Royal Commission
into Institutional Responses
to Child Sexual Abuse

REPORT OF CASE STUDY NO. 18

The response of the Australian Christian Churches and affiliated Pentecostal churches to allegations of child sexual abuse

OCTOBER 2015

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October 2015

COMMISSIONERS

Justice Jennifer Coate
Mr Bob Atkinson AO APM

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Preface

The Royal Commission

The Letters Patent provided to the Royal Commission require that it 'inquire into institutional responses to allegations and incidents of child sexual abuse and related matters'.

In carrying out this task, we are directed to focus on systemic issues but be informed by an understanding of individual cases. The Royal Commission must make findings and recommendations to better protect children against sexual abuse and alleviate the impact of abuse on children when it occurs.

For a copy of the Letters Patent, see Appendix A.

Public hearings

A Royal Commission commonly does its work through public hearings. A public hearing follows intensive investigation, research and preparation by Royal Commission staff and Counsel Assisting the Royal Commission. Although it may only occupy a limited number of days of hearing time, the preparatory work required by Royal Commission staff and by parties with an interest in the public hearing can be very significant.

The Royal Commission is aware that sexual abuse of children has occurred in many institutions, all of which could be investigated in a public hearing. However, if the Royal Commission were to attempt that task, a great many resources would need to be applied over an indeterminate, but lengthy, period of time. For this reason the Commissioners have accepted criteria by which Senior Counsel Assisting will identify appropriate matters for a public hearing and bring them forward as individual 'case studies'.

The decision to conduct a case study will be informed by whether or not the hearing will advance an understanding of systemic issues and provide an opportunity to learn from previous mistakes, so that any findings and recommendations for future change which the Royal Commission makes will have a secure foundation. In some cases the relevance of the lessons to be learned will be confined to the institution the subject of the hearing. In other cases they will have relevance to many similar institutions in different parts of Australia.

Public hearings will also be held to assist in understanding the extent of abuse which may have occurred in particular institutions or types of institutions. This will enable the Royal Commission to understand the way in which various institutions were managed and how they responded to allegations of child sexual abuse. Where our investigations identify a significant concentration of abuse in one institution, it is likely that the matter will be brought forward to a public hearing.

Public hearings will also be held to tell the story of some individuals which will assist in a public understanding of the nature of sexual abuse, the circumstances in which it may occur and, most importantly, the devastating impact which it can have on some people's lives.

A detailed explanation of the rules and conduct of public hearings is available in the Practice Notes published on the Royal Commission's website at:

www.childabuseroyalcommission.gov.au

Public hearings are streamed live over the internet.

In reaching findings, the Royal Commission will apply the civil standard of proof which requires its 'reasonable satisfaction' as to the particular fact in question in accordance with the principles discussed by Dixon J in *Briginshaw v Briginshaw* (1938) 60 CLR 336:

> 'it is enough that the affirmative of an allegation is made out to the reasonable satisfaction of the tribunal. But reasonable satisfaction is not a state of mind that is attained or established independently of the nature and consequence of the fact or facts to be proved. The seriousness of an allegation made, the inherent unlikelihood of an occurrence of a given description, or the gravity of the consequences flowing from a particular finding are considerations which must affect the answer to the question whether the issue has been proved to the reasonable satisfaction of the tribunal...the nature of the issue necessarily affects the process by which reasonable satisfaction is attained.'

In other words, the more serious the allegation, the higher the degree of probability that is required before the Royal Commission can be reasonably satisfied as to the truth of that allegation.

Private sessions

When the Royal Commission was appointed, it was apparent to the Australian Government that many people (possibly thousands) would wish to tell us about their personal history of child sexual abuse in an institutional setting. As a result, the Commonwealth Parliament amended the *Royal Commissions Act 1902* to create a process called a 'private session'.

A private session is conducted by one or two Commissioners and is an opportunity for a person to tell their story of abuse in a protected and supportive environment. As at 18 September 2015, the Royal Commission has held 4,146 private sessions and more than 1,476 people were waiting to attend one. Many accounts from these sessions will be recounted in later Royal Commission reports in a de-identified form.

Research program

The Royal Commission also has an extensive research program. Apart from the information we gain in public hearings and private sessions, the program will draw on research by consultants and the original work of our own staff. Significant issues will be considered in issues papers and discussed at roundtables.

This case study

During the public hearing of Case Study 18, the Royal Commission into Institutional Responses to Child Sexual Abuse examined the responses of the Australian Christian Churches (a Pentecostal movement in Australia) and two affiliated churches to allegations of child sexual abuse.

The public hearing was held from 7 October 2014 to 17 October 2014 in Sydney.

The scope and purpose of the hearing was:

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) in Bundoora, Victoria 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
   c. Northside Christian College and Encompass Church.
5. Any other related matters.

Along with the findings and recommendations in this report, we have identified some issues of general significance (see section 5, 'Systemic issues').

We will consider these further in other public hearings and roundtables.

Executive summary

The Australian Christian Churches and the Pentecostal movement

According to its followers, Pentecostalism is a denomination of Christianity that groups different Christian churches based on their common belief in the direct personal experience of the Holy Spirit. This is signified by 'speaking in tongues', prophecy and healing. A grouping of Pentecostal churches is called a 'movement'.

Pentecostal churches voluntarily choose to affiliate and cooperate as a movement. The Australian Christian Churches is the largest Pentecostal movement in Australia. Each of the churches and related institutions in this case study are affiliated with the Australian Christian Churches, which was known before 2007 as the Assemblies of God in Australia.

A National Executive oversees the Australian Christian Churches at a national level, and each state has its own State Executive. The National and State executives are responsible primarily for issuing 'credentials' to ministers (also referred to as pastors) and churches. The National and State executives also provide policies for affiliated churches to adopt, including policies in respect of child protection. However, the Australian Christian Churches has limited oversight of its affiliated churches, which are considered 'autonomous'.

The Australian Christian Churches recommends, but does not require:

- its affiliated churches to adopt and adhere to child protection policies
- its pastors to adhere to child protection policies
- its pastors to attend training programs it offers on child protection policies.

The Australian Christian Churches' current Grievance Procedure for handling complaints against pastors for sexual misconduct gives priority to the protection of pastors over the safety of children.

Hillsong Church (New South Wales), Assemblies of God in Australia and Mr Frank Houston

Mr Frank Houston was the leader of the Assemblies of God in New Zealand during the 1960s and early 1970s. He came to Australia from New Zealand to preach in 1969 and 1970. On these two occasions, Mr Frank Houston stayed with AHA and his family. During these stays he sexually abused AHA, who was seven years old at the time.

In 1977, Mr Frank Houston founded the Sydney Christian Life Centre. His son, Pastor Brian Houston, founded the Hills Christian Life Centre in 1983. Both churches were affiliated with the Assemblies of God in Australia and merged in 2000.

In 2001, the two churches were renamed Hillsong Church. Hillsong Church remains affiliated with the Australian Christian Churches to the present day.

When allegations about Mr Frank Houston's abuse of AHA emerged in 1999, Pastor Brian Houston was the National President of the Assemblies of God in Australia. He confronted his father, who confessed to the abuse. Pastor Brian Houston then called a Special Executive Meeting of the National Executive, which Pastor Brian Houston attended. Although Pastor Brian Houston relinquished the position of Chair at the meeting, he remained present while the National Executive discussed the allegations and decided on disciplinary action for Mr Frank Houston.

In handling AHA's allegations of child sexual abuse against Mr Frank Houston and Mr Frank Houston's admission, the New South Wales State Executive (and, separately, the National Executive) did not follow its Complaints Procedure set out in the Administration Manual. The New South Wales Executive failed to:

- appoint a contact person for the complainant
- interview the complainant to determine the precise nature of the allegations
- have the State Executive or National Executive interview the alleged perpetrator
- record any of the steps it took.

In 2000, neither Hillsong Church nor its predecessors, Sydney Christian Life Centre and Hills Christian Life Centre, reported the suspension and subsequent withdrawal of Mr Frank Houston's credential as a minister to the New South Wales Commission for Children and Young People, as required by section 39(1) of the *Commission for Children and Young People Act 1998* (NSW).

In 1999 and 2000, Pastor Brian Houston and the National Executive of the Assemblies of God in Australia did not refer the allegations of child sexual abuse against Mr Frank Houston to the police.

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 in Australia and the son of Mr Frank Houston, the alleged perpetrator.

In 1999, members of the National Executive who attended the Special Executive Meeting of the Assemblies of God in Australia did not follow the National Executive's policy for handling allegations of child sexual abuse against pastors and failed to recognise and respond to Pastor Brian Houston's conflict of interest.

Northside Christian College and Northside Christian Centre, now Encompass Church (Victoria), Assemblies of God in Australia and

Northside Christian College was established as a ministry of Northside Christian Centre, now known as Encompass Church. Throughout the period examined in the public hearing, the College was run by a College Council as well as the principal. The Church Board appointed the College Council. Senior Pastor Denis Smith was Chair of the Church Board and the College Council during this time.

Ms Emma Fretton attended the College and was in Mr Kenneth Sandilands' class from grade 1, in 1986, to grade 3. Mr Sandilands sexually abused her during this time and for two years afterwards. From 1987 to 1993, other children came forward to members of staff to say that Mr Sandilands had sexually abused them.

In response to these complaints, Pastor Smith and the Principal at the time, Mr Neil Rookes, set behavioural guidelines for Mr Sandilands in early 1987 that barred him from touching children or being alone with them.

Mr Sandilands did not observe the guidelines and the complaints continued.

The first concerns about Mr Sandilands were documented in December 1986 by the then Principal, Mr Ken Ellery. Mr Ellery's memorandum made it clear that Mr Sandilands presented a risk to children.

Further allegations against Mr Sandilands surfaced in March 1987. An investigation of the allegations was undertaken by Pastor Keith Ingram (the Assistant Pastor at the Church) on instruction from Pastor Smith. Pastor Smith accepted Pastor Ingram's report and recommendations about Mr Sandilands, which were:

- there was no case proven
- there be no disciplining of Mr Sandilands
- the three students who reported the allegations had been given a firm lecture
- specific guidelines would be set down for Mr Sandilands.

Pastor Smith accepted the report knowing Pastor Ingram did not have any education qualifications. The December 1986 allegation was not brought to the attention of Pastor Ingram by Pastor Smith.

Allegations were made by Ms Fretton and AGB, another student at the College, in October 1987. The College and Pastor Smith did not advise the parents of Ms Fretton and AGB of:

- Ms Fretton being kissed by Mr Sandilands and Mr Sandilands having other children on his lap
- a meeting held with Ms Fretton, AGB and staff of the College and the Church to discuss the allegations they had made against Mr Sandilands.

By October 1987, Pastor Smith was aware that:

- there 'were ripples raised' in December 1986 about Mr Sandilands' conduct by the former Principal, Mr Ellery
- Mr Sandilands' conduct in December 1986 was investigated by Mr Ellery and a warning had been given to Mr Sandilands
- Mr Sandilands acted contrary to the warning in March 1987 by having a female student sit on his knee while he touched her stomach and her legs
- guidelines were imposed on Mr Sandilands in April 1987, which Pastor Smith and Mr Rookes explained to Mr Sandilands
- Mr Sandilands' conduct in October 1987 towards Ms Fretton was in breach of those guidelines.

By October 1987, Pastor Smith had sufficient information to understand that Mr Sandilands posed a risk to children at the College. Pastor Smith accepted the imposition of guidelines when Mr Sandilands had already acted contrary to a warning given in similar circumstances.

In 1987, 1988 and 1989, Ms Margaret Furlong, a teacher at the College, reported to Mr Rookes, the Principal of the College, allegations of child sexual abuse against Mr Sandilands. Mr Rookes did not record these allegations in a document he prepared, titled 'Chronological summary of allegations concerning behaviour of Ken Sandilands', dated 13 December 1993, and he did not investigate the allegations. We note that Mr Rookes is now deceased.

A further allegation emerged in August 1991 that Mr Sandilands had invited four female students to embrace him and touch his genital area. Pastor Smith reprimanded Mr Sandilands for his behaviour and told him to change his approach to teaching. It was agreed by Pastor Smith, Mr Rookes, Pastor Ingram and the Deputy Principal at the time, Mr Simon Murray, that Mr Sandilands 'intentions and motives were pure and in no way sexually oriented'.

In April 1992, Pastor Smith met with the parents of AGS, another student at the College, regarding sex education lessons given to grade 2 students by Mr Sandilands. Pastor Smith gave evidence that this information was passed onto the principal for action. Mr Rookes told Mr Sandilands not to teach sex education, but no further action was taken despite Pastor Smith receiving previous reports in at least 1986, 1987, 1991 and 1992 of Mr Sandilands:

- hugging children
- having children seated on his lap
- touching a female student on the lower stomach and legs
- kissing Ms Fretton and having her sit on his lap
- inviting students to embrace him and touch his genital area
- giving sex education lessons to students.

The College took steps in 1992, in response to concerns about breaches of the guidelines set for him in 1987 and his deteriorating eyesight, to ensure that an adult was present in Mr Sandilands' classroom at all times. Pastor Smith also raised concerns about Mr Sandilands' eyesight with the Church Board. Concerns regarding previous allegations and breaches of the guidelines were not mentioned.

By the end of 1992, Pastor Smith was aware of:

- concerns of the parents of two students regarding Mr Sandilands' behaviour and interactions with students
- concerns for the safety of children in relation to Mr Sandilands' deteriorating eyesight
- allegations of inappropriate hugging and touching of children, among other things, in December 1986, March 1987, August 1991 and April 1992
- the breach of established guidelines, set in April 1987, governing Mr Sandilands' behaviour towards children in October 1987, August 1991 and April 1992
- the difficulty in Mr Sandilands performing all of his duties.

Despite being aware of these concerns, allegations and breaches of the guidelines, Pastor Smith did not take steps to remove Mr Sandilands from his teaching position at the end of 1992. Mr Sandilands was instead permitted to take extended sick leave from 1992 and resign from his position in 1998.

In 1993, after Mr Sandilands' departure from the College, further allegations of Mr Sandilands inappropriately touching students emerged. Mr Sandilands denied the allegations and Pastor Smith made a recommendation to the Church Board that the Church had 'done all we can possibly do to ascertain the truth in this matter'.

In a report to the Church Board in January 1994, Pastor Smith advised that the families had been notified of the outcome of the investigations and he did not believe there was anything further he could do. He did not refer to the allegations in 1986, 1987, 1991 or 1992 or what was done in relation to each allegation. None of the allegations were reported to police or other authorities at the time they were made. There was no legal requirement for mandatory reporting of child sexual abuse at the time the complaints were made.

Pastor Smith had sufficient knowledge that Mr Sandilands posed an unacceptable risk to children at the College from the late 1980s and failed to act to ensure the protection of the children of the College. He did not and should have considered each new allegation against the background of previous allegations. He did not and should have taken into account the breaches of the guidelines and earlier warning. He deliberately did not disclose the complaints to the Board and thus kept his inadequate handling of them from the scrutiny of the Board which he chaired.

Pastor Smith, alone of those involved with the College between 1986 until 1993, had knowledge of each complaint, their sexualised nature, the warnings given and conditions imposed and that they were breached, and had the power to remove Mr Sandilands from teaching.

Mr Sandilands has since served time in prison for numerous child sexual abuse offences committed at the College and another Christian school in Victoria.

Sunshine Coast Church (Queensland), the Australian Christian Churches and Mr Jonathan Baldwin

In 2000, Dr Ian Lehmann became the Senior Pastor of the Sunshine Coast Church – a small local church in Queensland.

In 2004, he hired Mr Jonathan Baldwin as the Youth Pastor. When Mr Baldwin became a Youth Pastor, he did not hold a credential from the Australian Christian Churches. Mr Baldwin moved from South Australia to work at the Sunshine Coast Church and lived with Dr Lehmann and his family for the first six months of his employment. During that time, he began a relationship with Dr Lehmann's daughter and two years later they married.

Within a few months of commencing his position as Youth Pastor, Mr Baldwin began sexually abusing ALA. For two years, the abuse continued and escalated. Members of the Sunshine Coast Church eldership approached Dr Lehmann between 2004 and 2006 to raise concerns about the relationship between Mr Baldwin and ALA. Dr Lehmann spoke to Mr Baldwin about his relationship with ALA but took no further steps.

In May 2007, ALA disclosed the abuse to a pastor at his new church. As a result, Mr Baldwin was charged with 47 sexual abuse offences. In 2009, Mr Baldwin was convicted of 10 counts of child sexual abuse and sentenced to eight years imprisonment.

The Australian Christian Churches learned of the charges over five months after they were laid. It learned of Mr Baldwin's conviction over two and a half years after it occurred. It did not contact ALA or his family, even though ALA's father and mother both sent emails to the organisation pleading for help and recognition. Eventually, in late 2012, a member of the Queensland State Executive met with the family and offered counselling and some answers.

This was despite the fact that, by 1994, the National Executive of the Assemblies of God in Australia had a 15-point written child protection policy that was recommended and made available to all affiliated churches. 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 during his ministry at the Sunshine Coast Church.

After Mr Baldwin's appointment as Youth Pastor at the Sunshine Coast Church in January 2004, Dr Lehmann did not check whether Mr Baldwin had been issued with a positive notice or a 'blue card' by the Queensland Commission for Children and Young People. A blue card was required under *Commission for Children and Young People Act 2000* (Qld), as Mr Baldwin was engaged in 'child related employment'.

Dr Lehmann failed to recognise the indicators of risk of child sexual abuse posed by the behaviours of Mr Baldwin towards ALA, despite personally observing some indicative behaviour and receiving reports of concerns from members of the pastoral team and directors of the Board of the Sunshine Coast Church. Despite concerns being raised by senior members of the Sunshine Coast Church and his own observations, Dr Lehmann did not take any steps to report the concerns to ALA's parents or the Assemblies of God in Australia.

Dr Lehmann did not tell ALA's parents or report to the Board of the Sunshine Coast Church the information about the relationship between Mr Baldwin and ALA.

By the time of his departure from the Sunshine Coast Church in June 2006, Dr Lehmann was aware that:

- Mr Baldwin frequently segregated ALA from other members of the youth ministry
- the relationship between ALA and Mr Baldwin was 'intense'
- Mr Baldwin was only mentoring ALA and not others
- members of the Church had raised concerns about the relationship between Mr Baldwin and ALA
- Mr Baldwin had been alone with ALA in his car
- Mr Baldwin proposed to give ALA drumsticks worth $60 to $100
- Mr Baldwin wanted to give ALA a large number of awards.

In handling complaints against Mr Baldwin, Dr Lehmann had a conflict of interest in that he was the Senior Pastor of the Sunshine Coast Church and also had a personal relationship with Mr Baldwin. This conflict of interest contributed to Dr Lehmann's failure to act protectively towards ALA in response to those complaints.

The Sunshine Coast Church had not implemented any of the child protection policies recommended by the Australian Christian Churches during the period 2000 to 2012. Dr Lehmann and the subsequent Senior Pastor of the Sunshine Coast Church, Pastor Christian Peterson, had little familiarity with the Australian Christian Churches' child protection policies.

The Sunshine Coast Church and the Australian Christian Churches failed to follow the process for removing the 'credential', or licence to practise as a youth pastor in the name of the church, despite a 'credentialed' youth pastor being charged with child sexual abuse.

The Australian Christian Churches did not have in place any process to respond to ALA and his family in the event Mr Baldwin was convicted of sexual offences against ALA.

The Queensland 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 five years after Mr Baldwin's conviction.

In 2011, after becoming aware of the criminal conviction of Mr Baldwin on 27 March 2009, 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
- whether any steps could be taken to prevent such abuse in the future at its affiliated churches.

The Australian Christian Churches do not require a person to have an Australian Christian Churches credential in order to call themselves 'pastor' in an Australian Christian Churches affiliated church. The lack of control over who is able to represent themselves as a pastor of the Australian Christian Churches is a weakness in the necessary safety controls the Australian Christian Churches should have in place to protect children.

1 The Australian Christian Churches and the Pentecostal movement

1.1 Pentecostalism

According to its followers, Pentecostalism is a branch of Christianity, whose beliefs can include direct personal experience of the Holy Spirit, such as speaking in tongues, prophecy and healing.[1]

The grouping of Pentecostal churches is called a 'movement'. Pentecostal churches voluntarily choose to affiliate and cooperate as a movement.[2]

The Australian Christian Churches is one such Pentecostal movement, to which all of the churches in this case study are affiliated.

There are other movements of Pentecostal churches in Australia, but the Australian Christian Churches is the largest.[3]

1.2 Structure of the Australian Christian Churches

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. It currently has over 1,070 affiliated churches and over 272,000 constituents.[4]

The rules and structure of the Australian Christian Churches are set out in its central document the United Constitution, dated April 2013.

According to the United Constitution, the movement is led by a National President at the head of a National Executive, both elected every two years by the National Conference.[5] The National Conference is the governing body of the movement.[6]

Below the national level, each state and territory is governed by a state president with a State Executive.[7] The State Executives are ultimately responsible to the National Executive.[8] The National Conference delegates to the State Executives matters such as managing ordination applications and investigating complaints against credentialed ministers but can intervene at any time.[9]

State Executives are divided into District Branches headed by district superintendents.[10] The District Branch receives applications for ministerial credentials, as well as complaints, which are then communicated to the relevant State Executive.[11]

To qualify for affiliation with the Australian Christian Churches, local churches must meet certain requirements set out in the United Constitution.[12] If these requirements are met, the National Executive issues the local church with a Certificate of Fellowship. The certificate can, however, be withdrawn at any time at the discretion of the National Executive.[13]

An affiliated church (referred to in the United Constitution as a 'registered church') 'must appoint, as its senior pastor, a person holding a current Ministry credential/certificate of the Movement'. If a church wishes to appoint a person not holding a credential, it can only do so with the express permission of the State Executive 'on condition that the person immediately begins the process of applying for an appropriate credential/certificate'.[14]

Each affiliated church can be incorporated or unincorporated.[15]

1.3 Principle of autonomy

Article 2.2.2 of the United Constitution states:

> The Movement 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.[16]

National President of the Australian Christian Churches, Pastor Wayne 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 [the] provision of policy guidance.[17]

The principle of autonomy was raised throughout the case study as an important boundary in the relationship between the Australian Christian Churches and its affiliated churches.

The principle of autonomy also has consequences for how the Australian Christian Churches disciplines its ministers, discussed in the section below.

1.4 Ministers' credentials

A primary purpose of the Australian Christian Churches is to provide ministers in its affiliated churches with credentials.[18] Credentials are set out in Article 11 of the United Constitution.

The Movement recognises four certificates with respect to ministry:

- Ordained Minister's Credential
- Provisional Minister's Credential

- Specialised Ministry Certificate
- Overseas Associate Minister's Certificate.[19]

The qualifications and requirements of all credential and certificate holders include, among other things:

> 11.2.1 To be a person of God in good standing with those within the church and of good report by those outside the church …
>
> 11.2.3 To have undertaken a recognised Bible study course and/or given evidence to the interviewing committee that he/she is equipped by private reading and study to fulfill the relevant ministry.
>
> 11.2.4 To be acquainted with, accept and adopt the United Constitution, structure, policies and administration of the Movement.
>
> 11.2.5 To be living consistent with the Code of Conduct and other policies of the Movement …
>
> 11.2.7 To complete professional development as required by the National and State Executive.
>
> 11.2.8 To be prepared to sign, as required, a declaration in relation to moral standing, compliance with legal requirements and doctrinal consistency with the Movement.[20]

An Ordained Minister is a 'proven minister as described in Ephesians 4:10–12'[21] and this credential can only be obtained after the applicant minister has held a Provisional Minister's Credential for two years.[22]

A Provisional Minister is 'one showing clear signs of a divine call and God-given ability, and an evident purpose to devote his/her life to the preaching of the Gospel'.[23]

A Specialised Minister is 'authorised to engage in various types of ministries on a specified basis, in a specific location or field of activity'.[24]

An Overseas Associate Minister is:

> one who is living and ministering outside of Australia, holds a credential with an accrediting body within their nation of residence but has, in the opinion of the National Executive, a significant ministry and clear connectedness with the Movement that makes the maintenance of the relationship advantageous.[25]

According to the United Constitution, all credentials and certificates are issued by the National Executive. The National Executive also has powers to suspend and withdraw ministerial credentials

and certificates. The National Executive may, on its own motion, suspend and withdraw ministerial credentials on the grounds of improper conduct or false teaching, or rely upon the recommendation of the State Executive.[26]

In extreme or emergency cases, the State or National President can suspend a ministerial credential for 30 days pending investigation and recommendation by the State Executive.[27] 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 minister's credential or ministry certificate.[28]

1.5 Policies and training

Development and adoption of policies

Another purpose of the Australian Christian Churches is to 'establish a code of conduct, policies and standards of behaviour, endorsed by the National Conference that will be required standards for credential holders and churches'.[29] This includes policies in respect of child protection.

The United Constitution states that:

> Certificates of Fellowship shall be issued and may be withdrawn at any time at the discretion of the National Executive. Certificates will only be issued and retained by churches that meet the following requirements:
>
> ...
>
> 12.1.2.5 Acceptance of the United Constitution, State By-Laws, Code of Conduct and Policies of the Movement and Agreement to function according to them must be included in the church constitution ... [30]

At the national level, Pastor Alcorn stated that the National Executive provides policy guidance to its affiliated churches.[31]

At the state level, Pastor John McMartin, Australian Christian Churches State President for New South Wales, said:

> [The State Executive] adopt a policy and ratify the policy. Then it is sent out to all the individual churches who are to ratify that at a board level and make it part of their culture and practice.[32]

In addition, Pastor Alcorn gave evidence that the various State Executives develop policies that are distributed to local affiliated churches for consideration and implementation. He stated that the National Executive 'strongly recommends that the relevant State Policy is implemented as a minimum'.[33]

A number of policies introduced by the (then) Assemblies of God in Australia are available for affiliated churches to adopt and implement. For example:

- In 1994, the National Executive of the Assemblies of God in Australia introduced a 15-point 'Statement on the Protection of Children from Sexual Abuse'.[34]
- In 2005, the National Executive noted that all State Presidents had implemented a child protection policy for their state.[35]

However, the structure of the Australian Christian Churches and the principle of autonomy means that different policies may be adopted by the national, state and local levels of the movement. Both pastors Alcorn and McMartin stated that, due to the autonomous nature of affiliated churches, it is up to the affiliated church to determine whether it adopts a particular policy. Pastor Alcorn stated that:

> The Australian Christian Churches produces documents that can be used as generic templates for its state branches … The state branches adopt, adapt, advance and incorporate these policies.[36]

However, Pastor Alcorn stated that the Australian Christian Churches 'has no authority to direct individual churches … regarding local governance'.[37]

Pastor McMartin gave evidence that, while the State Executive cannot require an affiliated church to adopt a specific policy:

> [The State Executive can] recommend best practice and we strongly encourage them [affiliated churches] to adopt our policies and operate their churches in a safe way that creates a best practice for the people in their congregations.[38]

Pastor John Hunt, Australian Christian Churches State President for Queensland and the Northern Territory, gave evidence that:

> There would be nothing in our documentation that would demand a church adhere to the policies that we have recommended or else face dissociation.[39]

Pastor Hunt called this an 'ambiguity' of the movement's structure.[40] He gave evidence that the Australian Christian Churches has no audit process for local churches to confirm that they are implementing adequate child protection policies and that affiliated churches face no sanctions if they fail to adopt policies.[41]

Pastor Hunt stated that requiring affiliated churches to enforce child protection policies would 'require a fundamental change to who we are in terms of our structure' but 'we have discussed it and we have thought … that this indeed does need to be examined and pursued'.[42]

Pastor Alcorn further explained that some of the changes proposed involved linking the registration of the affiliated church to whether or not the senior pastor, or the affiliated church itself, is prepared to adopt the required child abuse policies. However, he said that such change would 'challenge the very fabric of who we are'.[43]

Pastor Alcorn said that a recommendation that the Ministerial Code of Conduct be amended to include a requirement to adopt child protection policies of the standard recommended at state level would be put forward at the April 2015 National Conference.[44]

It is clear that the Australian Christian Churches:

- recommends, but does not require that its affiliated churches adopt and adhere to child protection policies
- does not require its pastors to adhere to child protection policies.

Development and adoption of training programs

In addition to the development of policies, it is also an objective of the Australian Christian Churches to 'train … and send out ministers … for the work of God in Australia and overseas'.[45]

Pastor Alcorn told the Royal Commission that:

> we offer training and it's comprehensive at many levels, including governance, workplace health and safety, and in this area of child protection, and there is a culture of cooperation.[46]

Pastor Shane Baxter, Australian Christian Churches State President of Victoria, said that the State Executive offers a number of training days throughout the year and that they train the boards of affiliated churches:

> One of the areas that we train boards in is areas of risk, and so we particularly look at areas of risk to church. This is a huge area of risk obviously to children but from a board point of view it's obviously then an area of risk to the church.[47]

Pastor Baxter also said that the training offered by the State Executive includes assistance with implementation of policies.[48] For example, in 2005, the Queensland State Executive commenced providing voluntary one-day seminars to inform local churches about current legislation and how to implement adequate child protection policies and procedures.[49]

Pastor Alcorn said that, while there are opportunities available for an affiliated church to participate in training programs, it is up to the affiliated church to take the opportunities offered.[50] He accepted that merely providing these training opportunities has been insufficient to ensure that affiliated churches adopt policies of a standard recommended by the State Executive.[51]

It is also clear that the Australian Christian Churches recommends, but does not require that its pastors attend training programs offered on child protection policies.

