



**ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES
TO CHILD SEXUAL ABUSE
AT PERTH**

**PUBLIC HEARING INTO
CHRISTIAN BROTHERS INSTITUTIONS IN WA
CASE STUDY 11**

OPENING OF SENIOR COUNSEL ASSISTING

INTRODUCTION

1. This is the eleventh case study the subject of public hearing by the Royal Commission. It concerns four residential childcare Institutions operated by the Congregation of Christian Brothers in Western Australia. Those Institutions are:
 - St Vincent's Orphanage, Clontarf ("Clontarf")
 - Castledare Junior Orphanage ("Castledare")
 - St Mary's Agricultural School, Tardun ("Tardun")
 - St Joseph's Farm and Trade School, Bindoon ("Bindoon")

2. The Royal Commission will hear the experiences of eleven men who were residents at the Institutions between 1947 and 1968, as boys aged as young as seven years, each of whom suffered sexual and other abuse. Their experiences in seeking redress for the abuse suffered will also be explored.
3. Stories of abuse suffered by boys at the Institutions are not new. They first began to emerge in 1987 through reports of the experiences of children who came to Australia as migrants from the United Kingdom, particularly after World War Two.
4. It has been estimated that approximately 850 boys who came to Australia under the child migrant scheme in the period between 1947 and 1967 were placed in the care of the four Institutions.
5. The Christian Brothers acknowledged that abuse occurred in the Institutions in July 1993, when the Congregation made a public statement and apology.
6. There have been a number of inquiries in which submissions have been made and evidence given about the abuses suffered at the Institutions, including by some of the men who will appear during this public hearing.
7. The Royal Commission also will hear evidence about the policies and procedures that applied to the Institutions in relation to child protection, the handling of complaints of abuse, and the disciplining of offenders.

8. There will also be evidence about how the Christian Brothers responded to allegations of abuse at the Institutions. Brother Julian McDonald and Brother Tony Shanahan will give evidence.
9. While the Christian Brothers had responsibility for the day to day care of the boys in the Institutions, the Western Australian government had ultimate responsibility for welfare of the boys. Evidence will be given about the inspections of the Institutions undertaken by officers of the Child Welfare Department. The current practice of that Department will also be explored.
10. Evidence will also be given in relation to the actions taken by the Director of Public Prosecutions for Western Australia in response to complaints made against various Brothers relating to the allegations of abuses suffered in the Institutions.

HISTORICAL CONTEXT

11. The Christian Brothers were founded by Edmund Rice in Ireland in 1802, and received papal recognition as a Religious Congregation in 1820. As a Papal Institute, the Christian Brothers were not under the control of archbishops or local bishops, but were governed by their Superior-General and by Chapters of elected delegates of the Brothers.
12. The primary aim of the Christian Brothers was the instruction of boys. The Congregation arrived permanently in Australia in 1868 and within 25 years there were 150 Brothers teaching in some 25 schools, colleges and orphanages around Australia.

13. A small child migration scheme was first developed between the United Kingdom and Australia in the late 19th century. Prior to and after World War II, the scheme increased substantially.
14. The youngest children were sent at three years of age, the eldest were fifteen years old but the majority were aged between seven and ten. Almost all were housed in institutions, including those run by the Christian Brothers.

INSTITUTIONAL PROFILES

St Vincent's Orphanage, Clontarf

15. The Christian Brothers took control of the St Vincent's Orphanage, Clontarf in Subiaco in 1897. Most of the residents at Clontarf were from Perth or the surrounding areas and were wards of the State of Western Australia under the Child Welfare Department.
16. The first British migrants arrived at Clontarf in about 1938. By 1954, the number of children at Clontarf had grown to about 250 boys as a result of child migrants coming in from Malta. It closed in 1984.

Castledare Junior Orphanage

17. In 1933, the Christian Brothers took control of Castledare and it was established as a junior orphanage for boys between the ages of 5 and 10 years. In 1945, there were 23 boys under the responsibility of the Child Welfare Department at Castledare.

