

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

**Public Hearing - Case Study 10
(Day 65)**

Level 17, Governor Macquarie Tower
Farrer Place, Sydney

On Tuesday, 1 April 2014 at 10.06am

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

Counsel Assisting: Mr Simeon Beckett

1 THE CHAIR: Yes, Mr Beckett.

2

3 MR BECKETT: Your Honour, Commissioners, I wonder if I can
4 deal first with a housekeeping matter. Last week we served
5 on all those parties with leave to appear a number of
6 documents. They are all additions to the tender bundle.
7 What I propose is that they be included as part of
8 exhibit 10-1. For the record, the first is a letter from
9 John Lucas to Major Daphne Cox, 27 March 2014. That's been
10 inserted in tender bundle tab 123A. The second is two
11 Professional Standards Committee meeting minutes, the first
12 dated 23 January 2009 - in any event, there are two sets of
13 PSC minutes. They have been inserted in exhibit 10-1 at
14 tabs 83 and 84. Then there are some what I'm calling
15 The Salvation Army claims file, with respect to
16 Mr Anderson, the witness who will continue today. Those
17 documents have been inserted at tender bundle volume 5,
18 tabs 458 through to 462.

19

20 THE CHAIR: You want all those included in 10-1.

21

22 MR BECKETT: Yes, please.

23

24 THE CHAIR: We will do that.

25

26 MR BECKETT: Thank you.

27

28 **EXHIBIT #10-1 SUPPLEMENTED BY ADDITION OF DOCUMENTS AS**
29 **OUTLINED BY MR BECKETT**

30

31 <ALLAN THOMAS ANDERSON, on former oath: [10.08am]

32

33 <EXAMINATION BY MR BECKETT CONTINUING:

34

35 MR BECKETT: Q. Mr Anderson, where we left off on
36 Friday, you had indicated that on 7 March 2014 you had had
37 a phone call with Peter Hatte and during that phone call he
38 had offered you an ex gratia amount of \$70,000. Do you
39 remember that?

40 A. Yes, I do; that's correct, yes.

41

42 Q. That was following a meeting of the Personal Injuries
43 Complaints Committee?

44 A. I believe so, yes.

45

46 Q. And he was reporting to you, as you understood it, at
47 least, what the result of the PICC meeting was; is that

1 right?

2 A. Yes. Yes, what the outcome of that meeting was, yes.

3

4 Q. Your concern - and I think you state this in your
5 second statement - was that you wanted to know what the
6 \$70,000 was for; is that right?

7 A. Yes, correct, I did, yes.

8

9 Q. Perhaps you can expand on that. Obviously, you had
10 put in your victim's impact statement, hadn't you?

11 A. Yes, I had.

12

13 Q. And you knew that the committee was going to consider
14 your claim at that meeting?

15 A. Yes, I was told that they would meet on 6 March by
16 Peter and Veronika Hatte.

17

18 Q. You knew, I think, that counselling was not going to
19 be part of any ex gratia amount; is that correct?

20 A. I don't know if I - I assumed that, well, according to
21 an email that I had some weeks before from Mr John Greville
22 of The Salvation Army, that counselling formed a part of
23 that process.

24

25 Q. So what was in your mind in terms of - you said you
26 wanted to know what the \$70,000 was being offered for.
27 Could you please expand on that? What were you looking
28 for?

29 A. I just wanted to know why they were giving me \$70,000,
30 under what circumstances, relating to my impact statement
31 that I had given them and Peter couldn't elaborate on that
32 at all, he just said he didn't know, and that was the
33 figure that they were giving me, or offered me, anyway.

34

35 Q. What was your concern about him not being able to
36 explain the reasons behind the offer of \$70,000?

37 A. I think my concern was why would you give someone some
38 money and not be able to tell you what they were giving it
39 to you for, in basic terms, you know, how long I was there
40 or what - the impact it's had on my life. But, I mean,
41 The Salvation Army got me to give them an impact study with
42 certain criteria through that impact study. I would have
43 thought that the money they offered related to that impact
44 study, or impact statement, I should say, but he couldn't
45 elaborate any further, apart from, "We're offering you
46 \$70,000 and I can't tell you what it is for."

47

1 Q. On Friday you indicated that you had written to
2 Commissioner James Condon and raised a number of issues,
3 a number of questions that you would like answered; is that
4 correct?

5 A. Yes, it is: yes, that is.

6
7 Q. Just to remind those listening, if AA6 to the second
8 statement - that's the second statement of Mr Anderson
9 dated 18 March 2014 - could come up, and particularly
10 page 3, sir, you see there are nine matters that are set
11 out there in numbered paragraphs?

12 A. Correct, yes. They are the questions I sent to
13 Commissioner James Condon in that letter, yes.

14
15 Q. You then had a meeting, I think, after Mr Hatte had
16 offered you the \$70,000 and had the conversation you have
17 just recounted with us - you had a meeting with him on
18 11 March 2014?

19 A. With Commissioner Condon?

20
21 Q. Yes.

22 A. Yes. He sent me an email requesting that he had this
23 letter for about two weeks and his exact words were, "I've
24 gone over it several times and I would rather meet you face
25 to face to discuss any of those issues in this letter." So
26 after receiving the offer of the money, I sent him an email
27 and asked him if we could meet sooner. Subsequently, he
28 agreed to that meeting on I think it was 11 March.

29
30 Q. And what happened at that meeting?

31 A. Well, I was a bit shocked. James Condon was a very
32 nice man, but I was a bit shocked by his - how can I say -
33 the process he went through. He didn't answer any of the
34 questions that I had subsequently put down. He just said,
35 "Well, I need to go over these and investigate them further
36 and I will come back to you". I felt a bit annoyed about
37 that, because he had had the letter for several weeks, and
38 he said he wanted to discuss with me face to face those
39 queries that I had. These are the queries that I had, in
40 that letter, and he was quite aware of it, and he was just
41 taking notes again about the questions that I had already
42 had and put to The Salvation Army on a number of occasions
43 before, 10 or 12 times. So it was just - you know, it was
44 nice to meet him, by all means, but it didn't answer any of
45 my questions. He just said, "I will have to investigate it
46 and I will get back to you."

47

1 Q. And in paragraph 25 of your second statement, you say
2 that you were unhappy that PICC had not responded to your
3 specific questions about Mr McIver and a fellow resident
4 who you were concerned about his death, and also that
5 Peter Hatte could not explain the payment offer or how it
6 was reached:

7
8 *James Condon again asked me about my time*
9 *at Bexley and what I suffered. I explained*
10 *this to him and I told him about my*
11 *dissatisfaction with the claims process.*
12 *I said, "I don't think the Committee has*
13 *fully investigated the information I had*
14 *provided in my impact statement."*

15
16 What specific information were you referring to there,
17 Mr Anderson?

18 A. All the particular statements in the heading of that
19 impact statement. I don't think they go over it as
20 individually as they ask a care leaver to give it back to
21 them. They don't go over it one by one and address it.
22 I was just confused by the whole process of that impact
23 statement, what it was all about, and they didn't answer it
24 back to you as fully as you gave it to them.

25
26 Q. So when you say "didn't answer it one by one" - they
27 didn't go through, for example, those nine points that you
28 had raised in the questions to Commissioner Condon; is that
29 right?

30 A. In addition to those nine points.

31
32 Q. In addition to those nine points?

33 A. Yes, from the impact statement to those nine points
34 that I gave to Commissioner Condon and previous other
35 Salvation Army representatives at the time.

36
37 Q. Sir, I understand that you have annexed an email from
38 Mr Hatte to yourself dated 11 March 2014 - it is at
39 annexure AA10 to your statement - if that could come up on
40 the screen, please. You will see in the second
41 paragraph there there is reference to:

42
43 *Thank you for providing John's family's*
44 *details.*

45
46 I presume that's a reference to your brother; is that
47 correct?

1 A. Yes, it is, yes.

2

3 Q. And then there is reference to his - a person who
4 I presume is his widow; is that correct?

5 A. That's right, yes, yes.

6

7 Q. And then there is a suggestion there that Mr Hatte
8 would make contact with her about any claim process; do you
9 see that?

10 A. Yes, he did then, but he'd previously been given
11 information relating to my brother back in - at our meeting
12 in December, so it was just reaffirming that he wanted to
13 go over John's story, or whatever - yes.

14

15 Q. But in any event, is it not an indication in this
16 email that Mr Hatte was going to pursue the matter of any
17 compensation for your brother with your brother's widow?

18 A. I would have thought so, yes, but he didn't contact my
19 brother's widow until - only last week.

20

21 Q. There is also an apology in this email, if you see
22 further down, it says:

23

24 *Veronika -*

25

26 that's Mr Hatte's wife -

27

28 *and I want to pass on our personal*
29 *apologies for contributing to this*
30 *additional trauma caused by the Committee's*
31 *recent response to your experience.*

32

33 Do you see that?

34 A. Yes, I do.

35

36 Q. What's your understanding of the reference to a
37 "recent response to your experience"?

38 A. Sorry, could you repeat that question again, sorry?

39

40 Q. What was the concern that seems to have prompted this
41 apology from Mr Hatte?

42 A. I think in our conversations I had with Peter Hatte
43 earlier regarding the amount that was offered to me, it was
44 suggested that at that time, I didn't have to take it.
45 I needed to think about it, which I did, and he apologised
46 over the phone, that he was embarrassed by it, and I think
47 Veronika's just following that up, saying virtually the

1 same thing.

2

3 Q. And then I think, at annexure AA11, you then wrote
4 further to Commissioner Condon following the meeting you
5 had had with him on 11 March; is that right?

6 A. Correct. I wrote that letter because we didn't
7 exchange any notes at the time, or there was no record of
8 that meeting apart from James and I, so I thought I had
9 best clarify what we spoke about or as close to as
10 possible - that's relating to that letter.

11

12 Q. One of the issues you raised there, if we just go down
13 to the bottom of that page, is the role of the counsellor's
14 report. You will see the final paragraph says:

15

16 *You say -*

17

18 that is, you are there addressing Commissioner Condon -

19

20 *you have a process in dealing with*
21 *complaints/reports etc. But again I note*
22 *in an email ... from John Greville ... [he*
23 *says] "the counsellor also provides the*
24 *injury committee with feedback which*
25 *assists in its determination of quantum in*
26 *the claim."*

27

28 Do you see that?

29 A. Yes, I do. That was - I mentioned that earlier, yes.

30

31 Q. Were you ever invited to submit a report of
32 a counsellor or a psychologist or psychiatrist to
33 The Salvation Army for consideration by PICC?

34 A. Myself specifically, no.

35

36 Q. And the reference to the counsellor here is
37 a reference to counselling that you had already been
38 receiving; is that right?

39 A. I had been receiving counselling up to that stage,
40 yes.

41

42 Q. And the counselling was provided by - was funded by
43 The Salvation Army; is that right?

44 A. I believe so, yes.

45

46 Q. Did you ever receive any other indication that such
47 counselling reports would be considered by the Personal

1 Injuries Complaints Committee?

2 A. No, I didn't - only that email from John Greville that
3 stipulates that the injury committee is assisted in their
4 feedback regarding the determination of the claim or
5 a claim. I just thought it was strange that when they made
6 the claim or offer, whatever you want to call it, they had
7 no report from a counsellor at all.

8

9 Q. Then just to finish, coming back to your second
10 statement, paragraph 31, I take it you haven't received any
11 further correspondence from The Salvation Army with regard
12 to the offer of \$70,000; is that correct?

13 A. The only contact I've had with them is a telephone
14 call from Peter Hatte after I'd spoken to him as well,
15 sorry, that they would put it to me in writing, the offer.
16 I still haven't received that. That is all.

17

18 Q. And as far as the other matters, the answers to your
19 questions that you raised on a number of occasions now,
20 I think - you haven't received answers to those?

21 A. Nothing at all.

22

23 Q. So do I take it that in many ways, the process seems
24 to still be ongoing - would that be right?

25 A. Ongoing or roundabout, whichever way you want to call
26 it.

27

28 Q. Those are the questions that I have for you. Is there
29 anything else you want to say, sir, before we move on?

30 A. Yes, I have - I have just made out a little statement,
31 if you could just bear with me. I would like to read this.

32

33 "There is much I wish to say in closing, but I need to
34 say at least this. The Royal Commission has allowed those
35 in institutions to come forward - boys from these
36 institutions to come forward to tell their story of time
37 spent in those homes like Bexley Boys Home. They do
38 without fear of disbelief and retribution by Salvation Army
39 officers and senior staff.

40

41 The stories deal with instances across Australia by
42 the same perpetrators in different homes.

43

44 Stories by boys then that did not know each other, but
45 yet have very similar stories of abuse by those
46 perpetrators. The Salvation Army must have known of the
47 alleged perpetrators' actions. They now feel it was dealt

1 with in a wrong or bad way. All someone had to do was to
2 mention the goings on in any State, and the same individual
3 perpetrators' names kept coming up. Those who did complain
4 were often ostracised in some way, shape or form.
5

6 I sought information about my friend in Bexley Boys
7 Home who died under their lack of care in 1969. I asked
8 the PICC in my impact statement; I asked the committee of
9 the PSO office, the leader of The Salvation Army Eastern
10 Territory and a senior investigator of The Salvation Army.
11 There was no organisation's report. There's been no police
12 report, so I look at it as another cover-up.
13

14 I did go and investigate, myself, once I knew where to
15 go, at my own cost and time, bringing up many bad memories
16 of Bexley Boys Home. I found some irregularities amongst
17 those things relating to my friend's death that I'm sure
18 The Salvation Army know about.
19

20 The physical and sexual abuse was rampant.
21 The Salvation Army sat and did nothing in those dark years.
22 Although they say again, under oath, things have changed,
23 well, nothing has changed. While they say they accept it,
24 they do not. While they say they are sorry, they are not.
25

26 What they do want is for this to all go away. The
27 organisation appears to do what the police do: they will
28 not investigate any cold cases unless people come forward,
29 as said in the last Royal Commission under oath from the
30 police. The Salvation Army appears to do the same, because
31 it is based on money. The less come forward, the better
32 result it is for the organisation. They simply don't care.
33

34 Taking one's childhood, abusing them and then sexually
35 abusing them - these things need to be dealt with
36 compassionately and quickly.
37

38 I have gone over my story some 10 to 12 times
39 since October 2013 to various parties within The Salvation
40 Army. The Salvation Army took my childhood and my
41 brother's and my sisters'.
42

43 Do you think I wish to continually be reminded of
44 these events and continued hurt, trauma and heartache for
45 myself and my siblings, including my deceased brother as
46 well? The answer is no.
47

1 Why do you think boys from Bexley have committed
2 suicide, changed their name by deed poll, and why have they
3 not come forward? The memories and stress are too great.
4

5 Why do you think boys have turned to drugs and alcohol
6 and crime? It is these, the weak, that cannot forgive and
7 forget, need help to try and bring back the wrong that has
8 been done to so many. What these boys went through they
9 thought was normal. There was no guidance, there was
10 little care, there was no control. But there was abuse and
11 those perpetrators took it upon themselves to hand it out.
12

13 I am confused by the process the organisation puts you
14 through. I am confused as it is not transparent, although
15 again at the last Royal Commission the organisation said
16 under oath it would make it transparent.
17

18 Your own head of the Eastern Territory received
19 a written complaint from me. He requested a face-to-face
20 meeting to answer such queries after reading the letter
21 several times. After that meeting took place, no answers
22 were given, just a comment, 'I need to investigate the
23 matters you seek.' I am confused as to how he had read my
24 letter several times and had the letter for two weeks prior
25 to this, only going over the issues again. Where is the
26 transparency?
27

28 I sat through the last Royal Commission into
29 The Salvation Army regarding child abuse and listened to
30 The Salvation Army's untruths on most days. I have heard
31 many of the care leavers and what they want - to answer the
32 questions they ask. I have heard they require an apology.
33

34 Why is it you cannot sit down with us and give us what
35 we require? Why is it you say you don't have the
36 information, when you get us to painstakingly take days,
37 months, weeks and years to continually write an impact
38 statement for you?
39

40 You are not to blame for the actions of the minority
41 of bad people your God has working for you, but again under
42 oath you say, 'The buck stops here.' Your organisation can
43 be repaired, but at present your management and your
44 so-called process is not helping.
45

46 I can see The Salvation Army has not changed but
47 hidden a lot, and profess to all that they are a kind and

1 caring organisation.

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Well, let me suggest to the public as a whole: think twice before you put your hand in your pocket and give when The Salvation Army Red Shield Appeal comes around, for you should not give so generously. Boys' and girls' lives are damaged, and any compensation should come from the organisation's pockets, not the public's."

That's all I have to say.

THE CHAIR: Any questions?

MS EASTMAN: Your Honour, there are no questions, but in light of some of the matters that arose on Friday, we are in the process of finalising a statement. We hope to be able to file a further statement to deal with some of the issues Mr Anderson has raised I hope by tomorrow. Thank you.

THE CHAIR: Anyone else any questions?

MS McGLINCHEY: Might I seek leave on behalf of Mr Peter Hatte and ask the witness some questions?

THE CHAIR: Yes. Mr Beckett, do you have any problem with that?

MR BECKETT: No, there is no opposition to that application.

<EXAMINATION BY MS McGLINCHEY:

MS McGLINCHEY: Q. Mr Anderson, I represent Mr Peter Hatte in these proceedings. Mr Anderson, as I understand it, your evidence, or the effect of your evidence to this Commission, is that you have both been hurt from the original abuse that you suffered, and your brother and others, at the Bexley Boys Home - did you hear the question?

A. Yes.

Q. I am sorry, I wasn't speaking into the microphone. And you agree that you have been harmed in that original abuse - that's the effect of your evidence?

A. (Witness nods).

1 Q. You have also been harmed by the response of The
2 Salvation Army to your complaints?
3 A. Lack of response.
4
5 Q. Lack of response. All right. The tardy response
6 might be another way of putting it.
7 A. Mmm.
8
9 Q. I think your evidence is that you originally first
10 approached The Salvation Army in October 2013; is that
11 correct?
12 A. I did.
13
14 Q. As I understand it, you have expressed that anger and
15 frustration to both Peter Hatte and his wife Veronika Hatte
16 in many telephone conversations?
17 A. Correct.
18
19 Q. And email correspondence between the three of you on
20 occasions?
21 A. Various emails.
22
23 Q. And you have had meetings with Peter Hatte and
24 Veronika Hatte?
25 A. I have, yes.
26
27 Q. And I think you have shared some meals where you have
28 discussed these issues as well?
29 A. Sorry?
30
31 Q. I think you have shared some meals - is that correct?
32 A. We did - yes, we did, we had lunch together.
33
34 Q. And you have expressed those frustrations with that
35 response to Peter and Veronika Hatte?
36 A. Yes.
37
38 Q. Would you agree with me that they have been very open
39 to listening to your complaints and been empathetic to
40 them?
41 A. Yes, they have been open to me.
42
43 Q. As a result of your experiences as a victim of crime
44 and a victim of abuse at the home, you were able to give
45 very valuable support to a man who gave evidence in the
46 last hearing of The Salvation Army matter, in the last case
47 study in this Commission; is that correct?

1 A. I don't particularly know what you are talking - which
2 particular man you are talking about.
3
4 Q. All right. I am sorry. I don't have a name. [FV].
5 A. Oh, yes.
6
7 Q. Do you agree that you were able to provide that
8 support to him?
9
10 THE CHAIR: Is that a redacted name?
11
12 MS McGLINCHEY: I am sorry.
13
14 MR BECKETT: That is. There is a pseudonym for that
15 gentleman. [FV].
16
17 MS McGLINCHEY: I am sorry, Commissioner.
18
19 Q. Mr Anderson, as I understand it, you spent some time
20 with [FV] and that that support provided to him was very
21 valuable to him?
22 A. I believe so. I have spoken to [FV] a number of times
23 and emailed him and tried to settle him down, so to speak.
24 Peter's mentioned that to me, that I possibly have calmed
25 him down a little bit, but he's a very angry man, yes.
26
27 Q. Peter Hatte has requested that when he - that's
28 Peter Hatte - travels to Perth to interview [FV] about his
29 complaint, he has asked that you go with him to continue
30 that support.
31 A. He has asked me to do that, yes.
32
33 Q. And I understand that you are agreeable to assisting
34 in that way?
35 A. I'm agreeable to do it in a way - yes, to help him,
36 but The Salvation Army first must settle my problem, my
37 issue, before I do, first and foremost.
38
39 Q. And once you feel that your issues are settled, you
40 will be more open to assisting others?
41 A. Then I can offer any boy in The Salvation Army some
42 sort of help, but while my issues aren't settled, there is
43 no way in the wide world I could help anyone.
44
45 Q. You have expressed frustration in these proceedings at
46 the processes of the PICC?
47 A. Correct.

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Q. And the words "lack of transparency" have come up quite a few times?

A. Yes.

Q. And also the slowness of the process?

A. Correct.

Q. They are matters that have caused you some concern in moving forward?

A. It has. The Salvation Army has admitted to me - and I think in court here - that "short staffed", if I can use that terminology. They have since, I believe, tried to repair that, or get more staff in, but, yes, initially, they were saying that they were understaffed.

Q. I believe that Peter Hatte has spoken to you about the possibility of moving forward with a new type of process to resolve complaints - a committee involving persons such as yourself, care leavers or victims of abuse. Do you recall those conversations?

A. We have had a conversation about it. There is nothing in writing anywhere.

Q. Do you think that a new committee involving people such as yourself would be useful?

A. I think a working committee - and working means working - to go through those processes with the individuals at hand. I don't know how many cases they have got, I really don't. It needs to be addressed and it just needs to be done a lot quicker than what it is. It is just - I have heard stories go on for - people haven't been contacted for a year and that's just wrong. It's totally wrong when you are dealing with things like this.

Q. In terms of bringing a unique perspective from a person who used to be a resident of the Boys Home or other institutions, do you think that that would be a useful contribution on a committee?

A. I think it has empathy with the boys in the home, yes, by having someone on that committee that's been through it, would obviously have some input and helpful input and understanding, because I don't - as I said in my statement, I don't blame the current organisation for what happened, but they have taken it upon themselves to address it, so to have someone there, they can discuss it with the boys or girls of homes, that understand what they went through,

1 would help, yes - I believe it would help.

2

3 Q. Again, when your matter is settled, would you be open
4 to taking part in a process, in that kind of contribution?

5 A. I would seriously think about it, but, I mean, there's
6 probably other cases that have gone through a lot more than
7 I have that would probably be just as good. I don't know;
8 but, yes, I would think about it, yes.

9

10 Q. Thank you. I believe that Mr Hatte also spoke to you
11 since October about taking part in a restorative process,
12 whereby you, as the victim of abuse, work through solutions
13 to that abuse in a restorative process - do you recall
14 those conversations with Mr Hatte?

15 A. No, I don't. Can you give me an indication of what
16 you call "restorative"?

17

18 Q. Well, a process whereby those who have suffered from
19 abuse sit down with everybody affected by the abuse,
20 including The Salvation Army, and work through solutions or
21 methods or ways of restoring people back to a position
22 where they might have been beforehand, ways of dealing with
23 the abuse?

24 A. I would have thought that would have been part of the
25 PICC committee's job to do. I mean, they have got
26 a statement in front of them, the impact statement, which
27 is headed certain headings, all the way through it. If you
28 are going to offer some someone compensation, I would have
29 thought they would have gone through that individually, in
30 each case, and been able to address the person concerned on
31 those particular items that they wrote about in their
32 impact statement and to cover that, and make sure they
33 fully understand, that they understand what they have been
34 through, not just offer them some compensation and say,
35 "We don't know what it's for."

36

37 Q. So I think the effect of what you have just said is
38 that you believe there needs to be a much fuller, more
39 fulsome response from the committee to each claim, to show
40 that they have actually been considered?

41 A. I believe so. I mean, I believe the person who
42 presented my impact statement to the PICC was a gentleman
43 called David Godkin. I don't know David Godkin. I have
44 never met him. He could be a very nice man. I don't know.
45 He addressed, read my impact statement out to the
46 committee. My question to him and to The Salvation Army is
47 I have never met him. What would he know about me in

1 addressing an impact statement, as in depth as it was, and
2 how can he support me? I know he has a job to do, but you
3 are not addressing a situation one on one to someone who is
4 about to present a case for you who doesn't even know you.
5 So - yes.
6

7 Q. Do you think it would be useful for a claimant to
8 present their own case to the committee?

9 A. Some can't, I appreciate that. There are boys that
10 cannot do it. That's where you probably have to have
11 someone with them that's been through it, that can address
12 it for them, but then to sit them down and to know that you
13 know what they are going through, you have been through it,
14 or someone who has been through it and you understand. And
15 then there are some boys, like myself or some others, that
16 can go through it; you know, it would help.
17

18 MS McGLINCHEY: Thank you, Mr Anderson. I don't have any
19 further questions.
20

21 MR O'BRIEN: No questions.
22

23 THE CHAIR: Mr Beckett?
24

25 MR BECKETT: Nothing arising.
26

27 THE CHAIR: Thank you, sir. Thank you for coming and for
28 telling us your story. You are now formally excused.
29

30 **<THE WITNESS WITHDREW**
31

32 MR BECKETT: I call Mr John Lucas. Mr Lucas's statement
33 is at tab 17 of volume 2.
34

35 **<JOHN LUCAS, affirmed:** [10.43am]
36

37 **<EXAMINATION BY MR BECKETT:**
38

39 MR BECKETT: Q. Mr Lucas, you have given your full name
40 and address to the Royal Commission, as I understand it?

41 A. Yes.
42

43 Q. You have sworn a statement of 5 March 2014?

44 A. Correct, yes.
45

46 Q. And have you had a chance to read that statement
47 recently?

1 A. I have. I read it this morning, yes.

2

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

4 A. It is.

5

6 MR BECKETT: I tender that.

7

8 THE CHAIR: That will be exhibit 10-8.

9

10 **EXHIBIT #10-8 STATEMENT OF JOHN LUCAS, DATED 5/03/2014**

11

12 MR BECKETT: Q. I wonder if you could tell us what your
13 tertiary qualifications are and the nature of the work you
14 have performed up to and including at Micah Projects?

15 A. Well, I have an honours degree, Bachelor of Science
16 with Honours in sociology and philosophy. My working
17 experience has been - early on as an academic teaching
18 sociology at Queensland University and Macquarie
19 University, and subsequently working as a counsellor and
20 psychotherapist, becoming a member of the Australian
21 Association of Relationship Counsellors at a clinical
22 level. I worked for a number of welfare organisations.
23 I worked for Centacare, the Catholic counselling
24 organisation, for five years. Then I worked as the head of
25 counselling for Anglican Family Care in Brisbane for
26 approximately three years. And then I worked for myself in
27 a private practice for 10 years at the Bardon Counselling
28 Centre in Brisbane. And then subsequently I worked for
29 Lifeline, working with young people at risk on the
30 Gold Coast. And then I worked for the Queensland Program
31 of Assistance to Survivors of Torture and Trauma in
32 Brisbane, as heading the counselling section. And then the
33 last four years of my work was with Micah Projects in
34 Brisbane, where I was employed to initially oversee a team
35 of people who were providing a range of support to people
36 who were survivors of institutional abuse, including
37 a drop-in centre. And then more specifically my work was
38 in working as an advocate with some of those people who
39 wished to process claims against the various churches where
40 they had been placed as children.

41

42 Q. Including The Salvation Army?

43 A. Including The Salvation Army, yes.

44

45 Q. I wonder if you could just tell the Royal Commission
46 what the nature of Micah Projects as an organisation is?

47 A. Well, Micah Projects is an organisation which has

1 grown from I think an initial interest in social justice
2 and the welfare of people who were underprivileged in
3 various ways, vulnerable people. Part of its initial work
4 was in supporting victims of abuse in institutions, but it
5 has grown into an organisation which supports a much wider
6 range of vulnerable people. So there are homelessness
7 issues people, various types of vulnerability now, and it
8 is a much larger organisation. The part that I worked in
9 was initially the Esther Centre, which was the part of the
10 organisation to deal with people - provide support for
11 people who had been institutionalised as children, the name
12 of which was changed, as I arrived, to Lotus Place, but it
13 was the same basic work that we did in that time, yes.

14
15 Q. And was it the same premises that were used?

16 A. No, we - the premises changed as I joined the
17 organisation. We moved down the road to a larger premise
18 and changed the name. The people who were clients of that
19 organisation, at Esther, wanted to change the name, and
20 Lotus Place was the name that they chose and they would say
21 that it was about the Lotus flower growing out of often
22 very dirty water but becoming very beautiful. It was
23 a symbol.

24
25 Q. During the four years that you were with Micah or
26 Micah Projects, how many people were doing similar work to
27 you?

28 A. There were one or two other people, one in particular
29 who was doing very similar work to me, and then at certain
30 times there were more, particularly when the redress scheme
31 happened in Queensland, where there was a lot more people
32 who were wanting to complete applications to the
33 government, the Queensland Government at that time. So
34 usually there were two of us working on a fairly full-time
35 basis in that area.

36
37 Q. So were you involved in assisting claimants to the
38 Queensland redress scheme?

39 A. I was at times, yes.

40
41 Q. Was that coming to an end by the time you commenced
42 working with Micah?

43 A. No, it was during the time that I worked at Micah. So
44 the two processes would often go on side by side during the
45 period of that redress scheme, and we would be working with
46 both people who were addressing claims to the particular
47 churches and Salvation Army, and also, at times, making

1 claims to the State government.

2

3 Q. You say at paragraph 7 of your statement that you
4 supported between 30 and 40 people going through claims
5 with The Salvation Army; is that right?

6 A. That's correct, yes, I think.

7

8 Q. So that's distinct from the redress scheme - that's
9 specifically related to The Salvation Army's own claims
10 process?

11 A. Yes.

12

13 Q. More specifically, what was your involvement with
14 those individuals who were going through the claims
15 process? How did you assist them?

16 A. Well, my job was described as "advocacy" - I was an
17 advocate. My role was simply to provide support to those
18 people who identified themselves and wanted to pursue
19 claims. So I was there to really support them through that
20 whole process, and initially, they would come and we would
21 talk about, or they would talk to me about, what they
22 wanted to do. I would try to explain the process, as far
23 as I understood it, and then the business was to draft an
24 impact statement and then my role was to present that
25 impact statement to the person and make sure that it was
26 exactly as they wanted it to be, and then to forward that
27 on their behalf, and then to receive correspondence
28 subsequently and to be a conduit, I suppose, between
29 The Salvation Army and the person making the claim.

30

31 Q. In terms of The Salvation Army's claims process, in
32 your experience, did it change or was it constant over that
33 four-year period?

34 A. It was constant, yes.

35

36 Q. So when you came to first commence assisting claimants
37 with claims made to The Salvation Army, was there
38 a document or some sort of guide that assisted you with
39 what that process was at that stage?

40 A. No, not as such. I really learned about the process
41 from others who had worked in that area and by doing it.

42

43 Q. Did you ever come across a statement either on,
44 for example, The Salvation Army's website or in some
45 correspondence with The Salvation Army as to precisely what
46 the process was?

47 A. No.

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Q. As to your understanding from the experience of going through the process over those four years, you have outlined it to some extent, but can you briefly say what the process is as far as you understand it today?

A. As far as I understand it, the process is that someone who wishes to make a claim from The Salvation Army would identify themselves and then I would explain to them what they would need to be able to do in order to proceed with that claim, which was to make an impact statement and then to present that to The Salvation Army and then that they would respond and the process would be set in place from there. Yes.

Q. When you say "present it to The Salvation Army", do you mean simply sent to the Professional Standards Office --

A. Yes.

Q. -- of The Salvation Army?

A. The Salvation Army would require a statement, an impact statement, and also, if possible, try to get the deed of release - not the deed of release, the formal record from their placement, their placement history. I forget what it is called now. The formal record that they had been in the institutions that they identified at the times that they identified. And if I could get that information, which was sometimes available from the State government in Queensland, I would put that with the statement that they had made and send both to The Salvation Army.

Q. Then what was the next stage? What was the next step in the process once you had submitted the impact statement? What response did you generally receive from The Salvation Army?

A. Well, once there was a response, it would be usually offering to have a personal meeting with that person in regard to their statement, and then it would be about waiting or arranging a time when the next - the people who were from The Salvation Army were coming up from Sydney to Brisbane, so it would be the next time they were coming up to Brisbane that they would make an appointment time to meet with me and the client, the person making the claim.

Q. The correspondence that we have seems to reveal that a number of those meetings occurred at Lotus Place?

1 A. Yes, mostly they occurred at Lotus Place.

2

3 Q. And generally, you would attend those meetings?

4 A. Yes.

5

6 Q. Then at the meeting was any form of ex gratia payment
7 offered to the claimants or how did those meetings
8 generally take place?

9 A. No, there was never an offer made at those meetings.
10 I understood those meetings as a time when people would
11 have an opportunity to talk to someone in person about the
12 statement that they had made and that the representative
13 from The Salvation Army would have an opportunity to
14 interact with the person and, in most cases, to make
15 a personal apology, and that's the nature - that was the
16 nature of all of those meetings.

17

18 Q. All right. Then after the meeting, what was the next
19 step?

20 A. Well, the meeting would usually finish with
21 The Salvation Army representative saying that they would
22 then take that - the impact statement and their report of
23 that meeting - back to a committee, and that the committee
24 would then make further contact with the person. So there
25 would be a deliberation then by a committee somewhere - I
26 imagined in Sydney - which would then lead to
27 correspondence from them to the claimant.

28

29 Q. Sometimes, that correspondence would come to you
30 directly; is that right?

31 A. Yes.

32

33 Q. What were you told about the deliberations of the
34 PICC?

35 A. Nothing, really. I understood that it was - I had no
36 information about the deliberations which that committee
37 would make.

38

39 Q. I want to take you to a couple of documents. This is
40 in relation to Mr Anderson, who has just finished his
41 evidence today, and so clearly, it doesn't apply directly
42 to you. I wonder if annexure AA1 from Mr Anderson's first
43 statement could come up on the screen.

44

45 MS EASTMAN: Your Honour, I object to this evidence.
46 Mr Lucas has given evidence about what his role was with
47 respect to the work that he did at Lotus Place in

1 Queensland in assisting the survivors over a specific
2 period of time.

3
4 Mr Anderson's claim is a current claim being dealt
5 with by the army. It is a matter of a work in progress.
6 There haven't been any questions asked of Mr Lucas as to
7 his knowledge about the current processes with respect to
8 Bexley survivors, and there's been no evidence given that
9 he understands or knows about the current workings of the
10 way in which the army is presently handling claims, and
11 there is nothing to indicate that he has any knowledge of
12 Mr Anderson's personal circumstances. I doubt your Honour
13 and Commissioners will be assisted by Mr Lucas's evidence
14 on matters that really are outside the scope of his
15 knowledge.

16
17 THE CHAIR: Well, I don't know what Mr Beckett's going to
18 ask him. I think we should wait and see before we go any
19 further. What is the question, Mr Beckett?

20
21 MR BECKETT: If the document could be brought up on the
22 screen. The question I have is whether that sort of letter
23 was the one, or similar to the ones, that Mr Lucas received
24 when he was assisting in the period of the four years that
25 he was at Micah, and then to go to the second document,
26 which sets out some detail as to what should be in an
27 impact assessment, and the question is simply whether that
28 was similar or dissimilar to the practice that applied when
29 he was at Lotus Place.

30
31 THE CHAIR: We will let you do that.

32
33 MR BECKETT: Q. Sir, I wonder if you could just read
34 that first annexure, AA1, please.

35 A. You would like me to read it?

36
37 Q. Yes. Just read it to yourself, please.

38 A. Oh, sorry. Yes. I have read it. It is similar to
39 letters that I can remember receiving. There is one area
40 there which I'm not so sure about, which - the information
41 sheet that is referred to in the third paragraph.

42
43 Q. I will come to that in a moment. In essence, is that
44 similar, in the sense that the nature of the process is
45 described - namely, that the impact statement, together
46 with any other information that is given to The Salvation
47 Army, will be presented at the Personal Injuries Complaints

1 Committee?
2 A. Yes, that's very similar.
3
4 Q. And then you would then be told of a recommendation at
5 some future stage?
6 A. Yes.
7
8 Q. And during the four years you were there, were you -
9 I think you have indicated this already - told by members
10 of the Professional Standards Office, or anybody else at
11 The Salvation Army, as to what the committee would be
12 considering apart from, obviously, the claim and the impact
13 statement?
14 A. No.
15
16 Q. If we could just go over the page to annexure AA2,
17 which is said to have been attached to AA1, sir. I wonder
18 if you could again just read that to yourself, and if we
19 could scroll down a bit.
20 A. Yes, I've read through that.
21
22 Q. Is that a document or a version of a document that you
23 saw during your time at Micah?
24 A. No.
25
26 Q. Was there any other guidance as to what should be in
27 an impact statement that was given to you by The Salvation
28 Army during those four years?
29 A. Not to my knowledge, not that I can remember,
30 actually, no.
31
32 Q. Do I take it, then, that essentially you were able to
33 advise those who came to you for support and for advocacy -
34 to give advice about what should go in their impact
35 statements essentially on the basis of your historical
36 involvement with claims?
37 A. Yes, largely.
38
39 Q. During those four years that you were at
40 Micah Projects, were any instructions given to you about
41 providing information in addition to impact assessments, to
42 The Salvation Army?
43 A. I'm not sure that I understand.
44
45 Q. Yes, sorry, I asked that poorly. You have said that
46 the instruction seems to have been from The Salvation Army
47 that an impact statement should come from the claimant to

1 The Salvation Army to be the basis for the claim; is that
2 right?

3 A. Yes, that's correct, yes.
4

5 Q. Were any other documents called for, in terms of
6 statements from other witnesses who may have been at the
7 home, psychologists, psychiatrists - any other medical
8 reports?

9 A. I didn't understand that any extra information was
10 required by The Salvation Army, except those documents
11 relating to the - which would show the time that the person
12 said that they were in that institution, they were,
13 according to State records. But where people were - I can
14 remember one or two cases where people had reports from
15 psychologists, because they had been having treatment,
16 clinical treatment, were offered, and if such reports were
17 made available and people suggested that they would like
18 those to go with their statements, I would naturally
19 facilitate that. You know, I would send those statements
20 with it. It was very much a matter of whether people had
21 had that kind of report and wanted to submit it themselves.
22

23 Q. You mentioned a moment ago about the records which
24 relate to the time that a particular person was at
25 a particular home and also, I presume, there were also ward
26 records with respect to those people; is that right?

27 A. Yes, the records - if there were records - would
28 indicate that they had been in a particular home, admitted
29 at a certain date, and sometimes there were additional
30 pieces of information about things that may have happened
31 while they were there, but they were usually rather scant
32 and mainly it was about whether - you know, whether the
33 dates that people had said they were in there could be
34 substantiated, in those documents.
35

36 Q. Did you understand that there was some form of
37 investigation made of the victims impact statement after it
38 was lodged with The Salvation Army?

39 A. I wasn't sure what the process was after it was
40 submitted. It was going to a committee and there would be
41 a response from the committee. That's really all that I
42 knew.
43

44 Q. Were you aware that in certainly some of the cases
45 that had come before the Royal Commission in this case
46 study, that some preliminary investigation was done by, for
47 example, Major Cox?

1 A. I think that - on a few occasion there was an
2 indication that something would be checked, or there was an
3 uncertainty about certain names that were given and that
4 Major Cox would then go back to see if she could find out
5 more about those referrals which happened, yes.
6

7 Q. Did you come to understand that as a result of later
8 correspondence with Major Cox?

9 A. No, I think I learned that just from being at the
10 meetings, you know. On a couple of occasions there were
11 names that were mentioned and questions were asked, you
12 know, "Where was that person?" "Do you remember that
13 person's name?" And the complainant would be uncertain, and
14 so sometimes Major Cox would go back to Sydney and say that
15 she would try and find out more, if she could, about that
16 person or whether that name was associated with that
17 institution at that time, you know. But it was usually -
18 usually that didn't happen, but on a couple of occasions
19 I can remember a discussion when particular names were
20 mentioned and she did offer to go and find out more about
21 that if she could.
22

23 Q. Did it apply the other way, in the sense that
24 questions were asked of the claimant to clarify particular
25 matters in the impact statement during those meetings?

26 A. Yes, that sometimes happened.
27

28 Q. You conclude at paragraph 16 in your general
29 observations of the claims process that you thought it was
30 quite clear and always the same. Do I presume by that
31 that, as far as you could see, the same process was being
32 repeated over and over again with respect to each of those
33 claims?

34 A. Yes.
35

36 Q. And you thought - you felt that the victims knew where
37 they stood in the process?

38 A. Yes.
39

40 Q. Do I take it from that that there is some benefit
41 derived for a claimant if the process is clear and always
42 the same?

43 A. Well, I think that would be for the claimant, really,
44 to answer. What I meant by that is - what I mean by that
45 is that the process was always the same. I was able to
46 tell people what to expect in the process each time, and it
47 was always the same process.

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Q. So do I take it that there is benefit if the claimants understand or have some understanding of what the process is that they are going through?

A. I think it's a benefit if they do understand the process, yes.

Q. And the more detail that can be given about that process, the better it is, as a general principle, for the claimant?

A. I think so, yes, the more detailed that process - well, the more understanding that they have of that process, I think the better.

Q. Do you think it would have assisted if claimants understood more of what the Personal Injuries Claims Committee was considering when they looked at their claims?

A. Yes, I do.

Q. And what are some of the things that you think would assist with providing such information to claimants?

A. Well, I think that one of the things that is unclear to people is on what basis they are offered the money that they are offered. If they are offered money, what are the criteria which have been used in reaching that amount, and I think that where there are particular personal issues which are raised in those statements, those personal issues could be addressed in a more direct way rather than just in an overall response, which is what came, usually. It was just, "We have listened to your" - "We have read your impact statement. We have considered this in our committee, and we are going to offer you this amount of money."

THE CHAIR: Q. Mr Lucas, I'm sure you appreciate that these issues or similar issues have been now raised in a number of the case studies that we have done - that is, what is the correct approach to, if you do provide it, providing monetary compensation to people. That's a problem across many organisations.

A. Yes.

Q. From your experience, what do you think are the principles that should be used when deciding what, if any, compensation should be paid to someone?

A. I think that, from my experience as a counsellor and a psychotherapist, to be able to respond to the particular

1 person in a more specific way - people who have been
2 through the experience of abuse in institutions respond in
3 very different ways, often, and bring forward very
4 different needs. I think that the process needs to respect
5 those differences and be more mindful of the individual
6 person and the way that they are reacting and the way that
7 they are dealing with the issues.

8
9 And I think that the financial compensation could be
10 more directly addressed to the issues which the people have
11 faced, again, in a more individualised way. I just think
12 that there are a lot of levels at which change needs to
13 happen. The legal - the overall legal framework, the way
14 in which lawyers and therapists and support people need to
15 come together to really work on how apologies can be made
16 more effective and more useful to the people who need them.

17
18 Q. Any process has to be principled. By that, I mean it
19 has to have principles that the organisation or person
20 discussing compensation and the payment of compensation has
21 in mind, but it also has to be principles understood by
22 those who have survived and may be in the process of
23 receiving compensation - you understand that?

24 A. Yes.

25
26 Q. I appreciate what you say about individualised
27 response, but that has to be done with principles in mind,
28 doesn't it?

29 A. Yes. I think the principles that I would refer to
30 would be equity and justice. Yes.

31
32 Q. May I press you: they are words that we all use, but
33 there actually has to be detail underneath. Have you
34 thought about these matters?

35 A. I am thinking about them, yes, and I don't really
36 know, to be honest, what those details need to be at the
37 moment, but --

38
39 Q. Does it come down to this: either because of
40 insufficiently identified principles or difficulties in
41 communicating, your experience is that an understanding
42 between both The Salvation Army and the survivor of the
43 principles that are being applied is not well understood -
44 is that what it comes down to?

45 A. Yes, I think that's what it comes down to.

46
47 Q. Are you saying that the healing process for survivors

1 would be assisted by those principles being clearly
2 identified and the survivor recognising that they have been
3 applied in the individual case?

4 A. Yes.

5
6 Q. I assume you accept, however, that in defining those
7 principles there are some real difficulties for anyone who
8 seeks to do it; is that right?

9 A. Yes, I think it is an enormously difficult project and
10 one which would require a real meeting of - yes --

11
12 Q. It is a project that is on our terms of reference, so
13 we will look at it.

14 A. Thank you very much.

15
16 MR BECKETT: Q. Mr Lucas, just to pick up the issue of
17 equity, do I take it when you speak of equity, do you mean
18 that within an individual scheme - so, for example, we're
19 talking about The Salvation Army scheme at the moment -
20 each of the claimants should be treated equitably as
21 a general principle?

22 A. Yes, that's what I mean.

23
24 Q. Would that include application of the principles that
25 you have just been discussing with his Honour in an
26 equitable fashion across all claims?

27 A. Yes.

28
29 Q. Would that include calculation, for example, of an
30 applicable ex gratia payment?

31 A. Yes.

32
33 Q. You would also agree, wouldn't you, that the claimants
34 that came to you for assistance presented a whole variety
35 of different matters that would need to be taken into
36 account in calculating any amount such as that?

37 A. Yes.

38
39 Q. And some of those might include, for example,
40 particular mental health issues that a claimant might have?

41 A. Yes.

42
43 THE CHAIR: I think, Mr Beckett, we know the field we are
44 in, but work needs to be done to identify the principles.

45
46 MR BECKETT: Yes.

47

1 THE CHAIR: And everyone I think, if they don't understand
2 by now, realises from what we have said so far that this is
3 an issue which needs to be discussed with all organisations
4 that have engaged with people in an endeavour to provide an
5 appropriate response, but it is an issue of considerable
6 complexity.

7
8 MR BECKETT: Thank you, your Honour.

9
10 Q. Mr Lucas, at paragraph 17 of your statement, you make
11 some comments about delay in the process.

12 A. Mmm.

13
14 Q. I wonder if you could shortly state what your concerns
15 are about the delays that you and the people you
16 represented experienced going through The Salvation Army
17 claim process?

18 A. Well, once people have reached the point of making
19 a full statement, and having that recorded, my experience
20 was that they become very raw, very emotionally - it brings
21 up all the issues. Consequently, they want a response,
22 they need a response fairly promptly, and there were
23 a number of times when there was a delay of some months
24 between the impact statement arriving at the - you know, in
25 Sydney, and there being a response, and during that time,
26 people would often become very agitated, and so I had a lot
27 of work often in those intervening months or weeks in
28 providing regular, sometimes two or three times a week,
29 support to those people, because they were feeling very
30 tender and wanting to know what was happening and why
31 weren't they hearing.

32
33 Q. Could that anxiety have been averted, at least to some
34 degree, by a process which included notification of when
35 a particular impact statement was going to be considered by
36 the relevant committee?