1.6 The Administration Manual and the requirement to put complaints in writing

The detailed document entitled 'A Program for the Restoration and Reinstatement of Disciplined Ministers Administration Manual' (the Administration Manual) is an example of a policy endorsed by the National Conference of the (then) Assemblies of God in Australia. It was endorsed in May 1999[52] and revised in April 2010[53] to comply with the 2009 revised version of the United Constitution.[54]

The Administration Manual sets out policies and procedures for disciplining ministers and pastors who have committed 'any moral failure involving sexual misconduct'.[55] It is recommended for adoption by its affiliated churches.

Section One of the Administration Manual states that 'this policy document can be used as a guide for all cases of the discipline of ministers but it is mandatory for those cases relating to serious sexual misconduct'.[56]

The Administration Manual defines paedophilia as serious sexual misconduct.[57]

According to the Administration Manual, 'ministers of the gospel' are required to display a 'very high standard of behaviour':[58]

> [When a] minister violates scriptural principles in his/her behaviour, it is the responsibility of the Australian Christian Churches Movement to take appropriate disciplinary action and to attempt to bring about restoration in the minister's life.[59]

The Administration Manual states:

> 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 in Article 11.7 of the United Constitution 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 as set out in Articles 11.7 and 11.8 of the United Constitution) the State Executive may recommend that a minister apply for admission to a program of rehabilitation to ministry … [60]

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 … (2) paedophilia.[61]

Complaints Procedure (May 1999 – March 2010)

The Administration Manual set out the following procedures for the handling of complaints against a minister (Complaints Procedure):

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 (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.[62]

Grievance Procedure (April 2010 to present)

The Complaints Procedure in the Administration Manual was updated in April 2010 and retitled as the 'Grievance Procedure'.[63] The Grievance Procedure is also replicated in a separate document titled 'Grievance Procedure for Certificate Holders'.[64]

The Grievance Procedure sets out 10 steps that could be applied by the State or National Executive to a person issued with a credential and alleged to have engaged in improper conduct.[65] The 10 steps are:

- Step One: Receipt of Complaint
- Step Two: Mandatory Reporting
- Step Three: Suspension
- Step Four: Consider whether a full investigation should be delayed pending criminal proceedings
- Step Five: Investigation by the State Executive
- Step Six: Consideration of the Investigator's Report by the State Executive
- Step Seven: The Committee's Final Decision
- Step Eight: Determination regarding appropriate disciplinary action
- Step Nine: Recommendation through the State Executive to the National Officers
- Step Ten: Right of Appeal.[66]

The Grievance Procedure still requires, as a first step, that the complaint be put in writing.[67] However, it is noted in the Administration Manual and the Grievance Procedure for Certificate Holders that:

> This procedure is for guidance only. The State or National Executive may decide not to follow the Procedure, or apply a truncated version of the procedure, where they consider necessary.[68]

Pastor McMartin said that today 'there may be other ways' of initiating a complaint; for example, by transcribing a 'conversation with the victim'.[69] He accepted that there is a benefit in changing the Grievance Procedure to allow for verbal complaints and to initiate an investigation that does not require the consent of the victim.[70]

Pastors McMartin and Alcorn both stated that they were concerned that false accusations could be made against ministers. They expressed the view that complaints should be written, with the name of the accused put in writing. Pastor McMartin 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.[71]

Pastor Alcorn 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 ... [72]

The evidence provided by pastors McMartin and Alcorn demonstrates that the current Grievance Procedure places an emphasis on protecting ministers and pastors from false accusations. It requires complaints to be in writing to indicate the seriousness of the accusation. It does not focus on prioritising the safety of children.

We conclude that the Australian Christian Churches' current Grievance Procedure for handling complaints against ministers and pastors for sexual misconduct gives priority to the protection of pastors over the safety of children.

2 Hillsong Church (New South Wales), the Assemblies of God in Australia and Mr Frank Houston

2.1 Background

Hillsong Church is an affiliate of the Australian Christian Churches[73] and was established in 2001 following the merger of two local affiliated churches, Sydney Christian Life Centre and Hills Christian Life Centre.[74]

This case study examined the response of the Assemblies of God in Australia to allegations of child sexual abuse made against Mr Frank Houston during his two visits to Australia in 1969 and 1970. The case study also examined the response of Pastor Brian Houston (Mr Frank Houston's son) who, at the time, was the Senior Pastor at Hills Christian Life Centre and the National President of the Assemblies of God in Australia.

Mr 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 in Australia church in Lower Hutt, New Zealand, in 1959.[75]

Mr Frank Houston later became the leader of the Assemblies of God in New Zealand.[76] During this time, Mr Frank Houston occasionally came to Australia to preach.[77]

In 1977, Mr Frank Houston moved to Australia and established the Sydney Christian Life Centre. He was the Senior Pastor, and the church was affiliated with the Assemblies of God in Australia from about 1978 or 1979.[78]

In 1978, Mr Frank Houston's son and daughter-in-law, pastors Brian and Bobbie Houston, moved to Australia on a one-year working visa. Initially, they attended the Sydney Christian Life Centre, with Pastor Brian Houston eventually becoming an Assistant Pastor.[79]

In 1983, pastors Brian and Bobbie Houston founded the Hills Christian Life Centre,[80] which was also affiliated with the Assemblies of God in Australia. 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.[81]

In 1997, Pastor Brian Houston became the National President of the Assemblies of God in Australia. He held that position until 2009.[82]

Pastor Brian Houston said that, over a number of years, his father spoke to him about taking over as Senior Pastor at Sydney Christian Life Centre. In May 1999, Mr 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.[83] Pastor Brian Houston told the Royal Commission that he and his father would meet weekly for lunch. On those occasions:

> we'd had conversations about whenever Frank, you know, was no longer Pastor, that he would like to see me take on that role. He also, I think, had passed that on to the board of Sydney Christian Life Centre, so the board had adopted that, that should anything ever happen to Frank, I would assume that role.[84]

From May 1999, for a period of 18 months, Pastor Brian Houston was the Senior Pastor of both churches.[85] In 2001, the two churches were renamed Hillsong Church.[86]

2.2 Sexual abuse of AHA

AHA was seven years old in 1969 and, at that time, his family was heavily involved in the Assemblies of God in Australia movement in Sydney. AHA stated that his family were good friends with Mr Frank Houston and that Mr Frank Houston often visited Australia from New Zealand to preach.[88]

In 1969 and 1970 Mr Frank Houston visited Sydney, sometimes accompanied by his family, and stayed in AHA's home.[89]

In January 1970, Mr Frank Houston stayed with AHA and his family for almost a week. AHA told the Royal Commission that during this stay Mr Frank Houston came into his room 'nearly every night of the week' while he was sleeping and touched him inappropriately.[90] AHA said that the touching involved Mr Frank Houston lying on top of him, placing his hands on his genitals, masturbating him and inserting a finger into his anus.[91]

AHA recalled that the abuse also occurred when he and his family went to different churches and places with Mr Frank Houston. AHA said that he sometimes went into an office alone with Mr Frank Houston, who felt between AHA's legs. This inappropriate touching also occurred at an evangelical camp in Windsor, New South Wales.[92]

AHA said that:

> The abuse in my home and at the different church meetings continued over a period of years until I reached puberty. Pastor Frank wanted nothing to do with me after I reached puberty.[93]

Effect on AHA

AHA said that the abuse inflicted on him by Mr Frank Houston destroyed his childhood.[94] For years, he was 'full of shame, fear and embarrassment'.[95] AHA told the Royal Commission that he dropped out of school in year 10,[96] has not had a good work history[97] and is currently on a disability pension at the age of 52.[98]

AHA has anger issues[99] and suffers from depression and post-traumatic stress disorder.[100] He also continues to have flashbacks of Mr Frank Houston in his bedroom and has difficulty in his physical and emotional relationships with his wife and children.[101] AHA said his doctor has attributed his depression and post-traumatic stress disorder to the abuse he suffered as a child.[102]

AHA said he felt very isolated when the abuse came to light and that the church community made him feel like he was the problem.[103] He stated that he feels he has 'received absolutely no support, counselling, apology or acknowledgement of the abuse' from the church and 'that the church's response was completely inadequate'.[104]

Disclosure of sexual abuse of AHA

In 1978, when AHA was 16, he told his mother that Mr Frank Houston had sexually abused him.[105] Her response was that, if AHA revealed the abuse to others, he might turn them against the church and send them to hell. AHA 'did not want to cause any trouble', so he kept the abuse to himself and did not take it any further.[106]

In mid-1998, some 20 years after the initial disclosure, AHA's mother disclosed the abuse to Pastor Barbara Taylor. Pastor Taylor was the Senior Pastor of Emmanuel Christian Family Church – a local church in Plumpton, New South Wales, also affiliated with the Assemblies of God in Australia.[107]

AHA's mother also separately disclosed the abuse to Mr Kevin Mudford, an evangelist, in a meeting held at Emmanuel Christian Family Church on 3 November 1998.[108]

Pastor Taylor attempted several times over the next year to arrange a meeting between Mr Frank Houston and AHA, with the intention that Mr Frank Houston would apologise, but the meeting never happened.[109]

Mr Frank Houston did call AHA several times in 1999 and made apologies to AHA.[110] However, Pastor Taylor said that AHA did not consider the apologies to be genuine.[111] Rather, AHA told Pastor Taylor that he thought Mr Frank Houston wanted to smooth the matter over by paying AHA compensation because:

> [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.[112]

During this time, Mr Frank Houston arranged a payment of $2,000 for AHA.[113]

AHA told the Royal Commission that, at the time, he felt his history of abuse 'was a hideous secret and I just didn't want to have it exposed'.[114]

In 2000, AHA agreed to meet Mr Frank Houston at a McDonald's restaurant in Thornleigh, Sydney. Mr Nabi Saleh, a friend of Mr Frank Houston and an elder of Hillsong Church, was also present at

this meeting.[115] AHA stated that he was offered a dirty napkin to sign in exchange for $10,000. AHA said that he signed the dirty napkin and was told by Mr Frank Houston that a cheque would be sent to him. He also said that Mr Frank Houston told him to contact Pastor Brian Houston if there was any problem.[116]

AHA said that he later contacted Pastor Brian Houston, as 'I had not yet received any money from Pastor Frank'.[117] Pastor Brian Houston told the Royal Commission that he 'spoke to my family' to ensure that the money would be transferred to AHA.[118]

AHA told the Royal Commission that he received a cheque in the post for $10,000 after speaking with Pastor Brian Houston. There was no correspondence with the cheque.[119]

2.3 Response of the Assemblies of God in Australia

New South Wales State Executive member learns of the sexual abuse

On 4 November 1998, Pastor Taylor met with Mr Mudford and Pastor McMartin, who was at that time a member of the New South Wales State Executive, to discuss the allegations raised by AHA's mother against Mr Frank Houston. Pastor Taylor said that at this meeting Pastor McMartin was told that there were allegations of child sexual abuse against a senior pastor. However, he was not told that AHA was the victim or that Mr Frank Houston was the perpetrator.[120]

Pastor Taylor said that Pastor McMartin suggested taking the allegations to Pastor Brian Houston, who was the National President of the Assemblies of God in Australia at the time.[121] However, Pastor Taylor did not take the allegations to Pastor Brian Houston because 'it was his father, he was loved by everybody and I only had one case I knew about to go on'.[122]

On 19 May 1999, Pastor Taylor wrote to Pastor McMartin stating that AHA and Mr Frank Houston had been in contact, but that AHA put the matter on hold, as he was too upset. The letter did not name AHA or Mr Frank Houston. The letter went on to state that:

> 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 ... [123]

No evidence was provided to the Royal Commission to show that Pastor McMartin replied to the letter. Pastor McMartin said he could not remember receiving the letter.[124]

Pastor Taylor gave evidence that she next spoke with Pastor McMartin on 16 September 1999.[125] She wrote a letter to Pastor McMartin on the same day, stating that the incident occurred '30 years ago whilst Mr Frank Houston was sharing his bedroom whilst here in ministry from New Zealand'. The letter named AHA and Mr Frank Houston. The letter also stated:

> Thank you for making it 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.[126]

Pastor Taylor told the Royal Commission that, at this stage, it was her understanding that the Assemblies of God in Australia would respond. She thought the response would include disciplinary action against Mr Frank Houston and counselling for AHA.[127]

Pastor McMartin said that he did not receive the letter but accepted that the meeting took place.[128] However, he said only Mr Frank Houston's name was provided.[129]

When Pastor McMartin learned that the perpetrator was Mr Frank Houston, he said that he told Pastor Taylor to tell the victim that the complaints process could not begin until a written complaint was made in accordance with the Administration Manual.[130]

Pastor McMartin also said that, as he had not received a written complaint, he did not attempt to continue the process under the Administration Manual even though he knew the allegations were of child sexual abuse – a criminal offence.[131]

When Pastor McMartin was told that the victim was AHA, he said that he contacted a member of the National Executive, Pastor Alcorn, for advice.[132] Pastor McMartin believed this conversation occurred at the end of October 1999[133] and said that Pastor Alcorn decided that the allegations would need to be raised with Pastor Brian Houston.[134]

Pastor McMartin said that he and Pastor Alcorn spoke to Pastor Brian Houston about the allegations about two weeks later and that Pastor Brian Houston appeared to be in shock.[135]

Pastor McMartin told the Royal Commission that, at this stage, it was his understanding that the National Executive would undertake its own investigations[136] and that members of the New South Wales State Executive could not continue the process under the Administration Manual, as the complaint had not been put in writing.[137]

National Executive learns of the sexual abuse

Pastor Brian Houston stated that he first learned about the allegation against his father in late October 1999, when the Business Manager of Hills Christian Life Centre, Mr George Aghajanian, told him about it. Earlier that day, Mr Mudford had told Mr Aghajanian that there was an allegation of child sexual abuse against Mr Frank Houston.[138]

Pastor Brian Houston told the Royal Commission that, at the time of being informed, he had no doubt that the allegation of child molestation against his father, if true, was criminal conduct.[139]

Pastor Brian Houston decided to confront Mr Frank Houston, who was then overseas, when he returned.[140] In the meantime, he said he spoke with AHA's mother about the allegation, but not with AHA because he had been warned that AHA was in a 'brittle condition'.[141]

In mid-November 1999, Pastor Brian Houston confronted his father. Pastor Brian Houston gave evidence that Mr Frank Houston confessed to him that he had fondled AHA's genitals on one occasion and that he had been in contact with AHA and paid him a sum of money.[142] Pastor Brian Houston said he may have taken notes at the time, but he could not locate these notes for the public hearing.[143]

On 28 November 1999, Pastor Brian Houston met with pastors Taylor and McMartin. Pastor Taylor's notes of the meeting record that:

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. Brian 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 AOG [Assemblies of God in Australia]"
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. Brian 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.[144]

Pastor Brian Houston stated that, by the time this meeting took place, he had suspended Mr Frank Houston from preaching.[145] He gave evidence that Mr Frank Houston was 'stood down instantly' and that Mr Frank Houston 'never, ever preached again anywhere after I confronted him in my office in mid to late November 1999'.[146] However, Pastor Taylor's records show that Mr Frank Houston continued to preach in Canberra in the Australian Capital Territory on 4 and 5 December 1999.[147]

When questioned about whether there was a formal document that exists for the suspension of Mr Frank Houston's credential, Pastor Brian Houston told the Royal Commission that it 'possibly' does not exist.[148] He said that, in 1999, 'there possibly [was] a requirement' for the suspension to be formalised into a written notice, but, in respect of recording Mr Frank Houston's suspension in a written notice, he said he 'failed to do so'.[149]

Pastor Brian Houston and the Australian Christian Churches provided no written evidence recording the suspension of Mr Frank Houston's credential to the Royal Commission.

Pastor McMartin told the Royal Commission that when he suspends the credential of a pastor his process includes informing the pastor of the suspension and confirming this in an email. The email is the written document that is kept in the New South Wales State Executive's files. He said that the New South Wales State Executive then investigates, and any suspension of credentials requires the permission of the National President.[150]

No other evidence was provided by the Australian Christian Churches to the Royal Commission as to the process for suspending the credentials of pastors or ministers within the movement.

Meeting of the National Executive

On 22 December 1999, Pastor Brian Houston called for a Special Executive Meeting of the Assemblies of God in Australia.[151] National Vice-President Pastor John Lewis, Pastor Alcorn and six others attended the meeting, including Pastor Keith Ainge, National Secretary of the Assemblies of God in Australia at the time, who took the minutes.[152]

Pastor Brian Houston opened the meeting as Chair and announced that the meeting was called to consider child sexual abuse allegations against his father.[153] He told the executive members that his father had confessed to a single act of child sexual abuse 30 years ago[154] and that the now adult victim did not want to make a formal complaint.[155] He did not name AHA at this meeting.[156]

Pastor Brian Houston gave evidence that it was suggested at the meeting that he step down as Chair because of his personal relationship with Mr Frank Houston and because of his emotional state.[157] However, he remained in the room throughout the meeting. Pastor Ainge gave evidence that:

> Brian Houston chaired the meeting as he normally would, but immediately mentioned that this was in relation to his father and it was inappropriate for him to be the chair, and he asked John Lewis to take the chair, which he did immediately.[159]

The minutes of the meeting record the decisions of the National Executive that:

- Mr Frank Houston's credential be withdrawn 'forthwith'
- Mr Frank Houston would be placed under the supervision of the New South Wales Superintendent, Mr Ian Woods
- Mr Frank Houston would 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 two years
- Pastor Brian Houston would convey these decisions to Mr Frank Houston
- Pastor Brian Houston would meet with the complainant and explain the discipline and restoration process, offer counselling, and tell the complainant that his identity had been kept confidential
- the Assemblies of God in Australia movement would not be notified of the disciplinary action, in line with the restoration policy [referred to as 'Admission to a Program of Rehabilitation' in the Administration Manual and discussed at chapter 1.6 of this report].[160]

The minutes also record that Mr Frank Houston would be invited to enter the 'Assemblies of God [in Australia] restoration program'.[161]

Pastor Ainge accepted that the invitation to enter program of rehabilitation was a breach of the Administration Manual.[162]

However, Pastor Ainge said that Mr Frank Houston would have to apply and be approved for the rehabilitation program. Although Mr Frank Houston never made an application, Pastor Ainge said that 'approval would never have been granted' because the Administration Manual prohibited the rehabilitation of paedophiles.[163]

The Complaints Procedure at the time required:

- the National Executive to appoint an independent contact person to contact AHA
- the State or National Executive members to interview AHA.

It also required State or National Executive members be appointed to interview Mr Frank Houston.[164]

Pastor Ainge accepted that none of those things were done.[165] No evidence was presented to the Royal Commission that they were done subsequently.

Mr Frank Houston gave up preaching altogether and retired in late 2000.[166] At a Special Meeting of Elders of the Church held on 29 November 2000, Mr Frank Houston's retirement was recorded in the minutes as a resignation.[167] Pastor Brian Houston said his father was 'asked to leave Hillsong Church, technically'.[168]

The minutes of the Special Meeting of Elders record that Mr Frank Houston was also provided with a retirement package, which included financial support for him and his wife. It was also noted in the minutes that 'a simple announcement concerning Frank's retirement would be sufficient at this stage' and that the announcement would be done while '[Frank and his wife Hazel] are on vacation in New Zealand during January'.[169]

Despite having knowledge that Mr Frank Houston admitted to sexually abusing AHA, the National Executive allowed Mr Frank Houston to publicly resign, without damage to his reputation or the reputation of Hillsong Church.

We conclude that, in handling AHA's allegations of child sexual abuse against Mr Frank Houston, the New South Wales State Executive and, separately, the National Executive did not follow its Complaints Procedure as set out in its Administration Manual by failing to:

- appoint a contact person for the complainant
- interview the complainant to determine the precise nature of the allegations
- have the State Executive or National Executive interview the alleged perpetrator
- record any of the steps it took.

Reporting to the Commission for Children and Young People

During the period examined in this case study, the *Commission for Children and Young People Act 1998* (NSW) dealt with employment screening for child-related employment, which was administered by the New South Wales Commission for Children and Young People (CCYP) and other agencies.

An 'employer' was defined in the Act as 'any person who engages the person in employment … and includes a person who, in the course of a business, arranges for the placement of a person in employment with others'.[170]

Section 39 of the Act set out the duties of employers with respect to disciplinary proceedings. It imposed a duty on employers to notify the CCYP of the name and details of any employee against whom relevant disciplinary proceedings have been completed by the employer.

The Act defined 'relevant disciplinary proceedings' as:

> disciplinary proceedings (in this State or elsewhere) against an employee by the employer or by a professional or other body that supervises the professional conduct of the employee, being completed proceedings involving
>
> a. child abuse, sexual misconduct by the employee, or
> b. acts of violence committed by the emplouee in the course of employment.[171]

On 7 August 2000, the CCYP sent a letter to the Business Manager at Hillsong City Church acknowledging Hillsong City Church's registration for a 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 [CCYP]'.[172]

The requirement applied to all disciplinary proceedings, including those completed in the five years before the commencement of the Act in 2000.

At the time the letter was sent, Pastor Brian Houston was the Senior Pastor of both Sydney Christian Life Centre and Hills Christian Life Centre. Although Mr Frank Houston had resigned from his role as Senior Pastor of Sydney Christian Life Centre, he was still employed by Sydney Christian Life Centre with 'the idea that he was going to be an itinerant'.[173]

Counsel for Hillsong Church stated that neither Hillsong Church nor its predecessors (Sydney Christian Life Centre or Hills Christian Life Centre) reported any disciplinary proceedings against Mr Frank Houston to the CCYP. [174]

In evidence given to the Royal Commission, Mr Aghajanian, the Business Manager of Hillsong Church, accepted that no report was made to the CCYP[175] because:

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.[176]

2.4 Pastor Brian Houston's role

Pastor Brian Houston did not report to police

Despite Pastor Brian Houston's evidence that he had no doubt that his father's conduct was criminal, he made no attempt to report his father to the police at the time the confession was made to him.

Pastor Brian Houston said that, while he 'knew, for the five years my father was still alive, there was every possibility that he would be charged', he did not report his father to the police because AHA was 35 or 36 years of age.[177]

Pastor Brian Houston told the Royal Commission that, during a telephone conversation with AHA in the weeks immediately after he became aware of the abuse, AHA indicated that he did not want to go public about the abuse or approach the police.[178]

Evidence was also given to the Royal Commission that, at the Special Executive Meeting on 22 December 1999, there was discussion as to whether the National Executive was required to compulsorily report Mr Frank Houston's conduct to the police.[179]

Pastor Ainge stated that the National Executive took legal advice about its obligations. He said that the advice was that the National Executive was not legally required to report the incident to the police, as the complainant was of age and did not want the matter reported.[180]

No evidence was provided by Pastor Brian Houston, or members of the National Executive who gave evidence to the Royal Commission, to demonstrate that the matter was ever brought to the attention of the police.

We are satisfied that, in 1999 and 2000, Pastor Brian Houston and the National Executive of the Assemblies of God in Australia did not refer the allegations of child sexual abuse against Mr Frank Houston to the police.

Conflict of interest

At the time that AHA's allegations were raised, Pastor Brian Houston was the National President of the Assemblies of God in Australia.

Pastor Brian Houston was also the Senior Pastor of Sydney Christian Life Centre (a position previously held by Mr Frank Houston) and Senior Pastor of Hills Christian Life Centre.

Outside of his professional capacity, Pastor Brian Houston was also Mr Frank Houston's son.

The evidence presented to the Royal Commission demonstrated that Pastor Brian Houston acted in all of these roles in responding to AHA's allegations.

Pastor Brian Houston told the Royal Commission that, upon hearing the allegations against Mr Frank Houston, he was shocked because 'Frank is my father'.[181] Pastor Brian Houston was determined to confront his father. After hearing his father's confession, he took steps to investigate the allegations on behalf of:

- the Assemblies of God in Australia, to which he later presented confirmation of the confession
- the Sydney Christian Life Centre.

While acting in his capacity as Senior Pastor of the Sydney Christian Life Centre, Pastor Brian Houston later ended Mr Frank Houston's preaching career.

In conversations with Pastor Taylor, Pastor Brian Houston said that he was acting in his role as either the National President of the Assemblies of God in Australia or as Senior Pastor of Hillsong Church.[182]

Pastor Brian Houston described these conversations as having 'nothing to do with being my father's son' and relating only to his 'professional roles'. However, Pastor Brian Houston made no distinction about whether he was acting in his role as Senior Pastor or National President.

When Pastor Brian Houston called AHA, he said he did so '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 in Australia'.[184]

Pastor Brian Houston spoke a number of times during the hearing about the emotional trauma his father's offending caused him[185] and his highly emotional state during that time.[186] It was clear that he was personally affected by the events.

Pastor Ainge told the Royal Commission that the allegations had come to Pastor Brian Houston in all three of his different capacities but 'principally' as National President.[187]

Pastor Brian Houston told the Royal Commission that he did not think he had a conflict of interest because he never attempted to defend his father from the allegations[188] and he acted swiftly to suspend his credential.[189]

We do not accept the views expressed by Pastor Brian Houston. There are two aspects to a conflict of interest – an actual conflict of interest and a potential or perceived conflict of interest.

An actual conflict of interest arises when a person's private interests improperly influence the performance of that person's professional duties and responsibilities. It is based on the actual things done.

A potential or perceived conflict of interest arises when a person's private interests could be perceived as improperly influencing the performance of that person's professional duties and responsibilities, regardless of whether or not that has occurred.

Pastor Brian Houston was Mr Frank Houston's son. Regardless of whether Pastor Brian Houston's actions were proper or appropriate, there always remained a public perception of a potential conflict of interest because of the personal relationship.

Pastor Brian Houston's own evidence supports this finding. Pastor Brian Houston told the Royal Commission that, when another victim of Mr Frank Houston came forward, his brother, Mr Graeme Houston, handled the matter. It was not being handled by Pastor Brian Houston because of the 'obvious conflict' as Senior Pastor at Hillsong Church and because he was wearing 'two hats'.[190]

We consider that a conflict of interest first arose when Pastor Brian Houston decided to respond to the allegations by confronting his father while simultaneously maintaining his roles as National President and Senior Pastor.

The conflict of interest became more apparent when Pastor Brian Houston called the Special Executive Meeting on 22 December 1999 in his capacity as National President. Pastor Brian Houston accepted that it was suggested he was to stand down as Chair of the meeting due to his conflict in being Mr Frank Houston's son.[191] However, despite acknowledging the conflict, Pastor Brian Houston remained in the room throughout the meeting.[192]

At the meeting, the National Executive agreed that Pastor Brian Houston would communicate their decisions to Mr Frank Houston and to AHA. It is unclear in what capacity Pastor Brian Houston was to undertake these tasks. This meant, however, that Pastor Brian Houston was the National Executive's only line of communication to both the perpetrator and the victim.

The conflict of interest became even more apparent when Mr Frank Houston met with AHA at McDonalds and told AHA to contact Pastor Brian Houston if there were any problems. Pastor Brian Houston said that he facilitated the payment when later called by AHA. He said that he did not inform the Special Executive Meeting about the payment because:

> the payment of money to [AHA] had nothing to do with the [N]ational [E]xecutive, because I was adamant that this was not about Hillsong; this was not about the Australian Assemblies of God in Australia. This payment was between Frank and [AHA].[193]

The By-Laws of the Assemblies of God in Australia require that the National Executive make decisions which 'in its opinion, are necessary and beneficial to further the aims of the Assemblies of God in Australia'.[194] The National President leads the National Executive and the National Conference, and is charged with 'oversight of the work of the movement'.[195]

In acting as National President, Pastor Brian Houston undertook to act for and in the interests of the Assemblies of God in Australia. Pastor Brian Houston agreed with the proposition that, in this position, he was responsible 'for protecting and ensuring the proper investigation and independent resolution of allegations of child sexual abuse'.[196] The official duties of a person in such a position require that they do not place themselves in a situation where their duties may conflict with other interests in their personal or professional life.

The interests of the Assemblies of God in Australia include the implementation of the movement's policies and procedures, and the proper disciplining of its ministers. Any strong personal relationship between a minister and an executive member in charge of their disciplinary process would have constituted a potential conflict of interest for that executive member.

The evidence given to the Royal Commission shows that the National Executive departed from the policies and procedures set out in the Administration Manual, which should have governed the discipline of Mr Frank Houston. The National Executive:

- did not appoint an independent contact person to communicate the disciplinary process to AHA and Mr Frank Houston
- did not conduct a full interview with AHA to fully record his allegations
- allowed the interview with Mr Frank Houston to be conducted by Pastor Brian Houston and not the New South Wales State Executive or at least two delegated individuals from the State and/or District Executives.

The departure from the Administration Manual was accepted by pastors Ainge, McMartin and Brian Houston.[197]

We are satisfied a conflict of interest existed because Pastor Brian Houston was both National President of the Assemblies of God in Australia and Mr Frank Houston's son.

Pastor Brian Houston gave evidence that his presence at the Special Executive Meeting was not intended to influence the National Executive to act contrary to the Administration Manual.[198] Despite not intending to influence the decisions made at the Special Executive Meeting, there remained a perception of a potential conflict of interest because of Pastor Brian Houston's personal relationship with Mr Frank Houston.

In addition, Pastor Ainge stated that the National Executive felt 'pressure' arising from 'the fact that Frank Houston was a well-known, respected and appreciated member of the Assemblies of God in Australia' and that he was a founding member of the Sydney Christian Life Centre, a very popular church.[199]

Although the Australian Christian Churches has a current conflict of interest policy, Pastor Alcorn told the Royal Commission that the primary focus of the policy relates to purely financial matters. He said that, given it is common for family members to be involved in the senior ministry of the Church, the policy 'should certainly be reviewed' to address familial conflicts of interest.[200] The same views were expressed to the Royal Commission by Mr Aghajanian.[201]

We conclude that in 1999 members of the National Executive who attended the Special Executive Meeting did not follow their own policy, the Administration Manual, for handling allegations against pastors and ministers, and failed to recognise and respond to Pastor Brian Houston's conflict of interest.