18. In 1947, the first post-war British child migrants arrived at Castledare. From around 1950, child migrants also began arriving from Malta and, as a result, the younger boys from Castledare were sent to the other orphanages until the mid-1960s. Castledare closed in 1983.

St Mary's Agricultural School, Tardun

19. The Christian Brothers took over Tardun in about 1929. Around that time, it was agreed between the Christian Brothers and the Child Welfare Department that selected boys from Clontarf would be sent to Tardun on reaching 14 years of age for a period of two years for training, before being sent off to work.
20. In 1938 to 1939, the first group of British child migrants arrived. By 1939, there were 66 boys at Tardun, 51 of whom were child migrants.
21. In early 1942, Clontarf was requisitioned by the Air Force and the younger boys were sent to Tardun. This meant that overnight the numbers at Tardun tripled to almost 250 people.
22. By the 1960s, Tardun was taking few wards of the state and child migration had ceased. The school closed in 1967 and it was developed as an agricultural college for fee paying students.

St Joseph's Farm and Trade School, Bindoon

23. Approximately 17,000 acres of land near Bindoon was left to the Christian Brothers as a gift by Catherine Musk in her will. The land was handed over to the Trust of Christian Brothers in August 1936.

24. The school became known as Bindoon Boys' Town in 1938. Bindoon Boys' Town closed in 1967.

STORIES OF ABUSE

Albert McGregor

25. Albert McGregor was born in Scotland and was taken into care at two months old, having been born out of wedlock. He came to Australia as part of the child migrant scheme, at the age of 5. Mr McGregor will give evidence that he was emotionally and sexually abused by Brother Murphy at Castledare and again when Brother Murphy was transferred to Clontarf. Mr McGregor had what he describes as a nervous breakdown when he was 12.
26. Mr McGregor left Clontarf to train to be a Christian Brother and he worked as a teacher within the Order for over 30 years. Mr McGregor will give evidence of his shock at having become aware that his own experiences of abuse were shared by other boys at the Institutions. It ultimately led him to interview a number of old boys and provide a report to his superiors in which he urged that priority was given to the victims of the abuse. Mr McGregor will give evidence that he did not receive acknowledgement from the Christian Brothers of his report, which included details of his own experiences of abuse.

John Hennessey

27. John Hennessey was born in England and lived in Nazareth House from birth until aged 11, when he was sent to Australia. On arrival, he was

placed at Bindoon where, he will give evidence, he suffered severe physical abuse by Brothers and also older boys.

28. Mr Hennessey will also give evidence that he was sexually abused by Brother Keaney for 5 years, from the age of ages of 11 to 16.
29. Mr Hennessey will tell the Royal Commission that he became a sexual target for other Brothers and older boys, possibly as a result of the abuse by Brother Keaney. Mr Hennessey will give evidence of sexual abuse by Brother Angus, Brother Wise and Father William.

John Wells

30. John Wells and his twin brother were born in Australia. They were placed in care by their mother, and commenced at Castledare at the age of 8 or 9. Mr Wells will give evidence that he was physically assaulted by the Brothers, including Brother O'Doherty.
31. Mr Wells also recalls various incidents of sexual conduct by the Brothers at Castledare, including fondling, exposing themselves and watching the boys shower.
32. Mr Wells and his brother were moved to Clontarf when they were 10 or 11 years old, where the physical abuse continued. Mr Wells will also give evidence that boys were selected from the dormitory by Brothers at night and taken back to the Brothers' room.

Cliff Walsh

33. Clifford Walsh was born in England and was placed in an orphanage at age 2. At age 10, he was brought to Australia and then Bindoon. Mr Walsh will give evidence that not long after his arrival there he was sexually abused by Brother Angus. Mr Walsh will give evidence that he was also sexually abused by Brother Parker on a number of occasions, when he was 14 years old.
34. Mr Walsh is expected to tell the Royal Commission that he tried to report the abuse by Brother Parker to Father Gerard but that he became afraid and later denied that it occurred when he was angrily questioned about it by Brother Quilligan. A few days later, Brother Quilligan sent Mr Walsh to a monastery for 21 months.
35. Mr Walsh will give evidence that he was also sexually and physically abused by other Brothers, including by Brother Doyle.

