

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

**Public Hearing - Case Study 10
(Day 63A)**

Level 17, Governor Macquarie Tower
Farrer Place, Sydney

On Thursday, 27 March 2014 at 10am

Before The Chair: Justice Peter McClellan AM
Before Commissioners: Mr Robert Fitzgerald AM
Professor Helen Milroy

Counsel Assisting: Mr Simeon Beckett

1 MR S BECKETT: Your Honour, Commissioners, I appear with
2 Mr Giugni, Ms Viaggio and Ms Russell for today's tenth case
3 study.

4
5 THE CHAIR: Yes. And the other appearances?

6
7 MS K EASTMAN SC: Your Honour, with your Honour's leave,
8 I appear for the following entities with my learned friend
9 Ms Younan: The Salvation Army (NSW) Property Trust; The
10 Salvation Army (Queensland) Property Trust; the
11 unincorporated association known as The Salvation Army
12 (Australian Eastern Territory); Commissioner Raymond James
13 Condon and Major Peter Farthing. Your Honour, I appeared
14 for each of those entities and individuals at the last case
15 study. There are a further three individuals, if
16 your Honour grants us leave, Major Robyn Smartt,
17 Major Daphne Cox and Major Fay Foster, each of whom have
18 provided a statement to the Commission.

19
20 THE CHAIR: Yes, Mr Beckett, do you have any comment upon
21 that application?

22
23 MR BECKETT: No, the application is not opposed.

24
25 THE CHAIR: Very well. I will grant you leave. Mr Agius,
26 you are in your usual role, are you?

27
28 MR J AGIUS SC: Yes, I seek leave on behalf of the State
29 of New South Wales.

30
31 THE CHAIR: Yes, you have leave.

32
33 MS K McGLINCHEY: Your Honour, I seek leave to appear for
34 Captain Michelle White.

35
36 THE CHAIR: Have I granted that leave in chambers?

37
38 MS McGLINCHEY: Thank you.

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40 MS M McKENZIE: Your Honour, I appear for
41 Mr Allan Anderson, a witness in these proceedings.

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43 THE CHAIR: Mr Beckett, have I granted leave?

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45 MS McKENZIE: Leave has been granted, your Honour.

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47 MR BECKETT: Yes, That's correct.

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THE CHAIR: Thank you.

MR P O'BRIEN: Good morning, your Honour. I seek your Honour's leave to appear for Ms Cheryl Eldridge.

THE CHAIR: Again, has leave been granted?

MR BECKETT: Leave has not been sought prior to today, as I understand it. It is not opposed. Ms Eldridge will be called, probably tomorrow, to give evidence.

THE CHAIR: Very well. Yes, Mr O'Brien, you have leave. Yes, Mr Beckett?

MR BECKETT: Your Honour, Commissioners, this is the tenth case study of the Royal Commission and the second public hearing concerning The Salvation Army (Australian Eastern Territory). As I understand it, the Royal Commission is sitting under the Royal Commissions Act (Cth) as well as the Royal Commissions Act (NSW) and the Commissions of Inquiry Act (Qld).

THE CHAIR: We are doing that.

MR BECKETT: The focus of the first public hearing into the Salvation Army was on the experience of those who were sexually abused as children in four of the children's homes operated by it between the end of World War II and 1983. It also canvassed the response by The Salvation Army to child sexual abuse at the time.

Senior members of The Salvation Army, including its territorial commander, freely accepted that there were multiple systemic problems which allowed child sexual abuse to occur in its homes and prevent the proper investigation and response to child sexual abuse at the time.

This public hearing will consider the ways in which The Salvation Army has handled both historical and more recent claims of child sexual abuse. It will explore three different but related themes.

First, the experience of those who were sexually abused as children and have been through The Salvation Army's claims process for those who have suffered from child sexual abuse. The experience of those heard in the

1 first hearing will be augmented with detailed evidence from
2 a further seven witnesses who have been through the claims
3 process.
4

5 Secondly, this public hearing will consider the ways
6 in which claims of child sexual abuse by two individual
7 Salvation Army officers, John Lane and Colin Haggart, were
8 handled by the Salvation Army. In contrast to the evidence
9 in the first public hearing about the sexual abuse of boys,
10 both matters concern child sexual abuse of girls while
11 engaged in Salvation Army corps related activities. This
12 part of the hearing will consider the way in which
13 disciplinary steps were taken against the alleged
14 perpetrators as well as how the victims were treated. Both
15 matters are, to differing extents, ongoing in 2014.
16

17 Thirdly, this public hearing will consider the manner
18 in which Ralph Doughty's claim that he was sexually and
19 physically abused as a child at Gill Memorial Home was
20 handled by The Salvation Army. Mr Doughty appears to have
21 made three claims, one in 1951, one in 1993 and one in
22 2004, about the same abuse. The claim was not finally
23 resolved until litigation was commenced and the proceedings
24 settled in 2013 for a substantial sum.
25

26 The process of claims handling 27

28 The Salvation Army's claims process has the primary
29 aim to receive and resolve complaints of child sexual
30 abuse, mostly historical but not all. The aim appears to
31 be to support the claimants who come forward with
32 acknowledgment of the abuse suffered and to offer an
33 apology, counselling and, in many cases, a monetary
34 payment. There are clear parallels with similar claims
35 processes operated by the Anglican Church in the Dioceses
36 of Grafton and Sydney, which were explored in case study 3,
37 and in the Catholic Church with regard to its Towards
38 Healing process, examined in case studies 4 and 8.
39

40 The Salvation Army has developed its processes of
41 claims handling over the last two decades in response to an
42 increase in claims from the 1990s. In 1997, the Personal
43 Injuries Complaints Committee, or PICC, was established to
44 consider claims. It referred matters to an independent
45 contact person and the complainant prepared a statement.
46 The records were checked to assess whether the person and
47 officer or employee concerned were present at the same

1 Salvation Army facility at the same time, and then PICC
2 considered the investigation and the complainant's
3 statements. Outcomes included reporting to police,
4 a written response to the complainant, an apology,
5 mediation or reconciliation.
6

7 However, senior members of The Salvation Army are
8 likely to give evidence that it had a largely litigious
9 approach to claims of child sexual abuse, especially where
10 the claimant sought compensation. [EP], who appeared at
11 the first Salvation Army hearing, commenced litigation in
12 the District Court in 1997 and settled ten years later with
13 The Salvation Army with a payment to him of \$140,000.
14

15 As the Royal Commission heard in the first hearing,
16 [FV], [ER] and [ET] commenced litigation in the Supreme
17 Court in 2000. The Salvation Army relied on a Limitations
18 Act defence and the proceedings were settled without the
19 limitations question being heard. [FV] received \$100,000
20 and the others \$88,000 each, but all were reduced by
21 50 per cent, which went to legal fees.
22

23 By 2000, PICC was starting to offer modest payments of
24 \$10,000 to \$20,000 to those claiming they were abused in
25 Salvation Army homes. Major Farthing is likely to give
26 evidence that as secretary of personnel and then chair of
27 the PICC, he developed a matrix for calculation of the
28 amounts to be offered in 2005. The matrix allows for
29 different amounts to be offered based on the age of the
30 child at the time of the abuse, the length of time in the
31 home, the kind of abuse suffered and the impact of the
32 abuse on later life. Apparently the matrix is not used for
33 those abused in places other than homes historically
34 operated by The Salvation Army, and the public hearing will
35 explore why this is the case.
36

37 The amount offered by PICC has steadily increased over
38 the last 20 years. One of the factors that appears to have
39 influenced the increase is the settlement of [EP]'s
40 litigation and a cross-claim between The Salvation Army and
41 Zurich Insurance. On 7 November 2007, Zurich agreed to pay
42 \$950,000 to The Salvation Army both to settle [EP]'s claim
43 but also to establish a process for future claims upon
44 The Salvation Army's policy of insurance.
45

46 As a term of the agreement, The Salvation Army agreed
47 to provide pastoral care, counselling, an ex gratia payment

1 up to \$150,000 and only to claim on its policy of insurance
2 where litigation was commenced.

3
4 The claims schedule provided to the Royal Commission
5 in Salvation Army hearing 1, or case study 5, exhibit 5-1,
6 tab 13, indicates that in those cases where payments have
7 been offered or made by PICC, the amounts vary from \$5,000
8 up to \$150,000. The average payment during the period 1994
9 to 2012 is \$50,758. The most frequently paid amount for
10 the period was \$40,000.

11
12 Senior members of The Salvation Army are expected to
13 outline a procedure for the processing of claims which has,
14 amongst other things, the following features:

15
16 (a) representatives of the Professional Standards
17 Office, or PSO, receive the initial claim openly and with
18 compassion;

19
20 (b) the person is encouraged to provide a written
21 statement;

22
23 (c) a basic investigation of the facts is conducted,
24 but generally the claims are accepted at face value;

25
26 (d) the representatives of the PSO meet with the
27 claimant;

28
29 (e) the PICC considers the claim and, where the
30 account is accepted, may agree to counselling and an
31 ex gratia payment as calculated at the meeting;

32
33 (f) an apology, counselling and a payment are then
34 offered either in person by representatives of the PSO or
35 in writing;

36
37 (g) the claimant is sent a deed of release and related
38 documentation; and

39
40 (h) on receipt of the signed deed of release, the
41 amount offered is paid to the claimant.

42
43 As is likely to be revealed, the PICC meets on
44 approximately a monthly basis, is chaired by the secretary
45 for personnel and has a number of representatives of the
46 PSO on the committee. The PSO acts as a secretariat for
47 the PICC but also plays a major role in meeting with

1 claimants and processing their complaints.

2
3 What is expected to be less clear is the interaction
4 between the PICC and the disciplinary bodies of The
5 Salvation Army. Two bodies appear to be important: the
6 Professional Standards Committee, as opposed to the
7 Professional Standards Office, and the Officers Review
8 Board, or ORB. The former - that is, the PSC - has been
9 established by the Eastern Territory, whereas the latter is
10 said to be an initiative of international policy. The PSC
11 is tasked with considering all formal complaints concerning
12 sexual abuse and serious misconduct as well as the ongoing
13 management of those who pose a real risk to children. It
14 relies on the PSO to implement its decisions.

15
16 The PSC's membership overlaps substantially with PICC
17 membership. The ORB, the Officers Review Board, is tasked
18 with assisting and advising the territorial commander, so
19 the head of The Salvation Army Eastern Territory, in
20 matters of pastoral care, development and discipline
21 concerning officers. The territorial commander is not
22 bound by its decisions. In contrast to the PSC, the
23 membership of the ORB is weighted to senior members of The
24 Salvation Army executive rather than those who serve as and
25 under the secretary of personnel.

26
27 As the Royal Commission is likely to hear, some
28 claimants expect to be told of any disciplinary steps which
29 are taken as a result of their claims because they consist
30 of allegations of criminal acts perpetrated on children.
31 Whilst some of the officers alleged to have engaged in
32 criminal behaviour have died prior to the claim, others
33 have retired but still hold rank within The Salvation Army.
34 They are entitled to wear their uniform. Still some of the
35 alleged perpetrators of child sexual abuse were serving
36 officers at the time of the claim. The Royal Commission
37 will explore one such recent case.

