



**Royal Commission**  
into Institutional Responses  
to Child Sexual Abuse

# REPORT OF CASE STUDY NO. 10

The Salvation Army's handling  
of claims of child sexual abuse  
1989 to 2014

JUNE 2015

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The Salvation Army's handling of claims  
of child sexual abuse 1989 to 2014

June 2015

## COMMISSIONERS

The Hon. Justice Peter McClellan AM  
Mr Robert Fitzgerald AM  
Professor Helen Milroy



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# Preface

## The Royal Commission

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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 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 was 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 that 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 that 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 that 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](http://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 that 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. At 5 June 2015, the Royal Commission had held 3541 private sessions and 1545 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

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### The Salvation Army's response to claims of abuse

This is the report of the public hearing that examined the response of The Salvation Army (Eastern Territory) to claims of child sexual abuse by officers and employees of The Salvation Army.

The Salvation Army operates through two 'Territories' in Australia. The Eastern Territory is responsible for New South Wales, Queensland and the Australian Capital Territory (ACT). The Southern Territory is responsible for remaining states and the Northern Territory. For ease of reference in this case study we have used the term 'The Salvation Army' to mean the Eastern Territory of The Salvation Army. The history and structure of The Salvation Army is set out in Case Study 5.

The scope and purpose of the hearing was:

- The policies, practices and procedures of The Salvation Army (Eastern Territory), between 1993 and 2014, for responding to claims of child sexual abuse at children's homes it operated or elsewhere.
- The application and adequacy of these policies, practices and procedures between 1993 and 2014.
- The experience of people who made complaints to The Salvation Army (Eastern Territory) between 1993 and 2014.
- The policies, practices and procedures between 1989 and 2014 concerning the disciplining of officers of The Salvation Army (Eastern Territory) who were the subject of allegations of child sexual abuse.
- Any other related matters.

## Executive summary

This case study followed the earlier public hearing about The Salvation Army that considered the response of The Salvation Army to allegations of child sexual abuse in four boys' homes that it operated in New South Wales and Queensland. They were:

- Gill Memorial Home in Goulburn, New South Wales (Gill)
- Bexley Boys' Home in Bexley, New South Wales (Bexley)
- Riverview Training Farm (also known as Endeavour Training Farm) in Riverview, Queensland (Riverview)
- Alkira Salvation Army Home for Boys in Indooroopilly, Queensland (Indooroopilly).

Some of the former residents of those homes who gave evidence in Case Study 5 on The Salvation Army also gave evidence as claimants in this case study.

This case study was not limited to boys who were abused in the four boys' homes. It included a number of male and female claimants who said that officers in Salvation Army 'corps' had sexually abused them. A 'corps' is a division of The Salvation Army based at a local Salvation Army church.

This case study looked at a number of claims from different perspectives. The first set of claims proceeded through The Salvation Army's detailed process for responding to claims of sexual and other abuse. The claims we looked at were lodged with The Salvation Army in the period 2005 to 2013.

Some further claims raised specific issues for consideration. In section 3 of this report we look at Mr Ralph Doughty's claim. In 1993 Mr Doughty made a claim of abuse at a Salvation Army home. The claim was not resolved to Mr Doughty's satisfaction. The claims process commenced afresh in 2005 but was not resolved until litigation was commenced and the claim was mediated to conclusion in 2013.

In section 4 we look at the claims of JG and JD. Their claims raised important issues about how claims were handled in 1992 and what happened when criminal proceedings were involved. In 2005 both claimants went through the claims process and sought an apology for the manner in which the 1992 claims had been handled.

In section 5 we consider allegations of sexual abuse against Captain Colin Haggart. Captain Haggart admitted to sexually abusing a 7- or 8-year-old girl in 1989. He was dismissed as an officer shortly afterwards but was reaccepted as an officer in 1993. He later rose to the rank of major and then lieutenant-colonel. We examine The Salvation Army's approach to an officer who had admitted sexually abusing a child, the steps it took to manage risk and its adherence to its legislative reporting obligations.

In section 6 we examine a number of issues that arose in the claims, particularly around the operation of Salvation Army policies and procedures for the handling of claims.

We have used the term 'claim' to describe claims, complaints or communications made to The Salvation Army about child sexual and physical abuse by officers and employees of The Salvation Army. The term is not used solely to identify those persons who have sought some form of financial payment from The Salvation Army.

## Salvation Army claims handling

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In 1997 The Salvation Army established the Personal Injuries Complaints Committee (PICC), chaired by the Secretary for Personnel, to determine The Salvation Army's response to claims of child sexual abuse.

We heard that The Salvation Army adopted the following process for handling claims, generally in this order:

- A victim's impact statement will be requested from the claimant.
- The Salvation Army will offer to pay for professional counselling.
- The Salvation Army may also offer assistance by a psychologist or counsellor to prepare a victim impact statement.
- PICC will consider the impact statement and may nominate an 'ex-gratia' payment amount for internal consideration.
- The Salvation Army's Professional Standards Office (PSO) will undertake a basic investigation of the claim.
- A representative from The Salvation Army will meet with the claimant to 'hear their story' and to apologise to the claimant in person.
- Information provided by the victim at the meeting and from any investigation will be presented to PICC in summary form.
- PICC, chaired by the Secretary for Personnel, will apply 'the matrix' (see below) and recommend (as appropriate) an ex-gratia payment, an apology and counselling.
- The offer will be communicated in writing to the claimant, together with a written apology.
- If a complainant wishes to accept an ex-gratia payment offer, he or she will be required to sign a deed releasing The Salvation Army from further liability.

The principles to be applied in determining an ex-gratia payment are in a schedule known as 'the matrix'. The matrix is divided into two parts. In the first part, the matters taken into account include age of admission of the claimant to the home and length of time there, psychological/emotional abuse, physical assault and cultural separation. In the second part, further amounts may be awarded where there is evidence of isolation, indecent or sexual assault and a profound impact upon the complainant. There is also a limited discretion available to be exercised by the Secretary for Personnel to increase the final amount.

The first part of the matrix provides for a payment of up to \$35,000, which is to be made taking into account length of time in a Salvation Army home, deprivation of liberty, psychological/emotional

abuse, physical assault and cultural separation. The second part allows for a payment for 'isolation, indecent assault, sexual assault, profound impact and up to \$20 000 at the Secretary for Personnel's discretion'. A payment of \$5,000 is allocated for counselling.

The Royal Commission received details from The Salvation Army about the payment of a number of claims that had been through The Salvation Army's claims process or where legal proceedings were commenced. The details below at section 1.6 concern only those claimants who had been sexually abused in the four Salvation Army boys' homes considered in Case Study 5 on The Salvation Army.

## Seven claims made between 2005 and 2013

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Six of the claims involved boys, now men (FE, JE, EF, JF, ES and Mr Allan Anderson), who said they had been abused in boys' homes operated by The Salvation Army. One of the claims involved a girl, now a woman (Ms Cheryl Eldridge), who said she had been abused at a girls' home operated by The Salvation Army.

### FE

FE was sexually abused as a boy at Gill. He made a claim to The Salvation Army in 2005. The Salvation Army referred him to a psychologist to help him draft his victim impact statement. He was offered professional counselling and Major Daphne Cox, Assistant Secretary for Personnel, and Major Chris Witts met with him.

PICC met shortly after that meeting and determined to offer FE \$60,000. Major Cox then wrote to him offering him an ex-gratia payment of \$60,000. FE told us that he was not given any information about how the \$60,000 was calculated. FE was required to sign a deed of release but said he felt like he had little choice and considered it 'hush money'.

- › **Finding 1:** FE was not told by The Salvation Army of the basis upon which it had calculated the ex-gratia amount offered to him.

### JE

JE was resident at Riverview for 12 days in 1971, where he said he was emotionally, physically and sexually abused, including by being placed in a solitary room for three days. JE made a claim in 2008. The claim was considered first by PICC, where Major Cox was asked to verify the existence of a solitary room. She spoke to two people who had associations with the home and neither knew of the solitary room. The Salvation Army did not provide JE with this information and, contrary to usual policy, no meeting was arranged between JE and a Salvation Army officer.

The Secretary for Personnel, Major Peter Farthing, then wrote to JE saying that The Salvation Army

had been unable to identify the nature of the solitary room and did not consider it appropriate to offer him an ex-gratia payment. JE reacted strongly to the letter and wrote back referring to the claims policy he found on The Salvation Army's website.

Major Cox told us that not meeting with JE was an error and Major Farthing said, 'we got the process completely wrong'.

A meeting was then held with JE, where he persuaded them of the strength of his story. The matter was returned to PICC, which determined to offer him \$20,000. Major Cox offered him the amount 'as a tangible expression of our regret'. JE accepted the offer.

- › **Finding 2:** The Salvation Army, contrary to its own procedures, refused JE an ex-gratia payment without meeting with him.

## EF

EF was a resident at Indooroopilly from about 1966, when he was eight years old. He told us that, during his time there, Captain Victor Bennett physically and sexually abused him. The abuse included multiple acts of anal rape. He also said that one night Captain Bennett had him strip naked and then threw him into a pool with bricks tied to his feet. In 2008 he lodged a victim impact statement in which he told The Salvation Army about the physical abuse, including the pool incident, but not about the sexual abuse.

EF's claim was considered by PICC, which raised concerns about the veracity of his claim. Major Cox reported that an Indooroopilly officer did not recall the physical abuse that EF said he suffered. Major Farthing told us that he did not accept EF's account at face value. PICC determined to offer EF \$10,000. EF later accepted \$11,000.

Major Cox said that The Salvation Army could have offered him a substantially higher amount. She said she could not explain why the offer was so low other than that EF had not proven his case. Major Farthing said that the fact the claim had 'not been proven' might have had some impact on the lower level of payment. He said that the payment to EF was certainly at the lower end of such payments.

- › **Finding 3:** EF was offered a low ex-gratia payment by The Salvation Army compared with other claimants because Major Peter Farthing and PICC considered that EF's allegations were not proven.

## JF

JF was at Indooroopilly from 1948 to 1955. He told us that he was emotionally, physically and sexually abused while he was there.

When PICC met to consider his claim, it determined that an ex-gratia figure of \$70,000 was appropriate. Major Farthing also wrote to the alleged perpetrator of JF's abuse, X18, to obtain his

account. X18 denied the allegations. JF told us that The Salvation Army did not seek any additional evidence from him about the allegations involving X18.

At the next PICC meeting the claim was considered again and the ex-gratia amount was reduced to \$40,000. At a subsequent meeting with Major Cox, JF recalled that an officer he identified as X19 also sexually abused him. Major Cox said she was 'suspicious' of this information because it had not been provided before, but she did not raise the issue with JF. At a further PICC meeting the ex-gratia payment was reduced to \$30,000.

JF accepted the ex-gratia payment and received a written apology. He said the apology was 'insufficient', as it was not a personal apology.

- › **Finding 4:** JF was not given an opportunity by The Salvation Army to reply to doubts about the factual basis of his claim raised by X18.

## Ms Cherryl Eldridge

Ms Eldridge spent nine years at Horton House in Toowoomba, Queensland. She said she was physically, emotionally and sexually abused at Horton House. She provided The Salvation Army with a victim impact statement that she had drafted with the help of Mr John Lucas, an advocate. PICC assessed her claim and determined that an ex-gratia payment of \$30,000 was appropriate.

Major Cox made inquiries with two officers who had been at Horton House and they cast doubt on Ms Eldridge's account. Major Cox then met with Ms Eldridge to discuss her claim but did not mention the new information she had obtained. At the next PICC meeting the offer was reduced to \$7,000 plus \$7,000 in in-kind support. Major Cox said the amount could well have been reduced because of the information about Horton House from the two officers. She agreed that if the matrix had been applied then the amount offered would have been \$20,000.

Ms Eldridge said she was completely upset and shocked when she received the offer and she rejected it. The amount was reconsidered at PICC and increased to \$30,000. Major Cox said that PICC looked at the matrix again. Again Ms Eldridge rejected the amount offered because, she said, her sister had received \$50,000 under the same claims process. PICC considered her claim for a third time and made her an offer of \$40,000. Ms Eldridge accepted the \$40,000 but asked for clarification of the principles behind the calculation of ex-gratia payments. Major Cox told her that PICC took into account the victim impact statement, life impact, known history of the institution, staff, prevailing conditions and precedents.

## ES

ES was placed at Riverview at the age of 14 after being in a number of institutions. ES told us that Captain Bennett physically and sexually abused him there. In 2010 Mr Lucas of Micah Projects

helped him to lodge a victim impact statement. At the time of his claim, ES was living in a remote location outside of Rockhampton, Queensland.

A meeting was convened between Ms Fay Foster of The Salvation Army, ES, Mr Lucas and others. ES informed Ms Foster 'that he was illiterate'. Ms Foster noted that 'where ES lived there was no public transport' and 'ES did not have a driver's licence'. She also noted that 'ES had no friends in the town' and he had 'hostile relations with other town residents'. Ms Foster agreed that ES suffered from a degree of social isolation. After the meeting PICC met and determined to offer ES \$70,000.

Ms Foster then wrote to ES about the offer, enclosing a deed of release for him to sign. She said she expected Mr Lucas to help ES. However, she did not provide the documents to Mr Lucas and, in fact, Mr Lucas had left his position by that time. ES received the deed of release and signed it in order to obtain the payment offered. A local contact witnessed his signature. ES did not receive any legal or other advice about the deed of release before signing it.

- › **Finding 5:** The Salvation Army sent ES documents for him to sign that affected his legal rights without ensuring he had sufficient support to enable him to understand the nature and effect of those documents.

## Mr Allan Anderson

The seventh claim examined was that of Mr Anderson. Mr Anderson said that he was physically, but not sexually, abused at Bexley when he was there between 1966 and 1974. He said that his brother told him he had been sexually abused while at Bexley. Mr Anderson contacted The Salvation Army's PSO in September 2013. The PSO asked him to provide a victim impact statement.

Mr Anderson said that he met with Mr Peter Hatte from the PSO, who said that he believed Mr Anderson's story. Mr Anderson described Mr Hatte as being 'quite open'. Mr Hatte told him the claim would go to PICC and 'they would make a decision'. Mr Anderson said that he was unclear about the process.

In March 2014 Mr Hatte contacted Mr Anderson and advised him that PICC had determined to offer him \$70,000. Mr Anderson said he asked how the figure had been determined but did not receive a reply. Mr Anderson said: 'Why would you give someone some money and not be able to tell you what they were giving it to you for, in basic terms?'

Mr Anderson said he was offered a meeting with Territorial Commander, Commissioner James Condon. Commissioner Condon apologised to Mr Anderson. However, Mr Anderson decided to reject the offer of \$70,000 because he did not believe that The Salvation Army 'followed any process'. PICC minutes revealed that the matrix was applied to the offer made to Mr Anderson – that is, \$70,000, including counselling.

## Mr Ralph Doughty's claim

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Mr Doughty was in Salvation Army care at Gill from 1941 until 1950. During the time he was there he said he was physically and sexually abused by officers of The Salvation Army. Mr Doughty said that he was sexually abused in the showers and in his bed. He said that officers tried to stick their penises into his mouth and one officer stuck a cane into his anus.

Mr Doughty said that he made a general complaint to The Salvation Army about the abuse in 1951. He told us that nothing was done and he did not pursue the matter further. In 1993 he provided a detailed complaint to The Salvation Army of mental and physical abuse, particularly by Major X4. The Salvation Army made inquiries with 'contacts', who confirmed reports of physical and mental abuse at the home. Major X4 was also contacted and he denied Mr Doughty's allegations. The Salvation Army told Mr Doughty that Major X4 had denied the claims and had offered to meet him. Mr Doughty was quite angry at the suggestion and refused the meeting. Salvation Army notes indicate that there was no further communication at the time.

Mr Doughty raised the issue of his abuse at Gill in a submission to the Senate Community Affairs References Committee's 2004 Inquiry into Children in Institutional Care. Major Farthing heard Mr Doughty speaking to the media and wrote to him in early 2004 to advise him of The Salvation Army's claims process.

In July 2005 PICC met and considered Mr Doughty's claim. It determined to make him an offer of \$20,000. When Mr Doughty wrote back seeking substantial compensation, PICC reconsidered his claim and resolved that an amount of \$60,000 – \$75,000 be offered to him.

In December 2005 Major Farthing and Major Witts met with Mr Doughty at his home and Major Farthing made an offer of \$100,000. However, Mr Doughty rejected the offer and instead asked for \$10 million.

Mr Doughty and Major Farthing had further discussions. In April 2007 Major Farthing confirmed the \$100,000 offer and suggested that their lawyers meet to discuss the matter. Mr Doughty's lawyers drafted a statement of claim and provided it to The Salvation Army. In October 2007 both sets of lawyers met in a settlement conference at which The Salvation Army agreed to settle the claim for \$150,000, subject to Mr Doughty signing a deed releasing The Salvation Army. Mr Doughty said he did not accept the offer because he still wanted \$10 million.

Neither Mr Doughty nor The Salvation Army took further steps to resolve the claim until 2011. During detailed correspondence between Mr Doughty and The Salvation Army in 2011, Mr Doughty mentioned the possibility of the claim being mediated. The then Commissioner, Linda Bond, replied, saying she could not accommodate mediation. On 2 May 2011 PICC reconsidered Mr Doughty's claim and determined to offer him \$100,000. Mr Doughty rejected the offer because he had already been offered \$150,000. Commissioner Condon said he did not know why the lower offer was made and agreed that it did not help with negotiations with Mr Doughty. He met with Mr Doughty and



restored the offer of \$150,000 contingent upon a deed of release. Mr Doughty said he accepted the offer but refused to sign a deed of release.

Mr Doughty told us that he would have accepted a deed of release if it had allowed him to pursue legal proceedings.

In 2012 Mr Doughty wrote to The Salvation Army, accepted the \$150,000 and requested the money. The Salvation Army replied, saying that there was no record of a \$150,000 offer and reinstated an offer of \$100,000. Commissioner Condon agreed that the increasing and decreasing of offers was a matter for regret. Mr Doughty responded by commencing proceedings in the New South Wales District Court to enforce the 'agreement' that he be paid \$150,000.

A lawyer representing The Salvation Army lodged a complaint with the New South Wales Legal Services Commissioner because Mr Doughty had been contacting Salvation Army officers directly and not through his solicitor. Commissioner Condon said that trying to stop Mr Doughty directly contacting members of The Salvation Army 'wouldn't help in the healing process'. Mr Doughty subsequently lodged his own complaint against the lawyer.

In May 2013 Mr Doughty filed a statement of claim in the Supreme Court of New South Wales seeking damages for the abuse he suffered at Gill. Both parties agreed to mediate the claim in August 2013. The mediation was successful and both proceedings were dismissed on the basis that Mr Doughty received \$350,000 and entered into a deed of release.

Commissioner Condon agreed that there would have been benefit in exploring independent mediation before Mr Doughty's matter went to the courts and he regretted that it had not been done.

- › **Finding 6:** The relationship between Mr Ralph Doughty and The Salvation Army concerning his claim was difficult and was strained further by The Salvation Army making and withdrawing offers to settle and making a complaint to the Legal Services Commissioner about Mr Doughty contacting members of The Salvation Army.
- › **Finding 7:** The Salvation Army did not explore mediation as an option to resolve Mr Ralph Doughty's claim until 2013.

## JG's and JD's claims

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JG and JD both attended the Fortitude Valley Salvation Army Corps in Brisbane, Queensland. Both attended Sunday school, although they were of different ages. Both told us that they were sexually abused by Envoy John Lane, who taught Sunday school at the Salvation Army corps. JG said that she was sexually abused numerous times by Envoy Lane, including by being raped in his car and forced to perform oral sex on another occasion. JD said that Envoy Lane had sexually abused her by digitally penetrating her vagina.

Neither JG nor JD reported the sexual abuse to a Salvation Army official at the time of the abuse, but together in 1992 they decided to report their abuse to the South Queensland Divisional Commander of The Salvation Army, Colonel Stanley Everitt. JG told Colonel Everitt that she had been touched on the vagina by Envoy Lane, that he had raped her on one occasion and that she was required to perform oral sex on him on another occasion. She said that Colonel Everitt's response was: 'Are you sure you are not lying, are you telling me the truth?' She said that she did not want to take the matter to the police and she 'clearly recalls' Colonel Everitt telling them not to go to the police or the media. JD remembered JG telling Colonel Everitt about the rape and that Lane had also 'molested' JD.

JG said that during a subsequent meeting Colonel Everitt told her that Envoy Lane had admitted to touching her and JD but denied having sex with JG. She told us that Colonel Everitt said he believed Lane's version of the events.

After receiving JG's allegations in writing in March 1992, Colonel Everitt said that he interviewed Envoy Lane, who first of all denied the allegations but then admitted to 'certain activities' taking place with JG in a car. Colonel Everitt informed Salvation Army headquarters of the allegations and the then Secretary for Personnel came to Brisbane and interviewed Envoy Lane. Colonel Everitt said that Envoy Lane admitted to 'weakness in the sexual area of his life' and was told that he would be dismissed if the allegations were proven true.

Envoy Tatters said that, when he counselled Envoy Lane in April 1992, Envoy Lane said he 'touched the girls between the legs'. He named both JG and JD as the girls he touched but denied raping JG. Envoy Tatters said that he then provided a typewritten report to Colonel Everitt about 'what had taken place'.

On 10 June 1992 Envoy Lane attended a further meeting with Envoy Tatters, at which Envoy Lane was asked 'to take off [his] uniform'.

Major Farthing reviewed the case and found that no 'formal investigation' was undertaken on JG's allegations and 'no investigation' was undertaken on JD's allegations. Major Farthing said he thought Colonel Everitt 'didn't handle it very well' and 'he was out of his depth'.

Despite Envoy Lane's resignation in June 1992, he later attended The Salvation Army's Albion Corps, where Major Farthing said that children were likely to be present, and he remained listed on The Salvation Army's Soldiers' Roll as a soldier.

- › **Finding 8:** The Salvation Army's response to the allegations made by JG and JD 'represent a failing on the part of the Army' and they should have been dealt with 'more swiftly and seriously'.
- › **Finding 9:** Colonel Stanley Everitt was informed that JD had been sexually abused by Envoy John Lane in 1992 but did not investigate her allegations.

- › **Finding 10:** In 1992 John Lane attended a Salvation Army corps after admitting that he had sexually abused two children and had been asked by The Salvation Army to 'remove his uniform'.

Both JG and JD gave statements to the police about the sexual abuse they suffered at the hands of Envoy Lane in 1996. Lane was charged and convicted of sexual offences against JG in 1997 and against JD in 1998. The Secretary for Personnel, Lieutenant-Colonel Derrick Jessop, then wrote to JG and offered her professional counselling during the criminal proceedings. JG told us she was not aware of the offer.

Salvation Army file notes record that JD was offered support by Salvation Army officers at the court while the criminal proceedings were taking place. JD said this did not happen. In any event, there was no written offer of professional counselling provided to JD, as had occurred with JG.

Major Farthing gave evidence that the policy at the time of the criminal trials was that if a complaint of sexual misconduct about an officer came forward then a written response and an apology should have been provided. He accepted that no apology was provided to JG or JD and one should have been provided according to the 1996 policy.

- › **Finding 11:** The Salvation Army, contrary to its policy, did not offer JG or JD an apology in the months following former Envoy John Lane's conviction in 1996 for sexually offending against each of them.
- › **Finding 12:** The Salvation Army did not offer JD professional counselling at the time that former Envoy John Lane was on trial for a sexual offence against her.

JD decided to approach The Salvation Army about her claim of sexual abuse by Envoy Lane in 2007. JD wrote in her victim impact statement that she made a complaint about the abuse in January 1992 but no action was taken. She said in her statement that it took great courage for her to come forward and say what had happened to her but she 'was called a liar'. The person she said she complained to in 1992 was Colonel Everitt.

JD met with Major Cox and Major Kerrie Farthing in July 2007 to discuss her claim. She said that both officers 'were horrified at what had happened to me'. She told them that 'their words meant nothing, because it hadn't happened to them ... I expected that they should have approached Colonel Everitt and made him accept responsibility'.

Major Peter Farthing wrote to JD and said he understood her anger 'when it seemed you were not believed'. He said it was 'very regrettable that at that stage The Salvation Army did not have policies in place which spelt out a proper way to respond to reports of abuse'. JD said that the letter made her very angry.

In September 2007 JD received an offer of \$40,000. She did not reply until August 2008, when she reiterated that she wanted an apology from Colonel Everitt. In July 2009 the Secretary for Personnel

wrote back to JD saying that it had been decided not to contact Colonel Everitt. JD said this made her angry and disappointed.

In November 2009 The Salvation Army did approach Colonel Everitt for an apology. He refused to provide an apology and challenged JD's version of the events. This was communicated to JD. JD said that she felt tired and defeated and decided to accept the \$40,000.

- › **Finding 13:** The Salvation Army did not examine whether Colonel Stanley Everitt had acted contrary to its procedures in 1992 in handling JD's claim of child sexual abuse and JD was dissatisfied with the apologies given to her by The Salvation Army for Colonel Stanley Everitt's actions.

JG reported her abuse to The Salvation Army in September 2008. In her victim impact statement she also complained that when she reported her abuse to Colonel Everitt 'he believed that every word I said was a lie'.

In November 2008 Major Cox replied and apologised for the abuse JG suffered at the hands of Envoy Lane. She offered JG counselling and a meeting with her. When JG met with Mr Lucas and Major Cox in May 2009, she asked for an apology from Colonel Everitt and an acknowledgement from The Salvation Army that it had failed by 'not properly responding' when she reported the abuse.

In June 2009 the Territorial Commander, Commissioner Bond, wrote to JD and said: 'How unfortunate that when you reported it, you felt you were not believed and nothing was done to help you work through the pain! Please accept my deepest apology.' On the same day JG was offered an ex-gratia payment of \$80,000 and \$20,000 for retraining expenses. JG accepted the amounts offered and signed a deed of release. Major Cox subsequently assisted JG in enrolling in a business administration course.

JG continued to seek an apology from The Salvation Army. In August 2012 Commissioner Condon wrote to her about her request for an apology, saying:

I also understand that you feel that Lt. Col. Everitt did not handle matters well after you reported the abuse to him. It appears that his actions may have caused you significant ongoing pain and anguish, which may have compounded the trauma of the original abuse.

He also said that 'I acknowledge that your complaint, both verbal and written, was not handled as you expected and particularly not passed on to Police as quickly as you anticipated'. JG said she was upset by the letter because she said she was the one who reported the matter to the police, not The Salvation Army. In 2013 she met with Commissioner Condon who, she said, was very sincere and 'owned my criticisms'. She told us she still wants an apology from Colonel Everitt but was not hopeful of getting one.

## Allegations against Captain Colin Haggar

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In 1989 Captain Haggar admitted to sexually abusing an eight-year-old girl, JI, at the Salvation Army Citadel in a central west New South Wales country town where he had been stationed. Captain Haggar told the girl's parents, who informed the Divisional Office of The Salvation Army. The family then met with representatives from the Divisional Office, who indicated they would handle the allegations.

In January 1990 Captain Haggar's matter was considered by the Officers Review Board (ORB), which recommended dismissal. As a result, both Captain Haggar and his wife, Captain Kerry Haggar, were dismissed as officers and their names were removed from the Soldiers' Roll. The Salvation Army provided Colin Haggar with employment and accommodation for him and his family. The Field Secretary wrote to Colin Haggar to assure him that his successor would not know of the circumstances of his departure. The Haggars wrote to the members of their old corps and told them they were going to spend time 'on spiritual growth'.

The girl's mother, JH, told us that The Salvation Army did not follow up with her or her family after the first meeting. She was not officially told about the process of discipline and also said she and her family were not offered counselling.

- › **Finding 14:** The Salvation Army did not tell members of the central west New South Wales Salvation Army corps in 1990, including those with children, that Captain Colin Haggar had been dismissed for sexually abusing a child.
- › **Finding 15:** The Salvation Army did not formally notify JI's family in 1990 of the steps taken to discipline Captain Colin Haggar or provide counselling to JI or members of her family.

After his dismissal Colin Haggar told Commissioner Condon of the sexual abuse of the child in 1989. Commissioner Condon told us that he suggested that Colin Haggar report the matter to the police and Colin Haggar agreed. Commissioner Condon told us that the matter had not been reported to the police at that stage. He said this was because he understood that the family did not want it reported to the police.

Commissioner Condon could not recall whether they attended Parramatta Police Station in Sydney or one in the eastern suburbs of Sydney. He said that Colin Haggar told a police officer at the front desk that he had touched the vagina of an eight-year-old child. As far as he could recall he did not provide the name of the child or her family's name or the address of the child or the town in which the abuse occurred. He said that the police officer said 'there is nothing we can do' and the two left.

- › **Finding 16:** Captain Colin Haggar and Commissioner James Condon attended a New South Wales police station in 1990 to report the sexual abuse of a child by Colin Haggar.

- › **Finding 17:** The information given by Captain Colin Haggar to the police officer in 1990 was insufficient for the police officer to commence an investigation of the matter.

In 1993 the Haggars were permitted to return to their positions as captains of The Salvation Army. Colin Haggar then served in a number of managerial positions within The Salvation Army. He was later promoted to lieutenant-colonel.

In 2007 The Salvation Army adopted a sex offenders minute, which prohibited the consideration for officership of any person convicted of a sexual offence. Major Farthing told us that he considered that the minute did not have retrospective operation and did not apply to those who had sexually offended and been reaccepted as officers into The Salvation Army.

Colin Haggar was concerned that the minute applied to him and approached Major Peter Farthing. Major Farthing sought legal advice and determined that, while the minute did not apply to Colin Haggar, there should be a risk analysis. Major Farthing received an opinion from a psychiatrist that Colin Haggar was a minimal risk to children. Mr John Dalzell, a lawyer advising The Salvation Army, said to Major Farthing that Colin Haggar should not be placed in a position responsible for or working with children.

- › **Finding 18:** The sex offenders minute did not have the effect of prohibiting those who had admitted sexually abusing a child, and had been readmitted as officers before 2007, from continuing as officers of The Salvation Army.

In January 2012 Colin Haggar became the Manager of Foster House Men's Programs and Assistant Director of 'Sydney Samaritan Services'. As a result of a restructure either before or after he assumed that role he became responsible for two women's refuges called Samaritan House and Carinya Cottage. His role was to assist the Director of Samaritan Services to perform her role.

Colin Haggar attended Samaritan House to undertake his work with the Director of Samaritan Services. During these visits we are told he had no interaction with women or children in the premises and there were no complaints about his behaviour. Major Farthing said that no risk assessment was done prior to giving Colin Haggar those responsibilities.

- › **Finding 19:** Colin Haggar occupied a position of managerial responsibility for children as Assistant Director of Samaritan Services, even though The Salvation Army knew he had admitted to sexually abusing a child in 1989.
- › **Finding 20:** The Salvation Army should not have promoted Colin Haggar to the rank of lieutenant-colonel in 2012.

In early 2013, after the Royal Commission was announced, The Salvation Army conducted a review of all allegations of child sexual abuse. As a result, Major Farthing received reports of Colin Haggar's 1989 admitted sexual abuse. Allegations were also received that Colin Haggar had abused two adult women

and another child. Commissioner Condon met with Colin Haggar and put the new allegations to him, which he denied. At a meeting of senior officers consideration was given to dismissing Colin Haggar, but it was decided to review the matter further.

The Director of Young Hope, Captain Michelle White, also heard some of the allegations about Colin Haggar. The Salvation Army's Young Hope provides foster care placements for children and young people. The Salvation Army NSW (Property) Trust was accredited by the New South Wales Children's Guardian on 3 September 2012 to operate such a service. Captain White was concerned that she and The Salvation Army were required to report the allegations against Colin Haggar to the New South Wales Ombudsman and the then New South Wales Commission for Children and Young People. She raised her concerns with Commissioner Condon in July 2013.

Commissioner Condon immediately instructed that Colin Haggar have his responsibilities for Samaritan House and Carinya Cottage removed from him. He sought legal advice from Salvos Legal solicitor Mr Luke Geary about The Salvation Army's reporting obligations. On 27 August 2013 Commissioner Condon received advice from Mr Geary that The Salvation Army did have an obligation to report to the Ombudsman. However, by about 4 September 2013 that advice had changed and Mr Geary advised that historical matters need not be reported.

- › **Finding 21:** The Salvation Army did not obtain written advice about its obligations to report historical allegations of child sexual abuse to the Ombudsman under section 25C of the *Ombudsman Act 1974* (NSW) until Colin Haggar's matter was raised by Captain Michelle White in July 2013.

Concerned about her own obligation to report, Captain White reported the allegations against Colin Haggar to the Children's Guardian on 4 September 2013 and to the Ombudsman on 18 September 2013.

Colin Haggar's matter was examined by Commissioner Condon and Colonel Richard Munn. It was determined that Colin Haggar should move towards retirement, which he did on 8 October 2013. On 29 October 2013 representatives from the Ombudsman's office asked Commissioner Condon to notify the Ombudsman of the information received about Colin Haggar. Commissioner Condon wrote back saying that he did not understand he had an obligation to report but later agreed to a meeting with the Deputy Ombudsman on 10 December 2013.

We then considered whether Commissioner Condon and The Salvation Army had an obligation to report to the Ombudsman under section 25C of the *Ombudsman Act 1974*. We conclude that, after accreditation of The Salvation Army NSW (Property) Trust for Young Hope and Colin Haggar's assumption of responsibility for Samaritan House and Carinya Cottage, Commissioner Condon and The Salvation Army did have an obligation to report to the Ombudsman.

- › **Finding 22:** Commissioner James Condon was, from 3 September 2012, required to report to the New South Wales Ombudsman the allegation of sexual abuse of a girl in 1989 by Colin

Haggar as soon as Colin Haggar became responsible for Samaritan House and Carinya Cottage.

- › **Finding 23:** Notwithstanding specific advice provided by the New South Wales Ombudsman office in October 2013, Commissioner James Condon did not take steps to report the allegation of child sexual abuse by Colin Haggar to the Ombudsman until 10 December 2013 because he had received equivocal legal advice as to whether he was required to report.

We also considered whether The Salvation Army had an obligation under section 35 of the *Child Protection (Working with Children) Act 2012* (NSW) to notify the New South Wales Children's Guardian of the dismissal of Colin Haggar in 1990. We concluded that, from the commencement of the provision on 15 June 2013, it did have an obligation.

- › **Finding 24:** From 15 June 2013, The Salvation Army had an obligation under section 35 of the *Child Protection (Working with Children) Act 2012* (NSW) to notify the New South Wales Children's Guardian that in 1990 it had dismissed Colin Haggar.

In March 2014 new allegations of sexual misconduct emerged when JI, the girl abused in 1989, was interviewed by Salvation Army investigator, Mr John Greville. As a result of the new allegations, Colin Haggar was suspended in March 2014 and was told not to wear his uniform. On the advice of ORB, Colin Haggar was dismissed as an officer in about June 2014.

## Issues in claims handling

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A number of the claimants that we heard from voiced their concern that The Salvation Army's claims process was not clear. We also heard that some of the claimants were unclear about what they should include in a victim impact statement and relied on the advice of their advocate.

The claimants were also unaware of what matters were considered in PICC when determining an ex-gratia payment. The matrix, which we considered above, was not shown to claimants and the meetings were kept confidential. Mr Lucas and Ms Karyn Walsh from Micah Projects also said this was desirable.

One claimant, Ms Eldridge, expressed concern about whether the process was equitable.

Commissioner Condon acknowledged that The Salvation Army has to look at communication with claimants and improve the information it gives to them.

- › **Finding 25:** In a number of the claims examined by the Royal Commission, The Salvation Army did not clearly explain to claimants:
  - the claims process to be followed by The Salvation Army
  - what matters should be addressed in a victim's impact statement



- the basis upon which ex-gratia payments were to be calculated

or

- whether like claims would be treated alike.

The Salvation Army undertook an investigation of the victim impact statements of JE, EF, JF and Ms Eldridge. The evidence on those four claims revealed that the investigations went deeper than confirming the institution and the length of the claimant's admission. Investigations in the cases of JE, JF and Ms Eldridge produced adverse material that was not provided to the claimants for comment.

- › **Finding 26:** In a number of the claims examined, The Salvation Army did not give the claimant an opportunity to respond to information obtained that was adverse to their claim.

The outcome of those investigations had an effect on the ex-gratia payment offered in some of those cases. In JE's case no initial offer of an ex-gratia payment was made because PICC did not accept there was a solitary room at Riverview, as alleged by JE. In EF's case, the low offer of \$10,000 was made because PICC considered his claim was 'not proven'. In Ms Eldridge's case an initial estimate of \$30,000 was reduced to \$7,000 and \$7,000 in in-kind support after information adverse to the claim was obtained.

- › **Finding 27:** In a number of the claims examined, The Salvation Army made a low offer of an ex-gratia payment or reduced the amount to be offered because of adverse information it had obtained on investigation of the claim.

