

TRANSCRIPT

FAMILY AND COMMUNITY DEVELOPMENT COMMITTEE

Inquiry into the handling of child abuse by religious and other organisations

Melbourne — 11 April 2013

Members

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Ms G. Crozier

Ms B. Halfpenny

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Mr N. Wakeling

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Captain M. Roberts, territorial legal secretary, Salvation Army.

The CHAIR — Good morning, everybody. In accordance with the guidelines for the hearings, I remind members of the public gallery that they cannot participate in any way in the committee's proceedings. Only officers of the Family and Community Development Committee secretariat are to approach committee members. Members of the media are also requested to observe the media guidelines. I ask that you all turn your phones to silent or switch them off.

On behalf of the committee I welcome Captain Malcolm Roberts, the territorial legal secretary from the Salvation Army. All evidence taken by this committee is taken under the provisions of the Parliamentary Committees Act, attracts parliamentary privilege and is protected from judicial review. Any comments made outside the precincts of the hearings are not protected by parliamentary privilege. Witnesses may be asked to return at a later date to give further evidence if required. All evidence given today is being recorded. Witnesses will be provided with proof versions of the transcript, and please note that these proceedings are not being broadcast.

Captain Roberts, the committee is particularly interested in hearing from you this morning. We have heard from a number of witnesses who were children in the care of the Salvation Army in the past, and I think you have been provided with some guidelines from the secretariat in relation to those questions regarding leadership, complaints processes and your views on the prevention of child abuse. The committee has a number of questions, but of course you will be given an opportunity to respond following those questions from the committee in addition to the submission you have already provided to us. Thank you very much indeed for being with us this morning; we do appreciate your time.

I will go straight to your submission. In your submission, the Salvation Army refers to complaints that have been received. It says that approximately 421 complaints have been received and that those have been made since 1997. I am interested to know whether there were complaints before that date that have been made. If so, how many and when were they made?

Capt. ROBERTS — No. Our experience is that complaints of the nature that this committee is dealing with started at that time. They started in ones and twos, as we have shown on that list, and then gradually increased. Then they started to decrease again.

The CHAIR — Could you explain about the nature of the complaints that this committee is talking about and perhaps differentiate between the complaints that you are referring to?

Capt. ROBERTS — The complaints that we have listed are abuse complaints — sexual abuse complaints — that have arisen out of children's homes that the Salvation Army operated up until the 1980s. In terms of complaints within the church, there are no records of earlier complaints that happened in relation to child abuse. Our history of child abuse is largely connected to the running of children's homes, which we did in all the states that this territory operates.

The CHAIR — Thank you. I want to clarify this because I sent a letter to the Salvation Army on 30 October 2012 requesting those files relating to reports of abuse. We have not received any response from you as yet, so are you saying that it is because those records do not exist?

Capt. ROBERTS — Could you repeat that?

The CHAIR — I wrote a letter to Ms Netty Horton on 30 October last year requesting that we were interested in receiving any files that the Salvation Army has in relation to the reporting of abuse, so I am wondering whether you can clarify that. We have not had a response in relation to that request as yet, and I want clarification from you. Are you saying that the reason we have not had any response is that there are no files that exist?

Capt. ROBERTS — If we have not responded to that letter, I do not know why. I remember getting two letters. One was addressed to Netty Horton — it was sent in September last year — and asked for detailed information. That letter got mislaid and was responded to much later — only a few weeks ago or a month ago — and I saw that as a letter that was requesting details of information. I am sorry. If it was requesting the files themselves, we will have to look at that and deal with that for you.

The CHAIR — I would very much appreciate that. As I said in my letter, I was expecting that to come forth, so we would appreciate if you could follow that up in addition to what we are looking at in relation to those files. Thank you very much.

Capt. ROBERTS — In relation to our files, there has been a lot of criticism of files in various organisations, and the Salvation Army is no exception when it comes to historical records of abuse. Our filing standards are not up to what you would expect for 2013. I certainly would not say that there has been any attempt to hide, dispose of or shred files. It is largely because files might have existed in various institutions and various buildings that have been closed and moved, and files have not been maintained with the rigour that we would expect today. However, there certainly has been no attempt to hide or cover up.

The CHAIR — In relation to my initial question about the complaints from 1997, are you saying that there could be some files in relation to those aspects?

Capt. ROBERTS — For the complaints in 1997, all of which arise out of children who were in children's homes, there are files that we have that show that a child was in a children's home. There is not a large file about the life of that child in that home. That is for two reasons. A lot of children in children's homes were there as wards of the state, or in one of our homes, at Bayswater, they were there because that was a correctional institution. The files for those people are wardship files and are held by what was the child welfare department and is now the Department of Human Services. The bulk of the file is held with the Department of Human Services. Our records indicate that a child was there; they indicate when they came and when they left. There is often not much in between, because that related to the other files that the Department of Human Services holds.

Mr WAKELING — Thank you for your attendance today. I am interested in the allegations of extensive sexual abuse that occurred within homes that were run by the Salvation Army. We have had evidence presented to us with regard to allegations within, for example, the East Camberwell Girls' Home. I am told that it was established in 1912 and closed in 1972 and that there were 12 complaints of abuse at the home, in particular in relation to a Brigadier Tait, who I am told was the superintendent of the home.

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. The committee has received from witnesses credible evidence of extensive serious abuse of a psychological, physical and sexual character in the homes that were run by the Salvation Army over a long period. The question I want to ask is: how was this permitted to occur?

Capt. ROBERTS — My only explanation for that, and it is not a good one, is that while these things are being said now — and I have been a member of the Salvation Army all my life, as were my parents and grandparents — the Salvation Army is basically a puritanical organisation, or it certainly was in the 1950s, 1960s and 1970s, when any sort of behaviour that was less than honourable would not have been tolerated. I cannot understand and I can give no explanation for Brigadier Tait, if those statements are true — and I would not disbelieve them — and if they were reported to people within the Salvation Army. I have no explanation. The Salvation Army is very rigorous when it comes to its officers and holding them to account. The fact that he has not been held to account I find quite puzzling and quite distressing, and I find it abhorrent that, if those behaviours were going on, he was not held to account. I do not have any explanation as to why that would be.

Mr WAKELING — If I may go on, many of the people who have presented to us were young people entrusted to care who were from severely disadvantaged backgrounds, and many were extremely troubled. Those who have presented have described a harsh and uncaring environment in which staff-to-child abuse and child-to-child abuse were not only occurring but were endemic. Can I ask whether you as the representative of the Salvation Army accept that description of the homes that were run by the army?

Capt. ROBERTS — I accept a description that says that within our homes children were abused.

Mr WAKELING — Would you accept, as has been put to our committee, that in fact it was not only occurring but was endemic?

Capt. ROBERTS — From the evidence that we have seen — and that is at the other end, dealing with the claims — I do not see that ‘endemic’ is the correct word. It may have occurred at times when certain people were in charge. The problem is that children cannot protect themselves. Children rely on those in authority. If those in authority are the abusers, then those children are without hope. It may have been that at times, when certain people were in charge — when there were people in charge who may have been like has been described there — that home would have been a terrible place. Why did the Salvation Army not do something about it? Why did those above Brigadier Tait in 1972 not know? I do not have any explanation.