38 39 Experience of the claimants

40
41 The statements given by former residents in the first
42 public hearing into The Salvation Army indicate that
43 a number of claimants were unhappy with the process and
44 critical of it. Raymond Carlile received \$100,000 from The
45 Salvation Army but considered that as he had signed a deed
46 of release relinquishing his rights to sue, he had been
47 "suckered" by The Salvation Army. [EG], who received

1 \$60,000, said that he did not consider he had received an
2 adequate hearing and felt he had been "shut down" and
3 "conned" by The Salvation Army.
4

5 Many of the former residents indicated that they had
6 not sought legal advice with respect to the deed of release
7 they had signed, nor were they offered funds to enable them
8 to seek such advice from a lawyer. Some of the residents
9 are illiterate and were dependent upon other persons to
10 read and advise on the claim documents sent to them by The
11 Salvation Army, particularly [EE] and [ES].
12

13 Wally McLeod was offered \$5,000 with respect to
14 physical beatings he had received, but when he rejected
15 that amount, he was then offered \$20,000. Some years
16 later, and after a reunion organised by The Salvation Army,
17 he was offered \$10,000 out of the blue, without having
18 requested it or having been through another claims process.
19 Mr McLeod was confused as to the basis for calculation of
20 all three amounts. Another claimant, [EF], who had
21 suffered multiple acts of anal rape by
22 Major Victor Bennett, was only ever offered \$11,000.
23

24 In addition to those claimants who gave evidence at
25 the first hearing, the public hearing will include evidence
26 from seven further witnesses, who provide detailed evidence
27 of the claims process. The issues they raise are likely to
28 indicate that there are a number of systemic issues shared
29 by all or many claimants.
30

31 [JF] is likely to give evidence of physical and sexual
32 abuse at Indooroopilly boys home, including one graphic
33 occasion where Captain [X19] pulled off his pants, choked
34 him to subdue him and then anally raped him. In [JF]'s
35 case, documents are likely to reveal that the PICC met soon
36 after lodgment of the claim in November 2008 and determined
37 that he would be offered \$70,000. However, the PSO officer
38 in charge of the matter had informed the alleged
39 perpetrator of the allegations of physical abuse, and the
40 officer disputed many of them. The notes appear to
41 indicate that Major Daphne Cox was doubtful of his account,
42 and the public hearing will explore whether [JF] was told
43 of those doubts and whether he was provided with an
44 opportunity to provide further evidence.
45

46 An offer of \$30,000 was eventually made and accepted
47 by [JF]. He is likely to say that the apologies offered by

1 The Salvation Army were "totally inadequate" and that they
2 did not engage directly with him or with the abuse he
3 suffered. He said that The Salvation Army did not inform
4 him of any disciplinary action taken as a result of his
5 complaint and he felt "left in the dark".
6

7 The next witness, [JE], is likely to give evidence
8 that he spent 12 days at Riverview boys home, but during
9 that time he was physically abused, including being placed
10 in solitary confinement for a number of days. He says he
11 was well aware of boys being sexually abused by one
12 employee at the home and he himself had to fend off the
13 sexual advances of some of the other boys. He says the
14 conditions were so poor that he and another boy escaped,
15 swimming across a swollen river, and made it as far as
16 Broadbeach on the Gold Coast. They were picked up there by
17 police and taken to Westbrook Training Farm.
18

19 After receiving his claim in 2008, investigations were
20 undertaken by the PSO and some doubt cast upon the
21 existence of a room for solitary confinement at Riverview
22 boys home. Major Farthing then wrote to [JE] apologising
23 for any "unpleasant" experience, as he termed it, [JE] had
24 had at Riverview, but apparently on the basis of not being
25 able to identify the room, no ex gratia payment was
26 offered.
27

28 On receipt of the letter from Major Farthing, [JE]
29 said he was "furious and totally offended". [JE] then
30 wrote back stating that The Salvation Army's process had
31 not been followed, including that he had not been offered
32 a meeting with Salvation Army officers. Before the meeting
33 was arranged, the PICC met and approved an ex gratia
34 payment of \$10,000. That amount was increased to \$20,000
35 following a meeting with officers at the Esther Centre, an
36 organisation that assisted with advocacy for former
37 residents such as [JE]. We will hear more about the
38 Esther Centre later.
39

40 Cheryl Eldridge was at Horton House for about
41 12 years and left when she was 15 years old in 1967. She
42 is expected to say that she was physically and emotionally
43 abused at the home for girls. She says that she was
44 regularly strapped by the matron, who removed her pants to
45 do so. She says that she was humiliated by officers and
46 staff at the home.
47

1 After Ms Eldridge lodged her victim impact statement
2 in September 2008, an initial assessment by PICC nominated
3 a sum of \$30,000 as an ex gratia payment. However, as
4 a result of investigations done with a former staff member
5 at the home, this amount was reduced to an offer of \$7,000
6 as an ex gratia payment, \$7,000 for further education and
7 the funding of ten counselling sessions.
8

9 Ms Eldridge is expected to say that she thought the
10 offer was terrible and, via her advocate, wrote back
11 rejecting it. PICC met again and decided to offer her
12 \$30,000 as an ex gratia payment and \$5,000 for counselling.
13 Ms Eldridge objected that her sister had received a payment
14 of \$50,000 and had been at the home at the same time as she
15 was there. Finally, Ms Eldridge was offered \$40,000, which
16 she reluctantly accepted. She said she felt trapped and
17 that the payment was "shut-up money".
18

19 As a result of the three offers, Ms Eldridge is
20 expected to say she was unclear about the process adopted
21 and wrote asking for clarification. Major Cox replied,
22 saying:
23

24 *The criteria for the offer is based on each*
25 *individual case taking into account the*
26 *victim impact statement, life impact, known*
27 *history of institution, staff, prevailing*
28 *conditions, and precedents.*
29

30 The next witness, [FE], was at Gill Memorial Home for
31 less than a month. He recalls Captain [X17] fondling his
32 genitals in the showers at Gill and then being taken into
33 a separate room where he was anally raped by Captain [X17].
34 He is likely to say this occurred a large number of times.
35 He ran away from Gill Memorial Home and then spent time at
36 a succession of State-run facilities and a foster home,
37 where he was further sexually abused. He made a claim to
38 The Salvation Army in late 2005. A psychologist was
39 provided to assist with drafting his victim impact
40 statement and some counselling.
41

42 [FE]'s complaint was lodged and then considered by
43 PICC in November 2005. About six months later, he was
44 offered an ex gratia payment of \$60,000. The offer
45 included a short apology in an email from Major Cox, but
46 [FE] did not think it was sincere. He read the draft
47 release and understood that he could not speak about the

1 settlement. He is likely to say that he felt The Salvation
2 Army was throwing him "hush money". His financial position
3 at the time meant that he did not have a choice but to
4 accept the offer. He said that he was not offered the
5 advice of a lawyer and did not seek such advice before
6 signing the release.

7
8 The next witness, Allan Anderson, was at Bexley Boys
9 Home from 1966 to 1971 with his brother. During that time,
10 he was physically and emotionally abused, and his brother
11 was subject to sexual abuse by Captain Lawrence Wilson on
12 three or four occasions. He also witnessed other occasions
13 of sexual abuse of boys at the home. He and his brother
14 were severely caned by Major [X5] until they were bruised.
15 One night in 1969, his friend died at the home because of
16 an asthma attack, which Mr Anderson considers occurred
17 because of a failure to provide medication, despite
18 warnings provided by him. Mr Anderson says that he
19 developed chronic anxiety as a result of the abuse he
20 suffered at the home.

21
22 Mr Anderson has an ongoing claim with The Salvation
23 Army and is likely to provide very up-to-date evidence on
24 the claims process. He first contacted the PSO in
25 September 2013. He was provided with a one-page sheet,
26 which set out what was needed for his impact statement.
27 The form asks for information about his history, including
28 memories of the home, his experiences in the home "both
29 good and bad", and the impact on his life both then and
30 now, including employment, family relationships, including
31 marriage and sexual relationships, and his health.

32
33 Mr Anderson provided a very detailed victim impact
34 statement. He also sought answers to some specific matters
35 concerning his treatment at the home: the sexual abuse of
36 his now deceased brother, the death of his friend and the
37 unnecessary dental work carried out while he was at the
38 home.

39
40 When he was recently offered \$70,000 by Peter Hatte,
41 the territorial integrity coordinator of the PSO,
42 Mr Anderson asked him how the amount was calculated. He is
43 likely to give evidence that he rejected the offer because
44 he does not believe they followed any process in coming to
45 that figure. He is likely to say that he has not had the
46 questions resolved about his time at Bexley and he was not
47 given the opportunity to provide a report by his counsellor

1 in support of his claim.

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Many of the persons who have come forward to The Salvation Army to make claims are supported by Micah Projects Incorporated, a community-based not-for-profit organisation funded in part by the Queensland Government. It assists claimants who were resident in homes run by The Salvation Army to go through the claims process and to seek apology, counselling or compensation. While it provides community-based advocates for that work, it does not provide legal advice.

The public hearing will hear from a former senior advocate, John Lucas, who represented many of the claimants who have appeared or will appear before the Royal Commission in this hearing, and also from its chief executive officer, Karyn Walsh. Micah operates in part from Lotus Place, located in South Brisbane. From time to time, The Salvation Army and Micah representatives have also used premises at the Esther Centre in South Brisbane for meeting with claimants.

The following issues concerning the claims process will be explored through the evidence provided by the claimants, the Micah representatives and senior members of The Salvation Army: the exact process engaged in by The Salvation Army to handle claims from those who have been sexually abused as children; the communication of the process to the claimants and whether the process is transparent; the options for claimants to provide relevant material to The Salvation Army in support of their claims; the options for redress available to the claimants; the nature and efficacy of apologies provided to claimants; whether disciplinary proceedings are commenced as a result of claims and whether such matters are communicated to the claimants; the criteria used to determine ex gratia payments offered to claimants; whether there is fairness and equity in payments to claimants; the provision of legal advice to claimants, especially with regard to any deed of release; and, finally, the provision of follow-up assistance after payment of claims.

The second part of the public hearing will explore child abuse allegations against John Lane and Colin Haggart, both officers of The Salvation Army at the time of the abuse. The two examples raise issues concerning both discipline and claims handling. Two women who were abused

1 by John Lane informed The Salvation Army of the allegations
2 in 1992, but the evidence is likely to reveal that the
3 matters were not then reported to the police, nor was
4 a claims process commenced. Both women came forward to The
5 Salvation Army in 2007 and 2008 to make claims and seek an
6 apology.

7
8 In the case of Colin Haggart, disciplinary proceedings
9 were commenced on notification and he was dismissed in 1990
10 but returned to officership in 1993. No claims process was
11 engaged in at that time, or subsequently, until concern
12 about the handling of the sexual abuse allegations arose in
13 the context of the Royal Commission.

14
15 I turn to the evidence about John Lane that the
16 Royal Commission is likely to hear.

17
18 Envoy John Lane taught at The Salvation Army's
19 Fortitude Valley corps in Brisbane in the 1970s. [JG] and
20 [JD], two witnesses who will be called tomorrow, both
21 attended Sunday school at Fortitude Valley and,
22 notwithstanding the five-year age gap, became friends.
23 Both were sexually abused as children by John Lane either
24 in or around the premises where Sunday school was held or
25 travelling to and from Sunday school. John Lane was
26 convicted of one count each of indecent dealing with [JG]
27 and [JD] respectively in 1997. He served a term of
28 imprisonment and then died shortly after his release.

29
30 John Lane was based at Fortitude Valley corps and ran
31 the Sunday school program from 1974 to 1981. [JG] says
32 that she was sexually abused by John Lane over a long time.
33 The abuse included being touched on the vagina inside her
34 underwear on a number of occasions. When she was about
35 10 years old, John Lane started to drive her to and from
36 Sunday school. On one such trip, John Lane raped [JG] in
37 his car. [JG] recalls "it was excruciatingly painful and
38 I was bleeding afterwards". On a second occasion in 1978,
39 John Lane was driving her home, stopped the car and forced
40 her to perform oral sex on him. She did not return to
41 Sunday school after that.

42
43 [JD], the other witness, says that she was similarly
44 sexually abused by Envoy John Lane. She says that the
45 abuse started when she was four years old.

46
47 At the end of 1991 or start of 1992, [JG] and [JD] met

1 and discussed the sexual abuse that they had both endured
2 and they determined to go and report the matter of abuse to
3 Colonel Stan Everitt, the then divisional commander for The
4 Salvation Army in South East Queensland.