Responses to the apologies offered by officers of The Salvation Army varied amongst the claimants. Mr Lucas thought that the apologies given were genuine, recognised suffering and assumed responsibility. Major Cox said, and the evidence showed, that apologies were given at an early stage in writing, in person on meeting with a claimant and when offering an ex-gratia payment. However, a number of claimants told us that they were disappointed with the apology they received. The reasons varied but included the lack of a personal apology, a failure to accept responsibility for the abuse, a lack of genuineness, a lack of specificity about the conduct attracting the apology and a lack of engagement with the claimant.

- › **Finding 28:** A number of the claimants who we heard evidence from said they were disappointed with the apology provided by The Salvation Army.

JF, JD and Mr Anderson raised concerns about the information they received about discipline of the officer or member of The Salvation Army who had abused them. They wanted to know what the process was and what would happen to the alleged perpetrator of their abuse.

- › **Finding 29:** In a number of claims The Salvation Army did not clearly indicate to claimants what steps it would take to discipline officers or members of The Salvation Army who were implicated by the claimants.

The claims process adopted by The Salvation Army required that if an ex-gratia payment was to be made to a claimant then the claimant would have to 'release' The Salvation Army from any liability it might have for the abuse. Of those claimants who said they signed a deed of release, the majority said they did not seek legal advice about the deed they were asked to sign. The deed required them to 'acknowledge' that they had had an opportunity to seek such advice, but The Salvation Army did not encourage them to obtain it and did not offer to pay for such legal advice.

- › **Finding 30:** The Salvation Army required the claimants to enter into a deed that released it from liability for the abuse suffered without being encouraged to seek independent legal advice on the effect of the deed or being offered money for such advice.

A number of claimants told us that they felt like they were being forced into accepting the money offered by The Salvation Army and signing the deed. A number said that, by the end of the process, they were tired or defeated and unable to continue engagement in the claims process.

- › **Finding 31:** A number of claimants said that they accepted the amount of money offered by The Salvation Army and signed the deed of release with a sense of resignation.

This case study raises the following issues:

- the handling of historical claims of child sexual abuse by The Salvation Army
- communication with the victim of child sexual abuse and his or her family on discovery of the abuse
- communication by the institution with the victim of child sexual abuse during the claims process
- the provision of apologies to a victim of child sexual abuse
- the process within an institution for the payment of money to a victim of child sexual abuse.

# 1 Salvation Army claims handling

## 1.1 Introduction

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This case study followed the earlier public hearing (Case Study 5) about The Salvation Army that considered the response of The Salvation Army to allegations of child sexual abuse in four boys' homes that it operated in New South Wales and Queensland: Gill, Bexley, Riverview and Indooroopilly. Some of the former residents of those homes who gave evidence in Case Study 5 also gave evidence as claimants in this case study.

This case study was not limited to boys who were abused in the four boys' homes. It included a number of male and female claimants who said that officers in Salvation Army 'corps' had sexually abused them. A 'corps' is a division of The Salvation Army based at a local Salvation Army church.

This case study looked at a number of claims from different perspectives. The first set of claims proceeded through The Salvation Army's detailed process for responding to claims of sexual and other abuse. The claims we looked at were lodged with The Salvation Army in the period 2005 to 2013.

Some further claims raised specific issues for consideration. In section 3 of this report we look at Mr Doughty's claim. In 1993 Mr Doughty made a claim of abuse at a Salvation Army home. The claim was not resolved to Mr Doughty's satisfaction. The claims process commenced afresh in 2005 but was not resolved until litigation was commenced and the claim was mediated to conclusion in 2013.

In section 4 we look at the claims of JG and JD. Their claims raised important issues about how claims were handled in 1992 and what happened when criminal proceedings were involved. In 2005 both claimants went through the claims process and sought an apology for the manner in which the 1992 claims had been handled.

In section 5 we consider allegations of sexual abuse against Captain Colin Haggard. Captain Haggard admitted to sexually abusing a 7- or 8-year-old girl in 1989. He was dismissed as an officer shortly afterwards but was reaccepted as an officer in 1993. He later rose to the rank of major and then lieutenant-colonel. We examine the approach of The Salvation Army to an officer who had admitted sexually abusing a child, the steps taken to manage risk and The Salvation Army's adherence to its legislative reporting obligations.

In section 6 we examine a number of issues that arose in the claims, particularly around the operation of Salvation Army policies and procedures for the handling of claims.

We have used the term 'claim' to describe claims, complaints or communications made to The Salvation Army about child sexual and physical abuse by officers and employees of The Salvation Army. The term is not used solely to identify those persons who have sought some form of financial payment from The Salvation Army.

## 1.2 Policies and procedures

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The Salvation Army's policies and procedures on child sexual abuse and officer discipline have evolved over recent years, with the most significant policy and procedure development occurring from the early 1990s. Policy and procedure development has included the mandating of a number of international policies by The Salvation Army's International Headquarters in London as well as local or territory specific policies. The policies relevant to claims handling are set out here and those about discipline are in section 1.6.

Major Peter Farthing is an officer of 36 years who has served as the Secretary for Personnel. At the time of the public hearing he was the Royal Commission Response Co-ordinator. He provided the Royal Commission with detailed material about the handling of child sexual abuse claims by The Salvation Army.

Major Farthing told us that up until 1965 The Salvation Army had an ad-hoc process for dealing with complaints. He also said that there were no formal policies and procedures during the period 1965 to 1977<sup>1</sup>, when the boys' homes were still operating.

In 1987 The Salvation Army introduced policies to respond to the introduction of mandatory reporting in New South Wales. Major Farthing said these policies 'stayed within the letter of the law and did not require all officers to report every allegation of ill treatment of a child'<sup>2</sup>.

The first notable policy dealing with cases of child abuse, called Getting It Together, was released in 1991<sup>3</sup>. Major Farthing said that the policy was aimed primarily at contemporaneous claims of child sexual abuse in residential child-care programs operated by The Salvation Army.<sup>4</sup> He said reports were to be made to the senior person responsible and carefully investigated. Any proven sexual abuse was to result in instant dismissal.<sup>5</sup>

In 1994 The Salvation Army developed its Caring for Kids policy with the Scripture Union, which is a non-denominational non-government organisation. Major Farthing said the policy was 'very insurance and risk management driven' but set out standards for church workers in child-related roles and spelt out what to do if a child disclosed abuse.<sup>6</sup> Major Farthing said that the focus remained on contemporaneous claims of child sexual abuse and not on claims of 'historical abuse'.<sup>7</sup>

Up until about 1996 The Salvation Army dealt with claims by referral to the Secretary for Personnel, who could investigate the claim and provide a response to the claimant. Major Farthing gave an example of the case of EP, who sought compensation in 1996.<sup>8</sup> The Finance Secretary of The Salvation Army handled it because it involved finances.<sup>9</sup> The Salvation Army accepted legal advice not to admit wrong and not to make payment.<sup>10</sup> EP litigated and, ultimately, settled with The Salvation Army out of court.<sup>11</sup>

In 1996 The Salvation Army released its Procedures for *Complaints of Sexual and Other Abuse Against Salvationists and Workers*. Referred to as a 'protocol', the 1996 document was a more

formalised set of procedures focused on a complaint-handling model and outlining a step-by-step process. It adopted the following process and principles:

- A person who is aggrieved by sexual misconduct by an officer or worker is helped to make a complaint.
- A claimant submits a statement.
- The complaint is investigated.
- The investigation is fair both to the person aggrieved and to the officer or worker concerned.
- Outcomes may include reporting the matter to the police, a written apology from the alleged offender, counselling, mediation and reconciliation and/or commencement of formal disciplinary proceedings.
- The aggrieved person is informed about the outcome of the complaint.<sup>12</sup>

The protocol also introduced the role of an ‘independent contact person’ (ICP). The purpose of the ICP was to listen to the complainant and inform the complainant of their right to complain to government authorities, including the police, and their right to seek legal advice.<sup>13</sup> According to the protocol, the ICP informs the complainant of The Salvation Army’s procedure and assists the complainant to prepare a statement about their abuse.<sup>14</sup> The ICP may make suggestions about the complainant’s course of action but was not to provide advice or recommendations.<sup>15</sup>

The protocol also stated:

It is the right of persons aggrieved to not only seek legal advice but to commence legal proceedings on the basis of such advice. If a person aggrieved elects to commence legal proceedings then The Salvation Army may cease to deal further with the complaint under this Protocol.<sup>16</sup>

As we will see, after the protocol was released the claims process was further developed, with later versions containing some important differences from the 1996 protocol.

PICC was established in 1997 to assist the Secretary for Personnel to consider claims. It was not a disciplinary body; those issues were referred to ORB.<sup>17</sup> ORB’s role is considered in section 1.3.

In Queensland ICPs were replaced by claimant ‘advocates’. In New South Wales they were replaced with psychologists or counsellors. Major Farthing said an attempt was made to engage more directly with claimants.<sup>18</sup> When Major Farthing took over as Secretary for Personnel in 2004 he said he built upon those changes to adopt what The Salvation Army now calls a ‘restorative justice’ approach.<sup>19</sup>

The process was renamed People First, which Major Farthing said asks for people ‘to engage personally, receive an apology and reach an agreement’.<sup>20</sup>

## 1.3 The Personal Injuries Complaints Committee

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The Secretary for Personnel has chaired PICC since 1997. All PICC members are either officers or members of The Salvation Army. Major Peter Farthing said:

[The] strong participation by Salvationists is intentional ... because PICC is not an independent tribunal for assessing restitution ... [but] ... a pastoral body which seeks to play an integral role in the entire restorative justice process. By deciding on appropriate responses to claims, it seeks to express the heart and mind of The Salvation Army in these matters.<sup>21</sup>

We were told that PICC is responsible for dealing with complaints of sexual abuse but is mostly focused on historic allegations.<sup>22</sup> PICC's stated objectives are:

- to consider all complaints of an abusive and/or sexual nature against Salvation Army officers, local officers and employees
- to ensure that assistance is provided to the complainant in the preparation of his or her statement of complaint
- to ensure that professional counselling is made available to the complainant
- to ensure that all matters coming before PICC are carefully and thoroughly investigated
- to provide opportunity for the alleged perpetrator to prepare his or her statement of response to the complaint, with assistance
- to make recommendations to ORB where appropriate.<sup>23</sup>

The 'objectives' do not list the payment of money to the claimant.

Major Farthing said that PICC initially adopted a legalistic approach where monetary compensation was involved.<sup>24</sup> He said his predecessor, the Secretary for Personnel for 1998–2000, told him the general approach was that neither an apology nor an offer of compensation would be given until legal proceedings had commenced.<sup>25</sup>

Major Farthing said that the main outcomes from the early PICC process included reporting to police 'if appropriate', a written response to the complainant, a written apology, the offer of counselling and mediation and/or reconciliation.<sup>26</sup>

Major Farthing said that the first payment of money to a claimant, outside the context of litigation, was considered in the period 1998 to 2000.<sup>27</sup> He said that amounts remained modest but did increase in 2000 to 2002 under the next Secretary for Personnel.<sup>28</sup>

Major Farthing said that apologies and ex-gratia payments to claimants started to emerge after a solicitor engaged by The Salvation Army who had opposed apologies and ex-gratia payments was removed from the decision-making process.<sup>29</sup>

Major Farthing said that, after he took over as Secretary for Personnel in 2004, he considered that the amounts offered did not reflect that The Salvation Army was taking the suffering of victims 'seriously', so the amounts were increased.<sup>30</sup> He said that the approach was one of a balance between an obligation to the 'survivor' and being the 'stewards of limited resources'.<sup>31</sup> He said the amounts paid were drawn from 'surplus' from The Salvation Army's Employment Plus 'humanitarian enterprise' rather than donated funds.<sup>32</sup>

Major Farthing said that PICC initially took an 'intuitive approach' to calculating the amount to be paid. However, an established system of calculation of payments soon developed and this was captured in a matrix that was to be applied in each case. The matrix and its application are considered in section 1.5 below.

The process of handling claims was placed in the hands of the Assistant Secretary for Personnel (and later the Professional Standards Director or Territorial Integrity Coordinator). We heard that the Assistant Secretary liaised directly with claimants and brought individual cases to PICC for resolution.<sup>33</sup> We also heard that the Secretary for Personnel continues to chair PICC where decisions about payments to claimants, along with other 'restorative justice' measures, are made.

In 2007 The Salvation Army's PSO was created. At the time, its membership comprised the Child Protection Coordinator and the Personal Injuries Officer.<sup>34</sup> Major Farthing told us that the PSO's role is to investigate and manage cases of abuse and serious misconduct, including current and historical cases.<sup>35</sup> The PSO reports to the Secretary for Personnel. The PSO also has responsibility for making reports to police and other authorities, conducting training in child protection, managing child safety systems and managing persons of interest (together with corps and divisions).<sup>36</sup>

The PSO has since expanded and currently employs 10 staff, including a Territorial Integrity Coordinator, an investigator, a researcher, a project officer and a number of administrative support staff. It also provides secretariat services to PICC. However, Major Farthing explained that the PSO does not usually initiate ORB matters, as the Secretary for Personnel does this.<sup>37</sup>

## 1.4 The claims process

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By 2005, The Salvation Army had adopted the following claims process, generally in this order:

- A victim impact statement will be requested from the claimant when the claimant first contacts The Salvation Army.
- The Salvation Army will offer to pay for professional counselling for the claimant.
- The Salvation Army may also offer assistance by a psychologist or counsellor to prepare a victim impact statement.
- The claimant or his or her representative will submit a victim impact statement.
- PICC will consider the victim impact statement and may nominate an ex-gratia payment amount for internal consideration.

- The PSO will undertake a basic investigation of the claim.
- A representative from The Salvation Army will meet with the claimant to 'hear their story' and to apologise to the claimant in person.
- Information provided by the victim at the meeting and from any investigation will be presented to PICC in summary form.
- PICC, chaired by the Secretary for Personnel, will apply the matrix and recommend (as appropriate) an ex-gratia payment, an apology and counselling.
- The offer will be communicated in writing to the claimant, together with a written apology.
- If a complainant wishes to accept an ex-gratia payment offer, he or she will be required to sign a deed releasing The Salvation Army from further liability.

## 1.5 The matrix

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In 2005 the then Secretary for Personnel, Major Peter Farthing, developed a matrix for calculating payments to claimants as part of The Salvation Army's claims process.<sup>38</sup>

The matrix is divided into two parts. The first part of the current matrix provides for a payment of up to \$35,000 where a person was under 12 years old at time of admission, was resident in the home for more than three years and suffered from three of the following:

- deprivation of liberty
- psychological/emotional abuse
- physical assault
- cultural separation.

The second part allows for a payment of \$500 per day for 'isolation' and up to \$15,000 for indecent assault, \$30,000 for sexual assault, \$10,000 for profound impact and up to \$20,000 as the Secretary for Personnel's discretionary component. A payment of \$5,000 is allocated for counselling. A copy of the matrix appears as Figure 1.

Major Farthing provided us with an example of the application of the matrix:

Let me give an example of how the matrix might be applied. Let's take a very serious instance. Let's say this person was younger than 12 years-of-age when they entered Salvation Army care. They stayed for more than 3 years. And during that time they suffered psychological, emotional abuse and sexual assault, as well as cultural separation. That person's claim might be considered on the following basis:

Age and length of stay	\$20 000
Emotional, psychological & cultural abuse	\$15 000
Sexual assault	\$30 000
Profound impact (discretionary)	\$10 000



Personnel Secretary Discretionary Offer	\$20 000
<b>TOTAL</b>	<b>\$95 000</b>
Counselling	\$5 000
Counselling was, and is offered in every instance as a matter of course. <sup>39</sup>	

Two versions of the matrix were provided to us: the first applied from 2005 to 2010 and the second applied thereafter.<sup>40</sup> Major Farthing said that the matrix has not changed substantially from 2005 to the present.<sup>41</sup> The second matrix introduced the additional exacerbating factors of cultural separation/discrimination and isolation. It also included an additional ‘aggravating factor’ of ‘isolation’, which is assessed at \$500 per day.<sup>42</sup> The assigned amounts have not been adjusted in line with inflation since 2005. Figure 1 shows the current matrix.

Major Farthing was asked whether the matrix set a ‘ceiling’ on the offers of payment that could be made to claimants:

I was never given a ceiling and I don’t recall setting a ceiling. However, obviously the matrix does give an amount. If you apportioned the maximum under that matrix, I think it came to \$90,000, or something like that.<sup>43</sup>

Major Farthing acknowledged that assessment of particular parts of the matrix – for example, the application of the Secretary for Personnel’s discretion – was ‘intuitive’.<sup>44</sup>

## 1.6 Claim payments

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### Schedules of claim payments to former residents of the four boys’ homes between 1993 and 2013

The claims that have been made to The Salvation Army by former residents of the four homes who were sexually abused there as children are as follows:

- In the period 1993 to 2013, 111 claims were made to The Salvation Army. These included child sexual abuse at Bexley, Gill, Indooroopilly or Riverview boys’ homes, 89 of which resulted in a payment to the claimant.
- In the period 1993 to 2013 the average payment made to claimants who went through The Salvation Army’s claims process and received a payment was \$47,741. For those who litigated, the average payment was \$78,966. The average payment to all claimants who received a payment was \$57,915.
- The highest payment to a claimant whose claim was resolved through The Salvation Army’s claims process in the period 1993 to 2013 was \$150,000.
- The highest payment to a claimant whose claim was resolved through litigation in the period 1993 to 2013 was \$350,000.

- The average amount paid to claimants who had their claims resolved in the period 1993 to 2013 were, by home:
  - Bexley: \$97,857
  - Gill: \$94,167
  - Indooroopilly: \$48,333
  - Riverview: \$46,250.
- The total amount paid to all claimants from all four homes during the period 1993 to 2013 was \$5,154,451.

A majority of claims resolved by The Salvation Army's claims process or litigation was concluded in the period 2005 to 2009. In Case Study 5 The Salvation Army prepared a schedule of all claims received and resolved between 1993 and 2013 with respect to the four homes considered in that case study: Bexley, Gill, Indooroopilly and Riverview.<sup>45</sup> The schedule includes all claims of child sexual abuse that were resolved through The Salvation Army's own claims process and those which were litigated.<sup>46</sup>

The Royal Commission then prepared the following tables based on the information contained in the schedule prepared by The Salvation Army.

**Table 1: The Salvation Army claim payments categorised by claim process, 1993–2013**

Claim type	Number of claims	Payment minimum (\$A)	Payment maximum (\$A)	Average payment (\$A)	Total payments (\$A)
Claims without litigation	60	10,000	150,000	47,741	2,864,450
Claims where litigation was commenced	29	15,000	350,000	78,966	2,290,001
Claims not finalised	22	-	-	-	-
All claims	111	-	-	57,915	5,154,451

**Note:** Claims classed as 'without litigation' include those with an outcome reported as 'resolved'. Claims classed as having 'commenced' litigation include those with an outcome reported as 'settled'.

**Table 2: The Salvation Army payments for claims not litigated, categorised by time period, 1993–1999 to 2010–2013**

Period	Number of claims	Payment minimum (\$A)	Payment maximum (\$A)	Median payment (\$A)	Average payment (\$A)	Total payments (\$A)
1993–1999	2	15,000	40,000	27,500	27,500	55,000
2000–2004	10	10,000	70,000	40,000	39,000	390,000
2005–2009	36	15,000	150,000	40,000	51,790	1,864,450
2010–2013	12	10,000	80,000	45,000	46,250	555,000

**Note:** Claim periods were determined by the date that claims were received by the Professional Standards Committee or Professional Standards Office.

**Table 3: The Salvation Army payments for litigated claims, categorised by time period, 1993–1999 to 2010–2013**

Period	Number of claims	Payment minimum (\$A)	Payment maximum (\$A)	Median payment (\$A)	Average payment (\$A)	Total payments (\$A)
1993–1999	5	100,000	140,000	100,001	113,000	565,000
2000–2004	3	20,000	55,000	40,000	38,333	115,000
2005–2009	17	15,000	125,000	50,000	60,000	1,020,000
2010–2013	4	55,000	350,000	92,500	147,500	590,000

**Note:** Claim periods were determined by the date that claims were received by the Professional Standards Committee or Professional Standards Office. The period 2010–2013 includes Mr Ralph Doughty's claim.

**Table 4: The Salvation Army payments for claims not litigated, categorised by home, 1993–2013**

Salvation Army home	Number of claims	Payment minimum (\$A)	Payment maximum (\$A)	Median payment (\$A)	Average payment (\$A)	Total payments (\$A)
Bexley Boys' Home	2	40,000	40,000	40,000	40,000	80,000
Gill Memorial Home	9	20,000	150,000	60,000	66,111	595,000
Alkira Salvation Army Home for Boys (Indooroopilly)	15	10,000	125,000	50,000	56,467	847,000
Riverview Training Farm	24	10,000	100,000	35,000	41,560	997,450
Multiple institutions	10	15,000	40,000	40,000	34,500	345,000

**Table 5: The Salvation Army payments for claims where litigated, categorised by home, 1993–2013**

Salvation Army home	Number of claims	Payment minimum (\$A)	Payment maximum (\$A)	Median payment (\$A)	Average payment (\$A)	Total payments (\$A)
Bexley Boys' Home	7	40,000	140,000	100,000	97,857	685,000
Gill Memorial Home	12	20,000	350,000	80,000	94,167	1,130,001
Alkira Salvation Army Home for Boys (Indooroopilly)	6	15,000	100,000	42,500	48,333	290,000
Riverview Training Farm	4	20,000	85,000	40,000	46,250	185,500

**Table 6: The Salvation Army payments for all claims, categorised by home, 1993–2013**

Salvation Army home	Number of claims	Payment minimum (\$A)	Payment maximum (\$A)	Median payment (\$A)	Average payment (\$A)	Total payments (\$A)
Bexley Boys' Home	9	40,000	140,000	100,000	85,000	765,000
Gill Memorial Home	21	20,000	350,000	70,000	82,143	1,725,000
Alkira Salvation Army Home for Boys (Indooroopilly)	21	10,000	125,000	50,000	54,143	1,137,000
Riverview Training Farm	28	10,000	100,000	37,500	42,230	1,182,450
Multiple institutions	10	20,000	40,000	40,000	34,500	345,000

Tables 1 to 6 do not reflect differences in the personal circumstances or abuse of the claimants who received payments.

## 1.7 Disciplinary procedures

In 1974 the International Headquarters of The Salvation Army issued *Orders and Regulations for Officers of The Salvation Army* (the Orders and Regulations), which included a chapter dealing with 'officer discipline'.<sup>47</sup> The Orders and Regulations were updated in 1997 and, most recently, in 2003.<sup>48</sup> The parts of the Orders and Regulations<sup>49</sup> relevant to this case study are substantially the same as those in 1974, save for the adoption of gender-neutral language and some additional process steps.

The 1974 Orders and Regulations specified which officer was responsible for the discipline of another according to rank. For example, section 2(1) provided that the divisional commander is responsible for the officers, local officers and soldiers of his or her division and the territorial commander is responsible for officers of the rank of lieutenant-colonel.

The Orders and Regulations required the ‘responsible officer’ to implement a number of steps:

- conduct inquiries into allegations of breaches<sup>50</sup>
- obtain a written statement of the allegations<sup>51</sup>
- speak to the person implicated<sup>52</sup>
- where allegations are determined to be baseless, inform the person implicated and others that the matter is closed<sup>53</sup>
- where the officer responsible ‘believes there is sufficient ground for suspicion of guilt’, prepare a statement of charges<sup>54</sup>
- refer serious allegations to immediate leader for instruction<sup>55</sup>
- obtain confessions in writing<sup>56</sup>
- conduct investigation where the alleged perpetrator denies allegations<sup>57</sup>
- provide the subject officer with an opportunity to have a review before taking disciplinary actions involving dismissal or demotion in rank.<sup>58</sup>

The Orders and Regulations do not impose timeframes on the officer responsible to perform his or her responsibilities under the Orders and Regulations. They are not explicit about what order the steps in the process are to be taken in.

In 1989 International Headquarters initiated the establishment of ORB in its territories to deal with disciplinary matters.<sup>59</sup> ORB became the primary body responsible for considering disciplinary matters and for making recommendations to the territorial commander. Major Peter Farthing told us that:

[ORB] is ultimately an advisory body in that the Territorial Commander is not bound by its decisions. Generally however, in the Australia Eastern Territory, Territorial Commanders have accepted most recommendations from the ORB.<sup>60</sup>

The Chief Secretary chairs ORB and is joined on the board by the Secretaries for Personnel, Business Administration and Program.<sup>61</sup>

As mentioned, in 1996 The Salvation Army issued a policy entitled *Procedures for Complaints of Sexual and Other Abuse Against Salvationists and Workers*.<sup>62</sup> This policy dealt primarily with complaint handling but provided a link between complaints of abuse made against officers and disciplinary processes through the referral of alleged perpetrators to disciplinary proceedings under the Orders and Regulations.<sup>63</sup>

In 2008, a Professional Standards Committee (PSC) was also created to provide advice to divisional commanders and leaders on cases of misconduct and to ensure that proper processes were followed.<sup>64</sup> The Secretary for Personnel chairs the PSC. Its members include the Assistant Secretary for Personnel, the Child Protection Coordinator and the Territorial Integrity Coordinator from the PSO, a psychologist and a solicitor.<sup>65</sup> The PSC meets on a monthly basis and considers all formal complaints about allegations of abuse and serious misconduct.<sup>66</sup> The PSO provides advice and assistance to corps officers who require procedural assistance in managing inappropriate conduct. It updates the PSC regularly.<sup>67</sup> The PSO ensures that recommendations made by the PSC are implemented.<sup>68</sup>

## 2 Seven claims made between 2005 and 2013

### 2.1 FE's claim

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FE was born in 1959 and was admitted to Gill in July 1973 after his father convinced his mother to send him there. FE told us that while at Gill he was a victim of regular sexual abuse by Lieutenant X17. The abuse included having his genitals touched and being anally raped on multiple occasions.<sup>69</sup> FE also reported being caned on the bare bottom by another officer as punishment for 'talking back'.<sup>70</sup> FE said he ran away from Gill after being there for less than a month.<sup>71</sup> He subsequently spent time at a succession of state-run facilities and a foster home, where he was also sexually abused.<sup>72</sup>

FE gave evidence that he decided to contact The Salvation Army after experiencing nightmares about the abuse. On 2 November 2005, FE sent an email to The Salvation Army in which he outlined the abuse he had suffered at Gill.<sup>73</sup> FE was contacted by Major Cox, who organised for FE to see psychologist, Ms Colleen Hirst, to assist with the preparation of a victim impact statement and to receive counselling.<sup>74</sup> In February 2006, with Ms Hirst's assistance, a victim impact statement detailing FE's experience at Gill was prepared.<sup>75</sup> FE gave evidence that he was not clear about the process that would follow.<sup>76</sup> In April 2006 Captain Cox wrote offering to continue counselling and also to meet with FE.<sup>77</sup>

Captain Cox and Major Witts met with FE and his carer on 20 April 2006. FE's matter was considered by PICC on 11 May 2006 and it determined to offer him \$60,000. FE reported that he had to wait about two weeks to be told the outcome of the PICC meeting and was 'very nervous' during that time, stating 'I still don't have a clue of what is going on'.<sup>78</sup>

On 25 May 2006, Captain Cox emailed FE advising him of the outcome of the meeting. The email stated that PICC was 'deeply sorry' for the abuse FE outlined in his statement and offered an ex-gratia payment of \$60,000 as an 'expression of our regret'.<sup>79</sup> FE gave evidence that he did not know how the amount of \$60,000 was calculated and was not given any information about the calculation by Captain Cox, Major Witts or Ms Hirst.<sup>80</sup>

FE said that he did not obtain legal advice before signing the forms, including the deed of release, and was not offered assistance to do so by The Salvation Army.<sup>81</sup> He felt he had little choice but to accept the offer, despite considering it 'hush money'.<sup>82</sup>

I felt like the disclosure form was being held over my head. 'You either sign this form or you don't get the money' – I didn't feel like I had a choice.<sup>83</sup>

FE accepted the offer on 30 May 2006.<sup>84</sup> He later wrote a Christmas card to Captain Cox and Major Witts.<sup>85</sup> The deeds of release used by The Salvation Army are considered later in this report.

- › **Finding 1:** FE was not told by The Salvation Army of the basis upon which it had calculated the ex-gratia amount offered to him.

## 2.2 JE's claim

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JE was placed at Riverview on 27 January 1971. He told us that he remained there for 12 days and then he escaped by running away and swimming through a swollen river. He said he escaped because of the abuse he received. He was picked up by police on the Gold Coast and taken to Westbrook training farm.<sup>86</sup>

JE said he was subjected to physical, emotional and sexual abuse while at Riverview.<sup>87</sup> JE also gave evidence that he spent three days locked in solitary confinement. He said:

there was no light, no toilet, not even a bucket. If you had to go to the toilet, you had to just go and The Salvation Army officers would throw some newspaper at you to clean it up.<sup>88</sup>

With the assistance of Mr Lucas from the Esther Centre, which was where an advocacy service was based, JE approached The Salvation Army about his abuse at Riverview. JE prepared a victim impact statement on 25 January 2008 and Mr Lucas sent it to The Salvation Army.<sup>89</sup>

JE's victim impact statement was first considered at a PICC meeting on 14 February 2008. The PICC minutes record that Major Cox, the Assistant Secretary for Personnel, was to undertake some inquiries to 'verify the solitary room'.<sup>90</sup> Major Cox contacted a former Riverview Salvation Army officer and another person who was the child of former Riverview officers. Neither of these contacts knew of the existence of a solitary room.<sup>91</sup>

JE gave evidence that he was not aware that Major Cox was investigating his claim and he was not given the opportunity to reply to the accounts of those people that Major Cox had asked about the solitary room.<sup>92</sup> The Salvation Army accepted that JE was not asked to respond to those people that Major Cox had contacted.<sup>93</sup>

Following Major Cox's inquiries, PICC again considered JE's claim on 13 March 2008. At the meeting, PICC decided that The Salvation Army would write to JE to advise that there was no evidence of a solitary room, that it regretted he did not receive better care and that it would not be making him an offer.<sup>94</sup> The PICC minutes also noted that JE was 'only in Riverview for 12 days'.<sup>95</sup>

JE stated that he was not aware that there was an issue with the solitary room until he received a letter from Major Peter Farthing dated 28 March 2008.<sup>96</sup> The letter said:

We are very sorry that your experiences at Riverview were so unpleasant. We note that you were there for 12 days and we regret that better care was not provided. We have made inquiries regarding the 'solitary' room and we have also noted other reports from boys who were at Riverview. We have also asked a former member of staff about the room. I am sorry to let you know that we are not able to identify further the nature of this room. ... I am afraid the committee does not feel it appropriate to offer you an ex-gratia payment. We are aware that this will be a disappointment to you but we do wish you well.<sup>97</sup>

JE gave evidence that this letter made him furious and he was totally offended.<sup>98</sup> He said 'it sounded like a letter that you get from a hotel when you complain about a room'.<sup>99</sup> He told us: 'The Salvation Army hadn't even given me the respect of meeting me face to face and they wouldn't apologise.'<sup>100</sup>

JE responded to Major Farthing by letter on 18 April 2008 and said that he could provide additional 'anecdotal and documentary' evidence to support the room's existence.<sup>101</sup> JE stated in the letter that he left Riverview after 12 days because:

the treatment was so inhumane and the conditions so deplorable ... I swam across the Bremer River, which was at full flood and nearly drowned. ... I was a child and should have been prevented from making good an escape.<sup>102</sup>

JE continued:

Just as you failed to provide adequate, compassionate and humane care in the past, so have you now failed to provide what you offer on your website.

I quote your website: 'We WILL hear you. ... The representatives will offer you a personal apology. The Salvation Army may be able to assist with cost of professional counselling.'

I was offered NONE of these.<sup>103</sup> [Emphasis in the original.]

During her evidence, Major Cox conceded that it was an error by The Salvation Army not to have met with JE or followed its processes and heard about his time at Riverview.<sup>104</sup> Major Cox also stated that the apology in Major Farthing's letter of 28 March 2008 was not appropriate.<sup>105</sup> Major Farthing agreed that JE's response to his letter of 28 March 2008 was justified.<sup>106</sup> He said that The Salvation Army got the process 'completely wrong' and that it was a 'mean spirited decision'.<sup>107</sup>

Major Farthing acknowledged that, after JE's letter was received,<sup>108</sup> PICC reconsidered JE's claim on 22 May 2008 and decided to meet with him, offer an apology, offer to fund counselling and offer an ex-gratia payment of \$10,000.<sup>109</sup>

Major Cox and Major Witts subsequently met with JE at the Esther Centre on 20 June 2008. They were both persuaded by the strength of JE's story.<sup>110</sup> Major Cox stated that she decided not to put the offer of \$10,000 to JE at the meeting because she felt it would be an insult to him.<sup>111</sup> Major Witts recommended in his report of the meeting that JE be offered \$25,000.<sup>112</sup> PICC reconsidered the offer of \$10,000 on 24 July 2008 and settled on a new offer of \$20,000.<sup>113</sup>

Major Cox then wrote to JE offering him \$20,000 'as a tangible expression of our regret'.<sup>114</sup> JE did not know how this figure had been determined.<sup>115</sup> At a further meeting with Major Cox, JE said he 'didn't have the fight in me to go any further with it because it drains you'.<sup>116</sup> JE accepted the offer and signed a deed of release on 4 September 2008 because he said he wanted the matter over and felt exhausted by the process.<sup>117</sup> The deeds of release used by The Salvation Army are considered later in this report.



JE gave evidence that he felt that during the claims process The Salvation Army ‘continued the abuse by treating me like a turd’.<sup>118</sup> He said that The Salvation Army did not realise what he went through in preparing his victim impact statement. He said:

my whole life revolved around it. I couldn’t get a job, I couldn’t work, I couldn’t do anything ... and if that wasn’t distressing enough, you get a letter that says ‘We’re not interested. Go away’.<sup>119</sup>

JE said that he put up with it in the hope that at the end he might get some closure through a respectful and genuine apology and redress of some sort.<sup>120</sup>

- › **Finding 2:** The Salvation Army, contrary to its own procedures, refused JE an ex-gratia payment without meeting with him.

## 2.3 EF’s claim

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In 1962 EF was made a ward of the state at the age of four. He was admitted to Indooroopilly when he was about eight and he lived there for less than one year. During this time, EF said Captain Bennett sexually abused him, including through multiple acts of anal rape.<sup>121</sup> He said he was also the subject of numerous physical beatings by Captain Bennett that including being hit with his hand, a piece of wood or ‘anything he could get his hands on’.<sup>122</sup>

In his short victim impact statement of May 2008, EF told The Salvation Army that Captain Bennett was very physically abusive – that he put out cigarette butts on him, including between EF’s toes.<sup>123</sup> He also told them that on one occasion he was woken up by Captain Bennett in the middle of a winter’s night and stripped naked and that Captain Bennett then tied bricks to his feet and threw him into the pool.<sup>124</sup> His victim impact statement does not mention that he was sexually abused.<sup>125</sup>

Following receipt of EF’s victim impact statement, Major Cox telephoned Major Don Coleman to discuss conditions at Indooroopilly when EF was there.<sup>126</sup> Major Cox said she made inquiries of a general nature about discipline at the home. She said that Major Coleman’s responses to Major Cox’s questioning did not corroborate the claims in EF’s statement.<sup>127</sup>

In evidence, Major Cox explained she was ‘speaking to Mr Coleman to try to get some sort of impression of what the conditions were like at the boys home when EF was there’.<sup>128</sup> Major Cox said her conversation with Major Coleman was considered by PICC on 22 May 2008.<sup>129</sup> She agreed that PICC determined that, in the absence of corroboration, EF’s allegations had ‘not been proven’.<sup>130</sup>

Major Peter Farthing agreed there was some concern ‘at that particular PICC meeting ... that EF’s impact statement was not correct or not wholly correct’.<sup>131</sup> Major Farthing said there was some doubt in his mind ‘about aspects of [EF’s] story’.<sup>132</sup> He asked Major Cox and (then) Captain Witts to meet with EF<sup>133</sup> to ‘question his story’.<sup>134</sup>

Major Cox and Captain Witts met with EF on 21 July 2008.<sup>135</sup> At the meeting, EF provided additional material to Major Cox and Captain Witts about the abuse he had suffered at Indooroopilly.<sup>136</sup> Captain Witts noted in his report of the meeting:

At the interview, [EF] says Major Bennett also sexually assaulted him several times. This was not included in his written report.<sup>137</sup>

Major Cox took Captain Witts' report to PICC on 24 July 2008.<sup>138</sup> During the PICC meeting, Major Farthing made notations on the report that certain allegations of abuse had 'not been proven'.<sup>139</sup> In relation to the incident in the swimming pool, Major Farthing noted on the minutes 'allegation not proven'.<sup>140</sup> When asked about these notations, Major Farthing said 'I think at that stage we weren't sure if the [victim's] memory was accurate'.<sup>141</sup>

Major Farthing told the Royal Commission:

In principle and practice, we take survivors' accounts at face value, and believe them. We recognise that memories can be somewhat inaccurate on details. Any person can be mistaken somewhat over a period of 30 years or more. But we believe people, in principle.<sup>142</sup>

However, Major Farthing said that he 'did not accept EF's account on face value'<sup>143</sup> and agreed that 'there seems to be ... a questioning of the veracity of' EF's claim.<sup>144</sup>

Major Cox agreed that the notations were made to the report to PICC 'because when [she] had spoken with [Major] Coleman about conditions at Indooroopilly, he had not mentioned any of the types of sexual or physical assaults that Mr EF had told her'.<sup>145</sup> Major Cox agreed 'that in the absence of some form of corroboration or some form of supporting evidence, the PICC determined that those allegations had not been proven'.<sup>146</sup>

Major Cox said:

because these things happened so many years ago, we couldn't prove them, as such. We received their complaints, and ... I believed what I was told. So it was difficult to be able to prove an allegation.<sup>147</sup>

Major Cox agreed that she 'wanted other evidence before [she] would say something was proved, but [she] would accept what [she] was told'.<sup>148</sup>

The PICC minutes for 24 July 2008 indicate that an ex-gratia payment of \$10,000 was to be offered to EF.<sup>149</sup> EF later accepted an amount of \$11,000 and signed a deed of release.<sup>150</sup> The deeds of release used by The Salvation Army are considered later in this report.