Mr WAKELING — To lead on from that, of course the abuse was perpetrated by individuals, but the report indicates that there were serious systemic deficiencies and a failure of culture within the organisation. As the representative presenting to this committee, would you agree with that description?

Capt. ROBERTS — I do not agree that there is within the Salvation Army or was within the Salvation Army a culture of that type. I believe that the Salvation Army, as a movement, is a movement where the highest standards were the culture amongst people who worked for, or were officers of, the Salvation Army. There may have been those who failed to reach that standard. I do not believe it was a cultural issue; I do not believe it is endemic in the Salvation Army or was.

Mr WAKELING — Instead of looking more broadly at the entire operation of the church, but in terms of the operation of the homes and those employees and members of the army who were engaged in those homes, would you believe that what I have described is a fair description of the culture within those homes that provided care for those children?

Capt. ROBERTS — No, I would say that within those homes at times, when certain people were in charge or in a position of authority, that could be a culture that existed, but I do not believe it was the culture that existed within homes of the Salvation Army.

Mr WAKELING — Thank you, Captain.

The CHAIR — Before I move on, Captain Roberts, can I just obtain some clarification in relation to the question I asked you about records? You said those records were in DHS. I am just wondering if you could explain to the committee why the Salvation Army did not keep those records themselves and why they did pass them on to DHS.

Capt. ROBERTS — My understanding is that records form two parts. One was the wardship papers, which were papers that arose out of the care of that child by the state and by the Salvation Army as the agent for the state. The Salvation Army’s files themselves, those files, as I said, are not good. They are not complete, and they do not necessarily help a victim other than to know that they were in that home between certain dates.

The CHAIR — So the files were not good, they were not accurate, they did not want to look at the welfare of the individual at the time?

Capt. ROBERTS — Between the 1800s, whatever it was, and 1980 when files were at the home, as I said, file keeping was not as rigorous as it is now. I believe that there probably was a feeling, and I think it is still generally held in the community, that apart from the files that went back to the department, where they came from or went back to because the child was under the child welfare authority, the other files, rather than being destroyed to hide anything, were kept for a period of seven years, and without realising the significance of the files that they had, those files were not maintained properly.

As children’s homes particularly closed or as they moved to other places, files were either destroyed or got lost or deteriorated. They certainly were not kept, because at that time, and we are talking sort of 30, 40 years ago, nobody I think appreciated the file that they had and the value that that file would have to a child or to a committee such as this.

The CHAIR — Thank you. Just in relation to the files being destroyed, when a child moved from one organisation into another, the file should not have gone with that child?

Capt. ROBERTS — Could you repeat that, please?

The CHAIR — I am just clarifying what you said — that the files were destroyed, they were lost. I think you said the files were either destroyed, lost or they did not go with the child. Is that what you said?

Capt. ROBERTS — What I said was that the file that belongs to the wardship part would have gone back to the relevant department. From the file the Salvation Army have — and we do have files — we can say generally speaking that a child was in our home, but the detail about what happened during that time is not held in that file.

Mrs COOTE — Captain Roberts, thank you very much indeed, and thank you for being here today. I would like to just follow on from what Mr Wakeling has said and I am talking specifically now about the homes, you refute the fact that there was a culture, but perhaps there was a subculture? You also refuted the use of the word ‘endemic’, but would you acknowledge that there was a subculture existing with the abuse and sexual abuse and physical abuse of the children in those homes?

Capt. ROBERTS — Our dealings with claims that have been made to us — and those claims have been made for abuse, sexual abuse, general abuse but severe abuse, whatever — have shown that there are named perpetrators that appear to be common at a given time. They appear for a period of time and they appear in different homes. So there might have been one like the one that was mentioned at that East Camberwell Girls’ Home for that period of time. At Box Hill Boys’ Home you find that the claims that are made to us generally are around named perpetrators who appear more than once, and for other homes — and I can refer to homes in South Australia. Generally the claims come because there is a certain person there at a given time who seems to create havoc amongst the children. So there are periods of time in all these homes when it appears that a person, who is an abuser or a perpetrator, is working there, is active there, and then when those people are not named, the claims for abuse do not arise.

Mrs COOTE — So surely, to use your own argument, if in fact they were the same people being brought up time and again, is it not unusual that the authorities at the time did not realise that those people were causing that cruelty?

Capt. ROBERTS — We have the advantage of getting all these claims, seeing them together and being able to identify the common thread, if you like, between those claims. Why, as I said, the Salvation Army or the authorities never recognised that these things were going on at that time I have no explanation for, apart from the fact that what is often seen is that children do not talk about it. It takes 20 to 25 years for people to actually start to talk about these things, so it is not beyond the realms of possibility that they never spoke about it and what we are hearing now was not spoken about then.

Mrs COOTE — So has there been a cultural shift of this subculture? Did that happen at any particular time, and what are the reasons you could give for that?

Capt. ROBERTS — In — —

Mrs COOTE — In those homes, for example. Did someone at some stage realise there was an issue and change this subculture or get rid of these perpetrators of this abuse? Was there any recordkeeping of that or any acknowledgement of that at the time?

Capt. ROBERTS — Whether or not that culture was seen — and I would only have to say that it was not seen or somebody in authority was not looking properly — the moving on or where it went after it left our facility, I do not know. We need to understand that staffing our homes were two groups of people. One was Salvation Army officers like me, who were appointed there to do that job, and they are the ones who disappoint me. They are the ones who in fact sort of make me angry because here we are, many years later, dealing with a situation they created. Amongst them we had employees, and a lot of the abuse in our homes was caused by employees as well as officers, and those employees came and they went. Where they went I do not know.

Mrs COOTE — Which actually brings me very nicely into your submission, on page 2. You talk about the police, you talk about substantiated allegations and you talk about church volunteer capacities — youth leaders, choir leaders et cetera. I will read from this comment because I find it quite complex and I would like you to unpack it for me if you possibly could. You say in this paragraph:

While there are reported incidents of non-carer claims, it has not been a significant issue in terms of the number of occurrences within TSA. Incidents that have occurred within Victoria have been perpetrated by a small number of people, and most commonly by people working in the church in a voluntary capacity ... The substantiated allegations known to TSA have been reported to or dealt with by the police and in most cases the perpetrators have been convicted and punished by the criminal system.

I am a little uncertain as to who you are talking about here — the non-care-leaver claims or the care leavers — or how many allegations there were and what actually happened. Could you give me some clarity on that?