3 Northside Christian College and Northside Christian Centre, now Encompass Church (Victoria), Assemblies of God in Australia and Mr Kenneth Sandilands

3.1 Background

Northside Christian College (the College) is a primary and secondary school located in Bundoora in the northern suburbs of Melbourne in Victoria. The College was founded in 1952 and established in 1979 as a ministry of Northside Christian Centre, now known as Encompass Church (the Church). The Church has been affiliated with the Assemblies of God in Australia since it opened and remains affiliated with the Australian Christian Churches to this day.[203]

This case study examined allegations of child sexual abuse against Mr Kenneth Sandilands, a teacher at the College from 1983 to 1992, and the response of the College and the Church to those allegations during this nine-year period. The response of the Assemblies of God in Australia was also examined.

It is estimated that, during this nine-year period in which Mr Sandilands taught at the College, allegations were raised that he was involved in sexual abuse or inappropriate behaviour towards 30 children. Multiple complaints were made throughout that time.[204]

From grade 1 in 1986 to grade 3 in 1988, Ms Emma Fretton was in Mr Sandilands' class at the College. He sexually abused her during those years, and also in grades 4 and 5.[205]

Mr Sandilands was convicted in 2000 of 12 counts of indecent assault against eight students at the College: three counts of indecent assault against Ms Fretton and nine counts of indecent assault against seven other students at the College. He was sentenced to two years imprisonment, with a non-parole period of 12 months.[206]

In 2014, Mr Sandilands was convicted of a further seven counts of indecent assault which occurred during his time as a teacher at St Paul's Anglican Primary School in Frankston, Victoria during the period 1970 to 1974: six counts concerning a girl and one count of indecent assault against a boy. He was sentenced to 26 months imprisonment, with a non-parole period of 10 months.[207]

In 2000, civil proceedings were commenced against Mr Sandilands, the Church, Senior Pastor Denis Smith and another teacher at the College by Ms Fretton and five other former students.

3.2 Structure and organisation

The Church was incorporated in 1985 and the governance arrangements introduced at this time remained in place until 2002. The governance arrangements included a Church Board, which consisted of the senior pastor, associate pastors, assistant pastors and elders of the Church.[208]

The Church Board appointed the College Council, which consisted of the senior pastor, associate pastor, principal of the College, and parents of students at the College.[209] The College Council was responsible for the 'general activities of the College under the leadership of the Church Board'.[210] The principal of the College and the College Council managed the day-to-day business of the College,[211] but certain matters were referred to the Church Board for ratification, including appointment of staff, policies, budgets, capital expenditure, property development and discipline.[212]

Pastor Smith was the Chair of the College Council from 1981 until 1998.[213] Mr Ken Ellery was the Principal of the College during the period 1984 to January 1987.[214] Mr Neil Rookes, who is now deceased, became the Principal of the College after Mr Ellery and was the Principal during the period January 1987 to December 1996.[215]

Ms Margaret Furlong, a teacher at the primary school of the College during the period 1987 to 1989, gave evidence that she was informed when she started that 'we were under Pastor Smith'.[216] She gave evidence that Pastor Smith 'controlled everything in the College';[217] he had control of pay rates and other working conditions, and 'everything in relation to the College was kept secret and private'.[218]

3.3 Appointment of Mr Sandilands

In 1983, on behalf of the Church Board, Pastor Smith appointed Mr Sandilands as a member of the College staff.[219] Before commencing at the College, Mr Sandilands taught at St Paul's Anglican Primary School. Pastor Smith said that, before Mr Sandilands joined the College, he did not know him but knew his wife, Olwyn, when Pastor Smith was the Assistant Pastor of the church that she attended.[220]

Pastor Smith said he was not 'involved in vetting' Mr Sandilands.[221] However, he said that his involvement in the appointment of Mr Sandilands 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.[222]

Pastor Smith stated that he 'imagined' he would have called for references, which the Principal would then have checked.[223] However, he did not recall speaking to anyone at St Paul's Anglican Primary School, Mr Sandilands' previous employer.[224] Pastor Smith later said 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 Victorian Department of Education.[225]

As part of the recruitment process, Pastor Smith said that teachers were given documents that included:

- a responsibility description
- a Code of Conduct
- staff handbooks.[226]

Pastor Smith said that the Code of Conduct focused on general Christian principles and was not specific to conduct towards children.[227]

Pastor Smith told the Royal Commission that he was not aware of any allegations against Mr Sandilands of inappropriate behaviour or treatment of children at St Paul's Anglican Primary School and said that 'everything I received was positive, upon that basis I agreed to the appointment of him'.[228] He gave evidence that any appointments (including Mr Sandilands') were made after police checks had been successfully completed.[229]

3.4 Sexual abuse of Ms Emma Fretton

Ms Fretton was six years old when she started at the College in 1986.[230] Ms Fretton told the Royal Commission that Mr Sandilands abused her many times over a number of years. The abuse occurred during class, at lunchtime and at other times outside of class.[231]

On a number of occasions, Mr Sandilands took her outside the classroom with his typewriter, leaving two classmates in charge of the class. 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 made 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.[232]

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'.[233]

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 her once and then pulled up her dress and pulled down her bloomers and knickers. She asked Mr Sandilands what he was doing, but he did not 'answer me or speak to me'.[234] He then touched 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'.[235] 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.[236]

Ms Fretton told the Royal Commission 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'. The girls did not receive any replacement underwear to put on and were only given back their underwear after they had dried.[238]

Mr Sandilands also made the boys go in first when entering the classroom and, as the girls went in, he 'would touch us on the head and tell us that he loved us'. If Ms Fretton did not tell Mr Sandilands that she loved him, he would hit her with the paddle.[239]

When reading stories to the class, Mr Sandilands made sure that the girls sat at the front of the class, with the boys sitting 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.[240]

Ms Fretton gave evidence that, in 1987 when she was in grade 2, she reported the abuse to members of staff, including Mrs Ann Brown and Mr Rookes. She continued to make further reports and complaints to Mrs Brown throughout 1987.[241]

Ms Fretton also gave evidence that in 1988, when she was in grade 3, she again made further complaints to Mrs Brown, Mr Rookes and Ms Furlong.[242] Her complaints to the College in 1987 and 1988, and the actions taken by the members of staff, are discussed in further detail below.

Effect on Ms Fretton

Ms Fretton told the Royal Commission that the memories of the abuse would always be a part of her life. She has been diagnosed with borderline personality disorder, depression and post-traumatic stress disorder. She has felt angry, anxious and isolated as a result of Mr Sandilands' abuse, has had difficulty trusting people and has trouble with her personal relationships.[243]

Ms Fretton also told the Royal Commission that she feels she was deprived of a happy and healthy education and instead felt helpless and scared every day during her primary school years.[244] The abuse has had ongoing consequences for her education, as a classroom setting still triggers

flashbacks for her. As a result, she was unable to complete the TAFE courses she attempted.[245] She stated:

> Today, even at my age I struggle to read and spell which affects so much of what I can do in my life and eats away at my confidence. It keeps me from doing a lot and makes me feel like I don't have the ability to achieve goals that I set for myself.[246]

Ms Fretton's experience of the criminal proceedings against Mr Sandilands was negative. She said she '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'.[247] She did not feel Mr Sandilands' sentence was adequate.[248]

The civil proceedings against the Church, which Ms Fretton and five other former students commenced in 2000, were 'extremely stressful' for Ms Fretton.[249] She collapsed during one of the mediation sessions. Ms Fretton asked for a written apology from the Church, but she never received one. Her settlement of $225,000 included a confidentiality clause prohibiting the parties from disclosing the terms of the settlement.[250] The Assemblies of God in Australia declined to participate in the mediation or contribute to the settlement.[251] Ms Fretton said she felt like the money was meant 'just to keep me quiet again'.[252]

Ms Fretton gave evidence that the response of the College and the behaviour of people connected with the Church destroyed her religious faith.[253] She said, 'People say you learn to overcome your past but I believe you can't. It makes you who you are'.[254]

3.5 Allegations against Mr Sandilands

Memorandum from Mr Ellery to Pastor Smith: December 1986 allegation

On 30 December 1986, Pastor Smith received a memorandum from the then Principal, Mr Ellery, about Mr Sandilands. The memorandum stated:

> [I]t 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 him to the extent we would like. Such would be an untenable situation for us … [255]

While making a statement to police in 2000 regarding the criminal proceedings against Mr Sandilands, Mr Ellery was shown a copy of the memorandum that he wrote Pastor Smith. Mr Ellery recalled to police the incident referred to in the memorandum:

> I saw the children close around him as he sat at a desk. I rather think it was the teacher's desk but it is all very vague now. Discerning the closeness of the contact to be

> uncircumspect, I raised my concern with [Mr Sandilands] a few minutes later. I warned him about these imprudent relationships with the students. The children seemed to be being overly friendly with him and this seemed to be a habitual form of behaviour, as though it had been encouraged or condoned in the past. I raised my concern with him and he was strong in his denial of anything even hinting at impropriety. I was worried about the possibility of sexual overtones to the touching but also just couldn't believe that he could be doing that.[256]

Mr Ellery said in his police statement that he gave the memorandum to Pastor Smith, who was 'Chairman of the College Council and prior to [Mr Ellery's] appointment, previous overall head of school'. Mr Ellery stated that even though:

> '[Pastor Smith] admitted he would have had a "very short fuse" had there been any culpability, any evidence of impropriety in teacher–pupil relationships, there was none: hence Ken, appearing blameless was to be regarded without prejudice'.[257]

Mr Ellery is deceased.

Pastor Smith said the memorandum related to Mr Sandilands' hugging of children.[258] He said he thought 'past ripples' might have referred to Mr Sandilands 'continuing to hug or to have children walk around with [their] hand in his hand'.[259]

Pastor Smith understood that at the time he received the memorandum Mr Ellery intended to warn Mr Sandilands about his behaviour; to 'watch yourself and don't be put in a position where there could be any appearance of imprudent relationships'.[260] Pastor Smith gave evidence that 'the instructions were clear to me that he [Mr Sandilands] was not to persist in cuddling children and putting children on his knee'.[261]

When questioned about whether the memorandum indicated an intention to defend Mr Sandilands to the 'hilt' against allegations of imprudent conduct, Pastor Smith said that he 'did not read it that way. I read it as a principal caring for his staff'.[262] He said that it did not enter his mind that the allegations against Mr Sandilands may have been sexual abuse.[263]

Pastor Smith understood that 'innuendo' meant Mr Sandilands was 'in close proximity to children' but said that this 'certainly was not sexual'.[264]

We do not accept Pastor Smith's evidence as to his understanding of the memorandum. The allegations were sufficiently serious to cause Mr Ellery to put his concerns about Mr Sandilands' behaviour in writing. The terms of the memorandum clearly contemplated behaviour of a sexual nature.

Memorandum from Mr Rookes to Pastor Smith: March 1987 allegation

On 20 March 1987 the new Principal, Mr Rookes, wrote a memorandum to Pastor Smith advising of an allegation that Mr Sandilands had a female student seated on his knee while he touched her 'on the lower stomach and on her legs'.[265] Three primary school students in grades 5 and 6 reported the incident to Miss Abdelmesieh, a teacher at the College, who then reported the incident to Mr Rookes.[266]

The memorandum records that Mr Rookes and Mrs Brown interviewed each of the three primary school students individually and discovered some inconsistencies in their accounts of the incident but 'perceived an element of sincerity and concern'.[267] It also records that Mrs Brown spoke to the female student, who admitted to being on Mr Sandilands' knee and being cuddled by him but denied being touched otherwise.[268]

Mr Rookes informed Pastor Smith in the memorandum that:

> Mr Sandilands also encourages the children to express verbally their love for him by whispering things such as 'Who do you love?' in their ears.[269]

Mr Rookes noted in the memorandum that Mr Sandilands had been 'specifically instructed not to touch the children' and suggested another severe warning, probably in writing.[270] He wrote:

> 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.[271]

Mr Rookes concluded the memorandum by stating 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'.[272]

Upon receiving the memorandum, Pastor Smith said that his 'immediate response, following what [he] considered was the law of jurisprudence' was 'that the matter be fully investigated'.[273] He did not enquire with Mr Rookes about the 'long-standing situation' and said that it was what was set out in the December 1986 memorandum.

Pastor Smith requests an investigation of March 1987 allegation

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

> In 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.[275]

Pastor Smith told the Royal Commission that Pastor Ingram was not a teacher at the College and did not have qualifications in education.[276] He said us that he wanted Pastor Ingram to investigate the incident and prepare a report. This was because 'as the chairman eventually I would be called upon at some time to make a decision [about the allegations]'.[277]

Pastor Smith gave evidence that he thought Pastor Ingram, in conducting the investigation, 'would be looking at the file, the staff file and reading the information in it' regarding the previous warning which had been given by the Principal, Mr Ellery, to Mr Sandilands in December 1986.[278]

Pastor Smith said that he did not expect Pastor Ingram to contact Mr Ellery, who had since left the College, for further information about the previous warning provided to Mr Sandilands. This was because the information that Pastor Smith had about the warning 'was that [Mr Ellery] had spoken to him to not be cuddling children and have children on his knees'.[279]

Pastor Smith told us that he requested the investigation to occur 'with great seriousness and urgency'.[280] He gave evidence that he did not think of the allegations at the time as being of an 'overt sexual nature' but now 'would certainly' say that they were.[281]

However, Pastor Smith later said in evidence that he ordered a serious and urgent investigation 'because the whole thing had the overtones of being improper' and that the allegations 'had overtones of sexual impropriety'.[282]

We accept the later view expressed by Pastor Smith as reflecting his true state of mind at the time. At the time Pastor Smith ordered the investigation, he was aware that:

- the former Principal of the College, Mr Ellery, wrote a memorandum to him in December 1986 concerning Mr Sandilands' 'past ripples' and hugging of children and gave Mr Sandilands a warning
- the current Principal of the College, Mr Rookes, wrote a memorandum to him in March 1987 concerning Mr Sandilands inappropriately touching a female student.

Outcome of the investigation of March 1987 allegation

On 6 April 1987, Pastor Ingram submitted the report of his investigation to Pastor Smith. The report found 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'.[283] The report stated that the girls had been interviewed by up to four teachers (including the principal), had subsequently rescinded their story and had been given 'a firm lecture' for coming forward.[284]

Pastor Ingram reported that Mr Sandilands 'could not recall the incident specifically but did admit that occasionally he did allow children to sit on his knee'.[285] Pastor Ingram also ascertained from his investigation that:

> Mr Sandilands was not touching the child in any untoward way, certainly not stroking abdomen, thighs etc. the [sic] 5/6 girls who started this have since recinded [sic] their stroy [sic], [AGB] says he was not, Mr Sandilands says he never has and in the context of an open class situation with other children standing alongside it is highly unlikely.[286]

Pastor Ingram reported that he had checked with Mr Sandilands about the warning from Mr Ellery and that Pastor Ingram had viewed Mr Ellery's memorandum of 30 December 1986.[287] Pastor Ingram assessed that the warning was 'rather nebulous and not specific' and that Mr Sandilands had not been told 'not to have children on his knee'.[288]

Pastor Ingram determined there was 'no case'[289] against Mr Sandilands and made the following recommendations:

1. No disciplinary action.
2. Mr Sandilands be given specific guidelines as layed [sic] down on the attached 'Guidelines for K.S. teaching' to avoid any misinterpretation with regard to children.
3. That a meeting between Mr Rookes, myself and the [parents] to put the facts to the parents so that they know what actually transpired, be organised.
4. The 3 grade 5/6 girls concerned be given a firm lecture as to the dangers and implications of their stories. (I have already taken the liberty of doing this.)
5. Close the incident.[290]

There is no evidence that a meeting with the parents occurred.

Pastor Smith said he received the report from Pastor Ingram and accepted the recommendations in the report.[291]

Pastor Smith said that he was not concerned that the three students from grades 5 and 6 had been interviewed by up to four adults[292] or that the interviews were held without the presence of their parents.[293]

Pastor Smith gave evidence that he thought there was 'nothing nebulous' about Mr Ellery's warning to Mr Sandilands, which prohibited him from cuddling children or holding them in his lap. However, he did not suspend or dismiss Mr Sandilands, as he 'would be dependent upon the Principal's recommendations'.[294]

We are satisfied that Pastor Smith selected Pastor Ingram to conduct the investigation and accepted Pastor Ingram's report and recommendations about Mr Sandilands, knowing that Pastor Ingram did not have any education qualifications.

Guidelines set for Mr Sandilands

The report prepared by Pastor Ingram recommended that specific guidelines be set down for Mr Sandilands.[295]

Pastor Smith said that he and Mr Rookes agreed with and endorsed the guidelines, but ultimately it was Mr Rookes' responsibility to 'impose' the guidelines.[296]

The behavioural guidelines were set for Mr Sandilands at a meeting in April 1987 attended by Mr Sandilands, Mr Rookes and Pastor Smith.[297] The guidelines were as follows:

> To avoid misinterpretation of any actions with children, the following guidelines need to be agreed to:
>
> 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. [r]efer them to a female teacher.
> 7. Do not use sick room as a teaching area.[298]

Pastor Smith gave evidence that the guidelines were intended as a 'safeguard' against any further allegations of the kind that had arisen against Mr Sandilands.[299]

Pastor Smith said he did not take the guidelines or the allegations against Mr Sandilands to the College Council meeting held in May 1987 because the Principal set the agenda for that meeting.[300] This is despite Pastor Smith's earlier evidence that he requested Pastor Ingram investigate the March 1987 incident because 'As the chairman eventually I would be called upon at some time to make a decision …'.[301]

Pastor Smith did not provide a reasonable explanation to the Royal Commission as to why he failed to advise the College Council at the meeting in May 1987 of:

- the two allegations raised against Mr Sandilands by two separate principals of the College
- the guidelines imposed on Mr Sandilands.

As Chair of the College Council, Pastor Smith could have raised these matters as other business to be discussed. These matters did not need to be on the agenda. Pastor Smith agreed that, as he was the Chair of the College Council, he could amend the agenda.[302]

Ms Fretton discloses abuse (1987 to 1988)

Ms Fretton gave evidence that at some time in 1987 she told a teacher at the College, Mrs Brown, that Mr Sandilands was abusing her. She told Mrs Brown how:

> [Mr Sandilands] would unzip the side of my dress and put his hand inside the dress on my breasts and stomach … he would hit me on the bare buttocks with a wooden paddle … [and] often tell me obscene stories and make me say that they were true.[303]

Ms Fretton recalled that Mrs Brown said words to the effect that 'Mr Sandilands should be fired for what he is doing' and 'The school knows what he is like and are looking into it'. She said that Mrs Brown told her not to say anything to anyone else.[304]

In October 1987, Mr Rookes and Pastor Ingram reported to Pastor Smith that Mr Sandilands had kissed Ms Fretton and had other children on his lap.[305] The Royal Commission was provided with notes kept by Mr Rookes, dated 13 December 1993, titled 'Chronological summary of allegations concerning behaviour of Ken Sandilands' (Rookes Chronology). The Rookes Chronology records that, in October 1987, Mr Rookes and Pastor Ingram confronted Mr Sandilands, who admitted to breaching the conditions of the guidelines set down for him by having children on his knee and kissing Ms Fretton 'as a reward for work'. Mr Sandilands said that he did so regularly – 'perhaps weekly'.[306]

Later that year, Ms Fretton was called out of her grade 2 class with her friend, AGB (one of the other children reported to have sat on Mr Sandilands' lap), to attend a meeting with Pastor Smith, Mr Rookes, Mrs Brown and a number of other people.[307] Pastor Smith said that he does not recall attending this meeting or discussing the allegations in the presence of Ms Fretton.[308]

Ms Fretton gave evidence that, during the meeting, she and AGB described what Mr Sandilands had been doing to them. Ms Fretton stated that she was told not to tell anyone about what Mr Sandilands had done but recalls someone at the meeting saying words to the effect that 'we will deal with it'.[309]

Ms Fretton also stated that she requested at this meeting to be moved to another class, but this was rejected. She was later placed in Mr Sandilands' class for grade 3.[310]

Ms Fretton's evidence was that she made further reports to Mrs Brown and Mr Rookes during grade 2 (in 1987) and grade 3 (in 1988), but no action was taken.[311] On one occasion, Ms Fretton said that she was told her mother had been contacted but could not make it to that meeting. She later discovered the College had not informed her mother of her complaints.[312]

In 1988, when Ms Fretton was in grade 3, Ms Fretton gave evidence that she told Ms Furlong, a grade 4 teacher at the College, that Mr Sandilands had touched her.[313]

Ms Furlong gave evidence that she understood the touching complained of by Ms Fretton was sexual because of 'the amount of distress [the child] was in'.[314] She reported the matter to Mr

Rookes, who gave no response.[315] She stated that she asked Mr Rookes if Ms Fretton could be transferred to her class, but Mr Rookes told her this was not possible.[316]

By October 1987, just six months after setting the guidelines, Pastor Smith was aware that Mr Sandilands had breached the guidelines by having a child on his knee.[317] He said that Mr Sandilands was given a 'severe reprimand'.[318]

By October 1987, Pastor Smith was aware that:

- there 'were ripples raised' in December 1986 about Mr Sandilands' conduct by the former Principal, Mr Ellery[319]
- Mr Sandilands' conduct in December 1986 was investigated by Mr Ellery and a warning had been given to Mr Sandilands[320]
- Mr Sandilands acted contrary to the warning in March 1987 by having a female student sit on his knee while he touched her stomach and her legs[321]
- guidelines were imposed on Mr Sandilands in April 1987, which Pastor Smith and Mr Rookes explained to Mr Sandilands[322]
- Mr Sandilands' conduct in October 1987 towards Ms Fretton was in breach of those guidelines.[323]

Pastor Smith said that, despite being aware of these factors and despite being the Chair of the College and the Chair of the Church Board, he did not seek to dismiss Mr Sandilands because 'there was no recommendation [to Pastor Smith] that that was serious enough for him to be fired'[324] and:

> The Principal evidently felt 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 … given by the Principal.[325]

Pastor Smith told the Royal Commission that he was not concerned about the safety of children in contact with Mr Sandilands after the October 1987 breach because 'the guidelines were set and the Principal was closely supervising him'.[326] However, he was not aware of any other protections put in place by Mr Rookes beyond the guidelines.[327]

The College and Pastor Smith did not advise the parents of Ms Fretton and AGB of:

- Ms Fretton being kissed by Mr Sandilands and Mr Sandilands having other children on his lap
- a meeting held with Ms Fretton, AGB and staff of the College and the Church to discuss the allegations they had made against Mr Sandilands.

We are satisfied that, by October 1987, Pastor Smith had sufficient information to understand that Mr Sandilands posed a risk to children at the College. Pastor Smith accepted the imposition of guidelines when Mr Sandilands had already acted contrary to a warning given in similar circumstances.

Further disclosures of abuse from other students (1987 to 1989)

Ms Furlong gave evidence that, during the period 1987 to 1989, three students at the College, in addition to Ms Fretton, made disclosures to her.

In 1987, Ms Furlong stated that Mr Sandilands spoke with her, alleging that a student in her class, AGV, had been 'misbehaving by pulling her pants down in an old tram that was on the College property' and that he wished to discuss this with her. Ms Furlong told Mr Sandilands that she would speak with AGV.[328]

Ms Furlong spoke to AGV, who said that what Mr Sandilands had said was not true. Ms Furlong recalled AGV telling her 'that she had not been misbehaving and that [Mr] Sandilands had "touched" her in the tram'.[329]

Ms Furlong stated that she discussed AGV's allegation with Mr Sandilands, who said that 'AGV made up the allegation, due to her anger at being caught behaving inappropriately'.[330] Ms Furlong reported the allegation to Mr Rookes, as she understood 'that AGV had alleged inappropriate behaviour by Kenneth Sandilands'.[331] She heard nothing more from Mr Rookes about the allegation and was not asked to write anything down.[332]

In 1988, AGB, a student who was not in Ms Furlong's class, , disclosed that she had asked Mr Rookes to transfer her out of Mr Sandilands' class to Ms Furlong's class. This request was denied. When Ms Furlong asked AGB why she wanted to be transferred, AGB replied with words to the effect that Mr Sandilands 'did bad things'.[333]

In 1989, a third student, AGW, told Ms Furlong that Mr Sandilands had touched her. Ms Furlong reported this to Mr Rookes, stating that she believed the touching was sexual.[334] On this occasion, as with the previous occasion, she heard nothing more from Mr Rookes.[335]

Ms Furlong told the Royal Commission that she was not made aware on either occasion when she reported to Mr Rookes that there were guidelines in place for Mr Sandilands. She was also not made aware that there had been an investigation concerning allegations that Mr Sandilands had inappropriately touched AGB in 1987.[336]

We have no information to suggest that Mr Rookes had responded to these allegations before his death. However, having heard from Ms Furlong, we are satisfied that Ms Furlong reported to Mr Rookes, the Principal of the College at the time, in 1987, 1988 and 1989, allegations of child sexual abuse against Mr Sandilands. Mr Rookes did not record these allegations in the Rookes Chronology and there is no evidence that he investigated the allegations.

Allegation in August 1991

On 22 August 1991, AGU, the mother of AGT, made an allegation that Mr Sandilands had invited four female students to embrace him and touch his genital area. AGU came forward to Pastor Sharman, a minister at an Assemblies of God in Australia affiliated church in Glenroy, Victoria, who then communicated the allegation to Pastor Smith.[337]

An entry in the Rookes Chronology dated 22 August 1991 records that Mr Sandilands was interviewed by someone at the College. The Rookes Chronology also records that Mr Sandilands denied any wrongdoing, 'but he admitted the students were overly friendly'.[338]

Mr Rookes asked Ms Kerry Lovell, a counsellor and part-time teacher, to interview the students.[339] Ms Lovell gave evidence that she was not provided with any material that informed her about the past allegations and guidelines set for Mr Sandilands[340] until after she had completed the investigation.[341]

Ms Lovell told the Royal Commission that she interviewed AGT.[342] AGT told her that Mr Sandilands displayed favouritism to girls and 'hugged them heaps of times'.[343] Ms Lovell said that AGT had also said that Mr Sandilands said 'I love you' and had them say 'I love you back'. AGT also told Ms Lovell that 'Mr Sandilands approached the girls and told them to touch [Mr Sandilands] here', with AGT pointing to his genital area.[345]

Ms Lovell gave evidence that she told Mr Rookes that Mr Sandilands should not be in the classroom.[346] However, the Rookes Chronology records that Ms Lovell saw no reason to doubt Mr Sandilands' integrity, though 'the cuddling of children was a cause for concern'.[347]

The Rookes Chronology records that the matter was followed through with AGU, with Pastor Smith writing to AGU and Pastor Sharman 'to finalise the matter'.[348] We do not know whether the parents of the four girls involved were aware of the incident or the investigations undertaken by Ms Lovell on behalf of the College.

Ms Lovell gave evidence that she provided Mr Rookes with a written report, which she understood from speaking with Mr Rookes would be passed on to Pastor Smith.[349]

Pastor Smith gave evidence that he did not receive the details of the allegation and that it was during the public hearing that he saw the details for the first time.[350] Pastor Smith also told the Royal Commission that did not receive a report from Ms Lovell and that the only report 'I received would have come from the principal, not Ms Lovell'.[351]

Pastor Smith was aware that a group had been set up to investigate the allegation, but he 'did not know the details of it as are expressed here [in the Rookes Chronology]'.[352] Pastor Smith gave evidence that he did not know there was an allegation of genital touching but knew that Mr Sandilands had cuddled children.[353]

Pastor Smith also gave evidence that he did not write to AGU, but he did write to Pastor Sharman:

> I wrote a letter to Pastor Sharman informing him of the information, essentially which I've shared here, of the details of what had been happening, and that was the essence of it and Pastor Sharman received my report; what he did with it, I have no idea.[354]

Response to August 1991 allegation

On 3 September 1991, a meeting was held between Pastor Smith, Pastor Ingram, Mr Rookes and the new Deputy Principal, Mr Simon Murray, to discuss Mr Sandilands' conduct as reported by AGU.[355] The Rookes Chronology recorded the decision at this meeting that Mr Sandilands' employment at the College, beyond the end of 1991, would be subject to a 'significant and measureable change of behaviour'.[356]

Pastor Smith interviewed Mr Sandilands the same day, reprimanded him for his behaviour and told him to change his approach to teaching.[357]

Later that day, Pastor Smith, Mr Sandilands, Pastor Ingram, Mr Rookes and Mr Murray held another meeting. Mr Rookes recorded their agreement that 'there was no doubt that [Mr Sandilands'] intentions and motives were pure and in no way sexually oriented'.[358]

The Rookes Chronology also records that Mr Sandilands had breached the 'spirit' but not the 'legality' of the guidelines.[359] Pastor Smith gave evidence that at the time he agreed with this but, after further consideration, the conclusion that the guidelines had not been breached was 'absolutely' wrong.[360]

Mr Murray told the Royal Commission that he disagreed with the conclusion that Mr Sandilands had not broken the legality of the guidelines and, given the chance, would have changed that conclusion in the notes.[361]

Pastor Smith conceded in his evidence that by 1991, the guidelines set for Mr Sandilands had completely broken down.[362] However, he took no action to protect the children concerned and continued to stand by the principal's supervision of the guidelines, which he knew Mr Sandilands did not follow.[363]

Allegation in April 1992

In April 1992, the parents of AGS, a student at the College, met with Pastor Smith.[364] AGP, AGS's mother, gave a statement to police as part of the criminal proceedings against Mr Sandilands in 2000.