VI

36. The Royal Commission will also hear from VI who was born in Australia and was placed at Castledare at the age of 7.
37. VI will give evidence of having witnessed severe physical abuse of other boys (including his older brother) by Brother Dick. VI will also tell the Royal Commission that he was sexually abused by Brother Dick and that he gave a statement to police about the abuse in 1994. At the time, Brother Dick had already been charged and convicted of sexually assaulting five children. The police told VI that Brother Dick would not be

charged in relation to the allegations he had made because they did not know if VI was one of the five children Brother Dick had admitted to having sexually assaulted.

VV

38. VV was born in England and was placed in care at the age of 4 years old after his father passed away and his mother could no longer support him. When he was 9, he was brought to Australia and Bindoon. He was the youngest child at the Institution.
39. VV will give evidence that he was anally raped by Brother Angus after being at Bindoon for only about 2 weeks. After the assault, he told Father William what happened whereupon Father William took him to his room and also tried to indecently assault him.
40. VV will give evidence that he was sexually assaulted by Brothers Parker, Dick, Quilligan and Tuppin, by older boys and also by VF, a regular visitor to Bindoon who would take boys out on 'picnics' arranged by Brother Dick.
41. Although he did not try to report the abuse, he believes the Brothers knew he was being abused. Brother Dick would refer to him as "Parker's little girl" and made lewd remarks. Other Brothers also made comments about him and Brother Parker. Brother Doyle also questioned him about boys having sex with other boys and gave him a brutal beating.
42. VV will also give evidence that he and other boys were physically abused by Brother Moore, who used leather straps with half pennies sewn in for

extra weight. A beating left bruises and on one occasion VV thought he would die. On another occasion, Brother Moore threw him against a wall and he hit his head, suffering permanent hearing loss as a result.

VG

43. VG was born in Malta. After his father passed away when he was a child, leaving his family in poverty, his mother was encouraged by a parish priest to send him to Australia to be educated. Upon his arrival at Tardun, VG was not provided with the education promised, but instead was put to work on a farm. He will give evidence that the physical abuse started immediately. VG will also give evidence of the selection of boys who were taken back to the Brothers' room to be sexually abused.
44. VG will give evidence about a violent physical assault by Brother Simon, following attempts by Brother Simon to anally rape him, which left him hospitalised. VG will tell the Royal Commission that he reported the incident to a nurse at Mullewa Hospital, but that upon his return to Tardun he was beaten with a leather strap.
45. VG also 'confessed' the abuse on two occasions. On the first occasion, he was accused of lying and Brother Simon was informed, which resulted in him receiving another beating from Brother Simon. On the second occasion, Father Sullivan told him he had a dirty mind and that he must do penance for his purification. About one month later, Father Sullivan asked him to help him with something in the chapel and, when the two were alone, Father Sullivan attempted to sexually abuse VG.

Oliver Cosgrove

46. Oliver Cosgrove was born in England and placed in care as a baby. He was sent to Australia as a four year old. When he was 7, he was transferred to Castledare, where he was physically abused, with a strap, and also sexually abused.
47. Mr Cosgrove will give evidence that he started bedwetting which at least seemed to stop the night time visits from Brothers.
48. At the age of 10, Mr Cosgrove was moved to Castledare where the physical abuse continued. Mr Cosgrove will also give evidence of sexual advances by Brother Angus at Clontarf.
49. Mr Cosgrove did not make any complaint of abuse at the time, but his evidence will be that he approached the Western Australian Police Child Abuse Unit to make a complaint about the sexual abuse by Brother Murray. He was informed that Brother Murray was contacted by police and declined to answer any questions. Mr Cosgrove was then told that the DPP had decided not to prosecute due to a lack of corroborating evidence.

Raphael Ellul

50. Raphael Ellul was born in Malta, as one of 18 children in his family. The family home was not large enough and from age 4, he lived in a children's home in Malta until age 10. He saw his family from time to time. He was then sent to Australia at age 10, where he was placed at Castledare for 6 weeks, before going to Tardun until he was 16.

