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REPORT TO TERRITORIAL EXECUTIVE COUNCIL
PROCESSES FOR THE INTERNAL ASSESSMENT OF
CLAIMS FROM VICTIMS OF ABUSE

From: DIRECTOR EMPLOYEE RELATIONS

Date: 23 July 1997

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1. Executive Summary

This Report outlines the recommended approach to be adopted by the Australia Southern Territory, on an interim basis, in assessing and resolving claims by victims of abuse within The Salvation Army.

The approach, if adopted, will lead to a careful process of internal assessment and attempted resolution of claims by victims, at Divisional level, in conjunction with the Army's legal advisers in the state where the claims are being made, and the Personnel Department at T.H.Q.

It is recommended that any proposed settlements arising out of these processes be subject to final approval, in all cases, by the Territorial Finance Council.

2. T.H.Q. Monitoring Task Force

This Task Force was established by the Territorial Finance Council in response to a particular case arising out of Western Australia. It has met on six occasions, as at the date of this report, and has engaged in discussion and debate on a wide range of issues arising out of the Western Australia case, and beyond.

It has at all times supported the Divisional team in responses to victims coming forward in the case in Western Australia, and responded to media interest.

Membership of the Task Force is:

Colonel Verna Skinner (Chair)
Lieut.-Colonel Edward Schmidtke
Lieut.-Colonel Beryl Golding
John Dalziel
Graham Sapwell

The Task Force has considered the internal assessment process being proposed, and unanimously supports its implementation on a trial basis, particularly in the context of the case in Western Australia. It is fully expected that there will be issues arising out of the assessment process that are somewhat difficult to predict, and may need to be taken into account in the continuing review of policy over time.

3. Guiding Principles

The approach presented is in line with the basic principles determined by the Territorial Finance Council on 28 May 1997, in preparation for the meeting with the Eastern Territory in Sydney on 30 May 1997.

Consultation with other churches and welfare agencies, however, has not yet occurred in the context of the case in Western Australia, for two reasons.

Firstly, there is continuing pressure in Western Australia for the assessment process to begin, and there is little advantage to The Salvation Army if a class action was to be taken in the courts by victims because of perceived unreasonable delays by the Army.

Secondly, the Army's Melbourne lawyers in personnel matters (Nevett Ford) have expressed some reservation about the sharing of information in individual cases with other churches and agencies.

4. General Approach

The approach is outlined in some detail by the Army's lawyers in Western Australia, in the letter of advice dated 29 May 1997 (copy provided in the accompanying reference material). Our Melbourne lawyers suggest that the approach is acceptable in cases where difficult negotiations are expected.

It is contemplated in other cases that negotiations may be successfully concluded without the need for all of the various assessments being required where claims by victims may be rather modest.

Parker and Parker fully support a mix of formal and informal processes according to the circumstances of each particular claim.

A summary outline of the processes is as follows:

INTERNAL COMPENSATION ASSESSMENT PROCESS

- Verification of Victim
- Confidentiality Agreement with Victim
 'Without Prejudice'
- Assessments by
 - Treating Counsellor
 - Independent Counsellor
- Medical Assessment
 - Physical
 - Psychological
- Legal Assessment
 - Pecuniary Loss
 - Non Pecuniary Loss
- Compensation Assessment
 - Negotiation
 - Mediation
 - Arbitration
- Formal Legal Release - if Settlement Achieved

5. Management of the Assessment Process in Individual Cases

It is recommended that the various stages of assessment and attempted resolution of claims be managed at the divisional level, in conjunction with the Army's legal advisers and the Personnel Department at T.H.Q.

It is further recommended that any proposed settlements arising out of these processes be subject to final approval, in all cases, by the Territorial Finance Council.

It is suggested that any proposed settlements should come from the Divisional Commander, via the Personnel Department to the Finance Council. The Territorial Executive Council may wish to consider whether the Monitoring Task Force should have any further role in this process in individual cases.

The facilitative and administrative role provided by the Personnel Department should, in any event, continue, in accordance with existing policy outlined in Official Minute SHA 0896

6. Eastern Territory

The Eastern Territory has now agreed that the Parker and Parker recommendations "are appropriate for the circumstances of the Smith case. Clearly compensation is inevitable and a response is inescapable" (extract from letter dated 10 July 1997).

7. Potential Claims in Western Australia

As at the date of this Report, there are nine potential claimants who have already made contact with The Salvation Army, in some cases through their own legal advisers.

8. Reference Material (copies attached)

- Letter of advice dated 28 February 1997 from Parker & Parker
- Letter of advice dated 4 April 1997 from Parker & Parker
- Letter of advice dated 29 May 1997 from Parker & Parker
- Basic Principles - Territorial Commander 28 May 1997
- Agenda items for meeting held with Eastern Territory in Sydney on 30 May 1997
- Letter of advice dated 16 June 1997 from Nevett Ford, Lawyers, Melbourne
- Letter dated 10 July 1997 from Secretary for Personnel, Eastern Territory
- Draft Deed from Parker & Parker *
- Draft Deed of Release from Parker & Parker *

* probably to be executed by The Salvation Army (Western Australia) Property Trust