5
6 The Royal Commission is likely to hear that [JG]
7 recalls telling Colonel Everitt at a meeting in early 1992
8 that she had been raped by John Lane and that [JD] told him
9 she had also been touched on the vagina by him. [JG] says
10 that she was very explicit about the sexual abuse.
11 Colonel Everitt's response at the meeting was to say as
12 follows:

13
14 *Are you sure you're not lying? Are you*
15 *telling me the truth? People make up these*
16 *types of allegations.*

17
18 [JD] also recalls that during the meeting, Colonel Everitt
19 said that John Lane was a Korean war veteran and also
20 a good man.

21
22 During the conversation, Colonel Everitt instructed
23 both [JG] and [JD] not to go to the police or the media
24 with that information. [JG] says she wanted the issue
25 dealt with by The Salvation Army and that she didn't want
26 to go to the police.

27
28 The evidence is likely to reveal that after being told
29 of the allegations against Mr Lane, Colonel Everitt pulled
30 out his phone contact book and said:

31
32 *I'm going to call John Lane to get the*
33 *truth.*

34
35 He then made several unsuccessful attempts to contact
36 Mr Lane. Colonel Everitt said to [JG]:

37
38 *I want you to have a meeting with John Lane*
39 *here with me.*

40
41 [JG] told him that she did not want to have such a meeting
42 and that, in fact, she was scared of Mr Lane.

43
44 On a subsequent meeting in 1992, Colonel Everitt said
45 that he had spoken with John Lane and he had admitted to
46 touching both [JG] and [JD] on one occasion but that he
47 denied having sex with [JG] and told Colonel Everitt that

1 she was lying. [JG] reacted badly to the way in which
2 Colonel Everitt handled the matter and said:

3
4 *I felt abused all over again and the impact*
5 *of this was severe for me.*
6

7 The Royal Commission has been provided with
8 documentary evidence which is likely to indicate that
9 in June 1992, Colonel Everitt terminated John Lane's
10 services at Prince Charles Hospital because of allegations
11 of sexual misconduct at that place. The public hearing
12 will explore what steps were taken to inform territorial
13 headquarters of [JG]'s and [JD]'s allegations and why the
14 Queensland Police were not informed at that stage. From
15 the evidence available to date, it appears that no
16 assistance was provided to [JG] and [JD] by The Salvation
17 Army at that time in 1992.
18

19 In April 1996, [JG] informed Detective Sergeant Burge
20 of the Child Exploitation Investigation Squad of the
21 Queensland Police about the abuse she had suffered by
22 John Lane.
23

24 John Lane was later charged with five counts of sexual
25 offences, including two of indecent dealing and one count
26 of rape. On 3 October 1997, he was found guilty, after
27 a District Court trial, of one count of indecent dealing
28 against [JG] and received a sentence of 12 months
29 imprisonment. He was also convicted of one count of
30 indecent dealing against [JD] and given a sentence of
31 16 months imprisonment. He was acquitted of one charge of
32 rape and there was a nolle prosequi with respect to two of
33 the other charges.
34

35 After the criminal proceedings concluded, Lieutenant
36 Colonel Derrick Jessop wrote to [JG] apologising and
37 offering counselling. [JG] is likely to say that she does
38 not recall seeing this letter. Documentary evidence is
39 likely to reveal that Salvation Army officers visited
40 John Lane in prison to provide him with support.
41

42 In 2006, [JD] approached The Salvation Army through
43 the Esther Centre to make a claim. She was seeking an
44 acknowledgment of the abuse, an apology for being dismissed
45 by Colonel Everitt and an apology for being ignored after
46 the criminal proceedings.
47

1 In May 2007, she met with Major Daphne Cox, who
2 apologised for the abuse and said:

3
4 *Colonel Everitt did not know what to do*
5 *with the complaint at the time.*
6

7 In August of that year, [JD] received a further letter from
8 Major Peter Farthing apologising for Colonel Everitt's
9 response to her report of the abuse. In the letter, he
10 stated as follows:

11
12 *I think it is true also that in 1992 some*
13 *older people were still unaware of the*
14 *reality of sexual abuse - the fact that it*
15 *certainly happens and the enormous damage*
16 *it causes.*
17

18 *I suspect that if Lieutenant Colonel*
19 *Everitt failed in any of these ways, then*
20 *he was a representative of his generation.*
21 *This kind of failure was sadly not uncommon*
22 *in Australian society and even in Christian*
23 *churches:*
24

25 [JD] is likely to say that the response made her both angry
26 and upset. In September 2007 Major Cox wrote to her
27 offering an ex gratia payment of \$40,000. Through her
28 advocate, [JD] wrote back in August 2008 seeking an apology
29 from Colonel Everitt. In June 2009 [JD] was told that
30 Colonel Everitt would not be contacted because of his age
31 and because "there were no clear guidelines for him to
32 follow" at the time. Eventually Lieutenant Colonel Cairns
33 did go to visit Colonel Everitt, who denied any wrongdoing.
34 Colonel Everitt refused to provide an apology, and this was
35 communicated to [JD].
36

37 On 12 March 2010 [JD] decided to accept the \$40,000
38 offered, some years after she had made her first claim.
39 She is expected to say she was very upset by The Salvation
40 Army's response but was also tired of fighting The
41 Salvation Army.
42

43 Meanwhile, in 2008 [JG] had taken the step of
44 approaching The Salvation Army about the abuse she had
45 suffered. She is likely to say that one of her main
46 motivations was the way in which Colonel Everitt responded
47 to her allegations of child sexual abuse. A meeting was

1 held at the Esther Centre for [JG] to discuss her claim.
2 [JG] wanted an apology from Colonel Everitt and an
3 acknowledgment from the army that it had failed by not
4 properly responding to her initial report of the abuse.

5
6 She said that she was told by one of the officers that
7 Colonel Everitt was "an old man and that they would not be
8 speaking to him about the matter". On 9 June 2009
9 Major Cox wrote to [JG] offering her an \$80,000 ex gratia
10 payment and \$20,000 towards retraining, as well as
11 financial support for counselling. The letter contained an
12 expression of apology for "all that happened to you as
13 a child and the impact that this has had on your life".

14
15 A further apology was provided from Territorial
16 Commander Linda Bond in June 2009. In it she stated as
17 follows:

18
19 *How unfortunate that when you reported it*
20 *you felt you were not believed and nothing*
21 *was done to help you work through the pain!*
22 *Please accept my deepest apology.*

23
24 [JG] was not impressed with the apology and wanted to know
25 what policies and procedures were in place at the time.
26 Whilst she was unaware of how the offers were determined,
27 she decided to accept \$80,000 in June 2011. She signed
28 the deed of release but could not afford legal advice about
29 its terms.

30
31 However, that was not the end of the matter.
32 By August 2011 [JG] was still pursuing an apology in
33 relation to the actions of Colonel Everitt. Like [JD],
34 [JG] was told that Colonel Everitt was too old and frail
35 and they would not approach him. On 3 August 2012
36 Territorial Commander James Condon wrote to her to
37 apologise again. In the letter, he stated as follows:

38
39 *I acknowledge that your complaint, both*
40 *verbal and written, was not handled as you*
41 *expected and particularly not passed on to*
42 *Police as quickly as you anticipated.*
43 *While I can't explain why this was the*
44 *case, The Salvation Army agrees that this*
45 *was unacceptable and I apologise for our*
46 *failure to deal with your complaint more*
47 *quickly.*

1
2 [JG] is likely to give evidence that she was not satisfied
3 with the response, as she had informed the police before
4 The Salvation Army had done so.

5
6 The public hearing will explore the exact nature of
7 what the highest levels of The Salvation Army are willing
8 to apologise for with respect to the allegations made about
9 Colonel Everitt's handling of the [JG] and [JD]
10 allegations.

11
12 I turn now to Colin Haggar.

13
14 The public hearing will also consider the events that
15 surround Colin Haggar, an officer in The Salvation Army.
16 Captain Haggar admitted in 1989 to touching [JI], an
17 eight-year-old girl, on the vagina inside of her clothes.
18 He was dismissed from The Salvation Army but returned some
19 three years later, in 1993. A review of this act included
20 a risk assessment undertaken in 2007, and the then
21 territorial commander permitted him to remain as an
22 officer.

23
24 In April 2013, several further corps members expressed
25 concern that Lieutenant Colonel Haggar's matter had not
26 been dealt with properly. Concerns were also raised
27 internally about Lieutenant Colonel Haggar's involvement at
28 Samaritan House, a shelter for women and children.
29 Disciplinary action was taken against him, and he was both
30 demoted to major and required to retire.

31
32 A further internal inquiry was also commenced in 2014
33 and is currently under way. Following an interview with
34 [JI], who is the person abused as a girl, new allegations
35 of child sexual abuse have come to light against Mr Haggar.

36
37 Captain Haggar was stationed at The Salvation Army
38 corps in a central western country town in 1989. [JI]'s
39 mother, [JH], worked at the local Salvation Army premises
40 and was often there with her daughter. Evidence to be led
41 from the daughter is likely to reveal that she often
42 visited Captain Haggar's office in the neighbouring
43 Salvation Army citadel. It is in that office that the
44 sexual abuse is said to have occurred.

45
46 The documentation available to date does not clearly
47 indicate what admission was made by Captain Haggar to

1 Salvation Army officers at the time, nor what the
2 investigation was that took place. We do anticipate there
3 will be some additional evidence on that matter, though.
4

5 However, the evidence is likely to reveal that
6 Captain Haggar met with [JH] - that's the mother - and her
7 husband at their home to tell them of what he had done. He
8 said to them:
9

10 *It wasn't that serious. I only fingered*
11 *her.*
12

13 [JI]'s parents were, of course, shocked. Captain Haggar
14 said he would tell his superiors. Later, senior officers
15 from Bathurst conducted an investigation. They spoke with
16 [JI]'s mother, [JH]. [JH] is likely to give evidence that
17 those officers encouraged her not to go to the police or
18 the media, as they said The Salvation Army would handle it.
19

20 The minutes of the Officers Review Board on 25 January
21 1990 will be tendered and record the finding that, "There
22 is no option but required dismissal" in relation to
23 Captain Haggar. No reasons for the decision appear in the
24 minutes. As is the practice in The Salvation Army,
25 Captain Haggar's wife was also simultaneously dismissed.
26

27 In later documentation, Captain Haggar says that he
28 attended a police station to admit he had assaulted [JI].
29 The evidence is likely to reveal that he was accompanied by
30 another Salvation Army officer, who is the current
31 territorial commander, James Condon. The public hearing
32 will explore which police station was attended, what both
33 officers told the police and why no further action appears
34 to have been taken by the police. Summons issued by the
35 Royal Commission reveal that no charges were laid and that
36 no COPS or similar entry recorded the visit.
37

38 According to documentary evidence to be tendered,
39 copious efforts were made to support the Haggars. While
40 they had been dismissed from officership and had to leave
41 the local corps, they were found both accommodation and
42 employment in Salvation Army facilities. Care was taken to
43 provide Mr Haggar with counselling, and this was provided
44 by then Captain Peter Farthing for a period of about
45 18 months.
46

47 On 14 February 1990, Field Secretary Dudley Schoupp -

1 a field secretary being a senior officer within The
2 Salvation Army - wrote to Captain Haggar assuring him as
3 follows:

4
5 *Your successor will know nothing of the*
6 *circumstances or reason for this move and*
7 *you will therefore need to be very*
8 *circumspect in how you explain your*
9 *departure.*

10
11 Four days later, Colin Haggar, still styling himself as
12 "Captain", sent a letter to all soldiers and friends of the
13 local corps about the reasons for their sudden departure
14 from that corps. He said as follows:

15
16 *We are taking a break from the duties of*
17 *officership so that we can spend time on*
18 *our own spiritual path and thus hopefully*
19 *be of more use to Him when we resume our*
20 *active service. We have honestly enjoyed*
21 *our stay in [the central west country*
22 *town] ...*

23
24 [JH] is likely to say that she received a copy of that
25 letter. By contrast, [JH] is also likely to reveal that no
26 support or counselling was provided to her daughter, to her
27 or, indeed, to [JI]'s father. The public hearing will
28 explore what support, if any, was given to [JI]'s family
29 and whether they were informed of the disciplinary
30 proceedings.

