

**Under the Inquiries Act 2013  
In the matter of the Royal Commission of Inquiry into  
Historical Abuse in State Care and in the Care of Faith-based Institutions**

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**Memorandum of counsel on behalf of The Salvation Army  
for the Procedural Hearing on 19 August 2019**

**26 July 2019**

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BARRISTERS AND SOLICITORS

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## 1. Introduction

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- 1.1 This memorandum is filed on behalf of The Salvation Army as it operates in New Zealand (**The Salvation Army**).
- 1.2 This memorandum is in response to the Royal Commission of Inquiry into Historical Abuse in State Care and in the Care of Faith-based Institutions' (the **Royal Commission**) invitation to parties seeking core participant status to file a memorandum in accordance with paragraphs 24 and 25 of Minute 1 – Procedural Hearing dated 2 July 2019 (the **Procedural Minute**).
- 1.3 The Salvation Army considers it appropriate for it to be designated as a core participant in the Royal Commission under section 17 of the Inquiries Act 2013. Further information about The Salvation Army, and matters in which it was involved that may be relevant to the Royal Commission, are set out in the sections below.

## 2. Designation as a core participant

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- 2.1 The reasons why The Salvation Army considers that it is appropriate for it to be designated as a core participant are that:
- (a) During the period covered by the Royal Commission's Terms of Reference (up until its last home closed in January 1990), The Salvation Army provided care for children in eight children's homes in various locations in New Zealand. These children's homes provided residential care for children up until they left secondary school. The children in these homes included both children who were in state care, and therefore placed in the home by the responsible government agency, and children who were placed in the homes by their families.
  - (b) To The Salvation Army's profound regret and shame, it is aware that some children were subjected to abuse (as defined in the Terms of Reference) whilst in its care in some of its children's homes.

(c) Since about the year 2002 (to date), The Salvation Army has received and investigated claims of abuse of children whilst in its care and has settled claims with a large number of people.

2.2 Given the above, and with reference to the grounds in section 17 of the Inquiries Act 2013, The Salvation Army accepts that it:

(a) it is likely to be viewed as a party which has played a direct and significant role in relation to some of the matters to which this Inquiry relates (section 17(2)(a)); and

(b) may be the subject of explicit or serious criticism during the Inquiry or in the reports the Inquiry will prepare (section 17(2)(c)).

2.3 The Salvation Army also notes that, while it no longer operates residential children's homes, it has an ongoing deep and significant interest in the welfare of children (and other vulnerable members of society). The Salvation Army's religious and social work (described further below in the Schedule) sees it interact with many such people. It therefore has a significant interest in the forward looking part of the Royal Commission's Terms of Reference and may also wish to participate in that aspect of this Royal Commission. To this extent, section 17(2)(b) of the Inquiries Act is also potentially relevant to The Salvation Army's designation.

2.4 For the above reasons, The Salvation Army considers it is likely to be appropriate for it be designated as a core participant in the Royal Commission.

2.5 If granted core participant status, The Salvation Army does not expect it would actively participate in all phases of the Royal Commission (or, as is consistent with the intention set out in paragraphs 23 and 26 of the Procedural Minute, that it would need to participate in every investigation or public hearing). Rather, its status as a core participant now would better ensure that both it, and the Royal Commission itself, are in a position where The Salvation Army is able to:

(a) respond to any requests by the Royal Commission to provide relevant information or other evidence from time to time and as

the Royal Commission deals with matters relevant to The Salvation Army's role; and

- (b) be afforded the opportunity to be heard in relation to matters where it may be the subject of criticism.

### **3. Current procedural matters**

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#### **About The Salvation Army**

- 3.1 Set out at Schedule One is a brief overview of The Salvation Army.

#### **Assistance to the Royal Commission**

- 3.2 The Salvation Army supported the establishment of this Royal Commission and continues to be willing to engage with the Commission to assist it to meet its objectives.
- 3.3 The Salvation Army has reviewed the Scope Document published on 5 July 2019 in advance of the Contextual Hearing scheduled to commence on 29 October 2019. At this stage, but pending the provision of more detail about the Commission's intentions for that hearing, the Salvation Army considers it unlikely that it would wish to be heard at the Contextual Hearing. The Salvation Army is, however, happy to engage further with the Royal Commission if it considers that The Salvation Army's input would be appropriate or necessary for that first hearing.
- 3.4 To the extent that the Royal Commission does require The Salvation Army's assistance at the Contextual Hearing, or in any other context, it requests that it be given sufficient notice as to what is required and in what form. Given the significant time period and subject matter covered by the Terms of Reference, and its largely historical nature, sufficient time would be needed for The Salvation Army to investigate relevant matters. Timely advice as to what is required from The Salvation Army would better enable it to respond properly, and in a considered manner, to requests made of it by the Royal Commission.