Major Cox acknowledged that 'if [the committee] applied the matrix to what Mr EF had told [the committee], the amount allocated should have been larger than \$10 000',<sup>151</sup> but she said she did not

know why he had not been offered a higher amount.<sup>152</sup> Major Cox agreed ‘looking at that now, we could have done better<sup>153</sup> ... [we] could have offered him a substantially larger amount of money’.<sup>154</sup>

Major Cox said she had no other explanation for why an amount higher than \$10,000 had not been offered, other than the allegations had not been proven.<sup>155</sup>

Major Farthing explained the impact that the allegations were ‘not proven’ had on the ex-gratia payment:

I would say this wasn’t one of my finest hours ... So I think ... maybe that had some impact on the lower level of payment, which I greatly regret. I don’t know if that’s the case, but it may be the case.<sup>156</sup>

Major Farthing agreed that ‘given the nature of the allegations of abuse that [EF] had put in his impact statement – that [\$10,000] was certainly at the lower end [of payments]’.<sup>157</sup>

Major Farthing conceded that The Salvation Army’s handling of EF’s claim was poorly managed and agreed to review EF’s matter:

We will give it a whole fresh look. I will give that undertaking. Treat it as a new case, apologise for our failure with this in the past and go with it again.<sup>158</sup>

- › **Finding 3:** EF was offered a low ex-gratia payment by The Salvation Army compared with other claimants because Major Peter Farthing and PICC considered that EF’s allegations were not proven.

## 2.4 JF’s claim

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JF was admitted to Indooroopilly on 2 November 1948 after his father shot and killed his mother. JF stayed at the home until 8 March 1955. During his time at the home JF said that Salvation Army officers physically, emotionally and sexually abused him.<sup>159</sup> JF gave evidence of the sexual abuse he suffered in the home:

I cannot now remember the name of the officer who sexually abused me. The officer told me I had to clean out the officers’ rooms. When I went in, he pushed me down and pulled off my pants. When I struggled he choked me. He then raped me. It was so painful. The injuries meant that I passed blood for days.<sup>160</sup>

JF said that the abuse he suffered at the home has had a permanent impact on his personality and life. JF says he struggles to trust people and has found it hard to maintain lasting relationships.<sup>161</sup>

With the assistance of Mr Lucas from Lotus Place, where an advocacy service was based, JF provided a victim impact statement to The Salvation Army on 15 September 2008 detailing the abuse he had

suffered.<sup>162</sup> JF gave evidence that he approached The Salvation Army because he wanted someone to say sorry.<sup>163</sup> JF said that, although Mr Lucas provided him with some information about the claims process, he did not really understand what was involved. He did not receive a document from The Salvation Army setting out what the process was.<sup>164</sup>

In response to his victim impact statement, JF received a letter from Major Cox dated 1 November 2008.<sup>165</sup> In the letter Major Cox wrote, 'I was so very sorry to read of the experiences you describe while in care at the Indooroopilly Boys' Home'.<sup>166</sup> JF gave evidence that he did not consider this to be a sufficient apology because there was no acceptance of responsibility for the abuse.<sup>167</sup> Major Cox acknowledged that it was important for people from The Salvation Army to say sorry for what actually happened to them and that her letters did not necessarily do that.<sup>168</sup>

PICC considered JF's claim on 27 November 2008. The minutes of this meeting indicated that an ex-gratia payment figure of \$70,000 was considered and that Major Peter Farthing was to write to X18 about the allegations of physical abuse that had been made against him.<sup>169</sup> Major Farthing wrote to X18 about JF's allegations and X18 wrote back denying the allegations and offering to meet with JF.<sup>170</sup> JF gave evidence, and The Salvation Army accepted, that he was not aware that The Salvation Army had contacted X18 about his claim.<sup>171</sup> JF also said that The Salvation Army did not seek any additional evidence from him.<sup>172</sup>

Following these inquiries with X18, PICC reconsidered JF's claim on 16 January 2009 and the ex-gratia payment figure was reduced to \$40,000.<sup>173</sup> Major Cox told us that she could not recall why the amount went from \$70,000 to \$40,000 and later to \$30,000.<sup>174</sup> She said she did not know why the amount fluctuated.<sup>175</sup>

JF and Mr Lucas then met with Major Cox at the Esther Centre on 13 February 2009. JF recounted the details of his abuse while he lived in Indooroopilly.<sup>176</sup> He also told Major Cox that the previously unidentified officer who had sexually abused him at Indooroopilly was in fact X19.<sup>177</sup> Major Cox made a note that she was 'suspicious' of this information, as JF had not provided it before,<sup>178</sup> but she did not raise this issue with JF.<sup>179</sup>

JF received a letter from Major Cox on 6 May 2009 offering him a \$30,000 ex-gratia payment.<sup>180</sup> In the letter Major Cox wrote: 'On behalf of The Salvation Army I want to offer you our sincere apology for any mistreatment you received while in our care.'

JF said that the apology included in this letter was insufficient and that he would have preferred a personal apology.<sup>181</sup> Major Cox said she agreed that victims of abuse want The Salvation Army, as an organisation, to understand what it is apologising for in a particular and not a generalised way.<sup>182</sup> The Salvation Army accepted that the apology did not specify what actually happened to JF.<sup>183</sup>

JF accepted the payment and signed the deed of release on 18 May 2009.<sup>184</sup> JF told us that Mr Lucas suggested he obtain his own legal advice, but JF said that he could not afford it.<sup>185</sup> The deeds of release used by The Salvation Army are considered later in this report.

- › **Finding 4:** JF was not given an opportunity by The Salvation Army to reply to doubts about the factual basis of his claim raised by X18.

## 2.5 Ms Cheryl Eldridge's claim

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Ms Eldridge spent nine years at Horton House – a residential care facility for girls located in Toowoomba, Queensland – between the ages of about three and 15. During that time, Ms Eldridge said that she was physically and emotionally abused. She also alleged that the matron of Horton House sexually abused her by removing her pants and hitting her with a strap. Ms Eldridge gave evidence that the abuse she received at Horton House has negatively impacted on her life, including on her ability to have loving and affectionate relationships with her children.<sup>186</sup>

Ms Eldridge told the Royal Commission that she initiated contact with The Salvation Army in September 2008 after having sought and received a payment for abuse in care through the Queensland Government's redress scheme. Ms Eldridge said that her sister, who had also suffered abuse while at Horton House, had been through The Salvation Army's claim process and had received a payment of \$50,000. Ms Eldridge lodged her claim with The Salvation Army after her sister's claim was finalised.<sup>187</sup>

With the assistance of Mr Lucas from the Esther Centre, Ms Eldridge approached The Salvation Army in September 2008 about the abuse she suffered at Horton House and provided it with a victim impact statement.<sup>188</sup> Major Cox responded, saying she was 'very sorry to read of the awful experiences you describe'.<sup>189</sup> Ms Eldridge's victim impact statement was considered by PICC at its meeting on 27 November 2008. The minutes of that meeting and the evidence of Major Cox indicate that PICC considered that an ex-gratia payment offer of \$30,000 was appropriate based on her victim impact statement.<sup>190</sup> PICC also asked Major Cox to undertake an investigation of Ms Eldridge's claim.<sup>191</sup>

In January and February 2009 Major Cox made inquiries with former workers at Horton House Captain Val Forrest and Major Lila Pearse. Major Cox's file notes indicate that Captain Forrest remembered Ms Eldridge as a 'problem child who they had difficulties with'.<sup>192</sup> Both Captain Forrest and Major Pearse cast doubt about a 'bathroom ritual', which Ms Eldridge had said had humiliated her.<sup>193</sup> They made some comments about general experiences or procedures at the home that raised doubts about Ms Eldridge's claim.<sup>194</sup>

Ms Eldridge gave evidence that she was not aware that Major Cox was conducting investigations on her abuse. No doubts about her story were put to her.<sup>195</sup>

On 16 February 2009, Major Cox and another Salvation Army officer met with Ms Eldridge at Lotus Place.<sup>196</sup> Ms Eldridge was supported by a friend and Mr Lucas at the meeting. Major Cox offered Ms Eldridge counselling and provided another apology to her.<sup>197</sup> Major Cox said that she did not tell Ms Eldridge during the meeting that she had made inquiries of Captain Forrest and Major

Pearse about Ms Eldridge's allegations concerning Horton House.<sup>198</sup> Ms Eldridge had a report from her psychologist with her that she wanted to give to The Salvation Army.<sup>199</sup> Major Cox said she remembered that Ms Eldridge had some 'extra information' with her but told her: 'I believe you. I don't need more evidence.'<sup>200</sup> Major Cox said it was not her practice to ask for medical reports during such meetings.<sup>201</sup>

On 27 February 2009, Major Cox reported back to PICC about her meeting with Ms Eldridge.<sup>202</sup> Major Cox agreed that she reported the outcome of her discussions with Captain Forrest and Major Pearse back to PICC, although she was unable to recall the discussions that took place.<sup>203</sup> The PICC minutes record a decision that Ms Eldridge was to be made an offer of ex-gratia payment of \$7,000, plus \$7,000 in in-kind support.<sup>204</sup>

Major Cox agreed that the revised offer was arrived at after consideration of all the material, including her report of the meeting with Ms Eldridge and the outcome of her discussions with Captain Forrest and Major Pearse.<sup>205</sup> She agreed that, if the matrix had been applied, the relevant amount was \$20,000 and said that the amount 'could well have been' reduced because of the information from Captain Forrest and Major Pearse.<sup>206</sup>

Major Cox wrote to Ms Eldridge on 11 March 2009 offering a \$7,000 ex-gratia payment plus \$7,000 in in-kind support toward educational expenses and the cost of counselling.<sup>207</sup> Ms Eldridge gave evidence that she was 'completely shocked and upset' upon receiving the letter of offer, describing it as 'terrible'.<sup>208</sup> Ms Eldridge rejected the offer by letter; she said that she did not feel that the offer made was commensurate with her suffering and noted the disparity with her sister's ex-gratia payment.<sup>209</sup>

In May 2009 PICC agreed to make Ms Eldridge an offer of \$30,000 plus \$5,000 for counselling.<sup>210</sup> Major Cox said that the reason for the difference was that 'obviously we looked at the matrix again'.<sup>211</sup> The new offer was made to Ms Eldridge noting that her abuse was 'over and above that which was the standard treatment in homes in that period'.<sup>212</sup> Ms Eldridge rejected the offer, saying that it did not appropriately reflect the suffering she had endured.<sup>213</sup>

The matter returned to PICC for reconsideration on 13 August 2009 and the minutes record '[h]er sister was in care for 12 years and received \$50 000'.<sup>214</sup> Ms Eldridge was made a 'final offer' of \$40,000 in August 2009,<sup>215</sup> which she said she reluctantly accepted even though she thought it was 'shut up money'.<sup>216</sup> She signed the deed of release.<sup>217</sup> Major Cox said that the amount was increased as a result of consideration of her sister's payment.<sup>218</sup> The deeds of release used by The Salvation Army are considered later in this report.

Ms Eldridge told the Royal Commission that she was unclear about what matters PICC had considered in determining the amount of offers made to her and wrote seeking answers to her questions about the process.<sup>219</sup> Major Cox replied, stating:

The criteria for the offer is based on each individual case taking into account the victim impact statement, life impact, known history of institution, staff, prevailing conditions, and precedents.<sup>220</sup>

## 2.6 ES's claim

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ES and his three siblings were placed into care in 1962, when his parents separated and ES was about five years old.<sup>221</sup> ES was sent to Riverview at the age of 14. By then he had already lived in a number of institutions.<sup>222</sup>

ES said that Captain Bennett physically and sexually abused him at Riverview.<sup>223</sup> He said his abuse included being locked in a cage for extended periods before being let out and forcibly sodomised.<sup>224</sup> He said he had also been stripped naked and had a running hose used as an enema.<sup>225</sup> He said he also endured an incident of abuse that involved him being stripped naked and forced to crawl around a goalpost with a dead chicken.<sup>226</sup>

In 2010, Mr Lucas assisted ES to make contact with The Salvation Army.<sup>227</sup> Through Mr Lucas, Ms Foster of The Salvation Army organised a meeting with ES at Rockhampton in Queensland on 15 February 2011. ES lived in a town some 81 kilometres outside of Rockhampton.<sup>228</sup>

During the meeting, which was attended by ES, Ms Foster, Mr Lucas and others,<sup>229</sup> ES informed Ms Foster 'that he was illiterate'.<sup>230</sup> Ms Foster's notes of the meeting indicate that 'where ES lived there was no public transport' and 'ES did not have a driver's licence'.<sup>231</sup> Further, 'ES had no friends in the town' and had 'hostile relations with other town residents'.<sup>232</sup> Ms Foster agreed that 'ES suffered from a degree of social isolation'.<sup>233</sup>

By the time of the 15 February 2011 meeting, Ms Foster was aware that Mr Lucas would assist ES in the resolution of his claim, but his capacity would be limited:<sup>234</sup>

These are my last 2 clients as I have recently retired and I would like to see the process through with both. However as I now live at some distance from Brisbane it is difficult for me to make the scheduled appointment with [REDACTED] on 17th February.<sup>235</sup>

In evidence Ms Foster agreed she was 'aware that Mr Lucas was based in Brisbane'.<sup>236</sup>

On 28 February 2011, PICC determined to offer ES \$70,000 as an ex-gratia payment.<sup>237</sup>

On 5 March 2011, Ms Foster sent a letter to ES enclosing a deed of release for him to sign.<sup>238</sup> In evidence Ms Foster said she 'sent ES the letter on the understanding he would contact Mr Lucas, who would help him interpret it'.<sup>239</sup> However, Ms Foster did not send the letter to Mr Lucas.<sup>240</sup> Further, Ms Foster said she was 'not aware of taking any steps to provide [the] information directly to Mr Lucas in Brisbane'.<sup>241</sup> Ms Foster's evidence accords with Mr Lucas's recollection, which was

that he did not think he was involved with ES at that stage.<sup>242</sup>

Ms Foster said she did not give ES any advice about seeking legal or other advice before signing the deed of release.<sup>243</sup> She said that she understood the effect of the deed of release would be to ‘limit [ES’s] options for ... tak[ing] legal action against The Salvation Army’ in the future.<sup>244</sup> Ms Foster said she ‘expected that John Lucas would go through the documents carefully with him and make sure that he understood each step of those [documents]’.<sup>245</sup> Given this expectation, Ms Foster conceded that ‘it would have made sense to provide those documents to Mr Lucas’.<sup>246</sup>

ES said he received the documents, including the deed of release, in the mail. He signed them and sent them back.<sup>247</sup> He said the money was transferred into his account.<sup>248</sup>

When asked about ‘the practice with respect to offering legal assistance or advising those entering into a deed of release to seek legal advice’,<sup>249</sup> Ms Foster said that ‘we probably relied on the content of the deed of release that sort of encouraged people to get help to understand the documents’.<sup>250</sup> In particular, at clause 8.1 of the deed of release signed by ES, the releasor ‘warrants that he has had an opportunity to obtain independent legal advice in relation to this Deed’.<sup>251</sup>

The evidence reveals that, although ES thought that he signed the deed alone, he in fact did so in the presence of Ms Narelle Matthews, who witnessed his signature.<sup>252</sup> He later received advice from a solicitor that the effect of the deed was that ‘he wouldn’t be able to sue’ The Salvation Army.<sup>253</sup>

- › **Finding 5:** The Salvation Army sent ES documents for him to sign that affected his legal rights without ensuring he had sufficient support to enable him to understand the nature and effect of those documents.

## 2.7 Mr Allan Anderson’s claim

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Mr Anderson lived at Bexley with one of his younger brothers from 1966 until 1974. He said that during that time Captain John McIver and Captain X5 subjected him to severe physical discipline, which included being caned or beaten until severely bruised.<sup>254</sup> He also said he was subjected to unnecessary dental work and suffered emotional abuse.<sup>255</sup> Mr Anderson gave evidence that, before his younger brother’s death, his younger brother disclosed to him that an officer at Bexley had sexually abused him.<sup>256</sup> He said that he was not sexually abused himself.

At the time of the public hearing The Salvation Army was considering Mr Anderson’s claim.

Mr Anderson said that in 1969 a friend of his, who resided at Bexley with him, had a severe asthma attack.<sup>257</sup> Mr Anderson said he alerted officers at the time, but in the morning his friend was dead.<sup>258</sup> He blamed the officers for not acting sooner. As a result of his time in Bexley, Mr Anderson said that he suffers chronic anxiety and also requires significant dental work as a result of the dental procedures performed while in Bexley.<sup>259</sup>



Mr Anderson contacted The Salvation Army's PSO around September 2013 after speaking with boys who had been in the home with him.<sup>260</sup> He then received a letter inviting him to provide a statement about his time at Bexley, which would be provided to PICC.<sup>261</sup> The letter annexed a one-page document outlining the information that should be included to assist The Salvation Army to 'make a full assessment' of his experience.<sup>262</sup>

In October 2013 Mr Anderson responded, providing a detailed victim impact statement and seeking information about his treatment in Bexley.<sup>263</sup> On 16 December 2013 Mr Anderson was interviewed by Mr Hatte from the PSO. In his statement Mr Anderson said that at the meeting:

they asked me what I wanted out of the claim process. I told them that I did not know. I said words to the effect of, 'I do not understand the process involved or what outcomes or options were available to me.' I told them that I just trusted them to do the right thing ...<sup>264</sup>

At the meeting with Mr Hatte, Mr Anderson said he wanted to know whether disciplinary action would be taken against Captain McIver, what had happened to his best friend, how his brother's abuse would be dealt with and whether he would be compensated for his dental expenses.<sup>265</sup>

Mr Anderson said he did not have any clarity about the outcomes or options that were available as part of the process he was engaged in:

I was unclear. I didn't really – I just didn't know. They came there, they were quite open ... They said that they ... believed my story; they had spoken to other care leavers ... regarding what had happened. They believed it and virtually said this would go before the committee and they would make a decision. But at no time, as I said, did I mention a figure or did they mention a figure. They just said it would go to a committee to make a decision, whatever that meant. I still don't understand.<sup>266</sup>

The Salvation Army regretted that Mr Anderson left the meeting unclear about the process.<sup>267</sup>

Mr Anderson followed up with the PSO on 6 February 2014, met again with Mr Hatte and told him he was 'very frustrated' at the delay in processing his claim. Mr Anderson gave evidence that during the meeting Mr Hatte did not explain how the figure would be determined and did not advise Mr Anderson that he would be required to sign a deed of release.<sup>270</sup>

Mr Anderson wrote to Commissioner Condon on 1 March 2014 seeking responses to the questions he had already asked. He said that he was concerned about the lack of answers to his questions after having been engaged in The Salvation Army's process for five months.<sup>271</sup>

On 7 March 2014, Mr Anderson received a telephone call from Mr Hatte advising him that PICC had met the day before and determined to offer him \$70,000.<sup>272</sup> Mr Anderson said that he asked Mr Hatte how the figure was determined, but Mr Hatte did not answer him.<sup>273</sup> Mr Anderson was concerned about the lack of clarity of the offer:

my concern was why would you give someone some money and not be able to tell you what they were giving it to you for, in basic terms, you know, how long I was there or what – the impact it’s had on my life ... The Salvation Army got me to give them an impact study with certain criteria through that impact study. I would have thought that the money they offered related to that ... impact statement, but [Mr Hatte] couldn’t elaborate any further, apart from, ‘We’re offering you \$70 000 and I can’t tell you what it is for’.<sup>274</sup>

Mr Anderson said that he was not offered an apology until he met with the Commissioner on 11 March 2014.<sup>275</sup> He said the Commissioner was not able to answer the questions he had raised in his letter.<sup>276</sup> The Commissioner told us that he regretted that Mr Anderson had not received an apology from a senior officer sooner.<sup>278</sup> He said that such an apology was ‘a vital part of our claims process’.

Mr Anderson also wrote to Mr Hatte that day and rejected the offer of \$70,000.<sup>279</sup> He said that he rejected the figure because ‘I do not believe they followed any process in coming to that figure’.<sup>280</sup>

Mr Anderson told the Royal Commission that he had not yet received a formal letter of offer or answers to the questions he had raised<sup>281</sup> and was ‘confused by the process the organisation puts you through ... as it is not transparent’.<sup>282</sup>

PICC records revealed that Mr Anderson’s claim had been assessed against the matrix.<sup>283</sup> The records indicate that PICC assessed that Mr Anderson was entitled to \$15,000 because he had suffered three or more exacerbating factors while in Bexley, plus an additional \$20,000 because he was 12 on entry to Bexley and stayed there for over three years. PICC also allocated Mr Anderson a further \$10,000 for ‘profound impact’, \$20,000 under the Secretary for Personnel’s Discretionary Offer and \$5,000 for counselling.<sup>284</sup>

## 3 Mr Ralph Doughty's claim

### 3.1 Abuse at Gill Memorial Home

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Mr Doughty was in Salvation Army care at Gill from 1941 until 1950. During that time he said he experienced physical and sexual abuse that included being 'bashed' by officers X20 and X4.

Mr Doughty told us that on one occasion he was punished on returning from a band excursion, when he had disobeyed an instruction not to drink a bottle of water. He said that Captain X20 punched him in the face with a closed fist, then punched him in the ribs. This was followed by punches to the head and to his ribs that knocked him to the floor, where he was then kicked a number of times.<sup>285</sup>

Mr Doughty said that Major X4 approached him while he was naked and waiting to shower.<sup>286</sup> He said that Major X4:

ran a cane around my testicles and penis until it became stiff, then he would hit it with the cane. He called it 'taking the lizard for a walk'.<sup>287</sup>

On other occasions at night-time, while he was in bed, he said that Salvation Army officers came and grabbed his testicles and penis.<sup>288</sup> He also said that the officers tried to stick their penises into his mouth and one officer stuck a cane into his anus.<sup>289</sup>

Mr Doughty described a range of impacts of the abuse on him, including nightmares, suicidal ideation and problems in his relationships such as never feeling able to kiss his wife or children because the officers tried to force their penises into his mouth.<sup>290</sup>

In his statement to the Royal Commission, Mr Doughty said that he first reported his abuse in 1951 to the officer in charge at the Goulburn Corps in a 'general' way.<sup>291</sup> He said that he heard nothing further about his complaint.<sup>292</sup> Major Peter Farthing said that he was not aware of a complaint in 1951 until he read Mr Doughty's statement to the Royal Commission.<sup>293</sup>

In 1993 Mr Doughty said he wanted to pursue his claim and made a more detailed complaint to The Salvation Army that he had been mentally and physically abused.<sup>294</sup> In September 1993 Mr Doughty met with three officers of The Salvation Army and told them that Major X4 had 'acted in a cruel, vindictive and abusive manner to me'.<sup>295</sup> Mr Doughty was told by the officers that they would investigate his complaint.<sup>296</sup>

A file note records that inquiries were made of 'other contacts' who 'basically confirmed Doherty's [sic] reports of physical and mental abuse'.<sup>297</sup> In the file note Major X4 is noted as saying 'there needed to be discipline in the Home' but that he 'did not believe it was excessive' and did not accept that his own actions were 'cruel'.<sup>298</sup> He said he was 'hard but fair'.<sup>299</sup>

One of the three officers then met with Mr Doughty and told him that they had contacted Major X4 and that he had denied Mr Doughty's allegations of abuse.<sup>300</sup> Major X4 had offered to meet

with Mr Doughty, but Mr Doughty refused and was quite angry and emotional at the suggestion.<sup>301</sup> An internal letter records that Major Errol Woodbury asked Mr Doughty on the telephone if there was anything further he could do. Mr Doughty said there was not and there was no further communication at that time.<sup>302</sup>

In August 2003, Mr Doughty wrote to The Salvation Army seeking information about his time at Gill.<sup>303</sup> Major Farthing spoke to Mr Doughty and gave him some information about the claims process by phone. He invited him to make a statement with the assistance of a psychologist.<sup>304</sup> At that time, however, Mr Doughty did not take steps to prepare a victim impact statement.

In late 2003 or early 2004 Mr Doughty made a written submission<sup>305</sup> to the Senate Community Affairs References Inquiry into Children in Institutional Care. In February 2004 he appeared at the inquiry and spoke to his submission.<sup>306</sup> Mr Doughty also appeared in the media discussing the abuse he suffered at Gill.<sup>307</sup> As a result, Major Farthing wrote to Mr Doughty and informed him again of The Salvation Army's claims handling process.<sup>308</sup>

## 3.2 Claim progress between 2005 and 2007

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In July 2005 PICCC met and considered Mr Doughty's matter, even though a formal claim had not been made. It determined to offer him an ex-gratia payment of \$20,000.<sup>309</sup> Between August and November 2005 there was further written and telephone communication between Mr Doughty, Major Cox and Major Farthing.<sup>310</sup> On 22 October 2005 Mr Doughty wrote seeking 'substantial compensation' for the abuse he suffered at Gill.<sup>311</sup> Major Farthing responded and requested a more detailed account of Mr Doughty's abuse.<sup>312</sup>

In November 2005 Mr Doughty provided The Salvation Army with a copy of his submission to Senate Community Affairs References Committee inquiry and The Salvation Army accepted it as a victim impact statement.<sup>313</sup> On 24 November 2005 PICC reconsidered Mr Doughty's claim and determined an amount of \$60,000 – \$75,000 was to be offered to him.<sup>314</sup>

In December 2005, Major Farthing and Major Witts met with Mr Doughty at his home.<sup>315</sup> During the meeting Major Farthing made Mr Doughty an initial offer of an ex-gratia payment of \$60,000 and a subsequent offer of \$100,000. Mr Doughty rejected the offers, saying he felt that \$10 million was a reasonable amount.<sup>316</sup> Major Farthing also told us about the meeting:

[I]t was an offer, it was something that was beyond what the PICC had authorised. They had authorised up to \$70,000. And we certainly hadn't gone to \$100,000 very often in those days, but we wanted to assist Mr Doughty to a resolution, so I offered that as an attempt to do that. Clearly \$60,000 did not hit the mark. We didn't make him feel that we had recognised his experiences at all. So it clearly needed the higher offer. And I felt \$100,000 was a fairly significant – to me, it is a significant amount of money.<sup>317</sup>

By February 2007 Mr Doughty's claim had not progressed. In his discussions with Major Farthing, Mr Doughty continued to seek compensation of \$10 million.<sup>318</sup> He wrote to a number of Salvation Army officers, including the General of The Salvation Army in London.<sup>319</sup>

On 5 April 2007 Major Farthing confirmed the \$100,000 offer made in late 2005 in a letter to Mr Doughty and suggested that their respective lawyers meet to discuss the matter.<sup>320</sup> Around this time, Mr Doughty engaged legal representation and, in July 2007, issued a draft statement of claim on The Salvation Army along with a cover letter proposing 'exploration of pre-litigation resolution of the matter'.<sup>321</sup> The statement of claim included the allegations of physical and sexual abuse outlined above.

A settlement conference between lawyers for Mr Doughty and The Salvation Army was held on 18 October 2007.<sup>322</sup> Mr Doughty was subsequently verbally advised by his lawyer that The Salvation Army had offered to settle the claim for \$150,000.<sup>323</sup> The offer was confirmed in writing and also included an offer of 20 counselling sessions of up to \$3,000 in value on the basis that Mr Doughty would enter into a written release with respect to the matters in his statement of claim.<sup>324</sup>

In the letter containing the offer the legal representatives of The Salvation Army asserted Mr Doughty faced 'serious difficulties' in his legal claim, including statute of limitations and vicarious liability defences available to The Salvation Army.<sup>325</sup> Mr Doughty did not accept the offer because he said he was still seeking \$10 million.<sup>326</sup> Major Farthing said that Mr Doughty's rejection of the offer was not communicated to The Salvation Army.<sup>327</sup>

Major Farthing was asked about whether mediation of Mr Doughty's claim was explored:

A. [The use of an independent mediator] hadn't been suggested to us back in 2007/2008. It would have been worth a try. Anything would have been worth a try. But the thought did not occur to me or others at that stage, yes. It wasn't part of our arsenal of how to respond to claims.

Q. Did you seek advice from your lawyers at the time as to how you might take additional steps to try to resolve this difficult matter?

A. No, I don't know that we did. We probably would have discussed the matter, but I don't know that we did that to advance it further, no.<sup>328</sup>

### 3.3 Claim progress, 2011

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Neither Mr Doughty nor The Salvation Army took further steps to progress the claim until early 2011.<sup>329</sup>

Mr Doughty began corresponding with The Salvation Army again in early 2011, including by writing to then Commissioner Bond on 12 February 2011 suggesting mediation:

The main matter I want to discuss with you and the General is my claim against The Salvation Army; which was acknowledged and conceded by The Salvation Army and its representative, Peter Farthing. It was agreed that the retired judge, Justice Street, would mediate on the claim but this has not been done.<sup>330</sup>

Major Farthing said the letter contained a number of inaccuracies.<sup>331</sup> Ms Foster responded on behalf of Commissioner Bond on 28 February 2011, rejecting his request for mediation:

As the Commissioner is about to move overseas she has asked me to reply. The Commissioner's schedule is very heavy and she will not be able to accommodate your request for mediation.<sup>332</sup>

Mr Doughty continued to engage with The Salvation Army through Mr Hatte, then Acting Director of the PSO.<sup>333</sup>

On 2 May 2011 PICC reconsidered Mr Doughty's claim and agreed to offer him \$100,000:

Ralph to be offered \$100 000 as a final settlement and subject to the usual TSA settlements. If not accepted no further discussions to be entered into.<sup>334</sup>

Mr Hatte communicated the offer to Mr Doughty by letter on 7 June 2011.<sup>335</sup> Mr Doughty rejected the offer because he said he had already been offered \$150,000.<sup>336</sup>

Commissioner Condon told the Royal Commission that he was not aware of the basis upon which the decision was made to offer Mr Doughty \$100,000 in June 2011 when The Salvation Army had previously made an offer of \$150,000.<sup>337</sup> Commissioner Condon's evidence was as follows:

Q. Would you agree that having made an offer of \$150 000, it was unlikely to assist with negotiation with Mr Doughty or, indeed, any claimant, to drop the offer from \$150 000 to \$100 000?

A. Yes, particularly if there wasn't a rationale for that. And as I said, it never made sense to me. I don't know why it happened.<sup>338</sup>

On 12 August 2011, Mr Doughty met personally with Commissioner Condon to discuss the claim.<sup>339</sup> During the meeting Commissioner Condon restored the offer of \$150,000 plus \$3,000 for counselling.<sup>340</sup> Commissioner Condon told the Royal Commission that Mr Doughty responded favourably to the offer, 'as long as he didn't have to sign a deed of release'.<sup>341</sup> Mr Doughty said in his statement that he told the Commissioner at the meeting he was unwilling to sign a document that meant he could not take action against The Salvation Army.<sup>342</sup>

The offer was subsequently followed up in a letter dated 9 September 2011, which reiterated the requirement that Mr Doughty sign a deed of release and that the wording of the deed could not be changed because The Salvation Army's Policy Council had endorsed it.<sup>343</sup> The letter did not attach a draft deed of release. In the following days, Mr Doughty made inquiries with Commissioner

Condon's office about the deed of release and on 20 September 2011 received an email from Ms Chen, on behalf of the Commissioner, advising that 'each deed is customised to meet with an individual's circumstances and should you wish to consider a formal offer, then The Salvation Army would prepare the relevant documentation for your consideration'.<sup>344</sup>

In evidence, Commissioner Condon agreed that, as far as he was aware, The Salvation Army had not provided Mr Doughty with a draft deed of release for his consideration. Mr Doughty said in his statement he was not prepared to sign the deed of release at that time.<sup>345</sup>

Mr Doughty was asked about his attitude at the time to signing a deed of release:

Q. If the deed of release had allowed you to pursue legal proceedings but provided that if you were successful, any damages that you might achieve in that process would be reduced by the sum of an ex gratia payment –

A. That was my understanding.

Q. – would that have been acceptable to you?

A. That would have been acceptable.<sup>346</sup>

### 3.4 Litigation and resolution

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Between 27 September 2011 and mid-September 2012 there was no contact between Mr Doughty and The Salvation Army.<sup>347</sup> On 13 September 2012 Mr Doughty, through his lawyers, contacted The Salvation Army advising that he had accepted the \$150,000 ex-gratia payment offer plus \$3,000 in counselling and requesting the money be deposited into his account.<sup>348</sup> The letter also threatened legal proceedings if his request was not met.

The Salvation Army responded through legal counsel Mr Matthew Wright on 28 September 2012. The response indicated that The Salvation Army had no record of a \$150,000 offer and reinstated an offer of \$100,000.<sup>349</sup>

Commissioner Condon conceded that the increasing and decreasing of offers was a matter for regret:

Q. It appears to be the case that even though it was \$150,000, then it was \$100,000, then it was \$150,000, it's now back at \$100,000?

A. Yes.

Q. And to put it generally, that's a matter to be regretted in terms of dealing with a claimant?

A. I couldn't agree more, yes.

Q. Do you know why this happened?

A. No, I don't, and I don't know why they were not able to locate a letter, and I wasn't aware ... that any contact had been made with my office to try to find a letter, because I would imagine a letter would be there in my office.<sup>350</sup>

After receiving Mr Wright's letter, Mr Doughty filed proceedings on 11 October 2012 in the New South Wales District Court seeking to enforce what he asserted was an agreement to pay him \$150,000.<sup>351</sup>

Shortly after this, The Salvation Army's legal representative, Mr Geary, lodged a formal complaint with the Legal Services Commissioner about Mr Doughty communicating directly with members of The Salvation Army about the litigation.<sup>352</sup> Commissioner Condon told the Royal Commission that stopping Mr Doughty from speaking directly to members of The Salvation Army 'wouldn't help in the healing process'.<sup>353</sup> He also said, 'the making of the complaint was going to elevate the problem'.<sup>354</sup> Mr Doughty subsequently made a complaint about Mr Geary to the Law Society of New South Wales.<sup>355</sup>

On 27 May 2013, Mr Doughty also filed proceedings in the Supreme Court seeking damages for the abuse he suffered at Gill.<sup>356</sup>

The Salvation Army and Mr Doughty agreed to have both claims mediated by a qualified mediator in August 2013.<sup>357</sup> A mediation paper relied on by The Salvation Army indicated that it would rely on a number of defences, including a limitations defence and one of the defences established in *Trustees of the Roman Catholic Church v Ellis* [2007] NSWCA 117 (the Ellis defence).<sup>358</sup> At the mediation, the parties reached agreement that covered both sets of legal proceedings. The Salvation Army agreed to pay Mr Doughty \$350,000 and he agreed to sign a deed of release.<sup>359</sup> The District Court and Supreme Court proceedings were subsequently dismissed in September and October 2013 respectively.<sup>360</sup>

The Salvation Army accepted that the relationship between Mr Doughty and The Salvation Army was difficult.<sup>361</sup> Commissioner Condon agreed that there would have been benefit in exploring independent mediation before Mr Doughty's matter went to the courts and he regretted that it had not been done.<sup>362</sup>

- › **Finding 6:** The relationship between Mr Doughty and The Salvation Army concerning his claim was difficult and was strained further by The Salvation Army making and withdrawing offers to settle and making a complaint to the Legal Services Commissioner about Mr Doughty contacting members of The Salvation Army.
- › **Finding 7:** The Salvation Army did not explore mediation as an option to resolve Mr Doughty's claim until 2013.