Capt. ROBERTS — In the statement I was going to make at the beginning, which I now have to make at the end, I would have said that from the Salvation Army we have received the 474 abuse claims, and 470 of those relate to children's homes. So we have four claims we have dealt with which relate to non-children's homes. They relate to events that took place in another Salvation Army building by a Salvation Army person at that time. That person is currently in jail. So those non-church or non-children's homes claims are a very small part of our experience. Our experience is that children's homes were the places where the abuse occurred frequently. Our experience is that outside of children's homes abuse does not occur and is certainly not endemic within the Salvation Army. Of the four victims who were not children's homes victims, three of them were abused by one person, and that person is currently in jail in Victoria; the other one was abused by someone who was convicted but not jailed.

Mrs COOTE — When was the last non-carer claim?

Capt. ROBERTS — The last non-carer claim was settled within the last 10 years or so — 5 or 6 years — but it occurred about 20 years ago. We have not got any current claims of abuse of children within the Salvation Army at this current time. There are no current claims of children being abused. Our claims are children who have been abused and reported them as adults.

Mrs COOTE — Going back to the children's homes, it would seem there was no avenue for those children to make complaints at the time. You say they are coming out now, but was there any formal structure for those children to make a complaint against the perpetrators of this abuse in the homes at that time?

Capt. ROBERTS — In terms of policies and procedure that existed in the homes, they are as rare as the records that existed. The process for children to make complaints would be the process that they found someone in charge and complained to them. Why they do or why they do not, just one sort of example — and this is one that puzzles me — is of a child living in what was more of a group house as part of one of our children's homes, who lived with ordinary parents and their family, who described those parents as fair but firm, who was abused weekend after weekend by an employee of the Salvation Army who took him out of that home and took him back to another place for the weekend. So this abuse went on at weekends frequently, yet that child never once mentioned that abuse to the parents where he lived, with people who were fair but firm. I do not understand it.

Mrs COOTE — Do you know when that was, what time?

Capt. ROBERTS — That was back in the 70s, 80s.

Mrs COOTE — Right. I just have one final question along this line of questioning, and that is through this inquiry we have had a number of people, and we know that there are many people in the criminal justice system at the moment, who have claimed that their lives are dysfunctional and have led to a criminal career, and they attribute their path to this criminal career to the experiences that they had, particularly in the boys' home. Do you accept this responsibility?

Capt. ROBERTS — It was mentioned earlier, maybe by the chair, that children that came into our home came from often very difficult situations and they needed more care rather than less care. I am not excusing what we have done, but it is not entirely clear that you can say this event caused that event. I would certainly say that what happened in the children's homes would be a contributing factor in the way that these people's lives have progressed and the difficulties that they have had. You could not be put in a children's home, you could not live there, you could not take that for four, five, six years and not be affected by it even if it was a loving place, and if it was not, as many say, then it certainly would have been a factor in the way their lives have gone since that time.

Mrs COOTE — Given that they were children who were disadvantaged and they were showing these propensities, and I think you said before that there were children at the boys' home who were already being

watched and under scrutiny perhaps for committing misdemeanours, did you have a program at the time to help look at any corrective processes or mechanisms?

Capt. ROBERTS — Children's homes ran as best they could with the staff that they could get to provide a home for children who did not have a home, who were taken out of their home, who were put out of their home even by their own parents. They were run on the basis of any home — you get up in the morning, you go to school, you come home, you go to bed. They had a lot of activities.

Because I am old enough, I can personally say that I have been to both the Box Hill Boys' Home and the Bayswater Boys' Home when they were operational homes. I have been there on days. I even know that my grandmother, believe it or not, did the laundry at Box Hill Boys' Home for years and years and years. I suppose one of my difficulties is my grandmother was such a saint — she was next to Mother Teresa in my mind — that I cannot imagine anything untoward happening while she was anywhere near the place. Apart from that I have been to the places and I have seen the boys.

This might sound odd, but when I was in the Salvation Army as a young person, probably under 10, we used to have visits from Box Hill Boys' Home to the country town where I lived. They would come for the weekend, and as a family we would have boys from Box Hill Boys' Home staying in our house. Those boys would put on what you could call a concert if you like on the Saturday night, and the things that they would do! They did gymnastics, they did music, they did a whole range of things, and in my naivety I used to sit there and think that they had things better than I did because of all these things that they did. So they were not cultural deserts, and they were not places where children were not occupied. They were places where the Salvation Army aimed to provide a home and a good home for children, and along the way some children had a dreadful experience. We can say many children if 400 and something is many children. They had a terrible time, and I do not resile from that.

Mrs COOTE — Captain Roberts, thank you very much indeed.

Ms HALFPENNY — In your submission you say:

... tens of thousands of children passed through these homes and for most, we believe —

that is, the Salvation Army —

it was as positive an experience as being placed in a home could be.

What do you base this on? Do you have evidence other than the fact that you visited the homes once or twice yourself and your grandma was nice?

Capt. ROBERTS — When I say thousands, something like 30 000 or 35 000 children went through Salvation Army children's homes in Victoria. That is a lot of children. What I base that on is that there are children who are now adults that say to us that their experience in those homes was a positive experience. We have got senior Salvation Army officers now retired who started life and spent their whole childhood in Box Hill Boys' Home.

Ms HALFPENNY — How many would that be? Would that be 10, 15, 1000, 200 000?

Capt. ROBERTS — We have never gone out and canvassed support from these children. It is just that for the number of complaints that we receive, if we say that they are even a tip of the iceberg and there might be much more than that out there, they certainly reflect a small proportion of the many children who were in our homes. I do not think for one minute — —

Ms HALFPENNY — On that then, have you or the Salvation Army actually conducted an extensive investigation of what was going on? You talk about having more experience or you know better than us because you have looked into dealing with individual complaints. I am not talking about individual complaints, because often cultural and endemic problems do not show up in individual complaints and a narrow investigation. But actually has the Salvation Army conducted an extensive investigation interviewing everybody that ever worked or entered those homes, and has it gone through a proper investigation to find out exactly what was going on in an overall and general sense?

Capt. ROBERTS — Have we interviewed everyone that has been in our homes?

Ms HALFPENNY — Have you conducted a very extensive investigation, or just an investigation on individual complaints?

Capt. ROBERTS — We have only dealt with individual complaints. The other evidence is evidence that you might like to call anecdotal. They are stories we hear. They are people who come and say things to us. I was in our office at Blackburn one day not long ago, only this year, and a man a bit younger than myself came through the front door and he was a bit upset because he had seen on our front window it uses the word ‘compassion’. He came in and he wanted to tell someone he did not think the army was compassionate. Now, I know this again is only one person. I went down and spoke to this man, who was in Box Hill Boys’ Home, and he said that while Box Hill Boys’ Home was not the greatest place in the world, he never witnessed any sexual abuse in the time that he was there. He was put there by his parents when their marriage broke down. His dad later remarried and came one afternoon to take him home, and he said, ‘You’re not going back’. His complaint with the Salvation Army was that we never went and got him and took him back so that he could say goodbye to his friends. He said Box Hill Boys’ Home was perhaps not as good as living with mum and dad, but it was not as bad as people say. I know that is one person again — —

Ms HALFPENNY — Can I just ask my next question. Obviously it is easier if the person has not seen anything, and they may not have, but there is evidence and proof that things did happen. If there is an individual, there are obviously many who did not see anything, but that does not mean that it did not happen. Can I just draw you now to some comments that were made by Judge Allen in the trial of John Bayer, 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 the home without scrutiny or monitoring so they could be abused and tortured. He used the word ‘tortured’ in his statements. This judge, Judge Allen, was astounded that there were no records or paperwork to monitor the whereabouts of children who were wards of the state and in the care of the Salvation Army. Was he correct in his comments, do you think?