According to her police statement, AGP told Pastor Smith that AGS had said Mr Sandilands had shown them 'rude' pictures of naked men and women.[365] AGS also disclosed to AGP and her

husband that Mr Sandilands had told her grade 2 class 'about growing up and what men and women do'.[366] AGP said that Pastor Smith responded with 'children can make up things'.[367]

AGP stated in her police statement that they firmly believed their daughter and told Pastor Smith that if he did not do something they would go public with their story. She said that Pastor Smith told her that they 'might have been throwing things out of proportion … and perhaps overreacting about what AGS' had told them.[368]

AGP also stated that Pastor Smith told her that 'an investigation may not be the best way to proceed' and that Pastor Smith talked of 'other ways of removing Mr Sandilands from the school' if she was happy with this.[369] The matter, according to AGP, was left with Pastor Smith. AGP's statement records that she never spoke to Pastor Smith about Mr Sandilands again and Pastor Smith never contacted her to tell her of the outcome.[370]

Pastor Smith said he took the matter to Mr Rookes, who told Mr Sandilands not to teach sex education.[371] The Rookes Chronology records this incident as:

> [Pastor Smith] reported on an interview with ... [AGP] who had expressed concern over some 'mental scarring' from an incident concern the teaching of sex education when in KS' class (three years earlier).[372]

Mr Rookes recorded that an investigation by Ms Lovell took place involving several parents who expressed concern about past events. However, it noted nothing 'untoward occurring in the present'.[373]

While the investigation was attributed to Ms Lovell by Mr Rookes, Ms Lovell gave evidence that she was not involved.[374]

Pastor Smith gave evidence that the discussion with AGP was about Mr Sandilands engaging in sex education with children. Pastor Smith stated that he did not know about the naked pictures or recall making the comment about an investigation not being the best way to proceed.[375] Pastor Smith did accept that it was entirely inappropriate to show photographs and pictures of naked people to children at the College.[376]

When questioned about why he did not take action to remove Mr Sandilands from teaching at the school at this point, Pastor Smith said that:

> Again, it was – the information was passed on to the Principal, it's beyond my capacity. I strongly disapproved of it and I told the Principal that and I told the parents that, because we always believed that that responsibility was the responsibility of the parents and I understood that the Principal followed that through.[377]

When questioned about what steps he took in his position as Chair of the College Council, following this new allegation, in considering Mr Sandilands position at the College, Pastor Smith stated:

> At that time I had no knowledge of, your words, pornography. The information I had was from the parent saying that her child was scarred because of the sex education. I took it straight back to the principal and said, 'What is this about? Please investigate this and don't let it happen again'.[378]

In relation to the allegation made by AGP, Pastor Smith initially gave evidence to the Royal Commission that this was the 'first indication' he had that Mr Sandilands' behaviour had 'sexual overtones'.[379] Pastor Smith agreed with the proposition that there had been sexual overtones to the allegations made in 1991; however, he had excluded this based on the recommendation of the reports he had received.[380]

When questioned about why he 'didn't put two and two together and determine that Mr Sandilands by this stage was engaging in conduct towards children at the school which was sexually motivated', Pastor Smith responded that 'for four years I had no report of anything [of] a negative nature of Mr Sandilands during that period, until that time'.[381]

We do not accept this evidence.

By August 1992, Pastor Smith was aware that:

- there 'were ripples raised' in December 1986 about Mr Sandilands' conduct by the former Principal, Mr Ellery[382]
- Mr Sandilands' conduct in December 1986 was investigated by Mr Ellery and a warning had been given to Mr Sandilands[383]
- Mr Sandilands acted contrary to the warning in March 1987 by having a female student sit on his knee while he touched her stomach and legs[384]
- he ordered a serious and urgent investigation into the March 1987 allegations because it 'had overtones of sexual impropriety'[385]
- guidelines were imposed on Mr Sandilands in April 1987, which Pastor Smith and Mr Rookes explained to Mr Sandilands[386]
- Mr Sandilands' conduct in October 1987 towards Ms Fretton was in breach of those guidelines[387]
- in August 1991 there was an allegation which Pastor Smith knew was, at least, about cuddling children and that conduct was in breach of the guidelines[388]
- he gave a reprimand to Mr Sandilands because of that conduct[389]
- in April 1992 Mr Sandilands was giving sex education lessons to students, again in breach of the guidelines.[390]

Mr Sandilands' departure from the College

The Rookes Chronology lists two meetings held with Mr Sandilands in June 1992. They record 11 areas of Mr Sandilands' teaching that caused concern, including that he 'breached guidelines by

administering corporal punishment to female students' and that his 'eyesight was deteriorating faster than expected'.[391] The note concluded:

> Arrangements were made to ensure an adult was present in [Mr Sandilands] classroom at all times, particularly in view of the rapid deterioration of [Mr Sandilands] eyesight.[392]

Counsel for Pastor Smith submitted that this demonstrates that 'steps were taken to have monitors in place in Mr Sandilands' classroom in 1991 … subsequent to the admonishing of Mr Sandilands for cuddling children'.[393] It was submitted that this shows that Pastor Smith did not rely solely on the guidelines and the principal's oversight to control Mr Sandilands' behaviour.[394]

Ms Furlong told the Royal Commission that steps taken to monitor Mr Sandilands were not in place to control his behaviour but, rather, to control his failing eyesight:

> all that we were told was that [a teacher's aide] was placed in the classroom because of Kenneth Sandilands' failing eyesight, that he was finding it more difficult to teach and she was there to assist him with his dealings with the class.[395]

On 6 and 8 October 1992, Pastor Smith raised the issue of Mr Sandilands' failing eyesight with the Church Board and the principal to determine Mr Sandilands' future at the College. The purpose of the discussion was to decide whether Mr Sandilands' deteriorating eyesight might be interfering with his ability to supervise the children in his care.[396]

Pastor Smith said that he did not mention the concerns about Mr Sandilands' conduct towards children between 1987 and 1992 during this or at any other Church Board meeting because 'I had no reason to do that because the Principal had made no comment to me, as he was supervising him, not me'.[397]

Despite the fact that Mr Sandilands had breached a warning and the guidelines set for him between 1987 and 1992, Pastor Smith said that he did not think that those matters were worthy of report to the Church Board. When questioned as to whether it was important to raise such allegations with the Church Board, Pastor Smith told the Royal Commission that 'If it got to the point where it was a proven allegation, it would have been automatic'.[398]

In hindsight, Pastor Smith said that the Church Board would have wanted to know of the allegations but, at the time, it did not occur to him to raise those allegations.[399]

Pastor Smith's evidence ignores that the allegations were sufficiently accepted in 1986 and again in 1987 and 1991 to underpin a warning, reprimand and/or the imposition of guidelines.

On 10 November 1992, Pastor Smith wrote to Mr Sandilands to inquire whether he intended to stay in the teaching system given his visual impairment, and asked for a comprehensive medical report. The letter also mentioned a number of potential financial benefits that may be available to Mr Sandilands should he leave teaching.[400]

The Rookes Chronology contains an entry dated 30 November 1992, which records that Mr Rookes submitted a report to Pastor Smith on the 'teaching effectiveness of [Mr Sandilands]'.[401] The Rookes Chronology also records that, five days later, Mr Rookes:

> [Made a recommendation] to [Pastor Smith] that the continuation of the KS teaching contract be reviewed in light of: a lack of confidence expressed by a number of parents, a concern for the safety of students in his care … the raising of historical allegations and breaches of established guidelines, the difficulty in him performing all of the duties of a teacher at [the College].[402]

Pastor Smith accepted that the breach referred to in Mr Rookes' notes was in relation to the earlier breaches of the guidelines and that the 'lack of confidence' was in relation to the cuddling of children and having them on Mr Sandilands' knee.[403] However, he said that the 'concern for the safety of children' was in relation to Mr Sandilands' poor eyesight.[404]

By 5 December 1992, Pastor Smith received Mr Sandilands' comprehensive medical report and confirmation of his intention to remain in the teaching system.[405]

On 8 December 1992, Mr Sandilands stopped teaching at the College and went on indefinite sick leave due to his failing eyesight.[406] Pastor Smith gave evidence that this was the reason given to the Board of the College and Church for Mr Sandilands' departure from the College.[407]

Ms Furlong said that 'parents and staff were told that he was taking five years extended sick leave and if his eyesight should improve, he would be coming back'.[408] Mr Murray and Pastor John Spinella, who was a member of the College Board at the time, both gave evidence that they understood Mr Sandilands' departure was because of his failing eyesight, not because of any allegations of child sexual abuse.[409]

Mr Sandilands did not teach at the College after December 1992. On 17 February 1998, Mr Sandilands formally resigned from his position at the College.[410]

After his departure from the College in December 1992, further allegations were made against Mr Sandilands, which are set out in detail below.

Despite being aware of the matters set out above, Pastor Smith did not take steps to remove Mr Sandilands from his teaching position at the end of 1992. Mr Sandilands was instead permitted to take extended sick leave and resign from his position in 1998.

Further allegations emerge after Mr Sandilands' departure

In November and December 1993, further historical allegations emerged against Mr Sandilands. Three students came forward, one male and two females, alleging that Mr Sandilands had innappropriately touched them.[411]

The Rookes Chronology details these three allegations:

- On 20 November 1993, Mr Jim Vaughn, a College chaplain, informed Mr Rookes, Pastor Smith and Pastor Spinella that he received a call from AGF, the mother of a student at the College, AGE, regarding some allegations AGE made against Mr Sandilands when he was her teacher in grade 3 (approximately eight years earlier). The Rookes Chronology records that an investigation was undertaken by Ms Lovell, during which AGE said that Mr Sandilands touched her on the hip and was 'moving toward the genital area and being asked "Do you want more?"'.[412]
- On 23 November 1993, AGR, the father of a grade 4 student, AGC, told Mr Rookes that Mr Sandilands had touched AGC's genitals and those of another boy when AGC was in grade 2.[413] AGC's father also expressed concern that there were two other students at the College who may have been victims of Mr Sandilands.[414] Ms Lovell undertook an investigation of the allegations.[415] AGC told Ms Lovell that Mr Sandilands had, among other things, touched his genitals and the genitals of three other children. Mr Sandilands also had one girl touch him on his penis through his clothes.[416]
- On 7 December 1993, a third student, AGX, also came forward to a College chaplain at the senior school of the College. The Rookes Chronology records that AGX said that she had been 'molested' by Mr Sandilands some years before.[417] AGX said that Mr Sandilands asked her to say she loved him and refused to talk to her if she did not. She recalled Mr Sandilands putting his legs tightly around her waist and pulling her close to him.[418]

In relation to the allegation made by AGF, Pastor Spinella stated that he did not 'recall having such a conversation with Jim Vaughn'. If the conversation did occur, Pastor Spinella stated that '[Mr] Vaughn must not have specifically identified allegations of a sexual nature' and if he had, he would have recalled the conversation and 'immediately notified the Board and sought advice from the [Australian Christian Churches] and external authorities as to how to deal with the matter'.[419]

Pastor Smith said that, after Mr Sandilands had gone on indefinite sick leave, he was aware of further allegations raised against Mr Sandilands.[420] However, Pastor Smith said that he was not aware of the details of those allegations.[421] He said that:

> [The three allegations] were that, from memory, that the situation was improper and I brought Ken Sandilands into it, but the actual details of it I cannot remember; it was sufficient to know that they were sexual abuse allegations, but the details were not mentioned to me.[422]

Pastor Smith said that the parents did not explain the allegations to him and he did not ask for details.[423]

The documentary evidence, however, shows that Pastor Smith drafted a letter to Mr Sandilands outlining the allegations, which was not sent by Pastor Smith 'in case [Mr Sandilands'] wife was unaware of these allegations'.[424]

In addition, Pastor Smith's own record at the time states that he 'explained the 3 allegations' to Mr Sandilands.[425] Pastor Smith also noted at the time that Mr Sandilands had been engaged in 'unprofessional' and 'indiscreet behaviour'.[426]

Between December 1993 and January 1994, a meeting was held between Pastor Smith, Mr Rookes and Mr Sandilands. A diary note titled 'Memo – Subject: Ken Sandilands interview', prepared by Pastor Smith and dated 13 December 1993, records that Mr Sandilands responded to a request to speak with Pastor Smith and Mr Rookes.[427]

At this meeting, Mr Sandilands denied the three allegations put to him.[428]

The diary note proposed a recommendation to the Church Board that, dependent on Mr Sandilands' response, parents of children at the College be informed that the Church had 'done all we can possibly do to ascertain the truth in this matter'.[429]

It was also recommended in the diary note that parents be invited to take the matter up with Mr Sandilands and that Mr Sandilands would be informed by the Board of their 'expressed concern that he created such a possibility for these allegations by unprofessional teaching and indiscreet behaviour'.[430]

Two days later, on 15 December 1993, Mr Sandilands responded to Pastor Smith in writing, stating that he 'did not touch any child indecently'.[431]

In a report to the Church Board in January 1994, Pastor Smith stated that he had looked into the matter and spoken with the 'person concerned', who denied all allegations. The report did not identify Mr Sandilands as the 'person concerned'. Pastor Smith advised that the three families had been notified of the outcome of the investigations and he did not believe there was anything further he could do.[432]

He did not refer to the allegations in 1986, 1987, 1991 or 1992 or what was done in relation to each allegation.

3.6 Reporting allegations to relevant authorities

Pastor Smith gave evidence that he did not contact the police or any other authorities about the allegations against Mr Sandilands at any time between 1986 and 1993.[433] He said that at some point, although he was not sure when, he asked the principal to contact the 'relevant authorities', but he did not know what those authorities were.[434] Pastor Smith said that the principal told him the authorities had said that 'if there was no proven allegations, he was to conduct this in house as a principal'.[435]

At this time, there was no requirement for mandatory reporting in Victoria.

Mr Murray told us that he had never heard any discussion of referring Mr Sandilands to the police during 1991 to 1993.[436]

Ms Lovell gave evidence that, in 1993, as mandatory reporting requirements were starting to be rolled out in Victoria, she spoke to someone from the Victorian Department of Health and Community Services about the situation with Mr Sandilands. However, she could not recall the content of the conversation.[437] It is also not clear whether she mentioned Mr Sandilands by name.

Ms Lovell thought she must also have spoken to Mr Rookes about her conversation with the department's representative.[438] She said she did not recall whether she or Mr Rookes brought up the option of going to police.[439]

3.7 Criminal and civil proceedings

Criminal proceedings

On 17 July 2000, Mr Sandilands was charged with 12 counts of indecent assault against eight students, both male and female (including indecent assault against Ms Fretton), at the College during the period 1983 to 1991.[440]

On 22 November 2000, Mr Sandilands pleaded guilty on all counts and was sentenced to two years imprisonment, with a non-parole period of 12 months.[441] On the same day, Mr Sandilands was de-registered from the Registered School Board of Victoria.[442] He commenced serving his sentence on 7 February 2001.[443]

Pastor Spinella was the Senior Pastor of the Church at the time of the criminal proceedings, having succeeded Pastor Smith in July 1998.[444] Pastor Smith remained at the College for approximately three years as part of the succession planning process.[445]

Pastor Spinella stated that he was only made aware of the nature and extent of Mr Sandilands' conduct around 2000. This was despite:

- commencing at the Church as Assistant Pastor in 1987
- being appointed to the Church Board in 1991 and
- being appointed to the position of Senior Pastor in 1998.[446]

Pastor Smith said that he did not approach the victims during the criminal proceedings to offer an apology on behalf of himself and/or the Church '[b]ecause of legal proceedings that were there, of which I had no real knowledge of what was happening[447] and because he was 'unaware of the names of the people involved'.[448]

On 10 September 2014, Mr Sandilands was convicted of a further seven counts of indecent assault against two students at his former school, St Paul's Anglican Primary School, between 1970 and 1974. One of the students was a female in grade 3 or 4 and the other was a male student under the age of 16. He was sentenced to a further 26 months imprisonment, with a non-parole period of 10 months.[449]

Civil proceedings

The Church, Pastor Smith and another teacher at the College were named as defendants in the civil proceedings commenced by Ms Fretton and five other former students in 2000. One of the former students also named Mr Rookes as a defendant. A seventh student commenced proceedings against the College in 2002.[450]

Pastor Spinella told the Royal Commission that the Church Board wanted to 'attempt to settle the claims' for the following reasons:

a. the realisation that the College and Church failed in their duty of care to victims

b. the need to provide some kind of compensation to the victims for those failures

c. the undesirability of forcing victims to pursue claims of such a personal and sensitive nature through to judgement, given those failures

d. the knowledge that if claims were pursued … the Church and the College could face financial ruin.[451]

On 24 and 25 September 2001, a joint mediation was conducted for six of the victims.[452] 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, Mr Ken Greenwood.[453] Ultimately, the Church contributed $160,000 of the total sum of $597,500 paid to the seven former students. Mr Sandilands contributed $245,000 and the Church's insurer, Ansvar Insurance, contributed $192,500.[454]

Pastor Spinella said that during the mediation process there was no interaction between the College and the victims.[455] He said a verbal apology was offered, but no written apology was made:[456]

> 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.[457]

Pastor Spinella apologised to Mr Sandilands' victims at the public hearing, saying:

> 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.[458]

Pastor Smith said he never apologised to any of Mr Sandilands' victims because he 'did not know of any victims'.[459]

3.8 Departure of Pastor Denis Smith

On 7 November 2001, Pastor Spinella provided a report of the mediation to the Church Board. In the report, he criticised Pastor Smith's handling of the allegations of child sexual abuse against Mr Sandilands and concluded that 'duty of care had not been given and that the person actually making the decision at the end of the day was the Senior Pastor and that was indisputable'.[461]

Pastor Spinella also included in the report his opinion that Pastor Smith's statement to police was not truthful.[462] Pastor Spinella wrote that the situation regarding Mr Sandilands was 'completely bungled by the past leadership and in particular by Denis Smith who had the power to fire Ken'.[463]

In light of Pastor Spinella's report, the Board decided that Pastor Smith 'needed to go'.[464] Pastor Spinella told the Royal Commission that he visited Pastor Smith to tell him that he needed to resign and that there was a lot of anger from the parents of the children.[465]

Pastor Smith gave evidence that he was not asked to resign in connection with his handling of child sexual abuse allegations.[466] Rather, he said, he resigned voluntarily so the College could use his salary to pay compensation to Mr Sandilands' victims.[467]

Pastor Smith resigned on 9 December 2001 without a farewell or a financial package.[468]

On 13 February 2002, Pastor Spinella acknowledged the resignation by letter and wrote:

> 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.[469]

3.9 Power of the Royal Commission to make findings against individuals

Counsel for Pastor Smith submitted that the Royal Commission's Terms of Reference preclude it from making findings about him personally because the Royal Commission is confined to examining institutional responses.[470] Counsel for Pastor Smith submitted that:

> the Terms of Reference specifically point out that the Royal Commission 'are [sic] not required by these Letters of Patent to inquire, or to continue to inquire into a particular matter to the extent that you are satisfied that the matter has been, is being, or will be, sufficiently and appropriately dealt with by another inquiry or investigation or a criminal or civil proceeding'. This matter relevant to Northside Christian College has, we submit, been sufficiently and appropriately dealt with through the criminal prosecution and imprisonment of Mr Sandilands and the civil proceedings commenced in the year 2000.[471]

Further, it was submitted by Counsel for Pastor Smith that:

> The civil proceedings resulted in settlement from [Northside Christian College] and other parties to the victims. These settlements released 'any past and present servant or agent of Northside from any claim, demand or cause of action' relevant to Sandilands' conduct during his time at Northside Christian College. This, in combination with the changes in child protective behaviours and policies in place at Northside Christian College currently, we submit, made the inquiry into this particular matter unnecessary.[472]

We do not accept Pastor Smith's submission. An institution can act only through its executive members, and Pastor Smith was a senior executive member of the College. He participated in many of the key institutional decisions and actions that were examined in this public hearing, and he was acting in his executive, not his personal, capacity at the time.

The criminal proceedings examined the criminal culpability of Mr Sandilands, and the civil proceedings examined the civil liability of the College, for the abuse of individual children. Neither proceeding enquired into the institutional response of the College and Church to allegations of child sexual abuse.

We are satisfied that Pastor Smith had sufficient knowledge that Mr Sandilands posed an unacceptable risk to children at the College from the late 1980s and failed to act to ensure the protection of the children of the College. His conduct from receipt of the first allegation to the criminal proceedings showed scant regard for the victims of Mr Sandilands' crimes. He did not and should have considered each new allegation against the background of previous allegations. He did not and should have taken into account the breaches of the guidelines and earlier warning. He failed to disclose the complaints to the Board, and as a result, his inadequate handling of them did not receive any scrutiny by the Board which he chaired.

Pastor Smith, alone of those involved with the College between 1986 until 1993, had knowledge of each complaint, their sexualised nature, the warnings given and conditions imposed and that they were breached, and had the power to remove Mr Sandilands from teaching. His responsibility is therefore considerable and criticism of his handling of the complaints is warranted and made.

3.10 Current policies

Encompass Church

The Church's main policy document is the Kids R Us Victoria Child Protection Policy (2005 edition),[473] which was produced by the Australian Christian Churches' Victoria branch and adopted by the State Executive in 2005.[474] The Church's own policy manual, Encompass Church Policy Manual for Children's Leaders and Workers (Church 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.[475]

In addition to undertaking Working with Children Checks and National Police Checks,[476] new employees are provided with relevant policies and information and are required to read the Kids R Us Policy and the Church Policy Manual. Pastor Spinella said that new employees are required to sign off that they have read the policies and must answer a number of questions.[477]

Pastor Spinella also gave evidence that education about the policies is continual and 'something that needs to be instilled on a constant basis, our mandatory reporting requirements and different sections of the ACC Child Protection Policy'.[478]

The Kids R Us Policy and the Church Policy Manual set out guidelines for physical contact, with leaders encouraged to 'avoid the appearance of inappropriate behaviour'.[479]

The Kids R Us Policy also sets out behavioural and physical indicators of abuse.[480] In responding to allegations of child sexual abuse, the Kids R Us Policy states that a person must have 'a reasonable suspicion (or grounds) to make a suspected child abuse report'.[481] The Kids R Us Policy also states 'if you are concerned, you must take action as inaction leaves the child unprotected'.[482]

Pastor Spinella told the Royal Commission 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 … [483]

Northside Christian College

Mr Douglas Holtam, the current Principal of the College, gave a statement to the Royal Commission[484] that provided an overview of the current policies and procedures of the College, being the following:

- Mandatory Reporting Policy[485]
- Anti-Harassment Policy[486]
- Student Welfare Policy[487]
- Grievance and Complaint Management Policy[488]
- Working with Children Check Process and Victorian Institute of Teaching Registration Policy.[489]

Before Mr Holtam commenced at the College, the Victorian Regulations and Qualifications Authority conducted a review that examined the policies and procedures in place at the College. Mr Holtam stated that, as a result of this review, the College was found to have met the minimum benchmarks.[490]

In response to notification of the public hearing, Mr Holtam gave evidence that he has more recently instigated a further analysis of current policies, practices and procedures within the College, including:

> a. an internal review against the Australian Children's Commissioners and Guardians Principles' eleven-point framework for Child Safety in Organisations
>
> b. a review of the College's policies by Independent Schools Victoria … and
>
> c. [seeking] legal advice as to whether the College's policies meet the relevant legal requirements.[491]

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.[492]

The effectiveness of the policies and procedures of the Church and the College relating to the safety of children will be the subject of ongoing investigation and examination by the Royal Commission.

4 Sunshine Coast Church (Queensland), the Australian Christian Churches and Mr Jonathan Baldwin

4.1 Introduction and background

The Sunshine Coast Church is located in Queensland and was affiliated with the Assemblies of God in Australia during the period examined in this case study.[493] It remains affiliated with the Australian Christian Churches, as it is now known.[494]

The Sunshine Coast Church is a 'relatively small operation';[495] during the period examined in this case study, the size of the congregation was approximately 170 to 200 people.[496]

ALA and his family joined the congregation at the Sunshine Coast Church in about 2000.[497]

In January 2004, Mr Jonathan Baldwin commenced as the Youth Pastor at the Sunshine Coast Church.[498] The sexual abuse of ALA began early in 2004, when '[Mr Baldwin] was in his mid-twenties and [ALA] was 13 years of age'.[499]

The sexual abuse continued for about 18 months. It ceased when ALA was 15 years old in October 2006.[500]

Mr Baldwin was convicted in 2009 of 10 sexual offences against ALA, which included eight offences that occurred while he was the Youth Pastor of the Sunshine Coast Church.[501]

This case study examined the way in which the Sunshine Coast Church and the Australian Christian Churches responded to allegations of child sexual abuse of ALA made against Mr Baldwin during the period 2004 to 2006.

4.2 Structure and organisation

In January 2000, Dr Ian Lehmann became the Senior Pastor of the Sunshine Coast Church.[502] As required by the United Constitution of the Assemblies of God in Australia, he held an Ordained Minister's Credential.[503]

Shortly after Dr Lehmann became the Senior Pastor, the Sunshine Coast Church was incorporated as an independent entity.[504] An assistant pastor, a youth pastor, a worship pastor (who was partially paid) and a volunteer business manager assisted Dr Lehmann during his time at the Sunshine Coast Church. There were also volunteers responsible for the children's church.[505]

The Sunshine Coast Church had separate ministries for children and youth.[506] The Youth Pastor position primarily involved development of the youth ministry, which involved children from the age of '13 or 14 onwards'.[507]

The Sunshine Coast Church was governed by a Board of Directors, which included Dr Lehmann as the Chair, a treasurer[508] and three other directors (one of which was Mr Baldwin's father).[509]

Dr Lehmann gave evidence that he consulted the Board of Directors on practical matters, including on how to deal with child protection issues.[510]

4.3 Appointment of Mr Baldwin

In September 2003, Dr Lehmann met Mr Baldwin at a conference of Pentecostal churches in Adelaide.[511] At the time, the position of Youth Pastor at the Sunshine Coast Church was vacant. Mr Baldwin's name was put forward to Dr Lehmann to fill the vacancy.[512]

The recruitment process was informal. Dr Lehmann was familiar with the South Australian church that Mr Baldwin was then attending and knew Mr Baldwin's parents.[513] He considered that Mr Baldwin had been trained for youth ministry, as Dr Lehmann had taught him at bible college.[514] Dr Lehmann did not know whether the course that Mr Baldwin completed included subjects on child protection[515] or whether Mr Baldwin had received any training in any form of child protection.[516] Dr Lehmann gave evidence that asking about knowledge of child protection issues 'would not have been a part of the [recruitment] process'.[517]

Dr Lehmann explained the responsibilities of the Youth Pastor role to Mr Baldwin.[518]

Mr Baldwin then flew from South Australia to the Sunshine Coast and Dr Lehmann introduced him to the pastoral team. Mr Baldwin was interviewed by the Sunshine Coast Church's eldership, which was made up of members of the Sunshine Coast Church Board of Directors.[519]

Mr Baldwin was offered the position of Youth Pastor at the Sunshine Coast Church, which he accepted. He commenced in the position of Youth Pastor in January 2004.[520] Dr Lehmann said that he recruited Mr Baldwin shortly after meeting him on the basis that Mr Baldwin was, at that time, the Youth Pastor at a church in Adelaide.[521]

In his role as Youth Pastor, Mr Baldwin ran youth programs at the church.[522] The youth group held a regular Friday night event, which was sometimes themed.[523] As this event had grown popular under Mr Baldwin's leadership, Dr Lehmann, with the agreement of the Board of Directors, gave permission for Mr Baldwin to hire a building across the road from the Church, to be used for the Friday youth group event.[524]

As the Youth Pastor, Mr Baldwin was accountable to Dr Lehmann.[525] However, Dr Lehmann told the Royal Commission that he did not attend or supervise the events organised by Mr Baldwin.[526]

The national database of the Assemblies of God in Australia shows that, at the time Mr Baldwin commenced as the Youth Pastor of the Church in January 2004, he did not hold an Assemblies of God in Australia credential.[527] Mr Baldwin later received a Provisional Minister's Credential on 14 July 2005.[528]

Working with Children Checks (the 'blue card' system)

In 2000, the Queensland Government enacted the *Commission for Children and Young People and Child Guardian Act 2000* (Qld) (the Children and Young People Act). The Children and Young People Act was amended twice during the period that Dr Lehmann recruited and subsequently employed Mr Baldwin.[529]

Part 6 of the Children and Young People Act details the process for employment screening for child-related employment. We note that Part 6 was not changed as part of the amendments noted above.

The purpose of Part 6 was to 'ensure that only suitable persons are employed in certain child-related employment or carry on certain child-related businesses'.[530]

In most states, this system is known as the Working with Children Check. In Queensland, this is known as the 'blue card' system. The blue card system still operates in Queensland today.