## 4 JG's and JD's claims

### 4.1 Reporting of abuse to Colonel Stanley Everitt

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JG and JD attended Sunday school at the Fortitude Valley Salvation Army Corps in Brisbane in the 1970s and 1980s. Envoy Lane was a Sunday school teacher there. Both JG and JD said that Envoy Lane sexually abused them on Salvation Army premises and elsewhere.<sup>363</sup>

JG told us that, during a Sunday school class when she was eight years old, Envoy Lane put his hand on her thigh while she was sitting at a bench and then touched her vagina inside her underwear.<sup>364</sup> She said this occurred 'every Sunday' until she turned 10.<sup>365</sup> When she was about 10 years old Envoy Lane started to pick her up and drive her home from Sunday school.<sup>366</sup> On one occasion she said that Envoy Lane raped her in his car on the way home.<sup>367</sup> On another occasion she said he forced her to perform oral sex on him in his car.<sup>368</sup>

JD attended the Fortitude Valley Salvation Army Corps every Sunday with her family.<sup>369</sup> JD said that she first remembered being 'molested' by Envoy Lane at Sunday school when she was four years old.<sup>370</sup> JD knew JG from the same Salvation Army corps but was about six years younger than her.<sup>371</sup> She said that Envoy Lane had put her on his lap and while she was there placed his hand under her underpants, touched her vagina, masturbated her and then pushed his finger inside her vagina.<sup>372</sup> She tried to avoid him after that and does not recall whether Lane abused her again.<sup>373</sup>

Neither JG nor JD reported the sexual abuse to a Salvation Army official at the time of the abuse, but together in 1992 they decided to report their abuse to the South Queensland Divisional Commander of The Salvation Army, Colonel Stanley Everitt.<sup>374</sup> They went to see him at The Salvation Army Headquarters in Brisbane in early 1992 to report the sexual abuse by Envoy Lane.<sup>375</sup>

JG states that at the meeting with Colonel Everitt in 1992 she was 'very explicit' with him about what Envoy Lane did to her.<sup>376</sup> She agreed that she told Colonel Everitt that Envoy Lane had touched her on the vagina, that he had raped her on one occasion and that she was required to perform oral sex on him on another occasion.<sup>377</sup> She said that Colonel Everitt's response was: 'Are you sure you are not lying, are you telling me the truth?'<sup>378</sup> She said that she did not want to take the matter to the police and she 'clearly recalls' Colonel Everitt telling them not to go to the police or the media.<sup>379</sup> She also recalls Colonel Everitt trying to call Envoy Lane during the meeting and suggesting that she meet with him. She said she told Colonel Everitt that she was scared of Envoy Lane and did not want to meet with him.<sup>380</sup> JG says that she also recalls JD telling Colonel Everitt that Envoy Lane had touched her on the vagina.<sup>381</sup>

Colonel Everitt asked JG to put her allegations in writing to him and also referred her to The Salvation Army's Outreach service for counselling.<sup>382</sup> JG saw Ms Susan Reese for counselling from 6 February 1992.<sup>383</sup>

Colonel Everitt then had another interview with JG and her counsellor, Ms Reese, on 27 February 1992.<sup>384</sup> JG said that during the meeting Colonel Everitt told her that Envoy Lane had admitted to touching her and JD on one occasion but denied having sex with her.<sup>385</sup> She told us that Colonel

Everitt said he believed Lane's version of the events.<sup>386</sup>

JG wrote to Colonel Everitt on 20 March 1992 setting out her allegations against Envoy Lane.<sup>387</sup> In the letter she described John Lane putting his hand inside her underpants and 'feeling her' and that when she was 10 or 11 'Envoy Lane forced me to have sexual intercourse with him'.<sup>388</sup> In the letter she also described how 'another girl in the corps had also been abused by Envoy Lane'.<sup>389</sup>

JD also remembered the meeting with Colonel Everitt. She says JG told him about the rape and that Envoy Lane had also 'molested' JD.<sup>390</sup> She recalls him saying at the meeting: 'Is this something you've made up?'<sup>391</sup> She said he also encouraged them not to go to the police and said he would 'handle it'.<sup>392</sup> JD said that The Salvation Army did not provide her with counselling after she informed Colonel Everitt of Lane's abuse of her.<sup>393</sup>

Colonel Everitt later gave evidence in criminal proceedings against John Lane. In that evidence he said that he did not know about the allegations of rape until JG provided him with her written account of her abuse by Envoy Lane.<sup>394</sup> In 2009 Colonel Everitt also recalled to Major Cox the meeting with JG and JD.<sup>395</sup> He said he recalled JD being a 'back-up' to JG but he did not recall a 'definite accusation against John Lane' from JD.<sup>396</sup> He said he would have offered her counselling if he received a definite accusation.<sup>397</sup>

After receiving JG's allegations in writing in March 1992, Colonel Everitt said that he interviewed John Lane, who first of all denied the allegations but then admitted to 'certain activities' taking place with JG in a car.<sup>398</sup> After that Colonel Everitt said he informed Salvation Army Headquarters of the allegations.<sup>399</sup> The then Secretary for Personnel came to Brisbane and interviewed Envoy Lane.<sup>400</sup> Colonel Everitt said that Envoy Lane admitted to 'weakness in the sexual area of his life' and was told that he would be dismissed if the allegations were proven true.<sup>401</sup> Colonel Everitt advised Envoy Lane to seek counselling with Envoy Tatters and he agreed.<sup>402</sup>

Envoy Tatters provided a statement to the police that he had a counselling session with Envoy Lane on 22 April 1992.<sup>403</sup> During the session Envoy Lane said he 'touched the girls between the legs'.<sup>404</sup> He named both JG and JD as the girls he touched but denied raping JG.<sup>405</sup> Envoy Lane apparently became upset when Envoy Tatters suggested he resign from The Salvation Army. Envoy Tatters said that he then provided a typewritten report to Colonel Everitt about 'what had taken place'.<sup>406</sup>

On 10 June 1992 Envoy Lane attended a further meeting with Envoy Tatters at which Envoy Lane said he was asked 'to take off [his] uniform'.<sup>407</sup> The next day he wrote to Colonel Everitt saying, 'I am giving up all my commissions and I am no longer a member of The Salvation Army'.<sup>408</sup> There was no evidence to indicate whether the instruction by Envoy Tatters for Envoy Lane to 'take off his uniform' came from the Secretary for Personnel or from Colonel Everitt. Colonel Everitt said that after he received Envoy Lane's letter of resignation he contacted JG and informed her of Envoy Lane's resignation. Colonel Everitt did not see JG again after that.<sup>409</sup>

Major Peter Farthing reviewed The Salvation Army's documentation concerning Envoy Lane and

discovered some old allegations against Envoy Lane, one involving a child.<sup>410</sup> He further found that no ‘formal investigation’ was undertaken on JG’s allegations and ‘no investigation’ was undertaken on JD’s allegations.<sup>411</sup> Major Farthing said he thought Colonel Everitt ‘didn’t handle it very well’ and ‘he was out of his depth’.<sup>412</sup> He agreed that The Salvation Army, as a whole, was out of its depth in handling sexual abuse of children in the 1990s.<sup>413</sup>

Despite Envoy Lane’s resignation in June 1992, he later attended The Salvation Army’s Albion Corps, where Major Farthing said children were likely to be present.<sup>414</sup> Envoy Lane remained listed on The Salvation Army’s Soldiers’ Roll as a soldier.<sup>415</sup> Major Farthing said that:

Orders and Regulations should have been followed ... he should have been advised that he was stood down and he was no longer a soldier. So that wasn’t followed through on.<sup>416</sup>

As is addressed in the next section, the allegations against Envoy Lane were not referred to the police until 1996. The Orders and Regulations at the time did not specify that allegations of criminal offences or serious offences against children should be reported to the police.<sup>417</sup>

Major Farthing told the Royal Commission that it was a matter of regret that the allegations were not referred to police straight away.<sup>418</sup>

Major Farthing said that The Salvation Army’s response to the allegations made by JG and JD ‘represent a failing on the part of the Army’ and they should have been dealt with ‘more swiftly and seriously’.<sup>419</sup>

Commissioner Condon was also asked about whether Colonel Everitt had complied with the Orders and Regulations of The Salvation Army at the time.<sup>420</sup> He agreed that if Colonel Everitt had received a confession from Envoy Lane then section 3, clause 7, of the Orders and Regulations at the time required him to have it recorded in writing.<sup>421</sup>

- › **Finding 8:** The Salvation Army’s response to the allegations made by JG and JD ‘represent a failing on the part of the Army’ and they should have been dealt with ‘more swiftly and seriously’.
- › **Finding 9:** Colonel Stanley Everitt was informed that JD had been sexually abused by Envoy John Lane in 1992 but did not investigate her allegations.
- › **Finding 10:** In 1992 John Lane attended a Salvation Army corps after admitting that he had sexually abused two children and had been asked by The Salvation Army to ‘remove his uniform’.

## 4.2 Criminal proceedings against John Lane

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JG made a statement to police about her abuse by Envoy Lane in April 1996<sup>422</sup> and JD made a statement about her abuse to police in June 1996.<sup>423</sup> John Lane was charged with five separate

counts against three complainants: in relation to JG, indecent dealing with a girl under the age of 12 years, rape, and indecent assault; and, in relation to JD and another girl, indecent dealing with a girl under the age of 14 years.<sup>424</sup> Separate trials were ordered for JG and then for JD and the third complainant.<sup>425</sup>

On 10 December 1996 Lieutenant-Colonel Jessop, the Secretary for Personnel, wrote to JG offering to pay for any counselling and said that The Salvation Army was concerned for her wellbeing.<sup>426</sup>

John Lane pleaded not guilty to all three charges concerning JG.<sup>427</sup> On 29 September 1997, at the conclusion of the trial, John Lane was found guilty of the indecent dealing charge. The jury could not agree on a verdict on the rape charge and he was acquitted of the indecent assault charge.<sup>428</sup> John Lane was sentenced to 12 months imprisonment.<sup>429</sup>

On 13 October 1997 Lieutenant-Colonel Jessop again followed up with JG to offer her ‘friendship, compassion and spiritual counselling’ and any other counselling.<sup>430</sup> JG told us she was not aware of the offer.<sup>431</sup>

The second trial took place in 1998. On 18 August 1998 John Lane was convicted of indecent dealing in relation to JD but was discharged (on a *nolle prosequi*) with regard to the second charge.<sup>432</sup> He was sentenced to a further 16 months imprisonment.<sup>433</sup>

JD told us that The Salvation Army did not provide her with support during the trial.<sup>434</sup> A file note by Major Cox recorded that Envoy Tatters and his wife met JD at court and provided her with support.<sup>435</sup> However, JD denied this was the case and said that they may have supported JG.<sup>436</sup>

As mentioned in section 1 of this report, in 1996 The Salvation Army adopted a new policy for dealing with complaints of abuse against Salvation Army officers – the *Procedures for Complaints of Sexual and Other Abuse Against Salvationists and Workers*.<sup>437</sup> The 1996 policy concerns people coming forward to make a complaint; however, there was also a requirement that:

if a person (including an officer or worker) suspects, or becomes aware of, sexual misconduct by an officer or worker, that person should encourage the aggrieved to contact an independent contact person. If the person aggrieved is unwilling to make contact, that other person should contact an independent contact person.<sup>438</sup>

Major Farthing told us that the policy also included a written response to the complainant and the giving of an apology.<sup>439</sup> He said that Lieutenant-Colonel Jessop might have thought that the meeting with Colonel Everitt performed the role later assumed by an ICP.<sup>440</sup> He accepted that no apology was provided to JG or JD and that, according to the 1996 policy, one should have been provided.<sup>441</sup>

We conclude that, according to The Salvation Army’s policy at the time, both JG and JD should have been offered apologies at the time of John Lane’s criminal convictions.

- › **Finding 11:** The Salvation Army, contrary to its policy, did not offer JG or JD an apology in the months following former Envoy John Lane's conviction in 1996, for sexually offending against each of them.
- › **Finding 12:** The Salvation Army did not offer JD professional counselling at the time that former Envoy John Lane was on trial for a sexual offence against her.

### 4.3 JD's claim

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In April 2007 JD, with the assistance of the Esther Centre, wrote to The Salvation Army about her sexual abuse by Envoy Lane.<sup>442</sup> In her victim impact statement she complained about Colonel Everitt's handling of her complaint in 1992 and the lack of assistance she received from The Salvation Army following the trial.<sup>443</sup> JD wrote in her victim impact statement:

I would like to know why I have been ignored. It seems that no one in The Salvation Army was or is concerned about the impact this has had on me.

I made a complaint about the abuse in January 1992 but as far as I am aware no action was taken. It took great courage for me to come forward and say what had happened to me but I was called a liar. The person I complained to was Colonel Everitt.

John Lane admitted that he molested me and other girls ... The Salvation Army had a confession but I did not experience any follow up or support from The Salvation Army.<sup>444</sup>

JD sought an acknowledgement of her experiences, an apology and an explanation as to why she had been ignored and dismissed.<sup>445</sup> She also sought counselling and the payment of an ex-gratia amount that recognised the impact of the abuse on her.<sup>446</sup>

On 21 May 2007 Major Cox wrote and provided an apology for 'all that you have suffered at the hands of someone who was in a position of trust' and 'for the inadequate response from this organisation at the time you reported it'.<sup>447</sup> Major Cox also offered 10 sessions of counselling and suggested they should meet.<sup>448</sup>

JD met with Major Cox and Major Kerrie Farthing in July 2007 to discuss her claim. She said that both officers 'were horrified at what had happened to me'.<sup>449</sup> She told them that 'their words meant nothing, because it hadn't happened to them ... I expected that they should have approached Colonel Everitt and made him accept responsibility'.<sup>450</sup> JD told us that they 'basically built up his character and said that he's not a bad man, he just didn't know what to do'.<sup>451</sup>

Major Peter Farthing wrote to JD on 3 August 2007 about how her matter was dealt with when she reported it in 1992:

I can understand your anger when it seemed you were not believed and when your report was not taken seriously as it should have been. ... I apologise for this.

It is very regrettable that at that stage The Salvation Army did not have policies in place which spelt out a proper way to respond to reports of abuse. Thankfully such policies are now in place so that if a young woman came forward today we would assist her much differently.

... Sometimes there was still a tendency to support the perpetrator and overlook the person who had been abused.

I suspect that if Lieut Colonel Everitt failed in any of these ways he was representative of his generation. This kind of failure was sadly not uncommon in Australian society and even Christian churches.

I am trying to be very frank with you here and to admit our failure. I do not excuse it. But I do not know that we will accomplish anything by further confrontation with Lieut Colonel Everitt. I believe what I have said explains his behaviour. He is not a bad man, but he certainly did not know how to properly assist you.<sup>452</sup>

JD said that this letter made her very angry.<sup>453</sup> She said that Colonel Everitt 'was the authority of that church. He should have sought some sort of help if he didn't know what to do'.<sup>454</sup>

In evidence Major Peter Farthing said:

I wish I had got on the phone and said 'Listen, mate, you need to say sorry to this woman.' I wish I had done that, and I apologise to her that I didn't. ... But I think part of it was that I'd had this information that he just wasn't going to do it.<sup>455</sup>

Major Farthing agreed that The Salvation Army did not re-examine the nature of the investigation undertaken by Colonel Everitt to see whether he had acted appropriately and said that it would have been reasonable 'for us to have thought that through more'.<sup>456</sup> Major Cox said that The Salvation Army should have looked at whether Colonel Everitt complied with the procedures.<sup>457</sup>

On 19 September 2007 Major Cox wrote to JD with another apology 'for all that you have been through' and offering her counselling and a payment of \$40,000 once she had signed an accompanying agreement to release The Salvation Army from liability.<sup>458</sup>

JD said she was concerned she had not received an apology from Colonel Everitt.<sup>459</sup> On 22 August 2008 she had her advocate at the Esther Centre reply to the letter, seeking an apology from Colonel Everitt and an acknowledgement from him 'of the mistakes which were made'.<sup>460</sup>

On 23 June 2009 the Secretary for Personnel, Lieutenant-Colonel Phillip Cairns, wrote to JD saying that 'it has been decided not to contact Lieut-Colonel Everitt as he is an elderly retired officer now

and at the time of your abuse there were no clear guidelines for him to follow'.<sup>461</sup> Enclosed was a letter from Commissioner Condon that said:

I offer you our sincere and unreserved apology for all that you endured as a child and for the impact this has had on your life since.

How unfortunate that when you reported it, you felt you were not believed and nothing was done to help you work through the pain! Please accept my deepest apology.<sup>462</sup>

JD said that she was angry with Lieutenant-Colonel Phillip Cairns' response and 'so disappointed'.<sup>463</sup> She said she thought The Salvation Army was protecting Colonel Everitt.<sup>464</sup> She told us: 'I [hadn't] "felt" that I was not believed. I wasn't believed.'<sup>465</sup>

In around November 2009 The Salvation Army contacted Colonel Everitt to seek an apology from him for JD.<sup>466</sup> Colonel Everitt refused to make the apology and wrote back to the Secretary for Personnel saying that JD had not given him a 'definite accusation' against Envoy Lane when they met in 1992.<sup>467</sup> He said that, if she had, he would have dealt with it in the same way he had dealt with JG's accusation against John Lane.<sup>468</sup> Major Cox conveyed the substance of Colonel Everitt's response to JG in a letter of 14 December 2009 and that Colonel Everitt would not be writing an apology.<sup>469</sup> She reaffirmed that the offer of \$40,000 still stood.<sup>470</sup>

JD said she was very upset by the letter.<sup>471</sup> She said she was tired of 'fighting The Salvation Army' and 'felt defeated'.<sup>472</sup> On 12 March 2010 she accepted the offer of \$40,000 and signed the deed of release.<sup>473</sup> She said The Salvation Army was not taking 'any responsibility for what happened to me'.<sup>474</sup> She said she did not seek legal advice about the deed of release before signing it.<sup>475</sup>

We conclude that JD was dissatisfied that Colonel Everitt did not apologise to her for the way in which he handled her complaint in 1992.

- › **Finding 13:** The Salvation Army did not examine whether Colonel Stanley Everitt had acted contrary to its procedures in 1992 in handling JD's claim of child sexual abuse and JD was dissatisfied with the apologies given to her by The Salvation Army for Colonel Everitt's actions.

## 4.4 JG's claim

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In September 2008 JG, with the assistance of Mr Lucas, reported her abuse by Envoy Lane to The Salvation Army and the response she got from Colonel Everitt in 1992.<sup>476</sup> In her victim impact statement, JG wrote:

The reason I want The Salvation Army to read this statement and the Police Statement is so they know the extent of the abuse I suffered. I want them to understand how the experience has affected my whole life.

When I reported my abuse to Colonel Everitt he believed that every word I said was a lie. This response has been an abuse of me in itself.

My situation has never been acknowledged by others and certainly The Salvation Army has denied it. It is therefore essential to me at this stage of my life to have someone from The Salvation Army face me, read my statements and acknowledge me as I truly am.<sup>477</sup>

Major Cox replied on 1 November 2008, stating that she was 'so very sorry to read of the abuse you have reported at the hands of John Lane ... Also, on behalf of The Salvation Army I apology [sic] for the fact that you were not believed and assure you we want to do all we can to help you at this time'.<sup>478</sup> JG was offered counselling and a meeting with Major Cox on 19 February 2009.<sup>479</sup>

In May 2009 JG met with Major Cox, Major Jan Cairns and Mr Lucas at the Esther Centre.<sup>480</sup> JG said that she asked for an apology from Colonel Everitt and an acknowledgement from The Salvation Army that it had failed by 'not properly responding' when she reported the abuse.<sup>481</sup> In a file note of the meeting Major Cox recorded that JG said that Colonel Everitt did not believe her and that 'nothing was done about it then'.<sup>482</sup> Major Cox also noted that JG was having the counselling that had been offered and that JG was interested in retraining for the work force.<sup>483</sup>

PICC met the next day and approved an ex-gratia payment to JG of \$80,000 together with an additional amount of \$20,000 for retraining.<sup>484</sup>

On 9 June 2009 Territorial Commander Commissioner Bond wrote to JG:

I write to acknowledge the abuse you reported at the hands of Envoy John Lane ... Such behaviour is totally unacceptable and should never have occurred ... .

On behalf of The Salvation Army Eastern Territory I offer you our sincere and unreserved apology for all that you endured as a child and for the impact this has had on your life since.

How unfortunate that when you reported it, you felt you were not believed and nothing was done to help you work through the pain! Please accept my deepest apology.<sup>485</sup>

On the same day, Major Cox wrote to JG offering her the amounts determined by PICC.<sup>486</sup> JG accepted the \$80,000 ex-gratia payment and the \$20,000 for retraining and signed a deed of release on 11 June 2009.<sup>487</sup> She told us that she was not aware of how the amount of \$80,000 was calculated and did not understand the deed of release she signed.<sup>488</sup> She said she did not have money to seek legal advice on the deed of release.<sup>489</sup>

Major Cox told us that she assisted JG with enrolling in a business administration course and that The Salvation Army continued to fund counselling for her.<sup>490</sup>

JG continued to seek an apology from Colonel Everitt.<sup>491</sup> On 1 March 2012 she emailed Mr Hatte at



the PSO and asked where her request for an apology from Colonel Everitt was 'up to'.<sup>492</sup> She told him that 'I am still affected by this and am having trouble dealing with this matter. I feel that The Salvation Army are again taking too long to let me know what is happening'.<sup>493</sup>

In June 2012, Mr Glenn Murray, Manager of the PSO, emailed the Secretary for Personnel, Lieutenant-Colonel David Godkin, saying 'there is no substantial evidence that Lt/Col Everitt avoided obligations as they stood at the time'.<sup>494</sup> Mr Murray concluded that The Salvation Army should not attempt to contact Colonel Everitt for an apology and Lieutenant-Colonel Godkin accepted the recommendation.<sup>495</sup> A draft apology was then provided to the Territorial Commander.<sup>496</sup>

On 3 August 2012 Territorial Commander Commissioner Condon wrote to JG:

I am deeply sorry for the pain you suffered and continue to suffer, as a result of the actions of [John Lane]. ...

I also understand that you feel that Lt. Col. Everitt did not handle matters well after you reported the abuse to him. It appears that his actions may have caused you significant ongoing pain and anguish, which may have compounded the trauma of the original abuse. ...

I acknowledge that your complaint, both verbal and written, was not handled as you expected and particularly not passed on to Police as quickly as you anticipated. While I can't explain why this was the case The Salvation Army agrees that this was unacceptable and I apologise for our failure to deal with your complaint more quickly.<sup>497</sup>

The letter upset JG because she said she was the one who reported John Lane to the police and not The Salvation Army.<sup>498</sup> In late 2013 JG had a meeting with Commissioner Condon, Commissioner Condon's wife, Mr Hatte and Ms Reese. She told us that the Commissioner was 'very sincere as a person ... He owned my criticisms, including the inadequacy of the apology. I felt that he took the matter quite personally. At one point he was crying'.<sup>499</sup> She said that she still wanted an apology from Colonel Everitt 'but I don't think that's going to happen'.<sup>500</sup>

We conclude that JG was dissatisfied that Colonel Everitt did not apologise to her for the way in which he handled her complaint in 1992 and was dissatisfied with apologies that The Salvation Army gave her.

## 5 Allegations against Mr Colin Haggar

### 5.1 1989–1991: Allegations, dismissal and reinstatement

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Mr Colin Haggar and his wife, Mrs Kerry Haggar, became Salvation Army officers in 1983. They were appointed first to the Shoalhaven Corps, then the Lidcombe Corps in 1987 and then to the corps in a central west country town in New South Wales in early 1989.<sup>501</sup> At the time of commencing their posts in 1989, both held the rank of Captain, but Colin Haggar was the presiding corps officer.<sup>502</sup> It is a long-established policy of The Salvation Army for couples to be promoted at the same time and be appointed together.<sup>503</sup>

In 1989, JH and her husband worked at a local Salvation Army premises attached to the same corps headed by Captain Colin Haggar.<sup>504</sup> JH, her husband and their children, including daughter JI, were Salvation Army soldiers and attended The Salvation Army church regularly where Captain Haggar was stationed.<sup>505</sup> JH gave evidence that JI, who was eight years old at the time, often visited her at work after finishing school.<sup>506</sup> Captain Haggar's office was in the neighbouring building and JI often visited him there.<sup>507</sup>

JH said that, in late 1989, Captain Haggar asked to come to her home, where he then disclosed to her and her husband that he had sexually abused JI on one occasion in his office at the Citadel.<sup>508</sup> JH said that Captain Haggar told them: 'Don't worry, it wasn't that serious. I only fingered her.'<sup>509</sup> JH said she and her husband 'just sat there in disbelief'.<sup>510</sup>

After Captain Haggar left, JH said she and her husband contacted The Salvation Army Bathurst Divisional Office about the admission.<sup>511</sup> Subsequently they met with two senior officers from Bathurst at The Salvation Army corps in the central western New South Wales town.<sup>512</sup> During the meeting, JH said that they told the officers what Captain Haggar had mentioned to them.<sup>513</sup> JH said that, notwithstanding Captain Haggar's admission, she felt that they were not believed:

I distinctly recall the officers saying 'Captain Haggar is in uniform and a soldier of the Army, so, I ask you, who are we to believe? A man in uniform or just adherents – you are just workers – of the church.'<sup>514</sup>

JH told the Royal Commission that one of the two officers said, 'If you don't go to the police, we will work on it from our end'.<sup>515</sup> JH said that she understood this to mean that Captain Haggar would be subject to internal discipline from The Salvation Army and she hoped that The Salvation Army would report the matter to the police.<sup>516</sup>

In December or January 1989, Captain Haggar also informed the Divisional Commander, Major Leslie Strong, that he had engaged in a single incident of sexual abuse of JI.<sup>517</sup>

## Dismissal of Haggars as Salvation Army officers

ORB considered a report on Captain Haggar's matter on 25 January 1990. The ORB minutes note that 'There is no option but ... dismissal' and also indicate that ORB recommended that Captain Haggar and his wife be supported with counselling and relocation assistance.<sup>518</sup> The Territorial Commander approved ORB's recommendation.<sup>519</sup>

On 19 February 1990 Captain Haggar was told his name had been removed from the Soldiers' Roll. On 22 February 1990, both Colin and Kerry Haggar were dismissed from officership.<sup>520</sup> Both continued to receive support from The Salvation Army after their dismissal; this included accommodation in Sydney and, in Colin Haggar's case, employment at a Salvation Army facility.<sup>521</sup> Counselling was provided to Colin Haggar by then Captain Peter Farthing for a period of 18 months.<sup>522</sup>

Senior members of The Salvation Army arranged for Colin Haggar to be placed in employment and housing was found for his family in Sydney.<sup>523</sup> The Field Secretary, Lieutenant-Colonel Donald Schoupp, wrote to Colin Haggar on 15 February 1990:

Be assured that your successor will know nothing of the circumstances or reason for this move, and you will need to be very circumspect in how you explain your departure.<sup>524</sup>

On 16 February 1990 Major Strong wrote to the Field Secretary and said 'the names [of the Haggars] were removed from the Soldiers' Roll by Transfer to [Territorial Headquarters] thus eliminating the record of "unsatisfactory" in Corps records'.<sup>525</sup>

On 18 February 1990 the Haggars wrote to 'All Soldiers and Friends' of the central west NSW town Salvation Army corps about their departure and said:

[W]e are taking a break from the duties of officership so that we can spend time on our own spiritual growth and thus hopefully be of more use to Him when we resume our active service.<sup>526</sup>

The letter does not mention the dismissal from officership or the reasons for it. The letter was also received by JH.<sup>527</sup>

Commissioner Condon, having reviewed the documentation concerning the Haggars' dismissal, agreed that the then Chief Secretary had knowledge that the conduct involved criminality.<sup>528</sup> Commissioner Condon agreed that the Chief Secretary said he wanted knowledge of the incident to be kept to as few people as possible.<sup>529</sup> He agreed that there was an attempt to keep the information concerning child sexual abuse by Colin Haggar within the senior membership group of The Salvation Army.<sup>530</sup>

Commissioner Condon also agreed that the documentary evidence set out that senior members of The Salvation Army did not want the sexual abuse of a child by Colin Haggar to be disclosed to the corps in which the event occurred, the people of that town and, impliedly, the media.<sup>531</sup> He said

that he understood that was because JI's family wanted the matter kept confidential.<sup>532</sup> He agreed that the effect of keeping the matter confidential was that it prevented other corps members with children from obtaining information about Colin Hagggar's activities.<sup>533</sup>

On 7 May 1990 the Field Secretary interviewed Colin Hagggar and recorded that:

Colin is still very determined (on the advice of his solicitor) to confess the incident of child molestation to the Police and return to [the central west New South Wales country town] to be charged and sentenced. He is sure he will be given a bond which will circumvent any future charges.<sup>534</sup> [Emphasis in the original.]

The Field Secretary then wrote that he had made it plain to Colin Hagggar that he should 'see the Chief Secretary *before* going to the Police'.<sup>535</sup>

On 8 May 1990 the Field Secretary made a file note of a telephone conversation he had with JH, the mother of the abused girl:

[JH] had received a phone call from Colin Hagggar in which [Colin Hagggar] had suggested coming back to [the central west New South Wales country town] and revealing all to the Police in order that he might be charged and placed on a bond.

[JH] said that her husband ... had instructed [Colin Hagggar] very sternly 'DON'T DARE DO THAT!'

[JH] assured me this would not happen. ...

She did, however, cite other cases of [Colin Hagggar's] advances to other women which confirmed his sexual problems.<sup>536</sup> [Emphasis in the original.]

JH gave evidence that she had no recollection of the phone call with the Field Secretary.<sup>537</sup> However, a letter she wrote (to someone outside The Salvation Army) in October 1991 indicated that 'because the [Salvation] Army said they would deal with him we did not report him to the police'.<sup>538</sup>

JH gave evidence that The Salvation Army did not follow up with her at all following the meeting with the two officers from Bathurst:

There was no letter that said, 'We acknowledge that we were over there [at the meeting].'  
No letter of, 'We are sorry that things happened and we'll get on to it.'<sup>539</sup>

JH also said that, from the end of 1989 through to May 1990, The Salvation Army did not offer her or her daughter counselling.<sup>540</sup> JH told us that there was no further contact with The Salvation Army after the officers from Bathurst came and interviewed her and her husband.<sup>541</sup>

Commissioner Condon said that The Salvation Army 'did not take any deliberate steps to provide

counselling or other assistance to either the child or the family’.<sup>542</sup> He said this was because there was an ‘understanding’ that ‘the child and the family were doing well’.<sup>543</sup> He also said that no formal steps were taken to advise the family of steps taken to discipline Colin Haggar, but ‘they would have had knowledge ... from the incoming corps officers’.

- › **Finding 14:** The Salvation Army did not tell members of the central west New South Wales Salvation Army corps in 1990, including those with children, that Captain Colin Haggar had been dismissed for sexually abusing a child.
- › **Finding 15:** The Salvation Army did not formally notify JI’s family in 1990 of the steps taken to discipline Captain Colin Haggar or provide counselling to JI or members of her family.

## Reporting to police

Commissioner Condon told us that ‘a few months’ after January 1990 Colin Haggar met him at Territorial Headquarters.<sup>544</sup> Commissioner Condon knew Colin Haggar because he had provided pre-marital counselling to him and his wife some years before.<sup>545</sup> At the meeting Colin Haggar told him that he had touched a young girl on the vagina and they discussed reporting the matter to the police.<sup>546</sup> Commissioner Condon was aware of Colin Haggar’s dismissal.<sup>547</sup> Commissioner Condon understood that neither Colin Haggar nor The Salvation Army had reported the incident to the police at that stage.<sup>548</sup> He told him to report the matter to the police.<sup>549</sup> Commissioner Condon said that Colin Haggar told him that he did not want to report the matter to the police in the central west New South Wales country town because JI’s family did not want it reported.<sup>550</sup>

Commissioner Condon said that he and Colin Haggar then fixed a date to go to a police station to report the matter.<sup>551</sup> Colin Haggar’s wife, Lieutenant-Colonel Kerry Haggar, told us that she recalled Commissioner Condon coming to her house and they told her they were leaving to go to the police station.<sup>552</sup>

Commissioner Condon told Salvation Army investigator Mr Greville in March 2014 that he went with Colin Haggar to a police station in the eastern suburbs of Sydney.<sup>553</sup> In a statement to the Royal Commission, Commissioner Condon also said that the police station was in the eastern suburbs of Sydney.<sup>554</sup> However, in oral evidence he said that the police station they attended was in Parramatta in Sydney.<sup>555</sup>

Commissioner Condon asked Colin Haggar for a ‘timeline’ of events and Colin Haggar told him that the police station they attended was in Parramatta.<sup>556</sup> On this basis, Commissioner Condon concluded that he must have been wrong about the location being the eastern suburbs.<sup>557</sup> Commissioner Condon said to Mr Greville that he did remember climbing up a large number of steps to the police station – more than six or eight.<sup>558</sup> Commissioner Condon said that he used Google Earth to check the location and found that Parramatta Police Station had a number of steps.<sup>559</sup> He also checked Waverley Police Station but no others in the eastern suburbs of Sydney.<sup>560</sup> He said that it had been suggested to him by Colin Haggar that the Sex Crimes Squad of the NSW

Police was located there and that was why they had gone to Parramatta.<sup>561</sup>

At the public hearing Commissioner Condon was shown a photograph of Parramatta Police Station, which had eight steps leading up to it, and said he could not be sure that was the police station he had described to Mr Greville.<sup>562</sup> When Commissioner Condon was told that there was no child Sex Crimes Squad at Parramatta in 1990, he said he did not know that.<sup>563</sup> When pressed, he maintained his position that he had visited a police station with Colin Hagggar to report the matter.<sup>564</sup>

At the police station Commissioner Condon says that Colin Hagggar went to the front desk and informed the officer at the desk that he had ‘inappropriately touched’ an eight-year-old and referred to touching her vagina.<sup>565</sup> Commissioner Condon said that as far as he could recall Colin Hagggar did not give the police officer the name of the child he had abused, the child’s family name, the child’s address or the town in which she resided.<sup>566</sup> He also said he did not recall whether the police officer took any notes, checked any indices to see whether there were associated reports from the girl’s parents or asked for Colin Hagggar’s name and address or Commissioner Condon’s name and address.<sup>567</sup> Commissioner Condon said the uniformed officer at the desk told them that ‘there is nothing we can do about that unless the girl or her family come forward’.<sup>568</sup> Commissioner Condon said that he and Colin Hagggar then left the police station.<sup>569</sup>

In cross-examination by the State of New South Wales, Commissioner Condon said that he was sure the offence had been communicated and had not been stated on a hypothetical basis to the police officer.<sup>570</sup>

Commissioner Condon said that he did not take a file note of the visit to the police station and he did not think to inform his superior officers.<sup>571</sup> He said, ‘we didn’t do those sorts of things then’.<sup>572</sup> When pressed again by senior counsel for the State of New South Wales about whether they had been to the police, he said:

I know for a fact that I went to the police station with Colin Hagggar. I know that it’s 24 years ago and I cannot recall the details that you are looking for.<sup>573</sup>

Commissioner Condon agreed that the police officer did not have any information that he could use to identify whether the girl or her family had made a complaint to the police.<sup>574</sup>

Detective Inspector Paul Yeomans from the NSW Police gave evidence that, at the time, the procedure in the NSW Police was that allegations of child sexual abuse were required to be reported to detectives for investigation.<sup>575</sup> He said, further, that the procedure was that the two Salvation Army officers would have then been interviewed separately, with the alleged offender being cautioned before the interview.<sup>576</sup> If the name of the victim was known, an apprehended violence order would then have been sought and the family of the victim contacted for interview.<sup>577</sup> The NSW Police were also required to inform the Department of Family and Community Services.<sup>578</sup> No police records were located of any such steps being taken with respect to Colin Hagggar.

Major Peter Farthing gave evidence that the current policy of The Salvation Army is to report all such allegations.<sup>579</sup>

The State of New South Wales submitted that the evidence of the report to the NSW Police by Colin Haggar and Commissioner Condon 'are so various as to create doubt about (a) whether any report was ever made, and (b) if a report was made, the terms of that report'.<sup>580</sup> It further submitted that, if it was determined that a report was made to the NSW Police, it agreed with Counsel Assisting the Royal Commission that 'the information given to the police officer who received the report was insufficient for the police officer to commence an investigation of the matter'.<sup>581</sup> The Salvation Army submitted that the suggested finding of Counsel Assisting on the report to the police officer was consistent with The Salvation Army's account of events.<sup>582</sup>

We conclude that after 24 years it is likely that the detail of the visit to the police has faded in Commissioner Condon's mind, but the fact of the visit has not. While it is unlikely that the police station he visited was Parramatta, it may well have been a police station in the eastern suburbs. It is not necessary to finally determine which police station Colin Haggar and Commissioner Condon visited. We also conclude that the most likely reason that the report was not further investigated at the time was because the police were provided with insufficient information to enable further investigation.

