

**IN THE SUPREME COURT  
OF NEW SOUTH WALES**

SYDNEY REGISTRY  
COMMON LAW DIVISION

No. 20039/98

**STATEMENT OF CLAIM**

Filed for:

Plaintiff

**LAWRENCE ALLAN  
WILSON**

First Defendant

**SALVATION ARMY**

Second Defendant

**BEILBY POULDEN  
COSTELLO**

Solicitors

Level 14

82 Elizabeth Street

SYDNEY NSW 2000

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1. In or about 1974 the plaintiff was committed to the care of the superintendent, Salvation Army Boys' Home, Bexley North ("the Home") pursuant to the Child Welfare Act 1939.
2. At all material times Salvation Army ("The Salvation Army") operated the home.
3. The first defendant was at all material times the superintendent of the Home and employed by the second defendant as the Superintendent of the Home.
4. During the period from 1974 to 1977 the plaintiff was and remained in the custody and care of the first defendant and/or the second defendant and the defendants thereupon became the guardians/custodians of the physical, moral and spiritual welfare of the plaintiff.

Throughout the course of the period from January 1974 to 1977 ("the Period") the plaintiff was subjected to obscene and/or indecent and/or gross or gratuitously violent acts of abuse of a physical and/or sexual and/or psychological nature which included inter alia:

- (a) neglect;
- (b) false imprisonment;
- (c) assault;
- (d) battery;
- (e) trespass to the person;

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- (f) abuse of position constituting unconscionable conduct;
- (g) abuse of position constituting a breach of fiduciary duty; and
- (h) acts of abuse as mentioned in (a)-(g) herein which constituted a breach of statutory duty.

(the acts of abuse referred to in (a)-(h) above are collectively known as "Acts of Abuse").

### PARTICULARS OF THE ACTS OF ABUSE

The Acts of Abuse were occasioned by the superintendent of the Home namely the first defendant, at the Home.

- 5. As a consequence of the Acts of Abuse, the plaintiff has suffered personal injuries, loss and damage

### PARTICULARS OF DISABILITIES

- (a) Chronic post traumatic stress disorder;
- (b) Complex post traumatic stress disorder;
- (c) Personality disorder;
- (d) Post traumatic personality disorganization;
- (e) Alteration in affect regulation with dysphoria, explosive anger and compulsive sexuality;
- (f) Alterations in consciousness with dissociative episodes and reliving experiences;
- (g) Alterations in self perception with shame and guilt, sense of defilement and or stigma and sense of complete difference from others;
- (h) Alterations in perceptions of the perpetrator with preoccupation with the relationship and revenge;
- (i) Alteration in relationships with others with isolation, disruption of intimate



relationships and persistent distrust;

- (j) Alterations in systems of meaning with a sense of hopelessness and despair;
- (k) He has become chronically fearful, anxious and hypervigilant with insomnia;
- (l) His education was seriously limited as a result of the acts of abuse as were his occupational prospects;
- (m) His interpersonal difficulties have caused severe marital disharmony and caused the breakdown of his first marriage and threatened his second;
- (n) Because of the acts of abuse he cannot relate comfortably to children and cannot contemplate having children of his own.

### **PARTICULARS OF SPECIAL DAMAGES**

(These will be supplied prior to the trial)

- 6. The plaintiff has suffered the injuries as a consequence of the negligence of the defendants or both of them.

### **PARTICULARS OF NEGLIGENCE OF THE SECOND DEFENDANT**

- (a) Permitting children (including the plaintiff) committed to its care to be raped, sodomised, brutalised, assaulted, battered and/or psychologically abused;
- (b) Failing to act upon suspicions or knowledge of evidence that the first defendant, who was responsible for the care and welfare of the children including the plaintiff at the Home;
  - (i) was a paedophile; and
  - (ii) had performed the Acts of Abuse on certain children including the plaintiff at the Home.
- (e) Failing to react appropriately to evidence and/or complaints that the first defendant was occasioning the Acts of Abuse on certain children including the plaintiff at the Home.
- (f) Failing to act upon evidence and/or complaints that the first defendant was