51. Mr Ellul will give evidence that that he was physically and sexually abused at Tardun.

Gordon Grant

52. Gordon Grant was born in Wales and placed in an orphanage as a baby when his parents' marriage failed. When he was nearly 14 years old, he was sent to Australia and Bindoon.
53. Mr Grant will give evidence that at Bindoon, the Brothers, particularly Brother Keaney, physically abused the boys, including Mr Grant, using a leather strap, heavy stick, boots or fists. The Royal Commission will hear that Mr Grant was sexually abused by a number of Brothers at Bindoon. On one occasion, whilst fleeing the room of Brother Marques, Mr Grant complained of abuse to Brother McGee. Mr Grant will give evidence that Brother Marques was transferred from Bindoon within 24 hours. However, Brother Marques was replaced by Brother Angus who subsequently also sexually abused Mr Grant.

Edward Delaney

54. Edward Delaney was born in England to a mother who had been raped and fallen pregnant. She had no money and put him in a home run by Barnados. One weekend, his mother came to visit and he was gone, having been sent to Australia without her knowledge or consent.
55. Mr Delaney will give evidence that he was physically and sexually abused by the Brothers at Bindoon. On one occasion, when he was 10 or 11 years old, Brother Doyle broke his fingers on both his hands by belting him

repeatedly with a leather strap that had a hacksaw blade stitched into it. Mr Delaney still has a deformity caused by this abuse.

56. The Royal Commission will also hear that when Mr Delaney was 13, sexual abuse by Brother Parker commenced. He 'confessed' the abuse by Brother Parker to Father William and when Mr Delaney was about 15, Brother Parker was transferred to Tasmania, apparently due to the abuse. Mr Delaney was told that the issue was dealt with now so he was not to tell anyone what had happened.
57. At age 18, after he had left, he went to the Police station at Mount Lawley. He was not believed and told that if he continued the allegation he would be charged.
58. For some boys, the knowledge of the abuse was well enough understood between the boys, if not necessarily openly discussed. Other boys never shared their experiences with anyone else. However, common to all of those men who will give evidence is the shame, guilt and fear that they experienced as a result of the abuse.

SUPERVISION ARRANGEMENTS

59. Under the *Immigration (Guardianship of Children) Act 1946* the Commonwealth Minister for Immigration delegated his powers and functions of guardianship in respect of migrant children to the Western Australian Under Secretary for Lands and Immigration.
60. After that, indentures were drawn up between the Under Secretary and the Catholic Episcopal Migration and Welfare Association, which set out

the respective responsibilities for the care of migrant children at the Institutions. The indentures provided that the Association would 'bear all responsibility for the care and welfare' of children named in the indenture and comply with the relevant provisions of the Child Welfare Act.

Visitations by the Provincial Council

61. Constitution 13 of the Constitutions of the Congregation of the Christian Brothers concerns the process of Visitation, which was in place throughout the period that this case study is concerned. A member of the Provincial Council visited each Institution on an annual basis.
62. Others occupying positions of seniority within the Order would also visit, albeit less frequently.
63. The Constitutions also contain guidance as to the individual Brothers' relationships and dealings with the boys. Rule 91 in Chapter 8 provides that: *'while Brothers should cherish affection for all their pupils especially the poor, they are forbidden to manifest a particular relationship with any of them. They must not fondle their pupils, and unless duty and necessity should require it, a Brother must never be alone with a pupil.'*
64. Rule 413 of the Constitutions provides that: *'each Brother is bound to inform the Visitor spontaneously if there exists any practice in the community contrary to the spirit of our vocation, or, if there is any inobservance which his conscience tells him should be disclosed.'*