37 A. I think that would have helped. What I was told was
38 that the impact statement would be considered at the next
39 meeting, which I understood was a monthly meeting.
40 Sometimes, if, for some reason, there wasn't a meeting that
41 month, it might be a couple of months before it got to that
42 committee, so what I would say to the people who had made
43 the statements was, "Look, it's going to go to the
44 next impact - your impact statement's going to go to the
45 next committee meeting and we should hear back soon after
46 that." But I wasn't sure whether we were going to hear
47 back straightaway.

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Q. But that's essentially all you could do, is advise them of what you thought the process was going to be on the basis of the best information The Salvation Army had given to you?

A. Yes.

Q. You have mentioned there about how the giving of the impact statement is a very raw process, and I think you also indicate at paragraph 18 of your statement that the meeting that then occurs after the lodging of the impact statement is also a very raw one for those claimants; is that correct?

A. It's correct, yes.

Q. Let's take it from the people who are attending there. As I understand it, you were attending together with the claimant, as well as representatives from The Salvation Army?

A. Yes.

Q. Given that it was so emotionally very raw, what would you, for example, be doing during that process to assist?

A. Well, I would sit, usually fairly close to the person, the claimant, and just try and keep an eye on how they were going with it. Usually, my role was just to be there, to sit beside them. If they were having a particular - if they were having a really difficult emotional experience, I might ask if we could - you know, did they want to go out and have a break or a cup of tea, or something like that, you know, just to try and - really, just to be there as a support person.

Q. During your four years dealing with these or attending these sorts of meetings for Salvation Army claims, what was, generally speaking, the attitude of The Salvation Army officers who attended those meetings to the claimant?

A. Generally, the attitude was very sympathetic. I found that the particular Salvation Army officer who I dealt with most was very sensitive to the people and often quite - herself, quite emotional as a response to what was actually being revealed. So generally, I found the response to be a genuine and a sympathetic one.

Q. Were apologies generally given at those meetings by The Salvation Army officers?

A. Yes, they were.

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Q. We have some evidence that has been given to us of a degree of occasions where there was acknowledgment but no precise apology. Does that also accord with your memory of those meetings?

A. My memory is that on most occasions apologies were made. I can't remember any cases where apologies weren't made.

THE CHAIR: Q. When they were made, in your experience, were they accepted by the person receiving them?

A. I think they were accepted in most cases.

MR BECKETT: Q. I take it that you understand that apologies can come, of course, in different forms?

A. Mmm.

Q. In the sense that some might recognise the suffering that a person is going through as a result of what occurred to them, and some apologies might go a step further and assume responsibility, take responsibility for what occurred and then apologise for that, in particular?

A. Mmm.

Q. As a general proposition, did the apologies tend to fall into the first category or into the second category, or into both?

A. Into both, yes.

Q. Was there anger expressed at those meetings by the claimants?

A. On some occasions there was, yes.

Q. How was that dealt with by you and by representatives of The Salvation Army?

A. Well, I could understand anger being expressed. It usually didn't come out in a very forcible way, but sometimes people would say that, you know, they were very - they felt very hurt by the process, and sometimes people would find, for example, that meeting someone with a Salvation Army uniform on would - some people would find that was an affront as well. But usually, the anger wasn't of a violent nature or anything like that; it was just an underlying, I suppose, guardedness or dissatisfaction, mmm.

Q. You referred there to Salvation Army officers attending the meetings in uniform. Was that always the

1 case?
2 A. Yes.
3
4 Q. Was there ever any discussion between you and
5 The Salvation Army about adopting, perhaps, a different
6 approach to attending meetings, in terms of their uniform?
7 A. Not really. I mean, on a couple of occasions I can
8 remember informing The Salvation Army officer that
9 so-and-so had been a bit upset by the uniform, and they had
10 said that they were really sorry about that and they didn't
11 realise that that would have been a problem. I mean, it
12 wasn't, you know, a big issue for many people, but for some
13 people it was an issue.
14
15 Q. So it happened with some degree of frequency; is that
16 right?
17 A. Reasonably, yes, yes.
18
19 Q. Was it something that you chose to raise, either with
20 the people you were representing --
21 A. Well, I mean only in that informal way of saying
22 "So-and-so was a bit upset by your uniform".
23
24 Q. Sorry, I asked that poorly. Prior to the meeting, did
25 you say to the claimants, for example, "Do you know that
26 The Salvation Army will attend the meeting in uniform"?
27 A. Yes, I often said that to people before the meeting,
28 yes.
29
30 Q. Did people object at that stage or was it more likely
31 that when they were actually confronted with the uniform,
32 if you like, they reacted?
33 A. Most people didn't object to that, but some - a couple
34 of people subsequently, after the meeting, had said that
35 that had been a bit of an issue for them, it had brought
36 back memories.
37
38 Q. At paragraphs 23 and 24 you set out your evidence
39 about the making of offers of ex gratia payments. You say
40 that, in your experience at least, the amount that was
41 offered was generally accepted by the claimants; is that
42 right?
43 A. Yes, generally, mmm.
44
45 Q. But there were a number of occasions, I presume, where
46 the amount was poorly received or even rejected --
47 A. Yes.

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Q. -- at that first stage. In your experience, is it possible to generalise about the reasons why those amounts were offered? What were the sorts of reasons that claimants gave to you?

A. Reasons for?

Q. For rejecting an offer or being disappointed with an offer?

A. Well, in the cases where people rejected the offer, there were usually very specific circumstances why, as to why they rejected the offer, and each circumstance would be different. There is no general - I can't think of any general reasoning why people rejected. It was because of a specific issue that - it may have been, for example, that one of their siblings had been in the same home and had received much more in a previous claim, and so there was - that would have been one issue that came up from time to time, or that sort of thing.

Q. We will come to some specific examples a little later. You say in paragraph 24:

The offer would often 'Come out of the blue', but there was a sense that 'That was it'.

A. Mmm.

Q. What did you mean by that, by "That was it"?

A. Well, my experience was that the offer would come, always with the same letter, covering letter, and the amount would vary, and that was it. That was the offer. Most people decided to accept the offer, and others, you know, were not going to accept the offer, in which case, there would be an ongoing correspondence; but most people were able to accept the offer.

Q. You suggested to them, as I understand from your evidence, that the claimant could accept or reject the offer?

A. Yes, I would always make it clear to people that they could accept the offer or they could reject the offer. Their response to the offer was their response, and I would simply be there to - you know, to transfer that response back to The Salvation Army.

1 Q. And you did that often by way of letter or speaking
2 with the member of the Professional Standards Office; is
3 that right?

4 A. No, it was usually just speaking - when I - when the
5 client received the letter making the offer, we would have
6 a discussion about that. I would let them know - they
7 would read the letter and then they would respond to the
8 letter, and their responses would vary, and my job was
9 simply to hear those responses and to represent those
10 responses back to The Salvation Army.

11
12 THE CHAIR: Q. Mr Lucas, it may be hard to generalise -
13 and tell me if it is - people who are dissatisfied, was it
14 because a particular need they had wouldn't be met by the
15 offer - that is, a need for counselling or other
16 medical-related assistance? Was it a need for some other
17 form of assistance, or was it a general sense of "This
18 isn't enough for the hurt that I suffered." If you can't
19 generalise, don't try to, but I just wondered whether there
20 was a theme that came through for people?

21 A. It was usually in my experience referring to
22 a particular instance, a particular situation, where they
23 felt that they had been wrongly dealt with in their claim,
24 usually in a specific kind of way.

25
26 Q. You mean to meet a specific need?

27 A. Yes.

28
29 Q. Like counselling or --

30 A. Well, not - well, not so much in counselling, but in
31 my experience more that they, you know - there had been
32 a particular situation for them which hadn't been dealt
33 with effectively, that the main point that they were trying
34 to make in their claim hadn't been heard by The Salvation
35 Army.

36
37 Q. Can you help me with an example?

38 A. Yes. For example, one person wanted a particular
39 apology from a particular person, and it was extremely
40 important for her to have that as part of her process in
41 healing, and without that, she felt that she couldn't move
42 forward, and that she felt her need to have that apology
43 made from that particular person had been ignored or
44 bypassed in some way, so she felt that - you know. And
45 that was an ongoing issue for her.

46
47 Q. What about people who didn't think that they'd been

1 offered enough money?

2 A. Yes, there was also - I can think of an occasion where
3 someone who wasn't offered enough money became very upset
4 and it was --

5
6 Q. What was the cause of rejection of the offer? What
7 was the element that they --

8 A. Well, it was because this particular person had
9 a sibling who had been offered a much higher amount than
10 she had.

11
12 Q. So it was a question of equity?

13 A. A question of equity, yes.

14
15 Q. Can you identify any other typical reasons for
16 rejecting the money sum?

17 A. Yes. On another occasion, I can remember someone who
18 was not given an opportunity to have a meeting with The
19 Salvation Army on the basis of his claim because of the
20 length of time that he had spent in the institution
21 concerned, and felt that his claim had been dismissed
22 simply because he had only been there for a very short
23 period of time even though, in his experience, that was -
24 the core of his abuse happened through that experience,
25 that short-term experience and what happened subsequently.

26
27 Q. So he was rejected altogether, was he?

28 A. Yes.

29
30 THE CHAIR: Is that an appropriate time?

31
32 MR BECKETT: Thank you, your Honour.

33
34 HIS HONOUR: We will take the short adjournment.

35
36 **SHORT ADJOURNMENT**

37
38 MR BECKETT: Q. Mr Lucas, shortly before the break, we
39 were discussing a number of things, including the making of
40 offers of ex gratia payments to claimants. Do you recall
41 that evidence?

42 A. Yes. Could I just ask to make one statement? Just
43 reflecting over the break --

44
45 Q. Yes, please.

46 A. -- about one of my responses in the previous session.
47 When I said that people were mostly inclined to accept the

1 offer that The Salvation Army had made to them, I think
2 what I would rather say is that they were resigned, they
3 accepted that with a degree of resignation, that there
4 was - you know, that there was no other process that was
5 open to them; so I just wanted to make that clear.
6

7 Q. You say something at paragraph 24 about the offer
8 coming out of the blue and there being a sense that "that
9 was it".

10 A. Yes.

11
12 Q. Do I take it that you meant that effectively the offer
13 had been made, that was the end of the process, there
14 really wasn't a further opportunity to obtain an additional
15 amount or additional types of redress, other than that
16 which had been offered in the letter?

17 A. Yes. I think they had gone as far as they could go
18 and the only other alternative would have been to try and
19 go to a formal legal process, which would have meant with
20 the Statute of Limitations, and so forth, that they would
21 have had very little - the sense was that they would have
22 had very little chance of doing anything other than accept
23 what they had been offered.
24

25 Q. What makes you conclude that there was resignation as
26 a general proposition - what did they say to you to
27 indicate that resignation?

28 A. They would say things like, "Well, I suppose I had
29 better accept it, then", you know. "That's about as good
30 as it's going to get, isn't it?" And I would never - I
31 would always say, "Well, if that's what you feel", but
32 people's general response was one of, "Well, that's it,
33 then. They have made the offer, I suppose I had better
34 accept it. I can't do anything else." You know.
35

36 Q. You said earlier that you advised the claimants that
37 they could either accept or reject the offer.

38 A. Mmm.

39
40 Q. Did you give them any advice about whether they could
41 negotiate further with The Salvation Army about the amount
42 that had been offered?

43 A. No, I didn't give them advice. I simply told them
44 that they could reject the offer. Their response to the
45 offer was entirely in their court, you know - they could
46 either accept it or reject it. And I would simply follow
47 their instruction in that matter.

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Q. Was it your practice to say to them, "You could go back with a counter-offer", if you like, or "Ask for another \$10,000 or \$20,000?"

A. No, that certainly wasn't my practice, no.

Q. Why was that?

A. Well, I felt that my role was simply to go with their process, really. Rather than try and give them options which were out of my head, I thought what I should do would be to - I used to tell them that they could accept or reject and then go from there. If they said, "I'm not going to accept", "Well then, what would you like?" So I would try to follow their process in responding.

Q. We will come to some individual examples, including some that you gave evidence to his Honour about just before the break, but it is correct to say, isn't it, that in particular cases, individual claimants were able to go back once, twice or three times and achieve a greater offer on the basis of rejecting the first offer and seeking an increase in the offer; is that --

A. Yes.

Q. In your experience, was there a rational basis for why increased amounts were provided on those subsequent occasions?

A. No, I can't remember having any reasons being offered; simply a higher offer was made in a couple of instances, yes.

Q. In your experience, was it simply a case of the squeaky wheel gets the best result?

A. Well, I find it hard to know whether that was the case, but certainly having rejected an offer on a couple of occasions, a higher offer was then made, and I don't know on what basis that higher offer was made.

Q. I will come to that in a moment. I wanted to ask you about disciplinary processes within The Salvation Army. First of all, in a number of the cases that you dealt with, allegations were made against identified officers who had worked, for example, at Indooroopilly boys home or Riverview boys home or some of the other boys homes operated - or girls homes, for that mattered - by The Salvation Army; that's right, isn't it?

A. Yes.

1
2 Q. The names of those officers were indicated in the
3 victims' impact statements?
4 A. Yes, sometimes they were, yes.
5
6 Q. First of all, if we go from the point of view of the
7 claimant, did any of the claimants have an expectation that
8 disciplinary proceedings would be taken against any of
9 these officers?
10 A. Yes, I think it was an expectation.
11
12 Q. Was there an expectation that particular matters would
13 be referred to police if necessary?
14 A. Yes.
15
16 Q. What was the response, in your experience, from
17 The Salvation Army, first of all, to the question of
18 referring matters for disciplinary treatment?
19 A. Well, there were a couple of instances only that I can
20 remember, but in one particular instance that became
21 a major issue, which was actually having that person - to
22 make that person aware of the request for a personal
23 apology and that was a problematic issue, it didn't happen
24 until the very last minute, and then, you know, some years
25 in the asking.
26
27 Q. Are you referring there to - there is a pseudonym list
28 in front of you. Was that the claim of [JD]? Just on the
29 table in front of you, taped to the table, should be
30 a list.
31 A. Yes, it was.
32
33 Q. That was the claim of [JD]?
34 A. It was.
35
36 Q. She was seeking an apology from Colonel Everitt?
37 A. That's correct.
38
39 Q. What about in terms of provision of evidence or
40 allegations to the police - was that something that came up
41 in your time assisting people at Micah?
42 A. I can't remember that particular issue coming up.
43
44 Q. Did claimants come to you saying something along the
45 lines of, "I want this man referred to the police",
46 for example?
47 A. I can't remember that happening.

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Q. Did it arise from the other side, in the sense that you went through a number of these meetings between Salvation Army officers and the claimants - did The Salvation Army officers ever raise with claimants at those meetings the possibility of referring an individual officer or perpetrator, if you like, to the police?

A. I can't remember that happening.

Q. After the offer had been made and the decision had been made by the claimant as to whether to accept or reject it - let's take where they have accepted it - what follow-up, or what was the next step in terms of engagement between the claimant and The Salvation Army?

A. Well, when they decided to accept the offer, then that would be the substance of a letter that was then sent to The Salvation Army, or a communication with them that they were prepared to accept the offer, and then the formal offer with a deed of release would be supplied and the person's bank account details, and so forth, would need to be forwarded to The Salvation Army; the deed of release would need to be signed by the claimant; and then the process of payment would occur.

Q. In your experience, did the claimants get legal advice with respect to the deed of release?

A. No, I can't remember that happening.

Q. Even in an individual case - was there a particular case where there may have been a solicitor involved who provided such advice?

A. No.

Q. Did The Salvation Army ever suggest to the claimants that they get legal advice about the deed of release?

A. No.

Q. Did the Salvation Army ever, in your experience, offer any funds so that legal advice could be obtained by the claimant?

A. No.

Q. Did you advise claimants to go and get legal advice with respect to the deeds of release?

A. No.

Q. Was there any particular reason for that?

1 A. No.
2
3 Q. You understand it is a legal document, a binding
4 contract between the claimant and The Salvation Army?
5 A. Yes, I did understand that.
6
7 Q. Then you address in your statement from paragraph 27
8 onwards the case of [JD]. Now, the Royal Commission heard
9 from [JD] on Friday, and so the Royal Commissioners are
10 aware of, generally speaking, her evidence. I think you
11 came into the matter after the stage at which she had been
12 offered an ex gratia payment of \$45,000?
13 A. That's correct, yes.
14
15 Q. What was uppermost in her mind was that there be an
16 apology from Colonel Everitt, who had received her
17 allegations, along with [JG], back in 1992; is that right?
18 A. Yes.
19
20 Q. What did you do to assist in obtaining that apology?
21 A. Well, I supported her in writing to The Salvation
22 Army, making it clear that in order for her to be able to
23 move forward in her life, she required an apology.
24
25 Q. What was your response when a letter came back saying
26 that the writer or the Salvation Army considered that
27 Colonel Everitt was simply too old to be approached about
28 the issue?
29 A. Are you asking my reaction to that?
30
31 Q. Yes, what was your reaction?
32 A. I thought it was unhelpful.
33
34 Q. Why was that?
35 A. Well, because age was not really - she wanted an
36 apology from this person irrespective of how old he was at
37 the time, and just to be told that he was too old was not,
38 in her eyes, a sufficient explanation as to why he wouldn't
39 be able to write her a letter, apologise.
40
41 Q. And what was her response to that letter?
42 A. She was extremely upset that - yes - with that letter,
43 yes.
44
45 Q. And you annex those letters to your statement,
46 don't you?
47 A. Yes.

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Q. In JL1 - I wonder if that could come up please - this is the letter from Lieutenant Colonel Philip Cairns to [JD], dated 23 June 2009. You will see at the start of the second paragraph, it reads:

I want you to know that it has been decided not to contact Lieutenant Colonel Stan Everitt as he is an elderly retired officer now and at the time of your abuse there were no clear guidelines for him to follow.

A couple of things about that. First of all, it appears to be the case that a decision has been made not to initiate that contact with Colonel Everitt, in the sense that there is a reluctance within The Salvation Army to take that step of approaching Colonel Everitt. Did you understand that at the time?

A. I did, yes.

Q. And that there were no clear guidelines for him to follow. Were you ever, or was Ms [JD], assisted by you, ever, offered any guidelines in terms of the guidelines that applied at that time or guidelines that applied in 2009?

A. No.

Q. Do you think if those guidelines had been supplied and some explanation given of the current system, that would have assisted [JD]?

A. Yes, I do think that, yes.

Q. It appears that as a result of further advocacy on [JD]'s behalf by you, The Salvation Army did take the step of going and speaking with Colonel Everitt; is that your understanding of what happened?

A. Yes. Yes. Yes.

Q. As a result of that meeting, a letter then came back to [JD] care of yourself, explaining what had happened with Colonel Everitt?

A. I don't remember that letter coming back to me.

Q. But you have been shown it subsequently, I understand?

A. Yes.

Q. That is JL6. I wonder if that could come up, please.

1 Do you recall [JD] speaking to you about her reaction to
2 this particular letter?
3 A. No, I don't.
4
5 Q. You will see in that letter - you read it when you
6 made your statement?
7 A. Mmm.
8
9 Q. You recall its contents, I presume?
10 A. Yes.
11
12 Q. Feel free to read it, if you would like to refresh
13 your memory.
14 A. Yes, I do remember that letter now.
15
16 Q. So it appears to be the case that effectively what the
17 author of that letter was doing was communicating the
18 substance of a conversation or communication between
19 The Salvation Army and Colonel Everitt?
20 A. Yes.
21
22 Q. Do you consider it odd that no comment seems to be
23 made about Colonel Everitt's response to that approach?
24 A. I'm not quite sure what --
25
26 Q. Well, in the sense that there doesn't seem to be any
27 reaction from the Salvation Army to what he said, either to
28 support it or to criticise it, in that letter; it is simply
29 stated what the communication was from Colonel Everitt,
30 namely, rejecting the apology --
31 A. Yes.
32
33 Q. -- and then passing that on to the claimant, [JD]; is
34 that reasonable?
35 A. That's the way I read that letter, yes.
36
37 Q. In your experience as somebody assisting claimants, do
38 you think that is an advisable way in which to approach
39 that kind of matter?
40 A. It seems very guarded. It's not a helpful way to
41 approach the issue, I don't think.
42
43 Q. In [JD]'s case, her concerns at the time were related
44 to a complaint that she had made to Colonel Everitt, that
45 he appears to have dismissed and taken no further action
46 on.
47 A. Yes.

1
2 Q. That's your understanding?
3 A. That's my understanding.
4
5 Q. And much of the focus was on Colonel Everitt's actions
6 following the disclosure to him of the sexual abuse?
7 A. Yes.
8
9 Q. Was there any discussion about the disciplinary
10 action, if any, taken with respect to the abuser,
11 John Lane?
12 A. Well, that was talked about. She talked about that
13 a lot in our initial meetings, and the effect which that
14 had had upon her, particularly with her mother's marriage
15 to that man and then, when she finally decided to go to
16 The Salvation Army to report the matter officially, it was
17 the response from Colonel Everitt at that time, on top of
18 all the other things that had happened, which completely
19 disorientated her and which became the focus for her
20 ongoing complaint, really.
21
22 Q. During the process that she went through, assisted by
23 you, of her claim, was it ever explained to her about the
24 nature of any disciplinary action taken against John Lane?
25 A. Well, no, except that he was convicted and imprisoned,
26 but no, I don't --
27
28 Q. In terms of internal disciplinary processes within
29 The Salvation Army?
30 A. No, not that I can recall.
31
32 Q. Was she critical of The Salvation Army for that?
33 A. Extremely so, yes.
34
35 Q. You also give some evidence - just going on to
36 Cheryl Eldridge's case. I think there is the matter where
37 she was first offered \$7,000 ex gratia payment, plus an
38 "in kind" payment of \$7,000, plus some counselling?
39 A. Yes.
40
41 Q. You referred to this matter earlier on, I think, in
42 some questions that his Honour asked of you?
43 A. I did.
44
45 Q. Because that amount went from \$14,000, next up to
46 \$30,000, and finally to \$40,000?
47 A. Yes.

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Q. That was as a result of Ms Eldridge rejecting the first offer and seeking a higher offer; is that correct?
A. Yes.

Q. And the basis upon which she was doing that was that her sister - she thought she was to be compared with her sister and that her sister had received \$50,000; is that the comparison that was being made?
A. Yes.

Q. Was there ever any response from The Salvation Army with respect to that issue - that is, "Your case is comparable to hers", "It is not comparable to hers", or "We've applied these particular principles".
A. There was some comment in a letter to the effect that each matter was considered on its own merits, so to speak, or in a specific way - in other words, in that letter it seemed that they were saying that, you know, "Even though you are sisters, there are specific circumstances which may be different for you" - that was a general comment that was made in a response from The Salvation Army.

Q. Did there appear to have been any investigation of the basis upon which the \$50,000 had been awarded to her sister?
A. Not that I'm aware of, no.

Q. You say in paragraph 41 that it appeared to you that The Salvation Army were trying to "fix" each issue raised instead of undertaking a proper reconsideration of its decision; do you see that?
A. Yes, that's the way it came across to me. Each time there was a kind of question raised, the offer went up.

Q. Is that because you were not told of the basis upon which the amount had been increased?
A. Yes.

Q. During this process, it is not annexed to your statement, but I understand it came through you - I wonder if annexure CE11 to Cheryl Eldridge's statement can come up, please. We have an email from you to Major Daphne Cox of 24 August 2009 where you forward an email that had come from Cheryl Eldridge raising a number of questions.
A. Yes.

1 Q. If we just scroll down to the next page, she says at
2 the top:

3
4 *Thanks for your support so far.*

5
6 This is addressed to you:

7
8 *I am considering the offer made by The*
9 *Salvation Army, however I need further*
10 *clarification prior to making a decision.*

11
12 This is the stage at which she had received an offer of
13 \$40,000. And she raises a number of issues there in those
14 four questions - do you see that?

15 A. Yes.

16
17 Q. The second one is what criteria was the offer based
18 upon and whether particular professionals had been
19 consulted in relation to determining the amount. Do I take
20 it from that that neither you nor, apparently, Ms Eldridge,
21 understood what criteria was being applied to the
22 determination of the ex gratia amount?

23 A. Yes, that's correct.

24
25 Q. As we understand it, prior to receiving an answer to
26 those questions, Ms Eldridge went ahead and accepted the
27 offer that had been made to her. Were you aware of that?

28 A. I'm not really - I wasn't, no.

29
30 Q. Were you aware that answers to those particular
31 questions arrived some four weeks after she had signed the
32 deed of release?

33 A. Yes, I think I can remember - I think I have some
34 recollection of those responses having come to her.

35
36 Q. Prior to her signing the deed of release, did
37 Major Cox contact Ms Eldridge, to your knowledge, to
38 explain to her what the criteria were which had been
39 applied to the \$40,000?

40 A. I don't know whether that happened. I can't be sure.

41
42 Q. Not as far as you know?

43 A. Not as far as I know.

44
45 Q. Then in your statement you come to [JE] - if you have
46 a look at the pseudonym list there. This is the gentleman
47 who was at Riverview for 12 days?

1 A. Yes.
2
3 Q. Is this the case where it appeared that because he was
4 there for a relatively short period of time, a decision had
5 been made not to offer him any ex gratia payment at all
6 because of that short period of time?
7 A. Yes. I can recall there were two grounds upon which
8 his claim had been rejected. One was the amount of time
9 which he spent there; and, secondly, that they had been
10 unable to find or locate the room which he described in his
11 statement to them.
12
13 Q. Just to confirm, you were acting as his advocate at
14 the Micah Centre during that period of time; is that
15 correct?
16 A. At that time I was, yes.
17
18 Q. Did Daphne Cox or, indeed, anybody else from
19 The Salvation Army ever approach you and say, "We have some
20 doubts about the existence of this solitary room. Do you
21 think Mr [JE] could provide some more evidence about that?"
22 A. I don't recall that happening, no. Just - it was only
23 in that letter that I am aware of the grounds that they
24 rejected his claim.
25
26 Q. Then Mr [JE] wrote a very strongly worded letter back
27 to The Salvation Army?
28 A. Yes, he did.
29
30 Q. That appeared to get a reconsideration made of his
31 claim; is that correct?
32 A. I wasn't aware of that. I know that he responded very
33 angrily when he received the letter.
34
35 Q. One of the things that he was angry about was that
36 there had not been any meeting between him and
37 The Salvation Army?
38 A. Yes.
39
40 Q. That was unusual, was it not?
41 A. It was, yes.
42
43 Q. In the sense that he had received a letter rejecting
44 any payment of an ex gratia amount prior to there being any
45 meeting between him and The Salvation Army?
46 A. Yes, it was unusual in that respect, yes.
47

1 Q. And then after that meeting, there appears to have
2 been a reconsideration of his matter and he was offered an
3 ex gratia amount of \$20,000. Are you aware of that?

4 A. Not really, no, because at that point, I lost contact
5 with him on a regular basis. He was very angry and
6 I believe that his final statements were organised - or he
7 received advocacy or support from somewhere else, not from
8 me.

9

10 Q. I will go on to [JF], then, who you address in your
11 statement at paragraph 59. This was an issue where Mr [JF]
12 had alleged that there were two sets of - that the abuse
13 that he had suffered fell into two categories. First of
14 all, there was physical abuse by [X18], who is listed there
15 in front of you, and also there was some sexual abuse by
16 [X19].

17 A. Mmm.

18

19 Q. In that case, we are aware that in the victim's impact
20 statement, Mr [JF] did not disclose the name of the person
21 who had sexually abused him, but that when he came to Micah
22 and met with a fellow resident at Riverview, I think it
23 was, he said his memory was jogged and he was able to
24 recall the name of a particular officer. Do you recall
25 that?

26 A. Yes, I do, yes.

27

28 Q. We have been given access to a summary of the meeting
29 between Major Cox and [JF], at which I think you were
30 present.

31 A. Mmm.

32

33 Q. Major Cox expresses the opinion that she was
34 suspicious of the late mention, as she calls it, I think,
35 of the name of the sexual abuser - namely, [X19].

36 A. Mmm.

37

38 Q. Do you recall that meeting, first of all?

39 A. In vague terms I do, yes.

40

41 Q. Do you recall there being any surprise by her about
42 the naming of the person alleged to have sexually abused
43 [JF]?

44 A. I remember that there was some concern about that
45 name. I can't quite remember exactly what the concern was,
46 whether it was not recognising that name or - I think my
47 recollection, vague though it is, is that there was some

1 concern about who that person was.
2
3 Q. Was any concern raised by Daphne Cox, then, at the
4 meeting or after the meeting, which would indicate that she
5 doubted his account?
6 A. I can't say that, no.
7
8 Q. Do you recall [JF] being given any opportunity to
9 provide any more information about the sexual abuse by
10 [X19]?
11 A. I don't recall that.
12
13 Q. The final matter I want to raise with you is the
14 matter of [ES]. Again, please refer to the top left-hand
15 corner and you will see the pseudonym there. I understand
16 [ES] was also somebody that you assisted?
17 A. Yes.
18
19 Q. I think you might recall [ES] - I think he has one
20 leg. That might assist you with remembering him?
21 A. Yes - only vaguely I can remember him, even with one
22 leg. I know that I worked with him, because I know the
23 name, but I don't actually recall - I can't really put
24 a face to him.
25
26 Q. All right. He was at Riverview?
27 A. Right.
28
29 Q. And part of the evidence that he has given to the
30 Royal Commission involves him being locked in a cage at
31 Riverview?
32 A. Mmm.
33
34 Q. And being sexually abused by Captain Victor Bennett.
35 Does that assist?
36 A. Yes, it does.
37
38 Q. And there were various allegations including crawling
39 around a goalpost, I think, with a dead chicken?
40 A. Yes.
41
42 Q. It appears from the evidence that you attended
43 a meeting as his advocate on 15 February 2011.
44 A. Mmm.
45
46 Q. Do you recall going to that meeting at all?
47 A. Not really, no.

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Q. Do you recall somebody called Terry Laidlaw, from the Red Cross, assisting Mr [ES]?

A. No.

Q. Do you recall whether [ES] was literate or not?

A. No.

Q. We have evidence that a letter was sent to [ES], including documentation to sign - the standard one, including a deed of release as well as a separate letter including an ex gratia payment, offered together with an apology. Were you involved at all at that stage with Mr [ES]?

A. I don't think so. It was about the time when I finished working. It was in that year that I - I can't remember exactly when, but I was at the end of my tenure as an advocate then, and I don't remember, actually, what happened.

Q. Those are my questions, Mr Lucas. I am just wondering whether there was anything else that you would like to assist the Royal Commission with?

A. No.

<EXAMINATION BY MS EASTMAN:

MS EASTMAN: Q. Mr Lucas, I am representing The Salvation Army and there are a few questions that I wanted to ask arising out of your statement. Could I start by asking you this: is it fair to say that the overall relationship between you and The Salvation Army officers was a good relationship?

A. Yes, that's fair.

Q. And there was open communication with The Salvation Army officers?

A. Yes.

Q. And if there was any matter that troubled you or concerned you about how The Salvation Army was dealing with any of the survivors, you felt comfortable in raising any of those concerns?

A. Yes.

Q. I just want to take you now to the statement, if you have a copy with you. At paragraph 6 and paragraph 7 you

1 refer to the expressions "claims process" and "claims". Is
2 that an expression that you use to describe the engagement
3 between you and the survivors and the survivors and the
4 army?
5 A. Can I just have a look at that statement? Is it at
6 number 6, is it?
7
8 Q. So paragraph 6 and paragraph 7, the expression
9 "claims", and "claims process" is used.
10 A. And what was your question again, please?
11
12 Q. Is that a word or are they expressions that you use to
13 describe the process of the survivors engaging with you and
14 also them with the army?
15 A. Yes, the claims process.
16
17 Q. Was that an expression that came from the army or an
18 expression that you used to describe the process?
19 A. It was my description of the process.
20
21 Q. When you are talking about claims and claims process,
22 you are not just looking at the process of dealing with any
23 legal issues that might arise between the survivors and the
24 army; is that right?
25 A. No, that's right, yes.
26
27 Q. In a sense, your use of the expression "claims
28 process" is really talking about a process of engagement so
29 that the survivors could be heard with respect to their
30 experiences and start a process with the army?
31 A. Yes.
32
33 Q. In terms of a claims process, it was the case, wasn't
34 it, that not everybody who approached the Esther Centre,
35 and for whom you provided assistance, necessarily wanted to
36 make a claim by which they were seeking some form of
37 financial outcome?
38 A. I think all the people that approached me were wanting
39 to both achieve an apology and a financial settlement from
40 The Salvation Army.
41
42 Q. I just want to work through the process a little,
43 because I think you have described it in a summary sense in
44 paragraph 9 of the statement.
45 A. Could you scroll down a little bit, please, so I can
46 read that?
47

1 Q. The paragraph starts on that page and continues over
2 the following page, so you might need to read the whole of
3 the paragraph.

4 A. Yes.

5

6 Q. Have you had a chance to read that?

7 A. I have, yes.

8

9 Q. When you are describing in paragraph 9 your
10 understanding of the process, you are talking there about
11 once a survivor had identified as someone who had been
12 a former resident or had some involvement with
13 The Salvation Army, this was the process used in terms of
14 dealing with The Salvation Army?

15 A. Yes.

16

17 Q. As I understand reading your statement, is this
18 correct, you assisted not only survivors with their claims
19 concerning The Salvation Army, but you may have also
20 assisted survivors with claims in relation to the
21 Queensland Government or other church institutions, things
22 of that kind?

23 A. Mmm, yes, that's correct.

24

25 Q. So the first step would really be, I imagine, having
26 some understanding of the survivor's experiences. Would
27 that be something that you would discuss in any detail with
28 them prior to starting the claims process with the army?

29 A. You mean them talking about what happened to them?

30

31 Q. Yes.

32 A. Yes, I mean, that's where it would usually start.

33

34 Q. How would that come about? Would a survivor just
35 approach Lotus Place or telephone you? Can you just assist
36 us to have some understanding before we deal with the
37 engagement with the army - what was the process of the
38 survivor coming forward?

39 A. Well, we operated a drop-in centre, or still do, where
40 people who are vulnerable who have been through those
41 experiences come and spend time and talk together, and
42 often, you know, people who have been in the same
43 institution perhaps get together and out of that may come
44 someone who said, "Oh, look, I heard about so-and-so", and
45 often word of mouth spreads that you can do this - this is
46 an option. And so people would then identify themselves
47 and say, "Look, I want to put in a claim." And then they

1 would be referred to me. If they didn't talk to me
2 directly, the person they talked to me would say, "Well,
3 talk to John about that." And so that's how it would
4 start, really.

5

6 Q. And in terms of being a drop-in centre, were there any
7 organised support groups or meetings or processes that were
8 available for people to drop in and talk about their
9 experiences?

10 A. Well, mainly it was practical support that we were
11 offering to people, you know. It was mainly about housing
12 issues or issues of finance or day-to-day living - you
13 know, life issues that they were trying to deal with, and
14 we would be providing practical support to those people,
15 and in the process, getting to know them, often their
16 issues, their former experiences, would come up.

17

18 Q. Would it be a case that for each of the survivors
19 their experience, in terms of being able to talk about
20 those issues or get to the point of saying to you, "John,
21 I want to pursue a claim", might be very different?

22 A. Yes, that would be true, yes.

23

24 Q. So some might come in at a fairly early stage and say,
25 "Right, I'm ready to make a claim", but others might take
26 quite a while to work through that process?

27 A. Yes.

28

29 Q. When a survivor decided that he or she wanted to make
30 a claim, was there a process by which you took any notes or
31 documented what the survivor's experience had been?

32 A. Yes.

33

34 Q. Was that just the preparation of the victim's impact
35 statement, or was there a process internally at Lotus Place
36 in terms of collection of information?

37 A. No, it was simply in terms of their claim.

38

39 Q. As I understand your evidence, you explained to them,
40 before starting the process, what would be involved?

41 A. Yes.

42

43 Q. And did that involve telling them that they would need
44 to make a victim's impact statement?

45 A. Yes.

46

47 Q. And then that you, on their behalf, would send the

1 impact statement to The Salvation Army?

2 A. Yes.

3

4 Q. And did you then tell them that the next step was that
5 they were likely to receive a letter via you informing them
6 that their impact statement had been received?

7 A. Yes.

8

9 Q. And it was the case that in terms of your role, you
10 would be the contact point between the army and the
11 survivor, so that any correspondence addressed to the
12 survivor would come to you?

13 A. Mmm - well, I would normally ask them if that's what
14 they wanted. Some people - most people would say, yes,
15 they'd rather have me act as an intermediary in that sense.

16

17 Q. And you told them that you were obviously happy to do
18 that?

19 A. I was happy to do that. But if they wanted to - if
20 they had wanted to deal directly with The Salvation Army,
21 that would have been their prerogative.

22

23 Q. Did you have any particular practice at that time,
24 that if you were the contact point - what you would do on
25 receipt of any correspondence from the army? And by that,
26 I mean did you have a process of perhaps reading it and
27 saying, "I think this might upset this person. I might
28 hold off a couple of days before contacting them", or bring
29 them in to the centre to talk to them and read the letter
30 with them? What were the processes that you used in terms
31 of communicating any correspondence from the army to
32 a survivor?

33 A. Well, when I received a letter, it was normally
34 addressed to the person, with me as a kind of "care of".
35 I would then ring the person, contact the person, before
36 I opened the letter, and say, "I've had a letter back from
37 The Salvation Army. Do you want me to open it or would you
38 like me to send it on to you?" And if they said, "No, you
39 open it", I would then open it and read the contents to
40 them. But it would be their choice as to whether they
41 wanted me to open the letter and read it to them or whether
42 I should send it on to them.

43

44 Q. So just coming back to explaining the process to
45 a survivor at the outset, if they agreed that you would be
46 the contact point, did you tell them that you would also
47 make contact with any relevant Salvation Army officers

1 during the course of the process? And by that I mean
2 beyond just the written correspondence back and forth, but
3 you might telephone or email from time to time, if that was
4 necessary?

5 A. I'm not sure that I understand what you are asking.
6 My contact was with The Salvation Army, and the appointed
7 representative of The Salvation Army at that time, not with
8 anybody else in the Salvation Army.

9

10 Q. Just in terms of explaining the process to the
11 survivor at the outset - so we have covered the victim's
12 impact statement, that that would be prepared, you would
13 then send that off, they should expect a letter from the
14 army. I'm just asking whether or not you told the
15 survivors that, in addition to perhaps written
16 correspondence between the survivor, via you, and the army,
17 that you might, on occasion, telephone or have email
18 contact with the officers. Did you tell the survivors that
19 at all?

20 A. Yes, they knew that if there was any email contact of
21 any kind, it would be with their - at their instruction and
22 any information back straight to them.

23

24 Q. Did you say to them that part of the process was that
25 if a survivor, for example, was concerned about not hearing
26 anything for a period of time, that the first thing that
27 they should do was contact you and you would follow that up
28 with the army?

29 A. Well, I didn't find it necessary to tell them that in
30 advance, usually. It was usually in response to delay that
31 I would come - that they would come to me and say, "Look,
32 I haven't heard for three or four weeks now. What's
33 happening?" And then I would say, "I will contact them and
34 find out." So then I would generate - and I would show
35 them, we would write an email together and I would send it
36 to The Salvation Army saying, you know, "Can you please
37 inform me as to where the progress of this matter is at
38 this point?"

39

40 Q. And in terms of outlining the process, did you tell
41 the survivors that the usual process would be that at some
42 point, The Salvation Army officers would suggest that there
43 be a face-to-face meeting with the survivor?

44 A. Yes.

45

46 Q. And did you tell them that with respect to those
47 meetings, it was entirely a matter for the survivor as to

1 whether they wanted to meet with The Salvation Army
2 officers?

3 A. Yes.

4

5 Q. And as I understand your evidence earlier today, you
6 attended most of those meetings with the survivors. Is
7 that something you would have told them about when
8 outlining the process?

9 A. Yes.

10

11 Q. Did you also talk to them about what your role might
12 be in preparing a survivor to have a face-to-face meeting?

13 A. Yes.

14

15 Q. And then did you tell them, as part of the process,
16 that following the face-to-face meeting there might be some
17 ongoing contact and correspondence with The Salvation Army
18 before any final outcome might be notified?

19 A. I simply told them that having received the impact
20 statement, The Salvation Army would consider it and
21 respond, and usually that's what happened, yes.

22

23 Q. And again, that correspondence came to you for the
24 most part as the contact point?

25 A. Yes.

26

27 Q. Did you talk at all to the survivors about what would
28 happen at the end of the process and what services might be
29 available to them - counselling support or otherwise?

30 A. Yes, I did, I told them what would - you know, at the
31 end of the day, what could be the possibilities, and that
32 ongoing support was available to them in any kind of way
33 that they chose to have it, you know.

34

35 Q. At paragraph 16 of your statement - and Mr Beckett has
36 asked you some questions about paragraph 16 earlier today -
37 you tell the Royal Commission that you considered the
38 claims process was straightforward?

39 A. Mmm.

40

41 Q. You say that victims knew where they stood in the
42 process - do you see that?

43 A. Mmm.

44

45 Q. At any stage, were you ever confused about the
46 process, the claims process, with The Salvation Army?

47 A. Well, I think what I should distinguish between, in my

1 statement, is I was not - I was always clear about the
2 mechanics of the process, how it actually worked, but
3 I wasn't clear about the way in which decisions were made.
4 There was no clarification that I'd ever received about the
5 process in that sense, only that this would happen, that
6 would then follow, this would then - the mechanical side
7 I was aware of.

8
9 Q. So your lack of clarity was what might be, perhaps,
10 happening at headquarters or where the victim's impact
11 statement might have been considered or the like?

12 A. Yes.

13
14 Q. Did you ever ask anybody to clarify those matters for
15 you?

16 A. Well, not really. I mean, only informally. I had
17 made it clear that I wasn't sure how they made their
18 decisions at those committee meetings, but there was no
19 information forthcoming, you know, that was being provided
20 about the way in which those decisions were made, and when
21 people - yes, I mean --

22
23 Q. Did you ever write to anybody at The Salvation Army
24 asking for that clarity?

25 A. No, I didn't.

26
27 Q. Is it a matter that you ever raised with Daphne Cox or
28 Robyn Smartt in your dealings with them, to seek some
29 clarity around that issue?

30 A. Well, I have only informally, you know, in
31 conversation with them - you know, I might have said, "I'm
32 a bit mystified about how you reach these decisions", but
33 no, not formally, I didn't make any formal approach to
34 The Salvation Army.

35
36 Q. And when you say in paragraph 16 of your statement
37 that, in a sense, it was easy to work with, do you mean by
38 that that the claims process in terms of the step-by-step -
39 the stages to be followed was relatively clear and easy to
40 work with; is that what you mean?

41 A. Yes.

42
43 THE CHAIR: Q. You said you were mystified by how they
44 reached their decisions, and you said that to Ms Cox. What
45 was the response?

46 A. Well, I can't remember a specific response. My sense
47 is that she wasn't really - I mean, that her job was to

1 come and meet with people on the frontline, so to speak,
2 but that the process of decision making, my sense was
3 always that that was part of another body, another part of
4 The Salvation Army would actually make those decisions.
5 I wasn't aware of what Daphne Cox's position was or whether
6 she was even a member of that committee. I saw her as
7 simply a person who would come to meet with the claimant.
8

9 MS EASTMAN: Q. You never asked Ms Cox what her role
10 might be in the decision-making process?

11 A. No, I don't think I ever did.
12

13 Q. The issue never came up; is that right?

14 A. Which issue?
15

16 Q. About what her role might have been?

17 A. Not in any discussion that I can remember, no.
18

19 Q. Having said that in a sense the process was easy to
20 work with, and you say compared to other institutional
21 processes it was clear and simple, did you need a document
22 from The Salvation Army setting that process out in terms
23 of then telling a survivor what the process would be?

24 A. Not in terms of the mechanics, no. I was clear about
25 what would actually happen, yes.
26

27 Q. And if you had been given a document that set out
28 those stages, do you think it would have made any
29 difference to how you engaged with the survivor and
30 explained the processes to him or her?

31 A. It might have made it, I suppose, more formal, my
32 understanding of the process. My understanding of the
33 process was one that I gained through working in it and not
34 through any formal document.
35

36 Q. Would it have been the case that how you described the
37 process to a survivor would take into account the
38 particular survivor's own circumstances and, for example,
39 the type of information they wanted to know or what you
40 thought they needed to know, in terms of the discussions
41 that you had had with them?

42 A. I'm not quite sure what you are referring to there.
43

44 Q. I will withdraw that. Can I ask you this, if you had
45 a piece of paper with a list saying, "Step 1. Step 2", and
46 had just given that to the survivor and said nothing, would
47 you agree that would have been a fairly cold and impersonal

1 approach to have taken?

2 A. Yes.

3

4 Q. And just a document with a list of steps and what
5 might be done step by step really wouldn't have assisted
6 most of the survivors who you worked with in having an
7 understanding about what was going to happen during the
8 process?

9 A. Just presenting them with a document I don't think
10 would have been helpful. I guess it would have been,
11 perhaps, confirming to me, in my work, that I was on the
12 right track, but I got a sense of that anyway, but
13 I suppose a formal document I could have referred to and
14 said, "Well, yes, I'm definitely doing it the way that it
15 is supposed to be done, you know."

16

17 Q. Mr Beckett asked you earlier this morning whether you
18 ever came across a statement of that kind or looked at
19 The Salvation Army's website - do you remember being asked
20 about that earlier today?

21 A. I do, yes.

22

23 Q. Do you recall ever having to look at The Salvation
24 Army's website to understand the processes that you were
25 engaged in with the survivors?

26 A. No, I don't remember doing that.

27

28 Q. Have you ever looked at The Salvation Army's website?

29 A. I haven't.

30

31 Q. Have you ever suggested to a survivor that they might
32 need to look at The Salvation Army's website?

33 A. No.

34

35 Q. In terms of coming across a statement, when Mr Beckett
36 asked you about a statement, what did you understand he was
37 asking you, in terms of what a statement might mean?

38 A. A victim impact statement?

39

40 Q. So when you were asked about a statement, you thought
41 he was referring to a victim impact statement, or
42 a statement about the process?

43 A. I don't --

44

45 MR BECKETT: I think you might need to refer to the
46 particular question, because the word "statement" was very
47 widely used.

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MS EASTMAN: I'm happy to do that. That's the reason I'm asking. I'm also mindful of the time, so I can turn up the precise reference and come back to that.

THE CHAIR: All right. We will take lunch.

LUNCHEON ADJOURNMENT

MR BECKETT: Your Honour, I have proposed to my learned friend Ms Eastman that we interpose a witness at this stage, a Mr [FE]. Mr [FE] is here today, supported by another gentleman, and he's here in a wheelchair. We were hoping he would be able to give his evidence and get away this afternoon. So if it is suitable to your Honour and the Commissioners, that's what I propose to do.