- › **Finding 16:** Captain Colin Haggar and Commissioner James Condon attended a New South Wales police station in 1990 to report the sexual abuse of a child by Colin Haggar.
- › **Finding 17:** The information given by Captain Colin Haggar to the police officer in 1990 was insufficient for the police officer to commence an investigation of the matter.

### Haggars restored as officers

In August and September 1990 the Field Secretary and the Chief Secretary of The Salvation Army determined that Colin Haggar could be reaccepted into The Salvation Army as a soldier if he had met all requirements of the Orders and Regulations.<sup>583</sup>

On 26 September 1991 ORB met to consider the application that the Haggars had made for restoration and recommended that the Haggars not 'now, or in the future, [be] support[ed for] reacceptance because of serious implications'.<sup>584</sup> However, the then Commissioner recorded in a handwritten note below the recommendation that:

It is agreed that at present consideration would not be given for reacceptance – however if counselling proved successful the case should again be reviewed.<sup>585</sup>

In November 1991, Captain Peter Farthing obtained a report from Dr Herb Smartt, a psychiatrist, on the likelihood of Colin Haggar relapsing into sexual abuse.<sup>586</sup>

In June 1992 Colin and Kerry Haggar requested that they be able to reapply to be admitted to officership.<sup>587</sup> Captain Farthing recommended a three-year period of monitoring for Colin Haggar and offered to mentor him.<sup>588</sup> On 12 October 1992 the Haggars reapplied for acceptance to officership.<sup>589</sup> On 23 October 1992 they were approved for reacceptance as officers of The Salvation Army from January 1993.<sup>590</sup>

JH gave evidence that Colin Haggar contacted her a number of times during the period 1990 to 1992.<sup>591</sup> She said that the thought of him coming to see her daughter caused her to have panic attacks.<sup>592</sup> JH she said she had a nervous breakdown after finding out that her daughter had been sexually abused.<sup>593</sup>

Colin Haggar wrote to JH and her husband in 1992 and told them of his reflections on the abuse and his counselling.<sup>594</sup> He thanked them for their ‘forgiveness and friendship’. On receiving the letter JH responded that the expression was ‘bull’ and told us: ‘how can you forgive and stay friends with someone who has just done this terrible thing to your little daughter?’<sup>595</sup>

JH said Colin Haggar also called her in late 1992 to say that they had been allowed back into uniform.<sup>596</sup> She said she ‘could not believe it’ and she ‘felt sick hearing this, knowing what he could do’.<sup>597</sup> JH said that she believed The Salvation Army officers when they said they would take care of the matter – ‘we lost’.<sup>598</sup>

## 5.2 2007: Application of the sex offenders minute

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In September 2007, The Salvation Army issued an *Official Minute on the Management of Sex Offenders in The Salvation Army Fellowship* (the sex offenders minute). Major Farthing told the Royal Commission that he drafted the sex offenders minute.<sup>599</sup>

The sex offenders minute sets out a number of policy aims and principles:

This policy is designed to protect children and other persons within The Salvation Army against sexual offences. ...<sup>600</sup>

The abused person (and their family) may be emotionally vulnerable long after the event, even after they forgive. It is unjust to insist these persons be exposed to the presence of an abuser. ...<sup>601</sup>

Convicted or cautioned sex offenders may not be employed or engaged as volunteers or ministry workers in any Salvation Army corps or centre that has children or families on its premises.<sup>602</sup>



Clause 7(c) and (d) of the sex offenders minute state:

- (c) No one who has been convicted or cautioned for a sexual offence will be considered for officership within The Salvation Army.
- (d) No one who has been convicted or cautioned for a sexual offence will be re-accepted for officership or readmitted to officership regardless of whether their name has been removed from the sex offenders register. This ruling equally applies to retired officers who will not be reinstated as retired officers.<sup>603</sup>

After the release of the sex offenders minute, the Haggars sought a meeting with Major Farthing and the Territorial Commander, Commissioner Les Strong.<sup>604</sup> During the meeting, Major Colin Haggar 'raised concern about whether this clause would suggest that he would need to stand down from officership'.<sup>605</sup>

In their evidence to the Royal Commission, both Commissioner Condon and Major Farthing said that the sex offenders minute was not intended to have retrospective application.<sup>606</sup> Major Farthing gave evidence that, because Colin Haggar had been reaccepted as an officer in 1993, The Salvation Army considered that clause 7(d) of the sex offenders minute did not apply to him.<sup>607</sup> Commissioner Condon agreed that the provision did not apply to someone who had been convicted or cautioned for a sexual offence but had already been readmitted.<sup>608</sup>

On 4 October 2007 Major Farthing sought legal advice<sup>609</sup> from Mr Dalzell of law firm Corrs Chambers Westgarth, who advised that if Colin Haggar was allowed to remain an officer there was a 'considerable risk' to The Salvation Army.<sup>610</sup> He said if another case of sexual abuse came forward then The Salvation Army could be held vicariously liable for Colin Haggar's act.<sup>611</sup> Mr Dalzell also advised that Colin Haggar's officership would 'depend on him never being alone with a minor, not having contact or supervision with minors etc'.<sup>612</sup> It was agreed that The Salvation Army would seek a report on the level of risk posed by Colin Haggar from psychiatrist Dr Bruce Westmore.<sup>613</sup>

On 8 and 9 October 2007, Major Farthing provided Mr Dalzell with information on Major Haggar's offending conduct and his role within The Salvation Army. The correspondence advised Mr Dalzell that Major Haggar at that time was a public relations officer and, although his responsibilities 'do not require him to work directly with children', '[o]ccasionally he visits schools to advertise the appeal for collectors'.<sup>614</sup> In response to a question from Mr Dalzell about the possibility that Major Haggar could be placed in a position with minors, either in his then role or as clergy, Major Farthing responded:

You have made me realise we would need to flag his name somehow so that in future there was a clear stipulation this should not happen. I am not sure how we would do that, but we could find a way I think.<sup>615</sup>

On 4 December 2007 Dr Westmore provided a report on Colin Haggar in which he noted that Colin Haggar had told him that 'the child was very affectionate and at one stage he touched her on the vagina,

inside the clothing. That occurred once only'.<sup>616</sup> He said the incident occurred in October 1989.<sup>617</sup> The report says that Colin Hagggar explained his sexual abuse of the child as follows:

I think I was undisciplined in my private thoughts, letting myself become involved in sexual thoughts, none of which involved children but this child was acting in a sexual way.<sup>618</sup>

Dr Westmore's report concluded that Major Hagggar posed minimal, if any, risk to children and that his 'prognosis from a forensic perspective is extremely good'.<sup>619</sup> He noted that his assessment was reliant on the accuracy of the information he had been given.<sup>620</sup>

By 17 December 2007 Major Farthing had received Dr Westmore's report and an email from Mr Dalzell indicating that Major Hagggar should not be assigned to any position in which he was responsible for or working with children.<sup>621</sup>

On 20 December 2007, Major Farthing wrote to Colin Hagggar informing him that the Territorial Commander had decided he could continue as an officer, commenting: 'May we say we are delighted with this outcome.'<sup>622</sup>

- › **Finding 18:** The sex offenders minute did not have the effect of prohibiting those who had admitted sexually abusing a child, and had been readmitted as officers before 2007, from continuing as officers of The Salvation Army.

## 5.3 2011–2014: Review, demotion and new allegations

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### Samaritan Services

Colin Hagggar became a major in The Salvation Army on 1 May 2001. According to his service record he served in a number of managerial roles within The Salvation Army, including as Divisional Social Program Secretary at Sydney East and Illawarra Division from 2003 to 2007 and Divisional Communications and Public Relations Secretary from 2009 to 2011.

The Secretary for Personnel appointed Colin Hagggar Manager of Foster House Men's Programs and Assistant Director of Sydney Samaritan Services from 12 January 2012.<sup>623</sup> Commissioner Condon quoted a statement from Major Raewynn Grigg, the Director of Samaritan Services, that Colin Hagggar 'was appointed primarily as the Manager of Foster House and secondarily as Assistant Director of Samaritan Services, supporting me in my role as Director'.<sup>624</sup>

Major Grigg said that Samaritan Services oversees a number of homelessness persons' programs for The Salvation Army, including Samaritan House and Carinya Cottage, both of which provide refuge accommodation to women and their children.<sup>625</sup> Major Peter Farthing told us that these were 'new' responsibilities for Samaritan Services, but he did not know whether they had been given to

Samaritan Services before or after Colin Haggar's appointment following a restructure.<sup>626</sup>

Commissioner Condon told us that Major Grigg and Colin Haggar attended meetings together at Samaritan House and Carinya Cottage.<sup>627</sup> Major Grigg said that the protocols governing the attendance of men at both facilities were 'strictly observed' during his visits.<sup>628</sup> She said that Colin Haggar had no interaction with 'clients' during meetings held in the office area and there were no complaints of inappropriate behaviour during his visits.<sup>629</sup> Commissioner Condon agreed that Colin Haggar was responsible in a managerial position at Samaritan Services as a consequence of his position and could attend Samaritan House in that capacity.<sup>630</sup> Both Major Grigg and Colin Haggar had keys to enter Samaritan House.<sup>631</sup>

The Salvation Army submitted that 'His role did not involve any direct access to children'.<sup>632</sup> We accept that there was no evidence that Colin Haggar had any contact with children during his position as Assistant Director of Samaritan Services.

In 2007 The Salvation Army's lawyer, Mr Dalzell, advised Major Farthing that:

As an abundance of caution, ... I would still ensure that Major Haggar is not assigned to any position in which he is responsible for or working with children. [Dr Westmore's] report and the fact of the incident should be recorded in a manner that is accessible to officers who are responsible for his welfare and his assignment/postings.<sup>633</sup>

Major Farthing said that at the time Mr Dalzell gave his warning there was no effective way of flagging Colin Haggar's sexual abuse of a child<sup>634</sup> apart from placing relevant material on his personnel file.<sup>635</sup> He agreed that no risk assessment was done of Colin Haggar's involvement with Samaritan House and Samaritan Services.<sup>636</sup>

Major Farthing also told us that 'I don't think it twigged to anybody that in Colin's role as Assistant Director of Samaritan Services, now there were children who came under him'.<sup>637</sup> He said he still remembers the day it 'twigged' that 'there were children under Colin's leadership'.<sup>638</sup> He said that at the time of the public hearing there was not a 'deliberate process' for consideration of risk to children when appointments and restructures of responsibilities are being made.<sup>639</sup> He said that The Salvation Army relied on 'people's judgment around board tables', community knowledge and corporate knowledge.<sup>640</sup> However, he later clarified that The Salvation Army does require a Working with Children Check and that it has specific child protection policies, including Safe Salvos and Caring for Kids, that govern such matters.<sup>641</sup>

- › **Finding 19:** Colin Haggar occupied a position of managerial responsibility for children as Assistant Director of Samaritan Services, even though The Salvation Army knew he had admitted to sexually abusing a child in 1989.

As we will see below, when Commissioner Condon became aware of the placement in July 2013, he took action to remove any responsibility that Colin Haggar had for children.

## Promotion

On 12 January 2012 Major Haggar was promoted to lieutenant-colonel.<sup>642</sup> The promotion occurred because his wife, Kerry Haggar, was promoted to the position of Secretary for Business Administration in the Territorial Commander's Cabinet, which attracts the rank of lieutenant-colonel.<sup>643</sup> Commissioner Condon said he informed the International Headquarters of The Salvation Army that he did not want to promote Major Colin Haggar but was told that he was required to if he wanted to have Kerry Haggar in that position.<sup>644</sup> He also said that Colin Haggar did not want the rank.<sup>645</sup>

- › **Finding 20:** The Salvation Army should not have promoted Colin Haggar to the rank of lieutenant-colonel in 2012.

Major Julie Radburn wrote to Commissioner Condon in February 2012 to express her concerns about Colin Haggar's promotion.<sup>646</sup> She had been stationed at the central west New South Wales country town after the Haggars and reported that there were '3 instances of alleged sexual misconduct ... one involving a child within the corps and two involving home league ladies'.<sup>647</sup> She said she was shocked to learn of the promotion and said that the decision 'seems very disrespectful of the people who were abused, their families, the Corps folk, and the community ... all who paid a price for these serious breaches of trust'.<sup>648</sup> Commissioner Condon replied, saying that Colin Haggar was automatically promoted because his wife had been promoted to Cabinet: 'It happened for no other reason.' He also said: 'Promotion goes with position. I'm not saying that is right, but it is the way it is.'<sup>649</sup>

In August 2012 the chaplain at Salvos Stores, Ms Sue Corcoran, emailed Commissioner Condon on hearing an allegation that Colin Haggar had sexually abused a minor some years before.<sup>650</sup> She said in her email, 'I am left confused as to why someone who has perpetrated such a crime is allowed to be a soldier let alone an officer'.<sup>651</sup> Commissioner Condon replied saying:

it is true there was an incident in Colin's life, which led to his resignation for a short period of time. This matter was dealt with in an appropriate manner and it's not my intention to discuss the matter with you any further.<sup>652</sup>

## Review

On 8 January 2013, after this Royal Commission commenced, Commissioner Condon sent a request to all officers to provide information on any allegations of child sexual abuse by Salvation Army officers or related to Salvation Army officers, including those reported years before.<sup>653</sup> Commissioner Condon said he received a list of such allegations and Colin Haggar's file was provided to him.<sup>654</sup>

In April 2013 Major Farthing received a number of emails that included allegations of child sexual abuse by Colin Haggar.<sup>655</sup> Two of the emails that Major Farthing received repeated the allegations concerning sexual abuse of JI and one said that JI's family had been 'particularly aggrieved'.<sup>656</sup> Major

Farthing responded to one informant saying that ‘he is the only offender I have ever known who has been honest and repentant’.<sup>657</sup>

The reports also contained allegations of sexual abuse of two adult women by Colin Haggar.<sup>658</sup> Donna Evans from The Salvation Army’s Booth College wrote to Major Farthing and said that in the period 1989 to 1993 she received a report, ‘second hand’, that semen had been found in an (unnamed) girl’s underwear after Colin Haggar had been minding them.<sup>659</sup>

Commissioner Condon and the Chief Secretary, Colonel Richard Munn, then met with Lieutenant-Colonel Colin Haggar and put to him the allegations about the two women and the semen in the underpants, which he denied.<sup>660</sup> Commissioner Condon said that Major Farthing asked Lieutenant-Colonel Haggar about the report of semen in a child’s underpants and he denied the allegation.<sup>661</sup> Commissioner Condon said that he considered that he could handle the matter by himself and did not refer the allegations to the PSO.<sup>662</sup>

In May 2013 in Stanmore, New South Wales, a meeting of senior members of The Salvation Army – including Commissioner Condon, Chief Secretary Colonel Munn, Secretary for Personnel Lieutenant-Colonel David Godkin and Major Farthing – was held to discuss Lieutenant-Colonel Haggar.<sup>663</sup> Lieutenant-Colonel Godkin considered that Lieutenant-Colonel Haggar should be dismissed, but Commissioner Condon thought that careful consideration should be given to the matter.<sup>664</sup> Commissioner Condon said that after the meeting there were ‘ongoing discussions as to what best to do at the time’.<sup>665</sup>

### Approach from Captain Michelle White

In August 2012 Captain White was appointed the Director of Young Hope – an out-of-home care facility operated by The Salvation Army that provides foster care placements to children and young people.<sup>666</sup> The Salvation Army NSW (Property) Trust received accreditation from the New South Wales Children’s Guardian for the services operated through Young Hope in September 2012.<sup>667</sup>

Between the end of 2012 and early 2013, Captain White was approached by two Salvation Army officers with concerns that a ‘senior ranking officer’ was continuing to serve as an officer notwithstanding he had admitted to child sexual abuse.<sup>668</sup> She said they told her the matter had been raised with Commissioner Condon.<sup>669</sup> She arranged to have them meet the head of the PSO, Mr Murray.<sup>670</sup> Mr Murray later confirmed that he had met with the two officers.<sup>671</sup> In a subsequent conversation in May 2013 with one of the two officers, Captain White concluded that the person concerned was in fact Colin Haggar.<sup>672</sup> She said that Mr Murray then told her that the matter had been raised with Lieutenant-Colonel Godkin and with Commissioner Condon.<sup>673</sup>

Captain White said she was concerned that nothing was happening and wrote an email to Commissioner Condon on 9 July 2013.<sup>674</sup> In her email she set out what she had been told about Colin Haggar by the two officers and that she had taken steps to ensure that Mr Murray was aware of the matter.<sup>675</sup> She said in her email that:

As a mandated reporter and principal officer of a child protection service for our territory, I have a legal, ethical and moral obligation to report to both the Ombudsman and Commission [for Children and Young People] my knowledge that we have an active Salvation Army officer with a known history of a child related sexual offence.<sup>676</sup>

Commissioner Condon was asked about his knowledge of The Salvation Army's reporting obligations to the New South Wales Ombudsman and the New South Wales Office of the Children's Guardian.<sup>677</sup> He told the Royal Commission that The Salvation Army was having a 'fresh look at all historical cases and any obligations we had, whether reporting to the Ombudsman, reporting to the police, we were looking at that'.<sup>676</sup> He said no written advice had been received before 9 July 2013 and there was 'nothing clear at that point of time'.<sup>679</sup>

Captain White said she then met with Commissioner Condon on 23 or 24 July 2013 to discuss the matter.<sup>680</sup> At the meeting Captain White said she was concerned about Commissioner Condon in that his close working relationship with Lieutenant-Colonel Kerry Haggar 'may place him in a difficult position'.<sup>681</sup> She said that Commissioner Condon told her he had officiated at their marriage and attended the police with Colin Haggar to report the allegation of sexual abuse of a child.<sup>682</sup> Captain White said they discussed the reporting obligations of The Salvation Army.<sup>683</sup> At the end of the meeting Captain White said that Commissioner Condon told her he would speak with the Child Protection Coordinator, Ms Colleen Morton, about contacting the New South Wales Ombudsman; that Colin Haggar's present role with Samaritan Services 'would be changed immediately' so he would not have access to children; and that he would raise the matter with Major Farthing and Salvation Army solicitor Mr Geary.<sup>684</sup>

The Commissioner told the Royal Commission that on the same day he instructed the Secretary for Personnel, Lieutenant-Colonel Godkin, to remove Lieutenant-Colonel Haggar from responsibility for Samaritan House.<sup>686</sup> He said that, when it emerged that the removal had not happened, he rang Lieutenant-Colonel Haggar on 3 or 4 August 2013 and asked him directly to remove himself from any responsibility for Samaritan House. He told the Royal Commission that he thought at the time that for Lieutenant-Colonel Haggar 'even to be seen there' was not appropriate.<sup>687</sup>

On 23 August 2013 Captain White contacted Commissioner Condon because she was concerned that Lieutenant-Colonel Haggar had not been removed from his position.<sup>688</sup>

On 27 August 2013, Commissioner Condon received written advice in an email from Mr Geary from Salvos Legal, who advised that The Salvation Army (NSW) Property Trust was an 'accredited agency' and did have an obligation under section 25C of the *Ombudsman Act 1974* (NSW) to report to the New South Wales Ombudsman, notwithstanding that the allegations occurred in 1989, many years before the reporting obligation arose.<sup>689</sup>

On 28 August 2013 Commissioner Condon replied to Captain White's email of 23 August 2013 that 'This matter has been dealt with'.<sup>690</sup> She told us that she was concerned that the matter had still not been reported to the Ombudsman. She discussed the issue with Ms Morton, the Child Protection Coordinator, and Mr Hatte of the PSO.<sup>691</sup>

On 4 September 2013 Captain White spoke to Mr David Hunt of the New South Wales Office of the Children's Guardian and told him that there was a serving officer, Colin Hagggar, who had 'confessed to a child sexual offence'.<sup>692</sup> She informed the Secretary for Personnel about the notification on 6 September 2013.<sup>693</sup>

Commissioner Condon said that on about 4 September 2013 Mr Geary changed his legal advice.<sup>694</sup> He said the revised advice was that, due to the historical nature of Colin Hagggar's conduct, The Salvation Army was not required to report it to the Ombudsman.<sup>695</sup>

On 13 September 2013 Commissioner Condon requested an account from Captain White of the report that had been made by her 'to the Ombudsman'.<sup>696</sup> In the email to her he said: 'You have said, "I understand that I may have gone over and above the internal processes of the organisation." This is certainly true.'<sup>697</sup>

On 18 September 2013 Captain White informed the Ombudsman orally and by letter that Lieutenant-Colonel Hagggar had sexually abused a child in 1989 and was the Manager of Samaritan Services, which includes a refuge for women and children.<sup>698</sup>

Captain White provided a detailed written explanation to Commissioner Condon<sup>699</sup> as requested and said she then met with Commissioner Condon and Colonel Munn on 19 September 2013.<sup>700</sup> She said she told them that there was a requirement that the matter be reported to the Ombudsman by the head of the organisation within 30 days.<sup>701</sup> She also said they both applauded her actions and integrity but that the reporting was contrary to legal advice received<sup>702</sup> and the investigation was ongoing.<sup>703</sup>

Counsel Assisting submitted that no effective steps had been taken to ascertain the full reporting obligations of The Salvation Army under the *Ombudsman Act 1974* until Captain White raised her concerns.<sup>704</sup> He further submitted that Commissioner Condon was unaware of the reporting obligations, at least in relation to historical matters, and had not sought legal advice on that issue until July 2013.<sup>705</sup>

The Salvation Army said that Commissioner Condon was not unaware of reporting allegations generally, but there was some uncertainty about reporting historic matters.<sup>706</sup> The Salvation Army said that Mr Geary's advice 'could be characterised as equivocal as his thinking evolved'.<sup>707</sup>

- › **Finding 21:** The Salvation Army did not obtain written advice about its obligations to report historical allegations of child sexual abuse to the Ombudsman under section 25C of the Ombudsman Act 1974 (NSW) until Colin Hagggar's matter was raised by Captain Michelle White in July 2013.

## Retirement, demotion and the Ombudsman

Commissioner Condon said that Colin Hagggar's case was reconsidered in the light of the 2007 sex offenders minute and the way things had changed since then.<sup>708</sup> He said he consulted Colonel



Munn and they told Colin Haggar that ‘upon further review of the current official minute on child sexual abuse, what was originally open to him in relation to a return to officership was no longer so applicable’.<sup>709</sup> Colin Haggar was asked to ‘move towards his retirement’. On 8 October 2013 Colin Haggar did retire and was also demoted to the rank of major.<sup>710</sup> Captain White said that his wife was not similarly demoted and that was unusual for The Salvation Army.<sup>711</sup>

A meeting was held on 15 October 2013 between Deputy Ombudsman Steve Kinmond and Salvation Army staff Ms Morton and Mr Hatte to discuss the notification of Colin Haggar’s matter. The minutes record that Mr Kinmond advised that ‘we believe matter is in jurisdiction, and notifiable [sic]’.<sup>712</sup>

On 29 October 2013 an officer of the New South Wales Ombudsman’s office wrote to Commissioner Condon saying that the information the Ombudsman had received concerning Lieutenant-Colonel Haggar ‘constitutes a reportable allegation under Part 3A of the *Ombudsman Act 1974*’ and asking that the matter be formally notified to it.<sup>713</sup>

On 6 November 2013 Commissioner Condon replied, saying that The Salvation Army had not reported the matter because he did not understand that ‘the allegations concerning Mr Haggar fall within the reportable conduct provisions of the *Ombudsman Act 1974* (NSW)’.<sup>714</sup> He said in the letter that if the obligations did capture such historical matters then reporting would be ‘extremely onerous and ... irrelevant because the personnel may have died, retired or otherwise left the organisation’.<sup>717</sup>

The Deputy Ombudsman and Commissioner Condon met on 10 December 2013 to discuss the issue.<sup>718</sup> Commissioner Condon said in evidence that at the meeting the Deputy Ombudsman was of the opinion that The Salvation Army was not required to report Colin Haggar’s matter to the Ombudsman.

Deputy Ombudsman Kinmond gave evidence that he told the Commissioner on 10 December 2013 that the matter ‘was within our jurisdiction ... [and] that we would seek a notification of the matter’. Minutes taken by Ombudsman officer Ms Ruth Barlow include the following passage:

We firmly stated we will not raise any concerns about a late notification of this matter at this time but it must be notified to the authorities (us and OCG now – if not notified).<sup>719</sup>

Deputy Ombudsman Kinmond also told us he clearly said that the matter was reportable:<sup>720</sup>

[T]he position was ... we believe that very clearly this is within jurisdiction and we expect it to be notified, and in that context, we understood that The Salvation Army was happy to co-operate, and I must say their actions subsequent to that meeting are consistent with that position.<sup>721</sup>



Mr Kinmond also explained that:

[When a matter] did not have currency in terms of child protection risk ... we were not going to insist that agencies ought to go back ... and examine records since the inception of creation of the agency to see whether any current employees ... may have had matters in the past. ... [B]ut the issue at hand here was a matter where there were concerns that were being expressed about the organisational response and that there were concerns that were relevant to the safety of children.<sup>722</sup>

On the basis of Mr Kinmond's written and oral evidence, the file notes of 15 October 2013, the letter of 29 October 2013 and the handwritten minutes of 10 December 2013, we conclude that the Deputy Ombudsman did say to Commissioner Condon that Colin Haggar's conduct was reportable to the Ombudsman.

Commissioner Condon also told us that, at the meeting on 10 December 2013, Mr Kinmond indicated that he 'could be seen as having a conflict of interest'. Commissioner Condon agreed to hand over the matter of Mr Haggar to Colonel Munn.<sup>723</sup>

### A conduct agreement, new allegations and dismissal

In January 2014 PSO investigator Mr Greville was instructed by Lieutenant-Colonel Godkin to investigate the allegations concerning Colin Haggar.<sup>724</sup> On 14 January 2014 Mr Greville informed the NSW Police that there were allegations that Colin Haggar had sexually abused JI in 1989.<sup>725</sup>

On 4 February 2014 an interim written agreement was entered into between Colin Haggar and The Salvation Army restricting his conduct towards children on Salvation Army premises as set out in the sex offenders minute.<sup>726</sup> Colin Haggar later said he was not prepared to sign a further agreement in similar terms when the interim agreement expired in March 2014.<sup>727</sup> Lieutenant-Colonel Godkin instructed him that, as he had not accepted the agreement, he should not 'attend any other Salvation Army corps or social centre for the purposes of worship or volunteering'.<sup>728</sup>

JI told us that on 7 March 2014 Mr Greville, the investigator from the PSO, and consultant psychologist Ms Lyn Beasy from The Salvation Army came to her house and interviewed her about the abuse by Colin Haggar in 1989.<sup>729</sup> JI said to Mr Greville that there were three occasions on which Colin Haggar touched her vagina in 1989 in Colin Haggar's office in the neighbouring Citadel.<sup>730</sup> She told him that on the third occasion he inserted a finger into her vagina.<sup>731</sup> As part of Mr Greville's investigation he also interviewed JH.<sup>732</sup> JH says that Mr Greville offered her counselling paid by The Salvation Army and also offered to pay for some car repairs that JH was having done at the time.<sup>733</sup>

JI said that Mr Greville offered her counselling, paid for by The Salvation Army.<sup>734</sup> She said that this was the first time that someone had offered her counselling or support to deal with the issues arising from the abuse.<sup>735</sup>

Commissioner Condon told us that on 17 March 2014 the Chief Secretary, Colonel Munn, suspended Colin Haggar pending further investigation as a result of the new allegations that had come forward.<sup>736</sup> Colin Haggar was told that he was not to wear his uniform or represent the Salvation Army whilst the suspension was in place.<sup>737</sup>

On 23 June 2014, on the final day of the public hearing, The Salvation Army informed the Royal Commission that ORB had considered Colin Haggar's matter and he had been dismissed as an officer of The Salvation Army.<sup>738</sup>

## 5.4 Reporting obligations

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### Reporting to the Ombudsman

Section 25C(1) of *Ombudsman Act 1974* (NSW) commenced on 7 May 1999 and is as follows:

#### 25C Reporting of reportable allegations or convictions to Ombudsman

- (1) The head of a designated government or non-government agency must notify the Ombudsman of the following:
  - (a) any reportable allegation, or reportable conviction, against an employee of the agency of which the head of the agency becomes aware,
  - (b) whether or not the agency proposes to take any disciplinary or other action in relation to the employee and the reasons why it intends to take or not to take any such action,
  - (c) any written submissions made to the head of the agency concerning any such allegation or conviction that the employee concerned wished to have considered in determining what (if any) disciplinary or other action should be taken in relation to the employee.
- (2) The notification must be made as soon as practicable and, in the case of the notification of a reportable allegation or reportable conviction, must be made, in any event, within 30 days of the head of the agency becoming aware of the allegation or conviction (or within such further period as may be agreed to by the Ombudsman).
- (3) The head of the agency must make arrangements within the agency to require employees of the agency to notify the head of the agency of any such reportable allegation or conviction of which they become aware.

Section 25A(1) defines a ‘designated non-government agency’ as including a ‘designated agency within the meaning of the *Children and Young Persons (Care and Protection) Act 1998*’. Section 139 of the *Children and Young Persons (Care and Protection) Act 1998* (NSW) defines a ‘designated agency’ as including ‘an organisation ... that arranges the provision of out-of-home care, if the ... organisation ... is accredited for the time being in accordance with the regulations’.

Section 25A(1) also defines an ‘employee’ as ‘(a) any employee of the agency, whether or not employed in connection with any work or activities of the agency that relates to children, and (b) any individual engaged by the agency to provide services to children (including in the capacity of a volunteer)’.

A ‘reportable allegation’ is defined in section 25A(1) as an ‘allegation of reportable conduct against a person or an allegation of misconduct that may involve reportable conduct’. In turn, ‘reportable conduct’ is defined in section 25A(1) as including ‘any sexual offence, or sexual misconduct, committed against, with or in the presence of a child’ or ‘any assault, ill-treatment or neglect of a child’.

Whether or not a matter has been reported pursuant to the obligation under section 25C, the Ombudsman has jurisdiction to investigate ‘any reportable allegation’: section 25G(1).

The *Ombudsman Act 1974* does not provide an exemption from the obligation to report where one or more of the contingencies that have given rise to the obligation arose before the commencement of section 25A. Whether or not the obligation applies to persons who have ceased to be employees before the commencement of the obligation or before accreditation need not be determined.

The facts that affect the reporting obligation of the head of The Salvation Army NSW (Property) Trust have been set out above but may be summarised here:

- The Salvation Army (NSW) Property Trust was accredited under section 139 of *Children and Young Persons (Care and Protection) Act 1998* (NSW) on 3 September 2012.<sup>739</sup>
- Commissioner James Condon is the head of The Salvation Army (NSW) Property Trust.
- Colin Haggar was engaged in the position of Assistant Director of Samaritan Services, which operated Samaritan House and Carinya Cottage, where women and children were provided with refuge.
- Colin Haggar admitted to touching a girl on the vagina in 1989.
- From 1990 the head of The Salvation Army (NSW) Property Trust, Commissioner James Condon, knew of Colin Haggar’s act of sexual abuse.

› **Finding 22:** Commissioner James Condon was, from 3 September 2012, required to report to the New South Wales Ombudsman the allegation of sexual abuse of a girl in 1989 by Colin Haggar as soon as Colin Haggar became responsible for Samaritan House and Carinya Cottage.

› **Finding 23:** Notwithstanding specific advice provided by the New South Wales Ombudsman office in October 2013, Commissioner James Condon did not take steps to report the allegation

of child sexual abuse by Colin Haggart to the Ombudsman until 10 December 2013 because he had received equivocal legal advice as to whether he was required to report.

## Reporting to the New South Wales Children's Guardian

Until 14 June 2013, section 39(1) of the *Commission for Children and Young People Act 1998* required employers to notify the New South Wales Commission for Children and Young People (CCYP) of the name and other identifying particulars of any employee against whom 'relevant employment proceedings' had been completed by the employer. Section 33 defines 'employment' as including performance of work as a minister of religion or member of a religious organisation. Section 33 also defines 'relevant employment proceedings' as including disciplinary proceedings involving reportable conduct, including sexual misconduct against a child. Section 39(3) said that only 'relevant employment proceedings' completed from 1995 were required to be reported.

From 15 June 2013 a new reporting obligation to the Children's Guardian commenced and replaced the reporting obligation to the CCYP. Section 35 of the *Child Protection (Working with Children) Act 2012* (NSW) provides as follows:

- 35 Notification by reporting bodies of conduct constituting assessment requirement trigger
  - (1) It is the duty of a reporting body to notify the Children's Guardian of the name and other identifying particulars of any child-related worker against whom the reporting body has made a finding that the worker has engaged in conduct specified in clause 2 of Schedule 1.
  - (2) Notification under this section extends to findings made before the commencement of this section.
  - ...
  - (4) In this section:
 

*reporting body* means the following:

...

    - (e) any other employer or professional or other body that supervises the conduct of an employee prescribed by the regulations for the purposes of this section.

Clause 25 of the *Child Protection (Working with Children) Regulation 2013* prescribes that out-of-home care agencies accredited under section 181 of the *Children and Young Persons (Care and Protection) Act 1998* are 'reporting bodies'.

A 'child-related worker' includes a person working 'in connection with' religious services or residential services, including refuges used by children, according to section 6(2)(j) and (k) of the *Child Protection (Working with Children) Act 2012* and clauses 13 and 14 of the *Child Protection (Working with Children) Regulation 2013*.

Clause 2 of Schedule 1 of the *Child Protection (Working with Children) Act 2012* includes a person who has been the subject of a finding that he or she engaged in 'sexual misconduct committed against ... a child'.

Section 35(2) of the *Child Protection (Working with Children) Act 2012* states that the finding that a person engaged in conduct that falls within clause 2 of Schedule 1 includes 'any such finding made before the commencement of the section'. The provision expands the notification requirement beyond 1995.

The following contingent facts have been set out above but may be summarised here:

- The Salvation Army (NSW) Property Trust was accredited pursuant to the power in section 181 of *Children and Young Persons (Care and Protection) Act 1998* (NSW) on 3 September 2012.
  - Until 4 August 2013 Colin Hagggar was engaged in the position of Assistant Director of Samaritan Services, which operated Samaritan House and Carinya Cottage, where women and children were provided with refuge.
  - Colin Hagggar admitted to touching a girl on the vagina in 1989.
  - The Territorial Commander of The Salvation Army accepted in 1990 that Colin Hagggar's conduct warranted dismissal as an officer.
- › **Finding 24:** From 15 June 2013, The Salvation Army had an obligation under section 35 of the *Child Protection (Working with Children) Act 2012* (NSW) to notify the New South Wales Children's Guardian that in 1990 it had dismissed Colin Hagggar.

We conclude that Captain White discharged that obligation by reporting the matter to the Office of the Children's Guardian on 4 September 2013. However, Mr Hunt told Captain White on 5 September 2013 that The Salvation Army did not have to report the findings concerning Mr Hagggar to the CCYP because they were made before 1995.<sup>741</sup> He also said he thought he told Captain White that The Salvation Army was not required to report the matter to the Ombudsman, as it predated the commencement of the reporting obligation in section 25C.<sup>742</sup> In fact, Mr Hunt was not aware that, from 15 June 2013, there was a duty to report historical matters to the Office of the Children's Guardian until that office received Crown Solicitor's advice on 4 February 2014.<sup>743</sup> The Children's Guardian, Ms Kerryn Boland, said that, as a result of that advice, the Children's Guardian now understands that there is an obligation to report regardless of the date of the findings.<sup>744</sup>

## 6 Issues in claims handling

### 6.1 Communication

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We heard evidence from a number of claimants who went through the claims process, their advocates and those within The Salvation Army who were responsible for handling claims.

The Salvation Army published on its website an outline of its claims process, which included claims from those who had suffered sexual abuse as a child. We were provided with a copy of part of the website as it appeared in 2008:

We will hear you.

The Salvation Army will encourage you to meet with a psychologist or professional counsellor to prepare a written statement and we will carry the cost of that.

Then we will offer to meet with you so you can tell our representatives your story in person.

The representatives will offer you a personal apology.