65. As such, the Visitation process was a potential mechanism for the reporting of alleged abuse. It also provided a means by which abuse or suspicion of abuse, whether physical or sexual, could be made known to the Executive.
66. The Royal Commission will hear evidence in response to a number of reports of Visitations to the Institutions during the period from 1947 to 1968. For example, a report following a Visitation to Clontarf in July 1957, states that Brother Angus *'was found at fault in permitting boys to enter his bedroom and was given to understand that a serious view is taken to such conduct.'* The further report also states: *'Fault was found at the Visitation with the manner in which the boys wander through parts of the house that are reserved for the Brothers and the Superior was directed to see that the rule regarding the enclosure is strictly observed. There appears to have been serious violation in this matter in the recent past and boys have been known to enter a Brothers' room, singly and in groups, and to spend considerable time there.'*

Inspections by the State of WA

67. The Royal Commission will hear evidence from Emma White, Acting Director of the Western Australian Department for Child Protection and Family Support.
68. Ms White is expected to give evidence that the Department no longer employs anyone with direct knowledge of the history of its involvement with the Institutions or who was employed during the period in question.

69. Ms White is expected to give evidence that the legislation in force during the relevant period, the *Child Welfare Act 1947 (WA)*, provided for discretionary rather than mandatory site visits or inspections of the Institutions. Ms White will also give evidence that the available reports of inspections conducted of the Institutions during the period in question “do not address the welfare of the children”, and that there have since been fundamental changes which focus on the individual child (including the child’s health and educational needs) rather than the Institution.
70. Ms White is also expected to give evidence about changes in the practices of record keeping, which also focus now on the individual child. Other relevant changes include the regulation of child care protection workers and care providers as well as changes to the arrangements for contact between children in care and family, friends and the community and support for children leaving care.
71. The Royal Commission will also hear evidence about an existing protocol that sets out processes for addressing any concerns for the safety and wellbeing of children in care, as well as the Department’s current policy and processes for managing allegations of abuse, including sexual abuse.

INITIAL RESPONSE TO ABUSE FROM CHRISTIAN BROTHERS

72. I referred earlier to the initial public statement made by the Christian Brothers in July 1993. At the time, the Christian Brothers also provided an apology to ‘those individuals who were victims of abuse in the institutions’. Following that apology, three initiatives were promised by the Christian Brothers

- a. The establishment of the Independent Advisory Panel
 - b. The establishment of Helpline, an independent telephone and face-to-face counselling service and
 - c. Continued assistance to former child migrants to enable them to travel overseas to reunite with near relatives.
73. The Independent Advisory Panel to assist former Residents of the Christian Brothers Child Care Institutions reviewed the data collected by the Helpline and provided an interim report dated 17 March 1994 in which it made the following findings
- a. A substantial number of ex-residents have been victims of serious abuse whilst in the care of the Christian Brothers. However, as only a small percentage of ex-residents contacted the Helpline, it was not possible to estimate what proportion was abused or the total number.
 - b. There was a subgroup of ex-residents who experienced abuse and who currently experience major adjustment problems. It was clear to the panel that their experiences in the institutions contributed to their current problems.
 - c. 32 religious or lay staff were accused of abuse. Within that group was number of staff who were accused of being responsible for a higher amount of abuse.

- d. Of the 58 callers who identified their place of birth, 52 were former child migrants.
 - e. Most reported abuse occurred in the 1950s.
74. In response to the Advisory Panel's Final Report, the Christian Brothers established the Christian Brothers' Ex Residents' Services (CBERS). CBERS was funded by the Christian Brothers, services were free to all ex-residents of Christian Brothers' childcare institutions and were provided without prejudice to existing or future legal proceedings. Services provided by CBERS included the following:
- a. Arrangements and funding of travel to reunite child migrants with family in the UK and Malta
 - b. Confidential counselling
 - c. Assistance with finding personal records, which was later provided through the Personal History Index (PHIND), a computerised index of where personal records are located
 - d. Assistance with family tracing
 - e. Access to the CBERS photographic collection
 - f. Assistance with ascertaining citizenship status and assisting in applications for citizenship and
 - g. Adult education, such as in literacy and computer skills provided by a tutor.