THE CHAIR: Yes, that's sensible,

<[FE], sworn: [2.10pm]

<EXAMINATION BY MR BECKETT:

MR BECKETT: Q. Mr [FE], you have given your full name to the Royal Commission and your address; that's right, isn't it?

A. Yes.

Q. You've also given a statement dated 11 March 2014?

A. Yes.

Q. Have you had a chance to read that statement recently?

A. Yes.

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

A. Yes.

MR BECKETT: I tender that.

THE CHAIR: That statement will be exhibit 10-9.

EXHIBIT #10-9 STATEMENT OF MR [FE] DATED 11/03/2014

MR BECKETT: Q. As you know, Mr [FE] a number of witnesses have been given pseudonyms in this matter, including you, and the pseudonym we have for you is [FE], so from time to time I'll refer you to as "Mr [FE]".

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THE CHAIR: Can you tell us where the statement is, Mr Beckett?

MR BECKETT: It is tab 16, in volume 2 of the statement bundle. In fact, it is just before Mr Lucas's; the tab before Mr Lucas's statement.

THE CHAIR: Yes, thank you.

MR BECKETT: Q. Mr [FE], I wonder if we can begin by you reading your statement starting at paragraph 4. It will come up on the screen, if you're able to see that. It can be enlarged a little bit. Are you able to read that or would you prefer a paper copy?

A. I've got a paper copy.

Q. All right.

A. "At home I was regularly physically abused my stepfather. When I was about 10 years old I began running away from home to escape the abuse, but I was always caught and returned to my parents.

Gill Memorial Boys Home, Goulburn.

In July 1973, my stepfather convinced my mother to put me in a home run by the Salvation Army - the Gill Memorial Boys Home, Goulburn (the Gill). Shown to me and marked --"

Q. Don't worry about the number.

A. "Two Salvation Army officers at the Gill, Lieutenant [X17] and another Officer (I can't remember his name), assigned me to cleaning out the kitchen grease traps. I believe they assigned this chore to me because it forced me to take a shower afterwards. During my shower, Lieutenant [X17] would fondle my genitals. This occurred on an almost nightly basis.

Lieutenant [X17] would also escort me when I needed to use the toilet at night, and he would have anal intercourse with me. This occurred once or twice a week.

I was also frequently taken to the office by an Officer (I cannot remember his name) and caned. I would be caned across my bare bottom until I bled. On one occasion I was caned approximately 37 times. This was punishment for 'talking back' to an Officer.

1
2 I did not report this abuse at the time because if you
3 spoke up you would 'cop it' again - you would be belted,
4 flogged or caned.

5
6 I ran away from the Gill after living there for less
7 than a month."

8
9 Q. Mr [FE], that's the material relating to the Gill
10 Memorial Home. Shall I continue to read for you?

11 A. Yes, please.

12
13 Q. Thank you.

14
15 *Minda Shelter, Lidcombe.*

16
17 *After I ran away from the Gill, I was*
18 *captured by the Police and sent to Minda*
19 *Shelter, Lidcombe (Minda). I did not*
20 *suffer any abuse at Minda during the time*
21 *I spent there - about one month.*

22
23 *I was then sent to Alternative Care,*
24 *Wahroonga, for a brief period of time.*

25
26 *Yasmar Boys Home, Ashfield/Haberfield.*

27
28 *I had not been in Wahroonga very long*
29 *before I was transferred to Yasmar Boys*
30 *Home, Ashfield/Haberfield (Yasmar), which*
31 *was run by the New South Wales State*
32 *Government.*

33
34 *The headmasters of Yasmar (I cannot recall*
35 *their names) would regularly engage the*
36 *boys in masturbatory acts in the shower*
37 *block - both with other boys, and officers.*

38
39 *Charlton Boys Home, Ashfield.*

40
41 *In about 1973 a Magistrate sent me to*
42 *Charlton Boys Home, Ashfield (Charlton).*
43 *Charlton was run by house parents of the*
44 *Anglican Church.*

45
46 *I was regularly sexually abused by the*
47 *officers at Charlton Boys Home.*

1
2 *I ran away from Charlton after living there*
3 *for only a few months, but I was captured*
4 *by the Petersham police.*

5
6 *A few weeks later, I ran away again.*
7 *Initially the Police sent me back to*
8 *Yasmar. But following a court appearance I*
9 *was returned to my mother and stepfather on*
10 *"home remand."*

11
12 *However, my stepfather and I were still not*
13 *getting on. About three weeks later, at my*
14 *next court hearing, I requested to be made*
15 *a Ward of the State.*

16
17 *Royalston Boys Home, Glebe. I was placed*
18 *in Royalston Boys Home, Glebe (Royalston),*
19 *a children's home run by the New South*
20 *Wales State Government. I was sexually*
21 *abused by a house master at Royalston.*

22
23 *Foster/boarding home, Stanmore.*

24
25 *About one month later, the Court ordered my*
26 *transfer to a foster/boarding home for*
27 *wards of the State located at 59 Cavendish*
28 *Street, Stanmore (Stanmore). The home was*
29 *funded by the New South Wales State*
30 *Government and operated by [two named*
31 *persons].*

32
33 *I was regularly sexually abused there.*

34
35 *After a few months living at Stanmore,*
36 *I ran away. I was captured and taken to*
37 *Albion Street Shelter. At the Shelter*
38 *I was bashed by a number of boys.*

39
40 *Mt Penang Training Centre, Gosford.*

41
42 *In about 1977, I was sent to Mt Penang*
43 *Training Centre, Gosford, (Mt Penang); a*
44 *juvenile detention facility run by the New*
45 *South Wales State Government.*

46
47 *Mt Penang was more like a gaol than a home,*

1 the boys who lived there referred to it as
2 "the Pound."

3
4 I was physically and sexually abused at
5 Mt Penang almost every day. Routinely, the
6 Officers stripped my clothes off, hosed me
7 down, and flogged me - with a piece of
8 "four-by-two," or a garden hose, whatever
9 was available. This would lead to anal
10 intercourse.

11
12 If I screamed loud enough it could deter
13 officers from attacking me, but not very
14 often.

15
16 After three months living at Mt Penang, I
17 was again sent home to live with my mother.

18
19 Q. Mr [FE], it is at that point that we pick up the
20 approach to the Salvation Army. I understand that in
21 November 2005 you sent an email to Salvation Army
22 territorial headquarters; is that right?

23 A. That's correct.

24
25 Q. And we have that email. It is annexed to your
26 statement at FE3. In that, you referred to some of the
27 experiences that you had at Gill Memorial Home; is that
28 right?

29 A. Yes.

30
31 Q. How did you know to speak to or approach the Salvation
32 Army?

33 A. I'd had a number of nightmares over the years and it
34 was always relating back to my younger days, and
35 [REDACTED], my carer who looks after me, he had lost many
36 hours sleep. He rung my sister, my younger sister, because
37 I'd wake up screaming at night and then he wouldn't know
38 what to do, and with my younger sister being a police
39 prosecutor, he could talk to her, she could help, and they
40 said, "We'll contact the Salvos and see what they can do."

41
42 Q. And then you were contacted, following your email, by
43 Captain Daphne Cox, as I think she was then; is that right?

44 A. Correct.

45
46 Q. At about that time you say you began seeing
47 Colleen Hirst. That was February 2006; is that right?

1 A. Yes.
2
3 Q. She's a counsellor, isn't she?
4 A. Yes.
5
6 Q. In fact, she's a psychologist and family therapist; is
7 that right?
8 A. I believe so, yes.
9
10 Q. Who arranged for you to see her?
11 A. The Salvation Army.
12
13 Q. And who paid for you to see her?
14 A. The Salvation Army.
15
16 Q. Was one of the reasons that you saw her to draft an
17 impact statement?
18 A. I believe so, yes.
19
20 Q. Could we just have a look at FE5, if that could come
21 up, please. The annexure will come up on the screen,
22 Mr [FE]. Do you see names and addresses and phone numbers
23 have been removed from it, but is that the impact statement
24 that she helped you draft?
25 A. Yes.
26
27 Q. Was she offering you counselling at the same time?
28 A. Not really, just asking a lot of questions.
29
30 Q. I see. Were you receiving counselling from anybody
31 else?
32 A. No.
33
34 Q. At that time?
35 A. No.
36
37 Q. After you saw Colleen Hirst, have you received
38 counselling from any other psychologist?
39 A. No.
40
41 Q. What did you understand would happen after your impact
42 statement was sent to the Salvation Army?
43 A. I didn't really know what to expect. I didn't even
44 really know what I wanted. I just wanted sort of closure
45 or some sort of understanding of what had happened.
46
47 Q. You were in email contact with Captain Cox; is that

1 right?
2 A. Yes.
3
4 Q. Did she explain to you what the process was?
5 A. She explained that they did the statement and
6 counselling and things like that through Colleen Hirst, and
7 they have a process where they look at monetary
8 compensation.
9
10 Q. What did she explain to you about counselling?
11 A. Nothing much - that if I wanted counselling they would
12 pay for it and --
13
14 Q. Did you agree to be involved in some counselling?
15 A. If I wanted it, yes.
16
17 Q. Did you want it?
18 A. I've never had much faith in counsellors.
19
20 Q. Then I understand you had a meeting on 20 April 2006
21 with both Captain Daphne Cox and Major Chris Witts at the
22 Parramatta Leagues Club. Do you remember that?
23 A. Yes.
24
25 Q. Was there anybody there to assist you at that meeting?
26 A. Only [REDACTED].
27
28 Q. Was [REDACTED] provided with any funding?
29 A. No.
30
31 Q. Are you able to afford [REDACTED]'s services to
32 support you or is that funded by somebody else?
33 A. It's funded by government, by Centrelink. He gets
34 \$118 a fortnight to look after me.
35
36 Q. Was he provided, to your knowledge, with any money by
37 the Salvation Army to assist you through the claims
38 process?
39 A. No.
40
41 Q. What happened at the meeting on 20 April 2006 with
42 Captain Cox and Major Witts?
43 A. We spoke some, and halfway through it I broke down and
44 had to go to the toilet.
45
46 Q. But during that meeting, you explained to them what
47 had happened to you at Gill Memorial Home; is that right?

1 A. Yes.
2
3 Q. And what the effect had been on your life?
4 A. I'm pretty sure I did, yes.
5
6 Q. And what did they say would happen next with your
7 claim?
8 A. I can't remember.
9
10 Q. You say in your statement:
11
12 *My matter was taken back to the PICC -*
13
14 *that's the Personal Injuries Complaints Committee -*
15
16 *in May 2006. I had to wait about two weeks*
17 *to be hold the outcome of this meeting.*
18
19 Do you remember waiting for that period of time?
20 A. Yes.
21
22 Q. And you say that you were nervous about it and you
23 sent Captain Cox an email asking for an update. Do you
24 remember that?
25 A. Yes.
26
27 Q. And then there's a letter that you annex to your
28 statement, 25 May 2006, where Captain Cox offered you an
29 ex gratia payment of \$60,000; is that right?
30 A. Yes.
31
32 Q. Do you know how that \$60,000 was calculated?
33 A. I would not know.
34
35 Q. Were you ever told by Captain Cox or Major Witts about
36 how that amount was calculated?
37 A. No.
38
39 Q. Did Colleen Hirst ever provide you with any advice or
40 information about how that was calculated?
41 A. No.
42
43 Q. You say in your statement at paragraph 37:
44
45 *Daphne Cox's email included an apology, but*
46 *it meant nothing because I didn't feel it*
47 *was sincere.*

1
2 Do you remember saying that in your statement?
3 A. Yes.
4
5 Q. I wonder if FE7 could come up, please. You will see
6 this is an email to you dated 25 May 2006 from Captain Cox.
7 And just if you could, to yourself, would you just read
8 that second paragraph.
9 A. Do I have to read that out loud?
10
11 Q. Have you read that to yourself now?
12 A. Yes.
13
14 Q. Is that the apology that you're referring to in your
15 statement.
16 A. Yes.
17
18 Q. You say in your statement, "but it meant nothing
19 because I didn't feel it was sincere"?
20 A. That's correct.
21
22 Q. Why was that?
23 A. The way I look at it, it's more like hush money. It's
24 an insult, to be quite honest.
25
26 Q. The email from Captain Cox reads that the committee is
27 "deeply sorry for the abuse you outlined in your
28 statement"?
29 A. I can say that too, but it means nothing unless you're
30 sincere.
31
32 Q. Did Captain Cox speak to you at about this time to
33 give you an apology herself?
34 A. Possibly, but I can't recollect.
35
36 Q. Was there a meeting that you went to where Captain Cox
37 or somebody else from the Salvation Army provided you with
38 an apology in person?
39 A. The only other time that we went to the Salvation Army
40 was when we returned the signed papers to Elizabeth Street
41 in the city.
42
43 Q. On that occasion, did Captain Cox provide you with an
44 apology?
45 A. Not that I can remember, because [REDACTED] and my
46 niece was with me, and I refused to go inside the Salvation
47 Army building.

1
2 Q. You say at paragraph 38 that you received an
3 acknowledgment and release?
4 A. Yes.
5
6 Q. And you signed both of those?
7 A. Yes.
8
9 Q. And you took them in to the Salvation Army, as you
10 have just told us?
11 A. Yes.
12
13 Q. Did you get any legal advice before you signed those
14 documents?
15 A. No.
16
17 Q. Did anyone suggest to you that you should get legal
18 advice?
19 A. No.
20
21 Q. Was payment for legal advice ever offered to you by
22 the Salvation Army?
23 A. No.
24
25 Q. You say at paragraph 39:
26
27 *I felt like the disclosure form was being*
28 *held over my head.*
29
30 Is that a reference to the acknowledgment and release?
31 A. Yes.
32
33 Q. Thank you. You say it was being held over your head:
34
35 *"You either sign this form, or you don't*
36 *get the money." I didn't feel like I had a*
37 *choice.*
38
39 A. That's correct.
40
41 Q. Did you discuss the payment with Ms Hirst or with
42 anybody else?
43 A. No. The only person I talked about the payments with
44 was [REDACTED].
45
46 Q. And your carer, I presume, is not a lawyer?
47 A. No.

1
2 Q. Is he a qualified counsellor?
3 A. No.
4
5 Q. Did you discuss whether you should accept the \$40,000
6 with any other person?
7 A. Only [REDACTED].
8
9 Q. Thank you. You say that Captain Cox suggested that
10 you ask Colleen Hirst to assist you with the forms. Did
11 she assist you with the forms?
12 A. If I remember, we just read over them and that was it.
13
14 Q. She's not a lawyer, is she?
15 A. No.
16
17 Q. Did you have some discussion with her about whether
18 you should sign or not?
19 A. I can't recall.
20
21 Q. Did you have any discussion with her about whether you
22 should accept the amount of \$40,000 or not?
23 A. Not that I can recollect at this stage.
24
25 Q. I apologise, when I said "\$40,000", I meant to say
26 "\$60,000". I will ask the question again. Did you discuss
27 whether you should accept the amount of \$60,000 with
28 Ms Hirst?
29 A. I can't recollect.
30
31 Q. The only person that I think you said you may have
32 mentioned it to was your carer, [REDACTED]; is that
33 correct?
34 A. Yes.
35
36 MR BECKETT: Those are my questions.
37
38 THE CHAIR: Any questions?
39
40 MS EASTMAN: No.
41
42 THE CHAIR: Does anyone else have any questions?
43
44 MR AGIUS: No, your Honour.
45
46 MS McKENZIE: No.
47

1 THE CHAIR: Thank you, Mr [FE], for coming in and telling
2 your story. You're now formally excused.

3
4 <THE WITNESS WITHDREW

5
6 MR BECKETT: Mr Lucas can come back into the witness box.

7
8 <JOHN LUCAS recalled, on former affirmation: [2.35pm]

9
10 <EXAMINATION BY MS EASTMAN CONTINUING:

11
12 MS EASTMAN: Q. Just before lunch I was asking you about
13 a question you had been asked by Mr Beckett as to whether
14 you'd come across a statement, and the transcript reference
15 is page 6830, line 43:

16
17 Q. *Did you ever come across a statement*
18 *either on, for example, The Salvation*
19 *Army's website or in some correspondence*
20 *with The Salvation Army as to precisely*
21 *what the process was?*

22 A. *No.*

23
24 I just wanted to be clear as to your understanding of what
25 the reference to a "statement" was when Mr Beckett asked
26 you that earlier this morning?

27 A. Right. Okay.

28
29 Q. Having told you that, what did you understand the
30 reference to "statement" was? Was that just to a document
31 or some written account of what the process would be?

32 A. Yes, I hadn't been aware of such a document.

33
34 Q. Can I now turn to how you went about the process of
35 preparing the victim impact statements. The Commission has
36 before it a number of impact statements, and they're all
37 quite different in terms of their content, their length,
38 and the matters that they raise. How did that process
39 start or how did the process of writing a victim's impact
40 statement start with you? Could you take us through that?

41 A. Yes. Often it would start with just a spontaneous
42 description by the person, the complainant, about what they
43 remembered happening, the experiences which they'd endured,
44 and I would simply record, as faithfully as I could,
45 exactly what they said and, really, it was mainly that; it
46 was mainly getting down as many details as to what they
47 could remember happening.

1
2 Q. Did it start by you asking them to just tell you what
3 had happened or what experiences they remembered?
4 A. Yes, usually that was the sort of way in which it
5 started.
6
7 Q. The process of recording it was that you would write
8 down an account of what they told you as they were telling
9 you?
10 A. Exactly, yes.
11
12 Q. And then the process of typing it up was something you
13 did after the meeting with them?
14 A. Yes.
15
16 Q. And during the course of taking the victim impact
17 statement, did you ask them questions to clarify any aspect
18 of their information?
19 A. I think sometimes, just matters of understanding to
20 make sure that I'd understood correctly what they were
21 saying and noted it down correctly, yes.
22
23 Q. Was it your view at the time that the content of the
24 statement should reflect what the survivors were telling
25 you rather than something you thought that they needed to
26 tell the Salvation Army?
27 A. Yes, exactly.
28
29 Q. Was it ever your practice to say to any of the
30 survivors, "Well, look, I think you need to elaborate on
31 this point" or "Provide more detail about this" or "Do you
32 have a report that you could attach and send in with the
33 impact statement?" Did you do that?
34 A. Not usually, no.
35
36 Q. In the course of talking to the survivors about
37 preparing the victim impact statement, over what period of
38 time did that occur? Was it, for example, in one session,
39 or would it occur over a number of sessions or visits with
40 you?
41 A. It was usually something - the main part of it was
42 usually established in one session.
43
44 Q. And how long would that take?
45 A. That might take a couple of hours, you know; it might
46 take an hour. Usually people, once they started talking,
47 would keep talking and I would simply write as much as

1 I could as quickly as I could, trying to get everything
2 down. It was something that they wanted to get out and so
3 I'd try and go with that process, yes.
4

5 Q. Just from your observations, did you find that the
6 survivors, in recounting their experiences to you, found
7 that distressing, or did they say to you they found it a
8 helpful process? What was your experience of talking to
9 them about preparing the impact statement?

10 A. Well, for most people it was a very distressing
11 experience and often had to be - they often had to have a
12 break or sometimes wouldn't be able to carry on and we'd
13 have to wait until they were ready to come back to it
14 again, but in most cases it was a very distressing
15 experience for them to talk about.
16

17 Q. At the end of those discussions, did you ever
18 recommend or suggest to any of the survivors that they seek
19 some counselling or speak to anybody else about how they
20 were feeling having spoken to you about their experiences?

21 A. Yes, I would always - I could always recommend to
22 people or suggest to people that they, if they needed some
23 further support, they could have some counselling.
24

25 Q. Was that something that you did for everybody or just
26 decided that on a case-by-case basis, depending on how the
27 person might have reacted?

28 A. Yes, it was usually on a case-by-case basis.
29

30 Q. After the meeting with the survivor, was it your
31 practice to type up the statement yourself or did somebody
32 else assist you to do that?

33 A. No, I would do that.
34

35 Q. For most part, you just recorded in the typed version
36 what the survivor had told you, or was there any editing
37 undertaken by you?

38 A. No, I would record it as faithfully as I could and
39 I would always have them read through that and make sure
40 that I'd covered everything that they wished to say before
41 I submitted it.
42

43 Q. That was the next matter I was going to ask you. What
44 happened after the typed version was prepared? Did the
45 survivor come back in to meet with you to read over the
46 statement or did you send it out to them?

47 A. Usually, they'd be coming in and I'd get them to look

1 over it and just go through it and make sure it was - well,
2 before I sent, that they were - that it covered everything
3 that they wished to cover.
4

5 Q. They had an opportunity to make any changes to the
6 statement at that time?

7 A. They did, yes.
8

9 Q. And after they told you they were happy with the
10 statement, was your practice to ask them to sign off on the
11 statement?

12 A. Yes.
13

14 Q. And at that point you said to them, "I'm now going to
15 send this statement through to the Salvation Army"?

16 A. Yes.
17

18 Q. During the time that you assisted the survivors
19 prepare the impact statement, do you recall any occasion
20 where anyone from the Salvation Army said to you that the
21 victim impact statement was insufficient or didn't address
22 relevant issues?

23 A. No, I don't recall.
24

25 Q. Did you receive any indication from anyone in the
26 Salvation Army critical as to the content or the form of
27 the impact statements?

28 A. No.
29

30 Q. And at any time were you asked by anyone to prepare
31 the impact statements in a particular format?

32 A. No.
33

34 Q. Did anyone ask you to cover particular topics in the
35 impact statement? Sorry, I'll clarify that. By the
36 Salvation Army, so did anybody from the army say, "You must
37 cover the following topics." Did anybody ever say that?

38 A. I was never told that I had to, but there was a
39 general understanding that I would present the information
40 that the person had given me and also the impacts which
41 they identified that that experience or those experiences
42 had had in their life subsequently. So it was those two
43 things that were the main part.
44

45 Q. Can I put it this way: it wasn't a matter of the
46 impact statements being a tick-a-box process, that you had
47 a checklist and you had to tick the boxes to make sure

1 you'd covered everything?
2 A. No, it wasn't like that.
3
4 Q. Was it your intention that the impact statements
5 reflect the words and the feelings of the survivors and the
6 words and the feelings that they wished to convey to the
7 Salvation Army?
8 A. Yes.
9
10 Q. After sending in the victim impact statements to the
11 army, do you recall the usual practice was to receive a
12 letter from Daphne Cox, and later Robyn Smartt, informing
13 you and the survivor that a copy of the impact statement
14 had been received?
15 A. Yes.
16
17 Q. Would you agree with me that the letters that you
18 received from either Major Cox or Major Smartt usually had
19 an indication that the victim impact statement had been
20 read by them and sent to the PICC, the committee?
21 A. Yes.
22
23 Q. As I understand your evidence earlier, you would
24 communicate to the survivor and let them know that that
25 stage had been completed?
26 A. Yes.
27
28 Q. Those letters generally sought an opportunity to meet
29 with the survivor, the letters from the army?
30 A. Well, when they - the letter that I think you're
31 referring to is just an acknowledge of receipt, and that's
32 all it was. It was, "Your impact statement has been
33 received by me and will be presented at the next
34 opportunity at the PICC meeting."
35
36 Q. You don't recall, at around that very early stage, the
37 suggestion that there be some opportunity to meet with the
38 survivor?
39 A. No.
40
41 Q. Did that come some time later?
42 A. Yes.
43
44 Q. In terms of a meeting with the survivor, that was the
45 next big step in the process after completing the victim
46 impact statement, would you agree?
47 A. Well, the letter that you refer to would come

1 acknowledging receipt, and then there would be a letter
2 saying, "The committee has read through your statement and
3 I would like an opportunity to meet with you in person."
4 That was the next step.

5
6 Q. The arrangements in terms of the meeting would be
7 arrangements organised between Daphne Cox or Robyn Smartt,
8 depending on who was dealing with the relevant survivor's
9 matter, and you or Anne Hilton or one of the other
10 advocates.

11 A. Yes, they would simply say when they were next due to
12 come to Brisbane and would it be suitable to make a
13 meeting. I would then contact the claimant and see if that
14 was suitable to them, and we would arrange a meeting.

15
16 Q. And generally there was sufficient advanced notice
17 before any meeting might occur?

18 A. Yes.

19
20 Q. So it wasn't a case, from your recollection, that
21 meetings were hastily organised with very little notice to
22 a survivor?

23 A. No.

24
25 Q. From your observations, was it important for the
26 survivor to have adequate notice that a meeting would be
27 upcoming?

28 A. Yes.

29
30 Q. And the reason for adequate notice was to give them an
31 opportunity to prepare for the meeting?

32 A. Yes.

33
34 Q. In terms of your role as an advocate, did you spend
35 time with the survivor prior to any meeting preparing the
36 survivor for the meeting?

37 A. At their request I would do, yes.

38
39 Q. If they requested the opportunity to meet with you
40 prior to a meeting with the Salvation Army, how would you
41 go about doing that in terms of when that meeting might be
42 held and the nature of the meeting?

43 A. Well, if someone said, "Look I want to come and have a
44 chat to you before this meeting", I would say, "When do you
45 wish to do that?", and we would have a meeting and then
46 I would simply follow the lead - you know, sometimes it was
47 about people being really worried and anxious and, you

1 know, waiting for this meeting and wondering what it was
2 going to be like and were they were going to be
3 cross-examined. They weren't sure. So my job really,
4 then, was to try to reassure them that I would be present
5 and that they wouldn't be put in a position which they -
6 you know, they would always be in control of the process
7 and that I would support them. It was that kind of
8 reassurance that people often needed.

9
10 Q. Did you generally give them an indication about how
11 the meeting might be conducted?

12 A. In broad terms, yes.

13
14 Q. Did you ask them, as part of the preparation for a
15 meeting, whether or not they might be comfortable with the
16 Salvation Army officer wearing a uniform or not?

17 A. I don't think I did ask them that.

18
19 Q. Did you generally tell them, based on your experience,
20 what was likely to happen in the meeting in terms of its
21 duration and who would speak and what topics might be
22 addressed?

23 A. In broad terms, yes, I often had those conversations
24 with people, yes.

25
26 Q. From your experience, did you find those pre-meeting
27 sessions with you helpful for the survivors?

28 A. I think so, yes.

29
30 Q. And was it an important part of the process that they
31 had an opportunity to meet with you prior to meeting with
32 the Salvation Army officers?

33 A. It was important for them to know that I would be
34 there if they needed that support, yes.

35
36 Q. Then we come to the day of the meeting. I think
37 you've given some evidence earlier about your recollection
38 that the officers would generally wear uniforms. Can
39 I suggest to you that there might have been some occasions
40 where the officers didn't wear their uniform? Can you
41 remember that?

42 A. That may well have been the case, I honestly don't
43 recall that.

44
45 Q. Do you have any recollection of any conversations with
46 Daphne Cox prior to some meetings where you discussed
47 whether or not it might be appropriate for her to wear her

1 uniform? Do you remember that at all?
2 A. I don't remember, actually, no.
3
4 Q. And you've given evidence earlier that the meetings,
5 for the most part, occurred at Lotus Place?
6 A. Mmm.
7
8 Q. So I assume there's a particular room that was used
9 for the meetings?
10 A. Yes.
11
12 Q. And would that be a room that the survivors would be
13 familiar with? They might have used the room on other
14 occasions and met with you at that place?
15 A. Normally, yes, there was a room that we had which was
16 part of the centre that was comfortable and, you know, was
17 really designed to try and make people feel at ease, with
18 easy furniture, and so forth.
19
20 Q. So it wasn't a room with a great big desk, with people
21 sitting opposite each other and looking very formal?
22 A. Absolutely not, no.
23
24 Q. Could you describe what the room environment was for
25 one of these meetings?
26 A. There were a - it was like a lounge room, really.
27 There was a two-seater lounge and a couple of single lounge
28 chairs and a coffee table, and in one corner, yes, there
29 was a desk, so that if anything - if you needed to write
30 something down at all during that meeting you could go to
31 the desk but the main room was just designed as a lounge
32 room with nice lighting and also, you know, with some
33 decorations on the walls, paintings.
34
35 Q. Was it the case that you thought that was an
36 environment that was appropriate for the nature of the
37 meeting that the survivor was about to have with an
38 officer?
39 A. Yes.
40
41 Q. As far as the meetings were concerned, how did they
42 start? Were the Salvation Army officers in the room and
43 the survivor came in, or did it work the other way around?
44 A. Normally, the survivor would come in first and we
45 would just have a sit down together for five minutes and
46 I'd say, "How are you feeling?", and they'd talk about how
47 they were feeling. Then usually Major Cox or Robyn Smartt

1 would arrive and the secretary would tell me they were
2 here, so I would go out and greet them and then come in to
3 the room and introduce them, and then we would move in to
4 this room, you know, and sit down together.

5
6 Q. Did the meeting start off in a formal way? Were
7 people introducing each other, or did it just take its lead
8 depending on the particular circumstances and
9 personalities?

10 A. It did take its own shape. Normally, you know,
11 Daphne Cox would introduce herself and talk about why she
12 was there and where she'd come from, and thank them for
13 being present, and then the reference would slowly move
14 towards the statement and what they'd actually communicated
15 in their statements.

16
17 Q. Did you find from the meetings that you attended that
18 each meeting was different?

19 A. Yes, it was. There were certain formal - there were
20 certain things that were present at all the meetings, but
21 yes, there was a certain sense that it would follow the
22 particular person and, you know, what level of emotion they
23 were experiencing and so forth, yes.

24
25 Q. You didn't get a sense, for example, that Major Cox or
26 Major Smartt came up with a script and they were reading
27 off a script and following a very regimented procedure at
28 all, did you?

29 A. No, not at all.

30
31 Q. I think you say in your statement that your
32 observation was that they were both sensitive and
33 approachable?

34 A. Yes.

35
36 Q. I think you said to Mr Beckett earlier today that you
37 found, I think, that Daphne Cox, on occasions, would be
38 quite emotional in the meetings as well?

39 A. Yes.

40
41 Q. Can you describe for the Commission the tone of these
42 meetings?

43 A. They were informal in tone and they were respectful
44 and, yes, they were an opportunity for a conversation
45 between people, really. It was more of a conversation than
46 an interview, if you know what I mean.

47

1 Q. From your observations, was the meeting an opportunity
2 to negotiate a monetary sum? Would you say that would be
3 the purpose of the meeting or --
4 A. No.
5
6 Q. Would you say that it would be quite inappropriate to
7 have had a negotiation about money in a meeting of this
8 kind?
9 A. Yes.
10
11 Q. Is a better way to look at these meetings more an
12 opportunity for a reaching-out between the survivor and the
13 army?
14 A. I saw the meetings as a conversation between people,
15 really, and what happened with the army I saw as being
16 quite a separate matter.
17
18 Q. At some of these meetings there were tears, were there
19 not?
20 A. Yes.
21
22 Q. And there's been some suggestion in some of the
23 evidence given to the Commission in this case study that
24 the survivors thought that any tears from any Salvation
25 Army officer might be crocodile tears.
26 A. Mmm.
27
28 Q. Is that something that accords with your recollection
29 at all?
30 A. No.
31
32 Q. In terms of any tears by any of the Salvation Army
33 officers, did you, from your observations, think they were
34 genuine?
35 A. Yes.
36
37 Q. Would you agree that Daphne Cox and Robyn Smartt
38 engaged with the survivors by speaking from their heart and
39 that was the way in which they communicated with the
40 survivors?
41 A. Yes.
42
43 Q. Would you agree that in these meetings, Daphne Cox
44 would use the word "sorry" rather than "apology" if she was
45 talking to the survivors about their experiences?
46 A. Yes.
47

1 Q. Do you recall Daphne Cox ever talking to you about how
2 she thought the word "sorry" was a more appropriate word
3 than simply saying "I apologise" or "we apologise" - do you
4 ever remember having a conversation with her about the
5 importance of the language used?
6 A. I don't remember such a conversation.
7
8 Q. But you remember that her usual language was to use
9 the expression "sorry"?
10 A. Yes.
11
12 Q. Was there ever an occasion where, in any meeting with
13 Daphne Cox, you thought that when she expressed the word
14 "sorry" she wasn't genuine?
15 A. No.
16
17 Q. And any meetings that you attended with
18 Major Robyn Smartt - was there any occasion where if she
19 expressed an apology or sorrow that you detected that it
20 wasn't genuine?
21 A. No, I really didn't get to know Robyn Smartt very well
22 because she came at the very end of my career at Micah
23 Projects, but I did know Daphne Cox because we spent -
24 there was a long period of relationship between us in that
25 way.
26
27 Q. You say in your statement at paragraph 19, if I could
28 ask the Commission officers to bring that up:
29
30 *... most clients found the meetings with*
31 *the Salvation Army to be positive.*
32
33 Can I just ask you, by that, you mean "positive" in the
34 sense that it was a worthwhile process for the survivors?
35 A. Yes.
36
37 Q. And "positive" in the sense that there might be a
38 degree of relief once the meeting was over, that at least
39 they'd gone through the process of having the meeting?
40 A. Yes.
41
42 Q. It would have been the case, would it not, that the
43 experience of every survivor in every meeting would have
44 been different?
45 A. Yes.
46
47 Q. You say in paragraph 20:

1
2 *I do not know how the apologies in those*
3 *meetings could have been any better.*
4

5 And that's a reference, is it not, to the way in which
6 either Major Cox or Major Smartt engaged with the survivor
7 and expressed their apology or sorrow for the survivors'
8 experiences?

9 A. Yes.

10
11 Q. I understand what you say in paragraph 20 is that for
12 some people, their experience - I think Mr Beckett used the
13 word "raw" earlier today - was still so raw that it didn't
14 matter, perhaps, what Major Cox or Major Smartt might have
15 said or how they said it, that for the survivor, that was
16 difficult to accept?

17 A. Mmm. Yes.

18
19 Q. And from your observations, the survivor may not be
20 receptive to taking the apology in the spirit in which
21 Major Cox or Major Smartt intended?

22 A. Perhaps, yes.

23
24 Q. During these meetings, do you recall that Major Cox
25 and/or Major Smartt gave the survivors the opportunity to
26 say whatever they wished to say to them?

27 A. Yes, that was my sense, yes.

28
29 Q. There was no shutting down or closing off the process?

30 A. No, not - not at all.

31
32 Q. And that the duration of the meeting would be as long
33 as the survivor wished?

34 A. Yes.

35
36 Q. Just as a rough rule of thumb, how long, generally,
37 did the meetings take?

38 A. Usually about an hour.

39
40 Q. And if someone was upset, there would be an
41 opportunity for a break or a little bit of time out?

42 A. Yes.

43
44 Q. At any stage during any of the meetings with the
45 Salvation Army officers, did you get a sense that the
46 officers disbelieved any of the survivors in terms of the
47 account that the survivors were telling?

1 A. No.
2
3 Q. There was never an occasion, was there, where any of
4 the officers from the army told you that they thought that
5 the survivors were making up a story or their accounts were
6 false?
7 A. No.
8
9 Q. Would you agree that the survivors's accounts were
10 taken on face value, regardless of whether they might be
11 consistent or inconsistent with other accounts that you'd
12 heard?
13 A. I think so, yes.
14
15 Q. Even though some of these meetings were difficult,
16 would you say that the meetings generally ended on a note
17 where the survivor left feeling respected and heard through
18 the process?
19 A. I never really asked the clients whether they felt
20 that way, but the meetings usually ended in an amicable
21 way, yes. I would describe it that way.
22
23 Q. You say in paragraph 21 of your statement that at the
24 end of the meeting, most victims would be quite upset and
25 you'd spend some time helping them get back to reality.
26 A. Mmm.
27
28 Q. Is that paragraph 21?
29 A. Yes.
30
31 Q. I just wanted to ask you a little bit about that. Do
32 you mean by that that the meeting itself might have been a
33 difficult process, but after meeting there was still work
34 that you needed to do to help the survivor almost get their
35 equilibrium back. Is that what you mean by "bring them
36 back to reality"?
37 A. Yes, it is, yes.
38
39 Q. So not that there was any air of disbelief, but just,
40 in a sense, steadying them and calming them after the
41 process?
42 A. Yes, just allowing them to react in a kind of natural
43 way, you know, to the experience. That was my - part of
44 what I did after the meetings. Usually people wanted to
45 spend a bit of time, have a cup of tea and maybe just talk
46 about it a bit or ask me questions maybe.
47

1 Q. Did you take any notes during these meetings at all?
2 A. No.
3
4 Q. Did you see anybody taking notes during the meeting?
5 A. No.
6
7 Q. You didn't see Daphne writing as people were talking
8 about their experiences, for example?
9 A. No.
10
11 Q. Would you agree with me that if Major Cox and or
12 Major Smartt had sat in these meetings writing notes, that
13 that probably wouldn't have been conducive to the
14 discussions that you've described?
15 A. Yes, I would agree with that.
16
17 Q. After these meetings and after you'd spent some time
18 talking to the survivors to regain their equilibrium, did
19 you tell them that the next step would be that they're
20 likely to hear from the army at some time in the future
21 about what outcomes might be offered to the survivor?
22 A. Normally that would have been explained by Daphne Cox
23 at the end of the meeting, that they would hear further,
24 then, from the Salvation Army once the meeting had
25 happened.
26
27 Q. To the best of your recollection, at least in the
28 latter part of the time that you were dealing with these
29 meetings, the meetings themselves weren't occasions where
30 Major Cox or Major Smartt were offering money in the
31 meetings?
32 A. No, no, they weren't.
33
34 Q. In fact, there was very rarely, if ever, a discussion
35 about any monetary amounts?
36 A. There was never a discussion about monetary amounts,
37 simply that an ex gratia payment would be one of the
38 options that would be considered by the committee.
39
40 Q. Do you see that the purpose of these meetings had
41 anything to do with working out what the value of the claim
42 might be or the level of any ex gratia payment?
43 A. It certainly didn't seem like that, no.
44
45 Q. In terms of, then, the next step, when a letter came
46 back from the army either making an ex gratia offer or
47 suggesting some other outcome, would it be the case that,

1 again, you'd either contact the survivor and say the letter
2 had arrived or read the letter out to the survivor if they
3 wanted you to do that?

4 A. Yes.

5
6 Q. Would that be done, for the most part, by asking them
7 to come in and talk through the letter, or was your usual
8 practice to do that in whatever manner the survivor thought
9 appropriate - telephone, email?

10 A. In whatever manner they wanted, yes.

11
12 Q. Would you agree that the survivors reacted differently
13 to the letters that might come from the Salvation Army
14 making offers of ex gratia payments?

15 A. You mean when the final letter of offer came?

16
17 Q. Yes.

18 A. Yes, people would react differently.

19
20 Q. Some people might have been quite pleased with the
21 outcome?

22 A. Well, there was a sense of resignation, I think, "This
23 is the offer."

24
25 Q. So that when you say "a sense of resignation",
26 resignation in the fact that finally an offer was made or
27 resignation in the sense that this was what they were
28 offered and they needed to consider that?

29 A. Yes. The letter would say, "This is the amount that
30 we're offering you, and if you're agreeable to this offer
31 there's a deed of release which you will need to sign and
32 bank details which will need to be provided." So it was
33 like that letter signalled, "This is it, we've reached an
34 end point now and this is what we're saying". So they were
35 faced - the victim was faced with either signing that
36 document and accepting or not. That's what I meant by
37 "resignation"; there was very little choice other than
38 signage or non-signage.

39
40 Q. Can I ask you to look at paragraph 23 of your
41 statement. You say there in the second sentence that in
42 regards to the financial offers, some clients considered it
43 was a good outcome, while others were insulted, and that
44 your experience was most victims were able to accept the
45 offer and not want to go any further, but there were a
46 couple of victims who you can recall were very unhappy with
47 the offers that were made to them by the army. That's a

1 little bit different to the evidence that you've given
2 today saying that, for the most part, they were resigned
3 and felt they just had to accept the offer?
4 A. Well, what I said there is that some clients consider
5 it a good outcome while others were insulted. What I mean
6 by that is that some clients considered that a good outcome
7 in the sense that they had been made an offer. Others
8 looked at the offer and said, "This is an insult to me.
9 I won't accept it." That's what I mean by "good outcome",
10 "a positive outcome" may be a better way of putting that,
11 and that most of these people were able to accept the offer
12 and not want to go any further. They were prepared to sign
13 the deed of release and to give the bank details and to see
14 that that was the end of the matter, because part of what
15 they had to sign was that they would take no further
16 action, that this was the end of the matter legally for
17 them and so that's what I mean by that statement.
18

19 Q. In terms of some clients considering it was a good
20 outcome, was it your observation that some of the survivors
21 were happy that the process could finish and they were
22 happy with the outcome that flowed from the making of the
23 impact statement and the meeting that they might have had
24 with the army?

25 A. I don't think I'd use the word "happy". I think they
26 were accepting of the offer and prepared to make some
27 headway, or at least to turn over the page and see if they
28 could move forward in their lives.
29

30 Q. I think the Commission has before it some
31 correspondence between you and the Salvation Army where the
32 victims who were unhappy or felt insulted by the offer
33 asked you to write back to the army to indicate that they
34 were unhappy and perhaps asking for a reconsideration of
35 the financial aspect of the outcome?

36 A. Mmm.
37

38 Q. Do you remember doing that?

39 A. Yes.
40

41 Q. Was that a regular thing that you had to do?

42 A. No.
43

44 Q. Can you remember on how many occasions you might have
45 done that?

46 A. Not exactly, but I would say 10, maybe 10 or less.
47

1 Q. I think you have been taken today to some email
2 exchanges between you, the Salvation Army, and
3 Cheryl Eldridge. Do you remember Mr Beckett showing you
4 some email correspondence earlier today?

5 A. Yes.

6

7 Q. In one of the emails she sets out a list of questions
8 that she wants answered, and then those questions are sent,
9 by you, off to Daphne Cox?

10 A. Mmm.

11

12 Q. Do you remember any other survivor, other than
13 Ms Eldridge, asking for that type of information?

14 A. No, I don't.

15

16 Q. Looking back on the events now, was it an absolutely
17 critical part of the process for the survivors to know how
18 the sum was calculated in terms of the financial offer?

19 A. I think that it was variable. I mean, I think every
20 survivor came with a different agenda, and Cheryl Eldridge
21 was a person who needed specific detail and so,
22 consequently, that was what she wanted to say. But
23 everybody's response was slightly different, you know;
24 there was no formulaic kind of response that the survivors
25 would make to the offers that were made to them.

26

27 Q. At paragraph 26 of your statement, you say there that
28 there was a prevailing sense among clients, and it was your
29 view, that when the offer was accepted, that was it and the
30 door was shut. Could I just ask you a little more about
31 what you mean by that. Do you mean there that the door was
32 shut in the sense that the door was shut to further
33 financial outcomes, or do you mean there the door was shut
34 in terms of any ongoing engagement with the army?

35 A. I'm referring there to the deed of release and, you
36 know, the fact that people would have to - in signing that,
37 would have to be saying that they would take no further
38 action. So that's what I'm referring to there. That was
39 what I meant by the door being shut. If you sign that,
40 then you're really signing away any opportunity to move
41 further with the Salvation Army process.

42

43 Q. Did you talk to any of the survivors about that?

44 A. In what sense?

45

46 Q. In the sense of what signing the deed of release might
47 mean and this sense of whether the door was, in fact, shut

1 by signing the deed of release and acknowledge and release
2 agreement?

3 A. I would talk to them about that, yes.

4
5 Q. What did you tell them? I know each person is
6 different, but just generally, for the benefit of the
7 Commission, what did you talk to or explain to the
8 survivors about what they were signing?

9 A. Well, I would only explain anything to them if they
10 asked for explanation. I mean, I didn't have a policy of
11 explaining to everybody what that meant, but sometimes
12 people would say, "What's this deed of release thing?", you
13 know, and I'd say, "Let's have a look at it" and we would
14 read it out, or I would read it out, so that they were
15 quite clear about what it is they were signing.

16
17 Q. Did they ask you questions, in some cases, about what
18 things meant and what you --

19 A. No.

20
21 Q. No?

22 A. No.

23
24 Q. You just read it out to them?

25 A. I read it out to them and they were either happy to
26 sign that or not, you know. As far as I remember the deed
27 of release, it was a document that said they would accept
28 the offer that had been made and undertake legally that
29 they would take no further action.

30
31 Q. Was there any discussion ever about whether or not
32 this document had any legal ramifications for any of the
33 survivors? Did you talk to them about that at all?

34 A. No.

35
36 Q. I think Mr Beckett asked you questions earlier this
37 morning, and the transcript reference appears at 6850,
38 about suggesting whether or not the survivor might take
39 some legal advice, and I think you said in answer that you
40 didn't make that suggestion?

41 A. No.

42
43 Q. During the time that you assisted the survivors, were
44 you aware of the Legal Aid Commission?

45 A. Yes.

46
47 Q. And were you aware that the Legal Aid Commission had

1 referred, on occasions, survivors to the Esther Centre?
2 A. I wasn't aware of that, no.
3
4 Q. Was there any relationship between the Esther Centre
5 or Lotus Place and the Legal Aid Commission?
6 A. I'm not sure of that.
7
8 Q. You're not aware of that?
9 A. No.
10
11 Q. Were you aware whether there were any community legal
12 centres that might be --
13 A. Yes.
14
15 Q. And did you ever suggest to any of the survivors
16 contacting the community legal centres?
17 A. No, my job, as I saw it, was not to suggest to them
18 what they might do but simply respond to them. If they
19 said, "Look, I don't understand this stuff. It's a legal
20 document, what does it mean?", then I would say to them,
21 "Well, if you want to find out, you need to talk to a
22 lawyer, and here are various places you could go". But
23 I would never bring that up.
24
25 Q. And who or what were the, "here are various places you
26 can go." Do you have a recollection of who you might have
27 suggested or where they might go?
28 A. No, but I could always find out very easily. There
29 was the Caxton Street Legal Centre that was quite close to
30 where Micah Projects was situated, you know, and I could
31 always have sought advice from my colleagues in the broader
32 organisation, "I have someone who wants to talk to a
33 solicitor about this deed of release, who is the best
34 person?" But I didn't have a list, as such, in front of
35 me.
36
37 Q. Did you have involvement with the Queensland redress
38 scheme whereby I think a sum of \$500 was available to
39 survivors to seek some legal advice in relation to settling
40 any matter with respect to the Queensland Government? The
41 Commission's heard some evidence about that at the last
42 case study?
43 A. My involvement with the Queensland redress scheme was
44 simply in the same capacity, as an advocate for people who
45 wanted to put statements together and make a claim, but
46 that was my only involvement.
47

1 Q. In terms of legal advice, there seems to be in the
2 survivors' statements an assumption that any legal advice
3 was going to cost money. Did you ever have any
4 conversations with any of the survivors that it would be
5 necessary to spend money to get legal advice? Did they
6 talk to you about that at all?

7 A. No, not really.

8

9 Q. If you thought that the absence of legal advice or the
10 ability of the survivors to pay for legal advice was an
11 impediment to the Salvation Army's processes, would that
12 have been something that you would have raised with Major
13 Cox or Major Smartt?

