

Witness Name: **GRO-A Mr A**

Statement No.: [WITN0044001]

Exhibits: [WITN0044002 – WITN0044006]

Dated: 19.08.2020

ROYAL COMMISSION OF INQUIRY INTO ABUSE IN CARE

WITNESS STATEMENT OF **GRO-A Mr A**

I, **GRO-A Mr A**, state: -

INTRODUCTION

1. My full name is **GRO-A Mr A**. I was born on **GRO-C** 1971 and I am an inmate at **Individual Restriction Order** Prison.
2. I was born in New Zealand and I identify as a New Zealander.
3. I am 48 years old and have no disabilities, but I had cancer which I am recovering from. I have one son. I got sentenced to **Individual Restriction Order**.
4. In this statement I describe my experiences of being placed at Bramwell Booth Home Children's Home in Temuka (**Bramwell Booth**) under the care of the Salvation Army.
5. In this statement I will also describe my experiences of the redress process adopted by the Salvation Army.

MY EXPERIENCE OF BEING IN CARE

6. I was placed at Bramwell Booth in 1982, when I was around 11 years old. I was removed from Bramwell Booth in approximately 1983.
7. My experiences of being placed in Bramwell Booth of are explained in a letter I wrote to Cooper Legal and in an analysis done by Cooper Legal. These are attached to this statement as exhibit WITN0044002.

THE ABUSE I SUFFERED IN CARE

8. The abuse I suffered while being placed at Bramwell Booth is explained in the above documentation [WITN0044002].

THE IMPACT OF THE ABUSE ON MYSELF AND OTHERS

9. The impact of the abuse on myself and others is explained in the above documentation [WITN0044002].

BARRIERS TO ACTIONING A COMPLAINT AGAINST THE SALVATION ARMY

10. Before approaching Cooper Legal I had visited the Salvation Army in Dunedin in about 2003. I visited them so that I could talk about what had happened to me at Bramwell Booth, but they pretty much brushed me off. While I was talking to Major Goldsmith (or similar) about the abuse that I suffered, he brought up the fact that I was at Moana House and that that was a place where schizophrenics lived. I am not schizophrenic, and I have never had any kind of mental illness in my life. While the meeting was a long time ago, I am pretty sure that Major Goldsmith did not ask what I would like to happen as a result of what I had told him.
11. After this meeting I was put off doing anything more about addressing the

abuse I suffered while at Bramwell Booth.

12. I was never able to tell any family members about the abuse I suffered, as a lot of them were officers of the Salvation Army, including all [IRO] [IRO]. When we (my brothers, sisters, and I) were children we were brought up going to Salvation Army Sunday Schools, and it was a recommendation given to my mum, from her cousin [GRO-B-126] (who was in the Salvation Army), to send me to Bramwell Booth in the first place.

MOTIVATION FOR MAKING A COMPLAINT AGAINST THE SALVATION ARMY

13. My motivation for making a complaint was to make things right, as well as to find answers about why my life has turned out the way it has. After grasping at so many straws it was quite important to me to try and figure this out – why my life has turned out the way it has.

APPROACHING COOPER LEGAL

14. I found out that I could make a complaint to Cooper Legal through another inmate I had been talking to who also went to Bramwell Booth. This would have been in roughly 2006.
15. I was hesitant to approach Cooper Legal after the way I was dealt with by Major Goldsmith in 2003.
16. I approached Cooper Legal on 21 April 2007.
17. I was granted legal aid on 28 May 2007.

THE REDRESS PROCESS

18. On 9 May 2007 Cooper Legal sent an email to McElroys requesting any information held by the Salvation Army about me. McElroys were legally

- representing the Salvation Army at this time.
19. On 17 May 2007 McElroys provided a copy of records held by the Salvation Army about me. It was in this information that I read the document that Major Goldsmith wrote after our meeting back in 2003 – that he thought I was a schizophrenic because I was living at Moana House at the time.
 20. On 4 October 2007, my Lawyer at Cooper Legal (**Lawyer**) met with Murray Houston, a representative of the Salvation Army (**Murray**). At this meeting Murray proposed a return to the same [redress] process that was used before the breakdown in the relationship between Murray / the Salvation Army and Cooper Legal. The process that Murray proposed to return to was that of Cooper Legal providing a Letter of Demand; a meeting with Murray, my Lawyer, and myself; and then Murray undertaking an investigation with an attempt to resolve my claim.
 21. At this meeting, Murray stated that he saw any requests by Cooper Legal for client records as a “fishing expedition”, and my Lawyer had to explain that Cooper Legal used client records to verify their claims. The fact that Murray had previously requested psychiatric reports and other material in relation to clients’ claims was also discussed. It was agreed that going forward, psychiatric reports would only be requested on a case by case basis by Murray as they were extremely expensive and very difficult for Cooper Legal to obtain. My Lawyer was also forced to insist that Murray communicate with clients solely through Cooper Legal, and not to provide his contact details to, or speak with, clients without a Lawyer from Cooper Legal present, as it would endanger the process and any ongoing relationship between the Salvation Army and Cooper Legal.
 22. Murray expressed his wish to resolve all claims, whether they had been filed in the High Court or not and marked this as a “new beginning”.
 23. On 5 October 2007, my Lawyer sent me a letter explaining the process for