- occasioning the Acts of Abuse on certain children including the plaintiff at the Home.
- (g) Failing to investigate adequately, or at all, to evidence and/or complaints that the first defendant was occasioning the Acts of Abuse on certain children including the plaintiff at the Home.
- (h) Concealing from:
- (i) The New South Wales Police Department;
  - (ii) The New South Wales Education Department; and
  - (iii) The New South Wales Department of Welfare
- evidence and/or complaints that the first defendant was occasioning the Acts of Abuse on certain children including the plaintiff at the Home.
- (i) Failing to remove from the Home the first defendant who:
    - (i) was a paedophile; and
    - (ii) was occasioning the Acts of Abuse on certain children including the plaintiff at the Home.
- (j) Failing to institute any or any proper system to monitor the conduct or behaviour of the first defendant who the second defendant knew had committed the Acts of Abuse on certain children including the plaintiff at the Home.
- (k) Failing to have any or any adequate system to screen the first defendant so as to ensure the suitability of him as a person to act as:
- (i) a guardian;
  - (ii) a custodian;
  - (iii) a superintendent;
- of certain children including the plaintiff at the Home.
- (l) Failing to provide any or any adequate counselling for the purpose of:
- (i) recognising that the first defendant was a paedophile and a sexual molester: and/or
  - (ii) preventing the first defendant from carrying out the Acts of Abuse or any other acts of paedophilia and/or sexual

molestation;

for the first defendant who was a paedophile and was sexually molesting certain children at the Home including the plaintiff.

- (m) Failing to respond adequately or at all to evidence and/or complaints that the first defendant was occasioning the Acts of Abuse on certain children including the plaintiff at the Home.
- (n) Permitting a situation at the Home in which children including the plaintiff lived in an environment of fear and/or terror.
- (o) Permitting the first defendant who was totally unsuited by his prior behaviour in occasioning the Acts of Abuse on certain children including the plaintiff at the Home to remain in a position of responsibility and care for children.
- (p) Failing to comply with the provisions of the Child Welfare Act and the Regulations thereto in particular regulation 7, 8, 9, 10, 11, 12, 15, 19, 20(a)(b)(c), 21, 22(a)(i)(ii)(iii)(b), 24, 27, 28, 30(i)(ii), 34.
- (q) Allowing the first defendant to:
  - (i) be in charge of children including the plaintiff at the Home;
  - (ii) have any access to the children including the plaintiff at the Home when it knew that the first defendant had occasioned Acts of Abuse on other children at the Home.
- (r) Failing to institute a policy whereby:
  - (i) the first defendant;
  - (ii) any person known or suspected to have committed sexual offences and/or physical abuse against children;

was banned from the Home and from remaining as a supervisor at the Home.
- (s) Failing to ensure that children including the plaintiff committed to the care of the superintendent and staff of the Home were not subjected to Acts of Abuse or any other acts of paedophilia and/or sexual molestation.
- (t) Failing to ensure that children including the plaintiff committed to the care of the superintendent and staff of the Home were not subjected to Acts of

Abuse or any other acts of paedophilia and/or sexual molestation.

- (u) Failing to adopt any proper system to ensure that the abuse did not occur.
  - (v) Failing to provide legal advice to the plaintiff and certain other children for the purpose of informing them of their rights arising out of the Acts of Abuse.
7. Further or alternatively, the defendants or both of them were in breach of their fiduciary duties of loco parentis and/or as guardian of the plaintiff.

#### **PARTICULARS**

- (a) The defendants during the period took no or no adequate steps to protect the plaintiff from Acts of Abuse.
  - (b) The defendants further took no step to advise the plaintiff of his legal rights regarding the Acts of Abuse and/or to arrange for the plaintiff to receive independent legal advice relating to the Acts of Abuse.
  - (c) The plaintiff suffered injuries described in paragraph 9 of this statement of claim as a consequence of the said breach of fiduciary duty.
8. Further, the defendants or both of them performed the said acts or omissions constituting the cause of action described herein in reckless, wanton deliberate and/or contumelious disregard of the plaintiff's rights.

#### **PARTICULARS**

- (a) The plaintiff refers to and repeats the particulars of negligence.
- (b) The plaintiff reserves the right to add further particulars following discovery.

#### **AND the plaintiff claims**

1. Damages;
2. Punitive and Aggravated Damages;
3. Interest; and

4. Costs

To the defendants

Lawrence Allan Wilson

of 140 Elizabeth Street, Sydney

The Salvation Army (~~New South Wales~~) Property Trust

of 140 Elizabeth Street, Sydney

You are liable to suffer judgment or an order against you unless the prescribed form of notice of your appearance is received in the registry within 14 days after service of this Statement of Claim upon you and you comply with the Rules of Court relating to your Defence.

PLAINTIFF: FV [redacted] of [redacted]

PLAINTIFF'S ADDRESS FOR SERVICE:

Beilby Poulden Costello  
14th Floor,  
82 Elizabeth Street,  
SYDNEY NSW 2000



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ADDRESS OF REGISTRY:

Supreme Court of NSW, Queens Square, Sydney.

NOTICE FOR SERVICE AT DOCUMENT EXCHANGE

The plaintiff may be served at the following exchange box of the Australian Document Exchange Pty Limited.

BEILBY POULDEN COSTELLO  
DX 872 SYDNEY

*[Handwritten Signature]*  
Donald Bedford Courtenay Poulden  
Solicitor for the Plaintiff