'* to Mr Sandilands;
- d. In April 1991 Pastor Smith was told of allegations of children being invited by Mr Sandilands to embrace him and touch his genitals, the latter of which was found to be *'unverified'*, and in September 1991 Pastor Smith admonished and rebuked Mr Sandilands for breaching the guidelines;
- e. In April 1992 Pastor Smith was told of allegations that Mr Sandilands had shown pictures of naked people to children and the Principal told him not to do so.

7. Further allegations against Mr Sandilands in 1993

Internal investigation of allegations

289. In November 1993 the father of a Grade 4 student told the Principal that Mr Sandilands had touched his son's genitals and those of another boy when the boy was in Grade 2.⁵⁸⁷ The Principal asked Ms Lovell to conduct another investigation by speaking to the father and the son as well as other relevant students.⁵⁸⁸ The father told Ms Lovell that his son (AGC) displayed symptoms of bed-wetting, hate for school, decline in academic standard and outbursts of anger. He told Ms Lovell that in his opinion, and having experience of such matters, this was indicative of some form of sexual abuse.⁵⁸⁹ When interviewed by Ms Lovell, AGC said that Mr Sandilands had touched his genitals and the genitals of three other children and Mr Sandilands had one girl touch him on the penis, through his clothes.⁵⁹⁰
290. On 20 November 1993 the Principal was told of a further female student who had said that in 1985 Mr Sandilands had touched her on the hip, was moving to her genital area and asked *'Do you want more?'*⁵⁹¹ The Principal asked Ms Lovell to investigate the allegation.

⁵⁸⁷ Ex 18-0016 (NS TB 16) NSC.001.005.0039.

⁵⁸⁸ Lovell T9547: 5-7 (Day 90).

⁵⁸⁹ Lovell T9547: 13-17 (Day 90).

⁵⁹⁰ Ex 18-0016 (NS TB 16) NSC.001.005.0039.

⁵⁹¹ Ex 18-0016 (NS TB 19) NSC.001.005.0031_R at 0034.

291. On 29 November 1993, Ms Lovell wrote a memorandum to the Principal setting out AGC's allegations and recommended that they be taken seriously in light of *'past allegations of a sexual nature surrounding Ken's time at Northside'* and that that children were unlikely to lie *'especially if they have nothing to gain by disclosing.'*⁵⁹² She suggested further action by speaking with the Health and Community Services about determining how to proceed.⁵⁹³
292. On 7 December 1993, a third student (AGX) also came forward to a College Chaplain at the (senior) College and said that she had been *'molested'* by Mr Sandilands some years before.⁵⁹⁴ She said Mr Sandilands asked her to say she loved him and refused to talk to her if she did not. She also recalled Mr Sandilands putting his legs tightly around her waist, pulling her close to him.⁵⁹⁵
293. On 13 December 1993 Mr Rookes prepared a detailed chronology of allegations received between 1987 and 1993.⁵⁹⁶
294. Pastor Smith noted that *'dependent on the information contained'* in Mr Sandilands' response, a recommendation was to be made to the Church Board that parents be informed that the Church had *'done all we can possibly do to ascertain the truth in this matter'* and be given an excerpt of Mr Sandilands' letter.⁵⁹⁷ He also suggested that parents be invited to take the matter up with Mr Sandilands themselves and that the Board express to Mr Sandilands its *'expressed concern that he created such a possibility for these allegations by unprofessional teaching and indiscreet behaviour.'*⁵⁹⁸
295. Two days later Mr Sandilands wrote a short letter saying that his attitude to allowing children to sit on knee had changed, that he had allowed children to do so but had not touched any child indecently.⁵⁹⁹
296. In his December 1993 – January 1994 report for the Church Board, Pastor Smith stated that *'he had pursued this matter with the person concerned, and had received a letter from him denying*

⁵⁹² Ex 18-0016 (NS TB 17) NSC.001.005.0036_R at 0036 – 0038.

⁵⁹³ Lovell T9548: 23-25 (Day 90), Ex 18-0016 (NS TB 16) NSC.001.005.0039. In oral evidence, she could not recall what happened with this request.

⁵⁹⁴ Ex 18-0016 (NS TB Tab 19) NSC.001.005.0031_R at 0035.

⁵⁹⁵ Ex 18-0016 (NS TB Tab 19) NSC.001.005.0031_R at 0035.

⁵⁹⁶ Ex 18-0016 (NS TB Tab 19) NSC.001.005.0031_R.

⁵⁹⁷ Ex 18-0016 (NS TB Tab 18) NSC.001.005.0029_R at 0030.

⁵⁹⁸ Ex 18-0016 (NS TB Tab 18) NSC.001.005.0029_R at 0030.

⁵⁹⁹ Ex 18-0016 (NS TB Tab 20) NSC.003.001.0094_R at 0094.

all allegations.' Pastor Smith also stated that the *'three families have been notified of the outcome'* but *'he did not believe there was anything further he could do.'*⁶⁰⁰

297. In oral evidence Pastor Smith said that he was not aware of the specific details of the allegations against Mr Sandilands but he was aware there were allegations of sexual abuse.⁶⁰¹ He said that the parents did not explain the allegations to him and he did not ask for details.⁶⁰²
298. As mentioned, Ms Lovell had provided a detailed memorandum of the allegations to the Principal and the Principal had met with Pastor Smith so that both could interview Mr Sandilands.⁶⁰³ Pastor Smith's own memorandum says, in an interview with Mr Sandilands on 13 December 1993, that he *'explained the 3 allegations'* to him, identified the children concerned and that Mr Sandilands denied them.⁶⁰⁴ Further Pastor Smith had determined that Mr Sandilands had been engaged in *'unprofessional'* and *'indiscreet behaviour.'*⁶⁰⁵ It is submitted that Pastor Smith's evidence that he did not know of the details of the allegations of sexual abuse which arose in 1993 is not credible and should not be accepted.
299. On 17 February 1998, Mr Sandilands formally resigned from his position at the College⁶⁰⁶ not having taught there since 1992.

Reporting to external agencies

300. Pastor Smith said that he asked the Principal to inform *'the authorities'* of the allegations against Mr Sandilands, although he was not sure when.⁶⁰⁷ He was also not sure whether the *'authorities'* contacted were the police or the Education Department.⁶⁰⁸ Pastor Smith said he was informed by the Principal that he had contacted the relevant authorities and was told if there were no proven allegations, he was to conduct this in-house as a Principal.⁶⁰⁹ Pastor Smith said he did not inform the police himself at any stage between 1987 and 1993.⁶¹⁰
301. Mr Murray said he had never heard any discussion of referring Mr Sandilands to the police during 1991 to 1993.⁶¹¹ It did not come up in discussions between him, the Principal and Pastor

⁶⁰⁰ Ex 18-0016 (NS TB 21) NSC.003.001.0095_E.

⁶⁰¹ Smith T9663: 4-8 (Day 91).

⁶⁰² Smith T9663: 20-33 (Day 91).

⁶⁰³ Ex 18-0016 (NS TB Tab 17) NSC.001.005.0036.

⁶⁰⁴ Ex 18-0016 (NS TB Tab 18) NSC.001.005.0029.

⁶⁰⁵ Ex 18-0016 (NS TB 18) NSC.001.005.0029_R at 0030.

⁶⁰⁶ Ex 18-0016 (NS TB 25) NSC.500.001.0688_E at 0689_E.

⁶⁰⁷ Smith T9631: 30-41 (Day 91).

⁶⁰⁸ Smith T9631: 42-45 (Day 91).

⁶⁰⁹ Smith T9632: 6-18 (Day 91).

⁶¹⁰ Smith T9659: 7-10 (Day 91).

⁶¹¹ Murray T9570: 7-14 (Day 90).

Smith and he was never told Pastor Smith had received advice from the police about handling such matters.⁶¹²

302. Around November 1993, Ms Lovell spoke with the Department of Health and Community Services (now Department of Human Services) and Community Policing Squad with respect to allegations concerning child sexual abuse. She could not recall and did not document the conversation.⁶¹³
303. Pastor Smith did not ask the College to contact state authorities nor did he receive any report from the College subsequent to the contacting of Department of Human Services.⁶¹⁴ Pastor Smith also did not follow up with the College as *'he had no reason to do it'* and agreed this was because he had *'no concerns that [Mr Sandilands'] conduct was questionable in its effect upon children.'*⁶¹⁵

8. Criminal and Civil Proceedings

Criminal Proceedings

304. On 17 July 2000, Mr Sandilands was charged with 12 counts of indecent assault against both female and male students at the College during the period 1983-1992.⁶¹⁶ Statements were obtained by police from the victims (including Ms Fretton), parents of the victims and staff members of the College as part of the police investigation.⁶¹⁷
305. Below is a summary of the first charges laid against Mr Sandilands⁶¹⁸

⁶¹² Murray T9570: 11-22 (Day 90).

⁶¹³ Lovell T9549: 24-29 (Day 90).

⁶¹⁴ Smith T9659: 17-28 (Day 91).

⁶¹⁵ Smith T9659: 30-36 (Day 91).

⁶¹⁶ Ex 18-0016 (NS TB Tab 50) DECD.3003.002.0017_E at 0018_E.

⁶¹⁷ Ex 18-0016 (NS TB Tab 27) NSC.001.005.0165_R; Ex 18-0016 (NS TB Tab 28) NSC.001.005.0062_R; Ex 18-0016 (NS TB Tab 29) NSC.001.005.0068_R; Ex 18-0016 (NS TB Tab 30) NSC.001.005.0099_R; Ex 18-0016 (NS TB Tab 31) NSC.001.005.0102_R; Ex 18-0016 (NS TB Tab 32) NSC.001.005.0107_R; Ex 18-0016 (NS TB Tab 33) NSC.001.005.0114_R; Ex 18-0016 (NS TB Tab 34) NSC.001.005.0073_R; Ex 18-0016 (NS TB Tab 35) VPOL.0007.001.0093_E_R; Ex 18-0016 (NS TB Tab 36) VPOL.0007.001.0093_E_R; Ex 18-0016 (NS TB Tab 37) NSC.001.005.0095_R; Ex 18-0016 (NS TB Tab 38) VPOL.0007.001.0140_E_R; Ex 18-0016 (NS TB Tab 39) VPOL.0007.001.0153_E_R; Ex 18-0016 (NS TB Tab 40) NSC.001.005.0080_R; Ex 18-0016 (NS TB Tab 41) NSC.001.005.0090_R; Ex 18-0016 (NS TB Tab 42) NSC.001.001.0015_R; Ex 18-0016 (NS TB Tab 43) NSC.001.005.0140_R.

⁶¹⁸ Ex18-0015, NSC.001.005.0050_R.

Charge	Victim	Offence	Offence Date
1	AGE	Indecent assault (during school hours in classroom)	1 Jan 1983 to 31 Dec 1983
2	AGG	Indecent assault (during class time)	1 Jan 1984 to 31 Dec 1984
3	AGH	Indecent assault (during school hours)	1 Jan 1985 to 31 Dec 1985
4	AGH	Indecent assault (after school hours in classroom)	1 Jan 1985 to 31 Dec 1985
5	Emma Fretton	Indecent assault (during paddling incident)	1 Jan 1986 to 31 Dec 1988
6	Emma Fretton	Indecent assault (bouncing on knee during class)	1 Jan 1986 to 31 Dec 1988
7	Emma Fretton	Indecent assault (stroking stomach and breasts)	1 Jan 1986 to 31 Dec 1988
8	AGN	Indecent assault	9 Aug 1989
9	AGC	Indecent assault (back room off classroom)	1 Jan 1991 to 31 Dec 1991
10	AGC	Indecent assault (during lunch hour in classroom)	1 Jan 1991 to 31 Dec 1991
11	AGD	Indecent assault	1 Jan 1985 to 31 Dec 1985
12	AGL	Indecent assault (after rock throwing incident)	1 Jan 1987 and 31 Dec 1988

306. On 22 November 2000, Mr Sandilands pleaded guilty to 12 counts of indecent assault and was sentenced to two years imprisonment with a non-parole period of 12 months.⁶¹⁹ He appealed against the severity of his sentence but later withdrew the appeal. He commenced serving his sentence on 7 February 2001.⁶²⁰ On the same day he was sentenced, Mr Sandilands was de-registered from the Registered School Board of Victoria.⁶²¹
307. Pastor Smith said he did not approach the victims during the criminal proceedings to offer an apology on behalf of himself and/or the Church '*because of [the] legal proceeding that were there, of which I had no real knowledge of what was happening*'⁶²² and he was '*unaware of the names of the people involved.*'⁶²³
308. Pastor John Spinella, the current Senior Pastor at the Church and Senior Pastor at the time the criminal proceedings commenced, was only made aware of the nature and extent of Mr

⁶¹⁹ Ex 18-0016 (NS TB Tab 54) NSC.502.001.0017 at 0017; Ex 18-0016 (NS TB Tab 50) DECD.3003.002.0017_R at 0018.

⁶²⁰ Ex 18-0016 (NS TB Tab 57) DECD.3003.001.0015_R.

⁶²¹ Ex 18-0016 (NS TB Tab 57) DECD.3003.002.0015_R; Ex 18-0016 (NS TB Tab 50) DECD.3003.002.0017_R.

⁶²² Smith T9676: 16-23 (Day 91).

⁶²³ Smith T9676: 11-14 (Day 91).

Sandilands' conduct in about 2000.⁶²⁴ This was despite commencing at the Church as an Assistant Pastor in 1987, appointed to the Church in 1991 and being appointed Senior Pastor in 1998.⁶²⁵

309. Ms Fretton gave the following evidence about the criminal proceedings

*I did not feel at the time that I was believed and did not feel giving the [police] statement lifted the burden as I expected it to. The experience was negative for me and made me feel heavier.*⁶²⁶

310. Ms Fretton wrote a victim impact statement setting out her feelings but she said she was told by the judge not to read it as it was 'unnecessary.'⁶²⁷ Ms Fretton was unhappy with the sentence given to Mr Sandilands, commenting that it was not 'good enough' and 'wasn't appropriate.'⁶²⁸

311. On 10 September 2014, Mr Sandilands was convicted of a further six counts of indecently assault a Grade 3 or 4 girl and one count of indecently assault a male under 16 at St Pauls Anglican Primary School in Frankston, Victoria between 1970 and 1974. He was sentenced to a further 26 months imprisonment.

Civil Proceedings

312. Between August and November 2000, six former students of Mr Sandilands commenced proceedings in the County Court of Victoria (the Court) against the Church alleging that Mr Sandilands had sexually abused them.⁶²⁹ The plaintiffs were Ms Fretton, AGD, AGH, AGL, AGN and AGC. Another victim, AGE, commenced proceedings in 2002. Pastor Smith and Mrs Brown were named as defendants in the civil proceedings by Emma Fretton, AGN, AGL and AGC.⁶³⁰ AGC also named Mr Rookes as a fifth defendant.

313. Pastor Spinella described his reaction upon receiving the writ from the Court as being 'absolutely shocked, disappointed, saddened that this happened in our school.'⁶³¹ Pastor Spinella explained in his statement to the Royal Commission that the focus and response of the Church Board was to 'attempt to settle the claims' for the following reasons

a. *The realisation of the College and Church failed in their duty of care to victims;*

⁶²⁴ Ex 18-0023, 'Statement of John Spinella' STAT.0352.002.0001_R at [57] and Spinella T9693: 38-42 (Day 91).

⁶²⁵ T9668: 40-42 (Day 91); Ex 18-0023 'Statement of John Spinella' STAT.0352.002.0001_R at [16].

⁶²⁶ Fretton T9475: 38-47 (Day 89).

⁶²⁷ Fretton T9485: 9 – 38 (Day 89).

⁶²⁸ Fretton T9476: 22-30 (Day 89).

⁶²⁹ Statement of Agreed Facts (prepared by officers of the Solicitor Assisting the Royal Commission).

⁶³⁰ Ex 18-0016 (NS TB Tab 70) NSC.001.001.0071_R.

⁶³¹ Spinella T9694: 3-14 (Day 91).

- b. *The need to provide some kind of compensation to the victims for those failures;*
 - c. *The undesirability in forcing victims to pursue claims of such a personal and sensitive nature through to judgement, given those failures; and*
 - d. *The knowledge that if claims were pursued...the Church and the College could face financial ruin.*⁶³²
314. On 24 and 25 September 2001, a joint mediation was conducted for the first six of the victims.⁶³³ Pastor Spinella attended the mediations on behalf of the Church along with his wife, other members of the Church Board and the then Principal of the College, Ken Greenwood.⁶³⁴ In his statement to the Royal Commission, Pastor Spinella explained the focus of the Church in mediation, *'The settlement discussions were focused on reaching a fair and just settlement with each victim. ... our focus was on reaching a mutually acceptable outcome.'*⁶³⁵
315. The plaintiffs' lawyers provided an initial estimate of the total damages of \$1.8m, in which Pastor Spinella said would effectively *'shut down the Church and College.'*⁶³⁶ While he said the Church wanted the victims to receive *'adequate compensation,'* Pastor Spinella stated that they *'also wanted to avoid shutting down the Church and College.'*⁶³⁷
316. The total amount paid to the seven plaintiffs was \$597,500. The first five plaintiffs reached settlement by mediation in October 2001. They had negotiated one global sum to be split as follows between the plaintiffs: Ms Fretton \$225,000, AGH \$95,000, AGN \$95,000, AGD \$55,000, and AGL \$55,000.⁶³⁸ Subsequently further settlements were reached with AGC for \$37,500 and with AGE for \$35,000.⁶³⁹
317. The Church contributed \$140,000 to the settlements of Ms Fretton, AGD, AGH, AGL and AGN and \$20,000 to the settlement of AGC. The insurer of the Church, EIG-Ansvar Insurance, contributed \$175,000 to the settlement of Ms Fretton, AGD, AGH, AGL and AGN and \$17,500 to the settlement of AGE's claim.⁶⁴⁰ Mr Sandilands contributed \$210,000 to the settlement of

⁶³² Ex 18-0023, 'Statement of John Spinella' STAT.0352.002.0001_R at [63]

⁶³³ Ex 18-0023, 'Statement of John Spinella' STAT.0352.002.0001_R at [65].