Capt. ROBERTS — That there were — —

Ms HALFPENNY — He was astounded that there was torture, that there was terrible abuse and that there were no records kept of children being taken away from the place by paedophiles. Do you think what he is saying is correct?

Capt. ROBERTS — I cannot comment on that. He was the judge, he was at that trial and he heard the facts. That is the comment that he made at that trial. There certainly is no evidence, in terms of convictions of people, that there was a paedophile ring that operated at Bayswater. The story I told you was from a man who worked at the Bayswater Boys’ Home. He probably, in today’s language, groomed that boy, but he was one person. I would not like to assume from that one event that there is a paedophile ring.

Ms HALFPENNY — So you do not agree with Judge Allen, obviously.

Capt. ROBERTS — As I said, Judge Allen was there, he heard the evidence, he made that comment. I would neither agree or disagree.

Ms HALFPENNY — Do you know what the requirements for the keeping of records were at the time in terms of taking children out of the home and bringing them back on weekends or whatever?

Capt. ROBERTS — I do not know what the terms of record keeping were. While we are talking of record keeping, I do know that it was only in 2006 — which is not that long, which is this century — that legislation was passed that made it absolutely compulsory to hold records that at some time in the future may become required in a legal action. Even in the general community — in the general commercial world — record keeping has not been up to the standard that we like. Two thousand and six was a turning point, and 2006 is 30, 40 or 50 years after these events occurred when record keeping was not good. As I said, our record keeping at Bayswater and other homes is not up to the standard that we would expect today. Our record keeping, by today’s standards, is appalling.

Ms HALFPENNY — Okay, thanks. Just one other question, not related to records. We have heard a lot of evidence that there is a correlation — and I think you mentioned this earlier on when you were talking as well — and that child rape, criminal sexual assault and sexual abuse do have an effect on children as they become adults. There are a lot of drug and alcohol problems. Unemployment has been considered a consequence of this sort of abuse. Do you think the Salvation Army has any duty to care for adults whose lives have been ruined by the child abuse they suffered at the hands of people employed by the Salvation Army or volunteers?

Capt. ROBERTS — The Salvation Army has dealt with 470 claims made by children who were residents in our homes. Our process does not require and does not even impose rigorous investigation; we accept what we are told, and we act upon that. When a claim is made, including those where we made a financial settlement, those things that you mention are part of what is taken into account in determining any financial compensation that is paid.

Ms HALFPENNY — At the moment are there any people in paid employment or volunteers still working with the Salvation Army that were working in these children's homes?

Capt. ROBERTS — Let me deal with officers. When it comes to officers, in terms of the claims that are being made against us, we have had something like 50 officers named. This is over a period of probably 30 or 40 years. When I say 'named', that is all I am saying; they have been named. Nothing has been proved because our process does not require a victim to prove anything. It requires a victim to make a statement. Fifty officers have been named, and out of those 50 officers who have been named, 37 are dead. Of the ones that remain, there are three or four who are in jail. There are about two who are still active officers. They were very young officers 25 or 30 years ago who were in homes and they are still working, but there has been nothing that has been proved against them.

Mr McGUIRE — Can you explain what records the Salvation Army has kept to avoid offenders being moved on?

Capt. ROBERTS — We are talking the offenders in homes?

Mr McGUIRE — Correct.

Capt. ROBERTS — For Salvation Army officers, who seem to be the main subject of the problem, and for every officer of the Salvation Army in this territory there is a record of every place that they have been put, every holiday they took and every piece of sick leave that they had, so that there is a full — we call it — service card for every Salvation Army officer. With any one of those officers whose names have been mentioned today I could bring out and show you a card that shows every — what we call — appointment that that officer had.

Mr McGUIRE — But does it also go to the issue of allegations or anything raised against them?

Capt. ROBERTS — As I said before, my problem is that if allegations were raised, they are not raised in the sense of 'We know that this person'. The silence around the behaviour of these people until now — until victims come out and say, 'Brigadier Whoever abused me' — to most people comes as a surprise. There is not a record that says, 'A child complained about Brigadier Tait'.

Mr McGUIRE — So there is no record that shows that there have been allegations raised. You understand we are trying to prevent this happening again. You have no mechanism to prevent this happening again?

Capt. ROBERTS — There is no record of contemporary complaints about officers that were made 30, 40 or 50 years ago. There is no record of contemporary complaints of officers.

Mr McGUIRE — Do you regard that as a failure of the duty of care?

Capt. ROBERTS — I regard that, looking back with all the knowledge I now have, as appalling, but what the processes were, they were probably appalling. I do not think that the Salvation Army 30, 40 years ago necessarily was all that sophisticated in the way that it dealt with these things, certainly nowhere near as sophisticated as we would be now.

Mr McGUIRE — So just on that point, what do you do now?

Capt. ROBERTS — What do we do now?

Mr McGuire — Yes, if there is an allegation or a claim raised — to avoid people being moved on and the repetition of these things.

Capt. ROBERTS — We would not move them on. We would terminate them. If there was an allegation made now about an officer that was a proven allegation — and there are allegations that are subsequently not proven — an officer would be terminated.

I can say and I will say this: I did see one service card for an officer who was at both Bayswater and Box Hill boys homes. This officer spent three or four years at Box Hill Boys Home. We are talking 1945 to 1947. After leaving Box Hill Boys Home that officer went to Bayswater Boys Home and was there from 1947 to 1950. On 28 March 1950 it is noted on the service card that this officer was put onto sick leave, and after that they went to jobs with Red Shield Services, that is working with the military at Puckapunyal, and had other jobs. Attached, unconnected to that but in another file, I found that that particular officer had confessed to sexual abuse of four boys at Box Hill; he confessed on 29 March 1950. He never went back to a children's home.

Mr McGuire — Are you saying what happened was that there was a confession of allegations of sexual abuse against four children and this person was put on sick leave? Was there a formal complaint put to the Victoria Police?

Capt. ROBERTS — I do not know. I do not know, and I do not know how that confession came about and I do not know whether that came about because someone had been to the police. I do not know anything about it, other than — and I am only giving that information to say — that when that person did confess they never went back to a children's home.

Mr McGuire — But they never went before the police either?

Capt. ROBERTS — I do not know.

Mr McGuire — Would you concede that was a failure?

Capt. ROBERTS — I do not know what the police records are. I do not know any of those circumstances. I am only saying there are two files that I have seen, disconnected — unsatisfactory, yes, because I cannot tell you more — and all it does is show that that person who confessed did not go back to a children's home.