my claim against the Salvation Army and the difficulties that they were having in dealing with the Salvation Army. This letter is attached to this statement as exhibit WITN0044003. I signed the attached authority on 10 October 2007.

24. On 9 May 2008, my Lawyer had another meeting with Murray. This meeting was the result of extensive and hostile communications with McElroys regarding claims against the Salvation Army. Murray asked why the Salvation Army should not take a legal approach given previous difficulties and was concerned how the claimants perceived the Salvation Army at the end of the out-of-court settlement process. My Lawyer described a number of concerns regarding clients meeting with the Salvation Army, which included: the interviewing officers taking a legalistic approach; asking questions that the clients did not understand; and that the interviewing officers wore Salvation Army uniform, which scared the clients.
25. Murray advised that the Salvation Army had adopted a more legalistic approach on the advice of McElroys and that the process had broken down with respect to the request for psychiatric reports. Murray was also concerned about "gold-digging" claimants. Murray suggested three options: a legal process; an out-of-court settlement process; or giving Cooper Legal a lump sum to distribute to clients. Murray stated that he wanted to see an end to the claims brought by Cooper Legal and that he needed to convince the trustees of the Salvation Army.
26. On 27 November 2008, my Lawyer had another meeting with Murray to discuss the progression of claims. The issue of interviewing officers wearing uniforms again came up as it was daunting and inhibiting to the clients to have to be interviewed by people in Salvation Army uniform. Murray again committed to resolving all claims.
27. On 21 May 2009, another meeting was held between my Lawyer and Murray to discuss the progression of claims. The uniform issue was

resolved, and an agreement was reached regarding a Limitation Act undertaking.

28. I met with my Lawyer, Murray, and another Salvation Army member, Wilfred Arnold (**Wilfred**), on 31 July 2009 at Individual Restriction Order. This meeting lasted just over an hour.
29. On 14 September 2009 I received an offer from Murray for a compensation payment of \$25,000. The letter that Murray sent to my Lawyer containing the offer is attached to this statement as exhibit [WITN0044004].
30. In this letter Murray stated that the Salvation Army did not believe it had any legal liability at all to any of the claimants, and that the offer was 'all-inclusive' of any [legal] costs. Murray also stated that for the reasons set out, he was not anticipating that this would be the start of a negotiation process and urged me to view my offer on the same non-liability basis [WITN0044004].
31. In the letter Murray also noted my request for support / someone to be actively involved with assisting with my release plan once I got out of prison, as well as something to do (not necessarily paid employment). Murray noted that Salvation Army Officers had attempted to assist me in a similar way in the past, however even using their best endeavours to help, I had been recalled to prison. Murray noted that if the Salvation Army was to agree to assist me in this manner again, it would need to be assured that I was prepared to engage fully in any supervised reintegration programme to minimise further relapse [WITN0044004]. Murray later confirmed that a written apology would be given once settlement occurred.
32. On 22 September 2009 I received a letter from my Lawyer explaining the offer. My Lawyer also said that in their view, the Salvation Army should be paying at least a contribution of my legal costs on top of the offer of compensation. This was particularly so given how long it had taken for my claim to reach this point, and how much legal work had been done to date.

My Lawyer said Cooper Legal may be able to negotiate a higher offer for me but that the Salvation Army had indicated that it was reluctant to negotiate the offer. My Lawyer then wrote to Murray regarding this issue.

