

NOTICE OF FILING

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Details of Filing

Document Lodged: Statement of Claim - Form 17 - Rule 8.06(1)(a)
File Number: NSD629/2022
File Title: NATALIE MOSES v HILLSONG CITYCARE & ORS
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA



A handwritten signature in blue ink that reads 'Sia Lagos'.

Dated: 12/08/2022 11:35:43 AM AEST

Registrar

Important Information

As required by the Court's Rules, this Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date and time of lodgment also shown above are the date and time that the document was received by the Court. Under the Court's Rules the date of filing of the document is the day it was lodged (if that is a business day for the Registry which accepts it and the document was received by 4.30 pm local time at that Registry) or otherwise the next working day for that Registry.



Statement of claim

No. of 2022

Federal Court of Australia
District Registry: New South Wales
Division: Fair Work

Natalie Moses

Applicant

HILLSONG CITYCARE and others listed in the Schedule

Respondents

A. Parties

1. HILLSONG CITYCARE is and was at all material times:
 - a. a corporation incorporated under the *Corporations Act 2001* (Cth) as an Australian Public Company Limited by Guarantee;
 - b. capable of being sued by its registered name;
 - c. an entity with ACN 003 698 726;
 - d. a corporation with the same directors as **HILLSONG CHURCH AUSTRALIA LTD**, being an entity with ACN 615 339 949;
 - e. a trading corporation for the purposes of s 51(xx) of the Constitution;
 - f. a 'regulated entity' for the purposes of s 1317AAB of the *Corporations Act*;
 - g. a 'constitutional corporation' for the purposes of s 12 of the *Fair Work Act 2009* (Cth) (**FW Act**);
 - h. a 'national system employer' for the purposes of s 14 of the FW Act insofar as it employs or usually employs individuals;
 - i. the employer of Natalie Moses (**Ms Moses**) from 26 March 2020;

Filed on behalf of (name & role of party) The Applicant, Natalie Moses
Prepared by (name of person/lawyer) Josh Bornstein and Imogen Szumer
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- j. registered by the **Commissioner** of the Australian Charities and Not-for-profits Commission (**ACNC**) as a charity under s 30.20 of the *Australian Charities and Not-For-Profits Commission Act 2012* (Cth) (**ACNFP Act**);
 - k. required to comply with governance standards and external conduct standards established by regulations made under the ACNFP Act;
 - l. an entity that employed persons who performed work for and on behalf of 'Hillsong Global Corporate Group', being a group of related entities variously domiciled in Australia, United States of America, and the United Kingdom, through which the religious and associated business activities of 'Hillsong' are conducted;
 - m. an entity that, by reason of its inclusion in the Hillsong Global Corporate Group, carries out the activities of 'Hillsong', being an international Christian Church established originally in Australia, with its original campus and hub based at 2 Century Circuit in Baulkham Hills in the State of New South Wales.
2. HILLSONG CHURCH is and was at all material times:
- a. a corporation incorporated under the *Corporations Act 2001* (Cth) as an Australian Public Company Limited by Guarantee;
 - b. capable of being sued by its registered name;
 - c. a trading corporation for the purposes of s 51(xx) of the Constitution;
 - d. a 'regulated entity' for the purposes of s 1317AAB of the *Corporations Act*
 - e. a 'constitutional corporation' for the purposes of s 12 of the *Fair Work Act 2009* (Cth) (**FW Act**);
 - f. a 'national system employer' for the purposes of s 14 of the FW Act insofar as it employs or usually employs individuals;
 - g. registered by the Commissioner of the Australian Charities and Not-for-profits Commission as a charity under s 30.20 of the ACNFP Act;
 - h. a company whose ultimate holding company was **HILLSONG CHURCH INC**, being an entity with EIN 81 313 6711.
3. HILLSONG CHURCH INC is and was at all material times:
- a. a foreign corporation registered in Texas in the United States of America;
 - b. owner of intellectual property in relation to 'Hillsong';
 - c. the ultimate holding company of various entities making up the 'Hillsong Global Corporate Group';

- d. responsible for global governance of 'Hillsong' churches and entities in the 'Hillsong Global Corporate Group'.
4. Ms Moses is, and was at all times whilst an employee of HILLSONG CITYCARE, a 'national system employee' for the purposes of s 13 of the FW Act.
 5. George **Aghajanian** is and was at all material times:
 - a. the General Manager for the 'Hillsong Global Corporate Group';
 - b. a director of HILLSONG CITYCARE;
 - c. a director of HILLSONG CHURCH INC;
 - d. an agent or officer of HILLSONG CITYCARE;
 - e. acting within the scope of his actual or apparent authority as an agent or officer of HILLSONG CITYCARE in relation to the matters detailed in this Statement of Claim;
 - f. a director of HILLSONG CHURCH;
 - g. an agent or officer of HILLSONG CHURCH;
 - h. acting within the scope of his actual or apparent authority as an agent or officer of HILLSONG CHURCH in relation to the matters detailed in this Statement of Claim.
 6. Peter Ross **Ridley** is and was at all material times:
 - a. the Chief Financial Officer for the 'Hillsong Global Corporate Group';
 - b. a company secretary of HILLSONG CHURCH INC;
 - c. a company secretary of HILLSONG CITYCARE;
 - d. an agent or employee of HILLSONG CITYCARE;
 - e. acting within the scope of his actual or apparent authority as an agent or employee of HILLSONG CITYCARE in relation to the matters detailed in this Statement of Claim;
 - f. responsible for determining, by himself or with others, the terms and conditions of employment afforded to Ms Moses;
 - g. a company secretary of HILLSONG CHURCH;
 - h. an agent or employee of HILLSONG CHURCH;