14 A. If the issue had been an important issue for my
15 client, I would have sought any ways possible to assist
16 them to go forward, yes.

17

18 Q. But you don't remember on any occasion saying to
19 Major Cox or Major Smartt, "Look, we've got a problem here.
20 These survivors need some money to obtain legal advice and
21 they shouldn't be asked to sign anything until they've had
22 some funds to get some legal advice." It is not something
23 you ever raised?

24 A. No.

25

26 Q. At paragraph 26 of your statement you also talk about
27 the survivors, or some of the survivors, feeling that they
28 were pushed out and left on their own without support. Do
29 you see that, just the last sentence of that paragraph?

30 A. Mmm. Yes. Yes.

31

32 Q. Can I just ask you this: after the survivors went
33 through the claims process, as you've called it, with the
34 Salvation Army, did the survivors have an ongoing
35 relationship with Lotus Place and you?

36 A. Some did; others not really, no.

37

38 Q. So it was a matter of choice as to whether the
39 survivor might continue the engagement with you?

40 A. Yes, that was a choice that they could make. I was
41 always - I always would let them know that, you know, we
42 were there. Some people who came came because they were
43 regular users of the drop-in centre; others came who had no
44 connection with the drop-in centre, because they'd heard,
45 and they would come and go and not return.

46

47 Q. You're aware, aren't you, that some survivors received

1 assistance with ongoing counselling as part of the outcomes
2 process, so there might be the ex gratia payment and then
3 some additional payment for counselling sessions. Were you
4 aware of that?
5 A. Yes, I was aware of that, yes.
6
7 Q. The clients who wanted to take up the option of the
8 counselling sessions generally had the benefit of 10 paid
9 counselling sessions?
10 A. Yes.
11
12 Q. Paid for by the army?
13 A. Yes.
14
15 Q. You were aware, weren't you, that at the end of the
16 10 sessions the counsellor might prepare a report to the
17 army as to whether or not ongoing counselling services
18 might be required?
19 A. Yes.
20
21 Q. Did you have any involvement with that part of the
22 process at all?
23 A. No.
24
25 Q. Are you also aware that some of the survivors kept in
26 contact with the Salvation Army through the reunions that
27 were held at Riverview?
28 A. Yes, I often attended those myself as well, mmm.
29
30 Q. Do you remember one survivor who you assisted, and his
31 pseudonym is [FP]. I'm not sure whether you have it on the
32 smaller version or whether - I might ask Mr Beckett to
33 assist with the original version.
34 A. I have got it, yes.
35
36 Q. Do you see that?
37 A. Yes.
38
39 Q. Do you remember him?
40 A. Yes, I do, yes.
41
42 Q. And do you remember when he first came to seek some
43 assistance from Lotus Place?
44 A. I don't remember when he first came to --
45
46 Q. Around August/September 2007, does that ring a bell?
47 A. Not really, no.

1
2 Q. Do you remember that before he came to the centre, he
3 had been in fairly regular contact with Major Cox in
4 relation to organising photo books and T-shirts and having
5 some sponsorship for a reunion?
6 A. Yes.
7
8 Q. Do you remember that you assisted him prepare a victim
9 impact statement and attended a meeting between [FP] and
10 Major Cox?
11 A. Mmm.
12
13 Q. Do you remember that being a very positive outcome for
14 this particular survivor?
15 A. I don't honestly remember the details. I do remember
16 there was a meeting, but I don't remember much about the
17 meeting, sorry.
18
19 Q. Do you remember that after his claim had been
20 finalised, there was a reunion at Riverview in the August
21 of 2008 that he, together with Wally McLeod, organised?
22 A. Yes, I do, yes.
23
24 Q. Did you attend that reunion?
25 A. Yes.
26
27 Q. Do you have any recollection of that reunion at all?
28 A. Yes, I do, yes, yes.
29
30 Q. Can you describe to the Commission your recollection
31 of whether this reunion was a happy or sad occasion, or how
32 did you observe the survivors at the reunion?
33 A. Well, they were - it was a warm occasion and [FP] was
34 one of the organisers and he, amongst all of those people,
35 took a very active role in keeping them all together, in
36 actually keeping them all in contact with each other, all
37 the boys who had been through Riverview, and it was an
38 occasion where everybody was in a mood of, you know,
39 meeting up with each other again. It was basically - it
40 was a reunion, and members of the Salvation Army were there
41 and members of our service - well, I was there, and, you
42 know, it was a positive occasion.
43
44 Q. Did you attend other reunions after that time?
45 A. Yes, I did.
46
47 Q. From your observations, have you found that those

1 reunions have been helpful to the survivors who attended
2 them?
3 A. Yes, I think they have been.
4
5 Q. I just now want to ask you about the four survivors
6 who you refer to at paragraph 27 and following of the
7 statement. Could I just ask you, why did you choose to
8 talk about those four particular individuals in your
9 statement?
10 A. Well, they were four problematic - I would call them
11 problematic situations.
12
13 Q. Is there any reason why, in the statement, you've just
14 talked about the four problematic situations?
15 A. No reason, really. They were the ones that, you know,
16 came up as clients which were of interest, where there were
17 sort of - which were different from the majority of cases.
18
19 Q. So these four, would it be fair to say, stand outside
20 the usual experience that you had with the process or the
21 response from the survivors?
22 A. Yes.
23
24 Q. And looking back at those four, that they each had
25 particular features that were quite perhaps specific to
26 these survivors and their particular experiences?
27 A. Yes.
28
29 Q. And those are the sorts of matters that you gave some
30 evidence about this morning - about the need for an apology
31 from Mr Everrit; the comparative amount offered by way of
32 an ex gratia payment with the sister; the absence of a
33 meeting because of the short period of time, I think you
34 said?
35 A. Mmm.
36
37 Q. So those seem to be situations that stand out of the
38 norm rather than represented the norm; is that right?
39 A. Yes.
40
41 Q. Were these four cases cases that, when you prepared
42 your statement, you were specifically asked about by the
43 Royal Commission officers?
44 A. Yes.
45
46 Q. Were you shown any of the statements by the other
47 survivors who gave evidence at case study 5?

1 A. Sorry, can you --
2
3 Q. In the course of preparing your statement, were you
4 shown any statements given by any of the survivors who gave
5 evidence in case study number 5?
6
7 THE CHAIR: I don't think he'd know what case study 5 was.
8
9 MS EASTMAN: Q. Are you aware that this is the second
10 time that the Royal Commission has had a public hearing
11 involving the Salvation Army?
12 A. I am.
13
14 Q. Were you aware that a number of survivors from the
15 Queensland homes gave evidence at the last public hearing?
16 A. Yes.
17
18 Q. And did you follow or read anything about the evidence
19 that those survivors gave at the last case study?
20 A. No.
21
22 Q. In the course of preparing your statement, were you
23 shown any statements made by the survivors or transcripts
24 of the evidence from the survivors from the last case
25 study?
26 A. Not to my knowledge.
27
28 Q. And in the course of preparing your statement, did you
29 review any files or any documents that you might have
30 prepared for the Esther Centre when you were working there?
31 A. Yes.
32
33 Q. Was it the case that the Esther Centre kept a file on
34 every client?
35 A. Yes.
36
37 Q. And in preparing the statement, were the Esther Centre
38 files something that you went back to the Esther Centre or
39 Lotus Place to look at in the course of preparing your
40 statement?
41 A. Yes.
42
43 Q. Did you provide any documents from the Lotus Place
44 files to the Royal Commission as part of preparing your
45 statement?
46
47 MR BECKETT: I object to that. This gentleman was, of

1 course, not with Micah by that stage. As I understand,
2 summonses were issued to Micah, and as I understand it the
3 documents that are contained in the brief were obtained in
4 that process.
5
6 THE CHAIR: I assume the answer is "no".
7
8 THE WITNESS: Sorry?
9
10 THE CHAIR: You had better ask the question again, but
11 I assume the answer is "no".
12
13 MS EASTMAN: Q. I asked you whether you went back to
14 look at the material in the course of preparing your
15 statement and you said, "Yes" and then I said, "Did you
16 provide any documents from the Lotus Place files to the
17 Royal Commission as part of preparing your statement"?
18 A. Right. I was a little bit confused. I mean, I went
19 back to look at statements, to, you know - but I went back
20 as a person who no longer worked in the organisation.
21
22 Q. Yes, I understand that, but you went and had a look at
23 the files that the centre kept?
24 A. Yes, I did.
25
26 Q. In terms of looking at the files, did you take any
27 copies of any part of the files to assist you in preparing
28 this statement?
29 A. Did I take them?
30
31 Q. Mmm.
32 A. I read them and I had a copy of them.
33
34 Q. Did you provide them to the Commission?
35 A. The copy of the statements?
36
37 Q. Mmm.
38 A. I simply read them. Do you mean would I have
39 presented them to the Commission?
40
41 Q. I'm just trying to understand, in the course of
42 preparing your statement, if you looked at the files kept
43 by the Esther Centre at Lotus Place, on looking at those
44 files, did you take any copies of any parts of those files?
45 A. No.
46
47 THE CHAIR: I'm not sure where this is going.

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MS EASTMAN: Your Honour, I'm just trying to understand so we're in a position of knowing what material Mr Lucas had in preparing his statement.

THE CHAIR: He said he looked at the files.

MS EASTMAN: I'm happy to leave that.

THE CHAIR: I mean, I don't know, but I assume we got the files, didn't we?

MR BECKETT: Yes, indeed, and depending on which files, much of the tender bundle is taken up with claims files that were obtained either by the Salvation Army, and some from Micah as I understand.

MS EASTMAN: I think it is a matter can I deal with later, but there's some material in the tender bundle that may come from the Salvation Army's claim files. I have no difficulty with that. It just wasn't clear whether or not any of the documentation had as its source material prepared by or retained by Lotus Place or the Esther Centre. I was just trying to explore with this witness what material he had available for preparing his statement. As I said, your Honour, I'm happy to leave it.

THE CHAIR: I just don't know where it goes.

MS EASTMAN: It is not critical.

Q. Mr Lucas, have you had any involvement with any survivors initiating any court claims, civil proceedings?

A. No, not to my knowledge, no.

Q. You haven't been involved in providing survivors with any assistance working through a court process?

A. No.

Q. Finally, could I just ask you about the delay. I think you've given some evidence today to say that the delay was sometimes problematic for some of the survivors because they weren't sure when they might receive a response from the Salvation Army in relation to their impact statement and/or the meeting and/or any ex gratia payment that might be made. Do you remember giving that evidence earlier today?

1 A. Yes, I do.
2
3 Q. If there was any significant or material problem with
4 delay, that would have been something that you would have
5 raised with either Daphne Cox or Robyn Smartt?
6 A. Yes.
7
8 Q. And to the best of your recollection, if you ever
9 raised any concern about delay, Major Cox or Major Smartt
10 always responded to you to tell you where things were up to
11 and what was going to happen next?
12 A. Yes, I would always have a response from them.
13
14 Q. I think in your statement for the Royal Commission and
15 the evidence that you've given today, you've spoken about
16 aspects of the Salvation Army's processes that you found
17 were frustrating for the survivors and suggested that there
18 might be ways in which the process could be improved. Do
19 you recall at any time during the discussions that you had
20 with the Salvation Army or any correspondence with the army
21 ever raising or suggesting what improvements might be made?
22 A. Yes, I do recall having said, you know, I thought that
23 they could be a little bit more prompt sometimes in their
24 responses they made to people who were putting claims
25 forward.
26
27 Q. Anything else other than promptness?
28 A. Mainly that.
29
30 MS EASTMAN: Thank you, your Honour.
31
32 THE CHAIR: Yes, does anyone else have any questions? You
33 seem to be the only one left Mr Agius. Mr Beckett?
34
35 MR BECKETT: Nothing arising.
36
37 THE CHAIR: Thank you for coming and telling us of your
38 experience. You're now formally excused. Thank you.
39
40 <THE WITNESS WITHDREW
41
42 MR BECKETT: I call Karyn Joan Walsh.
43
44 <KARYN JOAN WALSH, affirmed: [3.32pm]
45
46 <EXAMINATION BY MR BECKETT:
47

1 MR BECKETT: Q. I wonder if you could state your full
2 name for the Royal Commission, please?

3 A. Karyn Joan Walsh.
4

5 Q. You've given your address to the Royal Commission. I
6 understand you've made a statement dated 12 March 2014; is
7 that right?

8 A. Yes.
9

10 Q. Have you had a chance to review that statement
11 recently?

12 A. Last week.
13

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

15 A. Yes.
16

17 THE CHAIR: Do you want to tender it?

18 MR BECKETT: Yes, thank you, your Honour.
19

20 THE CHAIR: Exhibit 10-10. Where do we find it?
21

22 MR BECKETT: It is after Mr Lucas at tab 18 of the same
23 volume.
24

25
26 **EXHIBIT #10-10 STATEMENT OF KARYN JOAN WALSH DATED**
27 **12/03/2014**
28

29 MR BECKETT: Q. Ms Walsh, I understand you're currently
30 the chief executive officer of Micah Projects?

31 A. Yes.
32

33 Q. And how long have you held that position?

34 A. Seventeen - I've worked for the organisation for
35 17 years.
36

37 Q. I wonder if you could give the Royal Commission,
38 please, a brief understanding of how Micah Projects was
39 established?

40 A. It was originally established through a local faith
41 community at St Mary's, South Brisbane, and it was set up
42 as an independent not-for-profit organisation to respond to
43 people who were marginalised and disadvantaged in the local
44 area and people who came to the organisation for
45 assistance.
46

47 Q. Who provided the funding for it to be established?

1 A. The St Mary's Catholic community at the time.
2
3 Q. Has the funding of the organisation changed over those
4 17 years?
5 A. Yes. We mainly get government funding, now, as well
6 as donors and supporters and some philanthropic funds.
7
8 Q. Are you in receipt of any funding from the Salvation
9 Army for your operations.
10 A. No.
11
12 Q. Have there been any discussions with the Salvation
13 Army about provision of funding particularly for support of
14 people going through the claim process?
15 A. No, our position as an organisation is - we were
16 government funded to provide support to the people who had
17 been through the Forde Inquiry, or were going through the
18 Forde Inquiry - the first grant that we received was a
19 victims of crime grant and we, you know, believed that
20 there should be that independence. However, you know, the
21 Salvation Army has been, you know, one of the church's
22 asked to contribute to the Forde Foundation when it was set
23 up for victim support.
24
25 Q. And the Forde Foundation?
26 A. It was set up after the Forde Inquiry.
27
28 Q. I see, yes.
29 A. By the government of the day.
30
31 Q. Was that the \$100 million allocated --
32 A. No, that was the redress scheme. The Forde Foundation
33 was set up pre the redress scheme to provide individual
34 assistance to people who had been in institutional care and
35 had experienced abuse.
36
37 Q. Do I take it that Micah saw a significant increase in
38 both its funding and operations as a result of, first of
39 all, the Forde Inquiry, before the recommendations?
40 A. I wouldn't say "significant". Over time, it has
41 grown. But, no, I mean, originally we were approached by
42 people who were trying to get responses from the church
43 when there was no response, including the Salvation Army,
44 following the Forde Inquiry. You know, victim groups were
45 beginning to form, people were asking for support in how to
46 negotiate where to from here following the Forde Inquiry.
47 There had been a lot of, you know, sort of discussion

1 around what the options were, both legally, and the
2 emergence of internal processes within the churches started
3 fairly slowly after that.
4

5 We would have events with people who had been in care
6 from the different institutions. We gave policy advice and
7 response to the monitoring of the recommendations of the
8 Forde Inquiry. We would facilitate the Historic Abuse
9 Network, which was a voluntary network of people from
10 across all the institutions who wanted to participate in
11 ensuring and monitoring what the recommendations of the
12 Forde Inquiry were by the government and the churches.
13

14 Q. Can I ask you, you obviously now, and certainly when
15 Mr Lucas was employed there, had a number of advocates that
16 were assisting with the Salvation Army claims process;
17 that's right, isn't it?

18 A. Yes.
19

20 Q. Perhaps you can give us an idea of the timing, in
21 terms of the redress scheme versus the Salvation Army
22 claims process. Was that process at the same time or did
23 it predate the redress scheme or did it come after the
24 redress scheme. Can you assist us with that?

25 A. The internal processes, including the Salvation Army,
26 were very slow at the beginning, following the Forde
27 recommendations. Over time, a lot of energy was put into
28 advocating that there be a Queensland redress scheme, and
29 the views were that that should be both government and
30 church. However, it ended up being government. And the
31 processes that the Salvation Army used over that period of
32 time developed. So people in the early days, following the
33 Forde Inquiry, the early 2000s on, I think it was - gosh,
34 I forget when the redress scheme was; 2010. Sorry, I've
35 got a mental block, but it took about 10 years to advocate
36 for that process of the redress by the State government,
37 and certainly in the period that John's been talking about,
38 the processes were more consistent and predictable than
39 what they had been before.
40

41 Q. Are you referring to the Salvation Army --

42 A. Yes.
43

44 Q. -- or the redress scheme?

45 A. The Salvation Army. The redress scheme was a
46 government-led scheme which victims and people from
47 institutions through the Historical Abuse Network had

1 advocated for.

2

3 Q. Clearly, by the time that Mr Lucas came to join
4 Micah - I think he estimates it was 2006 or 2007 - it seems
5 that the process was quite mature by then?

6 A. Yes. That was certainly the period of where it was
7 most consistent and predictable in what would be the
8 process. I mean, originally our approach was to work
9 with - some people went to the Salvation Army of their own
10 accord; you know, some people said they would never go.
11 There was a lot of discussion, I suppose, among people
12 about whether or not having internal processes versus the
13 opportunity for civil litigation were issues that people
14 were interested in exploring. We would run forums. We
15 would have discussion about why people could or couldn't go
16 forward with civil litigation, what were the legal
17 arguments put to people. People, you know, would give
18 feedback about the experiences they had had in a public,
19 you know, sort of policy context, and I think, you know,
20 there's been a lot of call that processes become more
21 transparent and that there be some independent benchmarking
22 around how all the churches, including the Salvation Army,
23 approach the way in which victims are heard, the way in
24 which perpetrators are held accountable, the way in which
25 there is a compassionate response that respects the
26 vulnerability that people are experiencing and the
27 uniqueness of people's experience, the different kinds and
28 extent of abuse that people experienced. These are all
29 issues which there's continued discussion about the
30 adequacy and the inadequacy of the processes.

31

32 Q. In addition to the Queensland Government Redress
33 Scheme, you've also given some evidence about the Salvation
34 Army's claims process, if I can call it that. Have you
35 also been involved in Towards Healing claims as well?

36 A. Yes.

37

38 Q. What about the Anglican Church's claims process as
39 well?

40 A. Yes.

41

42 Q. And Micah has, over the years, assisted across all of
43 those different claims process, has it?

44 A. When we're allowed to or when it's appropriate.

45

46 Q. In the sense --

47 A. Sometimes we would advise that, you know, people -

1 I think we always try and say to people, if there's a
2 lawyer that's interested in pro bono, if there's a class
3 action that people need to know about, that information
4 would be given to people. But, yes, we've had experience
5 across most of the churches.
6

7 Q. Yes. You've heard quite a bit of evidence from
8 Mr Lucas, and certainly you've been quite experienced
9 yourself as Micah coordinator in the Salvation Army's
10 process. Is there anything, given that perspective across
11 all of the different churches that you're involved with,
12 any particular aspect, good or bad, that sticks out with
13 respect to the Salvation Army's claim processes that you
14 can tell us about?

15 A. I think it's been useful that the process has become
16 more structured and that there was a level of
17 predictability in understanding what the process was, but
18 certainly during the period that John was advocate, and
19 Anne Hilton was another advocate - it wasn't always that
20 way.
21

22 I think it's important to distinguish between the
23 personal experience that people have in engagement with
24 that individual meeting and the institutional response that
25 people might expect; that people sometimes - you know, what
26 they experience in a meeting and what they might reflect on
27 overall, after the meeting, can shift as people realise
28 that their options have been limited because of the
29 inability --
30

31 Q. Do you have any direct experience of that with respect
32 to the Salvation Army process?

33 A. With people who - yes, witnesses who feel --
34

35 Q. That change in position?

36 A. Oh, definitely.
37

38 Q. Can you provide the Royal Commission with some
39 examples, perhaps?

40 A. I think some of the evidence that witnesses have given
41 the Commission - it's clear that people have an experience
42 of which, afterwards, it has a different perspective and a
43 different context.
44

45 Certainly, as more information becomes transparent
46 about the way the decisions are made, people can have a
47 reaction to that because they see there hasn't been equity

1 in the amounts of money that people have been offered.
2 There was no benchmarking that was obvious for people.
3 I mean, they weren't mediated processes, they were a
4 process in which a person comes and tells of their
5 experience --
6

7 Q. Just before we go there, can I ask you about those two
8 issues first of all - equity and benchmarking. As you are
9 probably aware, a number of the deeds of release that have
10 been entered into by the survivors or the claimants that
11 have come forward have included an obligation not to
12 disclose the amount. Do I take it from your evidence that
13 notwithstanding that, there seems to be some common
14 discussion about what those amounts are?

15 A. No. People - you know, people want their privacy
16 about the amounts of money. We don't hear people talk
17 about the amounts of money publicly very often, but they,
18 you know, certainly did not want to be told they couldn't
19 talk about their experience.
20

21 However, some people, just since the Royal Commission
22 has started and there is available information on your
23 website about how the processes unfold - that was not
24 information people had before. So how they reflect on the
25 experience and how they, you know, see whether or not there
26 was equity - it has always been an issue, and whenever we
27 have discussions or processes which ask people not to talk
28 about it - you know, share the details individually, but
29 what would they want a more-effective process to look like,
30 the transparency around decision making and how you
31 actually - that there needs to be a better system of
32 identifying, you know, what is the amount of money that is
33 appropriate for the injury and harm that people have
34 experienced.
35

36 Q. All of those matters appear to be interrelated. Let's
37 take the --
38

39 THE CHAIR: Stop for a moment.
40

41 Q. You said that they want to see whether or not there
42 was equity. What do they see as being the relevant
43 elements of equity?

44 A. From what people have shared in our context, it's
45 certainly been that there is a process of looking at what
46 is the harm and fully understanding that harm. The issues
47 around, you know, what that's meant for their life in terms

1 of not only their emotional and psychological wellbeing,
2 but their economic wellbeing as well, and the, you know,
3 options that have been taken away because the experience
4 has impacted so much on their adult life.

5
6 So wanting to know that there's sort of - I suppose
7 it's like if you had a car accident or an injury occurred
8 at work, there are systems behind how money is determined
9 in terms of personal injury, and often people raise issue
10 that there should be a system that is, you know,
11 transparent around what amounts of money match what
12 experience people have had.

13
14 Q. So equity would be an amount of money that reflects an
15 understanding of the level of injury; is that --

16 A. Yes, and for some people, added to that would be
17 money that represents the harm that's been done by the
18 processes not being just and not having the opportunity to
19 seek redress over long periods of time.

20
21 Some people, you know, have been advocating for many,
22 many years, like 30 years, to try and get attention to what
23 occurred in the homes, and there would be some people who
24 believe that there should be, you know, compensation for
25 the lack of response and the lack of accountability of the
26 churches, including the Salvation Army.

27
28 Q. Do people talk to you about what they would see as
29 appropriate or the appropriate range of money?

30 A. Not specifically, except if you looked at contemporary
31 law - you know, certainly if someone was in the statute of
32 limitations and, you know, certainly the Toowoomba
33 situation, where a young woman was awarded \$450,000 for the
34 abuse and then \$450,000 for the cover up, that was
35 determined by the court because of that experience and how
36 the experience was handled.

37
38 I think most victims, you know, want us as a community
39 to have a much better contemporary view of the economic
40 consequences that the abuse of their childhood has resulted
41 in, and particularly for the people where there was sexual
42 abuse.

43
44 MR BECKETT: Q. Could I just go through that from a
45 structural point of view. You've mentioned that through
46 your experience of claimants through Micah and also through
47 a number of roundtables, meetings, discussions, conferences

1 and so forth, you've formed a view that people are
2 interested not just in recompense for emotional and social
3 matters, but also economic matters; is that right?

4 A. You know, I think that's one of the challenges of the
5 system - of this process, around is it compensation for
6 economic loss or is it recognition of the economic
7 consequences that people have experienced because of their
8 childhood. You know, from the issues around lack of
9 education to the direct consequences of sexual abuse,
10 childhood sexual abuse.

11
12 Q. It is a desire to look at it in a holistic sense, not
13 just to highlight --

14
15 THE CHAIR: Q. No, in common law terms what you're
16 saying is they see pain and suffering as one matter, but
17 they see loss of opportunity for income, whether that comes
18 from education compromised or otherwise, as a separate
19 matter?

20 A. Yes.

21
22 Q. That's what you are saying?

23 A. Yes.

24
25 Q. In there, of course, in the common law sense, there
26 will also be an amount for medical expenses, however you
27 describe it in this context?

28 A. Yes.

29
30 Q. Do they look to see compensation that would meet their
31 counselling and other psychiatric needs?

32 A. Well, that's the whole issue about if people have
33 accessed Medicare services or whether they've accessed
34 services that are free, that, you know, they haven't had to
35 directly pay for. Those issues all come up in terms of if
36 you're looking at a compensation package and what would
37 have to be repaid if it was directly considered that these
38 things were linked. That's the complexity that I think
39 people struggle with in terms of looking at the amount of
40 money. But I think the expectation would be that in
41 looking at a proper process, it didn't stop people from
42 going through a civil or criminal trial and that there was
43 some way of really putting a monetary position around the
44 harm and injury and in the whole context of what living in
45 an institution as a child, being sexually abused,
46 physically, emotionally - that those things, that there was
47 some work done around making sure that churches, all

1 churches, were accountable, all NGOs were accountable to
2 that prescribed formula, rather than every church looking
3 at it in an individualised context where there doesn't seem
4 to be a very clear understanding of, you know, what the
5 harm is and the extent of that harm, the consequences on a
6 person's life and what a person needs for healing.

7
8 People are also seeking a just response. So how you
9 establish what that just response is in a contemporary way
10 is, you know, what people are seeking an answer to from a
11 range of professions, I think.

12
13 MR BECKETT: Q. Do I take it that say, for example, the
14 Salvation Army's claims process, like some of the other
15 church processes, is inadequate in the sense that it
16 doesn't consider or compensate for some of those matters
17 such as economic loss; is that what you're saying?

18 A. Yes, and also that it doesn't - if the statute of
19 limitations was removed, people would have another option.

20
21 THE CHAIR: Q. I'm sure you appreciate this is a very
22 complex question?

23 A. I know.

24
25 Q. I don't know whether you know, but I spoke about it
26 yesterday, and in what I said yesterday I raised the
27 serious questions that arise once you start down this path.
28 It is complex.

29 A. I understand the complexity, but I think the
30 expectation of survivors and victims is for us to really
31 explore that complexity and look at ways in which it can be
32 addressed in a contemporary way, not just in a very
33 individualised way between a victim and a church or a
34 government for that matter.

35
36 THE CHAIR: You can be sure it is at the forefront of all
37 of the Commissioners' minds.

38
39 MR BECKETT: Q. Ms Walsh, then taking those issues, if
40 you like, as the principles or the basis upon which some
41 redress or compensation might be established, you've
42 referred to benchmarking, and I presume you mean that with
43 respect to each of those matters - say economic loss,
44 non-economic loss, medical expenses and so forth - all of
45 that should be benchmarked?

46
47 THE CHAIR: Just before you enter that, I was going to ask

1 you this myself.

2

3 Q. You understand that in some States, in some areas of
4 what used to be common law liability, the States have moved
5 to provide structured schemes that provide both the
6 decision-making process and also a range of benefits. Do
7 you understand that?

8 A. Yes.

9

10 Q. That mirrors, of course, what we've had for a long
11 time, I think in every State, which is a workers
12 compensation scheme that provides for ongoing arrangements
13 but also potentially lump sums for people. In your
14 discussions, are people thinking in terms of some
15 structured scheme like that?

16 A. Definitely. I don't think anyone --

17

18 Q. Take out the common law --

19 A. Yes.

20

21 Q. -- but in terms of a structured scheme.

22 A. I think that a structured scheme that's equitable
23 across denominations and governments, because there are
24 people that have been in institutions that were run by the
25 government, so, you know, whether it was a tribunal
26 approach or some structured approach - that it wasn't
27 dependent upon the good intentions of a small group of
28 people; it was actually a structured, principled framework
29 that recognised that it is a victims of crime, that it is
30 an abuse of power, that there is a fiduciary relationship,
31 that these elements need to be, you know, named formally
32 and appreciated formally in the structure of the process.

33

34 MR BECKETT: Q. You referred to the importance of an
35 independent tribunal at paragraph 28 of your statement. Do
36 you consider it is possible for the churches to be able to
37 establish their own processes?

38

39 THE CHAIR: Mr Beckett, I'm not sure we can take this
40 discussion much further today. This is a very complex
41 issue.

42

43 Q. Ms Walsh, if you don't mind me saying, we'll want your
44 contribution again, because we will move to a process of
45 consultation which will include roundtable discussions
46 about this, and people like you, who have dealt with many
47 people who have been in institutions, are very important in

1 contributing to that process. But I think we understand
2 what you're telling us about where they're looking for us
3 to investigate, and we do have your statement.

4 A. Sure.

5
6 Q. Is there more that you feel that you need to say
7 today?

8 A. No. Do I have to come tomorrow?

9
10 Q. No. That's what I'm trying to avoid, for your sake,
11 but have you been able to express in the exchanges,
12 particularly with me, what you are being told by people who
13 you are talking to?

14 A. Definitely. I think the only comment I'd like to make
15 in relation to this case study is that it is very hard
16 for - the victims have to be the ones to tell a church
17 authority how to behave and how to, you know, develop
18 apologies and develop a process that is going to meet the
19 needs of a whole victim group, and that whilst people have
20 had, you know, good interpersonal experiences in dealing
21 with the church, in dealing with the Salvation Army, there
22 are many people that have not had the confidence to come
23 forward and to bring their issues and tell their story and
24 to seek whatever it is they would want to seek; that
25 there's still a lot of people in the community who haven't
26 got faith in the process to move forward, and that's what -
27 they're certainly looking to this Commission to assist them
28 in gaining that confidence.

29
30 Q. I was interested to ask you this: you speak in your
31 statement about the issue of apology, and I have the
32 impression that your experience is that the more senior the
33 person who gives the apology, the more readily it's
34 accepted; is that right?

35 A. A lot of people say that they want the leader of the
36 church to be the person who not only gives the apology but
37 actually listens to what the experience is, and I think
38 there are many dimensions to whether they are happy with
39 the apology, including to what extent they have been able
40 to be satisfied that the perpetrator has been held
41 accountable or has been disciplined and - you know, they're
42 the issues that are different for different people.

43
44 Q. I take it that an apology confined to a letter, as
45 opposed to one given in one-on-one discussion, is not
46 anywhere near as effective?

47 A. People prefer the face-to-face or - you know, there

1 are some people who don't think they could cope with that.
2 Certainly it is important that the people involved in
3 giving apologies are adequately up to the task, are
4 informed of what sensitivities they need to consider, the
5 options that people shouldn't have to ask whether someone
6 should be in uniform or not - some of those things might be
7 something that people would consider before engaging. You
8 know, people don't always know what's going to trigger a
9 response until they're in it, and I think that it's
10 important that, you know, people prepare; that the leaders
11 of the church, including the Salvation Army, do look at
12 professional development around those sensitivities, what
13 could be triggers, what a person may need from them in
14 doing that.

15
16 Q. The other issue that I wanted just to talk to you
17 about is, is it important in the whole process, which
18 includes an accounting of the story to the institutional
19 person, the giving of an apology and the negotiations in
20 relation to any monetary compensation - is it important
21 that the apology comes early in the process before money is
22 discussed or is it satisfactory if it comes right at the
23 end?

24 A. I think it's hard to generalise. I think that the
25 process around an individual needs to be led by that person
26 and what they are actually - and also the extent and nature
27 of the abuse they experienced. So that leads to some very
28 different expectations of when it is the appropriate time
29 for the apology. For some people, you know, the apology
30 won't be meaningful without the restitution, without that
31 sense of there's a completeness to what they were seeking.
32 For others that's not as important. It really is something
33 that the process itself should have built into it, you
34 know, where do people feel they're going with being heard,
35 getting the information that they need to receive back from
36 the church.

37
38 Q. There's a difficulty, isn't there, if you're a leader
39 of a church and you listen to a survivor's story, at that
40 point, the natural human response is, of course, to accept
41 it and express sorrow for what's happened?

42 A. Well, definitely, but that might not be the only point
43 where the apology is formalised.

44
45 Q. So you could see for some people it may be necessary,
46 after discussions have then continued in relation to
47 compensation, that, again, that compensation, once

1 determined, be accompanied by a further expression of the
2 sorrow?

3 A. Yes, and particularly for what a person's been
4 compensated for - a full acknowledgment of the harm that's
5 been done, the lack of protection, the issues that are in
6 the person's story and the elements of it. I don't think
7 it's just one comment that says, "I'm sorry". It's really
8 how does the process bring together the experience that a
9 person is seeking.

10

11 Q. The other issue that's been raised with us by some
12 churches in particular is whether the process of pastoral
13 engagement, listening to a person's story and expressing
14 the institution's response to it, should be entirely
15 separate from a process which determined compensation. So
16 there should be an engagement with the church and that
17 should be fulfilled, but there should be a separate process
18 with a separate body determining compensation. Are you
19 able to comment on that?

20 A. I think, from what we've heard, people think there
21 should be a suite of processes, really, according to the
22 nature of the abuse and the circumstances, so that people
23 may have a process that is about just telling their story,
24 telling - you know, what people would refer to as
25 truth-telling to the church about what happened. There are
26 others where, you know, the options around court
27 proceedings and alternative dispute resolution processes
28 or - you know, some people need different forms of redress
29 and I think the important factor for people is that those
30 options are there that match the extent and nature of the
31 abuse that people have experienced and that there be some
32 proactiveness from the churches. For example, when a
33 person is charged criminally, that it shouldn't be up to
34 the victim to have to go seeking compensation from the
35 church; the church should proactively seek that person,
36 knowing that there's now been a conviction. That the
37 emphasis is always on the victim coming to the church,
38 rather than the church going to the victim when these
39 processes - whether it is a criminal case or whatever. But
40 I think it is about what matches the nature of the abuse
41 and the consequences and the issues around the perpetrator,
42 that they can't be siloed off. There has to be some
43 framework. While they might be different processes, they
44 need to have connection in terms of the whole picture.

45

46 THE CHAIR: Yes. Now I'm going to see whether I have been
47 able to avoid you coming back tomorrow.

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Mr Beckett, do you have any more questions that you need to raise?

MR BECKETT: My questions were mainly with respect to the individual Salvation Army process. A lot of the questions that I've asked already are at the next level up, in terms of what might be a better process overall. I did have some specific questions, but I must say that most of them are dealt with in the statement. I understand that Ms Eastman, though, may have some considerable questions.

MS EASTMAN: At this stage at least an hour, your Honour, I'm afraid.

THE CHAIR: You know what that means.

THE WITNESS: Thank you.

THE CHAIR: I think we had best adjourn until 10 o'clock in the morning. Thank you.

**AT 4.10PM THE COMMISSION WAS ADJOURNED
TO WEDNESDAY, 2 APRIL 2014 AT 10AM**

#
#10-10 [1] - 6908:26

\$

\$10,000 [1] - 6848:4
\$100 [1] - 6909:31
\$118 [1] - 6876:34
\$14,000 [1] - 6854:45
\$20,000 [2] - 6848:4, 6858:3
\$30,000 [1] - 6854:46
\$40,000 [6] - 6854:46, 6856:13, 6856:39, 6880:5, 6880:22, 6880:25
\$45,000 [1] - 6851:12
\$450,000 [2] - 6914:33, 6914:34
\$50,000 [2] - 6855:8, 6855:25
\$500 [1] - 6899:38
\$60,000 [3] - 6877:29, 6877:32, 6880:27
\$60,000* [1] - 6880:26
\$7,000 [2] - 6854:37, 6854:38
\$70,000 [8] - 6813:38, 6814:6, 6814:26, 6814:29, 6814:36, 6814:46, 6815:16, 6819:12

'

'come [1] - 6844:24
'cop [1] - 6872:3
'talking [1] - 6871:47
'that [1] - 6844:25
'The [1] - 6821:42

1

1 [2] - 6812:27, 6868:45
10 [11] - 6812:17, 6815:43, 6820:38, 6828:27, 6871:20, 6896:46, 6901:8, 6901:16, 6910:35, 6921:20
10-1 [4] - 6813:8, 6813:13, 6813:20, 6813:28
10-10 [1] - 6908:21
10-8 [2] - 6828:8, 6828:10
10-9 [2] - 6870:40, 6870:42

10.06am [1] - 6812:27
10.08am [1] - 6813:31
10.43am [1] - 6827:35
10AM [1] - 6921:24
11 [5] - 6815:18, 6815:28, 6816:38, 6818:5, 6870:29
11/03/2014 [1] - 6870:42
12 [4] - 6815:43, 6820:38, 6856:47, 6908:6
12/03/2014 [1] - 6908:27
123A [1] - 6813:10
15 [1] - 6859:43
16 [5] - 6836:28, 6866:35, 6866:36, 6867:36, 6871:5
17 [5] - 6812:22, 6827:33, 6840:10, 6908:35, 6909:4
18 [3] - 6815:9, 6841:10, 6908:23
19 [1] - 6891:27
1969 [1] - 6820:7
1973 [2] - 6871:26, 6872:41
1977 [1] - 6873:42
1992 [1] - 6851:17

2

2 [4] - 6827:33, 6868:45, 6871:5, 6921:24
2.10pm [1] - 6870:20
2.35pm [1] - 6881:8
20 [4] - 6876:20, 6876:41, 6891:47, 6892:11
2000s [1] - 6910:33
2005 [1] - 6874:21
2006 [7] - 6874:47, 6876:20, 6876:41, 6877:16, 6877:28, 6878:6, 6911:4
2007 [2] - 6901:46, 6911:4
2008 [1] - 6902:21
2009 [4] - 6813:12, 6852:4, 6852:25, 6855:44
2010 [1] - 6910:34
2011 [1] - 6859:43
2013 [2] - 6820:39, 6823:10
2014 [10] - 6812:27, 6813:9, 6813:36, 6815:9, 6815:18,

3

3 [1] - 6815:10
3.32pm [1] - 6907:44
30 [2] - 6830:4, 6914:22
31 [1] - 6819:10
37 [2] - 6871:46, 6877:43
38 [1] - 6879:2
39 [1] - 6879:25

4

4 [1] - 6871:12
4.10PM [1] - 6921:23
40 [1] - 6830:4
41 [1] - 6855:29
43 [1] - 6881:15
458 [1] - 6813:18
462 [1] - 6813:18

6816:38, 6827:43, 6870:29, 6908:6, 6921:24
21 [2] - 6893:23, 6893:28
23 [4] - 6813:12, 6843:38, 6852:4, 6895:40
24 [4] - 6843:38, 6844:22, 6847:7, 6855:44
25 [3] - 6816:1, 6877:28, 6878:6
26 [2] - 6897:27, 6900:26
27 [3] - 6813:9, 6851:7, 6903:6
28 [1] - 6917:35

5

5 [5] - 6813:17, 6827:43, 6903:47, 6904:5, 6904:7
5/03/2014 [1] - 6828:10
59 [2] - 6858:11, 6873:27

6

6 [4] - 6814:15, 6860:47, 6861:6, 6861:8
65 [1] - 6812:18
6830 [1] - 6881:15
6850 [1] - 6898:37

7

7 [4] - 6813:36, 6830:3, 6860:47, 6861:8

8

83 [1] - 6813:14
84 [1] - 6813:14

9

9 [2] - 6861:44, 6862:9

A

AA1 [3] - 6832:42, 6833:34, 6834:17
AA10 [1] - 6816:39
AA11 [1] - 6818:3
AA2 [1] - 6834:16
AA6 [1] - 6815:7
ability [1] - 6900:10
able [28] - 6814:35, 6814:38, 6822:17, 6823:44, 6824:7, 6826:30, 6831:9, 6834:32, 6836:45, 6837:47, 6844:37, 6848:19, 6851:22, 6851:39, 6858:23, 6863:19, 6870:14, 6871:13, 6871:14, 6876:31, 6883:12, 6895:44, 6896:11, 6917:36, 6918:11, 6918:39, 6920:19, 6920:47
absence [2] - 6900:9, 6903:32
absolutely [2] - 6888:22, 6897:16
abuse [39] - 6819:45, 6820:20, 6821:10, 6821:29, 6822:38, 6822:45, 6823:44, 6825:20, 6826:12, 6826:13, 6826:19, 6826:23, 6828:36, 6829:4, 6838:2, 6846:24, 6852:10, 6854:6, 6858:12, 6858:14, 6858:15, 6859:9, 6871:21, 6872:2, 6872:20, 6878:27, 6909:35, 6911:28, 6914:34, 6914:40, 6914:42, 6915:9, 6915:10,

6917:30, 6919:27, 6920:22, 6920:31, 6920:40
ABUSE [1] - 6812:13
Abuse [2] - 6910:8, 6910:47
abused [9] - 6858:21, 6858:42, 6859:34, 6871:19, 6872:46, 6873:21, 6873:33, 6874:4, 6915:45
abuser [2] - 6854:10, 6858:35
abusing [2] - 6820:34, 6820:35
academic [1] - 6828:17
accept [28] - 6820:23, 6839:6, 6844:34, 6844:35, 6844:37, 6844:40, 6844:43, 6846:47, 6847:22, 6847:29, 6847:34, 6847:37, 6847:46, 6848:11, 6848:13, 6850:11, 6850:15, 6850:18, 6880:5, 6880:22, 6880:27, 6892:16, 6895:44, 6896:3, 6896:9, 6896:11, 6898:27, 6919:40
accepted [8] - 6842:11, 6842:12, 6843:41, 6847:3, 6850:12, 6856:26, 6897:29, 6918:34
accepting [2] - 6895:36, 6896:26
access [1] - 6858:28
accessed [2] - 6915:33
accident [1] - 6914:7
accompanied [1] - 6920:1
accord [2] - 6842:4, 6911:10
according [3] - 6814:20, 6835:13, 6920:21
accords [1] - 6890:28
account [7] - 6839:36, 6850:20, 6859:5, 6868:37, 6881:31, 6882:8, 6892:47
accountability [1] - 6914:25
accountable [4] - 6911:24, 6916:1, 6918:41

accounting [1] - 6919:18
accounts [3] - 6893:5, 6893:9, 6893:11
achieve [2] - 6848:20, 6861:39
acknowledge [2] - 6885:31, 6898:1
acknowledging [1] - 6886:1
acknowledgment [4] - 6842:3, 6879:3, 6879:30, 6920:4
act [1] - 6864:15
acting [1] - 6857:13
action [7] - 6853:45, 6854:10, 6854:24, 6896:16, 6897:38, 6898:29, 6912:3
actions [3] - 6819:47, 6821:40, 6854:5
active [1] - 6902:35
acts [1] - 6872:36
added [1] - 6914:16
ADDITION [1] - 6813:28
addition [5] - 6816:30, 6816:32, 6834:41, 6865:15, 6911:32
additional [5] - 6817:30, 6835:29, 6847:14, 6847:15, 6901:3
additions [1] - 6813:6
address [10] - 6816:21, 6825:45, 6826:30, 6827:11, 6827:40, 6851:7, 6858:10, 6870:25, 6884:21, 6908:5
addressed [9] - 6825:30, 6826:45, 6837:28, 6838:10, 6856:6, 6864:11, 6864:34, 6887:22, 6916:32
addresses [1] - 6875:22
addressing [4] - 6818:18, 6827:1, 6827:3, 6829:46
adequacy [1] - 6911:30
adequate [2] - 6886:26, 6886:30
adequately [1] - 6919:3
adjourn [1] - 6921:20
adjournment [1] - 6846:34
admitted [2] - 6825:11, 6835:28
adopting [1] - 6843:5
adult [1] - 6914:4
advance [1] - 6865:30
advanced [1] - 6886:16
advice [23] - 6834:34, 6847:40, 6847:43, 6850:25, 6850:31, 6850:35, 6850:39, 6850:43, 6877:39, 6879:13, 6879:18, 6879:21, 6898:39, 6899:31, 6899:39, 6900:1, 6900:2, 6900:5, 6900:9, 6900:10, 6900:20, 6900:22, 6910:6
advisable [1] - 6853:38
advise [4] - 6834:33, 6841:2, 6850:43, 6911:47
advised [1] - 6847:36
advocacy [4] - 6830:16, 6834:33, 6852:33, 6858:7
advocate [10] - 6828:38, 6830:17, 6857:13, 6859:43, 6860:18, 6886:34, 6899:44, 6910:35, 6912:18, 6912:19
advocated [1] - 6911:1
advocates [2] - 6886:10, 6910:15
advocating [2] - 6910:28, 6914:21
affected [1] - 6826:19
affirmation [1] - 6881:8
affirmed [2] - 6827:35, 6907:44
afford [1] - 6876:31
affront [1] - 6842:42
afraid [1] - 6921:14
afternoon [1] - 6870:15
afterwards [2] - 6871:35, 6912:42
age [1] - 6851:35
agenda [1] - 6897:20
agitated [1] - 6840:26
Agius [1] - 6907:33
AGIUS [1] - 6880:44
ago [1] - 6835:23
agree [14] - 6822:44, 6823:38, 6824:7, 6839:33, 6868:47, 6876:14, 6885:17, 6885:46, 6890:37, 6890:43, 6893:9, 6894:11, 6894:15, 6895:12
agreeable [3] - 6824:33, 6824:35, 6895:30
agreed [2] - 6815:28, 6864:45
agreement [1] - 6898:2
ahead [1] - 6856:26
Aid [3] - 6898:44, 6898:47, 6899:5
air [1] - 6893:39
Albion [1] - 6873:37
alcohol [1] - 6821:5
ALLAN [1] - 6813:31
allegations [4] - 6848:42, 6849:40, 6851:17, 6859:38
alleged [3] - 6819:47, 6858:12, 6858:42
allocated [1] - 6909:31
allowed [2] - 6819:34, 6911:44
allowing [1] - 6893:42
almost [3] - 6871:37, 6874:5, 6893:34
alternative [2] - 6847:18, 6920:27
Alternative [1] - 6872:23
altogether [1] - 6846:27
amicable [1] - 6893:20
amount [29] - 6813:38, 6814:19, 6817:43, 6837:25, 6837:32, 6839:36, 6843:40, 6843:46, 6844:33, 6846:9, 6847:15, 6847:41, 6854:45, 6855:37, 6856:19, 6856:22, 6857:8, 6857:44, 6858:3, 6877:36, 6880:22, 6880:27, 6895:29, 6903:31, 6913:12, 6913:32, 6914:14, 6915:26, 6915:39
amounts [9] - 6844:3, 6848:26, 6894:35, 6894:36, 6913:1, 6913:14, 6913:16, 6913:17, 6914:11
anal [2] - 6871:40, 6874:9
Anderson [10] - 6813:16, 6813:35, 6815:8, 6816:17, 6822:18, 6822:34, 6822:35, 6824:19, 6827:18, 6832:40
ANDERSON [1] - 6813:31
Anderson's [3] - 6832:42, 6833:4, 6833:12
anger [4] - 6823:14, 6842:30, 6842:36, 6842:42
Anglican [3] - 6828:25, 6872:44, 6911:38
angrily [1] - 6857:33
angry [3] - 6824:25, 6857:35, 6858:5
Anne [2] - 6886:9, 6912:19
annex [2] - 6851:45, 6877:27
annexed [3] - 6816:37, 6855:40, 6874:25
annexure [7] - 6816:39, 6818:3, 6832:42, 6833:34, 6834:16, 6855:42, 6875:21
annoyed [1] - 6815:36
answer [13] - 6815:33, 6815:44, 6816:23, 6816:26, 6820:46, 6821:20, 6821:31, 6836:44, 6856:25, 6898:39, 6905:6, 6905:11, 6916:10
answered [2] - 6815:3, 6897:8
answers [4] - 6819:18, 6819:20, 6821:21, 6856:30
anxiety [1] - 6840:33
anxious [1] - 6886:47
anyway [2] - 6814:33, 6869:12
apart [3] - 6814:45, 6818:8, 6834:12
apologies [11] - 6817:29, 6838:15, 6841:45, 6842:6, 6842:7, 6842:15, 6842:20, 6842:25, 6892:2, 6918:18, 6919:3
apologise [5] - 6842:22, 6851:39, 6880:25, 6891:3
apologised [1] - 6817:45
apology [36] - 6817:21, 6817:41, 6821:32, 6832:15, 6842:4, 6845:39, 6845:42, 6849:23, 6849:36, 6851:16, 6851:20, 6851:23, 6851:36, 6853:30, 6860:13, 6861:39, 6877:45, 6878:14, 6878:33, 6878:38, 6878:44, 6890:44, 6891:19, 6892:7, 6892:20, 6903:30, 6918:31, 6918:33, 6918:36, 6918:39, 6918:44, 6919:19, 6919:21, 6919:29, 6919:43
Appeal [1] - 6822:5
appear [3] - 6813:5, 6855:24, 6913:36
appearance [1] - 6873:8
appeared [3] - 6855:29, 6857:3, 6857:30
applicable [1] - 6839:30
application [2] - 6822:30, 6839:24
applications [1] - 6829:32
applied [8] - 6833:28, 6838:43, 6839:3, 6852:24, 6855:15, 6856:21, 6856:39
apply [2] - 6832:41, 6836:23
appointed [1] - 6865:6
appointment [1] - 6831:43
appreciate [4] - 6827:9, 6837:35, 6838:26, 6916:21
appreciated [1] - 6917:32
approach [15] - 6837:38, 6843:6, 6853:23, 6853:38, 6853:41, 6857:19, 6862:35, 6867:33, 6869:1, 6874:20, 6874:31, 6911:8, 6911:23, 6917:26
approachable [1] -