⁶³⁴ Ex 18-0023, 'Statement of John Spinella' STAT.0352.002.0001_R at [66].

⁶³⁵ Ex 18-0023, 'Statement of John Spinella' STAT.0352.002.0001_R at [67].

⁶³⁶ Ex 18-0023, 'Statement of John Spinella' STAT.0352.002.0001_R at [70] Ex 18-0016 (NS TB Tab 68) NSC.502.001.0001_R at 0003.

⁶³⁷ Ex 18-0023, 'Statement of John Spinella' STAT.0352.002.0001_R at [70].

⁶³⁸ Ex 18-0023 'Statement of John Spinella' STAT.0352.002.0001_R at [72].

⁶³⁹ Ex 18-0023 'Statement of John Spinella' STAT.0352.002.0001_R at [74].

⁶⁴⁰ Ex 18-0023 'Statement of John Spinella' STAT.0352.002.0001_R at [73]-[74].

Ms Fretton, AGD, AGH, AGL and AGN; \$17,500 to the settlement of the AGC claim and \$17,500 to the settlement of the AGE claim.⁶⁴¹

318. A deed of settlement was entered into between the Church and each of the plaintiffs releasing the defendants. Each deed of settlement included a confidentiality clause⁶⁴² in substantially the same terms, *'The terms of settlement of this proceeding shall be strictly confidential as between the parties to this agreement, their respective legal advisers and their respective insurers (if any).'*

319. Pastor Spinella said, it was not the intention of the Church to prevent the plaintiffs from speaking about the abuse they suffered.⁶⁴³

320. Ms Fretton found the legal proceedings *'extremely stressful'*⁶⁴⁴ and during one of the mediation sessions she collapsed. Ms Fretton gave evidence that she made it clear during the mediation that she *'wanted a written apology for what happened'* and felt like they gave her the money *'just to keep [her] quiet again.'*⁶⁴⁵ Ms Fretton explained

*I didn't actually want the money. I wanted an apology, but I never got one. I don't know if my request for an apology was formally included in the settlement.*⁶⁴⁶

321. Pastor Spinella said that during the mediation process, there was no interaction between the College and the plaintiffs.⁶⁴⁷ He said

*During the mediation there was an opportunity to speak to the victims and their parents. When that opportunity came our way, we said yes, we'd like to do that. We know at that time there was a lot of anger, and so, only a few came; none of the victims, but to the best of my recollection parents came and we expressed our heartfelt sorrow for what had happened to them and their children.*⁶⁴⁸

322. When questioned about whether a written apology was provided to the victims of Mr Sandilands, Pastor Spinella stated that a verbal apology was offered but not a written apology.⁶⁴⁹ He also said that AGE requested a written apology, a copy of the child protection policies and that a tree be planted but the Church failed to respond, *'I could give you excuses,*

⁶⁴¹ Ex 18-0023 'Statement of John Spinella' STAT.0352.002.0001_R at [73]-[74].

⁶⁴² Ex 18-0016 (NS TB Tab 67) NSC.001.001.0074 at 0075.

⁶⁴³ Spinella T9699: 13-33 (Day 91).

⁶⁴⁴ Fretton T9476: 39 (Day 89).

⁶⁴⁵ Fretton T9476: 39-43; T9477: 13-14 (Day 89).

⁶⁴⁶ Fretton T9477: 7-9 (Day 89).

⁶⁴⁷ Spinella T9695: 44-46 (Day 91).

⁶⁴⁸ Spinella T9696: 9-16 (Day 91).

⁶⁴⁹ Spinella T9696: 30-38 (Day 91).

*but it's inexcusable, we should have done it; we didn't respond the way we would today, and that's with regret.'*⁶⁵⁰

323. Pastor Spinella gave an apology in the public hearing to Ms Fretton and other victims

*What happened at the College was something which is an enduring regret, and to Emma, to many of the other students, I apologise. I apologise on behalf of our church, the failures of Northside Christian College. I just say sorry and it should never have happened, it should never have been allowed to continue. I apologise to the victims, and we will do everything in our power, both in the College, in the Church, to ensure as much as possible that this will never happen again. It should never happen to little children, they're precious.*⁶⁵¹

324. Pastor Smith said he did not provide an apology to any victims at any stage after Mr Sandilands left the College because he *'did not know any of the victims.'*⁶⁵²

Assemblies of God involvement in the civil proceedings

325. AOG Financial Services, also known as AOG Insurance Services and now Australian Christian Services, have over many years brokered insurance and public liability insurance for constituent and affiliated churches of the Australian Christian Churches.⁶⁵³ The Church accepted the policy offered during the 1980s and received indemnity from insurance company EIG Ansva.⁶⁵⁴
326. In 1987 a change to the public liability cover accepted by the Church excluded sexual molestation.⁶⁵⁵ The effect was that the new insurance policy excluded the claim of AGC, whilst the old coverage provided full or partial coverage for the claims made by other victims.⁶⁵⁶ The Church's lawyers advised that the remainder had to be made up by the Church.⁶⁵⁷
327. On 10 October 2001, Moores Legal (representing the Church) wrote to the Assemblies of God seeking *'the support of the AOG National Executive to financially underwrite any shortfall in damages and the legal costs incurred in defending these proceedings.'*⁶⁵⁸ The Church also requested that a representative of the Assemblies of God National Executive be present at the mediation.⁶⁵⁹

⁶⁵⁰ Spinella T9696: 40- T9697: 16 (Day 91).

⁶⁵¹ Spinella T9716: 37- T9717: 3 (Day 91).

⁶⁵² Smith T9676: 6-9 (Day 91).

⁶⁵³ Ainge T9290: 26-39 (Day 88).

⁶⁵⁴ Ex 18-0016 (NS TB Tab 62) ACC.0007.001.0001_R at 0001.

⁶⁵⁵ Ex 18-0016 (NS TB Tab 62) ACC.0007.001.0001_R at 0001.

⁶⁵⁶ Ex 18-0016 (NS TB Tab 62) ACC.0007.001.0001_R, Ex 18-0016 (NS TB Tab 59) NSC.001.007.0106_R.

⁶⁵⁷ Ex 18-0016 (NS TB Tab 59) NSC.001.007.0106.

⁶⁵⁸ Ex 18-0016 (NS TB Tab 62) ACC.0007.001.0001_R at 0002.

⁶⁵⁹ Ex 18-0016 (NS TB Tab 62) ACC.0007.001.0001_R.

328. The AOG declined to participate in the mediation process or provide financial support to the Church.⁶⁶⁰ Pastor Ainge, the National Secretary of the Assemblies of God at the time, advised Moores Legal that all '*churches within the Assemblies of God fellowship are autonomous and are responsible for their own affairs.*'⁶⁶¹

329. Pastor Ainge explained the approach further in his evidence to the Royal Commission

The Assemblies of God is an unincorporated fellowship consisting of churches. ... It is not a fellowship that involves schools in any way, and so there was a distinction drawn between the Church and the school ... the information that I've been given is that the Church did not in any way contact the national executive through the whole process of the discipline of the teacher, and the whole process had not involved us and it seemed to us that they only wanted to talk to us at the point where they wanted money.

...the Assemblies of God effectively has no assets, in that it is simply a fellowship of churches, and the Churches hold their own assets ...

*The reality is that the assets were extremely limited. The other reason is that AOG Financial Services was not formed until 1990-something and we weren't responsible for the insurance prior to that.*⁶⁶²

330. He agreed that the position of the National Executive was that any error or negligence by the College was not to be '*sheeted home*' to Assemblies of God.⁶⁶³

331. On 2-4 April 2002, the National Executive meeting of the Assemblies of God considered the request for funds and noted, '*we cannot take any responsibility for the claims against the Church without creating a dangerous precedent.*'⁶⁶⁴

9. Departure of Senior Pastor Smith

332. On 7 November 2001 Pastor Spinella provided a report to the Church Board after the conclusion of the mediation, detailing the process and outcomes. In the report he criticised Pastor Smith's handling of the allegations of child sexual abuse against Mr Sandilands,⁶⁶⁵ and concluded that there had been neglect.⁶⁶⁶ He reported that upon examining Pastor Smith's police statement, he was concerned that Pastor Smith was not telling the truth.⁶⁶⁷ It also became apparent to

⁶⁶⁰ Ex 18-0016 (NS TB Tab 65) ACC.0007.001.0005 at 0005, Ex 18-0016 (NS TB Tab 66) ACC.0007.001.0006_R at 0006.

⁶⁶¹ Ex 18-0016 (NS TB Tab 73) NSC.001.007.0413 at 0413.

⁶⁶² Ainge T9291: 9-32 (Day 88).

⁶⁶³ Ainge T9292: 37-42 (Day 88).

⁶⁶⁴ Ex 18-0016 (NS TB Tab 77) ACC.0007.001.0006 at 0006.

⁶⁶⁵ Spinella T9699: 40 – T9700: 16 (Day 91).

⁶⁶⁶ Spinella T9700: 5-16 (Day 91).

⁶⁶⁷ Spinella T9701: 13-15 (Day 91).

- Pastor Spinella that Pastor Smith had made no contact with relevant authorities such as the police or Education Department.⁶⁶⁸ Pastor Spinella wrote that the situation in relation to Mr Sandilands was *'completely bungled by the past leadership and in particular by Denis Smith who had the power to fire Ken.'*⁶⁶⁹
333. Pastor Spinella consulted with the State President of the Assemblies of God Victoria, Pastor Alun Davies, and his opinion was that Pastor Smith was negligent in his duty of care by protecting the teacher rather than the welfare of the children, despite a long history of complaints.⁶⁷⁰ Pastor Davies concluded that Pastor Smith *'must now fall on his sword for the Church and colleges sake.'*⁶⁷¹
334. The Board then resolved that Pastor Smith be given an opportunity to *'consider his position'* in *'light of this information.'*⁶⁷² Pastor Spinella attended Pastor Smith's residence after the meeting to inform him of the Board's decision.⁶⁷³ Pastor Spinella says he told Pastor Smith that the Board had decided *'that he needed to go'* and explained that there was a lot of anger from the parents of the children and a clear issue of neglect.⁶⁷⁴ Pastor Spinella said Pastor Smith understood the situation *'very clearly.'*⁶⁷⁵
335. Pastor Smith gave evidence that he was not aware of the report prepared by Pastor Spinella and presented at the Board meeting on 7 November 2001,⁶⁷⁶ nor was he asked to resign from the Church in response to the way in which he handled past allegations of child sexual abuse.⁶⁷⁷ Pastor Smith agreed that he had a conversation with Pastor Spinella about considering his position within the Church but said Pastor Spinella did not discuss with him any criticisms or alleged negligence in failing to act properly.⁶⁷⁸
336. He said his resignation was a measure to assist the Church financially.⁶⁷⁹ Pastor Smith later agreed that he had been asked to tender his resignation as *'my being there was creating some problem for the Church, in that global sense.'*⁶⁸⁰

⁶⁶⁸ Spinella T9701: 41- T9702: 6 (Day 91).

⁶⁶⁹ Ex 18-0016 (NS TB Tab 68) NSC.502.001.0001_R at 0006.

⁶⁷⁰ Ex 18-0016 (NS TB Tab 68) NSC.502.001.0001_R at 0007.

⁶⁷¹ Ex 18-0016 (NS TB Tab 68) NSC.502.001.0001_R at 0007.

⁶⁷² Ex 18-0016 (NS TB Tab 68) NSC.500.001.0704 at 0705.

⁶⁷³ Spinella T9703: 8-15 (Day 91).

⁶⁷⁴ Spinella T9703: 22 – T9704: 6 (Day 91).

⁶⁷⁵ Spinella T9703: 44-45 (Day 91).

⁶⁷⁶ Smith T9673: 18-22 (Day 91).

⁶⁷⁷ Smith T9674: 15-35 (Day 91).

⁶⁷⁸ Smith T9674: 46 – T9675: 12 (Day 91).

⁶⁷⁹ Smith T9674: 27-35 (Day 91).

⁶⁸⁰ Smith T9683: 37 – T9684: 3 (Day 91).

337. Pastor Smith resigned on 9 December 2001 without a farewell or a financial package.⁶⁸¹ On 13 February 2002 Pastor Spinella acknowledged the resignation by letter and said

*The Board of Directors have no doubt that had you known for a certainty that Ken Sandilands was responsible for committing acts of sexual abuse at that time, you would have dismissed him immediately. ... I want to make it clear that neither I nor the Board of Directors have engaged in a process of casting blame. ... We desire that your integrity in this area be maintained as you seek to commence a new phase of your ministry life.*⁶⁸²

338. When asked whether he accepted any errors of judgment in handling Mr Sandilands allegation, Pastor Smith said *'I believe I followed all the recommendations provided to me by the educational experts of the College and followed through to the best of my ability.'*⁶⁸³

10. Current Legislation and Policies

339. Pastor Spinella made reference to a number of policies and procedures based on minutes of the College Council during the period 1986 to 1994. At the time there were policies with respect to *'stranger danger'* and non-discrimination as well as guidelines on *'discipline'* sent to parents, as well as handbooks sent to teachers. Students and parents.⁶⁸⁴ However, Ms Furlong recalled that

*...at the time the allegations were made to me [1987-1989] there were no policies or procedures at the College in relation to the detection, investigation, reporting and response to complaints of child sexual abuse. I believe that mandatory reporting for teachers was introduced in 1993. I am aware that the College later developed formal policies and procedures relating to allegations of child sexual abuse.*⁶⁸⁵

340. In June 1994 the Assemblies of God issued a statement on the protection of children from sexual abuse. A *'Children's Ministries Policy Statement'* was adapted by the Church and tabled at a Church Board meeting on 7 May 1997 for immediate implementation.⁶⁸⁶ The Children's Ministries Policy sets out the types of appropriate and inappropriate behaviours by Children's Ministries workers.⁶⁸⁷

⁶⁸¹ Letter from Pastor Spinella to Reverend Smith dated 13 February 2002 (NSC.9999.002.0003).

⁶⁸² Letter from Pastor Spinella to Reverend Smith dated 13 February 2002 (NSC.9999.002.0003).

⁶⁸³ Smith T9677: 5-10 (Day 91).

⁶⁸⁴ Ex 18-0023, 'Statement of John Spinella' STAT.0352.002.0001_R at [84].

⁶⁸⁵ Furlong T9498: 31-41 (Day 90).

⁶⁸⁶ Ex 18-0016 (NS TB Tab 24) NSC.003.001.0021; Ex 18-0004 (POL TB Tab 22) NSC.500.001.0602.

⁶⁸⁷ Ex 18-0004 (POL TB Tab 22) NSC.500.001.0602.

Mandatory Reporting

341. 'Mandatory reporting' of children in need of protection was introduced into Victoria for teachers and school principals under the *Children and Young Person's Act 1989* (Vic) and commenced on 18 July 1994.⁶⁸⁸ The *Children and Young Persons Act 1989* (Vic) was repealed on 23 April 2007 and s. 162 of the *Children, Youth and Families Act 2005* (Vic) now defines when a child is deemed to be 'in need of protection.'

342. A child is 'in need of protection' where amongst other things, '(d) the child has suffered, or is likely to suffer, significant harm as a result of sexual abuse and the child's parents have not protected, or are unlikely to protect, the child from harm of that type.'⁶⁸⁹ A teacher registered under the *Education and Training Reform Act 2006* (Vic) is a mandatory reporter⁶⁹⁰ but any person who believes on reasonable grounds that a child is in need of protection may report to a 'protective intervener.'⁶⁹¹ A 'protective intervener' is defined as any member of the Police force or the Secretary of the Department of Human Services.⁶⁹² The obligation appears in s. 184(1)

- (1) *A mandatory reporter who, in the course of practising his or her profession or carrying out the duties of his or her office, position or employment as set out in section 182, forms the belief on reasonable grounds that a child is in need of protection on a ground referred to in section 162(1)(c) or 162(1)(d) must report to the Secretary that belief and the reasonable grounds for it as soon as practicable—*
- (a) *after forming the belief; and*
 - (b) *after each occasion on which he or she becomes aware of any further reasonable grounds for the belief.*

343. A mandatory reporting policy was approved by the Northside Christian College Board on 26 July 2013 and sets out the legislative requirements of mandatory reporting and how to make a report to the Department of Human Services (Child Protection Services). Pastor Spinella explained some of the steps that the Church and the College would take in his evidence to the Royal Commission

We have a policy of mandatory reporting that goes over and above even what is suggested in guidelines. Basically, if we receive a report, of sexual abuse ... say one of our workers receives that report, they write down the incident; they then have the obligation, they must, a moral duty, duty of care to report that to DHS, to the police department. They can receive assistance from their supervisor, but that does not in

⁶⁸⁸ The mandatory reporting requirement can be found in the early work of the *Children and Young Person's Act 1989* (Vic) under section 64, these mandatory reporting provisions were not included in the original 1989 Act, but were added in 1993 by the *Children and Young Persons (Further Amendment) Act 1993* (No 10).

⁶⁸⁹ *Children, Youth and Families Act 2005* (Vic) s 162(1).

⁶⁹⁰ *Children, Youth and Families Act 2005* (Vic) s 182(1).

⁶⁹¹ *Children, Youth and Families Act 2005* (Vic) s 183.