31
32 Three years later, Captain Haggar applied to be
33 readmitted, was successful and resumed his officership and
34 rank. He then continued to work as a Salvation Army
35 officer, rising through the ranks to major and ultimately
36 to lieutenant colonel, when his wife was promoted to The
37 Salvation Army's "cabinet".

38
39 In 2007, a new policy for the management of sex
40 offenders in The Salvation Army was introduced. The minute
41 required that no-one who has been convicted or cautioned
42 for a sexual offence will be considered for officership in
43 The Salvation Army and that no such persons be engaged in
44 Salvation Army corps that had children or families on its
45 premises. The evidence is likely to reveal that
46 Major Farthing sought both legal advice and a risk
47 assessment from a prominent psychiatrist with regard to

1 Major Haggar.

2
3 The legal advice was that Major Haggar continuing as
4 an officer was likely to expose The Salvation Army to
5 considerable risk of an accusation of vicarious liability,
6 should there be a subsequent sexual offence. The risk
7 advice from Dr Bruce Westmore was that, on Major Haggar's
8 account of the facts, he was a very low risk to children.

9
10 Major Farthing wrote to Major Haggar on 20 December
11 2007 and informed him that the territorial commander had
12 decided that he could continue as an officer. I should
13 note that that was not the current territorial commander.
14 Major Farthing further remarked:

15
16 *May we say we are delighted with this*
17 *outcome.*

18
19 In April 2013 the current territorial commander sent
20 out a general request for all allegations of child sexual
21 abuse to be provided to the Professional Standards Office
22 in preparation for the Royal Commission. The documentary
23 evidence will reveal that a number of officers and corps
24 members came forward and made allegations against
25 Colin Haggar. Those allegations repeated the 1989 incident
26 and included some additional allegations of sexual
27 misconduct while he was stationed at the central west
28 country town.

29
30 The evidence is likely to reveal that there were
31 discussions in May and June 2013 by senior members of The
32 Salvation Army about whether Lieutenant Colonel Haggar
33 should be dismissed and concern that he had not been
34 properly dealt with under the minute concerning the
35 management of sexual offenders.

36
37 At about the same time, Captain White, the director of
38 The Salvation Army's foster care agency, Young Hope,
39 received concerns about Lieutenant Colonel Haggar serving
40 as an active officer after having confessed to
41 a child-related sexual offence. Captain White was well
42 aware of the obligations to report relevant conduct to the
43 Commission for Children and Young People and to the
44 ombudsman.

45
46 By May 2013 she had raised her concerns with the
47 manager of the PSO, and on 9 July 2013 when nothing

1 appeared to have happened, she wrote directly to the
2 territorial commander. She said to him that she had:

3
4 *... a legal, ethical and moral obligation*
5 *to report to both the Ombudsman and the*
6 *Commission [for Children and Young People]*
7 *my knowledge that we have an active*
8 *Salvation Army officer with a known history*
9 *of a child related sexual offence.*

10
11 She asked Commissioner Condon to confirm that
12 notification had taken place. At a meeting between
13 Captain White and Commissioner Condon in late July 2013,
14 Captain White also informed him that Lieutenant Colonel
15 Haggar was working with children as the director of
16 Samaritan Services and Samaritan House, which provides
17 crisis accommodation for women and children.

18
19 Captain White wrote again to Commissioner Condon on
20 23 August 2013, when she had heard nothing further, and
21 received a short reply from the commissioner that said as
22 follows:

23
24 *This matter has been dealt with.*

25
26 The public hearing will explore why it was the case
27 that Captain White took the step on 4 September 2013 of
28 reporting Colin Haggar to both the Office of the Children's
29 Guardian, the successor to the CCYP, and to the ombudsman.
30 You will also hear evidence of Commissioner Condon's
31 response to the reporting by Captain White. Documentary
32 evidence which will be tendered indicates that legal advice
33 was sought about the nature of The Salvation Army's
34 reporting obligations at the time.

35
36 The public hearing will also explore why it was the
37 case that Colin Haggar was involuntarily retired on
38 7 October last year and had his rank reduced to major the
39 following day.

40
41 That documentary evidence is also likely to reveal
42 that on 4 February 2014 Major Haggar, as he then was,
43 signed a written agreement and statement concerning his
44 conduct on Salvation Army premises and setting out his
45 undertaking not to be in the presence of children.
46 However, when the agreement expired, Major Haggar
47 apparently refused to sign a further agreement. The

1 evidence is likely to reveal that he was then told by the
2 secretary for personnel on 20 March 2014 that he is no
3 longer permitted to attend any corps, social centre for
4 volunteer assistance or for worship.

5
6 Meanwhile, Salvation Army investigator John Greville
7 commenced an investigation into the allegations concerning
8 Colin Haggar while he was at the central west country town
9 corps. As part of the investigation, he has interviewed
10 both [JH] and [JI]. The Royal Commission is likely to hear
11 that in an interview with Mr Greville, [JI] alleged that
12 Colin Haggar sexually abused her at that same town in 1989
13 on three occasions: the first, when he touched her on the
14 groin with his foot; the second, where he put his hand
15 inside her clothes and touched her on the vagina; and the
16 third, when he placed his hand inside her pants and
17 inserted his finger into her vagina.

18
19 I turn now to the claim of Ralph Doughty.

20
21 The third theme in the public hearing will concern the
22 claim of Ralph Doughty. As mentioned, Mr Doughty is
23 expected to give evidence that he informed The Salvation
24 Army of the abuse he suffered at Gill Memorial Home in
25 1951, 1993 and 2004 but that his claim was not ultimately
26 resolved until litigation was commenced and the matter
27 settled in 2013. The public hearing will explore why the
28 matter was not resolved over that considerable period of
29 time.

30
31 Mr Doughty was in Gill Memorial Home for Boys from
32 about 1940 until 1950, or a period of 10 years. His
33 evidence was likely to indicate that he was the subject of
34 physical abuse by Salvation Army officers while there,
35 including being hit by a cane, a strap, some timber or
36 a garden hose. He says he was beaten in this way by
37 officers including Victor Bennett and Captain [X20]. He
38 recalls one occasion where Captain [X20] hit him in the
39 face with a closed fist and then in the body and the back
40 of the head, followed by a number of kicks to his legs and
41 arms. Mr Doughty is also likely to say that he was
42 sexually abused at Gill Memorial Home.

43
44 When Mr Doughty and other boys were in the shower,
45 Major [X4], on occasion, ran his cane around Mr Doughty's
46 penis until it became stiff, and then the major would hit
47 it. Mr Doughty says the major called this "taking the

1 lizard for a walk". Mr Doughty also says that officers
2 tried to stick their penises into his mouth and grabbed his
3 testicles and penis. He also said an officer stuck a cane
4 into his anus.

5
6 Mr Doughty says that he was traumatised by the
7 physical, sexual and emotional abuse inflicted on him. He
8 says he has at times felt suicidal, suffers nightmares,
9 fears losing his family and that the abuse has negatively
10 affected his relationships.

11
12 In 1951 Mr Doughty went to the local corps in Goulburn
13 and informed the officer in charge of the physical and
14 sexual abuse he had suffered at Gill. The officer said
15 that he would report the matter to head office, but
16 Mr Doughty heard nothing further.

17
18 In 1993 he decided to pursue his complaint about how
19 he had been treated. He met with three officers near his
20 place of work in Double Bay and informed them about the
21 abuse by Major [X4]. Mr Doughty was later contacted by one
22 of the officers, who said Major [X4] had denied the
23 allegations of abuse. Mr Doughty heard nothing further
24 from The Salvation Army.

25
26 Mr Doughty made a submission to the Senate's Forgotten
27 Australians inquiry and appeared in the media at the time.
28 In September 2004 Major Peter Farthing approached him and
29 told Mr Doughty that The Salvation Army had a claims
30 process for assisting those abused in Salvation Army homes.

31
32 In December 2004 Major Farthing and Captain Chris
33 Witts visited him at his home and heard his account.
34 Mr Doughty attended the offices of The Salvation Army
35 in July 2005 and was told that the PICC - the Personal
36 Injuries Complaints Committee - would consider his matter.
37 In November 2005 Mr Doughty was asked to provide an impact
38 statement. He submitted his submission to the Forgotten
39 Australians as that statement. At its November 2005
40 meeting, PICC considered his claim again and increased its
41 assessment from \$20,000 to \$60,000.

42
43 In December 2005 Major Farthing and Major Witts
44 visited him again. Mr Doughty's evidence is likely to be
45 that during that meeting, Major Farthing offered him first
46 \$20,000, then \$60,000, and finally \$100,000 as he left.
47 Mr Doughty rejected each offer and insisted that he wanted

1 \$10 million. Major Farthing's final offer was confirmed in
2 writing in February 2006. By February 2007 the claim had
3 not progressed. Major Farthing called Mr Doughty to
4 indicate that while millions was out of the question, he
5 would "negotiate up".
6

7 In 2007 Mr Doughty engaged lawyers to negotiate on his
8 behalf. In negotiations in October 2007 between Mr Doughty
9 and The Salvation Army's lawyers, an offer of \$150,000 was
10 made by The Salvation Army. The offer of \$150,000, plus up
11 to \$3,000 in counselling costs, was confirmed in writing on
12 8 November 2007. The letter indicated that The Salvation
13 Army would raise a Limitations Act defence. Again,
14 Mr Doughty rejected the amount.
15

16 No further discussions appear to have taken place
17 concerning settlement of the claim until 2011. When
18 Peter Hatte assumed his position with the PSO, he had
19 a conversation about the claim with Mr Doughty. Following
20 the conversation, Mr Hatte wrote to Mr Doughty on 7 June
21 2011 and offered him \$100,000. Mr Doughty told him that he
22 had already received an offer of \$150,000. On 12 August
23 2011 a meeting was held between Mr Doughty and
24 Commissioner Condon at which Mr Doughty said he wanted to
25 resolve the matter, and the offer of \$150,000 was restored.
26

27 Correspondence ensued between Mr Doughty and the
28 commissioner over the terms of the deed of release from
29 September to December 2011. The public hearing will
30 explore why the negotiations became bogged down on this
31 point.
32

33 Again, the matter was referred to lawyers, with
34 Mr Doughty's solicitor threatening to commence proceedings
35 to enforce the oral agreement. A reply was received from
36 The Salvation Army's legal representative, Matthew Wright,
37 indicating that no offer of \$150,000 could be located and
38 reinstating an offer of \$100,000. In October 2012
39 Mr Doughty filed proceedings in the District Court of
40 New South Wales seeking to enforce what he asserted was an
41 agreement to pay him \$150,000.
42

43 In May 2013 Mr Doughty also filed personal injuries
44 proceedings in the Supreme Court of New South Wales.
45 In August last year, and before a defence was filed in the
46 Supreme Court proceedings, both matters were considered at
47 mediation and the parties reached agreement. Mr Doughty

1 agreed to sign a deed of release and The Salvation Army
2 agreed to pay him \$350,000. The proceedings were dismissed
3 in the District Court in September and in the Supreme Court
4 in October 2013.

5
6 As mentioned, the Royal Commission will hear first
7 from claimants [JF], [JE], Cheryl Eldridge and then the
8 two claimants from the John Lane matter, [JG] and [JD].
9 They will be followed by claimants [FE] and Allan Anderson.

10
11 Next will be those who assisted the claimants to make
12 claims, John Lucas and Karyn Walsh from the Micah centre.
13 James Luthy, who is also a claimant, will give evidence
14 about payment of two sums to him by The Salvation Army. He
15 is also expected to give evidence about The Salvation
16 Army's national apology given at Old Parliament House in
17 2007.