The system only applied to certain types of employment referred to as 'regulated employment'.[531] It included paid employment within a church that involved providing services to children.[532]

In recruiting an employee, the Children and Young People Act enabled but did not oblige employers to apply to the Commission for Children and Young People (CCYP) for a 'suitability notice' stating whether or not an employee was suitable for child-related employment.[533]

However, after an employee commenced in regulated employment, an employer was prohibited from continuing to employ the employee unless the employer had applied for a suitability notice.[534] If the CCYP determined that the employee was suitable for child-related employment, the employee was issued with a 'positive notice' or blue card.[535] If the employee was not considered suitable for child-related employment, that person was issued with a 'negative notice'.[536] The Children and Young People Act made it an offence to employ, or continue to employ, a person who had been issued with a negative notice.[537]

Dr Lehmann gave evidence that there was a screening process that required Mr Baldwin to have a blue card. He said that '[Mr Baldwin] needed [a blue card] to work with youth, because he had been part of the youth ministry [in South Australia]'.[538]

Dr Lehmann continued and stated that '[h]e would have got one [in Queensland] when he was here because I had one myself'.[539]

When questioned about whether he ensured that Mr Baldwin had a blue card when he started as Youth Pastor at the Sunshine Coast Church, Dr Lehmann said that 'I honestly can't say that I asked him to show it to me'.[540]

We are satisfied that, after Mr Baldwin's appointment as Youth Pastor at the Sunshine Coast Church in January 2004, Dr Lehmann did not check whether Mr Baldwin had blue card.

4.4 Sexual abuse of ALA

ALA was about nine years old when he and his family moved from Mackay, Queensland, to the Sunshine Coast around 2000. ALA and his family joined the congregation at the Sunshine Coast Church.[541]

In 2004, shortly after Mr Baldwin became the Youth Pastor of the Sunshine Coast Church, he befriended ALA and acted as his mentor.[542] ALA was a member of the youth ministry at the Church.

As Youth Pastor of the Sunshine Coast Church, Mr Baldwin ran a church band as part of the development of the youth ministry.[543]

Within a few months of meeting ALA, who was about 13 years old at the time, Mr Baldwin began to sexually abuse him. The abuse occurred between March 2004 and October 2006.[544]

The abuse began with Mr Baldwin touching ALA's penis through his clothes, then escalated to mutual masturbation, oral sex and then anal sex.[545]

In one incident, ALA and Mr Baldwin were in Mr Baldwin's car in a deserted carpark at around 10 pm. Mr Baldwin began to rub ALA's penis, first outside and then inside ALA's pants. ALA said that he then masturbated Mr Baldwin because 'he felt guilty'.[546]

On another occasion at Mr Baldwin's house, two days before Mr Baldwin's wedding, ALA was forced to perform oral sex on Mr Baldwin. Mr Baldwin ejaculated in ALA's mouth, which caused ALA to vomit.[547]

Dr Lehmann said that, in 2006, Mr Baldwin and his wife moved to the Gold Coast in Queensland to live and minister at a church there.[548] He said that Mr Baldwin was 'poached' to minister at that church.[549]

ALA visited Mr Baldwin on the Gold Coast in September 2006 and the abuse continued. One day, after Mr Baldwin masturbated ALA and forced ALA to do the same to him, he suggested they take a shower together. As ALA was walking to the shower, he told Mr Baldwin he 'couldn't do it anymore'. ALA then locked himself in his room for half an hour. He returned home the following day. This was the last time Mr Baldwin had any physical contact with ALA.[550]

Disclosure of sexual abuse of ALA

ALA left the Sunshine Coast Church in 2006 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.[551] According to Pastor Pearce, ALA did not provide further details to Pastor Pearce at the time 'because of [ALA's] emotional state'.[552]

Pastor Pearce made arrangements for ALA to receive counselling and spoke to ALA a number of times to encourage him to provide further details of the abuse.[553]

On 16 May 2007, ALA met with Pastor Pearce and named Mr Baldwin as the perpetrator.[554]

Six days later, ALA and Pastor Pearce disclosed the sexual abuse to ALA's parents. The following day, ALA reported the sexual abuse to the police.[555]

On 27 May 2007, Mr Baldwin was arrested and charged with 47 offences of sexual abuse against ALA.[556] Mr Baldwin pleaded not guilty. He was convicted of 10 offences of sexual abuse of ALA and, on 27 March 2009, sentenced to a total of eight years imprisonment, with a non-parole period of four years.[557]

In sentencing Mr Baldwin, the District Court Judge said:

> 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 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].[558]

Mr Baldwin later appealed his conviction, which was dismissed.[559]

Dr Lehmann gave evidence that, by the time Mr Baldwin was arrested, Mr Baldwin was 'no longer active in ministry'.[560]

Effect on ALA

In a statement to the Royal Commission, which was read by Counsel representing ALA and his family, ALA said that, as a result of the abuse, 'the past 10 years of my life have been a living hell'.[561]

ALA's father, ALD, said that ALA could not attend the public hearing because he was 'too afraid of the feelings and emotions this process would bring up in him'.[562] ALD read the following statement on behalf of ALA:

> The pain, thoughts and considerable suffering haunts me every day. People say it gets easier with time: no. That's a lie, it never goes away and doesn't get easier with time.[563]

ALD gave evidence that, both during and after Mr Baldwin's trial, ALA was very emotional. The family had many sleepless nights and a few times they had to call an ambulance to calm ALA down.[564]

ALA had dreamed of entering a particular profession, but Mr Baldwin discouraged him, pushing him instead to become a youth pastor.[565] Years after Mr Baldwin's conviction, ALA regained his ambition and started training for the job of his childhood dreams. He now works in that field.[566]

ALA remains very angry with the leaders of the Australian Christian Churches and with Dr Lehmann for 'utterly fail[ing] to acknowledge, take responsibility, support and help my family and I to anywhere near an acceptable level'.[567]

4.5 Dr Ian Lehmann's response

Concerns about the relationship between Mr Baldwin and ALA

The Royal Commission was provided with evidence that, during Mr Baldwin's time as Youth Pastor of the Sunshine Coast Church, Dr Lehmann was approached on at least three separate occasions by members of his pastoral team and directors of the Sunshine Coast Church Board regarding concerns about the 'connection between ALA and Mr Baldwin'.[568]

Dr Lehmann said that 'over time, a few of the senior leaders at the Church also commented to me about the relationship between Mr Baldwin and Mr [ALA]'.[569] He said that the comments related to the amount of time Mr Baldwin spent with ALA and the intensity of their relationship.

Dr Lehmann said that Mr Thomas Lew, who was a director of the Sunshine Coast Church Board during this time, raised concerns.[570] Although he did not provide details of the concerns raised by Mr Lew, Dr Lehmann said that the concerns raised by staff were that Mr Baldwin and ALA were 'spending too much time together'.[571]

In a statement given by Mr Lew to the police on 17 November 2011, Mr Lew stated that he observed Mr Baldwin and ALA give each other shoulder massages, which he viewed as 'cosy'.[572]

Mr Lew states that he spoke to Dr Lehmann about Mr Baldwin and ALA and 'suggested that there should be a broader group mentoring base rather than just one on one mentoring of [ALA]'.[573]

The statement from Mr Lew also referred to an incident at a church sleepover where Mr Baldwin was in his office with ALA with the door locked.[574] Dr Lehmann denied that Mr Lew spoke to him about this incident.[575]

A statement from Ms Melissa Maynes, a former personal assistant to Mr Baldwin, was tendered at the public hearing. She stated that she also spoke to Dr Lehmann on three occasions about her concerns over the relationship that was developing between Mr Baldwin and ALA.

On the first occasion, Ms Maynes told Dr Lehmann of her concerns about 'the touching and the locking of doors' and primarily that there was a 'segregation of [ALA] from the other kids'.[576] Ms Maynes stated that Dr Lehmann did not respond or provide any answers.[577]

On the second occasion, Ms Maynes told Dr Lehmann of her concerns that ALA was being shown favouritism by Mr Baldwin.[578] She said that, on this occasion, Dr Lehmann said that 'Mr Baldwin was mentoring [ALA] and that was the reason why they were spending so much time together'.[579]

Ms Maynes could not recall the details of her third conversation with Dr Lehmann but stated that it was similar to her first two conversations with him.[580]

Ms Maynes also recalls attending a church sleepover held by the youth ministry. She said in her statement that she noticed that Mr Baldwin and ALA were not in the church hall, so she knocked on Mr Baldwin's office door and found that it was locked. Ms Maynes stated that:

> 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.[581]

Ms Maynes stated that she did not speak to Dr Lehmann about this incident, as he had taken no action in response to her previous concerns.[582]

Initially, Dr Lehmann said that he 'could not remember any specific communication' with Ms Maynes.[583] He later denied Ms Maynes ever raised concerns.[584]

In addition to the concerns raised by others, Dr Lehmann said that during Mr Baldwin's time at the Sunshine Coast Church he found certain things in Mr Baldwin's attitude to ALA 'surprising'[585] but never considered that these things indicated child sexual abuse.[586]

For example, on one occasion while Mr Baldwin was living in Dr Lehmann's house, Dr Lehmann said he saw Mr Baldwin and ALA travelling in a car together, apparently to collect materials for the youth group. He said this did not cause him any concern and, in his view, it did not indicate child sexual abuse.[587]

In addition, Dr Lehmann stated that, about three months after Mr Baldwin became Youth Pastor, Mr Baldwin told Dr Lehmann that he wanted to buy ALA a pair of drumsticks costing between $60 and $100 for his upcoming birthday.[588] Dr Lehmann told Mr Baldwin this was a significant amount of money to spend on a present for ALA, particularly as he had only been at the Church for a brief period of time.[589]

Further, at the end of 2005, Dr Lehmann was informed by Mr Baldwin that he was going to give ALA a large number of awards at an upcoming youth ministry awards night. Dr Lehmann told Mr Baldwin this was 'over the top' and he should reward the achievements of other youth group members.[590]

Conversations between Dr Lehmann and Mr Baldwin

Prompted by the concerns raised by senior leaders of the Sunshine Coast Church that Mr Baldwin and ALA were 'spending too much time together',[591] Dr Lehmann said that he spoke to Mr Baldwin on three occasions.[592]

The first two conversations were each prompted by a member of the pastoral team raising a concern.[593] However, Dr Lehmann could not remember who raised the concern that led to his third conversation with Mr Baldwin.[594]

Dr Lehmann conducted these conversations off the Sunshine Coast Church premises because they were 'private'.[595] He said that he told Mr Baldwin to broaden his attention to youth group members beyond ALA and to 'modify your approach and behaviour'.[596] Each time, Mr Baldwin responded that he was mentoring and encouraging ALA and that 'there was nothing deviant'.[597]

During the third conversation between Dr Lehmann and Mr Baldwin, Dr Lehmann said that Mr Baldwin told him that he was training ALA in taking 'devotions' and ALA was heavily involved in setting up the auditorium.[598]

Dr Lehmann said that these concerns did not lead him to supervise Mr Baldwin's work. He said he simply trusted Mr Baldwin to take the advice.[599] He did not consider that the relationship between Mr Baldwin, a 25-year-old man, and ALA, a boy between 12 and 14, was improper because:

> 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.[600]

Despite concerns being raised by senior members of the Sunshine Coast Church and his own observations, Dr Lehmann did not take any steps to report the concerns to ALA's parents[601] or the Assemblies of God in Australia.[602] In hindsight, Dr Lehmann said he could have done things differently.[603]

ALA's father, ALD, told the Royal Commission that at no stage did Dr Lehmann come to him about any of the concerns regarding the relationship between Mr Baldwin and ALA.[604]

By the time of his departure from the Sunshine Coast Church in June 2006, Dr Lehmann was aware that:

- the relationship between ALA and Mr Baldwin was 'intense'[605]
- Mr Baldwin was only mentoring ALA and not others[606]
- members of the Church had raised concerns about the relationship between Mr Baldwin and ALA[607]
- Mr Baldwin had been alone with ALA in his car[608]
- Mr Baldwin proposed to give ALA drumsticks worth $60 to $100[609]
- Mr Baldwin wanted to give ALA a number of awards.[610]

Based on the above, we consider that Dr Lehmann had sufficient information during the period 2004 to 2006 to indicate to him that Mr Baldwin may be a risk to ALA.

Dr Lehmann, as Senior Pastor of the Sunshine Coast Church, did not tell to ALA's parents, or report to the Board of the Sunshine Coast Church, the information about the relationship between Mr Baldwin and ALA.

Conflict of interest

Mr Baldwin lived with Dr Lehmann and his family during his first six months as Youth Pastor at the Sunshine Coast Church.[611] Around this time, Mr Baldwin started dating Dr Lehmann's daughter. They briefly separated and resumed their relationship again in February 2005. They were married on 31 December 2005.[612]

When asked why he did not investigate the complaints made to him about Mr Baldwin's behaviour with ALA, Dr Lehmann said:

> [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.[613]

During the public hearing, Dr Lehmann said he still struggles to accept that Mr Baldwin is guilty of sexually abusing ALA.[614] He stated:

> 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.[615]

Despite Mr Baldwin being convicted of 10 offences against ALA, an unsuccessful appeal by Mr Baldwin in the Queensland Court of Appeal and the High Court of Australia's refusal for a

special leave application lodged by Mr Baldwin, Dr Lehmann still did not accept that Mr Baldwin is a paedophile, stating:

> 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.[616]

In sentencing Mr Baldwin, the District Court Judge said:

> The effects of your conduct on [ALA] can only be described as catastrophic. As is often the case, in my experience, while the abuse remains a secret that offenders hope will continue, some victims seem to cope better than when it comes out into the open and people take sides. [ALA], since he made the complaint and the police investigation commenced, has felt alienated and desperate as a result of the nature of his allegations becoming known, particularly in the church community.[617]

Dr Lehmann said that he has not read the whole transcript of the sentencing proceedings against Mr Baldwin, despite the transcript being only five pages in length, but said '[t]he man I know and what is there, I have difficulty reconciling'.[618]

Dr Lehmann said that, if he had known that Mr Baldwin was sexually abusing a child, he would have reported him to the police immediately. However, because he relates to Mr Baldwin as family, he does not 'see him that way'.[619]

We consider that the evidence shows that Dr Lehmann had a conflict of interest in addressing the concerns raised about the relationship between Mr Baldwin and ALA.

As discussed in chapter 2.4, there are two aspects to a conflict of interest – an actual conflict of interest and a potential conflict of interest.

An actual conflict of interest arises when a person's private interests improperly influence the performance of that person's professional duties and responsibilities. It is based on the actual things done.

A potential or perceived conflict of interest arises when a person's private interests could be perceived as improperly influencing the performance of that person's professional duties and responsibilities.

The conflict of interest for Dr Lehmann unfolded over time and started when Mr Baldwin resided at Dr Lehmann's house, dated his daughter and subsequently became his son-in-law. Dr Lehmann had a conflict of interest because of his personal relationship and family relationship with Mr Baldwin. This conflict contributed to Dr Lehmann's inability to take appropriate action to protect ALA, despite being repeatedly advised of concerning observations and accounts of Mr Baldwin's behaviour towards ALA.

When giving evidence to the Royal Commission, Pastor Gary Swenson, who during the period examined in this case study was the Vice President of the Queensland State Executive, agreed that Dr Lehmann had a conflict of interest.[620]

A report prepared by Pastor Swenson to the Queensland State Executive in 2012, titled 'Report Re ALA Matter', stated that one of the reasons ALA and his family did not receive adequate care and support was that:

> [T]he Senior Pastor Ian Lehmann was 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 ([t]his fact was raised in Court).[621]

Pastor Swenson said there was no Queensland State Executive policy that dealt with conflicts of interest in local churches.[622]

We conclude that, in handling complaints against Mr Baldwin, Dr Lehmann had a conflict of interest in that he was both the Senior Pastor of the Sunshine Coast Church and personally connected by family relationships to the Youth Pastor Mr Baldwin. This conflict of interest contributed to Dr Lehmann's failure to act protectively towards ALA in response to those complaints.

4.6 Child protection policies

Child protection policies under Dr Lehmann's ministry

During the period that Dr Lehmann was Senior Pastor at the Sunshine Coast Church (that is, from 2000 to 2006), the Assemblies of God in Australia had adopted child protection policies at the national, state and local church level.

For example, in 1994, the National Executive of the Assemblies of God in Australia introduced a 15-point policy titled 'Statement on the Protection of Children from Sexual Abuse', which included a policy that parents of a child should be advised of 'any suspected abuse'.[623] The policies adopted by the Assemblies of God in Australia were available for an individual church to adopt.

Pastor Hunt, the current Australian Christian Churches State President of Queensland and the Northern Territory, said that the Queensland State Executive is responsible for various levels of the movement but particularly individual churches.[624] The Queensland State Executive makes available detailed child protection policies which individual churches can choose to adopt and implement.[625]

From 2005, the Queensland State Executive also commenced providing one-day seminars to inform churches about current legislation and how to implement adequate child protection policies and procedures.[626]

Despite these policies being made available to individual churches, a number of witnesses told the Royal Commission that, given the nature of the Assemblies of God in Australia movement and the recognition of autonomy within the movement, ultimately it is up to the individual church to determine whether it adopts a particular policy.[627]

Dr Lehmann gave evidence that, at the time he was the Senior Pastor of the Church, there were no written policies in place at the Sunshine Coast Church regarding child protection.[628] He said he had no contact with the Assemblies of God in Australia regarding assistance in establishing such a policy[629] and was not aware that the Queensland State Executive provided training seminars.[630]

Dr Lehmann accepted that copies of the Queensland State Executive's child protection policies were in his pastoral assistant's office, but he never read them.[631]

Rather, Dr Lehmann said that the Church had an unwritten process for people who had concerns about child safety. He said that:

> If people had concerns, they would have either gone to the pastoral assistant, she was a female at that stage, or they would have come to me personally or they would have gone to one of the other leaders in the church.[632]

Dr Lehmann gave evidence that there were safeguards in place for child protection, which he communicated to Mr Baldwin regarding children at the Sunshine Coast Church. He said:

> In terms of [Mr Baldwin's] youth ministry, one safeguard would have been, [his] office door was always open.[633]

Dr Lehmann continued:

> I would have specifically told him to meet with [children] with the door open, because he had planning meetings and other events like that that he held in his office. He gave leadership training … to young people and young adults, so [for] all of those events the door would have been open. It's only if somebody was coming to him with a really personal issue.[634]

Dr Lehmann also said he told Mr Baldwin that:

> If you're counselling somebody, say it was a female, you need a woman present.[635]

No evidence was made available to the Royal Commission to demonstrate that the unwritten process and the safeguards communicated by Dr Lehmann to Mr Baldwin were made known to the staff at Sunshine Coast Church or its members.

We are satisfied that, despite the fact that by 1994 the National Executive of the Assemblies of God in Australia had a 15-point written child protection policy that was recommended and made available to all affiliated churches, the Senior Pastor of the Church, Dr Lehmann, did not adopt a written policy for the protection of children in the period 2000 to 2006.

Changes to child protection policies following departure of Dr Lehmann

Dr Lehmann left the Sunshine Coast Church in June 2006 after a six-month transition period with Pastor Christian Peterson, who took over the role of Senior Pastor.[636]

When Pastor Peterson took over, the Church adopted a written child protection policy titled 'Child Abuse' (Child Abuse Policy).[637] The Child Abuse Policy was prepared by volunteers from the children's ministry who had no qualifications in child protection.[638] It was 'cut and paste[d] fairly completely' from a state policy document which outlined child abuse training principles.[639]

This Child Abuse Policy provides brief definitions of neglect and emotional, physical and sexual abuse and their various symptoms.[640] It includes a long list of 'Misconceptions about child abuse'.[641]

It also includes a synopsis on an offender, which defines a 'child molester' as:

> A person, older in age than the victim, whose conscious sexual interests and sexual behaviours are directed either partially or exclusively towards prepubertal children. These people are referred to by the term 'pedophile' [sic] which means child lover.[642]

The characteristics of an offender, according to this Child Abuse Policy, include:

- Can be in the church for a short period of time and seek to join the children's ministry team. (Seem obsessive when they say they 'love' children).
- Give articles of their clothing to a child as gifts.
- Can be single or married, experiencing marital problems.
- Avoids screening process, i.e. applies to join children's team.
- Attempts to engineer opportunities to be alone with a child.
- Taking child shopping or on an outing, picking up from school.
- Spends considerable amounts of time with children. Relates more to children, perhaps not so capable with people their own age.[643]

Under 'Prevention: Conduct Policy', the Child Abuse 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.[644]

Pastor Peterson agreed that this passage may give the impression that 'in other words, don't get caught'.[645] He agreed that it was 'inappropriate' to express the policy in a way that implied that the appearance of evil, rather than actual evil, was prohibited.[646]

Pastor Peterson said that the Child Abuse Policy was not provided to the Queensland State Executive

for advice or approval.[647] While the pastoral team 'looked at' the policy, Pastor Peterson was not sure whether it was ever tabled at an executive meeting or approved by the Sunshine Coast Church Board of Directors.[648]

Pastor Peterson said that the Child Abuse Policy was a 'baseline' of the induction process for new members of the children's ministry.[649] No formal changes were ever made to the policy during his time as Senior Pastor of the Sunshine Coast Church.[650]

The Child Abuse Policy does not include any procedures for mandatory reporting in Queensland [651] but includes a flowchart that shows the steps to be taken when 'unusual behaviour' is observed in the Church. The policy does not explain what 'unusual behaviour' is or what steps the senior pastor must take once such behaviour is reported.[652]

Pastor Peterson said that there was an unwritten policy within the Church that required reporting of child sexual abuse allegations to the authorities.[653] However, Pastor Peterson accepted that this was not communicated to the director of the children's ministry.[654]

When shown a copy of the Child Abuse Policy at the public hearing, both Pastor Hunt, the Queensland State President, and Pastor Alcorn, the National President of the Australian Christian Churches, considered that it 'fell way short of the standards' recommended by the Australian Christian Churches.[655] In particular, Pastor Hunt agreed that the Child Abuse Policy focused on the appearance of evil, omitted any mandatory reporting to child protection authorities and made no recommendations that such matters be reported to the police.[656]

Pastor Alcorn said that the Child Abuse Policy was of a substantially lower standard than the policy recommended at the state level, despite the state policy being communicated through to local churches by way of seminars, training, state conferences, newsletters and other forms of communication.[657]

Pastor Swenson agreed that neither Dr Lehmann nor Pastor Peterson took the opportunity to:

- implement the detailed policies provided by the Queensland State Executive
- request the Queensland State Executive's assistance.[658]

As noted above, Dr Lehmann said he was not aware of any Assemblies of God in Australia child protection training.[659] Pastor Peterson believed that he received general information about support programs for children and youth from time to time but did not remember any detail.[660] Dr Lehmann said he never read any child protection policies issued by the Queensland State Executive or National Executive.[661]

A number of senior members of the Australian Christian Churches gave evidence at the hearing about the process of implementation of child protection policies by local affiliated churches.

Pastor Alcorn recognised that the Church 'didn't take the opportunities that were offered them' and

the efforts of the Australian Christian Churches had been insufficient to ensure adoption of child protection policies of an appropriate standard.[662]

However, Pastor Swenson accepted that there are problems with the process by which policies of the Queensland State Executive are implemented at the local church level. While this is subject to 'constant reviews of process', Pastor Swenson said that the National Executive or the Queensland State Executive 'does not have the power to come into a local church and say "You must adopt this", or to enforce certain things upon their board in terms of policy'.[663] Rather, Pastor Swenson said that 'we do everything we can to provide and encourage them'.[664]

Pastor Hunt gave evidence that there was no process in place to audit individual churches and determine whether an individual church adopted the policies recommended by the Queensland State Executive. He said that there is 'nothing in our documentation that would demand a church adhere to the policies that we have recommended or else face dissociation'.[665]

Pastor Hunt further said that an individual church that decided not to adopt a policy recommendation by the Queensland State Executive could not be sanctioned because of the 'ambiguity of the structure that we have inherited'.[666] He said that the policies could not be enforced at the local level because the 'fellowship of autonomous independent churches' meant that the Queensland State Executive had no power to enforce the policies.[667]

Pastor Alcorn gave evidence that a recommendation that the Ministerial Code of Conduct be amended to include a requirement to adopt child protection policies of the standard recommended at state level would be put forward at the April 2015 National Conference.[668]

We are satisfied the Sunshine Coast Church had not implemented any of the child protection policies recommended by the Australian Christian Churches during the period 2000 to 2012. Dr Lehmann and the subsequent Senior Pastor of the Sunshine Coast Church, Pastor Peterson, had little familiarity with the Australian Christian Churches' child protection policies.

4.7 The Australian Christian Churches response

The Australian Christian Churches learn about the charges

Pastor Peterson said that he first heard about the charges against Mr Baldwin shortly after Mr Baldwin was charged in May 2007.[669] He said that within the 'first week' of learning about the charges against Mr Baldwin in May 2007, he notified the District Superintendent of the Queensland Australian Christian Churches, Pastor Ashley Goode.[670]

Pastor Peterson said that he rang Pastor Goode to inform him of the charges because:

> At that time, because of the three tiers of governance … any concerns were related to the district superintendent, his executive, onto the state superintendent, their executive, and if it was a matter that was of national significance, it went through to the national executive.[671]

Pastor Peterson said that the charges laid against Mr Baldwin were not communicated to the Queensland State Executive at the time. He said that difficulties arise because of the structure of the movement:

> It's sometimes very difficult for one of the rank and file pastors to connect with the State President. The process is, go to the district, the district looks after it, pushes it through, and if the state thinks it's responsible, they take it to the national executive between conferences, which is our final authority.[672]

Pastor Swenson, the Vice President of the Queensland State Executive at the time, said that he had not heard about the charges against Mr Baldwin until 6 December 2007.[673] He said that his recollection was that the information was communicated through 'A phone call from Pastor Goode to our then field officer, [a] former staff member, who then advised the Executive'.[674]

The Queensland State Executive met on 6 December 2007. The notes of the meeting record that Mr Baldwin had been charged with assault against a minor and 'on that basis, his credential is automatically suspended', with Pastor Alcorn tasked with 'furnish[ing] a document for the Credential File' with Mr Baldwin's credential not to be reissued 'unless there is complete exoneration'.[675]

No explanation was provided to the Royal Commission as to why there was a seven-month delay between the date Mr Baldwin was charged and when the Queensland State Executive became aware of those charges. When questioned about the delay, Pastor Peterson said that, while he reported the issue 'promptly',[676] he could not explain '[w]hat prolonged [the] communication from that point on'.[677]

The Complaint Procedure contained within the Administration Manual, dated May 1999, would have been applicable at the time Pastor Peterson first heard about the charges against Mr Baldwin. The Complaint Procedure contains a section titled, 'Notification by Minister', which states:

> If a minister is involved in any action warranting disciplinary action or if he becomes aware of a complaint against him, he must report it immediately. The report should be made to the State President or the person nominated to deal with such issues.[678]

No evidence was provided to the Royal Commission as to whether Pastor Goode, in accordance with the Complaint Procedure, reported the disciplinary action of Mr Baldwin immediately to Pastor Swenson.

Pastor Peterson gave evidence that his understanding of the current procedure is that it 'has now been changed to [allow for] direct contact with the [State] President'.[679] The current Administration Manual, dated April 2010, confirms that contact regarding the improper conduct of a 'Certificate Holder' is to be put in writing and forwarded to the State Executive.[680]

The Australian Christian Churches suspends Mr Baldwin's credential

At the time Mr Baldwin commenced as the Youth Pastor of the Sunshine Coast Church in January 2004, he did not hold an Assemblies of God in Australia credential.[681] Mr Baldwin received his Provisional Minister's Credential on 14 July 2005.[682]

Dr Lehmann said that, when Mr Baldwin left the Sunshine Coast Church in 2006, Mr Baldwin kept his Provisional Minister's Credential.[683]

Dr Lehmann gave evidence that, in recent conversations with Mr Baldwin before the start of the public hearing, Mr Baldwin informed him that 'when the charges were laid, [Mr Baldwin] voluntarily surrendered his credential'.[684] He said that when Mr Baldwin was charged he was living back on the Sunshine Coast but was 'no longer active in ministry'[685] and had 'no pastoral responsibility'.[686]

Dr Lehmann said that he did not suggest to Mr Baldwin that he surrender his credential when he was charged and did not inform the Queensland State Executive that the charges had been laid. This was because he was no longer the Senior Pastor of the Sunshine Coast Church and 'I wouldn't have seen that as my responsibility'.[687]

When asked who Mr Baldwin surrendered his credential to, Dr Lehmann said that '[Mr Baldwin] mentioned a pastor's name on the Sunshine Coast, but I don't know whether he surrendered them [sic] to him or whether he posted it to the state'.[688]

However, Pastor Swenson gave evidence that in December 2007, when the Queensland State Executive was made aware of the charges against Mr Baldwin, the Queensland State Executive took action to suspend his credential 'pending the outcome of the [criminal] trial'.[689] He said that, at this time, they did not check whether Mr Baldwin still had contact with children because he was not in active ministry.[690]

The national database shows that Mr Baldwin's credential was handed in on 10 December 2007 pending the criminal proceedings.[691] At the time Mr Baldwin was charged in 2007, the processes set out in the United Constitution, dated April 2007, and the Administration Manual, dated May 1999, regarding the suspension of credentials applied.[692]

According to the United Constitution and Administration Manual, in regard to the 'Issuance and Suspension of Certificates':

> a. … Probationary Minister's [Credentials] are issued and may be suspended or withdrawn by the State President or its appointee …
>
> b. In extreme and emergency cases, where there is sufficient evidence of a serious breach of ministerial conduct, the State President, together with the National President, has the power to suspend ministerial [credentials] for a period of thirty days, pending investigation by the State Executive, who will then make recommendation to the National Executive.
>
> Note: The National President should be immediately informed of any investigation by any State President.[693]

When questioned about the process under the Administration Manual, Pastor Peterson agreed that in 2007:

- the credential of the accused pastor is suspended during the criminal justice process
- if the accused pastor is convicted, the credential is permanently withdrawn
- the accused pastor cannot be restored to ministry at a future stage.[694]

Neither the Administration Manual nor the United Constitution had a process in place at the time to inform ALA or his family of the suspension of Mr Baldwin's credential. Pastor Swenson said that:

> It would be common process … it would be the local church['s] responsibility.[695]

Pastor Swenson said that he 'assumed that the local church would have advised them of the process'.[696] He also said that, due to the autonomy of churches, the Queensland State Executive had 'no jurisdiction, no, right or access' to local church members.[697]

Pastor Peterson told ALA's father, ALD, that Mr Baldwin's credential would be taken away, but ALD was not aware that it took until December 2007 for this to occur.[698] ALD gave evidence that the Queensland State Executive did not contact ALA or his family to let them know that Mr Baldwin's credential was to be suspended.[699]

The Australian Christian Churches learns about Mr Baldwin's conviction

Mr Baldwin was convicted on 26 March 2009 and sentenced the following day.[700] However, it was not until some two years later that this came to the attention of the Queensland State Executive.[701]

In early June 2008, a Queensland State Executive meeting noted that Mr Baldwin held no credential.[702] At this point, the matter was removed from the Queensland State Executive agenda.[703]

As Mr Baldwin's matter had been removed from the Queensland State Executive's agenda, the Australian Christian Churches was not aware the trial was happening and was not alerted to his subsequent conviction. Pastor Swenson said 'there were no steps put in place by which we would obtain that information' – that is, of the conviction.[704]

When Pastor Peterson became aware of Mr Baldwin's conviction in March 2009, he did not advise the State Executive and was not aware whether ALA or his family had been approached by the Australian Christian Churches.[705]

Pastor Peterson said that he did not inform the Queensland 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'.[706]

Pastor Peterson agreed that 'in hindsight I think we probably could have done a number of things better at the congregational level'.[707] Pastor Peterson noted that, given the suppression orders in place and other things going on, it was 'in [his] perceived wisdom at the time [to handle] things just privately and individually'.[708]

ALD told the Royal Commission that, in the months after Mr Baldwin's conviction, he did not hear from the Australian Christian Churches. He said that 'once the perpetrator was found guilty things became worse'.[709] ALD said he 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 terribly sorry, what can we do?' That was the type of response I was expecting from an organisation that is supposedly a Christian organisation.[710]

Pastor Swenson said that the Australian Christian Churches did not attempt communication because it was not aware of the conviction.[711] As a result, the Australian Christian Churches did not ensure pastoral support was provided and advise ALA and his family of the disciplinary processes for ministers following a criminal conviction for child sexual abuse.