⁶⁹² *Children, Youth and Families Act 2005* (Vic) s 181.

*any way negate their responsibility to report, and that's done in every case, where there's a sexual abuse allegation.*⁶⁹³

Encompass Church and Northside Christian College policies today

Encompass Church

344. The Church's main policy document is the Victorian Australian Christian Churches' *Kids R Us Policy* (2005 version).⁶⁹⁴ The Church's own policy *Encompass Church Policy Manual for Children's Leaders and Workers* ('Policy Manual') refers to the Kids R Us Policy and covers issues such as recruitment and screening, visitor policy, toilet policy, safety policy, mandatory reporting and leader conduct.⁶⁹⁵ The Policy Manual was introduced in 2006 and was further revised in 2007, 2008, 2009 and 2013.⁶⁹⁶
345. Prospective leaders of the Church are provided with a number of resources including, but not limited to
- a. The Encompass Kids Leadership Expectations and Responsibilities brochure, which briefly outlines, the standard of conduct and child protection policy.⁶⁹⁷
 - b. Child Protection Policy: Fusion Youth 2014, which further details the application of the Kids R Us Policy to facilities and programs being delivered.⁶⁹⁸
 - c. A Pastoral Response Matrix Response sets out the relevant response to certain suspicious or inappropriate conducts. The Church must notify relevant authorities on advice received of a 'criminal act' involving children.⁶⁹⁹
346. The Church's employment agreements include reference to the need to obtain a Working with Children Check⁷⁰⁰ as well as a National Police Check. Employment at the Church is subject to the prospective employee passing these two checks.⁷⁰¹
347. The relevant policies and information are required to be provided to new employees and they are required to read, in particular, the Kids R Us Policy and the Church Policy Manual. Once they have read the relevant materials, they are required to sign off that they have in fact read them and also answer a number of questions.⁷⁰² In addition

⁶⁹³ Spinella T9704: 19-28 (Day 91).

⁶⁹⁴ Ex 18-0023, 'Statement of John Spinella' STAT.0352.002.0001_R at [86].

⁶⁹⁵ Ex 18-0004 (POL TB Tab 28) NSC.503.001.0013.

⁶⁹⁶ Ex 18-0023, 'Statement of John Spinella' STAT.0352.002.0001_R at [88].

⁶⁹⁷ Ex 18-0004 (POL TB Tab 28) NSC.503.001.0013 at 0031

⁶⁹⁸ Ex 18-0004 (POL TB Tab 30) NSC.505.001.0048.

⁶⁹⁹ Ex 18-0004 (POL TB Tab 32) NSC.503.001.124.

⁷⁰⁰ Ex 18-0004 (POL TB Tab 34) NSC.503.001.0128

⁷⁰¹ Ex 18-0023, 'Statement of John Spinella' STAT.0352.002.0001_R at [91]

⁷⁰² Spinella T9706: 24-28 (Day 91).

...there's a continual re-education, an annual re-education of that, sometimes bi-annual, it's something that needs to be instilled on a constant basis, our mandatory reporting requirements and different sections of the ACC Child Protection Policy.⁷⁰³

348. Both the Kids R Us Policy and Policy Manual specify the types of behaviours or conduct that would be considered suspicious or of concern. Part 5.1 of the Policy Manual sets out the *'Physical Contact Guidelines'* (which are adopted from the Kids R Us Policy⁷⁰⁴)
- Do not kiss a child or coax a child to kiss you. *But a hand shake is great!*
 - Do not engage in extended hugging or tickling. *But a short 'sideways hug' is great!*
 - Do not touch a child where a bathing suit covers. *But touching on the shoulders is great!*
 - Do not carry, or sit an older child on your lap. *But sitting next to a child is great!*
 - Do not be alone with a child. *But being together with others is great! Stay in line of sight of other leaders.*
 - Do not touch a child when disciplining him/her. *But direct eye and voice contact is great!⁷⁰⁵*
349. The procedure for reporting suspected *'unusual behaviour'*, which includes a team member breaking Church policy, requires a brief report detailing what the person observed to the Children's or Senior Pastor using the *'Unusual Behaviour Report Form'* in the Kids R Us Policy. This procedure then places responsibility on the Children's Pastor and Senior Pastor to take action as per the flow chart set out there.⁷⁰⁶
350. In responding to allegations of child sexual abuse, the Kids R Us Policy states that the persons must have *'a reasonable suspicion (or grounds) to make a suspected child abuse report.'*⁷⁰⁷ The message is *'if you are concerned, you must take action as inaction leaves the child unprotected.'*⁷⁰⁸
351. The Kids R Us Policy states that it is not the responsibility of the Children's Worker to assess if a child has been abused. This responsibility falls to the *'Child Protection Services and the Police'* as the issues must be dealt with by those *'who are trained to deal with these matters and the legal implications that follow.'*⁷⁰⁹ Pastor Spinella outlined the general process to be followed when a notification is made

⁷⁰³ Spinella T9706: 28-33 (Day 91).

⁷⁰⁴ Ex 18-0004 (POL TB Tab 42) ACC.0001.001.0654 at 0668 and 0685.

⁷⁰⁵ Ex 18-0004 (POL TB Tab 28) NSC.503.001.0013 at 0021-0022.

⁷⁰⁶ Ex 18-0004 (POL TB Tab 42) ACC.0001.001.0654 at 0672-0674.

⁷⁰⁷ Ex 18-0004 (POL TB Tab 42) ACC.0001.001.0654 at 0687. Definition of reasonable grounds (or suspicion) is taken from s 64(1B) of the *Children and Young Persons Act 1989* – Note that this Act has been superseded by *Children, Youth and Families Act 2005* (Vic).

⁷⁰⁸ Ex 18-0004 (POL TB Tab 42) ACC.0001.001.0654 at 0688.

⁷⁰⁹ Ex 18-0004 (POL TB Tab 42) ACC.0001.001.0654 at 0686.

*...the police would be contacted immediately, the person would be removed. If it happened to be one of the workers, immediately removed from any contact with the child. The safety of the children is of utmost importance, so the police would be called.*⁷¹⁰

352. Pastor Spinella gave evidence that if an allegation was made against a Pastor or Senior Pastor of the Church, they would be suspended and

*...it would then go to the board of directors. Of course, it would go again to the police for investigation. It would be reported immediately and an investigation would take place. He would not be replaced at all until all that investigation took place; even then there would be a very slow process in putting him back into that position.*⁷¹¹

353. The Church has recently conducted an internal review of policies and procedures and are currently in the process of updating the relevant policies, procedures and training programs to incorporate these changes.⁷¹² The areas for improvement identified include

- a. *The need to involve children and parents in the development of policies and practices*
- b. *Making it as easy as possible for children to raise any concerns*
- c. *Teaching children about acceptable and unacceptable behaviour and contact*
- d. *Clarifying the circumstances in which individual have their own independent obligation to report concerning behaviour to the authorities, as opposed to just reporting to someone within the Church.*⁷¹³

354. With respect to the need for children to easily raise concerns, Pastor Spinella gave evidence that while there is a culture of openness, they want to ensure that children,

*can contact any teacher at any point in time or any worker; just wanted to make it even easier for them maybe just to raise the alarm...looking at every possible means of them alerting us...*⁷¹⁴

355. Pastor Spinella also gave evidence that the Australian Christian Churches have provided assistance in developing policies and handling complaints as well as other bodies, such as the Childhood Foundation.⁷¹⁵ Pastor Spinella stated that

*We're looking to the ACC more in regards to implementation of that policy; because it's one thing to have a policy, it's another thing to implement it and to have practices...*⁷¹⁶

⁷¹⁰ Spinella T9705: 20-28 (Day 91).

⁷¹¹ Spinella T9705: 36-43 (Day 91).

⁷¹² Ex 18-0023, 'Statement of John Spinella' STAT.0352.002.0001_R at [92].

⁷¹³ Ex 18-0023, 'Statement of John Spinella' STAT.0352.002.0001_R at [94].

⁷¹⁴ Spinella T9706: 46- T9607-7 (Day 91).

⁷¹⁵ Spinella T9706: 11-22 (Day 91).

⁷¹⁶ Spinella T9707: 22-25 (Day 91).

Northside Christian College

356. Mr Doug Holtam, current Principal of the College, provided an overview of the current policies and procedures of the College in his statement to the Royal Commission⁷¹⁷
- e. *Mandatory Reporting Policy*⁷¹⁸
 - f. *Anti-Harassment Policy*⁷¹⁹
 - g. *Student Welfare Policy*⁷²⁰
 - h. *Grievance and Complaint Management Policy*⁷²¹
 - i. *Working with Children Check Process and VIT Registration Policy*⁷²²
357. Prior to Mr Holtam commencing at the College, a review was conducted by the Victorian Regulations & Qualifications Authority which examined the policies and procedures in place at the College. Mr Holtam advised in his statement that as a result of this review, the College was found to have met the minimum benchmarks.⁷²³
358. In response to notification of the public hearing, Mr Holtam advised in his statement to the Royal Commission that he has more recently instigated a further analysis of current policies, practices and procedures within the College, including
- j. *An internal review against the 'Australian Children's Commissioners and Guardians Principles' eleven point framework for 'Child Safety in Organisation.'*
 - k. *A review of the College's policies by Independent Schools Victoria (ISV); and*
 - l. *Seeking legal advice as to whether the College's policies meet the relevant legal requirements.*⁷²⁴
359. Mr Holtam noted in his statement that while the College is compliant, the College intends to
- ...engage an independent organisation to carry out a comprehensive review and to make recommendations based on evidence-based best practice regarding how our policies, practices and procedures should be improved.*⁷²⁵

⁷¹⁷ Ex 18-0040 'Statement of Douglas Holtam' STAT.0353.001.0001.

⁷¹⁸ Ex 18-0004 (POL TB Tab 31) NSC.500.001.0432.

⁷¹⁹ Ex 18-0004 (POL TB Tab 27) NSC.500.001.0421.

⁷²⁰ Ex 18-0004 (POL TB Tab 26) NSC.505.001.0073.

⁷²¹ Ex 18-0004 (POL TB Tab 29) NSC.505.001.0069.

⁷²² Ex 18-0016 (NS TB Tab 81) NSC.500.001.0449.

⁷²³ Ex 18-0040 'Statement of Douglas Holtam' STAT.0353.001.0001 at [24].

⁷²⁴ Ex 18-0040 'Statement of Douglas Holtam' STAT.0353.001.0001 at [28].

⁷²⁵ Ex 18-0040 'Statement of Douglas Holtam' STAT.0353.001.0001 at [31].

Available Findings

7. From 1986 to 1992 the Senior Pastor and chairman of Northside Christian Centre Inc, Pastor Smith, knew there was a risk Mr Sandilands had sexually abused children at Northside Christian College.
8. In 1991, following admonishment of Sandilands for cuddling children, Pastor Denis Smith relied solely on oversight by the Principal and application of the guidelines to protect children.
9. Pastor Smith did not remove Mr Sandilands from teaching even though he was aware:
 - a. there were a risk Mr Sandilands had sexually abused children,
 - b. Mr Sandilands breached a warning given in 1986, and
 - c. Mr Sandilands had breached guidelines governing his behaviour towards children in October 1987, 1991 and 1992.
10. In 1987, 1991 and 1992, Pastor Smith did not report to child protection authorities allegations that Mr Sandilands may have sexually abused children at Northside Christian College.
11. In 1993 Pastor Smith did not report to police allegations by three students that Mr Sandilands had sexually abused each of them at Northside Christian College.
12. From 1986 to 1992 Pastor Smith failed to inform the board of the Northside Christian Centre Inc of suspicions and allegations of child sexual abuse of students by Mr Sandilands at Northside Christian College.
13. In 1987, 1988 and 1989 the Principal of Northside Christian College, Mr Rookes, did not investigate the allegations that Mr Sandilands had sexually abused children, which Ms Furlong had reported to him.

PART C: SUNSHINE COAST CHURCH AND JONATHAN BALDWIN

360. The third part of the hearing considered the response of the Assemblies of God and the Australian Christian Churches to child sexual abuse by Jonathan Baldwin between 2004 and 2006 at the Sunshine Coast Church.⁷²⁶ During those years Mr Baldwin was the Youth Pastor at the Sunshine Coast Church. Mr Baldwin's victim, ALA, was between 13 and 15 years old at the time.⁷²⁷ Mr Baldwin was convicted in 2009 of a number of sexual offences against ALA including

⁷²⁶ The pseudonym 'Sunshine Coast Church' was used so as to comply with section 10 of the *Criminal Law (Sexual Offences) Act 1978* (Qld), which prevents the publication of the name of a place which might identify the victim of child sexual abuse.

⁷²⁷ Ex 18-0026 (SC TB Tab 38) QLD.0047.001.0004_R at 0005_R.

while he was the Youth Pastor of Sunshine Coast Church. This part of the hearing explored the implementation of the Assemblies of God child protection policies and procedures at a local church level.

1. Sunshine Coast Church

361. During the period under examination, the Sunshine Coast Church was affiliated with the Assemblies of God.⁷²⁸ When Dr Ian Lehmann became Senior Pastor of the Church in January 2000⁷²⁹ he held an Ordained Minister's Certificate.⁷³⁰
362. Shortly after Dr Lehmann took up his position, the Sunshine Coast Church board decided to incorporate the Church as an independent entity.⁷³¹ Thereafter, the Church was governed by a board of directors in line with its new constitution. During Dr Lehmann's tenure as Senior Pastor, the members of the board included Dr Lehmann (the chairman), Tom Lew (the treasurer)⁷³², and three other men, including David Baldwin (the father of Mr Baldwin).⁷³³ Dr Lehmann gave evidence that it was his practice to seek advice from the board on operational matters, including on how to deal with issues relating to child protection.⁷³⁴
363. During the time Dr Lehmann ministered at the Sunshine Coast Church he did so with the assistance of an Assistant Pastor, a Youth Pastor, a Worship Pastor (who was partially paid), and a volunteer business manager. There were also volunteers responsible for the children's church.⁷³⁵ The congregation at a Sunday morning service was approximately 170 to 200 people.⁷³⁶ Dr Lehmann agreed with the description of the Church as '*a relatively small operation.*'⁷³⁷
364. In September 2003, while attending a conference of affiliated churches in South Australia, Dr Lehmann was introduced to Mr Baldwin as a candidate for the position of Youth Pastor at the Sunshine Coast Church.⁷³⁸ Mr Baldwin moved to the Sunshine Coast to take up his position in

⁷²⁸ Ex 18-0031, 'Statement of Dr Ian Lehmann', STAT.0383.001.0002_R at [4] and Hunt T9985: 38-43 (Day 94).

⁷²⁹ Hunt T9969: 23-36 (Day 94).

⁷³⁰ Ex 18-0031, 'Statement of Dr Ian Lehmann', STAT.0383.001.0002_R at [3].

⁷³¹ Ex 18-0031, 'Statement of Dr Ian Lehmann', STAT.0383.001.0002_R at [5].

⁷³² Lehmann T9827: 28 (Day 92).

⁷³³ Lehmann T9842: 17 – 29 (Day 92).

⁷³⁴ Lehmann T9841: 16-22 (Day 92).

⁷³⁵ Lehmann T9791: 36-45 (Day 92).

⁷³⁶ Lehmann T9791: 4-9 (Day 92).

⁷³⁷ Lehmann T9792: 27-29 (Day 92).

⁷³⁸ Ex 18-0031, 'Statement of Dr Ian Lehmann', STAT.0383.001.0002_R at [9]-[10].

January 2004.⁷³⁹ For the first six months of his position as Youth Pastor at the Sunshine Coast Church, Mr Baldwin lived with Dr Lehmann and his family.⁷⁴⁰

365. Mr Baldwin left the Sunshine Coast Church at the end of 2005. After a period of illness Dr Lehmann sought a replacement Senior Pastor, and Pastor Christopher Peterson joined Sunshine Coast Church in that role in early 2006.⁷⁴¹ After a period of transition, Dr Lehmann left the Church in June 2006.⁷⁴²
366. ALA's father gave evidence that since the mid-1980s he, his wife and their children had been attending an Assemblies of God Church in Mackay.⁷⁴³ In about 2000, when the family moved from Mackay to the Sunshine Coast, they joined the Sunshine Coast Church.⁷⁴⁴

2. Child Protection Policies at the Time of the Abuse

367. Assemblies of God and, later, the Australian Christian Churches adopted child protection policies at national, state and local church level. As mentioned above, the structure of the Australian Christian Churches mandates that adoption at the national or state level does not mean that a local church has necessarily adopted the same policy. A number of witnesses in the public hearing said that the autonomous nature of individual churches means that each must determine whether to adopt a particular policy.⁷⁴⁵
368. In 1994, the National Executive of the Assemblies of God introduced a 15-point '*Statement on the Protection of Children from Sexual Abuse*'⁷⁴⁶ which included requirements that '[t]he senior minister will advise the victim's parents of any suspected abuse as soon as reasonably practicable' and '[a]ny leader or children's worker who is suspected of child abuse shall be relieved of his or her position in children's ministry until any investigation ... has been completed.'⁷⁴⁷ Further in November 2005, the National Executive noted that all State Presidents had implemented a child protection policy.⁷⁴⁸

⁷³⁹ Ex 18-0031, 'Statement of Dr Ian Lehmann', STAT.0383.001.0002_R at [14].

⁷⁴⁰ Ex 18-0031, 'Statement of Dr Ian Lehmann', STAT.0383.001.0002_R at [15].

⁷⁴¹ Lehmann T9844: 39-45 (Day 92).

⁷⁴² Lehmann T9790: 26-28 (Day 92).

⁷⁴³ Ex 18-0015 (SC TB Tab 17) ACC.0002.001.0072_R at 0073_R.