18
19 Mr Luthy will be followed by [JH], who will give
20 evidence in relation to Colin Haggart; that's the mother of
21 the victim. Whilst a statement from her daughter [JI] will
22 be tendered, she will not be called to give oral evidence.
23 [JH] will then be followed by Ralph Doughty.

24
25 The next group of witnesses are all from The Salvation
26 Army. Captain Michelle White will give evidence, followed,
27 we expect, by investigator John Greville. Three witnesses
28 who were involved in the Professional Standards Office
29 processing claims and meeting claims will be called. Those
30 are Major Daphne Cox, Major Robyn Smartt and Ms Fay Foster.
31 The final two officers will be Major Peter Farthing and the
32 territorial commander, James Condon.

33
34 I will shortly seek a non-publication direction and
35 a pseudonym order with respect to certain names. Documents
36 associated with this public hearing are being or have been
37 redacted. Where a pseudonym order has been sought, the
38 name has been removed and replaced by that pseudonym.
39 Notwithstanding the redactions, if documents tendered or
40 evidence given to the Royal Commission in the course of
41 this public hearing do reveal a name the subject of the
42 direction and order, the media is again invited to have
43 regard to the non-publication directions.

44
45 In order to assist the media, copies of the provisions
46 are available in the media room, together with the
47 direction and order, which I will now invite your Honour to

1 make. I understand those with leave have copies.

2
3 Your Honour, Commissioners, I will hand up three draft
4 orders: first, a direction not to publish the names of the
5 persons set out there; secondly, a pseudonym order, so that
6 a pseudonym is allocated to each of those people for whom
7 a non-publication order is sought; and then a further
8 non-publication order in relation to certain parts of the
9 evidence. I hand up one copy.

10
11 THE CHAIR: Yes, I have made both directions and the
12 order.

13
14 MR BECKETT: Your Honour, a large amount of material has
15 been - before I tender the material, I understand
16 Ms Eastman wishes to make a short opening on behalf of
17 The Salvation Army.

18
19 THE CHAIR: Yes.

20
21 MS EASTMAN: Your Honour, Commissioners, The Salvation
22 Army Eastern Territory welcomes the opportunity to
23 participate in case study 10.

24
25 In this case study, the Royal Commission will hear
26 from more survivors and their accounts of sexual abuse
27 while in the army's care. The army gives an unreserved
28 apology to these survivors, their families and the
29 community that entrusted these children into the army's
30 care.

31
32 This hearing will examine how the army responded to
33 the survivors' complaints and claims. The evidence in the
34 coming days will show how the army's policies and processes
35 have developed over time. The Salvation Army acknowledges
36 that its systems have sometimes failed survivors. It
37 acknowledges that in the early to mid 1990s, the army
38 sometimes made things far too hard for those survivors who
39 came forward.

40
41 But this case study will also hear that, over the
42 years, the army's policies have evolved. The army has been
43 learning from the survivors and their families, and for
44 more than a decade its policies have been driven by a sense
45 of sorrow for past wrongs and concern for the survivors.

46
47 Commissioner James Condon and Major Peter Farthing

1 will tell the Royal Commission about the army's commitment
2 to putting the survivors first. They will tell the
3 Commission that the army seeks to engage with survivors and
4 their families to achieve healing. That's more than just
5 simply addressing a claim but a genuine wish to achieve
6 healing with the survivors and their families.

7
8 The army realises that the toll of child sexual abuse
9 is immense and long-lasting. Ultimately institutions like
10 the army cannot make up for the damage done by some of
11 their people in the past. The scale of damage is simply
12 far too weighted against an easy fix.

13
14 But institutions like The Salvation Army can at least
15 do the following things which we understand to be important
16 to survivors. They can openly acknowledge their wrongs.
17 They can meet with survivors and they can have a direct and
18 ongoing personal engagement with the survivors. They can
19 apologise without reservation, both publicly and to the
20 individuals. They can assist survivors with the costs of
21 professional counselling. They can make some form of
22 financial restitution. They can seek to memorialise the
23 children who were in their care and acknowledge their
24 childhoods, and they can do their best to respond to
25 survivors with compassion.

26
27 This hearing will hear evidence from the army about
28 its efforts to do these things. The evidence will show
29 that in many cases, the army has achieved healing and
30 reconciliation with many survivors. Some survivors
31 continue their contact with the army and speak of their
32 positive experiences in working through the processes, and
33 the Royal Commission needs to consider the positive and
34 successful experiences, and those voices should also be
35 heard. However, the army does not shy away from the fact
36 that there are some survivors who are left feeling
37 intensely angry by the processes, and for that the army is
38 deeply sorry.

39
40 The Salvation Army will listen very carefully to all
41 the experiences of the survivors and their families. The
42 army understands that some people will be critical of past
43 processes, and there may well be lessons for the current
44 processes. Any lessons to be learnt will assist the army
45 in improving its processes. The army welcomes a close
46 examination of its policies, practices and processes and it
47 will seek to engage with this Royal Commission.

1
2 This, at times, may cause the army to challenge some
3 misapprehensions about its policies, practices and
4 processes, and we would also seek to provide a complete and
5 accurate account of some of the facts as they are presented
6 to the Royal Commission, but we do so in a spirit of
7 cooperation and to assist the Royal Commission in its
8 important work. If the Commission pleases.

9
10 THE CHAIR: Thank you.

11
12 MR BECKETT: That leaves me to commence the first tender
13 of the material. The tender bundle is in seven volumes.
14 I should note that the first volume are all statements that
15 were tendered in case study 5. They are included in the
16 first volume just for the sake of convenience. I tender
17 those seven volumes. I understand the exhibit number will
18 be 10-1.

19
20 THE CHAIR: We seem to have seven tender bundles but then
21 a whole series of folders of redacted statements. Is that
22 right?

23
24 MR BECKETT: Yes.

25
26 THE CHAIR: They are different, are they?

27
28 MR BECKETT: They are different. The statements are
29 separate. As in other case studies, as we come to each of
30 the witnesses, I will tender each of those statements at
31 the beginning of each witness. Your Honour and
32 Commissioners, you have copies of those statements in
33 advance.

34
35 THE CHAIR: The tender bundle will be exhibit 10-1.

36
37 **EXHIBIT #10-1 SEVEN VOLUMES OF TENDER BUNDLE**

38
39 MS EASTMAN: Your Honour, I think we received the seventh
40 volume of the tender bundle at around 12.32 this morning.
41 We haven't had an opportunity to look at the revised
42 indexes and the redacted material on receiving that
43 material in the early hours of the morning.

44
45 Could I ask your Honour to reserve with respect to
46 The Salvation Army's position in relation to whether or not
47 there are names in the material for which we may seek

1 a non-publication order and whether there is any other
2 information which might identify any individuals.

3
4 I understand the Royal Commission will adjourn this
5 case study at lunchtime today. If I could take the
6 opportunity during the afternoon to review the material and
7 speak with Mr Beckett, and if there is agreement between
8 the parties, then we can deal with that tomorrow morning,
9 but if we need to make a formal application in relation to
10 any non-publication, I will be in a position to deal with
11 it.

12
13 THE CHAIR: You may do that. Mr Beckett, do you
14 anticipate any problem?

15
16 MR BECKETT: No, there is no problem.

17
18 MS EASTMAN: Thank you, your Honour.

19
20 THE CHAIR: There is no reason for me to say anything at
21 this stage, except if you wish to make an application.

22
23 MS EASTMAN: Not at this stage, and I think in terms of
24 the two witnesses who are to be called this morning, there
25 is no issue in terms of any of their material.

26
27 THE CHAIR: Yes.

28
29 MR BECKETT: Your Honour, because there is a considerable
30 amount of crossover between the material in The Salvation
31 Army first hearing and this hearing, I ask that your Honour
32 make an order that all the exhibits in case study 5 are
33 also exhibits in case study 10 and vice versa.

34
35 THE CHAIR: Does anyone have any problem with that?

36
37 MS EASTMAN: No, your Honour. I just perhaps wouldn't
38 mind the opportunity to consider whether the exhibits for
39 case study 10 would be treated as part of case study 5, and
40 I can advise Mr Beckett about that this afternoon.

41
42 THE CHAIR: Yes, I think that point is well made. I'm not
43 sure that we would do that.

44
45 MR BECKETT: Perhaps the best way is that we discuss that
46 matter between Ms Eastman and myself.

47

1 THE CHAIR: I think so. There is no reason why they can't
2 become exhibits in this case study, because the relevant
3 parties are here and can see what is there, but I'm not
4 sure we will go back in time.

5
6 MR BECKETT: Yes, indeed. The three parties that we do
7 have - the State of New South Wales, the State of
8 Queensland and The Salvation Army - are either here or have
9 been given an opportunity --

10
11 THE CHAIR: You can talk to me further about it, but
12 I would be reluctant to go back in time, unless there is
13 some good reason to do so.

14
15 MR BECKETT: It may be that it can be dealt with in
16 another way and I will have some discussions with my
17 learned friend about that.

18
19 THE CHAIR: Yes.

20
21 MR BECKETT: Your Honour, I note the time. I am ready to
22 call my first witness.

23
24 THE CHAIR: We will take the short adjournment.

25
26 **SHORT ADJOURNMENT**

27
28 MR BECKETT: I call [JF].

29
30 <[JF], sworn: [11.53am]

31
32 **<EXAMINATION BY MR BECKETT:**

33
34 MR BECKETT: Q. Sir, in this public hearing, you are
35 being referred to by a pseudonym.

36 A. Sorry, sir. I'm a little bit hard of hearing.

37
38 Q. Are you able to hear me now?

39 A. Yes.

40
41 Q. You are being referred to by the pseudonym [JF].

42 A. Yes.

43
44 Q. So I will call you "Mr [JF]", if you don't mind.

45 A. Thank you.

46
47 Q. Sir, I understand in this matter you have provided

1 a statement to the Royal Commission dated 5 March 2014?

2 A. Yes.

3

4 Q. Have you had a chance to have a look at that statement
5 recently?

6 A. Yes, I have, sir.

7

8 Q. Is it true and correct, to the best of your knowledge?

9 A. It is, sir.

10

11 MR BECKETT: I tender the statement.

12

13 THE CHAIR: Is it a statement together with annexures or
14 how does it work?

15

16 MR BECKETT: It is a statement together with seven
17 annexures.

18

19 THE CHAIR: So you want the statement and the annexures to
20 come in together?

21

22 MR BECKETT: Yes, please.

23

24 THE CHAIR: Very well. That will be exhibit 10-2.

25

26 **EXHIBIT #10-2 STATEMENT OF [JF] DATED 5/3/2014, TOGETHER**
27 **WITH ANNEXURES**

28

29 MR BECKETT: Q. Mr [JF], I wonder if you could assist
30 the Royal Commission by reading from paragraph 2 through to
31 paragraph 19, if you wouldn't mind? Obviously, where your
32 name is mentioned - and if the statement could come up on
33 the screen, as well, please, it will assist you, Mr [JF].
34 Hopefully your statement will come up on the screen and you
35 can read it from the screen. Does that assist? So if you
36 could start from paragraph 2 on the screen?

37 A. "My full name is [JF]. I was born in 1939.

38

39 I am one of eight children. I was admitted into The
40 Salvation Army boys home at Indooroopilly on 2 November
41 1948 after my father shot and killed my mother. At the
42 time, I had been living at home with my mum, dad and some
43 of my siblings, including my twin brother and my older
44 brother. After mum's death, my two sisters were
45 transferred to a dairy farm out near Ipswich. My brothers
46 and I were sent to a government receiving centre at
47 Diamantina before being transferred to Indooroopilly.

1 I stayed in the Indooroopilly Home until 8 March 1955.

2

3 I experienced --"

4

5 Q. Mr [JF], let me stop you there. If you wouldn't mind,
6 please, there are a lot of people listening to this, both
7 at home and in the public gallery today. Could you slow
8 down a bit, please?