6889:33
approached [5] -
6823:10, 6851:27,
6861:34, 6861:38,
6909:41
approaching [1] -
6852:17
appropriate [11] -
6840:5, 6846:30,
6887:47, 6888:36,
6891:2, 6895:9,
6911:44, 6913:33,
6914:29, 6919:28
APRIL [1] - 6921:24
April [3] - 6812:27,
6876:20, 6876:41
area [4] - 6829:35,
6830:41, 6833:39,
6908:44
areas [1] - 6917:3
arguments [1] -
6911:17
arise [3] - 6850:2,
6861:23, 6916:27
arising [3] - 6827:25,
6860:30, 6907:35
army [30] - 6833:5,
6833:10, 6861:4,
6861:14, 6861:17,
6861:24, 6861:30,
6862:28, 6862:37,
6864:10, 6864:25,
6864:31, 6865:14,
6865:16, 6865:28,
6884:36, 6885:11,
6885:29, 6890:13,
6890:15, 6893:4,
6894:20, 6894:46,
6895:47, 6896:24,
6896:33, 6897:34,
6901:12, 6901:17,
6907:20
Army [185] - 6813:15,
6814:22, 6814:41,
6815:42, 6816:35,
6818:33, 6818:43,
6819:11, 6819:38,
6819:46, 6820:9,
6820:10, 6820:18,
6820:21, 6820:30,
6820:40, 6821:29,
6821:46, 6822:5,
6823:2, 6823:10,
6823:46, 6824:36,
6824:41, 6825:11,
6826:20, 6826:46,
6828:42, 6828:43,
6829:47, 6830:5,
6830:29, 6830:37,
6830:45, 6831:7,
6831:11, 6831:15,
6831:20, 6831:21,
6831:31, 6831:36,
6831:41, 6832:13,
6832:21, 6833:47,
6834:11, 6834:28,
6834:42, 6834:46,
6835:1, 6835:10,
6835:38, 6838:42,
6839:19, 6840:16,
6841:4, 6841:19,
6841:35, 6841:36,
6841:39, 6841:46,
6842:35, 6842:41,
6842:46, 6843:5,
6843:8, 6843:26,
6844:46, 6845:10,
6845:35, 6846:19,
6847:1, 6847:41,
6848:40, 6848:46,
6849:17, 6850:4,
6850:5, 6850:14,
6850:17, 6850:21,
6850:34, 6850:38,
6851:4, 6851:22,
6851:26, 6852:16,
6852:34, 6853:19,
6853:27, 6854:16,
6854:29, 6854:32,
6855:12, 6855:22,
6855:30, 6856:9,
6857:19, 6857:27,
6857:37, 6857:45,
6860:29, 6860:32,
6860:37, 6860:41,
6861:40, 6862:13,
6862:14, 6862:19,
6864:1, 6864:20,
6864:37, 6864:47,
6865:6, 6865:7,
6865:8, 6865:36,
6865:42, 6866:1,
6866:17, 6866:20,
6866:46, 6867:23,
6867:34, 6868:4,
6868:22, 6871:27,
6871:31, 6874:20,
6874:21, 6874:32,
6875:11, 6875:14,
6875:42, 6876:37,
6878:37, 6878:39,
6878:47, 6879:9,
6879:22, 6881:20,
6882:26, 6884:15,
6884:20, 6884:26,
6884:36, 6885:7,
6886:40, 6887:16,
6887:32, 6888:42,
6890:25, 6890:32,
6891:31, 6892:45,
6894:24, 6895:13,
6896:31, 6897:2,
6897:41, 6900:34,
6901:26, 6902:40,
6904:11, 6906:15,
6906:44, 6907:20,
6909:9, 6909:13,
6909:21, 6909:43,
6910:16, 6910:21,
6910:25, 6910:31,
6910:41, 6910:45,
6911:9, 6911:22,
6912:32, 6914:26,
6918:21, 6919:11,
6921:6
Army's [16] - 6821:30,
6830:9, 6830:31,
6830:44, 6869:19,
6869:24, 6869:28,
6869:32, 6881:19,
6900:11, 6906:20,
6907:16, 6911:34,
6912:9, 6912:13,
6916:14
arose [1] - 6822:15
arrange [1] - 6886:14
arranged [1] - 6875:10
arrangements [3] -
6886:6, 6886:7,
6917:12
arranging [1] -
6831:40
arrive [1] - 6889:1
arrived [3] - 6829:12,
6856:31, 6895:2
arriving [1] - 6840:24
AS [1] - 6813:28
Ashfield [2] - 6872:39,
6872:42
Ashfield/Haberfield
[2] - 6872:26,
6872:30
aspect [3] - 6882:17,
6896:35, 6912:12
aspects [1] - 6907:16
assessment [1] -
6833:27
assessments [1] -
6834:41
assigned [2] -
6871:33, 6871:34
assist [18] - 6830:15,
6837:21, 6841:23,
6851:20, 6859:20,
6859:35, 6860:23,
6862:35, 6876:25,
6876:37, 6880:10,
6880:11, 6883:32,
6900:15, 6901:33,
6905:27, 6910:24,
6918:27
assistance [9] -
6839:34, 6845:16,
6845:17, 6861:35,
6901:1, 6901:43,
6906:37, 6908:45,
6909:34
Assistance [1] -
6828:31
assisted [17] - 6819:3,
6830:38, 6833:13,
6837:15, 6839:1,
6852:22, 6852:30,
6854:22, 6859:16,
6862:18, 6862:20,
6869:5, 6884:18,
6898:43, 6901:30,
6902:8, 6911:42
assisting [10] -
6824:33, 6824:40,
6829:37, 6830:36,
6833:1, 6833:24,
6849:41, 6853:37,
6860:3, 6910:16
Assisting [1] -
6812:39
assists [1] - 6818:25
associated [1] -
6836:16
Association [1] -
6828:21
assume [6] - 6839:6,
6842:21, 6888:8,
6905:6, 6905:11,
6906:10
assumed [1] - 6814:20
assumption [1] -
6900:2
AT [2] - 6921:23,
6921:24
attach [1] - 6882:32
attached [1] - 6834:17
attacking [1] -
6874:13
attend [4] - 6832:3,
6843:26, 6902:24,
6902:44
attended [8] -
6841:37, 6859:42,
6866:6, 6889:17,
6891:17, 6901:28,
6902:9, 6903:1
attending [5] -
6841:16, 6841:17,
6841:34, 6842:47,
6843:6
attention [1] - 6914:22
attitude [2] - 6841:36,
6841:38
August [2] - 6855:44,
6902:20
August/September
[1] - 6901:46
Australia [1] - 6819:41
Australian [1] -
6828:20
author [1] - 6853:17
authority [1] - 6918:17
available [9] -
6831:28, 6835:17,
6863:8, 6866:29,
6866:32, 6874:9,
6899:38, 6906:25,
6913:22
averted [1] - 6840:33
avoid [2] - 6918:10,
6920:47
awarded [2] -
6855:25, 6914:33
aware [27] - 6815:40,
6835:44, 6849:22,
6851:10, 6855:27,
6856:27, 6856:30,
6857:23, 6857:32,
6858:3, 6858:19,
6867:7, 6868:5,
6881:32, 6898:44,
6898:47, 6899:2,
6899:8, 6899:11,
6900:47, 6901:4,
6901:5, 6901:15,
6901:25, 6904:9,
6904:14, 6913:9

B

Bachelor [1] - 6828:15
back [1] - 6871:47
bad [4] - 6820:1,
6820:15, 6821:41,
6912:12
bank [3] - 6850:20,
6895:32, 6896:13
Bardon [1] - 6828:27
bare [1] - 6871:45
based [3] - 6820:31,
6856:17, 6887:19
bashed [1] - 6873:38
basic [2] - 6814:39,
6829:13
basis [17] - 6829:35,
6834:35, 6835:1,
6837:23, 6841:4,
6846:19, 6848:21,
6848:25, 6848:37,
6855:6, 6855:25,
6855:36, 6858:5,
6871:37, 6883:26,
6883:28, 6916:40
bear [1] - 6819:31
beautiful [1] - 6829:22

became [3] - 6846:3, 6849:20, 6854:19
Beckett [20] - 6812:39, 6813:1, 6822:26, 6827:23, 6833:19, 6839:43, 6866:35, 6869:17, 6869:35, 6871:3, 6881:13, 6881:25, 6889:36, 6892:12, 6897:3, 6898:36, 6901:32, 6907:33, 6917:39, 6921:2
BECKETT [46] - 6813:3, 6813:22, 6813:26, 6813:29, 6813:33, 6813:35, 6822:29, 6824:14, 6827:25, 6827:32, 6827:37, 6827:39, 6828:6, 6828:12, 6833:21, 6833:33, 6839:16, 6839:46, 6840:8, 6842:14, 6846:32, 6846:38, 6869:45, 6870:10, 6870:22, 6870:24, 6870:38, 6870:44, 6871:5, 6871:11, 6880:36, 6881:6, 6904:47, 6906:13, 6907:35, 6907:42, 6907:46, 6908:1, 6908:19, 6908:23, 6908:29, 6914:44, 6916:13, 6916:39, 6917:34, 6921:5
Beckett's [1] - 6833:17
become [4] - 6840:20, 6840:26, 6911:20, 6912:15
becomes [1] - 6912:45
becoming [2] - 6828:20, 6829:22
beforehand [1] - 6826:22
began [2] - 6871:20, 6874:46
begin [1] - 6871:11
beginning [2] - 6909:45, 6910:26
behalf [4] - 6822:23, 6830:27, 6852:34, 6863:47
behave [1] - 6918:17
behind [2] - 6814:36, 6914:8
bell [1] - 6901:46
belted [1] - 6872:3

benchmarked [1] - 6916:45
benchmarking [4] - 6911:21, 6913:2, 6913:8, 6916:42
benefit [5] - 6836:40, 6837:2, 6837:5, 6898:6, 6901:8
benefits [1] - 6917:6
Bennett [1] - 6859:34
beside [1] - 6841:27
best [10] - 6818:9, 6828:3, 6841:4, 6848:33, 6870:35, 6894:27, 6899:33, 6907:8, 6908:14, 6921:20
better [12] - 6820:31, 6837:9, 6837:13, 6847:29, 6847:33, 6890:11, 6892:3, 6896:10, 6905:10, 6913:31, 6914:39, 6921:8
between [30] - 6823:19, 6830:4, 6830:28, 6838:42, 6840:24, 6843:4, 6850:3, 6850:14, 6851:4, 6853:18, 6857:36, 6857:45, 6858:29, 6860:32, 6861:3, 6861:23, 6864:10, 6865:16, 6866:47, 6886:7, 6889:45, 6890:12, 6890:14, 6891:24, 6896:31, 6897:2, 6899:4, 6902:9, 6912:22, 6916:33
Bexley [7] - 6816:9, 6819:37, 6820:6, 6820:16, 6821:1, 6822:39, 6833:8
beyond [1] - 6865:2
big [3] - 6843:12, 6885:45, 6888:20
binding [1] - 6851:3
bit [19] - 6815:31, 6815:32, 6815:36, 6824:25, 6834:19, 6843:9, 6843:22, 6843:35, 6861:45, 6867:32, 6871:14, 6892:41, 6893:31, 6893:45, 6893:46, 6896:1, 6905:18, 6907:23, 6912:7
blame [2] - 6821:40, 6825:44

bled [1] - 6871:45
block [2] - 6872:37, 6910:35
blue [1] - 6847:8
blue' [1] - 6844:25
body [2] - 6868:3, 6920:18
bono [1] - 6912:2
books [1] - 6902:4
bottom [2] - 6818:13, 6871:45
box [2] - 6881:6, 6884:46
boxes [1] - 6884:47
boy [1] - 6824:41
boys [17] - 6819:35, 6819:44, 6821:1, 6821:5, 6821:8, 6825:40, 6825:46, 6827:9, 6827:15, 6848:43, 6848:44, 6872:36, 6872:37, 6873:38, 6874:1, 6902:37
Boys [14] - 6819:37, 6820:6, 6820:16, 6822:39, 6825:37, 6871:24, 6871:28, 6872:26, 6872:29, 6872:39, 6872:42, 6872:47, 6873:17, 6873:18
boys' [1] - 6822:6
break [6] - 6841:30, 6846:38, 6846:43, 6848:18, 6883:12, 6892:41
brief [3] - 6872:24, 6905:3, 6908:38
briefly [1] - 6831:4
bring [8] - 6821:7, 6838:3, 6864:28, 6891:28, 6893:35, 6899:23, 6918:23, 6920:8
bringing [2] - 6820:15, 6825:36
brings [1] - 6840:20
Brisbane [8] - 6828:25, 6828:28, 6828:32, 6828:34, 6831:42, 6831:43, 6886:12, 6908:41
broad [2] - 6887:12, 6887:23
broader [1] - 6899:31
broke [1] - 6876:43
brother [5] - 6816:46, 6817:11, 6817:17, 6820:45, 6822:39

brother's [3] - 6817:17, 6817:19, 6820:41
brought [2] - 6833:21, 6843:35
buck [1] - 6821:42
building [1] - 6878:47
built [1] - 6919:33
bundle [6] - 6813:6, 6813:10, 6813:17, 6871:6, 6906:14, 6906:19
business [1] - 6830:23
BY [9] - 6813:28, 6813:29, 6813:33, 6822:32, 6827:37, 6860:26, 6870:22, 6881:10, 6907:46
bypassed [1] - 6845:44

C

cage [1] - 6859:30
Cairns [1] - 6852:3
calculated [4] - 6877:32, 6877:36, 6877:40, 6897:18
calculating [1] - 6839:36
calculation [1] - 6839:29
calmed [1] - 6824:24
calming [1] - 6893:40
caned [4] - 6871:44, 6871:45, 6871:46, 6872:4
cannot [5] - 6821:6, 6821:34, 6827:10, 6871:44, 6872:34
capacity [1] - 6899:44
Captain [14] - 6859:34, 6874:43, 6875:47, 6876:21, 6876:42, 6877:23, 6877:28, 6877:35, 6878:6, 6878:26, 6878:32, 6878:36, 6878:43, 6880:9
captured [3] - 6872:18, 6873:3, 6873:36
car [1] - 6914:7
care [10] - 6816:20, 6820:7, 6820:32, 6821:10, 6821:31, 6825:20, 6852:40, 6864:34, 6909:34, 6910:5

Care [2] - 6828:25, 6872:23
career [1] - 6891:22
carer [3] - 6874:35, 6879:46, 6880:32
caring [1] - 6822:1
carry [1] - 6883:12
case [44] - 6823:46, 6826:30, 6827:4, 6827:8, 6835:45, 6837:37, 6839:3, 6843:1, 6844:36, 6848:32, 6848:35, 6850:29, 6850:30, 6851:8, 6852:14, 6853:16, 6853:43, 6854:36, 6855:13, 6857:3, 6858:19, 6861:33, 6863:18, 6864:9, 6868:36, 6883:26, 6883:28, 6886:20, 6887:42, 6888:35, 6890:23, 6891:42, 6894:47, 6899:42, 6903:47, 6904:5, 6904:7, 6904:19, 6904:24, 6904:33, 6918:15, 6920:39
Case [1] - 6812:17
case-by-case [2] - 6883:26, 6883:28
cases [16] - 6820:28, 6825:29, 6826:6, 6832:14, 6835:14, 6835:44, 6842:7, 6842:12, 6844:10, 6848:19, 6848:41, 6883:14, 6898:17, 6903:17, 6903:41
categories [1] - 6858:13
category [2] - 6842:26
Catholic [2] - 6828:23, 6909:1
caught [1] - 6871:21
caused [2] - 6817:30, 6825:9
Cavendish [1] - 6873:27
Caxton [1] - 6899:29
CE11 [1] - 6855:42
Centacare [1] - 6828:23
Centre [15] - 6828:28, 6829:9, 6857:14, 6861:34, 6873:40, 6873:43, 6899:1, 6899:4, 6899:29, 6904:30, 6904:33,

6904:37, 6904:38, 6905:43, 6906:24
centre [9] - 6828:37, 6862:39, 6863:6, 6864:29, 6888:16, 6900:43, 6900:44, 6902:2, 6905:23
Centrelink [1] - 6876:33
centres [2] - 6899:12, 6899:16
certain [8] - 6814:42, 6826:27, 6829:29, 6835:29, 6836:3, 6889:19, 6889:20, 6889:21
certainly [16] - 6835:44, 6848:5, 6848:35, 6894:43, 6910:14, 6910:37, 6911:6, 6912:8, 6912:18, 6912:45, 6913:18, 6913:45, 6914:31, 6914:32, 6918:27, 6919:2
Chair [1] - 6812:32
CHAIR [47] - 6813:1, 6813:20, 6813:24, 6822:12, 6822:21, 6822:26, 6824:10, 6827:23, 6827:27, 6828:8, 6833:17, 6833:31, 6837:35, 6839:43, 6840:1, 6842:10, 6845:12, 6846:30, 6867:43, 6870:6, 6870:18, 6870:40, 6871:2, 6871:9, 6880:38, 6880:42, 6881:1, 6904:7, 6905:6, 6905:10, 6905:47, 6906:6, 6906:10, 6906:28, 6907:32, 6907:37, 6908:17, 6908:21, 6913:39, 6915:15, 6916:21, 6916:36, 6916:47, 6917:39, 6920:46, 6921:16, 6921:20
chairs [1] - 6888:28
challenges [1] - 6915:4
chance [5] - 6827:46, 6847:22, 6862:6, 6870:32, 6908:10
change [4] - 6829:19, 6830:32, 6838:12, 6912:35
changed [8] - 6820:22, 6820:23, 6821:2, 6821:46, 6829:12, 6829:16, 6829:18, 6909:3
changes [1] - 6884:5
charged [1] - 6920:33
Charlton [5] - 6872:39, 6872:42, 6872:43, 6872:47, 6873:2
Charlton [1] - 6872:42
chat [1] - 6886:44
checked [1] - 6836:2
checklist [1] - 6884:47
Cherry [5] - 6854:36, 6855:42, 6855:45, 6897:3, 6897:20
chicken [1] - 6859:39
chief [1] - 6908:30
CHILD [1] - 6812:13
child [2] - 6821:29, 6915:45
childhood [5] - 6820:34, 6820:40, 6914:40, 6915:8, 6915:10
children [2] - 6828:40, 6829:11
children's [1] - 6873:19
choice [5] - 6864:40, 6879:37, 6895:37, 6900:38, 6900:40
choose [1] - 6903:7
chore [1] - 6871:34
chose [3] - 6829:20, 6843:19, 6866:33
Chris [1] - 6876:21
church [18] - 6862:21, 6909:42, 6910:30, 6916:2, 6916:15, 6916:33, 6918:16, 6918:21, 6918:36, 6919:11, 6919:36, 6919:39, 6920:16, 6920:25, 6920:35, 6920:37, 6920:38
Church [1] - 6872:44
church's [1] - 6909:21
Church's [1] - 6911:38
churches [13] - 6828:39, 6829:47, 6910:2, 6910:12, 6911:22, 6912:5, 6912:11, 6914:26, 6915:47, 6916:1, 6917:36, 6920:12, 6920:32
circumstance [1] - 6844:12
circumstances [7] - 6814:30, 6833:12, 6844:11, 6855:20, 6868:38, 6889:8, 6920:22
city [1] - 6878:41
civil [4] - 6906:33, 6911:13, 6911:16, 6915:42
claim [40] - 6814:14, 6817:8, 6818:26, 6819:4, 6819:5, 6819:6, 6826:39, 6830:29, 6831:7, 6831:10, 6831:44, 6833:4, 6834:12, 6835:1, 6840:17, 6844:17, 6845:23, 6845:34, 6846:19, 6846:21, 6849:28, 6849:33, 6854:23, 6857:8, 6857:24, 6857:31, 6861:36, 6862:47, 6863:21, 6863:25, 6863:30, 6863:37, 6877:7, 6894:41, 6899:45, 6902:19, 6906:20, 6909:14, 6912:13
claimant [21] - 6827:7, 6832:27, 6834:47, 6836:24, 6836:41, 6836:43, 6837:10, 6839:40, 6841:18, 6841:25, 6841:37, 6844:40, 6849:7, 6850:11, 6850:14, 6850:22, 6850:40, 6851:4, 6853:33, 6868:7, 6886:13
claimants [26] - 6829:37, 6830:36, 6832:7, 6837:2, 6837:15, 6837:21, 6839:20, 6839:33, 6841:12, 6842:31, 6843:25, 6843:41, 6844:5, 6846:40, 6847:36, 6848:19, 6849:7, 6849:44, 6850:4, 6850:5, 6850:25, 6850:34, 6850:43, 6853:37, 6913:10, 6914:46
claims [44] - 6813:15, 6816:11, 6828:39, 6829:46, 6830:1, 6830:4, 6830:9, 6830:14, 6830:19, 6830:31, 6830:37, 6833:10, 6834:36, 6836:29, 6836:33, 6837:17, 6839:26, 6841:35, 6861:1, 6861:9, 6861:15, 6861:21, 6861:27, 6861:33, 6862:18, 6862:20, 6862:28, 6866:38, 6866:46, 6867:38, 6876:37, 6900:33, 6906:14, 6906:33, 6907:24, 6910:16, 6910:22, 6911:34, 6911:35, 6911:38, 6911:43, 6916:14
Claims [1] - 6837:16
claims" [1] - 6861:1
clarification [2] - 6856:10, 6867:4
clarify [5] - 6818:9, 6836:24, 6867:14, 6882:17, 6884:35
clarity [3] - 6867:9, 6867:24, 6867:29
class [1] - 6912:2
cleaning [1] - 6871:33
clear [18] - 6836:30, 6836:41, 6844:42, 6847:5, 6851:22, 6852:11, 6852:21, 6867:1, 6867:3, 6867:17, 6867:39, 6868:21, 6868:24, 6881:24, 6898:15, 6906:21, 6912:41, 6916:4
clearly [3] - 6832:41, 6839:1, 6911:3
client [4] - 6831:44, 6845:5, 6900:15, 6904:34
clients [10] - 6829:18, 6891:30, 6893:19, 6895:42, 6896:4, 6896:6, 6896:19, 6897:28, 6901:7, 6903:16
clinical [2] - 6828:21, 6835:16
close [3] - 6818:9, 6841:24, 6899:29
closing [2] - 6819:33, 6892:29
closure [1] - 6875:44
clothes [1] - 6874:6
Club [1] - 6876:22
Coast [1] - 6828:30
coffee [1] - 6888:28
cold [2] - 6820:28, 6868:47
colleagues [1] - 6899:31
collection [1] - 6863:36
Colleen [5] - 6874:47, 6875:37, 6876:6, 6877:39, 6880:10
Colonel [15] - 6849:36, 6851:16, 6851:27, 6852:3, 6852:8, 6852:15, 6852:17, 6852:35, 6852:41, 6853:19, 6853:23, 6853:29, 6853:44, 6854:5, 6854:17
comfortable [3] - 6860:42, 6887:15, 6888:16
coming [17] - 6819:9, 6820:3, 6827:27, 6829:41, 6831:41, 6831:42, 6847:8, 6849:42, 6852:42, 6862:38, 6864:44, 6869:35, 6881:1, 6883:47, 6907:37, 6920:37, 6920:47
commence [1] - 6830:36
commenced [1] - 6829:41
comment [7] - 6821:22, 6853:22, 6855:16, 6855:21, 6918:14, 6920:7, 6920:19
comments [1] - 6840:11
COMMISSION [2] - 6812:12, 6921:23
Commission [38] - 6819:34, 6820:29, 6821:15, 6821:28, 6822:37, 6823:47, 6827:40, 6828:45, 6835:45, 6851:8, 6859:30, 6860:23, 6866:37, 6870:25, 6881:35, 6889:41, 6890:23, 6891:28, 6896:30, 6898:7, 6898:44, 6898:47, 6899:5, 6902:30, 6903:43, 6904:10, 6904:44, 6905:17, 6905:34, 6905:39, 6907:14, 6908:2,

6908:5, 6908:37,
6912:38, 6912:41,
6913:21, 6918:27
Commission's [1] -
6899:41
Commissioner [8] -
6815:2, 6815:13,
6815:19, 6816:28,
6816:34, 6818:4,
6818:18, 6824:17
Commissioners [5] -
6812:33, 6813:3,
6833:13, 6851:9,
6870:16
Commissioners' [1] -
6916:37
committed [1] -
6821:1
committee [30] -
6814:13, 6816:12,
6818:24, 6819:3,
6820:8, 6825:19,
6825:25, 6825:27,
6825:39, 6825:41,
6826:39, 6826:46,
6827:8, 6832:23,
6832:25, 6832:36,
6834:11, 6835:40,
6835:41, 6837:32,
6840:36, 6840:42,
6840:45, 6867:18,
6868:6, 6878:26,
6885:20, 6886:2,
6894:38
Committee [6] -
6813:11, 6813:43,
6819:1, 6834:1,
6837:17, 6877:14
committee's [2] -
6817:30, 6826:25
common [5] -
6913:13, 6915:15,
6915:25, 6917:4,
6917:18
communicate [1] -
6885:24
communicated [2] -
6889:14, 6890:39
communicating [3] -
6838:41, 6853:17,
6864:31
communication [4] -
6850:17, 6853:18,
6853:29, 6860:36
community [6] -
6899:11, 6899:16,
6908:41, 6909:1,
6914:38, 6918:25
comparable [2] -
6855:14
comparative [1] -
6903:31
compared [2] -
6855:7, 6868:20
comparison [1] -
6855:9
compassionate [1] -
6911:25
compassionately [1] -
6820:36
compensate [1] -
6916:16
compensated [1] -
6920:4
compensation [23] -
6817:17, 6822:7,
6826:28, 6826:34,
6837:39, 6837:45,
6838:9, 6838:20,
6838:23, 6876:8,
6914:24, 6915:5,
6915:30, 6915:36,
6916:41, 6917:12,
6919:20, 6919:47,
6920:15, 6920:18,
6920:34
complain [1] - 6820:3
complainant [2] -
6836:13, 6881:42
complaint [4] -
6821:19, 6824:29,
6853:44, 6854:20
Complaints [4] -
6813:43, 6819:1,
6833:47, 6877:14
complaints [3] -
6823:2, 6823:39,
6825:19
complaints/reports
[1] - 6818:21
complete [1] -
6829:32
completed [1] -
6885:25
completely [1] -
6854:18
completeness [1] -
6919:31
completing [1] -
6885:45
complex [3] -
6916:22, 6916:28,
6917:40
complexity [4] -
6840:6, 6915:38,
6916:29, 6916:31
compromised [1] -
6915:18
concern [10] - 6814:4,
6814:35, 6814:37,
6817:40, 6825:9,
6858:44, 6858:45,
6859:1, 6859:3,
6907:9
concerned [6] -
6816:4, 6826:30,
6846:21, 6860:41,
6865:25, 6888:41
concerning [1] -
6862:19
concerns [3] -
6840:14, 6853:43,
6860:43
conclude [2] -
6836:28, 6847:25
Condon [9] - 6815:2,
6815:13, 6815:19,
6815:31, 6816:8,
6816:28, 6816:34,
6818:4, 6818:18
conductive [1] -
6894:13
conducted [1] -
6887:11
conduit [1] - 6830:28
conferences [1] -
6914:47
confidence [2] -
6918:22, 6918:28
confined [1] - 6918:44
confirm [1] - 6857:13
confirming [1] -
6869:11
confronted [1] -
6843:31
confused [6] -
6816:22, 6821:13,
6821:14, 6821:23,
6866:45, 6905:18
connection [2] -
6900:44, 6920:44
consequences [5] -
6914:40, 6915:7,
6915:9, 6916:5,
6920:41
consequently [2] -
6840:21, 6897:22
consider [9] -
6814:13, 6853:22,
6866:20, 6895:28,
6896:4, 6916:16,
6917:36, 6919:4,
6919:7
considerable [2] -
6840:5, 6921:11
consideration [1] -
6818:33
considered [13] -
6818:47, 6826:40,
6837:31, 6840:35,
6840:38, 6851:26,
6855:17, 6866:37,
6867:11, 6894:38,
6895:42, 6896:6,
6915:37
considering [4] -
6834:12, 6837:17,
6856:8, 6896:19
consistent [3] -
6893:11, 6910:38,
6911:7
constant [2] -
6830:32, 6830:34
consultation [1] -
6917:45
consulted [1] -
6856:19
contact [27] - 6817:8,
6817:18, 6819:13,
6832:24, 6852:8,
6852:15, 6856:37,
6858:4, 6864:10,
6864:24, 6864:35,
6864:46, 6864:47,
6865:6, 6865:18,
6865:20, 6865:27,
6865:33, 6866:17,
6866:24, 6874:40,
6875:47, 6886:13,
6895:1, 6901:26,
6902:3, 6902:36
contacted [2] -
6825:33, 6874:42
contacting [2] -
6864:28, 6899:16
contained [1] - 6905:3
contemporary [4] -
6914:30, 6914:39,
6916:9, 6916:32
content [3] - 6881:37,
6882:23, 6884:26
contents [2] - 6853:9,
6864:39
context [6] - 6911:19,
6912:43, 6913:44,
6915:27, 6915:44,
6916:3
continually [2] -
6820:43, 6821:37
continue [4] -
6813:16, 6824:29,
6872:10, 6900:39
continued [3] -
6820:44, 6911:29,
6919:46
continues [1] - 6862:1
CONTINUING [2] -
6813:33, 6881:10
contract [1] - 6851:4
contribute [1] -
6909:22
contributing [2] -
6817:29, 6918:1
contribution [3] -
6825:39, 6826:4,
6917:44
control [2] - 6821:10,
6887:6
conversation [9] -
6815:16, 6825:22,
6853:18, 6867:31,
6889:44, 6889:45,
6890:14, 6891:4,
6891:6
conversations [7] -
6817:42, 6823:16,
6825:21, 6826:14,
6887:23, 6887:45,
6900:4
convey [1] - 6885:6
convicted [1] -
6854:25
conviction [1] -
6920:36
convinced [1] -
6871:26
coordinator [1] -
6912:9
cope [1] - 6919:1
copies [2] - 6905:27,
6905:44
copy [6] - 6860:47,
6871:15, 6871:16,
6885:13, 6905:32,
6905:35
core [1] - 6846:24
corner [2] - 6859:15,
6888:28
correct [38] - 6813:40,
6814:7, 6814:19,
6815:4, 6815:12,
6816:47, 6817:4,
6818:6, 6819:12,
6823:11, 6823:17,
6823:31, 6823:47,
6824:47, 6825:7,
6827:44, 6828:3,
6830:6, 6835:3,
6837:38, 6841:13,
6841:14, 6848:18,
6849:37, 6851:13,
6855:3, 6856:23,
6857:15, 6857:31,
6862:18, 6862:23,
6870:35, 6874:23,
6879:39, 6880:33,
6908:14
correctly [2] -
6882:20, 6882:21

correspondence [20] - 6819:11, 6823:19, 6830:27, 6830:45, 6831:46, 6832:27, 6832:29, 6836:8, 6844:36, 6864:11, 6864:25, 6864:31, 6865:2, 6865:16, 6866:17, 6866:23, 6881:19, 6896:31, 6897:4, 6907:20

cost [2] - 6820:15, 6900:3

Counsel [1] - 6812:39

Counselling [1] - 6828:27

counselling [29] - 6814:18, 6814:22, 6818:37, 6818:39, 6818:42, 6818:47, 6828:23, 6828:25, 6828:32, 6845:15, 6845:29, 6845:30, 6854:38, 6866:29, 6875:27, 6875:30, 6875:38, 6876:6, 6876:10, 6876:11, 6876:14, 6883:19, 6883:23, 6901:1, 6901:3, 6901:8, 6901:9, 6901:17, 6915:31

counsellor [9] - 6818:23, 6818:32, 6818:36, 6819:7, 6828:19, 6837:46, 6875:3, 6880:2, 6901:16

counsellor's [1] - 6818:13

Counsellors [1] - 6828:21

counsellors [1] - 6876:18

counter [1] - 6848:3

counter-offer [1] - 6848:3

couple [14] - 6832:39, 6836:10, 6836:18, 6840:41, 6843:7, 6843:33, 6848:29, 6848:35, 6849:19, 6852:13, 6864:28, 6882:45, 6888:27, 6895:46

course [14] - 6842:15, 6865:1, 6882:16, 6882:36, 6904:3, 6904:22, 6904:28, 6904:39, 6905:1,

6905:14, 6905:41, 6915:25, 6917:10, 6919:40

court [8] - 6825:12, 6847:45, 6873:8, 6873:14, 6906:33, 6906:37, 6914:35, 6920:26

Court [1] - 6873:25

cover [6] - 6820:12, 6826:32, 6884:3, 6884:34, 6884:37, 6914:34

cover-up [1] - 6820:12

covered [4] - 6865:11, 6883:40, 6884:2, 6885:1

covering [1] - 6844:32

Cox [54] - 6813:9, 6835:47, 6836:4, 6836:8, 6836:14, 6855:43, 6856:37, 6857:18, 6858:29, 6858:33, 6859:3, 6867:27, 6867:44, 6868:9, 6874:43, 6875:47, 6876:21, 6876:42, 6877:23, 6877:28, 6877:35, 6878:6, 6878:26, 6878:32, 6878:36, 6878:43, 6880:9, 6885:12, 6885:18, 6886:7, 6887:46, 6888:47, 6889:11, 6889:25, 6889:37, 6890:37, 6890:43, 6891:1, 6891:13, 6891:23, 6892:6, 6892:14, 6892:21, 6892:24, 6894:11, 6894:22, 6894:30, 6897:9, 6900:13, 6900:19, 6902:3, 6902:10, 6907:5, 6907:9

Cox's [2] - 6868:5, 6877:45

crawling [1] - 6859:38

crime [4] - 6821:6, 6823:43, 6909:19, 6917:29

criminal [2] - 6915:42, 6920:39

criminally [1] - 6920:33

criteria [5] - 6814:42, 6837:25, 6856:17, 6856:21, 6856:38

critical [4] - 6854:32,

6884:26, 6897:17, 6906:30

criticise [1] - 6853:28

crocodile [1] - 6890:25

Cross [1] - 6860:3

cross [1] - 6887:3

cross-examined [1] - 6887:3

cup [2] - 6841:30, 6893:45

current [5] - 6825:44, 6833:4, 6833:7, 6833:9, 6852:29

D

damaged [1] - 6822:7

Daphne [23] - 6813:9, 6855:43, 6857:18, 6859:3, 6867:27, 6868:5, 6874:43, 6876:21, 6877:45, 6885:12, 6886:7, 6887:46, 6889:11, 6889:37, 6890:37, 6890:43, 6891:1, 6891:13, 6891:23, 6894:7, 6894:22, 6897:9, 6907:5

dark [1] - 6820:21

date [1] - 6835:29

dated [7] - 6813:12, 6815:9, 6816:38, 6852:4, 6870:29, 6878:6, 6908:6

DATED [3] - 6828:10, 6870:42, 6908:26

dates [1] - 6835:33

David [2] - 6826:43

day-to-day [1] - 6863:12

days [6] - 6821:30, 6821:36, 6856:47, 6864:28, 6874:34, 6910:32

dead [1] - 6859:39

deal [8] - 6813:4, 6819:41, 6822:17, 6829:10, 6862:36, 6863:13, 6864:20, 6906:18

dealing [12] - 6818:20, 6825:34, 6826:22, 6838:7, 6841:34, 6860:41, 6861:22, 6862:14, 6886:8, 6894:28, 6918:20, 6918:21

dealings [1] - 6867:28

dealt [10] - 6819:47, 6820:35, 6833:4, 6841:39, 6842:34, 6845:23, 6845:32, 6848:41, 6917:46, 6921:10

death [2] - 6816:4, 6820:17

deceased [1] - 6820:45

December [1] - 6817:12

decided [6] - 6844:34, 6850:15, 6852:7, 6854:15, 6863:29, 6883:26

deciding [1] - 6837:44

decision [9] - 6850:10, 6852:14, 6855:32, 6856:10, 6857:4, 6868:2, 6868:10, 6913:30, 6917:6

decision-making [2] - 6868:10, 6917:6

decisions [7] - 6867:3, 6867:18, 6867:20, 6867:32, 6867:44, 6868:4, 6912:46

decorations [1] - 6888:33

deed [18] - 6821:2, 6831:23, 6850:19, 6850:21, 6850:26, 6850:35, 6856:32, 6856:36, 6860:11, 6895:31, 6896:13, 6897:35, 6897:46, 6898:1, 6898:12, 6898:26, 6899:33

deeds [2] - 6850:44, 6913:9

deeply [1] - 6878:27

defining [1] - 6839:6

definitely [5] - 6869:14, 6912:36, 6917:16, 6918:14, 6919:42

degree [6] - 6828:15, 6840:34, 6842:3, 6843:15, 6847:3, 6891:38

delay [7] - 6840:11, 6840:23, 6865:30, 6906:40, 6906:42, 6907:4, 6907:9

delays [1] - 6840:15

deliberation [1] - 6832:25

deliberations [2] - 6832:33, 6832:36

denominations [1] - 6917:23

dependent [1] - 6915:27

depth [1] - 6827:1

derived [1] - 6836:41

describe [8] - 6861:2, 6861:13, 6861:18, 6888:24, 6889:41, 6893:21, 6902:30, 6915:27

described [6] - 6830:16, 6833:45, 6857:10, 6861:43, 6868:36, 6894:14

describing [1] - 6862:9

description [2] - 6861:19, 6881:42

designed [2] - 6888:17, 6888:31

desire [1] - 6915:12

desk [3] - 6888:20, 6888:29, 6888:31

detail [6] - 6833:26, 6837:8, 6838:33, 6862:27, 6882:31, 6897:21

detailed [1] - 6837:11

details [8] - 6816:44, 6838:36, 6850:20, 6881:46, 6895:32, 6896:13, 6902:15, 6913:28

detected [1] - 6891:19

detention [1] - 6873:44

deter [1] - 6874:12

determination [3] - 6818:25, 6819:4, 6856:22

determined [4] - 6914:8, 6914:35, 6920:1, 6920:15

determining [2] - 6856:19, 6920:18

develop [2] - 6918:17, 6918:18

developed [1] - 6910:32

development [1] - 6919:12

died [1] - 6820:7

difference [1] - 6868:29

differences [1] - 6838:5

different [28] -

6819:42, 6838:3, 6838:4, 6839:35, 6842:15, 6843:5, 6844:13, 6855:21, 6863:21, 6881:37, 6889:18, 6891:44, 6896:1, 6897:20, 6897:23, 6898:6, 6903:17, 6910:6, 6911:27, 6911:43, 6912:11, 6912:42, 6912:43, 6918:42, 6919:28, 6920:28, 6920:43

differently [2] - 6895:12, 6895:18

difficult [5] - 6839:9, 6841:28, 6892:16, 6893:15, 6893:33

difficulties [2] - 6838:40, 6839:7

difficulty [2] - 6906:21, 6919:38

dimensions [1] - 6918:38

direct [3] - 6837:28, 6912:31, 6915:9

directly [7] - 6832:30, 6832:41, 6838:10, 6863:2, 6864:20, 6915:35, 6915:37

dirty [1] - 6829:22

disadvantaged [1] - 6908:43

disappointed [1] - 6844:8

disbelief [2] - 6819:38, 6893:39

disbelieved [1] - 6892:46

disciplinary [6] - 6848:40, 6849:8, 6849:18, 6854:9, 6854:24, 6854:28

disciplined [1] - 6918:41

disclose [2] - 6858:20, 6913:12

disclosure [2] - 6854:6, 6879:27

discuss [7] - 6815:25, 6815:38, 6825:46, 6862:27, 6879:41, 6880:5, 6880:26

discussed [4] - 6823:28, 6840:3, 6887:46, 6919:22

discussing [3] - 6838:20, 6839:25, 6846:39

discussion [17] - 6836:19, 6843:4, 6845:6, 6854:9, 6868:17, 6880:17, 6880:21, 6894:34, 6894:36, 6898:31, 6909:47, 6911:11, 6911:15, 6911:29, 6913:14, 6917:40, 6918:45

discussions [10] - 6868:40, 6883:17, 6894:14, 6907:19, 6909:12, 6913:27, 6914:47, 6917:14, 6917:45, 6919:46

dismissed [2] - 6846:21, 6853:45

disorientated [1] - 6854:19

dispute [1] - 6920:27

dissatisfaction [2] - 6816:11, 6842:44

dissatisfied [1] - 6845:13

dissimilar [1] - 6833:28

distinct [1] - 6830:8

distinguish [2] - 6866:47, 6912:22

distressing [3] - 6883:7, 6883:10, 6883:14

document [18] - 6830:38, 6833:21, 6833:25, 6834:22, 6851:3, 6868:21, 6868:27, 6868:34, 6869:4, 6869:9, 6869:13, 6881:30, 6881:32, 6895:36, 6898:27, 6898:32, 6899:20

documentation [2] - 6860:10, 6906:22

documented [1] - 6863:31

documents [11] - 6813:6, 6813:17, 6832:39, 6835:5, 6835:10, 6835:34, 6879:14, 6904:29, 6904:43, 6905:3, 6905:16

DOCUMENTS [1] - 6813:28

done [13] - 6821:8, 6825:31, 6835:46, 6837:37, 6838:27, 6839:44, 6869:5, 6869:15, 6895:6, 6896:45, 6914:17, 6915:47, 6920:5

donors [1] - 6909:6

door [6] - 6897:30, 6897:31, 6897:32, 6897:33, 6897:39, 6897:47

doubt [1] - 6833:12

doubted [1] - 6859:5

doubts [1] - 6857:20

down [26] - 6815:34, 6817:22, 6818:12, 6821:34, 6824:23, 6824:25, 6826:19, 6827:12, 6829:17, 6834:19, 6838:39, 6838:44, 6838:45, 6856:1, 6861:45, 6874:7, 6876:43, 6881:46, 6882:8, 6882:21, 6883:2, 6888:30, 6888:45, 6889:4, 6892:29, 6916:27

draft [3] - 6830:23, 6875:16, 6875:24

drop [6] - 6828:37, 6862:39, 6863:6, 6863:8, 6900:43, 6900:44

drop-in [5] - 6828:37, 6862:39, 6863:6, 6900:43, 6900:44

drugs [1] - 6821:5

due [1] - 6886:11

duration [2] - 6887:21, 6892:32

during [30] - 6813:37, 6829:25, 6829:43, 6829:44, 6834:8, 6834:23, 6834:28, 6834:39, 6836:25, 6840:25, 6841:23, 6841:34, 6854:22, 6855:40, 6857:14, 6865:1, 6869:7, 6871:35, 6872:20, 6876:46, 6882:16, 6884:18, 6888:30, 6892:24, 6892:44, 6894:1, 6894:4, 6898:43, 6907:19, 6912:18

6919:21

ease [1] - 6888:17

easily [1] - 6899:28

Eastern [2] - 6820:9, 6821:18

EASTMAN [17] - 6822:14, 6832:45, 6860:26, 6860:28, 6868:9, 6870:2, 6880:40, 6881:10, 6881:12, 6904:9, 6905:13, 6906:2, 6906:8, 6906:18, 6906:30, 6907:30, 6921:13