Pastor Swenson gave evidence that the Queensland State Executive did not learn of the conviction until October 2011. When questioned as to why the Queensland State Executive did not withdraw Mr Baldwin's credential when it became aware of his conviction, Pastor Swenson said:

> If someone is inactive in ministry, that credential will lapse automatically at the end of that calendar year … His credential under normal circumstances would have lapsed by the end of that year anyway.[712]

Pastor Swenson said that the Administration Manual makes it clear that Mr Baldwin would not be able to minister again.[713]

In the Report Re ALA Matter, dated 4 September 2012, Pastor Swenson identified the removal of Mr Baldwin's matter from the Queensland State Executive agenda as a key failure that led the Queensland State Executive to lose track of Mr Baldwin's trial.[714]

Pastor Swenson accepted that, if the matter had remained on the agenda, 'then the next time there was a State Executive meeting … the question would have been asked "What's happened with this case?"'.[715]

We are of the view that the Sunshine Coast Church and the Australian Christian Churches failed to follow the process for removing the 'credential' or licence to practise as a Youth Pastor in the name of the church, in the wake of a 'credentialed' youth pastor being charged with sexual assaults upon a child.

We conclude that the Australian Christian Churches did not have in place any process to respond to ALA and his family in the event Mr Baldwin was convicted of sexual offences against ALA.

ALA commences civil proceedings

In 2010, ALA engaged a solicitor and commenced civil proceedings. ALD stated that it was his understanding that ALA's lawyers had considered 'suing Mr Baldwin, but decided that he had insufficient assets' and 'decided to sue the Church for negligence'.[716]

According to the United Constitution, each affiliated church must maintain an appropriate insurance policy that includes coverage for 'public liability' and 'officers and directors'.[717] The Sunshine Coast Church's insurer was Ansvar Insurance.

ALA's claim settled at mediation on 20 April 2012 for $550,000.[718]

ALD understood that ALA took this course of action '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'.[719]

The insurance claim and its circumstances did not reach the Australian Christian Churches. We are unable to establish whether it is a requirement for an affiliated church to notify the Australian Christian Churches of a potential insurance claim.

The Australian Christian Churches' communication with ALA and his family

On 11 October 2011, ALD sent the Australian Christian Churches an email entitled: 'a cry from a father's heart for his sons, can you help?'[720]

ALD said he copied the email to as many of the offices of the Australian Christian Churches as he could 'to find out who cared, if anyone cared'.[721] He wrote:

> 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 in Australia], 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 [sic] 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? …
>
> Can you hear my heart? Can you imagine my wife's tears? Can you help?[722]

Pastor Swenson forwarded this email the same day to other members of the Queensland State Executive with the note 'obviously with the widespread email list, it has the potential to create some issues'.[723] He did not respond to ALD himself.

The following day, Ms Juanita Foote, the Queensland State Clerk of the Australian Christian Churches, responded to ALD:

> 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.[724]

ALD did not realise this was the Queensland State Executive's response to his email until shortly before the public hearing. At the time, he said, he 'disregarded it. It was a very odd email'.[725]

Pastor Swenson agreed that the email from Ms Foote 'could have been seen as a little callous'[726] but said there 'was a question as to the veracity of the email' because it did not include any members of the Queensland State Executive on the recipient list.[727] Pastor Swenson said Ms Foote's email gave ALD 'a clear opportunity' to contact the Queensland State Executive.[728]

Pastor Swenson subsequently received advice on 12 October 2011 from the Australian Christian Churches' insurer, ACS Financial, which had been in contact with ALA and ALD in relation to an ongoing compensation claim. ACS Financial wrote in its advice that 'no official contact or support

was received by the family from the Australian Christian Churches' and that it would be appropriate for the State Executive to write to ALD accepting 'that ALA has been the victim of an unconscionable crime'.[729]

The advice also suggested that the Australian Christian Churches tell ALD about the policies it has in place to deal with such situations and acknowledge its commitment to ALA.[730]

Pastor Swenson accepted in evidence that these were reasonable steps but that no action was taken by the Queensland State Executive to address ALD's concerns at this time (that is, in October 2011).[731]

ALA's family continued to wait for a response from the Australian Christian Churches. In March 2012, ALA's mother, ALC, wrote to Pastor Alcorn:

> [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 in Australia] 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.[732]

On 5 April 2012, ALC received an email and a phone call from Ms Christelle Holland of the Australian Christian Churches. Ms Holland apologised for not contacting ALC in response to the email ALC sent in March 2012. She also requested basic details such as the date and the name of the church where the abuse occurred.[733]

On 13 April 2012, Pastor Alcorn wrote to ALC, promising 'there will be an enquiry as to what is happening in your case'.[734]

ALA's family were again left waiting, this time for four months. Pastor Swenson said the delay was due to his feeling that 'an email or a letter was too clinical and cold and not enough'.[735] He said he did not telephone ALD because he did not have his phone number, though he did have ALD's email addresses and acknowledged that he could have written to ask for his phone number.[736]

On 19 August 2012, Pastor Swenson travelled to Broome in Western Australia, where the family was living, and met with them for six hours. He offered an apology for the manner in which the Australian Christian Churches had handled their case[737] and explained how the movement would deal with such matters in the future.[738] ALD said '[t]his was the only time [Australian] Christian Churches responded. I appreciated this, but it was far too little, far too late'.[739]

After the meeting in Broome, Pastor Swenson prepared the Report Re ALA Matter, dated 4 September 2012. In the report he noted that 'there was simple but serious failure to monitor the legal processes, the court case and its outcomes' by the Australian Christian Churches and 'consequently a subsequent failure to provide the appropriate care and support for the victim and his family'.[740] He suggested that 'this is an issue that can be very easily rectified' and in the future such a matter should remain on the agenda until all legal proceedings are finalised and 'all necessary and appropriate action by the Australian Christian Churches is completed'.[741]

In November 2012, ALA contacted Pastor Swenson to take up an offer of further counselling, which the Australian Christian Churches then provided.[742]

Pastor Hunt gave evidence that the Australian Christian Churches did not conduct a review of the circumstances that led to a child being abused at one of its affiliated churches. He acknowledged that this was due to the principle of autonomy and said that 'we have no access into that church. We can't go and investigate legally, we have no jurisdiction'.[743]

However, he agreed that there is nothing standing in the way of the Australian Christian Churches conducting a review with the cooperation of the senior pastor of a church. He accepted that it could determine what happened in that period of time, invite people (such as ALA and his family) to come forward and indicate their experience of the process, and analyse what was going wrong within the church.[744]

Pastor Swenson said that the Australian Christian Churches does not currently have any protocol with Queensland Police Service that would lead to the movement being informed of child sexual abuse charges against their ministers.[745] He agreed that such a protocol would be helpful to the Australian Christian Churches.[746]

We conclude the Queensland 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 five years after Mr Baldwin's conviction.

We are also satisfied that in 2011, after becoming aware of the criminal conviction of Mr Baldwin on 27 March 2009, 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
- whether any steps could be taken to prevent such abuse in the future at its affiliated churches.

4.8 Use of the title 'pastor'

When Mr Baldwin started as Youth Pastor at the Church, he did not hold an Assemblies of God in Australia credential. He received a Provisional Minister's Certificate from the Assemblies of God in Australia on 14 July 2005.[747]

Pastor Hunt said that there was no prohibition in the United Constitution or by-laws of the Australian Christian Churches on a person holding themselves out as a 'pastor':

> [P]ositions 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.
>
> ...
>
> I would argue that [Mr Baldwin] 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.[748]

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'.[749]

Pastors Hunt and Alcorn agreed that there was nothing in the Australian Christian Churches' rules or Code of Conduct which prohibited a person from using the title of 'pastor' to imply they had credentials.[750]

Pastor Alcorn said that:

> Members of the congregation have 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 ... [751]

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.[752] He also said that, in the case of youth pastors, the lack of control over who uses the title carries 'very particular' dangers.[753]

Pastor Alcorn stated that he would take the issue of who can call themselves a 'youth pastor' to the National Executive for discussion.[754]

The Australian Christian Churches does not require a person to have an Australian Christian Churches credential in order to call themselves 'pastor' in an Australian Christian Churches affiliated church. We conclude that the lack of control over who is able to represent themselves as a pastor of the Australian Christian Churches is a weakness in the necessary safety controls the Australian Christian Churches should have in place to protect children.

5 Systemic issues

This case study raised systemic issues of:

- arrangements within institutions to prevent child sexual abuse
- responding to concerns, allegations and incidents of child sexual abuse
- reporting, regulation and oversight of institutions working with children.

In relation to arrangements within institutions to prevent child sexual abuse, this case study identified the following topics:

- how the Australian Christian Churches' principle of 'autonomy' affects the movement's ability to enforce child-safe policies at a local church level
- reporting of child sexual abuse by children which is not 'believed' by the institution
- supervision of youth group leaders working with children.

In relation to responding to concerns, allegations and incidents of child sexual abuse, this case study identified the following topics:

- arrangements within an institution to receive and respond to allegations of child sexual abuse
- arrangements within an institution to respond to victims and their families
- an institution's disciplinary process for dealing with alleged perpetrators of child sexual abuse, especially where they have already surrendered their ministerial credential
- conflict of interest between a familial association and an office holder in the Australian Christian Churches or an affiliated church
- the Australian Christian Churches' principle of 'autonomy' of local churches and how that affects the movement's ability to respond to reports of child sexual abuse at local churches.

In relation to reporting, regulation and oversight of institutions working with children, this case study identified the following topics:

- reporting of suspected or alleged child sexual abuse to police
- information exchange between police and the Australian Christian Churches.

APPENDIX A: Terms of Reference

Letters Patent dated 11 January 2013

ELIZABETH THE SECOND, by the Grace of God Queen of Australia and Her other Realms and Territories, Head of the Commonwealth:

TO

The Honourable Justice Peter David McClellan AM,
Mr Robert Atkinson,
The Honourable Justice Jennifer Ann Coate,
Mr Robert William Fitzgerald AM,
Dr Helen Mary Milroy, and
Mr Andrew James Marshall Murray

GREETING

WHEREAS all children deserve a safe and happy childhood.

AND Australia has undertaken international obligations to take all appropriate legislative, administrative, social and educational measures to protect children from sexual abuse and other forms of abuse, including measures for the prevention, identification, reporting, referral, investigation, treatment and follow up of incidents of child abuse.

AND all forms of child sexual abuse are a gross violation of a child's right to this protection and a crime under Australian law and may be accompanied by other unlawful or improper treatment of children, including physical assault, exploitation, deprivation and neglect.

AND child sexual abuse and other related unlawful or improper treatment of children have a long-term cost to individuals, the economy and society.

AND public and private institutions, including child-care, cultural, educational, religious, sporting and other institutions, provide important services and support for children and their families that are beneficial to children's development.

AND it is important that claims of systemic failures by institutions in relation to allegations and incidents of child sexual abuse and any related unlawful or improper treatment of children be fully explored, and that best practice is identified so that it may be followed in the future both to protect against the occurrence of child sexual abuse and to respond appropriately when any allegations and incidents of child sexual abuse occur, including holding perpetrators to account and providing justice to victims.

AND it is important that those sexually abused as a child in an Australian institution can share their experiences to assist with healing and to inform the development of strategies and reforms that your inquiry will seek to identify.

AND noting that, without diminishing its criminality or seriousness, your inquiry will not specifically examine the issue of child sexual abuse and related matters outside institutional contexts, but that any recommendations you make are likely to improve the response to all forms of child sexual abuse in all contexts.

AND all Australian Governments have expressed their support for, and undertaken to cooperate with, your inquiry.

NOW THEREFORE We do, by these Our Letters Patent issued in Our name by Our Governor-General of the Commonwealth of Australia on the advice of the Federal Executive Council and under the Constitution of the Commonwealth of Australia, the Royal Commissions Act 1902 and every other enabling power, appoint you to be a Commission of inquiry, and require and authorise you, to inquire into institutional responses to allegations and incidents of child sexual abuse and related matters, and in particular, without limiting the scope of your inquiry, the following matters:

a. what institutions and governments should do to better protect children against child sexual abuse and related matters in institutional contexts in the future;

b. what institutions and governments should do to achieve best practice in encouraging the reporting of, and responding to reports or information about, allegations, incidents or risks of child sexual abuse and related matters in institutional contexts;

c. what should be done to eliminate or reduce impediments that currently exist for responding appropriately to child sexual abuse and related matters in institutional contexts, including addressing failures in, and impediments to, reporting, investigating and responding to allegations and incidents of abuse;

d. what institutions and governments should do to address, or alleviate the impact of, past and future child sexual abuse and related matters in institutional contexts, including, in particular, in ensuring justice for victims through the provision of redress by institutions, processes for referral for investigation and prosecution and support services.

AND We direct you to make any recommendations arising out of your inquiry that you consider appropriate, including recommendations about any policy, legislative, administrative or structural reforms.

AND, without limiting the scope of your inquiry or the scope of any recommendations arising out of your inquiry that you may consider appropriate, We direct you, for the purposes of your inquiry and recommendations, to have regard to the following matters:

e. the experience of people directly or indirectly affected by child sexual abuse and related matters in institutional contexts, and the provision of opportunities for

them to share their experiences in appropriate ways while recognising that many of them will be severely traumatised or will have special support needs;

f. the need to focus your inquiry and recommendations on systemic issues, recognising nevertheless that you will be informed by individual cases and may need to make referrals to appropriate authorities in individual cases;

g. the adequacy and appropriateness of the responses by institutions, and their officials, to reports and information about allegations, incidents or risks of child sexual abuse and related matters in institutional contexts;

h. changes to laws, policies, practices and systems that have improved over time the ability of institutions and governments to better protect against and respond to child sexual abuse and related matters in institutional contexts.

AND We further declare that you are not required by these Our Letters Patent to inquire, or to continue to inquire, into a particular matter to the extent that you are satisfied that the matter has been, is being, or will be, sufficiently and appropriately dealt with by another inquiry or investigation or a criminal or civil proceeding.

AND, without limiting the scope of your inquiry or the scope of any recommendations arising out of your inquiry that you may consider appropriate, We direct you, for the purposes of your inquiry and recommendations, to consider the following matters, and We authorise you to take (or refrain from taking) any action that you consider appropriate arising out of your consideration:

i. the need to establish mechanisms to facilitate the timely communication of information, or the furnishing of evidence, documents or things, in accordance with section 6P of the Royal Commissions Act 1902 or any other relevant law, including, for example, for the purpose of enabling the timely investigation and prosecution of offences;

j. the need to establish investigation units to support your inquiry;

k. the need to ensure that evidence that may be received by you that identifies particular individuals as having been involved in child sexual abuse or related matters is dealt with in a way that does not prejudice current or future criminal or civil proceedings or other contemporaneous inquiries;

l. the need to establish appropriate arrangements in relation to current and previous inquiries, in Australia and elsewhere, for evidence and information to be shared with you in ways consistent with relevant obligations so that the work of those inquiries, including, with any necessary consents, the testimony of witnesses, can be taken into account by you in a way that avoids unnecessary duplication, improves efficiency and avoids unnecessary trauma to witnesses;

m. the need to ensure that institutions and other parties are given a sufficient opportunity to respond to requests and requirements for information, documents and things, including, for example, having regard to any need to obtain archived material.

AND We appoint you, the Honourable Justice Peter David McClellan AM, to be the Chair of the Commission.

AND We declare that you are a relevant Commission for the purposes of sections 4 and 5 of the *Royal Commissions Act 1902*.

AND We declare that you are authorised to conduct your inquiry into any matter under these Our Letters Patent in combination with any inquiry into the same matter, or a matter related to that matter, that you are directed or authorised to conduct by any Commission, or under any order or appointment, made by any of Our Governors of the States or by the Government of any of Our Territories.

AND We declare that in these Our Letters Patent:

child means a child within the meaning of the Convention on the Rights of the Child of 20 November 1989.

government means the Government of the Commonwealth or of a State or Territory, and includes any non-government institution that undertakes, or has undertaken, activities on behalf of a government.

institution means any public or private body, agency, association, club, institution, organisation or other entity or group of entities of any kind (whether incorporated or unincorporated), and however described, and:

i. includes, for example, an entity or group of entities (including an entity or group of entities that no longer exists) that provides, or has at any time provided, activities, facilities, programs or services of any kind that provide the means through which adults have contact with children, including through their families; and

ii. does not include the family.

institutional context: child sexual abuse happens in an institutional context if, for example:

i. it happens on premises of an institution, where activities of an institution take place, or in connection with the activities of an institution; or

ii. it is engaged in by an official of an institution in circumstances (including circumstances involving settings not directly controlled by the institution) where you

consider that the institution has, or its activities have, created, facilitated, increased, or in any way contributed to, (whether by act or omission) the risk of child sexual abuse or the circumstances or conditions giving rise to that risk; or

iii. it happens in any other circumstances where you consider that an institution is, or should be treated as being, responsible for adults having contact with children.

law means a law of the Commonwealth or of a State or Territory.

official, of an institution, includes:

i. any representative (however described) of the institution or a related entity; and

ii. any member, officer, employee, associate, contractor or volunteer (however described) of the institution or a related entity; and

iii. any person, or any member, officer, employee, associate, contractor or volunteer (however described) of a body or other entity, who provides services to, or for, the institution or a related entity; and

iv. any other person who you consider is, or should be treated as if the person were, an official of the institution.

related matters means any unlawful or improper treatment of children that is, either generally or in any particular instance, connected or associated with child sexual abuse.

AND We:

require you to begin your inquiry as soon as practicable, and

require you to make your inquiry as expeditiously as possible; and

require you to submit to Our Governor-General:

first and as soon as possible, and in any event not later than 30 June 2014 (or such later date as Our Prime Minister may, by notice in the Gazette, fix on your recommendation), an initial report of the results of your inquiry, the recommendations for early consideration you may consider appropriate to make in this initial report, and your recommendation for the date, not later than 31 December 2015, to be fixed for the submission of your final report; and

then and as soon as possible, and in any event not later than the date Our Prime Minister may, by notice in the Gazette, fix on your recommendation, your final report of the results of your inquiry and your recommendations; and

authorise you to submit to Our Governor-General any additional interim reports that you consider appropriate.

IN WITNESS, We have caused these Our Letters to be made Patent
WITNESS Quentin Bryce, Governor-General of the Commonwealth of Australia.

Dated 11th January 2013
Governor-General
By Her Excellency's Command
Prime Minister

Letters Patent dated 13 November 2014

ELIZABETH THE SECOND, by the Grace of God Queen of Australia and Her other Realms and Territories, Head of the Commonwealth:

TO

The Honourable Justice Peter David McClellan AM,
Mr Robert Atkinson,
The Honourable Justice Jennifer Ann Coate,
Mr Robert William Fitzgerald AM,
Dr Helen Mary Milroy, and
Mr Andrew James Marshall Murray

GREETING

WHEREAS We, by Our Letters Patent issued in Our name by Our Governor-General of the Commonwealth of Australia, appointed you to be a Commission of inquiry, required and authorised you to inquire into certain matters, and required you to submit to Our Governor-General a report of the results of your inquiry, and your recommendations, not later than 31 December 2015.

AND it is desired to amend Our Letters Patent to require you to submit to Our Governor-General a report of the results of your inquiry, and your recommendations, not later than 15 December 2017.

NOW THEREFORE We do, by these Our Letters Patent issued in Our name by Our Governor-General of the Commonwealth of Australia on the advice of the Federal Executive Council and under the Constitution of the Commonwealth of Australia, the Royal Commissions Act 1902 and every other enabling power, amend the Letters Patent issued to you by omitting from subparagraph (p)(i) of the Letters Patent "31 December 2015" and substituting "15 December 2017".

IN WITNESS, We have caused these Our Letters to be made Patent.

WITNESS General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia.

Dated 13th November 2014
Governor-General
By Her Excellency's Command
Prime Minister

Appendix B: Public hearing

The Royal Commission	Justice Peter McClellan AM (Chair) Justice Jennifer Coate Mr Bob Atkinson AO APM Mr Robert Fitzgerald AM Professor Helen Milroy Mr Andrew Murray
Commissioners who presided	Justice Jennifer Coate Mr Bob Atkinson AO APM
Date of hearing	7 October – 17 October 2014
Legislation	*Royal Commissions Act 1902* (Cth) *Royal Commissions Act 1923* (NSW) *Commissions of Inquiry Act 1950* (Qld) *Evidence (Miscellaneous Provisions) Act 1958* (Vic)
Leave to appear	Hillsong Church Limited Australian Christian Churches Northside Christian Centre and Encompass Church Denis Smith AHA Emma Fretton Barbara Taylor Simon Murray Kerry Lovell ALA and ALD Christian Peterson Ian Lehmann

Legal representation	S Beckett, Counsel Assisting the Royal Commission M Higgins, instructed by A Robinson of Prolegis Lawyers, appearing for Hillsong Church Limited M Chowdhury, instructed by A Macpherson of Corney & Lind Lawyers, appearing for the Australian Christian Churches A Woods and S Bird, instructed by L Klein of Moores, appearing for Northside Christian Centre and Encompass Church C Pratt of Gilshenan & Luton Legal Practice, appearing for Denis Smith K McGlinchey of McGlinchey & Associates, appearing for AHA and Emma Fretton A Kernaghan of Kernaghan & Associates, appearing for Barbara Taylor, Kerry Lovell and Ian Lehmann M Hourigan of Lee Hourigan & Brooks Solicitors, appearing for Simon Murray P O'Brien of O'Brien Solicitors, appearing for ALA and ALD M Taylor of Hughes & Taylor Solicitors, appearing for Christian Peterson
Pages of transcript	978 pages
Notices to produce issued under the *Royal Commission Act 1902* (Cth)	27 notices to produce, producing 100 documents
Summons to attend issued under the *Royal Commissions Act 1923* (NSW)	Seven summonses to attend, producing 262 documents
Requirements to produce issued under the *Commissions of Inquiry Act 1950* (QLD)	Three requirements to produce, producing 1,193 documents
Summons to produce issued under the *Evidence (Miscellaneous Provisions) Act 1958* (Vic)	Nine summonses to produce, producing 1,396 documents
Number of exhibits	44 exhibits consisting of 318 documents tendered at the hearing

Witnesses	**AHA** Former parishioner, Sydney Christian Life Centre **Barbara Taylor** Minister of Religion, Emmanuel Christian Family Church **Keith Ainge** Former National Secretary, Assemblies of God in Australia **George Aghajanian** General Manager, Hillsong Church **Brian Houston** Senior Pastor, Hillsong Church and former National President, Australian Christian Churches **John McMartin** State President, Australian Christian Churches New South Wales **Emma Fretton** Former student, Northside Christian College **Margaret Furlong** Teacher, Northside Christian College **Kerry Lovell** Former counsellor/teacher, Northside Christian College **Simon Murray** Former Deputy Principal, Northside Christian College **Denis Smith** Former Senior Pastor, Northside Christian Centre **John Spinella** Senior Pastor, Encompass Church

Shane Baxter
State President, Australian Christian Churches Victoria

ALD
Father of ALA, former parishioner, Sunshine Coast Church

Ian Lehmann
Former Senior Pastor, Sunshine Coast Church

Christian Peterson
Senior Pastor, Sunshine Coast Church

Gary Swenson
State Ministries Director, Australian Christian Churches Queensland and Northern Territory

John Hunt
State President, Australian Christian Churches Queensland and the Northern Territory

Wayne Alcorn
National President, Australian Christian Churches

Endnotes

1 Australian Christian Churches, Our Beliefs – About Us, http://www.acc.org.au/about-us/ (viewed 27 March 2015); Exhibit 18-0004, ACC.0004.001.0174 at 0178–0179.
2 Exhibit 18-0038, Statement of W Alcorn, STAT.0347.001.0001 at [8].
3 Australian Christian Churches, Who We Are, http://www.acc.org.au/about-us/ (viewed 27 October 2014).
4 Exhibit 18-0038, Statement of W Alcorn, STAT.0347.001.0001 at [10].
5 Exhibit 18-0004, ACC.0004.001.0174 at 0182; 0181.
6 Exhibit 18-0004, ACC.0004.001.0174 at 0175.
7 Exhibit 18-0004, ACC.0004.001.0174 at 0175–0176; 0185.
8 Exhibit 18-0004, ACC.0004.001.0174 at 0185.
9 Exhibit 18-0004, ACC.0004.001.0174 at 0185; Exhibit 18-0038, Statement of W Alcorn, STAT.0347.001.0001 at [16].
10 Transcript of C Peterson, T9884:1–7 (Day 93).
11 Transcript of B Houston, T9407:22–39 (Day 89).
12 Exhibit 18-0004, ACC.0004.001.0174 at 0191.
13 Exhibit 18-0004, ACC.0004.001.0174 at 0191.
14 Exhibit 18-0038, Statement of W Alcorn, STAT.0347.001.0001 at [29]; Exhibit 18-0004, ACC.0004.001.0174 at 0191.
15 Exhibit 18-0038, Statement of W Alcorn, STAT.0347.001.0001 at [11].
16 Exhibit 18-0004, ACC.0004.001.0174 at 0175.
17 Exhibit 18-0038, Statement of W Alcorn, STAT.0347.001.0001 at [17].
18 Exhibit 18-0004, ACC.0004.001.0174 at 0176.
19 Exhibit 18-0004, ACC.0004.001.0174 at 0185–0186.
20 Exhibit 18-0004, ACC.0004.001.0174 at 0186.
21 Exhibit 18-0004, ACC.0004.001.0174 at 0186.
22 Exhibit 18-0004, ACC.0004.001.0174 at 0186.
23 Exhibit 18-0004, ACC.0004.001.0174 at 0187.
24 Exhibit 18-0004, ACC.0004.001.0174 at 0187.
25 Exhibit 18-0004, ACC.0004.001.0174 at 0188.
26 Exhibit 18-0004, ACC.0004.001.0174 at 0188–0189.
27 Exhibit 18-0004, ACC.0004.001.0174 at 0189.
28 Exhibit 18-0004, ACC.0004.001.0174 at 0189.
29 Exhibit 18-0004, ACC.0004.001.0174 at 0176.
30 Exhibit 18-0004, ACC.0004.001.0174 at 0191.
31 Exhibit 18-0038, Statement of W Alcorn, STAT.0347.001.0001 at [17].
32 Transcript of J McMartin, T9427:35–42 (Day 89).
33 Exhibit 18-0038, Statement of W Alcorn, STAT.0347.001.0001 at [26].
34 Exhibit 18-0004, ACC.0007.001.0007.
35 Exhibit 18-0039, Supplementary Statement of W Alcorn, STAT.0347.002.0001_R at [28].
36 Exhibit 18-0038, Statement of W Alcorn, STAT.0347.001.0001 at [31].
37 Exhibit 18-0038, Statement of W Alcorn, STAT.0347.001.0001 at [17].
38 Transcript of J McMartin, T9428:24–29 (Day 89).
39 Transcript of J Hunt, T9975:12–18 (Day 94).

