

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

CASE STUDY 10

SUBMISSIONS ON BEHALF OF JOHN GREVILLE

17TH JUNE 2014

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These submissions are in response to the submissions of The Salvation Army dated 9th June 2014.

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Opening Observations***TSA has acknowledged that its response to claims has evolved over time***

We submit that state-wide policy and procedures with respect to agencies response to child abuse have been in place since 1998 following the promulgation of the Child Protection Package of Legislation¹ which has been supported by various updated regulations. The available legislation is sufficiently informative and provides basic standards upon which agencies are expected to apply.

Evidence provided to the Royal Commission identified clear failures by TSA in the acceptance of its reporting obligations with respect to child abuse matters from the early 1990's to the present day. We submit the evolution of TSA responses are not in line with acceptable standards

This Case Study has focused on the experience of a small number of the 157 survivors who have made claims since 1993. Each and every one of the 157 survivors has a different experience. There is no 'one size fits all'.

We submit that the evidence identified an inconsistent approach in the handling of victims' claims including a number of complaints of offers of payments altered without rationale.

As John Lucas, a former senior advocate from Micah Projects said when giving evidence, the experience of each survivor was different. He also said that most of the survivors found the meetings with The Salvation Army to be a positive, worthwhile process.

The evidence of the advocate is one piece of evidence. It is more often the case that victims do not fully understand the process making it difficult for them to assess what is reasonable and fair in the circumstances.

¹ Ombudsman Amendment (Child Protection and Community Services) Act 1998;
Child Protection (Prohibited Person) Employment Act 1998;
Commission for Children and Young Persons Act 1998.

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At item 7. The findings, and indeed the hearing, focused almost exclusively on failings by The Salvation Army. There is no attempt to identify where this institution might have responded helpfully to allegations of child sexual abuse. There are no lessons drawn about processes or principles which might be of value. The proposed findings, therefore, fail to give an accurate and complete picture of the way The Salvation Army works with survivors.

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The above statement does not take into consideration the standards that are already available to TSA from the NSW Ombudsman's Office and other Government Support Agencies. These bodies, when called upon regularly provide in-service training and advice about how agencies can protect their vulnerable and apply proper methods in risk management and investigations. We submit that it is for TSA to conform to current legislated requirements as other State based organisations do on a regular basis.

At items 9, 171 & 172, TSA fails to recognise its failings in proper triage (receiving of allegations) and how to manage complainants while conducting risk management assessments. We submit that it is unskilled and under resourced in this area. Furthermore, for TSA to display a meaningful approach to these issues, it must develop a meaningful process aimed at developing proper independent investigation processes whilst focussing on the vulnerable group as a prime consideration.

Communication about the Process

At items 173 and 174, we submit TSA has displayed a disregard for the victims of abuse and relies upon a small example of supporting claims from MICAH Projects. It is Mr Greville's experience that a significant proportion of claimants experience frustration as a result of the way in which their claims have been dealt with.

At item 175 We submit that any ex-gratia payment paid to claimants is insufficient if it is to *act as an expression of regret on the part of TSA* whilst having total disregard to the loss or injury occasioned by the victim. The claimant's victimology is an important ingredient in establishing a basis upon which to determine payment. The intent of paragraph 175 is somewhat conflicted with the closing statement of para 176.

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At item 177 the process as described in submission for TSA is confusing. There should be an appeal process which is properly documented. Decisions should be transparent.

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Discipline and action taken against the officers

We submit that TSA does not have an impartial and independent process in place to conduct proper investigations into its officers. Decisions of the Officer Review Board can currently be overruled by the Commissioner.

Persons of Interest**Colin Haggar**

Item 204, The investigation report was not commenced by John Greville as his contract was not continued. As a matter of professional standards, it would have been appropriate for the report to have been completed by the investigating officer who was familiar with all aspects of the matter. The investigation report is required to be provided to the NSW Ombudsman's Officer in accordance with TSA reporting obligations.

Item 205, We submit TSA had an obligation to report his matter to the Department of Community Services in accordance with its 1988 mandatory reporting guidelines.

Item 208, it is TSA's view that Officer HAGGAR was disciplined in the temporary termination from officership in 1990. However, prior to the officer's re-acceptance, there was no level of basic inquiry to ascertain the validity of the officer's admissions. We submit that at the time of re admittance to officership there was insufficient inquiry undertaken to identify or mitigate risk.

Reporting to Police

Items 209 & 210, in their submissions TSA claims that Officer CONDON and HAGGAR reported the allegation to '*a police station*' and were informed by police that nothing could be done unless the victim or her family reported the matter. The version is contradicted by

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evidence of police practice at the time. The time of the report is not able to be fixed however it was apparently a number of months after the event.

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We submit that TSA had an obligation to immediately report the allegations to police when they first became aware it occurred. Such actions would have been responsible and prudent.

We support the submission on behalf of the State of NSW in relation to the interpretation of the evidence.

Item 211, TSA submits that *No evidence was adduced that actually contradicted this claim. The Salvation Army submits further that the submission that it is likely 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, is consistent with The Salvation Army's account of events stated above.*

We submit that the evidence of police practice at the time contradicts the evidence of Commissioner Condon. The evidence given by Commissioner CONDON is not plausible.

TSA conversely relies upon the claim that Hagggar and/or Officer CONDON did not provide sufficient information to police when they reported the matter. Such an action precludes the purpose of the report to the police in the first place and if relied upon, is also supportive that the allegation was not properly reported.

Reinstatement and risk assessment

Items 213 & 214, We submit TSA failed to conduct a proper risk assessment in its evaluation of Officer HAGGAR in returning to Officership. Such an assessment would have at least required an inquiry with the victim and or her family. This they failed to do. It is also noted that TSA provided on-going support and counselling to Officer HAGGAR throughout his period of termination. However, no support in any manner was provided to the victim

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and/or her family. We submit this action has focussed on the concerns of TSA and the perpetrator officer and has not shown any concern for victims.

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TSA have sought to protect its decisions in relying upon Orders and Regulations as well as obtaining an expert risk assessment from Dr SMARTT.

The assessments relied upon incomplete information due to the failure to make any enquiries of the victim or her family and the determination to accept Haggar's version without question.

Item 215, TSA has not provided any evidence to support its assertion that Officer HAGGAR did not have unsupervised contact with children. The fact that he wore a uniform would have placed him in a trusted position and allowed him access to the vulnerable groups.

Item 216, The decision that the policy was not intended to have retrospective effect was taken only after Haggar complained and was taken to allow him to continue in his position.

Item 217, We submit that the additional forensic and legal advice were contrived acts as the full facts were not reported to both parties. The TSA had an opportunity to verify the precise nature of the offence but preferred to accept, without question, the version of a confessed child abuser.

Item 228, *Captain White was not aware of the steps which Commissioner Condon and Chief Secretary Munn had initiated. Given her role and responsibilities, there was no reason for her to be told about such matters.* We submit that TSA's failure to deal with this matter in an open, accountable and transparent manner resulted in Captain WHITE being placed in a position where she had no choice but to act and make the correct reports.