Eastman [2] - 6870:11, 6921:10

easy [4] - 6867:37, 6867:39, 6868:19, 6888:18

economic [8] - 6914:2, 6914:39, 6915:3, 6915:6, 6916:17, 6916:43, 6916:44

editing [1] - 6883:36

education [2] - 6915:9, 6915:18

effect [6] - 6822:36, 6822:45, 6826:37, 6854:13, 6855:16, 6877:3

effective [3] - 6838:16, 6913:29, 6918:46

effectively [3] - 6845:33, 6847:12, 6853:16

either [16] - 6830:43, 6838:39, 6843:19, 6847:37, 6847:46, 6853:27, 6879:35, 6881:18, 6885:18, 6892:6, 6894:46, 6895:1, 6895:35, 6898:25, 6906:15, 6907:5

elaborate [3] - 6814:31, 6814:45, 6882:30

elderly [1] - 6852:9

Eldridge [8] - 6855:2, 6855:45, 6856:20, 6856:26, 6856:37, 6897:3, 6897:13, 6897:20

Eldridge's [2] - 6854:36, 6855:42

element [1] - 6846:7

elements [3] - 6913:43, 6917:31, 6920:6

Elizabeth [1] - 6878:40

email [26] - 6814:21, 6815:22, 6815:26, 6816:37, 6817:16, 6817:21, 6818:22, 6819:2, 6823:19, 6855:43, 6855:44, 6865:3, 6865:17, 6865:20, 6865:35, 6874:21, 6874:25, 6874:42, 6875:47, 6877:23, 6877:45, 6878:6, 6878:26, 6895:9, 6897:1, 6897:4

emailed [1] - 6824:23

emails [2] - 6823:21, 6897:7

embarrassed [1] - 6817:46

emergence [1] - 6910:2

emotion [1] - 6889:22

emotional [5] - 6841:28, 6841:41, 6889:38, 6914:1, 6915:2

emotionally [3] - 6840:20, 6841:22, 6915:46

empathetic [1] - 6823:39

empathy [1] - 6825:40

emphasis [1] - 6920:37

employed [2] - 6828:34, 6910:15

end [14] - 6829:41, 6847:13, 6860:17, 6866:28, 6866:31, 6883:17, 6891:22, 6893:24, 6894:23, 6895:34, 6896:14, 6896:16, 6901:15, 6919:23

endeavour [1] - 6840:4

ended [3] - 6893:16, 6893:20, 6910:30

endured [1] - 6881:43

energy [1] - 6910:27

engage [1] - 6872:35

engaged [5] - 6840:4, 6868:29, 6869:25, 6890:38, 6892:6

engagement [9] - 6850:13, 6861:2, 6861:28, 6862:37,

E

early [6] - 6828:17, 6863:24, 6885:36, 6910:32, 6910:33,

6897:34, 6900:39,
6912:23, 6920:13,
6920:16
engaging [2] -
6861:13, 6919:7
enlarged [1] - 6871:14
enormously [1] -
6839:9
ensuring [1] - 6910:11
enter [1] - 6916:47
entered [1] - 6913:10
entirely [3] - 6847:45,
6865:47, 6920:14
environment [2] -
6888:24, 6888:36
equilibrium [2] -
6893:35, 6894:18
equitable [2] -
6839:26, 6917:22
equitably [1] -
6839:20
equity [11] - 6838:30,
6839:17, 6846:12,
6846:13, 6912:47,
6913:8, 6913:26,
6913:42, 6913:43,
6914:14
ES [6] - 6859:16,
6859:19, 6860:3,
6860:6, 6860:9,
6860:14
ESJ [1] - 6859:14
escape [1] - 6871:21
escort [1] - 6871:39
essence [1] - 6833:43
essentially [3] -
6834:32, 6834:35,
6841:2
establish [2] - 6916:9,
6917:37
established [5] -
6882:42, 6908:39,
6908:40, 6908:47,
6916:41
Esther [11] - 6829:9,
6829:19, 6861:34,
6899:1, 6899:4,
6904:30, 6904:33,
6904:37, 6904:38,
6905:43, 6906:23
estimates [1] - 6911:4
etc [1] - 6818:21
event [2] - 6813:12,
6817:15
events [3] - 6820:44,
6897:16, 6910:5
Everitt [12] - 6849:36,
6851:16, 6851:27,
6852:9, 6852:15,
6852:17, 6852:35,

6852:41, 6853:19,
6853:29, 6853:44,
6854:17
Everitt's [2] - 6853:23,
6854:5
everitt [1] - 6903:31
evidence [44] -
6822:36, 6822:37,
6822:45, 6823:9,
6823:45, 6832:41,
6832:45, 6832:46,
6833:8, 6833:13,
6842:2, 6843:38,
6844:40, 6846:41,
6848:17, 6849:39,
6851:10, 6854:35,
6857:21, 6859:29,
6859:42, 6860:9,
6863:39, 6866:5,
6870:14, 6885:23,
6887:37, 6888:4,
6890:23, 6896:1,
6899:41, 6903:30,
6903:47, 6904:5,
6904:15, 6904:18,
6904:24, 6906:41,
6906:47, 6907:15,
6911:33, 6912:7,
6912:40, 6913:12
ex [21] - 6813:38,
6814:19, 6832:6,
6839:30, 6843:39,
6846:40, 6851:12,
6854:37, 6856:22,
6857:5, 6857:44,
6858:3, 6860:12,
6877:29, 6894:37,
6894:42, 6894:46,
6895:14, 6901:2,
6903:32, 6906:45
exact [1] - 6815:23
exactly [7] - 6830:26,
6858:45, 6860:17,
6881:45, 6882:10,
6882:27, 6896:46
examined [1] - 6887:3
example [22] -
6816:27, 6830:44,
6835:47, 6839:18,
6839:29, 6839:39,
6841:23, 6842:40,
6843:25, 6844:15,
6845:37, 6845:38,
6848:43, 6849:46,
6865:25, 6868:38,
6881:18, 6882:38,
6889:25, 6894:8,
6916:13, 6920:32
examples [3] -
6844:21, 6848:16,

6912:39
except [3] - 6835:10,
6854:25, 6914:30
exchange [1] - 6818:7
exchanges [2] -
6897:2, 6918:11
excused [3] - 6827:28,
6881:2, 6907:38
executive [1] -
6908:30
exhibit [5] - 6813:8,
6813:13, 6828:8,
6870:40, 6908:21
EXHIBIT [4] - 6813:28,
6828:10, 6870:42,
6908:26
existence [1] -
6857:20
expand [2] - 6814:9,
6814:27
expect [4] - 6836:46,
6865:13, 6875:43,
6912:25
expectation [5] -
6849:7, 6849:10,
6849:12, 6915:40,
6916:30
expectations [1] -
6919:28
expenses [2] -
6915:26, 6916:44
experience [57] -
6817:31, 6817:37,
6828:17, 6830:32,
6831:2, 6837:43,
6837:46, 6838:2,
6838:41, 6840:19,
6841:28, 6842:10,
6843:40, 6844:2,
6844:31, 6845:21,
6845:31, 6846:23,
6846:24, 6846:25,
6848:25, 6848:32,
6849:16, 6850:25,
6850:38, 6853:37,
6863:19, 6863:31,
6883:8, 6883:11,
6883:15, 6884:41,
6887:19, 6887:26,
6891:43, 6892:12,
6893:43, 6895:44,
6903:20, 6907:38,
6911:27, 6912:4,
6912:23, 6912:26,
6912:31, 6912:41,
6913:5, 6913:19,
6913:25, 6914:3,
6914:12, 6914:35,
6914:36, 6914:46,
6918:32, 6918:37,

6920:8
experienced [8] -
6840:16, 6909:35,
6911:28, 6912:8,
6913:34, 6915:7,
6919:27, 6920:31
experiences [18] -
6823:43, 6861:30,
6862:26, 6862:41,
6863:9, 6863:16,
6874:27, 6881:43,
6882:3, 6883:6,
6883:20, 6884:41,
6890:45, 6892:8,
6894:8, 6903:26,
6911:18, 6918:20
experiencing [2] -
6889:23, 6911:26
explain [9] - 6814:36,
6816:5, 6830:22,
6831:8, 6856:38,
6876:4, 6876:10,
6898:7, 6898:9
explained [7] -
6816:9, 6854:23,
6863:39, 6868:30,
6876:5, 6876:46,
6894:22
explaining [4] -
6852:40, 6864:44,
6865:10, 6898:11
explanation [3] -
6851:38, 6852:29,
6898:10
explore [2] - 6906:24,
6916:31
exploring [1] -
6911:14
express [2] - 6918:11,
6919:41
expressed [8] -
6823:14, 6823:34,
6824:45, 6842:30,
6842:36, 6891:13,
6891:19, 6892:7
expresses [1] -
6858:33
expressing [1] -
6920:13
expression [7] -
6861:2, 6861:8,
6861:17, 6861:18,
6861:27, 6891:9,
6920:1
expressions [2] -
6861:1, 6861:12
extent [6] - 6831:4,
6911:28, 6916:5,
6918:39, 6919:26,
6920:30

extra [1] - 6835:9
extremely [3] -
6845:39, 6851:42,
6854:33
eye [1] - 6841:25
eyes [1] - 6851:38

F

face [16] - 6815:24,
6815:25, 6815:38,
6821:19, 6859:24,
6865:43, 6866:12,
6866:16, 6893:10,
6918:47
face-to-face [5] -
6821:19, 6865:43,
6866:12, 6866:16,
6918:47
faced [3] - 6838:11,
6895:35
facilitate [2] -
6835:19, 6910:8
facility [1] - 6873:44
fact [6] - 6871:6,
6875:6, 6894:34,
6895:26, 6897:36,
6897:47
factor [1] - 6920:29
fair [3] - 6860:31,
6860:34, 6903:19
fairly [7] - 6829:34,
6840:22, 6841:24,
6863:24, 6868:47,
6902:3, 6910:3
faith [3] - 6876:18,
6908:40, 6918:26
faithfully [2] -
6881:44, 6883:38
fall [1] - 6842:26
false [1] - 6893:6
familiar [1] - 6888:13
Family [1] - 6828:25
family [1] - 6875:6
family's [1] - 6816:43
far [12] - 6819:18,
6830:22, 6831:5,
6831:6, 6836:31,
6840:2, 6847:17,
6856:4, 6856:42,
6856:43, 6888:41,
6898:26
Farrer [1] - 6812:23
fashion [1] - 6839:26
FE [10] - 6870:12,
6870:20, 6870:24,
6870:42, 6870:44,
6870:46, 6871:11,
6872:9, 6874:19,
6881:1

FE3 [1] - 6874:26
FE5 [1] - 6875:20
FE7 [1] - 6878:5
FEJ [2] - 6870:12, 6875:22
FEJ" [1] - 6870:47
fear [1] - 6819:38
features [1] - 6903:25
February [2] - 6859:43, 6874:47
feedback [3] - 6818:24, 6819:4, 6911:18
feelings [2] - 6885:5, 6885:6
fell [1] - 6858:13
fellow [2] - 6816:3, 6858:22
felt [14] - 6815:36, 6836:36, 6842:39, 6845:23, 6845:41, 6845:42, 6845:44, 6846:21, 6848:8, 6860:42, 6879:27, 6893:19, 6896:3, 6896:32
few [6] - 6825:3, 6836:1, 6860:29, 6873:3, 6873:6, 6873:35
fiduciary [1] - 6917:30
field [1] - 6839:43
figure [1] - 6814:33
file [3] - 6813:15, 6822:17, 6904:33
files [15] - 6904:29, 6904:38, 6904:44, 6905:16, 6905:23, 6905:26, 6905:27, 6905:42, 6905:44, 6906:6, 6906:11, 6906:13, 6906:14, 6906:20
final [5] - 6818:14, 6858:6, 6859:13, 6866:18, 6895:15
finalised [1] - 6902:20
finalising [1] - 6822:16
finally [4] - 6854:15, 6854:46, 6895:26, 6906:40
finance [1] - 6863:12
financial [7] - 6838:9, 6861:37, 6861:39, 6895:42, 6896:35, 6897:18, 6897:33
finish [3] - 6819:9, 6832:20, 6896:21
finished [2] - 6832:40, 6860:16
first [28] - 6813:4, 6813:8, 6813:11, 6823:9, 6824:36, 6824:37, 6830:36, 6832:42, 6833:34, 6842:26, 6844:2, 6848:21, 6848:41, 6849:6, 6849:17, 6852:13, 6854:37, 6855:3, 6858:13, 6858:38, 6862:25, 6865:26, 6888:44, 6901:42, 6901:44, 6909:18, 6909:38, 6913:8
Fitzgerald [1] - 6812:33
five [2] - 6828:24, 6888:45
fix [1] - 6855:30
flogged [2] - 6872:4, 6874:7
flowed [1] - 6896:22
flower [1] - 6829:21
focus [2] - 6854:5, 6854:19
follow [10] - 6847:46, 6848:14, 6850:13, 6852:11, 6852:22, 6865:27, 6867:6, 6886:46, 6889:21, 6904:18
follow-up [1] - 6850:13
following [1] - 6867:39
following [15] - 6813:42, 6817:47, 6818:4, 6854:6, 6862:2, 6866:16, 6873:8, 6874:42, 6884:37, 6889:27, 6903:6, 6909:44, 6909:46, 6910:26, 6910:32
fondle [1] - 6871:36
forced [1] - 6871:35
forcible [1] - 6842:37
Forde [13] - 6909:17, 6909:18, 6909:22, 6909:25, 6909:26, 6909:32, 6909:39, 6909:44, 6909:46, 6910:8, 6910:12, 6910:26, 6910:33
forefront [1] - 6916:36
foremost [1] - 6824:37
forget [3] - 6821:7, 6831:25, 6910:34
forgive [1] - 6821:6
form [9] - 6820:4, 6832:6, 6835:36, 6845:17, 6861:36, 6879:27, 6879:35, 6884:26, 6909:45
formal [11] - 6831:23, 6831:25, 6847:19, 6850:18, 6867:33, 6868:31, 6868:34, 6869:13, 6888:21, 6889:6, 6889:19
formalised [1] - 6919:43
formally [6] - 6827:28, 6867:33, 6881:2, 6907:38, 6917:31, 6917:32
format [1] - 6884:31
formed [2] - 6814:22, 6915:1
former [4] - 6813:31, 6862:12, 6863:16, 6881:8
forms [4] - 6842:15, 6880:10, 6880:11, 6920:28
formula [1] - 6916:2
formulaic [1] - 6897:24
forth [7] - 6847:20, 6850:20, 6865:2, 6888:18, 6889:23, 6915:1, 6916:44
forthcoming [1] - 6867:19
fortnight [1] - 6876:34
forums [1] - 6911:14
forward [20] - 6819:35, 6819:36, 6820:28, 6820:31, 6821:3, 6825:10, 6825:18, 6830:26, 6838:3, 6845:42, 6851:23, 6855:44, 6862:38, 6896:28, 6900:16, 6907:25, 6911:16, 6913:11, 6918:23, 6918:26
forwarded [1] - 6850:21
Foster/boarding [1] - 6873:23
foster/boarding [1] - 6873:26
Foundation [3] - 6909:22, 6909:25, 6909:32
four [20] - 6828:33, 6829:25, 6830:33, 6831:3, 6833:24, 6834:8, 6834:28, 6834:39, 6841:34, 6856:14, 6856:31, 6865:32, 6874:8, 6903:5, 6903:8, 6903:10, 6903:14, 6903:19, 6903:24, 6903:41
four-by-two [1] - 6874:8
four-year [1] - 6830:33
FP [2] - 6902:9, 6902:33
FPJ [1] - 6901:31
framework [3] - 6838:13, 6917:28, 6920:43
free [2] - 6853:12, 6915:34
frequency [1] - 6843:15
frequently [1] - 6871:43
Friday [4] - 6813:36, 6815:1, 6822:15, 6851:9
friend [2] - 6820:6, 6870:11
friend's [1] - 6820:17
front [5] - 6826:26, 6849:28, 6849:29, 6858:15, 6899:34
frontline [1] - 6868:1
frustrating [1] - 6907:17
frustration [2] - 6823:15, 6824:45
frustrations [1] - 6823:34
fulfilled [1] - 6920:17
full [6] - 6827:39, 6829:34, 6840:19, 6870:24, 6908:1, 6920:4
full-time [1] - 6829:34
fuller [1] - 6826:38
fully [4] - 6816:13, 6816:24, 6826:33, 6913:46
fulsome [1] - 6826:39
funded [5] - 6818:42, 6873:29, 6876:32, 6876:33, 6909:16
funding [7] - 6876:28, 6908:47, 6909:3, 6909:5, 6909:8, 6909:13, 6909:38
funds [3] - 6850:39, 6900:22, 6909:6
furniture [1] - 6888:18
future [2] - 6834:5, 6894:20
FV [3] - 6824:20, 6824:22, 6824:28
FVJ [2] - 6824:4, 6824:15

G

gained [1] - 6868:33
gaining [1] - 6918:28
gaol [1] - 6873:47
garden [1] - 6874:8
general [11] - 6836:28, 6837:9, 6839:21, 6842:25, 6844:13, 6844:14, 6845:17, 6847:26, 6847:32, 6855:21, 6884:39
generalise [4] - 6844:3, 6845:12, 6845:19, 6919:24
generally [19] - 6831:35, 6832:3, 6832:8, 6841:36, 6841:38, 6841:42, 6841:45, 6843:41, 6843:43, 6851:10, 6885:28, 6886:16, 6887:10, 6887:19, 6887:38, 6892:36, 6893:16, 6898:6, 6901:8
generate [1] - 6865:34
generously [1] - 6822:6
genitals [1] - 6871:36
gentleman [5] - 6824:15, 6826:42, 6856:46, 6870:13, 6904:47
genuine [4] - 6841:43, 6890:34, 6891:14, 6891:20
Gill [8] - 6871:24, 6871:27, 6871:31, 6872:6, 6872:9, 6872:17, 6874:27, 6876:47
Gill [1] - 6871:28
girls [2] - 6825:47, 6848:45
girls' [1] - 6822:6
given [39] - 6814:31, 6817:10, 6821:22, 6827:39, 6832:46, 6833:8, 6833:46, 6834:27, 6834:40, 6836:3, 6837:8, 6841:4, 6841:22,

6841:45, 6842:2,
6846:18, 6852:29,
6858:28, 6859:8,
6859:29, 6868:27,
6868:46, 6870:24,
6870:29, 6870:45,
6884:40, 6887:37,
6888:4, 6890:23,
6896:1, 6904:4,
6906:41, 6907:15,
6908:5, 6911:33,
6912:4, 6912:10,
6912:40, 6918:45
Glebe [2] - 6873:17,
6873:18
go [1] - 6899:22
goalpost [1] - 6859:39
God [1] - 6821:41
Godkin [2] - 6826:43
goings [1] - 6820:2
Gold [1] - 6828:30
Gosford [2] - 6873:40,
6873:43
gosh [1] - 6910:33
Goulburn [2] -
6871:24, 6871:28
government [14] -
6829:33, 6830:1,
6831:29, 6876:33,
6909:5, 6909:16,
6909:29, 6910:12,
6910:29, 6910:30,
6910:36, 6910:46,
6916:34, 6917:25
Government [8] -
6829:33, 6862:21,
6872:32, 6873:20,
6873:30, 6873:45,
6899:40, 6911:32
government-led [1] -
6910:46
governments [1] -
6917:23
Governor [1] -
6812:22
grant [2] - 6909:18,
6909:19
gratia [21] - 6813:38,
6814:19, 6832:6,
6839:30, 6843:39,
6846:40, 6851:12,
6854:37, 6856:22,
6857:5, 6857:44,
6858:3, 6860:12,
6877:29, 6894:37,
6894:42, 6894:46,
6895:14, 6901:2,
6903:32, 6906:45
grease [1] - 6871:33
great [2] - 6821:3,

6888:20
greater [1] - 6848:20
greet [1] - 6889:2
Greville [3] - 6814:21,
6818:22, 6819:2
grounds [2] - 6857:7,
6857:23
group [2] - 6917:27,
6918:19
groups [2] - 6863:7,
6909:44
growing [1] - 6829:21
grown [3] - 6829:1,
6829:5, 6909:41
guarded [1] - 6853:40
guardedness [1] -
6842:44
guess [1] - 6869:10
guidance [2] - 6821:9,
6834:26
guide [1] - 6830:38
guidelines [6] -
6852:11, 6852:21,
6852:23, 6852:24,
6852:28

H

halfway [1] - 6876:43
hand [4] - 6821:11,
6822:4, 6825:29,
6859:14
handled [1] - 6914:36
handling [1] - 6833:10
happy [11] - 6864:17,
6864:19, 6870:2,
6884:9, 6896:21,
6896:22, 6898:25,
6902:31, 6906:8,
6906:26, 6918:38
happy [1] - 6896:25
hard [4] - 6845:12,
6848:34, 6918:15,
6919:24
harm [8] - 6913:33,
6913:46, 6914:17,
6915:44, 6916:5,
6920:4
harmed [2] - 6822:44,
6823:1
hastily [1] - 6886:21
Hatte [22] - 6813:37,
6814:16, 6815:15,
6816:5, 6816:38,
6817:7, 6817:16,
6817:41, 6817:42,
6819:14, 6822:24,
6822:35, 6823:15,
6823:23, 6823:24,
6823:35, 6824:27,

6824:28, 6825:17,
6826:10, 6826:14
Hatte's [1] - 6817:26
head [5] - 6821:18,
6828:24, 6848:10,
6879:28, 6879:33
headed [1] - 6826:27
heading [2] - 6816:18,
6828:32
headings [1] -
6826:27
headmasters [1] -
6872:34
headquarters [2] -
6867:10, 6874:22
headway [1] - 6896:27
healing [3] - 6838:47,
6845:41, 6916:6
Healing [1] - 6911:35
health [1] - 6839:40
hear [7] - 6822:39,
6840:45, 6840:46,
6845:9, 6894:20,
6894:23, 6913:16
heard [16] - 6821:30,
6821:32, 6825:32,
6845:34, 6851:8,
6861:29, 6862:44,
6865:32, 6893:12,
6893:17, 6899:41,
6900:44, 6911:23,
6912:7, 6919:34,
6920:20
Hearing [1] - 6812:17
hearing [6] - 6823:46,
6840:31, 6865:25,
6873:14, 6904:10,
6904:15
heart [1] - 6890:38
heartache [1] -
6820:44
held [7] - 6879:28,
6879:33, 6886:42,
6901:27, 6908:33,
6911:24, 6918:40
Helen [1] - 6812:34
help [10] - 6821:7,
6824:35, 6824:42,
6824:43, 6826:1,
6827:16, 6845:37,
6874:39, 6893:34
helped [2] - 6840:37,
6875:24
helpful [6] - 6825:42,
6853:40, 6869:10,
6883:8, 6887:27,
6903:1
helping [2] - 6821:44,
6893:25
herself [3] - 6841:41,

6878:33, 6889:11
hidden [1] - 6821:47
higher [5] - 6846:9,
6848:29, 6848:36,
6848:37, 6855:3
highlight [1] - 6915:13
Hilton [2] - 6886:9,
6912:19
Hirst [7] - 6874:47,
6875:37, 6876:6,
6877:39, 6879:41,
6880:10, 6880:28
Historic [1] - 6910:8
historical [1] -
6834:35
Historical [1] -
6910:47
history [1] - 6831:24
hold [2] - 6864:28,
6877:17
holistic [1] - 6915:12
Home [17] - 6819:37,
6820:7, 6820:16,
6822:39, 6825:37,
6871:24, 6871:28,
6872:10, 6872:26,
6872:30, 6872:39,
6872:42, 6872:47,
6873:17, 6873:18,
6874:27, 6876:47
home [18] - 6823:44,
6825:40, 6835:7,
6835:25, 6835:28,
6844:16, 6848:43,
6848:44, 6871:19,
6871:21, 6871:27,
6873:10, 6873:19,
6873:23, 6873:26,
6873:28, 6873:47,
6874:17
homelessness [1] -
6829:6
homes [7] - 6819:37,
6819:42, 6825:47,
6848:44, 6848:45,
6904:15, 6914:23
honest [2] - 6838:36,
6878:24
honestly [2] -
6887:42, 6902:15
Honour [17] - 6813:3,
6822:14, 6832:45,
6833:12, 6839:25,
6840:8, 6846:32,
6848:17, 6854:42,
6870:10, 6870:15,
6880:44, 6906:2,
6906:26, 6907:30,
6908:19, 6921:13
honours [1] - 6828:15

Honours [1] - 6828:16
hope [2] - 6822:16,
6822:18
hoping [1] - 6870:14
hose [1] - 6874:8
hosed [1] - 6874:6
hour [3] - 6882:46,
6892:38, 6921:13
hours [2] - 6874:36,
6882:45
house [2] - 6872:43,
6873:21
housekeeping [1] -
6813:4
housing [1] - 6863:11
human [1] - 6919:40
hurt [4] - 6820:44,
6822:38, 6842:39,
6845:18
hush [1] - 6878:23

I

idea [1] - 6910:20
identified [8] -
6830:18, 6831:26,
6831:27, 6838:40,
6839:2, 6848:42,
6862:11, 6884:41
identify [4] - 6831:8,
6839:44, 6846:15,
6862:46
identifying [1] -
6913:32
ignored [1] - 6845:43
imagine [1] - 6862:25
imagined [1] -
6832:26
impact [77] - 6814:10,
6814:30, 6814:40,
6814:41, 6814:42,
6814:43, 6814:44,
6816:14, 6816:19,
6816:22, 6816:33,
6820:8, 6821:37,
6826:26, 6826:32,
6826:42, 6826:45,
6827:1, 6830:24,
6830:25, 6831:10,
6831:22, 6831:34,
6832:22, 6833:27,
6833:45, 6834:12,
6834:27, 6834:34,
6834:41, 6834:47,
6835:37, 6836:25,
6837:31, 6840:24,
6840:35, 6840:38,
6840:44, 6841:9,
6841:11, 6849:3,
6858:19, 6863:34,

6863:44, 6864:1, 6864:6, 6865:12, 6866:19, 6867:10, 6869:38, 6869:41, 6875:17, 6875:23, 6875:41, 6881:35, 6881:36, 6881:39, 6882:16, 6882:33, 6882:37, 6883:9, 6884:19, 6884:21, 6884:27, 6884:31, 6884:35, 6884:46, 6885:4, 6885:10, 6885:13, 6885:19, 6885:32, 6885:46, 6896:23, 6902:9, 6906:45

impacted [1] - 6914:4

impacts [1] - 6884:40

impediment [1] - 6900:11

impersonal [1] - 6868:47

importance [2] - 6891:5, 6917:34

important [13] - 6845:40, 6886:25, 6887:30, 6887:33, 6900:14, 6912:22, 6917:47, 6919:2, 6919:10, 6919:17, 6919:20, 6919:32, 6920:29

impression [1] - 6918:32

imprisoned [1] - 6854:25

improved [1] - 6907:18

improvements [1] - 6907:21

inability [1] - 6912:29

inadequacy [1] - 6911:30

inadequate [1] - 6916:15

inappropriate [1] - 6890:6

inclined [1] - 6846:47

include [4] - 6839:24, 6839:29, 6839:39, 6917:45

included [5] - 6813:7, 6813:20, 6840:34, 6877:45, 6913:11

includes [1] - 6919:18

including [19] - 6820:45, 6826:20, 6828:14, 6828:36, 6828:42, 6828:43, 6846:39, 6848:16, 6859:38, 6860:10, 6860:11, 6860:12, 6870:46, 6909:43, 6910:25, 6911:22, 6914:26, 6918:39, 6919:11

income [1] - 6915:17

inconsistent [1] - 6893:11

increase [2] - 6848:22, 6909:37

increased [2] - 6848:26, 6855:37

indeed [2] - 6857:18, 6906:13

independence [1] - 6909:20

independent [3] - 6908:42, 6911:21, 6917:35

indicate [6] - 6833:11, 6835:28, 6841:10, 6847:27, 6859:4, 6896:33

indicated [4] - 6813:36, 6815:1, 6834:9, 6849:2

indication [7] - 6817:15, 6818:46, 6826:15, 6836:2, 6884:25, 6885:19, 6887:10

individual [12] - 6820:2, 6838:5, 6839:3, 6839:18, 6848:16, 6848:19, 6850:6, 6850:29, 6909:33, 6912:24, 6919:25, 6921:6

individualised [4] - 6838:11, 6838:26, 6916:3, 6916:33

individually [3] - 6816:20, 6826:29, 6913:28

individuals [3] - 6825:29, 6830:14, 6903:8

Indooroopilly [1] - 6848:43

inform [1] - 6865:37

informal [2] - 6843:21, 6889:43

informally [2] - 6867:16, 6867:30

information [28] - 6816:13, 6816:16, 6817:11, 6820:6, 6821:36, 6831:28, 6832:36, 6833:40, 6833:46, 6834:41, 6835:9, 6835:30, 6837:21, 6841:4, 6859:9, 6863:36, 6865:22, 6867:19, 6868:39, 6877:40, 6882:18, 6884:39, 6897:13, 6912:3, 6912:45, 6913:22, 6913:24, 6919:35

informed [1] - 6919:4

informing [3] - 6843:8, 6864:5, 6885:12

initial [3] - 6829:1, 6829:3, 6854:13

initiate [1] - 6852:14

initiating [1] - 6906:33

Injuries [5] - 6813:42, 6819:1, 6833:47, 6837:16, 6877:14

injury [7] - 6818:24, 6819:3, 6913:33, 6914:7, 6914:9, 6914:15, 6915:44

input [2] - 6825:42

Inquiry [9] - 6909:17, 6909:18, 6909:26, 6909:39, 6909:44, 6909:46, 6910:8, 6910:12, 6910:33

inserted [3] - 6813:10, 6813:13, 6813:17

inside [1] - 6878:46

instance [2] - 6845:22, 6849:20

instances [3] - 6819:41, 6848:29, 6849:19

instead [1] - 6855:31

institution [5] - 6835:12, 6836:17, 6846:20, 6862:43, 6915:45

institution's [1] - 6920:14

INSTITUTIONAL [1] - 6812:12

institutional [5] - 6828:36, 6868:20, 6909:34, 6912:24, 6919:18

institutionalised [1] - 6829:11

institutions [12] - 6819:35, 6819:36, 6825:38, 6829:4, 6831:26, 6838:2, 6862:21, 6910:6, 6910:10, 6910:47, 6917:24, 6917:47

instruction [3] - 6834:46, 6847:47, 6865:21

instructions [1] - 6834:40

insufficient [1] - 6884:21

insufficiently [1] - 6838:40

insult [2] - 6878:24, 6896:8

insulted [3] - 6895:43, 6896:5, 6896:32

intended [1] - 6892:21

intention [1] - 6885:4

intentions [1] - 6917:27

interact [1] - 6832:14

intercourse [2] - 6871:40, 6874:10

interest [2] - 6829:1, 6903:16

interested [4] - 6911:14, 6912:2, 6915:2, 6918:30

intermediary [1] - 6864:15

internal [4] - 6854:28, 6910:2, 6910:25, 6911:12

internally [1] - 6863:35

interpersonal [1] - 6918:20

interpose [1] - 6870:11

interrelated [1] - 6913:36

intervening [1] - 6840:27

interview [2] - 6824:28, 6889:46

INTO [1] - 6812:12

introduce [2] - 6889:3, 6889:11

introducing [1] - 6889:7

investigate [6] - 6815:35, 6815:45, 6820:14, 6820:28, 6821:22, 6918:3

investigated [1] - 6816:13

investigation [3] - 6835:37, 6835:46, 6855:24

investigator [1] - 6820:10

invited [1] - 6818:31

involve [1] - 6863:43

involved [9] - 6829:37, 6850:30, 6860:13, 6863:40, 6876:14, 6906:36, 6911:35, 6912:11, 6919:2

involvement [8] - 6830:13, 6834:36, 6862:12, 6899:37, 6899:43, 6899:46, 6901:21, 6906:32

involves [1] - 6859:30

involving [3] - 6825:19, 6825:25, 6904:11

irregularities [1] - 6820:16

irrespective [1] - 6851:36

issue [30] - 6824:37, 6839:16, 6840:3, 6840:5, 6843:12, 6843:13, 6843:35, 6844:15, 6844:18, 6845:45, 6849:21, 6849:23, 6849:42, 6851:28, 6853:41, 6855:13, 6855:30, 6858:11, 6867:29, 6868:13, 6868:14, 6900:14, 6913:26, 6914:9, 6915:32, 6917:41, 6918:31, 6919:16, 6920:11

issued [1] - 6905:2

issues [36] - 6815:2, 6815:25, 6818:12, 6821:25, 6822:18, 6823:28, 6824:39, 6824:42, 6829:7, 6837:26, 6837:27, 6837:36, 6838:7, 6838:10, 6839:40, 6840:21, 6856:13, 6861:23, 6863:12, 6863:13, 6863:16, 6863:20, 6884:22, 6911:13, 6911:29, 6913:8, 6913:46, 6915:8, 6915:35, 6916:39, 6918:23, 6918:42, 6920:5, 6920:41

it [1] - 6847:9

it' [2] - 6844:26, 6872:3

items [1] - 6826:31

itself [2] - 6893:32, 6919:33

J

James [5] - 6815:2,
6815:13, 6815:31,
6816:8, 6818:8
January [1] - 6813:12
JD [9] - 6849:28,
6849:33, 6851:9,
6852:4, 6852:22,
6852:30, 6852:40,
6853:1, 6853:33
JDJ [1] - 6851:8
JDJ's [2] - 6852:34,
6853:43
JE [3] - 6856:45,
6857:21, 6857:26
JF [6] - 6858:10,
6858:11, 6858:20,
6858:29, 6858:43,
6859:8
JG [1] - 6851:17
JL1 [1] - 6852:2
JL6 [1] - 6852:47
Joan [2] - 6907:42,
6908:3
JOAN [2] - 6907:44,
6908:26
job [7] - 6826:25,
6827:2, 6830:16,
6845:8, 6867:47,
6887:3, 6899:17
jogged [1] - 6858:23
JOHN [3] - 6827:35,
6828:10, 6881:8
John [10] - 6813:9,
6814:21, 6818:22,
6819:2, 6827:32,
6854:11, 6854:24,
6863:3, 6863:20,
6912:18
John's [3] - 6816:43,
6817:13, 6910:37
join [1] - 6911:3
joined [1] - 6829:16
July [1] - 6871:26
June [1] - 6852:4
Justice [1] - 6812:32
justice [2] - 6829:1,
6838:30
juvenile [1] - 6873:44

K

Karyn [2] - 6907:42,
6908:3
KARYN [2] - 6907:44,
6908:26
keep [2] - 6841:25,
6882:47
keeping [2] - 6902:35,

6902:36
kept [5] - 6820:3,
6901:25, 6904:33,
6905:23, 6905:42
kind [16] - 6821:47,
6826:4, 6835:21,
6845:24, 6853:39,
6854:38, 6855:34,
6862:22, 6864:34,
6865:21, 6866:32,
6869:18, 6887:7,
6890:8, 6893:42,
6897:24
kinds [1] - 6911:27
kitchen [1] - 6871:33
knowing [2] - 6906:3,
6920:36
knowledge [11] -
6828:3, 6833:7,
6833:11, 6833:15,
6834:29, 6856:37,
6870:35, 6876:36,
6904:26, 6906:34,
6908:14
known [1] - 6819:46
knows [1] - 6833:9

L

lack [9] - 6820:7,
6823:3, 6823:5,
6825:2, 6867:9,
6914:25, 6915:8,
6920:5
Laidlaw [1] - 6860:2
Lane [2] - 6854:11,
6854:24
language [2] - 6891:5,
6891:8
largely [1] - 6834:37
larger [2] - 6829:8,
6829:17
last [15] - 6813:4,
6817:19, 6820:29,
6821:15, 6821:28,
6823:46, 6828:33,
6849:24, 6899:41,
6900:29, 6904:15,
6904:19, 6904:24,
6908:12
late [1] - 6858:34
latter [1] - 6894:28
law [5] - 6914:31,
6915:15, 6915:25,
6917:4, 6917:18
lawyer [4] - 6879:46,
6880:14, 6899:22,
6912:2
lawyers [1] - 6838:14
lead [4] - 6832:26,

6874:9, 6886:46,
6889:7
leader [3] - 6820:9,
6918:35, 6919:38
leaders [1] - 6919:10
leads [1] - 6919:27
Leagues [1] - 6876:22
learned [3] - 6830:40,
6836:9, 6870:10
least [8] - 6813:47,
6819:34, 6840:33,
6843:40, 6891:38,
6894:27, 6896:27,
6921:13
leave [4] - 6813:5,
6822:23, 6906:8,
6906:26
leaver [1] - 6816:20
leavers [2] - 6821:31,
6825:20
led [2] - 6910:46,
6919:25
left [5] - 6813:35,
6859:14, 6893:17,
6900:28, 6907:33
left-hand [1] - 6859:14
leg [2] - 6859:20,
6859:22
Legal [4] - 6898:44,
6898:47, 6899:5,
6899:29
legal [26] - 6838:13,
6847:19, 6850:25,
6850:35, 6850:39,
6850:43, 6851:3,
6861:23, 6879:13,
6879:17, 6879:21,
6898:32, 6898:39,
6899:11, 6899:16,
6899:19, 6899:39,
6900:1, 6900:2,
6900:5, 6900:9,
6900:10, 6900:20,
6900:22, 6911:16
legally [3] - 6896:16,
6898:28, 6910:1
length [2] - 6846:20,
6881:37
less [3] - 6820:31,
6872:6, 6896:46
letter [61] - 6813:8,
6815:13, 6815:23,
6815:25, 6815:37,
6815:40, 6818:6,
6818:10, 6821:20,
6821:24, 6833:22,
6844:32, 6845:1,
6845:5, 6845:7,
6845:8, 6847:16,
6850:16, 6851:25,

6851:39, 6851:41,
6851:42, 6852:3,
6852:39, 6852:42,
6853:2, 6853:5,
6853:14, 6853:17,
6853:28, 6853:35,
6855:16, 6855:18,
6857:23, 6857:26,
6857:33, 6857:43,
6860:9, 6860:11,
6864:5, 6864:29,
6864:33, 6864:36,
6864:41, 6865:13,
6877:27, 6885:12,
6885:30, 6885:47,
6886:1, 6894:45,
6895:1, 6895:2,
6895:7, 6895:15,
6895:29, 6895:33,
6918:44
letters [6] - 6833:39,
6851:45, 6885:17,
6885:28, 6885:29,
6895:13
level [6] - 6828:22,
6889:22, 6894:42,
6912:16, 6914:15,
6921:7
Level [1] - 6812:22
levels [1] - 6838:12
liability [1] - 6917:4
Lidcombe [2] -
6872:15, 6872:19
Lieutenant [4] -
6852:3, 6852:8,
6871:32, 6871:36
lieutenant [1] -
6871:39
life [8] - 6814:40,
6851:23, 6863:13,
6877:3, 6884:42,
6913:47, 6914:4,
6916:6
Lifeline [1] - 6828:29
light [1] - 6822:15
lighting [1] - 6888:32
likely [4] - 6843:30,
6864:5, 6887:20,
6894:20
limitations [2] -
6914:32, 6916:19
Limitations [1] -
6847:20
limited [1] - 6912:28
line [1] - 6881:15
lines [1] - 6849:45
linked [1] - 6915:38
list [7] - 6849:27,
6849:30, 6856:46,
6868:45, 6869:4,

6897:7, 6899:34
listed [1] - 6858:14
listen [1] - 6919:39
listened [2] - 6821:29,
6837:30
listening [3] - 6815:7,
6823:39, 6920:13
listens [1] - 6918:37
literate [1] - 6860:6
litigation [2] -
6911:13, 6911:16
live [1] - 6874:17
lived [1] - 6874:1
lives [2] - 6822:6,
6896:28
living [6] - 6863:12,
6872:6, 6873:2,
6873:35, 6874:16,
6915:44
local [2] - 6908:40,
6908:43
locate [1] - 6857:10
located [1] - 6873:27
locked [1] - 6859:30
lodged [1] - 6835:38
lodging [1] - 6841:11
look [29] - 6820:12,
6839:13, 6840:43,
6856:46, 6861:5,
6862:44, 6862:47,
6865:31, 6869:23,
6869:32, 6875:20,
6876:7, 6876:34,
6878:23, 6882:30,
6883:47, 6886:43,
6890:11, 6895:40,
6898:13, 6904:39,
6905:14, 6905:19,
6905:22, 6913:29,
6915:12, 6915:30,
6916:31, 6919:11
Look [2] - 6899:19,
6900:19
looked [7] - 6837:17,
6869:18, 6869:28,
6896:8, 6905:42,
6906:6, 6914:30
looking [14] - 6814:27,
6861:22, 6888:21,
6897:16, 6903:24,
6905:26, 6905:43,
6913:45, 6915:36,
6915:39, 6915:41,
6916:2, 6918:2,
6918:27
looks [1] - 6874:35
loss [5] - 6915:6,
6915:17, 6916:17,
6916:43, 6916:44
lost [2] - 6858:4,

6874:35
Lotus [18] - 6829:12,
6829:20, 6829:21,
6831:47, 6832:1,
6832:47, 6833:29,
6862:35, 6863:35,
6888:5, 6899:5,
6900:35, 6901:43,
6904:39, 6904:43,
6905:16, 6905:43,
6906:23
loud [2] - 6874:12,
6878:9
lounge [4] - 6888:26,
6888:27, 6888:31
Lucas [20] - 6813:9,
6827:32, 6827:39,
6832:46, 6833:6,
6833:23, 6837:35,
6839:16, 6840:10,
6845:12, 6846:38,
6860:21, 6860:28,
6881:6, 6906:3,
6906:32, 6908:23,
6910:15, 6911:3,
6912:8
LUCAS [3] - 6827:35,
6828:10, 6881:8
Lucas's [4] - 6827:32,
6833:13, 6871:6,
6871:7
lump [1] - 6917:13
lunch [3] - 6823:32,
6870:6, 6881:12

M

Macquarie [2] -
6812:22, 6828:18
Magistrate [1] -
6872:41
main [4] - 6845:33,
6882:41, 6884:43,
6888:31
major [1] - 6849:21
Major [38] - 6813:9,
6835:47, 6836:4,
6836:8, 6836:14,
6855:43, 6856:37,
6858:29, 6858:33,
6876:21, 6876:42,
6877:35, 6885:18,
6888:47, 6889:25,
6889:26, 6891:18,
6892:6, 6892:14,
6892:21, 6892:24,
6892:25, 6894:11,
6894:12, 6894:30,
6900:12, 6900:13,
6900:19, 6902:3,

6902:10, 6907:9
majority [1] - 6903:17
man [7] - 6815:32,
6823:45, 6824:2,
6824:25, 6826:44,
6849:45, 6854:15
management [1] -
6821:43
manner [2] - 6895:8,
6895:10
March [11] - 6813:9,
6813:36, 6814:15,
6815:9, 6815:18,
6815:28, 6816:38,
6818:5, 6827:43,
6870:29, 6908:6
marginalised [1] -
6908:43
marked [1] - 6871:28
marriage [1] - 6854:14
Mary's [2] - 6908:41,
6909:1
master [1] - 6873:21
masturbatory [1] -
6872:36
match [2] - 6914:11,
6920:30
matches [1] - 6920:40
material [7] - 6872:9,
6905:14, 6906:3,
6906:19, 6906:22,
6906:25, 6907:3
matter [35] - 6813:4,
6817:16, 6823:46,
6826:3, 6833:5,
6835:20, 6847:47,
6851:11, 6853:39,
6854:16, 6854:36,
6854:41, 6855:17,
6858:2, 6859:13,
6859:14, 6860:40,
6865:37, 6865:47,
6867:27, 6870:45,
6877:12, 6883:43,
6884:45, 6886:9,
6890:16, 6892:14,
6896:14, 6896:16,
6899:40, 6900:38,
6906:18, 6915:16,
6915:19, 6916:34
mattered [1] - 6848:45
matters [20] - 6815:10,
6819:18, 6821:23,
6822:15, 6825:9,
6833:14, 6836:25,
6838:34, 6839:35,
6849:12, 6849:18,
6867:14, 6881:38,
6882:19, 6903:29,
6913:36, 6915:3,

6916:16, 6916:43
mature [1] - 6911:5
McClellan [1] -
6812:32
McGLINCHEY [6] -
6822:23, 6822:32,
6822:34, 6824:12,
6824:17, 6827:18
McIver [1] - 6816:3
McKENZIE [1] -
6880:46
McLeod [1] - 6902:21
meals [2] - 6823:27,
6823:31
mean [46] - 6814:40,
6826:5, 6826:25,
6826:41, 6831:16,
6836:44, 6838:18,
6839:17, 6839:22,
6843:7, 6843:11,
6843:21, 6844:30,
6845:26, 6862:29,
6862:32, 6864:26,
6865:1, 6867:16,
6867:21, 6867:37,
6867:40, 6867:47,
6869:37, 6889:46,
6891:33, 6893:32,
6893:35, 6895:15,
6896:5, 6896:9,
6896:17, 6897:19,
6897:31, 6897:33,
6897:47, 6898:10,
6899:20, 6905:18,
6905:38, 6906:10,
6909:41, 6911:8,
6913:3, 6916:42
meaningful [1] -
6919:30
means [4] - 6815:44,
6825:27, 6878:29,
6921:16
meant [11] - 6836:44,
6847:12, 6847:19,
6877:46, 6878:18,
6880:25, 6895:36,
6897:39, 6898:11,
6898:18, 6913:47
mechanical [1] -
6867:6
mechanics [2] -
6867:2, 6868:24
mediated [1] - 6913:3
medical [4] - 6835:7,
6845:16, 6915:26,
6916:44
medical-related [1] -
6845:16
Medicare [1] - 6915:33
meet [17] - 6814:15,

6815:24, 6815:27,
6815:44, 6831:44,
6845:26, 6866:1,
6868:1, 6868:7,
6883:45, 6885:28,
6885:37, 6886:3,
6886:39, 6887:31,
6915:30, 6918:18
meeting [102] -
6813:11, 6813:42,
6813:47, 6814:2,
6814:14, 6815:15,
6815:17, 6815:28,
6815:30, 6817:11,
6818:4, 6818:8,
6821:20, 6821:21,
6831:38, 6832:6,
6832:18, 6832:20,
6832:23, 6839:10,
6840:39, 6840:40,
6840:45, 6841:11,
6842:40, 6843:24,
6843:26, 6843:27,
6843:34, 6846:18,
6852:39, 6857:36,
6857:45, 6858:1,
6858:28, 6858:38,
6859:4, 6859:43,
6859:46, 6865:43,
6866:12, 6866:16,
6876:20, 6876:25,
6876:41, 6876:46,
6877:17, 6878:36,
6882:13, 6883:30,
6885:34, 6885:44,
6886:6, 6886:13,
6886:14, 6886:17,
6886:26, 6886:31,
6886:35, 6886:36,
6886:40, 6886:41,
6886:42, 6886:44,
6886:45, 6887:1,
6887:11, 6887:15,
6887:20, 6887:26,
6887:31, 6887:36,
6888:30, 6888:37,
6889:6, 6889:18,
6890:1, 6890:3,
6890:7, 6891:12,
6891:38, 6891:39,
6891:43, 6892:32,
6893:24, 6893:32,
6893:33, 6894:4,
6894:23, 6894:24,
6896:23, 6902:9,
6902:16, 6902:17,
6902:39, 6903:33,
6906:45, 6912:24,
6912:26, 6912:27
meetings [55] -
6823:23, 6831:47,