## **Orders sought at this point**

- 3.5 At this stage, The Salvation Army does not seek any specific orders. It notes, however, that it has dealt with and responded to claims of historic abuse by children who were resident in children's homes operated by The Salvation Army. If information in relation to individuals is to be provided to the Royal Commission, protection of those individual's privacy will be a paramount consideration. The Salvation Army would ask that the Royal Commission take appropriate steps to protect the privacy of those individuals where necessary; noting, of course, that some may have independently approached the Royal Commission and offered their own position on privacy, which should be respected.
- 3.6 The Salvation Army will continue to monitor the progress of the Royal Commission and information made available in respect of public hearings. In the event that The Salvation Army considers that other information or orders are required, it will advise the Royal Commission by way of formal memorandum.

## **4. Appearance at Procedural Hearing**

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- 4.1 The Salvation Army notes one of the purposes of the Procedural Hearing is to provide the opportunity for parties to appear before the Royal Commission and seek designation as core participants. The Salvation Army would be happy for its application for core participant status to be dealt with on the basis of this memorandum without the need for an appearance at that Procedural Hearing but assumes, in light of paragraph 11(b) of the Procedural Minute, that an appearance is in fact required for this purpose. Counsel will be present if required to formally appear.
- 4.2 At this stage, there are no other matters on which The Salvation Army would seek to be heard at the Procedural Hearing but, as noted throughout this memorandum, The Salvation Army is ready and willing

to engage on any matters the Royal Commission considers useful.  
Counsel can also appear in relation to any other matter as required.

26 July 2019

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J H Stevens / K J Dobbs  
Counsel for The Salvation Army

## Schedule One: an overview of The Salvation Army

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1. The religious and charitable organisation known generally as “The Salvation Army” is an unincorporated association of natural persons, the membership of which fluctuates from time to time.
2. The Salvation Army’s beginnings date back to 1865, when William and Catherine Booth established the Christian Mission in East London. William Booth preached to the poor and underprivileged and the Mission also offered basic schooling, reading rooms, penny banks, soup kitchens and relief aid to the destitute. The Mission’s ethos was one of love and tenderness towards the forgotten, the poor, and the marginalised (“First, soup; second, soap; and finally, salvation”).
3. The Christian Mission changed its name to The Salvation Army in 1878. The Salvation Army spread to other centres in the United Kingdom and, eventually, to other countries. Today, London remains the seat of The Salvation Army’s International Headquarters (**IHQ**).
4. The Salvation Army commenced work in Australasia in the late 1800s, starting in New South Wales in December 1882. It commenced work in New Zealand in April 1883. For the purpose of this overview, The Salvation Army in New Zealand is identified as **TSANZ**.
5. The Salvation Army has a quasi-military command structure. At the apex of the Army's command structure is a General who, since 1929, is elected by the High Council, comprising the most senior Salvation Army officers globally. The High Council was originally constituted in 1904 and is comprised of commissioners and certain territorial commanders. The General directs The Salvation Army's operations throughout 131 countries of the world, in collaboration with the administrative departments within IHQ.
6. Second in command to the General is a Chief of Staff, who is appointed by the General. The Chief of Staff is effectively The Salvation Army's chief executive, whose function is to implement the

General's policy decisions and to liaise between the various departments of IHQ.

7. In keeping with military structure, clergy in the Army are known as “officers” (who hold varying ranks), and ordinary members are known as “soldiers”. Officers and soldiers wear uniform.
8. Internationally, The Salvation Army is organised according to the following zones: Africa; Americas and Caribbean; Europe; South Asia; and South Pacific and East Asia.
9. Each zone is overseen by two Commissioners, and is organised into further “territories”, “commands” or “regions”. The headquarters of each Territory is also commonly referred to as “THQ”.
10. The Salvation Army in New Zealand falls within the “South Pacific and East Asia” zone. New Zealand comprises a territory with Fiji, Tonga and Samoa.
11. The Salvation Army New Zealand, Fiji, Tonga and Samoa Territory has its Territorial Headquarters in Wellington, New Zealand. The leader (Territorial Commander) of The Salvation Army in New Zealand, Fiji, Tonga and Samoa is currently Commissioner Andy Westrupp. He took up his appointment in January 2017. Second in command is Colonel Suzanne Fincham, as Chief Secretary. She took up her appointment in November 2017.
12. Commissioner Westrupp is the Chair of TSANZ's Territorial Governance Board, which is the governance body of TSANZ.