9 A. Sorry.

10

11 Q. But, yes, we can hear you perfectly well, thank you.
12 Please continue?

13 A. "I experienced physical, mental and sexual abuse while
14 in the Home at Indooroopilly.

15

16 I remember one particular incident where I and some
17 other boys were training for a gym exhibition at a local
18 picture theatre. I had complained to Captain [X18], the
19 officer who was overseeing the event, about a pain in my
20 lower right side. I was forced to train but was
21 experiencing unbearable pain every time I landed on my feet
22 after going over the wooden horse. Captain [X18] told me
23 that I was making it up. He grabbed me by the shirt,
24 pulled me towards him and kneed me in the stomach.
25 I passed out and woke up in the hospital the next day with
26 a burst appendix.

27

28 According to my admission records, I am aware that
29 I stayed in hospital, in a serious condition, from 21 April
30 1952 until 9 May 1952."

31

32 Do I read the lot, sir?

33

34 Q. Please.

35 A. "I remember feeling uncomfortable at shower time when
36 Captain [X18] was on duty. The officers used to make all
37 the boys line up for showers. When Captain [X18] was on
38 duty, he used to pull off my towel in front of other boys
39 and humiliate me. Sometimes I used to skip showering if
40 Captain [X18] was on duty to avoid the embarrassment.

41

42 I was also sexually abused by one of the officers in
43 the Home. I cannot now remember the name of the officer
44 who sexually abused me. The officer told me I had to clean
45 out the officers' rooms. When I went in, he pushed me down
46 and pulled off my pants. When I struggled he choked me.
47 He then raped me. It was so painful. The injuries meant

1 that I passed blood for days.

2

3 I complained to the manager of the Home a few hours
4 after the rape. I told him the officer had 'stuck his dick
5 up my bum'. The manager didn't believe me and told me
6 I was lying. He gave me a few whacks with the cane and
7 told me to 'bugger off'. I didn't feel that I had much
8 choice but to get on with life in the home.

9

10 I believe that the officer who raped me also sexually
11 abused other boys because I often heard boys crying in that
12 particular officer's bedroom. The officer's bedroom was at
13 the end of the dormitory and I saw him take boys in there.
14 It was terrible. I believe that other boys heard it too,
15 as it was common knowledge among the boys what the officer
16 was doing to the boys when he took them into his room. The
17 boys would say that the officer was 'having a go' at the
18 boys he would take into his room.

19

20 One day, some time after I was raped, I recall hearing
21 my twin brother yelling out my name; he was screaming for
22 me."

23

24 Q. Please take your time.

25 A. "The same officer who had raped me had taken him into
26 the locker room, which was able to be locked from the
27 inside. From the way my brother was screaming, I knew he
28 was in trouble. The officer had not locked the door, so
29 I was able to enter the room. When I ran in, I saw the
30 officer punching my brother with his hands and fists.
31 I flew into a rage and together, we - my brother and I -
32 punched him back and then raced out of the locker room. We
33 didn't get into trouble for that. I believe it was because
34 the officer didn't report it, and we certainly weren't
35 going to.

36

37 The emotional and mental impact of being in the home
38 was particularly bad because you never knew what was going
39 to happen. One day, I came home from school and my twin
40 brother was gone. When I asked Captain [X18] where he was,
41 I was told that he'd been sent to a dairy farm at
42 Springbrook" --

43

44 THE CHAIR: Sir, would you like Mr Beckett to keep reading
45 the statement for you?

46

47 THE WITNESS: Yes, please.

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THE CHAIR: Mr Beckett, if you would do that.

MR BECKETT: Yes.

The emotional and mental impact of being in the home was particularly bad because you never knew what was going to happen. One day, I came home from school and my twin brother was gone. When I asked Captain [X18] where he was, I was told that he'd been sent to a dairy farm at Springbrook. I didn't know he was going and didn't get the chance to say goodbye. They didn't even let him finish his scholarship. I didn't see him again for probably six years. It was very difficult to deal with, and still upsets me today. The first time I saw him again after he was sent away from Indooroopilly, it was only because my brother and I rode our pushbikes up to the dairy farm from Brisbane.

I remember seeing other boys being beaten and abused at the Indooroopilly home, and just hoping that it wouldn't be my turn next. I remember one particular boy who only had one leg. On one occasion, I saw an officer take away his crutch and force him to hop and crawl around for hours on end because he caught the boy talking at the dining room table. I also remember getting into trouble for talking at the table and having to stand in the corner and go without dinner as punishment.

I recall that we, the boys in the Home, often went without basic things like shoes and decent food. I remember being marched to school without shoes and suffering severe bruising from the stones on the road. I also lost opportunities to play competitive sport because I didn't have shoes, including the chance to play cricket with the Queensland school team and to play competitive football in Adelaide.

1 As well as trying to report the rape to the
2 manager of the Home, I did try to report
3 that I was being abused to police at the
4 time. One day, it was a school day, myself
5 and four other boys went to the police
6 station and showed them the bruises we had
7 from the beatings we had received in the
8 Home. The police gave us some food and
9 took us back to the Home. We were all
10 viciously beaten with a cane after the
11 police left.

12
13 The next day at school, the teacher asked
14 why I wasn't writing. I showed him the
15 blood blisters and severe bruising on my
16 hands. He called the police. When I got
17 back to the Home I was given a brutal
18 beating - with a cane on the backside - and
19 threatened that if I ever did that again,
20 I'd be sent to Westbrook. The next day,
21 I showed the teacher the cuts on my
22 backside and he called the police again,
23 even though I begged him not to, because
24 I was scared I'd be flogged when I got back
25 to the Home. The police came and got me,
26 and took me back to the Home and I was
27 yelled at by the manager for reporting the
28 abuse.

29
30 I also remember a time when my older
31 sister, who would have been in her twenties
32 at the time, came to visit my brothers and
33 I in the Home at Indooroopilly. My sister
34 later told me that during that visit she
35 spoke to the manager about the beatings
36 that my brothers and I were subjected to in
37 the Home. I believe my sister knew about
38 these because my older brother wrote to her
39 about the bashings. My sister told me that
40 the manager's response was that the
41 "discipline" of us boys was in accordance
42 with the government guidelines and
43 regulations.

44
45 I still have nightmares about the abuse
46 that I endured at the Home. Every time
47 I see a Salvation Army officer I feel the

1 *torment of the past and have to remember*
2 *that not all officers are the same as the*
3 *ones I had to endure.*

4
5 *The physical, sexual and mental abuse*
6 *I suffered at The Salvation Army*
7 *Indooroopilly Home has had a permanent*
8 *impact on my personality and my life.*
9 *I struggle to trust people, and it's been*
10 *hard to maintain lasting relationships.*
11 *I have been in marriage counselling for*
12 *25 years. I find it difficult to*
13 *communicate with my children and I have*
14 *never even seen most of my grandchildren.*
15 *I haven't even been able to talk to my*
16 *brothers or family about the abuse*
17 *I suffered. The injuries from the sexual*
18 *abuse I suffered in the Home have affected*
19 *my ability to enjoy sex, as well as my*
20 *ability to have sex.*

21
22 I understand, Mr [JF], that in 2008 you spoke to your
23 brother, who suggested that you go to a place called
24 Lotus Place; is that right?

25 A. That's right.

26
27 Q. What was the purpose of going to Lotus Place?

28 A. It was trying to get a sorry, or something, from
29 The Salvation Army.

30
31 Q. You spoke to a man called John Lucas; is that right?

32 A. That's right, sir.

33
34 Q. And he helped you with approaching The Salvation Army;
35 is that right?

36 A. Yes, sir, that's right.

37
38 Q. Together, you and he drafted a victims impact
39 statement; is that right?

40 A. That's right.

41
42 Q. That was then sent on to The Salvation Army; is that
43 right?

44 A. Yes, sir.

45
46 Q. You say at paragraph 20 that you really wanted an
47 apology and were hopeful of some financial assistance,

1 because you were broke at the time?
2 A. That's exactly right, sir.
3
4 Q. Apart from those two things, what were you hoping to
5 achieve out of the claims process?
6 A. Just for somebody to say sorry.
7
8 Q. When you sent in the victim impact statement, did you
9 understand what the process was?
10 A. No, I did not, sir.
11
12 Q. Did Mr Lucas explain it to you?
13 A. Oh, yes, but I didn't really understand it.
14
15 Q. Did you receive a document setting out what the
16 process was?
17 A. No.
18
19 Q. After you filed your victim impact statement with
20 The Salvation Army, did you receive any documentation about
21 what the process might be?
22 A. No.
23
24 Q. You say that on 15 September you had Mr Lucas send in
25 the victim impact statement with a covering letter from
26 him?
27 A. Yes.
28
29 Q. And then you got a reply, didn't you?
30 A. Yes.
31
32 Q. I wonder if that reply could just come up. It is JF3.
33 It is dated 1 November 2008. You will see, sir, that
34 that's a letter dated 1 November 2008, addressed to you,
35 care of Mr Lucas. You will see in the second
36 paragraph there Major Daphne Cox, who was clearly handling
37 your matter, says:
38
39 *I was so very sorry to read of the*
40 *experiences you describe while in care at*
41 *the Indooroopilly Boys' Home. I assure you*
42 *we want to do all we can to help you at*
43 *this time.*
44
45 What was your response to what appears to be an apology
46 there?
47 A. Well, it's not really an apology, is it - saying

1 sorry? I mean, anybody can say sorry, but that's not an
2 apology.

3

4 Q. You didn't consider that it was a sufficient apology
5 at that point of time?

6 A. No, I didn't, sir.

7

8 THE CHAIR: Q. Can you tell us what you would have
9 considered sufficient at the time?

10 A. Well, for somebody to really say they're sorry and,
11 you know, take you out for dinner or something like that,
12 that's sorry - as far as I'm concerned, that's sorry, you
13 know, to really --

14

15 Q. So rather than a letter?

16 A. Rather than a letter, sir.

17

18 Q. Some direct communication?

19 A. Yes.

20

21 MR BECKETT: Q. Sir, before we come to paragraph 25 of
22 your statement, which was the letter that you received from
23 Major Cox at about Christmas of 2008, there is evidence
24 available to us that the Personal Injuries Complaints
25 Committee of The Salvation Army met and considered your
26 claim. Were you aware of that at that time, in 2008?

27 A. No, I wasn't.

28

29 Q. The committee minutes indicate that they had assessed
30 your claim at \$70,000. Were you ever aware that that was
31 the amount at that stage?

32 A. No, sir, no.

33

34 Q. Was that ever told to you by Daphne Cox or anybody
35 else from The Salvation Army?

36 A. No, no.

37

38 Q. Then there is a letter, JF4, if that could be brought
39 up, please. You will see, sir, that in the second
40 paragraph there is an expression of being sorry there, as
41 well?

42 A. Yes.

43

44 Q. I think you say something about this in your
45 statement. What is your response to that particular
46 paragraph, the second paragraph?

47 A. Well, I mean, as I said before, saying sorry in

1 a letter isn't - you know, it doesn't mean sorry to me. An
2 apology, you know, saying sorry, you know - I mean,
3 I wanted an apology.
4

5 Q. Is it the words "we were sorry to read of the
6 experiences you outlined" without any reference to
7 accepting responsibility for those matters? Is that what
8 troubles you about that statement?

9 A. It does.
10

11 Q. In that letter, Major Cox indicates that she wants to
12 meet with you and Mr Lucas at the Esther Centre some time
13 after that. Do you see that?

14 A. Yes.
15

16 Q. Are you aware that before you had that meeting - the
17 meeting that took place in February of the following year -
18 Major Cox had written to Major [X18] about your claim?