40 Transcript of J Hunt, T9975:36–42 (Day 94).
41 Transcript of J Hunt, T9975:4–18, 25-28 (Day 94).
42 Transcript of J Hunt, T9976:1–13 (Day 94).
43 Transcript of W Alcorn, T9990:30–46 (Day 94).
44 Transcript of W Alcorn, T9991:12–33 (Day 94).
45 Exhibit 18-0004, ACC.0004.001.0174 at 0176.
46 Transcript of W Alcorn, T9993:26–33 (Day 94).
47 Transcript of S Baxter, T9721:7–16 (Day 91).
48 Transcript of S Baxter, T9721:18–25 (Day 91).
49 Exhibit 18-0036, EXH.018.036.0001 at 0003.
50 Transcript of W Alcorn, T9994:5–10 (Day 94).
51 Transcript of W Alcorn, T9994:12–16 (Day 94).
52 Exhibit 18-0004, ACC.0001.001.0026.
53 Exhibit 18-0004, ACC.0001.001.0126.
54 Exhibit 18-0004, ACC.0004.001.0088.
55 Exhibit 18-0004, ACC.0001.001.0026 at 0032.
56 Exhibit 18-0004, ACC.0001.001.0126 at 0133.
57 Exhibit 18-0004, ACC.0001.001.0126 at 0133 and 0151.
58 Exhibit 18-0004, ACC.0001.001.0126 at 0132.
59 Exhibit 18-0004, ACC.0001.001.0126 at 0132.
60 Exhibit 18-0004, ACC.0001.001.0126 at 0133–0134.
61 Exhibit 18-0004, ACC.0001.001.0126 at 0141.
62 Exhibit 18-0004, ACC.0001.001.0026 at 0034–0035.
63 Exhibit 18-0004, ACC.0001.001.0126.
64 Exhibit 18-0004, ACC.0005.001.0001.
65 Exhibit 18-0004, ACC.0005.001.0001.
66 Exhibit 18-0004, ACC.0001.001.0126 at 0135–0139.
67 Exhibit 18-0004, ACC.0001.001.0126 at 0135.
68 Exhibit 18-0004, ACC.0001.001.0126 at 0135.
69 Transcript of J McMartin, T9448:30–34 (Day 89).
70 Transcript of J McMartin, T9453:17–21 (Day 89).
71 Transcript of J McMartin, T9453:23–28 (Day 89).
72 Transcript of W Alcorn, T10005:43–47 (Day 94).
73 Exhibit 18-0009, Statement of B Houston, STAT.0361.001.0001_R at [12].
74 Exhibit 18-0009, Statement of B Houston, STAT.0361.001.0001_R at [6] and [21].
75 Transcript of B Houston, T9304:7–39 (Day 88).
76 S Gibbs, 'Hillsong farewells a lost sheep pioneer', Sydney Morning Herald, 13 November 2004; Transcript of B Houston, T9305:1–2 (Day 88).
77 Exhibit 18-0001, Statement of AHA, STAT.0367.001.0001_R at [4]; Transcript of B Houston, T9305:14–18 (Day 88).
78 Exhibit 18-0009, Statement of B Houston, STAT.0361.001.0001_R at [19].
79 Transcript of B Houston, T9305:40–47 (Day 88).
80 Exhibit 18-0009, Statement of B Houston, STAT.0361.001.0001_R at [5].

81 Transcript of K Ainge, T9267:15–35 (Day 88).
82 Exhibit 18-0009, Statement of B Houston, STAT.0361.001.0001_R at [18].
83 Transcript of B Houston, T9306:30–39 (Day 88).
84 Transcript of B Houston, T9307:22–28 (Day 88).
85 Transcript of B Houston, T9306:30–39 (Day 88).
86 Exhibit 18-0009, Statement of B Houston, STAT.0361.001.0001_R at [6].
87 Exhibit 18-0001, Statement of AHA, STAT.0367.001.0001_R at [4].
88 Exhibit 18-0001, Statement of AHA, STAT.0367.001.0001_R at [4].
89 Exhibit 18-0001, Statement of AHA, STAT.0367.001.0001_R at [5].
90 Exhibit 18-0001, Statement of AHA, STAT.0367.001.0001_R at [8].
91 Transcript of AHA, T9073:1–23 (Day 86).
92 Exhibit 18-0001, Statement of AHA, STAT.0367.001.0001_R at [7].
93 Exhibit 18-0001, Statement of AHA, STAT.0367.001.0001_R at [9].
94 Exhibit 18-0001, Statement of AHA, STAT.0367.001.0001_R at [28].
95 Exhibit 18-0001, Statement of AHA, STAT.0367.001.0001_R at [28].
96 Transcript of AHA, T9134:3–9 (Day 86).
97 Transcript of AHA, T9134:11–13 (Day 86).
98 Transcript of AHA, T9134:20–24 (Day 86).
99 Transcript of AHA, T9134:13–14 (Day 86).
100 Transcript of AHA, T9134:35–40 (Day 86); Exhibit 18-0001, Statement of AHA, STAT.0367.001.0001_R at [29].
101 Exhibit 18-0001, Statement of AHA, STAT.0367.001.0001_R at [29].
102 Exhibit 18-0001, Statement of AHA, STAT.0367.001.0001_R at [29].
103 Exhibit 18-0001, Statement of AHA, STAT.0367.001.0001_R at [30].
104 Exhibit 18-0001, Statement of AHA, STAT.0367.001.0001_R at [30].
105 Exhibit 18-0001, Statement of AHA, STAT.0367.001.0001_R at [11]; Transcript of AHA, T9074:2–7 (Day 86).
106 Exhibit 18-0001, Statement of AHA, STAT.0367.001.0001_R at [11].
107 Transcript of B Taylor, T9138:46–T9139:46 (Day 87).
108 Exhibit 18-0007, Annexure A, ACC.0006.001.0015_R; Exhibit 18-0007, Statement of B Taylor, STAT.0360.001.0001_R at [9]–[10].
109 Exhibit 18-0007, Annexure A, ACC.0006.001.0015_R; Transcript of B Taylor, T9146:3–6; T9148:29–32 (Day 87).
110 Exhibit 18-0007, Annexure A, ACC.0006.001.0015_R.
111 Transcript of B Taylor, T9150:13–18 (Day 87).
112 Transcript of AHA, T9078:14–17 (Day 86).
113 Exhibit 18-0009, Statement of B Houston, STAT.0361.001.0001_R at [32].
114 Transcript of AHA, T9099:34–44 (Day 86).
115 Transcript of B Houston, T9333:35–47 (Day 88).
116 Exhibit 18-0001, Statement of AHA, STAT.0367.001.0001_R at [20].
117 Exhibit 18-0001, Statement of AHA, STAT.0367.001.0001_R at [21].
118 Transcript of B Houston, T9337:11–24 (Day 88); T9382:15–T9383:5 (Day 89).
119 Exhibit 18-0001, Statement of AHA, STAT.0367.001.0001_R at [23].

120 Exhibit 18-0007, Statement of B Taylor, STAT.0360.001.0001_R at [11].
121 Transcript of B Taylor, T9150:38–T9151:12 (Day 87); Exhibit 18-0007, Annexure F, ACC.0010.001.0002.
122 Transcript of B Taylor, T9151:14–21 (Day 87).
123 Exhibit 18-0007, Annexure D, ACC.0006.001.0004; Exhibit 18-0007, Annexure F, ACC.0010.001.0002.
124 Exhibit 18-0011, Statement of J McMartin, STAT.0362.001.0001_R at [52].
125 Exhibit 18-0007, Statement of B Taylor, STAT.0360.001.0001_R at [20].
126 Exhibit 18-0007, Annexure H, ACC.0006.001.0007_R.
127 Transcript of B Taylor, T9156:1–19 (Day 87).
128 Transcript of J McMartin, T9416:33–42 (Day 89).
129 Transcript of J McMartin, T9416:46 (Day 89).
130 Transcript of J McMartin, T9417:11–32 (Day 89).
131 Transcript of J McMartin, T9417:29–T9418:8; T9419:14–17 (Day 89).
132 Exhibit 18-0011, Statement of J McMartin, STAT.0362.001.0001_R at [54].
133 Transcript of J McMartin, T9421:24–25 (Day 89).
134 Exhibit 18-0011, Statement of J McMartin, STAT.0362.001.0001_R at [55].
135 Exhibit 18-0011, Statement of J McMartin, STAT.0362.001.0001_R at [57].
136 Transcript of J McMartin, T9423:18–39 (Day 89).
137 Transcript of J McMartin, T9420:41–46 (Day 89).
138 Exhibit 18-0009, Statement of B Houston, STAT.0361.001.0001_R at [24]–[25]; Transcript of B Houston, T9313:42–47 (Day 88).
139 Transcript of B Houston, T9315:36–37 (Day 88).
140 Transcript of B Houston, T9314:35–38 (Day 88).
141 Transcript of B Houston, T9320:5–12 (Day 88).
142 Transcript of B Houston, T9326:11–15 (Day 88); Exhibit 18-0009, Statement of B Houston, STAT.0361.001.0001_R at [32].
143 Transcript of B Houston, T9317:40–44 (Day 88).
144 Exhibit 18-0007, Annexure K, ACC.0006.001.0010_R.
145 Transcript of B Houston, T9329:33–43 (Day 88).
146 Transcript of B Houston, T9401:31–39 (Day 89).
147 Exhibit 18-0007, Annexure M, ACC.0006.001.0012_R.
148 Transcript of B Houston, T9409:4–6 (Day 89).
149 Transcript of B Houston, T9409:17–21 (Day 89).
150 Transcript of J McMartin, T9450:21–T9451:5 (Day 89).
151 Exhibit 18-0008, Statement of K Ainge, STAT.0348.001.0001_R at [9]; Transcript of B Houston, T9343:4–5 (Day 88).
152 Exhibit 18-0008, Annexure KA-1, STAT.0348.001.0011 at 0011.
153 Transcript of B Houston, T9343:4–5, 33-39 (Day 88).
154 Exhibit 18-0008, Statement of K Ainge, STAT.0348.001.0001_R at [10].
155 Exhibit 18-0008, Statement of K Ainge, STAT.0348.001.0001_R at [11].
156 Transcript of B Houston, T9344:1–4 (Day 88).
157 Transcript of B Houston, T9350:12–20 (Day 88).

158 Transcript of K Ainge, T9237:27–28 (Day 87); Transcript of B Houston, T9343:43 (Day 88).
159 Transcript of K Ainge, T9237:4–9 (Day 87).
160 Exhibit 18-0008, Annexure KA-1, STAT.0348.001.0011.
161 Exhibit 18-0008, Annexure KA-1, STAT.0348.001.0011.
162 Transcript of K Ainge, T9270:2 (Day 88).
163 Transcript of K Ainge, T9269:23–38 (Day 88).
164 Exhibit 18-0004, ACC.0001.001.0026 at 0034–0035.
165 Transcript of K Ainge, T9264:20–25, 30–33, 42–44 (Day 88).
166 Exhibit 18-0008, Annexure KA-4, STAT.0348.001.0015_R at 0015_R.
167 Exhibit 18-0002, HIL.0001.001.0007_R.
168 Transcript of B Houston, T9361:15–20 (Day 88).
169 Exhibit 18-0002, HIL.0001.001.0007_R.
170 Commission for Children and Young People Act 1998 (NSW) s 33.
171 Commission for Children and Young People Act 1998 (NSW) s 33.
172 Exhibit 18-0002, HIL.0001.003.0222.
173 Transcript of B Houston, T9306:27–39 (Day 88).
174 Exhibit 18-0013, EXH.018.013.0003 at 0004.
175 Transcript of G Aghajanian, T9464:8–16 (Day 89).
176 Exhibit 18-0013, EXH.018.013.0003.
177 Transcript of B Houston, T9327:39–T9328:2 (Day 88).
178 Exhibit 18-0009, Statement of B Houston, STAT.0361.001.0001_R at [38].
179 Exhibit 18-0008, Statement of K Ainge, STAT.0348.001.0001_R at [14]; Transcript of K Ainge, T9246:26–29 (Day 87).
180 Transcript of K Ainge, T9245:42–T9246:3 (Day 87).
181 Exhibit 18-009, Statement of B Houston, STAT.0361.001.0001_R at [27].
182 Transcript of B Houston, T9389:17–26 (Day 89).
183 Transcript of B Houston, T9389:43–47 (Day 89).
184 Exhibit 18-0009, Statement of B Houston, STAT.0361.001.0001_R at [38].
185 Transcript of B Houston, T9350:20; T9371:1–7 (Day 88).
186 Transcript of B Houston, T9343:37–39 (Day 88).
187 Transcript of K Ainge, T9250:8–35 (Day 87).
188 Transcript of B Houston, T9323:8–34 (Day 88).
189 Transcript of B Houston, T9390:2–12 (Day 88).
190 Transcript of B Houston, T9370:10–14, 30-39 (Day 88).
191 Transcript of B Houston, T9350:15–20 (Day 88).
192 Transcript of K Ainge, T9237:27–28 (Day 87).
193 Transcript of B Houston, T9347:8–12 (Day 88).
194 Exhibit 18-0004, ACC.0004.001.0002 at 0042.
195 Exhibit 18-0004, ACC.0004.001.0002 at 0028–0029.
196 Transcript of B Houston, T9322:32–37 (Day 88).
197 Transcript of K Ainge, T9270:2 (Day 88); Transcript of B Houston, T9348–T9349:14 (Day 88); Transcript of J McMartin, T9420:41–46 (Day 89).
198 Transcript of B Houston, T9349:32–42 (Day 88).

199 Transcript of K Ainge, T9267:46–T9268:9 (Day 88).
200 Transcript of W Alcorn, T9998:35–T9999:4–12 (Day 94).
201 Transcript of G Aghajanian, T9467:2–10 (Day 89).
202 Statement of J Spinella, STAT.0352.002.0001_R at [29].
203 Exhibit 18-0021, Statement of D Smith, STAT.0366.001.0001_R at [4] and [5]; Exhibit 18-0023, Statement of J Spinella, STAT.0352.002.0001_R at [35].
204 Exhibit 18-0023, Attachment One, STAT.0352.002.0019_R.
205 Exhibit 18-0014, Statement of E Fretton, STAT.0378.001.0001_R at [17]; Transcript of E Fretton, T9473:17–26 (Day 89).
206 Exhibit 18-0016, DECD.3003.002.0017_E at 0018; Exhibit 18-0044, VPOL.3022.001.0001_R at 0003_R.
207 Exhibit 18-0044, VPOL.3022.001.0001_R at 0005_R-0007_R.
208 Exhibit 18-0016, NSC.004.001.0005 at 0006.
209 Exhibit 18-0023, Statement of J Spinella, STAT.0352.002.0001_R at [19], [46].
210 Exhibit 18-0016, NSC.004.001.0005 at 0007.
211 Exhibit 18-0021, Statement of D Smith, STAT.0366.001.0001_R at [14]; Transcript of D Smith, T9586:23–39 (Day 9).
212 Exhibit 18-0021, Statement of D Smith STAT.0366.001.0001_R at [12]; Transcript of D Smith, T9586:23–28 (Day 90).
213 Exhibit 18-0021, Statement of D Smith, STAT.0366.001.0001_R at [3].
214 Exhibit 18-0016, NSC.001.005.0073_R at 0073_R.
215 Exhibit 18-0016, NSC.001.005.0080_R at 0080_R.
216 Transcript of M Furlong, T9499:46–T9500:2 (Day 90).
217 Transcript of M Furlong, T9500:24–25 (Day 90).
218 Transcript of M Furlong, T9499:46–T9500:34 (Day 90).
219 Exhibit 18-0016, NSC.004.001.0015_R.
220 Transcript of D Smith, T9601:27–37 (Day 91).
221 Transcript of D Smith, T9587:4–8 (Day 90).
222 Transcript of D Smith, T9587:10–16 (Day 90).
223 Transcript of D Smith, T9587:24–25 (Day 90).
224 Transcript of D Smith, T9587:27–29 (Day 90).
225 Transcript of D Smith, T9588:8–14 (Day 90).
226 Exhibit 18-0021, Statement of D Smith, STAT.0366.001.0001_R at [17].
227 Transcript of D Smith, T9589:39–T9590:2 (Day 90).
228 Transcript of D Smith, T9588:16–25 (Day 90).
229 Exhibit 18-0021, Statement of D Smith, STAT.0366.001.0001_R at [17].
230 Exhibit 18-0014, Statement of E Fretton, STAT.0378.001.0001_R at [4].
231 Exhibit 18-0014, Statement of E Fretton, STAT.0378.001.0001_R at [4]–[17].
232 Exhibit 18-0014, Statement of E Fretton, STAT.0378.001.0001_R at [8]; Transcript of E Fretton, T9470:27–38 (Day 89).
233 Exhibit 18-0014, Statement of E Fretton, STAT.0378.001.0001_R at [8].
234 Exhibit 18-0014, Statement of E Fretton, STAT.0378.001.0001_R at [9]; Transcript of E Fretton, T9471:3–18 (Day 89).
235 Exhibit 18-0014, Statement of E Fretton, STAT.0378.001.0001_R at [9].

236 Exhibit 18-0014, Statement of E Fretton, STAT.0378.001.0001_R at [9]; Transcript of E Fretton, T9471:3–18 (Day 89).
237 Transcript of E Fretton, T9471:35–T9472:5 (Day 89).
238 Exhibit 18-0014, Statement of E Fretton, STAT.0378.001.0001_R at [12]; Transcript of E Fretton, T9471:35, T9472:5 (Day 89).
239 Exhibit 18-0014, Statement of E Fretton, STAT.0378.001.0001_R at [13]; Transcript of E Fretton, T9472:7–13 (Day 89).
240 Exhibit 18-0014, Statement of E Fretton, STAT.0378.001.0001_R at [14]; Transcript of E Fretton, T9472:26–42 (Day 89).
241 Exhibit 18-0014, Statement of E Fretton, STAT.0378.001.0001_R at [19]–[28].
242 Exhibit 18-0014, Statement of E Fretton, STAT.0378.001.0001_R at [30].
243 Exhibit 18-0014, Statement of E Fretton, STAT.0378.001.0001_R at [42]–[43].
244 Exhibit 18-0014, Statement of E Fretton, STAT.0378.001.0001_R at [44].
245 Exhibit 18-0014, Statement of E Fretton, STAT.0378.001.0001_R at [46].
246 Exhibit 18-0014, Statement of E Fretton, STAT.0378.001.0001_R at [47].
247 Transcript of E Fretton, T9475:38–47 (Day 89).
248 Transcript of E Fretton, T9476:22–30 (Day 89).
249 Transcript of E Fretton, T9476:39 (Day 89).
250 Exhibit 18-0016, NSC.001.001.0074_R at 0077_R.
251 Exhibit 18-0016, ACC.0007.001.0005 at 0005; Exhibit 18-0016, NSC.001.007.0413 at 0413.
252 Transcript of E Fretton, T9477:13–14 (Day 89).
253 Exhibit 18-0014, Statement of E Fretton, STAT.0378.001.0001_R at [45].
254 Exhibit 18-0014, Statement of E Fretton, STAT.0378.001.0001_R at [48].
255 Exhibit 18-0016, NSC.001.001.0022.
256 Exhibit 18-0016, NSC.001.005.0073_R.
257 Exhibit 18-0016, NSC.001.005.0073_R.
258 Transcript of D Smith, T9590:30 (Day 90).
259 Transcript of D Smith, T9591:11–31 (Day 90).
260 Transcript of D Smith, T9593:19–23 (Day 90).
261 Transcript of D Smith, T9612:22–24 (Day 91).
262 Transcript of D Smith, T9603:3–7 (Day 91).
263 Transcript of D Smith, T9603:9–16 (Day 91).
264 Transcript of D Smith, T9603:18–29 (Day 91); T9603:46–T9604:2 (Day 91).
265 Exhibit 18-0016, NSC.001.001.0021; Transcript of D Smith, T9596:40–44 (Day 90).
266 Exhibit 18-0016, NSC.001.001.0021.
267 Exhibit 18-0016, NSC.001.001.0021.
268 Exhibit 18-0016, NSC.001.001.0021.
269 Exhibit 18-0016, NSC.001.001.0021.
270 Exhibit 18-0016, NSC.001.001.0021.
271 Exhibit 18-0016, NSC.001.001.0021.
272 Exhibit 18-0016, NSC.001.001.0021.
273 Transcript of D Smith, T9597:30–34 (Day 90).
274 Transcript of D Smith, T9597:30–34 (Day 90).

275 Exhibit 18-0016, NSC.001.001.0065.
276 Transcript of D Smith, T9608:10–22 (Day 90).
277 Transcript of D Smith, T9608:27–30 (Day 90).
278 Transcript of D Smith, T9611:24–35 (Day 91).
279 Transcript of D Smith, T9611:43–47 (Day 91).
280 Exhibit 18-0016, NSC.001.001.0065.
281 Transcript of D Smith, T9598:4–24 (Day 90).
282 Transcript of D Smith, T9671:8–31 (Day 90).
283 Exhibit 18-0016, NSC.001.001.0018_R at 0018_R.
284 Exhibit 18-0016, NSC.001.001.0018_R at 0019_R.
285 Exhibit 18-0016, NSC.001.001.0018_R at 0018_R.
286 Exhibit 18-0016, NSC.001.001.0018_R at 0018_R.
287 Exhibit 18-0016, NSC.001.001.0018_R at 0019_R.
288 Exhibit 18-0016, NSC.001.001.0018_R at 0019_R.
289 Exhibit 18-0016, NSC.001.001.0018_R at 0019_R.
290 Exhibit 18-0016, NSC.001.001.0018_R at 0019_R.
291 Transcript of D Smith, T9613:4–15, T9617:5–15, T9618:29–30 (Day 91).
292 Transcript of D Smith, T9615:14–T9616:9 (Day 91).
293 Transcript of D Smith, T9616:6–31 (Day 91).
294 Transcript of D Smith, T9612:36–38 (Day 91).
295 Exhibit 18-0016, NSC.001.001.0018_R; Exhibit 18-0016, NSC.001.001.0020.
296 Transcript of D Smith, T9618:15–34 (Day 91).
297 Transcript of D Smith, T9624:24–45 (Day 91); Exhibit 18-0016, NSC.001.005.0080_R at [9].
298 Exhibit 18-0016, NSC.001.001.0020.
299 Transcript of D Smith, T9623:36–45 (Day 91).
300 Transcript of D Smith, T9633:30–T9634:5 (Day 91).
301 Transcript of D Smith, T9608:27–30 (Day 90).
302 Transcript of D Smith, T9633:30–T9634:5 (Day 91).
303 Exhibit 18-0014, Statement of E Fretton, STAT.0378.001.0001_R at [21].
304 Exhibit 18-0014, Statement of E Fretton, STAT.0378.001.0001_R at [22]; Transcript of E Fretton, T9474:6–10 (Day 89).
305 Exhibit 18-0016, NSC.001.005.0031_R at 0031_R.
306 Exhibit 18-0016, NSC.001.005.0031_R at 0031_R.
307 Exhibit 18-0014, Statement of E Fretton, STAT.0378.001.0001_R at [23].
308 Transcript of D Smith, T9677:25–43 (Day 91).
309 Exhibit 18-0014, Statement of E Fretton, STAT.0378.001.0001_R at [23]–[25].
310 Exhibit 18-0014, Statement of E Fretton, STAT.0378.001.0001_R at [23]–[25]; Transcript of E Fretton, T9474:12–31 (Day 89).
311 Exhibit 18-0014, Statement of E Fretton, STAT.0378.001.0001_R at [30]; Transcript of E Fretton, T9475:19–24 (Day 89).
312 Exhibit 18-0014, Statement of E Fretton, STAT.0378.001.0001_R at [29]; Transcript of E Fretton, T9475:10–17 (Day 89).
313 Exhibit 18-0014, Statement of E Fretton, STAT.0378.001.0001_R at [30]; Transcript of E Fretton, T9475:19–24 (Day 89).

314 Transcript of M Furlong, T9506:15–17 (Day 90).
315 Transcript of M Furlong, T9506:11–36 (Day 90).
316 Exhibit 18-0018, Statement of M Furlong, STAT.0354.002.0001_R at [22].
317 Transcript of D Smith, T9630:23–42 (Day 91).
318 Transcript of D Smith, T9628:24–34 (Day 91); Exhibit 18-0016, NSC.001.005.0031_R at 0032_R.
319 Transcript of D Smith, T9630:2–8 (Day 91).
320 Transcript of D Smith, T9630:6–13 (Day 91).
321 Transcript of D Smith, T9630:10–17 (Day 91).
322 Transcript of D Smith, T9624:24–45 (Day 91); Exhibit 18-0016, NSC.001.005.0080_R at [9].
323 Transcript of D Smith, T9630:19–21 (Day 91).
324 Transcript of D Smith, T9630:23–32 (Day 91).
325 Transcript of D Smith, T9631:22–28 (Day 91).
326 Transcript of D Smith, T9632:28–29 (Day 91).
327 Transcript of D Smith, T9632:36–40 (Day 91).
328 Exhibit 18-0018, Statement of M Furlong, STAT.0354.002.0001_R at [14].
329 Exhibit 18-0018, Statement of M Furlong, STAT.0354.002.0001_R at [15].
330 Exhibit 18-0018, Statement of M Furlong, STAT.0354.002.0001_R at [16].
331 Exhibit 18-0018, Statement of M Furlong, STAT.0354.002.0001_R at [17].
332 Transcript of M Furlong, T9503:29–31 (Day 90).
333 Exhibit 18-0018, Statement of M Furlong, STAT.0354.002.0001_R at [26]–[28].
334 Exhibit 18-0018, Statement of M Furlong, STAT.0354.002.0001_R at [29]; Transcript of M Furlong, T9510:5–25 (Day 90).
335 Transcript of M Furlong, T9510:30 (Day 90).
336 Transcript of M Furlong, T9504:7–15 (Day 90).
337 Exhibit 18-0016, NSC.001.005.0031_R at 0032_R.
338 Exhibit 18-0016, NSC.001.005.0031_R at 0032_R.
339 Transcript of K Lovell, T9536:39–47 (Day 90).
340 Transcript of K Lovell, T9537:2–15 (Day 90).
341 Transcript of K Lovell, T9538:5–9 (Day 90).
342 Transcript of K Lovell, T9534:25–29 (Day 90).
343 Exhibit 18-0016, VPOL.0007.001.0140_E_R at [12].
344 Exhibit 18-0016, VPOL.0007.001.0140_E_R at [12].
345 Exhibit 18-0016, VPOL.0007.001.0140_E_R at [12].
346 Transcript of K Lovell, T9538:20–24 (Day 90).
347 Exhibit 18-0016, NSC.001.005.0031_R at 0032_R.
348 Exhibit 18-0016, NSC.001.005.0031_R at 0033_R.
349 Transcript of K Lovell, T9538:39–46 (Day 90).
350 Transcript of D Smith, T9635:10–30 (Day 91).
351 Transcript of D Smith, T9635:45–T9636:5 (Day 91).
352 Transcript of D Smith, T9636:6–13 (Day 91).
353 Transcript of D Smith, T9636:29–T9637:7 (Day 91).
354 Transcript of D Smith, T9635:10–30 (Day 91).

355 Exhibit 18-0020, Statement of S Murray, STAT.0376.001.0001_R at [14]–[15]; Exhibit 18-0016, VPOL.0007.001.0153_E_R.
356 Exhibit 18-0016, NSC.001.005.0031_R at 0033_R.
357 Exhibit 18-0016, NSC.001.005.0031_R at 0033_R.
358 Exhibit 18-0016, NSC.001.005.0031_R at 0033_R.
359 Exhibit 18-0016, NSC.001.005.0031_R at 0033_R.
360 Transcript of D Smith, T9638:43–44 (Day 91).
361 Transcript of S Murray T9566:39–43 (Day 90).
362 Transcript of D Smith, T9640:5–15 (Day 91).
363 Transcript of D Smith, T9639:4–T9640:7 (Day 91).
364 Exhibit 18-0016, NSC.001.005.0031_R at 0033_R.
365 Exhibit 18-0016, NSC.001.005.0107_R at 0108-0109_R.
366 Exhibit 18-0016, NSC.001.005.0107_R at 0108_R.
367 Transcript of D Smith, T9645:25–34 (Day 91); Exhibit 18-0016, NSC.001.005.0107_R at 0108–0109_R.
368 Exhibit 18-0016, NSC.001.005.0107_R at 0109_R.
369 Exhibit 18-0016, NSC.001.005.0107_R at 0108_R.
370 Exhibit 18-0016, NSC.001.005.0107_R at 0109_R.
371 Transcript of D Smith, T9651:21–33 (Day 91).
372 Exhibit 18-0016, NSC.001.005.0031_R at 0033_R.
373 Exhibit 18-0016, NSC.001.005.0031_R at 0033_R.
374 Transcript of K Lovell, T9543:47–T9544:6 (Day 90).
375 Transcript of D Smith, T9651:9–11 (Day 91); Transcript of D Smith, T9647:41–45 (Day 91); Transcript of D Smith, T9646:36–38 (Day 91).
376 Transcript of D Smith, T9647:19–23 (Day 91).
377 Transcript of D Smith, T9650:9–16 (Day 91).
378 Transcript of D Smith, T9650:9–16 (Day 91).
379 Transcript of D Smith, T9651:45–T9652:3 (Day 91).
380 Transcript of D Smith, T9653:5–11 (Day 91).
381 Transcript of D Smith, T9652:23–28 (Day 91).
382 Transcript of D Smith, T9630:2–8 (Day 91).
383 Transcript of D Smith, T9630:6–13 (Day 91).
384 Transcript of D Smith, T9630:10–17 (Day 91).
385 Transcript of D Smith, T9671:8–31 (Day 90).
386 Transcript of D Smith, T9624:24–45 (Day 91); Exhibit 18-0016, NSC.001.005.0080_R at [9].
387 Transcript of D Smith, T9630:19–21 (Day 91).
388 Transcript of D Smith, T9636:29–T9637:7 (Day 91).
389 Exhibit 18-0016, NSC.001.005.0031_R at 0033_R.
390 Exhibit 18-0016, NSC.001.005.0031_R at 0034_R.
391 Exhibit 18-0016, NSC.001.005.0031_R at 0034_R.
392 Exhibit 18-0016, NSC.001.005.0031_R at 0034_R.
393 Submissions on behalf of D Smith, SUBM.1018.001.0001 at 0006.
394 Submissions on behalf of D Smith, SUBM.1018.001.0001 at 0006.