The Salvation Army may be able to assist with the cost of professional counselling.<sup>745</sup>

A number of witnesses were asked about the information they received from The Salvation Army about the process. JD said: 'I feel like the whole process was very confusing.'<sup>746</sup> JG said: 'My general views of The Salvation Army's process is that until recently, it was a bungling, inept, bureaucratic process. I didn't have a clear idea what the process was at any point.'<sup>747</sup> Mr Doughty said: 'My view of the Salvation Army's process for responding to claims of abuse, based on my experience, is that it is not clear or transparent. I didn't feel like The Salvation Army explained to me what was involved when I first made my complaint ... '<sup>748</sup>

Victim advocate Mr Lucas said that he did not have a document or guide from The Salvation Army that assisted with the process and he felt that victims would benefit from one.<sup>749</sup> He also said, 'I was always clear about the mechanics of the process, how it actually worked, but I wasn't clear about the way in which decisions were made'.<sup>750</sup>

However, Mr Anderson told us that in 2013 The Salvation Army gave him a document that set out matters he should address in his victim impact statement, such as his history, his experiences in the home and the impact of abuse on his life, employment, his relationships and health.<sup>751</sup>

Major Cox worked as the Assistant Secretary for Personnel in the PSO from 2004 to 2010.<sup>752</sup> She told us that standard letters were used to advise claimants of the nature of the process.<sup>753</sup> We were provided with a number of letters that responded to claimants who had lodged a victim impact statement with The Salvation Army. One such letter reads:

Dear JF

I write to let you know I have received your Impact Statement.

I was so very sorry to read of the experiences you describe while in care at the Indooroopilly Boys' Home. I assure you we want to do all we can to help you at this time.

I will present your Statement at the Personal Injuries Complaints Committee Meeting next month and contact you soon after with the outcome.

Thank you for being in touch with us.

Kind regards

Daphne Cox<sup>754</sup>

JF told the Royal Commission about the letter:

Although Major Cox's letter said she'd take my complaint to the Committee, I wasn't really sure what the process was. I did not receive any further information or explanation about what was going to happen, apart from what was written in the letter.<sup>755</sup>

Mr Lucas said that the victim impact statements he assisted with reflected what survivors told him rather than what he thought the victim needed to tell The Salvation Army.<sup>756</sup> He said that The Salvation Army had not told him what PICC would be considering.<sup>757</sup> He said that, if more information is provided to claimants, he believes it would assist claimants to understand more about what PICC is considering when they look at the claim.<sup>758</sup>

A number of claimants told us about their understanding of how their ex-gratia payments were calculated and what they understood about the workings of PICC.

JF said:

At the time I thought the offer [of \$30,000] was pretty good, because I didn't have any money, but now I think it's completely inadequate for what they did to me and I have no idea how they arrived at that amount. I know of people who were not raped who received the same as me. ...<sup>759</sup>

JE told us:

My experience suggests that the Salvation Army evaluates the amount of money to offer victims based on how long that person was in their care. But even if the abuse only occurs for 5 minutes, it really stays forever so this is not an appropriate measure to use.<sup>760</sup>

Ms Eldridge said:

When I received this letter of offer [\$7,000 plus \$7,000 in in-kind support and counselling] I was completely shocked and upset. ... I had no idea how the payment amount was determined.<sup>761</sup>

Ms Eldridge also told us:

[Major Cox] advised that the Committee was now prepared to make me a 'final offer' of \$40 000, having reconsidered the fact that I was in the Home for nine years. I didn't understand this because they had always known how long I was in the Home. I was still confused as to how the payment was being determined ... they had made a series of offers which seemed ad hoc and did not appear to reflect my experience.

JD said, 'I have no idea how The Salvation Army came up with the figure in the first place'.<sup>762</sup> JG told us that 'I don't know how the amount of money offered to victims is determined'.<sup>763</sup>

Mr Lucas said that, in his experience, it was unclear to claimants going through The Salvation Army process what criteria had been used to reach an amount they were offered.<sup>764</sup> He told us:

I also think the money side of things is a bit obscure. It is not clear how the figures are determined ...<sup>765</sup>

He agreed that, because the principles were either insufficiently identified or not properly communicated, claimants did not understand the principles being applied.<sup>766</sup>

Mr Lucas said that the 'healing process' for survivors would be assisted if people understood the principles and could recognise that those principles had been applied in their individual case.<sup>767</sup>

Ms Eldridge was also concerned about whether she had been treated equitably with her sister, who had been through the claim process before her:

I did not think the offer was commensurate with my suffering and ... I was upset because my sister [had] received a much higher amount 6 years earlier and she was in the home for less time than I was and suffered less.<sup>768</sup>

Mr Lucas stated that the principle of equity and justice should be applied to The Salvation Army's process and each claimant should be treated equitably, including in the calculation of an ex-gratia payment.<sup>769</sup> Ms Walsh agreed and said that claimants value equity; they want to know that there is a structured way of making decisions against a set of principles and objectives.<sup>770</sup>

Major Smartt, who had worked in the PSO in 2010, said that the principles governing determination of ex-gratia payments were not passed on to the claimants because the PICC process is kept confidential.<sup>771</sup> She said that she did not pass on to claimants the nature of matters considered



under the matrix.<sup>772</sup> She said this was because ‘it was not our standard process that we worked through’.<sup>773</sup>

The Salvation Army submitted that there is a lack of clarity as to how decisions regarding ex-gratia payments are made.<sup>774</sup> Major Cox said that ‘the offer of an ex gratia payment was always intended to be a tangible expression of our regret for what the survivor had experienced while under our care. ... We were not trying to compensate for pain and suffering’.<sup>775</sup> It further submitted that:

[While] a comparison of cases may assist the survivor in understanding the basis upon which a payment offer has been made, such comparisons are not necessarily useful, either as a basis for payments or as a means for understanding why and how much is being offered.<sup>776</sup>

Major Cox initially said that all cases were treated differently but then said that there was an element of comparability between claimants that was applied when determining the ex-gratia amounts to be offered to claimants.<sup>777</sup>

Commissioner Condon acknowledged that The Salvation Army has to look at communication with claimants and improve the information it gives them.<sup>778</sup> The Commissioner Condon also agreed that it should improve the way it explains its process and acknowledged that there were benefits in explaining the factors that PICC considers in determining payments.<sup>779</sup>

› **Finding 25:** In a number of the claims examined by the Royal Commission, The Salvation Army did not clearly explain to claimants:

- the claims process to be followed by The Salvation Army
- what matters should be addressed in a victim’s impact statement
- the basis upon which ex-gratia payments were to be calculated

or

- whether like claims would be treated alike.

## 6.2 Investigation

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The Salvation Army specifies in its Policies and Practices – The Salvation Army – Past Abuse that there will be a limited initial investigation after receipt of a victim impact statement. That investigation will consist of the ‘checking of the records of the person when they were in The Salvation Army’s care, the staff at that time etc’.<sup>780</sup>

We set out the evidence above concerning investigations that The Salvation Army undertook on the victim impact statements of JE, EF, JF and Ms Eldridge. The evidence on those four claims revealed that the investigations went deeper than confirming the institution and the length of the claimant’s admission. In addition, the outcome of those investigations had an effect on the ex-gratia payment

offered in some of those cases.

Mr Lucas gave evidence that he was unaware that there was some form of investigation made of a victim impact statement after it was lodged.<sup>781</sup>

The Salvation Army summarised its position in submissions:

This is a difficult issue. ... While The Salvation Army acknowledges the importance of allowing the survivor to respond to accounts that contradict their own, The Salvation Army is also mindful of not re-traumatising the survivors by conducting a process that is adversarial in nature and placing the survivor in a position where they feel they are not believed or that they need to defend their account of events.<sup>782</sup>

- › **Finding 26:** In a number of the claims examined, The Salvation Army did not give the claimant an opportunity to respond to information obtained that was adverse to their claim.
- › **Finding 27:** In a number of the claims examined, The Salvation Army made a low offer of an ex-gratia payment or reduced the amount to be offered because of adverse information it had obtained on investigation of the claim.

## 6.3 Apologies

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The evidence we heard indicated that the giving of an apology to a claimant was an integral part of The Salvation Army's claims handling process. A brief written apology was in many cases given on receipt of a victim impact statement. The Salvation Army's policy and procedure is that a personal apology will be provided to a claimant when the representatives of The Salvation Army meet with the claimant to discuss the victim impact statement.<sup>783</sup> A further short apology was also often provided in writing as part of the offers of ex-gratia payments made to claimants.

In Mr Lucas's experience, he felt that the apologies from The Salvation Army were genuine, recognised the suffering of a person and assumed responsibility for what had occurred<sup>784</sup> Major Cox said that her apologies were 'very very sincere'.<sup>785</sup>

Major Cox agreed that claimants want to hear that the organisation and the officer giving the apology understand what it is that is being apologised for, not in a generalised way but in a particular way.<sup>786</sup>

Major Farthing explained that apologies were one matter that The Salvation Army had grappled with and that it was initially careful not to make unqualified admissions because it was concerned about the legal implications.<sup>787</sup> However, he said that it subsequently decided, in about 2005, to drop the use of qualifiers.<sup>788</sup>

Ms Walsh said that more work needs to be done on how apologies may involve survivors in what they want included in apologies.<sup>789</sup>

The concern of JG and JD about the apologies they received is set out in detail above. For both claimants a central issue was and is their desire to receive an acknowledgement and apology from Colonel Everitt, who had dealt with their claims originally.

Commissioner Condon acknowledged that The Salvation Army's apologies have been less than desirable and have been inadequate.<sup>790</sup> In the context of providing an apology, Major Smartt said that 'there are always things to learn, to improve the process, to improve the engagement'.<sup>791</sup> Commissioner Condon said that he wants to 'get apologies right' and he is committed to continuing to look at how The Salvation Army can do that.<sup>792</sup>

- › **Finding 28:** A number of the claimants who we heard evidence from said they were disappointed with the apology provided by The Salvation Army.

## 6.4 Discipline

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The victim impact statements provided to The Salvation Army as part of its claims process often contained allegations of child sexual abuse and physical assaults against serving and retired officers and staff of The Salvation Army. Mr Lucas agreed that claimants had an expectation that disciplinary proceedings would be taken against officers named in their victim impact statements and that particular matters would be referred to the police.<sup>793</sup>

JF said that he was unhappy with the claims process because The Salvation Army did not take any action, as far as he was aware, to investigate the sexual assault that he had reported:

They could have reported it to the police. ... They should have let me know what they were going to do about my allegation. I felt left in the dark and like no action was taken about the man who raped me.<sup>794</sup>

JG gave evidence that:

I still do not know what policies and procedures [concerning the handling of allegations of child sexual abuse] were in place at the time or now. I have had some information provided to me via email, but it is very general. I want the fine print. I don't know, for example, how officers are dealt with when a complaint or allegation is made against them.

Mr Anderson specifically asked The Salvation Army to explain to him what action would be taken against Captain McIver<sup>795</sup> because he believed that the seriousness of his abuse by Captain McIver warranted action.<sup>796</sup> He was later told that there was an investigation, which was ongoing.<sup>797</sup>

JH said she was never told of the disciplinary proceedings in relation to Colin Haggar in 1990 or of the dismissal of Colin Haggar.<sup>798</sup>

Commissioner Condon agreed that a number of complaints were unclear as to what disciplinary steps had been taken with respect to their claims.<sup>799</sup>

The Salvation Army submitted that it accepts and acknowledges that it would be useful to inform the survivors of any investigation of the conduct of officers or members of The Salvation Army whom the survivors have implicated and to inform the survivors of any disciplinary action taken against those officers or members.<sup>800</sup>

- › **Finding 29:** In a number of claims The Salvation Army did not clearly indicate to claimants what steps it would take to discipline officers or members of The Salvation Army who were implicated by the claimants.

## 6.5 Deeds of release

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All of the claimants who received an ex-gratia payment from The Salvation Army were required to sign a deed of release in order to receive the payment offered as part of the claims process. Major Cox told us that it was the practice of the PSO to send an (unsigned) deed of release to claimants together with the offer of an ex-gratia payment.<sup>801</sup>

JF said that, if he was to accept the ex-gratia payment offered to him in 2009, he was required to sign a deed that contained the following clauses:

- 7 In consideration of the payment of [\$30 000] on the terms of this Deed ... [JF] for himself and his executors, administrators, assigns, and heirs hereby releases and forever discharges [the Salvation Army including any employee, servant, officer or member] from all actions, claims (including ... claims for compensation and claims for damages) ... arising out of ... the allegations [of mental, sexual and physical abuse].
- 8 [JF] agrees that he is not entitled to any further financial or other assistance from the [Salvation Army etc].<sup>802</sup>

The deed of release set out that The Salvation Army and others protected by the release did 'not make any admissions of wrongdoing or liability' to the claimant.<sup>803</sup> The deed required that both parties keep the 'Agreed Sum' of \$30,000 confidential.<sup>804</sup> In addition, the deed required the claimant to acknowledge 'that he has had an opportunity to obtain independent legal advice in relation to this Deed'.<sup>805</sup>

The deed of release that JF signed was almost identical to others signed by claimants we heard from. It was drafted by law firm Corrs Chambers Westgarth.<sup>806</sup> In JE's and FE's cases, a simpler

‘Acknowledgement and Release’ was used to similar effect.<sup>807</sup>

The claimants who gave evidence were asked whether they obtained legal advice before signing the deed of release that applied to them.

JF told us: ‘The Salvation Army did not tell me that I should consider seeking legal advice and I didn’t get legal advice before signing the release. I could not afford a lawyer.’<sup>808</sup>

Ms Eldridge said: ‘I also didn’t realise at the time that I should have considered seeking legal advice prior to signing the deed but ... I wouldn’t have been able to afford legal advice.’<sup>809</sup>

JD said: ‘The Salvation Army never spoke to me about legal advice in respect of the deed and I didn’t think about getting advice. My understanding was that once I took the money and signed the deed, the matter was over.’<sup>810</sup>

JG said: ‘I did not seek legal advice on the deed of release. I didn’t understand the deed, it was legal mumbo-jumbo to me ... I recall reading the deed, and it says something about seeking legal advice, but I wasn’t in a position to afford it anyway.’<sup>811</sup>

FE said: ‘When I signed the deed, I really didn’t understand it; I was flying blind. ... No one from the Salvation Army suggested I talk to a lawyer.’

Three claimants who said they had received legal advice after signing The Salvation Army’s deed of release thought that The Salvation Army had ‘conned’ them because they had been advised they could not commence civil proceedings.<sup>812</sup>

Major Cox explained the process from The Salvation Army’s point of view:

I never personally spoke about their opportunity to obtain legal advice, but they read through the deed of release. There was a paragraph there that speaks about having had opportunity to receive legal advice. And also, when they had an advocate, to read through the form with them. If they had questions they might be able to talk to that person about it. I know that person often wasn’t a legal person, but there was an opportunity for them to receive legal advice.<sup>813</sup>

Major Smartt, Major Cox and Commissioner Condon said that they expected that the victim would seek advice about the deeds of release from their advocate.<sup>814</sup> Ms Foster, who worked in the PSO in 2011, said that she did not remember ‘telling someone’ to get legal advice about a deed of release, as she relied on the content of the deed.<sup>815</sup>

Mr Lucas said that, if the claimant asked about the deed of release, he read it out to the claimant ‘so that they were clear what it is they were signing’.<sup>816</sup> He said that he did not discuss with them whether the document had legal ramifications.<sup>817</sup> Ms Walsh from Micah Projects said ‘we’re clear we’re not lawyers’.<sup>818</sup>

During Mr Raymond Carlile's claim (described in Case Study 5), Major Smartt encouraged Mr Carlile to ask his wife and daughter to go through the documents, including the deed of release, with him to be sure he understood it.<sup>819</sup> She agreed that The Salvation Army obtained a benefit from the deed of release.<sup>820</sup> When asked whether she considered she had a conflict of interest in answering questions about the deed of release, she said she did not.<sup>821</sup>

Commissioner Condon agreed that The Salvation Army had not taken steps to provide financial assistance to claimants to enable them to obtain legal advice.<sup>822</sup> He said he would consider providing funds to victims as part of the claims process so that they could seek legal advice about the deed before signing it.<sup>823</sup>

A number of claimants commented about the position they found themselves in when considering whether to accept the offer of payment and whether to sign the deed of release.

Ms Eldridge said: 'I ... felt that I had no option but to sign the Deed. I felt trapped because the Army had made it clear that this was their final offer and I could take it or leave it.'

JE said: 'I told [my counsellor] that no one was retiring on the amount of money I have received, but that I didn't have the fight in me to go any further with it because it drains you.'<sup>824</sup>

JD said:

I was so tired of fighting the Salvation Army. I felt defeated. ... I signed the Deed of Release on 12 March 2010. I felt like the money I accepted was 'hush money'. I was angry about the 'no admission of liability' part of the deed.<sup>825</sup> ... I also felt like I was taking money with strings attached. I couldn't talk about it, I couldn't go to the media.<sup>826</sup>

FE said:

When I read [the deed of release] I realised I couldn't disclose or talk about the payment. I felt like the Salvation Army were throwing 'hush money' at me. I felt like the disclosure form was being held over my head, 'You either sign this form, or you don't get the money.' I didn't feel like I had a choice.<sup>827</sup>

Mr Doughty said:

I felt like [the claims process] was all on their terms, including their insistence that I agree to sign a deed of release ...<sup>828</sup>

He also said:

I felt that my only option was to litigate to get a fair payment for the abuse I suffered in the Gill. I didn't feel that I should have to sign any release form, even if I did accept an 'ex gratia payment', because I felt that I should be entitled to make a claim for damages at a later time.<sup>829</sup>

Mr Lucas said that, in his experience, claimants ‘accepted [the payment and deed] with a degree of resignation ... that there was no other process that was open to them’. He said, ‘the only other alternative would have been to try and go to a formal legal process which would have meant with the statute of limitations ... the sense was they would have had very little chance of doing anything other than accept what they had been offered’.<sup>831</sup>

- › **Finding 30:** The Salvation Army required the claimants to enter into a deed that released it from liability for the abuse suffered without being encouraged to seek independent legal advice on the effect of the deed or being offered money for such advice.
- › **Finding 31:** A number of claimants said that they accepted the amount of money offered by The Salvation Army and signed the deed of release with a sense of resignation.

## 6.6 Defences

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We heard that, over recent years, The Salvation Army has relied on a range of legal defences arising from claims of sexual and physical abuse by officers, staff and members of The Salvation Army.

In the litigation commenced against The Salvation Army by ET, The Salvation Army filed a defence in 2000 arguing that ET’s claim was statute barred under the *Limitation Act 1969* (NSW).<sup>832</sup> When it responded to Mr Doughty’s draft statement of claim in 2007, The Salvation Army sought to challenge the plea of vicarious liability by relying on the decision of the High Court in *State of NSW v Lepore*.<sup>833</sup> Further, in The Salvation Army’s 2013 mediation paper responding to Mr Doughty’s claim, it raised a defence based on the decision of the New South Wales Court of Appeal in *Trustees of the Roman Catholic Church for the Archdiocese of Sydney v Ellis*<sup>834</sup> (the *Ellis* defence) as well as a statutory limitation defence.<sup>835</sup>

Both Mr Lucas and Ms Walsh said that, in their experience, statutory limitation periods presented a barrier to victims pursuing their claim through legal channels.<sup>836</sup>

Commissioner Condon told us about The Salvation Army’s approach to allegations of physical and sexual abuse of children in Salvation Army children’s homes. He said that he had taken a decision not to challenge:

with respect to claims of child sexual or physical abuse arising out of our boys homes or girls homes. The Salvation Army accepts that it is liable for the conduct of those individuals who abused the children. This is because we accept that our policies and practices at that time were not sufficient to protect children in those homes from perpetrators of child sexual abuse. The Army will accept that it is vicariously liable for the conduct of such perpetrators in the event any claim brought [sic] against it by a survivor from the Army’s boys and girls homes.<sup>837</sup>

He said that The Salvation Army had been making ex-gratia payments to claimants without relying on the Ellis defence.<sup>838</sup> He said he was not aware of the defence being raised in any specific litigation that The Salvation Army had been involved in.<sup>839</sup>

Commissioner Condon told us that The Salvation Army did not propose to resist a claim based on vicarious liability of The Salvation Army or raise the Ellis defence in future litigated claims.<sup>840</sup> He said he understood that the position meant a potential liability for The Salvation Army.<sup>841</sup> Further, he agreed that it 'wouldn't look very good' if one of his successors reverted to reliance on these defences.<sup>842</sup>

On the issue of statutory limitation periods the Commissioner said 'as a general policy' The Salvation Army would not rely on the statute of limitations but said there may be exceptions.<sup>843</sup> He said the general policy was 'We believe what the people tell us'.<sup>844</sup>



## 7 Systemic issues

This case study raises the following issues:

- the handling of historical claims of child sexual abuse by The Salvation Army
- communication with the victim of child sexual abuse and his or her family on discovery of the abuse
- communication by the institution with the victim of child sexual abuse during the claims process
- the provision of apologies to a victim of child sexual abuse
- the process within an institution for the payment of money to a victim of child sexual abuse.

# Appendix A: Terms of Reference

## Letters Patent

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 Counsel 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:

- n. require you to begin your inquiry as soon as practicable, and
- o. require you to make your inquiry as expeditiously as possible; and
- p. require you to submit to Our Governor-General:
  - i. 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
  - ii. 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

- q. 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 Peter McClellan AM (Chair) Mr Robert Fitzgerald AM Professor Helen Milroy
Date of hearing	27 and 28 March; 1–4, 7, 8, 14 and 15 April; 23 June 2014
Legislation	<i>Royal Commissions Act 1902 (Cth)</i> <i>Royal Commissions Act 1923 (NSW)</i> <i>Commission of Inquiries Act 1950 (Qld)</i>
Leave to appear	The Salvation Army Australia Eastern Territory The Salvation Army (NSW) Property Trust The Salvation Army (Qld) Property Trust Commissioner Raymond James Condon Major Peter Farthing Major Robyn Smartt Major Daphne Cox State of New South Wales Allan Anderson Cherryl Eldridge

Legal representation	<p>S Beckett, Counsel Assisting the Royal Commission</p> <p>K Eastman SC, H Younan and T Glover, instructed by L Geary of Salvos Legal, appearing for The Salvation Army (NSW) Property Trust, The Salvation Army (Qld) Property Trust, The Salvation Army Australia Eastern Territory, Commissioner Raymond James Condon, Major Peter Farthing, Major Robyn Smartt, Major Daphne Cox</p> <p>J Agius SC, and N Kelly, instructed by I Fraser, Acting Special Counsel of the Crown Solicitor, appearing for the State of New South Wales</p> <p>K McGlinchey, appearing for Captain Michelle White and John Greville</p> <p>M McKenzie, appearing for Allan Anderson</p> <p>P O'Brien, appearing for Cherryl Eldridge</p>
Pages of transcript	1,390 pages
Notice to Produce under <i>Royal Commissions Act 1923 (NSW)</i>	19 notice to produce producing 488 documents
Notice to Produce under <i>Royal Commissions Act 1902 (Cth)</i>	8 notices to produce producing 2,591 documents
Requirement to Produce under <i>Commission of Inquiries Act 1950 (Qld)</i>	2 Requirements to Produce producing 206 documents
Number of exhibits	2 Requirements to Produce producing 206 documents
Witnesses	<p>JF Indooroopilly resident</p> <p>JE Riverview resident</p> <p>Cherryl Eldridge Horton House resident</p> <p>JG Fortitude Valley SA Corps</p>

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**JD**

Fortitude Valley SA Corps

**Allan Anderson**

Bexley resident

**John Lucas**

Micah (retired)

**FE**

Gill resident

**Karyn Walsh**

Micah

**JH**

Mother of JJ

**James Terrence Luthy**

Gill resident

**Ralph Doughty**

Gill resident

**Fay Foster**

The Salvation Army

**Captain Michelle White**

The Salvation Army

**Major Robyn Smartt**

The Salvation Army

**Major Daphne Cox**

The Salvation Army

**Commissioner James Condon**

The Salvation Army

**Lt Colonel Kerry Haggard**

The Salvation Army

**John Greville**

The Salvation Army

**Major Peter Farthing**

The Salvation Army

**Steve Kinmond**

New South Wales Ombudsman

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# Endnotes

1. Exhibit 10-65, Statement of Peter Farthing, STAT.0111.006.0001\_R at [7]–[8].
2. Exhibit 10-65, Statement of Peter Farthing, STAT.0111.006.0001\_R at [11].
3. Exhibit 10-65, Statement of Peter Farthing, STAT.0111.006.0001\_R at [13].
4. Exhibit 10-65, Statement of Peter Farthing, STAT.0111.006.0001\_R at [13], [24].
5. Exhibit 10-65, Statement of Peter Farthing, STAT.0111.006.0001\_R at [13].
6. Exhibit 10-65, Statement of Peter Farthing, STAT.0111.006.0001\_R at [14].
7. Exhibit 10-65, Statement of Peter Farthing, STAT.0111.006.0001\_R at [24].
8. Exhibit 10-65, Statement of Peter Farthing, STAT.0111.006.0001\_R at [48].
9. Exhibit 10-65, Statement of Peter Farthing, STAT.0111.006.0001\_R at [43].
10. Exhibit 10-65, Statement of Peter Farthing, STAT.0111.006.0001\_R at [42], [47].
11. Exhibit 5-01, Vol 1 Tab 13, TSAE.0010.001.0001\_R at 0002\_R.
12. Exhibit 10-01, Vol 7 Tab 13, TSAE.0001.01001.0055.
13. Exhibit 10-01, Vol 7 Tab 13, TSAE.0001.01001.0055 at 0057–0058.
14. Exhibit 10-01, Vol 7 Tab 13, TSAE.0001.01001.0055 at 0057–0058.
15. Exhibit 10-01, Vol 7 Tab 13, TSAE.0001.01001.0055 at 0057–0058.
16. Exhibit 10-01, Vol 7 Tab 13, TSAE.0001.01001.0055 at 0058.
17. Exhibit 10-65, Statement of Peter Farthing, STAT.0111.006.0001\_R at [62].
18. Exhibit 10-65, Statement of Peter Farthing, STAT.0111.006.0001\_R at [98].
19. Exhibit 10-65, Statement of Peter Farthing, STAT.0111.006.0001\_R at [98]–[100].
20. Exhibit 10-65, Statement of Peter Farthing, STAT.0111.006.0001\_R at [101].
21. Exhibit 10-65, Statement of Peter Farthing, STAT.0111.006.0001\_R at [192].
22. Exhibit 10-65, Statement of Peter Farthing, STAT.0111.006.0001\_R at [60].
23. Exhibit 10-65, Statement of Peter Farthing, STAT.0111.006.0001\_R at [61].
24. Exhibit 10-65, Statement of Peter Farthing, STAT.0111.006.0001\_R at [67].
25. Exhibit 10-65, Statement of Peter Farthing, STAT.0111.006.0001\_R at [82.2].
26. Exhibit 10-65, Statement of Peter Farthing, STAT.0111.006.0001\_R at [64].
27. Exhibit 10-65, Statement of Peter Farthing, STAT.0111.006.0001\_R at [81]–[83].
28. Exhibit 10-65, Statement of Peter Farthing, STAT.0111.006.0001\_R at [86]–[87].
29. Exhibit 10-65, Statement of Peter Farthing, STAT.0111.006.0001\_R at [88].
30. Exhibit 10-65, Statement of Peter Farthing, STAT.0111.006.0001\_R at [87] and [103].
31. Exhibit 10-65, Statement of Peter Farthing, STAT.0111.006.0001\_R at [106].
32. Exhibit 10-65, Statement of Peter Farthing, STAT.0111.006.0001\_R at [104].
33. Major Daphne Cox held the Assistant Secretary for Personnel role from September 2004 to January 2010 and was involved in the majority of claims examined in this public hearing: Exhibit 10-21, Statement of Major Daphne Cox, [4].
34. Exhibit 10-65, Statement of Peter Farthing, STAT.0111.006.0001\_R at [139].
35. Exhibit 10-65, Statement of Peter Farthing, STAT.0111.006.0001\_R at [183].
36. Exhibit 10-65, Statement of Peter Farthing, STAT.0111.006.0001\_R at [183].
37. Exhibit 10-65, Statement of Peter Farthing, STAT.0111.006.0001\_R at [188].
38. Exhibit 10-65, Statement of Peter Farthing, STAT.0111.006.0001\_R at [119].
39. Exhibit 10-65, Statement of Peter Farthing, STAT.0111.006.0001\_R at [125]–[126].
40. Exhibit 10-69, Annexure PF1, STAT.0111.010.0005; Exhibit 10-65, Annexure PF29, STAT.0111.006.0175; Exhibit 10-69, Statement of Peter Farthing, STAT.0111.010.0001\_R at [4]–[13].
41. Exhibit 10-65, Statement of Peter Farthing, STAT.0111.006.0001\_R at [119]–[120].
42. Exhibit 10-01, Vol 7 Tab 2, TSAE.0120.01023.0002.
43. Transcript of P Farthing, T7577:37–43 (Day 71).
44. Transcript of P Farthing, T7583:5–13 (Day 71).
45. Exhibit 5-01, Vol 1 Tab 13, TSAE.0010.001.0001\_R.
46. Where legal proceedings were commenced, irrespective of whether the claim was resolved by agreement between the parties, court order or dismissal.
47. Exhibit 10-01, Vol 7 Tab 6, TSAE.0001.01001.0019.
48. Exhibit 10-40, Annexure JC4, STAT.0101.001.0001 at 0032.
49. Exhibit 10-40, Annexure JC4, STAT.0101.001.0001 at 0032.
50. Exhibit 10-01, Vol 7 Tab 6, TSAE.0001.01001.0019 at Section 3(1).

51. Exhibit 10-01, Vol 7 Tab 6, TSAE.0001.01001.0019 at Section 3(2).
52. Exhibit 10-01, Vol 7 Tab 6, TSAE.0001.01001.0019 at Section 3(3).
53. Exhibit 10-01, Vol 7 Tab 6, TSAE.0001.01001.0019 at Section 3(5).
54. Exhibit 10-01, Vol 7 Tab 6, TSAE.0001.01001.0019 at Section 3(5).
55. Exhibit 10-01, Vol 7 Tab 6, TSAE.0001.01001.0019 at Section 3(6).
56. Exhibit 10-01, Vol 7 Tab 6, TSAE.0001.01001.0019 at Section 3(7).
57. Exhibit 10-01, Vol 7 Tab 6, TSAE.0001.01001.0019 at Section 3(9).
58. Exhibit 10-01, Vol 7 Tab 6, TSAE.0001.01001.0019 at Section 3(11).
59. Exhibit 10-65, Statement of Peter Farthing, STAT.0111.006.0001\_R at [12].
60. Exhibit 10-65, Statement of Peter Farthing, STAT.0111.006.0001\_R at [205].
61. Exhibit 10-65, Statement of Peter Farthing, STAT.0111.006.0001\_R at [206].
62. Exhibit 10-01, Vol 7 Tab 13, TSAE.0001.01001.0055.
63. Exhibit 10-01, Vol 7 Tab 13, TSAE.0001.01001.0055 at 0059.
64. Exhibit 10-65, Statement of Peter Farthing, STAT.0111.006.0001\_R at [194]–[195].
65. Exhibit 10-65, Statement of Peter Farthing, STAT.0111.006.0001\_R at [197].
66. Exhibit 10-65, Statement of Peter Farthing, STAT.0111.006.0001\_R at [196].
67. Exhibit 10-65, Statement of Peter Farthing, STAT.0111.006.0001\_R at [196].
68. Exhibit 10-65, Statement of Peter Farthing, STAT.0111.006.0001\_R at [196].
69. Exhibit 10-09, Statement of FE, STAT.0204.001.0001\_M\_R at [5]–[9].
70. Exhibit 10-09, Statement of FE, STAT.0204.001.0001\_M\_R at [8].
71. Exhibit 10-09, Statement of FE, STAT.0204.001.0001\_M\_R at [10]; Exhibit 10-09, Annexure FE2, TSAE.0012.001.00019\_M\_R.
72. Exhibit 10-09, Statement of FE, STAT.0204.001.0001\_M\_R at [11]–[28].
73. Exhibit 10-09, Annexure FE3, TSAE.0002.001.0935\_M\_R.
74. Exhibit 10-09, Statement of FE, STAT.0204.001.0001\_M\_R at [30]–[32]; Exhibit 10-09, Annexure FE5, TSAE.0002.001.0913.
75. Exhibit 10-09, Annexure FE5, TSAE.0002.001.0913.
76. Transcript of FE, T6875:41–T6876:8 (Day 65).
77. Exhibit 10-22, Statement of Daphne Cox, STAT.0141.002.0001 at [122].
78. Exhibit 10-09, Statement of FE, STAT.0204.001.0001\_M\_R [35]; Exhibit 10-09, Annexure FE6, TSAE.0002.001.0890\_M\_R at 0891\_M\_R.
79. Exhibit 10-09, Annexure FE7, TSAE.0002.001.0887\_M\_R.
80. Transcript of FE, T6877:32–41 (Day 65).
81. Transcript of FE, T6879:13–23 (Day 65).
82. Transcript of FE, T6878:23–24 (Day 65).
83. Exhibit 10-09, Statement of FE, STAT.0204.001.0001\_M\_R at [39].
84. Exhibit 10-09, Annexure FE8, TSAE.0002.001.0866\_M\_R.
85. Exhibit 10-22, Annexure DC-A20, STAT.0141.002.0073\_R.
86. Exhibit 10-03, Statement of JE, STAT.0194.001.0001\_M\_R at [4], [11]–[12].
87. Exhibit 10-03, Statement of JE, STAT.0194.001.0001\_M\_R [5]–[6].
88. Exhibit 10-03, Statement of JE, STAT.0194.001.0001\_M\_R at [9].
89. Exhibit 10-03, Statement of JE, STAT.0194.001.0001\_M\_R at [15]–[17].
90. Exhibit 10-01, Vol 6 Tab 34, TSAE.0025.001.0159\_R.
91. Exhibit 10-01, Vol 1 Tab 101, TSAE.0024.001.0106\_R; Exhibit 10-01, Vol 1 Tab 102, TSAE.0024.001.0107; Exhibit 10-01, Vol 1 Tab 103, TSAE.0024.001.0104.
92. Transcript of JE, T6713:39–T6715:23 (Day 64).
93. Submissions of The Salvation Army in relation to Case Study 10, [21] SUBM.1010.001.0001 at 0008.
94. Exhibit 10-01, Vol 6 Tab 35, TSAE.0025.001.0161\_R.
95. Exhibit 10-01, Vol 6 Tab 35, TSAE.0025.001.0161\_R.
96. Exhibit 10-03, Annexure JE3, STAT.0194.001.0013\_M1\_R.
97. Exhibit 10-03, Annexure JE3 STAT.0194.001.0013\_M1\_R.
98. Transcript of JE, T6717:26–27 (Day 64).
99. Exhibit 10-03, Statement of JE, STAT.0194.001.0001\_M\_R at [19].
100. Transcript of JE, T6717:27–29 (Day 64).

101. Exhibit 10-03, Annexure JE4, STAT.0194.001.0014\_M1\_R.
102. Exhibit 10-03, Annexure JE4, STAT.0194.001.0014\_M1\_R.
103. Exhibit 10-03, Annexure JE4, STAT.0194.001.0014\_M1\_R.
104. Transcript of D Cox, T7262:25–31; T7266:6–13 (Day 69).
105. Transcript of D Cox, T7263:24–27 (Day 69).
106. Transcript of P Farthing, T7597:4–6 (Day 71).
107. Transcript of P Farthing, T7597:13–20 (Day 71).
108. Transcript of P Farthing T7597:38–T7598:4 (Day 71).
109. Exhibit 10-01, Vol 6 Tab 37, TSAE.0025.001.0165\_R.
110. Exhibit 10-01, Vol 1 Tab 104, TSAE.0024.001.0092\_R; Exhibit 10-01, Vol 1 Tab 106, TSAE.0024.001.0093\_R.
111. T7265:22–28.
112. Exhibit 10-01, Vol 1 Tab 106, TSAE.0024.001.0093\_R.
113. Exhibit 10-01, Vol 6 Tab 38, TSAE.0025.001.0167\_R.
114. Exhibit 10-03, Annexure JE7 STAT.0194.001.0018\_M\_R.
115. Transcript of JE, T6727:27–29 (Day 64).
116. Exhibit 10-03, Statement of JE, STAT.0194.001.0001\_M\_R at [29].
117. Exhibit 10-03, Statement of JE, STAT.0194.001.0001\_M\_R at [27]–[28]; Exhibit 10-03, Annexure JE8, STAT.0194.001.0019\_M\_R.
118. Exhibit 10-03, Statement of JE, STAT.0194.001.0001\_M\_R at [30].
119. Transcript of JE, T6729:15–22 (Day 64).
120. Transcript of JE, T6729:31–33 (Day 64).
121. Exhibit 10-36, Statement of EF, STAT.0107.001.0001\_R at [13].
122. Exhibit 10-36, Statement of EF, STAT.0107.001.0001\_R at [11]–[15].
123. Exhibit 10-21, Annexure DC19, STAT.0141.001.0065\_M\_R; Transcript of D Cox, T7244:23–25 (Day 69).
124. Exhibit 10-21, Annexure DC19, STAT.0141.001.0065\_M\_R; Transcript of D Cox, T7244:26–28 (Day 69).
125. Exhibit 10-21, Annexure DC19, STAT.0141.001.0065\_M\_R.
126. Transcript of D Cox, T7244:32–40 (Day 69); Exhibit 10-21, Annexure DC20, TSAE.0002.001.2408\_R.
127. Transcript of D Cox, T7245:10–14 (Day 69).
128. Transcript of D Cox, T7245:27–31 (Day 69).
129. Transcript of D Cox, T7245:21–25 (Day 69); Exhibit 10-01, Vol 6 Tab 37, TSAE.0025.001.0165\_R.
130. Transcript of D Cox, T7248:23–26 (Day 69).
131. Transcript of P Farthing, T7591:26–29 (Day 71).
132. Transcript of P Farthing, T7591:35–36 (Day 71).
133. Transcript of P Farthing, T7591:15 and 31–33 (Day 71).
134. Transcript of P Farthing, T7591:23 (Day 71). Captain Witts was later promoted to major.
135. Transcript of D Cox, T7245:35 (Day 69); T7246:1–3 (Day 69).
136. Transcript of D Cox, T7246:29–T7247:14 (Day 69).
137. Transcript of D Cox, T7246:39–42 (Day 69); Exhibit 10-21, Annexure DC24, STAT.0141.001.0078\_M\_R.
138. Transcript of D Cox, T7245:35–38 (Day 69); Exhibit 10-01, Vol 6 Tab 38, TSAE.0025.001.0167\_R.
139. Transcript of D Cox, T7247:24–25 and 31–33 (Day 69); Exhibit 10-21, Annexure DC24, STAT.0141.001.0078\_M\_R.
140. Transcript of D Cox, T7247:35–36 (Day 69).
141. Transcript of P Farthing, T7593:21–22 (Day 71).
142. Transcript of P Farthing, T7594:37–43 (Day 71); Exhibit 10-65, Statement of Peter Farthing, STAT.0111.006.0001\_R at [173].
143. Transcript of P Farthing, T7595:1–3 (Day 71).
144. Transcript of P Farthing, T7601:44–T7602:1 (Day 71).
145. Transcript of P Farthing, T7248:13–21 (Day 69).
146. Transcript of P Farthing, T7248:23–26 (Day 69).
147. Transcript of P Farthing, T7247:43–T7248:2 (Day 69).
148. Transcript of P Farthing, T7248:4–11 (Day 69).
149. Exhibit 10-1, Vol 6 Tab 38, TSAE.0025.001.0167\_R; Transcript of D Cox, T7248:28–33 (Day 69).
150. Exhibit 10-36, Statement of EF, STAT.0107.001.0001\_R at [27]–[28]
151. Transcript of D Cox, T7249:45–T7250:18 (Day 69).