⁷⁴⁴ Ex 18-0029, 'Statement of ALD', STAT.0384.001.0001_R at [4]-[5].

⁷⁴⁵ Hunt T9975: 25-34 (Day 94); Alcorn T9990: 43-46 (Day 94); Swenson T9939: 42-47 (Day 93).

⁷⁴⁶ Ex 18-0004 (POL TB Tab 48) ACC.0007.001.0007.

⁷⁴⁷ Ex 18-0004 (POL TB Tab 48) ACC.0007.001.0007 at 0008.

⁷⁴⁸ Ex 18-0039, 'Supplementary statement of Wayne Alcorn', STAT.0347.002.0001_R at 0004_R at [26] and [28].

369. Pastor John Hunt, the Queensland State President of the Australian Christian Churches, gave evidence that the State Executive of the Australian Christian Churches is responsible for assisting various levels of the movement, but particularly individual churches, by providing them with detailed child protection policies which they can choose to implement.⁷⁴⁹ From 2005, the Queensland Assemblies of God began a program of one day seminars held across the state to teach churches how to bring themselves up to date with current legislation, including implementing adequate child protection policies and procedures.⁷⁵⁰ Attendance at the seminars was on a voluntary basis.⁷⁵¹
370. Dr Lehmann said that the Sunshine Coast Church had no written policies concerning the protection of children in the years when he was Senior Pastor between 2000 and 2006.⁷⁵² He said he did not contact the Assemblies of God, and they did not contact him, regarding assistance in establishing such a policy.⁷⁵³ Dr Lehmann could not recall any policies relating to child safety being discussed at the Assemblies of God conferences which he attended, nor of child safety policies issued by the State or National Executive.⁷⁵⁴
371. Dr Lehmann stated that he was not aware that any Assemblies of God training seminars with respect to child sexual abuse were ever available.⁷⁵⁵ He did not recall any discussion of child protection issues at Assemblies of God district meetings, or in Assemblies of God newsletters.⁷⁵⁶ He believed there were probably copies of the State Executive's child protection policies in his pastoral assistant's office, but he never read them.⁷⁵⁷
372. Dr Lehmann said that at the Sunshine Coast Church the unwritten process for people who had concerns relating to child protection was to approach the pastoral assistant, see Dr Lehmann personally, or go to one of the other leaders in the Church.⁷⁵⁸ When Mr Baldwin commenced at the Sunshine Coast Church he was told by Dr Lehmann to keep his office door open when discussing a personal issue with a member of the Church.⁷⁵⁹

⁷⁴⁹ Hunt T9973: 35: 40 (Day 94).

⁷⁵⁰ Ex 18-0036, EXH.018.036.0001 at 0003.

⁷⁵¹ Ex 18-0036, EXH.018.036.0001 at 0003.

⁷⁵² Lehmann T9799: 6-16 and T9800: 11 – 15 (Day 92).

⁷⁵³ Lehmann T9799: 30-40 (Day 92).

⁷⁵⁴ Lehmann T9837: 22-34 (Day 92).

⁷⁵⁵ Lehmann T9848: 20-24 (Day 92).

⁷⁵⁶ Lehmann T9849: 32-9850: 5 (Day 92).

⁷⁵⁷ Lehmann T9837: 36-43 (Day 92).

⁷⁵⁸ Lehmann T9800: 24-27 (Day 92).

⁷⁵⁹ Lehmann T9807: 31-46 and T9808: 24-30 (Day 92).

373. ALA's father, who had attended the Sunshine Coast Church since about 2000, stated that *'I was not aware of any child protection policies in place at the Sunshine Coast Church. I had no reason to be aware of them, or to be concerned about them, at that time.'*⁷⁶⁰

3. Previous issues with sexual abuse at the Sunshine Coast Church

374. When Dr Lehmann took over the leadership of the Sunshine Coast Church in 2000, the then Youth Pastor was facing allegations of sexual impropriety. The allegations involved the misuse of his position to engage in sexual conduct with young congregants who were over the age of consent.⁷⁶¹ Dr Lehmann said he *'confronted'* the youth minister, who confessed, and he relieved him of his position immediately.⁷⁶² He said he offered counselling to the young congregants.⁷⁶³ These allegations were not the subject of inquiry by the Royal Commission.

375. About 18 months into his tenure at the Sunshine Coast Church, Dr Lehmann became aware of a former Pastor from another church who had been convicted of child sexual offences and wanted to worship at the Sunshine Coast Church. Dr Lehmann said he invited the former Pastor to *'reconnect with the fellowship with clear guidelines in place.'*⁷⁶⁴ The guidelines, which Dr Lehmann devised, were that the former Pastor could come to worship but must sit at the back of the Church and not go near the children's church.⁷⁶⁵ During public events he was to stand at the fringe of groups and interact only with adults.⁷⁶⁶ Dr Lehmann spoke to the Church elders and the pastoral team about the conditions imposed on the former pastor.⁷⁶⁷

376. In 2004, a member of the congregation confessed to Dr Lehmann that he had exposed himself to a child who he lived next door to.⁷⁶⁸ Dr Lehmann sought advice from the Church board, and they agreed on a process whereby Dr Lehmann would take him to the police.⁷⁶⁹ The man eventually went to the police with his lawyer, and was sentenced to a period of imprisonment

⁷⁶⁰ Ex 18-0029, 'Statement of ALD', STAT.0384.001.0001_R at [9].

⁷⁶¹ Lehmann T9794: 39-43 (Day 92).

⁷⁶² Lehmann T9794: 45 – 9795: 10 (Day 92).

⁷⁶³ Lehmann T9796: 44-45 (Day 92).

⁷⁶⁴ Ex 18-0031, 'Statement of Dr Ian Lehmann', STAT.0383.001.0002_R at [40].

⁷⁶⁵ Lehmann T9798: 12-25 (Day 92).

⁷⁶⁶ Lehmann T9798: 12-25 (Day 92).

⁷⁶⁷ Lehmann T9798: 31-36 (Day 92).

⁷⁶⁸ Lehmann T9847: 16-21 (Day 92).

⁷⁶⁹ Lehmann T9841: 34-45 (Day 92).

in relation to the offences which he had admitted to Dr Lehmann. Dr Lehmann told his congregation about the charges the man was facing,⁷⁷⁰ and attended his sentencing hearing.⁷⁷¹

4. Engagement of Mr Baldwin as Youth Pastor

377. From 1 May 2001, the *Commission for Children and Young People Act 2000* (Qld)⁷⁷² required that an employer who proposed to start employing or continue employing a person in ‘regulated employment’ had to apply to the Commission for Children and Young People for a ‘suitability notice’ as to whether the person was a suitable person for child-related employment.⁷⁷³ It was an offence to employ or continue to employ a person in ‘regulated employment’ unless the person had been issued a ‘positive notice’ by the Commission for Children and Young People, known as a ‘blue card.’⁷⁷⁴ Paid employment within a church that involved providing services to children was, and remains, within the definition of regulated employment.⁷⁷⁵
378. In September 2013, Dr Lehmann met Mr Baldwin at a conference organised by the Southside Assemblies of God in Adelaide.⁷⁷⁶ Dr Lehmann recruited Mr Baldwin on the basis of Mr Baldwin’s then position as Youth Pastor in Adelaide.⁷⁷⁷ Dr Lehmann was familiar with the Church which Mr Baldwin was then attending and knew Mr Baldwin’s parents.⁷⁷⁸ He considered that Mr Baldwin had training for youth ministry, as Dr Lehmann had taught him at Bible College.⁷⁷⁹ Dr Lehmann did not know whether that course included subjects on child protection,⁷⁸⁰ nor whether Mr Baldwin had had any training in any form of child protection matters.⁷⁸¹ Dr Lehmann gave evidence that asking about knowledge of child protection issues ‘would not have been a part of the [recruitment] process.’⁷⁸² Dr Lehmann said that Mr Baldwin ‘would have had [a] blue card’ but he said ‘I can’t honestly say that I asked him to show it to me.’⁷⁸³

⁷⁷⁰ Lehmann T9847: 32-36 (Day 92).

⁷⁷¹ Lehmann T9841: 47- T9842: 12 (Day 92).

⁷⁷² Now the *Working with Children (Risk Management and Screening) Act 2000* (Qld)

⁷⁷³ *Commission for Children and Young People Act 2000* (Qld), s 100(1).

⁷⁷⁴ *Commission for Children and Young People Act 2000* (Qld), s 100(1) and ss 105 – 108.

⁷⁷⁵ *Commission for Children and Young People Act 2000* (Qld), schedule 1 Part 1, (4).

⁷⁷⁶ Ex 18-0031, ‘Statement of Dr Ian Lehmann’, STAT.0383.001.0002_R at [9].

⁷⁷⁷ Lehmann T9802: 7-12 (Day 92).

⁷⁷⁸ Ex 18-0031, ‘Statement of Dr Ian Lehmann’, STAT.0383.001.0002_R at [11].

⁷⁷⁹ Lehmann T9803: 32-37 (Day 92).

⁷⁸⁰ Lehmann T9803: 39-42 (Day 92).

⁷⁸¹ Lehmann T9804: 5-8 (Day 92).

⁷⁸² Lehmann T9804: 19-22 (Day 92).

⁷⁸³ Lehmann T9804: 32 – 9805: 3 (Day 92).

379. Dr Lehmann explained the responsibilities of the Youth Pastor to Mr Baldwin, and subsequently met with Mr Baldwin's parents. Mr Baldwin then flew to the Sunshine Coast and Dr Lehmann introduced him to the pastoral team. Mr Baldwin was interviewed by the Church's eldership, which was made up of members of the Church Board.⁷⁸⁴ Mr Baldwin commenced in the position of Youth Pastor in January 2004.⁷⁸⁵
380. Pastor Hunt informed the Royal Commission that the Assemblies of God records show that when Mr Baldwin started as Youth Pastor at the Sunshine Coast Church Mr Baldwin did not hold an Assemblies of God credential. Mr Baldwin later received a Probationary Minister's Certificate from the Assemblies of God on 14 July 2005.⁷⁸⁶
381. The Sunshine Coast Church had separate ministries for children and youth.⁷⁸⁷ The Youth Pastor position at the Sunshine Coast Church involved primarily development of the youth ministry of the Sunshine Coast Church for youth between 13 and 18.⁷⁸⁸ As part of the youth ministry, Mr Baldwin ran a church band, of which ALA was the drummer.⁷⁸⁹ The youth group held a regular Friday night event, which was sometimes themed.⁷⁹⁰ By the end of 2004 the youth group had grown to about 80 members.⁷⁹¹ Dr Lehmann, with the concurrence of the board, gave permission for Mr Baldwin to hire a building across the road to use for the Friday youth group event as it was inhibiting normal services at the primary premises.⁷⁹²
382. As the Youth Minister, Mr Baldwin was accountable to Dr Lehmann,⁷⁹³ but Dr Lehmann did not attend or supervise the events organised by Mr Baldwin.⁷⁹⁴

5. Concerns Communicated to Dr Lehmann

383. Melissa Maynes (formerly Lockwood) held the role of Personal Assistant to the Youth Pastor at Sunshine Coast Church from 2004⁷⁹⁵ to 2005.⁷⁹⁶ Ms Maynes provided a statement to the Royal Commission but did not give oral evidence. In her statement she said she noticed a '*relationship*'

⁷⁸⁴ Ex 18-0031, 'Statement of Dr Ian Lehmann', STAT.0383.001.0002_R at [12]-[14].

⁷⁸⁵ Ex 18-0031, 'Statement of Dr Ian Lehmann', STAT.0383.001.0002_R at [14].

⁷⁸⁶ Hunt T9968: 7-13 (Day 94).

⁷⁸⁷ Lehmann T9801: 31-42 (Day 92).

⁷⁸⁸ Lehmann T9803: 18-27 (Day 92).

⁷⁸⁹ Lehmann T9805: 26-33 (Day 92).

⁷⁹⁰ Lehmann T9806: 2-10 (Day 92).

⁷⁹¹ Ex 18-0031, 'Statement of Dr Ian Lehmann', STAT.0383.001.0002_R at [16].

⁷⁹² Lehmann T9806: 27-35 (Day 92).

⁷⁹³ Lehmann T9805: 22-24 (Day 92).

⁷⁹⁴ Lehmann T9806: 25-44 (Day 92).

⁷⁹⁵ Ex 18-0034, 'Statement of Melissa Maynes', STAT.0388.001.0001_R at [5].

⁷⁹⁶ Ex-0026 (SC TB Tab 34) QLD.0047.004.0187_R at [21].

developing between Mr Baldwin and ALA, in which Mr Baldwin separated ALA from other members of the youth ministry, and engaged in *'inappropriate touching'* and *'a lot of texting.'*⁷⁹⁷ She also said that on several occasions she noticed that the two were in a locked room together and would not open the door immediately when she knocked.⁷⁹⁸

384. Ms Maynes in her statement said that she spoke to Dr Lehmann about her concerns on three occasions

*On the first occasion I went and spoke to Pastor Lehmann and we sat at his office desk. I voiced my concerns about the behaviour and we talked about the touching and the locking of the doors. My main concern at the time was the segregation of ALA from the other kids. He didn't respond or give me any answers. I didn't feel that I was taken seriously. I felt he thought I was just whinging.*⁷⁹⁹

385. The second time Ms Maynes spoke to Dr Lehmann

*I again expressed my concerns about the favouritism being shown ALA and his segregation from the rest of the children. I received a similar response to the first time we spoke and I felt my concerns were ignored. Pastor Lehmann told me that Mr Baldwin was mentoring ALA and that was the reason why they were spending so much time together.*⁸⁰⁰

386. Ms Maynes could not recall the details of her third conversation with Dr Lehmann, but stated that it went along the same lines as the previous two.⁸⁰¹

387. In her statement, Ms Maynes also recounted attending a church sleepover in the Church hall held by the Youth Ministry. She stated that, noticing Mr Baldwin and ALA were not present, she knocked on Mr Baldwin's office door, which was locked

*It took some time for the door to be opened. When it was, I observed ALA in the office wearing his boxer shorts. I also saw Mr Baldwin in the room. I noticed there was a mattress on the floor and there was a laptop.*⁸⁰²

388. Ms Maynes stated that she did not believe she spoke to Dr Lehmann about the Church sleepover incident, because she had previously informed him of her concerns and he had taken no action.⁸⁰³

389. A statement by Mr Lew, a member of the Church board during Dr Lehmann's leadership, given to police on 17 November 2011, stated that

⁷⁹⁷ Ex 18-0034, 'Statement of Melissa Maynes', STAT.0388.001.0001_R at [6].

⁷⁹⁸ Ex 18-0034, 'Statement of Melissa Maynes', STAT.0388.001.0001_R at [6].

⁷⁹⁹ Ex 18-0034, 'Statement of Melissa Maynes', STAT.0388.001.0001_R at [14].

⁸⁰⁰ Ex 18-0034, 'Statement of Melissa Maynes', STAT.0388.001.0001_R at [15].

⁸⁰¹ Ex 18-0034, 'Statement of Melissa Maynes', STAT.0388.001.0001_R at [16].

⁸⁰² Ex 18-0034, 'Statement of Melissa Maynes', STAT.0388.001.0001_R at [10].

⁸⁰³ Ex 18-0034, 'Statement of Melissa Maynes', STAT.0388.001.0001_R at [17].

Around April 2004, the young people at the Church held a youth event where young people slept overnight at the Church. After enquiring how the event went, I was advised by Melissa Lockwood that Jonathan had been in his office with ALA with the door locked.

I spoke to Jonathan immediately after the sleepover and told him that it was inappropriate to be spending time with ALA away from the rest of the group and with the door locked.

...

On one occasion I recall speaking with [Pastor] Ian Lehmann with respect to John's mentoring of ALA and suggested that there should be a broader group mentoring base rather than just one on one mentoring of ALA.⁸⁰⁴

390. Dr Lehmann said that while Mr Baldwin was living at his house he saw Mr Baldwin and ALA travelling in a car together to collect materials for the youth group.⁸⁰⁵ He said he did not have any concerns that a pastor being in a car alone with a child may have indicated involvement in child sexual abuse.⁸⁰⁶
391. In 2004, Mr Baldwin and Dr Lehmann's daughter commenced a relationship which broke off for a short time and then resumed in February 2005. The two were married on 31 December 2005.⁸⁰⁷
392. About three months after Mr Baldwin became Youth Pastor, he told Dr Lehmann that he wanted to buy ALA a pair of drumsticks costing between \$60 and \$100 for his upcoming birthday.⁸⁰⁸ Dr Lehmann considered this was a significant amount of money to spend on a present for ALA, particularly as Mr Baldwin had only been at the Sunshine Coast Church for a brief period of time.⁸⁰⁹
393. At the end of 2005, Mr Baldwin organised an awards ceremony for the youth ministry. He told Dr Lehmann that he was going to give ALA a number of awards.⁸¹⁰ Dr Lehmann considered this large number to be 'over the top', and advised Mr Baldwin that he should reward the achievements of other youth group members.⁸¹¹
394. Dr Lehmann stated that

⁸⁰⁴ Ex 18-0027, 'Statement of Thomas Lew', STAT.0387.001.0001_R at 0002_R-0003_R.

⁸⁰⁵ Lehmann T9805: 42-T9806: 10 (Day 92).

⁸⁰⁶ Lehmann T9807: 23-26 (Day 92).

⁸⁰⁷ Lehmann T9814: 12-27 (Day 92).

⁸⁰⁸ Ex 18-0031, 'Statement of Dr Ian Lehmann', STAT.0383.001.0002_R at [19].

⁸⁰⁹ Lehmann T9809: 19-26 (Day 92).