19 A. No, she said to me that she had met [X18] and he was
20 a lovely man.
21

22 Q. Was that at the --

23 A. At the Esther Centre.
24

25 Q. Was that in February 2009 that she communicated that
26 to you?

27 A. When I first met them, yes, yes.
28

29 Q. Before that, in the period between Christmas of 2008
30 and that meeting in February 2009, did she ever raise with
31 you the fact that she had been in communication with
32 Major [X18]?

33 A. No, no, she never did.
34

35 Q. Did she ever indicate to you during that time that she
36 doubted the story that you had included in your impact
37 statement?

38 A. Only that she said he was a lovely man, you know.
39

40 Q. Did she ask for any further evidence from you to
41 support your impact statement?

42 A. No.
43

44 Q. I will just take you to one of those documents.
45 I wonder if tab 113 in the tender bundle could come up,
46 please. Sir, please take it from me that this is a letter
47 from Major [X18] to Major Peter Farthing dated 10 January

1 2009. Do you see that? Do you see how it is addressed to
2 Major Peter Farthing?

3 A. Where is that?

4

5 Q. On the top left-hand side, "Major P Farthing, THQ,
6 Sydney", "Dear Peter"?

7 A. Yes. I never received any letter.

8

9 Q. Just having a look at that, is this the first time
10 that you have seen that letter?

11 A. It is.

12

13 Q. I will just take you through some of the matters that
14 are in the letter. At the third paragraph there, it says:

15

16 *First of all, I hold no grudge against [JF]*
17 *and have genuine sympathy for him. I know*
18 *he came from a tragic family background,*
19 *and if his accusations of abuse,*
20 *particularly that of sodomy, are true,*
21 *I can well understand the tragedy of his*
22 *life. I am 99.9% sure that those things*
23 *did not happen while I was there.*

24

25 Do you see that?

26 A. Yes.

27

28 Q. Did Major Cox at any stage ever indicate to you that
29 doubt had been cast about you being raped at Indooroopilly
30 boys home?

31 A. She didn't say it to me.

32

33 Q. If we just go down further to the paragraph that
34 starts "That [JF]", you will see:

35

36 *That [JF] should bring to light these*
37 *things after fifty years silence puzzles*
38 *me. Surely he would have come forward*
39 *earlier, especially when there was such an*
40 *outcry a few years ago and the ABC made a*
41 *nationwide Television program about the*
42 *matter.*

43

44 Do you see that?

45 A. Yes.

46

47 Q. Did she ever ask you why you were coming forward

1 50 years after --

2 A. No, she did not.

3

4 Q. Going down further, the paragraph that begins "The
5 accusation that concerns me most":

6

7 *The accusation that concerns me most -*

8

9 so obviously [X18] -

10

11 *is that of sodomy. I am appalled if that*
12 *did actually happen. I notice he did not*
13 *name the Officer concerned, but I think*
14 *there is a little suspicion on me. If that*
15 *accusation is correct I believe the matter*
16 *should be resolved, and the man*
17 *responsible, if he is still alive, should*
18 *be brought to justice, even if it is me*
19 *under suspicion, The Army should not ignore*
20 *the matter.*

21

22 Do you see that?

23

24 A. Yes.

25

26 Q. Did Major Cox ever tell you that Major [X18] was
27 supportive of some form of police action with respect to
28 what had occurred?

29

30 A. Well, it wasn't actually [X18] that - that was the man
31 that raped me.

32

33 Q. Yes. Thank you for that. But he's obviously
34 supportive of the matter - of the officer who did rape you
35 going to the police?

36

37 A. Yes, yes, I would say so.

38

39 Q. But that's the first you have heard of what [X18]'s
40 position was?

41

42 A. What do you mean?

43

44 Q. Sorry, I withdraw that. That's the first time you've
45 had heard that he was supportive of it being brought to
46 justice?

47

48 A. Yes.

49

50 Q. Then if we go to the bottom of the page, I see:

51

52 *Regarding his accusation that I "kneed" him*

1 *during gym practice, I have already*
2 *explained my reasons for disclaiming any*
3 *responsibility. He said he fainted. In my*
4 *nine years of work amongst boys, I remember*
5 *many minor mishaps quite distinctly. If*
6 *any boy ever fainted, I would have been in*
7 *serious trouble if I had not notified the*
8 *manager. I'm sure had it happened in my*
9 *presence I would fully remember it.*

10
11 Do you see that?

12 A. Yes.

13
14 Q. So did Major Cox ever say to you that she was doubtful
15 of your account about being kneed during --

16 A. No, she did not. She did not, sir.

17
18 Q. Did she ever ask you to provide any more evidence
19 about that?

20 A. No.

21
22 Q. Then just over the page, if we scroll down just to the
23 top paragraph, it says:

24
25 *I sincerely hope that at this stage, THQ*
26 *has not offered any compensation because of*
27 *any allegations [JF] has made against me.*
28 *I dearly wish to meet [JF] face to face*
29 *with a witness such as yourself, and then*
30 *if we cannot possibly be reconciled, let*
31 *him take me to court.*

32
33 Do you see that?

34 A. Yes.

35
36 Q. Let me take it in two parts. The first part is this:
37 did Major Cox ever indicate to you that [X18] did not
38 consider compensation for any acts by him was justified?
39 Was that ever communicated to you?

40 A. No.

41
42 Q. Then the second one - we have here that he dearly
43 wishes to meet with you. Now, that was communicated to you
44 wasn't it?

45 A. Yes, it was.

46
47 Q. We will come to that in a moment. If the statement

1 could be brought up on the screen again, please. Sir,
2 before we go there, perhaps if you could read paragraph 27
3 of your statement?

4 A. "I thought the apologies from both Major Cox and the
5 Committee, which were included in the letters to me, were
6 totally inadequate. I didn't feel like either Major Cox or
7 the Committee genuinely acknowledged what had happened to
8 me while I was in the care of The Salvation Army. I didn't
9 feel that the 'sorry' meant anything. You can say 'sorry'
10 for anything. I would have appreciated it if they'd tried
11 to really engage with me, and made an effort to understand
12 what I'd gone through. That would have meant more to me
13 than the word 'sorry' in a letter. They could have taken
14 me out for dinner or something."

15
16 Q. Then on 13 February 2009 you went to the Esther Centre
17 where John Lucas was there and Major Cox was also in
18 attendance; is that right?

19 A. Where is that?

20
21 Q. If we could have the next page of the statement on the
22 screen, at paragraph 30. Perhaps if you would answer that
23 question - as I understand it, you attended the
24 Esther Centre on 13 February?

25 A. I did, yes.

26
27 Q. If you could just read paragraphs 30 down to 33,
28 please.

29 A. "We met on 13 February 2009 at the Esther Centre in
30 Brisbane, and John Lucas attended for part of the meeting.
31 During the meeting I told Major Cox about what happened to
32 me in the home. She wanted to know everything. It was
33 very painful for me to tell her all the details because
34 I had never spoken to anyone about all the details before.

35
36 During the meeting, after I'd told Major Cox about
37 Captain [X18]'s abuse towards me, Major Cox said that
38 Captain [X18] was prepared to meet with me and with my
39 brother. I was shocked. I said, 'Why would I want to meet
40 with the person who beat me?' I remember that Major Cox
41 said, 'He's a nice man'. I said, 'Are you calling me
42 a liar?' Major Cox said 'Oh, no, no. I have met him
43 though ...' I made it clear to Major Cox that I had no
44 desire to meet Captain [X18]. Major Cox accepted my
45 position, but I thought it was a very strange thing for her
46 to ask me."

47

1 Q. Please continue?

2 A. "At the meeting, I also told Major Cox that I was
3 sexually abused by a Salvation Army officer. I had not
4 remembered the name of the officer who sexually abused me
5 until I ran into a man that I was in the Home with just
6 before my meeting with Major Cox started. While we were
7 talking, he asked me if I remembered the officer who used
8 to 'have a go at us boys and take us into his room'. He
9 said the name of the officer, and then I remembered that
10 that was the name of the officer who raped me. I cannot
11 remember his name now but I told Major Cox the name of the
12 officer because it was fresh in my mind after speaking to
13 the other man before the meeting. I recall Major Cox
14 saying something like, 'Oh, he may not have even been there
15 at the time.' That made me think that she didn't believe
16 me.

17
18 At the beginning of the meeting, I think Major Cox
19 said, 'I'm here to find out what happened to you in the
20 Home', but I wasn't really sure what the outcome of the
21 meeting would be or what would happen. At the end of the
22 meeting, Major Cox said, 'How would you like \$30,000?'
23 I told her it'd help me out".

24
25 Q. I just want to ask you a question about that
26 particular meeting.

27 A. Yes.

28
29 Q. First of all, can you tell us what was John Lucas's
30 involvement in the meeting?

31 A. Well, he didn't say nothing, really, I just asked him
32 would he be there to help me, and, you know, I didn't ask
33 him any more than that, and he didn't involve himself.

34
35 Q. And you met with Daphne Cox, obviously. Was there
36 somebody else from The Salvation Army there?

37 A. Yes, there was. There was somebody else there,
38 I don't know what they - Daphne Cox was doing all the
39 talking.

40
41 Q. I wonder if tab 107 could come up on the screen,
42 please. If we can just scroll down, you will see, sir,
43 that it says - this is not your note, of course; this is
44 a file note which appears to be from Daphne Cox, of the
45 meeting on 13 February at the Esther Centre. She says that
46 you asked if [X18] was still alive, Daphne Cox said yes,
47 and that he was willing to meet with you if this was okay

1 with you. You said, "No, I know what happened in the home"
2 and basically said you didn't need to meet with [X18].
3 That was correct, wasn't it?

4 A. Yes.

5
6 Q. There is a missing redaction in the next paragraph:

7
8 *He gave me the name [X19] as being the one*
9 *who he said sexually assaulted him, which*
10 *was news to me. He hadn't included this*
11 *name in his statement.*

12
13 A. Mmm.

14
15 Q. If we just scroll so that that paragraph disappears.
16 In any event, as you said in your statement, you had met
17 another gentleman at the Esther Centre who had jogged your
18 memory, if you like --

19 A. Yes.

20
21 Q. -- of [X19]?

22 A. Yes.

23
24 Q. You say that that had reminded of you who the person
25 was who raped you?

26 A. Yes.

27
28 Q. And you told Daphne Cox, then, the name of the officer
29 concerned; is that correct?

30 A. Yes.

31
32 Q. This is the part that I wanted to ask you about. You
33 will see there that Daphne Cox says she:

34
35 *... felt a bit suspicious about this, as*
36 *just prior to the meeting with me, he met*
37 *up with another man ... at the*
38 *Esther Centre that morning who was in the*
39 *home with him and who he hasn't seen for*
40 *many years.*

41
42 And that he, that other man who you had spoken to, had also
43 had a claim with respect to that officer?

44 A. Yes.

45
46 Q. That document can be taken down now. Did she say,
47 either at that meeting or subsequently, that she was

1 suspicious or didn't believe you --
2 A. No, she didn't.
3
4 Q. -- in terms of [X19]?
5 A. No.
6
7 Q. If you could read, then, the remainder of your
8 statement, starting with paragraph 34.
9 A. "I received a letter from Major Cox dated 6 May 2009
10 which advised that the Committee had considered my impact
11 statement. Major Cox also apologised on behalf of The
12 Salvation Army for any 'mistreatment' I received while in
13 Salvation Army care. The letter offered me a \$30,000
14 ex gratia payment, and enclosed an Acknowledgment and
15 Release form, along with Medicare forms. I was
16 disappointed with this letter because I don't know why
17 Major Cox didn't give me an apology when she met me and
18 after she listened to my experience. I did not consider
19 the words of this letter to be a genuine apology. Shown to
20 me and marked JF6 is a copy of this letter from Major Cox
21 to me dated 6 May 2009."
22
23 Q. I will just stop you there. If we can just go to JF6,
24 this is the letter of 6 May 2009 from Daphne Cox to you.
25 You will see in the second paragraph there is a statement
26 of apology there. Do you see that?
27 A. Yes.
28
29 Q. Do I take it, then, from what you have said, that you
30 also thought that that apology was insufficient?
31 A. Well, it's only in a letter. It's not personal, you
32 know; it's not a personal thing. It's just a letter. It's
33 just a word.
34
35 Q. Did you ever say to Major Cox that you would like
36 a personal apology from The Salvation Army?
37 A. I did.
38
39 Q. Did she ever discuss with you who you would like to
40 have give you an apology?
41 A. No, no, she never, ever did.
42
43 Q. Was it ever offered that other senior members of The
44 Salvation Army, say the territorial commander or a colonel,
45 would provide such --
46 A. No, no, sir.
47

1 Q. Just returning to the statement, then, if you could
2 continue reading at paragraph 35 - it will come up in a
3 moment.