152. Transcript of D Cox, T7250:20–24 (Day 69).
153. Transcript of D Cox, T7250:34–35 (Day 69).
154. Transcript of D Cox, T7250:37–39 (Day 69).
155. Transcript of D Cox, T7250:26–32 (Day 69).
156. Transcript of P Farthing, T7592:37–44 (Day 71).
157. Transcript of P Farthing, T7592:9–21 (Day 71).
158. Transcript of P Farthing, T7594:7–15 (Day 71).
159. Exhibit 10-02, Statement of JF, STAT.0193.001.0001\_M\_R at [3]–[4].
160. Transcript of JF, T6634:43–T6635:1 (Day 63A).
161. Transcript of JF, T6638:5–20 (Day 63A).
162. Exhibit 10-02, Statement of JF, STAT.0193.001.0001\_M\_R at [21]–[22]; Annexure JF2, TSAE.9100.01050.0035\_M\_R.
163. Transcript of JF, T6639:4–6 (Day 63A).
164. Transcript of JF, T6639:8–22 (Day 63A).
165. Exhibit 10-02, Annexure JF3 TSAE.9100.01050.0040\_M\_R.
166. Exhibit 10-02, Annexure JF3 TSAE.9100.01050.0040\_M\_R.
167. Transcript of JF, T6640:4–6 and 6641:5–9 (Day 63A).
168. Transcript of D Cox, T7283:42–T7284:18 (Day 69).
169. Exhibit 10-01, Vol 6 Tab 39, TSAE.0025.001.0171\_R.
170. Exhibit 10-01, Vol 1 Tab 110, TSAE.9100.01050.0039\_R; Exhibit 10-01, Vol 1 Tab 111, TSAE.9100.01050.0032\_R; Exhibit 10-01, Vol 1 Tab 112, TSAE.9100.01050.0021\_R; Exhibit 10-01, Vol 1 Tab 113, TSAE.9100.01050.0024\_R; Exhibit 10-01, Vol 1 Tab 114, TSAE.9100.01050.0029\_R; Exhibit 10-01, Vol 1 Tab 115, TSAE.0024.001.0289\_R.
171. Transcript of JF, T6641:16–42 (Day 63A); Submissions of The Salvation Army in relation to Case Study 10 [16] SUBM.1010.001.0001 at 0007.
172. Transcript of JF, T6641:40–42 (Day 63A).
173. Exhibit 10-01, Vol 6 Tab 40, TSAE.0025.001.0152\_R.
174. Transcript of D Cox, T7277:30–40 (Day 69).
175. Transcript of D Cox, T7277:30–40 (Day 69).
176. Exhibit 10-02, Statement of JF, STAT.0193.001.0001\_M\_R at [30].
177. Exhibit 10-01, Vol 1 Tab 107, TSAE.9100.01050.0015\_R.
178. Exhibit 10-01, Vol 1 Tab 107, TSAE.9100.01050.0015\_R.
179. Exhibit 10-01, Vol 1 Tab 107, TSAE.9100.01050.0015\_R; T6642:28–31; T6641:40–42.
180. Exhibit 10-02, Annexure JF6, TSAE.9100.01050.0018.
181. Transcript of JF, T6648:29–33 (Day 63A).
182. Transcript of D Cox, T7284:2731 (Day 69).
183. Submissions of The Salvation Army in relation to Case Study 10 [18] SUBM.1010.001.0001 at 0007.
184. Exhibit 10-02, Annexure JF7, TSAE.9100.01050.0002\_M\_R.
185. Transcript of JF, T6649:11–13 (Day 63A).
186. Exhibit 10-04, Statement of Cherryl Eldridge, STAT.0207.001.0001\_M\_R at [2]–[9]; Transcript of C Eldridge, T6733:24–T6734:40 (Day 64).
187. Transcript of C Eldridge, T6734:42–T6735:36 (Day 64).
188. Transcript of C Eldridge, T6735:38–T6736:45 (Day 64); Exhibit 10-04, Annexure CE1, STAT.0207.001.0010\_M\_R.
189. Exhibit 10-01, Vol 1 Tab 119, TSAE.0024.001.0203.
190. Exhibit 10-01, Vol 6 Tab 39, TSAE.0025.001.0171\_R; Transcript of D Cox, T7251:42–T7252:3 (Day 69).
191. Exhibit 10-01, Vol 6 Tab 39, TSAE.0025.001.0171\_R; Transcript of D Cox, T7251:3–T7252:3 (Day 69).
192. Exhibit 10-01, Vol 1 Tab 120, TSAE.0024.001.0201\_R.
193. Exhibit 10-01, Vol 1 Tab 120, TSAE.0024.001.0201\_R; Exhibit 10-01, Vol 1 Tab 122, TSAE.0024.001.0199\_R
194. 10-01, Vol 1 Tab 120, TSAE.0024.001.0201\_R; Exhibit 10-01, Vol 1 Tab 122, TSAE.0024.001.0199\_R; Transcript of D Cox, T7251:5–T7253:12 (Day 69).
195. Transcript of C Eldridge, T6737:18–20 (Day 64); T6737:37–47 (Day 64); T6738:1–16 (Day 64).
196. Exhibit 10-05, Vol 1 Tab 121, TSAE.0024.001.0198\_R.
197. Exhibit 10-22, Statement of Daphne Cox, STAT.0141.001.0001 at [74].
198. Transcript of D Cox, T7253:21–24 (Day 69).
199. Exhibit 10-04, Statement of Cherryl Eldridge, STAT.0207.001.0001\_M\_R at [18].

200. Transcript of D Cox, T7254:3–14 (Day 69).
201. Transcript of D Cox, T7254:25–28 (Day 69).
202. Exhibit 10-01, Vol 1 Tab 121, TSAE.0024.001.0198\_R; Exhibit 10-01, Vol 6 Tab 41, TSAE.0025.001.0043\_R.
203. Transcript of D Cox, T7255:8–12 (Day 69).
204. Exhibit 10-01, Vol 6 Tab 41, TSAE.0025.001.0043\_R.
205. Transcript of D Cox, T7255:19–21 (Day 69); Transcript of D Cox, T7256:2–7 (Day 69).
206. Transcript of D Cox, T7256:2–7 (Day 69).
207. Exhibit 10-04, Annexure CE4 STAT.0207.001.0018\_M.
208. Transcript of C Eldridge, T6740:44–T6741:2 (Day 64).
209. Exhibit 10-04, Annexure CE5, STAT.0207.001.0020\_M.
210. Exhibit 10-01, Vol 6 Tab 43, TSAE.0025.001.0155\_R.
211. Transcript of D Cox, T7256:3 (Day 69).
212. Exhibit 10-01, Vol 6 Tab 43, TSAE.0025.001.0155\_R; Exhibit 10-04, Annexure CE6, STAT.0207.001.0021\_M.
213. Transcript of C Eldridge, T6741:30–T6741:38 (Day 64); Exhibit 10-04, Annexure CE7, TSAE.9100.01040.0057\_M\_R.
214. Exhibit 10-01, Vol 6 Tab 45, TSAE.0025.001.0053\_R.
215. Exhibit 10-04, Annexure CE12, TSAE.9100.01040.0040\_M.
216. Exhibit 10-04, Statement of Cherryl Eldridge, STAT.0207.001.0001\_M\_R at [31]; Exhibit 10-04, Annexure CE13, TSAE.9100.01040.0035\_M.
217. Exhibit 10-04, Statement of Cherryl Eldridge, STAT.0207.001.0001\_M\_R at [32].
218. Transcript of D Cox, T7258:26–34 (Day 69).
219. Exhibit 10-04, Annexure CE11, TSAE.9100.01040.0041\_M\_R; Transcript of C Eldridge, T6742:26–T6743:8 (Day 64).
220. Exhibit 10-04, Annexure CE14, TSAE.9100.01040.0034\_M1.
221. Exhibit 10-32, Statement of ES, STAT.0115.001.0001\_M\_R at [5].
222. Exhibit 10-32, Statement of ES, STAT.0115.001.0001\_M\_R at [27].
223. Transcript of J Lucas, T6859:34 (Day 65); Exhibit 10-32, Statement of ES, STAT.0115.001.0001\_M\_R at [30].
224. Transcript of J Lucas, T6859:29–32 (Day 65); Exhibit 10-32, Annexure ES3, STAT.0115.001.0016\_M\_R.
225. Exhibit 10-32, Statement of ES, STAT.0115.001.0001\_M\_R at [35].
226. Transcript of J Lucas, T6859:8–40 (Day 65); Exhibit 10-32, Statement of ES, STAT.0115.001.0001\_M\_R [34].
227. Transcript of J Lucas, T6859:15–17 (Day 65).
228. Transcript of F Foster, T7091:46–47–T7092:1 (Day 67).
229. Transcript of F Foster, T7086:7–10 (Day 67); Exhibit 10-16, Statement of Fay Foster, STAT.0143.001.0001\_R at [16].
230. Transcript of F Foster, T7087:23–26 (Day 67); Exhibit 10-16, Statement of Fay Foster, STAT.0143.001.0001\_R at [20].
231. Transcript of F Foster, T7092:3–5 (Day 67).
232. Transcript of F Foster, T7092:7–11 (Day 67).
233. Transcript of F Foster, T7092:13–15 (Day 67).
234. Transcript of F Foster, T7085:25–28 (Day 67); Exhibit 10-01, Vol 1 Tab 43, TSAE.9100.01051.0013\_R; Exhibit 10-16, Statement of Fay Foster, STAT.0143.001.0001\_R at [20].
235. Transcript of F Foster, T7085:33–39 (Day 67); Exhibit 10-16, Annexure FF2, STAT.0143.001.0008\_M\_R.
236. Transcript of F Foster, T7085:45–T7086:1 (Day 67).
237. Exhibit 10-01, Vol 6 Tab 57, TSAE.0025.001.0091\_R.
238. Transcript of J Lucas, T6860:9–11 (Day 65); Exhibit 10-16, Annexure FF5, STAT.0143.001.0019\_M\_R.
239. Transcript of F Foster, T7087:28–34 and T7092:28–32 (Day 67).
240. Transcript of F Foster, T7092:34–36 (Day 67).
241. Transcript of F Foster, T7093:8–10 (Day 67).
242. Transcript of J Lucas, T6860:13–19 (Day 65).
243. Transcript of F Foster, T7094:7–16 (Day 67).
244. Transcript of F Foster, T7093:47–T7094:5 (Day 67).
245. Transcript of F Foster, T7094:7–14 (Day 67).
246. Transcript of F Foster, T7094:18–20 (Day 67).
247. Exhibit 10-32, Statement of ES, STAT.0115.001.0001\_M\_R at [79].



248. Exhibit 10-32, Statement of ES, STAT.0115.001.0001\_M\_R at [80]
249. Transcript of F Foster, T7094:36–38 (Day 67).
250. Transcript of F Foster, T7095:1–4 (Day 67).
251. Transcript of F Foster, T7095:27–33 (Day 67); Exhibit 10-32, Annexure ES7, STAT.0115.001.0022\_M\_R.
252. Exhibit 10-26, Statement of Narelle Matthews, STAT.0140.001.0001\_R.
253. Exhibit 10-32, Statement of ES, STAT.0115.001.0001\_M\_R at [81].
254. Exhibit 10-07, Statement of Allan Anderson, STAT.0210.001.0001\_M\_R at [7]–[8].
255. Exhibit 10-07, Statement of Allan Anderson, STAT.0210.001.0001\_M\_R at [5]–[8]; Transcript of A Anderson, T6804:14–35 (Day 64).
256. Exhibit 10-07, Statement of Allan Anderson, STAT.0210.001.0001\_M\_R at [11].
257. Exhibit 10-07, Statement of Allan Anderson, STAT.0210.001.0001\_M\_R at [10].
258. Exhibit 10-07, Statement of Allan Anderson, STAT.0210.001.0001\_M\_R at [10].
259. Exhibit 10-07, Statement of Allan Anderson, STAT.0210.001.0001\_M\_R at [15].
260. Exhibit 10-07, Statement of Allan Anderson, STAT.0210.001.0001\_M\_R at [17].
261. Exhibit 10-07, Annexure AA1, STAT.0210.001.0008\_R.
262. Exhibit 10-07, Annexure AA2, STAT.0210.001.0009.
263. Exhibit 10-07, Annexure AA3, STAT.0210.001.0010\_R.
264. Exhibit 10-07, Second Statement of Allan Anderson, STAT.0210.002.0001\_M\_R at [7].
265. Exhibit 10-07, Second Statement of Allan Anderson, STAT.0210.002.0001\_M\_R at [7].
266. Transcript of A Anderson, T6803:8–18 (Day 64).
267. Submissions of The Salvation Army in relation to Case Study 10, [81].
268. Exhibit 10-07, Annexure AA9, STAT.0210.001.0051\_R.
269. Exhibit 10-07, Second Statement of Allan Anderson, STAT.0210.002.0001\_M\_R at [16]–[17].
270. Exhibit 10-07 Statement of Allan Anderson, STAT.0210.001.0001\_M\_R at [31].
271. Exhibit 10-07, Annexure AA6, STAT.0210.002.0016.
272. Transcript of A Anderson, T6808:13–37 (Day 64).
273. Transcript of A Anderson, T6808:39–41 (Day 64).
274. Transcript of A Anderson, T6814:37–46 (day 64).
275. Exhibit 10-07, Statement of Allan Anderson, STAT.0210.001.0001\_M\_R at [38].
276. Transcript of A Anderson, T6815:31–46 (Day 64); Exhibit 10-07, Annexure AA12, STAT.0210.002.0027\_M\_R.
277. Exhibit 10-45, Statement of James Condon, STAT.0101.007.0001 at [9]
278. Exhibit 10-45, Statement of James Condon, STAT.0101.007.0001 at [9]
279. Exhibit 10-07, Statement of Allan Anderson, STAT.0210.001.0001\_R at [36].
280. Exhibit 10-07, Statement of Allan Anderson, STAT.0210.001.0001\_R at [36].
281. Transcript of A Anderson, T6819:9–16 (Day 65).
282. Transcript of A Anderson, T6821:13–14 (Day 65).
283. Exhibit 10-1, Vol 5 Tab 460, TSAE.0031.001.0055.
284. Exhibit 10-1, Vol 5 Tab 460, TSAE.0031.001.0055.
285. Exhibit 10-15, Statement of Ralph Doughty, STAT.0196.001.0001\_M\_R at [10].
286. Exhibit 10-15, Statement of Ralph Doughty, STAT.0196.001.0001\_M\_R at [13].
287. Exhibit 10-15, Statement of Ralph Doughty, STAT.0196.001.0001\_M\_R at [13].
288. Exhibit 10-15, Statement of Ralph Doughty, STAT.0196.001.0001\_M\_R at [15].
289. Exhibit 10-15, Statement of Ralph Doughty, STAT.0196.001.0001\_M\_R at [15].
290. Exhibit 10-15, Statement of Ralph Doughty, STAT.0196.001.0001\_M\_R at [16].
291. Transcript of R Doughty, T7109:44–47 (Day 67).
292. Exhibit 10-15, Statement of Ralph Doughty, STAT.0196.001.0001\_M\_R at [18].
293. Exhibit 10-66, Statement of Peter Farthing, STAT.0111.007.0001\_R at [4].
294. Exhibit 10-15, Statement of Ralph Doughty, STAT.0196.001.0001\_M\_R at [19].
295. Exhibit 10-15, Statement of Ralph Doughty, STAT.0196.001.0001\_M\_R at [20].
296. Exhibit 10-15, Statement of Ralph Doughty, STAT.0196.001.0001\_M\_R at [20].
297. Exhibit 10-66, Annexure PF6, STAT.0111.007.0024\_R.
298. Exhibit 10-66, Annexure PF6, STAT.0111.007.0024\_R.
299. Exhibit 10-66, Annexure PF8, STAT.0111.007.0030\_R.
300. Exhibit 10-15, Statement of Ralph Doughty, STAT.0196.001.0001\_M\_R at [21].

301. Exhibit 10-66, Annexure PF7, STAT.0111.007.0026\_R.
302. Exhibit 10-15, Statement of Ralph Doughty, STAT.0196.001.0001\_M\_R at [20]–[21]; Exhibit 10-66, Annexure PF7, STAT.0111.007.0028\_R.
303. Exhibit 10-66, Statement of Peter Farthing, STAT.0111.007.0001\_R at [15]; Annexure PF-9, STAT.0111.007.0033\_R.
304. Exhibit 10-66, Statement of Peter Farthing, STAT.0111.007.0001\_R at [15]; Annexure PF-9, STAT.0111.007.0033\_R.
305. Exhibit 10-15, Statement of Ralph Doughty, STAT.0111.007.0001\_R at [22].
306. Senate Community Affairs References Committee Inquiry into Children in Institutional Care, 2004
307. Exhibit 10-66, Statement of Peter Farthing, STAT.0111.007.0001\_R at [18].
308. Exhibit 10-15, Annexure RD3, TSAE.9200.01001.0303\_M\_R.
309. Exhibit 10-66, Statement of Peter Farthing, STAT.0111.007.0001\_R at [26].
310. Exhibit 10-66, Statement of Peter Farthing, STAT.0111.007.0001\_R at [27]–[29].
311. Exhibit 10-66, Annexure PF18, TSAE.9200.01001.0296\_R.
312. Exhibit 10-66, Annexure PF19, TSAE.9200.01001.0295\_R.
313. Exhibit 10-15, Statement of Ralph Doughty, STAT.0111.007.0001\_R at [28].
314. Exhibit 10-66, Statement of Peter Farthing, STAT.0111.007.0001\_R at [35].
315. 10-15, Statement of Ralph Doughty, STAT.0111.007.0001\_R at [29]; Exhibit 10-66, Statement of Peter Farthing, STAT.0111.007.0001\_R at [36]–[37].
316. Exhibit 10-15, Statement of Ralph Doughty, STAT.0111.007.0001\_R at [29].
317. Transcript of P Farthing, T7661:31–40 (Day 72).
318. Exhibit 10-15, Statement of Ralph Doughty, STAT.0111.007.0001\_R at [31].
319. Exhibit 10-66, Statement of Peter Farthing, STAT.0111.007.0001\_R at [41]–[42].
320. Exhibit 10-66, Statement of Peter Farthing, STAT.0111.007.0001\_R at [43]; Exhibit 10-66, Annexure PF27, TSAE.9200.01001.0253\_R.
321. Exhibit 10-15, Annexure RD4, TSAE.9200.01001.0210\_M; Exhibit 10-15, Annexure RD5, TSAE.9200.01001.0212\_M\_R.
322. Exhibit 10-66, Statement of Peter Farthing, STAT.0111.007.0001\_R at [51]–[52].
323. Exhibit 10-15, Statement of Ralph Doughty, STAT.0111.007.0001\_R at [36].
324. Exhibit 10-66, Statement of Peter Farthing, STAT.0111.007.0001\_R at [53]; Exhibit 10-66 PF-34 TSAE.9200.01001.0193\_M\_R.
325. Exhibit 10-66, Annexure PF34, TSAE.9200.01001.0193\_M\_R.
326. Exhibit 10-15, Statement of Ralph Doughty, STAT.0111.007.0001\_R at [36].
327. Exhibit 10-66, Statement of Peter Farthing, STAT.0111.007.0001\_R at [57].
328. Transcript of P Farthing, T7666:6–18 (Day 72).
329. Exhibit 10-15, Statement of Ralph Doughty, STAT.0111.007.0001\_R at [36]–[38].
330. Exhibit 10-66, Annexure PF36, STAT.0111.007.0118\_R.
331. Exhibit 10-66, Statement of Peter Farthing, STAT.0111.007.0001\_R at [62].
332. Exhibit 10-51, TSAE.9200.01001.0161\_R.
333. Exhibit 10-66, Annexure PF38, TSAE.0029.001.0035\_R; Exhibit 10-66, Annexure PF39, STAT.0111.007.0126.
334. Exhibit 10-01, Vol 6 Tab 59, TSAE.0025.001.0095\_R.
335. Exhibit 10-15, Annexure RD7, TSAE.9200.01001.0132\_M\_R.
336. Exhibit 10-15, Statement of Ralph Doughty, STAT.0111.007.0001\_R at [40].
337. Transcript of J Condon, T7405:36–T7406:4 (Day 70).
338. Transcript of J Condon, T7406:28–34 (Day 70).
339. Exhibit 10-15, Statement of Ralph Doughty, STAT.0111.007.0001\_R at [41].
340. Exhibit 10-01, Vol 5 Tab 487; Transcript of J Condon, T7406:36–39 (Day 70); Transcript of J Condon, T7409:18–19 (Day 70).
341. Transcript of J Condon, T7410:24–28 (Day 70).
342. Exhibit 10-15, Statement of Ralph Doughty, STAT.0111.007.0001\_R at [41].
343. Exhibit 10-01, Vol 5 Tab 488, TSAE.0029.001.0013\_R.
344. Exhibit 10-01, Vol 5 Tab 489, TSAE.0029.001.0048\_R.
345. Exhibit 10-15, Statement of Ralph Doughty, STAT.0111.007.0001\_R at [47].
346. Transcript of R Doughty, T7101:42–T7102:10 (Day 67).

347. Exhibit 10-66, Statement of Peter Farthing, STAT.0111.007.0001\_R at [78].
348. Exhibit 10-15, Annexure RD10, TSAE.9200.01007.0004.
349. Exhibit 10-66, Annexure PF46, TSAE.9200.01005.0004\_M.
350. Transcript of J Condon, T7412:5–19 (Day 70).
351. Exhibit 10-15, Annexure RD12, TSAE.9200.01002.0069\_M\_R.
352. Exhibit 10-15, Annexure RD13, TSAE.9200.01004.0035\_M\_R; Exhibit 10-01, Vol 5 Tab 499, TSAE.0029.001.0693\_R.
353. Transcript of J Condon, T7413:28–37 (Day 70).
354. Transcript of J Condon, T7414:1–3 (Day 70).
355. Exhibit 10-01, Vol 5 Tab 511, TSAE.0029.001.0614\_R.
356. Exhibit 10-15, Annexure RD19, TSAE.9200.01002.0053\_M\_R.
357. Exhibit 10-15, Statement of Ralph Doughty, STAT.0111.007.0001\_R at [61].
358. Exhibit 10-01, Vol 5 Tab 549, TSAE.0029.001.0344\_R.
359. Exhibit 10-15, Annexure RD20, TSAE.0018.001.0001\_M.
360. Exhibit 10-15, Statement of Ralph Doughty, STAT.0111.007.0001\_R at [69], [71].
361. Submissions of the Salvation Army in relation to Case Study 10, [166].
362. Transcript of J Condon, T7415:29–39 (Day 70).
363. Exhibit 10-01, Vol 4 Tab 424, QLD.0016.001.0022.
364. Exhibit 10-05, Statement of JG, STAT.0203.001.0001\_M\_R at [5].
365. Exhibit 10-05, Statement of JG, STAT.0203.001.0001\_M\_R at [6].
366. Exhibit 10-05, Statement of JG, STAT.0203.001.0001\_M\_R at [7].
367. Exhibit 10-05, Statement of JG, STAT.0203.001.0001\_M\_R at [7].
368. Exhibit 10-05, Statement of JG, STAT.0203.001.0001\_M\_R at [9].
369. Exhibit 10-01, Vol 1 Tab 74, TSAE.0024.001.0409\_R at 0410.
370. Exhibit 10-06, Statement of JD, STAT.0203.001.0001\_M\_R at [3].
371. Exhibit 10-06, Statement of JD, STAT.0203.001.0001\_M\_R at [5].
372. Exhibit 10-01, Vol 1 Tab 74, TSAE.0024.001.0409\_R at 0411.
373. Exhibit 10-01, Vol 1 Tab 74, TSAE.0024.001.0409\_R at 0411.
374. Exhibit 10-05, Statement of JG, STAT.0203.001.0001\_M\_R at [10], [12]; Exhibit 10-06, Statement of JD, STAT.0195.001.0001\_M\_R at [5].
375. See Exhibit 10-01, Vol 4 Tab 454, QLD.0016.001.0096\_R.
376. Exhibit 10-05, Statement of JG, STAT.0203.001.0001\_M\_R at [12].
377. Transcript of JG, T6758:6–26 (Day 64).
378. Exhibit 10-05, Statement of JG, STAT.0203.001.0001\_M\_R at [12].
379. Exhibit 10-05, Statement of JG, STAT.0203.001.0001\_M\_R at [12].
380. Exhibit 10-05, Statement of JG, STAT.0203.001.0001\_M\_R at [13].
381. Exhibit 10-05, Statement of JG, STAT.0203.001.0001\_M\_R at [14].
382. Exhibit 10-01, Vol 4 Tab 454, QLD.0016.001.0096\_R.
383. Exhibit 10-01, Vol 4 Tab 414, QLD.0016.001.0112\_R.
384. Exhibit 10-01, Vol 4 Tab 414, QLD.0016.001.0112\_R.
385. Exhibit 10-05, Statement of JG, STAT.0203.001.0001\_M\_R at [16].
386. Exhibit 10-05, Statement of JG, STAT.0203.001.0001\_M\_R at [17].
387. Exhibit 10-01, Vol 5 Tab 574, TSAE.9100.01041.0156\_R.
388. Exhibit 10-01, Vol 5 Tab 574, TSAE.9100.01041.0156\_R.
389. Exhibit 10-01, Vol 5 Tab 574, TSAE.9100.01041.0156\_R.
390. Exhibit 10-06, Statement of JD, STAT.0195.001.0001\_M\_R [5].
391. Exhibit 10-06, Statement of JD, STAT.0195.001.0001\_M\_R [5].
392. Exhibit 10-06, Statement of JD, STAT.0195.001.0001\_M\_R [5].
393. Exhibit 10-06, Statement of JD, STAT.0195.001.0001\_M\_R [7].
394. Exhibit 10-01, Vol 4 Tab 440A, QLD.0017.001.0284\_R.
395. Exhibit 10-06, Annexure JD14, TSAE.9100.01053.0018\_M1\_R.
396. Exhibit 10-06, Annexure JD14, TSAE.9100.01053.0018\_M1\_R.
397. Exhibit 10-06, Annexure JD14, TSAE.9100.01053.0018\_M1\_R.
398. Exhibit 10-01, Vol 4 Tab 454, QLD.0016.001.0096\_R.

399. Exhibit 10-01, Vol 4 Tab 454, QLD.0016.001.0096\_R.  
 400. Exhibit 10-01, Vol 4 Tab 454, QLD.0016.001.0096\_R.  
 401. Exhibit 10-01, Vol 4 Tab 454, QLD.0016.001.0096\_R.  
 402. Exhibit 10-01, Vol 4 Tab 454, QLD.0016.001.0096\_R.  
 403. Exhibit 10-01, Vol 4 Tab 412, QLD.0016.001.0102\_R.  
 404. Exhibit 10-01, Vol 4 Tab 412, QLD.0016.001.0102\_R.  
 405. Exhibit 10-01, Vol 4 Tab 412, QLD.0016.001.0102\_R.  
 406. Exhibit 10-01, Vol 4 Tab 412, QLD.0016.001.0102\_R.  
 407. Exhibit 10-01, Vol 4 Tab 408, TSAE.9100.01041.0145\_R.  
 408. Exhibit 10-01, Vol 4 Tab 408, TSAE.9100.01041.0145\_R.  
 409. Exhibit 10-01, Vol 4 Tab 454, QLD.0016.001.0096\_R.  
 410. He told us that he had found documentation of an allegation that Lane ‘had been abusing his position of trust as a religious instructor’ at New Farm State School in 1979: Exhibit 10-67, Statement of Peter Farthing, STAT.0111.008.0001\_R at [15]; Exhibit 10-67, Annexure PF-A5, STAT.0111.008.0017\_R. In 1991 there were allegations that Lane had stroked the breasts of one resident at a Salvation Army hospital and kissed another: Exhibit 10-01, Vol 4 Tab 400, TSAE.9100.01025.0025\_R.  
 411. Exhibit 10-67, Statement of Peter Farthing, STAT.0111.008.0001\_R at [7], [13].  
 412. Transcript of P Farthing, T7647:4–7 (Day 72).  
 413. Transcript of P Farthing, T7647:32–36 (Day 72).  
 414. Transcript of P Farthing, T7649:31–33 (Day 72).  
 415. Exhibit 10-01, Vol 4 Tab 431, TSAE.9100.01041.0121.  
 416. Transcript of P Farthing, T7649:19–23 (Day 72).  
 417. It is noted that current Salvation Army policy requires child sexual abuse matters to be reported to the police.  
 418. Exhibit 10-67, Statement of Peter Farthing, STAT.0111.008.0001\_R at [24].  
 419. Exhibit 10-67, Statement of Peter Farthing, STAT.0111.008.0001\_R at [14].  
 420. Transcript of J Condon, T7385:20–7387:19 (Day 70).  
 421. Exhibit 10-01, Vol 7 Tab 6; Transcript of J Condon, T7387:3–19 (Day 70).  
 422. Exhibit 10-05, Statement of JG, STAT.0203.001.0001\_M\_R at [20]; Exhibit 10-05, Annexure JG1, TSAE.9100.01041.0146\_M\_R.  
 423. Exhibit 10-01, Vol 1 Tab 74, TSAE.0024.001.0409\_R.  
 424. Exhibit 10-01, Vol 4 Tab 424, QLD.0016.001.0022.  
 425. Exhibit 10-01, Vol 1 Tab 76, TSAE.9100.01041.0070\_R.  
 426. Exhibit 10-01, Vol 4 Tab 432, TSAE.9100.01041.0115\_R.  
 427. Exhibit 10-01, Vol 4 Tab 418, QLD.0016.001.0010.  
 428. Exhibit 10-01, Vol 4 Tabs 417, QLD.0016.001.0004; Exhibit 10-01, Vol 4 Tab 418, QLD.0016.001.0010.  
 429. Exhibit 10-01, Vol 4 Tab 424, QLD.0016.001.0022.  
 430. Exhibit 10-01, Vol 5 Tab 579, TSAE.9100.01041.0059\_R.  
 431. Exhibit 10-05, Statement of JG, STAT.0203.001.0001\_M\_R at [21]; Exhibit 10-05, Annexure JG2, TSAE.9100.01041.0117.  
 432. Exhibit 10-01, Vol 4 Tab 424, QLD.0016.001.0022.  
 433. Exhibit 10-01, Vol 4 Tab 424, QLD.0016.001.0022.  
 434. Transcript of JD, T6778:9–25 (Day 64).  
 435. Exhibit 10-01, Vol 1 Tab 85, TSAE.0024.001.0387\_R.  
 436. Exhibit 10-01, Vol 1 Tab 85, TSAE.0024.001.0387\_R; Transcript of JD, T6778:1–7 (Day 64).  
 437. Exhibit 10-01, Vol 7 Tab 13, TSAE.0001.01001.0055.  
 438. Exhibit 10-01, Vol 7 Tab 13, TSAE.0001.01001.0055 at TSAE.0001.01001.0057.  
 439. Transcript of P Farthing, T7650:18–38 (Day 72).  
 440. Transcript of P Farthing, T7650:43–7651:2 (Day 72).  
 441. Transcript of P Farthing, T7651:17 (Day 72).  
 442. Exhibit 10-06, Statement of JD, STAT.0195.001.0001\_M\_R at [14].  
 443. Exhibit 10-06, Statement of JD, STAT.0195.001.0001\_M\_R at [14]–[15]; Exhibit 10-06, Annexure JD1, TSAE.9100.01053.0086\_M\_R.  
 444. Exhibit 10-06, Annexure JD1, TSAE.9100.01053.0086\_M\_R.  
 445. Exhibit 10-06, Annexure JD2, TSAE.9100.01053.0082\_M\_R.

446. Exhibit 10-06, Annexure JD2, TSAE.9100.01053.0082\_M\_R.
447. Exhibit 10-06, Annexure JD3, TSAE.9100.01053.0080\_M\_R.
448. Exhibit 10-06, Annexure JD3, TSAE.9100.01053.0080\_M\_R.
449. Exhibit 10-06, Statement of JD, STAT.0195.001.0001\_M\_R at [17].
450. Exhibit 10-06, Statement of JD, STAT.0195.001.0001\_M\_R at [17].
451. Transcript of JD, T6782:19–25 (Day 64).
452. Exhibit 10-06, Annexure JD4, TSAE.9100.01053.0072\_M\_R.
453. Exhibit 10-06, Statement of JD, STAT.0195.001.0001\_M\_R at [19].
454. Transcript of JD, T6784:2–7 (Day 64).
455. Transcript of P Farthing, T7655:12–24 (Day 72).
456. Transcript of P Farthing, T7655:30–40 (Day 72).
457. Transcript of D Cox, T7271:32–37 (Day 69).
458. Exhibit 10-06, Annexure JD5, TSAE.9100.01053.0068\_M\_R.
459. Exhibit 10-06, Statement of JD, STAT.0195.001.0001\_M\_R at [22].
460. Exhibit 10-06, Annexure JD7, TSAE.9100.01053.0049\_M\_R.
461. Exhibit 10-06, Annexure JD8, TSAE.9100.01053.0031\_M1\_R.
462. Exhibit 10-06, Annexure JD9, TSAE.9100.01053.0030\_M\_R.
463. Exhibit 10-06, Statement of JD, STAT.0195.001.0001\_M\_R at [25].
464. Exhibit 10-06, Statement of JD, STAT.0195.001.0001\_M\_R at [25].
465. Transcript of JD, T6787:19–22 (Day 64).
466. Exhibit 10-01, Vol 1 Tab 94, TSAE.0024.001.0335\_R.
467. Exhibit 10-01, Vol 1 Tab 94, TSAE.0024.001.0335\_R.
468. Exhibit 10-01, Vol 1 Tab 94, TSAE.0024.001.0335\_R.
469. Exhibit 10-06, Annexure JD14, TSAE.9100.01053.0018\_M1\_R.
470. Exhibit 10-06, Annexure JD14, TSAE.9100.01053.0018\_M1\_R.
471. Exhibit 10-06, Statement of JD, STAT.0195.001.0001\_M\_R at [31].
472. Exhibit 10-06, Statement of JD, STAT.0195.001.0001\_M\_R at [31].
473. Exhibit 10-06, Statement of JD, STAT.0195.001.0001\_M\_R at [32].
474. Exhibit 10-06, Statement of JD, STAT.0195.001.0001\_M\_R at [32].
475. Exhibit 10-06, Statement of JD, STAT.0195.001.0001\_M\_R at [32].
476. Exhibit 10-05, Statement of JG, STAT.0203.001.0001\_M\_R at [27].
477. Exhibit 10-01, Vol 5 Tab 591, TSAE.9100.01041.0249\_R.
478. Exhibit 10-01, Vol 5 Tab 590, TSAE.9100.01041.0248\_R.
479. Exhibit 10-05, Annexure JG3, TSAE.9100.01041.0247\_M\_R.
480. Exhibit 10-01, Vol 5 Tab 593, TSAE.9100.01041.0240\_R.
481. Exhibit 10-05, Statement of JG, STAT.0203.001.0001\_M\_R at [31].
482. Exhibit 10-01, Vol 5 Tab 593, TSAE.9100.01041.0240\_R.
483. Exhibit 10-01, Vol 5 Tab 593, TSAE.9100.01041.0240\_R.
484. Exhibit 10-01, Vol 5 Tab 593, TSAE.9100.01041.0240\_R.
485. Exhibit 10-05, Annexure JG5, TSAE.9100.01041.0236\_M\_R.
486. Exhibit 10-05, Annexure JG4, TSAE.9100.01041.0221\_M\_R.
487. Exhibit 10-05, Statement of JG, STAT.0203.001.0001\_M\_R at [37], Exhibit 10-05, Annexure JG6, TSAE.9100.01041.0360\_M\_R.
488. Exhibit 10-05, Statement of JG, STAT.0203.001.0001\_M\_R at [36], [38].
489. Exhibit 10-05, Statement of JG, STAT.0203.001.0001\_M\_R at [38].
490. Exhibit 10-22, Statement of Daphne Cox, STAT.0141.002.0001 at [111], [113].
491. Exhibit 10-05, Annexure JG7, TSAE.9100.01041.0293\_R.
492. Exhibit 10-05, Annexure JG7, TSAE.9100.01041.0293\_R.
493. Exhibit 10-05, Annexure JG7, TSAE.9100.01041.0293\_R.
494. Exhibit 10-01, Vol 4 Tab 457, TSAE.0024.001.0313\_R.
495. Exhibit 10-01, Vol 4 Tab 457, TSAE.0024.001.0313\_R; Exhibit 10-01, Vol 5 Tab 616, TSAE.9100.01041.0287\_R.
496. Exhibit 10-01, Vol 5 Tab 616, TSAE.9100.01041.0287\_R.
497. Exhibit 10-05, Annexure JG8, TSAE.9100.01041.0285\_M\_R.
498. Exhibit 10-05, Statement of JG, STAT.0203.001.0001\_M\_R at [44].