75. Mr Cosgrove will give evidence that he approached CBERS, who referred him for counselling. He saw the counsellor twice but was not comfortable as the counsellor did not seem willing to listen to and deal with his problems himself. Mr Cosgrove felt CBERS was too close to the Christian Brothers and he found a private psychologist instead.
76. Maria Harries, an adjunct Professor at Curtin University and a member of the Truth, Justice and Healing Council, will give evidence about the establishment and operation of CBERS. Professor Harries chaired CBERS from 1995 to 2005.

CONVICTIONS

77. Four Christian Brothers have been the subject to charges for the sexual assault of children at one or more of the Institutions. In 1994, Brother Dick was convicted of 10 counts of unlawfully and indecently dealing with five boys under the age of 14. He was sentenced to three and a half years in jail.
78. Another Brother, Brother William Marchant not named by the witnesses in this case study, was charged in about 2000 with sexual abuse offences in about the 1970's or 1980's at Tardun Farm School. He was convicted and received a non-custodial sentence.
79. Two other Brothers were charged, however for medical reasons the charges were not ultimately the subject of completed trials.
80. The Acting Director of Public Prosecutions will give evidence as to the reasoning behind decisions made not to prosecute certain Brothers in

relation to complaints of sexual assault at the Institutions. Those reasons include the absence of corroboration, the long period of delay since the conduct alleged occurred and the advanced years of a number of the accused persons.

PREVIOUS INQUIRIES AND OUTCOMES

81. In November 1996 an interim report was published by the Western Australian Legislative Assembly Select Committee inquiry into child migration. The Western Australian government voted against a proposal to re-establish a Select Committee to investigate the needs of former child migrants, or to implement the recommendations of the Select Committee's Interim Report.
82. In 1997, the British House of Commons Health Committee commenced an Inquiry regarding the experiences of child migrants from Britain to Australia. Relevantly, the Health Committee found that the worst cases of criminal abuse inflicted upon British child migrants in Australia occurred in institutions run by agencies of the Catholic Church, in particular the Christian Brothers and the Sisters of Mercy. The Health Committee considered the worst examples came from Bindoon, but noted that they had also heard *'grim stories about Clontarf, Tardun and Castledare as well'*. It noted that the Christian Brothers were often described as the "*Christian buggers*".
83. On 13 August 1998, the Western Australian government apologised to former British child migrants who suffered sexual, physical and emotional abuse in Western Australian orphanages and institutions.

84. In 2000 the Senate Community Affairs References Committee inquired into the experience of child migrants in Australia. *The Lost Innocents: Righting the Record, Report on Child Migration* was published on 20 August 2001.
85. The report made findings regarding the experiences of children at Christian Brothers' institutions of Bindoon, Castledare, Clontarf and Tardun. The Committee stated that *'While this inquiry is concerned with the impact of the migration schemes on all child migrants in all institutions in Australia, the four Christian Brothers institutions in Western Australia stand out as the most culpable in their duty of care in relation to the physical and sexual violence that occurred within them'*. Furthermore, *'The accounts of sexual abuse and assault at these four institutions are horrendous, supporting and amplifying the UK Committee's description of 'quite exceptional depravity'. The stories from the ex-residents of Bindoon, Castledare, Clontarf, and Tardun provide an account of systemic criminal sexual assault and predatory behaviour by a large number of the Brothers over a considerable period of time. Evidence was given of boys being abused in many ways for the sexual gratification of the Brothers, of boys being terrified in bed at night as Brothers stalked the dormitories to come and take children to their rooms, of boys as 'pets' of the Brothers being repeatedly sodomised, and of boys being pressured into bestial acts.*

The Committee received evidence that boys who reported abuse or assault were beaten by the Brothers or abused by the very Brother to whom they had complained. Some boys ran away to escape the abuse,

but when caught, police or lay people did not believe them - usually due to the aura of the cloth. While not being believed was a terrible experience, even worse for the children was when they were believed and still sent back to the institution and the matter was covered-up. In Western Australia it was most likely that the strong connections between the Christian Brothers run institutions and the police with links to the Knights of the Southern Cross (as discussed in chapter 2) meant that there was 'a closed system' with little likelihood of such complaints being either believed or examined. For many abused children there was an overwhelming sense of powerlessness with nobody they could turn to.'