6832:3, 6832:7,
6832:9, 6832:10,
6832:16, 6836:10,
6836:25, 6841:35,
6841:37, 6841:45,
6842:5, 6842:30,
6842:47, 6843:6,
6850:3, 6850:6,
6854:13, 6863:7,
6865:47, 6866:6,
6867:18, 6886:21,
6887:46, 6888:4,
6888:9, 6888:25,
6888:41, 6889:17,
6889:20, 6889:38,
6889:42, 6890:11,
6890:14, 6890:18,
6890:43, 6891:17,
6891:30, 6892:3,
6892:24, 6892:37,
6892:44, 6893:15,
6893:16, 6893:20,
6893:44, 6894:1,
6894:12, 6894:17,
6894:29, 6894:31,
6894:40, 6914:47
member [3] - 6828:20,
6845:2, 6868:6
members [3] - 6834:9,
6902:40, 6902:41
Memorial [5] -
6871:24, 6871:27,
6872:10, 6874:27,
6876:47
memories [3] -
6820:15, 6821:3,
6843:36
memory [4] - 6842:4,
6842:6, 6853:13,
6858:23
mental [2] - 6839:40,
6910:35
mention [2] - 6820:2,
6858:34
mentioned [8] -
6818:29, 6824:24,
6835:23, 6836:11,
6836:20, 6841:8,
6880:32, 6914:45
merits [1] - 6855:17
met [5] - 6826:44,
6826:47, 6845:14,
6858:22, 6888:14
methods [1] - 6826:21
Micah [26] - 6828:14,
6828:33, 6828:46,
6828:47, 6829:25,
6829:26, 6829:42,
6829:43, 6833:25,
6834:23, 6834:40,

6849:41, 6857:14,
6858:21, 6891:22,
6899:30, 6905:1,
6905:2, 6906:16,
6908:30, 6908:38,
6909:37, 6911:4,
6911:42, 6912:9,
6914:46
microphone [1] -
6822:43
might [79] - 6822:23,
6823:6, 6826:22,
6839:39, 6839:40,
6840:41, 6841:29,
6842:18, 6842:20,
6859:19, 6859:20,
6861:23, 6862:2,
6863:21, 6863:24,
6863:25, 6864:27,
6865:3, 6865:17,
6866:11, 6866:16,
6866:18, 6866:28,
6867:9, 6867:11,
6867:31, 6868:10,
6868:16, 6868:31,
6869:5, 6869:31,
6869:37, 6869:45,
6882:45, 6883:27,
6886:17, 6886:41,
6887:11, 6887:15,
6887:21, 6887:39,
6887:47, 6888:13,
6890:25, 6891:37,
6892:14, 6893:10,
6893:32, 6894:21,
6894:42, 6895:13,
6895:20, 6896:23,
6896:44, 6897:46,
6898:38, 6899:12,
6899:18, 6899:26,
6899:27, 6900:39,
6901:2, 6901:16,
6901:18, 6901:32,
6904:29, 6906:43,
6906:46, 6907:18,
6907:21, 6912:25,
6912:26, 6916:41,
6919:6, 6919:42,
6920:43, 6921:8
million [1] - 6909:31
Milroy [1] - 6812:34
mind [5] - 6814:25,
6838:21, 6838:27,
6851:15, 6917:43
Minda [3] - 6872:15,
6872:18, 6872:20
Minda [1] - 6872:19
mindful [2] - 6838:5,
6870:3
minds [1] - 6916:37

minority [1] - 6821:40
minute [1] - 6849:24
minutes [3] - 6813:11,
6813:13, 6888:45
mirrors [1] - 6917:10
moment [6] - 6833:43,
6835:23, 6838:37,
6839:19, 6848:39,
6913:39
monetary [7] -
6837:39, 6876:7,
6890:2, 6894:35,
6894:36, 6915:43,
6919:20
money [29] - 6814:38,
6814:43, 6815:26,
6820:31, 6837:23,
6837:24, 6837:33,
6846:1, 6846:3,
6846:16, 6876:36,
6878:23, 6879:36,
6890:7, 6894:30,
6900:3, 6900:5,
6900:20, 6913:1,
6913:16, 6913:17,
6913:32, 6914:8,
6914:11, 6914:14,
6914:17, 6914:29,
6915:40, 6919:21
monitoring [2] -
6910:7, 6910:11
month [4] - 6840:41,
6872:7, 6872:21,
6873:25
monthly [1] - 6840:39
months [7] - 6821:37,
6840:23, 6840:27,
6840:41, 6873:3,
6873:35, 6874:16
mood [1] - 6902:38
more-effective [1] -
6913:29
morning [6] - 6828:1,
6869:17, 6881:26,
6898:37, 6903:30,
6921:21
most [26] - 6821:30,
6832:14, 6841:40,
6842:6, 6842:12,
6843:33, 6844:34,
6844:36, 6864:14,
6866:6, 6866:24,
6869:6, 6883:10,
6883:14, 6883:35,
6888:5, 6891:30,
6893:24, 6895:6,
6895:44, 6896:2,
6896:11, 6911:7,
6912:5, 6914:38,
6921:9

mostly [2] - 6832:1,
6846:47
mother [3] - 6871:26,
6873:9, 6874:17
mother's [1] - 6854:14
mouth [1] - 6862:45
move [9] - 6819:29,
6845:41, 6851:23,
6889:3, 6889:13,
6896:28, 6897:40,
6917:44, 6918:26
moved [2] - 6829:17,
6917:4
moving [2] - 6825:10,
6825:18
Mt [6] - 6873:40,
6873:42, 6873:43,
6873:47, 6874:5,
6874:16
must [4] - 6819:46,
6824:36, 6884:36,
6921:9
mystified [2] -
6867:32, 6867:43

N

name [20] - 6821:2,
6824:4, 6824:10,
6827:39, 6829:11,
6829:18, 6829:19,
6829:20, 6836:13,
6836:16, 6858:20,
6858:24, 6858:35,
6858:45, 6858:46,
6859:23, 6870:24,
6871:33, 6871:44,
6908:2
named [2] - 6873:30,
6917:31
namely [3] - 6833:45,
6853:30, 6858:35
names [7] - 6820:3,
6836:3, 6836:11,
6836:19, 6849:2,
6872:35, 6875:22
naming [1] - 6858:42
natural [2] - 6893:42,
6919:40
naturally [1] - 6835:18
nature [13] - 6828:13,
6828:46, 6832:15,
6832:16, 6833:44,
6842:43, 6854:24,
6886:42, 6888:36,
6919:26, 6920:22,
6920:30, 6920:40
near [1] - 6918:46
necessarily [1] -
6861:35

necessary [5] -
6849:13, 6865:4,
6865:29, 6900:5,
6919:45
need [39] - 6815:35,
6819:33, 6820:35,
6821:7, 6821:22,
6831:9, 6838:14,
6838:16, 6838:36,
6839:35, 6840:22,
6845:14, 6845:15,
6845:16, 6845:26,
6845:42, 6850:20,
6850:22, 6856:9,
6862:2, 6863:43,
6868:21, 6869:32,
6869:45, 6882:30,
6895:31, 6895:32,
6899:21, 6900:20,
6903:30, 6912:3,
6917:31, 6918:6,
6919:4, 6919:13,
6919:35, 6920:28,
6920:44, 6921:3
needed [11] - 6817:45,
6868:40, 6871:39,
6882:25, 6883:22,
6887:8, 6887:34,
6888:29, 6893:34,
6895:28, 6897:21
needs [13] - 6825:30,
6825:31, 6826:38,
6838:4, 6838:12,
6839:44, 6840:3,
6913:31, 6915:31,
6916:6, 6918:19,
6919:25
negotiate [3] -
6847:41, 6890:2,
6909:46
negotiation [1] -
6890:7
negotiations [1] -
6919:19
nervous [1] - 6877:22
Network [2] - 6910:9,
6910:47
network [1] - 6910:9
never [13] - 6826:44,
6826:47, 6832:9,
6847:30, 6868:9,
6868:13, 6876:18,
6884:38, 6893:3,
6893:19, 6894:36,
6899:23, 6911:10
New [4] - 6872:31,
6873:19, 6873:29,
6873:44
new [2] - 6825:18,
6825:25

next [23] - 6831:33,
6831:40, 6831:42,
6832:18, 6840:38,
6840:44, 6840:45,
6850:13, 6854:45,
6856:1, 6864:4,
6873:14, 6877:6,
6883:43, 6885:33,
6885:45, 6886:4,
6886:11, 6894:19,
6894:45, 6907:11,
6921:7
NGOs [1] - 6916:1
nice [4] - 6815:32,
6815:44, 6826:44,
6888:32
niece [1] - 6878:46
night [2] - 6871:40,
6874:37
nightly [1] - 6871:37
nightmares [1] -
6874:33
nine [5] - 6815:10,
6816:27, 6816:30,
6816:32, 6816:33
no" [2] - 6905:6,
6905:11
nods [1] - 6822:46
non [2] - 6895:38,
6916:44
non-economic [1] -
6916:44
non-signage [1] -
6895:38
norm [2] - 6903:38
normal [1] - 6821:9
normally [6] -
6864:13, 6864:33,
6888:15, 6888:44,
6889:10, 6894:22
not-for-profit [1] -
6908:42
note [2] - 6818:21,
6893:16
noted [1] - 6882:21
notes [6] - 6815:41,
6818:7, 6863:30,
6894:1, 6894:4,
6894:12
nothing [13] -
6819:21, 6820:21,
6820:23, 6825:22,
6827:25, 6832:35,
6833:11, 6868:46,
6876:11, 6877:46,
6878:18, 6878:29,
6907:35
notice [4] - 6886:16,
6886:21, 6886:26,
6886:30

notification [1] - 6840:34
notified [1] - 6866:18
notwithstanding [1] - 6913:13
November [1] - 6874:21
number [28] - 6813:5, 6815:2, 6815:3, 6815:42, 6819:19, 6824:22, 6828:22, 6831:47, 6837:37, 6840:23, 6843:45, 6846:39, 6848:41, 6850:3, 6855:45, 6856:13, 6861:6, 6870:44, 6871:30, 6873:38, 6874:33, 6881:36, 6882:39, 6904:5, 6904:14, 6910:15, 6913:9, 6914:47
numbered [1] - 6815:11
numbers [1] - 6875:22

O

O'BRIEN [1] - 6827:21
o'clock [1] - 6921:20
oath [5] - 6813:31, 6820:22, 6820:29, 6821:16, 6821:42
object [4] - 6832:45, 6843:30, 6843:33, 6904:47
obligation [1] - 6913:11
observation [2] - 6889:32, 6896:20
observations [7] - 6836:29, 6883:5, 6886:25, 6890:1, 6890:33, 6892:19, 6902:47
observe [1] - 6902:32
obtain [2] - 6847:14, 6900:20
obtained [3] - 6850:39, 6905:3, 6906:15
obtaining [1] - 6851:20
obvious [1] - 6913:2
obviously [5] - 6814:9, 6825:42, 6834:12, 6864:17, 6910:14
occasion [15] - 6836:1, 6846:2, 6846:17, 6865:17, 6871:45, 6878:43, 6884:19, 6891:12, 6891:18, 6893:3, 6900:18, 6902:31, 6902:33, 6902:38, 6902:42
occasions [18] - 6815:42, 6819:19, 6823:20, 6836:10, 6836:18, 6842:3, 6842:6, 6842:32, 6843:7, 6843:45, 6848:27, 6848:36, 6887:39, 6888:14, 6889:37, 6894:29, 6896:44, 6899:1
occur [4] - 6850:23, 6882:38, 6882:39, 6886:17
occurred [9] - 6831:47, 6832:1, 6842:19, 6842:22, 6871:36, 6871:41, 6888:5, 6914:7, 6914:23
occurs [1] - 6841:11
October [3] - 6820:39, 6823:10, 6826:11
odd [1] - 6853:22
OF [4] - 6813:28, 6828:10, 6870:42, 6908:26
of [1] - 6864:34
offer [72] - 6814:36, 6815:26, 6816:5, 6819:6, 6819:12, 6819:15, 6824:41, 6826:28, 6826:34, 6832:9, 6836:20, 6837:32, 6844:8, 6844:9, 6844:10, 6844:12, 6844:24, 6844:31, 6844:33, 6844:34, 6844:35, 6844:37, 6844:41, 6844:43, 6844:44, 6845:5, 6845:15, 6846:6, 6847:1, 6847:7, 6847:12, 6847:33, 6847:37, 6847:44, 6847:45, 6848:3, 6848:20, 6848:21, 6848:22, 6848:29, 6848:35, 6848:36, 6848:37, 6850:10, 6850:15, 6850:18, 6850:19, 6850:38, 6855:3, 6855:34, 6856:8, 6856:12, 6856:17, 6856:27, 6857:5, 6894:46, 6895:15, 6895:23, 6895:26, 6895:30, 6895:45, 6896:3, 6896:7, 6896:8, 6896:11, 6896:26, 6896:32, 6897:18, 6897:29, 6898:28
offered [31] - 6813:38, 6814:26, 6814:33, 6814:43, 6815:16, 6817:43, 6832:7, 6835:16, 6837:23, 6837:24, 6843:41, 6844:4, 6846:1, 6846:3, 6846:9, 6847:16, 6847:23, 6847:42, 6848:28, 6851:12, 6852:23, 6854:37, 6858:2, 6860:12, 6877:28, 6879:21, 6894:21, 6895:28, 6903:31, 6913:1
offering [6] - 6814:45, 6831:38, 6863:11, 6875:27, 6894:30, 6895:30
offers [6] - 6843:39, 6846:40, 6895:14, 6895:42, 6895:47, 6897:25
office [2] - 6820:9, 6871:43
Office [3] - 6831:17, 6834:10, 6845:2
Officer [3] - 6871:32, 6871:44, 6871:47
officer [9] - 6841:39, 6843:8, 6850:7, 6852:9, 6858:24, 6887:16, 6888:38, 6890:25, 6908:30
Officers [1] - 6874:6
officers [29] - 6819:39, 6841:37, 6841:46, 6842:46, 6848:42, 6849:2, 6849:9, 6850:4, 6850:5, 6860:33, 6860:37, 6864:47, 6865:18, 6865:42, 6866:2, 6871:31, 6872:37, 6872:47, 6874:13, 6887:32, 6887:38, 6887:40, 6888:42, 6890:33, 6891:28, 6892:45, 6892:46, 6893:4, 6903:43
officially [1] - 6854:16
often [22] - 6820:4, 6829:21, 6829:44, 6838:3, 6840:26, 6840:27, 6841:40, 6843:27, 6844:24, 6845:1, 6862:42, 6862:45, 6863:15, 6874:14, 6881:41, 6883:11, 6887:8, 6887:23, 6901:28, 6913:17, 6914:9
old [4] - 6851:27, 6851:36, 6851:37, 6871:20
once [13] - 6820:14, 6824:39, 6831:34, 6831:37, 6840:18, 6848:20, 6862:11, 6871:41, 6882:46, 6891:38, 6894:24, 6916:27, 6919:47
one [51] - 6816:21, 6816:26, 6818:12, 6827:3, 6829:28, 6833:23, 6833:39, 6835:14, 6837:22, 6839:10, 6841:12, 6841:43, 6844:16, 6844:18, 6845:38, 6846:42, 6846:46, 6847:32, 6849:20, 6856:17, 6857:8, 6857:35, 6859:19, 6859:21, 6860:10, 6868:33, 6871:45, 6872:21, 6873:25, 6875:16, 6882:38, 6882:42, 6886:9, 6888:25, 6888:28, 6894:37, 6897:7, 6901:30, 6902:34, 6907:33, 6909:21, 6915:4, 6915:16, 6918:45, 6920:7
one's [1] - 6820:34
one-on-one [1] - 6918:45
ones [3] - 6833:23, 6903:15, 6918:16
ongoing [12] - 6819:24, 6819:25, 6844:36, 6845:45, 6854:20, 6866:17, 6866:32, 6897:34, 6900:34, 6901:1, 6901:17, 6917:12
onwards [1] - 6851:8
open [10] - 6823:38, 6823:41, 6824:40, 6826:3, 6847:5, 6860:36, 6864:37, 6864:39, 6864:41
opened [1] - 6864:36
operated [3] - 6848:45, 6862:39, 6873:30
operations [2] - 6909:9, 6909:38
opinion [1] - 6858:33
opportunity [22] - 6832:11, 6832:13, 6846:18, 6847:14, 6859:8, 6884:5, 6885:28, 6885:34, 6885:37, 6886:3, 6886:31, 6886:39, 6887:31, 6889:44, 6890:1, 6890:12, 6892:25, 6892:41, 6897:40, 6911:13, 6914:18, 6915:17
opposed [1] - 6918:45
opposite [1] - 6888:21
opposition [1] - 6822:29
option [3] - 6862:46, 6901:7, 6916:19
options [8] - 6848:9, 6894:38, 6910:1, 6912:28, 6914:3, 6919:5, 6920:26, 6920:30
order [2] - 6831:9, 6851:22
ordered [1] - 6873:25
organisation [23] - 6820:27, 6820:32, 6821:13, 6821:15, 6821:42, 6822:1, 6825:44, 6828:24, 6828:46, 6828:47, 6829:5, 6829:8, 6829:10, 6829:17, 6829:19, 6838:19, 6899:32, 6905:20, 6908:34, 6908:42, 6908:44, 6909:3, 6909:15
organisation's [2] - 6820:11, 6822:8
organisations [3] - 6828:22, 6837:40, 6840:3
organised [5] - 6858:6, 6863:7, 6886:7, 6886:21, 6902:21
organisers [1] -

6902:34
organising [1] -
6902:4
original [3] - 6822:38,
6822:44, 6901:33
originally [4] - 6823:9,
6908:40, 6909:41,
6911:8
ostracised [1] -
6820:4
otherwise [2] -
6866:29, 6915:18
outcome [15] - 6814:2,
6861:37, 6866:18,
6877:17, 6894:47,
6895:21, 6895:43,
6896:5, 6896:6,
6896:9, 6896:10,
6896:20, 6896:22,
6896:35, 6902:13
outcomes [3] -
6894:21, 6897:33,
6901:1
OUTLINED [1] -
6813:29
outlined [2] - 6831:4,
6878:27
outlining [2] -
6865:40, 6866:8
outset [2] - 6864:45,
6865:11
outside [2] - 6833:14,
6903:19
overall [5] - 6837:29,
6838:13, 6860:32,
6912:27, 6921:8
oversee [1] - 6828:34
own [10] - 6820:15,
6821:18, 6827:8,
6830:9, 6855:17,
6868:38, 6889:10,
6900:28, 6911:9,
6917:37

P

package [1] - 6915:36
page [8] - 6815:10,
6818:13, 6834:16,
6856:1, 6862:1,
6862:2, 6881:15,
6896:27
paid [4] - 6837:45,
6875:13, 6901:8,
6901:12
pain [1] - 6915:16
painstakingly [1] -
6821:36
paintings [1] -
6888:33

paper [3] - 6868:45,
6871:15, 6871:16
papers [1] - 6878:40
paragraph [42] -
6816:1, 6816:41,
6818:14, 6819:10,
6830:3, 6833:41,
6836:28, 6840:10,
6841:10, 6844:22,
6847:7, 6851:7,
6852:5, 6855:29,
6858:11, 6860:47,
6861:8, 6861:44,
6862:1, 6862:3,
6862:9, 6866:35,
6866:36, 6867:36,
6871:12, 6877:43,
6878:8, 6879:2,
6879:25, 6891:27,
6891:47, 6892:11,
6893:23, 6893:28,
6895:40, 6897:27,
6900:26, 6900:29,
6903:6, 6917:35
paragraphs [2] -
6815:11, 6843:38
parents [2] - 6871:22,
6872:43
Parramatta [1] -
6876:22
part [34] - 6813:7,
6814:19, 6814:22,
6826:4, 6826:11,
6826:24, 6829:3,
6829:8, 6829:9,
6845:40, 6859:29,
6865:24, 6866:15,
6866:24, 6868:3,
6882:41, 6883:35,
6884:43, 6887:14,
6887:30, 6888:5,
6888:16, 6893:43,
6894:28, 6895:6,
6896:2, 6896:14,
6897:17, 6901:1,
6901:21, 6904:44,
6905:17, 6905:27
participate [1] -
6910:10
particular [50] -
6816:18, 6824:2,
6826:31, 6829:28,
6829:46, 6835:24,
6835:25, 6835:28,
6836:19, 6836:24,
6837:26, 6837:47,
6839:40, 6840:35,
6841:27, 6841:39,
6842:22, 6845:14,
6845:22, 6845:32,

6845:38, 6845:39,
6845:43, 6846:8,
6848:19, 6849:12,
6849:20, 6849:42,
6850:29, 6850:47,
6853:2, 6855:15,
6856:18, 6856:30,
6858:24, 6864:23,
6868:38, 6869:46,
6884:31, 6884:34,
6888:8, 6889:8,
6889:22, 6902:14,
6903:8, 6903:25,
6903:26, 6912:12,
6920:12
particularly [8] -
6815:9, 6824:1,
6829:30, 6854:14,
6909:13, 6914:41,
6918:12, 6920:3
parties [2] - 6813:5,
6820:39
parts [1] - 6905:44
pass [1] - 6817:28
passing [1] - 6853:33
pastoral [1] - 6920:12
path [1] - 6916:27
pay [3] - 6876:12,
6900:10, 6915:35
payment [20] - 6816:5,
6832:6, 6838:20,
6839:30, 6850:23,
6851:12, 6854:37,
6854:38, 6857:5,
6857:44, 6860:12,
6877:29, 6879:21,
6879:41, 6894:37,
6894:42, 6901:2,
6901:3, 6903:32,
6906:46
payments [4] -
6843:39, 6846:40,
6879:43, 6895:14
Penang [6] - 6873:40,
6873:42, 6873:43,
6873:47, 6874:5,
6874:16
people [184] -
6820:28, 6821:41,
6825:25, 6825:32,
6826:21, 6828:29,
6828:35, 6828:38,
6829:2, 6829:3,
6829:6, 6829:7,
6829:10, 6829:11,
6829:18, 6829:26,
6829:28, 6829:31,
6829:46, 6830:4,
6830:18, 6831:40,
6832:10, 6835:13,

6835:14, 6835:17,
6835:20, 6835:26,
6835:33, 6836:46,
6837:23, 6837:39,
6838:1, 6838:10,
6838:14, 6838:16,
6840:4, 6840:15,
6840:18, 6840:26,
6840:29, 6840:42,
6841:16, 6841:40,
6842:38, 6842:39,
6842:41, 6843:12,
6843:13, 6843:20,
6843:27, 6843:30,
6843:33, 6843:34,
6844:10, 6844:14,
6844:34, 6844:37,
6844:42, 6845:13,
6845:20, 6845:47,
6846:47, 6849:41,
6861:38, 6862:40,
6862:42, 6862:46,
6863:8, 6863:11,
6863:14, 6864:14,
6867:21, 6868:1,
6882:46, 6883:10,
6883:22, 6886:47,
6887:8, 6887:24,
6888:17, 6888:20,
6889:7, 6889:45,
6890:14, 6892:12,
6893:44, 6894:7,
6895:18, 6895:20,
6896:11, 6897:36,
6898:12, 6899:44,
6900:42, 6902:34,
6907:24, 6908:43,
6908:44, 6909:14,
6909:16, 6909:34,
6909:42, 6909:45,
6910:5, 6910:9,
6910:32, 6910:46,
6911:9, 6911:10,
6911:11, 6911:13,
6911:15, 6911:17,
6911:26, 6911:28,
6911:47, 6912:1,
6912:3, 6912:4,
6912:23, 6912:25,
6912:27, 6912:33,
6912:41, 6912:46,
6913:1, 6913:2,
6913:15, 6913:16,
6913:21, 6913:24,
6913:27, 6913:33,
6913:44, 6914:9,
6914:12, 6914:16,
6914:21, 6914:23,
6914:28, 6914:41,
6915:1, 6915:7,
6915:32, 6915:39,

6915:41, 6916:8,
6916:10, 6916:19,
6917:13, 6917:14,
6917:24, 6917:28,
6917:46, 6917:47,
6918:12, 6918:19,
6918:22, 6918:25,
6918:35, 6918:42,
6918:47, 6919:1,
6919:2, 6919:5,
6919:7, 6919:8,
6919:10, 6919:29,
6919:34, 6919:45,
6920:20, 6920:22,
6920:24, 6920:28,
6920:29, 6920:31
people's [2] - 6847:32,
6911:27
performed [1] -
6828:14
perhaps [13] - 6814:9,
6843:5, 6862:43,
6864:26, 6865:15,
6867:9, 6869:11,
6892:14, 6892:22,
6896:34, 6903:25,
6910:20, 6912:39
period [18] - 6829:45,
6830:33, 6833:2,
6833:24, 6846:23,
6857:4, 6857:6,
6857:14, 6865:26,
6872:24, 6877:19,
6882:37, 6891:24,
6903:33, 6910:31,
6910:37, 6911:6,
6912:18
periods [1] - 6914:19
perpetrator [3] -
6850:7, 6918:40,
6920:41
perpetrators [4] -
6819:42, 6819:46,
6821:11, 6911:24
perpetrators' [2] -
6819:47, 6820:3
person [61] - 6817:3,
6825:37, 6826:30,
6826:41, 6830:25,
6830:29, 6831:38,
6831:44, 6832:11,
6832:14, 6832:24,
6835:11, 6835:24,
6836:12, 6836:16,
6838:1, 6838:6,
6838:19, 6841:24,
6841:32, 6842:11,
6842:19, 6845:38,
6845:39, 6845:43,
6846:8, 6849:21,

6849:22, 6851:36, 6858:20, 6858:42, 6859:1, 6863:2, 6864:27, 6864:34, 6864:35, 6868:7, 6878:38, 6879:43, 6880:6, 6880:31, 6881:42, 6883:27, 6884:40, 6886:3, 6889:22, 6897:21, 6898:5, 6899:34, 6905:20, 6913:4, 6916:6, 6918:33, 6918:36, 6919:13, 6919:19, 6919:25, 6920:9, 6920:33, 6920:35

person's [6] - 6836:13, 6850:20, 6916:6, 6920:3, 6920:6, 6920:13

personal [9] - 6817:28, 6831:38, 6832:15, 6833:12, 6837:26, 6837:27, 6849:22, 6912:23, 6914:9

Personal [5] - 6813:42, 6818:47, 6833:47, 6837:16, 6877:14

personalities [1] - 6889:9

persons [1] - 6825:19

persons] [1] - 6873:31

perspective [3] - 6825:36, 6912:10, 6912:42

Perth [1] - 6824:28

Peter [15] - 6812:32, 6813:37, 6814:16, 6814:31, 6816:5, 6817:42, 6819:14, 6822:24, 6822:35, 6823:15, 6823:23, 6823:35, 6824:27, 6824:28, 6825:17

Peter's [1] - 6824:24

Petersham [1] - 6873:4

philanthropic [1] - 6909:6

Philip [1] - 6852:3

philosophy [1] - 6828:16

phone [4] - 6813:37, 6817:46, 6875:22

photo [1] - 6902:4

physical [2] - 6820:20, 6858:14

physically [3] - 6871:19, 6874:4, 6915:46

PICC [1] - 6813:47, 6816:2, 6818:33, 6820:8, 6824:46, 6826:25, 6826:42, 6832:34, 6877:12, 6885:20, 6885:34

pick [2] - 6839:16, 6874:19

picture [1] - 6920:44

piece [2] - 6868:45, 6874:7

pieces [1] - 6835:30

place [4] - 6821:21, 6831:12, 6832:8, 6888:14

Place [18] - 6812:23, 6829:12, 6829:20, 6831:47, 6832:1, 6832:47, 6833:29, 6862:35, 6863:35, 6888:5, 6899:5, 6900:35, 6901:43, 6904:39, 6904:43, 6905:16, 6905:43, 6906:23

placed [2] - 6828:40, 6873:17

placement [2] - 6831:24

places [2] - 6899:22, 6899:25

pleased [1] - 6895:20

plus [2] - 6854:37, 6854:38

pocket [1] - 6822:4

pockets [1] - 6822:8

point [18] - 6840:18, 6845:33, 6849:6, 6858:4, 6863:20, 6864:10, 6864:24, 6864:46, 6865:38, 6865:42, 6866:24, 6874:19, 6882:31, 6884:14, 6895:34, 6914:45, 6919:40, 6919:42

points [4] - 6816:27, 6816:30, 6816:32, 6816:33

Police [2] - 6872:18, 6873:7

police [9] - 6820:11, 6820:27, 6820:30, 6849:13, 6849:40, 6849:45, 6850:7, 6873:4, 6874:38

policy [3] - 6898:10, 6910:6, 6911:19

poll [1] - 6821:2

poorly [3] - 6834:45, 6843:24, 6843:46

position [8] - 6826:21, 6868:5, 6887:5, 6906:3, 6908:33, 6909:15, 6912:35, 6915:43

positive [6] - 6891:31, 6891:33, 6891:37, 6896:10, 6902:13, 6902:42

possibilities [1] - 6866:31

possibility [2] - 6825:18, 6850:6

possible [5] - 6818:10, 6831:22, 6844:3, 6900:15, 6917:36

possibly [2] - 6824:24, 6878:34

potentially [1] - 6917:13

Pound [1] - 6874:2

power [1] - 6917:30

practical [2] - 6863:10, 6863:14

practice [10] - 6828:27, 6833:28, 6848:2, 6848:5, 6864:23, 6882:29, 6883:31, 6884:10, 6885:11, 6895:8

pre [2] - 6887:26, 6909:33

pre-meeting [1] - 6887:26

precise [2] - 6842:4, 6870:4

precisely [2] - 6830:45, 6881:20

predate [1] - 6910:23

predictability [1] - 6912:17

predictable [2] - 6910:38, 6911:7

prefer [2] - 6871:15, 6918:47

preliminary [1] - 6835:46

premise [1] - 6829:17

premises [2] - 6829:15, 6829:16

preparation [2] - 6863:34, 6887:14

prepare [6] - 6884:19, 6884:30, 6886:31, 6901:16, 6902:8, 6919:10

prepared [8] - 6850:18, 6865:12, 6883:44, 6896:12, 6896:26, 6903:41, 6904:30, 6906:23

preparing [17] - 6866:12, 6881:35, 6882:37, 6883:9, 6886:35, 6904:3, 6904:22, 6904:28, 6904:37, 6904:39, 6904:44, 6905:14, 6905:17, 6905:27, 6905:42, 6906:4, 6906:25

prerogative [1] - 6864:21

prescribed [1] - 6916:2

present [11] - 6821:43, 6827:4, 6827:8, 6830:24, 6831:11, 6831:15, 6858:30, 6884:39, 6887:4, 6889:13, 6889:20

presented [5] - 6826:42, 6833:47, 6839:34, 6885:33, 6905:39

presenting [1] - 6869:9

presently [1] - 6833:10

press [1] - 6838:32

presume [8] - 6816:46, 6817:4, 6835:25, 6836:30, 6843:45, 6853:9, 6879:46, 6916:42

pretty [1] - 6877:4

prevailing [1] - 6897:28

previous [3] - 6816:34, 6844:17, 6846:46

previously [1] - 6817:10

principle [2] - 6837:9, 6839:21

principled [2] - 6838:18, 6917:28

principles [12] - 6837:44, 6838:19, 6838:21, 6838:27, 6838:29, 6838:40, 6838:43, 6839:1, 6839:7, 6839:24, 6839:44, 6916:40

principles" [1] - 6855:15

privacy [1] - 6913:15

private [1] - 6828:27

pro [1] - 6912:2

proactively [1] - 6920:35

proactiveness [1] - 6920:32

problem [6] - 6822:26, 6824:36, 6837:40, 6843:11, 6900:19, 6907:3

problematic [5] - 6849:23, 6903:10, 6903:11, 6903:14, 6906:42

proceedure [1] - 6889:27

proceed [1] - 6831:9

proceedings [5] - 6822:35, 6824:45, 6849:8, 6906:33, 6920:27

process [182] - 6814:23, 6815:33, 6816:11, 6816:22, 6817:8, 6818:20, 6819:23, 6821:13, 6821:44, 6822:16, 6825:6, 6825:18, 6826:4, 6826:11, 6826:13, 6826:18, 6828:39, 6830:10, 6830:15, 6830:20, 6830:22, 6830:31, 6830:39, 6830:40, 6830:46, 6831:3, 6831:5, 6831:6, 6831:12, 6831:34, 6833:44, 6835:39, 6836:29, 6836:31, 6836:37, 6836:41, 6836:45, 6836:46, 6836:47, 6837:3, 6837:6, 6837:9, 6837:11, 6837:13, 6838:4, 6838:18, 6838:22, 6838:47, 6840:11, 6840:17, 6840:34, 6841:3, 6841:9, 6841:23, 6842:39, 6845:40, 6847:4, 6847:13, 6847:19, 6848:9, 6848:14, 6850:23, 6854:22, 6855:40, 6861:1, 6861:9, 6861:13, 6861:15, 6861:18, 6861:19, 6861:21, 6861:22,

6861:28, 6861:30, 6861:33, 6861:42, 6862:10, 6862:13, 6862:28, 6862:37, 6863:15, 6863:26, 6863:30, 6863:35, 6863:40, 6864:26, 6864:44, 6865:1, 6865:10, 6865:24, 6865:40, 6865:41, 6866:8, 6866:15, 6866:28, 6866:38, 6866:42, 6866:46, 6867:2, 6867:5, 6867:38, 6868:2, 6868:10, 6868:19, 6868:22, 6868:23, 6868:32, 6868:33, 6868:37, 6869:8, 6869:42, 6876:4, 6876:7, 6876:38, 6881:21, 6881:31, 6881:34, 6881:38, 6881:39, 6882:7, 6882:12, 6883:3, 6883:8, 6884:46, 6885:45, 6887:6, 6887:30, 6891:34, 6891:39, 6892:29, 6893:18, 6893:33, 6893:41, 6896:21, 6897:17, 6897:41, 6900:33, 6901:2, 6901:22, 6903:20, 6905:4, 6906:37, 6907:18, 6909:14, 6910:16, 6910:22, 6910:36, 6911:5, 6911:8, 6911:34, 6911:38, 6911:43, 6912:10, 6912:15, 6912:17, 6912:32, 6913:4, 6913:29, 6913:45, 6915:5, 6915:41, 6916:14, 6917:6, 6917:32, 6917:44, 6918:1, 6918:18, 6918:26, 6919:17, 6919:21, 6919:25, 6919:33, 6920:8, 6920:12, 6920:15, 6920:17, 6920:23, 6921:6, 6921:8

processes [31] - 6824:46, 6825:28, 6829:44, 6833:7, 6848:40, 6854:28, 6863:7, 6864:30, 6868:21, 6868:30, 6869:24, 6900:11,

6907:16, 6910:2, 6910:25, 6910:31, 6910:38, 6911:12, 6911:20, 6911:30, 6912:13, 6913:3, 6913:23, 6913:27, 6914:18, 6916:15, 6917:37, 6920:21, 6920:27, 6920:39, 6920:43

profess [1] - 6821:47

Professional [4] - 6813:11, 6831:16, 6834:10, 6845:2

professional [1] - 6919:12

professionals [1] - 6856:18

professions [1] - 6916:11

professor [1] - 6812:34

profit [1] - 6908:42

Program [1] - 6828:30

progress [2] - 6833:5, 6865:37

project [2] - 6839:9, 6839:12

Projects [10] - 6828:14, 6828:33, 6828:46, 6828:47, 6829:26, 6834:40, 6891:23, 6899:30, 6908:30, 6908:38

prompt [1] - 6907:23

prompted [1] - 6817:40

promptly [1] - 6840:22

promptness [1] - 6907:27

proper [2] - 6855:31, 6915:41

propose [2] - 6813:7, 6870:16

proposed [1] - 6870:10

proposition [2] - 6842:25, 6847:26

prosecutor [1] - 6874:39

protection [1] - 6920:5

Provide [1] - 6882:31

provide [17] - 6824:7, 6829:10, 6830:17, 6837:38, 6840:4, 6857:21, 6859:9, 6877:39, 6878:43, 6904:43, 6905:16, 6905:34, 6909:16,

6909:33, 6912:38, 6917:5

provided [12] - 6816:14, 6818:42, 6824:20, 6848:26, 6850:31, 6861:35, 6867:19, 6876:28, 6876:36, 6878:37, 6895:32, 6908:47

provides [2] - 6818:23, 6917:12

providing [8] - 6816:43, 6828:35, 6834:41, 6837:21, 6837:39, 6840:28, 6863:14, 6906:36

provision [2] - 6849:39, 6909:13

PSC [1] - 6813:13

pseudonym [6] - 6824:14, 6849:27, 6856:46, 6859:15, 6870:46, 6901:31

pseudonyms [1] - 6870:45

PSO [1] - 6820:9

psychiatric [1] - 6915:31

psychiatrist [1] - 6818:32

psychiatrists [1] - 6835:7

psychological [1] - 6914:1

psychologist [3] - 6818:32, 6875:6, 6875:38

psychologists [2] - 6835:7, 6835:15

psychotherapist [2] - 6828:20, 6837:47

public [5] - 6812:17, 6822:3, 6904:10, 6904:15, 6911:18

public's [1] - 6822:8

publicly [1] - 6913:17

punishment [1] - 6871:46

purpose [2] - 6890:3, 6894:40

pursue [3] - 6817:16, 6830:18, 6863:21

pushed [1] - 6900:28

put [14] - 6814:10, 6815:34, 6815:42, 6819:15, 6822:4, 6831:29, 6859:23, 6862:47, 6871:26, 6884:45, 6887:5, 6899:45, 6910:27,

6911:17

puts [1] - 6821:13

putting [4] - 6823:6, 6896:10, 6907:24, 6915:43

Q

qualifications [1] - 6828:13

qualified [1] - 6880:2

quantum [1] - 6818:25

Queensland [14] - 6828:18, 6828:30, 6829:31, 6829:33, 6829:38, 6831:29, 6833:1, 6862:21, 6899:37, 6899:40, 6899:43, 6904:15, 6910:28, 6911:32

queries [3] - 6815:39, 6821:20

questions [44] - 6815:3, 6815:12, 6815:34, 6815:41, 6815:45, 6816:3, 6816:28, 6819:19, 6819:28, 6821:32, 6822:12, 6822:14, 6822:21, 6822:24, 6827:19, 6827:21, 6833:6, 6836:11, 6836:24, 6854:42, 6855:45, 6856:14, 6856:26, 6856:31, 6860:21, 6860:29, 6866:36, 6875:28, 6880:36, 6880:38, 6880:42, 6882:17, 6893:46, 6897:7, 6897:8, 6898:17, 6898:36, 6907:32, 6916:27, 6921:2, 6921:5, 6921:6, 6921:9, 6921:11

quicker [1] - 6825:31

quickly [2] - 6820:36, 6883:1

quite [22] - 6815:40, 6825:3, 6836:30, 6841:40, 6841:41, 6853:24, 6858:45, 6863:26, 6868:42, 6878:24, 6881:37, 6889:38, 6890:6, 6890:16, 6893:24, 6895:20, 6898:15, 6899:29, 6903:25, 6911:5, 6912:7, 6912:8

R

raise [6] - 6843:19, 6850:5, 6859:13, 6881:38, 6914:9, 6921:3

raised [17] - 6815:2, 6816:28, 6818:12, 6819:19, 6822:18, 6837:27, 6837:36, 6855:30, 6855:34, 6859:3, 6867:27, 6900:12, 6900:23, 6907:5, 6907:9, 6916:26, 6920:11

raising [3] - 6855:45, 6860:42, 6907:21

ramifications [1] - 6898:32

rampant [1] - 6820:20

ran [5] - 6872:6, 6872:17, 6873:2, 6873:6, 6873:36

range [5] - 6828:35, 6829:6, 6914:29, 6916:11, 6917:6

rarely [1] - 6894:34

rather [11] - 6815:24, 6835:31, 6837:28, 6847:2, 6848:9, 6864:15, 6882:25, 6890:44, 6903:38, 6916:2, 6920:38

rational [1] - 6848:25

raw [6] - 6840:20, 6841:9, 6841:12, 6841:22, 6892:13

reach [1] - 6867:32

reached [4] - 6816:6, 6840:18, 6867:44, 6895:33

reaching [2] - 6837:25, 6890:12

reaching-out [1] - 6890:12

react [2] - 6893:42, 6895:18

reacted [3] - 6843:32, 6883:27, 6895:12

reacting [1] - 6838:6

reaction [5] - 6851:29, 6851:31, 6853:1, 6853:27, 6912:47

read [41] - 6819:31, 6821:23, 6826:45, 6827:46, 6828:1, 6833:33, 6833:35, 6833:37, 6833:38, 6834:18, 6834:20,

6837:30, 6845:7, 6853:5, 6853:12, 6853:35, 6861:46, 6862:2, 6862:6, 6864:29, 6864:39, 6864:41, 6870:32, 6871:14, 6872:10, 6878:7, 6878:9, 6878:11, 6880:12, 6883:39, 6883:45, 6885:20, 6886:2, 6895:2, 6898:14, 6898:24, 6898:25, 6904:18, 6905:32, 6905:38

readily [1] - 6918:33

reading [5] - 6821:20, 6862:17, 6864:26, 6871:12, 6889:26

reads [2] - 6852:5, 6878:26

ready [2] - 6863:25, 6883:13

reaffirming [1] - 6817:12

real [2] - 6839:7, 6839:10

realise [2] - 6843:11, 6912:27

realises [1] - 6840:2

reality [2] - 6893:25, 6893:36

really [49] - 6825:30, 6830:19, 6830:40, 6832:35, 6833:14, 6835:41, 6836:43, 6838:15, 6838:35, 6841:28, 6841:31, 6843:7, 6843:10, 6847:14, 6848:9, 6851:35, 6854:20, 6856:28, 6858:4, 6859:23, 6859:47, 6861:28, 6862:25, 6863:4, 6867:16, 6867:47, 6869:5, 6875:28, 6875:43, 6875:44, 6881:45, 6886:47, 6887:3, 6888:17, 6888:26, 6889:45, 6890:15, 6891:21, 6893:19, 6897:40, 6900:7, 6900:36, 6901:47, 6903:15, 6915:43, 6916:30, 6919:32, 6920:7, 6920:21

reason [6] - 6840:40, 6850:47, 6870:2, 6886:30, 6903:13, 6903:15

reasonable [1] - 6853:34

reasonably [1] - 6843:17

reasoning [1] - 6844:14

reasons [7] - 6814:36, 6844:3, 6844:4, 6844:6, 6846:15, 6848:28, 6875:16

reassurance [1] - 6887:8

reassure [1] - 6887:4

recalled [1] - 6881:8

receipt [4] - 6864:25, 6885:31, 6886:1, 6909:8

receive [8] - 6818:46, 6830:27, 6831:35, 6864:5, 6884:25, 6885:11, 6906:43, 6919:35

received [25] - 6819:10, 6819:16, 6819:20, 6821:18, 6833:23, 6843:46, 6844:17, 6845:5, 6851:16, 6855:8, 6856:12, 6857:33, 6857:43, 6858:7, 6864:6, 6864:33, 6866:19, 6867:4, 6875:37, 6879:2, 6885:14, 6885:18, 6885:33, 6900:47, 6909:18

receiving [8] - 6815:26, 6818:38, 6818:39, 6833:39, 6838:23, 6842:11, 6856:25, 6875:30

recent [2] - 6817:31, 6817:37

recently [3] - 6827:47, 6870:32, 6908:11

receptive [1] - 6892:20

recognise [1] - 6842:18

recognised [1] - 6917:29

recognising [2] - 6839:2, 6858:46

recognition [1] - 6915:6

recollect [3] - 6878:34, 6880:23, 6880:29

recollection [11] - 6856:34, 6858:47, 6886:20, 6887:37, 6887:45, 6890:28, 6894:27, 6899:26, 6902:27, 6902:30, 6907:8

recommend [2] - 6883:18, 6883:21

recommendation [1] - 6834:4

recommendations [4] - 6909:39, 6910:7, 6910:11, 6910:27

recompense [1] - 6915:2

reconsideration [4] - 6855:31, 6857:30, 6858:2, 6896:34

record [6] - 6813:8, 6818:7, 6831:24, 6831:25, 6881:44, 6883:38

recorded [2] - 6840:19, 6883:35

recording [1] - 6882:7

records [5] - 6835:13, 6835:23, 6835:26, 6835:27

recounted [1] - 6815:17

recounting [1] - 6883:6

Red [2] - 6822:5, 6860:3

REDACTED [4] - 6874:35, 6876:28, 6878:45, 6880:32

redacted [1] - 6824:10

REDACTED [3] - 6876:26, 6879:44, 6880:7

REDACTED's [1] - 6876:31

redress [20] - 6829:30, 6829:38, 6829:45, 6830:8, 6847:15, 6899:37, 6899:43, 6909:32, 6909:33, 6910:21, 6910:23, 6910:24, 6910:28, 6910:34, 6910:36, 6910:44, 6910:45, 6914:19, 6916:41, 6920:28