499. Exhibit 10-05, Statement of JG, STAT.0203.001.0001\_M\_R at [47].
500. Exhibit 10-05, Statement of JG, STAT.0203.001.0001\_M\_R at [51].
501. Exhibit 10-01, Vol 3 Tab 336, TSAE.0022.001.1292\_R. The Royal Commission made a non-publication order with respect to the name of the town where the sexual abuse occurred.
502. Exhibit 10-01, Vol 3 Tab 336, TSAE.0022.001.1292\_R.
503. Exhibit 10-40, Annexure JC4, STAT.0101.001.0032 at 0090.
504. Exhibit 10-11, Statement of JH, STAT.0206.001.0001\_M\_R at [3], [7].
505. Exhibit 10-11, Statement of JH, STAT.0206.001.0001\_M\_R at [3]–[4].
506. Exhibit 10-11, Statement of JH, STAT.0206.001.0001\_M\_R at [7].
507. Exhibit 10-11, Statement of JH, STAT.0206.001.0001\_M\_R at [7].
508. Exhibit 10-11, Statement of JH, STAT.0206.001.0001\_M\_R at [9]–[11].
509. Transcript of JH, T6958:10–16 (Day 66).
510. Exhibit 10-11, Statement of JH, STAT.0206.001.0001\_M\_R at [12].
511. Exhibit 10-11, Statement of JH, STAT.0206.001.0001\_M\_R at [18].
512. Exhibit 10-11, Statement of JH, STAT.0206.001.0001\_M\_R at [19].
513. Exhibit 10-11, Statement of JH, STAT.0206.001.0001\_M\_R at [21].
514. Exhibit 10-11, Statement of JH, STAT.0206.001.0001\_M\_R at [22].
515. Exhibit 10-11, Statement of JH, STAT.0206.001.0001\_M\_R at [24].
516. Transcript of JH, T6960:26–T6961:24 (Day 66); Exhibit 10-11, Statement of JH, STAT.0206.001.0001\_M\_R at [24].
517. Transcript of J Condon, T7312:28–37 (Day 69); Exhibit 10-01, Vol 3 Tab 253, TSAE.0022.001.1216\_R; Transcript of J Greville, T7548:20–24 (Day 71).
518. Exhibit 10-01, Vol 3 Tab 223, TSAE.0120.01018.0403\_R.
519. Exhibit 10-01, Vol 3 Tab 223, TSAE.0120.01018.0403\_R; see also Transcript of J Condon, T7313:32–38.
520. Exhibit 10-44, Statement of James Condon, STAT.0101.006.0001\_R at [18]–[19]; Exhibit 10-44, Annexure JC3, STAT.0101.006.0019\_R; Exhibit 10-44, Annexure JC4, STAT.0101.006.0021\_R.
521. Exhibit 10-01, Vol 3 Tab 224, TSAE.0120.01003.0041; Exhibit 10-01, Vol 3 Tab 225, TSAE.0120.01003.0215\_R.
522. Exhibit 10-01, Vol 3 Tab 239, TSAE.0120.01003.0012.
523. Exhibit 10-01, Vol 3 Tab 224, TSAE.0120.01003.0041; Tab 225, TSAE.0120.01003.0215\_R.
524. Exhibit 10-01, Vol 3 Tab 226, TSAE.0120.01003.0209\_R.
525. Exhibit 10-01, Vol 3 Tab 227, TSAE.0120.01003.0038\_R.
526. Exhibit 10-01, Vol 3 Tab 227A, TSAE.0030.001.0007\_R.
527. Exhibit 10-11, Statement of JH, STAT.0206.001.0001\_M\_R at [28].
528. Transcript of J Condon, T7314:13–26 (Day 69).
529. Transcript of J Condon, T7315:1–4 (Day 69); Exhibit 10-01, Vol 3 Tab 225, TSAE.0120.01003.0215\_R.
530. Transcript of J Condon, T7314:37–T7315:4 (Day 69).
531. Transcript of J Condon, T7316:14–35 (Day 69).
532. Transcript of J Condon, T7317:35–46 (Day 69).
533. Transcript of J Condon, T7317:5–33 (Day 69).
534. Exhibit 10-01, Vol 3 Tab 230, TSAE.0120.01003.0207\_R.
535. Exhibit 10-01, Vol 3 Tab 230, TSAE.0120.01003.0207\_R.
536. Exhibit 10-01, Vol 3 Tab 231, TSAE.0120.01003.0032\_R.
537. Transcript of JH, T6969:12–34 (Day 66).
538. Exhibit 10-01, Vol 3 Tab 238A, TSAE.0030.001.0008\_R.
539. Transcript of JH, T6962:29–34 (Day 66).
540. Transcript of JH, T6966:46–6967:2 (Day 66).
541. Transcript of JH, T6967:4–12 (Day 66).
542. Exhibit 10-44, Statement of James Condon, STAT.0101.006.0001\_R at [26].
543. Exhibit 10-44, Statement of James Condon, STAT.0101.006.0001\_R at [26].
544. Transcript of J Condon, T7319:26–46 (Day 69). James Condon then held the rank of major and was the Church Growth Consultant at Territorial Headquarters in Sydney.
545. Transcript of J Condon, T7319:17–24 (Day 69).
546. Transcript of J Condon, T7320:1–3 (Day 69).
547. Transcript of J Condon, T7318:43 (Day 69).



548. Transcript of J Condon, T7320:5–11 (Day 69).
549. Transcript of J Condon, T7322:22 (Day 69).
550. Transcript of J Condon, T7419:14–17 (Day 70).
551. Transcript of J Condon, T7419:36–38 (Day 69).
552. Transcript of K Hagggar, T7502:10–12 (Day 71).
553. Transcript of J Condon, T7425:37–39 (Day 70); Exhibit 10-59, Annexure JMG15, STAT.0225.001.0132\_R at 0147\_R.
554. Exhibit 10-44, Statement of James Condon, STAT.0101.006.0001\_R at [28].
555. Transcript of J Condon, T7324:2 (Day 69).
556. Transcript of J Condon, T7424:2–3 (Day 70), 7426:9–11 (Day 70); Exhibit 10-59, Annexure JMG15, STAT.0225.001.0132\_R at 0147\_R.
557. Exhibit 10-59, Annexure JMG15, STAT.0225.001.0132 at 0148.
558. Transcript of J Condon, T7325:7–10 (Day 69), T7426:23–26 (Day 70).
559. Transcript of J Condon, T7324:4–20 (Day 69).
560. Transcript of J Condon, T7428:16–25 (Day 70).
561. Transcript of J Condon, T7325:11-16 (Day 69).
562. Transcript of J Condon, T7430:28–37 (Day 70).
563. Transcript of J Condon, T7431:16 (Day 70).
564. Transcript of J Condon, T7430:42–46 (Day 70), 7431:27–29 (Day 70), 7439:10–28 (Day 70).
565. Transcript of J Condon, T7326:25–30 (Day 69).
566. Transcript of J Condon, T7433:15–20 (Day 70).
567. Transcript of J Condon, T7433:2–13, T7433:46–T7432:2, T7435:21–35, T7435:37–41 (Day 70).
568. Transcript of J Condon, T7435:47–T7436:3 (Day 70).
569. Transcript of J Condon, T7328:30 (Day 69).
570. Transcript of J Condon, T7432:37–42 (Day 70).
571. Transcript of J Condon, T7328:36–41; T7329:6–10 (Day 69).
572. Transcript of J Condon, T7328:15–16 (Day 69).
573. Transcript of J Condon, T7439:14–16 (Day 70).
574. Transcript of J Condon, T7435:43–47 (Day 70).
575. Exhibit 10-48, Statement of Peter Yeomans, STAT.0226.001.0001\_R at [9]–[10].
576. Exhibit 10-48, Statement of Peter Yeomans, STAT.0226.001.0001\_R at [12].
577. Exhibit 10-48, Statement of Peter Yeomans, STAT.0226.001.0001\_R at [13].
578. Exhibit 10-48, Statement of Peter Yeomans, STAT.0226.001.0001\_R at [14]; Exhibit 10-48, Annexure PY2, STAT.0226.001.0013 at [35.120].
579. Transcript of P Farthing, T7636:40–46 (Day 72).
580. Submissions of the State of NSW at [2].
581. Submissions of the State of NSW at [3].
582. Submissions of The Salvation Army in relation to Case Study 10, [211].
583. Exhibit 10-01, Vol 3 Tab 236, TSAE.0120.01003.0019; Tab 237, TSAE.0120.01003.0017.
584. Exhibit 10-01, Vol 3 Tab 238, TSAE.0120.01018.0406\_R.
585. Exhibit 10-01, Vol 3 Tab 238, TSAE.0120.01018.0406\_R.
586. Exhibit 10-01, Vol 3 Tab 239, TSAE.0120.01003.0012.
587. Exhibit 10-01, Vol 3 Tab 240, TSAE.0120.01003.0009\_R.
588. Exhibit 10-01, Vol 3 Tab 241, TSAE.0120.01003.0006\_R.
589. Exhibit 10-01, Vol 3 Tab 245, TSAE.0120.01003.0098\_R.
590. Exhibit 10-01, Vol 3 Tab 246, TSAE.0120.01018.0414\_R and 336 TSAE.0022.001.1292\_R.
591. Exhibit 10-11, Statement of JH, STAT.0206.001.0001\_M\_R at [28], [29].
592. Exhibit 10-11, Statement of JH, STAT.0206.001.0001\_M\_R at [29].
593. Exhibit 10-11, Statement of JH, STAT.0206.001.0001\_M\_R at [36].
594. Exhibit 10-11, Annexure JH4, STAT.0206.001.0017\_M\_R.
595. Transcript of JH, T6971:14–22 (Day 66).
596. Exhibit 10-11, Statement of JH, STAT.0206.001.0001\_M\_R at [29].
597. Exhibit 10-11, Statement of JH, STAT.0206.001.0001\_M\_R at [29].
598. Exhibit 10-11, Statement of JH, STAT.0206.001.0001\_M\_R at [50].

599. Transcript of P Farthing, T7618:16–20 (Day 72).
600. Exhibit 10-65, Annexure PF32, STAT.0111.006.0200 at 0201.
601. Exhibit 10-65, Annexure PF32, STAT.0111.006.0200 at 0202.
602. Exhibit 10-65, Annexure PF32, STAT.0111.006.0200 at 0204.
603. Exhibit 10-65, Annexure PF32, STAT.0111.006.0200.
604. Exhibit 10-01, Vol 3 Tab 250, TSAE.0120.01003.0159.
605. Exhibit 10-01, Vol 3 Tab 250, TSAE.0120.01003.0159.
606. See Transcript of J Condon, T7336:22–24; T7341:33–34; T7342:5–10 (Day 69); Transcript of P Farthing, T7624:34–T7625:10 (Day 72).
607. Transcript of P Farthing, T7625:45–T7626:15 (Day 72).
608. Transcript of J Condon, T7337:2–6 (Day 69).
609. Transcript of P Farthing, T7626:14–15 (Day 72).
610. Exhibit 10-01, Vol 3 Tab 250, TSAE.0120.01003.0159.
611. Exhibit 10-01, Vol 3 Tab 250, TSAE.0120.01003.0159.
612. Exhibit 10-01, Vol 3 Tab 250, TSAE.0120.01003.0159.
613. Exhibit 10-01, Vol 3 Tab 250, TSAE.0120.01003.0159.
614. Exhibit 10-01, Vol 3 Tab 252, TSAE.0120.01003.0172\_R.
615. Exhibit 10-01, Vol 3 Tab 252, TSAE.0120.01003.0172\_R.
616. Exhibit 10-01, Vol 3 Tab 253, TSAE.0022.001.1216\_R.
617. Exhibit 10-01, Vol 3 Tab 253, TSAE.0022.001.1216\_R.
618. Exhibit 10-01, Vol 3 Tab 253, TSAE.0022.001.1216\_R.
619. Exhibit 10-01, Vol 3 Tab 253, TSAE.0022.001.1216\_R.
620. Exhibit 10-01, Vol 3 Tab 253, TSAE.0022.001.1216\_R.
621. Exhibit 10-01, Vol 3 Tab 254, TSAE.0120.01003.0211\_R.
622. Exhibit 10-01, Vol 3 Tab 256, TSAE.0120.01003.0192\_R.
623. Exhibit 10-01, Vol 3 Tab 262, TSAE.0022.001.1380\_R. Colin Hagggar became a major in The Salvation Army on 1 May 2001: Exhibit 10-01, Vol 3 Tab 336, TSAE.0022.001.1292\_R.
624. Exhibit 10-46, Statement of James Condon, STAT.0101.008.0001 at [11].
625. Exhibit 10-46, Statement of James Condon, STAT.0101.008.0001 at [11].
626. Transcript of P Farthing, T7631:15–17, 25–27, T7632:5–11 (Day 72).
627. Exhibit 10-46, Statement of James Condon, STAT.0101.008.0001 at [11].
628. Exhibit 10-46, Statement of James Condon, STAT.0101.008.0001 at [11].
629. Exhibit 10-46, Statement of James Condon, STAT.0101.008.0001 at [11].
630. Transcript of J Condon, T7350:5–14 (Day 69); Exhibit 10-01, Vol 3 Tab 262, TSAE.0022.001.1380\_R; Exhibit 10-46, Statement of James Condon, STAT.0101.008.0001 at [11].
631. Exhibit 10-46, Statement of James Condon, STAT.0101.008.0001 at [11].
632. Submissions of the Salvation Army in relation to Case Study 10, [223].
633. Exhibit 10-01, Vol 3 Tab 254, TSAE.0120.01003.0211\_R.
634. Transcript of P Farthing, T7631:3–7 (Day 72).
635. Transcript of P Farthing, T7630:43–45 (Day 72).
636. Transcript of P Farthing, T7632:20–23 (Day 72).
637. Transcript of P Farthing, T7631:25–27 (Day 72).
638. Transcript of P Farthing, T7631:29–34 (Day 72).
639. Transcript of P Farthing, T7632:29–34 (Day 72).
640. Transcript of P Farthing, T7632:34–39 (Day 72).
641. Transcript of P Farthing, T7685:3–7, 22–29 (Day 72).
642. Exhibit 10-01, Vol 3 Tab 336, TSAE.0022.001.1292\_R.
643. Transcript of J Condon, T7338:23–41 (Day 69).
644. Transcript of J Condon, T7338:29–T7339:12 (Day 69). Colin Hagggar also objected to being given the rank.
645. Transcript of J Condon, T7339:11–12 (Day 69).
646. Exhibit 10-01, Vol 3 Tab 263, TSAE.0022.001.0605\_R.
647. Exhibit 10-01, Vol 3 Tab 263, TSAE.0022.001.0605\_R.
648. Exhibit 10-01, Vol 3 Tab 263, TSAE.0022.001.0605\_R.
649. Exhibit 10-01, Vol 3 Tab 263, TSAE.0022.001.0605\_R.



650. Exhibit 10-01, Vol 3 Tab 264, TSAE.0022.001.0618\_R.
651. Exhibit 10-01, Vol 3 Tab 264, TSAE.0022.001.0618\_R.
652. Exhibit 10-01, Vol 3 Tab 264, TSAE.0022.001.0618\_R.
653. Exhibit 10-40, Statement of James Condon, STAT.0101.001.0001 at [9]; Exhibit 10-40, Annexure JC1, STAT.0101.001.0019.
654. Transcript of J Condon, T7337:41–T7338:4 (Day 69).
655. Exhibit 10-01, Vol 3 Tab 266, TSAE.0120.01003.0147\_R; Exhibit 10-01, Vol 3 Tab 267, TSAE.0120.01003.0149\_R; Exhibit 10-01, Vol 3 Tab 268, TSAE.0120.01003.0146\_R.
656. Exhibit 10-01, Vol 3 Tab 266, TSAE.0120.01003.0147\_R; Exhibit 10-01, Vol 3 Tab 267, TSAE.0120.01003.0149\_R.
657. Exhibit 10-01, Vol 3 Tab 270, TSAE.0120.01003.0150\_R.
658. Exhibit 10-01, Vol 3 Tab 267, TSAE.0120.01003.0149\_R.
659. Exhibit 10-01, Vol 3 Tab 268, TSAE.0120.01003.0146\_R.
660. Transcript of P Condon, T7344:36–37 (Day 69).
661. Exhibit 10-44, Statement of James Condon, STAT.0101.006.0001\_R at [74].
662. Transcript of P Condon, T7344:27–33 (Day 69).
663. Transcript of P Condon, T7344:15–40 (Day 69).
664. Transcript of P Condon, T7345:18–27 (Day 69).
665. Transcript of P Condon, T7346:35–36 (Day 69).
666. Exhibit 10-17, Statement of Michelle White, STAT.0205.001.0001\_M at [4]–[5].
667. Exhibit 10-39, Statement of David Hunt, STAT.0011.002.0044\_M\_R at [5]. The Salvation Army NSW (Property) Trust became a designated agency under the Children and Young People (Care and Protection) Act 1998 (NSW) on 3 September 2012 after, Mr Hunt said, it demonstrated that its policies and procedures satisfied the NBSW Standards for Statutory Out-of-Home Care.
668. Exhibit 10-17, Statement of Michelle White, STAT.0205.001.0001\_M at [11]–[15].
669. Exhibit 10-17, Statement of Michelle White, STAT.0205.001.0001\_M at [12].
670. Exhibit 10-17, Statement of Michelle White, STAT.0205.001.0001\_M at [13] and [17].
671. Exhibit 10-17, Statement of Michelle White, STAT.0205.001.0001\_M at [14].
672. Exhibit 10-17, Statement of Michelle White, STAT.0205.001.0001\_M at [15].
673. Exhibit 10-17, Statement of Michelle White, STAT.0205.001.0001\_M at [17].
674. Exhibit 10-17, Annexure MW1, ROI.0009.001.0001\_M\_R.
675. Exhibit 10-17, Annexure MW1, ROI.0009.001.0001\_M\_R.
676. Exhibit 10-17, Annexure MW1, ROI.0009.001.0001\_M\_R.
677. Transcript of P Condon, T7347:30–33 (Day 69).
678. Transcript of P Condon, T7347:39–42 (Day 69).
679. Transcript of P Condon, T7348:15–16 (Day 69).
680. Exhibit 10-17, Statement of Michelle White, STAT.0205.001.0001\_M at [22].
681. Exhibit 10-17, Statement of Michelle White, STAT.0205.001.0001\_M at [22].
682. Exhibit 10-17, Statement of Michelle White, STAT.0205.001.0001\_M at [23].
683. Exhibit 10-17, Statement of Michelle White, STAT.0205.001.0001\_M at [25].
684. Exhibit 10-17, Statement of Michelle White, STAT.0205.001.0001\_M at [27].
685. Transcript of P Condon, T7349:16–26 (Day 69).
686. Transcript of P Condon, T7349:37–47 (Day 69).
687. Transcript of P Condon, T7351:13–14 (Day 69).
688. Exhibit 10-17, Annexure MW3, ROI.0009.001.0006\_M\_R.
689. Exhibit 10-01, Vol 3 Tab 278, TSAE.0022.001.0241\_R.
690. Exhibit 10-17, Annexure MW3, ROI.0009.001.0006\_M\_R.
691. Exhibit 10-17, Statement of Michelle White, STAT.0205.001.0001\_M at [33]–[34].
692. Exhibit 10-17, Statement of Michelle White, STAT.0205.001.0001\_M at [35]; Exhibit 10-17, Annexure MW4, ROI.0009.001.0008\_M\_R.
693. Exhibit 10-17, Annexure MW4, ROI.0009.001.0008\_M\_R.
694. Exhibit 10-44, Statement of James Condon, STAT.0101.006.0001\_R at [82], Exhibit 10-44, Annexure JC32, STAT.0101.006.0119\_R.
695. Exhibit 10-44, Statement of James Condon, STAT.0101.006.0001\_R at [82], Exhibit 10-44, Annexure JC32, STAT.0101.006.0119\_R.

696. Exhibit 10-17, Annexure MW4, ROI.0009.001.0008\_M\_R.
697. Exhibit 10-17, Annexure MW4, ROI.0009.001.0008\_M\_R.
698. Exhibit 10-01, Vol 3 Tab 282, OMB.0001.001.0004 and OMB.0001.001.0005; Vol 3 Tab 283, OMB.0001.001.0006 and OMB.0001.001.0007; Vol 3 Tab 284, OMB.0001.001.0001\_R; Vol 3 Tab 286, OMB.0001.001.0009\_R.
699. Exhibit 10-17, Annexure MW5, ROI.0009.001.0012\_M\_R.
700. Exhibit 10-17, Statement of Michelle White, STAT.0205.001.0001\_M at [47].
701. Exhibit 10-17, Statement of Michelle White, STAT.0205.001.0001\_M at [49].
702. Exhibit 10-17, Statement of Michelle White, STAT.0205.001.0001\_M at [53], [56].
703. Transcript of M White, T7152:22–24 (Day 68).
704. Submissions of Counsel Assisting the Royal Commission, [248].
705. Submissions of Counsel Assisting the Royal Commission, [248].
706. Submissions of the Salvation Army in relation to Case Study 10, [250].
707. Submissions of the Salvation Army in relation to Case Study 10, [250].
708. Transcript of J Condon, T7338:1–4 (Day 69).
709. Exhibit 10-44, Statement of James Condon, STAT.0101.006.0001\_R at [77].
710. Exhibit 10-44, Statement of James Condon, STAT.0101.006.0001\_R at [77]–[78].
711. Transcript of M White, T7154:39–45 (Day 68).
712. Exhibit 10-01, Vol 3 Tab 300, OMB.0001.001.0150\_R.
713. Exhibit 10-73, OMB.0001.001.0148\_R.
714. Exhibit 10-01, Vol 3 Tab 304, OMB.0001.001.0046.
715. Exhibit 10-01, Vol 3 Tab 304, OMB.0001.001.0046.
716. Exhibit 10-01, Vol 3 Tab 309, OMB.0001.001.0048\_R.
717. Transcript of P Condon, T7367:17–22 (Day 70).
718. Exhibit 10-54, OMB.0003.001.0001\_R.
719. Exhibit 10-01, Vol 3 Tab 309, OMB.0001.001.0048\_R.
720. Exhibit 10-54, OMB.0003.001.0001\_R; Transcript of S Kinmond, T7697:27–32; T7697:47–T7698:5 (Day 72).
721. Transcript of S Kinmond, T7697:47–T7698:5 (Day 72).
722. Transcript of S Kinmond, T7695:16–26, 43–47 (Day 72).
723. Exhibit 10-44, Statement of James Condon, STAT.0101.006.0001\_R at [85].
724. Exhibit 10-59, Statement of John Greville, STAT.0225.001.0001\_R at [8].
725. Exhibit 10-44, Annexure JC37, STAT.0101.006.0145\_R.
726. Exhibit 10-01, Tab 331, TSAE.0022.001.0667\_R and TSAE.0022.001.0670\_R.
727. Exhibit 10-01, Vol 3 Tab 361F, TSAE.0032.001.0010.
728. Exhibit 10-01, Vol 3 Tab 361G, TSAE.0032.001.0018\_R.
729. Exhibit 10-37, Statement of JI, STAT.0215.001.0001\_M\_R at [21].
730. Exhibit 10-59, Statement of John Greville, STAT.0225.001.0001\_R at [17]; Exhibit 10-37, Statement of JI, STAT.0215.001.0001\_M\_R at [10], [12], [13].
731. Exhibit 10-59, Statement of John Greville, STAT.0225.001.0001\_R at [17].
732. Exhibit 10-59, Statement of John Greville, STAT.0225.001.0001\_R at [13], [17].
733. Transcript of JH, T6974:12–21, 29–38. (Day 66)
734. Exhibit 10-37, Statement of JI, STAT.0215.001.0001\_M\_R at [21].
735. Exhibit 10-37, Statement of JI, STAT.0215.001.0001\_M\_R at [22].
736. Exhibit 10-44, Statement of James Condon, STAT.0101.006.0001\_R at [87]; Exhibit 10-44, Annexure JC36 STAT.0101.006.0143\_R.
737. Exhibit 10-44, Annexure JC36, STAT.0101.006.0143\_R.
738. Oral submissions, T7758:41–44.
739. Exhibit 10-39, Statement of David Hunt, STAT.0011.002.0044\_M\_R at [5].
740. Exhibit 10-39, Statement of David Hunt, STAT.0011.002.0044\_M\_R at [5].
741. Exhibit 10-39, Statement of David Hunt, STAT.0011.002.0044\_M\_R at [32]; Exhibit 10-39, Annexure DH2, STAT.0011.002.0055\_M\_R.
742. Exhibit 10-39, Statement of David Hunt, STAT.0011.002.0044\_M\_R at [20]–[21].
743. Exhibit 10-38, Statement of Kerryn Boland, STAT.0011.002.0001\_M at [105].
744. Exhibit 10-38, Statement of Kerryn Boland, STAT.0011.002.0001\_M at [112].

745. Exhibit 10-03, Annexure JE4, STAT.0194.001.0014\_M1\_R.
746. Exhibit 10-06, Statement of JD, STAT.0195.001.0001\_M\_R at [34].
747. Exhibit 10-05, Statement of JG, STAT.0203.001.0001\_M\_R at [49].
748. Exhibit 10-15, Statement of Ralph Doughty, STAT.0196.001.0001\_M\_R at [72].
749. Transcript of J Lucas, T6830:36–41 (Day 65); T6837:2–6 (Day 65).
750. Transcript of J Lucas, T6867:1–3 (Day 65).
751. Exhibit 10-07, Annexure AA2, STAT.0210.001.0009.
752. Exhibit 10-21 Statement of Daphne Cox, STAT.0141.001.0001 at [4].
753. Transcript of R Smartt, T7190:5–8 (Day 68).
754. Exhibit 10-02, Annexure JF3, TSAE.9100.01050.0040\_M\_R.
755. Exhibit 10-02, Statement of JF, STAT.0193.001.0001\_M\_R at [24].
756. Transcript of J Lucas, T6882:23–27 (Day 65); T6885:4–8 (Day 65).
757. Transcript of J Lucas, T6834:8–14 (Day 65); T6835:39–42 (Day 65).
758. Transcript of J Lucas, T6837:15–18 (Day 65).
759. Exhibit 10-02, Statement of JF, STAT.0193.001.0001\_M\_R at [35].
760. Exhibit 10-03, Statement of JE, STAT.0194.001.0001\_M\_R at [33].
761. Exhibit 10-04, Statement of Cherryl Eldridge, STAT.0207.001.0001\_M\_R at [20].
762. Exhibit 10-06, Statement of JD, STAT.0195.001.0001\_M\_R at [34].
763. Exhibit 10-05, Statement of JG, STAT.0203.001.0001\_M\_R at [36].
764. Transcript of J Lucas, T6837:22–33 (Day 65).
765. Exhibit 10-08, Statement of John Lucas, STAT.0192.001.0001\_M\_R at [66].
766. Transcript of J Lucas, T6838:39–45 (Day 65).
767. Transcript of J Lucas, T6838:47–T6839:4 (Day 65).
768. Exhibit 10-04, Statement of Cherryl Eldridge, STAT.0207.001.0001\_M\_R at [21].
769. Transcript of J Lucas, T6838:26–30; T6839:16–27 (Day 65).
770. Transcript of K Walsh, T7005:27–30 (Day 66).
771. Transcript of R Smartt, T7192:27–33 (Day 68).
772. Transcript of R Smartt, T7192:38–42 (Day 68).
773. Transcript of R Smartt, T7192:45–46 (Day 68).
774. Submissions of the Salvation Army in relation to Case Study 10, [175].
775. Exhibit 10-22, Statement of Daphne Cox, STAT.0141.002.0001 at [4].
776. Salvation Army Submissions, [175].
777. Transcript of D Cox, T7258:36–T7259:40 (Day 69).
778. Transcript of J Condon, T7395:35–44 (Day 70).
779. Transcript of J Condon, T7396:5–11, 13–23 (Day 70).
780. Exhibit 10-01, Vol 7 Tab 36, STAT.0111.004.0010; Exhibit 10-65, Statement of Peter Farthing, STAT.0111.006.0001\_R at [173].
781. Transcript of J Lucas, T6835:36–42 (Day 65).
782. Submissions of the Salvation Army in relation to Case Study 10, [179].
783. Exhibit 10-01, Vol 7 Tab 36, STAT.0111.004.0010.
784. Transcript of J Lucas, T6842:18–28; T6890:43–46; T6891:12–25 (Day 65).
785. Transcript of D Cox, T7283:40 (Day 69).
786. Transcript of D Cox, T7284:27–31 (Day 69).
787. Exhibit 10-65, Statement of Peter Farthing, STAT.0111.006.0001\_R at [150]–[155]; T7576:5–16 (Day 71).
788. Exhibit 10-65, Statement of Peter Farthing, STAT.0111.006.0001\_R at [150]–[155]; T7576:5–16 (Day 71).
789. Transcript of K Walsh, T6996:45–47 (Day 66).
790. Transcript of J Condon, T7398:1–3 (Day 70).
791. Transcript of R Smartt, T7224:17–28 (Day 68).
792. Transcript of J Condon, T7398:1–7 (Day 70).
793. Transcript of J Lucas, T6849:2–10; T6849:12–14 (Day 65).
794. Transcript of JF, T6649:15–22 (Day 63A).
795. Transcript of A Anderson, T6802:8–12 (Day 64).
796. Transcript of A Anderson, T6803:26–33 (Day 64).
797. Transcript of A Anderson, T6803:35–39 (Day 64).

798. Transcript of JH, T6967:4–12 (Day 66).
799. Transcript of J Condon, T7399:35–44 (Day 70).
800. Submissions of the Salvation Army in relation to Case Study 10, [189].
801. Transcript of B Cox, T7272:9–14 (Day 69).
802. Exhibit 10-02, Annexure JF7, TSAE.9100.01050.0002\_M\_R.
803. Exhibit 10-02, Annexure JF7, TSAE.9100.01050.0002\_M\_R, Recitals B.
804. Exhibit 10-02, Annexure JF7, TSAE.9100.01050.0002\_M\_R at Clause 14.
805. Exhibit 10-02, Annexure JF7, TSAE.9100.01050.0002\_M\_R at Clause 15.
806. Exhibit 10-04, Annexure CE13, TSAE.9100.01040.0035\_M; Exhibit 10-06, Annexure JD15, TSAE.9100.01053.0003\_M\_R; Exhibit 10-05, Annexure JG6, TSAE.9100.01041.0360\_M\_R.
807. Exhibit 10-03, Annexure JE8, STAT.0194.001.0019\_M\_R; Exhibit 10-09, Annexure FE8, TSAE.0002.001.0866\_M\_R.
808. Exhibit 10-02, Statement of JF, STAT.0193.001.0001\_M\_R at [35].
809. Exhibit 10-04, Statement of Cheryl Eldridge, STAT.0207.001.0001\_M\_R at [31].
810. Exhibit 10-06, Statement of JD, STAT.0195.001.0001\_M\_R at [32].
811. Exhibit 10-05, Statement of JG, STAT.0203.001.0001\_M\_R at [38].
812. Exhibit 10-32, Statement of ES, STAT.0115.001.0001\_M\_R at [81]; Exhibit 10-27, Statement of Raymond Carlile, STAT.0108.001.0001\_M\_R at [13]; Exhibit 10-28, Statement of EG, STAT.0102.001.0001\_M\_R at [46].
813. Transcript of D Cox, T7272:19–28 (Day 69).
814. Transcript of R Smartt, T7204:38–T7205:6 (Day 68); Transcript of R Smartt, 7210:16–21 (Day 68); T7272:16 – 28 (Day 69); Transcript of J Condon, T7402:27–36 (Day 70).
815. Transcript of F Foster, T7094:47–T7095:4 (Day 67).
816. Transcript of J Lucas, T6898:12–15 (Day 65).
817. Transcript of J Lucas, T6898:31–34 (Day 65).
818. Transcript of K Walsh, T6924:37–39 (Day 66).
819. Transcript of R Smartt, T7209:43–45 (Day 68).
820. Transcript of R Smartt, T7211:14–20 (Day 68).
821. Transcript of R Smartt, T7211:22–34 (Day 68); Exhibit 10-20, Statement of Robyn Smartt, STAT.0142.001.0001\_R at [27].
822. Transcript of J Condon, T7402:38–41 (Day 70).
823. Transcript of J Condon, T7402:45–T7403:8 (Day 70).
824. Exhibit 10-03, Statement of JE, STAT.0194.001.0001\_M\_R at [29].
825. Exhibit 10-06, Statement of JD, STAT.0195.001.0001\_M\_R at [31]–[32].
826. Exhibit 10-06, Statement of JD, STAT.0195.001.0001\_M\_R at [35].
827. Exhibit 10-09, Statement of FE, STAT.0204.001.0001\_M\_R at [38]–[39].
828. Exhibit 10-15, Statement of Ralph Doughty, STAT.0196.001.0001\_M\_R at [72].
829. Exhibit 10-15, Statement of Ralph Doughty, STAT.0196.001.0001\_M\_R at [73].
830. Transcript of J Lucas, T6847:2–5 (Day 65).
831. Transcript of J Lucas, T6847:18–23 (Day 65).
832. Exhibit 10-01, Vol 2 Tab 155, TSAE.9100.01054.0090\_R.
833. [2003] HCA 4, (2003) 212 CLR 511; Exhibit 10-15, Annexure RD6, TSAE.9200.01001.0193\_M\_R.
834. (2007) 70 NSWLR 565.
835. Exhibit 10-15, Annexure RD6, TSAE.9200.01001.0193\_M\_R; Exhibit 10-01, Vol 5 Tab 549, TSAE.0029.001.0344\_R at 0347\_R.
836. Transcript of J Lucas, T6847:12–23 (Day 65); Transcript of K Walsh, T6941:38–46 (Day 66), T6943:21–32 (Day 66).
837. Exhibit 10-43, Statement of James Condon, STAT.0101.005.0001 at [10].
838. Exhibit 10-43, Statement of James Condon, STAT.0101.005.0001 at [6].
839. Transcript of J Condon, T7310:36–T7311:4 (Day 69).
840. Transcript of J Condon, T7310:14–34, 43; T7311:4, 19–33 (Day 69).
841. Transcript of J Condon, T7312:9–11 (Day 69).
842. Transcript of J Condon, T7310:43–T7311:11 (Day 69).
843. Transcript of J Condon, T7481:37–43 (Day 70).
844. Transcript of J Condon, T7481:43 (Day 70).





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