- i. acting within the scope of his actual or apparent authority as an agent or employee of HILLSONG CHURCH in relation to the matters detailed in this Statement of Claim.
7. Samantha **Kuswara** is and was at all material times:
 - a. a 'Workplace Relations Specialist' for the 'Hillsong Global Corporate Group';
 - b. an agent or employee of HILLSONG CITYCARE;
 - c. acting within the scope of her actual or apparent authority as an agent or employee of HILLSONG CITYCARE in relation to the matters detailed in this Statement of Claim;
 - d. an agent or employee of HILLSONG CHURCH;
 - e. acting within the scope of her actual or apparent authority as an agent or employee of HILLSONG CHURCH in relation to the matters detailed in this Statement of Claim.
8. Kirk **Morton** is and was at all material times:
 - a. a 'Risk & Compliance Manager' for the 'Hillsong Global Corporate Group';
 - b. an agent or employee of HILLSONG CITYCARE;
 - c. acting within the scope of his actual or apparent authority as an agent or employee of HILLSONG CITYCARE in relation to the matters detailed in this Statement of Claim;
 - d. an agent or employee of HILLSONG CHURCH;
 - e. acting within the scope of her actual or apparent authority as an agent or employee of HILLSONG CHURCH in relation to the matters detailed in this Statement of Claim.
9. Brian Charles **Houston** is the Founder of 'Hillsong' and was:
 - a. until August 2021:
 - (i) a director of HILLSONG CITYCARE;
 - (ii) a director of HILLSONG CHURCH;
 - (iii) a director of HILLSONG CHURCH INC;
 - b. until March 2022:
 - (i) Senior Global Partner of 'Hillsong';
 - (ii) an officer or agent of HILLSONG CITYCARE;

- (iii) acting within the scope of his actual or apparent authority as an officer or agent of HILLSONG CITYCARE in relation to the matters detailed in this Statement of Claim;
- (iv) an officer or agent of HILLSONG CHURCH;
- (v) acting within the scope of his actual or apparent authority as an officer or agent of HILLSONG CHURCH in relation to the matters detailed in this Statement of Claim;

B. Ms Moses' employment

10. On or about 25 March 2020, Ms Moses commenced employment with HILLSONG CITYCARE in the role of 'Fundraising & Governance Coordinator'.
11. Ms Moses' employment as a 'Fundraising & Governance Coordinator':
 - a. was on a part-time basis, being 15.2 ordinary hours per week;
 - b. was for a fixed-term to 22 January 2021;
 - c. involved her reporting to Ridley;
 - d. involved her working in the 'Finance' department;
 - e. involved her performing work on behalf of, for the benefit of, or in relation to various entities in the 'Hillsong Global Corporate Group';
 - f. involved her performing duties including:
 - (i) identifying ways to increase 'Hillsong's' donation revenue;
 - (ii) researching and preparing grant applications;
 - (iii) providing company secretary administration services to Ridley;
 - (iv) developing and managing governance and compliance assurance reports and procedures;
 - (v) ensuring entities in the 'Hillsong Global Corporate Group' complied with applicable policies and laws.
12. In her position as Fundraising & Governance Coordinator, Ms Moses had access to:
 - a. 'Governance Department' information, comprising all board papers, minutes of meetings and resolutions for an approximate period of 10 years for various companies in the 'Hillsong Global Corporate Group', constitutional documents and property holding information for entities across the 'Hillsong Global Corporate Group';

- b. Finance Department folders and information, including information about budgets, financial statements, financial transactions and donation information for companies throughout the world in the 'Hillsong Global Corporate Group'.
13. On or about 20 April 2020, Ms Moses' ordinary weekly hours were increased to 22.8.
14. On or about 25 May 2020, Ms Moses' position as the 'Financial and Governance Coordinator' became a full-time position.
15. Ms Moses' full-time position as the 'Fundraising & Governance Coordinator':
- a. required her to report to Ridley;
 - b. involved her having additional responsibilities in relation to fundraising, research, company secretary administration and assessing compliance with 'Hillsong Global Corporate Group' policies and procedures;
 - c. involved her having responsibilities for 'Assurance' including developing and managing Governance Compliance and Assurance reports and procedures, including policy adherence and internal charter compliance, amongst other things, for entities across the 'Hillsong Global Corporate Group'.
16. On or about 23 January 2021, Ms Moses' was allocated the role of 'Stewardship Manager' which involved her in addition to her current duties being required to, amongst other things:
- a. manage the donation income reporting and intelligence for Australian entities in the 'Hillsong Global Corporate Group';
 - b. develop, test and implement strategies to increase donor engagement and development;
 - c. research, develop, test, implement and/or advise on strategies and tactics to grow donation revenue.

C. Policies, procedures and workplace rights

17. At all material times, HILLSONG CITYCARE had a 'Whistleblower Policy' which, amongst other things:
- a. applied, amongst other persons, to employees such as Ms Moses;
 - b. permitted disclosures about 'disclosable matters' which were defined to include conduct that was 'misconduct' or 'illegal conduct', conduct in breach of the

Corporations Act, offences against Commonwealth law, and improper states of affairs or circumstances, amongst other things;

- c. provided that disclosures should be made in the first instance to persons within 'Hillsong' including Ridley;
- d. provided that disclosures could be made to the Australian Securities and Investments Commission (**ASIC**) or the ACNC, amongst other persons or government bodies;
- e. prohibited a person engaging in conduct that caused detriment to a person who is believed or suspected to have made or to make a valid disclosure where the belief or suspicion is the reason (in whole or in part) for the detrimental conduct.