Redress [1] - 6911:32

refer [1] - 6838:29, 6859:14, 6861:1, 6869:45, 6870:47, 6885:47, 6903:6, 6920:24

reference [15] - 6816:41, 6816:46, 6817:3, 6817:36, 6818:36, 6818:37, 6839:12, 6870:4, 6879:30, 6881:14, 6881:25, 6881:30, 6889:13, 6892:5, 6898:37

referrals [1] - 6836:5

referred [12] - 6833:41, 6842:46, 6849:13, 6849:45, 6854:41, 6863:1, 6869:13, 6874:1, 6874:26, 6899:1, 6916:42, 6917:34

referring [12] - 6816:16, 6845:21, 6849:18, 6849:27, 6850:6, 6868:42, 6869:41, 6878:14, 6885:31, 6897:35, 6897:38, 6910:41

reflect [4] - 6882:24, 6885:5, 6912:26, 6913:24

reflecting [1] - 6846:43

reflects [1] - 6914:14

refresh [1] - 6853:12

refused [1] - 6878:46

regain [1] - 6894:18

regard [2] - 6819:11, 6831:39

regarding [3] - 6817:43, 6819:4, 6821:29

regardless [1] - 6893:10

regards [1] - 6895:42

regimented [1] - 6889:27

regular [5] - 6840:28, 6858:5, 6896:41, 6900:43, 6902:3

regularly [4] - 6871:19, 6872:35, 6872:46, 6873:33

reject [7] - 6844:40, 6844:43, 6847:37, 6847:44, 6847:46, 6848:12, 6850:11

rejected [8] - 6843:46, 6844:10, 6844:12, 6844:14, 6846:27, 6848:35, 6857:8, 6857:24

rejecting [6] - 6844:8, 6846:16, 6848:21, 6853:30, 6855:2, 6857:43

rejection [1] - 6846:6

relate [1] - 6835:24

related [4] - 6814:43, 6830:9, 6845:16, 6853:43

relating [7] - 6814:30, 6817:11, 6818:10, 6820:17, 6835:11, 6872:9, 6874:34

relation [9] - 6832:40, 6856:19, 6862:20, 6899:39, 6902:4, 6906:44, 6918:15, 6919:20, 6919:46

relationship [6] - 6860:32, 6860:33, 6891:24, 6899:4, 6900:35, 6917:30

Relationship [1] - 6828:21

relatively [2] - 6857:4, 6867:39

release [22] - 6831:23, 6850:19, 6850:21, 6850:26, 6850:35, 6850:44, 6856:32, 6856:36, 6860:11, 6879:3, 6879:30, 6895:31, 6896:13, 6897:35, 6897:46, 6898:1, 6898:12, 6898:27, 6899:33, 6913:9

relevant [5] - 6840:36, 6864:47, 6884:22, 6886:8, 6913:42

relief [1] - 6891:38

reluctance [1] - 6852:16

remand [1] - 6873:10

remember [61] - 6813:39, 6833:39, 6834:29, 6835:14, 6836:12, 6836:19, 6842:7, 6843:8, 6846:17, 6848:28, 6849:20, 6849:42, 6849:47, 6850:8, 6850:27, 6852:42, 6853:14, 6856:33, 6858:44, 6858:45, 6859:21, 6860:17, 6860:18, 6867:46, 6868:17, 6869:19, 6869:26, 6871:32, 6871:44, 6876:22, 6877:8, 6877:19, 6877:24, 6878:2,

6878:45, 6880:12, 6881:47, 6887:41, 6888:1, 6888:2, 6891:4, 6891:6, 6891:8, 6896:38, 6896:44, 6897:3, 6897:12, 6898:26, 6900:18, 6901:30, 6901:39, 6901:42, 6901:44, 6902:2, 6902:8, 6902:13, 6902:15, 6902:16, 6902:19, 6906:46

remembered [2] - 6881:43, 6882:3

remembering [1] - 6859:20

remind [1] - 6815:7

reminded [1] - 6820:43

removed [2] - 6875:23, 6916:19

repaid [1] - 6915:37

repair [1] - 6825:14

repaired [1] - 6821:43

repeat [1] - 6817:38

repeated [1] - 6836:32

report [11] - 6818:14, 6818:31, 6819:7, 6820:11, 6820:12, 6832:22, 6835:21, 6854:16, 6872:2, 6882:32, 6901:16

reporting [1] - 6813:46

reports [4] - 6818:47, 6835:8, 6835:14, 6835:16

represent [2] - 6822:34, 6845:9

representative [3] - 6832:12, 6832:21, 6865:7

representatives [3] - 6816:35, 6841:18, 6842:34

represented [2] - 6840:16, 6903:38

representing [2] - 6843:20, 6860:28

represents [1] - 6914:17

request [2] - 6849:22, 6886:37

requested [4] - 6821:19, 6824:27, 6873:14, 6886:39

requesting [1] - 6815:22

require [4] - 6821:32, 6821:35, 6831:21, 6839:10

required [3] - 6835:10, 6851:23, 6901:18

resident [4] - 6816:3, 6825:37, 6858:22, 6862:12

resignation [8] - 6847:3, 6847:25, 6847:27, 6895:22, 6895:25, 6895:26, 6895:27, 6895:37

resigned [2] - 6847:2, 6896:2

resolution [1] - 6920:27

resolve [1] - 6825:19

respect [18] - 6813:15, 6832:47, 6833:7, 6835:26, 6836:32, 6838:4, 6850:26, 6850:44, 6854:10, 6855:13, 6857:46, 6861:29, 6865:46, 6899:40, 6912:13, 6912:31, 6916:43, 6921:5

respected [1] - 6893:17

respectful [1] - 6889:43

respects [1] - 6911:25

respond [7] - 6831:12, 6837:47, 6838:2, 6845:7, 6866:21, 6899:18, 6908:42

responded [3] - 6816:2, 6857:32, 6907:10

responding [1] - 6848:14

response [49] - 6817:31, 6817:37, 6823:1, 6823:3, 6823:5, 6823:35, 6826:39, 6831:35, 6831:37, 6835:41, 6837:29, 6838:27, 6840:5, 6840:21, 6840:22, 6840:25, 6841:41, 6841:42, 6844:44, 6844:45, 6847:32, 6847:44, 6849:16, 6851:25, 6851:41, 6853:23, 6854:17, 6855:12, 6855:22, 6865:30, 6867:45, 6867:46, 6897:23, 6897:24, 6903:21, 6906:44, 6907:12, 6909:43, 6910:7, 6911:25, 6912:24, 6914:25, 6916:8, 6916:9, 6919:9, 6919:40, 6920:14

responses [7] - 6845:8, 6845:9, 6845:10, 6846:46, 6856:34, 6907:24, 6909:42

RESPONSES [1] - 6812:13

responsibility [2] - 6842:21

restitution [1] - 6919:30

restorative [3] - 6826:11, 6826:13, 6826:16

restoring [1] - 6826:21

result [10] - 6813:47, 6820:32, 6823:43, 6836:7, 6842:19, 6848:33, 6852:33, 6852:39, 6855:2, 6909:38

resulted [1] - 6914:40

retained [1] - 6906:23

retired [1] - 6852:9

retribution [1] - 6819:38

return [1] - 6900:45

returned [3] - 6871:22, 6873:9, 6878:40

reunion [7] - 6902:5, 6902:20, 6902:24, 6902:27, 6902:31, 6902:32, 6902:40

reunions [3] - 6901:26, 6902:44, 6903:1

reveal [1] - 6831:46

revealed [1] - 6841:42

review [2] - 6904:29, 6908:10

ring [2] - 6864:35, 6901:46

risk [1] - 6828:29

Riverview [8] - 6848:44, 6856:47, 6858:22, 6859:26, 6859:31, 6901:27, 6902:20, 6902:37

road [1] - 6829:17

Robert [1] - 6812:33

Robyn [8] - 6867:28, 6885:12, 6886:7, 6888:47, 6890:37, 6891:18, 6891:21, 6907:5

role [12] - 6818:13, 6830:17, 6830:24, 6832:46, 6841:26, 6848:8, 6864:9, 6866:11, 6868:9, 6868:16, 6886:34, 6902:35

room [14] - 6857:10, 6857:20, 6888:8, 6888:12, 6888:13, 6888:15, 6888:20, 6888:24, 6888:26, 6888:31, 6888:32, 6888:42, 6889:3, 6889:4

rough [1] - 6892:36

roundabout [1] - 6819:25

roundtable [1] - 6917:45

roundtables [1] - 6914:47

routinely [1] - 6874:5

ROYAL [1] - 6812:12

Royal [23] - 6819:34, 6820:29, 6821:15, 6821:28, 6827:40, 6828:45, 6835:45, 6851:8, 6851:9, 6859:30, 6860:23, 6866:37, 6870:25, 6903:43, 6904:10, 6904:44, 6905:17, 6907:14, 6908:2, 6908:5, 6908:37, 6912:38, 6913:21

Royalston [4] - 6873:17, 6873:18, 6873:21

rule [1] - 6892:36

run [7] - 6871:27, 6872:31, 6872:43, 6873:19, 6873:44, 6911:14, 6917:24

rung [1] - 6874:36

running [1] - 6871:20

S

sad [1] - 6902:31

sake [1] - 6918:10

Salvation [20] - 6813:15, 6814:22, 6814:41, 6815:42, 6816:35, 6818:33, 6818:43, 6819:11, 6819:38, 6819:46, 6820:9, 6820:10, 6820:18, 6820:21, 6820:30, 6820:39, 6820:40, 6821:29, 6821:30, 6821:46, 6822:5, 6823:2, 6823:10, 6823:46, 6824:36, 6824:41, 6825:11, 6826:20, 6826:46, 6828:42, 6828:43, 6829:47, 6830:5, 6830:9, 6830:29, 6830:31, 6830:37, 6830:44, 6830:45, 6831:7, 6831:11, 6831:15, 6831:20, 6831:21, 6831:30, 6831:35, 6831:41, 6832:13, 6832:21, 6833:46, 6834:11, 6834:27, 6834:42, 6834:46, 6835:1, 6835:10, 6835:38, 6838:42, 6839:19, 6840:16, 6841:4, 6841:18, 6841:35, 6841:36, 6841:39, 6841:46, 6842:35, 6842:41, 6842:46, 6843:5, 6843:8, 6843:26, 6844:46, 6845:10, 6845:34, 6846:19, 6847:1, 6847:41, 6848:40, 6848:46, 6849:17, 6850:4, 6850:5, 6850:14, 6850:17, 6850:21, 6850:34, 6850:38, 6851:4, 6851:21, 6851:26, 6852:16, 6852:34, 6853:19, 6853:27, 6854:16, 6854:29, 6854:32, 6855:12, 6855:22, 6855:30, 6856:9, 6857:19, 6857:27, 6857:37, 6857:45, 6860:29, 6860:32, 6860:36, 6860:41, 6861:40, 6862:13, 6862:14, 6862:19, 6864:1, 6864:20, 6864:37, 6864:47, 6865:6, 6865:7, 6865:8, 6865:36, 6865:42, 6866:1, 6866:17, 6866:20, 6866:46, 6867:23, 6867:34, 6868:4, 6868:22, 6869:19, 6869:23, 6869:28, 6869:32, 6871:27,

6871:31, 6874:20, 6874:21, 6874:31, 6875:11, 6875:14, 6875:42, 6876:37, 6878:37, 6878:39, 6878:46, 6879:9, 6879:22, 6881:18, 6881:20, 6882:26, 6884:15, 6884:20, 6884:26, 6884:36, 6885:7, 6886:40, 6887:16, 6887:32, 6888:42, 6890:24, 6890:32, 6891:31, 6892:45, 6894:24, 6895:13, 6896:31, 6897:2, 6897:41, 6900:11, 6900:34, 6901:26, 6902:40, 6904:11, 6906:15, 6906:20, 6906:44, 6907:16, 6907:20, 6909:8, 6909:12, 6909:21, 6909:43, 6910:16, 6910:21, 6910:25, 6910:31, 6910:41, 6910:45, 6911:9, 6911:22, 6911:33, 6912:9, 6912:13, 6912:32, 6914:26, 6916:14, 6918:21, 6919:11, 6921:6

Salvos [1] - 6874:40

sat [3] - 6820:21, 6821:28, 6894:12

satisfactory [1] - 6919:22

satisfied [1] - 6918:40

saw [8] - 6834:23, 6868:6, 6875:16, 6875:37, 6890:14, 6890:15, 6899:17, 6909:37

saying" [1] - 6895:34

scant [1] - 6835:31

scheme [22] - 6829:30, 6829:38, 6829:45, 6830:8, 6839:18, 6839:19, 6899:38, 6899:43, 6909:32, 6909:33, 6910:21, 6910:23, 6910:24, 6910:28, 6910:34, 6910:44, 6910:45, 6910:46, 6917:12, 6917:15, 6917:21, 6917:22

Scheme [1] - 6911:33

schemes [1] - 6917:5

Science [1] - 6828:15

scope [1] - 6833:14

screamed [1] - 6874:12

screaming [1] - 6874:37

screen [5] - 6816:40, 6832:43, 6833:22, 6871:13, 6875:21

script [2] - 6889:26, 6889:27

scroll [3] - 6834:19, 6856:1, 6861:45

seater [1] - 6888:27

second [14] - 6813:10, 6814:5, 6815:7, 6815:8, 6816:1, 6816:40, 6819:9, 6833:25, 6842:26, 6852:5, 6856:17, 6878:8, 6895:41, 6904:9

secondly [1] - 6857:9

secretary [1] - 6889:1

section [1] - 6828:32

see [43] - 6815:10, 6816:40, 6817:9, 6817:21, 6817:33, 6818:14, 6818:28, 6821:46, 6833:18, 6836:4, 6836:31, 6852:4, 6853:5, 6855:32, 6856:14, 6859:15, 6866:42, 6871:13, 6874:40, 6875:10, 6875:13, 6875:22, 6875:30, 6878:5, 6886:13, 6894:4, 6894:7, 6894:40, 6896:13, 6896:27, 6900:29, 6901:36, 6909:28, 6912:47, 6913:25, 6913:41, 6913:42, 6914:28, 6915:16, 6915:17, 6915:30, 6919:45, 6920:46

seeing [1] - 6874:46

seek [10] - 6821:23, 6822:23, 6867:28, 6883:18, 6899:39, 6901:42, 6914:19, 6918:24, 6920:35

seeking [9] - 6848:21, 6849:36, 6855:3, 6861:36, 6916:8, 6916:10, 6919:31, 6920:9, 6920:34

seeks [1] - 6839:8

seem [5] - 6853:26, 6894:43, 6903:37, 6907:33, 6916:3

send [10] - 6831:30, 6835:19, 6863:47, 6864:38, 6864:42, 6865:13, 6865:35, 6882:32, 6883:46, 6884:15

sending [1] - 6885:10

senior [3] - 6819:39, 6820:10, 6918:32

sense [41] - 6833:44, 6836:23, 6842:18, 6844:25, 6845:17, 6847:8, 6847:21, 6850:2, 6852:15, 6853:26, 6857:43, 6861:27, 6861:43, 6864:15, 6867:5, 6867:37, 6867:46, 6868:2, 6868:19, 6869:12, 6889:21, 6889:25, 6891:34, 6891:37, 6892:27, 6892:45, 6893:40, 6895:22, 6895:25, 6895:27, 6896:7, 6897:28, 6897:32, 6897:44, 6897:46, 6897:47, 6911:46, 6915:12, 6915:25, 6916:15, 6919:31

sensible [1] - 6870:18

sensitive [2] - 6841:40, 6889:32

sensitivities [2] - 6919:4, 6919:12

sent [18] - 6815:12, 6815:22, 6815:26, 6831:16, 6850:16, 6860:9, 6872:18, 6872:23, 6872:41, 6873:7, 6873:42, 6874:17, 6874:21, 6875:42, 6877:23, 6884:2, 6885:20, 6897:8

sentence [2] - 6895:41, 6900:29

separate [6] - 6860:11, 6890:16, 6915:18, 6920:15, 6920:17, 6920:18

serious [1] - 6916:27

seriously [1] - 6826:5

served [1] - 6813:4

service [1] - 6902:41

services [5] - 6866:28, 6876:31, 6901:17, 6915:33, 6915:34

session [3] - 6846:46, 6882:38, 6882:42

sessions [6] - 6882:39, 6887:27, 6901:3, 6901:8, 6901:9, 6901:16

set [8] - 6815:10, 6831:12, 6843:38, 6868:27, 6908:41, 6909:22, 6909:26, 6909:33

sets [4] - 6813:12, 6833:26, 6858:12, 6897:7

setting [1] - 6868:22

settle [2] - 6824:23, 6824:36

settled [3] - 6824:39, 6824:42, 6826:3

settlement [1] - 6861:39

settling [1] - 6899:39

Seventeen [1] - 6908:34

several [4] - 6815:24, 6815:37, 6821:21, 6821:24

sexual [8] - 6820:20, 6854:6, 6858:15, 6858:35, 6859:9, 6914:41, 6915:9, 6915:10

SEXUAL [1] - 6812:13

sexually [9] - 6820:34, 6858:21, 6858:42, 6859:34, 6872:46, 6873:20, 6873:33, 6874:4, 6915:45

shall [1] - 6872:10

shape [2] - 6820:4, 6889:10

share [1] - 6913:28

shared [3] - 6823:27, 6823:31, 6913:44

sheet [1] - 6833:41

Shelter [4] - 6872:15, 6872:19, 6873:37

Shield [1] - 6822:5

shift [1] - 6912:27

shirts [1] - 6902:4

shocked [2] - 6815:31, 6815:32

short [7] - 6825:12, 6846:22, 6846:25, 6846:34, 6857:4, 6857:6, 6903:33

short-term [1] - 6846:25

shortly [2] - 6840:14, 6846:38

show [3] - 6826:39, 6835:11, 6865:34

shower [3] - 6871:35, 6872:36

showing [1] - 6897:3

shown [5] - 6852:44, 6871:28, 6903:46, 6904:4, 6904:23

shut [6] - 6897:30, 6897:32, 6897:33, 6897:39, 6897:47

shutting [1] - 6892:29

sibling [1] - 6846:9

siblings [2] - 6820:45, 6844:16

side [4] - 6829:44, 6850:2, 6867:6

sign [10] - 6860:10, 6879:35, 6880:18, 6884:10, 6895:31, 6896:12, 6896:15, 6897:39, 6898:26, 6900:21

signage [2] - 6895:38

signalled [1] - 6895:33

signed [5] - 6850:22, 6856:31, 6878:40, 6879:6, 6879:13

significant [2] - 6907:3, 6909:37

significant" [1] - 6909:40

signing [8] - 6856:36, 6895:35, 6897:36, 6897:40, 6897:46, 6898:1, 6898:8, 6898:15

siloed [1] - 6920:42

Simeon [1] - 6812:39

similar [9] - 6819:45, 6829:26, 6829:29, 6833:23, 6833:28, 6833:38, 6833:44, 6834:2, 6837:36

simple [1] - 6868:21

simply [26] - 6820:32, 6830:17, 6831:16, 6833:27, 6844:45, 6845:9, 6846:22, 6847:43, 6847:46, 6848:8, 6848:29, 6848:32, 6851:27, 6853:28, 6863:37, 6866:19, 6868:7, 6881:44, 6882:47, 6886:11, 6886:46, 6891:3, 6894:37, 6899:18, 6899:44, 6905:38

sincere [3] - 6877:47, 6878:19, 6878:30
single [1] - 6888:27
sister [8] - 6855:7, 6855:8, 6855:26, 6874:36, 6874:38, 6903:32
sisters [1] - 6855:20
sisters' [1] - 6820:41
sit [7] - 6821:34, 6826:19, 6827:12, 6841:24, 6841:27, 6888:45, 6889:4
sitting [1] - 6888:21
situated [1] - 6899:30
situation [4] - 6827:3, 6845:22, 6845:32, 6914:33
situations [3] - 6903:11, 6903:14, 6903:37
sleep [1] - 6874:36
slightly [1] - 6897:23
slow [1] - 6910:26
slowly [2] - 6889:13, 6910:3
slowness [1] - 6825:6
small [1] - 6917:27
smaller [1] - 6901:32
Smartt [19] - 6867:28, 6885:12, 6885:18, 6886:7, 6888:47, 6889:26, 6890:37, 6891:18, 6891:21, 6892:6, 6892:14, 6892:21, 6892:25, 6894:12, 6894:30, 6900:13, 6900:19, 6907:5, 6907:9
so-and-so [3] - 6843:9, 6843:22, 6862:44
so-called [1] - 6821:44
social [2] - 6829:1, 6915:2
sociology [2] - 6828:16, 6828:18
solicitor [2] - 6850:30, 6899:33
solitary [1] - 6857:20
solutions [2] - 6826:12, 6826:20
someone [21] - 6814:37, 6820:1, 6825:41, 6825:46, 6826:28, 6827:3, 6827:11, 6827:14, 6831:6, 6832:11, 6837:45, 6842:40, 6846:3, 6846:17, 6862:11, 6862:44, 6886:43, 6892:40, 6899:32, 6914:31, 6919:5
sometimes [18] - 6831:28, 6832:29, 6835:29, 6836:14, 6836:26, 6840:28, 6840:40, 6842:38, 6842:39, 6849:4, 6882:19, 6883:12, 6886:46, 6898:11, 6906:42, 6907:23, 6911:47, 6912:25
somewhere [2] - 6832:25, 6858:7
soon [1] - 6840:45
sooner [1] - 6815:27
sorrow [4] - 6891:19, 6892:7, 6919:41, 6920:2
sorry [23] - 6817:38, 6819:15, 6820:24, 6822:43, 6823:29, 6824:4, 6824:12, 6824:17, 6833:38, 6834:45, 6843:10, 6843:24, 6878:27, 6884:35, 6890:44, 6891:2, 6891:9, 6891:14, 6902:17, 6904:1, 6905:8, 6910:34
sorry' [1] - 6920:7
sort [11] - 6824:42, 6830:38, 6833:22, 6844:19, 6875:44, 6875:45, 6882:4, 6903:17, 6909:47, 6911:19, 6914:6
sorts [3] - 6841:35, 6844:4, 6903:29
sought [4] - 6820:6, 6885:28, 6899:31, 6900:15
source [1] - 6906:22
South [5] - 6872:31, 6873:19, 6873:29, 6873:45, 6908:41
speaking [8] - 6822:43, 6841:36, 6845:1, 6845:4, 6851:10, 6852:35, 6853:1, 6890:38
specific [15] - 6816:3, 6816:16, 6833:1, 6838:1, 6844:11, 6844:15, 6844:21, 6845:24, 6845:26, 6855:18, 6855:20, 6867:46, 6897:21, 6903:25, 6921:9
specifically [6] - 6818:34, 6828:37, 6830:9, 6830:13, 6903:42, 6914:30
spend [5] - 6862:41, 6886:34, 6893:25, 6893:45, 6900:5
spent [7] - 6819:37, 6824:19, 6846:20, 6857:9, 6872:21, 6891:23, 6894:17
spirit [1] - 6892:20
spoken [5] - 6819:14, 6824:22, 6825:17, 6883:20, 6907:15
sponsorship [1] - 6902:5
spontaneous [1] - 6881:41
spreads [1] - 6862:45
squeaky [1] - 6848:33
St [2] - 6908:41, 6909:1
staff [2] - 6819:39, 6825:14
staffed [1] - 6825:12
stage [18] - 6818:39, 6830:39, 6831:33, 6834:5, 6843:30, 6844:2, 6851:11, 6856:12, 6860:13, 6863:24, 6866:45, 6870:12, 6880:23, 6885:25, 6885:36, 6892:44, 6905:1, 6921:13
stages [2] - 6867:39, 6868:28
Stan [1] - 6852:8
stand [2] - 6903:19, 6903:37
standard [1] - 6860:10
Standards [4] - 6813:11, 6831:16, 6834:10, 6845:2
Stanmore [3] - 6873:23, 6873:28, 6873:35
Stanmore) [1] - 6873:28
start [12] - 6852:4, 6860:31, 6861:30, 6862:32, 6863:4, 6881:39, 6881:40, 6881:41, 6882:2, 6888:42, 6889:6, 6916:27
started [4] - 6882:5, 6882:46, 6910:2, 6913:22
starting [3] - 6862:28, 6863:40, 6871:12
starts [1] - 6862:1
state [3] - 6814:4, 6840:14, 6908:1
State [12] - 6820:2, 6830:1, 6831:29, 6835:13, 6872:31, 6873:15, 6873:20, 6873:27, 6873:29, 6873:45, 6910:36, 6917:11
STATEMENT [3] - 6828:10, 6870:42, 6908:26
statement [167] - 6814:5, 6814:10, 6814:30, 6814:44, 6815:8, 6816:1, 6816:14, 6816:19, 6816:23, 6816:33, 6816:39, 6819:10, 6819:30, 6820:8, 6821:38, 6822:16, 6822:17, 6825:43, 6826:26, 6826:32, 6826:42, 6826:45, 6827:1, 6827:32, 6827:43, 6827:46, 6830:3, 6830:24, 6830:25, 6830:43, 6831:10, 6831:21, 6831:22, 6831:30, 6831:34, 6831:39, 6832:12, 6832:22, 6832:43, 6833:45, 6834:13, 6834:27, 6834:47, 6835:37, 6836:25, 6837:31, 6840:10, 6840:19, 6840:24, 6840:35, 6840:38, 6841:9, 6841:10, 6841:12, 6846:42, 6851:7, 6851:45, 6853:6, 6855:41, 6855:42, 6856:45, 6857:11, 6858:11, 6858:20, 6860:30, 6860:46, 6861:5, 6861:44, 6862:17, 6863:35, 6863:44, 6864:1, 6864:6, 6865:12, 6866:20, 6866:35, 6867:1, 6867:11, 6867:36, 6869:18, 6869:35, 6869:38, 6869:40, 6869:41, 6869:42, 6869:46, 6870:29, 6870:32, 6870:40, 6871:2, 6871:5, 6871:7, 6871:12, 6874:26, 6875:17, 6875:23, 6875:42, 6876:5, 6877:10, 6877:28, 6877:43, 6878:2, 6878:15, 6878:18, 6878:28, 6881:14, 6881:17, 6881:25, 6881:30, 6881:40, 6882:17, 6882:24, 6882:33, 6882:37, 6883:9, 6883:31, 6883:46, 6884:6, 6884:10, 6884:11, 6884:15, 6884:19, 6884:21, 6884:35, 6885:13, 6885:19, 6885:32, 6885:46, 6886:2, 6889:14, 6889:31, 6891:27, 6893:23, 6895:41, 6896:17, 6896:23, 6897:27, 6900:26, 6902:9, 6903:7, 6903:9, 6903:13, 6903:42, 6904:3, 6904:22, 6904:28, 6904:37, 6904:40, 6904:45, 6905:15, 6905:17, 6905:28, 6905:42, 6906:4, 6906:25, 6906:45, 6907:14, 6908:6, 6908:10, 6917:35, 6918:3, 6918:31, 6921:10
statement's [1] - 6840:44
statements [24] - 6816:18, 6834:35, 6835:6, 6835:18, 6835:19, 6837:27, 6840:43, 6849:3, 6858:6, 6881:35, 6881:36, 6884:27, 6884:31, 6884:46, 6885:4, 6885:10, 6889:15, 6899:45, 6900:2, 6903:46, 6904:4, 6904:23, 6905:19, 6905:35
States [2] - 6917:3, 6917:4
statute [2] - 6914:31, 6916:18

Statute [1] - 6847:20
steadying [1] -
6893:40
step [18] - 6831:33,
6832:19, 6842:20,
6850:13, 6852:16,
6852:34, 6862:25,
6864:4, 6867:38,
6868:45, 6869:5,
6885:45, 6886:4,
6894:19, 6894:45
step-by-step [1] -
6867:38
stepfather [4] -
6871:20, 6871:26,
6873:9, 6873:12
steps [1] - 6869:4
sticks [1] - 6912:12
still [7] - 6819:16,
6819:24, 6862:39,
6873:12, 6892:13,
6893:33, 6918:25
stipulates [1] - 6819:3
stood [2] - 6836:37,
6866:41
stop [2] - 6913:39,
6915:41
stops [1] - 6821:42
stories [4] - 6819:41,
6819:44, 6819:45,
6825:32
story [12] - 6817:13,
6819:36, 6820:38,
6827:28, 6881:2,
6893:5, 6918:23,
6919:18, 6919:39,
6920:6, 6920:13,
6920:23
straight [1] - 6865:22
straightaway [1] -
6840:47
straightforward [1] -
6866:38
strange [1] - 6819:5
Street [4] - 6873:28,
6873:37, 6878:40,
6899:29
stress [1] - 6821:3
stripped [1] - 6874:6
strongly [1] - 6857:26
structural [1] -
6914:45
structure [1] - 6917:32
structured [7] -
6912:16, 6917:5,
6917:15, 6917:21,
6917:22, 6917:26,
6917:28
struggle [1] - 6915:39
studies [1] - 6837:37

study [13] - 6814:41,
6814:42, 6814:44,
6823:47, 6835:46,
6890:23, 6899:42,
6903:47, 6904:5,
6904:7, 6904:19,
6904:25, 6918:15
Study [1] - 6812:17
stuff [1] - 6899:19
submit [2] - 6818:31,
6835:21
submitted [3] -
6831:34, 6835:40,
6883:41
subsequent [1] -
6848:26
subsequently [9] -
6815:27, 6815:34,
6828:19, 6828:28,
6830:28, 6843:34,
6846:25, 6852:44,
6884:42
substance [2] -
6850:16, 6853:18
substantiated [1] -
6835:34
suffer [1] - 6872:20
suffered [5] - 6816:9,
6822:38, 6826:18,
6845:18, 6858:13
suffering [2] -
6842:18, 6915:16
sufficient [2] -
6851:38, 6886:16
suggest [9] - 6822:3,
6850:34, 6865:42,
6879:17, 6883:18,
6883:22, 6887:39,
6899:15, 6899:17
suggested [7] -
6817:44, 6835:17,
6844:39, 6869:31,
6880:9, 6899:27,
6907:17
suggesting [3] -
6894:47, 6898:38,
6907:21
suggestion [4] -
6817:7, 6885:37,
6890:22, 6898:40
suicide [1] - 6821:2
suitable [3] - 6870:15,
6886:12, 6886:14
suite [1] - 6920:21
sum [4] - 6846:16,
6890:2, 6897:18,
6899:38
summary [2] -
6858:28, 6861:43
summonses [1] -

6905:2
sums [1] - 6917:13
SUPPLEMENTED [1] -
6813:28
supplied [2] -
6850:19, 6852:28
support [30] -
6823:45, 6824:8,
6824:20, 6824:30,
6827:2, 6828:35,
6829:10, 6830:17,
6830:19, 6834:33,
6838:14, 6840:29,
6841:32, 6853:28,
6856:4, 6858:7,
6863:7, 6863:10,
6863:14, 6866:29,
6866:32, 6876:32,
6883:23, 6887:7,
6887:34, 6900:28,
6909:13, 6909:16,
6909:23, 6909:45
supported [3] -
6830:4, 6851:21,
6870:12
supporters [1] -
6909:6
supporting [1] -
6829:4
supports [1] - 6829:5
suppose [8] -
6830:28, 6842:44,
6847:28, 6847:33,
6868:31, 6869:13,
6911:11, 6914:6
supposed [1] -
6869:15
surprise [1] - 6858:41
survived [1] - 6838:22
survivor [54] -
6838:42, 6839:2,
6862:11, 6862:34,
6862:38, 6863:29,
6864:11, 6864:12,
6864:32, 6864:45,
6865:11, 6865:16,
6865:25, 6865:43,
6865:47, 6866:12,
6868:23, 6868:29,
6868:37, 6868:46,
6869:31, 6883:30,
6883:36, 6883:45,
6885:13, 6885:24,
6885:29, 6885:38,
6885:44, 6886:22,
6886:26, 6886:35,
6886:36, 6888:37,
6888:43, 6888:44,
6890:12, 6891:43,
6892:6, 6892:15,

6892:19, 6892:33,
6893:17, 6893:34,
6894:21, 6895:1,
6895:2, 6895:8,
6897:12, 6897:20,
6898:38, 6900:39,
6901:30, 6902:14
survivor's [5] -
6862:26, 6863:31,
6868:38, 6886:8,
6919:39
Survivors [1] -
6828:31
survivors [76] -
6828:36, 6833:1,
6833:8, 6838:47,
6860:42, 6861:3,
6861:13, 6861:23,
6861:29, 6862:18,
6862:20, 6863:18,
6865:15, 6865:18,
6865:41, 6866:6,
6866:27, 6869:6,
6869:25, 6882:24,
6882:30, 6882:36,
6883:6, 6883:18,
6884:18, 6885:5,
6887:27, 6888:12,
6890:24, 6890:38,
6890:40, 6890:45,
6891:34, 6892:25,
6892:46, 6892:47,
6893:5, 6894:18,
6895:12, 6896:20,
6897:17, 6897:24,
6897:43, 6898:8,
6898:33, 6898:43,
6899:1, 6899:15,
6899:39, 6900:4,
6900:10, 6900:20,
6900:27, 6900:32,
6900:34, 6900:47,
6901:25, 6902:32,
6903:1, 6903:5,
6903:21, 6903:26,
6903:47, 6904:4,
6904:14, 6904:19,
6904:23, 6904:24,
6906:33, 6906:36,
6906:42, 6907:17,
6913:10, 6916:30
survivors' [2] -
6892:7, 6900:2
survivors's [1] -
6893:9
suspicious [1] -
6858:34
sworn [2] - 6827:43,
6870:20
Sydney [5] - 6812:23,

6831:41, 6832:26,
6836:14, 6840:25
symbol [1] - 6829:23
sympathetic [2] -
6841:38, 6841:43
system [4] - 6852:29,
6913:31, 6914:10,
6915:5
systems [1] - 6914:8

T

T-shirts [1] - 6902:4
tab [5] - 6813:10,
6827:33, 6871:5,
6871:6, 6908:23
table [3] - 6849:29,
6888:28
tabs [2] - 6813:14,
6813:18
taped [1] - 6849:29
tardy [1] - 6823:5
task [1] - 6919:3
tea [2] - 6841:30,
6893:45
teaching [1] - 6828:17
team [1] - 6828:34
tears [4] - 6890:18,
6890:24, 6890:25,
6890:32
telephone [6] -
6819:13, 6823:16,
6862:35, 6865:3,
6865:17, 6895:9
tend [1] - 6842:25
tender [9] - 6813:6,
6813:10, 6813:17,
6828:6, 6840:30,
6870:38, 6906:14,
6906:19, 6908:17
tenure [1] - 6860:17
term [1] - 6846:25
terminology [1] -
6825:13
terms [54] - 6814:25,
6814:39, 6825:36,
6830:31, 6835:5,
6839:12, 6843:6,
6849:39, 6850:13,
6852:23, 6854:28,
6858:39, 6861:33,
6862:13, 6863:6,
6863:19, 6863:36,
6863:37, 6864:9,
6864:30, 6865:10,
6865:40, 6867:38,
6868:22, 6868:24,
6868:40, 6869:35,
6869:37, 6881:37,
6885:44, 6886:6,

6886:34, 6886:41, 6887:12, 6887:20, 6887:23, 6890:32, 6892:46, 6894:45, 6896:19, 6897:18, 6897:34, 6900:1, 6905:26, 6910:21, 6913:47, 6914:9, 6915:15, 6915:35, 6915:39, 6917:14, 6917:21, 6920:44, 6921:7

territorial [1] - 6874:22

Territory [2] - 6820:10, 6821:18

Terry [1] - 6860:2

tertiary [1] - 6828:13

theme [1] - 6845:20

themselves [7] - 6821:11, 6825:45, 6830:18, 6831:8, 6835:21, 6862:46, 6894:29

therapist [1] - 6875:6

therapists [1] - 6838:14

they've [2] - 6900:21, 6915:33

thinking [2] - 6838:35, 6917:14

third [1] - 6833:41

THOMAS [1] - 6813:31

three [7] - 6823:19, 6828:26, 6840:28, 6848:20, 6865:32, 6873:13, 6874:16

thumb [1] - 6892:36

tick [2] - 6884:46, 6884:47

tick-a-box [1] - 6884:46

timing [1] - 6910:20

TO [2] - 6812:13, 6921:24

today [17] - 6813:16, 6831:5, 6832:41, 6866:5, 6866:36, 6869:20, 6870:12, 6889:36, 6892:13, 6896:2, 6897:1, 6897:4, 6906:41, 6906:47, 6907:15, 6917:40, 6918:7

together [14] - 6823:32, 6833:45, 6838:15, 6841:17, 6860:12, 6862:41, 6862:43, 6865:35, 6888:45, 6889:4, 6899:45, 6902:21, 6902:35, 6920:8

toilet [2] - 6871:40, 6876:44

tomorrow [3] - 6822:18, 6918:8, 6920:47

tone [2] - 6889:41, 6889:43

took [7] - 6820:40, 6821:11, 6821:21, 6863:30, 6879:9, 6902:35, 6910:35

Toowoomba [1] - 6914:32

top [3] - 6854:17, 6856:2, 6859:14

topics [3] - 6884:34, 6884:37, 6887:21

Torture [1] - 6828:31

totally [1] - 6825:33

towards [1] - 6889:14

Towards [1] - 6911:35

Tower [1] - 6812:22

track [1] - 6869:12

Training [2] - 6873:40, 6873:43

transcript [2] - 6881:14, 6898:37

transcripts [1] - 6904:23

transfer [2] - 6844:45, 6873:26

transferred [1] - 6872:29

transparency [3] - 6821:26, 6825:2, 6913:30

transparent [5] - 6821:14, 6821:16, 6911:21, 6912:45, 6914:11

traps [1] - 6871:34

Trauma [1] - 6828:31

trauma [2] - 6817:30, 6820:44

travels [1] - 6824:28

treated [1] - 6839:20

treatment [3] - 6835:15, 6835:16, 6849:18

trial [1] - 6915:42

tribunal [2] - 6917:25, 6917:35

tried [2] - 6824:23, 6825:13

trigger [1] - 6919:8

triggers [1] - 6919:13

troubled [1] - 6860:40

true [4] - 6828:3, 6863:22, 6870:35, 6908:14

truth [1] - 6920:25

truth-telling [1] - 6920:25

try [15] - 6821:7, 6830:22, 6831:22, 6836:15, 6841:25, 6841:31, 6845:19, 6847:18, 6848:9, 6848:14, 6883:3, 6887:4, 6888:17, 6912:1, 6914:22

trying [9] - 6845:33, 6855:30, 6863:13, 6883:1, 6905:41, 6906:2, 6906:24, 6909:42, 6918:10

Tuesday [1] - 6812:27

turn [3] - 6870:3, 6881:34, 6896:27

turned [1] - 6821:5

twice [3] - 6822:4, 6848:20, 6871:41

two [19] - 6813:10, 6813:12, 6815:23, 6821:24, 6829:28, 6829:34, 6829:44, 6835:14, 6840:28, 6857:7, 6858:12, 6858:13, 6871:31, 6873:30, 6874:8, 6877:16, 6884:42, 6888:27, 6913:7

two-seater [1] - 6888:27

type [4] - 6825:18, 6868:39, 6883:31, 6897:13

typed [2] - 6883:35, 6883:44

types [2] - 6829:7, 6847:15

typical [1] - 6846:15

typing [1] - 6882:12

U

unable [1] - 6857:10

uncertain [1] - 6836:13

uncertainty [1] - 6836:3

unclear [1] - 6837:22

under [6] - 6814:30, 6820:7, 6820:22, 6820:29, 6821:16, 6821:41

underlying [1] - 6842:44

underneath [1] - 6838:33

underprivileged [1] - 6829:2

understaffed [1] - 6825:15

understood [10] - 6813:46, 6830:23, 6832:10, 6832:35, 6837:16, 6838:21, 6838:43, 6840:39, 6856:21, 6882:20

undertake [1] - 6898:28

undertaken [1] - 6883:37

undertaking [1] - 6855:31

unfold [1] - 6913:23

unhappy [4] - 6816:2, 6895:46, 6896:32, 6896:34

unhelpful [1] - 6851:32

uniform [10] - 6842:41, 6842:47, 6843:6, 6843:9, 6843:26, 6843:31, 6887:16, 6887:40, 6888:1, 6919:6

uniform" [1] - 6843:22

uniforms [1] - 6887:38

unique [1] - 6825:36

uniqueness [1] - 6911:27

University [2] - 6828:18, 6828:19

unless [2] - 6820:28, 6878:29

untruths [1] - 6821:30

unusual [2] - 6857:40, 6857:46

up [56] - 6815:9, 6816:39, 6817:47, 6818:39, 6820:3, 6820:12, 6820:15, 6825:2, 6828:14, 6831:41, 6831:42, 6832:43, 6833:21, 6839:16, 6840:21, 6844:18, 6849:40, 6849:42, 6850:13, 6852:2, 6852:47, 6854:45, 6855:34, 6855:43, 6863:16, 6865:27, 6868:13, 6870:3, 6871:13, 6872:3, 6874:19, 6874:37, 6875:21, 6878:5, 6882:12, 6883:31, 6889:26, 6891:28, 6893:5, 6899:23, 6901:7, 6902:39, 6903:16, 6906:14, 6907:10, 6908:41, 6909:23, 6909:26, 6909:33, 6910:30, 6914:34, 6915:35, 6919:3, 6920:33, 6921:7

upcoming [1] - 6886:27

update [1] - 6877:23

uppermost [1] - 6851:15

upset [7] - 6843:9, 6843:22, 6846:3, 6851:42, 6864:27, 6892:40, 6893:24

useful [5] - 6825:26, 6825:39, 6827:7, 6838:16, 6912:15

users [1] - 6900:43

usual [5] - 6865:41, 6885:11, 6891:8, 6895:7, 6903:20

V

vague [2] - 6858:39, 6858:47

vaguely [1] - 6859:21

valuable [2] - 6823:45, 6824:21

value [2] - 6893:10, 6894:41

variable [1] - 6897:19

variety [1] - 6839:34

various [8] - 6820:39, 6823:21, 6828:39, 6829:3, 6829:7, 6859:38, 6899:22, 6899:25

vary [2] - 6844:33, 6845:8

Veronika [5] - 6814:16, 6817:24, 6823:15, 6823:24, 6823:35

Veronika's [1] - 6817:47

version [5] - 6834:22, 6883:35, 6883:44, 6901:32, 6901:33

versus [2] - 6910:21, 6911:12

via [2] - 6864:5, 6865:16

victim [2] - 6823:43, 6823:44, 6826:12,

6869:38, 6869:41,
6881:35, 6882:16,
6882:37, 6884:21,
6885:10, 6885:19,
6885:45, 6895:35,
6902:8, 6909:23,
6909:44, 6916:33,
6918:19, 6920:34,
6920:37, 6920:38
victim's [7] - 6814:10,
6858:19, 6863:34,
6863:44, 6865:11,
6867:10, 6881:39
victims [16] - 6825:20,
6829:4, 6835:37,
6836:36, 6866:41,
6893:24, 6895:44,
6895:46, 6896:32,
6909:19, 6910:46,
6911:23, 6914:38,
6916:30, 6917:29,
6918:16
victims' [1] - 6849:3
Victor [1] - 6859:34
view [6] - 6849:6,
6882:23, 6897:29,
6914:39, 6914:45,
6915:1
views [1] - 6910:29
violent [1] - 6842:43
virtually [1] - 6817:47
visits [1] - 6882:39
volume [4] - 6813:17,
6827:33, 6871:5,
6908:24
voluntary [1] - 6910:9
vulnerability [2] -
6829:7, 6911:26
vulnerable [3] -
6829:3, 6829:6,
6862:40

W

Wahroonga [2] -
6872:24, 6872:28
wait [3] - 6833:18,
6877:16, 6883:13
waiting [3] - 6831:40,
6877:19, 6887:1
wake [1] - 6874:37
Wales [4] - 6872:31,
6873:20, 6873:29,
6873:45
walls [1] - 6888:33
Wally [1] - 6902:21
Walsh [5] - 6907:42,
6908:3, 6908:29,
6916:39, 6917:43
WALSH [2] - 6907:44,

6908:26
wants [2] - 6897:8,
6899:32
Ward [1] - 6873:15
ward [1] - 6835:25
wards [1] - 6873:27
warm [1] - 6902:33
water [1] - 6829:22
ways [8] - 6819:23,
6826:21, 6826:22,
6829:3, 6838:3,
6900:15, 6907:18,
6916:31
weak [1] - 6821:6
wear [3] - 6887:38,
6887:40, 6887:47
wearing [1] - 6887:16
website [7] - 6830:44,
6869:19, 6869:24,
6869:28, 6869:32,
6881:19, 6913:23
WEDNESDAY [1] -
6921:24
week [5] - 6813:4,
6817:19, 6840:28,
6871:41, 6908:12
weeks [11] - 6814:21,
6815:23, 6815:37,
6821:24, 6821:37,
6840:27, 6856:31,
6865:32, 6873:6,
6873:13, 6877:16
welfare [2] - 6828:22,
6829:2
wellbeing [2] - 6914:1,
6914:2
wheel [1] - 6848:33
wheelchair [1] -
6870:13
whereby [3] - 6826:12,
6826:18, 6899:38
whichever [1] -
6819:25
whilst [1] - 6918:19
whole [10] - 6816:22,
6822:3, 6830:20,
6839:34, 6862:2,
6915:32, 6915:44,
6918:19, 6919:17,
6920:44
wide [1] - 6824:43
widely [1] - 6869:47
wider [1] - 6829:5
widow [3] - 6817:4,
6817:17, 6817:19
wife [2] - 6817:26,
6823:15
wish [3] - 6819:33,
6820:43, 6886:45
wished [6] - 6828:39,

6883:40, 6884:3,
6885:6, 6892:26,
6892:33
wishes [1] - 6831:7
withdraw [1] -
6868:44
WITHDREW [3] -
6827:30, 6881:4,
6907:40
witness [6] - 6813:16,
6822:24, 6822:46,
6870:11, 6881:6,
6906:24
WITNESS [5] -
6827:30, 6881:4,
6905:8, 6907:40,
6921:18
witnesses [4] -
6835:6, 6870:45,
6912:33, 6912:40
Witts [3] - 6876:21,
6876:42, 6877:35
woman [1] - 6914:33
wonder [14] - 6813:3,
6828:12, 6828:45,
6832:42, 6833:33,
6834:17, 6840:14,
6852:2, 6852:47,
6855:41, 6871:11,
6878:5, 6908:1,
6908:37
wondered [1] -
6845:19
wondering [2] -
6860:21, 6887:1
word [9] - 6861:12,
6862:45, 6869:46,
6890:44, 6891:2,
6891:13, 6892:13,
6896:25
worded [1] - 6857:26
words [6] - 6815:23,
6825:2, 6838:32,
6855:18, 6885:5,
6885:6
workers [1] - 6917:11
workings [1] - 6833:9
world [1] - 6824:43
worried [1] - 6886:47
worry [1] - 6871:30
worthwhile [1] -
6891:34
write [8] - 6821:37,
6851:39, 6865:35,
6867:23, 6882:7,
6882:47, 6888:29,
6896:33
writer [1] - 6851:26
writing [6] - 6819:15,
6825:23, 6851:21,

6881:39, 6894:7,
6894:12
written [5] - 6815:1,
6821:19, 6865:2,
6865:15, 6881:31
wrongly [1] - 6845:23
wrote [4] - 6818:3,
6818:6, 6826:31,
6857:26

X

X17 [3] - 6871:32,
6871:36, 6871:39
X18 [1] - 6858:14
X19 [1] - 6859:10
X19] [2] - 6858:16,
6858:35

Y

Yasmar [5] - 6872:26,
6872:29, 6872:30,
6872:34, 6873:8
year [3] - 6825:33,
6830:33, 6860:16
years [22] - 6820:21,
6821:37, 6828:24,
6828:26, 6828:27,
6828:33, 6829:25,
6831:3, 6833:24,
6834:8, 6834:28,
6834:39, 6841:34,
6849:24, 6871:20,
6874:33, 6908:35,
6909:4, 6910:35,
6911:42, 6914:22
yesterday [2] -
6916:26
you" [1] - 6815:36
young [2] - 6828:29,
6914:33
younger [3] - 6874:34,
6874:36, 6874:38
yourself [10] -
6816:38, 6825:20,
6825:26, 6833:37,
6834:18, 6852:40,
6878:7, 6878:11,
6883:31, 6912:9