86. The Committee rejected the Catholic Church Joint Liaison Group's submission to the Committee that although they are now *'also aware that in some cases...sexual abuse occurred. It seems that these abuses did not come to the notice of the supervising authorities, be they congregational, diocesan, federal or state'*, finding that there was evidence in the church's own records of knowledge of the Christian Brothers Executive in Melbourne, Provincials and Superiors.
87. Following a recommendation for further state and federal inquiries into the treatment of all children in institutional care, a further Senate Community Affairs References Committee inquiry was conducted, this time into Children in Institutional Care. The Committee published its first report in August 2004, named *'Forgotten Australians: A report on Australians who experienced institutional or out-of-home care as children'*.

88. Again the Committee received numerous submissions regarding the experiences of children who resided in the Christian Brothers institutions in Western Australia. The allegations included those of sexual abuse.
89. The Committee noted that *'Western Australia's Christian Brothers' orphanages were remembered for their brutality and abuse of boys who went through their system'*.
90. The Committee considered the Christian Brothers submission that while *'some horrific acts of emotional, physical and sexual abuse took place in particular institutions in particular eras...it is clear to the Christian Brothers that the majority of men who passed through our institutions received a quality of care appropriate to the era, obtained a good education and moved on to a good family life and good employment'*. The Committee observed *'that a particular common feature regarding Christian Brothers' institutions was their failure to provide a proper education for many ex-residents. The Committee also received many submissions from ex-residents of these institutions, both in this inquiry and the child migrant inquiry, attesting to a life full of trauma, emotional problems and poverty.'*
91. The Committee made a number of recommendations, including a national apology and the establishment of a Royal Commission.
92. On 7 April 2005 the Western Australian Government issued an apology to people who were harmed in institutional care. On 17 December 2007 the Western Australian Government announced the establishment of

Redress WA for children abused and neglected in state care. More will be said about Redress WA shortly.

93. As a result of the findings and recommendations of the Inquiry, a national apology was delivered by the Prime Minister and the Leader of the Opposition in the Great Hall, Parliament House on 16 November 2009 and then followed by speeches given in the House of Representatives and the Senate.

COMPENSATION/REDRESS SCHEMES

Towards Healing

94. *Towards Healing* has been dealt with in previous case studies. *Towards Healing* is a set of principles and procedures established by the Catholic Church for a person who has been, relevantly for this Royal Commission, sexually abused by a priest, religious or other Catholic Church personnel.
95. In general terms, the stated intent of *Towards Healing* is to provide an opportunity to a person to tell his or her own story to somebody in authority in the Church, receive an apology, be offered pastoral care and be offered reparation.
96. *Towards Healing* has applied in one form or another since 1997. It has been offered to residents who have suffered abuse at the Institutions the subject of this case study. A number of the men giving evidence went through the *Towards Healing* process. They received between \$20,000 and \$60,000.

Redress WA

97. In 2007, the Western Australian government announced a \$114 million scheme to recognise the harm suffered by children abused in State care in Western Australia prior to 1 March 2006. A further \$30m was provided in September 2011.
98. 'State care' was defined as including facilities that were subsidised, monitored, registered or approved by the Western Australian government such as foster homes or other residential settings and institutional settings such as group homes, hostels or orphanages.
99. Redress WA was implemented to help victims move forward with their lives by providing a public acknowledgement of the abuse, a public apology from the Western Australian government, private written apologies from the government to those who received a payment, access to support services such as psychological and financial counselling, help with the redress application process, including access to independent legal advice and an *ex gratia* payment.
100. When Redress WA was announced, eligible applicants were to receive an *ex gratia* payment of up to \$10,000 if they were able to show a '*reasonable likelihood*' that they experienced abuse while in State care, or up to a maximum of \$80,000 where they could demonstrate that the abuse resulted in physical or psychological harm.