4 A. "At the time I thought the offer was pretty good,
5 because I didn't have any money, but now I think it's
6 completely inadequate for what they did to me and I have no
7 idea how they arrived at that amount. I know of people who
8 were not raped who received the same as me. This amount
9 does not reflect the harm that was done to me. There was
10 no option for me to negotiate the amount. I was told that
11 was it. The Salvation Army did not tell me that I should
12 consider seeking legal advice and I didn't get legal advice
13 before signing the release. I could not afford a lawyer.

14
15 I was also unhappy with the process because
16 The Salvation Army did not, to my knowledge, take any
17 action to investigate the sexual assault. They could have
18 reported it to the police. They could have checked officer
19 records to determine if the officer was there at the time.
20 They should have let me know what they were going to do
21 about my allegation. I felt left in the dark and like no
22 action was taken about the man who raped me.

23
24 I signed the deed of release on 18 May 2009. I can
25 remember that because it was just after my birthday.
26 I received \$27,000 after paying Medicare. I didn't
27 understand what the payment to Medicare meant, and it was
28 not ever explained to me. Shown to me and marked JF7 is
29 a copy of the deed of release that I signed when I accepted
30 the offer.

31
32 Major Cox was quite nice towards me. I had no qualms
33 about dealing with her, but I really wanted an apology -
34 a genuine apology. I would have liked for them to say the
35 names of the officers and tell me that what they were going
36 to do about the officers, about dealing with them, about
37 reporting them. I felt like this would have made
38 a difference. I felt like the officers got off scot-free.
39 I still do. I feel like I came out of the process worse
40 off.

41
42 I did not find the claim process to be worthwhile.
43 I would have liked a meaningful apology, a better
44 understanding as to how the payment amount was decided and
45 I would have liked an opportunity to say what I wanted out
46 of the process. The money I was paid was totally
47 inadequate for what was done to me. I felt like I had no

1 option but to accept the money that was offered.

2

3 I would like a better apology and reconsideration of
4 the amount I was paid.

5

6 I think there should be a better vetting of staff
7 working with children and there should be a one-strike
8 policy when working with children. If you do the wrong
9 thing, you should be referred to the police and dismissed."

10

11 Q. Thank you. Can I ask you about, first of all, the
12 calculation of the amount. As I understand it, you say
13 that you were not informed about how that amount was
14 calculated?

15 A. No, I was not.

16

17 Q. Is that correct?

18 A. Mmm.

19

20 Q. You formed an opinion that the amount was inadequate
21 after speaking with other people; is that correct?

22 A. Yes, I did.

23

24 Q. Was it ever indicated to you by Daphne Cox or anybody
25 else from The Salvation Army exactly how they calculated
26 your amount?

27 A. No, it was not.

28

29 Q. Was anything ever said about even the principles that
30 were applied for doing that?

31 A. No.

32

33 Q. Do you think it would have assisted if you had known
34 what was behind the determination of the amount that you
35 were offered?

36 A. What's that?

37

38 Q. I will put that another way. Do you think it would
39 have helped you to understand how the amount was calculated
40 if The Salvation Army had told you the principles behind
41 the calculation?

42 A. I think it would have helped.

43

44 Q. You do understand that obviously The Salvation Army
45 has a number of claims that have been made to it over the
46 years?

47 A. Do I think?

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Q. Do you understand that --
A. Yes, I do understand that.

Q. You would agree, wouldn't you, that there were people who had suffered less than you and some who had suffered more than you?
A. Yes.

MS EASTMAN: Your Honour, I object to that question. I don't think it is fair to ask this particular witness to make an assessment of others' experiences. All survivors' experiences are personal and particular to them, and we shouldn't really view them as a comparative scale, if your Honour pleases.

THE CHAIR: I don't know about that, providing he is speaking from his own observations he can tell us what he has seen.

Mr Beckett, make sure the question is framed in that way.

MR BECKETT: Yes.

Q. Sir, from what you have observed, as somebody who was formerly at the Indooroopilly boys home, and having had other contact with other boys who were at Indooroopilly boys home, particularly now, have you reached an opinion as to whether some boys suffered less than you and some boys suffered more than you?
A. That's right, yes.

Q. So you would agree, wouldn't you, that there may be a basis to award an amount more than what you were awarded and also, theoretically, at least, a basis for awarding a smaller amount?
A. Well, some of the boys I spoke to, they got a lot more for less, you know, than what I suffered. They were just offered and - a certain amount, you know, so \$100,000, \$120,000, you know, and all this.

Q. I will move on to something else. In terms of the issue of legal advice, you said that you were not told by The Salvation Army that you should consider seeking legal advice?
A. I was not.

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Q. Did Mr Lucas ever suggest to you that you should get legal advice?

A. Yes, but I couldn't afford it. That was the problem.

Q. Did he suggest --

A. He did.

Q. I see in your deed of release the final paragraph says - I will just read it out:

The releasor -

that's you -

acknowledges that he has had an opportunity to obtain independent legal advice in relation to this deed.

Do you hear what I'm saying there?

A. Yes.

Q. Do you consider now, today, whether you have had an opportunity to obtain independent legal advice?

A. Not really, because I can't afford it.

Q. Were any funds ever offered by The Salvation Army so that you could obtain such advice?

A. No.

Q. One of the matters about the deed of release, sir, is that it covers a number of parties, including - I will have it brought up, JF7, Ringtail 0003. If we scroll down, you will see that the releasees in this draft are nominated as The NSW Property Trust, The Queensland Property Trust, The Salvation Army Australia Eastern Territory, and then it says:

... any organisations or body corporates owned or operated by The Salvation Army Australia Eastern Territory; and.

any employee, servant, officer, member or agent of the releasees.

Do you see that?

A. Yes.

1
2 Q. First of all, did you understand that this deed of
3 release meant that you would be unable to commence any
4 legal proceedings --
5 A. That's right. That's what I thought at the time, you
6 know.
7
8 Q. Did you understand that that included the officer who
9 had raped you?
10 A. No, I didn't know that.
11
12 Q. Was that ever explained by Major Cox or anybody from
13 The Salvation Army?
14 A. No. This is the first time - yes - no.
15
16 Q. That document can come down, please. You also say
17 that you were concerned about the matter being reported to
18 the police by The Salvation Army, particularly the rape?
19 A. Yes.
20
21 Q. Did you have any conversation with Major Cox about
22 reporting the matter to the police?
23 A. No.
24
25 Q. Did you take any steps yourself to report it to the
26 police?
27 A. Because I don't know the name - I don't really know
28 the name of the chap - I think I did, but I don't know.
29
30 Q. So you are unsure today as to the name?
31 A. Yes, I'm unsure of --
32
33 Q. Did you take any steps at the time to inform the
34 police, irrespective of the fact that you didn't know the
35 name, that that had occurred, a very long time ago?
36 A. No.
37
38 Q. Was that because - I think you have given us the
39 answer: why was it the case that you didn't go to the
40 police?
41 A. At the age I was, I didn't know what to do. You know,
42 I thought by telling the main officer in charge that that
43 had happened - and he told me to bugger off, you know. So
44 I don't - I didn't know what to do.
45
46 Q. What about now, in terms of why, during the claims
47 process or after that, have you decided not to go to the

1 police?

2 A. Well, I have been to police on other things and they
3 say, "Well, if you don't know the name, mate, what are we
4 going to do?" You know.

5

6 Q. There was no discussion between you and Major Cox
7 about her assisting with identifying the officer concerned?

8 A. No, no.

9

10 Q. As I understand it, you were also concerned, or at
11 least you weren't told about whether any disciplinary
12 action had been taken against either the officer who had
13 raped you or against [X18]?

14 A. No, no. No disciplinary action at all.

15

16 Q. Were you hoping for some sort of action?

17 A. Well, I was, yes.

18

19 Q. Sorry, I will ask that again, because I may have
20 talked over you. Were you hopeful of some form of
21 disciplinary action against [X18]?

22 A. Yes.

23

24 Q. Were you hopeful of some sort of disciplinary action
25 against [X19]?

26 A. Yes.

27

28 MR BECKETT: Those are the questions I have for you, sir.

29

30 THE CHAIR: Do you have any questions?

31

32 MS EASTMAN: I do, your Honour, just one question.

33

34 **<EXAMINATION BY MS EASTMAN:**

35

36 MS EASTMAN: Q. I am here today representing
37 The Salvation Army and I have one question that I would
38 like to ask you?

39 A. Yes.

40

41 Q. In your statement at paragraph 40, you say that you
42 would like a better apology - do you remember writing that
43 recently?

44 A. A better apology? Yes.

45

46 Q. Can I ask you, what would you like to see, sitting
47 here at the Royal Commission today, as an apology?

1 A. Are you one of the top members of The Salvation Army?
2
3 Q. No, I'm not one of the top members of The Salvation
4 Army. I'm one of the lawyers --
5 A. That's what I would like - I would like an apology.
6
7 Q. But there are very senior people of The Salvation Army
8 here today at the Royal Commission, and also following and
9 watching the Royal Commission?
10 A. Yes.
11
12 Q. We would, on behalf of The Salvation Army, like to
13 know what would you like to see by way of a better apology,
14 if you could just help us understand: what would be
15 important to you?
16 A. I would like to think about it and get back to you on
17 that.
18
19 MS EASTMAN: If your Honour please. Thank you.
20
21 THE WITNESS: Thank you, ma'am.
22
23 THE CHAIR: Does anyone else have a question?
24
25 MR AGIUS: No, your Honour.
26
27 MS McKENZIE: No.
28
29 MR BECKETT: I have nothing in reply.
30
31 THE CHAIR: Thank you, sir. You may step down. You are
32 excused. Mr Beckett will have one of our people speak to
33 you further about what you would like to say in relation to
34 any further apology. Do you understand?
35
36 THE WITNESS: Thank you, sir.
37
38 THE CHAIR: Thank you, you may step down.
39
40 <THE WITNESS WITHDREW
41
42 THE CHAIR: Yes, Mr Beckett.
43
44 MR BECKETT: The next witness I have is [JE]. Clearly,
45 this witness is likely to go over until Friday, but we have
46 a quarter of an hour which we can usefully use.
47

1 THE CHAIR: We do, but what is sensible? Would it be
2 better if we adjourned and started the evidence tomorrow
3 morning and took it in one go?
4
5 MR BECKETT: There is a lot of sense to that, your Honour.
6
7 THE CHAIR: Does anyone else have a view about that?
8
9 MS EASTMAN: We would be agreeable to that course,
10 your Honour.
11
12 THE CHAIR: Does anybody else want to say anything about
13 that? Is the witness in the hearing room?
14
15 MR BECKETT: Yes, he is in the front row.
16
17 THE CHAIR: Are you content to start your evidence
18 tomorrow morning, sir?
19
20 [JE]: Yes, your Honour.
21
22 THE CHAIR: We will adjourn this matter until 10 in the
23 morning. We will sit in the Towards Healing matter this
24 afternoon at 2pm.
25
26
27 **AT 12.45PM THE COMMISSION WAS ADJOURNED**
28 **TO FRIDAY, 28 MARCH 2014 AT 10AM**
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