Particulars

A copy of the 'Whistleblower Policy' is available for inspection on request.

- 18. In the circumstances detailed in paragraph 17 above, Ms Moses had a 'workplace right' for the purposes of s 341(1)(c)(ii) of the FW Act as she was able to make a complaint in relation to her employment under the 'Whistleblower Policy'.
- 19. At all material times, HILLSONG CITYCARE had a 'Personal Grievance Policy' which, amongst other things:
 - a. applied, amongst other persons, to employees such as Ms Moses;
 - b. provided that employees were to report grievances, if those grievances could not be resolved with the person or persons who were causing the grievance, to a 'Contact Person' who was to attempt to resolve the grievance;
 - c. provided that if the grievance were not able to be resolved by the Contact Person, it would be investigated with findings being made and recommendations being made about the grievance.

Particulars

A copy of the 'Personal Grievance Policy' is available for inspection on request

- 20. In the circumstances detailed in paragraph 19 above, Ms Moses had a 'workplace right' for the purposes of s 341(1)(c)(ii) of the FW Act as she was able to make a complaint in relation to her employment under the 'Personal Grievance Policy'.
- 21. At all times whilst she was an employee of HILLSONG CITYCARE, Ms Moses was:
 - a. able to make complaints to the Commissioner or a member of the staff assisting the Commissioner about HILLSONG CITYCARE and the compliance of other

Australian entities in the 'Hillsong Global Corporate Group' 'with their obligations under the ACNFP Act;

- b. entitled to have such complaints treated as 'protected ACNC information' for the purposes of s 150.15 of the ACNFP Act.
22. In the circumstances detailed in paragraph 21 above, Ms Moses had a 'workplace right' for the purposes of s 341(1)(c)(ii) of the FWA Act as she was able to make a complaint in relation to her employment to the Commissioner or a member of the staff assisting the Commissioner.
 23. At all times whilst she was an employee of HILLSONG CITYCARE, Ms Moses was:
 - a. able to make disclosures of information to 'eligible recipients' under s 1317AAC of the *Corporations Act* in relation to HILLSONG CITYCARE and/or other Australian body corporates in the 'Hillsong Global Corporate Group' if she had reasonable grounds to suspect that the information concerned misconduct or an improper state of affairs or circumstances in relation to HILLSONG CITYCARE and/or those other entities;
 - b. entitled to the protections provided by ss 1317AAE-AC of the *Corporations Act* in relation to any disclosure of information to eligible recipients as defined by s 1317AAC of the *Corporations Act*.
 24. In the circumstances detailed in paragraph 23 above, Ms Moses had:
 - a. a 'workplace right' for the purposes of s 341(1)(a) of the FW Act as she was entitled to the benefit of the provisions of Part 9.4AAA of the *Corporations Act*;
 - b. a 'workplace right' for the purposes of s 341(1)(c)(ii) of the FWA Act as she was able to make a complaint in relation to her employment to an entity or person that was an 'eligible recipient' under s 1317AAC of the *Corporations Act*.

D. Events leading to the dispute

25. In or about June 2020, Ms Moses was required to commence managing a governance project to ensure all Australian entities within the 'Hillsong Global Corporate Group' were complying with the external conduct standards made under the ACNFP Act.
26. In or about mid-2020, Houston announced that \$10,000 would be given to persons who were his former interns and who had sought to start a 'Hillsong' Church in Bucharest, Romania.

27. Following Houston's announcement, Ms Moses informed Ridley that under the external conduct standards made under the ACNFP Act, no Australian entity in the 'Hillsong Global Corporate Group' 'could send cash to individuals in Romania.
28. Ridley informed Ms Moses that the moneys referred to in paragraphs 26-27 above would be transferred to assist in establishing a church in Budapest.
29. Ms Moses was then informed by Catherine **Thambaratnam**, the Head of Social Justice for the 'Hillsong Global Corporate Group' and Andrew **Hempfling**, the Treasurer for 'the Hillsong Global Corporate Group' that they were uncomfortable transferring the money as this would be contrary to the external conduct standards.
30. Ms Moses informed Ridley of Thambaratnam and Hempfling's concerns and Ridley caused the moneys to be transferred from the United States of America based bank account of Hillsong Global LLC, with EIN 47 401 2825, with the effect of avoiding the need for compliance with external conduct standards made under the ACNFP Act.
31. In or about early 2021, Ms Moses became progressively more concerned about entities in the 'Hillsong Global Corporate Group' having non-compliance and risk issues relating to financial management and governance, including entities failing to have and implement charters with HILLSONG CHURCH INC, and Australian entities failing to ensure activities in the Asia-Pacific region complied with external conduct standards made under the ACNFP Act.
32. On or about 25 March 2021, Ms Moses provided the directors of HILLSONG CHURCH and the directors of HILLSONG CHURCH INC with a briefing note on compliance with external conduct standards under the ACNFP Act which provided, amongst other things, that:
 - a. 18 entities were registered with the ACNC;
 - b. each of these needed to be in compliance with the external conduct standards made under the ACNFP Act;
 - c. compliance with the external conduct standards was a legal requirement for entities registered under the ACNFP Act;
 - d. operational changes were required that were likely to result in enhanced compliance including, amongst other things, that:
 - (i) all travel should be booked via the official booking system to ensure that reports can be produced;
 - (ii) binding third-party partnership agreements should be entered into with third parties before Hillsong entities provide resources to them;