⁸¹⁰ Ex 18-0031, 'Statement of Dr Ian Lehmann', STAT.0383.001.0002_R at [31].

⁸¹¹ Ex 18-0031, 'Statement of Dr Ian Lehmann', STAT.0383.001.0002_R at [31].

Over time, a few senior leaders at the Church also commented to me about the relationship between Mr Baldwin and Mr ALA.

To the best of my recollection, I had three conversations with Mr Baldwin about his relationship with Mr ALA. During these conversations, I spoke to Mr Baldwin about the intensity of his relationship with Mr ALA and told him that people were concerned and that he needed to create some distance with Mr ALA.

I recall that Mr Baldwin told me that he was mentoring Mr ALA and that he thought Mr ALA was very talented.

I do not recall anyone speaking to me about an incident involving Mr Baldwin and Mr ALA at a Church sleepover.⁸¹²

395. Dr Lehmann said that the first two conversations he had with Mr Baldwin were each prompted by a member of the 'pastoral team' raising a concern,⁸¹³ and that he 'couldn't remember' who it was that raised a concern which led him to initiate a third conversation.⁸¹⁴ Dr Lehmann said that on one of those occasions, concern was expressed by Mr Lew,⁸¹⁵ but could not remember which members of staff raised the issue with him on the other occasions.⁸¹⁶ He said that the concerns expressed by staff were that Mr Baldwin and ALA were '*spending too much time together.*'⁸¹⁷
396. However, Dr Lehmann said that '*he could not remember any specific communication*' with Ms Lockwood.⁸¹⁸ Later in evidence he disputed that Ms Lockwood had ever raised any concerns about Mr Baldwin's behaviour towards ALA with him,⁸¹⁹ and said that Mr Lew did not speak to him about the incident at the Church sleepover.⁸²⁰
397. Dr Lehmann said that, at some point in these conversations, he told Mr Baldwin to broaden his group beyond ALA and to '*modify [his] approach and behaviour.*'⁸²¹ Dr Lehmann did not supervise Mr Baldwin's work but trusted him to accept the advice.⁸²² The second time he spoke to Mr Baldwin, Dr Lehmann raised the '*intensity*' of the relationship with ALA and that this may

⁸¹² Ex 18-0031, 'Statement of Dr Ian Lehmann', STAT.0383.001.0002_R at [22]-[25].

⁸¹³ Lehmann T9826: 40-43; T9827: 16-20 (Day 92).

⁸¹⁴ Lehmann T9827: 44-T9828: 5 (Day 92).

⁸¹⁵ Lehmann T9827: 22- 42 (Day 92).

⁸¹⁶ Lehmann T9827: 1-14, 44-T9828: 5 (Day 92).

⁸¹⁷ Lehmann T9812: 15-16

⁸¹⁸ Lehmann T9811: 25 (Day 92).

⁸¹⁹ Lehmann T9831: 10-46 (Day 92).

⁸²⁰ Lehmann T9829: 46-T9830: 31 (Day 92).

⁸²¹ Lehmann T9812: 43-45

⁸²² Lehmann T9813: 2-11

be inappropriate.⁸²³ Mr Baldwin responded that he was mentoring and encouraging ALA and that *'there was nothing deviant.'*⁸²⁴

398. On a third occasion Dr Lehmann raised the intensity of the relationship with Mr Baldwin. He informed Dr Lehmann that he was training ALA in taking *'devotions'* and ALA was heavily involved in setting up the auditorium.⁸²⁵

399. During oral evidence, Dr Lehmann was asked whether he had cause to reconsider the nature of Mr Baldwin's relationship with ALA given that he knew Mr Baldwin was a 25 year old man, ALA was a boy between 12 and 14, and Mr Baldwin was spending large amount of time on their *'intense'* relationship.⁸²⁶ Dr Lehmann responded:

*At the same time he was dating our daughter. For part of that time he was living in our home and there was nothing that gave rise to any of those thoughts in my mind.*⁸²⁷

400. Dr Lehmann denied that any of the reports to him included allegations of *'inappropriate touching'* by Mr Baldwin of ALA.⁸²⁸ He said he believed the relationship was one of mentoring, and stated *'I could appreciate it was intense, but I never in my wildest dreams thought anything other.'*⁸²⁹ Dr Lehmann said that despite the matters raised with him by senior members of the Sunshine Coast Church and his own observations, he *'never believed anything deviant was happening.'*⁸³⁰ He said he did not take any steps to report the concerns to ALA's parents, the Assemblies of God, or to the police.⁸³¹

401. In relation to not investigating the complaints against Mr Baldwin, Dr Lehmann said that

[Mr Baldwin] was in a relationship with my daughter and that may have blind-sided me to a degree, because I would never have allowed my daughter to have a relationship with somebody if I thought he was engaging in alternative sexual activity. ...

*I would never have thought it. ... I just didn't believe that anything like that would happen.*⁸³²

⁸²³ Lehmann T9813: 13-32

⁸²⁴ Lehmann T9814: 9-10

⁸²⁵ Lehmann T9814: 37-41 (Day 92).

⁸²⁶ Lehmann T9816: 14-18 (Day 92).

⁸²⁷ Lehmann T9816: 19-21 (Day 92).

⁸²⁸ Lehmann T9811: 27-30 (Day 92).

⁸²⁹ Lehmann T9832: 30-33 (Day 92).

⁸³⁰ Lehmann T9832: 5-9 (Day 92).

⁸³¹ Lehmann T9832: 44- T9833: 13 and Swenson T9932: 15-23 (Day 92).

⁸³² Lehmann T9832: 16-39 (Day 92).

402. Dr Lehmann said that he struggled even today⁸³³ to accept that Mr Baldwin was guilty of the ten counts of child sexual abuse of which he was convicted.⁸³⁴ Dr Lehmann said

I'm not saying he didn't make errors of judgment, but I have two grandsons by him, a third one about to be born; if I believe he is a paedophile, then I've got to face the reality that our three grandsons are at great risk.

...When I sit down and have a meal with him, share a bottle of red wine with him, I don't think I'm doing this with a paedophile.⁸³⁵

403. He stated that, had he known that Mr Baldwin was engaged in child sexual abuse he would have reported him to police immediately, but that through his familial relationship to Mr Baldwin he does not 'see him that way.'⁸³⁶

404. Dr Lehmann gave evidence that during 2004 and up to the middle of 2005 he was taking three morphine tablets a day for pain preceding a hip replacement.⁸³⁷ He believes that his judgment,⁸³⁸ and potentially his memory,⁸³⁹ were impaired during this time.

405. It is submitted that Ms Maynes' evidence that she told Dr Lehmann about touching between the two and 'locked doors' should be given lesser weight because she did not give oral evidence and her two accounts about the locked door incident were contradictory.

406. By the time of his departure from the Sunshine Coast Church in June 2006 Dr Lehmann was aware of the following matters about Mr Baldwin and his relationship with ALA:

- a) That Mr Baldwin had been alone with ALA in his car
- b) That Mr Baldwin proposed to give ALA drumsticks worth \$60 to \$100
- c) That Mr Baldwin wanted to give ALA a number of awards
- d) That ALA was Mr Baldwin's favourite
- e) That Mr Baldwin frequently segregated ALA from other members of the youth ministry
- f) That the relationship between ALA and Mr Baldwin was 'intense'
- g) That Mr Baldwin was only mentoring ALA and not others

⁸³³ The date of Dr Lehmann's evidence to the Royal Commission was 15 October 2014.

⁸³⁴ Lehmann T9833: 15-28 (Day 92).

⁸³⁵ Lehmann T9833: 30-44 (Day 92).

⁸³⁶ Lehmann T9834: 19-22 (Day 92).

⁸³⁷ Ex 18-0031, 'Statement of Dr Ian Lehmann', STAT.0383.001.0002_R at [27].

⁸³⁸ Ex 18-0031, 'Statement of Dr Ian Lehmann', STAT.0383.001.0002_R at [28]

⁸³⁹ Lehmann T9828: 26-28 (Day 92).

407. It is further submitted that Dr Lehmann was provided with the above information in the period 2004 to 2006 which may have indicated that Mr Baldwin was engaged in sexual abuse of ALA. Further, Dr Lehmann did not inform ALA's parents⁸⁴⁰ about that information and said in hindsight he regretted that.⁸⁴¹ He also did not report it to the child protection authorities.⁸⁴²
408. In January 2006, Dr Lehmann was replaced by Mr Peterson as Senior Pastor of the Sunshine Coast Church.⁸⁴³ Dr Lehmann stayed on in a limited role at the Sunshine Coast Church until June 2006, to perform a handover of duties to Mr Peterson.⁸⁴⁴ After leaving the Sunshine Coast Church, Dr Lehmann established his own, non-Assemblies of God, church.⁸⁴⁵ Within twelve months, Dr Lehmann surrendered his Assemblies of God credential.⁸⁴⁶
409. Dr Lehmann said Mr Baldwin left the Sunshine Coast Church in January 2006 to live and pastor at a church on the Gold Coast.⁸⁴⁷ By the time the charges were laid in May 2007, Mr Baldwin had returned to the Sunshine Coast and was working at his parents' bakery and was no longer ministering.⁸⁴⁸

6. Charging of Mr Baldwin

410. In 2006 ALA left the Sunshine Coast Church and started attending another church at Kawana Waters, Queensland. On 4 April 2007 ALA approached the Senior Pastor of his new church, Pastor John Pearce, and told him that he had been abused by a youth leader from his previous church.⁸⁴⁹ ALA provided Pastor Pearce with few details as he was at that stage too distraught to recount much about the abuse.⁸⁵⁰
411. Pastor Pearce arranged for a member of his congregation who was studying counselling to suggest counselling options to ALA. Pastor Pearce also spoke to ALA a number of times to

⁸⁴⁰ ALD 9776: 34-39. The 1994 policy statement of the Assemblies of God states that the parents of a child should be advised of 'any suspected abuse': Ex 18-0004 (POL TB Tab 48) ACC.0007.001.0007-8.

⁸⁴¹ Lehmann T9833: 10-23 (Day 92).

⁸⁴² Lehmann T9817: 5-9

⁸⁴³ Peterson T9856: 35-38 (Day 93).

⁸⁴⁴ Peterson T9856: 40-42 (Day 93) and Lehmann T9842: 47-T9843: 6 (Day 92).

⁸⁴⁵ Ex 18-0031, 'Statement of Dr Ian Lehmann', STAT.0383.001.0002_R at [33].

⁸⁴⁶ Lehmann T9818: 22-25 (Day 92).

⁸⁴⁷ Lehmann T9818: 18-24 and T9823: 35-38 (Day 92).

⁸⁴⁸ Lehmann T9824: 40-9825: 20 (Day 92).

⁸⁴⁹ Ex 18-0026 (SC TB Tab 33) QLD.0047.004.0180_R at [5]-[7].

⁸⁵⁰ Ex 18-0026 (SC TB Tab 33) QLD.0047.004.0180_R at [8]-[9].

encourage him.⁸⁵¹ On 16 May 2007, ALA again met with Pastor Pearce and named Mr Baldwin as the perpetrator.⁸⁵²

412. On 22 May 2007 ALA and Pastor Pearce met with ALA's parents and disclosed the sexual abuse. The following day, ALA attended his local police station to report the abuse.⁸⁵³ On 24 May 2007 ALA was interviewed by police. On 27 May 2007 Mr Baldwin was arrested and charged with 47 offences of sexual abuse of ALA.⁸⁵⁴
413. ALA's parents continued to attend the Sunshine Coast Church throughout the criminal proceedings and Mr Peterson and his wife provided support to them and ALA during this time.⁸⁵⁵ Mr Peterson offered to arrange for counselling for ALA and his parents.⁸⁵⁶ ALA's father, ALD, said the pastoral care provided by Mr Peterson was '*good*'⁸⁵⁷ and that Mr Peterson and his wife '*supported us definitely in that time as best they could.*'⁸⁵⁸
414. After his disclosure to the police in May 2007, the police arranged and paid for a counsellor for ALA who he saw during the criminal proceedings and for several years thereafter. ALD said the counsellor was '*very good.*'⁸⁵⁹

Notification to the State Executive

415. Mr Peterson gave evidence that he notified the District Superintendent of the Australian Christian Churches, Pastor Ashley Goode, of Mr Baldwin's charges within '*the first week*' of learning that Mr Baldwin had been charged.⁸⁶⁰
416. On 6 December 2007, the Australian Christian Churches' Queensland State Executive met and noted that Mr Baldwin had been charged and would have to surrender his credential pending his trial.⁸⁶¹ Pastor Gary Swenson, who was the Vice-President of the State Executive from 1998 until 2008 and then became the state ministries director,⁸⁶² gave evidence that the first time he became aware that Mr Baldwin had been charged with child abuse was at the State Executive

⁸⁵¹ Ex 18-0026 (SC TB Tab 33) QLD.0047.004.0180_R at [11].

⁸⁵² Ex 18-0026 (SC TB Tab 33) QLD.0047.004.0180_R at [12]-[13].

⁸⁵³ Ex 18-0026 (SC TB Tab 33) QLD.0047.004.0180_R at [19]-[20].

⁸⁵⁴ Ex 18-0041, QLD.0048.001.0019_R.

⁸⁵⁵ ALD T9744: 9-12 (Day 92).

⁸⁵⁶ ALD T9757: 4-10 and T9781: 34-41(Day 92).

⁸⁵⁷ ALD T9745: 11-12 (Day 92).

⁸⁵⁸ ALD T9759: 23-27 (Day 92).

⁸⁵⁹ ALD T9742: 32-36 (Day 92).

⁸⁶⁰ Peterson T9867: 18-28 (Day 93).

⁸⁶¹ Ex 18-0025 (SC TB Tab 3) ACC.0002.001.0053 at 0054.

⁸⁶² Swenson T9904: 34-45 (Day 93).

- meeting on 6 December 2007.⁸⁶³ The evidence did not reveal why there was a seven month delay between the charges being laid and the State Executive becoming aware of them.
417. Pastor Swenson agreed that the charging of a person with child sex offences raises the possibility of a risk to children who may come into contact with the person charged.⁸⁶⁴ He also agreed that timely consideration of whether a credential should be suspended is desirable.⁸⁶⁵ He said that by the time Mr Baldwin's credential was suspended, he was not in active ministry and so no steps were taken to establish whether he had contact with children.⁸⁶⁶
418. The Australian Christian Churches database shows that on 10 December 2007 Mr Baldwin's credential was handed in.⁸⁶⁷ In early June 2008, the Australian Christian Churches noted that Mr Baldwin had no credential⁸⁶⁸ and the issue was subsequently removed from the State Executive agenda.⁸⁶⁹
419. Pastor Swenson confirmed that the Australian Christian Churches does not have a protocol with Queensland Police about the reporting of charges of child sexual abuse against Australian Christian Churches pastors.⁸⁷⁰ He agreed that *'it would be helpful to have some protocol between the Australian Christian Churches and the police that, in the event, as happened here, that we were not immediately informed ...'*⁸⁷¹
420. Pastor Swenson agreed there was utility in the State Executive keeping abreast of the developments in the criminal proceedings involving Mr Baldwin, in case it wanted to permanently withdraw his credential on conviction or restore it on acquittal.⁸⁷² He said it was a *'failing'* that the matter did not remain on the agenda of the State Executive.⁸⁷³
421. The State Executive of the Australian Christian Churches did not contact ALA or his family after Mr Baldwin was charged.⁸⁷⁴ Mr Peterson informed ALA's family that Mr Baldwin's credential

⁸⁶³ Swenson T9905: 26-9906: 34 (Day 93).

⁸⁶⁴ Swenson T9908: 33-38 (Day 93).

⁸⁶⁵ Swenson T9908: 40-43 (Day 93).

⁸⁶⁶ Swenson T9909: 24-28 (Day 93).

⁸⁶⁷ Ex 18-0025 (SC TB Tab 14) ACC.0002.001.0068.

⁸⁶⁸ Ex 18-0025 (SC TB Tab 4) ACC.002.001.0058

⁸⁶⁹ Ex 18-0025 (SC TB Tab 22) ACC.0002.001.0093_R at 0095_R.

⁸⁷⁰ Swenson T9907: 35-39 (Day 93).

⁸⁷¹ Swenson T9909: 2-6 (Day 93).

⁸⁷² Swenson T9912: 36-T9913: 2 (Day 93).

⁸⁷³ Swenson T9914: 10-12 (Day 93).

⁸⁷⁴ ALD T9757: 25-30 (Day 92).

would be removed.⁸⁷⁵ However, ALD was not aware that it took until 6 December 2007 for this to occur.⁸⁷⁶

422. Pastor Swenson said the State Executive did not advise ALA and his parents of the steps taken to suspend Mr Baldwin's credential, because *'we would have assumed that the local church would have advised them of the process.'*⁸⁷⁷ However, no steps were taken by the Australian Christian Churches to advise the Sunshine Coast Church of the suspension of Mr Baldwin, because, Pastor Swenson said, Mr Baldwin was no longer a Pastor of that church at the time.⁸⁷⁸ Pastor Swenson said, however, it would be *'helpful'* for either the local church or the *'movement'* to advise a victim and his or her family of a suspension.⁸⁷⁹
423. Pastor Swenson said that because local churches are autonomous, the State Executive's focus was to make sure a minister's credential was suspended.⁸⁸⁰ He said that beyond that *'we have no jurisdiction, no right or access to members or attendees of a local church other than by specific provisions of their local church constitution.'* He said that this is the reason the State Executive did not take responsibility for dealing with the victim of the crime.⁸⁸¹ He confirmed that the Australian Christian Churches made no attempt to contact ALA or his family or provide pastoral support during the period between the charge and the conviction.⁸⁸² He said this was *'not possible ... because it was in the hands of the police.'*⁸⁸³

Effect of the charges on the Sunshine Coast Church congregants

424. ALD gave evidence that, after the congregation became aware of Mr Baldwin's arrest, *'the congregation divided and we had folk who stood by us and stood by ALA, and folk who chose not to communicate with us any more who had been comfortable with us up until that point.'*⁸⁸⁴
425. Mr Peterson stated that his view of the situation was that *'people were in a state of conflict between the young man they had seen as a leader, and often times influencing their children, and what was in the courts ... [I]t was a time of suspense...'*⁸⁸⁵ He did not address the

⁸⁷⁵ ALD T9757: 42-T9758: 6 (Day 92).