Mr McGuire — Just on that, though, what you are saying to us is that you have on the file a confession of a criminal nature, a criminal offence. You are saying to us that they were put out on sick leave and that claim was not put before the Victoria Police.

Capt. ROBERTS — I do not know. I do not know whether it was or it was not. It was 1950, and there is no-one here from that time who I can ask.

Mr McGuire — Okay; let us take it further. Have any reports of possible criminal abuse of children ever been made directly by the Salvation Army authorities to the police?

Capt. ROBERTS — We have not had reported to us, and this goes back — —

Within the children's home I have already said what went on there, if it was endemic, we should have known and we did not know. I have no explanation for that.

Mr McGuire — Have any complaints ever been put by the Salvation Army to the Victoria Police?

Capt. ROBERTS — All the complaints that we have received ourselves about child sexual abuse have been received by us from adults.

Mr McGuire — So was it left up to the complainants? Is that what you are saying?

Capt. ROBERTS — As adults. What we believe in — —

Mr McGuire — No, did the organisation do it or was it left to the complainants? It is a pretty simple question.

Capt. Roberts — In South Australia there is currently in jail a man who has got jail for 14 years because we said to the complainants, 'You have complained about this man. You have said things about him. You go to the police'. Our policy is to encourage, to take by the hand if you like, to help people prepare statements and to do anything to assist them in getting to the police if it is a matter that should be referred to the police. We have got a policy of mandatory reporting of child sexual abuse, but it is mandatory reporting of child sexual abuse. I know that the Law Institute of Victoria made a submission to this committee around mandatory reporting. Our view about that is that when people are adults, those adults should have the responsibility of reporting to the police. It does not help if we report to the police when they do not want to. It does not help if we report to the police and they choose not to proceed, so the police are left without any evidence. People should report child abuse to the police, especially when they are adults. Even if those things occurred 25, 30 or 40 years ago, they should report them to the police, and we would do everything to encourage them to do it, but it is not our responsibility. How we deal with the person who they have made allegations against, that is another question.

Mr McGuire — Why do you say it is not the responsibility of the Salvation Army to make the report?

Capt. Roberts — Because when people are adults, they have got the right to choose. People come to us and say, 'I don't want this to go any further' or, 'I don't want to report this to the police'. Why don't people want to report sexual abuse to the police? That is a question that probably raises a whole lot of issues around the justice system and the way they expect they are going to be dealt with in that situation, but for adults it is an adult's responsibility.

Mr McGuire — To go on with this, has the Salvation Army ever initiated its own investigation into the extent of abuse?

Capt. Roberts — No.

Mr McGuire — Why not?

Capt. Roberts — Because we have dealt with claims from people who have alleged abuse.

Mr McGuire — But this goes to the systemic nature of the issue, doesn't it? I mean, you did have a duty of care.

Capt. Roberts — These claims that we are dealing with, they started to arise since the 1990s, and we have been dealing with those. When you deal with those and you look back, you can say yes, there was abuse, and at various times in these various homes there was lots of abuse and people were really, really badly treated. The Salvation Army has not conducted a review or an investigation into what actually went on in those homes, because it was 20, 30, 40 years ago. Most of the people who could give us any guidance around what happened in those homes are dead. It is not possible to make an investigation into what happened at Box Hill Boys' Home in 1950 or 1960.

Mr McGuire — You had a confession. Was it not the duty of care at that stage for the organisation, not the children, to make a complaint to Victoria Police?

Capt. Roberts — As I said, I do not know whether the police did or did not know, and I do not know what the police did or did not do. I cannot say that they did report it or they did not report it. You asked what is there to say that people were not moved on. What I am saying is that is one instance that I can clearly say we knew that person was an abuser, because he confessed, and he never went back to a children's home. Is that a satisfactory outcome? No. Should that person have stayed a Salvation Army officer? No. Should he have been reported to the police? Yes. Should he have been locked up? In my view, yes.

Mr McGuire — He should have been put before the courts.

Capt. Roberts — Yes, and he was not. Why he was not, I do not know.

Mr McGuire — What ongoing support does the Salvation Army provide for victims?

Capt. ROBERTS — Ongoing support? In dealing with victims of abuse, what we have found in Victoria is that most victims — and that is nearly all of them — come to us with a lawyer. Our process involves not the legal system so much. We do not expect proceedings to be issued in court. We do not carry out an investigation into what we are told. We receive a complaint, we deal with a lawyer, we reach a settlement, and that settlement is something that we believe is fair and just, which is argued with lawyers on both sides. We are not taking advantage of a person who is unrepresented, and we reach a settlement and we pay compensation that is to deal with their whole sort of position at that time and taking into account the abuse that they have suffered. There is no ongoing support apart from — —

As well as financial compensation, counselling is offered and paid for by the Salvation Army on a regular basis.

Mr McGUIRE — What about pastoral care?

Capt. ROBERTS — Pastoral care?

Mr McGUIRE — Do you provide any?

Capt. ROBERTS — We would provide pastoral care if there was a need for it and if people asked for it.

Mr McGUIRE — Have you done it? Just so we know for the record; I am just trying to get this on the record.

Capt. ROBERTS — For some people. A lot of people do not want to have anything to do with the Salvation Army. If you had been in a children's home — —

Mr McGUIRE — No, that is all right, but you do provide it. I am just trying to get it on the record. That is fine. What was the total amount of compensation you have paid out? Have you got a figure?

Capt. ROBERTS — The total amount of compensation paid out by the Salvation Army from — —

Mr McGUIRE — Correct. Total amount?

Capt. ROBERTS — Because they used lawyers there are legal costs tied up in this as well, but the total amount that we have paid is now nearly \$20 million.

Mr McGUIRE — Nearly \$20 million. Okay. Just one other point I want to go to. The Salvation Army is structured in a way that its most senior member is the territorial commander or colonel. Who is currently in that position, and why did they not appear before this committee today?

Capt. ROBERTS — The Salvation Army is structured, and the territorial commander's name is Commissioner Raymond Finger. He is not here today. He offered to come today, but he has been on leave and he is sick.

Mr McGUIRE — Can he make himself available at another time if we want to follow up any further questions?

Capt. ROBERTS — Commissioner Finger is retiring from his position as territorial commander in a month's time. A new territorial commander will come. He is coming from Canada. That may not be of much help.

Mr McGUIRE — Okay. We will take that on notice. Thank you.

Mr O'BRIEN — Just picking up your answer to Mr McGuire's question as to why the Salvation Army has not conducted an internal investigation, you have said that most of the people are dead. Would you accept that many of their victims are still alive and could and have assisted, in a sense, the Salvation Army with that investigation?