- (iii) a formal vetting and approval of third-party partners should be implemented;
 - (iv) Hillsong global churches, Hillsong churches in the Asia-Pacific and Hillsong entities in the United States of America should be classified as third parties and memorandums of understanding should be entered into with them to ensure the use of resources for specific purposes occurs;
 - (v) a formal system for recording and managing conflicts of interest should be established.
33. On or about 6 May 2021, Ms Moses gave a presentation to departmental heads for the 'Hillsong Global Corporate Group' in relation to external conduct standards compliance and detailed that changes were required to meet external conduct standards including not booking travel on credit cards or sending money overseas.
34. During the presentation referred to in paragraph 33 above, Ridley said there were ways to get around external conduct standard requirements.
35. On or about 18 June 2021, Ridley sent an email to, amongst other persons, Ms Moses, requesting a discussion about the possibility of all payments from Australian ACNC-registered entities in the 'Hillsong Global Corporate Group' payments for overseas entities being sent from the United States of America based bank account of Hillsong Global LLC until Australian entities in the 'Hillsong Global Corporate Group' had external conduct standard compliance programs in place.
36. In or about mid-2021, Houston announced during a fundraising campaign that personal protective equipment worth approximately \$3,500,000 had been donated to the Hillsong Foundation Trust, a trust with ABN 98 060 671 646, and would be provided to Vision Rescue India to assist in managing the Covid-19 pandemic in India.
37. Ridley was allocated responsibility for ensuring that the personal protective equipment was provided to Vision Rescue India.
38. In or about mid-2021, Ridley informed Ms Moses that Kylee **Tranter** and Leonie Quayle, who worked in administrative and governance roles, were delaying sending the personal protective equipment to Vision Rescue India to ensure compliance with external conduct standards.
39. Ridley devised a system with the assistance of Ms Moses by which Australian entities in the 'Hillsong Global Corporate Group' were dissociated from the transfer of personal protective equipment to Vision Rescue India, with the effect of avoiding the need for compliance with external conduct standards made under the ACNFP Act.

The mechanism involved moneys being transferred from the United States of America based bank account of Hillsong Global LLC to Vision Rescue India's United States of America bank account to pay for freight costs associated with the transportation of the personal protective equipment without the involvement of any Australian entity in the 'Hillsong Global Corporate Group'.

40. On 29 July 2021, the 'Overseas Operations Policy' was approved by the board of HILLSONG CHURCH and the board of HILLSONG CHURCH INC.

Particulars

The Overseas Operations Policy applies to all Australian entities within 'Hillsong Global Corporate Group' and addresses matters including external conduct standards compliance.

41. In or about early March 2022, Darren **Kitto** and Phil **Dooley**, who were directors of HILLSONG CHURCH and Senior Pastors, publicly announced at Sydney based 'Hillsong' church services that a fundraising appeal would be established to assist the Hillsong Kyiv Church in Ukraine following the Russian invasion and sought donations from Australian congregation members.
42. Ms Moses formed the view that Kitto and Dooley's announcements may mean that fundraising would occur in circumstances where moneys raised could not be sent to the intended recipients consistently with the external conduct standards.
43. Ms Moses informed Ridley of the concern detailed in paragraph 42 above and under Ridley's direction Ms Moses and other members of the Finance department arranged for donations from Australians to be directed into the United States of America based bank account of Hillsong Foundation LLC (EIN 27 4235805), which would arrange for the moneys to be sent to Ukraine so as to avoid compliance with the external conduct standards.
44. In or about early 2022, 'Hillsong Global Corporate Group entities in Australia commenced offering tax deductions for donations to be made to the 'Hillsong Foundation Trust' for the purposes of renovating a facility known as 'Festival Hall' which was owned by Community Venues Ltd.

Particulars

Community Venues Ltd was a public company limited by guarantee and incorporated under the *Corporations Act* with ACN 640 640 035. Its directors were the same as the directors of HILLSONG CHURCH and HILLSONG CITYCARE. Ridley was a company secretary of Community Venues Ltd. Community Venues Ltd was a charity registered under the ACNFP Act.

45. On or about 7 March 2022, Ms Moses informed Ridley during a telephone call, amongst other things, that:
- a. 'Hillsong' was putting itself at risk by stating that such donations were tax deductible and that a smart journalist could work this out and that this was unethical and fraudulent;
 - b. offering tax deductions for donations to build Festival Hall was fraudulent as such donations were not properly tax deductible;
 - c. using 'Hillsong Media and Performing Arts Ltd', a body corporate with ACN 454 866 058, which was registered as a cultural fund, as a conduit to funnel money to other Hillsong entities was fraudulent;
 - d. the 'Hillsong Foundation Trust' could not give tax deductible receipts for donations that were specified as being for 'Hillsong Channel LLC, a body corporate with EIN 45 5403209;
 - e. Hillsong had not publicly announced that around funds of \$2,000,000 of 'Hillsong Foundation Trust' are given each year to 'Hillsong **College** Ltd' (ABN 84 617 111 592) and the College did not make such payments back in rent, meaning the College was being used as a conduit to funnel tax deductible donation funds to other entities in circumstances where these donations were not properly tax deductible;
 - f. it was unethical and illegal for the board of HILLSONG CHURCH to have approved the use of tax deductible donations given to 'Hillsong Foundation Trust' in 2022 to cover the church's \$9,000,000 deficit;
 - g. it could be considered fraudulent and a lie that Houston had announced publicly that 'Hillsong' used designated funds that could not be used for anything else to purchase Festival Hall when in fact the funds used to purchase Festival Hall were loaned by the 'Hillsong Foundation Trust' to Community Venues Ltd in circumstances where those funds were not otherwise designated for Festival Hall and the loan was unlikely to be compliant with the ACNC Governance Standards.
46. During the telephone call detailed in paragraph 45 above, Ridley became angry and dismissive and said he just did not understand what Ms Moses' problem was.
47. In or about mid-March 2022, 'Hillsong' was subject to adverse negative publicity, including:
- a. it was revealed that Houston had engaged in alleged sexual misconduct with two women who had been paid money in relation to Houston's conduct which led to