33. On 25 September 2009 Murray wrote to my Lawyer. Murray noted that my Lawyer's most recent letter sought to introduce a contribution to [legal] costs in addition to the compensation offered. Murray advised that the Salvation Army was not prepared to meet legal costs over and above the amount offered and thereby depart from the "all-inclusive" approach it had adopted. This letter is attached to this statement as exhibit [WITN0044005].
34. On 29 September 2009, my Lawyer wrote to the Legal Services Agency advising that the Salvation Army had not offered a contribution to my legal costs. My Lawyer advised that my final legal aid costs would be \$5,800.
35. On 1 October 2019, the Legal Services Agency wrote to my Lawyer and advised that it would be prepared to recommend that there be a write-off of all debt owing by me above \$3,750. This meant that I had to pay \$3,750 towards my legal costs out of the \$25,000 that the Salvation Army offered me. This was even though it (the Salvation Army) had its own lawyers (McElroys) acting for it for many years.
36. On 12 October 2009 I provided the signed discharge. This discharge is attached to this statement as exhibit [WITN0044006].
37. On 27 January 2010 I received a letter of apology from the Salvation Army.

COMMENTS ON MURRAY'S INVOLVEMENT

38. I remember that leading up to the meeting on 31 July 2009, I had been feeling very anxious. At the meeting I was still very anxious, and so read a statement that I had prepared. Because I had lots of family members working for the Salvation Army, it made the meeting awkward and I

remember how uncomfortable I felt as it was like I was “dobbing in” the family. I remember feeling like they were going to go back and report everything I said to Uncle [GRO-B-128] and I would have preferred that it was people not involved with the Salvation Army who had met with me.

39. I don't remember much else about the meeting with Murray and Wilfred on 31 July 2009 because it was so long ago.

COMMENTS ON THE OUTCOME OF MY CLAIM

40. When I received the offer from Murray [WITN0044004] it was like “is that what you think I'm worth?”, “Is that the monetary value you put on those years of my life and the consequences of those years?”.
41. When I was asked what I wanted by Murray I specifically asked for help to get out of prison and then help to stay out. I asked for supports and/or for someone to be actively involved with assisting my release plan, as well as something to do (which could include, but didn't need to be, paid employment) [WITN0044004]. This was because what I really needed was some real help – help to get me out of jail, help to find me somewhere to live, and help from someone like a “life coach” for a couple of months.
42. The Salvation Army needs to offer things that are real and have substance, rather than just “here, have some money and don't spend it all at once”. I used the money for good things, but I ended up getting recalled back to prison, and so the house I was living in got ransacked and all the furniture I brought with it got stolen. Being on [IRO] parole, it takes very, very little to get recalled back to prison.
43. In his response to my request for help to get out of prison and stay out, Murray replied that Salvation Army officers had attempted to assist me in a similar way in the past, and that even using their best endeavours to help, I had been recalled to prison for not fulfilling my parole conditions.

Murray then went on to state that if the Salvation Army was to agree to assist me in this manner again, it would need to be assured that I was prepared to engage fully in any supervised reintegration programme to minimise further relapse [WITN0044004].

44. The Salvation Army officers Murray was talking about were my [IRO] family members – it was these family members that had been involved in “attempting to assist me”. But what this really was, was family obligation – that sort of support is what families should do for each other. All my family ever did was see me at family gatherings and very occasionally at church. There was never any active involvement from [Individual Restriction Order] who were Salvation Army officers – they never sat down with me and said, “let’s talk about how we can keep you out of prison”.
45. I can only guess that is what Murray was talking about. If Murray was not talking about my [IRO] family members when talking about the Salvation Army officers, then his statement was not true. The only other “assistance” I can think of was attending the Bridge Programme, but that had no Salvation Army connection whatsoever.
46. One of my struggles in dealing with the Salvation Army through this process was the fact that a lot of my [IRO] family were involved as officers of the Salvation Army. These family members included [GRO-B-71] [GRO-B-72] [GRO-B-126] and [GRO-B-73]. My Uncle [GRO-B-126] was the one who recommended for me to go to Bramwell Booth and was in charge of the Salvation Army Social Services at the time. Then, all these years later when I came to make a claim, he was the one who was in charge of complaints against the Salvation Army.
47. I am still really upset about this because all my life I have been betrayed by people who were in charge of me, and I haven’t been believed.

VIEWS ON THE SALVATION ARMY'S REDRESS PROCESS

48. In terms of the apology, I thought "what does it mean?" - it didn't make everything better straight away.
49. For me, the abuse I suffered at Bramwell Booth ruined my life. I went there and I learnt a whole lot of bad habits and the wheels started turning for me to go from there to several different Boys' Homes under Social Welfare, and then on to prison for before I was 19 years old.
50. The offers of compensation are a bit abstract. With my offer of \$25,000 compensation, what was the Army saying the payment was for? To make me feel better? To buy myself a nice car? To buy a nice lounge suite? What is the compensation payment actually for?
? What is \$25,000 for ? It's nothing.
51. Instead of Murray saying "we're sorry for what happened, here is \$25,000 and don't sue us again, he could have said "we're sorry for what happened and how it's affected your whole life, and as a result, we're willing to be here for the rest of your life, to help you out, if you need it".
52. The resolution of my claim with the Salvation Army did not bring any closure at all. The Salvation Army continues to get away with this because of its appearance of "trying its hardest" to settle claims.