⁸⁷⁶ ALD T9758: 8-11 (Day 92).

⁸⁷⁷ Swenson T9917: 9-11 (Day 93).

⁸⁷⁸ Swenson T9917: 5-24 (Day 93).

⁸⁷⁹ Swenson T9918: 22-24 (Day 93).

⁸⁸⁰ Swenson T9915: 33-37 (Day 93).

⁸⁸¹ Swenson T9915: 41-47 (Day 93).

⁸⁸² Swenson T9916: 31-9917: 3 (Day 93).

⁸⁸³ Swenson T9916: 26-29

⁸⁸⁴ ALD T9758: 17-26 (Day 92).

⁸⁸⁵ Peterson T9869: 29-34 (Day 93).

congregation as a whole about the case.⁸⁸⁶ In his evidence, he was unsure whether explaining the procedures and progress of the case to the congregation would have been beneficial, but said *'I think we probably could have done a number of things better at a congregational level. ... [I]n my perceived wisdom at the time I handled things just privately and individually.'*⁸⁸⁷ Similarly, ALD was not sure if a greater level of communication with the congregation would have been advantageous and said: *'Mr Baldwin is a very charismatic personality and had established friendships with a lot of people, and so, I think a lot of people chose not to communicate with us because they didn't know who was telling the truth and who wasn't, so I guess they were waiting to see what transpired.'*⁸⁸⁸

426. Mr Peterson did not receive guidance or resources from the Assemblies of God/Australian Christian Churches in dealing with the distress of his congregation after the charges against Mr Baldwin were laid. He said that: *'I saw no overt expressions of support in the system but I'm sure, had I drilled down and pursued, there was possibly support for me.'*⁸⁸⁹ However, he said, this situation reflected the autonomous structure of the movement.⁸⁹⁰
427. The State Executive of the Australian Christian Churches did not advise ALA, ALA's family or the Sunshine Coast Church of the disciplinary processes to be followed concerning Mr Baldwin's credential, including his suspension. Further, the State Executive did not ensure that pastoral care was being provided to ALA and his family by his local church.

7. Conviction of Jonathan Baldwin

428. In March 2009, Mr Baldwin was found guilty by a jury following a trial. On 26 March 2009 he was formally convicted of 10 offences.
429. The particulars of the ten offences are as follows⁸⁹¹

Count	Offence	Offence Date
1	Maintaining a sexual relationship with a child	Between 31 March 2006 and 9 October 2006
2	Indecent treatment of a child under 16 (unlawful and indecent dealing)	Between 1 May 2004 and 1 November 2004

⁸⁸⁶ ALD T9758: 46-9759: 3 (Day 92).

⁸⁸⁷ Peterson T9871: 13-17 (Day 93).

⁸⁸⁸ ALD 9759: 7-14 (Day 92).

⁸⁸⁹ Peterson T9902: 17-24 (Day 93).

⁸⁹⁰ Peterson T9902: 24-28 (Day 93).

⁸⁹¹ Ex 18-0041 (various ringtail references).

3	Indecent treatment of a child under 16 (unlawfully permitting himself to be indecently dealt with)	Between 1 May 2004 and 1 November 2004
4	Indecent treatment of a child under 16 (unlawful and indecent dealing)	Between 1 January 2005 and 1 July 2005
5	Indecent treatment of a child under 16 (unlawfully permitting himself to be indecently dealt with)	Between 1 January 2005 and 1 July 2005
6	Sodomy	Between 31 May 2005 and 31 October 2005
7	Indecent treatment of a child under 16 (unlawful and indecent dealing)	On or about 29 December 2005
8	Indecent treatment of a child under 16 (unlawfully permitting himself to be indecently dealt with)	On or about 29 December 2005
9	Indecent treatment of a child under 16 (unlawful and indecent dealing)	Between 22 September 2006 and 9 October 2006
10	Indecent treatment of a child under 16 (unlawfully permitting himself to be indecently dealt with)	Between 22 September 2006 and 9 October 2006

430. On 27 March 2009 Mr Baldwin was sentenced to a total of 8 years imprisonment, served concurrently, with a non-parole period of 4 years.⁸⁹²

431. The evidence at trial in October 2009 revealed that the sexual offences occurred between May 2004 and September 2006. The sexual abuse commenced within 4 months of Mr Baldwin meeting ALA. The abuse consisted of Mr Baldwin touching ALA's penis through his clothes, then escalating to mutual masturbation, oral sex and then anal sex.⁸⁹³

432. The abuse occurred in a number of places including in Mr Baldwin's car at a car park, at Mr Baldwin's home at Pelican Waters and, in 2006, at Mr Baldwin's home on the Gold Coast where ALA came to visit.⁸⁹⁴

433. In sentencing Mr Baldwin, Robertson DCJ made the following remarks

It's clear from the evidence that ALA was very impressed right from the start with you and your role as a Youth Pastor ... Some witnesses spoke of the unusual amount of time that you spent with him in contrast to the time you spent with other young people in the youth group.

It's clear that ALA trusted you. He treated you as a mentor and regarded you as a close friend, indeed his only close friend. In what can only be described as an appalling breach of trust, you manipulated him and exploited his trust by commencing a sexual relationship with him when

⁸⁹² Ex 18-0026 (SC TB Tab 38) QLD.0047.001.0004_R at 0008_R.

⁸⁹³ Ex 18-0026 (SC TB Tab 37) QLD.0047.005.0174_R.

⁸⁹⁴ Ex 18-0026 (SC TB Tab 37) QLD.0047.005.0174_R.

*he was around 13 which continued for approximately two years and which involved progressively more serious sexual misconduct. The breach of trust is compounded by the fact that the sexual abuse occurred in the context of a Christian community in which you had a pastoral duty of care towards ALA.*⁸⁹⁵

8. No communication from the Australian Christian Churches

434. The evidence revealed that Mr Baldwin's conviction in 2009 did not come to the attention of the State Executive until 2011.⁸⁹⁶ By the time of his conviction Mr Baldwin was no longer a Pastor in an Australian Christian Churches church, and Dr Lehmann had also left the Sunshine Coast.

435. Mr Peterson said he did not advise the State Executive of the conviction in 2009 because he *'felt it would be an executive matter more so than my local church; I had a pastoral obligation to the parents alone as best I understood at that stage, it was beyond my direct responsibility.'*⁸⁹⁷

436. State Executive member, Pastor Swenson, said that *'there were no steps put in place by which we would obtain that information [of the conviction].'*⁸⁹⁸

437. In the months after Mr Baldwin's conviction, ALA and his parents did not hear from the Australian Christian Churches.⁸⁹⁹ ALD gave evidence that on behalf of himself and his wife that

*In our opinion it would have been reasonable perhaps for the Church to have been careful with handling the accuser until the courts had completed their judgments... However, once the perpetrator was found guilty things became worse.*⁹⁰⁰

438. ALD told the Royal Commission that he felt the Australian Christian Churches had some responsibility for what happened to his son and that they should have responded to the conviction in some way.⁹⁰¹ ALD had thought that once the conviction was handed down, the Australian Christian Churches

...would take the position that we have a victim here that we need to support, someone who's been injured severely by what's happened, and I would have expected from at least the local, if not the highest level, preferably the highest level, the organisation should have come cap in hand to that young boy and said 'we're

⁸⁹⁵ Ex 18-0026 (SC TB Tab 38) QLD.0047.001.0004_R at 0005_R.

⁸⁹⁶ Swenson T9913: 39-43, 9921: 20-22 (Day 93).

⁸⁹⁷ Peterson T9871: 34-37 (Day 93).

⁸⁹⁸ Swenson T9914: 2-5 (Day 93).

⁸⁹⁹ ALD T9763: 11-14 (Day 92).

⁹⁰⁰ ALD T9747: 28-44 (Day 92).

⁹⁰¹ ALD T9762: 47- T9763: 9 (Day 92).

terribly sorry, what can we do?’ That was the type of response I was expecting from an organisation that is supposedly a Christian organisation.⁹⁰²

439. Mr Peterson said he also did not receive any communication from the Australian Christian Churches after Mr Baldwin was convicted.⁹⁰³ Pastor Swenson said that no communication was attempted by the Australian Christian Churches, because the State Executive was not aware of the conviction.⁹⁰⁴ As the State Executive was not aware of the result of the criminal proceedings it did not take the step available to it under the Administration Manual to cancel Mr Baldwin’s provisional ministerial certificate,⁹⁰⁵ following his suspension in 2007. Further, it was not aware that a court had found Mr Baldwin guilty of child sexual offences so that it could identify a victim, ensure pastoral support was being provided and advise the victim and his family of the Australian Christian Churches’ disciplinary processes for ministers following a criminal conviction for child sexual abuse.
440. It is submitted that the State Executive of the Australian Christian Churches had not put in place steps to obtain knowledge of the conviction (or acquittal) of a former pastor despite knowing he had been charged in 2007 with child sexual offences associated with an Australian Christian Churches affiliated church.

9. ALA’s Father Seeks a Response

441. The lack of any contact by the Australian Christian Churches after Mr Baldwin’s conviction prompted ALD to write of the ‘*deafening silence from the Assemblies of God*’ to Mr Peterson on 7 May 2009

This crime was carried out under the noses of the leadership at the time (not yourself) despite them having been approached by concerned congregation members. I see this as a significant lack of duty of care from leadership... what is the Church’s position in this matter? Are the leadership concerned about the victim at all? ... Have Assemblies of God any processes in place to address these matters, or do they just duck for cover and hope it will go away?... More than a month has passed since the sentencing and not a word has been heard from the Assemblies of God. This is poor form indeed.⁹⁰⁶

⁹⁰² ALD T9759: 16-28 (Day 92).

⁹⁰³ Peterson T9873: 43-45 (Day 93).

⁹⁰⁴ Swenson T9905: 26-41 (Day 93).

⁹⁰⁵ POL TB Tab 55 at ACC.001.001.0139

⁹⁰⁶ Ex 18-0025 (SC TB Tab 10) ACI.0001.001.0012_R

442. Mr Peterson contacted ALD about the letter and told him he was ‘*representing the Australian Christian Churches as a minister on the ground*’ within the local autonomous structure,⁹⁰⁷ but did not contact the Australian Christian Churches. In retrospect, Mr Peterson agreed, taking ALD’s message to the Australian Christian Churches would likely have assisted in resolving his concern about the lack of response from the movement.⁹⁰⁸ Mr Peterson also said ‘*perhaps that’s where there was a cloud, as to where things begin and where things don’t and whether things end and whose responsibility starts and finishes where.*’⁹⁰⁹

443. In 2010, ALA and his family moved to Broome. Soon after ALA commenced a claim against the Sunshine Coast Church’s insurer, Ansvar Insurance.⁹¹⁰ ALD stated that

*I understand that [ALA] took this course because he felt that he was entitled to justice and compensation as a result of his abuse and because the Church had not been forthcoming.*⁹¹¹

444. On 11 October 2011, having still received no communication from the Australian Christian Churches,⁹¹² ALD wrote an email entitled ‘*A cry from a father’s heart for his sons, Can you help?*’⁹¹³ He sent the email to ‘*as many of the offices of the Australian Christian Churches across Australia as I could. ... I wanted to find out who cared, if anyone cared.*’⁹¹⁴ The email read, in part

Jesus said, 'suffer the little ones to come unto me.' We brought our 'little ones' to Him and now our youngest suffers, and suffers, and suffers. For eight years now he has suffered, firstly the abhorrent abuse from what should have been a safe place, secondly, the painfully protracted and difficult legal process that finally saw his tormentor put away, and now the ongoing struggles as he wrestles with the ongoing mental torment caused by what he has been through, and as he seeks some form of compensation for all he has, and continues to suffer. ...

I am praying that somewhere from within the Assemblies of God, perhaps helped by folk such as yourself, we could see a corporate change of heart toward our son and perhaps other innocent victims. Perhaps you could help me get my cry through to the right ears, that the His church could see and act upon some way to bring about true justice and healing for ALA (and others). Is there somebody you can talk to? Can this matter become an agenda item for action and correction? ...

⁹⁰⁷ Peterson T9874: 26-39 (Day 93).

⁹⁰⁸ Peterson T9875: 24-29 (Day 93).

⁹⁰⁹ Peterson T9889: 15-22 (Day 93).

⁹¹⁰ Ex 18-0026 (SC TB Tab 41) AVI.0001.001.0218_R at 0221_R.

⁹¹¹ ALD T9743: 39-42 (Day 92).

⁹¹² ALD T9761: 37-38 (Day 92).

⁹¹³ Ex 18-0025 (SC TB Tab 17) ACC.0002.001.0072_R.

⁹¹⁴ ALD T9745: 5-8 (Day 92).

*Can you hear my heart? Can you imagine my wife's tears? Can you help?*⁹¹⁵

445. The following day, Juanita Foote, the Queensland State Clerk of the Australian Christian Churches, responded to the email as follows

We recently received the below e-mail and we are not sure if this is a legitimate e-mail or spam.

*If this is a legitimate e-mail and you wish to discuss the contents of the e-mail further, please do not hesitate to contact us.*⁹¹⁶

446. ALD did not realise until shortly before the public hearing that this was in fact a response from the Australian Christian Churches. At the time, he said, he *'disregarded it. It was a very odd email...'*⁹¹⁷
447. Pastor Swenson forwarded the email to other members of the State Executive on the day it was sent, with the note: *'obviously with the widespread email list, it has the potential to create some issues.'*⁹¹⁸ No other communication was made from the Australian Christian Churches to ALD or his family.⁹¹⁹ Pastor Swenson agreed that ALD's email made clear that there had been a long criminal process, that ALA and his parents had experienced considerable pain, that there was a difficult insurance process on foot, and that there had been no approach by the Australian Christian Churches to ALA's family.⁹²⁰ Pastor Swenson agreed that the email sent by Ms Foote *'could have been seen as a little callous'*⁹²¹ but said that, because the recipients did not include any members of the State Executive, there *'was a question as to the veracity of the email.'*⁹²² *'There was a clear opportunity'* he said, articulated in Ms Foote's email, to *'contact us.'*⁹²³
448. Pastor Swenson subsequently received advice on the matter from Stephen Watson of ACS Financial. Mr Watson had been in contact with ALA and ALD, and informed Pastor Swenson that there was an ongoing claim for compensation. Mr Watson wrote

I suspect that this feeling of abandonment may have started with support for Jonathon Baldwin being provided by his father-in-law, the pastor of the Church at the time. This sense of abandonment may have been exacerbated when no official contact or support was received from the Australian Christian Churches or from the

⁹¹⁵ Ex 18-0025 (SC TB Tab 17) ACC.0002.001.0072_R at 0074_R.

⁹¹⁶ Ex 18-0025 (SC TB Tab 13) ACC.0002.001.0065_E_R.

⁹¹⁷ ALD T9763: 44-46 (Day 92).

⁹¹⁸ Ex 18-0025 (SC TB Tab 17) ACC.0002.001.0072_R at 0072_R.

⁹¹⁹ ALD T9764: 18-21 (Day 92).

⁹²⁰ Swenson T9925: 14-33 (Day 93).

⁹²¹ Swenson T9927: 13-14 (Day 93).

⁹²² Swenson T9926: 43-46 (Day 93).

⁹²³ Swenson T9927: 10-17 (Day 93).

local church, except from the current pastor, Chris Peterson, some time after the events unfolded.

In order to rectify this apparent lack of support, I suggest that it might be appropriate for the Australian Christian Churches QLD to respond to ALD's email. This response would ideally include an acceptance of the facts as they stand, that ALA has been the victim of an unconscionable crime.

A simple explanation should detail what policies the Australian Christian Churches has in place to deal with these situations, in that credentials are immediately suspended upon presentation of accusations, and they are permanently suspended following proof of those accusations being established. Australian Christian Churches may wish to acknowledge its commitment to ALA and the family, as well as to other congregations around Australia, particularly children and youth, in the policies it has in place to protect them wherever possible.⁹²⁴

449. Pastor Swenson accepted that the steps suggested by Mr Watson were reasonable but were not taken by the State Executive in October 2011.⁹²⁵

450. In March 2012, having not received a response from the Australian Christian Churches, ALA's mother (ALC) wrote to Pastor Alcorn, the National President of the Australian Christian Churches

[W]e find it so disturbing that through all this we have now waited four years to have this most traumatic episode in our lives finalised.

...we are supposedly having mediation with the insurance people that the Church has employed. It appears that this is such a callous event and we are just a nuisance to them.

...nobody at all from the Assemblies of God leadership has done anything to help our son or the other victims in this case. All they have done is hide behind the insurance company and lawyers.⁹²⁶

451. On 5 April 2012, ALC received a phone call and an email from Christelle Holland of the Australian Christian Churches. The email began: *'Firstly, I'm sorry that we haven't been in contact with you regarding the email you sent on 14th March. Apologies for not being more vigilant. We are keen to assist you.'* The email then asked for a list of details so that ALC's matter could be followed up, including *'Date of abuse'* and *'Name of Church, Town & State.'*⁹²⁷ ALC responded, attaching

⁹²⁴ Ex 18-0025 (SC TB Tab 15) ACC.0002.001.0069_R.