395 Transcript of M Furlong, T9512:6–12 (Day 90).
396 Exhibit 18-0016, NSC.003.001.0118 at 0019-0020.
397 Transcript of D Smith, T9657:21–23 (Day 91).
398 Transcript of D Smith, T9658:18–37 (Day 91).
399 Transcript of D Smith, T9658:47–T9659:5 (Day 91).
400 Exhibit 18-0016, NSC.003.001.0122 at 0122–0123.
401 Exhibit 18-0016, NSC.001.005.0031_R at 0034_R.
402 Exhibit 18-0016, NSC.001.005.0031_R at 0034_R.
403 Transcript of D Smith, T9653:12–45, T9654:8–11 (Day 91).
404 Transcript of D Smith, T9654:13–17 (Day 91).
405 Transcript of D Smith, T9655:45–T9656:36 (Day 91).
406 Exhibit 18-0016, NSC.001.005.0031_R at 0034_R.
407 Transcript of D Smith, T9657:2–5 (Day 91).
408 Transcript of M Furlong, T9512:23–42 (Day 90).
409 Transcript of S Murray T9573:19–42 (Day 90); Transcript of J Spinella, T9689:30–34 (Day 91).
410 Exhibit 18-0016, NSC.500.001.0688_E at 0689_E.
411 Exhibit 18-0016, NSC.001.005.0039_R; Exhibit 18-0016, NSC.001.005.0031_R at 0034_R, 0035_R.
412 Exhibit 18-0016, NSC.001.005.0031_R at 0034_R.
413 Exhibit 18-0016, NSC.001.005.0039_R.
414 Exhibit 18-0016, NSC.001.005.0039_R.
415 Transcript of K Lovell, T9547:5–7 (Day 90); Exhibit 18-0016, NSC.001.005.0036_R.
416 Exhibit 18-0016, NSC.001.005.0036_R at 0036_R and 0037_R.
417 Exhibit 18-0016, NSC.001.005.0031_R at 0035_R.
418 Exhibit 18-0016, NSC.001.005.0031_R at 0035_R.
419 Exhibit 18-0023, Statement of J Spinella, STAT.0352.002.0001_R at [50].
420 Transcript of D Smith, T9660:24–30 (Day 91).
421 Transcript of D Smith, T9662:12–17 (Day 91); T9662:37–47 (Day 91).
422 Transcript of D Smith, T9663:2–8 (Day 91).
423 Transcript of D Smith, T9663:20–33 (Day 91).
424 Exhibit 18-0016, NSC.001.005.0029_R.
425 Exhibit 18-0016, NSC.001.005.0029_R.
426 Exhibit 18-0016, NSC.001.005.0029_R at 0030_R.
427 Exhibit 18-0016, NSC.001.005.0029_R.
428 Exhibit 18-0016, NSC.001.005.0029_R.
429 Exhibit 18-0016, NSC.001.005.0029_R at 0030_R.
430 Exhibit 18-0016, NSC.001.005.0029_R at 0030_R.
431 Exhibit 18-0016, NSC.003.001.0094_R.
432 Exhibit 18-0016, NSC.003.001.0095_E_R.
433 Transcript of D Smith, T9659:7–10 (Day 91).
434 Transcript of D Smith, T9631:30–45 (Day 91).
435 Transcript of D Smith, T9632:6–18 (Day 91).
436 Transcript of S Murray T9570:7–14 (Day 90).

437 Transcript of K Lovell, T9549:24–29 (Day 90).
438 Transcript of K Lovell, T9548:9–29 (Day 90).
439 Transcript of K Lovell, T9549:41–T9550:2 (Day 90).
440 Exhibit 18-0016, DECD.3003.002.0017_E at 0018_E; Exhibit 18-0044, VPOL.3022.001.0001_R at 0003_R.
441 Exhibit 18-0016, DECD.3003.002.0017_E at 0018_E; Exhibit 18-0044, VPOL.3022.001.0001_R at 0007_R.
442 Exhibit 18-0016, DECD.3003.002.0015_R.
443 Exhibit 18-0044, VPOL.3022.001.0001_R at 0007_R.
444 Exhibit 18-0023, Statement of J Spinella, STAT.0352.002.0001_R at [1].
445 Exhibit 18-0021, Statement of D Smith, STAT.0366.001.0001_R at [3].
446 Exhibit 18-0023, Statement of J Spinella, STAT.0352.002.0001_R at [1] and [16].
447 Transcript of D Smith, T9676:16–23 (Day 91).
448 Transcript of D Smith, T9676:11–14 (Day 91).
449 Exhibit 18-0044, VPOL.3022.001.0001_R at 0005_R-0007_R.
450 Exhibit 18-0044, TEN.0014.001.0001 at 0002.
451 Exhibit 18-0023, Statement of J Spinella, STAT.0352.002.0001_R at [63].
452 Exhibit 18-0023, Statement of J Spinella, STAT.0352.002.0001_R at [65].
453 Exhibit 18-0023, Statement of J Spinella, STAT.0352.002.0001_R at [66].
454 Exhibit 18-0023, Statement of J Spinella, STAT.0352.002.0001_R at [73]–[74]; Exhibit 18-0044, TEN.0014.001.0001 at 0002.
455 Transcript of J Spinella, T9695:44–46 (Day 91).
456 Transcript of J Spinella, T9696:30–38 (Day 91).
457 Transcript of J Spinella, T9696:9–16 (Day 91).
458 Transcript of J Spinella, T9716:37–T9717:3 (Day 91).
459 Transcript of D Smith, T9676:6–9 (Day 91).
460 Transcript of J Spinella, T9699:40–T9700:16 (Day 91).
461 Transcript of D Smith, T9700:8–16 (Day 91).
462 Transcript of J Spinella, T9701:13–15 (Day 91).
463 Exhibit 18-0016, NSC.502.001.0001_R at 0006_R.
464 Transcript of J Spinella, T9703:8–T9704:6 (Day 91).
465 Transcript of J Spinella, T9703:8–33 (Day 91).
466 Transcript of D Smith, T9674:15–35 (Day 91).
467 Transcript of D Smith, T9674:27–35 (Day 91).
468 Exhibit 18-0042, NSC.9999.002.0003 at 0003–0004.
469 Exhibit 18-0042, NSC.9999.002.0003 at 0003–0004.
470 Submissions on behalf of D Smith, SUBM.1018.001.0001 at 0001.
471 Submissions on behalf of D Smith, SUBM.1018.001.0001 at 0001.
472 Submissions on behalf of D Smith, SUBM.1018.001.0001 at 0001.
473 Exhibit 18-0023, Statement of J Spinella, STAT.0352.002.0001_R at [86]; Exhibit 18-0004, ACC.0001.001.0654.
474 Exhibit 18-0024, Statement of S Baxter, STAT.0368.001.0001_R at [14].
475 Exhibit 18-0004, NSC.503.001.0013.

476 Exhibit 18-0004, ACC.0001.001.0654 at 725; Exhibit 18-0023, Statement of J Spinella, STAT.0352.002.0001_R at [91].
477 Transcript of J Spinella, T9706:24–28 (Day 91).
478 Transcript of J Spinella, T9706:28–33 (Day 91).
479 Exhibit 18-0004, ACC.0001.001.0654 at 0669; Exhibit 18-0004, NSC.503.001.0013 at 0021-0022.
480 Exhibit 18-0004, ACC.0001.001.0654 at 0703.
481 Exhibit 18-0004, 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 (Vic) – note that this Act has been superseded by the Children, Youth and Families Act 2005 (Vic).
482 Exhibit 18-0004, ACC.0001.001.0654 at 0688.
483 Transcript of J Spinella, T9706:46–T9707:7 (Day 91).
484 Exhibit 18-0040, Statement of D Holtam, STAT.0353.001.0001.
485 Exhibit 18-0004, NSC.500.001.0432.
486 Exhibit 18-0004, NSC.500.001.0421.
487 Exhibit 18-0004, NSC.505.001.0073.
488 Exhibit 18-0004, NSC.505.001.0069.
489 Exhibit 18-0004, NSC.500.001.0449.
490 Exhibit 18-0040, Statement of D Holtam, STAT.0353.001.0001 at [24].
491 Exhibit 18-0040, Statement of D Holtam, STAT.0353.001.0001 at [28].
492 Exhibit 18-0040, Statement of D Holtam, STAT.0353.001.0001 at [31].
493 Exhibit 18-0031, Statement of I Lehmann, STAT.0383.001.0002_R at [4].
494 Transcript of G Swenson, T9947:44–45 (Day 93).
495 Transcript of I Lehmann, T9792:27–29 (Day 92).
496 Transcript of I Lehmann, T9791:4–9 (Day 92).
497 Exhibit 18-0029, Statement of ALD, STAT.0384.001.0001_R at [4]–[5].
498 Exhibit 18-0031, Statement of I Lehmann, STAT.0383.001.0002_R at [14].
499 Exhibit 18-0026, CRT.0009.001.0001 at 0003.
500 Exhibit 18-0026, CRT.0009.001.0001 at 0003.
501 Exhibit 18-0041, QLD.0047.005.0174_R.
502 Exhibit 18-0031, Statement of I Lehmann, STAT.0383.001.0002_R at [3].
503 Transcript of I Lehmann, T9789:35–44 (Day 92).
504 Exhibit 18-0031, Statement of I Lehmann, STAT.0383.001.0002_R at [5].
505 Transcript of I Lehmann, T9791:36–45 (Day 92).
506 Transcript of I Lehmann, T9801:31–42 (Day 92).
507 Transcript of I Lehmann, T9803:18–27 (Day 92).
508 Transcript of I Lehmann, T9827:28 (Day 92); T9842:17–29 (Day 92).
509 Transcript of I Lehmann, T9842:17–29 (Day 92).
510 Transcript of I Lehmann, T9841:16–22 (Day 92).
511 Exhibit 18-0031, Statement of I Lehmann, STAT.0383.001.0002_R at [9]–[12].
512 Transcript of I Lehmann, T9803:7–16 (Day 92).
513 Exhibit 18-0031, Statement of I Lehmann, STAT.0383.001.0002_R at [11].
514 Transcript of I Lehmann, T9803:32–37 (Day 92).

515 Transcript of I Lehmann, T9803:39–42 (Day 92).
516 Transcript of I Lehmann, T9804:5–8 (Day 92).
517 Transcript of I Lehmann, T9804:19–22 (Day 92).
518 Exhibit 18-0031, Statement of I Lehmann, STAT.0383.001.0002_R at [12].
519 Exhibit 18-0031, Statement of I Lehmann, STAT.0383.001.0002_R at [13].
520 Exhibit 18-0031, Statement of I Lehmann, STAT.0383.001.0002_R at [14].
521 Transcript of I Lehmann, T9803:7–12 (Day 92).
522 Transcript of I Lehmann, T9805:26 (Day 92).
523 Transcript of I Lehmann, T9806:2–10 (Day 92).
524 Transcript of I Lehmann, T9806:27–35 (Day 92).
525 Transcript of I Lehmann, T9805:22–24 (Day 92).
526 Transcript of I Lehmann, T9806:25–44 (Day 92).
527 Transcript of J Hunt, T9968:2–10 (Day 94).
528 Transcript of J Hunt, T9968:7–13 (Day 94).
529 Act in force 1 September 2003:
530 https://www.legislation.qld.gov.au/LEGISLTN/SUPERSED/C/CommisChildA00_02C_030901.pdf
531 Act in force 5 January 2004: https://www.legislation.qld.gov.au/LEGISLTN/SUPERSED/C/CommisChildA00_02D_040105.pdf
532 Commission for Children and Young People Act 2000 (Qld) s 95.
533 Commission for Children and Young People Act 2000 (Qld) Sch 1, Pt 1.
534 Commission for Children and Young People Act 2000 (Qld) Sch 1, Pt 1.
535 Commission for Children and Young People Act 2000 (Qld) s 100(1).
536 Commission for Children and Young People Act 2000 (Qld) s 105.
537 Commission for Children and Young People Act 2000 (Qld) s 102(1)(a).
538 Commission for Children and Young People Act 2000 (Qld) s 102(1)(b).
539 Commission for Children and Young People Act 2000 (Qld) s 107.
540 Transcript of I Lehmann, T9804:36–39 (Day 92).
541 Transcript of I Lehmann, T9804:41–45 (Day 92).
542 Transcript of I Lehmann, T9804:47–T9805:3 (Day 92).
543 Exhibit 18-0029, Statement of ALD, STAT.0384.001.0001_R at [4]–[5].
544 Exhibit 18-0026, QLD.0047.001.0004_R at 0005_R.
545 Transcript of I Lehmann, T9805:26–33 (Day 92).
546 Exhibit 18-0026, CRT.0009.001.0001 at 0001 and 0004.
547 Exhibit 18-0026, QLD.0047.005.0174_R.
548 Exhibit 18-0026, QLD.0047.005.0174_R at 0175_R.
549 Exhibit 18-0026, QLD.0047.005.0174_R at 0176_R.
550 Exhibit 18-0031, Statement of I Lehmann, STAT.0383.001.0002_R at [32].
551 Transcript of I Lehmann, T9817:31–43.
552 Exhibit 18-0026, QLD.0047.005.0174_R at 0176_R.
553 Exhibit 18-0026, QLD.0047.004.0180_R at [5]–[7].
554 Exhibit 18-0026, QLD.0047.004.0180_R at [8]–[9].
555 Exhibit 18-0026, QLD.0047.004.0180_R at [11].
556 Exhibit 18-0026, QLD.0047.004.0180_R at [12]–[13].

557 Exhibit 18-0026, QLD.0047.004.0180_R at [19]–[20].
558 Exhibit 18-0041, QLD.0048.001.0019_R.
559 Exhibit 18-0026, QLD.0047.001.0004_R at 007_R–0008_R.
560 Exhibit 18-0026, QLD.0047.001.0004_R at 0005_R.
561 Exhibit 18-0026, CRT.0009.001.0001 at 0001.
562 Transcript of I Lehmann, T9824:40–9825:20 (Day 92).
563 Transcript of W Alcorn, T10008:27–28 (Day 94).
564 Transcript of ALD, T9748:35–38 (Day 92).
565 Transcript of ALD, T9748:35–42 (Day 92).
566 Exhibit 18-0029, Statement of ALD, STAT.0384.001.0001_R at [51].
567 Exhibit 18-0029, Statement of ALD, STAT.0384.001.0001_R at [52].
568 Exhibit 18-0029, Statement of ALD, STAT.0384.001.0001_R at [53]–[54].
569 Transcript of W Alcorn, T10008:28–34 (Day 94).
570 Transcript of I Lehmann, T9826:21–34 (Day 92).
571 Exhibit 18-0031, Statement of I Lehmann, STAT.0383.001.0002_R at [22].
572 Transcript of I Lehmann, T9827:22–42 (Day 92); Exhibit 18-0027, Statement of T Lew, STAT.0387.001.0001_R at 0001.
573 Transcript of I Lehmann, T9812:15–16 (Day 92).
574 Exhibit 18-0027, Statement of T Lew, STAT.0387.001.0001_R at 0002_R-0003_R.
575 Exhibit 18-0027, Statement of T Lew, STAT.0387.001.0001_R at 0002_R-0003_R.
576 Exhibit 18-0027, Statement of T Lew, STAT.0387.001.0001_R at 0002_R.
577 Transcript of I Lehmann, T9829:46–T9830:31 (Day 92).
578 Exhibit 18-0034, Statement of M Maynes, STAT.0388.001.0001_R at [14].
579 Exhibit 18-0034, Statement of M Maynes, STAT.0388.001.0001_R at [14].
580 Exhibit 18-0034, Statement of M Maynes, STAT.0388.001.0001_R at [15].
581 Exhibit 18-0034, Statement of M Maynes, STAT.0388.001.0001_R at [15].
582 Exhibit 18-0034, Statement of M Maynes, STAT.0388.001.0001_R at [16].
583 Exhibit 18-0034, Statement of M Maynes, STAT.0388.001.0001_R at [10].
584 Exhibit 18-0034, Statement of M Maynes, STAT.0388.001.0001_R at [17].
585 Transcript of I Lehmann, T9811:22–25 (Day 92).
586 Transcript of I Lehmann, T9831:10–46 (Day 92).
587 Exhibit 18-0031, Statement of I Lehmann, STAT.0383.001.0002_R at [20].
588 Transcript of I Lehmann, T9807:23–29 (Day 92).
589 Transcript of I Lehmann, T9805:42–T9806:10 (Day 92); Transcript of I Lehmann, T9807:23–29 (Day 92).
590 Exhibit 18-0031, Statement of I Lehmann, STAT.0383.001.0002_R at [19].
591 Transcript of I Lehmann, T9809:19–26 (Day 92).
592 Exhibit 18-0031, Statement of I Lehmann, STAT.0383.001.0002_R at [31].
593 Transcript of I Lehmann, T9812:15–16 (Day 92).
594 Exhibit 18-0031, Statement of I Lehmann, STAT.0383.001.0002_R at [23].
595 Transcript of I Lehmann, T9826:40–43 (Day 92); Transcript of I Lehmann, T9827:16–20 (Day 92).
596 Transcript of I Lehmann, T9827:44–T9828:5 (Day 92).

597 Transcript of I Lehmann, T9814:1–7 (Day 92).
598 Transcript of I Lehmann, T9812:43–45 (Day 92).
599 Transcript of I Lehmann, T9814:9–10 (Day 92).
600 Transcript of I Lehmann, T9814:37–41 (Day 92).
601 Transcript of I Lehmann, T9813:2–11 (Day 92).
602 Transcript of I Lehmann, T9816:19–21 (Day 92).
603 Transcript of I Lehmann, T9832:44–T9833:13 (Day 92).
604 Transcript of I Lehmann, T9817:11–13 (Day 92).
605 Transcript of I Lehmann, T9833:15–17 (Day 92).
606 Transcript of ALD, T9776:15–39 (Day 92).
607 Transcript of I Lehmann, T9832:30–33 (Day 92).
608 Transcript of I Lehmann, T9831:13–16 (Day 92); Transcript of I Lehmann, T9814:8–10 (Day 92).
609 Exhibit 18-0031, Statement of I Lehmann, STAT.0383.001.0002_R at [22].
610 Transcript of I Lehmann, T9815:8–11(Day 92).
611 Exhibit 18-0031, Statement of I Lehmann, STAT.0383.001.0002_R at [19]; Transcript of I Lehmann, T9815:2–6 (Day 92).
612 Exhibit 18-0031, Statement of I Lehmann, STAT.0383.001.0002_R at [31].
613 Exhibit 18-0031, Statement of I Lehmann, STAT.0383.001.0002_R at [15].
614 Transcript of I Lehmann, T9814:12–27 (Day 92).
615 Transcript of I Lehmann, T9832:16–39 (Day 92).
616 Transcript of I Lehmann, T9833:15–28 (Day 92).
617 Transcript of I Lehmann, T9833:30–35 (Day 92).
618 Transcript of I Lehmann, T9833:30–44 (Day 92).
619 Exhibit 18-0026, QLD.0047.001.0004_R at 0006_R.
620 Transcript of I Lehmann, T9833:46–T9834:5 (Day 92).
621 Transcript of I Lehmann, T9834:19–22 (Day 92).
622 Transcript of G Swenson, T9932:15–22 (Day 93).
623 Exhibit 18-0025, ACC.0002.001.0093_R at 0095_R.
624 Transcript of G Swenson, T9932:45–T9933:1 (Day 93).
625 Exhibit 18-0004, ACC.0007.001.0007.
626 Transcript of J Hunt, T9973:35–40 (Day 94).
627 Transcript of J Hunt, T9973:35–40 (Day 94).
628 Exhibit 18-0036, EXH.018.036.0001 at 0003.
629 Transcript of J Hunt, T9975:25–34 (Day 94); Transcript of W Alcorn, T9990:43–46 (Day 94); Transcript of G Swenson, T9939:42–47 (Day 93).
630 Transcript of I Lehmann, T9799:6–16; T9800:11–15 (Day 92).
631 Transcript of I Lehmann, T9799:30–40 (Day 92).
632 Transcript of I Lehmann, T9848:20–24 (Day 92).
633 Transcript of I Lehmann, T9837:36–43 (Day 92).
634 Transcript of I Lehmann, T9800:24–27 (Day 92).
635 Transcript of I Lehmann, T9807:31–39 (Day 92).
636 Transcript of I Lehmann, T9808:17–30 (Day 92).
637 Transcript of I Lehmann, T9808:12–15 (Day 92).

638 Transcript of I Lehmann, T9790:26–28 (Day 92).
639 Transcript of C Peterson, T9857:18–41 (Day 93).
640 Transcript of C Peterson, T9859:7–13 (Day 93).
641 Transcript of C Peterson, T9858:12–28 (Day 93).
642 Exhibit 18-0028, TEN.0013.001.0001_R at 0003_R-0005_R.
643 Exhibit 18-0028, TEN.0013.001.0001_R at 0006_R-0007_R.
644 Exhibit 18-0028, TEN.0013.001.0001_R at 0008_R.
645 Exhibit 18-0028, TEN.0013.001.0001_R at 0009_R.
646 Exhibit 18-0028, TEN.0013.001.0001_R at 0010_R.
647 Transcript of C Peterson, T9862:30–33 (Day 93).
648 Transcript of C Peterson, T9862:36–44 (Day 93).
649 Transcript of C Peterson, T9859:15–18 (Day 93).
650 Transcript of C Peterson, T9859:20–31 (Day 93).
651 Transcript of C Peterson, T9860:25–30 (Day 93).
652 Transcript of C Peterson, T9859:40–46 (Day 93).
653 Transcript of C Peterson, T9863:40–T9854:13 (Day 93).
654 Exhibit 18-0028, TEN.0013.001.0001_R at 0013_R.
655 Transcript of C Peterson, T9864:39–44 (Day 93).
656 Transcript of C Peterson, T9864:46–T9865:1 (Day 93).
657 Transcript of J Hunt, T9980:21–25 (Day 94); Transcript of W Alcorn, T9990:16–23 (Day 94).
658 Transcript of C Peterson, T9980:27–37 (Day 94).
659 Transcript of W Alcorn, T9990:3–23 (Day 94).
660 Transcript of G Swenson, T9939:1–21 (Day 93).
661 Transcript of I Lehmann, T9848:20–24 (Day 92).
662 Transcript of C Peterson, T9861:4–16 (Day 93).
663 Transcript of I Lehmann, T9837:36–43 (Day 92).
664 Transcript of W Alcorn, T9994:5–16 (Day 94).
665 Transcript of G Swenson, T9939:23–46 (Day 93).
666 Transcript of G Swenson, T9939:46–47 (Day 93).
667 Transcript of J Hunt, T9975:4–18 (Day 94).
668 Transcript of J Hunt, T9975:25–42 (Day 94).
669 Transcript of J Hunt, T9975:44–T9976:3 (Day 94).
670 Transcript of W Alcorn, T9991:12–33 (Day 94).
671 Transcript of C Peterson, T9866:27–32 (Day 93).
672 Transcript of C Peterson, T9867:18–28 (Day 93).
673 Transcript of C Peterson, T9867:1–9 (Day 93).
674 Transcript of C Peterson, T9884:7–13 (Day 93).
675 Transcript of G Swenson, T9905:26–T9906:34 (Day 93).
676 Transcript of G Swenson, T9906:3–7 (Day 93).
677 Exhibit 18-0025, ACC.0002.001.0051_R at 0052_R.
678 Transcript of C Peterson, T9867:30–35 (Day 93).
679 Transcript of C Peterson, T9867:22–28 (Day 93).
680 Exhibit 18-0004, ACC.0001.001.0026 at 0035.

681 Transcript of C Peterson, T9868:8–9 (Day 93).
682 Exhibit 18-0004, ACC.0001.001.0126 at 0135.
683 Transcript of J Hunt, T9968:2–10 (Day 94).
684 Transcript of J Hunt, T9968:7–20 (Day 94).
685 Transcript of I Lehmann, T9820:8–11 (Day 92).
686 Transcript of I Lehmann, T9825:22–25 (Day 92); Transcript of I Lehmann, T9836:1–3 (Day 92).
687 Transcript of I Lehmann, T9824:40–42 (Day 92).
688 Transcript of I Lehmann, T9825:11–13 (Day 92).
689 Transcript of I Lehmann, T9823:40–47 (Day 92).
690 Transcript of I Lehmann, T9836:5–8 (Day 92).
691 Transcript of G Swenson, T9918:2–9 (Day 93).
692 Transcript of G Swenson, T9909:21–28 (Day 93).
693 Exhibit 18-0025, ACC.0002.001.0068_R.
694 Exhibit 18-0004, ACC.0001.001.0026; Exhibit 18-0004, ACC.0004.001.0051.
695 Exhibit 18-0004, ACC.0001.001.0026 at 0031; Exhibit 18-0004, ACC.0004.001.0051 at 0073.
696 Transcript of C Peterson, T9870:15–36 (Day 93).
697 Transcript of G Swenson, T9917:26–33 (Day 93).
698 Transcript of G Swenson, T9917:9–11 (Day 93).
699 Transcript of G Swenson, T9915:41–47 (Day 93).
700 Transcript of ALD, T9758:8–11 (Day 92).
701 Transcript of ALD, T9757:25–30 (Day 92); Transcript of G Swenson, T9917:9–11 (Day 93).
702 Exhibit 18-0026, QLD.0047.001.0004_R.
703 Transcript of G Swenson, T9913:39–43 (Day 93); Transcript of G Swenson, T9921:20–22 (Day 93).
704 Exhibit 18-0025, ACC.0002.001.0058_R.
705 Exhibit 18-0025, ACC.0002.001.0093_R at 0095_R.
706 Transcript of G Swenson, T9914:2–5 (Day 93).
707 Transcript of C Peterson, T9871:25–30 (Day 93).
708 Transcript of C Peterson, T9871:34–37 (Day 93).
709 Transcript of C Peterson, T9871:9–17 (Day 93).
710 Transcript of C Peterson, T9871:9–17 (Day 93).
711 Transcript of ALD, T9747:28–44 (Day 92).
712 Transcript of ALD, T9760:16–28 (Day 92).
713 Transcript of G Swenson, T9921:15–18 (Day 93).
714 Transcript of G Swenson, T9919:24–43 (Day 93).
715 Transcript of G Swenson, T9920:24–28 (Day 93).
716 Transcript of G Swenson, T9914:10–12 (Day 93); Exhibit 18-0025, ACC.0002.001.0093_R at 0095_R.
717 Transcript of G Swenson, T9914:14–19 (Day 93).
718 Exhibit 18-0029, Statement of ALD, STAT.0384.001.0001_R at [32]–[34].
719 Exhibit 18-0004, ACC.0004.001.0174 at 0191.
720 Exhibit 18-0026, AVI.0001.001.0218_R.
721 Exhibit 18-0029, Statement of ALD, STAT.0384.001.0001_R at [32]–[34].

722 Exhibit 18-0025, ACC.0002.001.0072_R.
723 Transcript of ALD, T9745:5–8 (Day 92).
724 Exhibit 18-0025, ACC.0002.001.0072_R at 0074_R.
725 Exhibit 18-0025, ACC.0002.001.0072_R at 0072_R.
726 Exhibit 18-0025, ACC.0002.001.0065_E_R.
727 Transcript of ALD, T9763:44–46 (Day 92).
728 Transcript of G Swenson, T9927:13–14 (Day 93).
729 Transcript of G Swenson, T9926:43–46 (Day 93).
730 Transcript of G Swenson, T9927:10–17 (Day 93).
731 Exhibit 18-0025, ACC.0002.001.0069_R.
732 Exhibit 18-0025, ACC.0002.001.0069_R.
733 Transcript of G Swenson, T9929:16–18, T9929:24–28 (Day 93).
734 Exhibit 18-0025, ACC.0002.001.0089_R.
735 Exhibit 18-0025, ACC.0002.001.0086_R at 0088_R.
736 Exhibit 18-0025, ACC.0002.001.0086_R at 0087_R.
737 Transcript of G Swenson, T9929:32–34 (Day 93).
738 Transcript of G Swenson, T9929:40–T9930:2 (Day 93).
739 Transcript of G Swenson, T9931:14–17 (Day 93); Transcript of ALD, T9745:17–21 (Day 92).
740 Transcript of ALD, T9745:17–21 (Day 92).
741 Transcript of ALD, T9745:23–25 (Day 92).
742 Exhibit 18-0025, ACC.0002.001.0093_R at 0095_R.
743 Exhibit 18-0025, ACC.0002.001.0093_R at 0095_R.
744 Transcript of G Swenson, T9931:37–42 (Day 93).
745 Transcript of J Hunt, T9983:19–21 (Day 94).
746 Transcript of J Hunt, T9983:28–38, 41 (Day 94).
747 Transcript of G Swenson, T9907:35–45 (Day 93).
748 Transcript of G Swenson, T9909:2–6 (Day 93).
749 Transcript of J Hunt, T9968:7–13 (Day 94).
750 Transcript of J Hunt, T9969:1–19 (Day 94); T9970:8–13 (Day 94).
751 Transcript of W Alcorn, T10000:21–31 (Day 94).
752 Transcript of J Hunt, T9970:15–19 (Day 94); Transcript of W Alcorn, T10001:11–15 (Day 94).
753 Transcript of W Alcorn, T10002:27–30 (Day 94).
754 Transcript of W Alcorn, T10002:1–7 (Day 94).

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