### **Operation of TSANZ**

13. TSANZ operates under the name “The Salvation Army”, but is not itself an incorporated body. TSANZ does not itself hold any assets.
14. The Salvation Army New Zealand Trust (the **Trust**) is the legal entity established for certain purposes in New Zealand (including the holding of assets). It is registered under the Charitable Trusts Act



1957. The Trust is governed by a Trust Deed; the latest of which was adopted on 6 May 2011 (with amendments on 9 December 2016).

15. The Trust was established to further the Objects. The Objects of TSANZ are the advancement of the Christian religion as promulgated in eleven religious doctrines. These are professed, believed and taught by The Salvation Army and, consistent with those doctrines, the advancement of education, the relief of poverty, and other charitable objects beneficial to society or the community of mankind as a whole.

### **General Work and Social Work of TSANZ**

16. TSANZ pursues the Objects under two broad heads of work: General Work and Social Work.
17. The General Work is directed at the evangelical and religious aims of The Salvation Army. The Social Work is directed at the charitable, societal and community aims of The Salvation Army.
18. Consistent with these two work streams, as with every Territory, command and region within The Salvation Army, TSANZ is comprised of divisions,<sup>1</sup> which, in turn, are each comprised of Corps/churches and Social Services centres.
19. The Corps units of each division in TSANZ represent the congregational expression of The Salvation Army, and provide a church and place of worship for officers, soldiers, adherents and members of the public.
20. The Social Services centres in each division of TSANZ are responsible for the provision of various social services, programmes and initiatives. Current services, programmes and initiatives include:
  - (a) Alcohol and drug support, including Bridge programmes run at Bridges Centres or local Corps. TSANZ also provides various

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<sup>1</sup> Northern, Midland, Central and Southern.

gambling support through its Oasis programme. This includes face to face counselling.

- (b) Welfare based initiatives, including:
  - (i) Community Ministry Centres which provide individuals and families with food parcels, budgeting advice, life skills and parenting courses, social work and youth development.
  - (ii) Family Stores at which TSANZ sells recycled clothing, furniture, household goods, toys and books; and
  - (iii) food banks.
- (c) Housing with a focus on providing supportive accommodation for people with a range of needs. Housing includes transitional housing, housing for over 55s and post-prison support. TSANZ's Community Ministry Centres also assist with emergency and short-term accommodation.
- (d) Education and learning initiatives, including:
  - (i) The Aspire Youth Programme and the Blue Mountain Adventure Centre (both designed to build confidence in young people);
  - (ii) The Booth College of Mission, TSANZ's school for officer training; and
  - (iii) Early childhood education centres.
- (e) Emergency and disaster response.

21. TSANZ also has the following initiatives under its Social Services umbrella:

- (a) A Social Policy and Parliamentary Unit which works towards the eradication of poverty by encouraging policies and

practices that strengthen social framework in New Zealand. Its most recent submission was on the Credit Contract and Consumer Finance Amendment Bill.

- (b) The Salvation Army Maori Ministry, whose strategic plan is intended to provide a focus for the whole Salvation Army in Aotearoa/New Zealand to unlock the possibility for a greater involvement of Maori in mission, a more effective social and evangelistic ministry with and for Maori. The Salvation Army has committed to honouring the principles of partnership, protection and participation inherent in Te Tiriti o Waitangi.
- (c) A child protection programme, the central components of which are:
  - (i) TSANZ's "Keeping Children Safe" policy, developed in response to the Vulnerable Children's Act 2014. The policy affirms TSANZ's commitment to the care and protection of children and young people who engage with services provided by TSANZ;
  - (ii) A comprehensive training programme is available for all personnel, employees and volunteers of TSANZ, particularly for those who work with children.

22. Prior to the closure of its last children's home in 1990, homes established for the residential care of children came within the ambit of the Social Work of TSANZ. The children in these homes included both children who were in state care, and therefore placed in the home by the responsible government agency, and children who were placed in the homes by their families.

### **Relationship with IHQ**

- 23. TSANZ is subject to the control and direction of IHQ.
- 24. IHQ regularly publishes documents referred to as "Orders and Regulations". These documents outline the principles and procedures

specific to various types of activities. They apply to all officers and soldiers throughout the world, irrespective of rank, appointment or Territory. The Orders and Regulations aim to facilitate global organisational understanding and are intended to ensure that decisions arrived at, and work engaged in, are in harmony with the global interests, principles and aims of The Salvation Army.

25. TSANZ is able to adopt its own policies and procedures in respect of its Territory. However, any policies and procedures that are adopted by TSANZ are required to be consistent with Orders and Regulations given by IHQ.