Houston resigning as a director of various companies associated with 'Hillsong' and as the Senior Global Pastor;

- b. a documentary entitled 'Hillsong—A Mega Church Exposed' was released alleging that Houston and other senior members of 'Hillsong' had covered up sexual abuse by Houston's father Frank Houston.
48. In or about late March 2022, Tranter resigned her employment and her role as Manager—Governance, Financial Compliance and Company Secretarial, and her duties were transferred to Ms Moses on a temporary basis.
49. In or about late March 2022, the ACNC commenced an investigation into compliance by the following Australian entities in the 'Hillsong Global Corporate Group' with governance and external conduct standards as required by the ACNFP Act:
- a. Hillsong Church Ltd (ABN 37 002 745 879);
 - b. Hills Christian Life Centre Pty Ltd (ACN 074 657 935);
 - c. The Hillsong Church Australia Trust (ABN 73 640 782 059); and
 - d. The Hillsong International Trust (ABN 81 254 249 210).
50. In or about late March 2022, Ridley requested that Ms Moses take responsibility for managing internal preparations for the response of the entities detailed in paragraph 49 above to the ACNC investigation.
51. On or about 29 March 2022, a Finance Department Key Team Meeting occurred which Ms Moses attended, during which:
- a. Ridley informed participants that the ACNC was conducting an investigation;
 - b. Ridley said that God would protect 'Hillsong' during the investigation as 'God protects the righteous and Hillsong is the righteous';
 - c. Ridley asked if there were recent examples of Australian entities in the 'Hillsong Global Corporate Group' sending cash payments overseas or if such payments were going to occur soon;
 - d. Tirza **Graciella**, the Financial Comptroller, said that one such a payment was shortly be sent from HILLSONG CHURCH to Hillsong Global LLC representing 5% of HILLSONG CHURCH's income;
 - e. Ridley instructed Graciella not to make the payment but to off-set it against money owing that would otherwise have been transferred from Hillsong Global LLC to HILLSONG CHURCH, the consequence of this was that there was no

record of any cash payment from HILLSONG CHURCH to the United States of America;

- f. Graciella said that HILLSONG CHURCH had sent money to the bank account of the Pastor responsible for 'Hillsong Tokyo' during the current financial year and Ridley instructed her to reverse that payment as a 'transaction error' and make the same payment from the bank account of Hillsong Global LLC (EIN 47 401 2825).
52. Following the meeting referred to in paragraph 51 above, Ms Moses:
- a. researched the Whistleblower Policy' to assess whether she could disclose matters of concern about 'Hillsong Global Corporate Group' entities' compliance with governance and external conducts standards but determined not to make a disclosure to a 'disclosure officer' nominated under the Policy, given that such officers included Ridley;
 - b. contacted the ACNC anonymously to inquire about making a whistleblower disclosure and was advised to obtain independent legal advice;
 - c. determined not to make a whistleblower disclosure to the ACNC as she hoped the 'Hillsong Global Corporate Group' entities would be required to address governance and external conduct standard as a result of the ACNC investigation.
53. On or about 31 March 2022, the ACNC corresponded further with Australian entities in the 'Hillsong Global Corporate Group' noting the obligations of those entities to comply with ACNC governance standards and external conduct standards.

Particulars

The entities included:

- a. Hillsong International Foundation Trust (ABN: 15170447134);
 - b. Hillsong International Ltd (ABN: 90615507894);
 - c. Hillsong College Ltd;
 - d. HC Australia Property Trust (ABN: 58280825822);
 - e. HILLSONG CHURCH; and
 - f. Hillsong Foundation Trust.
54. From in or about late March 2022 to June 2022, Ms Moses was directed to investigate compliance by the entities and trusts detailed in paragraphs 49 and 53 above with governance and external conduct standards under the ACNFP Act to ascertain what

action was required to protect those entities from adverse investigation findings including in relation to:

- a. conflicts of interest amongst directors;
- b. private benefits conferred on directors and their family members;
- c. related party transactions;
- d. overseas payments;
- e. payments to guest speakers via honorariums;
- f. overseas travel and exorbitant travel costs incurred for overseas and domestic travel; and
- g. overseas activities

55. As a result of conducting her investigation, Ms Moses formed the view that the following matters were either contrary to the requirements imposed on the entities and trusts set out in paragraph 49 above to operate as charities, and/or involved impropriety:

- a. The 'Hillsong International Trust' paid artists who were classified as 'Pastors' and received half of their salaries tax free while those artists also received millions of dollars in royalties from sales of music;
- b. a number of directors of HILLSONG CHURCH were Pastors who were paid full time salaries but also received substantial cash honorariums for speaking engagements conducted in their roles as Pastors for HILLSONG CHURCH;
- c. moneys were being transferred between entities in the 'Hillsong Global Corporate Group' with little, to no, discussion of what was in the best interests of those entities;
- d. significant gifts were made to directors of companies in the 'Hillsong Global Corporate Group' and their families and friends.

