

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

STATE OF NEW SOUTH WALES

ROYAL COMMISSIONS ACT 1923 (NSW)

PUBLIC INQUIRY INTO

**THE RESPONSE OF THE SALVATION ARMY TO CHILD SEXUAL ABUSE AT BOYS'
HOMES IN NEW SOUTH WALES AND QUEENSLAND**

**WRITTEN SUBMISSIONS IN REPLY TO ANOTHER PARTY'S SUBMISSIONS
ON BEHALF OF**

THE STATE OF NEW SOUTH WALES

Introduction

1. These submissions respond to the written submissions on behalf of The Salvation Army served on 10 June 2014 concerning the Public Inquiry into the Response of the Salvation Army To Child Sexual Abuse At Boys' Homes In New South Wales And Queensland (**'The Salvation Army's Case Study 5 submissions'**).
2. It is submitted that the amendment proposed by The Salvation Army to available finding 56 is unnecessary, as the evidence supports the finding proposed by Counsel Assisting.

The evidence of The Salvation Army's approach to the prosecution of Captain X17

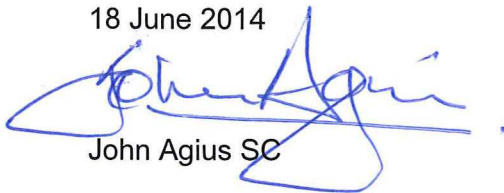
3. Available finding 56, proposed by Counsel Assisting, is "*The Salvation Army would have preferred to deal internally with the allegations with which Captain X17 was charged rather than have them processed by the courts.*"¹ The Salvation Army

¹ Counsel Assisting's Case Study 5 submissions at p 76

proposes an alternative to available finding 56 on the basis that the finding proposed by Counsel Assisting does not accurately reflect the evidence.²

4. The contemporaneous evidence of The Salvation Army's "preference" at the time of the prosecution of Captain X17 in 1974 is contained in correspondence internal to The Salvation Army and in the written reports of officers of the NSW Department of Child Welfare. In particular, The Salvation Army correspondence records The Salvation Army's "*wish that the matter had been dealt with without it having to be treated as a criminal offence*",³ and the Departmental reports record that a senior officer of The Salvation Army questioned a Departmental officer about "*why the matter had not been handled by way of reference direct to the Salvation Army*" and expressed disappointment that it had not been handled in that way.⁴
5. The State of New South Wales submits that this evidence provides a sound basis for available finding 56 as proposed by Counsel Assisting. The finding accurately describes the Army's position at the time, as disclosed in the evidence, regardless of whether that position was shared by members of the NSW Police Force.

18 June 2014



John Agius SC



Nicholas Kelly

Counsel for the State of New South Wales

² The Salvation Army's Case Study 5 submissions at p 75 [397]

³ Ex 5-01, Tender Bundle vol 2 tab 90

⁴ Ex 5-39, Maree Walk, Annexure I at STAT_0120.001.0054_R; see also Annexure K at STAT_0120.001.0058_R