⁹²⁵ Swenson T9929: 16-18 (Day 93).

⁹²⁶ Ex 18-0025 (SC TB Tab 18) ACC.0002.001. 0086_R at 0089_R

⁹²⁷ Ex 18-0025 (SC TB Tab 18) ACC.0002.001. 0086_R at 0088_R

- the email ALD had sent to the Australian Christian Churches in October 2011, noting it had received *'little or no response.'*⁹²⁸
452. On 13 April 2012 Pastor Alcorn wrote to ALC, promising that *'there will be an enquiry as to what is happening in your case.'*⁹²⁹
453. On 20 April 2012 ALA's negligence claim against the Church's insurer was settled by mediation.⁹³⁰ The Sunshine Coast Church did not send a representative to the mediation.⁹³¹ ALA received \$550,000, out of which he paid legal fees of \$145,000.⁹³²
454. Pastor Swenson agreed that no action was taken by the State Executive to address the concerns expressed by ALD in his email until July 2012,⁹³³ when it was decided that Pastor Swenson would visit ALA's family in Broome and prepare a report about the interview.⁹³⁴ The visit took place on 19 August 2012.⁹³⁵ Pastor Swenson said the delay was due to his feeling that *'an email or a letter was too clinical and cold and not enough.'*⁹³⁶ He did not telephone ALD because *'[a]t that point I didn't have his... contact details.'*⁹³⁷ He did not attempt to email ALD to ask for his phone number.⁹³⁸
455. On 19 August 2012, Pastor Swenson flew to Broome to meet with ALD and ALC and later with ALA. During the six hour meeting, he offered an apology for the manner in which the Australian Christian Churches had handled their case,⁹³⁹ and explained the approach the Australian Christian Churches would take in dealing with such matters in the future.⁹⁴⁰
456. ALD said *'[t]his was the only time Christian Churches responded. I appreciated this, but it was far too little, far too late.'*⁹⁴¹ In November 2012, ALA contacted Pastor Swenson to take up an offer of further counselling, which the Australian Christian Churches then provided.⁹⁴²
457. On 4 September 2012, Pastor Swenson produced a report to the State Executive. The report identified three issues which *'resulted in the failure to provide adequate care and support'*

⁹²⁸ Ex 18-0025 (SC TB Tab 18) ACC.0002.001. 0086_R at 0088_R

⁹²⁹ Ex 18-0025 (SC TB Tab 18) ACC.0002.001. 0086_R at 0087_R

⁹³⁰ Ex 18-0026, (SC TB Tab 41) AVI.0001.001.0218_R at 0218_R.

⁹³¹ ALD T9744: 1 (Day 92).

⁹³² Alcorn T10008: 22 (Day 94).

⁹³³ Swenson T9929: 24-28 (Day 93).

⁹³⁴ Ex 18-0029, 'Statement of Gary Swenson', STAT.0358.001.0001_R at [33].

⁹³⁵ Ex 18-0029, 'Statement of Gary Swenson', STAT.0358.001.0001_R at [34].

⁹³⁶ Swenson T9929: 32-34 (Day 93).

⁹³⁷ Swenson T9929: 40-45 (Day 93).

⁹³⁸ Swenson T9929: 47- 9930: 2 (Day 93).

⁹³⁹ Swenson T9931: 14-17 (Day 93) and ALD T9745: 17-21 (Day 92).

⁹⁴⁰ ALD T9745: 17-21 (Day 92).

⁹⁴¹ ALD T9745: 23-25 (Day 92).

⁹⁴² Swenson T9931: 37-42 (Day 93).

1. *The fact that the Senior Pastor (Ian Lehmann) as the father-in-law of the offender, and that he failed to inform anyone or take any action when serious concerns were expressed to him by a church member during the period when the offences were taking place. (This fact was raised in Court).*
2. *Ian Lehmann was not relating closely to Australian Christian Churches.*
3. *When Chris Peterson became pastor of the Sunshine Coast Church, he also was not in close relationship and connection with Australian Christian Churches, and failed to advise the State Executive of anything concerning the matter, including the Court case and its outcomes.*

With regard to Australian Christian Churches' responsibility in this matter, there was a simple but serious failure to monitor the legal processes, the Court case and its outcomes, (this was over a sixteen month time frame)...⁹⁴³

458. Pastor Swenson suggested procedures be put in place to prevent the recurrence of such a situation. He recommended that in the future, such a matter should *'remain on the State Executive agenda until all legal and/or criminal proceedings are finalised, and all necessary and appropriate action by the Australian Christian Churches is completed.'*⁹⁴⁴ The report also noted that disciplinary action against Dr Lehmann for his failure to take action was not possible because by the time the Australian Christian Churches learned of the matter, Dr Lehmann was no longer a credentialed Australian Christian Churches minister.⁹⁴⁵
459. Pastor Swenson gave evidence that his recommendation to keep a matter on the agenda was accepted by the State Executive.⁹⁴⁶
460. Pastor Hunt, gave evidence that the National and State Executives of Australian Christian Churches are conducting a review of child protection policies, including how they are formed.⁹⁴⁷ When asked why the Australian Christian Churches had not conducted a review of the circumstances which permitted a child to be abused at one of its affiliated churches, he said *'The difficulty with that is that we have no access into that church. We can't go and investigate legally, we have no jurisdiction.'*⁹⁴⁸ However, he accepted that such a review could occur with the co-operation of the head Pastor and that there is merit in the idea.⁹⁴⁹

⁹⁴³ Ex 18-0025 (SC TB Tab 22) ACC.0002.001. 0093_R at 0095_R.

⁹⁴⁴ Ex 18-0025 (SC TB Tab 22) ACC.0002.001. 0093_R at 0095_R.

⁹⁴⁵ Ex 18-0025 (SC TB Tab 22) ACC.0002.001. 0093_R at 0095_R.

⁹⁴⁶ Swenson T9934: 29-33 (Day 93).

⁹⁴⁷ Hunt T9982: 3-7, 15-28 (Day 94).

⁹⁴⁸ Hunt T9983: 19-21 (Day 94).

⁹⁴⁹ Hunt T9983: 28-38, 41 (Day 94).

10. Child Protection Policies after the Abuse

461. At the start of Mr Peterson's tenure in 2006, the Sunshine Coast Church adopted a document entitled '*Child Abuse*' as the child protection policy of the Church.⁹⁵⁰ The policy was prepared by voluntary leaders of the children's ministry, and copied from a '*Kids R Us*' document, which outlined child abuse training principles.⁹⁵¹ The two women who prepared the document were not qualified in any particular way with respect to child protection matters.⁹⁵²
462. The policy provides brief definitions of neglect, emotional, physical and sexual abuse, and their various symptoms.⁹⁵³ It includes a long list of '*Misconceptions about child abuse*' and characteristics of an offender.⁹⁵⁴ Under 'Prevention: Conduct Policy', the policy states
- The Bible says to avoid the appearance of evil. The enemy will try to destroy your ministry to the Lord and so it is with this in mind that this policy has been formed. It shuts down opportunity for anybody to falsely accuse you. (Satan is the accuser of the brethren Rev 12:10). Leave no door open for him.*⁹⁵⁵
463. Mr Peterson agreed that this passage may give the impression that '*In other words, don't get caught.*'⁹⁵⁶ However, he said '*obviously the intent is genuine*', and agreed that the implication that the appearance rather than the actuality of evil was prohibited was an '*inappropriate*' way to express the policy.⁹⁵⁷
464. The policy does not include any provisions relating to mandatory reporting.⁹⁵⁸ It includes a flowchart entitled '*Unusual Behaviour Procedure*' which concerns the notification of the Senior Pastor where '*unusual behaviour*' is observed, but there is no explanation of the procedure outlined in the chart.⁹⁵⁹ It also does not specify what steps the Senior Pastor is to take once the report is made to him or her.⁹⁶⁰
465. The document was not provided to the State Executive of the Australian Christian Churches for advice or input.⁹⁶¹ Mr Peterson gave evidence that the document would have been looked at by

⁹⁵⁰ Peterson T9857: 18-41 (Day 93).

⁹⁵¹ Peterson T9858: 12-28 (Day 93).

⁹⁵² Peterson T9859: 7-13 (Day 93).

⁹⁵³ Ex 18-0028, TEN.0013.001.0001_R at 0003_R-0004_R

⁹⁵⁴ Ex 18-0028, TEN.0013.001.0001_R at 0006_R-0009_R

⁹⁵⁵ Ex 18-0028, TEN.0013.001.0001_R at 0010_R.

⁹⁵⁶ Peterson T9862: 30-33 (Day 93).

⁹⁵⁷ Peterson T9862: 36-44 (Day 93).

⁹⁵⁸ Peterson T9863: 40-T9854: 13 (Day 93).

⁹⁵⁹ Ex 18-0028, TEN.0013.001.0001_R at 0013_R.

⁹⁶⁰ Ex 18-0028, TEN.0013.001.0001_R at 0013_R.

⁹⁶¹ Peterson T9859: 15-18 (Day 93).

the pastoral team, but was unsure whether it was formally tabled by the executive management, or approved at board level.⁹⁶² No formal changes were made to the policy during Mr Peterson's tenure as Senior Pastor, which lasted from January 2006 to 2012.⁹⁶³ Both Pastors Hunt and Alcorn considered, when shown a copy of the policy during the public hearing, that it *'fell way short of the standards'* recommended by the Australian Christian Churches.⁹⁶⁴

466. Mr Peterson stated that this policy was likely to be the *'baseline'* of the induction process for new members of the children's ministry.⁹⁶⁵ In addition to the policy, he agreed that there was an unwritten policy within the Church that required the reporting of child sexual abuse allegations to the authorities.⁹⁶⁶ However, this unwritten policy was not communicated to the director of the children's ministry.⁹⁶⁷
467. Mr Peterson said he was not specifically aware of any external training in child protection matters available from the Australian Christian Churches, or indeed from any other source.⁹⁶⁸ He believed that he intermittently received general information about support programs for children and youth, but did not remember any detail.⁹⁶⁹
468. Pastor Swenson, agreed that neither Pastor Lehmann nor his successor Mr Peterson at the Sunshine Coast Church availed themselves of the detailed child protection material provided by the State Executive.⁹⁷⁰ He agreed that there was a problem in the implementation of the State Executive's detailed child protection policies at the Sunshine Coast Church.⁹⁷¹
469. Queensland State President, Pastor John Hunt, gave evidence that there was no process for auditing individual churches to determine whether child protection policies of an appropriate standard had been adopted.⁹⁷² He said there was also nothing in Australian Christian Church documentation which *'would demand a church adhere to policies that we have recommended or face dissociation.'*⁹⁷³ Further, he said that there are no ways by which a church could be sanctioned for failing to adopt a policy recommended by the State Executive⁹⁷⁴ and accepted

⁹⁶² Peterson T9859: 20-31 (Day 93).

⁹⁶³ Peterson T9859: 40-46 (Day 93).

⁹⁶⁴ Hunt T9980: 21-25 (Day 94) and Alcorn T9990: 16-23 (Day 94).

⁹⁶⁵ Peterson T9860: 25-30 (Day 93).

⁹⁶⁶ Peterson T9864: 39-40 (Day 93).

⁹⁶⁷ Peterson T9864: 46 – 9865: 1 (Day 93).

⁹⁶⁸ Peterson T9861: 4-9 (Day 93).

⁹⁶⁹ Peterson T9861: 12-16 (Day 93).

⁹⁷⁰ Swenson T9939: 1-5, 23-29 (Day 93).

⁹⁷¹ Swenson T9939: 1-29 (Day 93).

⁹⁷² Hunt T9975: 4-18 (Day 94).

⁹⁷³ Hunt T9975: 16-18 (Day 94).

⁹⁷⁴ Hunt T9975: 25-28 (Day 94).

that the lack of implementation at the local church level *'is an ambiguity of the structure that we have inherited.'*⁹⁷⁵

470. It is submitted that notwithstanding efforts by the State Executive of the Australian Christian Churches to assist local churches with development and implementation of child protection policies, the Sunshine Coast Church had no child protection policy prior to 2006 its child protection policy from 2006 to 2012 was significantly below the standard put forward by the State Executive.

Available Findings

14. **The State Executive of the Australian Christian Churches had not put in place steps to obtain knowledge of the conviction (or acquittal) of a former pastor, Jonathan Baldwin, despite knowing he had been charged in 2007 with child sexual offences associated with an Australian Christian Churches affiliated church.**
15. **The State Executive of the Australian Christian Churches did not communicate with ALA or his family or advise them of the disciplinary processes for ministers convicted of child sexual abuse until 5 years after the conviction.**
16. **Dr Lehmann had a conflict of interest in addressing concerns about Mr Baldwin's behaviour to ALA because he was both Senior Pastor of the Sunshine Coast Church and Mr Baldwin's father in law.**
17. **The Senior Pastor of the Sunshine Coast Church, Dr Lehmann, did not report suspicious conduct by Mr Baldwin towards ALA comprising gift giving, segregation, favouritism, being alone in a car and intensity of the relationship to ALA's parents.**
18. **The Senior Pastor of the Sunshine Coast Church, Dr Lehmann, did not adopt a written policy for the protection of children in the period 2000 to 2006.**
19. **The Senior Pastor of the Sunshine Coast Church, Pastor Peterson, adopted a child protection policy for the period 2006 to 2012 which was significantly below the standard recommended by the Australian Christian Churches.**
20. **The Australian Christian Churches did not ensure that the Sunshine Coast Church adopted and implemented child protection policies of the standard recommended by it in the period 2005-2012.**

⁹⁷⁵ Hunt T9975: 36-42 (Day 94).

21. After becoming aware of the criminal conviction of Mr Baldwin the Australian Christian Churches did not undertake a review of how and in what circumstances a child was sexually abused by a Youth Pastor at an affiliated church in the period 2004 to 2006, and whether any steps could be taken to prevent such abuse in the future at its affiliated churches.

PART D: AUSTRALIAN CHRISTIAN CHURCHES

471. A number of issues that arose during the public hearing related to the operation of the Australian Christian Churches, its national structure and policies and its interaction with local churches affiliated to it. This part of the submissions addresses those matters.

1. Use of the Title 'Pastor'

472. Mr Baldwin held the title of Youth Pastor at Sunshine Coast Church from January 2004 without accreditation as a minister from the Assemblies of God. He eventually obtained a provisional minister's certificate in July 2005.⁹⁷⁶
473. Pastor Hunt gave evidence that there was no prohibition in the Constitution or By-laws of the Australian Christian Churches on a person holding him or herself out as a 'Pastor'

Positions within the context of a local church are very much at the discretion of the Senior Pastor. There would be nowhere in any of our documentation that would require anybody under the covering of that Senior Pastor to hold a credential to fulfil any role that the Senior Pastor indeed might appoint that individual to do.

...

I would argue that he couldn't [call himself a Youth Pastor] but there would be nothing stopping him adopting a title that he wished, and indeed a title bestowed upon him by the Senior Pastor.⁹⁷⁷

474. Pastor Alcorn said that because [t]he word pastor simply means to shepherd people... people would function in that role without necessarily having a credential and they're volunteers. So, there are a number of churches that would use that title.⁹⁷⁸

⁹⁷⁶ Hunt T9968: 7-13 (Day 94).

⁹⁷⁷ Hunt T9970: 1-19 (Day 94).

⁹⁷⁸ Alcorn T10000: 21-31 (Day 94).

475. Pastors Hunt and Alcorn agreed that there was nothing in Australian Christian Churches' rules or Code of Conduct which prohibited a person from using the title of 'Pastor' to imply they had credentials.⁹⁷⁹
476. Pastor Alcorn said that members of the congregation
- [H]ave every right to assume that, when they send their children to a youth program or any activity in the life of our church, that those children and young people will be cared for by properly trained, recognised leaders ...*⁹⁸⁰
477. Pastor Alcorn agreed that the Australian Christian Churches has no disciplinary power over people holding themselves out as Pastors who do not have an Australian Christian Churches' credential,⁹⁸¹ and that, in the case of Youth Pastors, the lack of control over who uses the title carries 'very particular' dangers.⁹⁸² Pastor Alcorn stated that he would take the issue of who can call themselves a 'Youth Pastor' to the National Executive for discussion.⁹⁸³

2. Child Protection Policies

Implementation and compliance

478. As discussed in Part C, the Sunshine Coast Church had no written child protection policies prior to 2006, and from 2006 to 2012 it had a policy which the National President accepted '*fell way short*' of the standard recommended by the State Executive.⁹⁸⁴
479. Pastors Hunt, Alcorn and Swenson cited the autonomous nature of individual churches as the reason why the National and State Executives may not enforce the adoption or implementation of child protection policies in affiliated churches.⁹⁸⁵
480. Pastor Hunt agreed that the Australian Christian Churches does not have a process of auditing individual churches to confirm they have implemented child protection policies,⁹⁸⁶ or, if they have, to confirm that those policies meet the standards recommended by the Australian Christian Churches.⁹⁸⁷ He said: '*[t]here would be nothing in our documentation that would demand a church adhere to the policies that we have recommended or else face*

⁹⁷⁹ Hunt T9970: 15-19 (Day 94) and Alcorn T10001: 11-15 (Day 94).

⁹⁸⁰ Alcorn T10002: 27-30 (Day 94).

⁹⁸¹ Alcorn T10002: 1-7 (Day 94).

⁹⁸² Alcorn T10002: 16-19 (Day 94).

⁹⁸³ Alcorn T10002: 10-14 (Day 94).

⁹⁸⁴ Alcorn T9990: 22-23

⁹⁸⁵ Hunt T9975: 25-34 (Day 94); Alcorn T9990: 43-46 (Day 94); Swenson T9939: 42-47 (Day 93).