56. On 2 May 2022, Ms Moses and Ridley exchanged emails during which, amongst other things:

- a. Ms Moses noted she had previously raised concerns about declaring conflicts of interest in board meetings;
- b. Ms Moses said she was particularly concerned about the implementation of policy across all global churches;
- c. Ms Moses detailed that global lead Pastors were being paid to work full-time and were also being paid personal honorariums for speaking engagements conducted in their roles as Pastors;

- d. Ms Moses said that a competitive grants program needed to be established for use of Hillsong Foundation Trust funds due to significant conflicts of interest;
- e. Ms Moses suggested that the scope of her internal compliance audit needed to be broadened to consider conduct involving senior executives in the organisation, including close friends of Houston;
- f. Ridley said he would prefer to be discussing such matters in their planned meetings before committing them to email.

Particulars

A copy of this email correspondence is available for inspection on request.

- 57. In or about mid-May 2022, the entities detailed in paragraph 49 above hired former ACNC Deputy Commissioner Murray **Baird** to assist them in the ACNC investigation including in relation to advising and representing them in their engagements with the ACNC.
- 58. On or about 16 May 2022, the ACNC provided the entities detailed in paragraph 49 above with a list of questions that were required to be answered at a meeting in-person with the ACNC on 30 May 2022.
- 59. On or about 17 May 2022, at a staff meeting attended by Ms Moses, Tim **Whincop**, the In-house Legal Counsel for the 'Hillsong Global Corporate Group' made a sexist joke which implied he wished for his mother-in-law to be beaten to death.
- 60. On or about 19 May 2022, at a lunch Ms Moses and Whincop attended, Ms Moses said she would submit a grievance about Whincop's joke under the Personal Grievance Policy and Whistleblower Policies.
- 61. On or about 20 May 2022, Whincop and Ms Moses exchanged emails during which:
 - a. Whincop apologised for the joke he had told;
 - b. Ms Moses said that the joke had unsettled her due to the male-dominated culture at Hillsong where she did not feel equal to men and was never going to have equal access to opportunities;
 - c. Ms Moses said that leaders should take accountability when they made a mistake, repent and make a sincere effort to do better;
 - d. Ms Moses said that the problem that will continue to affect trust amongst staff is that the board and executive covered up the conduct of Houston and never took full accountability for the cover up;
 - e. Ms Moses said that a cover-up is often worse than the crime;

- f. Ms Moses said that until key people openly apologise and repent to the staff and demonstrate that they understand they made the wrong choices, it was going to be difficult for staff to trust them.

Particulars

A copy of this email correspondence is available for inspection on request

62. On or about 20 May 2022, Ms Moses emailed Ridley proposed answers to the ACNC's questions, including a note to Ridley that she remained concerned about the transfer of money between various entities in the 'Hillsong Global Corporate Group' without consideration of whether such transfers were in the best interests of the transferring entity and without recording any such consideration in the minutes of relevant board meetings.

Particulars

A copy of this email correspondence is available for inspection on request.

63. On or about 25 May 2022, Ms Moses spoke by telephone with Ridley prior to the meeting with the ACNC scheduled for 30 May 2022, during which:
- a. Ridley asked Ms Moses about two transactions between two Australian entities in the 'Hillsong Global Corporate Group' to entities in the United States of America in 2019 and 2020, which he had raised previously with her as transactions of concern for the ACNC investigation;

Particulars

These transactions involved money going from Hillsong College Ltd to Hillsong College LLC and money going from HILLSONG CHURCH to Hillsong Channel LLC.

- b. Ridley asked Ms Moses to help him come up with a story that would be acceptable to the ACNC;
- c. Ms Moses said she was not comfortable coming up with lies to tell the ACNC;
- d. Ridley told Ms Moses an independent consultant named Graeme Kirkwood engaged by the entities and trusts referred to in paragraph 49 above had told him he was concerned that the ACNC might find something and handball the matter to the Australian Taxation Office;
- e. Ms Moses raised concerns she had about large tax-free honorariums being paid to 'Hillsong Global Corporate Group' board directors and Senior Pastors when speaking at Hillsong churches globally, which she had discovered during her internal audit;

- f. Ms Moses said she thought such a practice was inappropriate and Ridley said that he could not see anything wrong with it;
 - g. Ms Moses said she had discovered large cash gifts and designer gifts that were provided to Houston and his family, friends, board directors and their family members;
 - h. Ms Moses asked Ridley why instead of lying and covering everything up, they didn't just fix the issues;
 - i. Ms Moses said Ridley should be honest with Baird.
64. On 26 May 2022, Ms Moses emailed Ridley and Morton detailing that:
- a. they should be prepared to answer questions about HILLSONG CHURCH'S direct involvement in and funding of Hillsong churches in the Asia-Pacific region;
 - b. those churches were marked as falling under the remit of HILLOSNG CHURCH INC on the organisational chart but should be shown on the Australian organisational chart as they reported to HILLSONG CHURCH and HILLSONG CHURCH was responsible for activities in relation to the Asia-Pacific Churches complying with the external conduct standards made under the ACNFP Act;
 - c. it was possible the ACNC had evidence that those churches were under the remit of HILLSONG CHURCH and not HILLSONG CHURCH INC;
 - d. Ridley should be mindful that ACNC might know about his involvement with other entities in the 'Hillsong Global Corporate Group' other than the Australian entities.

Particulars

A copy of this email correspondence is available for inspection on request.

65. On or about 30 May 2022, following the meeting between ACNC representatives and representatives of the entities detailed in paragraph 49 above, Ridley had a telephone conversation with Ms Moses during which:
- a. Ridley said he had answered everything in the ACNC meeting as Ridley had discussed with Moses and Ridley had told the ACNC that they did not send money overseas and therefore had no overseas obligations or external conduct standards obligations and that small amounts of moneys sent overseas were to purchase services;
 - b. Ms Moses said that she had told him the ACNC could easily disprove such things if they got a copy of board resolutions and Ridley's lying could bite him in the butt.