101. Individuals who had already received ex gratia payments from non-government organisations (for example churches) were not excluded by Redress WA.
102. Applications for the scheme opened on 1 May 2008 and closed on 30 June 2009. However, in 2009, changes to the scheme were made. The most significant change was to drop the maximum ex gratia payment from \$80,000 to \$45,000 and to establish four payment levels.
103. At the commencement of the scheme, it was intended that applicants would be required to sign a deed waiving their rights to any further legal redress against the government, but this requirement was removed from the scheme at the same time that the maximum payment was reduced.
104. All men who will give evidence about their experiences at the Institutions applied to Redress WA. Their experiences are all very similar in that each received the maximum payment \$45,000. Evidence of disappointment and feelings of being devalued and betrayed at the reduction of the amount payable will be given.
105. The Royal Commission will hear evidence from Narrell Lethorn, Director of the Office of the Director General of the Western Australian Department of Local Government and Communities. Ms Lethorn is expected to give evidence about the establishment, operation and effectiveness of the Redress WA scheme.

Litigation

106. Between 1993 and 1996, many former residents of the Institutions participated in a class action seeking damages for the abuses suffered at the Institutions. Slater & Gordon acted for the plaintiffs through an organisation known as Victims of Institutionalised Cruelty Exploitation and Supporters or VOICES. VOICES had been established in 1991 to bring the abuses suffered in the Institutions to the public's attention. Over 200 men signed on to the class action.
107. The Royal Commission will hear evidence from the two lawyers involved in the litigation: Hayden Stephens, a partner with Slater & Gordon and Howard Harrison, a partner with Carroll & O'Dea, who represented the interests of the Christian Brothers and individual defendants.
108. Evidence will be given that issues concerning the limitation period in which such action could be taken and who was the proper defendant to be sued were raised by the litigation.
109. The class action was resolved by the establishment of the WA Institutions Reconciliation Trust, to hold \$3.5 million paid by the Christian Brothers as part of the settlement and to dispense money and other assistance to the former residents. In addition to the payment into Trust, \$1.5 million was paid to Slater & Gordon for its legal costs. The payment made to former residents was a minimum of \$2000 each and, some former residents received up to about \$40,000, with one former resident receiving over \$70,000.

110. Peter McGowan, then a partner at Phillips Fox in Perth was appointed as a trustee for the Trust in August 1996, representing the Christian Brothers. Hayden Stephens was appointed a trustee representing the former residents. Mr McGowan and Mr Stephens will give evidence in relation to the establishment and operation of the Trust.

111. The Royal Commission will also hear from a number of the men who participated in the Slater & Gordon class action.

WITNESSES

112. The following witnesses will be called:

1.	John Hennessey	Former Bindoon resident
2.	John Wells	Former Castledare & Clontarf resident
3.	Albert McGregor	Former Castledare & Clontarf resident
4.	Clifford Walsh	Former Castledare & Bindoon resident
5.	VV	Former Castledare & Bindoon resident
6.	VG	Former Castledare & Tardun resident
7.	Oliver Cosgrove	Former Castledare & Clontarf resident
8.	Raphael Ellul	Former Castledare & Tardun resident
9.	VI	Former Castledare & Clontarf resident
10.	Gordon Grant	Former Bindoon resident
11.	Edward Delaney	Former Castledare & Bindoon resident
12.	Hayden Stephens	Partner, Slater & Gordon Solicitors
13.	Howard Harrison	Partner, Carroll & O'Dea Solicitors

14.	Peter McGowan	Former Trustee, WA Institutions Reconciliation Trust
15.	Narrell Lethorn	Director, WA Department of Local Government and Communities
16.	Dr Maria Harries	Former Chairperson, Christian Brothers' Ex-Residents Services (CBERS)
17.	Emma White	Acting Director General, WA Department of Child Protection and Family Support
18.	Bruno Fiannaca SC	Acting Director of Public Prosecutions WA
19.	Brother Anthony Shanahan	Former Province Leader of Christian Brothers Province of Western Australia and South Australia
20.	Brother Julian McDonald	Deputy Province Leader of Christian Brothers Province of Oceania

Gail B Furness

Senior Counsel assisting the Royal Commission

28 April 2014