Capt. ROBERTS — Many of the victims are still alive. I suppose the rub of this is that people in children's homes were children — 5, 6, 7, 8, 9, 10, 11 years old. Those officers and staff that were there were adults at the time, so half of the knowledge of what went on has gone and half of that knowledge remains. So there could be an investigation and we could — —

You do not deal with 400 claims. I will just say there that we do not investigate those claims, we take the word of what is given to us. All we expect in dealing with claims is that we have virtually a stat dec which sets out the facts. We check the facts, we make sure that they were in the home and that the person that they say abused them was in the home, but we do not actually investigate those homes. We do not put those people through any sort of adversarial process. But even in doing that you get a picture. I am sure that if we dealt with ‘the victims’, we would get a picture of what went on in the home which would be similar to what we see when we deal with the claims that they make, but it would be that one side of the picture. The difficulty with this situation is that so many people are dead. So many people cannot speak for themselves. We can say that Brigadier Tait, who I think was mentioned, was a dreadful abuser, but his side of the story can never be told.

Mr O’BRIEN — Would you accept that there could still be value and that you could have still conducted an investigation into all the matters that you were not able to answer to this committee?

Capt. ROBERTS — We could, but — —

Mr O’BRIEN — Thank you. You can tell me ‘but’.

Capt. ROBERTS — The ‘but’ is the last of the children’s home was closed 20 years ago.

Mr O’BRIEN — Can I just pause you there? Do you accept the proposition that if we do not understand what happened in the past, we are bound to repeat the mistakes into the future?

Capt. ROBERTS — I accept that as a general proposition but not in this situation.

Mr O’BRIEN — So you are refusing to, even though there are victims that could at least provide some insight into some of the matters that you not able to answer to this committee?

Capt. ROBERTS — The victims have already provided insight in the claims that they have made. I think we, who are dealing with those — —

Mr O’BRIEN — I will cut you short there because I want to focus not on individual investigations. We are talking about a systemic investigation into the reasons why you say your organisation let itself down and most importantly let these victims down. Do you accept that you could undertake a systemic investigation, at least with those victims and also those members of the organisations who are still around and whatever records that you can manage to find?

Capt. ROBERTS — We could.

Mr O’BRIEN — Thank you. One of the things that you have also done is a generic apology. Would you accept there has been criticism of that apology and the apologies you have given to individual victims concerning doubts about the truthfulness of their stories? It is expressed in guarded language. Could you tell me why this approach has been adopted?

Capt. ROBERTS — Expressed in guarded language?

Mr O’BRIEN — Yes, qualified language. I will give you an example. This is the apology letter given to Mr Brian Cherrie, and he has given us evidence to this committee in a hearing, where Ian Hamilton, the secretary, says:

I wish to express the Salvation Army’s apology for the sexual and physical abuse which you say occurred.

He says to us that this apology, by including that comment ‘which you say occurred’, actually causes him further grief. What do you say to that?

Capt. ROBERTS — I would say that the apology is expressed in that way because we do not investigate the claims that are made. We do not speak to these people, we do not cross-examine them, they are not put to any sort of standard of proof, not even a balance of probabilities, before we resolve the claims. So that it becomes an allegation that they make that we then accept, if you like, and that is what we have done. We have accepted what he has said and dealt with him on the basis of acceptance. We have done that for all of the claims that we have settled. What they have said has been accepted. Are there people who may have said that things happened

that did not happen? That is possible. I only know of one who did say to us later on, 'I did say I was sexually abused and you paid me on that basis, but I wasn't'. We are willing to accept that risk that people may make claims that are not necessarily correct, but we will accept that because we accept what they say.

Mr O'BRIEN — But do you accept that you are partially mindful of the legal position there? Is that why you are doing this? Is it partly to protect the Salvation Army's legal position?

Capt. ROBERTS — No, I do not think the Salvation Army's legal position — no, we are not seeking to protect that legal position. I think probably those words reflect the fact that we do not investigate the claim. We really do not come to a point of saying, 'This has been thoroughly investigated. We know this claim is 100 per cent true'. We just accept what we are told, and we deal with them on that basis.

Mr O'BRIEN — You do not give then an unreserved apology. You are giving a guarded apology which still causes these victims grief because they are not getting that validation that they seek. Do you accept that this is not an unreserved apology?

Capt. ROBERTS — If that is what Mr Cherrie said he feels about that — —

Mr O'BRIEN — No, I asked you. Do you accept that?

Capt. ROBERTS — I accept that that is not meant to be a clever apology, it is not meant to be guarded apology. It simply reflects the fact that we do not investigate and we accept what we are told. What that is saying is, 'We apologise and we accept what you are telling us: that these things occurred'.

Mr O'BRIEN — You are not saying you accept, you are saying, 'We apologise for what you say occurred'. It is not an unreserved apology, is it?

Capt. ROBERTS — Yes, what you say occurred. We apologised for what you say occurred.

Mr O'BRIEN — When you say in the very first paragraph of your submission to this committee, 'The Salvation Army has acknowledged its failure with these children. It has offered all persons who were hurt its unreserved apology', that is not true, is it?

Capt. ROBERTS — Not when you call that a guarded apology.

Mr O'BRIEN — It is. So what you are doing is not investigating the complaints, you have not undertaken a systematic organisation, you have not been able to answer Mr McGuire's question as to whether complaints have been referred to the police, and you, importantly, have not given victims a proper account of what happened and a proper apology consequent upon that account. Is that not the case, where we find ourselves at the moment?

Capt. ROBERTS — I do not accept that.

Mr O'BRIEN — I am happy for you to think about it and break down which parts of it you do not accept. I will move on to another point, which is your generalised apology which you gave and which you attached to your submission of 7 December 2010 by General Shaw Clifton to care leavers of Salvation Army homes. Do you accept that this apology does not break down any details? It is not an investigation, or it does not attach a report that explains what went on?

Capt. ROBERTS — No, it does not. The reason that policy came about was that there was a great deal of activity involving Mr Brian Luthy of the CLAN organisation, who wanted an apology from the general of the Salvation Army. That apology was reached as part of that process, and it was presented in Canberra to Mr Luthy and others who had a chance to respond. It is a response and it is an apology that came from those discussions.

Mr O'BRIEN — It does not actually mention the words 'sexual abuse', does it?

Capt. ROBERTS — It may not be, in your view, a perfect apology.

Mr O'BRIEN — I just asked you what it mentioned, not the implications of that. You are a lawyer, or a legal secretary. It did not mention 'sexual abuse', did it?

Capt. ROBERTS — I was not at that apology. I did not write that apology. I was not there at that time.

Mr O'BRIEN — And it does not mention 'rape'?

Capt. ROBERTS — No, it does not go into detail like that.

Mr O'BRIEN — Is this another part of the problem we have? I understand your personal conflict in that you value your organisation, and I am sure there are a lot of good people who have been part of the Salvation Army. Unfortunately that is not what we are looking at here. There is another phrase I would like to put to you, which is: pride comes before a fall. You have said in evidence in this committee in response that you do not have claims presently, and that personally, obviously, you would do anything you could to prevent that. But if an organisation like yours is not able to properly confront the fact that it has had child abuse as part of its organisational structure, I put it to you that it is in danger of repeating that because it provides an incentive for cover-up; do you agree with that?

Capt. ROBERTS — No.