66. On 7 June 2022, a fortnightly Finance Department Key Team Meeting was held, which Ridley and Ms Moses attended, and during which Ridley said the ACNC had transcribed the entire 30 May 2022 meeting and would send a transcript to him to verify.
67. On 7 June 2022, Ms Moses spoke with Morton, during which conversation:
- a. Ms Moses said she had found out that the ACNC had transcribed the 30 May 2022 meeting including Ridley lying on record and asked Morton if he was concerned;
 - b. Morton asked about what Ms Moses was referring to;
 - c. Ms Moses said that Ridley had told the ACNC that Australian entities in the 'Hillsong Global Corporate Group' had no overseas activities at all and that Ms Moses was concerned because 'Hillsong' Asia-Pacific churches fall under the remit of HILLSONG AUSTRALIA;
 - d. Ms Moses further said that Ridley had told the ACNC that Australian entities in the 'Hillsong Global Corporate Group' have nothing to do with entities in the United States of America in the 'Hillsong Global Corporate Group', however the ACNC could find out that Australian staff manage all of the American entities;
 - e. Ms Moses further said that Ridley had told the ACNC that overseas payments made by Australian entities were for the purchase of services from American entities, but that the Australian entities described those payments internally as donations;
 - f. Morton said in a dismissive tone that those were just accounting terms used to describe payments under the Accounting Standards and he had more urgent things at the moment.
68. On 9 June 2022, Whincop called Ms Moses and told her he had been forwarded an email from her to Morton and Ridley on 26 May 2022 and that her concerns about external conduct standards compliance for activities in the Asia-Pacific were not valid.
69. On or about 10 June 2022, Ms Moses discovered that her access to share files which she utilised for the purposes of performing her work in relation to the ACNC investigation had been removed, as had her access to emails in the Company Secretary mailbox.
70. On 10 June 2022, Ridley cancelled his regular fortnightly meeting with Ms Moses.
71. On or about 14 June 2022, Ms Moses discovered that her access to point files via the Finance SharePoint site was not working, which she required access to in order to complete her weekly report to Ridley.
72. At or around 10AM on 14 June 2022, Kuswara informed Ms Moses that:

- a. she was being investigated for downloading confidential work files;
 - b. this was a serious matter;
 - c. she had to attend a meeting with Kuswara and Ridley at 4PM that day;
 - d. she was to bring her laptop to the meeting.
73. At or around 4PM on 14 June 2022, Ms Moses attended a meeting with Kuswara and Ridley, with Glen Moses present as Ms Moses' support person during which:
- a. Kuswara and Ridley said they were concerned Ms Moses had downloaded some 40,000 confidential work files over the past few months;
 - b. Kuswara and Ridley said were concerned Ms Moses had breached Hillsong's IT Governance Policy;
 - c. Ms Moses said she downloaded confidential documents on a daily basis as this was to enable her to perform the main aspect of her job;
 - d. Ridley said that 'Hillsong' was in heightened times and had to be extra vigilant because of all the scrutiny it was facing from the media and had to be careful for media leaks;
 - e. Ridley asked if anyone external to 'Hillsong' had approached her for information, to which she replied 'no';
 - f. Kuswara and Ridley said that Ms Moses was being suspended while they conducted an examination of her computer and that she would have no access to her work emails or documents.
74. On or about 15 June 2022, Ridley informed staff employed to work for the 'Hillsong Global Corporate Group' that Ms Moses was taking personal leave.
75. On or about 16 June 2022, Kuswara emailed Ms Moses threatening that she would take her to the local police as she had not returned a further laptop issued to her.

Particulars

A copy of this email is available for inspection on request.

76. On or about 17 June 2022, Ms Moses submitted a grievance via the grievance IT portal 'I-Sight' as per the Personal Grievance Policy complaining that she was being victimised because she had exercised a workplace right to raise concerns and because she was suspected of being a whistle-blower or a potential whistle-blower.

Particulars

A copy of this submission is available for inspection on request. Ms Moses' grievance detailed, amongst other things, that whilst she had said she had no present intention of being a formal whistle-blower to an external party, that was not to say she had not previously or currently sought legal advice about blowing the whistle against 'Hillsong' or that she was not now intending to submit disclosures to relevant authorities if necessary. Ms Moses' grievance raised concerns, amongst other things, about Ridley, Whincop and Morton.

77. On or about 17 June 2022, Ms Moses emailed Kuswara detailing that she had submitted a formal grievance.

Particulars

A copy of this email is available for inspection on request.

78. On 20 June 2022, Kuswara emailed Ms Moses at 9:41AM and attached a letter that directed Ms Moses to attend a meeting with Ridley and Aghajanian at 3:30PM that afternoon or to provide a written response to matters raised in the correspondence.

Particulars

A copy of this email and attached letter is available for inspection on request.

79. On 20 June 2022, Kuswara emailed Ms Moses directing her to attend a rescheduled meeting with Aghajanian and herself at 4:00PM on 21 June 2022.

Particulars

A copy of this email is available for inspection on request

80. On 21 June 2022, Ms Moses elected not to attend the meeting with Kuswara and Aghajanian but to respond to Kuswara in writing.
81. On 21 June 2022, Ms Moses emailed Kuswara and provided an initial written response to the letter referred to in paragraph 78 herein.

