



AUSTRALIA SOUTHERN TERRITORY Official Minutes

Issued To:	CABINET, DIVISIONAL COMMANDERS/REGIONAL OFFICER, TERRITORIAL COMMANDER	CODE OLA 0707 SECTION 1 - THQ
Subject:	RESTRICTED MINUTE OFFICERS FACING PERSONAL LEGAL ACTION - POLICY GUIDELINES	

The following guidelines are to be observed when an officer (including a retired officer) is facing either criminal or civil action against them personally.

1. The Personnel Department will :
 - 1.1 Interact directly with the officer and establish the facts surrounding the legal action, including -
 - To clarify whether they are criminal or civil proceedings
 - To obtain from the Officer a statement of guilt or innocence
 - 1.2 Determine whether the legal action is connected with the officer's ministry within The Salvation Army, or alternatively a personal matter.
 - 1.3 Determine whether the matter ought be referred to the Army's insurers for potential coverage under the Director's and Officer's Liability Policy.
 - 1.4 Make recommendations to the Officer Review Board in individual cases, having given consideration to such matters as:
 - a. Whether The Salvation Army should arrange for the legal representation of the officer, both financing and case-managing that representation.
 - b. Whether the officer's interests and the organisation's interests may not always coincide. In these cases it would be recommended that the officer be advised to arrange for their own legal representation.
 - c. Whether The Salvation Army should offer to consider the reimbursement of an officer's own legal costs when the outcome of the legal action is known.
 - d. Whether The Salvation Army should offer an interest-free loan to the officer, where the officer is unable to fund their own defence.
 - e. Whether any form of discipline is required pending the outcome of the proceedings.
2. The Officer Review Board will in accordance with its' own procedures, consider the matter and make

recommendations to the Territorial Commander.

3. When it is decided that financial or legal assistance is to be provided to an Officer facing legal action, a Deed is to be executed between The Salvation Army and the Officer. (A proforma of this document can be obtained through the Personnel Department.

4. When it is decided not to provide financial or legal assistance, an Officer facing legal action in these circumstances is encouraged to apply for legal aid, if they so choose.

On the recommendation of the Territorial Policy Council on 3 July 2007, this minute is issued on the instructions of the Territorial Commander.

John L Jeffrey (Lieut Colonel)
CHIEF SECRETARY

3 July 2007

Associated Forms / Attachments