COMPARISON WITH THE STATE REDRESS PROCESS

53. The redress process that the Salvation Army uses is, in a way, no different to the redress process that the Ministry of Social Development (**MSD**) uses. I am really angry that both MSD and the Salvation Army have decided they can put a price on people's abuse in the first place.

54. I know that if I hadn't gone to Bramwell Booth, I wouldn't have gone to Lookout Point; if I hadn't gone to Lookout Point, I wouldn't have gone to Hokio; if I hadn't have gone to Hokio, I wouldn't have gone to Kohitere; and if I hadn't have gone to all those places, I wouldn't have IRO and ended up in prison Individual Restriction Order when I was 18 years old. Now that I am 48 years old and can reflect on it all, I just see what a complete and utter waste it all was.

55. These decisions destroyed my life and then MSD turns around and says, "Sorry, here is \$18,000 and don't hassle us anymore". That is what MSD thinks it is all worth – the 40 years of despair and anguish and anger. It is the same with the Salvation Army and its \$25,000 compensation offer.

56. Everyone seems to be getting paid out of all of this except me – my Lawyers are getting paid from Legal Aid, the people working for MSD are getting paid – everyone is getting paid to decide that I should get \$18,000. How much has all that come to? I can guarantee the amount would come to 10 or 20 times that – and that is what makes me angry. MSD is quibbling over \$18,000 when it has probably spent over 10 times that amount arguing about it. The Salvation Army had McElroys as their lawyers for many years, and that was part of the reason my case took over two years to resolve.

57. There are other things as well. When I was in IRO Prison and MSD first started talking about the fast payment system (**Fast Track Process**), another inmate came up to me and asked if I had heard about it and I said I had, so he went and got onto it. This inmate phoned MSD and wrote letters, and said to me "oh I just said that some guy raped me", "I was at Owairaka and I got fostered out, so, you know, the dates all fit, so I'm going to say this". And then 18 months later, if that long, he comes back, and he shows me a letter that MSD had written him with an offer for \$30,000.

58. This was after I had been with Cooper Legal for 10 years at the very least, and I had got my first offer of about \$10,000. If I had lied about this stuff,

like the other inmate who did the Fast Track Process, it would all be over by now. If I had chosen to take that first MSD offer of \$10,000, it would all be over now.

59. MSD's whole settlement process is so unfair, and I am so over it. Every time I get an offer from MSD it is always about whether I will accept this much money, not what other supports it can offer. The correspondence from MSD reminds me how much I mean to it – which is nothing. I could make the \$18,000 offered to me in one week selling crack [cocaine] and so it feels as though MSD is saying my life is worth three crack deals.
60. Each time my Lawyer writes to me about what MSD is offering me to settle my claim, I feel like it is just another way of getting “done over” by the system like I always have been, ever since I was a child. And here I am in prison again, while people in Wellington quibble over giving me a reasonable settlement, or people at the Salvation Army say “Oh, you know, we've tried to help this guy and he hasn't taken help before”.
61. The MSD process fills me with despair because it feels like I am being reminded once again of how MSD people just think that it is one big sausage machine – squirt out the next payment and send it out – and then everything is clean, everything is solved, and they don't care about how that person is actually feeling. Being made offers like this is extremely insulting and I begin to think “is it worth it?”.
62. My claim with MSD has been going for nearly 15 years now and I am just sick and tired of it. I nearly died two years ago from cancer and even that didn't make any difference – I could have been dead, but it didn't mean anything sped up. It makes me wonder whether MSD just waits for people to die.
63. Both the Salvation Army and MSD need to remember that we are people. We are not just a file number or a claim number that they can put a value

on. There should be a process put in place that works with people who make claims that starts off with sitting down properly with each person and helping to sort that person's life out. This needs to be done by people who are not connected to the Salvation Army or the Government.

Statement of Truth

This statement is true to the best of my knowledge and belief and was made by me knowing that it may be used as evidence by the Royal Commission of Inquiry into Abuse in Care

Signed GRO-C _____

Dated: 19-8-2020

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