Mr O'BRIEN — Why not?

Capt. ROBERTS — I do not believe the Salvation Army currently is in a position where these things will be replicated, where this sort of culture of cover-up and everything that you mention will occur. The Salvation Army is now in a totally different position and in a different place than it was 30 or 40 years ago. We are in a different world. Like everyone else does, the same as you do, we understand more about child abuse, we understand how to deal with it, we understand what is necessary to make the Salvation Army a safe place. These are still relevant, sort of, in a sense, almost new cultural things. The whole idea of child safe and church safe are concepts that are of fairly recent origin, and we are dealing with and putting them into practice. Those cultures will not occur again.

Mr O'BRIEN — You assert that to me, but in answer to Ms Halfpenny's question and the ones we have all asked you about an investigation, you have not undertaken an investigation into your culture and into the past to enable you to fully conclude that that is a position you are now in, have you?

Capt. ROBERTS — No.

Mr O'BRIEN — I put it to you again: if this committee were to direct you to perhaps work with Ms Sdrinis or one of the lawyers or one of the claimants' representatives, with the evidence you have received, to undertake a systemic investigation into your cultural practices, it would be of benefit not only to your organisation but to our committee, to the state of Victoria and, most importantly, to those victims like Mr Cherrie, who still would like to have full accountability as to the reasons why he was abused? Do you accept that, that you could do that?

Capt. ROBERTS — Can you repeat that, please?

Mr O'BRIEN — Could you undertake an investigation so that instead of asserting things to this committee, you could say, 'We have fully investigated all the reasons, and the cultural reasons, why this has occurred in the past, so that we now fully understand the past to prevent it from occurring in the future?'. Do you accept you could do that?

Capt. ROBERTS — We could do that, if you are — —

Mr O'BRIEN — And are you willing to do that?

Capt. ROBERTS — Are you directing me to do it?

Mr O'BRIEN — We can direct you to. It may be in my report, but I have other committee members and other things to consider. Do you accept that you could do that, and are you willing to? I give you the chance, coming before this committee and the Victorian public, to say, 'Yes, that would probably still be worthwhile., I

see what you are staying, I see what questions are asked and I see what Mr Cherrie wants'? Are you prepared to do that?

The CHAIR — Mr O'Brien, if you could let Captain Roberts answer, thank you.

Capt. ROBERTS — Sorry?

The CHAIR — If you could answer Mr O'Brien's question.

Mr O'BRIEN — Are you prepared to voluntarily undertake such an investigation, without us directing you to?

Capt. ROBERTS — If you put down in writing what it is exactly you want us to achieve, then I will make sure that that investigation is carried out.

Mr O'BRIEN — We can do that, but why would you not just do it yourself?

Capt. ROBERTS — If I walk out of here and say, 'This is what I think they said to me, this is what we have to do', then are you going to be satisfied with the end result?

Mr O'BRIEN — We would be happy if you make a start, and we will see what happens. But I will leave that for others. I just have some questions on compensation. You have indicated in your submission — and we commend you for this — that you do not rely on the Ellis defence or vicarious liability. Could you explain when you altered that position and why?

Capt. ROBERTS — The vicarious liability — I will start with the Ellis defence.

Mr O'BRIEN — Sorry, and limitations of actions.

Capt. ROBERTS — The Ellis defence was pleaded very early in the piece, in the very early days, when there was one or two. We just chose not to pursue that line. We just chose that that was not helpful. We chose that it just makes legal technical argument. We did not want to go down the legal technical argument road. We did not want to be adversarial. We did not want to be litigious. We wanted to be able to deal with these people. They have been through enough. They do not need us creating a problem for them.

There are issues around vicarious liability, and it is most unclear as to how vicarious liability applies for criminal matters. Is the Salvation Army vicariously liable? It is unclear, and you would know that the law in Australia is unclear when it comes to that. That may be a factor, but it is not something that we rely on, nor do we make any sort of big deal about that. We have just accepted that the Salvation Army is the organisation that ran these facilities and that the Salvation Army should stand up and take responsibility for it, and that is what we have done.

Mr O'BRIEN — The last one was limitations of action, which you do not rely on either, you say. When did you cease relying on that?

Capt. ROBERTS — We have never relied on limitations of action to avoid anything. In fact in Victoria I think there have been only two or three times that proceedings have been issued. Limitations of action has a relevant place in our law because its position is to make sure that things come to an end, and it is a relevant factor to be taken into account. What we would say, if there were proceedings issued, is that it is for the presiding judge to decide about the relative detriment to the victim and the detriment to the organisation because people are dead or the evidence is not there. It is just a factor that may or may not be taken into account, but we do not rely heavily on that. We have never said, 'You can't claim because you're out of time'. We try to deal with the victims who make claims upon us in a caring and compassionate manner.

Mr O'BRIEN — We ask for those further matters, and thank you for your time.

Ms HALFPENNY — Taking Bayswater, for example, and the abuse that occurred there over a long period of time, do you think the leadership of the Salvation Army knew that it was happening or was suspicious at least?

Capt. ROBERTS — Personally I do not believe they knew. I believe if the leadership of the Salvation Army knew that those things were happening, they would have done something about it. It would not have been left undone. The Salvation Army is an organisation that expects the highest standards of people, and the Salvation Army deals with people whom it knows do not reach those standards. I believe if they had known, they would have done something.

Ms HALFPENNY — One of the reasons I ask that is that the public record shows — I think it is in the police gazettes — that 663 children ran away from the Bayswater children's home, and that is in comparison to other Salvation Army homes, where the next highest number of runaways was at Box Hill and Brunswick, which was the girls home, of 51 children running away. Do you not think at some stage they would look at that and say, even just on that basis and on those numbers, with 663 children running away, that there was something going on?

Capt. ROBERTS — When you say Bayswater, we are dealing with two different boys homes. One was a correctional institution and one was a boys' home.

Ms HALFPENNY — I think they all mixed together, didn't they?

Capt. ROBERTS — No, they were not together.

Ms HALFPENNY — In some cases; that is the evidence we have heard.

Capt. ROBERTS — No, they were on different sites and separated by a road. Regarding boys running, they were older boys from what was called the Bayswater Youth Training Centre, and there are not anywhere near the same number of claims that came out of the Bayswater boys home where younger boys were. By the time boys got to the youth training centre, they were older — 15 or 16 — and able to look after themselves, and that is the place where there was lots of absconding. It was a semi-secure sort of prison — we would not like to use that word now — and people escaped from there. What I am saying is that you said 600 boys escaped from Bayswater, but that does not really tell me enough. You would wonder why people wanted to escape from homes; other people would say, 'Why would we want to stay there?'.

Ms HALFPENNY — In terms of compensation, we understand that because a lot of these children were wards of the state they were the responsibility of the state, so when it comes to compensation the government solicitors have also been involved as part of the settlement for compensation. Can you explain a little about how that process works, who makes the decisions and that sort of thing?