Particulars

A copy of this email is available for inspection on request

82. On 27 June 2022, Ms Moses submitted a further written statement in relation to the investigation into her conduct to Kuswara, Ross McDougall, an internal lawyer engaged by HILLSONG CHURCH, and John Mays, the Head of People and Development.

Particulars

A copy of Ms Moses' statement is available for inspection on request.

83. On 28 June 2022, Jess Fisher, Executive Counsel from FCB Workplace Lawyers contacted Ms Moses detailing that she had been appointed to investigate allegations she had raised about the conduct of Hillsong Church and some of its staff.

Particulars

A copy of Ms Fisher's email is available for inspection on request.

84. On 12 July 2022, Ms Moses participated in an interview with Ms Fisher in relation to Ms Moses' grievance.
85. By reason of Ms Moses being suspended and not otherwise receiving any communication from the 'Hillsong Global Corporate Group', Ms Moses has experienced upset, distress and anxiety.

E. Unlawful adverse action

86. By the conduct detailed in paragraphs 69-75 above and/or the matters detailed in paragraph 84 above, HILLSONG CITYCARE took adverse action against Ms Moses for the purposes of Items 1(b) and/or (c) of s 342(1) of the FW Act by injuring her in her employment and/or altering her position to her prejudice by:
- a. removing her access to files and materials required of her to perform the requirements of her position such that she could not properly perform the roles and functions of her position; and/or
 - b. commencing and continuing an investigation into her conduct without proper basis; and/or
 - c. suspending her from her employment and denying her the ability to perform work and receive the non-pecuniary benefits of work; and/or
 - d. making her employment less secure;
 - e. causing her reputational harm within the 'Hillsong Global Corporate Group'; and/or
 - f. causing her upset, distress and anxiety.
87. HILLSONG CITYCARE took the adverse action described in paragraph 86 above for a reason or for reasons that included one or more of the following reasons:
- a. Ms Moses had a workplace right to make a complaint about her employment under the 'Whistleblower Policy'; and/or

- b. Ms Moses had a workplace right to make a complaint in relation to her employment to the Commissioner or a member of the staff assisting the Commissioner; and/or
- c. Ms Moses had a workplace right to make a complaint in relation to her employment to an 'eligible recipient' for the purposes of s 1317AAC of the *Corporations Act*; and/or
- d. to prevent Ms Moses from making a complaint about her employment in relation to the governance and/or improper conduct and/or improper practices of companies associated with 'Hillsong'.

88. In the circumstances, HILLSONG CITYCARE contravened:

- a. s 340(1)(a) of the FW Act; and/or
- b. s 340(1)(b) of the FW Act.

F. Accessorial liability for HILLSONG CITYCARE's contravention

89. Ridley was aware that the substantial and operative reasons for the adverse action taken against Ms Moses included one or more of the reasons detailed in paragraphs 86-87 above.

90. By his conduct in:

- a. deciding to conduct an investigation into Ms Moses; and/or
- b. implementing the decision to conduct an investigation into Ms Moses; and/or
- c. deciding to stand Ms Moses down; and/or
- d. implementing the decision to stand Ms Moses down,

Ridley associated himself with the investigation into Ms Moses and/or the standing down of Ms Moses or was otherwise practically involved or implicated in the investigation and/or stand down.

91. In the circumstances detailed in paragraphs 89-90 above, Ridley was directly or indirectly knowingly concerned in or a party to HILLSONG CITYCARE's contraventions of ss 340(1)(a) and/or 340(1)(b) of the FW Act for the purposes of s 550(2)(c) of the FW Act.

92. In the circumstances, Ridley is taken by s 550(1) to have contravened ss 340(1)(a) and/or 340(1)(b) of the FW Act.

93. By operation of s 793 of the FW Act, Ridley's conduct and his state of mind in relation to his conduct are taken to have been HILLSONG CHURCH's.
94. In the circumstances, HILLSONG CHURCH contravened ss 340(1)(a) and/or 340(1)(b) of the FW Act.

G. Victimization contrary to Part 9AAA of the *Corporations Act*

95. In the circumstances detailed in paragraph 86 above, HILLSONG CITYCARE engaged in conduct that:
- a. caused injury of Ms Moses in her employment for the purposes of s 1317ADA(b) of the *Corporations Act*; and/or
 - b. altered her position to her disadvantage for the purposes of s 1317ADA(c) of the *Corporations Act*;
 - c. caused psychological harm to Ms Moses for the purposes of s 1317ADA(f) of the *Corporations Act*.
96. HILLSONG CITYCARE engaged in the conduct detailed in paragraph 95 above as it believed or suspected that Ms Moses may have made, proposed to make, or could make a disclosure that qualified for protection under Part 9AAA of the *Corporations Act*.
97. HILLSONG CITYCARE's belief or suspicion that Ms Moses may have made, proposed to make, or could make a disclosure that qualified for protection under Part 9AAA of the *Corporations Act* was the reason or part of the reason for engaging in conduct described in paragraph 85 above which caused detriment to Ms Moses.
98. In the circumstances, HILLSONG CITYCARE contravened s 1317AC(1) of the *Corporations Act*.

H. Relief

99. Ms Moses seeks the relief set out in the Originating Application

Date: 9 August 2022



Signed by Josh Bornstein
Lawyer for the Applicant

Certificate of lawyer

I Josh Bornstein certify to the Court that, in relation to the statement of claim filed on behalf of the Applicant, the factual and legal material available to me at present provides a proper basis for each allegation in the pleading.

Date: 9 August 2022

A handwritten signature in black ink, appearing to be 'JB' with a flourish extending to the right.

Signed by Josh Bornstein
Lawyer for the Applicant