

Your Ref:

Our Ref: PHB 2/602507

Reply to: Melbourne

Contact: Philip Brewin
pbrewin@nevetford.com.au

Nevett *ford*

LAWYERS

MELBOURNE Level 42, South Tower, Rialto
525 Collins Street, Melbourne, 3000, DX 490
Tel: 03 9614 7111 Fax: 03 9614 3192
email: melbourne@nevetford.com.au

31 May 2013

Ms Georgie Crozier
Chair, Family and Community Development Committee
Parliament House
Spring Street
EAST MELBOURNE VIC 3002

Dear Ms Crozier

Victorian Inquiry into the handling of Child Abuse

We act for The Salvation Army (Southern Territory) in care leaver and child abuse matters.

We have been instructed by our client to make the following comments in relation to the questioning of Captain Malcolm Roberts of The Salvation Army on 11 April 2013.

- We note that on page one of the transcript of evidence, reference is made by The Chair to a letter to Ms Netty Horton from the Family and Community Development Committee dated 30 October 2012, and specifically The Salvation Army's failure to respond to that letter.

The following correspondence was received by our client from the Family and Community Development Committee:

- Letter from Georgie Crozier to Netty Horton dated 5 September 2012 requesting The Salvation Army provide a written response to a number of questions.
- Letter from Georgie Crozier to Captain Malcolm Roberts dated 21 November 2012 acknowledging receipt of The Salvation Army's submission to the Inquiry.
- Letter from Georgie Crozier to Netty Horton dated 21 February 2013 referring to their previous letter of 5 September 2012, and asking The Salvation Army respond to that earlier letter.

Netty Horton responded to this by way of letter dated 28 February 2013. She apologised for the oversight, and asked that future correspondence be directed to Captain Malcolm Roberts.

The information being sought in the letter dated 5 September 2012 was provided by The Salvation Army on 7 March 2013.

- Letter from Georgie Crozier to Captain Malcolm Roberts dated 2 April 2013 requesting The Salvation Army appear at a public hearing.

The Salvation Army did not receive a letter dated 20 October 2012. In none of the correspondence received was it requested that files be forwarded to the Inquiry, as suggested by The Chair during Captain Robert's evidence.

We would expect that had there been any material outstanding, it would have been raised in subsequent correspondence to The Salvation Army, including Georgie Crozier's letters dated 21 February 2013 and 2 April 2013.

Could you please arrange for a copy of the letter dated 30 October 2012 to be forwarded to us, so that we may respond on behalf of our client.

- Mr Wakeling, in his questions regarding Brigadier James Tait, stated as follows:

“Allegations against Brigadier Tait span from 1959 to 1971, and the evidence that was given to us said that one girl, after she left the home in 1968, wrote to the department to complain about being molested by Tait, and she expressed concern for her sister, who was still in the home. Notwithstanding this complaint, Tait continued to abuse the girl in his care. After the home was closed in 1972, Tait was transferred to another organisation where further allegations have been made against him.”

According to our records, allegations against Brigadier James Tait are confined to his period as Manager at East Camberwell Children's Home. Brigadier Tait was an Officer at that Home between 14 January 1965 and 14 January 1971. Therefore the allegations did not span a 12 year period.

We note that the girl who wrote to the Department making allegations against Brigadier Tait, and expressing concern about her sister, wrote to her social worker on 6 January 1970, not 1968.

According to documents from the Social Welfare Department, several girls at the East Camberwell Home in the early part of 1968 made allegations against Brigadier Tait of indecent assault. The allegations were investigated by the police who apparently decided that there was insufficient evidence upon which to prefer charges against Brigadier Tait.

Brigadier Tait did not remain at the Home until its closure at the end of 1972, but was transferred at the beginning of 1971.

It was also suggested that once Brigadier Tait was transferred to another organisation, further allegations of abuse were made against him. The Salvation Army has received no notification of any complaints at any other institutions apart from his time at East Camberwell Children's Home.

- Ms Halfpenny, in her questioning, stated as follows:

“Can I just draw you now to some comments that were made by Judge Allen in the trial of John Beyer, who was a Salvation Army staff person at, I think, the Bayswater home. Judge Allen referred to a nest of paedophiles at the Bayswater home. He also said that paedophiles were allowed to take boys away, and I think

you referred to this, from this home without scrutiny or monitoring so they could be abused and tortured. He used the word 'tortured' in his statements..."

John Beyer was not an employee or Officer at Bayswater Boys Home No. 2, or any Salvation Army institution. He was a volunteer who took residents out of the Home for weekend leave and excursions.

We have read His Honour Judge Allen's reasons for sentence dated 26 September 2008. We have also read the transcript of proceedings from 8 September 2008 and 9 September 2008.

In those transcripts Judge Allen does not refer to a 'nest of paedophiles' at Bayswater Boys Home, or any similar term. We found no reference to him stating that multiple 'paedophiles were allowed to take boys away' from Bayswater, as was suggested by Ms Halfpenny. His comments regarding wards of the state being taken out of the Home were confined to John Beyer only.

There is also no reference to the use of the word 'torture' or 'tortured' in Judge Allen's comments.

We ask that any findings of your inquiry that relate to The Salvation Army, where relevant, incorporate these matters.

Yours faithfully

Nevett *ford*



Philip Brewin
Direct Dial: 03 9615 4305

Shea Rowell
Direct Dial: 03 9615 4330