⁹⁸⁶ Hunt T9975: 4-10 (Day 94).

⁹⁸⁷ Hunt T9975: 20-23 (Day 94).

disassociation.⁹⁸⁸ He agreed that affiliated churches face no process of assessment of their child protection standards and face no sanctions if they fail to adopt adequate policies.⁹⁸⁹ He accepted that there is an *'ambiguity'* in the movement's structure which means that detailed and robust policies accepted at state level may not be implemented at a church level.⁹⁹⁰

481. Pastor Alcorn said that there had been some auditing by the Australian Christian Churches at the invitation of a local church in the areas of governance, workplace health and safety and child protection.⁹⁹¹ However, he recognised that the Sunshine Coast Church *'did not take the opportunities offered [to] them'* and the efforts of the Australian Christian Churches had been insufficient to ensure adoption of child protection policies of an appropriate standard.⁹⁹²

Accreditation of churches and ministers

482. Pastor Hunt said that the National Executive has power to deregister a church on a number of grounds including a failure to pay dues, refusal to have a Senior Pastor with an Ordained Minister's Certificate or for certain doctrinal differences.⁹⁹³ He said that consideration was currently being given to removing affiliation of a church which had failed to adopt child protection policies, but it will require structural change including potential changes to the Australian Christian Churches' constitution and by-laws.⁹⁹⁴
483. Pastor Alcorn gave evidence that, over the last two or three years, there have been *'serious discussions'* about the possibility of requiring affiliated churches to implement child protection policies recommended by the State Executive.⁹⁹⁵ He said that *'conversations have been had'* raising the idea that churches' registration may be linked to a church, or its Senior Pastor adopting the State Executive's recommended child protection policies.⁹⁹⁶ Such reform, Pastor Alcorn said, *'really does challenge the very fabric of who we are, of a movement of autonomous churches, but we're prepared to have that discussion and pursue it.'*⁹⁹⁷

⁹⁸⁸ Hunt T9975: 12-18 (Day 94).

⁹⁸⁹ Hunt T9975: 25-28 (Day 94).

⁹⁹⁰ Hunt T9975: 36-42 (Day 94).

⁹⁹¹ Alcorn T9993: 27-41; T9994: 12-16 (Day 94).

⁹⁹² Alcorn T9993: 9-10 (Day 94).

⁹⁹³ Hunt T9977: 18-35 (Day 94).

⁹⁹⁴ Hunt T9976: 26-45 (Day 94).

⁹⁹⁵ Alcorn T9990: 25-33 (Day 94).

⁹⁹⁶ Alcorn T9990: 35-41 (Day 94).

⁹⁹⁷ Alcorn T9990: 43-46 (Day 94).

484. Pastor Alcorn said that discussions had already taken place to determine whether the Ministerial Code of Conduct should be amended to include a requirement to adopt child protection policies of the standard recommended at State level.⁹⁹⁸

Notification of criminal charges

485. In Part C of the submissions an issue arose about prompt notification of the State Executive of the charging of an accredited minister with child sex offences and the delay caused to suspension where notification is delayed.

486. The Ministerial Code of Conduct provides that a Minister in breach of the Code must notify the State President within 7 days, or 24 hours if civil or criminal action is involved.⁹⁹⁹ Article 11.7.7 of the United Constitution provides that *'The National President should be immediately informed of a formal complaint against a credentialed minister that may, in the opinion of the State President, lead to the suspension of the minister's credential or ministry certificate.'*¹⁰⁰⁰ However, there is no express obligation in the Ministerial Code of Conduct (or in any other current policy) which requires another credential holder who is aware of allegations or charges of sexual abuse of a child to report the matter to the State Executive.

487. Pastor Swenson said that he would expect a pastor holding a credential would advise the Australian Christian Churches if they were aware of child abuse allegations against another credential holder.¹⁰⁰¹ He believed that any past or retired pastor would have at least a *'moral obligation'* to report such knowledge.¹⁰⁰² Pastor Alcorn said, however, that it was worthwhile considering whether such a reporting obligation should be included in the Ministerial Code of Conduct.¹⁰⁰³

Pastoral care

488. The Australian Christian Churches' child protection policies across different jurisdictions have similar provisions about pastoral care of the victim and family where child sexual abuse has occurred in or associated with an affiliated church. The *'NSW Child Protection Policy and Procedures (2005)'* states that *'support and counselling should be offered to the abuse victim and the family.'*¹⁰⁰⁴ The *'Queensland Resources for Children's Workers – Children and Young*

⁹⁹⁸ Alcorn T9991: 12-18 (Day 94).

⁹⁹⁹ Ex 18-0004 (POL Tab 61) ACC.0001.001.0183 at 0189.

¹⁰⁰⁰ Ex 18-0004 (POL Tab 60) ACC.0004.001.0174 at 0189.

¹⁰⁰¹ Swenson T9941: 18-23 (Day 93).

¹⁰⁰² Swenson T9941: 29-36 (Day 93).

¹⁰⁰³ Alcorn T10004: 18-23 (Day 94).

¹⁰⁰⁴ Ex 18-0004 (POL Tab 36) ACC.0001.001.1006 at 1023.

Persons (2008) uses identical language.¹⁰⁰⁵ The Victorian *'Kids r Us'* policy states that *'appropriate pastoral care'* must be offered to victims of child sexual abuse.¹⁰⁰⁶ The State policies do not give further detail or guidance about the steps to be taken in providing pastoral care to victims after the abuse has been disclosed.

489. Pastor Swenson said that when a victim seeks counselling the *'first port of call obviously would be the local church,*¹⁰⁰⁷ because local churches are autonomous and the Australian Christian Churches cannot *'access'* members of a congregation other than by invitation of a local church.¹⁰⁰⁸ However, he said, the Australian Christian Churches *'would certainly want to exercise a pastoral responsibility and a care responsibility and support to the victims.'*¹⁰⁰⁹ Victorian State President Pastor Shane Baxter said the form of pastoral care provided by a local church would depend on the situation, but that it would entail the provision of a counsellor or psychologist.¹⁰¹⁰
490. Pastor Baxter stated that the size and resources of the Australian Christian Churches affiliated churches range from 30 to 10,000 congregants and 0 staff to 50.¹⁰¹¹ While some churches may have immediate access to counselling services, others may not.¹⁰¹² In the case of a poorly resourced local church dealing with child sexual abuse, he stated, *'we are aware that some don't have the financial resources behind them to do what would be seen to be adequate, ... that's where we as a movement step in to provide whatever care, and we do provide psychologists, we do provide whatever is required at large to take care of our own.'*¹⁰¹³
491. Pastor Baxter said his own church had sufficient resources to deal with allegations of child abuse when they emerged and had not sought help from the Australian Christian Churches.¹⁰¹⁴

3. Conflict of interest

492. The issue of conflict of interest between a familial association and an office holder in the Australian Christian Churches or an affiliated church arose in Parts A and C of these submissions.

¹⁰⁰⁵ Ex 18-0004 (POL Tab 45) ACC.0001.001.0517 at 0558.

¹⁰⁰⁶ Ex 18-0004 (POL Tab 42) ACC.0001.001.0654 at 0691.

¹⁰⁰⁷ Swenson T9932: 2-5 (Day 93).

¹⁰⁰⁸ Swenson T9915: 40-27 (Day 93).

¹⁰⁰⁹ Swenson T9916: 24-26 (Day 93).

¹⁰¹⁰ Baxter T9726: 35-45 (Day 91).

¹⁰¹¹ Baxter T9727: 7-21 (Day 91).

¹⁰¹² Baxter T9727: 23-26 (Day 91).

¹⁰¹³ Baxter T9727: 29-40 (Day 91).

¹⁰¹⁴ Baxter T9728: 6-20 (Day 91).

In Part A the conflict was between Pastor Brian Houston's relationship with his father and his position as the National President of the Assemblies of God. In Part C the conflict arose because the Senior Pastor at Sunshine Coast Church received allegations about his Youth Pastor at the time his daughter was in a relationship with him.

493. When asked what safeguards existed to prevent conflicts of interest, Pastor Swenson said that *'it's for the board of the local church to put in place the necessary governance documents for that local church, including conflict of interest issues.'*¹⁰¹⁵ He agreed that there was no Australian Christian Churches policy from the Queensland State Executive concerning conflicts of interest,¹⁰¹⁶ but said that there *'would have been advice in board training seminars'* and that *'our pastors would be advised to make sure that those appropriate regulations or whatever are put in place.'*¹⁰¹⁷

494. The Ministerial Code of Conduct addresses conflicts of interest in a limited manner. Under the heading *'Financial Matters'*, it states

Conflicts of interest: *It is important to avoid any potential conflict between personal finances and pastoral responsibilities. If there is anything that could lead to a conflict of interest, then it must be immediately disclosed to the Board or Elders. It is important to disclose ... any personal gift or bequest. ...*¹⁰¹⁸

495. Pastor Alcorn agreed that it is not unusual for family members of the senior minister to be involved in the life of a church.¹⁰¹⁹ Pastor Alcorn agreed that the focus of the Ministerial Code of Conduct is on financial matters, and said *'this should be certainly reviewed,'* in light of the issue of familial conflict of interest.¹⁰²⁰

4. Grievance Procedure

496. In Part A of the submissions an issue arose as to whether the grievance procedure for complaints against a minister included in the Administration Manual should commence where a written complaint had not been received from the complainant.

497. The current Administration Manual, promulgated by Australian Christian Churches in April 2010, includes a grievance procedure. The procedure has been extended from that appearing

¹⁰¹⁵ Swenson T9932: 41-43 (Day 93).

¹⁰¹⁶ Swenson T9932: 45-9933: 1 (Day 93).

¹⁰¹⁷ Swenson T9933: 7-14 (Day 93).

¹⁰¹⁸ Ex 18-0004 (POL Tab 61) ACC.0001.001.0183 at 0187.

¹⁰¹⁹ Alcorn T9998: 35-41 (Day 94).

¹⁰²⁰ Alcorn T9999: 4-12 (Day 94).

in the 1999 edition of the Administration Manual. Step One of the current grievance procedure, however, is substantially unchanged from 1999

*Where a person alleges that a Certificate Holder has committed improper conduct of heresy, that person (the 'Complainant') must fully document the allegation in writing and forward it to the State Executive. Whilst another person may forward it to the State Executive on the Complainant's behalf, the Complainant must still be clearly identified.*¹⁰²¹

498. NSW State President, Pastor McMartin, said that while the requirement for a written complaint is part of the Grievance Procedure, *'there may be other ways'* of initiating a complaint, for example by transcribing a *'conversation with the victim.'*¹⁰²² Pastor McMartin agreed that a ten year old child seeking to make a complaint would not be required to present it in a formal written document.¹⁰²³

499. Pastor McMartin pointed out that there is no such requirement for a written complaint to initiate the mandatory reporting steps in the New South Wales Policy.¹⁰²⁴ A complaint under the New South Wales Policy, he said, initiates police investigations of potential child sexual abuse, and is distinct from a complaint under the Grievance Procedure, which initiates Australian Christian Churches investigation and potential discipline of a credential holder.¹⁰²⁵ Pastor McMartin agreed that there may be benefit in the Grievance Procedure adopting the approach under the child protection policy, which allows for verbal complaints and does not require the consent of a victim to initiate an investigation.¹⁰²⁶ However, he said

*'The only problem I have is anyone could accuse any minister of anything and that process begins. If there is a written document, it states to me that they are serious about pursuing this.'*¹⁰²⁷

500. Pastor Alcorn said that *'eventually it has to be put in writing somewhere.'*¹⁰²⁸ He said,

*'Our pastors live a very public life and people can make all sorts of accusations, sometimes malicious, sometimes with all sorts of agendas, and so there does need to be some protection whereby eventually somebody's prepared to make a complaint in writing ...'*¹⁰²⁹

¹⁰²¹ Ex 18-0004 (POL Tab 51) ACC.0005.001.0001 at 0002.

¹⁰²² McMartin T9448: 30-34 (Day 89).

¹⁰²³ McMartin T9448: 46-T9949: 2 (Day 89).

¹⁰²⁴ McMartin T9449: 41-T9450: 5 (Day 89).

¹⁰²⁵ McMartin T9453: 7-15 (Day 89).

¹⁰²⁶ McMartin T9453: 17-21 (Day 89).

¹⁰²⁷ McMartin T9453: 23-28 (Day 89).

¹⁰²⁸ Alcorn T10005: 41-42 (Day 94).

¹⁰²⁹ Alcorn T10005: 43-47 (Day 94).

Available Findings

22. Australian Christian Churches does not require a person to have an Australian Christian Churches credential in order to call him or herself 'Pastor' in an Australian Christian Churches affiliated church.
23. Australian Christian Churches recommends but does not require its affiliated churches to adopt and adhere to child protection policies.
24. Australian Christian Churches recommends but does not require its ministers to adhere to child protection policies.

SUMMARY OF AVAILABLE FINDINGS

1. Between November 1998 and 21 December 1999 the Assemblies of God did not follow its complaint procedure as set out in its Administration Manual when handling AHA's allegations of child sexual abuse against Frank Houston by:
 - e. not appointing a contact person for the complainant
 - f. not interviewing the complainant to determine the precise nature of the allegations
 - g. not having the State or National Executive interview the alleged perpetrator
 - h. not documenting any of the steps it took.
2. In 1999 and 2000 Pastor Brian Houston had a conflict of interest in assuming responsibility for dealing with AHA's allegations because he was both the National President of the Assemblies of God and the son of Frank Houston.
3. In 1999 the Assemblies of God set aside its own policy for handling allegations against ministers, and ignored Pastor Brian Houston's conflict of interest, in order to permit Pastor Brian Houston to handle the allegations of child sexual abuse against his father.
4. In 1999 the Assemblies of God offered Frank Houston rehabilitation to ministry contrary to its national policy that ministers found to have sexually abused children were not to be rehabilitated, in the knowledge that Frank Houston had admitted to child sexual abuse.
5. In 1999 and 2000 Pastor Brian Houston and the National Executive of the Assemblies of God did not refer the allegations of child sexual abuse against Frank Houston to the police.
6. In 2000 the Sydney Christian Life Centre did not report the suspension and withdrawal of Frank Houston's credential as a minister to the Commission for Children and Young People as required by s. 39(1) of the *Commission for Children and Young People Act 1998 (NSW)*.
7. From 1986 to 1992 the Senior Pastor and chairman of Northside Christian Centre Inc, Pastor Smith, knew there was a risk Mr Sandilands had sexually abused children at Northside Christian College.
8. In 1991, following admonishment of Sandilands for cuddling children, Pastor Denis Smith relied solely on oversight by the Principal and application of the guidelines to protect children.
9. Pastor Smith did not remove Mr Sandilands from teaching even though he was aware:
 - d. there were a risk Mr Sandilands had sexually abused children,
 - e. Mr Sandilands breached a warning given in 1986, and

- f. Mr Sandilands had breached guidelines governing his behaviour towards children in October 1987, 1991 and 1992.
10. In 1987, 1991 and 1992, Pastor Smith did not report to child protection authorities allegations that Mr Sandilands may have sexually abused children at Northside Christian College.
 11. In 1993 Pastor Smith did not report to police allegations by three students that Mr Sandilands had sexually abused each of them at Northside Christian College.
 12. From 1986 to 1992 Pastor Smith failed to inform the board of the Northside Christian Centre Inc of suspicions and allegations of child sexual abuse of students by Mr Sandilands at Northside Christian College.
 13. In 1987, 1988 and 1989 the Principal of Northside Christian College, Mr Rookes, did not investigate the allegations that Mr Sandilands had sexually abused children, which Ms Furlong had reported to him.
 14. The State Executive of the Australian Christian Churches had not put in place steps to obtain knowledge of the conviction (or acquittal) of a former pastor, Jonathan Baldwin, despite knowing he had been charged in 2007 with child sexual offences associated with an Australian Christian Churches affiliated church.
 15. The State Executive of the Australian Christian Churches did not communicate with ALA or his family or advise them of the disciplinary processes for ministers convicted of child sexual abuse until 5 years after the conviction.
 16. Dr Lehmann had a conflict of interest in addressing concerns about Mr Baldwin's behaviour to ALA because he was both Senior Pastor of the Sunshine Coast Church and Mr Baldwin's father in law.
 17. The Senior Pastor of the Sunshine Coast Church, Dr Lehmann, did not report suspicious conduct by Mr Baldwin towards ALA comprising gift giving, segregation, favouritism, being alone in a car and intensity of the relationship to ALA's parents.
 18. The Senior Pastor of the Sunshine Coast Church, Dr Lehmann, did not adopt a written policy for the protection of children in the period 2000 to 2006.
 19. The Senior Pastor of the Sunshine Coast Church, Pastor Peterson, adopted a child protection policy for the period 2006 to 2012 which was significantly below the standard recommended by the Australian Christian Churches.

20. The Australian Christian Churches did not ensure that the Sunshine Coast Church adopted and implemented child protection policies of the standard recommended by it in the period 2005-2012.
21. After becoming aware of the criminal conviction of Mr Baldwin the Australian Christian Churches did not undertake a review of how and in what circumstances a child was sexually abused by a Youth Pastor at an affiliated church in the period 2004 to 2006, and whether any steps could be taken to prevent such abuse in the future at its affiliated churches.
22. Australian Christian Churches does not require a person to have an Australian Christian Churches credential in order to call him or herself 'Pastor' in an Australian Christian Churches affiliated church.
23. Australian Christian Churches recommends but does not require its affiliated churches to adopt and adhere to child protection policies.
24. Australian Christian Churches recommends but does not require its ministers to adhere to child protection policies.

Simeon Beckett

Counsel Assisting the Royal Commission

14 November 2014