Capt. ROBERTS — There have been two phases to this. One is that we have settled claims with lots of victims just with the victim directly. After those claims, there has been another round where the victims have then said, 'We should be able to sue the state government', so they have done that. That is a separate thing that does not involve us. The other part is where they have joined both the state government and the Salvation Army, or the state government and the Catholic Church — whichever home they were in — and sued all the parties together.

Ms HALFPENNY — When you say 'sued', has it gone to court, or do you mean that there has been — —

Capt. ROBERTS — No, I should not have used the word 'sued'; I should say 'claimed'. The state government, like us, has adopted a policy of trying to be fair and not being adversarial and reaching a conclusion. When a claim is made against us and the state government, there is a settlement conference that involves all the parties, and the state government and the Salvation Army agree together on the contributions that both parties will make. They are made, and a settlement deed is reached in that way.

Ms HALFPENNY — Regarding the basis of the assessment as to how much is to be offered, what sorts of things are taken into account?

Capt. ROBERTS — What is taken into account in determining the amount of compensation payable are things such as whether the abuser can be named. Frequently people cannot name who abused them. Is the abuser named? Is the abuser someone whose name has been seen before? How long was the person in that particular home? Was it 1 month or 10 years? What was the severity of the abuse during that time — and when I say how long they were there, a person could be there six months and suffer absolutely abhorrent abuse and a

person could be there 10 years and not suffer any abuse, so they have to be weighed up. What has been the effect of the stay on them — has there been a loss of earnings or earning capacity? Are there ongoing medicals that need to be paid? All of those things, plus other factors, are taken into account in determining what is fair to pay. It is not a one-size-fits-all jurisdiction. It is not a case of ‘Everyone gets X amount of dollars’. There is a great variance between what people receive.

Ms HALFPENNY — Just following on with that, is there any compensation provided to account for the legal costs of the person?

Capt. ROBERTS — Generally we pay compensation plus legal costs. So we pay the compensation with an amount plus legal costs.

The CHAIR — So that \$20 million that you referred to, for the compensation Mr Maguire referred to, the legal costs are in addition to that \$20 million of compensation?

Capt. ROBERTS — That includes legal costs that were paid along the way.

The CHAIR — What proportion of that \$20 million would be included in that?

Capt. ROBERTS — I do not know. Can I just clarify that \$20 million?

The CHAIR — Yes.

Capt. ROBERTS — What has actually been paid out at the moment is about 15 and a half million. In our accounts, and if you go to the Salvation Army’s website and you have a look at the Salvation Army’s accounts, you will see there a reserve that is put aside every year for claims. So that is up-front and that is named in those accounts, and that currently shows a reserve of I think it is \$4 million. So it is that \$15 million, and what we are saying is that there is at least that \$4 million, and that is adjusted every year. It is not a fixed sum; it depends on an assessment of claims that are being made.

Mr O’BRIEN — I would just like a quick explanation — I am not criticising you, but I would like to have your statement on record — as to why you pay separate amounts for legal costs as opposed to the primary compensation.

Capt. ROBERTS — No, we do not pay separate amounts for legal costs. What I said is that the amount that we pay — so say we paid \$60 000 — that generally would be inclusive of legal costs.

Mr O’BRIEN — Do you make an account for it in your assessment? Do you accept that claimants should have an entitlement to have their legal costs paid?

Capt. ROBERTS — When we make our assessment of what our future liability would be, what goes into our reserve, that includes legal costs as well. That is the total.

Mr O’BRIEN — So you accept the philosophical position that claimants have an entitlement to legal representation to have those costs paid?

Capt. ROBERTS — Yes, we certainly do.

Mr O’BRIEN — And why is that?

Capt. ROBERTS — I think that from our point of view, when you are dealing with questions of compensation it is much harder to deal with someone who is unrepresented. They are the sort of people who have been vulnerable once and could be vulnerable again because we decide on how much we are going to pay them and they have no sort of yard stick against whether they can measure that that is a good or a bad amount of compensation for them. So to be legally represented is a safeguard for the victim.

Mr O’BRIEN — And it is a fundamental right. But thank you, I understand the time constraints. One other figure if you could: the amount that you have spent on your own legal costs, if you could find that for us at some stage, that would be useful. If you could answer it now, fantastic. If you cannot — —

The CHAIR — I think Captain Roberts said he did not have an answer to that.

Capt. ROBERTS — No, I cannot answer it now.

The CHAIR — Captain Roberts, I know that you would like to read your statement to the committee, so please go ahead if you feel that you would like to do that now.

Capt. ROBERTS — I will still make the statement, even though I was really looking forward to making it at the beginning, but never mind.

The CHAIR — Thank you for making it now.

Capt. ROBERTS — Thank you for the opportunity to speak with you today on behalf of the Salvation Army, Australian Southern Territory. The Salvation Army is ashamed of the treatment many children placed in our care in children's homes received. This should not have happened, and this was a breach of the trust placed in us. We are deeply sorry.

Since claims began to arise in the late 1990s our primary focus has been to do all we can to help victims cope with the pain and suffering they endured. We have done this by listening to them, providing counselling and, as appropriate, financial compensation. We still encourage people, either personally or through their lawyers, to come to us and tell their story.

When a complaint arises our first instinct is to believe the victim. Apart from a simple check of the facts — were they in our home, what is known about the abuser — and obtaining a medical report, we do not put the victims through an intensive investigation or adversarial process, because they have already been through so much. We use our best endeavours to resolve the complaint in a caring and compassionate manner outside the court process.

In Victoria we have received 474 abuse claims; 470 arose out of children's homes, the last of which closed in the 1980s. Eighty-seven of those claims are still outstanding. Four claims arose out of a non-children's home context. All claims were reported to us as adults, not as children, and the abuse occurred many years previously. Despite all the publicity about this inquiry and about the royal commission we are encouraged that we have not received any new claims in the last 12 months.

Without children's homes the Salvation Army's contact with children is through two aspects: firstly, through church activities — that is, Sunday school, after-school clubs, youth groups and sporting clubs. To make the Salvation Army a safe place for children we have adopted the ChildSafe program and we require police checks and working-with-children checks.

We have also adopted a mandatory reporting policy. Training in this ChildSafe program is continuously being held. Secondly, there are social programs and out-of-home care, including foster care and supervised groups' homes. These programs are funded by government departments such as the Department of Human Services. They are highly regulated for child safety and compliance is mandatory and monitored, and we comply.

We believe with these programs and regulations in place and with continuous training, evaluation and education of our leaders and people the abuses of the past will not occur in the future. I can say we are not dealing with, nor do we know of, any current complaints of abuse of children in our care. I believe we have learnt from past mistakes, and experiences of the past will not be repeated. Again, I say we are ashamed and deeply regret what occurred all those years ago, and to those who were abused and whose lives have been so damaged I sincerely apologise on behalf of the Salvation Army.

The CHAIR — Captain Roberts, thank you for that statement. On behalf the committee, I thank you for your willingness to be before us? We do appreciate your time, and your evidence has been most helpful. Thank you very much indeed.

Witness withdrew.